



## AGENDA

### BERKELEY CITY COUNCIL MEETING

**Tuesday, May 9, 2023**

**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN

DISTRICT 6 – SUSAN WENGRAF

DISTRICT 7 – RIGEL ROBINSON

DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.*

*Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at [http://berkeley.granicus.com/MediaPlayer.php?publish\\_id=1244](http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244).*

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1603158470>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 315 8470**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.*

*To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

### Roll Call:

**Land Acknowledgement Statement:** *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

**Ceremonial Matters:** *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

**City Manager Comments:** *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

**Public Comment on Non-Agenda Matters:** *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

## Consent Calendar

*The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".*

*No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.*

*For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.*

**Public Comment on Consent Calendar and Information Items Only:** *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

*Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.*

## Consent Calendar

### 1. **Proposition 218 Procedures and Five Year Zero Waste Rate Schedule**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,860-N.S. amending Berkeley Municipal Code Section 12.38.090 to clarify that General Funds may be used to subsidize low income residents.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

### 2. **Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription**

**From: City Manager**

**Recommendation:** Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

**Financial Implications:** See report

Contact: Farimah Brown, City Attorney, (510) 981-6950

### 3. **Amendment: FY 2023 Annual Appropriations Ordinance**

**From: City Manager**

**Recommendation:** Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

**Financial Implications:** See Council Report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

### 4. **Appointment of the Fire Chief**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

## Consent Calendar

**5. Appointment of the Police Chief**

**From: City Manager**

**Recommendation:** Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

**Financial Implications:** See report

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

**6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 2023**

**From: City Manager**

**Recommendation:** Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

**Financial Implications:** Various Funds - \$7,305,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

**7. 2023 Local Housing Trust Fund Application**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**8. Contract No. 31900263 Amendment: Rebuilding Together East Bay-North Contract Continuation Recommendation**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and 2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**9. Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

**Financial Implications:** Various Funds - \$75,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**10. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.

**Financial Implications:** General Fund -\$50,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**11. Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping. The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.

**Financial Implications:** General Fund - \$110,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**12. Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions. The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.

**Financial Implications:** Various Funds - \$380,000

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 13. Contract: Hansine Fisher & Associates for Targeted Case Management and Medi-Cal Administrative Activities Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services. The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.  
**Financial Implications:** Target Case Mgmt/Linkages Fund - \$100,000  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 14. Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

### 15. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. Child Health and Disability Prevention (CHDP) Program, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. Maternal, Child and Adolescent Health (MCAH) Program in the projected amount of \$375,000 for FY 2024.
3. Tobacco Trust Fund: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. Immunization Program in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. Childhood Lead Poisoning Prevention Program (CLPPP) in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. CalFresh Health Living (CFHL) Program in the projected amount of \$487,170 for FY 2024 through FY 2027.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

### 16. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following four revenue agreements:

1. Foster Care Program in the projected amount of \$96,500 for Fiscal Year 2024.
2. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$181,208 for Fiscal Year 2024.
3. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2024.
4. Tobacco Prevention Program in the projected amount of \$78,960 for Fiscal Year 2024.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 17. Accept California Strengthening Public Health Initiative Funds from the State of California**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.  
**Financial Implications:** See report  
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 18. Establish Classification and Salary: Electrical Supervisor and Communications Supervisor**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions:  
1. Establishing the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.  
2. Establishing the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.  
**Financial Implications:** See report  
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 19. Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Mortar Rock Park in memory of Charles D. Sooy.  
**Financial Implications:** \$3,400 (revenue)  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 20. Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.  
**Financial Implications:** Various Funds - \$2,000,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700



## Consent Calendar

- 21. Contract: Elavon, Inc. for Online Credit Card Payment Processing Transaction Services for the Recreation Division's Online Registration System**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division's online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.  
**Financial Implications:** Various Funds - \$360,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 22. Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.  
**Financial Implications:** CIP Fund - \$1,338,000  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 23. Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.  
**Financial Implications:** See report.  
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract No. 32000180 Amendment: Missionmark for Audit Management and Recommendation Tracking Software**  
**From: Auditor**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, (510) 981-6750
- 25. Approval of Additional Disaster and Fire Safety Commission Meeting**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Adopt a Resolution approving the request from the Disaster and Fire Safety Commission to hold one additional meeting in calendar year 2023.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.*

*A member of the public may only speak at one of the two public comment periods for any single Action item.*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

*Action items may be reordered at the discretion of the Chair with the consent of Council.*

## Action Calendar – Scheduled Public Comment Period

*During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.*

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.*

*Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

*Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.*

### 26. **FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update**

#### **Public Hearing #1**

#### **From: City Manager**

**Recommendation:** Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

## Action Calendar – Public Hearings

### 27. Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

**From: City Manager**

**Recommendation:** Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution: 1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and 2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and 3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and 4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and 5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A to the report, and 6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and; 7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Action Calendar – New Business

### 28. Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements

**From: City Manager**

**Recommendation:**

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution No. 70,156-N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

## Information Reports

### 29. FY 2023 Second Quarter Investment Report: Ended December 31, 2022

**From: City Manager**

Contact: Henry Oyekanmi, Finance, (510) 981-7300

### 30. Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance

**From: City Manager**

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

### 31. LPO NOD: 1919 Addison Street, #LMSAP2022-0012

**From: City Manager**

Contact: Jordan Klein, Planning and Development, (510) 981-7400

### 32. LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001

**From: City Manager**

Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Public Comment – Items Not Listed on the Agenda

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor  
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901  
Email: [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 27, 2023.***



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Item #5: Appointment of the Police Chief**

1. April Gilbert

#### **Rampant Crime in Berkeley**

2. Kimberly Damer
3. Dee Williams-Ridley
4. Rika Yamamoto
5. Alene Griffin
6. Nidhi Bhatnagar
7. Colleen Aitken
8. Li Kelty
9. Alan Jencks
10. Robin Kibby

#### **UA Theater**

11. Jennifer Renzi
12. Warren Long
13. Anthony Verruso
14. Kurt Landisman
15. Spreck Rosekrans
16. Wendy Stock

#### **Golden Gate Fields**

17. Christopher Kroll
18. Melanie Lawrence
19. Helen Cameron
20. Lisa Fitch

**Vision Zero for San Pablo Avenue**

- 21. Benjamin Fry
- 22. Kevin Burke

**Recycling Programs**

- 23. David Lerman
- 24. Martin Bourque

**Bike Lanes for 1307 Dwight Way**

- 25. Laurel and Ben Kuchinsky (2)

**Parking Restrictions at James Kenney Community Center**

- 26. Johsua Buchin

**Berkeley Animal Care Services**

- 27. Kristen Anderson
- 28. Leslie Smith

**Porta Potties at People's Park**

- 29. Nancy Schimmel
- 30. Summer Brenner
- 31. Wynd Kaufmyn

**Loud Music at The Tap In Lounge – 2012 Shattuck Avenue**

- 32. Keiti Hashimero

**Protect our Sacred Ohlone Sites**

- 33. Susan Nunes Fadley

**Invitation to Berkeley High School U9 Climate Conference**

- 34. Zia Grossman-Vendrillo

**Lack of Communications – City Services**

- 35. Scott Schwalbach

**Berkeley Waterfront**

- 36. Jack Kurzweil

**Homelessness**

- 37. Thom Lauret

**Build, Build, Build Mentality**

- 38. Barbara Gilbert

**Solar Lights Requested at UC Berkeley Along Bancroft**

- 39. Sandy Shaw Friedman

**Impending Foxtail Disaster**

40. Chelonii11059@

**City of Berkeley Requirement Increases Cancer Among Residents**

41. Daniel Auten

**Step Up Housing Memo**

42. Lisa Warhuss, Director of Health, Housing and Community Services (HHCS)

**Traffic Safety on Francisco Street between Sacramento and MLK Jr. Way**

43. David Lerman

**2920 Shattuck**

44. Larisa Cummings (2)

45. Sharon Gong

**Support Budget Referral for Berkeley's Paths**

46. Jen Bilik

**Berkeley Ceasefire Program/Racial Profiling**

47. Elana Auerbach (2)

**Berkeley Police Surveillance Ordinance Policies Related to Unmanned Aerial Systems**

48. Hansel Aguilar

**Delays in Berkeley Police ODP Work Production**

49. Hansel Aguilar

**Annual Report for Berkeley Police Equipment and Community Safety Ordinance**

50. Hansel Aguilar

**Natural Gas Stoves**

51. John Jones

52. Tom Hanson

**The YIMBY's and 50-Story Tower**

53. Zelda Bronstein

**Crosswalk at 6<sup>th</sup> and Addison**

54. Eric Wiesner

**Psychedelics Decriminalization**

55. Esi Mathis



### **Support for African American Holistic Resource Center**

56. Moni Law

### **In Support of The Center for Independent Living**

57. Mary Behm-Steinberg, Chair of Human Welfare and Community Action Commission

### **Small Business Fees and Fines**

58. Walter Wood

### **Hopkins Corridor**

59. Ben Gould, Chairperson for Environmental and Climate Commission

60. Janet Jacobson-Weiss

61. Damon Guthrie

62. Marc Hedlund (2)

63. Kevin Powell

64. Eileen Hughes

65. Save Hopkins

66. Bob Flasher

67. Andrew Brozyna

68. Norma Guzman

69. Jay Sayre

70. Mario Aranha

71. Deborah Georges

72. Sandra and Tim Easley

73. Henry Pinkard

74. Susan Taylor

75. Renate Crocker

76. Paul Mileck

77. Ann Danforth

78. Mary Staats

79. Friends of Five Creeks

80. George Porter

81. Kaylene Stocking

82. Susan Taylor

83. Laura Atkins

84. Renetia Martin

85. Isobel White

86. Arlene Owseichik

87. Mitch Varhula

88. Steve Sperber

89. Margot Smith

90. Brandon Brodt

91. Elsie Wong

92. Julie Wong

93. Ben Gerhardstein (3)

94. Larry Goldman

95. David Sprague, Interim Fire Chief
96. Dorothea Dorenz
97. Byron Barrett
98. Kelly Hammargren
99. Alex Takaoka
100. Jane Diamond
101. S. Entwistle
102. Tom Mysz
103. Carol Sawdey
104. Meg Holm
105. David Gilbert
106. Ken Frankel
107. J. Brodsky
108. Bob Muzzy
109. Alan Pearson
110. Ann Rogers
111. Stephen Woodrow
112. Susan Griffin
113. Meri Issel
114. Howard Winet
115. Cherie Hearne
116. Helen Toy
117. Bobin Kibby
118. Bill Pottinger
119. Marty Rosenthal
120. Mimi Sternberg
121. Josephine Perry
122. Dee Williams-Ridley, City Manager
123. Laurel Denyer
124. Deborah Shaw
125. Leni Siegel
126. Diana Bohn
127. Dave Stark
128. Julia Moss
129. Ross Bernet
130. Ben Gerhardstein
131. Save Hopkins
132. Warren Wells
133. Andrew Little
134. Ethan Bodle
135. Helena Worthen
136. Jeremy Townsend
137. Adam Moss
138. Friends of Five Creeks
139. Kristiane Skolmen
140. Jeff Habicht

141. Rebecca Meyer
142. Rob Schwartz
143. Stewart Smith
144. Steven Wang
145. Jenna Fahle
146. Tatiana Guerreiro Ramos
147. Linda
148. Pat Hill
149. Julie Bussgang
150. Ben Thomas
151. Rosemary Clark
152. Betty Seto
153. Elise Fortin
154. Adrian
155. Em Holmes
156. Save Hopkins
157. Sarah Lefton
158. Laura Fujii
159. Emily Huston
160. Todd Andrew
161. Jenny Johnston
162. Lucas Cantor
163. Byron Barrett
164. Kathy Kosinski
165. Andrew Judd
166. Andy Peterson
167. Save Hopkins

### **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.



ORDINANCE NO. 7,860-N.S.

AMENDING THE BERKELEY MUNICIPAL CODE TO CLARIFY THAT SECTION 12.38.090 DOES NOT PREVENT GENERAL FUND SUBSIDIES FOR LOW INCOME RESIDENTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 12.38.090 is amended to read as follows:

**12.38.090 Limitation on allocation of funds.**

- A. All monies spent by the City for solid waste management and recycling shall be allocated from the refuse collection and disposal fund.
- B. The City Council shall not allocate any monies from the general fund to implement the provisions of this chapter.
- C. This section does not prevent the City from using monies from the general fund to subsidize low income residents to help them afford waste collection.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way within fifteen calendar days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on April 25, 2023, this Ordinance was passed to print and ordered published by posting by the following vote:

- Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.
- Noes: None.
- Absent: None.





Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Farimah Faiz Brown, City Attorney

Submitted by: Marc Shapp, Deputy City Attorney

Subject: Waiver of Sanctuary City Ordinance to Amend Westlaw Subscription

RECOMMENDATION

Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to amend the City Attorney's Office subscription to Westlaw to include case calendaring capabilities.

CURRENT SITUATION AND ITS EFFECTS

The City's Biennial Budget for Fiscal Years 2020 and 2021 included annual funding of \$25,000 per year for the City Attorney's Office (CAO) to procure calendaring software to provide a way to manage court deadlines, project flow, and files. However, the CAO was until recently unable to identify a satisfactory product.

The CAO has identified Deadline Assistant, the calendaring solution offered by Westlaw, a Thomsen Reuters Company (Westlaw), as a satisfactory solution that meets the CAO's case calendaring needs. On June 1, 2021, Council adopted Resolution No. 69,907-N.S., granting the CAO a waiver pursuant to Chapter 13.105, the Sanctuary City Contracting Ordinance, specifically in order for the City to contract with Westlaw to obtain necessary legal research resources. Accordingly, the CAO now requests a resolution waiving the Sanctuary City Contracting Ordinance requirements in order to amend the current Westlaw subscription to include Deadline Assistant.

BACKGROUND

The CAO brings litigation on behalf of the City and responds to claims and lawsuits to protect the City's interests. A critical component of all litigation is the management of deadlines imposed by rule and the various courts in which the cases are filed. Cases may be adversely decided based on missed deadlines irrespective of the merits of the City's position. Furthermore, malpractice exposure from calendar related errors is a significant risk for every lawyer and every legal department. The CAO can greatly reduce these risks with rules-based legal calendaring software. In addition, to the extent such calendaring software is customizable, the CAO can leverage that capability outside of the litigation context to increase general workflow efficiency.

The CAO researched potential calendaring software options and initially determined that the CompuLaw product offered by Aderant North America, Inc. (Aderant) was the best product available for the CAO's needs. However, during discussions with Aderant it became clear that Aderant was unable or unwilling to certify compliance with several of the City's contracting requirements, including the Sanctuary City Contracting Ordinance.

The CAO then reviewed Westlaw's calendaring product, Deadline Assistant. Deadline Assistant is offered as an add-on to the CAO's existing legal research subscription. Acquiring this capability would allow the CAO to better organize its caseload, automatically schedule critical dates in accordance with the applicable rule set, and create custom rule sets to apply to other areas of the CAO's workload.

The Sanctuary City Contracting Ordinance, adopted in 2019, prohibits contracting with an entity that provides services to the United States Immigration and Customs Enforcement Department unless a waiver is granted by the Council. Section 13.105.030 provides that a waiver can be granted "...based on a specific determination that no reasonable alternative exists, taking into consideration the following:

1. The intent and purpose of this ordinance;
2. The availability of alternative services, goods and equipment; and
3. Quantifiable additional costs resulting from use of available alternatives."

The intent and purpose of the Ordinance is to ensure that the City does not financially support any company that provides services that infringes upon the rights of immigrants. Here, Council already has approved the use of Westlaw to, among other things, enhance efforts to *protect* immigrant rights as needed. Amending the CAO's Westlaw subscription will further enhance the CAO's capabilities to do so. With respect to the availability of alternative services, as explained above, the CAO has been unable to identify an alternative product from a supplier that is willing to certify compliance the Sanctuary City Contracting Ordinance. Indeed, not only is the Aderant product offered by a company that also will not agree to comply with the Ordinance, Aderant also declined to sign on to several other of the City's contracting requirements. Consequently, no amount of additional costs can eliminate the need for a waiver of the Ordinance.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The CAO intends to contract only for online access to Deadline Assistant. Therefore, there is no identifiable impact on the environment.



RATIONALE FOR RECOMMENDATION

The CAO requires case calendaring capabilities, and no vendor has been identified that will comply with the Sanctuary City Contracting Ordinance.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Farimah Brown, City Attorney, (510) 981-6998

Marc Shapp, Deputy City Attorney, (510) 981-6998

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ADOPT A RESOLUTION WAIVING THE CONTRACT REQUIREMENTS OF THE SANCTUARY CITY CONTRACTING ORDINANCE PURSUANT TO CHAPTER 13.105 OF THE BERKELEY MUNICIPAL CODE, IN ORDER TO CONTRACT WITH WESTLAW, A THOMSON REUTERS COMPANY

WHEREAS, Pursuant to Ordinance No. 7650-N.S. and Chapter 13.105, the Sanctuary City Contracting Ordinance, in order to contract with Westlaw, a Thomson Reuters Company, to add case calendaring capabilities, the City Council must determine that no reasonable alternative exists based on consideration of three factors; and

WHEREAS, the three factors: the intent and purpose of the act, the availability of alternative service providers and quantifiable additional costs resulting from the use of alternative providers have all been considered; and

WHEREAS, the use of calendaring software is indispensable to the practice of law; and

WHEREAS, contracting with Westlaw will not violate the intent of the Ordinance as its services will be used to promote the interest of the immigrant community in conformance with the intent and purpose of the Ordinance; and

WHEREAS, no other contractors are available who can provide the services required by this contract without also requiring a waiver; and

WHEREAS, no additional costs are quantifiable as there are no available alternatives; and

WHEREAS, failing to provide this waiver would result in increased risk of adverse litigation outcomes and exposure to malpractice claims; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a waiver to the "no-contract" provision of the B.M.C. Section 13.105 is approved because no reasonable alternative exists to the services that will be provided under contract with Westlaw, a Thomsen Reuters Company.



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: Amendment: FY 2023 Annual Appropriations Ordinance

RECOMMENDATION

Adopt the first reading of an Ordinance amending the FY 2023 Annual Appropriations Ordinance No. 7,851–N.S. for fiscal year 2023 based upon recommended re-appropriation of committed FY 2022 funding and other adjustments in the amount of \$27,740,780 (gross) and \$29,458,924 (net).

FISCAL IMPACTS OF RECOMMENDATION

On June 28, 2022 the City Council adopted the FY 2023 Budget, authorizing gross appropriations of \$754,176,624 and net appropriations of \$625,939,999 (net of dual appropriations).

City Council approved the First Amendment to the FY 2023 Annual Appropriations Ordinance on January 17, 2023, which increased the gross appropriations to \$932,466,575 and net appropriations to \$791,136,901. The amendment re-authorized some funding previously committed in FY 2022 and approved some new expenditures, including new grant fund appropriations.

This Second Amendment to the FY 2023 Annual Appropriations Ordinance totals \$27,740,780 (gross) and \$29,458,924 (net) and increases gross appropriations to \$960,207,355 and net appropriations to \$820,595,825. The proposed changes are primarily unencumbered carryover and adjustments to continue and start capital projects and other City initiatives.

BACKGROUND

The Annual Appropriations Ordinance (AAO) establishes the expenditure limits by fund for FY 2023. Throughout the year, the City takes actions that amend the adopted budget. These may include, but are not limited to, the acceptance of new grants, revisions to existing grants, adjustments to adopted expenditure authority due to emergency needs, and transfers in accordance with Council's fiscal policies.

The adopted budget is also amended annually to reflect the re-appropriation of prior year funds for contractual commitments (i.e. encumbrances) as well as unencumbered carryover of unexpended funds previously authorized for one-time, non-recurring purposes. These budget modifications are periodically presented to the Council in the form of an Ordinance amending the Annual Appropriations Ordinance, which formally requires a two-thirds vote of the City Council.

When Council adopts an appropriations ordinance (budget), it is based on projected revenues and expenditures. If fund balances do not support the requested level of expenditures, no carryover is recommended.

The proposed changes, presented in their entirety in Exhibit A, are summarized as follows:

|                                | Recommended Carryover | Recommended Adjustments | Total                |
|--------------------------------|-----------------------|-------------------------|----------------------|
| General Fund (011)             | \$ 100,000            | \$ 2,268,270            | \$ 2,368,270         |
| Capital Improvement Fund (501) | \$ -                  | \$ 1,885                | \$ 1,885             |
| All Other Funds                | \$ 103,685            | \$ 25,266,940           | \$ 25,370,625        |
| <b>Total</b>                   | <b>\$ 203,685</b>     | <b>\$ 27,537,095</b>    | <b>\$ 27,740,780</b> |

Below is a summary of the FY 2022 Unencumbered Carryover and the FY 2023 Adjustments for the City’s General Fund and Other Funds.

**General Fund:** The General Fund includes recommended unencumbered carryover of \$100,000 and recommended adjustments of \$2,268,270 for the following items:

*Recommended Carryover*

- \$100,000 for a FY 2022 Council Budget Referral for a Homeless Outreach Coordinator for South Shattuck Avenue and Adeline Street

*Recommended Adjustments*

- \$375,831 for the City Clerk for a portion of the November 2022 election costs.
- \$1,522,439 of FY 2022 Excess Equity allocation to fund the Strategic Reserve Fund (\$837,341) and the Catastrophic Reserve Fund (\$685,098).
- \$200,000 for Parks, Recreation and Waterfront for tree work and removal caused by the recent storms.
- \$50,000 of additional funding (to augment the existing \$70,000 Council approved funding in early 2022 as part of the Reimagining Public Safety Task Force for a total cost of \$120,000) to the Police Department to study and assess police staffing to optimize police resources in responding to public safety needs.
- \$120,000 for the Rent Stabilization Board to carryout mailings and outreach for the Eviction Moratorium Transition and End.

All of the General Fund items listed above are being funded from the available FY 2022 General Fund Excess Equity balance.

**Other Funds:** Other City funds (including capital improvement project funds) total recommended carryover of \$103,685 and recommended adjustments of \$25,537,095 includes the following allocations:

*Recommended Carryover*

- ❑ \$67,703 in Playground Camp Fund for the final invoice for the Cazadero Camp Landslide project.
- ❑ \$9,266 in One Time Grant Fund for the continuation of the Pier Ferry Study.
- ❑ \$19,996 in Measure T1 to pay invoices for the Fire Station #2 Improvements project.
- ❑ \$6,618 in Marina Fund for continuation of the Pier Ferry Study project and the Sea Level Rise project.

*Recommended Adjustments*

- ❑ \$2,167,500 in Measure U1 fund for the Berkeley Way, BFHP, and Hope Center contracts and to increase funding for the Housing Retention Program.
- ❑ \$30,071 in Library Grants Fund for Lunch at the Library grant from California State Library.
- ❑ \$50,000 in Library Fund for programming funds for appearance of UC Berkeley School of Law staff at Northbrae Church.
- ❑ \$109,260 in Gilman Sports Field Fund for the Gilman Turf Replacement and increase in PG&E cost.
- ❑ \$1,694,783 in Affordable Housing Mitigation Fund for Housing Trust Fund projects, St. Paul and Ephesian.
- ❑ \$608,406 in Condo Conversion Program for Housing Trust Fund projects, Ephesian.
- ❑ \$101,300 in Playground Camps Funds for the Cazadero Camp Landslide project, Berkeley Tuolumne Camp inventory cost, and for donation from the Friends of the Berkeley Tuolumne Camp.
- ❑ \$118,000 in Measure B Local Streets and Road for continuation of the University Avenue Bus Stop project.
- ❑ \$255,100 in Measure F – Alameda VRF for the HSIP Sacramento Pedestrian Crossing Safety project and MLK Jr Way Vision Zero Quick Build project.
- ❑ (\$155,975) in Measure BB – Local Streets & Roads reversing appropriation in FY 2023 AAO#1 for the BeST Plan Update as funds are no longer needed.
- ❑ (\$23,969) in Measure BB – Bike & Pedestrian reversing AAO#1 appropriation to adjust project budget for Woolsey-Fulton Bike Blvd. STI project.
- ❑ \$139,569 in Measure BB – Paratransit for the Paratransit Program funding
- ❑ \$313,573 in Parks Tax Funds for 600 Addison project, Ohlone Park Improvement project, NexGen Software Maintenance, bench donation, and increased water and electricity costs.
- ❑ \$1,600,000 in Measure GG Funds for additional overtime budget to cover overtime expenses in FY 2023.
- ❑ \$250,000 in UC Settlement Fund for Village of Love Community Agency funding.
- ❑ \$6,853 in Tobacco Control for unexpended grant cycle.

- ❑ \$46,060 in Capital Grants – State Fund for Milvia Bikeway project and reversing AAO#1 to adjust project budget of Woolsey-Fulton Bike Blvd. STI project.
- ❑ (\$180,000) in Capital Grants – Local Fund to reverse AAO#1 to adjust the project budget for the Telegraph Study and Preliminary Engineering.
- ❑ \$1,189,752 in HUD/HOME Fund to appropriate funding for the HOME Grant, the Grinnell project (formerly Blake Apartments).
- ❑ \$300,000 in Housing Mitigation for the appropriation of the balance of the HESG-CARES Act.
- ❑ \$14,091 in Health (General) Fund for Health grant budget adjustments.
- ❑ \$18,500 in TCM/Link Fund for the projected cost of the FY 2023 Aging Target Case Management expenditures.
- ❑ \$49,582 in Senior Nutrition (Title III) Fund for Congregate Meals and Meals on Wheels programs,
- ❑ \$55,000 in C.F.P. Title X Fund for reproductive health and education program
- ❑ \$24,555 in Senior Supportive Social Services Fund for Senior outreach and assistance.
- ❑ \$51,033 in Family Care Support Program Fund for family caregiver program and Senior Center activities.
- ❑ \$24,408 in Housing Mitigation Fund for Housing Trust Fund projects, Ephesian.
- ❑ \$5,384,407 in One-Time Grant Funds for projects in Health, Housing & Community Services, Parks Recreation & Waterfront, Planning, and Public Works, that are listed as Item Numbers 49 - 57 in Attachment 2.
- ❑ \$10,000 in Shelter+Care County Fund for Shelter Plus Care-Alameda County Housing Assistance payments.
- ❑ \$52,64 in Bio-Terrorism Grant Fund for the Public Health Emergency Preparedness and Cities Readiness Initiative.
- ❑ \$4,910,146 in ARPA Recovery Fund for the Specialized Care Unit, from Council Resolution No. 70,642-N.S.
- ❑ \$1,885 in Capital Improvement Fund for remaining Resources for Community Development contract.
- ❑ \$100,000 in Measure T1 Fund for the Ohlone Park Improvements project and Fire Station #2 Improvements project.
- ❑ \$896,875 in Measure M – Street and Watershed Improvement Debt Service Fund for revision of debt service budget for FY 2023 to fully cover principal and interest payments.
- ❑ \$2,759,200 in Measure T1 – Infrastructure and Facilities Debt Service Fund for revision of debt service budget for FY 2023 to fully cover principal and interest payments.
- ❑ \$5,452,871 in Measure O Debt Service Fund for revision of debt service budget for FY 2023 to fully cover principal and interest payments.
- ❑ \$91,200 in Marina Funds for a memorial bench and to cover utilities increases.
- ❑ \$320,651 in CFD No. 1 Disaster Fire Protection Fund to help balance negative fund balance to Fund 779 as tax revenues are no longer collected.
- ❑ \$300,000 in Tourism BID Fund for Visit Berkeley Contract based on projected revenues for FY 2023.

This report has been discussed with the Budget & Finance Policy Committee at their April 20, 2023 meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the act of adopting the budget/appropriations ordinance/amendments. Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

The recommendation allows the City to amend the current FY 2023 Revised Budget and re-appropriate funds from FY 2022 to FY 2023 for contractual commitments that need to be paid and to increase appropriations for unbudgeted and unanticipated expenses. It revises the budget to reflect approved carryover requests and adjustments in both discretionary and non-discretionary funds.

Staff has conducted a detailed analysis of the individual carryover and other adjustment requests submitted by departments and is presenting carryover and other adjustment recommendations for projects that are either currently under contract, represent Council priorities, and/or are considered critical.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000  
Maricar Dupaya, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1: Ordinance

Exhibit A: Annual Appropriation Ordinance Summary of Appropriations by Fund

2: FY 2022 Recommended Carryover and FY 2023 Recommended Adjustment (AAO#2)

ORDINANCE NO. -N.S.

AMENDING THE ANNUAL APPROPRIATIONS ORDINANCE NO. 7,851–N.S. FOR FISCAL YEAR 2023

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the Annual Appropriations Ordinance based on the budget for FY 2023 submitted by the City Manager and passed by the City Council be amended as follows and as summarized in Exhibit A:

|                                                |                    |
|------------------------------------------------|--------------------|
| A. General Fund (Funds 001-099)                | 316,240,491        |
| B. Special Funds (Funds 100-199)               | 162,330,999        |
| C. Grant Funds (Funds 300-399)                 | 120,958,749        |
| D. Capital Projects Funds (Funds 500-550)      | 91,787,730         |
| E. Debt Service Fund (Funds 551-599)           | 15,044,847         |
| F. Enterprise Funds (Funds 600-669)            | 178,216,604        |
| G. Internal Service Funds (Funds 146, 670-699) | 59,656,349         |
| H. Successor Agency (Funds 760-769)            | 145,166            |
| I. Agency Funds (Funds 771-799)                | 8,587,078          |
| J. Other Funds (Funds 800-899)                 | 7,239,344          |
| <u>K. Total</u>                                |                    |
| Total General Fund                             | 316,240,491        |
| Add: Total Other Than General Fund             | 643,966,865        |
| <b>Gross Revenue Appropriated</b>              | <b>960,207,355</b> |
| Less: Dual Appropriations                      | -79,955,181        |
| Less: Revolving/Internal Service Funds         | -59,656,349        |
| <b>Net Revenue Appropriated</b>                | <b>820,595,825</b> |

Section 2. The City Manager is hereby permitted, without further authority from the City Council, to make the following transfers by giving written notice to the Director of Finance:

- a. From the General Fund to the General Fund – Stability Reserve Fund; Catastrophic Reserve Fund; Paramedic Tax Fund; Health State Aid Realignment; Fair Election Fund; Capital Improvement Fund; Phone System Replacement; Equipment Replacement Fund; Public Liability Fund; Catastrophic Loss Fund; Police Employee Retiree Health Assistance Plan; Safety Members Pension Fund; and Sick Leave Entitlement Fund.



- b. To the General Fund from the General Fund – Stability Reserves Fund; Catastrophic Reserves Fund; Community Development Block Grant Fund; Street Lighting Assessment District Fund; Zero Waste Fund; Marina Operations and Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Unified Program (CUPA); IT Cost Allocation Fund; and Health State Aid Realignment Fund.
- c. To the First Source Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- d. From the Measure U1 Fund to the Workers’ Compensation Fund
- e. From the Catastrophic Reserve Fund to the Playground Camp Fund
- f. From Gilman Sports Field Fund to Gilman Field Reserve Fund
- g. From Measure FF Fund to Paramedic Tax Fund.
- h. From the American Rescue Plan Fund to the General Fund; Sports Field Fund; Playground Camp Fund; Marina Fund; Off-Street Parking Fund; and Parking Meter Fund.
- i. From Capital Improvement Fund to PERS Savings Fund; Berkeley Repertory Theater Fund; and 2010 COP (Animal Shelter) Fund.
- j. To the Public Art Fund from the Parks Tax Fund; Capital Improvement Fund; and the Marina Fund.
- k. To CFD#1 District Fire Protection Bond (Measure Q) from Special Tax Bonds CFD#1 ML-ROOS.
- l. To Private Sewer Lateral Fund from Sanitary Sewer Operation Fund.
- m. To Catastrophic Loss Fund from Permit Service Center Fund.
- n. To Catastrophic Loss Fund from Unified Program (CUPA) Fund.
- o. To the Building Purchases and Management Fund from General Fund; Health (General) Fund; Rental Housing Safety Program Fund; Measure B Local Streets & Road Fund; Employee Training Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Health State Aide Realignment Trust Fund.
- p. To Equipment Replacement Fund from General Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety

Program Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.

- q. To the Equipment Maintenance Fund from General Fund; Health (General) Fund; Mental Health Services Act Fund; Health (Short/Doyle) Fund; Vector Control Fund; Paramedic Tax Fund; Library - Discretionary Fund; Playground Camp Fund; State Transportation Tax Fund; Rental Housing Safety Program Fund; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; FEMA Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Central Services Fund.
- r. To the Building Maintenance Fund from the General Fund; Health (General) Fund; Health (Short/Doyle) Fund; Measure B Local Street & Road Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Off Street Parking Fund; Parking Meter Fund; Equipment Maintenance Fund; Building Maintenance Fund; and Mental Health State Aid Realignment Fund.
- s. To the Central Services Fund from the General Fund; First Source Fund; Health (Short/Doyle) Fund; Library-Discretionary Fund; Playground Camp Fund; Rent Stabilization Board Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Building Purchases & Management Fund; Building Maintenance Fund; Central Services Fund; and Mental Health State Aid Realignment Fund.
- t. To Information Technology Cost Allocation Plan Fund from General Fund; Target Case Management/Linkages Fund; Health (Short/Doyle); Library Fund; Playground Camp Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Rent Stabilization Board Fund; Parks Tax Fund; Street Light Assessment District Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation; Clean Storm Water Fund; Permit Service Center Fund; Off Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Equipment Maintenance Fund; Building Maintenance Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; and Mental Health State Aid Realignment Fund.
- u. To the Workers' Compensation Self-Insurance Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund;

Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers’ Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- v. To the Sick Leave and Vacation Leave Accrual Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment

Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

- w. To the Payroll Deduction Trust Fund from General Fund; Special Tax for Severely Disabled Measure E Fund; First Source Fund; HUD Fund; ESGP Fund; Health (General) Fund; Target Case Management/Linkages Fund; Mental Health Service Act Fund; Health (Short/Doyle) Fund; EPSDT Expansion Proposal Fund; Senior Nutrition (Title III) Fund; C.F.P. Title X Fund; Fund Raising Activities Fund; Berkeley Unified School District Grant; Vector Control Fund; Paramedic Tax Fund; Alameda County Grants Fund; Senior Supportive Social Services Fund; Family Care Support Program Fund; Domestic Violence Prevention – Vital Statistics Fund; Affordable Housing Mitigation; Inclusionary Housing Program; Library – Discretionary Fund; Playground Camp Fund; Community Action Program Fund; State Proposition 172 Public Safety Fund; State Transportation Tax Fund; CDBG Fund; Rental Housing Safety Program; Measure B Local State & Road Fund; Measure B Bike & Pedestrian Fund; Measure B – Paratransit Fund; Measure F Alameda County Vehicle Registration Fee Streets & Roads Fund; Measure BB – Paratransit Fund; Fair Election Fund; Measure U1 Fund; One-Time Grant: No Cap Expense Fund; Rent Stabilization Board Fund; Parks Tax Fund; Measure GG – Fire Prep Tax Fund; Street Lighting Assessment District Fund; Employee Training Fund; Private Percent – Art Fund; Measure T1 – Infrastructure & Facilities Fund; FUND\$ Replacement Fund; Capital Improvement Fund; FEMA Fund; CFD #1 District Fire Protect Bond Fund; Special Tax Bonds CFD#1 ML-ROOS Fund; Shelter+Care HUD Fund; Shelter+Care County Fund; Zero Waste Fund; Marina Operations/Maintenance Fund; Sanitary Sewer Operation Fund; Clean Storm Water Fund; Private Sewer Lateral Fund; Permit Service Center Fund; Off-Street Parking Fund; Parking Meter Fund; Unified Program (CUPA) Fund; Building Purchases & Management Fund; Equipment Replacement Fund; Equipment Maintenance Fund; Building Maintenance Fund; Central Services Fund; Workers' Compensation Fund; Public Liability Fund; Information Technology Cost Allocation Plan Fund; Health State Aid Realignment Trust Fund; Tobacco Control Trust Fund; Mental Health State Aid Realignment Fund; Alameda Abandoned Vehicle Abatement Authority; and Bio-Terrorism Grant Fund.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**Attachment for Annual Appropriations Ordinance - Fiscal Year 2023**

**REVOLVING FUNDS/INTERNAL SERVICE FUNDS**

Appropriations are identified with revolving and internal service funds. Such funds derive revenue by virtue of payment from other fund sources as benefits are received by such funds, and the total is reflected in the "Less Revolving Funds and Internal Service Funds" in item I. The funds are:

|                                           |                      |
|-------------------------------------------|----------------------|
| Employee Training Fund                    | 949,429              |
| Equipment Replacement Fund                | 11,947,462           |
| Equipment Maintenance Fund                | 10,211,653           |
| Building Maintenance Fund                 | 5,045,988            |
| Central Services Fund                     | 413,953              |
| Workers' Compensation Fund                | 6,488,740            |
| Public Liability Fund                     | 4,458,560            |
| Information Technology Fund               | 20,140,564           |
| Subtotal Revolving/Internal Service Funds | <u>\$ 59,656,349</u> |

**DUAL APPROPRIATIONS - WORKING BUDGET**

Dual appropriations are identified with revenues generated by one fund and transferred to another fund. Both funds are credited with the applicable revenue, and the total is reflected in the "Less Dual Appropriations" in item I. The dual appropriations are:

|                                       |                     |
|---------------------------------------|---------------------|
| Transfers to the General Fund         |                     |
| <u>Indirect Cost Reimbursement</u>    |                     |
| CDBG Fund                             | 176,194             |
| Street Light Assessment District Fund | 155,018             |
| Zero Waste Fund                       | 2,727,548           |
| Marina Enterprise Fund                | 456,077             |
| Sanitary Sewer Fund                   | 1,354,004           |
| Clean Storm Water Fund                | 311,321             |
| Permit Service Center Fund            | 1,979,790           |
| Unified Program (CUPA) Fund           | 88,337              |
| Subtotal Transfers to General Fund:   | <u>\$ 7,248,289</u> |

|                                                                                                  |                    |
|--------------------------------------------------------------------------------------------------|--------------------|
| Transfer to Safety Members Pension Fund from General Fund                                        | 551,804            |
| Transfer to Measure U1 Fund from General Fund                                                    | 4,900,000          |
| Transfer to Stability Reserve Fund from General Fund                                             | 3,025,000          |
| Transfer to Catastrophic Reserve Fund from General Fund                                          | 2,475,000          |
| Transfer to PERS Savings Fund from General Fund                                                  | 2,000,000          |
| Transfer to Health State Aid Realignment from General Fund                                       | 1,953,018          |
| Transfer to Fair Election Fund from General Fund                                                 | 505,002            |
| Transfer to Capital Improvement Fund (CIP) from General Fund                                     | 19,000,905         |
| Transfer to Phone System Replacement - VOIP from General Fund                                    | 449,408            |
| Transfer to Equipment Replacement Fund from General Fund                                         | 1,081,699          |
| Transfer to Public Liability Fund from General Fund                                              | 3,895,888          |
| Transfer to Catastrophic Loss Fund from General Fund                                             | 5,025,184          |
| Transfer to IT Cost Allocation Fund from General Fund                                            | 71,335             |
| Transfer to Police Employee Retiree Health Assistance Plan from General Fund                     | 400,136            |
| Transfer to Sick Leave Entitlement Fund from General Fund                                        | 201,501            |
| Transfer to Employee Training from GF-Payroll Deduction Trust                                    | 750,000            |
| Transfer to General Fund from Health State Aid Realignment Fund                                  | 2,643,280          |
| Transfer to Paramedic Tax Fund from Measure FF - Public Safety Fund                              | 757,925            |
| Transfer to General Fund from Amercian Rescue Plan Fund                                          | 12,271,612         |
| Transfer to Paramedic Tax Fund from American Rescue Plan Fund                                    | 2,614,331          |
| Transfer to Marina Fund from American Rescue Plan Fund                                           | 1,150,000          |
| Transfer to Off-Street Parking Fund from American Rescue Plan Fund                               | 200,000            |
| Transfer to Parking Meter Fund from American Rescue Plan Fund                                    | 2,700,000          |
| Transfer from CIP Fund to PERS Savings Fund                                                      | 151,632            |
| Transfer to Berkeley Repertory Theater Debt Service Fund from CIP Fund                           | 499,802            |
| Transfer from CIP Fund to 2010 COP (Animal Shelter) Fund                                         | 402,613            |
| Transfer to Private Sewer Lateral Fund from Sewer Fund                                           | 90,501             |
| Transfer to Catastrophic Loss Fund from Permit Service Center Fund                               | 50,555             |
| Transfer to Catastrophic Loss Fund from Unified Program (CUPA) Fund                              | 5,082              |
| Transfer to General Fund from Parking Meter Fund                                                 | 1,742,288          |
| Transfer to General Fund from IT Cost Allocation Fund                                            | 438,968            |
| Transfer to CFD#1 ML-ROOS Fund from CFD No. 1 Disaster Fire Protection                           | 320,651            |
| Transfer to Special Tax Bonds CFD#1 ML-ROOS from CFD#1 District Fire Protect Bond<br>(Measure Q) | 0                  |
| Transfer to GF - Payroll Deduction Trust Fund from Sick Leave Entitlement Fund                   | 273,854            |
| Transfer to First Source Fund from Parks Tax Fund                                                | 6,675              |
| Transfer to First Source Fund from Capital Improvement Fund                                      | 29,943             |
| Transfer to First Source Fund from Marina Fund                                                   | 2,625              |
| Transfer to Public Art Fund from Parks Tax Fund                                                  | 11,681             |
| Transfer to Public Art Fund from Capital Improvement Fund                                        | 52,400             |
| <u>Transfer to Public Art Fund from Marina Fund</u>                                              | <u>4,594</u>       |
| Subtotal Transfers to Other Funds:                                                               | 72,706,892         |
| Sub-Total Dual Appropriations                                                                    | 79,955,181         |
| <b>Grand Total Dual Appropriations</b>                                                           | <b>139,611,530</b> |

SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                         | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|---------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                             |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 011 General Fund Discretionary              | 303,276,062           | 100,000          | 2,268,270            | 2,368,270       | 305,644,332           |
| 016 Measure U1 - Housing                    | 7,828,658             | -                | 2,167,500            | 2,167,500       | 9,996,158             |
| 017 Climate Equity Action                   | 600,000               | -                | -                    | -               | 600,000               |
| 101 Library - Tax                           | 25,106,980            | -                | -                    | -               | 25,106,980            |
| 103 Library - Grants                        | 66,854                | -                | 30,071               | 30,071          | 96,925                |
| 104 Library - Friends & Gift                | 150,208               | -                | -                    | -               | 150,208               |
| 105 Library - Foundation                    | 200,000               | -                | 50,000               | 50,000          | 250,000               |
| 106 Asset Forefeiture                       | 201,000               | -                | -                    | -               | 201,000               |
| 107 Special Tax Measure E                   | 1,590,735             | -                | -                    | -               | 1,590,735             |
| 108 First Source Fund                       | 48,500                | -                | -                    | -               | 48,500                |
| 110 Sec 108 Loan Gty Asst.                  | 587,612               | -                | -                    | -               | 587,612               |
| 111 Fund Raising Activities                 | 111,073               | -                | -                    | -               | 111,073               |
| 113 Gilman Sports Field                     | 328,920               | -                | 109,260              | 109,260         | 438,180               |
| 115 Animal Shelter                          | 63,005                | -                | -                    | -               | 63,005                |
| 116 Paramedic Tax                           | 5,221,790             | -                | -                    | -               | 5,221,790             |
| 117 CA Energy                               | 44,249                | -                | -                    | -               | 44,249                |
| 119 Domestic Violence Prev - Vit Stat       | 26,102                | -                | -                    | -               | 26,102                |
| 120 Affordable Housing Mitigation           | 7,174,616             | -                | 1,694,783            | 1,694,783       | 8,869,399             |
| 121 Affordable Child Care                   | 19,912                | -                | -                    | -               | 19,912                |
| 122 Inclusionary Housing Program            | 587,181               | -                | -                    | -               | 587,181               |
| 123 Condo Conversion                        | 121,339               | -                | 608,406              | 608,406         | 729,745               |
| 125 Playground Camp                         | 9,924,791             | 67,703           | 101,300              | 169,003         | 10,093,794            |
| 126 State-Prop 172 Pub.Safety               | 1,198,563             | -                | -                    | -               | 1,198,563             |
| 127 State Transportation Tax                | 9,679,283             | -                | -                    | -               | 9,679,283             |
| 128 CDBG                                    | 7,093,765             | -                | -                    | -               | 7,093,765             |
| 129 Rental Housing Safety Program           | 1,990,846             | -                | -                    | -               | 1,990,846             |
| 130 Measure B - Local St & Road             | 1,496,473             | -                | 118,000              | 118,000         | 1,614,473             |
| 131 Measure B - Bike and Pedestrian         | 189,813               | -                | -                    | -               | 189,813               |
| 132 Measure B - Paratransit                 | 54,403                | -                | -                    | -               | 54,403                |
| 133 Measure F Alameda County VRF St & Rd    | 1,724,951             | -                | 255,100              | 255,100         | 1,980,051             |
| 134 Measure BB - Local St & Road            | 19,539,112            | -                | (155,975)            | (155,975)       | 19,383,137            |
| 135 Meaure BB - Bike & Pedestrian           | 2,234,162             | -                | (23,969)             | (23,969)        | 2,210,193             |
| 136 Measure BB - Paratransit                | 953,349               | -                | 139,569              | 139,569         | 1,092,918             |
| 137 Onetime FD                              | 19,080                | -                | -                    | -               | 19,080                |
| 138 Parks Tax                               | 18,974,506            | -                | 313,573              | 313,573         | 19,288,079            |
| 140 Measure GG - Fire Prep Tax              | 5,509,760             | -                | 1,600,000            | 1,600,000       | 7,109,760             |
| 142 Streetlight Assesment District          | 4,231,478             | -                | -                    | -               | 4,231,478             |
| 143 Berkeley Bus Ec Dev                     | 586,414               | -                | -                    | -               | 586,414               |
| 145 Bayer                                   | 952                   | -                | -                    | -               | 952                   |
| 146 Employee Training                       | 949,429               | -                | -                    | -               | 949,429               |
| 147 UC Settlement                           | 6,442,870             | -                | 250,000              | 250,000         | 6,692,870             |
| 148 Cultural Trust                          | 1,072,975             | -                | -                    | -               | 1,072,975             |
| 149 Private Party Sidewalks                 | 750,000               | -                | -                    | -               | 750,000               |
| 150 Public Art Fund                         | 210,142               | -                | -                    | -               | 210,142               |
| 152 Vital & Health Statistics Trust Fund    | 74,903                | -                | -                    | -               | 74,903                |
| 156 Hlth State Aid Realign Trust            | 3,961,045             | -                | -                    | -               | 3,961,045             |
| 157 Tobacco Cont.Trust                      | 379,256               | -                | 6,853                | 6,853           | 386,109               |
| 158 Mental Health State Aid Realign         | 4,702,104             | -                | -                    | -               | 4,702,104             |
| 159 Citizens Option Public Safety Trust     | 525,193               | -                | -                    | -               | 525,193               |
| 161 Alameda Cty Abandoned Vehicle Abatement | 137,256               | -                | -                    | -               | 137,256               |
| 164 Measure FF                              | 11,347,938            | -                | -                    | -               | 11,347,938            |
| 165 Fair Elections                          | 510,868               | -                | -                    | -               | 510,868               |
| 302 Operating Grants - State                | 7,011,050             | -                | -                    | -               | 7,011,050             |
| 305 Capital Grants - Federal                | 2,063,382             | -                | -                    | -               | 2,063,382             |
| 306 Capital Grants - State                  | 10,627,045            | -                | 46,060               | 46,060          | 10,673,105            |
| 307 Capital Grants - Local                  | 3,182,863             | -                | (180,000)            | (180,000)       | 3,002,863             |
| 309 OTS DUI Enforcement Education Prg.      | 317,060               | -                | -                    | -               | 317,060               |
| 310 HUD/Home                                | 811,549               | -                | 1,189,752            | 1,189,752       | 2,001,301             |
| 311 ESGP                                    | 617,433               | -                | 300,000              | 300,000         | 917,433               |
| 312 Health (General)                        | 3,518,552             | -                | 14,091               | 14,091          | 3,532,643             |
| 313 Target Case Management Linkages         | 1,011,166             | -                | 18,500               | 18,500          | 1,029,666             |
| 314 Alameda County Tay Tip                  | 35,812                | -                | -                    | -               | 35,812                |
| 315 Mental Health Service Act               | 13,580,495            | -                | -                    | -               | 13,580,495            |
| 316 Health (Short/Doyle)                    | 7,074,965             | -                | -                    | -               | 7,074,965             |
| 317 EPSDT Expansion Proposal                | 500,241               | -                | -                    | -               | 500,241               |
| 318 Alcoholic Bev Ctr OTS/UC                | 128,105               | -                | -                    | -               | 128,105               |
| 319 Youth Lunch                             | 279,464               | -                | -                    | -               | 279,464               |

SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                             | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|-------------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                                 |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 320 Sr. Nutrition Title III                     | 146,787               | -                | 49,582               | 49,582          | 196,369               |
| 321 CFP Title X                                 | 140,317               | -                | 55,000               | 55,000          | 195,317               |
| 324 BUSD Grant                                  | 392,232               | -                | -                    | -               | 392,232               |
| 325 Vector Control                              | 285,817               | -                | -                    | -               | 285,817               |
| 326 Alameda County Grants                       | 791,346               | -                | -                    | -               | 791,346               |
| 327 Senior Supportive Social Services           | 124,403               | -                | 24,555               | 24,555          | 148,958               |
| 328 Family Care Support Program                 | 91,365                | -                | 51,033               | 51,033          | 142,398               |
| 329 CA Integrated Waste Management              | 21,511                | -                | -                    | -               | 21,511                |
| 331 Housing Mitigation                          | 1,605,883             | -                | 24,408               | 24,408          | 1,630,291             |
| 333 CALHOME                                     | 363,100               | -                | -                    | -               | 363,100               |
| 334 Community Action                            | 570,086               | -                | -                    | -               | 570,086               |
| 336 One-Time Grant: No Cap Exp                  | 19,190,305            | 9,266            | 5,384,407            | 5,393,673       | 24,583,978            |
| 338 Bay Area Air Quality Management             | 117,000               | -                | -                    | -               | 117,000               |
| 339 MTC                                         | 812,548               | -                | -                    | -               | 812,548               |
| 340 FEMA                                        | 1,358,059             | -                | -                    | -               | 1,358,059             |
| 341 Alameda Cty Waste Mgt.                      | 1,162,565             | -                | -                    | -               | 1,162,565             |
| 343 State Dept Conserv/Recylg                   | 28,000                | -                | -                    | -               | 28,000                |
| 344 CALTRANS Grant                              | 190,460               | -                | -                    | -               | 190,460               |
| 346 Safe Routes                                 | 9,757                 | -                | -                    | -               | 9,757                 |
| 347 Shelter+Care HUD                            | 6,348,578             | -                | -                    | -               | 6,348,578             |
| 348 Shelter+Care County                         | 886,153               | -                | 10,000               | 10,000          | 896,153               |
| 349 JAG Grant                                   | 55,650                | -                | -                    | -               | 55,650                |
| 350 Bioterrorism Grant                          | 930,941               | -                | 52,641               | 52,641          | 983,582               |
| 351 UASI                                        | 1,345                 | -                | -                    | -               | 1,345                 |
| 354 ARPA - Local Fiscal Recovery Fund           | 22,615,918            | -                | 4,910,146            | 4,910,146       | 27,526,064            |
| 501 Capital Improvement Fund                    | 33,852,196            | -                | 1,885                | 1,885           | 33,854,081            |
| 502 Phone System Replacement                    | 478,794               | -                | -                    | -               | 478,794               |
| 503 FUND\$ Replacement                          | 4,862,196             | -                | -                    | -               | 4,862,196             |
| 504 PEG-Public, Education & Government          | 100,000               | -                | -                    | -               | 100,000               |
| 506 Meas M - Streets and Watershed Improvements | 926,720               | -                | -                    | -               | 926,720               |
| 511 Measure T1 - Infra & Facil.                 | 27,314,362            | 19,996           | 100,000              | 119,996         | 27,434,358            |
| 512 Measure O                                   | 24,131,581            | -                | -                    | -               | 24,131,581            |
| 552 09 Measure FF Debt Service                  | 1,343,638             | -                | -                    | -               | 1,343,638             |
| 553 2015 GORBS                                  | 2,051,966             | -                | -                    | -               | 2,051,966             |
| 554 2012 Lease Revenue Bonds BJPFA              | 502,238               | -                | -                    | -               | 502,238               |
| 555 2015 GORBS - 2002 G.O. Refunding Bonds      | 379,561               | -                | -                    | -               | 379,561               |
| 556 2015 GORBS (2007, Series A)                 | 142,865               | -                | -                    | -               | 142,865               |
| 557 2015 GORBS (2008 Measure I)                 | 481,286               | -                | -                    | -               | 481,286               |
| 558 2010 COP (Animal Shelter)                   | 406,991               | -                | -                    | -               | 406,991               |
| 559 Measure M GO Street & Water Imps            | 740,738               | -                | 896,875              | 896,875         | 1,637,613             |
| 560 Infrastructure & Facilities Measure T1      | 1,731,181             | -                | 2,759,200            | 2,759,200       | 4,490,381             |
| 561 Measure O - Housing Bonds                   | 2,023,940             | -                | 1,584,368            | 1,584,368       | 3,608,308             |
| 601 Zero Waste                                  | 60,533,186            | -                | -                    | -               | 60,533,186            |
| 607 Dept. of Boat and Waterways                 | 49,000                | 102              | -                    | 102             | 49,102                |
| 608 Marina Operation                            | 11,966,589            | 6,618            | 91,200               | 97,818          | 12,064,407            |
| 611 Sewer                                       | 50,218,051            | -                | -                    | -               | 50,218,051            |
| 612 Private Sewer Lateral FD                    | 172,628               | -                | -                    | -               | 172,628               |
| 616 Clean Storm Water                           | 7,407,571             | -                | -                    | -               | 7,407,571             |
| 621 Permit Service Center                       | 24,052,454            | -                | -                    | -               | 24,052,454            |
| 622 Unified Program (CUPA)                      | 929,413               | -                | -                    | -               | 929,413               |
| 627 Off Street Parking                          | 7,447,713             | -                | -                    | -               | 7,447,713             |
| 631 Parking Meter                               | 11,487,009            | -                | -                    | -               | 11,487,009            |
| 636 Building Purchases and Management           | 3,855,070             | -                | -                    | -               | 3,855,070             |
| 671 Equipment Replacement                       | 11,947,462            | -                | -                    | -               | 11,947,462            |
| 672 Equipment Maintenance                       | 10,211,653            | -                | -                    | -               | 10,211,653            |
| 673 Building Maintenance Fund                   | 5,045,988             | -                | -                    | -               | 5,045,988             |
| 674 Central Services                            | 413,953               | -                | -                    | -               | 413,953               |
| 676 Workers Compensation                        | 6,488,740             | -                | -                    | -               | 6,488,740             |
| 678 Public Liability                            | 4,458,560             | -                | -                    | -               | 4,458,560             |
| 680 Information Technology                      | 20,140,564            | -                | -                    | -               | 20,140,564            |
| 722 RETMED IBE                                  | 1,445                 | -                | -                    | -               | 1,445                 |
| 723 RETMED LC1                                  | 14,704                | -                | -                    | -               | 14,704                |
| 724 RETMED Z1                                   | 1,467                 | -                | -                    | -               | 1,467                 |
| 725 RETMED Z26                                  | 6,053                 | -                | -                    | -               | 6,053                 |
| 726 RETMED 535                                  | 21,015                | -                | -                    | -               | 21,015                |
| 727 RETMED 790                                  | 19,839                | -                | -                    | -               | 19,839                |
| 731 POL EE RET                                  | 6,967                 | -                | -                    | -               | 6,967                 |



SUMMARY OF APPROPRIATIONS BY FUND

| ERMA<br>Fund # Fund                           | FY 2023<br>Revised #1 | 2nd AAO          |                      |                 | FY 2023<br>Revised #2 |
|-----------------------------------------------|-----------------------|------------------|----------------------|-----------------|-----------------------|
|                                               |                       | Reappropriations | Other<br>Adjustments | Total<br>Amend. |                       |
| 736 FIRE MEDIC                                | 16,557                | -                | -                    | -               | 16,557                |
| 762 Successor Agency - Savo DSF               | 57,120                | -                | -                    | -               | 57,120                |
| 776 Thousand Oaks Underground                 | 98,448                | -                | -                    | -               | 98,448                |
| 777 Measure H - School Tax                    | 500,002               | -                | -                    | -               | 500,002               |
| 778 Measure Q - CFD#1 Dis. Fire Protect Bond  | 1,399,997             | -                | 320,651              | 320,651         | 1,720,648             |
| 779 Spl Tax Bds. CFD#1 ML-ROOS                | 2,824,802             | -                | -                    | -               | 2,824,802             |
| 781 Berkeley Tourism BID                      | 632,704               | -                | 300,000              | 300,000         | 932,704               |
| 782 Elmwood Business Improvement District     | 63,519                | -                | -                    | -               | 63,519                |
| 783 Solano Ave BID                            | 35,082                | -                | -                    | -               | 35,082                |
| 784 Telegraph Avenue Bus. Imp. District       | 583,315               | -                | -                    | -               | 583,315               |
| 785 North Shattuck BID                        | 210,363               | -                | -                    | -               | 210,363               |
| 786 Downtown Berkeley Prop & Improv. District | 1,618,196             | -                | -                    | -               | 1,618,196             |
| 801 Rent Board                                | 7,239,344             | -                | -                    | -               | 7,239,344             |
| GROSS EXPENDITURE:                            | 932,466,575           | 203,685          | 27,537,095           | 27,740,780      | 960,207,355           |
| Dual Appropriations                           | (81,673,325)          | -                | 1,718,144            | 1,718,144       | (79,955,181)          |
| Revolving & Internal Service Funds            | (59,656,349)          | -                | -                    | -               | (59,656,349)          |
| NET EXPENDITURE:                              | 791,136,901           | 203,685          | 29,255,239           | 29,458,924      | 820,595,825           |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

| Item # | Fund #           | Fund Name           | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                     | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                    |
|--------|------------------|---------------------|--------------------------------------|-----------------------|------------------------|----------------|----------------------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1      | 011              | General Fund        | City Clerk                           | \$0                   | \$375,831              |                | November 2022 Election Cost                  | X               |                       |                      | Appropriate funding to cover the cost for the November 2022 election.                                                                                                                     |
| 2      | 011              | General Fund        | Health, Housing & Community Services | \$100,000             | \$0                    | HHOGFD2302     | Homeless Outreach Coordinator                |                 |                       | X                    | Appropriate funding for Homeless Outreach Coordinator, South Shattuck and Adeline                                                                                                         |
| 3      | 011              | General Fund        | Non-Departmental                     | \$0                   | \$1,522,439            |                | Strategic Reserve Fund and Catastrophic Fund |                 | X                     |                      | Appropriate FY 2022 Excess Equity allocation to the Strategic Reserve Fund (\$837,341) and to the Catastrophic Reserve Fund (\$685,098)                                                   |
| 4      | 011              | General Fund        | Parks, Recreation, and Waterfront    | \$0                   | \$200,000              | PRWEM23002     | Storm Damage Tree Removal                    |                 |                       | X                    | Appropriate funding for the clean-up of the tree-related storm damage                                                                                                                     |
| 5      | 011              | General Fund        | Police                               | \$0                   | \$50,000               |                | Staffing Assessment                          |                 |                       | X                    | Appropriate additional funding from a Tier 1 item to study BPD staffing and make staffing recommendations to optimize police resources in our response to public safety needs in Berkeley |
| 6      | 011              | General Fund        | Rent Stabilization Board             | \$0                   | \$120,000              |                | Outreach for Eviction Moratorium             |                 |                       | X                    | Appropriate funding for the Rent Board to carryout mailings and outreach for the Eviction Moratorium Transition and End                                                                   |
|        | <b>011 Total</b> |                     |                                      | <b>\$100,000</b>      | <b>\$2,268,270</b>     |                |                                              |                 |                       |                      |                                                                                                                                                                                           |
| 7      | 016              | Measure U1          | Health, Housing & Community Services | \$0                   | \$1,867,500            |                | Berkeley Way, BFHP Hope Center TH            |                 |                       | X                    | Appropriate funding for Berkeley Way, BFHP Hope Center TH, CT#32000250                                                                                                                    |
| 8      | 016              | Measure U1          | Health, Housing & Community Services | \$0                   | \$300,000              |                | Housing Retention Program                    |                 |                       | X                    | Increase Funding for Housing Retention Program, RESO# 70,700                                                                                                                              |
|        | <b>016 Total</b> |                     |                                      | <b>\$0</b>            | <b>\$2,167,500</b>     |                |                                              |                 |                       |                      |                                                                                                                                                                                           |
| 9      | 103              | Library Grants      | Library                              |                       | \$30,071               | LB2327         | FY 2023 Grant: Lunch at the Library          |                 |                       |                      | Appropriate funding from a grant from California State Library: Lunch at the Library                                                                                                      |
|        | <b>103 Total</b> |                     |                                      | <b>\$0</b>            | <b>\$30,071</b>        |                |                                              |                 |                       |                      |                                                                                                                                                                                           |
| 10     | 105              | Library Foundation  | Library                              | \$0                   | \$50,000               |                | Heather McGhee Appearance at North Branch    |                 |                       |                      | Programming funds for appearance by Heather McGhee and Savala Nolan of the UC Berkeley School of Law at Northbrae Church on May 23, 2023                                                  |
|        | <b>105 Total</b> |                     |                                      | <b>\$0</b>            | <b>\$50,000</b>        |                |                                              |                 |                       |                      |                                                                                                                                                                                           |
| 11     | 113              | Gilman Sports Field | Parks, Recreation, and Waterfront    | \$0                   | \$100,000              |                | Gilman Turf Replacement                      |                 |                       | X                    | Add funding to increase Gilman Sports Field Fund for a transfer out to Gilman Turf Replacement                                                                                            |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #           | Fund Name                           | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                        | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                   |
|--------|------------------|-------------------------------------|--------------------------------------|-----------------------|------------------------|----------------|-------------------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------|
| 12     | 113              | Gilman Sports Field                 | Parks, Recreation, and Waterfront    | \$0                   | \$9,260                |                | PG&E Costs                                      |                 |                       | X                    | Add funds to cover the projected increase in PGE costs                                                   |
|        | <b>113 Total</b> |                                     |                                      | <b>\$0</b>            | <b>\$109,260</b>       |                |                                                 |                 |                       |                      |                                                                                                          |
| 13     | 120              | Affordable Housing Mitigation       | Health, Housing & Community Services | \$0                   | \$1,694,783            |                | Housing Trust Fund Projects, St. Paul, Ephesian |                 |                       | X                    | Appropriate funding for the Housing Trust Fund Projects, St. Paul, Ephesian                              |
|        | <b>120 Total</b> |                                     |                                      | <b>\$0</b>            | <b>\$1,694,783</b>     |                |                                                 |                 |                       |                      |                                                                                                          |
| 14     | 123              | Condo Conversion Program            | Health, Housing & Community Services | \$0                   | \$608,406              |                | Housing Trust Fund Projects, Ephesian           |                 |                       | X                    | Appropriate funding for the Housing Trust Fund Projects, Ephesian                                        |
|        | <b>123 Total</b> |                                     |                                      | <b>\$0</b>            | <b>\$608,406</b>       |                |                                                 |                 |                       |                      |                                                                                                          |
| 15     | 125              | Playground Camp                     | Parks, Recreation, and Waterfront    | \$0                   | \$96,300               | PRWCP22001     | BTC Start-up Costs                              |                 |                       | X                    | Add funds for Berkeley Tuolumne Camp Inventory                                                           |
| 16     | 125              | Playground Camp                     | Parks, Recreation, and Waterfront    | \$67,703              | \$0                    | PRWEM16004     | Cazadero Camp Landslide                         |                 |                       | X                    | Carryover funds for the Cazadero Camp Landslide project to pay a final invoice                           |
| 17     | 125              | Playground Camp                     | Parks, Recreation, and Waterfront    | \$0                   | \$5,000                | PRWCP23002     | FOBTC Tracking                                  |                 |                       | X                    | Appropriate donation from the Friends of the Berkeley Tuolumne Camp                                      |
|        | <b>125 Total</b> |                                     |                                      | <b>\$67,703</b>       | <b>\$101,300</b>       |                |                                                 |                 |                       |                      |                                                                                                          |
| 18     | 130              | Measure B - Local Streets and Roads | Public Works                         | \$0                   | \$118,000              | PWTRCS2203     | University Avenue Bus Stop                      |                 |                       | X                    | Appropriate additional funding for the continuation of the University Avenue Bus Stop project            |
|        | <b>130 Total</b> |                                     |                                      | <b>\$0</b>            | <b>\$118,000</b>       |                |                                                 |                 |                       |                      |                                                                                                          |
| 19     | 133              | Measure F-ALA VRF                   | Public Works                         | \$0                   | \$40,000               | PWTRBP2202     | HSIP SACRAMENTO PED XING SAFETY ENH             |                 |                       | X                    | Appropriate new funding for the HSIIP Sacramento Ped Xing Safety project                                 |
| 20     | 133              | Measure F-ALA VRF                   | Public Works                         | \$0                   | \$215,100              | PWTRBP2201     | MLK JR WAY VISION ZERO QUICK BUILD              |                 |                       | X                    | Appropriate additional funding for the continuation of the MLK Jr Way Vision Zero Quick Build project    |
|        | <b>133 Total</b> |                                     |                                      | <b>\$0</b>            | <b>\$255,100</b>       |                |                                                 |                 |                       |                      |                                                                                                          |
| 21     | 134              | Measure BB - Local Streets & Roads  | Public Works                         | \$0                   | (\$155,975)            | PWTRPL2202     | BeST Plan Update                                |                 |                       | X                    | Reverse appropriation for the BeST Plan Update included in FY 2023 AAO #1 as funds are no longer needed. |
|        | <b>134 Total</b> |                                     |                                      | <b>\$0</b>            | <b>(\$155,975)</b>     |                |                                                 |                 |                       |                      |                                                                                                          |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #           | Fund Name                | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name           | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                                                       |
|--------|------------------|--------------------------|--------------------------------------|-----------------------|------------------------|----------------|------------------------------------|-----------------|-----------------------|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22     | 135              | Measure BB - Bike & Ped  | Public Works                         | \$0                   | (\$23,969)             | PWTRBP2205     | WOOLSEY-FULTON BIKE BLVD STI FUNDS |                 |                       | X                    | Reverse AAO#1 to adjust project budget of Woolsey-Fulton Bike Blvd STI project                                                                                                                               |
|        | <b>135 Total</b> |                          |                                      | <b>\$0</b>            | <b>(\$23,969)</b>      |                |                                    |                 |                       |                      |                                                                                                                                                                                                              |
| 23     | 136              | Measure BB - Paratransit | Health, Housing & Community Services | \$0                   | \$139,569              | HHAMBB2301     | AG Paratransit Measure BB          |                 |                       | X                    | Additional funds needed to cover increase in taxi script redemption costs and van ride costs and to cover expenses charged to Measure B - Paratransit Fund and reclassified to Measure BB - Paratransit Fund |
|        | <b>136 Total</b> |                          |                                      | <b>\$0</b>            | <b>\$139,569</b>       |                |                                    |                 |                       |                      |                                                                                                                                                                                                              |
| 24     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$100,000              | PRWPK23001     | 600 Addison Project                |                 |                       | X                    | Appropriate additional funding for the continuation of the 600 Addison project                                                                                                                               |
| 25     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$900                  |                | Bessemer Donation-Monkey Island    |                 |                       | X                    | Appropriate funding from donation to the Monkey Island project                                                                                                                                               |
| 26     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$88,545               |                | EBMUD Costs                        |                 |                       | X                    | Add funds to cover projected increases in EBMUD costs                                                                                                                                                        |
| 27     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$50,477               |                | NexGen Software Maintenance        |                 |                       | X                    | Appropriate funding for NexGen software maintenance                                                                                                                                                          |
| 28     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$60,651               | PRWPK20003     | Ohlone Park Improvements           |                 |                       | X                    | Appropriate funds for the Ohlone Park Improvement Project                                                                                                                                                    |
| 29     | 138              | Parks Tax                | Parks, Recreation, and Waterfront    | \$0                   | \$13,000               |                | PG&E Costs                         |                 |                       | X                    | Add funds to cover the projected increase in PGE costs                                                                                                                                                       |
|        | <b>138 Total</b> |                          |                                      | <b>\$0</b>            | <b>\$313,573</b>       |                |                                    |                 |                       |                      |                                                                                                                                                                                                              |
| 30     | 140              | Measure GG               | Fire                                 | \$0                   | \$1,600,000            |                | Fire Overtime                      |                 |                       | X                    | Estimated additional Overtime Budget needed to cover Overtime expenses in FY 2023                                                                                                                            |
|        | <b>140 Total</b> |                          |                                      | <b>\$0</b>            | <b>\$1,600,000</b>     |                |                                    |                 |                       |                      |                                                                                                                                                                                                              |
| 31     | 147              | UC Settlement            | Health, Housing & Community Services | \$0                   | \$250,000              |                | Village of Love                    |                 |                       | X                    | Appropriate funding for Village of Love Community Agency Funding                                                                                                                                             |
|        | <b>147 Total</b> |                          |                                      | <b>\$0</b>            | <b>\$250,000</b>       |                |                                    |                 |                       |                      |                                                                                                                                                                                                              |
| 32     | 157              | Tobacco Control          | Health, Housing & Community Services | \$0                   | \$6,853                | HHPLLA2301     | LLA - Tobacco State Tobacco        |                 |                       | X                    | Approved additional allocation of unexpended carryover from previous Grant Cycle.                                                                                                                            |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #           | Fund Name              | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name                              | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                     |
|--------|------------------|------------------------|--------------------------------------|-----------------------|------------------------|----------------|-------------------------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | <b>157 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$6,853</b>         |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 33     | 306              | Capital Grants - State | Public Works                         | \$0                   | \$100,119              | PWTRBP1802     | Milvia Bikeway Project                                |                 |                       | X                    | Appropriate grant funding for continuation of and payment of invoices for the Milvia Bikeway project.                                                                      |
| 34     | 306              | Capital Grants - State | Public Works                         | \$0                   | (\$54,059)             | PWTRBP2205     | WOOLSEY-FULTON BIKE BLVD STI FUNDS                    |                 |                       | X                    | Reverse AAO#1 to adjust project budget of Woolsey-Fulton Bike Blvd STI project                                                                                             |
|        | <b>306 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$46,060</b>        |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 35     | 307              | Capital Grants - Local | Public Works                         | \$0                   | (\$180,000)            | PWTRCS2204     | Telegraph Study & PE                                  |                 |                       | X                    | Reverse AAO#1 to adjust project budget for Telegraph Study and PE                                                                                                          |
|        | <b>307 Total</b> |                        |                                      | <b>\$0</b>            | <b>(\$180,000)</b>     |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 36     | 310              | HUD/HOME               | Health, Housing & Community Services | \$0                   | \$1,066,034            |                | Blake Street Apartments                               |                 | X                     |                      | Add HOME Funds for the Blake Street Apartments project in place of other funding sources. All new funds being added, FY 2023 grant allocation and program income received. |
| 37     | 310              | HUD/HOME               | Health, Housing & Community Services | \$0                   | \$123,718              |                | HOME Grant-The Grinnell Project (formerly Blake Apts) |                 |                       | X                    | Appropriate funding for HOME Grant The Grinnell Project (formerly Blake Apts.)                                                                                             |
|        | <b>310 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$1,189,752</b>     |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 38     | 311              | Housing Mitigation     | Health, Housing & Community Services | \$0                   | \$300,000              |                | ESG-CARES Act                                         |                 |                       | X                    | Appropriate remaining balance of the HESG-CARES Act                                                                                                                        |
|        | <b>311 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$300,000</b>       |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 39     | 312              | Health (General)       | HHCS                                 | \$0                   | \$10,825               | HHOTBR2301     | TB REAL-TIME ALLOTMENT GRANT                          |                 |                       | X                    | Allocation increased for FY23                                                                                                                                              |
| 40     | 312              | Health (General)       | HHCS                                 | \$0                   | \$3,266                | HHOTBR2303     | TB U4U Y2 ALLOTMENT                                   |                 |                       | X                    | Allocation for FY23                                                                                                                                                        |
|        | <b>312 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$14,091</b>        |                |                                                       |                 |                       |                      |                                                                                                                                                                            |
| 41     | 313              | TCM/Link               | Health, Housing & Community Services | \$0                   | \$18,500               | HHAMAA2301     | AG MAA                                                |                 |                       | X                    | Appropriate funding for the projected cost for the FY 2023 Aging Target Case Management expenditures                                                                       |
|        | <b>313 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$18,500</b>        |                |                                                       |                 |                       |                      |                                                                                                                                                                            |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #           | Fund Name                 | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name              | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                            |
|--------|------------------|---------------------------|--------------------------------------|-----------------------|------------------------|----------------|---------------------------------------|-----------------|-----------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 42     | 320              | SR. Nutrition (Title III) | Health, Housing & Community Services | \$0                   | \$17,998               | HHACON2301     | Congregate Meals                      |                 |                       | X                    | One time Only and ARPA increases                                                                                                  |
| 43     | 320              | SR. Nutrition (Title III) | Health, Housing & Community Services | \$0                   | \$31,584               | HHAMOW2301     | Meals on Wheels                       |                 |                       | X                    | One time Only and ARPA increases                                                                                                  |
|        | <b>320 Total</b> |                           |                                      | <b>\$0</b>            | <b>\$49,582</b>        |                |                                       |                 |                       |                      |                                                                                                                                   |
| 44     | 321              | CFP Title X               | Health, Housing & Community Services | \$0                   | \$30,000               | HHPTIX2402     | Title X                               |                 |                       | X                    | Allocation for 3 months (April 2023 to June 2023)                                                                                 |
| 45     | 321              | CFP Title X               | Health, Housing & Community Services | \$0                   | \$25,000               | HHPTIX2303     | Title X Telehealth Project            |                 |                       | X                    | Appropriate grant funds for the Title X Telehealth Project that must be spent by March 31, 2023                                   |
|        | <b>321 Total</b> |                           |                                      | <b>\$0</b>            | <b>\$55,000</b>        |                |                                       |                 |                       |                      |                                                                                                                                   |
| 46     | 327              | SR SUPPORTIVE SOCIAL SERV | Health, Housing & Community Services | \$0                   | \$24,555               | HHAINA2301     | Information and Assistance            |                 |                       | X                    | One time Only and ARPA increases                                                                                                  |
|        | <b>327 Total</b> |                           |                                      | <b>\$0</b>            | <b>\$24,555</b>        |                |                                       |                 |                       |                      |                                                                                                                                   |
| 47     | 328              | FAMILY CARE SUPPORT PROG  | Health, Housing & Community Services | \$0                   | \$43,852               | HHACAR2301     | Family Caregiver                      |                 |                       | X                    | One time Only and ARPA increases                                                                                                  |
| 48     | 328              | FAMILY CARE SUPPORT PROG  | Health, Housing & Community Services | \$0                   | \$7,181                | HHASRA2301     | Senior Center Activities              |                 |                       | X                    | ARPA increase                                                                                                                     |
|        | <b>328 Total</b> |                           |                                      | <b>\$0</b>            | <b>\$51,033</b>        |                |                                       |                 |                       |                      |                                                                                                                                   |
| 49     | 331              | Housing Mitigation        | Health, Housing & Community Services | \$0                   | \$24,408               |                | Housing Trust Fund Projects, Ephesian |                 |                       | X                    | Housing Trust Fund Projects, Ephesian                                                                                             |
|        | <b>331 Total</b> |                           |                                      | <b>\$0</b>            | <b>\$24,408</b>        |                |                                       |                 |                       |                      |                                                                                                                                   |
| 50     | 336              | One Time Grant: No Cap    | Health, Housing & Community Services | \$0                   | \$304,095              |                | ELC Expansion                         |                 |                       | X                    | Increase based on approved allocation                                                                                             |
| 51     | 336              | One Time Grant: No Cap    | Health, Housing & Community Services | \$0                   | \$2,251,256            |                | Project HomeKey                       |                 |                       | X                    | Appropriate funding to cover pass-through wire payment for project HomeKey from the State to Golden Bear Homes LP                 |
| 52     | 336              | One Time Grant: No Cap    | Health, Housing & Community Services | \$0                   | \$430,000              |                | Project HomeKey                       |                 |                       | X                    | Funds from the State of California Housing & Community Development Department for Project HomeKey passed through to the developer |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #           | Fund Name              | Department                           | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name               | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                                                                                     |
|--------|------------------|------------------------|--------------------------------------|-----------------------|------------------------|----------------|----------------------------------------|-----------------|-----------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 53     | 336              | One Time Grant: No Cap | Health, Housing & Community Services | \$0                   | \$1,651,111            | HHMSPMHS23     | Special Project MHSSA                  |                 |                       | X                    | Appropriate remaining balance of Mental Health Services Oversight & Accountability Grant funds for mental health services for                                              |
| 54     | 336              | One Time Grant: No Cap | Parks, Recreation, and Waterfront    | \$0                   | \$503,328              | PRWT119004     | Grove Park Phase 2                     |                 | X                     |                      | Appropriate grant funding authorized by Council (Per Capital Grant Reso. No. 70,094-N.S., and RIRE Grant Reso. No. 70,095-N.S.) for the Grove Park Phase 2 capital project |
| 55     | 336              | One Time Grant: No Cap | Parks, Recreation, and Waterfront    | \$9,266               | \$0                    | PRWT119007     | Pier Ferry Study Project               |                 |                       | X                    | Carryover of funds for the Pier Ferry Study project                                                                                                                        |
| 56     | 336              | One Time Grant: No Cap | Planning & Development               | \$0                   | \$69,037               |                | ABAG/MTC Grant                         |                 |                       | X                    | Appropriate MTC/ABAG Grant to pay for a portion of a 3 year project based Senior Planner position to develop a specific plan for the San Pablo Avenue Priority             |
| 57     | 336              | One Time Grant: No Cap | Planning & Development               | \$0                   | \$10,000               |                | EBCE Grant                             |                 | X                     |                      | Appropriate EBCE grant funding for Reach Code support authorized by Council through Resolution No. 69,629-N.S. dated 12/01/2020                                            |
| 58     | 336              | One Time Grant: No Cap | Public Works                         | \$0                   | \$165,580              |                | SB 1383 Local Assistance Grant Program |                 |                       | X                    | Appropriate CalRecycle SB 1383 Local Assistance Grant                                                                                                                      |
|        | <b>336 Total</b> |                        |                                      | <b>\$9,266</b>        | <b>\$5,384,407</b>     |                |                                        |                 |                       |                      |                                                                                                                                                                            |
| 59     | 348              | Shelter+Care County    | Health, Housing & Community Services | \$0                   | \$10,000               |                | Shelter Plus Care-County               |                 |                       | X                    | Appropriate funding for Shelter Plus Care-Alameda County Housing Assistance Payments                                                                                       |
|        | <b>348 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$10,000</b>        |                |                                        |                 |                       |                      |                                                                                                                                                                            |
| 60     | 350              | Bio-Terrorism Grant    | Health, Housing & Community Services | \$0                   | \$1,267                | HHPCRI2301     | PH Cities Readiness Initiative         |                 |                       | X                    | Revise grant budget to match approved allocation amount                                                                                                                    |
| 61     | 350              | Bio-Terrorism Grant    | Health, Housing & Community Services | \$0                   | \$51,374               | HHPHEP2301     | PH Emergency Preparedness              |                 |                       | X                    | Revise grant budget to match approved allocation amount                                                                                                                    |
|        | <b>350 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$52,641</b>        |                |                                        |                 |                       |                      |                                                                                                                                                                            |
| 62     | 354              | ARPA Recovery          | Health, Housing & Community Services | \$0                   | \$4,910,146            | HHOARP2201     | ARPA Specialized Care Unit Admin       |                 | X                     |                      | Appropriate funding for the Specialized Care Unit Resolution No. 70,642-N.S.                                                                                               |
|        | <b>354 Total</b> |                        |                                      | <b>\$0</b>            | <b>\$4,910,146</b>     |                |                                        |                 |                       |                      |                                                                                                                                                                            |
| 63     | 501              | CIP Fund               | Health, Housing & Community Services |                       | \$1,885                |                | Housing Trust Fund - CIP Fund          |                 |                       | X                    | Appropriate Housing Trust Fund - GF for remaining Resources for Community Development Contract. Res. No. 69,513-N.S.                                                       |

FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

Attachment 2

| Item # | Fund #           | Fund Name                                     | Department                        | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name     | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                    |
|--------|------------------|-----------------------------------------------|-----------------------------------|-----------------------|------------------------|----------------|------------------------------|-----------------|-----------------------|----------------------|-------------------------------------------------------------------------------------------|
|        | <b>501 Total</b> |                                               |                                   | <b>\$0</b>            | <b>\$1,885</b>         |                |                              |                 |                       |                      |                                                                                           |
| 64     | 511              | Measure T1                                    | Parks, Recreation, and Waterfront | \$0                   | \$100,000              | PRWPK20003     | Ohlone Park Improvements     |                 |                       | X                    | Appropriate funds for the Ohlone Park Improvement Project                                 |
| 65     | 511              | Measure T1                                    | Public Works                      | \$19,996              | \$0                    | PWT1CB2204     | Fire Station #2 Improvements |                 |                       | X                    | Carryover funds for the Fire Station #2 Improvement Project to pay an outstanding invoice |
|        | <b>511 Total</b> |                                               |                                   | <b>\$19,996</b>       | <b>\$100,000</b>       |                |                              |                 |                       |                      |                                                                                           |
| 66     | 559              | Measure M - Street and Watershed Improvements | Non-Departmental                  | \$0                   | \$896,875              |                | Debt Service Budget          |                 |                       | X                    | Revise debt service budget for FY 2023 to cover principal and interest payments           |
|        | <b>559 Total</b> |                                               |                                   | <b>\$0</b>            | <b>\$896,875</b>       |                |                              |                 |                       |                      |                                                                                           |
| 67     | 560              | Measure T1 - Infrastructure and Facilities    | Non-Departmental                  | \$0                   | \$2,759,200            |                | Debt Service Budget          |                 |                       | X                    | Revise debt service budget for FY 2023 to cover principal and interest payments           |
|        | <b>560 Total</b> |                                               |                                   | <b>\$0</b>            | <b>\$2,759,200</b>     |                |                              |                 |                       |                      |                                                                                           |
| 68     | 561              | Measure O                                     | Non-Departmental                  | \$0                   | \$1,584,368            |                | Debt Service Budget          |                 |                       | X                    | Revise debt service budget for FY 2023 to cover principal and interest payments           |
|        | <b>561 Total</b> |                                               |                                   | <b>\$0</b>            | <b>\$1,584,368</b>     |                |                              |                 |                       |                      |                                                                                           |
| 69     | 607              | Department of Boating & Waterways             | Parks, Recreation, and Waterfront | \$102                 | \$0                    | PRWWF22010     | DBW BSEE Grant               |                 |                       | X                    | Carryover of DBAW Grant funds                                                             |
|        | <b>607 Total</b> |                                               |                                   | <b>\$102</b>          | <b>\$0</b>             |                |                              |                 |                       |                      |                                                                                           |
| 70     | 608              | Marina Fund                                   | Parks, Recreation, and Waterfront | \$0                   | \$3,400                |                | Linda Lo Memorial Park Bench |                 | X                     |                      | Appropriate funds for a memorial bench in honor of Linda Loh.                             |
| 71     | 608              | Marina Fund                                   | Parks, Recreation, and Waterfront | \$0                   | \$87,800               |                | PG&E Costs                   |                 |                       | X                    | Add funds to cover the projected increase in PGE costs                                    |
| 72     | 608              | Marina Fund                                   | Parks, Recreation, and Waterfront | \$1,075               | \$0                    | PRWT119007     | Pier Ferry Study Project     |                 |                       | X                    | Carryover of funds for the Pier Ferry Study project                                       |
| 73     | 608              | Marina Fund                                   | Parks, Recreation, and Waterfront | \$5,543               | \$0                    | PRWWF19002     | Sea Level Rise Project       |                 |                       | X                    | Carryover of funds for the Sea Level Rise Project                                         |
|        | <b>608 Total</b> |                                               |                                   | <b>\$6,618</b>        | <b>\$91,200</b>        |                |                              |                 |                       |                      |                                                                                           |



FY 2022 RECOMMENDED CARRYOVER AND FY 2023 RECOMMENDED ADJUSTMENT (AAO#2)

| Item # | Fund #             | Fund Name                                      | Department            | Recommended Carryover | Recommended Adjustment | Project Number | Description/Project name | Mandated by Law | Authorized by Council | City Manager Request | Comments/Justification                                                                                              |
|--------|--------------------|------------------------------------------------|-----------------------|-----------------------|------------------------|----------------|--------------------------|-----------------|-----------------------|----------------------|---------------------------------------------------------------------------------------------------------------------|
| 74     | 778                | CFD No 1 Disaster Fire Prot                    | Non-Departmental      | \$0                   | \$320,651              |                | Interfund Transfer       |                 |                       | X                    | Transfer funds back to Fund 779 to help balance negative fund balance as tax revenues are no longer being collected |
|        | <b>778 Total</b>   |                                                |                       | <b>\$0</b>            | <b>\$320,651</b>       |                |                          |                 |                       |                      |                                                                                                                     |
| 75     | 781                | Berkeley Tourism Business Improvement District | City Manager's Office | \$0                   | \$300,000              |                | Tourism BID Contract     |                 |                       | X                    | Revise expenditure budget for Tourism BID contract with Visit Berkeley based on projected revenues for FY 2023      |
|        | <b>781 Total</b>   |                                                |                       | <b>\$0</b>            | <b>\$300,000</b>       |                |                          |                 |                       |                      |                                                                                                                     |
|        | <b>Grand Total</b> |                                                |                       | <b>\$203,685</b>      | <b>\$27,537,095</b>    |                |                          |                 |                       |                      |                                                                                                                     |





Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Aram Kouyoumdjian, Director of Human Resources  
 Subject: Appointment of the Fire Chief

RECOMMENDATION

Adopt a Resolution confirming the appointment of David Sprague-Livingston as the Fire Chief to be effective May 14, 2023, at an annual base salary of \$268,320.00.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Fire Chief are included in the FY 2023-2024 departmental budget. The position is paid 100% from the General Fund (Budget Code: 011-72-741-831-0000-000-422-511130).

CURRENT SITUATION AND ITS EFFECTS

David Sprague-Livingston has served the City of Berkeley community as a first responder for over 21 years. Interim Chief Sprague began as a Firefighter/Paramedic with the Berkeley Fire Department in October 2001 and was successively promoted to Paramedic Supervisor, Apparatus Operator, Special Operations Lieutenant, Captain, Training Captain, Assistant Fire Chief (Training & EMS), Deputy Fire Chief – and, most recently, Interim Fire Chief, the position in which he has served since June 2022. As such, Interim Chief Sprague has keen knowledge of – and vast experience with – the workings of the Fire Department; moreover, as a Berkeley resident, he is deeply rooted in the city, has broad familiarity with its geography and topography, and is sensitive to the needs of the community.

The holder of a Bachelor of Science degree in Fire Science, Interim Chief Sprague has led the development and implementation of innovative programs in the Fire Department, including the establishment of a new Wildland-Urban Interface Division that is designed to make Berkeley safer from wildfires and the creation of a stand-alone Paramedic classification that graduated its first cohort in March 2023. He implemented a first responder advanced life support program on nine fire companies and was instrumental in helping manage the City's response to the COVID-19 pandemic, standing up early testing centers for essential workers and, subsequently, for the community at large.

Along with managing the Fire Department's core operations, Interim Chief Sprague has been a champion of leveraging technology to improve services and has had key roles in securing funds for the department through FEMA grants and the "Yes on Measure GG" campaign.

### BACKGROUND

The new Fire Chief will lead a department that is organized along nine offices and divisions to deliver the following baseline services:

- **Office of the Chief:** The Office of the Chief plans, organizes, coordinates, and directs the City's fire prevention, suppression, and emergency medical service programs. This office conducts planning and budgeting, maintains the labor-management relationship, assists City management, and fosters cooperative working relationships with community groups and other agencies.
- **Operations:** The Operations Division's objective is day-to-day delivery of emergency and non-emergency services to the City of Berkeley. This is accomplished through seven firehouses with seven Type I fire engines, two aerial ladder trucks, four advanced life support (ALS) ambulances, a Medical Specialist Team, a Hazardous Materials Response Team, two water rescue crafts, and a team of rescue swimmers.
- **Fire Prevention:** The Fire Prevention Division's goal is to decrease the number and severity of all fires in Berkeley through an active code-enforcement program, public education activities, engineering and plans review, and vegetation management. When fires do occur, Fire Prevention staff investigate fire origin and cause and, if needed, pursue prosecution of responsible parties.
- **Wildland-Urban Interface Division:** This division addresses local wildland target hazards and performs community-based action planning to mitigate threats, promote preparedness activities, and ensure resilience. Action Planning provides the foundation and roadmap for the Department's work to prevent wildfires and limit the spread when they ignite.
- **Emergency Medical Services:** The EMS Division oversees the department's pre-hospital care and treatment program for the Berkeley community. All of Berkeley's seven fire engines, two trucks, and four ambulances are staffed with paramedics. The division also oversees emergency medical services for large events.
- **Office of Emergency Services:** Through Berkeley Ready, the Office of Emergency Services coordinates a suite of programs to build disaster resilience throughout the Berkeley community. These programs support personal preparedness, community connections, and government efforts that will help

Berkeley respond to – and recover from – our next earthquake, fire, or other disaster.

- **Training:** The Training Division runs a California State Fire Training (SFT) Accredited Local Academy, where new firefighters attain their SFT Firefighter I and II certifications, while also providing continuous training and development for all members of the department.
- **Support Services:** The Support Services Division coordinates logistical support for emergency and non-emergency operations. This includes design and construction of apparatus; procurement and distribution of tools, equipment, and supplies; and providing subject matter expertise for information technology and radio communications programs.
- **Administrative and Fiscal Services:** The Administrative and Fiscal Services Division supports budget and fiscal policy, payroll, purchasing, administrative systems, record retention compliance, employee training and development, and labor and management relationships. The Division also oversees strategic planning, grant writing, responses to Public Records Act requests, and performance tracking and reporting.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

Having served the Berkeley Fire Department in various positions for over 21 years, Interim Chief Sprague's experience is broad and varied, while his familiarity with the community and its needs is extensive. Interim Chief Sprague's breadth of knowledge and his spirit of innovation will ensure that BFD will continue delivering the top-tier safety services that Berkeley residents deserve.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Dee Williams-Ridley, City Manager, (510) 981-7000.

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE APPOINTMENT OF DAVID SPRAGUE-LIVINGSTON  
AS FIRE CHIEF

WHEREAS, David Sprague-Livingston is currently serving as the Interim Fire Chief of the Berkeley Fire Department and has over 21 years of experience working in the fire service, including as Firefighter/Paramedic, Paramedic Supervisor, Apparatus Operator, Special Operations Lieutenant, Captain, Assistant Chief, Deputy Fire Chief, and most recently, Interim Fire Chief, the position in which he has served for nearly a year; and

WHEREAS, Interim Chief Sprague holds a Bachelor of Science degree in Fire Science, has keen knowledge of the workings of the Fire Department, is deeply rooted in the City of Berkeley, has broad familiarity with its geography and topography, and is sensitive to the needs of the community; and

WHEREAS, Interim Chief Sprague has led the development and implementation of innovative programs in the Fire Department, while playing an instrumental role in helping manage the City's response to the COVID-19 pandemic;

WHEREAS, Interim Chief Sprague's education, experience, and vision will ensure that the Berkeley Fire Department continues delivering the top-tier safety services that Berkeley residents deserve;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby confirms the City Manager's appointment of David Sprague-Livingston as the Fire Chief, with an annual base salary of \$268,300.00 on the same terms and conditions as other regular at-will employees effective May 14, 2023.



Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Aram Kouyoumdjian, Director of Human Resources  
Subject: Appointment of the Police Chief

RECOMMENDATION

Adopt a Resolution confirming the appointment of Jennifer Louis as the Police Chief to be effective May 14, 2023 at an annual base salary of \$301,820.48.

FISCAL IMPACTS OF RECOMMENDATION

The salary and benefits for the Police Chief are included in the FY 2023-2024 departmental budget. The position is paid 100% from the General Fund (Budget Code: 011-71-701-801-0000-000-421-511120).

CURRENT SITUATION AND ITS EFFECTS

Jennifer Louis has served the City of Berkeley community as a law enforcement professional for over 23 years. Interim Chief Louis began as a Patrol Officer with the Berkeley Police Department in February 1999 and was promoted through the years to Field Training Officer, Police Sergeant, Police Lieutenant, Police Captain – of both Operations and Support Services – and, most recently, Interim Police Chief, the position in which she has served for over two years. As such, Interim Chief Louis has intimate familiarity with the City of Berkeley, its residents, their unique concerns, and the public safety priorities of the City Council.

Over the past two years, Interim Chief Louis has demonstrated herself to be a progressive and visionary leader. Specifically, she has led the Department through the development and implementation of key initiatives, including Fair and Impartial Policing, Reimagining Public Safety, and Police Accountability – all while navigating the constraints and challenges of the COVID-19 pandemic.

Interim Chief Louis graduated *cum laude* with a Juris Doctor degree (with a Public Interest Law Certificate) from Santa Clara University, where she ranked in the top 10% of her class and served on law review. She holds a Bachelor of Science degree in Criminal Justice with a minor in Sociology from California State University, Hayward.

## BACKGROUND

**Executive Recruitment and Stakeholder Input:** The City retained Avery and Associates, an executive search firm, to conduct an extensive search for a new Police Chief. The recruitment process was designed to be a nationwide search, collaborative and inclusive in nature, while considering the needs and priorities of the Berkeley community, the Police Department, and the City Council.

To develop the recruitment brochure, Avery and Associates conducted

- Several status update discussions with the Hiring Steering Committee, where additional input and feedback were incorporated into the recruitment profile and recruitment process;
- A community survey which was designed to elicit helpful information that would shape the recruitment profile and define core competencies to identify, screen, and evaluate candidates. This effort generated a robust response from 273 participants who provided written comments;
- In-person interviews with members of the Police Accountability Board (PAB);
- In-person interviews with the Mayor and each Councilmember; and
- In-person interviews with members of the City of Berkeley's executive team.

The City conducted a competitive interview process consisting of two interview panels made up of community members and City of Berkeley representatives, and a third panel made up of members from the Police Accountability Board. Top candidates were recommended for final interviews that were conducted by the City Manager.

**Departmental Overview:** The new Police Chief for the City of Berkeley Police Department (BPD) will provide leadership for 281 FTEs, including 181 sworn officer positions of all ranks. The department includes the four divisions of Operations, Investigations, Professional Standards, and Support Services. BPD's mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. The Police Department is organized into five divisions to deliver the following baseline services:

- **Office of the Chief:** The Office of the Chief provides overall leadership and administrative oversight for the Police Department. The Office includes the Police Chief, the Internal Affairs Bureau, and the Fiscal Services Unit.
- **Operations Division:** The Division supports the department's mission by responding to calls for service, conducting initial criminal investigations, making



arrests, issuing citations, and providing crime prevention services and proactive problem-solving efforts, all focused on safeguarding the community. The Operations Division includes Patrol Teams, Bicycle Officers, the Community Services Bureau (i.e., the Area Coordinators, the Public Information Officer, the Police Reserve Program, the Special Events Coordinator, and the Crisis Intervention Training Coordinator), the Special Response Team, and the Explosive Ordnance Disposal Team.

- **Investigations Division:** The Division supports the Department's mission through the work of several bureaus and units. The Detective Bureau conducts follow-up investigations of felony crimes, including homicides, felony assaults, robberies, sexual assaults, domestic violence assaults, assaults on children and minors, elder abuse, burglaries, identity theft, fraud, and forgery, among other offenses. The Traffic and Parking Enforcement Bureau consists of two units: the Traffic Unit's Motorcycle Officers focus on community safety through enforcement of traffic laws, investigation of serious injury traffic collisions (including fatalities), driving under the influence (DUI) enforcement, and coordinating grant-funded enforcement efforts. The Parking Unit's Parking Enforcement Officers (PEO) enforce applicable state and local codes which regulate parking in the City of Berkeley, and further provide traffic control and support as needed for other Department Divisions (e.g., through working on planned Special Events, or in assisting with major incident scene management). The Crime Analysis Unit provides Department personnel with relevant data and analysis skills to inform enforcement and problem-solving efforts. The Crime Scene Unit is responsible for properly identifying, seizing, and documenting forensic crime scene evidence.
- **Professional Standards Division:** The Division supports the Department's mission through the administration of its hiring and training efforts, police review and maintenance, and systems review, auditing, and project coordination. The Division includes the Personnel and Training Bureau, Policy Sergeant, and Audit Sergeant, as well as professional administrative staff. The Professional Standards Division, through Personnel and Training, facilitates and coordinates all training needs for sworn and non-sworn staff. This includes training that is mandated by law, as well as training required for employee development.
- **Support Services Division:** The Division supports the Department's mission through a variety of essential operational and administrative activities. The Support Services Division comprises the Public Safety Communications Center (which receives and dispatches calls for Police, Fire, and medical services), the Berkeley City Jail, Records, and Front Counter Units, the Property and Evidence Unit, Public Service Technology System Unit, Warrant Unit, and Court Liaison Officer. The Division provides fundamental structural support across all Department divisions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Interim Chief Louis will utilize her extensive law enforcement experience, educational background in criminal justice and law, institutional knowledge of the Department, and understanding of the evolving nature of community issues and calls for police reform to support the City of Berkeley's culturally rich, ethnically diverse, multi-faceted, and historic community, as well as be a unifying force in engaging and transforming public safety efforts to render fair and equitable services towards providing a safe environment for all constituents.

ALTERNATIVE ACTIONS CONSIDERED

A nationwide recruitment for the position was conducted by Avery and Associates, an executive search firm.

CONTACT PERSON

Dee Williams-Ridley, City Manager, (510) 981-7000.

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE APPOINTMENT OF JENNIFER LOUIS AS POLICE CHIEF

WHEREAS, Jennifer Louis is currently serving as the Interim Police Chief of the Berkeley Police Department and has over 23 years of experience working in law enforcement, including as Field Training Officer, Police Sergeant, Police Lieutenant, Police Captain (of both Operations and Support Services), and, most recently, Interim Police Chief, the position in which she has served for over two years; and

WHEREAS, Interim Chief Louis brings to the role law enforcement experience from across a number of ranks and divisions, as well as over two decades' worth of knowledge and meaningful relationships within the Berkeley community, including additional experience as a Firearms Training Unit Instructor, Detective in the Domestic Violence Prevention Unit, and Special Response Team Leader; and

WHEREAS, Interim Chief Louis possesses an educational background related to law enforcement, having graduated *cum laude* with a Juris Doctor degree (with a Public Interest Law Certificate) from Santa Clara University, as well as a Bachelor of Science degree in Criminal Justice with a minor in Sociology from California State University, Hayward; and

WHEREAS, Interim Chief Louis has led the department through the development and implementation of key initiatives, including Fair and Impartial Policing, Reimagining Public Safety, and Police Accountability – all while navigating the constraints and challenges of the COVID-19 pandemic; and

WHEREAS, Interim Chief Louis has an understanding of the evolving nature of community issues and calls for police reform to support the City of Berkeley's culturally rich, ethnically diverse, multi-faceted, and historic community, as well as be a unifying force in engaging and transforming public safety efforts to render fair and equitable services towards providing a safe environment for all constituents;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby confirms the City Manager's appointment of Jennifer Louis as the Police Chief, with an annual base salary of \$301,820.48 on the same terms and conditions as other regular at-will employees effective May 14, 2023.





Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance  
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 9, 2023

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$7,305,000**.

| <u>PROJECT</u>                                          | <u>Fund</u> | <u>Source</u>     | <u>Amount</u>      |
|---------------------------------------------------------|-------------|-------------------|--------------------|
| Willard Park Clubhouse and Restroom Replacement Project | 511         | Measure T1        | \$6,100,000        |
| Storm Drain Improvements: Trash Capture Devices (TCDs)  | 616         | Clean Storm Water | \$480,000          |
| Central Library HVAC Improvements Project               | 101         | Library - Tax     | \$725,000          |
| <b>Total:</b>                                           |             |                   | <b>\$7,305,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on May 9, 2023

CONSENT CALENDAR  
May 9, 2023

construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

#### BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

#### RATIONALE FOR RECOMMENDATION

Need for the services.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Darryl Sweet, General Services Manager, Finance, 510-981-7329

#### Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 25, 2023
  - a. Willard Park Clubhouse and Restroom Replacement Project
  - b. Storm Drain Improvements: Trash Capture Devices (TCDs)
  - c. Central Library HVAC Improvements Project

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

| SPECIFICATION NO.  | DESCRIPTION OF GOODS / SERVICES BEING                   | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                                              | ESTIMATED COST                                | BUDGET CODE TO BE CHARGED                                                                              | DEPT. / DIVISION                                                        | CONTACT NAME & PHONE                                            |
|--------------------|---------------------------------------------------------|----------------------|--------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------|
| 23-11596-C         | Willard Park Clubhouse and Restroom Replacement Project | 6/1/23               | 7/1/2023                 | Construction services for the Willard Park Clubhouse and Restroom Replacement project.                    | \$ 6,100,000.00                               | Measure T1<br>511-52-545-000-0000-000-461-663110-PRWT122004-511-T1 P2-CONSTRUCT-                       | Parks, Recreation & Waterfront Department/<br>Capital Projects Division | Scott Ferris<br>981-6711<br>Evelyn Chan<br>x-981-6430           |
| <b>DEPT. TOTAL</b> |                                                         |                      |                          |                                                                                                           | <b>\$6,100,000</b>                            |                                                                                                        |                                                                         |                                                                 |
| 23-11599-C         | Storm drain Improvements: Trash Capture Devices (TCDs)  | 4/27/23              | 5/25/2023                | Install Trash Capture Devices for storm drain inlets.<br><br>Additional amount included in the latest PIF | \$240,000<br><br>\$240,000<br>Total:\$480,000 | 616-54-623-675-0000-000-473-665120-(PWENSD2308)<br><br>616-54-623-675-0000-000-473-665120-(PWENSD2308) | PW/Engineering                                                          | Salcedo Ricardo<br>981-6407<br><br>Srinivas Muktevi<br>981-6402 |
| <b>DEPT. TOTAL</b> |                                                         |                      |                          |                                                                                                           | <b>\$480,000</b>                              |                                                                                                        |                                                                         |                                                                 |
| 23-11600-C         | Central Library HVAC Improvements Project               | 5/10/23              | 6/10/2023                | Remove and replace HVAC equipment at Central Library.                                                     | \$ 725,000.00                                 | 101-22-241-263-0000-000-463-663110-                                                                    | Library                                                                 | Titus Chen<br>981.6410                                          |
| <b>DEPT. TOTAL</b> |                                                         |                      |                          |                                                                                                           | <b>\$725,000</b>                              |                                                                                                        |                                                                         |                                                                 |
| <b>TOTAL</b>       |                                                         |                      |                          |                                                                                                           | <b>\$7,305,000</b>                            |                                                                                                        |                                                                         |                                                                 |







Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: 2023 Local Housing Trust Fund Application

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to apply for and accept funds from the State of California's Local Housing Trust Fund program, in an amount not to exceed \$5,000,000 and to apply such funds to the City's existing funding reservations for St. Paul Terrace (2024 Ashby Avenue) via the City's Housing Trust Fund program.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley is eligible to apply for up to \$5,000,000 from the State's competitive Local Housing Trust Fund (LHTF) program. The final award will be decided as part of the competitive application. This funding would be applied to the City's Housing Trust Fund program to fund the City's existing funding reservation for the pipeline project St. Paul Terrace at 2024 Ashby Avenue, reducing the amount of Measure O and/or other local funds that would be required for the project, and would become available for other housing priority projects if the City receives an award.

CURRENT SITUATION AND ITS EFFECTS

Approving the City's LHTF application supports the Council's Strategic Plan Priority to create affordable housing and support services for our most vulnerable community members. The LHTF was established by the State as a funding source to finance new affordable housing construction. The program is administered by the State's Department of Housing and Community Development (HCD). The program is funded by a \$4 billion bond approved by voters in 2018.

The City is eligible to apply for between \$1 million and \$5 million with a one-to-one matching funds requirement. Applications will be scored on several criteria including the source of matching funds (prioritizing sources that do not come from residential projects like the Affordable Housing Mitigation fee), existing local funding commitments, project readiness, and affordability.

Based on eligibility criteria, the City can currently apply to support one project in the City's HTF development pipeline: St. Paul Terrace, located at 2024 Ashby Avenue.

On December 14, 2021, Council reserved predevelopment Housing Trust Funds for this project and additional Housing Trust Funds were reserved for development funding on June 14, 2022. The City's funding commitment alongside the project's unit mix, depth of affordability, and development timeline will allow the application to score competitively. The City's current local commitments in this project would potentially be partially offset by the LHTF award. Using LHTF funds for St. Paul Terrace would free up Measure O or other local funds for other affordable housing projects in the City's current pipeline.

### BACKGROUND

The LHTF was created by the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1). HCD is awarding a total of \$57M to the LHTF program for the 2022 funding round.

Program funds awarded must be designated to provide construction loans and/or permanent financing loans to pay for construction or rehabilitation of affordable rental housing projects, emergency shelters, permanent supportive housing, transitional housing and affordable homeowner projects.

Program funds may also be used to assist income-eligible first-time homebuyers to purchase homes and to rehabilitate houses owned by income-eligible occupants. Accessory Dwelling Units (ADUs) or Junior Accessory Dwelling Units (JADUs) construction and conversion programs are also eligible.

The City is eligible to apply as it maintains an existing Housing Trust Fund. The City of Berkeley's Housing Trust Fund program was established in 1990 to support affordable housing development and rehabilitation. It is funded by several sources including Affordable Housing Mitigation Fees (AHMF), Condominium Conversion fees and federal HOME funds. Measure O was approved by voters in 2018 to provide \$135 million in additional bond funding for affordable housing development. Any LHTF funding the City receives will compliment these funding sources.

In 2020, the City of Berkeley successfully applied for and received LHTF awards for two projects, Blake Apartments (2527 San Pablo Ave.) and Maudelle Miller Shirek Community (2001 Ashby Ave.), with each project receiving \$2.5M for a total award of \$5M. Both projects began construction in 2022.

The City is required to use the resolution template provided by the state for this council item.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Measure O bond-supported pipeline projects provide the City with the most competitive application. The LHTF application weighs the percentage of matching funds derived from sources other than local impact fees (such as the AHMF). The Measure O bond provides this advantage. St. Paul Terrace will include units for Extremely Low Income, Very Low Income and Low-Income households. This is another key factor to submitting a competitive application.

Competitive applications must also demonstrate project readiness and a projected construction start. This also provides better security that the funds will be expended in line with the NOFA requirements.

ALTERNATIVE ACTIONS CONSIDERED

Staff do not recommend applying the funds to a first-time home buyer, ADU or JADU program as the application scoring criteria is designed to favor new construction of affordable housing.

CONTACT PERSON

Amanda Montez, Community Development Project Coordinator, HHCS, (510) 981-5426  
Jenny Wyant, Senior Community Development Project Coordinator, HHCS, (510) 981-5228

Attachments:

1: Resolution

Exhibit A: Attachment to the Resolution

RESOLUTION NO. ##,###-N.S.

CITY OF BERKELEY HOUSING TRUST FUND APPLICATION TO LOCAL HOUSING TRUST FUND AUTHORIZING RESOLUTION

A necessary quorum or majority of the Council Members of the City of Berkeley (“Applicant”) hereby consents to, adopts and ratifies the following resolution:

WHEREAS, the Department is authorized to provide up to \$53 million under the Local Housing Trust Fund (“LHTF”) Program from the Veterans and Affordable Housing Bond Act of 2018 (Proposition 1) (as described in Health and Safety Code section 50842.2 et seq. (Chapter 365, Statutes of 2017 (SB 3)) (“Program”); and

WHEREAS, the State of California (the “State”), Department of Housing and Community Development (“Department”) issued a Notice of Funding Availability (“NOFA”) dated 03/07/23 under the LHTF Program; and

WHEREAS, Applicant is an eligible Local or Regional Housing Trust Fund applying to the Program to administer one or more eligible activities using Program Funds; and

WHEREAS, the Department may approve funding allocations for the LHTF Program, subject to the terms and conditions of H&S Code Section 50842.2, the LHTF Program Guidelines, NOFA, Program requirements, the Standard Agreement and other related contracts between the Department and LHTF award recipients;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that:

1. If Applicant receives an award of LHTF funds from the Department pursuant to the above referenced LHTF NOFA, it represents and certifies that it will use all such funds on Eligible Projects in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including, without limitation, all rules and laws regarding the LHTF Program, as well as any and all contracts Applicant may have with the Department (“Eligible Project”).
2. NOW, THEREFORE, IT IS RESOLVED: That the City of Berkeley Housing Trust Fund is hereby authorized to act as the Manager in connection with the Department's funds to Eligible Projects pursuant to the above described Notice of Funding Availability in an amount not to exceed \$5 Million (the "LHTF Award").
3. Applicant hereby agrees to match on a dollar for dollar basis the LHTF Award pursuant to Guidelines Section 104. Applicant hereby agrees to utilize matching finds on a dollar-for-dollar basis for the same Eligible Project for which Program Funds are used, as required by HSC Section 50843.5(c).
4. Pursuant to Attachment 1 and the Applicant's certification in this resolution, the LHTF funds will be expended only for Eligible Projects and consistent with all program requirements.
5. Nonprofit Housing Trust Funds and Native American Tribe Housing Trust Funds agree to use Program Funds only for Eligible Projects located in cities and counties that submitted an adopted Housing Element that was found by the Department to

be in compliance and that have submitted their Housing Element Annual Progress Report (APR) for the current year or prior year by the application due date.

- 6. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, H&S Section 50842.2 and LHTF Program Guidelines.
- 7. The City Manager or their designee is/are authorized to execute the LHTF Program Application, the LHTF Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the LHTF Award to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED at a regular meeting of the Berkeley City Council this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the following vote:

AYES: \_\_\_\_\_  
 ABSTENTIONS: \_\_\_\_\_  
 NOES: \_\_\_\_\_  
 ABSENT: \_\_\_\_\_

Approving Officer: \_\_\_\_\_

Signature of Approving Officer

\_\_\_\_\_

Exhibits

A: Attachment 1

CERTIFICATE OF THE ATTESTING OFFICER

The undersigned, Officer of the City of Berkeley does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of the Berkeley City Council, which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

ATTEST: \_\_\_\_\_

Signature of Attesting Officer

\_\_\_\_\_

Attachment 1

**City of Berkeley Housing Trust Fund Commitment to use Local Housing Trust Fund (LHTF) Program Funds and Matching Funds.**

**1. Identification of the percent of the total funds requested that will be used for each activity/project, including Area Median Income (AMI) level:**

The LHTF award will fund the City's existing funding reservation for the pipeline project St. Paul Terrace (2024 Ashby Ave). The City will match the LHTF funding with money from its affordable housing trust fund. 95% of LHTF funds will be used for construction of St. Paul Terrace (2024 Ashby Ave) with 5% of funds used for administration. The St. Paul Terrace Project is planned to provide 50 permanent, safe, sustainable, affordable apartments for extremely low income, very low income and low income households (13 Low Income Units (60-80% AMI), 15 Very Low Income Units (30-50% AMI), 21 Extremely Low Income Units (15-30% AMI) and one manager's unit).

**2. Jurisdiction Served:**

City of Berkeley, in Alameda County



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract No. 31900263 Amendment: Rebuilding Together East Bay-North  
 Contract Continuation Recommendation

RECOMMENDATION

Adopt a Resolution:

1. Providing Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; General Funds for Fiscal Year (FY) 2024 in the amounts of \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850; and
2. Authorizing the City Manager to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North, for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Adopting these recommendations will require continued allocations of General Fund, #011, for Rebuilding Together East Bay-North's (RTEBN) Safe at Home Program (\$98,275) and Community Facility Improvement (\$24,575) for a total amount of \$122,850 for Fiscal Year (FY) 2024.

The contract continuation recommendation will maintain funding at the same level as FY2023, funded out of General Fund, #011, for both RTEBN programs. The Safe at Home Program's budget will be \$98,275, and the Community Facility Improvement's budget will be \$24,575.

The funding amounts for the contract are subject to Council adoption of the FY 2024 Budget and the FY 2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

In response to the FY2020-2023 Community Agency Funding Request for Proposals, RTEBN applied for federal Community Development Block Grant (CDBG) funding for two programs: Safe at Home Program and Community Facility Improvement.

CDBG funds come with significant reporting and recordkeeping requirements. The City Manager did not recommend that RTEBN receive the four-year CDBG grant for either program due to concerns with their adherence to federal reporting requirements and issues with recordkeeping. However, the City recognized the organization's deep community roots and successful experience in providing free rehabilitation repairs and ADA accessibility improvements to Berkeley homes and community facilities.

At the time, the Housing Advisory Commission (HAC) also recognized that RTEBN's financial controls were not meeting federal standards. For those reasons, the HAC recommended that the agency receive General Fund at FY 2019 levels to provide RTEBN the opportunity to tighten their fiscal controls and hire an Executive Director so that the agency could become fully compliant and be eligible for future CDBG funding. In addition, the HAC recommended that an evaluation be conducted to determine whether the organization's fiscal reporting would become compliant with CDBG reporting requirements.

RTEBN hired a new Executive Director on August 1, 2020 and financial internal controls have been established. RTEBN FY2021 Monitoring resulted in no findings or concerns. On April 27, 2021, the City Council authorized RTEBN contract be amended for two additional years, FY2022-FY2023.

RTEBN has proved to be an important city partner in providing housing rehabilitation to low-to-moderate income Berkeley homeowners and improving public and nonprofit community facilities that serve primarily low-income clientele.

RTEBN funding is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support services for our most vulnerable community members.

### BACKGROUND

The City of Berkeley Health, Housing, and Community Services (HHCS) Department funds and manages rehabilitation grant programs that provide free health and safety repairs and ADA accessibility improvements to homes and community facilities that serve low-to-moderate income homeowners. The Single-Family Rehabilitation grant programs help low-income residents remain safe in their homes, keep home ownership affordable, preserve Berkeley's aging housing stock, and provide health, safety, and accessibility improvements to Berkeley's homes and vital repairs to aging community facilities.

RTEBN is a nonprofit agency that currently receives City funding to operate its Safe at Home Program and Community Facility Improvement Program; both of which provide ADA accessibility improvements and health and safety repairs for low-income homeowners and community facilities serving low-to-moderate income populations. Rehabilitation work includes bringing housing and buildings up to current electrical and plumbing codes, improving lighting, energy and water efficiency, and making accessibility improvements.



ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

RTEBN city-funded programming repairs older homes and community facilities so that they become more energy efficient and reduce the carbon footprint for low-income Berkeley homeowners and community facilities.

RATIONALE FOR RECOMMENDATION

HHCS recognizes that RTEBN is a valuable partner in providing free ADA accessibility improvements and significant health and safety repairs to homes occupied primarily by seniors and individuals with disabilities, and to community facilities that serve low-to-moderate income Berkeley residents.

This program complements the Single-Family Rehabilitation Program's portfolio by providing RTEBN general fund dollars to more flexibly and quickly respond to emergency rehabilitation repairs.

ALTERNATIVE ACTIONS CONSIDERED

If the Council decides not to fund RTEBN's programs for FY2024, it would reduce the number of low-to-moderate income Berkeley homeowners and community facilities receiving no-cost rehabilitation repairs and improvements. Currently, RTEBN is the only agency performing community facilities improvements outside the City's Public Facility Improvement Project NOFA that has a minimum project funding request of \$100,000.

RTEBN requested an increase in program funding for FY24 to reflect the escalating costs of materials, construction and an increase in Safe at Home service outcomes from 13 to 16 projects. City Council can approve a one-year funding extension consistent with their request for a combined 39% increase in funding. If approved, the increase would require an additional \$47,550 in General Fund (#011) for FY24 and would increase the Safe and Home and Community Facility Improvement programs to \$117,850 and \$52,550, respectively.

CONTACT PERSON

Joshua Oehler, Community Services Specialist III, HHCS, 510-981-5408

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 31900263 AMENDMENT: FISCAL YEAR 2024 REBUILDING  
TOGETHER EAST BAY NORTH CONTRACT CONTINUATION

WHEREAS, the City funds several Single-Family Rehabilitation programs for low-to-moderate income residents; and

WHEREAS, Rebuilding Together East Bay-North is one of the City's partners that has been providing free rehabilitation and critical repairs services to the low-to-moderate income community since its inception in 1992; and

WHEREAS, Rebuilding Together East Bay-North applied for FY2020-2023 Community Development Block Grants (CDBG) to fund two programs: Safe at Home Program and Community Facility Improvement; and

WHEREAS, in spring of 2019, the Housing Advisory Commission and City Manager recommended that Rebuilding Together East Bay-North be funded for FY2020-FY2021 with General Fund; and

WHEREAS, on June 25, 2019, by Resolution No 69,010-N.S., Council authorized a General Fund #011 allocation to Rebuilding Together East Bay-North for FY2020 and FY2021; and

Adopting these recommendations will require continued allocations of General Fund, #011,

WHEREAS, the City has entered into a contract with Rebuilding Together East Bay-North to provide free home rehabilitation repairs and community facilities improvements for a total contract amount not to exceed \$245,700 for a contract period expiring June 30, 2021; and

WHEREAS, on April 27, 2021, the City Manager recommended that Rebuilding Together East Bay-North be funded for FY2022-FY2023 with General Fund; and

WHEREAS, on April 27, 2021, by Resolution No 69,812-N.S., Council authorized a General Fund (011-51-507-506-0000-000-459-636110) allocation to Rebuilding Together East Bay-North for FY2022 and FY2023; and

WHEREAS, the City has entered into a contract with Rebuilding Together East Bay-North to provide free home rehabilitation repairs and community facilities improvements for a total contract amount not to exceed \$245,700 for a contract period expiring June 30, 2023; and

WHEREAS, Rebuilding Together East Bay-North continues to meet all its service outcomes, expenditure and reporting deadlines and the agency's FY2021 Monitoring resulted in no findings or concerns; and

WHEREAS, Rebuilding Together East Bay-North has an existing contract with the City of Berkeley (Contract No. 31900263).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Rebuilding Together East Bay-North's Safe at Home and Community Facility Improvement programs; be funded at \$98,275 for the Safe at Home Program and \$24,575 for Community Facility Improvement, for a total amount of \$122,850 from General Fund for FY 2024.

BE IT FURTHER RESOLVED that that the City Manager is authorized to enter into any agreements or amendments to effectuate this action, including an amendment to Contract No. 31900263 with Rebuilding Together East Bay-North for an amended amount not to exceed \$614,250 and extending the contract term to June 30, 2024. A record copy of said agreement will be on file with the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract: Optimas Services, Inc. for Consulting Services Related to Mental Health Medi-Cal Billing and the CalAIM Initiative

RECOMMENDATION

Adopt a resolution authorizing the City Manager to enter into a contract and any amendments with Optimas Services, Inc. for an amount not to exceed \$75,000 for consulting services related to Medi-Cal billing and the CalAIM Initiative.

FISCAL IMPACTS OF RECOMMENDATION

The consulting services will cost the City up to \$75,000. Funds have been identified and budgeted in Funds 158 (Mental Health State Realignment) and 316 (Medi-Cal revenue).

CURRENT SITUATION AND ITS EFFECTS

California is in the process of implementing CalAIM, a broad reaching and ambitious overhaul of the Medi-Cal system. It is likely to eventually affect the way that mental health services are accessed, documented, and paid for, the funding available to community agencies, and availability of services to Berkeley residents who receive Medi-Cal.

Berkeley is one of only three cities in California that is treated equivalent to a county for mental health services for state Realignment and Mental Health Services Act funding. However, Berkeley is not considered equivalent to a County/independent mental health jurisdiction for the purpose of Medi-Cal or CalAIM. As a result, most CalAIM-related guidance issued by the state and state associations is not directly applicable to the City. The City must both identify ways to adapt to CalAIM and negotiate changes with Alameda County. Optimas Services, Inc will support staff in working on both aspects of this transition.

The City released an RFP for the services described in March 2023. The City received only one proposal, from Optimas Services, Inc. HHCS has previously contracted successfully with Optimas Services, Inc. for consulting services. At least two other vendors who were contacted related to the RFP declined to respond and recommended working with Optimas Services, Inc., since it is recognized as a leader in the state on this type of work. Therefore, HHCS is recommending this contract with Optimas.

### BACKGROUND

CalAIM stands for California Advancing and Innovating Medi-Cal and is an initiative of the California Department of Health Care Services (DHCS). CalAIM is designed to advance three goals:

1. Identify and manage member risk and need through whole person care approaches and addressing Social Determinants of Health;
2. Move Medi-Cal to a more consistent and seamless system by reducing complexity and increasing flexibility; and
3. Improve quality outcomes, reduce health disparities, and drive delivery system transformation and innovation through value-based initiatives, modernization of systems and payment reform. (i.e. reduce per-capita costs)

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental sustainability or climate impacts directly associated with the recommendation of this report were identified.

### RATIONALE FOR RECOMMENDATION

The City needs to work quickly to identify and adapt to ways that mental health services financing will be changed under CalAIM. Because this is a very technical and highly specialized area of expertise, consultant services are needed.

### ALTERNATIVE ACTIONS CONSIDERED

The City could opt not to contract for consultant services, but that would limit HHCS's ability to preserve existing services and identify future opportunities to meet local needs. Therefore, that approach is not recommended.

### CONTACT PERSON

Amy Davidson, Deputy Director, Health, Housing, and Community Services, 510-981-5406

Attachments:

- 1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: OPTIMAS SERVICES, INC. FOR CONSULTING SERVICES RELATED  
TO MENTAL HEALTH MEDI-CAL BILLING AND THE CALAIM INITIATIVE

WHEREAS, the City of Berkeley is a mental health services provider and relies on Medi-Cal billing to fund many of its services; and

WHEREAS, the state of California is making significant changes to the Medi-Cal program creating opportunities and requiring changes on the City's part; and

WHEREAS, via a Request for Proposals issued in March 2023, the Department of Health, Housing, and Community Services (HHCS) identified Optimas Services Inc. as the best qualified proposer to provide Medi-Cal and CalAIM consulting services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to enter into a contract with Optimas Services Inc. in an amount not to exceed \$75,000 from funds 158 and 316 for the period from May 1, 2023 through June 30, 2024.







Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$50,000 for consulting services in a total amount not to exceed \$99,500, with a contract end date of June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The total not-to-exceed amount of this contract will be \$99,500. Resources for the contract will be provided from General Fund, #011 allocated to the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS), which is currently available in the Fiscal Year 2023 Budget.

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Street Level Advisors, LLC to provide project management, community engagement, and technical expertise to maximize the affordable housing potential of the proposed residential housing development of North Berkeley BART and Ashby BART stations. Each project will blend a mix of market rate housing with non-profit, deed restricted affordable housing supported by the City's Housing Trust Fund (HTF) program. This is a unique situation that requires additional work to ensure a fair contribution to affordable housing by the market rate developer as well as due diligence to maximize the affordable housing at each site. The services provided by Street Level Advisors, LLC include:

- Completing an Affordable Housing Framework to outline the affordable housing requirements and components for each project;
- Formalizing policy guidelines for the Minimum Developer Contribution to each project's affordable housing by the market rate developer;
- Working with City staff to coordinate community engagement;

- Work with Housing staff to develop a more complete process for the development subsidy application (including application materials, affordable housing compliance plan requirements, and review/award process);
- Supporting the review of pre-development funding applications; and
- Meeting regularly with City staff, the selected development team, and project partners as needed.

The City's engagement with the BART development projects is critical to the City's long-term affordable housing development goals. Delivering a high amount of affordable housing will require significant, long-term planning; including the development of an Affordable Housing Framework, Affordable Housing Compliance Plan, and technical assistance to complete subsidy applications that currently exceed the capacity of City staff and extend beyond the current timeline of the contract. Street Level Advisors, LLC brings a high level of housing affordability and engagement experience and can support and augment the current needs and expertise of City staff to complete these projects.

Supporting the development of affordable housing at North Berkeley and Ashby BART stations is a Strategic Plan Priority Project to advance our goal to create affordable housing and housing support services for our most vulnerable community members.

#### BACKGROUND

The Berkeley City Council committed \$53 million for the development of at least 35% affordable housing at the proposed residential housing development projects at Ashby and North Berkeley BART stations. City staff are working closely with BART and the selected development teams to maximize the affordability at each site and ensure a transparent and fair commitment to affordable housing. Street Level Advisors, LLC is providing critical support to advance a transparent and fair commitment to affordable housing through policy planning and pre-development review.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts related to amending the consultant contract.

#### RATIONALE FOR RECOMMENDATION

The development of affordable housing projects at the North Berkeley and Ashby BART stations will take between 11 to 17 years. These projects are complex and will provide a significant number of affordable housing units for the City. The complexity of project work now required exceeds HHCS/HCS' current capacity.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council may choose not to extend the contract. If HHCS is unable to amend and extend the contract with Street Level Advisors, LLC, staff will not be able to adequately support the BART housing projects in the City's pipeline.

CONTACT PERSON

Mariela Herrick, Community Development Project Coordinator, HHCS, 510.981.5424

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300108 AMENDMENT: PERSONAL SERVICES CONTRACT  
WITH STREET LEVEL ADVISORS LLC

WHEREAS, the City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, on October 15, 2022, the Health, Housing and Community Services Department entered into a contract with Street Level Advisors LLC (contract # 32300108) to provide project management and technical support to the City's affordable housing projects at the North Berkeley and Ashby BART stations; and

WHEREAS, Street Level Advisors, LLC continues to provide critical support to the development of affordable housing at North Berkeley and Ashby BART stations, which each have City funding reservations.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager is authorized to amend Contract No. 32300108 with Street Level Advisors LLC for personal services to add up to \$50,000 for a total not to exceed amount of up to \$99,500 with a contract end date of June 30, 2024.

BE IT FURTHER RESOLVED the City Manager, or her designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
Subject: Contract: Pacific Site Management: Landscaping Services for Health, Housing, and Community Services Department

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Pacific Site Landscaping.

The contract will be in an amount not to exceed \$110,000 for the period July 1, 2023 through June 30, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Pacific Site Management is an established landscaping company with experience with large projects and maintenance contracts with clients with multiple large facilities with landscaping needs. The City conducted a Request for Proposals process and received a total of four proposals. Pacific Site Management has met all of the steps of the City’s competitive Request for Proposal process and has submitted a revised quote with final pricing. The contract will have a total not to exceed amount of \$110,000.

FY 2024 funding is subject to Council adoption of the FY 2024 Budget and the FY 2024 Annual Appropriations Ordinance. Future years are subject to Council adoption of the Annual Appropriations Ordinances.

CURRENT SITUATION AND ITS EFFECTS

Landscaping services provided by Pacific Site Management is a Strategic Plan Priority Project, advancing our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities. The City of Berkeley (“the City”) Health, Housing, and Community Services Department (HHCS) currently operates at a number of facilities that require regular landscaping maintenance. These locations include:

| Site Name                            | Address                     |
|--------------------------------------|-----------------------------|
| West Berkeley Family Wellness Center | 1900 6 <sup>th</sup> Street |
| North Berkeley Senior Center         | 1901 Hearst Avenue          |
| South Berkeley Senior Center         | 2939 Ellis Street           |

| Site Name                         | Address                         |
|-----------------------------------|---------------------------------|
| Meals on Wheels / PHOU            | 1925 9 <sup>th</sup> Street     |
| Berkeley Mental Health Clinic     | 2640 Martin Luther King Jr. Way |
| Ann Chandler Public Health Clinic | 830 University Avenue           |

**BACKGROUND**

The City released a Request for Proposals (RFP) under Specification No. 23-11564, and convened a panel of stakeholders to select Pacific Site Management as the most responsive and responsible bidder for this contract.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no environmental impacts identified at this time.

**RATIONALE FOR RECOMMENDATION**

Pacific Site Management is a landscaping company with demonstrated experience with providing landscaping services for number of clients with multiple large facilities. Their proposal includes services that align with the needed maintenance services identified at various HHCS locations.

**ALTERNATIVE ACTIONS CONSIDERED**

Staff did not identify an alternative action consistent with the City’s goals of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

**CONTACT PERSON**

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

**Attachments:**

- 1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: PACIFIC SITE MANAGEMENT: LANDSCAPING SERVICES FOR  
HEALTH, HOUSING, AND COMMUNITY SERVICES DEPARTMENT

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS), is committed to providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

WHEREAS, Pacific Site Management was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing; and

WHEREAS, funds are available in the FY 23 through FY26.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with Pacific Site Management to provide landscaping services for HHCS locations in an amount not to exceed \$110,000 for the period July 1, 2023 thru June 30, 2026. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.







Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Contract: Resource Development Associates: Consultation Services for the Implementation of Results Based Accountability Framework

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Resource Development Associates (RDA) for consultation services to support implementation of a program assessment and planning initiative across all of the Department of Health, Housing, and Community Services (HHCS) Divisions.

The contract will be in an amount not to exceed \$380,000 for the period July 1, 2023 through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

RDA, a consulting firm, has been selected to conduct an assessment and planning, and to assist in the implementation of the Results Based Accountability Framework in HHCS. The City conducted a Request for Proposals process and received a total of three proposals. RDA has met all of the steps of the City's competitive Request for Proposal process and has submitted a revised quote with final pricing. The contract will have a total not to exceed amount of \$300,000. Funds will come from Funds 302 (the Future of Public Health) and 336. The funds will be carried over and included in the First Amendment to the FY 2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The City has begun receiving a state grant called the Future of Public Health (FOPH), which is intended to increase the infrastructure for public health activities in California. The City received approximately \$1 million for FY23. The FOPH grant requires that the City take steps to become or sustain being a learning organization by using continuous quality improvement and Results Based Accountability and evaluation. This contract will support HHCS in achieving this requirement.

Results Based Accountability will provide the HHCS Divisions with a method and common language to better understand and communicate program results, as well as to identify opportunities to grow the impact of programs and increase equitable outcomes. Consulting services to support Results Based Accountability implementation throughout HHCS provided by RDA is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government and be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community. HHCS is committed to finding new ways to strengthen and report out on program performance outcomes, and to increase its impact on the community. Results Based Accountability is a data driven, decision-making process that has a proven track record of success in improving program performance and the quality of life of program participants. The Results Based Accountability Framework provides a way of understanding the quality and impact of services provided by collecting data that answers three basic questions:

1. How much did you do?
2. How well did you do it?
3. Is anyone better off?

Among other things, Results Based Accountability builds collaboration and consensus, helps groups to surface and challenge assumptions that can be barriers to innovation, and uses data and transparency to ensure accountability for program performance.

#### BACKGROUND

The City released a Request for Proposals (RFP) under Specification No. 23-11563-C, and convened a panel of stakeholders which selected RDA as the most responsive and responsible bidder for this contract.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts identified at this time.

#### RATIONALE FOR RECOMMENDATION

RDA has worked on a number of projects for HHCS, including a RBA Framework implementation for the Mental Health Division. RDA has demonstrated subject matter planning and implementing the RBA Framework in several government agencies. Their proposal includes high quality services that align with the intended goals.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could opt to try to fulfill the FOPH program requirement to increase organizational learning through Results Based Accountability and evaluation without external expertise and support. Staff are not recommending that approach because it will not be as effective as bringing in RDA's services.

Contract: Resource Development Associates: Consultation Services for the  
Implementation of Results Based Accountability Framework

CONSENT CALENDAR  
May 9, 2023

CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: RESOURCE DEVELOPMENT ASSOCIATES: CONSULTING SERVICES  
FOR RESULTS BASED ACCOUNTABILITY IMPLEMENTATION

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS), is committed to providing comprehensive data informed program planning

WHEREAS, HHCS seeks to eliminate health and educational inequities; and

WHEREAS, Resource Development Associates was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing; and

WHEREAS, funds are available in the current year budget

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with Resource Development Associates to provide consultation services for HHCS in an amount not to exceed \$380,000 for the period July 1, 2023 thru June 30, 2025 to support the implementation of the Results Based Accountability Framework. Funds will come from Funds 302 (the Future of Public Health) and 336. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Contract: Hansine Fisher & Associates for Targeted Case Management and  
 Medi-Cal Administrative Activities Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Hansine Fisher and Associates for Targeted Case Management (TCM) consulting services.

The contract will be in an amount not to exceed \$100,000 for the period July 1, 2023 through June 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Hansine Fisher and Associates, a consulting firm, has been selected to provide a comprehensive review and analysis of the Targeted Case Management and Medi-Cal Administrative Activities programs for the Health, Housing, and Community Services Department (HHCS). The City conducted a Request for Proposals process and received a total of five proposals. Hansine Fisher and Associates was selected as the highest scoring bidder, and submitted a revised quote with final pricing. The contract will have a total not to exceed amount of \$100,000. Funds will either be included in the FY 2024 Adopted Budget or added in an amendment to the FY 2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Targeted Case Management consulting services provided by Hansine Fisher and Associates is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government and be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community. The City of Berkeley (the City") Health, Housing, and Community Services Department (HHCS) currently operates a Targeted Case Management (TCM) Program and a Medi-Cal Administrative Activities (MAA) program under the Aging Services Division and the Public Health Division. TCM, a program of Medi-Cal, provides specialized case management services to Medi-Cal eligible individuals in a defined target population to gain access to needed medical, social, educational, and other services. Through MAA,

the state reimburses the City for activities it completes connecting Medi-Cal with eligible and potentially eligible individuals and families.

The proposed services will produce a model of case management services that best serves the vulnerable populations that is eligible for TCM and MAA services, maximize reimbursement, and ensure accurate and complete documentation processes to support audit readiness.

#### BACKGROUND

The City released a Request for Proposals (RFP) under Specification No. 23-11582-C, and convened a panel of stakeholders to select Hansine Fisher and Associates as the most responsive and responsible bidder for this contract.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts identified at this time.

#### RATIONALE FOR RECOMMENDATION

Hansine Fisher and Associates is a well-respected consulting firm with demonstrated subject matter expertise on TCM and MAA programs. Their proposal includes high quality services that align with the intended goals of maximizing program objectives and reimbursement for eligible services.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing efficient and financially-health City government and public health and social and racial equity.

#### CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: HANSINE FISHER AND ASSOCIATES: TARGETED CASE  
MANAGEMENT CONSULTING SERVICES

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS), is committed to providing comprehensive Targeted Case Management services to Medi-Cal eligible clients, and

WHEREAS, HHCS seeks to eliminate health and educational inequities; and

WHEREAS, Hansine Fisher and Associates was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing; and

WHEREAS, funds are available in the current year budget

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with Hansine Fisher and Associates to provide Targeted Case Management and Medi-Cal Administrative Activities consulting services for HHCS in an amount not to exceed \$100,000 for the period July 1, 2023 thru June 30, 2024. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.







Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director of Health, Housing, and Community Services

Subject: Revenue Grant Agreements: Funding Support from Essential Access Health to Conduct Public Health Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to submit a grant application to Essential Access Health, to accept the grant, execute any resultant revenue agreement and amendment, and implement the projects and appropriation of funding for related expenses to conduct public health promotion, protection, and prevention services for the Essential Access Health revenue agreement in the projected amount of \$180,000 for April 1, 2023 to March 30, 2024.

FISCAL IMPACTS OF RECOMMENDATION

The City will receive funds in the estimated amount of \$180,000 from the Essential Access Health for the period April 1, 2023 – March 30, 2024. The \$180,000 allocation will be deposited and expensed from the C.F.P Title X Fund. There are no matching funds required by the funder.

Spending of the referenced grant funds is subject to Council approval of the budget and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of the First Amendment to the FY 2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

Services rendered through Essential Access Title X funding is a Strategic Plan Project, advancing our goal to champion and demonstrate social and racial equity and to be a customer-focused organization that provides excellent, timely, and easily-accessible services and information to the community. As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community; with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Grant funds will support clinical reproductive health services, as well as individual and community health education and outreach activities at the Berkeley High School Health Center and the Berkeley Technology Academy Health Center (the High School Health Centers).

Essential Access Health is the administrator for California's Title X federal family planning funds to provide clinical reproductive health services and education at the High School Health Centers. Federal Title X Funds are given to a non-profit agency, Essential Access Health, and are then dispersed to local health jurisdictions throughout the State through a competitive grant process. The funds are used to support clinical reproductive health services, as well as individual and community health education and outreach activities at the aforementioned sites.

BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is committed to exploring opportunities for funding to support key initiatives to augment base funding resources. The Public Health Division in the Health, Housing, and Community Services Department (PHD/HHCS) is committed to providing essential services to the community, including clinical reproductive health services and education and outreach, to prevent the spread of disease and to promote healthy environments.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. This grant supports the mission of HHCS/PHD and provides the City with funding to continue working to protect and improve the health of the community.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

REVENUE GRANT: ESSENTIAL ACCESS HEALTH FOR CLINICAL REPRODUCTIVE HEALTH SERVICES AND HEALTH EDUCATION AND OUTREACH

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing comprehensive clinical reproductive health services to individuals of reproductive age to plan their pregnancies and prevent and reduce sexually transmitted infections; and

WHEREAS, preconception/inter-conception care and education is a key part of family planning services; and

WHEREAS, adolescents benefit from teen specific counseling and education; and

WHEREAS, HHCS through Title X funds, will provide reproductive health services and education at the Berkeley High School Health Center and Berkeley Technology Academy Health Center; and

WHEREAS, HHCS seeks to eliminate health and educational inequities; and

WHEREAS, the projected amount of the grant is \$180,000; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant application to Essential Access Health for April 1, 2023 – March 30, 2024 to support clinical reproductive health services, as well as individual and community health education and outreach activities; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$180,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from the C.F.P Title X Fund. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

RECOMMENDATION

Adopt seven Resolutions authorizing the City Manager or her designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following five revenue agreements:

1. **Child Health and Disability Prevention (CHDP) Program**, which includes Early Periodic Screening, Diagnosis, and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC), in the projected amount of \$303,709 for FY 2024.
2. **Maternal, Child and Adolescent Health (MCAH) Program** in the projected amount of \$375,000 for FY 2024.
3. **Tobacco Trust Fund**: There is no match required and this contract is expected to be for \$300,000 in FY 2024.
4. **Immunization Program** in the projected amount of \$1,368,080 FY 2023 through FY 2027.
5. **Public Health Emergency Preparedness/Pandemic Flu/Cities Readiness Initiative (CRI) Program** in the projected amount of \$1,368,080 for FY 2023 through FY 2027.
6. **Childhood Lead Poisoning Prevention Program (CLPPP)** in the projected allocation of \$107,374 per year for FY 2024 through FY 2026 with a total amount of \$322,123
7. **CalFresh Health Living (CFHL) Program** in the projected amount of \$487,170 for FY 2024 through FY 2027.

FISCAL IMPACTS OF RECOMMENDATION

Each contract will have its own identifying contract number and each source has a defined budget code:

1. **Child Health and Disability Prevention (CHDP) Program:** Included in this single State contract is the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and the Health Care Program for Children in Foster Care (HCPCFC). The State establishes an annual cap on local revenue for this program and requires a local match. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The City will provide \$54,600 as match funding.
2. **Maternal, Child and Adolescent Health (MCAH) Program:** The State establishes an annual cap on local revenue for this program and requires a local match. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The City provides \$150,000 of general fund in match funding. Revenue for FY 2024 is expected to be \$375,000.
3. **Tobacco Trust Fund:** There is no match required.
4. **Immunization Program:** There is no match required.
5. **Public Health Emergency Preparedness/Pandemic Flu/CRI Program:** There is no match required.
6. **Childhood Lead Poisoning Prevention Program (CLPPP):** There is no match required.
7. **CalFresh Health Living (CFHL) Program:** There is no match required.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts that are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2024 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. In addition to the

funding referenced in this report, the City also has continuing multi-year public health grants with the State of California.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is entitled to specific state funding to meet core public health objectives. The Public Health Division within the Health, Housing, and Community Services Department (HHCS/PHD) is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

The State establishes funding caps for the CHDP/EPSTDT/HPCFC and MCAH programs, with actual revenue determined by city matching funds and service delivery. Revenue projections are based on recent year actual revenues in these programs, service-delivery staffing, eligible client populations, and available matching funds. These projections will enable the department to keep expenditures within actual revenues, by budgeting expenditures to realistic revenue projections.

Each grant serves a specific purpose in the department's work towards improving the health of the Berkeley community:

1. Child Health and Disability Prevention (CHDP) Program, which includes the Early Periodic Screening, Diagnosis, and Treatment (EPSTDT) Program and the Health Care Program for Children in Foster Care (HPCFC), ensures access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system.
2. Maternal, Child and Adolescent Health (MCAH) Program develops and implements systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and works to reduce the morbidity and mortality of pregnant African American women and their infants. The MCAH program includes Berkeley's Black Infant Health program, which provides supports to pregnant and post-partum mothers and their infants.
3. Tobacco Trust Fund works to reduce death and disease caused by tobacco use and exposure to second hand smoke.
4. Immunization Program provides community immunization services.
5. Public Health Emergency Preparedness/Pandemic Flu/CRI Program works to promote and protect the health of community and the environment by developing up-to-date medical/health emergency plans, sustaining state and regional

disease control, and by coordinating emergency response efforts with hospitals and healthcare partners.

6. Childhood Lead Poisoning Prevention Program provides health education around childhood lead poisoning as well as client follow-up services for State reported cases of high blood lead levels in children.
7. CalFresh Health Living (CFHL) Program provides nutrition health education and promotion for community members as well as engages in policy, systems and environmental initiatives to promote healthy eating and behaviors.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

These funds support vital services related to the City's mandates as a public health jurisdiction, as well as local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support HHCS/PHD's mission and provide the City with funding to continue working to protect and improve the health of the community.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

#### CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121

#### Attachments:

1. Resolution: CHDP/EPST/HCPCFC Programs
2. Resolution: MCAH Program
3. Resolution: Tobacco Trust Fund
4. Resolution: Immunization
5. Resolution: Public Health Preparedness Program Pandemic Flu/CRI
6. Resolution: Childhood Lead Poisoning Prevention Program
7. Resolution: CalFresh Health Living (CFHL) Program



RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR CHDP, EPSDT, AND HCPCFC PROGRAMS

WHEREAS, the City of Berkeley Department of Health, Housing and Community Services, Public Health Division (HHCS/PHD), is committed to assuring access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 for the Child Health and Disability Prevention, Early Periodic Screening, Diagnosis and Treatment (EPSDT) and Health Care Program for Children in Foster Care (HCPCFC): to assure access to complete health assessments for the early detection and prevention of disease and disabilities for low-income children and youth including children in the foster care system; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$303,709; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE MATERNAL, CHILD, AND ADOLESCENT HEALTH (MCAH)

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to developing systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division, is committed to reducing the morbidity and mortality of pregnant African American women and their infants; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 for the Maternal, Child, and Adolescent Health (MCAH) program: to develop systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and to reduce the morbidity and mortality of pregnant African American women and their infants; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$375,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE TOBACCO TRUST FUND

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to reducing death and disease caused by tobacco use and exposure to second hand smoke; and

WHEREAS, second hand smoke is classified as a “known human carcinogen” (cancer causing agent) by the US Environmental Protection Agency, The US Toxicology Program, and the International Agency for Research on Cancer, a branch of the World health organization; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 for the Tobacco Trust Fund; to reduce death and disease caused by tobacco use and exposure to second hand smoke; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$300,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE IMMUNIZATION PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to providing immunization services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division, is committed to providing medical providers technical assistance and support related to immunization best practices; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2023 through Fiscal year 2027 for the Immunization Program to provide immunization services to the community; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$1,368,080; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE PUBLIC HEALTH  
PREPAREDNESS PROGRAM PANDEMIC FLU/CRI FOR

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to promoting and protecting the health of the public and the environment by developing up-to-date emergency plans, sustaining state and regional disease control, and coordinating emergency response efforts with hospitals and partner organizations; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2023 through Fiscal Year 2027 for the Public Health Preparedness Program; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$1,368,080; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE CHILDHOOD LEAD  
POISONING PREVENTION PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to promoting and protecting the health children through lead poisoning prevention education and awareness; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 through Fiscal Year 2026 for the Childhood Lead Poisoning Prevention Program; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$107,374 and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR CALFRESH HEALTHY LIVING  
(CFHL) PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services, Public Health Division (HHCS/PHD), is committed to promoting healthy eating, nutrition, and healthy behaviors; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing, and Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to the State of California for funding for Fiscal Year 2024 through Fiscal Year 2027 for the CalFresh Healthy Living (CFHL) Program; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$487,170; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

RECOMMENDATION

Adopt four Resolutions authorizing the City Manager or her designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following four revenue agreements:

1. **Foster Care Program** in the projected amount of \$96,500 for Fiscal Year 2024.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs** in the projected amount of \$181,208 for Fiscal Year 2024.
3. **School Linked Health Services Program (Measure A Funding)** in the projected amount of \$200,011 for Fiscal Year 2024.
4. **Tobacco Prevention Program** in the projected amount of \$78,960 for Fiscal Year 2024.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of \$556,679 from Alameda County for Fiscal Year (FY) 2024 from the sources listed below. There is no local match required for any of these grants, however, the City does provide a significant amount of general fund to support these important programs. Each contract has been entered into the citywide contract management system database:

1. **Foster Care Program:** This contract is anticipated to be for \$96,500 in Fiscal Year 2024. There is no match required.
2. **Berkeley High School Health Center and Berkeley Technology Academy Programs:** This contract is anticipated to be for \$181,208 in Fiscal Year 2024. There is no match required.

3. **School Linked Health Services Program (Measure A Funding):** This contract is anticipated to be for \$200,011 in Fiscal Year 2024. There is no match required.
4. **Tobacco Prevention Program:** This contract is anticipated to be for \$78,960 in Fiscal Year 2024. There is no match required.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts determined, the grant budgets will be adjusted as part of a future amendment to the Fiscal Year 2024 Annual Appropriations Ordinance.

#### CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community; with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Alameda County revenue is an important source of support for these City public health programs. In Fiscal Year 2024, there are no significant changes to this support.

1. **Foster Care Program:** Meets State mandated Child Health and Disability Prevention (CHDP) requirements. This is the Health Care Program for Children in Foster Care (HCPCFC) which provides preventive health services for Berkeley children in foster care. Services include: medical and health care case planning; referrals for medical, dental, mental health and developmental services; coordination of health services for children in out-of-county and out-of-state placements; and the provision of medical education through the interpretation of medical reports and training for foster care team members on the special health care needs of children and youth in foster care.
2. **Berkeley High School and Berkeley Technology Academy Health Center Programs:** Provides clinical and health education services to adolescents attending Berkeley High School and Berkeley Technology Academy.
3. **School Linked Health Services Program (Measure A Funding):** Increases the capacity of Berkeley Unified School District to meet the health, medical, and dental needs of K-5 students, and to create the infrastructure to more effectively perform public health surveillance for communicable diseases, promote school connectedness, and reduce chronic absenteeism.
4. **Tobacco Prevention Program:** Provides tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education.

### BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through Alameda County to meet core public health objectives. The Public Health Division in Health, Housing, and Community Services is committed to providing services to the community to promote healthy environments and prevent the spread of disease.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### RATIONALE FOR RECOMMENDATION

These funds provide necessary revenue to support vital services related to the City of Berkeley's mandates as a local health jurisdiction. They also support the Department's work to reduce health inequities in Berkeley and improve the health of our community.

### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

### CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS (510) 981-5121

#### Attachments:

- 1: Resolution: Foster Care Program
- 2: Resolution: Berkeley High School and Berkeley Technology Academy Health Center Programs
- 3: Resolution: School Linked Health Services Program (Measure A Funding)
- 4: Resolution: Tobacco Prevention Program

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE FOSTER CARE PROGRAM TO PROVIDE CHILD HEALTH AND DISABILITY PREVENTION AND HEALTH CARE PROGRAM FOR CHILDREN IN FOSTER CARE PROGRAMMING

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to insuring that Berkeley children in foster care receive the full scope of preventive health services; and

WHEREAS, the HHCS/PHD provides a broad range of needed Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health inequities; and

WHEREAS, the HHCS/PHD should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2024 funding for the Foster Care Program to meet our mandate so that Berkeley children in foster care receive the full scope of Child Health and Disability Prevention Program preventive health services, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$96,500; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE BERKELEY HIGH SCHOOL AND BERKELEY TECHNOLOGY ACADEMY HEALTH CENTER PROGRAMS

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy; and

WHEREAS, the HHCS/PHD provides a broad range of needed Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health and educational inequities; and

WHEREAS, the HHCS/PHD should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2024 funding for the Berkeley High School and Berkeley Technology Academy Health Center Programs to provide health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$181,208; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE SCHOOL LINKED  
HEALTH SERVICES (MEASURE A) PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to increasing the capacity of Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks; and

WHEREAS, the HHCS/PHD provides a broad range of needed Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health and educational inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2024 funding for the School Linked Health Services Program (Measure A Funding) to increase the capacity of the Berkeley Unified School District to meet the health, medical and dental needs of students, and to create the infrastructure to more effectively perform public health surveillance and enforcement functions for communicable diseases and disease outbreaks, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$200,011; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE TOBACCO  
PREVENTION PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education; and

WHEREAS, the HHCS/PHD provides a broad range of needed Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health inequities; and

WHEREAS, the HHCS/PHD should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2024 funding for the Tobacco Prevention Program: to provide tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of \$78,960; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.







Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Accept California Strengthening Public Health Initiative Funds from the State of California

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to accept grant funds and to execute any resultant revenue agreement, any amendments, and extensions from the California Department of Public Health's (CDPH) Strengthening Public Health Initiative in the projected amount of \$650,928. This funding is to be utilized from December 1, 2022 through November 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the expected amount of \$130,186.00 annually from the State of California to be utilized for FY 2024 through the first half of FY 2028. This grant is not included in the adopted FY 2024 budget. Funding is subject to appropriation in the FY 2024 – FY 2028 budget(s) in the Operating Grants – Federal Fund (Fund 301). There is no match requirement for this funding.

CURRENT SITUATION AND ITS EFFECTS

On December 4, 2022, CDPH received a Notice of Award (NOA) from Centers for Disease Control and Prevention (CDC) for the California Strengthening Public Health Initiative (CASPHI). CDPH has allocated funds to local health jurisdictions to support the strengthening of public health infrastructure. The formula-based allocation is designed to emphasize a focus on equity based on three weighted inputs: 30% population, 35% race/ethnicity, and 35% poverty. These inputs are calculated using hybrid weighting that incorporates the proportion of the total statewide population (at 30%) and the percentage of the total LHJ population (at 70%) for which these inputs apply.

This grant will expand and enhance the public health workforce to prioritize equity by identifying and addressing health disparities that disproportionately impact underserved and higher-risk communities.

The California Strengthening Public Health Initiative Grant is a Strategic Plan Priority Project, advancing our goals to champion and demonstrate social and racial equity, and advancing our goal to attract and retain a talented and diverse City government workforce.

**BACKGROUND**

The City of Berkeley receives funding from many sources annually to conduct efforts towards improving the health of the community and addressing health disparities affecting disproportionately impacted populations that are higher risk and underserved, including racial and ethnic groups, and those experiencing socioeconomic disparities. As a local health jurisdiction, the City is entitled to specific State funding to meet core public health objectives. The Public Health Officer Unit, within the HHCS Office of the Director, is committed to providing essential services to the community to prevent the spread of disease and to promote healthy, equitable environments.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

**RATIONALE FOR RECOMMENDATION**

Accepting these funds will allow the City to grow its infrastructure for public health.

**ALTERNATIVE ACTIONS CONSIDERED**

None.

**CONTACT PERSON**

Lisa Hernandez, MD, MPH, Public Health Officer, HHCS, (510) 981-5308

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ACCEPTING OF STATE OF CALIFORNIA STRENGTHENING PUBLIC HEALTH  
INITIATIVE FUNDS

WHEREAS, the City of Berkeley has been a public health jurisdiction for more than one hundred years; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy, equitable environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, in recognition of public health infrastructure needs throughout California the CDC awarded CDPH funds for the California Strengthening Public Health Initiative; and

WHEREAS, as a public health jurisdiction, the City is eligible to receive an allocation of California Strengthening Public Health Initiative funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that City Manager or her designee is hereby authorized to accept grant funds, submit grant agreements to the State of California, and execute any resultant revenue agreements and amendments for the California Strengthening Public Health Initiative for an amount of \$650,928 for Fiscal Year 2024 through the first half of Fiscal Year 2028. Funds will be expended from ERMA account 301-51-501-503-0000-000-451- various and revenue will be received in 301-51-501-503-0000-000-000-431110-. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director, Human Resources

Subject: Establish Classification and Salary: Electrical Supervisor and Communications Supervisor

RECOMMENDATION

Adopt two Resolutions:

1. To establish the represented classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.
2. To establish the represented classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055 effective May 9, 2023.

FISCAL IMPACTS OF RECOMMENDATION

The total fiscal impact will be **\$42,006**. The cost of the new positions is \$466,946 (\$233,473 for each), and the Department will be removing the current vacant positions of Senior Electrical Supervisor (\$214,242) and Electrician (\$210,698), for a total of \$424,940, from the fiscal year 2023-2024 budget. The cost will be funded by the General Fund, Equipment Replacement, Equipment Maintenance, Streetlight, State Transportation Tax, and Measure BB (existing Public Works Department budget).

CURRENT SITUATION AND ITS EFFECTS

Establishing this classification advances our Strategic Plan Priority goals to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community and to attract and retain a talented and diverse City government workforce.

BACKGROUND

The Facilities Division of Public Works is responsible for maintaining, repairing, and installing the City's electrical and communications assets including, but not limited to, traffic signals, controllers, battery backup systems, street lights, building electrical, generators, Marina electrical, radios, sewer lift stations, and ethernet. It is the only

maintenance division at the Corporation Yard without working supervisors. Having frontline supervisors in these groups will allow for better communication and decision processes with internal and community partners. It also aligns with all other divisions within Public Works, and creates promotional opportunities within the unit.

The new classifications establish working supervisor positions in the Electrical and Communications Units. These positions are separate from the current Lead positions, in that the Lead Positions provide leadership over performing work, but do not have personnel supervisory responsibilities.

As background, the Senior Electrical Supervisor is in Local One and the job class specification does not allow the position to do hands-on electrical work, only serve in a supervisory and administrative role. Public Works recruited for a Senior Electrical Supervisor in early 2022, and the most qualified candidate was an internal candidate who declined the position because of the extreme shortage of journey-level electricians in the division. There were no qualified external candidates. An additional retirement in September 2022 resulted in only 3 electricians for the entire City.

Currently, the Electrical Unit has 11 Full Time Equivalent (FTE) positions (7 of which are currently vacant) and would like to add the new classification of Electrical Supervisor only. This would be an internal recruitment and the vacancy resulting from the internal promotion would be removed from the budgeted positions. The change is illustrated in the proposed organization chart for the Communications Unit of the Facilities Division of Public Works (Attachments 3 and 4).

Currently, the Communications Unit has 4 Full Time Equivalent (FTE) positions and would like to add a new position for this classification. The change is illustrated in the proposed organization chart for the Communications Unit of the Facilities Division of Public Works (Attachments 3 and 4).

A salary survey of surrounding agencies demonstrates that the proposed salary range is within market for surrounding agencies including the cities of Oakland, Santa Rosa, Richmond, and San Francisco. However, the final salary range was determined by examining internal alignment between the Lead classification that the Supervisor oversees, and the Facilities Superintendent classification that oversees the Supervisor. The recommended salary range provides an 11% differential above a Lead classification and a 16% differential below the Facilities Superintendent, which aligns with classification and compensation industry practices. The City's Budget Office has already approved the fiscal impacts of the new classifications, and is in the process of confirming the new FTEs. There are sufficient funds available in the baseline budgets.

The Personnel Board discussed and voted at the March 6, 2023 meeting to present this classification for City Council approval (Vote: Ayes - Dixon, Karpinski, Lacey, O'Loughlin, Wenk; Noes - None; Abstain - None; Absent - Bartlow, Gilbert).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries, and when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

If the new classifications are not approved, the Human Resources and Public Works departments will continue to recruit for a Senior Electrical Supervisor under the current job class specification.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, 981-6801

Attachments:

1. Resolution – Electrical Supervisor  
    Exhibit A – Job Class Specification – Electrical Supervisor
2. Resolution – Communications Supervisor  
    Exhibit A – Job Class Specification – Communications Supervisor
3. Current Organizational Chart
4. Proposed Organizational Chart

RESOLUTION NO. ##,###-N.S.

CLASSIFICATION: ELECTRICAL SUPERVISOR

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Public Works Department has requested the Human Resources Department establish the classification of Electrical Supervisor; and

WHEREAS, the Human Resources Department has completed a classification review; and

WHEREAS, the Personnel Board recommended on March 6, 2023 to establish the classification of Electrical Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055; and

WHEREAS, funding is provided by Streetlight, State Transportation Tax, and Measure BB.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Classification for Electrical Supervisor is established, with a salary range and classification specification as shown in Exhibit A, effective May 9, 2023.

[Exhibit A: Electrical Supervisor, Classification Specification and Salary Schedule]





CITY OF BERKELEY

Established Date: May XX 2023

## Electrical Supervisor

Class Code:  
XXXX

### SALARY RANGE

\$55.7700 - \$62.7814 Hourly  
 \$4,461.6000 - \$5,022.5102 Biweekly  
 \$9,666.8000 - \$10,882.1055 Monthly  
 \$116,001.6000 - \$130,585.2662 Annually

### DESCRIPTION:

#### DEFINITION

Supervisory position that oversees, plans, organizes and directs the work of several crews performing electrical installation, maintenance and repair work; performs related work as assigned.

#### CLASS CHARACTERISTICS

This is the working Supervisory level in electrical installation, maintenance and repair work. Incumbents supervise, plan, organize, schedule, assign and direct the work of several crews and provide technical assistance as necessary.

### EXAMPLES OF DUTIES:

The following list of duties describes the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list.

1. Supervise, plans, organizes, schedules and assigns the work of several crews engaged in installation, maintenance and repair work on a wide variety of electrical and electronic equipment used in street lighting, traffic signal control, inside and field wiring, irrigation pumps and motors, HVAC, telephone systems and related electrical systems and equipment;
2. Exercises general supervision over employees as necessary. Train employees on policies, procedures and performance standards; monitor work assignments and measure performance;
3. Instructs and provides for the training of crew members in work methods, use of tools and equipment and relevant safety precautions and ensures that safety standards are being utilized;
4. Inspects job sites as needed to determine work required and measure the performance of Electricians;
5. Estimates personnel, material and equipment requirements for assigned jobs;

6. Provides technical assistance to crews in resolving difficult problems encountered;
7. Prepares and maintains a variety of reports and records, including timecards, worksheets, accident reports, maintenance requests, etc.;
8. Coordinates with Electrical Parts Technician for orders and maintains an adequate inventory to accomplish assigned jobs;
9. Manages work orders and services requests; creates, closes, updates, reassigns as necessary;
10. Conducts safety meetings; coordinates activities with other affected divisions; assist in the development of division budget; track and monitor labor and material expenditures;
11. Participates in meetings as required; responds to emergency situations as necessary;
12. Responds to questions from the public including contractors for private projects;
13. Performs related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles, methods, tools, materials and equipment used in the electrical trade;
2. Techniques of lead direction, including planning, assigning and monitoring work and supervising work performance of journey level employees;
3. Safe work methods and safety practices pertaining to the work;
4. Operation and maintenance of a wide variety of equipment and hand and power tools used in the work;
5. Relevant codes and regulations;
6. Computer applications related to the work.
7. Principles and practices of effective employee supervision, including selection, training, work evaluation and participation in the City's progressive discipline process;

Skill in:

1. Supervising, planning, estimating, coordinating, and scheduling the work of several crews;
2. Preparing and maintaining a variety of accurate written records and reports pertaining to the work;
3. Reading and interpreting plans, schematics, specifications and manuals;
4. Operating and maintaining equipment and tools used in the field;

5. Establishing and maintaining effective working relationships with those encountered in the course of the work;
6. Identifying and implementing effective courses of action to complete assigned work;
7. Coordinating crew assignments with other divisions, departments and agencies.

**MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to completion of high school and five (5) years increasingly responsible journey level experience as a City of Berkeley Electrician.

**OTHER REQUIREMENTS**

1. Must possess a valid class "B" California driver's license and have a satisfactory driving record;
2. Must be willing to work out of doors in all weather conditions and to work with exposure to potentially hazardous substances, with proper protection;
3. Must possess sufficient strength and stamina to lift and carry objects weighing up to 80 pounds;
4. Must be willing to work from aerial lifts and underground in confined spaces and to work standby, off hours, and overtime in emergency situations;
5. Must possess good color vision.

**CLASSIFICATION HISTORY:**

Established Date: May XX 2023

RESOLUTION NO. ##,###-N.S.

CLASSIFICATION: COMMUNICATIONS SUPERVISOR

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the Public Works Department has requested the Human Resources Department establish the classification of Communications Supervisor; and

WHEREAS, the Human Resources Department has completed a classification review; and

WHEREAS, the Personnel Board recommended on March 6, 2023 to establish the classification of Communications Supervisor with a monthly salary range of \$9,666.8000 - \$10,882.1055; and

WHEREAS, funding is provided by General Fund, Equipment Replacement, Equipment Maintenance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Classification for Communications Supervisor is established, with a salary range and classification specification as shown in Exhibit A, effective May 9, 2023.

[Exhibit A: Communications Supervisor, Classification Specification and Salary Schedule]



## Communications Supervisor

Class Code:  
XXXX

CITY OF BERKELEY  
Established Date: May XX 2023

### SALARY RANGE

\$55.7700 - \$62.7814 Hourly  
\$4,461.6000 - \$5,022.5102 Biweekly  
\$9,666.8000 - \$10,882.1055 Monthly  
\$116,001.6000 - \$130,585.2662 Annually

### DESCRIPTION:

#### DEFINITION

Supervisory position that oversees, plans, organizes and directs the work of Communications Technicians and others performing installation and maintenance of electronic communications and telephone systems; performs related work as assigned.

#### CLASS CHARACTERISTICS

This is the working Supervisory level in electronic communications installation and maintenance work. Incumbents Supervise, plan, organize, schedule, assign and direct the work of staff and provide technical assistance as necessary.

### EXAMPLES OF DUTIES:

The following list of duties describes the various types of work that may be performed and the level of technical complexity of the assignment(s), and is not intended to be an all-inclusive list.

1. Supervises, plans, organizes, schedules and assigns the work of staff engaged in electronic communications installation, maintenance and repair work, including, but not limited to, radio transmitting, receiving and relay equipment, alarm, audio and video systems, telephone and data communications systems and related electronic systems and equipment;
2. Exercises general supervision over employees as necessary. Train employees on policies, procedures and performance standards; monitor work assignments and measure performance;
3. Instructs and provides for the training of staff in work methods, use of a variety of specialized test instruments, tools and equipment and applicable safety precautions;
4. Inspects job sites to determine work required and measure the performance of Communications Technicians;
5. Estimates personnel, material and equipment requirements for assigned jobs; orders materials and

schedules jobs;

6. Provides technical assistance to staff in resolving difficult problems encountered;

7. Prepares and maintains a variety of reports and records, including timecards, worksheets, accident reports, FCC license maintenance requests, etc.;

8. Orders and maintains an adequate inventory to accomplish assigned jobs;

9. Meets with user departments to help them to address their needs; responds to questions and complaints;

10. Ensures a timely preventative maintenance program is carried out on all existing systems; identifies equipment obsolescence, recommends replacement equipment when needed; researches system needs, designs systems as necessary, prepares technical specifications when needed for new or replacement equipment or systems;

11. Maintains communications with vendors to resolve equipment problems; remains current on modifications and repair data and on information on technical advances;

12. Reviews and inspects work upon completion to assure work meets all specifications and regulations that are applicable to the work; inspects quality of work and makes sure all work is completed to the satisfaction of user departments;

13. Ensures that appropriate safety devices and equipment are being utilized;

14. Conducts safety meetings; coordinates activities with other affected divisions; assist in the development of division budget; track and monitor labor and material expenditures;

15. Represents the City at meetings of radio frequency coordinating organizations; participates in the radio frequency coordination process to protect valuable existing frequencies from interference, as well as to obtain required new frequencies to meet the needs of the City; communicates with neighbor governmental agencies when necessary to coordinate radio communication or telecommunication needs with other public safety service providers;

16. Assist in the development of division budget; track and monitor labor and material expenditures;

17. Participates in meetings as required;

18. Responds to emergency situations as necessary;

19. Coordinates with Electrical Parts Technician for orders and maintains an adequate inventory to accomplish assigned jobs;

20. Manages work orders and services requests; creates, closes, updates, reassigns as necessary;

21. Participates in meetings as required; responds to emergency situations as necessary;

22. Performs related duties as assigned.

**KNOWLEDGE AND ABILITIES:**

Note: The level and scope of the knowledge and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of design, maintenance, installation, repair and modification of electronic communications systems and equipment;
2. Methods, tools and equipment and instruments used in electronic communications systems maintenance and repair work;
3. Techniques of lead direction, including planning, assigning and monitoring work and supervising work performance of journey level employee;
4. Safe work methods and safety practices pertaining to the work;
5. Operation and maintenance of a wide variety of equipment and hand and power tools used in the work;
6. Applicable Federal Communication Commission codes and regulations;
7. Computer applications related to the work;
8. Principles and practices of effective employee supervision, including selection, training, work evaluation and participation in the City's progressive discipline process;
9. Shop mathematics, including algebra, geometry and trigonometry.

Skill in:

1. Supervising, planning, estimating, coordinating, and scheduling the work of staff;
2. Preparing and maintaining a variety of accurate written records and reports pertaining to the work;
3. Reading and interpreting plans, schematics and specifications and manuals;
4. Operating and maintaining instruments, equipment and tools used in the field;
5. Establishing and maintaining effective working relationships with those encountered in the course of the work;
6. Explaining technical concepts regarding specialized communication equipment in understandable lay terms; and designing systems as needed;
7. Identifying and implementing effective courses of action to complete assigned work;
8. Coordinating assignments with other divisions, departments and agencies.

**MINIMUM QUALIFICATIONS:**

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to graduation from high school and five (5) years of increasingly responsible experience in

the installation, repair and maintenance of electronic communications systems as a City of Berkeley Communications Technician. Experience in the repair and maintenance of GE or Motorola mobile and portable two-way radio systems and data communications hardware is desirable.

**OTHER REQUIREMENTS**

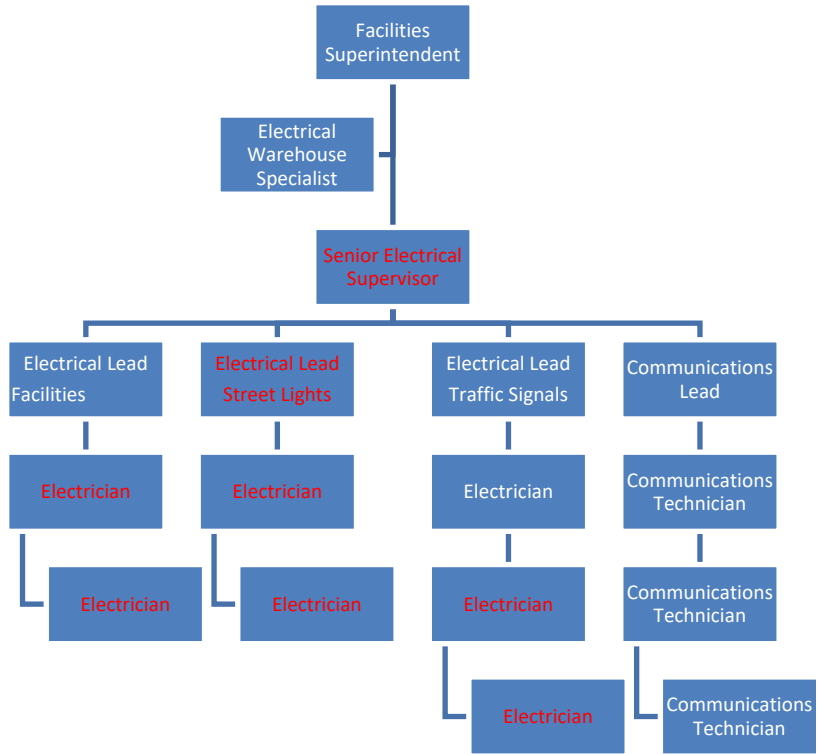
Must possess a valid California driver's license and have a satisfactory driving record. Must possess sufficient strength and stamina to lift and carry objects weighing up to 50 pounds. Must be willing to work off-hours, standby, and overtime in emergency situations. Must possess good color vision. Must possess a valid FCC General Radio-Telephone Operators license **at time of appointment**.

**CLASSIFICATION HISTORY:**

Established Date: May xx, 2023

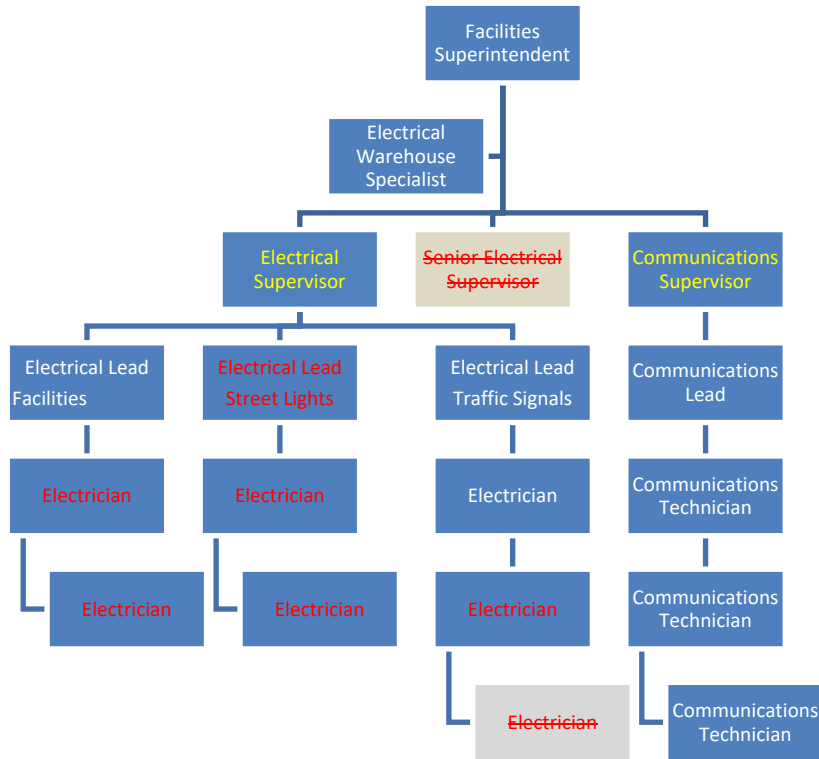


Attachment 3: Current Electrical and Communications Organizational Chart



15 Positions

Attachment 4: Proposed Electrical and Communications Organizational Chart



16 Positions



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

From: Dee Williams-Ridley, City Manager  
Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
Subject: Donation: Memorial Bench at Mortar Rock Park in memory of Charles D. Sooy

### RECOMMENDATION

Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at Mortar Rock Park in memory of Charles D. Sooy.

### FISCAL IMPACTS OF RECOMMENDATION

The value of a single bench and memorial plaque is \$3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Parks Tax Fund donation revenue budget code 138-52-542-568-0000-000-000-481110 and will be appropriated in FY 2023.

### CURRENT SITUATION AND ITS EFFECTS

The family of Charles D. Sooy wishes to donate a memorial bench in their memory to be placed at the Mortar Rock Park with a cash donation of \$3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

### BACKGROUND

Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the

Donation: Memorial Bench at Mortar Rock Park – Charles D. Sooy

CONSENT CALENDAR  
May 9, 2023

environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

CONTACT PERSON

Bruce Pratt, Parks Superintendent, 510-981-6620

Attachments:

1: Resolution

RESOLUTION NO. xx,xxx-N.S.

DONATION: MEMORIAL BENCH AT MORTAR ROCK PARK IN MEMORY OF  
CHARLES D. SOOY

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of \$1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Charles D. Sooy wishes to donate a memorial bench in their memory to be placed at Mortar Rock Park with a cash donation of \$3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2023.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of \$3,400 for a memorial bench to be placed at Mortar Rock Park in memory of Charles D. Sooy is hereby accepted.





Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc. for On-Call Waterfront Project and Construction Management Services

RECOMMENDATION

Adopt two Resolutions authorizing the City Manager to execute amendments to Contract No. 32100138 with AnchorCM, and Contract No. 32100144 with Park Engineering, Inc., for on-call waterfront project and construction management Services by increasing the contract amount by \$1,000,000 and duration by twelve months each, from June 30, 2024 through June 30, 2025, for a total not-to-exceed amount of \$2,000,000 each.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the consultant contracts is anticipated to come from several sources: Measure T1 (Fund 511); outside grants (county, regional, state, transportation, etc.); Capital Improvement Funds (Fund 501); and other sources as they become identified. Funding for these on-call contracts are subject to appropriation in future fiscal years based on the department's needs as projects are developed.

CURRENT SITUATION AND ITS EFFECTS

The City manages a list of on-going waterfront capital projects that need to be constructed within the next three years per the requirements of the funding sources comprised of Measure T1, Capital Improvement Funds, and outside grants. Some of the upcoming waterfront construction projects include:

- Dock D&E Replacement
- Tom Bates Regional Sports Complex – Community Fieldhouse Complex and Sports Field Development
- Cesar Chavez Park Restroom (on Spinnaker Way)
- K-Dock Restroom Renovation
- Projects from the \$15 million State Surplus Allocation of 2021

The current not-to-exceed contract amounts for the these two on-call professional consultant firms are projected to be depleted by June 30, 2023. In order to complete

these projects in a timely manner, staff recommends increasing the length of time on the contracts by 12 months and increasing the contract authority by \$1,000,000 each.

### BACKGROUND

On October 29, 2020, the City issued a Request for Qualifications (RFQ) for on-call waterfront project and construction management services (Specification No. 21-11424-C). The City received Statements of Qualifications (SOQs) from eleven professional consultant firms. After evaluation of the SOQs by the review panel, the City selected two firms: AnchorCM, and Park Engineering, Inc. On March 9, 2021, Council authorized a \$1,000,000 contract for on-call waterfront project and construction management services with AnchorCM, and Park Engineering, respectively, for the period April 1, 2021 through June 30, 2024 (Resolutions No. 69,744-N.S., and 69,745-N.S.).

Every three to four years, the Department of Parks, Recreation, and Waterfront (PRW) conducts a competitive Request for Qualifications process (RFQ) for On-Call services. This reduces the need for multiple annual RFQ processes and reduces the time it takes to complete a project, sometimes by up to two years. The next RFQ process will be conducted in FY2025.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The execution of these contract amendments will help ensure successful completion of waterfront capital improvement projects that will incorporate the sourcing of sustainable and renewable resources used in construction projects, as well as complying with all regulatory agency requirements such as Bay Conservation Development Commission, Fish and Wildlife, Army Corp of Engineers, and Regional Water Control Board. This promotes environmental sustainability and meets the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

### RATIONALE FOR RECOMMENDATION

The two on-call project and construction management firms have the required expertise to help ensure successful completion of waterfront capital improvement projects and to support the City's on-going capital program needs, and complement the personnel and capacity available in the Parks, Recreation and Waterfront Departments. City does not have sufficient resources to provide these services.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6711  
Nelson Lam, Supervising Civil Engineer, PRW, (510) 981-6395

Attachments:

- 1: Resolution: AnchorCM
- 2: Resolution: Park Engineering Inc.



RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32100138 AMENDMENT: ANCHORCM FOR ON-CALL  
WATERFRONT PROJECT AND CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, on March 9, 2021 by Resolution No. 69,744-N.S. the City Council authorized Contract No. 32000138 with AnchorCM in an amount not-to-exceed \$1,000,000 for on-call waterfront project and construction management services for various Berkeley Waterfront capital improvement projects through June 30, 2024; and

WHEREAS, City does not have sufficient resources to provide these services; and

WHEREAS, the current contract not-to-exceed amount is projected to be depleted by June 30, 2023 and the City has need of AnchorCM's continued consultant services through June 30, 2025; and

WHEREAS, funding for the consultant contracts is anticipated to come from several sources: Measure T1 (Fund 511); outside grants (county, regional, state, transportation, etc.); Capital Improvement Funds (Fund 501); and other sources as they become identified. Funding for these on-call contracts are subject to appropriation in future fiscal years based on the department's needs as projects are developed; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment for Contract No. 32100138 with AnchorCM for on-call waterfront project and construction services, increasing the amount by \$1,000,000 for a revised contract amount not to exceed \$2,000,000, and extending the contract to June 30, 2025.

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32100144 AMENDMENT: PARK ENGINEERING FOR ON-CALL WATERFRONT PROJECT AND CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, on March 9, 2021 by Resolution No. 69,745-N.S. the City Council authorized Contract No. 32100144 with Park Engineering, Inc. in an amount not-to-exceed \$1,000,000 for on-call waterfront project and construction management services for various Berkeley Waterfront capital improvement projects through June 30, 2024; and

WHEREAS, City does not have sufficient resources to provide these services; and

WHEREAS, the current contract not-to-exceed amount is projected to be depleted by June 30, 2023 and the City has need of Park Engineering, Inc.'s continued consultant services through June 30, 2025; and

WHEREAS, funding for the consultant contracts is anticipated to come from several sources: Measure T1 (Fund 511); outside grants (county, regional, state, transportation, etc.); Capital Improvement Funds (Fund 501); and other sources as they become identified. Funding for these on-call contracts are subject to appropriation in future fiscal years based on the department's needs as projects are developed; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment for Contract No. 32100144 with Park Engineering, Inc. for on-call waterfront project and construction management services for capital improvement projects, increasing the amount by \$1,000,000 for a revised contract amount not to exceed \$2,000,000, and extending the contract to June 30, 2025.



Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract: Elavon, Inc. for online credit card payment processing transaction services for the Recreation Division's online registration system

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division's online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023, through May 31, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract is available in the FY 2023 and FY 2024 Camps Fund (Fund 125) budget and General Fund (Fund 011) budget. The remainder is subject to appropriation in future fiscal years in the Camps Fund (Fund 125) and General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

The City's Recreation Division uses CivicRec software to manage all online registration for recreation programs, picnic site and court rentals, afterschool programs, swim lessons and lap swim, sports field reservations, and camps.

In September of 2021, the City entered into a contract with Elavon to provide third-party credit card processing. Elavon, a subsidiary of US Bank, is one of the State of California's two contracted credit card processors via a competitive bid process. Elavon processes payments for 80% of the state's entities covering approximately 6,000 organizations. Elavon is also a payment gateway that will integrate with CivicRec software.

In June of 2022, the State entered into a new contract<sup>1</sup> with Elavon that streamlines how Elavon contracts with local agencies. With the new contract, local agencies can now contract with Elavon as Local Authorized Users, which allows them to use lower pricing negotiated with the State, and provides for continuity of payment gateway services with CivicRec. Piggybacking on the state contract satisfies the City's competitive bidding requirements.

<sup>1</sup> The State of California contract with Elavon is available at:  
[https://caleprocure.ca.gov/PSRelay/ZZ\\_PO.ZZ\\_CTR\\_SUP\\_CMP.GBL?Page=ZZ\\_CTR\\_SUP\\_PG&Action=U&SETID=STATE&CNRCT\\_ID=5-22-70-22-01](https://caleprocure.ca.gov/PSRelay/ZZ_PO.ZZ_CTR_SUP_CMP.GBL?Page=ZZ_CTR_SUP_PG&Action=U&SETID=STATE&CNRCT_ID=5-22-70-22-01)

The new State contract with Elavon keeps intact substantially the same fees for service, with the addition of a \$5 per occurrence fee for charge backs. The PRW Department has reviewed its charge back history and confirms that this will not have a significant impact on the City.

### BACKGROUND

On December 21, 2018, the City of Berkeley entered into a contract with CivicPlus, Inc. for CivicRec online registration services, requiring integration with a third-party credit card transaction payment processor.

On September 14, 2021, Council adopted Resolution No. 70,006-N.S. to authorize a contract with Elavon for online credit card processing transaction services for the Recreation Division's online registration system.

The City of Berkeley Parks, Recreation and Waterfront Department (PRW) provides a wide range of recreation facilities, programs, classes, and events for Berkeley resident and non-resident community members. The City operates two (2) swimming pools, four (4) community centers, eleven (11) sports fields, fifty-two (52) parks, three (3) remote residential camp sites, and one (1) skate park. The City depends on our online recreation registration programs to help community members register for activities for families, adults and youth, including after-school programs, day camps, classes, residential camps, special events, sports, and swimming. In addition, PRW offers tennis court, picnic site, camp and field rentals.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In addition to time savings for residents, paying online via credit card has substantial environmental benefits compared to the alternative of driving to a site, completing paper-based transactions, paying via cash or check, then processing that payment and driving it to the Treasury and then to the bank.

### RATIONALE FOR RECOMMENDATION

Piggybacking onto Evalon's competitive bidding process to execute a contract with the State provides a cost-effective and timely solution and ensures that Berkeley residents can continue to register and pay online for City of Berkeley Recreation programs, camps, classes, and rentals.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Scott Ferris, Director, PRW, 510-981-6700  
Christina Erickson, Deputy Director, PRW, 510-981-6703

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: ELAVON, INC. FOR RECREATION ONLINE REGISTRATION CREDIT  
CARD PROCESSING

WHEREAS, the City of Berkeley needs to procure new payment processing services to continue processing online credit card transactions for registration for camps, recreational programs and reservations for facilities at various locations; and

WHEREAS, on December 21, 2018, the City of Berkeley entered into a contract with CivicPlus, Inc. for online registration services, requiring integration with a third-party credit card transaction payment processor; and

WHEREAS, on September 14, 2021, the City of Berkeley entered into a Contract with Elavon to provide third-party credit card processing via a piggyback contract with the State of California Department of General Services; and

WHEREAS, on May 31, 2023 the current contract will expire and the City has a need to continue providing third-party credit card processing services; and

WHEREAS, Elavon has a new streamlined contract with the State of California that allows for Local Authorized Users to join to the agreement; and piggybacking on this competitively bid agreement meets City of Berkeley competitive bidding requirements and allows the City to benefit from the State's lower pricing; and

WHEREAS, funding for this contract is available in the FY 2023 and FY 2024 Camps Fund (Fund 125) budget and General Fund (Fund 011) budget. The remainder is subject to appropriation in future fiscal years in the Camps Fund (Fund 125) and General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract with Elavon for online credit card payment processing transaction services for the Recreation Division's online registration system, for an amount not to exceed \$360,000 for the term commencing on or about June 1, 2023 through May 31, 2027.





Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Contract No. 32200098 Amendment: ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32200098 with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project by adding \$138,000 for a total not-to-exceed contract amount of \$1,338,000.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$138,000 for this amendment is available in the FY 2023 budget in the CIP Fund (Fund 501). No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The contract with ERA Construction, Inc. for the O&K Docks Electrical Upgrade Project was executed on November 2, 2021 for a total amount not to exceed \$1,200,000 (Resolution No. 69,951-N.S.).

During construction, unforeseen conditions required that additional work and equipment be performed and procured, such as changes to National Electrical Code for marine environment electrical ground fault protection, increase in prevailing wage rates due to pandemic related electrical component supply chain delays, and additional equipment mounting surfaces in need of replacement. The City has negotiated these change orders with ERA Construction, Inc. This work was not included in the original contract scope, but is necessary to complete the project and to meet the latest building codes for electrical safety.

BACKGROUND

On April 21, 2021, the O&K Docks Electrical Upgrade Project was advertised for competitive bids. On May 18, 2021, two (2) bids were received. Staff reviewed the bid results and the Contractor's references, and determined that the bid from ERA Construction, Inc. was the lowest responsive and responsible bidder. A contract with

ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project was executed on November 2, 2021 for a total amount not to exceed \$1,200,000 (Resolution No. 69,951-N.S.)

The electrical systems at O & K Docks at the Berkeley Marina have exceeded their lifespan and need replacement. The electrical systems will be upgraded to current building and safety codes and the load rating at O-Dock will be upgraded from 600AMP to 800AMP to accommodate future demands at the Marina.

This project includes the following components: new dock-mount utility pedestals for electrical and potable water connections with central computerized communication systems and integrated lighting, new dock boxes, new conductor wires, new dock-mount power station (transformers), and new onland switchboard enclosures.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit, and City of Berkeley Building Permit.

RATIONALE FOR RECOMMENDATION

The City and ERA Construction, Inc. have negotiated a price within the City's budget to address these unforeseen conditions. This increase to the contract is necessary to complete current change orders. The City does not have the in-house labor or equipment resources to complete these construction activities.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Nelson Lam, Supervising Civil Engineer, PRW, (510) 981-6395

Attachments:

1: Resolution



RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32200098 AMENDMENT: ERA CONSTRUCTION, INC. FOR THE  
O & K DOCKS ELECTRICAL UPGARE PROJECT

WHEREAS, the existing electrical systems at O and K Docks at the Berkeley Marina have exceeded their lifespans and need to be replaced; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this construction work; and

WHEREAS, an invitation for bids was duly advertised on April 21, 2021, and bids were opened on May 18, 2021, and the City received two bids; and

WHEREAS, ERA Construction, Inc. was the lowest responsive and responsible bidder, and references for ERA Construction, Inc. were provided and checked out satisfactorily; and

WHEREAS, a contract with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project was executed on November 2, 2021 for a total amount not to exceed \$1,200,000 (Resolution No. 69,951-N.S.); and

WHEREAS, an increase of \$138,000 to the not-to-exceed contract amount is necessary to complete change orders; and

WHEREAS, funds are available in the FY 2023 budget in the CIP Fund (Fund 501).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrade Project, increasing the contract amount by \$138,000, for a total amended amount not to exceed \$1,338,000. A record signature copy of any amendments to be on file in the Office of the City Clerk.





Office of the City Manager

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Liam Garland, Director, Public Works  
 Subject: Agreement: East Bay Municipal Utility District for Sewer Service Billing and Collection

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a sole source agreement and any necessary amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.

FISCAL IMPACTS OF RECOMMENDATION

The projected expense for FY 2024 is \$511,558. Funding for the remaining contract term is subject to appropriation in future fiscal years.

The projected 10-year cost is:

| Cost Component                | FY 2024          | FY 2025          | FY 2026          | FY 2027          | FY 2028          |                    |
|-------------------------------|------------------|------------------|------------------|------------------|------------------|--------------------|
| Billing & Collection Services | \$405,894        | \$422,129        | \$439,015        | \$456,575        | \$474,838        |                    |
| Share of CIS Cost             | \$50,664         | \$50,664         | \$50,664         | \$50,664         | \$50,664         |                    |
| Low Income/CAP Program        | \$55,000         | \$57,200         | \$59,488         | \$61,868         | \$64,342         |                    |
| <b>TOTAL</b>                  | <b>\$511,558</b> | <b>\$529,993</b> | <b>\$549,167</b> | <b>\$569,107</b> | <b>\$589,844</b> |                    |
|                               |                  |                  |                  |                  |                  | <b>10-YR TOTAL</b> |
| Billing & Collection Services | \$493,832        | \$513,585        | \$534,128        | \$555,493        | \$577,713        | \$4,873,203        |
| Share of CIS Cost             | \$50,664         | \$50,664         | \$50,664         | \$50,664         | \$50,664         | \$506,640          |
| Low Income/CAP Program        | \$66,916         | \$69,593         | \$72,376         | \$75,271         | \$78,282         | \$660,336          |
| <b>TOTAL</b>                  | <b>\$611,412</b> | <b>\$633,842</b> | <b>\$657,169</b> | <b>\$681,429</b> | <b>\$706,659</b> | <b>\$6,040,179</b> |

Total costs include \$50,664 per year beginning in January 2024 for the City’s shared cost of the District’s billing and collection operation. A 4% projected escalation is included over the 10-year term for a total not to exceed amount of \$6.1 million.

EBMUD will debit an agreed upon share of billing and collection expenses from collection, customer service and meter-reading activities on the City’s behalf. These expenses are allocated based on the City’s share of revenues collected, share of bills issued and share of meters read by EBMUD.

### CURRENT SITUATION AND ITS EFFECTS

EBMUD provides billing and collection services for City of Berkeley sewer service fees for all residential, commercial, and industrial customers, and municipal uses. Sewer fees are collected by EBMUD and remitted to the City on a monthly basis.

EBMUD provided notice to the City on December 28, 2022 that the existing agreement will expire on June 30, 2023. Their intent is to enter into a new agreement using the same formulas to calculate the City's share of billing and collection expenses. EBMUD is proposing a 10-year term with the ability of either party to terminate the agreement with at least 12 months written notice of termination.

In FY 2023, EBMUD began its Customer Assistance Program (CAP) with the goal of providing discounts to qualifying low-income residents for municipal water and wastewater treatment services. Qualification for the CAP follows Housing and Urban Development (HUD) income guidelines for qualifying max gross household income. The CAP limits increase based on the number of persons in a household. A 35 percent discount would be applied to Berkeley's sanitary sewer charges collected on EBMUD's bills for eligible CAP accounts. Customer participation is valid for two years. To continue assistance, applicants must reapply after two years.

### BACKGROUND

EBMUD has provided the City with sewer service charge billing and collection services for decades. On August 25, 1981, Council authorized the City Manager to enter into a 10-year agreement with EBMUD to perform sewer service fee billing and collection services (Resolution 50,821-N.S.). On October 28, 1997, Council authorized the City Manager to enter into another 10-year agreement with EBMUD (Resolution # 59,236-N.S.) for sewer charge billing and collection services, and on May 22, 2007 Council authorized the City Manager to extend the agreement by three years (Resolution 63,698-N.S.). The 1997 10-year agreement expanded the services provided by EBMUD to include the billing and collection of sewer service fees from residential customers based upon their water consumption. On April 27, 2010, Council authorized the City Manager to extend the sewer service billing and collection agreement by three years (Resolution 64,850-N.S) and on June 4, 2013, Council entered into a new 10-year agreement with EBMUD for sanitary sewer billing and collection through June 30, 2023 (Resolution 64,184-N.S). Collecting sewer fees via the EBMUD bills result in a steady revenue stream with EBMUD remitting monthly the sewer fees they collect on the City's behalf.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts associated with this agreement. This resolution implements a renewal of an existing administrative billing program and has no inherent environmental sustainability or climate impacts.

RATIONALE FOR RECOMMENDATION

EBMUD has provided sewer billing and collection services for the City of Berkeley for its commercial, industrial, and multi-unit residential customers since the early 1980s. Billing and collecting sewer fees on the EBMUD water bill provides for a low cost, efficient, and effective billing and collection alternative to the City billing customers directly or with their property tax bill.

ALTERNATIVE ACTIONS CONSIDERED

There are no efficient and cost-effective alternatives to using EBMUD as the City's service provider for billing and collecting sewer fees.

CONTACT PERSON

Sean O'Shea, Administrative & Fiscal Services Manager, Public Works, 981-6306  
Carisa Lubeck, Senior Management Analyst, Public Works, 981-6304

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT TO BILL AND COLLECT SEWER SERVICE CHARGES ON BEHALF OF THE CITY

WHEREAS, the East Bay Municipal Utility District (EBMUD) has provided the City with sewer service charges billing and collection services for over 30 years; and

WHEREAS, EBMUD has offered a new 10-year agreement to continue to provide sewer service charges billing and collection; and

WHEREAS, funds are available in the Sewer Fund (Fund 611) to pay for the billing and collection services performed by EBMUD, and funds are available in the General Fund (Fund 011) to pay for the Low Income CAP program.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to execute a sole source agreement and any amendments with the East Bay Municipal Utility District for sewer service billing and collection for the period July 1, 2023 to June 30, 2033, for an amount not to exceed \$6.1 million.



CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor *zw*

Subject: Contract No. 32000180 Amendment for Audit Management and Recommendation Tracking Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000180 with Missionmark for audit management and recommendation tracking software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000 and extending the contract term to May 30, 2027.

Missionmark is a comprehensive audit management software which is utilized by the City Auditor’s Office to properly track, manage, and maintain records regarding audit work and maintain a public dashboard for audit recommendation implementation tracking.

FISCAL IMPACTS OF RECOMMENDATION

The contract amendment with Missionmark will add \$100,000 to the contract and extend the contract for an additional five years.

Funding for the amendment and additional years will be included in the General Fund budget code 011-12-122-000-0000-000-411-612-990.

|                                                           |                  |
|-----------------------------------------------------------|------------------|
| Original Contract Amount (January 21, 2020)               | \$4,000          |
| Previous Contract Amendment (June 1, 2020 – May 31, 2023) | \$20,000         |
| <b>June 1, 2023 – May 30, 2024</b>                        | \$20,000         |
| <b>June 1, 2024 – May 30, 2025</b>                        | \$20,000         |
| <b>June 1, 2025 – May 30, 2026</b>                        | \$20,000         |
| <b>June 1, 2026 – May 30, 2027</b>                        | \$20,000         |
| <b>Total New Contract Amount</b>                          | <b>\$124,000</b> |

The increase in June 2024 is to account for 6 users rather than 5 users in prior years.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley City Auditor has Charter authority and responsibility to conduct performance and financial audits or special studies of all phases of the City of Berkeley government in accordance with government auditing standards. The Auditor is required to retain workpaper files concerning all reports for at least three years.

On January 21, 2020, the City entered into Contract No 32000180 with Missionmark to procure its audit management and recommendation tracking software to better manage audit records and to increase transparency through the public recommendation dashboard. The original contract was not to exceed \$4,000.

On May 20, 2020, the City amended Contract No 32000180 with Missionmark to secure the software at a discounted rate through May 31, 2023. This amendment increased the contract NTE to \$24,000.

The funds in the contract with Missionmark have been exhausted. Moreover, the Auditor's Office would like to continue to use the audit management software; therefore, a contract amendment is necessary to continue this contract through May 2027 with additional funding.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental sustainability and climate effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Missionmark has provided a robust platform through which auditors within the Auditor's Office can document, track, and manage audits and audit recommendations. The software is utilized by users outside the Auditor's Office as well, to track progress on audit recommendations.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750



Contract No. 32000180 Amendment: Missionmark

CONSENT CALENDAR  
May 9, 2023

Attachment:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000180 AMENDMENT: MISSIONMARK FOR AUDIT  
MANAGEMENT AND RECOMMENDATION TRACKING SOFTWARE

WHEREAS, the Missionmark audit management software allows staff the use of modernized and evolving technology to manage audits and maintain proper records of audit work and recommendation implementation;

WHEREAS, on January 21, 2020, the City entered into Contract No. 32000180 with Missionmark to procure its audit management software to centralize and better manage its audit records;

WHEREAS, amending the existing contract with Missionmark to continue the use of its audit management software is essential for the City Auditor's Office;

WHEREAS, an additional \$100,000 is needed to continue the use of Missionmark until the end of May 2027; and

WHEREAS, funds are available and will be budgeted in future fiscal years in an amount not to exceed \$124,000 through May 30, 2027 in budget code 011-12-122-000-0000-000-411-612-990.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. with Missionmark for use of their audit management software, increasing the amount by \$100,000 for a total amount not to exceed \$124,000, and extending the contract term through May 30, 2027. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



Disaster and Fire Safety Commission

CONSENT CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Disaster and Fire Safety Commission  
 Submitted by: Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission  
 Subject: Approval of Additional Disaster and Fire Safety Commission Meeting

#### RECOMMENDATION

Adopt a Resolution approving the request from the Disaster and Fire Safety Commission (the "Commission") to hold one additional meeting in calendar year 2023.

#### FISCAL IMPACTS OF RECOMMENDATION

Minimal staff time and resources.

#### BACKGROUND

On December 12, 2014, Berkeley City Council adopted Resolution No. 66,861-N.S. that established a Commission Meeting Frequency Schedule for 2015. The Disaster and Fire Safety Commission was allocated a maximum of ten meetings a year. Additional meetings require Council approval.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### RATIONALE FOR RECOMMENDATION

On January 25, 2023, the Berkeley Fire Department offered the Commission an opportunity to receive presentations on the final draft report on the Standards of Coverage Analysis and Community Risk Assessment, and the Fire Facilities Master Plan at a future Commission meeting.

Measure FF funded both the studies and since the Commission is charged with oversight of Measure FF expenditures by the Berkeley Fire Department, it is appropriate that the Commission receive presentations on the above referenced studies as part of the Commission's regular oversight activities. The Commission will require an extra meeting during 2023 to receive these presentations, as neither presentation will fit within the Commission's current meeting schedule. An extra meeting would also provide further opportunity for public comment on the Standards of Coverage Analysis and the Fire Facilities Master Plan.

On March 22, 2023, the Commission passed a motion to request approval for an additional meeting.

Motion to request from City Council one additional meetings for 2022: Bedolla, Second: Gordon, Vote: ( 5 Ayes: Bradstreet, Gordon, Bedolla, Dean, Murphy;; 0 Noes;; 2 Absent: Stein, Raine;; 0 Abstain;)

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Keith May, Interim Deputy Fire Chief, Berkeley Fire Department, 510-981-5508

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

APPROVAL FOR ONE ADDITIONAL DISASTER AND FIRE SAFETY COMMISSION  
MEETING IN CALENDAR YEAR 2023

WHEREAS, on December 12, 2014, the Berkeley City Council adopted Resolution No. 66,861-N.S. that established a Commission Meeting Frequency Schedule which limited the Disaster and Fire Safety Commission to a frequency of 10 meetings during calendar year 2023; and

WHEREAS, at the January 25, 2023, meeting of the Disaster and Fire Safety Commission, the Berkeley Fire Department offered the Disaster and Fire Safety Commission an opportunity to receive presentations on the final draft report on the Standards of Coverage Analysis and Community Risk Assessment, and the Fire Facilities Master Plan, at a future Commission meeting, and

WHEREAS, Measure FF funded the studies and the Disaster and Fire Safety Commission provides oversight of Measure FF expenditures by the Berkeley Fire Department, and

WHEREAS, the Disaster and Fire Safety Commission passed a motion on March 22, 2023, to request from City Council one additional meeting for 2023: Bedolla, Second: Gordon, Vote: (5 Ayes: Bradstreet, Gordon, Bedolla, Dean, Murphy;; 0 Noes;; 2 Absent: Stein, Raine;; 0 Abstain;)

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorized the Disaster and Fire Safety Commission to convene for one additional meeting in calendar year 2023.





Office of the City Manager

PUBLIC HEARING  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Sharon Friedrichsen, Budget Manager  
 Subject: FY 2024 Proposed Budget Update and FY 2024 Proposed Budget Update  
 Public Hearing #1

RECOMMENDATION

Accept the FY 2024 Proposed Budget Update for review and consideration by the City Council and conduct Public Hearing #1 on the FY 2024 Proposed Budget Update.

FISCAL IMPACTS OF RECOMMENDATION

On June 28, 2022, the City Council adopted the Fiscal Years (“FY”) 2023 and 2024 Biennial Budget (Adopted Budget) and the FY 2023 and FY 2024 Capital Improvement Program Budget (CIP Budget). This report provides the Council with a proposed update to the FY 2024 Adopted Budget (Proposed FY 2024 Update). The Proposed FY 2024 Update will be presented for adoption at the June 27, 2023, City Council meeting after the public hearings and additional opportunities for the Council’s comments and direction.

CURRENT SITUATION AND ITS EFFECTS

The Proposed FY 2024 Update will include updated information on adopted FY 2024 revenues and expenditures by funding source; proposed expenditures by City department; proposed staffing levels; and the proposed capital improvement program.

Following the presentation on the Proposed FY 2024 Update, staff requests that the City Council conduct the first public hearing on the budget. Subsequently, the Budget and Finance Policy Committee and City Council will continue discussions regarding the proposed budget prior to adoption on June 27, 2023, as reflected in the attached FY 2024 Mid-Biennial Budget Update Calendar. The Proposed FY 2024 Update is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-health City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City’s environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

This recommendation presents the Fiscal Years 2024 Proposed Budget Update to City Council and begins the first of several public hearings pertaining to the budget, leading to adoption on June 27, 2023.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Attachments:

- 1: Public Hearing Notice
- 2: FY 2024 Mid-Biennial Budget Update Calendar



**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**FY 2024 PROPOSED BUDGET UPDATE PUBLIC HEARING #1**

**The public may participate in this hearing by remote video or in-person.**

The City Manager’s Office is proposing a public hearing for the Fiscal Year 2024 Proposed Budget Update, which is being presented to the City Council.

The hearing will be held on **Tuesday, May 9, 2023 at 6:00 p.m.** in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of April 27, 2023. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Sharon Friedrichsen** at (510) 981-7000.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@cityofberkeley.info](mailto:council@cityofberkeley.info) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Posted:** April 27, 2023

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on April 27, 2023.

\_\_\_\_\_  
Mark Numainville, City Clerk

## FY 2024 Mid-Biennial Budget Update Calendar

Date	Lead Entity	Agenda	Action Item/Deliverable/Topic
March 9, 2023	Budget & Finance Policy Committee		FY 2023 Mid-Year Update Report & FY 2023 Unfunded Liability Obligations and Unfunded Infrastructure Needs Report
April 11, 2023	Council		FY 2023 Mid-Year Update Report & FY 2023 Unfunded Liability Obligations and Unfunded Infrastructure Needs Report
April 20, 2023	Budget & Finance Policy Committee		TBD
April 25, 2023	Council	Action	Public Hearing on CDBG & ESG Annual Action Plan and proposed funding allocations to community agencies
April 25, 2023	Council	Action	Initial Deadline for Council Budget Referrals
April 27, 2023	Budget & Finance Policy Committee		Present Proposed FY 2024 Mid-Biennial Budget Update and Fee Increase Reports
May 9, 2023	Council	Action	Proposed FY 2024 Mid-Biennial Budget Update Biennial Budget Presentation and Public Hearing #1: Budget; FY 2023 AAO #2
May 11, 2023	Budget & Finance Policy Committee		Review Council Budget Referrals to date
May 23, 2023	Council	Action	Public Hearing #2: Budget (Report: Update CPI/PIG ) & Proposed Fee Increases from Departments; FY 2023 AAO #2 (Second Reading); Last date for Council Budget Referrals
May 25, 2023	Budget & Finance Policy Committee		TBD
May 25, 2023	Budget & Finance Policy Committee		Berkeley Financial Condition Audit Status Report (#2)
June 6, 2023	Council	Action	Discussion on Proposed Mid-Biennial Budget Update
June 6, 2023	Council		Berkeley Financial Condition Audit Status Report (#2)
June 8, 2023	Budget & Finance Policy Committee		Discussion on Proposed Mid-Biennial Budget Update
June 16, 2023	Council		Discussion on budget recommendations (No report - Proposed Changes to the Biennial GF Budget from Mayor and Council members)
June 22, 2023	Budget & Finance Policy Committee		Discussion on Proposed Mid-Biennial Budget Update Recommendations and adopt recommendations to City Council
June 27, 2023	Council	Action	Adopt FY 2024 Mid-Biennial Budget Update/FY 2024 Annual Appropriations Ordinance



Office of the City Manager

PUBLIC HEARING  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Submission of the PY 2023 (FY 2024) Annual Action Plan Containing Allocations of Federal Funds

RECOMMENDATION

Conduct a public hearing on the federal Program Year (PY) 2023, City Fiscal Year (FY) 2024, Annual Action Plan (AAP) for federal Housing and Urban Development Department (HUD) funds, including the allocation of federal funding for community agencies, and upon conclusion, adopt a Resolution:

1. Approving proposed funding allocations under the PY 2023 Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and Home Investment Partnerships Program (HOME); and
2. Authorizing the execution of resultant agreements and amendments with community agencies for the above-mentioned funds; and
3. Allocating 10% for HOME program administration, up to 5% to support Community Housing Development Organization (CHDO) operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and
4. Allocating 20% of the PY 2023 CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Public Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation, program income, or earlier unused funds, be more or less than estimated; and
5. Allocating the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A, and
6. Authorizing staff to finalize the PY 2023 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development, including the planned expenditures of HUD funds, required HUD application forms and certifications, and all other HUD-required information, and;

7. Authorizing the City Manager to execute and submit all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

### SUMMARY

As detailed in Attachment 1, Exhibit A, the Health, Housing and Community Services Department (HHCS), recommends allocating \$3,361,202 (estimated) in CDBG funds; \$1,476,057 of which would be used for housing services activities, \$453,921 for public services, and \$809,713 for the Public Facility Improvements program which is currently operating on a rolling application basis as funds are available. HHCS also recommends allocating \$232,452 in ESG funds, to be used to support people who are literally homeless; and \$749,643 (estimated) in HOME funds, \$644,740 of which would be allocated to the Housing Trust Fund.

This report also includes authorization for the required submission of the Annual Action Plan (Attachment 2), which details the City's plans for implementing the CDBG, HOME, and ESG programs in federal PY 2023; which corresponds to the City's FY 2024.

### FISCAL IMPACTS OF RECOMMENDATION

Approval of the PY 2023 AAP does not have an impact on the General Fund as it is solely committing the City's entitlement grant allocations under the Federal Department of Housing and Urban Development's CDBG, HOME, and ESG programs. General funds, including required leveraged funds for HUD programs, are awarded separately.

The Federal funding allocations for PY 2023 (FY24) have been finalized, but all of the periodic program income payments from both HOME and CDBG funded activities are estimates. The City expects to receive the estimated amounts through the end of the current fiscal year. If adjustments are needed due to an increase or decrease in the annual entitlement allocations, program income, or earlier unused funds, those adjustments will be allocated to the Public Facility Improvements program for CDBG, the Housing Trust Fund program for HOME, and up to the regulatory percent caps for administration of the funds and public services for CDBG.

### **CDBG**

Staff is projecting receipt of \$400,000 PY 2023 (FY 2024) program income from CDBG-funded activities, and also anticipates the availability of \$253,649 in unallocated funds from prior years. These amounts, combined with the \$2,707,553 HUD award of CDBG funds, will give the City a total of \$3,361,202 (estimated) in CDBG funds to allocate for PY 2023.

Staff funding recommendations are summarized below in Table 1 with additional detail provided in the attached Exhibit A. Due to the expenditure caps on administration and public services, the program income and carry forward funds are only available for housing services, community facility projects, and the Housing Trust Fund. If the total CDBG funds available are more or less than the estimated \$3,361,202, the difference

will either be added to or subtracted from the amount allocated to the Public Facility Improvements program alongside any adjustment necessary to adhere to the administration and public services caps.

<b>Table 1: CDBG PY 2023 (FY 2024)</b>	<b>HUD Award</b>	<b>Program Income</b>	<b>Carry Forward Funds</b>	<b>Total</b>
<b>Funds Available (estimated)</b>	<b>\$2,707,553</b>	<b>\$400,000</b>	<b>\$253,649</b>	<b>\$3,361,202</b>
<b>Proposed Funding Plan</b>				
Housing Services	\$1,476,057			\$1,476,057
Public Services (17.83% cap)	\$453,921			\$453,921
Public Facility Improvements	\$236,064	\$320,000	\$253,649	\$809,713
Planning and Admin (20% cap)	\$541,511	\$ 80,000		\$621,511
<b>Total Expenditures</b>	<b>\$2,591,924</b>	<b>\$400,000</b>	<b>\$836,233</b>	<b>\$3,361,202</b>

**HOME**

HUD has allocated the City \$729,633 in HOME funds for PY 2023. The City expects to add \$20,000 in HOME program income, for a total of \$749,633 in HOME funds available for PY 2023. Staff funding recommendations are summarized below in Table 2 with additional detail provided in the attached Exhibit A. Should the HOME allocation or program income receipts differ from the estimate, staff recommends that the City continue to utilize up to the maximum possible for administration (10%) and Community Housing Development Organization (CHDO) operations (5%), with the remaining adjustments applied to the Housing Trust Fund program.

<b>Table 2: HOME PY 2023 (FY 2024)</b>	<b>HUD Award</b>	<b>Program Income</b>	<b>Total</b>
<b>Funds Available (estimated)</b>	<b>\$729,633</b>	<b>\$20,000</b>	<b>\$749,633</b>
<b>Proposed Funding Plan</b>			
CHDO Operations	\$30,000		\$30,000
HTF Projects	\$626,670	\$18,000	\$644,670
Administration (10%)	\$72,963	\$ 2,000	\$74,963
<b>Total Expenditures</b>	<b>\$729,633</b>	<b>\$20,000</b>	<b>\$749,633</b>

**ESG**

The City’s ESG entitlement for PY 2023 is \$232,452. Staff funding recommendations are summarized below in Table 3 with additional detail provided in the attached Exhibit A. Staff recommends utilizing the maximum possible for administration (7.5% of the grant), allocate \$6,676 to Homeless Management Information System (HMIS) support, up to 60% be used for emergency shelter/street outreach (\$139,471), and that the remainder will be used for rapid rehousing (\$68,871).

<b>Table 3: ESG PY 2023 (FY 2024)</b>	<b>HUD Award</b>
<b>Funds Available (estimated)</b>	<b>\$232,452</b>
<b>Proposed Funding Plan</b>	
Rapid Rehousing	\$68,871
Emergency Shelter and Street Outreach (60%)	\$139,471
Homeless Management Information System	\$6,676
Administration (7.5%)	\$17,434
<b>Total Expenditures</b>	<b>\$232,452</b>

CURRENT SITUATION AND ITS EFFECTS

The City is required to submit an Annual Action Plan to HUD by May 17 each year, in order to receive its annual allocation of CDBG, ESG, and HOME funds. Council has typically allocated the majority of CDBG and ESG funds to community agencies for housing or other public services, and for community facility improvements. The majority of the HOME allocation is usually placed into the City’s Housing Trust Fund, consistent with its narrow range of allowable uses. City Council is asked to approve the Annual Action Plan, including allocations of CDBG, ESG, and HOME funds, which must be submitted to HUD by May 17, 2023.

Accepting HUD funds and executing subsequent activities as defined in the Annual Action Plan advances the City’s Strategic Plan Priority goal to create affordable housing and housing support services for our most vulnerable community members.

BACKGROUND

HUD regulations governing CDBG, ESG, and HOME funds require that the City of Berkeley submit an Annual Action Plan (AAP). HUD provides a template for the AAP

which dictates much of the form and content of the document. The PY 2023 Annual Action Plan, covering the period July 1, 2023 through June 30, 2024, describes the City's strategy for achieving the goal of developing and maintaining a viable urban community through the provision of decent housing and a suitable living environment, while expanding economic, health, and educational opportunities principally for households with incomes at or below 80% of Area Median Income (see Attachment 2).

The PY 2023 AAP is based on goals contained in the City's Five-Year Consolidated Plan (PY 2020 – 2024), which examines housing needs and establishes funding priorities in the areas of affordable housing and services for a wide range of low-income populations. HUD requires the involvement of the public in the creation of each Annual Action Plan. Berkeley's public participation process began on April 10, 2023 with a public meeting of the Housing Advisory (HAC) and will culminate in the May 9, 2023 public hearing. The HAC's mission includes advising City Council on allocations of CDBG and ESG funding.

The HAC, at its April 10, 2023 meeting, voted to recommend the City Council adopt the Annual Action Plan (AAP) for Federal Program Year (PY) 2023 (M/S/C: Johnson/Simon-Weisberg. Vote - Ayes: Johnson, Mendonca, Ortiz-Cedeno, Rodriguez, Potter, Simon-Weisberg. Noes: None. Abstain: None. Absent: Calavita (unexcused), Fain (excused).).

Additionally, the HAC voted to recommend that City Council direct Staff to coordinate a standing presentation at HAC meetings from HUD-funded vendors, as well as from participants served by those programs (M/S/C Rodriguez/Ortiz-Cedeno. Vote: Ayes: Johnson, Mendonca, Ortiz-Cedeno, Rodriguez, Potter, Simon-Weisberg. Noes: None. Abstain: None. Absent: Calavita (unexcused), Fain (excused).

The HAC also informally requested that when HHCS begins to develop its next HUD Consolidated Plan for PY 2025-PY 2029 (FY 2026-FY 2030), that it includes an equity and reparations framework during the planning process.

HHCS agrees with the additional recommendation and the informal request. To that end, HHCS will facilitate presentations by HUD funded vendors as part of the FY 2025-2028, Community Agency Contracting RFP process with HAC, and notify program participants of said programs, of the presentations with public noticing at the program sites. HHCS will also incorporate an equitable framework, with a focus on reparations, as far as the federal regulations allow it, while developing the HUD Consolidated Plan for PY 2025-PY 2029 (FY 2026-FY 2030).

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Upon release of the RFP for CDBG, ESG, and HOME funding in FY 2019 (PY 2018), applicants were encouraged to propose projects that met various City-wide goals, such as the Climate Action Plan. Projects funded with CDBG, ESG, and HOME are required to follow state and local regulations, including those related to green building and

energy. CDBG funding for community facility projects places a priority on projects that promote energy efficiency and improve accessibility. Single family rehabilitation, including energy efficiency, was a funding priority in the FY 2019 RFP (PY 2018). With these recommendations (Attachment 1) the City will continue funding both City-administered and community agency-administered programs. Each program funded by HUD funds also undergoes an Environmental Review to understand and mitigate possible environmental impacts.

#### RATIONALE FOR RECOMMENDATION

Submission of the PY 2023 Annual Action Plan is required to continue to receive CDBG, ESG, and HOME funds. The allocations recommended in this report and shown in Attachment 1, Exhibit A, are in keeping with the goals outlined in the City's five-year Consolidated Plan; which Council approved in April 2020. In addition, since Council approved extending community agency contracts for one year at existing levels and postponing the community agency Request for Proposal (RFP) process until FY 2024 with the passage of Resolution 70,545-N.S., the proposed allocations continue to fund these agencies at the same levels funded for the original four-year community agency RFP, that ran from FY 2020 to FY2023.

#### ALTERNATIVE ACTIONS CONSIDERED

The PY 2023 Annual Action Plan includes opportunities for public and Housing Advisory Commission input and comments. Comments are considered throughout the process and are reflected in the report. No other alternative actions are currently being considered.

Failure to approve the PY 2023 Annual Action Plan for submission to HUD by May 17, 2023 could result in delays or loss of this funding.

#### CONTACT PERSON

Joshua Oehler, Community Services Specialist III, HHCS, (510) 981-5408

#### Attachments:

1: Resolution

Exhibit A: CDBG/ESG/HOME Allocations Spreadsheet

2: City of Berkeley PY 2023 Final DRAFT Annual Action Plan

3: Public Hearing Notice



RESOLUTION NO. ##,###-N.S.

SUBMISSION OF THE PY 2023 ANNUAL ACTION PLAN, INCLUDING ALLOCATIONS OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EMERGENCY SOLUTIONS GRANT (ESG), AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS

WHEREAS, the submission of the PY 2023 Annual Action Plan is a requirement the City must meet in order to receive its allocation of CDBG, ESG and HOME funds, available for the period July 1, 2023 through June 30, 2024 from the federal Department of Housing and Urban Development; and

WHEREAS, on April 10, 2023 the Housing Advisory Commission (HAC) made funding recommendations that City council adopt the PY 2023 Annual Action Plan including the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Programs; and

WHEREAS, on May 9, 2023, the City Manager made funding recommendations to City Council on the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Programs as contained in Exhibit A attached to this resolution; and

WHEREAS, the City will continue to use the maximum allowable under all three HUD programs for administration, as well as adhere to other program expenditure caps by category in accordance with HUD regulations; and

WHEREAS, the City has established the following budget codes in FUNDS\$: CDBG 370-various, ESG: 045-7902-331-1001, HOME: 040-various and General Fund: 010-various and the equivalent budget codes in ERMA: CDBG 128-various, ESG: 311-various, HOME: 310-various and General Fund: 011-various; and

WHEREAS, the City confirms that HUD allocations proposed in this plan supplement and do not supplant any general or other local funds that have already been appropriated or allocated for the same purpose.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that the City Manager is authorized to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and

2. Allocate 20% of the PY 2023 CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation and/or program income and earlier unexpended funds be more or less than anticipated; and
3. Allocate 10% for HOME program administration, up to 5% to support CHDO operations, and the remaining (approximately 85%) of the PY 2023 HOME funds to the Housing Trust Fund; and
4. Allocate the allowable 7.5% of the PY 2023 ESG to Administration, \$6,676 to the HMIS system, up to the allowable 60% to emergency shelter/street outreach, and the remaining amount to Rapid Rehousing as outlined in Exhibit A, and
5. Finalize the PY 2023 Annual Action Plan, including planned expenditures, adding required HUD application forms and certifications, and including other HUD-required information, submit it to the U.S. Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute or amend contracts with agencies receiving funding under the CDBG, ESG or HOME Program in accordance with the proposals approved hereunder. A record copy of said contracts and any amendments are on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is authorized to use the following invoicing/reporting system in contract administration, but maintains the discretion of requiring more frequent invoices and reports from new grantees or in contracts deemed to require closer scrutiny, and also maintains the discretion to terminate contracts based on factors outlined in the contract boilerplate, including, but not limited to, the contractor's failure to fulfill obligations:

Fiscal Reports:

- All agencies, regardless of funding level, are required to submit quarterly statements of expense and quarterly requests for advance payment. The final statement of expense for each fiscal year must be accompanied by a copy of the agency's General Ledger and a Statement of Revenues and Expenditures for each program.

Program Reports:

- Agencies funded with non-federal funding: End-of-year narrative summary of accomplishments for the following types of programs, due by July 31: 1) Drop-In and Respite Services only with no intensive case management attached, 2) Meal Programs, and 3) Recreation Services.

- All other agencies with non-federal funding: Two program reports, due by January 31 and July 31;
- Agencies with federal funding (any amount): Four program reports due by October 31, January 31, April 30, and July 31.

BE IT FURTHER RESOLVED that the City Manager is authorized to refuse to execute a contract with any agency that has not provided required contract exhibits and documentation within 90 days of award of funding.

BE IT FURTHER RESOLVED that the City Manager is authorized to recapture any unspent CDBG funds awarded to an agency for a community facility improvement contract, if the funds are not spent by June 30, 2024.

Exhibit

A: CDBG, ESG and HOME Proposed PY 2023 (FY 2024) Proposed Allocations

<b>Exhibit A</b>			
<b>Annual Action Plan for PY23 (FY24)</b>			
<b>City of Berkeley CDBG, ESG and HOME Projects for 7/1/2023 - 6/30/2024</b>			
<b>Proj. #</b>	<b>Agency</b>	<b>Project Name</b>	<b>PY23 Allocation</b>
<b>CDBG</b>			
1	Center for Independent Living	Residential Access	\$ 159,660
2	Habitat for Humanity	Housing Rehabilitation Grant Program	\$ 250,000
3	HHCS D*	Loan Services	\$ 70,008
4	HHCS D	Senior and Disabled Rehab Program	\$ 358,048
5	HHCS D	Rehab Loans	\$ 150,000
6	HHCS D	Housing Development: M/F Rehab	\$ 488,341
		<b>Subtotal Housing Projects</b>	<b>\$ 1,476,057</b>
7	Bay Area Community Services	Coordinated Entry System	\$ 418,921
9	Eden Housing for Hope and Opportunity	Fair Housing	\$ 35,000
		<b>Subtotal Public Services Projects</b>	<b>\$ 453,921</b>
10	HHCS D	Community Facility Improvements	\$ 152,908
11	HHCS D	PY23 Community Facility Improvement	\$ 656,805
11.a		Funds available for NOFA	\$ 656,805
		<b>Subtotal Public Facilities Projects</b>	<b>\$ 809,713</b>
12	HHCS D	CDBG Planning and Administration	\$ 621,511
		<b>Subtotal Planning &amp; Admin Projects</b>	<b>\$ 621,511</b>
		<b>**GRAND TOTAL ALL CDBG PROJECTS</b>	<b>\$ 3,361,202</b>
<b>ESG</b>			
13	BACS	Rapid Re-Housing Project	\$ 68,871
14	BACS	Emergency Shelter and Street Outreach	\$ 139,471
15	HHCS D	Homeless Management Information System	\$ 6,676
16	HHCS D	Program Planning and Administration	\$ 17,434
		<b>GRAND TOTAL ALL ESG PROJECTS</b>	<b>\$ 232,452</b>
<b>HOME</b>			
17	HHCS D	HOME Administration	\$ 74,963
18	CHDO Operating Funds	CHDO Operating Funds	\$ 30,000
19	HHCS D	Housing Trust Fund	\$ 644,670
		<b>***GRAND TOTAL ALL HOME PROJECTS</b>	<b>\$ 749,633</b>

**Notes:** \* HHCS D = City of Berkeley Health, Housing & Community Services Department  
 \*\*Includes estimated Program Income, in the amount of \$400,000 and an estimated amount of \$253,649 in unused carry over funds. If additional funds become available they will be added to line 11.b, Community Facility Improvement Program NOFA

\*\*\*Assumes \$20,000 in Program Income

**CITY OF BERKELEY**  
**ANNUAL ACTION PLAN**  
**FOR HOUSING AND COMMUNITY DEVELOPMENT**

**JULY 1, 2023 – JUNE 30, 2024 (PY 2023)**

**For the U.S. Department of Housing and Urban  
Development**

**San Francisco Field Office of Community Planning  
and Development**

**May 17, 2023**

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Attachment 1: Estimated Allocations City of Berkeley CDBG, ESG, and HOME Projects – DRAFT ATTACHED

Attachment 2: Public Notice and Community Participation Summary – DRAFT ATTACHED

Attachment 3: City of Berkeley, Emergency Solutions Grant Policies and Procedures Manual, City of Berkeley Emergency Solutions Grant Rapid Rehousing and Prevention Assistance Policies and Procedures Manual; Systemwide Performance Targets for Rapid Re-Housing Services; and Homeless Solutions in Alameda County, ESG-CV STANDARDS AND EXPECTATIONS.

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

This Annual Action Plan is the 4th Annual Action Plan for the current Consolidated Planning period.

#### 2. Summarize the objectives and outcomes identified in the Plan

*This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.*

The City of Berkeley (COB) has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements,
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The COB has long placed a high priority on affordable housing and community services because they reflect important community values. The City now invests more General Fund dollars into related programs than it receives in federal funding for these activities. The City is committed to maintaining high-quality programs for those in need but faces challenges due to uncertainty in future federal funds available. At the same time, American Recovery Program, ESG, HOME, Consolidated Plan, and Annual Action Plan funding and/or requirements have substantially increased. Changing funding and increased administrative burdens impact the City's ability to address all of the many needs identified.

**Approved Allocations.** As summarized in **AP-38** and detailed in **Attachment 1**, the COB plans to allocate \$ 2,707,553 in Community Development Block Grant (CDBG) funds together with \$253,649 (anticipated) in prior years' carryover and \$400,000 (projected) in CDBG program income to fund:

- \$1,476,057 (anticipated) in housing projects and programs;
- \$453,921 (anticipated) in public services;
- \$809,713 (anticipated) for community and public facilities activities; and
- \$621,511 (anticipated) to administer all facets of the City's CDBG program.

The COB will utilize its PY23 ESG allocation of \$232,452 to serve literally homeless people through the City's Pathways STAIR Program (\$208,342), support the County-wide Homeless Management Information System, (\$6,676) and support its program planning and administration activities at 7.5% (\$17,434). The City takes care in calculating the shelter and outreach do not exceed 60% of our annual ESG grant. For PY23, the City's Pathways STAIR program allocation has been split with \$68,871 allocated to Rapid Re-Housing and \$139,471 allocated to Shelter and Outreach. This is evidenced in Attachment 1.

The COB will utilize its PY23 HOME allocation of \$729,633 and \$20,000 (projected) in program income for program administration at 10% (\$74,963 anticipated) including projected program income), Community Housing Development Organization (CHDO) operations (\$30,000) and will allocate the remaining balance to its Housing Trust Fund (\$644,670).

### **3. Evaluation of past performance**

***This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.***

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report. The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts.

The City's Single-Family Rehabilitation (SFR) program comprised of 1) the City's Senior and/or Disabled Rehab Home Loan Program (SDRLP), 2) the Center for Independent Living, and 3) Habitat for Humanity Silicon Valley is evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

The City currently operates the public facility improvement program as a rolling RFP/NOFA as funds become available. Unused PY20 and available PY21 funds were applied for and awarded for the West Berkeley Service Center. The project is underway and expected to be completed by the end of PY22. PY22 facility funds were awarded to the Larkin Street Turning Point facility rehabilitation. The City is evaluating a proposal to use the remaining PY22 public facility funds for a rehabilitation project at Berkeley Food and Housing Project's Dwight Way Center. PY23 facility funds will once again be released and available for nonprofit and government applicants.

Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions. The City also uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

### **4. Summary of Citizen Participation Process and consultation process**

***Summary from citizen participation section of plan.***



The City typically completes a fall public hearing with one or more commissions to obtain input on general community needs. The City satisfied the Citizen Participation Plan public hearing requirement by conducting three public hearings (February 2023, April 2023 and May 2023) one in response to HOME-ARP funding and the others in response to AAP planning.

The draft Annual Action was posted on the City's website, and shared with the Housing Advisory Commission (HAC) April 10, 2023 meeting. At its April meeting, the HAC approved the PY23 Draft Annual Action Plan. A Public Hearing on the PY23 Draft Annual Action Plan was held on May 9, 2023 before the Berkeley City Council. Outreach was accomplished via hard copy and electronic flyer mailings to interested parties, including Alameda County-wide Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings.

**5. Summary of public comments**

There was one public comment and a discussion among commissioners at Housing Advisory Commission meeting on April 10, 2023. Comments included expression of support for Fred Finch Facility funding and increasing funding to account for contingencies for that particular project, increasing funding for and efficacy of housing vouchers and increasing affordable housing supply.

Public comment at the May 9, 2023 City Council Public Hearing included testimony from X individual. The public and Council discussion included a question about CDBG funded rehab project and new ownership of accepting CDBG funding.

**6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted and/or addressed and will remain recorded in this report should additional HUD funds become available for public services and housing. None of the comments received resulted in changes to the Plan.

**7. Summary**

None.

DRAFT

**PR-05 Lead & Responsible Agencies – 91.200(b)**

**1. Agency/entity responsible for preparing/administering the Consolidated Plan**

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	BERKELEY	Health, Housing & Community Services Department
HOME Administrator	BERKELEY	Health, Housing & Community Services Department
ESG Administrator	BERKELEY	Health, Housing & Community Services Department

**Table 1 – Responsible Agencies**

**Narrative (optional)**

The City of Berkeley’s Health, Housing & Community Services Department (HHCS) is the lead agency for overseeing the development of the plan. The Department coordinates the City’s funding allocation and monitoring for community-based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care program, Senior and Disabled Home Rehabilitation Loan Program, Community Facilities Rehabilitation, and the Homeless Services and Affordable Housing units. The Department also includes the Mental Health, Public Health, and Aging Services, Environmental Health divisions, all of which provide direct services to the community.

**Consolidated Plan Public Contact Information**

Joshua Oehler  
 Community Services Specialist III  
 2180 Milvia Street, 2nd Floor  
 Berkeley, CA 94704  
 510-981-5408  
 joehler@cityofberkeley.info

## **AP-10 Consultation – 91.100, 91.200(b), 91.215(I)**

### **1. Introduction**

For the City of Berkeley, citizen participation and consultation is an ongoing process, and part of a continuing cycle of resident and agency feedback which helps to inform the City about emerging and changing needs and effectiveness of strategies to address them. Feedback is obtained from funded agencies throughout the year, through discussions with housing developers, through attendance at homeless Continuum of Care meetings, City Council meetings, meetings with adjacent local units of government, Health Care services, the Berkeley Housing Authority, and many other agencies and entities which serve lower income Berkeley residents.

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as regular Housing and Homeless Services Team meetings, coronavirus response for vulnerable and low-income populations meetings, and will continue to coordinate with other City Departments on specific topics. It will also consult with EveryOne Home, the countywide coordinating body and plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

### **Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))**

In PY22, Alameda County’s Homeless Continuum of Care selected a new agency, Homebase - a Bay Area non-profit organization, to staff and support COC boards, committees and projects. City staff will continue to participate in the initiative’s various committees and/or Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations, including those which develop affordable housing. Leadership Board membership helps coordinate efforts across the county. In PY23, City will continue to work with Homebase, Alameda County Behavioral Health Care Services, Social Service Agency and Office of Homeless Care and Coordination (OHCC) to continue to implement the Countywide Coordinated Entry System (CES) for homeless services and will participate in OHCC’s ongoing implementation of multiple CES sites (Housing Resource Centers/Access Points (HRC), throughout the county, particularly the North County HRC, which includes Berkeley.

City homeless services and mental health staff will continue to participate in monthly meetings with the Berkeley Housing Authority and homeless service partners to coordinate mainstream and Emergency Housing voucher housing opportunities for the 91 Mainstream vouchers issued to BHA (90 of the 91 Mainstream Vouchers have been issued).

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

In PY23, the City will work with Homebase, Alameda County Behavioral Health Care Services, Social Service Agency, OHCC to implement the North County Coordinated Entry System (CES), which includes the Berkeley, Emeryville and Albany, for homeless services and will participate in OHCC's ongoing implementation of the Coordinated Entry System throughout the county, particularly by supporting the North County Singles and Family Housing Resource Centers. The redesigned screening process: housing problem solving, and crisis and housing assessments are now utilized across the County, including at the new transition age youth (TAY) HRC. The addition of the crisis queue which asks if someone is interested in shelter has assisted in the matching to shelter resources in Berkeley.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Consultation with EveryOne Home, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. The most recent version, which includes policies and procedures for shelter and outreach activities was attached to the 2020 Consolidated Plan. Additionally, the Alameda-Countywide Continuum of Care, City of Berkeley, the City of Oakland, and the Alameda County Housing and Community Services Department have implemented new ESG-CV Rapid Rehousing Standards and Expectations.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities**

1	<b>Agency/Group/Organization</b>	<b>EveryOne Home</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services - Children Services - Persons with Disabilities Services - Homeless Services - Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City of Berkeley adopted EveryOne Home's plan to end homelessness:2018 Strategic Update and the City continues to participate in the implementation of the plan. See above coordination with EveryOne Home, Alameda County Behavioral Health Care Services and SSA.
2	<b>Agency/Group/Organization</b>	<b>Alameda County Housing &amp; Community Development and Alameda County Office of Homeless Care and Coordination</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services - Children Services - Persons with Disabilities Services - Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	See above coordination with Alameda County.
3	<b>Agency/Group/Organization</b>	<b>Eden Council for Hope and Opportunity (ECHO) Housing</b>
	<b>Agency/Group/Organization Type</b>	Housing Services – Fair Housing

	<b>What section of the Plan was addressed by Consultation?</b>	Housing
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing communication to better understand the needs of the community with respect to fair housing.
4	<b>Agency/Group/Organization</b>	<b>Berkeley Housing Authority</b>
	<b>Agency/Group/Organization Type</b>	Public Housing Authority
	<b>What section of the Plan was addressed by Consultation?</b>	Public Housing Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Comment on the draft plan, ongoing conversations with Affordable Housing staff in the City in how to best most efficiently deploy the resources at each's disposal to create more affordable housing in the City.
5	<b>Agency/Group/Organization</b>	<b>City of Berkeley</b>
	<b>Agency/Group/Organization Type</b>	Other government - local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Non-Homeless Special Needs Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Comment on draft plan, ongoing meetings and conversations to better understand the needs and gaps in services in the community that HUD funds can be most efficiently used to further the goals of the City's consolidate plan.
6	<b>Agency/Group/Organization</b>	<b>City Homeless Service Agencies / Monthly Meeting</b>
	<b>Agency/Group/Organization Type</b>	Service Providers – Community Agencies

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Strategic Plan
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City’s staff dedicated to ending homelessness in the City meet monthly with the service providers in the City that help people who are unhoused, or formerly unhoused to discuss challenges, successes and ways to improve the lives of people who are homeless in the City.
7	<b>Agency/Group/Organization</b>	<b>Satellite Affordable Housing Associates</b>
	<b>Agency/Group/Organization Type</b>	Affordable Housing Developer
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing conversations to understand how the developer and the City can best deploy their resources to help the City create more affordable housing.
8	<b>Agency/Group/Organization</b>	<b>Resources for Community Development</b>
	<b>Agency/Group/Organization Type</b>	Affordable Housing Developer
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing conversations to understand how the developer and the City can best deploy their resources to help the City create more affordable housing.
9	<b>Agency/Group/Organization</b>	<b>Rebuilding Together East Bay North</b>
	<b>Agency/Group/Organization Type</b>	Housing Housing – Rehabilitation Public Facility Improvements



	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing conversations with the provider are used to help the City better understand the needs for housing rehabilitation and public facility improvements in the city.
10	<b>Agency/Group/Organization</b>	<b>Eviction Defense Center</b>
	<b>Agency/Group/Organization Type</b>	Legal aid for fair housing and providing financial assistance to residents in danger of losing housing
	<b>What section of the Plan was addressed by Consultation?</b>	Services - Housing
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The organization provides data and other information to help the City understand the magnitude of financial assistance needed to keep people housed in the City.
11	<b>Agency/Group/Organization</b>	<b>Center for Independent Living</b>
	<b>Agency/Group/Organization Type</b>	Services – People with Disabilities Housing - Rehabilitation
	<b>What section of the Plan was addressed by Consultation?</b>	Services - Persons with Disabilities Housing - Rehabilitation
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Ongoing conversations with agency staff regarding the needs they are seeing from the people they serve.
12	<b>Agency/Group/Organization</b>	<b>Broadband Internet service providers</b>
	<b>Agency/Group/Organization Type</b>	Services - Broadband Internet Service Providers Services - Narrowing the Digital Divide
	<b>What section of the Plan was addressed by Consultation?</b>	Broadband

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation and research was done during the Consolidated Plan and language responding to this is reflected in section MA 60 of the Consolidated Plan.
13	<b>Agency/Group/Organization</b>	<b>Department that manage Flood Prone Areas/Public Land or Water Resources/Emergency Management</b>
	<b>Agency/Group/Organization Type</b>	Other government – local Agency - Managing Flood Prone Areas Agency - Management of Public Land or Water Resources Agency - Emergency Management
	<b>What section of the Plan was addressed by Consultation?</b>	Emergency Preparedness and Hazard Mitigation
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation and research was done during the Consolidated Plan and language responding to this is reflected in section MA 65 of the Consolidated Plan.

Table 2 – Agencies, groups, organizations who participated

**Identify any Agency Types not consulted and provide rationale for not consulting**

Not applicable.

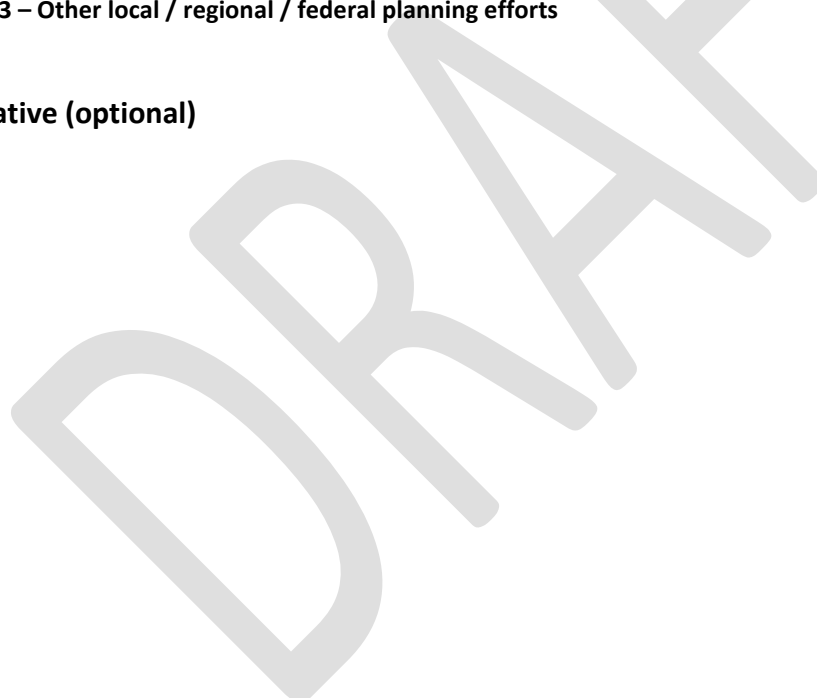
**Other local/regional/state/federal planning efforts considered when preparing the Plan**

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	EveryOne Home	In 2019, the City of Berkeley adopted EveryOne Home's plan to end homelessness: 2018 Strategic Update and the City continues to participate in the implementation of the plan.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
City of Berkeley Housing Element	City of Berkeley	<p>The City of Berkeley created a plan to meet the housing needs of its community over the next eight years, from 2023 to 2031. This state-mandated plan, known as a Housing Element, is developed with extensive input from the public, the State, and City stakeholders.</p> <p>On February 28, 2023, the California Department of Housing and Community Development (HCD) found the City of Berkeley’s revised Adopted 2023-2031 Housing Element (version 7) to be in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code).</p> <p>This effort aligns with the Strategic Plan's goal to assist in the creation and preservation of affordable housing opportunities.</p>

Table 3 – Other local / regional / federal planning efforts

**Narrative (optional)**



## **AP-12 Participation – 91.105, 91.200(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting**

The City's Housing Advisory Commission (HAC), has jurisdiction over reviewing and advising City Council on matters respecting CDBG and ESG, and thus, reviewed the draft plan during a public meeting on April 10, 2023, that was advertised on the City's website and calendar.

The City published a public hearing notice on April 7, 2023 in the Berkeley Voice in accordance with its citizen participation plan for a May 9th, 2023 Public Hearing at the Berkeley City Council meeting. The public notice was published in Spanish and Chinese. It also sent the notification to residents of public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community-based agencies funded by the City of Berkeley.

DRAFT

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Housing Advisory Commission (HAC) representatives	<p>April 10, 2023 members of the HAC discussed the Draft Annual Action Plan, and one member of the public made public comment. Seven persons, including commissioners, were present.</p> <p>The members of HAC voted to approve the Draft AAP for Council consideration.</p>	<p>Questions: The amount of homeless service funds used for prevention/diversion and outreach, separately, and homeless street outreach efforts.</p> <p>Requests: More information on HUD funded community agency outcomes and program participant experiences. Use and equity lens when developing the next Consolidate Plan and consider incorporating the City's reparations work. Consider keeping Fair Housing within the City, in the City Attorney's Office. Using more CDBG funding for multifamily housing developments.</p>		

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	<p>Minorities</p> <p>Non-English Speaking - Specify other language: Spanish and Mandarin</p> <p>Persons with disabilities</p> <p>Residents of Public and Assisted Housing</p> <p>Low income Berkeley Residents</p>	<p>This hybrid Public Hearing was held on May 9 2023, at a City of Berkeley Council Meeting.</p>	<p>TBD comments received via email.</p> <p>TBD(estimated) persons in attendance at the May 9, 2023 meeting.</p> <p>TBD member of the public spoke at the May 9, 2023 public hearing on the PY23 Annual Action Plan in front of the City Council. Comments from the public and Council discussion included: Question about CDBG funded rehab project and new ownership of accepting CDBG funding.</p>	<p>All comments were accepted and/or addressed and will remain recorded in this report should additional HUD funds become available for public services and housing. None of the comments received resulted in changes to the Plan.</p>	<p>Add link to agenda item</p>

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

Berkeley is an entitlement jurisdiction. The City will receive \$ 3,361,202 (estimated) in federal Housing and Urban Development Department (HUD) funds comprised of \$2,707,553 in CDBG, \$729,633 in HOME and \$232,452 in ESG funds. Additionally, the City will add an estimated, \$400,000 in CDBG Program Income and \$253,649 (estimated) in unused CDBG carry over and \$20,000 (estimated) in HOME Program Income to these amounts.

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation : \$	Program Income: \$	Prior Year Resources : \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	\$ 2,707,553	\$400,000 (estimated)	\$253,649 (estimated)	\$3,361,202 (estimated)	\$2,707,553 (estimated)	CDBG funds are allocated to public services, housing services and rehabilitation, and public facility improvements. The City of Berkeley does not currently use CDBG funds for economic development.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation : \$	Program Income: \$	Prior Year Resources : \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	\$729,633	\$20,000 (estimated)	\$0	\$749,633 (estimated)	\$729,633 (estimated)	The City allocates 10% of the HOME allocation to administration, up to 5% for CHDO operating costs, and the remaining (or approximately 85%) to the City Housing Trust Fund.



Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation : \$	Program Income: \$	Prior Year Resources : \$	Total: \$		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	\$232,452	\$0	\$0	\$232,452	\$232,452 (estimated)	The City of Berkeley uses ESG funds for Rapid Rehousing, Shelter and Outreach for literally homeless households. A small portion of the ESG funds are used to support the County-wide HMIS system. The City allocates 7.5% of the allocation to Planning and Admin.

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community-based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Fund. In PY23 over three quarters of the funding for community agency programs came from local and General Fund dollars. The City meets the HOME 25 percent match requirement. The City meets the dollar for dollar match requirements for the ESG program by allocating General Funds to various homeless services providers. Shelter programs alone receive over \$TBD in City General Funds each year.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House Emergency Storm Shelter;
- Dorothy Day House Veteran’s Building Shelter;
- Dorothy Day House Berkeley Community Resource Center;
- BOSS’ Harrison House Shelter for Homeless men, women and families;
- BOSS’ Sankofa House – emergency shelter for homeless families;
- Women’s Daytime Drop-In Center’s Bridget House – transitional housing for homeless families;
- Women’s Daytime Drop-In Center – a homeless daytime center for women and children;
- Bay Area Community Services (BACS) Pathways STAIR Center; and
- Options Recovery Services – substance use treatment services.
- Lifelong Medical Care – healthcare services for people who are homeless

The City also has long-term ground leases for affordable permanent housing at:

- Berkeley Way;
- Ocean View Gardens;
- UA Cooperative Housing ; and
- William Byron Rumford Senior Plaza

The City is currently exploring the possible use of the City-owned Ashby BART station area air rights as well as the West Berkeley Services Center as possible future housing sites. Since Fall 2020, the City has been engaging in discussions with BART to plan for future development of affordable housing on two BART sites in Berkeley, including the Ashby BART station and North Berkeley BART station. In April 2021, the City reserved \$53 million in local funds for future housing developments with a goal of achieving a minimum of 35% affordable housing at both BART sites. The City and BART released an RFQ and selected a development team for North Berkeley BART in 2022, and expects to release an RFQ and select a

development team for Ashby BART in 2023.

**Discussion**

Not applicable.

DRAFT

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase affordable Housing Supply and Quality	2020	2024	Affordable Housing	BERKELEY	Affordable Housing	CDBG: \$1,476,057  (estimated)  HOME: \$644,670  (estimated)	Rental units constructed:7 Household Housing Unit  Rental units rehabilitated: 53 Household Housing Units  Homeowner Housing Rehabilitated: 22 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Improve Public Facilities and Public Services	2020	2024	Non-Housing Community Development	BERKELEY	Non-Housing Community Development	CDBG: \$656,805  (estimated)	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted  Public service activities other than Low/Moderate Income Housing Benefit: 875 Persons Assisted.
3	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing	2020	2024	Homeless	BERKELEY	Homelessness	ESG: \$232,452	Tenant-based rental assistance / Rapid Rehousing: 7 Households Assisted  Emergency Shelter: 86 Households Assisted  Outreach: 50 Households Assisted  Prevention: 0 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Prevent, prepare for and respond to COVID-19	2020	2024	Affordable Housing  Homeless  Non-Housing Community Development	BERKELEY	Affordable Housing, Homelessness, Community Development, Non-Housing Community Development, and responding to needs of COVID-19	\$0	N/A

Table 6 – Goals Summary

**Goal Descriptions**

1	<b>Goal Name</b>	Increase Affordable Housing Supply and Quality
	<b>Goal Description</b>	CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single family rehabilitation programs.
2	<b>Goal Name</b>	Improve Public Facilities and Public Services
	<b>Goal Description</b>	CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.
3	<b>Goal Name</b>	Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing
	<b>Goal Description</b>	ESG funds will be used to provide outreach, services emergency shelter and/or rapid re-housing to literally homeless households.

4	<b>Goal Name</b>	Prevent, prepare for and respond to COVID-19
	<b>Goal Description</b>	CDBG (PY20), CDBG-CV and ESG-CV (CARES Act) funds were used to prevent, prepare for and respond to COVID-19

Table 7 – Goal Descriptions

DRAFT

**Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):**

In PY23, the following projects are anticipating project completion:

- The Grinnell are anticipated to be completed in PY23. The project began construction in July 2022 and will include a total of 63 units with 19 extremely low income units and 43 low income units. The Grinnell will include 7 units supported by HOME funds.
- Maudelle Miller Shirek Community anticipates project completion in PY23. The project began construction in PY22 and will include 87 units with 25 extremely low income units and 61 low income units.
- 2313-2323 10<sup>th</sup> Street's 8 apartment units have been acquired as a part of the City's affordable housing under a regulatory agreement and will complete a rehabilitation in PY23 with all 8 units for lower income residents.

In PY23 the following projects will continue in predevelopment stages:

- St. Paul Terrace (2024 Ashby Avenue) is in predevelopment stage with Community Housing Development Corporation (CHDC) and will include 50 extremely low to low-income affordable units.
- Ephesians Legacy Court (1708 Harmon Street) is in predevelopment stage with Community Housing Development Corporation (CHDC) and will include 80 extremely low to low-income affordable units.
- 1740 San Pablo Avenue is in the predevelopment stage with BRIDGE Housing and will include 54 very low and lower income affordable units.
- The City has a funding reservation for Supportive Housing at People's Park (2556 Haste Street), which is in early predevelopment stage and will include 119 extremely low-income permanent supportive housing units for chronically homeless individuals.
- The City has a funding reservation for the Berkeley Unified School District's which is a project in early predevelopment stage that will include 110 units of both affordable and moderate income housing.
- The City hopes to pursue state Homekey funding for another transitional or permanent supportive housing project, if an eligible project and development team are identified. The City intends to leverage local funds, if they're compatible with the proposed Homekey project. This project would serve extremely low-income individuals experiencing homelessness.



## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

#	Project Name
1	City of Berkeley Planning and Administration
2	Housing Services
3	Single Family Rehabilitation Programs
4	Housing Trust Fund
5	Public Services
6	Public Facility Rehabilitation
7	ESG23 - Berkeley- Emergency Shelter, Outreach, Rapid Rehousing and HMIS Activities

Table 8 - Project Information

#### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City continues to fund activities that have been identified as a need in the Consolidated Plan.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	City of Berkeley Planning and Administration
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Increase Affordable Housing Supply and Quality, Improve Public Facilities and Public Services, & Provide Homeless Prevention, Emergency Shelter, Outreach and Rapid Re-Housing services
	<b>Needs Addressed</b>	Affordable Housing, Homeless, & Non-Housing Community Development
	<b>Funding</b>	CDBG: \$621,511 (includes \$400,000 in program income estimates) HOME: \$74,963 (includes \$20,000 in program income estimates)
	<b>Description</b>	The project will fund City staff to plan and administer CDBG and HOME projects.
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A
	<b>Location Description</b>	Citywide.
	<b>Planned Activities</b>	Information about the planned activities is included in Section AP-38 Project Summaries.
2	<b>Project Name</b>	Housing Loan Services
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Increase Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$70,008
	<b>Description</b>	City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.
	<b>Target Date</b>	6/30/2024

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The project will serve approximately 52 active home rehabilitation loans from the Senior and Disabled Rehabilitation Loan Program, and 112 loans from housing trust fund projects and other federally funded housing related activities, for a total of 164 loans.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis, and structuring of temporary repayment agreements.
3	<b>Project Name</b>	Single Family Rehabilitation Programs
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Increase Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$917,708
	<b>Description</b>	Activities related to single family rehabilitation efforts will be funded under this project. These projects will cover health and safety improvements as well as accessibility improvements such as the installation of ramps/lifts for low-to-moderate income homeowners and renters.
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	The project will benefit an estimated 26 low-income households annually.
	<b>Location Description</b>	Various locations within the City of Berkeley.

	<b>Planned Activities</b>	Activities include health and safety, and accessibility improvements. CIL's program removes barriers to housing for 12 (estimated 8 homeowners and 4 renters) low-income, disabled residents by installing ramps, lifts and making other interior and exterior modifications to ensure accessibility of their homes. Habitat for Humanity provides home repairs and access modifications to 12 low-income households focusing on essential health and safety of the home. City staff work with senior and/or disabled homeowners, providing an estimated two loans for the Senior & Disabled (Home) Rehabilitation Loan Program.
4	<b>Project Name</b>	Housing Trust Fund
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Increase Affordable Housing Supply and Quality
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$488,341 (estimated) HOME: \$644,670 (estimated)
	<b>Description</b>	Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds.
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	24 units (households) will be directly supported with federal funding during the five-year Consolidated Plan period for an average of 4-5 per year.
	<b>Location Description</b>	Citywide

	<b>Planned Activities</b>	<p>City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing. Specific activities include working with project sponsors throughout predevelopment, supporting public participation in project selection and development, preparing and executing loan agreements, and conducting federally required environmental review. \$30,000 will be dedicated to CHDO operating.</p> <p>The aforementioned activities are funded by the City of Berkeley’s Housing Trust Fund, which includes HOME funds. Together with the HTF and Admin funds allowed under the CDBG and HOME program, the funds also support Housing Development staff. 570.201 (k) “provides that CDBG funds may be used to pay costs in support of activities eligible for funding under the HOME program. This includes services such as housing counseling in connection with tenant-based rental assistance and affordable housing projects, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in the HOME program.”</p>
5	<b>Project Name</b>	Public Services
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Improve Public Facilities and Public Services
	<b>Needs Addressed</b>	Homelessness Non-Housing Community Development
	<b>Funding</b>	CDBG: \$453,921 (estimated)
	<b>Description</b>	Services including homeless programs (Coordinated Entry System - Housing Resource Center to provide housing problem solving, crisis and housing assessments and matching to resources), and fair housing services are funded under this project.
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	590 low-income and homeless households are expected to be served through these activities.
	<b>Location Description</b>	Citywide

	<b>Planned Activities</b>	Bay Area Community Services operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 520 people. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners.
6	<b>Project Name</b>	Public Facility Rehabilitation
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Improve Public Facilities and Public Services
	<b>Needs Addressed</b>	Non-Housing Community Development
	<b>Funding</b>	CDBG: \$809,713 (includes program income and unused funds estimates)
	<b>Description</b>	Activities that fund the rehabilitation of public facilities are funded under this project.
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	It is projected that improved public facility improvements provided by the City of Berkeley administered program will benefit a minimum of 100 people. The number of beneficiaries may increase as new public facility projects are identified through the acceptance of new applications.
	<b>Location Description</b>	Various locations within the City of Berkeley.
	<b>Planned Activities</b>	Activities include improving public facilities by funding substantial rehabilitation to applicants of the City administered Public Facility Improvement Program. The City will be accepting applications for funding during PY23.
7	<b>Project Name</b>	ESG23-Berkeley - Emergency Shelter, Outreach, and Rapid Rehousing and HMIS Activities
	<b>Target Area</b>	BERKELEY
	<b>Goals Supported</b>	Provide Emergency Shelter, Outreach and Rapid Re-Housing services
	<b>Needs Addressed</b>	Homelessness

<b>Funding</b>	ESG: \$232,452
<b>Description</b>	ESG funds will be used for Emergency Shelter, Outreach, Rapid Re-Housing and HMIS costs.
<b>Target Date</b>	6/30/2023
<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Up to 7 households will be served with Rapid Rehousing financial assistance. 50 persons will be assisted with Street Outreach. 86 persons will be assisted with Emergency Shelter
<b>Location Description</b>	BACS Stair Navigation Center and various outreach and permanent housing locations.
<b>Planned Activities</b>	ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house 7 households, support approximately 50 people through street outreach and engagement activities and 86 persons will be temporarily sheltered.

**AP-50 Geographic Distribution – 91.220(f)**

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in MA-50 of the Consolidated Plan, the City does not have areas of low income or minority concentration and therefore does not allocate federal funds geographically.

**Geographic Distribution**

Target Area	Percentage of Funds
BERKELEY	100

Table 9 - Geographic Distribution

**Rationale for the priorities for allocating investments geographically**

Not applicable.

**Discussion**

Not applicable.



## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. The City has two HOME-assisted project under construction with project completion in PY23. Jordan Court adds 34 affordable housing units to the City’s portfolio, including 17 HOME units. The City supported the project with over \$6 million in funding, including nearly \$2.5 million in HOME funds. The Grinnell adds 63 affordable units to the City’s portfolio, including 7 HOME units. The City supported the project with \$12 million in funding, including \$1.8 million in HOME funds.

One Year Goals for the Number of Households to be Supported	
Homeless	9
Non-Homeless	15
Special-Needs	0
Total	24

Table 10 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
The Production of New Units	24
Total	24

Table 11 - One Year Goals for Affordable Housing by Support Type

#### Discussion

Not applicable.

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council. BHA is a Section 8 Housing Choice Voucher-only agency; BHA does not own any public housing units. Responses below pertain to BHA's voucher programs.

### **Actions planned during the next year to address the needs to public housing**

Not applicable. As a Section 8-only agency, BHA is making special effort to increase the number of landlords participating with us to house voucher holders. We have received a grant from the City of Berkeley (\$150,000 in total) to implement a unit turnover program to incentivize landlords to participate with BHA to house voucher holders.

BHA was also selected as a participating Move To Work (MTW) agency in the landlord incentive cohort. After planning is concluded, staff will be able to utilize the programmatic flexibilities to further incentivize landlords into our programs so that more voucher holders may be housed in Berkeley.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Not applicable; unfortunately, the cost of housing in Berkeley prohibits BHA's ability to operate a homeownership program. Regarding involvement of our program participants, as a Section 8-only agency, BHA adheres to all of the required public processes including convening a Resident Advisory Board (RAB) to review and comment on proposed Admin. Plan changes. Additionally, the RAB will provide input on the public process that will entail finalizing the MTW plans prior to implementation.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

Not applicable. BHA has been a high performing agency since 2010.

### **Discussion**

Not applicable.

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

The City uses a variety of approaches to support homeless and other vulnerable populations.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

Goals for PY23 include 1) If awarded new State of California Encampment Resolution Funds, support a new non-congregate shelter program to move unhoused people indoors and connect them to the North County Housing Resource Center (Coordinated Entry System) and other eligible and available resources; 2) if awarded State of California Project HomeKey funding, support a new Permanent Supportive Housing project by converting an old hotel, 3) entering into a contract and lease to support the development of 39 units of modular housing for unhoused residents of Berkeley, 4) continue to fund and otherwise support the North County Berkeley/Albany/Emeryville Housing Resource Center – the front door to the homeless Coordinated Entry System which provides outreach, assessments, housing problem solving, housing navigation and tenancy sustaining services to unhoused residents and 5) continue to fund shelter and interim housing programs to move unhoused residents into permanent housing. HRC staff will continue to implement the updated assessment process. It includes three phases: housing program solving (HPS), crisis assessment and housing assessment. The former will be focused on households that can be rapidly rehoused with limited support while the latter will be focused on households needing permanent supportive housing. This phased approach coupled with HPS flex funds will result in more varied households having access to needed supports. Staff will provide these assessments through 211 referrals, during HRC drop-in and by phone, and at street-based locations throughout Berkeley. Street based outreach staff will continue to engage people and provide basic necessities, such as water and hygiene kits.

Eligible people will be matched to appropriate and available resources including housing problem solving resources, housing navigation services, shelter, transitional and permanent housing programs, physical, mental health and addiction services and SSI advocacy.

The HRC will provide housing navigation services tied to rapid-rehousing and flexible financial assistance to support additional people in moving to permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to assisting with identification documents and housing search activities. Once permanently housed, HRC staff will work with participants to maintain housing.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The City will continue to provide funding for shelter and transitional housing as described in section MA-30 of the Consolidated Plan. The City funds multiple agencies to provide up to 273 year-round shelter beds (192 congregate and 81 non-congregate), 79 seasonal shelter beds (nightly and inclement weather shelter) and 18 transitional housing beds (family and TAY beds). As part of the City's COVID-19 response, the census at these programs has been reduced by approximately 50% so staff and

participants can maintain 6' social distancing. Additionally, funds have been provided to expand shelter operations to 24/7 and to provide three meals per day so participants don't have to leave during the day. In PY22, shelter programs began to increase census with the goal of returning to pre-COVID levels. To offset the shelter census reduction, rapid re-housing and flexible rental assistance resources are being offered through the North County Housing Resource Center to help people move into permanent housing.

The City will submit a proposal to the State of California's Encampment Resolution Funding Program to add a 23-unit motel to the non-congregate shelter portfolio. If awarded, Berkeley will contract with the motel and a service provider to provide shelter, housing navigation and linkages to other needed services and permanent housing.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The North County HRC, operated by Bay Area Community Services (BACS), conducts Coordinated Entry System (CES) intakes and assessments, which prioritize people who are homeless for resources that best meet their needs, including rapid re-housing placements and placement on the County's Permanent Supportive Housing (PSH) Housing Queue. In both cases, the goal is to rapidly re-house households and support them for as long as retention services are needed and allowed.

The HRC's Housing Navigation resources will be allocated to people across the new CES housing queue, from people with the most needs and prioritized for permanent supportive housing to people who need shorter term financial assistance with little to no services support. Housing Navigators will help collect documents needed to apply for housing opportunities, housing searches and linking participants to services that will help to retain housing.

The North County HRC and the BACS Stair Program have flexible and rapid rehousing funds, which assist in reducing people's length of homelessness. The City will allocate ESG and local funds to support these efforts. While funding is available, there continues to be a lack of available units, within HUD's Fair Market Rent (FMR) to support households with extremely low incomes making it difficult to rapidly re-house households in the County. Often, households are being housed in neighboring counties making it challenging to provide ongoing housing retention services. This has resulted in some delays in spending City of Berkeley ESG funds for rapid re-housing. In PY21, the City of Berkeley shifted its ESG allocation to fund the Pathway STAIR Navigation Center, and its street outreach and rapid rehousing components. Also, the HRC has incorporated more shared housing opportunities through the use of larger units. This

has provided people with limited income and a willingness to share housing more opportunities to be permanently housed.

The City's Shelter Plus Care programs fills all of its openings through HomeStretch and the "Housing First" approach in housing the target population. When an opening occurs, Home Stretch prioritizes unhoused people based on chronicity, need and date of referral, and provides participant information to the City of Berkeley, to be matched with a partner service agency that will provide case management and housing stabilization support. The case manager will support the participant to obtain and retain their housing, although services are not required in order to qualify for the rental assistance. Along the way, case managers work with participants to address issues that may have contributed to their housing instability or present obstacles to obtaining rental housing (such as poor credit, a lack of income, missing documents like a picture ID, outstanding legal issues, etc.).

In PY20, Berkeley's Health, Housing and Community Services (HHCS) Department administered two (formerly five grants, which have been consolidated to two) Permanent Supportive Housing (PSH) programs serving primarily people who are chronically homeless. The Shelter Plus Care COACH grant, with 86 Shelter Plus Care certificates, targets people who are chronically homeless. The program combines the federal housing subsidy with services provided by Berkeley Mental Health, Berkeley Case Management and Lifelong Medical Care.

The Supportive Housing Collaborative grant is the newly consolidated grant (formerly four grants) and provides a mixture of site based and scattered site housing opportunities:

129 Shelter Plus Care certificates and prioritizes people who are chronically homeless, although it is not limited to serving the chronically homeless.

14 Shelter Plus Care certificates primarily serving older adults who are living on the streets and disabled due to a serious mental illness and /or history of drug and alcohol dependence. The HHCS Department's Aging Services Division provides outreach, housing search assistance, and intensive case management for the participants enrolled in the project. 12 site-based units in partnership with Resources for Community (RCD) as the project sponsor. The contract serves 12 households. Participants are housed at one of 2 sites owned by RCD: MLK House and Erna P. Harris Court (EPHC). 11 site-based units in a collaboration between the City of Berkeley Health Housing and Community Services Department (HHCS) and Bonita House. The program targets adults who are dually diagnosed with a serious mental illness and history of alcohol and/or drug dependency.

The Square One program combines a locally funded housing subsidy, with services provided by Lifelong Medical Care. These programs are now being coordinated through HomeStretch. This new process includes prioritization for people who have the longest lengths of homelessness and the highest needs. It then connects these participants to Housing Navigators, to help support their application to HomeStretch and ultimate housing placement, as units become available.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that can't support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

### **Discussion**

The City of Berkeley supports a wide range of homeless programs, including emergency/crisis drop-in centers and shelters, transitional housing, permanent supportive housing, prevention and rapid rehousing services. All contracted service providers report outcomes based on the countywide outcome standards developed by EveryOne Home, in order to inform future adjustments to the service system.

## AP-75 Barriers to affordable housing – 91.220(j)

### Introduction:

None.

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

MA-40 of the Consolidated Plan describes the City programs intended to minimize development constraints, including amendments to density and development standards, demolition controls, calculation of affordable housing requirements, removal of parking requirements, and amnesty for unpermitted dwelling units.

- Density and Development Standards.** In response to Council referrals to encourage more housing, particularly affordable housing, Planning staff have presented to Council on several zoning efforts that touch all residential areas of the City: Southside Plan Area (expand building envelope for more housing, including student housing); Middle Housing (increase density in the R-1, R-1A, R-2, R-2A, and MUR); and Residential Objective Standards (facilitate permit processing and reduce reliance on non-detriment findings). The recently adopted 2023-2031 Housing Element, approved by HCD on February 28, 2023, identifies targeted milestones and timelines for these efforts over the next three years between 2023 and 2026.
- Demolition Controls.** The City is working collaboratively with the Rent Board to align zoning code amendments for demolition controls with state law requirements. The goal is to balance protecting existing tenants from displacement with the need to build more housing. As detailed in MA-40, Berkeley's demolition regulations are not a constraint to housing development because demolition of units is permissible upon the replacement of at least the same number of existing dwelling units. In addition, demolition controls play an important role in preserving existing housing in the City, which tends to be more affordable than new development.
- Citywide Affordable Housing Requirements Update.** In February 2023, the City Council adopted revisions to the affordable housing requirements which established an on-site inclusionary housing requirement and new in-lieu calculated on a per square foot basis. Other key changes include setting the same per square foot fee for rental and ownership projects; providing new options by which requirements can be met; and various administrative changes.
- Parking Requirements.** The City has taken significant steps to reduce constraints to development related to parking requirements in recent years. In the majority of the City, no parking is required for residential development of any number of units. In addition, with the passage of Assembly Bill (AB) 2097, all public agencies or cities are prohibited from imposing a minimum vehicle parking requirement on most development projects located within a half-mile radius of a major transit stop, which encompasses the majority of developable land in the City of Berkeley.
- Amnesty for Unpermitted Dwelling Units.** In response to a 2019 Council referral, the Building and Safety Division is creating an Unpermitted Dwelling Unit (UDU) Amnesty Program to ensure minimum health and safety standards while preserving the current housing stock. In addition, with the passage of California Assembly Bill (AB) 670, like all California cities, the City offers a five-year

postponement of building code enforcement provided that units meet minimum health and safety standards.

With the passage of California Senate Bill (SB) 35 Berkeley, like all California cities, has an expedited path to planning and environmental approvals for affordable housing developments meeting certain State-established criteria. Since 2021, the City has approved five land use entitlements for City funded projects under SB35: Berkeley Way, Jordan Court, The Grinnell, Maudelle Miller Shirek Community, 1740 San Pablo, and St. Paul Terrace.

The City also anticipates a reduction in barriers to affordable housing with the passage of California Senate Bill 330 (2019) which reduces the number of allowable public hearings for Housing Accountability Act (HAA) compliant projects to five. In 2021, six development projects were submitted under the provisions of SB 330.

Additionally, the City also anticipates a reduction in barriers to affordable housing with the passage of California Senate Bill 9 (2021) that promotes strategic infill growth and could provide options for homeowners to build intergenerational wealth by allowing up four units to be established on a single-family parcel.

The City also adopted the Adeline Corridor Plan (December 2020) which introduced a local density bonus program that incentivizes the development of affordable housing in the corridor.

In 2021, the City initiated work on update of the Housing Element (2023-2031). The Housing Element serves as a comprehensive document for everyone in the Berkeley community. Racial and social equity, and protections for vulnerable and historically impacted communities, are key factors in this update to the City's housing plan. An essential component of the Housing Element is to identify sufficient sites that can accommodate future housing needs across income levels. The Housing Element must also develop various approaches in order to meet those needs, such as zoning updates or new affordable housing requirements and programs.

## **Discussion**

Not applicable.



## AP-85 Other Actions – 91.220(k)

### Introduction:

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

### Actions planned to address obstacles to meeting underserved needs

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the diversity of needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State and Federal resources as available to meet underserved needs.

### Actions planned to foster and maintain affordable housing

The City has several on-going programs which foster and maintain affordable housing in Berkeley:

- **Rent Stabilization Program.** In 1980, Berkeley residents passed the Rent Stabilization and Eviction for Good Cause Ordinance. The Ordinance regulates most residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity. In 2017 Council adopted the Tennant Protection Ordinance, to prohibit illegal evictions through the use of fraudulent and/or misleading representations, intimidating conduct, and coercive conduct.
- **Affordable Housing Mitigation Fee (AHMF).** This fee requires developers of new market rate rental housing to pay a fee into the Housing Trust Fund or to provide affordable apartments integrated into their development. Resulting units are affordable both to people with incomes less than 50 percent and less than 80 percent of Area Median Income (AMI). A portion of all 50% AMI units are set aside for Shelter+Care and Section 8 voucher holders. The Council adopted a formula for increasing the rate over time consistent with the Construction Costs Index (CCI).
- **Condominium Conversion Ordinance (CCO).** The CCO governs the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. A mitigation fee for production of permanently affordable housing is collected for each unit converted into a condominium and allocated to the Housing Trust Fund.
- **Commercial Linkage Fee.** The Affordable Housing Mitigation Program for commercial construction was approved on April 20, 1993. It imposes a fee on commercial new construction in which the newly constructed gross floor area is over 7,500 square feet that is allocated to the Housing Trust Fund.
- **Housing Trust Fund (HTF).** The City of Berkeley created its HTF in 1990 to help develop and preserve

below-market-rate housing. The HTF program pools funds for affordable housing construction from a variety of sources with different requirements, makes them available through one single application process to local developers, then monitors development and operation of the funded housing.

- Inclusionary Housing Ordinance for ownership housing. The ordinance requires developers of market rate ownership housing to include affordable ownership units or pay a fee allocated to the Housing Trust Fund.
- Relocation Ordinance. In 2011, the City of Berkeley adopted a local ordinance to prevent tenants from being permanently displaced if they must vacate their unit temporarily while repairs are completed to bring the unit into code compliance. The Ordinance requires the Owner to allow the tenants to move back into the unit once repairs are completed, and to provide financial compensation to tenants to mitigate the costs associated with being temporarily displaced.
- Mortgage Credit Certificate. MCC is a federal income tax credit that provides qualified low income homebuyers a tax credit worth up to 15 percent of their annual mortgage interest paid on their home loan. MCC recipients adjust their federal income tax withholding, which increases their take-home pay, making monthly mortgage payments more affordable. The City participates in the Alameda County MCC program.
- Senior and Disabled (Home) Loan Rehabilitation Program. HHCS administers the program as an effort to preserve the City's housing stock and to assist low- and moderate-income senior and disabled homeowners, funded by CDBG and CalHome. The applicants receive a zero interest loan, secured by a deed of trust on their home, the loan becomes due upon sale or transfer of the property; when the Borrower(s) ceases to occupy the property or at loan maturity (30 years), whichever comes first.
- Fair Chance to Housing. In March of 2020, Berkeley City Council passed the Fair Chance Access to Housing Ordinance, prohibiting the use of criminal history and/or criminal background checks in the tenant selection process for rental housing.

### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's Renovation, Repair, and Painting Program in its Senior and Disabled Rehabilitation Loan Program. Similarly, organizations working with the City of Berkeley on single family rehabilitation will work with the City and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and incorporate lead safe work practices into their activities.

The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's State certified Lead Inspector / Assessor (Lead I/A). In addition to responding to cases of children with elevated blood lead levels and conducting full Environmental Investigations, the Lead I/A conducts Proactive Inspections of rental properties in high-risk areas.

The City of Berkeley's Housing Code Enforcement group routinely conducts hundreds of Proactive Inspections in which exterior peeling presumed lead paint is required to be abated when identified.

Berkeley's program also provides case management services to families with children who have elevated blood lead levels. Public Health Nursing services include outreach, health education, and follow-up with providers and families for initial blood lead levels (BLLs) of  $> 4.5$  and  $< 9.5$   $\mu\text{g}/\text{dL}$ ; follow-up/lead poisoning consultation for initial BLLs  $> 9.5$  and  $< 14.5$  (potential cases) and case management for children with blood lead levels  $> 14.5$   $\mu\text{g}/\text{dL}$ . Beginning July 1, 2023, initial blood lead levels (BLLs) threshold will change from  $> 4.5$  and  $< 9.5$   $\mu\text{g}/\text{dL}$  to become  $> 3.5$  and  $< 9.5$   $\mu\text{g}/\text{d}$

The Alameda County Healthy Homes Department (ACHHD) also provides HUD-funded lead hazard control grants for addressing lead hazards in qualifying Berkeley pre-1978 housing units that are occupied by a low income household with a priority for units with a child under 6 living in the unit, a pregnant occupant, or a child under 6 years who visits twice a week for at least three hours each time. Since July 1, 2020, ACHHD has completed lead evaluation at one unit in Berkeley which is under contract for lead hazard repair, has approved another unit for service and has seven units in the application process. The goal of the program is to make 144 housing units lead-safe county-wide over the 42-month grant period.

ACHHD also provides lead safety and healthy housing training. For coronavirus safety, in person trainings have been suspended under the County's Shelter-In-Place orders. The ACHHD has increased traditional media, social media, and web content to continue outreach and education.

The ACHHD's outreach and education activities promote lead safety, regulatory compliance, and participation in ACHHD lead hazard control grant programs to property owners, property managers. The ACHHD coordinates lead poisoning prevention outreach activities with the City of Berkeley Public Health. ACHHD also currently provides lead-safe painting supplies kit to eligible property owners.

Outreach partners and locations for property owner presentations, staff trainings, and literature distribution have included the Berkeley Rent Stabilization Board and Permit Office, the Berkeley Housing Authority, Tool Lending Library, North Berkeley Senior Center, YMCA, Berkeley Property Owners Association, the East Bay Rental Housing Association which is in Oakland but serves Berkeley property owners, the Ecology Center, and local paint and hardware stores. The ACHHD participates in local collaborations and with partners including the Berkeley Tobacco Prevention Coalition, Bay Area Lead Programs, Berkeley Black Infant Health, Kerry's Kids, Rebuilding Together East Bay North, Habitat, and the Safe Kids Coalition.

### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level

incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Consolidated Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continue implementation of the City of Berkeley's Living Wage Ordinance.
- Foster regional coordination on economic development to benefit low-income Berkeley residents.
- The City of Berkeley Family Friendly and Environment Friendly Ordinance (BFFEFWO) allows workers to seek a flexible or alternative work arrangements with their employer to accommodate needs such as child or elder care as well as consideration for a modified schedule to reduce environmental impacts associated with traveling to and from work.
- The City of Berkeley continues to serve as an integral partner for Berkeley's 2020 Vision, a communitywide initiative that strives to eliminate racial disparities in academic achievement in Berkeley public schools. In the face of COVID-19, the role of Berkeley's 2020 Vision shifted to focus on improving safety and equity among schools, child care and youth providers in the City of Berkeley. The City of Berkeley serves as a training and technical assistance hub for child- and youth-serving departments within the City and other child- and youth-serving agencies and programs throughout Berkeley.
- Linking homelessness and homelessness prevention programs, such as the coordinated entry system, to employment training and placement opportunities. The HRC has an employment position that primarily supports people who are literally homeless and in some cases people who were previously homeless but still receiving housing retention services.
- The City has contracted with a number of workforce development programs to provide training, education and job placement for low income, under-employed, and unemployed residents:
  - Inter-City Services provides employment, training, and education and continues to serve veterans as funded under the Governor's 15% Discretionary pool of Workforce Investment Act (WIOA) funds.
  - Biotech Partners operates the Biotech Academy at Berkeley High School, targeting youth from under-represented populations in the fields of science and technology (African American, Latino, South East Asian, and female and low-income youth) and who may be at risk of not graduating from high school.
  - The Bread Project provides training in culinary arts and bakery production, and includes the formerly incarcerated as their target population. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.
  - Rising Sun Center for Opportunity (formerly known as Rising Sun Energy Center) Green Energy Training Services (GETS) provides pre-apprenticeship classroom and hands-on training in the Building and Construction trades which serves as a pathway for careers in construction including green and clean technologies. Rising Sun also operates the California Youth Energy Services

- (CYES) program funded by the CA Public Utilities Commission, providing summer jobs for youth conducting residential energy audits.
- Berkeley Youth Alternatives (BYA) receives WIOA funding through Alameda County Workforce Development Board (ACWDB) to provide workforce development services to in-school and out-of-school youth. The area of workforce development is a focus area for increased coordination, including establishing methods to maximize and leverage resources. BYA, utilizing city funds, provides training to disadvantaged youth in all aspects of park and landscape maintenance in addition to summer and after-school programs for children and youth.
  - UC Theatre Concert Careers Pathways (UCCCP) is a nine-month program for young people ages 17-25, providing workshops and paid internships for participants to learn all aspects of live music venue production.
  - Continuing the City's Local Hire policies which include the Community Workforce Agreement (CWA) between the City of Berkeley and the Building trades (created in 2011) which applies to publicly funded construction projects estimated at \$500,000 or above, and, the First Source local hiring policy which applies to both public infrastructure projects estimated between \$100,000 - \$499,999.
  - The YouthWorks employment program continued its partnerships with City and nonprofit agencies. YouthWorks targets low income, at-risk youth and provides all youth with workplace skills training. City of Berkeley departments and local community agencies serve as worksites providing valuable work experience to Berkeley youth 14-25 years old.
  - The City's Recreation Division of the Park, Recreation & Waterfront Department partners with the Berkeley Unified School District and YouthWorks on the Achievers Program, which provides leadership development, career exploration and peer-led tutoring. This program is also used as a stepping stone for entry into the City's YouthWorks program.
  - Funded through the City's Public Works Department, the Downtown Streets Team, a non-profit organization, homeless and low-income persons volunteer to beautify commercial districts while engaging in case management and employment services.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low-income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics. The City's Health & Human Services and its Housing Departments merged in PY12. Since that time, senior leadership of all Divisions meets weekly to share information on Division activities which promotes closer coordination. For example, in PY20, the senior leadership of each Division,

facilitated by the City's Homeless Services Coordinator, explored mechanisms to better coordinate housing, services, and public and mental health services. In PY21 and PY22, Housing Community Services (HCS) increased its coordination with Berkeley Mental Health (BMH) and Aging Services (AS) to support people who were literally homeless and at risk if infected with COVID-19. This occurred through regular case conference meetings. The City's Homeless Services Coordinator moved to the City Manager's Office, resulting in increased outreach and service coordination between the HCS and the City Manager's Neighborhood Services (NS) Division. This coordination among HCS, BMH, AS and NS Divisions will continue to support existing and new projects in PY22. The Division leadership will continue to seek opportunities to increase coordination during PY22. Two additional HHCS institutional structure priorities for PY22 are one to create and implement an equity framework for the Department, and two create and implement a communications framework for the Department. These frameworks will establish ongoing uniform institutional structures for each Division within the HHCS.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in the implementation of Alameda County's Continuum of Care Plan to end homelessness: 2018 Strategic Update. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participates in other committees composed of other funders (such as Alameda County Behavioral Health Care Services, Social Services Agency, and the Office of Homeless Care and Coordination) as well as many community-based organizations.

Recent countywide collaboration efforts include the ongoing refinement of the Coordinated Entry System, Project Roomkey hotels, ongoing coordination of Emergency Housing Voucher (EHV) to support permanent housing for Project Roomkey participants. The City will continue to work with County partners on CES efforts, EHV lease ups and other efforts that increase permanent housing opportunities. Lastly, the City will continue to coordinate with the County, BHA and other partners to market landlord incentive programs to increase the portfolio of available private market units.

City staff continue to collaborate with service agencies, from legal advocacy assistance, to disability rights organizations for unit modifications, the VA for VASH vouchers, and the Berkeley Housing Authority (BHA) for Mainstream and Emergency Housing vouchers. Additionally, with Project-based voucher allocations and through work with owners of Below Market Rate units, BHA has partnered with both non-profit and for-profit developers of housing in Berkeley, to house those participating in our programs. In 2021 BHA received an allocation of 51 Emergency Housing Vouchers from HUD; City staff, and community/social services partners meet twice monthly to collaborate on the lease up of these

vouchers for the formerly homeless, in Berkeley.

**Discussion:**

The majority of Berkeley’s activities furthering the goals of the Consolidated Plan are provided by community agency partners. This will continue to be the case in PY23.

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

**Introduction:**

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	\$400,000 (estimated)
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>\$400,000 (estimated)</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	99.00%



**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b).

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership or tenant-based rental assistance activities are anticipated for PY23.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated for PY23.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Berkeley's HTF Guidelines apply to any project using HOME funds to refinance existing debt. Per the Guidelines, Project owners submit funding requests to the City, or reply to the City's Requests for Proposals for funding, with the following information, among other things:

a) As a condition precedent to funding, Owners must demonstrate an extension of affordability term. For new HOME funds invested in the Project, the minimum affordability term is the term required by 24 CFR 92 et seq., but, typically, the required extension of affordability is 55 years.

b) As a condition precedent to funding, Owners must demonstrate that the refinancing preserves the affordable Project through rehabilitation.

1. Minimum rehab costs/unit must correspond to at least the value identified in a current physical needs assessment to ensure that the long-term needs of the Project can be met.
  2. Typical rehab/unit costs are no less than \$10,000/unit, the minimum rehab value required by the California Debt Limit Allocation Committee Regulations.
- c) Owners indicate if their refinancing request includes new construction that adds net new units to the Project
- d) Owners provide extensive Project data, including audited financial statements, cash flows, rent

rolls, services plans, PNAs, and rehabilitation proformas to demonstrate that:

1. The project is sound financially and disinvestment has not occurred
2. The long-term needs of the Project and residents will be met by the rehab
3. The proposed rehab is financially feasible, includes no barriers to refinancing existing mortgage loans, does not include the refinancing of any existing federal or federally-insured loans, and leverages other non-federal funds to the greatest extent possible

**Emergency Solutions Grant (ESG)  
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (Attachment 3)

The City's standards for providing ESG assistance were updated in 2022. The most recent version is attached. Each Annual Action Plan and any subsequent amendment notification and request for public comment is sent to the Homeless Both the Homeless and Housing Advisory Commissions are comprised of nine Council appointed community members. The Housing Advisory Commission advises Council on housing matters in Berkeley including the Commission overseeing and advising Council on both CDBG and ESG programs and funding allocations. Berkeley's Homeless Commission advises City Council on homeless policy, program and funding recommendations and includes participation by people with lived expertise.

2. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. These standards were developed in 2018 by EveryOne Home's Results Based Accountability Committee, which includes City of Berkeley staff. his matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.

Together Priority Home Partnership and the Housing Retention program make up the housing retention and rapid rehousing segment of the City's continuum of services. The City will continue to work with community agencies to ensure that prevention and rapid rehousing funds are fully utilized and play an important role in ending homelessness in Berkeley.

## Attachments

<b>Exhibit A</b>			
<b>Annual Action Plan for PY23 (FY24)</b>			
<b>City of Berkeley CDBG, ESG and HOME Projects for 7/1/2023 - 6/30/2024</b>			
<b>Proj. #</b>	<b>Agency</b>	<b>Project Name</b>	<b>PY23 Allocation</b>
<b>CDBG</b>			
1	Center for Independent Living	Residential Access	\$ 159,660
2	Habitat for Humanity	Housing Rehabilitation Grant Program	\$ 250,000
3	HHCS D*	Loan Services	\$ 70,008
4	HHCS D	Senior and Disabled Rehab Program	\$ 358,048
5	HHCS D	Rehab Loans	\$ 150,000
6	HHCS D	Housing Development: M/F Rehab	\$ 488,341
		<b>Subtotal Housing Projects</b>	<b>\$ 1,476,057</b>
7	Bay Area Community Services	Coordinated Entry System	\$ 418,921
9	Eden Housing for Hope and Opportunity	Fair Housing	\$ 35,000
		<b>Subtotal Public Services Projects</b>	<b>\$ 453,921</b>
10	HHCS D	Community Facility Improvements	\$ 152,908
11	HHCS D	PY23 Community Facility Improvement	\$ 656,805
11.a		Funds available for NOFA	\$ 656,805
		<b>Subtotal Public Facilities Projects</b>	<b>\$ 809,713</b>
12	HHCS D	CDBG Planning and Administration	\$ 621,511
		<b>Subtotal Planning &amp; Admin Projects</b>	<b>\$ 621,511</b>
		<b>**GRAND TOTAL ALL CDBG PROJECTS</b>	<b>\$ 3,361,202</b>
<b>ESG</b>			
13	BACS	Rapid Re-Housing Project	\$ 68,871
14	BACS	Emergency Shelter and Street Outreach	\$ 139,471
15	HHCS D	Homeless Management Information System	\$ 6,676
16	HHCS D	Program Planning and Administration	\$ 17,434
		<b>GRAND TOTAL ALL ESG PROJECTS</b>	<b>\$ 232,452</b>
<b>HOME</b>			
17	HHCS D	HOME Administration	\$ 74,963
18	CHDO Operating Funds	CHDO Operating Funds	\$ 30,000
19	HHCS D	Housing Trust Fund	\$ 644,670
		<b>***GRAND TOTAL ALL HOME PROJECTS</b>	<b>\$ 749,633</b>

**Notes:** \* HHCS D = City of Berkeley Health, Housing & Community Services Department  
 \*\*Includes estimated Program Income, in the amount of \$400,000 and an estimated amount of \$253,649 in unused carry over funds. If additional funds become available they will be added to line 11.b, Community Facility Improvement Program NOFA

\*\*\*Assumes \$20,000 in Program Income

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
&  
REQUEST FOR COMMENTS ON THE CITY'S ANNUAL ACTION PLAN**

The Health, Housing, and Community Services Department (HHCS) will conduct a Public Hearing addressing the proposed **Annual Action Plan for Program Year (PY) 2023** (July 1, 2023 – June 30, 2024) which includes recommended allocations of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Program (HOME) funds.

The hearing will be held on **Tuesday, May 9, 2023, at 6:00 P.M.** The hearing will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person. The in-person meeting will be held at the **Berkeley Unified School District Board Room - 1231 Addison Street, Berkeley, CA 94702.**

A copy of the agenda material for this hearing will be available on the City Council agenda webpage at <https://berkeleyca.gov/your-government/city-council/city-council-agendas> in advance of the meeting. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology. You may also attend virtually, at the teleconference location: 1404 Le Roy Avenue, Berkeley 94708.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

The proposed **PY 2023 Annual Action Plan** required by the U.S. Department of Housing and Urban Development (HUD), outlines the City's housing and community development program for the period July 1, 2023 through June 30, 2024. The plan also outlines the proposed use of the estimated \$3,361,202 in **Community Development Block Grant (CDBG)** funds available for housing related activities, improvement of public facilities, public services, and planning and administration. In addition, the plan outlines the proposed use of \$232,452, the majority of which is used for rapid re-housing financial assistance, outreach and/or shelter for people who are homeless in Berkeley under the **Emergency Solutions Grant (ESG)**, and the use of an estimated \$749,633 in **HOME Investment Partnerships Program (HOME)** funds for affordable housing development and rehabilitation.

**PUBLIC COMMENT PERIOD:** The public also has from April 7, 2023 through May 9, 2023 to submit written comments on the PY2023 Annual Action Plan. **A draft of the Plan will be available for public review** on the web at <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>.

Attachment 2  
Public Notice and Community Participation Summary

Physical copies of the public comment draft will be made available at the following locations:

- Berkeley Main Library: Reference Desk, on the 2nd Floor, 2090 Kittredge Street, Berkeley; and
- Health, Housing, and Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley.

**All written comments must be either sent by email to both [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) AND [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov), or by letter, or other legible written form, to Health, Housing, and Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley, and received no later than May 9, 2023, at 5:00 p.m.**

For residents and groups that would like assistance in translating this report into another language, please contact HHCS at (510) 981-5400 or [HHCS@berkeleyca.gov](mailto:HHCS@berkeleyca.gov).

For general information, please contact Joshua Oehler (phone: (510) 981-5408 or email: [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov)) at HHCS 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704.

Attachment 2  
Public Notice and Community Participation Summary

El Departamento de Servicios de Salud, Vivienda y Servicios Comunitarios llevará a cabo una audiencia pública para tratar el **Plan de Acción Anual para el Año (PY) 2023** (1 de julio de 2023 a 30 de junio de 2024), el cual incluye las asignaciones recomendadas de fondos de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant-CDBG), Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG) y la beca HOME.

La audiencia se llevará a cabo el **martes, 9 de mayo de 2023 a las 6:00 P.M.** La audiencia está programada en forma presencial y virtual (modalidad híbrida). Para aquellas personas que asistan presencialmente mascarillas que cubran nariz y boca son recomendadas. Si se está sintiendo enfermo por favor no venga a la audiencia. La audiencia presencial se llevará a cabo en el **Berkeley Unified School District Board Room** localizado en **1231 Calle Addison, Berkeley, CA 94702.**

Una copia de la agenda para esta audiencia estará disponible en la página electrónica <https://berkeleyca.gov/your-government/city-council/city-council-agendas> antes de la audiencia. **Una vez que la agenda sea publicada, esta incluirá un enlace (link) para la participación pública usando la tecnología de Zoom.**

Para solicitar adaptación especial debido a una discapacidad por favor contactarse con el Especialista de Servicios para Discapacitados al 510.981.6342 o al (TDD) 510.981.6345. Por favor contactarse con el especialista por lo menos 3 días antes de la junta para asegurar que su pedido sea atendido.

El **Plan de Acción Anual PY 2023** que cubre el período a partir del 1ro de julio de 2023 hasta el 30 de junio de 2024 es un requisito del Departamento de Vivienda y Desarrollo Urbano de los E.E. U.U. (HUD por sus siglas en inglés) y resume los programas de vivienda y desarrollo comunitario. El plan también enumera la distribución de aproximadamente \$3,361,202 que la Ciudad recibirá por medio de la de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant - CDBG) para financiar programas de vivienda, mejoras de infraestructura de edificios públicos, servicios públicos y la administración y planificación de los mismos. Además, el plan también explica el uso propuesto de aproximadamente \$232,452 que en su gran mayoría será usado para la relocalización rápida de vivienda dando ayuda financiera, información y/o refugio a las personas desamparadas de Berkeley, estos fondos son parte de la Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG). También explica cómo se usarán los fondos de la Beca HOME, aproximadamente \$749,633 que se usarán para el desarrollo y rehabilitación de viviendas.

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 7 de abril de 2023 hasta el 9 de mayo de 2023, el público podrá presentar comentarios por escrito sobre el Plan de Acción Anual PY 2023. Un borrador del **Plan está disponible al público** en el Internet en la página electrónica <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>.



Attachment 2  
Public Notice and Community Participation Summary

Copias impresas del borrador estarán disponibles en los siguientes lugares:

- En el escritorio de referencia de la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y
- En el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso,

**Cualquier comentario escrito tiene que ser enviado a [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) Y [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov) o enviarlos por correo regular al Health, Housing & Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley, CA 94704. Todos los comentarios deben ser recibidos antes o a más tardar el 9 de mayo de 2023 hasta las 5:00 p.m.**

Residentes y grupos que necesiten servicios de interpretación o traducción en otro idioma por favor contactarse con el Departamento de Salud, Vivienda y Servicios Comunitarios al 510.981.5400 o por correo electrónico a [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info)

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Public Notice and Community Participation Summary

伯克萊市  
公眾視訊聽證會通知  
及  
計劃評論徵求  
關於市政府的年度行動之綜合計劃書

伯克萊市房屋及社區服務部門(HHCS)將提出公開聽證會針對市政府的 **2023 服務行動計劃年度 (PY2023) (07/01/2023-06/30/2024) 行動之綜合計劃書**。伯克萊市政府將邀請公眾人士對伯克萊市政府的年度行動之綜合計劃書加以檢討及評論。該計劃書將提出對於社區發展經費 (CDBG)，緊急解決方案撥款 (ESG) 和房屋投資合作計劃 (HOME) 的資金分配建議。

此次聽證會將在 2023 年 5 月 9 日，星期二，下午 6:00 舉行。此次聽證會將以現場出席和虛擬參與的混合模式進行。對於現場與會者，我們鼓勵大家佩戴面罩或同時遮住鼻子和嘴巴的口罩。如果您身體不適，請不要親自出席會議。面對面會議將在伯克利聯合學區董事會會議室 - 1231 Addison Street, Berkeley, CA 94702 舉行。

本次聽證會的議程材料副本將在會議召開前在市議會議程網頁 <https://berkeleyca.gov/your-government/city-council/city-council-agendas> 上提供。一旦發布，本次會議的議程將包括一個使用 Zoom 視頻技術的公眾參與鏈接。您也可以電話會議地點, 1404 Le Roy Avenue, Berkeley 94708 虛擬參加。

**市政府將根據要求提供視聽支持。**如果您需要有關於殘障人士的技术協助，包括輔助工具或服務，請至少在會議開始前三個工作日致電(510) 981-6342 (V) 或 (510)981-6345 (TDD) 與殘疾服務專員聯繫。如能在會議日期前三個工作日發出技術協助通知，我們將盡力確保您毫無困難地參加會議。

此 PY 2023 服務行動計劃年度之綜合計劃書擬議計劃是根據住房和城市發展部門 (HUD) 財務資助接受者所提出的流程。此計劃書概述了伯克萊市政府的城市住房和社區發展計劃。該計劃書有效運轉期為 2023 年 7 月 1 日至 2024 年 6 月 30 日。該計劃還概述了在**社區發展經費 (CDBG)** 中分配的 \$3,361,202 美元 (估計)，用於與住房有關的活動，公共設施的改善，公共服務以及規劃和管理。此外，該計劃還概述了大約 \$232,452 美元 (估計) 的擬議用途，其中大部分用於根據**緊急解決方案撥款 (ESG)** 為伯克利無家可歸者提供快速重新安置的財政援助，外展和/或庇護，以及動用約 \$749,633 美元 (估計) 的 **HOME** 資金用於經濟適用房的開發和修復。

**公共評論期：**公眾可以在 2023 年 4 月 7 日至 2023 年 5 月 9 日之間提交書面評論。該計劃的草案可在以下網站上進行公開審查：

<https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

公眾意見草案的紙質副本將在以下地址提供：

- 伯克利主圖書館：2090 Kittredge Street, Berkeley 諮詢台，二樓
- 伯克萊市房屋及社區服務部門(HHCS)：2180 Milvia Street, Berkeley，二樓

Attachment 2  
Public Notice and Community Participation Summary

所有書面評論必須通過電子郵件同時發送至 [JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info) 和 [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov)，或通過信件或其他清晰的書面形式發送至伯克萊市房屋及社區服務部門 (HHCS)，2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley，並於 2023 年 5 月 9 日下午 5:00 之前收到這種類型的書面交流。

對於需要幫助將本報告翻譯成另一種語言的居民和團體，請致電 (510) 981-5400 或發送電子郵件至 [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info) 聯繫 HHCS 以獲得技術支持。

請僅在需要更多有關此主題信息時，聯繫伯克萊市房屋及社區服務部門的 Joshua Oehler 先生(電郵：[JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info))，地址: 2180 Milvia St., 2nd Floor, Berkeley, CA 94704。

Attachment 2  
Public Notice and Community Participation Summary

**PY23 City of Berkeley Annual Action Plan  
Summary of Citizen Participation Outreach & Comments  
Including the May 9, 2023 Hybrid Public Hearing**

Meeting Type	Mode of Outreach	Target of Outreach	Summary of Response/ Attendance	Summary of Comments Received	Summary of Comments Not Accepted and Reasons
April 10, 2023 <b>Public Meeting Housing Advisory Commission</b>	Commission website	General Public	One member of the public in attendance. One member of the public commented and all six Commissioners present, commented.	<p>Questions: The amount of homeless service funds used for prevention/diversion and outreach, separately, and homeless street outreach efforts.</p> <p>Request: More information on HUD funded community agency outcomes and program participant experiences. Use and equity lens when developing the next Consolidate Plan and consider incorporating the City's reparations work. Consider keeping Fair Housing within the City, in the City Attorney's Office. Using more CDBG funding for multifamily housing developments.</p>	All comments accepted
	City of Berkeley Community Calendar				
May 9, 2023 <b>Hybrid Public Hearing &amp; Public Noticing</b>	Newspaper posting in Berkeley Voice on April 7, 2023	General Public	TBD comments received via email.	<b>Emailed comments included:</b> TBD	All comments accepted
	City of Berkeley Community Calendar	General Public	TBD (estimated) persons in attendance at the May 9, 2023 Berkeley City Council hosted Hybrid Public Hearing.	TBD members of the public spoke at the May 9, 2023 public hearing on the <b>PY23 Annual Action Plan</b> in front of the City Council. Comments from the public and Council discussion included:	
	Electronic flyer email distribution on April 7, 2023	City of Berkeley Libraries			
	Electronic flyer email distribution on April 7, 2023	City of Berkeley Commissions			

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Meeting Type	Mode of Outreach	Target of Outreach	Summary of Response/ Attendance	Summary of Comments Received	Summary of Comments Not Accepted and Reasons
	Electronic flyer email distribution on April 7, 2023	EveryOne Home – Alameda County Homeless Continuum of Care			
	Electronic flyer email distribution on April 7, 2023	Local Businesses			
	Electronic flyer email distribution on April 7, 2023	Local Affordable Housing Developers			
	Electronic flyer email distribution on April 7, 2023	Faith-based Organizations			
	Electronic flyers distributed to Recreation Centers on April 7, 2023	South & West Berkeley			
	Electronic flyers distributed to Affordable Housing Development on April 7, 2023	Residents of Affordable Housing			
	Electronic flyers distributed to over 50 non-profit	Low-income Population, including seniors and persons with disabilities			

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Public Notice and Community Participation Summary

Meeting Type	Mode of Outreach	Target of Outreach	Summary of Response/ Attendance	Summary of Comments Received	Summary of Comments Not Accepted and Reasons
	agencies serving low-income people on April 7, 2023				
	Electronic flyers distributed to two Berkeley Senior Centers on April 7, 2023	Seniors			

**Berkeley Voice**

510-723-2850

Legal No.

0006743438

3235930

BERKELEY, CITY OF  
HEALTH, HOUSING & COMMUNITY SVS  
2180 MILVIA ST, 2ND FLOOR  
BERKELEY, CA 94704

**PROOF OF PUBLICATION**

**FILE NO. Annual Action Plan FY2023**

**Berkeley Voice**

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Berkeley Voice, a newspaper published in the English language in the City of Berkeley, County of Alameda, State of California.

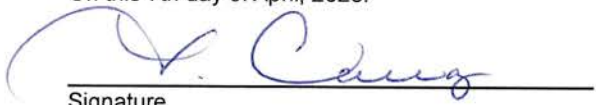
I declare that the Berkeley Voice is a newspaper of general circulation as defined by the laws of the State of California, as determined by the order of the Superior Court of the County of Alameda, dated September 3, 1991, in the action entitled "In the Matter of the Petition of the Berkeley Voice to Have the Standing of the Berkeley Voice as a Newspaper of General Circulation Ascertained and Established," Case Number 588221-2. Said order provides that: "Petitioner's prayer for an order ascertaining and establishing The Berkeley Voice as a newspaper of general circulation...within the City of Berkeley, County of Alameda, State of California, is granted." Said order has not been revoked.

I declare that the notice, a printed copy of which is annexed hereto, has been published in each regular and entire issue of the Berkeley Voice and not in any supplement thereof on the following dates, to-wit:

**04/07/2023**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 7th day of April, 2023.

  
\_\_\_\_\_  
Signature

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
&  
REQUEST FOR COMMENTS ON THE  
CITY'S ANNUAL ACTION PLAN**

The Health, Housing, and Community Services Department (HHCS) will conduct a Public Hearing addressing the proposed **Annual Action Plan for Program Year (PY) 2023** (July 1, 2023 – June 30, 2024) which includes recommended allocations of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Program (HOME) funds.

The hearing will be held on **Tuesday, May 9, 2023, at 6:00 P.M.** The hearing will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person. The in-person meeting will be held at the **Berkeley Unified School District Board Room - 1231 Addison Street, Berkeley, CA 94702.**

A copy of the agenda material for this hearing will be available on the City Council agenda webpage at <https://berkeleyca.gov/your-government/city-council/city-council-agendas> in advance of the meeting. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology. You may also attend virtually, at the teleconference location: 1404 Le Roy Avenue, Berkeley 94708.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

The proposed **PY 2023 Annual Action Plan** required by the U.S. Department of Housing and Urban Development (HUD), outlines the City's housing and community development program for the period July 1, 2023 through June 30, 2024. The plan also outlines the proposed use of the estimated \$3,361,202 in **Community Development Block Grant (CDBG)** funds available for housing related activities, improvement of public facilities, public services, and planning and administration. In addition, the plan outlines the proposed use of \$232,452, the majority of which is used for rapid re-housing financial assistance, outreach and/or shelter for people who are homeless in Berkeley under the **Emergency Solutions Grant (ESG)**, and the use of an estimated \$749,633 in **HOME Investment Partnerships Program (HOME)** funds for affordable housing development and rehabilitation.

**PUBLIC COMMENT PERIOD:** The public also has from April 7, 2023 through May 9, 2023 to submit written comments on the PY2023 Annual Action Plan. **A draft of the Plan will be available for public review on the**

web at <https://berkeleyca.gov/communityrecreation/community-services/hud-planning-performance-reports>. Physical copies of the public comment draft will be made available at the following locations:

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All written comments must be either sent by email to both [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) AND [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov), or by letter, or other legible written mail, to Health, Housing, and Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley, and received no later than **May 9, 2023, at 5:00 p.m.**

For residents and groups that would like assistance in translating this report into another language, please contact HHCS at (510) 981-5400 or [HHCS@berkeleyca.gov](mailto:HHCS@berkeleyca.gov).

For general information, please contact Joshua Oehler (phone: (510) 981-5408 or email: [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov)) at HHCS 2180 Milvia Street, 2nd Floor, Berkeley, 94704.

El Departamento de Servicios de Salud, Vivienda y Servicios Comunitarios llevará a cabo una audiencia pública para tratar el **Plan de Acción Anual para el Año (PY) 2023** (1 de julio de 2023 a 30 de junio de 2024), el cual incluye las asignaciones recomendadas de fondos de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant-CDBG), Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG) y la beca HOME.

La audiencia se llevará a cabo el **martes, 9 de mayo de 2023 a las 6:00 P.M.** La audiencia está programada en forma presencial y virtual (modalidad híbrida).

Para aquellas personas que asistan presencialmente mascarillas que cubran nariz y boca son recomendadas. Si se está sintiendo enfermo por favor no venga a la audiencia. La audiencia presencial se llevará a cabo en el **Berkeley Unified School District Board Room** localizado en **1231 Calle Addison, Berkeley, CA 94702.**

Una copia de la agenda para esta audiencia estará disponible en la página electrónica <https://berkeleyca.gov/your-government/city-council/city-council-agendas> antes de la audiencia. **Una vez que la agenda sea publicada, esta incluirá un enlace (link) para la participación pública usando la tecnología de Zoom.**

Para solicitar adaptación especial debido a una discapacidad por favor contactarse con el Especialista de Servicios para Discapacitados al 510.981.6342 o al (TDD) 510.981.6345. Por favor contactarse con el especialista por lo menos 3 días antes de la junta para asegurar que su pedido sea atendido.

El **Plan de Acción Anual PY 2023** que cubre el período a partir del 1ro de julio de 2023 hasta el 30 de junio

de 2024 es un requisito del Departamento de Vivienda y Desarrollo Urbano de los E.E. U.U. (HUD por sus siglas en inglés) y resume los programas de vivienda y desarrollo comunitario. El plan también enumera la distribución de aproximadamente \$3,361,202 que la Ciudad recibirá por medio de la de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant - CDBG) para financiar programas de vivienda, mejoras de infraestructura de edificios públicos, servicios públicos y la administración y planificación de los mismos. Además, el plan también explica el uso propuesto de aproximadamente \$232,452 que en su gran mayoría será usado para la relocalización rápida de vivienda dando ayuda financiera, información y/o refugio a las personas desamparadas de Berkeley, estos fondos son parte de la Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG). También explica cómo se usarán los fondos de la Beca HOME, aproximadamente \$749,633 que se usarán para el desarrollo y rehabilitación de viviendas.

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 7 de abril de 2023 hasta el 9 de mayo de 2023, el público podrá presentar comentarios por escrito sobre el Plan de Acción Anual PY 2023. Un borrador del Plan está disponible al público en el Internet en la página electrónica <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>.

Copias impresas del borrador estarán disponibles en los siguientes lugares:

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伯克萊市  
公眾視聽證會通知

關於市政府的年度行動之綜合計劃書  
及  
計劃評論徵求

伯克萊市房屋及社區服務部門(HHCS)將提出公開聽證會針對市政府的2023 服務行動計劃年度(PY2023) (07/01/2023-06/30/2024) 行動之綜合計劃書, 伯克萊市政府將邀請公眾人士對伯克萊市政府的年度行動之綜合計劃書加以檢討及評論。該計劃書將提出對社區發展經費(CDBG), 緊急解決方案撥款(ESG)和房屋投資合作計劃(HOME)的資金分配建議。

此次聽證會將在 2023 年 5 月 9 日, 星期二, 下午 6:00 舉行。此次聽證會將以現場出席和虛擬參與的混合模式進行。對於現場與會者, 我們鼓勵大家佩戴面罩或同時遮住鼻子和嘴巴的口罩。如果您身體不適, 請不要親自出席會議。面對面會議將在伯克利聯合學區區事會議室 - 1231 Addison Street, Berkeley, CA 94702 舉行。

本次聽證會的議程材料將本將在會議召開前在市議會議程網頁 <https://berkeleyca.gov/yourgovernment/city-council/city-council-agendas> 上提供。一旦發布, 本次會議的議

程將包括一個使用 Zoom 視頻技術的公眾參與鏈接。您也可以電話會議地點, 1404 Le Roy Avenue, Berkeley, Berkeley 94708 虛擬參加。

市政府將根據要求提供視聽支持。如果您需要有關殘障人士的技術協助, 包括輔助工具或服務, 請至少 在會議開始前三個工作日致電(510) 981-6342(V)或 (510)981-6345 (TDD)與殘疾服務專員聯繫。如能在會議日期前三個工作日發出技術協助通知, 我們將盡力確保您毫無困難地參加會議。

此PY 2023 服務行動計劃年度之綜合計劃書擬議計劃是根據住房和城市發展部門 (HUD) 財務資助接受者所提出的流程。此計劃書概述了伯克萊市政府的住房和社區發展計劃。該計劃書有效運轉期為 2023 年 7 月 1 日至 2024 年 6 月 30 日。該計劃還概述了在社區發展經費(CDBG)中分配的 \$3,361,202 美元(估計), 用於與住房有關的活動, 公共設施的改善, 公共服務以及規劃和管理。此外, 該計劃還概述了大約\$232,452 美元(估計)的撥款用途, 其中大部分用於根據緊急解決方案撥款(ESG)為伯克利無家可歸者提供快速重新安置的財政援助, 外展和/或庇護, 以及動用約\$749,633 美元(估計)的HOME 資金用於經濟適用房的開發和修復。

公眾評論期: 公眾可以在2023 年4 月7 日至2023 年5 月9 日之間提交書面評論。該計劃的草案可在 以下網站上進行公開審查:

<https://berkeleyca.gov/community--recreation/community-services/hud-planning-performance-reports>  
公眾意見草案的紙質副本將在以下地址提供:

- 伯克利主圖書館: 2090 Kittredge Street, Berkeley, Berkeley, 諸詢台, 二樓
- 伯克萊市房屋及社區服務部門(HHCS): 2180 Milvia Street, Berkeley, Berkeley, 二樓

所有書面評論必須通過電子郵件同時發送至 [JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info) 和 [SECPDMail@hud.gov](mailto:SECPDMail@hud.gov), 或通過信件或其他清晰的書面形式發送至伯克萊市房屋及社區服務部門 (HHCS), 2180 Milvia Street, 2nd Floor, Berkeley, Berkeley, 並於 2023 年 5 月 9 日下午 5:00 之前收到這種類型的書面交流。

對於需要幫助將本報告翻譯成另一種語言的居民和團體, 請致電 (510) 981-5400 或發送電子郵件至 [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info) 聯繫 HHCS 以獲得技術支持。

請您在需要更多有關此主題信息時, 联系伯克萊市房屋及社區服務部門的 Joshua Oehler 先生(電郵: [JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info)), 地址: 2180 Milvia St., 2nd Floor, Berkeley, CA 94704.

BV 6743438 Apr. 7, 2023

# City of Berkeley



## Emergency Solutions Grant Policies and Procedures Manual with ESG-CV Addendum

ESG Policies and Procedure Manual

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## **Introduction**

The Emergency Solutions Grant (ESG) is a federal program administered by the US Department of Housing and Urban Development (HUD) and provides funding to eligible entities to address homelessness. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) significantly amended the legislation which authorizes the ESG program, updating and adding new requirements for compliance.

The ESG funds are distributed nationally to entitlement jurisdictions based on an approved HUD formula. The City of Berkeley (COB), an entitlement jurisdiction, receives the funding directly from HUD. The COB uses a competitive community agency request for proposal (RFP) process to select local organizations to carry out eligible programs and activities with the ESG funds.

Berkeley's ESG Policies and Procedures Manual is used to administer and implement eligible programs and activities including: Street Outreach, Emergency Shelter, Rapid Rehousing and Prevention Services. This manual includes the Priority Home Partnership Manual adopted by the County in 2014.

The City of Berkeley allocates the majority of its ESG funds to nonprofit agencies, known as "subrecipients", to carry out eligible activities.

This manual provides the policies and procedures to comply with federal requirements and locally established implementation policies which the COB has adopted to meet its responsibilities as a recipient of funding. Questions regarding any content of this manual should be directed to Kristen Lee in the Housing and Community Services Division of the City of Berkeley's Health, Housing and Community Services Department.

## ***Interim Guidelines***

The ESG Program requires that the Continuum of Care (CoC) develop and implement a centralized or coordinated assessment system, and a set of written standards for CoC and ESG funded activities. Once coordinated assessment is established, each ESG-funded program or project must use the assessment system, and recipients and subrecipients must work with the CoC to ensure that screening, assessment and referral of program participants are consistent with the written standards required for the ESG programs. Recipients should have prioritization policies in place that outline the process by which the agency will prioritize the most in need of services through its Coordinated Entry System (CES) process

A complete version of the ESG Interim Regulations can be found here:

[https://files.hudexchange.info/resources/documents/24CFRPart91\\_11.21.11.pdf](https://files.hudexchange.info/resources/documents/24CFRPart91_11.21.11.pdf)

## ***Structure of the Manual***

This manual is for ESG recipients, subrecipients, and interested parties. It provides detailed descriptions of eligible activities and costs, reporting requirements and steps that will be taken to determine eligibility, calculate financial assistance, recertify for eligibility, provide support and terminate ESG assistance for homeless prevention, street outreach, emergency shelter, rapid rehousing and prevention. Required and/or recommended forms and documents are provided in an Appendix of Forms and Documents at the end of the manual.



A document icon appears by every form that is referred to and clicking on the [highlighted hyperlinks](#) on the names of the form will take the reader directly to the referenced documents in the Appendix.

Some key forms and information are entered into the county-wide Homeless Management Information System (HMIS). Forms that are provided by HMIS are not included in this manual.

### ***HUD Homelessness Definition***

While HUD outlines four categories of eligible beneficiaries, the City of Berkeley targets its ESG funds to support households in Category 1 and 4 below.

### ***Category 1 – Literally Homeless***

An individual or family who lacks a fixed, regular, and adequate nighttime residence. This includes

households with a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation (such as a car, park, abandoned building, bus or train station) or who are living in a supervised, publicly or privately operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs). An individual who is exiting an institution where s/he resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution also qualifies.

### ***Category 4 – Fleeing/attempting to flee domestic violence***

Defined as fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; has no other residence; and lacks the resources or support networks (e.g. family, friends, faith-based or other social networks) to obtain other permanent housing.

## Program Manual

The City of Berkeley funds programs that meet the following objectives: (1) engage homeless individuals and families living on the street; (2) provide emergency shelters for homeless individuals; (3) provide essential services to shelter residents, (4) rapidly rehouse homeless households. Subrecipient contracts include detailed scope of services, which may include the eligible program components, summarized below. For a more detailed description of eligible categories see Section I.

### 1. **Street Outreach**

Essential Services necessary to reach out to unsheltered homeless individuals and families, connect them with emergency shelter, housing or critical services, and provide them with urgent, non-facility-based care.

Component services generally consist of engagement, case management, emergency health and mental health services, and transportation. For specific requirements and eligible costs, see 24 CFR 576.101.

### 2. **Emergency Shelter**

Essential Services for individuals in emergency shelter. Component services generally consist of case management, and linkages to employment assistance and job training, outpatient health services, legal services, life skills training, mental health services, substance abuse treatment services, and transportation.

Shelter Operations include maintenance, rent, security, fuel, equipment, insurance, utilities, and furnishings. For specific requirements and eligible costs, see 24 CFR 576.102

### 3. **Rapid Re-Housing**

Housing relocation and stabilization services and short-term and/or medium-term rental assistance as necessary to help individuals or families living in an emergency shelter or other place described in HUD's homeless definition found in the appendix of this document, move as quickly as possible into permanent housing and achieve stability in that housing. Component services and assistance generally consist of short-term and medium-term rental assistance, rental arrears, rental application fees, security deposits, advance payment of last month's rent, utility deposits and payments, moving costs, housing search and placement, housing stability case management, mediation, legal services, and credit repair. For specific requirement and eligible costs, see 24 CFR 576.104, 576.105, and 576.106.

The City of Berkeley also uses ESG to fund the two eligible activities below:

### 4. **Homeless Management Information System (HMIS)**

Grant funds may be used for certain Homeless Management Information System (HMIS) and comparable database costs, as specified at 24 CFR 576.107. More fully discussed on Page 25.

### 5. **Administration**

Up to 7.5% of recipient's fiscal year grant can be used for administrative activities, such as general management, oversight, coordination, and reporting on the program. For specific

requirements and eligible costs, see 24 CFR576.108. More fully discussed on Page 25-26.

## **Section I. Eligible Activities**

### **Street Outreach CFR576.101**

Providing essential services necessary to reach out to unsheltered homeless people, connect them with emergency shelter, housing, or critical services, and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing or an appropriate health facility.

**1. Eligible Uses and Costs:** As evidenced and tracked by agency quarterly program reports, statements of expense, and general ledgers.

#### **A. Engagement**

Activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connects with homeless assistance programs and/or mainstream social services and housing programs

- Initial assessment of needs and eligibility
- Providing crisis counseling
- Addressing urgent physical needs
- Meals, blankets, clothes, toiletries
- Actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs.
- Emergency shelter, transitional housing community-based services, permanent supportive housing, and rapid re-housing programs.

#### **B. Case Management**

Assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant.

- Using the centralized or coordinated assessment system
- Conducting initial evaluation
- Verifying and documenting eligibility, counseling, developing, securing and coordinating services, obtaining Federal, State, and local benefits, monitoring and evaluating program participants progress, providing information and referrals to other providers, and developing an individualized housing and service plan, including planning a path to permanent housing ability

#### **C. Emergency Health Services**

- Direct outpatient treatment of medical conditions that are provided by licensed medical professionals operating in community-based settings, including streets, parks and other places where unsheltered homeless people are living.
- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs



- Providing medication and follow-up services
- Funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area
- Must be of an emergency nature

#### ***D. Emergency Mental Health Services***

Outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living.

- Application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances
- Crisis interventions
- Prescription of psychotropic medications
- Explanation about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems
- Funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community
- Must be of an emergency nature

#### ***E. Transportation***

Costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that, this travel takes place during the provision of service eligible under Street Outreach

- Costs of transporting unsheltered people to emergency shelters or other service facilities
- Cost of program participant's travel on public transportation
- Mileage allowance for service workers to visit program participants, using their own vehicle
- Travel costs of staff to accompany or assist program participants to use public transportation
- May only be provided to and from another eligible service

#### ***F. Services for Special Populations***

- Provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible under Street Outreach as per paragraphs (a)1) through (a)(5) of 24CFR76.101.

## **2. Eligible Beneficiaries for Street Outreach**

Provided to individuals or families defined as Homeless under the following categories:

- Category 1 – Literally Homeless is defined as an individual or family who lacks a fixed, regular, and adequate nighttime residence. This includes households with a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation (such as a car, park, abandoned building, bus or train

station) or who are living in a supervised, publicly or privately operated shelter designed to provide temporary living arrangements (including congregate shelters, transitional housing, hotels and motels paid for by charitable organizations or by federal, state, or local government programs). An individual who is exiting an institution where s/he resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution also qualifies.

- Category 4 – Fleeing/Attempting to Flee DV is defined as fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; has no other residence; and lacks the resources or support networks (e.g. family, friends, faith-based or other social networks) to obtain other permanent housing.
- Must be living on the streets or other places not meant for human habitation and be unwilling or unable to access services in emergency shelter.

## Section II. Emergency Shelter *CFR576.102*

Providing essential services to homeless families and individuals in emergency shelters and operating emergency shelters, While HUD authorizes additional essential services, the City of Berkeley primarily funds the below activities:

- 1. Eligible Beneficiaries: *Emergency Shelter*** can be provided to individuals or families defined as Homeless under the following categories:

Category 1 - Literally Homeless

Category 4 - Fleeing/Attempting to Flee DV

**Referral System:** The North County Coordinate Entry System Housing Resource Center (HRC) operator will refer households who meet the above criteria to available shelter beds. The HRC will ask the household a series of questions that will: 1) confirm housing status falls within Category 1 or 4; 2) determine need for follow-up assessment and linkage to other available resources, i.e. Rapid Rehousing, Permanent Supportive Housing, etc. and 3) interest in a shelter referral. These referrals will be made primarily through street outreach teams but may also be made through the North County HRC. All shelters in Berkeley adhere to the [Alameda County Shelter Standards](#), which outline policies and procedures for admission and discharge. As of 2017, emergency shelters in Berkeley have removed length of stay requirements.

**Care Coordination:** Shelter operators will attend two North County CES case conferences a month to discuss needs and coordinate services for participants staying in the shelter. Eligible participants will have access to rapid rehousing funds and services to assist them in existing to permanent housing as quickly as possible.

**HMIS Documentation:** All Emergency Shelter projects shall record, within three days of the event:

- HMIS project enrollments for each client entering the program
- HMIS project exit with exit destination for each client exiting the program.
- HMIS annual assessments as necessary for clients enrolled one year or longer.
- No later than 30 days after the end of each fiscal quarter, the agency shall upload a HUD APR report to City Data Services.
- No later than 30 days after the end of each fiscal quarter, the agency shall upload a Housing Census (Program Based) report to City Data Services, covering each day of the reporting period.
- By January 31st, the agency shall complete the Client Summary in City Data Services for period July 1 - December 31.
- By July 31st, the agency shall complete the Client Summary in City Data Services for period January 1 - June 30

- 2. Eligible Uses and Costs:** As evidenced and tracked by agency quarterly program reports, statements of expense, and general ledgers.

**a. Case Management**

- The cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant
- Using the centralized or coordinated assessment system
- Conducting the initial evaluation, including verifying and documenting eligibility
- Counseling
- Developing, securing, and coordinating services and obtaining federal, state and local benefits
- Monitoring and evaluating program participant progress
- Providing information and referrals to other providers
- Providing ongoing risk assessment and safety planning with victims of domestic violence, dating violence, sexual assault, and stalking
- Developing an individualized housing and service plan, including planning a path to permanent housing stability
- Referrals and linkages to child care, education services, substance use and legal services

**b. Employment Assistance and Job Training**

- Classroom, online, and/or computer instruction
- On-the-job instruction
- Services that assist individuals in securing employment, acquiring learning skills, and/or increasing earning potential
- Learning skills that can be used to secure and retain a job, including the acquisition of vocational licenses and/or certificates
- Employment screening, assessment, or testing
- Structured job skills and job-seeking skills
- Special training and tutoring, including literacy training and prevocational trainings
- Books and instructional material
- Counseling or job coaching
- Referral to community resources

**c. Outpatient Health Services**

- Direct outpatient treatment of medical conditions and are provided by licensed medical professionals
- Assessing a program participant's health problems and developing a treatment plan
- Assisting program participants to understand their health needs
- Providing directly or assisting program participants to obtain appropriate emergency medical treatment, preventive medical care, and health maintenance services, including emergency medical services
- Providing medication and follow-up services
- Preventive and non-cosmetic dental care

- Funds may be used only for these services to the extent that other appropriate health services are unavailable within the area

**d. Life Skills Training**

- Costs of teaching critical life management skills that may never have been learned or have been lost during the course of physical or mental illness, domestic violence, substance use, and homelessness
- Must be necessary to assist the program participant to function independently in the community
  - Budget resources, management money, managing a household, resolving conflict, shopping for food and needed items, improving nutrition, using public transportation, and parenting

**e. Mental Health Services**

- Outpatient treatment by licensed professionals of mental health conditions
- Application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances
- Family and marital relationships, parent-child problems, or symptom management
- Crisis interventions, individual, family, or group therapy sessions
- Prescription of psychotropic medications
- Explanation about the use and management of medications
- Combinations of therapeutic approaches to address multiple problems
- Funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community

**3. Eligible Costs**

**a. Transportation**

- Costs of a program participant's travel to and from- medical care, employment, child care, medical care, employment, child care, or other eligible essential services facilities
- Cost of a program participant's travel on public transportation
- Mileage allowance for services workers to visit program participants, while utilizing their own vehicles
- Travel costs of staff to accompany or assist program participants to use public transportation

**b. Operations**

- Maintenance
- Rent
- Security

- Fuel
- Equipment
- Insurance
- Utilities
- Food
- Furnishings
- Supplies necessary for shelter operation
- Hotel/Motel vouchers

**c. Maintenance**

- Cost of minor or routine repairs to shelter building
- Cleaning
- Minor or routine repairs of furnishings, equipment, and fixtures
- Protective or preventative measure to keep a building, its systems, and its grounds in working order
- Professional services for:
  - Heating/cooling system
  - Plumbing
  - Electrical
  - Pest Control
  - Lawn Care
  - Snow Removal

**d. Rent**

- Cost of rent payment for the use of building to provide emergency shelter

**e. Security**

- Cost of equipment in order to secure shelter building
- Security System
- Locks
- Safety equipment

**f. Fuel**

- Cost of fuel for use of shelter vehicle to transfer shelter residents in order to provide services and connect with community resources

**g. Insurance**

- Cost of property insurance for shelter building

**h. Utilities**

- Cost of providing utilities for shelter building
- Electricity
- Gas
- Water
- Landline telephone service

**i. Food**

- Cost of providing food to shelter residents

**j. Furnishings**

- Cost of furnishings for shelter building
- Beds
- Tables
- Chairs
- Other reasonable furniture to provide comfortable accommodations to shelter residents

**k. Equipment**

- Cost of reasonable equipment to allow for activities of shelter to continue functioning
- Equipment to allow for the following activities to function:
  - Food preparation/distribution
  - Cleaning/Sanitation
  - Laundry

**l. Supplies**

- Cost of supplies necessary for the operation of the emergency shelter
- Paper products
- Kitchen supplies
- Bathroom supplies

**4. Client Documentation (Emergency Shelter)****A. Forms**

- Agency is able to create own forms as long as the documentation requirement is met

**B. Client Documentation: Intake/Eligibility Documentation**

- Documentation of initial evaluation to determine the eligibility of each individual or family's eligibility for ESG program
- Documentation of homeless status
- ESG-213, 214, 215 forms
- Required form

- HMIS Consent Form
  - Required form
- c. ***Case Management Documentation***
- Documentation of case management services
  - Documentation of housing plan for stability in permanent housing
  - Documentation of connecting participants to mainstream and other resources for supportive services



## Section III. Homeless Prevention and Rapid Rehousing

### A. Participant Eligibility

To be eligible to receive ESG prevention or rapid rehousing assistance, participant households in Alameda County must meet both national and local requirements, and this eligibility must be documented with an application and supporting documentation kept in a client file. These requirements include:

- Participants must be homeless or at imminent risk of homelessness, per the applicable HUD definitions in the ESG regulation (§576.2) supported by documentation;
- Participants must be one of the locally targeted populations for the program, as specified on the application and eligibility determination form;
- Participants must be willing to participate in the program and to meet the terms of a self-developed Housing Stability Plan;
- Participants may not have already received 24 months of ESG assistance during the past 36 months (§576.105(c));
- Participants must meet the local asset policy, including having cash or equivalent assets of less than \$2,000 per single individual and \$3,000 per couple;
- Participants receiving prevention assistance must have incomes at or below 30% of the Area Median Income (§576.103).

### B. Eligibility for Rapid Rehousing

Rapid rehousing provides financial assistance and supportive services to individuals or families that are literally homeless, staying in shelter or transitional housing or on the streets or other places not suitable for human habitation, or exiting institutions and having entered from one of these locations. Eligibility for rapid rehousing includes those fleeing domestic violence who are living in one of the places named above.

In keeping with the intentions of the program, rapid rehousing assistance will be used primarily to serve households that are:

1. Adults or family households able to be rehoused rapidly without anticipation of an ongoing subsidy, with ESG financial assistance anticipated to be of six months or less duration;
2. Adults or family households able to be rehoused rapidly with an ongoing subsidy from another source anticipated within six months of ESG program participation
3. Transition-age youth, especially those recently discharged from foster care, who are able to be rehoused rapidly without anticipation of an ongoing subsidy, with ESG assistance of eighteen months or less duration.

### C. Eligibility for Prevention Assistance

Prevention assistance will be directed to persons who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2). Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for ESG prevention to be provided to those categorized as “at-risk” but not necessarily at “imminent risk”, Alameda County ESG programs will target prevention services specifically to those that are at “immediate risk” defined as:


- An individual or family who will imminently lose their primary nighttime residence, provided that:
- the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;
- no subsequent residence has been identified; and,
- the individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.

Within the category of “imminent risk” special attention and outreach will be done to target those households that are:

- doubled up with family and friends, must move within 14 days and are seeking to enter shelter;
- living in a hotel or motel using their own resources, must leave within 14 days, and are seeking to enter shelter;
- living in their own housing, are being evicted for non-payment of rent, must leave within 14 days, and are seeking shelter;
- fleeing domestic violence;
- imminently leaving foster care, or have recently left foster care and are at imminent risk of losing their current housing.

### D. Eligibility Determination

Program operators must determine that potential participants are eligible for assistance, and document this eligibility, including verifying income and housing status. The Program Application and Eligibility Determination Form contains key questions and documentation requirements.

 A copy of the [ESG Program Application and Eligibility Determination Form](#) can be found in the Appendix. This document and all supporting documentation should be placed in the Participant’s File. A cover sheet for participant files with a list of program documents can be found [here](#).

**Ineligible applicants:** If a household is assessed and determined to be ineligible, the program operator must notify the household that they have been determined to be ineligible, provide them with appropriate referrals which should be noted on the application form, and create a client file documenting the assessment process and determination.

## E. Enrollment

Once found eligible, to enroll the head of household must sign the ESG Participation Agreement complete the HMIS ROI and staff must complete an HMIS Standard Intake Form (SIF) for all household members.



A copy of the [ESG Program Participation Agreement](#) can be found in the appendix, immediately following the Application form.

☑ The HMIS Release of Information (ROI), and the Standardized Intake Form (SIF) are developed and updated by the staff at Alameda County Housing and Community Development Department, in accordance with HUD regulations. Housing Agency staff must ensure that the forms in use are the most recent ones, as HUD and local requirements change periodically. If you are unsure that the forms are the most recent, email [HMIS@acgov.org](mailto:HMIS@acgov.org).

## F. Budget and Housing Stability Plan

The purpose of ESG Prevention and/or Rapid Rehousing assistance is to provide the support necessary to help the household retain or gain housing in the shortest period of time possible. Critical to being able to retain the housing is a budget and a housing plan. The budget is also needed to determine the amount of financial assistance to be provided.

The Housing Stability Plan should be updated as frequently as necessary to reflect changing situations. Once a participant has moved into housing, the housing specialist and participant should prepare a new Housing Stability Plan that emphasizes those steps or actions needed to retain housing.



A [Sample Budgeting Worksheet](#) and a sample [Housing Stability Plan](#) format can be found in the Appendix of Forms. **ESG-funded programs may use another version of these forms if approved by the recipient.** Be sure to make a copy of the Budget and Housing Plan for the participant and insert a signed copy in the participant's file.

## G. Financial Assistance for Housing

### • Eligible Financial Assistance Expenses

The ESG program has the ability to provide temporary financial assistance to participants on a short or medium-term basis. This assistance may include:

- **Security Deposits:** The housing agency may provide a maximum of two times the monthly rent for a unit as a security deposit to assist a participant to secure housing. At such time as the participant may leave the unit and the landlord return all or part of the deposit to the participant, the participant may retain any balance to use toward a new housing situation.
- **Utility Deposits:** If, in order to begin utility service, the household must provide a deposit to a utility company, the program may assist with this deposit.

**H. Rental Assistance payments:** If the participant cannot currently afford to rent a unit in the community but is reasonably anticipated to have sufficient income, either through employment or benefits, within approximately six months the program may provide a rental subsidy for the participant. Such subsidies will be as low as possible:

- If the participant has an income he/she is expected to contribute at least 50% of his/her

income toward the rent, unless the participant is expected to receive a permanent housing subsidy within approximately six months, in which case the participant may pay only 30% of their income. Documentation of the expectation of a permanent subsidy should be included in the file.

- If the participant has no income, the program may subsidize the entire rent for the first three months.
- Rental assistance may be conditioned on the participant fulfilling his or her agreements as part of the Housing Stability Plan and is never offered for more than three months at a time. To continue rental assistance after three months, the program must recertify the participant.

See Section [6: Three Month Reassessment of Eligibility](#)

- **Past due rent arrears:** If in order for a household to retain their housing they must pay past due rent the program will cover up to three months of rent arrears not to exceed \$3,000
- **Past due utility arrears:** In rare cases, the ESG program will provide funding for past due utilities. The program will only provide such funding for prevention clients if failure to do so will result in the loss of utilities and under the terms of the participants lease this would be grounds for eviction. The program will only provide utility arrears assistance to rapid rehousing clients if utility arrears mean that then household will be unable to establish utility service in their new housing.
- In addition, ESG funds may be used to cover the costs of rental applications provided this is a fee that is charged by the owner to all applicants.

#### I. Determining the Amount of Financial Assistance

- The amount of financial assistance is determined by the amount needed to secure the housing and by the amount of contribution the household is able to make toward the housing costs.
- For one-time costs, such as security deposits, and rent and utility arrears, the program will pay the entire amount if the household will have less than 50% of income available after paying rent, the household's budget does not contain any disposable income, and the household assets are less than
- \$500.00. If the household has assets greater than \$500, and/or the household budget indicates income is available to make a portion of the payment, the household should be required to provide a portion of the deposit and/or arrears. The household's payment may be made through a payment plan with the landlord or utility company if that is possible.
- With supervisor approval, households may be permitted to contribute less toward the rent for a brief period to cover other extraordinary costs. The program may pay the entire rent on behalf of households that have no income.



The [ESG Financial Assistance Calculation Form](#) can be found in the appendix. The program should complete the form with the participant and the participant should sign it. This calculation needs to be prepared every three months for households receiving medium-term rental assistance.

All financial assistance provided must be recorded in HMIS.

#### J. Supportive Services and Connection to Mainstream Resources

- Whether covered by ESG funds or other sources, ESG programs are expected to assist clients with housing stability case management and with housing search and placement services as needed.
- Housing stability case management includes:
  - Conducting the official evaluation of eligibility and need, including verifying and documenting eligibility
  - counseling
  - developing, securing, and coordinating services and assistance in obtaining Federal, state and local benefits
  - monitoring and evaluating participant progress;
  - providing information and referral to other providers;
  - developing an individualized housing plan to permanent housing stability; and
  - conducting reevaluations.


These services may not exceed 30 days during the period the program participant is seeking permanent housing, and may be provided for up to a total of 24 month within a 36-month period.

- While providing prevention or rapid rehousing financial assistance, the program must ensure that the participant meets with a case manager not less than once per month to assist the participant in ensuring long- term housing stability. Case management should be provided more frequently if needed.
- Housing search assistance are those services intended to assist program participants in locating, obtaining, and retaining suitable permanent housing, and are expected to be offered to all participants receiving rapid rehousing assistance or prevention assistance that includes moving to another unit. These include:
  - assessment of housing barriers, needs, and preferences;
  - development of a plan for locating housing;
  - housing search;
  - outreach and negotiations with landlords; and
  - assistance with submitting rental applications and understanding leases.

### ***K. Links to Mainstream Services***

As part of the stability case management, each participant is expected to be assisted, as needed to obtain other services and mainstream benefits including:

- appropriate supportive services including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living, and
- other federal, state, local, and private assistance available to assist the program participant in obtaining housing stability, including
- Medi-Cal or other medical insurance
- TANF
- Food Stamps/Supplemental nutrition assistance (SNAPS)
- WIC
- Unemployment insurance
- SSI/SDI
- Child and adult care food program
- Other mainstream programs from which the household could benefit

 While no specific form is provided for this documentation, all case management meetings must be documented in the participant file, and/or in the HMIS case management module. Documentation should include evidence of assistance provided to obtain mainstream resources and the results of that assistance. Subrecipients are encouraged to check with the recipient for approval of documentation.

### ***L. Legal Services***

- ESG funds may be used for legal services that are necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides. More detail on eligible legal services activities can be found at (§576.102 (a)(1)(vi) and (§576.105(b)(4).
- While legal services providers that do not provide financial assistance are not required to complete the financial assistance calculation form, they must ensure that all households assisted meet program eligibility ([Section 1](#) above) including completing the application for assistance to document participant eligibility, and must ensure that the units assisted meet the habitability standards in [Section 5](#) below.

### M. Housing Unit Requirements

In addition to the household being eligible, the unit to be assisted must also meet eligibility requirements. These include that the rent is both reasonable and at or below the Fair Market Rent market rent, and that the unit meets habitability standards.

#### **Rent Reasonableness and Compliance with Fair Market Rent**

- ESG programs must perform both a rent reasonableness determination and document that the rent falls at or below the Fair Market Rent on every unit assisted, whether for prevention or rehousing.
- “Rent reasonableness” means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.
- To make this determination, the recipient or subrecipients should consider:
  - the location, quality, size, type, and age of the unit; and
  - any amenities, housing services, maintenance and utilities to be provided by the owner.
  - Comparable rents can be checked by using a market study, by reviewing comparable units advertised for rent, or with a note from the property owner verifying the comparability of charged rents to other units owned (for example, the landlord would document the rents paid in other units). NOTE that not every element in the suggested list of nine things to check for must be known to establish a comparable unit. See more guidance at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_11753.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11753.pdf)
- The Fair Market Rent (FMR) is a benchmark established by HUD for regions. For ESG, the FMR is the maximum rent permitted even if other similar units rent for more.

<b>Final FY 2020 FMRs By Unit Bedrooms</b>				
Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,545	\$1,875	\$2,335	\$3,215	\$3,945

Source: <http://www.huduser.org/portal/datasets/fmr.html>

The above chart displays the Fair Market Rents applicable during FY2020. Fair Market Rents are updated and published by HUD every year. Programs must ensure that they are using the FMR’s in effect at the time of their determination.



A copy of a [Rent Reasonableness and FMR Certification](#) form can be found in the forms appendix. Subrecipients may use an alternative rent reasonableness determination form meets the requirements of the ESG regulations §576.106 and has been approved by the ESG recipient.

## ***N. Housing Inspection***

In order to ensure that ESG funds are used in housing that meets minimum habitability standards, an inspection must be performed on every unit assisted, whether for prevention or rehousing. This inspection includes compliance with the Lead Paint Poisoning Prevention Act.



A copy of a suggested [Habitability Standards Inspection](#) Form can be found in the forms appendix. Subrecipients may use an alternative inspection form as long as it covers all of the topic areas required under ESG regulations §576.403 and has been approved by the ESG recipient.

## ***O. Rental Assistance Agreement***

- Relationships with landlords are a central component of the program. The housing specialist assists both the participant and the landlord to make the housing successful.
- Once a unit has been identified and inspected, the housing agency must ensure that:
  - The tenant receives a written lease or rental agreement from the landlord which clearly outlines the terms of tenancy and conforms with applicable California and local law; and
    - a) The landlord is apprised of the nature of the program, the anticipated support to the participant, the obligations of the landlord, and the manner in which the landlord may contact the program if there are concerns.
- At a minimum, the housing agency will provide the landlord with a copy of the Rental Assistance Agreement Letter describing the program and outlining the basic support the participant is anticipated to receive. The landlord must sign the letter and return it to the agency. Some agencies may prefer to use a contract or housing assistance payments (HAP) agreement that outlines in greater detail the rights and obligations of the parties. Use of such an agreement is fine if it covers all requirements in the ESG regulations §576.106 and has been approved in advance by the ESG recipient.

In order to determine that the landlord named on the lease is the legitimate owner of the property, the housing agency will use a database service, such as Realquest, or another manner to verify and document the ownership. In addition, the housing agency shall collect a W-9 from the landlord or property management agency and follow all IRS reporting requirements.



A copy of the [Rental Assistance Agreement Letter](#) is included in the appendix. A copy of this letter or an acceptable substitute agreement should be kept in the participant's file, along with a copy of the tenant's lease and printout from the database used to verify the ownership of the unit and a copy of the W-9. The original W-9 must be given to the housing agency's finance division.

## ***P. Three Month Reassessment of Eligibility***

Any participant who receives more than three months of assistance from the program needs to be formally reassessed. This is distinguished from the more frequent check-ins and meetings with the



client, which should occur frequently and as needed, and are recorded in case notes.

During the reassessment process, the program is, at a minimum, confirming:

- The participant has not received more than 24 months of assistance, including any arrears coverage.
- The participant's income level is such that there is still a need to provide financial assistance in order to maintain housing stability, and income is not greater than 30% of the Area Median Income (AMI)
- The participant is making documented progress on their housing plan and taking the steps needed towards housing stability without program financial assistance.
- The participant lacks the financial resources or support networks to secure their housing without continued assistance.

The three-month reassessment is also used to update the participant's HMIS record with current information about housing and income.

Once the three-month reassessment of eligibility is completed, the household should be notified whether they will continue to receive assistance or not, including signing the reassessment form. If continuing to receive assistance, new documents, including an updated housing stability plan, budget and financial assistance calculation should be prepared and discussed with the client.



A copy of the [Three Month Reassessment of Eligibility](#) is included in the appendix. The Reassessment requires updated documentation of income, which should be attached to the form and included in the file.

☐ Key pieces of information from the Three-Month Reassessment Form, including any change in income or address is to be entered into HMIS. (In the future, the Three-Month Reassessment may be an HMIS provided form.)

#### **Q. Termination of Housing Assistance or Program Participation**

- Housing assistance under this program is intended to be temporary and to help participants secure housing that they can remain in without long-term financial support. Any housing assistance is contingent on the participant's active participation in carrying out the terms of his/her Housing Stability Plan. Failure to take steps agreed to in the plan, such as seeking work, applying for benefits, looking for housing or accepting housing that meets the participant's criteria are a reasonable basis for recommending termination of financial assistance.

#### **R. Termination of Housing Assistance or Program Participation**

- Housing assistance under this program is intended to be temporary and to help participants secure housing that they can remain in without long-term financial support. Any housing assistance is contingent on the participant's active participation in carrying out the terms of

his/her Housing Stability Plan. Failure to take steps agreed to in the plan, such as seeking work, applying for benefits, looking for housing or accepting housing that meets the participant's criteria are a reasonable basis for recommending termination of financial assistance.

- If a program participant is found to be violating the participation agreement, reasonable efforts will be made and documented by staff to assist the participant to address the issue or correct the violation prior to terminating services. Violations that endanger staff, any other participant, any other person, or the viability of the program as a whole will be acted upon immediately.
- If a participant is determined to be in continued or grave violation of the program rules, a written Notice of Termination of Assistance will be provided to the program participant containing a clear statement of the reasons for termination, the date on which the termination will become effective, and the process for appealing the decision.
- Participants receiving a Notice may request that the decision to terminate participation be reviewed by making a request to the designated supervisor within the agency. This request must be made in writing and must be reviewed the request within 14 calendar days. A written notice of the final decision will be issued to the participant.
- The program may also resume assistance to a program participant whose assistance was previously terminated with the approval of the Program Manager.



A sample [Notification of Termination of ESG Assistance](#) is provided in the Appendix of Forms. Subrecipients may use an alternative Termination form as long as it covers all of topic areas required under ESG regulations §576.402 and has been approved by the ESG recipient.

### ***s. Grievances and Appeals***

ESG subrecipients must notify participants of the agency's grievance policy at the time of program enrollment, including providing them with a written copy of the policy and keeping a copy of a signed version of the policy or other notification in the participant file. Housing agencies will follow their agency grievance and appeals process, through to the level of the highest ranking staff member of the agency or as may be otherwise specified in the agency's approved policy and procedures.

If there is a grievance specific to the ESG that has not been resolved through the agency grievance process, ESG program participants may appeal to the local recipient. Recipients will follow their appeal process.

### **T. Program Exit**

Upon completion or termination of the program, all members of the household should be exited in HMIS. Information including household income, final address and housing status should be recorded and updated.



The Exit Form is an HMIS-provided form. A printed copy of the form(s) should be kept in the participants file and all data entered into HMIS.

## Section IV. Housing Management Information System (HMIS)

### CFR 576.107 [ESG-Program-HMIS-Manual.pdf](#)

ESG funds may be used to pay for the costs of participating in and contributing to the Homeless Management Information Systems (HMIS) designated by the Continuum of Care for the area.

#### 1. Eligible Costs

- a. The recipient or subrecipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:
  - Purchasing or leasing computer hardware, purchasing software or software licenses, purchasing or leasing equipment, including telephones, fax machines, and furniture
  - Obtaining technical support
  - Leasing office space, charges for electricity, gas, water, phone service, and high speed data transmission necessary to operate or contribute data to HMIS
  - Paying salaries for operating HMIS that can include data entry, monitoring and reviewing data quality, data analysis, training staff on using HMIS or comparable data base, implementing and complying with HMIS requirements, paying for staff to attend HUD-sponsored and HUD- approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act; paying staff travel costs to conduct intake, paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead. (The HMIS Lead
  - is the entity designated by the Continuum of Care to operate the area HMIS
  - If the subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time and generates unduplicated aggregate reports based on the data. Note: information entered into a comparable database must not be entered directly into or provided to an HMIS.
  - Activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS

## Section V. Administration

### CFR 576.108

#### a. Eligible Costs

- The recipient may use up to 7.5 percent of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. This does not include staff and overhead costs directly related to carrying out activities eligible under 576.101 through 576.107, because those costs are eligible as part of those activities. Eligible administrative costs include:
  - General Management, oversight and coordination and can include salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration. In charging these costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose primary responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following: program budgets, schedules and amendments; developing systems for assuring compliance, developing interagency agreements and agreements with subrecipients; monitoring; reporting and preparing other documentation directly related to the ESG program for submission to HUD; coordinating resolution of audit and monitoring findings; evaluating program results; managing and supervising persons whose primary responsibilities with regard to the program as those described in (a)(1)(i)(A) through (G) of this section; travel costs incurred for monitoring; administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.
  - Training on ESG requirements. Costs of providing training on ESG requirements and attending HUD-sponsored ESG training.
  - Consolidated plan. Costs of preparing and amending the ESG and homelessness-related sections of the consolidated plan in accordance with ESG requirements and 24 CFR part 91.
  - Environmental Review. Costs of carrying out the environmental review responsibilities under 576.407

**b. Sharing Requirements**

If recipient is a State, the recipient must share its funds for administrative costs with its subrecipients that are units of general purpose local government. The amount shared must be reasonable under the circumstances. The recipient may share its funds for administrative costs with its subrecipients that are private nonprofit organizations. If the recipient is a territory, metropolitan city, or urban county, the recipient **may share** its funds for administrative costs with its subrecipients.

## Section VI. City of Berkeley Monitoring of Subrecipients

The City of Berkeley require Sub-recipients to submit the below program and fiscal reports on a quarterly basis in the City of Berkeley's online contracting system:

- Program Report with client demographics
- Homeless Management Information Systems Program Report with outcomes
- Annual Status Report for CDBG/ESG/HOME funded projects only
- Advance Payment Request Form
- Statement of Expense

At the end of the fiscal year subrecipients must submit a year-end general ledger and profit and loss statement that supports the year-end statement of expense report. On a biennial basis, the City conducts a full monitoring of the program that includes a review of the agency's administrative, program, and financial practices and records. The monitoring is performed using the below City of Berkeley and HUD monitoring tools.



See Part III in Appendix for program monitoring forms:

1. City of Berkeley Administrative Review
2. City of Berkeley Program Review
3. City of Berkeley Financial Review
4. HUD Chapter 28-3 Guide for Review of ESG Sub recipient Grant Management
5. HUD Chapter 28-6 Guide for Review of ESG Rapid Rehousing and Homeless Prevention
6. HUD Chapter 28-8 Guide for Review of ESG Financial Management and Cost Allowability

Below is the City's monitoring protocol and timeline:

1. Identify time period to monitor. Recommend 4<sup>th</sup> quarter. Ensure you have the Program Report, Statement of Expense and GL before the planned monitoring visit. Monitors will email the Community Agency to schedule the monitoring visit and entrance conference and prepare Monitoring Guides in CDS and provide to Agency in preparation of the monitoring visit. CDS will send the Agency a standardized message about the upcoming monitoring visit as well.
2. In addition to City developed monitoring guides, the monitor will include Federal monitoring guides when reviewing federally funded agencies. For Emergency Solutions Grant (ESG) and Community Development Block Grant (CDBG) funded agencies, the monitor will provide appropriate CDBG and ESG monitoring guides found in Chapters 3 and 28 in the Community Planning Monitoring Handbook 6509.2 located here: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/handbooks/cpd/6509.2](https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/6509.2)
3. Monitors should give at least several weeks' notice and negotiate a time that is mutually convenient, describe the information to be reviewed, provide Community Agency staff with a copy of the Monitoring Guides, indicate expected duration of the monitoring, agency staff needed for interviewing, and space required.

4. The entrance conference will provide an overview of the purpose, scope and schedule of document review to the Community Agency Contract Representative and staff that will be involved. This may be three separate meetings to cover the three areas: Administration, Financial and Program.
5. Attend monitoring visits and complete the monitoring guides.
  - a. Collect required documents
  - b. Review three budget line items from each program's Statement of Expense: salaries and two other expense line items that are material or appear to need verification.
    1. Salaries: Review Timesheets, Contract Exhibit B salaries, against payroll register - which would have the name/s and salaries, paid to the staff identified as working in the program. Timesheets should:
      - ii. Show # of hours worked on COB contract activities.
      - iii. Support number of hours worked and agree with the payroll register.
      - iv. Verify Agency is paying COB minimum wage and/or living wage if applicable.
      - v. Verify if Agency is paying fringe benefit expenses charged to the program are supported by invoices paid to health insurance and worker's compensation insurance companies.
    2. Line Items 2 & 3:
      - vi. Verify the expenses chosen in No. 2 above against the agency's ledger of detailed expenses. The ledger format would vary depending on the accounting software the agency is using (most agencies use Quick Books). The agency's account name, number, and balance can be found in the general ledger. Expense transaction details of how, when, and to whom payments were paid would show in a separate report. Generally, accounting software can generate a report showing these details sorted by funding source. The monitor must check that the expenses were:
        - a) Properly authorized and calculated, and
        - b) Expenses were charged to the proper funding sources. The monitor should note any deviation from these procedures as a concern (when immaterial or not quantifiable) or a finding (when it has material impact in the operations), and
        - c) Invoices were marked/stamped paid to avoid duplication of payments. Ideally, the account number used for the charge should be written on the face of the invoice. The monitor should note any deviation from these procedures as a concern (when immaterial or not quantifiable) or a finding (when it has material impact in the operations).
6. Exit Conference: At the Exit Conference, the monitor should:
  - i. Present tentative conclusions of monitoring;
  - ii. Provide an opportunity for the agency to correct any misconceptions or misunderstandings on your part Secure additional information from agency staff to clarify or support their position; and
  - iii. Provide an opportunity for subrecipient staff to report on any steps they are already taking to correct the matter.

7. Follow-Up Monitoring Report

1. The monitoring report, which is completed in CDS, provides a permanent, written record of the monitoring visit that is kept on file and provides an opportunity for the Community Agency to respond to recommendations, concerns and findings. The Report should recognize work performed well and point out corrections or improvements needed. It should identify all “findings” and “concerns,” and include specific recommendations for improvements. Findings must be supported by facts in the report. The letter should include deadlines for providing a written response and for correcting each deficiency identified. The letter is prepared by the Contract Monitor and reviewed and approved by the Contract Supervisor prior to sending to Agency. Monitoring Letter should be sent within 30 days of the visit.

8. Upon receipt of Agency response to monitoring report, the Contract Monitor will review agency answers to determine if the response and additional documentation, if needed and provided, is sufficient to regard the finding and/or concern resolved. The Contract Monitor will prepare a final response to either complete the monitoring or ask for additional information and submit to supervisor for review. The communication will continue until the finding and/or concerns are resolved.



**ESG-CV Addendum**

The purpose of ESG-CV funds is to prevent, prepare for, and respond to COVID-19 in order to prevent and mitigate the spread of COVID-19 among people experiencing homelessness and the staff that provide services to these individuals. Existing shelters will implement public health protocols identified below, establish a temporary isolation space where participants can stay while waiting to be transported to a County isolation hotel, and distribute personal protective equipment (PPE).

Each ESG-CV funded project will comply with ESG-CV regulations including:

- An established line of communication and a process for preventing duplication of benefits.
- Paying for furniture and/or household items and cell phones.
- Coordination of housing and services with the COC
- Not requiring participants to receive treatment or perform any other prerequisite activities as a condition for receiving shelter, rental assistance, or other services
- Each participant will be assessed through the Coordinated Entry System to determine service needs and will be offered available services
- Following the Lead Safe Housing Rule
- Ensuring participants are eligible for rapid rehousing financial assistance including six month reassessments
- Ensuring units covered by rental assistance are eligible

**Shelters Operations:**

Shelters receiving ESG-CV will provide expanded 24/7 hours of operation, provide three meals per day and will comply with the City's Public Health Officer's directive to:

- 1) Reduce the shelter census to maintain 6' social distance between beds;
- 2) Follow the City's COVID Shelter Response Plan;
- 3) Follow the approved Shelter Residential Snapshot;
- 4) Maintain staff and participant vaccination rates and tracking weekly test results for unvaccinated staff; and
- 5) Follow the below requirements for staff and guests:
  1. Maintain 6' physical distancing, including when sleeping by maintaining bed assignments that alternate between lower and top beds and by having participants sleep head to toe to further distance between each other;
  2. Mandatory mask wearing;
  3. Enhanced and increased frequency of cleaning and disinfection of facility;
  4. Minimum daily symptom checks and recording including every time someone enters the building.

**Temporary Shelters**

Temporary non-congregate and smaller shelter sites will be designated for people who meet the CDC criteria for being at risk if infected with COVID-19. In an effort to decompress shelters to comply with the 6' social distancing requirement, first priority will be given to existing shelter participants who meet the CDC criteria, including 65+, specific underlying health conditions and/or medical frailty. Future referrals will also require participants to meet CDC criteria and be closely coordinated with the North County Coordinated Entry System, the City of Berkeley, and street health and outreach teams in Berkeley.

**All Shelters:**

Shelters funded by ESG-CV may not turn away eligible program participants. Shelters must follow City of Berkeley and Alameda County COVID Response Plans including referrals to Alameda County isolation and quarantine hotels, if a client needs such services. Someone who presents at an ESG-funded shelter with respiratory symptoms (e.g., cough) should be referred to the County's isolation and quarantine hotels. Shelters will continue to not have

a maximum length of stay. Any ESG-funded shelter that is considering closing or not accepting new residents must immediately notify the City of Berkeley.

**PPE, Testing and Vaccines**

City of Berkeley will provide PPE and supplies for distribution at shelters and in encampments. Additionally, the City's Public Health Division will provide access to self-administered rapid and PCR tests and mobile on-site vaccine clinics at shelters and transitional housing sites. ESG-CV funded shelters and outreach programs should encourage (but may not require) people experiencing homelessness to get tested and vaccinated.

Appendix of Forms and Documents

**ESG Client File Document Check List**

(click [here](#) to return to relevant section of manual)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

**I. Eligibility Documentation** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Application for Assistance and Eligibility Screening Form
  - \_\_\_\_\_ Homeless Status/At-Risk Housing Status and Back up Documentation
  - \_\_\_\_\_ Income Eligibility Determination and Back up Documentation
  - \_\_\_\_\_ Asset Verification Documentation
- \_\_\_\_\_ Intake on Head of Household (HMIS SIF form)
- \_\_\_\_\_ Intake(s) on other household members **(if applicable)** (HMIS SIF form)
  - Intake on other adult \_\_\_\_\_ Intake on other adult \_\_\_\_\_
  - Intake on child: \_\_\_\_\_ Intake on child: \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ Current ROI \_\_\_\_\_ Date: \_\_\_\_\_

**II. Documentation on the Housing Unit and/or Utilities** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Documentation of rent or utility arrears **(if applicable)**
- \_\_\_\_\_ Rent Reasonableness and Payment Standard determination for rental unit
- \_\_\_\_\_ Habitability Inspection (includes Lead Assessment)
- \_\_\_\_\_ Lease between Participant and Landlord
- \_\_\_\_\_ Rental Assistance Agreement with Landlord
- \_\_\_\_\_ W-9 Form
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ RealQuest or other owner verification documentation

**III. Documentation of Assistance/Ongoing Services** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Household Budget
- \_\_\_\_\_ Housing Stability Plan
- \_\_\_\_\_ Financial Assistance Calculation Form
- \_\_\_\_\_ Links to Mainstream Resources
- \_\_\_\_\_ Case Management Notes
  - Three Month Reassessment(s) **(if applicable, insert dates)**
  - 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_
- \_\_\_\_\_ Exit Form (HMIS form)

\_\_\_\_\_ Termination of Housing Assistance Form (*if applicable*)

\_\_\_\_\_ Other: \_\_\_\_\_

**ESG Application for Assistance and Eligibility Determination Form**

(click [here](#) to return to relevant section of the manual)

Complete this form and have the head of household sign it. This form will determine eligibility and act as an application by the household for assistance.

Assessment Date:     /     / \_\_\_\_\_

Staff: \_\_\_\_\_ Agency: \_\_\_\_\_

**A. General Information**

**1. Head of Household:**

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

**Complete ROI for Head of Household or check here \_\_\_\_\_ if current ROI on file**

**2. Other Members of Household**

First Name	Last Name	Age	Relationship to Head of Household

Total number of persons in household: \_\_\_\_\_

***If applicant is determined to be eligible for assistance, you must complete an HMIS Standard Intake Form (SIF) for every household member.***

**3. Why are you seeking assistance? Please choose an option, then describe below.**

- I am living on the streets, or a place not meant for human habitation
- I am in a shelter or TH housing program and have been referred for rapid re-housing
- I am applying for shelter because Must leave where I am currently staying
- I want to keep the housing I have and am at imminent risk of losing it

**Explanation:** \_\_\_\_\_

I understand that I am applying for assistance from the federally-funded Emergency Solutions Grant Program. I understand that I am required to certify that all information in this application is true and to provide all required documents to determine eligibility and to enter into a housing stability plan if I am eligible for assistance. I also understand that financial assistance is not guaranteed, is time-limited, and may be terminated or adjusted at any time. I declare that all information I have provided in this application is true to the best of my knowledge.

Head of Household Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**B. Rapid Rehousing Assessment** (Cross through and skip this section if applicant household is applying for prevention assistance)

**Homeless Status Documentation:** To receive rapid rehousing assistance, clients must be homeless by the HUD Homeless Definition and eligible for assistance under certain categories. Use this portion of the form if the applicant client household is Literally Homeless (Category 1), or is fleeing/attempting to flee domestic violence (*Category 4*) **and** also meets the category of Literally Homeless. Otherwise, complete Section B. of this form for Homeless Prevention.

**1. Is household among the eligible target population for this program?**

- Living/staying in a shelter.
- Living on the streets, a car, an encampment or a place not meant for human habitation.
- Living/staying in transitional housing.
- Exiting an institution where s(he) resided for 90 days or less and previously resided in a shelter or the streets or place not mean for human habitation.
- Fleeing or attempting to flee domestic violence **and also meets one of the above conditions.**

Documentation	
Literally Homeless – on the streets or in a shelter	(in order of preference for documentation) <input type="checkbox"/> Written observation by an outreach worker (attached), or <input type="checkbox"/> Written referral by another housing or service provider (attached) HMIS intake for shelter/TH, or <input type="checkbox"/> Self- certification that s(he) was living on the streets or in a shelter (attached)
Exiting an institution and entered from literal homelessness	One of the forms of evidence above <u>and</u> <input type="checkbox"/> Discharge paperwork or written/ or documented oral referral (attached), or <input type="checkbox"/> Written report of intake workers due diligence to obtain above evidence <u>and</u> certification by the individual that they exited institution (attached)

**Be sure to attach the supporting documentation to the application in file.**

**2. This household is a candidate for ESG rapid rehousing because:**

- They are homeless but have adequate income to afford a place if assisted to obtain one with short-term assistance (deposit and up to one to three month’s rent subsidy).
- They are homeless and don’t currently have adequate income for housing but have potential to increase income to be self-sustainable within approximately 6 months and are willing to commit to a housing stability plan.
- They are currently homeless but with assistance can move into a stable situation with friends or family or another situation that doesn’t require an increase in income.
- They are currently homeless and are expected to receive a housing subsidy within six months from another source but need financial assistance to gain housing and/or support services

Subsidy anticipated:

- OPRI  VASH  Shelter Plus Care  Other: \_\_\_\_\_

**Note:** ESG funds may not be used to cover any cost covered by another subsidy source. For rapid rehousing candidates with a subsidy, ESG may only be used to pay security deposit and utility deposits if needed to secure housing.

Current Subsidy \_\_\_\_\_ pays for: \_\_\_\_\_

No other subsidy currently

*Proceed to Part D: Income Verification Section*

**C. Homelessness Prevention** (Cross through and skip this section if applicant household is applying for Rapid Rehousing)

To receive Prevention assistance, clients may either be homeless under certain categories of the HUD Homeless Definition or At Risk of Homelessness under any category of that definition. Use this portion of the form if the applicant client household is at Imminent Risk of Homelessness (Category 2), fleeing/attempting to flee domestic violence **but** does not meet the category of Literally Homeless (Category 4) or is At Risk of Homelessness. Households who do not qualify for rapid rehousing or prevention assistance under these definitions are not eligible for ESG assistance under this program.


**1. This household is a candidate for prevention assistance because:**

- They are currently seeking shelter, and have been staying with family or friends who will no longer let them remain there. (Must be required to leave within 14 days.)
- They are staying in a hotel or motel using their own resources, have no other residence and lack the resource and support networks to obtain other permanent housing.
- They are fleeing or attempting to flee domestic violence, have no other residence and lack the resource and support networks to obtain other permanent housing.
- They have a place to live with their name on the lease from which they are being evicted (must be required to leave within 14 days.)
- They are about to be discharged from foster care, or have recently been discharged from foster care, and the residence where they are currently living will be lost within 14 days

Documentation	
Imminent Risk of Homelessness	<input type="checkbox"/> A court order resulting from an eviction action notifying the individual or family that they must leave (attached), or <input type="checkbox"/> Leaving a hotel or motel – evidence that household has been staying in hotel/ motel (attached), and this application documents lack of resources <input type="checkbox"/> A documented and verified oral statement that residence will be lost within 14 days of the date of this application (attached), and this application documents lack of resources.
Leaving an institution, including foster care	One of the forms of evidence above <u>and</u> <input type="checkbox"/> Discharge paperwork or written/oral referral (attached), or <input type="checkbox"/> Written report of intake workers’ due diligence to obtain above evidence <u>and</u> certification by the individual that they exited an institution or foster care(attached)
Fleeing domestic violence	For victim services providers: <input type="checkbox"/> An oral statement, by the individual or head of household self-certified or certified by the intake worker, which states they are fleeing and have no subsequent resident or resources. For non-victim services providers: <input checked="" type="checkbox"/> An oral statement, by the individual or head of household self which states they are fleeing and have no subsequent resident or resources. Where the safety of the individual or family is not jeopardized, the oral statement must be verified.

**2. Housing Assessment (Prevention Only)**

If household intends to keep current housing, what is the monthly rent? \_\_\_\_\_

 **If the household intends to remain in their current unit, does the rent amount exceed the FMR payment standard (based on the chart below)?**

- No: Proceed to next page.
- Yes: Client is not eligible to be subsidized in their current unit. Ask the client if they are interested in relocating to less expensive housing and if so, proceed with assessment. Otherwise, stop here; client is not eligible. Proceed to end of form

Final FY 2020 FMRs By Unit Bedrooms				
Studio/Efficiency	1-bedroom	2-bedroom	3-bedroom	4-bedroom
\$1545	\$1,875	\$2,335	\$3,215	\$3,945

Source: <http://www.huduser.org/portal/datasets/fmr.html>

Is your name on a rental agreement?

- No
- Yes

If your name is not on a rental agreement, are you living with someone who has a rental agreement and who has notified you in writing that you must leave?

- No
- Yes

If you owe back rent, how much do you owe? \_\_\_\_\_

How many month's rent is that?

- One
- Two
- Three
- Four
- Five
- Six or more
- Don't Know

Is your landlord willing to accept rent from you?

- No
- Yes
- Don't Know
- Does Not Apply

If you are at risk of eviction, where are you in the eviction process?

- Have not been served formal notice
- Served a 3 -day notice to pay rent or quit
- Served an Unlawful Detainer summons
- Eviction judgment has been issued

Does not apply

Do you currently receive any type of housing or utility subsidy or assistance from any other source?

- No
- Yes

Subsidy pays for: \_\_\_\_\_

**Note:** ESG funds cannot be used to cover any cost covered by another subsidy source. For prevention candidates with a housing subsidy, ESG may only be used to pay the tenant portion of overdue back rent.

**Be sure to attach housing status verification form and supporting documentation in file.** Proceed to Part D: Income Verification Section

**D. Income Verification**

What is the combined income of this applicant household? \_\_\_\_\_

Household size: \_\_\_\_\_



Alameda County, California FY2020 Income Limits						
Household Size	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person
Extremely Low Income (30% of AMI)	\$26,050	\$29,750	\$33,450	\$37,150	\$40,150	\$43,100

Source: HUD User FY 2019 Income Limits Documentation System: <https://www.huduser.gov/portal/datasets/il.html>.  
 & Department of Health & Human Services (HHS) 2019 Federal Poverty Level Chart. <https://aspe.hhs.gov/poverty-guidelines>.

- At or below 30% AMI for household size
- Above 30% AMI for household size and seeking rapid rehousing assistance. Authorization of recipient may be required to proceed.

Required Authorization: \_\_\_\_\_ (if applicable)

- Above 30% AMI for household size and seeking prevention assistance— **INELIGIBLE**: Proceed to end of form.

**You may use the ESG Income Eligibility Calculation Form or another similar form to determine income. Be sure to include income verification form and supporting documentation for determination in file.**

**E. Resources, Networks and Asset Determination**

In addition to meeting the housing status and income requirements, applicants must demonstrate that they do not have sufficient support or resources to retain or gain housing on their own.

**ii. Asset Assessment**

To determine whether the applicant household has resources that could be used to prevent or end their homelessness, and to determine the amount of financial assistance to be provided, the program must review their assets. This portion of the form applies to all adults in the household listed on page 1.

- No Bank accounts

Bank Accounts (attach appropriate third party documentation for all accounts listed below)

1. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_ Name(s) on Account: \_\_\_\_\_  
 Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

2. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_ Name(s) on Account: \_\_\_\_\_  
 Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

Investment Accounts (obtain appropriate third party documentation for all accounts listed below)

1. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_ Name(s) on Account: \_\_\_\_\_  
Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

Other Assets

# of Vehicles: \_\_\_\_\_  No Vehicles


Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

For cars that are 2007 or newer, note blue book value: \_\_\_\_\_

Property or other (describe and note value): \_\_\_\_\_

**Be sure to attached copies of bank statements or other asset verification**

 **If assets exceed \$2,000 per individual or \$3,000 per couple, if any vehicle is worth more than \$10,000, or if household has more working cars than adult drivers, the household is ineligible.**

No  Yes: ineligible. Proceed to end of form

**ii. Personal Resource and Networks**

**Other subsequent housing options**

What steps have you taken to identify other appropriate housing options that you can afford *without any assistance from this program*?

Summary of assessment: \_\_\_\_\_

Does the household have any other appropriate housing options?  Yes  No

**2) Financial Resources**

Do you have any other resources that you could use to help your household gain housing or remain in your housing? (See asset assessment; discuss use of participants personal resources to resolve situation.)

Summary of assessment: \_\_\_\_\_

Does the household have other financial resources sufficient to obtain other appropriate subsequent housing or remain in their existing housing? Yes No

3) Support Networks

Do you have any other support networks that could help you gain housing or remain in your housing? (This would include family or friends who can lend or give money, a faith-based organization that can assist you, someone with whom you can live, etc.)?

Summary of assessment: \_\_\_\_\_

Does the household have support networks needed to obtain other appropriate subsequent housing or remain in their existing housing? Yes No

F. Approach to housing stability

How did your current situation of homelessness or housing instability come about?

Describe: \_\_\_\_\_

Are you currently doing anything to increase your household income or decrease your costs?

No Yes  Does Not Apply

Describe: \_\_\_\_\_

If you are to be assisted, are you willing to participate in services to increase your income or decrease your costs?

No Yes Does Not Apply



**If household is not currently working toward increasing income or decreasing costs and is unwilling to do so, the household *may be* determined as ineligible.** (Note that households with a fixed income may not need to increase income to remain stable.)

Please add any other information pertinent to eligibility determination:


**FOR STAFF USE ONLY:**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

**Eligibility Determination**

**A. Household is not eligible to receive ESG assistance due to:**

- Not among target population for local program
- Ineligible Housing Status
- Over Income
- Households Assets exceed asset limit
- Household is already receiving a subsidy for the same cost for which the household is seeking assistance
- Adults in household unwilling to engage in activities or participate in services designed to support housing stability plan
- Household as already received 24 months of ESG assistance in last 36 months

**If client is not eligible, inform client of determination and refer client to other programs that may be able to assist the household. Programs referred to:**

1. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
2. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
3. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
4. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_

**B. Household is eligible to receive Assistance.**

- Eligibility for rapid rehousing verified;** household will be enrolled and housing search assistance will begin.
- Eligibility for prevention assistance verified;** new housing has been identified or current housing is to be retained and program will proceed to check on unit eligibility and to offer financial assistance and housing stability support.

**Staff signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Proceed to enroll the Household:

- o Complete ROI and HMIS Intake,
- o Sign the participation agreement,
- o Complete the Household Budget and develop Housing Stability Plan.
- o If housing unit is identified, complete unit documentation, Financial Assistance Calculation Form and other required documentation.

**ESG Program Participation Agreement**(click [here](#) to return to relevant section of the manual)

**The ESG Program** provides support services and limited financial resources to help households gain housing or remain housed.

I understand that this program may provide me with some or all of the following services:

- Assistance finding and obtaining housing
- Assistance developing a housing plan
- Assistance to stay in housing I currently occupy, including legal assistance and/or negotiations with family members, friends or landlords;
- One-time or short-term financial assistance to support gaining or retaining housing which may include rental deposits, rental or utility arrears, or short to medium term rental assistance payments designed to secure or retain housing;
- Referrals and support to apply for benefits for which I or a member of my household may be eligible.
- Other services related to securing housing, such as, but not limited to, assistance getting identification, preparing housing applications, searching for housing, negotiating with landlords and other services.

I agree to do the following:

- Provide accurate and honest information to my housing specialist and other program staff.
- Work with a housing specialist to develop a housing plan.
- Take all necessary steps to achieve the goals outlined in the plan.
- Meet with my housing specialist at intervals established in my housing plan, and not less than monthly during my participation in the program.
- Permit home visits and inspections of my housing during my participation in the program. (Advance notice will be provided.)
- Provide current proof of income when requested.
- Pay my portion of rent on time every month and *immediately* advise the housing specialist if I have any trouble in doing so.
- Provide any documentation required by the housing specialist as it pertains to progress on my housing plan, my rent status or income (i.e. attendance record for job training program, proof of application for benefits, etc.)
- Be contacted for follow-up phone calls about my participation in ESG for up to 24 months after I complete the program.

***I understand that neither \_\_\_\_\_ (agency name) nor any party to the ESG Program is responsible for my rent or lease. I understand that assistance will only be provided if I am in compliance with the program requirements including the terms of my Housing Stability Plan.***

Client Name: \_\_\_\_\_ Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Housing Navigator: \_\_\_\_\_ Agency Name: \_\_\_\_\_ Date: \_\_\_\_\_

Sample Budgeting Worksheet

(click [here](#) to return to relevant section of the manual)

Participant Name:		Date:
	Actual (with current income)	Proposed (with anticipated income and/or subsidy)
<b>Housing Expenses</b>		
Rent		
PG&E		
Water		
Other:		
<b>Car Expenses</b>		
Loan payment		
Insurance		
Gas		
Maintenance & repairs		
<b>Debt</b>		
Creditor 1		
Creditor 2		
<b>Miscellaneous</b>		
Groceries, Lunches, meals		
Childcare		
School supplies		
Prescriptions		
Cable TV		
Internet Connection		
Telephone		
Clothing		
Hair supplies/Toiletries		
Other:		
Other:		
<b>Expense Total</b>		
<b>Income</b>		
Earnings		
Social Security related \$		
Unemployment		
Food Stamps		
Other:		
Other:		
<b>Income Total</b>		
<b>Total Income Minus Expenses</b>		

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case Manager/Housing Specialist Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

ESG Housing Stability Plan

(click [here](#) to return to relevant section of the manual)

Initial Plan Date \_\_\_\_\_

Client/Head of Household Name: \_\_\_\_\_

My 30 day housing goal is: \_\_\_\_\_

If different, my 90 day goal is \_\_\_\_\_

If different, my permanent housing goal is \_\_\_\_\_

I have or will have the following resources to help me achieve my goals:

- 1.
- 2.
- 3.

In order to reach these goals, I commit to take the following steps:

Step	Actions	What I'll do	Help I'll Receive	Done by:	Notes at Follow Up
1					
2					
3					

Client Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Housing Navigator: \_\_\_\_\_ Date: \_\_\_\_\_

**ESG Financial Assistance Calculation Form**(click [here](#) to return to relevant section of the manual)

Before preparing this calculation, complete the budget form with the Head of Household. Use this form and information from the application, the budget and the lease and/or arrears documentation to determine the amount of financial assistance that the household will receive. **This form must be prepared every three months during the time in which the household receives financial assistance.**

Head of Household : \_\_\_\_\_ Service Point ID: \_\_\_\_\_

Assessment date: \_\_\_\_\_ Staff: \_\_\_\_\_

 First financial assistance calculation Reassessment of financial assistance**A. GENERAL**

Enter the information below from the budget and assets form to determine the amount of financial assistance

Combined Household income: \_\_\_\_\_ (from application) Rent: \_\_\_\_\_ (from lease)

Income minus Rent: \_\_\_\_\_ \* Percent of income for rent without subsidy: \_\_\_\_\_



Total Expenses \_\_\_\_\_ (from budget)

\* **Difference between income and expenses:** \_\_\_\_\_

\* **Current Assets:** \_\_\_\_\_ (from application)

**Use information indicated with \* to determine financial assistance below**

**B. SECURITY DEPOSIT** (skip if not applicable)

New residence requires a Security Deposit of: \_\_\_\_\_ (This may include up to two months rent if required as deposit but should not include first month's rent in this calculation. Assistance with First month's rent should be part of the Rental Assistance in section C. below)

Based on income and assets, **household will make:**

No contribution to the deposit without jeopardizing housing stability (household has less than 50% of income left after paying rent and household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the security deposit of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget indicates disposable income available for a payment.)

**Program will make a payment on behalf o**

**B. PREVENTION ARREARS** (skip if not applicable)

Household owes \_\_\_\_\_ in rental arrears. (From documentation of rent arrears. The document must be dated within the same month that the application is being considered or proof of rent payment must be provided.)

Based on income and assets available, **Household will make:**

No payments without jeopardizing housing stability (household pays more than 50% of income for rent and/or household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the arrears of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget indicates disposable income available for a payment.)

A monthly payment toward the arrears of: \_\_\_\_\_

Payment agreement negotiated with landlord. (budget indicates disposable income available for a payment or household has a housing subsidy.)

**Program will make a payment on behalf of household of:** \_\_\_\_\_

Note Program will not pay more than three months or \$3,000 in rental arrears.

**C. UTILITY ARREARS** (skip if not applicable)

This type of support will only be provided if the household will be unable to have utilities in their housing if they do not pay past due arrears.

Household owes \_\_\_\_\_ in past utility arrears (from documentation of utility arrears) Based on income and assets available, **Household will make:**

No payments without jeopardizing housing stability (household pays more than 50% of income for rent and/or household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the arrears of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget

indicates disposable income available for a payment.)

A monthly payment toward the arrears of: \_\_\_\_\_ Payment agreement negotiated with

landlord.(budget indicates disposable income available for a payment or household has a housing subsidy – attached copy of payment agreement.)

**Program will make a payment on behalf of household of \_\_\_\_\_**

**D. FINANCIAL ASSISTANCE AGREEMENT**

The participant and the program agree to the terms of payment designated above. The program will make payments on behalf of the participant as long as the participant is in good standing with their portion of the agreement and making progress on their Housing Stability Plan.

This agreement expires: \_\_\_\_\_ (not later than 3 months from first expected payment.)

Participant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Housing Specialist Signature: \_\_\_\_\_

Date: \_\_\_\_\_

(Attach this agreement to a copy of lease or occupancy agreement and, if past due rent or utilities, a copy of a record from the landlord/leaser or utility company indicating the amount of arrears.)

**Rent Reasonableness and FMR Certification**

(click [here](#) to return to relevant section of the manual)

	PROPOSED UNIT	COMPARISON UNIT #1	COMPARISON UNIT #2	COMPARISON UNIT #3
ADDRESS				
NUMBER OF BEDROOMS				
SQUARE FEET				
TYPE OF UNIT/CONSTRUCTION				
HOUSING CONDITION				
LOCATION/ACCESSIBILITY				
AMENITIES UNIT: SITE: NEIGHBORHOOD:				
AGE IN YEARS				
UTILITIES (TYPE)				
UNIT RENT UTILITY ALLOWANCE GROSS RENT				
HANDICAP ACCESSIBLE?				

CERTIFICATION:

A. Compliance with Payment Standard

$$\underline{\hspace{2cm}} \text{ Proposed Contract Rent} + \underline{\hspace{2cm}} \text{ Utility Allowance} = \underline{\hspace{2cm}} \text{ Proposed Gross Rent}$$

Approved rent does not exceed applicable Payment Standard of \$\_\_\_\_\_.

B. Rent Reasonableness

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit [ ] is [ ] is not reasonable.

NAME:	SIGNATURE:	DATE:
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**Habitability Standards Inspection Form**

(click [here](#) to return to relevant section of the manual)

(based on HUD’s HQS and the HPRP Notice; Certified HQS Inspectors may use an HQS form instead)

Name of Participant	Participant Phone Number	Date of Request (mm/dd/yyyy)
Inspector		Date of Initial Inspection (mm/dd/yyyy)
Type of Inspection <input type="checkbox"/> Initial <input type="checkbox"/> Special <input type="checkbox"/> Re-inspection	Date of Last Inspection (mm/dd/yyyy)	Agency

**A. General Information**

<b>INSPECTED UNIT</b>		<b>Year Constructed (yyyy):</b>
Full Address		Housing Type (check as appropriate) <input type="checkbox"/> Single Family <input type="checkbox"/> Detached Duplex <input type="checkbox"/> or two family <input type="checkbox"/> Row House or Town House <input type="checkbox"/> Low Rise; 3,4 stories including <input type="checkbox"/> garden apt. High Rise; 5 or <input type="checkbox"/> more stories <input type="checkbox"/> Manufactured <input type="checkbox"/> Home Congregate
Number of Children in Family Under 6:		
OWNER NAME	OWNER PHONE	
ADDRESS OF OWNER/AGENT		

**Is Lead Paint inspection required?** (unit was constructed prior to 1978 and children under age 6 or a pregnant woman are in the household.)     Yes     No

**B. Summary Decision on Unit** (to be completed after form is filled out)

<input type="checkbox"/> Pass <input type="checkbox"/> Fail Inconclusi <input type="checkbox"/> ve	Number of bedrooms	Number of sleeping rooms	Signature of Inspector
---	--------------------	--------------------------	------------------------

**How to use this form**

- Review each room in the house as listing in the form (1. Living Room; 2. Kitchen; 3. Bathroom; 4. Other Rooms Used for Living or Halls (use as many as needed); 5. All Secondary Rooms Not Used for Living; 6. Building Exterior; 7. Heating, Plumbing and Installation; 8. General Health and Safety. Important: For each item numbered on the checklist, check one box only (e.g., check one box only for item 1.4 "Security," in the Living Room).
- In the space to the right of the item, if the decision is "Fail," write what repairs are necessary.
- If the item passes inspection, check the "Pass" box.
- A final summary page to note repairs needed is provided on the final page. If owner/manager is present at inspection, gather signature on final page.
- For lead paint inspections, if not required, mark "not applicable." Otherwise, note if the unit is a "pass" or "fail."

INSPECTION CHECKLIST

Item #	1. LIVING ROOM Description	DECISION		Repairs
		Yes, PASS	No, FAIL	
1.1	<b>LIVING ROOM PRESENT</b>			
1.2	<b>ELECTRICITY</b> Are there at least two working outlets or one working outlet and one working			
1.3	<b>ELECTRICAL HAZARDS</b> Is the room free from electrical hazards?			
1.4	<b>SECURITY</b> Are all windows and doors that are accessible from the outside lockable?			
1.5	<b>WINDOW CONDITION</b> Is there at least one window, are all windows free of signs of severe deterioration or missing or broken			
1.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from			
1.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous			
1.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous defects?			
1.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10%			<input type="checkbox"/> Not Applicable
Item #	2. KITCHEN Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
2.1	<b>KITCHEN AREA PRESENT</b>			
2.2	<b>ELECTRICITY</b> Is there at least <i>one</i> working electric outlet and <i>one</i> working, permanently installed light fixture?			
2.3	<b>ELECTRICAL HAZARDS</b> Is the kitchen free from electrical hazards?			
2.4	<b>SECURITY</b> Are <i>all</i> windows and doors that are accessible from the outside lockable?			
2.5	<b>WINDOW CONDITION</b> Are all windows free of signs of deterioration or missing or broken out panes?			
2.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous			
2.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous			
2.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous			
2.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable
2.10	<b>STOVE OR RANGE WITH OVEN</b> Is there a working oven and a stove (or range) with top burners that work?			
2.11	<b>REFRIGERATOR</b> Is there a refrigerator that works and maintains a temperature low enough so that food does not spoil over a reasonable period of time?			

2.12	<b>SINK</b> Is there a kitchen sink that works with hot and cold running water?			
2.13	<b>SPACE FOR STORAGE AND PREPARATION OF FOOD</b> Is there space to store and prepare food?			
Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
3.1	<b>BATHROOM PRESENT</b>			
3.2	<b>ELECTRICITY</b> Is there at least <i>one</i> permanently installed			
3.3	<b>ELECTRICAL HAZARDS</b> Is the bathroom free from electrical hazards?			
3.4	<b>SECURITY</b> Are <i>all</i> windows and doors that are accessible from the outside lockable?			
3.5	<b>WINDOW CONDITION</b> Are all windows free of signs of deterioration or missing or broken out panes?			
3.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous			
3.7	<b>WALL CONDITION</b> Are the walls sound and free from			
3.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous			
3.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more			Not Applicable <input type="checkbox"/>
3.10	<b>FLUSH TOILET IN ENCLOSED ROOM IN UNIT</b> Is there a working toilet in the unit for exclusive private use of the tenant?			
3.11	<b>FIXED WASH BASIN OR LAVATORY IN UNIT</b> Is there a working, permanently installed wash basin with hot and cold			
3.12	<b>TUB OR SHOWER IN UNIT</b> Is there a working tub or shower with hot and cold running water in the unit?			
3.13	<b>VENTILATION</b> Are there operable windows or a working			
Item #	Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
4.1	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	ROOM CODES 1 = Bedroom or any other room used for sleeping (regardless of type of 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		

4.2	<b>ELECTRICITY</b> If Room Code = 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture? If Room Code does not = 1, is there a means of illumination?			
4.3	<b>ELECTRICAL HAZARDS</b> Is the room free from electrical hazards?			
4.4	<b>SECURITY</b> Are all windows and doors that are accessible from the outside lockable?			
4.5	<b>WINDOW CONDITION</b> If Room Code = 1, is there at least one window? And, regardless of Room Code, are all windows free of signs of severe deterioration or missing OR broken			
4.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from			
4.7	<b>WALL CONDITION</b> Are the walls sound and free from			
4.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous			
4.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do			<input type="checkbox"/> Not Applicable
4.10	<b>SMOKE DETECTORS</b> Are smoke detectors in each room used for sleeping? Are they working?			
	<b>4. OTHER ROOMS USED FOR LIVING OR HALLS</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
4.1	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	ROOM CODES 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom		
4.2	<b>ELECTRICITY</b>			
4.3	<b>ELECTRICAL HAZARDS</b>			
4.4	<b>SECURITY</b>			
4.5	<b>WINDOW CONDITION</b>			
4.6	<b>CEILING CONDITION</b>			
4.7	<b>WALL CONDITION</b>			
4.8	<b>FLOOR CONDITION</b>			
4.9	<b>LEAD PAINT</b>			<input type="checkbox"/> Not Applicable
4.10	<b>SMOKE DETECTORS</b>			
	<b>4. OTHER ROOMS USED FOR LIVING OR HALLS</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	

<b>4.1</b>	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	ROOM CODES 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		
<b>4.2</b>	<b>ELECTRICITY</b>			
<b>4.3</b>	<b>ELECTRICAL HAZARDS</b>			
<b>4.4</b>	<b>SECURITY</b>			
<b>4.5</b>	<b>WINDOW CONDITION</b>			
<b>4.6</b>	<b>CEILING CONDITION</b>			
<b>4.7</b>	<b>WALL CONDITION</b>			
<b>4.8</b>	<b>FLOOR CONDITION</b>			
<b>4.9</b>	<b>LEAD PAINT</b>			<input type="checkbox"/> Not Applicable
<b>4.10</b>	<b>SMOKE DETECTORS</b>			
	<b>5. ALL SECONDARY ROOMS NOT USED FOR LIVING</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
<b>5.1</b>	<b>NONE. GO TO PART 6</b>			
<b>5.2</b>	<b>SECURITY</b> Are <i>all</i> windows and doors that are accessible from the outside lockable in			
<b>5.3</b>	<b>ELECTRICAL HAZARDS</b> Are all these rooms free from electrical			
<b>5.4</b>	<b>OTHER POTENTIALLY HAZARDOUS FEATURES IN ANY OF THESE ROOMS</b> Are all of these rooms free of any other potentially hazardous features? For each room with an "other potentially			
	<b>6. BUILDING EXTERIOR</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
<b>6.1</b>	<b>CONDITION OF FOUNDATION</b> Is the foundation sound and free from			
<b>6.2</b>	<b>CONDITION OF STAIRS, RAILS, AND PORCHES</b> Are all the exterior stairs, rails and porches sound and free from hazards?			
<b>6.3</b>	<b>CONDITION OF ROOF AND GUTTERS</b> Are the roof, gutters and downspouts sound and free from hazards?			
<b>6.4</b>	<b>CONDITION OF EXTERIOR SURFACES</b> Are exterior surfaces sound and free from			
<b>6.5</b>	<b>CONDITION OF CHIMNEY</b> Is the chimney sound and free from			
<b>6.6</b>	<b>LEAD PAINT: EXTERIOR SURFACES</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed			<input type="checkbox"/> Not Applicable
<b>6.7</b>	<b>MANUFACTURED HOMES: TIE DOWNS</b> If the unit is a mobile home, it is properly placed a ot a mobile home, check			
	<b>7. HEATING, PLUMBING AND</b>	DECISION		



Item #	Description	Yes, PASS	No, FAIL	Repairs Required
7.1	<b>ADEQUACY OF HEATING EQUIPMENT</b> a. Is the heating equipment capable of providing adequate heat (either directly or indirectly) to all rooms b. Is the heating equipment oversized by more than 15%? c. Are pipes and ducts located in unconditioned space insulated?			
7.2	<b>SAFETY OF HEATING EQUIPMENT</b> Is the unit free from unvented fuel burning			
7.3	<b>VENTILATION AND ADEQUACY OF COOLING</b> Does this unit have adequate ventilation and cooling by means of operable windows or a			
7.4	<b>HOT WATER HEATER</b> Is hot water heater located, equipped, and installed in a safe manner?			
7.5	<b>WATER SUPPLY</b> Is the unit served by an approvable public or private sanitary water supply?			
7.6	<b>PLUMBING</b> Is plumbing free from major leaks or corrosion that causes serious and			
7.7	<b>SEWER CONNECTION</b> Is plumbing connected to an approvable			
	<b>8. GENERAL HEALTH AND SAFETY</b>	DECISION		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
8.1	<b>ACCESS TO UNIT</b> Can the unit be entered without having to go through			
8.2	<b>EXITS:</b> Is there an acceptable fire exit from this building that is not blocked?			
8.3	<b>EVIDENCE OF INFESTATION</b> Is the unit free from rats or severe infestation by mice or vermin?			
8.4	<b>GARBAGE AND DEBRIS</b> Is the unit free from heavy accumulation of garbage or debris inside and outside?			
8.5	<b>REFUSE DISPOSAL</b> Are there adequate covered facilities for temporary storage and disposal of food			
8.6	<b>INTERIOR STAIRS AND COMMON HALLS</b> Are interior stairs and common halls free from hazards to the occupant because of loose, broken or missing steps on			
8.7	<b>OTHER INTERIOR HAZARDS</b> Is the interior of the unit free from any other hazards not specifically identified			
8.8	<b>ELEVATORS</b> Are they working and safe?			

<b>8.9</b>	<b>INTERIOR AIR QUALITY</b> Is the unit free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust, or other pollutants?			
<b>8.10</b>	<b>SITE AND NEIGHBORHOOD CONDITIONS</b> Are the site and immediate neighborhood free			
<b>8.11</b>	<b>LEAD PAINT: OWNER CERTIFICATION</b> If the owner of the unit is required to treat or cover any interior or exterior surfaces, has the certification of			<input type="checkbox"/> Not Applicable
<b>9. MISCELLANEOUS</b>		<b>DECISION</b>		
<b>Item #</b>	<b>Description</b>	<b>Yes, PASS</b>	<b>No, FAIL</b>	<b>Repairs Required</b>
<b>9.1</b>	<b>Is there sufficient sleeping place for each individual?</b>			
<b>9.2</b>	<b>Is there adequate natural or artificial illumination to permit activities in the home?</b>			
<b>9.3</b>	<b>Is home and equipment maintained in a sanitary condition?</b>			

Summary of Repairs Needed:

Item Number:	Repair Needed:

Owner/Manager's Signature:

\_\_\_\_\_

**Rental Assistance Agreement Letter**(click [here](#) to return to relevant section of the manual)

(date)

(landlord address)

\_\_\_\_\_ (Head of Household) has been approved to receive temporary financial assistance through the Emergency Solutions Grant program. The program is designed to help the participant secure and/or retain housing and be a successful tenant. Our agency will maintain regular contact during his/her time in the program to assist him/her with any problems related to his/her housing or tenancy. The program does not, however, assume any responsibility for the tenant's rent or for compliance with the lease. The tenant is fully responsible for complying with the terms of the lease he/she has with you.

The person named above has been approved for assistance with (check all that apply):

- A rental deposit in the amount of \$ \_\_\_\_\_
- A short-term rent subsidy in the amount of \$ \_\_\_\_\_ (currently approved until \_\_\_\_\_

date. This subsidy may be extended at the program's discretion)

- Assistance with past due rent in the amount of \$ \_\_\_\_\_

All other payments under the terms of the lease are the responsibility of the tenant.

[Name of Housing Agency] \_\_\_\_\_, will provide the above housing assistance payments to you beginning [date]. By signing below, you agree to apply all payments you receive on the tenant's behalf toward the specified housing-related costs on the check. The termination of housing assistance payments shall not affect the household's other rights under the lease.

The tenant is required to notify us if he or she moves; however, if you ever receive a subsidy check for a tenant who has moved, it is your responsibility to return the check to us. Financial assistance from this program can only be used toward the housing-related costs of the tenant named above while he/she resides in your housing. You also must notify us if during the term of this agreement you notify the tenant to vacate or if you lodge any complaint under state or local law to commence an eviction.

You are welcome to contact me if you have any questions or concerns regarding the program or this tenant's housing. [name, title at 510 XXX-XXXX or [housing specialist @ agency.org](mailto:housing_specialist@agency.org)]. Thank you for working with us.

Sincerely,

**I have read this agreement and I agree to accept payments on behalf of the tenant listed above as described in this letter. I have provided a W-9 form to the agency.**

**Property Owner/Property Manager Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Three Month Reassessment of Eligibility**

(click [here](#) to return to relevant section of the manual)

Reassessment Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Staff Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Program:  ESG  FRHP  PRCS  Other: \_\_\_\_\_

Head of Household Name: \_\_\_\_\_

Service Point ID: \_\_\_\_\_



**Before beginning this Reassessment form, collect copies of updated income documentation for the household.**

Has there been a change in address or phone since the last assessment?

- No Change
- Address and/or phone has changed; new information below **(Enter into HMIS Housing Sub-assessment)**

Current STREET Address: \_\_\_\_\_ Apartment or Unit Number: \_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_


Start Date (Date moved into Permanent Housing) \_\_\_\_/\_\_\_\_/\_\_\_\_

- a) Total Household Members living/will live at this address: \_\_\_\_
- b) Total ADULTS living/will live at this address: \_\_\_\_
- c) Total CHILDREN living/will live at this address \_\_\_\_ (NOTE:  $a - b = c$ )

**Time in Program**

Has household **a)** received 24 months of ESG assistance in last 36 months or **b)** exceeded other program time limits?

- Yes  No

 **If household has exceeded eligible time in program, record the determination below, and complete the HMIS Exit Form for all adults.**

**Income Status Eligibility (Complete the income reassessment form attached for each adult and enter into HMIS)**

What is the total gross household monthly income (include all household members)? \$ \_\_\_\_

What is the total gross household annual income? \$ \_\_\_\_\_ (monthly amount x 12)

Using the chart below, circle the household size and determine the percent of Area Median Income (AMI)

Household Size	1	2	3	4	5	6
30% AMI	\$26,050	\$29,750	\$33,450	\$37,150	\$40,150	\$43,100
31-50% AMI	\$43,400	\$49,600	\$55,800	\$61,950	\$66,950	\$71,900

AMI information current as of 2019

Please check the household's current income status AND the documentation attached

No Income

1-30% AMI

31-50% AMI

Over 50% AMI

Copy of Payment  
 Statement / Benefit  
 Notice

Alimony, spousal  
 or child support

GA, SSI, SSDI, or  
 TANF

Private Disability

Pension /  
 Retirement

Unemployment  
 or Workers'  
 Comp

Interest /  
 Dividend Income

Copy of Pay Stubs

Earned Income

Copy of Federal or  
 State Tax Return

Self-Employment

Income Self-  
 Certification

No Income

May 12, 2020



**If household has income greater than 30% of Median Income for the ESG program, or greater than 50% of AMI for the PRCS or FRHP program, discontinue assistance.** Record the determination below, and complete the Exit Form for all adults.

**Is household receiving now or going to begin to receive a housing subsidy from another program?**

Yes

No

Subsidy: \_\_\_\_\_ Start date:    / \_\_\_\_ / \_\_\_\_



If household receives another subsidy, household is not eligible for continued *financial* assistance at the same time.

Household may continue to receive supportive services if needed to prevent homelessness. Skip to Housing Stability Plan Progress.

**Rent as Portion of Income**

Is the household receiving Financial Assistance to remain housed?  Yes  
 No

What is the **TOTAL** monthly rent? \_\_\_ (the total rent, *not the portion currently paid by tenant*) Rent to Income ratio:

$$\frac{\text{Total Monthly Rent ( _____ )}}{\text{Gross Monthly Household Income ( _____ )}} \times 100 = \text{ _____ } \%$$



**Housing Stability Plan Progress**

Progress toward Obtaining or Maintaining Appropriate Housing:

- Achieved and Complete     Making adequate progress     Not making adequate progress

Progress toward Income or Employment Goals:

- Achieved and Complete     Making adequate progress     Not making adequate progress     Does Not Apply

Progress toward Other Stability Goals:

- Achieved and Complete     Making adequate progress     Not making adequate progress     Does Not Apply

**Comments on Plan Progress, Accomplishments and Barriers:**


**Does household have financial resources and/or support networks that can help them gain/remain in housing?**




If household has other resources or support networks that can help them gain or remain in housing that are adequate to secure their housing, **discontinue assistance**. Record the determination below, and complete the HMIS Exit Form for all adults.

**RESULT OF REASSESSMENT:**

**Discontinuing Program Assistance:**

- Received maximum permitted assistance
- Over Income
- Below targeted rent to
- Receiving housing income ratio and does not subsidy and does not require services.
- Completed Housing Stability Plan Goals
- Has other resources

**Continuing Assistance:**

- Continue housing stability if income has changed
- Continue financial assistance, revise/update housing stabilization plan and prepare new budget
- New Budget (if applicable)

**Attached:**

- Revised Housing Stability Plan

*After completing the reassessment of eligibility, I have been informed that I/my household am/are eligible for continued assistance from this program. I understand that my participation agreement remains in force and that a new stability plan, budget and financial contribution may be required. I understand that I will be reassessed again within three months **or less** and that assistance may be discontinued at any time.*

Head of Household Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Staff member signature: \_\_\_\_\_

Date: \_\_\_\_\_



**3 MO. INCOMEREASSESSMENT FORM**

Assessment Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ (For backdate mode) Service Point ID# \_\_\_\_\_

Program/Provider: \_\_\_\_\_

**Client Profile**

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Monthly Income		Non-Cash Benefits	
Have you received income from any source in the past 30 days?		Have you received any of the non-cash benefits listed below in the past 30 days?	
<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Don't Know <input type="checkbox"/> Refused		<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Don't Know <input type="checkbox"/> Refused	
Source	Monthly Amount	Source	
<input type="checkbox"/> Alimony or other spousal support	\$ .00	<input type="checkbox"/> Supplemental Nutrition Assistance Program (SNAP) (Previously known as Food Stamps)	
<input type="checkbox"/> Child support	\$ .00	<input type="checkbox"/> MediCAL health insurance program (MEDICAID)	
<input type="checkbox"/> Earned Income	\$ .00	<input type="checkbox"/> MEDICARE health insurance program	
<input type="checkbox"/> General Assistance (GA)	\$ .00	<input type="checkbox"/> Healthy Families Insurance program (SCHIP)	
<input type="checkbox"/> Pension from a former job	\$ .00	<input type="checkbox"/> Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	
<input type="checkbox"/> Private disability insurance	\$ .00	<input type="checkbox"/> Veteran's Administration (VA) Medical Services	
<input type="checkbox"/> Social Security (retirement income)	\$ .00	<input type="checkbox"/> TANF/CalWORKS Child Care services	
<input type="checkbox"/> Social Security Disability Income	\$ .00 (SSDI)	<input type="checkbox"/> TANF/CalWORKS transportation services	
<input type="checkbox"/> Supplemental Security Income or SSI	\$ .00	<input type="checkbox"/> Other TANF/ CalWORKS-funded services	
<input type="checkbox"/> (TANF) Temporary Assistance for	\$	<input type="checkbox"/> Section 8, public housing, or other rental assistance	
<input type="checkbox"/> .00 Needy Families		<input type="checkbox"/> Other source	
<input type="checkbox"/> Unemployment Insurance	\$ .00	<input type="checkbox"/> Temporary Rental Assistance	
<input type="checkbox"/> A veteran's disability payment	\$ .00		

**Total monthly income** \$ .00

Complete one income reassessment for each adult in the household and combine for total household income for program reassessment purposes.

**Notification of Termination of ESG Assistance**

(click [here](#) to return to relevant section of the manual)

You/your household has violated the terms of your ESG Participation Agreement, signed by \_\_\_\_\_ on \_\_\_\_\_ (date.) The program violation(s) consist of

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The program is hereby advising you that as \_\_\_\_\_ no further of \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

- financial assistance
- housing stabilization services

Will be provided to you/your household.

You/your household will be solely responsible for covering all housing/utility costs as of that date.

\_\_\_\_\_(Staff signature) \_\_\_\_\_(Date)

I have reviewed and authorized this notification:

\_\_\_\_\_  
(Supervisor signature and date)

**Procedure for due process:** If you disagree with this determination, you may request a review of this decision within 10 days of the date of this notice by making a request **in writing\*** to:

{Job title}  
{Address}  
{Address}

The {job title} will review your request and may investigate your claims, ask to interview you, members of your household, your landlord, or call a hearing with yourself, agency staff and any others that may be needed to review this decision. The {job title} must review your request and make a final determination within 14 calendar days. A written notice of the final decision will be provided to you.

*\*Reasonable accommodation: If you are unable to prepare a request in writing due to a disability and need a reasonable accommodation, you may request a specific accommodation, such as assistance in preparing the request, from the program manager or another staff member.*



### Appendix Part III: Monitoring of Subrecipients



**City of Berkeley**  
**Contract Monitoring Guide**  
**Agency Administrative Review**

Housing and Community Services Department  
 2180 Milvia Street/2<sup>nd</sup> Floor  
 Berkeley, CA 94704

## 1. General Information

Agency:	
Address:	
Phone:	
Date of Last Visit:	<b>Review file for last monitoring. Make note of findings.</b>
Visit Date:	<b>Later summer – fall. Done by end of November for RFP</b>
Contract Number:	
Monitoring Review Period:	<b>1<sup>st</sup> year of a two year contract</b>
Amount of Contract:	
Funding Sources:	
Agency Staff Interviewed During Visit: (Name and Job Title)	<b>Executive Director, Operations Director, HR Director</b>
Monitoring Type:	

## 2. Administration

A. Contract Review	Y	N	N/A	Comments
1. Are copies of current contracts, subcontracts and amendments kept on file at agency for review? (If no, note where items are kept.)				
2. Has agency submitted reports, invoices, and other required materials on a timely basis? (If no, state actions taken to resolve problem.)				<b>Monitor check prior to visit.</b>
3. 501(c)(3) Letter of Determination uploaded in CDS?				“ “
4. Is the agency in good standing with the State of CA? <a href="https://www.ftb.ca.gov/businesses/Exempt_organizations/Entity_list.shtml">https://www.ftb.ca.gov/businesses/Exempt_organizations/Entity_list.shtml</a>				“ “
5. Is the agency in good standing with the IRS? <a href="https://www.irs.gov/Charities-&amp;-Non-Profits/Exempt-Organizations-Select-Check">IRS Agency Check https://www.irs.gov/Charities-&amp;-Non-Profits/Exempt-Organizations-Select-Check</a>				“ “
6. Articles of Incorporation uploaded in CDS?				“ “
7. Agency By-Laws uploaded in CDS?				“ “
8. Authorized Signatory uploaded in CDS?				“ “
9. Berkeley Business License uploaded in CDS?				“ “
10. Certificates of Insurance uploaded in CDS?: (Article 12.C.)				“ “
a. Workers' Compensation				“ “
b. General Liability, including Endorsement Certificate				“ “
c. Vehicle				“ “

B. Agency Policy and Procedures	Y	N	N/A	Comments
1. Does the agency have an Operations Manual?				<b>Ask for copy if not on file.</b>
2. Is the agency's current organizational chart on file?				<b>Monitor check prior to visit.</b>
3. Is the agency's current Non-discrimination Assurance Policy on file? (See City Ordinance No. 5876 N.S. and Americans with Disabilities Act of 1990, Civil Rights, Housing & Community Development, and Age Discrimination Acts, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and others listed in COB contract Articles 13.A.5&6. & 21.)				“ “
4. Is the Agency's Written Conflict of Interest Policy with				“ “

B. Agency Policy and Procedures	Y	N	N/A	Comments
appropriate safeguards in place on file? (See 2 CFR Part 215.42) (Article 15.) “ <a href="https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a110/2cfr215-0.pdf">https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a110/2cfr215-0.pdf</a>				
5. Have there been any problems with conflicts of interest within the agency? (If yes, explain how agency has addressed the conflict.)				

C. Board of Directors Review ( <i>reference</i> : Brown Act, By Laws)	Y	N	N/A	Comments
1. What is the date of the last board meeting?				<b>Check for on-site copies.</b>
2. How many meetings were held during the contract review period? Is the number of meetings in compliance with the Agency's By-Laws?				
3. Is a current list of Board Members (Board Roster) on file with HCS?				<b>Monitor check prior to visit.</b>
a. Does the board composition comply with Agency by-laws? (Contact information, titles, committees, low- income representatives, etc.)				
4. Is there a copy of agenda and board minutes for each meeting on file at agency? (If no, explain.)				
5. Has the Board or board committee members conducted any closed meetings, Executive Sessions or special meetings during contract review period? (If yes, explain.)				
6. Describe any strategic planning/organizational development activities undertaken since last visit in comments section.				

Monitoring Results: Administration			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

3. Personnel Management

A. Personnel Management	Y	N	N/A	Comments
1. Does the agency have a personnel manual with clear and comprehensive policies and procedures?				
a. If yes, does the manual contain an employee grievance procedure?				
2. Does the agency require all of its employees to sign a code of conduct or conflict of interest statement? (Article 15.)				
3. Does the agency service clients under the age of 18? If yes, does the agency have a policy and procedure for complying with the following requirements:				
a. TB Testing (Article 17.B.)				
b. Criminal Background Check (Article 17.A.)				
c. Is the agency's Child Abuse Reporting Policy on File? (Agencies with Mandated Reporters only.)				
4. Does the agency have an Adult Abuse Report policy on file? (Agencies with Mandated reporters only.)				
5. Are current job descriptions prepared for all COB				<b>Obtain any new/updated documents.</b>

A. Personnel Management	Y	N	N/A	Comments
positions? Are they on file? (Article 6.)				
6. Are the resumes of all staff included in the COB contract budget/Statement of Expense reports on file? (Article 1.A.)				<b>Check all, within reason. Some exceptions may apply (such as rotating clinical staff).</b>
7. Was there any violation to the City's Employment of Near Relatives Policy during the review period?				
a. Waiver Requested?				
b. Waiver Approved?				
c. If yes, explain the exception and how the agency is managing the personnel functions of employees involved.				
8. Are there significant staff vacancies for the program? (Explain.)				
9. Does the agency adequately supervise staff? (Describe the method.)				<b>Describe method and frequencies.</b>
10. Does the agency provide staff development and training? (Describe the efforts.)				
11. Does the agency conduct regular staff meetings to coordinate program activities? (Provide the frequency.)				
12. Does the agency make efforts to hire Berkeley residents, patronize Berkeley businesses, and/or hire women- and minority-owned business?				

Monitoring Results: Personnel Management			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

4. Agency Strengths

Note agency strengths below:
1.
2.
3.
4.

\_\_\_\_\_  
Contract Monitor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Manager

\_\_\_\_\_  
Date



**City of Berkeley**  
**Contract Monitoring Guide**  
**Program Review**

Housing and Community Services Department  
 2180 Milvia Street/2<sup>nd</sup> Floor  
 Berkeley, CA 94704

### 1. General Information

Agency:	
Program Name:	
Address:	
Phone:	
Date of Last Visit:	
Visit Date:	
Contract Number:	
Monitoring Review Period:	
Amount of Contract:	
Funding Sources:	
Agency Staff Interviewed During Visit:	
(Name and Job Title)	<b>Program Manager, Case Manager, line staff, etc.</b>
Monitoring Type:	

### 2. Resource Coordination *(complete this section for each program reviewed)*

A. Volunteer Resources	Y	N	N/A	Comments
1. Does the program seek and receive volunteer support from the local community or past clients? (describe how services are documented in comments)				

B. Collaboration	Y	N	N/A	Comments
1. Does the program have a mutual referral system established with other CBO's?				
2. Does the agency/program participate in other collaborations to maximize services/minimize duplication of services?				
3. If the program is required to collaborate with other COB funded agencies, do they have supporting documentation providing evidence of this collaboration and/or referral system?				

Monitoring Results: Resource Coordination			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

### 3. Facility Safety *(complete this section for each program reviewed)*

A. Safety	Y	N	N/A	Comments
1. Does the program site(s) have an Emergency Evacuation Plan?				
2. Does the program have a First Aid kit on site(s)?				
3. Does the agency/program have a Disaster Response Plan?				
4. Are relevant material safety data sheets (MSDS)				

A. Safety	Y	N	N/A	Comments
sheets posted on site?				

Monitoring Results: Facility Safety			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

4. Client Services (complete this section for each program reviewed)

A. Outreach	Y	N	N/A	Comments
1. Does the agency/program conduct outreach to inform potentially eligible recipients of available assistance? Note what type of outreach below.				
a. Public Services Announcements				
b. Presentations				
c. Mail				
d. Flyers				
e. Brochures/Pamphlets				
f. Internet				
g. Other				
2. Are outreach materials available in languages other than English? (Note other languages if applicable.)				

B. Program Accessibility	Y	N	N/A	Comments
1. Is the program's facility close to public transit?				
2. Is the program's facility accessible to clients with disabilities?				<b>ADA checklist and other resources available for agencies in monitor tools.</b>
3. Are the program hours accessible to the desired population?				
4. Did the agency maintain records regarding the implementation of procedures intended to:				
a. Advertise the eligibility of facilities and services on a non-discriminatory basis to all persons regardless of race, color, religion, sex, age, national origin, familial status and disability? (Obtain copy.)				
b. Make available to interested persons information concerning the availability and location of services and facilities accessible to persons with disabilities?				

C. Policies and Procedures	Y	N	N/A	Comments
1. Does the program have a written "policies and procedures" manual? Does this manual include how clients engage with the program?				<b>Monitor review available information prior to visit for full discussion during visit.</b>
2. Does the program have a written policy that provides a clear description of eligibility criteria for program services? (If yes, obtain copy.)				“ “
3. Is there a process or procedure by which higher-level management (supervisor) reviews documentation of services delivered for each client, as well as eligibility determinations?				“ “



C. Policies and Procedures	Y	N	N/A	Comments
4. Does the agency have a written statement of client rights?				“ “
5. Does the agency have a written client grievance policy and procedure? (Obtain a copy.)				“ “
a. Does this policy and procedure include denial of services or termination of a client's participation in services?				“ “
b. Does this policy include appeals for clients who have been denied services? (If yes, obtain a copy.)				“ “
c. How and when are clients provided a copy of the policy? (I.e.: enrollment, intake, denial of service?)				“ “
d. Is a signed copy kept in the client file?				“ “
e. Is the policy reviewed at intake?				“ “
f. Is the policy posted on site?				“ “
g. Is the policy easy to understand?				“ “
h. Does the policy describe how to initiate appeals?				“ “
i. Does the policy include a clear description of staff positions and contact information?				“ “
j. Does the policy include timelines for appeal and appeal response at each stage of the appeal?				“ “
k. Is the client informed in writing of the result of the appeal at each stage of the appeal?				“ “
l. Does the policy allow for an advocate or other assistance to file grievance/appeal?				“ “
m. Are clients provided a written notice when denied services explaining the reason for denial?				“ “
n. Does the written notice provide the appeal process?				“ “
6. How are grievances tracked by the agency?				
a. Have any grievances been filed against the agency in the period?				
b. If yes, how many?				

D. Client Files	Y	N	N/A	Comments
1. Are adequate files maintained to document services provided to each client?				<b>Obtain a list of clients prior to visit and/or alert program to have this available in order to identify the client files to review (min. 10% or 10 count).</b>
2. Do the files include adequate documentation of program eligibility?				
3. Do the files contain adequate documentation of income level? Note below which method the agency uses to document income:				
a. Income verified through copies of paychecks or verification from other income source				
b. Income verified through self-certification				
c. Income verified through classification in a presumed category.				
4. If the agency uses the presumed category, does the client file demonstrate that the service provided is limited to one or a combination of the 8 population				

D. Client Files	Y	N	N/A	Comments
segments presumed to be low- and moderate-income by HUD: (Note which categories apply below.)				
a. Abused children				
b. Battered spouses				
c. Elderly persons				
d. Adults meeting the Bureau of Census' Population Report definition of "severely disabled" that applied at the time of this review				
e. Homeless persons				
f. Illiterate adults				
g. Persons living with AIDS				
h. Migrant farm workers				
5. Do the client files include adequate documentation of client contacts, referrals made, and progress in reaching client goals and appropriate service outcomes?				
6. Does the agency charge rent/fees to clients?				
a. If yes, described how rent/fee is calculated in the comments section.				
b. Does the client file indicate that client rents/fees were charged correctly?				
7. Are client files kept in a secure and locked manner to ensure confidentiality?				
8. Are computerized client files kept in a secure manner to ensure confidentiality?				
9. Does the agency have an electronic data backup system?				
10. What is the agency's policies and procedures related to retaining client files? Is the agency complying with Article 6 of the contract and retaining files for a minimum of 5 years?				
11. How are client files destroyed?				

E. Payee and Money Management Services	Y	N	N/A	Comments
1. Does the agency provide payee or money management services? (If NO, skip section)				
2. Does the agency have written policies on how these services are provided? (Obtain copy.)				
3. Can the agency demonstrate client fund balance, both aggregate fund balance and individual client balance?				
4. Does the agency have a bank statement for accounts?				
5. What is the frequency of reconciliation? Please provide the last date of reconciliation.				
6. Is there supporting documentation for expenses paid on behalf of the client?				
7. Are there records of client approval of expenses paid on his/her behalf?				
8. Are any cash, checks and other fiscal records kept in a secure, locked location?				
9. Are financial services managed by more than one person (separation of duties)? (Describe.)				

F. Shelter Plus Care Matching Services	Y	N	N/A	Comments
1. Does the agency provide services to City of Berkeley Shelter Plus Care clients? (If NO, skip section)				<b>Needs to be yes. Coordinate with S+C staff for policies and procedures.</b>
2. Does the agency provide matching services to City's				“ “

Shelter Plus Care program?			
3. How is the agency's matching services calculated? (describe in the comments section)			“ “
4. Does the agency have on-site support for previously-submitted match reports?			“ “

Monitoring Results: Client Services			
Total Number of Files: _____	Total Number of Files Reviewed: _____		
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding/Concern Resolved? (Y/N)
1.			
2.			

5. Program Reporting and Evaluation *(complete this section for each program reviewed)*

A. Program Reporting (Article 7.)	Y	N	N/A	Comments
1. Were Program Reports submitted on or before due date?				
2. Were the reports accurate?				

B. Program Outcomes				
1. Do more than 51% of clients served have incomes below 80% of Area Median Income? <a href="http://www.hcd.ca.gov/">http://www.hcd.ca.gov/</a>				<b>Print out program reports.</b>
2. Has the agency accomplished the outcomes goals as stipulated in the contract? (If no, explain.)				
3. Does the agency have adequate back-up documentation for the outcomes reported in the (client) file? (If yes, describe documentation method in comments. If no, explain why.)				
4. Has the agency accomplished the service measures as stipulated in the contract? (If no, explain.)				
5. Does the agency have adequate back-up documentation for the service measures reported in the (client) file? (If yes, describe documentation method. If no, explain why.)				
6. Does the agency make additional efforts to monitor and evaluate the effectiveness of agency services? Explain how in the comments section.				

Monitoring Results: Program Outcomes			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

6. Rehab Services (complete this section for each rehab program reviewed)

A. Single Family	Y	N	N/A	Comments
1. Does the project file for the CDBG assistance provide a full description sufficient to show that the activity is eligible and has been properly classified under Subpart C of Part 570? [24 CFR 570.506(a)]				
2. Is there documentation that shows that the applicant is low- and moderate-income, based on the applicant's household size and household income at the time the assistance was provided? [24 CFR 570.208(a)(3) and 24 CFR 570.506(b)(4)(iii)]				
3. Is there a copy of a written agreement (lease) between the program participant and the landlord receiving CDBG assistance? [24 CFR 570.506(b)(4)(i)]				
4. Is there a copy of an initial property inspection on file?				
5. Does the file contain a Work Write-Up and Cost Estimate that addresses the issues raised in the initial inspection?				
6. Is there a contract between the owner and the subrecipient, or the owner and the contractor in the file, which contains either: (i) a list of all of the work to be performed, or (ii) refer to some other document (e.g., a work write-up) that lists all of the work to be performed?				
7. Was a local building permit obtained for the job? Did the building official sign off on the permit, indicating that the work was completed?				
8. If applicable, were Davis-Bacon requirements met?				
9. Were the environmental requirements at Part 58 met?				

B. Other	Y	N	N/A	Comments
1.				

Monitoring Results: Rehab Services			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

7. Program Strengths

Note program strengths below:
1.
2.
3.
4.

Contract Monitor

Date

\_\_\_\_\_  
Division Manager

\_\_\_\_\_  
Date



**City of Berkeley**  
**Contract Monitoring Guide**  
**Financial Services Review**

Housing and Community Services Department  
 2180 Milvia Street/2<sup>nd</sup> Floor  
 Berkeley, CA 94704

## 1. General Information

Agency:	
Address:	
Phone:	
Date of Last Visit:	
Visit Date:	
Contract Number:	
Monitoring Review Period:	
Amount of Contract:	
Funding Sources:	
Agency Staff Interviewed During Visit:	
(Name and Job Title)	<b>Executive Director, Financial Officer, Accountant, etc.</b>
Monitoring Type:	

## 2. Financial Management

A. Fiscal Policies and Procedures (Article 8.)	Y	N	N/A	Comments
1. Does the Agency have clear and comprehensive fiscal policies and procedures?				
2. If yes, do they include the following key internal controls?				
a. Do the policies include procedures for determining the reasonableness, allowability, and allocability of costs?				
b. A fiscal records retention policy that complies with the 5-year minimum retention policy listed in the COB Contract. (Article 6.)				
c. How does the agency assure security of agency funds and property so they are used solely for authorized purposes? (Article 8.) Provide onsite confirmation.				<b>Check for red flag items like petty cash box, cash/credit cards, valuable equipment, etc.</b>
d. Adequate segregation of duties?				
e. Do the policies outline who is authorized to approve financial transactions?				<b>Segregation of duties.</b>
f. How does the Agency secure storage of assets, blank checks, and confidential documents. Provide onsite confirmation.				<b>Agency should submit a list of assets at 4<sup>th</sup> quarter (in CDS).</b>

B. Record Keeping (Article 6 & 8.)	Y	N	N/A	Comments
1. What is the agency's basis for accounting? (Note in comments: Cash, Accrual, Modified Accrual, Other.)				<b>See glossary of accounting terms in monitoring tools.</b>
2. Are books of accounts and financial statements prepared in-house, and supported by a clear and comprehensive accounting manual? (If no, note where in comments.)				<b>Obtain a copy.</b>
3. Does the financial system contain sufficient information and reflect proper accounting treatment of financial transactions, including:				
a. Bank accounts and cash balances?				
b. Disbursement details, including date, payee,				

B. Record Keeping (Article 6 & 8.)	Y	N	N/A	Comments
name, account, expense classification, and other relevant information?				
c. Segregation of funds from different sources? Does agency have existing standard financial record keeping system to be used for accounting for grant/COB contract funds? (Article 6.A.3.a & 8.A. in COB contract.)				
d. Comparison of expense against budgets? (Article 8.A. & 8.C. in COB contract.)				
e. Initial records and subsequent clearing of cash advances?				
f. Accrual of expenditures to match costs to proper period (if accrual method is used).				

C. Financial Reports (Article 6.)	Y	N	N/A	Comments
1. Are financial records (including balance sheet and statement of revenue and expense) reconciled, maintained, up-to-date, and reviewed by Executive Director on a monthly basis? (Note the frequency.)				
2. Does the Board review the financial reports? (Note the frequency.)				
3. Are the financial statements audited by an independent account? Or has the agency been monitored by any other funder during the period? (Note date of most recent Audited Financial Statement in comments.)				
a. If yes, were there any findings? (Findings must be included in City Desk Audit and their resolution tracked.)				
b. Did the agency correct the findings? (Note how corrected.)				
4. If the agency was not independently audited, were year-end financial statements prepared and available for review?				
5. Did the Agency receive more than \$750,000 in federal funds during the review period? 2 CFR Part 200.501. <a href="https://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf">https://www.gpo.gov/fdsys/pkg/FR-2013-12-26/pdf/2013-30465.pdf</a>				
a. If so, what is the date of the Agency's most recent Single Audit? Please provide a copy. Search Audit Database here: <a href="https://harvester.census.gov/facdissem/main.aspx">https://harvester.census.gov/facdissem/main.aspx</a>				

D. Cash/Check Handling	Y	N	N/A	Comments
1. Are disbursements properly authorized prior to check issuance or cash outlay?				
2. Is there proper segregation of duties for signing checks and withdrawing sub-grant funds?				
3. Were checks signed by authorized signatories?				
4. Were invoices marked "paid" to avoid double payment?				
5. Are bank accounts reconciled monthly? (Note frequency and responsible staff.)				
6. Are bank reconciliation statements reviewed by appropriate staff? (Note responsible staff.)				
7. Are petty cash balances kept at the office premises?				

D. Cash/Check Handling	Y	N	N/A	Comments
Provide Policies & Procedures. (Note size of petty cash fund.)				
a. How often was petty cash fund count conducted?				
b. Was petty cash fund count conducted by someone other than the person handling the fund?				
c. Was individual handling the petty cash fund different from the staff authorizing replenishment of petty cash?				

E. Procurement/Commodity Tracking (Articles 9 & 11.)	Y	N	N/A	Comments
1. Does the agency have clear and comprehensive written procurement policies and procedures that are aligned with the COB contract, Article 11, as it relates to OMB 2 CFR Part 215.40? Website: <a href="https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a110/2cfr215-0.pdf">https://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a110/2cfr215-0.pdf</a>				<b>Obtain a copy.</b>
2. Does the agency require competitive bidding for all major (over \$5,000) procurement?				
a. Is the bidding process adequately documented? Provide documentation.				
b. Are the functions for solicitation and evaluation of bids separate from the selection of winning bid? Is there evidence of proper separation of duties?				
3. Has the agency purchased any equipment valued at over \$600 with COB funds? (Article 9.)				
a. Were the purchases approved as part of the contract budget? If no, agencies need written approval and must add the item to the equipment inventory located at the bottom of the Q4 SOE.				
4. If applicable, has the agency submitted an equipment inventory along with their Q4 SOE?				
5. Has the agency disposed of any property paid for with COB funds during the period? (Article 9.)				
a. If so, how was the property disposed of and did the agency follow the use and disposition requirements contained in Article 9 of the COB contract?				
6. Does the agency have a fixed assets listing/equipment inventory containing sufficient information to identify items acquired by grant/contract funds?				
7. Does the agency subcontract with other agencies or vendors? (If no, skip to next section.)				
a. Do written agreements contain provisions which allow for legal remedies in case of breach of contract and for termination in case of default or other similar instance?				
b. Does the agency have an appropriate and adequate record-keeping system for monitoring its sub-grant-related activities?				<b>Example: financial reports, statements of expenses, timesheets.</b>



## 3. City of Berkeley Reporting

A. Budget Review	Y	N	N/A	Comments
1. What is the agency's total budget for the current year? (Note amount.)				<b>Cross check with contract.</b>
2. Did the agency/program expenditures stay on track with the expenditure budget in the contract?				<b>Print out SOEs. Check for budget modifications.</b>
B. Statement of Expense (SOE) Reporting and Advance Payment (AP) Requests (Article 7.)	Y	N	N/A	Comments
1. Are requests for advances/reimbursements prepared, reviewed and approved properly and submitted by required deadlines?				
2. Are financial reports prepared, reviewed and approved properly and submitted by required deadline?				
3. In the period under review, were the SOEs accurate?				<b>Typical review period is 4<sup>th</sup> quarter.</b>
4. Are receiving reports and inventory records used to evidence receipt of commodities and supplies?				<b>Supplies tracking sheet. Can review this as SOE line item.</b>
5. Are shared direct costs allocated to funding sources?				<b>Needs to be yes. Ask for the cost allocation plan.</b>
a. If yes, is the method for allocated shared direct costs documented?				<b>Obtain related documents. If no, this is a finding to be corrected.</b>
C. Line Item #1: Salaries and Payroll (Article 6 & 23.)	Y	N	N/A	Comments
1. Does the agency have an appropriate and adequate timecard/reporting systems for hours worked?				
2. Was the payroll register/ledger available for review?				<b>Use <i>Payroll Worksheet</i> in monitoring tools. Accrued (payroll) vs. taken leave (timecards) tracking.</b>
3. Did timecards reflect distribution of hours worked by fund? Specifically, does the timesheet include distribution of hours of hours charged to the City of Berkeley contract?				<b>See sample timecards in monitoring tools.</b>
a. Were timecards signed by the employee?				
b. Were timecards approved by the supervisor?				
4. Are salary rates consistent with the contract rate schedule?				<b>Refer to contract budget.</b>
5. Were fringe benefits such as medical and dental insurance supported by invoices and agency payments towards invoice?				<b>Ask to see invoices and/or payroll docs.</b>
6. Are all payroll deductions remitted to the appropriate government agency on a timely basis?				<b>Found in check/payroll register.</b>
a. Did the agency pay Berkeley Living Wage for all applicable positions funded under this program? (Article 23.)				
b. Living Wage Ordinance (2016) <a href="http://www.ci.berkeley.ca.us/Finance/Home/Vendors_Living_Wage_Ordinance.aspx">http://www.ci.berkeley.ca.us/Finance/Home/Vendors_Living_Wage_Ordinance.aspx</a>				<b>Make sure these rates are correct prior to your visit.</b>
i. Without Benefits: \$16.37				
ii. With Benefits: \$14.04				
c. Did the agency pay Berkeley Minimum Wage for all positions funded under this program? <a href="http://www.cityofberkeley.info/MWO/">http://www.cityofberkeley.info/MWO/</a>				<b>Make sure these rates are correct prior to your visit.</b>
i. Minimum wage in Berkeley \$11, effective Oct.1, 2015, \$12.50 effective Oct. 1, 2016.				
7. Was the agency in compliance with the Equal Benefit Ordinance? (Article 24.)				<b>Self-certification with signatory document on file.</b>

C. Line Item #1: <b>Salaries and Payroll</b> (Article 6 & 23.)	Y	N	N/A	Comments
8. Have any bonuses been paid to employees with City funds? (If yes, please explain.) (Article 16.)				<b>COB does not allow for City funds paid in bonus. Red flag.</b>
9. Are appropriate documents or vouchers prepared and signed by the recipient of the payroll funds?				
a. Do those vouchers clearly indicate the rate and period covered by the payroll payment?				

D. Line Item #2: <b>Example: Client expenses/cash-like \$</b>	Y	N	N/A	Comments
1. Are expenses fully supported by invoices, receipts, or similar documents?				<b>See <i>Sampling of Expenses</i> worksheet in monitor tools. Check 10% or min. of 10 charges in category.</b>
2. Other				

E. Line Item #3: <b>Review past file for prior items of concern</b>	Y	N	N/A	Comments
1. Are expenses fully supported by invoices, receipts, or similar documents?				<b>See <i>Sampling of Expenses</i> worksheet in monitor tools. Check 10% or min. of 10 charges in category.</b>
2. Other				

Monitoring Results: Financial Management			
Finding, Concern or Recommendation	Correction Action Needed (For Findings and Concerns only)	Deadline for Corrective Action	Finding or Concern Resolved? (Y/N)
1.			
2.			

4. Strengths

Note agency financial management strengths below:
1.
2.
3.
4.

\_\_\_\_\_  
Contract Monitor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Division Manager

\_\_\_\_\_  
Date



Guide for Review of ESG Subrecipient Grant Management			
Name of Recipient:			
Name of Subrecipient(s):			
Staff Consulted:			
Name(s) of Reviewer(s)		Date	

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, or grant agreement). If the requirement is not met, HUD must select "NO" in response to the question and make a finding of noncompliance. All other questions that do not contain the citation for the requirement do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

**Instructions:** This Exhibit is designed to assess the recipient's compliance with subrecipient grant management requirements of the Emergency Solutions Grants (ESG) program. HUD reviewers should use a combination of the information in program files and subrecipient staff interviews to answer the questions below. The Exhibit is divided into eight sections: Subgrants Management and Oversight; Systems Coordination Requirements; Recordkeeping; Homeless Management Information System (HMIS); Other ESG-Specific Requirements; Administrative Costs and Financial Management; Other Federal Requirements; and Additional 2 CFR 200 Review for Sub-Subawards.

As previously noted, the ESG rule at 24 CFR part 576 generally incorporates the uniform administrative requirements, cost principles, and audit requirements, which were recently revised and codified at 2 CFR part 200. This Exhibit contains both questions to monitor compliance with 2 CFR part 200 and questions to monitor compliance with the former uniform administrative requirements, cost principles, and audit requirements (i.e., 24 CFR parts 84 and 85 (2013), 2 CFR 225 and 230 (2013), OMB Circular A-133). For HUD's expectations on monitoring for compliance with the uniform administrative requirements, cost principles, and audit requirements during the period of transition to 2 CFR part 200, please see HUD's April 13, 2016, Notice CPD-16-04 (<http://portal.hud.gov/hudportal/documents/huddoc?id=16-04cpdn.pdf>).

The HUD reviewer must supplement this Exhibit with Exhibit 28-9 (covering the procurement requirements in 24 CFR parts 85 and 84) and Exhibit 34-3 (covering the procurement requirements in 2 CFR part 200), as applicable.

Where ESG funds were used for rental assistance or services, the HUD reviewer **MUST** complete the applicable Exhibits in Chapter 24 of this Handbook, *Lead-Based Paint Compliance*. NOTE: See Exhibit 24-2 (Services), Exhibit 24-3 (Tenant-Based Rental Assistance), or Exhibit 24-4 (Project-Based Rental Assistance).

This Exhibit can be used to either monitor a single subrecipient or multiple subrecipients. It is the responsibility of the HUD reviewer to ensure that the responses provide sufficient documentation to support the basis for the conclusions. Keep in mind that, if multiple entities are reviewed and a deficiency is identified for a single entity, a "No" response is required.

**Questions:**

**A. SUBGRANTS MANAGEMENT AND OVERSIGHT**

1.

<p><u>Eligible Subrecipients:</u></p> <p>a. If the organization is a subrecipient of a state, is it a unit of general purpose local government (which can include a metropolitan city or urban county that receives ESG funds directly from HUD, or a combination of general purpose local governments recognized by HUD), or a private nonprofit organization within the state; or</p> <p>b. If the organization is a subrecipient of a metropolitan city, urban county, or territory, is it a private nonprofit organization?</p> <p><b>NOTE:</b> A private nonprofit organization does not include a governmental organization, such as a public housing agency or housing finance agency.</p> <p>[24 CFR 576.2; 24 CFR 576.202]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p><b>Describe Basis for Conclusion:</b></p>	

2.

<p><u>Obligation Requirements (State subrecipients that are units of general purpose local government):</u> Within 120 days after the date the state obligated its funds to a unit of general purpose local government, did the subrecipient obligate all of those funds by: a subgrant agreement with, or a letter of award requiring payment to, a private nonprofit organization; a procurement contract; and/or the written designation of a department within the government of the subrecipient to directly carry out an eligible activity?</p> <p>[24 CFR 576.203(a)(1)(ii)]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p><b>Describe Basis for Conclusion:</b></p>	

3.

<p><u>Payments to Subrecipients (Units of General Purpose Local Government):</u> If the subrecipient is a unit of general purpose local government, did it pay each of its subrecipients for allowable costs within 30 days after receiving the subrecipient's complete payment request?</p> <p>[24 CFR 576.203(c)]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p><b>Describe Basis for Conclusion:</b></p>	

**B. SYSTEMS COORDINATION REQUIREMENTS**

4.

<p><u>Coordination with Other Targeted Homeless Services</u>: Does each subrecipient’s records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with the programs, including those listed under 24 CFR 576.400(b), that are targeted to homeless people in the area covered by the Continuum of Care (CoC) or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area? [24 CFR 576.400(b); 24 CFR 576.500(m)]</p>	<table style="width: 100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

5.

<p><u>System and Program Coordination with Mainstream Resources</u>: Does each subrecipient’s records reflect that it coordinated and integrated, to the maximum extent practicable, ESG-funded activities with mainstream housing, health, social services, employment, education, and youth programs for which homeless and at-risk persons might be eligible? [24 CFR 576.400(c); 24 CFR 576.500(m)]</p>	<table style="width: 100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

6.

<p><u>Use of the Coordinated Assessment System</u>: If the CoC for the area in which the program or project is located has established a coordinated assessment system that meets HUD’s requirements, do the records show:</p> <ul style="list-style-type: none"> <li>a. that the subrecipient (unless it is a victim service provider) uses that assessment system; and</li> <li>b. all initial evaluations were conducted in accordance with the coordinated assessment system requirements?</li> </ul> <p><b>NOTE:</b> ESG-funded victim service providers may choose not to use the CoC’s coordinated assessment system. [24 CFR 576.400(d); 24 CFR 576.401(a); 24 CFR 576.500(g)]</p>	<table style="width: 100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

7.

<p><u>Coordinated Assessment (Consistency with Written Standards)</u>: Did each subrecipient work with the CoC to ensure that the screening, assessment, and referral of program participants are consistent with the ESG written standards required under 24 CFR 576.400(e)? [24 CFR 576.400(d)]</p>	<table style="width: 100%; text-align: center;"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

8.

<p><b>Establishing Written Standards (State Subrecipients):</b> If a subrecipient of a state is required to establish its own written standards, did the subrecipient follow the state recipient's requirements for the establishment and implementation of these standards? [24 CFR 576.400(e)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

9.

<p><b>Written Standards (Content):</b> If a subrecipient of a state is required to establish its own written standards, did the written standards include the minimum required elements described in 24 CFR 576.400(e)(3)? [24 CFR 576.400(e)(3)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

**C. RECORDKEEPING**

10.

<p><b>Recordkeeping (Subrecipients):</b> If applicable, did the subrecipient retain copies of all solicitations of and agreements with its subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients? [24 CFR 576.500(v)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

11.

<p><b>Recordkeeping (Eligibility):</b> Does each subrecipient's records document that staff followed the recipient's policies and procedures to: a. conduct an initial evaluation and re-evaluations as required, and b. document eligibility in accordance with HUD's requirements? [24 CFR 576.400(e)(3); 24 CFR 576.401(a), (b), and (c); 24 CFR 576.500(a), (b), (c), and (e)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

12.

<p><b>Recordkeeping (Program Participant Records):</b> Did each subrecipient ensure that each program participant record documented compliance with applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at 24 CFR 576.101 through 24 CFR 576.106? [24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

13.

<p><b>Confidentiality:</b> Did each subrecipient have written procedures to ensure confidentiality, including:</p> <ul style="list-style-type: none"> <li>a. all records containing personally identifying information of any individual or family who applies for and/or receives ESG assistance are kept secure and confidential;</li> <li>b. the address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under ESG; and</li> <li>c. the address or location of any program participant housing?</li> </ul> <p>[24 CFR 576.500(x)]</p>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

14.

<p><b>Recordkeeping (Record Retention):</b> Did the recipient or its subrecipients retain copies of the required records for the greater of 5 years or the applicable time period below:</p> <ul style="list-style-type: none"> <li>a. for emergency shelters subject to a 10-year minimum period of use: at least 10 years from the date that ESG funds were first obligated for the major rehabilitation or conversion of the building; or</li> <li>b. for program participant files: at least 5 years after the expenditure of all funds from the grant under which the program participant was served?</li> </ul> <p>[24 CFR 576.500(y)]</p>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

D. HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS)

15.

<p><b>Data Collection and Recordkeeping:</b> Do records reflect that each subrecipient entered data on all persons it served under ESG and on all of its ESG activities into the applicable community-wide HMIS or, for victim services providers (and legal services providers that opt out), into a comparable database, in accordance with HUD’s HMIS data standards?</p> <p><b>NOTE:</b> Each subrecipient must be able to provide documentation, such as HMIS reports, that shows subrecipient client-level and activity-level data are being entered into the applicable CoC’s HMIS (or a comparable database).</p> <p>[24 CFR 576.400(f); 24 CFR 576.500(n); 2014 HMIS Data Standards]</p>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							



16.

<p><u>Eligible costs (HMIS)</u>: If the subrecipient is not a victim service provider, or a legal service provider that uses a comparable database, did the subrecipient use ESG funds only for costs eligible for the purpose of contributing data to the HMIS designated by the CoC? [24 CFR 576.107(a)(1)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

17.

<p><u>Data entry (Comparable database)</u>: If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, were data maintained in the comparable database and not contributed or entered into an HMIS? [24 CFR 576.400(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

18.

<p><u>Eligible costs (Comparable database)</u>: If the subrecipient is a victim service provider, or a legal services provider that uses a comparable database, were funds used for establishing and operating a comparable database that complies with HUD’s HMIS requirements, including collecting client-level data over time (i.e., longitudinal data) and generating unduplicated aggregate reports? [24 CFR 576.400(f); 24 CFR 576.107(a)(3); 24 CFR 576.107(b)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

**E. OTHER ESG-SPECIFIC REQUIREMENTS**

19.

<p><u>Matching Requirements</u>: If the recipient required its subrecipients to contribute match, did the subrecipients’ records reflect that they met the applicable requirements, including records of the source and use of matching funds? [24 CFR 576.201; 24 CFR 576.500(o) and (v)(3)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

20.

<p><u>Conflicts of Interest (Organizational)</u>: Did a representative sample of the subrecipients’ records reveal zero instances where: a. any type or amount of ESG assistance was conditioned on acceptance of shelter or housing owned by the recipient, subrecipient, contractor, or any parent or subsidiary of the subrecipient or contractor; or b. a subrecipient or contractor carried out the initial evaluation for a program participant while the individual or family was occupying housing owned by the subrecipient or contractor, or any parent or subsidiary of the subrecipient or contractor; or</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					

<p>c. a subrecipient or contractor administered any homelessness prevention assistance to an individual or family occupying housing owned by the subrecipient or contractor, or any parent or subsidiary of the subrecipient or contractor? [24 CFR 576.404(a); regarding contractors, 24 CFR 576.404(c); 24 CFR 576.500(p)]</p>	
<b>Describe Basis for Conclusion:</b>	

21.

<p><b>Conflicts of Interest (Individual):</b> Does each subrecipient's records:</p> <p>a. contain personal conflicts of interest policy or codes of conduct developed and implemented to comply with requirements;</p> <p>b. demonstrate that the officers and staff of the subrecipient and any contractors complied with the individual conflict of interest requirements at 24 CFR 576.404(b); or</p> <p>c. contain documentation supporting any exceptions to the personal conflicts of interest prohibition? [24 CFR 576.404(b); 24 CFR 576.500(p)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<b>Describe Basis for Conclusion:</b>	

22.

<p><b>Homeless Participation:</b> Did each subrecipient involve homeless individuals and families, to the maximum extent practicable, in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG (could include employment or volunteer services)? [24 CFR 576.405(c)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<b>Describe Basis for Conclusion:</b>	

23.

<p><b>Faith-Based Activities:</b> Did each subrecipient ensure that it did not engage in inherently religious activities as part of the programs or services funded under ESG? If the subrecipient conducted these activities, were they offered separately, in time or location, from the programs or services funded under ESG, and was participation voluntary for all program participants? [24 CFR 576.406(b); 24 CFR 576.500(r)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<b>Describe Basis for Conclusion:</b>	

24.

<p><b>Faith-Based Activities:</b> Did each subrecipient ensure that it did not discriminate against a program participant or prospective program participant on the basis of religion or religious belief? [24 CFR 576.406(d); 24 CFR 576.500(r)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<b>Describe Basis for Conclusion:</b>	

25.

<p><b>Faith-Based Activities (Rehabilitation):</b> Did each subrecipient ensure that ESG funds were not used for the rehabilitation of sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship? [24 CFR 576.406(e); 24 CFR 576.500(r)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

26.

<p><b>Faith-Based Activities (Rehabilitation):</b> If a structure is used for both eligible and inherently religious activities, did the subrecipient ensure that the amount of ESG funds used was limited to the costs of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds? [24 CFR 576.406(e); 24 CFR 576.500(r)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

**F. ADMINISTRATIVE COSTS AND FINANCIAL MANAGEMENT**

27.

<p><b>Eligible activities:</b> Were subrecipients' expenses allowable? <b>NOTE:</b> To answer this question with respect to 2 CFR 200.403, the HUD reviewer <b>MUST</b> complete Exhibit 34-2, <i>Guide for Review of Cost Allowability</i>. [24 CFR 576.100-576.109; 24 CFR 576.500(u)(2); 24 CFR 84.21(b)(6); 24 CFR 85.22, 2 CFR 200.403]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

28.

<p><b>Eligible Costs:</b> Did each subrecipient charge staff and overhead costs directly related to carrying out activities eligible under one of the components to the applicable activity, and retain supporting documentation for all costs charged to the grant? [24 CFR 576.100(d); 24 CFR 576.108(a); 24 CFR 576.500(u)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

29.

<p><b>Eligible Administrative Costs:</b> If a subrecipient received Administrative funds: a. were all administrative costs eligible in accordance with 24 CFR 576.108; and b. were the costs of carrying out the environmental review charged as an Administrative activity? [24 CFR 576.108(a)(1), (2), and (4)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

30.

<p><b>Training Costs:</b> If any staff time was spent on training:</p> <p>a. was it only for providing training on ESG requirements, attending HUD-sponsored ESG training, training staff on using HMIS or a comparable database, or attending HUD-approved training on HMIS and the ESG program; and</p> <p>b. was it charged to the appropriate component (only HMIS for HMIS-related training, and Administrative costs for all other training)?</p> <p>[24 CFR 576.108(a)(1), (2), and (4); 24 CFR 576.107]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

31.

<p><b>Indirect Costs:</b> If any indirect costs were charged to the grant, were allocations made to each eligible activity and consistent with an indirect cost rate proposal developed in accordance with the Uniform Administrative Requirements?</p> <p>[24 CFR 576.109; 2 CFR 576.500(u)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

32.

<p><b>Eligible activities:</b> Did a review of personnel costs charged to ESG, including a review of job descriptions, reveal that, for all staff time paid for with ESG funds, the staff member was working on eligible ESG activities?</p> <p>[24 CFR 576.500(u)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

**G. OTHER FEDERAL REQUIREMENTS**

33.

<p><b>Drug-Free Workplace:</b> Did each subrecipient have a drug-free workplace statement per the requirements of 2 CFR part 2429?</p> <p>[24 CFR 5.105(d) and 24 CFR 576.407(a)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

34.

<p>If the requirements of the Drug-Free Workplace Certification were reviewed, is each subrecipient in compliance?</p> <p>[24 CFR 5.105(d); 24 CFR 576.407(a); 2 CFR part 2429]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

35.

<p><u>Non-Discrimination, Section 504 of the Rehabilitation Act of 1973, and Other Equal Opportunity Requirements:</u> Did records demonstrate that each subrecipient is in compliance with the applicable requirements in 24 CFR part 5, Subpart A, including the nondiscrimination and equal opportunity requirements at 24 CFR part 5.105(a)? (Use pertinent Exhibits in Chapter 22, as necessary.) [24 CFR part 5, Subpart A; 24 CFR 576.407(a); 24 CFR 576.500(s)(1)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

36.

<p><u>Affirmative Outreach:</u> Do the records indicate that the recipient and its subrecipients:</p> <ul style="list-style-type: none"> <li>a. make known that the use of the facilities, assistance, and services are available to all on a nondiscriminatory basis, and establish additional procedures, as required under 24 CFR 576.407(b), to ensure that the “target population” who may qualify are made aware of the availability of these facilities, assistance, or services; and</li> <li>b. take appropriate steps to ensure effective communication with persons with disabilities; and</li> <li>c. take reasonable steps to ensure meaningful access to programs and activities for persons with limited English proficiency (LEP)? (Use pertinent Exhibits in Chapter 22 as necessary.)</li> </ul> <p>[24 CFR part 5, Subpart A; 24 CFR 576.407(b); 24 CFR 576.500(s)(1)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

37.

<p><u>Applicability of Uniform Administrative Requirements and OMB Circulars:</u> If this area was reviewed, did each subrecipient maintain records documenting compliance with the applicable requirements outlined in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards? [24 CFR 576.407(c); 24 CFR 576.500(s)(2)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

38.

<p><u>Audits:</u> If this area was reviewed, was each subrecipient in compliance with the Single Audit Act of 1984, as amended, and implementing regulations? <b>NOTE:</b> To answer this question with respect to 2 CFR 200.501, the HUD reviewer <b>MUST</b> complete Exhibit 34-1, section K (“Audit Requirements”). [24 CFR 84.26; 24 CFR 85.26; 24 CFR 576.407(c); 2 CFR 200.501]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

39.

<p><b>Lead-Based Paint:</b> Where ESG funds were used for rental assistance (TBRA or PBRA) or supportive services, do records reflect that the subrecipient complied with all lead-based paint requirements?  <b>NOTE:</b> See Chapter 24, <i>Lead-Based Paint Compliance</i>, in this Handbook: Exhibit 24-2 (Supportive Services), Exhibit 24-3 (TBRA), or Exhibit 24-4 (PBRA), as applicable, <b>MUST</b> be completed to answer this question.                  [24 CFR 35.700-730 (PBRA); 24 CFR 35.1000-1020 (Supportive Services); 24 CFR 35.1200-1225 (TBRA); 24 CFR 576.403(a)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                  Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

40.

<p>In making an award to the subrecipient, did the recipient evaluate the subrecipient’s risk of noncompliance with the Federal statutes, regulations, and terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring?  <b>NOTE:</b> This evaluation may include consideration of factors such as:</p> <ul style="list-style-type: none"> <li>• the subrecipient’s prior experience with the same or similar subawards;</li> <li>• the results of previous audits, including whether or not the subrecipient receives a Single Audit in accordance with Subpart F of 2 CFR part 200, and the extent to which the same or similar subaward has been audited as a major program;</li> <li>• whether the subrecipient has new personnel or new or substantially changed systems; and</li> <li>• the extent and results of previous HUD monitoring, if the subrecipient also receives funds directly from HUD.</li> </ul> <p>[24 CFR 576.407(c) and 2 CFR 200.331(b)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                  Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

41.

<p><b>Section 3:</b> If applicable, was each subrecipient in compliance with the applicable requirements of Section 3 of the Housing and Urban Development Act of 1968?                  [24 CFR part 135; 24 CFR 576.407(a); 24 CFR 576.405(c)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>                  Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

H. ADDITIONAL 2 CFR PART 200 REVIEW FOR SUB-SUBAWARDS

NOTE: The following questions apply when a subrecipient carries out its subgrant by making subgrants to a lower tier of subrecipients. To ensure clarity and consistency with part 200, the term “pass-through entity” refers to the first or higher-tier subrecipient, and the term “subrecipient” refers to the subrecipient(s) at the lower tier.

42.

<p>If the pass-through entity provides funds through either a subrecipient agreement or a contract, has it followed the criteria in 2 CFR 200.330 for making case-by-case determinations of whether the entity is receiving the funds in the role of either a subrecipient or contractor? [24 CFR 576.407(c); 2 CFR 200.330]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

43.

<p>In making an award to a subrecipient, has the pass-through entity evaluated each subrecipient's risk of noncompliance with the Federal statutes, regulations, and terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring? <b>NOTE:</b> This evaluation may include consideration of factors such as:</p> <ul style="list-style-type: none"> <li>• the subrecipient's prior experience with the same or similar subawards;</li> <li>• the results of previous audits, including whether or not the subrecipient receives a Single Audit in accordance with Subpart F of 2 CFR part 200, and the extent to which the same or similar subaward has been audited as a major program;</li> <li>• whether the subrecipient has new personnel or new or substantially changed systems; and</li> <li>• the extent and results of previous HUD monitoring, if the subrecipient also receives funds directly from HUD.</li> </ul> <p>[24 CFR 576.407(c); 2 CFR 200.331(b)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

44.

<p>For each subaward provided to a subrecipient, has the pass-through entity clearly identified it as a subaward to a subrecipient and included the following information at the time of the subaward:</p> <ol style="list-style-type: none"> <li>a. Federal award identification?</li> <li>b. Subrecipient name (which must match the name associated with the unique entity identifier)?</li> <li>c. Subrecipient's unique entity identifier?</li> <li>d. HUD award identification number?</li> <li>e. Federal award date, as defined in 2 CFR 200.39 (the date that HUD signed the award to the recipient)?</li> <li>f. Subaward period of performance start and end date?</li> <li>g. Total amount of the Federal award committed to the subrecipient by the pass-through entity?</li> <li>h. Amount of Federal funds obligated by this action by the pass-through entity to the subrecipient?</li> <li>i. Total amount of Federal funds obligated to the subrecipient by the</li> </ol>	<p>pass-through entity, including the current obligation?</p>
--	---

Yes No  
N/A



<p>j. Federal Award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)?</p> <p>k. HUD’s name, the name of the pass-through entity, and contact information for the awarding official of the pass-through entity?</p> <p>l. Catalog of Federal Domestic Assistance (CFDA) number and name of the HUD program under which the award is made?</p> <p>m. Identification of whether the award is Research &amp; Development (R&amp;D), if applicable?</p> <p>n. Indirect cost rate for the HUD award to the recipient?</p> <p>o. Indirect cost rate for the subaward (which must be an approved Federally-recognized indirect cost rate negotiated between the subrecipient and the Federal government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with 2 CFR part 200), or a de minimis indirect cost rate as defined in §200.414(f))?</p> <p>p. All requirements imposed by the pass-through entity on the subrecipient so that the subaward is used in accordance with the Federal statutes, regulations, and the terms and conditions of the HUD award to the recipient?</p> <p>q. Any additional requirements imposed by the pass-through entity on the subrecipient in order for the pass-through entity to meet its own obligations under the ESG program, including identification of any required financial or performance reports?</p> <p>r. A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient’s records and financial statements as necessary for the pass-through entity to meet its requirements under 2 CFR part 200?</p> <p>s. Appropriate terms and conditions concerning closeout of the subaward?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(a)]</p>	
<p><b>Describe Basis for Conclusion:</b></p>	

45.

<p>a. For subawards provided to subrecipients, has the pass-through entity monitored the activities of the subrecipient as necessary, to ensure that the subaward was used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are being, or have been, achieved?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(d)]</p>	<table> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

<p>b. Did the pass-through entity’s monitoring of the subrecipient include:</p> <ul style="list-style-type: none"> <li>• Reviewing financial and performance reports required by the pass-through entity?</li> <li>• Following up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the subaward detected through audits, on-site reviews, or other means?</li> <li>• Issuing a management decision for audit findings pertaining to the subaward a required by 2 CFR 200.521?</li> </ul> <p>[24 CFR 576.407(c); 2 CFR 200.331(d)(1) – (3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

46.

<p>a. For each subrecipient provided a subaward, has the pass-through entity determined whether the subrecipient met or exceeded the audit threshold set in 2 CFR 200.501 for the respective fiscal year?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>b. If a subrecipient meets the audit threshold in 2 CFR 200.501, has the pass-through entity verified that the subrecipient is audited as required by Subpart F of 2 CFR part 200?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

47.

<p>For each subrecipient receiving a subaward, has the pass-through entity considered whether the results of the subrecipient’s audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity’s own records?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(g)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

48.

<p>If the pass-through entity found any subrecipient non-compliant, did the pass-through entity consider taking enforcement action against the subrecipient per 2 CFR 200.338 and the program regulations?</p> <p>[24 CFR 576.407(c); 2 CFR 200.331(h)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

Guide for Review of ESG Rapid Re-housing and Homelessness Prevention Requirements			
Name of Recipient:			
Name of Subrecipient(s):			
Staff Consulted:			
Name(s) of Reviewer(s)		Date	

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, or grant agreement). If the requirement is not met, HUD must select “NO” in response to the question and make a finding of noncompliance. All other questions that do not contain the citation for the requirement do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "finding."

**Instructions:** This Exhibit is designed to assess the recipient’s compliance with the Rapid Re-housing and/or Homelessness Prevention component(s) of the Emergency Solutions Grant (ESG) program. The eligible activity areas of review include: Housing Relocation and Stabilization Services – Services; Housing Relocation and Stabilization Services – Financial Assistance; and Short- and Medium-term Rental Assistance. These activities are eligible when necessary to either (1) help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing, or (2) prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in 24 CFR 576.2. The Exhibit is divided into three sections: General Requirements; Housing Relocation and Stabilization Services; and Short- and Medium-term Rental Assistance. Section B is broken down into sub-sections for Financial Assistance Costs and Services Costs. Section C is broken down into sub-sections for General Requirements and Project-based Rental Assistance. Every question has a header identifying the specific area of review. If the ESG recipient has not funded a particular activity or cost, check the N/A box and continue on to the next section, sub-section, or question of the Exhibit.

This Exhibit can be used to monitor a recipient, a single subrecipient, or multiple subrecipients. It is the responsibility of the HUD reviewer to ensure that the responses provide sufficient documentation to support the basis for the conclusions. Keep in mind that, if multiple entities are reviewed and a deficiency is identified for a single entity, a “No” response is required.

**Questions:**

**A. GENERAL REQUIREMENTS**

1.

<p><b>Initial Evaluation:</b> Did the recipient or its subrecipient conduct an initial evaluation to determine each individual’s or family’s eligibility for rapid re-housing or homelessness prevention assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing? [24 CFR 576.401(a)]</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

2.

<p><b>Eligibility Criteria (Homelessness Prevention):</b> Did the recipient or its subrecipient document that all program participants who received homelessness prevention assistance:</p> <p>a. met the eligibility criteria of the “at risk of homelessness” definition or categories 2, 3, or 4 (if category 4, not sleeping in a place described in category (1)) of the “homeless” definition; and</p> <p>b. have an annual income (as determined in accordance with 24 CFR 5.609) below 30% AMI? [24 CFR 576.103; 24 CFR 576.401(c); 24 CFR 576.500(b); 24 CFR 576.500(c); 24 CFR 576.500(e); 24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

3.

<p><b>Eligibility Criteria (Rapid Re-housing):</b> Did the recipient or its subrecipient document that all program participants who received rapid re-housing assistance met the eligibility criteria:</p> <p>a. under category (1) of the homeless definition, <u>or</u></p> <p>b. under category (4) <u>and</u> live in an emergency shelter or place described in category (1) of the homeless definition? [24 CFR 576.104; 24 CFR 576.500(b); 24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

4.

<p><b>Re-evaluations (Rapid Re-housing/Homelessness Prevention):</b> Do program participant records document that the recipient or its subrecipient re-evaluated program participants’ eligibility and the types and amounts of assistance the program participant needs not less than once every 3 months for program participants receiving homelessness prevention assistance and not less than once annually for program participants receiving rapid re-housing assistance? [24 CFR 576.401(b)(1); 24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

5.

<p><u>Written Standards:</u></p> <p>a. Did the recipient and/or its subrecipients adopt written standards for the provision of homelessness prevention and rapid re-housing assistance, as required by 24 CFR 576.400(e)(1) and 24 CFR 576.400(e)(2)?</p> <p>b. Did these written standards cover the following topics (listed in 24 CFR 576.400(e)(3)):</p> <ol style="list-style-type: none"> <li>1. evaluating individuals' and families' eligibility for assistance under ESG;</li> <li>2. coordination among emergency shelter providers, essential services providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers;</li> <li>3. determining and prioritizing which eligible families and individuals would receive homelessness prevention assistance and which eligible families and individuals would receive rapid re-housing assistance;</li> <li>4. determining what percentage or amount of rent and utilities costs each program participant must pay while receiving homelessness prevention or rapid re-housing assistance;</li> <li>5. determining how long the program participant will be provided with rental assistance and whether and how the amount of that assistance would be adjusted over time;</li> <li>6. determining the type, amount, and duration of housing stabilization and/or relocation services to provide to the program participant?</li> </ol> <p>c. Do the program participant records show that homelessness prevention and rapid re-housing assistance were provided in accordance with the applicable written standards? [24 CFR 576.400(e)(1); 24 CFR 576.400(e)(2); 24 CFR 576.400(e)(3)(i); 24 CFR 576.400(e)(3)(v); 24 CFR 576.400(e)(3)(vi); 24 CFR 576.400(e)(3)(vii); 24 CFR 576.400(e)(3)(viii); 24 CFR 576.400(e)(3)(ix); 24 CFR 576.500(f)]</p>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

6.

<p><u>Re-evaluations (Rapid Re-housing/Homelessness Prevention):</u> Do program participant records document that each re-evaluation of eligibility established that the program participant:</p> <p>a. did not have an annual income that exceeds 30% AMI as established by HUD; and</p> <p>b. lacked sufficient resources and support networks necessary to retain housing without ESG assistance? [24 CFR 576.401(b)(1)(i)-(ii); 24 CFR 576.500(e); 24 CFR 576.500(f)]</p>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> <td style="text-align: center;">N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

7.

<p><b>Recordkeeping (Ineligibility):</b> For each individual and family determined ineligible to receive ESG assistance, did the recipient or its subrecipient document the reason for that determination? [24 CFR 576.500(d)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

8.

<p><b>Eligible Costs (Homelessness Prevention):</b> Were all homelessness prevention costs eligible and necessary to help the program participant regain stability in the program participant's current housing or to move into other permanent housing and achieve stability in that housing? [24 CFR 576.103; 24 CFR 576.500(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

9.

<p><b>Housing Stability Case Management:</b> While providing rapid re-housing or homelessness prevention assistance to a program participant, does the program participant file document that the program participant met with a case manager at least once per month to assist the participant in ensuring long-term housing stability? [24 CFR 576.401(e)(1); 24 CFR 576.500(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

10.

<p><b>Housing Stability Case Management:</b> While providing rapid re-housing or homelessness prevention assistance to a program participant, did the recipient or its subrecipient document in the program participant's file that it developed a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses, other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area? [24 CFR 576.401(e)(2); 24 CFR 576.500(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

11.

<p><u>Connections to Mainstream and Other Resources</u>: While providing rapid re-housing or homelessness prevention assistance to program participants, did the recipient or its subrecipients assist each program participant to obtain mainstream and other resources as needed? [24 CFR 576.401(d)(1); 24 CFR 576.401(d)(2); 24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

12.

<p><u>Recordkeeping (Program Participant Records)</u>: Did each program participant record document: a. the services and assistance provided to that program participant, including, as applicable, security deposit, rental assistance, and utility payments made on behalf of the program participant; and b. compliance with all applicable requirements for providing services and assistance to that program participant? [24 CFR 576.500(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

13.

<p><u>Terminating Assistance</u>:</p> <p>a. If the recipient or any of its subrecipients terminated any participants from the program, did they do so in accordance with a formal process established by the recipient or its subrecipient(s) that recognizes the rights of individuals affected, that met the following requirements: (1) written notice to the program participant containing a clear statement of the reasons for termination, (2) a review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate) who made or approved the termination decision, and (3) prompt written notice of the final decision to the program participant?</p> <p>b. Did the recipient and/or its subrecipient examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases? [24 CFR 576.402(a); 24 CFR 576.402(b)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

14.

<p><b>Lead-Based Paint:</b> Where ESG funds were used for rental assistance (TBRA or PBRA) or supportive services, do records reflect that the recipient and subrecipient complied with all lead-based paint requirements? NOTE: Exhibit 24-2 (Supportive Services), Exhibit 24-3 (TBRA), or Exhibit 24-4 (PBRA), as applicable, MUST be completed to answer this question. See Chapter 24, <i>Lead-Based Paint Compliance</i>, in this Handbook. [24 CFR 35.700-730 (PBRA); 24 CFR 35.1000-1020 (Supportive Services); 24 CFR 35.1200-1225 (TBRA); 24 CFR 576.403(a)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

15.

<p><b>Minimum Habitability Standards:</b> Did the recipient and its subrecipients ensure that all housing units met the minimum habitability standards before incurring any costs to help program participants remain in or move into those housing units? [24 CFR 576.403(c); 24 CFR 576.500(j)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

16.

<p><b>Conflicts of Interest (Organizational):</b> Did the recipient and its subrecipients ensure that:</p> <p>a. no type or amount of ESG assistance was conditioned on an individual or family's acceptance of housing owned by the recipient, subrecipient, contractor, parent, or subsidiary of the subrecipient; and</p> <p>b. no subrecipient (nor any of its parent or subsidiary organizations) that owns housing, carried out the initial evaluation under 24 CFR 576.401, or administered homelessness prevention assistance for occupants of that subrecipient's housing? [24 CFR 576.404(a)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	



**B. HOUSING RELOCATION AND STABILIZATION SERVICES**

Financial Assistance Costs: If the recipient has not expended ESG funds on Financial Assistance costs, check the N/A boxes and skip to the Services Costs subsection of this Exhibit.

17.

<p><u>Financial Assistance Costs</u>: Did the recipient and its subrecipients ensure that:</p> <p>a. no program participant received financial assistance under 24 CFR 576.105(a) that was of the same type of assistance that the program participant was receiving through other public sources; and</p> <p>b. no program participant who received replacement housing payments under the Uniform Relocation Act (URA) received financial assistance under 24 CFR 576.105(a) during the period of time covered by the URA payments? [24 CFR 576.105(d)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

18.

<p><u>Financial Assistance Costs</u>: Were eligible costs listed in 24 CFR 576.105(a) paid only to a housing owner, utility company, or other third party (not directly to the program participant)? [24 CFR 576.105(a)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

19.

<p><u>Financial Assistance Costs (Rental Housing Application Fees)</u>: Were rental housing application fees paid for with ESG funds a standard charge issued by the owner to all applicants? [24 CFR 576.105(a)(1)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

20.

<p><b>Financial Assistance Costs (Security Deposits):</b> Were security deposits paid for with ESG funds equal to no more than 2 months' rent? [24 CFR 576.105(a)(2)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

21.

<p><b>Financial Assistance Costs (Last Month's Rent):</b> Were costs for the last month's rent paid for with ESG funds:</p> <p>a. necessary to obtain housing for a program participant; b. paid to the owner of the housing at the time the owner was paid the security deposit and first month's rent; c. less than or equal to one month's rent; <u>and</u> d. included in calculating the program participant's total rental assistance? [24 CFR 576.105(a)(3)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

22.

<p><b>Financial Assistance Costs (Utility Deposits):</b> Were utility deposits paid for with ESG funds only for eligible types of utility services (gas, electric, water, and sewage) and required by the utility company for all customers? [24 CFR 576.105(a)(4)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

23.

<p><b>Financial Assistance Costs (Utility Payments):</b> Were utility payments paid for with ESG funds:</p> <p>a. within the limit of 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service; b. only provided when the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments; <u>and</u> c. only for eligible types of utility services (gas, electric, water, and sewage)? [24 CFR 576.105(a)(5)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

24.

<p><b>Financial Assistance Costs (Moving Costs):</b> Were moving costs paid for with ESG funds only for moving-related activities such as truck rental, hiring a moving company, and allowable temporary storage fees (up to 3 months, fees accrued after the date the program participant began receiving services and before the program participant moves into permanent housing, and excluding storage fees in arrears)? [24 CFR 576.105(a)(6)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

**Services Costs:** If the recipient has not expended ESG funds on Services costs, check the N/A boxes and skip to the Short- and Medium-Term Rental Assistance section of this Exhibit (Section C).

25.

<p><b>Services Costs (Housing Search and Placement):</b> Were housing search and placement costs paid for with ESG funds: a. necessary to assist program participants in locating, obtaining, and retaining suitable permanent housing; and b. one of those listed in 24 CFR 576.105(b)(1)(i)-(viii)? [24 CFR 576.105(b)(1)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

26.

<p><b>Services Costs (Housing Stability Case Management):</b> Were the activities paid for with ESG funds: a. one of those listed in 24 CFR 576.105(b)(2)(A)-(H), and b. for the purposes of assessing, arranging, coordinating, or monitoring the delivery of individualized services to: (1) facilitate housing stability for a program participant who resides in permanent housing; or (2) to assist a program participant in overcoming immediate barriers to obtaining housing? [24 CFR 576.105(b)(2)(A)-(H)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

27.

<p><b>Services Costs (Housing Stability Case Management):</b> Were the housing stability case management costs paid for with ESG funds:</p> <p>a. under the Rapid Re-housing component, limited to:</p> <p>(1) 30 days during the period the program participant is seeking permanent housing; and</p> <p>(2) 24 months during the period the program participant is living in permanent housing; and</p> <p>b. under the Homelessness Prevention component, limited to 24 months? [24 CFR 576.105(b)(2)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

28.

<p><b>Services Costs (Mediation Costs):</b> Were mediation costs paid for with ESG funds necessary to prevent the program participant from losing permanent housing in which the program participant currently resides, and used for mediation between the program participant and the owner or person(s) with whom the participant is living? [24 CFR 576.105(b)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

29.

<p><b>Services Costs (Legal Services):</b> Did the recipient and its subrecipients ensure that the legal services costs paid for with ESG funds consisted only of the following types of costs:</p> <p>a. for either: hourly fees for legal advice and representation by attorneys licensed and in good standing with the bar association of the State in which the services are provided, or by person(s) under the supervision of the licensed attorney; or fees based on the actual service performed (i.e., fee for service), where the recipient/ subrecipient documented that such costs were less than what the cost of hourly fees would have been;</p> <p>b. for filing fees and other necessary court costs;</p> <p>c. subrecipients' employees' salaries and other costs necessary to perform the services (if the subrecipient is a legal services provider and performs the services itself); and</p> <p>d. for the following component services:</p> <p>(1) client intake;</p> <p>(2) preparation of cases for trial;</p> <p>(3) provision of legal advice;</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No N/A</p>
---	---

(4) representation at hearings; (5) counseling? [24 CFR 576.102(a)(1)(vi)(A); 24 CFR 576.102(a)(1)(vi)(D); 24 CFR 576.102(a)(1)(vi)(E); 24 CFR 576.105(b)(4)]	
<b>Describe Basis for Conclusion:</b>	

30.

<p><b>Services Costs (Legal Services):</b> Did the recipient and its subrecipients ensure that the legal services costs paid for with ESG funds were only used:</p> <p>a. to the extent necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which they currently reside;</p> <p>b. for the following subject matters:</p> <ul style="list-style-type: none"> <li>(1) landlord/tenant matters;</li> <li>(2) child support;</li> <li>(3) guardianship;</li> <li>(4) paternity;</li> <li>(5) emancipation;</li> <li>(6) legal separation;</li> <li>(7) orders of protection and other civil remedies for victims of domestic violence, dating violence, sexual assault, and stalking;</li> <li>(8) appeal of veterans and public benefit claim denials; and</li> <li>(9) the resolution of outstanding criminal warrants; and</li> </ul> <p>c. to the extent that other appropriate legal services were unavailable or inaccessible in the community?</p> <p>[24 CFR 576.105(b)(4); 24 CFR 576.102(a)(1)(vi)(B); 24 CFR 576.102(a)(1)(vi)(C)]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

31.

<p><b>Services Costs (Credit Repair):</b> Were credit repair costs paid for with ESG funds for counseling or other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, or resolving personal credit problems?</p> <p>[24 CFR 576.105(b)(5)]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

32.

<p><b>Services Costs (Credit Repair):</b> Did credit repair costs paid for with ESG funds exclude the payment or modification of a debt? [24 CFR 576.105(b)(5)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

**C. SHORT- AND MEDIUM-TERM RENTAL ASSISTANCE**

**General Requirements:** If the recipient has not expended ESG funds on Short- or Medium-Term Rental Assistance, check the N/A boxes and skip to the next section.

33.

<p><b>Rental Assistance (Limit):</b> Did each program participant’s total rental assistance, including any rental arrears and last month’s rent, stay within the limit of 24 months during any 3-year period? [24 CFR 576.106(a)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

34.

<p><b>Rental Assistance (Changes in Household Composition):</b> Did the recipient and its subrecipients apply the limits on rental assistance to the total assistance each individual received, either as an individual or as part of a household? [24 CFR 576.106(j)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

35.

<p><b>Rental Assistance (Use with Other Subsidies):</b> Except for a one-time payment of rental arrears on the tenant’s portion of the rental payment, did the provision of rental assistance exclude:</p> <p>a. program participants who were receiving tenant-based rental assistance or living in a housing unit receiving project-based rental assistance or operating assistance through other public sources; and</p> <p>b. program participants who were provided with replacement housing payments under the URA during the period of time covered by the URA payments? [24 CFR 576.106(c)]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<p><b>Describe Basis for Conclusion:</b></p>			

36.

<p><b>Rental Assistance (Fair Market Rent and Rent Reasonableness):</b> Did the recipient and its subrecipients ensure that ESG rental assistance was only provided to units for which the rent complied with HUD's standard of rent reasonableness and did not exceed the applicable Fair Market Rent?</p> <p>NOTE: For this purpose, rent equals the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant paid separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located. [24 CFR 576.106(d)(1); 24 CFR 576.106(d)(2); 24 CFR 576.500(i)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

37.

<p><b>Rental Assistance (Rental Assistance Agreement):</b> Does the documentation show that the recipient or its subrecipients entered into a rental assistance agreement with each owner before providing the owner with rental assistance payments, including rental arrears? [24 CFR 576.106(e); 24 CFR 576.500(h)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

38.

<p><b>Rental Assistance (Rental Assistance Agreement):</b> Did each rental assistance agreement:</p> <ol style="list-style-type: none"> <li>set forth the terms under which rental assistance will be provided, including the requirements that apply under 24 CFR 576.106;</li> <li>provide that, during the term of the agreement, the owner must give the recipient or its subrecipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant; and</li> <li>contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease?</li> </ol> <p>[24 CFR 576.106(e); 24 CFR 576.106(f)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

39.

<p><b>Rental Assistance (Payments):</b> Did the recipient or its subrecipient make timely payments to each owner in accordance with the rental assistance agreement? [24 CFR 576.106(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

40.

<p><b>Rental Assistance (Payments):</b> Did the recipient and its subrecipients pay any late payment penalties that they incurred only with <u>non-ESG funds</u> (i.e., no ESG funds were used to pay late payment penalties incurred by the recipient or subrecipient)? [24 CFR 576.106(f)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

41.

<p><b>Rental Assistance (Leases):</b> a. Does each program participant receiving rental assistance have a file that contains a legally binding, written lease between the program participant and the owner of the property or his/her agent for the rental unit; OR b. If the assistance was solely for rental arrears for a program participant who had an oral lease agreement in place: (1) does each agreement give the program participant an enforceable leasehold interest under state law; and (2) are the agreement and rent owed sufficiently documented by the owner's financial records, rent ledgers, or canceled checks? [24 CFR 576.106(g); 24 CFR 576.500(h)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

42.

<p><b>Rental Assistance (Rental Arrears):</b> Were the rental arrears paid for with ESG funds one-time payments that did not exceed 6 months of rent in arrears (including any late fees on those arrears)? [24 CFR 576.106(a)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	



43.

<p><b>Recordkeeping (Homelessness Prevention and Rapid Re-housing):</b> Did the recipient or its subrecipient keep records, including copies of documentation of payments made to owners for rental assistance provided, and supporting documentation for these payments, including dates of occupancy by program participants? [24 CFR 576.500(h)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

44.

<p><b>Rental Assistance (TBRA):</b> For tenant-based rental assistance, did the recipient and its subrecipients terminate the rental assistance agreement with the owner and stop providing rental assistance payments under that agreement when any of the following conditions were met: a. the program participant moved out of the unit for which the program participant has a lease; b. the lease terminated and was not renewed; or c. the program participant became ineligible to receive ESG assistance? [24 CFR 576.106(h)(3)(i)-(iii)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

**Project-Based Rental Assistance (PBRA):** If the recipient has not expended funds on PBRA, check the N/A boxes. This is the final subsection of the Exhibit.

45.

<p><b>Rental Assistance (Project-based Rental Assistance):</b> If the recipient or any of its subrecipients used ESG funds to pay the rent for a project-based unit before a program participant moved into the unit, does the program participant file reflect that : a. the program participant signed a lease and moved into the unit before the end of the month for which the first month's rent was paid; and b. the amount paid was less than or equal to the rent to be charged under the program participant's lease and included when determining that program participant's total rental assistance? [24 CFR 576.106(i)(2)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

46.

<p><b>Rental Assistance (PBRA):</b> Did the recipient and its subrecipients make monthly rental assistance payments only for months when a unit was leased to a program participant (either partial or the whole month)? [24 CFR 576.106(i)(3)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
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Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

47.

<p><b>Rental Assistance (PBRA):</b> For program participants living in housing with project-based rental assistance, does the program participant's file contain a lease with an initial term of at least 1 year AND did the recipient or its subrecipient (whoever signed the agreement) enter into a rental assistance agreement with the owner for an initial term of 1 year? [24 CFR 576.106(g); 24 CFR 576.106(i)(5)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

48.

<p><b>Rental Assistance (PBRA):</b> If a program participant was determined ineligible or reaches the maximum number of months over which rental assistance could be provided, did the recipient or its subrecipient suspend or terminate the rental assistance payments for the unit? [24 CFR 576.106(i)(4)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

49.

<p><b>Rental Assistance (PBRA):</b> Did the recipient and its subrecipients ensure that the term of occupancy in each program participant's lease was not conditioned on the provision of rental assistance payments, and if ESG-funded rental assistance was suspended, was the program participant allowed to remain in the unit as permitted under the lease? [24 CFR 576.106(i)(4)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

50.

<p><b>Rental Assistance (PBRA – Expenditure Deadline):</b> Did the recipient and its subrecipients commit ESG funds only to be expended: a. within the expenditure deadline in 24 CFR 576.203; and b. for current ESG grants (i.e., not before a grant is awarded)? [24 CFR 576.106(i)(5)]</p>	<table border="0"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

Guide for Review of ESG Financial Management and Cost Allowability			
Name of Recipient:			
Name of Subrecipient(s):			
Grant Number:			
Staff Consulted:			
Name(s) of Reviewer(s)		Date	

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute and regulation). If the requirement is not met, HUD must select “NO” in response to the question and make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding.**"

**Instructions:** This Exhibit is designed to assess a recipient’s and/or its subrecipient’s financial management system, as well as the eligibility of the program’s expenditures. **Note:** This Exhibit is designed only to monitor compliance with the ESG interim rule, the Uniform Administrative Requirements (24 CFR part 84 and 85), and the cost principles at 2 CFR part 225 (OMB Circular A-87) and 2 CFR part 230 (OMB Circular A-122), as in effect prior to December 26, 2014. Accordingly, this Exhibit includes citations to regulations and OMB Circulars that pre-dated HUD’s implementation of 2 CFR Part 200 (e.g., 24 CFR Part 576 (2013 edition), OMB Circular A-87, 24 CFR Part 85 (2013), 24 CFR Part 84 (2013), and OMB Circular A-122). CPD staff should use the citations in this Exhibit when making findings.

To monitor compliance with the new requirements at 2 CFR part 200, the HUD reviewer must complete Exhibit 34-1, *Guide for Review of Financial Management and Audits* and Exhibit 34-2, *Guide for Review of Cost Allowability*. For HUD’s expectations on monitoring for compliance with the uniform administrative requirements, cost principles, and audit requirements during the period of transition to 2 CFR part 200, please see HUD’s April 13, 2016, Notice CPD-16-04 (<http://portal.hud.gov/hudportal/documents/huddoc?id=16-04cpdn.pdf>). When completing this Exhibit or Exhibits 34-1 and 34-2, the HUD reviewer must also complete Exhibit 28-7, *Guide for Review of ESG Match Requirements*.

This Exhibit can be used to either monitor the recipient alone, the recipient with a single subrecipient, or the recipient with multiple subrecipients. It is the responsibility of the HUD reviewer to ensure that the responses provide sufficient documentation to support the basis for the conclusions. Keep in mind that, if multiple entities are reviewed and a deficiency is identified for a single entity, a “No” response is required.

**Questions:**

1.

Did the recipient and its subrecipients have written policies and procedures to ensure that ESG funds are used in accordance with ESG requirements and sufficient records to enable HUD and the recipient to determine whether ESG requirements are being met? [24 CFR 576.500(a)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

2.

<p>Did the recipient and its subrecipients maintain records that identify adequately the source and application of funds for federally-sponsored activities?</p> <p><b>NOTE:</b> These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest. [24 CFR 576.407(c); 24 CFR 576.500(s)(2); 24 CFR 84.21(b)(2); 24 CFR 85.20]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

3.

<p><u>Eligible Activities:</u> Are the recipient's and its subrecipients' expenses allowable, allocable, and reasonable? [24 CFR 576.100-576.109; 24 CFR 576.500(u)(2); 24 CFR 84.21(b)(6); 24 CFR 85.22]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

4.

<p>Do the fiscal records indicate evidence that the recipient and its subrecipients have effective internal control over, and accountability of, all grant funds, property and other assets? [24 CFR 576.500(u); 24 CFR 84.21(b)(3); 24 CFR 85.20]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

Internal Controls (Reference for some of the questions: GAO/AIMD-98-21.2.1, "Framework for Federal Financial Management System Checklist," May 1998)

5.

<p>a. Do the recipient and its subrecipients have an organization chart that illustrates the actual lines of authority/responsibility?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

<p>b. Are primary duties for key employees of the recipient and its subrecipients defined?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

<p>c. Does the recipient's and its subrecipients' chart of accounts include a complete listing of the account numbers used to support the control required to ensure that resources used do not exceed resources authorized?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>d. Do the approval controls provide reasonable assurance that appropriate individuals approve recorded transactions in accordance with management's general or specific criteria?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>e. Do the controls over the design and use of documents and records provide reasonable assurance that transactions and events are properly documented, recorded, and auditable?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>f. In the normal course of the position's requirements, are duties segregated to effectively reduce the opportunity for someone to perpetrate or conceal errors or irregularities?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>g. Is it clear that all personnel are responsible for communicating to appropriate supervisory officials the recipient's or its subrecipients' operating problems and noncompliance with laws and regulations?</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	
<p>h. Do the internal control procedures support the ability to prepare financial statements that are accurately presented in conformity with generally accepted or other relevant and appropriate accounting principles and regulatory requirements? (One level of assurance of the accuracy and integrity of data is provided by the recipient attaining an unqualified opinion on the audited annual financial statements and internal controls.)</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

6.

Do the recipient and its subrecipients identify expenditures in their accounting records according to eligible program activities identified in the program regulation, the recipient's Action Plan, and the drawdown activity information? [24 CFR 576.100; 24 CFR 576.500(u); 24 CFR 84.21(b)(2); 24 CFR 85.20]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

7.

Does a review of the sample transaction records indicate that grant expenditures were eligible costs under regulations, were necessary and reasonable for proper and efficient administration of the program, were allocable to the program, and supported by adequate source documentation (invoices, contracts, or purchase orders)? [24 CFR 576.100-576.109; 24 CFR 576.500(u); 24 CFR 84.21(b); 24 CFR 85.20(b)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

8.

Does the source documentation support the amount drawn down from the payment requests? [24 CFR 576.500(u); 24 CFR 84.21(b); 24 CFR 85.20]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

9.

Do the recipient's financial information (e.g., drawdowns, unexpended balances) records match the information in HUD's financial systems (e.g., Line of Credit Control System (LOCCS), Integrated Disbursement and Information System (IDIS)) for the period under review? [24 CFR 576.500(aa); 24 CFR 85.20]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

10.

Are payments for salaries and wages supported by documented payrolls and personnel activity reports as specified in the applicable cost principles? [24 CFR 576.500(u)(2); OMB Circular A-122, Attachment B, 8(m); OMB Circular A-87, Attachment B, 8(h)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

11.

<p>Are charges to the grant by both governmental units and nonprofit organizations for salaries and wages, whether treated as direct or indirect costs, based on payrolls documented in accordance with generally accepted accounting principles and approved by a responsible official(s) of the organization being monitored? [24 CFR 576.500(u)(2); OMB Circular A-122, Attachment B, 8(m); OMB Circular A-87, Attachment B, 8(h)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

12.

<p>For government employees working solely on the grant, are charges for their salaries and wages supported by periodic certifications that the employees worked solely on that program for the period covered by the certification? [24 CFR 576.500(u)(2); OMB Circular A-87, Attachment B, 8(h)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

13.

<p>For government employees, were the certifications prepared at least semi-annually and signed by the employee or a supervisory official having first-hand knowledge of the work performed by the employee? [24 CFR 576.500(u)(2); OMB Circular A-87, Attachment B, 8(h)(3)]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

14.

<p>Does a random selection of administrative costs reflect that grant funds were used for eligible administrative costs? [24 CFR 576.108; 24 CFR 84.21; 24 CFR 85.20]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

15.

<p>Are all of the administrative costs reviewed allocable to the program, and necessary and reasonable for proper and efficient administration of the program? [24 CFR 576.108; 24 CFR 576.500(u)(2); OMB Circular A-122; OMB Circular A-87]</p>	<p><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A</p>
<p><b>Describe Basis for Conclusion:</b></p>	

16.

Is the recipient in compliance with the component or activity caps imposed by program regulations, and are all costs subject to the expenditure caps properly classified? [24 CFR 576.100; 24 CFR 576.500(u)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

17.

If the recipient advances grant funds to subrecipients, are there procedures to minimize the time elapsed between the transfer of funds to, and disbursement by, the subrecipients? [24 CFR 576.407(c); 24 CFR 84.22(b)(1); 24 CFR 85.21(c)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

18.

If the recipient uses advances, is there evidence that any interest earned on grant advances over the amount specified in the uniform administrative requirements has been remitted to the U.S. Treasury as required by HUD? [24 CFR 576.407(c); 24 CFR 85.21(i)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

19.

If indirect costs are charged to the grant program by the recipient or its subrecipients, are the costs supported by an Indirect Cost Rate Proposal or Cost Allocation Plan prepared in accordance with OMB Circular A-87 (for governments) or OMB Circular A-122 (for nonprofit organizations)? [24 CFR 576.109; OMB Circular A-87; OMB Circular A-122]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

20.

a. If single audits are required, does the recipient or its subrecipients have a system or methodology to ensure that such audits are conducted? [24 CFR 576.407(c); 24 CFR 85.26; 24 CFR 84.26]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			

b. If single audits are required for any recipient or subrecipient, is there documentation that the audits have been reviewed for compliance and that the recipient or subrecipient has taken appropriate follow-up actions, if necessary? [24 CFR 576.407(c); 24 CFR 85.26; 24 CFR 84.26]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No	N/A
<b>Describe Basis for Conclusion:</b>			



21.

Do the recipient and its subrecipients maintain records of their receipt and use of program income? [24 CFR 576.500(u)(3)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

22.

Do the recipient and its subrecipients use program income as the nonfederal share of eligible costs (i.e., match)? [24 CFR 576.201(f); 24 CFR 576.407(c); 24 CFR 84.24(b) or 24 CFR 85.25(g)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

23.

Does a review of program expenditures indicate the absence of any unallowable costs including entertainment, contributions and donations, fines and penalties, or general governmental expenditures including salary and expenses of the chief executive officer of the recipient or its subrecipients? [24 CFR 576.100(d); 24 CFR 576.500(u)(2); OMB Circular A-87 or OMB Circular A-122]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

24.

Does a review of the expenditures indicate that costs related to lobbying political activities have not been charged to the program? [24 CFR 576.100(d); 24 CFR 576.500(u)(2); OMB Circular A-87 or OMB Circular A-122]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<b>Describe Basis for Conclusion:</b>	

City of Berkeley – Priority Home Partnership Program File Review Check List

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

Staff Name: \_\_\_\_\_

Supervisor Approval - Name: \_\_\_\_\_

**I. Eligibility Documentation**

ESG Application for Assistance and Eligibility Determination Form (8 pages)

\_\_\_\_\_ Rapid Rehousing Assistance

\_\_\_\_\_ Homeless Prevention

Attached	Document	COB Review
<input type="checkbox"/>	Homeless Status Supporting Documentation (Rapid Rehousing-RR)	<input type="checkbox"/>
<input type="checkbox"/>	At Imminent Risk Housing Status Supporting Documentation (Homeless Prevention-HP)	<input type="checkbox"/>
<input type="checkbox"/>	Income Eligibility Supporting Documentation (RR&HP)	<input type="checkbox"/>
<input type="checkbox"/>	Asset Verification Supporting Documentation (RR&HP)	<input type="checkbox"/>
<input type="checkbox"/>	Current ROI - Date: _____	<input type="checkbox"/>

**II. Documentation of Assistance/Ongoing Services**

Attached	Document	COB Review
<input type="checkbox"/>	1. Request for Tenancy Approval	<input type="checkbox"/>
<input type="checkbox"/>	2. Household Budget	<input type="checkbox"/>
<input type="checkbox"/>	3. Housing Stability Plan	<input type="checkbox"/>
<input type="checkbox"/>	4. Financial Assistance Calculation Form	<input type="checkbox"/>
<input type="checkbox"/>	5. Program Participation Agreement	<input type="checkbox"/>
<input type="checkbox"/>	6. Lease Between Participant and Landlord	<input type="checkbox"/>
<input type="checkbox"/>	7. Rental Assistance Agreement with Landlord	<input type="checkbox"/>
<input type="checkbox"/>	8. W-9 Form	<input type="checkbox"/>
<input type="checkbox"/>	Three Month Reassessment(s) <b>(if applicable, insert dates)</b> 1. _____ 2. _____	<input type="checkbox"/>
<input type="checkbox"/>	Budget/Housing Stability Plan, if recertified for additional 3 months	<input type="checkbox"/>
<input type="checkbox"/>	Exit Form (HMIS form), if exited from program.	<input type="checkbox"/>
<input type="checkbox"/>	Termination of Housing Assistance <b>(if applicable)</b>	<input type="checkbox"/>
<input type="checkbox"/>	Other	<input type="checkbox"/>

City of Berkeley – Priority Home Partnership Program File Review Check List

Inspection Documentation Verification

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

Unit  
Address: \_\_\_\_\_

In File	Document	Inspector's Signature	Unit Pass	Unit Inconclusive /Fail	Date
<input type="checkbox"/>	Rent Reasonableness		<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Habitability Inspection (includes Lead Assessment)		<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	FMR certification		<input type="checkbox"/>	<input type="checkbox"/>	

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NOTES:

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City of Berkeley

Program Monitoring File Checklist

Client File Reviewed: (first initial, last initial) \_\_\_\_\_ Date: \_\_\_\_\_ Case Manager: \_\_\_\_\_  
 Staff Reviewer \_\_\_\_\_ Signature \_\_\_\_\_

Item (All Files)	Yes	No	N/A	Comments
Client Intake				
Needs Assessment				
Income Verification				
Disability Verification				
Homelessness Verification				
Client ID				
Program Participation Agreement				
Notice of Grievance Policies				
Notice of Privacy Policies				
Release of Information				
Individual Service Plan (current)				
Case Notes: Documentation of case management sessions (note frequency) and of ongoing efforts to achieve ISP goals.				
Documentation of Referrals to other needed services				
Documentation of Increased Income				
Documentation of Housing Placement (address)				
Exit Documentation				
Emergency Contact				
Is file stored in secure area with restricted access?				
Is file organized, complete, uses standard forms, entries legible?				
File clearly notes client's status? (active, closed, inactive)				
<b>SHELTER OR TRANSITIONAL HOUSING SERVICES</b>				
Savings Program? Documentation of deposits and withdrawals?				
Other Info:				
Other Info:				
TB Test In File				
<b>OVERALL COMMENTS</b>				

**NOTATIONS ON REVIEW ITEMS**

**INCOME VERIFICATION:** If program uses “presumed income” category, file must include verification of qualification for presumed category.

**HOMELESS VERIFICATION:** HUD guidelines indicate that third-party verification is best practice; self-certification and homeless history are also acceptable.

**DISABILITY VERIFICATION:** For programs funded to serve disabled, verification should be by a licensed professional.

**Excerpted ESG Interim Regulations as Applicable to Subrecipients**  
**Subpart A—General Provisions**

**§ 576.1 Applicability and purpose.**

This part implements the Emergency Solutions Grants (ESG) program authorized by subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371–11378). The program authorizes the Department of Housing and Urban Development (HUD) to make grants to States, units of general purpose local government, and territories for the rehabilitation or conversion of buildings for use as emergency shelter for the homeless, for the payment of certain expenses related to operating emergency shelters, for essential services related to emergency shelters and street outreach for the homeless, and for homelessness prevention and rapid re-housing assistance.

**§ 576.2 Definitions.**

**At risk of homelessness** means: (1) An individual or family who: Has an annual income below 30 percent of median family income for the area, as determined by HUD; Does not have sufficient resources or support networks, *e.g.*, family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; and

1. Meets one of the following conditions:

- Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
- Is living in the home of another because of economic hardship;
- Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
- Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
- Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
- Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved consolidated plan;

2. A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

A child or youth who does not qualify as “homeless” under this section, but qualifies as “homeless” under section 725(2) of the McKinney- Vento Homeless Assistance Act (42 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

**Consolidated plan** means a plan prepared in accordance with 24 CFR part 91. An *approved consolidated plan* means a consolidated plan that has been approved by HUD in accordance with 24 CFR part 91.

**Continuum of Care** means the group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers; victim service providers; faith-based organizations; governments; businesses; advocates; public housing agencies; school districts; social service providers; mental health agencies; hospitals; universities; affordable housing developers; law enforcement; organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

**Emergency shelter** means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements. Any project funded as an emergency shelter under a Fiscal Year 2010 Emergency Solutions grant may continue to be funded under ESG.

**Homeless** means:

- (1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - (i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
  - (ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or
  - (iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- (2) An individual or family who will imminently lose their primary nighttime residence, provided that:
  - (i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;
  - (ii) No subsequent residence has been identified; and
  - (iii) The individual or family lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other permanent housing;
- (3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - (i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
  - (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
  - (iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
  - (iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- (4) Any individual or family who:
  - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  - (ii) Has no other residence; and
  - (iii) Lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, to obtain other permanent housing.

*Homeless Management Information System (HMIS)* means the information system designated by the Continuum of Care to comply with the HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at-risk of homelessness.

*Metropolitan city* means a city that was classified as a metropolitan city under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available. This term includes the District of Columbia.

*Private nonprofit organization* means a private nonprofit organization that is a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a governmental organization, such as a public housing agency or housing finance agency.

*Program income* shall have the meaning provided in 24 CFR 85.25. Program income includes any amount of a security or utility deposit returned to the recipient or subrecipient.

*Program participant* means an individual or family who is assisted under ESG program.

*Program year* means the consolidated program year established by the recipient under 24 CFR part 91.

*Recipient* means any State, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government that is approved by HUD to assume financial responsibility and enters into a grant agreement with HUD to administer assistance under this part.

*State* means each of the several States and the Commonwealth of Puerto Rico.

*Subrecipient* means a unit of general purpose local government or private nonprofit organization to which a recipient makes available ESG funds.

*Unit of general purpose local government* means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

*Urban county* means a county that was classified as an urban county under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available.

*Victim service provider* means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

## **Subpart B—Program Components and Eligible Activities**

### **§ 576.100 General provisions and expenditure limits.**

(a) ESG funds may be used for five program components: street outreach, emergency shelter, homelessness prevention, rapid re-housing assistance, and HMIS; as well as administrative activities. The five program components and the eligible activities that may be funded under each are set forth in § 576.101 through § 576.107. Eligible administrative activities are set forth in § 576.108.

(b) The total amount of the recipient's fiscal year grant that may be used for street outreach and emergency shelter activities cannot exceed the greater of:

(1) 60 percent of the recipient's fiscal year grant; or

(2) The amount of Fiscal Year 2010 grant funds committed for homeless assistance activities.

(c) The total amount of ESG funds that may be used for administrative activities cannot exceed 7.5 percent of the recipient's fiscal year grant.

(d) Subject to the cost principles in OMB Circulars A-87 (2 CFR 225) and A-122 (2 CFR 230) and other requirements in this part, employee compensation and other overhead costs directly related to carrying out street outreach, emergency shelter, homelessness prevention, rapid re-housing, and HMIS are eligible costs of those program components. These costs are not subject to the expenditure limit in paragraph (c) of this section.

### **§ 576.101 Street outreach component.**

(a) *Eligible costs.* Subject to the expenditure limit in § 576.100(b), ESG funds may be used for costs of providing essential services necessary to reach out to unsheltered homeless people; connect them with emergency shelter, housing, or critical services; and provide urgent, non-facility-based care to unsheltered homeless people who are unwilling or unable to access emergency shelter, housing, or an appropriate health facility. For the purposes of this section, the term "unsheltered homeless people" means individuals and families who qualify as homeless under paragraph (1)(i) of the "homeless" definition under § 576.2. The eligible costs and requirements for essential services consist of:

(1) *Engagement.* The costs of activities to locate, identify, and build relationships with unsheltered homeless people and engage them for the purpose of providing immediate support, intervention, and connections with homeless assistance programs and/or mainstream social services and housing programs. These activities consist of making an initial assessment of needs and eligibility; providing crisis counseling; addressing urgent physical needs, such as providing meals, blankets, clothes, or toiletries; and actively connecting and providing information and referrals to programs targeted to homeless people and mainstream social services and housing programs, including emergency shelter, transitional housing, community-based services, permanent supportive housing, and rapid re-housing programs. Eligible costs include the cell phone costs of outreach workers during the performance of these activities.

(2) *Case management.* The cost of assessing housing and service needs, arranging, coordinating, and monitoring the delivery of individualized services to meet the needs of the program participant. Eligible services and activities are as follows: using the centralized or coordinated assessment system as required under § 576.400(d); conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility; counseling; developing, securing and coordinating services; obtaining Federal, State, and local benefits; monitoring and evaluating program participant



progress; providing information and referrals to other providers; and developing an individualized housing and service plan, including planning a path to permanent housing stability.

(3) *Emergency health services.* (i) Eligible costs are for the direct outpatient treatment of medical conditions and are provided by licensed medical professionals operating in community-based settings, including streets, parks, and other places where unsheltered homeless people are living.

(ii) ESG funds may be used only for these services to the extent that other appropriate health services are inaccessible or unavailable within the area.

(iii) Eligible treatment consists of assessing a program participant's health problems and developing a treatment plan; assisting program participants to understand their health needs; providing directly or assisting program participants to obtain appropriate emergency medical treatment; and providing medication and follow-up services.

(4) *Emergency mental health services.*

(i) Eligible costs are the direct outpatient treatment by licensed professionals of mental health conditions operating in community-based settings, including streets, parks, and other places where unsheltered people are living.

(ii) ESG funds may be used only for these services to the extent that other appropriate mental health services are inaccessible or unavailable within the community.

(iii) Mental health services are the application of therapeutic processes to personal, family, situational, or occupational problems in order to bring about positive resolution of the problem or improved individual or family functioning or circumstances.

(iv) Eligible treatment consists of crisis interventions, the prescription of psychotropic medications, explanation about the use and management of medications, and combinations of therapeutic approaches to address multiple problems.

(5) *Transportation.* The transportation costs of travel by outreach workers, social workers, medical professionals, or other service providers are eligible, provided that this travel takes place during the provision of services eligible under this section. The costs of transporting unsheltered people to emergency shelters or other service facilities are also eligible. These costs include the following:

(i) The cost of a program participant's travel on public transportation;

(ii) If service workers use their own vehicles, mileage allowance for service workers to visit program participants;

(iii) The cost of purchasing or leasing a vehicle for the recipient or subrecipient in which staff transports program participants and/or staff serving program participants, and the cost of gas, insurance, taxes and maintenance for the vehicle; and

(iv) The travel costs of recipient or subrecipient staff to accompany or assist program participants to use public transportation.

(6) *Services for special populations.*

ESG funds may be used to provide services for homeless youth, victim services, and services for people living with HIV/AIDS, so long as the costs of providing these services are eligible under paragraphs (a)(1) through (a)(5) of this section. The term *victim services* means services that assist program participants who are victims of domestic violence, dating violence, sexual assault, or stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

(b) *Minimum period of use.* The recipient or subrecipient must provide services to homeless individuals and families for at least the period during which ESG funds are provided.

(c) *Maintenance of effort.* (1) If the recipient or subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the local government provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit.

(2) Upon the recipient's request, HUD will determine whether the unit of general purpose local government is in a severe financial deficit, based on the recipient's demonstration of each of the following:

(i) The average poverty rate in the unit of general purpose local government's jurisdiction was equal to or greater than 125 percent of the average national poverty rate, during the calendar year for which the most recent data are available, as determined according to information from the U.S. Census Bureau.

(ii) The average per-capita income in the unit of general purpose local government's jurisdiction was less than 75 percent of the average national per-capita income, during the calendar year for which the most recent data are available, as determined according to information from the Census Bureau.

(iii) The unit of general purpose local government has a current annual budget deficit that requires a reduction in funding for services for homeless people.

(iv) The unit of general-purpose local government has taken all reasonable steps to prevent a reduction in funding of services for homeless people. Reasonable steps may include steps to increase revenue generation, steps to maximize cost savings, or steps to reduce expenditures in areas other than services for homeless people.

**§ 576.103 Homelessness prevention component.**

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance necessary to prevent an individual or family from moving into an emergency shelter or another place described in paragraph (1) of the “homeless” definition in § 576.2. This assistance, referred to as homelessness prevention, may be provided to individuals and families who meet the criteria under the “at risk of homelessness” definition, or who meet the criteria in paragraph (2), (3), or (4) of the “homeless” definition in § 576.2 and have an annual income below 30 percent of median family income for the area, as determined by HUD. The costs of homelessness prevention are only eligible to the extent that the assistance is necessary to help the program participant regain stability in the program participant’s current permanent housing or move into other permanent housing and achieve stability in that housing. Homelessness prevention must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short-term and medium-term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

**§ 576.104 Rapid re-housing assistance component.**

ESG funds may be used to provide housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing. This assistance, referred to as rapid re-housing assistance, may be provided to program participants who meet the criteria under paragraph (1) of the “homeless” definition in § 576.2 or who meet the criteria under paragraph 4 of the “homeless” definition and live in an emergency shelter or other place described in paragraph (1) of the “homeless” definition. The rapid re- housing assistance must be provided in accordance with the housing relocation and stabilization services requirements in § 576.105, the short- and medium- term rental assistance requirements in § 576.106, and the written standards and procedures established under § 576.400.

**§ 576.105 Housing relocation and stabilization services.**

(a) *Financial assistance costs.* Subject to the general conditions under § 576.103 and § 576.104, ESG funds may be used to pay housing owners, utility companies, and other third parties for the following costs:

- (1) *Rental application fees.* ESG funds may pay for the rental housing application fee that is charged by the owner to all applicants.
- (2) *Security deposits.* ESG funds may pay for a security deposit that is equal to no more than 2 months’ rent.
- (3) *Last month’s rent.* If necessary to obtain housing for a program participant, the last month’s rent may be paid from ESG funds to the owner of that housing at the time the owner is paid the security deposit and the first month’s rent. This assistance must not exceed one month’s rent and must be included in calculating the program participant’s total rental assistance, which cannot exceed 24 months during any 3-year period.
- (4) *Utility deposits.* ESG funds may pay for a standard utility deposit required by the utility company for all customers for the utilities listed in paragraph (5) of this section.
- (5) *Utility payments.* ESG funds may pay for up to 24 months of utility payments per program participant, per service, including up to 6 months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the program participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No program participant shall receive more than 24 months of utility assistance within any 3-year period.
- (6) *Moving costs.* ESG funds may pay for moving costs, such as truck rental or hiring a moving company. This assistance may include payment of temporary storage fees for up to 3 months, provided that the fees are accrued after the date the program participant begins receiving assistance under paragraph (b) of this section and before the program participant moves into permanent housing. Payment of temporary storage fees in arrears is not eligible.

(b) *Services costs.* Subject to the general restrictions under § 576.103 and § 576.104, ESG funds may be used to pay the costs of providing the following services:

- (1) *Housing search and placement.*

Services or activities necessary to assist program participants in locating, obtaining, and retaining suitable permanent

housing, include the following:

- (i) Assessment of housing barriers, needs, and preferences;
  - (ii) Development of an action plan for locating housing;
  - (iii) Housing search;
  - (iv) Outreach to and negotiation with owners;
  - (v) Assistance with submitting rental applications and understanding leases;
  - (vi) Assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;
  - (vii) Assistance with obtaining utilities and making moving arrangements; and
  - (viii) Tenant counseling.
- (2) *Housing stability case management.* ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a program participant who resides in permanent housing or to assist a program participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed 30 days during the period the program participant is seeking permanent housing and cannot exceed 24 months during the period the program participant is living in permanent housing. Component services and activities consist of:
- (A) Using the centralized or coordinated assessment system as required under § 576.400(d), to evaluate individuals and families applying for or receiving homelessness prevention or rapid re-housing assistance;
  - (B) Conducting the initial evaluation required under § 576.401(a), including verifying and documenting eligibility, for individuals and families applying for homelessness prevention or rapid re-housing assistance;
  - (C) Counseling;
  - (D) Developing, securing, and coordinating services and obtaining Federal, State, and local benefits;
  - (E) Monitoring and evaluating program participant progress;
  - (F) Providing information and referrals to other providers;
  - (G) Developing an individualized housing and service plan, including planning a path to permanent housing stability; and
  - (H) Conducting re-evaluations required under § 576.401(b).
- (3) *Mediation.* ESG funds may pay for mediation between the program participant and the owner or person(s) with whom the program participant is living, provided that the mediation is necessary to prevent the program participant from losing permanent housing in which the program participant currently resides.
- (4) *Legal services.* ESG funds may pay for legal services, as set forth in § 576.102(a)(1)(vi), except that the eligible subject matters also include landlord/tenant matters, and the services must be necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides.
- (5) *Credit repair.* ESG funds may pay for credit counseling and other services necessary to assist program participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems. This assistance does not include the payment or modification of a debt.
- (c) *Maximum amounts and periods of assistance.* The recipient may set a maximum dollar amount that a program participant may receive for each type of financial assistance under paragraph (a) of this section. The recipient may also set a maximum period for which a program participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any program participant may receive the services under paragraph (b) of this section must not exceed 24 months during any 3-year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.
- (d) *Use with other subsidies.* Financial assistance under paragraph (a) of this section cannot be provided to a program participant who is receiving the same type of assistance through other public sources or to a program participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.

**§ 576.106 Short-term and medium-term rental assistance.**

- (a) *General provisions.* Subject to the general conditions under § 576.103 and § 576.104, the recipient or subrecipient may provide a program participant with up to 24 months of rental assistance during any 3-year period. This assistance may be short-term rental assistance, medium-term rental assistance, payment of rental arrears, or any combination of this

assistance.

- (1) Short-term rental assistance is assistance for up to 3 months of rent.
- (2) Medium-term rental assistance is assistance for more than 3 months but not more than 24 months of rent.
- (3) Payment of rental arrears consists of a one-time payment for up to 6 months of rent in arrears, including any late fees on those arrears.
- (4) Rental assistance may be tenant-based or project-based, as set forth in paragraphs (h) and (i) of this section.
- (b) *Discretion to set caps and conditions.* Subject to the requirements of this section, the recipient may set a maximum amount or percentage of rental assistance that a program participant may receive, a maximum number of months that a program participant may receive rental assistance, or a maximum number of times that a program participant may receive rental assistance. The recipient may also require program participants to share in the costs of rent.
- (c) *Use with other subsidies.* Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources. Rental assistance may not be provided to a program participant who has been provided with replacement housing payments under the URA during the period of time covered by the URApayments.
- (d) *Rent restrictions.* (1) Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR 982.507.  
(2) For purposes of calculating rent under this section, the rent shall equal the sum of the total monthly rent for the unit, any fees required for occupancy under the lease (other than late fees and pet fees) and, if the tenant pays separately for utilities, the monthly allowance for utilities (excluding telephone) established by the public housing authority for the area in which the housing is located.
- (e) *Rental assistance agreement.* The recipient or subrecipient may make rental assistance payments only to an owner with whom the recipient or subrecipient has entered into a rental assistance agreement. The rental assistance agreement must set forth the terms under which rental assistance will be provided, including the requirements that apply under this section. The rental assistance agreement must provide that, during the term of the agreement, the owner must give the recipient or subrecipient a copy of any notice to the program participant to vacate the housing unit, or any complaint used under state or local law to commence an eviction action against the program participant.
- (f) *Late payments.* The recipient or subrecipient must make timely payments to each owner in accordance with the rental assistance agreement. The rental assistance agreement must contain the same payment due date, grace period, and late payment penalty requirements as the program participant's lease. The recipient or subrecipient is solely responsible for paying late payment penalties that it incurs with non-ESG funds.
- (g) *Lease.* Each program participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the owner and the program participant. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease, if the agreement gives the program participant an enforceable leasehold interest under state law and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks. For program participants living in housing with project-based rental assistance under paragraph (i) of this section, the lease must have an initial term of one year.
- (h) *Tenant-based rental assistance.*
  - (1) A program participant who receives tenant-based rental assistance may select a housing unit in which to live and may move to another unit or building and continue to receive rental assistance, as long as the program participant continues to meet the program requirements.
  - (2) The recipient may require that all program participants live within a particular area for the period in which the rental assistance is provided.
  - (3) The rental assistance agreement with the owner must terminate and no further rental assistance payments under that agreement may be made if:
    - (i) The program participant moves out of the housing unit for which the program participant has a lease;
    - (ii) The lease terminates and is not renewed; or
    - (iii) The program participant becomes ineligible to receive ESG rental assistance.
  - (i) *Project-based rental assistance.* If the recipient or subrecipient identifies a permanent housing unit that meets ESG requirements and becomes available before a program participant is identified to lease the unit, the recipient or subrecipient may enter into a rental assistance agreement with the owner to reserve the unit and

subsidize its rent in accordance with the following requirements:

1. The rental assistance agreement may cover one or more permanent housing units in the same building. Each unit covered by the rental assistance agreement (“assisted unit”) may only be occupied by program participants, except as provided under paragraph (i)(4) of this section.
2. The recipient or subrecipient may pay up to 100 percent of the first month’s rent, provided that a program participant signs a lease and moves into the unit before the end of the month for which the first month’s rent is paid. The rent paid before a program participant moves into the unit must not exceed the rent to be charged under the program participant’s lease and must be included when determining that program participant’s total rental assistance.
3. The recipient or subrecipient may make monthly rental assistance payments only for each whole or partial month an assisted unit is leased to a program participant. When a program participant moves out of an assisted unit, the recipient or subrecipient may pay the next month’s rent, *i.e.*, the first month’s rent for a new program participant, as provided in paragraph (i)(2) of this section.
4. The program participant’s lease must not condition the term of occupancy to the provision of rental assistance payments. If the program participant is determined ineligible or reaches the maximum number of months over which rental assistance can be provided, the recipient or subrecipient must suspend or terminate the rental assistance payments for the unit. If the payments are suspended, the individual or family may remain in the assisted unit as permitted under the lease, and the recipient or subrecipient may resume payments if the individual or family again becomes eligible and needs further rental assistance. If the payments are terminated, the rental assistance may be transferred to another available unit in the same building, provided that the other unit meets all ESG requirements.

(1) The rental assistance agreement must have an initial term of one year. When a new program participant moves into an assisted unit, the term of the rental assistance agreement may be extended to cover the initial term of the program participant’s lease. If the program participant’s lease is renewed, the rental assistance agreement may be renewed or extended, as needed, up to the maximum number of months for which the program participant remains eligible. However, under no circumstances may the recipient or subrecipient commit ESG funds to be expended beyond the expenditure deadline in § 576.203 or commit funds for a future ESG grant before the grant is awarded.

(j) *Changes in household composition.*

The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family.

#### **§ 576.107 HMIS component.**

(a) *Eligible costs.*

(1) The recipient or subrecipient may use ESG funds to pay the costs of contributing data to the HMIS designated by the Continuum of Care for the area, including the costs of:

- (i) Purchasing or leasing computer hardware;
- (ii) Purchasing software or software licenses;
- (iii) Purchasing or leasing equipment, including telephones, fax machines, and furniture;
- (iv) Obtaining technical support; Leasing office space;
- (v) Paying charges for electricity, gas, water, phone service, and high-speed data transmission necessary to operate or contribute data to the HMIS;
- (vi) Paying salaries for operating HMIS, including:
  - (A) Completing data entry;
  - (B) Monitoring and reviewing data quality;
  - (C) Completing data analysis;
  - (D) Reporting to the HMIS Lead;
  - (E) Training staff on using the HMIS or comparable database; and
  - (F) Implementing and complying with HMIS requirements;
- (vii) Paying costs of staff to travel to and attend HUD-sponsored and HUD- approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act;
- (viii) Paying staff travel costs to conduct intake; and
- (ix) Paying participation fees charged by the HMIS Lead, if the recipient or subrecipient is not the HMIS Lead. The HMIS Lead is the entity designated by the Continuum of Care to operate the area’s HMIS.

(2) If the recipient is the HMIS lead agency, as designated by the Continuum of Care in the most recent fiscal year Continuum of Care Homeless Assistance Grants Competition, it may also use ESG funds to pay the costs of:

- (i) Hosting and maintaining HMIS software or data;
  - (ii) Backing up, recovering, or repairing HMIS software or data;
  - (iii) Upgrading, customizing, and enhancing the HMIS;
  - (iv) Integrating and warehousing data, including development of a data warehouse for use in aggregating data from subrecipients using multiple software systems;
  - (v) Administering the system;
  - (vi) Reporting to providers, the Continuum of Care, and HUD; and
  - (vii) Conducting training on using the system or a comparable database, including traveling to the training.
- (3) If the subrecipient is a victim services provider or a legal services provider, it may use ESG funds to establish and operate a comparable database that collects client-level data over time (*i.e.*, longitudinal data) and generates unduplicated aggregate reports based on the data. Information entered into a comparable database must not be entered directly into or provided to an HMIS.
- (b) *General restrictions.* Activities funded under this section must comply with HUD's standards on participation, data collection, and reporting under a local HMIS.

**§ 576.108 Administrative activities.**

- (a) *Eligible costs.* The recipient may use up to 7.5 percent of its ESG grant for the payment of administrative costs related to the planning and execution of ESG activities. This does not include staff and overhead costs directly related to carrying out activities eligible under § 576.101 through § 576.107, because those costs are eligible as part of those activities. Eligible administrative costs include:
- (1) *General management, oversight and coordination.* Costs of overall program management, coordination, monitoring, and evaluation. These costs include, but are not limited to, necessary expenditures for the following:
    - (i) Salaries, wages, and related costs of the recipient's staff, the staff of subrecipients, or other staff engaged in program administration. In charging costs to this category, the recipient may either include the entire salary, wages, and related costs allocable to the program of each person whose *primary* responsibilities with regard to the program involve program administration assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes *any* program administration assignments. The recipient may use only one of these methods for each fiscal year grant. Program administration assignments include the following:
      - (A) Preparing program budgets and schedules, and amendments to those budgets and schedules;
      - (B) Developing systems for assuring compliance with program requirements;
      - (C) Developing interagency agreements and agreements with subrecipients and contractors to carry out program activities;
      - (D) Monitoring program activities for progress and compliance with program requirements;
      - (E) Preparing reports and other documents directly related to the program for submission to HUD;
      - (F) Coordinating the resolution of audit and monitoring findings;
      - (G) Evaluating program results against stated objectives; and
      - (H) Managing or supervising persons whose primary responsibilities with regard to the program include such assignments as those described in paragraph (a)(1)(i)(A) through (G) of this section.
    - (ii) Travel costs incurred for monitoring of subrecipients;
    - (iii) Administrative services performed under third-party contracts or agreements, including general legal services, accounting services, and audit services; and
    - (iv) Other costs for goods and services required for administration of the program, including rental or purchase of equipment, insurance, utilities, office supplies, and rental and maintenance (but not purchase) of office space.
  - (2) *Training on ESG requirements.* Costs of providing training on ESG requirements and attending HUD- sponsored ESG trainings.
  - (3) *Consolidated plan.* Costs of preparing and amending the ESG and homelessness-related sections of the consolidated plan in accordance with ESG requirements and 24 CFR part 91.
  - (4) *Environmental review.* Costs of carrying out the environmental review responsibilities under § 576.407.
- (b) *Sharing requirement.* (1) *States.* If the recipient is a State, the recipient must share its funds for administrative costs with its subrecipients that are units of general-purpose local government. The amount shared must be reasonable under the circumstances. The recipient may share its funds for administrative costs with its subrecipients that are private nonprofit organizations.
- (2) *Territories, metropolitan cities, and urban counties.* If the recipient is a territory, metropolitan city, or urban

county, the recipient may share its funds for administrative costs with its subrecipients.

### **Subpart C—Award and Use of Funds**

#### **§ 576.201 Matching requirement.**

- (a) *Required amount of matching contributions.* (1) Except as provided under paragraphs (a)(2) and (a)(3) of this section, the recipient must make matching contributions to supplement the recipient's ESG program in an amount that equals the amount of ESG funds provided by HUD.
- (b) *Eligible sources of matching contributions.* (1) Subject to the requirement for States under paragraph (a)(2) of this section, the recipient may require its subrecipients to make matching contributions consistent with this section to help meet the recipient's matching requirement.
- (2) Matching contributions may be obtained from any source, including any Federal source other than the ESG program, as well as state, local, and private sources. However, the following requirements apply to matching contributions from a Federal source of funds:
- (i) The recipient must ensure the laws governing any funds to be used as matching contributions do not prohibit those funds from being used to match Emergency Solutions Grant (ESG) funds.
- (ii) If ESG funds are used to satisfy the matching requirements of another Federal program, then funding from that program may not be used to satisfy the matching requirements under this section.
- (c) *Recognition of matching contributions.* (1) In order to meet the matching requirement, the matching contributions must meet all requirements that apply to the ESG funds provided by HUD, except for the expenditure limits in § 576.100.
- (2) The matching contributions must be provided after the date that HUD signs the grant agreement.
- (3) To count toward the required match for the recipient's fiscal year grant, cash contributions must be expended within the expenditure deadline in § 576.203, and noncash contributions must be made within the expenditure deadline in § 576.203.
- (4) Contributions used to match a previous ESG grant may not be used to match a subsequent ESG grant.
- (5) Contributions that have been or will be counted as satisfying a matching requirement of another Federal grant or award may not count as satisfying the matching requirement of this section.
- (d) *Eligible types of matching contributions.* The matching requirement may be met by one or both of the following:
- (1) *Cash contributions.* Cash expended for allowable costs, as defined in OMB Circulars A-87 (2 CFR part 225) and A-122 (2 CFR part 230), of the recipient or subrecipient.
- (2) *Noncash contributions.* The value of any real property, equipment, goods, or services contributed to the recipient's or subrecipient's ESG program, provided that if the recipient or subrecipient had to pay for them with grant funds, the costs would have been allowable. Noncash contributions may also include the purchase value of any donated building.
- (e) *Calculating the amount of noncash contributions.* (1) To determine the value of any donated material or building, or of any lease, the recipient must use a method reasonably calculated to establish the fair market value.
- (2) Services provided by individuals must be valued at rates consistent with those ordinarily paid for similar work in the recipient's or subrecipient's organization. If the recipient or subrecipient does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in the same labor market.
- (3) Some noncash contributions are real property, equipment, goods, or services that, if the recipient or subrecipient had to pay for them with grant funds, the payments would have been indirect costs. Matching credit for these contributions must be given only if the recipient or subrecipient has established, along with its regular indirect cost rate, a special rate for allocating to individual projects or programs the value of those contributions.
- (f) *Costs paid by program income.*  
Costs paid by program income shall count toward meeting the recipient's matching requirements, provided the costs are eligible ESG costs that supplement the recipient's ESG program.

### **Subpart E—Program Requirements**

#### **§ 576.400 Area-wide systems coordination requirements.**

- (a) *Consultation with Continuums of Care.* The recipient must consult with each Continuum of Care that serves the recipient's jurisdiction in determining how to allocate ESG funds each program year; developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and developing funding, policies, and procedures for the administration and operation of the HMIS.

- (b) *Coordination with other targeted homeless services.* The recipient and its subrecipients must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other programs targeted to homeless people in the area covered by the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness for that area. These programs include:
- (1) Shelter Plus Care Program (24 CFR part 582);
  - (2) Supportive Housing Program (24 CFR part 583);
  - (3) Section 8 Moderate Rehabilitation Program for Single Room Occupancy Program for Homeless Individuals (24 CFR part 882);
  - (4) HUD—Veterans Affairs Supportive Housing (HUD—VASH) (division K, title II, Consolidated Appropriations Act, 2008, Pub. L. 110–161 (2007), 73 FR 25026 (May 6, 2008));
  - (5) Education for Homeless Children and Youth Grants for State and Local Activities (title VII–B of the McKinney- Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*));
  - (6) Grants for the Benefit of Homeless Individuals (section 506 of the Public Health Services Act (42 U.S.C. 290aa– 5));
  - (7) Healthcare for the Homeless (42 CFR part 51c);
  - (8) Programs for Runaway and Homeless Youth (Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*));
  - (9) Projects for Assistance in Transition from Homelessness (part C of title V of the Public Health Service Act (42 U.S.C. 290cc–21 *et seq.*));
  - (10) Services in Supportive Housing Grants (section 520A of the Public Health Service Act);
  - (11) Emergency Food and Shelter Program (title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 *et seq.*));
  - (12) Transitional Housing Assistance Grants for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (section 40299 of the Violent Crime Control and Law Enforcement Act (42 U.S.C. 13975));
  - (13) Homeless Veterans Reintegration Program (section 5(a)(1)) of the Homeless Veterans Comprehensive Assistance Act (38 U.S.C. 2021);
  - (14) Domiciliary Care for Homeless Veterans Program (38 U.S.C.2043);
  - (15) VA Homeless Providers Grant and Per Diem Program (38 CFR part 61);
  - (16) Health Care for Homeless Veterans Program (38 U.S.C. 2031);
  - (17) Homeless Veterans Dental Program (38 U.S.C. 2062);
  - (18) Supportive Services for Veteran Families Program (38 CFR part 62);and
  - (19) Veteran Justice Outreach Initiative (38 U.S.C. 2031).
- (c) *System and program coordination with mainstream resources.* The recipient and its subrecipients must coordinate and integrate, to the maximum extent practicable, ESG- funded activities with mainstream housing, health, social services, employment, education, and youth programs for which families and individuals at risk of homelessness and homeless individuals and families may be eligible. Examples of these programsinclude:
- (1) Public housing programs assisted under section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (24 CFR parts 905, 968, and 990);
  - (2) Housing programs receiving tenant-based or project-based assistance under section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) (respectively 24 CFR parts 982 and 983);
  - (3) Supportive Housing for Persons with Disabilities (Section 811) (24 CFR part 891);
  - (4) HOME Investment Partnerships Program (24 CFR part92);
  - (5) Temporary Assistance for Needy Families (TANF) (45 CFR parts260–265);
  - (6) Health Center Program (42 CFR part 51c);
  - (7) State Children’s Health Insurance Program (42 CFR part457):
  - (8) Head Start (45 CFR chapter XIII, subchapter B);
  - (9) Mental Health and Substance Abuse Block Grants (45 CFR part 96);and
  - (10) Services funded under the Workforce Investment Act (29 U.S.C. 2801 *etseq.*).

**§ 576.401 Evaluation of program participant eligibility and needs.**

- (a) *Evaluations.* The recipient or its subrecipient must conduct an initial evaluation to determine the eligibility of each individual or family’s eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under § 576.400(d) and the written standards established under § 576.400(e).



(b) *Re-evaluations for homelessness prevention and rapid re-housing assistance.* (1) The recipient or subrecipient must re-evaluate the program participant's eligibility and the types and amounts of assistance the program participant needs not less than once every 3 months for program participants receiving homelessness prevention assistance, and not less than once annually for program participants receiving rapid re-housing assistance. At a minimum, each re-evaluation of eligibility must establish that:

- (i) The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and
- (ii) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

(2) The recipient or subrecipient may require each program participant receiving homelessness prevention or rapid re-housing assistance to notify the recipient or subrecipient regarding changes in the program participant's income or other circumstances (*e.g.*, changes in household composition) that affect the program participant's need for assistance under ESG. When notified of a relevant change, the recipient or subrecipient must re-evaluate the program participant's eligibility and the amount and types of assistance the program participant needs.

(c) *Annual income.* When determining the annual income of an individual or family, the recipient or subrecipient must use the standard for calculating annual income under 24 CFR 5.609.

(d) *Connecting program participants to mainstream and other resources.* The recipient and its subrecipients must assist each program participant, as needed, to obtain:

(1) Appropriate supportive services, including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living; and Other Federal, State, local, and private assistance available to assist the program participant in obtaining housing stability, including:

- (i) Medicaid (42 CFR chapter IV, subchapter C);
- (ii) Supplemental Nutrition Assistance Program (7 CFR parts 271–283);
- (iii) Women, Infants and Children (WIC) (7 CFR part 246);
- (iv) Federal-State Unemployment Insurance Program (20 CFR parts 601–603, 606, 609, 614–617, 625, 640,
- (v) Social Security Disability Insurance (SSDI) (20 CFR part 404);
- (vi) Supplemental Security Income (SSI) (20 CFR part 416);
- (vii) Child and Adult Care Food Program (42 U.S.C. 1766(t) (7 CFR part 226));
- (viii) Other assistance available under the programs listed in §576.400(c).

(e) *Housing stability case management.* (1) While providing homelessness prevention or rapid re-housing assistance to a program participant, the recipient or subrecipient must:

- (i) Require the program participant to meet with a case manager not less than once per month to assist the program participant in ensuring long-term housing stability; and
- (ii) Develop a plan to assist the program participant to retain permanent housing after the ESG assistance ends, taking into account all relevant considerations, such as the program participant's current or expected income and expenses; other public or private assistance for which the program participant will be eligible and likely to receive; and the relative affordability of available housing in the area.

(2) The recipient or subrecipient is exempt from the requirement under paragraph (e)(1)(i) of this section if the Violence Against Women Act of 1994 (42 U.S.C. 13701 *et seq.*) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 *et seq.*) prohibits that recipient or subrecipient from making its shelter or housing conditional on the participant's acceptance of services.

#### **§ 576.402 Terminating assistance.**

(a) *In general,* If a program participant violates program requirements, the recipient or subrecipient may terminate the assistance in accordance with a formal process established by the recipient or subrecipient that recognizes the rights of individuals affected. The recipient or subrecipient must exercise judgment and examine all extenuating circumstances in determining when violations warrant termination so that a program participant's assistance is terminated only in the most severe cases.

(b) *Program participants receiving rental assistance or housing relocation and stabilization services.* To terminate rental assistance or housing relocation and stabilization services to a program participant, the required formal process, at a minimum, must consist of:

- (1) Written notice to the program participant containing a clear statement of the reasons for termination;

- (2) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- (3) Prompt written notice of the final decision to the program participant.
- (c) Ability to provide further assistance. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same family or individual.

**§ 576.403 Shelter and housing standards.**

- (a) Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856), and implementing regulations in 24 CFR part 35, subparts A, B, H, J, K, M, and R apply to all shelters assisted under ESG program and all housing occupied by program participants.
- (b) Minimum standards for emergency shelters. Any building for which Emergency Solutions Grant (ESG) funds are used for conversion, major rehabilitation, or other renovation, must meet state or local government safety and sanitation standards, as applicable, and the following minimum safety, sanitation, and privacy standards. Any emergency shelter that receives assistance for shelter operations must also meet the following minimum safety, sanitation, and privacy standards. The recipient may also establish standards that exceed or add to these minimum standards.
  - (1) Structure and materials. The shelter building must be structurally sound to protect residents from the elements and not pose any threat to health and safety of the residents. Any renovation (including major rehabilitation and conversion) carried out with ESG assistance must use Energy Star and Water Sense products and appliances.
  - (2) Access. The shelter must be accessible in accordance with Section 504 of the Rehabilitation Act (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; the Fair Housing Act (42 U.S.C. 3601 *et seq.*) and implementing regulations at 24 CFR part 100; and Title II of the Americans with Disabilities Act (42 U.S.C. 12131 *et seq.*) and 28 CFR part 35; where applicable.
  - (3) Space and security. Except where the shelter is intended for day use only, the shelter must provide each program participant in the shelter with an acceptable place to sleep and adequate space and security for themselves and their belongings.
  - (4) Interior air quality. Each room or space within the shelter must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.
  - (5) Water supply. The shelter’s water supply must be free of contamination.
  - (6) Sanitary facilities. Each program participant in the shelter must have access to sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
  - (7) Thermal environment. The shelter must have any necessary heating/ cooling facilities in proper operating condition.
  - (8) Illumination and electricity. The shelter must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the shelter.
  - (9) Food preparation. Food preparation areas, if any, must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
  - (10) Sanitary conditions. The shelter must be maintained in a sanitary condition.
  - (11) Fire safety. There must be at least one working smoke detector in each occupied unit of the shelter. Where possible, smoke detectors must be located near sleeping areas. The fire alarm system must be designed for hearing-impaired residents. All public areas of the shelter must have at least one working smoke detector. There must also be a second means of exiting the building in the event of fire or other emergency.
- (c) Minimum standards for permanent housing. The recipient or subrecipient cannot use ESG funds to help a program participant remain or move into housing that does not meet the minimum habitability standards provided in this paragraph (c). The recipient may also establish standards that exceed or add to these minimum standards.
  - (1) Structure and materials. The structures must be structurally sound to protect residents from the elements and not pose any threat to the health and safety of the residents.
  - (2) Space and security. Each resident must be provided adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.
  - (3) Interior air quality. Each room or space must have a natural or mechanical means of ventilation. The interior air must be free of pollutants at a level that might threaten or harm the health of residents.

- (4) *Water supply.* The water supply must be free from contamination.
- (5) *Sanitary facilities.* Residents must have access to sufficient sanitary facilities that are in proper operating condition, are private, and are adequate for personal cleanliness and the disposal of human waste.
- (6) *Thermal environment.* The housing must have any necessary heating/cooling facilities in proper operating condition.
- (7) *Illumination and electricity.* The structure must have adequate natural or artificial illumination to permit normal indoor activities and support health and safety. There must be sufficient electrical sources to permit the safe use of electrical appliances in the structure.
- (8) *Food preparation.* All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a safe and sanitary manner.
- (9) *Sanitary conditions.* The housing must be maintained in a sanitary condition.
- (10) *Fire safety.* (i) There must be a second means of exiting the building in the event of fire or other emergency.  
(ii) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.  
(iii) The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

**§ 576.404 Conflicts of interest.**

- (a) *Organizational conflicts of interest.* The provision of any type or amount of ESG assistance may not be conditioned on an individual's or family's acceptance or occupancy of emergency shelter or housing owned by the recipient, the subrecipient, or a parent or subsidiary of the subrecipient. No subrecipient may, with respect to individuals or families occupying housing owned by the subrecipient, or any parent or subsidiary of the subrecipient, carry out the initial evaluation required under § 576.401 or administer homelessness prevention assistance under § 576.103.
- (b) *Individual conflicts of interest.* For the procurement of goods and services, the recipient and its subrecipients must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private nonprofit organizations). For all other transactions and activities, the following restrictions apply:
  - (1) *Conflicts prohibited.* No person described in paragraph (b)(2) of this section who exercises or has exercised any functions or responsibilities with respect to activities assisted under the ESG program, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under the program, may obtain a financial interest or benefit from an assisted activity; have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity; or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has family or business ties, during his or her tenure or during the one-year period following his or her tenure.
  - (2) *Persons covered.* The conflict-of-interest provisions of paragraph (b)(1) of this section apply to any person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients.
  - (3) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of this subsection on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (b)(3)(ii) of this section, provided that the recipient has satisfactorily met the threshold requirements of paragraph (b)(3)(i) of this section.
    - (i) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:
      - (A) If the recipient or subrecipient is a government, disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and
      - (B) An opinion exception is sought would not violate state or local law.
    - (ii) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (b)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the ESG program and the effective and efficient administration of the recipient's or subrecipient's program or project, taking into account the cumulative effect of the following factors, as applicable:
      - (A) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

- (B) Whether an opportunity was provided for open competitive bidding or negotiation;
  - (C) Whether the affected person has withdrawn from his or her functions, responsibilities or the decision-making process with respect to the specific activity in question;
  - (D) Whether the interest or benefit was present before the affected person was in the position described in paragraph (b)(1) of this section;
  - (E) Whether undue hardship results to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict; and
  - (F) Any other relevant considerations.
- (c) Contractors. All contractors of the recipient or subrecipient must comply with the same requirements that apply to subrecipients under this section.

**§ 576.405 Homeless participation.**

- (a) Unless the recipient is a State, the recipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy- making entity of the recipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG).
- (b) If the recipient is unable to meet requirement under paragraph (a), it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies and decisions regarding any facilities, services, or other assistance that receive funding under Emergency Solutions Grant (ESG). The plan must be included in the annual action plan required under 24 CFR91.220.
- (c) To the maximum extent practicable, the recipient or subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG. This involvement may include employment or volunteer services.

**§ 576.406 Faith-based activities.**

- (a) Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Neither the Federal Government nor a State or local government receiving funds under ESG shall discriminate against an organization on the basis of the organization's religious character or affiliation.
- (b) Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. If an organization conducts these activities, the activities must be offered separately, in time or location, from the programs or services funded under ESG, and participation must be voluntary for program participants.
- (c) Any religious organization that receives ESG funds retains its independence from Federal, State, and local governments, and may continue to carry out its mission, including the definition, practice, and expression of its religious beliefs, provided that the religious organization does not use direct ESG funds to support any inherently religious activities, such as worship, religious instruction, or proselytization. Among other things, faith-based organizations may use space in their facilities to provide ESG-funded services, without removing religious art, icons, scriptures, or other religious symbols. In addition, an ESG-funded religious organization retains its authority over its internal governance, and the organization may retain religious terms in its organization's name, select its board members on a religious basis, and include religious references in its organization's mission statements and other governing documents.
- (d) An organization that receives ESG funds shall not, in providing ESG assistance, discriminate against a program participant or prospective program participant on the basis of religion or religious belief.
- (e) ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Solutions ESG funds may be used for the rehabilitation of structures only to the extent that those structures are used for conducting eligible activities under the ESG program. Where a structure is used for both eligible and inherently religious activities, ESG funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the cost accounting requirements applicable to ESG funds. Sanctuaries, chapels, or other rooms that an ESG-funded religious congregation uses as its principal place of worship, however, are ineligible for funded improvements under the program. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition (see 24 CFR parts 84 and 85).
- (f) If the recipient or a subrecipient that is a local government voluntarily contributes its own funds to supplement

federally funded activities, the recipient or subrecipient has the option to segregate the Federal funds or commingle them. However, if the funds are commingled, this section applies to all of the commingled funds.

**§ 576.407 Other Federal requirements.**

- (a) *General.* The requirements in 24 CFR part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a). Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with § 576.405(c).
- (b) *Affirmative outreach.* The recipient or subrecipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient or subrecipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or subrecipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its subrecipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and subrecipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.
- (c) *Uniform Administrative Requirements.* The requirements of 24 CFR part 85 apply to the recipient and subrecipients that are units of general purpose local government, except that 24 CFR 85.24 and 85.42 do not apply, and program income is to be used as match under 24 CFR 85.25(g). The requirements of 24 CFR part 84 apply to subrecipients that are private nonprofit organizations, except that 24 CFR 84.23 and 84.53 do not apply, and program income is to be used as the nonfederal share under 24 CFR 84.24(b). These regulations include allowable costs and non-Federal audit requirements.
- (d) *Environmental review responsibilities.* (1) Activities under this part are subject to environmental review by HUD under 24 CFR part 50. The recipient shall supply all available, relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50. The recipient also shall carry out mitigating measures required by HUD or select alternate eligible property. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).  
(2) The recipient or subrecipient, or any contractor of the recipient or subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project under this part, or commit or expend HUD or local funds for eligible activities under this part, until HUD has performed an environmental review under 24 CFR part 50 and the recipient has received HUD approval of the property.
- (e) *Davis-Bacon Act.* The provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-5) do not apply to the ESG program.
- (f) *Procurement of Recovered Materials.* The recipient and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**Subpart F—Grant Administration**

**§ 576.500 Recordkeeping and reporting requirements.**

- (a) *In general.* The recipient must have policies and procedures to ensure the requirements of this part are met. The policies and procedures must be established in writing and implemented by the recipient and its subrecipients to ensure that ESG funds are used in accordance with the requirements. In addition, sufficient records must be established and maintained to enable the recipient and HUD to determine whether ESG requirements are being met.
- (b) *Homeless status.* The recipient must maintain and follow written intake procedures to ensure compliance with the homeless definition in § 576.2. The procedures must require documentation at intake of the evidence relied upon to establish and verify homeless status. The procedures must establish the order of priority for obtaining evidence as third-

party documentation first, intake worker observations second, and certification from the person seeking assistance third. However, lack of third-party documentation must not prevent an individual or family from being immediately admitted to emergency shelter, receiving street outreach services, or being immediately admitted to shelter or receiving services provided by a victim service provider. Records contained in an HMIS or comparable database used by victim service or legal service providers are acceptable evidence of third-party documentation and intake worker observations if the HMIS retains an auditable history of all entries, including the person who entered the data, the date of entry, and the change made; and if the HMIS prevents overrides or changes of the dates on which entries are made.

(1) If the individual or family qualifies as homeless under paragraph (1)(i) or (ii) of the homeless definition in § 576.2, acceptable evidence includes a written observation by an outreach worker of the conditions where the individual or family was living, a written referral by another housing or service provider, or a certification by the individual or head of household seeking assistance.

(2) If the individual qualifies as homeless under paragraph (1)(iii) of the homeless definition in § 576.2, because he or she resided in an emergency shelter or place not meant for human habitation and is exiting an institution where he or she resided for 90 days or less, acceptable evidence includes the evidence described in paragraph (b)(1) of this section and one of the following:

(i) Discharge paperwork or a written or oral referral from a social worker, case manager, or other appropriate official of the institution, stating the beginning and end dates of the time residing in the institution. All oral statements must be recorded by the intake worker; or

(ii) Where the evidence in paragraph (b)(2)(i) of this section is not obtainable, a written record of the intake worker's due diligence in attempting to obtain the evidence described in paragraph (b)(2)(i) and a certification by the individual seeking assistance that states he or she is exiting or has just exited an institution where he or she resided for 90 days or less.

(3) If the individual or family qualifies as homeless under paragraph (2) of the homeless definition in § 576.2, because the individual or family will imminently lose their housing, the evidence must include:

(i)(A) A court order resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or the equivalent notice under applicable state law, a Notice to Quit, or a Notice to Terminate issued under state law;

(B) For individuals and families whose primary nighttime residence is a hotel or motel room not paid for by charitable organizations or federal, state, or local government programs for low-income individuals, evidence that the individual or family lacks the resources necessary to reside there for more than 14 days after the date of application for homeless assistance; or

(C) An oral statement by the individual or head of household that the owner or renter of the housing in which they currently reside will not allow them to stay for more than 14 days after the date of application for homeless assistance. The intake worker must record the statement and certify that it was found credible. To be found credible, the oral statement must either:

(I) be verified by the owner or renter of the housing in which the individual or family resides at the time of application for homeless assistance and documented by a written certification by the owner or renter or by the intake worker's recording of the owner or renter's oral statement; or (II) if the intake worker is unable to contact the owner or renter, be documented by a written certification by the intake worker of his or her due diligence in attempting to obtain the owner or renter's verification and the written certification by the individual or head of household seeking assistance that his or her statement was true and complete;

(ii) Certification by the individual or head of household that no subsequent residence has been identified; and

(iii) Certification or other written documentation that the individual or family lacks the resources and support networks needed to obtain other permanent housing.

(4) If the individual or family qualifies as homeless under paragraph (3) of the homeless definition in § 576.2, because the individual or family does not otherwise qualify as homeless under the homeless definition but is an unaccompanied youth under 25 years of age, or homeless family with one or more children or youth, and is defined as homeless under another Federal statute or section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the evidence must include:

(i) For paragraph (3)(i) of the homeless definition in § 576.2, certification of homeless status by the local private nonprofit organization or state or local governmental entity responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*), the Head Start Act (42 U.S.C. 9831 *et seq.*), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the

Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable;

(ii) For paragraph (3)(ii) of the homeless definition in § 576.2, referral by a housing or service provider, written observation by an outreach worker, or certification by the homeless individual or head of household seeking assistance;

(iii) For paragraph (3)(iii) of the homeless definition in § 576.2, certification by the individual or head of household and any available supporting documentation that the individual or family moved two or more times during the 60-day period immediately preceding the date of application for homeless assistance, including: recorded statements or records obtained from each owner or renter of housing, provider of shelter or housing, or social worker, case worker, or other appropriate official of a hospital or institution in which the individual or family resided; or, where these statements or records are unobtainable, a written record of the intake worker's due diligence in attempting to obtain these statements or records. Where a move was due to the individual or family fleeing domestic violence, dating violence, sexual assault, or stalking, then the intake worker may alternatively obtain a written certification from the individual or head of household seeking assistance that they were fleeing that situation and that they resided at that address; and

(iv) For paragraph (3)(iv) of the homeless definition in § 576.2, written diagnosis from a professional who is licensed by the state to diagnose and treat that condition (or intake staff- recorded observation of disability that within 45 days of date of the application for assistance is confirmed by a professional who is licensed by the state to diagnose and treat that condition); employment records; department of corrections records; literacy, English proficiency tests; or other reasonable documentation of the conditions required under paragraph (3)(iv) of the homeless definition.

(5) If the individual or family qualifies under paragraph (4) of the homeless definition in § 576.2, because the individual or family is fleeing domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence, then acceptable evidence includes an oral statement by the individual or head of household seeking assistance that they are fleeing that situation, that no subsequent residence has been identified and that they lack the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain other housing. If the individual or family is receiving shelter or services provided by a victim service provider, the oral statement must be documented by either a certification by the individual or head of household; or a certification by the intake worker. Otherwise, the oral statement that the individual or head of household seeking assistance has not identified a subsequent residence and lacks the resources or support networks, *e.g.*, family, friends, faith-based or other social networks, needed to obtain housing must be documented by a certification by the individual or head of household that the oral statement is true and complete, and, where the safety of the individual or family would not be jeopardized, the domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening condition must be verified by a written observation by the intake worker or a written referral by a housing or service provider, social worker, legal assistance provider, health-care provider, law enforcement agency, legal assistance provider, pastoral counselor, or any other organization from whom the individual or head of household has sought assistance for domestic violence, dating violence, sexual assault, or stalking. The written referral or observation need only include the minimum amount of information necessary to document that the individual or family is fleeing, or attempting to flee domestic violence, dating violence, sexual assault, and stalking.

(c) *At risk of homelessness status.* For each individual or family who receives Emergency Solutions Grant (ESG) homelessness prevention assistance, the records must include the evidence relied upon to establish and verify the individual or family's "at risk of homelessness" status. This evidence must include an intake and certification form that meets HUD specifications and is completed by the recipient or subrecipient. The evidence must also include:

(1) If the program participant meets the criteria under paragraph (1) of the "at risk of homelessness" definition in § 576.2:

(i) The documentation specified under this section for determining annual income;

(ii) The program participant's certification on a form specified by HUD that the program participant has insufficient financial resources and support networks; *e.g.*, family, friends, faith-based or other social networks, immediately available to attain housing stability and meets one or more of the conditions under paragraph (1)(iii) of the definition of "at risk of homelessness" in § 576.2;

(iii) The most reliable evidence available to show that the program participant does not have sufficient resources or support networks; *e.g.*, family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "homeless" definition. Acceptable evidence includes:

(A) Source documents (*e.g.*, notice of termination from employment, unemployment compensation statement, bank statement, health-care bill showing arrears, utility bill showing arrears);

- (B) To the extent that source documents are unobtainable, a written statement by the relevant third party (*e.g.*, former employer, public administrator, relative) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or both of the criteria under paragraph (1)(ii) of the definition of "at risk of homelessness" in § 576.2; or
- (C) To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence; and
- (iv) The most reliable evidence available to show that the program participant meets one or more of the conditions under paragraph (1)(iii) of the definition of "at risk of homelessness" in § 576.2. Acceptable evidence includes:
- (A) Source documents that evidence one or more of the conditions under paragraph (1)(iii) of the definition (*e.g.*, eviction notice, notice of termination from employment, bank statement);
- (B) To the extent that source documents are unobtainable, a written statement by the relevant third party (*e.g.*, former employer, owner, primary leaseholder, public administrator, hotel or motel manager) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition of "at risk of homelessness"; or To the extent that source documents and third-party verification are unobtainable, a written statement by the recipient's or subrecipient's intake staff that the staff person has visited the applicant's residence and determined that the applicant meets one or more of the criteria under paragraph (1)(iii) of the definition or, if a visit is not practicable or relevant to the determination, a written statement by the recipient's or subrecipient's intake staff describing the efforts taken to obtain the required evidence; or
- (2) If the program participant meets the criteria under paragraph (2) or (3) of the "at risk of homelessness" definition in § 576.2, certification of the child or youth's homeless status by the agency or organization responsible for administering assistance under the Runaway and Homeless Youth Act (42 U.S.C. 5701 *et seq.*), the Head Start Act (42 U.S.C. 9831 *et seq.*), subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e *et seq.*), section 330 of the Public Health Service Act (42 U.S.C. 254b), the Food and Nutrition Act of 2008 (7 U.S.C. 2011 *et seq.*), section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 *et seq.*), as applicable.
- (d) *Determinations of ineligibility.* For each individual and family determined ineligible to receive Emergency Solutions Grant (ESG) assistance, the record must include documentation of the reason for that determination.
- (e) *Annual income.* For each program participant who receives homelessness prevention assistance, or who receives rapid re-housing assistance longer than one year, the following documentation of annual income must be maintained:
- (1) Income evaluation form containing the minimum requirements specified by HUD and completed by the recipient or subrecipient; and
- (2) Source documents for the assets held by the program participant and income received over the most recent period for which representative data is available before the date of the evaluation (*e.g.*, wage statement, unemployment compensation statement, public benefits statement, bank statement);
- (3) To the extent that source documents are unobtainable, a written statement by the relevant third party (*e.g.*, employer, government benefits administrator) or the written certification by the recipient's or subrecipient's intake staff of the oral verification by the relevant third party of the income the program participant received over the most recent period for which representative data is available; or
- (4) To the extent that source documents and third party verification are unobtainable, the written certification by the program participant of the amount of income the program participant received for the most recent period representative of the income that the program participant is reasonably expected to receive over the 3-month period following the evaluation.
- (f) *Program participant records.* In addition to evidence of homeless status or "at risk of homelessness" status, as applicable, records must be kept for each program participant that document:
- (1) The services and assistance provided to that program participant, including, as applicable, the security deposit, rental assistance, and utility payments made on behalf of the program participant;
- (2) Compliance with the applicable requirements for providing services and assistance to that program participant under the program components and eligible activities provisions at § 576.101 through § 576.106, the provision on determining eligibility and amount and type of assistance at § 576.401(a) and (b), and the provision on using appropriate assistance and services at § 576.401(d) and (e); and
- (3) Where applicable, compliance with the termination of assistance requirement in § 576.402.
- (g) *Centralized or coordinated assessment systems and procedures.* The recipient and its subrecipients must keep documentation evidencing the use of, and written intake procedures for, the centralized or coordinated assessment



system(s) developed by the Continuum of Care(s) in accordance with the requirements established by HUD.

- (h) *Rental assistance agreements and payments.* The records must include copies of all leases and rental assistance agreements for the provision of rental assistance, documentation of payments made to owners for the provision of rental assistance, and supporting documentation for these payments, including dates of occupancy by program participants.
- (i) *Utility allowance.* The records must document the monthly allowance for utilities (excluding telephone) used to determine compliance with the rent restriction.
- (j) *Shelter and housing standards.* The records must include documentation of compliance with the shelter and housing standards in § 576.403, including inspection reports.
- (k) *Emergency shelter facilities.* The recipient must keep records of the emergency shelters assisted under the ESG program, including the amount and type of assistance provided to each emergency shelter. As applicable, the recipient's records must also include documentation of the value of the building before the rehabilitation of an existing emergency shelter or after the conversion of a building into an emergency shelter and copies of the recorded deed or use restrictions.
- (l) *Services and assistance provided.* The recipient must keep records of the types of essential services, rental assistance, and housing stabilization and relocation services provided under the recipient's program and the amounts spent on these services and assistance. The recipient and its subrecipients that are units of general purpose local government must keep records to demonstrate compliance with the maintenance of effort requirement, including records of the unit of the general purpose local government's annual budgets and sources of funding for street outreach and emergency shelter services.
- (m) *Coordination with Continuum(s) of Care and other programs.* The recipient and its subrecipients must document their compliance with the requirements of § 576.400 for consulting with the Continuum(s) of Care and coordinating and integrating ESG assistance with programs targeted toward homeless people and mainstream service and assistance programs.
- (n) *HMIS.* The recipient must keep records of the participation in HMIS or a comparable database by all projects of the recipient and its subrecipients.
- (o) *Matching.* The recipient must keep records of the source and use of contributions made to satisfy the matching requirement in § 576.201. The records must indicate the particular fiscal year grant for which each matching contribution is counted. The records must show how the value placed on third-party, noncash contributions was derived. To the extent feasible, volunteer services must be supported by the same methods that the organization uses to support the allocation of regular personnel costs.
- (p) *Conflicts of interest.* The recipient and its subrecipients must keep records to show compliance with the organizational conflicts-of-interest requirements in § 576.404(a), a copy of the personal conflicts of interest policy or codes of conduct developed and implemented to comply with the requirements in § 576.404(b), and records supporting exceptions to the personal conflicts of interest prohibitions.
- (q) *Homeless participation.* The recipient must document its compliance with the homeless participation requirements under § 576.405.
- (r) *Faith-based activities.* The recipient and its subrecipients must document their compliance with the faith-based activities requirements under § 576.406.
- (s) *Other Federal requirements.* The recipient and its subrecipients must document their compliance with the Federal requirements in § 576.407, as applicable, including:
  - (1) Records demonstrating compliance with the nondiscrimination and equal opportunity requirements under § 576.407(a), including data concerning race, ethnicity, disability status, sex, and family characteristics of persons and households who are applicants for, or program participants in, any program or activity funded in whole or in part with ESG funds and the affirmative outreach requirements in § 576.407(b).
  - (2) Records demonstrating compliance with the uniform administrative requirements in 24 CFR part 85 (for governments) and 24 CFR part 84 (for nonprofit organizations).
  - (3) Records demonstrating compliance with the environmental review requirements, including flood insurance requirements.
  - (4) Certifications and disclosure forms required under the lobbying and disclosure requirements in 24 CFR part 87.
- (t) *Relocation.* The records must include documentation of compliance with the displacement, relocation, and acquisition requirements in § 576.408.
- (u) *Financial records.* (1) The recipient must retain supporting documentation for all costs charged to the ESG grant.  
(2) The recipient and its subrecipients must keep documentation showing that ESG grant funds were spent on allowable costs in accordance with the requirements for eligible activities under § 576.101-§ 576.109 and the cost

principles in OMB Circulars A–87 (2 CFR part 225) and A–122 (2 CFR part 230).

- (3) The recipient and its subrecipients must retain records of the receipt and use of program income.
- (4) The recipient must keep documentation of compliance with the expenditure limits in § 576.100 and the expenditure deadline in § 576.203.
- (v) *Subrecipients and contractors.* (1) The recipient must retain copies of all solicitations of and agreements with subrecipients, records of all payment requests by and dates of payments made to subrecipients, and documentation of all monitoring and sanctions of subrecipients, as applicable. If the recipient is a State, the recipient must keep records of each recapture and distribution of recaptured funds under §576.501.
- (2) The recipient and its subrecipients must retain copies of all procurement contracts and documentation of compliance with the procurement requirements in 24 CFR 85.36 and 24 CFR 84.40–84.48.
- (3) The recipient must ensure that its subrecipients comply with the recordkeeping requirements specified by the recipient and HUD notice or regulations.
- (w) *Other records specified by HUD.* The recipient must keep other records specified by HUD.
- (x) *Confidentiality.* (1) The recipient and its subrecipients must develop and implement written procedures to ensure:
  - (i) All records containing personally identifying information (as defined in HUD’s standards for participation, data collection, and reporting in a local HMIS) of any individual or family who applies for and/or receives ESG assistance will be kept secure and confidential;
  - (ii) The address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project assisted under the ESG will not be made public, except with written authorization of the person responsible for the operation of the shelter; and
  - (iii) The address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality.
- (2) The confidentiality procedures of the recipient and its subrecipients must be in writing and must be maintained in accordance with this section.
- (y) *Period of record retention.* All records pertaining to each fiscal year of ESG funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.
  - (1) Documentation of each program participant’s qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served;
  - (2) Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be retained until 10 years after the date that ESG funds are first obligated for the renovation; and
  - (3) Where ESG funds are used to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75 percent of the value of the building after conversion, records must be retained until 10 years after the date that ESG funds are first obligated for the conversion.
- (z) *Access to records.* (1) *Federal government rights.* Notwithstanding the confidentiality procedures established under paragraph (w) of this section, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives, must have the right of access to all books, documents, papers, or other records of the recipient and its subrecipients that are pertinent to the ESG grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period but last as long as the records are retained.

Alameda County  
Priority Home Partnership  
(PHP)  
City of Berkeley



Emergency Solutions Grant  
Rapid Rehousing and Prevention  
Assistance  
Policies and Procedures Manual

Version 2  
January 2014

Priority Home ESG  
Policies and Procedures Manual

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## **Introduction**

The Emergency Solutions Grant (ESG) is a federal program that provides funding to states and local governments for emergency services and housing supports for homeless and at-risk households. Under the 2009 HEARTH Act, eligible activities under ESG were expanded from traditional shelter and outreach services to also include rapid rehousing and targeted homeless prevention. Per the ESG regulations (§576.400) ESG recipients must consult with the Continuum of Care entity in their region to determine how to allocate ESG funds, develop performance standards and evaluate the outcomes of projects and activities funded with ESG. They also must develop written policies and procedures for determining which households will receive assistance and for determining the type, amount, and length of assistance to be offered to eligible households.

### ***Program Purpose***

The primary purpose of local ESG-funding for prevention and/or rapid rehousing is to serve households as close to the “front door” of homelessness as possible – either by diverting them from entry into homelessness, and particularly to shelter, through prevention assistance, or assisting persons as soon as possible after becoming homeless, including after entering shelter, to end their homelessness quickly and shorten lengths of stay in shelter and time spent homeless. In some cases, particular subpopulations may be targeted for this assistance, consistent with plans to end homelessness.

This manual of policies and procedures covers all ESG recipients and subrecipients operating prevention and/or rapid rehousing programs in Alameda County, as these areas are all contained in HUD-recognized Continuum of Care 502. ESG entitlement recipients in Alameda County currently include the Cities of Berkeley and Oakland and the County of Alameda on behalf of the Urban County. Additional ESG subrecipients within the County may be selected by the State of California or, from time to time, additional cities may become entitlement for ESG. This manual was developed collaboratively by the CoC Entity, EveryOne Home, and all current entitlement recipients and State ESG subrecipients.

### ***Interim Guidelines***

The ESG and CoC regulations require that the Continuum of Care develop and implement a centralized or coordinated assessment system, and a set of written standards for CoC funded activities. Once coordinated assessment is established, each ESG-funded program or project must use the assessment system, and recipients and subrecipients must work with the Continuum of Care to ensure that screening, assessment and referral of program participants are consistent with the written standards required for ESG programs. This manual and the written standards contained herein for prevention and rapid rehousing are considered interim for the period until a broader coordinated assessment system and written standards for assistance have been developed and adopted across the Continuum.

A complete version of the ESG Interim Regulations can be found here:

[https://www.onecpd.info/resources/documents/HEARTH\\_ESGInterimRule&ConPlanConformingAmendments.pdf](https://www.onecpd.info/resources/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf)

### ***Structure of the Manual***

This manual is for ESG recipients, subrecipients, and interested parties. It provides a detailed description of the steps that will be taken to determine eligibility, calculate financial assistance, recertify for eligibility, provide support and terminate ESG assistance for rapid rehousing and prevention. Required and/or recommended forms and documents are provided in an Appendix of Forms and Documents at the end of the manual. In some cases, recipients or subrecipients may target their programs more specifically to subpopulations, such as survivors of domestic violence or seniors who are otherwise eligible.

***Items in bold italics that are highlighted in grey, are changes to the manual specific to how the City of Berkeley will implement the program.***



A document icon appears by every form that is referred to and clicking on the [highlighted hyperlinks](#) on the names of the form will take the reader directly to the referenced documents in the Appendix.

☒ Some key forms and information are entered into the county-wide InHOUSE Homeless Management Information System. Forms that are provided by InHOUSE are not included in this manual but are indicated by a computer icon.

**Acknowledgments:** The development of the ESG Manual was supported by Alameda County EveryOne Home and the City of Berkeley. For more information related to the ESG Manual or about the Priority Home Partnership, please contact Elaine DeColigny, EveryOne Home Director, at (510) 670-5944 or email [everyonehome@acgov.org](mailto:everyonehome@acgov.org). The manual was prepared by Katharine Gale Consulting with input from local government and community agency staff including the following persons: Kerry Abbot, Erika Bernheimer, Elaine DeColigny, Geoff Green, Kristin Lee, Susan Shelton, Liz Varela, Jennifer Vasquez, and Riley Wilkerson.

## 1: Participant Eligibility

As stated above, the primary purpose of ESG-funded rapid rehousing and prevention is to reduce entries into homelessness and/or shorten stays in homelessness to the greatest extent feasible.

To be eligible to receive ESG prevention or rapid rehousing assistance, participant households in Alameda County must meet both national and local requirements, and this eligibility must be documented with an application and supporting documentation kept in a client file. These requirements include:

- Participants must be homeless or at imminent risk of homelessness, per the applicable HUD definitions in the ESG regulation (§576.2) supported by documentation;
- Participants must be one of the locally targeted populations for the program, as specified on the application and eligibility determination form;
- Participants must be willing to participate in the program and to meet the terms of a self-developed Housing Stability Plan;
- Participants may not have already received 24 months of ESG assistance during the past 36 months (§576.105(c));
- Participants must meet the local asset policy, including having cash or equivalent assets of less than \$2,000 per single individual and \$3,000 per couple;

In addition:

- Participants receiving prevention assistance must have incomes at or below 30% of the Area Median Income (§576.103).

### Eligibility for Rapid Rehousing

Rapid rehousing provides financial assistance and supportive services to individuals or families that are literally homeless, staying in shelter or transitional housing or on the streets or other places not suitable for human habitation, or exiting institutions and having entered from one of these locations. Eligibility for rapid rehousing includes those fleeing domestic violence who are living in one of the places named above.

In keeping with the intentions of the program, rapid rehousing assistance will be used primarily to serve households that are:

- 1) Adults or family households able to be rehoused rapidly without anticipation of an ongoing subsidy, with ESG financial assistance anticipated to be of six months or less duration;
- 2) Adults or family households able to be rehoused rapidly with an ongoing subsidy from another source anticipated within six months of ESG program participation
- 3) Transition-age youth, especially those recently discharged from foster care, who are able to be rehoused rapidly without anticipation of an ongoing subsidy, with ESG assistance of eighteen months or less duration.

## Eligibility for Prevention Assistance

Prevention assistance will be directed to persons who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2). Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for ESG prevention to be provided to those categorized as “at-risk” but not necessarily at “imminent risk”, Alameda County ESG programs will target prevention services specifically to those that are at “immediate risk” defined as:

*“An individual or family who will imminently lose their primary nighttime residence, provided that:*

- *the primary nighttime residences will be lost within 14 days of the day of application for homeless assistance;*
- *no subsequent residence has been identified; and,*
- *the individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.”*

Within the category of “imminent risk” special attention and outreach will be done to target those households that are:

- 1) doubled up with family and friends, must move within 14 days and are seeking to enter shelter;
- 2) living in a hotel or motel using their own resources , must leave within 14 days, and are seeking to enter shelter;
- 3) ~~living in their own housing, are being evicted for non-payment of rent, must leave within 14 days, and are seeking shelter;~~ ***Not eligible under the City of Berkeley Priority Home Partnership (PHP). These households may be eligible for the Housing Retention Program (HRP).***
- 4) fleeing domestic violence;
- 5) imminently leaving foster care, or have recently left foster care and are at imminent risk of losing their current housing.

### **Eligibility Determination**

Program operators must determine that potential participants are eligible for assistance, and document this eligibility, including verifying income and housing status. The Program Application and Eligibility Determination Form contains key questions and documentation requirements.



A copy of the [ESG Program Application and Eligibility Determination Form](#) can be found in the Appendix. This document and all supporting documentation should be placed in the Participant’s File.

A cover sheet for participant files with a list of all of the program documents can be found [here](#).



**Ineligible applicants:** If a household is assessed and determined to be ineligible, the program operator must notify the household that they have been determined to be ineligible, provide them with appropriate referrals which should be noted on the application form, and create a client file documenting the assessment process and determination.

## 2: Enrollment

Once found eligible, to enroll the head of household must sign the ESG Participation Agreement complete the HMIS ROI and staff must complete an HMIS Standard Intake Form (SIF) for all household members.



A copy of the [ESG Program Participation Agreement](#) can be found in the appendix, immediately following the Application form.

☐ The HMIS Release of Information (ROI), and the Standardized Intake Form (SIF) are developed and updated by the InHOUSE staff at Alameda County Housing and Community Development Department, in accordance with HUD regulations. Housing Agency staff must ensure that the forms in use are the most recent ones, as HUD and local requirements change periodically. If you are unsure that the forms are the most recent, email [HMIS@acgov.org](mailto:HMIS@acgov.org).

### ***Budget and Housing Stability Plan***

The purpose of ESG Prevention and/or Rapid Rehousing assistance is to provide the support necessary to help the household retain or gain housing in the shortest period of time possible. Critical to being able to retain the housing is a budget and a housing plan. The budget is also needed to determine the amount of financial assistance to be provided.

The Housing Stability Plan should be updated as frequently as necessary to reflect changing situations. Once a participant has moved into housing, the housing specialist and participant should prepare a new Housing Stability Plan that emphasizes those steps or actions needed to retain housing.



A [Sample Budgeting Worksheet](#) and a sample [Housing Stability Plan](#) format can be found in the Appendix of Forms. ***ESG-funded programs may use another version of these forms if approved by the recipient.*** Be sure to make a copy of the Budget and Housing Plan for the participant and insert a signed copy in the participant's file.

## 3: Financial Assistance for Housing

### ***Eligible Financial Assistance Expenses***

The ESG program has the ability to provide temporary financial assistance to participants on a short or medium-term basis. This assistance may include:

**Security Deposits:** The housing agency may provide a maximum of two times the monthly rent for a unit as a security deposit to assist a participant to secure housing. At such time as the participant may leave the unit and the landlord return all or part of the deposit to the participant, the participant may retain any balance to use toward a new housing situation.

**Utility Deposits:** If, in order to begin utility service, the household must provide a deposit to a utility company, the program may assist with this deposit.

**Rental Assistance payments:** If the participant cannot currently afford to rent a unit in the community but is reasonably anticipated to have sufficient income, either through employment or benefits, within approximately six months the program may provide a rental subsidy for the participant. Such subsidies will be as low as possible:

- If the participant has an income he/she is expected to contribute at least 50% of his/her income toward the rent, unless the participant is expect to receive a permanent housing subsidy within approximately six months, in which case the participant may pay only 30% of their income. Documentation of the expectation of a permanent subsidy should be included in the file.
- If the participant has no income, the program may subsidize the entire rent for the first three months.

Rental assistance may be conditioned on the participant fulfilling his or her agreements as part of the Housing Stability Plan and is never offered for more than three months at a time. To continue rental assistance after three months, the program must recertify the participant. See Section [6: Three Month Reassessment of Eligibility](#)

**Past due rent arrears:** ~~If in order for a household to retain their housing they must pay past due rent the program will cover up to three months of rent arrears not to exceed \$3,000~~ **Not eligible under the City of Berkeley PHP.**

**Past due utility arrears:** In rare cases, the ESG program will provide funding for past due utilities. The program will only provide such funding for prevention clients if failure to do so will result in the loss of utilities and under the terms of the participants lease this would be grounds for eviction. The program will only provide utility arrears assistance to rapid rehousing clients if utility arrears mean that then household will be unable to establish utility service in their new housing.

In addition, ESG funds may be used to cover the costs of rental applications provided this is a fee that is charge by the owner to all applicants.

### ***Determining the Amount of Financial Assistance***

The amount of financial assistance is determined by the amount needed to secure the housing and by the amount of contribution the household is able to make toward the housing costs.

For one-time costs, such as security deposits, and rent and utility arrears, the program will pay the entire amount if the household will have less than 50% of income available after paying rent, the household's budget does not contain any disposable income, and the household assets are less than \$500.00. If the household has assets greater than \$500, and/or the household budget indicates income is available to make a portion of the payment, the household should be required to provide a portion of the deposit and/or arrears. The household's payment may be made through a payment plan with the landlord or utility company if that is possible.

For rental assistance payments, households with any income are expected to contribute either 50% of their income, or 50% of the rent, whichever is lower. An exception to this rule may be made for persons with disabilities who are anticipated to receive a permanent subsidy within six months of their ESG program enrollment.

With agency supervisor approval, households may be permitted to contribute less toward the rent for a brief period to cover other extraordinary costs. The program may pay the entire rent on behalf of households that have no income.



The [ESG Financial Assistance Calculation Form](#) can be found in the appendix. The program should complete the form with the participant and the participant should sign it. This calculation needs to be prepared every three months for households receiving medium-term rental assistance.

☐ All financial assistance provided must be recorded in HMIS.

#### **4: Supportive Services and Connection to Mainstream Resources**

Whether covered by ESG funds or other sources, ESG programs are expected to assist clients with housing stability case management and with housing search and placement services as needed.

Housing stability case management includes:

- conducting the official evaluation of eligibility and need, including verifying and documenting eligibility
- counseling
- developing, securing, and coordinating services and assistance in obtaining Federal, state and local benefits
- monitoring and evaluating participant progress;
- providing information and referral to other providers;
- developing an individualized housing plan to permanent housing stability; and
- conducting reevaluations.

These services *may not exceed* 30 days during the period the program participant is seeking permanent housing, and may be provided for up to a total of 24 months within a 36 month period.

While providing prevention or rapid rehousing financial assistance, the program must ensure that the participant meets with a case manager not less than once per month to assist the participant in ensuring long-term housing stability. Case management should be provided more frequently if needed.

Housing search assistance are those services intended to assist program participants in locating, obtaining, and retaining suitable permanent housing, and are expected to be offered to all participants receiving rapid rehousing assistance or prevention assistance that includes moving to another unit. These include:

- assessment of housing barriers, needs, and preferences;
- development of a plan for locating housing;
- housing search;
- outreach and negotiations with landlords; and
- assistance with submitting rental applications and understanding leases.

### ***Links to Mainstream Services***

As part of the stability case management, each participant is expected to be assisted, as needed to obtain other services and mainstream benefits including:

- appropriate supportive services including assistance in obtaining permanent housing, medical health treatment, mental health treatment, counseling, supervision, and other services essential for achieving independent living, and
- other federal, state, local, and private assistance available to assist the program participant in obtaining housing stability, including
  - Medi-Cal or other medical insurance
  - TANF
  - Food stamps/Supplemental nutrition assistance (SNAPS)
  - WIC
  - Unemployment insurance
  - SSI/SSDI
  - Child and adult care food program
  - Other mainstream benefit programs from which the participant household could benefit.

While no specific form is provided for this documentation, all case management meetings must be documented in the participant file, and/or in the HMIS case management module. Documentation should include evidence of assistance provided to obtain mainstream resources and the results of that assistance. Subrecipients are encouraged to check with the recipient for approval of documentation.

### ***Legal Services***

ESG funds may be used for legal services that are necessary to resolve a legal problem that prohibits the program participant from obtaining permanent housing or will likely result in the program participant losing the permanent housing in which the program participant currently resides. More detail on eligible legal services activities can be found at (§576.102 (a)(1)(vi)) and (§576.105(b)(4)).

While legal services providers that do not provide financial assistance are not required to complete the financial assistance calculation form, they must ensure that all households assisted meet program eligibility ([Section 1](#) above) including completing the application for assistance to document participant eligibility, and must ensure that the units assisted meet the habitability standards in [Section 5](#) below.

### **5: Housing Unit Requirements**

In addition to the household being eligible, the unit to be assisted must also meet eligibility requirements. These include that the rent is both reasonable and at or below the Fair Market Rent market rent, and that the unit meets habitability standards.

**A. Rent Reasonableness and Compliance with Fair Market Rent**

ESG programs must perform both a rent reasonableness determination and document that the rent falls at or below the Fair Market Rent on every unit assisted, whether for prevention or rehousing.

“Rent reasonableness” means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.

To make this determination, the recipient or subrecipients should consider

- (a) the location, quality, size, type, and age of the unit; and
- (b) any amenities, housing services, maintenance and utilities to be provided by the owner.

Comparable rents can be checked by using a market study, by reviewing comparable units advertised for rent, or with a note from the property owner verifying the comparability of charged rents to other units owned (for example, the landlord would document the rents paid in other units). NOTE that not every element in the suggested list of nine things to check for must be known to establish a comparable unit. See more guidance at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_11753.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_11753.pdf)

The Fair Market Rent (FMR) is a benchmark established by HUD for regions. For ESG, the FMR is the maximum rent permitted even if other similar units rent for more.

Final FY 2013 FMRs By Unit Bedrooms Oakland-Fremont, CA HUD Metro FMR Area ( <b>Alameda and Contra Costa Counties</b> )					
SRO	Studio/Efficiency	1-bedroom	2-bedroom	3-bedroom	4-bedroom
\$776	\$1,035	\$1,255	\$1,578	\$2,204	\$2,704

Source: <http://www.huduser.org/portal/datasets/fmr.html>

The above chart displays the Fair Market Rents applicable during FY2013. Fair Market Rents are updated and published by HUD every year. Programs must ensure that they are using the FMR’s in effect at the time of their determination.



A copy of a [Rent Reasonableness and FMR Certification](#) form can be found in the forms appendix. Subrecipients may use an alternative rent reasonableness determination form meets the requirements of the ESG regulations §576.106 and has been approved by the ESG recipient.

## **B. Housing Inspection**

In order to ensure that ESG funds are used in housing that meets minimum habitability standards, an inspection must be performed on every unit assisted, whether for prevention or rehousing. This inspection includes compliance with the Lead Paint Poisoning Prevention Act.



A copy of a suggested [Habitability Standards Inspection](#) Form can be found in the forms appendix. Subrecipients may use an alternative inspection form as long as it covers all of topic areas required under ESG regulations §576.403 and has been approved by the ESG recipient.

## **C. Rental Assistance Agreement**

Relationships with landlords are a central component of the program. The housing specialist assists both the participant and the landlord to make the housing successful.

Once a unit has been identified and inspected, the housing agency must ensure that:

- a) The tenant receives a written lease or rental agreement from the landlord which clearly outlines the terms of tenancy and conforms with applicable California and local law; and
- b) The landlord is apprised of the nature of the program, the anticipated support to the participant, the obligations of the landlord, and the manner in which the landlord may contact the program if there are concerns.

At a minimum, the housing agency will provide the landlord with a copy of the Rental Assistance Agreement Letter describing the program and outlining the basic support the participant is anticipated to receive. The landlord must sign the letter and return it to the agency. Some agencies may prefer to use a contract or housing assistance payments (HAP) agreement that outlines in greater detail the rights and obligations of the parties. Use of such an agreement is fine if it covers all requirements in the ESG regulations §576.106 and has been approved in advance by the ESG recipient.

In order to determine that the landlord named on the lease is the legitimate owner of the property, the housing agency will use a database service, such as Realquest, or another manner to verify and document the ownership. In addition, the housing agency shall collect a W-9 from the landlord or property management agency and follow all IRS reporting requirements.



A copy of the [Rental Assistance Agreement Letter](#) is included in the appendix. A copy of this letter or an acceptable substitute agreement should be kept in the participants file, along with a copy of the tenant's lease and ~~printout from the database used to verify the ownership of the unit~~ and a copy of the W-9. The original W-9 must be given to the housing agency's finance division **the City of Berkeley. The City of Berkeley will verify property ownership.**

## 6: Three Month Reassessment of Eligibility

Any participant who receives more than three months of assistance from the program needs to be formally reassessed. This is distinguished from the more frequent check-ins and meetings with the client, which should occur frequently and as needed, and are recorded in case notes.

During the reassessment process, the program is, at a minimum, confirming:

- The participant has not received more than 24 months of assistance, including any arrears coverage.
- The participant's income level is such that there is still a need to provide financial assistance in order to maintain housing stability.
  - Income is not greater than 30% of the Area Median Income (AMI)
  - Rent is more than 50% of participant income (unless the participant is awaiting a permanent subsidy and is currently paying 30% of income.)
- The participant is making documented progress on their housing plan and taking the steps needed towards housing stability without program financial assistance.
- The participant lacks the financial resources or support networks to secure their housing without continued assistance.

The three month reassessment is also used to update the participant's HMIS record with current information about housing and income.

Once the three month reassessment of eligibility is completed, the household should be notified whether they will continue to receive assistance or not, including signing the reassessment form. If continuing to receive assistance, new documents, including an updated housing stability plan, budget and financial assistance calculation should be prepared and discussed with the client.



A copy of the [Three Month Reassessment of Eligibility](#) is included in the appendix. The Reassessment requires updated documentation of income, which should be attached to the form and included in the file.

☒ Key pieces of information from the Three Month Reassessment Form, including any change in income or address is to be entered into HMIS. (In the future, the Three Month Reassessment may be an HMIS provided form.)

## 7: Termination of Housing Assistance or Program Participation

Housing assistance under this program is intended to be temporary and to help participants secure housing that they can remain in without long-term financial support. Any housing assistance is contingent on the participant's active participation in carrying out the terms of his/her Housing Stability Plan. Failure to take steps agreed to in the plan, such as seeking work, applying for benefits, looking for housing or accepting housing that meets the participant's criteria are a reasonable basis for recommending termination of financial assistance.



If a program participant is found to be violating the participation agreement, reasonable efforts will be made and documented by staff to assist the participant to address the issue or correct the violation prior to terminating services. Violations that endanger staff, any other participant, any other person, or the viability of the program as a whole will be acted upon immediately.

If a participant is determined to be in continued or grave violation of the program rules, a written Notice of Termination of Assistance will be provided to the program participant containing a clear statement of the reasons for termination, the date on which the termination will become effective, and the process for appealing the decision.

Participants receiving a Notice may request that the decision to terminate participation be reviewed by making a request to the designated supervisor within the agency. This request must be made in writing and must be reviewed within 14 calendar days. A written notice of the final decision will be issued to the participant.

The program may also resume assistance to a program participant whose assistance was previously terminated with the approval of the agency supervisor.



A sample [Notification of Termination of ESG Assistance](#) is provided in the Appendix of Forms. Subrecipients may use an alternative Termination form as long as it covers all of topic areas required under ESG regulations §576.402 and has been approved by the ESG recipient, **the City of Berkeley**.

### ***Grievances and Appeals***

**Agencies** ~~ESG subrecipients~~ must notify participants of the agency's grievance policy at the time of program enrollment, including providing them with a written copy of the policy and keeping a copy of a signed version of the policy or other notification in the participant file. Housing agencies will follow their agency grievance and appeals process, through to the level of the highest ranking staff member of the agency or as may be otherwise specified in the agency's approved policy and procedures.

If there is a grievance specific to the ESG which has not been resolved through the agency grievance process, ESG program participants may appeal to the local recipient, **the City of Berkeley**. Recipients will follow their appeal process.

### **8: Program Exit**

Upon completion of the program, or upon termination prior to completion, all members of the household should be exited from the program in HMIS. At this time all information including household income, final address and housing status are recorded and updated.

☐ The Exit Form is an HMIS-provided form. A printed copy of the form(s) should be kept in the participant file and all data entered into HMIS.

# City of Berkeley ESG Rapid Rehousing and Prevention



## Appendix of Forms and Documents

(click [here](#) to return to the main section of manual)

**City of Berkeley**  
**ESG Client File Document Check List**  
 (click [here](#) to return to relevant section of manual)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

**I. Eligibility Documentation** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Application for Assistance and Eligibility Screening Form
- \_\_\_\_\_ Homeless Status/At-Risk Housing Status and Back up Documentation
- \_\_\_\_\_ Income Eligibility Determination and Back up Documentation
- \_\_\_\_\_ Asset Verification Documentation
- \_\_\_\_\_ Intake on Head of Household (HMIS SIF form)
- \_\_\_\_\_ Intake(s) on other household members **(if applicable)** (HMIS SIF form)
  - Intake on other adult \_\_\_\_\_ Intake on other adult \_\_\_\_\_
  - Intake on child: \_\_\_\_\_ Intake on child: \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ Current ROI \_\_\_\_\_ Date: \_\_\_\_\_

**II. Documentation on the Housing Unit and/or Utilities** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Documentation of rent or utility arrears **(if applicable)**
- \_\_\_\_\_ Rent Reasonableness and Payment Standard determination for rental unit
- \_\_\_\_\_ Habitability Inspection (includes Lead Assessment)
- \_\_\_\_\_ Lease between Participant and Landlord
- \_\_\_\_\_ Rental Assistance Agreement with Landlord
- \_\_\_\_\_ W-9 Form
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ RealQuest or other owner verification documentation

**III. Documentation of Assistance/Ongoing Services** (check or indicate date completed in blank to left)

- \_\_\_\_\_ Household Budget
- \_\_\_\_\_ Housing Stability Plan
- \_\_\_\_\_ Financial Assistance Calculation Form
- \_\_\_\_\_ Links to Mainstream Resources
- \_\_\_\_\_ Case Management Notes
- \_\_\_\_\_ Three Month Reassessment(s) **(if applicable, insert dates)**
  - 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_
- \_\_\_\_\_ Exit Form (HMIS form)
- \_\_\_\_\_ Termination of Housing Assistance Form **(if applicable)**
- \_\_\_\_\_ Other: \_\_\_\_\_

**City of Berkeley  
ESG Application for Assistance and Eligibility Determination Form**

(click [here](#) to return to relevant section of the manual)

Complete this form and have the head of household sign it. This form will determine eligibility and act as an application by the household for assistance.

Assessment Date: \_\_\_ / \_\_\_ / \_\_\_\_\_

Staff: \_\_\_\_\_ Agency: \_\_\_\_\_

**A. General Information**

1. Head of Household:

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

**Complete ROI for Head of Household or check here \_\_\_\_\_ if current ROI on file**

2. Other Members of Household

First Name	Last Name	Age	Relationship to Head of Household

Total number of persons in household: \_\_\_\_\_

***If applicant is determined to be eligible for assistance, you must complete an HMIS Standard Intake Form (SIF) for every household member.***

3. Why are you seeking assistance? Please choose an option, then describe below.

<input type="checkbox"/> I am living on the streets, or a place not meant for human habitation	<input type="checkbox"/> I am in a shelter or TH housing program and have been referred for rapid re-housing	<input type="checkbox"/> I am applying for shelter because I must leave where I am currently staying	<input type="checkbox"/> <del>I want to keep the housing I have and am at imminent risk of losing it</del> <b>Not eligible under the City of Berkeley PHP</b>
--	--	--	---

**Explanation:**

\_\_\_\_\_

I understand that I am applying for assistance from the federally-funded Emergency Solutions Grant Program. I understand that I am required to certify that all information in this application is true and to provide all required documents to determine eligibility and to enter into a housing stability plan if I am eligible for assistance. I also understand that financial assistance is not guaranteed, is time-limited, and may be terminated or adjusted at any time. I declare that all information I have provided in this application is true to the best of my knowledge.

Head of Household Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**B . Rapid Rehousing Assessment** (Cross through and skip this section if applicant household is applying for prevention assistance)

**Homeless Status Documentation:** To receive rapid rehousing assistance, clients must be homeless by the HUD Homeless Definition and eligible for assistance under certain categories. Use this portion of the form if the applicant client household is Literally Homeless (Category 1), or is fleeing/attempting to flee domestic violence (*Category 4*) **and** also meets the category of Literally Homeless. Otherwise, complete Section B. of this form for Homeless Prevention.

**1. Is household among the eligible target population for this program?**

- Living/staying in a shelter.
- Living on the streets, a car, an encampment or a place not meant for human habitation.
- Living/staying in transitional housing.
- Exiting an institution where s(he) resided for 90 days or less and previously resided in a shelter or the streets of place not mean for human habitation.
- Fleeing or attempting to flee domestic violence **and also meets one of the above conditions.**

**Documentation**

Literally Homeless – on the streets or in a shelter	(in order of preference for documentation) <input type="checkbox"/> Written observation by an outreach worker (attached), or <input type="checkbox"/> Written referral by another housing or service provider (attached) HMIS intake for shelter/TH, or <input type="checkbox"/> Self- certification that s(he) was living on the streets or in a shelter (attached)
Exiting an institution and entered from literal homelessness	One of the forms of evidence above <u>and</u> <input type="checkbox"/> Discharge paperwork or written/ or documented oral referral (attached), or <input type="checkbox"/> Written report of intake workers due diligence to obtain above evidence <u>and</u> certification by the individual that they exited institution (attached)

**Be sure to attach the supporting documentation to the application in file.**

**2. This household is a candidate for ESG rapid rehousing because:**

- They are homeless but have adequate income to afford a place if assisted to obtain one with short-term assistance (deposit and up to one to three month's rent subsidy).
- They are homeless and don't currently have adequate income for housing but have potential to increase income to be self sustainable within approximately 6 months and are willing to commit to a housing stability plan.
- They are currently homeless but with assistance can move into a stable situation with friends or family or another situation that doesn't require an increase in income **and will be included on a lease.**
- They are currently homeless and are expected to receive a housing subsidy within six months from another source but need financial assistance to gain housing and/or support services

Subsidy anticipated:

- OPRI  VASH  Shelter Plus Care  Other: \_\_\_\_\_

Benefit anticipated: SSI Date expected: \_\_\_\_\_ Verified by 3<sup>rd</sup> Party: \_\_\_\_\_

**Note:** ESG funds may not be used to cover any cost covered by another subsidy source. For rapid rehousing candidates with a subsidy, ESG may only be used to pay security deposit and utility deposits if needed to secure housing.

Current Subsidy \_\_\_\_\_ pays for:  
\_\_\_\_\_

No other subsidy currently

*Proceed to Part D: Income Verification Section*

**C. Homelessness Prevention** (Cross through and skip this section if applicant household is applying for Rapid Rehousing)

To receive Prevention assistance, clients may either be homeless under certain categories of the HUD Homeless Definition or At risk of Homelessness under any category of that definition. Use this portion of the form if the applicant client household is at Imminent Risk of Homelessness (Category 2), fleeing/attempting to flee domestic violence **but** does not meet the category of Literally Homeless (Category 4) or is At Risk of Homelessness. Households who do not qualify for rapid rehousing or prevention assistance under these definitions are not eligible for ESG assistance under this program.

**1. This household is a candidate for prevention assistance because:**

- They are currently seeking shelter, and have been staying with family or friends who will no longer let them remain there. (Must be required to leave within 14 days.)
- They are staying in a hotel or motel using their own resources, have no other residence and lack the resource and support networks to obtain other permanent housing.
- They are fleeing or attempting to flee domestic violence, have no other residence and lack the resource and support networks to obtain other permanent housing.
- ~~They have a place to live with their name on the lease from which they are being evicted (must be required to leave within 14 days.)~~ **Not eligible under the City of Berkeley PHP.**
- They are about to be discharged from foster care, or have recently been discharged from foster care, and the residence where they are currently living will be lost within 14 days

Documentation	
Imminent Risk of Homelessness	<input type="checkbox"/> A court order resulting from an eviction action notifying the individual or family that they must leave (attached), or <input type="checkbox"/> Leaving a hotel or motel – evidence that household has been staying in hotel/ motel (attached), and this application documents lack of resources <input type="checkbox"/> A documented and verified oral statement that residence will be lost within 14 days of the date of this application (attached), and this application documents lack of resources.
Leaving an institution, including foster care	One of the forms of evidence above <u>and</u> <input type="checkbox"/> Discharge paperwork or written/oral referral (attached), or <input type="checkbox"/> Written report of intake workers due diligence to obtain above evidence <u>and</u> certification by the individual that they exited an institution or foster care (attached)
Fleeing domestic violence	For victim services providers: <input type="checkbox"/> An oral statement, by the individual or head of household self-certified or certified by the intake worker, which states they are fleeing and have no subsequent resident or resources. For non-victim services providers: <input type="checkbox"/> An oral statement, by the individual or head of household self which states they are fleeing and have no subsequent resident or resources. Where the safety of the individual or family is not jeopardized, the oral statement must be verified.

**2. Housing Assessment (Prevention Only) Households with a lease in their name are not eligible for the City of Berkeley PHP assistance. Please go to section II of this page.**

I. If household intends to keep current housing, what is the monthly rent? \_\_\_\_\_



**If the household intends to remain in their current unit, does the rent amount exceed the FMR payment standard (based on the chart below)?**

- No: Proceed to next page.
- Yes: Client is not eligible to be subsidized in their current unit. Ask the client if they are interested in relocating to less expensive housing and if so, proceed with assessment. Otherwise, stop here; client is not eligible. Proceed to end of form

Final FY 2013 FMRs By Unit Bedrooms Oakland-Fremont, CA HUD Metro FMR Area					
SRO	Studio/Efficiency	1-bedroom	2-bedroom	3-bedroom	4-bedroom
\$776	\$1,035	\$1,255	\$1,578	\$2,204	\$2,704

Source: <http://www.huduser.org/portal/datasets/fmr.html> 2/5/12

Is your name on a rental agreement?

- No
- Yes

If you owe back rent, how much do you owe? \_\_\_\_\_ **Not eligible under the City of Berkeley PHP.**

How many month's rent is that?

- One
- Two
- Three
- Four
- Five
- Six or more
- Don't Know

Is your landlord willing to accept rent from you?

- No
- Yes
- Don't Know
- Does Not Apply

If you are at risk of eviction, where are you in the eviction process?

- Have not been served formal notice
- Served a 3-day notice to pay rent or quit
- Served an Unlawful Detainer summons
- Eviction judgment has been issued
- Does not apply

II. If your name is not on a rental agreement, are you living with someone who has a rental agreement and who has notified you in writing that you must leave?

- No
- Yes

Do you currently receive any type of housing or utility subsidy or assistance from any other source?

- No
- Yes

Subsidy pays for: \_\_\_\_\_

**Note:** ESG funds cannot be used to cover any cost covered by another subsidy source. For prevention candidates with a housing subsidy, ESG may only be used to pay the tenant portion of overdue back rent.

**Be sure to attach housing status verification form and supporting documentation in file.** Proceed to Part D: Income Verification Section

**D. Income Verification**

What is the combined income of this applicant household? \_\_\_\_\_

Household size: \_\_\_\_\_



Alameda County, California FY2013 Income Limits								
Household Size	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Extremely Low Income (30% of AMI)	\$18,750	\$21,400	\$24,100	\$26,750	\$28,900	\$31,050	\$33,200	\$35,350

Source: <http://www.huduser.org/portal/datasets/il/il2013/2013summary.odn> 12/11/12

At or below 30% AMI for household size

Above 30% AMI for household size and seeking rapid rehousing assistance. **The City of Berkeley authorization of recipient may be is required to proceed.**

Required Authorization: \_\_\_\_\_ (if applicable)

Above 30% AMI for household size and seeking prevention assistance– INELIGIBLE: Proceed to end of form.

***You may use the ESG Income Eligibility Calculation Form or another similar form to determine income. Be sure to include income verification form and supporting documentation for determination in file.***

**E. Resources, Networks and Asset Determination**

In addition to meeting the housing status and income requirements, applicants must demonstrate that they do not have sufficient support or resources to retain or gain housing on their own.

**ii. Asset Assessment**

To determine whether the applicant household has resources that could be used to prevent or end their homelessness, and to determine the amount of financial assistance to be provided, the program must review their assets. This portion of the form applies to all adults in the household listed on page 1.

No Bank accounts

Bank Accounts (attach appropriate third party documentation for all accounts listed below)

1. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_

Name(s) on Account: \_\_\_\_\_

Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

2. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_

Name(s) on Account: \_\_\_\_\_

Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

Investment Accounts (obtain appropriate third party documentation for all accounts listed below)

1. Name of Financial Institution: \_\_\_\_\_ Type of account: \_\_\_\_\_

Name(s) on Account: \_\_\_\_\_

Acct #: \_\_\_\_\_ Acct. Balance: \_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_

Other Assets

# of Vehicles: \_\_\_\_\_  No Vehicles

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_


Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

For cars that are 2007 or newer, note blue book value: \_\_\_\_\_

Property (describe and note value): \_\_\_\_\_

Other (describe):  
\_\_\_\_\_

**Be sure to attached copies of bank statements or other asset verification**

 If assets exceed **\$2,000** per individual or **\$3,000** per couple, if any vehicle is worth more than **\$10,000**, or if household has more working cars than adult drivers, the household is ineligible.

No  Yes: ineligible. Proceed to end of form

**ii. Personal Resource and Networks**

**Other subsequent housing options**

What steps have you taken to identify other appropriate housing options that you can afford *without any assistance from this program*?

Summary of assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the household have any other appropriate housing options?  Yes  No

**2) Financial Resources**

Do you have any other resources that you could use to help your household gain housing or remain in your housing? (See asset assessment; discuss use of participants personal resources to resolve situation.)

Summary of assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the household have other financial resources sufficient to obtain other appropriate subsequent housing or remain in their existing housing?  Yes  No

**3) Support Networks**

Do you have any other support networks that could help you gain housing or remain in your housing? (This would include family or friends who can lend or give money, a faith-based organization that can assist you, someone with whom you can live, etc.)?

Summary of assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the household have support networks needed to obtain other appropriate subsequent housing or remain in their existing housing?  Yes  No

**F. Approach to housing stability**

How did your current situation of homelessness or housing instability come about?

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are you currently doing anything to increase your household income or decrease your costs?

No Yes Does Not Apply

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are to be assisted, are you willing to participate in services to increase your income or decrease your costs?

No Yes Does Not Apply

 **If household is not currently working toward increasing income or decreasing costs and is unwilling to do so, the household *may be* determined as ineligible.** (Note that households with a fixed income may not need to increase income to remain stable.)

Please add any other information pertinent to eligibility determination:


**FOR STAFF USE ONLY:**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ HMIS ID: \_\_\_\_\_

**Eligibility Determination**

**A. Household is not eligible to receive ESG assistance due to:**

- Not among target population for local program
- Ineligible Housing Status
- Over Income
- Households Assets exceed asset limit
- Household is already receiving a subsidy for the same cost for which the household is seeking assistance
- Adults in household unwilling to engage in activities or participate in services designed to support housing stability plan
- Household as already received 24 months of ESG assistance in last 36 months

**If client is not eligible, inform client of determination and refer client to other programs that may be able to assist the household. Programs referred to:**

1. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
2. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
3. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_
4. Program: \_\_\_\_\_ How was referral made?: \_\_\_\_\_

**B. Household is eligible to receive ESG assistance.**

- Eligibility for rapid rehousing verified;** household will be enrolled and housing search assistance will begin.
- Eligibility for prevention assistance verified;** new housing has been identified or current housing is to be retained and program will proceed to check on unit eligibility and to offer financial assistance and housing stability support.

**Staff signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Proceed to ~~enroll~~ collect the below documents from the Household:

- Complete ROI and HMIS Intake
- Enter data into HMIS
- Sign the Participation Agreement
- Complete the Household Budget
- Develop Housing Stability Plan
- Complete Request for Tenancy Approval
- Complete Financial Assistance Calculation Form

City of Berkeley  
ESG Program Participation Agreement

(click [here](#) to return to relevant section of the manual)

The ESG Program provides support services and limited financial resources to help households gain housing or remain housed. I understand that this program may provide me with some or all of the following services:

- Assistance finding and obtaining housing
- Assistance developing a housing plan
- Assistance to stay in housing I currently occupy, including legal assistance and/or negotiations with family members, friends or landlords;
- One-time or short-term financial assistance to support gaining or retaining housing which may include rental deposits, rental or utility arrears, or short to medium term rental assistance payments designed to secure or retain housing;
- Referrals and support to apply for benefits for which I or a member of my household may be eligible.
- Other services related to securing housing, such as, but not limited to, assistance getting identification, preparing housing applications, searching for housing, negotiating with landlords and other services.

I agree to do the following:

- Provide accurate and honest information to my housing specialist and other program staff.
- Work with a housing specialist to develop a housing plan.
- Take all necessary steps to achieve the goals outlined in the plan.
- Meet with my housing specialist at intervals established in my housing plan, and not less than monthly during my participation in the program.
- Permit home visits and inspections of my housing during my participation in the program. (Advance notice will be provided.)
- Provide current proof of income when requested.
- Pay my portion of rent on time every month and *immediately* advise the housing specialist if I have any trouble in doing so.
- Provide any documentation required by the housing specialist as it pertains to progress on my housing plan, my rent status or income (i.e. attendance record for job training program, proof of application for benefits, etc.)
- Be contacted for follow-up phone calls about my participation in ESG for up to 24 months after I complete the program.

***I understand that neither \_\_\_\_\_ (agency name) nor any party to the ESG Program is responsible for my rent or lease. I understand that assistance will only be provided if I am in compliance with the program requirements including the terms of my Housing Stability Plan.***

Client Name: \_\_\_\_\_ Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Housing Specialist: \_\_\_\_\_ Agency Name : \_\_\_\_\_ Date: \_\_\_\_\_

### City of Berkeley Sample Budgeting Worksheet

(click [here](#) to return to relevant section of the manual)

Participant Name:		Date:
	Actual (with current income)	Proposed (with anticipated income and/or subsidy)
Housing Expenses		
Rent		
PG&E		
Water		
Other:		
Car Expenses		
Loan payment		
Insurance		
Gas		
Maintenance & repairs		
Debt		
Creditor 1		
Creditor 2		
Miscellaneous		
Groceries, Lunches, meals		
Childcare		
School supplies		
Prescriptions		
Cable TV		
Internet Connection		
Telephone		
Clothing		
Hair supplies/Toiletries		
Other:		
Other:		
<b>Expense Total</b>		
<b>Income</b>		
Earnings		
Social Security related \$		
Unemployment		
Food Stamps		
Other:		
Other:		
<b>Income Total</b>		
<b>Total Income Minus Expenses</b>		

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Case Manager/Housing Specialist Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Page 253 of 302**  
**City of Berkeley**  
**ESG Housing Stability Plan**

Client/Head of Household Name: \_\_\_\_\_

Initial Plan Date \_\_\_\_\_

My 30 day housing goal is: \_\_\_\_\_

If different, my 90 day goal is \_\_\_\_\_

If different, my permanent housing goal is \_\_\_\_\_

I have or will have the following resources to help me achieve my goals:

- 1.
- 2.
- 3.

In order to reach these goals, I commit to take the following steps:

Step	Actions	What I'll do/Help I'll Receive	30 day progress	60day progress	90 day progress
1		<input type="checkbox"/> referrals to mainstream resources	CM Sign: Date:	CM Sign: Date:	CM sign: Date:
2		<input type="checkbox"/> referrals to mainstream resources	CM Sign: Date:	CM Sign: Date:	CM sign: Date:
3		<input type="checkbox"/> referrals to mainstream resources	CM Sign: Date:	CM Sign: Date:	CM sign: Date:

Client Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Housing Specialist: \_\_\_\_\_ Date: \_\_\_\_\_

City of Berkeley  
ESG Financial Assistance Calculation Form

(click [here](#) to return to relevant section of the manual)

Before preparing this calculation, complete the budget form with the Head of Household. Use this form and information from the application, the budget and the lease and/or arrears documentation to determine the amount of financial assistance that the household will receive. **This form must be prepared every three months during the time in which the household receives financial assistance.**

Head of Household : \_\_\_\_\_ Service Point ID: \_\_\_\_\_

Assessment date: \_\_\_\_\_ Staff: \_\_\_\_\_

- First financial assistance calculation  Reassessment of financial assistance

**A. GENERAL**

Enter the information below from the budget and assets form to determine the amount of financial assistance

Combined Household income: \_\_\_\_\_ (from application) Rent: \_\_\_\_\_ (from lease)

Income minus Rent: \_\_\_\_\_ \* **Percent of income for rent without subsidy:** \_\_\_\_\_

Total Expenses \_\_\_\_\_ (from budget)

\* **Difference between income and expenses:** \_\_\_\_\_

\* **Current Assets:** \_\_\_\_\_ (from application)

**Use information indicated with \* to determine financial assistance below**

**B. SECURITY DEPOSIT** (skip if not applicable)

New residence requires a Security Deposit of: \_\_\_\_\_ (This may include up to two months rent if required as deposit but should not include first month's rent in this calculation. Assistance with First month's rent should be part of the Rental Assistance in section C. below)

Based on income and assets, **household will make:**

No contribution to the deposit without jeopardizing housing stability (household has less than 50% of income left after paying rent and household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the security deposit of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget indicates disposable income available for a payment.)

**Program will make a payment on behalf of household of:** \_\_\_\_\_



**C. UTILITY DEPOSIT** (cross through and skip if not applicable)

To receive utilities at the new residence, one or more utility companies require a Utility Deposit of:

Utility: \_\_\_\_\_ Required Deposit: \_\_\_\_\_

Utility: \_\_\_\_\_ Required Deposit: \_\_\_\_\_

Utility: \_\_\_\_\_ Required Deposit: \_\_\_\_\_

Based on income and assets, **household will make:**

No contribution to the deposit without jeopardizing housing stability (household has less than 50% of income left after paying rent and household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the security deposit of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget indicates disposable income available for a payment.)

**Program will make a payment on behalf of household of:** \_\_\_\_\_

**D. SHORT OR MEDIUM TERM RENTAL ASSISTANCE** (cross through and skip if not applicable)

Client has no income

Program will pay 100% of the rent for up to three months or until a change in income occurs

Household has income and will make payments to the landlord of:

50% of the rent. Amount: \_\_\_\_\_

50% of their income toward the rent: Amount \_\_\_\_\_

Another amount: \_\_\_\_\_ (Requires agency supervisor approval.)  
Authorized Approval: \_\_\_\_\_

Household is awaiting an anticipated permanent subsidy and will pay 30% of their income for rent:  
Subsidy anticipated: \_\_\_\_\_ Date anticipated: \_\_\_\_\_

**Program will make a monthly rental assistance payment of \$ \_\_\_\_\_** (Rent minus client contribution) for up to three months or until a change in income occurs. Projected length of rental assistance: \_\_\_\_\_ months.

**E. UTILITY ARREARS** (skip if not applicable)

This type of support will only be provided if the household will be unable to have utilities in their housing if they do not pay past due arrears.

Household owes \_\_\_\_\_ in past utility arrears (from documentation of utility arrears)

Based on income and assets available, **Household will make:**

No payments without jeopardizing housing stability (household pays more than 50% of income for rent and/or household budget has no disposable income; household has assets of less than \$500.)

A one-time payment toward the arrears of: \_\_\_\_\_ (household has assets of greater than \$500 and/or budget indicates disposable income available for a payment.)

A monthly payment toward the arrears of: \_\_\_\_\_ Payment agreement negotiated with landlord.(budget indicates disposable income available for a payment or household has a housing subsidy – attached copy of payment agreement.)

**Program will make a payment on behalf of household of \_\_\_\_\_**

**F. FINANCIAL ASSISTANCE AGREEMENT**

The participant and the program agree to the terms of payment designated above. The program will make payments on behalf of the participant as long as the participant is in good standing with their portion of the agreement and making progress on their Housing Stability Plan.

This agreement expires: \_\_\_\_\_ (not later than 3 months from first expected payment.)

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Housing Specialist Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Attach this agreement to a copy of lease or occupancy agreement and, if past due rent or utilities, a copy of a record from the landlord/lessor or utility company indicating the amount of arrears.)

### City of Berkeley Rent Reasonableness and FMR Certification

(click [here](#) to return to relevant section of the manual)

	PROPOSED UNIT	COMPARISON UNIT #1	COMPARISON UNIT #2	COMPARISON UNIT #3
ADDRESS				
NUMBER OF BEDROOMS				
SQUARE FEET				
TYPE OF UNIT/CONSTRUCTION				
HOUSING CONDITION				
LOCATION/ACCESSIBILITY				
AMENITIES UNIT: SITE: NEIGHBORHOOD:				
AGE IN YEARS				
UTILITIES (TYPE)				
UNIT RENT UTILITY ALLOWANCE GROSS RENT				
HANDICAP ACCESSIBLE?				

CERTIFICATION:

A. Compliance with Payment Standard

Proposed Contract Rent + Utility Allowance = Proposed Gross Rent

Approved rent does not exceed applicable Payment Standard of \$\_\_\_\_\_.

B. Rent Reasonableness

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit [ ] is [ ] is not reasonable.

NAME:	SIGNATURE:	DATE:
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## City of Berkeley Habitability Standards Inspection Form

(click [here](#) to return to relevant section of the manual)

(based on HUD's HQS and the HPRP Notice; Certified HQS Inspectors may use an HQS form instead)

Name of Participant	Participant Phone Number	Date of Request (mm/dd/yyyy)
Inspector		Date of Initial Inspection (mm/dd/yyyy)
Type of Inspection <input type="checkbox"/> Initial <input type="checkbox"/> Special <input type="checkbox"/> Re-inspection	Date of Last Inspection (mm/dd/yyyy)	Agency

### A. General Information

<b>INSPECTED UNIT</b>	<b>Year Constructed (yyyy):</b>	
Full Address	<b>Housing Type (check as appropriate)</b> <input type="checkbox"/> Single Family Detached <input type="checkbox"/> Duplex or two family <input type="checkbox"/> Row House or Town House <input type="checkbox"/> Low Rise; 3,4 stories including garden apt. <input type="checkbox"/> High Rise; 5 or more stories <input type="checkbox"/> Manufactured Home <input type="checkbox"/> Congregate <input type="checkbox"/> Cooperative <input type="checkbox"/> Independent Group Residence <input type="checkbox"/> Single Room Occupancy <input type="checkbox"/> Shared Housing <input type="checkbox"/> Other: _____	
Number of Children in Family Under 6:		
OWNER NAME		OWNER PHONE
ADDRESS OF OWNER/AGENT		

**Is Lead Paint inspection required?** (unit was constructed prior to 1978 and children under age 6 or a pregnant woman are in the household.)     Yes     No

### B. Summary Decision on Unit (to be completed after form is filled out)

<input type="checkbox"/> Pass <input type="checkbox"/> Fail <input type="checkbox"/> Inconclusive	Number of bedrooms	Number of sleeping rooms	Signature of Inspector
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#### How to use this form

1. Review each room in the house as listing in the form (1. Living Room; 2. Kitchen; 3. Bathroom; 4. Other Rooms Used for Living or Halls (use as many as needed); 5. All Secondary Rooms Not Used for Living; 6. Building Exterior; 7. Heating, Plumbing and Installation; 8. General Health and Safety.  
Important: For each item numbered on the checklist, check one box only (e.g., check one box only for item 1.4 "Security," in the Living Room).
2. In the space to the right of the item, if the decision is "Fail," write what repairs are necessary.
3. If the item passes inspection, check the "Pass" box.
4. A final summary page to note repairs needed is provided on the final page. If owner/manager is present at inspection, gather signature on final page.
5. For lead paint inspections, if not required, mark "not applicable." Otherwise, note if the unit is a "pass" or "fail."

## INSPECTION CHECKLIST

Item #	1. LIVING ROOM Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
1.1	<b>LIVING ROOM PRESENT</b>			
1.2	<b>ELECTRICITY</b> Are there at least two working outlets or one working outlet and one working light fixture?			
1.3	<b>ELECTRICAL HAZARDS</b> Is the room free from electrical hazards?			
1.4	<b>SECURITY</b> Are all windows and doors that are accessible from the outside lockable?			
1.5	<b>WINDOW CONDITION</b> Is there at least one window, are all windows free of signs of severe deterioration or missing or broken out panes?			
1.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous defects?			
1.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous defects?			
1.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous defects?			
1.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable
Item #	2. KITCHEN Description	DECISION		Repairs Required
		Yes, PASS	No, FAIL	
2.1	<b>KITCHEN AREA PRESENT</b>			
2.2	<b>ELECTRICITY</b> Is there at least <i>one</i> working electric outlet and <i>one</i> working, permanently installed light fixture?			
2.3	<b>ELECTRICAL HAZARDS</b> Is the kitchen free from electrical hazards?			
2.4	<b>SECURITY</b> Are <i>all</i> windows and doors that are accessible from the outside lockable?			
2.5	<b>WINDOW CONDITION</b> Are all windows free of signs of deterioration or missing or broken out panes?			
2.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous defects?			
2.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous defects?			
2.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous defects?			
2.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable
2.10	<b>STOVE OR RANGE WITH OVEN</b> Is there a working oven and a stove (or range) with top burners that work?			
2.11	<b>REFRIGERATOR</b> Is there a refrigerator that works and maintains a temperature low enough so that food does not spoil over a reasonable period of time?			

2.12	<b>SINK</b> Is there a kitchen sink that works with hot and cold running water?			
2.13	<b>SPACE FOR STORAGE AND PREPARATION OF FOOD</b> Is there space to store and prepare food?			
	<b>3. BATHROOM</b>	DECISION		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
3.1	<b>BATHROOM PRESENT</b>			
3.2	<b>ELECTRICITY</b> Is there at least <i>one</i> permanently installed light fixture?			
3.3	<b>ELECTRICAL HAZARDS</b> Is the bathroom free from electrical hazards?			
3.4	<b>SECURITY</b> Are <i>all</i> windows and doors that are accessible from the outside lockable?			
3.5	<b>WINDOW CONDITION</b> Are all windows free of signs of deterioration or missing or broken out panes?			
3.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous defects?			
3.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous defects?			
3.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous defects?			
3.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable
3.10	<b>FLUSH TOILET IN ENCLOSED ROOM IN UNIT</b> Is there a working toilet in the unit for exclusive private use of the tenant?			
3.11	<b>FIXED WASH BASIN OR LAVATORY IN UNIT</b> Is there a working, permanently installed wash basin with hot and cold running water in the unit?			
3.12	<b>TUB OR SHOWER IN UNIT</b> Is there a working tub or shower with hot and cold running water in the unit?			
3.13	<b>VENTILATION</b> Are there operable windows or a working vent system?			
	<b>4. OTHER ROOMS USED FOR LIVING OR HALLS</b>	DECISION		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
4.1	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	<b>ROOM CODES</b> 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		
4.2	<b>ELECTRICITY</b> If Room Code = 1, are there at least two working outlets or one working outlet and one working, permanently installed light fixture? If Room Code does not = 1, is there a means of illumination?			
4.3	<b>ELECTRICAL HAZARDS</b> Is the room free from electrical hazards?			

4.4	<b>SECURITY</b> Are all windows and doors that are accessible from the outside lockable?			
4.5	<b>WINDOW CONDITION</b> If Room Code = 1, is there at least one window? And, regardless of Room Code, are all windows free of signs of severe deterioration or missing or broken out panes?			
4.6	<b>CEILING CONDITION</b> Is the ceiling sound and free from hazardous defects?			
4.7	<b>WALL CONDITION</b> Are the walls sound and free from hazardous defects?			
4.8	<b>FLOOR CONDITION</b> Is the floor sound and free from hazardous defects?			
4.9	<b>LEAD PAINT</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed more than two square feet per from and/or is more than 10% of a component?			<input type="checkbox"/> Not Applicable
4.10	<b>SMOKE DETECTORS</b> Are smoke detectors in each room used for sleeping? Are they working?			
	<b>4. OTHER ROOMS USED FOR LIVING OR HALLS</b>	<b>DECISION</b>		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
4.1	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	<b>ROOM CODES</b> 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		
4.2	<b>ELECTRICITY</b>			
4.3	<b>ELECTRICAL HAZARDS</b>			
4.4	<b>SECURITY</b>			
4.5	<b>WINDOW CONDITION</b>			
4.6	<b>CEILING CONDITION</b>			
4.7	<b>WALL CONDITION</b>			
4.8	<b>FLOOR CONDITION</b>			
4.9	<b>LEAD PAINT</b>			<input type="checkbox"/> Not Applicable
4.10	<b>SMOKE DETECTORS</b>			
	<b>4. OTHER ROOMS USED FOR LIVING OR HALLS</b>	<b>DECISION</b>		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
4.1	<b>ROOM CODE and ROOM LOCATION:</b>  right/left _____ front/rear _____ floor level _____	<b>ROOM CODES</b> 1 = Bedroom or any other room used for sleeping (regardless of type of room) 2 = Dining Room, or Dining Area 3 = Second Living Room, Family Room, Den, Playroom, TV Room 4 = Entrance Halls, Corridors, Halls, Staircases 5 = Additional Bathroom 6 = Other		
4.2	<b>ELECTRICITY</b>			
4.3	<b>ELECTRICAL HAZARDS</b>			
4.4	<b>SECURITY</b>			
4.5	<b>WINDOW CONDITION</b>			
4.6	<b>CEILING CONDITION</b>			

4.7	WALL CONDITION			
4.8	FLOOR CONDITION			
4.9	LEAD PAINT			<input type="checkbox"/> Not Applicable
4.10	SMOKE DETECTORS			
	<b>5. ALL SECONDARY ROOMS NOT USED FOR LIVING</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
5.1	<b>NONE. GO TO PART 6</b>			
5.2	<b>SECURITY</b> Are all windows and doors that are accessible from the outside lockable in each room?			
5.3	<b>ELECTRICAL HAZARDS</b> Are all these rooms free from electrical hazards?			
5.4	<b>OTHER POTENTIALLY HAZARDOUS FEATURES IN ANY OF THESE ROOMS</b> Are all of these rooms free of any other potentially hazardous features? For each room with an "other potentially hazardous feature" explain hazard and means of control of interior access to room.			
	<b>6. BUILDING EXTERIOR</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
6.1	<b>CONDITION OF FOUNDATION</b> Is the foundation sound and free from hazards?			
6.2	<b>CONDITION OF STAIRS, RAILS, AND PORCHES</b> Are all the exterior stairs, rails and porches sound and free from hazards?			
6.3	<b>CONDITION OF ROOF AND GUTTERS</b> Are the roof, gutters and downspouts sound and free from hazards?			
6.4	<b>CONDITION OF EXTERIOR SURFACES</b> Are exterior surfaces sound and free from hazards?			
6.5	<b>CONDITION OF CHIMNEY</b> Is the chimney sound and free from hazards?			
6.6	<b>LEAD PAINT: EXTERIOR SURFACES</b> Are all painted surfaces free of deteriorated paint? If not, do deteriorated surfaces exceed 20 square feet of total exterior surface area?			<input type="checkbox"/> Not Applicable
6.7	<b>MANUFACTURED HOMES: TIE DOWNS</b> If the unit is a mobile home, it is properly placed and tied down? If not a mobile home, check "Not Applicable."			
	<b>7. HEATING, PLUMBING AND INSULATION</b>	DECISION		Repairs Required
Item #	Description	Yes, PASS	No, FAIL	
7.1	<b>ADEQUACY OF HEATING EQUIPMENT</b> a. Is the heating equipment capable of providing adequate heat (either directly or indirectly) to all rooms used for living? b. Is the heating equipment oversized by more than 15%? c. Are pipes and ducts located in unconditioned space insulated?			



7.2	<b>SAFETY OF HEATING EQUIPMENT</b> Is the unit free from unvented fuel burning space heaters, or any other types of unsafe heating conditions?			
7.3	<b>VENTILATION AND ADEQUACY OF COOLING</b> Does this unit have adequate ventilation and cooling by means of operable windows or a working cooling system?			
7.4	<b>HOT WATER HEATER</b> Is hot water heater located, equipped, and installed in a safe manner?			
7.5	<b>WATER SUPPLY</b> Is the unit served by an approvable public or private sanitary water supply?			
7.6	<b>PLUMBING</b> Is plumbing free from major leaks or corrosion that causes serious and persistent levels of rust or contamination of the drinking water?			
7.7	<b>SEWER CONNECTION</b> Is plumbing connected to an approvable public or private disposal system, and is it free from sewer back up?			
	<b>8. GENERAL HEALTH AND SAFETY</b>	DECISION		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required
8.1	<b>ACCESS TO UNIT</b> Can the unit be entered without having to go through another unit?			
8.2	<b>EXITS:</b> Is there an acceptable fire exit from this building that is not blocked?			
8.3	<b>EVIDENCE OF INFESTATION</b> Is the unit free from rats or severe infestation by mice or vermin?			
8.4	<b>GARBAGE AND DEBRIS</b> Is the unit free from heavy accumulation of garbage or debris inside and outside?			
8.5	<b>REFUSE DISPOSAL</b> Are there adequate covered facilities for temporary storage and disposal of food wastes, and are they approved by a local agency?			
8.6	<b>INTERIOR STAIRS AND COMMON HALLS</b> Are interior stairs and common halls free from hazards to the occupant because of loose, broken or missing steps on stairways, absent or insecure railings, or other hazards?			
8.7	<b>OTHER INTERIOR HAZARDS</b> Is the interior of the unit free from any other hazards not specifically identified previously?			
8.8	<b>ELEVATORS</b> Are they working and safe?			
8.9	<b>INTERIOR AIR QUALITY</b> Is the unit free from abnormally high levels of air pollution from vehicular exhaust, sewer gas, fuel gas, dust, or other pollutants?			
8.10	<b>SITE AND NEIGHBORHOOD CONDITIONS</b> Are the site and immediate neighborhood free from conditions, which would seriously and continuously endanger the health or safety of the residents?			
8.11	<b>LEAD PAINT: OWNER CERTIFICATION</b> If the owner of the unit is required to treat or cover any interior or exterior surfaces, has the certification of compliance been obtained?			<input type="checkbox"/> Not Applicable
	<b>9. MISCELLANEOUS (from HPRP notice)</b>	DECISION		
Item #	Description	Yes, PASS	No, FAIL	Repairs Required



**Priority Home Partnership  
Rental Assistance Agreement Letter**

(click [here](#) to return to relevant section of the manual)

(date)

(landlord address)

\_\_\_\_\_ (Head of Household) has been approved to receive temporary financial assistance through the Emergency Solutions Grant program. The program is designed to help the participant secure and/or retain housing and be a successful tenant. Our agency will maintain regular contact during his/her time in the program to assist him/her with any problems related to his/her housing or tenancy. The program does not, however, assume any responsibility for the tenant's rent or for compliance with the lease. The tenant is fully responsible for complying with the terms of the lease he/she has with you.

The person named above has been approved for assistance with (check all that apply):

- A rental deposit in the amount of \$ \_\_\_\_\_
- A short-term rent subsidy in the amount of \$ \_\_\_\_\_ (currently approved until \_\_\_\_\_ date. This subsidy may be extended at the program's discretion)
- Assistance with past due rent in the amount of \$ \_\_\_\_\_

All other payments under the terms of the lease are the responsibility of the tenant.

The City of Berkeley Priority Home Partnership Program will provide the above housing assistance payments to you beginning [date]. By signing below, you agree to apply all payments you receive on the tenant's behalf toward the specified housing-related costs on the check. The termination of housing assistance payments shall not affect the household's other rights under the lease.

The tenant is required to notify us if he or she moves; however, if you ever receive a subsidy check for a tenant who has moved, it is your responsibility to return the check to us. Financial assistance from this program can only be used toward the housing-related costs of the tenant named above while he/she resides in your housing. You also must notify us if during the term of this agreement you notify the tenant to vacate or if you lodge any complaint under state or local law to commence an eviction.

You are welcome to contact me if you have any questions or concerns regarding the program or this tenant's housing. [ name, title at 510 XXX-XXXX or [housing specialist @ agency.org](mailto:housing_specialist@agency.org)]. Thank you for working with us.

Sincerely,

**I have read this agreement and I agree to accept payments on behalf of the tenant listed above as described in this letter. I have provided a W-9 form to the agency.**

**Property Owner/Property Manager Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### Three Month Reassessment of Eligibility

(click [here](#) to return to relevant section of the manual)

Reassessment Date: \_\_\_ / \_\_\_ / \_\_\_\_\_

Staff Name: \_\_\_\_\_

Agency: \_\_\_\_\_

Program:  ESG  FRHP  PRCS  Other: \_\_\_\_\_

Head of Household Name: \_\_\_\_\_

Service Point ID: \_\_\_\_\_

**Before beginning this Reassessment form, collect copies of updated income documentation for the household.**

Has there been a change in address or phone since the last assessment?

- No Change
- Address and/or phone has changed; new information below **(Enter into HMIS InHOUSE Housing Sub-assessment)**

Current STREET Address: \_\_\_\_\_

Apartment or Unit Number: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_

Start Date (Date moved into Permanent Housing) \_\_\_ / \_\_\_ / \_\_\_\_\_

- a) Total Household Members living/will live at this address: \_\_\_\_
- b) Total ADULTS living/will live at this address: \_\_\_\_
- c) Total CHILDREN living/will live at this address \_\_\_\_ (NOTE: a – b = c)

**Time in Program**

Has household **a)** received 24 months of ESG assistance in last 36 months or **b)** exceeded other program time limits?

- Yes  No

**STOP** If household has exceeded eligible time in program, record the determination below, and complete the HMIS Exit Form for all adults.

**Income Status Eligibility (Complete the income reassessment form attached for each adult and enter into HMIS)**

What is the total gross household monthly income (include all household members)? \$ \_\_\_\_\_

What is the total gross household annual income? \$ \_\_\_\_\_ (monthly amount x 12)

Using the chart below, circle the household size and determine the percent of Area Median Income (AMI)

Household Size	1	2	3	4	5	6	7	8
30% AMI	\$18,750	\$21,400	\$24,100	\$26,750	\$28,900	\$31,050	\$33,200	\$35,350
50% AMI	\$31,250	\$35,700	\$40,150	\$44,600	\$48,200	\$51,750	\$55,350	\$58,900

AMI information current as of 12/11/2012

Please check the household's current income status AND the documentation attached

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> No Income           | <input type="checkbox"/> Copy of Payment Statement / Benefit Notice | <input type="checkbox"/> Copies of Pay Stubs                 |
| <input type="checkbox"/> 1-30% AMI           | <input type="checkbox"/> Alimony, spousal or child support          | <input type="checkbox"/> Earned Income                       |
| <input type="checkbox"/> 31-50% AMI          | <input type="checkbox"/> GA, SSI, SSDI, or TANF                     | <input type="checkbox"/> Copy of Federal or State Tax Return |
| <input type="checkbox"/> Over 50% AMI        | <input type="checkbox"/> Private Disability                         | <input type="checkbox"/> Self-Employment                     |
| <input type="checkbox"/> Other Documentation | <input type="checkbox"/> Pension / Retirement                       | <input type="checkbox"/> Income Self-Certification           |
|  | <input type="checkbox"/> Unemployment or Workers' Comp              | <input type="checkbox"/> No Income                           |
|  | <input type="checkbox"/> Interest / Dividend Income                 |  |



If household has income greater than 30% of Median Income for the ESG program, or greater than 50% of AMI for the PRCS or FRHP program, discontinue assistance. Record the determination below, and complete the Exit Form for all adults. (For other programs, check program guidelines.)

Is household receiving now or going to begin to receive a housing subsidy from another program?

- Yes No

Subsidy: \_\_\_\_\_ Start date: \_\_\_/\_\_\_/\_\_\_\_\_



If household will be starting another subsidy, household is not eligible for continued financial assistance. Household may continue to receive supportive services if needed to prevent homelessness. Skip to Housing Stability Plan Progress.

Rent as Portion of Income

Is the household receiving Financial Assistance to remain housed?

- Yes No

What is the TOTAL monthly rent? \_\_\_\_\_ (the total rent, not the portion currently paid by tenant)

Rent to Income ratio: Total Monthly Rent ( ) X 100 = % Gross Monthly Household Income ( )



If the income to rent ratio is lower than 50% for ESG and PRCS and 40% for FRHP, discontinue financial assistance. Household may continue to receive supportive services if needed to prevent homelessness.

Housing Stability Plan Progress

Progress toward Obtaining or Maintaining Appropriate Housing:

- Achieved and Complete Making adequate progress Not making adequate progress

Progress toward Income or Employment Goals:

- Achieved and Complete Making adequate progress Not making adequate progress Does Not Apply

Progress toward Other Stability Goals:

- Achieved and Complete Making adequate progress Not making adequate progress Does Not Apply

Comments on Plan Progress, Accomplishments and Barriers:

Empty text box for comments



If the household has achieved/completed all goals, they are no longer in need of assistance; discontinue assistance. If the household is not making adequate progress on the Housing Stability Plan, and the household has been offered all assistance necessary to make progress and has refused such assistance, you may discontinue assistance. Indicate in comments below efforts made and current status of plan. Programs are strongly encouraged not to discontinue assistance if household is making appropriate efforts but progress is delayed. If discontinuing assistance, record the determination below, and complete the Exit Form for all adults.

**Does household have financial resources and/or support networks that can help them gain/remain in housing?**




If household has other resources or support networks that can help them gain or remain in housing that are adequate to secure their housing, **discontinue assistance**. Record the determination below, and complete the HMIS Exit Form for all adults.

**RESULT OF REASSESSMENT:**

**Discontinuing Program Assistance:**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Received maximum permitted assistance  | <input type="checkbox"/> Over Income                  | <input type="checkbox"/> Below targeted rent to income ratio and does not require services.  | <input type="checkbox"/> Receiving housing subsidy and does not require services. |
| <input type="checkbox"/> Completed Housing Stability Plan Goals | <input type="checkbox"/> Not making adequate progress | <input type="checkbox"/> has other resources or support networks that can secure the housing | <input type="checkbox"/> Other: _____   |

*After completing the reassessment of eligibility, I have been informed that I/my household am/are no longer eligible for assistance from this program. I understand that I and my household will be exited from the program. I understand that if I am in need at a later time I may reapply for assistance (as long as I have not exceeded the maximum length of assistance and continue to be eligible.)*

Head of Household Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff member signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Continuing Assistance:**

- Continue *housing stabilization services only*. Revise/update Housing Stability Plan, and prepare new household budget if income has changed.
- Continue financial assistance and housing stabilization services. Complete new financial assistance calculation, revise/update housing stability plan and prepare new budget.

**Attached:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Revised Housing Stability Plan | <input type="checkbox"/> New Budget (if applicable) | <input type="checkbox"/> New Financial Assistance Calculation form (if applicable) |
|---|---|--|

*After completing the reassessment of eligibility, I have been informed that I/my household am/are eligible for continued assistance from this program. I understand that my participation agreement remains in force and that a new stability plan, budget and financial contribution may be required. I understand that I will be reassessed again within three months **or less** and that assistance may be discontinued at any time.*

Head of Household Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff member signature: \_\_\_\_\_ Date: \_\_\_\_\_

**INHOUSE — 3 Mo. INCOME REASSESSMENT FORM** – 01/22/2013

Assessment Date: \_\_\_/\_\_\_/\_\_\_ (For backdate mode) ServicePoint ID # \_\_\_\_\_

Program/Provider: \_\_\_\_\_

**Client Profile**

First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_ Suffix: \_\_\_\_\_

Monthly Income	Non-Cash Benefits																																															
<p>Have you received income from any source in the past 30 days?</p> <p><input type="checkbox"/> No                                      <input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Don't Know                              <input type="checkbox"/> Refused</p>	<p>Have you received any of the non-cash benefits listed below in the past 30 days?</p> <p><input type="checkbox"/> No                                      <input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Don't Know                              <input type="checkbox"/> Refused</p>																																															
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**Total monthly income**                      \$ \_\_\_\_\_ .00

Complete one income reassessment for each adult in the household and combine for total household income for program reassessment purposes.

**Page 270 of 302**  
**Priority Home Partnership**  
**Notification of Termination of ESG Assistance**

(click [here](#) to return to relevant section of the manual)

You/your household has violated the terms of your ESG Participation Agreement, signed by \_\_\_\_\_ on \_\_\_\_\_ (date.) The program violation(s) consist of \_\_\_\_\_

---

---

The program is hereby advising you that as of \_\_\_/\_\_\_/\_\_\_\_\_ no further

- financial assistance
- housing stabilization services

Will be provided to you/your household.

You/your household will be solely responsible for covering all housing/utility costs as of that date.

\_\_\_\_\_  
(Staff signature)

\_\_\_\_\_  
(Date)

I have reviewed and authorized this notification:

\_\_\_\_\_  
(Supervisor signature)

\_\_\_\_\_  
(Date)

**Procedure for due process:** If you disagree with this determination, you may request a review of this decision within 10 days of the date of this notice by making a request **in writing\*** to:

{job title}  
{Address}  
{Address}

The {job title} will review your request and may investigate your claims, ask to interview you, members of your household, your landlord, or call a hearing with yourself, agency staff, and any others that may be needed to review this decision. The {job title} must review your request and make a final determination within 14 calendar days. A written notice of the final decision will be provided to you.

*\*Reasonable accommodation: If you are unable to prepare a request in writing due to a disability and need a reasonable accommodation, you may request a specific accommodation, such as assistance in preparing the request, from the program manager or another staff member.*



**City of Berkeley ESG Income Eligibility Calculation Worksheet**

To be eligible for ESG, households must be at or below 30% of the Area Median Income (and meet other Federal and local ESG eligibility requirements.) This worksheet has been adapted from the HUD authorized form used for HPRP can be used to determine whether an applicant household meets the ESG eligible income requirement. A copy of this form or a similar document used to determine income should be kept in the client file. Be sure to attach to the document copies of all income documentation used to prepare the calculation. See the income verification policy for further information and instructions.

Household Member Number	Household Member Name			Age of Household Member	
1					
2					
3					
4					
5					
<b>Total Household Members (Household size)</b>					
<b>30% of Area Median Income (AMI) for Household Size</b>			<b>\$</b>		
Household Member Number / Name	Sources of Household Income	Gross Documented Current Income Amount	Frequency of Income	Number of Payments per Year	Annual Gross Income (gross income amount X # of payments per year)
	Earned Income (for ADULT household members only)	\$			\$
	Earned Income (for ADULT household members only)	\$			\$
	Self-employment/ business income	\$			\$
	Interest & Dividend Income	\$			\$
	Pension/Retirement Income	\$			\$
	Unemployment & Disability Income	\$			\$
	Unemployment & Disability Income	\$			\$
	TANF/Public Assistance	\$			\$
	Alimony, Child Support and Foster Care Income	\$			\$
	Armed Forces Income	\$			\$
	Other (specify):	\$			\$
<b>Total Annual Gross Income from all Sources</b>					<b>\$</b>
<b>30% of Area Median Income for Household Size</b>					<b>\$</b>
<b>Variance (If less than AMI, then household is income eligible)</b>					<b>\$</b>
<b><i>Is the household at or below 30% Area Median Income?</i></b>					<b><i>YES-Income Eligible NO-COB approval needed</i></b>

## Attachment 3

## Systemwide Performance Targets for Rapid Re-Housing Services

Rapid Re-Housing		Target
How Much?	Service Population: Unduplicated count of individuals served (HUD Element, APR Q5a)	observe
	Service Population: Proportion of chronically homeless individuals served (HUD Element, APR Q5a)	observe
	Service Population: Unduplicated count of households served(HUD Element, Annual Performance Report/APR Q8a)	observe
	Service Population: Proportion of chronically homeless households served (HUD Element, APR Q26a)	observe
How Well?	Data Quality: Data entry within 3 days (HUD Element, APR Q6e)	100%
	Data Quality: Completion. Adult participants with income info. recorded in HUD Element at entry and annual or exit assessments (HUD Element, APR Q18)	90%
	Average length of time from enrollment to move in (HUD Element, Apr Q22c)	60% within 2 months
With What Impact?	Are participants growing their income? (HUD Element, APR Q19a3)	50%
	Are participants accessing mainstream benefits? (HUD Element, APR Q20b)	85%
	Are participants enrolled in health insurance?(HUD Element, APR Q21)	85%
	Are we successfully moving people into permanent housing? (HUD Element, APR Q23a&b)	80%
	Exits to Homelessness: What proportion of people exit to homeless destinations? (HUD Element APR Q23a&b)	<5%



# Homelessness Solutions in Alameda County

## ESG-CV STANDARDS AND EXPECTATIONS

Applicable in all participating jurisdictions of Alameda County

### **INTRODUCTION**

This document provides policies and standards for the provision of Rapid Rehousing funded by the Emergency Solutions Grant program under the CARES Act (ESG-CV) in Alameda County.

Providers funded with ESG-CV are expected to follow the guidance in this document which pulls from and enlarges upon guidance issued by the U.S. Department of Housing and Urban Development for the general ESG program and for the specific funds made available through the CARES Act, with additional prioritization and design determinations developed locally in response to COVID-19.

The Complete [ESG Interim Regulations](#) as of April 1, 2017, including amendments made to incorporate VAWA requirements, can be found at this link. The Notice issued September 1, 2020 regarding [Waivers and Alternative Requirements for the Emergency Solutions Grants \(ESG\) Program Under the CARES Act](#) can be found at this link.

***This document serves in lieu of the ESG Prevention and Rapid Rehousing Policy and Procedure Manual adopted in 2012 for ESG-CV funded programs only.***

<i>Approved</i>	<i>February 10, 2021</i>
<i>Effective date</i>	<i>February 16, 2021</i>
<i>Next review required by</i>	<i>February 10, 2022</i>

# ESG-CV STANDARDS AND EXPECTATIONS

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## **PRIORITIZATION AND REFERRAL**

### **1. Prioritization**

ESG-CV funds are specifically awarded and designated for rehousing those impacted, or more likely to be impacted, by the COVID-19 pandemic.

- 1.1 First priority for ESG-CV Rapid Rehousing are individuals and households assisted and staying in hotel rooms provided via Project RoomKey/Safer Ground or a similar program specifically designed to provide non-congregate or safe and distanced temporary shelter during COVID-19 for people who have been impacted by or are at risk from COVID-19.
- 1.2 Secondary priority are other persons on the Coordinated Entry By-Name List/Housing Queue who are deemed at higher risk for complications from COVID-19, based on criteria adopted in the Temporary Resource Prioritization Policy During COVID-19. The full policy for prioritization as adopted by the System Coordination Committee in January 2021 can be found [HERE](#).

### **2. Referrals**

- 2.1 Any resident of a site mentioned in 1.1 above is eligible to be offered an ESG-CV supported RRH Bridge Subsidy, as long as they are eligible under ESG-CV requirements. Such referrals do not need to come through Coordinated Entry as they have already been through a prioritization process. Referrals will be made via communication from the Health Care Services Agency Office of Homeless Care and Coordination and the City of Berkeley directly to contracted providers.
- 2.2 Potential participants in ESG-CV funded Rapid Rehousing in category 1.2 will be referred to contracted providers if there are additional openings using the Alameda County Coordinated Entry process. Contracted providers must accept Coordinated Entry referrals as long as potential participants meet eligibility criteria.
- 2.3 Time expectations for responding to referrals will be established in the Coordinated Entry policies and, when established, will apply to ESG-CV contracted providers.

## PARTICIPANT ELIGIBILITY AND ENROLLMENT

### 3. Eligibility

In addition to being referred through Coordinated Entry, households must be eligible for ESG-CV funded Rapid Rehousing. Program operators must determine that potential participants are eligible for assistance, and document this eligibility, including either verifying homeless status/chronic homeless status or receiving such verification from Coordinated Entry.

#### 3.1 Literal or Chronic Homelessness

3.1.1 To be eligible for the ESG-CV program the participant must be “Literally Homeless” and without other identified housing options at the time of referral. This includes households that meet the HUD Homeless Definition under Category 1, and households that meet the Definition under Category 4, Fleeing or attempting to flee domestic violence *and also meet one of the following conditions.*

- Living/staying in a shelter. This includes staying at a hotel or motel under Project RoomKey or a similar program that provides temporary shelter for people who have been impacted by or are at risk from COVID-19.
- Living on the streets, a car, an encampment or a place not meant for human habitation.
- Living/staying in transitional housing.
- Exiting an institution where s(he) resided for 90 days or less and previously resided in a shelter or the streets or a place not meant for human habitation.

Documentation requirements to verify homelessness can be found [HERE](#).

3.1.2 Because many participants in ESG-CV funded Rapid Rehousing may have been Chronically Homeless prior to participation in the program, and should continue to remain eligible for PSH and other resources that may be targeted to chronically homeless, chronic homeless verification is encouraged.

Verification requirements and a suggested tool for how to document chronic homelessness can be found [HERE](#).

#### 3.2 Required Documentation

To demonstrate eligibility at the time of enrollment, the enrolling provider must obtain:

1. Referral from a referring entity or Coordinated Entry
2. Verification of homelessness or chronic homelessness with required back up documentation

All required documentation should be uploaded into HMIS if participant has an HMIS record, or kept in a participant file.

### 3.3 Income verification

3.3.1 Income Verification is **not** a required eligibility criteria and is not needed for referral by Coordinated Entry nor for enrollment. However, income verification will be needed to establish rent payments. (See 6.3 Financial Assistance Approach.) Inability to document income at the time of referral must not prevent a participant from being enrolled, but may delay the household getting rehoused.

3.3.2 Persons with zero income are eligible for ESG-CV funded Rapid Rehousing and will be offered services to increase income through employment and/or connection to benefits.

3.3.3 For any participant who remains in the program for more than 12 months, income must be certified at annual recertification and must be below 30% of Area Median Income for the participant to continue to receive assistance (See 11.1 Annual Reassessment.)

### 3.4 Ineligible applicants

If a household is determined to be ineligible after referral and before enrollment, the program operator must notify the referring entity that they have been determined ineligible, provide the potential participant with the Notice of Occupancy Rights and Certification Form, and create a participant file documenting the process and determination.

## **4. Program Enrollment**

### 4.1 Participation Agreement

All heads of household enrolled in the program will sign a Participant Agreement. This agreement must state what the program will provide and what the expectations of the participant are, and the circumstances that can lead to their being terminated prior to completing the program. Programs may use the attached [ESG-CV Participation Agreement](#) or a program agreement that covers the same items, including all certifications, and does not conflict with ESG-CV regulations.

Enrolled participants should receive a copy of the Program's grievance and appeals process (See Grievance and Appeals 13.1)

#### 4.2 Notice of Occupancy Rights and Certification

At the time of enrollment, or if a potential participant is denied enrollment for any reason, the participant must be provided with form HUD-5380 Notice of Occupancy Rights and Certification. This document describes protections for victims of domestic violence, dating violence, sexual assault, or stalking under VAWA. Forms and other guidance regarding VAWA can be found [HERE](#).

#### 4.3 HMIS Enrollment

4.3.1 ROI: For all households participating in HMIS, all Adults must have an HMIS Release of Information (ROI) that is in effect. If an up to date ROI has not been executed and on file for each adult, one must be completed.

4.3.2 Program enrollment: Staff must complete a program enrollment in HMIS for all members of the household. Enrollment will be in one of the four designated projects within HMIS (Oakland, Berkeley, Urban County, State) based on information provided by Coordinated Entry.

### **5. Bridge and Rapid Program Tracks**

Rapid Rehousing funding may be used to provide rehousing support on a more traditional rapid rehousing track designed to serve households anticipated to take over full rent within a 6-24 month period (“Rapid”) or to provide subsidies that are intended to be used as a “bridge” to another longer-term or permanent housing resource for persons with greater needs (“Bridge”). While these tracks are not distinguished by different program enrollments they should be established from the outset in collaboration between the referring and contracting entity and periodically reassessed or modified as needed.

At the time of referral an initial determination of whether the household is beginning on the Rapid or Bridge track should be included. ***Unless otherwise specified at time of referral, persons referred from a Project Roomkey/Safer Ground/similar program site, or from the second priority group of high risk for complications from COVID-19 will be considered on the Bridge Track.***

#### 5.1 Bridge Track

Participants on the Bridge track are anticipated to participate in the ESG-CV program until another housing resource has been identified and secured for the participant.

5.1.1 Securing another resource: Program providers will work closely with the Health Care Services Agency (HCSA) and with the ESG Recipient for the jurisdiction in which they operate in to identify a housing resource for each enrolled household on the Bridge track. Processes for determining which resources are offered to a specific client will be worked out with the provider.



5.1.2 Reevaluation: If a Bridge Track participant has not been successfully transferred to another resource within 11 months of enrollment, and the program has the ability to retain them for more than 12 months, a reassessment will occur within 30 days of the participant's program anniversary as part of the Annual Reevaluation (See Annual Reevaluation 11.1)

## 5.2 Rapid Track

ESG-CV is targeted to assist those at high risk from COVID who are anticipated to have higher needs. However, it is possible that within the second priority group there may be some participants who can benefit from a more traditional Rapid Track. Any participants on the Rapid Track are anticipated to take over full rent of their housing during their participation in the program. Providers must work with the household to determine program and household rent contributions and offer appropriate services to support this progress (See 6.3 Financial Assistance – Rapid Track).

## **FINANCIAL ASSISTANCE AND SUPPORTIVE SERVICES**

ESG-CV funds may be used for specific financial assistance expenditures related to securing and maintaining housing. Each type of assistance requires specific documentation be kept on file to support the expenditures.

### **6. Financial Assistance**

#### 6.1 Maximum Assistance

6.1.1 24-month limitation: For first round ESG-CV awards and for second round awards covered under a HUD-approved Consolidated Plan amendment or waiver that allows for up to 24 months assistance, the maximum allowable assistance is 24 months within a 36 month period, consistent with the ESG regulations.

6.1.2 12-month limitation: For second round awards received after September 1, 2020, unless covered by a Consolidated Plan amendment or a waiver approved by HUD, the maximum period of allowed assistance is 12 months.

Changes or updates to the ESG-CV program requirements through law, regulation or Notice may change the maximum assistance time frames. Providers must be aware of the applicable maximum assistance requirements that are in effect for the funding they are using to assist any participant.

#### 6.2 Expense Categories, Limitations and Requirement Documentation

The following tables lists each allowable expense category for financial assistance, any limitations on time, amounts or cost, and the required documentation for the expenditure.

Expense Category	Permitted Expenditures and Limitations	Required Documentation
Security Deposit	Up to the equivalent of two (2) months of rent.	<input type="checkbox"/> Copy of W9 and Receipt <input type="checkbox"/> One year Lease Agreement. <input type="checkbox"/> Confirmation of property ownership
Utility Deposit	Standard utility deposits that the utility company requires for all customers.	<input type="checkbox"/> Copy of bill or receipt of payment. A billing statement is necessary if assistance for multiple months is provided with a single payment.
Application Fees	Costs associated with applications for rental housing required by property owners/managers	<input type="checkbox"/> Receipt
Moving Costs	Reasonable costs associated with assisting participants to move themselves and their belongings into housing, including vehicle rentals and movers if needed	<input type="checkbox"/> Cost Estimate <input type="checkbox"/> Receipt
Landlord Incentives	Signing bonuses, security deposits, repairing damages incurred by the program participant not covered by the security deposit or that are incurred while the program participant is still residing in the unit, and cost of extra cleaning or maintenance. Landlord incentives may not exceed three months' rent including any funds spent on deposits under Security Deposits above. <b>Landlord incentives do not count against the 12- or 24-month cap on assistance but the three-month maximum includes the amount offered in Security Deposit.</b>	Documentation required depends on the category of assistance being provided. All Landlord Incentives must be documented with a receipt by the landlord or a third-party receipt for coverage of allowable costs such as repairs or cleaning.
Rental Assistance	A portion of the contract rent of up to 100% of rent for up to maximum number of months <i>permitted under the applicable grant agreement with the Recipient.</i>	<input type="checkbox"/> Habitability Inspection <input type="checkbox"/> One year Lease/Rental Agreement <input type="checkbox"/> Letter of payment or a Housing Assistance Payment (HAP) agreement <input type="checkbox"/> W9
Utility Assistance	Up to total number of months of rental assistance provided. Total utility assistance includes the first month's payment.	<input type="checkbox"/> Copy of Bill for each utility for each month paid.
Rental Arrears	Only if necessary to successfully re-house; maximum two (2) months of arrears. <b>Counts against the total months of assistance permitted.</b>	<input type="checkbox"/> Statement or Bill that includes the cost of each month paid.

Expense Category	Permitted Expenditures and Limitations	Required Documentation
Utility Arrears	Only if necessary, to re-house; maximum two (2) months of arrears per utility. Eligible utilities include gas, electricity, water, & trash. <b>Counts against the total months of assistance permitted.</b>	<input type="checkbox"/> Statement or Bill that includes the cost of each month paid.

6.3 Financial Assistance Approach

For one-time costs, such as security deposits, move in expenses and application fees, the ESG-CV program may pay the entire amount.

For rental assistance payments, households with income are expected to contribute *at least* 30% of their adjusted gross income. To make this determination, verification of income will be required.

6.3.1 Bridge Housing track: If a household is determined to be on a **Bridge Housing track** (See 5.1 above) the participant contribution may be set at 30% of adjusted gross income, consistent with many permanent housing subsidy programs, and may continue at 30% of adjusted gross income for the duration of their time in the program.

6.3.1.a. If a participant household on the Bridge Housing track significantly increases their income or demonstrates a likelihood to be able to pay full rent without assistance, they should be reclassified to the Rapid track and financial assistance should be adjusted as specified for the Rapid Track.

6.3.1. b. The program may pay the entire rent on behalf of households that have no income.

6.3.2 Rapid track: If a household is determined to be on **Rapid track** (anticipated to be able to take over the full rent within the time frame of permitted assistance) the amount that the household is expected to contribute will be expected to fluctuate and to grow over time based on the ongoing assessment of the program operator.

6.3.2.a. Households with any income are expected to contribute 30% of adjusted gross income toward their rent from the start of the program and to assume a greater portion of the rent over time. Expectations must be made clear to the participant household and reviewed periodically, and not less than every three months.

6.3.2.b. With supervisor approval, households may be permitted to contribute less toward their rent for a limited period to assist them to cover extraordinary costs. The program may pay the entire rent on behalf of households that have no income.

6.3.2.c. For participants on the Rapid track, programs should use a progressive engagement approach to assistance, offering the least amount of support needed to ensure the participant household remains housed, with the potential to increase financial assistance and services if needed.

#### 6.4. Prohibition on Duplication of Benefits

Financial assistance cannot be provided to a program participant who is receiving any other form of tenant-based rental assistance or to a program participant who has been provided with replacement housing payments under the [Uniform Relocation Act \(URA\)](#) during the period of time covered by the URA payments. Participants should be asked to certify that they are not receiving such assistance. Language to this effect is included in the provided Participation Agreement.

#### 6.5 Recording Financial Assistance

All financial assistance provided must be recorded in HMIS. Supporting documentation must be kept in participant files.

### **7. Supportive Services**

#### 7.1 Services may not be required

Regular ESG funding and other Rapid Rehousing programs typically require that programs assist participants with housing search and housing stability case management. This includes a requirement that a participant meet with a housing stability case manager not less than once per month for the period that they are enrolled. However, under the ESG-CV Notice, Recipients and Subrecipients **may not require** individuals or families experiencing homelessness to receive treatment or perform prerequisite activities as a condition for receiving assistance funded by ESG-CV. This specifically includes any requirement to participate in Housing Stability Case Management.

#### 7.2 Services must be made available

ESG-CV funded Rapid Rehousing in Alameda County must offer and provide, as requested by participants, housing search and placement assistance, case/care management and connections to other services, benefits and supports. These services should be offered regularly, minimally monthly, to participants to ensure they are aware that services are available if they wish to use them.

#### 7.3 Housing Search Assistance

Housing search assistance are those services intended to assist participants in locating, obtaining, and retaining suitable permanent housing. These may include:

- assessment of housing barriers, needs, and preferences;
- development of a plan for locating housing;
- assistance with a housing search or searching on behalf of a participant;
- outreach and negotiations with landlords; and
- assistance with submitting rental applications and understanding leases.
- assessment of housing for compliance with Emergency Solutions Grant (ESG) requirements for habitability, lead-based paint, and rent reasonableness;
- assistance with obtaining utilities and making moving arrangements; and
- tenant counseling.

#### 7.4 Housing Stability Case Management or Care Management

Housing stability case management may include:

- conducting the official evaluation of eligibility and need, including verifying and documenting eligibility
- counseling
- developing, securing, and coordinating services and assistance in obtaining Federal, state and local benefits
- monitoring and evaluating participant progress;
- providing information and referral to other providers;
- developing an individualized housing plan to permanent housing stability, including referrals to and support with submitting applications to affordable housing projects; and
- conducting required reevaluations to determine (i) The program participant does not have an annual income that exceeds 30 percent of median family income for the area, as determined by HUD; and (ii) The program participant lacks sufficient resources and support networks necessary to retain housing without ESG assistance.

Given that ESG-CV is targeted to those at risk from COVID-19 and first priority is for persons participating in Project RoomKey/Safer Ground or a similar program, ESG-CV participants may be already participating in, or eligible for, case or care management through the Alameda County or Berkeley Health Departments and their subcontractors. In these cases, agencies offering housing stability case management may provide services in line with their approved care management approach, provided that the services are voluntary and individualized and include a focus on assisting the participant to stabilize in and retain housing.

#### 7.5 Recording Services

Services that are provided directly to or specifically associated with a participant household must be recorded in HMIS.

Some contractors may be funded to hire specialists to recruit landlords and secure units for a number of participants which are not provided as specific services to any one participant. Such services are not expected to be recorded in HMIS.

Some participants in a Rapid Rehousing program funded by ESG-CV may be offered and receive services paid for by other sources than ESG-CV and offered by organizations other than the ESG-CV provider. Such services should be recorded in the client record for the ESG-CV program if considered part of the ESG-CV program, or under a separate program enrollment.

## **HOUSING RELATED REQUIREMENTS**

### **8. Unit Requirements**

#### **8.1 Rent Reasonableness**

Units rented by participants in an ESG-CV funded Rapid Rehousing program must meet the standard for rent reasonableness. “Rent reasonableness” means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time period for comparable units in the private unassisted market and must not be in excess of rents being charged by the same owner during the same time period for comparable non-luxury unassisted units. See more guidance regarding Rental Reasonableness [HERE](#).

A sample [Rent Reasonableness form](#) is provided in the appendix. Subrecipients may use an alternative rent reasonableness determination form that meets the requirements of the ESG regulations §576.106.

#### **8.2 Checking Against applicable Payment Standards**

The Fair Market Rent (FMR) is a benchmark established by HUD by region. The regular ESG program requires that the rent for units assisted meet *both* standards for rent reasonableness and rent at or below the Fair Market Rent (FMR). ***ESG-CV waives the requirement for use of the FMR.***

However, under the design for ESG-CV to serve in many circumstances as a bridge to a longer subsidy including subsidies provided under the Housing Choice Voucher, is strongly recommended that households expected to receive a long-term subsidy not be assisted to move into units that rent for more than the FMR or the applicable Payment Standard in the jurisdiction in which the unit is located.

Housing Providers must document decisions to rent a unit above the Payment Standard, including either documentation of a plan for the participant to take over the full rent, receive a subsidy that does not require units rent at FMR, or a plan for the tenant to move to another location that the participant has agreed to.

### 8.3 Habitability

8.4.1 Habitability Standard: In order to ensure that ESG funds are used in housing that meets minimum habitability standards, an inspection must be performed on every unit assisted. A description of the standard for permanent housing and a form that can be used to record the results of an inspection can be found [HERE](#).

8.4.2 Lead-based paint remediation and disclosure. The Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations apply to all housing occupied by program participants. More information can be found at the HUD Lead Safe Housing site [HERE](#).

8.4.3. Use of HQS: The ESG Habitability Standards are different from, and generally not as stringent as the Housing Quality Standards (HQS) used for other programs such as CoC Rental Assistance programs (i.e. Shelter Plus Care) and Housing Choice Vouchers. Because some participants in the ESG-CV program are anticipated to receive a HCV, Shelter Plus Care or other potential resources that may require the unit to meet HQS, operators are strongly encouraged to ensure that units either meet HQS initially or can be made to meet HQS prior to the transfer of the subsidy. HQS will be accepted in lieu of Habitability Standards, provided that compliance with Lead Paint Poisoning Act is included.

## **9. Leases and Rental Assistance Agreements**

### 9.1. Leases

Once a unit has been identified and inspected, the housing agency must ensure that the participant/tenant receives a written one year lease or rental agreement from the landlord which clearly outlines the terms of tenancy and conforms with applicable California and local law.

9.1.1 VAWA-Mandated Requirements: Participant leases must include the following provisions in order to comply with the Violence Against Women Act:

*The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy rights of the victim of abuse.*

*The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.*

*The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.*

If the lease does not cover the terms of the Violence Against Women Act then a lease addendum should be executed that covers these requirements. A copy of a [HUD VAWA Lease Addendum](#) can be found here.

9.1.2 Lease Bifurcation: Housing providers may bifurcate leases to evict, remove, or terminate assistance to a household member who engages in domestic-violence-related criminal activity without evicting, removing, or terminating assistance to, or otherwise penalizing, a victim of such criminal activity who is also a tenant or lawful occupant.

Financial assistance shall continue for the family member(s) who are not evicted or removed.

## 9.2 Rental Assistance Agreements

Providers of Rapid Rehousing assistance must ensure that the Landlord to whom payment is being made is apprised of the nature of the program, the anticipated support to the participant, the obligations of the landlord, and the manner in which the landlord may contact the program if there are concerns.

9.2.1 Rental Assistance Agreement Letter: At a minimum, the agency providing financial assistance will provide the landlord with a [Rental Assistance Agreement Letter](#) describing the program and outlining the basic support the participant is anticipated to receive. If using the letter, the landlord must sign the letter and return it to the agency.

9.2.2 Housing Assistance Payment (HAP) or other contract agreement: Agencies may prefer to use a contract or housing assistance payments (HAP) agreement that outlines in greater detail the rights and obligations of the parties. Use of such an agreement is acceptable if it covers all requirements in the ESG regulations §576.1 and this guidance.

## 9.3 Ownership/Tax Document

9.3.1 W-9: In addition, the housing agency shall collect a W-9 from the landlord or property management agency and follow all IRS reporting requirements.

9.3.2 Evidence of ownership: In order to determine that the landlord named on the lease is the legitimate owner of the property, the housing agency will use a database service, such as Realquest, or another manner to verify and document the ownership.



#### 9.4 Documentation

Documentation related to the housing unit that must be kept in the Participant File includes:

1. An original or copy of the Rent Reasonableness/FMR determination
2. An original or copy of the Habitability or HQS inspection.
3. A copy of the Rental Assistance Agreement Letter or Housing Assistance Payment contract.
4. A copy of the tenant's lease, including the VAWA Lease Addendum if not included in lease.
5. Printout from the database used to verify the ownership of the unit.
6. Copy of the W-9 from the landlord. The original W-9 must be given to the program operator's finance division.

### **10. Emergency Transfer Plan**

#### 10.1 Qualifications for Emergency Transfer

A participant qualifies for an emergency transfer if:

1. The participant is a survivor of domestic violence, dating violence, sexual assault or stalking;
2. The participant expressly requests the transfer; *and*
3. Either:
  - a. The participant reasonably believes there is a threat of imminent harm from further violence if the participant remains in the same dwelling unit; or
  - b. If the participant is a survivor of sexual assault, the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

#### 10.2 Emergency Transfer Process

A participant may submit an emergency transfer request directly to program staff. A participant may seek an internal and external emergency transfer, or both at the same time if a safe unit is not immediately available. The program will take reasonable steps to support them in securing a new safe unit as soon as possible and a transfer may not be necessary.

Programs will ensure strict confidentiality measures are in place to prevent disclosure of the location of the participant's new unit to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the participant.

Where a family separates as part of the emergency transfer, the family member(s) receiving the emergency transfer will retain the rental assistance when possible. The program will work with the CoC and the household to support an effective transfer in situations where the program is not a good fit for the family member(s) receiving the emergency transfer.

10.2.1 Internal Transfer: Where the participant requests an internal emergency transfer within the same building or program, the program should take steps to immediately transfer the participant to a safe unit if a unit is available. Requests for internal emergency transfers should receive at least the same priority as the program provides to other types of transfer requests.

If a safe unit is not immediately available, program staff will inform the participant that a unit is not immediately available and explain the options to:

1. Wait for a safe unit to become available for an internal transfer,
2. Request an external emergency transfer, and/or
3. Pursue both an internal and external transfer at the same time in order to transfer to the next available safe unit in the CoC.

10.2.2 External Transfer: If a participant requests an external emergency transfer, the participant has priority over all other applicants, provided the household meets all eligibility criteria required by HUD and the program. After the agency communicates the participant's emergency transfer request, the Coordinated Entry Management Entity will refer the participant to the next available appropriate unit through the Coordinated Assessment System. The household retains their original homeless status for purposes of the transfer.

### 10.3 Documentation and Record Keeping

To request an emergency transfer, the participant should submit a written request to program staff, certifying that they meet the emergency transfer qualification requirements. The program may – but is not required to – request additional documentation of the occurrence for which the participant is requesting an emergency transfer. No other documentation is required.

Programs must retain records of all emergency transfer requests and their outcomes for a period of 5 years following the grant year of the program in which the household was a participant and report them to HUD annually. A model emergency transfer plan can be found [HERE](#).

## **REEVALUATION**

### **11. Reevaluation of Need and of Eligibility**

#### 11.1 Annual Reevaluation

For programs operating with ESG-CV funding that is capped at 12 months of assistance, it is not expected that formal reevaluation will occur during the period in which assistance is provided. Households should be informed from the beginning that assistance is limited to a maximum of

12 months and focus should be placed on identifying a long-term resource or housing strategy for after the program is over.

Annual Reevaluation is required for any participant receiving more than 12 months of assistance. This applies to programs operating with ESG-CV funding covered by an approved Consolidated Plan amendment, waiver or revised Notice of HUD guidance permitting greater than 12 months assistance. The reevaluation must determine:

1. The participant has not received more than the permitted number of months of assistance.
2. The participant's income level is such that there is still a need to provide financial assistance in order to maintain housing stability.
  - a. Income is not greater than 30% of the Area Median Income (AMI)
3. The participant lacks the financial resources or support networks to secure their housing without continued assistance.

Annual reevaluation should be documented, including updated income verification and an updated participation agreement which certifies lack of resources to secure housing without assistance.

#### 11.2 HMIS Update

The annual reevaluation is recorded in HMIS and used to update the participant's HMIS record with current information about housing and income.

#### 11.3 Notification and Update Documents

Once the annual reevaluation of eligibility is completed, the household should be formally notified whether they will continue to receive assistance or not. If continuing to receive assistance, new documents, including an updated Participation Agreement should be prepared and discussed with the participant. If a household is not expected to have the subsidy extended, they should be notified of this determination at the earliest possible time and assisted to develop an alternative housing plan.

#### 11.4 Periodic Reassessment of Need

Alameda County has adopted a more frequent reassessment standard for ESG-funded Rapid Rehousing which includes a review of need and ability to pay every three months during participation. ***This requirement does not apply to participants in the ESG-CV program who are on the Bridge Track.*** However, frequent and ongoing review of the participant's situation and needs should occur throughout the program to determine whether the participant is likely to be able to transition to the Rapid track or off of assistance or will need to be connected to an ongoing subsidy or move to a permanently affordable location such as affordable housing or PSH (Bridge Track).

**PROGRAM TERMINATION, APPEALS AND EXIT****12. Ending Program Participation**

Assistance under this program is intended to be temporary and to help participants secure housing that they can remain in without long-term financial support **or** to successfully bridge to another resource or unit with an ongoing subsidy.

**12.1 No Termination for Lack of Service Participation**

Under ESG-CV participants cannot be required to take part in services. However, they must provide the program with information needed to continue to determine eligibility, and to ensure that the program and the participant remain in good standing with the landlord.

**12.2 Violation of Participation Agreement**

Consistent violations of the Participation Agreement, including failure to provide required information to the Program as needed to continue to determine eligibility, may result in termination. If a program participant is violating the participation agreement, reasonable efforts will be made and documented by staff. Staff will provide written notice to the participant outlining program and/or lease violations and assist the participant to address the issue or correct the violation prior to terminating enrollment. ***Threatening or violent behavior towards staff, any other participant, or any other person connected to the property which they reside may be acted upon immediately.***

**12.3 Written Notice**

If a participant is determined to be in continued or grave violation of the participation agreement, a written Notice of Termination of Assistance will be provided to the program participant containing a clear statement of the reasons for termination, the date on which the termination will become effective, and the process for appealing the decision.

Participants receiving a Notice may request that the decision to terminate participation be reviewed by making a request to the designated supervisor within the agency – following the agency’s grievance policy. This request must be made in writing and must be reviewed within 10 calendar days. A written notice of the final decision will be issued to the participant within 14 calendar days.

A sample [Notification of Termination of ESG-CV Assistance](#) is provided in the Appendix of Forms. Subrecipients may use an alternative Notice of Termination form as long as it covers all of topic areas required under ESG regulations §576.402 and has been approved by the ESG-CV recipient.

#### 12.4 Resuming Assistance

A program may resume assistance to a program participant whose assistance was previously terminated with the approval of the Program Manager, provide that continued assistance does not violate the applicable maximum subsidy period.

#### 12.5 Program Exit

Upon completion of the program, or upon termination prior to completion, all members of the household should be exited from the program in HMIS. At this time, all information including household income, final address and housing status are recorded and updated.

- a. Participants who complete or leave the ESG-CV RRH program having received another permanent housing resource should be recorded as permanently housed with a subsidy.
- b. Participants who complete or leave the ESG-CV RRH program without another resource but still in housing should be recorded as permanently housed without an ongoing subsidy.

### **13. Grievances and Appeals**

#### 13.1 Program Appeals

ESG-CV subrecipients must notify participants of the agency's grievance policy at the time of program enrollment, including providing them with a written copy of the policy and keeping a copy of a signed version of the policy or other notification in the participant file. Housing agencies will follow their agency grievance and appeals process, through to the level of the highest ranking staff member of the agency or as may be otherwise specified in the agency's approved policy and procedures.

#### 13.2 Appeal to Recipient

If there is a grievance specific to the ESG-CV program which has not been resolved through the agency grievance process, ESG program participants may appeal to the local Recipient. Recipients will follow their appeal process.

(Place on letterhead)

**ESG-CV Program Participation Agreement**

(click [here](#) to return to relevant section of the manual)

**The ESG-CV Rapid Rehousing Program** provides time-limited financial assistance and supportive services, if requested, to help households impacted by the COVID-19 pandemic gain housing and remain housed. I understand that this program may provide me with some or all of the following services:

1. Short to medium term financial assistance to support gaining and retaining housing which may include rental deposits, short to medium term rental assistance payments, and other assistance designed to help secure or retain housing.
2. Assistance finding and obtaining rental housing such as assistance getting identification, preparing housing applications, searching for housing, negotiating with landlords and other services.
3. Assistance developing an individualized service plan, and support to achieve my self-determined goals.
4. Referrals and support to apply for benefits for which I or a member of my household may be eligible.
5. Other services related to securing and retaining housing and to participation in services for which I and my household are eligible and wish to use.

I agree to do the following:

1. Provide accurate and honest information regarding myself and my household to the program as needed to determine eligibility.
2. Provide current proof of income when requested.
3. Pay my portion of rent on time every month and *immediately* advise the program if I have any trouble in doing so.
4. Provide any documentation required by the program as it pertains to my rent status or income, my household composition, the status of payments to my landlord, lease violations, or other information as may be needed to continue my participation.
5. Permit home visits and inspections of my housing during my participation in the program. (Advance notice will be provided.)
6. Respond in a timely fashion to offers of alternative and longer-term housing resources or programs.
7. Be contacted for follow-up phone calls about my participation for up to 24 months after I complete the program.

**Certifications: (please initial each line and sign below)**

I certify that I/my household do not have the financial resources or support networks to secure housing without assistance. \_\_\_\_\_

I certify that I/my household are not currently receiving any other tenant-based rental subsidy nor am I/are we being provided with replacement housing payments under the Uniform Relocation Act. \_\_\_\_\_

I have been given a copy of the Grievance Procedure and of the Notice of Occupancy Rights \_\_\_\_\_

I understand that this program is time-limited and will not provide financial assistance for more than the maximum permitted period \_\_\_\_\_

I understand that neither \_\_\_\_\_ (Agency name), \_\_\_\_\_ (Recipient Name) nor any party to the ESG-CV Program is responsible for my rent or for the terms of any lease I may sign. \_\_\_\_\_

I understand that my participation may terminated if I do not follow the terms of this participation agreement. \_\_\_\_\_

Participant Name: \_\_\_\_\_

Other Household Members: \_\_\_\_\_

Participant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Program Specialist Name: \_\_\_\_\_ Agency Name : \_\_\_\_\_

Program Specialist Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Rent Reasonableness and FMR Certification**

(click [here](#) to return to relevant section of the manual)

	PROPOSED UNIT	COMPARISON UNIT #1	COMPARISON UNIT #2	COMPARISON UNIT #3
ADDRESS				
NUMBER OF BEDROOMS				
SQUARE FEET				
TYPE OF UNIT/CONSTRUCTION				
HOUSING CONDITION				
LOCATION/ACCESSIBILITY				
AMENITIES UNIT: SITE: NEIGHBORHOOD:				
AGE IN YEARS				
UTILITIES (TYPE)				
UNIT RENT UTILITY ALLOWANCE GROSS RENT				
HANDICAP ACCESSIBLE?				

A. Comparison with FMR or applicable Payment Standard

$$\underline{\hspace{2cm}} \text{ Proposed Contract Rent} + \underline{\hspace{2cm}} \text{ Utility Allowance} = \underline{\hspace{2cm}} \text{ Proposed Gross Rent}$$

Approved rent [ ] does [ ] does not exceed applicable Payment Standard of \$\_\_\_\_\_.

B. Rent Reasonableness

Based upon a comparison with rents for comparable units, I have determined that the proposed rent for the unit [ ] is [ ] is not reasonable.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Rental Assistance Agreement Letter**

(click [here](#) to return to relevant section of the manual)

(date)

(landlord address)

\_\_\_\_\_ (Participant Name) has been approved to receive temporary financial assistance through the Emergency Solutions Grant- CV program. The program is designed to help the participant secure and retain housing and be a successful tenant. Our agency will maintain regular contact during their time in the program to assist them with any problems related to their housing or tenancy. The program does not, however, assume any responsibility for the tenant’s rent or for compliance with the lease. The tenant is fully responsible for complying with the terms of the lease he/she/they have with you.

The person named above has been approved for assistance with (check all that apply):

- A rental deposit in the amount of \$ \_\_\_\_\_
- A monthly rental subsidy in the amount of \$ \_\_\_\_\_ (currently approved until \_\_\_\_\_ date. This subsidy may be extended at the program’s discretion)

All other payments under the terms of the lease are the responsibility of the tenant.

[Name of Housing Agency] \_\_\_\_\_, will provide the above housing assistance payments to you beginning \_\_\_\_\_ [date]. By signing below, you agree to apply all payments you receive on the tenant’s behalf toward the specified housing-related costs on the check. The termination of housing assistance payments shall not affect the household's other rights under the lease.

The tenant is required to notify us if he or she moves; however, if you ever receive a subsidy check for a tenant who has moved, it is your responsibility to return the check to us. Financial assistance from this program can only be used toward the housing-related costs of the tenant named above while he/she/they reside in your housing. You also must notify us if during the term of this agreement you notify the tenant to vacate or if you lodge any complaint under state or local law to commence an eviction.

You are welcome to contact me if you have any questions or concerns regarding the program. [ Name, title at XXX XXX-XXXX or housing specialist @ agency.org]. Thank you for working with us.

Sincerely,

**I have read this agreement and I agree to accept payments on behalf of the tenant listed above as described in this letter. I have provided a W-9 form to the agency.**

Property Owner/Property Manager Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Notification of Termination of ESG-CV Assistance**

(click [here](#) to return to relevant section of the manual)

You/your household has violated the terms of your ESG-CV Participation Agreement, signed by \_\_\_\_\_ on \_\_\_\_\_ (date.) The program violation(s) consist of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The program is hereby advising you that as of \_\_\_/\_\_\_/\_\_\_\_\_ no further financial assistance will be provided to you/your household.

**You/your household will be solely responsible for covering all housing and utility costs as of that date, per the terms of your lease with your landlord.**

\_\_\_\_\_ (staff signature)

\_\_\_\_\_ (date)

I have reviewed and authorized this notification:

\_\_\_\_\_ (Supervisor signature)

\_\_\_\_\_ (date)

**Procedure for due process:** If you disagree with this determination, you may request a review of this decision within 10 days of the date of this notice by making a request **in writing\*** to:

{job title}

{Address}

{Address}

The {job title} will review your request and may investigate your claims, ask to interview you, members of your household, your landlord, or call a hearing with yourself, agency staff, and any others that may be needed to review this decision. The {job title} must review your request and make a final determination within 14 calendar days. A written notice of the final decision will be provided to you.

*\*Reasonable accommodation: If you are unable to prepare a request in writing due to a disability and need a reasonable accommodation, you may request a specific accommodation, such as assistance in preparing the request, from the program manager or another staff member.*

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
&  
REQUEST FOR COMMENTS ON THE CITY'S ANNUAL ACTION PLAN**

The Health, Housing, and Community Services Department (HHCS) will conduct a Public Hearing addressing the proposed **Annual Action Plan for Program Year (PY) 2023** (July 1, 2023 – June 30, 2024) which includes recommended allocations of Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Program (HOME) funds.

The hearing will be held on **Tuesday, May 9, 2023, at 6:00 P.M.** The hearing will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person. The in-person meeting will be held at the **Berkeley Unified School District Board Room - 1231 Addison Street, Berkeley, CA 94702.**

A copy of the agenda material for this hearing will be available on the City Council agenda webpage at <https://berkeleyca.gov/your-government/city-council/city-council-agendas> in advance of the meeting. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology. You may also attend virtually, at the teleconference location: 1404 Le Roy Avenue, Berkeley 94708.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Providing at least three working days' notice will help to ensure availability at the meeting.

The proposed **PY 2023 Annual Action Plan** required by the U.S. Department of Housing and Urban Development (HUD), outlines the City's housing and community development program for the period July 1, 2023 through June 30, 2024. The plan also outlines the proposed use of the estimated \$3,361,202 in **Community Development Block Grant (CDBG)** funds available for housing related activities, improvement of public facilities, public services, and planning and administration. In addition, the plan outlines the proposed use of \$232,452, the majority of which is used for rapid re-housing financial assistance, outreach and/or shelter for people who are homeless in Berkeley under the **Emergency Solutions Grant (ESG)**, and the use of an estimated \$749,633 in **HOME Investment Partnerships Program (HOME)** funds for affordable housing development and rehabilitation.

**PUBLIC COMMENT PERIOD:** The public also has from April 7, 2023 through May 9, 2023 to submit written comments on the PY2023 Annual Action Plan. **A draft of the Plan will be available for public review** on the web at <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>.

Physical copies of the public comment draft will be made available at the following locations:

- Berkeley Main Library: Reference Desk, on the 2nd Floor, 2090 Kittredge Street, Berkeley; and
- Health, Housing, and Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley.

**All written comments must be either sent by email to both [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) AND [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov), or by letter, or other legible written form, to Health, Housing, and Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley, and received no later than May 9, 2023, at 5:00 p.m.**

For residents and groups that would like assistance in translating this report into another language, please contact HHCS at (510) 981-5400 or [HHCS@berkeleyca.gov](mailto:HHCS@berkeleyca.gov).

For general information, please contact Joshua Oehler (phone: (510) 981-5408 or email: [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov)) at HHCS 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704.

El Departamento de Servicios de Salud, Vivienda y Servicios Comunitarios llevará a cabo una audiencia pública para tratar el **Plan de Acción Anual para el Año (PY) 2023** (1 de julio de 2023 a 30 de junio de 2024), el cual incluye las asignaciones recomendadas de fondos de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant-CDBG), Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG) y la beca HOME.

La audiencia se llevará a cabo el **martes, 9 de mayo de 2023 a las 6:00 P.M.** La audiencia está programada en forma presencial y virtual (modalidad híbrida). Para aquellas personas que asistan presencialmente mascarillas que cubran nariz y boca son recomendadas. Si se está sintiendo enfermo por favor no venga a la audiencia. La audiencia presencial se llevará a cabo en el **Berkeley Unified School District Board Room** localizado en **1231 Calle Addison, Berkeley, CA 94702.**

Una copia de la agenda para esta audiencia estará disponible en la página electrónica <https://berkeleyca.gov/your-government/city-council/city-council-agendas> antes de la audiencia. **Una vez que la agenda sea publicada, esta incluirá un enlace (link) para la participación pública usando la tecnología de Zoom.**

Para solicitar adaptación especial debido a una discapacidad por favor contactarse con el Especialista de Servicios para Discapacitados al 510.981.6342 o al (TDD) 510.981.6345. Por favor contactarse con el especialista por lo menos 3 días antes de la junta para asegurar que su pedido sea atendido.

El **Plan de Acción Anual PY 2023** que cubre el período a partir del 1ro de julio de 2023 hasta el 30 de junio de 2024 es un requisito del Departamento de Vivienda y Desarrollo Urbano de los E.E. U.U. (HUD por sus siglas en inglés) y resume los programas de vivienda y desarrollo comunitario. El plan también enumera la distribución de aproximadamente \$3,361,202 que la Ciudad recibirá por medio de la de la Beca de Desarrollo del Bloque Comunitario (Community Development Block Grant - CDBG) para financiar programas de vivienda, mejoras de infraestructura de edificios públicos, servicios públicos y la administración y planificación de los mismos. Además, el plan también explica el uso propuesto de aproximadamente \$232,452 que en su gran mayoría será usado para la relocalización rápida de vivienda dando ayuda financiera, información y/o refugio a las personas desamparadas de Berkeley, estos fondos son parte de la Beca de Soluciones de Emergencia (Emergency Solutions Grant - ESG). También explica cómo se usarán los fondos de la Beca HOME, aproximadamente \$749,633 que se usarán para el desarrollo y rehabilitación de viviendas.

**PERIODO DE COMENTARIO PÚBLICO:** A partir del 7 de abril de 2023 hasta el 9 de mayo de 2023, el público podrá presentar comentarios por escrito sobre el Plan de Acción Anual PY 2023. Un borrador del **Plan está disponible al público** en el Internet en la página electrónica <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>.

Copias impresas del borrador estarán disponibles en los siguientes lugares:

- En el escritorio de referencia de la Biblioteca Pública de Berkeley localizada en Calle Kittredge 2090, y
- En el escritorio de recepción del Departamento de Salud, Vivienda y Servicios Comunitarios de la ciudad de Berkeley localizado en la Calle Milvia 2180, 2do Piso,

**Cualquier comentario escrito tiene que ser enviado a [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) Y [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov) o enviarlos por correo regular al Health, Housing & Community Services Department, 2180 Milvia Street, 2nd Floor, Berkeley, CA 94704. Todos los comentarios deben ser recibidos antes o a más tardar el 9 de mayo de 2023 hasta las 5:00 p.m.**

Residentes y grupos que necesiten servicios de interpretación o traducción en otro idioma por favor contactarse con el Departamento de Salud, Vivienda y Servicios Comunitarios al 510.981.5400 o por correo electrónico a [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info)

Para información general, por favor contactarse con Joshua Oehler al 510.981.5408, por correo electrónico a [JOehler@berkeleyca.gov](mailto:JOehler@berkeleyca.gov) o por correo regular enviando sus comentarios a HHCS 2180 Milvia Street, 2nd Floor, Berkeley, CA 94704.

伯克萊市  
公眾視訊聽證會通知  
及  
計劃評論徵求  
關於市政府的年度行動之綜合計劃書

伯克萊市房屋及社區服務部門(HHCS)將提出公開聽證會針對市政府的 **2023 服務行動計劃年度 (PY2023) (07/01/2023-06/30/2024) 行動之綜合計劃書**。伯克萊市政府將邀請公眾人士對伯克萊市政府的年度行動之綜合計劃書加以檢討及評論。該計劃書將提出對於社區發展經費 (CDBG)，緊急解決方案撥款 (ESG) 和房屋投資合作計劃 (HOME) 的資金分配建議。

此次聽證會將在 2023 年 5 月 9 日，星期二，下午 6:00 舉行。此次聽證會將以現場出席和虛擬參與的混合模式進行。對於現場與會者，我們鼓勵大家佩戴面罩或同時遮住鼻子和嘴巴的口罩。如果您身體不適，請不要親自出席會議。面對面會議將在伯克利聯合學區董事會會議室 - 1231 Addison Street, Berkeley, CA 94702 舉行。

本次聽證會的議程材料副本將在會議召開前在市議會議程網頁 <https://berkeleyca.gov/your-government/city-council/city-council-agendas> 上提供。一旦發布，本次會議的議程將包括一個使用 Zoom 視頻技術的公眾參與鏈接。您也可以電話會議地點, 1404 Le Roy Avenue, Berkeley 94708 虛擬參加。

**市政府將根據要求提供視聽支持。**如果您需要有關於殘障人士的技術協助，包括輔助工具或服務，請至少在會議開始前三個工作日致電(510) 981-6342 (V) 或 (510)981-6345 (TDD) 與殘疾服務專員聯繫。如能在會議日期前三個工作日發出技術協助通知，我們將盡力確保您毫無困難地參加會議。

此 PY 2023 服務行動計劃年度之綜合計劃書擬議計劃是根據住房和城市發展部門 (HUD) 財務資助接受者所提出的流程。此計劃書概述了伯克萊市政府的城市住房和社區發展計劃。該計劃書有效運轉期為 2023 年 7 月 1 日至 2024 年 6 月 30 日。該計劃還概述了在**社區發展經費 (CDBG)** 中分配的 \$3,361,202 美元 (估計)，用於與住房有關的活動，公共設施的改善，公共服務以及規劃和管理。此外，該計劃還概述了大約 \$232,452 美元 (估計) 的擬議用途，其中大部分用於根據**緊急解決方案撥款 (ESG)** 為伯克利無家可歸者提供快速重新安置的財政援助，外展和/或庇護，以及動用約 \$749,633 美元 (估計) 的 **HOME** 資金用於經濟適用房的開發和修復。

**公共評論期：**公眾可以在 2023 年 4 月 7 日至 2023 年 5 月 9 日之間提交書面評論。該計劃的草案可在以下網站上進行公開審查：

<https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

公眾意見草案的紙質副本將在以下地址提供：

- 伯克利主圖書館：2090 Kittredge Street, Berkeley 諮詢台，二樓
- 伯克萊市房屋及社區服務部門(HHCS)：2180 Milvia Street, Berkeley，二樓

所有書面評論必須通過電子郵件同時發送至 [JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info) 和 [SFCPDMail@hud.gov](mailto:SFCPDMail@hud.gov)，或通過信件或其他清晰的書面形式發送至伯克萊市房屋及社區服務部門 (HHCS)，2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley，並於 2023 年 5 月 9 日下午 5:00 之前收到這種類型的書面交流。

對於需要幫助將本報告翻譯成另一種語言的居民和團體，請致電 (510) 981-5400 或發送電子郵件至 [HHCS@cityofberkeley.info](mailto:HHCS@cityofberkeley.info) 聯繫 HHCS 以獲得技術支持。

請僅在需要更多有關此主題信息時，聯繫伯克萊市房屋及社區服務部門的 Joshua Oehler 先生(電郵：[JOehler@cityofberkeley.info](mailto:JOehler@cityofberkeley.info))，地址: 2180 Milvia St., 2nd Floor, Berkeley, CA 94704。





Office of the City Manager

ACTION CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Aram Kouyoumdjian, Director of Human Resources

Subject: Resolution of Intention to Amend the Miscellaneous CalPERS Contract to Effectuate PEPRA Cost Sharing Agreements

RECOMMENDATION

1. Adopt the Resolution of Intention to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code Section 20516 to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.
2. Adopt first reading of an Ordinance amending the City's contract with CalPERS to effectuate changes to the cost sharing agreement between the City and PEPRA members of Service Employees International Union, Local 1021 Maintenance and Clerical (SEIU MC), SEIU Local 1021 Community Services & Part-Time Recreation Leaders Association (CSU/PTRLA), Public Employees Union Local 1 (Local 1), and the Unrepresented Employees group.

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing the FY 2021-22 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

FISCAL IMPACTS OF RECOMMENDATION

The terms of the new MOU PEPRA ramp down are as follows:

SEIU MC and the Unrepresented Employees group:

- FY 2023-24: 1% reduction of cost share for a total of 5%, effective July 9, 2023
- FY 2024-25: 2% reduction of cost share for a total of 3%, effective July 7, 2024
- FY 2025-26: 2% reduction of cost share for a total of 1%, effective July 6, 2025
- FY 2026-27: 1% reduction of cost share for a total of 0%, effective July 5, 2026

There are approximately 237 PEPRA employees in SEIU MC affected by this resolution.

There are approximately 74 unrepresented PEPRA employees affected by this resolution.

Funding for the ramp down comes from the General Fund and other special revenue funds. The applicable cost was included in the fiscal year 2023 budget and will be included in the budgets for fiscal years through 2027.

SEIU CSU/PTRLA and Local 1:

- FY 2023-24: 1% reduction of cost share for a total of 0%, effective July 9, 2023

There are approximately 228 PEPRA employees in SEIU CSU/PTRLA affected by this resolution.

There are approximately 78 PEPRA employees in Local 1 affected by this resolution.

Funding for the ramp down comes from the General Fund and other special revenue funds. This applicable cost was included in the fiscal year 2022 budget and will be included in the budgets for fiscal years through 2024.

#### CURRENT SITUATION AND ITS EFFECTS

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing the FY 2023-24 amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration. (See Cal. Gov. Code § 20516.) The contract amendment process includes the following steps:

- The City shall provide CalPERS with the Resolution and a cover letter indicating the exact percentage of change, total cost-share percentage, and who it is applicable to – completed March 15, 2023;
- CalPERS will contact the City to establish the Anticipated Schedule of Agency Actions and send the required documents;
- Over a time period specified by CalPERS, the City will:
  - Conduct an employee election whereby a simple majority of the affected PEPRA members in the Unrepresented group must vote in favor of the proposed cost-share terms – completed in December 2021;
  - The City shall adopt a Resolution of Intention;
  - The City shall approve the final reading of an ordinance or final resolution and complete certification forms.
- Once the documents are received and approved, the contract amendment becomes effective and is updated with the effective date in MyCalPERS.
- CalPERS sends a fully executed contract to the City.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Council adopted Resolution #70,156 N.S. at its December 14, 2021 meeting authorizing an amendment to the City's CalPERS Miscellaneous contract. Council must now pass another Resolution of Intention to approve the FY 2023-24 contract amendment between the City and the Public Employees' Retirement System Board of Administration.

ALTERNATIVE ACTIONS CONSIDERED

None. The City is obligated under the existing labor agreements to complete the ramp downs in accordance with the MOUs.

CONTACT PERSON

Aram Kouyoumdjian, Director of Human Resources, (510) 981-6807.

Attachments:

- 1: Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of California Public Employees' Retirement System and the City Council of the City of Berkeley  
**Exhibit A:** Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Berkeley
- 2: Ordinance of the City Council of the City of Berkeley Authorizing an Amendment to the Contract Between the City Council of the City of Berkeley and the Board of Administration of the California Public Employees' Retirement System  
**Exhibit A:** Amendment to Contract Between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Berkeley
- 3: CalPERS Resolution of Intention
- 4: CalPERS Certification of Governing Body's Action
- 5: CalPERS Certification of Compliance with Government Code Section 7507
- 6: CalPERS Certificate of Compliance with Government Code Section 20516

RESOLUTION NO. XX,XXX

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF BERKELEY

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change: To provide, pursuant to Section 20516 (Employees Sharing Additional Cost), for a reduction of 1% for new local miscellaneous members in the Unrepresented Employees group; the Service Employees International Union Local 1021 Maintenance and Clerical chapters; the Service Employees International Union Local 1021 Community Services & Part-Time Recreation Leaders Association chapter; and the Public Employees Union Local 1.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an exhibit and by this reference made a part hereof.



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

**Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Berkeley**

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective March 1, 1942, and witnessed January 30, 1942, and as amended effective September 1, 1947, April 1, 1949, January 1, 1952, May 1, 1954, March 1, 1956, August 1, 1959, November 1, 1961, June 29, 1962, December 1, 1962, April 1, 1963, August 1, 1963, October 1, 1964, October 16, 1965, November 16, 1968, March 1, 1973, December 16, 1973, December 1, 1974, July 22, 1976, May 25, 1978, July 9, 1978, January 2, 1983, October 28, 1983, July 18, 1986, June 26, 1988, June 30, 1992, November 28, 1996, October 15, 1998, November 6, 1998, April 9, 1999, April 14, 2000, July 14, 2000, December 22, 2000, July 7, 2002, January 5, 2003, June 13, 2003, December 28, 2012, July 3, 2016, November 6, 2016, January 1, 2017, December 31, 2017, April 17, 2022, and July 24, 2022, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective July 24, 2022, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local fire members and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, age 55 for classic local police members entering membership for the first time in the police classification after December 28, 2012, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after March 1, 1942, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

- a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

- a. **PERSONS EMPLOYED JUNE 1, 1962, OR THEREAFTER IN THE FOLLOWING CLASSES IN THE RECREATION AND PARKS LIBRARY, AND FINANCE DEPARTMENTS:**

**ASSISTANT CAMP UTILITY MAN  
CAMP CLERK  
CAMP COUNSELOR  
CAMP NURSE  
CAMP SUPERVISOR  
CAMP UTILITY MAN  
CAMP RECREATION LEADER**

**COOK'S AIDE  
CHIEF COOK  
FIRST ASSISTANT COOK  
KITCHEN HELPER  
SECOND ASSISTANT COOK**

**DINING ROOM HELPER  
DINING ROOM SUPERVISOR**

**FIELD APPRAISER**

**LIBRARY PAGE I  
LIBRARY PAGE II**

**LIFEGUARD**

**ASSISTANT PLAYGROUND LEADER  
PLAYGROUND LEADER  
PLAYGROUND LEADER TRAINEE  
SENIOR PLAYGROUND LEADER**

**SPECIAL ACTIVITY LEADER;**

- b. **PERSONS EMPLOYED APRIL 1, 1963, OR THEREAFTER AS POLICE TRAINEES;**

- c. **PHYSICIANS EMPLOYED AFTER AUGUST 1, 1963, CLASSIFIED AS "PHYSICIANS" IN THE CITY'S POSITION ORDINANCE AS THAT ORDINANCE EXISTED ON AUGUST 1, 1963;**
  - d. **PERSONS COMPENSATED ON AN HOURLY BASIS WHO ENTER EMPLOYMENT WITH PUBLIC AGENCY ON OCTOBER 16, 1965, OR THEREAFTER; AND**
  - e. **EMPLOYEES WHO FIRST ENTERED PUBLIC AGENCY SERVICE PRIOR TO JANUARY 26, 1973, IN AN EMPLOYMENT IN WHICH THEY WERE ELIGIBLE FOR MEMBERSHIP IN ANY ONE OF THE PUBLIC AGENCY'S RETIREMENT SYSTEMS FOR SAFETY MEMBERS, AND WHO HAVE NOT EXECUTED AND FILED WITH THE PUBLIC AGENCY A WAIVER OF RIGHTS UNDER THE LOCAL SYSTEM DURING THE PERIOD PRESCRIBED, SUCH EXCLUSION SHALL APPLY WHETHER OR NOT THE EMPLOYEE REENTERS SERVICE OF THE PUBLIC AGENCY THEREAFTER.**
6. Those safety members in the local retirement system employed by Public Agency and who did not waive their rights under said local system were provided another opportunity to execute and file a waiver on or before October 28, 1983.
7. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Berkeley Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Berkeley Redevelopment Agency, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of August 1, 1977. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Berkeley Redevelopment Agency. Legislation repealed said Section effective January 1, 1988.
9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after January 5, 2003, shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).



10. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after January 5, 2003, shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time in the police classification after December 28, 2012, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - c. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
  - d. Section 21222.1 (One-Time 5% Increase - 1970) for local miscellaneous members only. Legislation repealed said Section effective January 1, 1980.

- e. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
- f. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members, classic local fire members and for those classic local police members entering membership on or prior to December 28, 2012.
- g. Section 20965 (Credit for Unused Sick Leave).
- h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
- j. Section 21024 (Military Service Credit as Public Service).
- k. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- l. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local fire members only.
- m. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after December 28, 2012.
- n. Section 20516 (Employees Sharing Additional Cost):
  - From and after July 3, 2016, 1.25% for local miscellaneous members in the International Brotherhood of Electrical Workers Local 1245.
  - From and after November 6, 2016, 8% for classic local miscellaneous members in the Public Employees Union Local 1.
  - From and after November 6, 2016, and until April 17, 2022, 8% for new local miscellaneous members in the Public Employees Union Local 1.
  - From and after January 1, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after January 1, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Public Employees Union Local 1.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Unrepresented Employees group.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Public Employees Union Local 1.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Unrepresented Employees group.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Unrepresented Employees group.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

- 19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BERKELEY

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

ORDINANCE NO. #, ### N.S.

AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF BERKELEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1.

That an amendment to the contract between the City Council of the City of Berkeley and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

Section 2.

The Mayor of the City of Berkeley City Council is hereby authorized, empowered, and directed to execute said amendment for, and on behalf of, said Agency.

Section 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



**EXHIBIT**

California  
Public Employees' Retirement System

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**AMENDMENT TO CONTRACT**

**Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Berkeley**

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective March 1, 1942, and witnessed January 30, 1942, and as amended effective September 1, 1947, April 1, 1949, January 1, 1952, May 1, 1954, March 1, 1956, August 1, 1959, November 1, 1961, June 29, 1962, December 1, 1962, April 1, 1963, August 1, 1963, October 1, 1964, October 16, 1965, November 16, 1968, March 1, 1973, December 16, 1973, December 1, 1974, July 22, 1976, May 25, 1978, July 9, 1978, January 2, 1983, October 28, 1983, July 18, 1986, June 26, 1988, June 30, 1992, November 28, 1996, October 15, 1998, November 6, 1998, April 9, 1999, April 14, 2000, July 14, 2000, December 22, 2000, July 7, 2002, January 5, 2003, June 13, 2003, December 28, 2012, July 3, 2016, November 6, 2016, January 1, 2017, December 31, 2017, April 17, 2022, and July 24, 2022, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 20 are hereby stricken from said contract as executed effective July 24, 2022, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local fire members and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, age 55 for classic local police members entering membership for the first time in the police classification after December 28, 2012, and age 57 for new local safety members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after March 1, 1942, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:



- a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

- a. **PERSONS EMPLOYED JUNE 1, 1962, OR THEREAFTER IN THE FOLLOWING CLASSES IN THE RECREATION AND PARKS LIBRARY, AND FINANCE DEPARTMENTS:**

**ASSISTANT CAMP UTILITY MAN  
CAMP CLERK  
CAMP COUNSELOR  
CAMP NURSE  
CAMP SUPERVISOR  
CAMP UTILITY MAN  
CAMP RECREATION LEADER**

**COOK'S AIDE  
CHIEF COOK  
FIRST ASSISTANT COOK  
KITCHEN HELPER  
SECOND ASSISTANT COOK**

**DINING ROOM HELPER  
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**LIFEGUARD**

**ASSISTANT PLAYGROUND LEADER  
PLAYGROUND LEADER  
PLAYGROUND LEADER TRAINEE  
SENIOR PLAYGROUND LEADER**

**SPECIAL ACTIVITY LEADER;**

- b. **PERSONS EMPLOYED APRIL 1, 1963, OR THEREAFTER AS POLICE TRAINEES;**

- c. **PHYSICIANS EMPLOYED AFTER AUGUST 1, 1963, CLASSIFIED AS "PHYSICIANS" IN THE CITY'S POSITION ORDINANCE AS THAT ORDINANCE EXISTED ON AUGUST 1, 1963;**
  - d. **PERSONS COMPENSATED ON AN HOURLY BASIS WHO ENTER EMPLOYMENT WITH PUBLIC AGENCY ON OCTOBER 16, 1965, OR THEREAFTER; AND**
  - e. **EMPLOYEES WHO FIRST ENTERED PUBLIC AGENCY SERVICE PRIOR TO JANUARY 26, 1973, IN AN EMPLOYMENT IN WHICH THEY WERE ELIGIBLE FOR MEMBERSHIP IN ANY ONE OF THE PUBLIC AGENCY'S RETIREMENT SYSTEMS FOR SAFETY MEMBERS, AND WHO HAVE NOT EXECUTED AND FILED WITH THE PUBLIC AGENCY A WAIVER OF RIGHTS UNDER THE LOCAL SYSTEM DURING THE PERIOD PRESCRIBED, SUCH EXCLUSION SHALL APPLY WHETHER OR NOT THE EMPLOYEE REENTERS SERVICE OF THE PUBLIC AGENCY THEREAFTER.**
6. Those safety members in the local retirement system employed by Public Agency and who did not waive their rights under said local system were provided another opportunity to execute and file a waiver on or before October 28, 1983.
7. Assets heretofore accumulated with respect to members in the local retirement system have been transferred to the Public Employees' Retirement System and applied against the liability for prior service incurred thereunder. That portion of the assets so transferred which represent the accumulated contributions (plus interest thereof) required of the employees under said local system has been credited to the individual membership account of each such employee under the Public Employees' Retirement System.
8. Public Agency and the Berkeley Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the Berkeley Redevelopment Agency, pursuant to Section 20567.6 of the Government Code. Such merger is effective as of August 1, 1977. Public Agency, by this contract, assumes the assets and liabilities accumulated under the former contract of the Berkeley Redevelopment Agency. Legislation repealed said Section effective January 1, 1988.
9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after January 5, 2003, shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).

10. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after January 5, 2003, shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after January 5, 1957, the effective date of Social Security coverage, and prior to December 31, 1982, termination of Social Security, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).
12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member and for those classic local police members entering membership in the police classification on or prior to December 28, 2012, shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time in the police classification after December 28, 2012, shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21573 (Third Level of 1959 Survivor Benefits) for local miscellaneous members only.
  - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).
  - c. Section 21536 (Local System Service Credit Included in Basic Death Benefit).
  - d. Section 21222.1 (One-Time 5% Increase - 1970) for local miscellaneous members only. Legislation repealed said Section effective January 1, 1980.

- e. Section 21222.2 (One-Time 5% Increase - 1971). Legislation repealed said Section effective January 1, 1980.
- f. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members, classic local fire members and for those classic local police members entering membership on or prior to December 28, 2012.
- g. Section 20965 (Credit for Unused Sick Leave).
- h. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members only.
- i. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local police members only.
- j. Section 21024 (Military Service Credit as Public Service).
- k. Section 21023.5 (Public Service Credit for Peace Corps, AmeriCorps VISTA, or AmeriCorps Service).
- l. Section 21574.5 (Indexed Level of 1959 Survivor Benefits) for local fire members only.
- m. Section 20475 (Different Level of Benefits): Section 21363.1 (3% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time with this agency in the police classification after December 28, 2012.
- n. Section 20516 (Employees Sharing Additional Cost):
  - From and after July 3, 2016, 1.25% for local miscellaneous members in the International Brotherhood of Electrical Workers Local 1245.
  - From and after November 6, 2016, 8% for classic local miscellaneous members in the Public Employees Union Local 1.
  - From and after November 6, 2016, and until April 17, 2022, 8% for new local miscellaneous members in the Public Employees Union Local 1.
  - From and after January 1, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after January 1, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Unrepresented Employees group.

From and after December 31, 2017, 8% for classic local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after December 31, 2017, and until April 17, 2022, 8% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Public Employees Union Local 1.

From and after April 17, 2022, and until July 24, 2022, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Unrepresented Employees group.

From and after April 17, 2022, and until July 24, 2022, 7% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Public Employees Union Local 1.

From and after July 24, 2022, and until the effective date of this amendment to contract, 1% for new local miscellaneous members in the Service Employees International Union Local 1021 - Community Services & Part-Time Recreation Leaders Association.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Unrepresented Employees group.

From and after July 24, 2022, and until the effective date of this amendment to contract, 6% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Unrepresented Employees group.

From and after the effective date of this amendment to contract, 5% for new local miscellaneous members in the Service Employees International Union Local 1021 - Maintenance and Clerical Chapters.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

- 19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
- 20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF BERKELEY

BY \_\_\_\_\_  
MELODY BENAVIDES, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

PLEASE DO NOT SIGN "EXHIBIT ONLY"

PLEASE DO NOT SIGN "EXHIBIT ONLY"

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**RESOLUTION OF INTENTION  
TO APPROVE AN AMENDMENT TO CONTRACT  
BETWEEN THE  
BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE  
CITY COUNCIL  
CITY OF BERKELEY**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of a reduction of 1% for new local miscellaneous members in the Public Employees Union Local 1, Service Employees International Union Local 1021 - Community Service & Part-Time Recreation Leaders Association, Service Employees International Union Local 1021 - Maintenance and Clerical Chapters, and the Unrepresented Employees group.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date adopted and approved  
(Amendment)  
CON-302 (Rev. 3/9/2016 rc)





California Public Employees' Retirement System  
Financial Office | Pension Contracts and Prefunding Programs Division  
P.O. Box 942703, Sacramento, CA 94229-2703  
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

**Certification of Governing Body's Action**

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the  
**City Council** \_\_\_\_\_ of the

(governing body)

**City of Berkeley** \_\_\_\_\_

(public agency)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title



California Public Employees' Retirement System  
Financial Office | Pension Contracts and Prefunding Programs Division  
P.O. Box 942703, Sacramento, CA 94229-2703  
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

**Certification of Compliance with  
Government Code Section 7507**

I hereby certify that in accordance with Government Code section 7507, the future annual costs as determined by the California Public Employees' Retirement System for the increase or change in retirement benefit(s) have been made public at a public meeting of the \_\_\_\_\_ of the \_\_\_\_\_

(governing body)

(public agency)

on \_\_\_\_\_ which is at least two weeks prior to the adoption of the Resolution /  
(date)

Ordinance. Adoption of the retirement benefit increase or change will not be placed on the consent calendar.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

Date \_\_\_\_\_



California Public Employees' Retirement System  
Financial Office | Pension Contracts and Prefunding Programs Division  
P.O. Box 942703, Sacramento, CA 94229-2703  
888 CalPERS (or 888-225-7377) | TTY: (877) 249-7442 | www.calpers.ca.gov

**Certification of Compliance with  
Government Code Section 20516**

I hereby certify that in accordance with Government Code section 20516 the City of Berkeley  
and its new local miscellaneous employees have agreed in writing to the following:

Section 20516 (Employees Sharing Additional Cost) of a reduction of 1%  
for new local miscellaneous members in the Public Employees Union  
Local 1, Service Employees International Union Local 1021 - Community  
Service & Part-Time Recreation Leaders Association, Service Employees  
International Union Local 1021 - Maintenance and Clerical Chapters, and  
the Unrepresented Employees group.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date





Office of the City Manager

INFORMATION CALENDAR  
MAY 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Henry Oyekanmi, Director, Finance Department  
 Subject: FY 2023 Second Quarter Investment Report: Ended December 31, 2022

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended December 31, 2022 was 2.39%, 41 basis points more than the 1.98% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The return on pooled investments of 2.39% for the quarter ended December 31, 2022 was 56 basis points more than the rate of 1.83% earned in the quarter ended September 30, 2022.
- The average return on all Retiree Medical Trust Fund investments was 4.25% for the quarter ended December 31, 2022.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of quarterly reports for fiscal year 2023 Second Quarter ending December 31, 2022 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

**A. Portfolio Results**

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is generally shorter than most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

1. Liquidity of Portfolio:

The average investment in the pooled portfolio matures in 1,323 days as of December 31, 2022. This is 14 days less than the 1,337 maturity days as of September 30, 2022.

2. Comparison of Results to Performance Measures – Pooled investments: Quarter Ended December 31, 2022

The City's yield on investments for the quarter ended December 31, 2022 was 2.39%, an increase of 56 basis points (.56%) from the 1.83 earned during the quarter ended September 30, 2022. The average yield on a 90-day Treasury bill at the end of the quarter ended December 31, 2022 was 4.34%, an increase of 109 basis points (1.09%) from the 3.25% at the end of the previous quarter, as a result of the Fed raising the Federal Funds rate by .75% in November 2022 and .50% in December 2022.

As summarized in Table 1, staff's overall results were above the performance measure for the quarter by 41 basis points. Staff's performance was above the performance measure in October by approximately 45 basis points (+.45%); over the performance measure in November by approximately 41 basis points (+.41%); and, was over the performance measure in December by approximately 37 basis points (+.37%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

**Table 1**

<b>For Quarter Ending December 31, 2022</b>			
<b>Period</b>	<b>City</b>	<b>State LAIF</b>	<b>Difference</b>
Oct-22	2.22%	1.77%	+0.45%
Nov-22	2.42%	2.01%	+0.41%
Dec-22	2.54%	2.17%	+0.37%
Oct 1-Dec 31	2.39%	1.98%	0.41%

3. Investment Results-Retiree Health Insurance Funds:

Average interest rates earned on the retiree health insurance trust funds for the quarter ended December 31, 2022 compared to the quarter ended September 30 2022, were as follows:

**Table 2**

<b>EARNED INTEREST RATES</b>		
<b>For Quarter Ended 12/31/2022 Compared To 9/30/2022</b>		
<b>Trust Fund</b>	<b>2nd Qtr 12/31/22</b>	<b>1st Qtr 09/30/22</b>
Retiree Medical Trust Fund (Misc Employees)	5.18%	4.78%
Fire Retiree Medical Trust Fund	3.96%	3.92%
Police Retiree Medical Trust Fund	3.61%	3.58%

The rates earned on these plans are expected to be higher in the future, as staff plans to use the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

**B. Discussion of Interest Rate Environment and Outlook**

In its December 14, 2022 statement, the Federal Open Market Committee said recent indicators point to modest growth in spending and production. Job gains have been robust in recent months, and the unemployment rate has remained low. Inflation remains

elevated, reflecting supply and demand imbalances related to the pandemic, higher food and energy prices, and broader price pressures.

Russia's war against Ukraine is causing tremendous human and economic hardship. The war and related events are contributing to upward pressure on inflation and are weighing on global economic activity. The Committee is highly attentive to inflation risks.

### Yield Trend

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. In support of these goals, the Committee decided to raise the target range for the federal funds rate to 4-1/4 to 4-1/2%-percent. The Committee anticipates that ongoing increases in the target range will be appropriate in order to attain a stance of monetary policy that is sufficiently restrictive to return inflation to 2 percent over time. In determining the pace of future increases in the target range, the Committee will take into account the cumulative tightening of monetary policy, the lags with which monetary policy affects economic activity and inflation, and financial developments. In addition, the Committee will continue reducing its holdings of Treasury securities and agency debt and mortgage-backed securities, as described in the Plans for Reducing the Size of the Federal Reserve's Balance Sheet that were issued in May.

The Committee is strongly committed to returning inflation to its 2 percent objective. In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of raising rates on economic output. The Committee would be prepared to adjust monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will take into account a wide range of information, including readings on public health, labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Since the Federal Reserve change its zero-interest rate policy in March 2017 to combat high inflation, the Federal Reserve Board has raised the Federal Funds rate eight times for a total of 4.75%-5.00%, as follows:

**Table 3**

<b>DATE</b>	<b>RATE CHANGE</b>	<b>FEDERAL FUNDS RATE</b>
03/17/22	.25%	.25%-.50%
05/05/22	.50%	.75%-1.00%
06/16/22	.75%	1.50%-1.75%
07/27/22	.75%	2.25%-2.50%
09/21/22	.75%	3.00%-3.25%
11/02/2022	.75%	3.75%-4.00%



12/14/2022	.50%	4.25%-4.50%
2/1/2023	.25%	4.50%-4.75%
3/23/2023	.25%	4.75%-5.00%

Since the rate hike on March 23, 2023, there have been two regional bank failures (Silicon Valley Bank and Signature Bank), and several other regional banks are under significant pressure. Therefore, it is likely that the Fed's will be extremely cautious before raising the Federal Funds rates again. In addition, these developments will probably result in (1) banks' raising their lending standards and reducing the number of loans; and (2) an increase in the probability of a slowdown in the US economy in 2023.

### Change in Strategy

Prior to the Fed's change in monetary policy starting March 17, 2022, staff's basic strategy consisted of not purchasing any Agency or Medium-Term corporate note securities with a maturity beyond three years, unless the securities were step-up securities (i.e., securities whose interest rates increased periodically, if they were not called). After the Fed's change in monetary policy in March 2022, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates. This should result in an increase in interest income during FY 2023 and beyond.

As a result of the Fed's sharp increase in interest rates and the move to sell Agency and Mortgage-Backed securities from its Balance Sheet, there is an increasing probability of a downturn or recession in the US in 2023, which could force the Federal Reserve to start reducing the Federal Funds rate later in 2023 or early 2024, if inflation continues to decline. The Yield curve has been inverted (i.e., short-term interest rates are higher than long-term interest rates) for many months and market interest rates have already started to decline. For example, the Two-Year Treasury has declined from nearly 5.01% on March 6, 2023 to 3.73% on April 6, 2023, while the Five-Year Treasury has declined from 4.45% in November 2022 to 3.32% on April 6, 2023.

On a long-term basis, the City's earned rate is expected to be above the City's benchmark (State LAIF) and the City's return is expected to be comparable to rates earned by most other cities in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 4

<b>Other California Cities Earned Interest Rates</b>	
For the Quarter Ending December 31, 2022	
<b>City</b>	<b>Rates Earned</b>
Torrance	2.89%
Oakland	2.79%
Burbank	2.46%
<b>Berkeley</b>	<b>2.39%</b>
Fremont	2.32%
San Jose	2.23%
San Diego	2.04%
Palo Alto	1.98%
San Leandro	1.90%
San Francisco	1.77%
Sacramento	1.75%

BACKGROUND

- Pooled Investments

Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency) notes and medium-term corporate notes for periods of one to five years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero from 2008 to March 2020, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation FY 2023 Second Quarter
2. Investment Report Analysis FY 2023 Second Quarter
  - a. Exhibit 2-A: Pooled Cash and Investments
  - b. Exhibit 2-B.1 through 2-B.3: Interest Earnings October 1, 2022 – December 31, 2022
  - c. Exhibit 2-C: Book Value By Investment Type
  - d. Exhibit 2-D: Current Holdings vs. Policy Limits
  - e. Exhibit 2-E: Investment Portfolio Trend
3. Summary of Pooled and Cash Investments FY 2023 Second Quarter –Trust Funds
  - a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
  - b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
  - c. Exhibit 3-C: Retiree Medical Trust Funds –Police



**Portfolio Evaluation**  
**Quarter Ended December 31, 2022**

	Quarter Ending							
	December 2022	September 2022	June 2022	March 2022				
<b>Total Portfolio</b>								
Pooled Cash and Investments (COB)	\$ 657,109,639	\$ 595,920,437	\$ 698,786,628	\$ 581,600,292				
Pooled Cash and Investments (Trust)	51,469,759	50,385,235	49,954,298	50,745,325				
Total Cash and Investments	<u>\$ 708,579,398</u>	<u>\$ 646,305,672</u>	<u>\$ 748,740,926</u>	<u>\$ 632,345,617</u>				
<b>Average Life of Investment Portfolio</b>								
Pooled Investments (CoB)	1,323	1,337	1,386	1,352				
Trust Investments	5.11 years	1.91 years	2.069 years	2.008 years				
<b>Weighted Yield</b>								
Pooled Investments (CoB)	2.394%	1.830%	1.293%	0.969%				
Trust Investments	4.670%	4.094%	4.398%	4.137%				
Prime Rate	7.500%	6.250%	4.750%	3.500%				
91-day Treasury Bill Rate	4.343%	3.247%	1.626%	0.482%				
2-year Treasury Note Rate	4.426%	4.279%	2.953%	2.335%				
<hr/>								
<b>Cash and Investments Maturity</b>								
Within one year	\$ 223,131,582	31.49%	\$ 199,265,720	30.83%	\$ 327,419,689	43.73%	\$ 253,735,661	40.13%
Between 1 to 3 years	103,795,200	14.65%	89,762,997	13.89%	65,308,653	8.72%	52,619,468	8.32%
Between 3 to 5 years	316,456,840	44.66%	314,751,739	48.70%	329,817,379	44.05%	305,166,300	48.26%
Between 5 to 10 years	55,998,303	7.90%	42,525,217	6.58%	11,272,605	1.51%	20,824,188	3.29%
Over 10 years	9,197,473	1.30%	-	0.00%	14,922,600	1.99%	-	0.00%
Total	<u>\$ 708,579,398</u>	<u>100.00%</u>	<u>\$ 646,305,672</u>	<u>100.00%</u>	<u>\$ 748,740,926</u>	<u>100.00%</u>	<u>\$ 632,345,617</u>	<u>100.00%</u>



**Investment Report Analysis  
As of December 31, 2022**

<b>Investments</b>	<b>Pension and OPEB</b>		<b>Total</b>
	<b>Pooled Investments</b>	<b>Trust Investments</b>	
Portfolio	\$ 531,385,279	\$ 44,348,907	\$ 575,734,186
Unrecognized gain/(loss)	(35,400,298)	(2,888,560)	(38,288,857)
<b>Total Investments</b>	<b>495,984,981</b>	<b>41,460,348</b>	<b>537,445,329</b>

<b>Cash</b>	<b>Pension and OPEB</b>		<b>Total</b>
	<b>Pooled Cash</b>	<b>Trust Cash</b>	
Cash with Fidelity Money Market	156,327,592	-	156,327,592
Cash with Fiscal Agents	14	-	14
Cash Deposits in Banks	14,806,464	-	14,806,464
Pooled Cash Adjustment	(10,009,411)	10,009,411	-
<b>Total Cash</b>	<b>161,124,658</b>	<b>10,009,411</b>	<b>171,134,069</b>

<b>Adjusted Grand Total (All Cash and Investments)</b>	<b>\$ 657,109,639</b>	<b>\$ 51,469,759</b>	<b>\$ 708,579,398</b>
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**Pooled Cash Portfolio Breakdown As of December 31, 2022**

	<b>Book Value</b>	<b>Market Value</b>
Investments	\$ 531,385,279	\$ 495,984,981

Note: The pooled cash includes Rent Board cash \$4,676,229.36



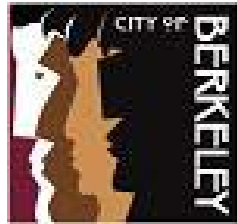
**City of Berkeley**  
**Pooled Cash and Investments**  
**As of December 31, 2022**

<u>CUSIP</u>	<u>Investment #</u>	<u>Issuer</u>	<u>Book Value</u>	<u>Par Value</u>	<u>Market Value</u>	<u>Current Rate</u>	<u>YTM/C 365</u>	<u>Maturity Date</u>	<u>Days To Maturity</u>	<u>Moody's Rating</u>
<b>Certificates of Deposits</b>										
254673RD0	14539	Discover Bank	250,000.00	250,000.00	248,745.00	3.300	3.300	07/05/2023	185	N/A
795450T47	14540	Sallie Mae Bank	250,000.00	250,000.00	248,767.50	3.300	3.300	07/03/2023	183	N/A
<b>Subtotal and Average</b>			<b>500,000.00</b>	<b>500,000.00</b>	<b>497,512.50</b>		<b>3.300</b>		<b>184</b>	
<b>Medium Term Notes</b>										
88579YAR2	14659	3M COMPANY	4,863,952.44	5,000,000.00	4,791,650.00	3.000	4.120	08/07/2025	949	A1
008252AM0	14582	Affiliated Managers Group	1,020,705.21	1,000,000.00	987,500.00	4.250	2.300	02/15/2024	410	A3
037833AK6	14536	Apple Inc	4,987,153.43	5,000,000.00	4,960,000.00	2.400	3.225	05/03/2023	122	AAA
04685A2L4	14590	Athene Global Funding	5,970,474.28	5,950,000.00	5,572,175.00	2.500	2.320	01/14/2025	744	A1
04685A2L4	14602	Athene Global Funding	4,929,719.79	5,000,000.00	4,682,500.00	2.500	3.250	01/14/2025	744	A1
084670BJ6	14542	Berkshire Hathaway	4,999,227.60	5,000,000.00	4,989,850.00	3.000	3.150	02/11/2023	41	AA2
20030NBN0	14563	Comcast Corp	5,032,486.69	5,000,000.00	4,822,750.00	3.375	3.100	08/15/2025	957	A3
233851CU6	14571	Daimler Finance	5,045,988.08	5,000,000.00	4,694,900.00	3.450	3.190	01/06/2027	1,466	A3
233851CU6	14574	Daimler Finance	3,784,810.48	3,725,000.00	3,497,700.50	3.450	3.000	01/06/2027	1,466	A3
24422EUM9	14554	John Deere Cap	5,012,515.86	5,000,000.00	4,960,850.00	3.650	3.300	10/12/2023	284	A2
24422EWK1	14663	John Deere Cap	4,978,918.07	5,000,000.00	4,903,600.00	4.150	4.250	09/15/2027	1,718	A2
375558BF9	14570	Gilead Sciences	5,075,393.40	5,000,000.00	4,820,350.00	3.650	3.118	03/01/2026	1,155	A3
540424AQ1	14555	Loews Corporation	4,987,525.61	5,000,000.00	4,955,900.00	2.625	3.350	05/15/2023	134	A3
30303M8BG0	14660	Meta Platforms Inc	4,822,657.37	5,000,000.00	4,660,000.00	3.500	4.360	08/15/2027	1,687	N/A
617446HD4	14670	Morgan Stanley	10,873,178.59	10,000,000.00	11,251,500.00	7.250	6.000	04/01/2032	3,378	A1
68389XAS4	14548	Oracle Corp	5,005,558.78	5,000,000.00	4,961,550.00	3.625	3.388	07/15/2023	195	BAA2
747525AT0	14564	Qualcomm Inc	4,990,415.77	5,000,000.00	4,883,600.00	2.900	3.050	05/20/2024	505	A2
747525AU7	14587	Qualcomm Inc	6,156,884.48	5,963,000.00	5,670,514.85	3.250	2.435	05/20/2027	1,600	A2
828807CS4	14606	Simon Property Group	4,997,945.59	5,000,000.00	4,851,300.00	3.375	3.353	10/01/2024	639	A3
07330MAA5	14588	Truist Bank	5,252,418.67	5,000,000.00	4,727,950.00	3.800	2.365	10/30/2026	1,398	A2
<b>Subtotal and Average</b>			<b>102,787,930.19</b>	<b>101,638,000.00</b>	<b>99,646,140.35</b>		<b>3.502</b>		<b>1,138</b>	
<b>Federal Agency Coupon Securities</b>										
3133ENVS6	14650	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,957,850.00	2.030	2.030	05/02/2023	121	AAA
3133ENN22	14664	Federal Farm Credit Bank	4,982,159.02	5,000,000.00	4,934,050.00	3.750	3.890	09/22/2025	995	AAA
3133ENP95	14666	Federal Farm Credit Bank	4,980,893.69	5,000,000.00	4,990,750.00	4.250	4.400	09/30/2025	1,003	AAA
3133ENS50	14667	Federal Farm Credit Bank	4,999,258.15	5,000,000.00	5,006,700.00	4.125	4.128	10/14/2027	1,747	AAA
3133ENN30	14668	Federal Farm Credit Bank	4,622,086.73	5,000,000.00	4,758,800.00	3.875	4.863	09/20/2032	3,550	AAA
3133ENV72	14669	Federal Farm Credit Bank	4,984,015.35	5,000,000.00	5,036,750.00	4.500	4.600	07/27/2026	1,303	AAA
3130ATDK0	14661	Federal Home Loan Banks	4,995,017.27	5,000,000.00	4,953,300.00	3.875	3.989	12/08/2023	341	AAA
<b>Subtotal and Average</b>			<b>34,563,430.21</b>	<b>35,000,000.00</b>	<b>34,638,200.00</b>		<b>3.976</b>		<b>1,270</b>	



**City of Berkeley**  
**Pooled Cash and Investments**  
**As of December 31, 2022**

<b>CUSIP</b>	<b>Investment #</b>	<b>Issuer</b>	<b>Book Value</b>	<b>Par Value</b>	<b>Market Value</b>	<b>Current Rate</b>	<b>YTM/C 365</b>	<b>Maturity Date</b>	<b>Days To Maturity</b>	<b>Moody's Rating</b>
<b>Medium-Term Notes - Callable</b>										
05531FBF9	14561	BB&T Corporation	5,031,767.93	5,000,000.00	4,946,800.00	3.750	3.012	12/06/2023	339	A3
22553PWD7	14652	Credit Suisse AG	5,000,000.00	5,000,000.00	4,586,950.00	4.050	4.050	05/25/2025	875	A3
22553PXJ3	14655	Credit Suisse AG	5,000,000.00	5,000,000.00	4,197,450.00	5.000	5.001	05/31/2032	3,438	A3
693475AV7	14557	PNC Financial Services	5,006,217.56	5,000,000.00	4,925,850.00	3.500	3.425	01/23/2024	387	A3
751212AC5	14566	Ralph Lauren	5,077,350.81	5,000,000.00	4,856,150.00	3.750	3.106	09/15/2025	988	A3
91159HHU7	14562	US Bancorp	5,121,712.67	5,000,000.00	4,877,900.00	3.950	2.848	11/17/2025	1,051	A2
<b>Subtotal and Average</b>			<b>30,237,048.97</b>	<b>30,000,000.00</b>	<b>28,391,100.00</b>		<b>3.569</b>		<b>1,177</b>	
<b>Federal Agency Callable</b>										
3130ARXL0	14649	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,837,900.00	3.000	3.000	05/25/2023	144	AAA
3130ATH42	14665	Federal Home Loan Banks	8,000,000.00	8,000,000.00	8,001,360.00	4.700	4.700	09/29/2027	1,732	AAA
			<b>13,000,000.00</b>	<b>13,000,000.00</b>	<b>12,839,260.00</b>		<b>4.046</b>		<b>1,121</b>	
<b>Federal Agency Continuously Callable</b>										
31422XJW3	14638	Farmer Mac	10,000,000.00	10,000,000.00	9,138,000.00	0.300	0.300	07/20/2026	1,296	N/A
3133ENUV0	14644	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,740,050.00	4.000	4.000	04/19/2032	3,396	AAA
3133ENVV9	14647	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,774,800.00	3.630	3.630	05/03/2027	1,583	AAA
3133ENWW6	14653	Federal Farm Credit Bank	4,994,833.61	5,000,000.00	4,778,150.00	4.370	4.384	05/17/2032	3,424	AAA
3133EN5C0	14675	Federal Farm Credit Bank	4,994,005.56	5,000,000.00	4,985,100.00	5.370	5.394	12/27/2028	2,187	AAA
3130AMAV4	14611	Federal Home Loan Banks	5,600,000.00	5,600,000.00	4,968,880.00	1.250	1.125	04/29/2027	1,579	AAA
3130ALZA5	14612	Federal Home Loan Banks	9,000,000.00	9,000,000.00	8,234,640.00	0.750	0.500	04/29/2026	1,214	AAA
3130AMEX6	14613	Federal Home Loan Banks	15,000,000.00	15,000,000.00	13,612,650.00	0.750	0.500	05/27/2026	1,242	AAA
3130AMF72	14615	Federal Home Loan Banks	15,000,000.00	15,000,000.00	13,466,850.00	0.650	0.650	05/27/2026	1,242	AAA
3130AMFQ0	14616	Federal Home Loan Banks	15,000,000.00	15,000,000.00	13,566,900.00	1.150	1.020	05/26/2026	1,241	AAA
3130AMFT4	14617	Federal Home Loan Banks	10,000,000.00	10,000,000.00	8,963,300.00	0.625	0.625	05/27/2026	1,242	AAA
3130AMG22	14618	Federal Home Loan Banks	20,000,000.00	20,000,000.00	17,993,400.00	0.800	0.500	05/27/2026	1,242	AAA
3130AMGG1	14619	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,042,500.00	0.600	0.600	05/26/2026	1,241	AAA
3130AMFN7	14620	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,049,700.00	0.750	0.500	05/26/2026	1,241	AAA
3130AMG55	14622	Federal Home Loan Banks	10,000,000.00	10,000,000.00	8,814,400.00	1.375	1.219	05/27/2027	1,607	AAA
3130AMG22	14624	Federal Home Loan Banks	10,000,000.00	10,000,000.00	8,996,700.00	0.800	0.500	05/27/2026	1,242	AAA
3130AMLS9	14627	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,036,400.00	0.875	0.800	06/17/2026	1,263	AAA
3130AMN24	14628	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,038,500.00	1.150	1.034	06/03/2026	1,249	AAA
3130AMN57	14629	Federal Home Loan Banks	20,000,000.00	20,000,000.00	18,047,600.00	1.100	1.013	06/03/2026	1,249	AAA
3130AMP71	14630	Federal Home Loan Banks	20,000,000.00	20,000,000.00	18,088,800.00	1.200	1.077	06/18/2026	1,264	AAA
3130AMPL0	14631	Federal Home Loan Banks	15,000,000.00	15,000,000.00	13,552,650.00	1.150	0.375	06/08/2026	1,254	AAA
3130AMMW9	14632	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,035,600.00	1.000	0.500	06/10/2026	1,256	AAA
3130AMWM0	14634	Federal Home Loan Banks	4,250,000.00	4,250,000.00	3,820,495.00	1.050	0.500	06/30/2026	1,276	AAA
3130AN5U0	14642	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,022,000.00	0.750	0.500	07/29/2026	1,305	AAA
3130ANJY7	14643	Federal Home Loan Banks	40,000,000.00	40,000,000.00	35,400,000.00	1.000	0.400	08/26/2026	1,333	AAA
3130ARTE1	14645	Federal Home Loan Banks	6,425,000.00	6,425,000.00	5,969,403.25	4.100	4.100	04/26/2032	3,403	AAA

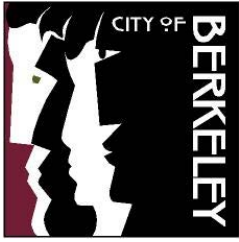


City of Berkeley  
Pooled Cash and Investments  
As of December 31, 2022

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
3130ARX71	14648	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,810,150.00	3.000	3.000	05/23/2025	873	AAA
3130ARYA3	14651	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,812,300.00	4.000	4.000	05/26/2027	1,606	AAA
3130AS7K9	14654	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,773,450.00	4.440	4.440	05/26/2032	3,433	AAA
3130ASGF0	14656	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,883,650.00	4.000	4.007	06/30/2025	911	AAA
3130ATDV6	14662	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,959,950.00	5.000	5.001	09/30/2027	1,733	AAA
3134GXRS5	14646	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,859,600.00	3.100	3.100	04/29/2025	849	AAA
3134GXC28	14657	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,924,550.00	4.100	4.100	07/18/2025	929	AAA
3134GXC36	14658	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,940,650.00	4.000	4.007	12/30/2024	729	AAA
			<b>345,263,839.17</b>	<b>345,275,000.00</b>	<b>315,101,768.25</b>		<b>1.322</b>		<b>1,412</b>	
<b>Municipal Bonds</b>										
13063DGB8	14559	General Obligation Unlimited	5,033,030.36	5,000,000.00	4,871,000.00	3.375	3.087	04/01/2025	821	AA2
		<b>Subtotal and Average</b>	<b>5,033,030.36</b>	<b>5,000,000.00</b>	<b>4,871,000.00</b>		<b>3.087</b>		<b>821</b>	
<b>Total Investments and Average</b>			<b>531,385,278.90</b>	<b>530,413,000.00</b>	<b>495,984,981.10</b>		<b>2.129</b>		<b>1,323</b>	

<b>Total Investments (Book Value)</b>	<b>531,385,278.90</b>
<b>Cash</b>	<b>161,124,658.00</b>
<b>Total Investments (Book Value) and Cash</b>	<b>692,509,936.90</b>
<b>Increase / (Decrease) in Market Value of Securities</b>	<b>(35,400,297.80)</b>
<b>Total Investments (Market Value) and Cash</b>	<b>657,109,639.10</b>





**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**October 1, 2022 - October 31, 2022**  
**Yield on Average Book Value**

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.33	0.00	33,333.33
3130AMWMO	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.08	0.00	21,952.08
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.67	0.00	16,666.67
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.750	0.736	9,375.00	0.00	9,375.00
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2023	3.000	2.944	12,500.00	0.00	12,500.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.650	0.638	8,125.00	0.00	8,125.00
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	0.875	0.859	7,291.66	0.00	7,291.66
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	0.750	0.736	6,250.00	0.00	6,250.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.500	0.491	4,166.67	0.00	4,166.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.700	0.687	11,666.67	0.00	11,666.67
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.589	5,000.00	0.00	5,000.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.700	0.687	5,833.33	0.00	5,833.33
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.33	0.00	18,333.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.34	0.00	9,583.34
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	0.750	0.736	5,625.00	0.00	5,625.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ATH42	14665	010	MC4	8,000,000.00	8,000,000.00	8,000,000.00	09/29/2027	4.700	4.612	31,333.33	0.00	31,333.33
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.625	0.613	5,208.33	0.00	5,208.33
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.33	0.00	5,833.33
3130ATDK0	14661	010	FAC	5,000,000.00	4,993,686.57	4,993,922.66	12/08/2023	3.875	3.911	16,145.83	443.57	16,589.40
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.34	0.00	20,833.34
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.66	0.00	16,666.66
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00

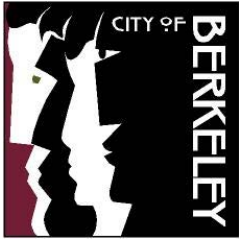
Pooled Investments Selected Funds  
Interest Earnings  
October 1, 2022 - October 31, 2022

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3133ENS50	14667	010	FAC	5,000,000.00	0.00	2,902,778.17	10/14/2027	4.125	3.954	9,739.58	7.32	9,746.90
3133ENVS6	14650	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	05/02/2023	2.030	1.992	8,458.34	0.00	8,458.34
3133ENN22	14664	010	FAC	5,000,000.00	4,980,522.23	4,980,812.63	09/22/2025	3.750	3.823	15,625.00	545.59	16,170.59
3133ENWW6	14653	010	MC5	5,000,000.00	4,994,695.88	4,994,720.32	05/17/2032	4.370	4.303	18,208.33	45.91	18,254.24
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.67	0.00	16,666.67
3133ENP95	14666	010	FAC	5,000,000.00	4,979,155.00	4,979,462.85	09/30/2025	4.250	4.324	17,708.33	579.56	18,287.89
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.34	0.00	17,083.34
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.66	0.00	16,666.66
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.67	0.00	12,916.67
037833AK6	14536	010	MTN	5,000,000.00	4,977,676.46	4,979,357.86	05/03/2023	2.400	3.112	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	700.69	0.00	700.69
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	700.68	0.00	700.68
084670BJ6	14542	010	MTN	5,000,000.00	4,997,489.71	4,997,798.05	02/11/2023	3.000	3.081	12,500.00	579.30	13,079.30
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	0.300	0.294	2,500.00	0.00	2,500.00
68389XAS4	14548	010	MTN	5,000,000.00	5,008,137.60	5,007,680.07	07/15/2023	3.625	3.349	15,104.17	-859.60	14,244.57
24422EUM9	14554	010	MTN	5,000,000.00	5,016,524.50	5,015,813.29	10/12/2023	3.650	3.256	15,208.33	-1,336.21	13,872.12
24422EWK1	14663	010	MTN	5,000,000.00	4,977,798.02	4,977,996.74	09/15/2027	4.150	4.178	17,291.67	373.35	17,665.02
540424AQ1	14555	010	MTN	5,000,000.00	4,979,147.29	4,980,633.77	05/15/2023	2.625	3.246	10,937.50	2,792.78	13,730.28
693475AV7	14557	010	MC3	5,000,000.00	5,007,682.42	5,007,422.53	01/23/2024	3.500	3.314	14,583.33	-488.29	14,095.04
13063DGB8	14559	010	MUN	5,000,000.00	5,036,700.40	5,036,049.27	04/01/2025	3.375	3.002	14,062.50	-1,223.34	12,839.16
05531FBF9	14561	010	MC3	5,000,000.00	5,040,302.60	5,038,788.38	12/06/2023	3.750	2.986	15,625.00	-2,844.89	12,780.11
91159HHU7	14562	010	MC3	5,000,000.00	5,132,286.16	5,130,410.22	11/17/2025	3.950	2.968	16,458.33	-3,524.50	12,933.83
20030NBN0	14563	010	MTN	5,000,000.00	5,035,583.93	5,035,034.42	08/15/2025	3.375	3.047	14,062.50	-1,032.41	13,030.09
747525AU7	14587	010	MTN	5,963,000.00	6,167,935.52	6,165,974.85	05/20/2027	3.250	2.380	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,988,687.15	4,988,993.84	05/20/2024	2.900	2.988	12,083.33	576.21	12,659.54
751212AC5	14566	010	MC3	5,000,000.00	5,084,498.22	5,083,230.13	09/15/2025	3.750	3.067	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,081,345.52	5,080,289.50	03/01/2026	3.650	3.065	15,208.34	-1,984.04	13,224.30
233851CU6	14571	010	MTN	5,000,000.00	5,048,852.39	5,048,344.20	01/06/2027	3.450	3.130	14,375.00	-954.77	13,420.23
233851CU6	14574	010	MTN	3,725,000.00	3,788,535.70	3,787,874.77	01/06/2027	3.450	2.943	10,709.37	-1,241.74	9,467.63
008252AM0	14582	010	MTN	1,000,000.00	1,025,317.76	1,024,499.41	02/15/2024	4.250	2.303	3,541.66	-1,537.51	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,268,892.70	5,265,975.79	10/30/2026	3.800	2.312	15,833.34	-5,491.35	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,972,988.17	5,972,542.16	01/14/2025	2.500	2.279	12,395.84	-837.96	11,557.88
04685A2L4	14602	010	MTN	5,000,000.00	4,921,090.57	4,922,621.56	01/14/2025	2.500	3.180	10,416.67	2,876.40	13,293.07
828807CS4	14606	010	MTN	5,000,000.00	4,997,652.11	4,997,704.18	10/01/2024	3.375	3.336	14,062.50	97.83	14,160.33
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	4.906	20,833.33	0.00	20,833.33
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,850,870.95	4,853,191.86	08/07/2025	3.000	4.090	12,500.00	4,360.50	16,860.50

Pooled Investments Selected Funds  
Interest Earnings  
October 1, 2022 - October 31, 2022

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
30303M8BG0	14660	010	MTN	5,000,000.00	4,813,065.52	4,814,767.30	08/15/2027	3.500	4.348	14,583.33	3,197.28	17,780.61
			<b>Subtotal</b>	<b>505,413,000.00</b>	<b>500,942,121.05</b>	<b>503,839,690.76</b>			<b>2.036</b>	<b>880,816.77</b>	<b>-9,788.17</b>	<b>871,028.60</b>
<b>Fund: Fidelity MM - Regular</b>												
SYS14265	14265	040	RRP	132,517,453.78	158,170,560.96	142,562,396.21		0.003	2.865	346,892.82	0.00	346,892.82
			<b>Subtotal</b>	<b>132,517,453.78</b>	<b>158,170,560.96</b>	<b>142,562,396.21</b>			<b>2.865</b>	<b>346,892.82</b>	<b>0.00</b>	<b>346,892.82</b>
			<b>Total</b>	<b>637,930,453.78</b>	<b>659,112,682.01</b>	<b>646,402,086.98</b>			<b>2.218</b>	<b>1,227,709.59</b>	<b>-9,788.17</b>	<b>1,217,921.42</b>



**Pooled Investments Selected Funds  
Interest Earnings  
Sorted by Fund - Fund  
November 1, 2022 - November 30, 2022  
Yield on Average Book Value**

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	1.014	33,333.34	0.00	33,333.34
3130AMWMO	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.065	3,718.75	0.00	3,718.75
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	0.750	0.760	6,250.00	0.00	6,250.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.157	21,952.08	0.00	21,952.08
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	4.056	16,666.67	0.00	16,666.67
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.750	0.760	9,375.00	0.00	9,375.00
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2023	3.000	3.042	12,500.00	0.00	12,500.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.650	0.659	8,125.00	0.00	8,125.00
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	3.042	12,500.00	0.00	12,500.00
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	0.875	0.887	7,291.67	0.00	7,291.67
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	0.845	6,944.45	0.00	6,944.45
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.750	0.549	4,513.89	0.00	4,513.89
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.800	0.723	11,888.89	0.00	11,888.89
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.608	5,000.00	0.00	5,000.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.800	0.723	5,944.45	0.00	5,944.45
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.217	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.115	18,333.34	0.00	18,333.34
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.166	9,583.33	0.00	9,583.33
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	0.750	0.760	6,250.00	0.00	6,250.00
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	0.750	0.760	5,625.00	0.00	5,625.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.502	18,500.00	0.00	18,500.00
3130ATH42	14665	010	MC4	8,000,000.00	8,000,000.00	8,000,000.00	09/29/2027	4.700	4.765	31,333.34	0.00	31,333.34
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.625	0.634	5,208.33	0.00	5,208.33
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.267	5,833.33	0.00	5,833.33
3130ATDK0	14661	010	FAC	5,000,000.00	4,994,130.14	4,994,359.31	12/08/2023	3.875	4.041	16,145.84	443.56	16,589.40
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	5.069	20,833.33	0.00	20,833.33
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	4.056	16,666.67	0.00	16,666.67
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.680	15,125.00	0.00	15,125.00

Pooled Investments Selected Funds  
Interest Earnings  
November 1, 2022 - November 30, 2022

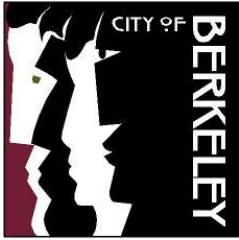
Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3133ENV72	14669	010	FAC	5,000,000.00	0.00	4,485,132.78	07/27/2026	4.500	4.669	16,875.00	335.60	17,210.60
3133ENS50	14667	010	FAC	5,000,000.00	4,999,232.32	4,999,238.99	10/14/2027	4.125	4.186	17,187.50	12.92	17,200.42
3133ENN30	14668	010	FAC	5,000,000.00	0.00	4,155,698.22	09/20/2032	3.875	5.108	14,531.25	2,916.16	17,447.41
3133ENVS6	14650	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	05/02/2023	2.030	2.058	8,458.33	0.00	8,458.33
3133ENN22	14664	010	FAC	5,000,000.00	4,981,067.82	4,981,349.72	09/22/2025	3.750	3.950	15,625.00	545.60	16,170.60
3133ENWW6	14653	010	MC5	5,000,000.00	4,994,741.79	4,994,765.51	05/17/2032	4.370	4.447	18,208.33	45.91	18,254.24
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	4.056	16,666.66	0.00	16,666.66
3133ENP95	14666	010	FAC	5,000,000.00	4,979,734.56	4,980,034.00	09/30/2025	4.250	4.468	17,708.33	579.57	18,287.90
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.157	17,083.33	0.00	17,083.33
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	4.056	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.143	12,916.67	0.00	12,916.67
617446HD4	14670	010	MTN	10,000,000.00	0.00	8,707,248.43	04/01/2032	7.250	5.874	48,333.33	-6,293.18	42,040.15
037833AK6	14536	010	MTN	5,000,000.00	4,980,835.45	4,982,467.59	05/03/2023	2.400	3.213	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	678.08	0.00	678.08
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	678.08	0.00	678.08
084670BJ6	14542	010	MTN	5,000,000.00	4,998,069.01	4,998,368.31	02/11/2023	3.000	3.184	12,500.00	579.30	13,079.30
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	0.300	0.304	2,500.00	0.00	2,500.00
68389XAS4	14548	010	MTN	5,000,000.00	5,007,278.00	5,006,833.87	07/15/2023	3.625	3.461	15,104.16	-859.61	14,244.55
24422EUM9	14554	010	MTN	5,000,000.00	5,015,188.29	5,014,497.91	10/12/2023	3.650	3.366	15,208.34	-1,336.21	13,872.13
24422EWK1	14663	010	MTN	5,000,000.00	4,978,171.37	4,978,364.26	09/15/2027	4.150	4.317	17,291.67	373.35	17,665.02
540424AQ1	14555	010	MTN	5,000,000.00	4,981,940.07	4,983,383.00	05/15/2023	2.625	3.352	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,007,194.13	5,006,941.85	01/23/2024	3.500	3.425	14,583.33	-488.28	14,095.05
13063DGB8	14559	010	MUN	5,000,000.00	5,035,477.06	5,034,845.00	04/01/2025	3.375	3.103	14,062.50	-1,223.35	12,839.15
05531FBF9	14561	010	MC3	5,000,000.00	5,037,457.71	5,035,987.85	12/06/2023	3.750	3.088	15,625.00	-2,844.89	12,780.11
91159HHU7	14562	010	MC3	5,000,000.00	5,128,761.66	5,126,940.67	11/17/2025	3.950	3.069	16,458.34	-3,524.50	12,933.84
20030NBN0	14563	010	MTN	5,000,000.00	5,034,551.52	5,034,018.10	08/15/2025	3.375	3.149	14,062.50	-1,032.42	13,030.08
747525AU7	14587	010	MTN	5,963,000.00	6,164,251.84	6,162,348.60	05/20/2027	3.250	2.461	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,989,263.36	4,989,561.06	05/20/2024	2.900	3.087	12,083.34	576.20	12,659.54
751212AC5	14566	010	MC3	5,000,000.00	5,082,115.75	5,080,884.81	09/15/2025	3.750	3.171	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,079,361.48	5,078,336.39	03/01/2026	3.650	3.168	15,208.33	-1,984.04	13,224.29
233851CU6	14571	010	MTN	5,000,000.00	5,047,897.62	5,047,404.32	01/06/2027	3.450	3.235	14,375.00	-954.77	13,420.23
233851CU6	14574	010	MTN	3,725,000.00	3,787,293.96	3,786,652.39	01/06/2027	3.450	3.042	10,709.38	-1,241.74	9,467.64
008252AM0	14582	010	MTN	1,000,000.00	1,023,780.25	1,022,985.86	02/15/2024	4.250	2.384	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,263,401.35	5,260,564.16	10/30/2026	3.800	2.392	15,833.33	-5,491.34	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,972,150.21	5,971,717.26	01/14/2025	2.500	2.355	12,395.83	-837.97	11,557.86
04685A2L4	14602	010	MTN	5,000,000.00	4,923,966.97	4,925,453.12	01/14/2025	2.500	3.284	10,416.66	2,876.41	13,293.07
828807CS4	14606	010	MTN	5,000,000.00	4,997,749.94	4,997,800.48	10/01/2024	3.375	3.447	14,062.50	97.82	14,160.32

Pooled Investments Selected Funds  
Interest Earnings  
November 1, 2022 - November 30, 2022

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Adjusted Interest Earnings			
									Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	5.073	20,849.12	0.00	20,849.12
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	4.106	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,855,231.45	4,857,484.37	08/07/2025	3.000	4.223	12,500.00	4,360.50	16,860.50
30303M8BG0	14660	010	MTN	5,000,000.00	4,816,262.80	4,817,914.73	08/15/2027	3.500	4.490	14,583.33	3,197.28	17,780.61
<b>Subtotal</b>				<b>525,413,000.00</b>	<b>505,931,557.88</b>	<b>523,274,582.97</b>			<b>2.224</b>	<b>969,349.88</b>	<b>-12,824.03</b>	<b>956,525.85</b>
<b>Fund: Fidelity MM - Regular</b>												
SYS14265	14265	040	RRP	86,896,062.47	132,517,453.78	96,896,740.74		0.003	3.498	278,608.69	0.00	278,608.69
<b>Subtotal</b>				<b>86,896,062.47</b>	<b>132,517,453.78</b>	<b>96,896,740.74</b>			<b>3.498</b>	<b>278,608.69</b>	<b>0.00</b>	<b>278,608.69</b>
<b>Total</b>				<b>612,309,062.47</b>	<b>638,449,011.66</b>	<b>620,171,323.70</b>			<b>2.423</b>	<b>1,247,958.57</b>	<b>-12,824.03</b>	<b>1,235,134.54</b>



**Pooled Investments Selected Funds**  
**Interest Earnings**  
**Sorted by Fund - Fund**  
**December 1, 2022 - December 31, 2022**  
**Yield on Average Book Value**

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.33	0.00	33,333.33
3130AMWMO	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.09	0.00	21,952.09
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.66	0.00	16,666.66
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.750	0.736	9,375.00	0.00	9,375.00
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2023	3.000	2.944	12,500.00	0.00	12,500.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	0.650	0.638	8,125.00	0.00	8,125.00
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.000	0.944	8,020.83	0.00	8,020.83
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.349	11,458.33	0.00	11,458.33
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.750	0.736	6,250.00	0.00	6,250.00
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	0.800	0.785	13,333.33	0.00	13,333.33
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	0.600	0.589	5,000.00	0.00	5,000.00
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.800	0.785	6,666.67	0.00	6,666.67
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.33	0.00	18,333.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.33	0.00	9,583.33
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	0.875	0.793	6,736.11	0.00	6,736.11
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	0.750	0.736	5,625.00	0.00	5,625.00
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ATH42	14665	010	MC4	8,000,000.00	8,000,000.00	8,000,000.00	09/29/2027	4.700	4.612	31,333.33	0.00	31,333.33
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	0.625	0.613	5,208.34	0.00	5,208.34
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.34	0.00	5,833.34
3130ATDK0	14661	010	FAC	5,000,000.00	4,994,573.70	4,994,809.79	12/08/2023	3.875	3.911	16,145.83	443.57	16,589.40
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.33	0.00	20,833.33
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.67	0.00	16,666.67
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00

Pooled Investments Selected Funds  
Interest Earnings  
December 1, 2022 - December 31, 2022

Exhibit 2-B.3

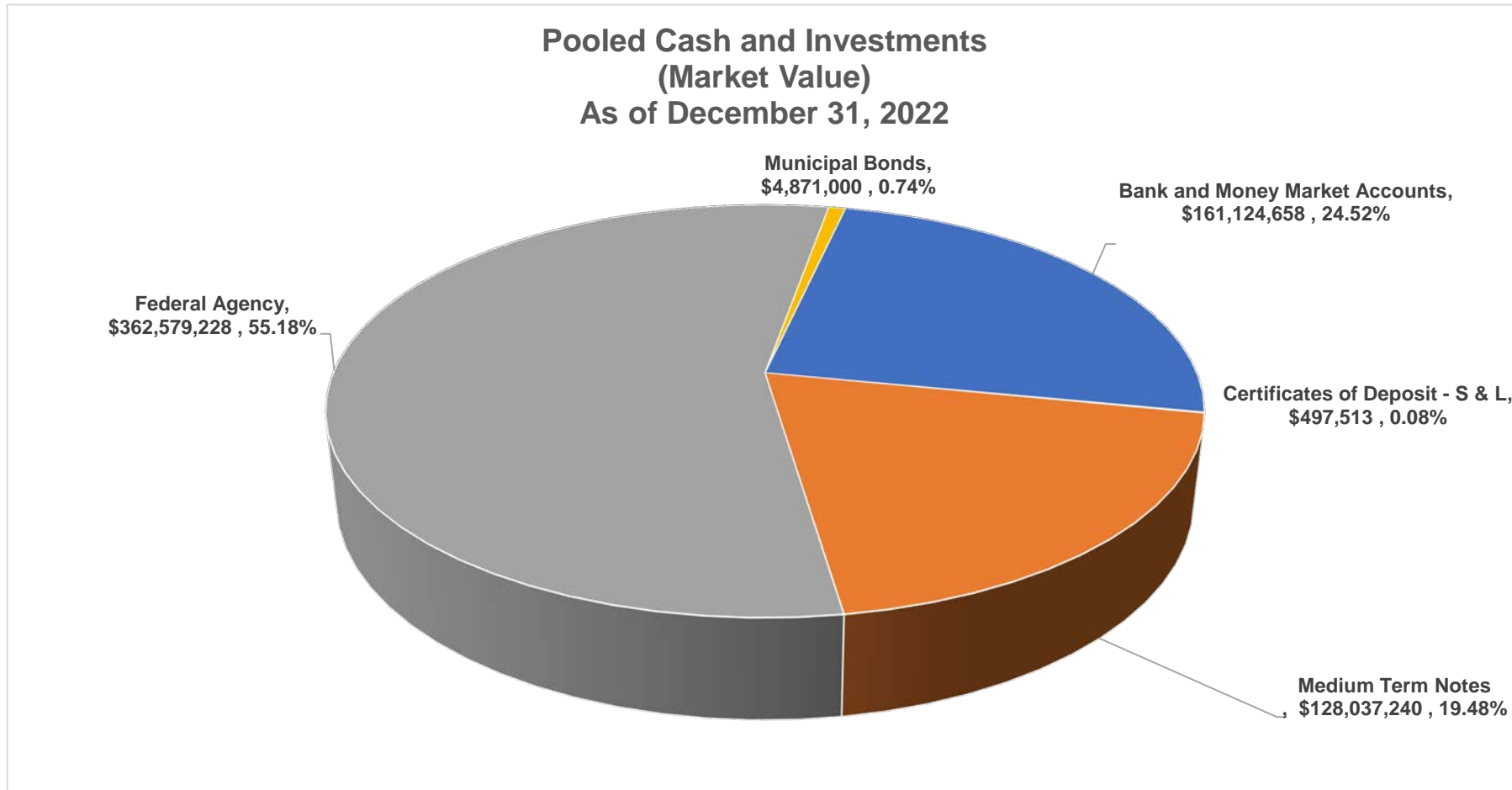
CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
3133EN5C0	14675	010	MC5	5,000,000.00	0.00	483,290.77	12/27/2028	5.370	3.648	1,491.66	5.56	1,497.22
3133ENV72	14669	010	FAC	5,000,000.00	4,983,642.45	4,983,840.93	07/27/2026	4.500	4.518	18,750.00	372.90	19,122.90
3133ENS50	14667	010	FAC	5,000,000.00	4,999,245.24	4,999,252.11	10/14/2027	4.125	4.051	17,187.50	12.91	17,200.41
3133ENN30	14668	010	FAC	5,000,000.00	4,618,846.54	4,620,571.16	09/20/2032	3.875	4.940	16,145.83	3,240.19	19,386.02
3133ENVS6	14650	010	FAC	5,000,000.00	5,000,000.00	5,000,000.00	05/02/2023	2.030	1.992	8,458.33	0.00	8,458.33
3133ENN22	14664	010	FAC	5,000,000.00	4,981,613.42	4,981,903.82	09/22/2025	3.750	3.822	15,625.00	545.60	16,170.60
3133ENWW6	14653	010	MC5	5,000,000.00	4,994,787.70	4,994,812.14	05/17/2032	4.370	4.303	18,208.34	45.91	18,254.25
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.67	0.00	16,666.67
3133ENP95	14666	010	FAC	5,000,000.00	4,980,314.13	4,980,621.98	09/30/2025	4.250	4.323	17,708.34	579.56	18,287.90
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.33	0.00	17,083.33
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.66	0.00	12,916.66
617446HD4	14670	010	MTN	10,000,000.00	10,881,045.06	10,876,858.07	04/01/2032	7.250	5.689	60,416.67	-7,866.47	52,550.20
037833AK6	14536	010	MTN	5,000,000.00	4,983,994.44	4,985,675.84	05/03/2023	2.400	3.108	10,000.00	3,158.99	13,158.99
254673RD0	14539	010	SCD	250,000.00	250,000.00	250,000.00	07/05/2023	3.300	3.300	700.68	0.00	700.68
795450T47	14540	010	SCD	250,000.00	250,000.00	250,000.00	07/03/2023	3.300	3.300	700.69	0.00	700.69
084670BJ6	14542	010	MTN	5,000,000.00	4,998,648.31	4,998,956.64	02/11/2023	3.000	3.081	12,500.00	579.29	13,079.29
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	0.300	0.294	2,500.00	0.00	2,500.00
68389XAS4	14548	010	MTN	5,000,000.00	5,006,418.39	5,005,960.86	07/15/2023	3.625	3.350	15,104.17	-859.61	14,244.56
24422EUM9	14554	010	MTN	5,000,000.00	5,013,852.08	5,013,140.87	10/12/2023	3.650	3.258	15,208.33	-1,336.22	13,872.11
24422EWK1	14663	010	MTN	5,000,000.00	4,978,544.72	4,978,743.44	09/15/2027	4.150	4.178	17,291.66	373.35	17,665.01
540424AQ1	14555	010	MTN	5,000,000.00	4,984,732.84	4,986,219.32	05/15/2023	2.625	3.242	10,937.50	2,792.77	13,730.27
693475AV7	14557	010	MC3	5,000,000.00	5,006,705.85	5,006,445.95	01/23/2024	3.500	3.315	14,583.34	-488.29	14,095.05
13063DGB8	14559	010	MUN	5,000,000.00	5,034,253.71	5,033,602.57	04/01/2025	3.375	3.003	14,062.50	-1,223.35	12,839.15
05531FBF9	14561	010	MC3	5,000,000.00	5,034,612.82	5,033,098.61	12/06/2023	3.750	2.990	15,625.00	-2,844.89	12,780.11
91159HHU7	14562	010	MC3	5,000,000.00	5,125,237.16	5,123,361.22	11/17/2025	3.950	2.972	16,458.33	-3,524.49	12,933.84
20030NBN0	14563	010	MTN	5,000,000.00	5,033,519.10	5,032,969.59	08/15/2025	3.375	3.048	14,062.50	-1,032.41	13,030.09
747525AU7	14587	010	MTN	5,963,000.00	6,160,568.16	6,158,607.49	05/20/2027	3.250	2.383	16,149.79	-3,683.68	12,466.11
747525AT0	14564	010	MTN	5,000,000.00	4,989,839.56	4,990,146.26	05/20/2024	2.900	2.987	12,083.33	576.21	12,659.54
751212AC5	14566	010	MC3	5,000,000.00	5,079,733.28	5,078,465.19	09/15/2025	3.750	3.070	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,077,377.44	5,076,321.42	03/01/2026	3.650	3.067	15,208.33	-1,984.04	13,224.29
233851CU6	14571	010	MTN	5,000,000.00	5,046,942.85	5,046,434.66	01/06/2027	3.450	3.131	14,375.00	-954.77	13,420.23
233851CU6	14574	010	MTN	3,725,000.00	3,786,052.22	3,785,391.29	01/06/2027	3.450	2.945	10,709.37	-1,241.74	9,467.63
008252AM0	14582	010	MTN	1,000,000.00	1,022,242.73	1,021,424.38	02/15/2024	4.250	2.310	3,541.67	-1,537.52	2,004.15
07330MAA5	14588	010	MTN	5,000,000.00	5,257,910.01	5,254,993.11	10/30/2026	3.800	2.317	15,833.33	-5,491.34	10,341.99
04685A2L4	14590	010	MTN	5,950,000.00	5,971,312.24	5,970,866.23	01/14/2025	2.500	2.279	12,395.83	-837.96	11,557.87
04685A2L4	14602	010	MTN	5,000,000.00	4,926,843.38	4,928,374.37	01/14/2025	2.500	3.176	10,416.67	2,876.41	13,293.08



Pooled Investments Selected Funds  
Interest Earnings  
December 1, 2022 - December 31, 2022

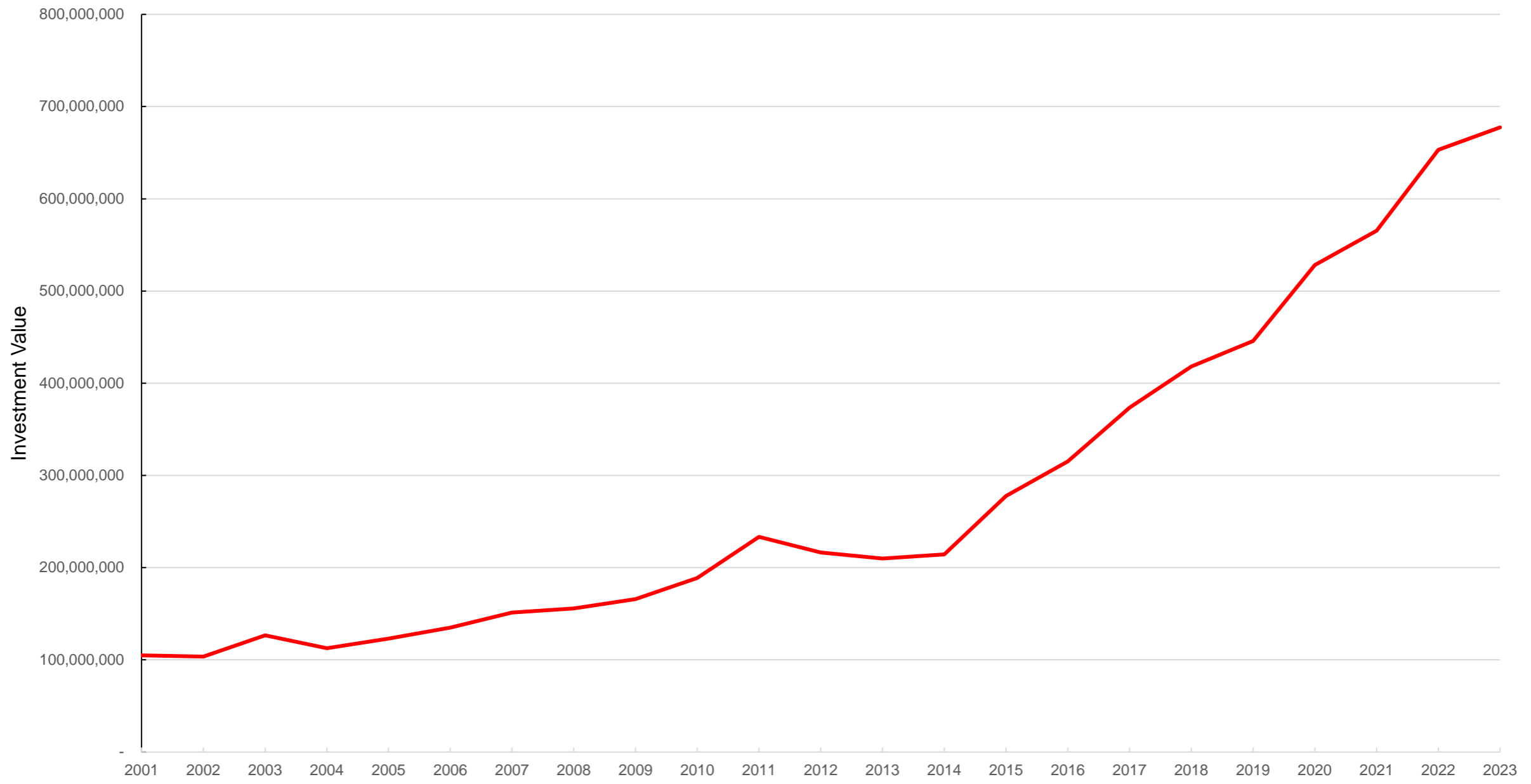
Exhibit 2-B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings		
										Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Fund: Pooled Investment - Long Term</b>												
828807CS4	14606	010	MTN	5,000,000.00	4,997,847.76	4,997,899.84	10/01/2024	3.375	3.336	14,062.50	97.83	14,160.33
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	5.017	21,306.82	0.00	21,306.82
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
88579YAR2	14659	010	MTN	5,000,000.00	4,859,591.95	4,861,912.86	08/07/2025	3.000	4.083	12,500.00	4,360.49	16,860.49
30303M8BG0	14660	010	MTN	5,000,000.00	4,819,460.08	4,821,161.86	08/15/2027	3.500	4.342	14,583.34	3,197.29	17,780.63
			<b>Subtotal</b>	<b>530,413,000.00</b>	<b>526,405,309.32</b>	<b>526,881,134.62</b>			<b>2.196</b>	<b>996,549.28</b>	<b>-14,030.42</b>	<b>982,518.86</b>
<b>Fund: Fidelity MM - Regular</b>												
SYS14265	14265	040	RRP	156,327,591.96	86,896,062.47	128,233,580.50		0.003	3.962	431,529.49	0.00	431,529.49
			<b>Subtotal</b>	<b>156,327,591.96</b>	<b>86,896,062.47</b>	<b>128,233,580.50</b>			<b>3.962</b>	<b>431,529.49</b>	<b>0.00</b>	<b>431,529.49</b>
			<b>Total</b>	<b>686,740,591.96</b>	<b>613,301,371.79</b>	<b>655,114,715.13</b>			<b>2.541</b>	<b>1,428,078.77</b>	<b>-14,030.42</b>	<b>1,414,048.35</b>





### Pooled and Trust Cash and Investment Portfolio Trend as of December 31, 2022





**Summary of Pooled Cash and Investments - Trust Funds  
(Market Value)  
As of December 31, 2022**

		<u>Pooled Cash</u>	<u>Investments (Book Value)</u>	<u>Gain/Loss on Investments</u>	<u>Pooled Cash &amp; Investments (Market Value)</u>
<b>Retiree Medical Trust Fund</b>					
<b>Fund No.</b>					
721	BHA	\$ 183,582	\$ 432,706	\$ (29,468)	\$ 586,820
722	M1=IBEW	(44,086)	96,884	(11,879)	40,919
723	M2=Local 1	3,532,877	7,895,937	(476,947)	10,951,867
724	MUI=Z1	518,761	1,433,824	(59,026)	1,893,559
725	MUI=Z2 to Z6	801,685	2,060,482	(107,490)	2,754,677
726	M535= Local 535	3,052,692	7,135,845	(299,275)	9,889,262
727	M3=Local 790	1,974,517	4,735,980	(341,411)	6,369,086
<b>Total Retiree Medical Trust Fund</b>		<b>10,020,028</b>	<b>23,791,658</b>	<b>(1,325,496)</b>	<b>32,486,190</b>
<b>Fire Medical Trust Fund</b>					
736	Fire Medical Trust Fund	(682,374)	13,843,007	(926,634)	12,234,000
<b>Total Fire Medical Trust Fund</b>		<b>(682,374)</b>	<b>13,843,007</b>	<b>(926,634)</b>	<b>12,234,000</b>
<b>Police Medical Trust Fund</b>					
731	Police EE Retiree HLT Assistance Plan	184,077	2,371,235	(254,299)	2,301,013
701	Safety Members Pension Fund	106,854	-	-	106,854
706	Police Medical Trust Fund	380,826	4,343,007	(382,131)	4,341,702
<b>Total Police Medical Trust Fund</b>		<b>671,757</b>	<b>6,714,242</b>	<b>(636,430)</b>	<b>6,749,569</b>
<b>Total Trust Funds</b>		<b>\$ 10,009,411</b>	<b>\$ 44,348,907</b>	<b>\$ (2,888,560)</b>	<b>\$ 51,469,759</b>



**Retiree Medical Trust Fund  
Fund 721 - 727  
Interest Earnings  
October 1 to December 31, 2022**

Investments As of December 31, 2022								Interest Earnings October 1 to December 31, 2022					
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Federal Agency Coupon Securities</b>													
3133EFQT7	14361	Fed Farm Credit Bank	2,600,000.00	2,605,730.09	2,605,730.09	2,485,600.00	11/25/2025	AAA	2.700	2.603	17,550.00	(454.77)	17,095.23
<b>Medium Term Notes - Callable</b>													
665859AX2	14671	Northern Trust Corp	10,000,000.00	-	10,016,749.30	10,544,400.00	11/02/2032	A2	6.125	6.068	90,173.61	(250.70)	89,922.91
<b>Municipal Bonds</b>													
786091AG3	14316	SACGEN	5,000,000.00	5,153,100.39	5,153,100.39	5,216,800.00	08/01/2025	A3	7.250	5.945	90,625.00	(13,508.85)	77,116.15
<b>Savo Island Loan</b>													
SYS10988	10988	EMPMED	150,000.00	150,000.00	150,000.00	150,000.00	09/01/2025	N/A	8.000	8.066	3,049.72	-	3,049.72
<b>Preferred Securities</b>													
00206R706	14591	AT&T Inc.	1,680,033.60	1,680,033.60	1,680,033.60	1,162,689.92	N/A	N/A	4.640	4.674	19,792.06	-	19,792.06
00206R706	14596	AT&T Inc.	1,680,008.40	1,680,008.40	1,680,008.40	1,162,672.48	N/A	N/A	4.643	4.674	19,791.77	-	19,791.77
00206R706	14597	AT&T Inc.	2,520,000.00	2,520,000.00	2,520,000.00	1,744,000.00	N/A	N/A	4.596	4.674	29,687.50	-	29,687.50
<b>Total</b>			<b>\$ 23,630,042.00</b>	<b>\$ 13,788,872.48</b>	<b>\$ 23,805,621.78</b>	<b>\$ 22,466,162.40</b>				<b>5.175</b>	<b>\$ 270,669.66</b>	<b>\$ (14,214.32)</b>	<b>\$ 256,455.34</b>

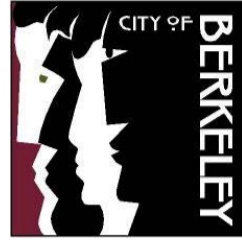
Total Investments (Book Value)	\$ 23,805,621.78
Gain/Loss on Investments	(1,339,459.38)
Total Investments (Market Value)	22,466,162.40
Temporarily Invested with Pooled Cash & Investments	10,020,028.00
Total Pooled Cash and Investments	<u>\$ 32,486,190.40</u>



**Fire Retiree Medical  
Fund 736  
Interest Earnings  
October 1 to December 31, 2022**

Investments As of December 31, 2022									Interest Earnings October 1 to December 31, 2022				
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Medium Term Notes</b>													
6174467X1	14318	Morgan Stanley DW DTC#0015	2,000,000.00	2,026,225.58	2,022,365.72	1,993,980.00	11/24/2025	BAA1	5.000	4.524	25,000.00	(1,929.93)	23,070.07
<b>Federal Agency Coupon Securities</b>													
3133EFQT7	14362	Fed Farm Credit Bank	2,300,000.00	2,305,471.23	2,304,666.63	2,198,800.00	11/25/2025	AAA	2.700	2.603	15,525.00	(402.30)	15,122.70
<b>Federal Agency Continuously Callable</b>													
3130AUB78	14672	Federal Home Loan Banks	4,000,000.00		4,000,000.00	3,991,880.00	12/28/2037	AAA	6.230	4.737	2,076.67	-	2,076.67
3130AUB86	14673	Federal Home Loan Banks	2,996,000.00		2,996,000.00	2,987,731.04	12/29/2042	AAA	6.540	4.421	1,088.55	-	1,088.55
<b>Preferred Securities</b>													
00206R706	14592	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,162,655.04	N/A	N/A	4.596	4.674	19,791.47	-	19,791.47
00206R706	14594	AT&T Inc.	839,991.60	839,991.60	839,991.60	581,327.52	N/A	N/A	4.640	4.674	9,895.73	-	9,895.73
<b>Total</b>			<b>\$ 13,815,974.80</b>	<b>\$ 6,851,671.61</b>	<b>\$ 13,843,007.15</b>	<b>\$ 12,916,373.60</b>				<b>3.959</b>	<b>\$ 73,377.42</b>	<b>\$ (2,332.23)</b>	<b>\$ 71,045.19</b>

Total Investments (Book Value)	\$ 13,843,007.15
Gain/Loss on Investments	(926,633.55)
Total Investments (Market Value)	12,916,373.60
Temporarily Invested with Pooled Cash & Investments	(682,374.00)
<b>Total Pooled Cash and Investments</b>	<b>\$ 12,233,999.60</b>



**Police Retiree Medical  
Fund 731 and 706  
Interest Earnings  
October 1 to December 31, 2022**

Investments As of December 31, 2022									Interest Earnings October 1 to December 31, 2022				
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Adjusted Interest Earnings		
											Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
<b>Medium Term Notes</b>													
6174467X1	14319	Morgan Stanley DW DTC#0015	500,000.00	506,073.91	505,591.43	498,495.00	11/24/25	BAA1	5.000	4.524	6,250.00	(482.48)	5,767.52
<b>Federal Agency Coupon Securities</b>													
3133EFQT7	14363	Fed. Farm Credit Banks	2,300,000.00	2,305,068.93	2,304,666.63	2,198,800.00	11/25/25	AAA	2.700	2.603	15,525.00	(402.30)	15,122.70
<b>Federal Agency Continuously Callable</b>													
3130AUB86	14674	Federal Home Loan Banks	2,224,000.00	-	2,224,000.00	2,217,861.76	12/29/42	AAA	6.540	4.421	808.05	-	808.05
<b>Preferred Securities</b>													
00206R706	14593	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,162,655.04	N/A	N/A	4.596	4.674	19,791.47	-	19,791.47
<b>Total</b>			<b>\$ 6,703,983.20</b>	<b>\$ 4,491,126.04</b>	<b>\$ 6,714,241.26</b>	<b>\$ 6,077,811.80</b>				<b>3.607</b>	<b>\$ 42,374.52</b>	<b>\$ (884.78)</b>	<b>\$ 41,489.74</b>

Total Investments (Book Value)	\$ 6,714,241.26
Gain/Loss on Investments	(636,429.46)
Total Investments (Market Value)	6,077,811.80
Temporarily Invested with Pooled Cash & Investments	671,757.00
Total Pooled Cash and Investments	<u>\$ 6,749,568.80</u>





Office of the City Manager

INFORMATION CALENDAR

May 9, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Annual Report on the Ronald V. Dellums Fair Chance Access to Housing Ordinance

INTRODUCTION

This report is to provide the required annual report on the City of Berkeley's Ronald V. Dellums Fair Chance Access to Housing Ordinance activities between April 14, 2020 and December 31, 2022.

CURRENT SITUATION AND ITS EFFECTS

The Ronald V. Dellums Fair Chance Access to Housing ordinance was adopted on April 14, 2020. The ordinance prohibits rental housing providers from considering criminal history in making rental housing decisions or selecting tenants (BMC 13.106). The City of Berkeley contracted with the community-based organization Just Cities and the Berkeley Rent Stabilization Board to assist with ordinance implementation, outreach, and audits.

*Implementation*

Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS) staff worked with Just Cities to produce educational and reporting materials as required by Berkeley Municipal Code (BMC) Chapter 13.106.050, including:

- Notice to rental property owners
- Notice to applicants and tenants
- Frequently Asked Questions (FAQ) for formerly incarcerated people and their family members
- FAQ for housing providers
- Annual reporting form for affordable housing providers

Rent Stabilization Board counselors were trained to educate property owners and tenants and to respond to complaints. HHCS/HCS and Rent Board established a dedicated Fair Chance webpage with educational materials and resources:

[https://rentboard.berkeleyca.gov/Fair\\_Chance#:~:text=The%20Fair%20Chance%20Access%20to,process%2C%20or%20decision%2Dmaking.](https://rentboard.berkeleyca.gov/Fair_Chance#:~:text=The%20Fair%20Chance%20Access%20to,process%2C%20or%20decision%2Dmaking.)

*Outreach*

Just Cities conducted six outreach efforts to provide community education about the Fair Chance Housing ordinance. The target audiences were formerly incarcerated people and their family members, re-entry service partners, and rental housing providers. Key outreach and education milestones are highlighted in the Table 1.

<b>Table 1. Fair Chance Housing Outreach Campaign-Detailed Reporting Information</b>		
<b>Outreach Type</b>	<b>Details</b>	<b>Total Views/ Impressions</b>
Street Outreach	- Flyer/brochure distribution through 1-1 community education, community gatherings, events, and drop offs at the following organizations: The Berkeley Food Pantry, Berkeley Food Network, Dorothy Day House: Berkeley Community Resource Center, BFHP Community Meal, Berkeley Adult School - Distributed postcards at 15 community gatherings, events, and resource distribution centers	531
Social Media Outreach	- Social media campaign featured the “Where Do I Go?” music video by Hip Hop for Change on Facebook, Twitter, Instagram	746
Group/ Events Outreach	- Multiracial re-entry network groups - Berkeley street outreach was conducted including at Ashby Flea Market	5,565
Print Media Outreach	- Printed PSA ads were published in the Oakland Post, East Bay Times: Berkeley Voice, and East Bay Express	33,244
Trainings/ Webinars	- Three trainings were held for landlords in partnership with Rent Board, City of Berkeley, and Berkeley Property Owners Association - Two trainings were held for formerly incarcerated individuals and their families in partnership with Berkeley Tenants Union, Underground Scholars, and All of Us or None.	74
Public Advertising	- Five bus shelter ads were displayed during 5/9-6/19/22 at: University Ave & San Pablo Ave, Sacramento St & Ashby Ave, Ashby Ave & Adeline St, Shattuck Ave & Parker St, San Pablo Ave & University Ave	2,245,200 estimated
<b>TOTAL</b>		<b>2,285,360*</b>

\*40,160 excluding bus shelter ad viewership.

*Audits*

Just Cities conducted two email audits, during the summers of 2020 and 2021, to examine the impact of the ordinance on rental housing providers in Berkeley and Oakland. The audits identified that housing providers responded differently to testers with a criminal history and to testers who had a perceived Black name.

In 2020, 71% of respondents operated in compliance with the of the Fair Chance Housing ordinance. In 2021, the sample demonstrated 66% of respondents operated in compliance. This demonstrates the majority of housing providers in Berkeley are not considering criminal history in making rental housing decisions or selecting tenants. However, additional outreach may be effective to close the gap of reported violations. The response rate for housing providers from the City of Berkeley was 67% across both years.

*Reported Violations*

The City contracted with the Rent Board for ordinance administration and enforcement. The Rent Stabilization Board reported no filed complaints during the contract period.

Implementation and outreach activities for the Ronald V. Dellums Fair Chance Housing ordinance is a Strategic Plan Priority Project; advancing our goal to create affordable housing and housing support services for our most vulnerable community members.

BACKGROUND

Formerly incarcerated people face many structural barriers, including access to housing. This increases the risk of recidivism, furthering the cycle caused by an inequitable criminal justice system. The Ronald V. Dellums Fair Chance Access to Housing ordinance was adopted on April 14, 2020. The ordinance prohibits rental housing providers from considering criminal history in making rental housing decisions or selecting tenants (BMC 13.106).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with the outcomes of this report.

POSSIBLE FUTURE ACTION

Council may consider funding the Rent Stabilization Board and/or a community-based organization to continue implementation, education, outreach, and monitoring efforts. The City contracted with the Rent Stabilization Board to support policy implementation, counseling, and administrative determinations/hearings. The City previously contracted with Just Cities to provide education and outreach.

HHCS/HCS does not have staff capacity for the outreach, counseling, and administrative support required to implement the ordinance. Staff recommend a continuation of the contract with the Rent Stabilization Board to ensure proper service to the community.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The City contracted with the Rent Stabilization Board for staff time dedicated to outreach and administration at a cost of \$115,850 for one year. The City contracted with Just Cities for education and outreach at a cost of \$35,000 over two years. Council may consider funding for staff time or a community-based organization to continue education, outreach, and monitoring.

CONTACT PERSON

Mariela Herrick, Community Development Project Coordinator, HHCS, 510-981-5424

Attachments:

1: Just Cities Year 1 & 2 Audit Report

**DATE:** January 13, 2023

**TO:** City of Berkeley Officials

**FROM:** Margaretta Lin, JD, MA, Executive Director & Report Co-Author; Mariel Mendoza, MPH, MPP, Dellums Policy Justice Fellow & Report Co-Author; Dan Lindheim, PhD, JD, MCP, MPH, Report Advisor

**SUBJECT:** Reporting results from email correspondence audit study assessing racial profiling and discrimination against applicants with criminal records

## **SUMMARY**

Funded by the City of Berkeley, Alameda County, and private foundations, Just Cities conducted two email audits in the Summers of 2020 and 2021 examining the impact of new Fair Chance Housing Ordinances on rental housing providers in Berkeley and Oakland. This audit revealed that a considerable number of housing providers across both cities responded differently to testers with a criminal history, or with a perceived Black name. These audits found that 71% of Berkeley and Oakland housing providers audited in 2020 and 66% in 2021 were in compliance with Fair Chance Housing ordinances. An analysis found that this difference in ordinance compliance rates from 2020 and 2021 were not statistically significant. Community outreach, education and housing provider education, including notices sent by the Cities of Berkeley and Oakland to housing providers, may be instrumental in these findings. . However, the audits also suggest the need to continue and expand both outreach and education, as well as strategic enforcement and regulation to both sustain and improve the policy implementation outcomes.

The Year 1 audit conducted in the Summer of 2020 sent rental inquiry emails to housing providers from 3 profiles to assess for potential discrimination on the basis of race and criminal history in the rental market. The results of these emails, or tests, were organized into 4 categories that highlight the extent (if any) of discriminatory behavior by the housing provider. The Year 2 audit used the same method to assess for discrimination in 2021, plus included an additional email test between two Black profiles to provide more insight into potential differential treatment on the basis of criminal history for Black inquirers.

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The results of the **2020 audit** suggest that housing providers showed potentially discriminatory behavior on the basis of criminal history in **23%** of tests across both cities, which may have violated Fair Chance Housing ordinances. Potential discrimination on the **basis of race**, where housing providers showed preferential treatment of White inquiries over Black inquiries, was found in **3% of tests** conducted across both cities. Differential treatment on the basis of both **race and criminal history** was found in **6% of tests** across both cities.

The results of the **2021 audit** suggest that housing providers potentially showed discriminatory behavior on the **basis of criminal history** in **22% of tests** across both cities, potentially violating Fair Chance Housing Ordinances. In 2021, discriminatory behavior on the **basis of race** was found in **6%** of tests conducted across both cities. Differential treatment on the basis of both **race and criminal history** was found in **12% of tests** across both cities. However, when **testing only between Black testers** (one with a criminal history and one without) in Test II, the 2021 audit found that housing providers showed differential treatment on the **basis of criminal history in 28% of tests** across both cities. Interestingly, responses were higher for the inquiries sent from a Black tester with a criminal record (35%). While this may be partially attributed to the order in which inquiries were sent, future audits will be able to shed more light on this finding. There was no statistically significant difference between 2020 and 2021 results, with the exception of housing providers potentially engaging in differential treatment on the basis of both criminal history and race, which increased from 6% to 12% across both cities in 2021.

## **2020 LANDLORD AUDIT STUDY (YEAR 1)**

### **INTRODUCTION**

Many formerly incarcerated people encounter discrimination in finding housing upon release. Research and lived experiences evidence that this discrimination is worse for racial minorities. This may lead to severely limited economic opportunity, thereby increasing the chances of recidivism.<sup>1</sup> In early 2020, Just Cities and the Alameda County Fair Chance Housing Coalition successfully led the passage of Fair Chance Access to Housing Ordinances in Oakland and Berkeley. The effective dates were February 2020 and April 2020, respectively. However, a grace period of 6 months was originally provided in Berkeley and Oakland, which means that while housing providers were required to follow the ordinances, any housing providers that violated the ordinance during the grace period would not be legally liable unless the City had first issued a prior warning. In the city of Berkeley, because of COVID-19, the grace period was extended from September 2020 to January 2021. These grace periods gave housing providers time to learn about the new laws and provided time for the cities to create implementation systems, including FAQs and complaint forms.

The purpose of this audit study was to create a baseline for current levels of discrimination on the basis of criminal history and race in the rental housing market. A separate participatory impact evaluation study of the Fair Chance Housing laws in Oakland and Berkeley involving qualitative and quantitative research is also being conducted.

Given COVID-19 and shelter-in-place requirements, this audit study was conducted by email. Differences in response and type of response to written inquiries of online rental listings were used to assess discriminatory behavior on the basis of criminal history and race. While these profiles were created with the idea of being prospective rental applicants, they are referred to as “inquirers” or “testers” throughout this report. The audit employed a test that included a White male inquirer with a criminal history, a Black male inquirer without a criminal history, and a White male inquirer without a criminal history. This is the first in a series of audit studies seeking to track changes in housing provider responses over time.

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<sup>1</sup> Clark, V.A. (2015). The Effect of Community Context and Post-Release Housing Placements on Recidivism: Evidence from Minnesota. Minnesota Department of Corrections.

## **METHODOLOGY**

### **Listings and Scope**

The audit included Craigslist posts for rental properties in Berkeley and Oakland, as well as listings posted directly on property managers' websites. All available Craigslist listings were pulled using an online web-scraper over the course of two one-week periods, and inquiries were sent within four days of their posting. Duplicate listings were removed, and only one listing per housing provider was inquired about to avoid sending multiple inquiries to single property managers or landlords. The testing team then sent inquiries to the 306 eligible listings (183 listings in Oakland, and 123 listings in Berkeley). The team received a total of 212 responses; with a 71% response rate from Oakland housing providers, and a 67% response rate from Berkeley housing providers.

### **Test Design and Applicant/Tester Profiles**

Three profiles were created for this email audit:

- 1) a White male inquirer with a self-disclosed criminal history,
- 2) a Black male inquirer without a criminal history, and
- 3) a White male inquirer without a criminal history.

The email inquiries sent by the first inquirer (White male with a criminal history) included direct language acknowledging that they are formerly incarcerated: “I have a criminal record, but have been at my job for over 5 years, have stable income, great credit, roommate and landlord references, and have rented in the Bay Area for many years.”

### **Name Generation Methodology**

Names were selected using census and birth record data to signal race by selecting first and last names with high frequency of use for White and Black racial categories. “Black” and “White” appearing last names were randomly generated using 2000 Census data on last names with the greatest likelihood by race. Considering the findings of Gaddis (2017), the first names with highest perception rates of race were pulled and matched with last names in corresponding racial categories.<sup>2</sup> 10 names were generated from each racial category and then each name was matched with the same template response message to lessen

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<sup>2</sup> Gaddis, S. Michael. 2017. “How Black Are Lakisha and Jamal? Racial Perceptions from Names Used in Correspondence Audit Studies.” *Sociological Science* 4: 469-489.



chances of detection. An email address was generated for each inquirer. Profiles were created for each inquirer that described their occupation and incomes, which were at least 3 times the asking rent.

### **Conducting Tests**

The testers inquired about listings (Craigslist, Zillow, Apartments.com, and individual property manager's websites/portals) posted between August 24-31 within a specific price range.

- The price threshold was \$1,500 for 1 bedrooms/studios, \$2,500 for 2 bedrooms, and \$3,500 for 3+ bedrooms.<sup>3</sup>

An email inquiry was sent from the first profile (White male with a criminal history) email account, within 24 hours email inquiries were sent from the second and third inquirers (Black male without a criminal history and White male without a criminal history, respectively). Responses were tracked and organized on a centralized spreadsheet. The categorization of responses are described in detail below.

### **Categorization of Results**

Due to the nature of this study using email inquiries rather than actual rental application submissions, we cannot definitively say that housing providers acted discriminatory against any inquirers. Therefore, outside of the "No Differential Treatment" category, these results demonstrate the potential to show discriminatory behavior in the following categories:

- **No Differential Treatment:** All testers received the same response.
- **Differential Treatment on the basis of Criminal History and/or Potential Violation of Fair Chance Housing Ordinance:**
  - Only inquirers without criminal histories received responses.
  - Housing providers inquired about the nature of the criminal history
  - and/or housing providers stated that the criminal history would impact their application
  - and/or application materials state no criminal history accepted
  - and/or advertised listing states no criminal history accepted.
- **Differential Treatment on the basis of Race:**
  - Only White inquirers, with or without a criminal history, received a response.

<sup>3</sup> These rent levels were decided on through focus group sessions with impacted residents and policy and outreach leaders and using local median rent prices.

- **Differential Treatment on the basis of Criminal History AND Race:**
  - Only the White inquirer without a criminal history received a response
  - OR the White inquirer without a criminal history received a response, but the White inquirer with a criminal history received a conditional response. For example, the white inquirer with a criminal history would be asked more about their criminal history and/or told it would affect their application.

## **YEAR 1 (2020) RESULTS**

### **Review of Rental Housing Advertisements**

Six Berkeley listings out of the 123 reviewed listings (4%) had clear violations of the Fair Chance Housing Ordinances on advertisements or applications. Three applications had questions related to providing background checks on the application, while 3 advertisements had questions about consenting to a background check on the website platform.

Six Oakland listings out of the 183 reviewed listings (3%) had advertisement or application violations. These applications all included a question about consenting to a background check.

### **Email Testing**

Inquiries were sent to a total of 306 rental listings. Inquiries in Berkeley received 82 responses, and inquiries in Oakland received 130 responses (total of 212), for a total response rate of 69%. The following results are based upon an assessment of the 212 responsive tests across Berkeley and Oakland.

- 147 tests out of 212 tests (69%) are categorized as “No differential treatment,” where inquiries received the same response across all 3 profiles.
- In 66 tests (31%) there was some form of differential treatment: 1) 23% of tests were categorized as “differential treatment on the basis of criminal history”, 2) 3% of tests were coded as “differential treatment on the basis of race,” 3) and 6% of tests were categorized as “differential treatment on the basis of both race and criminal history.”

The full details of the test results are provided below.

### **Differential Treatment on the Basis of Criminal History and/or Potential Violations of the Fair Chance Housing Ordinance**

Potential violations of Fair Chance Housing law found during the audit study include: housing providers asking inquirers to disclose their specific criminal history; not responding to inquiries sent from profiles with criminal histories while responding to inquiries from profiles that do not disclose a criminal history; asking inquirers if they have a criminal history on their application forms, asking for consent to run a background check; or advertising that people with a criminal record cannot apply. An average of 23% of tests across both cities met at least one of these criteria; 20% of tests in Berkeley and 24% of tests in Oakland.

Specifically, 8 housing providers in Berkeley and 4 in Oakland asked inquirers to provide more information or elaborate on their criminal history. These 12 housing providers still offered virtual/in-person tour options. However, these providers made it clear that criminal history was a decision factor for them. Additionally, 6 housing providers in Berkeley and 17 in Oakland did not respond to inquirers that disclosed having criminal histories, but did reply to both Black and White testers without criminal histories. It is unclear if housing providers knew that the Fair Chance Housing ordinance had passed.

### **Differential Treatment on the Basis of Race**

Out of the 212 responses received across both Oakland and Berkeley, 6 (3%) suggest housing providers showed differential treatment on the basis of race. In both Berkeley and Oakland, 3 housing providers responded only to the White inquirers with and without a criminal history, while not responding to the Black inquirer that did not disclose having a criminal history.

### **Differential Treatment on the Basis of Both Criminal History and Race**

Across both cities, 12 (6%) tests suggest housing providers showed differential treatment on the basis of both criminal history and race. In 4 Berkeley tests and 8 Oakland tests, housing providers gave preference to the White inquirer with no criminal history over the other inquirers. This mainly showed up as housing providers only responding to the White tester without a criminal history, and ignoring other inquiries. This also included cases in which providers followed up more persistently with the White inquirer without a record compared to the other testers.

**Table 1: 2020 Rental inquiry responses in Berkeley and Oakland by type of response**

	Berkeley		Oakland		TOTAL	
	Number of Tests	Percent	Number of Tests	Percent	Number of Tests	Percent
<b>No differential treatment</b>	58	72%	88	68%	146	69%
<b>Differential treatment (criminal history alone)/ Potential Violation of FCH Ordinance</b>	17	20%	31	24%	48	23%
<b>Differential treatment (race)</b>	3	4%	3	2%	6	3%
<b>Differential treatment (criminal history and race)</b>	4	5%	8	6%	12	6%
<b>TOTAL TESTS</b>	<b>82</b>		<b>130</b>		<b>212</b>	

*\*Percent values rounded to nearest whole percent*

Berkeley Response Rate:  $82/123 = 67\%$

Oakland Response Rate:  $130/183 = 71\%$

## **LIMITATIONS**

For various reasons, there are limitations in the design and outcome of this study. First, the team was limited to conducting an email correspondence audit under the circumstances caused by the COVID-19 global pandemic. This type of (pre-application) rental inquiry may underestimate the true degree of discrimination. Since this audit did not test the same housing provider more than once, there may be a sampling bias over-weighting smaller housing providers versus larger landlords, which may have dozens of properties for lease at once. In our testing for differential treatment on the basis of race, we relied heavily on providers to associate names with Blackness or Whiteness. Although names were chosen that statistically signal race strongly based on census and birth record data (a common racial audit feature), individual landlords or property managers may not have made associations between names and race for

any number of reasons. Similarly, while comparable income and education levels were implied across all profiles through email inquiries, housing providers' may make different individual associations when considering the profiles of these inquirers.

Additionally, the COVID-19 crisis has affected the entire rental housing market, which has continued to change as the pandemic progresses. COVID-19 caused financial strain on many tenants and housing providers. As a result, providers may have expedited their rental application process, loosened their typical restrictions to quickly find tenants, or reacted in other ways to assure their income. Further, racial justice movements sweeping across the country beginning in June 2020 may have shifted providers' consciousness or decision making processes. However, it should also be noted that responses to inquiry emails asking for tours or more information do not equate to rental housing offers nor do they offer insight into which inquirers receive priority. This pre-application testing does not indicate whether a housing provider would actually rent a property to applicants with a criminal record when given the option of renting to a similarly qualified applicant without a criminal record.

### **CONCLUSIONS AND NEXT STEPS**

The results of the Year 1 audit indicate that in roughly 71% of cases, housing providers in Berkeley and Oakland did not demonstrate potential discriminatory behavior on the basis of criminal history. This suggests that many housing providers in Berkeley and Oakland may not consider criminal history as an important factor in making rental housing decisions or selecting tenants who will pay rent in a timely manner and upkeep their rental unit. However, there remained a considerable level of potentially discriminatory behavior on the basis of criminal history and race across the two cities (29% of tests). Particularly noticeable were potential violations of the Fair Chance Housing Ordinances in 20% of tests in Berkeley and 24% of tests in Oakland.

As an organization rooted in principles of transformative justice, Just Cities will continue to work closely with housing providers in Berkeley and Oakland to engage in landlord education and strategies to address discriminatory perceptions of people who have criminal histories. Just Cities has been and will continue to conduct informative webinars with housing providers, inclusive of private landlords and property managers, affordable housing providers, Section 8 landlords, and housing authorities in Berkeley and Oakland. Just Cities seeks to engage housing providers in amicable dialogue and education to meet the ultimate goal of providing people with criminal histories fair access to housing.

## **2021 LANDLORD AUDIT STUDY (YEAR 2)**

### **INTRODUCTION**

Similarly to 2020, the audit conducted in 2021 was designed as an email correspondence audit due to COVID-19 and social-distancing recommendations. Differences in response and type of response to written inquiries to online rental listings were used to assess discriminatory behavior on the basis of criminal history and race. In both years, the audit employed a test that included a White male inquirer with a criminal history, a Black male inquirer without a criminal history, and a White male inquirer without a criminal history. While this was the sole test conducted in 2020, it is referred to as “Test I” in the 2021 study. The 2021 audit includes an additional test, referred to as Test II. Test II tested between two Black male inquirers, one with and one without a criminal history. This allows researchers to parse out when discriminatory behavior was primarily on the basis of race or criminal history. While these profiles were created with the idea of being prospective rental applicants, they are referred to as “inquirers” or “testers” throughout this report.

### **METHODOLOGY**

#### **Listings and Scope**

The audit covered Craigslist posts for properties in Berkeley and Oakland. All available Craigslist listings were pulled using an “scraping” tool over the course of four one-week periods, and inquiries were sent to housing providers within 3 days of their posting. Duplicate listings were removed, and only one listing per housing provider was inquired about to avoid sending multiple inquiries to single property managers or landlords. The testing team then sent inquiries to the 348 eligible listings (199 listings in Oakland, and 149 listings in Berkeley). The team received a total of 199 responses for a response rate of 57%; 126 (63%) from Oakland housing providers, and 73 (49%) from Berkeley housing providers.

#### **Test Design & Applicant/Tester Profiles**

*Test I:* Three profiles were created for this email audit: 1) a White male inquirer with a self-disclosed criminal history, 2) a Black male inquirer without a criminal history, and 3) a White male inquirer without a criminal history. The email inquiries sent by the first inquirer (White male with a criminal history)

included direct language acknowledging that they are formerly incarcerated: “I want to be upfront- I have a criminal record, but I have been at my job for over 5 years, have good credit, and can provide references.”

Matching 3 profiles allowed for insight into whether race and/or criminal history affect a housing provider’s decisions to respond to a rental inquiry. Specifically, it allowed for the team to determine if there was a difference in response on the basis of race by examining the responses to White vs. Black inquirer without criminal histories, as well as if there is a difference in response on the basis of criminal history by examining the response to the White inquirer with a criminal history, and the one without.

*Test II:* Two profiles were created for this email audit: 1) a Black male inquirer with a self-disclosed criminal history and 2) a Black male inquirer without a criminal history. The email inquiries sent by the first inquirer (Black male with a criminal history) included direct language acknowledging that they are formerly incarcerated: “To be transparent, I am formerly incarcerated- I am happy to provide any professional or personal references.” Testing directly between a Black inquirer with a record and a Black inquirer without a record provides insight into differential treatment on the basis of criminal history for Black applicants.

### **Name Generation Methodology**

Names were selected using census and birth record data to signal race by selecting first and last names with high frequency of use for White and Black racial categories. “Black” and “White” appearing last names were randomly generated using 2000 Census data on last names with the greatest likelihood by race. Considering the findings of Gaddis (2017), the first names with highest perception rates of race were pulled and matched with last names in corresponding racial categories.<sup>4</sup> Ten names were generated from each racial category and were assigned with the same template response message to lessen chances of detection. A unique email address was generated for each inquirer. Profiles were created for each inquirer that described their occupation and incomes, which were at least 3 times the asking rent.

### **Conducting Tests**

- Eligible listings were randomly divided into 2 equal sized groups for Test I and Test II.

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<sup>4</sup> Gaddis, S. Michael. 2017. “How Black Are Lakisha and Jamal? Racial Perceptions from Names Used in Correspondence Audit Studies.” *Sociological Science* 4: 469-489.

- Email inquiries were sent to listings within the specified price range for studios, 1 BR, 2BR, and 3+ BR apartments.
- The price threshold was \$2,000 for 1 bedrooms/studios, \$3,000 for 2 bedrooms, and \$4,000 for 3+ bedrooms.<sup>5</sup>

*Test I:* An email was sent from the first inquirer (White male with a criminal history) email account, followed by an email inquiry from the second and third inquirers (Black male without a criminal history and White male without a criminal history, respectively) within 24 hours.

*Test II:* An email from the Black inquirer with a criminal history was sent, followed by an email inquiry (within 24 hours) from the account of the Black inquirer without a criminal history.

Responses were collected on a centralized spreadsheet where team members could track when someone was actively working on a rental inquiry for a listing (to avoid duplicates). The categorization of responses are described in detail below.

### **Categorization of Results**

The outcomes of the email inquiries were organized into the categories listed below. Due to the nature of this study using email inquiries rather than actual housing applications, we cannot definitively say that housing providers acted discriminatory against any inquirers. Therefore, outside of the “No Differential Treatment” category, these results demonstrate the potential to show discriminatory behavior in the categories described below.

*Test I:* The responses to inquiry emails were categorized into the following:

- **No Differential Treatment:** All inquiries received the same response.
- **Differential Treatment on the Basis of Criminal History and/or Potential Violation of Fair Chance Housing Ordinance:**
  - Only inquirers without criminal histories received responses
  - Housing providers inquired about the nature of the criminal history;
  - And/or housing providers stated that the criminal history would impact their application;
  - And/or application materials state no criminal history accepted;
  - And/or advertised listing states no criminal history accepted.

<sup>5</sup> These rent levels were decided on through focus group sessions with impacted residents and policy and outreach leaders and using local median rent prices.



- **Differential Treatment on the Basis of Race:**
  - Only White inquirers, regardless of criminal history, received a response.
- **Differential Treatment on the Basis of Criminal History AND Race:**
  - Only the White inquirer without a criminal history received a response
  - OR the white inquirer without a criminal history received a response, but the White inquirer with a criminal history received a conditional response.
    - For example, the White inquirer with a criminal history would be asked more about their criminal history and/or told it would affect their application.

*Test II:* The responses to inquiry emails were categorized into the following:

- **No differential treatment:**
  - All inquirers received the same response.
- **Differential Treatment on the Basis of Criminal History and/or Potential Violations of the Fair Chance Housing Ordinance:**
  - Only inquirer without a criminal history received a response;
  - And/or housing providers inquired about the nature of the criminal history;
  - And/or stated that the criminal history would impact their application;
  - And/or application materials state no criminal history accepted;
  - And/or advertised listing states no criminal history accepted.
- **Housing Provider Only Replied to Inquirers Who Disclosed Having a Criminal Record:**
  - Only the first inquirer, the Black male who disclosed having a criminal history received a response, while the inquirer without a criminal history did not receive a response.

## **RESULTS**

### **Review of Rental Housing Advertisements**

Three Berkeley listings out of the 149 reviewed listings (2%) had advertisement or application violations; one advertisement stated a “Clean criminal record” was required. Two applications included a question on criminal history.

Four Oakland listings out of the 199 reviewed listings (2%) had advertisement or application violations. One advertisement stated "Credit/background check + references required." One advertisement stated: "Application fee details: \$35 - Background check/etc." Two reviewed applications included a question

asking potential applicants about drug related convictions. These findings were not found to be significantly different from year 1 results.

### **Email Testing**

Inquiries were sent to a total of 348 eligible listings. Inquiries in Berkeley received 73 responses, and inquiries in Oakland received 126 (total of 199), for a total response rate of 57%. The following results are based upon an assessment of the 199 responsive tests across Berkeley and Oakland.

For Test I across Berkeley and Oakland:

- In 72 tests (60%), there was no suggestion of differential treatment between the inquiries sent for all 3 profiles.
- In 49 tests (40%) there was some suggestion of differential treatment: 22% of tests suggest differential treatment on the basis of criminal history, 6% suggest differential treatment on the basis of race only, and 12% of tests suggest differential treatment on the basis of both criminal history and race.

For Test II, across Berkeley and Oakland:

- In 29 tests (37%) there was no suggestion of differential treatment between the two inquiries.
- In 22 tests (28%) there was indication of differential treatment on the basis of criminal history, possibly in violation of the Fair Chance Housing Ordinance. In 27 tests (35%), housing providers responded only to the inquirer who sent an inquiry first, disclosing their criminal history.

### **Test I Results**

#### Differential Treatment on the Basis of Criminal History and/or Potential Violations of the Fair Chance Housing Ordinance

Violations of Fair Chance Housing law found during the audit study included housing providers asking inquirers to disclose their specific criminal history, not responding to inquiries sent from profiles disclosing criminal histories while responding to inquiries from profiles that did not have a criminal history, asking inquirers if they have a criminal history on application forms, asking for consent to run a background check, or advertising that people with a criminal record cannot apply. 23% of total tests in Berkeley and 22% of tests in Oakland resulted in a response meeting these criteria, for an average of 22% across both cities.

#### Differential Treatment on the Basis of Race

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Across Berkeley and Oakland, 7 out of 121 tests (6%) suggested differential treatment on the basis of race; with 6 of these being in Oakland. In these tests, the housing provider responded to the inquirers with White-perceived names, but not to the testers with Black-perceived names. This raises concerns about civil rights violations across a small, but considerable portion of renters.

#### Differential Treatment on the Basis of Both Criminal History and Race

In 10 Berkeley tests (23%) and 5 Oakland tests (6%), housing providers gave preference to the White inquirer without criminal history over the Black inquirers without a criminal history and the White inquirers with a criminal history. This was demonstrated by housing providers only responding to the White inquirer without a criminal history, and ignoring the other inquiries. Cases where housing providers responded most preferentially to the White inquirer without a record were also included in this category. For example, in one test a housing provider only responded to the White inquirer, but still requested additional information for the White inquirer with the criminal history. In another test, a housing provider did not respond to the White tester disclosing a criminal history, but responded to the White inquirer without a criminal record stating that they would be “a perfect fit for our community.” Yet their response to the Black inquirer did not include any comments on “fit” or desirability of the inquirer.

#### Meaningful Differences Between Year 1 and Year 2

When comparing the rates of housing providers that responded to all 3 profiles the same (“No differential treatment”), the research team found no significant difference in the proportion of housing providers in this category across both years of the audit. In year 1 approximately 69% of housing providers showed no differential treatment across profiles, while this proportion fell to 60% in year 2 (test 1). The statistical analysis between the year 2 and year 1 results show that the difference was not statistically significant.<sup>6</sup> However, the same analysis did conclude that there was a statistically significant increase in the proportion of providers that showed potentially discriminatory behavior in the “Differential Treatment on the Basis of Criminal History and Race” category from year 1 to year 2.<sup>7</sup> However, since so few tests fell into this category, this may be a reflection of working with a limited sample size. Comparisons from the year 1 and year 2 audit must be made with caution, given the changing circumstances of the COVID-19 pandemic. Other constraints are described in the Limitations section.

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<sup>6</sup> For statistical analysis details, see Appendix

<sup>7</sup> *ibid.*

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## **Test II Results**

These results are based on inquiries utilizing two “Black” profiles, one with a criminal record and one without a criminal record. There were a total of 78 housing provider responses assessed.

### Differential Treatment on the Basis of Criminal History and/or Violations of Fair Chance Housing Ordinance

In 28% of total tests in Berkeley and 29% of tests in Oakland, responses to inquiries met the criteria for differential treatment on the basis of criminal history, for an average of 28% across both cities. This mainly included instances where housing providers only responded to the Black inquirer without a criminal history, and did not respond to the Black inquirer with a criminal history.

### Housing Provider Only Replied to Applicants Who Disclosed Having a Criminal Record

In 35% of tests across Berkeley and Oakland, the Black male inquirer who disclosed a criminal history received a response but not the Black inquirer without a criminal record. This was more often the case in Berkeley, with 45% of total tests reflecting this situation, while Oakland had 29% of tests with this situation. A portion of these responses may be explained by the order in which these inquiries were sent. Inquiries were sent from the profile with a criminal record before inquirers without a criminal record. Since both inquirers in this test were Black, housing providers may have relied more on timing when responding to email inquiries than in other tests. This preference due to timing is limited in the design of Test I, where the white inquirer without a criminal history is the last to inquire about the rental listing (sent after white inquirer with a criminal history and the Black inquirer without a criminal history). Additionally, the response rate in this test (40% in Berkeley and 52% in Oakland) was substantially lower than the response rate for test 1 (57% in Berkeley and 74% in Oakland). This lower response rate alone may signal something about housing providers preferences in responding to rental inquiries.

**Table 2: 2021 Test I Results (3 Stage Sandwich Test)**

	Berkeley		Oakland		TOTAL	
	Number of Tests	Percent	Number of Tests	Percent	Number of Tests	Percent
<b>No differential treatment</b>	23	52%	49	64%	72	60%
<b>Differential treatment (criminal history)/ Violation of FCH Ordinance</b>	10	23%	17	22%	27	22%
<b>Differential treatment (race)</b>	1	2%	6	8%	7	6%
<b>Differential treatment (criminal history and race)</b>	10	23%	5	6%	15	12%
<b>TOTAL TESTS</b>	<b>44</b>		<b>77</b>		<b>121</b>	

*\*Percents values rounded to nearest whole percent*

Berkeley Response Rate:  $44/77 = 57\%$

Oakland Response Rate:  $77/104 = 74\%$

**Table 3: 2021 Test II Results (2 Stage Test) (Only 2 Testers: Both “Black”, 1 with a criminal record and 1 without)**

	Berkeley		Oakland		TOTAL	
	Number of Tests	Percent	Number of Tests	Percent	Number of Tests	Percent
<b>No differential treatment</b>	8	28%	21	43%	29	37%
<b>Differential treatment(criminal history)/ Violation of FCH Ordinance</b>	8	28%	14	29%	22	28%
<b>Housing Provider only replied to applicant who disclosed having a criminal record</b>	13	45%	14	29%	27	35%
<b>TOTAL TESTS</b>	<b>29</b>		<b>49</b>		<b>78</b>	

*\*Percent values rounded to nearest whole percent*

Berkeley Response Rate:  $29/72= 40\%$

Oakland Response Rate:  $49/95= 52\%$

### **LIMITATIONS**

First, the team was limited to conducting an email correspondence audit under the circumstances caused by the COVID-19 global pandemic, and pre-application testing underestimates the degree of discrimination. Since this audit did not test the same housing provider, there may be a sampling bias over-weighting smaller housing providers versus larger landlords, which may have dozens of properties for lease at once. Responses to inquiry emails asking for tours or more information do not equate to rental housing offers nor do they offer insight into which applicants receive priority. In our testing for differential treatment on the basis of race, we relied heavily on renters to associate names with Blackness or Whiteness. Although names were chosen that statistically signal race strongly based on census and birth record data (a common racial audit feature), individual landlords or property managers may not have made associations between names and race for any number of reasons. Similarly, while comparable income and education levels were implied across all profiles through email inquiries, housing providers’ may make different individual associations when considering these applicants.

Results from Audit Year 2 cannot be fully and directly compared to the results of Audit Year 1, largely given the fast changing circumstances of the COVID-19 pandemic. The testing team was still limited to conducting email correspondence testing; however, vaccinations and eased COVID-19 restrictions may have made it easier and more common for real-world applicants to attend open houses.

COVID-19 caused an immense amount of financial strain on tenants and housing providers. By 2021, housing providers may have expedited their rental application process, loosened their typical restrictions to quickly find tenants, or reacted in other ways to assure their income during uncertain times. Additionally, tenants who moved out of the Bay Area in 2020 due to the pandemic may have started moving back in 2021. Also, the lifting of COVID-19 restrictions may have resulted in additional people moving to Oakland or Berkeley (for example, college students who left/delayed a move due to the pandemic may have returned for in-person school). Further, racial justice movements have persisted across the country since June 2020. It remains possible that housing providers may be making conscious decisions on the basis of racial justice issues and discrimination as a reaction to these events. However, this type of pre-application interaction with housing providers is very limited, and does not indicate whether or not a housing provider would actually rent the property to applicants with a criminal record when given the option of renting to a similarly qualified applicant without a criminal record.

### **CONCLUSIONS AND NEXT STEPS**

The results of both tests in this audit indicate that some housing providers continue to potentially discriminate against Black rental inquiries and inquiries from people with criminal histories to varying degrees.

Test I suggests that some Berkeley and Oakland housing providers practice differential treatment in inquiries from people with a criminal history in 22% of cases. This audit also suggests a smaller, yet considerable number of housing providers treated inquirers differently on the basis of race in 6% of rental inquiries across these cities. Furthermore, 23% of tests in Berkeley and 6% of tests in Oakland suggest housing providers practiced differential treatment on the basis of criminal history and race during this initial stage of rental inquiry. This is a troubling finding concerning the welfare of prospective renters of color or those with criminal histories in an already heavily competitive housing market. While 60% of tests suggest there were no instances of differential treatment, including race alone, 40% of any sort of differential treatment, including based upon race alone, is far too high.

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Test II results matching Black profiles with and without criminal backgrounds provided further revealing results. Just 37% of tests across both cities indicated no instances of differential treatment. Together, 28% of tests in Berkeley and Oakland resulted in potential differential treatment against the inquirer with a criminal history. Housing providers were more likely to respond to “Black” inquirers when they disclosed having a criminal history (35%). One way of interpreting this finding is that housing providers may feel that prospective applicants choosing to disclose their histories may come across as more “trustworthy,” but it is possible that there are other factors that may better explain this finding.

While this study may highlight instances of discrimination that may be considered less “overtly discriminatory,” it is important to note that a considerable number of housing providers continue to make discriminatory decisions despite the passage of civil rights legislation and Fair Chance ordinances. Applicants of color, and especially those with a criminal history, will continue to face an uphill battle when searching for housing, despite having a deck already stacked against them.

As an organization rooted in principles of transformative justice, Just Cities will continue working closely with housing providers in Berkeley and Oakland to engage in landlord education strategies to address discriminatory perceptions of people who have criminal histories. Just Cities has been and will continue to conduct informative webinars with housing providers, inclusive of private landlords and property managers, affordable housing providers, Section 8 landlords, and housing authorities in Berkeley and Oakland. Just Cities seeks to engage housing providers in amicable dialogue and education to meet the ultimate goal of providing people with criminal histories fair access to housing.

### **ACKNOWLEDGEMENTS**

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## APPENDIX

### \* Statistical Analysis

Two-proportion Z-tests were used to assess for meaningful variations in Year 1 and Test I of Year 2. An alpha ( $\alpha$ ) of .05 is used to determine significance. The results of this analysis are summarized in Table A below. The only statistically significant variation in results between year 1 and year 2 (Test I) is in the proportion of housing providers that fell into the category “Differential Treatment on the basis of Criminal History and Race.” Two separate statistical analyses were conducted in order to strengthen the analysis: 1) a two-proportion z-test on all responses from year 1 and year 2 ( Table A); and 2) a two-proportion z-test on a randomly selected sub-sample of responses (Table B). For the analysis in Table B a random sample of all provider responses (which were assigned unique numbers) was taken using a random number generator. A 2 proportion Z-test was then conducted using the responses corresponding to the randomly generated numbers and are summarized in Table B below.

Table A: Two-Proportion Z-Tests on Year 1 and Year 2 (Test I) results				
	Year 1	Year 2	Z-Score	P-Score
No Differential Treatment	69%	60%	1.72	.084
Differential Treatment on the Basis of Criminal History	23%	22%	.061	.951
Differential Treatment on the Basis of Race	3%	6%	-1.34	.185
Differential Treatment on the Basis of Criminal History and Race**	6%	12%	-2.17**	.030
** Indicates statistically significant variation between year 1 and year 2 results				

Table B: Sub-Sample Two-Proportion Z-Tests on Year 1 and Year 2 (Test I) results				
	Year 1	Year 2	Z-Score	P-Score
No Differential Treatment	69%	60%	1.7791	.084
Differential Treatment on the Basis of Criminal History	23%	22%	-0.7207	.951
Differential Treatment on the Basis of Race	3%	6%	0.5847	.185

Differential Treatment on the Basis of Criminal History and Race**	6%	12%	-2.056**	.030
** Indicates statistically significant variation between year 1 and year 2 results				

### Year 1 Summary of Audit Test Responses

B- Test conducted for a Berkeley rental property. 82 responses were received

O- Test conducted for an Oakland rental property. 131 responses were received

Code	Findings
B1	No differential treatment
B2	No differential treatment
B3	No differential treatment
B4	No differential treatment
B5	No differential treatment
B6	No differential treatment
B7	No differential treatment
B8	Differential treatment (criminal record)- Asked inquirer to provide more information on their criminal history
B9	Differential treatment (criminal record and race)- Responded only to white inquirer with no record offering a showing; then apartment was rented and replied to all 3 inquirers telling them so and linking website, but only offered vacant apartment tours or video tours to the white inquirer with no record
B10	Differential treatment (criminal record)- Only replied to Black and white inquirers without record
B11	No differential treatment
B12	No differential treatment

B13	No differential treatment
B14	No differential treatment
B15	Differential treatment (criminal record)- Only replied to Black and white inquirer without criminal record; sent a follow up email with attached application to Black inquirer (but not to white inquirer); application contained the Box
B16	No differential treatment
B17	No differential treatment
B18	Differential treatment (race)- Only replied to white inquirers
B19	No differential treatment
B20	No differential treatment- “Thank you for being up front” included in message to inquirer with criminal record
B21	Differential treatment (criminal record) - Asks inquirer with criminal record for more information (offense type, how long ago), and mentions wanting to verify work record.
B22	No differential treatment
B23	No differential treatment: “I appreciate you being candid about your history!” included in message to inquirer with criminal record
B24	Differential treatment (criminal record) - Only replied to Black and white inquirers without criminal records
B25	No differential treatment
B26	No differential treatment
B27	Differential treatment(criminal record)- Asked inquirer to provide more information on their criminal history
B28	No differential treatment
B29	No differential treatment

B30	No differential treatment
B31	No differential treatment
B32	No differential treatment
B33	No differential treatment
B34	No differential treatment
B35	Differential treatment (race and criminal record)- Only replied to white inquirer without a criminal record
B36	No differential treatment
B37	No differential treatment
B38	No differential treatment
B39	Differential treatment (criminal record)- Asked inquirer to provide more information on their criminal history
B40	No differential treatment
B41	No differential treatment
B42	No differential treatment
B43	No differential treatment
B44	No differential treatment BUT states no criminal record online
B45	Differential treatment(race and criminal record)- Only replied to White inquirer without criminal history
B46	No differential treatment
B47	No differential treatment

B48	No differential treatment
B49	No differential treatment
B50	No differential treatment
B51	No differential treatment
B52	No differential treatment
B53	Differential treatment (race)- Did not reply to Black inquirer
B54	No differential treatment
B55	Differential treatment (Criminal record)- Sent resident qualification policy to formerly incarcerated inquirer stating no criminal records, did not send to other inquirers
B56	No differential treatment
B57	No differential treatment
B58	No differential treatment
B59	No differential treatment
B60	Differential treatment (Criminal record)- Asked inquirer to provide more information on their criminal history
B61	No differential treatment
B62	No differential treatment
B63	Differential treatment (Criminal record)- Told inquirer with criminal record they have the wrong address, responded to other inquirers with offer to tour
B64	No differential treatment
B65	Differential treatment (race)- Did not respond to Black inquirer

B66	No differential treatment (inform inquirer that City of Berkeley doesn't allow landlords to ask about criminal records; landlord has rented to people with criminal records in the past before)
B67	No differential treatment (state in email that underwriting process doesn't take criminal history into consideration)
B68	No differential treatment
B69	No differential treatment
B70	No differential treatment
B71	No differential treatment
B72	Differential treatment (criminal history)- Asked inquirer to provide more information on their criminal history
B73	No differential treatment
B74	No differential treatment
B75	Differential treatment (Criminal history)- Did not respond to inquirer with criminal history
B76	Differential treatment(race and criminal record)- Only replied to White inquirer without criminal history
B77	Differential treatment (Criminal history)- Did not respond to inquirer with criminal history
B78	No differential treatment
B79	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history; Did not provide tour information like they did for other inquirers
B80	No differential treatment BUT states no criminal record on application attached
B81	No differential treatment
B82	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history; Craigslist post explicitly states "no felonies"

Code	Findings
O1	Differential treatment(race and criminal record)- Only replied to White inquirer without criminal history
O2	Differential treatment(criminal record)- Only replied to Black and white inquirers without criminal records
O3	No differential treatment
O4	Differential treatment (criminal record)- Only replied to Black and white inquirers without criminal records
O5	No differential treatment
O6	No differential treatment
O7	Differential treatment(criminal record)- Property manager states they do a background check, but to save inquirer \$40 can disclose criminal history. Decisions would be made based on criminal record.
O8	No differential treatment
O9	No differential treatment
O10	No differential treatment
O11	No differential treatment
O12	No differential treatment
O13	Differential treatment (criminal history and race)- Only responded to Black inquirer and white inquirer without criminal record; Told Black inquirer credit and income requirements asking if they were in these ranges, did not ask white inquirer for income/credit score ranges
O14	No differential treatment- Told inquirer with criminal history “No worries about the criminal past. We only check credit scores, past rental references and income requirements and stability of income.”
O15	No differential treatment
O16	Differential treatment (criminal history)- Only responded to Black and white inquirers without criminal record

O17	Differential treatment(criminal history)- Asked inquirer to provide more information on their criminal history
O18	No differential treatment
O19	No differential treatment
O20	No differential treatment
O21	No differential treatment
O22	Differential treatment (criminal history) - Only responded to Black and white inquirers without criminal record
O23	No differential treatment
O24	No differential treatment
O25	Differential treatment (criminal history) - Only responded to Black and white inquirers without criminal record
O26	No differential treatment
O27	No differential treatment
O28	Differential treatment (criminal history) - Only responded to Black inquirer
O29	No differential treatment
O30	No differential treatment
O31	No differential treatment
O32	Differential treatment (criminal history)- Only followed up with Black inquirer with application, next steps, phone number
O33	No differential treatment- “Your disclosure regarding your background is also appreciated.”
O34	Differential treatment (criminal history) - Only responded to Black and white inquirers without criminal record



O35	No differential treatment
O36	No differential treatment
O37	No differential treatment
O38	No differential treatment
O39	No differential treatment
O40	Differential treatment (criminal history and race)- Only responded to White inquirer without criminal record
O41	No differential treatment
O42	Differential treatment (criminal history) - Only responded to Black and White inquirers without criminal record
O43	Differential treatment (criminal history and race)- Only responded to White inquirer without criminal record
O44	No differential treatment
O45	Differential treatment(criminal history) - Only responded to Black and White inquirers without criminal record
O46	No differential treatment
O47	No differential treatment
O48	No differential treatment
O49	No differential treatment
O50	No differential treatment
O51	No differential treatment
O52	No differential treatment

O53	No differential treatment
O54	No differential treatment
O55	No differential treatment
O56	No differential treatment
O57	No differential treatment
O58	Differential treatment (criminal history) - Only responded to Black and White inquirers without criminal record
O59	No differential treatment
O60	No differential treatment
O61	No differential treatment
O62	No differential treatment
O63	No differential treatment
O64	No differential treatment
O65	No differential treatment
O66	Differential treatment (criminal history and race)- Only responded to White inquirer without criminal record
O67	No differential treatment
O68	No differential treatment
O69	No differential treatment
O70	No differential treatment

O71	No differential treatment
O72	Differential treatment (race)- Did not respond to Black inquirer
O73	No differential treatment
O74	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history
O75	No differential treatment
O76	Differential treatment (criminal history and race)- Only responded to White inquirer without criminal record
O77	No differential treatment
O78	No differential treatment - "We take anyone who qualifies all you need to do is make 2.5 times the rent and pass our credit check
O79	No differential treatment
O80	No differential treatment
O81	No differential treatment
O82	Differential treatment (criminal history)- Only responded to inquirers without criminal history
O83	No differential treatment
O84	No differential treatment
O85	No differential treatment
O86	No differential treatment
O87	No differential treatment
O88	No differential treatment

*O89	Differential treatment (criminal history)- Followed up only with inquirers with inquirers without criminal histories
O90	No differential treatment
O91	No differential treatment BUT application asks for criminal history
O92	No differential treatment
O93	Differential treatment (criminal history and race)- Provided more information and follow up to Black inquirer, and even more to white inquirer without a criminal history
O94	No differential treatment
O95	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history
O96	No differential treatment
O97	No differential treatment BUT application asks if ever convicted of felony
O98	No differential treatment
O99	Differential treatment (Criminal history)- Followed up twice with Black and White inquirers without criminal records, responded only once to White inquirer with a criminal record
O100	No differential treatment
O101	No differential treatment
O102	No differential treatment “We believe in second chances. No need to note it on your application”
O103	No differential treatment “I don't do a criminal background check and I understand we all have history. “
O104	No differential treatment
O105	No differential treatment BUT application asks if ever convicted of felony
O106	Differential treatment (Criminal history)- more follow up with Tyrone and Jake

O107	Differential treatment (Criminal history)- App asks for criminal history, responded to all but followed up with White inquirer without a record
O108	No differential treatment BUT application asks for consent to run a background check through a screening company, which includes criminal history
O109	No differential treatment
O110	No differential treatment
O111	Differential treatment (race)- Did not reply to Black inquirer
O112	Differential treatment (race)- Did not reply to Black inquirer
O113	No differential treatment
O114	No differential treatment
O115	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history
O116	Differential treatment (Criminal history)- Did not reply to inquirer with criminal history
O117	Differential treatment (race and criminal history)- Did not reply to Black inquirer; replied to both White inquirers but states they will use a Cozy background check, which includes a criminal background check in the platform
O118	No differential treatment
O119	No differential treatment
O120	No differential treatment BUT says they'll run a standard background check
O121	Differential treatment (Criminal history)- Did not reply to inquirer with criminal history
O122	Differential treatment (Criminal history)- Asked inquirer to provide more information on their criminal history; doesn't offer tour slots to inquirer with criminal history, but does for other inquirers
O123	No differential treatment

O124	No differential treatment
O125	No differential treatment
O126	Differential treatment (Criminal history)- Did not reply to inquirer with criminal history
O127	Differential treatment (Criminal history)- Did not reply to inquirer with criminal history
O128	No differential treatment
O129	No differential treatment
O130	No differential treatment

### Year 2 Summary of Audit Test Responses

B- Test conducted for a Berkeley rental property.

O- Test conducted for an Oakland rental property.

<b>Berkeley - Test I (Sandwich Test)</b>	
<b>Code</b>	<b>Findings</b>
B1	No differential treatment
B2	No differential treatment
B3	No differential treatment
B4	Differential treatment (criminal record and race)- only responded to White inquirer without criminal record
B5	Differential treatment (criminal record)- only responded to inquirer without criminal record
B6	Differential treatment (criminal record and race)- only responded to White inquirer without criminal record
B7	Differential treatment (criminal record)- only responded to inquirer without criminal record

B8	No differential treatment
B9	No differential treatment
B10	Differential treatment (criminal record)- Asked for the "nature of the criminal history"
B11	No differential treatment
B12	No differential treatment
B13	Differential treatment (criminal history)- Did not respond to inquirer with a criminal history
B14	Differential treatment (race)- Black inquirer was not offered specific time slots, while White inquirers were invited to a specific showing
B15	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B16	Differential treatment (criminal record and race)- only responded to white inquirers, asked formerly incarcerated inquirer to verify income while providing a phone number to call to the non-formerly incarcerated white inquirer
B17	No differential treatment
B18	Differential treatment (criminal record)- inquirer with criminal record was asked "Can you give a bit more information about that?" without information about viewings
B19	No differential treatment
B20	Differential treatment (criminal record)- only responded to inquirers without criminal record
B21	Differential treatment (criminal record and race)- only responded to White inquirer without criminal record
B22	Differential treatment (criminal record)- only responded to inquirers without criminal record
B23	No differential treatment
B24	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B25	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B26	No differential treatment

B27	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B28	No differential treatment
B29	No differential treatment
B30	No differential treatment
B31	No differential treatment
B32	No differential treatment
B33	No differential treatment
B34	No differential treatment
B35	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B36	No differential treatment
B37	Differential treatment (criminal record)- only responded to inquirers without criminal record
B38	No differential treatment
B39	No differential treatment
B40	No differential treatment
B41	Differential treatment (criminal record and race)- only responded to white inquirer without a criminal record
B42	No differential treatment
B43	Differential treatment (criminal record)- only responded to inquirers without criminal record
B44	Differential treatment (criminal record)- only responded to inquirers without criminal record

**Oakland - Test I (Sandwich Test)**

<b>Code</b>	<b>Findings</b>
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O1	No differential treatment
O2	No differential treatment
O3	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O4	No differential treatment ("Also, as required by the City of Oakland, I have attached a copy of the Fair Chance Access to Housing Ordinance for your review. There is no need to sign this document, just read it, save it, be aware. The (Property Management Company Name) prides itself on being respectful of the privacy of all its tenants and prospective tenants.
O5	Differential treatment (race)- Responded to White inquirers, but not the Black inquirer
O6	No differential treatment
O7	Differential treatment (criminal history)- inquirer with a criminal history was asked about their income; while inquirers without a criminal history were offered a tour slot
O8	No differential treatment
O9	Differential treatment (criminal history and race)- Only responded to White inquirer without a criminal history
O10	No differential treatment
O11	No differential treatment
O12	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O13	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O14	No differential treatment
O15	No differential treatment
O16	No differential treatment
O17	No differential treatment
O18	No differential treatment
O19	No differential treatment

O20	Differential treatment (criminal history and race)- Only responded to White inquirer without a criminal history
O21	Differential treatment (criminal history)- inquirers without a criminal history were given a phone number to schedule a time while inquirer with a criminal history was not provided a phone number and asked about their credit score and if they had pets
O22	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O23	No differential treatment
O24	No differential treatment- "Thank you for the upfront information" included in email to inquirer with criminal record
O25	No differential treatment
O26	No differential treatment
O27	No differential treatment
O28	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O29	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O30	No differential treatment
O31	No differential treatment
O32	No differential treatment- "No worries about the past criminal record" included in email to inquirer with criminal record
O33	No differential treatment
O34	No differential treatment
O35	No differential treatment
O36	Differential treatment (race)- responded preferentially to both white inquirers
O37	No differential treatment
O38	Differential treatment (race)- responded preferentially to both white inquirers
O39	No differential treatment

O40	No differential treatment- "Thank you for being upfront and honest" included in email to inquirer with criminal history
O41	Differential treatment (race)- only responded to white inquirers
O42	No differential treatment ("Yes it is still available. Thank you for your honesty, however good credit and the ability to pay is what I care about, not your record :)")
O43	Differential treatment (race)- only respond to white inquirers
O44	No differential treatment- "Thank you for being so honest" included in email to inquirer with criminal record
O45	No differential treatment- "We appreciate the openness, and that is not a problem" included in email to inquirer with criminal record
O46	Differential treatment (criminal record)- only respond to inquirers without a criminal record
O47	No differential treatment- "We appreciate your disclosing the information about criminal record and will consider you fairly" included in email to inquirer with criminal record
O48	Differential treatment (criminal record) - responded to inquirers without criminal record [*Note: Same property management company responded with no differential treatment in text O47]
O49	No differential treatment
O50	No differential treatment
O51	No differential treatment
O52	No differential treatment
O53	No differential treatment
O54	No differential treatment ("Per California law, we cannot blanket reject anyone with a criminal record, and we would welcome you to apply if this unit is appealing to you.")
O55	Differential treatment (criminal history and race)- Did not respond to inquirer who disclosed a criminal history; responded preferentially for White inquirer ("you will be [a] perfect fit for our community") over Black inquirer (no comment on "fit")
O56	No differential treatment
O57	Differential treatment (criminal record)- did not respond to inquirer with a criminal history
O58	Differential treatment (criminal record and race)- only responded to white inquirer with no criminal record

O59	No differential treatment- inquirer with criminal record was thanked "for being so honest"
O60	Differential treatment (criminal record)- did not respond to inquirer with a criminal history
O61	Differential treatment (criminal record)- only inquirers without a criminal record received responses
O62	No differential treatment
O63	No differential treatment
O64	No differential treatment
O65	No differential treatment
O66	No differential treatment
O67	No differential treatment
O68	Differential treatment (criminal record and race)- responded only to white inquirer with no criminal record
O69	Differential treatment (criminal record and race)- Did not respond to inquirer with criminal record; followed up multiple times with White inquirer without a criminal record, including to offer a rent reduction while only responding once to the initial inquiry from the Black inquirer without a criminal record
O70	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O71	Differential treatment (criminal record)- only responded to inquirers without criminal record
O72	Responded only to inquirer that disclosed criminal record--no diff
O73	No differential treatment
O74	Differential treatment (criminal history)- Did not respond to inquirer who disclosed a criminal history
O75	No differential treatment
O76	Differential treatment (Criminal history)- Did not respond to inquirer who disclosed a criminal history
O77	No differential treatment

<b>Berkeley - Test II</b>	
<b>Code</b>	<b>Findings</b>
B1	Differential treatment (criminal record) - responded only to inquirer without criminal history
B2	Responded only to inquirer who disclosed a criminal record
B3	Responded only to inquirer who disclosed a criminal record
B4	Responded only to inquirer who disclosed a criminal record
B5	Responded only to inquirer who disclosed a criminal record
B6	Responded only to inquirer who disclosed a criminal record
B7	Responded only to inquirer who disclosed a criminal record
B8	Responded only to inquirer who disclosed a criminal record
B9	Differential treatment (criminal record) - responded only to inquirer without criminal history
B10	Differential treatment (criminal record) - responded only to inquirer without criminal history
B11	Responded only to inquirer who disclosed a criminal record
B12	Responded only to inquirer who disclosed a criminal record
B13	Differential treatment (criminal record)-inquirer without criminal record was given day and time to visit, inquirer with criminal record wasn't given date and was told to fill out application
B14	No differential treatment
B15	Differential treatment (criminal record)- inquirer with a criminal record was told that "there are several people interested in the apartment," while the other inquirer was only offered a time and day for a showing
B16	Differential treatment (criminal record)- inquirer with a criminal record was told " I am not sure to what extent the aforementioned process will impact delivery of the apartment" while the other inquirer was told "I can probably get you in next week to see the place"
B17	No differential treatment

B18	No differential treatment
B19	Responded only to inquirer who disclosed a criminal record
B20	Responded only to inquirer who disclosed a criminal record
B21	Responded only to inquirer who disclosed a criminal record
B22	Differential treatment (criminal record) - inquirer without criminal record was asked for tour availability, inquirer with criminal record was asked to provide more information on their criminal history
B23	Responded only to inquirer who disclosed a criminal record
B24	No differential treatment - "We have no problem with a tenant who was formerly incarcerated" included in email to inquirer with criminal record
B25	Differential treatment (criminal record) - responded only to inquirer without criminal history
B26	No differential treatment
B27	No differential treatment
B28	No differential treatment
B29	No differential treatment

<b>Oakland - Test II</b>	
<b>Code</b>	<b>Findings</b>
O1	No differential treatment
O2	Responded only to applicant who disclosed a criminal record
O3	Responded only to applicant who disclosed a criminal record
O4	Differential treatment (criminal record)- only responded to applicant without a criminal record
O5	No differential treatment- "Thank you for your transparency" included in email to applicant with criminal record

O6	Responded only to applicant who disclosed a criminal record
O7	No differential treatment
O8	Responded only to applicant who disclosed a criminal record
O9	Responded only to applicant who disclosed a criminal record
O10	Responded only to applicant who disclosed a criminal record
O11	Responded only to applicant who disclosed a criminal record
O12	Differential treatment (criminal record)- only responded to applicant without a criminal record
O13	No differential treatment
O14	Responded only to applicant who disclosed a criminal record
O15	Differential treatment (criminal record)- only responded to applicant without a criminal record
O16	Differential treatment (criminal record)- only responded to applicant without a criminal record
O17	No differential treatment
O18	No differential treatment
O19	No differential treatment- "I believe in second chances" included in email to applicant with criminal record
O20	Responded only to applicant who disclosed a criminal record
O21	No differential treatment
O22	Differential treatment (criminal record)- responded preferentially to applicant without a criminal record
O23	No differential treatment
O24	No differential treatment
O25	No differential treatment
O26	No differential treatment

O27	No differential treatment
O28	No differential treatment- "Also just an FYI, you are not required to disclose that you are formerly incarcerated, and property owner's are not permitted to ask you this or require this for renting an apartment. " included in email to applicant with criminal record
O29	Differential treatment (criminal record)- only responded to applicant without a criminal record
O30	Differential treatment (criminal record)- only responded to applicant without a criminal record
O31	Responded only to applicant who disclosed a criminal record
O32	Responded only to applicant who disclosed a criminal record
O33	Responded only to applicant who disclosed a criminal record
O34	Responded only to applicant who disclosed a criminal record
O35	Responded only to applicant who disclosed a criminal record
O36	Differential treatment (criminal record)- only responded to applicant without a criminal record
O37	No differential treatment
O38	Responded only to applicant who disclosed a criminal record
O39	No differential treatment
O40	No differential treatment- "I do appreciate your upfront disclosure" included in email to applicant with criminal record
O41	Differential treatment (criminal record)- only responded to applicant without a criminal record
O42	No differential treatment
O43	No differential treatment
O44	Differential treatment (criminal record)- applicant with a criminal record was offered a showing, but told that "an application has been submitted for the space but it is currently still pending," while the other applicant was offered a tour without this information
O45	Differential treatment (criminal record)- only responded to applicant without a criminal record
O46	Differential treatment (criminal record)- only responded to applicant without a criminal record



O47	No differential treatment- "Thank you for sharing a bit about yourself" included in email to applicant with criminal record
O48	Differential treatment (criminal record)- only responded to applicant without a criminal record
O49	No differential treatment





Office of the City Manager

INFORMATION CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: LPO NOD: 1919 Addison Street, #LMSAP2022-0012

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on April 25, 2023.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by May 9, 2023. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – 1919 Addison Street, #LMSAP2022-0012



L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

N o t i c e o f D e c i s i o n

**DATE OF BOARD DECISION: MARCH 2, 2023**  
**DATE NOTICE MAILED: APRIL 24, 2023**  
**APPEAL PERIOD EXPIRATION: APRIL 25, 2023**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): May 10, 2023<sup>1</sup>**

## 1919 Addison Street – Bonita Apartments

**Structural Alteration Permit #LMSAP2022-0012**  
**to provide accessibility upgrades and a renovated lobby and landscaped**  
**entry for a non-historic building located on a City Landmark site**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

**APPLICANT:** Jim Novosel, Architect  
 The Bay Architects  
 1840 Alcatraz Avenue  
 Berkeley, CA 94703

**ZONING DISTRICT:** Downtown Commercial/Mixed-Use District (C-DMU)

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt under the California Environmental Quality Act Guidelines, Section 15331 of the CEQA Guidelines for Historical Resource Rehabilitation.

<sup>1</sup> Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
**#LMSAP2022-0012**  
**1919 Addison Street**  
May 9, 2023  
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**The application materials for this project is available online at:**

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or  
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

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**FINDINGS FOR FINAL ACTION AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

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**COMMISSION VOTE: 5-0-0-4**

**YES:** ADAMS, CRANDALL, LEUSCHNER, MONTGOMERY, TWU

**NO:** NONE

**ABSTAIN:** NONE

**ABSENT:** ENCHILL, FINACOM, LINVILL, SCHWARTZ

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
  - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
**#LMSAP2022-0012**  
**1919 Addison Street**

May 9, 2023

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- b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
- c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the landmark permit will be final on the first business day following expiration of the appeal period.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

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If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition

LANDMARKS PRESERVATION COMMISSION  
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constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**PUBLIC COMMENT:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Desiree Dougherty, at (510) 981-7410 or Ddoughderty@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3<sup>rd</sup> Fl., during regular business hours.

**ATTACHMENTS:**

- 1. Findings for Final Action
- 2. Project Plans, received **FEBRUARY 13, 2023**



**ATTEST:** \_\_\_\_\_  
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
 Applicant: Jim Novosel, Architect,  
 The Bay Architects, 1840 Alcatraz Avenue, Berkeley, CA 94703  
 Property Owner: Prasad Lakireddy, 2319 Shattuck Avenue, Berkeley, CA 94704



## Attachment 1, Part 2

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# Findings and Conditions

## 1919 Addison Street – Bonita Apartments

**Structural Alteration Permit #LMSAP2022-0012 to provide accessibility upgrades and a renovated lobby and landscaped entry for a non-historic building located on a City Landmark site.**

### CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines (“Historic Resource Restoration/Rehabilitation”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, and (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5.

### SECRETARY OF THE INTERIOR’S STANDARDS FINDINGS

Regarding the Secretary of the Interior’s Standards for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The proposed project does not require a change of use. The City Landmarked property will retain the historic uses as an apartment building and the 1978 office building will also retain its current use.
2. This historic character of the Bonita Apartments building will be retained and preserved with this project, which would not alter the historic building. The project avoids removal of distinctive materials and any alteration of features that characterize the property. The project scope is limited to work on the entry lobby and façade of the non-historic building on this City Landmark property and will not result in changes to its form or any changes to the historic Bonita Apartments.
3. The project reflects the contemporary design of the detached, non-historic building at the Bonita Apartments. These proposed new features are also contemporary and will not result in a false sense of historical development.
4. The subject property does not feature changes that have acquired significance in their own right.

5. Distinctive materials, features, finishes, and construction techniques, or examples of craftsmanship that characterize the Mission Revival style of the Bonita Apartments will be preserved as the scope will not touch the historic structure.
6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. The applicant does not propose chemical or physical treatments. However, standard conditions of Structural Alteration Permit approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.
8. The project does not have the potential to affect any archaeological resources because the applicant proposes no excavation.
9. The proposed new work is designed with complimentary, high-quality materials in simplified, contemporary style employing colors and finishes that harmonize with the design elements of the existing non-historic building. Owing to these aspects, new work will be sufficiently differentiated from the historic design.
10. If the proposed improvements were removed in the future, they would not permanently impair the integrity or essential form of the Bonita Apartments building.

### **FINDINGS FOR APPROVAL**

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve and enhance the characteristics and features specified in the designation for this property. Specifically:
  - a. The proposed area of scope is contained to the non-historic building located on the City Landmark parcel, but not a part of the Landmarked structure. No changes are proposed on the Landmarked building.
  - b. The proposed project would provide safety and accessibility upgrades to the entry lobby of the non-historic Addison Street building. There are no aspects of this proposal that would be detrimental to the character of the Landmarked apartment building.

### **STANDARD CONDITIONS**

The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

#### **1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions

shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

## 2. Plans and Representations Become Conditions

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

## 3. Subject to All Applicable Laws and Regulations

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

## 4. Exercise and Lapse of Permits (Section 23B.56.100)

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

## 5. Indemnification Agreement

The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorneys fees that may result.

### **ADDITIONAL CONDITIONS**

The following additional conditions are attached to this Permit:

6. The proposed façade upgrades are approved as shown on the drawings dated "received February 13, 2023" subject to the following conditions.
7. No changes can be made to these approved plans without prior approval.
8. **CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite Use Permit and Public Work Permit for the project scope.

9. **PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the Structural Alteration Permit (SAP) project plans dated/received **February 13, 2023.**
10. **REPAIR AND REPLACEMENT OF CHARACTER-DEFINING FEATURES.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
11. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
12. **COLORS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
13. **TILE** Decorative tile detailing is approved only on the bulkhead at the lobby entrance and palette may only contain two colors.
14. **FENCE** The fence at the landscaped area shall match the existing railings in configuration, material, and color.
15. **CLEAR GLASS.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, or includes signage, shall be indicated on all drawings, and shall be reviewed for approval by Landmarks staff.
16. **DETAILS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit storefront, ramp, stairs, interior seating and planting area, glass awning, tile, retaining wall, handrail wall details for review and approval by the Landmarks plan checker.
17. **LIGHTING.** Prior to Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
18. **LANDSCAPE PLANS.** Prior to Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit a Landscape plan including the number, location, and species of all proposed plantings, and which existing plantings shall be removed. The applicant shall provide irrigation for all landscaped areas or provide drought tolerant plant palette. This shall be called out on Landscape building permit drawings.
19. **CURB CUTS.** All curbs and curb cuts shall be constructed per the standards and specifications of the Public Works Department. Curb cuts no longer utilized shall be restored per the Public Works Department specifications.

20. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
21. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
22. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
23. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ZONING INFORMATION	
ADDRESS:	1919 ADDISON STREET, 1940 UNIVERSITY AVENUE
APN:	057 202401801
ZONING DISTRICT:	C-DMU BUFFER
ZONING USE:	OFFICE; DESIGN REVIEW REQUIRED TO MODIFY EXTERIOR FACADE WITH NEW ENTRY LOBBY
LOT SIZE:	±13,770 SF

BUILDING CODE INFORMATION	
OCCUPANCY:	B/M
CONSTRUCTION TYPE & # STORIES:	1919 ADDISON: TYPE V-A, 3 STORIES 1940 UNIVERSITY: TYPE V-B, 3 STORIES 3 STORIES
BUILDING AREA:	±24,558 SF TOTAL BUILDINGS (FROM CITY PARCEL CONDITIONS)
FIRE ALARM:	1919 ADDISON: NONE 1940 UNIVERSITY: LOCAL ALARM ONLY
FIRE SPRINKLER SYSTEM:	1919 ADDISON: NONE 1940 UNIVERSITY: EXISTING THROUGHOUT

BUILDING CODE NOTES	
1.	COMPLY WITH THE REQUIREMENTS OF THE 2019 CBC, 2019 CRC, 2019 CMC, 2019 CPC, 2019 CEC, 2019 CENC & 2019 GREEN BUILDING STANDARDS CODE AND ALL OTHER CURRENT APPLICABLE CODES AND ORDINANCES, AS REQUIRED.
2.	THESE DRAWINGS OF CURRENT CONDITIONS ARE BASED ON THE ARCHITECT'S BEST UNDERSTANDING AND KNOWLEDGE AFTER TOURING THE PROPERTY AND OBSERVING CONSTRUCTION ELEMENTS THAT WERE VISIBLE AND ACCESSIBLE. ALL CONDITIONS SHALL BE VERIFIED IN FIELD BY CONTRACTOR AND OWNER.

ABBREVIATIONS									
#	AND	DIA	DIAMETER	GA	GAUGE	R	RISER	DIA	DIAMETER
@	AT	DN	DOWN	GALV	GALVANIZED	REQ'D	REQUIRED	DN	DOWN
C/L	CENTERLINE	DR	DOOR	GSM	GALVANIZED SHEET METAL RM	ROOM	ROOM	DR	DOOR
Ø	DIAMETER	DWR	DRAWER	GYP	GYP SUM	R.O.	ROUGH OPENING	DWR	DRAWER
Ø L	PROPERTY LINE	DS	DOWNSPOUT	H.C.	HOLLOW CORE	S	SOUTH	DS	DOWNSPOUT
(E)	EXISTING	E	EAST	HWD	HARDWOOD	S.B.	SPLASH BLOCK	E	EAST
(N)	NEW	EA	EACH	HDR	HEADER	SED	SEE ELECTRICAL DWGS	EA	EACH
A.F.F.	ABOVE FINISH FLOOR	EXP. JT	EXPANSION JOINT	H.M.	HOLLOW METAL	SIM	SIMILAR	EXP. JT	EXPANSION JOINT
ACP	ACOUSTICAL CEILING	ELEC	ELECTRICAL	HR	HOUR	SLD	SEE LANDSCAPE DWGS	ELEC	ELECTRICAL
BD	BOARD	ELEV	ELEVATOR	HGT	HEIGHT	SMD	SEE MECHANICAL DWGS	ELEV	ELEVATOR
BLDG	BUILDING	EMB	EMBEDDED	INSUL	INSULATION	SMS	SHEET METAL SCREWS	EMB	EMBEDDED
BLK	BLOCK	E.P.	ELECTRICAL PANEL	INT	INTERIOR	SPD	SEE PLUMBING DWGS	E.P.	ELECTRICAL PANEL
BLKG	BLOCKING	EQ	EQUAL	JT	JOINT	SPEC	SPECIFICATION	EQ	EQUAL
BM	BEAM	EXT	EXTERIOR	MAX	MAXIMUM	SS	STAINLESS STEEL	EXT	EXTERIOR
B.O.	BOTTOM OF	F.D.	FIRE DEPARTMENT	MECH	MECHANICAL	SSD	SEE STRUCTURAL DWGS	F.D.	FIRE DEPARTMENT
CEM	CEMENT	FD	FLOOR DRAIN	MFR	MANUFACTURER	STL	STEEL	FD	FLOOR DRAIN
C.I.	CAST IRON	FDN	FOUNDATION	MIN	MINIMUM	TBD	TO BE DETERMINED	FDN	FOUNDATION
CLG	CEILING	FIN	FINISH	MTL	METAL	TYP	TYPICAL	FIN	FINISH
CL	CLOSET	FLR	FLOOR	N	NORTH	U.O.N.	UNLESS OTHERWISE NOTED	FLR	FLOOR
CLR	CLEAR	F.O.	FACE OF	N.I.C.	NOT IN CONTRACT	V.I.F.	VERIFY IN FIELD	F.O.	FACE OF
COL	COLUMN	F.O.C.	FACE OF CONCRETE	N.T.S.	NOT TO SCALE	W	WEST	F.O.C.	FACE OF CONCRETE
CONC	CONCRETE	F.O.F.	FACE OF FINISH	O.C.	ON CENTER	W/	WITH	F.O.F.	FACE OF FINISH
CONT	CONTINUOUS	F.O.S.	FACE OF STUD	OPNG	OPENING	WD	WOOD	F.O.S.	FACE OF STUD
DBL	DOUBLE	FRF	FIBERGLASS REINF. PANEL	PDF	POWER DRIVEN FASTENER	W/O	WITHOUT	FRF	FIBERGLASS REINF. PANEL
		FT	FOOT OR FEET	FLYWD	FLYWOOD			FT	FOOT OR FEET

# 1919 ADDISON STREET NEW ENTRY LOBBY

DRAWING LIST	
AO.1 COVER SHEET	A5.1 DETAILS, COLORS & MATERIALS
A1.0 EXISTING / DEMO FLOOR PLAN	A5.2 DETAILS
A1.1 PROPOSED LOBBY FLOOR PLAN	
A1.2 PROPOSED LOBBY ROOF PLAN	
A2.0 EXISTING / DEMO ELEVATION	
A2.1 PROPOSED ELEVATION	
A2.2 PROPOSED ELEVATIONS	
A2.3 RENDERINGS	
A2.4 COLORS & MATERIALS ELEVATION	
A3.1 SECTION	

PUBLIC WORKS NOTES	
1.	AN ENGINEERING PERMIT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO CONSTRUCTION STAGING, CONSTRUCTION PARKING, SIDEWALK, DRAINAGE, OR SEWER WORK. THE ENGINEERING PERMIT CAN BE ISSUED AFTER THE BUILDING PERMIT IS APPROVED AND ISSUED.

GENERAL NOTES	
1.	THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND SHALL CONFIRM THAT WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS, ETC. SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT FOR CLARIFICATION PRIOR TO THE PERFORMANCE OF ANY WORK IN QUESTION.
2.	THE CONTRACTOR WILL TEST AND ENSURE THE WORKING CONDITION OF ALL MAINTAINED FIXTURES, EQUIPMENT, OUTLETS, SUPPLY LINES, LIGHTING, EXIT SIGNS/LIGHTING, SPRINKLER HEADS, MECHANICAL AIR SUPPLY AND DIFFUSERS, ETC.
3.	DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS GOVERN ALL PARTITION LOCATIONS. ALL DOOR AND OPENING LOCATIONS SHALL BE SHOWN ON FLOOR PLAN. IN CASE OF CONFLICT, NOTIFY THE ARCHITECT. FLOOR PLAN BY ARCHITECT SUPERCEDES OTHER PLANS. ALL DIMENSIONS MARKED "CLEAR" SHALL BE MAINTAINED AND SHALL ALLOW FOR THICKNESS OF ALL FINISHES. ALL DIMENSIONS ARE TO FACE OF STUD, FACE OF CONCRETE, OR CENTER OF OPENING UNLESS OTHERWISE NOTED.
4.	INSTALL ALL MATERIALS, EQUIPMENT, FIXTURES AND APPLIANCES IN CONFORMANCE WITH THE REQUIREMENTS AND RECOMMENDATIONS OF THE MANUFACTURER AND THE REQUIREMENTS OF THE CODE.
5.	THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF THE ARCHITECT AND MUST NOT BE REPRODUCED, ALTERED OR AMENDED WITHOUT PERMISSION OF THE ARCHITECT.

**PROJECT DESCRIPTION**

THE PROPERTY CONTAINS TWO 3-STORY COMMERCIAL BUILDINGS CONNECTED BY A THROUGH-BLOCK WALKWAY FROM ADDISON STREET TO UNIVERSITY AVENUE. THE NORTHERN BUILDING IS 1940 UNIVERSITY (NOT A PART OF WORK). THE PROPOSED PROJECT IS LOCATED ON THE GROUND FLOOR OF THE SOUTHERN BUILDING, 1919 ADDISON STREET, KNOWN AS UNIVERSITY WALK. THE PROPERTY'S USE IS OFFICE SPACE FOR WHICH THERE ARE MULTIPLE OFFICE UNITS.

DUE TO SAFETY AND SECURITY CONCERNS OF THE OFFICE TENANTS, THE OWNER WISHES TO CREATE A SECURE LOBBY ENTRY OFF OF ADDISON STREET TO CONTROL ACCESS TO THE PROPERTY. THE LOBBY WILL BE ACCESSED BY ENTRY DOORS AT THE SIDEWALK. THE LOBBY WORK WILL INCLUDE ACCESSIBLE IMPROVEMENTS TO THE PATH OF TRAVEL FROM THE PUBLIC RIGHT OF WAY AND CORRECT A NON-COMPLIANT ENTRY THRESHOLD AT THE FRONT GROUND FLOOR TENANT SPACE (#101). THE APPROACH TO THE BUILDING WILL BE RE-GRADED AND A NEW ACCESSIBLE RAMP INSTALLED TO CONNECT THE BUILDING'S COMMON WALKWAY TO THE SIDEWALK.

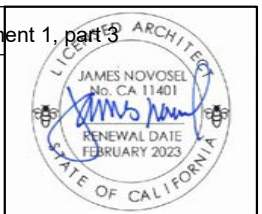
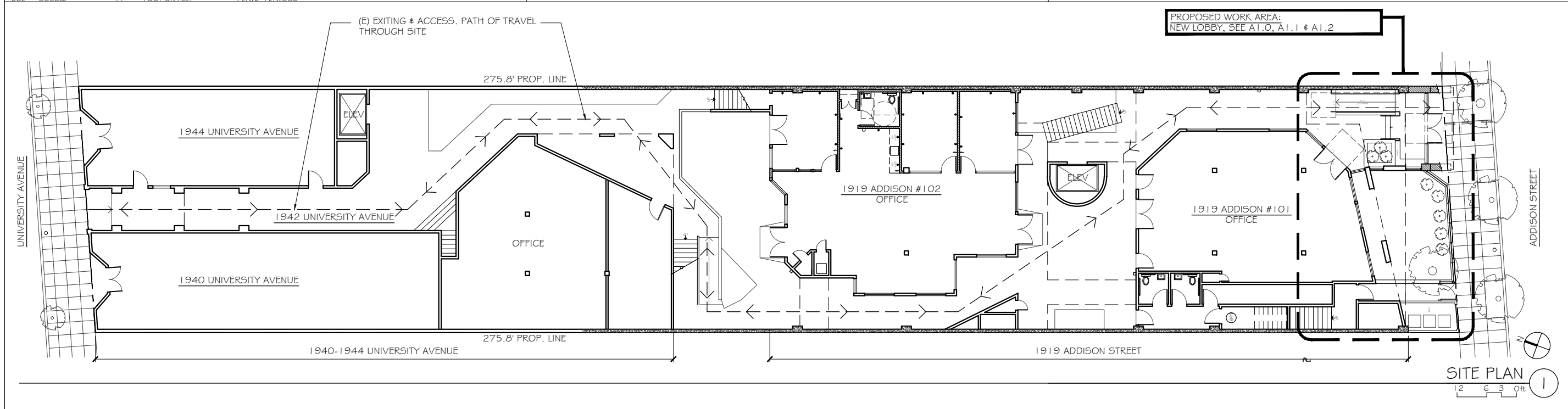
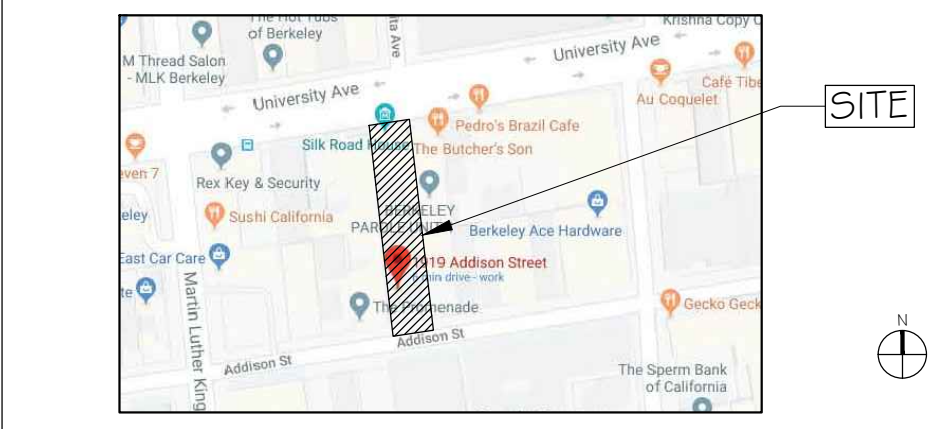
IN ADDITION, A NEW RETAINING WALL WITH A WROUGHT IRON RAILING WILL BE ADDED ALONG THE ADDISON STREET FRONTAGE FOR ADDITIONAL SECURITY OF THE LANDSCAPING AREA AND EXIT STAIR DISCHARGE. THE WORK WILL REPLACE AN EXISTING RETAINING WALL WITH WROUGHT IRON FENCE AND A METAL SECURITY GATE.

NO CHANGES ARE PROPOSED TO THE BUILDING'S EXITING. NO CHANGES ARE PROPOSED TO THE INTERIOR WALLS OR ENVELOPE/FOOTPRINT OF THE OFFICE SPACES.

ALSO SEE SCOPE OF WORK BELOW.

**SCOPE OF WORK**

- NEW ENTRY LOBBY WITH ACCESSIBLE RAMP & PATH OF TRAVEL FROM PUBLIC RIGHT OF WAY.
- NEW RETAINING WALL WITH WROUGHT IRON RAILING AT EXISTING LANDSCAPED AREA ALONG THE ADDISON STREET FRONTAGE



Attachment 1, part 3

PROJECT:  
**NEW ENTRY LOBBY**

1919 ADDISON STREET  
BERKELEY, CA 94704

ARCHITECT OF RECORD:  
JAMES NOVOSSEL

1840b alcatraz ave  
berkeley, ca 94703  
510.420.1484  
fax 510.420.1165  
www.bayarch.com  
bayarch@pacbell.net

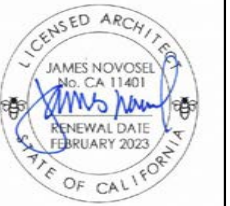
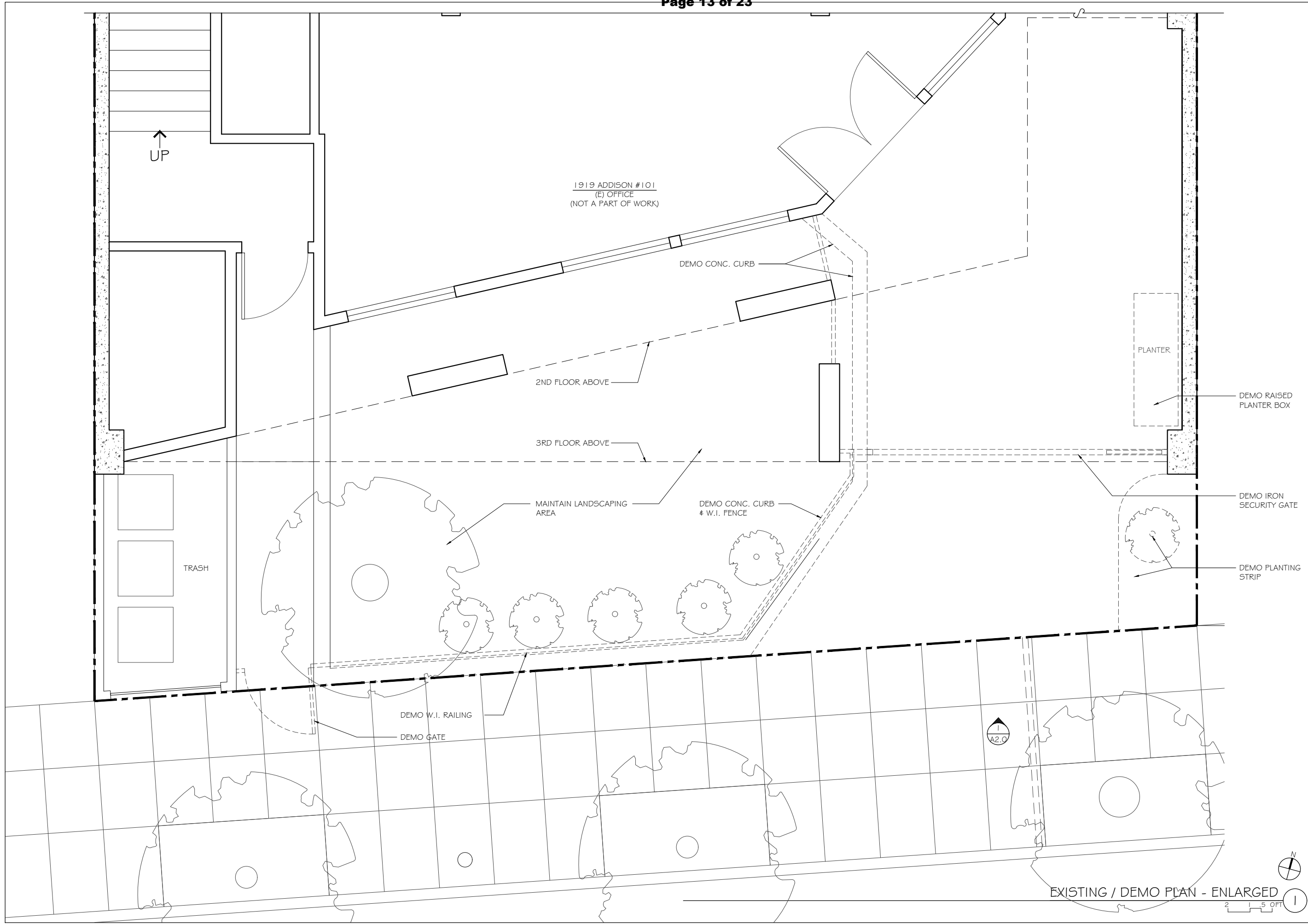
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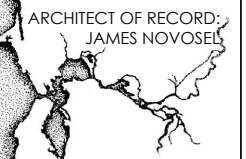
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COVER SHEET

**AO.1**  
Page 590



PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704



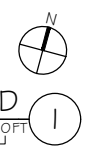
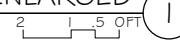
ARCHITECT OF RECORD:  
**JAMES NOVOSEL**  
  
**the bay architects**  
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 berkeley, ca 94703  
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 fax 510.420.1165  
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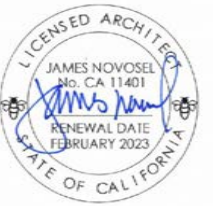
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EXISTING / DEMO PLAN

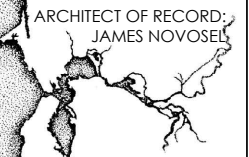
EXISTING / DEMO PLAN - ENLARGED



**A1.0**  
 Page 591  
DRAWING



PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704



ARCHITECT OF RECORD:  
 JAMES NOVOSEL

**the bay architects**

1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
 www.bayarch.com  
 bayarch@pacbell.net

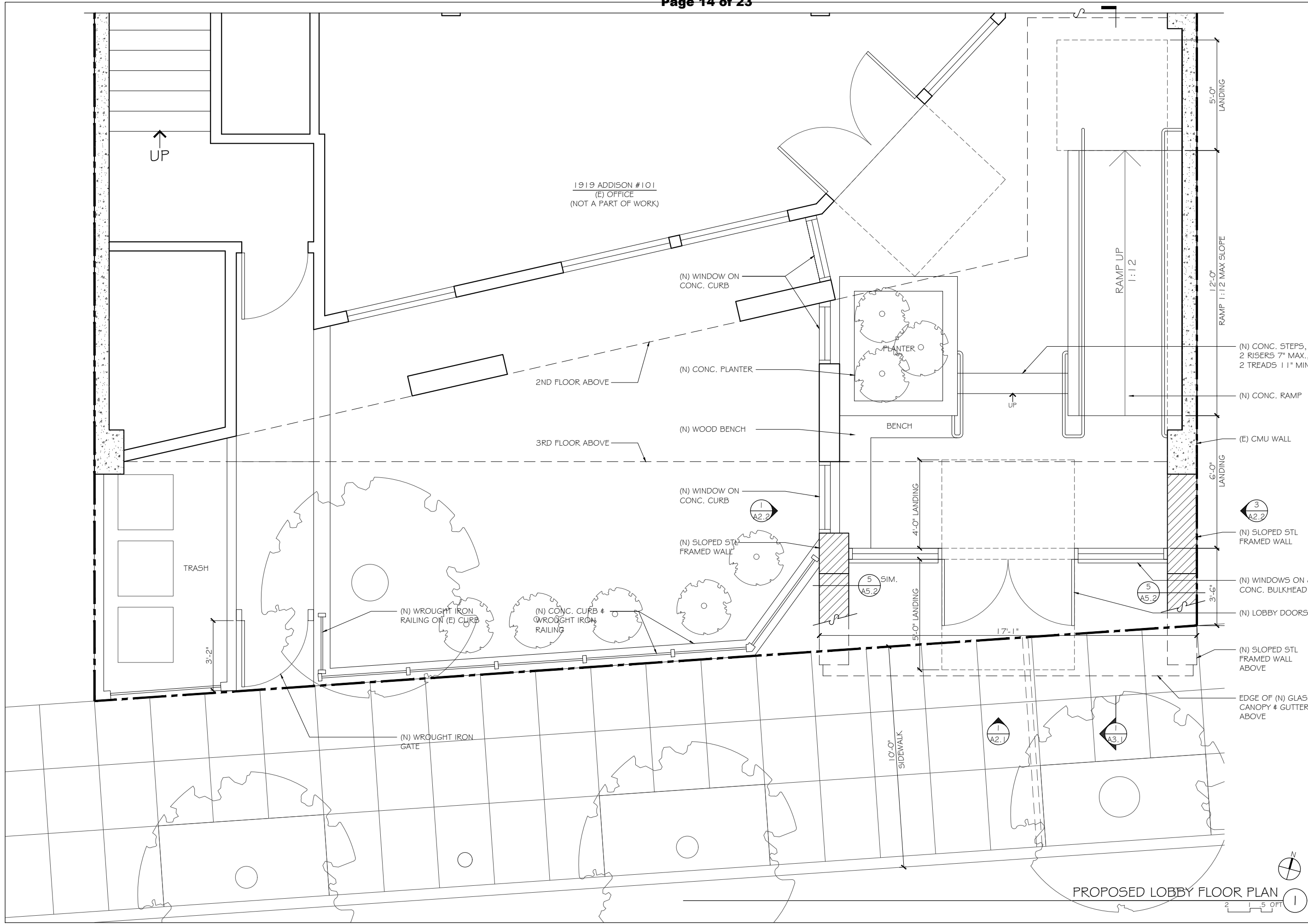
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PROPOSED LOBBY FLOOR PLAN

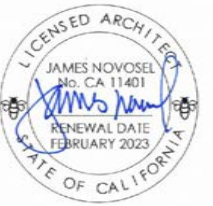
**A1.1**  
 Page 592



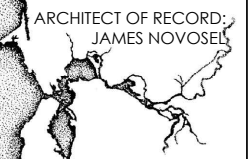
PROPOSED LOBBY FLOOR PLAN





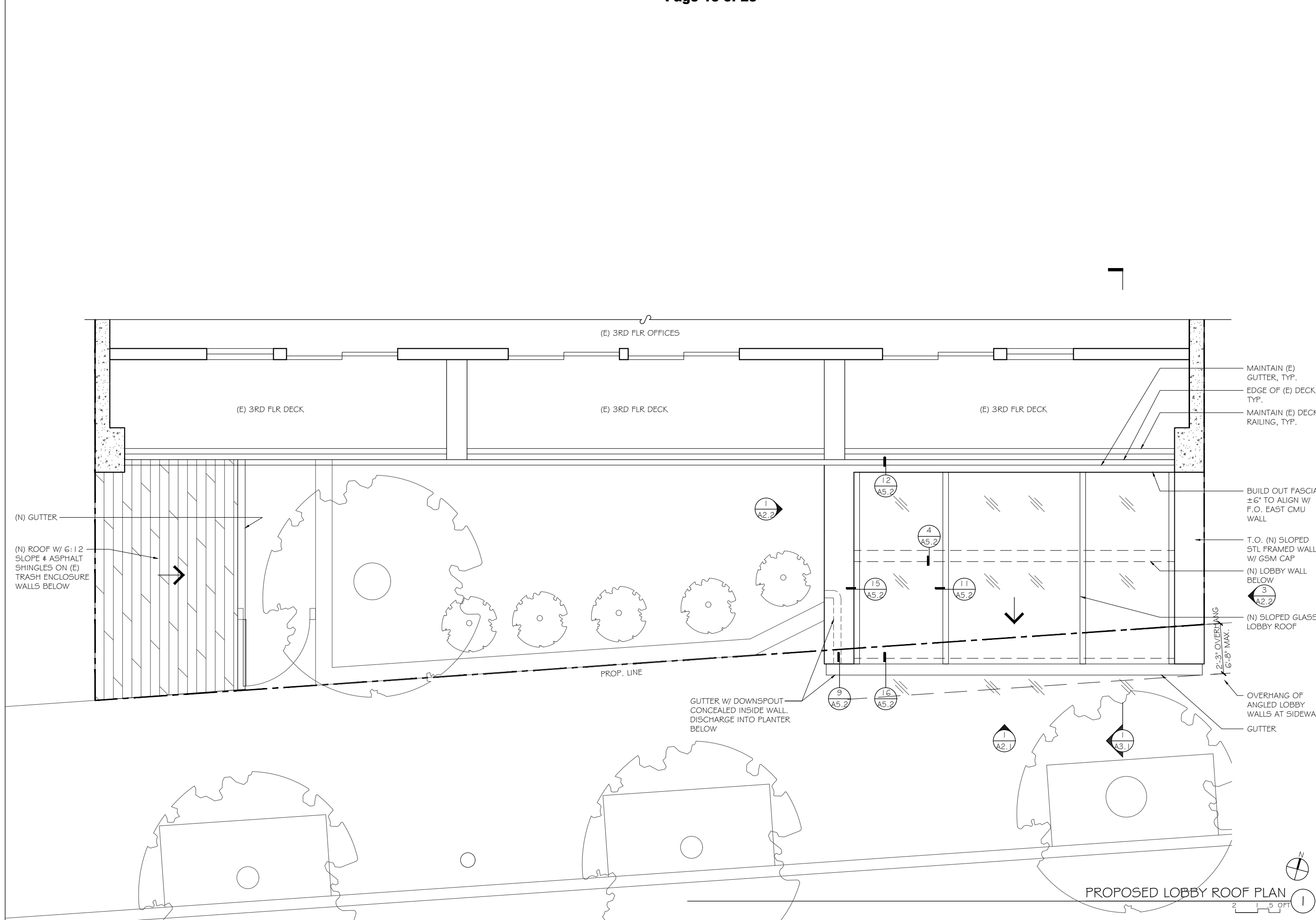


PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704



**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
 www.bayarch.com  
 bayarch@pacbell.net

CLIENT:  
 PRASAD LAKIREDDY  
 2278 SHATTUCK AVENUE  
 BERKELEY, CA 94704  
 (510) 715-1901

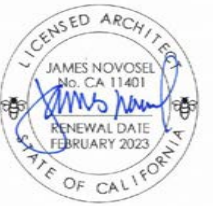


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PROPOSED LOBBY ROOF PLAN  
**A1.2**  
 Page 593  
 DRAWING NO.





PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704

ARCHITECT OF RECORD:  
**JAMES NOVOSEL**



**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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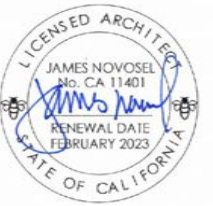
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EXISTING / DEMO  
 ELEVATION

**A2.0**  
 Page 594



EXISTING / DEMO SOUTH (STREET) ELEVATION ①  
 2" = 5' 0"



PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704

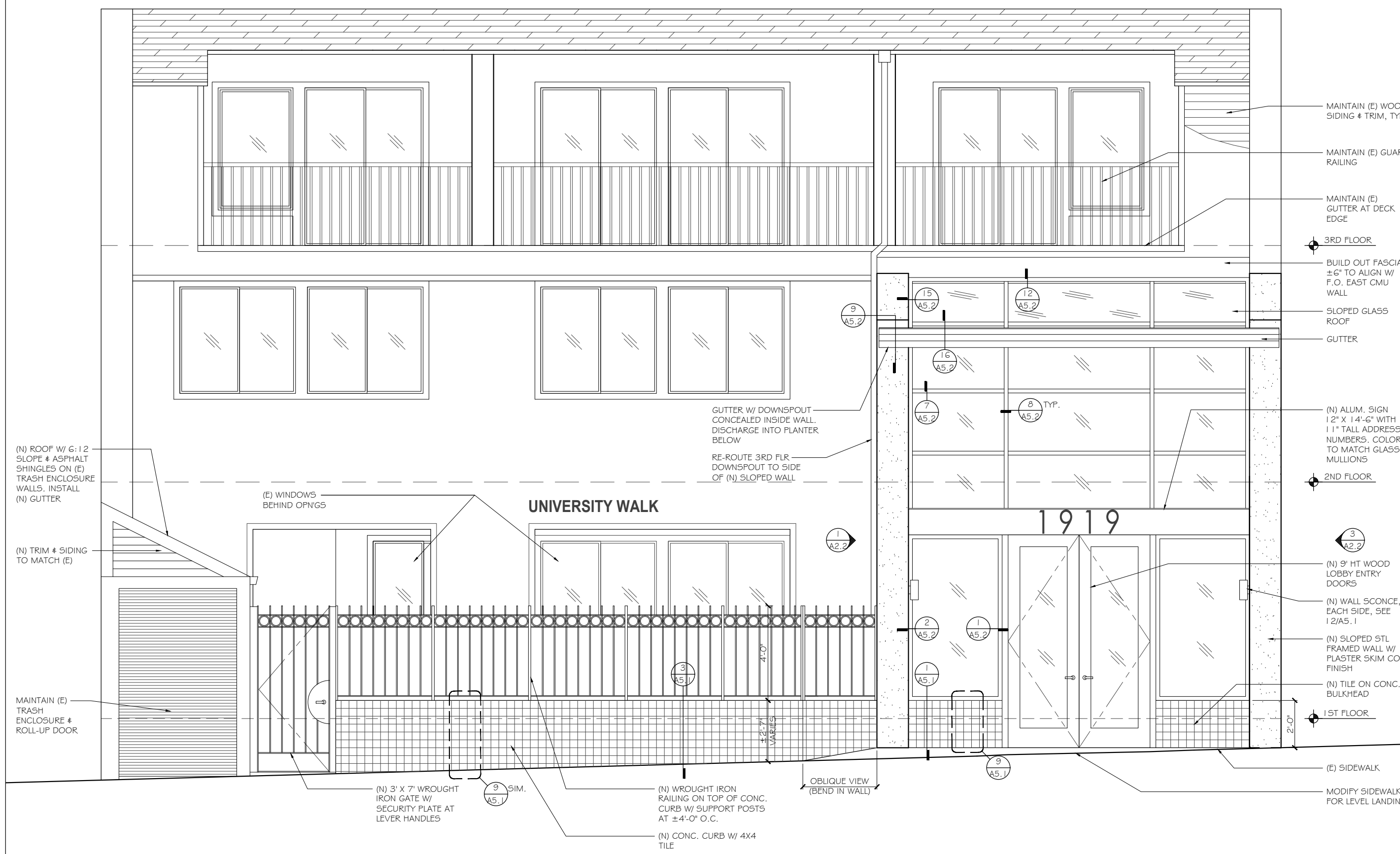
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**the bay architects**  
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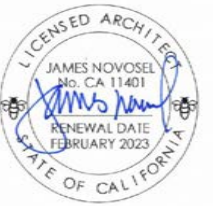
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PROPOSED ELEVATION

**A2.1**  
 Page 595



PROPOSED SOUTH (STREET) ELEVATION  
 2" = 1'-0" (1)



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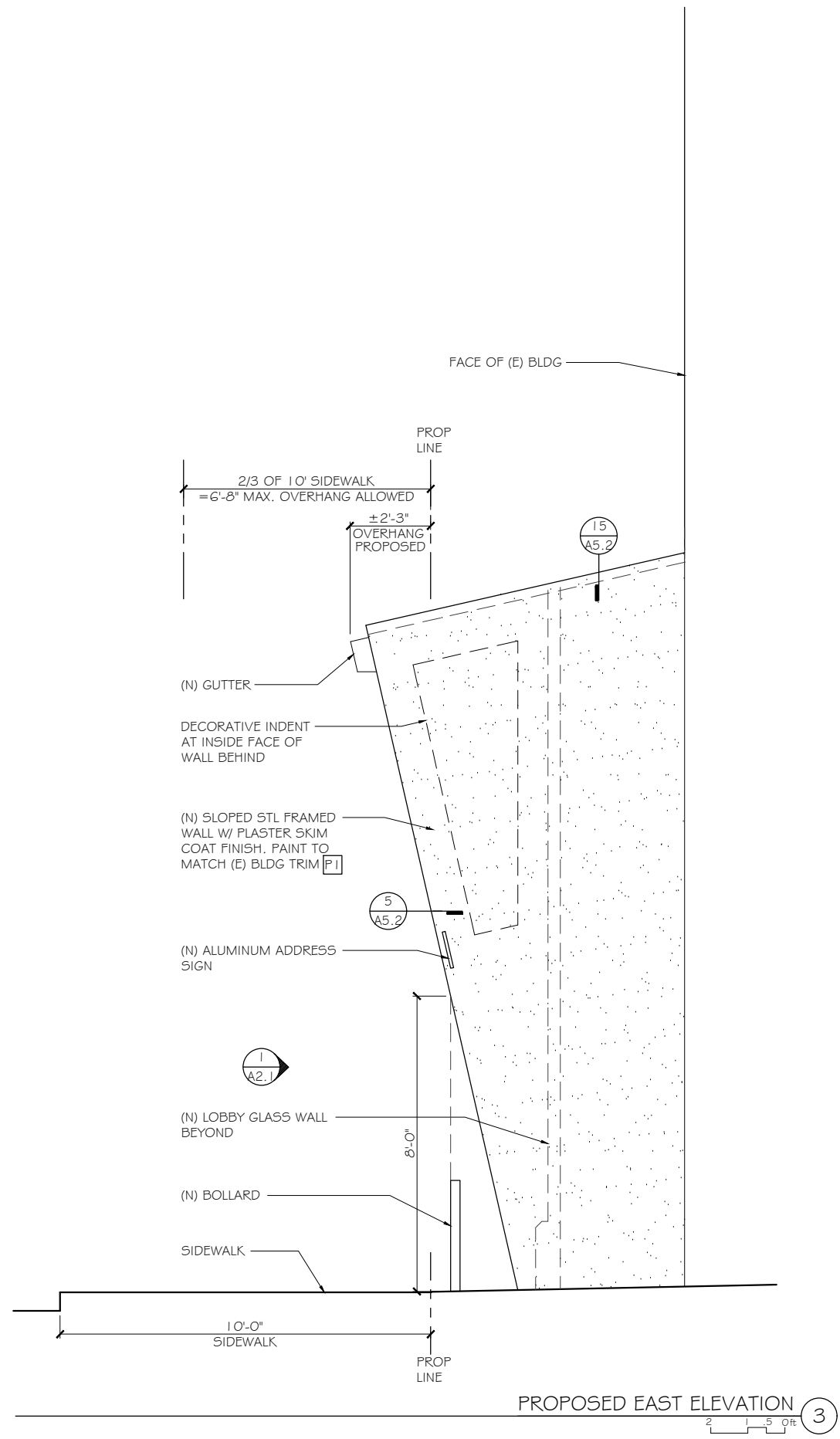
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 1840b alcatraz ave  
 berkeley, ca 94703  
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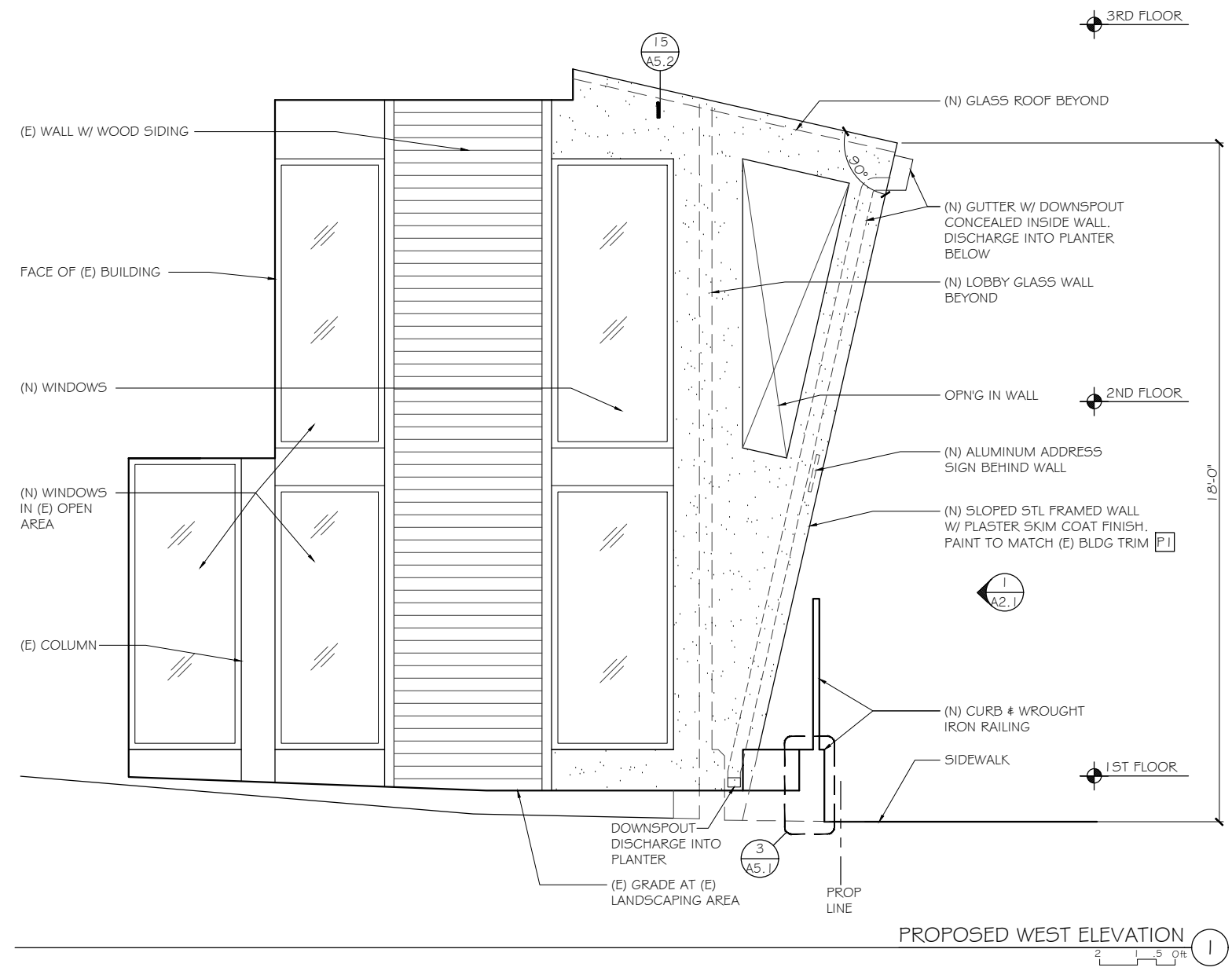
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PROPOSED ELEVATIONS  
**A2.2**  
 Page 596  
DRAWING SET



PROPOSED EAST ELEVATION ③  
 2 1 5 0 FT



PROPOSED WEST ELEVATION ①  
 2 1 5 0 FT



VIEW FROM EAST <sup>NTS</sup> 4



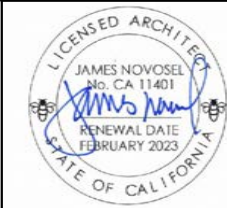
VIEW FROM EAST <sup>NTS</sup> 2



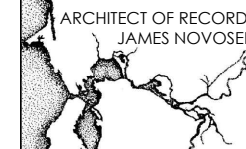
VIEW FROM WEST <sup>NTS</sup> 3



VIEW FROM WEST <sup>NTS</sup> 1



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**NEW ENTRY LOBBY**  
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ARCHITECT OF RECORD:  
 JAMES NOVOSEL

**the bay architects**

1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
 www.bayarch.com  
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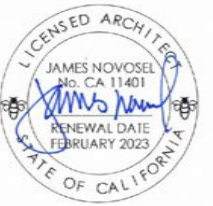
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RENDERINGS

**A2.3**  
 Page 597



PROJECT:  
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 JAMES NOVOSEL

**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
 fax 510.420.1165  
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COLORS & MATERIALS  
 ELEVATION  
**A2.4**  
 Page 598



(N) SLOPED ROOF AT TRASH ENCLOSURE, MATCH (E) BLDG COLORS & ROOF MATERIALS

(E) BUILDING COLORS, TYP.

(E) CMU WALL

(N) GUTTER [P]

(N) ALUMINUM LOBBY WINDOW WALL SYSTEM & SLOPED GLASS CANOPY

(N) ALUMINUM ADDRESS SIGN

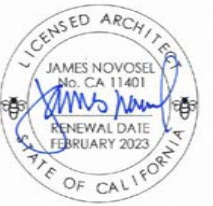
(N) WOOD LOBBY DOORS

[P] AT (N) LOBBY WALLS, SEE A5.1

(N) TILE PATTERN, SEE 9/A5.1

COLOR & MATERIALS FRONT ELEVATION





PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704

ARCHITECT OF RECORD:  
 JAMES NOVOSEL

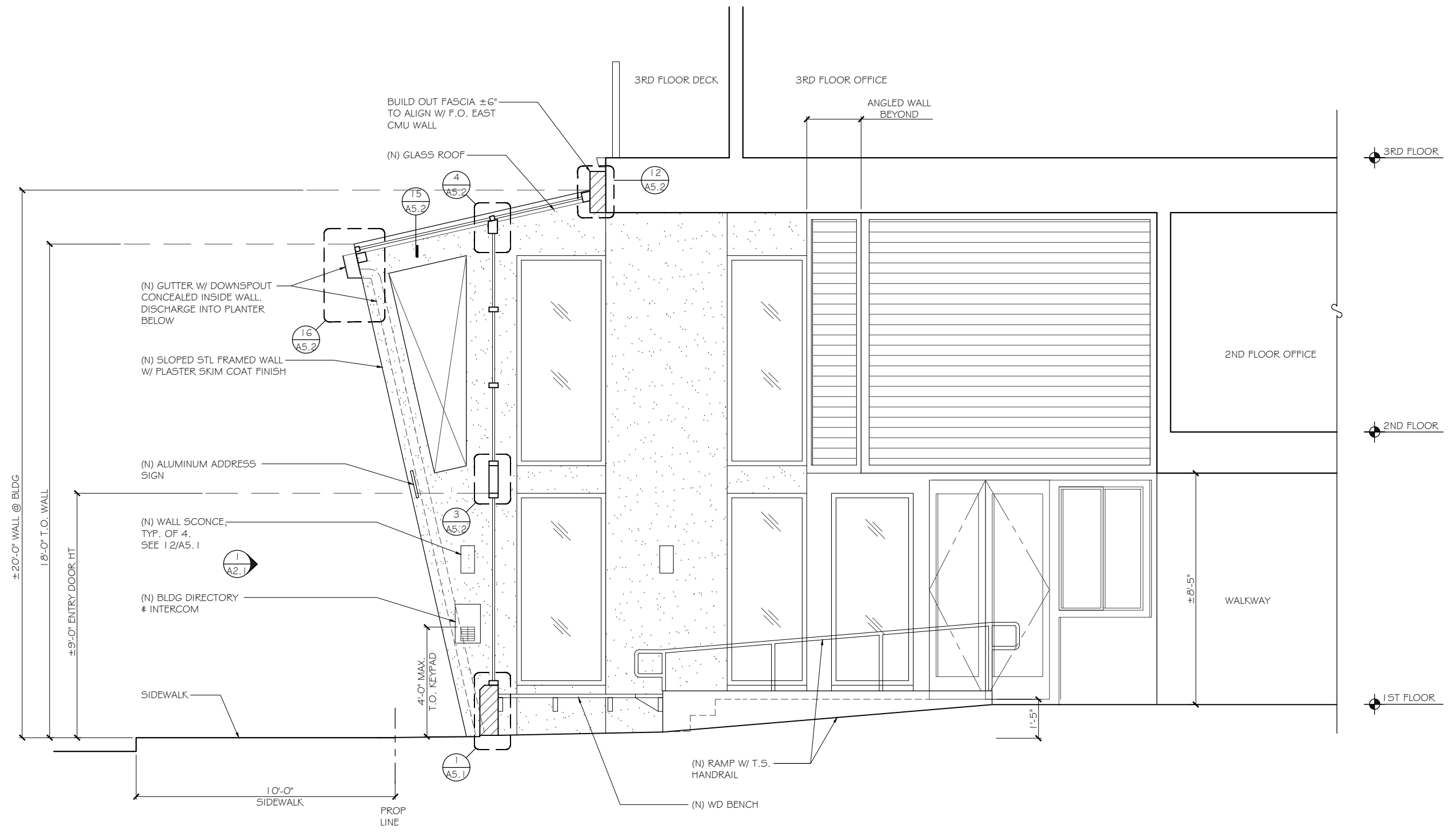
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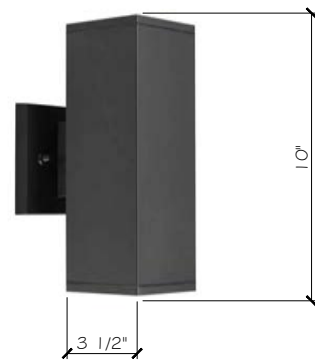
CLIENT:  
 PRASAD LAKIREDDY  
 2278 SHATTUCK AVENUE  
 BERKELEY, CA 94704  
 (510) 715-1901

PRINT DATE / PURPOSE	
09/22/22	DESIGN REVIEW SUBMITTAL
01/23/23	FOR LPC HEARING
02/13/23	LPC HEARING REVISIONS

SECTION  
**A3.1**  
 Page 599  
DRAWING DATE



SECTION THRU (N) LOBBY - LOOKING WEST  
 1/5" = 1'-0" (1)



LED WALL SCONCE  
BRONZE FINISH  
ALCON LIGHTING  
#11137-BZ

WALL SCONCE 12  
4 2 1 0 IN



T1  
4X4  
EMERALD #0115

DALTILE,  
COLOR WHEEL LINEAR,  
GLAZED CERAMIC TILE



T2  
4X4  
SEABREEZE #1174

DALTILE,  
COLOR WHEEL LINEAR,  
GLAZED CERAMIC TILE,



T3  
4X4  
BLACK #K111

DALTILE,  
COLOR WHEEL LINEAR,  
GLAZED CERAMIC TILE,



T4  
4X4  
ELEMENTAL TAN #0166

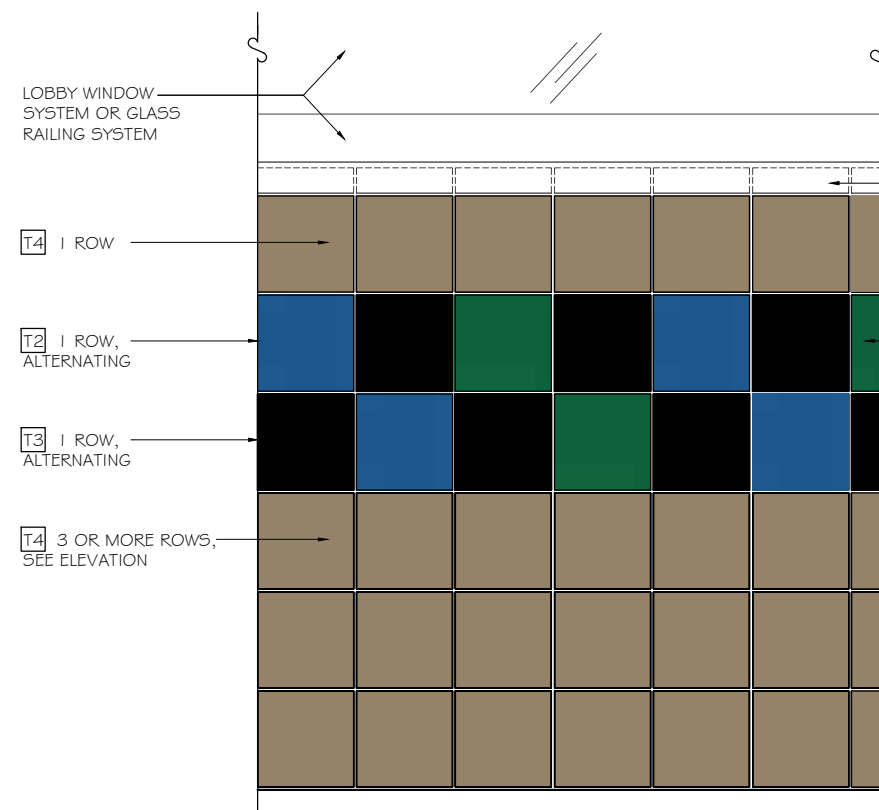
DALTILE,  
COLOR WHEEL LINEAR,  
GLAZED CERAMIC TILE,



F1  
CREAM COLOR TO  
MATCH (E) BLDG TRIM #  
(E) CMU WALL

TILE COLORS 15  
NTS

PAINT COLORS 11  
NTS

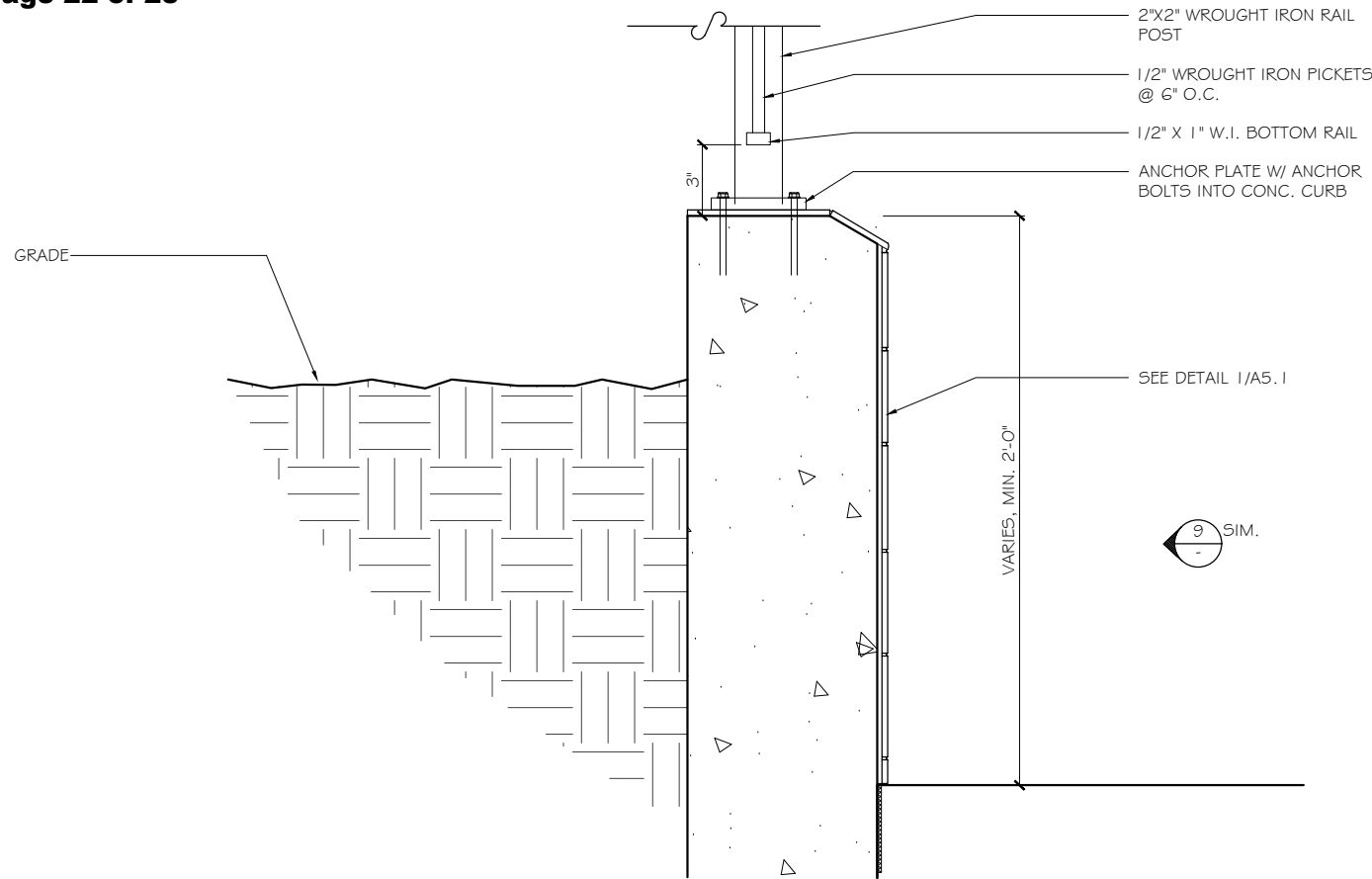


T4 1 ROW BULLNOSE  
AT SLOPED CURB

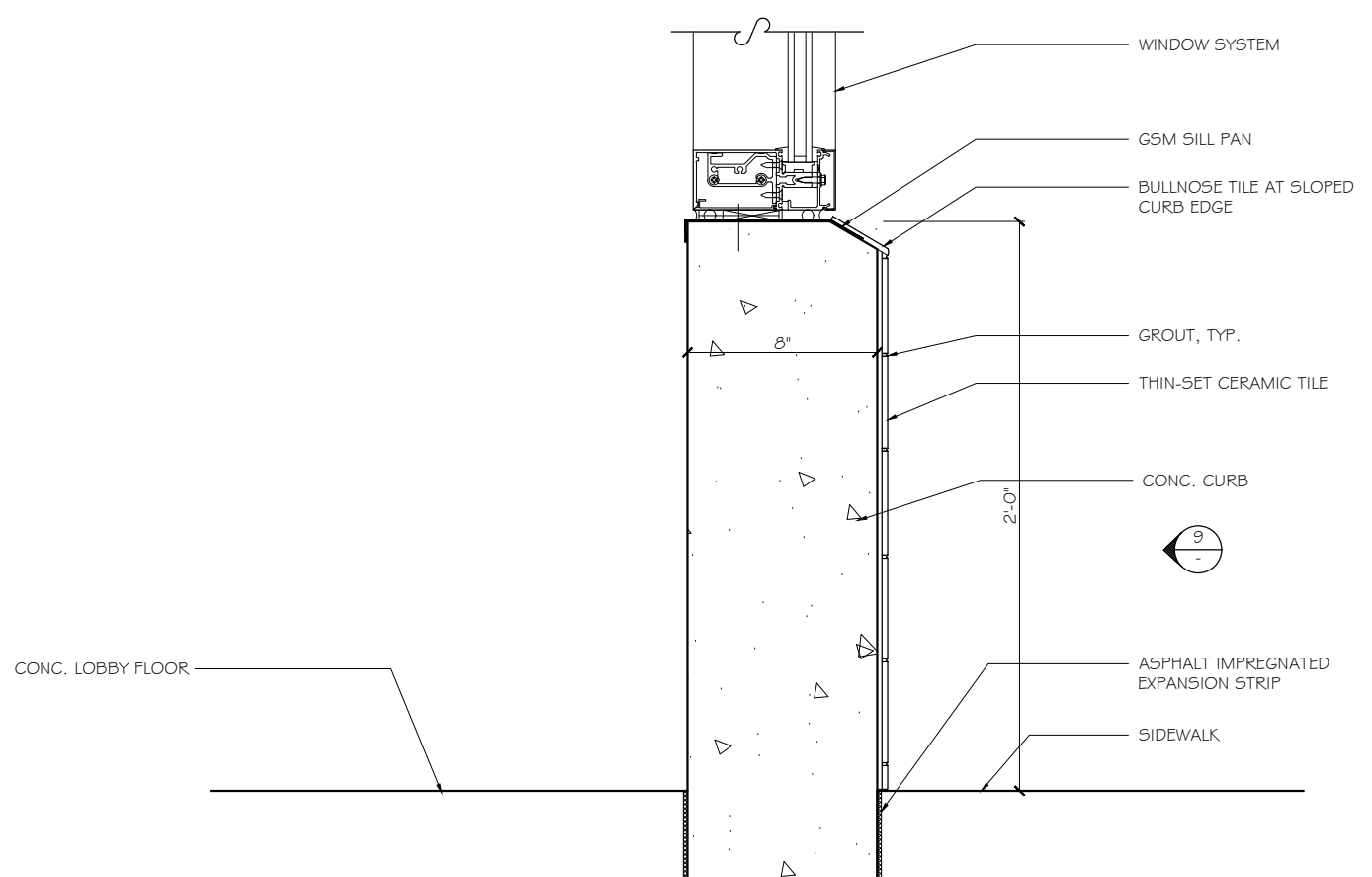
T1 1 ROW,  
ALTERNATING

NOTES:  
1. V.I.F. FINAL TILE COLORS &  
PATTERN W/ CLIENT.  
2. CURB HT INCREASES AS  
SIDEWALK SLOPES DOWNHILL  
(WEST) TOWARD ML KING JR  
WAY, SEE ELEVATION 1/A2.1

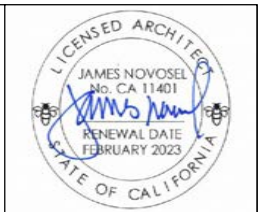
TYP. TILE PATTERN 9  
4 2 1 0 IN



TYP. CONC. CURB AT W.I. RAILING 3  
4 2 1 0 IN



TYP. CONC. CURB AT LOBBY 1  
4 2 1 0 IN



PROJECT:  
**NEW ENTRY LOBBY**  
1919 ADDISON STREET  
BERKELEY, CA 94704

ARCHITECT OF RECORD:  
JAMES NOVOSEL

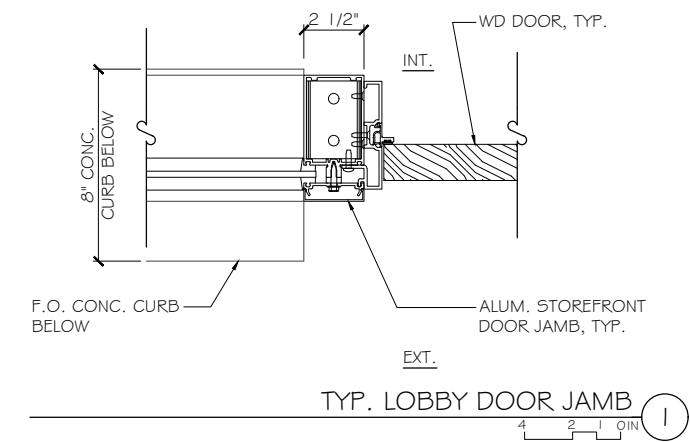
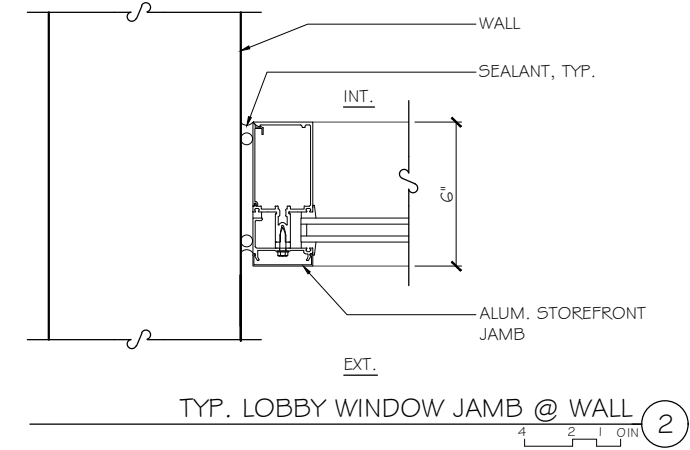
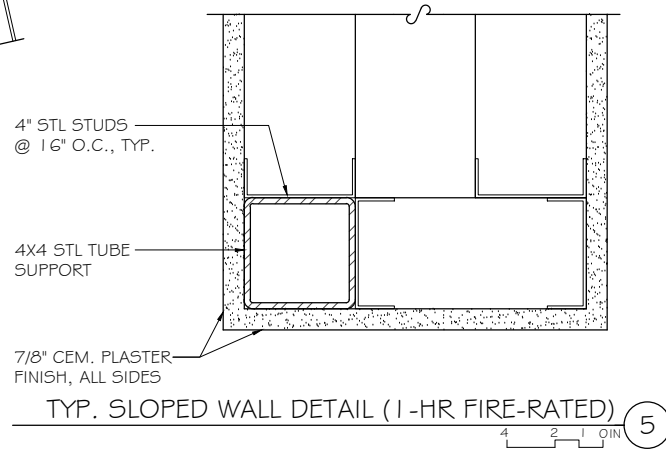
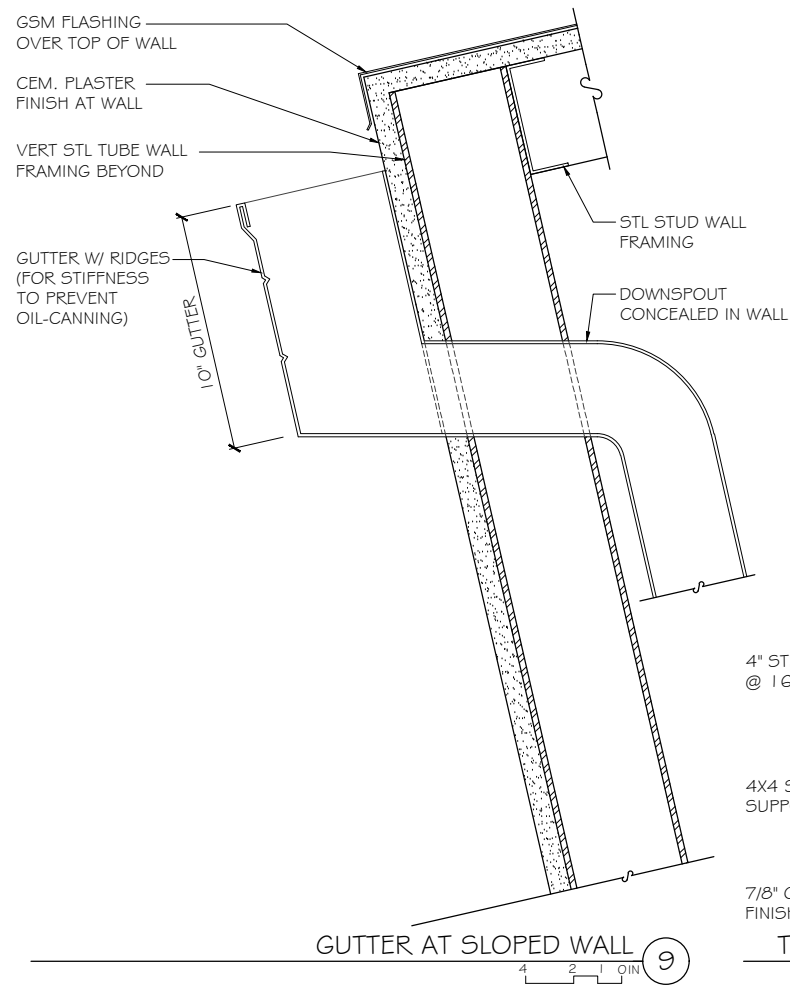
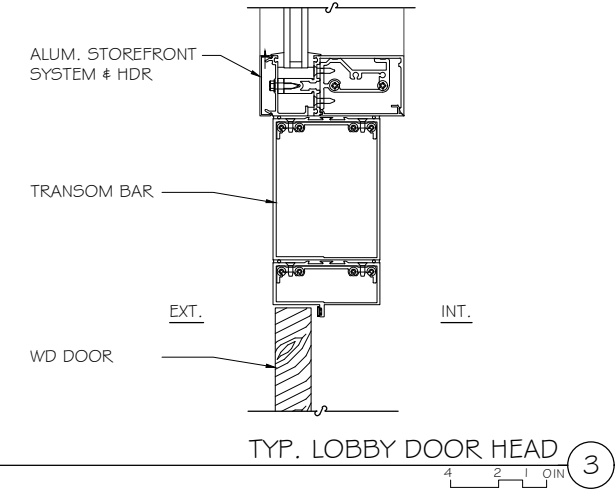
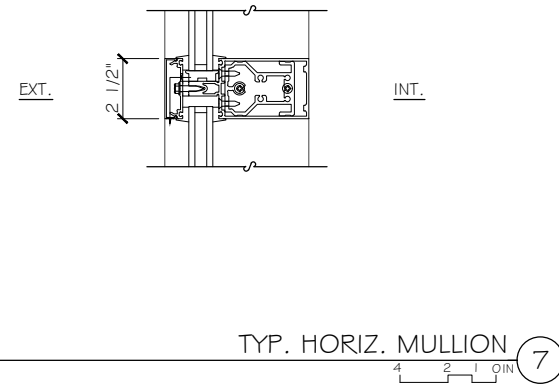
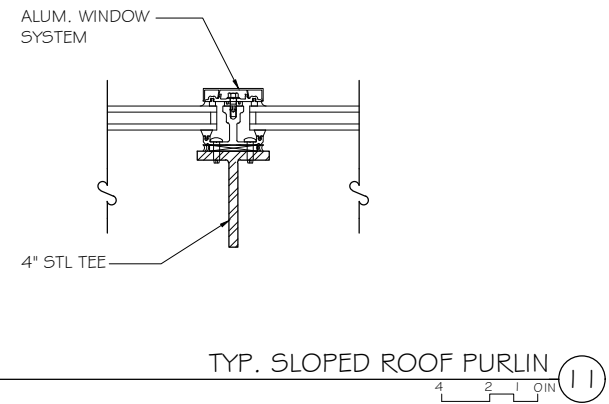
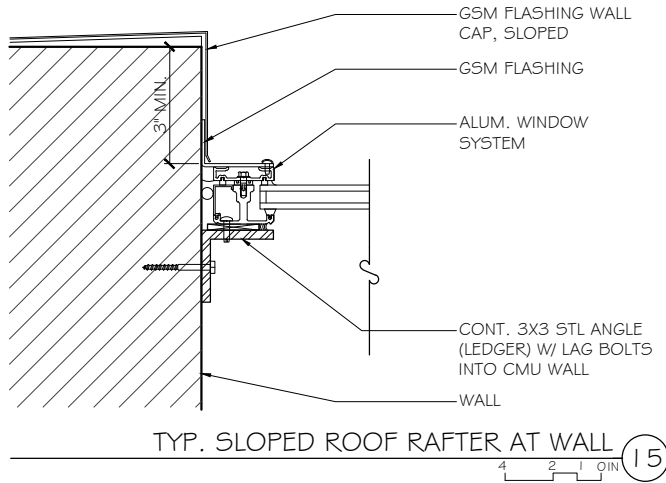
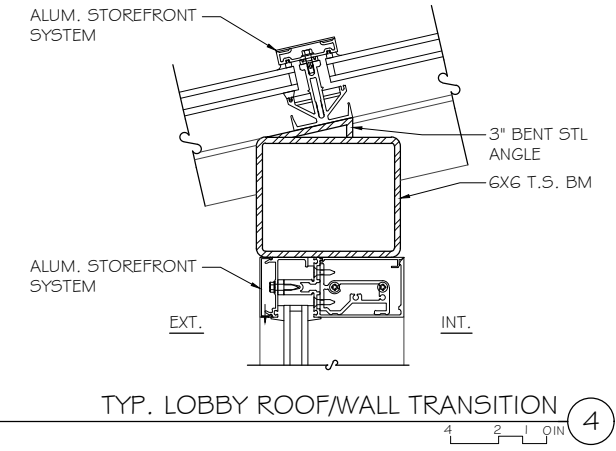
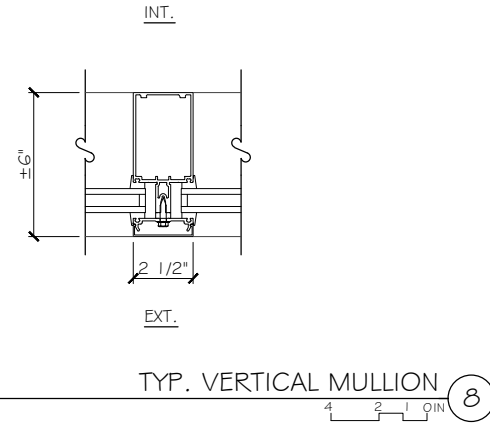
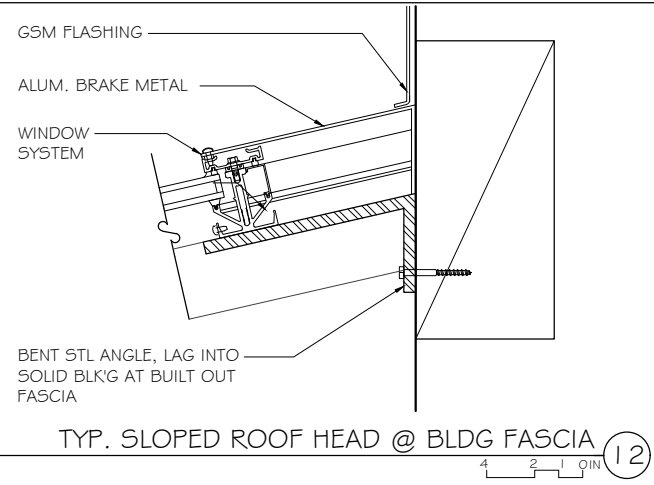
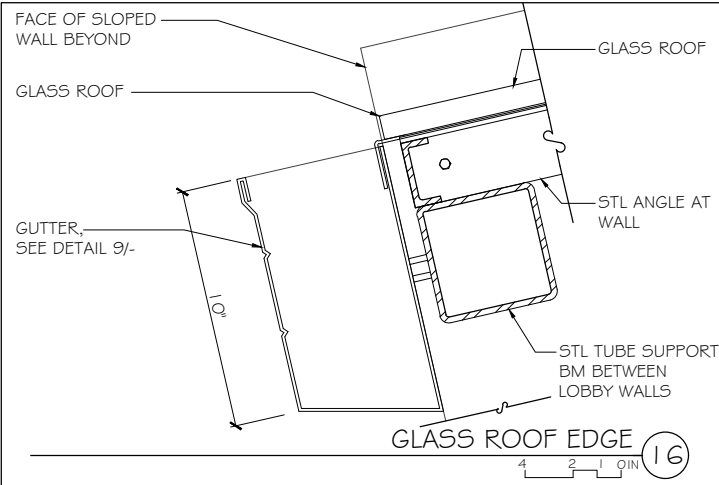
**the bay architects**  
1840b alcatraz ave  
berkeley, ca 94703  
510.420.1484  
fax 510.420.1165  
www.bayarch.com  
bayarch@pacbell.net

CLIENT:  
PRASAD LAKIREDDY  
2278 SHATTUCK AVENUE  
BERKELEY, CA 94704  
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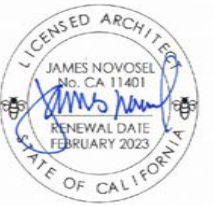
DETAILS, COLORS &  
MATERIALS  
**A5.1**  
Page 600





1. ALUMINUM WINDOW SYSTEM TO BE KAWNEER 1600 WALL SYSTEM.
2. GLAZING TO BE 1" CLEAR TEMPERED SAFETY GLAZING OR AS REQUIRED BY CODE.
3. ALL STEEL MEMBERS TO BE PRIMED & PAINTED.
4. ALL WELDS TO BE GROUND SMOOTH & PAINTED.

GENERAL NOTES 13



PROJECT:  
**NEW ENTRY LOBBY**  
 1919 ADDISON STREET  
 BERKELEY, CA 94704

ARCHITECT OF RECORD:  
 JAMES NOVOSEL

**the bay architects**  
 1840b alcatraz ave  
 berkeley, ca 94703  
 510.420.1484  
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DETAILS

**A5.2**  
 Page 601





Office of the City Manager

INFORMATION CALENDAR  
May 9, 2023

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jordan Klein, Director, Planning and Development Department  
 Subject: LPO NOD: 0 Center Street – Civic Center Park, #LMSAP2023-0001

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

CURRENT SITUATION AND ITS EFFECTS

The Landmark Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject City Landmark property. This action is subject to a 15-day appeal period, which began on April 25, 2023.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by May 9, 2023. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Fatema Crane, Principal Planner, Planning and Development, 510-981-7410

Attachments:

1: Notice of Decision – #LMSAP2023-0001 for 0 Center Street – Civic Center Park



L A N D M A R K S  
 P R E S E R V A T I O N  
 C O M M I S S I O N

N o t i c e o f D e c i s i o n

**DATE OF BOARD DECISION: March 30, 2023**  
**DATE NOTICE MAILED: April 24, 2023**  
**APPEAL PERIOD EXPIRATION: May 9, 2023**  
**EFFECTIVE DATE OF PERMIT (Barring Appeal or Certification): May 10, 2023<sup>1</sup>**

## 0 Center Street – Civic Center Park

**#LMSAP2023-0001 to install a Turtle Island Monument at the Civic Center Park Fountain, located on a City Landmark property within the Civic Center Historic District.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following request:

- **Structural Alteration Permit**

**APPLICANT:** City of Berkeley – Parks, Recreation & Waterfront Department

**ZONING DISTRICT:** Commercial Downtown – Mixed Use (CD-MU)

**ENVIRONMENTAL REVIEW STATUS:** Categorically exempt under the California Environmental Quality Act Guidelines, Sections 15301 for Existing Facilities and 15302 Replacement & Restoration.

**The application materials for this project is available online at:**

<sup>1</sup> Pursuant to BMC Chapter 3.24, the City Council may “certify” any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2023-0001  
0 Center Street – Civic Center Park  
April 24, 2023  
Page 2 of 4

<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or  
<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

**FINDINGS FOR FINAL ACTION AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

**COMMISSION VOTE: 5-1-0-3**

**YES:** CRANDALL, ENCHILL, FINACOM, LINVILL, TWU  
**NO:** ADAMS  
**ABSTAIN:** None  
**ABSENT:** LEUSCHNER, MONTGOMERY, SCHWARTZ

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
  - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$500. This fee may be reduced to \$100 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
  - b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is \$500, which may not be reduced.
  - c. The fee for all appeals by Applicants is \$2500.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the permit will be final on the first business day following expiration of

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2023-0001  
0 Center Street – Civic Center Park  
April 24, 2023  
Page 3 of 4

the appeal period.

**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

---

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2023-0001  
0 Center Street – Civic Center Park  
April 24, 2023  
Page 4 of 4

**PUBLIC COMMENT:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**FURTHER INFORMATION:**

Questions about the project should be directed to the project planner, Fatema Crane, at (510) 981-7410 or fcrane@cityofberkeley.info. All project application materials, including full-size plans, may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3<sup>rd</sup> Fl., during regular business hours.

**ATTACHMENTS:**

- 1. Findings for Final Action
- 2. Project Plans



**ATTEST:** \_\_\_\_\_  
Fatema Crane, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Applicant:

Property Owner: City of Berkeley



## Attachment 1, Part 2

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# Findings and Conditions

## 0 Center Street

**Structural Alteration Permit #LMSAP2023-001 to install a Turtle Island Monument at the Civic Center Park Fountain, located on a City Landmark property within the Civic Center Historic District.**

### **FINDINGS REQUIRED UNDER CEQA**

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301, CE Class 1 of the CEQA Guidelines (“Existing Facilities”) and Section 15302, CE Class 2 (“Replacement or Reconstruction”). Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area; (b) there are no cumulative impacts; (c) there are no significant effects; (d) the project is not located near a scenic highway; (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5; and (f) the project will not cause substantial adverse change in the significance of Civic Center Park, a resource included in the City of Berkeley’s register of historical resources and located in within a National Register Historic District.

### **FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR’S STANDARDS**

Regarding the Secretary of the Interior’s Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. The proposed project does not require a change of use to the property, which is and will remain a municipal park.
2. The proposed removal of historical materials from the Streamline Moderne fountain and the installation of new elements to create the Turtle Island Monument are expected to alter the fountain in a manner that will not preserve its distinctive character and original design. These actions are not consistent with SOI Standards 2 and 5, which require retention of character, materials features, finishes and production techniques. However, the proposed alterations are limited to only one of the Civic Center Park’s character-defining features and will not affect any others, thereby avoiding wholesale alteration of the Park.
3. The proposed Turtle Island Monument will not resemble or replicate designs from the Park’s historic period. These new features are contemporary and will not result in a false sense of historical development.

4. The subject property does not feature changes that have acquired significance in their own right.
5. As described previous under analysis of SOI Standard 2, above, the features of Civic Center Park will be substantially retained and preserved with this limited-scope project that effects the fountain only.
6. As conditioned herein, if deteriorated historic features will be affected by this request, then they would be repaired or replaced to match the materials, design, and finishes of the original items.
7. Standard conditions of Structural Alteration Permit approval would require any chemical or physical treatments to be undertaken using the gentlest means possible. However, the applicant has not proposed chemical or physical treatments. However,
8. As conditioned herein, actions to preserve and protect unexpected discoveries during project construction are required. Nevertheless, the project does not have the potential to affect any archaeological resources because the applicant proposes no excavation.
9. The proposed new work is designed with new and differentiated elements and forms, and introduces new materials that are not currently or historically present in this area of the Park. Owing to these aspects, new work will be sufficiently differentiated from the historic design.
10. If the proposed improvements were removed in the future, they would not permanently impair the integrity or essential form of the Civic Center Park.

#### **FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE**

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve the characteristics and features specified in the designation for this property. Specifically:
  - A. The proposal to substantially alter the design of the Streamline Moderne Fountain in Civic Center Park will not adversely affect the architectural design of the City Landmark Park because the site would retain all of its other character-defining features, including: setting, topography and spatial organization with four primary segments (tree and fountain terraces, circular lawn and western esplanade), mature trees, system of pathways, and original furnishings. With these features intact, the Park will retain its use, identify and form as well as its historical integrity.
  - B. The special character of the subject property may lie in its civic identity, Works Progress Administration-era associations and reflections of the City Beautiful Movement. The project will result in alteration of the Streamline Moderne Fountain at this site, but it will not adversely affect the Park's special character overall due to its limited scope and retention of the remaining features of the site.

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**STANDARD CONDITIONS**

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The following conditions, as well as all other applicable provisions of the Landmarks Preservation Ordinance, apply to this Permit:

**1. Conditions Shall be Printed on Plans**

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Permit, under the title 'Structural Alteration Permit Conditions'. *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

**2. Plans and Representations Become Conditions**

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

**3. Subject to All Applicable Laws and Regulations**

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Zoning Adjustments Board or Zoning Officer, Building and Safety Division, Public Works Department and other affected City divisions and departments.

**4. Exercise and Lapse of Permits**

- A. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
- B. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

**5. Indemnification Agreement**

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation: attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any

legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

## 6. Halt Work/Unanticipated Discovery of Tribal Cultural Resources

In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

## 7. Archaeological Resources (*Ongoing throughout demolition, grading, and/or construction*)

Pursuant to CEQA Guidelines Section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.

- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

**8. Human Remains** (*Ongoing throughout demolition, grading, and/or construction*)

In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to CEQA Guidelines Section 15064.5 (e)(1) . If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to Health and Safety Code Section 7050.5(c), and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

**9. Paleontological Resources** (*Ongoing throughout demolition, grading, and/or construction*)

In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

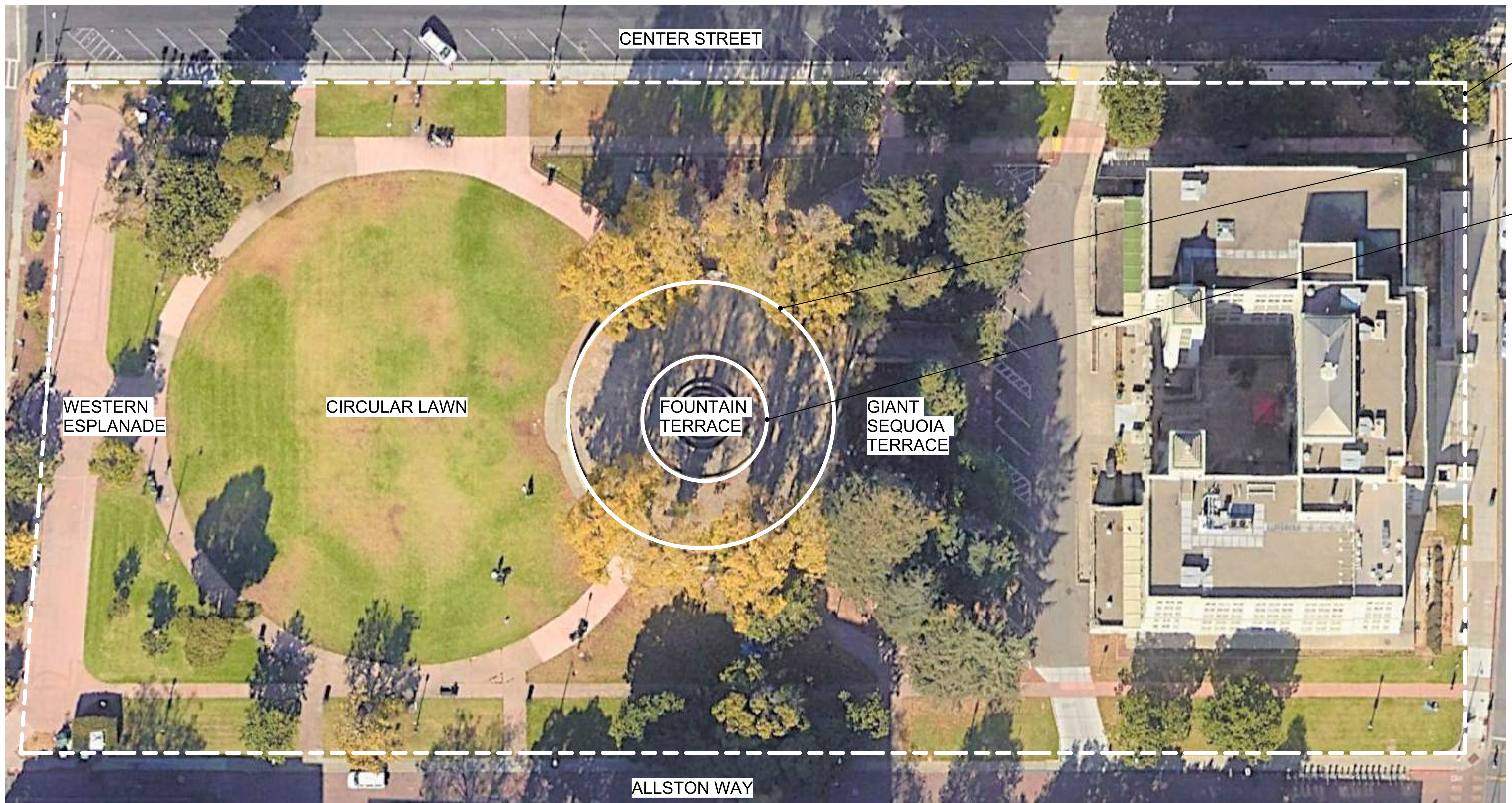
### **ADDITIONAL CONDITIONS**

The following additional conditions are attached to this Permit:

- 10.** No changes can be made to the approved plans without prior approval.
- 11. CITY PERMITS.** This Structural Alteration Permit (SAP) approval is contingent upon approval of the requisite City Permits for the project scope.
- 12. PLANS COMPLIANCE.** Construction and building permit plans shall substantially conform to the Structural Alteration Permit (SAP) project plans.

13. Prior to issuance of any building for demolition or any demolition activities that are not subject to building permit, the applicant shall obtain photographic documentation of the Civic Center Park Fountain in a manner similar to Historic American Landscape Survey guidelines. The resulting photographic documentation shall be offered to Berkeley Historical Society and the Berkeley Architectural Heritage Association.
14. Prior to demolition and/or removal, the Fountain pumps shall be offered to the Treasure Island Museum.
15. The project shall include installation of re-circulating pumps.
16. **REPAIR AND REPLACEMENT OF CHARACTER-DEFINING FEATURES.** Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
17. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
18. **COLORS.** Prior to project implementation and/or Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit color and materials information for review and approval by Landmarks staff, in coordination with the LPC Chair as needed.
19. **DETAILS.** Prior to project implementation and/or Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit window, door, base, and trim details for review and approval by the Landmarks plan checker.
20. **LIGHTING (if applicable).** Prior to project implementation and/or Landmarks plan checker sign-off of the building permit set of drawings, the applicant shall submit lighting details showing all existing and proposed site and building lighting. Exterior lighting, including for signage, shall be downcast and not cause glare on the public right-of-way and adjacent parcels.
21. **LANDSCAPE PLANS (if applicable).** Prior to project implementation and/or Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall submit a Landscape plan including the number, location, and species of all proposed plantings, and which existing plantings shall be removed. The applicant shall provide irrigation for all landscaped areas or provide drought tolerant plant palette. This shall be called out on Landscape building permit drawings.
22. **LANDSCAPE IRRIGATION (if applicable).** Prior to project implementation and/or Landmarks plan checker sign-off of the Building Permit set of drawings, the applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.

23. The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.
24. The applicant is responsible for complying with all the above conditions. Failure to comply with any condition could result in construction work being stopped, issuance of citations, as well as further review by the Landmarks staff, which may modify or impose additional conditions, or revoke approval.
25. All building permit drawings and subsequent construction shall substantially conform to the approved plans as outlined in Condition #1. Any modifications must be reviewed by the Landmarks plan checker to determine whether the modification requires approval.
26. The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

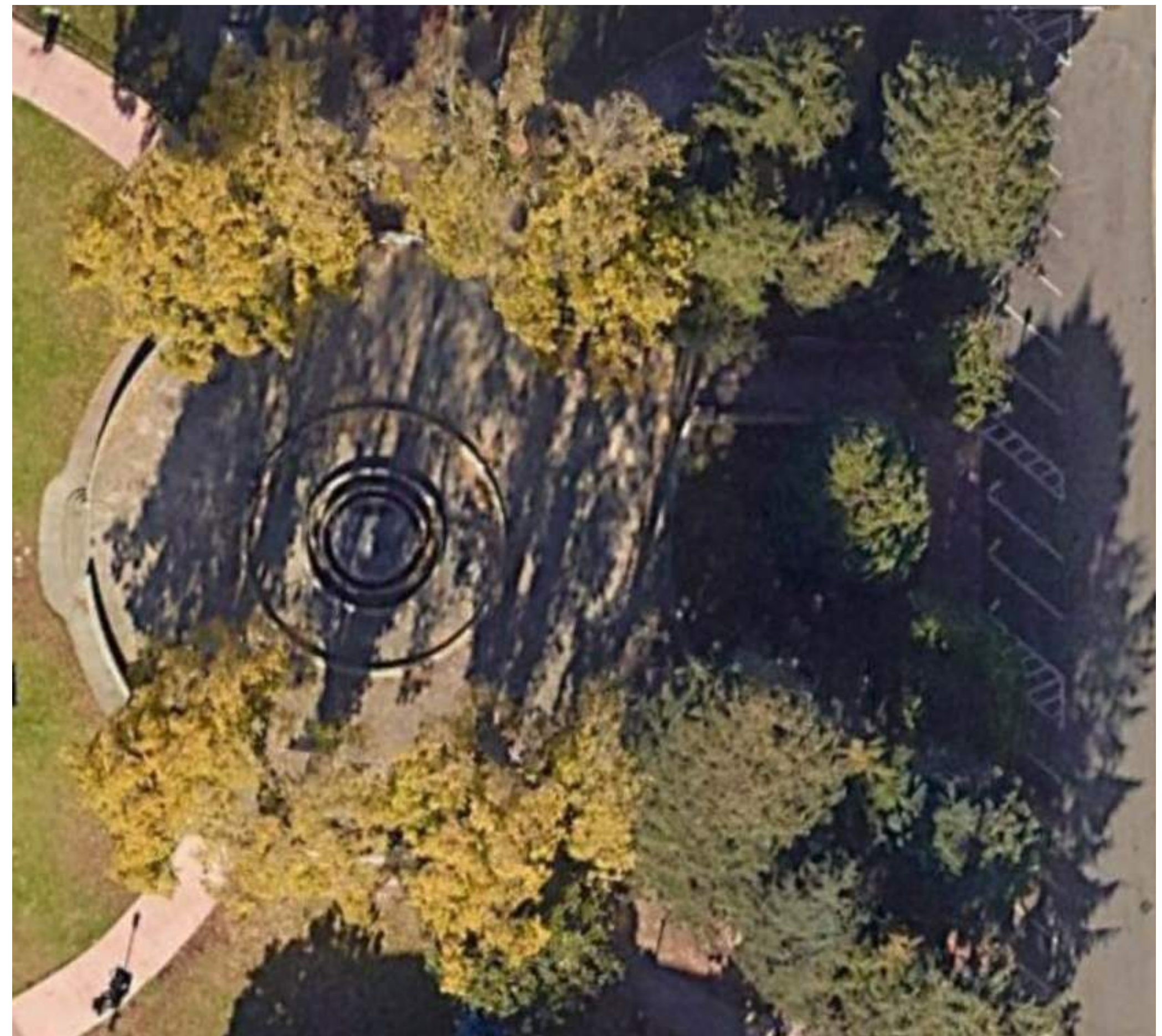
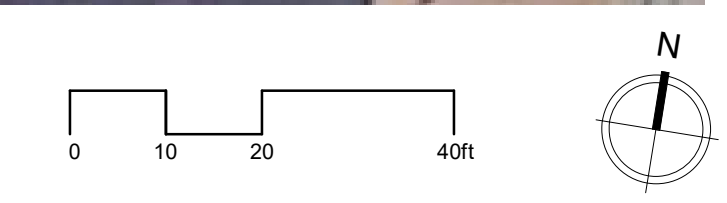


MARTIN LUTHER KING, JR.  
CIVIC CENTER PARK AND CITY HALL

IMPROVEMENT EXTENTS,  
TURTLE ISLAND MONUMENT -  
SEE SITE PLAN

SEE LANDSCAPE PLAN, SECTION

SATELLITE IMAGE OF PARK  
SCALE 1"=20'-0"



SATELLITE IMAGE CLOSE-UP OF TERRACE




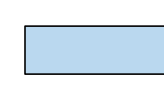

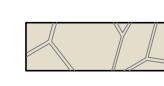
TERRACE ON INDIGENOUS PEOPLES DAY 2023



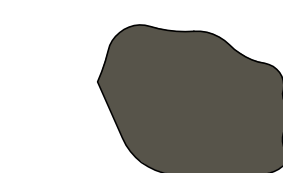
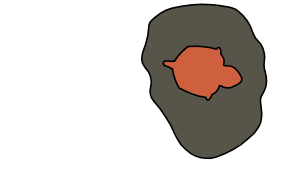
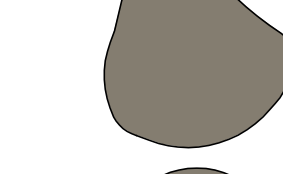
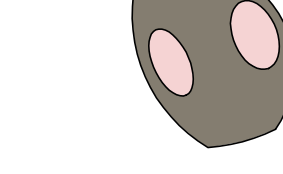
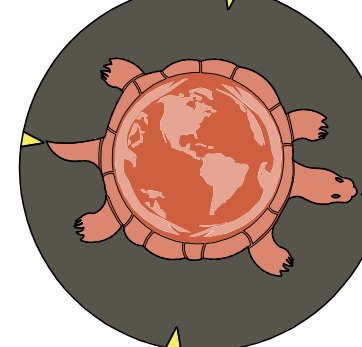




PROTECT ALL (E) TREES, TYP.  
 RETAIN ALL (E) LIGHTING, TYP.  
 PROTECT (E) MARTIN LUTHER KING, JR PLAQUE

BLANK MEDALLION, TYP.  
 CENTRAL AREA - SEE LANDSCAPE PLAN, SECTIONS

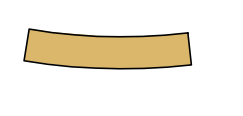


**LEGEND - HARDSCAPE**

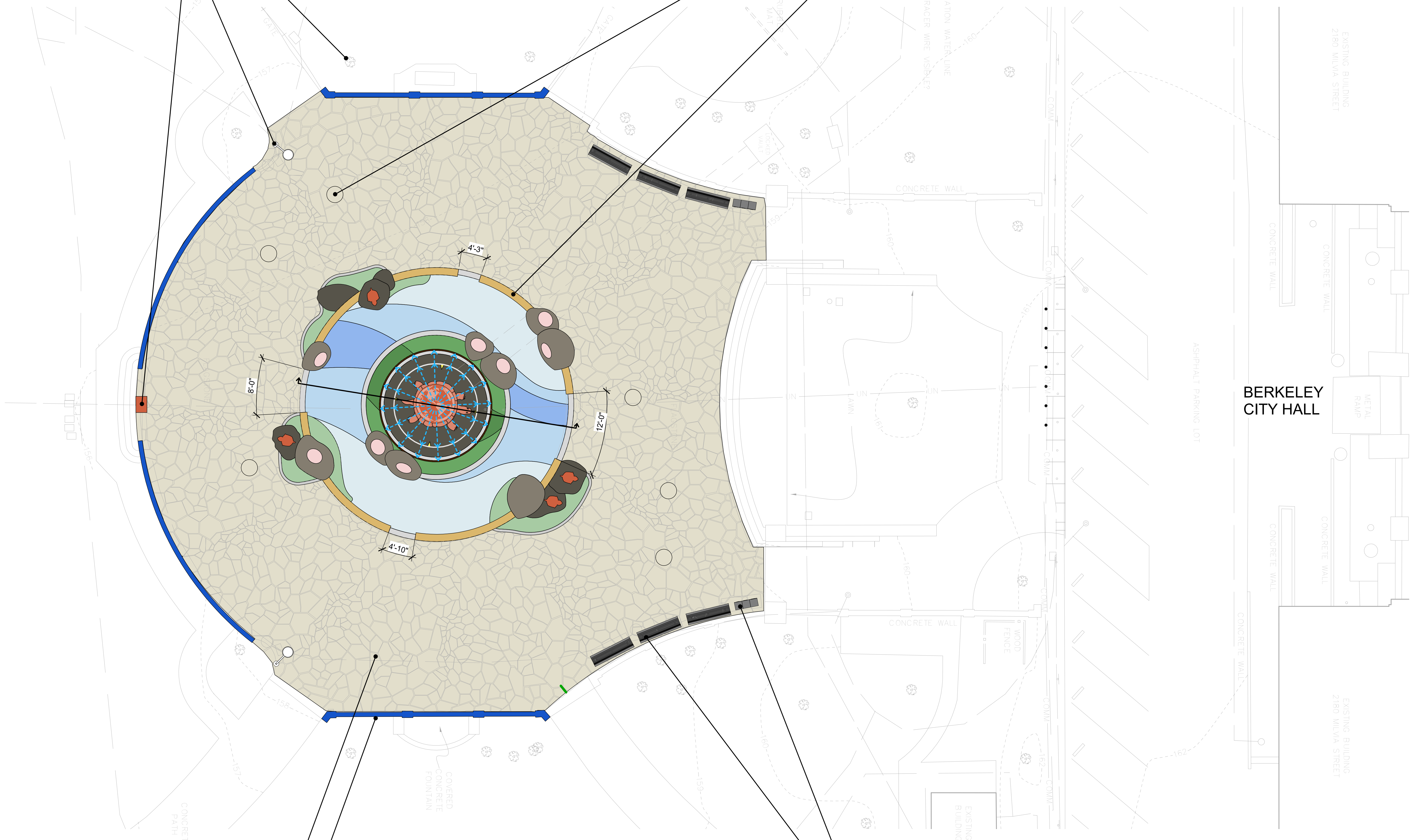
-  BLUE GLASS TOP-SEEDED CONCRETE, HIGH DENSITY; OR BLUE STONE
-  BLUE GLASS TOP-SEEDED CONCRETE, MODERATE DENSITY; OR BLUE STONE
-  BLUE GLASS TOP-SEEDED CONCRETE, LOW DENSITY; OR BLUE STONE
-  FLAGSTONE PAVING - MATCH (E) IN PATTERN AND STONE SIZE

**LEGEND - ARTWORK WITH ASSOCIATED ELEMENTS**

-  LOW STONE, 6" TO 1'-6" HIGH, POLISHED FINISH ON SURFACE WITH ROUGH EDGES
-  WITH ARTWORK: (4) BRONZE LOGGERHEAD TURTLES, MOUNTED TO SURFACE
-  LARGE BOULDER, 2'-6" TO 4' HIGH, NATURAL FINISH
-  WITH ARTWORK: (8) TRIBAL MEDALLIONS, EMBEDDED TO HAVE FINISHED FACADE FLUSH TO BOULDER SURFACE; POLISHED RIM AROUND MEDALLION
-  LARGE CENTER STONE ARTWORK WITH WATER FEATURE AND CONTRASTING INLAY AT FOUR DIRECTIONS  
 ARTWORK: LARGE BRONZE FRESHWATER TURTLE, WITH NORTH AND SOUTH AMERICA SURROUNDED BY OTHER CONTINENTS, EAGLE, AND CONDOR, SURFACE MOUNTED ARTWORK: TIME CAPSULE, WITHIN
-  FLOW OF WATER
-  BLANK MEDALLION, STONE, TO MATCH FLAGSTONE PAVING IN COLOR
-  LOW PLANTING AT GRADE
-  CURB AT PLANTING EDGE, 4" HIGH

**LEGEND - FURNISHINGS**

-  SEATWALL MOUNTED TO (E) FOUNTAIN BASIN RIM - IN WOOD WITH NATURAL FINISH
-  PARK BENCH
-  WASTE/COMPOST/RECYCLING RECEPTACLES

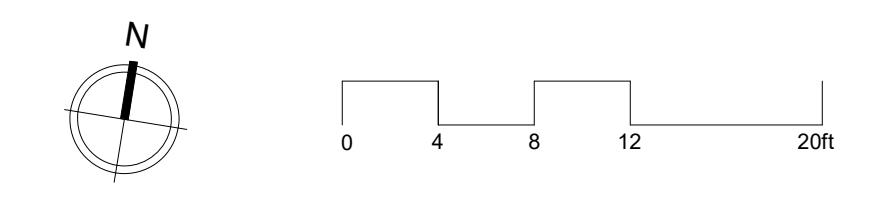


FLAGSTONE PAVING - REPLACE ALL EXTENTS SHOWN




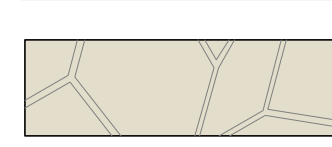
LIMITED WORK ON THE FOUR "WORLD WALL OF PEACE" WALLS - RENOVATE CONCRETE WALLS (NO TILE WORK)

BENCHES (REPAIR CONCRETE, REPLACE WOOD) AND PERIOD-APPROPRIATE WASTE RECEPTACLES

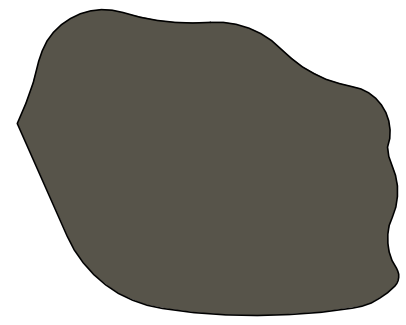
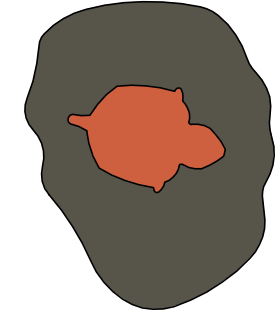
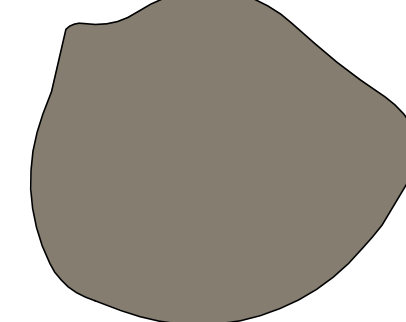
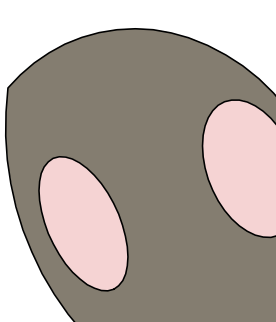
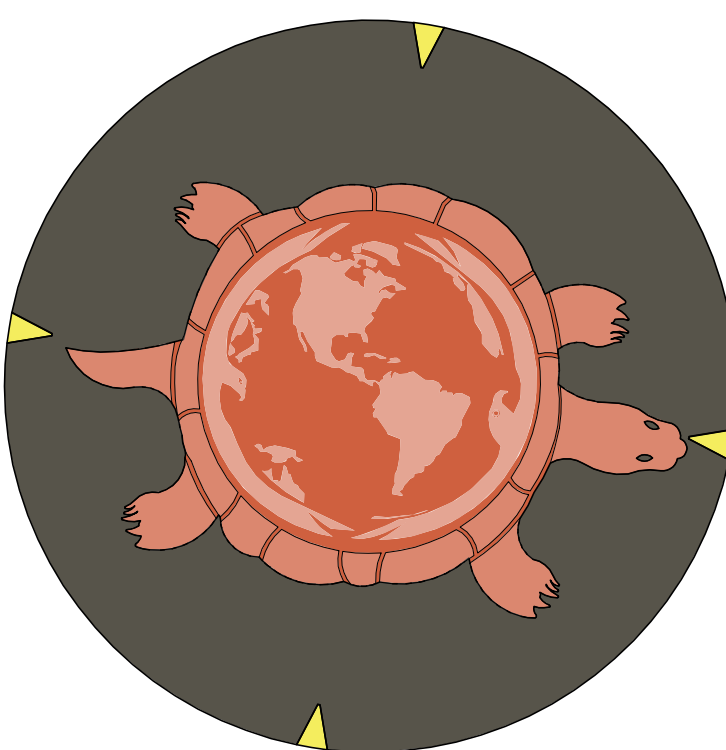

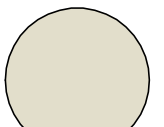
**SITE PLAN**  
 Scale: 1/8" = 1'-0"





**LEGEND - HARDSCAPE**

-  BLUE GLASS TOP-SEEDED CONCRETE, HIGH DENSITY; OR BLUE STONE
-  BLUE GLASS TOP-SEEDED CONCRETE, MODERATE DENSITY; OR BLUE STONE
-  BLUE GLASS TOP-SEEDED CONCRETE, LOW DENSITY; OR BLUE STONE
-  FLAGSTONE PAVING - MATCH (E) IN PATTERN AND STONE SIZE


**LEGEND - ARTWORKS AND ASSOCIATED ELEMENTS**

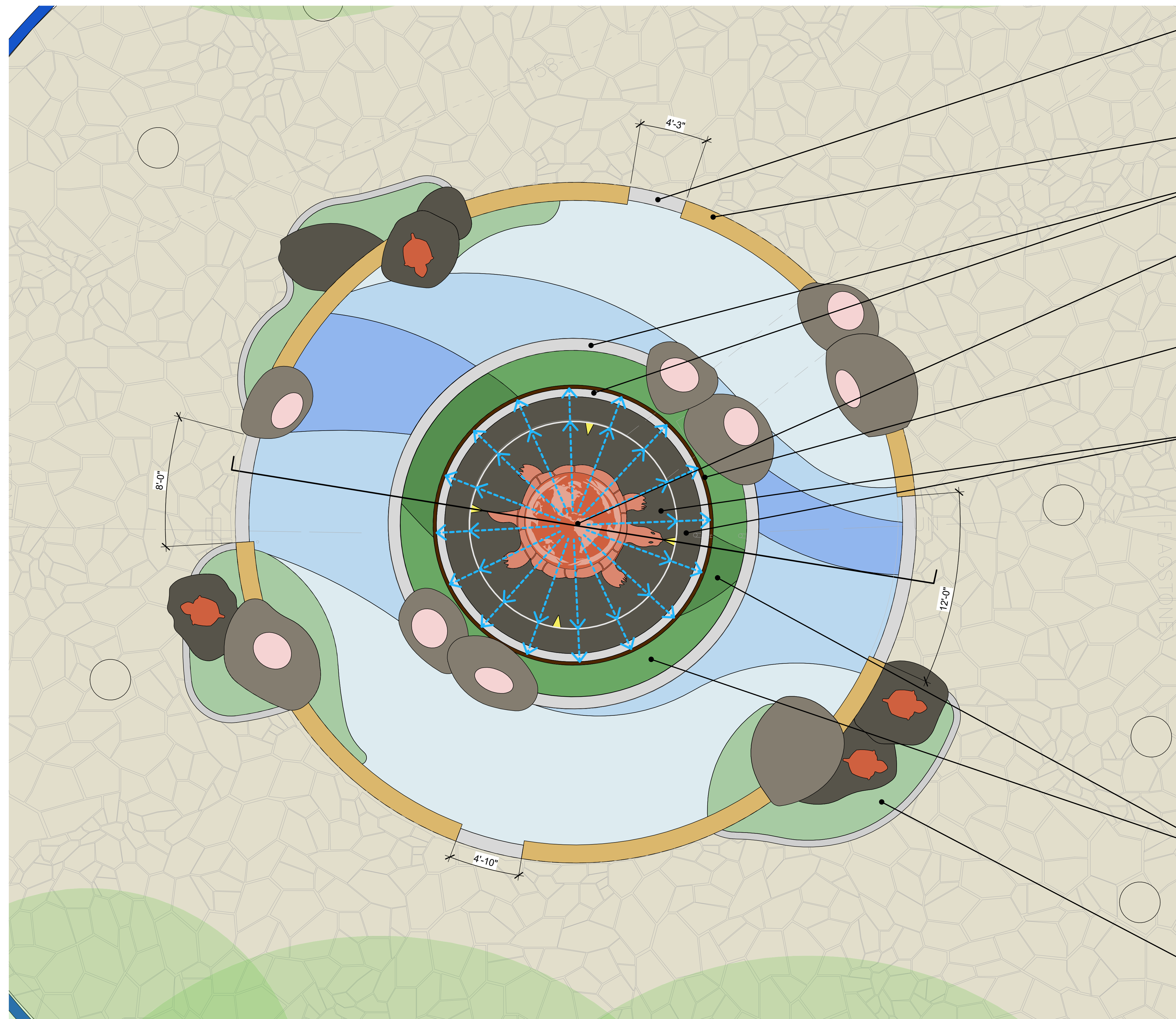
-  LOW STONE, 6" TO 1'-6" HIGH, POLISHED FINISH ON SURFACE WITH ROUGH EDGES
-  WITH ARTWORK: (4) BRONZE LOGGERHEAD TURTLES, MOUNTED TO SURFACE
-  LARGE BOULDER, 2'-6" TO 4' HIGH, NATURAL FINISH
-  WITH ARTWORK: (8) TRIBAL MEDALLIONS, EMBEDDED TO HAVE FINISHED FACADE FLUSH TO BOULDER SURFACE; POLISHED RIM AROUND MEDALLION
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ARTWORK: LARGE BRONZE FRESHWATER TURTLE, WITH NORTH AND SOUTH AMERICA SURROUNDED BY OTHER CONTINENTS, EAGLE, AND CONDOR, SURFACE MOUNTED  
ARTWORK: TIME CAPSULE, WITHIN
-  FLOW OF WATER
-  BLANK MEDALLION, STONE, TO MATCH FLAGSTONE PAVING IN COLOR

**LEGEND - PLANTING WITH CURB REQUIREMENT**

-  LOW PLANTING AT GRADE
-  CURB AT PLANTING EDGE, 4" HIGH

**LEGEND - FURNISHINGS**

-  SEATWALL (16" DEPTH) MOUNTED TO (E) FOUNTAIN BASIN RIM - IN WOOD WITH NATURAL FINISH



- (E) BASIN WALL AT PEDESTRIAN OPENINGS, TYP. - GRIND DOWN TO BAND, FLUSH WITH FINISH GRADE; COVER VERTICAL SIDES WITH MOSAIC TILE COLORED IN FOUR DIRECTIONS
- (E) BASIN WALL WITH MOUNTED SEATING TOP
- (E) FOUNTAIN TIERS
- NEW FOUNTAIN SYSTEM TO EMIT THE LARGEST AMOUNT OF WATER THAT SYSTEM WILL PERMIT, DURING DAYLIGHT HOURS
- NEW FOUNTAIN DRAIN
- LARGE CENTER STONE - SEE SECTION; TOP TIER SURFACE: POLISHED  
VERTICAL SIDE: ROUGHENED  
SECOND TIER: POLISHED
- PLANTING IN RAISED FOUNTAIN TIER, TYP. - LOW GROUNDCOVER MASSING THAT EVOKES WATER
- PLANTING AT FINISH GRADE, TYP. - LOW GROUNDCOVER OR GRASSES IN MASSING THAT EVOKES WATER

**LANDSCAPE PLAN**

Scale: 1/4" = 1'-0"

**Written Statement of Landscape Plan Concept**

from 1992 Turtle Island Monument flyer, written by Lee Sprague:

"In my people's creation stories the world was covered with water and all the animals were swimming. They were getting tired, so they respectfully asked the muskrat to go under the water to see if there was any earth. So the muskrat went down to find the earth. All of the animals were waiting for the muskrat to reappear. They were worried for the muskrat. Finally his body floated to the surface. The animals looked in his paw and they found some earth. They put the earth on the turtle's back. The rest of the animals now knew that there was earth under the water so they each went down to get some earth, first the loon then the duck and all of the rest of the animals. They all put the Earth on the turtle's back. This is how Turtle Island was created."

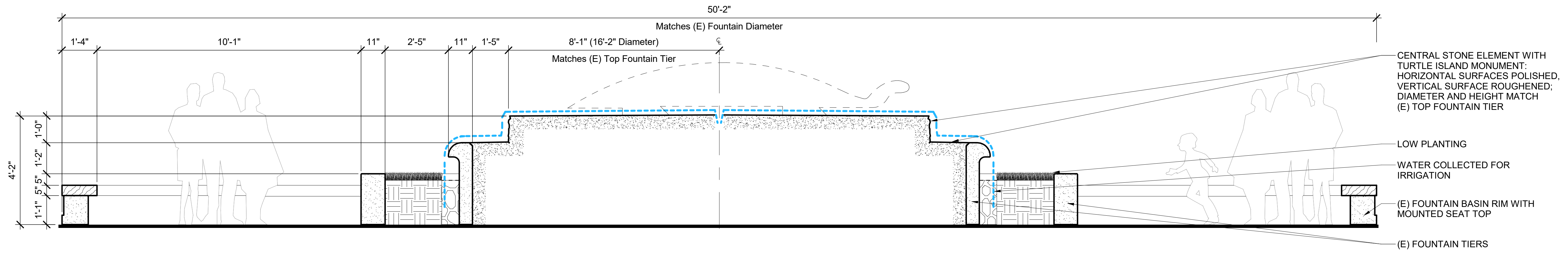
The Turtle Island Monument honors the history, creation, and celebration of Indigneous Peoples Day, respectfully, within the City of Berkeley Landmark #201, the Martin Luther King, Jr. Civic Center Park. See Applicant's Statement for more information.

**Irrigation Basis of Design**

The irrigation system will be supplied using water that has run through the fountain and stored in a below-ground tank. The system will be pressurized with a booster pump that will be installed together with the fountain pump, and use the same power supply. The pump will be either pressure operated, or operate via the irrigation controller. Plants will be irrigated with a high efficiency, low flow, point source drip system constructed with equipment and method preferred by city maintenance staff and in use at other sites throughout the city. All irrigation equipment will be commercial grade, selected for durability and minimal maintenance burden.

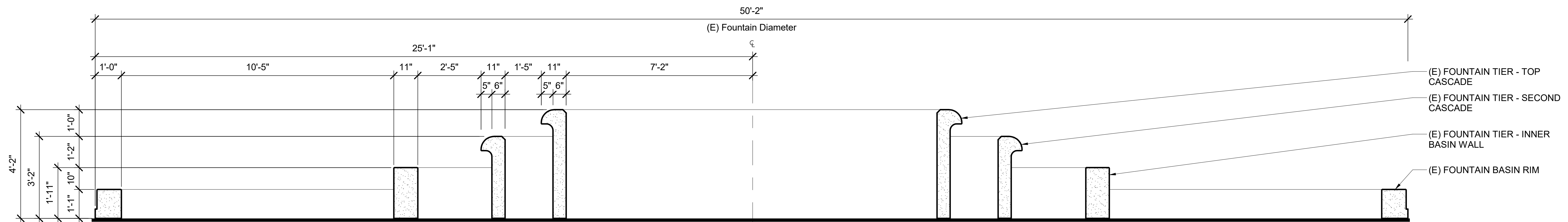
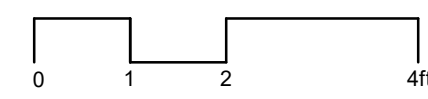
**Grading Concept**

This project will provide accessible parking and an accessible pedestrian right-of-way to the Monument and to the terrace.



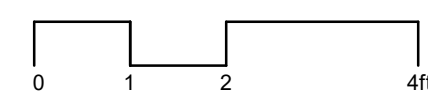
**SECTION AT MONUMENT (THROUGH EXISTING FOUNTAIN)**

Scale: 1/2" = 1'-0"



**SECTION AT FOUNTAIN - EXISTING**

Scale: 1/2" = 1'-0"





Flagstone Paving - Match (E) Stone Size and Pattern



Blank Medallions - 3'Ø stone pavers in flagstone, to match predominant color of flagstone



Pedestrian openings in (E) fountain basin wall - Preserve footprint of removed wall portion, finish smooth, flush with paving



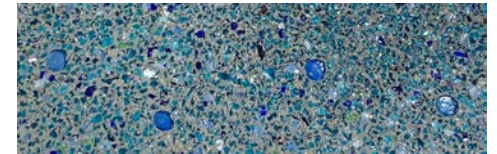
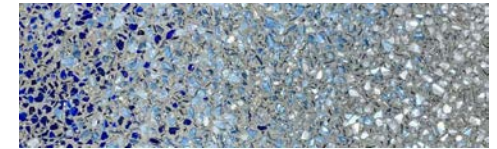
Pedestrian Openings in (E) Fountain Basin Wall: Finish exposed vertical wall sides in Mosaic, Colors of 4 Directions (all square or linear tiles)



Benches - Repair concrete, replace wood

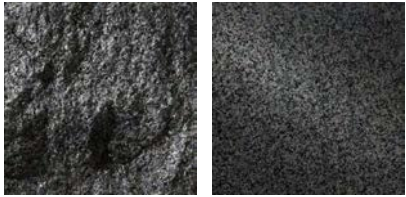


Wood Seatwall Topping on (E) Fountain Basin Rim (16" wide)



Blue Glass Top-Seeded Concrete Paving (3 densities of blue)

Upper Plaza & Fountain Area Improvements	Project Address: Martin Luther King, Jr. Civic Center Park, 2151 Martin Luther King Jr. Way, Berkeley, CA 94704	Preparation Date 02/15/23	Sheet
Project Applicant: Evelyn Chan, City of Berkeley Parks, Recreation & Waterfront Dept. 2180 Milvia Street, 3rd Floor, Berkeley, CA 94704 (510) 981-6700	Plan Preparation: Cathy Garrett, PGAdesign Landscape Architects, Inc. 444 17th Street, Oakland, CA 94610 (510) 552-8852	Materials Board - Paving & Furnishing Page 620	



Low Stones (6" TO 1'-6" High) and Large Central Stone with Contrasting Inlay at 4 Directions (See Section) - Black Granite, Polished Finish on Surface with Rough Vertical Sides



Artwork - 4 Loggerhead Turtles, bronze, each 3'-10" long, (existing), mount to Low Stones



Large Boulders (2'-6" to 4' high) - Rough/natural finish with tribal medallions inset to be flush with face of stone



Artwork - 8 Tribal Medallions in mosaic, with a range of gloss and texture, 3'Ø (existing), inset in Large Boulders

Upper Plaza & Fountain Area Improvements	Project Address: Martin Luther King, Jr. Civic Center Park, 2151 Martin Luther King Jr. Way, Berkeley, CA 94704	Preparation Date 02/15/23	Sheet
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# Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

## **City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

## **Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF