



Emergency Rental Assistance Program and Tenant Protection Pilot

Board of Supervisors Meeting
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Emergency Rental Assistance Program

- The Emergency Rental Assistance Program (ERAP) established in Dec. 2020 makes available \$25 billion nationwide.
- California received \$2.6 billion
 - \$1.5 billion to the State
 - \$1.1 billion to counties and cities with populations over 200k
- Sonoma County received a total of \$32,226,218.85 for ERAP
 - Federal allocation – \$14,697,467.79
 - State allocation – \$17,528,751.06



SB 91: State ERAP

- Governor signed SB 91 for COVID-19 Rental Assistance on January 29, 2021 extending the eviction moratorium until July 1, 2021.
- SB 91 provides new protections for tenants impacted by COVID-19, including debt treatment and civil procedures.
- Appropriates \$1.5 billion for the State ERAP.



SB 91: Eviction Protections

- Utilizes the same tenant eligibility and regulatory rules as AB 3088:
 - Declaration of financial hardship
 - 25% payment of monthly rent
 - Debt still accrues but cannot be grounds for eviction
 - Provides additional eviction and debt protection measures for COVID-19 impacted tenants



SB 91: Rental Assistance

- Program Focus: Stabilize low-income households through the payment of rental arrears to landlords.
- Household eligibility is at or below 80% AMI, priority for below 50% AMI.
- Participating landlords would get 80% of unpaid rent from April 1, 2020 - March 31, 2021. Accepts as payment in full for all rental debt for that period.
- If a landlord does not participate, eligible households can apply for and receive 25% of back rent owed for the covered period.
- Assistance includes rent, utilities (includes Internet)/home energy costs.
- Available assistance is for 12 months with 3 additional months depending on funding availability; arrears are prioritized.



SB 91: ERAP Options

- In February 2021, State requested cities and counties over 200k to select one of three options:
 - Option A - Federal and State Allocation Administered through State Rental Assistance Program; Full value reserved for City/County.
 - Option B - Federal & State Allocations Administered Through City/County Program.
 - Option C - Federal Allocations Administered Through City/County Program; and State Allocation Administered through State Rental Assistance Program to City/County Applicants.



Sonoma County ERAP

- Based on Board feedback, the Community Development Commission (CDC) notified the State (HCD) of intentions to self-administer ERAP through Community-based organizations (option B).
- Board directed development of plan for presentation.
- Same eligibility criteria as State program.
- 65% of funds to be obligated by September 30, 2021; funds to expire on December 31, 2021.



Sonoma County ERAP

- The goal of ERAP is to prevent low-income households from becoming homeless and providing assistance to promote housing stability.
- Ensures tenants stay housed while also helping to stabilize the local rental housing industry.
- Facilitates essential housing security for a number of families.
- Committed to culturally sensitive and equitable ERAP.
- Through no-wrong door approach, any individual can receive services from any CBO regardless of where they may be in the County.



CBO Participation in ERAP

- Letter of Intent (LOI) sent to CBOs asking them to apply to provide services for ERAP.
- Fees for administrative services capped at 10% for ERAP.
- CDC to purchase Neighborly ERAP-specific Software for CBOs.
 - Simplifies intake, centralizes administration for CDC, web-based, multiple languages available and real-time data for reporting.



CBO Participation in ERAP

- Residents apply for services by contacting participating CBO on County ERAP website.
- Contact information for CBOs is available on website, and participating provider is to have a functional website.
- CBOs are responsible for assisting residents with applying for services.
- CDC will be meeting with CBOs regularly to monitor and assist with issues.



Stakeholder Engagement

- Cities and Towns engaged (multiple meetings)
- Tenants groups
- Landlord groups
- CBOs interested in providing services (multiple meetings)



Public Information

- CDC and CAO Communications quickly developed and disseminated public information
 - Website
 - Press release
 - Flyers
- CDC also shared information with stakeholders to further get the word out.



Legal Aid Tenant Protection Pilot Program

- Legal Aid of Sonoma County proposes two-year pilot.
- No cost services for tenants who may require counsel to assist them in unlawful detainer actions or other related legal services.
- Two-year pilot would allow Legal Aid to add to its team of housing lawyers, expanding its service capacity.
- Two options for the Board to consider: A and B.



Legal Aid Tenant Protection Pilot Program

- Pilot program to have two components:
 - Prevention services - public education/outreach and limited representation
 - Full scope representation in court



Legal Aid Tenant Protection Pilot Program

Eligibility

- Tenants served with a notice to terminate their tenancy.
- Tenants served with an unlawful detainer (UD) summons and complaint.
- Tenants at imminent risk of receiving a notice or being served with UD.
- Tenants in need of post-judgment motions.
- Tenants with habitability/housing quality issues.
- Tenants with utility shut off or other constructive eviction issues.
- Tenants in need of assistance or representation with hearings where tenancies are at risk.
- Tenants in need of assistance or representation with rent increases, reasonable accommodation requests, and other similar assistance.



Legal Aid Tenant Protection Pilot Program

Scope of Services

- Public education/outreach.
- Preparation of legal documents.
- Negotiation with landlords.
- Full scope representation in court or administrative hearings.



Legal Aid Tenant Protection Pilot Program

Option A

- Cost of \$712,000
- Includes three attorneys, two bilingual caseworkers, a program/data manager, funds to contract with third party attorneys to handle conflicts cases, IT, and overhead.
- Service for 750 tenants.
- Tenant eligibility: Up to 400% of federal poverty guideline
 - \$51,040 for one person; \$106,000 for a family of 4



Legal Aid Tenant Protection Pilot Program

Option B

- Cost of \$390,250
- Includes two attorneys, one bilingual caseworker, IT, and overhead.
- Service for 500 tenants.
- Tenant eligibility: Up to 300% of federal poverty guideline
 - \$38,280 for one person; \$79,500 for a family of 4

*The Tenant Protection Program Pilot will be paid using ERAP funds for either option.



Recommended Actions

- Authorize the Interim Executive Director or designee of the Community Development Commission to accept \$17,528,751.06 of State Block Grant funds from the California Department of Housing and Community Development (HCD) to self-administer the Emergency Rental Assistance Program (ERAP) to assist households unable to pay rent or utilities (including Internet services) during the COVID-19 pandemic from April 1, 2020 to March 31, 2021. This funding will be combined with a Federal allocation of \$14,697,467.79 for a total of \$32,226,218.85 to be administered countywide.
- Adopt a resolution adjusting the FY 2020-2021 Community Development Commission's Budget to:
 - reflect the anticipated receipt of \$17,528,751.06 of accepted State Block Grant funds, and
 - reflect expenditures of \$17,528,751.06 for the Emergency Rental Assistance Program and Tenants Right to Counsel program. (4/5th vote required).



Recommended Actions

- Direct the Community Development Commission to contract with Legal Aid of Sonoma County to provide Counsel Services to tenants for either Option A for \$712,000 annually or Option B for \$390,250 annually.
- Authorize the Interim Executive Director or designee of the Community Development Commission to modify CDC's current contract with Benevate, Inc. the producer and sole source vendor of Neighborly Software's Housing, Economic and Community Development hosted software for unlimited licenses in the amount of \$276,000 with an implementation fee of \$5,000.
- Authorize the Interim Executive Director or designee of the Community Development Commission to enter into contracts with Community-Based Organizations demonstrating capacity through a letter of intent (LOI) issued on March 19, 2021 with responses due on March 25, 2021 to partner with the County in implementing the Emergency Rental Assistance Program.

