

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE 1) APPROVING THE FIRST SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN TO APPLY THE HOME INVESTMENT PARTNERSHIPS AMERICAN RESCUE PLAN PROGRAM ALLOCATION PLAN; AND 2) AUTHORIZING THE HOUSING DEPARTMENT TO SUBMIT THE SUBSTANTIAL AMENDMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the Annual Action Plan for the City of San José (“City”) governs the expenditure of entitlement funds and competitive grants that the City receives from the U.S. Department of Housing and Urban Development (“HUD”), including the City’s funding strategy for the Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnership, and Housing Opportunities for People with AIDS programs each year; and

WHEREAS, the Annual Action Plan also implements the City’s Five-Year Consolidated Plan, and is developed through public input, analysis, and planning; and

WHEREAS, the City, as an entitlement jurisdiction that receives HUD federal funds by formula allocation, is also required to have an adopted Citizen Participation Plan (“CPP”); and

WHEREAS, the City’s CPP describes the efforts that the City will take to encourage its residents to participate in developing federal spending plans, and provides requirements for the public process to be used when a “Substantial Amendment” to programs funded in the Annual Action Plan is proposed; and

WHEREAS, per the City’s CPP, a Substantial Amendment constitutes a change to a previously adopted Five-Year Plan or Annual Action Plan that: (1) increases or

decreases by the greater of \$100,000 or a 25% change in the amount allocated to a category of funding; or (2) makes a significant change to an activity's proposed beneficiaries or persons served; or (3) funds a new activity not previously described in the Annual Action Plan; and

WHEREAS, when a proposed change in program funding reaches one of these thresholds, the City must comply with the public process required in the CPP for Substantial Amendments, which includes a thirty (30)-day public comment period and two (2) public hearings; however, HUD provided an exception to the 30-day comment period so the HOME-ARP public comment period is 15-days; and

WHEREAS, on May 11, 2021, the City Council approved the Fiscal Year 2021-2022 Annual Action Plan; and

WHEREAS, on September 20, 2021, HUD awarded the City \$11,676,334 in HOME Investment Partnerships Program ("HOME") American Rescue Plan ("HOME-ARP") funding that can be used for production or preservation of affordable housing; tenant-based rental assistance; supportive services, homeless prevention services, and housing counseling; and purchase and development of non-congregate shelter; and

WHEREAS, the City desires to amend the Fiscal Year 2021-2022 Annual Action Plan to allocate HOME-ARP funding for homeless prevention, rental assistance, and supportive services for people experiencing homelessness; and

WHEREAS, the City, through its Request for Proposals process, will solicit applications from non-profit organizations in Fiscal Year 2023-2024 for projects receiving HOME-ARP funding; and

WHEREAS, in accordance with the CPP and HUD requirements, the City has published official notices of the public meetings and 15-day public review period in newspapers as required by HUD and posted the Substantial Amendment on the Housing Department's website;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The following actions regarding a first amendment to the existing Fiscal Year 2021-2022 Annual Action Plan to report on the HOME Investment Partnerships American Rescue Plan Program Allocation Plan using HOME Investment Partnerships American Rescue Plan Program funds awarded by the United States Department of Housing and Urban Development to the City of San José are hereby approved:

- 1) Approve the changes relating to the Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to apply the HOME Investment Partnerships American Rescue Plan Program Allocation Plan; and
- 2) Authorize the Housing Department to submit the Substantial Amendment to the United States Department of Housing and Urban Development.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk