

Department
Submitted By: Community Services
Submitted For: Community Services

1. Emergency Rental Assistance Program Request for Reallocated Funds with Walkthrough Memo
2. Emergency Rental Assistance (ERA1) Request for Additional Funding with Walkthrough Memo
3. Assurances of Compliance with Civil Rights Requirements form

Recommended By: Tanina Malhotra 1/13/2022
 Department Director Date
 Approved By: Pae 1/26/22
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2022 | 2023 | 2024 | 2025 | 2026 |
|----------------------|--------------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | 30,000,000 | | | | |
| External Revenue | (30,000,000) | | | | |
| Program Income | | | | | |
| In-Kind Match | | | | | |
| NET FISCAL IMPACT | | | | | |

| | | | | | |
|--|--|--|--|--|--|
| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |
|--|--|--|--|--|--|

Is Item Included In Current Budget: Yes No X
Does this item include the use of federal funds? Yes X No

Budget Account No.:
Fund 1161 Dept. 142 Unit 1440/1443 Obj. Var. Program Code Var Program Period Var.

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Funding source is U.S. Department of Treasury.. ERAP 1 and ERAP 2 full allocations are included in current budget. If approved for reallocated funding, the budget will be amended at that time through BCC.

C. Departmental Fiscal Review:

DocuSigned by:
Julie Dowe
05AC9C7CC5BC4A4...

Julie Dowe, Division Director II

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Lucy Mante 1/20/22
OFMB QA 1-18-22
AP 1/19/22
LM 1/20
Larry Miller for Devin Jacobowitz
Contract Development and Control
1-25-22 TW

B. Legal Sufficiency:

JP Flemer 1/25/22
Assistant County Attorney
John H. Hvizd

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.



Department of Community Services

810 Datura Street
West Palm Beach, FL 33401
(561) 355-4700
FAX: (561) 355-3863
www.pbcgov.com

Palm Beach County
Board of County
Commissioners

Dave Kemer, Mayor
Robert S. Weinroth, Vice Mayor
Maria G. Marino
Greg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

TO: Dave Kerner, Mayor
Board of County Commissioners

THRU: Verdenia C. Baker, County Administrator
Board of County Commissioners

THRU: Nancy L. Bolton, Assistant County Administrator
Board of County Commissioners

FROM: James Green, Department Director,
Community Services Department

DATE: November 12, 2021

RE: Emergency Rental Assistance Program, Request for Reallocated Funds

Pursuant to Section 309 of the Administrative Code, your signature is needed, as well as the County Administrator's signature on the approval of the Emergency Rental Assistance Program (ERAP) Request for Reallocated Funds (CFDA No. 21.023) with the U.S. Department of Treasury, in an amount not to exceed \$30,000,000, for the period ending December 30, 2022.

These funds will be used to provide emergency rental and utility assistance for Palm Beach County residents impacted by the COVID-19 pandemic.

From March 18, 2021 through November 8, 2021, \$42,293,091.46 has been disbursed on behalf of 5,920 clients.

On October 25, 2021, the Deputy Secretary of the Treasury released instructions on requesting additional ERAP 1 funding available due to reallocations from under-performing jurisdictions. Reallocated funds are only available to grantees who have obligated 65% of their ERAP 1 funding and have a proven capacity to deliver ERAP in jurisdictions where families remain at serious risk of eviction or housing instability. The request for reallocated funds is due no later than November 30, 2021. **No county match funds are required.**


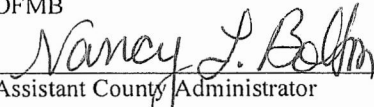
We are requesting reallocated funds to ensure that sufficient funding is available to meet client needs. If we do not request these funds, we will exhaust ERAP 1 and ERAP 2 funding by December 31, 2022 (ERAP 2 may be used through 2025). By receiving additional funding, we would be able to extend ERAP 2 for at least one (1) additional year.

The emergency signature process is being utilized because there is insufficient time to submit the application through the regular agenda process. Staff will submit this item at the next available Board of County Commissioners Meeting.

If additional information is needed, please contact Taruna Malhotra, 355-4716.

Approved by: 
1459E4101F1049C...
Assistant Department Director

Helene Hvizd
Assistant County Attorney


03FB78B70D9E435...
OFMB

Assistant County Administrator

Attachments: ERAP Request for Reallocated Funds

EMERGENCY RENTAL ASSISTANCE PROGRAM
U.S. DEPARTMENT OF THE TREASURY

Request for Reallocated Funds

The undersigned entity (the "ERA Grantee") received its full allocation of funds for the delivery of emergency rental assistance ("ERA") in accordance with section 501 of division N of the Consolidated Appropriations Act, 2021 (the "Act"). The ERA Grantee hereby requests an additional \$ 30,000,000 of ERA funds from any amounts the U.S. Department of the Treasury ("Treasury") makes available for reallocation under section 501(d) of the Act.

Treasury has published guidance, available on its website, setting forth the procedures for the reallocation of ERA funds under the Act. In accordance with the guidance, the ERA Grantee hereby certifies that:

- 1. it has obligated at least 65% of its total ERA award funds under the Act (the "ERA1 Award") as of the date below; and
- 2. its jurisdiction has a demonstrated need for the ERA funds requested above and the capacity to use those funds pursuant to applicable requirements by September 30, 2022.

The ERA Grantee acknowledges that any funds remaining from its ERA1 Award must be obligated by September 30, 2022, and such funds not obligated or expended at that time must be returned to Treasury as part of the award closeout process pursuant to 2 C.F.R. 200.344(d). As permitted by the Act, the ERA Grantee hereby requests that Treasury extend the deadline for obligating any reallocated funds received pursuant to this request to December 29, 2022.

| | |
|--|-----------------------------------|
| By: <u>Palm Beach County</u> <u>Verdenia C. Baker</u> [Official's Name] [Official's Title] County Administrator | Date: <u>11/15</u> , 202 <u>1</u> |
|--|-----------------------------------|

PAPERWORK REDUCTION ACT NOTICE: The information collected will be used for the U.S. Government to determine the reallocation of emergency rental assistance funds. The estimated burden associated with this collection of information is 75 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

PRIVACY ACT STATEMENT

AUTHORITY: Solicitation of this information is authorized by section 501 of division N of the Consolidated Appropriations Act, 2021 (the "Act")

PURPOSE: The Act requires Treasury to allocate funds to eligible grantees for the delivery of emergency rental assistance to eligible households. Eligible grantees include State, Local governments, U.S. Territories, Tribes, or Tribally Designated Housing Entities (TDHEs), as applicable, and the Department of Hawaiian Home Lands. Treasury maintains contact information for authorized representatives and contact persons of the ERA grantees for the purpose of communicating with ERA grantees regarding the administration of their award under the Act.

Dave Kerner
Dave Kerner, Mayor
Palm Beach County

Approved as to form
and legal sufficiency
By: Helene C. Huizd
Assistant County Attorney

DocuSigned by: OMB Approved No.: 1505-0266
Exp.: 11/30/2021

ROUTINE USES: The information you furnish may be shared in accordance with the routine uses outlined in the Treasury's system of records notice, Treasury .017 – Correspondence and Contact Information, which can be found at 81 FR 78266 (Nov. 7, 2016).

DISCLOSURE: Disclosure of this information is voluntary. However, grantees/recipients that do not disclose contact information will be unable to communicate with Treasury on issues related to their obligations under the Act which may affect the status of their award.

EXHIBIT A
Obligation Report

Treasury has published guidance, available on its website, setting forth the procedures for the reallocation of ERA funds under the Act. As described in the guidance, Treasury considers ERA funds to be obligated if (i) the funds have actually been spent providing financial assistance and housing stability services for eligible households; (ii) the funds are needed to pay for assistance promised in a commitment letter issued to induce a landlord to enter a rental agreement with an eligible household under Treasury’s ERA FAQ #35; or (iii) subject to certain conditions, the grantee has, as part of the grantee’s ERA program administration, entered into a binding agreement or funding commitment requiring the grantee to disburse the funds to a third party for eligible purposes. In addition, Treasury will consider 10% of each grantee’s total award amount as having been obligated for administrative costs regardless of the grantee’s actual expenditures, commitments, or obligations.

Please provide information on this Exhibit A only regarding the ERA Grantee’s use of funds from the ERA1 Award authorized by the Act – not regarding its use of funds under an ERA award authorized by the American Rescue Plan Act of 2021 (“ERA2”).

Consistent with Treasury’s reallocation guidance, the undersigned hereby represents and certifies to Treasury that:

As of 09/30/2021 *[insert date]*, the ERA Grantee has obligated its ERA1 Award funds as follows:

| | |
|--|----------------------|
| Enter 10% of total ERA1 Award amount for administrative costs: | \$ 4,519,600 |
| Enter total of all other amounts obligated by ERA Grantee as of the date hereof: | \$ 34,673,258 |
| Total amount obligated: | \$ 39,192,858 |

EXHIBIT B
Evidence of Demonstrated Need

To receive reallocated ERA funds, an ERA grantee must confirm there is a demonstrated need for the assistance within its jurisdiction. In support of its request, the ERA Grantee must submit the following monthly projections.

These projections should include expenditures and activities under both section 501 of the Act (“ERA1”) and section 3201 of the American Rescue Plan Act of 2021 (“ERA2”). When projecting the amount of assistance to be provided to eligible households, assume the funds requested in the opening paragraph of this form will be available beginning December 1, 2021.

| November 2021 | |
|--|--------------|
| Number of unique households that will be assisted | 1,560 |
| Amount of assistance to eligible households expended | \$ 5,500,000 |
| Number of applications submitted | 2,200 |

| December 2021 | |
|--|--------------|
| Number of unique households that will be assisted | 1,560 |
| Amount of assistance to eligible households expended | \$ 5,500,000 |
| Number of applications submitted | 2,200 |

| January 2022 | |
|--|--------------|
| Number of unique households that will be assisted | 1,560 |
| Amount of assistance to eligible households expended | \$ 5,500,000 |
| Number of applications submitted | 2,200 |

| February 2022 | |
|--|--------------|
| Number of unique households that will be assisted | 1,560 |
| Amount of assistance to eligible households expended | \$ 5,500,000 |
| Number of applications submitted | 2,200 |

Attachment 2



Community Services Department

810 Datura Street
West Palm Beach, FL 33401
(561) 355-4700
FAX: (561) 355-3863
www.pbcgov.com

Palm Beach County
Board of County
Commissioners

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker



"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

TO: Robert S. Weinroth, Mayor
Board of County Commissioners

THRU: Verdenia C. Baker, County Administrator
Board of County Commissioners

THRU: Nancy L. Bolton, Assistant County Administrator
Board of County Commissioners

FROM: James Green, Department Director,
Community Services Department

DATE: December 8, 2021

[Handwritten initials]

DS
[Handwritten initials]

RE: Emergency Rental Assistance Program, 2nd Draw Request

Pursuant to Section 309 of the Administrative Code, your signature is needed on the Emergency Rental Assistance Program (ERAP 2) Request for Additional Funding and the Assurances of Compliance with Civil Rights Requirements form.

These funds will be used to provide emergency rental and utility assistance for Palm Beach County residents impacted by the COVID-19 pandemic. From March 18, 2021 through December 7, 2021, funding from both ERAP 1 and ERAP 2 has been disbursed on behalf of 6,368 clients, in the amount of \$46,848,004.

On August 17, 2021, the BCC approved the full allocation of \$48,921,763.90 for ERAP 2 funding. The U.S. Department of Treasury released \$19,568,705.56 (40%) of Palm Beach County's allocation previously, with the remaining allocation available for release once we reached 75% spending of the first disbursement. This amount has been reached and we need to request the remaining 60% of our allocation in the amount of \$29,353,058.34. **No County match is required.**

The emergency signature process is being utilized because there is insufficient time to submit the application through the regular agenda process. Staff will submit this item at the next available BCC meeting.

If additional information is needed, please contact Taruna Malhotra, 355-4716.

Approved by:

DocuSigned by:
Taruna Malhotra
1459E4101F1049C...

Assistant Department Director

DocuSigned by:
Helene C. Hvizd
EFD52D1EA9954E6...

Helene Hvizd
Assistant County Attorney

DocuSigned by:
Robyn Lawrence
03FB78B70D9E435...

OFMB

Nancy L. Bolton
Assistant County Administrator

Attachments:

1. Emergency Rental Assistance (ERA 2) Request for Additional Funding
2. Assurances of Compliance with Civil Rights Requirements

Date: December 8, 2021

U.S. Department of the Treasury
ERAapplications@treasury.gov

Emergency Rental Assistance (ERA2) Request for Additional Funding

The undersigned submits this request on behalf of Palm Beach County to the U.S. Department of the Treasury ("Treasury") for a disbursement of additional funds as authorized by Section 3201(c)(2) of the American Rescue Plan Act of 2021, Pub. L. No. 11-702 (March 11, 2021) (the "ARP"). Under Section 3201(b) of the ARP, Treasury allocated \$48,921,763.9 (the "Allocation") to the Grantee for the funding of emergency rental assistance ("ERA"). As of the date of this request, the Grantee has received \$19,568,705.56 from the Allocation (the "Prior Disbursements"), equal to 40% of the Allocation, in accordance with Section3201 (c)(1) of the ARP, [plus subsequent disbursement(s) in the aggregate amount of \$0.0 ____

The Grantee hereby requests \$29,353,058.34 from the remaining amount of the Allocation to provide additional financial assistance in accordance with Section 3201(d) of the ARP. The Grantee acknowledges Treasury may require the Grantee to submit additional information and supporting documentation before approving this request.

The Grantee and the undersigned, on the Grantee's behalf and to the best of the undersigned's knowledge and belief, each make the following certifications in support of this request:

- 1. The Grantee has complied with, and is currently in compliance with, the Emergency Rental Assistance Award Terms and Conditions under FAIN#ERAE0012 (the "Award Agreement"), all requirements applicable to ERA under the ARP, and Treasury's interpretive guidance regarding such requirements (the "Program Requirements").
- 2. A total of \$15,169,143.08 in funds received by the Grantee from the Allocation, representing77.51735562421126% of the Prior Disbursements, has been (i) expended for financial assistance or housing stability services under Section 3201(d)(A) and 3201(d)(B) of the ARP, or obligated for such expenditure under legally binding agreements entered into by the Grantee; (ii) spent, or budgeted and held in a reserve account by the Grantee, to cover administrative costs under Section 3201(d)(1)(C) of the ARP in an amount that does not exceed 15% of the Prior Disbursements; or (iii) reserved by the Grantee for assistance contemplated by any outstanding commitment letters issued by the Grantee under Treasury's ERA Frequently Asked Question 35.
- 3. The undersigned is duly authorized to submit this request on the Grantee's behalf.
- 4. The Grantee acknowledges and agrees that the funds requested hereby will be subject to the terms and conditions of the Award Agreement.

The Grantee and the undersigned acknowledge that any materially false, fictitious, or fraudulent statement or representation (or concealment or omission of material fact) in this submission may be the subject of criminal prosecution under the False Statements Accountability Act of 1996, as amended (18 U.S.C. § 1001), and also may subject the Grantee and the undersigned to civil penalties and/or administrative remedies for false claims or otherwise.

GRANTEE

Verdenia C. Baker
Name

County Administrator
Title

12/08/2021
Date

Robert S. Weinroth, Mayor

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Palm Beach County
Grantee Name

By (Signature)
Verdenia C. Baker, County Administrator

Approved as to form and
legal sufficiency
DocuSigned by:
Helene C. Hvizd
By: EFD52D1EA9954E6...
Assistant County Attorney

conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

OMB Approved No. 1505-0270
Expiration Date: 10/31/2021

Attachment 3

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS
ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the Palm Beach County (hereinafter referred to as the “Recipient”) provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient’s beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient’s program(s) and activity(ies), so long as any portion of the Recipient’s program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury’s implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury’s directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient’s programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.
4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient’s successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient’s sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with “Limited English Proficiency” in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury’s Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

- 6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
- 7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
- 8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
- 9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.
- 10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Palm Beach County
Recipient

12/08/2021

Date

Verdenia C. Baker

Signature of Authorized Official

Verdenia C. Baker, County Administrator

Robert S. Weinroth
Robert S. Weinroth, Mayor

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Approved as to form and legal sufficiency

DocuSigned by:

By:

Helene C. Hvizd

Assistant County Attorney