

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2021-670-E**

5 AN ORDINANCE APPROPRIATING \$30,839,253.40 IN
6 EMERGENCY RENTAL ASSISTANCE GRANT FUNDS FROM THE
7 U.S. DEPARTMENT OF TREASURY IN ACCORDANCE WITH
8 THE AMERICAN RESCUE PLAN ACT OF 2021 ESTABLISHED
9 IN SECTION 3201(A) PUB. L. NO. 117-2 (MARCH 11,
10 2021) (THE "ARP ACT") TO PROVIDE ADDITIONAL
11 EMERGENCY RENT AND UTILITY ASSISTANCE TO
12 ELIGIBLE HOUSEHOLDS IN DUVAL COUNTY, FLORIDA
13 (THE "ERA 2 PROGRAM"), AS INITIATED BY B.T. 21-
14 130; PROVIDING A CARRYOVER OF FUNDS FROM YEAR TO
15 YEAR UNTIL SUCH FUNDS ARE EXPENDED OR LAPSE;
16 INVOKING THE EXCEPTION OF SECTION 126.107(G)
17 (EXEMPTIONS), PART 1 (GENERAL REGULATIONS),
18 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
19 TO ALLOW FOR A DIRECT CONTRACT WITH CIVITAS,
20 LLC; APPROVING AND AUTHORIZING THE MAYOR, OR HIS
21 DESIGNEE, AND THE CORPORATION SECRETARY TO
22 EXECUTE AND DELIVER A CONTRACT WITH CIVITAS, LLC
23 FOR THE PROVISION OF CONTRACTUAL SERVICES FOR
24 THE ERA 2 PROGRAM AS DESCRIBED IN THIS
25 ORDINANCE; WAIVING SECTION 110.112 (ADVANCE OF
26 CITY FUNDS; PROHIBITION AGAINST), PART 1 (THE
27 CITY TREASURY), CHAPTER 110 (CITY TREASURY),
28 *ORDINANCE CODE*, TO ALLOW FOR ADVANCE PAYMENT TO
29 CIVITAS, LLC AS DESCRIBED IN THIS ORDINANCE;
30 PROVIDING FOR OVERSIGHT BY THE HOUSING AND
31 COMMUNITY DEVELOPMENT DIVISION, NEIGHBORHOODS

1 DEPARTMENT; PROVIDING FOR COMPLIANCE WITH
2 APPLICABLE ARP ACT GRANT FUNDING REQUIREMENTS;
3 REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION;
4 PROVIDING AN EFFECTIVE DATE.
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6 **BE IT ORDAINED** by the Council of the City of Jacksonville:

7 **Section 1. Appropriation.** For the 2020-2021 fiscal year,
8 within the City's budget, there are hereby appropriated the indicated
9 sum(s) from the account(s) listed in subsection (a) to the account(s)
10 listed in subsection (b):

11 (B.T. 21-130 attached hereto as **Exhibit 1** and incorporated herein by
12 this reference)

13 (a) Appropriated from:

14 See B.T. 21-130 \$30,839,253.40

15 (b) Appropriated to:

16 See B.T. 21-130 \$30,839,253.40

17 (c) Explanation of Appropriation:

18 The funding above is an appropriation of American Rescue
19 Plan Act (the "ARP Act") Emergency Rental Assistance grant
20 funds from the U.S. Department of Treasury in the amount
21 of \$30,839,253.40 (the "ERA 2 Program Funds"). The ERA 2
22 Program Funds will be used to provide emergency rent and
23 utility assistance to eligible households to mitigate the
24 impacts of COVID-19. A total disbursement of ERA 2 Program
25 Funds will be made to Civitas, LLC in the amount of
26 \$30,068,272.07, of which \$27,755,328.06 will be for direct
27 assistance to eligible households in Duval County and
28 \$2,312,944.01 will be used to cover Civitas, LLC's
29 administrative costs (project management fee). An initial
30 lump sum advance payment of \$10,177,918.77 will be made to
31 Civitas, LLC, of which \$10,000,000.00 will be for direct

1 assistance to eligible households and \$177,918.77 will be
2 for the first monthly installment of Civitas, LLC's
3 administrative costs (project management fee) for the
4 period commencing September 1, 2021 through September 30,
5 2021. The remaining \$17,755,328.06 in direct assistance
6 funds will be disbursed to Civitas, LLC, as needed based
7 on the applications received and confirmed eligible for
8 funding. The remaining \$2,135,025.24 set aside for
9 Civitas, LLC's administrative costs will be paid monthly,
10 on a reimbursement basis, in accordance with the agreement
11 between the City and Civitas, LLC authorized herein. The
12 remaining ERA 2 Program Funds appropriated herein will
13 cover the City's costs for oversight of the ERA 2 Program
14 as reflected in Exhibit 1. The period of performance for
15 the ARP Act Emergency Rental Assistance grant commences
16 May 21, 2021 through September 30, 2025.

17 **Section 2. Purpose.** The purpose of the appropriation in
18 Section 1 is to provide emergency rent and utility assistance to
19 eligible households in Duval County to mitigate the impacts of COVID-
20 19. The City will partner with Civitas, LLC who will provide services
21 as more specifically described in this Ordinance for efficient
22 administration of the ERA 2 Program and distribution of the ERA 2
23 Program Funds. Eligible households are households of 1 or more
24 individuals who are obligated to pay rent on a residential unit
25 located in Duval County, Florida and with respect to which the City
26 of Jacksonville (or it's duly authorized ERA 2 Program subcontractor)
27 determines that: (1) 1 or more individuals within the household has
28 qualified for unemployment benefits or has experienced a reduction
29 in household income, incurred significant costs, or experienced other
30 financial hardship during or due, directly or indirectly, to the
31 COVID-19 pandemic; (2) 1 or more individuals within the household can

1 demonstrate a risk of experiencing homelessness or housing
2 instability; and (3) the household is a low-income family as defined
3 in 42 U.S.C. 1437a(b). The eligibility criteria may be further
4 amended by the Mayor, or his designee, so long as such amendments are
5 consistent with, and permitted under, the ARP Act and applicable
6 guidance from the U.S. Department of Treasury.

7 The ERA 2 Program Funds may be used for payment of rent, rental
8 arrears, utilities and home energy costs, utilities and home energy
9 costs arrears, and other expenses related to housing as authorized
10 by the ARP Act. The ERA 2 Program Funds may be used to provide
11 financial assistance to eligible households for a period not to exceed
12 18 months. In the event an eligible household received financial
13 assistance under the Consolidated Appropriations Act of 2021
14 Emergency Rental Assistance Program (the "ERA 1 Program"), the
15 aggregate amount of financial assistance an eligible household may
16 receive under the ERA 2 Program when combined with financial
17 assistance provided under the ERA 1 Program, shall not exceed 18
18 months. Distribution of the ERA 2 Program Funds and local
19 administration of the ERA 2 Program shall be conducted in compliance
20 with the ARP Act, applicable guidance from the U.S. Department of
21 Treasury, and the terms and conditions of the U.S. Department of
22 Treasury Emergency Rental Assistance grant award and the
23 corresponding list of Allocations to States and Eligible Units of
24 Local Government, copies of which are attached hereto as **Exhibit 2**
25 and incorporated herein by this reference.

26 **Section 3. Carryover.** The funds appropriated herein shall
27 not lapse but shall carryover as appropriated from year to year until
28 such funds are expended or lapse.

29 **Section 4. Invoking the exception to Section 126.107(g),**
30 **Ordinance Code.** The City is hereby authorized to directly procure
31 the use of the professional services of Civitas, LLC for the

1 distribution of ERA 2 Program Funds to eligible households in
2 accordance with the ARP Act and applicable guidance from the U.S.
3 Department of Treasury. Pursuant to Section 126.107(g) (Exemptions),
4 Part 1 (General Regulations), Chapter 126 (Procurement Code),
5 *Ordinance Code*, such procurement is exempted from competitive
6 solicitation because the supplies or services are to be provided by
7 those specifically prescribed within authorizing legislation that
8 appropriates the same. With the exception of the foregoing, all
9 other provisions of Chapter 126, *Ordinance Code*, shall remain in full
10 force and effect. The Scope of Services and Fee Schedule more
11 particularly described in **Exhibit 3**, attached hereto and incorporated
12 herein by this reference, designates the specific services to be
13 performed by Civitas, LLC as a subcontractor for the City. The Scope
14 of Services and Fee Schedule may include such additions, deletions
15 and changes as may be reasonable, necessary and incidental for
16 carrying out the purposes thereof, as may be acceptable to the Mayor,
17 or his designee; provided however, such modifications shall be
18 technical only, subject to appropriate legal review and approval by
19 the Office of General Counsel, and shall be undertaken in compliance
20 with any applicable requirements of the ARP Act and related laws,
21 consistent with the intent of this ordinance. For the purposes of
22 this ordinance, the term "technical changes" is defined as those
23 changes having no financial impact to the City and any other non-
24 substantive changes.

25 **Section 5. Approval and authorization to execute an**
26 **agreement between the City and Civitas, LLC.** The Mayor, or his
27 designee, and the Corporation Secretary are hereby authorized to
28 execute and deliver on behalf of the City an agreement with Civitas,
29 LLC, in an amount not to exceed \$30,068,272.07, subject to the Scope
30 of Services and Fee Schedule more particularly described in Exhibit
31 3, for a contract term commencing September 1, 2021 through September

1 30, 2022, and all other contracts and documents, including extensions,
2 renewals and amendments to the agreement, and otherwise take all
3 action necessary to effectuate the intent of this Ordinance, subject
4 to appropriate legal review and approval by the General Counsel, or
5 his or her designee, and the City's Risk Management Division for
6 appropriate insurance and indemnification requirements in accordance
7 with Section 128.601, *Ordinance Code*.

8 **Section 6. Waiving Section 110.112, Ordinance Code.**

9 Section 110.112 (Advance of City funds; prohibition against), Part 1
10 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is
11 hereby waived to allow for advance payment to Civitas, LLC, as
12 described in Section 1.

13 **Section 7. Further authorizations.** The Mayor, or his

14 designee, is hereby authorized to reallocate ERA 2 Program Funds as
15 necessary to effectuate the intent of this Ordinance, including but
16 not limited to, transferring ERA 2 Program Funds between line items
17 reflected on Exhibit 1, so long as any such reallocation is consistent
18 with the ARP Act and all other laws, rules and regulations applicable
19 to the ERA 2 Program and expenditure of the ERA 2 Program Funds. The
20 Mayor, or his designee, is further authorized to procure services and
21 support from additional subcontractors and vendors, subject to the
22 provisions of Chapter 126, *Ordinance Code*, as needed for effective
23 and efficient administration of the ERA 2 Program, consistent with
24 the intent of the ARP Act and this Ordinance.

25 **Section 8. Oversight Department.** The Housing and

26 Community Development Division, Neighborhoods Department shall
27 provide oversight for all contracts and expenditures authorized
28 hereunder.

29 **Section 9. Compliance with applicable grant funding**
30 **requirements.** Civitas, LLC will comply with all grant requirements
31 of the ARP Act and all other requirements provided by law including,

1 but not limited to, the audit requirements attached hereto as **Exhibit**
2 **4** and incorporated herein by this reference, in administering the ERA
3 2 Program and providing services related thereto.

4 **Section 10. Requesting emergency passage upon introduction**
5 **pursuant to Council Rule 4.901.** Emergency passage of this
6 legislation is requested upon introduction. The nature of the
7 emergency is that the negative economic impacts of COVID-19 are
8 ongoing and immediate economic assistance is needed to ensure eligible
9 individuals and families can retain their homes.

10 **Section 11. Effective Date.** This Ordinance shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

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16 /s/ Mary E. Staffopoulos

17 Office of General Counsel

18 Legislation prepared by: Mary E. Staffopoulos

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