

1 Introduced by the Council President at the request of the Mayor and
2 by Council Vice President Newby & Co-Sponsored by Council Member
3 Priestly Jackson and amended on the Floor of Council:
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6 **ORDINANCE 2021-156-E**

7 AN ORDINANCE APPROPRIATING \$28,920,070.08 IN
8 EMERGENCY RENTAL ASSISTANCE PROGRAM GRANT
9 FUNDS FROM THE U.S. DEPARTMENT OF TREASURY TO
10 PROVIDE EMERGENCY RENT AND UTILITY ASSISTANCE
11 TO ELIGIBLE HOUSEHOLDS IN ACCORDANCE WITH THE
12 EMERGENCY RENTAL ASSISTANCE PROGRAM (THE "ERA
13 PROGRAM") ESTABLISHED BY SECTION 501 OF
14 DIVISION N OF THE CONSOLIDATED APPROPRIATIONS
15 ACT, 2021, PUB. L. NO. 116-260 (DECEMBER 27,
16 2020) (THE "ACT") TO MITIGATE THE IMPACTS OF
17 THE CORONAVIRUS PANDEMIC, AS INITIATED BY
18 REVISED B.T. 21-054; INVOKING THE EXCEPTION OF
19 SECTION 126.107(G) (EXEMPTIONS), PART 1
20 (GENERAL REGULATIONS), CHAPTER 126
21 (PROCUREMENT CODE), ORDINANCE CODE, TO ALLOW
22 FOR A DIRECT CONTRACT WITH UNITED WAY OF
23 NORTHEAST FLORIDA, INC.; APPROVING AND
24 AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
25 THE CORPORATION SECRETARY TO EXECUTE AND
26 DELIVER A CONTRACT WITH UNITED WAY OF
27 NORTHEAST FLORIDA, INC. FOR THE PROVISION OF
28 ERA PROGRAM SERVICES DESCRIBED IN THIS
29 ORDINANCE; INVOKING THE EXCEPTION OF SECTION
30 126.107(G) (EXEMPTIONS), PART 1 (GENERAL

1 REGULATIONS), CHAPTER 126 (PROCUREMENT CODE),
2 ORDINANCE CODE, TO ALLOW FOR A DIRECT CONTRACT
3 WITH CIVITAS, LLC; APPROVING AND AUTHORIZING
4 THE MAYOR, OR HIS DESIGNEE, AND THE
5 CORPORATION SECRETARY TO EXECUTE AND DELIVER A
6 CONTRACT WITH CIVITAS, LLC FOR THE PROVISION
7 OF SUPPORTIVE CONTRACTUAL SERVICES FOR THE ERA
8 PROGRAM AS DESCRIBED IN THIS ORDINANCE;
9 APPROVING AND AUTHORIZING THE MAYOR, OR HIS
10 DESIGNEE, AND THE CORPORATION SECRETARY TO
11 EXECUTE AND DELIVER A CONTRACT WITH JEA;
12 WAIVING SECTION 110.112 (ADVANCE OF CITY
13 FUNDS; PROHIBITION AGAINST), PART 1 (THE CITY
14 TREASURY), CHAPTER 110 (CITY TREASURY),
15 ORDINANCE CODE, TO ALLOW FOR ADVANCE PAYMENT
16 TO UNITED WAY OF NORTHEAST FLORIDA, INC., JEA
17 AND CIVITAS, LLC AS DESCRIBED IN THIS
18 ORDINANCE; FURTHER AUTHORIZATIONS; PROVIDING
19 FOR OVERSIGHT BY THE HOUSING AND COMMUNITY
20 DEVELOPMENT DIVISION, NEIGHBORHOODS
21 DEPARTMENT; PROVIDING FOR COMPLIANCE WITH
22 GRANT FUNDING REQUIREMENTS AND OTHER
23 REQUIREMENTS AS PROVIDED BY LAW; REQUESTING
24 EMERGENCY PASSAGE UPON INTRODUCTION; PROVIDING
25 AN EFFECTIVE DATE.

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27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

1 (Revised B.T. 21-054 attached hereto as **Revised Exhibit 1**, labeled
2 as "Revised Exhibit 1, Revised B.T. 21-054, March 9, 2021 - Floor"
3 and incorporated herein by this reference)

4 (a) Appropriated from:

5 See Revised B.T. 21-054 \$28,920,070.08

6 (b) Appropriated to:

7 See Revised B.T. 21-054 \$28,920,070.08

8 (c) Explanation of Appropriation:

9 The funding above is an appropriation of Emergency Rental
10 Assistance Program grant funds from the U.S. Department
11 of Treasury in the amount of \$28,920,070.08 (the "ERAP
12 Funds"). The ERAP Funds will be used to provide
13 emergency rent and utility assistance to eligible
14 households in accordance with the ERA Program established
15 by the Act to mitigate the impacts of COVID-19. The ERAP
16 Funds are anticipated to be expended as follows, subject
17 to authorized amendments as provided herein: (1)
18 \$23,820,070.08 in an advance lump sum payment for
19 emergency rent assistance to be distributed by United Way
20 of Northeast Florida, Inc. ("United Way") through its 2-
21 1-1 Program, of which \$22,033,565 will be for direct
22 rental assistance to eligible households and
23 approximately \$1,786,505.08 to be used to cover United
24 Way's administrative costs; (2) \$5,000,000.00 in an
25 advance lump sum payment to JEA for payment of delinquent
26 utility and home energy costs incurred by eligible
27 households; (3) \$85,000.00 to Civitas, LLC for supportive
28 contractual services for the ERA Program, including
29 procurement of software, licenses and support services
30 from Benevate, Inc. d/b/a Neighborly Software
31 ("Neighborly"); and (4) \$15,000.00 to cover the City's

1 administrative costs for administration of the ERA
2 Program.

3 **Section 2. Purpose.** The purpose of the appropriation in
4 Section 1 is to provide emergency rent and utility assistance to
5 eligible households in Duval County to mitigate the impacts of
6 COVID-19. The City will partner with United Way and JEA who will
7 provide services as more specifically described in this ordinance
8 for efficient administration of the ERA Program and distribution of
9 the ERAP Funds. The eligibility criteria for receipt of ERAP Funds
10 through the ERA Program are more particularly described in **Exhibit**
11 **2**, attached hereto and incorporated herein by this reference. The
12 eligibility criteria may be further amended by the Mayor, or his
13 designee, so long as such amendments are consistent with, and
14 permitted under, the Act.

15 The Act provides that the ERAP Funds may be used for payment
16 of rent, rent arrears, utilities and home energy costs, utilities
17 and home energy costs arrears, and other expenses related to
18 housing incurred due, directly or indirectly, to the COVID-19
19 outbreak. The ERAP Funds may be used to cover costs incurred by
20 eligible households between March 13, 2020 through December 31,
21 2021 and can be applied to cover up to twelve (12) months of rent
22 and utility and home energy costs, including arrears, for an
23 eligible household and may also be used to cover up to three (3)
24 months of prospective rent payments, subject to certain limitations
25 provided in the Act and the availability of any remaining ERAP
26 Funds. Distribution of the ERAP Funds and local administration
27 of the ERA Program shall be conducted in compliance with the Act.

28 **Section 3. Invoking the exception to Section 126.107(g),**
29 **Ordinance Code.** The City is hereby authorized to directly procure
30 the use of the professional services of United Way of Northeast
31 Florida, Inc. for the distribution of ERAP Funds for rental

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

24 **Section 4. Approval and authorization to execute an**
25 **agreement between the City and United Way of Northeast Florida,**
26 **Inc.** The Mayor, or his designee, and the Corporation Secretary are
27 hereby authorized to execute and deliver on behalf of the City an
28 agreement with United Way of Northeast Florida, Inc. in an amount
29 not to exceed \$23,820,070.08, subject to the Scope of Services and
30 Budget more particularly described in Exhibit 3, and all other
31 contracts and documents, including extensions, renewals and

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

7 **Section 5. Invoking the exception to Section 126.107(g),**
8 ***Ordinance Code.*** The City is hereby authorized to directly procure
9 the use of the professional services of Civitas, LLC to provide
10 supportive contractual services for administration of the ERA
11 Program, including Civitas, LLC's purchase of software, licenses
12 and support services from Neighborly. Pursuant to Section
13 126.107(g) (Exemptions), Part 1 (General Regulations), Chapter 126
14 (Procurement Code), *Ordinance Code*, such procurement is exempted
15 from competitive solicitation because the supplies or services are
16 to be provided by those specifically prescribed within authorizing
17 legislation that appropriates the same. With the exception of the
18 foregoing, all other provisions of Chapter 126, *Ordinance Code*,
19 shall remain in full force and effect. The Scope of Work more
20 particularly described in **Exhibit 4**, attached hereto and
21 incorporated herein by this reference, designates the specific
22 services to be performed by Civitas, LLC as a
23 subrecipient/subcontractor for the City. The Scope of Work may
24 include such additions, deletions and changes as may be reasonable,
25 necessary and incidental for carrying out the purposes thereof, as
26 may be acceptable to the Mayor, or his designee; provided however,
27 such modifications shall be technical only, subject to appropriate
28 legal review and approval by the Office of General Counsel, and
29 shall be undertaken in compliance with any applicable requirements
30 of the Act and related laws, consistent with the intent of this
31 ordinance. For the purposes of this ordinance, the term "technical

1 changes" is defined as those changes having no financial impact to
2 the City and any other non-substantive changes.

3 **Section 6. Approval and authorization to execute an**
4 **agreement between the City and Civitas, LLC.** The Mayor, or his
5 designee, and the Corporation Secretary are hereby authorized to
6 execute and deliver on behalf of the City an agreement with
7 Civitas, LLC, in an amount not to exceed \$85,000.00, subject to the
8 Scope of Services more particularly described in Exhibit 4, and all
9 other contracts and documents, including extensions, renewals and
10 amendments to the agreement, and otherwise take all action
11 necessary to effectuate the intent of this ordinance, subject to
12 appropriate legal review and approval by the General Counsel, or
13 his or her designee, and the City's Risk Management Division for
14 appropriate insurance and indemnification requirements in
15 accordance with Section 128.601, *Ordinance Code*.

16 **Section 7. Approval and authorization to execute an**
17 **agreement between the City and JEA.** The Mayor, or his designee, and
18 the Corporation Secretary are hereby authorized to execute and
19 deliver on behalf of the City an interlocal agreement with JEA, in
20 an amount not to exceed \$5,000,000.00, that provides the terms and
21 conditions for JEA's administration of the utility assistance
22 portion of the ERA Program consistent with the purpose of this
23 ordinance and subject to any applicable requirements under the Act,
24 and all other contracts, memorandums of understanding and
25 documents, including extensions, renewals and amendments thereto,
26 and to otherwise take all action necessary to effectuate the intent
27 of this ordinance, subject to appropriate legal review and approval
28 by the General Counsel, or his or her designee, and the City's Risk
29 Management Division for appropriate insurance and indemnification
30 requirements in accordance with Section 128.601, *Ordinance Code*.

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

1 Section 110.112 (Advance of City funds; prohibition against), Part
2 1 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*,
3 is hereby waived to allow for advance payment to United Way of
4 Northeast Florida, Inc., JEA and Civitas, LLC, as described in
5 Section 1.

6 **Section 9. Further authorizations.** The Mayor, or his
7 designee, is hereby authorized to reallocate ERAP Funds as
8 necessary to effectuate the intent of this ordinance, including but
9 not limited to, transferring ERAP Funds between United Way, JEA and
10 Civitas, LLC, so long as any such reallocation is consistent with
11 the Act and all other laws, rules and regulations applicable to the
12 ERA Program and expenditure of the ERAP Funds. The Mayor, or his
13 designee, is further authorized to procure services and support
14 from additional subcontractors and vendors, subject to the
15 provisions of Chapter 126, *Ordinance Code*, as needed for effective
16 and efficient administration of the ERA Program, consistent with
17 the intent of the Act and this ordinance.

18 **Section 10. Oversight Department.** The Housing and
19 Community Development Division, Neighborhoods Department shall
20 provide oversight for all contracts and expenditures authorized
21 hereunder.

22 **Section 11. Compliance with applicable grant funding**
23 **requirements.** United Way, JEA and Civitas, LLC, will comply with
24 all grant requirements of the Act and all other requirements
25 provided by law including, but not limited to, the audit
26 requirements attached hereto as **Exhibit 5** and incorporated herein
27 by this reference, in administering the ERA Program and providing
28 services related thereto.

29 **Section 12. Requesting emergency passage upon**
30 **introduction pursuant to Council Rule 4.901.** Emergency
31 passage of this legislation is requested upon introduction. The

1 nature of the emergency is that the negative economic impacts of
2 COVID-19 are ongoing and immediate economic assistance is needed to
3 ensure eligible individuals and families can retain their homes.
4 In addition, the ERAP Funds must be expended on or before December
5 31, 2021 or they must be returned to the U.S. Department of
6 Treasury.

7 **Section 13. Effective Date.** This ordinance shall
8 become effective upon signature by the Mayor or upon becoming
9 effective without the Mayor's signature.

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12 Form Approved:

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14 /s/ Margaret M. Sidman

15 Office of General Counsel

16 Legislation prepared by: Mary E. Staffopoulos

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