

1 Introduced by the Council President at the request of the Mayor and  
2 by Council Vice President Newby:

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5 **ORDINANCE 2021-156**

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

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

21  
22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

27 (B.T. 21-054 attached hereto as **Exhibit 1** and incorporated herein by  
28 this reference)

29 (a) Appropriated from:

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

31 (b) Appropriated to:

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

2 (c) Explanation of Appropriation:

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

27 **Section 2. Purpose.** The purpose of the appropriation in  
28 Section 1 is to provide emergency rent and utility assistance to  
29 eligible households in Duval County to mitigate the impacts of COVID-  
30 19. The City will partner with United Way and JEA who will provide  
31 services as more specifically described in this ordinance for

1 efficient administration of the ERA Program and distribution of the  
2 ERAP Funds. The eligibility criteria for receipt of ERAP Funds  
3 through the ERA Program are more particularly described in **Exhibit**  
4 **2**, attached hereto and incorporated herein by this reference. The  
5 eligibility criteria may be further amended by the Mayor, or his  
6 designee, so long as such amendments are consistent with, and  
7 permitted under, the Act.

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

21 **Section 3. Invoking the exception to Section 126.107(g),**  
22 **Ordinance Code.** The City is hereby authorized to directly procure  
23 the use of the professional services of United Way of Northeast  
24 Florida, Inc. for the distribution of ERAP Funds for rental assistance  
25 through its 2-1-1 Program. Pursuant to Section 126.107(g)  
26 (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement  
27 Code), *Ordinance Code*, such procurement is exempted from competitive  
28 solicitation because the supplies or services are to be provided by  
29 those specifically prescribed within authorizing legislation that  
30 appropriates the same. With the exception of the foregoing, all  
31 other provisions of Chapter 126, *Ordinance Code*, shall remain in full

1 force and effect. The Scope of Services and Budget more particularly  
2 described in **Exhibit 3**, attached hereto and incorporated herein by  
3 this reference, designates the specific services to be performed by  
4 United Way as a subrecipient/subcontractor for the City. The Scope  
5 of Services and Budget may include such additions, deletions and  
6 changes as may be reasonable, necessary and incidental for carrying  
7 out the purposes thereof, as may be acceptable to the Mayor, or his  
8 designee; provided however, such modifications shall be technical  
9 only, subject to appropriate legal review and approval by the Office  
10 of General Counsel, and shall be undertaken in compliance with any  
11 applicable requirements of the Act and related laws, consistent with  
12 the intent of this ordinance. For the purposes of this ordinance,  
13 the term "technical changes" is defined as those changes having no  
14 financial impact to the City and any other non-substantive changes.

15 **Section 4. Approval and authorization to execute an**  
16 **agreement between the City and United Way of Northeast Florida, Inc.**

17 The Mayor, or his designee, and the Corporation Secretary are hereby  
18 authorized to execute and deliver on behalf of the City an agreement  
19 with United Way of Northeast Florida, Inc. in an amount not to exceed  
20 \$23,820,070.08, subject to the Scope of Services and Budget more  
21 particularly described in Exhibit 3, and all other contracts and  
22 documents, including extensions, renewals and amendments to the  
23 agreement, and otherwise take all action necessary to effectuate the  
24 intent of this ordinance, subject to appropriate legal review and  
25 approval by the General Counsel, or his or her designee, and the  
26 City's Risk Management Division for appropriate insurance and  
27 indemnification requirements in accordance with Section 128.601,  
28 *Ordinance Code*.

29 **Section 5. 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 to provide

1 supportive contractual services for administration of the ERA  
2 Program, including Civitas, LLC's purchase of software, licenses and  
3 support services from Neighborly. Pursuant to Section 126.107(g)  
4 (Exemptions), Part 1 (General Regulations), Chapter 126 (Procurement  
5 Code), *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 Work more particularly described in  
11 **Exhibit 4**, attached hereto and incorporated herein by this reference,  
12 designates the specific services to be performed by Civitas, LLC as  
13 a subrecipient/subcontractor for the City. The Scope of Work may  
14 include such additions, deletions and changes as may be reasonable,  
15 necessary and incidental for carrying out the purposes thereof, as  
16 may be acceptable to the Mayor, or his designee; provided however,  
17 such modifications shall be technical only, subject to appropriate  
18 legal review and approval by the Office of General Counsel, and shall  
19 be undertaken in compliance with any applicable requirements of the  
20 Act and related laws, consistent with the intent of this ordinance.  
21 For the purposes of this ordinance, the term "technical changes" is  
22 defined as those changes having no financial impact to the City and  
23 any other non-substantive changes.

24 **Section 6. Approval and authorization to execute an**  
25 **agreement between the City and Civitas, LLC.** The Mayor, or his  
26 designee, and the Corporation Secretary are hereby authorized to  
27 execute and deliver on behalf of the City an agreement with Civitas,  
28 LLC, in an amount not to exceed \$285,000.00, subject to the Scope of  
29 Services more particularly described in Exhibit 4, and all other  
30 contracts and documents, including extensions, renewals and  
31 amendments to the agreement, and otherwise take all action necessary

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

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

21 **Section 8. Waiving Section 110.112, Ordinance Code.**  
22 Section 110.112 (Advance of City funds; prohibition against), Part 1  
23 (The City Treasury), Chapter 110 (City Treasury), *Ordinance Code*, is  
24 hereby waived to allow for advance payment to United Way of Northeast  
25 Florida, Inc., JEA and Civitas, LLC, as described in Section 1.

26 **Section 9. Further authorizations.** The Mayor, or his  
27 designee, is hereby authorized to reallocate ERAP Funds as necessary  
28 to effectuate the intent of this ordinance, including but not limited  
29 to, transferring ERAP Funds between United Way, JEA and Civitas, LLC,  
30 so long as any such reallocation is consistent with the Act and all  
31 other laws, rules and regulations applicable to the ERA Program and

1 expenditure of the ERAP Funds. The Mayor, or his designee, is further  
2 authorized to procure services and support from additional  
3 subcontractors and vendors, subject to the provisions of Chapter 126,  
4 *Ordinance Code*, as needed for effective and efficient administration  
5 of the ERA Program, consistent with the intent of the Act and this  
6 ordinance.

7 **Section 10. Oversight Department.** The Housing and  
8 Community Development Division, Neighborhoods Department shall  
9 provide oversight for all contracts and expenditures authorized  
10 hereunder.

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

17 **Section 12. Requesting emergency passage upon**  
18 **introduction pursuant to Council Rule 4.901.** Emergency  
19 passage of this legislation is requested upon introduction. The  
20 nature of the emergency is that the negative economic impacts of  
21 COVID-19 are ongoing and immediate economic assistance is needed to  
22 ensure eligible individuals and families can retain their homes. In  
23 addition, the ERAP Funds must be expended on or before December 31,  
24 2021 or they must be returned to the U.S. Department of Treasury.

25 **Section 13. Effective Date.** This ordinance shall  
26 become effective upon signature by the Mayor or upon becoming  
27 effective without the Mayor's signature.

1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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