

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) APPROVING THE CHANGES RELATING TO THE SECOND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN TO APPLY TO THE HOME INVESTMENT PARTNERSHIPS AMERICAN RESCUE PLAN PROGRAM ALLOCATION PLAN; AND (2) AUTHORIZING THE HOUSING DEPARTMENT TO SUBMIT THE SECOND SUBSTANTIAL AMENDMENT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**WHEREAS**, in 2021, the City of San José (“City”) was awarded \$11,676,334 from the HOME Investment Partnerships Program American Rescue Plan (“HOME-ARP”) fund, and on May 11, 2021, City Council approved the Fiscal Year 2021–2022 Annual Action Plan (“AAP”); and

**WHEREAS**, the AAP governs the expenditure of funds and competitive grants that the City receives from the United States Department of Housing and Urban Development (“HUD”); and

**WHEREAS**, the City’s AAP details the 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 AAP implements an entitlement jurisdiction’s Five-Year Consolidated Plan and is developed through public engagement and input, analysis, and planning, and the AAP provides spending caps for the different programs or services that operate with federal funding sources; and

**WHEREAS**, all entitlement jurisdictions, such as San José, that receive HUD federal funds by formula are 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 includes guidance regarding the public engagement process to be used when a substantial amendment to programs or services funded in the AAP is proposed; and

**WHEREAS**, in accordance with the City’s CPP, a substantial amendment constitutes a change to a previously adopted Five-Year Consolidated Plan or AAP that: increases or decreases by more than \$100,000 or a 25% change in the amount allocated to a category of funding; or makes a significant change to an activity’s proposed beneficiaries or persons served; or funds a new activity not previously described in the AAP; and

**WHEREAS**, the Second Substantial Amendment to the Fiscal Year 2021–2022 AAP is necessary because staff is recommending a change in the amount allocated to a category of funding that exceeds 25% in order to adjust funding sources to align with programmatic needs and changes; and

**WHEREAS**, staff is recommending that the HOME-ARP funds originally allocated in the First Substantial Amendment to the Fiscal Year 2021 - 2022 AAP towards homelessness prevention be reallocated as additional funding for the Tenant Based Rental Assistance (“TBRA”) Program, to balance the need to increase the number of households served in the TBRA Program as previously requested by City Council; and

**WHEREAS**, the TBRA will maintain full funding as originally planned using HOME-ARP funds; and

**WHEREAS**, the Housing Department, through a partnership with the County of Santa Clara Office of Supportive Housing, will offer rental assistance and supportive services to San José residents in need; and

**WHEREAS**, a central focus of the TBRA Program's intended outcomes includes households achieving income needed to pay for rent expenses (without supplemental assistance) through employment opportunities, asset-building support, and strengthened financial literacy skills, which further advance the Housing Department's prevention strategies to reduce homelessness, housing instability, and displacement in the city; and

**WHEREAS**, the staff recommendation primarily impacts the HOME-ARP fund, and if approved, the Second Substantial Amendment to the Fiscal Year 2021 -2022 AAP will allow the City to update the HOME-ARP Allocation Plan; and

**WHEREAS**, the City published the Second Substantial Amendment to the Fiscal Year 2021-2022 AAP on December 2, 2024, for public review and comment on the Housing Department webpage, and public notices regarding the public meetings and public review and comment period were also provided in five languages (English, Spanish, Vietnamese, Chinese, and Tagalog) in accordance with the City's Language Access Plan; and

**WHEREAS**, the City Council desires to adopt this resolution for the reasons set forth in the memorandum dated December 3, 2024, from the Director of Housing, Erik L. Soliván, for the December 17, 2024, City Council meeting;

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

The following actions regarding a Second Substantial 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 allocation funding awarded by the United States Department of Housing and Urban Development to the City of San José, are hereby approved:

- 1) Changes relating to the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to apply to the HOME Investment Partnerships American Rescue Plan Program Allocation Plan; and
- 2) The Housing Department is hereby authorized to submit the Second Substantial Amendment to the Fiscal Year 2021-2022 Annual Action Plan to the United States Department of Housing and Urban Development.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk