

KATE SNYDER (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
TAE Y. CHONG (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

REMOTE OCTOBER 8, 2020 CITY COUNCIL MEETING

The Portland City Council will hold a City Council Meeting remotely using Zoom. The Honorable Kate Snyder, Mayor, will preside.

ZOOM INFORMATION:

The Portland City Council will hold a remote meeting on Thursday, October 8, 2020 at 5:30 PM. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day.

For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be un-muted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89650243778>

Or iPhone one-tap :

US: +13126266799,,89650243778# or +19292056099,,89650243778#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782

Webinar ID: 896 5024 3778

International numbers available: <https://us02web.zoom.us/j/89650243778>

ORDERS:

Order 110-20/21 Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Annual Action Plan Re: Use of Coronavirus Aid, Relief, and Economic Security Act Funding - Sponsored by Jon P. Jennings, City Manager

As a result of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act Public Law 116-136), the City of Portland received supplemental Community Development Block Grant funding (known as CDBG-CV3) in the amount of \$634,669. These funds must be used to mitigate the impacts of COVID-19. In order to access the funds, the City must submit to the U.S. Department of Housing and Urban Development a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the funds. The City Manager's funding recommendations are summarized below and in more detail in the spreadsheet included in the agenda backup.

CDBG-CV3 \$634,669

Administration: \$10,000

Rental Assistance: \$524,669

Business Assistance Program: \$100,000

The Business Assistance Program will be administered by the City's Housing and Economic Development Department. The rental assistance program is a continuation of the Portland CARES Emergency Assistance Income Payment Program.

Staff is requesting emergency passage, in order to allow the immediate use of the funds for the rental assistance program, which is facing high demand. Seven affirmative votes are required for passage after public comment.

Order 111-20/21 Accepting and Appropriating Supplemental Community Development Block Grant Funding - Sponsored by Jon P. Jennings, City Manager

As part of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act Public Law 116-136), the City of Portland received supplemental Community Development Block Grant funding (known as CDBG-CV3) in the amount of \$634,669. These funds are to be used specifically on projects and activities that prevent, prepare for, and respond to the coronavirus pandemic. This item accepts and appropriates those funds.

Upon submission and approval of a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan, the City will receive \$634,669 in CDBG-CV Round 3 funding from the U.S. Department of Housing and Urban Development.

A Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of these funds is presented in a separate Order.

This item must be read on two separate days. This is its first reading. Staff is requesting that the second reading be waived, and seven votes are required to waive the second reading. Staff is also requesting emergency passage, in order to allow the immediate use of the funds for the rental assistance program, which is facing high demand. Seven affirmative votes are required for passage after public comment.

PUBLIC COMMENT ON NON-AGENDA ITEMS

EXECUTIVE SESSION:

The City Council will hold an Executive Session pursuant to 1 M.R.S. Section 405(6)(A) to perform and discuss the performance reviews of the city manager, if necessary.

Performance Evaluation of Jon P. Jennings, City Manager

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: October 2, 2020

SUBJECT: Order 110-20/21 Approving a Substantial Amendment to the 2016-2020 Housing and Urban Development Consolidated Plan and Annual Action Plan Re: Use of Coronavirus Aid, Relief, and Economic Security Act Funding - Sponsored by Jon P. Jennings, City Manager

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 10/8/2020

Final Action 10/8/2020

Can action be taken at a later date: Yes (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation) Mary Davis will be available for a brief presentation and to answer any questions.

I. SUMMARY

This Order Approves a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of funds received from the U.S. Department of Housing and Urban Development through the CARES Act (CDBG-CV3 \$634,669).

II. AGENDA DESCRIPTION

As a result of the federal Coronavirus Aid, Relief and Economic Security Act (CARES Act Public Law 116-136), the City of Portland received supplemental Community Development Block Grant funding (known as CDBG-CV3) in the amount of \$634,669. These funds must be used to mitigate the impacts of COVID-19. In order to access the funds, the City must submit to the U.S. Department of Housing and Urban Development a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the funds. The City Manager's funding recommendations are summarized below and in more detail in the spreadsheet included in the agenda backup.

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The Business Assistance Program will be administered by the City's Housing and Economic Development Department. The rental assistance program is a continuation of the Portland CARES Emergency Assistance Income Payment Program.

Staff is requesting emergency passage, in order to allow the immediate use of the funds for the rental assistance program, which is facing high demand. Seven affirmative votes are required for passage after public comment.

III. BACKGROUND

In addition to providing supplemental funding the CDBG Program, the CARES Act also provided several temporary waivers and regulatory alternatives to assist communities with expediting the use of the funds to prevent, prepare for and respond to the coronavirus. The City is required by the CARES Act to ensure funding is not used to pay costs if another source of financial assistance is available to pay that cost.

The CDBG-CV3 funding recommendations were developed with assistance from staff in the Housing and Economic Development Department. The current Portland CARES Emergency Assistance Income Payment Program has stopped accepting applications for rental assistance as of October 1; the volume of applications received exceeds the available funding. If the additional CDBG-CV3 funding is made available, the program will continue to provide up to \$1,000 per month for three months plus \$250 in utility assistance to income eligible renter households in Portland who have experienced a change in income due to the COVID-19 pandemic.

The Business Assistance Restaurant Sustainability Grant Program will assist Portland businesses with the cost of furniture, equipment, heaters, structures and coverings, blankets, etc. to make it possible for these businesses to continue to do outdoor business for as long as possible through the fall and winter. The program would offer grants up to \$10,000 per restaurant. The program will be administered by the Housing and Economic Development Department. The City is also working with the private sector to secure additional funding for this program.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Council approval of the Substantial Amendment to the 2016-2020 Consolidated Plan and the 2019-2020 Annual Action Plan outlining the allocations for the supplemental Community Development Block Grant Program (CDBG-CV3) received from the U.S. Department of Housing and Urban Development.

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

The current Portland CARES Emergency Income Payment Program, began accepting applications for rental assistance on July 6. Initially the program provided \$750/month in rental assistance and \$250 in utility assistance payments. Applicants applied monthly, and were eligible for up to three months of rental assistance. In August, the application changed to support applicant income self-certification and increased available rental assistance from \$750 to \$1,000. This change significantly increased the number of applications submitted. As of September 30, the program received 547 applications. 384 applications have been approved, 13 applications have been denied, 43 September applications are awaiting additional information and 78 applications are currently in the queue to be reviewed and processed. There are 29 incomplete applications from July and August; despite multiple contacts by program staff these applications remain incomplete and therefore not eligible for assistance.

Approximately half of the initial \$500,000 allocated to the rental assistance program was expended in September alone. With the increase in applications seen in September, seasonal employment coming to close, and the end of the state-wide rental assistance program, staff anticipates a need for additional rental assistance in the City of Portland.

VII. RECOMMENDATION

Staff recommends that the City Council vote to approve the Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan.

VIII. LIST ATTACHMENTS

1. Substantial amendment CDBG Annual Plan re CV3 10.8.2020
2. Amendment to Order 110 re Unexpended funds to Rental Assistance in CDBG Annual Plan re CV3 10.8.2020

Prepared by:

Mary Davis, Division Director

Date: 10/2/2020

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**ORDER APPROVING A SUBSTANTIAL AMENDMENT TO THE 2016-2020
HOUSING AND URBAN DEVELOPMENT CONSOLIDATED PLAN
AND ANNUAL ACTION PLAN
RE: USE OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT
FUNDING**

ORDERED, a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Public Law 116-136, supplemental Community Development Block Grant funding (CDBG-CV) in the amount of \$634,669 substantially in the form attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the CARES Act Emergency Assistance Payment Program is hereby adopted, substantially in the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow funding to be added to the Rental Assistance Program.

**AMENDMENT TO ORDER 110-20/21
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR JILL C. DUSON
RE: UNEXPENDED FUNDS TO RENTAL ASSISTANCE PROGRAM**

ORDERED, a Substantial Amendment to the 2016-2020 Consolidated Plan and 2019-2020 Annual Action Plan outlining the use of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act, Public Law 116-136, supplemental Community Development Block Grant funding (CDBG-CV) in the amount of \$634,669 substantially in the form attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the CARES Act Emergency Assistance Payment Program is hereby adopted, substantially in the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow funding to be added to the Rental Assistance Program.

Total CDBG-CV Round 3 Funding : \$634,669

All funds must be used to prevent, prepare for, and respond to COVID 19 and are subject to Duplication of Benefits rule. Funds are not subject to the consultation and citizen participation requirements that otherwise apply to the Community Development Block Grant, however each recipient must publish how its allocation has and will be used, at a minimum, on the Internet at the appropriate Government web site or through other electronic media

ADMINISTRATION \$10,000	ACTIVITY	ACTIVITY EXAMPLES	STAFF FUNDING RECOMMENDATION
	General Management, oversight, and coordination of grant funds	Preparing budgets, reports, public notice costs, and other HUD required documentation related to COVID-19. Monitoring of program activities for compliance. Other related costs.	\$10,000

PUBLIC SERVICES \$524,669	ACTIVITY	BENEFICIARIES STAFF PROGRAM RECOMMENDATION	STAFF FUNDING RECOMMENDATION
	Homeless Prevention <i>Housing Assistance</i>	Beneficiaries: Low/moderate income households at or below 80% AMI. Individuals must not be receiving any other federal rent assistance. Individual will need to provide documentation showing an inability to pay rent or utilities as a result of loss of income due to COVID-19. Aid is capped at 3 months per HUD regulations; program cap would be no more than a \$1,000/month and \$250 for utility assistance.	\$524,669
		Program to be funded: Portland CARES Program	

ECONOMIC DEVELOPMENT \$ 100,000 30,000	ACTIVITY	BENEFICIARIES STAFF PROGRAM RECOMMENDATION	STAFF FUNDING RECOMMENDATION
	Special Economic Assistance	COVID-19 Winter Business Assistance Program to assist eligible Portland businesses with the cost of furniture, equipment, heaters, structures and coverings, etc to make it possible to continue to do outdoor business during the fall and winter. Eligible businesses will be provided with funding up to \$10,000. *	\$100,000

*If the funding for the Winter Business Assistance Program is not fully expended then the funds will be re-allocated to the Rental Assistance Program

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**ORDER ACCEPTING AND APPROPRIATING
SUPPLEMENTAL COMMUNITY DEVELOPMENT BLOCK GRANT
AND EMERGENCY SOLUTIONS GRANT FUNDING**

ORDERED, that Supplemental Community Development Block Grant (CDBG-CV3) funding in the amount of \$634,669 is hereby accepted and appropriated; and

BE IT FURTHER ORDERED, that the City Manager or his designee shall be authorized to:

- 1) Apply for, accept and expend the CDBG-CV Funds in the amount of \$634,669; and
- 2) Officially represent the City of Portland, Maine, in connection with the application, including the execution of contracts on behalf of the City; and
- 3) Act as the certifying officer for U.S. Department of Housing and Urban Development environmental documents related to these grants and to execute said documents and any other related documents necessary or convenient to carry out the intent of said grants; and

BE IT FURTHER RESOLVED, that the City of Portland, Maine certifies that it will comply with all of the assurances and provide such additional information as may be required by the U.S. Department of Housing and Urban Development; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately and allow funding to be added to the Rental Assistance Program.