

RESOLUTION NO. 21-03

**A RESOLUTION OF THE HOUSING COMMISSION OF THE CITY OF CUPERTINO
APPROVING THE FY 2020-21 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION
REPORT (CAPER)**

WHEREAS, the Housing and Community Development Act of 1974 provides that funds be made available for the CDBG Program; and

WHEREAS, the City of Cupertino is required to submit a FY 2020-21 CAPER (Exhibit 1) to the United States Department of Housing and Urban Development (HUD) for review and approval; and

WHEREAS, the City of Cupertino makes the certifications required by 24 CFR Sections 91.225 and 570.303 as contained in the FY 2020-21 CDBG Annual Action Plan; now, therefore:

BE IT FURTHER RESOLVED that the Housing Commission of the City of Cupertino hereby

1. Adopts resolution 21-03 approving the FY 2020-21 CDBG CAPER; and
2. That the City Manager is hereby authorized to submit the FY 2020-21 CAPER approved by the Housing Commission of the City of Cupertino to HUD; and
3. This Resolution is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that this Resolution is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the proposed action (recommendation of the FY 21-22 CDBG Annual Action Plan) would have no or only a de minimis effect on the environment because it has no potential for resulting in physical change in the environment. The foregoing determination is made by the Housing Commission in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the Housing Commission of the City of Cupertino this 9th day of September 2021 by the following vote:

Vote Members of the Housing Commission

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Connie Cunningham, Chair, Housing Commission	_____ Date
ATTEST: _____ Gabriel Borden, Sr. Housing Planner	_____ Date



CUPERTINO

**City of Cupertino
Consolidated Annual Performance Evaluation Report (CAPER)
FY 2020
August 26, 2021**

Public Noticing of 2020 CAPER
Newspaper Ad Published in Cupertino Courier on August 6, 2021
Draft CAPER posted on the City's website on August 26, 2021
Public Comment Period: August 26, 2021 through September 9, 2021
Virtual Housing Commission held on September 9, 2021

Contact Information:

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If you need this document in an alternative format such as large print, Braille, audiotape, or
computer disc, please contact the City at the contact information listed above.*

*The CAPER can also be translated to other languages upon request, please use the contact
information listed above.*

Introduction

The City of Cupertino receives annual U.S. Department of Housing and Urban Development (HUD) funding for the Community Development Block Grant (CDBG) program. Funding through the CDBG program is a key component to organizations serving households at or below 80% of area median income (AMI) in the City. As demonstrated in this Consolidated Annual Performance and Evaluation Report (CAPER), the CDBG funds have been a critical funding source for the rehabilitation of affordable rental units, services of elderly and disabled seniors, case management services for low-income households to prevent homelessness, and minor home repairs to address health and safety concerns for low-income households. The City's CAPER serves as the report to HUD regarding the outcomes of the goals and objectives with resources made available through the CDBG program during the 2020-21 Annual Action Plan and the 2020-2025 Consolidated Plan for Housing and Community Development (Consolidated Plan). This the first year that the City will be reporting on its progress in meeting the goals and objectives outlined in the 2020-2025 Consolidated Plan. As noted throughout the report, despite the challenges presented by the COVID-19 pandemic, the City is making progress towards achieving its five year goals.

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

The City of Cupertino is the recipient of federal Community Development Block Grant (CDBG) funding from the United States Department of Housing and Urban Development (HUD). HUD annually provides these funds to the City to use for public service programs and projects benefiting low- and moderate individuals and families.

As a recipient of these funds, the City is required to prepare a five-year strategic plan called a Consolidated Plan. The Consolidated Plan identifies housing and community needs of low-income persons and areas within the City, identifies and prioritizes resources to address the needs and establishes annual goals and objectives to meet them. On an annual basis, the City prepares an annual plan prior to the start of the fiscal year called an Action Plan. The Action Plan lists specific steps that City will take in the coming fiscal year toward meeting the Consolidated Plan goals and objectives. After the end of the fiscal year, the City prepares a Consolidated Annual Performance and Evaluation Report (CAPER) that documents the City's overall progress in carrying out the priority projects identified in the five-year Consolidated Plan and annual Action Plan.

The City of Cupertino 2020 CAPER covers Fiscal Year 2020-21 and Program Year 2020 (July 1, 2020 - June 30, 2021), the first year of the 2020-25 Consolidated Plan cycle. This CAPER has been prepared to meet HUD's requirements for annual performance evaluation and includes a summary of the activities performed during the 2020 Program Year, the amount of funds allocated to those activities and the number of low- and moderate-income households who were assisted. The 2020 CAPER also documents the City's cumulative efforts toward meeting 2020-25 Consolidated Plan goals and contains a summary of public comments received by the City during a 15-day comment period held from August 26, 2021 to September 9, 2021 and reports generated by HUD's Integrated Disbursement and Information System (IDIS).

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or Program Year 2020, the City of Cupertino received \$389,249 in CDBG funds from HUD and an additional \$7,944 in program income, for a total of \$397,193 in program funds. The City's major accomplishments for Program Year 2020 include:

- Funding the repairs for four affordable rental housing units housing low and moderate income households;
- Funding health and safety repairs for six extremely low- and moderate income senior homeowners; and
- Providing social services to 81 low income individuals to prevent homelessness.

During the 2020 program year the COVID-19 pandemic continued to presented challenges for a number of the City's partner agencies as services could only be offered online due to the vulnerable nature of the client population served (ie. Elderly/seniors and individuals with disabilities). As a result, two of the City's public service subrecipients, Live Oak Adult Day Care and West Valley Community Services, were unable to meet their annual goals. The details of the

issues these programs faced will be discussed in more detail later in the report.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals

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Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Community Development Needs: COVID -19 Response	Economic Development	CDBG-CV: \$185,000	Businesses assisted	Businesses Assisted	35	37	106%	35	37	106%
Planning and Administration: CDBG-CV	Planning and Administration	CDBG-CV: \$32,566.15	Other	Other	1	1	100%	1	1	100%
Planning and Administration, Enterprise: CDBG-CV	Planning and Administration	CDBG-CV: \$11,450.85	Other	Other	1	1	100%	1	1	100%
Fair Housing	Homeless Non-Homeless Special Needs Non-Housing Community Development	BMR Affordable Housing Fund: \$50,000	Homelessness Prevention	Persons Assisted	500	200	40%	100	118	118%
Frail Elderly/Elderly Services	Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$21,152.61	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	110	30	27%	22	13	59.09%
Homeowner Rehabilitation	Affordable Housing	CDBG: \$83,363.40	Homeowner Housing Rehabilitated	Household Housing Unit	35	13	37.14%	7	6	85.71%

Planning and Administration	Planning and Administration	CDBG: \$71,456.25	Other	Other	5	2	40%	1	1	100%
Rental Unit Rehabilitation	Affordable Housing	CDBG: \$174,850.40	Rental units rehabilitated	Household Housing Unit	25	5	20%	5	4	80%
Services for Low-Income Families and Homeless Popu	Homeless Non-Housing Community Development	CDBG: \$38,426.34	Homelessness Prevention	Persons Assisted	500	171	34.2%	100	81	81%

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Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

As indicated in the 2020-25 Consolidated Plan and Program Year 2020 Action Plan, the highest priorities for the City are: (1) assist in the creation and preservation of affordable housing for low-income and special needs households; (2) support activities to prevent and end homeless ; (3) support activities that strengthen neighborhoods through the provision of community services and public improvements to benefit low-income and special needs households; and (4) promote fair housing choice.

The City is making steady progress toward meeting these goals. Under the affordable housing category, the City provided needed funding to repair four affordable rental housing units occupied by low- and moderate income households. Additionally, the City's CDBG funds assisted in addressing health and safety repairs for six extremely low- and moderate-income elderly homeowners.

In Program Year 2020, the City continued to fund programs targeted at preventing homelessness including the Community Access to Resources and Education Program. This program is operated by West Valley Community Services. Despite the COVID-19 pandemic, the agency was able to provide services to 81 low-income Cupertino residents. Of these individuals, 31 were female head of households.

Additionally, the City provided CDBG funds to the Live Oak Adult Care Program that provides a specialized program of adult day care for frail elderly dependent adults who are residents of Santa Clara County. The organization operates one site in Cupertino and in FY 20/21 served 13 elderly and disabled clients. This number is lower than the anticipated goal of 22 due to the COVID health pandemic. The organization offered all services via zoom beginning in March 2020 and during the majority of the FY 20/21 program year, the services remained online. Due to the vulnerable status of the clients (elderly, disabled), the organization saw a decline in the number of new clients enrolling in the program. Towards the end of FY 20/21, a portion of the services began to be available on site in Cupertino and the agency has experienced a slight uptick in the number of individuals inquiring about the services and program.

The City of Cupertino also funded four additional public service programs through the use of its General Fund HSG and Affordable Housing Fund that provide services to lower income families, the elderly, victims of domestic violence and the disabled:

- Haven to Home Program
- Senior Adults Legal Assistance
- Long-term Care Ombudsman Program
- Maitri

Overall, these four programs provided services to 138 individuals of which 80 were extremely

low-income; 53 were female heads of households, and 23 were disabled.

Finally, the City awarded \$229,017 in CDBG-CV 1 funds. The City utilized the funds to create the Small Business Grant Program as the City's local business community was experiencing enormous financial challenges given the County of Santa Clara's extended shelter in place order at the time the CDBG-CV1 funds became available. The Small Business Grant Program provide small grants of \$5,000 to Cupertino small business. In exchange for the grant, the businesses were required to retain one low/moderate income position. The Small Business Grant program provided 37 small grants to Cupertino business and as a result 30 full-time and 7 part-time low/moderate income positions were retained.

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CR-10 - Racial and Ethnic composition of families assisted

**Describe the families assisted (including the racial and ethnic status of families assisted).
91.520(a)**

Table 2 – Table of assistance to racial and ethnic populations by source of funds

	CDBG
White	32
Black or African American	18
Asian	39
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	4
Other, Multi-Racial	11
Total	104
Hispanic	9
Not Hispanic	95

Narrative

The CR-10 Racial and Ethnic Composition of Families Assisted - 91.520 (a) table is generated in IDIS and includes five (5) racial categories. The table as shown in IDIS does not reflect all of the racial categories served by the City's CDBG funded agencies. The modified CR-10 Racial and Ethnic Composition of Families Assisted - 91.520 (a) table, which is inserted above, includes the correct racial categories for individuals served in FY 2020-21.

In total, the City's CDBG program served 104. Of those served, approximately 30.7% were White; 17.3% were African American; 37.5% were Asian; 3.8% were Native Hawaiian or Other Pacific Islander; and (%) were Other. Approximately, 9% were Hispanic. Additionally, the CDBG-CV funded Small Business Grant Program served 37 small businesses. The following is a breakdown of the race/ethnicity of the individuals occupying the low/moderate income positions that were retained as a result of the small business grant:

- 84% Asian
- 8% White
- 8% Native Hawaiian and Other

In addition, 35 female head of households were served through the City's CDBG funded programs. These households/individuals were served through the Minor Home Repair Program (three of the six households served were female head of households), the Vista Village Rehabilitation/Repair (one of the four households), and the Community Access to Resources and Education Program (31 female heads of household). The FHOH information was reported to the City in the annual performance reports.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Table 3 - Resources Made Available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	\$397,193	\$360,404.01
CDBG-CV	public - federal	\$229,017	\$213,880.00
Other	public - local	\$175,000	\$175,000.00

Narrative

During the 2020-21 program year, the City received an entitlement allocation of \$389,249. In addition to the entitlement amount, the City received \$7,944 in program income. The City's program income is tracked by the City in a database and receipted in IDIS. Combined, the total funds available in FY 2020-21 was \$397,193.

Due to the COVID-19 pandemic and the County of Santa Clara's Shelter in Place Order, one of the City's subrecipients, Rebuilding Together Silicon Valley, was unable to utilize all of their grant amount. The remaining unused funds from the grant totals \$28,844.99. These funds will be added to the City's unused funds from previous years and will be allocated as part of the 2023-24 Notice of Availability of Funding in late Fall/early Winter.

Identify the geographic distribution and location of investments

Table 4 – Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Citywide	100	100	The City of Cupertino utilizes the HUD entitlement CDBG allocation citywide.

Narrative

The City has not established specific target areas to focus the investment of CDBG funds. The funds were distributed Citywide.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

In addition to the entitlement dollars listed above, the federal government has several other funding programs for community development and affordable housing activities. These include: Section 8 Housing Choice Voucher Program, Section 202, Section 811, the Affordable Housing Program (AHP) through the Federal Home Loan Bank, and others.

There are a variety of countywide and local resources that support housing and community development programs. Some of these programs offer assistance to local affordable housing developers and community organizations while others provide assistance directly to individuals. The BMR AHF receives its revenue from the payment of housing mitigation fees from non-residential and residential development. The non-residential housing mitigation fee jobs/housing nexus study acknowledges housing needs created by the development of office, commercial, retail, hotel, R&D and industrial development. A fee is applied to new square footage of non-residential development in the City. The fees collected are deposited in the City's BMR AHF and are to be used for the provision of affordable housing.

In FY 2020-21, the City allocated \$50,000 in BMR AHF to local non-profit organizations that provide fair housing services, BMR program administration, landlord/tenant rental mediation, and an affordable rental housing renovation project.

In FY 2020-21, the City Council allocated \$115,780 from the General Fund HSG to housing and human service agencies within the City. The monies were utilized to fund a long-term care ombudsman, client services for victims of domestic violence, legal assistance to seniors, and housing placement and case management services to homeless individuals and families. In FY 20-21, in response to COVID-19 and the associated stay-at-home order, the City allocated \$200,000 to programs such as Emergency Rental Assistance programs to help households that have become more vulnerable due to the pandemic. Moreover, the City contributed \$25,000 to help create two new programs for qualified De Anza students. These new programs are administered by the college in partnership with West Valley Community Services and Catholic Charities of Santa Clara County.

The City joined the Santa Clara County HOME Consortium in 2015. As mentioned in previous CAPER reports, the Veranda, which was developed by Charities Housing, applied for and received \$500,000 in HOME funds from the HOME Consortium. The property provided (nineteen) 19 units low-income senior housing. The City provided a twenty-five percent (25%) match for the project as well as additional City funds.

It should be noted that the City owns one parcel and is currently undergoing a feasibility study for the development of affordable housing.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

Table 5 – Number of Households

	One-Year Goal	Actual
Number of homeless households to be provided affordable housing units	0	0
Number of non-homeless households to be provided affordable housing units	0	0
Number of special-needs households to be provided affordable housing units	0	0
Total	0	0

Table 6 – Number of Households Supported

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	11	10
Number of households supported through Acquisition of Existing Units	0	0
Total	11	10

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

In FY 2020-21, Rebuilding Together Silicon Valley (RTSV) provided health and safety repairs to six (6) homes occupied by low/moderate income senior households. West Valley Community Services (WVCS) was able to repair and rehabilitate four rental affordable housing units occupied by low- and moderate- income households.

The City fell slightly short of achieving its annual goal but provided needed funding to to repair/rehabilitate 10 units of low/moderate-income housing.

Discuss how these outcomes will impact future annual action plans.

The City does not anticipate any future impact to annual action plans. As discussed above, the City fell slightly short of its annual goal. The CDBG funds were utilized to repair and address health and safety issues in ten (10) housing units. This is the City’s first year reporting on the goals outlined in the 2020-25 Consolidated Plan and the City anticipates meeting the five year goals.

The City funds a fair housing service provider with its BMR AHF funds. In FY 20/21, the service provider, Project Sentinel, received \$50,000. The fair housing service provider met its annual fair housing goals of providing fair housing services to 118 individuals in FY 2020-21.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Table 7 – Number of Households Served

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	5	0
Low-income	2	0
Moderate-income	3	0
Total	10	0

Narrative Information

In total, the City provides funding to repair ten (10) units of affordable housing. Five (5) extremely low-income households (0-30% AMI), two (2) low-income (31-50% AMI) and three (3) moderate income (51-80% AMI) households were assisted. Of the 10 households assisted, four (4) was a renter household (2 low-income 31-50% AMI and 2 moderate-income 51-80% AMI) and six (6) were homeowners (5 extremely low income 0-30% and 1 moderate income 51-80%). The homeowners assisted were seniors and disabled.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)
Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Every two years, during the last ten days of January, communities across the United States conduct comprehensive counts of the local population experiencing homelessness. These biennial Point-in-Time Counts estimate the prevalence of homelessness in each community and collect information on individuals and families residing in temporary shelters and places not meant for human habitation, and ultimately help the federal government better understand the nature and extent of homelessness nationwide.

As required of all jurisdictions receiving federal funding from the U.S. Department of Housing and Urban Development (HUD) to provide homeless services, Continuums of Care (CoC) across the country report the findings of their local Point-in-Time Count in their annual funding application to HUD. Currently, the Santa Clara County CoC receives approximately \$26 million dollars annually in federal funding.

In 2021, due to the COVID-19 health crisis, HUD offered CoCs the option to utilize a waiver, removing the requirement for the CoC to conduct a count of unsheltered homeless individuals in 2021. To focus resources on assisting homeless persons during the pandemic and to reduce risks to staff and volunteers, the Collaborative Applicant for the Santa Clara County CoC, the County's Office of Supportive Housing (OSH) submitted a notification to HUD to utilize the waiver for the unsheltered count and the survey portions of the PIT Count in 2021. The decision to utilize the waiver for the unsheltered PIT Count does not indicate a diminished focus on expanding services to people living outside and the OSH will continue to work with CoC partners to expand and enhance services across the supportive housing system. While doing so, the OSH will utilize other data sources, such as the Homeless Management Information System, the communitywide homeless database, to understand trends related to the needs of this vulnerable population, in lieu of the 2021 PIT Count.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City supports efforts to end homelessness. The City allows zoning for emergency shelters. Although currently not in effect, this allowed the Faith in Action Silicon Valley Rotating Shelter Program to set-up overnight shelter beds in churches throughout the City. As part of the 2014-2022 Housing Element update, the City updated its zoning code to comply with SB No. 2 regarding emergency shelters. In FY 20-21 the City initiated a partnership with the West Valley Rotating Safe Car Park (RSCP) Program, which is a collaboration of faith-based communities, local city governments, and other service organizations. RSCP allows for temporary overnight parking for homeless individuals or families living out of their cars as a safe alternative to sleeping on the streets or in a homeless shelter. The program connects homeless individuals and families with hospitality and case management services.

In FY 2020-21, the City provided \$25,000 to Maitri through the General Fund HSG Program.

Maitri provides transitional housing for adult women and children who are victims of domestic violence. The majority of the household served by Maitri are homeless. During the year, Maitri provided case management and housing services to nine households, eight of which were extremely low-income.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

In FY 2020-21, the City provided \$38,426.34 in CDBG funds to WVCS to administer its Community Access to Resources and Education (CARE) program. The main focus of CARE is to bring services and resources closer to at-risk populations, coordinate assistance internally and externally, and help navigate hospital, social services, and legal systems. It is designed to enable access to critical basic needs services and help clients navigate the maze of benefits, from Medicare and Social Security to affordable housing options, health care, and specialized care.

The one stop benefit assistance service helps provide assistance with applications to benefits including CalWORKs, CalFresh, Medi-Cal, Free/Reduced lunch, and Healthy Kids. The supportive services also help clients build financial stability by providing monthly budget relief through access to the food pantry, and discounts on their utility bill and emergency financial assistance for unforeseen emergencies. This range of supportive services and case management helps at-risk individuals and households maintain stability and prevents homelessness due to a financial crisis.

Additionally, in FY 2020-21, the City provided General Fund HSG and/or BMR AHF to the following organizations:

- Senior Adult Legal (SALA) – Received \$15,000 from the General Fund HSG. SALA provided free legal services to twenty (20) Cupertino residents age sixty (60) or older. All clients were presumed low/moderate income (51% to 80% AMI) by HUD because they are elderly (age 60 or older).
- Maitri – Received \$25,000 from the General Fund HSG. With the funds, Maitri provided case management services to nine (9) Cupertino residents and provided housing search assistance to eight (8) Cupertino residents.
- Catholic Charities - \$10,000 from the General Fund HSG. Catholic Charities provided needed advocacy of elders living in long-term care facilities. In total, fifty-six (56) unduplicated residents were contacted.

The City follows the guidance of Santa Clara County's CoC as it relates to individuals who may be discharged from publically funded institutions and systems of care. Currently, the CoC does not have a written policy that specifically addresses discharges, but the CoC actively works with health care facilities, hospitals, and correction programs and institutions when individuals are

discharged to provide referrals to shelters. Over the next several months, the CoC will explore options to adopt a formal discharge policy.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

As mentioned above, the City provided \$38,426.34 in CDBG funds to WVCS to administer its CARE program. CARE provides case management and short-term rental assistance to support homeless families transitioning to permanent housing. Additionally, the program allocates Red Cross emergency rental grants and emergency utility payments to assist low-income individuals and families on the verge of homeless maintain their housing.

In FY 2020-21, the City provided \$65,780 in General Fund HSG to WVCS for the Haven to Home (HTH) program. The goal of HTH is to help currently un-housed Cupertino individuals and families secure permanent housing, maintain employment, enhance income opportunities and financial stability. The supportive services critical to the success of this program are intensive case management, housing search, landlord mediation, benefits clinic, and financial coaching. HTH aims to end homelessness and prevent homelessness by coordinating multilevel services and leveraging further resources in the community in order to build long-term stability and self-sufficiency for participants. Through this funding in FY 2020-21, WVCS served 53 homeless individuals and families whose last address was in Cupertino.

In total in FY 2020-21, the City allocated approximately \$59,578.95 in CDBG and \$115,780 in General Fund HSG money to provide a variety of support services for low-income Cupertino households. Services provided include the provision of food, clothing, legal assistance, emergency rental assistance, and a variety of other services.

Additionally, the City provide 37 grants with the City's allocation of CDBG-CVI funds. The grants were given to 37 small business located in Cupertino who were negatively impacted by the COVID health pandemic and the County of Santa Clara's extended stay at home order. In exchange for the small grants of \$5,000, the small businesses were required to retain one low/moderate income position.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Not applicable. The Housing Authority of the County of Santa Clara (HACSC) owns and manages four (4) public housing units, which are all located in the City of Santa Clara. There is no public housing in Cupertino.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

While the majority of their units have been converted to affordable housing stock, HACSC is proactive in incorporating resident input into the agency's policy-making process. An equitable and transparent policy-making process that includes the opinions of residents is achieved through the involvement of two tenant commissioners, one being a senior citizen, on the HACSC board.

Actions taken to provide assistance to troubled PHAs

Not applicable.

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CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

In May 19, 2020, the City Council adopted an update to the BMR Residential Housing and Commercial Linkage Fees. As part of this update, the City conducted an economic feasibility analysis that reviewed fees associated with development and potential policy updates to the BMR Program. The City took the following actions:

- Amended the BMR Housing Mitigation Program Procedural Manual (Housing Mitigation Manual) to increase the affordable housing (BMR) requirement for ownership projects from 15% to 20%, and to make other conforming changes consistent with State law,
- Amended the Housing Mitigation In-Lieu Fees to increase the fees for offices, research and development, and industrial space to \$30 per square foot and the fees for hotels to
- \$15 per square foot;
- Received a report on Housing Solutions, Including Opportunities to Increase Housing Supply for Extremely Low-Income Households and Approaches to Encourage BMR Housing Production by Non-Residential Land Uses.

These actions will assist the City in continuing to address the many barriers to affordable housing in the City (including high costs and limited land) and provide additional funds to assist developers in building affordable housing in the City of Cupertino.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

As mentioned in the Consolidated Plan, the City's highest need is for affordable units for low-income and special needs households. One of the primary impediments to creating affordable units is the high cost of land in Cupertino and rising construction costs. In order to fund 100% affordable developments, the City adopted a housing mitigation program in 1993. Originally, the program required all new residential developments to dedicate 10% of its housing as affordable.

In 2002, the City updated the Housing Element and raised the requirement to 15%. For smaller developments with less than seven (7) units, developers can build one BMR unit or pay an in-lieu fee. This in-lieu fee allows the City to accumulate funds to use for affordable developments. In the past ten years, the City has accumulated over five million dollars in fees. These fees have been used to fund the Stevens Creek Village 40-unit development for single-persons and small households; Vista Village, a 24-unit development aimed at housing small and medium size families; and Senior Housing Solutions' purchase of a home for use as senior congregate care.

To ensure that the mitigation fees continue to be adequate to mitigate the impacts of new development on affordable housing needs, the City completed a nexus study update in 2015. The purpose of the nexus study update was to allow the City to consider appropriate mitigation fee charges and possible affordable percentage requirements. The City Council adopted the updated residential and non-residential housing mitigation fees on May 5, 2015. The fees went into effect

on July 6, 2015. The City's fee schedule is updated annually in July.

The City has increased its efforts to promote development of affordable housing throughout the City. The City joined the Santa Clara County HOME Consortium in 2015. HOME funds can be used to fund eligible affordable housing projects for acquisition, construction, and rehabilitation. Starting in FY 2015-16, developers of affordable housing projects were eligible to competitively apply through an annual Request for Proposal (RFP) process. Applications are submitted to the County Office of Supportive Housing (OSH) for the HOME funds to help subsidize affordable housing projects within the City.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The number of units with potential lead-based paint hazards in the City is likely less than 500. Lower income households will occupy some percentage of these units, but how many is not known. In addition to working with the County Health Department to identify and assist any children with elevated blood lead levels, the City will, as part of its efforts to address the rehabilitation needs of its housing stock, provide assistance to persons seeking to mitigate lead hazards in the home.

Currently, City staff has a policy to test any property being assisted with CDBG funds for the presence of lead-based paint if the property was constructed prior to 1978. If the property tests positive for the presence of lead-based paint, then the City assists with the abatement of the paint. In all cases, the property owners and tenants are notified of the presence of the lead-based paint. The City also assists the contractor with finding contractors trained on how to deal with lead-based paint or receiving training themselves.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

As mentioned earlier, the City funds WVCS's CARE program to provide those living below the poverty level with food, clothing and emergency rental assistance. These are basic necessities that those living at or below the poverty level cannot afford due to limited incomes. WVCS also provides job search assistance and basic computer classes in an attempt to reduce the number of persons living below the poverty level.

Due to the high cost of housing in the area, the City has focused its efforts on providing and maintaining the affordable housing of low-income households in order to prevent them from becoming homeless. Once a household has affordable housing, they are able to focus on obtaining job skills and securing employment opportunities. During Fiscal Year 20/21, the City Council budgeted \$115,780 of local general fund monies. This funding combined with other current efforts will greatly assist households living below the poverty level and help keep them from losing their housing due to an unanticipated life events such as an illness.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City continues to participate with other local jurisdictions in sharing information and resources regarding CDBG and other housing programs. Meetings take place on a quarterly

basis. Additionally, when projects are funded by multiple jurisdictions, the jurisdictions involved cooperate in an effort to reduce duplication of work and reduce project monitoring costs. City staff will continue the following collaborative efforts to improve institutional structure:

- Joint jurisdiction RFP and project review committees
- Coordination on project management for projects funded by multiple jurisdictions
- HOME Consortium between member jurisdictions for affordable housing projects

The City is also represented at the Santa Clara County Association of Planning Officers (SCCAPO) and Silicon Valley Leadership Group's Housing Action Coalition (HAC) meetings. These meetings are especially important in fostering regional approaches to providing affordable housing.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City benefits from a strong jurisdiction and region-wide network of housing and community development partners, such as Regional Housing Working Group and the Continuum of Care (CoC). To improve intergovernmental and private sector cooperation, the City participated with other local jurisdictions and developers in sharing information and resources.

In addition to the actions listed above, City also leveraged its BMR AHF to assist nonprofit affordable housing developers, including assisting Charities Housing with the financing of The Veranda, a 100% affordable senior housing development, by providing a 25% match requirement to the County's HOME Consortium funds in FY 2018-19.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

On January 12, 2012, the City Council adopted a new Analysis of Impediments (AI) to Fair Housing Choice and the recommended policies and actions to respond to the fair housing impediments identified in the document. The document states that the primary impediments to fair housing choice are access to affordable housing and knowledge of fair housing services. The City has implemented the following in response to the impediments identified in the AI:

- Facilitate access to BMR units. The City will continue to assist affordable housing developers and market rate developers in advertising the availability of BMR and affordable units via a link on the City's website (www.cupertino.org/housing) and the United Way's 2-1-1 program, phone referrals, and other media outlets. The City will also facilitate communications between special needs service providers and affordable housing developers, to ensure that home seekers with special needs have fair access to available units.
- City staff continues to contract with a fair housing provider to conduct outreach and education regarding fair housing for home seekers, landlords, property manager, real estate agents, and lenders.
- In addition to outreach, the fair housing provider will conduct fair housing testing in local

apartment complexes.

- The City will periodically review the Zoning Ordinance to ensure regulations are consistent with fair housing laws and do not constrain housing production. If particular zoning requirements impede fair housing or production, the City will amend the regulations.
- The City will continue to support the HACSC to ensure adequate outreach to minority, limited English proficiency, and special needs populations regarding the availability of public housing and Section 8 vouchers.
- The City will continue to plan for higher residential and employment densities where appropriate to maximize linkages between employers and affordable housing.
- The City will continue to work with local transit agencies to facilitate safe and efficient routes for the various forms of public transit.

In a joint effort with the County of Santa Clara and Cities, the City is currently updating the Analysis of Impediments (AI) to Fair Housing Choice. The Cupertino AFH Plan is expected to be completed in FY 2021-2022.

Project Sentinel received \$50,000 from the City's BMR AHF for support of fair housing, tenant and landlord counseling, and dispute resolution services rental mediation activities. To combat illegal housing discrimination and ensure civil rights protection, Project Sentinel provides comprehensive fair housing services of complaint investigation, consultation, information and referral, and community outreach and education. Fair housing investigations that reveal evidence of illegal discrimination are addressed through education, conciliation, and referral to HUD or DFEH filings, or litigation. Investigative work efforts include paired testing, surveys, witness interviews, and document review. In FY 2020-21, the Fair Housing Center at Project Sentinel opened and investigated 51 cases in Cupertino and served 118 individuals.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City continues to actively monitor all subrecipients and projects ensuring compliance with program and comprehensive planning requirements. Monitoring involves review of quarterly reports, invoices with backup material, and review of agency audit reports. Annual on-site monitoring is carried out for all CDBG subrecipients and consists of reviewing client files, financial records, policies, procedures and compliance with federal requirements as detailed in the subrecipient.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

A draft CAPER was made available on the City website (www.cupertino.org/housing) and at City Hall for the required 15-day public comment period (August 26– September 9, 2021). An advertisement was placed in the Cupertino Courier, a newspaper of general circulation on August 6, 2021 advertising the availability of the CAPER for public review and comment. The draft CAPER was posted on the City's website on August 26, 2021. Due to COVID-19, copies of the CAPER could be mailed or e-mailed to citizens free of charge. The City also makes available a TDD phone number for the hearing impaired. The City also conducted a virtual public hearing at the Cupertino Housing Commission meeting held on September 9, 2021 allowing the public an opportunity to comment on the CAPER.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Not applicable. The City does not plan to change the CDBG program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

DRAFT