

AMENDED ORDER OF THE COMMISSIONERS COURT OF COLLIN
COUNTY, TEXAS ADOPTING THE COLLIN COUNTY, TEXAS COVID-
19 EMERGENCY HOUSING AND LIVING ASSISTANCE PROGRAM

WHEREAS, the COVID-19 pandemic has caused many Collin County residents to become unemployed or underemployed, placing them in default or at risk of default on the lease or mortgage for their housing, and/or causing them to be unable to pay their utility bills, or in some cases buy food;

WHEREAS, Collin County (hereinafter “County”) has received federal funding under the Coronavirus Aid, Relief, and Economic Security Act (hereinafter “CARES ACT”);

WHEREAS, one purpose for which the funds can be used is to assist citizens who have suffered direct economic damage as a result of the COVID-19 pandemic which would include housing and living assistance;

WHEREAS, to respond to this need caused by the COVID-19 public health emergency, the County is adopting this Collin County, Texas COVID-19 Emergency Housing and Living Assistance Program (hereinafter “Housing and Living Assistance Program or “Program”).

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF COLLIN COUNTY, TEXAS THAT THE FOLLOWING COLLIN COUNTY, TEXAS COVID-19 EMERGENCY HOUSING AND LIVING ASSISTANCE PROGRAM IS ADOPTED.

1. Incorporation of Recitals. The foregoing recitals are incorporated herein and made findings of fact.

2. Program Purpose and Description. This Program is to provide funding assistance to residents of Collin County in default or near default on the residential lease or mortgage for their housing unit, or in danger of losing their housing unit due to the effects of the COVID-19 public health emergency, and to provide for assistance with utilities and food for families whose income has been disrupted by the COVID-19 public health emergency (hereinafter “Housing and Living Assistance Program”). Administrative services for this Housing and Living Assistance Program will be provided by the municipalities of:

Allen;
Frisco;
McKinney; and
Plano

(hereinafter “Municipalities”).

Each Municipality will be given an area of the County to serve which includes the Municipality, but also includes other cities and unincorporated areas. This is the Municipality’s Program Area (hereinafter “Program Area”). Each Program Area receives an allocation of CARES ACT funding for the Housing and Living Assistance Program in the Program Area. Each Municipality’s Program Area is set out in Amended Appendix A. Because the City of Dallas

has received its own CARES ACT funding, the portion of the City of Dallas located within Collin County is ineligible for this Housing and Living Assistance Program.

3. Sole Source of Funding. The sole source of funding for the Housing and Living Assistance Program is CARES ACT funding received by the County.

4. Eligible Expenditures. This Housing and Living Assistance Program only covers expenditures made by Municipalities between March 1, 2020 and 11:59 PM December 30, 2020. Committing to an expenditure does not qualify. Payment of the expenditure actually has to have been made by 11:59 PM on December 30, 2020; the expenditure must have been or must be for the purpose of addressing or responding to the COVID-19 emergency; and the expenditure must not have already been budgeted for as of March 27, 2020 from Municipal Funds.

5. Total Funding. The County will make a total of \$**18,404,558.00** 0 of CARESACT funding available for this Housing and Living Assistance Program.

6. Individual Funding. The CARES ACT funding allocated to the Housing and Living Assistance Program will be distributed to the municipalities up front on a population-based formula creating a fund for each municipality to use for the Housing and Living Assistance Program in its Program Area (hereinafter “Municipal Funds”).

7. Use of Funds. The Municipal Funds of the Municipalities must be used for eligible expenses that relate to housing assistance, utilities assistance, or nutritional assistance of applicants who have, as a result of the COVID-19 public health emergency, suffered lost income that has placed them in default or in immediate risk of default on the lease or note/deed of trust for their housing unit; and/or placed them in default or in immediate risk of default on utilities for their housing unit; and/or has placed them in the position of not being able to purchase adequate, nutritional food for their family. Proper use of the Municipal Funds is governed by the CARES ACT and any U.S. Treasury Department regulations or guidelines thereunder.

8. Documentation for all Expenditures. Municipalities shall document each and every use of their Municipal Funds. Records must be maintained. The Municipalities and their subcontractor, if any, are under the same requirements and restrictions as the County with regard to the CARES ACT funds. All records of the administration of the Municipal Funds must be retained for the retention period applicable to CARES ACT funds.

9. Reimbursement and Recapture of Ineligible Expenditures. If the County, or its designee, in its reasonable discretion, determines that a Municipality’s expenditure of Municipal Funds is not an eligible expenditure, then the Municipality shall reimburse its Municipal Funds with an amount equal to the amount of the ineligible expenditure from other of its funds. The Municipality shall have thirty (30) days of receipt of the County’s, or its designee’s, determination of an ineligible expenditure to reimburse the ineligible expenditure to its Municipal Funds. If the County has to enforce its ILA, it shall be entitled to recover its reasonable attorney’s fees and costs incurred in

doing so as allowed by law. If the Municipality's Municipal Funds account is already closed out, the reimbursement of the ineligible expenditure shall be made directly to the County.

10. Repayment of Unused Municipal Funds to the County. If any of a Municipality's Municipal Funds are not expended as provided in its ILA with the County by 11:59 PM December 30, 2020, the municipality shall return the unspent Municipal Funds to the County within thirty (30) days.

11. Interlocal Agreement. Prior to receiving, and as a condition to receiving any Municipal Funds, each Municipality must enter into an interlocal cooperation agreement with the County which incorporates the terms of this Housing and Living Assistance Program and provides for other matters ("ILA"). If the County, in its reasonable discretion, determines that a Municipality, or its subcontractors, has breached its ILA with the County, then the County may declare the ILA to be in default, and it may require the return and repayment to the County of the remaining balance of the Municipal Funds, including any reimbursements for ineligible expenditures, within 30 days of demand by the County.

12. Deadline for Applications. Because the actual expenditure of funds must take place by 11:59 PM on December 30, 2020, the Municipalities must set an application deadline sufficiently prior to that time to allow for the applications to have the opportunity to go through the review and payment process.

13. Process for the Housing and Living Assistance Program.

- a) Municipalities are responsible for management and administration of the Housing and Living Assistance Program and the Municipal Funds. If a Municipality subcontracts with another party, the Municipality remains solely responsible and liable to the County for complying with the ILA and the use of the Municipal Funds as provided in the ILA and this Order;
- b) If a grant is made to an applicant, the grant must be made directly to the landlord or financial institution of the applicant, or the utility provider, or for food, through a voucher;
- c) Each Municipality will ensure that it audits at least 10% of the approved applications. However, in addition, each city manager or designee must audit the first 10 approved applications within two business days after each application's approval. This is important to ensure that any misunderstandings as to criteria or as to the level of vetting expected are resolved at the earliest point;
- d) If there are disputed denials, a committee made up of the city managers of the Municipalities or their designees shall review the disputed applications;
- e) The Municipalities or their designees shall provide a close-out report detailing all of the grants made under this Program by January 31, 2021; and
- f) The Municipalities and their subcontractors must comply with the recordkeeping, reporting and other requirements of the Interlocal Cooperation Agreements and the CARES Act.

14. Eligibility and Criteria for the Housing and Living Assistance Program.

To be eligible for a grant from the Housing and Living Assistance Program:

- a) The applicant must be a resident of Collin County;
- b) The residential unit must be located in Collin County, but outside the City of Dallas;
- c) Maximum 200% of AMI (based on Census data);
- d) Criteria are those set forth in the CARES Act, the Treasury Department's guidance thereon, and this Order;
- e) Only one applicant per household;
- f) Must pass limited asset test as developed by the parties; and
- g) Following expenses are not eligible for housing assistance: payments on a loan from individuals, payments on seller financing, payments on contracts for deed, or rent on a lease where the landlord is related within the second degree by blood or marriage to the applicant.

15. No Duplication of Assistance Applications. Applicant or any other person in the household cannot be currently seeking or have received housing or living assistance for the same expenses under any other federal, state, or local program.

16. Processing and Documentation. The processing and administrative functions of administering the Program shall be handled in accordance with the Administrative Requirements set forth in 2 C.F.R. 200.

17. Assistance Grant. The following rules apply to the amount and extent of grants to an applicant:

- a) If the housing utilities and/or food assistance applications are approved, the maximum assistance grant is \$2,500 per month, not to exceed four (4) months or \$10,000, whichever is less. Payments are to be made directly to the providers.
- b) Subject to the limits of paragraph 17a, if food assistance is provided in the form of food vouchers from a food pantry or store in the amount of not more than \$50.00 per person per week.
- c) Regardless of whether the Applicant has qualified for all three grants, grant assistance under the Program is capped at \$10,000.00 for any one household. Once the cap is reached all grant funding for the grantee is closed, even if the grantee has been qualified for additional funds not yet paid to the grantee.

18. Administration Cost

No administrative fee is to be paid. Actual out-of-pocket expenses, which must be documented, will be reimbursed out of the Municipal Funds, not to exceed 15% of the Municipal Funds. This includes the expenses of the Municipalities and their subcontractors.

PASSED THIS _____ DAY OF _____, 2020.

COLLIN COUNTY, TEXAS

By: _____
County Judge

ATTEST:

County Clerk or Designated Deputy Clerk