



# San Bernardino County

## Legislation Text

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**File #: 7970, Agenda Item #: 19**

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### **REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY AND RECORD OF ACTION**

May 9, 2023

#### **FROM**

JEANY ZEPEDA, Director, Children and Family Services

DIANA ATKESON, Deputy Executive Officer, Community Revitalization

#### **SUBJECT**

Non-financial Memorandum of Understanding between Children and Family Services, the Office of Homeless Services, and the Housing Authority of the County of San Bernardino for the Family Unification Program

#### **RECOMMENDATION(S)**

1. Terminate Memorandum of Understanding No. 23-278 between Children and Family Services, the Office of Homeless Services, and the Housing Authority of the County of San Bernardino regarding the Family Unification Program.
2. Approve a non-financial Memorandum of Understanding, including non-standard terms, between Children and Family Services, the Office of Homeless Services, and the Housing Authority of the County of San Bernardino regarding the Family Unification Program, for the provision of housing subsidies to families and young adults, including additional responsibilities for each department, for the period of May 9, 2023, through May 8, 2026.
3. Authorize the Chief Executive Officer or Deputy Executive Officer of Community Revitalization and Director of Children and Family Services to execute the Memorandum of Understanding, and any subsequent non-substantive amendments on behalf of the County, subject to review by County Counsel.
4. Direct the Chief Executive Officer, Deputy Executive Officer of Community Revitalization, or Director of Children and Family Services to transmit the Memorandum of Understanding, and any subsequent non-substantive amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Jeany Zepeda, Director, 387-2792)

#### **COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

#### **FINANCIAL IMPACT**

The Memorandum of Understanding (MOU) with the Office of Homeless Services (OHS) and the Housing Authority of the County of San Bernardino (HACSB) is non-financial and does not impact Discretionary General Funding (Net County Cost).

#### **BACKGROUND INFORMATION**

The Family Unification Program (Program), administered by HACSB, provides housing subsidies with supportive services to families for whom the lack of adequate housing is a primary factor in the separation, or

imminent separation, from their children. The Program also provides housing subsidies with supportive services to young adults who are at least 18 years and not more than 24 years of age, who, at age 16 or older, left foster care, or will leave foster care within 90 days, in accordance with a transition plan, and are homeless or are at risk of becoming homeless.

HACSB has administered the Program's housing subsidies for more than 10 years and is the grantee for the Program, which is funded by the United States Department of Housing and Urban Development (HUD). HACSB was required to submit a funding application to participate in the Program and receive funds. An MOU indicating the commitment of HACSB, Children and Family Services (CFS), and OHS to the Program was also required.

The recommended MOU has been updated to include new commitments required under the Notice of Funding Opportunity (NOFO) and will replace MOU No. 23-278, which was between HACSB, CFS, and OHS and approved by the Board of Supervisors (Board) on April 11, 2023 (Item No. 19). The new commitments include 36 months of case management services for the Program participants by CFS, housing search assistance, and financial assistance such as payment of security deposits. Under the recommended MOU, OHS will now be responsible for training CFS and HACSB staff on the Coordinated Entry System, which is the database used to identify, assess, and prioritize homeless individuals and families for housing and services based on vulnerability and severity of need.

Additionally, OHS will continue to work with CFS to integrate Program-eligible youth who are not currently in CFS's caseload into the Coordinated Entry System. The recommended MOU includes updated Code of Federal Regulation (CFR) citations, new standards for success, definitions, eligibility guidelines, and integration of CFS into the coordinated entry process. HACSB, as the Program administrator and grantee, retains the final responsibility to determine which referred families and young adults meet the federal Program eligibility guidelines.

The County has utilized 95 of the 123 Program housing vouchers that were recently issued and has many client referrals currently in the qualification process. CFS is working with additional clients to complete the Program qualification process. There is no deadline for the use of vouchers; however, the department anticipates it will exhaust its existing vouchers by the end of the fiscal year. Approval of this MOU will allow the three participating agencies to meet the requirements to apply for additional housing vouchers issued under the Program.

On December 15, 2022, HUD published a NOFO announcing a plan to release additional funding through the Program. Through this funding opportunity, HACSB will submit an application to receive up to 75 additional vouchers. HUD will release a grant application form for the vouchers, with a maximum application period of 30 days after the release of the application form. For a grant application to be considered, the proposed MOU must have been executed between the release date of the application form and the grant application date.

On April 11, 2023 (Item No. 19), the Board approved non-financial MOU No. 23-278 between CFS, OHS, and HACSB, including non-standard items, for the provision of housing subsidies to families and young adults. This item was presented at that time in anticipation of HUD publishing its final NOFO and releasing the grant application form in late March or early April. HUD did not release the form by the start date of the MOU. As the MOU start date is contingent upon HUD's release of the application, a new MOU must be executed.

On April 25, 2023, HUD published its final NOFO and released the application form. This item is being presented at this time in preparation of meeting the expedited application deadline of May 25, 2023.

HACSB is a member of a risk retention pool for purposes of Professional Liability, General Liability, Automobile Liability, and Workers' Compensation. HACSB's board and insurance company require certain terms and conditions that differ from the standard County contract. The non-standard terms included in the MOU are as

follows:

1. Each party will indemnify and hold the other party harmless from and against any and all liability, losses, expenses (including reasonable attorneys' fees), claims for injury, and damages arising out of the performance of this MOU to the extent that the damages or losses are caused by actions of the indemnifying party.
  - The County standard contract does not include any indemnification or defense by the County of a contractor.
  - Potential Impact: By agreeing to indemnify HACSB, the County may be responsible to defend and reimburse HACSB for costs, expenses, and damages, which could exceed the total MOU amount.
2. The MOU does not include certain standard County insurance requirements, including the additional insured endorsement and the waiver of subrogation.
  - The County standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department.
  - Potential Impact: By waiving the requirement for an additional insured endorsement, the County forfeits its right to file a claim for damages directly against HACSB's insurance carrier, the right to legal defense provided by that carrier, and coverage for any damage caused. Not requiring a waiver of subrogation may allow HACSB's insurer to bring a suit against the County, which could result in expenses that exceed the total MOU amount.

CFS recommends approval of this item, including non-standard terms, to allow HACSB to apply for additional funding for housing vouchers for families in an effort to improve the housing stability of eligible youth and young adults.

The Program is monitored monthly at a joint meeting of CFS, OHS, and HACSB staff. The MOU may be terminated without cause by any party upon 30-days' written notice.

#### **PROCUREMENT**

Not applicable.

#### **REVIEW BY OTHERS**

This item has been reviewed by Human Services Contracts (Patty Steven, Contracts Manager, 388-0241) on April 20, 2023; County Counsel (Suzanne Bryant, Deputy County Counsel, and Kaleigh Ragon, Deputy County Counsel, 387-5455) on April 25, 2023; Finance (John Hallen, Administrative Analyst, 388-0208, and Christopher Lange, Administrative Analyst, 386-8393) on April 26, 2023; and County Finance and Administration (Cheryl Adams, Deputy Executive Officer, 388-0238) on April 27, 2023.