

Funding Agreement Term Sheet

General	
Parties	<p>City of Hayward, a California charter city</p> <p>Housing Authority of the City of Hayward, a public body, corporate and politic</p>
Funding:	<p>City received funding pursuant to Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act of 2021 (P.L. 117-2) (Coronavirus State and Local Fiscal Recovery Funds)("ARPA-SLFRF") to provide homelessness assistance ("<u>ARPA-SLFRF Funds</u>").</p> <p>City to provide Authority with a Grant of \$2,000,000 of ARPA-SLFRF Funds.</p>
Project	<p>The Project will consist of funding activities to provide eligible affordable housing services to eligible households.</p> <p>The ARPA-SLFRF Funds may be used by the Authority for any eligible activity consistent with ARPA-SLFRF and the implementing regulations at 31 C.F.R. Part 35 and rules at 86 FR 26786, 26819, May 17, 2021; 87 FR 4338, 4446, Jan. 27, 2022 (collectively, "ARPA-SLFRF Rules").</p>
Conditions	<ul style="list-style-type: none"> • Comply with all ARPA-SLFRF Rules. • Expend all funds by December 31, 2026. • No funds may be used for: (1) offsetting a reduction in next tax revenue,(2) deposits into pension funds, (3) repayment of debt service and replenishing reserves; (4) funding settlements and judgements, (5) funding any activity that contravenes or conflicts with the statutory purpose of the ARPA statutes. • Terms of Funding Agreement and all subrecipient agreements: <p>(a) During the Term of Funding Agreement, Authority, as well as all of its subrecipients, contractors, consultants and subcontractors, shall comply with all applicable laws and regulations governing the use of the ARPA-SLFRF Funds, as set forth in Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act of 2021 (P.L. 117-2) (Coronavirus State and Local Fiscal Recovery Funds), and the implementing regulations at 31 C.F.R. Part 35 and rules at 86 FR 26786, 26819, May 17, 2021; 87 FR 4338, 4446, Jan. 27, 2022, including, the Funding Agreement. In the event of any conflict between Funding Agreement and applicable laws and regulations</p>

	<p>governing the use of the Grant funds, the applicable ARPA-SLFRF laws and regulations shall govern.</p> <p>(b) Authority, as well as all of its subrecipients, contractors, consultants and subcontractors, shall also comply with all local, State, and Federal laws and regulations (including but not limited to the ARPA-SLFRF laws and regulations) governing the use of the Grant funds include (but are not limited to) the following:</p> <ol style="list-style-type: none"> (1) Authority shall maintain records consistent with the requirements set forth in the ARPA-SLFRF Rules. (2) Authority, and any and all of its subrecipients, contractors, consultants and subcontractors, must ensure that they do not deny benefits, services or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity) in accordance with Title VI of the Civil Rights Act of 1964, Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 C.F.R. part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 C.F.R. part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 C.F.R. part 23. Authority will be required to submit data showing compliance with the above. (3) Section 2 C.F.R. 200.323 regarding Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (EPA guidelines at 40 C.F.R. Part 247). (4) Section 200.322 of 2 C.F.R. 200.322, Domestic preferences for procurements. (5) Authority must use the Grant funds for an "Eligible Expense" as defined by regulations and guidelines promulgated by the United States Department of Treasury or other federal agencies regarding the use of American Rescue Plan Act funding, including the Interim Final Rule issued by the Secretary of the Treasury on May 10, 2021. To that end, the Authority shall expend all of the Grant
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	<p>funds by November 30, 2026. If the Authority has not spent the Grant amount it has received under Funding Agreement by November 1, 2026, the Authority shall notify the City of its intent to expend the Grant funds or return them to City, as applicable.</p> <p>(6) The Authority agrees to indemnify, defend with counsel selected by Authority and approved in writing by City, and hold City, its elected and appointed officials, officers, employees and agents and those special districts and agencies which City Council acts as the governing Board harmless from any claims, demands or liability of any kind or nature, including but not limited to personal injury or property damage, arising from or related to the Authority's receipt of the Grant amount under Funding Agreement, including any claims that the Grant amount awarded by the City under Funding Agreement were not used consistent with the restrictions on the use of Coronavirus State and Local Fiscal Recovery Funds (42 U.S.C. § 803) and the regulations and guidance issued by the Department of Treasury regarding the use of such funds.</p>
Conditions to Disbursement	<ul style="list-style-type: none"> • Execute funding agreements. • Authority to deposit funds into escrow account or segregated bank account.