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August 20, 2021

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Honorable Members of the City Council
c/o the City Clerk, City Hall
200 North Spring Street
Los Angeles, CA 90012

Attention: Leyla Campos, Legislative Assistant

COUNCIL TRANSMITTAL: CITYWIDE 2021 COVID-19 EMERGENCY RENTERS ASSISTANCE PROGRAM (ERAP)

SUMMARY

The General Manager of the Los Angeles Housing Department (LAHD), formerly the Los Angeles Housing + Community Investment Department (HCIDLA), respectfully requests that the Mayor and City Council approve the recommendations in this report on the status and progress of the COVID-19 Citywide Emergency Renters Assistance Program (ERAP1/CF No. 21-0042) and recommendations for the implementation of an expanded Emergency Renters Assistance Program (ERAP2) created under the American Rescue Plan, through which an additional \$260.2 million in combined State and federal allocations is available for direct rental assistance for the City's landlords and their tenants. After a careful review of program parameters, available funding and State and federal program rules, LAHD recommends that the City expand capacity to timely deliver rental assistance under ERAP1 and enter into a partnership with the State to administer the funding available under ERAP2 through the American Rescue Act, with the goal of eliminating rental debt for all eligible Los Angeles renters.

Approval of these recommendations will provide the necessary resources to quickly provide \$235.5 million in rental assistance to an estimated 19,000 Los Angeles City renter households who have applied for rental assistance, ensure eviction protections, and meet expenditure obligations under the State and federal program rules. Further, approval will enable the City to partner with the California Department of

Housing and Community Development (HCD) to expand resources in order to assist an additional 52,000 households in the current ERAP1 applicant pool, quickly open applications for rental assistance to new tenants and landlords, and provide additional months of assistance as needed

RECOMMENDATIONS

That the City Council, subject to the approval of the Mayor:

- A. AUTHORIZE the LAHD General Manager, or designee, to accept or transfer funding to the California Department of Housing and Community Development (HCD) and execute related grant documents under the federal and state COVID-19 Emergency Renters Assistance Program (ERAP1 and ERAP2) on behalf of the City;
- B. APPROVE the certification for the City to select Option A for the Emergency Rental Assistance Program created under the American Rescue Plan (ERAP2), thereby allowing the HCD to administer the second phase ERAP2 program in order to maximize funding and expedite reallocation of funding to renters in the City of Los Angeles;
- C. Adopt the attached Resolution authorizing the City to enter into the Standard Agreement with HCD to administer up to \$950,000,000 in ERAP2 funds for residents of the City of Los Angeles.
- D. AUTHORIZE the financial re-appropriations below to increase LAHD’s capacity to continue to provide program oversight for the conclusion of the ERAP1 to assist households that are unable to pay rent due to the COVID-19 pandemic;
- E. AUTHORIZE the Controller to:

- 1. Reallocate Emergency Rental Assistance Program funds (ERAP 1) within Fund 64D as follows:

Account No.	Account Name	Amount
43TA60	Admin Reserve ERAP Fed	(\$ 2,594,573.30)
43TA61	Admin Reserve ERAP State	(\$ 2,449,485.50)
43TA50	Eviction Defense ERAP Fed	(\$ 1,361,363.00)
43TA58	Program Admin Contract ERAP Fed	\$ 3,253,225.53
43TA59	Program Admin Contract ERAP State	\$ 1,746,774.73
43V143	Housing Dept.	\$ 920,508.00
43V121	Community Investment for Families	\$ 25,934.00
43T299	Related Cost	\$ 423,979.54
43T560	Translation Services	\$ 35,000.00

2. Increase appropriation within Housing Dept. Fund 100/43 as follows:

Account No.	Account Name	Amount
100/43/001010	Salaries, General	\$ 666,290
100/43/001070	Salaries, As Needed	\$ 83,212
100/43/001090	Overtime	\$ 48,000
100/43/003040	Contractual Services	\$ 10,000
100/43/006010	Office and Admin	\$ 18,000
100/43/006030	Lease	\$ 95,006
Total Fund 100/43		\$ 920,508

3. Increase appropriation within CIFD Dept. Fund 100/21 as follows

Account No.	Account Name	Amount
100/21/001010	Salaries, General	\$ 22,195 1
100/21/006030	Lease	\$ 3,383
Total Fund 100/21		\$ 25,934

E. AUTHORIZE the LAHD General Manager, or designee, to execute an amendment to City contract number C-134129 with the Southern California Housing Rights Center to increase the authorized contract in an amount not to exceed \$5,000,000 for a total contract amount of up to \$119,900,124.82, subject to approval of the City Attorney as to form.

G. INSTRUCT LAHD to reallocate funds from the Administrative Reserve Account to fund staffing, translation, outreach, and other administrative costs up to the amount available from that account.

H. AUTHORIZE the LAHD Manager, or designee, to prepare Controller instructions and make any necessary technical adjustments consistent with the Mayor and the City Council actions related to this matter, subject to the approval of the CAO, and request the Controller to implement these instructions.

BACKGROUND

Summary of the 2020 Emergency Rent Program

On July 1, 2020, in response to the coronavirus (COVID-19) pandemic, the City Council approved the COVID-19 Emergency Rental Assistance (ERAS) Program, allocating almost \$104 million in City and federal CARES Act funding to implement a rent subsidy program for tenants with household incomes at or below eighty percent (80%) of Area Median Income (AMI) in order to prevent evictions of lower-income tenants for non-payment of rent, while assisting landlords who rely on rents as a primary or sole source of income (CF No. 20-0401). Under the federal guidelines, funds were required to be expended by December 30, 2020.

ERAS was the City's first effort to implement a large-scale emergency rental assistance program and required the creation of systems and processes; however, it was a relatively simple model in which only tenants could apply and all applicants were paid a flat \$2,000 subsidy for rental assistance. It provided almost 50,000 rent subsidies totaling \$98,266,000 to Los Angeles renter households impacted by a loss of income due to the COVID pandemic. Funding consisted of \$100,598,699 million in CARES Act funding, \$3.1million from the General Fund, and \$291,577 in private donations. The final total program budget was \$103,990,276. Administrative costs totaled \$5,722,699 (5.5%). In addition, LAHD shifted thousands of staff hours in our Information Technology, Contracts, Finance and Rent divisions. The program initially tried to pay landlords directly, but if landlords declined to participate then subsidies were paid directly to tenants. Fifty-six percent (56%) of subsidies were paid to landlords, and forty-four percent (44%) were paid to tenants. Forty-six percent (46%) of subsidies was paid to households at or below thirty percent (30%) of AMI, twenty-eight percent (28%) was paid for households between thirty-one to fifty percent of AMI, and twenty-five percent (25%) was paid to households up to 80% of AMI.

On December 30, 2020, LAHD successfully concluded the 2020 ERAS, the largest emergency rental assistance program in the nation created in the initial stage of the pandemic.

Summary of the 2021 ERAP1

ERAP1 was created by H.R. 133, the COVID -19 Relief Package, signed into law on December 27, 2020 (CF No. 21-0042). Under the COVID-19 Relief Package/ERAP1, the City of Los Angeles received approximately \$118 million directly from the Treasury and \$141 million from the federal funds sent to the State as the City's allocation. The combined total is \$259.4 million, of which \$235.5 million is allocated for direct rental assistance and \$23.9 million is allocated for administrative and support costs necessary for implementation, including staffing, systems, outreach, customer service, a dedicated Call Center, application support through the City's network of FamilySource Centers, and program administration. In accepting the ERAP1 funds, three options were available to participating cities:

- A. State Program:** Under Option A, the City would have transferred our federal funds to the State to administer the program and the City would have retained 1.5% of the funds for related costs, such as outreach and eviction defense.
- B. Local Program:** The City could receive the allocated funds from the State and administer all funds directly. However, the City had to conform to the State program rules, which required landlords to

accept 80% of back rent as payment in full. Total funding for the ERAS 2021 was \$118 million in federal funds, plus approximately \$143 million allocated through the State, totaling \$259,432,222. The State retained 1.5% of the City's allocation of \$143 million in state funding. This was the Option ultimately approved by the City.

- C. Hybrid Program:** The City could have elected to administer a local program with just the \$118 million received from the federal government, and the State would have administered the \$143 million State block grant allocated for Los Angeles, with the City responsible for ensuring no duplication across programs. This Option was rejected as programmatically difficult to administer as well as confusing for City applicants.

The City's ability to receive and administer the \$143 million reserved for the City of Los Angeles through the State allocation was conditioned on the City's compliance with the State program as prescribed in Senate Bill 91. Administration of ERAP1 under "Option B" was approved by the City Council and Mayor on March 2 and 5, 2021. The design of ERAP1 and implementation of the first phase of the program on March 15, 2021, was aligned with the program rules in SB 91 which extended statewide renters' eviction protections and provided a framework to pay landlords eighty percent (80%) of past rent due and requires landlords to waive twenty percent (20%) of past-due rent. If landlords refused to accept payment, the program allowed payment of twenty-five percent (25%) of past rent due to tenants. Program systems, guidelines, and procedures were created to implement the program under these parameters. From the start, landlords objected to the 80% payment and requirement to forgive 20% of the rental arrears, and tenants objected to receiving only 25% of the amount of past-due rent if their landlord declined to participate. The Legislature amended the 80% rule and changed other key requirements in AB 832, effective June 29, 2021.

ERAP1 launched on March 15, 2021, with a two-week application period for applicants from the 2020 waitlist. Applications opened for new applicants on March 30, 2021, and remained open through April 30, 2021, a total of seven (7) weeks, in contrast to one week in the 2020 ERAS. More than 70,000 tenant applications and 40,000 landlord applications were received, representing more than \$500 million in rental arrears from April 1, 2020, through March 31, 2021, for renters with household incomes at or below 50% of the Area Median Income (AMI). Sixty-eight percent of renters who applied were extremely low-income (30% AMI), making less than \$33,800 annually for a household of four. These 30% AMI and below applicants reflect the demographics of the City of Los Angeles: 51% Hispanic/Latino; 21% White; 19% Black/African American; and 9% Asian. The volume of applications and claimed rental arrears for the City of Los Angeles matched the total for the entire state of California under the Option A program.

After the conclusion of the application period on April 30, the City made the first payment to landlords on May 24, 2021. A public information portal with current data on ERAP1 is available on the LAHD website at <https://hcidla2.lacity.org/erap>. As of August 20, 2021, \$60 million has been paid or is in process and more than \$196 million has been obligated and is reserved for payment of approved tenants' owed back rent.

In June, the COVID-19 Rental Housing Recovery Act (AB 832) was enacted by the Legislature, changing the rules for emergency rental assistance. AB 832 extended eviction protections for California renters; increased rental compensation amounts from 80% to 100% of rental arrears, whether paid to the landlord or the tenant; and raised the maximum length of rental assistance from 15 to 18 months. Previously, only 25% of rental arrears could be approved for tenant payments. Less than two months after the close of the

ERAP1 application period, the L.A. ERAP program staff had to quickly pivot to effectuate these new program rules and protections, requiring new systems programming, participant notifications, revisions to the program guidelines, website updates, and retraining of program caseworkers and Call Center staff. By July 7, 2021, the first 100% of payments to landlords were processed. LAHD has also paid out 311 “top off” payments to landlords who had been paid only 80% of arrears prior to July 1, 2021.

AB 832 restricts landlords from pursuing a court eviction for non-payment of rent until September 30, 2021. Beginning October 1, 2021, landlords may pursue an eviction only if the landlord first applies for rental assistance. Tenants may use a pending rental assistance application as a defense in an eviction action and can request the Court to stay the eviction case until funding is received and have their case dismissed thereafter. By no later than September 15, 2021, Civil Code section 1179.12 requires localities to develop mechanisms through which landlords, tenants, and the court may verify rental assistance application status and obtain copies of determinations. These enhanced eviction protections require modifications to the ERAP system, since information on application status must be readily available to tenants, landlords, attorneys, and the Court system. LAHD staff is on track to implement the necessary system changes by September 15th, as mandated by AB 832.

It is important that the City provide a mechanism to re-open rental assistance applications, which closed on April 30, in order to allow City residents to avail themselves of these extended eviction protections, as well as to permit landlords to undertake lawful evictions.

Under Federal Treasury guidelines, the City must allocate 65% of \$118 million (\$76.7M) in direct federal funds by September 30, 2021. With \$196 million in approved applications as of August 20, 2021, the City has exceeded this criterion, for the total ERAP1 State and federal funding. As of the date of this report, \$60 million for rental assistance has been paid or is in process.

To comply with changes under AB 832 and to expedite assistance to the City’s landlords and tenants, who are stressed by the burden of unpaid rental debt and fears of eviction and loss of their homes, the City needs to make program changes quickly. The program design for the ERAP1 under the federal and state regulations is much more complex than the 2020 ERAS program and requires a higher level of documentation in order to approve the rental assistance. Different amounts must be verified and approved for each application depending on the monthly rent, total rental arrearages, and months of rent in arrears. Further, critical program changes necessitating overhaul of the application system were mandated by State legislation and implemented in July 2021. LAHD works daily with our team and the program administrator to streamline and improve the payment approval process. Enhancements implemented or underway include: including utilizing self-attestation as a first choice for documentation review, utilizing proxy data to qualify tenant income per updated U.S. Treasury guidance, streamlining rental debt calculations, improving caseworker productivity monitoring, hiring of temporary staff, and improving application status information on the LAHD website.

The current allocation of City resources to the ERAP1 includes:

- 50 to 100 dedicated Call Center operators (with the higher number deployed during the open application period);
- 108 caseworkers/processors and 16 supervisors;
- 11 temporary LAHD paralegal staff;

- 51 FamilySource Center caseworkers assisting with intake for computer/language limited applicants;
- More than 40 LAHD staff assisting on a part-time basis to implement systems, process payments, quality control, customer service, and outreach, contract, and program monitoring.

Even with the huge investment in staff resources assigned to the ERAP, additional resources are needed in order to timely deliver the rent relief to the City's landlords and tenants and provide the funding approved by Congress and State legislature. Therefore, LAHD requests Council approval to expand program resources for the ERAP1 by executing an amendment to City contract number C-134129 with the Southern California Housing Rights Center to increase the authorized contract in an amount not to exceed \$5,000,000, in order to increase the number of caseworkers assigned to reviewing and approving ERAP1 applications and expedite processing of pending applications. This will enable the contractor to increase the number of assigned processors from 108 to 200. Funding for this contract amendment is available from the ERAP Administrative Reserve and will greatly expand the staffing resources needed to expedite the rate of approvals of pending rental assistance applications and process payments to landlords and tenants in order to timely expend the total \$235.5 million in ERAP1 funding, ensure eviction protections, and meet expenditure obligations under the State and federal program rules.

Currently, more than 16,000 renters have been approved to receive \$196 million in rental assistance, from the \$235.5 million in ERAP1. Approximately 3,000 more tenants can be assisted with the remaining funds for a total of 19,000 renter households who can be assisted in ERAP1. That means ERAP1 funds are insufficient to assist 52,000 renters in our current applicant pool, even before re-opening applications.

AB 832 authorizes the California Department of Housing & Community Development ("HCD") to reallocate unused funds allocated to the State to areas with unmet needs, which is a particular benefit in Los Angeles, where demand for rental assistance exceeds the current supply of funds.

Recommendations for ERAP2

Under the American Rescue Plan, the City is eligible to receive an additional \$260.2 million for direct rental assistance, through a combination of a direct federal allocation and a State block grant. City staff is working closely with our State partners to determine the best pathway to launch ERAP2, to reopen applications to preserve eviction protections under AB 832 and to meet the demand for funding needed to extinguish rental arrears for all eligible renters.

The expenditure deadline for ERAP2 funding is September 30, 2025. In addition, the City must obligate at least 50% of the ERAP2 funding by March 31, 2022.

While the total potential ERAP1 and ERAP2 funding of \$495.7 million for direct rental assistance provide exceedingly important financial assistance needed for the City's landlords and renters impacted by the pandemic, the projected need for the City's low-income renters vastly exceeds the available funding through ERAP1 and ERAP2 combined. The reported total rental arrears for 12 months through March 31, 2021, for renters in the City's current pool of applicants is over \$500 million; this represents only rental debt reported by April 30, 2021. The amount of rental arrears has grown in the four months since then, and program rules allow additional funding of up to 18 total months of rental assistance. Additionally, applications for rental assistance in ERAP1 were largely limited to renters with household incomes at or below 50% of AMI, while the State and federal programs allow applications from renters at

up to 80 % of AMI. The projected need for rental assistance for Los Angeles renters is estimated at \$950 million based on current applications when accounting for up to 18 months of rental assistance as approved under the American Rescue Act.

As previously noted, AB 832 authorizes the HCD to quickly reallocate unused funds to areas with unmet need, which is a particular benefit in Los Angeles, where demand for rental assistance exceeds the current supply of funds. Therefore, staff has explored a partnership with the State that would facilitate the reallocation of funding within the State's pool to the City of Los Angeles. This would be accomplished through entering into an agreement with the State to administer the ERAP2 under the Option A model, which would allow the State HCD to administer our ERAP2 funding and expedite reallocation of available funding to address the needs of Los Angeles renters.

Under the State rules for ERAP2 for Option A jurisdictions, 3% of federal funding (or \$5.8 million for L.A.) may be retained by local cities to pay for related program costs, such as multi-lingual outreach, application support, program monitoring, data evaluation, and eviction defense and housing stability services. This administrative reserve would be deployed to complement HCD's funding to support Los Angeles applicants.

After a careful review of program parameters and available funding, LAHD recommends that the City expand capacity to quickly deliver full rental assistance under ERAP2 by selecting Option A and enter into a Standard Agreement with HCD to administer the total funding available under ERAP2 of the American Rescue Act. Benefits to City residents, landlords and tenants include:

- Most urgently, HCD will be able to expediently reallocate funding and continuously process applications to meet the needs of Los Angeles renters, with the goal of eliminating rental debt for all eligible L.A. renters.
- HCD has demonstrated the capacity to quickly process applications and deliver payments. HCD has invested over \$300 million in developing a robust application and processing system. The payments delivery rate for the County of Los Angeles, which is being administered by HCD, now exceeds the current rate of payments in the City's program. HCD has available resources to expand program staffing and components and to benefit from economies of scale.
- Having one application portal would significantly reduce confusion for renters and landlords, as would having a uniform application process for both City and County renters.
- The City has negotiated favorable parameters for participation and collaboration with the State in the administration of the ERAP2 program. These agreements will greatly benefit City residents.
 - HCD will allow L.A. renters to apply to the State's program within forty-eight hours of the approval of Option A by the Mayor and Council.
 - As set forth in AB 832 HCD will continue to prioritize assistance to the most vulnerable renters in use of ERAP2 and any future increases in allocations to the State of California. Rental assistance will be targeted to payment of back rent for all eligible tenants earning less than 80% of AMI with priority given to those earning less than 30% AMI, then those earning between 31--50% AMI.
 - HCD would provide the City with real-time access to data concerning the number of applicants, demographics, applicants, and payments made per council district, applicants pending, applications rejected, approval rates per week, and other data as agreed.

- HCD and the City would cooperate in an ongoing evaluation of the efficacy and impact of the Emergency Rental Assistance Program in increasing housing stability and preventing homelessness.
- The City and HCD will collaborate on a process for notifying and/or transferring the applicants that won't be able to be fulfilled by the City's ERAP1 awarded amount to the State for expedited processing.
- HCD will continuously process applications from residents of the City of Los Angeles, re-allocating funding as needed.
- 3% of the City's allocation will be granted to the City for local support and administration which may be used for eviction defense, outreach and education with local community-based organizations, evaluation, and coordination with HCD.
- HCD will partner with the City to provide additional funding to engage trusted Los Angeles community-based organizations to assist with outreach and navigation of the rental assistance application process, concentrating on high-needs geographic areas and communities who need assistance in filing assistance applications.

Our discussions with HCD as well as with the County of Los Angeles confirm that HCD has built up the capacity to deliver program results and successfully partner with Option A jurisdictions as well as community groups tasked to perform outreach and navigation services. Since the commencement of payments on April 2, 2021 to L. A. County residents, the State ERAP program has matured and accelerated in processing payments. As of August 17, 2021, HCD has paid out \$143 million in rental assistance plus \$1 million in utility assistance on behalf of almost 16,000 L.A. County renters. The City's payment system is slower, involving multiple departments. One advantage of the HCD system is size and resources; HCD has been able to invest more than a hundred million in systems and support, while the City has \$23.9 million. Most importantly, HCD controls most of the \$5 billion available for rental assistance for California renters and has the authority to reallocate funds to meet the demonstrated need of renters and landlords throughout the State. HCD will be able to continuously process applications from Angelenos rather than continuing a system that can fund the only those applicants most in need because the funding will run out. This partnership will provide rent relief to Angelenos more quickly and will cover more costs.

FISCAL IMPACT

LAHD's proposed actions have no impact on the General Fund. Funding for the 2021 Emergency Rental Assistance Program is provided by the COVID -19 Relief Package, signed into law on December 27, 2020, and the American Rescue Plan signed into law on March 11, 2021.

Approved by:



ANN SEWILL
General Manager

Attachment - Resolution

AUTHORIZING RESOLUTION

Resolution No.:

A RESOLUTION OF THE GOVERNING BODY OF CITY OF LOS ANGELES AUTHORIZING PARTICIPATION IN THE STATE RENTAL ASSISTANCE PROGRAM – 2

WHEREAS:

- A. On March 11, 2021, the American Rescue Plan Act of 2021 (Pub.L. No. 117-2) (“**ARPA**”) was signed into law. Section 3201 of ARPA established the federal Emergency Rental Assistance Program (“**ERA2**”), and authorized the direct allocation of funds to states, the District of Columbia, units of local government, and territories. The ERA2 funds are intended to assist low-income households that have experienced financial hardship due to the COVID-19 pandemic, are unable to pay for rent and utilities, and are at risk of experiencing homelessness or housing instability.
- B. California Assembly Bill No. 832 (2021-2022 Reg. Sess.) (“**AB 832**”) established the State of California’s program for administering its share of ERA2 funds (the “**SRA2**,” “**State Rental Assistance Program – 2**,” or “**SRA2 Funds**”). AB 832 amended Chapter 17 (commencing with Section 50897) of Part 2 of Division 31 of the Health and Safety Code. Health and Safety Code section 50897.1, subdivision (a)(1) authorizes the Department of Housing and Community Development (the “**Department**”) to administer the SRA2 Funds in accordance with state and federal law.
- C. On May 26, 2021, the City of Los Angeles (“**Locality**”) received an allocation of ERA2 funds from the U.S. Department of the Treasury (“**Treasury**”) in the amount of \$77,383,359.16 (this amount, the Locality’s “**Direct ERA2 Allocation**”).
- D. Locality will also receive a share of SRA2 Funds pursuant to Health and Safety Code section 50897.2.1, subdivision (a)(3) (this amount, the Locality’s “**Proportionate SRA2 Share**”). The Department will administer the Locality’s Proportionate SRA2 Share pursuant to Health and Safety Code section 50897.3.1.

THEREFORE, IT IS RESOLVED THAT:

- 1. Locality is hereby authorized and directed to transmit its Direct ERA2 Allocation to the Department so that the Department will administer the Locality’s Direct ERA2 Allocation and the Locality’s Proportionate SRA2 Share for and on behalf of the Locality, and pursuant to Health and Safety Code section 50897.3.1, subdivision (b)(3).
- 2. Locality is hereby authorized and directed to enter into, execute, and deliver any and all documents (and amendments thereto) that are required or deemed necessary or appropriate UNDER STATE OR FEDERAL LAW to govern the Department’s administration of the Locality’s Direct ERA2 Allocation for and on behalf of the Locality (collectively, the “**HSC 50897.3.1 Documents**”). Such HSC 50897.3.1 Documents shall include a Department-approved STD 213, Standard Agreement in a total amount not to exceed \$950,000,000.00 (the “**Standard Agreement**”), and all amendments thereto.
- 3. Locality acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement.
- 4. Ann Sewill, GENERAL MANAGER LAHD, or her designee, is authorized to execute the HSC 50897.3.1 Documents on behalf of the Locality for participation in the State Rental Assistance Program – 2.

<p>PASSED AND ADOPTED this _____ day of _____, 2021, by the following vote:</p> <p>AYES:_____ NAYES:_____ ABSTAIN:_____ ABSENT:_____</p>	
<p>The undersigned, Holly L. Wolcott, City Clerk of the City of Los Angeles, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the governing body adopted at a duly convened meeting on the date above-mentioned, and that the resolution has not been altered, amended, or repealed.</p>	
SIGNATURE:	DATE:
NAME:	TITLE: