

TO: All Community Services Employees

FROM: Julie Dowe, Director of Finance and Support Services

PREPARED BY: Julie Dowe, Director of Finance and Support Services

SUBJECT: Emergency Rental and Utility Assistance (ERA Program)

PPM#: CS-E-005

<u>ISSUE DATE</u>	<u>EFFECTIVE DATE</u>
January 1, 2023	January 1, 2023

PURPOSE:

To establish policies and procedures to process client rental and utility assistance applications through the US Treasury Emergency Rental Assistance Program for Palm Beach County residents experiencing crisis due to COVID-19.

UPDATES:

Future updates to this PPM shall be the responsibility of the Assistant Department Director.

AUTHORITY

U.S. Department of Treasury Emergency Rental Assistance (ERA) Program 1 (as established by the Consolidated Appropriations Act, 2021) and 2 (as established by section 3201 of the American Rescue Plan Act of 2021)

BCC Agenda Item from March 9th, 2021

BCC Agenda Item from August 17th, 2021

POLICY:

On March 9, 2021, the Board of County Commissioners (BCC) approved ERA-1 funding to assist Palm Beach County residents affected by COVID-19 with rental and utility assistance. On August 17th, 2021, the BCC approved ERA-2 funding for the same purpose.

Eligible Palm Beach County households is a renter household in which at least one or more individuals meets all of the following criteria:

- i. For ERA-1-qualifies for unemployment or experienced a reduction of household income, incurred significant costs, or experienced other financial hardships due to COVID-19 (either directly or indirectly), or for ERA-2 qualifies for unemployment or experienced other financial hardships during or due to (either directly or indirectly)

COVID-19. Amount of assistance requested must be reasonable in relation to the significant costs or other financial hardship. Case Manager or Supervisor will determine reasonableness and may reduce request based on the client's loss/hardship.

- ii. demonstrates a risk of homelessness or housing instability; and
- iii. Has a household income at or below 80% of the area median.

Note: the difference in eligibility between ERA-1 and ERA-2 is with the financial hardship. For ERA-1, the hardship must be DUE TO COVID-19, but with ERA-2, the financial hardship can be due to OR DURING COVID-19. The remainder of this PPM applies to both programs, except where differences are specifically noted.

Maximum Assistance Prior to January 1, 2023

For ERA-1, households may receive up to 12 months of assistance, plus an additional 3 months if the grantee determines the extra months are needed to ensure housing stability and grantee funds are available. Payment of existing housing-related arrears that could result in eviction of an eligible household is prioritized. Assistance must be provided to reduce an eligible household's rental arrears before the household may receive assistance for future rent payments. Once a household's rental arrears are reduced, grantees may only commit to providing future assistance for up to three months at a time. Households may reapply for additional assistance at the end of the three-month period if needed and the overall time limit for assistance is not exceeded.

For ERA-2, households may receive up to 18 months of assistance, inclusive of any assistance provided under ERA-1.

Maximum Assistance after January 1, 2023

As of January 1, 2023, only past due and current due rent may be paid, with the exception of relocation assistance or clients of the Rapid Rehousing (RRH) program. Rental assistance may not exceed \$25,000 (inclusive of any assistance received from other funding sources after 03/01/2021). Utility assistance may not exceed 15 months for ERAP-1 or 18 months for ERAP-2 (inclusive of ERAP-1), but once client reaches their maximum for rental assistance, they can no longer apply for assistance under ERAP (they may apply under LIHEAP or LIHWAP).

Additional ERAP assistance

Applicants may also be assisted with relocation expenses, which may include deposits, rental fees, and application or screening fees. Applicants requesting relocation expenses must meet the eligibility criteria for the program. A lease and a balance statement for the new unit is recommended, but a letter of intent may be issued by CSD, which includes the amount of financial assistance committed and for a term of no less than six months. Security deposits should not exceed one month's rent, except in cases where a higher amount is reasonable and customary in the housing market. Case Manager will document where Security Deposit is higher

and due to ensuring to end the current crisis of the applicant. Prior Eviction Cases, Place Inhabitable that requires urgent move-in or a litigation case could be some cases where the higher amount is reasonable. The security deposit will need to be returned to CSD if the tenant vacates the premises within four months. Clients may receive a maximum of two (2) assistance for relocation assistance, and they should be a minimum of twelve (12) months apart. If a refund from the security deposit from the first relocation assistance has not been received, a formal request shall be sent to the previous landlord to return the deposit back to the county, or a full accounting of how the deposit was used if deposit was kept due to damages or rent owed. If the security deposits from both relocations have been refunded to the county, the client may be eligible for a third relocation (if needed) within thirty-six (36) months, based on funding availability. If the security deposit has not been returned by the landlord due to extensive documented damages by client, client is not eligible for additional relocation assistance. Security deposit should not be returned to client, but may be transferred to a new unit if needed and approved.

Additional Guidelines

An application for assistance may be submitted by either an eligible household or by a landlord on behalf of that eligible household.

Utility assistance includes electric, water, gas, sewer, trash removal and energy costs. If clients are eligible for LIHEAP or LIWAP assistance, the eligible utility portion will be paid using LIHEAP or LIWAP funding in order to conserve ERA funding for rental assistance. OSCARSS will automatically re-direct any eligible services to the appropriate funding.

A household is defined as any individual or group or individuals living together as one economic unit for whose residential energy is customarily purchased in common or who make undesignated payments for energy in the form of rent.

A. A single dwelling unit may contain two ERA households only when the applicant can verify the following:

- a. The applicant's ERA household is an economic unit separate from the other household
- b. The applicant's ERA household occupies living space separate from the other household
- c. The applicant has an obligation to pay for residential energy for his or her ERA household
- d. The applicant is not the spouse of the landlord or, if the landlord is applying, the landlord is not the spouse of the roomer

- e. The applicant has a separate lease for a room and can demonstrate past payments to the property owner.
- B. Household income does not include persons whose cost of residence is partially or fully paid through a foster care or a residential program administered by the state as household members.

ERA Application Requirements

A household may be eligible if they meet the following criteria:

1. For ERA-1, one or more household members experience a financial crisis directly or indirectly caused by the COVID-19 Pandemic. Examples may include but are not limited to:

Directly Related to COVID-19:

- a. Reduction or loss of Income
- b. Loss of employment
- c. Qualified for unemployment

Indirectly Related to COVID-19:

- a. Increase in expenses due to COVID-19
- b. Responsible for caring for children/grandchildren at home
- c. Caring for or being a high risk individual
- d. Increase in rent (30% or more increase)

For ERA-2, one or more household members experience a financial crisis directly or indirectly caused by or occurred during the COVID-19 Pandemic. Examples may include those listed above for ERA-1 but may also expand to non-COVID related crisis. Amount of assistance requested must be reasonable in relation to the significant costs or other financial hardship. Case Manager or Supervisor will determine reasonableness and shall reduce request based on the client's loss/hardship. The rental assistance approved shall be the equivalent of the loss of income/increase in expenses or increase in rent, and in proportion to the crisis the client is experiencing. If the approved assistance is not proportional, the Case Manager must document the reason it is not in proportion.

2. One or more household members can demonstrate a risk of homelessness or housing instability. Examples of proof of risk are:
 - a. Eviction notice
 - b. Past due rent notice
 - c. Past due utility bill
 - d. Utility disconnect notice

3. Total household income must be at or below 80% of Area Median Income (AMI), with priority given to households with 50% or less of Area Median Income
 - a. Income \leq 30% AMI (Highest Priority)
 - b. Income 31% to 50% AMI (High Priority)
 - c. Income 51% to 80% AMI (Regular Priority)

NOTE: Priority shall also be given to households with at least one individual unemployed for 90 or more days.

Household Partial Eligibility

Households receiving funding or subsidy under any other federally funded rental assistance program (i.e. Section 8, HUD Housing, Public Housing etc.) may be eligible for ERA assistance. However, households will need to provide:

1. Proof of assistance received from such programs (new tenant portion identified)
2. Proof of rental reduction request to its Housing Authority

Staff shall confirm that no other entity using federal dollars has already paid for the rental payment during the same month(s) requested in the application. If a partial payment has been made but a balance remains for that month, payments may be authorized.

Household Income

Income for all adult household members ages 18 and over shall be collected to determine income eligibility (see above income limits and priorities). Income may be collected in the following manner:

- Total household income for most recent calendar year (Adjusted Gross Income under IRS form 1040 series) or
- Total household income for the two months prior to the submission of the application.
- Determination letter after January 1, 2021 from a local, state, or federal government assistance program

Written attestation without further documentation may be used ONLY for the cases where income cannot be determined through traditional methods. This action should be documented in the narrative section of the application.

To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, grantees may accept a written attestation from the applicant regarding household income. The attestation must contain specific and documented proof as to why proof of income is not available. In appropriate cases, grantees may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

Income and household composition must be recertified for each 3-month period after the initial assistance application.

Benefit Maximum

Prior to January 1, 2023:

There is not a maximum amount of assistance per household with ERA funding. However, for ERA-1, assistance paid may not exceed 12 months, unless deemed necessary to ensure housing stability. If deemed necessary by Case Manager to ensure housing stability, up to 15 months may be approved. For ERA-2, clients may receive up to 18 months' rent (inclusive of ERA-1) Rental assistance can be paid up to three (3) months in advance, and income must be recertified for each three (3) month period. If client is applying for future rent, the first month requested must be no less than 45 days of the application date.

After January 1, 2023

Maximum \$25,000. Relocation assistance limited to two requests that must be twelve months apart (exceptions to this rule may be approved by Senior Manager or above).

Clients may be referred to housing counseling services based on their application history, amount of rental history requested, or any other criteria deemed appropriate by the Department.

Clients Receiving Assistance from the State of Florida

Clients who are also receiving assistance from the State of Florida must not receive the same assistance from CSD. If clients are flagged as State clients, the assistance period must be verified to ensure services are not duplicated, and verification must be made that the client does not have any pending applications with the State. If client received duplicated benefits from the State and the County, verify how the duplicated benefits were applied by the landlord (they may be applied towards other months owed). In no instance shall client receive more than the Treasury benefit maximum between State payments and County payments.

Required Documentation

All Clients must present the following documentation in order to apply for services:

- Current (after January 1, 2022) Evidence of COVID-19 direct impact (see examples above) or
- Current (after January 1, 2022) Evidence of COVID-19 indirect impact (see examples above); or
- For ERA-2 only, documentation to demonstrate financial crisis during COVID
- For relocation assistance only-Homeless Verification Letter for clients in unstable housing (couch surfing, currently homeless, or in shelters)
- Evidence of risk of homelessness or housing instability (see examples above)
 - For Rental Assistance- Current Lease Agreement and Balance Statement completed by Landlord must be submitted
 - For Utility Assistance—copy of past due bill or disconnection notice must be submitted
- Evidence of Income Eligibility:

- For determining income, at the time of application, potential households may submit: wage statement, interest statement, unemployment compensation statement or a copy of Form 1040 as filed with the IRS for the household.
- Monthly Income: income from the past two months prior to the submission of the application (paystubs, tax returns, unemployment income, etc.)
- Determination letter after January 1, 2021 from a local, state, or federal government assistance program
- Valid government issued ID
- Most recent utility bill to verify residency
- Social security numbers for all household members. Applicant may provide a copy of social security card or another government issued ID with the social security number. Household members may need to provide copy if deemed necessary by the Case Manager.

For rental assistance, landlords must be registered as vendors with Palm Beach County. Landlords who have not yet registered shall receive a link to register. If a landlord does not register after at least 3 attempts to contact them, the payment may be made directly to the client. Tenant must certify that rent will be paid directly to landlord and tenant will be required to reimburse the County for any misuse of the funds. The link will be re-directed to the client to register as a vendor in the County's financial system.

PROCEDURE:

Clients submitting applications on behalf of themselves:

- Clients shall apply for services using the Online System for Community Access to Resources and Social Services (OSCARSS) and upload required documentation.
- OSCARSS shall pre-screen applicants to determine initial eligibility

Proxy Applications

All proxy applications require the following forms to be signed by the client:

1. Proxy Approval and Client Attestation Form
2. SSN Release Form
3. CoC/HMIS Release Form

Landlords/Property Owners/Agency Staff submitting applications on behalf of tenants/clients:

- Clients shall provide all required information and supporting documents to the person/entity applying on their behalf.
- Clients shall provide an Attestation Statement granting approval to the person/entity creating/submitting/managing their OSCARSS application.
- Tenant/Client's Attestation Form and Electronic Signature must be included in the OSCARSS application
- Person/entity creating/submitting/managing OSCARSS application on tenant/client's behalf shall provide application document to tenant/client.

CSD employees submitting applications on behalf of clients:

- Clients shall provide all required information and supporting documents to the person/entity applying on their behalf.
- Clients shall provide an Attestation Statement granting approval to the person/entity creating/submitted/managing their OSCARSS application.
- Tenant/Client's Attestation Form and Electronic Signature must be included in the OSCARSS application
- Person/entity creating/submitted/managing OSCARSS application on tenant/client's behalf shall written notice to the client indicating the application has been submitted, approved or denied.

Program/Supervisory Staff:

1. Program staff shall review OSCARSS COVID-19 ERA applications and screen for eligibility.
2. Program staff shall review supporting documents.
3. Program staff shall review and confirm vendor code in application. If vendor is not registered with Palm Beach County, program staff shall follow up with vendor to register and provide vendor code.
4. For rental assistance, staff shall confirm through Palm Beach County's Property Appraisers Website that landlord owns home being rented.
5. Once client is deemed eligible for services and vendor code is included in application, program staff shall approve application at Level 1.
6. Supervisors shall review and approve applications at Level 2. Approved applications shall be merged with OSCARSS Financials Web-based System and generate invoice.
7. Fiscal Staff shall review invoice generated from the approved application.

NOTE: Applications that are incomplete or include incorrect information shall be returned to the client for correction. Clients shall resubmit applications in OSCARSS after corrections are made.

If program staff discovers anomalies with documentation, they will refer the case to Supervisor or Manager, who will review application, along with any past applications of client and any other research deemed necessary. If necessary, applications will be denied and referred to Inspector General.

Fiscal Staff:

1. Fiscal Specialist or Financial Analyst shall retrieve approved applications for utility and rental assistance from the OSCARSS System and review to ensure:
 - a. Invoice has been approved by Supervisor
 - b. Supporting documentation attached
 - i. Client Application, which must include statement of how the household was directly or indirectly impacted by COVID-19 for ERA-1, or statement of financial crisis "during" COVID for ERA-2

- ii. Evidence of COVID-19 direct or indirect impact for ERA-1, or evidence of financial crisis “during” COVID for ERA-2
 - iii. Rental Assistance—lease and balance sheet
 - iv. Utilities—copy of past due bill supporting amount requested
 - c. Supporting documentation matches invoice and all service dates falls within ERA funding requirements.
 - i. Client Application—name of client matches name on invoices and on all supporting documentation (note: utilities may be in another household member’s name); Client COVID-19 statement is present and is related to COVID-19; application is complete and includes client certification statement.
 - ii. Evidence of COVID-19 direct or indirect impact—is for the client or member of household for ERA-1, or evidence of financial crisis “during” COVID for ERA 2
 - iii. Rental Assistance—Lease: current active lease for current and future payment (may accept expired lease for arrears or if lease is now month to month); payee name matches; client name matches; client address (including apartment number) and payee address matches; monthly rent amount matches lease amount (could be less if Case Manager pro-rates rent)
 - iv. Rental Assistance—Balance Statement—past due amount requested on invoice is equal to or less than amount on Balance Statement and includes the months the client is requesting. For RRH clients approved for future months, the future months do not need to be on balance statement; Utility bill—past due bill/statement; Client name, account number, and service address (including apartment number) matches on invoice and utility bill (or is in the name of a household member); Utility bill may be in the name of any household member.
 - d. Invoice includes active vendor code and:
 - i. name in Advantage Financial System matches the payee name of the invoice and supporting documentation
 - ii. payment address in Advantage Financial System matches the address on the invoice and supporting documentation
- 2. If not all the criteria above are met, Fiscal Specialist or Financial Analyst shall reject invoice. If all the criteria is met, Fiscal Specialist or Financial Analyst shall approve invoice. Approved invoices shall be forwarded by the system to Fiscal Manager.
- 3. Financial Manager shall review all invoices for proper documentation and budgetary sufficiency and shall approve or reject invoices. Rejected invoice shall go back to Fiscal Specialist or Financial Analyst to review. Approved invoices shall be electronically interfaced to the Clerk & Comptroller’s department for final approval. Invoices sent to the Clerk shall include the following:
 - a. Human Service’s Authorization and Billing Invoice
 - b. Copy of OSCARSS Client Application
 - c. Balance Statement (rent only)

If fiscal staff discovers anomalies with documentation, they will refer the case to Supervisor or Manager, who will review application, along with any past applications of client and any other research deemed necessary. If necessary, applications will be denied and referred to Inspector General.

Landlord/Vendor Registration

Landlord/vendor shall have 7 days to register as a vendor with Palm Beach County. If vendor does not comply with the established timeframe, the application shall be returned to the client. Agency staff shall make reasonable efforts to obtain the cooperation of landlords/vendors. Requests for participation shall be made in writing, by certified mail, to the landlords/vendors or a minimum of three (3) documented attempts over a 5 day period made by phone or email requesting participation.

If landlords do not participate in this program, payment may be made directly to the client.

Homeless Management Information System (HMIS)

Once application processing is complete, client data may be transmitted to HMIS.

Prioritization

OSCARSS assigns the priority level to each application based on the information submitted in the application. Documentation is required to show percentage of AMI, unemployment length, or proof of housing instability.

Applications with a higher priority are reviewed first, on a daily basis.

Timely processing of priority status applications is monitored on an ongoing basis.

Weekly reports are reviewed to ensure the applications with the highest priority are being processed first.

ERA Funding Reporting Requirements

The following information must be collected and submitted to the Treasury on a quarterly basis, or as otherwise requested, by the Treasury.

1. Name address, Social Security Number (SSN) for household members
2. Tax ID number for landlords/vendor
3. Amount and percentage of monthly rent covered by ERA
4. The number of Eligible Households who receive assistance
5. The Acceptance Rate of Applications for assistance
6. The Type(s) of assistance provided to each household
7. Amount of outstanding rental arrears for each household
8. The Average Amount of Funding provided to Each Household
9. Income of Eligible Households by Income Tier
 - a. 30% and Below AMI
 - b. 31% to 50% AMI
 - c. 51% to 80% AMI
10. The Average Number of Monthly Rental and Utility Payments
11. The data listed above must be disaggregated by the applicant's demographic data:

- a. Gender
- b. Race
- c. Ethnicity

ERA Funding Privacy and Security Requirements

Per Florida Statutes 119.071 (5) (f) 1.b and 15 U.S.C. § 9058a(4)(A), client personally identifiable information (including addresses) must be protected and is exempt from public records requests. Client's information must remain confidential and protected, and shall not be released to the public or any unauthorized individuals. Authorized individuals are either CSD or partner agencies authorized through a Security form, employees of the Clerk & Comptroller's Office processing payments, and U.S. Department of Treasury.

DocuSigned by:

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James Green, Department Director
Department of Community Services

Supersession History:
03/10/21
04/01/21
10/01/21
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