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MEMORANDUM

January 15, 2021

To: TRIBAL HOUSING CLIENTS

From: Ed Clay Goodman and Cari Baermann
HOBBS, STRAUS, DEAN & WALKER, LLP

Re: ***Emergency Rental Assistance Program – Listening Session with Department of Treasury***

On December 27, 2020, President Trump signed into law the Consolidated Appropriations Act, 2021 (P.L. 116-260). This massive bill includes federal discretionary funding for FY 2021 as well as additional provisions for COVID-19 relief. One of those COVID-19 relief provisions was an appropriation of \$25 billion for Emergency Rental Assistance, to be used to assist households who are facing eviction due to unpaid rents and utilities. The funds are provided directly to States, U.S. Territories, local governments, and Indian tribes. Grantees use the funds to provide assistance to eligible households through existing or newly created rental assistance programs. More information on the program can be found here: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>.

\$800 million of that appropriation was set aside for tribes and TDHEs, to be allocated according to the same proportions as the Indian Housing Block Grant (IHBG) appropriation was allocated for FY 2020. Treasury is required to get the funds distributed to tribes within 30 days of the bill being signed into law. Treasury set a “soft” deadline of January 12, 2021, for tribes and TDHEs to submit their information and application for this funding. On January 14, 2021, Treasury representatives, joined by several HUD officials, convened a telephonic listening session to hear from tribes and TDHEs, and to answer questions.

The two main participants from the Department of Treasury were Dan Kowalski, who is the Treasury representative for Tribal Consultation, and Danielle Christianson, who will be playing the lead role in authorizing and distributing payments under the program. Also on the call were Todd Richardson, Heidi Frechette, and Jad Atallah from HUD.

Opening Remarks

Dan Kowalski made some brief opening remarks. He mentioned that he has already worked with Tribes in the consultations for distributing CARES Act funding. He noted that Treasury has a hard deadline for distribution of these funds under the statute, and that Treasury was taking all steps to make that deadline. This program is operated by Treasury, and while Treasury is working with HUD, the funds will flow from Treasury. However, they are working

closely with HUD to ensure that Treasury is using concepts that are familiar to people in the housing world.

Treasury is currently in the process of determining the amounts of payments to be made to tribes and TDHEs. Under the statute, they are required to allocate based on the same proportions as HUD used in distributing the FY 2020 IHBG appropriation. However, the statute also provided an opportunity for tribes who do not participate in IHBG to receive such funding, and Treasury is in the process of developing a methodology for including any non-IHBG tribes in the allocation of these funds. They plan to have that out by sometime next week.

Danielle Christianson then gave some brief remarks. This program will be set up similar to the Coronavirus Relief Fund (CRF) allocations under the CARES Act. There is a Treasury portal for tribes and TDHEs to submit information, and Treasury will use that information to make its allocation determinations and will deliver funding directly to those entities who have applied and who are eligible. Currently Treasury has received 350 applications for the tribal funding. There are several instances where both the tribe and its TDHE have submitted applications. Only one entity can receive the tribal funding for each tribe, and so Treasury will be working with those tribes to determine who to provide the funds to.

Treasury has a much larger team working on this allocation than they had for the CRF distribution, and hope that will help them make the deadline. The January 12 deadline to submit application materials was a “soft” deadline, but January 21 will be a hard deadline. Tribes that do not submit their application materials by that date will not be receiving these funds. Treasury anticipates making the first round of payments next week, and then calculating the amount of additional funding to be reallocated based on those tribes who did not submit applications. For technical information, go to caresitforms@treasury.gov. Treasury also wants to hear from tribes, particularly about suggestions for reporting requirements. Please submit comments online to TreasuryConsult.gov. Finally, Treasury has given the Emergency Rental Assistance Program its own acronym: **ERAP**.

Program Overview

Mr. Kowalski then gave a broad overview of the ERAP requirements.

- 90% of the funds must be used for direct financial assistance to households for rental assistance.
- The remaining 10% can be used for supportive housing activities or administrative costs, or some combination of the two, but cannot exceed this 10% threshold in total.
- The funding expires on 12.31.21, although you can request a three-month extension.
- However, you must use 65% of the funding by September 30, 2021; otherwise, any remaining funds you have on hand must be returned to Treasury.
- Funding must go to eligible households.
 - Household income is at 80% or less of the median income.
 - Household must be facing financial distress due to COVID-19.
- Financial distress must be contributing to risk of homelessness due to inability to pay

- rent or utilities (or arrears for same).
- The maximum assistance that can be provided to a household is for 12 months of assistance, but this can be extended for a maximum of three months.
 - You can only commit funds for future rents for a maximum of three months.
 - If you are assisting a household with rents or utility payments, and the household has arrears, you must provide assistance for the arrears as well.
 - The application for assistance can be submitted by a landlord or household, but household must sign if landlord sends it.
 - Payments are to be made directly to the landlord or utility company, unless such entity refuses to accept direct payments; only in these limited circumstances can payment be made directly to the household.

Treasury is developing FAQs and guidance regarding some as-yet unresolved issues, such as how to determine household income, and will issue those soon. Treasury needs information to see where sticking points are and what would be useful for ERAP funds. In particular, they are planning to develop guidance for reporting, and are seeking input from tribes and TDHEs. The statute is detailed on what is required for nontribal entities, but Congress gave Treasury the authority to determine an alternative reporting process for tribes. Treasury is interested in thoughts on what kind of reporting requirements will lead to transparency while still respecting tribal authority and sovereignty.

Questions and Comments

Q. Under NAHASDA, in determining whether a household is at or below 80% of median income, tribes and TDHEs have the discretion to use the local median income or the national figure, since in some areas the local median income is so low that they would not be able to serve many people. Has Treasury considered allowing tribes/TDHEs the same flexibility here?

A. Treasury has not looked into this question, but notes that the statute says “local” area median income.

Q. When paying for arrearages, how far back can we go?

A. Treasury is considering this question and will include a response in its initial FAQ, but Mr. Kowalski floated the idea of perhaps the date of the first COVID-19 case in the United States or perhaps a date in March 2020 when closures started to occur, but also wondered whether the date of enactment of the statute might be a hard deadline.

Q. Can the funding be used to help homeowners make mortgage payments?

A. The statutory language refers to rental payments, and at this time Treasury is taking the position that it does not include mortgage payments.

Q. Comment: Suggests that Treasury use the HUD reporting requirements for TDHEs.

A. Treasury will take this under consideration.

Q. Can the funding be used to help homeowners make utility payments?

A. Treasury will take this under consideration, but there may be some flexibility in this regard under the statute. They are looking at what extent can read statutory language to separate ERAP money for utilities; i.e., can utilities be a separate stream and go to owned home not rental property?

Q. Can Treasury require use of and compliance with Single Audit Act, so that tribes/TDHEs don't have to do a separate audit for this program?

A. Treasury will take this under consideration.

Q. What if a tribe/TDHE feels that its FY2020 IHBG allocation was not accurate; can we challenge that allocation and provide our own correct data? Note that tribes/TDHEs who did not participate in the FY2020 IHBG allocation will be able to submit some kind of alternative data.

A. Treasury does not have authority under the statute to “look behind” the FY 2020 IHBG allocations. The statute expressly addresses the non-IHBG participants separately. Todd Richardson of HUD weighed in here, noting that they will be advising Treasury to treat those non-IHBG participants exactly the same as the IHBG participants, using the Census/ACS data to determine their allocation.

Q. Will Treasury be monitoring whether a program participant might be double-dipping, i.e., receiving ERAP assistance from both a tribe and from the local government?

A. Treasury will not be able to do this kind of monitoring. It will be up to tribes/TDHEs to police this boundary, and to work with local governments in the area to prevent this from occurring.

Q. Is internet considered a “utility” for purposes of ERAP?

A. No final answer on this yet, but the answer is likely to be no. Internet is not traditionally considered to be a utility.

Q. Many tribes and TDHEs are also landlords. Can a tribe/TDHE use ERAP to pay itself for rents and arrearages?

A. This question was asked a couple of different times and in slightly different ways. Mr. Kowalski's initial response was pretty straightforward: yes, you can pay yourself, but you cannot treat yourself any differently than any other landlord. For

example, you cannot prioritize applicants who are your tenants over others, or pay costs to yourself that you would not pay to other landlords. However, after one of the questions on this point, Jad Atallah from HUD said that they would need to look at this question carefully.

Q. What is required for income verification?

A. Treasury is developing a method for this that will be described in guidance or FAQs. They will be issuing a list of documentation that can be used, but it won't be exhaustive.

Q. Will there be a cap on the benefits under ERAP that can be provided to a household?

A. There is not limit in the statute.

Q. Can we use the same preferences that we apply under NAHASDA?

A. Treasury will be looking into this and providing an answer.

Q. What is required for income verification?

A. Treasury is developing a method for this that will be described in guidance or FAQs. They will be issuing a list of documentation that can be used, but it won't be exhaustive.

Q. Can we provide supplemental benefits to tribal members who are getting ERAP assistance from another government?

A. Yes, funding can be blended, so long as household is not receiving funding from two sources for the same benefit. For example, if a household is getting ERAP from the local city to pay rent, the tribe can provide ERAP assistance to pay utilities. Just be sure not to duplicate assistance.

Q. If a tribe/TDHE gets funding next week, will it still be able to receive the reallocated funds?

A. Yes. If you receive funds next week you will be receiving reallocated funds later, if there are any reallocated funds available.

Q. Comment: Suggest that Treasury allow tribes/TDHEs to use National Median Income.

A. Treasury will take this under advisement.

Q. Is there a geographic limitation on providing ERAP services?

- A. There does not appear to be any geographic limit in the statute. Treasury will consult with HUD on this question.
- Q. If a tribe is providing assistance to a household with CARES Act funds, can the tribe/TDHE provide ERAP assistance?*
- A. This would be permissible, so long as you are not providing duplicate benefits, i.e., two payments for the same thing.
- Q. Can a tribe/TDHE provide ERAP assistance to an essential family on the reservation that is not an Indian family?*
- A. The statute does not contain any restriction against serving non-Indians.
- Q. What kind of documentation will Treasury require to show that a TDHE is authorized to submit on behalf of a tribe?*
- A. Treasury is looking into this. They have a couple of instances where both the tribe and TDHE have applied, and they have to work through this with those entities.
- Q. Can the ERAP be used to pay arrears that are the result of things like unpaid maintenance charges?*
- A. Treasury will look into this, but the answer is probably no, because the statute is pretty specific about rents and utilities.
- Q. If we are providing ERAP services outside our jurisdiction, can we still apply tribal/Indian preference?*
- A. Treasury asked that the participant submit this question in writing, and they will provide a written response. Treasury needs to think through this.
- Q. Can tribes/TDHEs use ERAP funds to pay for long-term hotel stays?*
- A. Treasury does not have an answer for this, but does not think this is what the statute envisioned.
- Q. Can ERAP funds be used to pay up front deposits for rental housing?*
- A. Treasury looking into this question, but probably will say yes.
- Q. Comment: For reporting, suggest that Treasury piggy-back on existing HUD reporting requirements for IHBG.*

- A. Treasury will take this suggestion under advisement, and will look at the overlay between HUD requirements and the ERA statute

Closing Remarks

Mr. Kowalski said that he appreciated the comments, that he has learned a lot, and will be looking at: median income versus local; HUD IHBG reporting requirements; permissibility of paying rent to buildings to owned by operator of program; what related housing costs are permissible. Treasury hopes to provide preliminary guidance next week, but it likely will not cover everything that needs to be covered. He asked for patience and understanding that Treasury's focus for the moment is getting the money out the door by the statutory deadline. After that they will focus on questions that allow tribes to set up programs.

Please email emergencyrentalassistance@treasury.gov for comments and questions, and provide a copy to TreasuryConsult.gov.

Conclusion

If you have any questions about this memo, please contact Ed Clay Goodman at 503-799-3924 or at egoodman@hobbsstrauss.com. We are working on a set of draft ERAP policy documents for a pool of our clients. Please let me know if you would like to participate in that pool.

U.S. DEPARTMENT OF THE TREASURY
EMERGENCY RENTAL ASSISTANCE PROGRAM
Data and Methodology for Allocations to
Indian Tribes and Tribally Designated Housing Entities
January 19, 2021

Section 501(b)(2)(A)(ii) of Division N of the Consolidated Appropriations Act, 2021 (the “Act”) requires Treasury to allocate \$797.6 million to Indian tribes and tribally designated housing entities (TDHE) using a formula based on the amounts they were eligible to receive for Fiscal Year (FY) 2020 from the Indian Housing Block Grant (IHBG) program.¹ Those amounts can be found here:

<https://www.hud.gov/sites/dfiles/PIH/documents/FY%202020%20Final%20Allocation%20Sheet.s.xls>, column T.

The statute provides that each IHBG participant receives the same proportion of the \$797.6 million as it was eligible to receive of total funding in FY 2020 for the IHBG program. The statute also provides that tribes that did not participate in the IHBG program in FY 2020 be given 30 days to determine whether to participate in the Emergency Rental Assistance (ERA) program. Treasury has received responses from those tribes. There are three tribes that elected not to participate in the total funding for the IHBG program.

The Chicken Ranch Rancheria of Me-Wuk Indians and the Prairie Island Indian Community, two of the three Indian tribes that did not choose to receive an FY 2020 IHBG allocation, have declined to participate in the ERA program.

The third Indian tribe that did not choose to receive an FY 2020 IHBG allocation, the Mohegan Tribe of Indians of Connecticut (Mohegan), has opted to participate in the ERA program.

To determine an amount to add for Mohegan, Treasury asked HUD to recompute the FY 2020 IHBG tribal allocations as though Mohegan had participated in the program. According to HUD, the allocation Mohegan would have received under the FY 2020 IHBG allocations is equal to the IHBG minimum. Accordingly, Treasury has assigned Mohegan an allocation equivalent to the IHBG minimum pro-rata share of ERA funding. This approach treats Mohegan equitably because it uses the same allocation framework as applies to the other Indian tribes. Further, it uses data available from HUD of the same vintage to make the computation and thereby does not place other participating Indian tribes at a disadvantage. Pro-rata reductions authorized under Section 501(b)(2)(B)(i) of Division N of the Act were made to ensure the total ERA tribal funding including Mohegan did not exceed \$797.6 million.

Each tribe will receive approximately 121 percent of their FY 2020 IHBG formula allocation.

¹ Section 501(a)(2)(B) of Division N of the Act provides a total of \$800 million for tribal communities. After subtracting the 0.3 percent (\$2.4 million) allocated for the Department of Hawaiian Home Lands directed under Section 501(b)(2)(A)(i) of Division N of the Act, \$797.6 million is available for Indian tribes and TDHEs.

Direct Payment Summary

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Direct Payment for Specified Use

FAIN ERA0594

Awarding Agency

Department of the Treasury (TREAS)

Recipient

COQUILLE INDIAN HOUSING AUTHORITY

2678 MEXEYE LOOP
COOS BAY, OR 97420-7713
Congressional District: OR-04
UNITED STATES

CFDA Program / Assistance Listing

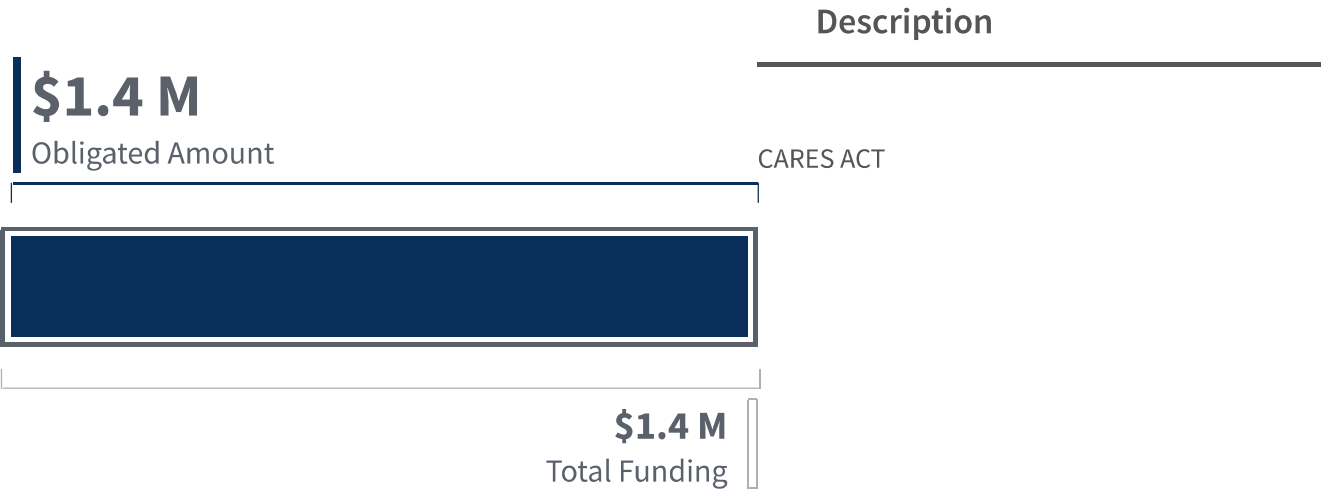
21.023 - EMERGENCY RENTAL ASSISTANCE PROGRAM

Dates

- Start Date
- End Date

not provided
not provided

\$ Award Amounts



● Obligated Amount	\$1,352,763.94
● Non-Federal Funding	\$0.00
○ Total Funding	\$1,352,763.94

U.S. Department of the Treasury
Emergency Rental Assistance
Frequently Asked Questions
Revised February 22, 2021

The Department of the Treasury (Treasury) is providing these frequently asked questions (FAQs) as guidance regarding the requirements of the Emergency Rental Assistance (ERA) program established by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the Act). These FAQs will be supplemented by additional guidance.

1. Who is eligible to receive assistance under the Act and how should a grantee document the eligibility of a household?

A grantee may only use the funds provided in the ERA to provide financial assistance and housing stability services to eligible households. To be eligible, a household must be obligated to pay rent on a residential dwelling and the grantee must determine that:

- i. one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak;
- ii. one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability; and
- iii. the household has a household income at or below 80% of area median income.

The FAQs below describe the documentation requirements for each of these conditions of eligibility. These requirements provide for various means of documentation so that grantees may extend this emergency assistance to vulnerable populations without imposing undue documentation burdens. As described below, given the challenges presented by the COVID-19 pandemic, grantees may be flexible as to the particular form of documentation they require, including by permitting photocopies or digital photographs of documents, e-mails, or attestations from employers, landlords, caseworkers, or others with knowledge of the household's circumstances. Grantees must require all applications for assistance to include an attestation from the applicant that all information included is correct and complete.

In all cases, grantees must document their policies and procedures for determining a household's eligibility to include policies and procedures for determining the prioritization of households in compliance with the statute and maintain records of their determinations. Grantees must also have controls in place to ensure compliance with their policies and procedures and prevent fraud. Grantees must specify in their policies and procedures under what circumstances they will accept written attestations from the applicant without further documentation to determine any aspect of eligibility or the amount of assistance, and in such cases, grantees must have in place reasonable validation or fraud-prevention procedures to prevent abuse.

2. How should applicants document that a member of the household has qualified for unemployment benefits, experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to the COVID-19 outbreak?

A grantee must document that one or more members of the applicant's household either (i) qualified for unemployment benefits or (ii) experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak. If the grantee

is relying on clause (i) for this determination, the grantee is permitted to rely on either a written attestation signed by the applicant or other relevant documentation regarding the household member's qualification for unemployment benefits. If the grantee is relying on clause (ii) for this determination, the Act requires the grantee to obtain a written attestation signed by the applicant that one or more members of the household meets this condition.

3. How should a grantee determine that an individual within a household is at risk of experiencing homelessness or housing instability?

The Act requires that one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include (i) a past due utility or rent notice or eviction notice, (ii) unsafe or unhealthy living conditions, or (iii) any other evidence of risk, as determined by the grantee. Grantees should adopt policies and procedures addressing how they will determine the presence of unsafe or unhealthy living conditions and what evidence of risk to accept in order to support their determination that a household satisfies this requirement.

4. The Act limits eligibility to households with income that does not exceed 80 percent of the median income for the area in which the household is located, as determined by the Department of Housing and Urban Development (HUD), but does not provide a definition of household income. How is household income defined for purposes of the ERA program? How will income be documented and verified?

Definition of Income: With respect to each household applying for assistance, grantees may choose between using HUD's definition of "annual income" in 24 CFR 5.609¹ and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.

Methods for Income Determination: The Act provides that grantees may determine income eligibility based on either (i) the household's total income for calendar year 2020, or (ii) sufficient confirmation of the household's monthly income at the time of application, as determined by the Secretary of the Treasury (Secretary).

If a grantee uses a household's monthly income to determine eligibility, the grantee should review the monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income exceeds 80 percent of area median income. For example, if the applicant provides income information for two months, the grantee should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the grantee must redetermine the household income eligibility every three months for the duration of assistance.

Documentation of Income Determination: Grantees must have a reasonable basis under the circumstances for determining income. Except as discussed below, this generally requires a written attestation from the applicant as to household income and also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. As discussed below, under limited circumstances, a grantee may rely on a written attestation from the applicant without further documentation of household income. Grantees have discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the

¹ See https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.1.1.1.5#se24.1.5_1609.

pandemic, or a lack of technological access. In these cases, the grantee is still responsible for making the required determination regarding the applicant's household income and documenting that determination.

Categorical Eligibility: If an applicant's household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program, grantees are permitted to rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020.

Written Attestation Without Further Documentation: 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. If such a written attestation without further documentation is relied on, the grantee must reassess household income for such household every three months. 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.

Definition of Area Median Income: The area median income for a household is the same as the income limits for families published in accordance with 42 U.S.C. 1437a(b)(2), available under the heading for "Access Individual Median Family Income Areas" at <https://www.huduser.gov/portal/datasets/il.html>.²

5. The Act provides that ERA funds may be used for rent and rental arrears. How should a grantee document where an applicant resides and the amount of rent or rental arrears owed?

Grantees must obtain, if available, a current lease, signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount. If a household does not have a signed lease, documentation of residence may include evidence of paying utilities for the residential unit, an attestation by a landlord who can be identified as the verified owner or management agent of the unit, or other reasonable documentation as determined by the grantee. In the absence of a signed lease, evidence of the amount of a rental payment may include bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent, a written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit, or other reasonable documentation as defined by the grantee in its policies and procedures.

Written Attestation: If an applicant is able to provide satisfactory evidence of residence but is unable to present adequate documentation of the amount of the rental obligation, grantees may accept a written attestation from the applicant to support the payment of assistance up to a monthly maximum of 100% of the greater of the Fair Market Rent or the Small Area Fair Market Rent for the area in which the applicant resides, as most recently determined by HUD and made available at <https://www.huduser.gov/portal/datasets/fmr.html>. In this case, the applicant must also attest that the household has not received, and does not anticipate receiving, another source of public or private subsidy or assistance for the rental costs that are the subject of the attestation. This limited payment is intended to provide the most vulnerable households the opportunity to gather additional documentation or negotiate with landlords in order to avoid eviction. Such assistance may only be provided for three months at a time. A grantee must obtain evidence of rent owed consistent with the above after three months in order

² Specifically, 80% of area median income is the same as "low income." For the purpose of prioritizing rental assistance as described in FAQ 22 below, pursuant to section 501(c)(4)(A) of Subdivision N of the Act, 50 percent of the area median income for the household is the same as the "very low-income limit" for the area in question.

to provide further assistance to such a household; Treasury expects that in most cases the household would be able to provide documentation of the amount of the rental obligation in any applications for further assistance.

6. The Act provides that ERA funds may be used for “utilities and home energy costs” and “utilities and home energy costs arrears.” How are those terms defined and how should those costs be documented?

Utilities and home energy costs are separately stated charges related to the occupancy of rental property. Accordingly, utilities and home energy costs include separately stated electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil. Payments to public utilities are permitted.

All payments for utilities and home energy costs should be supported by a bill, invoice, or evidence of payment to the provider of the utility or home energy service.

Utilities and home energy costs that are covered by the landlord will be treated as rent.

7. The Act provides that ERA funds may be used for “other expenses related to housing incurred due, directly or indirectly, to” the COVID-19 outbreak, as defined by the Secretary. What are some examples of these “other expenses”?

The Act requires that other expenses must be related to housing and be incurred due directly or indirectly due to COVID-19. Such expenses include relocation expenses and rental fees (if a household has been temporarily or permanently displaced due to the COVID-19 outbreak); reasonable accrued late fees (if not included in rental or utility arrears and if incurred due to COVID-19); and Internet service provided to the rental unit. Internet service provided to a residence is related to housing and is in many cases a vital service that allows renters to engage in distance learning, telework, and telemedicine and obtain government services. However, given that coverage of Internet would reduce the amount of funds available for rental assistance, grantees should adopt policies that govern in what circumstances that they will determine that covering this cost would be appropriate.

All payments for housing-related expenses must be supported by documentary evidence such as a bill, invoice, or evidence of payment to the provider of the service.

8. Must a beneficiary of the rental assistance program have rental arrears?

No. The statute does not prohibit the enrollment of households for only prospective benefits. Section 501(c)(2)(B)(iii) of Division N of the Act does provide that if an applicant has rental arrears, the grantee may not make commitments for prospective rent payments unless it has also provided assistance to reduce the rental arrears.

9. May a grantee provide assistance for arrears that have accrued before the date of enactment of the statute?

Yes, but not before March 13, 2020, the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).

10. Is there a limit on financial assistance for prospective rent?

Yes. Under the Act, financial assistance for prospective rent payments is limited to three months based on any application by or on behalf of the household, except that the household may receive assistance for prospective rent payments for additional months (i) subject to the availability of remaining funds

currently allocated to the grantee, and (ii) based on a subsequent application for additional assistance provided that the total months of assistance provided to the household do not exceed 12 months (plus an additional three months if necessary to ensure housing stability for the household, subject to the availability of funds).

11. Must a grantee pay for all of a household's rental or utility arrears?

No. The full payment of arrears is allowed up to the 12-month limit established by the statute. Grantees may provide assistance for an additional three months if the grantee determines that further assistance is necessary to ensure housing stability. A grantee may structure a program to provide less than full coverage of arrears.

12. What outreach must be made by a grantee to a landlord or utility provider before determining that the landlord or utility provider will not accept direct payment from the grantee?

Treasury expects that in general, rental and utility assistance can be provided most effectively and efficiently when the landlord or utility provider participates in the program. As required by the Act, grantees must make reasonable efforts to obtain the cooperation of landlords and utility providers to accept payments from the ERA program. Outreach will be considered complete if (i) a request for participation is sent in writing, by mail, to the landlord or utility provider, and the addressee does not respond to the request within 14 calendar days after mailing; (ii) the grantee has made at least three attempts by phone, text, or e-mail over a 10 calendar-day period to request the landlord or utility provider's participation; or (iii) a landlord confirms in writing that the landlord does not wish to participate. The final outreach attempt or notice to the landlord must be documented. The cost of contacting landlords would be an eligible administrative cost.

13. Is there a requirement that the eligible household have been in its current rental home when the public health emergency with respect to COVID-19 was declared?

No. Payments under ERA are provided to help households meet housing costs that they are unable to meet as a result of the COVID-19 pandemic. There is no requirement regarding the length of tenure in the current unit.

14. What data should a grantee collect regarding households to which it provides rental assistance in order to comply with Treasury's reporting and recordkeeping requirements?

Treasury will provide instructions at a later time as to what information grantees must report to Treasury and how this information must be reported. At a minimum, in order to ensure that Treasury is able to fulfill its quarterly reporting requirements under section 501(g) of Division N of the Act and its ongoing monitoring and oversight responsibilities, grantees should anticipate the need to collect from households and retain records on the following:

- Address of the rental unit;
- For landlords and utility providers, the name, address, and Social Security number, tax identification number or DUNS number;
- Amount and percentage of monthly rent covered by ERA assistance;
- Amount and percentage of separately stated utility and home energy costs covered by ERA assistance;

- Total amount of each type of assistance provided to each household (*i.e.*, rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing incurred due directly or indirectly to the COVID-19 outbreak);
- Amount of outstanding rental arrears for each household;
- Number of months of rental payments and number of months of utility or home energy cost payments for which ERA assistance is provided;
- Household income and number of individuals in the household; and
- Gender, race, and ethnicity of the primary applicant for assistance.

Grantees should also collect information as to the number of applications received in order to be able to report to Treasury the acceptance rate of applicants for assistance.

Treasury's Office of Inspector General may require the collection of additional information in order to fulfill its oversight and monitoring requirements.³ Treasury will provide additional information regarding reporting to Treasury at a future date. Grantees must comply with the requirement in section 501(g)(4) of Division N of the Act to establish data privacy and security requirements for information they collect.⁴

The assistance listing number assigned to the ERA program is 21.023.

15. The statute requires that ERA payments not be duplicative of any other federally funded rental assistance provided to an eligible household. Are tenants of federally subsidized housing, *e.g.*, Low Income Housing Credit, Public Housing, or Indian Housing Block Grant-assisted properties, eligible for ERA?

An eligible household that occupies a federally subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will be reimbursed under any other federal assistance.

If an eligible household receives a monthly federal subsidy (*e.g.*, a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive ERA assistance for the tenant-owed portion of rent or utilities that is not subsidized.

Pursuant to section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA assistance, the grantee must review the household's income and sources of assistance to confirm that the ERA assistance does not duplicate any other assistance, including federal, state, or local assistance provided for the same costs. Grantees may rely on an attestation from the applicant regarding non-duplication with other government assistance in providing assistance to a household. Grantees with

³ Note that this FAQ is not intended to address all reporting requirements that will apply to the ERA program but rather to note for grantees information that they should anticipate needing to collect from households with respect to the provision of rental assistance.

⁴ Specifically, the Act requires grantees to establish data privacy and security requirements for certain information regarding applicants that (i) include appropriate measures to ensure that the privacy of the individuals and households is protected; (ii) provide that the information, including any personally identifiable information, is collected and used only for the purpose of submitting reports to Treasury; and (iii) provide confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

overlapping or contiguous jurisdictions are particularly encouraged to coordinate and participate in joint administrative solutions to meet this requirement.

16. May a Tribe or Tribally Designated Housing Entity (TDHE) provide assistance to Tribal members living outside Tribal lands?

Yes. Tribal members living outside Tribal lands may receive ERA funds from their Tribe or TDHE, provided they are not already receiving assistance from another Tribe or TDHE, state, or local government.

17. May a Tribe or TDHE provide assistance to non-Tribal members living on Tribal lands?

Yes. A Tribe or TDHE may provide ERA funds to non-Tribal members living on Tribal lands, provided these individuals are not already receiving assistance from another Tribe or TDHE, state, or local government.

18. May a grantee provide assistance to households for which the grantee is the landlord?

Yes. A grantee may provide assistance to households for which the grantee is the landlord provided that the grantee complies with the all provisions of the Act, the award terms, and this guidance and that no preferences beyond those outlined in the Act are given to households that reside in the grantee's own properties.

19. May a grantee provide assistance to a renter household with respect to utility or energy costs without also covering rent?

Yes. A grantee is not required to provide assistance with respect to rent in order to provide assistance with respect to utility or energy costs. The limitations in section 501(c)(2)(B) of Division N of the Act limiting assistance for prospective rent payments do not apply to the provision of utilities or home energy costs.

20. May a grantee provide ERA assistance to homeowners to cover their mortgage, utility, or energy costs?

No. Under the Act, ERA assistance may be provided only to eligible households, which is defined to include only households that are obligated to pay rent on a residential unit.

21. May grantees administer ERA programs by using contractors, subrecipients, or intergovernmental cooperation agreements?

Yes. Grantees may use ERA payments to make subawards to other entities, including non-profit organizations and local governments, to administer ERA programs on behalf of the grantees. The subrecipient monitoring and management requirements set forth in 2 CFR 200.331-200.333 will apply to such entities. Grantees may also enter into contracts using ERA payments for goods or services to implement ERA programs. Grantees must comply with the procurement standards set forth in 2 CFR 200.317-200.327 in entering into such contracts. Grantees are encouraged to achieve administrative efficiency and fiduciary responsibility by collaborating with other grantees in joint administrative solutions to deploying ERA resources.

22. The Act requires a prioritization of assistance for households with incomes less than 50% of area median income or households with one or more individuals that have not been employed for the 90-day period preceding the date of application. How should grantees prioritize assistance?

Grantees should establish a preference system for assistance that prioritizes assistance to households with incomes less than 50% area median income and to households with one or more members that have been unemployed for at least 90 days. Grantees should document the preference system they plan to use and should inform all applicants about available preferences.

23. The Act allows for up to 10 percent of the funds received by a grantee to be used for housing stability services related to the COVID-19 outbreak intended to keep households stably housed. What are some examples of these services?

Housing stability services related to the COVID-19 outbreak include those that enable eligible households to maintain or obtain housing. Such services may include housing counseling, fair housing counseling, case management related to housing stability, housing related services for survivors of domestic abuse or human trafficking, attorney's fees related to eviction proceedings, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing. Grantees using ERA funds for housing stability services must maintain records regarding such services and the amount of funds provided to them.

24. Are grantees required to remit interest earned on ERA payments made by Treasury?

No. ERA payments made by Treasury to states, territories, and the District of Columbia are not subject to the requirement of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR part 205 to remit interest to Treasury. ERA payments made by Treasury to local governments, Tribes, and TDHEs are not subject to the requirement of 2 CFR 200.305(b)(8)-(9) to maintain balances in an interest-bearing account and remit payments to Treasury.

25. When may Treasury recoup ERA funds from a grantee?

Treasury may recoup ERA funds from a grantee if the grantee does not comply with the applicable limitations on the use of those funds.

[INSERT NAME OF TDHE or TRIBAL HOUSING PROGRAM]
COVID-19 Emergency Rental Assistance Program Policy

Adopted:

Modified:

SECTION I. PURPOSE

- A. This Emergency Rental Assistance Program Policy (“Policy”) shall govern the [INSERT NAME OF TDHE OR TRIBAL HOUSING PROGRAM] (“[Insert Abbreviated Name]”) COVID-19 Emergency Rental Assistance Program (“ERA Program”) and the expenditure and management of the Emergency Rental Assistance Funds (“ERA Program Funds”) received from the U.S. Treasury pursuant to Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (“Section 501”).
- B. The Secretary of the U.S. Department of Health and Human Services declared the public health emergency for COVID-19 on January 31, 2020. The eligible period for relief under the Paycheck Protection Program for covered wages began February 15, 2020, and the eligible period for relief through the Coronavirus Relief Fund (CRF) under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) began March 1, 2020. An emergency declaration was issued on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).
- C. The COVID-19 pandemic poses an immediate and imminent threat to the health, safety, and well-being of the Tribe. The purpose of the ERA Program is to provide emergency rental assistance for the payment of rents and utilities, and arrearages for the same, for low-income Tribal members and other Indian families who have disproportionately suffered from the impacts of the COVID-19 pandemic. The ERA Program is designed to assist Tribal and other Indian households whose income is at or below 80% of the Median Income who face potential eviction or homelessness because they are unable to pay rent and utilities due to the COVID-19 pandemic.
- D. Notwithstanding any provision set forth in any other [Abbreviated Name] Policy, receipt of assistance from the ERA Program established under this Policy shall not make the Recipient or Recipient family ineligible for assistance under any of the regular [Abbreviated Name] policies.
- E. Nothing in this Policy shall be construed to invalidate any otherwise legitimate grounds for eviction.
- F. Assistance to be provided under the ERA Program is subject to availability of funds. No applicant or household determined to be eligible is entitled to or has a property right to receive funding under the ERA Program. When funding for the ERA Program is fully-expended, the ERA Program will terminate. [Abbreviated Name] may terminate this Program at any time.
- G. This Policy is based and the ERA Program will be carried out in reliance upon the January 19, 2021 guidance document from the Department of Treasury (entitled

“Emergency Rental Assistance: Frequently Asked Questions”), which Treasury may be modifying or clarifying with future guidance. This Policy and the administration of the ERA Program will be subject to change if and when additional guidance is provided.

SECTION II. DEFINITIONS

General: The following definitions shall apply to this ERA Program Policy.

- A. **“Applicant”** means any person or family who applies for assistance pursuant to these Policies and Procedures.
- B. **“Area Median Income”** means, with respect to a household, the median income for the area in which the household is located, as determined by the Secretary of Housing and Urban Development (“HUD”).
- C. **“COVID-19”** refers to the viral disease caused by the novel coronavirus known as SARS-CoV-2.
- D. **“Eligible Household”** means a household that meets the eligibility requires provided for in Section IV.
- E. **“Financial Assistance”** means payments provided through the ERA Program Funds for Rent Arrears, Utility and Home Energy Costs Arrears, Current and Prospective Rent, Current and Prospective Utility Costs, and Other Eligible [Abbreviated Name] Expenses.
 - 1. **“Rent”** is the monthly amount charged by a Landlord for possession and occupancy of a dwelling unit. If Utility Costs are included in the monthly payment to the Landlord, they are deemed to be Rent.
 - 2. **“Rent Arrears”** mean rental payments in arrears.
 - 3. **“Prospective Rent”** means rental payments expected to be owed.
 - 4. **“Current Rent”** means the rental payment for the current month that is due and owing but not yet in arrears.
 - 5. **“Utility Costs”** means utility and home energy costs related to the occupancy of rental property (e.g. electricity, gas, water and sewer, trash removal, and energy costs (such as fuel oil)) that are separately-stated charges. Utility Costs do not include telecommunication services (e.g. telephone, cable, and internet services).
 - 6. **“Utility Costs Arrears”** means Utility Cost payments in arrears.
 - 7. **“Prospective Utility Costs”** means Utility Cost payments expected to be

owed.

8. **“Current Utility Costs”** means Utility Costs that are currently due and owing but not yet in arrears.
 9. **“Rental Deposits”** means a deposit required by a Landlord as a condition of obtaining possession and occupancy of a rented dwelling unit. To be covered by this Emergency Rental Assistance Program, such deposits must be reasonable and may not exceed an amount equivalent to two (2) months rental payments for the premises being rented.
 10. **“Other Housing Expenses”** means expenses related to housing incurred due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary. Maintenance costs are not included in this definition.
- F. **“Housing Stability Services”** means case management and other services related to the COVID-19 pandemic, as defined by the Secretary, intended to help keep Eligible Households stably housed.
 - G. **“Income”** means either a household’s annual income or sufficient confirmation of the household’s monthly income at the time of application by [Abbreviated Name].
 - H. **“Indian Tribe”** means a tribe that is a federally recognized tribe or a “State recognized tribe” as those terms are defined in NAHASDSA, 25 U.S.C. 4103(13).
 - I. **“Landlord”** means any individual person, family, or entity who owns or manages a dwelling unit and rents or leases that dwelling unit to an Eligible Household.
 - J. **“NAHASDA”** means the Native American Housing Assistance and Self-Determination Act passed by the U.S. Congress in 1996.
 - K. **“Recipient”** means a household of one or more individuals that receives Financial Assistance from the ERA Program Funds.
 - L. **“Secretary”** means the Secretary of the U.S. Department of Treasury, except where otherwise indicated.
 - M. **“Treasury”** means the U.S. Department of Treasury.
 - N. **“Tribal Member”** means an enrolled member of the [INSERT NAME OF TRIBE].
 - O. **“Tribe”** means the [INSERT NAME OF TRIBE].
 - P. **“[Abbreviated Name]”** means the [INSERT NAME OF TDHE or TRIBAL HOUSING

PROGRAM].

SECTION III. EMERGENCY PROGRAM OVERVIEW

- A. [Abbreviated Name] shall only use the ERA Program Funds to provide Financial Assistance and Housing Stability Services to Eligible Households in accordance with the terms of this Policy.

1. **Application.** To participate in the ERA Program, an Applicant or a Landlord/owner acting on behalf of the Applicant must first submit a complete, written Application to [Abbreviated Name]. This Application must include all information required by [Abbreviated Name], as described below in Section V.
2. **Participation.** If an Applicant is approved for participation in the ERA Program, they must then submit information and supporting documentation each month for the Rents and Utility Costs for which they seek continued Financial Assistance, unless such payments are to be provided for a three month, for which the Applicant must provide such information for the three-month period.

B. Financial Assistance

1. At least 90 percent of the ERA Program Funds received by the [Abbreviated Name] must be used to provide Financial Assistance to Eligible Households as defined herein.
2. [Abbreviated Name] does not need to provide assistance with respect to Rent in order to provide assistance with respect to Utility Costs, and does not need to provide assistance with respect to Utility Costs in order to provide assistance with respect to Rent.
3. [Abbreviated Name] may not provide ERA Program assistance to homeowners to cover their mortgage payment, utilities, or energy costs.
4. **[Abbreviated Name] as the Landlord.** [Abbreviated Name] may provide assistance to Eligible Households for which [Abbreviated Name] is the Landlord, provided that [Abbreviated Name] complies with the all provisions of the Section 501 statute and relevant Treasury guidance and that no preferences beyond those outlined in the Section 501 statute are given to Eligible Households that reside in [Abbreviated Name]'s own properties.
5. **Arrears Payments:** If any Eligible Household has any Rent Arrears or Utility Costs Arrears, [Abbreviated Name] must first provide Financial Assistance

under this ERA Program to pay all or a portion of those arrears before providing payments for any Current or Prospective Rent or Current or Prospective Utility Costs payments, if and only to the extent that those arrears were the result of financial distress caused by COVID-19.

- (1) **Arrears Cut-Off.** [Abbreviated Name] may only use ERA Program Funds to pay Rent Arrears and Utility Costs Arrears for rent and utility and home energy costs incurred on or after March 13, 2020¹ for which Eligible Households are in arrears.
 - (2) **Rent Arrears and Utility Costs Arrears** means money that is overdue after missing one or more required payments. Arrears includes interest charges and penalties accrued from the date on which the first missed payment was due. Arrears **does not** include interest charges or penalties accrued for overdue rent or utility and home energy costs incurred before March 13, 2020.
 - (3) An Eligible Household that does not have any arrears payments may still participate in the ERA Program.
6. **Term.** [Abbreviated Name] shall provide Financial Assistance for a period not to exceed twelve (12) months except that [Abbreviated Name] may provide Financial Assistance for an additional three (3) months only if necessary to ensure housing stability for an Eligible Household, subject to the availability of funds.
7. **Prospective Rent Payments—Limitation on Assistance**
 - a. Pursuant to Section 501(c)(2)(B) and subject to the exception in subparagraph (b), the [Abbreviated Name] shall not provide an Eligible Household with Financial Assistance for Prospective Rent payments for more than three (3) months based on any Application by or on behalf of the household. This limitation does not apply to Prospective Utility Costs.
 - b. **Exception:** For any Eligible Household described in subparagraph (a), such Eligible Household may receive Financial Assistance for

¹ March 13, 2020 is the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b), and is the date identified by Treasury in its initial FAQ as the beginning of the COVID-19 pandemic for the purposes of calculating arrears resulting from COVID-19.

Prospective Rent payments for additional months (up to three months) at the expiration of the three month period described in subparagraph (a):

- (1) Subject to the availability of [Abbreviated Name]'s remaining ERA Program Funds; and
- (2) Based on a subsequent application submitted by the Recipient for additional Prospective Rent, provided that the total months of Financial Assistance provided to the Eligible Household do not exceed the total months of assistance allowed under paragraph (III)(B)(6).

8. Distribution of Financial Assistance

- a. For all Financial Assistance for Rent Arrears, Utility Costs Arrears, Current or Prospective Rent, Current or Prospective Utility Costs, or Rental Deposits provided to an Eligible Household, [Abbreviated Name] will make payments to the Landlord or utility provider on behalf of the Eligible Household.
 - (1) [Abbreviated Name] must make reasonable efforts to obtain the cooperation of Landlords and utility providers to accept payments from the ERA Program. Outreach will be considered complete if a request for participation is sent in writing, by certified mail, to the Landlord or utility provider, and the addressee does not respond to the request within 21 calendar days after mailing; or, if [Abbreviated Name] has made at least three attempts by phone or email over a 21 calendar-day period to request the Landlord or utility provider's participation.² All efforts must be documented. The cost of the mailing will be an eligible administrative cost.
 - (2) **Exception:** If, after [Abbreviated Name]'s outreach to the Landlord or utility provider, the Landlord or utility provider does not agree to accept such payment from [Abbreviated Name], [Abbreviated Name] may make such payments directly to the Eligible Household for the purpose of making payments to the Landlord or utility provider.

² This language tracks the current Treasury FAQ Guidance on this point. There will be an effort to have Treasury revise this requirement to be less onerous and better track the statutory requirements and intent.

- b. For any payments made by [Abbreviated Name] to a Landlord or utility provider on behalf of an Eligible Household, [Abbreviated Name] shall provide documentation of such payments to such household.
- 9. **Duplication of Assistance.** An Eligible Household that occupies a federally-subsidized residential or mixed-use property may receive ERA Program assistance, provided that ERA Program Funds are not applied to costs that have been or will be reimbursed under any other federal assistance. To the extent feasible, [Abbreviated Name] will ensure that any Financial Assistance provided to an Eligible Household pursuant to the ERA Program Funds is not duplicative of any other Federally funded rental assistance provided to such household.
 - a. If an Eligible Household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the Eligible Household's rent is adjusted according to changes in income, the Eligible Household may not receive ERA Program assistance to cover the portion of the rental payment that has been subsidized but only that portion that the Eligible Household is required to pay out of its own funds.
 - b. If an Eligible Household receives rental assistance other than through the ERA Program, the ERA Program assistance may only be used to pay for costs, such as the tenant-paid portion of Rent and Utility costs, that are not paid for by the other rental assistance. Pursuant to Section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA Program assistance, [Abbreviated Name] must review the Eligible Household's income and sources of assistance to confirm that the ERA Program assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.
- 10. **Treatment of Assistance.** Assistance provided to an Eligible Household from the ERA Program Funds will not be regarded as Income and will not be regarded as a resource for purposes of determining the eligibility of the Eligible Household or any member of the Eligible Household for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program, the [Abbreviated Name] program, or any Tribal program financed in whole or in part with Federal funds.

C. Housing Stability Services

1. Not more than 10 percent of the ERA Program Funds received by [Abbreviated Name] pursuant to Section 501 may be used to provide Eligible Households with Housing Stability Services intended to help keep Eligible Households stably housed.

SECTION IV. ELIGIBILITY

A. **Eligibility Requirements.** In order to be eligible to apply for the ERA Program, at the time the Applicant applies to the Program the Applicant must meet the following eligibility requirements:

1. The Applicant is part of a household of one (1) or more individuals who are occupying as tenants and obligated to pay rent on a residential dwelling and with respect to which [Abbreviated Name] determines—
 - a. That one (1) or more individuals within the house has:
 - (1) Qualified for unemployment benefits, or
 - (2) Experienced a reduction in household Income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 pandemic, to which the applicant shall attest in writing;
 - b. That one (1) or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include:
 - (1) A past due utility or rent notice or eviction notice;
 - (2) Unsafe or unhealthy living conditions; or
 - (3) Any other evidence of such risk, as determined by [Abbreviated Name]; and
 - c. The household has a household Income that is not more than 80 percent of the Area Median Income for the household.
 - d. There are no geographic limitations on where a Applicant household is located to be eligible for Financial Assistance under the ERA Program. **OR** Geographic limitation: an Applicant must reside in the [Abbreviated Name]'s Formula Area (as that term is defined by

NAHASDA and its implementing regulations) to be eligible for Financial Assistance under the ERA Program.³

B. **Income Determination.** In determining the Income of a household for purposes of determining such household's eligibility for assistance from the ERA Program Funds, [Abbreviated Name] will consider either the household's total annual Income or monthly Income:

1. **Annual Income.** [Abbreviated Name] may consider the household's total annual income for calendar year 2020.
 - a. **Annual Income.** [Abbreviated Name] may choose between using the definition of "annual income" as provided by HUD in 24 CFR 5.609 or using adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes.
 - (1) For determining annual income, [Abbreviated Name] should obtain at the time of application source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement), or a copy of Form 1040 as filed with the IRS for the household.
2. **Monthly Income.** Subject to subparagraph (a) below, [Abbreviated Name] may determine Income based on sufficient confirmation of the household's monthly income at the time of Application for such assistance.
 - a. In the case of Income determined based on monthly income under the preceding subparagraph (2), [Abbreviated Name] shall be required to re-determine the eligibility of a household's Income after each such period of three (3) months for which the household receives assistance from the ERA Program Funds.
 - (1) For determining monthly income, [Abbreviated Name] must obtain income source documentation for at least the two months prior to the submission of the application for assistance.

SECTION V. APPLICATIONS FOR ERA PROGRAM

A. **Participation Applications:** To participate in the ERA Program, an Applicant must first

³ The Program should choose one of these two options.

submit a complete, written Application on the forms provided by [Abbreviated Name], which are attached as Exhibits to this Policy. All information required to be on the forms must be completed, or the Application will be returned. Applications for the ERA Program must be submitted to the [Abbreviated Name] by mailing or dropping off the Applications to the following address:

[add contact information and address]

Or submitting such Applications by email to: [email address]

The Application must include the following information and supporting documentation:

1. **Applicant and household Information.** Full name and date of birth of the applicant and of all members of Applicant's household; Applicant's address and contact information.
2. **Financial Hardship.** Information and supporting documentation demonstrating that one (1) or more individuals within the household has:
 - a. Qualified for unemployment benefits, or
 - b. Experienced a reduction in household Income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 pandemic, which the Applicant shall attest to in writing by signing the Certification of Economic Hardship;
3. **Housing Instability.** Information and supporting documentation demonstrating that one (1) or more individuals within the household faces a risk of experiencing homelessness or housing instability, which may include⁴:
 - a. A past due utility or rent notice or eviction notice;
 - b. Unsafe or unhealthy living conditions; or
 - c. Any other evidence of such risk, as determined by [Abbreviated Name].
4. **Income.** Information and supporting documentation demonstrating the

⁴ This language tracks the current Treasury FAQ Guidance on this point. There will be an effort to have Treasury revise this requirement to be less onerous and better track the statutory requirements and intent.

Applicant has a household Income that is not more than 80 percent of the Area Median Income for the household. The Applicant must submit documentation evidencing either their annual income or monthly income, as follows:

- a. **Annual income:** The Applicant must submit a wage statement, interest statement, unemployment compensation statement, or a copy of Form 1040 as filed with the IRS for the household for 2020.
 - b. **Monthly income:** The Applicant must submit sufficient confirmation of the household's monthly income at the time of application for at least the two months prior to the submission of the application for assistance. If an Applicant qualifies for the ERA Program based on monthly income, the Applicant must resubmit documentation on the household's monthly income every three months for the duration of assistance.
5. **Release of Information.** This form is attached as an exhibit.
 6. **Certification of Economic Hardship.** A signed self-certification of economic hardship. This form is attached as an Exhibit.
 7. Such other information as may be specifically requested by the [Abbreviated Name] to document Income, the need for the services being applied for, and the connection of that need for services to the COVID-19 pandemic.

B. Application for Assistance by Landlords and Owners

1. Subject to paragraph (B)(2) of this Section, a Landlord of a residential dwelling may:
 - a. Assist a renter of such dwelling in applying for assistance from the ERA Program; or
 - b. Apply for such assistance on behalf of a renter of such dwelling.
2. **Requirements for Applications Submitted on Behalf of Renters**
 - a. If a Landlord of a residential dwelling submits an Application for assistance from the ERA Program Funds on behalf of a renter of such dwelling—
 - (1) The Landlord must obtain the signature of the renter on such Application, which may be documented electronically;

- (2) Documentation of such Application must be provided to the renter by the Landlord; and
- (3) Any payments received by the Landlord from the ERA Program Funds shall be used to satisfy the renter's rental obligations to the Landlord.

C. **Notification of Change of Eligibility.** Applicants are required to notify [Abbreviated Name] in writing immediately whenever any determining factor of eligibility changes. This includes:

1. No longer qualifying for unemployment benefits,
2. No longer experiencing a reduction in household income or other financial hardship,
3. No longer facing a risk of homelessness or housing instability, or
4. Having an income that is above 80 percent of the Area Median Income for the household.

D. **Falsification.** If it is discovered that an Applicant has falsified his or her Application, or otherwise abused the ERA Program, or if a Recipient fails to notify [Abbreviated Name] of changes to the household's eligibility, the household will be subject to penalties. Penalties will include ineligibility for continued participation in the ERA Program and repayment of the value of any benefit for which they were not eligible to receive. [Abbreviated Name] shall have the right to seek such repayment through garnishment of the Tribal Member's per capita distribution or wages, if any.

E. **Application Review**

1. The [Abbreviated Name] staff member receiving the Application shall sign and date the Application when it is received at the [Abbreviated Name] offices.
2. **Preferences and Priorities.** Applications will be reviewed and processed as they are received. However, in anticipation of [Abbreviated Name] receiving a substantial number of applications within a short period of time, with a finite amount of funding available, [Abbreviated Name] shall review and process Applications for Financial Services under this Policy according to the following order of preferences.
 - a. First preference will be given to Eligible Households that have at least one family member (regardless of whether that member is an adult or head of household) who is a Tribal Member.
 - b. Second preference will be given to Eligible Households that have at

least one family member (regardless of whether that member is an adult or head of household) who is a member of an Indian Tribe.

- c. Third preference will be given to all other Eligible Households.

In reviewing Applications, [Abbreviated Name] will further prioritize consideration of the Applications of an Eligible Household that satisfies any of the following conditions:

- a. The Income of the household does not exceed 50 percent of the Area Median Income for the household.
- b. One or more individuals within the household are unemployed as of the date of the Application for assistance and have not been employed for the 90-day period preceding such date.
- c. [Add any additional desired prioritizations e.g. One or more individuals within the household were unable to reach their place of employment or their employment was closed because of a public health order imposed as a direct result of COVID-19.]

- 3. **Approval of Application.** [Abbreviated Name] will notify Applicants in writing, within fourteen (14) days of [Abbreviated Name]'s receipt of the Application, of [Abbreviated Name]'s decision of whether the Applicant has been approved to receive Financial Assistance.
- 4. **Denial of Application.** If upon initial review, [Abbreviated Name] determines that the Applicant is not eligible or the request is outside of this Policy, or there are no longer any ERA Program Funds available, [Abbreviated Name] will notify the Applicant in writing of this determination, the applicable policies which support the determination, and the process of appeal (if allowed).
 - a. **Process of Appeal.** Any Applicant who is dissatisfied with a decision of [Abbreviated Name] concerning eligibility of assistance, the level of benefit approved, or the type of services available, can appeal that decision under the regular [Abbreviated Name] appeal procedures for denial of services.
 - b. **No Appeal.** If the reason for the denial of the Application is that there are no longer any ERA Program Funds remaining, such denial is not subject to appeal.

SECTION VI. ERA PROGRAM PARTICIPATION

A. Submission of Documentation

1. Once an Applicant is approved for participation in the ERA Program, they must submit information and documentation on the Rent Arrears, Utility Costs Arrears, Prospective Rent, and Prospective Utility Costs for which they are seeking Financial Assistance.
 - a. Applicants may initially submit the above information and documentation at the same time that they submit their initial program Application.
2. For each additional month (or three-month prospective period, if applicable) that a Recipient seeks Financial Assistance under this ERA Program, the Recipient must submit the information and documentation listed below for the Rent and Utility Costs for which they seek assistance.
3. **Information and Documentation of Need for Financial Assistance.** Applicants and Recipients must submit information and supporting documentation on the following:
 - a. Signed copy of the Applicant's current or prospective rental agreement; and
 - b. **Rent Arrears.** If the applicant is seeking assistance for past rent for which they are in arrears:
 - (1) Copies of the notice(s) of past rent due;
 - (2) Documentation detailing the past rent due, accrual of any interest charges and/or penalties, and the total amount in arrears;
 - (3) Name and current address of the Landlord to whom payment must be made.
 - c. **Utility Costs Arrears.** If the applicant is seeking assistance for past rent for which they are in arrears:
 - (1) Copies of the notice(s) of past Utility Costs due;
 - (2) Documentation detailing the past Utility Costs due, accrual of any interest charges and/or penalties, and the total amount in arrears;
 - (3) Name and current address of utility provider to whom

payment must be made.

- d. **Current or Prospective Rent, or for Rental Deposit.** If the applicant is seeking assistance for current or future Rent payments or Rental Deposit:

(1) Name and current address of the Landlord to whom payment must be made.

- e. **Current or Prospective Utility Costs:** If the applicant is seeking assistance for current or future Utility Costs:

(1) Copy of utility bill showing utility costs due; and

(2) Name and current address of utility provider to whom payment must be made.

B. Prospective Payments

1. If a Recipient who has already received three (3) months of Prospective Rent or Prospective Utility Costs seeks assistance for additional Prospective Rent or Prospective Utility Costs, the Recipient must submit a new application for additional Financial Assistance.

SECTION VII. ERA PROGRAM MANAGEMENT

A. Maintenance of and Access to Records.

1. [Abbreviated Name] must create and maintain a set of files for this ERA Program separate from all other [Abbreviated Name] programs. Any Recipient who also participates in another [Abbreviated Name] program must have a separate file maintained specifically for the ERA Program.
2. [Abbreviated Name] may copy relevant documents from a Recipient's existing file under a separate [Abbreviated Name] program so that the Recipient does not need submit the same documentation twice, provided that the copied documentation for the ERA Program is kept separately with all other ERA Program files.
3. [Abbreviated Name] shall maintain records and financial documents sufficient to support compliance with Section 501(c) regarding the eligible uses of funds.
4. The U.S. Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right

of access to records (electronic and otherwise) of [Abbreviated Name] in order to conduct audits or other investigations.

5. [Abbreviated Name] shall maintain records for a period of five (5) years after all funds have been expended or returned to the Treasury.

B. Report Requirements

1. [Abbreviated Name] shall maintain and submit quarterly records detailing such information as is required by the Secretary. [Abbreviated Name] should be prepared to collect and retain records on the following:
 - a. Number of applications received;
 - b. Address of the rental unit of each Recipient;
 - c. Name, address, social security number, tax identification number or DUNS number, as applicable, for the Landlord and utility provider;
 - d. Amount and percentage of monthly rent covered by ERA assistance;
 - e. Amount and percentage of separately-stated utility and home energy costs covered by ERA assistance;
 - f. Total amount of each type of assistance (i.e., rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears) provided to each household, Amount of outstanding rental arrears for each household;
 - g. Number of months of rental payments and number of months of utility or home energy cost;
 - h. Payments for which ERA assistance is provided;
 - i. Household income and number of individuals in the household; and
 - j. Gender, race, and ethnicity for the primary applicant for assistance.
2. **Privacy Requirements.** [Abbreviated Name] shall establish data privacy and security requirements for the information required by the Secretary for use of ERA Program Funds, in accordance with Section 501(g)(4). The data privacy and security requirements must—
 - a. Include appropriate measures to ensure that the privacy of the individuals and households is protected;

- b. Provide that the information, including any personally identifiable information, is collected and used only for the purpose of submitting reports in compliance with this Policy; and
- c. Provide confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

C. **Compliance with Applicable Laws and Regulations.** In carrying out housing activities funded by the ERA Program Funds, [Abbreviated Name] will comply with the following laws and regulations.

- 1. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as the Secretary may determine are inapplicable to the ERA Program Funds and subject to such exceptions as may be otherwise provided by the Secretary. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to the ERA Program Funds.
- 2. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
- 3. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
- 4. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180 (including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and the Treasury’s implementing regulation at 31 C.F.R. Part 19.
- 5. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
- 6. Government-wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- 7. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- 8. Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, which prohibit discrimination on the basis of race, color, national origin, sex, familial status,

or disability, with the understanding, codified in regulation at 24 CFR 1000.12(d), that Tribes and TDHEs carrying out housing activities satisfy these requirements by their compliance with the Indian Civil Rights Act, 25 U.S.C. §§ 1301-1304 (ICRA), and with the further understanding that, as codified in 25 U.S.C. §§4114(b) and 4131(b), Tribes and TDHEs are permitted to use Indian and Tribal-specific preference in providing housing services, as well as in contracting and hiring.

9. The non-discrimination requirements as applied under Section 504 of the Rehabilitation Act of 1973 and the Department of Housing and Urban Development implementing regulations at 24 CFR part 8.
 10. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and the Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.
- D. **Publications.** Any publications produced with the ERA Program Funds must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."

SECTION VIII. USE AND MANAGEMENT OF FUNDS

- A. **Use of funds.** [Abbreviated Name] understands and agrees that the ERA Program Funds may only be used for the purposes set forth in Section 501.

B. Financial Management of ERA Program Funds

1. The ERA Program Funds received by [Abbreviated Name] must be held and maintained in a bank account depository separate from all other [Abbreviated Name] funds.
2. The depository in which the ERA Program Funds are deposited must be a financial institution that is approved by Treasury and that is sufficiently insured by the Federal Deposit Insurance Corporation ("FDIC") or National Credit Union Share Insurance Fund ("NCUSIF").
3. The ERA Program Funds should be accounted for separately from other [Abbreviated Name] funds.
4. **Collateralization of ERA Program Funds.** All deposits of ERA Program Funds that are in excess of the FDIC insured amount must be continuously and fully secured. This may be accomplished by the pledging or setting aside of

collateral of identifiable U.S. Government securities. Such securities shall be owned by the depository, and the manner of collateralization shall provide [Abbreviated Name] with a continuing perfected security interest for the full term of the deposit in the collateral in accordance with applicable laws and Federal regulations. Such collateral shall, at all times, have a market value at least equal to the amount of the deposits so secured.

C. Administrative Costs

1. Not more than ten (10) percent of the amount of the ERA Program Funds that [Abbreviated Name] receives may be used for administrative costs attributable to providing Financial Assistance and Housing Stability Services as defined above, including for data collection and reporting requirements related to such funds.
2. The ERA Program Funds may not be used for any administrative costs other than to the extent allowed under preceding subparagraph (C)(1) of this Section.
3. Administrative expenses of [Abbreviated Name] may be treated as direct costs, but [Abbreviated Name] may not cover indirect costs using the ERA Program Funds, and [Abbreviated Name] may not apply its negotiated indirect cost rate to ERA Program Funds.
4. The sum of the amount of the ERA Program Funds expended on Housing Stability Services described in Section 501(c)(3) and the amount of the ERA Program Funds expended on administrative expenses described in Section 501(c)(5) may not exceed 10 percent of the total award.

D. Expenditure of ERA Program Funds

1. Pursuant to Section 501(d), at least 65% of the total amount of ERA Program Funds received by [Abbreviated Name] must be expended by September 30, 2021. If [Abbreviated Name] does not expend at least 65% of the ERA Program Funds by September 30, 2021, [Abbreviated Name] will be required to repay to the Treasury the entire amount not expended ("Excess ERA Program Funds") by that date.
2. Pursuant to Section 501(e), [Abbreviated Name] must expend all ERA Program Funds by December 31, 2021, unless, in the case of a reallocation made by the Secretary pursuant to Section 501(d), [Abbreviated Name] requests and receives from the Secretary an extension of up to 90 days. [Abbreviated Name] will be required to repay to the Treasury any amounts not expended by December 31, 2021, except in the case of an extension.

- a. Any such requests for extension must be provided in the form and must include such information as Treasury may require.
 3. Amounts not expended by [Abbreviated Name] in accordance with Section 501 must be repaid to Treasury in the manner specified by Treasury.
- E. **Cost Sharing.** Cost sharing or matching funds are not required to be provided by [Abbreviated Name].
- F. **Debts Owed the Federal Government.**
1. Any funds paid to [Abbreviated Name] (1) in excess of the amount to which [Abbreviated Name] is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are not repaid by [Abbreviated Name] as may be required by Treasury pursuant to Section 501(d) shall constitute a debt to the federal government.
 2. Any debts determined to be owed the federal government must be paid promptly by [Abbreviated Name]. A debt is delinquent if it has not been paid by the date specified in the Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. The Treasury will refer any debt that is more than 180 days delinquent to the Treasury's Bureau of the Fiscal Service for debt collection services.
 3. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the Secretary.

[NAME OF TDHE OR TRIBAL HOUSING PROGRAM]
COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM
APPLICATION

Applicant Information

Applicant Name: _____		Date: _____
Date of Birth: _____	Tribal Enrollment No.: _____	SSN: _____
Mailing Address: _____	City: _____	State: _____
Zip: _____	Phone: _____	
Physical Address: _____	City: _____	State: _____
Zip: _____	Email: _____	

General Information

1. Are you or is a member of your household a member of an Indian tribe? ☐ Yes ☐ No
 - a. If yes, attach proof of membership of an Indian Tribe for each household member
2. Do you rent the home in which you are living? ☐ Yes ☐ No

Household Member Information:

Name	Date of Birth	Last 4 digits of SSN	Tribal Enrollment No.	Annual or Monthly Income	Income Source

Income Verification

Below, provide information on either the total annual income of your household for calendar year 2020 or your total household monthly income.

1. **Annual income** of household: \$ _____
 - a. Applicant must attach and submit a wage statement, interest statement, unemployment compensation statement, or a copy of Form 1040 as filed with the IRS for the household for 2020.
2. **Monthly income** of household: \$ _____
 - a. Applicant must submit sufficient confirmation of the household's monthly income at the

time of application for at least the two months prior to the submission of this application.

Financial hardship

1. Do you or any individual in your household qualify for unemployment benefits? ☐ Yes ☐ No
 - a. If yes, attached supporting documentation demonstrating each individual's qualification for unemployment benefits.
2. Have one or more individuals in your household experienced any of the following financial hardship due, directly or indirectly, to the COVID-19 pandemic? (check all that apply)
 - ☐ A reduction in household Income
 - ☐ Loss of Employment/Temporary Layoff/or Furlough
 - ☐ Reduction in hours/pay.
 - ☐ Unable to work or experiencing financial hardship due to no child care/school.
 - ☐ Underlying medical condition requiring staying home to prevent exposure.
 - ☐ Loss of self-employment/business income
 - ☐ Over the age of 50 and enduring increased costs because of the COVID-19 pandemic.
 - ☐ Disabled and enduring increased costs because of the COVID-19 pandemic
 - ☐ Incurred significant costs (hospital bills, medication costs, etc)
 - ☐ Other financial hardship; list: _____
 - a. If you checked any of the boxes above, attach supporting documentation for each hardship. (e.g. copies of most recent paycheck stubs or other sources of income showing decrease in income; email/text/letter showing notification of unemployment/reduction in hours, bills showing significant costs incurred, etc.)

Housing Instability

1. Does one or more individuals in your household face a risk of experiencing homelessness or housing instability, which may include (check all that apply):
 - ☐ A past due utility or rent notice or eviction notice
 - ☐ Unsafe or unhealthy living conditions
 - ☐ Any other evidence of such risk
 - a. If you checked any of the boxes above, attached supporting documentation demonstrating each type of housing instability (e.g. past due utility or rent notice or eviction notice, [add any other evidence of risk])
 - b. If you checked any of the boxes above, please describe the details of your housing instability:

Additional Requirements

1. Applicants must sign a release of information form allowing the [TDHE or Tribal Housing Program Name] to verify any and all information required to participate in the COVID-19 Emergency Rental Assistance Program.
2. For each additional month that applicants seek Financial Assistance under the ERA Program, they must submit information and documentation for the rent and utility costs for that month and prospective months for which they seek assistance.

Applicant Acknowledgements

I understand that I am required to update my application whenever any determining factor of eligibility changes. This includes employment/annual income, contact information, no longer qualifying for unemployment benefits, no longer experiencing a reduction in household income or other financial hardship, no longer facing a risk of homelessness or housing instability, or having a household income that is above 80 percent of the Area Median Income for the household.

By my signature below, I hereby certify that all of the foregoing information and attached documentation is true and correct. I understand that providing any false statements, false information, any misleading statements or information, or if I fail to notify [TDHE or Tribal Housing Program Name] of changes to my household's eligibility, will be grounds for denial of the application or, if assistance has already been granted, recapture of any funds granted, and may be grounds civil or criminal prosecution if [TDHE or Tribal Housing Program Name] determines it is appropriate to do so.

APPLICANT SIGNATURE

DATE

If a landlord or owner of a residential dwelling submits this application on behalf of the Applicant:

I, _____, the Applicant's landlord/residential dwelling owner, understand that I am required to provide this application to the Applicant after completing and submitting it.

LANDLORD SIGNATURE

DATE

Application Received by [TDHE or Tribal Housing Program Name]:

STAFF MEMBER SIGNATURE

DATE

OFFICIAL USE ONLY

Approved: ☐ Yes ☐ No Reason: _____

Denial Communicated: _____ Staff Signature: _____

COVID-19 Emergency Rental Assistance Program Application Checklist

Please review your application to make sure that contains the following information:

For all Applicants:

- ☐ Copy of Driver's License or Tribal Enrollment Card
- ☐ Proof of membership of an Indian Tribe for each household member (*if applicable*)
- ☐ Income Verification for each member 18 or older
 - ☐ Annual Income (a wage statement, interest statement, unemployment compensation statement, or a copy of Form 1040 as filed with the IRS for the household for 2020)
or
 - ☐ Monthly received in the last 60 days (2 months)

Submit the following documentation if applicable:

- ☐ Documentation of each household member's qualification for unemployment benefits
- ☐ Letter / Email / Text from employer showing your lay off, furlough status, or decrease in hours
- ☐ Other documents showing a reduction in household Income
- ☐ Documents showing loss of self-employment/business income
- ☐ Bills / Receipts showing significant costs (hospital bills, medication costs, etc.)
- ☐ Documents showing other financial hardship
- ☐ Copy of lease or rental agreement showing required rental payments or deposits
- ☐ Copy of utility bill(s)
- ☐ Copy of a past due utility or rent notice or eviction notice
- ☐ Documents showing unsafe or unhealthy living conditions
- ☐ Any other evidence of risk of housing instability

[INSERT NAME OF TDHE OR TRIBAL HOUSING PROGRAM]
COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

Financial Assistance Form

Applicants must submit this Form and supporting documentation for each additional month (or three-month prospective period) that they seek Financial Assistance under the ERA Program.

Applicant Information

Applicant Name: _____		Date: _____
Date of Birth: _____	Tribal Enrollment No.: _____	SSN: _____
Physical Address: _____	City: _____	State: _____
Zip: _____	Phone: _____	
Mailing Address: _____	City: _____	State: _____
Zip: _____	Email: _____	

1. Do you currently rent the home in which you are living? ☐ Yes ☐ No
a. If yes, attach and submit your current rental lease.

Current Landlord Name: _____
Contact Phone: _____ Email: _____

2. What is the total amount of rent that you pay each month? \$ _____

Financial Assistance

The Emergency Rental Assistance Program provides Financial Assistance to Eligible Households for rent and utility costs payments and other housing expenses to help alleviate the financial hardships endured from loss of income and increased costs due to the COVID-19 pandemic.

“Financial Assistance” means payments provided through the ERA Funds for Rent Arrears, Utility and Home Energy Costs Arrears, Current and Prospective Rent, Current and Prospective Utility Costs, and Other Eligible Housing Expenses.

“Rent” is the monthly amount charged by a landlord for possession and occupancy of a dwelling unit. If Utility Costs are included in the monthly payment to the Landlord, they are deemed to be Rent.

“Utility Costs” means utility and home energy costs related to the occupancy of rental property (e.g. electricity, gas, water and sewer, trash removal, and energy costs (such as fuel oil)) that are separately-stated charges. Utility Costs do not include telecommunication services (e.g. telephone, cable, and internet services).

A. Rent Arrears and Utility Costs Arrears¹

Do you have any Rent Arrears or Utility Costs Arrears?

(check all that apply)

If you check any of the boxes below, attach supporting documentation for each arrears payment (rental lease, documents showing rent or utility costs arrears and interest accrued, etc.)

Rent Arrears and Utility Costs Arrears:

Only includes Rent Arrears and Utility Costs Arrears **incurred on or after March 13, 2020.**

Arrears includes: interest charges and penalties accrued from the date on which the first missed payment after March 13, 2020 was due.

Arrears does not include: interest charges or penalties accrued for Rent Arrears or Utility Costs Arrears incurred before March 13, 2020.

☐ **Rent Arrears** (*Rent payments in arrears*):

Total amount in Arrears \$ _____

Landlord Name: _____ Phone

Number: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

☐ **Utility Costs Arrears** (*Utility Cost payments in arrears*): Total amount in Arrears \$ _____

1. **Type of Utility:** _____ Amount \$ _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

2. **Type of Utility:** _____ Amount \$ _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

3. **Type of Utility:** _____ Amount \$ _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

4. **Type of Utility:** _____ Amount \$ _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

5. **Type of Utility:** _____ Amount \$ _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

¹ **Arrears Payments:** If any Applicant has any Rent Arrears or Utility Costs Arrears, [TDHE or Tribal Housing Program Name] will first pay those arrears payments before providing payments for any current or future Rent or Utility Costs payments.

State: _____ Zip: _____

B. Current Rent and Current Utility Costs

Do you expect to be unable to pay your Current Rent or Current Utility Costs payment, or required Deposit to obtain rental housing?

(check all that apply)

If you check any of the boxes below, attach supporting documentation for each Current Rent or Current Utility Costs payment (rental lease, documents showing rent or utility costs due, etc.)

- ☐ **Current Rent Payment due** (Rent payment for the current month that is due and owing but not yet in arrears):

Amount Due: \$ _____

Date Due: _____

Landlord Name: _____ Phone Number: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

- ☐ **Current Utility Costs Payments due** (Utility Costs that are currently due and owing but not yet in arrears):

1. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

2. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

3. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

4. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

5. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

C. Prospective Rent and Prospective Utility Costs

Do you expect to be unable to pay your Prospective Rent or Prospective Utility Costs payments?

(check all that apply)

If you check any of the boxes below, attach supporting documentation for each prospective payment (rental lease, documents showing rent or utility costs due, etc.)

☐ **Prospective Rent Payments due** (*Rent payments expected to be owed*):

Amount Due: \$ _____

Date Due: _____

Landlord Name: _____ Phone Number: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

☐ **Prospective Utility Costs Payments due** (*Utility Costs payments expected to be owed*):

1. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

2. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

3. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

4. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

5. **Type of Utility:** _____ Amount \$ _____ Due Date _____

Utility Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____

☐ **Current Deposit Payment due** (*Deposit payment for rental housing that is due and owing as a condition of obtaining rental housing*):

Amount Due: \$ _____

Date Due: _____

Landlord Name: _____ Phone Number: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

D. Other Housing Expenses

Do you expect to be unable to pay any other Housing Expenses? *(Expenses related to housing incurred due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak, as defined by the Secretary of Treasury. Maintenance costs are not included in this definition.)*
(check all that apply)

If you check any of the boxes below, attach supporting documentation for each housing expenses payment due (bills showing payments due, documents showing interest accrued, etc.)

☐ [Insert expense type] **Payment due:**

Amount Due: \$ _____

Date Due: _____

Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

☐ [Insert expense type] **Payment due:**

Amount Due: \$ _____

Date Due: _____

Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

☐ [Insert expense type] **Payment due:**

Amount Due: \$ _____

Date Due: _____

Provider: _____ Phone Number: _____

Billing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

Applicant Acknowledgements

TO THE APPLICANT: By signing this Form, you are certifying that you have not already received funding or benefit from another source for the same assistance being applied for with this Form ("Duplicative Benefit"). If you think you may have received such funding or direct benefit, or have a question about whether you have received a duplicative benefit, please note what that is below:

By my signature below, I hereby certify that all of the foregoing information and attached documentation is true and correct. I understand that providing any false statements, false information, any misleading statements or information, or if I fail to notify [TDHE or Tribal Housing Program Name] of changes to my household's eligibility, will be grounds for denial of the application or, if assistance has already been granted, recapture of any funds granted, and may be grounds civil or criminal prosecution if [TDHE or Tribal Housing Program Name] determines it is appropriate to do so.

APPLICANT SIGNATURE

DATE

If a landlord or owner of a residential dwelling submits this Form on behalf of the Applicant:

I, _____, the Applicant's landlord/residential dwelling owner, understand that I am required to provide this application to the Applicant after completing and submitting it.

LANDLORD SIGNATURE

DATE

Form Received by [Tribal Housing Program or TDHE Name]:

STAFF MEMBER SIGNATURE

DATE

OFFICIAL USE ONLY

Approved: ☐ Yes ☐ No Reason: _____

Denial Communicated: _____ Staff Signature: _____

COVID-19 Emergency Rental Assistance Program Form Checklist

Please review your application to make sure that contains the following information:

For all Applicants:

- ☐ Current rental lease

Submit the following documentation if applicable:

- ☐ Documents showing Rent Arrears and interest/penalties accrued or eviction notice
- ☐ Documents showing Utility Costs Arrears and interest/penalties accrued
- ☐ Utility bills showing Current Utility Costs due
- ☐ Documents showing other expenses related to COVID-19 for which payments are due

[TDHE OR TRIBAL HOUSING PROGRAM NAME]
COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

Applicant Certification of Economic Hardship

In order for Financial Assistance to be provided under the ERA Program, this Certification of Economic Hardship must be completed and signed/dated by the tenant.

I, _____, the Applicant, do hereby attest that one or more individuals in my household have experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 pandemic.

I agree to notify the [TDHE or Tribal Housing Program Name] of any significant changes to my household income or financial status that would impact my eligibility for the ERA Program.

By my signature below, I certify that the preceding facts are true and correct to the best of my knowledge and belief. I understand that providing misleading or false information may result in denial or require repayment of benefits received.

Applicant

Date