

# LANE COUNTY EMERGENCY RENTAL ASSISTANCE (LCERA) PROGRAM MANUAL

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## 2. Program Overview

### Emergency Rental Assistance Program (ERAP)

The Emergency Rental Assistance Program<sup>1</sup> makes available \$46.55 billion nationwide to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic. Of that \$45.55 billion, Emergency Rental Assistance 2 (ERA 2) makes available \$21.55 billion. As of January 2021, Lane County was awarded \$11,465,361.50 in rent and utility assistance. \$4,054,497 of that funding is granted by ERA 2. These funds were provided directly to Lane County from the U.S. Department of Treasury.<sup>2</sup>

### Lane County Emergency Rental Assistance (LCERA)

Lane County's implementation of the Emergency Rental Assistance 2 (ERA 2) is called Lane County Emergency Rental Assistance (LCERA).

These funds are for households with at least one individual who:

- (1) has qualified for unemployment benefits or can demonstrate or attest in writing that they have experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due directly or indirectly to the coronavirus outbreak; and
- (2) can demonstrate a risk of experiencing homelessness or housing instability; and
- (3) has a household income below 80% area median income (AMI); and
- (4) is obligated to pay rent at a residence within Lane County

The Lane County Emergency Rental Assistance (LCERA) Program provides rental and utility assistance directly to landlords and utility companies on behalf of renters.

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<sup>1</sup> <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>

<sup>2</sup> Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the Act).

| LCERA Requirements   | LCERA Housing Status Eligibility  | LCERA Income Eligibility    | Prioritization   | LCERA Eligible Program Components  |
|--|---|-----------------------------|--|--|
| <p>- At least one individual in the household has qualified for unemployment benefits or can attest in writing they experienced a reduction in household income, incurred significant costs, or experienced other financial hardship <u>during</u> or due directly or indirectly to the COVID-19 pandemic.</p> | <p>- Imminent risk of homelessness<br/>           -Unstably housed<br/>           - Fleeing or attempting to flee domestic violence</p> | <p>-At or below 80% AMI</p> | <p>- Households with 50% AMI or below<br/>           - Households with one member who has been unemployed for at least 90 days</p> | <p>- Rent payments (3 months forward)<br/>           - Rent arrears<br/>           - Rental security deposits*<br/>           - Rental application or screening fees*<br/>           - Utility payments<br/>           - Utility arrears<br/>           - Hotel/Motel payments in very limited circumstances (see Eligible Expenses)<br/>           - Fees</p> |

\*Rental security deposits and application fees are eligible for households who have an unpaid rental deposit or application fees. Applicants do not have to currently occupy a unit to receive this assistance.

### 3. Eligible Expenses

There is no specific dollar amount limit to rent or utility assistance. Financial assistance for future rent payments is limited to three months based on any application by or on behalf of the household, but households may receive payments for additional months (i) subject to the availability of remaining funds currently allocated, and (ii) based on a subsequent application for additional assistance provided that **the total months of assistance provided to the household do not exceed 15 months, including arrears** plus an additional three months if necessary, to ensure housing stability for the household. Rent and utility arrears are eligible expenses going back to March 13, 2020 and no earlier.

#### Rental Assistance

LCERA funds can pay for the following rental assistance:

- Current rent.
- Rent arrears as far back as March 13, 2020. Arrears is defined as rent that has already come due. Rent for the current month will be considered in arrears if the application is processed after the 5th of the month. 100% of arrears must be paid, if possible.

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- Up to 3 months forward (future) rent can be paid at one time. Future rent is defined as rent that is not due yet.

Example: The Smith's apply for assistance June 1. They owe no arrears and their monthly rent is \$1,000. Their application is screened by agency July 8. Agency asks if they have paid that rent and they have not. They are eligible for:

\$1,000 for June (arrears), \$1,000 for July (arrears) + \$1000 for August (current), \$1,000 for September (future), \$1,000 for October (future), & \$1000 for November (future) = \$7,000

Rental assistance for one household can be provided for a total of 15 months. An additional 3 months of assistance can be provided if necessary, to ensure housing stability for a household.

The payment of existing housing-related costs that could result in eviction of an eligible household is prioritized.

Agencies may only commit to providing future assistance for up to three months at a time. The statute does not prohibit the enrollment of households for only prospective benefits. If an applicant has rental arrears, Agencies cannot make commitments for prospective rent payments unless it has also provided assistance to pay 100% of the rental arrears.

Payments must be made directly to landlords or utility companies on behalf of renters, with rare exceptions (see below). When providing rent assistance, forward rent assistance can only be given for 3 months. Households may subsequently reapply for additional assistance when application period reopens. In accordance with SB 282, a landlord must first apply the payment to rent for the current rental period, then utility or service charges, then late rent payment charges, then fees or other charges owed, including damage claims, before the landlord may apply remaining monies to back rent from the emergency period of April 1, 2020 through June 30, 2021.

Rent includes payments made for rental of a manufactured home or mobile home and space rental.

Rental security deposits, screening fees and applications fees may be paid for by these funds.

Agencies must make reasonable efforts to obtain the cooperation of landlords to accept payments from the LCERA program.

Outreach will be considered complete if (i) a request for participation is sent in writing, by mail, to the landlord, and the addressee does not respond to the request within 14 calendar days after mailing; or (ii) the grantee has made at least three attempts by phone, text, or e-mail over a 10 Outreach to the landlord will be considered complete if (i) a request for participation is sent in writing, by mail, to the landlord, and the addressee does not respond to the request within 14 calendar days after mailing; or (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's participation; or (iii) a landlord confirms in writing (email is acceptable) that the landlord does not wish to participate. The cost of contacting landlords is an eligible administrative cost.

In a roommate/boarder situation where household members are financially independent, a tenant may apply but needs to have a current lease/rental agreement in place, preferably with the property owner. In the case where the roommate/boarder is not on the lease/rental agreement with the owner, the primary person living in the home (the person being paid) must document their lease/rental agreement with the property owner. For example, a copy of the subletting/sublease agreement with roommate would be required, as well as the lease of the roommate with the property owner.

Eligible households do not need to have been in their current rental home when the COVID-19 Public Health Emergency was declared. Payments under LCERA 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.

#### Direct Payments to Tenants

In the event that a landlord refuses to participate, a direct payment may be made to the applicant. The final outreach attempt or notice to the landlord must be documented. **Applicant MUST have a signed lease and Agency must confirm that name of landlord on lease is legal owner of the residence before a direct payment can be made to tenant. The legal owner of a residence may be determined by using the [Lane County Property Search](#) tool.** Tenants must commit in writing to use LCERA assistance only for the intended purpose before a payment may be issued to them. Payments made directly to the tenant are not considered taxable income. Tenants are not required to submit any tax forms to receive direct payments.

#### Utility Assistance

LCERA funds can pay for the following utility assistance for renters:

- Electricity
- Natural Gas
- Water and sewer
- Trash removal
- Energy costs for bulk fuel (heating oil or propane for example)
- Utility arrears going back to March 13, 2020.
- We cannot assist with internet or phone expenses.
- We cannot assist with expenses that are unassociated with the applicant's primary residence, such as business expenses, temporary vacation rentals, or off-site storage.

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 bulk fuel (oil, wood, etc.) 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.

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Utility payments can never exceed what will actually be owed for the current month and up to two months forward (future). To ensure payments do not exceed what will be accrued by the end of this period the following formula will be used:

Arrears + Current Month's Charges at time of application + two future months (same \$ as current) = maximum payment.

Example: The Smith's apply for assistance June 1 and upload their EWEB bill to the Cognito application. They owe no arrears but the bill is for \$140.33 and is due June 15. Their application is screened by agency July 8. Agency asks if they have paid that bill and they have not. They are eligible for:

\$140.33 arrears for June + \$420.99 (bill x 3) for July (current), August (future) & September (future) = \$561.32

Utilities should always pay for one fewer months than rent. Utility payments must be entered in HMIS for each month paid.

For bulk fuel, based on prior invoices, you must calculate their approximate monthly cost and apply the above formula.

LCERA assistance may be provided only to eligible renting households, which is defined to include only households that are obligated to pay rent on a residential unit. **LCERA funds cannot pay utilities for people who own their homes or are on the mortgage.** However, households with a "rent-to-own" agreement under which the renter has the option (or obligation) to purchase the property at the end of the lease term, provided that a member of household is not a signor or co-signor to the mortgage on the property; does not hold the deed or title to the property; and has not exercised the option to purchase are eligible.

### Hotel/Motel Payments

The LCERA program is a Homeless Prevention program and is not a Rapid Rehousing program. Households that do not have rent payment obligations at the time of application are not eligible.

The cost of a hotel or motel room occupied by an eligible household may be an eligible expense provided that:

- the household has been temporarily or permanently displaced from their primary residence or does not have a permanent residence elsewhere; and
- the household's loss of primary, permanent residence occurred during or due directly or indirectly to the COVID-19 pandemic; and
- their household's tenancy at the hotel/motel is considered long-term, as defined by providing documentation of renting at the same establishment for the 90 days; and
- documentation is provided showing that the household is working with an agency or organization to achieve permanent housing placement; and
- the total months of assistance provided to the household do not exceed 15 months (plus an additional three months if necessary to ensure housing stability for the household); and

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- documentation of the hotel or motel stay is provided and the other applicable requirements provided in this manual are met.

The above factors must be documented in the case file. The cost of the hotel or motel stay may not include expenses incidental to the charge for the room.

#### Other Expenses

Funds used for “other expenses” must be related to housing and incurred during or due directly or indirectly to the COVID-19 pandemic. Other expenses related to housing include relocation expenses (including prospective relocation expenses), such as

- rental security deposits
- rental fees, which may include application or screening fees
- damage fees
- pet fees
- reasonable accrued late fees

Security deposits should not exceed one month’s rent, except in cases where a higher amount is reasonable and customary in the local housing market.

In order to mitigate risks associated with the use of program funds for security deposits a minimum rental period of four months is required before a tenant is entitled to receive a returned security deposit that was paid for with LCERA funds. To the extent that the security deposit is not returned to the tenant, it should be returned to the grantee.

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

If an applicant is currently or formerly residing in a unit, fees and security deposits are considered arrearages.

#### **4. Program Eligibility**

Funds must be used for households with incomes below 80% of area median income (AMI).

#### Prioritization

Applicants will be prioritized based on the following criteria:

- Income, lowest to high. Households below 50% AMI will be prioritized.
- Unemployment status. Households with at least one household member who is currently unemployed and has been for at least 90 days will be prioritized.
- Households that have greater arrearages, measured in number of months.
- Households who have been impacted by Wildfires that occurred since March 2020.

#### Financial Hardship due to COVID

Applicants must document that they have qualified for unemployment benefits or experienced a reduction in income, incurred significant costs, or experienced other financial hardship during or due directly or indirectly to the COVID-19 pandemic which threatens the household's ability to pay the costs of the rental property when due. Health related COVID impacts do not qualify a household for LCERA assistance unless they have also affected a household's ability to pay rent and utilities.

### Income Guidelines

The applicant's household income must be at or below 80% Area Median Income Level (AMI).

| <b>LANE COUNTY AMI 2022</b> |                                     |                                    |
|-----------------------------|-------------------------------------|------------------------------------|
| <b>HH SIZE</b>              | <b>80% AMI Gross Monthly Income</b> | <b>80% AMI Gross Annual Income</b> |
| 1                           | \$3,717                             | \$44,600                           |
| 2                           | \$4,250                             | \$51,000                           |
| 3                           | \$4,779                             | \$57,350                           |
| 4                           | \$5,308                             | \$63,700                           |
| 5                           | \$5,733                             | \$68,800                           |
| 6                           | \$6,158                             | \$73,900                           |
| 7                           | \$6,583                             | \$79,000                           |
| 8                           | \$7,008                             | \$84,100                           |

Income determination can be based on either the household's total income in the prior calendar year, or the monthly income the household is receiving at the time of application. The maximum gross income a household of one can earn in the last 30 days is \$3,717. For each additional person living in the household, add \$425 to the monthly income limit. The maximum gross income a household of one can earn in a year is \$44,600. For each additional person living in the household, add \$5,100 to the yearly income limit.

With respect to each household applying for assistance, Agency may choose between using the definition of "annual income" as provided by HUD in 24 CFR 5.609 and 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.

The following income sources are specifically excluded when calculating total household income for this program:

- Loans
- Student loans
- Student aid grants
- Tax credits

### Housing Status



LCERA funds are for households with at least one individual who can demonstrate a risk of experiencing homelessness (imminent risk of homelessness) or housing instability.

**Imminent Risk of Homelessness:** Household or individual who will imminently lose their primary nighttime residence provided that:

- The primary nighttime residence will be lost within 14 days of the date of application for assistance;
- No subsequent residence has been identified; AND
- The individual or family lacks the resources or support networks (e.g., family, friends, faith-based or other social networks) needed to obtain other permanent housing.

**Unstably Housed Definition:** Household or individual who:

Is at risk of losing their housing, provided that:

- They have been notified to vacate current residence or otherwise demonstrate high risk\* of losing current housing; AND
- Lack the resources or support networks to obtain other permanent housing.

\*High risk may be demonstrated by, **but is not solely defined as**, at least one member of the household having experienced a loss of income, or other threat to housing stability due to the COVID-19 crisis, or displaced as a result of public health measures taken to reduce the spread of COVID-19, and it is unknown if the problem will resolve in time to avert a loss of housing.

**Fleeing or Attempting to Flee Domestic Violence:** Individual or family who:

- Is fleeing, or is attempting to flee, domestic violence
- Has no other residence; and
- Lacks the resources or support networks to obtain other permanent housing

## 5. Notification of Final Determination

In accordance with Oregon Law SB 891, Emergency Rental Assistance providers must notify both the landlord and a tenant, when a final determination is made for an application.

Both the landlord and the tenant must be notified in writing when:

- An application is denied,
- An application is approved, and/or
- A direct payment is made to the tenant.

Before the denial of an application for any reason is finalized, the processor must:

- Warn the applicant that their application will likely be denied,
- Disclose the reason for the denial, and
- Ask the applicant if they would like to contest the decision.

If the applicant does not respond within a 10 business days of the warning that the application will likely be denied, one can move forward with the denial. After an application has been

denied, the applicant may utilize the agency's usual grievance and appeals process. If the applicant contests the decision, and is still determined to be ineligible, the denial will stand.

For unresponsive applicants, if all three required contact attempts have been made and it appears the tenant is not participating, the processor must move forward with denying the application.

## **6. Additional Guidelines**

- The applicant's rental unit must be located in Lane County. Household must have an active permanent housing rental agreement or lease in the primary applicant's name. If the household member who applied for assistance is not the household member with the lease in their name, change the primary applicant to the household member with the lease in their name.
- Assistance provided through LCERA is not regarded as income or considered when determining eligibility for federal benefits or federally-assisted programs.
- LCERA is not weighted in a public charge determination. The law establishing this assistance does not impose restrictions based on immigration status.
- LCERA may not duplicate any other federally-funded rental assistance. Applicants who have received assistance through other rent assistance programs (such as CVRRP and CVRRP CARES or STARR) are eligible to receive subsequent assistance through LCERA. Agency staff must check "notes" in past payments in HMIS to ensure that duplicative months' payments do not occur.
- In the event that a landlord applied for the Landlord Compensation Fund (may be indicated by checkbox on Landlord Letter and Invoice), Agency must confirm that landlord has not accepted funds for the same costs from the Landlord Compensation Fund. Landlords are required to forgive 20% of rent when accepting Landlord Compensation Fund. Landlords may not receive the 20% of funds for rental arrears from LCERA or any other fund.
- An eligible household that occupies a federally-subsidized residential (low-income housing) or mixed-use property may receive LCERA assistance, provided that LCERA 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 aka. Section 8, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive LCERA assistance for the portion of the rent the applicant owes. If the household participates in Permanent Supportive Housing, Rapid Rehousing, or Transitional Housing programs, the renter household may not receive LCERA assistance for their portion of the rent.
- If a household receives rental assistance other than the LCERA, the LCERA 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 LCERA assistance, the Agency must review the household's income and sources of assistance to confirm that the LCERA assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

- Program providers should address barriers that potentially eligible households may experience in accessing LCERA, including by providing program documents in multiple languages and by conducting targeted outreach to populations with disproportionately high levels of unemployment or housing instability or that are low income. LCERA providers should also provide, either directly or through partner organizations, culturally and linguistically relevant outreach and housing stability services to ensure access to assistance for all eligible households.
- Eligible agency staff may apply for rent assistance. Agency staff, volunteers, friends or family members of staff must apply in the same way as all other applicants. No advantage will be given to staff, volunteers, friends or family members of staff in regards to placement on the assistance waitlist. When possible, the applications of agency staff and volunteer for rent assistance should be processed by an agency that they are not associated. Eligible family members and friends may apply for assistance; however, a staff person other than a family member or friend should conduct the interview.

## **7. Documentation**

The applicant must be able to document the required eligibility criteria for this program. Applicants and Agency staff must document their attempts to obtain primary documentation and staff are to try to collect primary sources of documentation for each criteria. In the absence of primary source documentation, self-attestation (self-certification) may be acceptable.

Electronic or paper files must be kept for all applicants. Attempts to contact all referred applicants must be tracked. Agency must make three attempts to contact each applicant by whatever means (including email, telephone, direct mail) before discontinuing making contact attempts.

Documentation of all applicant eligibility information must be available in applicant files or if kept electronically, available upon request in the format requested. Documentation of all efforts to obtain higher preference of verification (third party and Intake Worker Observation) when lower forms of preference are used, must be in writing and kept in the client/applicant file. Attempts by the applicant can provide evidence efforts to obtain documentation. Documentation must be retained per records retention policies for at least 6 years.

A third-party may be designated by an applicant to sign documents on their behalf when they are unable to do so. Agency must provide access to language interpretation services and assistive devices necessary for applicants to understand the documents they are certifying.

### Income

Documentation to verify income includes but is not limited to:

- Paystubs, W-2s or other wage statements, tax filings
- Bank statements demonstrating regular income
- An attestation from an employer
- Profit and loss statement if self-employed

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- Benefit award letters for unearned income for any household member (examples: current year social security letter, pension letter, unemployment, cash assistance, etc.)
- Documentation of child support, annuities or any income sources.

If income documentation is not immediately available, agencies may utilize self-certification to document income.

For determining **annual income**, grantees 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.

For determining **monthly income**, grantees must obtain income source documentation, as listed above, for 30 days prior to the submission of the application for assistance or for one full month prior to submission of the application. Whichever time period you choose to use, it must be applied to all adult members of the household.

During the public health emergency, in order to rapidly provide assistance, agencies may rely solely on a self-attestation of income when applicants are unable to provide other documentation of their income.

Income includes the current **gross** income of all adult household members at the time of application. Income earned by household members who are minors or full-time students, and are not considered heads of household, is excluded. If a household receives SSI/SSDI income for a minor child, that does count towards household gross income.

While household assets should be identified to determine that a program applicant lacks the resources to obtain or retain permanent housing, they are generally not counted as income. Receipt of past rental assistance does not count as income (i.e. CVRRP CARES, CARES, STARR funds).

**Categorical Eligibility:** If an applicant's household income has been verified to be at or below 80 percent of the area median income in conjunction with government energy programs such as LIHEAP, EASCR, OEAP, OLGA, EASCR, or ARPA, they are considered income eligible for LCERA and do not need to submit income documentation or self-certify their income, provided that the determination for such program was made on or after January 1, 2020.

#### Documenting Economic Impact Due to COVID-19

Applicants must document that they have qualified for unemployment benefits or experienced a reduction in income, incurred significant costs, or experienced other financial hardship during or due directly or indirectly to the COVID-19 pandemic which threatens the household's ability to pay the costs of the rental property when due.

Such documentation includes:

- Unemployment benefits award letter

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- Documentation of loss of income due to COVID-19 (layoff notice, comparison of paystubs that demonstrates lost wages, loss of hours, etc)
- Documentation of all State funds received related to COVID-19
- Documentation of all Federal funds received related to COVID-19 (excluding Federal Supplemental unemployment income)
- Documentation of all other funds received related to COVID-19
- Self-Attestation of economic impact

**Proof of rental agreement:** Grantees must obtain, if available, a current lease or rental agreement, signed by the applicant and the landlord or sub-lessor that identifies the unit where the applicant resides and establishes the rental payment amount. Obtaining a copy of a signed current lease or rental agreement is preferred. In the absence of a signed current lease or rental agreement, other documentation may be gathered to establish both a) residency and b) rental obligation.

#### Document Preference, Remote Applications and Self Certification

Lane County follows State of Oregon guidelines from Oregon Housing and Community Services (OHCS) which require program staff to comply with the following general documentation standards listed in order of preference:

1. *Third-party documentation*, where it is available, is the preferable form of documentation. Third party documentation includes verification from an employer, landlord, public benefit worker, agency service provider, etc. Written verification sent directly to program staff or via the applicant is preferred.
2. *Intake Worker Observation* may include oral statements made by a social worker, case manager, or other appropriate official at an institution, shelter, or other facility and documented by the Intake Worker. When the Intake Worker is unable to obtain a written or oral statement from a shelter, institution or facility staff, the Intake Worker must document, in writing, their efforts to obtain eligibility documentation and must place their documentation in the client's file.
3. *Applicant Self-Certification* requires a written and signed document by the individual or head of household seeking assistance attesting to the facts for which they are certifying.

COVID-19 related eligibility may be documented through Self Certification and/or within agency guidelines for Remote Application and Documentation.

Applicants who apply for assistance and provide eligibility documentation remotely may do so via electronic and other communication; e.g., phone, email, text, electronic messaging, mail and other electronic or remote means. The documentation must be kept in the client file.

#### Documentation Checklist

Forms completed by the applicant:

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- Completed application for assistance (if conducting direct data entry into HMIS, print entry assessment)
- Signed Self-Certification of Unduplicated Services
- Direct Payment to Tenant Agreement (if making a direct payment to tenant)
- Release of Information\*\* (see note below)

Note on Releases of Information: The online application process (Cognito form) asks people to certify that they understand funders may review their file, and certify they approve of their information being entered into HMIS. Check those two data fields (they are listed just prior to applicant signature). If applicant checked these boxes, then ROI and/or HMIS verbal consent are NOT required to be further obtained as those checkboxes are sufficient. If they are not checked, signed Releases of Information must be present in the client file OR the Releases can be read to the client over the phone and permission given to the intake worker to sign remotely in the client's stead.

Income eligibility documentation:

- Proof of income eligibility (80% AMI or less)\*\* ( see note below)
- Proof of Economic Impact Due to COVID-19
  - Primary sources of documentation, such as unemployment benefit letter, pay stubs, wage statements etc.
  - In the absence of primary sources of documentation of loss of income or economic impact due to COVID-19, self-attestation is acceptable.

Note on Proof of Income

Income eligibility may be determined via primary sources of documentation, self-declaration of income, or categorical eligibility.

Primary sources of documentation (Preferred):

- Paystubs
- W-2s or other wage statements
- Tax filings
- Bank statements demonstrating regular income
- An attestation from an employer.

Self-declaration of Income: In the absence of the immediate availability of primary sources of documentation, self-declaration of income is allowable.

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. If the tenant was approved for energy programs such as LIHEAP, EASCR, OEAP, OLGA, or ARPA on or after January 2020, they are considered income eligible for LCERA and do not need to submit income documentation or self-certify their income.

Housing Status:

- Past due rent or utility notice, eviction notice and/or
- Letter Invoice, Letter, and ROI\*\* (see note below)
- Landlord W-9
- Proof of residence and rental obligation. A lease is highly preferred.

A note on the LCERA Landlord Agreement, Invoice, and ROI:

Staff must document and sign that they confirmed the information on the Landlord Letter & Invoice either verbally or in writing with landlord. Staff must sign all documents verifying information and where a staff signature is indicated.

Proof of residence & tenancy

- A current signed lease or rental agreement (Preferred) and/or
  - A utility bill that lists both the tenant's name and address
  - An attestation by a landlord who can be identified as the verified owner or management agent of the unit
  - A document that shows the applicant's current name and current Oregon residential address. The document:
    - Must contain the physical address where the applicant resides and not a mailing address.
    - Must come from a verifiable business, non-profit, or government agency.
    - Must be written in ink if handwritten.
    - Cannot include any alterations such as erasures or information crossed out.
    - Cannot include a forwarding address sticker or label.

Proof of rental obligation

- A current signed lease or rental agreement (Preferred) and/or
  - Bank statements that establish a pattern of paying rent
  - Check stubs that establish 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
  - Other documentation that reasonably establish a pattern of paying rent

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 to provide further assistance to

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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.

### Proof of Identity

- Proof of identity for the primary applicant – government issued photo identification is preferred. A social security number or other documentation of citizenship is not required.

#### *First Preference (Government Issued Photo ID)*

- Driver's license or ID card issued by federal, state, or local government agencies or entities, or issued by other, foreign government entity
- U.S. or Foreign Passport, or Passport Card
- Native Tribal card or ID
- Government Employee Photo ID card or badge
- U.S. Military ID
- U.S. Permanent Resident Card

#### *Second Preference (Non-Photo ID or Non-government issued Photo ID)\**

- Social Security Card
- Voter Registration Card
- Birth Certificate
- Non-government employee Photo ID card or badge
- School or University ID with a photo
- Benefits letter(s) for SSI, SSDI, etc.
- Medicaid or other Healthcare card

#### *Third Preference (Third Party Verification)\**

- Utility bill in your name
- Credit card statement
- Letter from Landlord, Employer, Other Entity confirming your Identity
- Rental or Vehicle Insurance Card
- Other non-photo forms of ID with name, date of birth, SSN, etc.

*\*Third Preference items will require at least two items be provided and agency must document attempts to obtain First or Secondary preference ID and reasons this was not able to be provided.*

## **8. Agency Responsibilities**

Agencies processing LCERA funds must have agency policies and procedures that address the following:



- Circumstances for remote application and documentation processes, allowing for electronic signatures.
- Verification of the identity of the applicant
- Documentation and verification of qualification for assistance in relation to program eligibility criteria
- Verification and documentation as appropriate for ongoing demonstration of eligibility
- Notification and documentation to client in relation to release of information, service denial or termination, fraud policies, and grievance and appeal requirements.
- Agency agrees to establish data privacy and security requirements as required by Lane County, Oregon Housing and Community Services, and the U.S. Department of Treasury.
- Agency shall maintain records and financial documents sufficient to support compliance regarding the eligible uses of funds.
- Lane County, the 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 Agency in order to conduct audits or other investigations.
- Records shall be maintained by Agency for a period of 6 years after all funds have been expended.

## **9. Administrative Costs**

The revised award term issued by the U.S. Department of Treasury permit recipients to use funds provided to cover both direct and indirect costs. In accordance with the statutory limitation on administrative costs, the total of all administrative costs incurred by the grantee and all subrecipients, whether direct or indirect costs, may not exceed 10% of the total amount of the award. Further, the revised award term no longer requires grantees to deduct administrative costs charged to the award from the amount available for housing stability services. Rather, any direct and indirect administrative costs must be allocated by the grantee to either the provision of financial assistance or the provision of housing stability services. As required by the Act, not less than 90 percent of the funds received by a grantee shall be used to provide financial assistance to eligible households. Not more than 10 percent of funds received by a grantee may be used to provide eligible households with housing stability services.

Administrative/Program Delivery funds may be used for clearly identified administration charges which are cost allocated using an equitable methodology or directly coded to a project, meaning they have actual cost as backup (e.g. administrative staff cost/materials and services).

Administration may also be used for actual program staffing, materials and services which are coded directly or via cost allocated to the project. e.g. staff time, copy charges, office supplies etc. which can be clearly assigned to the funds using an equitable methodology.

## **10. Application Process**

1. Applicants will complete an application online at [www.LaneCounty.org/RENT](http://www.LaneCounty.org/RENT) or by calling the Rent Assistance Application phone line identified on said website during application periods.
2. Per the legislation, landlords and property owners may aid tenants in applying for assistance or apply on the renter's behalf. If a landlord applies for assistance on behalf of their tenant, the tenant must cosign the application, the landlord must provide the tenant documentation of the application, and the payments must be used to pay the tenant's rental obligations.
3. The application will be open during time periods designated by Lane County Human Services Division staff.
4. Once the application closes, Lane County Human Services Division (HSD) will prioritize applicants based on aforementioned prioritization criteria.
5. Agency will be emailed an Excel spreadsheet with the basic contact and eligibility information of clients referred to them.
6. Agency will have access to full applications/submission online via the Cognito Application, which includes uploaded documents.
7. Agency will follow up with applicant via contact information provided on the application and determine best way to ensure all required documentation is received.
8. Agency will process applications and distribute funds directly to landlords and/or utility companies for households determined to be fully eligible.
9. Applicants may reapply for additional funds, should applications reopen.
10. No more than 15 months benefits may be received by any one household, although an additional 3 months benefits may be provided if deemed necessary to ensure household housing stability.
11. Each eligible expense will be documented in HMIS per HMIS guidelines.
12. If an applicant does not qualify, they must be provided with Agency appeal and grievance process.

#### Recertification

Additional months of assistance will be made available as funding allows, If an agency has completed an initial LCERA application and the household makeup and address is the same, the applicant may complete the abbreviated recertification form "LCERA Application for Additional Assistance" rather than the "LCERA Full Application" form for their recertification. In order to use the abbreviated recertification form "LCERA Application for Additional Assistance" form, the following factors must be true: a) the applicant must be residing at the same address b) no one has moved in or out of the applicant's household AND c) the applicant must be willing to work with the same agency who has their complete original LCERA application on file. If the applicant's address or household makeup has changed and they are being served by the same agency who has their complete original LCERA application on file, they must complete the longer "LCERA Full Application" form instead in order to fully document any changes in the household. If the applicant wishes to be served by a different agency or the original agency who served them is unable to serve them for their recertification, the applicant must complete a pre-application, enter the waitlist, and complete the "LCERA Full Application" form in order to apply for additional months of assistance.

#### **11. Data Entry: Homeless Management Information System (HMIS)**

A separate Manual on Homeless Management Information System (HMIS) data entry will be provided. All eligible applications that are approved funding must be entered into HMIS within 24 hours of completed application approval. The HMIS privacy script must be read to the applicant prior to entering in information unless the agency has read it to them in the past **OR they checked the box approving HMIS data entry in the initial online application**. All payments must be tracked in HMIS (this is the official spenddown report). LCERA funds are exempt from the six-month follow up Key Performance Measure.

Data quality reports should be run *at least weekly* and any errors identified must be corrected promptly. Lane County staff will provide training and are available to help with report review and corrections when needed.

Additional data elements that will be collected are as follows:

- **\*NEW\* Agency must track acceptance rate of applicants for assistance.**
- 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 during or due directly or indirectly to the COVID-19 pandemic)
- 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
- Number of individuals in the household
- Gender, race, and ethnicity of the household members

## **12. Fraud**

### Fraud Prevention

Agencies are required to have a Fraud Policy. Agencies may reference Lane County's Fraud Policy which can be found at [https://lanecounty.org/UserFiles/Servers/Server\\_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf](https://lanecounty.org/UserFiles/Servers/Server_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf)

Agencies will determine the owner of the property before making a payment. The legal owner of a residence may be determined by using the Lane County Property Search tool. The owner of an LLC may be determined by using the Oregon Business Name Search tool.

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Lane County Property Search Tool:

[https://lanecounty.org/government/county\\_departments/information\\_services/maps\\_gis/lane\\_county\\_gis\\_map\\_gallery/property\\_search](https://lanecounty.org/government/county_departments/information_services/maps_gis/lane_county_gis_map_gallery/property_search)

Oregon Business Name Search: <https://sos.oregon.gov/business/pages/find.aspx>

Homeowner expenses are not eligible expenses: if the owner of the property is the same as the applicant, the application will be denied.

If the tenant requests payments be made to an individual property manager who is not the owner of the property, documentation must be provided authorizing the individual property manager to collect rent on the property owner's behalf.

#### Applications with Increased Risk of Fraud

If the agency has a reason to believe an individual is providing false information or is attempting to commit fraud, the Agency will follow their Fraud Policy. If the application is denied and the applicant will have an opportunity to appeal or file a grievance to have the denial reviewed in accordance with the agency's grievance policy. Instances of fraud reported to Lane County will be handled in accordance with Lane County's Fraud Policy which can be found at [https://lanecounty.org/UserFiles/Servers/Server\\_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf](https://lanecounty.org/UserFiles/Servers/Server_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf)

#### Additional Documentation Requirements for Situations with Increased Risk of Fraud

Additional documentation establishing tenancy will be required in situations with increased risk of fraud, including situations involving direct pay, familial relationships between landlord and tenant, and when the landlord mailing address is the same as the tenants'.

Additional Documents to establish tenancy include:

- Government issued ID or Driver's License reflecting current address
- Oregon vehicle title or registration card
- Utility hook up order or utility statement issued by the service provider
- Any document issued by a financial institution that includes your residence address
- Any item delivered by the United States Postal Service, FedEx, or UPS sent by a verifiable business or government agency
- Any document issued by an insurance company or agent
- Any document issued by an educational institution
- A U.S. government-issued marriage certificate or license signed by a government official
- A loan agreement, payment booklet/voucher, or loan statement
- Paycheck, paystub, W-2 or 1099 tax form
- An Oregon Department of Consumer & Business Services (DCBS) issued manufactured structure ownership document
- Oregon voter notification card or voter profile report or Selective Service card
- Medical or health benefits card

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- Unexpired professional license issued by an agency in the U.S.
- Current Certificate of Eligibility for Exchange Visitor (J-1) status (DS2019)
- Approved letter from Oregon State Hospital, homeless shelter, transitional service provider or halfway house dated within 60 days of your application certifying your residence address
- Letter from Department of Veterans Affairs Rehabilitation Center & Clinics certifying your address
- Letter on company letterhead from an employer certifying that you live at a non-business address owned by the business or corporation
- Other documents issued by a third party will be considered on a case-by-case basis.

The document:

- Must contain the physical address where the applicant resides and not a mailing address.
- Must come from a verifiable business, non-profit, or government agency.
- Must be written in ink if handwritten.
- Cannot include any alterations such as erasures or information crossed out.
- Cannot include a forwarding address sticker or label.