

## Eviction Rental Assistance Program (ERAP) Questions & Answers September 2020, Version 3

ERAP Program Guidelines, Forms and more:

<https://www.commerce.wa.gov/serving-communities/homelessness/>

### ELIGIBILITY

#### **Does a client need to be employed in order to get their rent paid?**

The program eligibility criteria are in the ERAP Program Guidelines. Employment is not a criteria.

#### **Does a client need to show they've been impacted by COVID to get their rent paid?**

No.

#### **Are mixed status families eligible?**

Yes.

#### **Are undocumented households eligible?**

Yes.

#### **What does housing disrupted due to household member race, etc. mean?**

When asking this question, consider the following:

Housing disruption will have personal meaning for the people involved. It could mean being kicked out of a house and becoming homeless, it could mean feeling discriminated against and harassed by a landlord, or it could mean someone lost their job because of their gender identity or race which resulted in an inability to pay rent, or something else. It's okay to believe what people tell you.

1. Simply ask the question: Has your housing ever been disrupted due to your race, ethnicity, gender identity, sexual orientation, or religion?
2. Let the client lead the response.
  - a. If they say yes, indicated a check mark in the box. If they want to tell you about the circumstance (not required), it is upon service providers to create environments that are supportive, affirmative, and trauma informed.
  - b. Maybe they will ask "what do you mean?" in which case you can offer the following:

Has there ever been a circumstance where you felt your race, ethnicity, gender identity, sexual orientation, or religion caused you to lose your housing? This could also include religious differences with your parents/guardians. Maybe a problem with a landlord, or problem with paying for housing?

Remember, the client is not being asked to disclose anything in order to receive assistance. They are being asked whether their housing has ever been disrupted because of their race, gender identity, sexuality, or religion. They are their own best experts on what “disrupted” means to them.

We recognize that questioning regarding circumstances around prior housing instability may engender conversations that involve a client disclosing their Sexual Orientation and Gender Identity and Expression (SOGIE) identity. If a client discloses their SOGIE identity we fully expect any housing assistance grantee to be prepared to provide affirmative care and support to that client (even clients they are just meeting for the first time). At least in the youth world, when 20-40% of all homeless youth are LGBTQ+ we cannot afford to tip toe around the topic of sexual orientation and/or gender identity. **Everyone has a sexual orientation and gender identity, not acknowledging that has the effect of *othering* people whose SOGIE identity is anything other than straight or cisgender.**

**Will only current residents be eligible for the funds or can households apply if they move out and owe a balance?**

The program is only to assist people who are current residents with a rent obligation.

**Can we add client eligibility requirements for the program beyond what is listed in the Commerce guidelines?**

No, you cannot have additional client eligibility requirements.

**Can we require that the property for which the rent assistance is being paid is located in our county?**

Yes.

**If a household is receiving a project-based or tenant-based subsidy through another agency, can they qualify for ERAP assistance if they are unable to pay their portion of the rent?**

Yes.

**If a household is residing in a transitional housing program and is owing at least one month of rent would the household potentially qualify for ERAP funds?**

Yes, if eviction would be a consequence of nonpayment.

**If an applicant is residing in an apartment that is owned by our agency, would they be able to receive ERAP assistance, assuming they meet all other eligibility criteria?**

Yes.

## NEW

**If more than one subgrantee is providing ERAP rent assistance in the county, can an agency add an attestation that the household has not already received ERAP assistance elsewhere?**

Yes.

**Can someone paying monthly “rent” at a motel/hotel qualify for ERAP?**

Yes.

## DOCUMENTATION

**The guidelines state that Commerce prohibits grantees from collecting evidence to substantiate a household statement or adding additional criteria. Will Commerce allow counties to ask applicants to demonstrate that an inability to pay rent has been due to the pandemic or that their income has been impacted by the pandemic? (Laid off due to pandemic, reduced hours due to pandemic, etc.)**

No additional eligibility criteria is allowed. The program is trying to prevent evictions during the pandemic.

**Is unemployment counted as income?**

Yes. Income type is detailed on the ERAP Household Information and Eligibility Form.

**Does the federal supplemental unemployment insurance (\$600) count as income?**

Yes.

**Does federal COVID stimulus money count as income?**

No.

## BUDGET

**Can we make budget modifications (move funds between categories) during the contract period?**

Yes.

**If we are not able to award all of the By and For funding, can the remaining funds be converted to Rent/Operations?**

Yes, if you receive an exemption.

**If we don't spend all of the funds, can we convert them to another grant?**

No. The funds expire December 31, 2020.

**If we don't spend all of the funds by a certain time period, will Commerce deobligate and send to another county?**

Yes, this is a likely possibility.

**How does the 50% spending limit work?**

You will receive the full grant award in the contract document. Commerce will monitor spending and data (ERAP Report Form.) **Grantees cannot spend more than 50% of the grant without approval by Commerce.** If you get close to the 50% spending limit and are not spending proportional to your population, we will contact you about next steps.

## CLIENT FILES

### **Are W-9s from landlords required to be in each client file?**

Commerce is not requiring but you may need for your own records.

### **Can we have our own intake in the file with the Commerce eligibility form?**

Yes, but not required. We advise grantees to consider if additional forms are necessary.

### **If there is a formal lease agreement with a landlord is it required to be in the file with the landlord payment agreement form?**

A copy of a rental or lease agreement is not required. The landlord or friend/family is signing the payment agreement form certifying that the monthly rent rate and amount owed is true.

### **Can we use and put our FMR/Income verification form in the file?**

Yes, but not required.

### **Do we need to have verbal consent or an ROI to talk with the household's landlord or friend/family?**

Utilize your agency's standard procedures for collecting consent.

## FORMS

### **Do the Landlord Payment Agreement or the Friend/Family Payment Agreement need a *wet (original) signature*? We are especially concerned about the Friend/Family form. Is verbal, email or text authorization allowed?**

If a signature cannot be obtained, we'd request that the communication be traceable, for example an email or text message rather than verbally, and that the landlord or friend/family confirms that somewhere, 'I affirm this is true' or 'yes, this is true to the best of my knowledge' in the email or text.

### **When calculating the 80% of total rent due and FMR on the Landlord Payment Agreement Form, are we required to pay the lesser amount of the two?**

No. When choosing the rent limit method (80% or FMR), you can choose the greater of the two amounts but the payment amount must not be more than the total rent amount due. In other words, you may choose the amount that comes closest to covering the household's amount due.

### **Is there a formula I should follow for creating a unique client ID, or does Commerce want us to create our own?**

You can use your own method for creating a unique client ID. Do not use any identifying information such as initials, date of birth or partial name.

### **Do I need to calculate 80% of the amount due when the amount owed is a partial payment?**

Yes and the Landlord Payment Form and the Friend/Family Payment Form have the steps to walk you through the calculation.

## RENT ASSISTANCE

### **Can you talk about the restriction to 3 months of assistance rather than 6 months?**

Initially Commerce thought it was 6 months, but at this time, it is limited to 3 months. We are working to extend the time period.

### **Can a tenant access the program more than 1 time?**

No.

### **What is the FMR limit for this funding?**

100%.

### **Can we serve households in subsidized housing?**

Yes.

### **Can we pay utilities, if they are included in the overall rental costs paid to the landlord?**

Yes.

### **Would it be allowable for the client to cover the remaining balance of rent over the 80%?**

Commerce is intentionally not wanting there to be space for negotiation of tenant payment of the 20% balance.

ERAP grantees and service providers are prohibited from asking or suggesting to households that they negotiate a tenant payment of the 20% balance to the landlord or friend/family. The language on the Landlord and Family/Friends Payment Form prevents eviction for non-payment for the months providers are covering.

### **Some landlords are not going to be happy about the 80%/FMR options. Is it allowable to bring in other funding to “top off” the assistance so that it equals the actual rent charged?**

If the county or grantee has a program landlords can apply to for some sort of balance owed, that’s okay.

Households served in this program should not be encouraged to or have to apply to another program to get the 100% payment to the landlord or friend/family.

## **NEW**

### **Why are we only allowed to pay 80% of rent due instead of 100% in some instances?**

While we recognize that the payment standards may fall below the actual rent owed, using these standards will enable assistance to a greater number of tenants and landlords seeking economic relief due to this extraordinary and unprecedented crisis.

### **If someone owns a mobile home or RV and is renting the lot, can arrears or rent on lots be paid?**

Yes.

### **Can campground rent be paid for an RV staying at a campground?**

No, campgrounds normally have stay limits and are not permanent.

**How is FMR calculated when someone is renting a room?**

Use FMR for the number of bedrooms in the unit. Example, if a person is renting one bedroom in a two bedroom unit, split the FMR.

**Can rent assistance, operations, and outreach all be billed to the by and for category?**

Yes.

**What is considered a rent arrear?**

Any rent owed before the current month.

**Can the rent payment cover the full portion of what's owed when the unit is over FMR?**

When choosing the rent limit method (80% or FMR), you can choose the greater of the two amounts but the payment amount must not be more than the total rent amount due. In other words, you may choose the amount that comes closest to covering the household's amount due.

**NEW**

**Can we cover three months of rent after the contract end date if paid in December?**

“Future rent” can only be one month, the month following the current rent.

**If a household is receiving a project-based or tenant-based subsidy through another agency, can they qualify for ERAP assistance if they are unable to pay their portion of the rent?**

Yes

**If a household is residing in a transitional housing program and is owing at least one month of rent would the household potentially qualify for ERAP funds?**

Yes if eviction would be a consequence of nonpayment.

**If an applicant is residing in an apartment that is owned by our agency, would they be able to receive ERAP assistance, assuming they meet all other eligibility criteria?**

Yes

**SUPPLIES**

**Can these funds be used to purchase a laptop(s)?**

Yes, as approved by Commerce. We will not approve large equipment purchases to spend out the grant, but we will allow equipment as needed for new staff to get this funding spent quickly.

**PERFORMANCE**

**Will you be giving us our target percentages of people in poverty by race and ethnicity for spending proportionally?**

Those percentages here:

<https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1/file/697426736796>

**Can you explain the representational portion more precisely?**

It's in proportion to the people living in poverty, by county.

**Will you be looking at this metric across all of our rental assistance programs or just the ERAP?**

Data from all ERAP Grantees in the county will be combined for the purpose of monitoring equitable access to ERAP.

**For Performance Measurement, how will Commerce count households who choose not to disclose their race or ethnicity? Will they count against our performance?**

Incomplete household data will be excluded from the performance analysis.

**What are allowable approaches to achieving the equity performance targets?**

Required equity performance targets can be achieved by outreach that results in applications for assistance proportionate to the race and ethnicity of people in poverty in your county. Grantees shall not reject or fail to process applications for rental assistance based on race or ethnicity.

**HMIS**

**Is HMIS entry required?**

No, it's prohibited for the Balance of State HMIS Users. The decision to not use HMIS for this project was made due to the short-term nature of the funding, and the need to prioritize new ESG CV and State shelter projects.

**NEW**

Enrollment into an existing CE project is allowable.

**What about checking HMIS to see if a household is already being assisted?**

You may only check HMIS to see if a household is already being assisted in another program if the household has signed (or provided telephonic consent) the HMIS consent form.

**There will be two ERAP providers in our county. If we don't enter households in HMIS, then they can get rent assistance from both providers.**

This is possible but the Landlord or Friend/Family would be committing fraud by accepting duplicate payment from the program for the same time period.

**CONTRACT TERMS**

**There are mixed messages on "used, spent and end."**

- The grant term is August 1 through December 31.
- Grantees can pay rents for eligible clients for the period March 1 – December 31.
- The grant end date is December 31 and final billing will be due in January.

**Admin, is that up to 15% of the total of direct expenses or is it 15% of the total contract?**

15% of the total contract.

**In the draft guidelines, there was something mentioned that while we can pay future rent to December 31, 2020, the actual program ends October 31, 2020 (for new enrollments). We have until December 31st to enroll and spend funds?**

Yes.

**Is there a budget revision process like CHG?**

Send all budget revision requests to your Commerce grant manager. There is no 10% cap on moving funds.

## **TECHNICAL ASSISTANCE**

**Are you planning any TA sessions for sub-contractors of ERAP?**

There is an ERAP Form sample packet here:

<https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

## **COMMERCE LANDLORD OUTREACH**

**Does Commerce intend to put out guidance, FAQs or materials directed at property owners? To tell them about the 80%?**

No.

At the bottom of the Landlord Payment Agreement forms it states “no late fees or additional charges will be made for the months covered after I receive payment.” They cannot pursue the balance for the months the program is reimbursing.

## **SUB CONTRACTING**

**Can we pass through a flat fee/award to By and For organizations, like a purchased service, for outreach?**

All terms and conditions of the ERAP contract must be passed to any sub grantees.

**Is it possible for the subcontracted agencies of the CHG Lead to work with and pay the By and For Organizations as they are working on outreach, translation, etc. rather than the county subcontracting directly?**

Yes.

**What if the By and For list does not include any organizations in our county? Or, if we are not able to contract with any of these organizations?**

The contract terms allow an exemption from the requirement.

**Is Commerce making separate grants to tribes for this purpose? Or should we be sub-granting to tribes through the ERAP program?**

Tribal governments are also receiving CARES Act funding that they can use for rental assistance programs. You can also sub grant to them in ERAP. Please reach out to your Commerce grant manager to discuss initiating communication with a tribal government that you do not currently have a relationship with.

**Our application process is experiencing delays as we try to contact By and For Organizations. Does a Subgrantee Information tab need to be completed for each By and For Organization we will be working with?**

Yes.

**The small agencies may not have easy access to, or have at all, some of the requested information (Statewide Vendor Number, for example).**

You can submit the By and For information after the application is submitted.

**Can we count the value of rental payments generated by applications collected by By and For organizations as counting toward the 5% requirement? For example, if By and For Organization X collects 25 applications with a rent payment value of \$50,000, but CAC is the organization that cuts the check to the property owner, can we count that \$50,000 as part of the 5% requirement?**

No, this is not the intent. The intent is to pay the By and For for the work they are doing in the program.

**Is an organization serving senior citizens considered a By and For organization?**

No.

**In the case where the lead CHG grantee subs directly to the By and For organization, would they need to complete the subgrantee tab with the By and For information?**

Yes.

**In the case where the CHG provider is NOT the lead grantee but is the one subgranting to the By and For agency, do we need the By and For agency in the application?**

Commerce needs to know who the By and For agency is so that we can ensure they meet the requirement. Please work with your CHG grant manager to communicate this information.

**If there is currently no By and For agency identified in our County, can we proceed with the application minus the 5% to be earmarked for By For agencies and identify the agency at a later date (if one can be identified)?**

Yes, we can proceed with contracting the total minus the 5%. You can also ask for an exemption from this requirement if you are confident that a By and For organization does not exist in your service area.

**Are grantees required to send out information to By and For organizations?**

Commerce has contacted some By and For organizations regarding the funds, and grantees should also do outreach in their own community.

**Can an internal program within an agency that has a history of serving underserved populations be considered By and For?**

This would need to be vetted by your CHG grant manager. Please reach out with questions.

**Is Goodwill Industries a By and For organization? They serves multiple populations in their local community. One of the main populations served by Goodwill Industries are individuals with disabilities.**

No.

**Are we able to contract with churches as part of the By and For?**

Yes. Churches cannot require people participate in religious activities in exchange for services or support though.

**Do you have examples of the kind of outreach and education activities that we could provide to the prospective organizations?**

No but Commerce is looking to learn from grantees and is happy to share examples. Please don't hesitate to send to your CHG Grant Manager.

**What constitutes "reasonable effort" for sub-granting with By and For Organizations?**

Please contact your CHG Grant Manager to discuss efforts to sub grant.

**Can we use MOU's for subcontracting?**

Grantees may use whatever mechanism of agreement you choose as long as all terms and conditions are passed on.

**What are the expense documentation requirements for the By and For sub-contracts?**

The documentation requirements would be the same as for CHG. If they're doing only outreach activities then we would need to ensure there is documentation tracking staff's time spent on this. Some type of source documentation would be needed to connect supply purchases to a general ledger.

**Is it required that the By and For organizations we subgrant to only serve ethnic and racial minorities?**

No, it is not required that the By and For organizations only serve ethnic and racial minorities. However, you should keep in mind the program goals and performance measure in the [ERAP guidelines](#) when determining who to subgrant to.

**What does Commerce expect in terms of subrecipient monitoring of the By and For organizations or other organizations that accept applications under the program?**

Commerce does not expect an official monitoring to occur within the short time frame of the ERAP contract. The expectation is that you work closely with the subgrantee to ensure the grant is being administered within the program guidelines. Subgrantees should receive training on how to accurately fill out program forms. All grantees should be able to provide backup documentation to support ERAP expenses.

## **SERVICES**

**My organization does not currently have the capacity to provide language interpretation services. How do I fulfill this requirement? What if we need help with translation?**

The following is a list of organizations that provide language interpretation services over the phone. This is not a comprehensive list or an endorsement of the services they provide; other organizations may be better suited to fulfill the language interpretation requirement:

Lionbridge: <https://www.lionbridge.com/content-transformation-services/interpretation-services/>

Language Link: <https://www.language.link/telephonic-interpretation/>  
Linguistica: [https://www.linguisticainternational.com/services/over the phone/](https://www.linguisticainternational.com/services/over_the_phone/)

ERAP grant funds can pay for translating ERAP marketing material. Commerce can also assist grantees with translation services, if needed.

**NEW**

## **INVOICING**

**Do you want the ERAP Report form that only contains current household information for the invoice request?**

Yes, submit a new form with each invoice, not a cumulative one.

**If we are subcontracting to multiple agencies, can we submit the ERAP Report form from each agency or are we required to compile the ERAP Reports onto one spreadsheet?**

Submit a separate form for each agency. You do not need to compile.

**To determine that racial equity measures are met, will Commerce be keeping a “master list” of the ERAP Reports that we can access or get updates to see how we are trending (to streamline reporting and what is kept locally)?**

We will look into compiling reports for a county weekly and make the reports available, perhaps through a Dropbox link.

## **Office of Homeless Youth – Specific Questions**

**Are the ERAP Guidelines for both OHY and CHG Grantees?**

Yes.

**I want to note that under the OHY grantee contact list we are listed as a sub grantee, however we are the lead for both OHY and CHG funding should we submit an application as the lead or the sub grantee.**

If you are listed as the lead for OHY and CHG funding you would apply to be the lead for this funding as well. Any edits to the contact list can be made as needed.

**Can you clarify WHO can utilize the OHY portion? It was my understanding that they had to be an OHY funded entity, but then none of our OHY funded folks are By-and-For agencies.**

The requirement for 5% of the grant funds to be set aside to subcontract with By/For organizations applies only to the CHG grantees.

**Would it be allowable to utilize this funding with young adults who are currently homeless and are in need of assistance with paying rent (including arrears)? The guidelines speak to eviction prevention but it is not clear in the eligibility criteria if clients who are currently experiencing homelessness could be served.**

No. ERAP funds are only for rental assistance in which tenants currently reside.

**If we want to add subcontractor's midway through the contract? We are not necessarily planning on subcontractors through this process, but we want to leave the option open depending on how things are going?**

Yes, we can amend the contract to fit the business need. However, making changes in the middle of this particular contract could be challenging, because of its limited time-line (August 1- December 31, 2020).

**Do the other funded partners in the county need to do anything to show that they support our application?**

No.

**This funding fall under OHY funded programs. Will our agencies have an age restriction in the contract or are we able to work with families, youth and single adults that might need to access some of these funds?**

The OHY ERAP grant will be limited to Youth and Young adults 24 years old and younger. However, you can connect with the county CHG lead to support single adults and families that fall outside of the OHY of eligibility requirements.

**We were also wondering if this can be used in combination with RRH funding to help with rental arears in another program.**

The Eviction Rental Assistance funding is federal funding and therefore separate from our other OHY funding sources (which is state funding), the two funding sources will need to remain separate. One suggestion would be to prioritize utilizing the ERAP funding to support Y/YA with rental assistance and utilized OHY state funding secondarily to support with any additional and/or ongoing assistance that is required.

## **NEW**

**The contract says 10% admin, but the application allowed for 15% and our budget has 15%. Are we ok with 15% admin?**

The admin is capped at 15%. You could utilize admin under the 15% but not over. For example if you allocated 15% of your budget for admin that would be allowable but a 20% admin carve out would not be allowable

**Is there an age limitation on ERAP? Say a 16-year old eligible for rental assistance?**

For this particular opportunity, the age of eligibility requirements align with OHY's Young Adult Housing Programs, 18-24 years. Renters under the age of 18 are not legally bound to the agreement and therefore would pose a complicated scenario, in that the law grants the option to minors as to if the minor would honor the rental agreement or avoid payment responsibility. Assisting a family member who may have co-signed for the arrangement might be a better way to help a young person in this scenario.

**Checks to family and friend's questions. If the family/friend is renting a place, shouldn't the check go to the landlord? If the family/friend is on a mortgage or owns a home, that would be different but there is concerns about checks to family members**

In regards to utilizing the Friend/Family Payment agreement form, we have to trust that family members will do the right thing and address the rental responsibility with any funding received from an informal rent agreement via ERAP. If we overstep and try to route things to the landlord without the friend/family member's permission, we could jeopardize the entire households housing arrangement. The best thing to do would be to inform a friend or family member that any instance where they received ERAP funding for rental assistance; and did not use the funds for that cause, would be classified as fraud.

**Does the head of household have to be the one that applies for the funding? If they are not the HOH, can they still apply?** The Head of household does not have to be the one to apply for the funding if a young person is living with someone then the household would be eligible based on the eligibility of the young person. However everyone in the household receiving income that is 18 or over would be entered within the application/household.

If the young person is responsible for a portion of the rent then the young person would apply independently and FMR would be determined based upon the amount of bedrooms in the unit. For example a young person who is responsible for a portion of the rent would be eligible for a portion of FMR (i.e. a young person in a two bedroom unit would be eligible to receive FMR for 50% of a two bedroom allotment).

**I understand we can only serve an individual once with our funding, which we will be able to track by their name, but if there is more than one person living in the household, can they all apply for help? If no, we will have to put a mechanism in place to track the address, not the name of the individual applying.**

Yes

**When confirming the AMI for the household- does everyone, individually, need to provide their own documentation or self-certification for their income OR can the applicant provide on their behalf?** Everyone 18yrs and over, receiving an income, would need to provide their own documentation.

**Can we serve someone who is eligible to receive funds from DCYF or have already received funds from DCYF for exiting extended foster care since March? I was told that there is funding for youth who have exited extended foster care to receive a stipend all the way to December.**

This is correct. Both programs have caps on how much assistance can be awarded to a participant and both programs end December 31, 2020. The DCYF funding is a stipend for young people exiting extended foster care (effective March 1, 2020) the OHY ERAP funding is for rental assistance.

**If we send off a LLPAF or a FFPAF and the landlord refuses to sign, what should our next steps be? Are there legal ramifications on the landlord if they don't accept payment?**

We would not be able to provide rent assistance, because the signed documents operate as proof of the agreement, if you are missing the landlords signature, then they are not agreeing to the terms and would therefore void out the rental assistance agreement. There are no legal ramifications to speak to a landlord not accepting rental assistance.

**For self-certification, this goes for cases where the participant may have a source of income and can't prove it, OR they are not able to obtain it quickly enough. Do they need to say a certain set of words that we can prompt them with or if we save their email or text that states they can't submit the documentation needed, will that suffice for HUD? I would create a form they can acknowledge or sign but I know signature aren't required and we don't want to add any barriers to the process.**

Self-certification would take the place of any documentation, which the participant could not provide.

**We recognize that by the end of the month a person is usually aware of whether or not they'll be able to pay rent for the following month. With that, are we allowed to start processing applications from clients who anticipate missing rent the following month and then note an "early submission date" in their file once the date their rent is due has passed? We would have all their information already, but would wait to cut the check to their landlord until after they have actually missed rent. Additionally, does the exact submission date on file matter to the Department of Commerce? Could an application submitted in August still be processed and completed for September rent coverage?**

ERAP covers three months of rental assistance to include arrears, present or future dates of service. You can provide rental assistance for future dates of service. In regards to the submission date, the submission date does matter and should reflect the intake process but, that should not hinder you from processing future dates of service.

**Can we report demographic information separate from our financial report?**

Currently, the grantee would have to submit demographic information on the monthly report required. A grantee cannot add more than what Commerce has on their eligibility form, but could track demographic information on the Commerce excel monthly template for reimbursement.

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