

# EMERGENCY RENTAL ASSISTANCE PROGRAM



## GRANTEE POLICY GUIDE

**APRIL 2021**

## Version History

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## Section 1: Introduction

### ERAP Overview

In December 2020, Congress enacted the Consolidated Appropriations Act of 2021 and established a new program under the U.S. Treasury - the Emergency Rental Assistance Program (ERAP). ERAP provides direct financial assistance and housing stability services to renters who are struggling to make payments for their rent and utilities<sup>1</sup>. Assistance can be used for rental arrears, prospective rental payments, utility and home energy cost arrears, prospective utility and home energy costs, and "other expenses related to housing incurred due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak."

In March 2021, Congress enacted the American Rescue Plan Act (ARP), which extended the deadline for spending "ERAP 1" funds to September 30, 2022 and expanded ERAP through a second round of funding, "ERAP 2" (federal allocations are to be determined).

Under ERAP 1, the U.S. Treasury awarded over \$400 million to the State of Maryland and eight counties with a population over 200,000. The Maryland Department of Housing and Community Development (DHCD) reserved a portion of the State's allocation, nearly \$193 million, for distribution to local county governments to supplement their existing rental assistance programs and expand the number of households served.

This policy guide outlines the policies, procedures, and implementation guidance that DHCD grantees and subgrantees must follow in delivering ERAP 1 assistance.

### DHCD Guiding Principles



#### Equitable

- Allocate Funds Based on Need and Disparities
- Prioritize Households Most At-Risk of Eviction
- Implement Affirmative Outreach Strategy and Communications
- Monitor Disparities in Assistance and Pivot Quickly



#### Low-Barrier

- Simplify Tenant Eligibility and Screening Processes
- Streamline All Rental/Utility Assistance into Existing Local Access Points
- Facilitate Mass Rental Relief through Multifamily Housing Partnerships



#### Locally-Driven

- Comprehensively Address Housing Stability and Basic Needs of Tenants
- Incorporate Rental Housing Market Conditions into Local Planning
- Deploy Programs with Trusted Community Partners

<sup>1</sup> [U.S. Treasury Emergency Rental Assistance Program Website](#)

## Section 2: Fair Housing and Non-Discrimination Requirements

All grantees and subgrantees are required to comply with federal, state, and local laws as well as Department policies regarding discrimination and equal opportunity. This includes:

- 1. Title VI of the Civil Rights Act of 1964** (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
- 2. The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968** (42 U.S.C. § 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, national origin, sex, familial status, or disability;
- 3. Section 504 of the Rehabilitation Act of 1973**, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;
- 4. The Age Discrimination Act of 1975**, as amended (42 U.S.C. §§ 6101 et seq.) and 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; and
- 5. The Americans with Disabilities Act of 1990**, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

## Section 3: Eligible Activities and Costs

### General Requirements

- ERAP may only be used for rent, utility, and other qualified housing-related expenses that were accrued after March 13, 2020
- A household may not receive more than 15 total months of assistance under ERAP (including arrears, prospective payments, and one-time housing related costs).
- Assistance received from other funding streams (such as CDBG-CV or ESG-CV) does not count towards the 15 month ERAP maximum. However, grantees and subgrantees should be sure to verify that any assistance provided under other funding streams does not duplicate the assistance provided under ERAP (example: both programs paying 100% of rental costs for the same month). Grantees/subgrantees can use multiple funding streams to meet the full rental needs of a household if necessary.
- Rent, utility, and other-housing related costs accrued in the same calendar month count as one month of assistance, not multiple separate months for purposes of calculating total months of assistance<sup>2</sup>. As these categories each have distinct eligible costs that do not overlap, there is no duplication of assistance within a given month.
- Payments should be made directly to landlords and utility companies whenever possible. If a landlord is not willing to accept payment and/or participate in ERAP, the grantee/subgrantee must follow the steps outlined under **Tenants Applying With or Without Landlord Involvement****Error! Reference source not found.**
- Grantees and subgrantees may not establish maximum amounts or limits for rental arrears payments without prior approval of DHCD. Whenever possible, eligible tenants should be provided the full amount of assistance necessary to bring them current on their rent and avoid eviction, such as providing up to 12 months of arrears assistance and three months of prospective assistance at the same time. Paying only a portion of arrears is strongly discouraged.
- Grantees and subgrantees are encouraged to provide bulk payment whenever possible to increase landlord participation, reduce administrative burdens, and reduce burdens on tenants to produce new applications/documentation. (Example: providing three months of prospective rent assistance with one check in lieu of three separate monthly payments).
- Rental assistance agreements, lead certificates, and habitability inspections **are not required** for a household/landlord to receive assistance with arrears or prospective costs.<sup>3</sup>
- Requirements for determining household eligibility and documentation of eligible costs can be found in Sections 5-8 of the policy guide.

<sup>2</sup> As of May 2021, Treasury has not explicitly allowed or prohibited rent and utilities to be treated as one month of assistance for purposes of the 15-month maximum. This is DHCD's policy, based on best practice, interpretation of existing Treasury guidance, and administering other rental assistance programs.

<sup>3</sup> Exception: if a household is using substandard/unsanitary living conditions as their sole reason for housing instability, then an inspection may be required.

## Rental Assistance

ERAP can be used for payment of:

- Rental arrears up to 12 months
- Prospective rent (current or future months' rent), up to three months at a time

Note: Security deposits and other one-time costs related to relocating or moving into new rental housing are eligible under “



Other Housing-Related Costs”, not Rental Assistance.

### ***Rental Arrears***

Assistance with rental arrears may be provided for the rental unit the household currently resides in. Additionally, rental arrears payments can also be made to the owner/landlord for a previously rented unit they no longer reside in under the following conditions:

- The new landlord states that they will not rent to the tenant unless the former tenant pays the full amount of arrears/clear their rent debt to a previous landlord.
- The household provides a copy of the former lease agreement and the previous landlord provides an updated overdue rent notice with current balance owed. A warrant of restitution may also be used to meet this documentation standard.

It is important to remember that any rental assistance provided to a prior landlord will count towards a household’s 15 month maximum of assistance they can receive under ERAP.

### ***Prospective Rent Requirements***

Payment for up to three months of prospective rent can be made at time of initial application. Thereafter, the household must submit a new application and have their eligibility redetermined for additional prospective rent (Treasury FAQ #10). Prospective rent can only be provided if the household has resolved their rental arrears (providing ERAP funds to resolve the arrears is acceptable).

## ***Landlord Concessions***

Landlords receiving payments directly from the program must agree to the following minimum requirements as part of the application.

<b>Concession</b>	<b>State Minimum Requirements</b>	<b>County Flexibilities</b>
<b>Landlord Rent Arrears Forgiveness</b>	Not Required	May require owners to forgive portion of rent arrears up to 20%
<b>Late Fees/Interest/Court Fees</b>	Must Waive All	N/A
<b>Cancel Existing Eviction Filings</b>	Required	N/A
<b>Moratorium on New Eviction Filings</b>	Owner may not create new eviction filing for at least 30 days after term/period of financial assistance nor for the duration of prospective rental assistance	May require a longer moratorium up to 90 days
<b>Lease Renewal</b>	Owner must offer tenant option to renew an expiring/expired lease for at least 90 days	N/A

The requirement to renew a lease and moratorium on new eviction filing does not apply to cases where the landlord has filed a breach of lease case due to issues of safety.

Grantees are urged to carefully consider how landlord concessions such as rent forgiveness may impact a landlord's willingness to participate in the program. Unintended consequences may include an increased rate of tenants receiving payment directly, which increases risk for monitoring.

## Utility and Home Energy Assistance

ERAP can be used for payment of:

- Utility and home energy arrears up to 12 months
- Prospective utility and home energy costs (current or future months' rent), up to three months at a time

Grantees may choose not to provide utility assistance through ERAP in their jurisdiction. Utilities and home energy costs include electricity, gas, water and sewer, trash removal, and energy costs, such as oil, natural gas, propane, wood, pellets, and coal used for home heating. Payments to public utilities are permitted.

Note: Internet costs are eligible under “

**Other Housing-Related Costs”, not Utility Assistance.**

*Conditions:*

- Utility and home energy costs must be separately stated charges and documented by a bill or invoice. In the case where utilities are included in a household’s monthly rent, the costs will be treated as rent and paid out of the Rental Assistance category.
- Prior to providing utility assistance to a household, the grantee/subgrantee must ask the household if they have applied for all mainstream utility assistance they are eligible for, such as OHEP, LIHEAP, Fuel Fund, or State RELIEF Act funds. Grantees/subgrantees should support tenants in accessing those resources in lieu of using ERAP when it is feasible to do so.

## Other Housing-Related Costs

ERAP can provide **prospective** assistance with costs related to a household's need to relocate or secure a new rental unit due directly or indirectly to COVID19. This includes households who are currently living in environments that do not allow for sufficient social distancing, isolation, quarantine, or where it is not possible to maintain a sanitary home.

Examples include, but are not limited to:

- Households currently living in substandard housing conditions and need to immediately relocate to a new unit (as defined in

- **Section 8: Housing Instability Determination & Documentation)**
- Households living in overcrowded rental housing, defined as more than one person per legal bedroom
- Households living in a homeless setting, including those in homeless shelters, transitional housing, and places not meant for human habitation
- Households who no longer have a legal right to occupy the property they currently reside in and are at-risk of entering a homeless setting (ex: expired lease, court-ordered eviction notice, landlord). It is highly recommended these tenants be connected to legal aid services prior to vacating the unit.

#### *Eligible Costs*

- Reasonable accrued late fees (if not included in rental arrears or utility bills)
- Rental unit application or screening fees
- Security deposit – up to two months of rent
- Utility hook-up fees/deposits for establishing new utility service
- Rental unit sanitation/cleaning fees
- Storage unit fees – up to one month
- Internet hook-up fees/deposits for establishing new unbundled internet service (only households that do not currently have internet service)
- Other housing costs may be considered with prior approval of DHCD

#### *Restrictions*

- Funds may not be used for hotel, motel, or home-hosting platform fees unless pre-authorized by DHCD. Households who need emergency hotel/motel assistance should receive assistance first through the local Continuum of Care.
- The total costs per household under this category should be equivalent to no more than three months of rental costs in the new unit. (Example: if the new rental unit is \$1000 a month, the household may receive no more than \$3000 in assistance for costs in this category).
- 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. If a housing-related expense is included in a bundle or an invoice that is not itemized (for example, internet services bundled together with telephone and cable television services) and obtaining an itemized invoice would be unduly burdensome, grantees may establish and apply reasonable procedures for determining the portion of the expense that is appropriate to be covered by ERA.

#### *Ongoing Internet Service Financial Assistance*

Most ERAP households are eligible to apply for the [Emergency Broadband Benefit Program](#) (EBB). The program, which is temporary, will provide eligible consumers a discount up to \$50 a month off the cost of broadband service and associated equipment rentals. All eligible households may also receive a one-time discount of up to \$100 toward the cost of a laptop, desktop or tablet computer purchased from a participating broadband provider, subject to a modest copay requirement. The EBB Program will conclude when the fund is expended or six months after the end of the COVID-19 pandemic, whichever occurs first.

## Housing Stability Services

Eligible costs under Housing Stability Services include staff salaries, fringe benefits, and operational costs related to providing:

- Housing counseling and legal services
- Case management related to housing stability
- Housing-related services for survivors of domestic abuse or human trafficking
- Attorney's fees related to eviction proceedings
- Specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing

Services may be provided:

1. Directly by the grantee or subgrantee,
2. Through a subgrant to a nonprofit organization, or
3. On a fee-for-service basis to a nonprofit organization or for-profit legal services provider

Grantees/subgrantees must maintain appropriate case notes in the household's file demonstrating the scope, type, and dates of services provided to tenants.

## Administrative Costs (Direct and Indirect)

Grantees and subgrantees may use ERAP funds to pay for direct or indirect administrative costs, if approved in their budget. Grantees may share administrative funds with subgrantees. A maximum of 8% of the overall grant award may be used for administrative costs.

Eligible costs include indirect costs or direct administrative staff salaries, fringe benefits, and operational costs related to:

- Program development and management
- Tenant outreach and marketing
- Landlord outreach and marketing
- Processing of tenant applications
- Fiscal administration/payments
- Monitoring and compliance of subgrantees
- Data collection and reporting

## Section 4: Application & Eligibility Screening

### Eligible Households & Units

*Definition of Household:* A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated people who share living arrangements. For the purposes of single room rentals, household refers to only the individuals living in that room.

*Children in the Household:* Applicants do not need to provide proof of children living in the household. Children under the age of 18 should be listed as household members, but do not need to be on the lease and do not need to be listed on any income documentation (e.g., income documentation in their own name or tax return submitted to document primary applicant's income). A child listed on the lease or as a dependent on the applicant's 1040 does not have to be listed as a household member in the application if they no longer live with the household.

To be eligible for ERAP assistance, a household must meet all four eligibility criteria:

Rent Status	Income	Financial Hardship	Housing Instability
Tenant obligated to pay rent on a residential dwelling	Household income at or below 80% of Area Median Income as defined by HUD	1 or more individuals qualified for unemployment assistance  OR  experienced a reduction in household income, incurred significant costs, or other financial hardship due, directly or indirectly, to the COVID19 outbreak	Demonstrated risk of housing instability, which may include: <ul style="list-style-type: none"> <li>• a past due utility or rent notice or eviction notice,</li> <li>• unsafe or unhealthy living conditions, OR</li> <li>• any other evidence of such risk, as determined by DHCD</li> </ul>

Guidance for determining whether a household is eligible under each criteria and documentation standards can be found in Sections 5-8.

### ***Subsidized Housing***

If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, Public Housing, Project-Based Rental Assistance, CoC Permanent Supportive Housing, ESG or CoC Rapid Re-Housing) and the tenant rent is adjusted according to changes in income, the renter household may receive ERAP assistance for the tenant-owed portion of rent and utilities that is not subsidized. The grantee/subgrantee must review the household's income and sources of assistance to confirm that the ERAP assistance does not duplicate any other assistance, including federal, state, or local assistance provided for the same costs. Grantees/subgrantees may rely on an attestation from the applicant regarding nonduplication with other government assistance.

Grantees must not refuse to provide assistance to households on the basis that they occupy such properties or receive rental subsidies.



### ***Mobile or Manufactured Homes***

Rental payments for either the manufactured home and/or the parcel of land the manufactured home occupies are eligible under ERAP. Households renting manufactured housing and/or the parcel of land the manufactured home occupies may also receive assistance for utilities and other expenses related to housing. Site fees for Recreational Vehicles (RVs) used as a primary residence are also eligible for assistance. However, rental costs for the RV itself are not eligible for payment.

### ***Rent-to-Own Housing***

Rental assistance may be provided to households that are renting their residence under 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 his or her household:

- i. is not a signor or co-signor to the mortgage on the property;
- ii. does not hold the deed or title to the property; AND
- iii. has not exercised the option to purchase.

### ***Room Rentals and Shared Housing***

Individuals who are renting a room from a homeowner, subleasing, or jointly renting a home with roommates are eligible to receive financial assistance for their portion of the rent and utilities as long as they can meet the eligibility documentation requirements related to showing housing instability and rent/utility obligation. See Sections 5-8 of the policy guide for more details.

*Note:* Rental and service fees for Airbnb, VRBO, Home Away, and other short-term rental housing platforms are not eligible for assistance under ERAP. Households who need temporary emergency housing should be referred to their Continuum of Care for hotel/motel assistance.

## **Priority Households**

Grantees and subgrantees must prioritize applications for households who either:

1. Have a household income at or below 50% of AMI, OR
2. Have one or more individuals within the household who are unemployed as of the date of the application for assistance AND have not been employed for the last 90 days

Grantees and subgrantees must prioritize approval of applications from priority households during the first 30 days of their application opening to the public. Once all priority household applications have been processed or the 30-day threshold has been reached, grantees and subgrantees may then begin approving non-priority households.

## Application Methods

An application for assistance can be initiated by either a landlord or a tenant. Grantees may not restrict applications to just tenants or just landlords. Payment may not be made on behalf of an applicant until eligibility determination has been established and an application, tenant certification, and landlord certification (if participating) have been received.

### ***Tenants Applying With or Without Landlord Involvement***

If a landlord indicates to the tenant they are not willing to participate in the program or is unresponsive to the tenant, a tenant may still apply for rental assistance. Grantees must make reasonable efforts to obtain the cooperation of landlords to accept payments from ERAP. Outreach will be considered complete if one of the following has been met by the grantee/subgrantee:

- (i) a request for participation is sent in writing, by mail, to the landlord, and the addressee does not respond to the request within 7 calendar days after mailing; OR
- (ii) the grantee has made at least three attempts by phone, text, or e-mail over a 5 calendar-day period to request the landlord or utility provider's participation; OR
- (iii) a landlord confirms in writing that they do not wish to participate

The final outreach attempt or notice to the landlord must be documented in the application file. Once outreach has been completed, the grantee may make payment directly to the tenant. In the case where payment is made directly to the tenant, the grantee/subgrantee cannot require that the landlord agree to concessions. **The grantee/subgrantee is not required to verify whether the tenant or landlord follows through with intended use of the payment unless the household applies for further ERAP assistance.**

### ***Landlords Applying Without Tenant Involvement***

While a landlord can initiate the application process for a tenant, ultimately an application cannot be submitted without the consent and certification of the tenant. Each application requires household-specific information. If a landlord starts an application for a household, the household must still submit all required documentation. If a tenant is unwilling to sign the application, assistance cannot be provided.

## Application Accessibility

1. *Application Availability:* Each grantee/subgrantee must create a webpage with ERAP application and eligibility information. Applications must be made available online and in paper format. Since not all households have access to the internet and/or computers, grantees and subgrantees must provide the ability to mail in or drop off applications in-person.
2. *Language Accessibility:* ERAP webpages and applications must be made available in at least English and Spanish. Jurisdictions may also choose to translate materials into other languages.
3. *Documentation Formats:* Supporting documentation for the application can be accepted in multiple formats – digital copy, photo, email, etc. Originals are never required. When copies of third-party source documentation are not available, attestations from caseworkers or other qualified and verified

service providers may be accepted to document eligibility.

4. *Documentation Not Needed:* Driver's license, state photo ID, social security card, birth certificate, proof of citizenship, proof of immigration status, or other forms of ID are **not** required.
5. *Reasonable Accommodations:* Grantees/subgrantees must accept requests for reasonable accommodations in writing or verbally at any time from the applicant or anyone the applicant gives permission to communicate on their behalf. Documentation requirements may be waived for households who request accommodation for the initial application for assistance.

## Application Review and Payment Standards

1. *Application Contents:* The application must include all required household and landlord data elements as specified in the Applicant Data Collection Requirements and the Sample ERAP Application, located in the Appendix of the policy guide. Landlords must provide a W-9 if payment will be made directly to the landlord.
2. *Timeliness of Review/Approval:* Initial review of the application for completeness and sufficient documentation should be completed within 14 days of receiving the application. If all documentation is provided, payment should be made to the landlord or utility company within 30 days from the date of application. If payments must be made to the tenant directly because the landlord is nonresponsive, payment should be made within 45 days of the application for assistance (to allow time for landlord outreach attempts required by Treasury).
3. *Missing Documentation:* Outreach to the applicant/household must be conducted when required documentation or information is missing from the application prior to rejecting the application. Grantees/subgrantees must make at least three separate attempts via phone or email to contact the tenant, and all communication attempts must include a deadline for the applicant to respond (must provide at least 30 days initially). After three attempts and 30 days, a final communication should be sent to the applicant notifying them that their application has been made inactive/rejected. The final communication must provide clear steps for the household on how they can reapply or reinstate their application.
4. *Appeals:* After a grantee/subgrantee makes an initial determination of funding to an applicant, the applicant may request reconsideration in cases of denial or of award of funds that is less than requested in the application. A request for reconsideration must be made in writing and should identify reasons for reconsideration and may provide additional information that was not included in the original application. The grantee/subgrantee shall act quickly on all such requests for reconsideration. A grantee/subgrantee's decision on reconsideration may be appealed in writing to DHCD, which shall quickly act on all such appeals. The decision of DHCD shall be final. Any decision by a grantee/subgrantee to deny an application or to award less than the requested amount shall include information on the reason for the denial and how to request reconsideration and how to appeal a decision after reconsideration.
5. *Payment Type:* Payments made to landlords and utility companies may be paid via check or electronic funds transfer.

6. *Notice of Payment:* Tenants must be notified when payment is made to their landlord/utility provider directly. The notification must state the amount of funds provided and the months for which payment was made.

## **Section 5: Rent Obligation Determination & Documentation**

### **Definition of Rent Obligation**

Households must be able to document the following three criteria:

1. They have a rent obligation for a residential dwelling
2. The location of the unit where the household resides
3. The amount of the monthly rental payment

### **Documentation Requirements**

If available, the applicant must submit a copy of the lease signed by the tenant and landlord or sublessor. Self-certification of rent obligation is not permitted for Maryland ERAP funds.

If a household does not have a signed lease:

1. Documentation of rental residence may include evidence of paying utilities for the residential unit or an attestation by the landlord who can be identified as the verified owner or management agent of the unit
2. Evidence of the amount of a rental payment may include bank statements, check stubs, receipts, digital payment app records (ex: Venmo, Cashapp), or other financial documentation that reasonably establishes a pattern of paying rent, or a written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit

## Section 6: Household Income Determination & Documentation

Households must have annual income at or below 80% of the 2021 HUD Area Median Income for their county (see Appendix for list of income limits by county).

### Methods for Determining Annual Household Income

There are four options to verify income eligibility (in order of DHCD preference):

1. Categorical Eligibility
2. Annual Income for 2020
3. Monthly Income at Time of Application
4. Other Income Proxies

#### *Categorical Eligibility*

Households who receive benefits through other federal, state, or local government programs that have income eligibility at or below 80% AMI can use documentation of their benefits as proof they meet the income requirements for ERAP:

- A household may provide a letter or other documentation dated on or after January 1, 2020 showing that the household receives benefits from **one** of the following programs:
  - Head Start
  - Low Income Home Energy Assistance Program (LIHEAP) or the Maryland Energy Assistance Program (MEAP)
  - Supplemental Nutrition Assistance Program (SNAP)
  - Supplemental Security Income (SSI), for head or co-head of household
  - Temporary Assistance for Needy Families (TANF) or Tribal TANF, for head or co-head of household
  - Veterans Affairs Disability Pension, Survivor Pension, Enhanced Survivor Benefits, or Section 306 disability pension (**not** standard VA pension)
  - Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for households with three or fewer members
  - Other income-based programs with eligibility based on 80% AMI or below
- If a household is living in a rent-restricted or income-based property, the tenant or landlord can provide evidence of the household's most recent tenant income certification as long as it is no older than one year from when they apply for assistance.
- If an applicant qualifies through Categorical Eligibility, the program **does not** need to re-determine the household income eligibility if the household reapplies for assistance in the future.
- Self-certification of income is not permitted under this option

### ***Annual Income for 2020***

Acceptable forms of documentation include:

- Filed 2020 IRS Form 1040 if the household has completed their 2020 federal income taxes. Household income will be calculated as the adjusted gross income.
- A 2020 IRS Tax Return Transcript will suffice for a 2020 tax return
- Source documents evidencing annual income (e.g., wage statement, W2s, interest statement, unemployment compensation statement).
- Unsigned tax returns are accepted as part of the application. They do not need to be signed.
- Self-certification of income is not permitted under this option

### ***Monthly Income at Time of Application***

Income reported for the last 30 days will be annualized based upon the provided 30-day documentation. Reviewers should use whatever recent monthly income information was provided by the applicant, even if by the time they review such information, significant time has already passed due to application backlogs and the information is already dated. If an applicant qualifies based on monthly income, the program must redetermine the household income eligibility every three months for prospective assistance. Income sources that should be evaluated include:

- Gross pay at time of application: Pay stubs covering the most recent thirty day-period or current letter from employer verifying gross wages (pay rate, hours/week, pay date)
- Cash Income
- Self-Employment
- Alimony and child support
- Current Pension/Retirement Benefit letter (if applicable)
- Investment income
- Pension
- Retirement
- Social Security
- Unemployment compensation
- TANF cash payments, vouchers, and certain supportive services that meet the requirements in 45 CFR 260.31

**Self-certification of income** is allowed under this option if the household is claiming zero income, has income from self-employment that is not documented, or has cash income.

### ***Other Income Proxies***

A grantee may rely on a self-certification from the applicant as to household income if the grantee also uses any reasonable fact-specific proxy for household income, such as reliance on data regarding average incomes in the household's geographic area.

## Income Determination Policies

- *Recent Loss of Income.* If a household's annual income from their 2020 W-2 forms exceeds 80% AMI, but the household has experienced a more recent loss of income, they may still meet the income test if their income documentation submitted for the last 30 days shows an income below 80% AMI.
- *Changes in Income.* If an applicant submits income information when they first apply, and then submits different/additional income information that is more current prior to receiving assistance, then income determination must be based on the most recent income documentation provided.
- *Unemployment Insurance.* For Unemployment Insurance (UI), the annual income determination will be calculated by multiplying the "Weekly Benefit Amount" in the Statement of Benefits letter by 52, not actual payments made. Pandemic Unemployment Assistance (PUA) or any other unemployment compensation received in addition to this weekly benefit will not be included in income calculations for ERAP. Unemployment benefits may be from another state for purposes of documenting income, however the unit assisted must be their current primary residence and be in Maryland.

### **Excluded Income**

**Excluded Income** for purposes of determining ERAP income eligibility:

1. Income from Children, which is income from the employment of children (including foster children) under the age of 18 years and child support.
2. Payments Received for the Care of Foster Children, including foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone).
3. Lump-Sum Payments, including additions to family assets, such as inheritances, insurance payments (e.g., health and accident insurance, and worker's compensation), capital gains and settlement for personal or property losses [except as provided].
4. Reimbursement for Medical Costs, including all payments received by the family that are specifically for, or in reimbursement of, medical expenses for any family member.
5. Live-in Aide, including the income of a live-in aide employed because of a medical condition or disability of a family member. A live-in aide is determined to be essential to the care and well-being of the person, not obligated for the support of the person, and would not be living in the unit except to provide the necessary supportive services.
6. Education Assistance, including the full amount of educational scholarships paid directly to the student or to the educational institution, and government funds paid to a veteran for tuition fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of the student. Any amount of such scholarship or payment to a veteran not used for the above purposes that is available for subsistence is to be included in income.
7. Government Programs, including the following:
  - a. Amounts received under training programs funded by HUD
  - b. Earnings and benefits from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government.)
  - c. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits, because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

- d. Amounts received by a participant in other publicly assisted programs, which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and made solely to allow participation in a specific program.
  - e. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the U.S. Housing Act of 1937.
  - f. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member living at home.
- 8. Temporary Income, considered temporary, nonrecurring, or sporadic in nature (including gifts).
  - 9. Income of Full-Time Students, earnings in excess of \$480 for each full-time student 18 years old or older attending school or vocational training (excluding the head of household and spouse).
  - 10. Property Tax Refunds, including amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling of the unit.
  - 11. Adoption Assistance Payments, in excess of \$480 per adopted child.
  - 12. Income from Stimulus checks, that is income from any of the stimulus checks received during the pandemic.



## Section 7: Financial Hardship Determination & Documentation

Households can meet the eligibility requirements for financial hardship by meeting one of the following criteria:

1. One or more adult individuals in the household qualifies for unemployment assistance, or
2. One or more adult individuals in the households has experienced a reduction in household income, incurred significant costs, or other financial hardship due, **directly or indirectly**, to the COVID19 outbreak

### Qualified for Unemployment Assistance

Households can document they meet the qualified for unemployment assistance criteria by providing a copy of their current benefits statement or determination letter from the Maryland Department of Labor. If a grantee/subgrantee has access to the unemployment benefits portal to see the status of the household's application or benefits, a written attestation from the person processing the application may be used as acceptable documentation.

If documentation is not available, the grantee must accept self-certification from the tenant that they are qualified to receive unemployment benefits.

Note that if an adult in the household receives unemployment assistance, their overall household income still cannot exceed 80% of AMI.

### COVID-19 Related Financial Hardship

Examples of financial hardship that would be considered directly or indirectly related to COVID19 include, but are not limited to:

- A parent leaving employment to care for a child impacted by school or daycare closures
- An adult having a reduction in work hours, loss of employment, or reduction in cash income due to workplace closure or loss of self-employment business
- An adult having a reduction or loss of cash benefits due to inability to recertify eligibility
- Costs related to COVID-19 infection, need to isolate or quarantine, or other medical needs
- Increase in household expenses or living costs

If documentation is not available, the grantee must accept self-certification from the tenant that they experienced a financial hardship that meets the “directly or indirectly related to COVID19” standard.

## Section 8: Housing Instability Determination & Documentation

Households must have a demonstrated risk of housing instability, as evidenced by one of the following:

1. A past due utility or rent notice
2. Eviction notice or warrant of restitution
3. Pending or existing rent escrow case which substantiates unsafe or unhealthy living conditions, documented by Maryland Case Search, court documents, or other third-party documentation
4. Failed habitability inspection or violation of housing code notice
5. Overcrowding (more than two persons per bedroom), documented by a letter from the landlord or third party that can attest to living conditions
6. Documentation or self-certification that applicant is paying more than 30% of household income for rent and utilities.
7. Utilities are not in service, as documented either by utility shut off notice/statement
8. Current homelessness as documented by Homeless Management Information System records or caseworker/intake worker attestation. Eligible living situations include staying in emergency shelters, transitional housing, in a place not meant for human habitation, doubled up with family or friends on a temporary/emergency basis, or in hotel/motel (paid for by household or charitable/government agency).

Self-certification of housing instability is not allowed under Maryland ERAP

## Section 9: Grant Management & Reporting Requirements

### Budget Modifications

Grantees may request budget modifications to respond to the changing needs of their community by moving funds from one activity to another, e.g., from Rental Assistance to Utility Assistance, or to move money from providers who are unable to deliver services as planned. Requests for budget modifications may be submitted once the funding agreement is executed and require the grantee to submit a signed budget modification form outlining the change. Grantees are encouraged to submit budget modifications as needs or issues arise.

All budget modifications will be reviewed by DHCD staff to ensure the funding sources available can accommodate the change, and the revisions and rationale are clear. If no issues are identified, DHCD will approve most modifications within a week. Once approved, DHCD is responsible for uploading the documentation in Project Portal, updating the grantee's Exhibit A, and making the necessary budget revisions in the Project Portal so that future payment requests initiated by the grantee include an updated budget. The grantee is responsible for updating subgrantee invoice templates and their respective budgets to reflect the change.

### Monthly Payment Requests and Reports

ERAP grantees must submit their monthly payment request and supporting documentation in the [DHCD project portal](#) by the 15<sup>th</sup> of each month for the prior month's activities. The Monthly Household Applicant Data Report, reflecting all households who applied for assistance in the prior month, must be uploaded as an attachment to the payment request (see Appendix for template). Instructions for creating payment requests in the project portal can be accessed [here](#).

Due to Treasury rules requiring DHCD to submit quarterly reports by 15 days after the close of the quarter, the last month of the quarter may have an earlier deadline. DHCD will provide more information once available. Accurate and timely RFPs are critical to enable DHCD to meet Treasury quarterly reporting requirements. Delays in submitting requests for payment and inaccurate/incomplete submission are considered a performance concern.

#### *Step 1: Subgrantees submit invoices and supporting documentation to Grantee*

Each month, subgrantees are required to submit the following documentation to their grantee agency:

- Signed invoice
- Accounting transaction summary report (or general ledger)
- Monthly household applicant data report

The Transaction Summary Report must include the following components:

- Expenditure description, dates & amounts billed to the grant.
- The category totals and overall total should align with the amounts on the invoice being submitted for the corresponding month as well as the monthly household applicant data report

- If funds are used to pay for staff, each person's name, title, and payroll amount should be listed on the summary report.
- The last name of each client and amount paid should be clearly noted on the report. (Note: Client IDs or HIPPA codes are also acceptable).
- Back-up documentation should not be submitted to DHCD but should be kept on site. Grantees may determine whether copies of receipts or checks are needed from the subgrantee for their own grant management and fiscal needs.

### *Step 2: Grantee compiles the monthly request for payment*

The grantee is responsible for (1) reviewing and verifying eligible expenses, and (2) compiling grantee and subgrantee expenditures into a single monthly payment request. Each RFP must include a total of all expenses under each activity for ERAP, as well as the following supporting documentation for each subgrantee:

- Signed Invoice (PDF)
- Accounting Transaction Summary Report

The Project Portal allows the grantee to provide an online signature and tracks the budget and expenditures for each activity, so separate summary documentation is not required.

### *Step 3: DHCD review and approval*

Once received, the documentation will be reviewed by DHCD program staff, and either approved for payment, approved for partial payment if ineligible expenses are identified, or returned for revisions. DHCD typically processes payment within 30 days. If a payment is not received in this timeframe, grantees may contact their ERAP project manager for assistance.

## **Financial Systems**

Grantees and subgrantees must maintain an accounting system which can segregate expenses by each major funding category (Rental Assistance, Utility Assistance, Other Housing-Related Costs, Housing Stability Services, Administrative Costs). Internal controls reflect the overall financial management of an organization. Standards for financial management systems of nonprofit organizations may be found in [24 CFR 84](#). The following areas should be included:

- **Budget Controls:** When budget controls are adequate, the grantees and subgrantees will have a regular, on-going basis of comparison between actual expenditures and budgeted amounts for the activities. The budget will cover intended activity expenses with flexibility for adjustments during the grant period. The grantee and subgrantee will also relate its financial information to recorded outcomes.
- **Accounting Controls:** Expenditures must be supported by invoices, contracts, purchase orders, etc.
- **Wages:** Wages supported by more than one funding source must be documented by records that clearly show the time distribution and wage breakdowns between programs.

**Audits:** The grantee and subgrantees shall conform to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards (Uniform Requirements) of 2 CFR 200.302, Financial Management, 2 CFR Part 200, Subpart F, Audit Requirements and 2 CFR 200.303, Internal Controls.

## Procurement Standards

Purchases of services from for-profit contractors or vendors by nonprofit entities with DHCD funds are subject to 24 CFR Part 84. This includes standards that prohibit conflicts of interest, procedures for open competition with consistent technical solicitations, affirmative efforts to hire minority- and women- and veteran owned businesses, maintenance of selection documentation, and a contract administration system that provides sufficient monitoring. Purchases of services from contractors or vendors by public agencies with DHCD funds are subject to 24 CFR Part 85.

## Property Controls

The Federal regulations regarding property controls in 24 CFR 84.34 (f) are for the purpose of tracking the assets purchased with grant funds to ensure that they are properly maintained, secure and being used for authorized purposes. Agencies using ERAP funds to purchase furnishings, vehicles or equipment for an activity should keep accurate records including the following: a complete description of the item purchased, a serial or other identification number, the source of funds and Grant Agreement number, the acquisition date and the cost.

## Data Privacy and Security Standards

Applications and data collected on program participants must be kept in a secure and confidential manner. Paper files should be kept in a locked file cabinet in a locked office. Digital records containing program participant data (both landlords and tenants) must be password-protected or kept on a secure network drive with ability to limit and monitor staff access.

## Recordkeeping Requirements

Grantees and subgrantees must retain all records pertaining to ERAP funding for a period of five years after all funds have been expended or returned to DHCD. Records shall include but are not limited to:

1. Invoices, fiscal supporting documentation, and monthly reports
2. Tenant or landlord applications for assistance, case notes, and program files
3. Copies of all solicitations of and agreements with subgrantees, records of all payment requests by and dates of payments made to subgrantees, and documentation of all monitoring and sanctions of subgrantees, as applicable.
4. Copies of all procurement contracts and documentation of compliance with the procurement requirements in 2 CFR part 200, subpart D.

DHCD, 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 the grantee and subgrantees in order to conduct audits or other investigations.

## Section 10: Program Performance and Compliance

### Review of Monthly Reports

DHCD will primarily use Monthly Household Applicant Data Reports to evaluate grantee progress, performance, and effectiveness on a regular basis. Evaluation will include whether the grantee is meeting household prioritization requirements, on track to spend funds within required expenditure timeframes, providing duplication of benefits, prevalence of direct landlord/utility payments compared to tenant payments, and whether there are possible disparities in the types of households receiving services. DHCD staff will also proactively monitor for common red flags that could indicate potential applicant fraud, such as:

- Tenant and landlord address being the same
- High rates of self-certification
- Same landlord listed frequently within and across local programs

### Duplication of Benefits

A duplication of benefits occurs when a landlord, tenant or utility provider is paid more than one time for the same expense. A tenant or landlord that receives a payment from a local rental assistance program for one month's expenses, and then also receives payment for that month from another program, will have created an instance of a duplication of benefits.

DHCD will establish a duplication of benefits clearinghouse for grantees and subgrantee staff to use when screening applications for eligibility. Data will include households served by county programs, the United Way of Central Maryland, and the DHCD Assisted Housing Relief Program. The clearinghouse will become available in July 2021 after initial Monthly Household Applicant Data Reports have been processed and will be updated monthly thereafter.

### Monthly Applicant File Reviews

DHCD will complete monthly applicant file desk reviews starting in June 2021 for a portion of each grantee/subgrantee's applications to help proactively identify possible compliance challenges (such as inconsistency in documenting eligibility) or need for performance improvement in real-time. Files will be selected both randomly and for specific compliance checks.

The table below shows the minimum number of files that DHCD will review. DHCD reserves the right to increase the number of files selected.

Number of Files in Universe	Number of Files to be Reviewed
50 or less	Minimum of 5
51-500	5 plus 1 for every additional 50 (or part of 50)
501+	15 plus 1 for every additional 50 over 500

Applicant files will be securely sent electronically to the appropriate DHCD project manager via Dropbox (instructions to be provided separately). Files will be reviewed using the checklist in Appendix E. DHCD will provide a written summary of the review. Grantees/subgrantees will have 30 days to respond in writing to any discrepancies in the review.

## Risk Assessment and Monitoring

DHCD will regularly conduct a risk assessment of grantees to determine a schedule for monitoring visits. All grantees will be monitored at least once annually.

## Subgrantee Monitoring Requirements

**Grantees are required to monitor subgrantees.** Grantees will be required to monitor each subgrantee a minimum of annually. Grantees should look at the monitoring process as an ongoing relationship with subgrantees that involves continuous communication and evaluation. The goal of this partnership is to help both grantees and subgrantees enhance performance and to make the best possible use of ERAP funds.

### Priority Areas for ERAP Monitoring

The areas for monitoring and oversight include the following:

#### 1. Financial Monitoring

Grantees will conduct the financial monitoring of subgrantees. Financial monitoring will include a review of financial records related to the ERAP grant. Subgrantees should make available all accounting records relevant to state funds during grantee monitoring visits. Additional areas of review for financial monitoring include:

- **Financial Regulations** – Ensure that grantees and subgrantees are appropriately following financial management requirements. Grantees should also be in compliance with **2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**.
- **Invoicing** – Ensure that grantees and subgrantees financial records align with the invoicing documentation submitted to DHCD as well as supporting documentation maintained in their financial records. This includes general ledger print outs and supporting documentation for eligible expenses provided for invoicing. Supporting documentation consists of receipts, paystubs for staff salaries, checks to vendors, etc.
- **Financial Audits** – Grantees must review subgrantees' most recent audit for sufficient accounting management.

#### 2. Programmatic Monitoring

In addition to monitoring financial management, grantees are required to monitor subgrantees for programmatic oversight. Documentation of client eligibility and services received must be maintained in printed or electronically saved client case records, including records for applicants found to be ineligible.

To conduct a comprehensive monitoring assessment, grantees are required to utilize the **ERAP Monitoring Exhibits (forthcoming)**. This document will provide an overview of all component areas to review. Additionally, in the summary portions of the monitoring tools, grantees are required to provide the following information:

- Subgrantee best practices
- Concern(s) or finding(s) based on applicable regulation, or program policy

- Recorded suggestions for concerns
- Deadline for written response to the findings describing how the grantees/subrecipient shall resolve any finding(s) and
- Correcting any deficiency identified

Based on the information provided to DHCD by the grantee, technical assistance may be provided.



# Appendix

## **A: Household Income Limits by County**

<b>Allegany County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050
<b>Anne Arundel County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Baltimore City</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Baltimore County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Calvert County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100
50% AMI	45,150	51,600	58,050	64,500	69,700	74,850	80,000	85,150
80% AMI	57,650	65,850	74,100	82,300	88,900	95,500	102,100	108,650
<b>Caroline County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050
<b>Carroll County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Cecil County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	19,850	22,700	25,550	28,350	31,050	35,580	40,120	44,660
50% AMI	33,100	37,800	42,550	47,250	51,050	54,850	58,600	62,400
80% AMI	52,950	60,500	68,050	75,600	81,650	87,700	93,750	99,800
<b>Charles County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100
50% AMI	45,150	51,600	58,050	64,500	69,700	74,850	80,000	85,150
80% AMI	57,650	65,850	74,100	82,300	88,900	95,500	102,100	108,650
<b>Dorchester County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050
<b>Frederick County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100
50% AMI	45,150	51,600	58,050	64,500	69,700	74,850	80,000	85,150
80% AMI	57,650	65,850	74,100	82,300	88,900	95,500	102,100	108,650
<b>Garrett County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050

<b>Harford County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Howard County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Kent County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	16,500	18,850	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	27,500	31,400	35,350	39,250	42,400	45,550	48,700	51,850
80% AMI	44,000	50,250	56,550	62,800	67,850	72,850	77,900	82,900
<b>Montgomery County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100
50% AMI	45,150	51,600	58,050	64,500	69,700	74,850	80,000	85,150
80% AMI	57,650	65,850	74,100	82,300	88,900	95,500	102,100	108,650
<b>Prince George's County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	27,100	31,000	34,850	38,700	41,800	44,900	48,000	51,100
50% AMI	45,150	51,600	58,050	64,500	69,700	74,850	80,000	85,150
80% AMI	57,650	65,850	74,100	82,300	88,900	95,500	102,100	108,650
<b>Queen Anne's County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,100	25,250	28,400	31,550	34,100	36,600	40,120	44,660
50% AMI	36,800	42,050	47,300	52,550	56,800	61,000	65,200	69,400
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Somerset County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050
<b>St. Mary's County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	22,850	26,100	29,350	32,600	35,250	37,850	40,450	44,660
50% AMI	38,050	43,500	48,950	54,350	58,700	63,050	67,400	71,750
80% AMI	55,950	63,950	71,950	79,900	86,300	92,700	99,100	105,500
<b>Talbot County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	18,350	21,000	23,600	26,500	31,040	35,580	40,120	44,660
50% AMI	30,600	35,000	39,350	43,700	47,200	50,700	54,200	57,700
80% AMI	48,950	55,950	62,950	69,900	75,500	81,100	86,700	92,300
<b>Washington County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	16,250	18,550	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	27,050	30,900	34,750	38,600	41,700	44,800	47,900	51,000
80% AMI	43,250	49,400	55,600	61,750	66,700	71,650	76,600	81,550
<b>Wicomico County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	15,150	17,420	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	25,200	28,800	32,400	36,000	38,900	41,800	44,650	47,550
80% AMI	40,350	46,100	51,850	57,600	62,250	66,850	71,450	76,050
<b>Worcester County</b>								
Persons in Household	1	2	3	4	5	6	7	8
30% AMI	16,800	19,200	21,960	26,500	31,040	35,580	40,120	44,660
50% AMI	27,950	31,950	35,950	39,900	43,100	46,300	49,500	52,700
80% AMI	44,700	51,050	57,450	63,800	68,950	74,050	79,150	84,250

## **B: Applicant Data Collection Requirements**

Grantees must use the required Excel monthly reporting template to report program data. The household level data reported should include households who received payment or were found to be ineligible. Applications that are approved and pending payment, or not yet processed, will be reported with aggregate data (see below)

## Required Application Data Elements

- 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.

In addition to reporting the information above for each household, grantees must also be able to report each month:

- Total number of approved applications pending payment
- Total dollar value of approved applications pending payment
- Total number of applications received but not yet approved

## **C: Sample Application and Tenant/Landlord Certifications**

## Emergency Rental Assistance Program Application Instructions

### What can ERAP help with?

The Maryland Emergency Rental Assistance Program (ERAP) provides financial assistance for the following:

- Up to 12 months of overdue rent – going back to March 13, 2020
- Up to 12 months of overdue utility or home energy costs – going back to March 13, 2020
- Up to 3 months of current or future months' rent at a time
- Up to 3 months of current or future months' utility costs at a time
- Housing-related costs due to COVID19 such as relocation assistance, security deposit, rental application fees, accrued late fees

Each household is eligible for up to 15 months of assistance total under ERAP. ERAP cannot pay for rental and utility costs that have been or will be covered under another funding source (no duplication of benefits). The tenant can apply for assistance themselves or their landlord can apply for assistance on the tenant's behalf. Tenants must sign the application and attest that all the information in the application is true.

### Application Assistance

Applicants, both tenants and landlords, are entitled to receive reasonable accommodations for disabilities, literacy and comprehension, lack of technology/internet access, and more at the time of application and throughout the process to determine eligibility. Examples of reasonable accommodations include, but are not limited to: receiving assistance from staff to complete the application, waivers of certain documentation requirements, and extended time to reply to program communications.

Applicants may also request translated versions of forms into languages other than English, as well as access to interpreter services to communicate with program staff in their primary language.

### Household Eligibility Information

To be eligible for ERAP, tenants must meet the following basic eligibility requirements:

- Legally obligated to pay rent or utility costs
- Have annual household income under 80% of the Area Median Income for their county
- Qualify for unemployment assistance OR have financial hardship directly or indirectly related to COVID19
- Be at risk of losing their housing or utilities, currently homeless, or need to relocate housing units due to unsafe, unsanitary, or overcrowded housing conditions

If the household has annual income below 50% of the Area Median income for their county or has a household member who has been unemployed for the last 90 days, their application will be prioritized for assistance.

**\*Insert County's Income/Household Size Table Here\***



## Minimum Required Documentation

The applicant must attach the following supporting documents to the application for it to be considered complete and to ensure timely processing:

1. **Copy of lease or alternative documentation** of rental unit address and monthly rent amount (such as letter from landlord)
2. **Documentation of household income** (examples: paystubs, W-2s or other wage statements, unemployment benefits statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer)
3. **Documentation of housing instability and overdue payments** (examples: overdue rent/utility notice, eviction notice, letter from homeless program or community-based organization, evidence of unsafe/unsanitary/overcrowded housing conditions)
4. **Documentation of relocation or new unit expenses if requesting assistance for other housing-related costs** (examples: bills, invoices, or leases showing security deposits owed, rental application fees, etc)
5. **Landlord/property owner W-9** (if landlord agrees to accept payment and ERAP concessions)

**Documentation of financial hardship is NOT needed** – tenants may self-certify that they meet the requirements.

Supporting documentation for the application can be accepted in multiple formats – digital copy, photo, email, etc. Original documents are never required. When copies of third-party source documentation are not available, attestations from caseworkers or other service providers/community organizations may be accepted to document household eligibility.

If the applicant is unable to provide required documentation, the tenant must self-certify that they are eligible to receive assistance. A staff person will follow up with the tenant to determine whether they meet the program requirements.

## Emergency Rental Assistance Program Application for Assistance

### Section 1: Applicant Information

Applicant Type:     Rental Tenant         Landlord/Property Manager Applying on Behalf of Tenant

Applicant Name:

Mailing Address:

City, State, Zip:

Home Phone:

Work Phone:

Cell Phone:

Email:

Reason for Applying  
(check all that apply)

- Need help paying overdue rent
- Need help paying rent for current or future months
- Need help paying overdue utility bill or turning utilities back on
- Need help paying utilities for current or future months
- Need to relocate to a new unit due to eviction order or unsafe, unsanitary, or overcrowded living conditions (more than 2 people per bedroom)
- Moving out of a homeless shelter, motel/hotel, or from an unsheltered location and into rental housing

Do you need language interpretation or translation services?     Yes     No  
If yes, what language do you need communications and/or forms translated into?

Do you need reasonable accommodations for a disability?     Yes     No  
If yes, please list accommodations needed here:

### Section 2: Rental Unit

Property Type:     House     Apartment     Trailer/RV     Other

Rental Property Name (if applicable):

Rental Unit Street Address:

Rental Unit City, State, Zip:

Rental Unit County:

Monthly Rent:

Lease Start Date:

Lease End Date:

Is the household living in rent-to-own housing?     Yes     No

Does the household currently live in income-based housing or receive assistance with paying rent every month? <i>Examples: Public Housing, Housing Choice Voucher (Section 8), Continuum of Care Permanent Supportive Housing, Rapid Re-Housing, Project-Based Rental Assistance, LIHTC</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know
If yes, has household requested an income recertification due to loss of income?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section 3: Landlord and Utility Company Information</b>	
<p><i>Note: Information in this section will be used for payments directly to landlords/utility companies. If tenant is the applicant and not able to provide landlord information, the program may follow up with the landlord directly to obtain additional documentation. The landlord must sign the last page of the application and provide a copy of their W-9 form as a condition of accepting payment.</i></p>	
Property Owner/Landlord Name:	
Mailing Address:	
City, State, Zip:	
Home Phone:	Work Phone:
Cell Phone:	Email:
Landlord Social Security Number, Tax ID Number or DUNS Number:	
Total Number of Rental Units Owned:	
Has the landlord started filed an eviction or Failure to Pay Rent case with the court? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain and provide date of scheduled hearing:	
Name of Utility Company:	
How are the utilities currently billed? <input type="checkbox"/> To the tenant directly <input type="checkbox"/> To the landlord – utilities are part of tenant rent	
<b>Section 4: Tenant Information</b>	
<b>Head of Household</b>	
Head of Household Name:	
Mailing Address:	
City, State, Zip:	
Home Phone:	Work Phone:
Cell Phone:	Email:
Gender (check one) <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Trans Female <input type="checkbox"/> Trans Male	<input type="checkbox"/> Gender Non-Conforming <input type="checkbox"/> Don't Know <input type="checkbox"/> Decline to Answer

Race (check one)	<input type="checkbox"/> Black/African-American <input type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> Multiracial: American Indian/Alaskan Native & White <input type="checkbox"/> Multiracial: Asian & White <input type="checkbox"/> Multiracial: Black/African-American & White <input type="checkbox"/> Multiracial: American Indian/Alaskan Native & Black/African American <input type="checkbox"/> Other Multiracial: _____ <input type="checkbox"/> Don't Know <input type="checkbox"/> Decline to Answer	
Ethnicity (check one)	<input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Non-Hispanic/Non- Latino	<input type="checkbox"/> Don't Know <input type="checkbox"/> Decline to Answer
Other (check all that apply)	<input type="checkbox"/> Elderly (62+) <input type="checkbox"/> Disabled <input type="checkbox"/> Currently Homeless	<input type="checkbox"/> Veteran <input type="checkbox"/> Youth (under 25)
Household Member Name	Relationship to Head of Household	Date of Birth
1.	Head of Household	
2.		
3.		
4.		
5.		
6.		
7.		
8.		
Total number of persons in household:		

## Section 5: Tenant Income & Financial Hardship

List the current income (last 30 days) of all persons in household over the age of 18 who are not full-time college students. Income includes wages, salaries and tips, alimony, child support, military income, Social Security, pensions, and other government benefits including unemployment payments.

Household Member	Source of Income (including employer name)	Amount	Frequency (hourly, weekly, monthly, etc)

Does anyone in the household currently receive benefits or services from one of the following programs? If so, check which programs apply:

- Head Start
- Low Income Home Energy Assistance Program (LIHEAP) or the Maryland Energy Assistance Program (MEAP)
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income (SSI), for head or co-head of household
- Temporary Assistance for Needy Families (TANF) or Tribal TANF, for head or co-head of household
- Veterans Affairs Disability Pension, Survivor Pension, Enhanced Survivor Benefits, or Section 306 disability pension (not standard VA pension)
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for households with three or fewer members
- Other income-based program:

*Note: Please attach your most recent determination letter approving your enrollment/eligibility for benefits for one of the programs. This can be used to verify your income eligibility for ERAP.*

Are any adults in the household currently unemployed?  Yes  No  
If yes, how long has the person been unemployed?

Have any adults in the household had a loss of income or reduction in work hours since March 2020?  
If so, describe changes to income:

Has the household had any financial hardship or increase in costs related (directly or indirectly) to COVID19?  
If so, describe hardship here:

Have you received funds to be used for rental assistance since March 2020?  Yes  No  
If yes, when? From who? How much?

## Section 5: Request for Assistance

Complete the table below with each month's rent and utility costs you are requesting assistance for. You can request assistance with up to 12 months of arrears (debt) and up to 3 months of prospective assistance in each column. The amounts must be documented with a bill, invoice, or notice to pay.

Month	Rental Assistance	Utility Assistance	Other Housing-Related Costs*
March 13-31, 2020			
April 2020			
May 2020			
June 2020			
July 2020			
August 2020			
September 2020			
October 2020			
November 2020			
December 2020			
January 2021			
February 2021			
March 2021			
April 2021			
May 2021			
June 2021			
July 2021			
August 2021			
September 2021			
October 2021			
November 2021			
December 2021			
<b>Total Request</b>			

\*Other Housing-Related Costs can include expenses related to relocating or securing a new rental unit:

- Reasonable accrued late fees (if not included in rental arrears or utility bills)
- Rental unit application or screening fees
- Security deposit – up to two months of rent
- Utility hook-up fees/deposits for establishing new utility service
- Rental unit sanitation/cleaning fees
- Storage unit fees – up to one month
- Internet hook-up fees/deposits for establishing new unbundled internet service (only households that do not currently have internet service)
- Other housing costs may be considered with prior approval of DHCD

## ERAP Tenant Self-Certification Form

The information provided in the application and this self-certification form is collected to determine if my household is eligible to receive assistance provided through the federally-funded Emergency Rental Assistance Program. Initial next to each of the following statements.

### ACCURACY

\_\_\_\_\_

I certify that all the information provided in the application is true and correct. I understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

### DUPLICATION OF BENEFITS

\_\_\_\_\_

I certify that my household has not received nor will receive assistance from another program for the same costs that will be paid from ERAP.

### INFORMATION SHARING

\_\_\_\_\_

I understand my information will be shared with the county I reside in, the State of Maryland and the U.S. Treasury.

### INCOME & HOUSEHOLD SIZE

\_\_\_\_\_

I certify that my income sources and amounts listed in the application accurately reflect the income my household received in the last 30 days. This includes if I have no reportable income or income from self-employment.

### List any income documentation you are not able to provide and why:

Click or tap here to enter text.

### FINANCIAL HARDSHIP

\_\_\_\_\_

I certify that either myself or another adult in my household (check all that apply):

- Qualifies for unemployment benefits
- Has had a loss of income, increased expenses, or other financial hardship related directly or indirectly to COVID19

### USE OF PAYMENT

\_\_\_\_\_

I certify that any payment of ERAP funds made directly to me for the purpose of paying rent or utilities must be used for the intended purpose.

### Tenant Certification

Tenant Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Note:** Digital or typed signatures are acceptable. At no time may a landlord sign the tenant's self-certification form.



## ERAP Landlord Certification Form

As the landlord for this rental unit and household, I:  Agree to participate in the program  
 Decline to participate in the program

Landlords who agree to participate in the program and receive payment directly from ERAP are required to meet the following terms and conditions. Initial next to each statement:

### ACCURACY

\_\_\_\_\_

I certify that all the information provided in the application is true and correct. I understand that providing false statements or information is grounds for termination of assistance and is punishable under federal law.

### FEE WAIVER

\_\_\_\_\_

I agree to waive all late fees, interest, court fees, or other fees not included in monthly rent accrued by the tenant.

### EXISTING EVICTION FILINGS

\_\_\_\_\_

I agree to cancel/rescind all eviction filings currently pending against this tenant.

### NEW EVICTION FILINGS

\_\_\_\_\_

I agree not to file any new eviction cases for the duration of prospective rental assistance being provided through ERAP, or a minimum period of 30 days, whichever is longer.

### LEASE RENEWAL

\_\_\_\_\_

I agree to extend the tenant's lease or renew the lease if it has or is scheduled to expire prior to the end of the rental assistance being provided, but for a period no less than 90 days.

### USE OF PAYMENT

\_\_\_\_\_

I certify that any payment of ERAP funds made directly to me for the purpose of paying rent on the household's behalf will only be used for the intended purpose.

### Landlord Certification

Landlord Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Note: Landlord must attach a completed W-9 form to application

## **D: DHCD Monthly Application Review Checklist**

## Emergency Rental Assistance Program Application Checklist

Name of Client: \_\_\_\_\_

Last Four of SSN: \_\_\_\_\_

Completed by: \_\_\_\_\_

Date: \_\_\_\_\_

Yes	No	
		Application on file
		Application completed and signed by the head of household
		Applicant is a renter and obligated to pay rent/paid rent
<b>Financial Hardship (one of following)</b>		
		Has one or more individuals in the household qualified for unemployment benefits or experienced a reduction in household income
		Incurred significant costs
		Other financial hardship
<b>Eligibility</b>		
		One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability
		Client at 50% or below of area median income (AMI)
		Client between 50-80% of AMI
		Appropriate verification of income (tax return, pay stubs, unemployment) or self-attestation
		If monthly income was used, was income recalculated every three months to determine eligibility
		Lease on file signed by the applicant and the landlord that identified the unit where the applicant resides and established the rental payment amount? Or other acceptable verification.
<b>Payments</b>		
		Documentation of the past due and/or prospective rent owed
		Documentation of past due and/or prospective utility payments owed
		Documentation in file matches payment request
		Documentation of landlord or utility provider outreach when tenant is paid directly