

# LOCAL EMERGENCY RENTAL ASSISTANCE (Local ERA) PROGRAM MANUAL

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## **2. Program Overview**

### Local Emergency Rental Assistance (Local ERA)

In the 2021 Second Special Session, the Oregon Legislature approved State General Funds for expenditures and activities received by Oregon Housing and Community Services (OHCS) to assist low-income Oregonians at risk of eviction or facing homelessness. Funds from the special session will allow grantees and subgrantees to assist households by providing rental assistance to support households at risk of eviction.

The purpose of the Eviction Diversion and Prevention Program is to promote a system change that will make evictions in Oregon a rare occurrence, while supporting households who experience evictions with humane, dignified interventions. OHCS also seeks to divert households from homelessness and further housing instability and to reduce the racial disparities evident in eviction cases. As of November 2022, Lane County was awarded \$6,473,913 in rent and utility assistance, split into Program (75%), Admin (15%), and Stability (10%). These funds were provided directly to Lane County from Oregon Housing Community Services.

### Local Emergency Rental Assistance (Local ERA)

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

- (1) has one of the following housing statuses: at imminent risk of homelessness, unstably housed, or fleeing/attempting to flee domestic violence; and
- (2) has a household income below 80% area median income (AMI); and
- (3) is obligated to pay rent at their residence within Lane County, Oregon.

The program provides rental assistance, utility assistance, and assistance with eviction court fees.

Local ERA Requirements	Local ERA Housing Status Eligibility	Local ERA Income Eligibility	Prioritization	Local ERA Eligible Program Components
<ul style="list-style-type: none"> <li>Rental must be located in Lane County, Oregon.</li> </ul>	<ul style="list-style-type: none"> <li>Imminent risk of homelessness</li> <li>Fleeing or attempting to flee domestic violence</li> <li>Unstably housed</li> </ul>	<ul style="list-style-type: none"> <li>At or below 80% AMI</li> </ul>	<ul style="list-style-type: none"> <li>Households facing eviction</li> <li>Households with 50% AMI or below</li> <li>Households with one member who has been unemployed for at least 90 days</li> <li>Households impacted by wildfire.</li> </ul>	<ul style="list-style-type: none"> <li>Rental assistance</li> <li>Utility assistance</li> <li>Eviction court fees</li> </ul>

### 3. Eligible Expenses

All rental and utility assistance must be associated with the household's primary residence. There is no specific dollar amount limit to rental assistance, utility assistance, or eviction court fees. All payments for housing-related expenses must be supported by documentary evidence such as a lease, bill, invoice, or evidence of payment to the provider of the service.

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

The tenant needs to have a current lease/rental agreement in place with the property owner or property management company.

#### Rental Assistance

The maximum number of months of rental assistance to ensure housing stability for one household is 16 months. Months of assistance received by other rental assistance programs do not count towards the 16 month cap. When more than 16 months of rental assistance is

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requested, the payment of housing-related costs that could result in eviction of the household is prioritized.

Rent includes payments owed for the tenant's primary residence, such as the rental of a room, apartment, home, manufactured home, mobile home, RV/trailer, accessory dwelling unit (ADU), or space rental.

A minimum rental period of four months is required before a tenant is entitled to receive a returned security deposit that was paid for with program funds. To the extent that the security deposit is not returned to the tenant, it should be returned to the grantee.

Program funds may pay for the following types of rental assistance:

- Up to 12 months of rental arrears. Rent for the current month will be considered in arrears if the application is processed after the 5th of the month.
- 1 month of current rent. A household does not need to owe arrears in order to receive assistance with current or future rent.
- Up to 3 months forward (future) rent can be paid at one time. Future rent is rent that is not due yet. A household does not need to owe arrears in order to receive assistance with current or future rent.
- Rental fees. Rental fees are fees owed to the landlord. Rental fees may include reasonable accrued late fee, application or screening fees, rental security deposits, on-site parking fees, on-site storage fees, damage fees, pet fees, and other fees owed to the landlord.
- Utilities and home energy costs that are owed to the landlord will be considered rent.

### Hotel Payments

In general, hotels payments are not considered an eligible expense. Hotels include motels, bed and breakfasts, Airbnbs, hostels, or other temporary rentals.

Hotels are considered an eligible expense **only** when all of the following apply:

- The tenant has lived at the unit 90 days or more; and
- The hotel is the tenant's current primary residence; and
- The tenant does not have a permanent residence elsewhere; and
- The tenant has a documented rental obligation with the hotel; and
- The tenant is not experiencing homelessness; and
- The hotel is not functioning as a non-congregate shelter, as defined by HUD, and

The tenant has confirmed that they are actively taking steps to secure housing within their budget and/or secure income to pay for the hotel independent of any additional assistance after exiting the program. This can be documented by a signed note or email written by the tenant, their case manager, housing navigator, the staff member processing their application, or another provider.

### Utility Assistance

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Local ERA may only cover 1 month of current utilities, 3 months of future utilities, and any utility arrears that are owed. There is no limit to the number of months of utility assistance.

Utilities and home energy costs are separately stated charges related to the occupancy of a rental property. Utilities and home energy costs that are owed to the landlord will be considered rent. Payments to public utilities are permitted. All payments for utilities and home energy costs should be supported by a bill, invoice, or evidence of payment to the provider of the utility or home energy service.

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

- Water
- Sewer
- Garbage
- Natural Gas
- Electricity

#### Eviction Court Fees

Eviction court fees are an eligible expense under this program.

#### Ineligible Expenses

The program cannot pay for the following expenses:

- Expenses that are unassociated with the applicant's primary residence,
- Business expenses,
- Homeowner expenses,
- Off-site storage,
- Off-site parking,
- Cable TV or online streaming services,
- Propane,
- Bulk fuel costs,
- Internet bills, or
- Phone bills.

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

##### Residency

Rental must be located within Lane County, Oregon.

##### Income Guidelines

Household must be at or below 80% of Area Median Income (AMI).

<b>LANE COUNTY AMI 2023</b>		
<b>HH SIZE</b>	<b>80% AMI Gross Monthly Income</b>	<b>80% AMI Gross Annual Income</b>
1	\$3,938	\$47,250
2	\$4,500	\$54,000
3	\$5,063	\$60,750
4	\$5,621	\$67,450
5	\$6,071	\$72,850
6	\$6,521	\$78,250
7	\$6,971	\$83,650
8	\$7,421	\$89,050

Income from the following sources is specifically excluded for the purpose of income eligibility requirements for this program:

- Supplemental employment income issued during the COVID-19 pandemic;
- Tax credits, including those paid in advance by the U.S. Treasury such as child tax credits, Stimulus Checks, and Earned Income Tax Credit;
- Past rental assistance (i.e. ERRLC, LCERA, OERAP funds);
- Loans;
- Student loans; and
- Student aid grants.

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

Income includes the current gross income of all adult household members at the time of application. Income earned by household members who are minors **and** are not considered heads of household is excluded. Household assets are generally not counted as income. If a household receives SSI/SSDI income for a minor child who is not considered the head of household, that amount is excluded from the total household income.

With respect to each household applying for assistance, each agency or program team may choose between using the definition of “annual income” as provided by HUD in 24 CFR 5.609 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes.

Documentation methods of income include:

- Previous 12 months of income;
- “Snapshot” of current income (at time of assessment);
- Previous 30 days of income.

Convert periodic wages to annual income by multiplying:

1. Hourly wages by the number of hours worked per year (2,080 hours for full-time employment with a 40- hour week and no overtime);
2. Weekly wages by 52;
3. Bi-weekly wages (paid every other week) by 26;
4. Semi-monthly wages (paid twice each month) by 24; and
5. Monthly wages by 12.

To annualize other than full-time income, multiply the wages by the actual number of hours or weeks the person is expected to work. **Whichever time period you choose to convert wages to, monthly or yearly, the same time period must be used for all adult members of the household.**

### Determining Household Size

The household size is the number of people living at the rental as their permanent residence. If a tenant lives part-time in the household, the address where they live more than half the days of the month is considered their permanent residence. All people living at the rental must be included on the rental assistance application as household members, even if they do not share finances with the other tenants living at the rental. All adults and children living at the rental are included, even if they are not listed on the lease. In a roommate/boarder situation where household members share the rental but have separate leases with the landlord, such as student housing, a tenant may apply independently from other roommates/boarders.

### Caregivers

Caregivers who are documented and live in rental properties solely for the purpose of providing services, without sharing income or contributing to household expenses, are not considered part of the household. It is important to have proper documentation confirming their status as caregivers. Acceptable documentation includes a letter from an ODHS case manager or an Aging and People with Disabilities worker, verifying that the individual provides caregiving services. If there is no other more reliable option available, a self-attestation letter from the caregiver can be accepted as documentation of their caregiver status. If the caregiver meets the aforementioned requirements, their income will be excluded.

### Housing Status

Local ERA funds are for households with at least one individual is:

- (1) At Imminent Risk of Homelessness; or
- (2) Unstably Housed, or
- (3) Fleeing or Attempting to Flee Domestic Violence.

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

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

**Fleeing or Attempting to Flee Domestic Violence:** Household or individual who:

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

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

Is at risk of losing their housing, provided that:

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

\*High risk may be demonstrated by, but is not solely defined as: having experienced a loss of income or other threat to housing stability. In addition, sharing housing of other persons due to loss of housing, economic hardship or a similar reason (“doubled up”) may demonstrate a high risk of losing current housing. Owing rental arrears or not having the ability to pay for future rent may also demonstrate high risk status.

## 5. Documentation

Electronic or paper files must be kept for all applicants. Documentation of all applicant eligibility information must be available in applicant files or if kept electronically, available upon request in the format requested. Documentation must be retained per records retention policies for at least 6 years.

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

A third-party may be designated by an applicant to sign documents on their behalf when they are unable to do so. When a form is being signed by an authorized third-party, it should be clear that authorization was given, for example, a document may have a note under the signature stating that “Signed by [authorized third-party name] on behalf of [applicant name], per verbal authorization.”

### Document Checklist

Documents provided by applicant:

- Proof of income for all adults in the household
- Proof of identity for the head of household
- Proof of residency and rental obligation for the head of household

Documents provided by landlord:

- W-9

Required Forms:

- Local ERA Application, completed by applicant:
  - Includes self-certification of housing status, required data elements, reported income, and household information.
- Local ERA Rental Assistance Invoice, completed by program staff, landlord, and applicant:
  - Includes Self-Certification of Unduplicated Service, Signed Landlord Invoice, Landlord Agreement (when payment is made to landlord), and Direct Payment to Tenant Agreement (when payment is made to tenant)
- Local ERA Final Review Form, completed by program staff:
  - Includes document checklist, eligibility summary, payment summary, verification that ownership of the property has been determined, and confirmation of supervisor approval.

Documentation of Income

Documentation to verify income includes but is not limited to primary sources of documentation (preferred) such as:

- Paystubs, W-2s or other wage statements, tax filings
- Bank statements demonstrating regular income
- An attestation from an employer
- Profit and loss statement if self-employed
- Benefit award letters or proof of benefits for unearned income for any household member (examples: current year social security letter, pension letter, unemployment, cash assistance, proof of TANF benefits from DHS, etc.)
- Documentation of child support, annuities or any income sources.

When applicants are not able to immediately provide full documentation of their income, program staff may utilize self-certification to document income. This may serve as a supplement to other incomplete income documentation, or serve as the sole documentation of income for the household.

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

## Proof of Identity

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

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

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

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

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

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

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

*\*Third Preference items will require at least two items be provided and program staff must document attempts to obtain First or Second preference ID and reasons this was not able to be provided. Third Preference items must be dated within the past three months, and cannot list an address other than the applicant's primary address.*

## Documentation of Residency and Rental Obligation

Grantees must obtain, if available, a current lease or rental agreement, signed by the primary applicant and the landlord or sub-lessor that identifies the unit where the applicant resides and establishes the rental payment amount. Household must have an active permanent housing rental

agreement or lease in the primary applicant's name. If the household member who applied for assistance is not the household member with the lease in their name, the primary applicant may be changed to the household member with the lease in their name.

Obtaining a copy of a signed current lease or rental agreement is preferred. In the absence of a signed current lease or rental agreement, other documentation may be gathered to establish both a) residency and b) rental obligation.

*First Preference:*

- A current signed lease or rental agreement

*Second Preference:*

If a lease is not available, residency and rental obligation may be documented using the following methods.

Documentation of residency:

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

Documentation of rental obligation:

- A written attestation by a landlord who is the verified owner or management agent of the unit,
- Bank statements that establish a pattern of paying rent
- Check stubs that establish a pattern of paying rent
- Court documents that state that the tenant owes rent.
- Other documentation that reasonably establishes a pattern of paying rent

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

## **6. Application Process**

## Application Process

1. Applicants will complete an initial screening pre-application online at [www.LaneCounty.org/RENT](http://www.LaneCounty.org/RENT) or by calling the Rent Assistance Application phone line identified on said website during open periods. The pre-application will be open during time periods designated by Lane County Human Services Division staff. In some circumstances, applicants may be referred to the program directly by a community-based organization.
2. Lane County Human Services Division (HSD) will prioritize applicants based on prioritization criteria.
3. Agency lead will be emailed an Excel spreadsheet with the basic contact and eligibility information of clients referred to them.
4. Program staff will have access to full applications/submission online via the Cognito Application.
5. Program staff will follow up with applicant via contact information provided on the application and determine best way to ensure all required documentation is received.
6. Program will process applications and distribute funds directly to landlords and/or utility companies for households determined to be fully eligible.
7. No more than 16 months benefits may be received by any one household.
8. Each eligible expense will be documented in HMIS per HMIS guidelines.
9. If an applicant does not qualify, they must be provided with the agency's appeal and grievance process.

## Prioritization

Households will be prioritized based on the following criteria:

- Households facing eviction.
- Households below 50% AMI.
- Households with at least one household member who is currently unemployed and has been for at least 90 days.
- Households that have been impacted by wildfire since March 2020.

## Outreach

The cost of attempting to contact applicants and landlords is an eligible administrative cost. Attempts to contact all referred applicants and landlords must be tracked and stored in the applicant file.

Program staff must make three attempts to contact each applicant by whatever means (including email, telephone, U.S. mail) before discontinuing making contact attempts. Outreach to the applicant will be considered complete if (i) a request for participation is sent in writing, by mail, to the applicant, and the addressee does not respond to the request within 14 calendar days after mailing; or (ii) the grantee has made at least three attempts by phone, text, or e-mail over a 10 calendar-day period to request the applicants participation; or (iii) an applicant confirms that they no longer wish to participate in the program.

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

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

Contact attempts must be documented in the applicant file, such as through case notes.

### Notification of Final Determination

Emergency Rental Assistance providers must notify both the landlord and the applicant, when a final determination is made for an application. Program staff are required to provide written notice to applicants when denied program assistance or assistance is terminated. The notice must include the specific reason(s) for the denial/termination and identify the steps to appeal the decision.

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

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

Before the denial of an application for tenant unresponsiveness is finalized, the processor must:

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

If the applicant does not respond within a 10 business days of the warning that the application is pending denial, program staff can move forward with finalizing the denial. A denial warning is only required in instances where the reason for denial is tenant unresponsiveness.

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

### Payment of Rental Assistance

Payments must be made directly to the property owner or property management company on behalf of renters, with rare exceptions.

### Individual Property Managers

If the property manager is an individual property manager, and not a property management company, documentation must be provided by the property owner that authorizes the individual property manager to collect rent on their behalf.

#### Super-Tenants of Subleases

In the case of sublets, a copy of the subletting/sublease agreement with sub-tenant is required, as well as the lease of the super-tenant with the property owner of record. Program staff must confirm that name of landlord on the lease is the legal owner of the residence before a direct payment can be made to the super-tenant. The legal owner of a residence may be determined by using the [Lane County Property Search](#) tool. Documentation must be provided by the property owner that authorizes the super-tenant to collect rent from a sub-tenant. If the super-tenant is still living in the unit, they are not eligible to receive payment from the program, unless they meet the usual requirements for a direct payment to tenant. Instead, they would be considered a member of the household, and must be included on the rental assistance application and payment would be made to the landlord.

#### Direct Payments to Tenants

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

#### Recertification

A household may only receive a one-time payment of rental assistance through this program. Households are generally not eligible to receive additional months of assistance through recertification, with exceptions for extenuating circumstances.

An applicant is only eligible for recertification for additional months of assistance in the following circumstances:

- Someone in the household is fleeing domestic violence,
- The household has an upcoming eviction court date,
- The household's current residence is not habitable and the additional assistance will assist the household with moving into a habitable rental,

- The tenant has a federal subsidy (e.g., a Housing Choice Voucher aka. Section 8, Public Housing, or Project-Based Rental Assistance) and would be unable to move in to an eligible unit without assistance with move in-costs, or
- Other extenuating circumstances that serve as an acute threat to the health or housing stability of the household.

## 7. Additional Guidelines

### Local ERA Assistance is Not Considered Income

Assistance provided to applicants through Local ERA is not regarded as taxable income and should not be considered when determining eligibility for federal benefits or federally-assisted programs.

### Low-Income Housing, Federal Subsidies, Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), or Transitional Housing (TH) Programs

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

If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher aka. Section 8, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive rental assistance for the portion of the rent the applicant owes. If the household participates in Permanent Supportive Housing (PSH), Rapid Rehousing (RRH), or Transitional Housing (TH) programs, in many cases the renter household may not be eligible to receive rental assistance for their portion of the rent, depending on the policies of the specific PSH, RRH, or TH program. Please check with Lane County staff for assistance in determining eligibility in these situations.

### Duplication of Benefits

Efforts should be taken to avoid duplication of benefits. When providing Local ERA assistance, program staff must review the household's sources of assistance to confirm that the Local ERA assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

If a household receives rental assistance other than Local ERA, Local ERA assistance may only be used to pay for costs not covered by the other program, such as the tenant-paid portion of rent and utility costs that are not paid for by the other rental assistance.

In the event that a landlord applied for the Landlord Compensation Fund, program staff must confirm that landlord has not accepted funds for the same costs from the Landlord Compensation Fund. Landlords are required to forgive 20% of rent when accepting Landlord Compensation Fund. Landlords may not then receive that 20% from Local ERA or any other fund.

## Conflicts of Interest

Subgrantee and subrecipient must keep records to show compliance with program conflict of interest requirements.

### (1) Organizational Conflict of Interest Policy

The provision of any type or amount of assistance may not be conditioned on an individual's or household's acceptance or occupancy of emergency shelter or housing owned by subgrantee, subrecipient or an affiliated organization. Conflict of interest waivers regarding rent assistance and rental agreement requirements can only be approved by OHCS. If a subgrantee or subrecipient wishes to apply for a waiver, they should contact the OHCS homeless program analyst or manager for guidance in submission of a waiver request, which must be approved by OHCS.

A subgrantee and subrecipient may conduct a participant's intake assessment to determine program eligibility if the participant resides in housing where the subgrantee or subrecipient has ownership interest for the expediency of housing placement services and to create seamless service delivery while keeping the client engaged in services. A waiver of the conflict of interest policy for this purpose is not required for CRF-funded programs.

Subgrantees and subrecipients cannot steer potential renters to units owned or operated by the subgrantee or subrecipient, if the renters will be using a rent subsidy paid with any OHCS funds. Rent-subsidized tenants are free to enter into a rental contract with another landlord within the subgrantee or subrecipient's jurisdiction or they may choose to rent a unit owned or operated by the subgrantee or subrecipient. A waiver request is not required for this situation; however, subgrantees and subrecipients must comply with this provision of the conflict of interest policy.

### (2) Individual Conflict of Interest Policy

For the procurement of goods and services, subgrantee and subrecipient must comply with the codes of conduct and conflict of interest requirements under 24 CFR 85.36 (for governments) or 24 CFR 84.42 (for private nonprofit organizations).

There are requirements for individuals associated with the program who would like to apply or receive income from the program, either as applicants or as vendors. This policy applies to individuals associated with the program during their tenure and during the one-year period following their tenure.

#### Definitions:

- "Individuals associated with the program" is defined as program staff, officers, agents, volunteers, or their friends or family members.
- "Immediate family members" is defined as parents, siblings, children, spouses, and the parents, siblings, and children of their spouses.

Rental Assistance:

- Individuals associated with the program may apply for rental assistance.
- They must apply in the same way as all other applicants. No advantage will be given to individuals associated with the program in joining the assistance waitlist or their placement on the assistance waitlist.
- They cannot be referred to or access the rental assistance waitlist through the agency with which they are associated. Their applications should be submitted and processed at an agency other than the one that they are associated with.
- No opportunity to apply should be offered to these individuals that other potential applicants do not have.
- Program staff, officers, agents, and volunteers are not eligible to receive assistance from the program if they are renting from an immediate family member or if they share the same address as their landlord.

Landlord and Other Business Arrangements:

- Program staff, officers, agents, volunteers, or their immediate family members are not eligible to receive income from the program as vendors or landlords.
- Program staff, officers, agents, and volunteers are barred from entering into business deals with vendors that would benefit their personal finances or give them access to opportunities that others do not have.

Disclosure

- Staff are required to disclose potential conflicts of interest to the Lane County Program Services Coordinator so appropriate oversight and guidance may be provided. If there are concerns regarding potential conflicts of interest, program staff may reach out to the Lane County Program Services Coordinator.

Fraud Prevention

Agencies are required to have a Fraud Policy. Agencies may reference Lane County's Fraud Policy which can be found at

[https://lanecounty.org/UserFiles/Servers/Server\\_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf](https://lanecounty.org/UserFiles/Servers/Server_3585797/File/HSD/Rent%20Assistance%20Program%20Fraud%20Policy%20approved.pdf)

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

Lane County Property Search Tool:

[https://lanecounty.org/government/county\\_departments/information\\_services/maps\\_g\\_i\\_s/lane\\_county\\_g\\_i\\_s\\_map\\_gallery/property\\_search](https://lanecounty.org/government/county_departments/information_services/maps_g_i_s/lane_county_g_i_s_map_gallery/property_search)

Oregon Secretary of State Business Name Search:

<https://sos.oregon.gov/business/pages/find.aspx>

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

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

#### Applications with Increased Risk of Fraud

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

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

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

Additional Documents to establish tenancy include:

- Government issued ID or Driver's License reflecting current address
- Oregon vehicle title or registration card
- Utility hook up order or utility statement issued by the service provider
- Any document issued by a financial institution that includes the applicant's residence address
- Any item delivered by the United States Postal Service, FedEx, or UPS sent by a verifiable business or government agency
- Any document issued by an insurance company or agent
- Any document issued by an educational institution
- A U.S. government-issued marriage certificate or license signed by a government official
- A loan agreement, payment booklet/voucher, or loan statement
- Paycheck, paystub, W-2 or 1099 tax form
- An Oregon Department of Consumer & Business Services (DCBS) issued manufactured structure ownership document
- Oregon voter notification card or voter profile report or Selective Service card
- Medical or health benefits card
- Unexpired professional license issued by an agency in the U.S.
- Current Certificate of Eligibility for Exchange Visitor (J-1) status (DS2019)
- Approved letter from Oregon State Hospital, homeless shelter, transitional service provider or halfway house dated within 60 days of your application certifying your residence address

- Letter from Department of Veterans Affairs Rehabilitation Center & Clinics certifying your address
- Letter on company letterhead from an employer certifying that you live at a non-business address owned by the business or corporation
- Other documents issued by a third party will be considered on a case-by-case basis.

The document:

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

### Non-Discrimination

Grantees and subgrantees are required to comply with all state and federal statutes relating to nondiscrimination. Program staff may not take any of the following actions based on race, color, national origin, religion, gender, familial status or disability (federal) or marital status, sexual orientation, gender identity or source of income (state):

- Refuse to accept an application for housing assistance or services
- Deny an application for housing assistance or services
- Set different terms, conditions or privileges for housing assistance or services
- Provide different or specific housing, facilities or services
- Falsely deny that housing is available for inspection or rental or that services are available
- Deny anyone access to a facility or service.

The Fair Housing Act prohibits discrimination based on protected classes in the housing activities of advertising, screening and unit rentals. Using a target population in screening is allowed; however, refusal to accept an application or provide information on services or available housing to any protected class, even if these groups do not fit into your targeting strategy, is prohibited. Screening criteria cannot be discriminatory and must be consistently applied. Program staff will prioritize applicants who are most at risk or in danger of losing their housing. For more information, see the Guide to Fair Housing for Nonprofit Housing and Shelter Providers (<https://fhco.org/housing-providers/>) produced by the Fair Housing Council of Oregon, or contact them directly at [www.fhco.org](http://www.fhco.org).

### Addressing Barriers to Program Accessibility

Program providers should address barriers that potentially eligible households may experience in accessing the program. This includes providing language interpretation services, program documents in multiple languages, and by conducting targeted outreach to populations with disproportionately high levels of unemployment or housing instability or that are low income. Local ERA providers should also provide, either directly or through partner organizations, culturally and linguistically relevant outreach and services to ensure access to assistance for all

eligible households. Program staff must provide access to language interpretation services and assistive devices necessary for applicants to understand the documents they are certifying.

### Limited English Proficiency

The Federal government has issued a series of policy documents, guides and regulations describing how agencies should address the needs of citizens who have limited English proficiency (LEP). The abbreviated definition of persons with limited English proficiency is those who: have difficulty reading, writing, speaking, or understanding English, and do not use English as their primary language.

Agencies must have a LEP policy document that describes the actions they took to identify LEP populations in their service area and define actions they will take to provide language assistance and address language barriers. The policy must also state how and how often staff will receive training about assisting LEP persons, how the level of success of the policy will be identified and how changes will be made if needed.

Agencies should create a written Language Access Plan (LAP) to provide a framework to document how the agency's programs will be accessible to all populations in their service area. Agencies who serve few persons needing LEP assistance may choose not to establish a LAP; however, the absence of a written LAP does not release agency from the obligation to ensure LEP persons have access to programs or activities.

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

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

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

HMIS Universal and OHCS-required Data Elements that must be collected for this program include, but are not limited to:

1. Name
2. \*Social Security Number
3. Date of Birth
4. Race/Race Additional
5. Ethnicity
6. Gender
7. Veteran Status

8. Disabling Condition
9. Current Living Situation
10. Prior Living Situation
11. Project Start Date
12. Project Exit Date
13. Destination
14. Relationship to Head of Household
15. Client Location
16. Current County of Residence
17. Percent of AMI
18. Address of the rental unit
19. Total amount of each type of assistance provided to each household
20. Number of months of rental payments and number of months of utility or home energy cost payments for which ERA assistance is provided
21. For landlords and utility providers, the name, address, and Social Security number, tax identification number or DUNS number

\* A Social Security number is not required to receive services.

## **9. Administrative Costs**

Subgrantees are allowed to use up to fifteen percent (15%) of their total Local ERA allocation for administrative costs, including those allowed for subrecipient organizations with whom the subgrantee contracts. There is an expectation that administrative funds will be shared with subrecipients commensurate to the services provided through the program by subrecipients.

Please note, that indirect costs are allowed to be applied to the Administration category. Allowable administrative costs typically, but not exclusively, benefit the organization as a whole and cannot be attributed specifically to a particular program. All amounts billed must be supported by actual costs.

Allowable costs include, but are not limited to:

- Senior executive management personnel salaries and benefits (unless they are directly involved in program operations), administrative staff travel costs;
- General services such as accounting, budget development, personnel, contracting, marketing, agency audit, agency insurance;
- Board expenses (excluding meals);
- Organization-wide membership fees and dues specific to homeless systems and programs;
- General agency facilities costs (including those associated with executive positions), such as rent, depreciation expenses, and operation and maintenance (as part of the organization's direct or indirect cost allocation plan);
- Equipment rental/purchase, insurance, utilities, and IT costs that are not program specific but relate to the administration of the agency as a whole;
- Directly allocable costs such as marketing and communications for the program;

- Indirect costs, including Negotiated Indirect Cost Rate Agreements (NICRA); and
- Allocated costs, consistent with an agency Cost Allocation Plan.

## **10. Agency Responsibilities**

### Data Privacy and Security

Agency agrees to establish data privacy and security requirements as required by Lane County and Oregon Housing and Community Services.

### Record Keeping

Agency shall maintain records and financial documents sufficient to support compliance regarding the eligible uses of funds. Records shall be maintained by Agency for a period of 6 years after all funds have been expended. Verification and documentation as appropriate for ongoing demonstration of eligibility. Notification and documentation to client in relation to release of information, service denial or termination, fraud policies, and grievance and appeal requirements. Lane County, Oregon Housing and Community Services, and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Agency in order to conduct audits, program monitoring, or other investigations.

### Monitoring

OHCS will conduct a program monitoring of subgrantees at least once during a biennium or more frequently at OHCS's discretion. Fiscal monitoring will be conducted annually unless circumstances require sooner. Subgrantees will be notified thirty (30) days in advance of the monitoring visit and informed of what documents and records will be reviewed and any required staff or Board interviews. OHCS will provide subgrantees with a written monitoring report inclusive of any findings, concerns or comments. Subgrantees are required to submit timely corrective action to findings and failure to do so may result in the withholding and/or return of CRF funds to OHCS.

Subgrantees must notify and receive approval from OHCS when adding subrecipients and/or renewing subrecipients. Notification and approval normally occurs during the Implementation Report submission process. If changes are made outside of the funding application, subgrantees must submit an Implementation Report Amendment Request and receive approval confirmation before moving forward.

### Subrecipient Monitoring

Lane County must monitor subrecipient agencies at least once during a biennium or the term of the Master Grant Agreement, as determined by OHCS. Subrecipient organization monitoring procedures must be in place and adequately ensure compliance with ORE-DAP program requirements. Monitoring reports will be retained by Lane County and available for review by OHCS or other authorized entity.

### Agency Policies and Procedures

Agencies processing Local ERA funds must have the following policies and procedures, **separate and in addition** to Lane County policies and procedures, and be able to provide them upon request:

- Written termination, denial, and grievance policies and procedures;
- Written Fraud Policy;
- Established, written process for addressing client grievances;

These policies must be on agency letterhead and may not be substituted with Lane County policies and procedures.

### Grievance and Appeals Process

Agencies must have written termination, denial, and grievance policies and procedures. The policies and procedures should be readily available to program participants either at intake or by posting the policy in a public place. It is important to effectively communicate these policies and procedures to applicants/clients and ensure they are fully understood.

Agencies are required to have an established, written process for addressing client grievances for decisions, including termination or reduction of benefit, denial of benefit or other grievance. At a minimum, the process must include the following components:

- Informs the participant/applicant of the policy and policy must be posted in general locations in which a client/applicant is expected to be;
- Informs the participant/applicant that they may contest any determination decision that denies (for any reason) or limits eligibility of participant/applicant and/or terminates or modifies any benefits and identifies the steps to follow to contest the decision;
- Allows any aggrieved person a minimum of thirty days to request an administrative review;
- Informs the applicant/participant of their right to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the decision;
- Informs OHCS of the request for administrative review within 10 days of receiving the request; and Oregon Housing and Community Services ORE-DAP – February 1, 2022;
- Informs the applicant/participant and OHCS in writing of the final determination and basis for the decision within ten days of the determination. Any person or persons designated by the agency can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.
- Any person or persons designated by agency can complete the administrative review, other than the person who made or approved the decision under review or a subordinate of this person.
- Agencies must make accommodations for clients who have language or disability barriers that would prevent them from participating in the appeals process.