

**JEFFERSON COUNTY
EMERGENCY RENTAL ASSISTANCE (ERA) PROGRAM**

POLICIES & PROCEDURES



INTRODUCTION

The Department of the Treasury approved Jefferson County for funding to provide rental assistance to qualified households and applicants through the Emergency Rental Assistance program. The Emergency Rental Assistance (ERA) program was established by Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) and its requirements were further clarified by the Treasury-issued Frequently Asked Questions publication of March 16, 2021.

Not less than 90 percent of awarded funds must be used for direct financial assistance, including rent, rental arrears, deposit assistance, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing. The remaining funds (Administrative Funds) are to be used for housing stability services, including case management and other services intended to keep households stably housed, as well as administrative costs.

These Policies and Procedures are intended to provide Jefferson County and its Partners with guidelines for continued compliance with the Act and Jefferson County-specific policies.

DEFINITIONS

The Act: Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020)

The County: Jefferson County, Colorado

Partners: Entities that Jefferson County has entered into a contractual agreement to assist in the processing, disbursement, and/or other processes specific to the Jefferson County Emergency Rental Assistance Program and its funds.

ERAP or ERA: The Emergency Rental Assistance (Program) as authorized by the Act and governed by these Policies and Procedures.

APPLICATION PROCESS

Tenant applications for rental assistance will be received through the Jefferson County ERA Program application portal in Neighborly Software. All awards for assistance must meet the minimum program requirements as outlined below.

Following submission, applications will be assigned to Jefferson County and Partner Organization Leads. Leads will assign applications to “Reviewers” to assess the submitted applications and related documents for eligibility determinations based on applicant answers to questions regarding household income, risk of homelessness or housing instability, County residence, and COVID-19 impact. Applications are automatically given prioritization determinations by the Neighborly Software platform. “Approvers” will review preliminary approvals and make final approvals for payment.

Dispute Resolution

Applicants who have concerns regarding the determination made on their application may contact ERAPhelp@jeffco.us to request their application be re-reviewed or to provide additional material information that may change the determination. Following this request and potential receipt of additional information, Applicant's application will be re-reviewed by a different Reviewer for subsequent re-determination after which the typical process will continue.

Landlord Applying on Behalf of Tenant(s)

Landlords may submit tenant contact information on behalf of the tenant through the Jefferson County Neighborly portal. Once the landlord provides the tenant's contact information through the Landlord Application, a notification will be sent to the tenant to complete the application. Tenants will be required to apply for assistance directly to ensure compliance with the Jefferson County ERA Program and the Act.

ELIGIBILITY CRITERIA

Jefferson County and its Partners may only award ERA funding to Eligible Households/Applicants. ERA funds may only be used for Eligible Forms of Assistance and must follow the Program Parameters set by the Department of the Treasury and Jefferson County.

Eligible Households/Applicants

To be eligible, a household must meet the following criteria:

- Be obligated to pay rent on a residential dwelling (e.g., lease agreement, rental agreement, etc.) within Jefferson County or be seeking to rent a residential dwelling within the County.
- One or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak.
- Be homeless or one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability¹; and
- The household has a household income at or below 80% of area median income, or AMI (defined below).

¹ May be demonstrated by delinquent rent and/or the inability to pay next month's rent

Eligible Forms of Assistance

- Program funds may provide financial assistance to eligible households and include:
 - Rent;
 - Rental arrears;
 - Security deposit and application/screening fee assistance;
 - Utilities and home energy costs and associated arrears; and/or
 - Other expenses related to housing incurred due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak, including financial assistance akin to rent for eligible motel stays (further defined below).
- Program funds may finance case management services for provision to eligible households to aid Jefferson County residents' long-term housing stability.

Eligible Areas

Jefferson County ERA Program funds are to be used throughout all areas of Jefferson County.

INCOME DETERMINATION

Jefferson County and its Partners must thoroughly document and confirm applicant households' income at the time of application. Following each three (3) month period of Emergency Rental Assistance, the County and its Partners must re-assess household income eligibility.

Jefferson County is permitting flexibility in the form this documentation takes, including photocopies, photographs, digital or physical, and/or e-mails or attestations from employers, landlords, caseworkers, or others with a proven knowledge of the household's circumstances. In this latter example, the demonstrated connection to and knowledge of the household's circumstances must also be documented.

Additionally, applicants are required to submit an attestation that all information, income or other, included in their application is correct and complete.

Income Definition

On an applicant-by-applicant basis, Jefferson County and its Program Partners may define annual income using the applicant's choice of method, either by using the U.S. Department of Housing and Urban Development (HUD)'s definition of annual income under 24 CFR 5.609 or as the term is defined for reporting under Internal Revenue Service Form 1040-series for individual federal annual income tax purposes.

Income Limits and Determination

To be eligible for Emergency Rental Assistance, applicants must have a household income at or below 80% of the Area Median Income for the Denver-Aurora-Lakewood Metropolitan Statistical Area. These

income limits are published annually by the U.S. Department of Housing and Urban Development (HUD) and will be provided by Jefferson County to its Partners.

As of April 2, 2021, the applicable income limits for Jefferson County are:

# of People in Household	1	2	3	4	5	6	7	8
D-A-L MSA Maximum Income (80% AMI) 2021	\$55,950	\$63,950	\$71,950	\$79,900	\$86,300	\$92,700	\$99,100	\$105,500

Prioritization

Priority will be given to applicants with a household income of less than 50% of the Area Median Income and to applicants with one or more household members that have been unemployed for at least 90 days. The income limits for prioritization are as follows.

# of People in Household	1	2	3	4	5	6	7	8
D-A-L MSA Prioritized Income (50% AMI) 2021	\$36,700	\$41,950	\$47,200	\$52,400	\$56,600	\$60,800	\$65,000	\$69,200

The County and its Partners are required to determine income eligibility by adequately confirming each applicant household's income at the time of application. For applicants qualifying with a monthly income determination, this confirmation will take the form of documenting and reviewing every adult (18+) member of the household's preceding two (2) months of income information at minimum. When income documentation is provided for a period less than one year, reviewers will extrapolate submitted income information over a 12-month period.

Additionally, where applicants have a monthly rent payment of greater than 150% FMR and are responsible for the balance of rent following receipt of Jefferson County Emergency Rent Assistance, prioritization will be given to those applicants who have a documented ability to stably pay that balance or have confirmed assistance from a different source for the balance. The ability to stably pay a balance in this context means the amount is less than or equal to thirty (30) percent of the sum of all rent contributors' monthly income.

Income Documentation

Applicants are generally required to provide a written attestation as to household income as well as documentation available to applicant's household to support the determination of its income. This documentation must cover a minimum of two (2) months for all adults in the household. This documentation may include, but is not limited to:

- Tax Filings
- Employer-provided wage statements, including paystubs and W-2s
- Employer-provided attestation of pay

In addition, in general all adults (18+) in the household must provide most recent bank statements. Jefferson County and/or its Partners may waive this requirement on an applicant – by – applicant basis.

Income additionally includes total cash receipts before taxes (gross income) from all sources including, but not limited to:

- Wages and salaries before any deductions;
- Alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household;
- Federal or state cash benefit programs and public assistance (including Temporary Assistance for Needy Families, Supplemental Security Income, and non-federally funded General Assistance or General Relief money payments),
- Regular payments from Social Security, railroad retirement, unemployment compensation exclusive of Federal Pandemic Unemployment Compensation, strike benefits from union funds, workers' compensation, veterans' payments, and training stipends;
- Private pensions, government employee pensions (including military retirement pay) and regular insurance or annuity payments;
- College or university scholarships, grants, fellowships, and assistantships;
- Dividends, interest, net rental income, net royalties;
- Periodic receipts from estates or trusts, and
- Net gambling or lottery winnings.
- Net receipts from nonfarm self-employment, excluding non-cash income and deductions (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses);
- Net receipts from farm self-employment, excluding non-cash income and deductions (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses);

Income does not include earnings in excess of \$480.00 for each full-time student, 18 years of age or older. This exclusion does not apply to heads of household or their spouse.

If an applicant's household income has previously been verified to be at or below 80% AMI by a local, state, or federal government assistance program, the County and its Partners may rely on a determination letter from the agency which previously verified applicant's household income in

determining household income, provided that the determination for the program was made on or after January 1, 2020.

Written Attestations without Further Documentation

Under certain, limited circumstances, Jefferson County and its Partners may rely solely on a written attestation from an applicant without additional documentation of household income. This allowance is permissible under the following circumstances:

- In order to accommodate applicant or household member's disabilities,
- Extenuating circumstances related to COVID-19, or
- Lack of access to appropriate technology

In these cases, a reviewer must still make the required determination regarding applicant's household income. This determination must be documented. In addition, should the situation be deemed appropriate, reviewer may also rely upon a written attestation from a professional (e.g., medical, caseworker, government) with knowledge of applicant's circumstances to certify the above and/or that a household's income qualifies for Emergency Rental Assistance.

- Self-Attestation Alone

Additionally, Jefferson County and its Partners may rely solely upon a written attestation without further documentation of household income from an applicant if the applicant confirms that they are unable to provide further documentation of their income. If a written attestation without further verification is relied on to document the majority of an applicant's income, the County and its Partners must reassess the household's income every three months, by obtaining appropriate documentation or a new self-attestation. Income attestations should specify the monthly or annual income claimed by the household to ensure that the household meets the applicable ERA requirements and to enable appropriate reporting.

The County and its Partners will provide in-person assistance to those unable to complete the online application or upload documents, however it understands that there may be extenuating circumstances that prevent an applicant's ability to access technology and will work to ensure those applicants are able to receive an eligibility determination as others.

EMERGENCY RENTAL ASSISTANCE PROGRAM PARAMETERS

Jefferson County ERA Program will provide aforementioned eligible forms of assistance to eligible households based upon the program parameters determined below.

Household Eligibility

Documentation of Financial Hardship

Applicants must provide documentation which demonstrates at least one member of applicant's household qualified for unemployment benefits or experienced a reduction in household income,

incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak.

Documentation Required:

- For applicants that qualified for unemployment benefits, a written attestation to that effect signed by the applicant or other relevant documentation regarding the household member's qualification for unemployment benefits. Relevant documentation should include documentation of unemployment benefits received; in extenuating circumstances, this requirement may be waived by the County and/or its Partners.
- For applicants that experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due to the COVID-19 outbreak, a written attestation signed by the applicant that the above applies to one or more members of the household.

Risk of Homelessness or Housing Instability

Applicants must be able to document that one or more household members can demonstrate a risk of experiencing homelessness or housing instability.

Documentation Required:

- A past due utility bill or rent notice or eviction notice
- Demonstration of an unsafe or unhealthy living environment, or
 - Unsafe or unhealthy living environments will be assessed on a case-by-case basis by Partners and/or Jefferson County; potential documentation of unsafe or unhealthy living environments may include a signed narrative or other documentation deemed representative and acceptable by reviewing staff.
- Any other evidence of risk of homelessness or housing instability
- In the event that documentary evidence of homelessness or housing instability is not immediately available to an applicant, Jefferson County and its Partners may rely upon a self-certification to that effect from the applicant.

Rent Assistance

Past-Due Rent

- If an applicant has eligible rental arrears, it should be paid in full whether entirely by ERAP funds or by some combination of assistance - inclusive of the ERAP program - and applicant's own finances, including eligible Other Expenses – outlined below.
- Past-due rent may be back paid from March 13, 2020 but may not exceed the twelve (12)-month maximum term of assistance, period inclusive of determined necessity for housing stability, subject to the statutory limitations.
- Past-due Rent will only be back paid by the Jefferson County ERAP program when the applicant has paid full deposit and at least three months' rent prior to the period in which arrears accrued. Applicants who are unable to establish that they meet this criteria will only be eligible for current and prospective rent assistance through ERAP.

At an eligible applicant's request, Jefferson County and its Partners may provide assistance to clear applicant's rental arrears tied to a unit the applicant previously vacated. The County may require that the applicant's previous landlord certify that it will not pursue any collection efforts against the applicant or their household. Additionally, the County may require that the landlord confirm the matter's resolution to the credit agencies Equifax, TransUnion, and Experian, as well as the tenant.

Prospective Rent

- Jefferson County and its Partners may utilize ERA funds for prospective rent, with a per-application maximum of three (3) months forward.
- Under the Act, further prospective rent payments to the same household are subject to:
 - Subsequent application (re-certification) submission;
 - Eligibility re-determination; and
 - Availability of funds.

General Guidance on Rent

- In order to maximize household stability throughout Jefferson County, the County determined that all households found eligible to receive rent assistance may receive three (3) months' prospective rent on their behalf.
- As of June 1, 2022 – the Jefferson County Emergency Rental Assistance Program will only cover up to three months of rental arrears and up to three months of prospective rent for applicants receiving initial rent assistance. The initial rent assistance will be the applicant's final assistance from the Program.
- As of June 1, 2022 – the Jefferson County Emergency Rental Assistance Program will only provide one month of rental assistance for any Additional Funding Requests. The approved one-month Additional Funding Request will be the applicant's final assistance from the Program.
- As of July 1, 2022 – Additional Funding Requests from prior recipients will be dismissed if the applicant is greater than 30 days past-due; the applicant will also be determined to be ineligible at that time.
- The amount of rent eligible under the ERA Program is not capped at a maximum dollar value per unit; however, the amount of rent eligible for the program must be identified in a jointly-signed lease agreement between the tenant and their landlord.
- There is no requirement regarding the applicant's length of tenure in the current unit.
- Utilities and home energy costs that are covered by the landlord are considered an aspect of unit's/applicant's rent.
- An eligible household that resides at a federally subsidized residential or mixed-use property may receive ERA assistance, provided ERA funds are not applied to costs previously or expected to be reimbursed under any other federal assistance.
 - If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive ERA assistance for the non-subsidized, tenant-owed portion of rent or utilities.

- Reviewers must review the household's income and sources of assistance to confirm that the ERA assistance does not duplicate any other assistance, including federal, state, or local assistance provided for the same costs.
- In cases where an eligible household is unable to provide or does not have documentation of actual rent paid, Jefferson County and its Partners may provide the household with rent payments up to the maximum of the applicable Fair Market Rent or Small Area Fair Market Rent, in accordance with bedroom size restrictions.
- Beginning December 20, 2021 Jefferson County and its Partners may, where applicable, provide an eligible household with rent payments of up to 150% of the relevant Fair Market Rent. Applicants with a monthly rent payment above 150% of FMR may be determined eligible in spite of this restriction and receive assistance up to 150% FMR, but will be responsible for the balance of the rent payment. See prioritization section (pg. 5) for more details.
 - Households with a monthly rent payment above 150% FMR that have previously received Jefferson County Emergency Rental Assistance will not receive an eligibility determination for any additional funding requests unless the balance of rent not covered by their previous Jefferson County Emergency Rental Assistance has been paid in its entirety.
- Households determined to be eligible for ERA funds will be provided access to case management services through Jefferson County's Partners to help ensure long-term housing stability.
 - Prioritization will be given to recipients of ERA that request or require additional funding and in such cases, case management services will be incorporated automatically in conjunction with the additional assistance.

Utility Assistance

Past-due Utility Costs

Utilities and home energy costs include:

- Electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil, that are the applicant household's to cover.
- Payments to public utilities are permitted.
- Payments for utilities and home energy arrears must be supported by documentation, such as a past due bill or invoice.
- Utility arrears can be back paid from March 13, 2020 to the present but may not exceed the twelve (12)-month maximum term of assistance, period inclusive of determined necessity for housing stability, subject to the statutory limitations.
- Current month utility payments are permissible, but prospective utility payments are not an allowable cost under the Jefferson County ERAP.
- If an applicant has received fifteen months of rental assistance, that applicant is no longer eligible for utility assistance through Jefferson County ERAP.
- At an eligible applicant's request, Jefferson County and its Partners may provide assistance to clear applicant's utility arrears tied to a unit the applicant previously vacated. The County may

require that the applicant's previous utility provider certify that it will not pursue any collection efforts against the applicant or their household. Additionally, the County may require that the utility provider confirm the matter's resolution to the credit agencies Equifax, TransUnion, and Experian, as well as the tenant.

- As of June 1, 2022 – the Jefferson County Emergency Rental Assistance Program will only cover up to three months of utility arrears for applicants receiving initial rent and/or utility assistance. The initial utility assistance will be the applicant's final assistance from the Program.
- As of June 1, 2022 – the Jefferson County Emergency Rental Assistance Program will only provide on month of utility assistance for any Additional Funding Requests. The approved one-month Additional Funding Request will be the applicant's final assistance from the Program.
- As of July 1, 2022 – Additional Funding Requests from prior recipients will be dismissed if the applicant is greater than 30 days past-due; the applicant will also be determined to be ineligible at that time.

Provision of Rent and/or Utility Assistance in Bulk

In some cases where five or more, Jefferson County and its Partners may opt to allow landlords and utility providers to receive assistance for their residents and/or users based upon reasonable estimates of arrears owed by multiple households. Provision of this bulk assistance may occur before households have completed their application and documentation submission, however Jefferson County requires landlords and/or utility providers receive all required documentation for the bulk assistance within six months and submit to the County and its Partners. In order for bulk assistance to be provided, the following must be provided to the County and its Partners:

- Certification from the landlord or utility provider that its estimate is reasonable based upon all information available to it at the time.
- Written agreement by the landlord or utility provider to return to Jefferson County any assistance they receive for a household that is subsequently determined to be ineligible or does not submit the required documentation within six months from the landlord or utility provider's receipt.

Generally, the County will limit its initial disbursement of assistance to seventy-five percent of the landlord or utility provider's estimated arrears, with the remainder of assistance provided following submission of required documents and certification of households' eligibility. The County and its Partners will establish minimum customer and/or arrearage amounts wherein bulk rent or utility assistance may be provided.

Other Expenses

The ERA1 Act requires that "other expenses" must be housing-related and directly or indirectly incurred due to the COVID-19 pandemic; the ERA2 statute requires that "other expenses" be housing-related, but are not required to be incurred due to the COVID-19 pandemic. For both, other expenses include:

- Relocation and related expenses, such as

- Rental security deposits
- Rental fees, including application and screening fees
- To be eligible for these expenses, applicant household must have been temporarily or permanently displaced due to the COVID-19 outbreak or is currently housed in an unsafe or unhealthy living environment.
- Reasonable accrued late fees
 - Provided the late fees are not included in rental/utility arrears and were incurred due to COVID-19 impact.
 - Provided no late fee moratoriums were in place during the time arrears were accrued.
 - Jefferson County determined reasonable late fees to be a maximum of 10% of rent.
- Past-due and current Internet service costs may be paid to the provider of said service, provided the household meets the following criteria:
 - Bill must show internet only. This program will not pay internet costs when they are bundled with other services if a separated cost cannot be determined.
 - Internet service will be paid pursuant to the Utility guidelines above.
- Rent or Rental Bonds, where a tenant posts a bond with a court as a condition to:
 - Obtain a hearing, reopen an eviction action, appeal an order of eviction, reinstate a lease, or otherwise avoid an eviction order
- Where financial assistance akin to rent is provided to cover a motel stay for an eligible household, this form of assistance will be paid pursuant to the Rent Assistance parameters above, provided that
 - The household has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere;
 - The total months of assistance provided to the household do not exceed the applicable time limit described within the ERA guidance and these policies; and
 - Documentation of the motel stay is provided and other applicable requirements within the ERA statute, FAQs, and associated guidance as well as these policies are met.
 - The eligible cost of the motel stay does not include expenses incidental to the charge for the room.
 - On an applicant-by-applicant basis, financial assistance akin to rent may be provided to cover future motel residency, including when the applicant is currently residing in the motel. Where forward payment is approved, reviewers must thoroughly document conversations with applicant where applicant's period of stay is reviewed and confirmed to determine long-term vs. short-term intent.
- Additional rental payments for "hard-to-house" households may be paid to a landlord, where "hard-to-house" includes those applicants who, during the past twelve months, suffered an eviction, aged out of foster care or other similar arrangements, were convicted of a criminal offense or released from incarceration, or experienced homelessness, provided that
 - The additional payment is required by the landlord as a condition to entering into a lease with the eligible "hard-to-house" household
 - The additional payment is documented in the household's written lease agreement as additional rent
 - The additional payment does not exceed one month's rent, in the aggregate.

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

Maximum Term of Assistance

- The total period of assistance (past-due assistance + prospective assistance) cannot exceed twelve (12) months.
- Emergency Rental Assistance Funds generally expire on September 30, 2022.

Priority to Applicants

Eligible applicants must be prioritized if at least one of the following conditions are met:

- The income of the household does not exceed 50% AMI for the household; or
- One (1) or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date.

Duplication of Benefits

To the extent feasible, Jefferson County and its Partners must ensure that any rental assistance provided to an eligible household is not duplicative of any other Federally-funded rental assistance provided to such household. Reviewers may rely on an attestation from the applicant regarding nonduplication with other government assistance in aiding a household.

Review Procedures

As stated above, Jefferson County will make initial eligibility determinations based on applicant's answers to questions regarding household income, risk of homelessness or housing instability, Jeffco residence, and COVID impact. The system will also prioritize applications. Reviewers will conduct reviews of the submitted applications and related documents. Managers will review preliminary approvals and make final approvals for payment. These review procedures are as follows:

Confirm Jeffco Residence

Reviewers will look up the applicant's address (or the prospective address, if applicant is seeking to rent a dwelling) on the USPS website². Addresses found to be outside Jefferson County will be verified on the Jeffco Assessor's office website³ before issuing a final determination.

If an applicant is unable to provide a photo ID, reviewers are instructed to use any two forms of non-photo ID and document the forms of non-photo ID used as well as the reason for applicant's inability to provide photo ID. The County and its Partners may issue waivers allowing for one form of non-photo ID where it determines this approach is appropriate; documentation of this determination and the waiver must be kept with applicant's file.

² [USPS website](#)

³ [Assessor's office website](#)

Verify Income

The applicant will have two options for income verification.

Option 1: Income is defined by the adjusted gross income from the 2020 IRS Form 1040 series or household income has been verified to be at or below 80% of the Area Media Income in connection with another local, state, or federal government assistance program, on or after January 1, 2020.

If the applicant has chosen Option 1 on the application, the reviewer will do the following:

- Check uploaded 2020 tax returns to make sure there is a tax return for each adult in the household or that eligible documentation has been provided from another assistance program.
- Total the adjusted gross income from all returns or review documentation provided and make sure the household income is at or below 80% AMI based on household size.
- If over income, a denial will be sent to the applicant. If the household income is within the Emergency General Assistance Housing Assistance income limit, the applicant will be reviewed for that program.

Option 2: Income is defined by HUD’s definition of “annual income” in 24 CFR 5.609.⁴ Annual income also means amounts derived from assets to which any member of the household (including children) has access. Annual income includes, but is not limited to:

- Gross wages, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- Net income from the operation of a business or profession;
- Interest, dividends, and other net income of any kind from real or personal property;
- Social Security benefits, annuities, insurance policies, retirement funds, pensions, disability or death benefits;
- Payment in lieu of earning, such as unemployment and disability compensation, worker’s compensation and severance pay unless excluded by statute);
- TANF payments (unless reimbursement for out-of-pocket expenses. such as transportation or child-care, or earnings from an employment training program);
- Alimony and child support payments.

Annual income **does not** include:

- Earnings in excess of \$480 for a full-time student 18 years or older.

If the applicant has chosen Option 2 on the application, the reviewer will do the following:

⁴ Definition and examples summarized – 24 CFR 5.609, which can be found in its entirety [here](#)

- Check the income reported for all household members 18 and older by reviewing the application and the submitted documents. Direct the applicant to change amounts on the application, not accurately reported. All income will be annualized.
 - Paystubs
 - Use gross pay on the most recent 4-6 paystubs and determine average gross pay
 - Convert average gross pay to annual based on the frequency of pay (weekly x 52; bi-weekly x 26; semi-monthly ((paid twice each month) x 24; and monthly x 12).
 - For self-employed persons, calculate based on the income estimate given.
 - Unemployment Assistance [HUD Office of MFH Programs COVID-19 Q&A]. Determine the weekly amount and convert to annual (if applicable).
 - Regular unemployment assistance (UI) is counted as income.
 - Pandemic Unemployment Assistance (PUA) – for those who otherwise would not qualify for regular UI, is counted as income.
 - Pandemic Emergency Unemployment Compensation (PEUC) or any other extension of regular unemployment insurance benefits for additional weeks, is counted as income.
 - Federal Pandemic Unemployment Compensation (FPUC) which provided an additional \$600 per week or subsequent supplemental benefits meet the definition of temporary income, **are not** included in annual income.
 - Child support, alimony, TANF, Social Security, pension, etc.
 - Use the statement to determine the amount received and the frequency and convert the amount to annual.
- Check the assets and interest reported for all household members by reviewing the application and the submitted documents. Direct the applicant to change amounts on the application, not accurately reported.

Verify COVID Impact

The applicant must show that a member of the household qualified for unemployment benefits **OR** that a member of the household has suffered one of the impacts below. If the applicant has submitted proof that a member of the household qualified for unemployment or at least one of the impacts below are satisfied, no other proof of COVID impact is needed. Proof of impact may be fulfilled by other documentation than those listed below if reviewer determines it meets the level of proof required.

Impact: Have been laid off temporarily or permanently

Documentation Requirement: Statement from former employer or written attestation by applicant – should be combined with bank statements showing loss of income

Impact: Have had work hours reduced

Documentation Requirement: Statement from employer, paystubs, and/or written attestation by applicant – should be combined with bank statements showing loss of income

Impact: Were about to start a new job but could not or were terminated from a new job before establishing sufficient work history to be eligible for regular benefits.

Documentation Requirement: Statement from former (potential) employer, paystubs (if applicable), and/or written attestation by applicant

Impact: Are self-employed and their business is no longer supplying them with income, or such income has been reduced.

Documentation Requirement: Business registration and its income statements or written attestation by applicant – should be combined with bank statements showing loss of income

Impact: Are independent contractors or gig workers (Uber, DoorDash, etc.) who have not been able to earn fees, or whose fees have been reduced.

Documentation Requirement: Paystubs (if applicable) or written attestation by applicant – should be combined with bank statements showing loss of income

Impact: Have become sick with COVID-19 themselves or have been advised by a governmental or medical professional to self-quarantine.

Documentation Requirement: Statement from government/medical professional advising as such, written attestation by applicant, and/or if applicant held an hourly position – paystubs showing decreased/no income for period

Impact: Have had to leave a job or reduce hours to care for a person who is sick with COVID-19.

Documentation Requirement: Statement from/to employer, paystubs (if reduced hours), bank statements showing loss of income, and/or written attestation from applicant and cared-for individual

Impact: Have had to leave a job or reduce hours to care for dependents whose ordinary situations (such as school or daycare) have been disrupted.

Documentation Requirement: Statement from/to employer, paystubs (if reduced hours), bank statements showing loss of income, statement from school/daycare/etc. demonstrating disruption, and/or written attestation by applicant

Impact: Have reasonable concern over the risk of infection at work, for themselves or someone in their household, and have documentation of a household member being immunocompromised.

Documentation Requirement: Documentation of immunocompromised household member (statement from medical professional, released medical document, written attestation from member), and/or written attestation describing basis for concern which may include employer's statements leading to concern

Impact: Have had an unexpected COVID-related medical or funeral expense.

Documentation Requirement: Billing statement of expense combined with statement from medical professional or death certificate/record, and/or written attestation by applicant

Impact: I am living in a car, outside, or other place not meant for human habitation.

Documentation Requirement: Written attestation from case worker or other professional with knowledge of situation and/or written attestation by applicant.

Impact: Have other conditions resulting in loss of income due to the COVID-19 pandemic. (Please describe below.) If you selected "Other," please describe the situation below.

Documentation Requirement: Documentation requirements utilizing this impact are variable given nature of 'other', however may include paystubs, bank statements, written attestation from individual with knowledge of situation (e.g., employer, case worker, government or medical professional), written attestation by applicant

Impact: I am staying or will be housed in a motel due to temporary or permanent displacement from my permanent residence or I do not have a permanent residence elsewhere.

Documentation Requirement: If motel stay is ongoing at time of application, documentation of full motel stay term required, including but not limited to statement from motel management and bill for period of stay. Written attestation from case worker or other professional with knowledge of situation and/or written attestation by applicant that applicant's situation conforms to the eligibility requirements of ERA-assisted motel stays.

In the case of forward payment for long-term motel stays, further written documentation confirming applicant's intent regarding period of motel residency is required; this written documentation may take the form of email communication with applicant or an applicant's statement.

Verify Rent and Utility Totals

Reviewers should use the rent ledger supplied by the landlord or, in the case of a motel stay – motel stay invoice from motel owner, and the submitted utility bills to confirm totals entered by the applicant.

Requests for Documentation/Information

When required documentation is missing or more information is needed to review an application, the reviewer will send an email request to the applicant giving them 10 days from the date of the email to reply. An application may be denied if the requested information/documentation is not received in the allotted time.

Distribution of Financial Assistance

Payments

In general, Emergency Rental Assistance payments are to be made directly to the provider of the assisted eligible service (rent, utility, motel owner, etc.) on behalf of the eligible applicant. Service providers must submit their name, payment address, and W-9 with Tax Identification Number (FEIN or Social Security Number). Documentation of such payments must be kept by the County and its Partners and must additionally be provided to the applicant.

Provision of ERA funds to Partners

Out of a desire to speed the delivery of assistance, the U.S. Department of the Treasury authorized Jefferson County to enter into written agreements with non-profit organizations (Partners) to establish a payment fund for the sole purpose of delivering assistance with ERA funds while a household's application remains in process. Jefferson County may utilize this type of partnership if:

- The Partner's use of the payment fund is reserved for situations in which an expedited payment could reasonably be viewed as necessary to prevent an eviction or loss of utility services that precludes employing Jefferson County's standard application and payment procedures on a timely basis.
- The Partner has the requisite financial capacity to manage the ERA funds, which may include being a certified community development financial institution.
- The Partner deposits and maintains the ERA funds in a separate account, which is not commingled with any other funds, Federal or otherwise.
- Jefferson County receives all required application and eligibility documentation of those assisted with the payment fund within six months.
- The Partner agrees, in writing, to return to Jefferson County any assistance that a household was determined to be ineligible for or for which the required documentation is not received within six months.
- Any funds not used by the Partner are ultimately returned to the County.

If a payment made by the Partner is subsequently found to have been used for an ineligible household or an ineligible expense, or if the required application and eligibility documentation are not submitted in a timely manner, the payment will be considered an ineligible use of ERA funds by Jefferson County. Any administrative expenses attributable to a payment fund should be considered in accordance with U.S. Department of the Treasury issued FAQ 29.

REPORTING, PRIVACY, AND MAINTENANCE REQUIREMENTS

As of the enactment of this Policy, the U.S. Department of the Treasury has not made a final determination on reporting requirements or information to be collected by Jefferson County and its Partners for the Emergency Rental Assistance Program. It has, however, provided certain minimum information it expects the County to be able to provide so that the Treasury may fulfill its quarterly reporting requirements as required by the Act. Therefore, Jefferson County will collect the following information from the enactment of its program so that it may meet its quarterly reporting requirements, though additional information may be required as the program progresses:

- The number of eligible households that receive assistance from ERA payments
- The acceptance rate of applicants for the Jefferson County ERA program
- The type(s) of assistance provided to each eligible household
- The average amount of funding provided per eligible household receiving ERA payments
- Household income level, with such information disaggregated for households with income that:
 - Does not exceed 30% of the AMI for the household size
 - Exceeds 30% but does not exceed 50% of the AMI for the household size; and
 - Exceeds 50% but does not exceed 80% of AMI for the household size;
- The average number of monthly rental or utility payments that were covered by the funding amount that a household received, as applicable.

Jefferson County will ensure that it reports disaggregated information relating to households provided under the above bullets (•) by gender, race, and ethnicity of the primary applicant for assistance in each household.

Additionally, the County and its Partners will collect and retain the following information on applicant households for reporting purposes:

- Applicant's rental unit address;
- 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.

U.S. Treasury Department Statistical Research Statement

The U.S. Department of the Treasury may require full and unredacted information from the above lists for statistical research. This may include personally identifiable information, for statistical research purposes in accordance with existing law. Additionally, the Treasury may collect and make available for statistical research, at the census tract level, that same information collected.

Privacy Requirements

The Act requires that Jefferson County establish data privacy and security requirements for the above collected information that includes appropriate measures to ensure that the privacy of the individuals and households is protected, provides that the information, including any personally identifiable information, is collected and used only for the purpose of submitting those reports required by the U.S. Department of the Treasury, and provides confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

Jefferson County is utilizing Neighborly Software for its application and data storage processes. The agreement between Jefferson County and Neighborly Software requires that data collected through the application portal meets the data privacy and security requirements of the Act, including:

- Measures to ensure that the privacy of individuals and households are protected
- Standards and processes in the event of a data breach, including customer notification, applicant notification and provision of services to mitigate the effect of a breach

Additionally, the County has incorporated language into its agreements with its Partners in the ERA Program to ensure that:

- Any personally identifiable information collected and used will be for the purpose of submitting reports and determining eligibility by the Jefferson County and its Partners.
- Each Partner has agreed that all data collected under the program is to be used solely for the purpose of determining eligibility.
- Partners will follow confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

Record Access and Maintenance

Jefferson County and its Partners shall maintain records, including financial documentation, and beneficiary information, sufficient to remain compliant with the Act and support the County's eligible use of Emergency Rental Assistance funds. Jefferson County staff, its auditors, Neighborly Software staff, U.S. Department of the Treasury staff, including its Inspector General, the Government Accountability Office and these entities' authorized representatives will have the right to access records (electronic or otherwise) originating with the Jefferson County Emergency Rental Assistance Program necessary for the conduct of audits or other investigations.

Records shall be maintained by Jefferson County for a period of five (5) years after all funds have been expended or returned to the Treasury.

Fraud, Waste, & Abuse

The Act provides that the Inspector General of the Department of the Treasury shall provide oversight of the receipt, disbursement, and use of funds made available. Any applications suspected by the County and its Partners to be fraudulent will be reported to the Inspector General's Office through its online reporting mechanism. Reports may take place following attempts to contact the individual that submitted the suspected application in order to clarify the matter or receive additional information.

Primacy

To the extent that any provision of this Policy conflicts with the provision of any Federal or State law, guidance, or regulation - the law or regulation shall control.

Program Expiration

Unless otherwise determined or extended by the U.S. Federal Government, including the U.S. Department of the Treasury and subject to the continued availability of funds, the Jefferson County Emergency Rental Assistance Program will cease operations on September 30, 2022 at 11:59PM.