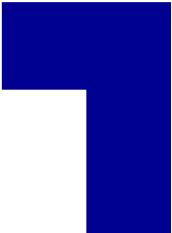


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Federal Emergency Rental Assistance Program (ERAP) FAQ

AS OF APRIL 23, 2021





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Federal Emergency Rental Assistance Program (ERAP) FAQs as of April 23rd, 2021

Federal Emergency Rental Assistance Program (ERAP)

Overview

1. What is the new Federal Rental Assistance Program?

In December 2020, Congress passed the Emergency Coronavirus Relief Act, including \$25 billion for emergency rental assistance. Massachusetts received \$457M to provide broad rental and utility assistance through the end of 2021. This resource is “use it or lose it.” After September 2021, the U.S. Treasury may reallocate unobligated funds to grantees that have obligated at least 65% of their funding. All of this resource must be “obligated” (approved for payment) by September 2022. The federal program offers potentially higher benefits and opportunity for greater regional equity by providing equivalent duration of assistance (12 months), regardless of local rents. Federal funds must be distributed in accordance with federal policy requirements. Some of these requirements are different from the RAFT Guidelines, such as requiring a COVID-19-related impact, serving households with income up to 80% of the Area Median Income, and only providing assistance for rental housing.

2. When do these new funds go into effect?

DHCD will implement the new Federal Program benefit on March 22, 2021. This will allow time to issue new guidelines to Regional Administering Agencies (RAAs), amend processes and communications, and train staff.

3. Does this funding replace RAFT?

No, the federal program benefit does not replace RAFT. The federal program supplements existing programs (i.e., RAFT, ERMA, and local programs). Once all federal funds are exhausted or expired, RAFT will remain and once again assume its position as the state’s main tool for emergency rental assistance, subject to state requirements under the RAFT line item language.

4. How will federal funds be distributed?

The federal funds are distributed on a use-it-or-lose-it basis and must be fully obligated by September 30, 2022 (65% of funds to be obligated by September 2021). To ensure that we spend every dollar, DHCD's guidance is to use federal funds first whenever possible. Federal funds will be distributed to RAAs per contract amendments. DHCD will use federal funds to "reimburse" some qualifying RAFT expenditures approved prior to March 22, 2021. Any pending, unapproved ERMA/RAFT applicants upon the date of implementation/policy effective date will immediately be considered for eligibility under the federal benefit. Any approved ERMA/RAFT applications will be considered already approved and will not be reconsidered for the federal benefit, although households may always reapply if they need additional funds later.

5. How will the new funds be prioritized over other programs (i.e., RAFT and ERMA)?

Among the three similar DHCD programs (ERAP, RAFT, and ERMA), ERAP funds should be prioritized for new applications, as well as any applications that are pending at the time of the new Administrative Plan issuance. ERAP funds should be prioritized first over other programs to ensure that Massachusetts meets the deadline for using these funds. Most renters who have been directly or indirectly impacted by COVID-19 with rent arrears from after 3/13/2020 will be eligible for ERAP. Applicants may still be eligible for other programs if they are not eligible for ERAP.

6. Can an applicant receive RAFT funds if the applicant would receive more in stipends from RAFT than ERAP?

Whenever possible, if the applicant is eligible for ERAP, RAAs should prioritize ERAP funds over other programs.

Eligibility

7. How will prospective households apply?

At this time, prospective households will apply using the existing application at the RAA for their geographic region.

8. Who is eligible for the federal funds?

On March 22, eligible renters can qualify for the federal funds if all three of the following criteria apply:

1. The applicant has experienced a financial hardship due to COVID.
2. The applicant demonstrates that they are at risk of experiencing homelessness or housing instability.
3. The applicant has an income below 80% of the Area Median Income (AMI).

For additional details related to eligibility, please refer to the ERAP Administrative Plan.

9. What is considered proof of COVID-19 impact?

DHCD will continue to use the list in the existing application question about COVID impact and the RAFT housing crisis list as the list of eligible circumstances under which a household may access emergency housing assistance. Having a COVID-19 impact might include one or more household members:

- Having qualified for unemployment benefits
- Having experienced a reduction in household income
- Having incurred significant costs due, directly or indirectly, to the COVID-19 outbreak
- Having experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak

10. What are the eligible housing crisis options for ERAP?

DHCD will continue to use the existing RAFT Housing Crisis list as the list of eligible circumstances under which a household may access emergency housing assistance. These include:

- Pre-court rental assistance
- Eviction
- Doubled up and must leave/Overcrowding
- Health and safety
- Domestic violence
- Fire/Flood/Natural disaster
- Utility shutoff/Utility arrears
- Other crisis that will result in imminent housing loss or instability

11. Who is not eligible for federal funds?

ERAP is only for renter households. Homeowners are not eligible for ERAP. However, homeowners continue to be eligible for ERMA if they are between 50-80% AMI and for RAFT if they are below 50% AMI.

12. Do tenants who have already received RAFT or ERMA qualify for ERAP?

Households who have already received RAFT or ERMA may receive ERAP in addition, as long as the two programs do not cover the same expenses for the same month.

13. Can tenants use both ERAP and RAFT funds at the same time?

Households currently receiving ongoing benefits from RAFT or ERMA may receive ERAP after their existing benefit ends but may not be enrolled in multiple programs at the same time.

14. Can applicants receive prospective rent (“stipends”)?

Yes, applicants can receive prospective rent “stipends” covering their full contract rent in three-month increments.

15. How often must applicants re-apply/recertify for ERAP?

Applicants must re-apply / recertify every three months to continue receiving monthly benefits. DHCD has not yet released information about the recertification process.

16. Who is prioritized for federal funds?

At least half of all funds administered through ERAP will be given to applicants who are at or below 50% AMI and applicants who have been unemployed for 90 days at the time of their application submission. DHCD will monitor spending on behalf of these populations. At this time, RAAs do not need to do anything differently for applicants from the priority populations.

17. Do applicants have to demonstrate immigration status or have a Social Security Number to receive ERAP?

No, applicants do not have to demonstrate immigration status or have a social security number to receive ERAP. However, if they do have a social security number, they are asked to provide it. This is the same as for RAFT.

18. Why are eligibility requirements different for federal funds than RAFT?

The federal government developed eligibility requirements for the new federal funds. DHCD has made every effort to align the federal program with existing state rental assistance programs; however, the programs are different. DHCD and RAAs are required to distribute federal funds in accordance with federal policy requirements.

19. Are applicants required to have an arrearage to qualify for ERAP?

No, applicants do not need to have an arrearage to qualify for ERAP and could receive up to three months of prospective rent. However, if an applicant does have rent arrears, then ERAP needs to cover at least a portion (or all) of their arrears before ERAP can cover providing up to three months of stipends. In general, RAAs should cover the full arrearage (up to 12 months after 3/13/20) unless there is a demonstrated reason not to, such as an agreement otherwise mediated or negotiated by court or community mediators.

20. Do ERAP benefits need to bring the applicant's arrears to zero for the applicant to be eligible for ERAP?

No, the benefit awarded by ERAP does not need to bring the applicant's arrears to zero for the applicant to be eligible to receive benefits from ERAP.

21. What should RAA staff do if an applicant did not certify on their application that they were affected by COVID, but the application seems to identify that they were affected by COVID?

If an applicant did not attest on their application that they were directly or indirectly affected by COVID, but their application seems to indicate that they were, RAA staff should reach out to the applicant as follow up and confirm whether or not they have been affected by COVID. Applicants must attest in writing that they have a COVID-19 impact in order to be served by ERAP, but this attestation could occur over email, for example, if the applicant did not check off the COVID-19 box on the application when they first submitted it. The email, or other form of written attestation, must be maintained in the files for audit and review purposes.

22. If an applicant has moved out of state, can they apply for RAFT to pay their Massachusetts arrears?

RAFT cannot be used to help an applicant moving out of state. However, for ERAP, if an applicant is moving out of state at the time of application, and they are known to owe rent arrears at a current Massachusetts unit or, for a family experiencing homelessness or doubled up, for a preceding Massachusetts unit (see definition in #20 below), ERAP will cover both the arrears and the startup costs for the new unit. If an applicant has already moved out of state at the time of application, they are not a Massachusetts resident and are not eligible for ERAP.

23. Is an applicant eligible for rental or moving assistance if the applicant is currently renting a room in the same unit from a family member who owns the property?

There are no rules against renting from a family member. However, RAAs should do their due diligence to ensure that the rental agreement is legitimate and can be documented.

Benefit Cap

24. What is the dollar cap?

There is no dollar cap on ERAP funds.

25. If an applicant is using ERAP fund towards moving expenses, can the applicant still receive three months of stipends?

Yes, applicants without income-based rental subsidies who are moving into housing that does not have project-based rental subsidies are eligible for stipends even if ERAP funds are being used for moving expenses. As with all cases, the RAA should offer three months of stipends to the eligible household as part of the benefit award and ask whether the stipend benefit is something the household needs.

26. If an applicant previously received a RAFT stipend for less than the full amount of their monthly rent, could the applicant receive arrears assistance from ERAP for the portion of their rent that RAFT did not cover?

Yes, the applicant can receive ERAP assistance for the portion of their rent that RAFT did not cover. However, the applicant cannot be enrolled in both programs at the same time and RAA staff should confirm that the ERAP benefit is not covering an expense that has already been covered by RAFT.

27. Can ERAP funds be used to cover rent arrears for March 2020?

ERAP may not cover rent arrears if the rent was due before March 13, 2020. Most rent is due on the first of the month, which means in most cases, ERAP will not cover March 2020 rent. If an applicant's rent was due on or after March 13, 2020 (such as if the lease has a 15th of the month rent due date), ERAP may cover the rent arrears for that month. DHCD anticipates this will be very rare.

For rent arrears prior to March 13, 2020, RAAs should determine if the landlord will forgive the arrears prior to March 13, 2020 or if the tenant can begin a repayment plan for those arrears. If a landlord will not forgive rent arrears or will not allow the tenant to participate in a repayment plan, then RAAs should refer the case to community mediation. However, if the landlord is willing to accept ERAP for the funds due after March 13, 2020, then owing rent prior to March 13, 2020 should not prevent a household from being approved for ERAP.

Eligible Use of Funds

28. What can federal funds be used for?

Federal dollars can be used for rental arrears and rental utilities accrued on March 13th, 2020 or later, as well as future rent stipends in three month increments while funds remain available.

29. Can ERAP be used for stipend payments?

Prospective rent payments, also known as stipends, may be paid for rent due after the time of the application in three month increments while funds remain available. If an applicant has rental arrears, at least a portion of the arrears must be paid in order for the applicant to receive an ERAP stipend. Stipends can only be given for 3 months at a time and then an applicant will need to reapply, subject to availability of funds.

30. How are stipend payments calculated?

Stipends will pay for 100% of the household's full monthly rent amount, for a maximum of three months, with no guarantee of additional stipend payments. The amount of the stipend is not tied to the household's income (so long as the household has been determined ERAP-eligible). If a household states that they do not need three full months, they may request one or two months instead. Additional stipend payments beyond three months may be made, pending funding availability and household need. In order to access additional stipends, the household must reapply for assistance, again present proof of a continued housing crisis, and re-verify monthly household income (unless income was previously verified using a 2020 IRS Form 1040).

31. Can ERAP be used for moving related expenses?

Yes. ERAP may cover moving-related expenses, such as: first and last month's rent, security deposits, moving trucks, and furniture. Furniture payments should not exceed \$1,000 per household.

32. Can tenants be paid directly?

No, funds will continue to be paid to property owners and landlords.

33. How many months of assistance can a household receive at a time?

Households receiving prospective rent payments may receive three (3) months of assistance at a time. If the household requires additional assistance at the end of those three months, they may either submit a new ERAP application or recertify their need for additional funds using a new streamlined recertification process, currently under development.

34. Can ERAP cover units with income-based rental subsidy?

Yes, ERAP can cover up to twelve (12) months of arrears for the tenant-paid portion of rent in units with an income-based rental subsidy such as Section 8 or MRVP. However, tenants with income-based rental subsidies are not eligible for any months of stipends, including first month's rent.

35. Does ERAP cover miscellaneous fees that are charged to the tenant (i.e., charges listed on the tenant ledger)?

ERAP can cover miscellaneous fees such as parking spaces, garage fees, carport fees, water fees, and other month-to-month fees if these expenses are outlined in their lease but separated as an itemized amount. ERAP cannot cover other fees not listed in the lease, such as realtor or brokerage fees.

36. Is there a dollar limit on subsidized housing arrears and stipends for ERAP?

No, there are no additional restrictions on housing arrears beyond those outlined above. An applicant with an income-based rental subsidy is limited to receiving up to twelve (12) months in arrears cover the applicant's tenant portion of their rent during the month owed, for outstanding payments incurred after 3/13/2020.

37. If an applicant is moving out of state, can the applicant receive stipends through ERAP?

No, similar to RAFT, ERAP can assist with moving expenses for out of state moves but may not cover prospective rent/stipends for out of state moves. ERAP may cover first, last, and security costs for those without income-based rental subsidies but may not cover first or last month's rent for those with income-based rental subsidies. Additionally, ERAP can pay startup costs related to an out-of-state move but cannot pay ongoing rent stipends out of state.

38. If an applicant is on an Arrears Management Plan (AMP) but moving, can ERAP assist with overdue bills during the applicant's move?

RAAs would need to work directly with the utility company. In general, RAAs should not cover arrears covered by an AMP. However, if the utility company requires it even under the AMP, ERAP can cover this.

39. When a tenant is using ERAP to move, ERAP also covers arrears at their preceding unit. What is the definition of preceding unit?

The preceding unit is the last rental unit that an applicant resided in as a tenant before the move that is being supplemented with ERAP funds. If an applicant was a tenant in a rental unit after 3/13/20 but has since left that unit and is currently experiencing homelessness or doubled up with another household (i.e. couch surfing), the preceding unit is the unit that the applicant rented immediately prior to this circumstance. ERAP funds may only cover arrears at the current or preceding unit (and only up to 12 months of arrears, accrued after 3/13/20), and may not cover arrears from a unit that the applicant rented before the preceding unit.

40. If an applicant is only seeking utility assistance, would that trigger a stipend offer automatically?

Yes, all applicants approved for ERAP should be offered rental stipends. If the applicant determines they do not need or want rental stipends, the applicant may decline the additional assistance. All ERAP applicants who decline rental stipends must have a note made in their tenant record in HAPPY confirming that they declined the stipends. (No notes are required for households with income-based rental subsidies, who may not be offered stipends.)

Utilities

41. What is the maximum benefit limit for utilities assistance?

For assistance with utilities arrears, up to \$1,500 can be awarded to an eligible applicant. RAAs can award the \$1,500 benefit even if the benefit is more than 25% of the utility arrears balance.

42. If someone is receiving utility benefits from another program such as LIHEAP, can they also receive utility assistance from ERAP?

Yes, an applicant can receive utility assistance from ERAP and another program such as LIHEAP at the same time as long as the benefits from each program are not covering the same expenses for the same time period.

43. Can ERAP funds be used for utility arrears even though the moratorium is still in effect?

Yes, ERAP funds can be used for utility arrears even without a shutoff notice.

44. If an applicant is moving, can the applicant receive utility arrears over \$1,500 if they need the arrears to turn on utilities in a new unit?

No, applicants cannot use ERAP for more than \$1,500 of utility arrears. If an applicant needs more than \$1,500 for utilities, RAA staff should refer applicants to other programs or resources for additional assistance.

45. Can ERAP cover future utility payments?

No, ERAP only covers utility arrears.

46. Is utility assistance paid to the utility company or the applicant?

Utility assistance is only paid to the utility company. Benefit payments are not made to the applicant directly.

47. What is the best practice for referring applicants with income below 60% state median Income for utility arrears?

It is recommended that RAAs provide appropriate contact information for the utility company and suggest eligible customers work with the utility company to qualify for a discounted rate or start an Arrearage Management Plan (AMP).

Additionally, RAAs can refer an applicant to their local Community Action Program (CAP) agency or LIHEAP Local Administering Agency (LAA) to help the applicant access other protections and assistance.

Income Verification

48. How is income eligibility verified?

If an adult in the household has zero income, it may be self-attested in the application, as there is no way to substantiate a lack of income.

Reported income may be verified using one or a combination of four verification methods:

1. Department of Transitional Assistance (DTA) or MassHealth Verification

All verified DTA eligible households are presumed ERAP income eligible. Most verified MassHealth participating households are presumed ERAP income-eligible, except in households with 3 or more members that are enrolled in the following plans: Family Assistance, One Care, or CommonHealth.

2. **Categorical Income Verification**

If an applicant's household income has been verified to be at or below 80% percent of the AMI in connection with certain other state or federal government assistance programs, RAAs are permitted to rely on a determination letter from the government agency, or government-contracted agency that administers the benefit, so long as the determination letter for such program is dated on or after January 1, 2020. See the Federal ERAP Administrative Plan for details on acceptable benefit determination letters. Examples of acceptable documents include:

- Benefit determination letter from any DTA administered benefit program that serves households 80% AMI or lower, including SNAP, TAFDC, EAEDC, SSI, SSP
- Eligibility letter for MassHealth
- Income-based rent determination letter from a Local Housing Authority or Regional Administering Agency for state or federal public housing or subsidized housing vouchers (HCV/Section 8, MRVP/AHVP, DMH, DDS vouchers)
- Benefit determination letter from DHCD-contracted Local Administering Agency for LIHEAP program or Fuel Assistance
- Benefit determination letter for childcare financial assistance from the Department of Early Education and Care (EEC) or one of their contracted Child Care and Referral Agencies
- Benefit determination letter for Chapter 115 Assistance from the Department of Veterans Services

3. **Applicant-Provided Income Verification**

RAAs may accept income verification provided by the applicant, or by someone assisting with their application on behalf of an applicant, such as a landlord, advocate, or service provider. This is also known as "third-party income verification." See the Federal ERAP Administrative Plan for details on acceptable income verification documents.

4. **Database-Verified Income**

Income can also be verified in three databases: UIOnline for unemployment benefits, FAST_UI for Pandemic Unemployment Assistance, and WageMatch for reported wages.

5. **Self-Attestation of Zero Income**

If an adult in the household has zero income, their zero-income status may be self-attested in the application and does not require additional documentation.

Required Documentation

49. What are the documentation requirements?

The following documentation is required for all approved applicants:

1. Identification for head of household
2. Verification of current housing
3. Verification of eligible housing crisis
4. Verification of income, or verification of presumed income in the case of households receiving DTA or MassHealth benefits
5. W-9 for property owner or authorized agent
6. Authorization of agent, if applicable
7. Proof of ownership for unit

50. If a landlord fails to provide requested information after three requests, may payments be made directly to the tenant?

No, not at this time. Those tenants may want to move, but DHCD is working on some other programs to target those individuals.

51. How can applicants who receive cash income verify their income?

The applicant may self-certify cash income after the RAA attempts to verify the income using the five methods outlined in the guidance.

Internal Processing

52. What is the QA process for ERAP applications?

As with the RAFT Program, each file should be reviewed by at least two individuals – including the staff person who worked on the file – throughout the course of the RAA's work with the application. However, to ensure prompt processing of applications and payments, the second reviewer does not necessarily need to be a supervisor for benefit awards that total \$10,000 per household or less. RAAs should develop a review process that ensures compliance with this Administrative Plan and any other guidance administered by DHCD or the Treasury. Additional guidance regarding the application review process will be forthcoming from DHCD.

53. Are there different QA activities/reviews for benefits with larger amounts?

Any application may undergo a DHCD quality assurance review, confirming that all necessary documents are in the file, and to verify that payment was issued in accordance with policy guidelines.

54. What is the recertification process?

Pending funding availability, households in continued crisis may be able to access additional prospective rent by recertifying their need for additional funds using a new streamlined recertification process, currently under development.

55. What happens to applications already in process once the federal policy is effective?

Any pending, unapproved ERMA/RAFT applications upon the date of implementation will immediately be considered for eligibility under the federal benefit. However, applications approved but not entered into HAPPY should be treated like applications that have been approved and entered into HAPPY; they will not be re-evaluated for Federal funding and the applicant will need to re-apply to be considered for Federal funding. (For example, if an applicant has been approved for payment of \$10,000 based on the ERMA/RAFT benefit caps, the applicant would need to submit a new application for additional assistance under the Federal ERAP program.) DHCD recommends reviewing applications pending denials upon the date of implementation to check for their eligibility under the federal benefit.

56. When should applicants be notified for application status changes?

Applicants must be notified in writing by phone, email, or mail at the following status changes. These notification requirements apply to all applications received using the joint RAFT, ERMA, and ERAP application, regardless of which program the applicant is ultimately served with.

- Receipt of application
- Upon review, if there is missing documentation, a request for missing documents that clearly states deadline to submit before application will be closed out (not less than 10 business days)
- Upon application close-out or denial, stating reason. Denials must use the "RAFT/ERMA/ERAP Status Notification" document (this will be in writing)
- Upon approval, copying the tenant on landlord terms of agreement to participate (this will be in writing)

Evidence of the notifications to the applicants, utilities, and landlords must be maintained in the files for audit purposes.

57. How should duplicate checks be verified?

Duplication checks should continue to be performed in HAPPY:

1. RAAs should search for the head of household in HAPPY to see if they have received RAFT or ERAP previously. (This search should be done by checking for the HOH as a “Member” instead of a “Tenant” to ensure that the search includes households where the HOH may have been a household member on another HOH’s household.)
2. RAAs should then search to see whether there may be overlapping benefits.
3. If there may be overlap/duplication of benefits, RAAs should investigate whether prior RAFT benefits covered the same time period.

58. How long are RAAs required to keep an application open for non-responsive tenants or landlords?

Before closing out an application, the RAA has to give the applicant or landlord a warning that the application will be closed out in 10 business days if documentation is not received. After those 10 business days (usually 14 calendar days), the RAA will send a “RAFT/ERMA/ERAP Status Notification” and check off the appropriate box (either “Application Closed Out for Incomplete Applicant Documentation” or “Application Closed Out Due to Property Owner Inaction.” The notification explains that an applicant and landlord then have 14 days to reopen the application by submitting the missing documentation, which would trigger the RAA to reopen the application. Updated RAFT/ERMA/ERAP Status notification documentation has been provided on the RAA Resource Portal.

59. Will RAAs use the current application that is used for RAFT and ERMA for ERAP applicants or will there be changes to the form?

RAAs will use the application that is currently being used for RAFT and ERMA applications to process ERAP. New language (provided by DHCD) must be added to RAAs’ websites to notify applicants that they may be considered for the new program.

60. Does an applicant need to complete two separate applications if they are moving and have arrears?

No, an applicant should only complete one application in this scenario. However, an applicant will need to submit two landlord packets if ERAP will be used to pay two different owners.

61. Is the language in the ERAP owner contract the same as the language in RAFT/ERMA owner contracts?

Yes, DHCD has created a new Owner Contract (“ERAP/RAFT/ERMA Award Letter and Property Owner Terms” that is sent out upon approval as a commitment of funds to the landlord. This replaces the old Owner Contract for all three programs and serves as a notice to the owner stating their responsibilities and is available on the [RAA Resource Portal](#). This document does not require a landlord signature; landlords are advised that by accepting DHCD funding they are agreeing to the terms.

62. Can expired identification or identification from other countries be used to confirm identify?

Yes, expired driver’s licenses or identification issued by another state or country is an acceptable form of identification as long as the identification contains the applicant’s full name and date of birth.

63. If an applicant has arrears in the region of one RAA and is relocating to another RAA’s region, which RAA should process the application?

If two payments will be made (i.e., one payment for arrears and one payment for first and last month’s rent and security deposit) and they are for units in different regions, whichever RAA received the application may process payments for both units. In these cases only, where payments are being made on behalf of two units through ERAP, DHCD will allow out of region payments. Please be aware the owner reflected on the Owner screen of the HAPPY record should be the owner of the unit where the applicant is moving.

64. Do first and last month's rent count as prospective rent or moving expenses? Can tenants with income-based subsidies receive this assistance and do the payments count toward the three- or 15-month limits on prospective rent?

First and last month's rent count as prospective rent. Therefore, they do count toward both the 3-month limit on stipends as well as the 15-month limit on total assistance. Tenants with income-based subsidies are not eligible to receive ERAP assistance for first or last month's rent because these amounts are considered prospective rent.

65. Which income definitions should be used by RAAs?

For ERAP, the HUD Annual Income Definitions should be used, per Treasury requirements. For the RAFT and ERMA programs, RAAs should continue using DHCD’s RAFT/ERMA Income Definitions.

66. If an applicant received DTA/MassHealth benefits and RAA staff need to calculate Area Median Income (AMI) for HAPPY, do RAA staff include or exclude TAFDC from income?

TAFDC is included in income and SNAP is not. RAA staff should refer to the HUD Annual Income Definitions for ERAP and the RAFT/ERMA Income Definitions for the RAFT and ERMA programs.

67. Should RAAs request that applicants with income-based subsidies request rent adjustments before they can receive ERAP assistance?

Yes, applicants with an income-based subsidy should request any rent adjustments that they may be eligible for before applying for ERAP. If a rent adjustment is pending at the time of application, RAAs should wait for the rent adjustment to be completed before processing payment since the amount due may change retroactively. If an applicant appears to be eligible for a rent adjustment but has not requested one, RAAs should refer the household to their HCEC or otherwise provide assistance for help requesting the rent adjustment.

Compliance & Fraud Prevention

68. What should RAAs do if they suspect fraud is being attempted on an application?

If fraud is suspected, there are three steps RAA staff should take:

1. Collect Information – Obtain additional information to clarify items, this may include:
 - Requesting additional information, additional documents, or clarifications to the application questions.
 - Carrying out all additional phone calls or interviews with tenants and/or landlords.
2. Document Findings – If concern persists, retain the full application file and note key information:
 - Name and address of the subject(s)
 - Summary of the alleged fraud or abuse citing specific sources
 - Name and address of any individuals with knowledge of the allegations
 - Known or suspected time period when allegations occurred
 - Known or suspected monetary loss

3. Escalate to Defined Contact

- Case Managers should escalate fraud-related questions to Supervisors or Managers.
- Supervisors and Managers should work with the RAA Staff to review the file and confirm the concern.
- If fraud is identified or strongly suspected through the procedures above, RAAs should escalate the concerns to DHCD for additional follow-up and investigation, by using the DHCD Fraud Hotline (<https://www.mass.gov/forms/dhcd-fraud-waste-and-abuse-reporting>).

Reporting

69. How will ERAP participation and payments be tracked?

ERAP participation and payments will be tracked in Housing Pro (“HAPPY”), a product of MRI Software, under a new Program.

70. Are there additional data fields in HAPPY that need to be completed?

Because funds are limited to 12 months of arrears, and arrears are paid in lump sums without specification of the months that they cover, RAAs will be required to complete the following data fields for all households served through ERAP:

- Earliest date of arrears covered (date field)
- Total number of months spanned by arrears payment (number field)
- Rent amount (number field)

For example, if a household receives an arrears payment that covers partial rent for December 2020, January 2021, and February 2021, the RAA would fill in “12/1/2020” for “Earliest date of arrears covered” and “3” for “Total number of months spanned by arrears payment.”

71. How will RAAs provide monthly backup expenditure reports to DHCD?

RAAs will use the DHCD custom Fiscal Report in HAPPY to provide monthly backup on expenditures to DHCD.

72. If two landlords are receiving payment for one applicant, is there a way to enter both owners in the Owner Tab of HAPPY?

Both owners need to exist in HAPPY so that they can receive payment. However, only the new owner (the owner of the unit that the tenant is moving into) should be listed in the Owner Tab on the tenant record in HAPPY.

73. Do RAAs need to record a note when applicants deny stipends?

RAA staff need to record a note in HAPPY if the applicant declines stipends. Notes can be recorded directly in the applicant’s record in HAPPY, using the note symbol next to the History button.

Emergency Rental and Mortgage Assistance (ERMA)

74. How will ERAP impact the Emergency Rental and Mortgage Assistance (ERMA) program?

The ERMA program will still exist. However, renters with household incomes between 50% and 80% AMI should be served by ERAP first, whenever possible, because the ERAP funds are “use or lose” with short deadlines as described above. Given that renters who previously would have qualified for ERMA will likely now be eligible for ERAP, it is anticipated that ERMA will primarily be serving homeowners until the federal ERAP funds run out.

75. Which ERMA funding source should be spent first: CDBG or MTW?

Starting in March 2021, RAAs should try to spend down all of their ERMA CDBG funding before spending down any remaining ERMA MTW funding. As noted above, eligible renters at 50-80% AMI will likely be served by ERAP. However, any eligible homeowners being served by the ERMA program should be assisted with CDBG funds until those have been spent down. Then each RAA should spend down their MTW funds.

76. Can applicants who have previously received assistance through ERMA apply to receive additional ERMA benefits?

Households can only receive ERMA assistance for a period of up to 3 months after the date of their initial payment, unless their home does not contain lead paint or was built after 1977 and the RAA can obtain documentation of this (in which case the limit is 6 consecutive months of assistance). If an applicant previously received ERMA assistance, then the 3-month (or 6-month, if applicable) clock started with their very first payment. They may apply for additional assistance at any time, but may be denied if the time limit has been exceeded. For example, if a household received their first ERMA payment on 1/1/2021 and they do not have proof of lead compliance, then they cannot receive any payments after 4/1/2021. If they applied for assistance again in June 2021, they would not be eligible for additional ERMA assistance, even if they met the other eligibility criteria.

New Questions as of April 23, 2021

Please note that these questions are also listed within their relevant topic section.

1. If an applicant has moved out of state, can they apply for RAFT to pay their Massachusetts arrears?

RAFT cannot be used to help an applicant moving out of state. However, for ERAP, if an applicant is moving out of state at the time of application, and they are known to owe rent arrears at a current Massachusetts unit or, for a family experiencing homelessness or doubled up, for a preceding Massachusetts unit (see definition in #20 below), ERAP will cover both the arrears and the startup costs for the new unit. If an applicant has already moved out of state at the time of application, they are not a Massachusetts resident and are not eligible for ERAP.

2. Is an applicant eligible for rental or moving assistance if the applicant is currently renting a room in the same unit from a family member who owns the property?

There are no rules against renting from a family member. However, RAAs should do their due diligence to ensure that the rental agreement is legitimate and can be documented.

77. If an applicant is on an Arrears Management Plan (AMP) but moving, can ERAP assist with overdue bills during the applicant's move?

RAAs would need to work directly with the utility company. In general, RAAs should not cover arrears covered by an AMP. However, if the utility company requires it even under the AMP, ERAP can cover this.

78. When a tenant is using ERAP to move, ERAP also covers arrears at their preceding unit. What is the definition of preceding unit?

The preceding unit is the last rental unit that an applicant resided in as a tenant before the move that is being supplemented with ERAP funds. If an applicant was a tenant in a rental unit after 3/13/20 but has since left that unit and is currently experiencing homelessness or doubled up with another household (i.e. couch surfing), the preceding unit is the unit that the applicant rented immediately prior to this circumstance. ERAP funds may only cover arrears at the current or preceding unit (and only up to 12 months of arrears, accrued after 3/13/20), and may not cover arrears from a unit that the applicant rented before the preceding unit.

79. If an applicant is only seeking utility assistance, would that trigger a stipend offer automatically?

Yes, all applicants approved for ERAP should be offered rental stipends. If the applicant determines they do not need or want rental stipends, the applicant may decline the additional assistance. All ERAP applicants who decline rental stipends must have a note made in their tenant record in HAPPY confirming that they declined the stipends. (No notes are required for households with income-based rental subsidies, who may not be offered stipends.)

80. How can applicants who receive cash income verify their income?

The applicant may self-certify cash income after the RAA attempts to verify the income using the five methods outlined in the guidance.

81. Can expired identification or identification from other countries be used to confirm identify?

Yes, expired driver's licenses or identification issued by another state or country is an acceptable form of identification as long as the identification contains the applicant's full name and date of birth.

82. If an applicant has arrears in the region of one RAA and is relocating to another RAA's region, which RAA should process the application?

If two payments will be made (i.e., one payment for arrears and one payment for first and last month's rent and security deposit) and they are for units in different regions, whichever RAA received the application may process payments for both units. In these cases only, where payments are being made on behalf of two units through ERAP, DHCD will allow out of region payments. Please be aware the owner reflected on the Owner screen of the HAPPY record should be the owner of the unit where the applicant is moving.

83. Do first and last month's rent count as prospective rent or moving expenses? Can tenants with income-based subsidies receive this assistance and do the payments count toward the three- or 15-month limits on prospective rent?

First and last month's rent count as prospective rent. Therefore, they do count toward both the 3-month limit on stipends as well as the 15-month limit on total assistance. Tenants with income-based subsidies are not eligible to receive ERAP assistance for first or last month's rent because these amounts are considered prospective rent.

84. Which income definitions should be used by RAAs?

For ERAP, the HUD Annual Income Definitions should be used, per Treasury requirements. For the RAFT and ERMA programs, RAAs should continue using DHCD's RAFT/ERMA Income Definitions.

85. If an applicant received DTA/MassHealth benefits and RAA staff need to calculate Area Median Income (AMI) for HAPPY, do RAA staff include or exclude TAFDC from income?

TAFDC is included in income and SNAP is not. RAA staff should refer to the HUD Annual Income Definitions for ERAP and the RAFT/ERMA Income Definitions for the RAFT and ERMA programs.

86. Should RAAs request that applicants with income-based subsidies request rent adjustments before they can receive ERAP assistance?

Yes, applicants with an income-based subsidy should request any rent adjustments that they may be eligible for before applying for ERAP. If a rent adjustment is pending at the time of application, RAAs should wait for the rent adjustment to be completed before processing payment since the amount due may change retroactively. If an applicant appears to be eligible for a rent adjustment but has not requested one, RAAs should refer the household to their HCEC or otherwise provide assistance for help requesting the rent adjustment.

87. What should RAAs do if they suspect fraud is being attempted on an application?

If fraud is suspected, there are three steps RAA staff should take:

1. Collect Information – Obtain additional information to clarify items, this may include:
 - Requesting additional information, additional documents, or clarifications to the application questions.
 - Carrying out all additional phone calls or interviews with tenants and/or landlords.
2. Document Findings – If concern persists, retain the full application file and note key information:
 - Name and address of the subject(s)
 - Summary of the alleged fraud or abuse citing specific sources
 - Name and address of any individuals with knowledge of the allegations
 - Known or suspected time period when allegations occurred
 - Known or suspected monetary loss

3. Escalate to Defined Contact

- Case Managers should escalate fraud-related questions to Supervisors or Managers.
- Supervisors and Managers should work with the RAA Staff to review the file and confirm the concern.
- If fraud is identified or strongly suspected through the procedures above, RAAs should escalate the concerns to DHCD for additional follow-up and investigation, by using the DHCD Fraud Hotline (<https://www.mass.gov/forms/dhcd-fraud-waste-and-abuse-reporting>).

88. Do RAAs need to record a note when applicants deny stipends?

RAA staff need to record a note in HAPPY if the applicant declines stipends. Notes can be recorded directly in the applicant's record in HAPPY, using the note symbol next to the History button.

89. Can applicants who have previously received assistance through ERMA apply to receive additional ERMA benefits?

Households can only receive ERMA assistance for a period of up to 3 months after the date of their initial payment, unless their home does not contain lead paint or was built after 1977 and the RAA can obtain documentation of this (in which case the limit is 6 consecutive months of assistance). If an applicant previously received ERMA assistance, then the 3-month (or 6-month, if applicable) clock started with their very first payment. They may apply for additional assistance at any time, but may be denied if the time limit has been exceeded. For example, if a household received their first ERMA payment on 1/1/2021 and they do not have proof of lead compliance, then they cannot receive any payments after 4/1/2021. If they applied for assistance again in June 2021, they would not be eligible for additional ERMA assistance, even if they met the other eligibility criteria.