



Emergency Rental Assistance

Human Services

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**Lancaster County Emergency Rental Assistance Program (ERA)
Policies and Procedures**

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Program Overview

The purpose of the Emergency Rental Assistance program is to mitigate and assist families and individuals who are suffering a temporary financial setback due to the COVID-19 public health emergency and who need help with residential rent or utilities including payments in arrears. Funding for this program has been allocated to Lancaster County, Nebraska through two funding sources:

1. 15 U.S.C. § 9058a: the Consolidated Appropriations Act (Dec. 27, 2020) (ERA1)
2. 15 U.S.C. § 9058c: the American Rescue Plan Act of 2021 (March 11, 2021) (ERA2)

Funding Source	Amount	Expenditure Deadline	Purpose/Uses
ERA1	\$1,395,218	9/30/2022	Assist tenants at or below 80% AMI, at risk of housing instability, and experiencing financial hardship
ERA2	\$1,060,365	9/30/2025	Assist tenants at or below 80% AMI, at risk of housing instability, and experiencing financial hardship

The program for Lancaster County is administered through a contract between the Lancaster County Human Services Department and the University of Nebraska-Lincoln (UNL) Center on Children, Families and the Law (CCFL). The City of Lincoln, Nebraska had an established program through *All Doors Lead Home* where Lancaster County was able to become a joint partner. The *All Doors Lead Home* process was modified and expanded to create the Lincoln Prevention Common Fund (LPAC) to provide emergency rent and utility assistance to those impacted by COVID-19.

Program administration occurs through a coordinated entry system administered by CCFL. Its purpose is to provide coordination among Lincoln's homeless service providers and to provide a seamless application process for individuals experiencing or at risk of homelessness. Applications for residents living in Lancaster County, but outside of the Lincoln city limits are sent to the Lancaster County Caseworker for follow-up and processing.

The LPAC Coordination Team includes representatives from the City's Urban Development Department, CCFL, and City Departments including the Mayor's Office, Lancaster County Human Services, and the Human Rights Commission. The team meets weekly to review application and payment status, discuss cases, and provides overall input into the administration of the ERA program.

An LPAC Review Team consists of the UNL-CCFL Coordinated Entry Manager, the City of Lincoln Urban Development Contract Monitor, the City of Lincoln Urban Development Director,

Lancaster County Caseworker, and Managers. The Review Team reviews special circumstances and suspected cases of fraud.

Marketing/Outreach

The Lancaster County Caseworker visits townships and villages within Lancaster County, but outside of the Lincoln city limits on a weekly basis. Informational posters and handouts are provided in apartments and public places of business. In addition, information is mailed to all rental property landlords and tenants in these areas. In addition to several press releases, there is a common website explaining the process.

Application Process

An on-line application is available at Lincoln.ne.gov/rent and is available in English, Spanish, Arabic, and Vietnamese. The application is also available to sight impaired applicants. Applications can be taken by telephone at 402-580-3263 and are also available in several languages. Regardless of the application mechanism used, responses are entered into Clarity, a Human Services database shared by partner agencies to provide and track services. After review by CCFL, payments are made by the Nebraska Children and Families Foundation for renters. There are staff dedicated to answering questions from applicants.

Eligibility

Eligible recipients are residents of Lancaster County that are obligated to pay rent or mortgage on a residential dwelling and:

- i. 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 (or during the COVID-19 outbreak pursuant to ERA 2);

The Lancaster County ERA program documents that the applicant household has met this qualification by:

- a. unemployment benefit by either a written attestation signed by the applicant or other relevant documentation regarding household member's qualification or unemployment benefits
 - b. or experienced a reduction in household income, incurred significant costs or experienced other financial hardship due directly or indirectly to the COVID-19 outbreak by a written attestation signed by the applicant that one or more members of the household meets this condition;
- ii. one or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability;

The Lancaster County ERA program will document that the applicant household has met this qualification by demonstrating:

- a. a past due utility or rent notice or eviction notice
 - b. unsafe or unhealthy living conditions based on HUD's Housing Quality Standards (HQS), or
 - c. any other evidence of such risk including:
 - i. fleeing or attempting to flee domestic violence (documentation from a Domestic Violence assistance provider or self-attestation)
 - ii. Other risk factors may be determined on a case-by-case basis as reviewed by the LPAC Coordination Team and approved by the Human Services Director; and
- iii. the household has a household income at or below 80% of area median income.

The Lancaster County ERA program will utilize the HUD definition of "annual income" in 24 CFR 5.609 and will determine household income on either total income for calendar year 2020 or confirmation of the households' monthly income at time of application and extrapolated over 12-month period. The documentation of annual income shall include: W-2s or other wage statements, tax filings, bank statements, or attestation from an employer, or determination by another local, state or federal government assistance program. When a household's income is not verifiable due to the impact of COVID-19 (e.g., because employer is closed, the household's payments were received in cash, or the household has no income) a written attestation from the applicant may be accepted. Written attestation of income must be reverified every three months. In appropriate cases, grantees may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

Prioritization

Prioritization for assistance will be to those households at 50% of AMI or below and to households with one or more individuals that have been unemployed for at least 90 days.

Prioritization will take place weekly of all applications submitted that meet eligibility criteria and have all required documentation on file. All applications that meet eligibility and required documentation will be submitted for payment until such time as the submitted application request amount exceeds available ERA funding available.

Residents residing within the City of Lincoln will be provided assistance through the City of Lincoln ERA program. If the City of Lincoln needs additional funding to assist with requests, then the Lancaster County ERA program will provide payment to residents within the City of Lincoln.

Limitation on Assistance

Pursuant to ERA 2, the aggregate amount of financial assistance an eligible household may receive shall not exceed 18 months.

Rent

The Lancaster County ERA program will document residency and month(s) of rent and/or rental arrears owed by:

- a. Obtaining current lease signed by the applicant and the landlord that identifies the unit where the applicant resides and establishes the rental payment amount. If a household does not have a signed lease, documentation of residence may include evidence of paying utilities for the residential unit, an attestation by a landlord who can be identified as the verified owner or management agent of the unit, or other reasonable documentation as determined by the grantee. In the absence of a signed lease, evidence of the amount of a rental payment may include bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent, a written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit, or other reasonable documentation as determined by LPAC. Assistance to tenants renting from family members that meet all other requirements is allowed with the documentation of the rental obligation and proof of prior rent payments.
- b. Written attestation is acceptable in situations in which the applicant is able to provide evidence of residence but unable to present documentation of the amount of the rental obligation up to 100% of Fair Market Rent.

Utilities

The Lancaster County ERA program will provide assistance for utilities and home energy costs related to the occupancy of a rental or homeowner property including electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil.

- a. All utility payments will be documented and supported by a bill, invoice or evidence of payment to the provider of the utility or home energy service.

Utilities and home energy costs that are covered by the landlord will be treated as rent.

Utility and home energy costs may be provided to households that do not require rental or mortgage assistance.

Arrears

Rental arrears and utility and home cost arrears are not required to obtain assistance but no arrears occurring before March 13th, 2020 are eligible. The full payment of arrears is allowed up to the total benefit limit of 18 months as established by ERA 2.

Prospective Payments

Prospective rent payments are limited to three months. A household may receive assistance for prospective rent payments for additional months:

- a. subject to the availability of remaining funds currently allocated to the grantee, and
- b. based on a subsequent application for additional assistance provided that the total months of assistance provided to the household do not exceed 12 months (plus an additional three months if necessary to ensure housing stability for the household) subject to the availability of funds.

Payments Directly to Tenants

The Lancaster County ERA program will in very limited circumstances provide rental assistance directly to a tenant that meets all eligibility and documentation requirements but whose landlord is not willing to participate in the ERA process.

All such cases shall be reviewed by the LPAC Review Team prior to payment disbursement. In all such cases, the tenant shall sign under penalty of perjury an assurance document that the assistance will be applied toward their rent arrears and current rental obligation. In no circumstances will future rent assistance be paid directly to the tenant.

Other Expenses Related to Housing

The Lancaster County ERA program allows for the payment of other housing related expenses due directly or indirectly to the COVID-19 outbreak, such as:

- a. Payment of relocation expenses and rental fees if the household has been temporarily displaced due to COVID-19
 - i. Documentation of relocation expenses and rental fees (e.g. application fee, rental deposit, moving truck, storage, hotel room) are through invoices/bills submitted by the tenant or landlord. Hotel rooms are capped at \$100/night and will not exceed 30 nights.;
- b. Internet service when those costs are essential for distance learning, telework, telemedicine, or government services;
 - i. Documentation of internet services that meet these criteria are through an internet service provider bill / invoice and affirmation under penalty of perjury that the internet service is used for the specified above eligible uses;
- c. Lot rentals/deposits/fees for trailers;

- d. Assistance payments to the attorneys in eviction court; and
- e. Late fees: **reasonable** accrued late fees (if not included in rental or utility arrears and if incurred due to COVID-19); reasonable is defined as no more than 10% of monthly rent, e.g. if rent is \$600 then the maximum monthly late fee is \$60, if 3 months late on rent of \$600 the maximum late fee would be \$180.

Record Keeping

The Lancaster County ERA program will collect from households and retain on record the following:

- Address of the unit;
- For landlords and utility providers, the name, address, and Social Security number, tax identification number or DUNS number;
- Amount and percentage of monthly rent covered by ERA assistance;
- Amount and percentage of monthly mortgage 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, mortgage, mortgage 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/mortgage arrears for each household;
- Number of months of rental/mortgage payments and number of months of utility or home energy cost payments for which ERA assistance is provided; and
- Household income and number of individuals in the household.

Duplication of Benefits

The Lancaster County ERA program will review household 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. When this is not assured with available data, an attestation from the application regarding non-duplication with other government assistance may be used.

An eligible household that occupies a federally subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will 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 tenant-owned portion of rent or utilities that is not subsidized.

Fraud Prevention and Abuse

LPAC, City/County staff and agencies taking applications during the application and eligibility determination process may flag specific applications for suspected fraud and forward for review to the LPAC Review Team. The LPAC Review Team consists of the UNL-CCFL Coordinated Entry Manager, the City of Lincoln Urban Development Contract Monitor, the City of Lincoln Urban Development Director and Managers, and the Lancaster County Caseworker. Flagged case criteria include applications in which the lease agreement or rental obligations are not clear, unusual or unlikely situations including common names or other relationships that suggest more than a landlord-tenant relationship, and other particulars that LPAC staff identify warrant of further review.

The Review Team will assess the application and make a recommendation to the LPAC team on status in writing to proceed, hold or deny. For those applications denied by the Review Team, the application will be closed in the Clarity system and notice of denied application will be provided to the applicant. Applications that are suspect are forwarded to Human Services or referred to the Lancaster County's Sheriff's Office, White Collar Crimes Division, for investigation.

LPAC Appeals Process

For those applications notified of a denial, an appeal of the decision may be made in writing (email) to: Lincoln/Lancaster County Human Services Director, 555 S. 10th, STE 107, Lincoln, NE 68508. All appeals will be examined by the Review Team and a determination of affirmed or reversed will be made. All decisions by the review team are final and appellants will be notified via writing or email of the Review Team decision by the Human Services Director. In those cases in which the appeal is reversed, the Review Team will direct the LPAC team to submit a request for payment to the common fundholder. The appeal document will become a part of the official application record in Clarity for both affirmed and reversed appeals.

Updated 09/01/2021