



Washington State
Department of
Commerce

Guidelines

FOR THE

Eviction Rent Assistance Program (ERAP)

November 2020, Version 3

Table of Contents

1	Grant Basics	3
1.1	Overview.....	3
1.2	Program Goals	3
1.3	Program Purpose	4
1.4	Authorizing Statute and Fund Sources	4
2	Eligibility	4
3	Household Information and Eligibility Form	5
4	Payment Agreement Form	6
5	Friend/Family Payment Agreement Form	6
6	Allowable Expenses	6
6.1	Rent.....	6
6.2	By and For Sub Grants	7
6.3	Operations	7
6.4	Administration	8
7	Grant Requirements	8
7.1	Performance Measurements.....	8
7.2	Spending Limit	9
7.3	Invoicing & Reimbursement Requests	9
7.4	Reporting	10
7.5	Referrals to Youth Organizations & Coordinated Entry	10
7.6	Changes to Guidelines	10
7.7	Ineligible Use of Funds.....	10
7.8	Grievance Procedure	10
7.9	Termination and Denial of Service Policy.....	11
7.10	Language Assistance Services Requirement.....	11

1 Grant Basics

1.1 Overview

The Eviction Rent Assistance Program (ERAP) Grant is part of Washington State's response to the COVID-19 disaster, intended to prevent evictions that would contribute to the spread of the virus by paying past due, current due and future rent, targeting limited resources to those with the greatest needs while working to distribute funds equitably.

The ERAP Q&A for these Guidelines are posted on the Commerce website at the following address: <https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

NEW

To increase program flexibility, new changes to the program eligibility and requirements go into effect November 1, 2020. These Guidelines reflect those changes. Grantees can implement the changes, or not, depending upon local need.

Depending upon which changes are adopted, please consider the appropriate Household Information and Eligibility and Payment forms located on our website.

- Version 2 forms represent program eligibility and requirements prior to November 1.
- Version 3 forms represent program eligibility and requirements after November 1.
- If a grantee will be adopting a hybrid approach, please contact your grant manager for assistance.

1.2 Program Goals

Following are the program goals:

- ✓ Prevent evictions
- ✓ Target limited resources to people most likely to become homeless after eviction
- ✓ Target limited resources to people most likely to suffer severe health consequences as a result of eviction
- ✓ Promote equity in who is served, with a focus on equity for groups of people who historically have not been provided equitable access to rent assistance and those who have disproportionately been impacted by the COVID-19 outbreak: Latinx or Hispanic, young adults, Black or African American, American Indian and Alaska Native, Native Hawaiian or other Pacific Islander.

1.3 Program Purpose

The Office of Homeless Youth and the Office of Family and Adult Homelessness in the Housing Assistance Unit at the Department of Commerce administers state and federal funds to support homeless crisis response systems in WA State.

The Eviction Rent Assistance Program is a critical resource in the crisis response system.

We expect Commerce grantees, including county governments and nonprofits, to be leaders in their crisis response systems, facilitating partnership among service organizations and promoting evidence-based, anti-racist practices.

Grantees must respond to the disproportionality in access to services, service provision and outcomes and cannot simply rely on standard business practices to address inequity. Grantees have the responsibility to ensure all people eligible for services receive support and are served with dignity, respect and compassion regardless of circumstance, ability or identity.

This includes marginalized populations, Black, Native and Indigenous, People of Color, immigrants, people with criminal records, people with disabilities, people with mental health and substance use vulnerabilities, people with limited English proficiency, people who identify as transgender, people who identify as LGBTQ+, and other individuals that may not access mainstream support.

We are here to support your efforts. The Housing Assistance Unit provides access to continuous learning on trauma informed services, racial equity, LGBTQ+ competency and more. We can help you strategize outreach, coordinated entry and help you understand your data so we can meet Washington's vision that no person is left living outside.

1.4 Authorizing Statute and Fund Sources

Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136)

2 Eligibility

There isn't enough funding to assist all of the households who may be eligible for rent assistance under this program. The purpose of the eligibility screening criteria is to initially open the program assistance to a large group of households and then target those most likely to become homeless but for this assistance.

Households must meet two initial screening criteria:

NEW

- ✓ Current Income (Over last 60 days) at or below 80% of Area Median Income.
- ✓ Any missed rent payment not paid or partially unpaid since March 1, 2020.

Household must also meet at least one of the following additional screening criteria (any member of the household can meet the criteria, it doesn't have to be the head of household):

- ✓ Rent burdened: 50% or more of current monthly income is needed to pay rent.
- ✓ Previously homeless within last five years. This includes experiences of couch surfing/double up.
- ✓ Eviction history within last seven years.
- ✓ Housing disrupted due to household member race, ethnicity, gender identity, sexual orientation, or religion.
- ✓ At risk of severe illness [as per CDC](#) (62 or older, underlying condition).
- ✓ Disability of any household member. Includes a physical, developmental, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury. A person with HIV/AIDS is considered disabled.

If screening a young adult age 24 or younger, these additional criteria can be used to determine eligibility:

- ✓ Person 24 years old or younger that is pregnant or parenting.
- ✓ Person 24 years old or younger that is a recipient (current or past) from any one of the following: foster care; adoption; mental health; drug, alcohol treatment; court systems.

United States citizenship is NOT an eligibility requirement of this program.

According to Federal Guidance, assistance received through this program should NOT count as a public benefit for the purpose of determining whether someone is considered a public charge. Public charge refers to non-US citizens who have received one or more public benefits, for more than 12 months within any 36-month period. A person considered a public charge is ineligible to become a lawful permanent resident.

3 Household Information and Eligibility Form

Household eligibility must be documented using the ***Commerce ERAP Household Information & Eligibility Form***. This form and accompanying documentation must be kept in the household file and made available to Commerce on demand to confirm grant compliance.

Note that the eligibility criteria can be “self-certified/stated” by the household. A written statement with household signature is not required. Additionally, Commerce prohibits grantees from collecting evidence to substantiate a household statement or adding any additional criteria, such as identification, Social Security numbers, birth certificates or medical documentation.

Please ensure you are using the most current version of the Form by visiting the website at <https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

4 Payment Agreement Form

The **Commerce ERAP Landlord Payment Agreement Form** must be completed when a household has a formal rental agreement or lease. This form and accompanying documentation must be kept in the household file and made available to Commerce on demand to confirm grant compliance.

Please ensure you are using the most current version of the Form by visiting the website at <https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

5 Friend/Family Payment Agreement Form

The **Commerce ERAP Friend/Family Payment Agreement Form** must be completed when a household has an informal rental agreement with a friend or family member. This form and accompanying documentation must be kept in the household file and made available to Commerce on demand to confirm grant compliance.

Please ensure you are using the most current version of the Form by visiting the website at <https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

6 Allowable Expenses

6.1 Rent

NEW

Up to **six months** of rent payments in any combination of rental arrears, current rent or future rent through December 2020. (A January 2021 rent payment is allowed as long as the rent payment is made in December 2020. No rent payments past January 2021 are allowed.)

Future rent can only be one month, the month following the current rent.

Rent is considered in arrears as soon as the payment to the Landlord or Friend/Family is missed.

Households can access the program more than once. If a household enrolled in the last 60 days, then their Household Information and Eligibility paperwork is still valid for additional services. If 60 days has passed, they need new eligibility paperwork. In either case, new Payment forms are necessary for additional rent payments made on their behalf.

Payments to landlords or friend/family can only be up to 80% of total rent due (arrears, current, future) OR the Fair Market Rent rate; grantees can choose the greater of the two amounts but the payment amount must not be more than the total rent amount due.

See the **Commerce ERAP Landlord Payment Agreement Form** or the **Commerce ERAP Friend/Family Payment Agreement Form** for details on how to document.

6.2 By and For Sub Grants

Grantees must actively work to partner with By and For¹ organizations in their communities that assist and serve marginalized populations.

At least 5% of the initial grant total must be sub granted to By and For organization/s, to pay the costs associated with program outreach and assistance to marginalized communities.

NEW

If a grantee receives additional grant funds, they are not required to amend their sub grants with By and For organizations but are strongly encouraged to do so.

Marginalized communities may include ethnic and racial minorities; immigrants and refugees; individuals who are lesbian, gay, bisexual, and transgender; individuals with disabilities or who are deaf; and Native Americans.

Commerce will provide a list of statewide organizations that we know of and it is incumbent on the grantee to identify By and For service providers that can best support their community members in accessing assistance.

Grantees must make a reasonable effort to sub grant with By and For organizations. If a grantee is not able to execute a sub agreement, they may ask Commerce for an exemption from this requirement.

Office of Homeless Youth Grantees are not subject to this requirement.

6.3 Operations

Operations expenses directly attributable this program.

- ✓ Salaries and benefits for staff costs, including but not limited to program staff, human resources staff, bookkeeping staff, and accounting staff.
 - Intake and assessment, including time spent assessing a household, whether or not the household is determined eligible.
 - Outreach services.
 - Data collection and entry for Commerce required ERAP Report Form.
- ✓ Office space, utilities, supplies, phone, internet, and training related to grant management and/or service delivery.

¹By and For Organizations are operated by and for the community they serve. Their primary mission and history is serving a specific community and they are culturally based, directed, and substantially controlled by individuals from the population they serve. At the core of their programs, the organizations embody the community's central cultural values. These communities may include ethnic and racial minorities; immigrants and refugees; individuals who identify as LGBTQ+, individuals with disabilities or who are deaf; and Native Americans.

- ✓ General liability insurance and automobile insurance.

6.4 Administration

Administration - up to 15 percent of the contracted budget may be allocated to administration.

Allowable administrative costs benefit the organization as a whole and cannot be attributed specifically to a particular program or to the homeless crisis response system. Administrative costs may include the same types of expenses that are listed in program operations (such as IT staff and office supplies), in the case that these costs are benefiting the agency as a whole and are not attributed to a particular program or the homeless system. Administrative costs may include, but are not limited to, the following:

- ✓ Executive director salary and benefits
- ✓ General organization insurance
- ✓ Organization wide audits
- ✓ Board expenses
- ✓ Organization-wide membership fees and dues
- ✓ General agency facilities costs (including those associated with executive positions) such as rent, depreciation expenses, and operations and maintenance

All amounts billed to administration must be supported by actual costs. If actual costs in the contract period meet the budget cap, that amount may be charged in equal monthly amounts.

- ✓ Billed directly such as IT services that are billed by the hour.
- ✓ Shared costs that are allocated directly by means of a cost allocation plan.
- ✓ Costs related to executive personnel such that a direct relationship between the cost and the benefit cannot be established must be charged indirectly by use of an indirect cost rate which has been appropriately negotiated with an approved cognizant agency or by use of the 10 percent de minimus rate.

7 Grant Requirements

7.1 Performance Measurements

Grantees must ensure equitable access to ERAP.

Equitable access means that the race and ethnicity of people entering ERAP are similar to the community demographics. Equitable access is measured by comparing the percent of people in poverty by race and ethnicity to the percent of people entering ERAP by race and ethnicity.

The percentage of head of households provided rent assistance must at least equal the proportion to the population living in poverty in the county for each of the following groups:

- ✓ People of Color (includes Black or African American, American Indian and Alaska Native, Native Hawaiian or other Pacific Islander, Hispanic/Latinx, Asian, Other/Multi-Racial)
- ✓ Black or African American
- ✓ American Indian and Alaska Native
- ✓ Hispanic/Latinx

Data from all ERAP grantees in the county will be combined for the purpose of performance measurement and performance monitoring.

Strategies to promote equity in services:

- Affirmatively market the program.
- Outreach to and develop meaningful connections with tribal communities, farmworkers and other marginalized communities.
- Demonstrate a commitment to hiring and promoting people from communities who are most impacted by COVID in your community.
- Provide interpretation services to ensure effective communication with people who have limited English proficiency.
- Translate all documents and marketing information (including website) into the most common languages spoken by those impacted by COVID in your community.
- Offer flexible intake and services such as mobile services, virtual services and outreach-based services.
- Ensure direct services staff have relevant cultural competency training and educational materials.

7.2 Spending Limit

At grant start, grantees are authorized to spend 50% of granted funds.

Commerce will release the second 50% of funds after review of performance, or review of sample household files, and (if necessary) implementation of corrective action to meet performance and documentation requirements.

7.3 Invoicing & Reimbursement Requests

Grantees must invoice Commerce at least monthly, and can invoice as frequently as weekly, for reimbursement of allowable costs. Invoices are due on the 20th of the month following the provision of services. Final invoices may be due sooner.

Exceptions to invoicing procedures can be negotiated with Commerce on a case-by-case basis.

Invoices must be submitted online using the Commerce Contract Management System (CMS) through Secure Access Washington (SAW).

Invoices must include the **Commerce ERAP Report Form**.

7.4 Reporting

Grantees must use the **Commerce ERAP Report Form** and submit with each invoice. Please ensure you are using the most current version of the Form by visiting the website at

<https://deptofcommerce.app.box.com/s/kb5sds2gv4yc9n931j1e7f1dikvlyub1>

- ✓ Grantees within the Balance of State Continuum of Care (CoC) must not enter program data into HMIS. Enrollment into an existing CE project is allowable.
- ✓ Grantees within non-Balance of State CoCs may choose to report data in HMIS, but must still complete the Commerce ERAP form.

7.5 Referrals to Youth Organizations & Coordinated Entry

Consolidated Homeless Grant grantees and sub grantees must accept applications from young people under age 24 and use the eligibility criteria specific to young people. Grantees may refer applicants under age 24 to youth-serving organizations for additional support and services.

Lead grantees and subgrantees funded by this grant are not required to participate in the county or regional Coordinated Entry (CE) process for the purpose of this grant.

To support effective partnerships, grantees should actively create and maintain relationships with CE. Additionally, grantees should refer households to CE when their needs cannot be met by this grant assistance.

7.6 Changes to Guidelines

Commerce may revise the guidelines at any time. All lead grantees will be sent revised copies. Lead grantees are responsible for sending revisions to subgrantees in a timely manner.

7.7 Ineligible Use of Funds

Lead/subgrantees must inform Commerce if grant funds are spent on ineligible households or expenses. Reasonable attempts must be made to prevent ineligible use of funds.

7.8 Grievance Procedure

Lead/subgrantees must have a written grievance procedure for households seeking or receiving services which includes the household's right to review decisions and present concerns to program staff not involved in the grievance.

This procedure must:

- ✓ Clearly describe how households can request a review or report concerns
- ✓ Be accessible to all households seeking or receiving services

7.9 Termination and Denial of Service Policy

Lead/subgrantees must have a termination and denial policy.

This policy must:

- ✓ Describe the reasons a household would be denied services and/or terminated from program participation
- ✓ Describe the notification process
- ✓ Ensure households are made aware of the grievance procedure

7.10 Language Assistance Services Requirement

Lead/subgrantees are required to ensure their customers with disabilities and those with limited English proficiency have access to vital information, and are responsible for ensuring meaningful language assistance services. This requirement can be fulfilled using 1) in-person interpretation: spoken and sign language or 2) remote interpretation using phone or video. Language interpretation costs are an eligible use of grant funds.

Commerce will assist with language access by translating the required client facing forms into multiple languages, and can assist grantees with translation of other written materials as requested.