

AVCP Regional Housing Authority
Emergency Rental Assistance Program
Landlords and Utility Providers

EXCERPTS FROM DEPARTMENT OF TREASURY

Below are excerpts from the Department of the Treasury (Treasury) guidance regarding the requirements of the Emergency Rental Assistance (ERA) program established by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the Act).

1. Who is eligible to receive assistance under the Act and how should a grantee document the eligibility of a household?

AVCP RHA may use the funds provided in the ERA to provide financial assistance and housing stability services to eligible households. To be eligible, a household must be obligated to pay rent on a residential dwelling.

2. ERA funds may be used for rent and rental arrears. How should a grantee document where an applicant resides and the amount of rent or rental arrears owed?

AVCP RHA must obtain, if available, a current lease, signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount. If there is no signed lease, documentation may include evidence of paying utilities for the residential unit, an attestation by a landlord, or other reasonable documentation. 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, or other reasonable documentation as defined by AVCP RHA.

3. The Act provides that ERA funds may be used for “utilities and home energy costs” and “utilities and home energy costs arrears.” How are those terms defined and how should those costs be documented?

Utilities and home energy costs are separately stated charges related to the occupancy of rental property including electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil. Payments to public utilities are permitted.

All payments for utilities and home energy costs must be supported by a bill, invoice, or evidence of payment to the provider of the utility or home energy service.

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

4. May a grantee provide assistance for arrears that have accrued before the date of enactment of the statute?

Yes, but not before March 13, 2020, the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).

5. Is there a limit on financial assistance for prospective rent?

Yes. Financial assistance for prospective rent payments is limited to three months. Household may receive assistance for prospective rent payments for additional months (i) subject to the availability of remaining funds allocated to AVCP RHA, and (ii) based on a subsequent application for additional assistance provided that the total months of assistance provided to the household do not exceed 12 months.

6. What outreach must be made by a grantee to a landlord or utility provider before determining that the landlord or utility provider will not accept direct payment from the grantee?

Treasury expects rental and utility assistance can be provided most effectively and efficiently when the landlord or utility provider participates in the program. AVCP make reasonable efforts to obtain the cooperation of landlords and utility providers to accept payments from the ERA program.

7. Is there a requirement that the eligible household have been in its current rental home when the public health emergency with respect to COVID-19 was declared?

No. Payments under ERA are provided to help households meet housing costs that they are unable to meet as a result of the COVID-19 pandemic. There is no requirement regarding the length of tenure in the current unit.

8. May a grantee provide assistance to a renter household with respect to utility or energy costs without also covering rent?

Yes. AVCP RHA is not required to provide assistance with respect to rent in order to provide assistance with respect to utility or energy costs.

9. Under what circumstances may households living in manufactured housing (mobile homes) receive assistance?

Rental payments for either the manufactured home and/or the parcel of land the manufactured home occupies are eligible for financial assistance under ERAP. Households renting manufactured housing and/or the parcel of land the manufactured home occupies may also receive assistance for utilities and other expenses related to housing.