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# **Keep Oakland Housed**

## **COVID-19 Renter Relief Program**

### **Guidelines**

**City of Oakland**

**Updated April 13, 2023**

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## Section A: Introduction and Definitions

### Overview

The City of Oakland provides funding and causes to be operated a rental assistance program, called Keep Oakland Housed COVID-19 Renter Relief Program (“Program”). This program is funded with Emergency Rental Assistance (ERA) program funds from the U.S. Treasury and the State of California for rental and utility assistance. The City of Oakland is also providing Community Development Block Grant - Coronavirus (CDBG-CV) to support financial assistance, outreach, housing stability services and housing related legal services to keep people housed.

The purpose of the Program is to assist renters who are at risk of losing their home and becoming homeless during or due to the COVID-19 pandemic. The Program will accomplish this goal by providing direct financial assistance, outreach, housing stabilization services, and legal assistance to low-, very-low and extremely low income renters (at or below 80% of Area Median Income) to support these households to remain housed and not experience homelessness.

The City selected Program Partners to administer the program pursuant to the Consolidated Appropriations Act of 2021, The American Rescue Plan, Guidance from the U.S. Department of the Treasury, AB 832, State of California Rental Assistance Program Guidelines, CDBG-CV regulations, these local Policy Guidelines, and the specifications in the Scopes of Work for each contractor. Program partners are:

- Bay Area Community Services (BACS)
- Building Opportunities for Self-Sufficiency (BOSS)
- Catholic Charities East Bay
- Centro Legal de la Raza
- East Bay Asian Local Development Corporation (EBALDC)
- East Oakland Community Development Corporation (EOCDC)
- Eviction Defense Center (EDC)
- Safe Passages

During the final phase of the program, using funding from the State of California Cash Flow Loan the program partners are limited to:

- Bay Area Community Services (BACS)
- Eviction Defense Center (EDC)

### Definitions

**Affordable Housing:** Units of housing rented to low-income tenants and regulated by affordability restrictions.

**ERA:** The Emergency Rental Assistance Program from the U.S. Department of the Treasury

**ERA- 1:** Funds provided to the City of Oakland for Emergency Rental Assistance under Consolidated Appropriations Act, 2021, which was enacted on December 27, 2020, and restricted for the purposes and uses under that Act.

**ERA 2 - Local:** Funds provided to the City of Oakland for Emergency Rental Assistance under the American Rescue Plan Act of 2021, which was enacted on March 11, 2021 and restricted for the purposes and uses under that Act.

**Landlord Applicant:** A property owner with one or more tenants who may be eligible for assistance who initiates an application to the program.

**Homelessness Prevention Platform (HPP):** A web-based portal used for Keep Oakland Housed and other prevention programs, designed to accept applications, track approvals and facilitate payments, sponsored by All Home, a regional nonprofit, and operated by Bay Area Community Services.

**Program:** The Keep Oakland Housed COVID-19 Renter Relief Program.

**Provider (also Provider Partner):** A contracted agency that is funded to provide rental assistance, outreach, housing stabilization and/or legal services in support of the Program.

**Small Property Owner:** A rental housing owner (landlord) within the city of Oakland with no more than five rental units in their total portfolio.

**State of California Case Flow Loan:** Funds provided to the City of Oakland for Emergency Rental Assistance by the State of California to cover eligible households that applied prior to March 31, 2022 and were unable to be served with previously available funding.

**SRA-1:** Funds provided by the US Treasury to the State of California for Emergency Rental Assistance administered by the State of California serving residents of the City of Oakland.

**SRA-2:** Funds provided to the City of Oakland for Emergency Rental Assistance by the State of California, pursuant to the Standard Agreement between the City and the State and, which was enacted on March 11, 2021 and restricted for the purposes and uses under the American Rescue Plan Act of 2021 and state Assembly Bill 832, and State of California guidelines.

**Tenant Applicant:** A person who, for themselves or for a household, applies for assistance under the Keep Oakland Housed COVID-19 Renter Relief program.

## **Section B: Eligible Applicants and Uses of Funds**

### **Eligible Tenant Applicants**

1. To receive assistance, applicants must meet the following conditions which are documented as part of the application and approval process.
  - Oakland residency; *and*,
  - A household of one or more individuals who are obligated to pay rent on a residential dwelling; *and*,

- At least one or more individuals living in the household has:
  - qualified for unemployment; or,
  - experienced a reduction in household income, incurred significant costs, or experienced a financial hardship.
  - For ERA 1 funds this impact must have occurred, directly or indirectly, due to COVID-19; For ERA 2 and SRA 2 funds this impact may also have occurred *during* COVID-19, even if not established to be directly or indirectly due to COVID-19; (See Appendix 1 for examples of acceptable documentation of impact); *and*,
- At least one or more individuals living in the household can demonstrate a risk of experiencing homelessness or housing instability; *and*,
- Household income is defined as “low-income” (based on having an income at or 80% AMI) using HUD’s definition of “annual income” in 24 CFR 5.609. (see Table 1 below).

Table 1. Income Limits for 2021

FY 2021 Income Limit Category	One Person	Two Person	Three Person	Four Person	Five Person	Six Person	Seven Person	Eight Person
Low (80%) Income Limits (\$)	\$76,750	\$87,700	\$98,650	\$109,600	\$118,400	\$127,150	\$135,950	\$144,700

(Source: <https://www.huduser.gov/portal/datasets/il/il2021/2021summary.odn>, retrieved 10/28/2021)

2. Households with a member who has been unemployed for 90 days or more prior to application for assistance and households that have received an eviction or summons notice, will be prioritized.
3. Households do not have to have documentation of legal residency in the United States to receive assistance.
4. Guidance for acceptable documentation for all eligibility criteria are included in Appendix A.

### Determining Income Eligibility

1. Under Federal and State guidance, jurisdictions may determine income eligibility based on either (i) the household’s total income for calendar year 2020, or (ii) sufficient confirmation of the household’s monthly income at the time of application, as determined by the Secretary of the Treasury.
2. Given the need to act expeditiously and the widely variable incomes that applicants may have had due to or during COVID, Oakland’s ERA program generally uses method (ii) above. The Provider partner will review the monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income exceeds 80 percent of AMI. For example, if the applicant provides

income information for two months, the program will multiply it by six to determine the annual amount.

3. There may be cases in which an applicant's monthly income at the time of application if extrapolated over 12 months would make them appear income ineligible but their actual annual income for the period in which they were unable to pay rent and up to the time of application was below 80% AMI. In this case, a provider may use for eligibility the household's actual income *for an entire elapsed year*, provided that no time during the period in which the applicant did not pay rent they had an annual income exceeding 80% AMI. The Provider must have both documentation and self-certification from the applicant that supports this finding.

### **Landlord Applicants**

1. A landlord may apply to the program for consideration of assistance on behalf of one or more tenants. The Landlord application collects some information to begin the eligibility determination process. However, eligibility for assistance is based on the income and circumstances of the tenant and the tenant must be a willing participant in the application process. (see Section D below for more on landlord applications.)

### **Tenants in Public Housing/Publicly Assisted Housing**

1. Eligible households living in a federally subsidized building (includes Low Income Housing Tax Credits and public housing) are eligible for ERA funds provided that the funds are not applied to costs that have been/will be reimbursed under any other federal assistance.
2. Eligible households with a monthly federal subsidy (Project Based Vouchers (PBVs) or Housing Choice Vouchers (HCVs) and who have had their rent adjusted due to changes in income may NOT receive funds.
3. Providers will work with applicants with PBVs or HCVs to assist them in having their incomes recertified to facilitate rent adjustments based on loss of income related to COVID-19.
4. If an eligible household receives rental assistance other than ERA, the ERA funds may only be used to pay for costs such as tenant-paid portion of rent and utilities that are not paid for by the other rental assistance.

### **Eligible Uses**

1. ERA Financial Assistance funds for ERA 1 and ERA 2 may only be used for:
  - a. Rent arrears owed to a landlord which accrued starting on and since April 1, 2020;
  - b. Utilities and home energy costs arrears during the same period;
  - c. Prospective rent (with limitations described below);
  - d. Utilities and home energy costs;
  - e. Other expenses related to housing incurred due to or during COVID-19, including, but not limited to relocation expenses (including prospective relocation expenses), such as rental security deposits, and rental fees, which may include application or screening fees. It can also include reasonable accrued late fees (if not included in rental or utility arrears), and Internet service provided to the rental unit. In addition, rent or rental bonds, where a tenant posts a bond with a court as a condition to

obtaining a hearing, reopening an eviction action, appealing an order of eviction, reinstating a lease, or otherwise avoiding an eviction order, may also be considered an eligible expense.

- f. Payment of rental arrears is to be prioritized.
- 2. SRA-2 funds may only be used to cover rent and utility arrears. No prospective rent or prospective utilities will be approved.
- 3. Cash Flow Loan funds may only be used to cover rent and utility arrears accrued prior to March 31, 2022. No past due rent or utilities after that date and no prospective rent or prospective utilities will be approved.
- 4. Eligible households that no longer occupy the unit in connection with the rental assistance request and that have demonstrated rental arrears shall be eligible for assistance, subject to the additional conditions listed below.

The City of Oakland will connect with its primary utility providers alerting them to the availability of the program and its resources for eligible households and will seek to have them agree to offer and consider all eligible ERA recipients for enrollment in subsidy or other programs they offer to reduce cost for low-income households.

Allocation of ERA Funds				
	Financial Assistance	Housing Stability Services	Administration	Notes
ERA 1	90%	--	10%	Services must be related to COVID-19 outbreak.
ERA 2	84%	1%	15%	ERA funding to EOCD for housing stability services used for outreach and application navigation assistance. Services not necessarily related to COVID-19 outbreak.
SRA2	85%	--	15%	

**Assistance to households that no longer occupy a unit (“self-evicted”)**

- 1. Households who have self-evicted or otherwise voluntarily vacated their rental units with outstanding rental debt may apply and receive rental assistance related to the previous unit.
- 2. Tenant households shall indicate they no longer live at the unit where assistance is being requested in the application.
- 3. Households seeking assistance for both a currently occupied unit and a prior vacated unit shall clearly identify each unit on their application and may be required to submit a separate application for each unit.
- 4. Funding for self-evicted households requires participation by both the tenant and the tenant’s prior landlord. Landlords will not be able to receive rental arrears without a participating qualified tenant household, and tenants will not be able to receive rental arrears for a vacated unit without a participating landlord. Payments shall be made directly to the tenant’s prior landlord.
- 5. Tenants who have self-evicted are eligible for 100 percent of their past due rent incurred between April 1, 2020 and September 30, 2021, to be paid directly to the participating landlord. No prospective assistance is allowed to be paid for prior rental units that the tenant departed. Total duration of allowable assistance remains consistent with federal guidelines for ERA 1 and ERA 2 fund use.



## **Ineligible and Non-permitted Uses**

The following costs are not permitted under Federal guidelines

1. Mortgage payments.
2. When using Federal funds, payment for any costs incurred prior to March 13, 2020.
3. When using State funds (SRA-2), payment for any costs incurred prior to April 1, 2020.
4. When using Cash Flow Loan funds, any use other than rent and utility arrears incurred between April 1, 2020 and March 31, 2022.
5. While Federal guidelines permit the use of assistance funds to temporarily displaced households living in hotels/motels this use is not currently permitted in the City of Oakland due to limited ERA funds and the availability of such support from other resources.

## **Section C: Program Priorities**

### **Prioritization of Applicants**

In addition to the priorities set forth in the City priorities for the Program are as follows:

1. Households with income at or below 30% of AMI.
2. Households who have previously been homeless, especially households for which the head of household or applicant report having been homeless during the past two years.
3. Households residing in “high impact” zip codes. The City defines “high impact” as those where residents are experiencing high rates of the COVID-19 infection, as well as other vulnerability factors.
4. These factors and other household circumstances and characteristics associated with higher risk of homelessness are built into questions asked of applicants as part of the Homelessness Prevention Platform’s risk assessment tool.
5. Scores from this risk assessment are not used to determine eligibility but may be used to prioritize the order in which Providers work with at-risk households.
6. If available resources are insufficient to serve all eligible households, the assessment score may be used to determine which applicant households are referred to other programs.
7. Responses to questions not needed to determine eligibility or to track required demographic information are optional.
8. Applicants who applied during ERAP Round 1 may be assisted again if:
  - a. They were not provided the entire rental amount that was in arrears at the time of their application (e.g. if the payment was less than 100% of rent owed then the applicant may, and should be, “topped off.”)
  - b. If they have subsequently accrued new qualifying arrearages and have not exceed the 18 month maximum.
9. Applicants who applied to the HPP portal after September 30, 2021, may only receive assistance one-time, even if the total assistance previously received does not exhaust the maximum month requirement per federal guidelines up to 18 months. See chart below.

Program	CARES Act	Oakland Round One (ERAP 1)	Oakland Round Two (ERAP 1, 2, SRA2)	Oakland Waitlist (SRA 2/State Cash Flow Loan)	State of CA: Housing Is Key
<b>Date First Application Submitted</b>	August - December 2020	April 1, 2021 - May 17, 2021	September 30, 2021 - January 7, 2022	January 8, 2022- March 31, 2022	March 2021 – March 31, 2022
<b>Assist if household submitted a second application?</b>	Yes, may receive up to 18 months ERAP but only one time. *	Yes, can assist one time more, if they did not receive full payment and/or have not met the 18-month maximum. *	No, as of March 31 <sup>st</sup> support is one time only.	No, must not have received any ERAP before; one time only.	Yes, we can assist one time only, if they have not met the maximum and State will no longer assist. *

*\*Agencies must inform applicants returning for additional funds that this is a one-time payment.*

9. If the application portal reopens at a future date, returning applicants may be assisted *only* after all eligible *first-time* applicants have received assistance.

### **Race and Equity Urgency**

To further the City’s goals to ensure equal access, inclusion and the targeting of the City and Program Partners will work together to target, reach and serve groups most heavily impacted by COVID-19, homelessness and displacement. The City and its partners will;

1. Conduct outreach to community- and faith-based organizations, particularly those that reach low-income immigrant and BIPOC populations.
2. Work with Providers to develop applications and outreach materials in multiple languages, including Spanish and Asian languages, among others as need determined
3. Review program data on a regular basis to ensure that the program is reaching, prioritizing, and serving people from racial and ethnic groups most heavily impacted by COVID-19, homelessness and displacement

Providers will:

1. Provide for language access, which may include but is not limited to, hiring bilingual staff, engaging advocates to conduct translations, or utilization of third-party language service.
2. Ensure a paper version of the application is available in multiple languages, including Spanish and Asian languages, among others as need determined.

3. Prominently post Program information on organizations websites within first month of execution of grant. Such posting will be in English, Spanish and Chinese.
4. Partner and coordinate with the City on outreach to the zip codes most affected by COVOD 19.
5. Partner and coordinate with the City on the development of outreach materials.

## **Section D: Program Implementation**

### **Process for Tenant Applications**

1. All applicants for assistance will submit an application via the Homelessness Prevention Platform (HPP). Households request assistance by completing the (online) application. The application includes questions for determining and verifying eligibility, establishing priority, and determining the likely amount and type of assistance. Applicants may use the Platform to upload documentation to demonstrate their eligibility, including self-attestation as needed.
2. Contracted partner agencies (Providers) will provide assistance as needed to ensure that eligible households are able to successfully apply.
3. A household may apply independently or with the assistance of a contracted provider that may enter information on the Portal on behalf of the applicant.
4. In cases where a provider is working with a household to complete the application, the provider will fill out the application through the online portal either with the applicant present, over the phone, or will accept a paper application and enter the application information and upload the necessary verification documents for the applicant. Paper applications are accepted and are available in multiple languages.
5. When a tenant submits a completed application, provider shall notify all of the respective parties included in the application.

### **Process for Landlord Applications**

1. Landlords may initiate an application for one or more tenancies they believe to qualify for assistance.
2. Landlords apply through a landlord application operated by the City of Oakland.
3. Because the tenant must consent to the application and must provide information about themselves to verify income and situational eligibility, once a landlord has completed an initial application, the City will reach out to the tenant(s) to seek their cooperation and consent.
4. When such a tenant consents to working with the program, the City of Oakland will enter the information provided by both the tenant and landlord into the HPP, noting that this is a landlord-initiated application.
5. Once tenant consent is obtained and the information is entered into the HPP, Landlord initiated applications will be treated similarly to other applications received through the HPP.

### **Provider Assignment**

1. Within the application, a household is asked whether they have a preference of agency to work with. Households may specify one of the participating agencies or No Preference.
2. If an applicant has specified a provider, or a provider has submitted on behalf of an applicant household, the applicant household will be assigned to that Provider as long as the provider has openings/capacity.
3. If an applicant does not self-select a service provider in the online application, BACS, the operator of the HPP Platform, will review and assign applications to providers with open capacity. BACS will consult with the City and the providers as needed to ensure that caseloads are spread fairly in relation to provider's approved funding and capacity, and that applicants who do not specify a preference are treated similarly to other applicants.
4. All Landlord initiated applications will be assigned to specific provider(s) for speed of processing.
5. Once assigned to one of the Providers, a manager will assign applications to individual staff members for review.

### **Non-discrimination**

1. Providers shall not discriminate against any applicant because of age, marital status, religion, gender, sexual preference, race, creed, color, national origin, Acquired-Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or disability.

## **Section E: Financial Assistance**

### **Scope and Limits on Financial Assistance for ERA funds**

1. Financial assistance as defined above in Section A.3., may not be provided for a period of more than 18 months.
  - a. ERA1 funds are limited to 15 months assistance, including up to 12 months of past due rent and up to three months of prospective rent.
  - b. ERA 2, SRA 2 and Cash Flow Loan funds are limited to 18 months of assistance.
2. The 15- and 18-month limits apply to all ERA funds regardless of originating source. A household may not receive more than 15 months of ERA 1 funding even if the household has received assistance from both the City of Oakland and the State of California. A household may not receive more than 18 months of total ERA assistance between ERA 1 and 2 from any source.
3. While following the time limitations listed above, compensation for rental arrears shall be set at 100 percent of an eligible household's unpaid rental debt accumulated on or after April 1, 2020. Acceptance of the payment shall be conditioned on the landlord's agreement to accept the payment as payment in full of the rental debt owed by any tenant within the eligible housing and to release any and all claims for nonpayment of rental debt owed for the specific time period.
4. All financial assistance paid must be supported by documentation that details the cost area, amounts and months paid. If payment made differs from the amount recorded as owed by a landlord ledger, utility statement or other supporting documentation, the

- Provider shall include a detailed reconciliation showing the amount paid for each month, justifying any difference between amounts showed as owing by the payee.
5. The Program will prioritize payment of existing rental arrears prior to paying prospective rent.
  6. Prospective rent may only be paid out for three months per approved application.
  7. Additional prospective rent payments must be based on a subsequent application and accompanying documentation.

### **Considerations for Prospective Rent**

1. Under SRA 2 and Cash Flow Loan funds, no prospective rent will be paid.
2. For ERA 1 and 2, three months forward rent should **not** be approved automatically. Providers will consider prospective rent only when, even with the assistance eliminating arrears there is evidence/documentation that the applicant cannot pay full rent going forward and will experience immediate housing instability if not assisted.
3. If considering forward rent assistance, staff should assess the ability of applicant to pay some portion of future rent. Staff should use current income and documentation of past rent paid, even it was a percentage or fixed amount, to determine if the participant can continue to make partial rent payments going forward and therefore the forward rent amount approved is less than applicant's contribution.
4. If there is an increase in income anticipated within the upcoming three months, a shorter number of months or reduced amount should be considered. For households with multiple potential income earners, it is even more important to look at what the potential for change during the upcoming three months is before approving forward rent.

### **Payees for Financial Assistance**

1. To the greatest extent possible without significantly delaying assistance, payments will be made to a third-party such as the landlord or utility provider on behalf of the eligible household, unless such a party is unwilling to accept payment, or is unable or unwilling to provide required documentation.
2. Landlords must provide a W-9 to the provider and Provider shall issue a 1099.
3. Should the landlord or utility provider not agree to accept payment, the payment must be made directly to the eligible household for 100% of the rental and/or utility arrears. Determination that the landlord or utility provider will not participate is subject to reasonable outreach attempts which will be considered complete if either:
  - a. A request for participation is sent in writing, by mail, to the landlord or utility provider, and the addressee does not respond to the request within 7 calendar days after mailing; and Grantee has made at least three attempts by phone, text, or e-mail over a 5 calendar-day period to request the landlord or utility provider's participation without response; OR,
  - b. A landlord confirms in writing that the landlord does not wish to participate.
4. The final outreach attempt or notice to the landlord must be documented.
5. When rental assistance payments are provided directly to an eligible household, provider shall provide written notification to that applicant that, upon receipt of the assistance the applicant shall provide the full amount of the rental areas to the landlord within 15 days (excluding weekends and judicial holidays.)
6. The applicant for the eligible household must attest under penalty of perjury that they will comply with the above requirement.

7. Assistance payments made directly to eligible households are not considered income to members of the household. Therefore, no W-9 is required or should be issued. (See Updated Treasury FAQ's at [Updated Treasury FAQ's](#))
8. In the event where a household owes rent on a unit previously but not currently occupied, payment will only be made to the landlord.

### **Duplication of Benefits**

1. A duplication of benefits (DOB) occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose within the same time period, and the total assistance received for that purpose is more than the total need for assistance.
2. The City and Provider partners will work together to ensure that Program funds provided to an eligible household are not duplicative of any other federally-funded rental assistance provided to such household. This includes checking in the HPP to see if previous ERAP assistance has been awarded and checking on the list of funding provided in the first round of Coronavirus Emergency Relief funding.
3. The City has provided to the State of California a list of applicants for ERA-1 for the purposes of deduplication. If the City receives notification of any duplicates, it will immediately notify the assigned provider and halt the application process or payment of assistance.
4. The State of California will provide to the City a list of all applicants previously served by or anticipated to be served by the City of Oakland. Once such list is received, providers will review this list prior to approving any payments.
5. Applicants will be required to certify that they have not previously received payment from any source for the expenses for which they are seeking assistance. Providers will fully participate in any systems or sharing mechanisms created to ensure there is no duplication of benefits between Oakland's Program and SRA-1 funds provided to Oakland households by the State of California.
6. Within the CDBG-CV program, all grantees are bound by Section 312 of the Stafford Act, as amended by the Disaster Recovery Reform Act, and the OMB Cost Principles within 2 CFR part 200 that require all costs to be "necessary and reasonable for the performance of the Federal award."

### **Policies Preventing Fraud**

1. Preventing fraud and misinformation is a critical effort of the City and the Program providers.
2. Every Provider will retain and provide to City its written policies related to preventing fraud that is applicable to the Program.
3. The City will conduct regular reviews of applications including checking all applications requesting greater than \$15,000 (approximately 150% of the average request) and spot checking approximately 10% of all completed applications. Any pattern of error, ineligibility or suspicious payments associated with a Provider Partner may result in further investigation and withholding of payment authority until any irregularities are corrected.
4. The City will train its providers on how to spot red flags, such as multiple applications for the same address, extraordinarily high requests, requests for payments to cover buildings known to be non-residential, and suspicious

- documentation. If other patterns or particular parties emerge related to attempted fraud, the City will immediately notify its partners and put policies in place to address the observed pattern or attempts.
5. The City reserves the right to fully recapture illegitimate payments from ineligible participants or for ineligible uses.
  6. Any irregularity that is detected or suspected must be reported immediately to the ERAP Program Director for the City of Oakland. For any irregularity that is detected or suspected, Provider should also include a description in the “Notes” or “Comments” fields in the Platform of the issue and any action taken.
  7. Partners may also anonymously report suspected fraud to the City Auditor <https://www.oaklandca.gov/services/waste-fraud-and-abuse-prevention-program>

### **Mechanism to Recapture and Track Recaptured Funds**

1. The City of Oakland and its Provider Partners will take all steps to avoid making ineligible payments that require recapture. This includes following the procedures above for avoiding duplication of benefits, applying all eligibility criteria and using appropriate documentation to support applications, making payment directly to landlords whenever possible and requiring attestations from tenants who receive direct payment that they will pay the landlord within 15 days, and spot-checking applications and identifying and training on red flags.
2. The City and its provider partners will pursue repayment in the following circumstances:
  - a. An eligible household ceases to occupy a unit for which prospective rents have been paid to the landlord. In such case, the landlord shall re-pay to the jurisdiction a pro-rata portion of the paid rents for the period that the unit is unoccupied by the eligible household.
  - b. An eligible household receives assistance directly and refuses or fails to pay the landlord within the required 15-day period
  - c. After a payment has been made it comes to light that the tenant or landlord has already received payment for the same costs during the same time period from ERA or another federal source.
  - d. After a payment has been made information comes to light indicating that the information provided by any party to the application was false and that the applicant did not qualify for all, or a portion of the assistance provided.
  - e. After a payment has been made there is discovery of an error in calculation on the part of the Program of amount, months or any other error leading to an overpayment or other ineligible payment.
  - f. Any unauthorized alteration made to a payment check to a landlord or tenant may be considered fraud and, if so, will trigger the steps below for pursuing repayment and reporting fraud.
3. In order to pursue repayment, the Provider that has initially authorized the payment shall:
  - a. Review all records, documentation and calculations performed to determine the exact amount of ineligible or overpayment.
  - b. If other approved or requested payments for the same applicant are pending payment, the Provider will deduct the amount from any pending or prospective funding requests. Provider will notify the recipient of the funds (and the applicant

- if not the same) of the overpayment, list amount and explain how funds will be deducted from current/prospective funding requests.
- c. If the ineligible or overpayment is larger than current/prospective funding requests then the Provider will notify the recipient (and the applicant if not the same) the amount to be repaid, provide a manner to receive the repayment, and a date not later than 15 days from the notification to return the ineligible payment
  - d. If there is no response within 15 days, the Provider shall notify applicant of possible legal action and/or enactment of collection process.
4. Providers will keep a log of any payments later determined to be ineligible, duplicate, fraudulent or in error including the amount, recipient, applicant and action taken to collect the funds. These logs must be provided to the City on a monthly basis.
  5. Any suspected or confirmed fraud shall be reported by the Provider to the City immediately upon discovery.
  6. Provider must establish internal protocols to pursue repayment, including working with their Bank to explore fraud prevention mechanisms.
  7. Applicants or recipients of funds shall return funds to the Provider that issued the funds. Provider shall make recaptured funds available for redistribution to eligible applicants.
  8. Providers will record in the Platform any payments determined to be ineligible, duplicate, fraudulent or in error including the amount, recipient, applicant and action taken to collect the funds.
  9. Once payment has been cancelled or recovered in the case of suspected fraud, payment should be re-issued to the appropriate party, unless there is significant evidence that the recipient was involved in the suspected fraud. If recipient is suspected to be involved, please work with the City to determine next steps.
    - a. If a landlord or master tenant is refusing to cash an assistance check, Provider should cancel the check and re-issue to the tenant. All requirements on the tenant to use the funding for the intended purpose and make payment within 15 days apply.

## **Section E. Documentation and Processing**

### **Application Documentation**

1. The program requires applications to include supporting documentation to determine and reflect the eligibility of tenant households for assistance. Areas that generally require documentation include:
  - a. personal identity
  - b. residency
  - c. current income
  - d. loss of income or increased expenses due to or during COVID-19
  - e. risk of homelessness or housing instability
  - f. amount of any past and/or prospective rent owed, and
  - g. that the landlord or master tenant is the legal owner or possessor of the applicant's living space.



2. Because the program is intended to be low barrier, many eligibility criteria may be met through self-attestation if third-party documentation is not readily available. See *Appendix A* for a list of acceptable documentation for each category.
3. If there is no available documentation of rent owed and the applicant is self-certifying, the program may only pay for three months of assistance at a time at the applicable Fair Market Rent.
4. For more information on documentation and self-attestation, Providers should consult the US. Department of the Treasury [Frequently Asked Questions](#) and [Promising Practices](#).

### **Use of HPP for processing and notification requirements**

1. The Homelessness Prevention Platform (HPP) is the portal through which tenants apply for assistance and Providers are assigned, review, deduplicate, approve and document the provision of assistance.
2. Providers will follow the order of operations in HPP and will participate in the maintaining and updating of the Platform.
3. All parties shall be notified when a complete application is received and is beginning to be processed, when an application is approved for payment and when payment has been issued.
  - a. Notification to a tenant applicant that their application has been received occurs automatically through the Platform upon submission. Within three days of the application being assigned to a provider to process, the provider shall notify the landlord that an application has been received. This notification may occur in writing or via telephone and is recorded in the application record.
  - b. When an application is initiated by a landlord, the City reaches immediately to the tenant in order to begin processing an application. This notification occurs within 1 business day of the landlord application being received and is necessary to begin the processing of the tenant portion of the application through the Platform.
  - c. Both tenant and landlord will be notified when an application and the payment are approved. This notification shall include the total amount of assistance to be paid and the time period for which assistance was provided.

### **Court Coordination**

1. Oakland's Emergency Rental Assistance Program Partners includes two legal services providers. These providers are available to any ERA participant who needs legal services and will assist the program in connecting with the Courts.
2. Courts may contact the City of Oakland at 510-238-6182 to receive information under AB 832 regarding whether a tenant and/or landlord has applied to the City for ERA funds and the status of their application, including amounts approved and the months for which they are approved.
3. Independent of receiving financial assistance, all Oakland Residents seeking housing information can contact the city's Housing Resource Center at 510-238-6182.
  - a. In addition to one-on-one housing counseling support via the HRC, residents, both tenants and landlords, may also receive information on their tenant rights, mediation and legal support via the City Rent Adjustment Program. Residents can file rent adjustment petitions, file and manage eviction notices and seek representation. Residents can check the status of their case via a longstanding

city's portal <https://www.oaklandca.gov/services/check-on-my-rent-adjustment-program-case>.

- b. Pre-COVID, the city's legal service partners shared a physical office at the Alameda County Courthouse allowing residents to immediately seek legal assistance. During the pandemic, residents that may have had court proceedings and did not avail themselves of the City's resources prior to their court appearance are referred to legal service partners by the presiding Judge and/or court staff.

### **Denial of Assistance**

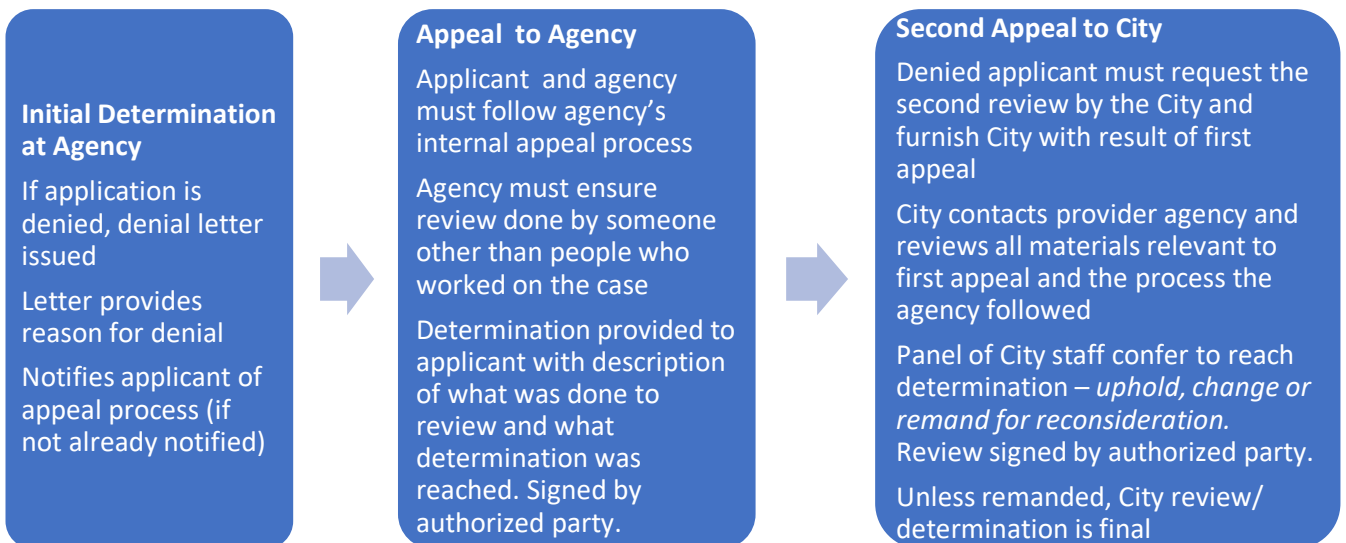
1. Applicants denied assistance will be informed in writing of the reason for the denial. These are limited to:
  - a. Applicant does not meet one or more of the eligibility criteria listed in section B.1
  - b. Applicant has provided fraudulent information.
  - c. Applicant was preliminarily approved but has not responded to repeated attempts at contact or failed to provide required documentation.
  - d. Application is duplicative of another application received by this Program or by the State or applicant has already been assisted to the maximum extent permitted by this program or by a previous program.
  - e. Program has permanently or temporarily exhausted available funding.
2. Applicants denied due to ineligibility or due to failure to respond to repeated attempts to contact them may reapply at a later date, if funds are available.
3. Applicants denied due to a lack of available funding will be referred to other programs for which they may qualify.

### **Appeals Procedure**

1. Any applicant, tenant or landlord, may appeal a denial of assistance or amount of assistance received based on contesting the application of the program's policies or errors in calculations. An applicant may not challenge the application of federal law and requirements.
2. Applicants must make their appeal in writing, within 30 days of notification of denial or approval or a lesser amount than that requested, to the provider agency that reviewed their application and made the determination to deny or provide less assistance than the applicant has requested.
3. Applicants appealing must follow the agency's appeal or grievance policy which they must be provided at the time they are notified of the denial, unless policy was previously provided.
4. If an appeal is originated by a landlord, the landlord must be informed that the tenant must agree to participate in the appeal, and that all of their documentation will be reviewed for eligibility. New documentation from either the tenant or landlord may also be requested.
5. The provider shall follow its internal agency procedures for receiving and responding to a grievance or appeal, provided that the applicable procedures:
  - a. are clearly stated and made available to all applicants

- b. ensure that the appeal is reviewed by someone other than the person who made the initial determination or any person supervised by that person.
  - c. provide for a written response to the appealing party with a determination within not more than 10 business days from receipt of the appeal. The written response must include 1) the reason(s) for upholding or changing the initial determination, 2) the steps that the reviewer took to make the determination, including all documents reviewed and inquiries made, and 3) if upholding the initial denial, the process for appealing to the City of Oakland. This letter must be signed by the authorized person responsible for the review.
6. Any applicant who is dissatisfied with the handling of or response to their appeal may further appeal to the City of Oakland Housing and Community Development Department. The Oakland HCD review will focus on whether the provider agency has appropriately followed its own procedures and has provided reasonable opportunity for the applicant to correct deficiencies or provide additional information related to their application. The provider agency will provide to the City all relevant materials and a copy of its appeal determination letter outlining the steps taken and documents reviewed.
  7. The City’s determination will be either to uphold the result of the provider level appeal, to change it, or to remand it back to the agency for additional review or information.
  8. Oakland HCD shall review the appeal, the response of the agency to the appeal, and make a final determination within 10 business days.
  9. Unless remanded to the agency for further information or consideration, the City’s determination is final and no other appeals will be permitted after this review.
  10. Providers shall keep notes regarding any appeals and their disposition in the Platform as well as keeping a separate log of all appeals received, and their disposition.

**Flow Diagram of Denial and Appeals Process**



**Section F: Additional Services**

ERAP funds are only being made available to providers for direct assistance and administration, as conditioned in the grant agreements. Providers have also been funded through the CDBG-CV program to offer services to tenants to help them access the program effectively, avoid homelessness and remain stably housed. These services may include:

### **Outreach**

Outreach and Coordination for and to individuals in need of rental assistance and legal support. Activities may include:

1. Cultural and language diverse direct mail, phone and street outreach to impacted communities.
2. Presentations to community and faith-based networks and/or paid media and tabling at community events.
3. Outreach also includes assistance with completing required application forms.

### **Housing Stabilization**

The services will include one or more of the following components which are designed to create long term housing stability for the individual or household:

1. Development of a housing stability plan for each household
2. Housing problem solving
3. Case management involving, but limited to, benefits advocacy, seeking training and employment
4. Assistance with obtaining financial rental assistance
5. Information and referrals, including ensuring household has access to legal services and housing counseling services.

### **Legal Services**

Services include but are not limited to:

1. Legal representation services;
2. Legal consultation services and;
3. Education and outreach regarding tenant rights, including but not limited to:
  - Presentations/workshops;
  - Development of education materials;
  - Clinics to respond to tenant questions, provide advisory services;
  - Strategies to provide tenants with information about their rights under the law.

Not all providers have received funding for all service types, and providers should refer to their grant agreement and scopes of work for specific service funding and requirements.

## **Section G: Performance Goals and Reporting**

### **Measurable Outcomes**

1. Each Provider has a specified range of households that they are expected to serve based on the amount of funding awarded. Providers are expected to review and render a

decision on applications assigned to them within 30 calendar days. Exceptions to this may be made if a tenant applicant needs more time, but in general, providers should use self-certification as necessary to ensure that eligible applications are reviewed and approved within not more than 30 days.

2. As long as providers have funds available, Providers are expected to process and issue payments for approved applications within 7 calendar days of approval.
3. City and providers will track progress on enrollment and use of funds to ensure targets are met.

### **Data Collection**

1. ERA Reporting
  - a. All providers will utilize the Homelessness Prevention Platform for processing applications, collecting documentation and tracking assistance for ERA-1, ERA-2 SRA-2 and Cash Flow Loan funds.
  - b. Monthly and quarterly reports for the Treasury and weekly reports for the State of California will be generated from the Platform to meet all reporting requirements, including, but not limited to, information about applicant households, their demographics, income, circumstances and the amounts and period of time for which they are applying, as well as detailed information about approved and issued payments of rental arrears, utilities and other housing related costs by month and separately recorded by funding source, ERA-1, ERA-2, SRA-2 and Cash Flow Loan.

### **Reporting**

1. During the course of the Program, the City will provide updates to Oakland City Council, the public, community stakeholders, the State of California and to the US Treasury Department. In addition, a final data report will be prepared by the City. Providers will aid in the preparation of presentation materials and reporting data analysis as needed.
2. The City is responsible for reporting to the State of California and to U.S. Treasury as required and will do so using data from the HPP. Providers must ensure that the data in the Platform is as complete, accurate and up to date as possible, especially as it relates to the status of applications received, in process, completed and paid. If data in the platform is not up to date or does not cover all required data points, the City may request that Providers report directly to the City.
3. Providers must keep certain documentation such as information about landlords and properties assisted and applicant eligibility determination documentation and be able to produce this information for the City when needed for auditing purposes. Required information is detailed in the individual Provider Scopes of Work and may be updated from time to time as federal reporting requirements may change.
4. The City is responsible for reporting to the U.S. Department of Housing & Urban Development (HUD) activities, accomplishments and beneficiary demographics for CDBG-CV funded Outreach, Housing Stability, or Housing Related Legal Service activities under this program. Providers must ensure that the data reported is as complete, accurate and up to date as possible. If data reported is not up to date or does not cover all required data points, the City may request that Providers modify and resubmit reports to [cdbg@oakalandca.gov](mailto:cdbg@oakalandca.gov).

## **Section G: Disbursement and Timelines**

## **Method of Grant Disbursement**

1. Disbursement of grant will be handled in the following manner:
2. Each contracted provider will receive an advance payment upon execution of an Agreement.
3. Subsequent Disbursements: Grantee may submit Requests for Payment on a monthly basis. These will include the following:
4. An additional advance on emergency rental assistance upon evidence that 75% of previous advance has been expended.
5. Administrative/Housing Stability costs to be reimbursed, to be accompanied by documentation evidencing said costs, including but not limited to timesheets, payroll documentation, etc.
6. Administrative and costs under the ERA 1 program may not exceed 8.5% of the providers' contracted amount.
7. Administrative costs under the ERA 2 program may not exceed 10% of the providers' contracted amount, for both City-originating ERA 2 and State SRA-2 funding.

## **Key Program Timelines**

1. Program Period of Performance: April 1, 2021 – September 30, 2022
2. Expenditure deadlines:
  - a. By September 30, 2021 providers must have expended 65% of ERA 1 funding.
  - b. By March 31, 2022 providers must have expended 100% of ERA 1 funding and 50% of ERA 2 funding.
  - c. By September 30, 2022 Providers must have expended 100% of ERA 2 and SRA 2 funding.
  - d. By October 31, 2022 each provider that has received ERA funding shall make a determination of any and all final costs and shall submit a requisition for such final and complete payment at that time.
3. CDBG-CV Expenditure deadlines: For CDBG-CV funded activities:
  - a. Program Period of Performance, July 1, 2021 – September 30, 2022.
  - b. By March 30, 2022 Providers must have expended 60% of CDBG-CV 1 funding
  - c. By September 30, 2022 Providers must have expended 100% of CDBG-CV 1 funding.
  - d. By November 30, 2022 each provider shall make a determination of any and all final costs and shall submit a requisition for such final and complete payment at that time to [cdbg@oaklandca.gov](mailto:cdbg@oaklandca.gov).

## **Closeout Policies**

1. At the time that the program has exhausted all funding, or the final expenditure deadline have passed, and the City has submitted a final expenditure report, the City shall notify all providers of the end of the program.
2. The City will provide to the State of California final reports required under the Standard Agreement, such as the Final Activity Report and Final Financial Report, in form and substance that is acceptable to HCD.

3. The Homelessness Prevention Platform is expected to continue to operate after all ERA funding is expended, as a portal for other prevention-targeted funding, but all public-facing references to ERA specific requirements shall be removed at that time and the public notified of the end of the program
4. The City, The Platform and all provider partners will retain financial records, supporting documents, and statistical records, including all application information captured in the Platform, for a period of five (5) year from the date of submission of the final expenditure report.
5. The Treasury Office of Inspector General, the Government Accountability Office, the California State Auditor, or their authorized representatives, shall have the right of access to records (electronic and otherwise) in order to conduct audits or other investigations.

## Appendix A: Recommended Verification Documentation

<p><b>Identity</b> (For the Primary Applicant who is a party to the formal/informal rental agreement, <b>ONE</b> proof of identity and, if eligibility is being established through a different household member, identity for that member)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Government issued birth certificate, driver’s license, or identification card, AC Transit ID, etc.</li> <li><input type="checkbox"/> Employment identification card</li> <li><input type="checkbox"/> Marriage license/certificate or certified divorce decree</li> <li><input type="checkbox"/> Current school records documenting a student’s status as full-time at a degree or certificate granting institution(only for household members 18 years and older); current school ID</li> <li><input type="checkbox"/> Other document (please list): _____</li> </ul>
<p><b>Current Income</b> (for <u>most recent month</u> for <b>ALL</b> household members 18 years and older)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Most recent paycheck stub or stubs (covering one month)</li> <li><input type="checkbox"/> Letter from employer stating current salary or pay</li> <li><input type="checkbox"/> Letter from a government agency or County benefits print out</li> <li><input type="checkbox"/> Disability or unemployment insurance statements</li> <li><input type="checkbox"/> Current bank statements</li> <li><input type="checkbox"/> Letter from social services provider that testifies to primary applicant’s income</li> <li><input type="checkbox"/> Gig worker monthly ridership and income history</li> <li><input type="checkbox"/> IRS tax forms or most recent federal income tax statements</li> <li><input type="checkbox"/> W-2 forms or other wage/earnings statements</li> <li><input type="checkbox"/> Other document (please list): _____</li> <li><input type="checkbox"/> Self-attestation if none of these are available or applicable</li> </ul>
<p><b>Proof of Residence</b> (need <b>ONE</b> of the following)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Lease agreement</li> <li><input type="checkbox"/> Official letter from third party showing name and address</li> <li><input type="checkbox"/> Government issued library card</li> <li><input type="checkbox"/> Utility statements from providers</li> <li><input type="checkbox"/> Letter from social services provider that can testify to residency</li> <li><input type="checkbox"/> Other document (please list): _____</li> </ul>
<p><b>Rent and Utilities Owed</b> (need at least <b>ONE</b> of the following)</p>
<ul style="list-style-type: none"> <li><input type="checkbox"/> Written notices to “pay or quit” or an eviction notice that details the unpaid rent</li> <li><input type="checkbox"/> Stipulation agreement that details the unpaid rent</li> <li><input type="checkbox"/> A current lease signed by the applicant and landlord or master tenant that identifies the unit where the applicant resides and shows the rental payment amount, along with a letter from the landlord or master tenant that details the unpaid rent</li> <li><input type="checkbox"/> Bank statement, check stub or other proof that shows a pattern of paying rent</li> <li><input type="checkbox"/> Written confirmation by a landlord who can be verified as the actual owner or management agent of the location in which the applicant pays rent, such as an accounting ledger or a letter. If master tenant is providing written confirmation, they must also provide their lease agreement that evidences that they are the master tenant.</li> <li><input type="checkbox"/> Past due utility notice</li> </ul>



- If no third-party documentation can be provided, applicant may self-attest to rent owed. In this case the assistance is capped at three months of the applicable Fair Market Rent (FMR), regardless of the attested amount.

Note: Documentation used to determine rent and utilities paid for by the program must match the amounts shown in ledgers or bills as owing. Any differences must be described in detail and reconciled to justify the amount paid.

#### Evidence of Risk of Experiencing Homelessness or Housing Instability

- Past due rent notice
- Past due utility notice
- Eviction notice
- Documentation of unsafe or unhealthy living conditions
- Other evidence of risk (please list): \_\_\_\_\_

#### Evidence of Loss of Income and/or Increased Expense Due to or During COVID-19

- Unemployment or furlough documentation
- Evidence of a reduction in hours or wages from paystubs
- Letter from employer
- Documentation of extraordinary, out-of-pocket medical costs
- Other document (please list): \_\_\_\_\_
- Self-attestation