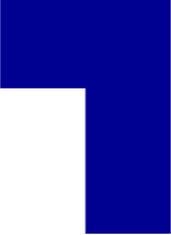


Last Updated: April 23, 2021

Please note this document will be updated as more information is available to share.

Federal Emergency Rental Assistance Program FAQ





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Federal Emergency Rental Assistance Program (ERAP) FAQs

Federal Emergency Rental Assistance Program (ERAP)

Overview

1. What is the new Federal Rental Assistance Program?

In December 2020, Congress passed the Emergency Coronavirus Relief Act, including \$25 billion for emergency rental assistance. Massachusetts received \$457M to provide broad rental and utility assistance for a limited time in response to the COVID-19 emergency. This resource is “use it or lose it.” At least 65% of these funds must be expended by the end of September; if not, any remaining funds may be recaptured and reallocated to other states.¹ The federal program offers potentially higher benefits and opportunity for greater regional equity by providing equivalent duration of assistance (12 months), regardless of local rents. Federal funds must be distributed in accordance with federal policy requirements. Some of these requirements are different from the RAFT Guidelines, such as requiring a COVID-19-related impact, serving households with income up to 80% of the Area Median Income, and only providing assistance for rental housing.

2. When do these new funds go into effect?

DHCD implemented the new Federal Program benefit on March 22, 2021.

3. Does this funding replace RAFT?

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

¹ The original deadline for grantees to expend the full amount of their allocation was the end of December, 2021. While the American Rescue Plan Act, passed this month, extended that deadline to September, 2022, it did not extend the recapture/reallocation date.

4. How will federal funds be distributed?

The federal funds are distributed on a use-it-or-lose-it basis and must be spent by December 31, 2021 (65% of funds to be spent by September 2021). To ensure that we spend every dollar, DHCD's guidance is to use federal funds first whenever possible. Federal funds will be distributed to RAAs per contract amendments. DHCD will use federal funds to "reimburse" some qualifying RAFT expenditures approved prior to March 22, 2021. Any pending, unapproved ERMA/RAFT applicants upon the date of implementation/policy effective date will immediately be considered for eligibility under the federal benefit. Any approved ERMA/RAFT applications will be considered already approved and will not be reconsidered for the federal benefit, although households may always reapply if they need additional funds later.

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

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

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

The ERMA program will still exist. However, renters with household incomes between 50% and 80% AMI should be served by ERAP first, whenever possible, because the ERAP funds must be spent by December 31, 2021. Given that renters who previously would have qualified for ERMA will likely now be eligible for ERAP, it is anticipated that ERMA will primarily be serving homeowners until the federal ERAP funds run out.

Eligibility

7. Who is eligible for the federal funds?

Eligible renters can qualify for the federal funds if all three of the following criteria apply:

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

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

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

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

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

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

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

10. Who is not eligible for federal funds?

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

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

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

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

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

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

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

14. Who is prioritized for federal funds?

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

15. Do applicants have to demonstrate immigration status?

No, applicants do not have to demonstrate immigration status to receive ERAP.

16. Will information about undocumented applicants be shared with federal agencies?

No, information about undocumented applicants will not be shared with federal agencies.

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

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

18. Are applicants required to have an arrearage (back rent) to qualify for ERAP?

No, applicants do not need to have an arrearage to qualify for ERAP and could receive up to three months of future rent. However, if an applicant does have rent arrears, then ERAP needs to cover at least a portion (or all) of their arrears before ERAP can cover providing up to three months of future rent (stipends).

19. RAFT currently requires tenants with a subsidy to "demonstrate good cause for nonpayment." Is this same requirement in place for ERAP?

No, that requirement is not in place for ERAP

20. If a resident has applied for RAFT and was previously denied based on income but now qualifies based on the 80% Area Median Income (AMI) income limits for ERAP, would they need to follow up on their previous denied application?

An applicant who was previously denied for RAFT but is now eligible for ERAP based on the 80% AMI income limit would need to reapply.

21. If a landlord applies for mortgage assistance, can they also apply for arears for the tenant?

ERAP eligibility, in this case, depends on the time period covered by the mortgage assistance, the time period for which the tenant had arrearages, and the amounts sought under each program. ERAP only covers rental assistance. If a landlord needs

mortgage assistance, they may be eligible to receive assistance through RAFT or ERMA, depending on their income.

22. RAFT currently requires tenants with a subsidy to "demonstrate good cause for nonpayment." Is this same requirement in place for ERAP?

No, that requirement is not in place for ERAP. However, if a tenant with income-based rental subsidy such as Section 8 or public housing has a pending rent adjustment based on an income change, and if that rent adjustment would apply retroactively, then RAAs should first assist the household with requesting the rent adjustment rather than paying an arrears amount that may be subject to change.

Eligible Use of Funds

23. What can federal funds be used for?

Federal dollars can be used for rental arrears, rental utilities, and moving costs accrued on March 13th, 2020 or later, as well as future rent stipends in three month increments through December 31, 2021.

24. Can ERAP be used for stipend (future rent) payments?

Prospective rent payments, also known as stipends, may be paid for rent due after the time of the application but no later than December 31, 2021. If an applicant has rental arrears, at least a portion of the arrears must be paid in order for the applicant to receive an ERAP stipend. Stipends can only be given for 3 months at a time and then an applicant will need to reapply.

25. What is the benefit cap?

The benefit cap for ERAP is a maximum of twelve months' worth of assistance, with an additional three months of assistance available for those with continued risk of housing instability. No household may receive more than the equivalent of its monthly contract rent amount for any given month.

26. Can ERAP be used for moving related expenses?

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

27. If an applicant is using ERAP fund towards moving expenses, can the applicant still receive three months of stipend (future rent)s?

Yes, applicants without income-based rental subsidies who are moving into housing that does not have project-based rental subsidies are eligible for stipends even if ERAP funds are being used for moving expenses.

28. Can tenants be paid arrears (back rent), stipend (future rent)s, or utilities payments directly?

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

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

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

30. Can ERAP cover other expenses detailed in the lease e.g. pet fee or parking access fees?

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

31. Does ERAP cover internet costs?

At this time, internet cannot be covered with ERAP, but there are other programs which may pay for this cost. If a tenant needs help paying for monthly internet costs and/or securing an internet accessible device, resources are available through the [FCC's Emergency Broadband Benefit](#).

32. Can ERAP pay court costs/filing fees in a summary process case when payment of these costs is required to cure or reach an agreement with the landlord?

Yes, ERAP can cover court costs or filing fees, so long as the owner is legally allowed to pass on the fees to the tenant.

33. Can ERAP funds be used to cover rent arrears (back rent) for March 2020?

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

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

34. If an applicant is moving out of state, can the applicant receive stipends (future rent) through ERAP?

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

35. For relocation/moving costs, is it necessary to have a new lease before applying?

Leases are not required for ERAP; instead, RAAs can accept any proof of housing, such as a lease, tenancy at will agreement, or statement from the property owner. However, RAAs cannot make a payment toward relocation/moving costs until a new unit has been identified.

36. Can a tenant with an income-based rental subsidy get assistance both for arrears and utility assistance?

Yes, a tenant with an income-based rental subsidy can get assistance both for arrears and utility assistance. An applicant should only complete one application in this scenario, and the RAA can assist them with both types of funding if they are found eligible. However, if an applicant is participating in the Subsidized Housing Emergency Rental Assistance Program (SHERA), they may apply for utility assistance at the RAA and also receive arrears assistance through SHERA.

Applying for Assistance

37. Where can an applicant apply for ERAP?

A tenant can visit the [DHCD website](#), select their local RAA, and apply online for ERAP.

38. Why does the application inquire about the tenants' race, age, or any other related information?

It is a requirement of Federal law under the Consolidated Appropriations Act of 2021, which funds ERAP. DHCD has to report aggregate information only, and not individual tenants' demographic information.

39. Does an applicant need to complete two separate applications if they are moving and have arrears (back rent)?

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

40. What happens if there is no written rental agreement?

A tenant does not need to have a written rental agreement to qualify for ERAP funding. The tenant does need to document proof of rental housing, but this could be a lease, tenancy at will agreement, or statement from the property owner. DHCD offers [a tenancy at will template](#) that owners can use if they are unable to document the tenancy in another way.

41. What do I need to apply?

The following documentation is required for the application:

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

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

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

43. What accommodations are being provided for those without a computer, computer knowledge, or internet access?

While we encourage households to apply online while many RAAs are operating partly remotely, all RAAs accept paper or PDF applications in addition to the online application form. In addition, all RAAs must make reasonable accommodations for applicants with disabilities. Applicants who wish to request a reasonable accommodation or who need other accommodations made as part of their application should contact the RAA directly.

44. Where can the tenant consent form be found if a landlord (under 20 units) is applying for housing assistance?

The landlord application links to the tenant consent form in multiple languages.

45. What can be provided as an ID?

ID is any document that proves identification and includes the applicant's name and date of birth, such as a license, passport, or birth certificate. An expired driver's license or identification issued by another state or country is an acceptable form of identification as long as the identification contains the applicant's full name and date of birth.

Income Verification

46. Is the recent \$1,400 payment sent by the federal government counted as income?

No, the recent \$1,400 stimulus payments from the federal government do not count towards income calculation when determining program eligibility.

47. How is income eligibility verified?

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

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

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

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

2. Categorical Income Verification

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

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

3. Applicant-Provided Income Verification

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

4. Database-Verified Income

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

Application Notifications

48. When will applicants receive notifications through the application process?

Applicants can expect notification at least three times during the application process: when an application is submitted, if documentation is missing from the application, and once a decision to close out, deny or approve an application has been made. RAAs will often contact applicants and notify them of their status more frequently, most often via email.

49. What is the best way to check the status of an application?

Applicants will receive notifications when their application is submitted, if documentation is missing, and once their application is processed and approved (or denied or closed out). If necessary, tenants can contact their RAA for a status update on their application, but should be advised that RAAs are experiencing an extremely high volume of applications.

50. What paperwork does the tenant receive to prove that they applied for assistance?

Applicants who submit applications online will receive an application submission receipt automatically. As of March 22, RAAs are also required to send a notification of receipt when processing an emailed or mailed application.

51. How long will an application be kept open for non-responsive tenants or landlords?

Before closing out an application, the regional administering agency (RAA) must give the applicant or landlord a warning that the application will be closed out in 10 business days if documentation is not received. After those 10 business days (usually 14 calendar days), the RAA will send a “RAFT/ERMA/ERAP Status Notification”. The notification explains that an applicant or landlord then have 14 days to reopen the application by submitting the missing documentation.

52. If an applicant has been denied, does the notice specify why they are being denied so they can submit documentation as part of an appeal?

Yes, the denial notice indicates the reason that the applicant has been denied. An applicant has the ability to request administrative review where the applicant can submit documentation as to why they believe the denial should be reversed.

Landlord Involvement

53. Does the landlord need to agree to anything when they receive the money?

The landlord will be notified of Property Owner Terms when an application is approved.

54. Does the landlord have to sign an agreement?

No, the landlord does not need to sign an agreement. Instead, when the application is approved, the landlord will receive an [Award Letter and Property Owner Terms](#).

This document confirms that the tenant is approved for assistance, provides the award breakdown, and includes the terms and conditions that apply to the assistance. Landlords are advised that, by accepting DHCD housing assistance funds, they are agreeing to these terms and conditions.

55. Is there a mechanism to assist tenants in subtenancy situations where the owner of the property may have no involvement in the tenancy/eviction case?

ERAP, like RAFT, will only make payments to the legal property owner, or to someone authorized as an agent by property owner. However, RAAs can work with tenants to make contact with the property owner. There is nothing preventing a subtenant from receiving ERAP assistance as long as the legal property owner accepts payment.

56. Does payment to the landlord include a breakdown of which tenant the payment is on behalf of?

No, the landlord receives payment in one check. The landlord should reference the Award Letter for the tenant to confirm the amount of assistance awarded to the tenant.

57. What options, if any, do landlords that manage over 20 units have to collect back rent?

At this time, landlords who own more than 20 units of housing in Massachusetts cannot apply directly for their tenants under the Massachusetts ERAP program. All tenants are eligible to apply at this time, and landlords are always welcome to provide assistance to their tenants in completing their applications.

58. Do tenants have to participate and allow their landlord to proceed on their behalf if the landlord is filling out the landlord application directly?

Yes, tenants are required to sign a consent form that their landlord must upload as part of the landlord application.

59. If a landlord already started an eviction, are they obligated to stop pursuing the eviction in court?

Under state law, a court must grant a continuance if the tenant has a pending application for state rental assistance, and the court cannot issue an execution until the application is approved or denied.

60. What if the tenants do not want to participate in applying for rental assistance?

In this case, we encourage landlords to utilize [Community Mediation](#) services. Mediation is a free service that helps tenants and landlords mutually agree to a plan to avoid eviction.

61. Regardless of whether a tenant applied or a landlord applied, can landlords check on the status of applications?

Landlords can ask for the RAA for a status update.

62. Once a tenant is approved for ERAP, what is the time frame between date of approval and payment to landlord?

In general, once the application is approved, a landlord should not have to wait longer than a few weeks to receive the payment.

New Questions as of 4/23

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

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