

EMERGENCY RENTAL ASSISTANCE AND UTILITY ASSISTANCE POLICY

This Emergency Rental Assistance and Utility Assistance Policy, approved and adopted by the BAH-KHO-JE Housing Authority (BHA) Board of Commissioners by RESOLUTION at the Regular Board Meeting held on __February 23, 2021,

INTRODUCTION

This Emergency Rental Assistance and Utility Assistance Policy of the BHA reflects the requirements of The U.S. Department of Treasury's Emergency Rental Assistance Program use of funds guidance established by Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub.L. No. 116-260 (Dec. 27, 2020) (the Act). This Policy sets forth the procedures to be used by the Housing Authority in the administration of the Emergency Rental Assistance Program to ensure full compliance with the statutes and other Tribal, State and local laws as applicable.

APPLICABILITY

This Policy is applicable to the Temporary Emergency Rental Assistance and Utility Assistance Policy Funded by the United States Treasury Department. This Program is available until all funds are expended. All funds will be obligated before the close of the program on September 30, 2021.

SECTION 1

ELIGIBLE HOUSEHOLDS

Eligible Applicants for Emergency Rental and Utility Assistance are renters 18 and older and the combined total household that does not exceed 80% of the U.S. Median Income Limits, as published by the U.S. Department of Housing and Urban Development. Homeowners are not eligible for this assistance. Iowa Tribe of Oklahoma Members will be given preference in the application process followed by Native American with documentation of Certificate of Degree of Indian Blood (CDIB), and then all other eligible applicants that meet the following criteria:

One or more individual(s) required to pay rent who qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly or indirectly to COVID-19 (which the applicant shall attest in writing) and where;

- One or more individual(s) within the household can demonstrate a risk of experiencing homelessness or housing instability which may include: a past due utility or rent notice or eviction notice, unsafe or unhealthy living conditions, or any other evidence demonstrating such risk as determined by the grantee.

The Iowa Tribe of Oklahoma will prioritize applications of eligible households satisfying the following conditions:

- Income of household must not exceed 50% of the AMI for the household.
- One or more individual(s) within the household are unemployed at the time of application for assistance and have not been employed for the 90-day period preceding such date.

SECTION II

INCOME DETERMINATION

Applicants must provide the following:

- Household annual income for 2020, OR
- Confirmation of the monthly income that the household is receiving at the time of application.

Documents used to fulfill this requirement include wage statements, unemployment compensation, tax returns and all other sources of earned and unearned income.

To qualify with monthly income eligibility the applicant must provide proof 2 months of prior income to confirm current monthly income.

Definition of Income: With respect to each household applying for assistance, grantees may choose between using HUD's definition of "annual income" in 24 CFR 5.6091 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes. Methods for Income Determination: The Act provides that grantees 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 (Secretary). If a grantee uses a household's monthly income to determine eligibility, the grantee should 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 area median income. For example, if the applicant provides income information for two months, the grantee should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the grantee must redetermine the household income eligibility every three months for the duration of assistance. Documentation of Income Determination: Grantees must have a reasonable basis under the circumstances for determining income. Except as discussed below, this generally requires a written attestation from the applicant as to household income and also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer.

SECTION III

ELIGIBLE EXPENDITURES

Funds may only be provided to eligible households and paid directly to the Lessor or the utility provider on the applicant's behalf.

Under no circumstances will compensation be given directly to the applicant.

Assistance includes payments for:

- Current and Future Rents:
- Rental Arrears:
- Utilities and Home Energy Costs: This includes electricity, water, sewer, trash service, natural gas, and propane.
- Mobile Home Lot Rents

The ERA Program cannot provide assistance for the following: Mortgage payments, telephone, internet, cable or any other type of household expense as determined by the Bah-Kho-Je Housing Authority.

The Rental Assistance can provide the following:

- Up to three months of future rental payments.
- Up to six months of past due rental payments.
- Utilities and home energy costs, not to exceed 3 months of current and past due balances.

All payments depend on availability of funds and are not guaranteed until applications have been processed and approved.

SECTION IV

EXCLUSIONS

An eligible household that occupies a federally-subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will be reimbursed under any other federal assistance.

If an eligible household receives a monthly federal subsidy (e.g., a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the household may not receive ERA assistance. If a household receives rental assistance other than the ERA, the ERA assistance may only be used to pay for costs, such as the tenant-paid portion of rent and utility costs, that are not paid for by the other rental assistance.

Pursuant to section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA assistance, the grantee must review the household's income and sources of assistance to confirm that the ERA assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

SECTION V

PRIVACY

- Information, including any personal identifiable information, is solely collected and used for submitting reports as detailed under reporting requirements.
- The Bah-Kho-Je Housing Authority has confidentiality protections for data collected about any individuals who are:
 - Survivors of intimate partner violence
 - Sexual assault
 - Stalking