



Miami Valley Community Action Partnership

Emergency Rental Assistance (ERA2)

Rental and Utility Assistance Program

Guidelines

Effective: January 30, 2023

Program Purpose

The American Rescue Plan Act of 2021, Emergency Rental Assistance (ERA2) Program provides for necessary expenditures for households which have experienced financial hardships due, directly or indirectly, to the coronavirus pandemic. The Ohio Department of Development's Office of Community Assistance has allocated funds to Miami Valley Community Action Partnership (MVCAP) to assist low-income households with rent, rental arrears, utility/home energy costs, and utility/home energy cost arrears.

MVCAP serves customers residing in Montgomery, Greene, Darke, and Preble Counties directly. MVCAP's delegate agency, Warren County Community Services, Inc. (WCCS) serves customers residing in Warren County. The guidelines herein govern MVCAP's ERA2 Rental and Utility Assistance Program.

Program Overview and Administrative Policies

Allocation

- \$4,347,542.00 in total allocation for MVCAP for Montgomery, Greene, Darke, Preble, and Warren Counties.
 - \$3,912,788.00 allocated for direct assistance to households for rent, rental arrears, utility/home energy costs, and utility/home energy cost arrears.
 - \$3,620,288.00 allocated for MVCAP's ERA2 Rental and Utility Assistance Program in Montgomery, Greene, Darke, and Preble Counties.
 - \$292,500.00 allocated for WCCS's ERA2 Rental and Utility Assistance program in Warren County.
 - \$434,754.00 allocated for operations, administration, and housing stability expenses.

Award Period

- Program begins January 2023. Program ends December 31, 2024.
- MVCAP will divide the total direct assistance allocation (\$3,620,288.00) equally across 24 months. The monthly budget for direct assistance is approximately \$150,000.00.

Client Eligibility

Households meeting the following criteria may apply for the MVCAP ERA2 Rental and Utility Assistance Program.

- An eligible household means a household of one or more individuals who are obligated to pay rent on a primary residential dwelling. Households including undocumented immigrants are eligible for assistance.
- Eligible applicants must be able to answer “yes” to one of these two questions:
 - 1) Is the household income at or below 50% of area median income (AMI); OR
 - 2) Has a member of the household been unemployed for at least the 90 consecutive days prior to the date of application?
- The household experienced a financial hardship during or due to – directly or indirectly – the coronavirus pandemic, which may include qualifying for unemployment benefits, experiencing a reduction in income, or incurring significant costs.
- One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include:
 - Past due utility notice;
 - Past due rent notice;
 - Eviction notice; or
 - Unsafe or unhealthy living conditions where the residence does not meet minimum habitability standards, including overcrowding;
 - Overcrowding is defined as more than one person per room. For instance, if there a 5 total rooms in the home – rooms, not bedrooms – the home would be overcrowded if 6 or more persons resided there.
 - For applicants living in residences that do not meet minimum habitability standards, photographs will be requested during application processing.
 - Reduction in household income during or due to – directly or indirectly – the coronavirus pandemic;
 - Household incurred significant costs during or due to – directly or indirectly – the coronavirus pandemic;
 - Household experienced a financial hardship during or due to – directly or indirectly – the coronavirus pandemic; or

- One or more individuals in the household has qualified for unemployment benefits during or due to – directly or indirectly – the coronavirus pandemic.
- Households that have received previous rental assistance from MVCAP since March 2020 are ineligible to apply for this program unless the landlord has filed eviction in court. In these cases, the applicant must provide the court and the eviction case number. Three-day notices to vacate posted by the landlord are not eviction notices.
- Landlords may not submit applications on behalf of their tenant(s); however, landlords may encourage their tenants to apply for the program.

Eligible Costs

- A household may be approved for a maximum of 18 calendar months of rental assistance and/or utility assistance.¹
- **Rental Assistance**
 - Rental arrears payments from March 13, 2020, through date of application.
 - Rent payments for future rent – up to three months of future rent
 - Late Fees
 - City of Dayton residents: Up to the greater of \$25/month or 5% of monthly rent per month.
 - If the late fees are not spelled out in the lease, the maximum amount MVCAP can pay for late fees is \$50/month.
 - Rental payments for manufactured homes and/or the parcel of land the manufactured home occupies. Manufactured home residents are considered renters under this program if they rent the manufactured home OR if they rent the parcel of land the manufactured home occupies – the resident may own one and rent the other, or may rent both. MVCAP can only pay costs associated with rental and not for anything that is owned.
 - Pet fees included in a formal lease
- **Utility Assistance for renters only**

¹ The maximum benefit under the ERA2 Rental and Utility Assistance program is 18 calendar months of assistance, which includes any previous rental assistance by MVCAP under the CAAHRG and ERA1 programs. MVCAP's processor will certify a household's maximum benefit during application processing.

- Utility/Home Energy Cost Arrears from March 13, 2020, through date of application
- Utility/Home Energy Cost payments for future utility costs – up to three months of future utility costs
- Eligible categories
 - Natural Gas
 - Electric
 - Bulk Fuel
 - Water
 - Sewer
 - Trash Removal
- **Rent owed from previous residence:** If an eligible household has moved and the previous landlord is requesting that the applicant pay the unpaid rent, the applicant may request and receive rental arrears provided that the rent owed is within the allowable grant period and the assistance does not exceed the maximum months allowable. If the previous landlord has initiated collections, the previous landlord must submit proof that collection activity has been ceased before MVCAP will initiate payment.
- **Utility expenses from previous residence – utilities owed to landlord:** If an eligible household has moved and the previous landlord is requesting that the applicant pay the unpaid utilities that were included in the lease or monthly rent payment, the applicant may request and receive utility arrears provided that the utility expenses owed are within the allowable grant period and the assistance does not exceed the maximum months allowable. If the previous landlord has initiated collections, the previous landlord must submit proof that collection activity has been ceased before MVCAP will initiate payment.
- **Utility expenses from previous residence – utilities owed to utility company:** If an eligible household has moved and past-due balances incurred at the previous residence must be paid in order for the household to establish service at a new residence, the applicant may request and receive utility arrears payments provided that the utility expenses owed are within the allowable grant period and the assistance does not exceed the maximum months allowable.
- **Rent To Own Agreements / Land Contracts:** These agreements are eligible under this program as long as the household meets the following criteria:

- No member of the household is a signer or co-signer to the mortgage on the property;
- No member of the household holds the deed or title to the property; and
- The household has not exercised the right to purchase the property.
- **Other Housing Related Expenses to Prevent Eviction:** the following expenses may be approved at the discretion of MVCAP, given that proper supporting documentation is provided:
 - Relocation expenses (including but not limited to rental security deposits, application or screening fees, late fees not included in rental or utility arrears, or storage fees)
 - Rental bonds, where a tenant posts a bond with a court as a condition to obtain a hearing
 - Court costs related to an eviction
 - Attorney fees for landlord and tenant related to an eviction filing
 - Reopening an eviction action
 - Appealing an order of eviction
 - Reinstating a lease

Ineligible Costs

- Hotel / Motel Stays
- Internet service
- Portions of rent covered by subsidies (Housing Choice Voucher, Public Housing, Project-Based Rental Assistance, etc.)
- Reimbursements for payments previously made for rent, utilities, etc.
- Payments for credit card or credit account balances
- Payments for rent, utilities, or other fees for periods that were previously paid by another organization with Consolidated Appropriations Act or American Rescue Plan Act funding

Application Procedures

- Eligible households may submit an online application through the MVCAP website by visiting www.miamivalleycap.org and clicking the COVID Relief button at the top of the page.

- The application portal will open each Monday at 12pm EST. The number of applications accepted each week correlates with the monthly budget. The application will automatically close when the maximum number of applications has been submitted for the week. If there is additional funding left over in the budget, the application portal will accept additional applications the following week.
- MVCAP staff will schedule in-person or phone appointments with each applicant to process the application. Appointments will be scheduled between 9am and 3:30pm Monday-Thursday.
- Submitted applications are not guaranteed to receive funding. The applicant will be notified when the application has been approved.
- Eligible households should be prepared to provide the following information in the application:
 - Full names of all household members
 - Dates of birth of all household members
 - Social Security Numbers for all household members, if applicable. This program serves undocumented residents who may not have Social Security Numbers. U.S. Citizenship is not required.
 - Current or previous address (address for which assistance is being requested).
 - Explanation of financial hardship during or due to, directly or indirectly, the coronavirus pandemic.
 - If requesting rental assistance:
 - Total rent amount due, including fees.
 - Landlord's name, email address, and phone number
 - If moving to a new location, justification for the move (i.e. currently homeless, living with another family members and not sufficient space, etc.)
- Required documentation:
 - Documentation proving that a member of the household is unemployed at the time of application and has been unemployed for at least 90 days prior to the application date.
 - Proof of income for all household members over the age of 18 for the 30 days prior to application date OR for calendar year 2022.

information/documentation, or the landlord must confirm in writing that the landlord does not wish to participate.

- For payments made directly to the applicant, the applicant must complete a W-9 and sign a statement committing the applicant to use the funding for its intended purpose of paying rent and utility expenses for the specified period.
- All W-9s must be filled out by the landlord, applicant, or vendor during the application process, and the signature date on the W-9 must be current. Landlords must complete and submit a new W-9 for each applicant to ensure that the information is accurate for tax reporting purposes. MVCAP staff may contact the landlord, applicant, or vendor to verify accuracy of the W-9.
- All documentation must be hand-signed or e-signed by the appropriate parties – verbal attestations are not accepted.

MVCAP Payment Standards

- MVCAP will pay the full allowable amount for each application.
- For utility payments owed to a utility provider, MVCAP will make payment directly to the utility provider by check.
- For rent payments and utility payments owed to a landlord, MVCAP will make payment directly to the landlord by check.
- In the event that a landlord refuses to participate in the program, MVCAP may be able to pay the applicant directly by check.
- No cash, credit card, or ACH payments will be made to any landlords, vendors, or applicants.
- All checks will be mailed to the address on the payee's W-9. No checks will be made available for pickup.

Client File

MVCAP will maintain an electronic file for every applicant. All documentation listed may be presented by the applicant and landlord in the following formats: photocopies, digital photographs of documents and attestations, emails, and forms completed online with electronic or digital signatures.

- Case Notes Form & Checklist: MVCAP staff will complete this form to summarize notes and ensure all necessary information and documentation has been collected.
- Customer application
- Proof of income for all household members 18 years of age or older, for a minimum of the past 30 days or for the calendar year 2022; OR categorical eligibility documentation with attestation of monthly or 2022 income.
- Payment voucher and supporting documentation for amount of assistance provided
- Documentation of COVID-19 hardship (CDBG-CV Assistance Request Related to COVID-19 Pandemic form)
- For rental assistance:
 - Current lease signed by the landlord or sublessor, identifying the unit where the applicant resides and establishing the rental payment amount.
 - If the applicant has verified that the address provided is their primary residence and they pay rent but cannot obtain documentation of the amount of rent owed or the monthly rent payment, MVCAP may request a written attestation from the application supporting the payment amount and attesting that they have not received, nor do they anticipate receiving, another source of public or private subsidy. The assistance amount cannot exceed the HUD Fair Market Rent.
 - Eviction or past-due rent notice, if paying rental arrears. The Landlord Statement also meets this requirement.
 - If moving to a new location, justification for the move.
 - Lessor proof of ownership (verification from county auditor webpage, property deed, etc.) or proof of managerial agreement (email verification from the property owner is sufficient).
 - Landlord Statement, which states that the landlord agrees to receive funds from MVCAP and not evict the client after funds have been received.
 - If legal or court fees are paid, invoices or receipts to substantiate the charges.
 - Proof that the Landlord Statement was provided to the tenant
- For utility and home energy assistance:
 - Copies of utility bills for at least the past three months. If arrearages are paid, the file must include copies of utility bills for the full time period of the arrearages.

- Detailed case notes to demonstrate how the future payment amount was determined. For utility companies where an average usage can be determined, multiply the average usage by three to pay the three months in advance.
 - For bulk fuel, communicate to the vendor that the client will have a 90-day line of credit and the vendor can bill the agency monthly for any deliveries issued within that 90-day period. For clients with a current credit on their account (i.e., HEAP benefit or client payments), instruct the vendor to use that credit before billing this program.

MVCAP Responsibilities

- MVCAP staff will review all documentation submitted by the applicant and landlord for accuracy and completeness.
- MVCAP is required to apply reasonable fraud-prevention procedures and to investigate and address potential instances of fraud or misuse of funds. MVCAP will report suspected or documented fraud to the proper local or federal law enforcement agencies.

Applicant Responsibilities

- Applicant is responsible for ensuring all information provided through the application process is accurate and complete.
- Applicant must respond in a timely manner to requests from MVCAP staff. Applicants that do not respond within 3 business days of original MVCAP outreach are subject to application denial.

Fine Print

- These program guidelines are subject to change at any time based upon guidance or instruction from the State of Ohio Department of Development, Office of Community Assistance, or the United States Treasury.
- MVCAP will review these policies and procedures and program performance on a regular basis. These regulations may change over the course of the program based upon these reviews.

- MVCAP may make exceptions to these policies and procedures, where allowable per state and federal guidelines and regulations, for urgent or emergent situations to ensure housing stability.

Appeals Process

If rent and/or utility assistance services are denied under the ERA-2 Rental and Utility Assistance Program, you will be notified in writing that your application was denied and the reasons for the denial. You have the right to appeal the decision within 30 days from the date you receive the denial letter.

1. Local Level Written Appeal – Within 30 days of receipt of the denial letter, submit your appeal in writing (letter or email) with supporting documentation attached to:

Erin Jeffries, COO
Miami Valley Community Action Partnership
719 S. Main Street
Dayton, Ohio 45402
-or- via email at: appeals@mvcap.com

- a. The appeal review will be completed within 30 days from the date of your appeal request.
 - b. You will be notified in writing within 10 days of the decision.
2. Local Level Hearing – If you were denied during the written appeal, you may request a formal hearing within 30 days of the denial of the written appeal. You must submit a request for a formal hearing in writing (letter or email) to the CEO of Miami Valley Community Action Partnership.

Lisa Stempler, CEO
Miami Valley Community Action Partnership
719 S. Main Street
Dayton, Ohio 45402

-or- via email at: appeals@mvcap.com

- a. MVCAP will schedule a hearing within 30 days of the receipt of the written request.
 - b. The hearing shall be held at a mutually convenient place or held virtually.
 - c. MVCAP shall appoint a hearing officer who may be a staff member who was not involved in the decision.
 - d. You will be notified of the decision regarding appeal within 10 days of the date of the formal hearing.
3. State Level Appeal – If you wish to pursue a further appeal, you must submit a written State Level Appeal to the Ohio Department of Development within 30 days of the final hearing decision rendered by MVCAP. The appeal request may be mailed to:

Ohio Department of Development
Office of Community Assistance, Appeals
P.O. Box 2169
Columbus, Ohio 43216

- a. Development will only review appeals which have been denied at both the Local Level Written Appeal and Hearing process and that contain new information, or information not considered during the Local Level Written Appeal or Hearing process.
- b. The appeal request must contain the following information:
 - i. Client's name, address, telephone number;
 - ii. Client number (if available)
 - iii. Reason for appeal
 - iv. Supporting documentation
 - v. Client's signature
- c. The decision on the appeal will be made within 30 days of receipt of the appeal request. You will be notified within 10 days of ODSA's decision.