

# U.S. DEPARTMENT OF THE TREASURY

**AN OVERVIEW OF**

## **Emergency Rental Assistance**

**Indian Tribes and Tribally Designated Housing Entities (TDHEs)**



## Disclaimer

*This presentation is designed to give an overview of the Emergency Rental Assistance program for educational purposes. It should not be construed as legal advice or a statement of binding policy guidance from the Treasury.*

*For official Treasury guidance, see: [www.treasury.gov/ERA](https://www.treasury.gov/ERA).*



## Overview

**The Emergency Rental Assistance (ERA) program makes funding available to assist households that are unable to pay rent or utilities.**

### **Key objectives of this funding:**

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control
- Assist renters most in need to avoid evictions and secure housing stability
- Alleviate the deep financial distress of countless landlords who rely on rental income to support their families

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](https://www.treasury.gov/ERA).



## ERA Funds

- The program allocated \$800 million for Tribes, Tribally Designated Housing Entities, and the Department of Hawaiian Home Lands to help prevent evictions and keep Tribal citizens safely and stably housed.
- Programs are at different stages in their life-cycles across the county.
- Tribes, TDHEs, DHHL, and territories are not subject to recapture until April 2022.
- All grantees who have obligated 65% of their funds are eligible to receive reallocated funds.


*For official Treasury guidance, see:*

[www.treasury.gov/ERA](https://www.treasury.gov/ERA).



## Guidance - FAQs

“Grantees must establish policies and procedures to govern the implementation of their ERA programs consistent with the statutes and these FAQs. To the extent that these FAQs do not provide specific guidance on a particular issue, a grantee should establish its own policy or procedure that is consistent with the statutes and follow it consistently.”

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### FAQs

The Department of the Treasury (Treasury) is providing these frequently asked questions (FAQs) as guidance regarding the requirements of the Emergency Rental Assistance program (ERA1) established by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) and the Emergency Rental Assistance program (ERA2) established by section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021).

These FAQs apply to both ERA1 and ERA2, except where differences are specifically noted. References in these FAQs to “the ERA” apply to both ERA1 and ERA2. These FAQs will be supplemented by additional guidance. Grantees must establish policies and procedures to govern the implementation of their ERA programs consistent with the statutes and these FAQs. To the extent that these FAQs do not provide specific guidance on a particular issue, a grantee should establish its own policy or procedure that is consistent with the statutes and follow it consistently. Additions and changes to FAQs are tracked in a change log.

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

A grantee may only use the funds provided in the ERA to provide financial assistance and housing stability services to eligible households. To be eligible, a household must be obligated to pay rent on a residential dwelling and the grantee must determine that:

I. for ERA2:

a. one or more individuals within the household has qualified for unemployment benefits or experienced a reduction in household income,

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](https://www.treasury.gov/ERA).



# Supporting Housing Stability for Renters

Prior to this year, few governments had robust programs for delivering this type of rental assistance and none were operating at the scale now made possible by ERA resources.

## Treasury Guidance Highlights

- Policy clarity and recommendations meant to accelerate assistance, including clarifying that **self-attestation** can be used in documenting each aspect of a household's eligibility for ERA.
- Drive toward access by **removing language and cultural barriers** in securing assistance
- Provide a **streamlined payment option for utility providers and large landlords** to make accessing emergency rental assistance on behalf of multiple tenants easier and more attractive.
- Strongly encourages **partnerships with courts** to actively prevent evictions and develop eviction diversion programs
- Allow flexibilities to **help families experiencing homelessness** gain access to assistance

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](https://www.treasury.gov/ERA).



## Eligible ERA1 Expenditures

*Not more than 10 percent of the amount paid to a grantee may be used for administrative costs.*

- Any direct and indirect administrative costs must be allocated by the grantee to either:
  - the provision of financial assistance or
  - the provision of housing stability services.
- Treasury permits recipients to use funds provided to cover both direct and indirect costs.

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



## Eligible ERA1 Expenditures

### Rental assistance

- Up to 15 (12 + 3) months of assistance (if accrued since March 13, 2020)
  - + an additional 3 months if necessary to ensure housing stability for the household, subject to the availability of funds
- Prospective rent payments are limited to:
  - 3-month increments based on any application by or on behalf of the household:
    - Subject to the availability of remaining funds currently allocated to the grantee, and
    - Based on subsequent application for additional assistance
  - If the applicant has rental arrears, the grantee may not make commitments for prospective rent unless it has also provided assistance to reduce the rental arrears

### Special Living Situations

The following living situations may be eligible for ERA funds:

- **Manufactured Housing**
- **Houseboats**
- **Rent-to-Own**

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).





## Eligible ERA1 Expenditures

**Eligible households with rental obligations may also receive assistance for:**

### **Utilities and Home Energy Costs:**

- May include separately stated electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil; payments to public utilities are permitted.

### **Other Expenses**

- Internet service (grantees should adopt policies about when this is appropriate).
- Reasonable accrued late fees (if not included in rental or utility arrears).
- Relocation expenses (including prospective relocation expenses), rental security deposits, and rental fees (may include application or screening fees).
- Under certain circumstances, the cost of a hotel stay may also be an eligible expense

***All payments for housing-related expenses must be supported by documentary evidence such as a bill, invoice, or evidence of payment to the provider of the service.***

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



## Eligible ERA1 Expenses

**ERA1 allows for up to 10 percent of the funds received by a grantee to be used for certain housing stability services. Under ERA1, these funds may be used to provide eligible households with case management and other services related to the COVID-19 outbreak, as defined by the Secretary, intended to help keep households stably housed.**

**Such services may include (among other things):**

### ***Eviction Prevention***

- Eviction diversion programs
- Landlord/tenant mediation
- Legal services or attorney's fees related to eviction proceedings and maintaining housing stability

### ***Housing Support/Counseling***

- Housing counseling
- Fair housing counseling
- Housing navigators or *promotoras* (ERA assistance or finding housing)
- Housing stability case management
- Housing-related services for survivors of domestic abuse or human trafficking
- Specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



# ERA1 Program Eligibility

Applicant eligibility may vary depending upon the grantee's program design. In *general terms*, applicants must meet the following eligibility requirements:

- The applicant must be obligated to pay rent
- The applicant must demonstrate:
  - Financial hardship due to, directly or indirectly, the pandemic
  - Risk of experiencing homelessness or housing instability; and
  - The household is a “low-income family” (incomes do not exceed 80% of the area median income)

## Prioritization

- 50% of area median income or
- 1+ individuals unemployed for the 90-day period preceding the date of application.

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



## Ensuring Integrity: Policies and Procedures

Grantees must establish formal written policies for documenting and determining a household's eligibility, including:

- **Documentation of Income:** Grantees may be flexible as to the specific form(s) of documentation required. Treasury *strongly encourages grantees to avoid establishing documentation requirements that are likely to be barriers to participation for eligible households*

Alternatively, a grantee may rely on a written attestation without further documentation of household income from the applicant under three approaches:

- *Self-attestation Alone* – In order to provide assistance rapidly, during the public health emergency related to COVID-19 the grantee may rely on a self-attestation of household income without further verification if the applicant confirms in their application or other document that they are unable to provide documentation of their income. If a written attestation without further verification is relied on to document the majority of the applicant's income, the grantee must reassess the household's income every three months, by obtaining appropriate documentation or a new self-attestation. Income attestations should specify the monthly or annual income claimed by the household to ensure that the household meets the applicable ERA requirements and to enable appropriate reporting. Under this approach, grantees are encouraged to incorporate self-attestation to demonstrate income eligibility into their application form. Similarly, grantees may rely on self-attestations to demonstrate applicants' financial hardship and risk of homelessness or housing instability as described above in FAQs 2 and 3 above. Thus, grantees are encouraged to simplify applications to allow for self-attestation for income eligibility during the public health emergency, as well as to allow self-attestation to demonstrate applicants' financial hardship and risk of homelessness or housing instability as described above in FAQs 2 and 3.

For official Treasury guidance, see:

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



## Ensuring Integrity: Policies and Procedures (cont.)

Grantees must establish formal written policies for documenting and determining a household's eligibility, including:

- **Risk of homelessness/housing instabilities:** One+ individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include: *(i) a past due utility or rent notice or eviction notice; (ii) unsafe or unhealthy living conditions (which may include overcrowding); or (iii) any other evidence of risk, as determined by the grantee.*
- **Proof of Residency & Rental Payment:** Grantees must obtain, if available, a current lease, signed by the applicant and the landlord or sublessor, that identifies the unit where the applicant resides and *establishes the rental payment amount*. If a household does not have a signed lease, the grantee must collect other documentation of residency and evidence of the rental payment amount.

For official Treasury guidance, see:

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



## Ensuring Integrity: Policies and Procedures (cont.)

Grantees must establish formal written policies for documenting and determining a household's eligibility, including:

- **COVID-19 Impact:** Grantees must document that one or more members within the household (1) qualified for unemployment benefits or (2) experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak. *Treasury allows and encourages grantees to rely on an applicant's self-certification in determining whether a financial hardship meets this statutory eligibility requirement.*
- **Attestation of Correct and Complete Information:** Grantees must require all applicants to sign an attestation that all information included is correct and complete.
- **Written Attestations:** Grantees must specify in their policies and procedures under what circumstances they will accept written attestations from the applicant without further documentation.
- **Fraud Prevention:** Grantees must also have controls in place to ensure compliance with their policies and procedures and prevent fraud.

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[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



# Example Application Screens

**1** Applicant information **2** Eligibility **3** Assistance needed **4** Review and submit

**2 of 4 Eligibility**

## COVID-19 pandemic impact

All fields are required

**How has the COVID-19 pandemic (since March 2020) affected your household's income or assets?**

Check all that apply

- ☒ Wages or hours reduced
- ☐ Currently am or have been unemployed
- ☐ Qualified for unemployment benefits
- ☐ Laid off or pause in work
- ☐ Sick and unable to work
- ☐ Caring for sick household member
- ☐ Loss of child or spousal support
- ☐ Caring for children home from school or daycare
- ☐ Other
- ☐ I did not experience a reduction in income

**What significant expenses have you had due to the COVID-19 pandemic (since March 2020)?**

Check all that apply

- ☐ New or increased healthcare costs
- ☒ Remote or at-home work expenses
- ☐ Childcare expenses
- ☐ Increased food or food delivery expenses
- ☐ Penalties, fees, and/or legal costs due to rental or utility arrears
- ☐ At home care for a household member ill from COVID-19
- ☒ Personal Protective Equipment (PPE) including masks
- ☐ Air quality (filters, ventilation) expenses
- ☐ Payments made by credit card or payroll loan to avoid homelessness
- ☐ Alternative transportation expenses due to COVID-19 transportation limitations
- ☐ Increased utility bills due to staying at home as a result of COVID-19
- ☐ Increased utility or home heating costs in light of pandemic-related heating cost increases
- ☒ Other

Other additional expense

Please list other additional expense

☐ I did not experience an increase in expenses due to the pandemic

☒ I attest that this information provided for COVID-19 pandemic impact is correct and complete to the best of my knowledge.

< Back Save & Continue

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/service-design/example-application-screens>

For official Treasury guidance, see:  
[www.treasury.gov/ERA](http://www.treasury.gov/ERA).

- A** Break the process into steps and indicate where the user is in the process using a step indicator
- B** One thing per page
- C** Use examples and lists instead of requiring blocks of text
- D** Winter 2021-2022 home heating costs are predicted to increase in light of COVID-19 related supply chain issues around energy production and distribution causing cost increases in the energy sector, particularly with home heating.
- E** Use self-attestation to demonstrate financial hardship due to the COVID-19 pandemic.
- F** Provide human interaction and support to applicants



## Ensuring Integrity: Avoiding Duplication of Benefits

**The statute requires that ERA1 payments not be duplicative of any other federally funded rental assistance provided to an eligible household.**

- Grantees with overlapping or contiguous jurisdictions are particularly encouraged to coordinate and participate in joint administrative solutions to meet this requirement.
- Grantees may rely on an attestation from the applicant regarding non-duplication with other government assistance in providing assistance to a household.

*For official Treasury guidance, see:*

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).





# Online Resources for Grantees

## Promising practices for ERA programs

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Last Updated: 6/23/21 – The U.S. Department of the Treasury has made funding available to assist households that are unable to pay rent, utilities, home energy costs, and other expenses related to housing. The funds are provided directly to states, U.S. territories, local governments, and (in the case of ERA 1) Indian tribes or Tribally Designated Housing Entities, as applicable, and the Department of Hawaiian Home Lands. As a result, these grantees across the United States have been working hard to stand up their Emergency Rental Assistance (ERA) programs in order to address the devastating impact of the COVID-19 pandemic on millions of American renters. Each ERA grantee has some flexibility to develop their rental assistance program to suit the needs of their local community, while complying with requirements outlined in their ERA financial assistance agreement, the ERA statute, and Treasury's guidelines.

Treasury has engaged with ERA grantees across the country to identify program strategies that promise to speed up program implementation, more efficiently deliver program benefits, enhance program integrity, and improve tenant and landlord access to programs—particularly for vulnerable and harder to reach populations. As grantees across the country build program infrastructure designed to meet the specific needs of their communities, many have reported that early successes have relied on leveraging local resources, data-driven operational analyses, and incorporating continuous operational improvement strategies into their regular practices. Specific promising practices include: <sup>1</sup>

- Partnerships in Program Implementation
- Culturally and Linguistically Competent Outreach
- Intentional Landlord Engagement
- Partnerships with Broader Eviction Diversion Programs
- Collaboration with Local Utility Companies
- Adjusting Program Strategies to Meet Local Needs
- Making the Application Process Simple and User Friendly
- Using Fact-Specific Proxies to Establish Applicant Income
- Automation Supporting Application Prioritization
- Data-Driven Program Strategies

[www.treasury.gov/ERAPromisingPractices](https://www.treasury.gov/ERAPromisingPractices)

*For official Treasury guidance, see:*  
[www.treasury.gov/ERA](https://www.treasury.gov/ERA).



## Commitment Letters - Policy

### Re-housing

In cases where a tenant **may not yet** have a rental obligation (as required by statute), Treasury encourages grantees to provide otherwise eligible households with an official document:

- Specifying the amount of financial assistance under ERA programs that the grantee will pay a landlord on behalf of the household (such as for a security deposit or rent) if the landlord and the household enter into a qualifying lease of **at least six months**.
- Such documentation may expire after a certain period, such as 60 to 120 days after the issuance date.

For purposes of reporting to Treasury, grantees may consider these commitments as having obligated the promised amounts for the stated commitment period.

***Treasury encourages grantees to provide prospective support to help ensure housing stability and work with providers of housing stability services to help these households identify housing that meets their needs.***

For official Treasury guidance, see:

[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



# Commitment Letters – Promising Practice

Allocations and Payments

Award terms

Guidance

Program & service design

**Promising Practices**

Partnerships

Outreach


## Using Commitment Letters to Assist Prospective Renters

In some situations, applicants may not have a current lease or rental arrears. They may only be seeking assistance for future rent. Often, in order to obtain a rental agreement, the applicant will need proof that they will be able to pay a security deposit and future rent.

FAQs 7, 8, 9, 10, and 35 all address prospective rent. FAQ 8 clarifies:

“ The statutes establishing ERA1 and ERA2 permit the enrollment of households for only prospective benefits.

### THE STATE OF VERMONT

The state of Vermont provides a [letter of intent addressed to the tenant](#) . The letter states that the applicant has been preliminary approved for assistance. The letter details that the applicant is approved for a fair market rent amount, set number of bedrooms, and specific county in Vermont. The applicant has 90 days from the date of letter issuance to find a unit. The letter also includes links to eligibility requirements and to an explanation of fair market rents in Vermont, along with a phone number to call for further assistance.

## Alternative Example

### NORTHERN CIRCLE INDIAN HOUSING AUTHORITY (NCIHA)

NCIHA is a Tribally Designated Housing Entity that works on behalf of seven Federally Recognized Tribes in Northern California to carry out housing related programs. Rather than provide applicants with a commitment letter, NCIHA works directly and proactively with prospective tenants, private landlords, and property managers to house members who do not have a current lease.

NCIHA connects members who are unhoused with landlords and utilizes ERA funding to help those tenants get a start on their new housing. NCIHA builds trust with landlords by providing additional support beyond rent, such as financial counseling, to prospective tenants, ensuring they will experience increased housing stability. By taking a holistic and human-centered approach to program management, NCIHA has been able to secure new leases for over 100 individuals who were previously unhoused.

*For official Treasury guidance, see:*  
[www.treasury.gov/ERA](http://www.treasury.gov/ERA).



# Promising Practice - Utilities

Allocations and Payments

Award terms

Guidance

Program & service design

**Promising Practices**

Partnerships

Outreach

Landlord Engagement

Eviction Diversion

**Utilities**

Adjusting Program Strategies

Making the Application Process  
Simple and User Friendly

Using Fact-Specific Proxies

Application Prioritization

## Collaboration with Local Utility Companies & Other Utility Assistance Programs

Grantees in many areas have found that engaging local utility companies and partnering with other utility assistance programs can make the delivery of assistance to households in need more efficient and effective.

- [Working with Energy Providers to Increase Efficiency and Reach](#)
- [Coordination with Other Utility Assistance Programs](#)

## Working with Energy Providers to Increase Efficiency and Reach

Strategic coordination and data sharing with utility companies can help promote the utility assistance options available to vulnerable households, increase program efficiency, and connect households to a broader range of housing support services. Promising practices include:

- Encouraging energy providers to include pamphlets or other educational materials about ERA and other housing and utility assistance programs in their regular mailings to potential applicants.
- Building relationships with energy providers and establishing information sharing protocols that bring transparency to the application process. These practices can expedite the identification of and delivery of assistance to eligible consumers. As discussed in [FAQ 38](#), these strategies may include data sharing and bulk and bundled payment methods.
- Encouraging energy providers to automate processes to proactively identify households in need. For instance, vendors energy providers can coordinate with administering agencies to identify households that may be eligible (i.e. related to [COVID-19 financial impact](#) and/or [housing](#)

*For official Treasury guidance, see:*  
[www.treasury.gov/ERA](http://www.treasury.gov/ERA).





# Online Resources for Grantees

## Best practices for Grantees' ERA program websites

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It is important that renters, landlords, and utility providers are able to both find and understand the rental assistance that you are offering through easily navigable websites. The provided information must clearly explain the purpose of the assistance, as well as what is needed to apply and what can be expected in return.

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To help accomplish these goals, Treasury has prepared this “best practices” guide. It was created in conjunction with the U. S. Digital Service to help Emergency Rental Assistance (ERA) program grantees with developing web sites and web pages to inform renters<sup>1</sup>, landlords, and utility providers about the ERA program.<sup>2</sup>

## Important principles to keep in mind

- Your ERA program should be easy to find.
- Your ERA program should explain that the purpose of the assistance is to keep people in their homes by providing financial assistance for the payment of rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other costs related to housing, housing stability services, and as applicable, cover other affordable rental housing and eviction prevention activities.
- Online and printed information should be clear about what is needed from the renter, landlord, or utility provider, what they will get in return, and for how long.
- Ideally, your program will enable the renter or landlord to apply and receive assistance with as few steps as possible.

[www.Treasury.gov/ERASiteBestPractice](https://www.treasury.gov/ERASiteBestPractice)

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[consumerfinance.gov/renters](https://consumerfinance.gov/renters)

# Thank you.

**For More Information:**

Please visit Treasury's ERA website at  
[www.treasury.gov/ERA](http://www.treasury.gov/ERA)

**For General Inquiries:**

Please email:  
[EmergencyRentalAssistance@treasury.gov](mailto:EmergencyRentalAssistance@treasury.gov)  
Copy: [Tribal.Consult@treasury.gov](mailto:Tribal.Consult@treasury.gov)