

Fairfax County Emergency Rental Assistance Program Policy and Procedures Manual

U.S. Treasury Emergency Rental Assistance 1 & 2 Funding



February 2022

General Provisions

Introduction

The Fairfax County Emergency Rental Assistance Program Policies and Procedures Manual (the Manual) guides Fairfax County in its administration of the COVID-19 Emergency Rental Assistance (ERA) program funded through the Consolidated Appropriations Act (CAA), 2021, Pub. L. No. 116-260 (December 27, 2020) and the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021) (ERA2). The Manual provides standard concepts, definitions and procedures that enable staff to understand and effectively administer the ERA program. Staff will utilize this Manual as a reference and resource. This Manual will be revised, as needed, to reflect changes in Fairfax County policies and procedures, as well as updated guidance from the U.S. Department of the Treasury (Treasury). This Manual and documentation have been updated to reflect the Emergency Rental Assistance 2.0 (ERA 2) funding. In addition to the many policy changes for ERA 2 listed in this manual is the foundational eligibility criteria differences - ERA 1 required documentation to illustrate the financial need incurred *due*, directly or indirectly, to the Pandemic whereby ERA 2 requires documentation to illustrate financial need incurred *during or due*, directly or indirectly, to the Pandemic.

The ERA program provided an initial allocation of \$34,463,869 (ERA 1) in funds directly to Fairfax County through the CAA and administered by the Treasury. A second allocation, totaling \$35,100,967 (ERA 2) funding has been awarded to Fairfax County. These funds are to assist households that are unable to pay rent, energy costs or both due to the COVID-19 pandemic. Through an application process, Fairfax County will offer aid to eligible households located within the County for a maximum period of 18 months total (ERA 1 and ERA 2) to maintain housing and/or to reduce rental and utility payment delinquency as a result of, or during (depending on the funding source), the economic downturn during the COVID-19 pandemic. Requests for financial assistance are received and approved by the Department of Neighborhood and Community Services' Coordinated Services Planning (CSP) program. There are two points of entry points for rental assistance: the Coordinated Services Planning Call Center or Fairfax County Emergency Rental Assistance Program Landlord Portal. The CSP Call Center assists County residents directly and the Landlord Portal allows for Fairfax County landlords to apply on behalf of their eligible tenants. Fairfax County will determine tenant eligibility and collect required documentation of eligible households; however, the County has contracted with Community Based Organizations (CBOs) to process the payments. The ERA Program will comply with applicable Fairfax County policies on fraud, waste, and abuse including Procedural Memorandum 02-04, Fraud Policy.

The ERA Program is one component of the County's Basic Needs Assistance Program coordinated through CSP. Tenants, or households, that are deemed ineligible for the ERA Program may be eligible for assistance using different funding sources. CSP will screen tenants and link them to additional housing and basic need services as appropriate.

Program Administration

Fairfax County will determine program eligibility and has contracted with CBOs to process all financial payments on behalf of the County. Primarily payments will be made directly to the landlord and/or respective utility company. Direct payments to clients is possible in specific situations as outlined in the Use of Funds section.

Eligible households that qualify as very low income (less than 50% AMI) and/or households in which one or more member is unemployed and has been unemployed for 90 days will be given priority. The program will process applications as they are received. At this time, funds are available to provide financial assistance to all anticipated eligible tenants. If in administering the ERA Program, insufficient funds become available to provide financial assistance to all eligible tenants, eligible households that are very low income and/or households in which one or more member is unemployed and has been unemployed for 90 days will be flagged by the CSP specialist and these referrals will be paid by the CBO first.

The County will utilize the eAssist database and Landlord Portal to track eligibility and payments made on behalf of eligible households. Data will be extracted from this system to meet federal reporting requirements.

Roles and Responsibilities

The following entities have a role and responsibility in the administration of the ERA program:

CSP Specialists

NCS CSP Specialists will receive, and process ERA applications received through the CSP Social Services Call Center. CSP Specialists will assess tenants presenting needs consistent with this Manual to process an ERA application. CSP will conduct all aspects of the tenant's eligibility verification and document this information in the eAssist database. CSP will also assess and refer tenants to other identified social service's needs.

Landlord Portal (Housing & Social Services) Specialists

NCS Landlord Portal (Housing & Social Services) Specialists will receive, and process ERA applications received through the Fairfax County Landlord Portal. Landlord Portal Specialists will conduct all aspects of the landlord's eligibility verification and will document this information in the landlord portal and eAssist database.

Community-Based Organizations (CBO)

CBOs are community providers contracted to receive and process approved ERA applications from Fairfax County for payment. CBOs will make payments to the landlords and utility providers directly.

Fairfax County ERA Program Oversight Committee

The Fairfax County ERA Program Oversight Committee (OC) will provide policy and overall program oversight of the Fairfax County ERA Program. The OC will include representatives from Neighborhood and Community Services, Office of the County Attorney, Department of Procurement and Material Management, the Department of Management and Budget and the Department of Finance. The OC will provide consultation, guidance, and status updates to the

Deputy County Executive and leadership team on a periodic basis. The Oversight Committee will review the following:

- Any proposed changes to the Manual.
- Any matter that must go to the County Executive or Board of Supervisor
- Updates to program documents such as the Scopes of Work, Contracts and Change Orders; and
- Program status reports.

Timeframe

Funds for ERA 1 expire on September 30, 2022; however, beginning on September 30, 2021, Treasury began the process of reallocating ERA1 funds. If Fairfax County does not obligate 65 percent of ERA1 funds, the unobligated funds are subject to being recaptured and reallocated to another jurisdiction. Unlike ERA1, the County needs to obligate only 50 percent of ERA2 by March 31, 2022, to access the balance of the allocation and to be eligible for reallocated funds from other jurisdiction. ERA2 funds expire September 30, 2025. Unobligated funds are subject to being recaptured and reallocated to another jurisdiction.

Use of Funds

ERA 1: Fairfax County received \$34,463,869 in ERA 1 funding to be used for financial assistance, housing stability services, and administrative expenses.

ERA 2: Fairfax County received \$35,100,967 in ERA2 funding to be used for financial assistance, housing stability services, and administrative expenses.

Financial Assistance

Not less than 90 percent of the ERA1 funds shall be used to provide financial assistance to eligible households. Fairfax County has set aside a total of \$31,017,482 in ERA1 funds for this purpose and \$35,100,967 in ERA2 funds.

For **ERA1** financial assistance includes: (1) rent (rental arrearages and prospective rent); (2) utility and home energy costs (arrearages and current amounts due); and (3) other expenses related to housing incurred directly or indirectly due to the pandemic.

For **ERA2** financial assistance includes (1) rent (rental arrearages and prospective rent); (2) utility and home energy costs (arrearages and current amounts due); and (3) other expenses related to housing, as defined by the Secretary of the Treasury.

For **ERA1**, eligible tenants may receive up to 12 months of assistance, plus an additional 3 months if necessary to ensure housing stability for the household, subject to the availability of funds. Thus, the maximum **ERA1** assistance to eligible tenants is 15 months assistance.

For **ERA2**, the total amount of **ERA1** and **ERA2** assistance cannot exceed 18 months. Fairfax County may provide less than the full coverage of any eligible tenant's arrears.

Under **ERA1**, prospective rent can be provided on the following conditions:

- A. An eligible tenant does not need rental arrears to receive prospective benefits.
- B. But if an eligible tenant has rental arrears, Fairfax County must provide assistance to reduce the rental arrears in order to also provide assistance for prospective rent payments.
- C. Financial assistance for prospective rent is limited to three months unless (1) funds are available to provide additional assistance; and (2) the tenant re- applies for assistance. There are no conditions under ERA2 on when prospective rent may be provided.

Fairfax County will maintain the documentation supporting financial assistance payments for five years.

Housing Stability Services

No more than 10 percent of the ERA funds may be used to provide eligible households with housing stability services. Housing stability services related to the COVID-19 pandemic include those that enable eligible households to maintain or obtain housing. Fairfax County has not set aside ERA 1 & 2 funding for this purpose because other funding sources are currently being utilized. If those funding sources are expended and/or additional needs are identified, Fairfax County will develop specific policies and procedures prior to utilizing the ERA funding for Housing Stability Services.

Administrative Expenses

No more than 10 percent of ERA1 and 15% of ERA 2 funds may be used for administrative expenses attributable to providing financial assistance and housing stability services to eligible households.

Administrative expenses include those costs incurred by the County and any contractors where the County has expressly allowed administrative expenses. Administrative costs incurred by the County include any fees charged by contractors for necessary services rendered in support of the ERA program. If the full funding set aside is not needed, funding will be reallocated to Financial Assistance. Administrative expenses not directly related to administering the ERA direct financial assistance are not allowable. Fairfax County and its contractors will maintain the documentation supporting administrative expenses for five years.

Financial Assistance

Rental Assistance:

Fairfax County assists households through an application process. For ERA1, eligible households may receive up to 12 months of rent and utility assistance, plus an additional 3 months of financial assistance if it is determined by Fairfax County that the extra months are needed to ensure housing stability and funds are available. Financial assistance using ERA 1 funds cannot exceed 15 months of assistance. If an tenant has already received 15 months of assistance funded with ERA1, then a maximum of 3 additional months of assistance is available using ERA2 funds for a total of 18 months. Financial assistance provided solely using ERA2

funds cannot exceed 18 months. The funding provided will assist with the following:

Rent and Rent Arrears

Rent is the regular payment to a landlord for the use of the residence. Rent includes utilities and home energy costs that are covered by the landlord. Payments may be made for residences including but not limited to the following:

- Apartment and condominium,
- Single family house,
- Townhouse, or
- Manufactured home and/or the parcel of land the manufactured home occupies.

Direct Assistance to Tenants

Emergency rental assistance will not be paid directly to households except in cases where the landlord does not agree to participate in the program. The County recognizes the guidance of U.S. Department of the Treasury in allowing direct payments. Where possible, the county prefers to work directly with landlords in the facilitation of rental assistance so that the county can obtain a commitment of non-eviction from the landlord as a condition of rental assistance. The county will discuss this with the tenant as a factor in received assistance directly. The County will make reasonable efforts to obtain the cooperation of landlords and utility providers to accept payments from the ERA program. Effective February 2022, for ERA1 and ERA2, rental assistance payments may be made directly to tenants if (i) a request for participation is sent in writing, by certified mail, to the landlord and the addressee does not respond to the request within 14 calendar days after mailing; (ii) the County has made at least three attempts by phone or email over a 10 calendar-day period to request the landlord participation; or (iii) a landlord confirms in writing to the County that the landlord does not wish to participate. The final outreach attempt or notice to the landlord must be documented.

Tenants who are eligible for direct payments will receive up to 3 months of assistance at a time. Upon providing a written attestation that the payment to the landlord was made, the tenant can request another allotment of financial assistance. Prospective and arrearages are allowable.

Tenants who receive financial assistance directly must attest in writing, through the Tenant Payment Agreement, that they will pay the landlord directly to take care of arrearages and provide documentation to CSP that payment was made to the landlord for the exact amount the tenant was allocated. Tenant Payment Agreement is linked below.

Ineligible Uses: The following types of relationships are not eligible for the Emergency Rental Assistance program as indicated by the lease and/or rental agreement:

- A. Corporate or business rental units – This type of housing option provides temporary housing solutions coordinated through a tenant’s employer. Tenants who reside at an extended stay long term rental property may access rental assistance as comparable rental household. Incidental fees and taxes are not allowable expenses.
- B. Rent-to-own agreements: This type of housing, also known as rental purchase or rent-to-buy, is a type of legally documented transaction under which tangible property is leased in exchange for a weekly or monthly payment, with the option to purchase at some point

- during the agreement. or
- C. Primary Tenant initiated applications for rent owed to Primary Tenant by Subtenant. Primary Tenant may apply for financial assistance only for that portion of rent the Primary Tenant owes to Landlord and cannot pay. Subtenant or Landlord may apply for financial assistance for portion of Subtenant rent and rent arrearages.

Utilities and Home Energy Costs and Arrears:

Utility and home energy costs are separately stated charges related to the occupancy of the rental property and include separately stated electricity, gas, water and sewer, trash removal, and energy costs such as fuel oil. Payments to public utilities are permitted. Prospective utility payments paid directly to the utility provider or third-party vendors contracted by the landlord to collect utility payments are not allowed.

Other Expenses Related to Housing:

For **ERA1** and **ERA2**, allowable expenses include the following:

- Relocation expenses, which may include rental security deposits.
- Rental fees, which may include application or screening fees if a household has been temporarily or permanently displaced due to the COVID-19 pandemic.
- Reasonable accrued late fees (if not included in rental or utility arrearages and if incurred due to COVID-19); and
- Internet service provided to the rental unit. For internet services to qualify, the tenant must request internet services to be eligible and must attest that the internet service provided to their residence is related to housing and is being used to engage in distance learning, telework, telemedicine or to obtain government services.
- Rent or rental bonds, meaning a bond posted by a tenant 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.
- Other fees not included in rental or utility arrearages and incurred due to COVID- 19 pandemic such as court fees, pet fees, amenity fees, parking.

Residents who are temporarily staying in a hotel or motel may receive limited ERA assistance for up to 3 months and will be referred to Homeless Services for additional support to access other funds and obtain assistance in securing permanent housing. Incidental fees and taxes are not allowable expenses.

ERA funding may not be used to assist homeowners with their mortgage, utility or energy costs. However, Coordinated Services Planning will link homeowners to other resources to support homeowners with these expenses.

Program Eligibility

Tenants

An tenant can either be the individual/household or landlord on behalf of an individual/household. Individuals/households will request services through the CSP Call Center while landlords requesting payment on behalf of an individual/household will request services through the Fairfax County Emergency Rental Assistance Program Landlord Portal. Utility providers are not eligible to request services directly. Regardless of the point of entry, individual/household eligibility requirements and supporting documentation are the same.

Criteria and Documentation

A Household is defined as one or more individuals who are obligated to pay rent on a residential dwelling. The occupants may be a single family, one person living alone, two or more families living together, or any other group of persons who share living arrangements. Roommates are treated as separate Households. For purposes of this Manual, roommates are residents of a shared residential dwelling who have a documented, independent financial responsibility for the housing unit that are not dependents of each other and are not married. A roommate's independent financial responsibility may be established by providing a copy of the lease or completing the Roommate Certification. The tenant's dwelling must be in Fairfax County (including the Towns of Vienna, Herndon, and Clifton).

Emergency Rental Assistance Program eligibility is as follows:

Eligibility Criteria No. 1

For **ERA1**, one or more individuals within the household has qualified for unemployment benefits or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due, directly or indirectly, to COVID-19 outbreak.

For **ERA2**, one or more individuals within the household has qualified for unemployment benefits or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship **during** or due, directly or indirectly, to the coronavirus pandemic.

Required documentation for qualifying categories includes the following:

- If one or more individuals within the household has qualified for unemployment benefits, the tenant must provide a copy of the Unemployment Insurance Statement.
- If one or more individuals within the household has experienced a reduction in household income, incurred significant costs or experienced a financial hardship due directly or indirectly, to COVID-19 pandemic, the County will accept a written attestation from the tenant regarding the loss of income. See Appendix A, Self-Certification of Loss of Income for the required written attestation.

Eligibility Criteria No.2

For ERA 1 & 2: One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability. This can be demonstrated in one of the

following ways:

1. A past due utility or rent notice or eviction notice supported by appropriate documentation,
2. Referral from Fairfax County Department of Code Enforcement,
3. Referral from Fairfax County Homeless Services, or
4. Referral from other County Health and Human services partner agencies where risk has been determined such as cases related to domestic violence or child/adult protective services.

Eligibility Criteria No. 3

For ERA1 and ERA 2 the household has a household income at or below 80% of the area median income (AMI).

Household income will be defined, documented, and verified as follows:

Definition of Income

For the ERA Program, Household Income means adjusted gross income as defined for the purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes. Specifically, Household Income is gross income minus adjustments to income. Gross income includes the tenant's wages, dividends, capital gains, business income, retirement distributions as well as other income. Adjustments to Income include such items as Educator expenses, Student loan interest, Alimony payments or contributions to a retirement account.

Income Determination

Household income is determined as either the household's total income for calendar year 2020 or by the household's monthly income at the time of application or request for assistance. If a household's monthly income is used to determine eligibility, the monthly income information provided must be equivalent of one month and the calculation to determine 80% of AMI can be determined. The County will review the Tenant's household 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. Example: The total 1 month income will be multiplied by twelve to determine the annual amount. If a household qualifies based on monthly income, household income eligibility must be redetermined every three months for the any additional assistance. Income Verifications required of all household members as indicated by lease/rental agreement. For ERA2 funds, if a household is a single family that the County has determined met the income requirement for eligibility under ERA1, the County may consider the household to be eligible under ERA2, unless the County becomes aware of any reason the household does not meet the requirements for ERA2.

Acceptable Documentation for Income Verification

- Pay Statements or W-2s
- Bank Statement demonstrating regular income
- Public Benefit letter or Program Enrollment document (TANF, SNAP, HCD)
- Unemployment Insurance Benefit letter/statement

- Letter from employer verifying employment, income, frequency of payment
- Letter of support (Child/Parent/Spousal)
- IRS Tax Form
- SSI/SSDI/Retirement/Pension/Investment Dividends

Categorical Eligibility

ERA1: For tenants’ whose income has been verified to be at or below 80% AMI in connection with another local, state, or federal government assistance program, the County will accept a determination letter from the government agency that verified the tenant’s household income, as long as the determination was made on or after January 1, 2020.

ERA2: For tenant’s whose household has been verified as a low-income family as defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) (for ERA2) in connection with another local, state, or federal government assistance program, the County may rely on a determination letter from the government agency that verified the tenant’s household income or status as a low-income family, provided that the determination for such program was made on or after January 1, 2020.

Written Attestation without Documentation

If the household’s income is not verifiable due to the impact of COVID-19 (e.g., because a place of employment has closed), or has been received in cash, or if the household has no qualifying income, the County will accept a written attestation from the tenant regarding household income. The written attestation will include a statement that the tenant is unable to provide documentation of their income and specify the monthly or annual income claimed by the household. See Appendix A for Cash Income Certification and Zero Income Certification for the required written attestations.

If such a written attestation without further documentation is relied on, the County will reassess the household’s income every three months.

Area Median Income

Area median income for a household is the same as the income limits for families published in accordance with 42 U.S.C 1437a(b)(2). Income Limit areas are based on FY 2020 Fair Market Rent (FMR) areas. Fairfax County is part of the Washington- Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area. The monthly household income of the tenants must not exceed 80% of the AMI; however, priority will be given to those tenant’s whose monthly household income is less than 50% AMI. The FY 2020 Income Limits have been established as follows:

FY 2020 Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
Very Low (50%)	\$44,100	\$50,400	\$56,700	\$63,000	\$68,050	\$73,100	\$78,150	\$83,200
Low (80%)	\$55,750	\$63,700	\$71,650	\$79,600	\$86,000	\$92,350	\$98,750	\$105,100

Other Documentation

Residence and Amount of Rent or Rental Arrears Owed

Tenants must provide proof of residence and the rental payment amount. The County will obtain, if available, a current lease signed by the tenant and the landlord or subtenant that identifies (1) the unit where the tenant resides; and (2) establishes the rental payment amount.

- Other Documentation of Residence: If a household does not have a signed lease, documentation of residence may include:
 - A. Evidence of paying utilities for the residential unit
 - B. A written attestation by the landlord who can be identified as the verified owner or management agent of the unit;

- Other Documentation of Rent or Rental Arrears Owed: In the absence of a signed lease, evidence of the amount of rental payments may include:
 - Bank statements.
 - Cancelled checks (including copies) or check stubs.
 - Other documentation that reasonably establishes a pattern of paying rent.
 - A written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit.
 - Other reasonable documentation as reviewed and approved by the Fairfax County ERA Program Oversight Committee.

- Written Attestation When Residence, but Not Rent or Rental Arrears, Can Be Documented: If a tenant is able to provide satisfactory proof of residence but is unable to present adequate documentation of the amount of the rental obligation (as describe above), the County may accept a written attestation from the tenant to support the payment of assistance up to a monthly maximum of 100% of the Fair Market Rent. In this case, the tenant must also attest that the household has not received, and does not anticipate receiving, another source of public or private subsidy or assistance for the rental costs that are the subject of the attestation (see the Duplication of Benefits section for additional details). Such assistance may only be provided for three months at a time. After three months, CSP staff will need to recertify the amount of rent owed in order to provide further assistance to the tenant.

Fair market rent (FMR) is the monthly rent a particular property type is likely to receive. FMRs are established by the U.S. Department of Housing and Urban Development (HUD). Fairfax County is part of the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area. For tenants who have provided satisfactory proof of residence and adequate documentation of the amount of the rental obligation, the ERA assistance must not exceed 150% of the Fair Market Rent value. For tenants who have provided satisfactory proof of residence but are unable to present adequate documentation of the amount of the rental obligation, the ERA assistance must not exceed 100% of the Fair Market Rent value. The table below details the 2020 Fair Market Rents in the County.

Fair Market Rent (FMR)	2020 Fair Market Rents – Effective 10/1/2020				
	0 Bedrooms (Studio/Efficiency)	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms
100% of FMR	\$1,513	\$1,588	\$1,765	\$2,263	\$2,742
150% of FMR	\$2,270	\$2,322	\$2,648	\$3,395	\$4,113

For purposes of determining the number of bedrooms, Fairfax County may rely on:

- The bedroom and occupant count indicated in the lease; or
- The bedroom count may also be verified using records available through the Fairfax County Department of Tax Administration’s website:
<https://icare.fairfaxcounty.gov/ffxcare/search/commonsearch.aspx?mode=address>

CSP will gather and store all verification documentation in the tenant’s electronic case file. Beginning in February 2022, all landlords participating in the rental assistance program are required to provide a W9 when accepting Fairfax County ERA assistance.

Utilities and Home Energy Costs

All payments for utilities and home energy costs should be supported by a bill, invoice, or evidence of payment to the provider of the utility or home energy services. ERA assistance for utility and home energy bills can be provided without also covering rental assistance. Utilities and home energy costs that are covered by the landlord will be treated as rent.

Other Expenses

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. Types of expenses may include security deposit to establish new rental unit, application fees.

Duplication of Benefits

The statute requires that ERA payments may not be duplicative of any other federally funded rental assistance provided to an eligible household. When providing ERA assistance, CSP staff 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, or local assistance provided for the same costs. Self-attestation from the tenant regarding non-duplication with other government assistance in providing assistance to a household is permitted.

However, 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., Housing Choice Voucher, Public Housing, Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive ERA assistance for the tenant-owned portion of rent or utilities that is not subsidized.

Process to Apply for Assistance

There are two entry points for requesting financial assistance: Tenant Initiated Assistance and Landlord Initiated Assistance.

Tenant Initiated Assistance (CSP Call Center 703-222-0880)

A Fairfax County resident can apply for assistance directly through the Coordinated Services Call Center. The CSP Specialist will work with the tenant to complete an assessment and collect required documentation/verifications/attestations of eligible households. Once the tenant has been determined to be eligible, the County will forward the information to the CBO. The CBO will process financial payments on behalf of the tenant.

Landlord Initiated Assistance

With the tenant's consent, a landlord may apply for assistance on behalf of an eligible tenant online through the Fairfax County Emergency Rent Assistance Program Landlord Portal.

Landlord initiated assistance is only for rental assistance. All assistance related to utilities and home energy costs as well as other expenses related to housing must be initiated by the individual through the CSP call center.

Landlord/Property Management companies may apply on behalf of eligible tenants through the Landlord portal. Landlords are required to obtain the tenant's agreement by signature and providing documents through the portal. Landlord Portal (LP) staff will review uploaded documents for accuracy, check Assist/Crosswalk tool for duplication. If the client is already assigned through CSP then LP staff will mark application as withdrawn and document it in the portal. If case is not assigned to CSP, LP will add a note in Assist and proceed with processing. LP staff will review application to ensure all verifications are received. Notification of incomplete applications are made through the portal. Property ownership is verified and a determination of approved or denied is entered in the portal. A referral is sent via LP by email to CBO partner for payment and payment is sent directly to the landlord/property manager.

Fairfax County Housing & Community Development (RHA) Properties

Tenants seeking rental assistance that are existing program participants in Fairfax County Housing & Community Development (HCD) programs, where HCD (FCRHA) is the landlord, are eligible for assistance for the Tenants' portions of rent due in accordance with program guidelines. HCD will complete a portal application for those tenants in need of assistance and provide household income verification via the categorical eligibility allowance. Payments for those tenants with balance due to HCD will be processed by the county upon completed and approved application. HCD will be responsible for obtaining any necessary waivers.

Application Status

Tenant information will be entered into the eAssist system at the time of the request. CSP and the Landlord portal staff will not move forward with processing the client or landlord's application until all required documentation is received. After the application is complete and submitted, program staff will review application information and provide an eligibility determination as soon as is reasonable and documentation of application upon request.

Tenants who do not qualify for ERA assistance will be screened for other types of available funding resources. If a landlord application is denied, tenants will be encouraged to call CSP to work with a Specialist to explore other available resources. All tenants will be notified via phone or email and the notification will be recorded in the associated database. The entry shall cite the specific basis for the denial.

The County will maintain a denied tenant's file containing all submitted information and documentation, as well as the reason for denial (ex: over income limits, incomplete information, reside outside Fairfax County).

Disbursement of ERA Funds- Community Based Organizations

Fairfax County will contract with Community Based Organizations (CBO) to process financial payments on behalf of the tenant for ERA 1 and ERA 2. The CBOs have been selected to serve in this role based on an established contractor relationships and/or partnerships in delivering basic needs assistance through the existing CSP.

Contractual Mechanisms for CBO

Partnerships with CBO organizations will be articulated through a Scope of Work (SOW) for ERA 1 which has been developed that outlines the CBOs responsibilities including processing direct assistance payments, claiming administrative expenses, monthly reporting, funding, and requirements to accept federal funding. The SOW will be signed by both the CBO and County Authorized Representatives.

For ERA 2, the CBO and county relationship will be articulated through a county contract. The CBO is not authorized to begin processing referrals or claiming administrative expenses until after the SOW and/or contract has been fully executed.

Administrative Expense Plan

The CBO must submit all required documentation requested by the county on the details illustrating their administrative fees. The County will review and approve the allowability of the expenses. Specific requirements for the CBOs are included in the SOW and Contract.

CBO Funding

Each CBO will be advance funded an allocation based on the anticipated number of referrals that will be made to the CBO by the CSP specialist. Funding must be expended on or before the performance period included in the SOW/contract. If it is determined by the County that the allocation will not be expended by the end of the performance period, the County will electronically notify the CBO that unused funds must be returned.

The initial allocation will include funding for direct assistance payments and an administrative fee. Additional funding may be requested by the CBO and will be allocated based on the Contractor's spending pace as determined by the County. The CBO must have expended at least 75 percent of the current allocation for direct assistance payments prior to receiving additional funding. The County will also confirm the CBO's ability to spend the funding within the allocated timeframe as well as the availability of funding. Requests for additional funding will be evaluated on a case-by-case basis. If additional funding is approved, it may include an allocation for direct assistance payments, administrative expenses, or both.

CBO Monthly Reporting

The CBO is responsible for submitting a monthly report detailing both direct assistance payments and administrative expenses. The County will review and approve the monthly report. The review will confirm the data submitted by the CBO for direct assistance payments matches the County records and that the administrative expenses are consistent with the Administrative Expense Plan. Direct assistance payments cannot exceed what is included in the SOW/contract and administrative expenses cannot exceed what is included in the approved Administrative Expense Plan.

Quality Assurance

CSP and Landlord Portal Quality Assurance measures include:

- Monitor income guidelines of referred cases on a biweekly basis. Prioritization will be reviewed via Financial Eligibility reporting and shifting of referrals of incoming cases being referred to meet the prioritization requirement of at or below 50% AMI and for those referrals with \$0 income.
- CSP and Landlord Portal staff will follow **all ERA policy and procedures** in this Manual. CSP Leadership (Program and Operations Managers, Supervisors/Team Leaders and Social Services Specialists III) will continue to provide staffing and oversight to the work of their assigned staff. To meet all the requirements of the ERA program, supervisory staff for CSP and the Landlord Portal will provide case reviews utilizing all available tools through Assist, Nice, Landlord Portal, and system generated reports to ensure all program requirements have been met. A weekly review will be done to ensure compliance. A minimum of 10% of the cases processed in the previous month, will be reviewed for eligibility and documentation compliance. (e.g., 100 cases/week in April, 25

cases/week in May). All CSP staff will use reference materials including ERA Checklist, Manuals, FMR & AMI Guidelines and CBO – RSR.

- CSP Supervisors will conduct weekly case reviews to ensure all policies and procedures are being followed as written. Findings of these reviews will be documented listing the date of the review, findings, and corrective action if necessary.
- The supervisory staff coordinating the Landlord Portal will conduct weekly case reviews to ensure all policies and procedures are being followed as written. Findings of these reviews will be documented listing the date of the review, findings, and corrective action if necessary.

The CSP Quality Assurance Unit is being stood up and will assume most of the QA duties for CSP and the Landlord Portal. Additional quality control and quality assurance policies and procedures will be developed in the near future to ensure maximum adherence to all programmatic guidelines.

Program Reporting

Reports will be extracted from the CSP and Landlord portal databases to review information collected and received on behalf of the tenant to ensure program criteria is met and documentation is supported. Any errors in referrals or processing will be addressed by Quality Assurance reviews and investigation by staff managing the quality assurance efforts. Errors may result in a need to provide an updated referral to reflect changes and amended CBO reporting documents. All supporting documentation shall be retained for a period of 5 years.

All CSP and Landlord Portal inquiries for housing payment assistance shall be screened for the ERA program to support required reporting at the onset of the request. CSP reporting will identify household assisted by other resources, as necessary.

Fraud, Waste and Abuse

A CSP Quality Assurance unit is in the process of being implemented and will ensure quality controls, risk-mitigation and implement quality improvement strategies as necessary. Policies, practices and procedures governing this unit will be inserted into this manual once developed. In the interim, all cases are being reviewed by CSP supervisors and the Landlord Portal Manager.

Starting February 2022, allegations and concerns of fraud will follow the following steps:

- Allegation reported to NCS Access Division Director (Div. Director)
- Div. Director will conduct an initial review of the allegations and concerns
- Div. Director will submit all allegations to NCS Deputy Director within 10 working days of receipt.
- NCS Deputy Director convenes a QA Oversight Committee once per month to review cases
- QA Oversight Committee will be made up of no less than 4 staff members including the NCS Deputy Director, staff from Fairfax Health and Human Services agencies, Office of the County Attorney, Finance, or other applicable agencies who are knowledgeable and

- experienced in QA tenants and principles.
- QA Oversight Committee will provide a disposition in writing and document next steps for each case within 2 weeks of convening.

Tenant Complaint & Appeal Process

Tenants/Landlords who are not satisfied with the outcome of their application or the service they received will be referred to the appropriate Supervisor. If the issue is not resolved to the tenant's/landlord's satisfaction, they will be referred to the subsequent levels of leadership up to the Deputy Director of NCS.

Customer service concerns will be addressed by the CSP Program Manager and the Landlord Portal Supervisors. A review of the application and supporting documents will be done by the supervisory staff and if a change in the decision is made; it will be reflected in the database and in the program outcomes.

For tenants wishing to appeal their decision, the Fairfax County Emergency Rental Assistance Program (ERA) provides tenants with an opportunity to contest any determinations or denials based on program policy or calculations. However, a tenant may not challenge the use of federal statutory requirements. Tenants are eligible to appeal only after they have received an official determination or denial.

All ERA application appeals prior to February 2022 are processed through the tenant notifying their point of contact (CSP or Landlord portal staff) on their interest in appealing their decision. CSP leadership staff and Division Director reviewed all relevant information and made a determination. Starting February 2022, tenants will be required to submit their appeal in writing. All appeal processes and necessary documentation must be submitted to the assigned CSP or Landlord portal staff with the necessary documents, Appeal documents are included in Appendix A.

County Financial and Reporting Requirements:

Interest Earnings

The County received a lump sum payment for the ERA program. Program funding has been accounted for separately in the County's financial system. Interest earnings will not be retained for the ERA program.

Reporting Requirements

Fairfax county will comply with all reporting requirements as detailed in the Department of Treasury's guidance [here](#).

Appendix A:

Appendix A: Program Forms and Documents

- [Self-Certification Loss of Income](#) (pdf)
- [Landlord and Tenant ERA agreement](#) (pdf)
- [Zero Income Certification](#) (pdf)
- [Cash Income Certification](#) (pdf)
- [ERA Application Status document](#)
- [Tenant Checklist Outreach Flyer](#) (pdf)
- [Landlord Checklist Outreach Flyer](#) (pdf)
- [Appeal Disposition Form](#) (pdf)
- [Appeal Policy Form](#) (pdf)
- [Direct Payment Attestation](#)
- [Fraud Reporting](#)