Q&A for NEUAC/NEADA Joint Webinar: Overview and Recommendations for the Emergency Rent/Utility Assistance Program
January 14, 2021

Q: My questions would be in regard to a tribe's submission for the program services but will be part of the webinar to learn.

A: Details on the data and methodology for tribal communities have not been released, but are forthcoming.

Q: What would be greatly helpful since this funding is restricted to tenants is to address the strategy for getting additional Liheap specific funding for already existing eligible clients and programs since the eligibility parameters are different. Is there still any hope for Heroes stimulus Liheap addl 4.5 billion or Sen Markey’s recent call for 10 billion - what is going on with regular Liheap as there are many many elderly homeowners left out of this.

A: A: NEUAC and NEADA continue to advocate for LIHEAP-specific funding. On January 14th, the Biden Administration released its first stimulus package, which includes $5 billion for LIHEAP, water assistance, and competitive clean energy projects for disadvantaged communities. We expect Congress to take up the proposal soon after inauguration.

Q: I think the biggest question I have is if you know anything more about how funds for water assistance will be distributed.

A: The formula is fairly ambiguous. It calls for distribution of funds based on households under 150% of poverty and households that spend more than 30% of their income on housing. It will be up to HHS to develop an allocation formula based on those metrics.

Q: What is the definition of “utility” for this program? What flexibility does each state have in dispersing funds and what is the eligibility criteria?

A: This may be clarified by the Department of Treasury in a future guidance document or may be limited by the state grantee, but at this time it seems the term “utility” could be construed to mean any number of things; energy, water, broadband, telephone, etc.

Q: Are you able to tell us which municipalities in my state have applied for this assistance? Also, do you know (and can you share) how the municipalities who receive funding will be managing the funds? Will it be similar to CARES Act where they could determine what worked best for them?

A: List of Eligible Entities by State It is likely there will be some flexibility for the grantee to manage the funds as they see fit.

Q: Confirmation that the benefit is for residents of rental property only and the utility assistance may be awarded along with rental assistance.
A: Correct.

Q: If a renter, do they have to get rental assistance in order to take advantage of the utility assistance?

A. At present, this is left up to grantees to decide. However, the Department of the Treasury may issue updated or more specific guidance.

Q: Are landlords able to apply on behalf of renter or can renters apply if utility account is not in their name?

A. Landlords may apply on behalf of their tenants with a signed application by the tenant. The language does not specifically state that landlords may apply on behalf of tenants for utility assistance.

Q: How can a utility find out who is getting the grants in their state without performing outreach to every city and county government served?

A: List of Eligible Entities by State

Q: Deadline for customers to apply?

A: This will be determined by the grantee. The deadline to spend the funds is September 30, 2021. At that time, any remaining funds will be rolled over into housing assistance programs.

Q: Maximum benefit amount per beneficiary? Including rent and utilities.

A: No limitations are proposed in the federal appropriations language. The Department of the Treasury and/or grantee may choose to impose a maximum, however.

Q: Is citizenship/lawful presence required?

A: There is no mention of this in the legislation. The Department of the Treasury may use existing policy based on the Fair Housing Act, or may create new guidance.

Immigration policies vary among federal housing programs. The strictest precedence for immigration status states that at least one person in the household must be a citizen of the U.S. or an “eligible non-citizen,” defined as

- A lawful permanent resident
- A registry immigrant (admitted for permanent residence by the U.S. Attorney General and eligible for citizenship)
- A refugee or an asylee
- A conditional entrant
- A parolee
- A withholding grantee
- A person granted 1986 amnesty status
- A resident of the Marshall Islands, Micronesia, Palau, or Guam
- A victim of trafficking or relatives of such a victim

Q: Please clarify the up to 12 months and 3 months of additional rent for housing stability.

A: Rental assistance may be provided each month for up to 12 months. If the household has still not stabilized and remains eligible after 12 months, an additional 3 months of rental assistance may be provided, if grant funds remain.

Q: Please clarify re-certification every 3 months.

A: The grantee or subgrantee must re-certify after no more than 3 months that the household is still eligible by verifying income.

Q: What is the definition of housing stability?

A: The language does not define this term, leaving it to grantees to define unless the Department of the Treasury issues specific guidance. The National Low Income Housing Coalition (NLIHC) is recommending that grantees not require an eviction notice to demonstrate housing instability, because often it is too late to avoid negative consequences for the tenant. Instead, a broad definition that meets any requirements set out by Treasury is recommended.

Q: Confirm that just rent or just utilities can be provided.

A: Utilities and utility arrearages are allowable expenses for eligible households.

Q: Can a credit be given toward utility bills?

A: It does not appear so. The language only allows for paying of current or past utility bills.

Q: What is the role of state governments in obtaining this funding for use by local governments that fall under the 200k population threshold? Through what agencies would those funds be allocated?

A: Each eligible entity must apply. In cases where cities of more than 200,000 exist in eligible counties, the county may apply and include the city, or the city may apply on its own.

Q: Is the utility assistance portion only for renters?

A: Yes. It is worth noting that this frees up LIHEAP funds for more homeowners.

Q: What eligibility requirements are being imposed on renters to access the funds?

Income determination is based on the monthly income received by the household at the time of application.
Households are eligible for emergency rental or utility assistance funds if one or more individuals meet ALL THREE of the following criteria:

1. has qualified for unemployment benefits or has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due to or during the pandemic;
2. can demonstrate a risk of experiencing homelessness or housing instability; and
3. has a household income below 80% AMI.

https://www.huduser.gov/portal/datasets/il.html

Q: **Who will get priority for funding?**

A: There is a preference for households below 50% AMI and households with one or more individuals who have been unemployed for past 90 days (including at time of application). Other priorities can be determined by the grantee.

Q: **Were local governments notified of the funding opportunity? When, by whom and in what manner?**

A: An announcement was made on the Department of Treasury website. Beyond that, we are not aware of other communication to eligible grantees.

Q: **What local agencies will be responsible for allocating the funds to renters in need?**

A: Subgrantees are to be determined by the grantee.

Q: **Are there opportunities for tracking the different approaches used (to communicate with customers; to administer the programs; etc. so that we can learn more about best practices?**

A: The reporting requirements as defined in the legislation require the following be submitted quarterly, which could be tracked:

- Use of funds
- Number of households served
- Acceptance rate of applicants
- Types of assistance provided to each household
- Average funding per household
- Household income level
- Number of households prioritized with 30 percent or less of AMI
- Number of households prioritized with 30-50 percent of AMI
- Number of households prioritized with 50-80 percent of AMI
- Average number of monthly payments made for rental or utility assistance per household

Additionally, grantees will be asked to provider disaggregate data on gender, race, and ethnicity of the primary applicant.
The Secretary of the Treasury or grantee may also establish additional reporting requirements. Essentially, if the information is collected, it can be reported on. There are no other projects to collect data on the program to our knowledge.

Q: On the state level, which state departments would most likely be the primary applicant?
A: Housing assistance state agencies will be the most likely grantees.

Q. Did Katrina say that states did not have to apply?
A. According to the National Low Income Housing Coalition (NLIHC):

The U.S. Treasury will allocate funds to each state, the District of Columbia, and the U.S. territories. Cities and counties with more than 200,000 residents can also request a direct allocation from the Treasury. The program as enacted provides significant flexibility for how jurisdictions can operate rental assistance programs provided they meet certain requirements.


Q: If a County did not receive funding, could the County apply to the State for funds?
A: Ostensibly, yes; however, this is not currently explicitly stated in any guidance to date.

Q. Are there any concerns about the ability of this funding to be used for back-energy/utility bills versus rent, or is it all being treated equally?
A: Grantees will determine the amount of funding to be directed to each allowable use. Please note there is no requirement to use any of the funding for utility assistance – it is only allowable, not a mandatory use. Some grantees may elect to use the entire allocation for rent only, for example.

Q: Any thoughts on how existing water & wastewater customer assistance programs started by municipal utilities could access funding? e.g. are utilities eligible to apply for funds from the state or if big enough the municipality - thanks.
A: Government municipalities are eligible to apply for funds under the rental and utility program if they meet the population threshold. Utilities may not apply directly for funds, even if controlled by a municipality. The government (county, city) must be the applicant.

Q: Can you please share the suggestions that you make to HHS on the water program?
A: Please contact NEADA to make this request: info@neada.org

Q: Are state and local housing agencies typically the ones who will optimally administer water/wastewater assistance or could that responsibility be placed upon individual water/wastewater agencies?
A: The grantee will determine any subgrantees that will administer the program at the community level.
Q: That is a huge administrative burden to have customers come back over and over again. 10% admin will not be enough to get this off the ground.

A: Keep in mind the administrative funds must be split between the grantee and any subgrantees, and charging an indirect cost rate is not allowable.

Q: Are these funds available for special water districts?

A: If the district is a provider of water and/or wastewater services to residential rental customers who meet the income and other eligibility requirements, bill payment for those eligible households is allowable.

Q: Is it possible in the next allocation to go for 15% admin considering Weatherization was able to get 15%?

A: It is possible to make this request. NEUAC has advocated for an increase in administration for LIHEAP in previous COVID-19 relief packages.

Q: What are the reporting or tracking requirements?

A: The reporting requirements as defined in the legislation require the following be submitted quarterly, which could be tracked:

- Use of funds
- Number of households served
- Acceptance rate of applicants
- Types of assistance provided to each household
- Average funding per household
- Household income level
- Number of households prioritized with 30 percent or less of AMI
- Number of households prioritized with 30-50 percent of AMI
- Number of households prioritized with 50-80 percent of AMI
- Average number of monthly payments made for rental or utility assistance per household

Additionally, grantees will be asked to provide disaggregate data on gender, race, and ethnicity of the primary applicant.

The Secretary of the Treasury or grantee may also establish additional reporting requirements.

Q: If a household is 50% or below AMI would they be considered having a need for housing stability to apply the three months forward rent?

A: The definition of what constitutes “housing stability” will be determined by each grantee.

Q: There is not a specific amount allocated to utility assistance, correct?

Correct. It is practical to note that some grantees may decide to expend no funds on utility assistance. Early collaboration could help ensure that utility needs are known and addressed as part of this program.
Q: Re: rental assistance - Does the bill preclude utilities from applying directly to grantees on behalf of customers? Would that require Treasury guidance, or can states/localities determine flexibility?

A: Utilities may not apply directly on behalf of their customers. Landlords, however, may do so with certain requirements as described in the legislation, including a signed application by the tenant.

Q: Minimum grant is just $200 for LIHEAP. Seems very inequitable to exclude LIHEAP recipients from the utility assistance. Is there actual language in the federal legislation that includes the limitation?

A: Utility assistance is an allowable expense, but there is no federal requirement to use any specific portion of the funds for utilities.

Q: Can rental that rent from HUD or Section Housing get rental assistance?

A: Yes, if there is a portion of rent that they cannot afford and they meet the other eligibility requirements. See the NLIHC best practices document for further details, section 3.

Q: For the utility question regarding no duplication of payments would the time period to check be the same as LIHEAP, 12 months?

A: The spirit of the bill is to extend up to 12 months of assistance to as many households as possible. The household could possibly receive assistance for any portion of a utility bill or arrearages not covered by LIHEAP. The language seems to be more concerned that households not receive a duplicate benefit for the same bill costs to prevent “double dipping.” Coordination of benefits can play a role to ensure customers are served completely without duplication.

Any guidance by Treasury or the grantee may affect this interpretation of the existing language. Language directly from the legislation is as follows:

To the extent feasible, an eligible grantee shall ensure that any rental assistance provided to an eligible household pursuant to funds made available under this section is not duplicative of any other Federally funded rental assistance provided to such household.

Q: Please clarify if households that receive regular LIHEAP are potentially eligible for the emergency utility assistance too. Likely families 'need' for utility assistance is beyond what regular LIHEAP covers so I would think the $25 billion would still be able to be accessed by eligible households to meet a need above and beyond reg. LIHEAP asst.

A: See answer above.

Q: In regards to Landlords being unwilling to cooperate with the rental assistance program, the Community Action Partnership said that customers could receive the assistance directly if the landlord is not cooperative.

A: Correct.