



Penobscot Nation Covid-19
Emergency Rental Assistance (ERA)
Program Guide & Procedures 2021

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A. INTRODUCTION AND BACKGROUND

The Emergency Rental Assistance Program (the “Program” or “ERA”) is based on the provisions of Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 166-260 dated December 27, 2020, (the “Act”). This Program is also subject to separate guidance provided by the US Department of the Treasury as posted and updated on <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>.

The purpose of the Program is to provide emergency rent and utility assistance to households who meet the eligibility criteria described in this Program Guide. The Program is administered by the Penobscot Nation (“PN”). PN will deliver the services of the Program in accordance with this Guide.

This PN Emergency Rental Assistance Program Guide is designed to provide information about Program rules, policies and guidelines. The Guide is a working document and will be kept up to date by PN ERA staff. When Program guidelines or clarifications are made, PN ERA Staff will issue a notification of revisions to this Guide. When income limits change, new charts will be issued for replacement and made available on PN’s website identified below.

Any questions pertaining to the Guide should be directed to PN ERA Program using the email address RentalAssistance@penobscotnation.org and/or the phone number provided on the below referenced website. All documents and guidance referred to in this section and subsequent sections can be found at www.penobscotnation.org.

B. PROGRAM OVERVIEW

Pursuant to the Act cited above, not less than 90 percent of the funds received by an eligible grantee shall be used to provide financial assistance to eligible households, including the payment of:

- Current rent;
- Prospective rent (limited to a three-month period);
- Rental arrears owed to the household’s current landlord (back to March 13, 2020);
- Current costs and arrearages for utilities and home energy costs at the household’s current unit;
- Other expenses related to housing incurred due, directly or indirectly, to the novel coronavirus (COVID-19) outbreak, as defined by the Secretary of the Treasury;
- Cost of a rent at a recovery house provided the applicant shows proof in the application of the need for the stay at the recovery house and meets all the guidelines contained in the PN ERA guide (under no circumstances shall payments under this

- Program be provided directly to the applicant);
- Cost of hotel or motel stay if the household has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere. The applicant must provide documentation of the expenses. Incidental charges related to the stay are not covered by the PN ERA Program; and
- PN ERA Program may provide other housing related rental assistance such as security deposits and relocation assistance. PN ERA Program reserves the right to determine the award of assistance based on the specific situation indicated in the application received.

Such assistance shall be provided for a period not to exceed 12 months except that grantees may provide assistance for an additional three (3) months only if necessary to ensure housing stability for a household subject to the availability of funds.

C. HOUSEHOLD ELIGIBILITY

Household Eligibility:

All enrolled members of PN are eligible for the Program regardless of where they reside within the United States. If the applicant is not an enrolled member of PN, but a member of the household is an enrolled member, the household is eligible for services. The applicant or household is not eligible if they are already receiving ERA from another Tribe, TDHE, state or local government.

A household will qualify for the Program if they are obligated to pay rent on a residential dwelling, which is their primary residence, and meet each of the following criteria:

- The total household income is at or below 80% Area Median Income (AMI) for the area where they live. AMIs are established and published by HUD on an annual basis. Median family incomes are calculated for all metropolitan and non-metropolitan counties using data from the American Community Survey and the Consumer Price Index (see 42 U.S.C. 1437a (b)(2)). Income limits are also adjusted for household size.
- One or more of the members of the household has experienced one of the following:
 - qualified for unemployment benefits any time after March 13, 2020; or
 - experienced a reduction in income due to COVID-19; or
 - experienced a financial hardship due to COVID-19; or
 - incurred significant costs due to COVID-19 (e.g. medical expenses, Internet, transportation, childcare)
- The household is at risk of becoming homeless or is experiencing housing instability, such as:
 - having past due utility or rent notices or eviction notices; or
 - unsafe or unhealthy living conditions; or
 - any other evidence of risk as determined by the ERA staff.

Homeowners: Homeowners are not eligible for rental, utility or other assistance under the provisions of the Program.

D. HOUSEHOLD INCOME DOCUMENTATION

An applicant may choose the 2020 Annual Income Option or the Current Monthly Income Option to demonstrate income. Submission requirements are as follows:

2020 Annual Income Option:

- Submission of signed 2020 IRS Form 1040 or receipt for E-filed 2020 IRS Form 1040 for all household members 18 years of age or older; or
- Submission of wage statements, pay stubs, IRS form W-2, IRS Form 1099 and Schedule C if self-employed, interest statements, Form 1099G or benefit statements from the Department of Labor if unemployed, or other annual income proof for all household members 18 years of age or older for determination of annual income pursuant to HUD's definition of income as described in 24 CFR 5.609 which can be found at <https://www.hud.gov/sites/documents/CALCULATINGATTACHMENT.PDF> and is outlined below under Income Inclusions and Exclusions under 24 CFR 5.609 ("HUD's Definition"); or
- Eligibility determination letter from a government agency dated January 1, 2020 or later (see "Categorical Eligibility" described below).

Current Monthly Income Option:

Submission of prior month's wage statements, pay stubs, interest statements, unemployment benefit statements, a written attestation from an employer, or other proof of monthly income for all household members 18 years of age or older for determination of income pursuant to HUD's Definition.

- When using the Current Monthly Income option, the Program will annualize the income reported to ensure that the household's annual income is at or below 80% AMI by multiplying the prior month's income by 12.
- If the household qualifies for the Program using the 2020 Annual Income Option and requires additional rental or utility assistance in the future, the applicant will not need to provide income documentation again.
- Households using the Current Monthly Income Option are required to submit new income documentation for additional assistance no less than every 3 months. The Program will assess whether the household is eligible for continued rental or utility assistance.

Documentation of Income:

The ERA staff must make reasonable efforts to secure documentation to support the amount of annual or monthly income reported. If it is determined that satisfactory documentation cannot be secured by the applicant, the Program may, under limited circumstances, rely on the tenant application and attestation from the applicant. If income cannot be verified at the time of application as described above, the applicant must complete a new attestation no less than every three months.

In some situations, it may be necessary to rely on a written attestation from a caseworker or other professional that has knowledge of the household's circumstances. In these circumstances, PN ERA will work with the applicant and the appropriate agency to gather the necessary information to determine eligibility. The determination for such program(s) by the agency or caseworker must be made on or before January 1, 2020.

Documentation may be in the form of photocopies or digital photographs of documents, emails, or attestations from appropriate sources under certain circumstances as described in this document.

Categorical Eligibility: If an applicant's household income has been verified to be at or below 80% AMI by a local, state, or federal government assistance program, the Program is permitted to rely on a determination letter from that Tribal or State government entity, provided that the determination was made on or after January 1, 2020. Examples of determination letters include, but are not limited to TANF, SNAP, WIC, Head Start, and LIHEAP. It is the responsibility of the applicant to provide the determination letter, not the Program. If the applicant elects this form of income eligibility documentation, the applicant will need to contact the agency that provided the letter.

The income of the household will still need to be reported to the Program in order to determine the percentage AMI for reporting purposes as described in a later section of this Guide.

Prioritization of Applications

Although it is the goal of ERA staff to process all applications in order of receipt, there may be times when the Program receives several applications at the same time. If this occurs, the Program will prioritize applications for applicants who have demonstrated:

- The applicant household has been served with a Notice of Eviction
- The total household income is at or below 30% Area Median Income (AMI) for the area where they live
- The total household income is at or below 50% Area Median Income (AMI) for the area where they live
- The applicant or a member of the household has been unemployed for at least 90 days.

E. INCOME INCLUSIONS AND EXCLUSIONS UNDER 24 CFR 5.609

The Department of Housing and Urban Development (HUD) defines income as all amounts, monetary or not, which go to, or on behalf of, any family member from any source outside the household. For a detailed list and descriptions of forms of income see 24 CFR 5.609 (b) and (c), which can be found at

<https://www.hud.gov/sites/documents/CALCULATINGATTACHMENT.PDF>.

Income Inclusions:

- All wages, including commissions (before any payroll deductions);
- Net income from the operation of a business or profession;
- Interest, dividends and other net income from real or personal property;
- Periodic payments (e.g. Social Security, pensions, disability benefits);
- Payments in lieu of earnings (e.g. unemployment including supplementary unemployment, worker's compensation, severance pay);
- Welfare assistance (excluding any designated for housing or utilities);
- Periodic and determinable allowances (e.g. alimony, child support, period gifts from sources outside of the household); and
- All regular pay, special pay, and allowances for members of the Armed Forces.

Income Exclusions:

- Income from children or foster children under the age of 18 years;
- Foster child or adult care payments;
- Lump-sum additions to family assets (e.g. inheritances, insurance payments, capital gains, settlements)
- Reimbursements for medical costs;
- Income of a live-in aide;
- Special Armed Forces payments (e.g. Operations Desert Storm);
- Amounts from certain training programs;
- Temporary, non-recurring, or sporadic income (gifts);
- Reparations from a foreign government;

- Adoption assistance payments;
- Deferred periodic payments from Social Security;
- Property tax refunds or rebates;
- Payments for developmentally disabled household members' equipment or services for them to remain at home; and

All other amounts excluded by federal statute as described in 24 CFR 5.609

NOTE: The Grantee has determined that federal and Tribal stimulus payments as a result of the COVID 19 Pandemic or other assistance related to the Pandemic are excluded from the annual income and current monthly income options described above.

F. FINANCIAL HARDSHIP

The applicant must attest that one or more of the members of the household:

- Qualified for unemployment benefits any time after March 13, 2020; or
- Experienced a reduction in income due to COVID-19. (The applicant must explain the reduction of income due to COVID-19.); or
- Had significant increased expenses due to COVID-19. (The applicant must explain the significant increase in expenses due to COVID-19. See examples of Significant Increased Expenses below); or
- Experienced a financial hardship due to COVID-19. (The applicant must explain the financial hardship due to COVID-19. See examples of Financial Hardship below.)

EXAMPLE:

Examples of Significant Increased Expenses Due to COVID-19 may include, but are not limited to:

- Healthcare costs, including care at home for individuals with COVID 19;
- Purchases for Personal Protective Equipment (PPE);
- Penalties, fees, and legal costs association with rental or utility arrears;
- Moving costs for households that relocated to avoid homelessness or housing instability;
- Childcare costs;
- Internet access and computer equipment required to work or attend school remotely;
- Alternative transportation for households unable to use public transportation during the pandemic.

EXAMPLE:

Examples of Financial Hardship due to COVID-19 may include, but are not limited to:

- Evidence household is forgoing or delaying purchase of essential goods in order to pay rent or utilities, such as food, prescription drugs, childcare expenses, transportation costs, or equipment needed for remote work or school
- Payments for rent or utilities or made by credit card, payday lenders, high-cost debt products to avoid homelessness or housing instability

G. RISK OF HOMELESSNESS OR HOUSING INSTABILITY

Applicants must attest that one or more individuals within the household is at a risk of experiencing homelessness or housing instability, which may be demonstrated by:

- A past due utility or rent notice or eviction notice;
- Unsafe or unhealthy living conditions (See examples of unsafe or unhealthy living conditions below); or
- Any other evidence of risk, as determined by the Program (See examples of risk of homelessness or housing instability below).

EXAMPLE:

Examples of unsafe or unhealthy living conditions may include, but are not limited to:

- Conditions that increase the risk of exposure to COVID-19 because of overcrowding
- Potential for exposure to intimate partner violence, sexual assault, or stalking
- Evidence that the rental unit is unhealthy as demonstrated by photographs or visual inspection by PN ERA representative or authorized inspector

EXAMPLE:

Examples of risk of homelessness or housing instability may include, but are not limited to:

- Housing cost burden that makes it difficult for renters to afford their housing costs
- Informal rental arrangement with little or no legal protection
- Evidence household is forgoing or delaying purchase of essential goods such as food, prescription drugs, childcare expenses, transportation costs, or equipment needed for remotework or school
- Harassment or verbal threats of eviction by landlord
- Evidence household is relying on credit cards, pay-day lenders, other high-cost debt products to pay for rent or utilities

H. RENTAL ASSISTANCE AND DOCUMENTATION

- Eligible households may receive up to 12 months of assistance, plus an additional three (3) months if it is determined the extra months are needed to ensure housing stability and grantee funds are available.
- The number of months of assistance for rental arrears is equal to the rental arrears divided by the monthly rent.
- Assistance must be provided to eliminate an eligible household's rental arrears owed to the current landlord before the household may receive assistance for current or future rent payments.
- A tenant may apply for arrears without applying for current or prospective months.
- The date of application determines whether amounts are arrears, current, or prospective.
- Once a household's rental arrears are reduced, grantees may only commit to providing future assistance for up to three (3) months at a time.
- Households may reapply for additional assistance at the end of the three-month period if needed and the overall time limit for assistance is not exceeded.
- If a household that received assistance for a rental home moves out, the household may receive assistance for subsequent months in a new unit, but may not receive more than 15 months total rent and may not receive rent twice for the same month.
- The Program does not dictate limits on rental arrears or monthly rental limits, except when FMRs are the maximum rent allowed as described in this Guide. Outstanding rental arrears and allowable late fees, which are provided for in an existing lease, will be considered for payment. The Program does not pay for parking, pet, air conditioning or storage fees. The applicant and landlord must be in agreement as to the amount of arrearages prior to payment to the landlord.
- When a tenant pays a portion of the total rent based on tenant's income, and the remaining rent is paid by another source, only the tenant's portion of rent (the tenant payment to the landlord) is eligible for ERA.
- The tenant's payment must be entered as the tenant rent in the Tenant Application & Attestation or the Landlord Application & Attestation.
- The tenant must sign the Application & Attestation by electronically entering their name or providing a wet signature.

Documentation of Occupancy and Rental Amounts:

The Program must obtain, if available, a current signed lease or rental agreement that identifies the unit where the tenant resides and the amount of rental payment.

If a current signed lease or rental agreement is not available, the applicant will need to provide evidence of residence at the rental unit and the amount of rent.

- A landlord written attestation plus either proof of the landlord's ownership (such as a tax bill or deed) or proof that a landlord agent has authority (such as a management agreement) is sufficient to prove occupancy and rental amount; or

- A utility bill, water/sewer bill, cell phone bill, credit card statement, insurance policy, W-2 form, tax return, tax bill, or driver's license in the name of a household member can be used to prove residency; or
- Bank statements, check stubs or other reasonable documentation can be used to verify rental amount.

In the absence of satisfactory documentation of the monthly amount of rent, an attestation from the applicant may be accepted, but assistance will only be provided for a period of three months and only up to the maximum of 100% of the FMR in the area where the applicant resides. Should additional rental assistance after the three-month period be requested, it will be necessary for the tenant to provide evidence as to the rent owed by providing documentation as listed in the above paragraph.

If a request is being made for prospective rental payments, the Program will only pay up to three months, except that the household may receive assistance for prospective rent payments for additional months (i) subject to the availability of remaining funds currently allocated to PN ERA Program, and (ii) based on a subsequent application for additional assistance.

ERA staff must attempt to work with the landlord and provide documentation of these efforts. In these circumstances, the amount of rental assistance under the Program will be the attested monthly rental amount up to the greater of 100% of the Fair Market Rent (FMR) or the Small Area Fair Rent (SMFR) for the area in which the applicant resides. FMRs are provided on the Partner Portal at the link provided below. Payments will be made directly to the landlord UNLESS they refuse to participate in the Program. If a landlord refuses to participate, tenants will receive direct payments. Tenants who receive direct rent payments must provide proof they used their payment to pay the rent stated on their application by submitting a cancelled check, copy of a money order/cashier's check, or a receipt provided by the landlord or authorized management company.

DIRECT PAYMENT TO TENANT PROCESS:

- When ERA staff determines a tenant will be paid directly, the ERA contacts the tenant to let them know a direct payment requires proof of payment
- Proof of payment could be a receipt, cancelled check, or other proof of fund transfer to landlord
- If ERA staff have not received proof of payment within 30 days, ERA sends the tenant a follow up letter or email requesting proof of payment and copies for the applicant file
- Failure to provide proof of payment disqualifies the tenant from future participation in the program and is a red flag for auditing purposes

income on the application. If eligible, the portion of the rent will be prorated and paid directly to the landlord. If the applicant has been paying rent directly to landlord, landlord attestation is sufficient. If the applicant has been paying rent to a roommate, documentation of payment history is required.

The Program may provide assistance for mobile or manufactured homes in the form of lot/site lease fees and/or normal rent.

Leasing arrangements with family members are eligible only if the tenant lives in a separate fully contained living unit with its own kitchen, bathroom, and private entrance. Preexisting written lease and evidence of a history of consistent rent payments is required.

A lease establishing a rental relationship is required for any rent to own situations. No household member may be on the deed or on a mortgage of the property; has not exercised the option to purchase; and is not a signer on the signor or co-signor to the mortgage on the property.

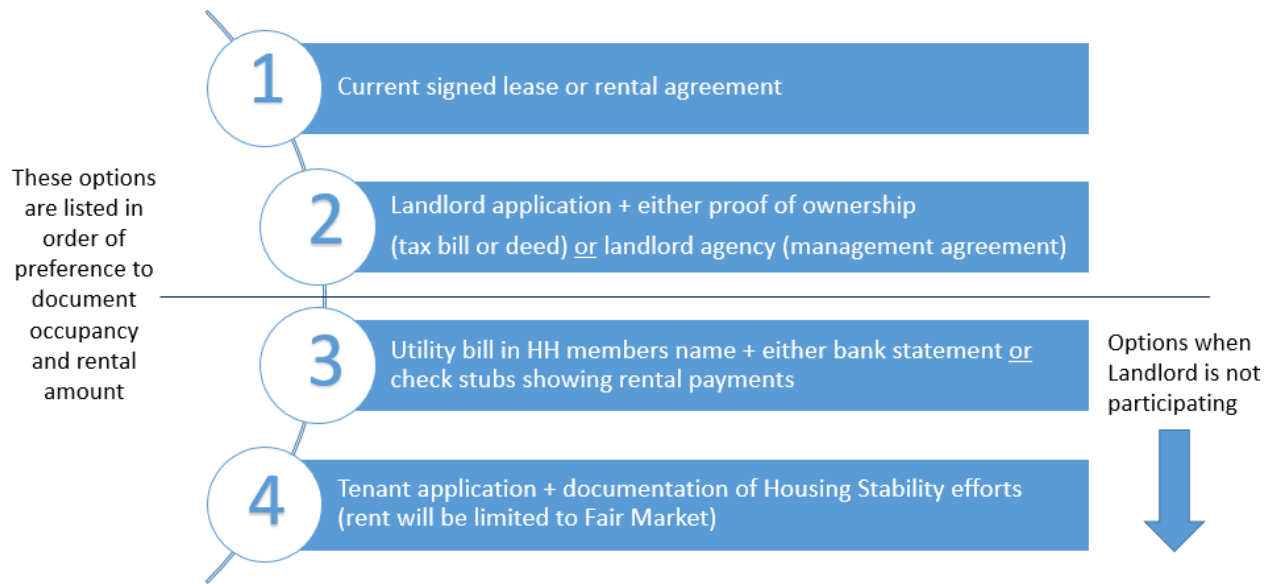
Those living with related parties and paying rent informally are not eligible. Definition of related parties: the spouse, parent, child, brother, sister, grandparent, grandchild, including steps, and in-laws; and any person cohabitating with an applicant, as well as any immediate family member related by blood, marriage, or adoption, including cousins, aunts, and uncles.

Rent charged to a credit card or borrowed can show financial hardship and housing instability but is not eligible as arrears or as other expenses related to housing due to COVID-19.

EXAMPLE:

The applicant cannot provide satisfactory documentation of the monthly rental amount as described above. The applicant attests in writing a monthly rental amount of \$500 and the FMR is \$600, the Program may provide assistance up to \$500. If the attested monthly rental amount is \$700 and the FMR and SAFR are \$600, the Program may provide assistance only up to \$600. It is anticipated that it will be a rare situation in which the actual monthly rental amount cannot be satisfactorily documented.

Documentation Requirements for Proof of Occupancy and Rental Amount



Arrears:

The Program may pay for all unpaid rent back to March 13, 2020. If arrears are owed for March 2020, payment must be prorated. Late rental fees may be included provided they are included in the applicant's lease or rental agreement and do not exceed 4% of the monthly rental amount.

Non-Duplicative Rental Assistance:

Only arrearages and prospective rent for the **tenant portion** of the rent may be considered under the Program. Households occupying federally-subsidized residential or mixed-use property may receive assistance under the Program provided that the assistance is not applied to costs that have been or will be reimbursed under any other federal assistance program. Examples of federal assistance program include:

- Project-Based Rental Assistance (HUD)
- Housing Choice Voucher (HUD – Administered by Maine Housing and Public Housing Authorities)
- Rental Assistance (USDA-RD)

The Program application requires the tenant to notify the ERA staff if they had a change in income. Applicants receiving monthly federal subsidies as described above must work with the subsidy administrator to adjust the tenant portion of their rent if there has been a change in the

household income. The Program complies with the Fair Housing Act. Reasonable efforts should also be made to ensure that other local or state sources of assistance are not duplicative.

I. LANDLORD APPLICATION AND REQUIREMENTS

A landlord may apply for the Program on behalf of a tenant. However, the tenant must provide the required verifications as outlined in Sections C-F of this Guide. In addition, the tenant or a member of the household must be an enrolled member of PN. If the rental property is located within the boundaries of the PN Reservation or Trust Lands, non-enrolled tenants are eligible if they meet all of the Program's guidelines.

- After receipt and processing of the Landlord Application & Attestation, the tenant will be contacted by the Program to confirm the information on the application.
- ERA staff can help a landlord fill out a Landlord Application & Attestation. However, the landlord must sign the Landlord Application & Attestation.
- If the landlord agrees to accept the terms of the Program and payment on behalf of the applicant, the landlord will submit a signed copy of the Landlord Emergency Rental Assistance Application & Attestation, a complete IRS Form W-9, and the current lease.
- The landlord may raise the rent in 2021-2022 only if the increase is set forth in an existing signed lease.
- If there is no current lease, the landlord must show proof of ownership such as a deed or tax bill. An eviction notice does not suffice as proof of ownership. If an agent is acting on behalf of a landlord, the agent must provide the management agreement. If the landlord had submitted a W-9 to the Program for another eligible tenant, a new form is not required.
- The landlord may submit the required forms at the same time the applicant applies for the Program. However, the amount of rental arrears and prospective rent must be agreed upon by the tenant applicant and the landlord applicant.
- If a security deposit is paid under the Program, the security deposit shall not exceed the amount of one-month's rent, except in the cases where a higher amount is reasonable and customary in the local housing market.
- If a security deposit is paid by the Program, the landlord may not return a security deposit to the applicant unless occupancy has been more than 4 months in duration. If the occupancy is less than 4 months, the landlord shall return the security deposit funds to the Program.
- The landlord must sign the Application & Attestation by providing a wet signature.

If a request is being made for prospective rental payments, the Program will only pay up to three months, except that the household may receive assistance for prospective rent payments for additional months (i) subject to the availability of remaining funds currently allocated to PN ERA Program, and (ii) based on a subsequent application for additional assistance.

By signing the Landlord Application & Attestation, a landlord agrees not to take any eviction action against the household for non-payment of rent or any related costs for the months for which they are receiving payment or have received payment for rental arrears for a period of 60 days.

The landlord also agrees not to increase the applicant's rent in 2021-2022 unless the landlord and tenant signed a lease with a rent increase provision prior to submitting their applications to the Program. The Program does not pay for rent increases that are not supported by language in a lease; written notice of a rent increase that is not supported by language in the lease is not sufficient.

EXAMPLE:

Examples of leases with a rent increase include:

- A market lease with a provision for a rent increase
- Leases and addenda to leases which provide for a change in rent based on household size or income, or the low income housing tax credit program income limits
- Leases and addenda to leases which provide for a change in the tenant's portion of the rent based on HUD's requirements (such as HCV, Mod Rehab, and Section 8 Project Based Voucher leases)
- Leases and addenda to leases which provide for a change in total tenant payment in accordance with HUD requirements and Public Housing Authority admissions and occupancy policies

Once the amounts of rental arrears have been agreed upon by the applicant and the landlord and all landlord documentation is received and processed by the Program for payment, the landlord must provide the applicant with a copy of the Landlord Application and Attestation for the applicant's records.

A landlord may apply for rental arrears after an eligible tenant has vacated the unit. The landlord must agree that should the Program agree to cover the arrears, the landlord will not take further action to collect the arrears that are paid or related fees or expenses. The landlord must also notify the tenant in writing within 14 days of receipt of the arrears of the payment amount and a notice that no further collection actions for the rental arrears will be undertaken by the landlord. A copy of this notice shall be provided to the Program for their files.

The Program may pay for additional rental payments required by a landlord as a condition to

entering into a lease with a “hard-to-house” household that would not qualify under the landlord’s previously established, non-discriminatory, and lawful screening or occupancy policies. Landlords may not establish more stringent rental guidelines or policies related to tenant acceptance to request the additional payment.

“Hard-to-house” applicants are those who, during the preceding 12 months, suffered an eviction; aged out of foster care or similar arrangements; were convicted of a criminal offense or released from incarceration; or experienced homelessness. The additional payment must be documented in the written lease as additional rent and may not, in the aggregate, exceed one month’s rent.

It is hoped that all landlords will participate in the Program and accept payments. However, there are no provisions in the Program to require a landlord to participate.

ERA will notify the tenant and the landlord upon approval of participation in the Program in writing. The notification requires: (1) the landlord and tenant to notify the Program if the tenant moves out and does not occupy the unit in any months for which the ERA pays rent, and (2) repayment of the rent for any months the tenant does not occupy the unit.

Prior to providing assistance the landlord and/or tenant must commit in writing by signing the attestation that the funds will only be used for the purposes outlined in the PN ERA Program Guide.

Outreach to Landlords:

ERA staff will make reasonable efforts to obtain the cooperation of landlords to accept payments from the Program. Outreach will be considered completed if:

- i. A request for participation is sent in writing, by mail, to the landlord and the addressee does not respond to the request within 7 calendar days after mailing;
- ii. ERA has made at least 3 attempts by phone, text, or email over a 5 calendar day period to request the landlord’s participation; or
- iii. A landlord confirms in writing that the landlord does not wish to participate in the Program.

ERA staff must attempt to verify the landlord’s contact information if ERA receives no response from the landlord. All efforts by ERA must be documented in applicant file, including the final outreach attempt or notice to the landlord.

J. UTILITIES

- Utilities and home energy costs are eligible for assistance to the applicant if they are separately-stated charges related to the occupancy of rental property and are not covered by the landlord in the rent or paid for by another source.

- For the purposes of the Program, utilities include separately-stated electricity, gas, water and sewer, trash removal and energy costs, such as fuel oil. ERA has set a cap on fuel oil at \$800.00 total for the duration of the applicant's program participation.
- Telecommunication services (telephone, cable, Internet) delivered to the rental dwelling are not considered to be utilities if they are bundled together in one bill.
- Internet services are eligible services for the Program if the applicant can demonstrate in their application that the service is necessary for telework, remote learning, tele-medicine and/or to obtain government services.
- Documentation of the utility arrearage will need to be provided, such as a utility bill. Since arrearages may only be considered for the period on or after March 13, 2020, if the utility bill does not clearly define the period for which the arrearages occurred, additional documentation will be needed.
- When utilities and rent are paid in the same month, together they count as one month of assistance (of up to 15 months maximum assistance).
- For prospective utility costs, the Program will pay the average estimated utility costs for 3 months if the costs have not yet been determined.
- In the rare circumstance that a utility will not accept payments of ERA funds, the payments may be made directly to the applicant. The applicant is required to show proof to ERA that the payments were made to the utility by way of a receipt or cancelled check.
- When utilities are paid for a month in which the tenant is not receiving rental assistance, the utility payments also count as one month of assistance (of up to 15 months maximum assistance).
- In some instances, it may be more beneficial for a tenant to forgo utility assistance to obtain more months of rental assistance.

ERA may determine the number of months of utility arrears through any of the following provided by the tenant:

- Copies of past-due utility bills. Billing statements must be broken down by months and may not have been incurred prior to March 13, 2020.
- Copies of disconnection notices. However, the notice must indicate the months in which the cost was incurred by month.

A utility provider may apply for rental arrears after an eligible tenant has vacated the unit. The utility provider must agree that should the Program agree to cover the arrears, the utility provider will not take further action to collect the arrears that are paid or related fees or expenses. The utility provider must also notify the tenant in writing within 14 days of receipt of the arrears of the payment amount and a notice that no further collection actions for the rental arrears will be undertaken by the Utility provider. A copy of this notice shall be provided to the Program for their files.

K. RELOCATION ASSISTANCE

The Program allows eligible households to apply for ERA funding for the following:

- Prospective relocation assistance;
- Security deposits and screening fees (up to one-month rent unless the residence is located in an area where it is customary for landlords to require additional amounts);
- Utility or home energy costs (including utility security deposits).

If the tenant does not yet have a written lease, the Program will pay the landlord for the rent and security deposit if the landlord and household enter into a qualifying lease for at least 6 months within 60 days of the first payment made by the Program.

L. HOUSING STABILITY SERVICES

The Program may provide housing stability services to eligible households to maintain or obtain housing. Services may include:

- Eviction prevention or eviction diversion programs;
- Mediation between landlords and tenants;
- Housing counseling;
- Assistance in accessing ERA programs or to find housing;
- Case management related to housing stability;
- Housing-related services for survivors of domestic violence or human trafficking;
- Legal services or attorney fees related to eviction proceedings and maintaining housing stability; and/or
- Services to individuals with disabilities or seniors that support their ability to access or maintain housing.

The Program will record and maintain records associated with these activities and the amount of funds expended to provide such services.

M. FRAUD PREVENTION

All applicants are required to read and sign the following attestation:

“I certify, attest, and affirm under penalty of perjury that the above information is complete and accurate to the best of my knowledge and belief. I authorize the US Department of Treasury and/or the Penobscot Nation’s COVID-19 Emergency Rental Assistance Program to verify and investigate such information with my full cooperation at any time. I understand that providing false or misleading statements or omissions to the United States Government or the Penobscot Nations COVID-19 Emergency Rental Assistance Program on this Application and Attestation may result in federal and state criminal and civil actions for fines, penalties, damages or imprisonment. I have read and understand the above attestation. I am signing this Attestation by electronically entering my name below or providing a wet signature”.

Although the Program requires all applicants to sign an attestation that the information on the application is true and accurate, there may be a rare instance when the ERA Specialist or Grants and Contracts Director suspects an application was completed fraudulently.

The Program will promptly investigate any suspected fraudulent applications made by an applicant by contacting employers, requesting additional information by the applicant and/or verification of rent or utilities. If it is determined that an applicant has committed fraud the Program will notify the U.S. Department of Treasury for further action.

N. APPEALS PROCESS

All applications for rental or utility assistance under the PN's ERA Program, will be reviewed by the ERA Program Specialist. If an applicant is denied for the Program, they will be notified in writing. If the applicant does not agree with the ERA Program Specialist's decision, the applicant may appeal by taking the following steps:

Within **ten (10)** days of the date of the denial letter, the applicant may appeal by submitting a written document to the PN ERA Program explaining the basis for the appeal. Applicants are encouraged to provide evidence that may assist in the review of the appeal. Documentation and supplementary evidence (if any) may be hand delivered to the PN ERA Program's office or emailed to RentalAssistance@penobscotnation.org. If an applicant is sending in documentation by U.S. Postal Service, please allow enough days for delivery. PN's Grants Development and Impact Manager will review the appeal, and if the initial denial is overturned, the applicant will be notified in writing within ten (10) days of the receipt of the appeal.

If the PN's Grants Development and Impact Manager determines that the applicant's appeal is denied, it will be sent to the ERA Review Committee for review and a final determination. The applicant will receive a letter within ten (10) days of the final determination.

O. FISCAL DOCUMENTATION AND REPORTING

The Program maintains a separate physical file for each application received. Each file contains the application, all documents supporting income verifications, copies of lease(s), attestations, letters sent to applicants, W-9 information for landlords/management companies, deeds or tax bills, copies of check payments made to tenants, landlords and utility companies, and a notes section memorializing all contacts made to applicants, landlords/management companies, utility companies and employers.

Each file will be maintained for no less than three (3) years.

The Program is required to submit quarterly reports to the US Department of Treasury. The ERA Program Specialist will maintain the records necessary to complete the reports. The US Department of Treasury has modified the quarterly requirements that Native American Tribes must report, and ERA will comply with the reporting requirements as directed by the US Department of Treasury.

