



State Rental Assistance Program FAQs for Local Government

February 9, 2021

Eviction Protection

What does a tenant need to do to be protected from eviction for non-payment of rent under SB 91?

- Return a [declaration](#) of COVID-19 related financial distress, signed under penalty of perjury, and returned within 15 business days of receiving a notice to "pay or quit." The landlord may request that the declaration be filled out monthly with every notice to "pay or quit."
- Pay 25% of the total rental arrears owed between September 2020 and June 2021 by June 30, 2021.
- Please note, this payment does NOT need to be made monthly. The tenant household only needs to pay 25% or more of the total rental arrears owed between September 2020 and June 2021 by June 30, 2021.

What type of eviction(s) does SB 91 protect against?

- Tenants who both pay 25% of their rent owed between September 2020 and June 2021 by June 30, 2021 and provide their landlord a declaration of COVID-19 financial distress are forever protected from eviction for *non-payment of rent* for their rent due between September 2020 and June 2021.
- SB 91 does not protect tenants against lawful "Just Cause" evictions for legally valid reasons other than non-payment of rent (for example: health and safety violations or destruction of property).

Eligible Grantees for State Block Grants

Which jurisdictions are eligible to request a State Block Grant?

- California cities or counties with populations above 200,000.

Can cities and counties with populations under 200K request a State Block Grant?

- No. Counties under 200,000, and the cities within them, will be served via the State's Rental Assistance Program. A city within a county under 200,000 does not need to take any action to ensure they are served by the State's Rental Assistance Program.



- For more information about how much assistance a given city or county under 200,000 can expect, please consult the following resource https://www.bcsb.ca.gov/covidrelief/assistance_reservation_table.pdf.

My city and county both have populations above 200K, and we both received direct federal allocations. Do we both have to select a State Block Grant if one or both of us want one?

- No, each eligible city and county with a population above 200,000 can make their own decision as to whether they want a State Block Grant.

How does an eligible city or county request a State Block Grant?

- Please review the following resource https://www.bcsb.ca.gov/covidrelief/emerg_rental_asst_eoi.pdf.

Why has the State encouraged jurisdictions to choose Option A (State Rental Assistance Program) or B (Block Grant Option) over Option C (Having the state allocation distributed through the Emergency Rental Assistance Program and having the jurisdiction distribute their federal allocation themselves)?

- While Option C may be preferred by some jurisdictions, it also poses considerable drawbacks for California residents, including the following:
 - Jurisdictions that choose Option C may run into a delay in processing of applications for state assistance due to the need to avoid the duplication of financial assistance as provided under federal law.
 - It is challenging for those most in need of assistance to get clear, accurate, consistent, and accessible information about assistance available to them. Having multiple rental assistance programs with different requirements, compensation, messaging, and application portals is likely to add an additional barrier to these households' ability to access assistance.

What are the risks associated with choosing Option C?

- Every federal program must adhere to the following three levels of review:



- Does the proposed activity meet the requirements under the Uniform Guidance per 2CRF 200 that is applicable to all federal funds (Office of Management and Budget)?
- Does the proposed activity meet the requirements to prevent duplication of benefit?
- Does the proposed activity meet the requirements to prevent fraud?
- Option C creates an option for a locally run program to run concurrently with the State run program. By choosing this option, this means that two federal recipients (local and State) are running two separate programs with differing rules. If there is not a way to differentiate the eligible populations served, or the time period of service, or geographical location of eligible recipients, this creates a competition that then must demonstrate explicitly how such an activity meets the above requirements. **In most cases, running two such programs targeting the same population, running at the same time, in the same geography will fail to meet the first requirement under the Uniform Guidance.**
- The State cannot (nor the locality), knowingly, disburse funds that fail any of the three tests above. This would mean the delay of the deployment of funds at minimum. Given the timelines involved, a delay in the deployment of funds likely means that the locality cannot realize the full value of the funds assigned to its geography as the state must ensure overall compliance with the commitment and expenditure requirements. This means funds will be reallocated where they can be committed and expended in other locations throughout the State. The paramount goal of the State Rental Assistance Program is to ensure the full compliance of the program with the federal provisions and to not allow any recapture of funds that could serve an eligible state recipient.

Rules and Guidelines Around State Block Granted Funds

What rules and restrictions must an eligible grantee follow to administer State funds from a State Block Grant?

- All requirements provided in the federal Consolidated Appropriations Act, 2021.



- All current and future program guidance from the U.S Department of the Treasury.
- All requirements provided in SB 91.
- All current and future program guidance provided by the Department of Housing and Community Development.
- All other applicable federal and state laws.

Can my eligible city or county administer our direct funds from the U.S Department of the Treasury under different rules and guidelines than the State Rental Assistance Program and still receive and utilize a State Block Grant?

- No. Pursuant to SB 91, a local jurisdiction may only receive a state block grant if it agrees to operate its local rental assistance program in conformity with the state's rental assistance program. The intent of this requirement is to create program alignment throughout the state, including clarity of messaging and requirements, to the benefit of both households and landlords alike. Additional details on state guidance for a conforming local rental assistance program can be found [here](#).

Utility Arrears

Are Utility arrears covered by the Emergency Rental Assistance program or for block granted funds?

- Yes. Utility assistance, both for arrears and prospective payments, are an eligible use. Additional details on the administration of utility assistance will be provided in HCD program guidelines that will be available soon.

Geographic and Racial Equity

How will the State's Rental Assistance Program serve the most vulnerable households?

- Accepting inclusive documentation to help applicants that are most in need qualify for assistance.
- Robust technical assistance, including a call center and multilingual assistance
- Robust public outreach and education campaign



- Robust fraud protections to ensure resources are not wasted.
- Prioritization of households at or below 50% AMI
- Clear program structure informed by extensive communication with stakeholders and designed to ensure those most in need are prioritized for assistance.
- Data driven targeting of funds to individuals and communities hardest hit by COVID-19 cases and COVID-19 related job losses.

If a jurisdiction joins the Statewide program, how will funding be distributed?

- Funds administered through the State's Rental Assistance Program will be reserved and solely expended on behalf of eligible households within the participating jurisdiction for that jurisdiction, as outlined in the Funding Distribution Table. The State will distribute funds within the three round structure established by SB 91.

How is 'disproportionately impacted by COVID-19' defined?

- This factor will be based on data driven tools such as the "Geographies of Need" mapping system that is publicly available on the Office of Planning Research (OPR) website. The map factors in cost-burdened renters, unemployment, race, CA Hard to Count Index, among other factors. Local jurisdictions may also have localized data and information that can support this determination.
- The map and additional information can be found here <https://gov-opr.maps.arcgis.com/apps/MapSeries/index.html?appid=f66e0eeb84a544719ae2f1fbbf9df55f>.

Administrative Fees

How does participation in the Block Grant Program impact an eligible grantee's administrative fee from their State allocation?

- Under Option B (Block Grant/ Self-Administered Program) HCD retains 1.5% of the state share for administration and distributes the remaining 8.5% to the City/County to administer the Block Grant.



How does participation in the State's Rental Assistance Program impact an eligible grantees administrative fee provided from their federal allocation?

- Under Option A (State Administered Rental Assistance Program), the City or County retains 1.5% of their direct federal allocation to support local administration, coordination, communication, technical assistance, etc.

Duplication of Benefits

How will the State's Rental Assistance Program coordinate duplication of benefits for in progress rental assistance programs?

- Tackling this will require coordination between our contracted Program Implementer and the given jurisdiction to ensure no duplication of assistance.
- We also anticipate that screening questions would be added to the application process to identify whether applicants have received other local, state or federal housing assistance (and the costs they were applied to).

Will the Cities and Counties have access to the State Rental Assistance database or portal?

- To ensure personally identifiable information is protected, jurisdictions who choose Option C will not be given direct access to the State Rental Assistance Program's database or portal.

Landlord and Tenant Eligibility under the State's Rental Assistance Program and State Block Grant Program

Are undocumented or less documented landlords and tenants available for rental assistance?

- Yes. The tenant household must only meet program eligibility requirements, which does not include a prohibition based on citizenship status.

Are mobilehome renters and landlords eligible for rental assistance?

- Yes. The tenant household must only meet program eligibility requirements, which does not include a prohibition based on property type.



How can I determine the Area Median Income (AMI) to evaluate eligibility for assistance?

- The following document contains AMI guidelines to assist you in evaluating eligibility:
- <https://www.huduser.gov/portal/datasets/il.html>

What timeframe is income eligibility for the program based on?

- For prospective (payments of future rent), income eligibility is based both on the tenant's current income and monthly income when they are applying for assistance.
- For arrears, income eligibility is the tenant's 2020 income.

Landlord and Tenant Rental Assistance Program Payment Receipt or Refusal

Is there any requirement that a property owner must accept compensation for 80% of their tenant arrears and forgive the additional amount?

- No.

State Rental Assistance Program Rounds

The State's Rental Assistance Program uses three 'rounds' of applications and payments. How will these rounds work?

- Landlords and tenants can begin applying to the program in mid-March and continue to apply throughout the duration of the program.
- The funding rounds organize the applications based on household Area Median Income (AMI) to help ensure those most in need receive assistance.
- The focus of round 1 is individuals under 50% AMI. In comparison, applicants from eligible households 50-80% AMI will have their application placed in Round 3.
- Because the program takes applications on a rolling basis, eligible households under 50% AMI may also receive assistance in Round 3.