



## City of Santa Ana CARES for Tenants Program Program Guidelines

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The City of Santa Ana recognizes the financial hardships faced by many of its residents due to the Coronavirus (COVID-19). In response, the Santa Ana City Council established the Coronavirus Emergency Rental Relief Fund for Tenants (Santa Ana “CARES for Tenants”)\* to provide emergency rental relief for qualified, low-income households who are not able to pay their rent due to the Coronavirus. Low-income Santa Ana renters impacted by the Coronavirus may apply online to receive assistance with rental arrears and prospective rent owed to their landlord on or after April 1, 2020. Charges for any utilities included in the rental price shall be included in the rental debt and prospective rent categories. The City of Santa Ana does not provide payment of separately billed charges for utilities and home energy (arrears or prospective).

- **Applications are available** on the Santa Ana CARES website ([www.santa-ana.org/cares-for-tenants](http://www.santa-ana.org/cares-for-tenants)) or can be requested directly from The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, or Community Action Partnership of Orange County.
- **If you do not have internet access** or need assistance submitting an application please contact the Santa Ana Work Center. Assistance is available by appointment only. Please contact the Work Center at (714) 565-2600 or by email at [saworkcenter@santa-ana.org](mailto:saworkcenter@santa-ana.org) to schedule your appointment. No walk-ins will be permitted and anyone entering the Work Center will be subject to temperature checks and must wear a face covering.
- **An application can also be mailed to you** via USPS with return postage paid. The City is accepting CARES for Tenants applications until all of the funds are exhausted.

## Background

The Coronavirus crisis has hit many Santa Ana families hard. Paying rent may already be difficult under normal circumstances, but lost jobs and reduced work hours due to the virus have made it nearly impossible.

The City of Santa Ana launched its first response to the Coronavirus with an emergency rental assistance program for low-income tenant residents on May 18, 2020. A second launch of that same program increased the amount of rental assistance available from \$1,500 to \$3,000 per household. As the City received additional funds, the amount per household was increased from \$3,000 to \$5,500 per household and then to a full payment of rental arrears. Households that had previously applied for the lower assistance amounts were able to re-certify their eligibility to receive up to the maximum that was available per the current program guidelines.

The most recent update to the Santa Ana CARES for Tenants Program includes Emergency Rental Assistance Program (ERAP) funding from California Assembly Bill No. 832 (Chapter 27, Statutes of 2021) (“AB 832”) which can be used to pay for prospective rental payments and rental arrears incurred during or due, directly or indirectly, to the



novel coronavirus disease (COVID-19) outbreak.

The Coronavirus Emergency Rental Relief Fund for Tenants (Santa Ana “CARES for Tenants”) aims to help struggling low-income renters who have been unable to make their rent payments on or after April 1, 2020. Payments shall be made directly to the landlord on behalf of the eligible household, except that, if the landlord does not agree to accept such payment from the City after outreach to the landlord by the City, the City may make such payments directly to the eligible household for the purpose of making payments to the landlord. Low-income tenants who earn less than 80% of the Area Median Income and who are in need of direct rental assistance for rental arrears and prospective rental assistance should apply. Charges for any utilities included in the rental price shall be included in the rental debt and prospective rent categories. The City of Santa Ana does not provide payment of separately billed charges for utilities and home energy (arrears or prospective)

*\*The CARES for Tenants Program has received allocations of funding from the Emergency Rental Assistance Program (ERAP) administered by the Department of Treasury; the Community Development Block Grant – Coronavirus (CDBG-CV) funds administered by the Department of Housing and Urban Development; and the State of California Coronavirus Relief Funds (CRF). The Program Guidelines have been updated to conform to the requirements of each funding source. Therefore, the guidance contained herein supersedes any previously published Coronavirus Emergency Rental Relief Fund Program Guidelines.*

*\*\*Renters who have already been approved for any amount in emergency rental assistance, may be considered for additional assistance after re-certifying their eligibility and confirmation of rental arrears is received from the landlord). [ERA1 assistance is limited to 12 months (plus an additional 3 months if necessary to support housing stability for the household, subject to the availability of funds.) ERA2 assistance is limited to 18 months. The aggregate amount of financial assistance an eligible household may receive under ERA2, when combined with financial assistance under ERA1, must not exceed 18 months].*

*\*\*\*Where this guidance refers to the “City”, this includes The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, or Community Action Partnership of Orange County, as the subcontractors for the City.*

## Administrative Requirements

The City of Santa Ana will comply with the State of California requirements (SB91 and AB 832) in the distribution of these funds. Compliance with certain federal laws is required of all federal fund recipients and include Civil Rights Act of 1964; Fair Housing Act; Title VIII-IX of the Civil Rights Act of 1968; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990, as amended. The City of Santa Ana shall comply with the administrative and reporting requirements set forth in the Act and shall satisfy the reporting and performance requirements set forth in the law and their agreement with HCD. The City shall commit to tracking block grant funds separately from federal allocation funds.



## How it Works

Low-income renters who are struggling to pay their rent due to the Coronavirus can receive assistance in the form of a payment to their landlord for 100% of their rental arrears / past due rent owed on or after April 1, 2020, up to a maximum of 12 months, with 3 additional months if necessary for housing stability. The City will provide assistance to eliminate rental arrears and pay prospective rent for eligible households. [ERA1 assistance is limited to 12 months (plus an additional 3 months if necessary to support housing stability for the household, subject to the availability of funds.) ERA2 assistance is limited to 18 months. The aggregate amount of financial assistance an eligible household may receive under ERA2, when combined with financial assistance under ERA1, must not exceed 18 months].

Charges for any utilities included in the rental price shall be included in the rental debt and prospective rent categories. The City of Santa Ana does not provide payment of separately billed charges for utilities and home energy (arrears or prospective). [ERA1 assistance is limited to 12 months (plus an additional 3 months if necessary to support housing stability for the household, subject to the availability of funds.) ERA2 assistance is limited to 18 months. The aggregate amount of financial assistance an eligible household may receive under ERA2, when combined with financial assistance under ERA1, must not exceed 18 months].

Payment will be made by the Orange County United Way on behalf of the City. For any payments made by the Orange County United Way to a landlord on behalf of an eligible household, the Orange County United Way shall provide documentation of such payments to the household. Payment to the Landlord is conditioned on the Landlord's agreement to accept payment as payment-in-full and includes a release of the tenant from Landlord claims including unlawful detainer. Payment to the tenant requires attestation that tenant will pay landlord the full amount within 15 days, excluding holidays and weekends.

The City of Santa has partnered with six local nonprofit organizations to review applications and determine the eligibility of families for assistance. Specifically, the City is working with The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, and Community Action Partnership of Orange County. Payments will be made by the Orange County United Way on behalf of one of these six nonprofit organizations to the landlord. Applications must be complete, including the required documents, before the application can be submitted.



## Schedule

### **CARES for Tenants Timeline**

The City of Santa Ana has had an application available and been providing rental assistance to residents impacted by COVID-19 since May 18, 2020. Applications will be accepted until all of the funds are exhausted.

The City is required to obligate at least 65 percent of ERA funds by August 1, 2021. As an Option B grantee, the City is required to contractually obligate at least 75 percent of its first tranche of state funds (ERA1) by October 31, 2021 and obligate 50 percent of its total share of state funds by January 31, 2022. If the City fails to contractually obligate the minimum amount of funds by the deadlines specified, the City shall repay to the state any unused block grant funds allocated that are not contractually obligated or expended.

## Prioritization of Applications

The Acts and AB 832 identify the following as eligible uses of ERAP funds: rental arrears; prospective rent payments; utilities, including arrears and prospective payment for utilities (*City of Santa Ana does not provide payment of separately billed charges for utilities and home energy – arrears or prospective*); and other expenses, as defined by the U.S. Treasury Secretary.

The City of Santa Ana has committed to prioritizing rental arrears first and will continue to apply this priority on a household-by-household basis by assisting each household with arrears prior to addressing current or prospective costs. An eligible household with qualifying rental arrears may not receive assistance for prospective rent payments until the arrears have been fully paid and/or forgiven.

In reviewing applications for financial assistance to eligible households, the City shall prioritize consideration of the applications of an eligible household based on the state's statutory prioritization criteria as listed below. All applicants will be informed about this prioritization through publication in the FAQs, the Program Guidelines and Program Flyer in English, Spanish and Vietnamese.

Applicants will be assigned numbers 1-100, divided into groups and assigned to our nonprofit partners on a weekly basis.

The City follows the state's statutory prioritization criteria:

1. Priority one shall be eligible households, as specified in Section 501(c)(4) of Subtitle A of Title V of Division N of the federal Consolidated Appropriations Act, 2021 (Public Law 116-260), to expressly target assistance for eligible households with a household income that is not more than 50 percent of the area median or any eligible households that receive a notice described in Section 1179.10 of the



Code of Civil Procedure or a summons described in Section 1179.11 of the Code of Civil Procedure.

2. Priority two shall be communities disproportionately impacted by COVID-19, as determined by the City.
3. Priority three shall be eligible households that are not otherwise prioritized as described in (1.) and (2.), to expressly include eligible households with a household income that is not more than 80 percent of the area median income.

Each approved applicant will receive an amount equal to their total rental arrears including fines, fees and penalties (up to a maximum of 15 months, with 3 additional months if necessary for housing stability) paid to their landlord or property manager for any rent payments incurred on or after April 1, 2020. If the landlord does not agree to accept such payment from the Orange County United Way after outreach to the landlord, the Orange County United Way may make such payments directly to the eligible household for the purpose of making payments to the landlord. Specifically, the Orange County United Way will make reasonable efforts to obtain the cooperation of landlords to accept payments. Outreach will be considered complete by the Orange County United Way if (i) a request for participation is sent in writing, by mail, to the landlord, and the landlord does not respond to the request within 7 calendar days after mailing; (ii) the Orange County United Way has made at least three attempts by phone, text, or e-mail 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. The final outreach attempt or notice to the landlord must be documented.

Landlords are prohibited from evicting a family for nonpayment of rent in months for which they receive emergency rental assistance. Payment to the Landlord is conditioned on the Landlord's agreement to accept payment as payment in full and includes a release of the tenant from Landlord claims including unlawful detainer.

***Re-Certifications of Previous Participants for Additional Assistance:***

Families who have already applied or been approved for emergency rental assistance since May 1, 2020 (previous participants), may be considered for additional assistance up to their total rent owed on or after April 1, 2020 after re-certifying their eligibility that they are still having difficulty paying rent because of a COVID-19 impact and submission of the additional verification of income and at risk of homelessness documentation.

[ERA1 assistance is limited to 12 months (plus an additional 3 months if necessary to support housing stability for the household, subject to the availability of funds.) ERA2 assistance is limited to 18 months.

The aggregate amount of financial assistance an eligible household may receive under ERA2, when combined with financial assistance under ERA1, must not exceed 18 months].

Additional forms will be required of the families to re-verify their income and at-risk of homelessness. The family must be currently eligible with all of the current program requirements provided in the Program Guidelines. The family will not need to resubmit a new application and can be re-certified separately from the standard application. Re-certification must be documented before an additional payment will be sent to the landlord or paid to the tenant. Direct payments to tenants include a requirement for tenant to pay the landlord within 15 days (excluding weekends and Holidays). The landlord may charge a late fee; however, failure to pay late fee is not grounds for an unlawful detainer.



## Occupancy Documentation Requirements and Standards

### Eligible Households

The term “eligible household” means a household of 1 or more individuals who are obligated to pay rent on a residential dwelling with an address in the City of Santa Ana.

For a tenant to be considered an “eligible household”, the following three eligibility criteria must be met:

1. Household income is 80 percent or less of Area Median Income; and
2. Has qualified for unemployment or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak; and
3. One or more members of the household can demonstrate a risk of experiencing homelessness or housing instability which may include a past due utility or rent notice or eviction notice, or unsafe or unhealthy living conditions.

**Households who have self-evicted** or otherwise voluntarily vacated their rental units with outstanding rental debt may apply and receive rental assistance related to the previous unit. Tenant households shall indicate they no longer live at the unit where assistance is being requested in the application. Households seeking assistance for both a currently occupied unit and a prior vacated unit shall clearly identify each unit on their application and are required to submit a separate application for each unit.

Funding for self-evicted households requires participation by both the tenant and the tenant’s prior landlord. Landlords will not be able to receive rental arrears without a participating qualified tenant household, and tenants will not be able to receive rent arrears for a vacated unit without a participating landlord. Payments shall be made directly to the tenant’s prior landlord. Tenants who have self-evicted are eligible for 100 percent of their past due rent incurred between April 1, 2020 and September 30, 2021, to be paid directly to the participating landlord. No prospective assistance is allowed to be paid for prior rental units that the tenant departed.

**Households that occupy a federal subsidized rental unit** may receive assistance provided that the funds are not applied to costs that have been or will be reimbursed under any other federal assistance program. If an eligible household’s income has been reduced due to or during COVID-19 since the last income verification, the eligible household should request an interim income recertification.

**Eligible households living in manufactured housing** (e.g., mobilehomes) can receive assistance. Rental payments for either the manufactured home and/or the parcel of land the manufactured home occupies are eligible for financial assistance under ERAP. This includes manufactured housing on both single-family parcels and in mobilehome parks.



**The cost of a hotel or motel room** occupied by an eligible household may be covered using funds within the category of “other expenses” related to housing incurred due, directly or indirectly, to the COVID-19 outbreak provided that:

- The household can demonstrate that it has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere; and
- The total number of months of assistance provided to the household does not exceed 12 months plus an additional three months if necessary to ensure housing stability for the household) for households assisted with ERA1 and does not exceed 18 months with ERA2 fund, though in no event should any household receive more than 18 months of assistance total between both funding sources; and
- Documentation of the hotel or motel stay is provided and their applicable requirements provided in the statute are met

The cost of the hotel or motel stay would not include expenses incidental to the charge for the room. The cost of the hotel or motel shall be reasonable. If a household is eligible to receive rental assistance for hotel/motel stays from an existing program with narrower eligibility criteria, such programs should be utilized prior to providing similar assistance under ERAP.

#### Lease or Sublease

Must be a resident of the City of Santa Ana with a **lease** agreement or sublease (a rental agreement between a primary tenant acting as a lessor and a secondary tenant acting as lessee) with an address in the City. Households assisted with unpaid rents from a vacated unit require landlord participation for eligibility consideration and direct payment to the landlord.

- (l) The lease or sublease agreement must be signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount. If a household does not have a signed lease, documentation of residence may include evidence of paying utilities for the residential unit, an attestation by a landlord who can be identified as the verified owner or management agent of the unit, or other reasonable documentation. In the absence of a signed lease, evidence of the amount of a rental payment may include: 1) a written statement signed by both tenant and landlord indicating the residential unit address, monthly rent amount, who the tenant is and who the landlord is; 2) bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent; 3) a written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit; or 4) proof of payments from the tenant & balance owed (provided by the landlord/owner – rent ledger). A hand-written or typed written statement signed by both tenant and landlord indicating the residential unit address, monthly rent amount, who the tenant is and who the landlord is satisfies both requirements to identify where the applicant resides and their rental payment amount. A hand-written or typed written statement is preferred in the absence of a signed lease.





- (II) That 1 or more individuals within the household has:
  - a. qualified for unemployment benefits or
  - b. experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly to the novel coronavirus disease (COVID-19) outbreak, to which the applicant shall attest in writing.
  
- (i) That 1 or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include—
  - (I) a past due utility or rent notice or eviction notice;
  - (II) written attestation of unsafe or unhealthy living conditions;
  - (III) written attestation that the household is at risk of homelessness;
  - (IV) written attestation of doubling or tripling up with other households, or
  - (V) a rent ledger from the landlord documenting an accumulation of rental arrears.
  
- (ii) The household has a household income that is not more than 80 percent of the area median income for the household (*HUD FY 2021 Income Limits*):

Family Size	Maximum Family Income (80% AMI)	Family Size	Maximum Family Income (80% AMI)
1	\$75,300	5	\$116,200
2	\$86,050	6	\$124,800
3	\$96,800	7	\$133,400
4	\$107,550	8	\$142,000

*\*In reviewing applications for financial assistance, the City will prioritize households with incomes less than 50% of the area median income.*

While we do require identification for all members of your household, we will not ask about your citizenship status. We will ask about your race and ethnicity on the application as part of the Department of Housing and Urban Development’s (HUD) and Department of Treasury data collection purposes. It may even help Santa Ana get more federal and/or state funds to help our residents. Your race or ethnicity does not impact your eligibility for rental assistance.

Households who hold a **sublease** may apply for and receive rental assistance if they meet both of the following criteria:

1. They have an agreement with the primary leaseholder tenant that clearly identifies who is responsible for which household costs. (It is preferable that this agreement be in writing and signed by the sublessor and the sublessee.)
  
2. They can document that their portion of the rent is in arrears, or they can certify that they are unable to make current or prospective rent payments.



The subleasing household shall indicate they sublease their unit from a tenant and do not have a direct lease with the property owner in the application. Approved assistance funds are payable to the tenant households. Assuming the household is otherwise eligible, the program operator is not required to contact the landlord (in this case the property owner) to participate in the program. Approved assistance will be payable to the subtenant households at 100 percent. Total duration of allowable assistance remains consistent with federal guidelines for ERA 1 and ERA 2 fund use. Subtenants have 15 days from receipt of funds to make payment to the sublessor. Sublessors whose failure to pay the property landlord results in an eviction of the subtenant may be found in violation of the program terms and conditions and may be subject to funding recapture and potential prosecution.

### **Co-Tenancy**

Co-Tenants who operate as individual households with unrelated incomes, budgets, and obligations will be treated as separate households for purposes of assistance. In addition to meeting the program eligibility criteria, Co-Tenancy households shall provide all of the following information:

1. Documentation of household size (e.g., tax returns, other subsidy program documentation).
2. The Co-Tenancy agreement that clearly identifies who is responsible for which household costs. (It is preferable that this agreement be in writing and signed by all Co-Tenants – it does not have to be from the same time as the lease, but it should identify current household cost splits.)
3. Documentation of respective rental and utilities arrears, and certification of respective inability to make current and prospective rent and utilities payments.

A Co-Tenant applicant that can document separate income and costs should be treated like an individual household and should be qualified based on the household income limits of the documented household size without including the Co-Tenants or their income in the application.

### **Co-Signer**

If an applicant has a Co-Signer, but is not part of the Co-Signer's household, then the applicant can be treated as a stand-alone household without reference to the Co-Signer's income. Such applicants shall provide documentation to support their claim that they are not part of the Co-Signer's household. This documentation can include but is not limited to:

1. Tax returns identifying the applicant household as separate from the Co-Signer's household (applicant shall not be declared as a dependent on the Co-Signer's tax return), or
2. Applicant household participates in a public assistance program that verifies eligibility through household income – such as CalFresh or WIC, or
3. Affidavit from the applicant household indicating that the Co-Signer is an outside party that has agreed to take responsibility for the rent and is not part of the applicant's immediate household.



An applicant will be eligible for assistance if they (i) can demonstrate that they do not have a household relationship with their Co-Signer; and (ii) meet the program criteria for income by household size.

### Documentation of Rental Arrears

Requests for rental arrears assistance should be for the amount of rental debt that is still outstanding after adjusting it for any prior partial payments made by the tenant or another entity acting on behalf of the tenant. Requests for prospective rental assistance should identify the rent owed by period (e.g., monthly). The amount of rent due and rental debt accrued by the Eligible Household during the eligible period can be demonstrated using numerous documents, including but not limited to the following:

1. Rent amount
  - a. A current lease, signed by the applicant and the landlord or sublessor, which identifies the unit where the applicant resides and establishes the rental payment amount
  - b. Other rental agreement (e.g., month-to-month agreement, co-tenancy agreement)
  - c. In the absence of a signed lease, evidence of prior rental payments and amounts (e.g., bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent in a certain amount)
  - d. Written attestation by the landlord
  - e. Attestation by the tenant as to unpaid rent and the monthly rent amount
2. Rent owed
  - a. Signed letter or other notice from landlord indicating time period, expected rent amount, actual rent received, and total rent amount owed
  - b. Lease agreement signed by the Eligible Household and Landlord or designee
  - c. Rent due statement/letter from the landlord or management company
  - d. 3-day notice, pay rent or quit notice, or other notice of nonpayment of rent (shall include amount of rent outstanding)
  - e. Rent roll
  - f. Other formal attempt to collect rents or notify tenants of rents due

NOTE: Although the tenant application should contain fields to capture rent owed on a monthly basis, the landlord may show different monthly amounts owing due to the accounting method used (e.g., how partial payments are applied to back and current rent). In such instances, the City has established methods to verify that the total assistance requested for rental arrears matches the total rent owed as indicated or confirmed by the landlord.



## Income Documentation Requirements and Standards

**Definition of Income:** With respect to each household applying for assistance, the City uses the U.S. Department of Housing and Urban Development's (HUD) definition of "annual income" in 24 CFR 5.609. The City will determine income eligibility based on either (i) the household's total income for calendar year 2020, or (ii) sufficient confirmation of the household's monthly income at the time of application.

If the City uses a household's monthly income to determine eligibility, the City will review the 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. For example, if the applicant provides income information for two months, the City will multiply it by six to determine the annual amount. If a household qualifies based on monthly income, income eligibility must be redetermined every three months for the duration of assistance.

**Documentation of Income Determination:** The City will have a reasonable basis under the circumstances for determining income. The City will generally require a written attestation from the applicant as to household income **and** also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. Under limited circumstances, the City may rely on a written attestation from the applicant without further documentation of household income as described below.

**Categorical Eligibility:** If an applicant's household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program, the City will rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020.

**Written Attestation Without Further Documentation:** To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, the City may accept a written attestation from the applicant regarding household income. In appropriate cases, the City may rely on an attestation from a caseworker with knowledge of a household's circumstances from The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, or Community Action Partnership of Orange County, to certify that an applicant's household income qualifies for assistance.



Fact-Specific Proxy: A City may also rely on a written attestation from the applicant as to household income if the grantee also uses any reasonable fact-specific proxy for household income, such as reliance on data regarding average incomes in the household's geographic area. The City will use the average income in the neighborhood in which the renter lives as verified by a map provided by PolicyMap. The "household's geographic area" or "neighborhood" is defined as the census block for the household. The average income will be the average income earned per person in the census block area in a specified year, also known as the per capita income. It is calculated by dividing the area's total income by its total population.

### Duplication of Benefits Tracking and Reporting

A duplication of benefits happens when a household receives assistance in excess of documented need. The City shall ensure that any rental assistance provided to an eligible household is not duplicative of any other rental assistance provided to such household including assistance provided with CARES Act funds, entitlement funds, HUD funds and other state and federal funds.

An eligible household that occupies a federally subsidized residential or mixed-use property may receive assistance, provided that the 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., a Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may receive assistance for the tenant-owed portion of rent or utilities that is not subsidized.

Pursuant to section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing assistance, the City will review the household's income and sources of assistance to confirm that the assistance does not duplicate any other assistance, including federal, state, or local assistance provided for the same costs. The City will rely on an attestation from the applicant regarding non-duplication with other government assistance in providing assistance to a household.

1. Every applicant to phase three of the CARES for Tenants program must complete and sign the Duplication of Benefits Analysis Form
2. The State of California previously administered an Emergency Rental Assistance (ERA) Program in the City of Santa Ana.
  - a. If a resident's landlord applied for the State's ERA Program and their rental unit was included in the landlord's application, the resident is not eligible for the CARES for Tenants Program
3. City staff process for eliminating duplicate applications in Neighborly system:



- a. For applications with the same address or applicant first name and last name, the City will accept only one application submitted and reject the duplicate application.
  - b. For applications with the same address but a different applicant first name and last name, the City will review the application to determine if there is a preponderance of evidence that the application is a duplicate by reviewing the names listed as members of the household, the household size, landlord information and any variations of the name or mailing address.
  - c. Duplicate applications will be rejected without any form of notification to the applicant other than a “change of status” in the Neighborly Software System to “Withdrawn” with the word “duplicate” noted in the status details.
4. Nonprofit Subrecipients will review each application identified by the City as eligible for review and collect supporting documentation for the Duplication of Benefits Analysis Form to determine that a duplication of benefits will not occur if approved for rental assistance
  5. Approved applications sent to United Way for Landlord payment will be rejected by the OC Assist Program if they are a duplicate of an application that has already been entered into the OC Assist database.
  6. The United Way requires a Landlord Participation-Payment Acceptance Agreement that certifies that the payment accepted is not duplicative of any other assistance.

#### Applications with Addresses Outside of Santa Ana:

- Applications from residents living outside of the City of Santa Ana will be rejected without any form of notification to the applicant other than a “change of status” in the Neighborly Software System to “Denied” with the statement “Out of Area” noted in the status details.

Receiving unemployment benefits or a stimulus check does not make a household ineligible.

If the renter is re-certified as eligible following this recertification process, a check will be sent to their landlord by the Orange County United Way with a letter that states that the payment must be returned to the United Way if there is a duplication of benefits for a month that has already been paid by the CARES for Tenants Program or the State of California Emergency Rental Assistance Program.

### Fraud Prevention and Misinformation Policies and Procedures

The City of Santa Ana has sufficient fraud protections to prevent misuse and mitigate risk. Every reasonable precaution is taken to identify fraudulent claims. The City maintains a copy of every notification, as well as proof of delivery, for record keeping and fraud prevention purposes.



All applications for rental assistance are entered into one program, the Neighborly Software system, and reports are run regularly to identify any duplication of applicant names or addresses. City staff and each of our nonprofit partners administering the program have access to all applications in the Neighborly Software system.

The City's partner nonprofit organizations conduct application review and data validation; applicant verification; and de-duplication checks. Application forms and documentation requirements are carefully evaluated for fraud risks and training is provided to all application reviewers to identify and discuss potential red flags so that reviewers can take appropriate action. City staff and nonprofit reviewers meet once a week to discuss program updates and unique cases. Application forms clearly state that fraud will be prosecuted to the fullest extent of the law.

Households that confirm they have no source of income may complete a declaration under penalty of perjury, certifying that they have either no income or are unable to provide documentation of their income. Additional documentation will not be required of applicants unless there are indicators of fraud in connection with the application.

Households assisted with unpaid rents from a vacated unit require landlord participation for eligibility consideration and direct payment to the landlord.

### Payment Documentation

Both eligible households and eligible landlords shall be notified of all rental assistance payments. The notification shall identify the specific dwelling unit and eligible household, the total amount of rental assistance, the time period for which payment is provided, and the date the payment was disbursed by the United Way. The notification will also include a check number or transaction number to assist the eligible landlord with cross-referencing and tracking receipts and assistance for eligible households.

United Way will maintain a copy of every notification, as well as proof of delivery for record keeping and fraud prevention purposes.

### Policies and Procedures for the Recapture of Illegitimate Payments

To prevent illegitimate payments, all payment files are reviewed twice: once by United Way staff, and once by City staff prior to approval of payment each week. This review includes ensuring payments are not duplicative within the payment types (e.g: ACH or check), and are not duplicative between the two payment types, such as the same payment sent out as both a check and ACH payment. If payments are identified as



illegitimate, the United Way contacts the Eligible Landlord directly via email and/or phone, monitors the return of the check, and conducts follow-up as needed.

### Non-Discrimination Policies and Procedures

Compliance with certain federal laws is required of all federal fund recipients and include Civil Rights Act of 1964; Fair Housing Act; Title VIII-IX of the Civil Rights Act of 1968; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; and the Americans with Disabilities Act of 1990, as amended. The City of Santa Ana shall comply with the administrative and reporting requirements set forth in the Act. Additionally, the City shall not add requirements to the CARES for Tenants program that deter or prevent access, such as:

1. Requirements that intentionally or unintentionally result in discrimination against protected classes
2. Legal resident status requirements
3. Requirements that condition access on driver's license, formal leases, or citizenship documentation
4. Requirements of unnecessary information, such as personally identifying information from the tenant household other than the minimal information required to validate the application and prevent fraud
5. Required accounts with a specific financial institution or other financial partners to receive funds
6. Other related documentation requirements that HCD deems could inhibit landlord or household participation in the program

### Housing Stabilization Services

Up to 10 percent of rental assistance funds may be used to provide housing stabilization services. Stabilization services may include case management, legal support to prevent eviction, tenant-landlord mediation services, housing counseling, housing placement, housing navigators/promoters that help households access ERAP funds, housing-related services for survivors of domestic abuse or human trafficking, and specialized services for seniors or individuals with disabilities. These services will be provided by the nonprofit partner organizations administering the CARES for Tenants program.

### Maximum Allowed Administrative Costs

For ERA1, the Consolidated Appropriations act, 2021 provides that not more than 10 percent of the amount paid directly from the U.S. Treasury to a Large Jurisdiction under this program may be used for administrative costs attributable to providing financial assistance and housing stability services to Eligible Households. Large Jurisdictions may





use up to 8.5 percent of the ERA1 funds provided through the State Block Grant for administrative costs.

For ERA2, the American Rescue Plan Act of 2021 provides that not more than 15 percent of the amount paid directly from the U.S. Treasury to a Large Jurisdiction may be used for administrative costs. Large Jurisdictions may use up to 13.5 percent of the ERA2 funds provided through the State Block Grant for administrative costs. Examples of direct and indirect administration costs include:

1. Program marketing and outreach
2. Program administration (both jurisdiction staff time and third-party service provider costs)
3. Acquisition and/or subscription costs for technology equipment and/or services to support required reporting and activity tracking

## Reporting Requirements

The City of Santa Ana shall comply with the reporting requirements set forth in the Acts, AB 832, and the interpretive guidance and guidelines issued by the U.S. Treasury and HCD, respectively.

The U.S. Treasury requires quarterly reporting. Activity reports for the block grant award shall be submitted to HCD no less frequently than quarterly in alignment with the U.S. Treasury reporting schedule. Block grant reporting will be due five (5) business days after the close of the quarter, and it shall be submitted in a form that is acceptable to HCD.

At a minimum, in order to ensure that U.S. Treasury is able to fulfill its quarterly reporting requirements under Section 501(g) of Division N of the Act and its ongoing monitoring and oversight responsibilities, the City shall collect and maintain records on all of the following:

1. Address of the rental unit.
2. For landlords, the name, address, and Social Security number, tax identification number, or DUNS number.
3. Amount and percentage of monthly rent covered by ERAP assistance.
4. Total amount of each type of assistance provided to each household (e.g., rent, unpaid rent, and other expenses related to housing incurred due directly or indirectly to the COVID-19 outbreak).
5. Amount of outstanding unpaid rent for each household.
6. Number of months of rental payments for which ERAP assistance is provided.

## Appeal Process

Applicants (tenant or landlord) may contest any determinations or denials based on program policy or calculations. However, an applicant may not challenge the application



of federal law and requirements. Applicants may file an appeal, for example, if they believe there is an error with program eligibility determinations.

The process for applicant appeals of City decisions is called the “informal review”. Informal reviews are provided for CARES for Tenants program applicants. An applicant is someone who has applied to the program (submitted an application) or re-certified for the program, but has not been approved for assistance.

### **Decisions Subject to Informal Review**

The City must give an applicant the opportunity for an informal review of a decision denying assistance. The City will only offer an informal review to applicants for whom assistance is being denied. One appeal may be filed for each denial.

### **Notice to the Applicant**

The City must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

### **Scheduling an Informal Review**

A request for an informal review must be made in writing and delivered to the City either in person or by first class mail, by the close of the business day, no later than 14 days from the date of notice of denial of assistance. The City will schedule and send written notice of the informal review within 14 days of the family’s request.

### **Program Design and Court Coordination**

The CARES for Tenants program implementation is designed to meet the minimum standards of AB 832 as detailed in these program guidelines, to allow eligible tenants to take full advantage of eviction protections, independent of processing financial assistance through the program.

AB 832 prohibits a court from issuing a summons on a complaint for unlawful detainer that seeks possession of residential real property based on nonpayment of rental debt that accumulated due to COVID-19 hardship unless the plaintiff also files a statement under penalty of perjury, that the plaintiff attempted to obtain rental assistance pursuant to a program such as Santa Ana’s CARES for Tenants and was denied. If the application has been denied, the reason for the denial shall be provided in writing, and shall be any of the following:

1. The tenant is ineligible for government rental assistance.
2. The government rental assistance program no longer has sufficient funds to approve the application.
3. The application remained incomplete 15, days, excluding Saturdays, Sundays, and other judicial holidays, after it was initially submitted because of failure on



the part of the tenant to provide required information. A denial under this clause does not prohibit or otherwise modify an eligible tenant household's ability to receive assistance pursuant to the CARES for Tenants program.

As required by AB 832, the City of Santa Ana provides tenants, landlords, legal representatives and the Orange County Court the ability to check the status of a rental assistance application and receive a copy of an application's final decision by contacting the City. Details are available here: [www.santa-ana.org/rental-assistance](http://www.santa-ana.org/rental-assistance) or you can call 714-667-2214 or email [ERA@santa-ana.org](mailto:ERA@santa-ana.org).

### Application Requirements

Both tenants and landlords (with tenant consent) may apply for assistance under ERAP (CARES for Tenants), but eligibility criteria are tied to the tenant household.

Applications for the CARES for Tenants Program are available on our webpage, in-person or can be requested directly from The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, or Community Action Partnership of Orange County. An application can also be mailed to you via USPS with return postage paid.

The following documents are required at the time of submittal for a complete application packet:

- A valid photo I.D for each adult family member (if a photo I.D. is not available, the City will consider other forms of verifiable identification such as a form of government-issued identification or an employment identification card from the applicant's employer)
- Landlord/Property Management's name and contact information. Including phone number, email, and/or fax number
- Copy of your lease or sublease agreement.
  - The lease or sublease agreement must be a lease signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides (or previously resided if the household is being assisted with unpaid rents from a vacated unit) and establishes the rental payment amount. Households assisted with unpaid rents from a vacated unit require landlord participation for eligibility consideration and direct payment to the landlord. If a household does not have a signed lease, documentation of residence may include evidence of paying utilities for the residential unit, an attestation by a landlord who can be identified as the verified owner, management agent or sublessor of the unit, or other reasonable documentation. In the absence of a signed lease, evidence of the amount of a rental payment may include: 1) a written statement signed by both tenant and landlord indicating the residential unit address, monthly rent amount, who the tenant is and who the landlord is; 2) bank statements, check stubs, or



other documentation that reasonably establishes a pattern of paying rent; 3) a written attestation by a landlord who can be verified as the legitimate owner, management agent or sublessor of the unit; or 4) proof of payments from the tenant & balance owed (provided by the landlord/owner – rent ledger). A hand-written or typed written statement signed by both tenant and landlord indicating the residential unit address, monthly rent amount, who the tenant is and who the landlord is satisfies both requirements to identify where the applicant resides and their rental payment amount. A hand-written or typed written statement is preferred in the absence of a signed lease.

- Copy of the declaration to your landlord providing verification of your inability to pay rent.
  - In order to apply for assistance, you **MUST** notify your landlord of your inability to pay rent due to a COVID-19 related hardship. The City recommends using the State of California’s Declaration of COVID-19-Related Financial Distress form. The letter is the documentation that the City is requesting to show that the tenant cannot make rent due to a reason related to COVID-19. (If you have a concern about sending a letter or declaration to your landlord, you can address the letter to the City). You can find a copy of the Declaration of COVID-19-Related Financial Distress online or you can request a hard-copy from the City or one of our participating nonprofit partners. The online form can be found here: <https://landlordtenant.dre.ca.gov/tenant/forms.html>.
- **Verification of Income Eligibility:**
  - A written attestation from the applicant as to household income **and** also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. Under limited circumstances, the City may rely on a written attestation from the applicant without further documentation of household income as described below.
  - If an applicant’s household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program, the City will rely on a determination letter from the government agency that verified the applicant’s household income, provided that the determination for such program was made on or after January 1, 2020.
  - To the extent that a household’s income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, the City may accept a written attestation from the applicant regarding household income. In appropriate cases, the City may rely on an attestation from a



caseworker with knowledge of a household's circumstances from The Salvation Army, Latino Health Access, Families Forward, Families Together of Orange County, South County Outreach, or Community Action Partnership of Orange County, to certify that an applicant's household income qualifies for assistance.

- **Documentation to demonstrate a risk of experiencing homelessness or housing instability**, which may include— 1) a past due utility or rent notice or eviction notice; 2) written attestation of unsafe or unhealthy living conditions; 3) written attestation that the household is at risk of homelessness; 4) written attestation of doubling or tripling up with other households, or 5) a rent ledger from the landlord documenting an accumulation of rental arrears.

The City will be flexible as to the particular form of documentation required, including by permitting photocopies or digital photographs of documents, e-mails, or attestations from employers, landlords, caseworkers, or others with knowledge of the household's circumstances. The City requires all applications for assistance to include an attestation from the applicant that all information included is correct and complete.

#### ***Prospective Rent Payments***

Applicants requesting assistance for prospective payments shall recertify every three months by providing current information regarding income, household size, rent and utilities costs, etc. to the nonprofit organization that previously approved their CARES for Tenants Application. The City may approve and pay for current and prospective assistance for up to three months at a time. *Prospective rent payments for additional months is subject to availability of funds and is based on a re-certified application for additional assistance.*

Households with access to the Internet, including computers, smart phones or tablets can complete the on-line application themselves. An email address is required to register. Registrant must have access to their email account to verify registration. The application is available in English, Spanish and Vietnamese.

Applicants will be able to view the status of their application by going online and logging into their account at <https://portal.neighborlysoftware.com/santaanaca/participant/Login>. You will need to log-in using the username and password that you used to complete your application. If you have any trouble logging in, please contact one of the organizations listed below.

- The Salvation Army can provide assistance in English and Spanish. Please contact Stephen Langlois at (714) 384-0481 or [sna.cares@usw.salvationarmy.org](mailto:sna.cares@usw.salvationarmy.org).



- Latino Health Access can provide assistance in English and Spanish. Please contact Ana Charco or Laura Pantoja at (657) 229-5450 or [LHARent@latinohealthaccess.org](mailto:LHARent@latinohealthaccess.org).
- Families Forward can provide assistance in English and Spanish. Please contact Rosana Gomez-Salcedo at (949) 552-2727 or [santaana@families-forward.org](mailto:santaana@families-forward.org).
- Families Together of Orange County can provide assistance in English, Spanish, Farsi and Mandarin. Please contact Nancy Cerda at (714) 665-9890 Ext: 413 or [era@familiestogetheroc.org](mailto:era@familiestogetheroc.org).
- South County Outreach can provide assistance in English, Spanish and Vietnamese. Please call (949) 380-8144 or [ERA@sco-oc.org](mailto:ERA@sco-oc.org)
- Community Action Partnership of Orange County can provide assistance in English and Spanish. Please contact Maria Rosas at (714) 404-7041 or [mrosas@capoc.org](mailto:mrosas@capoc.org)

### Application Notification

You will be notified throughout the application process. The Neighborly system will automatically send you a notification when you submit your application. Once your application has been assigned to a nonprofit organization, you will be contacted by that organization and informed if additional documents are required. The nonprofit organization will contact your landlord to confirm any rental arrears. If you are approved and selected to receive rental assistance, you and your landlord will receive an email notification that your application has been selected and you will be awarded the rental assistance payment paid directly to your landlord.

### Closeout

Closeout items are detailed in the Standard Agreement and include final reports, such as the Final Activity Report and Final Financial Report, in form and substance that is acceptable to HCD.

The City complies with federal regulations that require that financial records, supporting documents and statistical records be retained for a period of five (5) years from the date of submission of the final expenditure report. See the Closeout Manual for details about Program closeout requirements.

**Still have questions?** Check out our Frequently Asked Questions on our website at [www.santa-ana.org/cares-for-tenants](http://www.santa-ana.org/cares-for-tenants)