

U.S. TREASURY
EMERGENCY RENTAL
ASSISTANCE:
LOUISIANA STATE PROGRAM

PROGRAM GUIDE

Version 3

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POLICIES AND PROCEDURES UPDATES

Table 1. Summary of Changes

Version Number	Date	Summary of Changes to Policies and Procedures
1	3/16/21	U.S. Treasury ERA State Program Guide Version 1 Incorporating U.S. Treasury FAQ's 2/22/21 and 3/26/21
2	7/7/21	U.S. Treasury ERA State Program Guide Version 2 Incorporating U.S. Treasury FAQ's 5/7/21 and State policy changes related to late fees, direct payment to tenants, inactive determination, and recertification parameters (pending final approval from State OCD).
3	1/26/23	Include clauses related to Recertification and clarification of the allowability of up to 18 months of total rent.

AUTHORITIES AND REFERENCES

- A. Statutory Authorization - Section 501, Division N, of Consolidated Appropriations Act (Pub. L. No. 116-260, Enacted December 27, 2020) - Statutory language accessible at: https://home.treasury.gov/system/files/136/Excerpt_Section-501_PL-115-260.pdf
- B. Regulatory Authority – None
- C. Alternative Program Guidance – Frequently Asked Questions (FAQs) provided by the US Department of the Treasury. FAQs accessible at:
 - a. https://home.treasury.gov/system/files/136/ERA-Frequently-Asked-Questions_Pub-1-19-21.pdf
 - b. https://home.treasury.gov/system/files/136/ERA-Frequently-Asked-Questions_Pub-2-22-21.pdf
 - c. https://home.treasury.gov/system/files/136/FACT_SHEET-Emergency-Rental-Assistance-Program_May2021.pdf
 - d. https://home.treasury.gov/system/files/136/Treasury_Fact_Sheet_6-24-21.pdf
- D. Grant Conditions – Provided by US Department of Treasury. Accessible at: <https://home.treasury.gov/system/files/136/Emergency-rental-assistance-terms-FINAL.pdf>
- E. Allocation Information - Provided by US Department of Treasury. Accessible at <https://home.treasury.gov/system/files/136/Emergency-Rental-Assistance-Payments-to-States-and-Eligible-Units-of-Local-Government.pdf>
- F. General Information – US Department of Treasury Program website accessible at: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>
- G. Louisiana’s U.S. Treasury Rental Assistance – State Program website accessible at: <https://www.lastaterent.com/>

DEFINITIONS

Applicant: Any tenant, or landlord acting on behalf of a tenant(s), requesting assistance by submitting an application to Louisiana’s U.S. Treasury Emergency Rental Assistance Program.

Arrears: Any money or debt owed and unpaid by tenants related to the occupation of a residential dwelling, such as rent or utilities from previous months.

Area Median Income: Relative to a given household size, the median income for the parish in which the household is located as determined by the U.S. Department of Housing and Urban Development available under the heading for “Access Individual Median Family Income Areas” at <https://www.huduser.gov/portal/datasets/il.html>.

Income: Adjusted Gross Income as defined by the Internal Revenue Service. **Household income** includes (a) all amounts, monetary or not, which: (1) go to, or on behalf of, the family head or spouse or to any other family member; or (2) are anticipated to be received from a source outside the family during the 12-month period. Income includes all household members over 18 years of age.

Landlord: Any property owner(s) or management company(ies) of a residential dwelling (or multiple dwellings) who lease the use of that dwelling to a tenant in return for the regular payment of rent.

Lease (Formal or Informal): A binding legal agreement between a landlord and tenant permitting the tenant to reside in the landlord’s dwelling in exchange for the regular payment of rent.

Recertification: the process of evaluating continued eligibility and need to provide 3 additional months of rent to a funded applicant.

Rent: The agreed-upon amount paid by a tenant on a regular basis to reside in a landlord’s residential dwelling.

State: For purposes of this document, “State” shall collectively refer to the Louisiana Housing Corporation (LHC), the Louisiana Office of Community Development (OCD), and their designated representatives and agents.

Tenant: A household of one or more persons obligated to pay rent on a residential dwelling to a landlord.

Unemployment Benefits: Any state or federal benefits received by an eligible individual that has recently been terminated, laid off, or furloughed from their work or primary method of receiving a regular income.

INTRODUCTION

The State of Louisiana’s United States Treasury Emergency Rental Assistance Program (“Program”) offers rental assistance to households affected financially by COVID-19. Funded as part of the \$900 billion COVID-19 response package enacted by Congress as part of the Consolidated Appropriations Act (Pub. L. No. 116-260), \$25 billion has been designated for rental relief (ERA 1). An additional allocation know as Emergency Rental Assistance program (ERA2) was established by section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021). Louisiana has received over \$400 million of that amount to provide assistance through State and locally administered programs. This Program Guide details the policies and procedures that shall govern the use of the ERA 1 and ERA 2 funding under the State administered Program.

The U.S. Treasury Emergency Rental Assistance funds have been allocated to the State and directly to seven (7) local jurisdictions. The State Program is administered by the Louisiana Housing Corporation (LHC), in partnership with the State of Louisiana Office of Community Development (OCD) (collectively referred to as the ‘State’) and will be distributed in 57 parishes. The following seven (7) parishes applied directly to the U.S. Treasury and administers their own local programs:

- Caddo Parish
- Calcasieu Parish
- East Baton Rouge City/Parish
- Jefferson Parish
- Lafayette Parish
- Orleans Parish
- St. Tammany Parish

The \$25 billion nationwide has been allocated pursuant to the methodology for the Coronavirus Relief Fund as enacted by the CARES Act (Pub; L. No. 116-136) in March 2020. Pursuant to that language, local jurisdictions that qualify for a direct allocation received 45% of their per capita share of the state’s allocation. Local programs may vary in terms of eligibility, prioritization, benefits, and application process. The State has determined a process and set of criteria to provide approximately 55% of corresponding additional assistance to households living within the seven (7) qualified local government units.

The Program is designed to provide statewide emergency rental and utility assistance to individuals and households who are at risk of experiencing homelessness or housing instability due to the COVID-19 pandemic. Eligible applicants may receive assistance for rental and utility arrears or forward rent payments. Payments under the program are made to landlords, property owners or management companies (hereinafter referred to as “landlord”) and utility providers but, in certain circumstances, may be made to the tenant consistent with procedures outlined by the Treasury FAQs.

The statutory language authorizing the Emergency Rental Assistance Program permits funds to be used to address “utilities and home energy costs” as well as associated arrearages. At the time of Program launch on March 5th, the State of Louisiana’s U.S. Treasury Emergency Rental

Assistance Program (“Program”) only accepted applications and made awards for rental assistance.

On May 6, 2021, the State announced the expansion of the Program to include the following utility costs:

- Electricity
- Natural gas
- Propane (fuel oil)
- Water
- Sewer
- Trash removal

No other utility costs are allowed at this time. **Utility costs that are covered by the landlord will be treated as rent, as per the Treasury FAQ guidance.** The objective of assistance for these utility costs is to alleviate financial pressure on individuals and households who are at risk of experiencing homelessness or housing instability due to the COVID-19 pandemic.

Assistance will be provided in the form of direct payment to utility providers to cover current utility charges and arrears back to April 1, 2020. The program will not pay for reimbursement of bills that have already been paid. The total number of months covered by the Program for each applicant, for both arrears and current utility charges combined, may not exceed 18¹ months. Arrears incurred prior to April 1, 2020, are not eligible for assistance. Late fees are also eligible expenses. Reconnection fees are eligible expenses. Late fees and reconnection fees must be verified by the utility.

PROGRAM OVERVIEW

A. PROGRAM OBJECTIVES

The main objectives of the Program are to:

- Keep people housed by preventing evictions for failure to pay rent for the duration of the Program.
- Serve the maximum number of households as quickly as possible while prioritizing households with the greatest need.
- Ensure equitable geographic distribution of assistance.
- Compensate landlords for unpaid rent during eviction moratoria.

¹ Based on U.S. Treasury Guidance in **U.S. Department of the Treasury Emergency Rental Assistance Frequently Asked Questions, Revised July 6, 2022**, 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. (FAQ 10, Page 8).

B. ASSISTANCE PROVIDED

The Program provides financial assistance to cover the cost of rent and utilities for Louisiana tenants who are behind on their rent and utilities and/or at risk of eviction due to COVID-19. Eligible uses of funds are defined by section 501, Division N, of Pub. L. No. 116-260, guidance from the U.S. Treasury, and associate FAQs for ERA 1 and ERA 2 and State policy. Eligible uses for the Program are limited to:

- Rental and utility arrears dating back as early as April 1, 2020.
- Forward rent paid in increments of up to three months. After each three-month period, applicants may apply to recertify that they continue to meet program eligibility requirements for up to an additional three months of forward rent, depending on availability of funds. All past due amounts will be considered arrears at the time of recertification, and will be paid as arrears, not counting towards the three-month limit on forward rent.
- Eligible current unpaid utility costs.
- Rental late fees up to \$100 per month.
- Utility late fees and reconnection costs, confirmed by bill or utility verification.
- The total number of months covered by the program, for both arrears and forward rent combined, may not exceed 18 months.
- Utility payments not to exceed 18 months.
- The Program will reimburse monthly rental amounts up to a maximum of 120% of U.S. Housing and Urban Development (HUD) FY 2021 fair market rents (FMRs) based on unit size.²

Program funds **cannot** be used for the following costs:

Cost Type	Reason Ineligible for Program
Mortgage assistance	Federal statute
Eviction-related court costs from April 2020 forward	State policy

C. PRIORITIZATION

To ensure equitable geographic distribution, the State has established target allocations for each applicable parish during the initial program implementation period. The State reserves the right to reallocate funds among the various parishes based on program demand.

The State intends to make prompt payments for all eligible applications. In July 2020, the State implemented a similar rental assistance program known as *Louisiana Emergency Rental Assistance Program (LERAP)* utilizing funds from the U.S. Department of Housing and Urban Development (HUD) and limited to payment of 3 months of rent. The Program will work to transition eligible LERAP applicants into the Program. The State will continually monitor Program

² FY 2021 FMRs are accessible at:

https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2021_code/select_Geography.odn.

expenditures and will, when possible, prioritize completed applications for processing and payment based on the following criteria:

- Applicant households with income below 50% AMI.
- Applications from households that have at least one (1) individual who is unemployed and has not been employed for at least 90 days prior to date of application.

Rental arrears will be prioritized over forward rent; however, an initial award may address both arrears and forward rent. The U.S. Treasury guidance specified, in line with the authorizing Act that if an applicant has rental arrears, a commitment for prospective rent payments cannot be made by the Program unless it has also provided assistance to reduce the rental arrears. The Program will also prioritize outreach and processing for LERAP awardees that may be eligible for additional assistance under Louisiana's U.S. Treasury Emergency Rental Assistance Program, particularly unpaid LERAP applicants whose applications are complete or can be made complete consistent with all Program requirements. If the Program is projected to exhaust funding, these criteria will be strictly adhered to in determining assistance distributed.

APPLICATION INTAKE AND ELIGIBILITY

A. APPLICATION PROCESS

The Program is utilizing an **Applicant Portal** that can be accessed by both landlords and tenants via the internet at www.lastaterent.com. To apply for the Program, tenants and landlords are strongly encouraged to apply online for faster processing.

Ideally, each application will have information obtained from both the tenant and landlord. Tenants that apply must provide contact information for their landlord. Likewise, landlords that apply will be required to provide contact information for the tenant(s) for which they are applying. If the landlord does not participate by completing the application and providing required documents, the State may make the payment directly to the tenant, after following established criteria and process in line with U.S. Treasury guidance.

For those unable to apply online, an initial application may be submitted over the phone by contacting the **Program Contact Center** (877-459-6555). The Contact Center will provide guidance for submitting supporting documentation. If the applicant is unable to submit supporting documentation electronically, instructions will be provided with alternatives for submitting hard copies of supporting documents and coordinated with the program Outreach Team. The Contact Center may also be reached via email at info@lastaterent.com.

Application will remain in an "open" status until they reach 100% completion and are officially submitted to the Program, signified by e-signing/date and agreement to Certifications and Acknowledgements. Applications that remain unchanged for 60 days will be moved to Inactive. Inactive applications will be removed from the daily working queue. A tenant applicant can log back into the portal and complete their Application even after being marked Inactive.

B. APPLICATION REVIEW PROCESS

The State is processing applications through an **Applicant Management System (AMS)**. Once an application is created, applicants establish a username and password and receive a unique application number (ID). Each application is assigned to a Case Manager once their application is complete (100%) and submitted, who reviews the application for eligibility.

If required documentation is missing or inadequate, the Case Manager communicates outstanding requirements to the applicant (tenant or landlord) via the AMS, which sends the applicant an alert via email to submit additional information through the Portal. The Case Manager may also contact the applicant by phone. An Applicant's status based on the unique App ID is visible to the applicant at any time the applicant logs into the Portal. If there is a status change, the applicant will be sent an alert via email.

If the application is determined as incomplete at any stage of the process, the Case Manager notifies the applicant through the AMS. Any necessary documentation that is missing should be clearly requested using approved scripts. The AMS then automatically sends an email to the email address that the applicant provided as part of their file.

At least three attempts will be made to contact any applicant for missing documents over a period of 21 days and at different times of day. This outreach should be conducted in the following sequence:

- The Case Manager initiates outreach by sending a message through AMS to request documentation. Scripts for this outreach are available in the [Applicant Communications SOP](#).
- If the applicant does not respond to the message generated by AMS within five (5) days, the Case Manager should call the applicant.
- If the applicant does not respond to the phone call within five (5) days, the Case Manager should call again and send an email using the general email system.
- If a tenant fails to respond to a missing document request within 21 calendar days of initial email contact, or fails to communicate their intent to do so, the application will be marked inactive. Tenant applications are marked Inactive by the Case Manager in the AMS once the 21-day period is eclipsed. Inactive applications will be removed from the daily working queue. If an application is marked Inactive, Case Managers will need to provide a reason (e.g., non-responsive applicant, opt-out requested, duplicate application). A tenant applicant can log back into the portal and respond to the Request For Information (RFI) for the requested documentation even after being marked Inactive. The application will no longer be flagged as Inactive once the tenant applicant responds. For duplicate applications, Case Managers will need to notify a Team Lead to deactivate the incorrect application.

Landlords will be required to provide an IRS Form W-9, proof of ownership (may be provided by 3rd party verification) and agree to the Program's certifications and acknowledgements.

- If the Landlord fails to respond to a missing document request within five (5) calendar days of email, text or phone outreach or seven (7) calendar days from the mailing of the letter (if utilized), the application may proceed as a **Direct Payment to Tenant**.

After the Landlord has been determined nonresponsive or not willing to participate, the Program sends an email notifying the landlord that a direct payment will be made to the tenant.

- The Landlord has five (5) calendar days to reply or the direct payment process proceeds. The Case Manager will complete their review of the tenant's application and recommend for internal Quality Control (QC) review.

The Team Lead conducting the QC review will mark the application as "Recommend Direct Payment – Non-responsive or Non-Participating Landlord" in AMS. Based on the Case Manager's work, the QC reviewer will recommend a direct payment option. From that stage forward, all future review processes will evaluate the application as being considered for Direct Payment to the Tenant. Tenants who are determined for direct payments must complete a *Direct Payment Form* (See Appendix 3) through a ticket requested in the Portal. As indicated in the Form, by accepting the check, the tenant certifies that they will only use funds for rent payments. The Program also performs a review of tax assessor records to use third-party verification to confirm ownership and property validity. Applications recommended for direct payment will be identified in AMS via a dropdown menu option indicating 'Recommend Direct Payment.'

The Program will conduct close due diligence to minimize the potential for fraud, waste and abuse. If there are multiple tenants included on an application, direct payment will be made to the 'Applicant' in the household.

If the tenant is determined to be eligible for assistance and is approved, payment will proceed as a direct payment to the tenant. Applicants that are recommended and approved for direct payment will be paid via check. The check will be made out directly to the tenant to use for rental payments.

C. RENT PAYMENT AWARD COMMUNICATIONS

The Program will make sufficient notification to the Landlord upon approval of the tenant application and movement to payment. The check stub for payments to the Landlord will contain a copy of the terms agreed to by the Landlord in the Certifications and Acknowledgements. In line with Treasury FAQ guidance, the Program will notify the Tenant when a rent and/or utility payment is made on their behalf to the Landlord or utility provider. For a rent payment, the Program provides a copy of the e-signed/dated Landlord Certifications and Acknowledgements to the Tenant for their recordkeeping and use as needed to confirm terms agreed to for receipt of funding.

In the case of a Direct Payment to Tenant, the tenant will be informed when they are approved for payment and will receive payment with an attached check stub with the agreed terms to utilize the funding for applicable rent payment.

D. ELIGIBLE HOUSEHOLD CRITERIA

Tenants may be eligible for rental assistance under the program if the following requirements are met:

- Applicant resides in and is obligated to pay rent on a residential unit within a parish covered by the Program.
- At least one (1) individual in the applicant household qualified for unemployment benefits or experienced a reduction in household income or financial impact due directly or indirectly to COVID-19.
- Can demonstrate a risk of homelessness or housing instability which may include through documentation of past due rent, past due utility payment notice, or an eviction notice.
- Household income is at or below 80% of area median income (AMI) for the parish, as defined by the Department of Housing and Urban Development (HUD).³
- Funding for outstanding rent that is being requested through the Program is not duplicative of any other rental assistance through federal, state, or local programs, nor non-profit organizations nor any other entity.

Participating tenants must agree to the terms of assistance and submit required documentation. Tenants are required to e-sign their application (through typing in their name and uploading their government ID) and agree to the required acknowledgements and certifications (see Appendix 1) to move forward in the Program.

Participating landlords must agree to the terms of assistance and submit required documentation, including a Form W-9 and proof of ownership of subject rental property. Landlords are required to accept the following conditions as part of the acknowledgements and certifications (see Appendix 2) to receive payment under the program as e-signed through typing name and dating:

- Forgive late fees in excess of \$100/month (late fees must be noted in the lease), penalties, interest, and not charge for court costs incurred during the period for which rent arrears assistance is received, or prior to April 2020.
- Not evict a tenant for past due rent prior to April 2020.
- Not evict a tenant for at least 60 days after assistance ends unless eviction is for cause. Under Louisiana's Program, "for cause" shall not include the following eviction filings: "owner wants possession", "non-renewal of lease", or "non-payment of rent." This clause does not preclude the landlord from seeking eviction for lease violations and/or for tenants who violate the health, safety, and/or peaceable enjoyment of the property.

³ HUD AMI Data is available at: https://www.huduser.gov/portal/datasets/il.html#2020_data

(1) PROOF OF INCOME

Applicants must provide proof of income to demonstrate that the household income does not exceed 80 percent of AMI for the parish in which the unit is located. Income is generally calculated on an annual basis. The Treasury guidance allows a method using monthly income at the time of application, to be annualized over a 12-month period. In addition to the methods listed below, the State may also rely upon data directly from other State agencies such as the Louisiana Workforce Commission, SNAP eligibility, or third-party sources such as other federal programs, as available without the need for applicant documentation.

(a) Total Annual Income

An applicant may demonstrate that their household meets the AMI requirement based on their annual income in 2020. To demonstrate annual income, the applicant must provide either an Internal Revenue Service (IRS) series 1040 form for 2020 (preferred), or the following documents for the household:

- Filed IRS form 1040; or
- If no 1040 is available:
 - W-2 wage statements; and
 - Interest statements (if applicable).

(b) Monthly Income

An applicant may also demonstrate that their household meets the AMI requirement based upon total household income for the two most recent months. The Program will review the monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income falls below the 80 percent of AMI threshold. For example, if the applicant provides income information for two months, the Program will multiply it by six to determine the annual amount. For a calculation based on monthly income, the applicant must provide the following for the household:

- Two most recent months (or eight consecutive weeks) of pay stubs; or
- Signed wage/payment schedule from employer(s); or
- Unemployment compensation statement.

(c) Income Attestation

If an applicant is unable to provide the above forms of documentation or third-party verification, the State may accept income self-attestation under limited circumstances. The Program follows a Standard Operating Procedure describing the circumstances under which an attestation may be accepted when documentation is incomplete or unavailable.

(d) Other Options For Determining Income Eligibility

Depending on circumstances, the State may also accept any of the following options for purposes of determining income eligibility.

- Qualification for other governmental programs in which 80 percent AMI for household size is the maximum eligibility threshold;
- Determination that an applicant’s disabilities, extenuating circumstances related to the pandemic, or a lack of technological access impede an income determination; or
- An attestation from a caseworker or other professional with knowledge of a household’s circumstances certifying the household’s income is at or below 80 percent AMI for household size.

(2) PROOF OF FINANCIAL HARDSHIP

Applicants must provide information sufficient to determine financial hardship due to COVID-19.

Documents that demonstrate financial hardship may be collected when the applicant is providing their proof of income. Hardship criteria for eligibility can be verified if applicants provide evidence of either partial or full loss of wages due directly or indirectly to COVID-19, predominantly through third-party verification by the Louisiana Workforce Commission or the Supplemental Nutrition Assistance Program (SNAP) managed by the Louisiana Department of Children & Family Services (DCFS) coupled with established arrears or housing instability.

If the financial hardship is not directly verifiable by third-party data or income documentation, Case Managers may consider affirmative (“True”) answers and additional information provided for application eligibility questions 1-5 as a written attestation signed by the applicant that one or more members of the household meets this condition. Recommended documentation include unemployment benefits for at least one (1) household member. This may include:

- Unemployment compensation statement or similar documentation from the Louisiana Workforce Commission.
- Reduction in income, incurred significant costs, or experienced other financial hardship due to COVID-19 for at least one (1) household member. This may include:
 - Reduced income demonstrated in proof of income documents; or
 - Layoff/furlough notice; or
 - Bank statements/pay stubs.

(3) PROOF OF HOUSING INSTABILITY

The applicant must demonstrate a risk of experiencing homelessness or housing instability either directly or indirectly due to the COVID-19 pandemic as noted in Treasury guidance. This is demonstrated through the presence of the following:

- Past due rent notice;
- Past due utility notice or loss of utility services;
- Eviction notice; or
- Where appropriate, other evidence of housing instability and inability to pay housing costs, determined as warranted after case management review of the file.

Generally, the presence of arrears listed by the tenant or positive answers to eligibility questions may be sufficient to demonstrate housing instability. This qualifies as allowable acceptance of attestations.

(4) ELIGIBILITY FOR RECERTIFICATION

Applicants may apply for up to three months of forward rent at the time of initial application. According to the U.S. Treasury FAQ guidance, to be eligible for additional forward rent, if funding is available, the applicant is required to recertify every three months to verify continued eligibility as per the requirements to provide proof of financial hardship and proof of current housing instability. The State's implementation of the federal allowable Recertification process is dependent upon availability of funds and the State's notice to proceed. The following lays out the parameters of a Recertification process, contingent on State's approval.

Applicants must continue to meet income criteria to recertify to receive additional rental assistance.

- **Proof of Income:** Household income does not exceed 80% of the area median income limit (AMI) for the parish, as defined by (HUD).
- **Continued Risk of Homelessness or Housing Instability:** As part of the recertification ticket, applicants must attest that they continue to be at risk of homelessness or housing instability.
- **Financial Hardship:** As part of the recertification ticket, applicants must attest that they continue to meet the financial hardship criteria, such as a loss or reduction of income or other financial hardship due to the pandemic.

If the Case Manager determines that an applicant no longer meets the income criteria based on LWC and SNAP data, the recertification request will be denied. If there is no LWC or SNAP data available to confirm continued eligibility, an attestation via the Recertification Ticket will be acceptable to confirm continued eligibility.

The attestation will allow applicants to confirm continued eligibility and new changes (e.g., household member count, rent amount). If an applicant's monthly rent increased, the applicant can attest to the change in rent amount. Applicants can submit documentation (e.g. renewed lease with rent escalation clause) verifying rent increase. If there are any changes noted a funded applicant's information such as address or landlord, a new lease will be required to support the changes and the applicant will be a direct tenant pay.

In case a household is not eligible for recertification, Case Managers will notify the tenant's landlord about the status change. This means the tenant will no longer receive rental assistance through Louisiana's U.S. Treasury Emergency Rental Assistance Program after the period of agreement. Both landlords and tenants will need to determine rent payment outside of the Program.

The Program launched Recertification on December 1, 2023, to allowed funded applicants to receive additional 3 months of rent. Recertification will remain open based on availability of funds. Applications will be prioritized for process in line with program application prioritization.

(5) SUMMARY OF REQUIRED DOCUMENTATION

Tenant Applicants (at least one in each category)

The Program aims to reduce the need and obligation of documentation that must be provided by the Tenant. The Program will maximize use of third-party data sources where available and applicable as well as attestations, as appropriate to confirm applicant information without the need of documentation. However, the following list provides the type of documentation generally required to meet Program requirements.

AMI Requirement (Monthly Calculation)

- Two most recent months of pay stubs
- Signed wage/payment schedule from employer(s)
- Unemployment compensation statements

Proof of Risk of Homelessness or Housing Instability

- Past due rent notice or arrears attestation by tenant
- Past due utility notice
- Eviction notice
- Validation of past due rent from the landlord

AMI Requirement (Annual Calculation)

- Form Series 1040, or
- Wage statements, and
- Interest Statements, and
- Unemployment compensation statements.

Financial Hardship

- Affirmative (“True”) answer to any of Portal Application questions 1-5
- Furlough notice, layoff notice, or other documentation of loss of employment
- Pay stubs or other documentation showing a pattern of reduced income
- Other documentation demonstrating a loss or reduction of income

D. USE OF ATTESTATIONS FOR ELIGIBILITY PURPOSES

In some cases, applicant households may not be able to provide the necessary documentation to demonstrate eligibility even though they may appear to meet the eligibility criteria. To equitably meet the needs of these households, the Program permits the use of signed attestations to demonstrate eligibility in lieu of the specified documentation.

Attestations may be applied to meet the eligibility requirements relating to financial hardship, proof of income, and proof of residence. Specific circumstances where attestations will be accepted are described below.

(1) FINANCIAL HARDSHIP ATTESTATION

Applicants must demonstrate financial hardship due to the COVID-19 pandemic to be eligible for assistance, as defined in the Proof of Financial Hardship requirements described above. If the applicant makes a reasonable effort to provide documentation but is unable to produce the required eligibility documentation, the statutory language requires the State to obtain a written attestation signed by the applicant that one or more members of the household meet this condition. The affirmative answer to the Portal Application applicable questions with program-defined e-signature is sufficient.

(2) INCOME ATTESTATION

If an applicant is unable to provide the forms of documentation to provide a proof of income and it is not obtained and confirmed through third-party data source, the State may accept income self-attestation under limited circumstances. These include:

- If the applicant is unable to provide a 1040 series form addressing the calendar year 2020, a W-2 form, pay stubs or other wage statements, tax filings, bank statements, or similar monthly pay documentation available to the applicant to support the determination of income, the Program may accept an attestation from the applicant's current or former employer.
- An applicant-provided attestation will only be accepted in cases where these documents are unavailable or if there are extenuating circumstances preventing the applicant from retrieving the documents.
- The Program may accept an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for ERA Program assistance.

(3) RENT OBLIGATION ATTESTATION

Tenants should provide evidence of their rent obligation in the form of a lease, rental agreement, or other documentation showing the regular payment of rent from the tenant to the landlord.

If the tenant is unable to present adequate documentation of the amount of the rental obligation, the State may accept a written Attestation from the applicant's landlord. This requirement may be satisfied through a signed letter from the landlord, or the landlord completing the online landlord application, indicating rent obligations on the application, and agreeing to the terms and conditions of the application.

In such cases of only having a written Attestation, Louisiana's U.S. Treasury Emergency Rental Assistance Program assistance will be no greater than 100% of the greater of the Fair Market Rent or the Small Area Fair Market Rent for the area in which the applicant resides, as most recently determined by HUD and made available at <https://www.huduser.gov/portal/datasets/fmr.html>.

(4) DUPLICATION OF BENEFITS

Applicants may not receive assistance from the Program which is duplicative of other benefits received. A duplication of benefits occurs when a person, household, business, government, or other entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance.

Example #1: An applicant has received rental assistance through a city program for the months of November 2020 to January 2021. However, the applicant will not receive any further assistance from the city program starting in February 2021. The applicant is eligible to receive the Program assistance beginning with February 2021 housing costs.

Example #2: An applicant is receiving ongoing rental assistance through a local non-profit organization that will cover all expenses until June 2021. They are not eligible for forward rental assistance through the Program until they are no longer receiving assistance from the local non-profit organization. The applicant may be eligible for arrears accrued prior to initiation of the non-profit assistance.

Example #3: An applicant received LERAP assistance that covered rental arrears for the months of June and July 2020, but not the remainder of the eligible period. Rental arrears for those two months would not be eligible again for this assistance, but other arrears may be eligible.

Program payments may not duplicate any other rental assistance provided to an eligible household from federal, county, city, non-profit organizations, or other entity providing rental assistance. Assistance is considered a duplication if it is used to cover the same month's expenses. However, applicants that received rental assistance for previous rental costs may be eligible for the Program if it is not used for the same expenses.

The State will conduct a duplication of benefit (DOB) screening consistent with a defined Standard Operating Procedure. Recipients must report all amounts of assistance received and the source of the assistance.

NOTE: If an eligible household receives a monthly federal housing subsidy (e.g., Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant may be eligible for assistance through Louisiana's U.S. Treasury Emergency Rental Assistance Program if funds are not applied to costs that have been or will be reimbursed under any other federal assistance.

LANDLORD REQUIREMENTS

A. OVERVIEW OF LANDLORD REQUIREMENTS

Landlords wishing to participate in the Program must:

- Provide the required documentation and complete the landlord application with required certifications and acknowledgements.

- Acknowledge that the funds provided will go only toward rent payments for the tenant, as well as that any monies provided beyond rental arrears will be used towards future rent payments for the tenant.
- Agree to accept rental payment on behalf of the tenant from the Program. Forward rent may only be issued for up to three months at a time. Payments may not be applied to rental arrears accrued prior to April 1, 2020.
- Submit applicable lease (preferred), proof of ownership (can be obtained directly by Program through third-party verification), and W-9.
- Provide accurate payment information for rental payments via check.
- Certify that there are no outstanding building or health code violations against the property.
- Agree not to pursue eviction for non-payment of rent while receiving rental assistance, and for 60 days after assistance ends, unless eviction is for cause. Under Louisiana’s U.S. Treasury Emergency Rental Assistance Program, “for cause” shall not include the following eviction filings: “owner wants possession”, “non-renewal of lease”, or “non-payment of rent.” This clause does not preclude the landlord from seeking eviction for lease violations and/or for tenants who violate the health, safety, and/or peaceable enjoyment of the property.
- Forgive all late fees in excess of \$100/month (late fees must be noted in the lease to be eligible), penalties, interest, and court costs incurred during the period for which rent arrears assistance is received or prior to April 2020.

Participating landlords are prohibited from:

- Requiring, pressuring, coercing, or otherwise causing the tenant to pay any additional amount for rent or fees above what is paid by the Program to cover the applicable months; and
- Accepting payments from tenants outside of the Program payments for the months agreed upon.

To avoid conflicts of interest, landlords wishing to participate in the Program must attest that, to their knowledge, there is no conflict of interest or identity of interest in receiving federal funds by way of a financial or familial relationship to any personnel of the State or its designated agents, member of the LHC Board of Directors, Member of Congress, or any other party with an oversight or management interest in Program funds. This acknowledgement is included in the Landlord Acknowledgements and Certifications (see Appendix 2 for further information).

B. LEASE REQUIREMENTS

The State will require that tenants and/or landlords provide a written lease as preferable or can establish evidence of a pattern of paying rent to receive rental assistance. If an applicant is unable to provide documentation of a pattern of paying rent, the program can accept a written attestation by the landlord who can be verified. The program will provide a template for this attestation. The landlord may not evict for non-payment of rent while receiving rental assistance under the Program, and for 60 days after assistance ends, unless eviction is for cause, as noted above.

REPORTING

The State may provide the following data to the U.S. Treasury as mandated for reporting requirements on a Monthly and Quarterly basis (or as requested):

- Address of the rental unit,
- For landlords and utility providers, the name; address; and, social security number, tax identification number or DUNS number,
- Amount and percentage of monthly rent covered by Program assistance,
- Amount and percentage of separately stated utility and home energy costs covered by ERA assistance,
- Total amount of each type of assistance (i.e., rent, rental arrears, utilities and home energy costs) provided to each household,
- Amount of outstanding rental arrears for each household,
- Number of months of rental payments and number of months of utility or home energy cost payments for which Program assistance is provided,
- Household income and number of individuals in the household, and
- Gender, race, and ethnicity for the primary applicant for assistance.

The State will also collect information as to the number of applications received to be able to report to the U.S. Treasury the acceptance rate of applicants for assistance. The U.S. Treasury's Office of Inspector General may require the collection of additional information to fulfill its oversight and monitoring requirements. The State will comply with the requirement in section 501(g)(4) of Division N of the Consolidated Appropriations Act to establish data privacy and security requirements for information the Program collects.

PROGRAM TIMELINE

The Program will begin transitioning LERAP applicants in mid-February. The Program began accepting applications through the online Applicant Portal on March 5, 2021. The Program may cover up to a maximum of 18 months including rent arrearages and forward rent and additional 3 months in Recertification combined for months going back to April 1, 2020. In no case shall an applicant receive more than 18 months of total rent.

Grantees are expected to obligate at least 65 percent of their funds not later than September 30, 2021. According to the May 7, 2021, Treasury FAQ (#25), the U.S. Treasury may recoup ERA funds from a grantee if the grantee does not comply with the applicable limitations on the use of those funds. All funds must be obligated by September 30, 2022, pursuant to an extension provided by Pub. L. 117-2.

RIGHT TO INSPECT HOUSING

The State will require landlords to certify that there are no health or building code violations against the property. The State reserves the right to inspect the rental unit and related facilities at least annually during the assistance period, and at such other times as necessary to assure that the

unit is occupied by the Tenant, that required maintenance, services and utilities are provided, and to investigate concerns related to provision of the Program assistance.

CONFLICT OF INTEREST PROVISIONS

No employee of the State who formulates policy or influences decisions with respect to the Emergency Rental Assistance Program, and no public official or member of a governing body or state of local legislator who exercise his functions or responsibilities with respect to the program shall have any direct or indirect interest during this person's tenure, or for one year thereafter, in the contract or in any proceeds or benefits arising from the Contract or to any benefits which may arise from it.

PREVENTING WASTE, FRAUD, AND ABUSE

The State will make use of the LHC Internal Audit Department Fraud Hotline to report allegations of theft, fraud, waste or abuse of public funds. Information can be provided anonymously, however, providing a name and telephone number can be helpful because it allows for follow-up questions. The name and telephone number of any individuals reporting, as well as the status of complaints, are confidential. If an individual suspects fraud, waste or abuse of public funds, allegations should be reported to the Internal Audit Division at 225.763.8860 or LHC-Fraud@lhc.la.gov. Alternatively, if an individual suspects theft, fraud, waste or abuse of public funds by anyone, a report may be submitted to the Louisiana Legislative Auditor (LLA).

GRIEVANCES AND APPEALS POLICY

Should applicants, recipients of assistance, or landlords have a grievance they should submit it in writing to the State via the Applicant Portal or send an email directly to the Program email address: info@lastaterent.com. Should an applicant wish to appeal a notice of ineligibility, they should send an email to Appeals@lastaterent.com. The State will respond to grievances or appeals within 15 days upon receipt, after conducting a Review Determination. This submission should include their Application ID, applicant name, demographic information, and a detailed explanation of their request/appeal.

The Review Determination will be done by a different quality control team leader than who conducted the initial review. If the issue cannot be resolved during the Review Determination. Appeals will be reviewed by the State Program Appeal Review Committee, which will make a determination and final decision in the matter. Appeal Requests are determined by a review committee and can take up to 30 days for a determination.

ANTI-DISCRIMINATION

The Program will maintain compliance with the following regulations, laws and acts, as well as related State law.

A. TITLE VI (CIVIL RIGHTS ACT OF 1964)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance, including Program.

B. FAIR HOUSING ACT

The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), prohibits discrimination in housing based on race, color, national origin, sex, familial status, or disability, and applies to all grantees, subrecipients, and/or developers funded in whole or in part with HUD financial assistance. The State and program participants will certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status.

Among other included actions, it is illegal discrimination to refuse to rent to an individual based on any of these criteria. It is also illegal discrimination to impose different rental charges or limit privileges, services, or facilities of a dwelling. More information on the Fair Housing Act is provided at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

C. SECTION 504 OF THE REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT

Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act prohibit discrimination based on handicap in housing and community development programs and activities, particularly those that are assisted with HUD funding. Section 504 imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive federal funds. Program implementation, including any prioritization policies, must be consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable.

D. AGE DISCRIMINATION

The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination based on age in programs or activities receiving federal financial assistance.

E. AFFIRMATIVE OUTREACH AND MARKETING

The State must make reasonable and documented efforts market and outreach hard to reach populations and groups that would benefit from program services. Such efforts include:

- Using plain language materials.
- Posting materials on social media and organizational websites.
- Offering materials and information in accessible formats and multiple languages.
- Targeting distribution of information and materials to locations where hard-to-reach audiences may best be contacted.

PRIVACY AND CONFIDENTIALITY

Personally-identifiable information (PII) is information that can be used to distinguish or trace an individual’s identity, such as names, Social Security numbers, addresses, driver’s license information, income, and employment. The Program anticipates receiving PII from applications. A standard operating procedure is in place to ensure proper handling of PII and other sensitive information in client records.

APPENDIX 1: TENANT ACKNOWLEDGEMENTS AND CERTIFICATIONS

The following Acknowledgements and Certifications are applicable to Tenants receiving funds through Louisiana’s U.S. Treasury Emergency Rental Assistance Program, as funded by the United States Department of Treasury (Treasury) for the State of Louisiana. These funds are provided pursuant to Section 501 (“Section 501”) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) authorizing rental assistance funds (“Funds”) through the U.S. Department of the Treasury. The provisions of Section 501 and related guidance issued by the Department of the Treasury and State of Louisiana shall govern the use of these Funds. Such guidance shall be deemed to be incorporated as part of these Acknowledgements and Certifications.

CERTIFICATIONS

1. I certify that any lease or rental agreement provided is a true and accurate statement of tenancy in the State of Louisiana and that if approved to receive Funds, this award will be used to make direct rental payments for the months specified in the application.
2. I certify that the rental property for which I am applying for assistance is my primary residence.
3. I certify that all information relating to my eligibility for this assistance is true and accurate, including my eligibility under the following requirements:
 - a. I have experienced a loss or reduction of income due to the COVID-19 pandemic due to unemployment of myself or a member of my household, a reduction in income, incurring significant costs, or other financial hardship.
 - b. I am at risk of housing instability and/or homelessness.
 - c. I have accurately reported my income.
4. I certify that the gross household income indicated on my application and verified through the provided documentation is true and accounts for all sources of income by members of my household.

5. I certify that I have not received and am not aware of any duplicative benefit from another funding source, including but not limited to federal, county, or city government, non-profit organizations, or other entity providing rental assistance, nor shall I receive any duplicative benefits for months of rent paid for by LHC from these or any other organizations.
6. I attest that, to the best of my knowledge, there is no conflict of interest or identity of interest in receiving federal Funds by way of a financial or familial relationship to any personnel of the State or its designated agents, member of the LHC Board of Directors, or any other party with an oversight or management interest in Program Funds.
7. If this application is completed by an Authorized Agent on behalf of the Tenant, the Authorized Agent hereby certifies that it is duly authorized to act on behalf of the Tenant as its agent with respect to this application.

ACKNOWLEDGEMENTS

- I. I understand that any Funds provided will exclusively be used to pay for rent and arrears payments for the identified rental property. All payments will be applied to the month as defined by LHC when providing Funds.
- II. I understand these Funds may be repaid if the Landlord, Tenant, or any part of the application are later found to be knowingly inaccurate and ineligible.
- III. I understand and acknowledge that LHC is required to share certain information about me to ensure the Agency's compliance with all rules and requirements associated with the Funds from LHC.
- IV. I acknowledge and agree that the information provided herein may be used to access other government records that, along with the information in this application, may be redisclosed to other government entities and contractors of Louisiana's Office of Community Development and the Louisiana Housing Corporation to determine eligibility for the program, verify the accuracy of statements made on this application, and for audit and statistical purposes.

By submitting this application, I certify that all information provided herein, to the best of my knowledge, is true and adheres to the guidelines set by the State of Louisiana's United States Treasury Emergency Rental Assistance Program for COVID-19. I understand this is a legally binding document and I may be subject to civil and criminal penalties if I knowingly provide false or misleading information related to this application and that any attempt to defraud the State of Louisiana or misuse these Funds will fully result in prosecution of the law.

APPENDIX 2: LANDLORD ACKNOWLEDGEMENTS AND CERTIFICATIONS

The following Acknowledgements and Certifications are applicable to Landlords receiving funds through Louisiana’s U.S. Treasury Emergency Rental Assistance Program, as funded by the United States Department of Treasury (Treasury) for the State of Louisiana. These funds are provided pursuant to Section 501 (“Section 501”) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) authorizing rental assistance funds (“Funds”) through the U.S. Department of the Treasury. The provisions of Section 501 and related guidance issued by the Department of the Treasury and the State shall govern the use of these Funds. Such guidance shall be deemed to be incorporated as part of these Acknowledgements and Certifications.

CERTIFICATIONS

1. I certify that any lease or rental agreement provided is a true and accurate statement of tenancy and that the Tenant currently resides at the property for which I am the Landlord and that if approved to receive Funds, I will be obligated to use this award to make rental payments for the months specified in the application.
2. I attest that, to the best of my knowledge, there is no conflict of interest or identity of interest in receiving federal Funds by way of a financial or familial relationship to any personnel of the State or its designated agents, member of the LHC Board of Directors, or any other party with an oversight or management interest in Program Funds.
3. I certify that the Unit is habitable and does not endanger the health of the Tenant, and that there are no outstanding building or health code violations against the rental property where the Tenant resides.
4. I agree not to evict Tenant for at least 60 days after assistance ends unless eviction is for cause. Under Louisiana’s U.S. Treasury Emergency Rental Assistance Program, “for cause” shall not include the following eviction filings: “owner wants possession”, “non-renewal of lease”, or “non-payment of rent.” This clause does not preclude the landlord from seeking eviction for lease violations and/or for tenants who violate the health, safety, and/or peaceable enjoyment of the property.
5. I certify I do not have or have dismissed any pending eviction action against the Tenant. I understand that failure to dismiss any pending eviction action against the Tenant may result in recapture of Funds provided to the Landlord on behalf of the Tenant under Louisiana’s U.S. Treasury Emergency Rental Assistance Program.
6. I certify that I have not received and am not aware of any duplicative benefit from another funding source, including but not limited to federal, county, or city government, non-profit organizations, or other entity providing rental assistance, nor shall I receive any duplicative benefits for months of rent paid for by the State from these or any other organizations.

7. If awarded assistance through Louisiana's U.S. Treasury Emergency Rental Assistance Program, I forgive all penalties, interest and court costs incurred between April 2020 and the date of payment of the Program. I understand that late fees are allowable when within lease terms but cannot exceed the program allowance of \$100/month. I agree to forgive any late fees that may exceed the \$100/month threshold.
8. If this application is completed by an Authorized Agent on behalf of the Landlord, the Authorized Agent hereby certifies that it is duly authorized to act on behalf of the Landlord as its agent with respect to this application.

ACKNOWLEDGEMENTS

1. I understand that any Louisiana's U.S. Treasury Emergency Rental Assistance Program Funds provided will exclusively be used to pay for rent and arrears payments for the Tenant applying for assistance through this application and that acceptance of such Funds represents full and complete payment of all rent arrears. All payments will be applied to the month as defined by the State when providing Funds. Forward rent will only be issued for up to three months at a time. Payments may not be applied to rental arrears accrued prior to April 1, 2020.
2. I understand the Louisiana's U.S. Treasury Emergency Rental Assistance Program Funds must be repaid by me if the Landlord part of the application are later found to be ineligible.
3. I understand that I am prohibited from requiring, pressuring, coercing, or otherwise causing the Tenant to pay any additional amount for rent or fees above what is paid by the Program to cover the applicable months and accepting payments from Tenants outside of the Program payments for the months agreed upon.
4. I understand and acknowledge that the State is required to share certain information about me in order to ensure the Agency's compliance with all rules and requirements associated with the Funds from the State.
5. I acknowledge and agree that the information provided herein may be used to access other government records that, along with the information in this application, may be redisclosed to other government entities and contractors of Louisiana's Office of Community Development and the Louisiana Housing Corporation in order to determine eligibility for the program, verify the accuracy of statements made on this application, and for audit and statistical purposes.

By submitting this application, I (Landlord) certify that all information provided herein, to the best of my knowledge, is true and adheres to the guidelines set by the State of Louisiana's United States Treasury Emergency Rental Assistance Program for COVID-19. I understand this is a legally binding document and I may be subject to civil and criminal penalties if I knowingly provide false or misleading information related to this application and that any attempt to defraud the State of Louisiana or misuse these Funds will result in prosecution to the fullest extent of the law.

APPENDIX 3: DIRECT TENANT PAYMENT FORM

This Form is applicable to the Tenant receiving funds through the **Louisiana's U.S. Treasury Emergency Rental Assistance Program**, as funded by the United States Department of Treasury (Treasury) for the State of Louisiana.

By accepting these funds, I (Tenant)

- Understand that any Funds provided will exclusively be used to pay for rent and/or rent arrears. All payments will be applied to the month as defined by the State when providing Funds. Forward rent will only be issued for a maximum of up to three months at a time. Payments may not be applied to rental arrears accrued prior to April 1, 2020.
- Understand these Funds must be repaid by me if any part of the application is later found to be ineligible.
- Understand these Funds must be repaid by me if they are used for any other purpose besides that of paying rent.
- Understand that in order to be eligible for future assistance, I must maintain records (canceled checks, receipts, etc.) of the use of these Funds to pay rent.

All information that I have provided regarding my eligibility for the United States Treasury Emergency Rental Assistance Program is true and accurate.

WARNING: Recipient understands that false statements or claims made in connection with this award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.