

## How Survivors Can Access COVID-19 Rental Assistance: An FAQ for Survivor Advocates

The COVID-19 pandemic has left tenants across the United States facing considerable housing instability. This includes survivors of domestic violence, dating violence, sexual assault, and stalking. As eviction moratoriums end, survivors advocates may have questions about how their clients can access rental assistance in order to avoid eviction for nonpayment of rent. The following Q&A addresses questions about COVID-19 rental assistance.

### Where can survivors find rental assistance?

The National Low Income Housing Coalition's database, found here (<https://nlihc.org/rental-assistance>), lists a number of local rental assistance programs. Another national database that contains local rental assistance programs is maintained by the National Council of State Housing Agencies, found here: <https://www.ncsha.org/emergency-housing-assistance/>.

### What types of expenses are covered by rental assistance?

There are many different sources of rental assistance funding, and each program has different rules. However, the main source of funding for rental assistance is the federal Emergency Rental Assistance Program ("ERA Program" or "ERAP"), which is overseen by the U.S. Department of Treasury.

The federal ERA Program may cover:

- Current or prospective rent, prior rent owed (also called "rental arrears");
- Utility and home energy costs and arrears (such as electricity, gas, water and sewer, and other home energy costs);
- Relocation expenses;
- Security deposits;
- Rental fees, including application and screening fees;
- Reasonable late fees;
- Internet service, including internet service purchased as part of a bundle; and
- Other housing-related expenses as determined by local programs.

### The local rental assistance program says it is out of funds. What now?

It is important to regularly check back with the local program. The program may get more funding at a later date and open a new round of applications.

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### **My clients live in federally subsidized housing. Are they eligible for rental assistance?**

Yes, federally subsidized housing residents are eligible for rental assistance under the ERA Program and should not be denied assistance based on the fact that they receive a housing subsidy. Households may receive rental assistance for the resident's portion of the rent, but not the portion that is already covered by the subsidy.

If a federally subsidized household (with a rent based on income) lost income or experienced financial hardship during the pandemic, that household should complete an interim re-examination to confirm the household's portion of the rent before receiving rental assistance.

### **Are ERAP funds restricted based on immigration status?**

No. The law establishing the emergency rental assistance program (ERAP) does not impose restrictions based on a person's immigration status. This means that state and local rental assistance programs may not restrict access to ERAP rental assistance based on immigration status, or require Social Security Numbers or other forms of identification (e.g., state-issued ID) that are restricted based on a person's immigration status.

### **Does the ERA Program cover hotel and motel stays?**

Yes, the ERA Program covers hotel and motel stays if a client has been displaced from their residence and have nowhere else to go.

### **Does assistance under the ERA Program cover expenses for individuals living in mobile homes?**

Yes, the ERA Program may cover mobile home rent, space rent, utilities expenses, and other housing expenses as determined by the local program. ■



# Emergency Housing Vouchers: What Survivor Advocates Need to Know

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Advocates and service providers for survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking should take note of an important new housing resource that is specifically designed to help survivors, as well as individuals experiencing or at risk of homelessness, obtain housing. The American Rescue Plan of 2021 set aside \$ 5 billion for a new voucher program called the Emergency Housing Voucher (EHV) program.

According to the U.S. Department of Housing and Urban Development (HUD), this program will provide approximately 70,000 vouchers nationwide. EHV's are designed to pose fewer barriers for survivors and people at risk of or experiencing homelessness to obtain a portable housing subsidy. EHV's function similarly to Section 8 Housing Choice Vouchers in that an EHV recipient needs to find a rental on the open housing market. However, there are program features and flexibilities, as discussed below, to make the program more accessible. The below article outlines the basics of the EHV program.

## Populations Served by EHV's

EHV's are limited to the following populations:

- Persons experiencing homelessness;
- Persons at risk of homelessness;
- Persons fleeing or attempting to flee, or transferring on an emergency basis, due to domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
- Persons who are recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

## Locating EHV's

HUD created a formula that allocated which public housing agencies (PHAs) would receive EHV's. Not all PHAs received EHV's. Survivor advocates should check [HUD's EHV webpage](#) for information about whether a local PHA received an allocation of EHV's. However, as noted below, advocates also should reach out to their [local Continuum of Care](#) for information on how to apply for an EHV, unless the survivor already is served by the PHA and needs an emergency transfer under the Violence Against Women Act (discussed later in this article).

## Administration of the EHV Program

While PHAs normally determine eligibility for programs such as the Section 8 Housing Choice Voucher program, EHV's operate differently. **Instead of applying to the PHA, individuals and families seeking an EHV apply to the local Continuum of Care (or, if applicable, a victim service provider),** which determines whether applicants fall within one of the four populations noted above. For survivors, this means that the Continuum of Care (CoC) or victim service provider will be determining whether they fall within the categories of being a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking. After making this determination, the CoC must provide the PHA with documentation, to be kept in the family's PHA file, that shows the family falls within one of the four EHV eligible categories outlined above. A sample documentation form can be found on [HUD's EHV webpage](#). As one can see, the documentation form does not ask for a lot of information regarding the survivor, which is consistent with the EHV program's emphasis on being a low-barrier housing subsidy.

## The Role of Continuums of Care (CoCs)

CoCs play a key role in the administration of the EHV because the CoC determines whether a family falls within one of the categories eligible for an EHV. PHAs must enter into an agreement, called a Memorandum of Understanding (MOU) with the local CoC regarding the distribution of EHV. Survivor advocates should review the MOU agreement to better understand the division of roles between the PHA and the CoC.

PHAs must accept referrals from the CoC's Coordinated Entry system for EHV. The CoC must provide the PHA with documentation, to be kept in the family's PHA file, that shows the family falls within one of the EHV eligible categories. CoC staff can also accompany the family to meetings with PHAs regarding the admissions process for the EHV.

Importantly, if the Coordinated Entry system does not have a sufficient number of eligible applicants for EHV, or, if the Coordinated Entry system does not identify survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking who may be eligible for EHV, the PHA must receive referrals from another entity, such as a victim services provider or homeless services provider.

As noted above, the PHA does not determine eligibility for new admissions EHV, and so if a family contacts the PHA seeking an EHV, the PHA must refer the family to the CoC (or, alternatively another services provider), who will then identify whether the family falls within one of the four EHV eligibility categories.

## Eligibility for an EHV

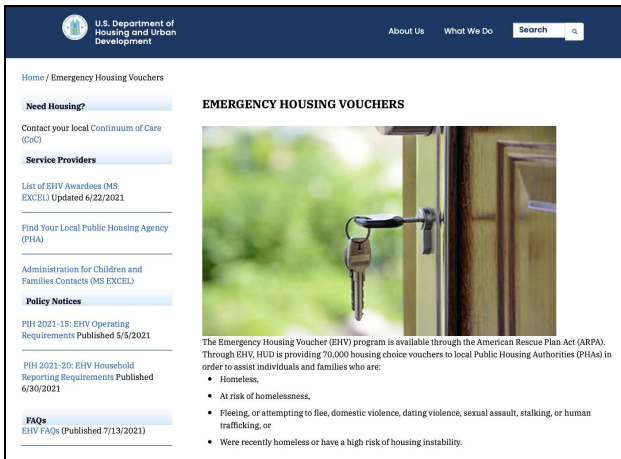
In addition to being a member of one of the four previously listed categories of eligible populations, other eligibility requirements apply. Some of the eligibility requirements for the EHV program will be similar to the Section 8 Housing Choice Voucher program. For example, the same immigration requirements that apply to Section 8 Housing Choice Vouchers apply to EHV. To be eligible for an EHV, at least one household member must be a U.S. citizen or be an eligible immigrant for the household. A U.S. citizen or eligible immigrant can be a minor child. For more information about immigrant eligibility for federal housing assistance please refer to [this resource](#) by the National Alliance for Safe Housing and the National Immigrant Women's Advocacy Project.

## Applicants with Prior Criminal Histories or Other Adverse Rental History

With the aim of making EHV low-barrier, HUD has established special requirements for the EHV program to make it easier for people with adverse rental history or criminal records to qualify.

For the EHV program, PHAs **cannot** deny admissions on the following grounds:

- Prior eviction from federally assisted housing
- Owing rent to a PHA
- Failure to reimburse the PHA for amounts paid to an owner for rent, unit damage, or other money owed to the owner
- Prior failure to comply with an agreement to pay money owed to the PHA or owner
- Alcohol abuse
- Drug-related criminal activity (which HUD distinguishes from violent criminal activity against individuals)



Prohibiting these grounds for denial is important because it means that many people, including survivors who have adverse criminal records or rental history due to the violence committed against them, are not excluded from the EHV program on those grounds.

HUD has also identified circumstances where the PHA is allowed to, but is not required to, deny a household EHV admission, including including violent criminal activity. Advocates can find out more information [in this HUD notice](#). However, when denying admission to the EHV program on the basis of one of these permissive grounds, the PHA must: (1) consult with the CoC to discuss the impact of these prohibitions and consider the CoC’s feedback; and (2) conduct an individualized assessment, including mitigating circumstances.

It is important to note that HUD still requires denial of admission for two types of households:

- households where any member “has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants”;
- households where any member is subject to a state lifetime sex offender registration program.

These are the only two required grounds for denial from the EHV program regarding criminal history, if the household is otherwise eligible.

### Additional Funds that Can Assist EHV Recipients

PHAs administering EHV receive an additional \$3,500 per voucher to help participants access housing. PHAs can use these funds to give applicants, including survivors, a better chance at successfully being able to use their vouchers on the housing market. PHAs must provide housing search assistance to EHV families.

PHAs can also use the additional funds for a number of items, including (but not limited to): security deposits, utility deposits and arrears, rental application fees, moving expenses, renter’s insurance, essential household items, and landlord incentives. By using the services fee for these types of expenses, PHAs can assist survivors, who often have been subjected to economic and financial abuse, with common costs associated with moving.

### Use for Emergency Transfers Under VAWA

In addition to new applicants who fall within one of the EHV eligibility categories, PHAs can use EHV to effectuate Violence Against Women Act (VAWA) emergency transfers for existing PHA program participants who are survivors of domestic violence, dating violence, sexual assault, and stalking. Advocates working with survivors who are current PHA program participants with a need to move due to domestic violence, dating violence, sexual assault, or stalking should consult their PHA’s emergency transfer plan to request an emergency transfer.

HUD's EHV notice regarding emergency transfers for current PHA program participants does not reference eligibility for survivors of other housing programs covered by VAWA 2013 housing protections. (e.g., Low-Income Housing Tax Credits, project-based Section 8, etc.). However, survivors in these other covered housing programs can still contact their local CoC or victim services provider to see if they can establish eligibility for an EHV under the "fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking" category.

### Program Flexibility and Extended Search Time

HUD seeks to provide low-barrier access to the EHV housing subsidy. Therefore, PHAs can adopt certain flexibilities to give EHV households a better chance at successfully finding a place to live. For example, the PHA can allow initial lease terms to last fewer than 12 months, or establish higher subsidy amounts for EHV, compared to the Section 8 Housing Choice Voucher program. PHAs can also provide more time for EHV participants to verify income, immigration status, and Social Security numbers. This flexibility can be particularly useful for survivors whose abusers have denied access to documents or information.

Importantly, PHAs are required to provide EHV households at least 120 days to search for a unit on the rental market, which is longer than the minimum time for the Section 8 Housing Choice Voucher program. Additional time can be instrumental in helping survivors locate a safe, affordable unit -- particularly if the survivor lives in an expensive rental market.

### Cannot Be Reissued After September 2023

After September 30, 2023, a PHA cannot reissue an EHV to another family when an EHV family leaves the program.

### Technical Assistance and Resources

This article has outlined the basics of the EHV program, but survivor advocates should consult HUD resources, [particularly the operations notice for the EHV program \(PIH 2021-15 \(HA\)\)](#), accompanying FAQs, both of which can be located on [HUD's EHV webpage](#).

For technical assistance, advocates can reach out to the National Housing Law Project, or to HUD's EHV email, [ehv@hud.gov](mailto:ehv@hud.gov).

### Conclusion

In conclusion, survivor advocates should familiarize themselves with the EHV program, and research whether this housing resource can meet their clients' needs. The flexibilities and features of the program are designed to give EHV families, including survivors, better chances at successfully finding affordable housing. ■

For technical assistance or requests for trainings or materials, please contact:

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