

Texas Department of Housing and Community Affairs
Texas Housing Stability Services Program
Frequently Asked Questions
(Funded by US Treasury, ERA1)
July 15, 2021

ELIGIBLE AND INELIGIBLE ACTIVITIES AND EXPENSES

1. How can the funds be used?

Funds can be used to enable eligible households impacted by the pandemic (at or below 80% of Area Median Income, see question on household eligibility below) to maintain or obtain stable housing. Essential services to unsheltered persons and services to eligible households may be provided through a variety of avenues including outreach services, shelter services, community services, and services offered at permanent supportive housing properties. All assistance funds must be for services and must be tied to specific households.

Stabilization Services may include:

Outreach Services

- Funding of housing navigators or promotoras
- Hosting of in-person and web-based clinics, that help households access the Texas Rent Relief Program or other rental assistance programs
- Other resources or efforts to assist households in finding housing

Shelter Services

- If the household is literally homeless (i.e. living on the street, car, or shelter) the Subrecipient may provide food, basic clothing needed for protection from the elements, or to obtain employment or basic hygiene products, as part of a service to help the household obtain or maintain housing
- Portable Handwashing Stations or Bathroom facilities
- Provision of stipends or short-term payment assistance to public or private campgrounds willing to make or provide access to cabins or other dwellings available for persons needing temporary housing solutions

Housing Services

- Provision of rental or utility deposits, including pet deposits (excluding monthly rent charges for pets)
- Payment of rental of moving vans or hiring of movers within reasonable limits
- Provision of landlord incentive payments to improve likelihood of finding housing through negotiating with landlords, and expanding the housing pool for households facing barriers to housing (e.g., households with criminal backgrounds, poor credit, debt or poor rental history)
- Housing counseling and fair housing counseling
- Case management related to housing stability
- Housing-related services for survivors of domestic abuse or human trafficking

Eviction Diversion Services

- If assisting a household not receiving this type of assistance from Texas Access to Justice Foundation subrecipients (already receiving ERA1 Stabilization funds), eviction prevention and eviction diversion activities, which can include paying for eviction appeal bonds (if the eviction case is handled by an attorney and the attorney makes a professional decision that the expense is reasonable). This excludes rental or utility bill assistance

- If assisting a household not receiving this type of assistance from Texas Access to Justice Foundation subrecipients (already receiving ERA1 Stabilization funds), legal services or attorney's fees related to eviction proceedings and maintaining housing stability
- If assisting a household not receiving this type of assistance from Texas Access to Justice Foundation subrecipients (already receiving ERA1 Stabilization funds), mediation or alternative dispute resolution between landlords and tenants

Social Services for Housing Stability

- Specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing
- Assistance in qualifying for unemployment, rental assistance, or other benefits that help stabilize the household
- Transportation directly associated with stabilizing the household (i.e. bus/cab fare or IRS mileage for a service provider to take a household to view an available unit or access other social services)
- Employment services and job training if job loss or loss of income was due to COVID-19 and if needed to obtain or maintain access to housing
- Financial literacy assistance as needed to understand documents needed to obtain or maintain access to housing
- Supporting embedded caseworkers on-site at shelters, permanent supportive housing properties or properties willing to commit to serve persons exiting homelessness (activities performed by caseworkers must be otherwise eligible)
- Mental health counseling and associated medical services and substance use treatment, including but not limited access to a mental health practitioner for medication management for persons with disabilities, as required to obtain or maintain housing
- ID recovery to help obtain identification documentation
- Help with job placement(including associated childcare while searching for a job), as needed to obtain or maintain housing
- Technology costs: ONLY if the technology is a needed supply for the program participant to attend a housing stability services training program, search for employment, or communicate with a remote medical provider and the expense is directly necessary to obtain or maintain housing, then broadband assistance or purchase of a computer is allowed. Otherwise, technology costs are not allowed. Within the allowable activity noted, no individual purchase of equipment of \$5000 or more is allowed
- Case management services related to housing stability, including but not limited to help accessing other benefits (e.g., SNAP, SSI, SSDI, Veteran's assistance, and Medicaid). A caseworker's salary is an eligible service if the casework provided is for eligible activities and their time is maintained via timesheets pursuant to 2 CFR 200
- Assistance with correcting eviction, debt, or other inaccurate data from a household's credit report

2. What are the funds not allowed to be used for?

Any cost that cannot be specifically tied to direct assistance to an eligible households is an ineligible expense. Assistance funds must be for services and must be tied to specific households. A good way to apply a test for this is to ask yourself which households are the specific beneficiaries that I can report on for this activity. If the funds can't be tied to households, then it likely is not eligible. If unsure, ask us.

This means that funds cannot be used for:

- Capital projects or infrastructure; funds may not be used for hard construction, equipment such as showering stations, or other construction activities including remodels
- Rent or rental arrears assistance (Note that households that need rental assistance should be referred to either the Texas Rent Relief Program or a local rental assistance program.)

- Utility payments or utility arrears (Note that households that need utility assistance should be referred to either the Texas Rent Relief Program or a local rental assistance program.)
- General shelter operations
- Furnishings (Note that we have requested from the Treasury whether helping a household with basic household furnishing/kitchen tools, etc. can be eligible. If we hear this affirmatively, this item will be moved to the eligible category.)
- General administration and agency coordination expenses that are not household-level specific
- Car repairs or car registration expenses
- Medical/Dental Care – As noted above, health counseling and associated medical services and substance use treatment, including access to a mental health practitioner for medication management for persons with disabilities are eligible if needed to obtain or maintain housing; however, all other general medical and dental expenses, administration associated with medical/dental care, medical supplies/prescriptions, health and wellness classes, or clinic operations not connected with specific households receiving housing-related services are not eligible.
- Technology costs other than those noted above (is a needed supply for the program participant to attend a housing stability services training program, search for employment, or communicate with a remote medical provider and the expense is directly necessary to obtain or maintain housing) are not allowed. No individual purchase of equipment of \$5000 or more is allowed.

3. Is there a limit to the length of assistance?

Assistance can only be provided through August 2022.

HOUSEHOLD ELIGIBILITY AND INCOME DETERMINATION

4. What are household eligibility requirements?

Renter households must be experiencing homelessness or be at risk of experiencing homelessness or housing instability and have an income no more than 80% of area median income (AMI) AND one or more members of the household must attest in writing that they have either:

- Qualified for unemployment benefits, OR
- Due to or during the pandemic:
 - Experienced a reduction in income,
 - Incurred significant costs, or
 - Experienced other financial hardship,
- AND one or more individuals within the household must attest that:
 - That they are at risk of experiencing homelessness or housing instability, which may include a past due utility or rent notice or eviction notice, OR
 - That unless they receive rental assistance, they would have to move to an unsafe/unhealthy environment like a shared living situation or emergency shelter.
- Note that these attestations are sufficient to qualify for the program. The Program is not limited to HUD's definitions for homelessness or at risk of homelessness

5. How is household income calculated?

Applicants can use either their total 2020 annual income or their most recent 30 days of income. Income provided for the 30 days is annualized, based upon the frequency of pay (hourly, weekly, bi-weekly, or monthly) for those 30 days. If using the most recent 30 days of income, any reapplication for assistance later in the subrecipient's contract period must include a resubmission of income documentation. Some households receiving certain types of federal benefits are automatically (categorically) income eligible.

Income for all household members 18 years of age or older will be considered when calculating annual household income.

A household is defined as all persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any other group of related or unrelated people who share living arrangements.

Household income will be calculated based on the adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. Income reported for 30 days will be annualized based upon the provided 30 day documentation. When determining the number of household members and annual household income, keep in mind:

- Minor children are considered household members. Earned income of minor children is not considered as part of total annual household income.
- Minor children who are subject to shared custody agreements may be counted as household members if the minor child lives in the residence at least 50% of the time.
- Temporarily absent family members are considered household members and their income is considered in calculation of household income, regardless of how much the temporarily absent family member contributes to the household.
- Paid, non-related, live-in aides, whether paid by the family or through a social service program, are not considered household members. Income of live-in aides is not considered in the calculation of household income. Related persons do not qualify as live-in aides.
- Permanently absent family members, such as a spouse who resides permanently in a nursing home, may be considered a household member, at the discretion of the head of household/program applicant. If the head of household opts to include a permanently absent family member in the household, the income of the permanently absent household member will be counted in the calculation of annual household income. If the head of household chooses not to include the permanently absent family member as part of the household, the income of the permanently absent family member will not be considered in the calculation of annual household income.

6. What federal benefits make a household automatically income eligible?

For Persons Receiving Assistance from these other programs, no other income documentation is needed:

- For households with six or fewer members:
 - Head Start,
 - LIHEAP/CEAP,
 - SNAP,
 - SSI,
 - TANF, or
 - Tribal TANF for head or co-head of household
- Veterans Affairs Disability Pension, Survivor Pension, Enhanced Survivor Benefits, or Section 306 disability pension (not standard VA pension)
- WIC for households with three or fewer members, OR
- If you are living in a rent-restricted property or public housing unit or you are receiving tenant-based or Section 8 rental assistance, you or your landlord can provide evidence of your most recent income certification no older than one year from when you apply for assistance.

7. Are there any exceptions to providing income documentation?

For: 1) Persons facing eviction (meaning their landlord has initiated eviction and they have been provided a court docket number) or utility disconnection, 2) persons literally living on a street, in a car, or in an emergency shelter, or 3) Persons that are Victims of Domestic Violence that are also participating in a program funded by ESG, Family Violence Prevention and Services Act, or the Victims of Crime Act: the household can certify within the application that their income is within the program income limit, and no further income documentation is required.

8. Is there a U.S. citizenship requirement? Can undocumented residents be assisted?

The funding for this program is part of the Coronavirus stimulus bill passed by Congress. The U.S. Department of Treasury has not identified these funds as a federal public benefit, so evidence of citizenship or qualified alien status, is not required at this time.

9. Does a households have to be in arrears on a current unit?

No, a tenant does not necessarily have to be in arrears.

10. Does the assistance provided need to go to households accessing TDHCA's or any other rental assistance program?

No.

11. Does the household have to prove they lost a job or their hours were cut?

No. Certification by the household will suffice to demonstrate that criteria is met.

12. Does the household have to be in a lease already to be eligible to be assisted?

No, but the household must attest to being at-risk of homelessness or homeless and be seeking rental housing, and meet the other criteria above.

OTHER PROGRAM QUESTIONS

13. If providing assistance for security deposits on a new unit (not rent), are unit inspections required?

No HQS or other inspection is required.

14. What are the reporting requirements?

Treasury's guidance to date on reporting for ERA: <https://home.treasury.gov/system/files/136/ERA-Reporting-Guidance.pdf>

15. Is HMIS or Coordinated Entry required?

No.

16. What is the contract period going to be?

September 1, 2021 to August 31, 2022.

17. Is there a minimum or maximum request?

No, providers should request the amount of funds they believe they can reasonable and eligibly expend through August 2022.

18. What percentage of admin is allowed? Can we use an Indirect Cost Rate?

Up to 7% administrative funds are allowed. Note that case managers, providing direct services to households do not count as administrative funds, but services. You may use a federally approved indirect cost rate, or if the Subrecipient has never had a federally approved indirect cost rate a de minimis rate may be used, but the indirect rate or de minimus rate used may not total more than the 7% of allowable administrative funds.

19. Does this funding have any stipulations around the religious/spiritual development aspect of our program?

There are limitations on using federal funds for spiritual development. Per Executive Order 13559, "organizations that engage in explicitly religious activities (including activities that involve overt religious content such as worship, religious instruction, or proselytization) must perform such activities and offer such services outside of programs that are supported with direct Federal financial assistance (including through prime awards or sub-awards), separately in time or location from any such programs or services

supported with direct Federal financial assistance, and participation in any such explicitly religious activities must be voluntary for the beneficiaries of the social service program supported with such Federal financial assistance.” Additionally, all assistance provided must be focused on housing stability services to individual households.

20. Will funds be available immediately following contract execution?

Subrecipients have an opportunity to access a one-time cash advance of funds covering no more than 30 day’s cash need, but other than this one-time opportunity, payments will be made on a monthly reimbursement basis.