

TEXAS EVICTION DIVERSION PROGRAM – SUBRECIPIENT GUIDE

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Background

The Texas Eviction Diversion Pilot (TEDP) Program is a unique partnership between the Supreme Court of Texas, the Texas Office of Court Administration, and the Texas Department of Housing and Community Affairs (the Department). It is funded by \$3.3 million in Community Services Block Grant CARES Discretionary funds.

TEDP allows eligible Texans impacted by COVID-19 to remain in their homes and provides landlords with an alternative to eviction. This temporary program serves as a pilot for a larger-scale program that will provide statewide eviction diversion coverage through Community Development Block Grant CARES funding.

Program Overview

- Participants are eligible rental tenants and their landlords
- Tenant must have been sued for eviction – the TEDP process is started by the court system
- Program provides up to 6 months in total of rental assistance
 - Up to 5 months past due and at least one month of rent going forward. If fewer than 5 months are in arrears, the remainder may be used for subsequent months of assistance
- Program participation puts the eviction process on hold and diverts it from the court system to TEDP; through participation in the program, the eviction case will be dismissed and made confidential from public disclosure, protecting the tenant from future repercussions
- Landlords receive a lump sum payment for arrears and/or future payments via direct deposit

Service Area by County	Subrecipient
Bee	Community Action Corporation of South Texas
Bexar	San Antonio, City of, Department of Human Services
Brazos	Brazos Valley Community Action Program
Chambers	Brazos Valley Community Action Program
Deaf Smith	Panhandle Regional Planning Commission
El Paso	El Paso Community Action, Project BRAVO
Erath	Texas Neighborhood Services
Fannin	Texoma Council of Governments
Grayson	Texoma Council of Governments
Harris	Gulf Coast Community Services Association
Jim Wells	Community Action Corporation of South Texas
Kleberg	Community Action Corporation of South Texas
Montgomery	Brazos Valley Community Action Program
Palo Pinto	Texas Neighborhood Services
Parker	Texas Neighborhood Services
Potter	Panhandle Regional Planning Commission
Randall	Panhandle Regional Planning Commission
San Patricio	Community Action Corporation of South Texas
Wise	Texas Neighborhood Services

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Contract Details

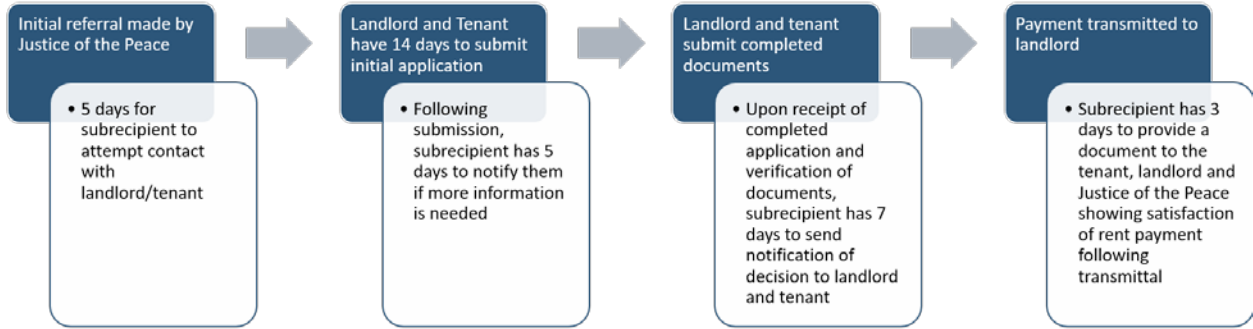
Contract dates: October 12, 2020 to September 30, 2021

- Subrecipients must adhere to the Performance Statement requirements as outlined in the contract.
- Costs must be incurred within the contract term; activities related to closeout costs may not exceed 45 days from end of contract
- Subrecipient must adhere to cost principles and uniform admin requirements of UGMS, 34 TAC §20.421
- Subrecipient will need to submit an “Audit Certification Form” within 60 days of Subrecipient’s fiscal year end

Timeline for Providing Assistance

- When referral is made by a Justice of the Peace directly to the Subrecipient, Subrecipient must attempt to contact the tenant and landlord **within 5 (five) calendar days** of receiving such referral. If the tenant and landlord have not both submitted their initial application **within 14 (fourteen) calendar days**, the referring Justice of the Peace will be notified that the tenant and landlord are not participating in the program. This benchmark is not applicable if the tenant or the landlord, once a notice to vacate has been issued, contact the Subrecipient directly.
- If Subrecipient is contacted directly by a tenant or landlord (or representative of either) once a notice to vacate has been issued, Subrecipient must transmit to the tenant and landlord application materials **within 5 (five) calendar days**.
- If Subrecipient receives an application from the tenant or landlord that is incomplete or needs additional information, Subrecipient must send a notification to the tenant and the landlord of the needed information **within 5 (five) calendar days**.
- Upon receiving a complete household application and verification of information from the landlord, Subrecipient must make a decision on the eligibility of the application and the amount of payment due the landlord, and must send notification to the tenant and landlord of its decision (or representative of either) **within 7 (seven) calendar days**. If the referral came directly from the Justice of the Peace court, that office should be copied on the decision of eligibility and Subrecipient must communicate with the Justice of the Peace court regarding satisfaction of the obligation to pay the landlord **within 3 (three) calendar days** of transmitting the payment to the landlord. If the Subrecipient was contacted directly by the tenant or landlord, following payment to the landlord, Subrecipient must communicate with tenant and landlord a document demonstrating the satisfaction of the rent obligation **within 3 (three) calendar days** of transmitting the payment to the landlord.

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Prohibited

- Rental payments that exceed rent reasonableness standards (see Section 8D of contract for more details)
- Assistance to households who dwell in project-based housing
- Assistance to households who dwell in a public housing unit
- Assistance to households whose dwelling is owned by a Unit of Local Government, without prior Department permission
- Assistance exceeding 6 months (including arrears and monthly payment)

Contractual Benchmarks

- Contract 10% expended, as provided in the Budget, by January 31, 2021.
- Contract 25% expended, as provided in the Budget, by March 30, 2021.
- Contract 50% expended, as provided in the Budget, by May 31, 2021.
- Contract 90% expended, as provided in the Budget, by July 31, 2021.
- Contract 100% expended, as provided in the Budget, by September 30, 2021.

Tenant Eligibility Requirements

- Household income at or below 200% Federal Poverty Level

HH Size	1	2	3	4	5	6	7	8
200% Poverty	\$25,520	\$34,480	\$43,440	\$52,400	\$61,360	\$70,320	\$79,280	\$88,240

For households with more than 8 persons, add \$8,960 for each additional person.

- Household must be financially impacted by COVID-19
- Tenants receiving tenant-based voucher assistance, those who are in a unit receiving project-based assistance, or those who are in public housing are *ineligible*
- Households are considered eligible and need no other documentation if they are currently receiving assistance under SNAP, SSI, LIHEAP or Medicaid

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- Households are considered eligible and need no other documentation if they are living in a qualifying rent-restricted property and have evidence of an income certification from that property dated on or after March 31, 2020, and within 12 months of the application for assistance and self-certify that their income remains below this limit
- Household cannot have received rental assistance for the same months of rent and will agree to not seek assistance for the covered months in the future
- Household cannot have previously received rental assistance funded with CDBG CARES funds, that would exceed 6 months in total, when combined with this assistance
- Household must certify lease term, rent amount, and ability to provide proof of tenancy

Landlord Eligibility Requirements

- Assistance cannot cover rent any earlier than April 2020
- Rent for the Household may not exceed TDHCA maximum limits by zip code
- Landlord must have a bank account with direct deposit
- Rental units must be eligible
 - Ineligible units include those already receiving project-based assistance, public housing units, and units owned by a unit of government
- Landlord must agree to forgive late fees/penalties and not pass court costs on to tenant
- Landlord cannot have received assistance from another program for the same rent for the same client and must agree to not apply in the future for the covered months
- Landlord must agree to release tenant from payment liability and waive all claims raised in the eviction case and not evict the tenant for the period covered by the TEDP
- Landlord will reimburse the TEDP within 10 business days if they receive payment for the same time period
- If no written lease is available, the landlord must certify the lease term, rent amount and be able to provide proof of tenancy

Required Documentation for Application

Landlord	Tenant
<ul style="list-style-type: none"> ➤ Copy of lease OR certification proving tenancy ➤ Documentation of missed payments ➤ W9 ➤ Completed Landlord TEDP Form ➤ Completed Landlord TEDP Certification 	<ul style="list-style-type: none"> ➤ Government-issued ID ➤ Written lease OR evidence of unit tenancy ➤ Evidence of income eligibility under other qualified program OR income for past 30 days ➤ Completed Tenant TEDP Form ➤ Completed Tenant TEDP Certification

Reporting Requirements

This contract is to be reported separately from other funds.

- Expenditure and Performance Reports (MER and MPR) are due no later than the 15th of the subsequent month. See contract **Exhibit B** for specific data which must be collected and reported monthly

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[Link to CSBG monthly expenditure and performance reporting instructions](#)

- Final reports due within 45 calendar days after contract end date

Relevant TAC

[10 TAC 6.4: Income Determination](#)

[10 TAC 6.5: Documentation and Frequency of Determining Customer Eligibility](#)

[10 TAC 6.8: Potential Applicant/Applicant/Customer Denials and Appeal Rights](#)

Procurement

Any purchases must be properly procured (see Section 15 of contract), inventoried and reported at contract close out.

Important Links to Bookmark

- Texas Department of Housing and Community Affairs website:
<http://www.tdhca.state.tx.us/TEDP.htm>
- Office of Court Administration Texas Courts website: www.txcourts.gov/eviction-diversion/