



DES Administrative Policy & Procedures

Chapter: 01 Department of Economic Security
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Subject: 62 Emergency Rental Assistance Program
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DES 1-01-62

EMERGENCY RENTAL ASSISTANCE PROGRAM

I. POLICY STATEMENT

The COVID-19 Emergency Rental Assistance (ERA) Program within the Arizona Department of Economic Security (DES or Department) is established in response to the COVID-19 pandemic and provides guidance to employees on the treatment of cases and communication among all parties.

II. APPLICABILITY

This policy applies to all DES employees, including all paid, unpaid, full-time, and part-time persons and contractors, who are involved with the ERA Program. In addition, this policy applies to applicants and recipients of ERA assistance funds.

III. AUTHORITY

Consolidated Appropriations Act, 2021, P.L. 116-260, Division N, Sections 501 and 502

National Declaration of Emergency

[Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#) (March 13, 2020)

A.R.S. § 41-1061 et seq.

Adjudicative Proceedings

A.R.S. § 41-1959

Confidential information; permissible disclosure; rules; violation; classification

IV. DEFINITIONS

Appellant: An applicant or client contesting a decision made by the program.

Applicant: A person or business entity that requests ERA in accordance with this policy. A person shall be 18 years or older to qualify as an applicant.

Area Median Income (AMI): The midpoint of a region's income distribution.

Auto-adjudication: The automatic process for determining program eligibility based solely on information provided by the applicant.

Client: A person or business entity that receives ERA in accordance with this policy.

Eligible Household: A household of one or more persons that:

- Has a gross household income not exceeding 80% AMI;
- Is obligated to pay rent on a residential dwelling;
- Can self-certify that one or more persons within the household has qualified for unemployment benefits or has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to COVID-19; and
- Can show a risk of experiencing homelessness or housing instability, which may include a past due utility or rent notice or eviction notice, unsafe or unhealthy living conditions, and/or any other evidence of such risk, as determined by the Department.

Employee: Any full-time, part-time, or temporary paid or unpaid person who conducts DES business.

ERA Program or Program: The DES program, administered through the Division of Aging and Adult Services, that provides housing stability services in the form of rental and utility assistance to eligible Arizonans in need.

ERA Specialist or Specialist: A DES employee who determines an applicant's eligibility for the program.

Household: The person or persons occupying the residence at the time of application. For purposes of this policy, at least one person in the household shall be obligated to pay rent.

Housing Agreement: A lease or written rental agreement between a tenant(s) and a landlord.

Income: Means the same as Taxable Income as defined by the Internal Revenue Service.

Landlord: A person who owns a residential unit or otherwise has permission to collect rent on a residential unit. A person who is listed as a tenant in the housing agreement is not considered a landlord.

Tenant: The person or persons listed as a leaseholder in a housing agreement at the time of application for the ERA.

Utility Company: A company or organization that provides water, sewer, trash, gas, or electricity services. For purposes of this program, “utility company” does not include telecommunications services such as telephone, cable, or Internet.

V. STANDARDS

A. Eligibility

1. An ERA application may be submitted by:
 - a. A tenant at risk of housing instability; or
 - b. A landlord on behalf of such a tenant acting as a co-applicant.
2. ERA assistance is determined by the tenant’s eligibility based on:
 - a. Residency

The tenant resides in an eligible area within Arizona at the time of application.

 - i. An employee shall refer a tenant residing outside Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pinal, Santa Cruz, or Yavapai Counties to a local Community Action Agency responsible for administering an ERA Program.
 - ii. An employee shall refer a tenant residing on tribal territory to a local tribal social services office for a similar assistance program administered by the respective tribe.
 - b. Income
 - i. The tenant’s household gross income is at or below 80% of the AMI (Appendix 1).
 - ii. An eligible household with a gross income at or below 50% of the AMI or one or more persons unemployed for at least 90 calendar days at the time of application will be given priority for the ERA Program.
 - iii. Countable income includes:
 - (1) Employment payments as indicated on such

documents as a W2, 1099, tax documents, or pay stubs;

- (2) Unemployment Insurance Benefits;
- (3) Pandemic Unemployment Assistance (PUA);
- (4) Social Security benefits; and
- (5) Other monies coming into the household.

c. Eligibility for or Receipt of Unemployment Insurance (UI) Benefits or Reduction in Income

A tenant or a member of the tenant's household who:

- i. May be eligible for or currently receives unemployment insurance benefits; or
- ii. Has experienced a reduction in income, a significant increase in expenses, or other financial hardship caused directly or indirectly by COVID-19 during the emergency declaration of the COVID-19 pandemic.

d. Risk of Homelessness or Housing Instability

The tenant is at risk of homelessness or housing instability shown by:

- i. A past due utility notice from a utility company;
- ii. A past due rent notice from the tenant's landlord;
- iii. An eviction notice from the tenant's landlord;
- iv. Unsafe or unhealthy living conditions; or
- v. Any other evidence of such risk.

3. A tenant in federally subsidized housing whose rent is adjusted according to changes in income is eligible for assistance under the ERA Program only for the portion of rent owed by the tenant.

4. A tenant shall not receive benefits under the ERA Program for rent or utility expenses already paid by any other assistance program.

B. Application Process

1. An applicant shall complete an online ERA Program application at des.az.gov/ERAP. If an applicant does not have access to the Internet or is otherwise unable to submit an application online, an applicant may submit a written application by:

- a. Calling 1-833-912-0878 and applying via telephone. For a telephone application, oral acknowledgment of the application shall be deemed a signature; or
 - b. Printing a copy of the application form or obtaining a printed copy of the form from a local DES office.
 - i. A paper applicant shall fill out the application and attach appropriate documents; and
 - ii. Return the completed application to DES by:
 - (1) Faxing it to (602) 612-8282;
 - (2) Bringing the application to a local DES office; or
 - (3) Mailing it to:

Department of Economic Security
Emergency Rental Assistance
PO Box 19130
Phoenix, AZ 85009-9998.
2. A landlord may apply for the program on behalf of a tenant.
- a. The tenant's landlord shall obtain the tenant's signature on the ERA Program application, which may be documented electronically or on paper.
 - b. The tenant's landlord shall provide a copy of an ERA Program application on behalf of the tenant to the tenant.
 - c. Any ERA Program payment received by the landlord under this section shall be used to satisfy the tenant's rental obligations to the landlord. The landlord shall sign the *Landlord Release of Tenant Liability* as a condition of receiving ERA Program payment and shall agree not to remove for failure to pay rent. Any disputes arising out of the *Landlord Release of Tenant Liability* shall be resolved in an Arizona court of competent jurisdiction according to Arizona law, and not as a small claims lawsuit without the tenant's consent.
3. An applicant shall submit supporting documentation to qualify for the program, including:
- a. Proof of residence within Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Pinal, Santa Cruz, or Yavapai Counties, which may include:

- i. A utility bill;
- ii. A credit card or bank statement;
- iii. A drivers license or state-issued identification;
- iv. Medical records;
- v. School records;
- vi. Employment records; or
- vii. A housing agreement.

Address Confidentiality Program (ACP) participant information shall be handled in accordance with *Address Confidentiality Program Policy* (DES 1-01-45) and *Requesting an ACP Participant's Actual Address - Procedures* (DES 1-01-45-01). Any person who intentionally obtains or discloses information regarding the physical address of an ACP participant is guilty of a class one misdemeanor.

- b. Social Security Number (SSN) or Taxpayer Identification Number (TIN)

A tenant's disclosure of this information is optional. Providing a SSN or TIN expedites the processing of the application for purposes of determining UI eligibility and identity verification.

- c. Demographic information of the primary applicant is required to be collected per federal guidelines, including race, ethnicity, gender, and veteran status. There is a "choose not to answer" option for all demographic data collection elements.
- d. Proof of Income: Most recent 60 calendar days' worth of paystubs for all members of the household from the date of application or tax documents for calendar year 2020. If applicant does not have the most recent 60 calendar days' worth of paystubs for all members of the household, the applicant shall provide other evidence of income amount. If an applicant has no current documentation of income and has not yet filed a calendar year 2020 tax return, applicant shall sign a self-certification of no income or gross income amounts for previous months of assistance the applicant is requesting.
- e. UI claimant ID of all household members, if applicable.

- f. Evidence of a housing agreement that matches the applicant name and current rental address if applying for rental assistance.
- g. A bill, invoice, or evidence of the utility account if applying for utility assistance.
- h. Proof of Financial Hardship: Notice of eviction or past due notice of rent from landlord or past due bill from utility company or shutoff notice from utility company that is no more than 30 days old OR landlord ledger demonstrating household's past due balance OR proof of unsafe living conditions. If the proof of hardship does not indicate the amount past due, the applicant shall provide documentation of that amount in addition to the proof of hardship. Alternatively, a person may provide self-certification of the existence of a financial hardship.
- i. Self-certification that the tenant's hardship is caused by or connected to COVID-19.
- j. Self-certification that the household did not receive any other federally funded rental or utility assistance for the same rent or utility cost.
- k. The landlord's SSN, TIN, or Data Universal Numbering System (DUNS) Number. If the applicant does not have this information, the applicant shall provide contact information for the landlord.
- l. Payment information for the landlord or utility company or both including bank account number and routing number. If the applicant does not have this information, the applicant shall provide contact information for the landlord.
- m. If a tenant is applying for future payments, verification of payment of previous months (arrears balance), which can be in the form of a current statement.
- n. Self-certification of correctness and completeness of the application signed by both the landlord or utility company or both and the tenant, as applicable, or else a self-certification of correctness and completeness of the application signed by the tenant along with a certification that the landlord or utility company refuses to accept payment or provide their own certification.

4. Incomplete Application

If an application is incomplete, DES shall request missing information from the applicant. If the applicant does not provide the missing information within 21 calendar days of the request for missing information, the application will be closed. After an application is closed, an applicant may reapply for assistance.

5. Verification of Identity

To prevent fraud, an applicant shall submit to identity verification through ID.me. If an applicant does not have a SSN, then the applicant may apply via paper application or by phone and submit documents by mail or email.

6. A DES employee shall not process an ERAP application submitted by any person the employee knows such as a friend, neighbor, or relative.

C. Authorization of Benefits

The Department shall authorize 100% of an eligible household’s demonstrated rental or utility assistance as stated on the ERA Program application, up to a total of \$3,500 per month for combined rental assistance and utility assistance, with priority for rental assistance. For example:

If monthly rent is:	and monthly utilities cost:	Total monthly costs:	Monthly rent amount paid will be:	and monthly utilities amount paid will be:	Total payment:
\$500	\$300	\$800	\$500	\$300	\$800
\$800	\$600	\$1,400	\$800	\$600	\$1,400
\$3,000	\$500	\$3,500	\$3,000	\$500	\$3,500
\$3,000	\$600	\$3,600	\$3,000	\$500	\$3,500
\$3,100	\$400	\$3,500	\$3,100	\$400	\$3,500
\$3,100	\$600	\$3,700	\$3,100	\$400	\$3,500
\$3,500	\$500	\$4,000	\$3,500	\$0	\$3,500

The Department shall authorize a one-time payment to a landlord of up to \$500 additional for court or attorney costs per tenant associated with a tenant’s arrears that the tenant would otherwise be legally obligated to

pay, if applicable. This additional \$500 does not count toward either monthly or program maximums.

1. Payment Issuance

- a. The Department shall:
 - i. Issue an ERA Program payment to the landlord or utility company or both on the eligible household's behalf via Electronic Fund Transfer (EFT) or check.
 - ii. Provide the eligible household with a proof of payment made to the landlord or utility company or both via the client portal.
- b. If the landlord or utility company refuses to accept an ERA Program payment from DES, the Department shall issue a check to the tenant made out to the landlord or utility company. If DES cannot contact the landlord or utility company after three emailed attempts in 21 calendar days, the landlord or utility company is deemed to have refused to accept an ERA Program payment from DES.
- c. An eligible household who receives a direct ERA Program payment to pay the eligible household's landlord or utility company or both shall provide proof of previous payment to the landlord or utility company if the eligible household submits an additional application for payment assistance to the same landlord or utility company.
- d. Applicants whose requested benefit amount is \$1,600 or less will be auto-adjudicated after the applicant has been verified through ID.me and all required documentation has been uploaded. Auto-adjudication will be limited to once per lifetime of the ERA Program.
- e. Any payment made to a bank account or to a mailing address outside the United States is subject to an additional review before processing.
- f. Prospective utility assistance amounts shall be based on the average utility cost for the prior three months billed.
- g. Payments for three months of prospective rental assistance shall be made in three equal payments.
- h. Any ERA Program payment received by the landlord under this section shall be used to satisfy the tenant's rental obligations to the landlord. The landlord shall sign the *Landlord Release of Tenant Liability* as a condition of

receiving ERA Program payment and shall agree not to remove for failure to pay rent. Any disputes arising out of the *Landlord Release of Tenant Liability* shall be resolved in an Arizona court of competent jurisdiction according to Arizona law, and not as a small claims lawsuit without the tenant's consent.

2. Benefit Limits

- a. ERA Program payments to an eligible household shall not exceed 12 months.
- b. Future ERA Program payments for an eligible household's rent or utilities from the date of application are payable in three-month increments. A tenant shall reapply for ERA every three months with reduced documentation.

3. Arrears Debt

- a. A tenant may apply for a lump sum, one-time payment per application for arrears assistance from the date of application dating back to the March 13, 2020 National Declaration of Emergency.
- b. Any ERA Program payment for more than three months of rent is subject to additional review, unless the total is \$1,600 or less.
- c. An ERA Program payment shall be used to cover an eligible household's arrears debt prior to any future payment.

4. Extension

- a. A tenant who has not exceeded the maximum program benefit of \$52,500 may apply for a three-month ERA Program extension after receiving 12 months of ERA Program payments.
- b. An applicant shall provide documentation of eligibility as listed in Section (V)(A) to the Department when applying for an extension.

5. Other

An ERA Program payment is not considered income to the tenant. A tenant's receipt of an ERA Program payment shall not adversely impact the tenant's eligibility for other public assistance programs provided by DES.

D. Overpayments-STILL IN DRAFT

1. If a client is deemed to have received an overpayment, the program shall forward the appropriate client information to the DES Office of Accounts Receivable and Collections (OARC).
2. OARC shall process the overpayment in accordance with OARC policy and procedures.

E. Appeals

1. The program shall provide an applicant or client with a notice of appeal rights when:
 - a. A person applies for the program; and
 - b. The program makes a decision about eligibility for the program.
2. If the applicant or client cannot reach resolution at the program level, the applicant or client may appeal the decision to the DES Office of Appeals by submitting the [Appeal Request - ERAP \(ASA-1011A\)](#) or a written request within 60 calendar days from the date on the notice of program decision or adverse action. The applicant or client shall submit the ASA-1011A or written request for appeal to the DES Office of Appeals. At a minimum, a request for appeal shall include the applicant's or client's:
 - a. Name;
 - b. Application ID number;
 - c. Mailing address;
 - d. Phone number;
 - e. Property address, if it is different than the mailing address; and
 - f. A statement of issues being appealed.
3. The DES Office of Appeals shall conduct a hearing in accordance with A.R.S. § 41-1061 et seq. The Department shall issue a written notice of hearing, which includes:
 - a. The date, time, and location of the hearing;
 - b. The name of the hearing officer;
 - c. A general statement of the issues involved in the case;
 - d. A statement listing the parties' rights; and

- e. A general statement of the hearing procedures, including procedures regarding evidence, witnesses, and subpoenas.
4. The hearing officer shall render a decision based solely on the evidence in the record and testimony produced at the hearing and the applicable law within 90 calendar days of the appeal date. The hearing decision shall include:
 - a. Findings of fact that include a concise statement of the conclusions upon each contested issue of fact;
 - b. Citations to the law and authority applicable to the issue on appeal;
 - c. A statement of the conclusions derived from the controlling facts and law and the reasons for the conclusions;
 - d. The name of the hearing officer;
 - e. The date of the decision; and
 - f. A statement of further appeal rights and the time period for exercising those rights.
5. Effect of the decision.
 - a. If the hearing officer issues a decision affirming the adverse action against the appellant, the adverse action is effective as of the date of the initial determination of the program.
 - b. If the hearing officer reverses the program's decision to take adverse action, the program shall not take the intended action or shall reverse any adverse action taken.

F. Confidentiality

Information collected by the program and during an appeal is confidential under A.R.S. § 41-1959 unless such confidentiality is waived. The U.S. Treasury Office of Inspector General and the U.S. Government Accountability Office, or authorized representatives of either, shall have the right of access to confidential records to conduct audits or investigations.

G. Records Retention

A copy of all records and financial documents shall be maintained by the Department for at least five years after all funds allocated to the state have been expended.

VI. PROCEDURES

A. Appeals

1. The DES Office of Appeals shall:
 - a. Schedule the Hearing within 60 calendar days of receipt of the appeal request, unless the parties agree to another hearing date. The DES Office of Appeals may schedule a telephonic hearing or permit a witness, upon request, to appear telephonically.
 - b. Mail a notice of hearing to all parties involved in the appeal at least 10 business days before the scheduled hearing date.
2. The hearing officer shall:
 - a. Administer oaths and affirmations;
 - b. Regulate and conduct hearings in an orderly and dignified manner that avoids unnecessary repetition and affords due process to all parties;
 - c. Ensure consideration of all relevant issues;
 - d. Exclude evidence that is not competent, relevant, material, or is repetitious from the record;
 - e. Request, receive, and incorporate relevant evidence into the record;
 - f. Subpoena witnesses or documents needed for the hearing;
 - g. Open, conduct, and close the hearing;
 - h. Rule on the admissibility of evidence offered at the hearing;
 - i. Direct the order of proof at the hearing;
 - j. Upon the request of a party, or on the hearing officer's own motion, and for good cause shown, take action which the hearing officer deems necessary for the proper disposition of an appeal, including:
 - i. Disqualifying the hearing officer from the case;
 - ii. Continuing the hearing to a future date or time;
 - iii. Reopening the hearing to take additional evidence prior to the entry of a final decision;

- iv. Denying or dismissing an appeal or request for hearing in accordance with the provisions of this Policy and Procedures;
 - v. Excluding non-party witnesses from the hearing room; and
 - vi. Issuing a written decision to resolve the appeal.
3. Failure to appear; default; reopening.
- a. If an appellant fails to appear at a scheduled hearing, the hearing officer shall enter a default and issue a decision dismissing the appeal.
 - b. An appellant who fails to appear at a scheduled hearing date may file a request to reopen the prior hearing no more than ten calendar days after a dismissal date. The request shall demonstrate good cause for the appellant's failure to appear at the prior hearing.
 - c. The hearing officer shall schedule a hearing to determine whether the appellant's request to reopen the hearing will be granted.
 - d. If the hearing officer finds that the appellant has established good cause for nonappearance at the prior hearing, the hearing officer shall reopen the proceedings and schedule a new hearing with notice to all parties.
 - e. For the purpose of reopening a hearing, good cause is established if the failure to appear at the hearing and the failure to timely notify the hearing officer were beyond the reasonable control of the non-appearing appellant.
 - f. The DES Office of Appeals shall mail a copy of the decision to each party. The DES Office of Appeals may send the decision electronically to a party, provided the party submits to the DES Office of Appeals a written consent or orally makes a request on the record to receive the decision electronically.

B. Overpayments

VII. Form Index

<i>Appeal Request - ERAP</i>	<u>ASA-1011A</u>
<i>Appeal Request - ERAP (Spanish)</i>	<u>ASA-1011A-S</u>
<i>Appeal Request - ERAP (large print)</i>	<u>ASA-1011A-LP</u>
<i>Appeal Request - ERAP (Spanish large print)</i>	<u>ASA-1011A-SLP</u>

Appendix 1 - 80% of AMI by Household Size and County

Rental Assistance Program - Maximum Household Income Allowed								
County	Household Size (persons)							
	1	2	3	4	5	6	7	8 or more
Apache	\$27,650	\$31,600	\$35,550	\$39,450	\$42,650	\$45,800	\$48,950	\$52,100
Cochise	\$33,550	\$38,350	\$43,150	\$47,900	\$51,750	\$55,600	\$59,400	\$63,250
Coconino	\$42,150	\$48,150	\$54,150	\$60,150	\$65,000	\$69,800	\$74,600	\$79,400
Gila	\$30,100	\$34,400	\$38,700	\$42,950	\$46,400	\$49,850	\$53,300	\$56,700
Graham	\$34,950	\$39,950	\$44,950	\$49,900	\$53,900	\$57,900	\$61,900	\$65,900
Greenlee	\$36,200	\$41,400	\$46,550	\$51,700	\$55,850	\$60,000	\$64,150	\$68,250
La Paz	\$28,000	\$32,000	\$36,000	\$40,000	\$43,200	\$46,400	\$49,600	\$52,800
Maricopa	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,250	\$77,200	\$82,200
Mohave	\$31,200	\$35,650	\$40,100	\$44,550	\$48,150	\$51,700	\$55,250	\$58,850
Navajo	\$29,800	\$34,050	\$38,300	\$42,550	\$46,000	\$49,400	\$52,800	\$56,200
Pima	\$38,300	\$43,800	\$49,250	\$54,700	\$59,100	\$63,500	\$67,850	\$72,250
Pinal	\$43,600	\$49,800	\$56,050	\$62,250	\$67,250	\$72,250	\$77,200	\$82,200
Santa Cruz	\$27,650	\$31,600	\$35,550	\$39,450	\$42,650	\$45,800	\$48,950	\$52,100
Yavapai	\$36,200	\$41,400	\$46,550	\$51,700	\$55,850	\$60,000	\$64,150	\$68,250
Yuma	\$30,750	\$35,150	\$39,550	\$43,900	\$47,450	\$50,950	\$54,450	\$57,950