



Subject: Emergency Rental Assistance Program
Process Owner: Division of Community Assistance and Development
Effective Date: 7/1/2022
Revision Number: 8

Emergency Rental Assistance Program Policy

I. POLICY STATEMENT

The COVID-19 Emergency Rental Assistance Program (ERAP) within the Arizona Department of Economic Security (DES or Department) was established in response to the COVID-19 pandemic and provides guidance to Employees on the treatment of cases and communication among all parties. This policy pertains to rental and utility assistance.

II. APPLICABILITY

This policy applies to all DES Employees, including contractors who are involved with ERAP. This policy also applies to applicants and recipients of ERAP assistance funds.

III. AUTHORITY

Emergency Rental Assistance

[American Rescue Plan Act, 2021](#)
[Pub. L. 117-2](#)
[Section 3201](#)

[Consolidated Appropriations Act, 2021](#)
[Pub. L. 116-260, Division N,](#)
[Section 501](#)

National Declaration of Emergency

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

[Continuation of the National Emergency Concerning the Coronavirus Disease 2019 \(COVID-19\) Pandemic \(February 26, 2021\)](#)

U.S. Dept. of the Treasury Guidance

[U.S. Department of the Treasury Emergency Rental Assistance Frequently Asked Questions \(August 25, 2021\)](#)

Arizona Revised Statute

[A.R.S. § 41-1959 Confidential information; permissible disclosure, rules, violation; classification](#)

IV. DEFINITIONS

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

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

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

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

- Has a Gross Income not exceeding 80 percent 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 Insurance (UI) 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 (such as overcrowding), and/or any other evidence of such risk including self-certification, as determined by the Department.

Employee: Any full-time or part-time worker, or temporary paid or unpaid worker, who is employed directly by DES.

ERAP (or Program): The DES Program, administered through the Division of Community Assistance and Development (DCAD) that provides housing stability services in the form of rental and utility assistance to eligible Arizonans in need.

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 and a landlord.

Gross Income: The total Household Income for all Household members before taxes and other deductions.

Income: 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.

Residential Dwelling: The property that is rented by the Tenant. This property could be a house, unit within an apartment building, unit within a duplex, hotel/motel room, or other residential space.

Sublessee: The individual to whom a property is subleased.

Tenant: The person or persons listed as a leaseholder in a Housing Agreement at the time of application for the ERAP.

Utility Company: A business or organization that provides water, sewer, trash, gas, or electricity services. For purposes of this Program, a Utility Company does not include telecommunications services such as telephone, cable, or internet.

V. STANDARDS

A. Eligibility for Rental and Utility Assistance

1. An Applicant must be:
 - a. A Tenant; or
 - b. A Landlord who is applying as a co-applicant with the Tenant.
 - i. When a Landlord initiates an application, the Tenant and the Landlord are both required to submit an application.
2. The Tenant must be obligated to pay rent on their Residential Dwelling.
3. The Tenant or a member of the Tenant's Household must be at risk of housing instability or homelessness.

4. The Tenant or a member of the Tenant's Household must have been financially impacted by COVID-19. This hardship may be direct or indirect and may be demonstrated by receiving Unemployment Insurance (UI) benefits, experiencing a reduction in Income, or experiencing a significant increase in expenses. Other financial hardships, as certified by the Tenant, are acceptable.
5. The Tenant must reside in an eligible area within Arizona at the time of application.
 - a. Eligible areas include Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa (City of Phoenix only), Mohave, Navajo, Pinal, Santa Cruz, or Yavapai County.
 - b. An Employee shall refer a Tenant residing outside of the eligible area to a local Community Action Agency responsible for administering ERAP.
 - c. When a Tenant resides on tribal land, an Employee shall refer the Tenant to a local tribal social services office for territory to a local tribal social services office for a similar assistance program administered by the respective tribe.
6. The Tenant's Income must meet specific requirements:
 - a. Gross Income is at or below 80 percent of the AMI (See Appendix 1).
 - b. An Eligible Household with a Gross Income at or below 50 percent 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 ERAP.
 - c. Countable Income means Gross Income for all Household members age 18 years or older and includes:
 - i. Employment payments as indicated on a W2, 1099, tax documents, or pay stubs;
 - ii. Unemployment Insurance benefits;
 - iii. Social Security benefits; and
 - iv. Other monies coming into the Household.

7. The Tenant must be in an approved Residential Dwelling with a Rental Agreement.
 - a. Generally, the type of Residential Dwelling leased by the Tenant has no bearing on eligibility, provided that dwelling is in the State of Arizona. Residential Dwellings may be houses, apartments, or other properties to which some specific rules apply:
 - i. Manufactured housing is eligible for assistance for rental payments for either the manufactured home and/or the parcel of land the manufactured home occupies.
 - ii. Hotel or motel rooms are eligible, provided:
 - A. The Tenant's Household has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere;
 - B. Documentation is provided for the hotel or motel stay; and
 - C. Funding will not be used for incidental expenses related to the cost of the room.
 - iii. A Tenant residing in federally subsidized housing, whose rent is adjusted according to changes in Income is eligible for ERAP assistance for the portion of rent owed by the Tenant.
8. A Sublessee who resides in a specific property for which the the Sublessee has a sublet agreement may be eligible for ERAP assistance provided:
 - a. The Sublessee provides both a valid sublet agreement or Housing Agreement and a Housing Agreement between the sublessor and the Landlord. The Housing Agreement between the sublessor and Landlord must not specifically prohibit subletting;
 - b. The ERAP benefit amount shall not exceed the rental amount listed in the Housing Agreement between the Sublessor and the Landlord.
9. "Rent-to-own" agreements are eligible for assistance, provided that a member of the Household:
 - a. Is not a signer or cosigner to the mortgage on the property;
 - b. Does not hold the deed or title to the property; and
 - c. Has not exercised the option to purchase the property.

10. An otherwise eligible Tenant who has vacated a unit is eligible for payment for rental/utility arrears provided the Landlord agrees to the *Landlord Release of Tenant Liability*.
11. DES will not request evidence of an Applicant's immigration status or citizenship for ERAP eligibility.
12. A Tenant will not receive benefits under the ERAP for rent or utility expenses already paid by any other assistance program.

B. Application Process - Rental and Utility Assistance

1. Application Submission

An Applicant must complete an ERAP application online at <https://des.az.gov/ERAP>. If an Applicant does not have access to the Internet or is otherwise unable to apply online, an Applicant may:

- a. Call 1 (833) 912-0878 to apply via telephone. For a telephone application, oral acknowledgment of the application will be deemed a signature; or
- b. Print a copy or obtain a printed copy of the application form from a local DES office in an eligible area.
 - i. An Applicant shall complete the printed application and attach copies of appropriate documents; and
 - ii. Return the completed application to DES by:
 - A. Faxing the application to (602) 612-8282;
 - B. Taking the application to a local DES office in an eligible area; or
 - C. Mailing the application to:

Department of Economic Security
Emergency Rental Assistance Program
PO Box 19130
Phoenix, AZ 85009-9998

2. A Landlord may initiate an ERAP application on behalf of a Tenant. When a Landlord initiates an application, the Tenant and the Landlord are both required to submit an application.
 - a. Any ERAP payment received by the landlord under this section shall be used to satisfy the tenant's rental obligations to the landlord.
 - i. The Landlord must sign the *Landlord Release of Tenant Liability* as a condition of receiving an ERAP payment and must agree not to remove the Tenant for failure to pay rent.
 - ii. 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 small claims lawsuit without the tenant's consent.
 - b. The Landlord shall provide the Landlord's Social Security Number (SSN), Taxpayer Identification Number (TIN), or Data Universal Numbering System (DUNS) Number.
3. An Applicant shall submit the following:
 - a. Proof of residence within Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa (City of Phoenix only), Mohave, Navajo, Pinal, Santa Cruz, or Yavapai County, which may include:
 - i. A utility bill;
 - ii. A driver license or state-issued identification; or
 - iii. A Housing Agreement.
 - b. An Employee shall refer to *Address Confidentiality Program Policy (DES 1-01-45)*, [DCAD Address Confidentiality Program Policy](#), and associated procedures ([DES 1-01-45-01](#)) if an Applicant states the Applicant is participating in the Address Confidentiality Program.
 - c. Demographic information of the primary Applicant. This information 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:
 - i. An Applicant must submit proof of Income for all Household members ages 18 and older that includes:
 - A. The most recent pay stubs from 60 calendar days from the date of the ERAP application; or
 - B. Tax documents for the previous calendar year.
 - ii. If an Applicant does not have the most recent pay stubs for all members of the Household, the Applicant shall provide other evidence of Income amounts.
 - iii. If an Applicant has no current documentation of Income and has not yet filed taxes for the previous calendar year, the applicant shall sign a self-certification of no Income or gross Income amounts for previous months of assistance the applicant is requesting.
- e. Housing Agreement that matches the Applicant's name and current rental address.
- f. Bill(s), invoice(s), or evidence of the utility account if the Tenant is applying for utility assistance;
- g. Proof of risk of homelessness or housing instability.
 - i. The Applicant must demonstrate that one or more members of their Household are at risk of homelessness or housing instability. This may be demonstrated through through any of the following:
 - A. An eviction notice or past due notice of rent from their Landlord; or
 - B. A past due bill or shutoff notice from a Utility Company that is no more than 30 days old; or
 - C. A Landlord's ledger that indicates the household's past due balance; or
 - D. Evidence of unsafe or unhealthy living conditions; or
 - E. Other documents or evidence or risk of homelessness or housing instability; or

- F. If the Applicant is unable to provide the documents listed above, the Applicant may self-certify to a risk of homelessness or housing instability.
 - h. If the Tenant is applying for future payments, verification of payment for previous months (arrears balance), which can be in the form of a current statement.
 - i. The Tenant's bank account and routing numbers.
 - j. The Landlord's bank account and routing numbers or payment information for the Landlord, Utility Company, or both.
 - i. If the Applicant does not have the banking or payment information, the Applicant shall provide the Landlord's and Utility Company's contact information.
 - k. Self-Certification of the following:
 - i. Existence of a financial hardship due to COVID-19;
 - ii. Household did not receive any other rental or utility assistance for the same rent or utility cost;
 - iii. Applicable self-certifications regarding risk of housing instability or homelessness and Income when no other documentation is available.
 - iv. Correctness and completeness of the application signed by the tenant and the landlord, 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 refuses to accept payment or provide their own certification.
4. Verification of Identity

To prevent fraud, an Applicant must verify their identity.

- a. Generally, an Applicant should verify their identity through ID.me at <https://www.id.me/>. Use of id.me will require a Social Security Number (SSN) or Taxpayer Identification Number (TIN).
 - i. An Applicant's disclosure of their SSN or TIN is optional and is used only to verify the Applicant's identity.

- ii. If an Applicant wishes not to disclose their SSN or TIN or is otherwise unable to verify through ID.me, they may submit a paper or phone-based application and provide identity documents. This method may lengthen processing time.

5. Incomplete Application

If an application is incomplete, DES will request missing information from the Applicant.

- 6. A DES Employee may not process an ERAP application submitted by any person the Employee knows, including a friend, neighbor, or relative.

C. Authorization of Benefits

- 1. DES will only issue payments when DES has approved the initial ERAP application. DES will not make any payments for ERAP applications approved by another jurisdiction.
- 2. The Department will authorize 100 percent of an Eligible Household’s utility assistance as stated on the DES ERAP application, up to a total of \$3,500 per month, for combined rental 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

2. The Department will authorize a one-time additional payment to a Landlord or Tenant of up to \$500 per Tenant for court or attorney costs associated with an arrears that a Tenant would otherwise be legally obligated to pay, if applicable. Documentation of the fees must be provided. DES will not count the additional \$500 does not count toward either monthly or program maximums.
3. Payment Issuance
 - a. The Department will:
 - i. Issue an ERAP payment to the Landlord, Utility Company, or both on the Eligible Household's behalf via an Electronic Fund Transfer (EFT). The Department may issue payment to a Utility Company via check.
 - ii. Make 3 attempts to contact the Landlord within 5 calendar days after the Tenant application is approved if the Department receives a Tenant application without a corresponding Landlord application. If the Landlord does not respond or responds stating that the Landlord does not wish to participate, the Department will provide payment to the Tenant directly.
 - iii. Issue an ERAP payment for rental assistance to the Tenant if the following conditions are met:
 - A. The Tenant application has been approved without a corresponding Landlord application; and
 - B. The Department has made 3 attempts to contact the Landlord within 5 calendar days of the Tenant's application approval; and
 - C. The Landlord is non-responsive or indicates that they do not wish to participate in ERAP.
 - iv. Provide an Eligible Household with proof of payment via the Client portal made to the Landlord, Utility Company, or both.
 - v. Perform additional review of any payment submitted to a bank account or mailed to an address outside the United States before processing the payment.

- vi. Base prospective utility assistance amounts on the average utility cost for the prior three months billed, based on the Client's estimate of the utility costs.
 - vii. Make three equal payments for three months of prospective rental assistance.
 - b. When an ERAP payment is received by the Landlord under this section, the Landlord must use the payment to satisfy the Tenant's rental obligations to the Landlord.
 - i. The Landlord must:
 - A. Sign the *Landlord Release of Tenant Liability* as a condition of receiving ERAP payment; and
 - B. Agree not to remove the Tenant for failure to pay rent.
 - ii. Any disputes arising out of the *Landlord Release of Tenant Liability* must 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.
 - c. When an ERAP payment is received by a Tenant, the Tenant may be required to provide documentation showing that an ERAP payment was used to pay rent when:
 - i. The Department has reason to believe that the Tenant has not used the payment for rent; or
 - ii. The Department suspects fraud.
 - iii. The following documents could be used to demonstrate that a Tenant used an ERAP payment for rent:
 - 1. Bank statements;
 - 2. Credit card statements; or
 - 3. Canceled checks.

4. Benefit Limits

- a. An Eligible Household will not receive ERAP benefits for more than 18 months and not more than \$63,000 in total combined rent and utility assistance. The calculation includes:
 - i. All months the applicant was approved for either Utility-Only assistance or rental assistance.
 - ii. All funds distributed for either Utility-Only assistance or rental assistance.
- b. Future ERAP payments for an Eligible Household's rent or utilities from the date of application are payable in three-month increments but will be transmitted on the first business day of each month.
- c. A Tenant may reapply for ERAP benefits every 3 months with reduced documentation.

5. Arrears Debt

- a. A Tenant may apply for a one-time, lump sum payment per application for arrears assistance from the date of application dating back to the March 13, 2020 National Declaration of Emergency.
- b. An ERAP payment shall be used to cover an Eligible Household's arrears debt prior to any future payment.

6. Other

- a. An ERAP payment is not considered Income to the Tenant.
- b. A Tenant's receipt of an ERAP payment will not adversely impact the Tenant's eligibility for other public assistance programs provided by DES.

D. Confidentiality

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

E. Records Retention

1. All records and financial documents, including those pertaining to eligibility determinations, shall be maintained by the Department.
2. DES shall maintain ERAP records for at least five years after all funds allocated to the state have been expended, according to *Records Management and Reports Policy* ([DES 1-37-12](#)) and associated procedures ([DES 1-37-12-01](#)).

F. Fraud Prevention

1. Employees should take multiple steps to detect and prevent instances of fraud (as addressed in Standard Work).
2. Tenants are required to attest they are not receiving benefits under the ERAP for rent or utility expenses already paid by any other assistance program.

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	\$31,050	\$35,450	\$39,900	\$44,300	\$47,850	\$51,400	\$54,950	\$58,500
Cochise	\$36,150	\$41,300	\$46,450	\$51,600	\$55,750	\$59,900	\$64,000	\$68,150
Coconino	\$48,100	\$55,000	\$61,850	\$68,700	\$74,200	\$79,700	\$85,200	\$90,700
Gila	\$33,750	\$38,550	\$43,350	\$48,150	\$52,050	\$55,900	\$59,750	\$63,600
Graham	\$37,050	\$42,350	\$47,650	\$52,900	\$57,150	\$61,400	\$65,600	\$69,850
Greenlee	\$40,150	\$45,900	\$51,650	\$57,350	\$61,950	\$66,550	\$71,150	\$75,750
La Paz	\$32,900	\$37,600	\$42,300	\$46,950	\$50,750	\$54,500	\$58,250	\$62,000
Maricopa	\$49,500	\$56,550	\$63,600	\$70,650	\$76,350	\$82,000	\$87,650	\$93,300
Mohave	\$34,900	\$39,850	\$44,850	\$49,800	\$53,800	\$57,800	\$61,800	\$65,750
Navajo	\$31,050	\$35,450	\$39,900	\$44,300	\$47,850	\$51,400	\$54,950	\$58,500
Pima	\$42,950	\$49,100	\$55,250	\$61,350	\$66,300	\$71,200	\$76,100	\$81,000
Pinal	\$49,500	\$56,550	\$63,600	\$70,650	\$76,350	\$82,000	\$87,650	\$93,300
Santa Cruz	\$31,050	\$35,450	\$39,900	\$44,300	\$47,850	\$51,400	\$54,950	\$58,500
Yavapai	\$39,950	\$45,650	\$51,350	\$57,050	\$61,650	\$66,200	\$70,750	\$75,350
Yuma	\$32,050	\$36,600	\$41,200	\$45,750	\$49,450	\$53,100	\$56,750	\$60,400