



# **FIRST – COME FIRST – SERVED PROGRAM GUIDELINES**

## **TOWN OF BABYLON HOME ARP TBRA TENANT BASED RENTAL ARREARS ASSISTANCE PROGRAM**

### **PROGRAM SUMMARY:**

The Town of Babylon Community Development Agency (the “Town”) Tenant Based Rental Assistance Program (the “Program”) is intended to aid extremely-low income households who are in rental arrears to help residents regain housing stability and prevent homelessness. The Long Island Housing Partnership (“LIHP”) has been retained to administer the Program. The funds may only be used to pay up to six-months of rental arrears subject to the Program Cap (please see the chart below under **ARREARS AMOUNT/PROGRAM CAP**). The funds are provided through the U.S. Department of Housing and Urban Development (“HUD”), pursuant to the American Rescue Plan. **There are limited funds available.** Therefore, the program will be **first-come first-served until the funds are exhausted.**

**APPLICATIONS MAY ONLY BE SUBMITTED ONLINE BEGINNING AT 9:00 AM ON DECEMBER 18, 2023. THE SUBMISSION PERIOD WILL BE OPEN UNTIL FURTHER NOTICE. PLEASE CONSULT LIHP’S WEBSITE FOR UPDATED INFORMATION.**

IF YOU HAVE ANY QUESTIONS REGARDING THE PROGRAM OR NEED ANY ASSISTANCE, INCLUDING LANGUAGE ASSISTANCE, PLEASE CONTACT LIHP AT 631-435-4710.

### **DISCLAIMERS:**

The submission of an Application or other documents for this program does not constitute acceptance, approval of minimum qualification criteria, or a guarantee of a program award. All information and documentation must be subsequently submitted and reviewed for eligibility. **Households who provide misleading or false information or who apply more than once for the program (even under a different family member) will be disqualified.**

The Program Guidelines and criteria are based upon current requirements and guidance issued by HUD and approved by the Town. Applicants are advised that the Program Guidelines are subject to change, at any time and from time to time, without prior notice, based upon needs, requirements, interpretations, and regulations, as the same may be determined by HUD and/or the Town. LIHP and/or the Town may request additional or different documentation as may be acceptable to the Town/LIHP in their sole discretion.

**APPLICANT ELIGIBILITY REQUIREMENTS:**

- Applicant must reside in the rental unit as their primary residence and have a valid lease (the “Lease”) for the period covered by the rental arrears between the applicant and the owner of the premises (the “Owner”).
- Unit must be located in the Town of Babylon (including Villages within the geographic confines of the Town).
- Applicant must have household income at or under 30% of the Area Median Income (“AMI”) for Nassau/Suffolk County as established by HUD and adjusted for household size, at the time assistance is received. Please see the chart below under **INCOME REQUIREMENTS**.
- Applicants must be in arrears in their rent and be “At-Risk of Homelessness.” Please see section below under **AT-RISK OF HOMELESSNESS**.
- Applicants must be a US citizen or Qualified Alien, as defined at 8 USC 1641.

**INELIGIBLE APPLICANTS:**

The following applicants are ineligible to receive assistance under the Program:

- Employees or agents of LIHP, the landlord, or the landlord’s property management company.
- Applicants who are related to the landlord or any principal of the landlord or property management company by blood or marriage.
- Employees or agents of the Town.

**ARREARS AMOUNTS/PROGRAM CAP:**

Rent for the unit cannot exceed the monthly amount set forth below based on the 2024 HUD Fair Market Rent Standard by unit type. A one-time payment for up to 6 months of rent arrears, including late fees or charges on those arrears, may be made.

<u>Efficiency</u>	<u>One Bedroom</u>	<u>Two Bedroom</u>	<u>Three Bedroom</u>	<u>Four Bedroom</u>
\$1,708	\$2,144	\$2,508	\$3,246	\$3,521

The aggregate amount of arrears payable cannot exceed \$25,000 per household.

If unit rent exceeds the amounts set forth above, the applicant will be removed from the waitlist and the file closed.

Rent limitations – Single Room Occupancy (SRO) Units: A HOME-ARP rental project may consist of SRO units. For the purposes of HOME-ARP rental, an SRO unit is defined as a unit that is the primary residence of the occupant(s) and must at least contain sanitary facilities but may also contain food preparation facilities. A project’s designation as an SRO cannot be inconsistent with the building’s zoning and building code classification. If the SRO units have both sanitary and food preparation facilities, the maximum HOME-ARP rent is based on the zero-bedroom fair market rent. If the SRO unit has only sanitary facilities, the maximum HOME-ARP rent is based on 75 percent of the zero-bedroom fair market rent.

**INCOME REQUIREMENTS:**

Household income must be at or under 30% of the Area Median Income (AMI) at the time of assistance (income will be projected forward twelve months).

Household Size	1	2	3	4	5	6	7	8
30% Maximum Income	\$32,350	\$36,950	\$41,550	\$46,150	\$49,850	\$53,550	\$57,250	\$60,950

Income includes all gross household income – earned income/wages, overtime, unemployment, bonuses, pensions, social security, 401K distributions, tips, interest on bank accounts, etc. Income cannot exceed the maximum annual income for your household size. The limits above are based on the 2023 HUD income limits and will be automatically adjusted upon issuance of updated HUD income limits. Income limits are subject to adjustment for rounding and annual reassessment. The foregoing is subject to change as per HUD and the Town without notice. Income eligibility will be calculated utilizing the HUD Part 5 method of income (24 CFR 5.609).

**UNIT REQUIREMENTS:**

- The unit must have a valid rental permit or operational authority issued by the Town or applicable municipality.
- The unit must meet Lead Based Paint (“LBP”) inspection criteria as required by the Town and HUD, if applicable.
- The unit must comply with all housing quality standards (“HQS”) required by HUD and/or set forth at 24 CFR 982.401. For units that are HOME or HOME ARP assisted, LIHP may rely upon a current HQS inspection issued by a HUD certified HQS inspector. LIHP and /or its authorized agents will conduct the HQS inspections. LIHP and, the town, and/or their agents, must be provided access to the premises and unit for purposes of performing HQS inspections.
- If the unit is a HOME unit, then current HQS inspections must be provided.

**LEASE REQUIREMENTS:**

- The Lease may be oral or written. If the Lease is written, a fully executed copy must be provided. If the Lease is oral, the agreement and the rent owed must be documented by the owner's financial records, rent ledgers, or canceled checks [see 24 CFR 576.106 (g)]
- The Lease must be for period of not less than 1-year unless a shorter period is specified by written agreement of owner and tenant
- A Lease Addendum must be executed by tenant and landlord that includes all requirements that apply to tenants, the owner or the Lease under 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), as supplemented by 24 CFR 576.409, including the prohibited bases for eviction and restrictions on construing lease terms under 24 CFR 5.2005(b) and (c).

## **LANDLORD REQUIREMENTS:**

- The landlord is required to participate and to submit a Landlord Application
- The landlord must execute a Rental Assistance Agreement with the Town to participate in the Program. The Rental Assistance Agreement will set forth the terms under which the rental arrears will be provided and will contain other required provisions including a requirement that the landlord provide LIHP and the Town with a copy of any notice to the tenant to vacate or to evict.
- Landlord must also provide the following documents:
  - W-9 Form
  - Current Rent Ledger
  - Executed Lease Addendum

## **PAYMENT TERMS:**

- A one-time payment of up to 6-months of rental arrears may be paid, including any late fees on the arrears.
- Payment will be made in a lump sum directly to the landlord by LIHP. Payment will only be made to the owner of record.
- Final funding of award under the Program is subject to approval of the Town.
- There can be no duplication of benefits. Please see the section entitled “**DUPLICATION OF BENEFITS.**”
- Funds cannot be used to replace the public portion of any rental housing voucher/subsidy. Therefore, funding may only be used to cover the tenant’s portion of rent. LIHP may rely upon the Participation/Portion Letter, the rent ledger and/or other certifications of the issuing public entity or other party to establish the tenant portion and/or income eligibility. [see 24 CFR 576.106 (c)]

**AT-RISK OF HOMELESSNESS:** Applicants must have arrears.

As defined in 24 CFR 91.5, at risk of homelessness means:

- (1) An individual or family who:
  - (i) Has an annual income below 30 percent (30%) of median family income for the area, as determined by HUD;
  - (ii) Does not have sufficient resources or support networks, e.g., family, friends, faith based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “Homeless” definition at 24 CFR 91.5; **AND**
  - (iii) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the Town’s approved consolidated plan;

## **DOCUMENTATION FOR AT-RISK OF HOMELESSNESS**

### **For 1(i) above:**

Written certification by the applicant that the household income is at or below 30% AMI, together with supporting documentation as follows:

Source Documents. Source documents shall include:

- Tax returns, W-2 and/or 1099 Forms for the two (2) most recent years
- If employed, four (4) consecutive pay stubs for the period immediately prior to Application submission that indicates year-to-date gross income
- Two (2) most recent consecutive bank statements for any and all bank accounts and investment accounts for the period immediately prior to Application submission
- Documentation of social security, public benefits, child support, pensions, disability, retirement funds, income from rental property and documentation from any other income source
- Full-time student verification for each household member age 18 and older that has income
- Documentation of unemployment benefits applied for and/or received
- Self-employed applicants must provide a notarized letter from a CPA or attorney indicating the amount expected to be received for the next twelve months or a notarized year-to-date profit and loss statement

ZERO INCOME. If a household has no income, then the written certification by the household of zero income may be accepted.

### **For 1 (ii) above:**

Written certification by the applicant that there is insufficient financial resources or support networks; e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or becoming homeless, together with supporting documentation which shall include, but is not limited to, the following:

Source documents (e.g., notice of termination from employment, unemployment compensation statement, bank statement, credit card bills, health-care bill showing arrears, utility bill showing arrears, documentation that household pays more than 30% of income toward housing expenses defined as base rent plus utilities (for purposes of establishing the utilities, LIHP shall rely upon assumed utilities as established by the Town Housing Authority for the applicable unit type), or documentation that the household has relied on, or will need to rely on, credit cards, payday lenders, loans, or savings going forward in order to pay rent, rather than through wages or other income).

If source documentation is not available to provide to LIHP, LIHP may rely upon Third-Party Verification.

Third-Party Verification: To the extent that source documents are unobtainable, a written statement by the relevant third party (e.g., former employer, public administrator, relative, community-based service provider, faith-based provider, social or human services provider)

**For 1 (iii) above:**

Written certification by the applicant that the household lives in housing that has characteristics associated with instability and an increased risk of homelessness, together with supporting documentation which shall include, but is not limited to, the following:

Source documents (Eviction notice or late rent notice for the period for which assistance is requested).

**DUPLICATION OF BENEFITS:**

Federal law prohibits any duplication of benefits. A duplication of benefits occurs when a person or entity receives financial assistance from multiple sources for the same purpose and the total assistance is more than the total need. Applicants and landlords will be required to sign a certification regarding duplication of benefits. If additional funds are received and determined to be duplicative, the amount of the award, if eligible, may be reduced and the amount disbursed that is determined to be a duplication of benefits must be repaid. The obligation to pay any duplication of benefits is an on-going obligation. If awarded funds, the beneficiaries may be required to recertify, from time to time as requested by the Town, but in no event later than 12 months from award, as to whether additional funds have been received.

To assess duplication of benefits, and the unmet need, the Town is requiring the following process to be followed:

- 1) *Assess Need*: Total need for arrears assistance will be assessed (the “Total Need”).
- 2) *Determine Assistance*: The amount of assistance that has or will be provided from all sources to pay the need will be reviewed.
- 3) *Calculate Unmet Need*: Determine the amount of assistance already provided compared to the Total Need to determine the Unmet Need.
- 4) *Apply Program Cap*
- 5) *Document Analysis*

**NOTE FOR TENANT’S RECEIVING HOUSING VOUCHERS/SUBSIDIES: IF THE HOUSEHOLD RECEIVES AN ADJUSTMENT OF THE HOUSEHOLD’S TENANT PORTION SUCH THAT THE PUBLIC HOUSING AUTHORITY/AGENCY OR ENTITY PROVIDING THE SUBSIDY COVERS THE TENANT PORTION BEING PAID PURSUANT TO THIS PROGRAM, THEN SUCH WILL BE A DUPLICATION OF BENEFITS THAT IS REQUIRED TO BE REPAID.**

**FIRST-COME FIRST-SERVED APPLICATION PROCESS:**

As funds are limited, Applications will be accepted on a **first-come first-served basis**. To be placed on the waitlist and ranked for eligibility for the Program, applicants must submit an Application and documentation within the required timeframe. **Applications are available as set forth below**. Applicants who submit the Application within the time required will be “conditionally” placed on the waitlist in the order received. **Submission of the Application does not guarantee eligibility for the Program**. Please see section below under Step 1.

**WHERE TO GET AND HOW TO SUBMIT AN APPLICATION:**

Applications are available online at LIHP’s website at <https://www.lihp.org/BabylonTBRA.html>  
**Only one Application is allowed per household.**

Printable copies of Program Guidelines and Required Document Checklist are also available at <https://www.lihp.org/BabylonTBRA.html>. **APPLICATIONS WILL ONLY BE ACCEPTED BEGINNING 9:00 AM ON DECEMBER 18, 2023.**

**ELIGIBILITY REVIEW PROCESS:**

**Step 1: Submission of Program Application and Documentation**

**GENERAL DOCUMENTATION:**

ALL applicants must submit the following general documentation:

- 1) Completed Program Application
- 2) Copy of the current executed lease or written rental agreement. If no written lease, then copies of cancelled checks or other evidence of rental obligation
- 3) Copy of a valid driver’s license or valid photo ID for the Applicant
- 4) Copy of late rent notice or Eviction Notice
- 5) Executed Certification of At-Risk of Homelessness
- 6) Copy of any rental assistance payments/awards received through the NYS Emergency Rental Assistance Program (ERAP) or any other organization or program including ESG, DSS, for the period of requested arrears assistance
- 7) Copy of Qualified Alien status, if not a U.S. citizen

**INCOME DOCUMENTATION:**

**MUST BE SUBMITTED FOR EACH HOUSEHOLD MEMBER AGE 18 AND OLDER**

- 1) Tax returns, W-2 and/or 1099 Forms for the two (2) most recent years
- 2) If employed, four (4) current consecutive pay stubs that indicate year-to-date gross income
- 3) Two (2) current consecutive bank statements for any and all bank accounts and investment accounts
- 4) Documentation of social security, child support, pensions, disability, retirement funds, income from rental property and documentation from any other income source
- 5) Documentation of unemployment benefits applied for and/or received, if applicable
- 6) Full-time student verification for each household member age 18 and older that has income
- 7) If household income is zero, a certification of zero income will be required
- 8) Self-employed applicants must provide a notarized letter from a CPA or attorney indicating the amount expected to be received for the next twelve months or a notarized year-to-date profit and loss statement

If required documentation above is not provided, the Applicant will be contacted by LIHP by email regarding the missing documentation. Applicant will then have ten (10) calendar days from the date of the notice from LIHP to submit **ALL** such documentation to LIHP. If **ALL** required documentation is not **received** by LIHP within the timeframe required, then applicant will be deemed ineligible, subject to a right to appeal. Applicant will be notified of ineligible status by email.

The required documentation can **ONLY** be submitted to via a file-specific link that will be provided by LIHP during this Step.

### **Step 2: Review of Income and Program Eligibility**

The applicant will be initially reviewed for income and preliminary Program eligibility. If determined to be ineligible, LIHP will notify the applicant by email and the applicant will be deemed ineligible, subject to a right to appeal. If eligible, applicant will proceed to Step 3. During each Step, LIHP may request additional information and/or documentation to verify applicant eligibility. Applicant will be required to comply with any timeframes established by LIHP to provide such information/documentation or applicant will be deemed ineligible, subject to a right to appeal. In such case, Applicant will be notified of ineligible status by email.

### **Step 3: Landlord Participation and Confirmation of Valid Rental Permit**

LIHP will contact the landlord stated in the Application who will be required to submit a Landlord Application and required documentation (i.e., W-9 Form)

Landlord will then have ten (10) calendar days from the date of the notice from LIHP to submit **ALL** such documentation to LIHP. The required Landlord documentation can **ONLY** be submitted to LIHP via a file-specific link that will be provided by LIHP during this Step. If **ALL** required documentation is not **received** by LIHP within the timeframe required, then applicant will be removed from the waitlist and the file closed. Applicant will be notified of removal from the waitlist by email.

**NOTE: Failure of the landlord to participate by submitting the Landlord Application within the stated timeframe is NOT appealable.**

LIHP will also coordinate with the Town to obtain verification by the Town or applicable municipality of a valid rental permit or authority to operate as a rental unit. The Town will provide such verification in writing to LIHP.

**NOTE: Absence of a valid rental permit is NOT appealable.**

### **Step 4: Unit Inspection**

If Steps 1, 2 and 3 are completed and applicant is still eligible, LIHP will perform an HQS/Lead Based Paint Inspection, if applicable. If the unit fails inspection, landlord must complete the required repairs including lead-based paint clearance, at landlord's sole expense, within thirty (30) days of determination, otherwise the unit will be ineligible for the Program and the applicant will be removed from the waitlist. Applicant will be notified of removal from the waitlist by email.



If Step 4 is not successfully completed, LIHP will notify the applicant and landlord by email and the applicant will be removed from the waitlist and the file closed. Applicant will be notified of removal from the waitlist by email.

**NOTE: Failure to comply with Step 4 within the stated timeframe is NOT appealable.**

#### **Step 5: Assessment of Conditional Award**

If Steps 1, 2, 3, and 4 are successfully completed (and any discrepancies are resolved), an assessment of unmet need, a duplication of benefits review, and a calculation of a **conditional** award will be made by LIHP for review and approval by the Town. Landlord will be requested by LIHP to provide a current rent ledger and ACH information as part of this process as LIHP shall determine.

**NOTE:** Any discrepancy in the amount of arrears must be resolved prior to any determination of Conditional Award. See section below entitled “**DISCREPANCIES.**”

#### **Step 6: Conditional Award Documentation**

Upon successful completion of Step 5, LIHP will contact the landlord, applicant, and Town by email to advise of the **conditional** award amount and to request the execution and delivery of the following final documentation:

- Rental Assistance Agreement
- Lease Addendum

The signed documentation must be returned to and received by LIHP within ten (10) calendar days from the date of the notice from LIHP. If required documentation is not **received** by LIHP within the timeframe required, the applicant will be deemed ineligible, subject to a right to appeal. Applicant and the landlord will be notified of ineligible status from the waitlist by email. The documentation can **ONLY** be submitted to LIHP via a file-specific link that will be provided by LIHP during this Step.

#### **Step 7: Final Documentation and Award**

If Step 6 is successfully completed, the conditional award will convert to a final award. LIHP will provide the applicant and the landlord with the documentation (sent by email) confirming the award and a check will be mailed to the landlord.

#### **DISCREPANCIES:**

Applicants are advised that if a discrepancy or question in the amount of arrears, the identity of the landlord, or other relevant information exists in documentation provided, that cannot be reconciled by LIHP from the documentation provided, such discrepancy must be resolved to the satisfaction of LIHP and/or the Town within the time frame provided by LIHP. Any such discrepancy or question that is not so resolved within the time frame required will result in applicant ineligibility, subject to appeal, as applicable.

If there is no discrepancy in the amount of arrears then the amount of the Program award will be based on the documentation submitted.

### **APPEALS:**

Applicants who are deemed ineligible may appeal the determination by submitting a request to LIHP. The appeal request must be in writing and must be **received** (together with all documentation) by LIHP within five (5) calendar days of the date of LIHP's notice to applicant of the determination of ineligibility. The appeal must state the basis of the appeal and contain documentation to support the appeal. Please note that, if the applicant was deemed ineligible due to failure to submit required documentation within the required time frame, then, no appeal will be granted unless the applicant submits the remaining required documentation with the appeal letter/request within the timeframe required. The appeal will be promptly reviewed and the applicant advised of the final determination by email.

Notice to LIHP of an appeal request can ONLY be submitted via a file-specific link that will be provided by LIHP during this Step.

**NOTE: Ineligibility due to non-compliance with Step 3 or Step 4 is NOT appealable. The determinations are final and non-appealable.**

### **VIOLATION OF FEDERAL LAW:**

**THE INFORMATION PROVIDED BY HOUSEHOLDS MUST BE TRUE AND CORRECT. THE INFORMATION PROVIDED IS SUBJECT TO VERIFICATION BY THE TOWN AND/OR HUD. BY SUBMITTING AN APPLICATION AND SUPPORTING DOCUMENTS, THE APPLICANT ACKNOWLEDGES AND UNDERSTANDS THAT TITLE 18 OF THE UNITED STATES CODE SECTION 1001: (1) MAKES IT A VIOLATION OF FEDERAL LAW FOR A PERSON TO KNOWINGLY AND WILLFULLY (A) FALSIFY, CONCEAL, OR COVER-UP A MATERIAL FACT; (B) MAKE ANY MATERIALLY FALSE, FICTITIOUS, OR FRAUDULENT STATEMENT OR REPRESENTATION; OR (C) MAKE OR USE ANY FALSE WRITING OR DOCUMENT KNOWING IT CONTAINS A MATERIALLY FALSE, FICTITIOUS OR FRAUDULENT STATEMENT OR REPRESENTATION, TO ANY BRANCH OF THE UNITED STATES GOVERNMENT; AND (2) REQUIRES A FINE, IMPRISONMENT FOR NOT MORE THAN FIVE (5) YEARS, OR BOTH, WHICH MAY BE RULED A FELONY, FOR ANY VIOLATION OF SUCH SECTION.**

### **FAIR HOUSING AND NON-DISCRIMINATION:**

LIHP is committed to furthering and promoting fair housing, equal opportunity, and non-discrimination in compliance with all federal, state and local laws, including, but not limited to, the Fair Housing Act, as amended by the Housing for Older Americans Act, the Americans with Disabilities Act, the Civil Rights Act, and the New York State Human Rights Law. LIHP will have staff available to assist with the Application, and answer questions about eligibility requirements. In furtherance of this policy, LIHP will not discriminate on the basis of race, creed, color, national or ethnic origin, sex, sexual orientation, gender identity, familial status, source of income, religion, disability, veterans' status, age, or any other basis prohibited by law.

### **LIMITED ENGLISH PROFICIENCY AND ACCOMMODATIONS:**

Applications and Program Guidelines will be made available in other languages as requested. LIHP will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) and persons, who need assistance or who have a limited ability to speak, read, or write English, will have meaningful access and an equal opportunity to participate in the Program. Interpreters, translators and other aids needed to comply with this policy shall be provided as reasonably necessary.