



## **PROGRAM GUIDELINES**

# **TOWN OF OYSTER BAY EMERGENCY RENTAL ASSISTANCE PROGRAM**

**Version 7: Updated as of July 29, 2022**

### **PROGRAM SUMMARY:**

The Town of Oyster Bay Emergency Rental Assistance Program (the “Program”) has funds available to assist renters residing within the Town of Oyster Bay (the “Town”) who are struggling to pay their rent and utilities during or due to the coronavirus pandemic. The Long Island Housing Partnership (“LIHP”) has been retained to administer the Program. Funds are made available and allocated by the U.S. Department of the Treasury (“Treasury”)

The first round of Emergency Rental Assistance Funds (“ERA1”) was made available pursuant to Section 501, Division N, of the Consolidated Appropriations Act, 2021, enacted December 27, 2020 (P.L. 116-260).

The second round of Emergency Rental Assistance Funds (“ERA2”) is made available pursuant to Section 3201(a) of the American Rescue Plan Act of 2021, enacted March 11, 2021 (P.L. 117-2).

### **COORDINATION BETWEEN ERA1 AND ERA2**

LIHP will assess applicant eligibility, first, pursuant to the ERA1 Program and, if eligible, and ERA1 funds are available, funds will be disbursed, first, from the ERA1 Program funds.

ERA2 Program funds may be utilized if ERA1 Program guidelines cannot be met, if ERA1 funds are no longer available, if it is more expeditious to proceed directly with ERA2 funds (for example, it is unlikely the landlord will participate or the tenant has requested that the landlord not be engaged), if LIHP determines it is desirable to proceed directly with ERA2 funds, or if additional funds are necessary to meet the needs of the applicant and funds available under the ERA1 Program have been exhausted for the applicant. LIHP will assess whether ERA2 Program funds may be applied. Applications and documentation received will be deemed received for both ERA1 and ERA2.

The ranking and priority established for an applicant will apply for purposes the ERA1 and the ERA2 Programs.

ERA1 funds may only be utilized if the landlord or utility/home energy provider have agreed to participate in the Program. If not, then the applicant may only be considered for ERA2 funds.

Intake Forms, Applications, and Documentation submitted pursuant to the ERA1 Program may be accepted for the ERA2 Program

A household that is determined to meet the income eligibility requirements pursuant to ERA1 may be deemed to have met the income eligibility requirements pursuant to ERA2, unless LIHP becomes aware of any reason the household does not meet the income requirements for ERA2.

### **COORDINATION BETWEEN APPLICATION PERIODS:**

Anytime the program is re-opened, and a new waitlist established, applicants from the prior Program period will be reviewed first in accordance with their ranking and priorities established from the prior Program period before applicants from any subsequent application period are reviewed.

If the program is re-opened, a new application process will be put in place and a separate waitlist will be established based upon a first-come, first-served basis, subject to priorities below. In such event, applications and documentation will be accepted online ONLY.

### **DISCLAIMERS:**

The submission of an Intake Form or other documents for the 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. Applicants who provide misleading or false information or who apply more than once for the program may be disqualified.

The Program Guidelines and criteria are based upon current requirements and guidance issued by the U.S. Treasury as of August 25, 2021, the U.S Department of Housing and Urban Development (“HUD”), as well as Town requirements. 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 the Treasury, LIHP and/or the Town. LIHP and/or the Town may request additional, alternate, or different documentation as may be acceptable to the Town/LIHP in their sole discretion and the Town/LIHP are permitted to rely on same.

All awards are subject to the availability of funds. A request for assistance does not guarantee payment of the amount requested and the right to amend, adjust or deny the request for assistance based upon available funding is expressly reserved.

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

**THE INFORMATION PROVIDED MUST BE TRUE AND CORRECT. THE INFORMATION PROVIDED IS SUBJECT TO VERIFICATION BY THE TOWN, LIHP, THE U.S. TREASURY AND/OR THE U.S. GOVERNMENT. 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.**

### **WHERE TO GET ASSISTANCE:**

If you need language assistance, please contact LIHP at (631) 435-4710.

For general questions regarding the Program , please contact LIHP at (631) 435-4710 or email LIHP at [OysterBayERAP@lihp.org](mailto:OysterBayERAP@lihp.org).

To assist with accessibility, locations have been established at the following site administered by a designated LIHP partner for applicants to utilize computer facilities to submit the intake form and applications. Staff will be available to assist and appointments must be made by calling the number below.

Locations:

Vision Long Island  
100 Duffy Ave  
Suite 513  
Hicksville, NY 11801  
(516) 654-6928 Extension: 6928  
[rental@visionlongisland.org](mailto:rental@visionlongisland.org)

**TYPE OF FINANCIAL ASSISTANCE:**

Financial assistance is available for Eligible Households (as defined below) for the following, to the extent arising on or after March 13, 2020:

- Rent Arrears\*
- Current rent and prospective rent
- Current costs and arrears for Utilities and Home Energy Costs (as defined below)
- Other Expenses Related to Housing (as defined below)

Arrears that accrue after the date of application submission and prior to final determination of award, if applicable, may be included in the award determination, subject to verification.

Prospective rent that has converted to arrears (due to the passage of time) may be paid as additional arrears.

“Utilities and Home Energy Costs” shall mean separately stated charges paid directly by the tenant for utilities and home energy costs such as electricity, gas, water, sewer, trash removal, and oil, that are not included in the rent. Payments to public utilities are permitted. Cable, cell phone and telephone charges are not eligible. If Utilities and Home Energy Costs are included in the rent, then such costs will be treated and paid as rent.

\*Certain hotel/motel expenses may be covered as rent if all other Program Guidelines are complied with. Only standard room occupancy charges will be allowed and may include taxes but the cost of the hotel or motel stay will not include expenses incidental to the charge for the room such as food, phone etc.

“Other Expenses Related to Housing” shall mean amounts paid by the household for relocation expenses, which may include rental security deposits, hotel/motel expenses, and rental fees such as application or screening fees, if a household has been temporarily or permanently displaced during or due to the COVID-19 outbreak.

## **AMOUNT OF ASSISTANCE:**

The aggregate amount of assistance a household may receive under ERA1 and ERA2, combined, may not exceed 18 months.

### **For ERA1 funds only:**

Assistance will be provided for up to 12 months of payments. An additional 3 months may be paid if “necessary to ensure housing stability,” subject to availability of funds. There is no cap on the amount, and amounts may include the full amount of both rental payments and utility payments. However, the amount of prospective payments is limited to 3 months and must be necessary to ensure housing stability. In addition, for ERA1, if an applicant has rental arrears (as stated in their application), no payments for prospective rent may be made unless assistance has also been provided to reduce the rental arrears.

### **For ERA2 funds only:**

Assistance will be provided for up to 15 months of payments. An additional 3 months may be paid if “necessary to ensure housing stability,” subject to availability of funds. There is no cap on the amount, and amounts may include the full amount of both rental payments and utility payments. However, the amount of prospective payments is limited to 3 months and must be necessary to ensure housing stability. In addition, for ERA2, there is no requirement that arrears be reduced before awarding assistance for prospective rent.

### **If both ERA 1 and ERA2 funds are utilized for the same household:**

The total amount of assistance received by the household under ERA1 and ERA2, combined, may not exceed 18 months.

Payments will be “necessary to ensure housing stability” if:

- 1) arrears will still exist after payment of assistance; or
- 2) the household, on a monthly basis, pays more than 30% of their gross income toward housing expenses defined as base rent plus Utilities and Home Energy Costs separately payable by the household. For purposes of establishing the Utilities and Home Energy Costs, LIHP shall rely upon assumed Utilities and Home Energy Costs as established by Nassau County for the applicable unit type; or
- 3) a member of the household responsible for paying the rent is still unemployed; or
- 4) 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; or
- 5) the household has foregone or delayed, or will have to forego or delay, the purchase of essential goods or services in order to pay rent or utilities such as food, prescription drugs, childcare, transportation or equipment needed for remote work or learning; or
- 6) other situations giving rise to housing instability as determined by LIHP.

## **ELIGIBLE HOUSEHOLD REQUIREMENTS:**

For ERA1, a household may qualify if the following criteria is met:

- 1) Household’s primary residence is a rental dwelling within the Township of Oyster Bay (including all Villages within the Township but **excluding** the City of Glen Cove); and

- 2) Household income is at or below 80% of the area median income (“AMI”) for Nassau/Suffolk Counties as established by the U.S. Department of Housing and Urban Development (“HUD”), adjusted for household size (see income chart below); and
- 3) At least one member of the household meets one of the following criteria, arising on or after March 13, 2020, and due, directly or indirectly, to Coronavirus pandemic:
  - a. qualifies for unemployment; or
  - b. has experienced a reduction in household income; or
  - c. has incurred significant costs (as defined below); or
  - d. has experienced a financial hardship (as defined below); and
- 4) Household can demonstrate a risk of homelessness or housing instability (as defined below); and
- 5) Household has a valid rental obligation.
- 6) For Utility and Home Energy Costs, household must have a separately stated obligation to pay Utilities and Home Energy Costs.

For ERA2, a household may qualify if the following criteria is met:

- 1) Household’s primary residence is a rental dwelling within the Township of Oyster Bay (including all Villages within the Township but **excluding** the City of Glen Cove); and
- 2) Household income is at or below 80% of the area median income (“AMI”) for Nassau/Suffolk Counties as established by the U.S. Department of Housing and Urban Development (“HUD”), adjusted for household size (see income chart below); and
- 3) At least one member of the household meets one of the following criteria, arising on or after March 13, 2020, and arising during or due, directly or indirectly, to Coronavirus pandemic:
  - a. qualifies for unemployment; or
  - b. has experienced a reduction in household income; or
  - c. has incurred significant costs (as defined below); or
  - d. has experienced a financial hardship (as defined below); and
 Household can demonstrate a risk of homelessness or housing instability (as defined below); and
- 4) Household has a valid rental obligation.
- 5) For Utility and Home Energy Costs, household must have a separately stated obligation to pay Utilities and Home Energy Costs.

**INCOME LIMITS:**

Household income must be at or below 80% of the HUD AMI. An income priority will be provided to households at or below 50% HUD AMI. The current 2021 HUD estimated “uncapped” Income Limits\* are as follows:

<b><u>Household Size</u></b>	<b><u>80% Maximum Income</u></b>	<b><u>50% Maximum Income</u></b>
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1	\$81,400	\$50,900
2	\$93,000	\$58,150
3	\$104,650	\$65,400
4	\$116,250	\$72,650
5	\$125,550	\$78,500
6	\$134,850	\$84,300
7	\$144,150	\$90,100
8	\$153,450	\$95,900

\* The income limits are estimates based upon the 2022 HUD “uncapped” income limits. The income limits are subject to change and adjustment, without notice, pursuant to Treasury, HUD or regulatory interpretation.

**OUTREACH TO LANDLORDS AND UTILITY/HOME ENERGY COMPANY:**

LIHP will make reasonable efforts to engage the landlord and utility/home energy provider. However, the participation of the landlord and/or the utility/home energy provider is not required for the ERA2 Program. If LIHP has outreached to the providers pursuant to ERA1 then no additional outreach will be required for assistance pursuant to ERA2. If LIHP does not outreach to a provider, then the application may proceed pursuant to ERA2.

Outreach will be deemed complete if (1) a request for participation is sent in writing, by mail, to the landlord or utility provider and the addressee does not respond with 14 calendar days after mailing, (2) LIHP has made at least 3 attempts by phone, text, or email over a 10-calendar day period to engage them, or (3) a landlord or provider confirms in writing that they do not wish to participate, or (4) outreach was conducted pursuant to ERA1 and the provider did not elect to participate.

**VERIFICATION OF OWNERSHIP OR LEASEHOLD INTEREST OF THE UNIT/LANDLORD (IF LANDLORD PARTICIPATES):**

If the landlord participates, the ownership or leasehold interest of the unit must be verified by the landlord. To verify ownership or the leasehold interest, the landlord will be required to provide the following documentation:

- 1) Deed for the premises or evidence of a leasehold interest in the premises; and
- 2) Current real property municipally issued Tax Bill; and/or
- 3) Such other documentation as LIHP may request

**INELIGIBLE APPLICANTS:**

The following applicants will be ineligible to receive assistance under the Program to avoid any duplication of benefits and to manage public confidence:

- 1) Employees of LIHP, the landlord, the landlord’s property management company, or the utility company.

- 2) Applicants with household members that are related to the landlord, the utility company or any principal of the landlord, property management company, or the utility company by blood or marriage.

**RECIPIENTS OF FEDERAL HOUSING SUBSIDIES:**

A household that receives a monthly subsidy (e.g., Housing Choice Voucher, Public Housing, VASH, or Project Based Rental Assistance) or that occupies a subsidized residential or mixed-use property may be eligible but only to the extent of the tenant paid portion of the rent and utilities that remains after adjustment by the subsidy provider for changes to household income.

**PAYMENT FOR ARREARS IF PROVIDER PARTICIPATES:**

Provided the landlord or utility/home energy provider has agreed to participate, payments for arrears will be made, in a lump sum, directly by LIHP to the landlord or utility/home energy company (or their agent as designated by them in writing to LIHP) by electronic ACH transfer, upon receipt of funds from the Town. Payment may still be made to the provider even if the tenant is no longer living in the unit provided the tenant is otherwise eligible and requests such payment in writing to LIHP.

**PAYMENT FOR ARREARS IF PROVIDER DOES NOT PARTICIPATE**

If following outreach by LIHP, the landlord or utility/home energy provider does not agree to participate then payments for arrears will be made, in a lump sum, directly by LIHP to the applicant (or their agent as designated by them in writing to LIHP) by electronic ACH transfer, unless the household certifies that it does not have a checking account. In such case payment will be made by check. Payment will only be made upon receipt of funds from the Town. The payment amount will be based on the applicant's documentation and request without verification by the landlord or the utility/home energy provider, as applicable. The provider will be notified of any payments to the applicant.

**PAYMENT FOR PROSPECTIVE RENT IF LANDLORD PARTICIPATES:**

Provided the landlord has agreed to participate, payment for prospective rent may be awarded in advance, in a lump sum equaling the aggregate prospective rent requested (up to 3 months), and paid directly by LIHP to the landlord (or landlord's agent as designated by landlord in writing to LIHP), by electronic ACH transfer, upon receipt of funds from the Town and subject to prior written confirmation from the landlord and tenant that the monthly rental obligation is due and payable and provided the landlord and tenant certify that the tenant is and will be residing in the unit for the period covered by the prospective rent.

**PAYMENT FOR PROSPECTIVE RENT IF LANDLORD DOES NOT PARTICIPATE:**

If following outreach by LIHP, the landlord does not agree to participate, payment for prospective rent may be awarded in advance but may only be paid in monthly installments, directly by LIHP to the applicant (or their agent as designated by them in writing to LIHP), by electronic ACH transfer, unless the household certifies that it does not have a checking account. In such case payment will be made by check. Payment will only be made upon receipt of funds from the Town. Each payment of monthly prospective rent will be subject to prior written confirmation, on a

monthly basis, from the tenant that the monthly rental obligation is due and payable and provided the applicant is still residing in the unit. The payment amount will be based on the applicant's documentation and request without verification by the landlord. The provider will be notified of any payments to the applicant.

**PAYMENT FOR OTHER HOUSING EXPENSES:**

Payment for Other Housing Expenses will be made directly to the household (if the household has already paid such expense) or to the provider. If paid directly to the household then the payment amount will be based on the applicant's documentation and request without verification by the provider. If paid directly to the provider, then the provider must agree to participate in the Program and provide the IRS W-9 Form and such other documentation as LIHP may require. Payment to the provider will be made directly to the provider (or provider's agent as designated in writing by provider to LIHP), by ACH transfer. If paid to the household, payment will be made by ACH transfer unless the household certifies that it does not have a checking account. In such case payment will be made by check.

**CONDITIONS OF AWARD IF PROVIDER PARTICIPATES:**

As a condition of Program Award, the Town must authorize the payment and the applicant and the Landlords and providers, as applicable, must agree to (1) use the funds solely for the intended purpose; (2) to waive all late fees and other charges for the period covered by assistance; (3) terminate all legal and collection efforts for the assistance period, (4) indicate in any reports to credit agencies concerning arrears that the matter has been resolved; and (5) such other terms as the Town and/or LIHP may require.

For Program payments agreed to or paid prior to September 2, 2021, the landlord must also agree not to evict the tenant for non-payment of rent for the period covered by the assistance awarded and for a minimum of 30 days thereafter.

For Program payments agreed to or paid on or after September 2, 2021, pursuant to recently adopted New York state law, the landlord also agrees: (1) that the arrears covered by this payment are satisfied and will not be used as the basis for a non-payment eviction; (2) not to increase the monthly rent due for the unit such that it shall not be greater than the amount that was due at the time of application to the Program for any and all months for which rental assistance is received and for one year after the first rental assistance payment is received; (3) not to evict for reason of expired lease or holdover tenancy any household on behalf of whom rental assistance is received for 12 months after the first rental assistance payment is received, unless the dwelling unit that is the subject of the lease or rental agreement is located in a building that contains 4 or fewer units, in which case the landlord may decline to extend the lease or tenancy if the landlord intends to immediately occupy the unit for the landlord's personal use as a primary residence or the use of an immediate family member as a primary residence; and (4) to notify the tenant of the protections established under these requirements.



The above may be subject to the exceptions contained in Subpart A of part BB of Chapter 56 of the NYS laws of 2021 establishing the NYS COVID-19 Emergency Rental Assistance Program. Please consult such law for full requirements.

**CONDITIONS OF AWARD IF PROVIDER DOES NOT PARTICIPATE:**

As a condition of Program Award, the Town must authorize the payment and the applicant must agree to (1) use the funds solely for the intended purpose; (2) pay the funds to their landlord or the utility/home energy provider, as applicable, within thirty (30) days or promptly return such funds to LIHP; and (3) such other terms as the Town and/or LIHP may require.

**DUPLICATION OF BENEFITS:**

To address the issues of duplication of benefits, applicants and landlords or utility/home energy companies (if they agree to participate) will be required to sign a certification regarding duplication of benefits that will seek to ascertain whether any other assistance was received for the same purpose. Applicants and landlords/utility/home energy companies are advised that, 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 will be an on-going obligation. If awarded funds, the beneficiaries are required to agree to repay any amounts determined to be a duplication of benefits.

**FIRST-COME FIRST-SERVED INTAKE FORM PROCESS (SUBJECT TO PRIORITIES):**

To secure a place on the waitlist, and begin the process of eligibility for the Program, an Intake Form must be submitted to LIHP. Intake Forms will be accepted, and households will be reviewed, on a **first-come first-served basis (subject to priorities as set forth below)**. To be placed on the waitlist and ranked for priority and eligibility for award under the Program, an Intake Form must be submitted within the time frame required. Applicants who submit the Intake Form within the time required will be placed on the waitlist in the order received, subject to priorities.

Intake Forms may be submitted by the tenant or the landlord in accordance with provisions set forth in the Program Guidelines. Utility/home energy providers may not submit an Intake Form.

Intake Forms must be submitted online and will be through a secure system and portal established for enrollment, administration and reporting. Applications will be accepted during a set time period in order to establish required priorities.

Following the closing of the application period, all submissions will be ranked and prioritized based upon the priorities set forth below.

If separate Intake Forms are submitted by both the tenant and the landlord, the Intake Form submitted earliest in time will determine the ranking. If duplicate Intake Forms are submitted, the Intake Form submitted earliest in time will determine ranking.

No documentation is required to be submitted with the Intake Form.

**RANKING AND PRIORITY**

A priority will be granted to applicants who:

- 1) have a household member who has been unemployed for more than 90 days prior to the submission of the Intake Form; or
- 2) have household incomes at or below 50% of the area median income as established by HUD.

LHP will rely on the applicant's self-certification of priority as stated in the Intake Form unless applicant's income (if required to be independently reviewed) or other documentation or certifications reveal otherwise. In such case, applicants will retain their original ranking without regard to priority status.

Applicants who have NOT previously self-certified in the Intake Form that their household income is at or below 50% AMI may be entitled to priority status IF the attestation of income provided in the Formal Program Application, or other documentation or certifications, states their household income to be at or below 50% AMI. In such case, the applicant may be entitled to a priority but will be added to the bottom of the priority list.

### **PROCESS AFTER SUBMISSION OF THE INTAKE FORM:**

Although no documentation is required to be submitted with the Intake Form, submission of the Intake Form is only the first step in the process. Additional steps must be followed for Program eligibility. Following submission of the Intake Form, applicants must be reviewed for formal Program eligibility. This will involve completion and submission of formal Program documentation.

### **LANDLORD DOCUMENTATION (IF LANDLORD AGREES TO PARTICIPATE):**

If the Landlord participates, they will be required to submit the following documentation:

- 1) Formal Program Application (completed and signed)
- 2) Copy of the executed lease or rental agreement (if one exists)
- 3) Copy of the Deed or leasehold interest for the premises
- 4) Copy of current municipal property tax bill
- 5) Copies of past due rent and eviction notices
- 6) A rent ledger, if available
- 7) If landlord utilizes a property management company, and indicates that the management company is authorized to represent the landlord for the Program, then landlord must provide a copy of the valid agreement with such property management company.
- 8) IRS W-9 Form (signed and completed)

### **TENANT DOCUMENTATION:**

Tenant will be requested to submit the following documentation for formal Program review following submission of an Intake Form:

- 1) Formal Program Application (completed and signed by all household members age 18 and over);
- 2) Copy of the executed lease or rental agreement (if one exists);
- 3) Copy of a valid driver's license or photo ID issued by a government entity (for all household members age 18 and over);

- 4) Copies of past due rent and eviction notices, if applying for rent arrears;
- 5) Copies of past due utility notices, if applying for Utility and Home Energy Cost arrears;
- 6) Income documentation as set forth below (if required).

**NOTE: Documentation is requested to be submitted within 5-calendar days. Failure to submit the Formal Program Application will result in ineligibility for the Program, subject to a right of appeal.**

### **EXPEDITED ALTERNATIVES TO ESTABLISH INCOME ELIGIBILITY:**

To expedite applicant assistance, LIHP may rely upon the written attestation of the applicant as to household income if one of the following also applies: (1) Fact-Specific Proxy, or (2) Categorical Eligibility (even if a household has provided ALL required documentation).

**FACT SPECIFIC PROXY:** LIHP may rely on a written self-attestation from the applicant (as stated in the Formal Program Application or other self-attestation or documentation as LIHP shall determine) as to household income if LIHP also uses any reasonable fact-specific proxy for household income such as data regarding average incomes in the household's geographic area. For example, households located within a census tract designated as "low" or "moderate" pursuant to the 2021 FFIEC (Federal Financial Institutions Examination Council) Online Census Data System will be deemed income eligible and will not be required to submit income documentation for review provided LIHP also obtains the written attestation from the applicant (as stated in the Formal Program Application or other self-attestation or documentation as LIHP shall determine) indicating that the household is at or under 80% AMI for the household size.

To rely upon a Fact-Specific Proxy, the following applies:

- 1) LIHP will verify the applicable census tract of the household based on the address submitted. The 2021 FFIEC (Federal Financial Institutions Examination Council) Online Census Data System may be consulted for confirmation of the applicable census tract designation for the household.

FFEIC may be contacted at:

<https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>

- 2) LIHP will review the Formal Program Application or other self-attestation or documentation to verify the household income has been attested to be at or under 80% AMI for the household size.
- 3) If the above is met, the household is deemed income qualified and no further income documentation is required and LIHP will not independently calculate and verify household income.

**CATEGORICAL ELIGIBILITY:** LIHP may rely on a written self-attestation from the applicant (as stated in the Formal Program Application or other self-attestation or

documentation as LIHP shall determine) as to household income if an applicant's household income has been determined to be at or below 80% AMI by another local, state or federal government assistance program provided the determination was made on or after January 1, 2020. Examples of such programs are WIC, TANF, SNAP, Housing Choice Voucher, VASH, Low Income Housing Tax Credit, Nassau County Department of Social Services, Public Housing, Project Based Housing, HeadStart, or LIHEAP and such other programs/agencies as LIHP shall reasonably determine.

To rely upon Categorical Eligibility, the following applies:

- 1) LIHP will inquire with the applicant as to participation in an eligible government program.
- 2) If applicant states in writing (an email is acceptable) that they participate in an applicable program, applicant must provide LIHP with the Categorical Eligibility letter from the applicable agency or the applicant.
- 3) LIHP will review the Formal Program Application, or other self-attestation or documentation as LIHP shall determine, to verify the household income has been attested to be at or under 80% AMI for the household size.
- 4) If the above is met, the household is deemed income qualified and no further income documentation is required and LIHP will not independently calculate and verify household income.

**INCOME DOCUMENTATION IF ONE OF THE INCOME ALTERNATIVES ABOVE ARE NOT APPLICABLE AND ALL INCOME DOCUMENTATION IS RECEIVED:**

Except if income is determined based on (1) Fact-Specific Proxy, or (2) Categorical Exclusion (all as described above), households that have provided ALL requested documentation of household income within the time period required by LIHP (5-calendar days) will have household income verified by LIHP. Households may choose either the 2020 Annual Income Option (as set forth below) or the Current Monthly Income Option (as set forth below) to demonstrate household income. Households must submit the documents that correspond to the option they've selected. If all required documentation is received, within the time frame required, LIHP will calculate household income using HUD's definition of annual income in 24 CFR 5.609. Income will include all gross household income – earned income/wages, overtime, self-employment, unemployment, bonuses, pensions, social security, 401(k) or 403(b) distributions, tips, interest on bank accounts, alimony, child support, public assistance, etc. Please note: Federal Stimulus checks may not be included in income. However, regular unemployment benefits, Pandemic Unemployment Assistance (PUA), and Pandemic Emergency Unemployment Compensation (PEUC) may be included in income.

**Option #1: 2020 Annual Income Option**

- Signed 2020 IRS Form 1040 or receipt for E-filed 2020 IRS Form 1040 for all household members 18 years of age and older
- 2020 W-2 Form and Form 1099s
- Schedule C (if self-employed)

- Documentation to support income received in 2020 such as copies of unemployment benefits, social security, public assistance budget, alimony, child support, pensions, disability, retirement funds, self-employment income and income from rental property
- Form 1099G for unemployment benefits received for 2020 for all household members who received unemployment
- Full time student verification for each household member age 18 and older that has income

**Option #2: Current Monthly Income Option**

- Two most recent month's pay stubs or wage statements for all household members 18 years of age and older
- Two most recent monthly bank statements for all household members 18 years of age and older
- Documentation to support income received during the most recent two-month period including interest statements, unemployment benefits, social security, public assistance budget, alimony, child support, pensions, disability, retirement funds, self-employment income and income from rental property
- Printout of unemployment benefits from the NYS Department of Labor, which is available at <https://applications.labor.ny.gov/IndividualReg/>. Tenants should create a user name and password. Print out the payment history not the 1099G.
- Full time student verification for each household member age 18 and older that has income

**NOTE:** If Option #2 is selected then (1) income will be projected 12-months to determine household income; and (2) households will be required to recertify their household income every 3 months for the duration of assistance.

**SELF-ATTESTATION OF INCOME IF APPLICANT IS UNABLE TO PROVIDE ALL INCOME DOCUMENTATION:**

If the applicant is unable to provide all the requested the income documentation within the time frame required (5-calendar days), then LIHP is not able to independently verify the household income in accordance with these Program Guidelines. Therefore, LIHP may rely on a self-attestation of household income without further verification if the applicant confirms in their Formal Program Application or other attestation or document that (1) that they are unable to provide any or all documentation of their income, and (2) that their household income is at or below 80% AMI.

To rely upon a Self-Attestation, the following applies:

- 1) The applicant will be requested by LIHP to provide all the requested documentation within 5-calendar days.
- 2) If all documentation is not received by LIHP within the time period required then LIHP will obtain the written self-attestation from the applicant in the form attached hereto as Exhibit 1 (the “Income Self-Attestation (unable to provide documentation)”).
- 3) If the above is met, the household is deemed income qualified and no further income documentation is required and LIHP will not independently calculate and verify household income.
- 4) LIHP will reassess the applicant’s household income (pursuant to a written attestation) every three months for the duration of the assistance provided.

**DISCREPANCIES:**

If a discrepancy in the amount of arrears, rent, utilities, the identity of the landlord/utility-home energy company, or other relevant information exists in documentation provided, such discrepancy must be resolved and reconciled in writing to LIHP signed by all parties, as applicable, and all members of the applicant’s household age 18 and over, within the time frame provided by LIHP. The writing will be prepared by LIHP and will be in form and substance satisfactory to LIHP. If payment is to be made directly to the applicant because the landlord or utility/home energy provider is not participating then the payment amount will be based on the applicant’s documentation and request without verification or reconciliation by the landlord or the utility/home energy provider, as applicable.

**PAYMENT AMOUNT IF PROVIDERS DO NOT PARTICIPATE:**

If the landlord or the utility/home energy companies do not agree to participate then the award amount will be based upon the request submitted by the applicant subject to receipt by LIHP of documentation supporting the requested amount as provided herein, it being acknowledged that without the participation of the provider, the award amounts cannot be confirmed. LIHP makes no representation or warranty whatsoever that the payment made directly to the applicant will actually be utilized for the purpose it was intended and LIHP has no obligation to undertake any verification or confirmation that such payment was made by the applicant to the landlord or provider, as applicable.

**APPEALS:**

A determination of ineligibility may be appealed by submitting a written request to LIHP. The appeal must state the basis of the appeal and, if applicable, contain documentation to support the appeal. Appeals will be assessed by the LIHP Appeal Committee which shall consist of the President/CEO, the Exec. VP/Chief Operating Officer and the Sr. VP/General Counsel of LIHP. The determination of the LIHP Appeal Committee will be made with the vote of at least two-thirds of the members. The determination of the LIHP Appeal Committee will be final unless an applicant requires further action following an unfavorable determination by the LIHP Appeal Committee. In such event, the matter may be referred for review by a Committee of the Board of Directors of LIHP. The applicant will be advised of the final determination by email.

## **DOCUMENTATION TO ESTABLISH ELIGIBLE HOUSEHOLD STATUS:**

Documentation to show that a household member qualified for unemployment on or after March 13, 2020, during or due, directly or indirectly, to COVID-19:

- Written self-certification of household member regarding approval of unemployment due to COVID-19 **OR**
  - Copy of Eligibility Letter from NYS Department of Labor or other documentation of eligibility from NYS Department of Labor such as a print-out of unemployment payment history from NYS
- 2) Documentation to show a member of the household has experienced a reduction in household income on or after March 13, 2020, during or due, directly or indirectly, to COVID-19:
- Written self-certification of household member that they have suffered a reduction of income **AND**
  - If terminated, furloughed, or subjected to reduced hours/pay, then a letter from employer, on letterhead, confirming the termination, furlough or reduction in hours/pay due to COVID-19 **OR**, if such letter from employer is not available, a written self-certification from the household member confirming same and the loss of income due to COVID-19.
  - If voluntarily left employment or experienced reduced hours/pay to either care for a household member sick due to COVID-19, to perform childcare, or other reason related to COVID-19, then documentation evidencing same such as a letter from a healthcare provider confirming sickness or documentation of school closure or such other documentation as LIHP shall determine which may include a self-certification.
  - For the self-employed, a written self-certification that includes the name of the household member who is self-employed, the name and nature of the business, and narrative confirming reduction of income due to COVID-19 or a letter from a certified public accountant confirming same.
- 3) Documentation to show household has incurred significant costs on or after March 13, 2020, during or due, directly or indirectly, to the Coronavirus pandemic
- Written self-certification of household member that they have incurred significant costs **AND**
  - Documentation of such costs through medical bills, payment receipts, bank statements or credit card statements or other documentation evidencing the expense acceptable to LIHP which may include self-certifications.

“Significant Costs” means costs incurred on or after March 13, 2020, during or due, directly or indirectly, to the Coronavirus pandemic, and that total (1) in a 30-day period, at least 50% of the household’s average monthly income; or (2) in a 6-month period, at least 15% of the of the household’s average monthly income. Such costs may be:

- Healthcare costs, including care at home for individuals with COVID-19
- Equipment expenses (computers equipment, internet expenses) due to quarantining, social distancing, or working remotely as required by employer or school (unless household was reimbursed by their employer for such expenses)
- Childcare expenses due to school closure
- Purchase of PPE (Personal Protective Equipment)

- Funeral costs for deceased family member
  - Penalties, fees, or legal costs associated with rent or utility arrears
  - Transportation costs because unable to use public transportation
- 4) Documentation to show household has experienced a financial hardship on or after March 13, 2020, during or due, directly or indirectly, to the Coronavirus pandemic:
- Written self-certification of household member regarding the financial hardship incurred **AND**
  - Documentation of such financial hardship through payment receipts, bank statements, credit card statements, or other documentation evidencing the financial hardship acceptable to LIHP which may include self-certifications.

“Financial Hardship” means the household has incurred Significant Costs, experienced a reduction of household income, or experienced any of the following on or after March 13, 2020, during or due, directly or indirectly, to the Coronavirus pandemic:

- The household has relied on, or will have to rely upon, credit cards, payday lenders, loans, or has savings, in order to pay rent, rather than through wages or other income
- The household has foregone or delayed, or will have to forego or delay, the purchase of essential goods or services in order to pay rent or utilities such as food, prescription drugs, childcare, transportation or equipment needed for remote work or learning
- Other situations giving rise to a financial hardship as determined by LIHP

## **DOCUMENTATION TO ESTABLISH RISK OF HOMELESSNESS OR HOUSING INSTABILITY:**

- 1) The following documentation will be utilized to establish a risk of homelessness or housing instability for arrears:
- Written self-certification **AND**
  - One of the following, as applicable:
    - Past due rent demands for charges incurred on or after March 13, 2020
    - Notice of Petition for Eviction for non-payment of rent filed with the court
    - Executed Tenant Declaration of Hardship pursuant to the NY COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, filed with the court
    - Past due utility notices for charges incurred on or after March 13, 2020
    - Such other documentation evidencing risk as may be acceptable to LIHP
- 2) The following documentation will be utilized to establish a risk of housing instability for prospective rent payments:
- Written self-certification **AND**
  - One of the following:
    - Documentation that the household, on a monthly basis, pays more than 30% of their gross income toward housing expenses defined as base rent plus Utilities and Home Energy Costs separately payable by the household. For purposes of establishing the Utilities and Home Energy Costs, LIHP shall rely upon assumed Utilities and Home Energy Costs as established by Nassau County for the applicable unit type
    - A member of the household responsible for paying rent is still unemployed



- Evidence 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
- the household has foregone or delayed, or will have to forego or delay, the purchase of essential goods or services in order to pay rent or utilities such as food, prescription drugs, childcare, transportation or equipment needed for remote work or learning
- Other situations giving rise to housing instability as determined by LIHP

NOTE: LIHP may rely on an applicant's self-certification, without further documentation, if other documentation is not immediately available.

**DOCUMENTATION TO EVIDENCE RESIDENCE AND THE RENTAL OBLIGATION:**

It is necessary to provide a current copy of the lease or rental agreement to establish residency and the rental obligation. In the limited case that no lease or written rental agreement is available (e.g. tenant is on a verbal month-to-month), (1) evidence of residency may be established by payment of utilities, a written attestation by the tenant and a landlord who can be verified as the legitimate owner or management agent of the unit, or other reasonable documentation as determined by LIHP and (2) evidence of the amount of a rental payment may be established by bank statements, check stubs, or other documentation that reasonably establishes a pattern of paying rent, a written attestation by the tenant and a landlord who can be verified as the legitimate owner or management agent of the unit, or other reasonable documentation as determined by LIHP such as written requests by a landlord to the tenant for payment or other certifications.

**DOCUMENTATION TO EVIDENCE OTHER EXPENSES RELATED TO HOUSING:**

The following documentation will be utilized to establish Other Expenses Related to Housing

- Written self-certification regarding the costs incurred and how its related to COVID-19 **AND**
- Documentation of such costs through payment receipts, credit card statements, or other evidence of payment to the provider acceptable to LIHP **AND**
- If the payment is related to security deposits or rental fees, then a copy of the new executed lease or rental agreement **AND**
- Such other documentation as may be acceptable to LIHP

**OTHER/ALTERNATE DOCUMENTATION/SELF-CERTIFICATIONS:**

Notwithstanding the documentation requirements set forth in these Program Guidelines, LIHP may request and accept such additional or alternate documentation as may be necessary or desirable. LIHP may rely upon self-certifications as specifically provided herein and as otherwise may be necessary, desirable or permitted based upon federal guidance or other circumstances.

**PAYMENT FOR HOTELS/MOTELS AS OTHER EXPENSES RELATED TO HOUSING:**

The cost of a hotel or motel room occupied by an eligible household who has been temporarily or permanently displaced from housing during or due to COVID-19 may be covered within the category of “other expenses related to housing” provided that:

- a) the household has been temporarily or permanently displaced from its primary residence OR does not have a permanent residence elsewhere;
- b) the household provides satisfactory documentation of the hotel or motel stay;
- c) the household provides a written attestation that they have been displaced from their primary residence and they do not have a permanent residence elsewhere;
- e) the household provides documentation listing weekly or monthly rental/occupancy charges for which the household is seeking assistance;
- f) the household meets all Program requirements and provides such other documentation as may be requested

Only standard room occupancy charges will be allowed and taxes may be included but the cost of the hotel or motel stay will not include expenses incidental to the charge for the room such as food, phone, etc.

### **PROVISIONAL APPROVAL/OBLIGATED FUNDS**

Based on the certifications made in a tenant’s Intake Form and Application, an applicant will be deemed provisionally approved subject to compliance with all Program Guidelines, final determination of Program eligibility, execution of required documentation, verification and reconciliation of amounts requested, and availability of Program funds. Accordingly, Program funds will be set-aside and obligated in the amounts requested in the Application to cover eligible Program expenses. These expenses will be released and disbursed only upon compliance with all Program Guidelines, final determination of Program eligibility, execution of required documentation, verification and reconciliation of amounts requested, and availability of Program funds. If the applicant’s landlord and/or utility provider has also agreed to participate, as applicable, the expenses requested will be subject to verification and reconciliation with the landlord or utility provider, as applicable. In addition, no duplication of benefits may occur. Accordingly, the amounts obligated are subject to change. No award may be made without the prior written consent of the Town.

### **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:**

Intake Forms and Program Guidelines will be made available in English and Spanish and 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. Applicants in need of assistance should contact LIHP at (631) 435-4710.

### **REPORTING:**

The following information will be collected and reported to the Town and the Treasury for ERA1 and ERA2:

- Address of the rental unit,
- For landlords and utility providers, name, address, social security number, tax identification number or DUNS number, if the landlord/utility company have elected to participate in the Program,
- Amount and percentage of monthly rent covered by ERA assistance,
- Amount and percentage of separately-stated utility and home energy costs covered by ERA assistance,
- Total amount of each type of assistance (*i.e.*, rental arrears or utilities and home energy costs arrears) provided to each household,
- Amount of outstanding rental arrears for each household,
- Number of months of rental payments and number of months of utility or home energy cost payments for which ERA assistance is provided,
- Household income and number of individuals in the household,
- Number of households with household incomes less than 30% AMI for which ERA assistance is provided,
- Number of households with household incomes between 30% and 50% AMI for which ERA assistance is provided,
- Number of households greater than 50% AND between 50% and 80% AMI for which ERA assistance is provided,
- Zip code data for which ERA assistance is provided or to participating households (not including household stability services),
- Gender, race, and ethnicity for the primary applicant for assistance,
- Total dollar amount expended by the ERA for administrative expenses and expenses not yet approved, and
- Total dollar amount expended by ERA for housing instability services and expenses not yet approved

- Such other information as may be requested by LIHP, the Town and/or the U.S. Treasury

**FEDERAL FUNDS:**

This project is supported, in whole or in part, by Federal Award Identification Number # ERA! (0266) and Federal Award Number #ERA2 (0270) awarded to the Town of Oyster Bay by the U.S. Treasury Department.

**Exhibit 1**

**INCOME SELF-ATTESTATION (unable to provide documentation)**

The undersigned has applied to the Town of Hempstead Emergency Rental Assistance Program (the “Program”). To be eligible for the Program, the undersigned is required to have a household income at or below 80% of the Area Median Income (AMI) for Nassau/Suffolk County as established by HUD and adjusted for household size.

This attestation is presented as written proof that my/our household income meets the Program requirements.

The undersigned hereby declares and certifies as follows:

- 1) I/we are unable to provide the income documentation requested in order for my/our income to be verified by LIHP as required by the Program.
- 2) The gross annual household income, from **ALL** sources, is as follows:

**Income includes all gross household income – including earned income/wages, overtime, self-employment, unemployment, bonuses, pensions, social security, 401(k) or 403(b) distributions, tips, interest on bank accounts, alimony, child support, public assistance, etc.**

Household income may be determined using one of the two following methods:

- 2020 ANNUAL INCOME; or

- **CURRENT MONTHLY INCOME:** Sum of all your household members' income in the last two months and multiplied by 6. Please indicate below on which option you have calculated your income.

<b>Complete for each Household Member</b>		
<b>Applicant:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$
<b>Additional household member:</b>		\$

**3. THE UNDERSIGNED CERTIFIES THAT THE GROSS ANNUAL HOUSEHOLD INCOME FROM ALL SOURCES ABOVE FOR ALL HOUSEHOLD MEMBERS IS: \$ \_\_\_\_\_**

4. The above household income is based on **[SELECT AN OPTION BELOW]:**  
 \_\_\_\_\_ 2020 annual income                      \_\_\_\_\_ Current Monthly Income

5. This agreement may be signed in counterparts and when taken together shall constitute one and the same instrument. Electronic and facsimile signatures shall be deemed an original.

6. The undersigned agrees to recertify the household income every three months for the period covered by the assistance provided under the Program.

7. THE UNDERSIGNED DOES HEREBY AFFIRM AND ATTEST, UNDER PENALTIES OF PERJURY AND LAW, THAT ALL OF THE INFORMATION CONTAINED HEREIN IS TRUE, ACCURATE AND CORRECT. BY SUBMITTING THIS ATTESTATION, 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.

**MUST BE SIGNED BY EACH MEMBER OF THE HOUSEHOLD AGE 18 AND OLDER**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

Date: \_\_\_\_\_

**Signature:** \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Signature:** \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**Signature:** \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_