

DATE: May 16, 2023

PROCEDURAL MEMORANDUM #011-23

SUBJECT: Emergency Rental Assistance Program (ERAP) Prioritization Guidelines

TO: County ERAP Providers

FROM: Carl Feldman
Director
Bureau of Policy

PURPOSE

To inform county ERAP providers of the prioritization policy for remaining ERAP2 funds.

BACKGROUND

ERAP funds are subject to Treasury's guidance and set forth in the Consolidated Appropriations Act (ERAP1); American Rescue Plan Act (ERAP2); PA Act 1 of 2021; and PA Act 24 of 2021.

The American Rescue Plan Section 3201(d)(2) stipulates that amounts appropriated under subsection (a)(1) of this section shall be subject to the same terms and conditions that apply under paragraph (4) of section 501(c) of subtitle A of title V of division N of the Consolidated Appropriations Act, 2021 (Public Law 116–260).

The Consolidated Appropriations Act Section 501(c)(4) defines the Prioritization of Assistance:

- A. In reviewing applications for financial assistance and housing stability services to eligible households from a payment made under this section, an eligible grantee shall prioritize consideration of the applications of an eligible household that satisfies any of the following conditions:
 - i. The income of the household does not exceed 50 percent of the Area Median Income (AMI) for the household.
 - ii. One or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date.

DISCUSSION

In keeping with the federal prioritization guidelines, providers should adhere to the following:

1. Accept all applications if the ERAP2 program is currently open.
2. In reviewing applications for financial assistance, the ERAP provider shall first prioritize consideration of the applications of an eligible household that satisfies either of the following conditions:
 - The income of the household does not exceed 50 percent of the AMI for the household **OR**
 - One or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date.
3. Providers may further prioritize applications based on fund availability or other considerations such as households facing homelessness, have eviction pending or are extremely low income.
4. In establishing prioritization policies, counties are prohibited from placing any stipulations, restrictions or limitation on assistance that are in addition to the federal law or guidance.

Examples:

- a. Counties cannot require applicants to be under the 50 percent AMI in order to apply for benefits.
- b. Counties cannot require applicants to provide evidence of unemployment compensation in order to apply.
5. County ERAP providers must properly determine a household as eligible and then apply prioritization policies.
6. An eligible applicant that is not prioritized shall receive a notice of eligibility containing language about the priority policy and advising of potential future eligibility if additional funds become available. The notice must also contain appeal language.
7. County prioritization policies should be available to the public through the county ERAP website. Additionally, the county should provide the policy to the Department of Human Services to include on our website and the Commonwealth of Pennsylvania Access to Social Services portal.

NEXT STEPS

1. Share and review this Procedural Memo with appropriate staff.
2. Direct questions regarding this Procedural Memo to RA-PWERAPOIM@pa.gov.
3. This Procedural Memo is in effect until further notice.