

**DATE:** November 16, 2021

**PROCEDURAL MEMORANDUM #005-21**

**SUBJECT:** Use of Emergency Rental Assistance Program 2 (ERAP2) Funds

**TO:** County ERAP Providers

**FROM:** Cathy Buhrig  
Director  
Bureau of Policy

**PURPOSE**

To inform county commissioners and ERAP providers of the forthcoming changes being made to the ERAP Instructions and Requirements (I&R) to include updates based on rules authorized under the American Rescue Plan of 2021, Pub. L. 117-2 (March 11, 2021); and by PA Act 24 of 2021, enacted June 30, 2021; concerning use of Emergency Rental Assistance (ERA) 2 funds.

Where rules are different, the I&R document will note “ERAP1” or “ERAP2”, while the term “ERAP” refers to the entire program and encompasses both.

**BACKGROUND/DISCUSSION**

The Department of Human Services (DHS) encourages counties to begin using ERAP2 funding in the same manner they used funds for the ERAP1 program with the added following conditions.

1) Eligibility change:

- Under ERAP1 funding, applicants must verify eligibility due, directly or indirectly, to COVID-19.
- Under ERAP2 funding, a financial hardship may have occurred *during* the COVID Public Health Emergency, without having to prove that hardship was due to COVID-19.

## 2) Assistance time frame:

- ERAP1 funding is limited to 12 months of assistance, with up to three additional months, if needed, to ensure housing stability.
- ERAP2 funding may be used for up to 18 months of assistance, inclusive of any ERAP1 funded months.

## 3) Change to requirement to pay arrears:

- Under ERAP1, assistance must first be paid towards arrearages before prospective payments may be made.
- Under ERAP2, prospective payments may be paid regardless of outstanding arrearages.

## 4) Direct payments to tenants:

- In cases where a landlord or utility provider does not participate in the program, the only way to achieve the statutory purpose is to provide assistance directly to the eligible household.
- ERAP1 – After reasonable attempts to obtain the cooperation of landlords or service providers or after their refusal to cooperate, assistance payments shall be made directly to the tenant. Assistance payments shall not be delayed and shall be issued directly to the tenant after seven days if the initial written outreach request was mailed, or after five days if the provider made three attempts by phone, text, or e-mail over a five-day period. Grantees are not required to obtain documentation evidencing the use of ERA program funds by tenants and landlords.
- ERAP2 – There is no requirement to obtain cooperation of landlords or service providers before providing assistance payments directly to the tenant. Recipients of funds under ERA programs, including tenants and landlords, should commit in writing to use ERA assistance only for the intended purpose before issuing a payment. Grantees are not required to obtain documentation evidencing the use of ERA program funds by tenants and landlords.

DHS encourages counties to maximize use of self-attestation, categorical eligibility, or locally developed and DHS approved fact-based proxies to expedite determinations and approvals.

**NEXT STEPS**

1. Share and review this Procedural Memo with appropriate staff.
2. Direct questions regarding this Procedural Memo to [RA-PWERAPOIM@pa.gov](mailto:RA-PWERAPOIM@pa.gov).
3. This Procedural Memo updates will be incorporated into the ERAP I&R located online at [ERAP I R 2021.pdf \(pa.gov\)](#).