

# **EMERGENCY RENTAL ASSISTANCE FOR BALDWIN COUNTY**

## **Program Guide**

March 2021

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## POLICIES AND PROCEDURES UPDATES

Version Number	Date	Summary of Changes to Policies and Procedures
1.1	3/25/21	Initial U.S. Treasury ERA State Program Guide, as per 3/25/21 Baldwin County Commission Meeting

## I. Authorities and References for Emergency Rental Assistance Program

- A. Statutory Authorization - Section 501, Division N, of Consolidated Appropriations Act (Pub. L. No. 116-260, Enacted December 27, 2020) - Statutory language accessible at - [TITLE V—BANKING Subtitle A—Emergency Rental Assistance](#)
- B. Regulatory Authority – None
- C. Alternative Program Guidance – Frequently Asked Questions (FAQs) provided by the US Department of the Treasury. Most recent FAQs accessible at - [1 US Department of the Treasury Emergency Rental Assistance Frequently Asked Questions January 19, 2021](#)
- D. Grant Conditions – Provided by US Department of Treasury. Accessible at - [OMB Approved No.: 1505-0266 Expiration Date: 7/31/21 US DEPARTMENT OF THE TREASURY EMERGENCY RENTAL ASSISTANCE Recipient](#)
- E. Allocation Information - Provided by US Department of Treasury. Accessible at - [US DEPARTMENT OF THE TREASURY EMERGENCY RENTAL ASSISTANCE PROGRAM Payments to States and Eligible Units of Local Government](#)
- F. General Information – US Department of Treasury Program website accessible at - [Emergency Rental Assistance Program | US Department of the Treasury](#)
- G. County policy – Baldwin County “Authority to Pay Bills” policy

## II. Definitions

**Applicant** – Any tenant, or landlord acting on behalf of a tenant(s), attempting to request assistance by submitting an application to the Emergency Rental Assistance Program.

**Arrears** – Any money or debt owed and unpaid by tenants related to the occupation of a residential dwelling, such as rent or utilities from previous months.

**Area Median Income** – Relative to a given household, the median income for the area, municipality, or metropolitan statistical areas (MSA) in which the household is located as determined by the U.S. Department of Housing and Urban Development.

**Income** – Adjusted Gross Income as defined by the Internal Revenue Service.

**Landlord** – Any property owner(s), management company(ies) of a residential dwelling (or multiple dwellings) or mobile home park(s) that leases the use of that dwelling or space to a tenant in return for the regular payment of rent.

**Lease** – A binding legal agreement, usually in writing, between a landlord and tenant permitting the tenant to reside in the landlord’s dwelling, or occupy landlord’s land, in exchange for the periodic payment of rent.

**Rent** – The agreed-upon amount paid by a tenant on a regular basis in order to reside in a landlord’s residential dwelling or occupy a landlord’s land.

**Rental Assistance Contract (RAC)** – A binding legal agreement between a landlord and Baldwin County enabling a landlord to receive Emergency Rental Assistance funds on behalf of a tenant. A Tenant Rental Assistance Contract may be authorized in certain cases approved for payment directly to a tenant.

**County** – For purposes of this document, “County” shall collectively refer to the Baldwin County Commission (BCC), the Baldwin County Office of Community Development (OCD), and their designated representatives and agents.

**Tenant** – A household of one or more persons obligated to pay rent on a residential dwelling or mobile home space to a landlord.

**Unemployment Benefits** – Any state or federal benefits received by an eligible individual that has recently been terminated, laid off, or furloughed from their work or primary method of obtaining a regular income.

### III. Introduction

Baldwin County’s Rental Assistance Program (ERA Program) offers rental assistance to households affected financially by COVID-19. Funded as part of the \$900 billion COVID-19 response package enacted by Congress as part of the Consolidated Appropriations Act (Pub. L. No. 116-260), \$25 billion has been designated for rental relief, and Baldwin County has received \$6.6 million of that amount to provide assistance throughout the County.

The U.S. Treasury Emergency Rental Assistance funds have been allocated to Baldwin County directly. The \$6.6 million has been allocated pursuant to the methodology for the Coronavirus Relief Fund as enacted by the CARES Act (Pub; L. No. 116-136) in March 2020.

The Baldwin County Emergency Rental Assistance Program (Program) is designed to provide countywide emergency rental assistance to individuals and households who are at risk of experiencing homelessness or housing instability due to the COVID-19 pandemic. Eligible applicants may receive assistance for rental arrears or forward rent payments. The total number of months covered by the program, for both arrears and forward rent combined, may not exceed 15 months. Payments under the program may be made to landlords, property owners, or management companies (hereinafter referred to as “landlord”) but, in certain circumstances, may be made directly to the tenant.

This Program Guide details the policies and procedures that shall govern the use of the funding under the Baldwin County ERA Program.

## IV. Program Overview

### A. Program Objectives

The main objectives of the Program are to:

- Keep people housed during the COVID-19 pandemic by preventing evictions for failure to pay rent;
- Serve the maximum number of households as quickly as possible while prioritizing households with the greatest need;
- Ensure equitable geographic distribution of assistance; and,
- Compensate landlords for unpaid rent during eviction moratoria.

### B. Assistance Provided

The Program provides financial assistance to cover rent costs for renters who are behind on their rent and/or at risk of eviction due to COVID-19. Eligible uses of funds are defined by section 501, Division N, of Pub. L. No. 116-260, guidance from the U.S. Treasury, and County policy. Eligible uses for the Program are limited to:

- Rental arrears dating back to as early as April 1<sup>st</sup>, 2020.
- Forward rent paid in increments of up to three months. After each three-month period, applicants may apply to re-certify that they continue to meet program eligibility requirements for up to an additional three months of forward rent. All past due amounts will be considered arrears at the time of recertification, and will be paid as arrears, not counting towards the three-month limit on forward rent.
- The total number of months covered by the program, for both arrears and forward rent combined, may not exceed 15 months.
  - In addition to rent, the ERA Program can cover late fees up to \$300 and must be clearly stipulated in the lease.

The Program funds **cannot** be used for the following costs, and which are considered ineligible:

#### Cost Type

Mortgage assistance

Utilities and/or associated late or reconnection fees

Late fees in excess of \$300, deposits

Eviction-related court costs

#### Reason Ineligible for Program

Federal statute

County policy determination

County policy determination

County policy determination

## C. Prioritization

The County intends to make prompt payments for all eligible applications. The County will continually monitor Program expenditures and will, when possible, prioritize completed applications for processing and payment based on the following criteria:

- Applicant households with income below 50% AMI. (Statutory priority)  
AND/OR:
- Applications from households that have at least one (1) individual who is unemployed and has not been employed for 90 days prior to date of application. (Statutory priority)
- All other applications are “first come, first served” based on submission date of all required/requested supporting documentation

The applicant management system, “AMS” (described below), will establish two tiers of completed applications. Tier 1 will include the statutorily required prioritized populations identified above. Completed applications in Tier 1 will be reviewed first. All other completed applications will be in Tier 2 and processed on a “first come, first served” bases. The two-tiered system will cease on July 31<sup>st</sup>, 2021 and the lists will be merged at that time.

Once the number of applications exceeds the anticipated amount of available funding, Applicants will be notified that they are waitlisted for assistance based on the availability of funding. If actual spending is less than projected or applicants are determined to be ineligible or withdraw from the program, Applicants will be notified that their application has become active and will be processed for potential assistance.

## V. Application Intake and Eligibility

### A. Application Process

Baldwin County will implement an **intake portal** and **applicant management system** that can be accessed by either landlords or tenants. To apply for the Program, tenants and landlords will be strongly encouraged to apply online for faster processing.

Both tenants and landlords are eligible to apply for assistance. Landlords that apply are required to notify tenants named in the application that they are applying for assistance on their behalf and to provide *full contact information for the tenant, including names on lease, phone number, email address, and address of the unit*. Supporting documents from the tenant, such as proof of loss or reduction of income due to COVID-19, may be provided by the landlord on behalf of the tenant, or directly by the tenant through the application portal. Upon award, landlords are required to notify tenants of the *award amount, months covered, and the terms and conditions that the landlord has agreed to as a condition of the award*. An award notice will also be sent from the ERA Program by email to both the landlord and tenant.



Tenants that apply must provide contact information for their landlord. Landlords will be required to provide a W-9 and complete and e-sign an online **Rental Assistance Contract (RAC)** that details information such as the monthly rent, months in arrears, terms and conditions for accepting payment, and payment information. If the landlord does not participate by providing a W-9 and completing and signing a RAC, Baldwin County may make the payment directly to the tenant.

For those unable to apply online, an initial application may be submitted over the phone by contacting the *Baldwin ERAP Hotline*. The hotline will provide guidance for submitting supporting documentation online. If the applicant is unable to submit supporting documentation online, instructions will be provided for mailing (or delivering to a local drop location), applications and copies of supporting documents or executing a physical copy of the application and

## B. Application Review Process

Applicants will receive an email confirming receipt of their application, along with a unique application number (ID). Each application will be assigned to a case manager who will review the application for completeness and eligibility. If required documentation is missing or inadequate, the case manager will communicate outstanding requirements to the applicant (tenant or landlord) via text, email or phone.

At least three attempts will be made to contact any applicant for missing documents. Applications with missing documents will remain in pending status until documents are received or the program ends, whichever comes first.

Landlords will be required to complete and e-sign a Rental Assistance Contract (RAC) and provide a completed IRS Form W-9. Case managers will make at least three attempts to request landlord participation and submission documents.

If an application is determined to be eligible by the case manager, it will be reviewed for quality control by a team leader prior to submission for payment processing. Applications that provide one or more supporting documents and are determined to be ineligible by a case manager will also be reviewed by a team leader.

In the case of applicants that are deemed not eligible for the ERAP program, efforts will be made to direct them to other programs within the county that may be of assistance. This applies to applicants that may have past due utility expenses that other programs may assist with.

## C. Eligible Household Criteria

Tenants may be eligible for rental assistance under the program if the following requirements are met:

1. Tenant resides in a rental unit or space (including Motor Home/RV spaces) within Baldwin County. The exception to this is a resident of an AHFA project, a list of those projects is available on the

baldwinALtogether.org website. Residents of these locations can apply to the State of Alabama's ERAP at eraalabama.com.

2. At least one (1) individual in the Tenant household qualified for unemployment benefits or experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly or indirectly to COVID-19.
3. Tenant has received a past due rent notice, past due utility notice, or an eviction notice, or is experiencing housing instability.
4. Funding for outstanding rent that is being requested through the Baldwin County program has not been paid, reimbursed or duplicated by any other source (e.g., municipality, city, federal, non-profit).
5. Household income does not exceed 80% of the area median income limit (AMI) for the County, as defined by the Department of Housing and Urban Development (HUD).<sup>1</sup>

Baldwin County 2020 AMI Report, Average Median Income: \$81,000.00									
		Size of Household							
		1	2	3	4	5	6	7	8
AMI %	50%	\$28,350.00	\$32,400.00	\$36,450.00	\$40,500.00	\$43,750.00	\$47,000.00	\$50,250.00	\$53,500.00
	80%	\$45,400.00	\$51,850.00	\$58,350.00	\$64,800.00	\$70,000.00	\$75,200.00	\$80,400.00	\$85,550.00

(Citation: Emergency Rental Assistance Alabama (2020). [https://eraalabama.com/sites/default/files/income\\_limits.pdf](https://eraalabama.com/sites/default/files/income_limits.pdf). Accessed 26 March 2021)

Housing costs and terms must be reasonable for the location and size of unit. These may be subject to review and comparison based on the HUD Fair Market Rent guidelines<sup>2</sup>. Participating landlords must agree to the terms of assistance and submit required documentation, including a Form W-9 and Rental Assistance Contract. The terms of assistance will require landlords to accept the following conditions to receive payment under the program:

Not evict a tenant for at least 60 days after assistance ends unless eviction is for cause other than non-payment of rent.

#### (1) Proof of Income

Applicants must provide proof that household income does not exceed 80% of AMI for the municipality in which the unit is located. Income may be calculated on a monthly or annual basis.

<sup>1</sup> HUD AMI Data is available at: [https://www.huduser.gov/portal/datasets/il.html#2020\\_data](https://www.huduser.gov/portal/datasets/il.html#2020_data)

<sup>2</sup> HUD FMR Data is available at: <https://www.huduser.gov/portal/datasets/fmr.html>

#### (a) Monthly Income

If an applicant is requesting assistance based on change in monthly income, the applicant must provide proof of income for at least the two months prior to submission of the application. This may include:

- Two months (or eight consecutive weeks) of pay stubs.
- Signed statement from employer stating wage and frequency of payment.
- Unemployment compensation statement.
- Notice of termination of employment or furlough.

#### (b) Total Annual Income

If an applicant is requesting assistance based on change in annual income, the applicant must provide a copy of their filed IRS Form 1040 showing the household gross income, or source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement).

### (2) Proof of Financial Hardship

Tenants will be required, as part of the application, to attest that their household has experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to the COVID-19 pandemic. To the extent administratively feasible, applicants must also provide proof of financial hardship due directly or indirectly to COVID-19.

Financial hardship can be demonstrated by documentation for one of the following:

- At least one (1) household member qualified for unemployment benefits, as demonstrated by an unemployment compensation statement.
- At least one (1) household member experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to COVID 19. Documentation can include a layoff/furlough notice or evidence of either partial or full loss of wages (e.g., bank statements, pay stubs).

If the individual has no income and has yet to qualify for unemployment benefits, the individual can provide the following documents to demonstrate no income due to COVID-19 if the documents above are not available:

- Demonstration through bank statements or pay applications (e.g. Venmo, cashapp) where there was regular income and the income ceased; **AND**
- Written statements from former employer(s) stating that the services of the individual were no longer needed. The employer will need to provide their name and address within the letter.

### (3) Proof of Housing Instability

The household must demonstrate a risk of experiencing homelessness or housing instability either directly or indirectly due to the COVID-19 pandemic through at least one of the following:

- Past due rent notice;
- Eviction notice; or
- Past due utilities notice.

If the above is not available, documentation demonstrating the following will be acceptable:

- Rent cost is 50% or more of monthly take home pay/income; AND
- Tenant has less than 3 months of rent in liquid savings.

The landlord's indication confirming rental arrears in the RAC shall also satisfy this requirement.

### (4) Eligibility Recertification

Applicants may apply for additional forward rent after their initial award. To be eligible for additional forward rent, the applicant is required to recertify every three months to verify continued eligibility. Specifically, applicants must submit an updated attestation of financial hardship. To the extent administratively feasible, applicants must also provide proof of ongoing financial hardship due directly or indirectly to COVID-19. Financial hardship can be demonstrated by documentation for one of the following:

- At least one (1) household member qualified for unemployment benefits, as demonstrated by an unemployment compensation statement.
- At least one (1) household member experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to COVID 19. Documentation can include a layoff/furlough notice or evidence of either partial or full loss of wages (e.g., bank statements, pay stubs).

### (5) Summary of Required Documentation

Positive identification is required; state issued photo identification is preferred but is not the only kind accepted. In cases where photo identification is not available, other documentation may be acceptable to clearly identify the individual receiving the benefit (renter).

**First-Time Tenant Applicants (at least one in each category)**

Proof of financial hardship (Monthly Change)

Two most recent months of pay stubs  
Signed wage/payment schedule from employer(s)  
Unemployment compensation statements  
Notification of termination or furlough

Proof of current housing instability

Past due rent notice  
Eviction notice  
Past due utilities notice

**OR**

Proof of financial hardship (Annual Change)

Form Series 1040  
Wage statements (if no 1040)  
Interest Statements (if no 1040)  
Unemployment compensation statements  
Notification of termination or furlough

Savings less than 3 months of rent AND  
Rent is 50%+ of income

**Recertifying Tenant Applicants (at least one in each category)**

Proof of financial hardship

Updated documents listed above for three months  
since previous award

Proof of continuing housing instability

Updated documents listed above for time since  
previous award

**Landlord Applicants (all required)**

Legitimacy

Form W-9  
Lease or proof of ownership

Program Certification

Rental Assistance Contract (RAC)

(6) Attestations

In lieu of some required documentation, stated above, the county will accept written attestations from the applicant. The intent is that these would be used in rare and/or extenuating circumstance when required documentation is not available. To be valid, attestations must be clearly stated in English (translation is available if needed), signed by the applicant and have 2 witness signatures. All attestations will be reviewed and approved by the assigned Case Manager, the ERAP program lead, and a county representative prior to application approval.

**D. Duplication of Benefits**

Applicants may not receive assistance from the Program which is duplicative of other benefits received. A duplication of benefits occurs when a person, household, business, government, or other entity receives

financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance.

Example #1: An applicant has received rental assistance through a state or city program for the months of November 2020 to January 2021. However, the applicant will not receive any further assistance from the city program starting in February 2021. The applicant is eligible to receive the Program assistance beginning with February 2021 housing costs.

Example #2: An applicant is receiving ongoing rental assistance through a local non-profit organization that will cover all expenses until June 2021. They are not eligible for rental assistance through the Program until they are no longer receiving assistance from the local non-profit organization.

Example #3: An applicant received AHFA assistance that covered rental arrears for the months of June and July 2020, but not the remainder of the eligible period. Rental arrears for those two months would not be eligible again for this assistance, but other arrears may be eligible.

Program payments may not duplicate any other rental assistance provided to an eligible household from federal, county, city, non-profit organizations, or other entities providing rental assistance. Assistance is considered a duplication if it is used to cover the same month's expenses. However, applicants that received rental assistance for previous rental costs may be eligible for the Program if it is not used for the same expenses.

Baldwin County will conduct a duplication of benefit (DOB) screening. Recipients must report all amounts of assistance received and the source of the assistance.

An eligible household that occupies a federally subsidized residential or mixed-use property may receive the Program assistance, if the U.S. Treasury Program funds are not applied to costs that have been or will be reimbursed under any other assistance.

NOTE - If an eligible household receives a monthly federal housing subsidy (e.g., Housing Choice Voucher, Public Housing, or Project-Based Rental Assistance) and the tenant rent is adjusted according to changes in income, the renter household may not receive Program assistance.

## VI. Landlord Requirements

### A. Overview of Landlord Requirements

Landlords wishing to participate in the Program must:

- Obtain the signature of the tenant on the Program application (electronic signature permissible) and provide documentation to the tenant that such application was duly submitted.

- Acknowledge that the funds provided will go only toward rent payments for the tenant, as well as that any monies provided beyond rental arrears will be used towards future rent payments for the tenant.
- Agree to accept rental payment on behalf of the tenant from the Program. Forward rent will only be issued for up to three months at a time and may not be applied to rental arrears accrued prior to April 1, 2020.
- Submit applicable lease or proof of ownership of the property.
- Provide accurate payment information on a W-9.
- Certify that there are no outstanding building or health code violations against the property.
- Agree not to pursue eviction for non-payment of rent while receiving rental assistance, and for 60 days after assistance ends.
- If Late Fees exceed \$300, waive those additional Late Fees.

Participating landlords are prohibited from:

- Requiring, pressuring, coercing, or otherwise causing the tenant to pay any additional amount for rent or fees above what is paid by the Program to cover the applicable months; and
- Accepting payments from tenants outside of the Program payments for the months agreed upon.

To avoid conflicts of interest, landlords wishing to participate in the Program must attest that, to their knowledge, there is no conflict of interest or identity of interest in receiving federal funds by way of a financial or familial relationship to any personnel of Baldwin County or its designated agents, Member of Congress, or any other party with an oversight or management interest in Program funds.

## B. Rental Assistance Contract

Baldwin County will execute a separate Rental Assistance Contract (RAC) with the landlord for each individual tenant. Each contract applies only to the tenant family and the unit identified in the contract. The terms and conditions in the Rental Assistance Contract provide payment conditions to the landlord.

The Rental Assistance Contract ensures that payment will not be received unless the following conditions are met:

- The contract unit is free of any building or health code violations and that the landlord is providing the services, maintenance and utilities agreed to in the Lease.
- The contract unit is leased to and occupied by the tenant named in the contract.
- The landlord has not received and will not accept any payments as rent for the months covered by the contract from other sources (I.e., no duplication of benefits).
- To the best of the Landlord's knowledge, the unit is used solely as the tenant's principal place of residence.

Baldwin County's rights and remedies for owner breach of the RAC contract include recovery of overpayments, suspension of housing assistance payments, abatement of other reduction of housing assistance payments, termination of housing assistance payment, and termination of the RAC contract. Baldwin County may seek and obtain additional relief by judicial order or action, including specific performance, other injunctive relief or order for damages. Any of the following shall constitute a breach of the Contract:

- If the landlord has violated any obligation under the contract; or
- If the landlord has demonstrated any intention to violate any obligation under the contract; or
- If the landlord has committed any fraud or made any false statement in connection with the contract or has committed fraud or made any false statement in connection with any Federal housing assistance program.

Neither Baldwin County nor the U.S. Treasury assumes any obligation for the tenant's rent, or for payment of any claim by the owner against the tenant. Baldwin County's obligation is limited to making rental payments on behalf of the tenant in accordance with the RAC.

### C. Housing Contract Requirements

#### (1) Leases

Baldwin County will require that tenants and landlords provide some form of written contract to receive rental assistance, in most cases this will consist of an executed lease. The Program will accept expired leases on the first application but will require new leases to be put in place before additional funding is issued.

The agreement must include signatures for all parties to the lease, which includes all adult members of the unit required to sign the lease agreement. The lease agreement should include identification of all members of the tenant household at the time of lease execution.

For occupants of mobile homes that are renting space. A copy of the current Baldwin County registration decal for mobile homes is required along with a rental agreement contract with the land owner.

#### (2) Termination of Tenancy

The Termination of Tenancy provision is included in the Rental Assistance Contract. This provision states the landlord may evict the tenant following applicable County and local laws. The landlord must give the tenant at least 30 days' written notice of the termination and notify the County in writing when eviction proceedings are begun. The landlord may not evict for non-payment of rent while receiving rental assistance under the Program, and for 60 days after assistance ends.



## VII. Reporting

Baldwin County will provide the following data to the U.S. Treasury as mandated for reporting requirements:

- Address of the rental unit,
- Name, address, social security number, tax identification number or DUNS number, as applicable, for landlord and utility provider,
- 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., rent, rental arrears, utilities and home energy costs, 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, and
- Gender, race, and ethnicity for the primary applicant for assistance.

Baldwin County will also collect information as to the number of applications received in order to be able to report to the U.S. Treasury the acceptance rate of applicants for assistance. The U.S. Treasury's Office of Inspector General may require the collection of additional information in order to fulfill its oversight and monitoring requirements. Baldwin County will comply with the requirement in section 501(g)(4) of Division N of the Consolidated Appropriations Act to establish data privacy and security requirements for information the Program collects.

## VIII. Program Timeline

The Program will begin accepting applications through the online applicant portal on April 1, 2021. The Program may cover up to a maximum of 15 months of rent arrears and forward rent combined for months between April 1, 2020 and December 31, 2021. The objective is to obligate all funds by September 30, 2021, including forward payments for October through December 2021.

All funds must be obligated by December 31, 2021 under current guidance and statutory authorities. Beginning on September 30, 2021, the U.S. Treasury may recapture excess funds, not obligated by a grantee and reallocate to grantees who have obligated at least 65% of the amount originally allocated.

## IX. Program Terms and Conditions

### A. Right to Inspect Housing

Baldwin County will require landlords to certify that there are no health or building code violations against the property. Baldwin County reserves the right to inspect the contract unit and related facilities at least annually during the assistance period, and at such other times as necessary to assure that the unit is occupied by the Tenant, that required maintenance, services and utilities are provided, and to investigate concerns related to provision of the Treasury ERA assistance.

## B. Conflict of Interest Provisions

No employee of Baldwin County who formulates policy or influences decisions with respect to the Emergency Rental Assistance Program, and no public official or member of a governing body or County of local legislator who exercise his functions or responsibilities with respect to the program shall have any direct or indirect interest during this person's tenure, or for one year thereafter, in the contract or in any proceeds or benefits arising from the Contract or to any benefits which may arise from it.

## X. Preventing Waste, Fraud, and Abuse

Baldwin County will make use of the public to report allegations of theft, fraud, waste or abuse of public funds. Information can be provided anonymously, however, providing a name and telephone number can be helpful because it allows for follow-up questions. The name and telephone number of any individuals reporting, as well as the status of complaints, are confidential. If an individual suspects fraud, waste or abuse of public funds, information on how to this can be reported can be found at <https://baldwincountyal.gov/report-it>.

## XI. Grievances and Appeals Policy

The Program utilizes a two-tier review system to resolve applicant disputes and consider appeals. Applicants must first request a Review Determination to resolve any issue before requesting to escalate the issue to a formal appeal. All formal appeals will be reviewed by Baldwin County ERAP Appeal Review Committee; the Committee's determination is considered final.

Should applicants, recipients of assistance, or landlords have a grievance or receive notice of ineligibility, they should submit it in writing to Baldwin County via the applicant portal. Baldwin County will respond to grievances within 15 days upon receipt, after conducting a Review Determination. This submission should include their Application ID, demographic information, and a detailed explanation of their request. The Review Determination will be done by a different quality control team leader than conducted the initial review. If the issue cannot be resolved during the Review Determination, the applicant can then request an appeal. Appeals will be reviewed by Baldwin County ERAP Appeal Review Committee, which will make a determination and final decision in the matter.

Appeal Requests are determined by a review committee and can take up to 30 days for a determination. Members of ERAP Appeal Review Committee will be determined and selected by Baldwin County.

## XII. Anti-Discrimination

The program will maintain compliance with the following regulations, laws and acts, as well as related County law.

### A. Title VI (Civil Rights Act of 1964)

Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance, including Program.

### B. Fair Housing Act

The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), prohibits discrimination in housing on the basis of race, color, national origin, sex, familial status, or disability, and applies to all grantees, subrecipients, and/or developers funded in whole or in part with HUD financial assistance. Baldwin County and program participants will certify that no person was excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability or marital status.

Among other included actions, it is illegal discrimination to refuse to rent to an individual based on any of these criteria. It is also illegal discrimination to impose different rental charges or limit privileges, services, or facilities of a dwelling. More information on the Fair Housing Act is provided at [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview).

### C. Section 504 of the Rehabilitation Act and Americans with Disabilities Act

Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act prohibit discrimination on the basis of handicap in housing and community development programs and activities, particularly those that are assisted with HUD funding. Section 504 imposes requirements to ensure that "qualified individuals with handicaps" have access to programs and activities that receive federal funds. Program implementation, including any prioritization policies, must be consistent with the nondiscrimination provisions of the Federal civil rights laws, including, but not limited to the Fair Housing Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act, and Title II or III of the Americans with Disabilities Act, as applicable.

### D. Age Discrimination

The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

#### E. Religious Participation

Applicants are not required to participate in religious services or activities as a term of receiving services, regardless of the religious affiliation of an organization.

#### F. Affirmative Outreach and Marketing

Baldwin County must make reasonable and documented efforts market and outreach hard to reach populations and groups that would benefit from program services. Such efforts include:

- Using plain language materials.
- Posting materials on social media and organizational websites.
- Offering materials and information in accessible formats and multiple languages.
- Targeting distribution of information and materials to locations where hard-to-reach audiences may best be contacted.

### XIII. Privacy and Confidentiality

Personally, identifiable information (PII) is information that can be used to distinguish or trace an individual's identity, such as names, Social Security numbers, addresses, driver's license information, income and employment detail. The program anticipates receiving PII from applications and eligibility determinations. To ensure the protection of PII and other sensitive information in client records, a standard operating procedure will be developed for proper handling of all PII.