

FORT BELKNAP TRIBAL HOUSING AUTHORITY COVID-19 EMERGENCY RENTAL ASSISTANCE POLICY

Adopted April 7, 2021

FBTHA POLICIES. FBTHA has adopted a series of administrative and management policies. These Policies are formally adopted by the FBTHA Board of Commissioners; and the Board and staff are required to follow them until they are revised or changed by formal action. Some of the provisions of these Policies, but not all, reflect requirements of federal or tribal law. Furthermore, FBTHA may from time to time adopt other rules, requirements, and procedures to administer its programs, however all of these practices must comply with FBTHA Policies.

Separate FBTHA Policies may be adopted for various housing programs. This policy is strictly limited to the Emergency Rental Assistance (ERA) program established by the U.S. Department of the Treasury under Section 501(a) of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020). FBTHA may have other rental assistance programs in place with separate policies that are distinguished from this program.

This Emergency Rental Assistance Program Policy (“Policy”) shall govern the Fort Belknap Tribal Housing Authority (“FBTHA”) COVID-19 Emergency Rental Assistance Program (“ERAP”) and the expenditure and management of the Emergency Rental Assistance Funds (“ERA Funds”) received from the U.S. Treasury pursuant to Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (“Section 501”).

The COVID-19 pandemic poses an immediate and imminent threat to the health, safety, and well-being of the Tribe. The purpose of the FBTHA ERA Program (ERAP) is to provide emergency rental assistance for the payment of rents and utilities, and arrearages for the same, for low-income Tribal members and all other families residing on the Fort Belknap Reservation, who have disproportionately suffered from the impacts of the COVID-19 pandemic. The ERA Program is designed to assist Tribal and other Indian households whose income is at or below 80% of the Median Income who face potential eviction or homelessness because they are unable to pay rent and utilities due to the COVID-19 pandemic. The goal of this Policy is to prevent homelessness and eviction for nonpayment of rent and utilities. However nothing herein shall be construed to invalidate any other otherwise legitimate grounds for eviction.

The effective date for the retroactive payment of FBTHA ERAP benefits is March 13, 2020; the date that an Emergency Declaration was issued pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Act, 42 U.S.C. 5191(b).

Notwithstanding any provision set forth in any other FBTHA Policy; receipt of assistance from the FBTHA ERAP established under this Policy shall not make the Recipient or Recipient family ineligible for assistance under any of the regular FBTHA policies.

Assistance to be provided under the FBTHA ERAP is subject to availability of funds. No applicant or household determined to be eligible is entitled to or has a property right to receive funding under the ERA Program. When funding for the FBTHA ERA Program is fully-expended, the ERA Program will terminate. FBTHA may terminate this Program at any time.

This Policy and the FBTHA ERA Program will be carried out in reliance upon the January 19, 2021 guidance document from the Department of Treasury (entitled “Emergency Rental Assistance: Frequently Asked Questions”), which Treasury subsequently modified on February 22, 2021 and March 16, 2021; and which the Department of Treasury may further clarify with future guidance. This Policy and the administration of the FBTHA ERA Program will be subject to change if and when such additional guidance is provided.

1. **THE PURPOSE OF THIS POLICY.** This policy contains the requirements for the FBTHA COVID-19 Emergency Rental Assistance program that was created and funded by the Consolidated Appropriations Act, 2021, P.L. 116-260 (December 27, 2020).
2. **DURATION OF PROGRAM.** This program shall continue until December 31, 2021, (unless deadline is extended by the Department of Treasury); or until all Emergency Rental Assistance program (ERA) funds are expended; or until ERA funds are recaptured and returned to Treasury, whichever event occurs first.
3. **AVAILABLE USE OF ASSISTANCE FUNDS.** FBTHA shall only use the Emergency Rental Assistance program funds to provide financial assistance and housing stability services to eligible households. Such assistance may include the following:
 - a. Rent;
 - b. Rental arrears accrued not earlier than March 13, 2020;
 - i. A full payment of arrears is allowed up to the 12-month limit established by the statute.
 - ii. In some cases, FBTHA may provide less than the full coverage of arrears.
 - c. Utilities and home energy costs;
 - i. Utilities include separately stated charges related to the occupancy of a rental property, such as electricity, gas, water and sewer, trash removal and energy costs, such as fuel oil. Payments to public utilities are permitted.
 - ii. FBTHA may provide utility or energy cost assistance to an eligible household without also covering rent.
 - iii. Utilities that are covered by the landlord will be treated as rent.
 - d. Utilities and home energy arrears;
 - e. Other expenses related to housing incurred due, directly or indirectly, to COVID-19. Such expenses include:
 - i. Relocation expenses;
 - ii. Rental fees and security deposits (if a household has been temporarily or permanently displaced due to the COVID-19 pandemic);
 - iii. Reasonable accrued late fees (if not included in rental or utility arrears and if incurred due to COVID-19);
 - iv. Internet service provided to the rental unit when internet is required by the household due to the COVID-19 outbreak to engage in distance learning, telework, telemedicine, or obtain government services;
 - v. All payments for housing-related services must be supported by documentary evidence such as a bill, invoice, or evidence of payment to the provider of the service.