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April 13, 2021

Amy Stitely, Chief of Programs
Massachusetts Department of Housing and Community Development
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Sent via electronic mail

Re: Emergency rental assistance program recommendations

Dear Amy:

We are writing to follow up on our January 14, 2021 letter and share specific, updated recommendations for the Emergency Rental Assistance (ERAP), Residential Assistance for Families in Transition (RAFT), and Emergency Rental and Mortgage Assistance (ERMA) programs to ensure equitable and expeditious distribution of emergency rental assistance funds. On behalf of our informal group of lawyers, advocates, and organizers working on housing, homelessness, and tenant rights, we thank you and your colleagues for your continued work on these issues and appreciate meeting with us. We are happy to see some key recommendations adopted, such as lifting the \$10,000 cap and implementing some landlord payment programs through the SHERA program. **We strongly urge further simplification of the application process; expanded use of applicant self-certification; direct payments to tenants; minimal barriers to the recertification process; process improvements to ensure accurate, timely information-sharing and increased transparency throughout the application process; and equitable allocation of funds through targeting and community based partnerships.**

Over one year into the COVID-19 pandemic, tenants and homeowners across Massachusetts are still in the grips of a dual public health and financial crisis. In early April Massachusetts earned the unfortunate distinction as the state with the [most cases of new COVID-19 variants](#), and [layoffs and joblessness remain high](#). We know you and many others have been working tirelessly under challenging circumstances, and we offer continued partnership toward our shared goals of stabilizing housing for as many as possible during this ongoing emergency.

As the numbers of rental assistance-seekers skyrockets and scores of new advocates mobilize to assist applicants, we have experienced the barriers to successful applications and the points at which eligible applicants frequently struggle or are shut out of the system. The recommendations in this letter are based upon experiences with Massachusetts emergency rental assistance programs specifically, but many coincide with national experiences; we therefore incorporate guidance from the National Low Income Housing Coalition on strategies to avoid the most common pitfalls of rental assistance programs:

https://nlihc.org/sites/default/files/NLIHC-Letter-on-ERA-Programs-FAQ_03312021.pdf.

Continue to simplify the initial application

Provide a simplified, uniform application

A simple, reading-level appropriate application that is uniform statewide will ensure that applicants from across the state are afforded the same opportunity to access rental assistance. A universal application can also help address issues with translated documents by enabling DHCD to create a common, quality online application in Spanish and other key languages, including Vietnamese, Khmer, Chinese, Portuguese, Haitian Creole, and Russian, that all regions can rely on. Our review of the English and Spanish application forms statewide revealed some significant barriers. There should also be sufficient staff at each administering agency who are able to review and approve applications in languages other than English. Below are some additional observations and recommendations regarding the application itself:

- The initial instructions are very lengthy and not written at an accessible reading level; providing this information in a ‘guided interview’ format may allow for a larger font and simpler language;
- Questions should be designed to allow participants to meet eligibility requirements rather than deterring applicants with redundant questions. Since there are two main eligibility requirements, income and housing crisis, there should be two main application questions. To simplify and make the application more accessible, these sections should be structured as follows:
 - 1. Housing Crisis: Allow each applicant to check off which housing crisis pertains to them; e.g., “I owe rent,” “I am unable to pay future rent.” “I need to move due to unsafe conditions.” etc.

We recommend that the language of the housing crisis options be simplified to replace “pre-court rental assistance” with “overdue rent” or “cannot pay future rent.” The applicant could then be asked to provide a brief statement or guided question to explain.

- 2. Income information: Re-order the application so DTA & MassHealth questions precede income questions.

We were happy to see categorical income eligibility determinations for applicants who receive DTA benefits or MassHealth continued in the ERAP program. However, we recommend that the application communicate clearly that if a household is categorically eligible due to receipt of DTA or MassHealth they are not required to provide further income documentation. Currently, the income section of applications, including documentation, comes before the section with questions about DTA and MassHealth. Particularly for the online application, if this question were simply asked first, applicants who are categorically eligible may not need to answer income questions and search for documentation.

Re-ordering questions to increase efficiency and reduce the time required to complete an application could also help direct applicants who are homeowners, do not have a COVID-related hardship, or are over income, to the appropriate resources.

It would also be helpful to explain “gross income” on the application form and list income sources, as it is common for applicants to include SNAP benefits as income but not unemployment insurance.

- We recommend reviewing the questions in light of the current eligibility guidelines and eliminating redundant questions, such as applications that ask “describe your housing situation” and “describe the reason for your request”, which was confusing for applicants;
- The term “stipend” has caused confusion among applicants, who did not understand that this meant future or ongoing rent assistance;
- The term “arrear” has also caused confusion; we recommend the term “overdue rent” that appears in some applications; the Spanish translation of this has also raised concerns with advocates.

Remove social security number questions from applications

Unlike RAFT and ERMA, ERAP is federally funded, which has raised alarm bells in the immigrant community. Although rental assistance is available regardless of immigration status, social security number inquiries act as a barrier to participation by many community members. Community members and immigration advocates have expressed a well-founded fear that information shared with the federal government during an audit would include social security numbers, boxes checked “I don’t have a social security number,” or 8s or 0s in response to a social security number question. Because it is not necessary to have a social security number to participate in these programs, the question should be removed. This should include assurance that applicants who do not list social security numbers continue to be categorical eligible under MassHealth using an account or policy number together with name, date of birth, and address.

Other states, including Minnesota, do not include a question for social security numbers or any information that would indicate immigration status on the application. If this information is necessary to establish categorical eligibility, it could be requested only when an applicant seeks that eligibility.

Allow for expanded use of self-certification

We applaud the Commonwealth’s policy allowing applicants to self-certify their COVID-19 hardship, and encourage expanding this to also permit self-attestation of ‘housing instability’ and ‘risk of homelessness,’ which the U.S. Department of the Treasury permits jurisdictions to define and determine. Locating paperwork for a rental assistance application can take several weeks, and obtaining follow-up paperwork can be even more challenging if not impossible. Attempting to physically acquire documents is not only difficult but may be dangerous.

Requiring income documentation has proved to be among the biggest roadblocks to timely applications, and presents stark barriers to access for those with precarious employment, including undocumented immigrants. We encourage the Commonwealth to allow self-certification of income wherever possible, and note that the U.S. Department of Treasury guidance explicitly allows for self-attestation where a household’s income is not verifiable due to COVID-19, where the income was received in cash, or to accommodate disabilities or a

lack of technological access. This flexibility would enable administering agencies to obtain documents where possible but accept self-certification in cases of hardship, particularly important for the most vulnerable applicants. Self-certification of income was implemented in DHCD's October 19, 2020 interim RAFT guidance, but was removed in January 2021. DHCD should reinstate its policy of permitting self-certification of income, which has presented one of the most significant barriers to timely applications.

Provide funds directly to tenants

Treasury guidance specifically permits ERAP funds to be paid directly to tenants in instances when a landlord or utility company is unresponsive or refuses to accept the funds directly, and we strongly recommend that the Commonwealth adopt this approach. We are seeing increasing reports of landlords who are frustrated with delays, skeptical that funds will be provided, unwilling to complete required paperwork, and refusing to accept RAFT and instead harassing and/or evicting tenants. Direct-to-tenant payments would remove a burden from landlords and will help get more rental assistance funds out the door faster. Direct-to-tenant payments are also a critical tool for housing situations such as sublets, sub-tenancies, rooming situations, and 'encargados' – all of which are more common in high housing-cost communities with large numbers of immigrants and people of color. This is a critical policy change that would ensure many more of our most vulnerable households are able to be served.

A number of states, including Maine, New Hampshire, and Minnesota, will provide or have begun providing payments directly to tenants in their ERAP programs, and the City of Chicago has provided \$25 million in payments directly to over 12,000 tenant households over the last year with no surge in complaints or issues with fraud. [Boston's Rental Relief Fund](#) allows for payments directly to tenants for first and last month's rent, security deposit, and moving expenses when the landlord is unresponsive or refuses to participate.

Make recertification for forward rent payments as simple as possible by relying on existing information and self-attestation

The Commonwealth and administering agencies are provided with a significant amount of information about an applicant in their initial application. Tenants seeking recertification for continued stipends were screened and found eligible very recently; especially after accounting for application processing times, most applicants will be in the same situation 3 months after the application as when they applied. In recertifying after 3 months of prospective rent payments, applicants should only be required to certify that their situation has not changed since the initial application and the Commonwealth should do affirmative outreach to ensure that recipients understand that they are still eligible for payments and can successfully recertify. ERAP guidance from the U.S. Department of the Treasury are largely silent on what is required when requesting continued stipend payments after 3 months of assistance, and the Commonwealth should make this process as accessible as possible.

We recommend providing administering agencies with the simplest process possible, with minimal paperwork and administrative requirements. Recertification should be distinct and separate from the initial application process, and there should be separate points of entry for recertification so it does not overwhelm

the regular application process, delaying new applications. We have already seen that applicants with support and access have re-applied for funds quickly when funding caps have increased.

Ensure accuracy from the Rental Assistance Processing (RAP) Center

We appreciate the Commonwealth's establishment of the RAP Center to help process a backlog of applications expeditiously, and for providing a centralized hotline where applicants and advocates can speak to a live person. However, we have heard troubling reports from across the state about the RAP Center. Advocates report that applicants have received calls from the RAP Center informing them that their applications were denied, only to then hear from a Regional Administering Agency (after advocates became involved) that their applications had been approved. There have been multiple reports of loss of documents by the RAP Center, delaying applications by weeks or months. In at least one instance, the RAP Center requested documentation that was not necessary, then gave an incorrect justification to an advocate about why it was needed, which caused confusion and stress both for the applicant and the RAA whose involvement was required to resolve the error. Even after the mistaken document request was resolved and the application was approved, the award letter contained incorrect information and failed to include payments that had been requested.

We recommend that RAP Center case workers clearly identify themselves as such in all communications to avoid confusion, and follow the lead of RAAs. We know there is an incredible amount of pressure to move through the backlog of applications as quickly as possible, and we understand firsthand how important speedy responses are. At the same time, speed must be balanced with accuracy, particularly when applicants' homes are on the line. Reapplication because of processing errors is not a feasible option for most, if any, applicants, and is a waste of valuable staff resources for RAAs and advocates alike.

There have also been reports of RAP caseworkers improperly carrying out the Commonwealth's policy of closing out applications 14 days after not hearing from an applicant, with caseworkers closing applications without notifying the applicant. Even without any implementation errors, the 14-day policy disparately harms low-income applicants, applicants who do not speak English, people with disabilities, and older people, all of whom may experience more difficulty in communicating with caseworkers and uploading documents. Because of these harms, the Commonwealth should revoke the 14-day close-out policy, and instead institute regular status checks.

Provide a way for applicants to easily check the status of their application

We appreciate the Commonwealth's efforts to reduce the time between submission of an application to the disbursement of funds. However, we understand that the volume is high and likely to increase, and as noted above, speeding up the process cannot come at the expense of accuracy. We recommend a system that will allow an applicant to check the status of their application at each stage, including the ability of a tenant to see what information is still required of them. Many jurisdictions have employed portals that assign a unique application number and allow a tenant, or their advocate, to log in at any time to check on the progress of the application. A tenant or advocate could log in and print confirmation of a completed application; check to

see what documents are still outstanding; download an award letter once the application is approved; and confirm when the landlord has been provided the funds. At present, advocates and RAA staff often have to spend considerable time, hours of investigation and back-and-forth communication, to confirm the status of an application.

We are increasingly hearing reports of landlords who, concerned about the time between application and payment (which at the moment continues to be weeks or months), choose to pursue eviction or not to rent to a tenant who is awaiting rental assistance. Tenants who have secured new housing have lost that housing because they were relying on ERAP or RAFT for first and last month's rent, but the new landlord would not wait for the funds. In other cases tenants simply require some verification that the application is pending and cannot produce that proof. We have heard reports of Housing Court judges who call into question whether a tenant has applied for rental assistance (who may therefore be entitled to further protections) and tenants are unable to provide proof that an application is pending.

Clarify that RAFT/ERMA may be used for pre-COVID arrears concurrently with ERAP

Many tenants have both pre- and post-March 2020 arrears. There is presently a single application for both programs, and local administering agencies have provided differing advice to advocates about whether tenants may use RAFT/ERMA for the pre-COVID months that will not be covered by ERAP, with at least one RAA stating that the maximum amount of ERAP funding must be *dispersed* before the tenant can even apply for RAFT for pre-March 2020 arrears. Preventing tenants from applying for coverage for their pre-COVID arrears puts them at risk of displacement despite being eligible for ERAP funding. The Commonwealth should make clear statewide that where RAFT/ERMA pays arrearages for pre-March 2020 months and ERAP pays arrearages for post-March 2020 months, there is no duplication of benefits and make the process seamless.

Expand community-based partners to assist with outreach and applications

Partnering meaningfully with trusted community-based organizations is cited by the [National Low Income Housing Coalition](#) as a key method for increasing uptake in hard to reach communities, where interaction with government entities is less common or comfortable. Housing instability, evictions, and COVID-19 have had a disproportionate impact on communities of color and immigrant communities, neighborhoods that are often cited as the hardest to reach with rental assistance programs. Community organizations can bridge the gap between government programs and community members and using pre-existing ties and infrastructure, ensuring that applications are reaching all populations in need of assistance. Furthermore, community organizations face fewer restrictions than other entities in who they can assist; for example, legal services can typically only help individuals already involved in court processes, leaving individuals and families experiencing homelessness and those attempting to move or stabilize their housing with fewer resources.

Beyond outreach, many community organizations are well positioned to contract to assist applicants in completing applications, doing so in a way that is approachable and informed by ties within the community. Metro Housing Boston's partnerships with The Neighborhood Developers, East Boston Neighborhood

Health Center, and Viet Aid, and the Lynn Housing Authority's work with Massachusetts Coalition for the Homeless, for example, provide models that can and should be replicated across the state.

Formally involving trusted community organizations in the process is crucial to ensuring equity in rental assistance applications and outcomes. We recommend that community organizations be permitted, upon approval from DHCD or the administering agencies, to certify information or provide recommendations for funding requests on behalf of applicants directly to the agencies. This could dramatically expand the reach of the ERAP program into communities with the highest needs and barriers to access – places with high concentrations of immigrants, limited English speakers, and people of color; rural areas; disabled people – and bring increased case management to those most in need.

[Washington state](#)'s ERAP program, which required local administering agencies to engage community based organizations and allocated funding to ensure successful partnerships, has seen great success in increasing in the program's service of low-income households of color, and Black/African American households in particular.

Institute Priorities and Targeting for ERAP funds

In addition to existing rules targeting tenants at 50% area median income (AMI), the Commonwealth should target geographic areas that have been hardest hit by the coronavirus and individuals and families facing homelessness. There is clear evidence of the disproportionate toll COVID-19 infections have taken on Black, Latinx, and other communities of color, increasing housing instability and risk of displacement. People who are homeless and contract COVID-19 have [staggeringly worse health outcomes](#) than those who are housed; they are two to four times as likely to require critical care and two to three times as likely to die as others in the general public. Funds should be specifically designated for these communities.

In addition, a portion of the emergency rental assistance funds should be used to stabilize families timing out of the HomeBASE program before securing permanent housing. Such funds should be targeted to HomeBASE participants in good standing whose benefits are set to expire and who otherwise likely would face eviction. This would help ensure that these children and families who already have experienced homelessness do not face a traumatic and needless return to homelessness in or outside of state-funded emergency shelters.

The ERAP program presents a chance to write the future; how effectively and equitably this program rolls out will dictate the outcomes for communities across the Commonwealth for decades to come. We urge the Commonwealth to seize this moment and implement changes now to chart us towards an equitable recovery.

We would appreciate the opportunity to discuss these recommendations. Please also feel free to contact us if we can provide any further information or resources. On behalf of our colleagues and ourselves, we thank you for your time and ongoing commitment to promoting housing stability, equity, health, and safety as the Commonwealth continues to address the coronavirus pandemic.

Sincerely,

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