

South Dakota's Program Guide for Emergency Rental Assistance Program

March 2021

Overview

The [Emergency Rental Assistance Program](#) was enacted in December 2020 under Title V, Subtitle A, Section 501(a) of the Consolidated Appropriations Act, 2021. Congress appropriated \$25 billion to the US Department of the Treasury for the Emergency Rental Assistance Program. The program grants funds for states, territories, tribal communities, and localities to provide time-limited assistance with rent and utilities to households that have lost income or experienced other financial hardship because of the COVID-19 pandemic. The State of South Dakota received \$200,000,000 with tribal communities receiving additional funding. South Dakota's allocation is administered by South Dakota Housing Development Authority (SDHDA) and Partner Agencies. Program information can be found on the following webpage – [SD CARES Housing Assistance Program | SDHDA](#). Interested parties may contact SDHDA by calling 605-773-3181 or visiting the website at www.sdhda.org.

This program guide covers the following topics:

1. Coordinating among case workers and service providers
2. Determining and documenting eligibility for program assistance
3. Determining and documenting the amount and types of assistance provided
4. Prioritizing eligible households
5. Determining and documenting the payee and any related requirements
6. Designing an outreach and intake process
7. Avoiding duplication of assistance provided to households
8. Keeping records, reporting, and securing data

1. [Coordinating among case workers and service providers](#)

Under the Emergency Rental Assistance Program, the State of South Dakota and tribal communities received funds to administer an emergency rental assistance (ERA) program.

SDHDA is partnering with sub-recipient and contractor organizations (referred to as Partner Agencies) to coordinate the ERA program within South Dakota. The Partner Agencies are:

Helpline Center

Codington County Welfare

GROW SD

Inter-lakes Community Action Partnership

Rural Office of Community Services

Lakota Funds

Lutheran Social Services

Mazaska Owecaso Otipi Financial

NeighborWorks Dakota Home Resources

Pennington County Health & Human Services

Western SD Community Action

Service area

Funding administered by SDHDA and Partner Agencies can be utilized for all geographic areas of South Dakota. At this time, we are gathering eligibility criteria from the tribal communities. While we work

through the transition period, if applicants, residing in tribal areas within the following counties apply for SD Cares, the case manager must reach out to our contact for each tribal community to ensure there is no duplication of benefits.

Bennett	Jackson	Oglala Lakota	Dewey	Ziebach
Buffalo	Hyde	Hughes	Moody	Lyman
Stanley	Todd	Mellette	Tripp	Marshall
Day	Codington	Grant	Roberts	Corson
Charles Mix				

Duplication of assistance determination

All case workers will need to take steps to avoid providing assistance to any household that is duplicative of other federal, state or local assistance. The US Treasury Department has not provided guidance on exactly how this must be done; however, avoiding duplicative assistance will in general require confirmation that any rental unit that is the subject of an application for assistance has not already received assistance from other programs or agencies.

Within the application, applicants are asked if they have applied for or received additional financial assistance from another agency. Caseworkers need to follow up with the agency listed to verify which expenses may have been paid or will be paid. Partner Agencies are encouraged to access additional resources or program information they may have access to document duplication of assistance has not occurred.

2. Determining and documenting eligibility for program assistance

For a household to be eligible for Emergency Rental Assistance a household must:

- Be a South Dakota resident – can be documented with a driver’s license, utility bills and/or lease agreement indicating location of their residence.
- Legally reside in the United States – can be documented with a driver’s license, tribal identification card, green card or a visa. The documentation must include a photo of the applicant. In this regard, nothing in the Emergency Rental Assistance Program prohibits states from providing assistance to undocumented residents.
- Have current household income that does not exceed 80% Area Median Income (AMI) and meet **BOTH** of the following conditions, as determined by the case worker:
 - Has either “qualified for unemployment benefits” or “experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the novel coronavirus disease (COVID–19) outbreak, which the applicant shall attest to in writing” and
 - Can “demonstrate a risk of experiencing homelessness or housing instability”, which may include:
 - (I) a past due utility or rent notice or eviction notice
 - (II) unsafe or healthy living conditions; or
 - (III) any other evidence of such risk, as determined by the eligible case worker

Due to the difficulty of documenting (II) and (III) above, case workers should take caution in using these two conditions for determination of eligibility. If a case worker is anticipating this as an eligibility item they are encouraged to reach out to SDHDA to discuss.

Key considerations

Partner Agencies must ensure that only eligible households are assisted and that the applicant's eligibility can be adequately documented. Different documentation decisions will affect how easily applications can be accepted and processed and, thus, how quickly assistance is disbursed. Allowing multiple, flexible ways for applicants to document eligibility may help ensure that assistance is provided to as many households in need as possible and that funds are expended in a timely manner.

Guidance is provided below on five aspects of determining program eligibility:

- A. Determining and documenting household income
- B. Determining and documenting that a household is a renter
- C. Determining and documenting qualification for unemployment benefits
- D. Determining and documenting a loss of income or significant costs or financial hardship due to COVID-19
- E. Determining and documenting a risk of homelessness or household instability

A. Determining and documenting household income

The statute requires administrators of an ERA program to determine that an applicant household's annual or monthly income does not exceed 80 percent of AMI. This determination must be made before any assistance is provided.

Definition of Income:

With respect to each household applying for assistance, case workers may choose between

- using HUD's definition of "annual income" in 24 CFR 5.6091 and
- using adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 series for individual federal annual income tax purposes.

Methods for Income Determination:

The Act provides that case workers may determine income eligibility based on either (i) the household's total income for calendar year 2020, or (ii) sufficient confirmation of the household's monthly income at the time of application.

If the household's monthly income is used to determine eligibility, the case worker should review the gross monthly income information provided at the time of application and extrapolate over a 12-month period to determine whether household income exceeds 80 percent of area median income. For example, if the applicant provides income information for two months, the case worker should multiply it by six to determine the annual amount. If a household qualifies based on monthly income, the case worker must redetermine the household income eligibility every three months for the duration of assistance.

HUD calculates AMI on the basis of the number of individuals in a household. A household applying for emergency rental assistance may be a family that shares all expenses, or it may be comprised of unrelated adults who may or may not share expenses but who live in the same household. Income eligibility for a household will be determined by combining incomes of any adults listed on the lease.

In determining household income, all household members age 18 and older must be identified in the application and documentation of their income or lack there-of must be reported.

Documentation of Income Determination:

Case workers must have a reasonable basis under the circumstances for determining income. Except as

discussed below, this generally requires a written attestation from the applicant as to household income and also documentation available to the applicant to support the determination of income, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer.

As discussed below, under limited circumstances, a case worker may rely on a written attestation from the applicant without further documentation of household income. Case workers have discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the pandemic, or a lack of technological access. In these cases, the case worker is still responsible for making the required determination regarding the applicant's household income and documenting that determination.

Categorical Eligibility:

If an applicant's household income has been verified to be at or below 80 percent of the area median income in connection with another local, state, or federal government assistance program, case workers are permitted to rely on a determination letter from the government agency that verified the applicant's household income, provided that the determination for such program was made on or after January 1, 2020. While this documentation after January 1, 2020, is acceptable, it is recommended to have the most recent determination letter that may be available.

Income-qualifying government assistance program may include SNAP, TANF, SSI, WIC, Head Start, EITC, and Medicaid that are limited to households with incomes below 80 percent of AMI (or a comparable poverty threshold).

Written Attestation Without Further Documentation:

To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of COVID-19 (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, case workers may accept a written attestation from the applicant regarding household income. If such a written attestation without further documentation is relied on, the case worker must re-evaluate household income for such household every three months.

In appropriate cases, case workers may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

Definition of Area Median Income:

The area median income for a household is the same as the income limits for families published in accordance with 42 U.S.C. 1437a(b)(2), available under the heading for "Access Individual Median Family Income Areas" at <https://www.huduser.gov/portal/datasets/il.html>. The income charts for South Dakota can also be found on SDHDA's website - [SD CARES Housing Assistance Program | SDHDA](#).

Tax returns and tax forms:

As noted above, case workers have the option of measuring household income using total household income for 2020 or using the current monthly income. In cases where the household has already prepared and submitted a 2020 federal tax return, Treasury's January 19, 2021, Q&A confirms that the Form 1040 tax return may be used as documentation of household income for 2020. If desired, case workers can request both the return and the tax forms used to establish the household's income for tax purposes, such as its W2 statement(s) and any 1099 forms. In cases where a tax return is not available, these same tax forms may provide documentation of annual income.

The aforementioned approaches have the advantage of utilizing official forms authorized by the Treasury Department for purposes of calculating income tax. While certain forms of income—such as welfare payments—are not considered taxable income and will not be reported on a tax form, the receipt of such payment may itself be considered a way to verify income, as such benefits are typically provided only to households with incomes below the maximum eligibility limits for the Emergency Rental Assistance Program.

Commonly used sources to determine and document income

The following sources can be used to assist in establishing income eligibility under the Emergency Rental Assistance Program:

- If employed, obtain pay stubs for the prior four weeks. Pay stubs should be the most recent and just prior to the date the household is seeking assistance. If a household has inconsistent income, for example, they work varied hours, obtaining additional pay stubs is recommended. If a household is unable to provide pay stubs, third party verification from the employer is acceptable and should be clearly documented in the household file.
- Documentation of income from the operation of a business or profession, including direct payments for services or self-employment including for self-employed individuals; for documentation of gig jobs, such as driving for Lyft or Uber, photos of payment information within those apps may be used as proof of income.
- Bank statements
- Documentation of unemployment benefits
- Letter from employer indicating reduced pay
- Documentation of Social Security or public assistance, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts
- Documentation of public assistance benefits
- Documentation of child support, alimony, or foster care payments

Alternate options to assist in determining income, loss of income, or no income

Attestations or self-certification can serve as an efficient option for cases in which other documents are not available.

B. Determining and documenting that a household is a renter

To verify that a household is a renter, case workers can rely on a lease agreement provided by the tenant or landlord. If households have informal arrangements with landlords and do not have a standard lease, or previously had a lease but now rent on a month-to-month basis without a lease; in such cases, case workers may want to offer an alternative method to document that a renter household actively resides in and rents a unit. A signed attestation or certification may be appropriate.

The following situations are eligible renter households:

- Renting a motel or hotel room
- Residing in a mobile home park where households own a mobile home but rent space in a park
- Unrelated adults renting a single unit, including cases in which one or more tenants is not listed on the lease or sublets from another, and thus does not have a direct relationship with a landlord. Additional documentation will be necessary to document eligibility.

C. Determining and documenting qualification for unemployment benefits

To qualify for assistance, a household must either have “qualified for unemployment benefits” or have

“experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the novel coronavirus disease (COVID–19) outbreak, which the applicant shall attest in writing.”

Case workers will need to consider how applicants will document qualification for unemployment benefits. Case workers can coordinate with state unemployment agency to verify an applicant’s receipt of unemployment benefits. But receipt of unemployment benefits is not required, only eligibility for receipt; not all individuals who qualify for unemployment benefits apply for receive them. Thus, case workers may want to include a determination of eligibility for unemployment benefits in the application process that does not exclude individuals who have not received assistance. Such determination could be made using a state’s eligibility requirements for unemployment benefits along with an attestation from the application attesting to their employment situation.

D. Determining and documenting a loss of income or significant costs or financial hardship due to COVID-19

As an alternative to documenting qualification for unemployment benefits, case workers may document that a household has “experienced a reduction in household income, incurred significant costs, or experienced other financial hardship” due directly or indirectly to COVID-19. Loss of income should be documented using the approaches for documenting income discussed above, though states will also need to verify that the loss of income is related directly or indirectly to COVID-19.

The balance of this section focuses on options for case workers to document significant costs or financial hardship related to COVID-19. In general, a flexible approach to determining COVID-related costs and hardship may be advisable, so long as case workers document and verify information provided by applicants to the extent feasible.

Significant costs and financial hardship

To date, Treasury has not issued guidance on what constitutes “significant costs” or “financial hardship” due directly or indirectly to COVID-19. It has, however, [clarified](#) in its January 19, 2021, Q&A that in addition to obtaining an attestation in writing from applicants, states must “to the extent administratively feasible . . . require applicants to document that they have . . . experienced a reduction in income, incurred significant costs, or experienced other financial hardship due directly or indirectly to COVID-19 that threaten the household’s ability to pay the costs of the rental property when due.”

One way to operationalize the “to the extent administratively feasible” standard would be to request documentation of hardship from all applicants, and to require the production of such documents as a case worker may be reasonably able to provide, but to allow a sworn statement attesting to the household’s hardship to be used as a backup in cases when standard sources of hardship documentation are not available. Under this approach, a case worker would take reasonable steps to first secure hardship documentation from standard sources. In the event there is reason to believe that such documents are unavailable, a case worker could then determine it is not “administratively feasible” to require documentation in that instance and accept a sworn statement attesting to current hardship as adequate documentation.

Potential costs that can be considered to contributing to financial hardship, include the following:

- Healthcare costs, including care at home for individuals with COVID-19
- Purchase of PPE
- Penalties, fees, and legal costs associated with rental or utility arrears
- Payments for rent or utilities made by credit card to avoid homelessness or housing instability

- Moving costs for households that moved to avoid homelessness or housing instability
- Childcare costs
- Internet access and computer equipment required to work or attend school remotely
- Cost of additional food or utilities due to remote learning or work
- Alternative transportation for households unable to use public transportation during the pandemic

These costs can be verified with receipts, payment statements, bank or credit card statements, or other documentation. An attestation form describing the hardship and how it ties to COVID-19, signed by the applicant, maybe helpful for documenting the connection of the COVID -19 hardship.

E. Determining and documenting a risk of homelessness or household instability

A final requirement for eligibility is that “1 or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include: (I) a past due utility or rent notice or eviction notice; (II) unsafe or unhealthy living conditions; or (III) any other evidence of such risk.” If case workers are using (II) and (III) for eligibility, they are encouraged to discuss with SDHDA staff prior to approving financial assistance.

While some indicators of risk may be relatively easy to obtain, such as an eviction notice or notice of utility arrears, other indicators will necessarily have to rely on the self-certification of applicants. Potential indicators of risk include the following:

- An eviction notice
- A past due utility or rent notice
- Living in unsafe or unhealthy living conditions, such as conditions that increase the risk of exposure to COVID-19 because of overcrowding
- A housing cost burden that makes it difficult for renters to afford their housing costs
- Informal rental arrangements with little or no legal protection
- History of or potential for exposure to intimate partner violence, sexual assault, or stalking
- Evidence the household is forgoing or delaying the purchase of essential goods or services in order to pay rent or utilities, such as food, prescription drugs, childcare, transportation, or equipment needed for remote work or school
- Harassment or verbal threats of eviction by a landlord
- Evidence the household is relying on credit cards, payday lenders, or other high-cost debt products, or depleting savings, to pay for rent or utilities, rather than wages or other income

3. Documenting the amount and types of assistance provided

Emergency Rental Assistance can only be provided for households in one or more of five areas: (1) rent; (2) rental arrears; (3) utilities and home energy costs; (4) utilities and home energy costs arrears; and (5) other housing - related expenses incurred, due directly or indirectly, to the pandemic. Payment of internet is eligible for households that can demonstrate the need for internet due to remote learning for school age children or remote work for adult household members. Cell phone expenses is not eligible.

Applicants can only apply and receive assistance for one residential dwelling unit.

The statute places three limitations on the amount and types of assistance that can be provided:

- Assistance can be provided for a total of up to 12 months (or 15 months when necessary to ensure

housing stability, subject to funding availability).

- For renters with rental arrears, assistance with prospective rent cannot be provided unless assistance is also provided to reduce rental arrears.
- Prospective payments to cover future rent obligations not to exceed 3 months.

A. Amount of assistance to be provided

South Dakota has not imposed a maximum dollar amount of assistance that can be provided. Households will be eligible to receive the full monthly amount of rent or utility expense that is documented as being owed, including any late fees or penalties as documented in the contractual agreement.

The following are some of the key questions and answers for determining how much assistance can be provided to each household:

- For how many months of assistance can a household apply? – households can receive up to 12 months of financial assistance for utilities and up to 12 months of assistance for rent (or up to 15 months if necessary to ensure housing stability).
- What is the maximum amount of assistance that a household may receive for any given month? - households can receive the amount of financial assistance necessary to make full rent and utility payment including late fees and penalties.
- Should assistance be provided on the basis of actual rents, or on the basis of a flat payment level for each household? – households may receive financial assistance on the basis of actual rent charged.
- Will assistance be provided for prospective needs, or just to meet past needs? – households will be eligible to receive assistance for both past needs and prospective needs.
- Will assistance be limited to rent or also cover utilities or other housing-related expenses? – households will be eligible to receive financial assistance for rent, utilities and other housing related expenses such as internet service for remote learning and remote work. If tenants are required in their lease agreement to carry renter’s insurance, payment of insurance can also be considered as an eligible housing related expense.

B. Determining and documenting rental arrears and payment amounts

Payment of rental and utility arrears will be paid based on receipt of third-party verifiable documentation. Recognizing that some tenants may have informal rental arrangements and that landlords vary in terms of the sophistication of their bookkeeping processes, case workers may accept a variety of documentation of rental arrears. Information about arrears may be provided from an applicant via a past due bill, an eviction notice, a PDF or screenshot of an online payment portal, or a letter or email from a landlord to a tenant. Current and prospective rent amounts may be provided in a lease or bill or an image of an online payment portal. Many landlords may be able to easily provide rent rolls with detailed information across multiple units. Small landlords may have less formal systems to record rent payments. Case workers may accept a verbal or written certification of arrears and payment amounts from landlords if not additional documentation is available.

C. Assistance with utility arrears and documenting assistance

Treasury guidance regulates what utilities can be assisted by ERA programs: “Utilities and home energy costs are separately-stated charges related to the occupancy of rental property. Accordingly, utilities include separately-stated electricity, gas, water and sewer, trash removal and energy costs, such as fuel oil. Telecommunication services (telephone, cable) delivered to the rental dwelling are *not* considered to be utilities. Utilities that are covered by the landlord within rent will be treated as “rent”. Additionally, the guidance notes that assistance for utility arrears and home energy costs can be provided to a

household that is not receiving assistance for rent.

Utility arrears can be documented through a past due statement, a notice of service shutoff, or a PDF or screenshot of an online payment portal.

4. Prioritizing eligible households

The Emergency Rental Assistance Program requires states to prioritize applications from households that meet one or both of two criteria: (1) household income does not exceed 50 percent of AMI, and (2) those in which one or more individuals is unemployed as of the date of application for assistance and has not been employed for at least the past 90 days.

With the substantial funding received by South Dakota, there is little concern of lack of financial assistance. SDHDA does not anticipate the demand for rental assistance will exceed the available funds. Applications will be reviewed based on date of receipt using a first-come, first-served approach.

5. Determining and documenting the payee

Under the Emergency Rental Assistance Program, payments for rent and rental arrears must be made to landlords and utilities and home energy costs and arrears must be made to utility providers. ERA programs must document all payments. Payments will not be made directly to the household.

Establishing a process for making payments

Payments to landlords

Payments made to landlords may be made on a tenant-by-tenant basis, or, combined to include several households within one check. If multiple tenants are covered by one check, the payment memo and the check will include the list of tenants covered by the payment. The only restriction South Dakota is encouraging sub-recipients to place on landlords, when accepting payment, is that they will not evict tenants for non-payment of rent during the months for which payment is being made.

The landlords may check on the status of applications. Case workers are encouraged to answer landlord questions and provide information as it becomes available.

Payments to utility providers

Payments made to utility providers may be made on a household-by-household basis, or, combined to include several households within one check. If multiple households are covered by one check, the payment memo and the check will include the list of tenants covered by the payment.

Documenting unresponsive landlords or utility providers

Should the landlord or utility provider not respond to information requests, Treasury has provided guidance. Treasury provides case workers two means of documenting unresponsiveness:

“Outreach will be considered complete if a request for participation is sent in writing, by certified mail, to the landlord or utility provider, and the addressee does not respond to the request within 21 calendar days after mailing; or, if the state has made at least three attempts by phone or email over a 21 calendar-day period to request the landlord or utility provider’s participation. All efforts must be documented.”

Documentation related to payments

The statute states, “For any payments made by the State or sub-recipient to a lessor or utility provider on

behalf of an eligible household, the State or sub-recipient shall provide documentation of such payments to such household.”

In addition to notifying tenants of payments made on their behalf, sub-recipients may want to provide tenants information on what to do if they believe a landlord or utility provider has not accurately applied a payment to their rental or utility arrears or current rent.

6. Designing an outreach and intake process

For South Dakota to expend funds in a timely manner, it is important to conduct outreach to potential applicants to ensure they know where and how to apply and to have user-friendly intake processes to accept applications. The intake process has been designed to accommodate the needs and preferences of a wide range of users, including households without access to the internet, people with disabilities or language barriers.

South Dakota’s intake process creates efficiencies for application review, processing payments and checking for duplication of assistance. In addition, applicants will be able to request multiple types of assistance over a period of time by using the one application and providing additional documentation.

Helping households understand how to apply for assistance

The SD Cares application is an online application. For households who may not have access to a computer, tablet or smart phone, applicants can call 211 or any partner agencies for assistance.

Since South Dakota has multiple administrators of a statewide program, the creation of a single portal for accepting applications is beneficial.

- South Dakota Housing Development Authority and partner agencies are encouraged to “provide outreach to and coordination with local court systems, local landlords, local offices of legal aid, organizations serving communities of color, and other applicable entities or organizations to increase awareness” of the program.
- SDHDA will also advertise available assistance “in both a newspaper of general circulation, social media and public service announcements.
- Provide basic information about the application process, such as how much assistance is available, what information and documentation are required to apply, how long the process to apply and receive assistance may take, and how program staff will communicate with applicants after an application is submitted.
- Allow applicants to submit documentation in multiple formats and in different ways, such as by completing a web-based form via smartphone or online, uploading documents from a computer, or submitting a photo of required documents with a smartphone.
- To reduce time spent emailing or calling applicants, messaging and communication with applicants can be handled through the application portal. Applicants can access their application dashboard for application status and case worker messages; to check the status of an application or payment disbursements, or to report problems with payments.
- Due to documentation and confirmation of COVID-19 impact, applications will only be accepted by the household. Landlords are encouraged to assist their tenants in submitting applications and required documents.
- If a tenant submits the application, the landlord will need to indicate agreement to accept payments, supply required information, such as a W9, and certification that assistance is not duplicative of other

federal assistance and that payment is still owed.

The SD Cares Housing Assistance online application provides the eligibility, reporting, and privacy requirements in the Emergency Rental Assistance Program statute. The intake process for accepting information and documentation from both tenants and landlords is within one single application but process is separated to retain confidentiality.

Working with special populations and making the intake process more accessible

SDHDA and partner agencies will work to ensure that the intake process is available and accessible to a wide range of people, and that eligible households are aware of the available assistance. This means taking into consideration the needs of people who may not have access to the internet, may not speak English, may have disabilities, or may not initially trust government programs.

Conducting outreach to diverse and hard-to-reach households

If partner agencies know that a certain population in their jurisdiction is disproportionately affected by COVID-19 impacts, such as loss of income, or may have high levels of need, they are asked to assist in conducting targeted outreach and marketing to those groups. Such groups may include people and communities of color, refugee populations, immigrants, LGBT populations, and people with disabilities. Targeted outreach may include cooperating with community-based organizations and service providers that work with these groups to inform them of the assistance available and the intake process. Information can be shared via social media and posting informational materials at bus stops, food banks, public housing authorities, city offices, social service and employment offices, schools, community and healthcare facilities, libraries, local churches, major employers, clinics, utility companies and other areas where hard-to-reach populations may live.

Ensuring the intake process is accessible to a wide range of users

Case workers will encounter applicants who speak different languages, have disabilities, and have different degrees of access to and comfort using technology. Hard-to-reach populations may require special accommodations to make sure they are aware of the available assistance and know how to apply.

For people with limited English proficiency (LEP), the Helpline Center will assist with providing translators.

The table below lists specific methods states may want to consider to ensure their intake processes are fully available and accessible.

To reach people who . . . Outreach and intake methods

Do not have access to the internet	<p>Advertise on radio, in newspapers, on public transportation, and in other locations people frequent, such as grocery stores, churches, schools, and medical offices.</p> <p>Make program materials available at community centers and community-based organizations' offices.</p> <p>Applicants are able to submit applications through partner agencies and via phone.</p> <p>Applicants can call SDHDA, 211, partner agencies, legal aid and community based organizations to receive program information and instructions on how to apply for assistance.</p> <p>Mail program information directly to households through utility or tax bills.</p>
Have limited English proficiency	<p>Provide information to organizations that represent or work with LEP populations such as refugees and immigrants.</p> <p>Accommodate applicants with language translation as requested.</p>
Have disabilities	<p>Provide information about the program to Centers for Independent Living and other service providers working with people with disabilities.</p> <p>Make online materials 508 compliant so they can be read with a screen reader.</p> <p>Use TTY lines to accommodate people with hearing impairments.</p>

Linking tenants to other services they may need to remain stably housed

Some tenant households seeking rental assistance may need other types of help as well. The intake process can provide an opportunity to connect people with other resources. Case workers might consider compiling and sharing a list of available resources with applicants or by referring applications to 211.

SD Cares Housing Assistance can provide financial assistance for households who are homeless, however, consideration should be given for other resources that are better suited to provide services and longer-term financial assistance. In addition to 211 resources and Community Action Agencies, case workers may want to refer applicants to the Emergency Solutions Grants Program (ESG). SDHDA administers the ESG program through sub-recipients. Program information and listing of sub-recipients is located on SDHDA's website. [Emergency Solutions Grants Program | SDHDA](#)

7. Avoiding duplication of assistance provided to households

The Emergency Rental Assistance Program requires that states “to the extent feasible . . . ensure that financial assistance provided to an eligible household is not duplicative of any other Federal, state or local financial assistance. Landlords and tenants will certify that the household has not received duplicative assistance.

An ERA eligible household that occupies a federally-subsidized residential or mixed-use property may receive ERA assistance, provided that ERA funds are not applied to costs that have been or will be reimbursed under any other federal assistance. If an eligible household receives a monthly federal subsidy (e.g., a 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 receive ERA

assistance only for the tenant-paid portion of rent and utility costs, that are not paid for by the other rental assistance. The case worker must review the household's income and sources of assistance to confirm that the ERA assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

Methods to avoid duplication of assistance

The following are some potential methods for verifying whether a household (or landlord applying on behalf of a household) has received financial assistance from other sources:

1. **An automated system.** The online application allows case workers the ability to see what financial assistance has previously been provided to households for both CRF and ERA funding. Tribal communities will have a separate application process but a database will be created to import applicant information from several different databases. This database will be used to cross reference financial assistance from several different organizations. Applicant information will be cross referenced on several identifying factors such as name of head of household, household address, landlord name and timeframe for which assistance was provided.
2. **Communication with key agencies that administer or oversee the administration of rental assistance.** Agencies that administer rental assistance have been informed of the SD Cares Housing Assistance. These agencies are available to assist with outreach efforts and while ensuring there is no duplication of benefits.
3. **Self-certification.** During the application process, applicants and landlords are also asked to certify and attest that they are not receiving other federally funded rental assistance or is not receiving assistance that applies to the same month's rent. In the application, the applicant is asked to specify the forms of assistance that may possibly be a duplication of assistance, and to certify that they are not receiving assistance from any of those sources over the period of time for which they are currently requesting assistance. The self-certification includes legal language that explains penalties associated with misrepresenting assistance a household has received and states that assistance may be required to be returned to the ERA program should duplicative assistance be identified.

8. Keeping records, reporting, and securing information

ERA programs are required to collect and report to Treasury on a range of data, including the following:

- A. The number of eligible households that receive assistance from such payments;
- B. The acceptance rate of applicants for assistance;
- C. The type or types of assistance provided to each eligible household;
- D. The average amount of funding provided per eligible household receiving assistance;
- E. Household income level, with such information disaggregated for households with income that—
 - a. Does not exceed 30 percent of the AMI for the household;
 - b. Exceeds 30 percent but does not exceed 50 percent of the AMI; and
 - c. Exceeds 50 percent but does not exceed 80 percent of AMI; and
- F. The average number of monthly rental or utility payments that were covered by the funding amount that a household received, as applicable.

For each of the above categories, ERA programs must report disaggregated data for households by the gender, race, and ethnicity of the primary applicant for assistance in such households.

Programs must also establish data privacy and security requirements that:

- Include appropriate measures to ensure that the privacy of the individuals and households is protected
- Provide that the information, including any personally identifiable information, is collected and used only for the purpose of submitting reports to Treasury
- Provide confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

According to Treasury's case worker [award terms](#), "Records shall be maintained [by the case worker and accessible to Treasury] for a period of five (5) years after all funds have been expended or returned to Treasury." Costs associated with reporting and recordkeeping fall within a case worker's 10 percent allowance of its overall allocation for administrative expenses.

Recordkeeping

On January 19, 2021, Treasury provided [initial guidance](#) on records that ERA case workers should anticipate collecting and storing, which include the following:

- "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,
- [Number of applications received, and]
- Gender, race, and ethnicity for the primary applicant for assistance."

The guidance indicates that Treasury will provide additional information at a later time regarding the information ERA programs must report to Treasury, and how. Until additional guidance is received from Treasury, SDHDA and partner agencies should retain the following application information for the ability to respond to any future audits of program expenditures:

- Completed applications, including consent of tenants for landlords that apply on their behalf and documentation of the funding decision;
- Determinations of household eligibility, including household income at or below 80 percent AMI, unemployment, documentation of a household's reduction in income, incurrence of significant costs, or financial hardship due to COVID-19, and a household's risk of experiencing homelessness or housing instability; and
- Documentation that will be provided by SDHDA:
 - At least 90 percent of the state's grant is used to provide financial assistance to eligible households and
 - Not more than 10 percent of the state's allocation was used for "administrative costs attributable

to providing financial assistance and housing stability services . . . including for data collection and reporting requirements related to such funds.”

Storing and protecting sensitive data

Care must be taken to protect sensitive information collected through an ERA program, such as an applicant’s social security number, contact information, bank statements, financial and tax records, or personal details provided about living arrangements or housing instability.

Collecting data on applicants’ demographic characteristics

South Dakota will collect and report to Treasury, the gender, race, and ethnicity of the primary applicant for assistance in each household that applies. Per statute, states are required to submit to the Secretary of the Treasury quarterly reports that include the race, ethnicity, and gender of applicants. This information is collected in application and must be completed by the applicant.