



Washington State  
Department of  
**Commerce**

## **Guidelines**

FOR THE

# **Eviction Rent Assistance Program (ERAP) 2.0**

**August 2022, Version 3**

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## 1 Grant Basics

### 1.1 Overview

The Eviction Rent Assistance Program 2.0 (ERAP) grant is part of Washington State’s response to the COVID-19 disaster. ERAP 2.0 is intended to prevent evictions that would contribute to the spread of the virus by paying past due, current due and future rent, and targeting limited resources to those with the greatest needs while working to distribute funds equitably.

### 1.2 Program Goals

Following are the program goals:

- ✓ Prevent evictions
- ✓ Promote equity in who is served, with a focus on groups of people who historically have not been provided equitable access to rent assistance and those who have disproportionately been impacted by the COVID-19 outbreak.

### 1.3 Program Purpose

The Office of Homeless Youth and the Office of Family and Adult Homelessness in the Housing Assistance Unit at the Department of Commerce administers state and federal funds to support homeless crisis response systems in WA State.

The Eviction Rent Assistance Program 2.0 is a critical resource in the crisis response system.

We expect Commerce grantees, including county governments and nonprofits, to be leaders in their crisis response systems, facilitating partnership among service organizations and promoting evidence-based, anti-racist practices.

Grantees must respond to the disproportionality in access to services, service provision and outcomes and cannot simply rely on standard business practices to address inequity. Grantees have the responsibility to ensure all people eligible for services receive support and are served with dignity, respect and compassion regardless of circumstance, ability or identity.

This includes marginalized populations, Black people, Native and Indigenous people, People of Color, immigrants, people with criminal records, people with disabilities, people with mental health and substance use vulnerabilities, people with limited English proficiency, people who identify as transgender, people who identify as LGBTQ+, and other individuals that may not access mainstream support.

We are here to support your efforts. The Housing Assistance Unit provides access to continuous learning on trauma informed services, racial equity, LGBTQ+ competency and more. We can help you strategize outreach, coordinated entry and help you understand your data so we can meet Washington’s vision that no person is left living outside.

#### 1.4 Authorizing Statute and Fund Sources

American Rescue Plan Act of 2021, Coronavirus State Fiscal Recovery Fund, CFDA 21.027.

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, apply to this award.

## 2 Household Eligibility

There isn’t enough funding to assist all of the households who may be eligible for rent assistance under this program.

Households must meet two initial screening criteria:

- ✓ Current Income (average over last 60 days, income from calendar year 2020, or income from calendar year 2021) at or below 80% of Area Median Income.
- ✓ Currently owe all, or part of a rent payment since March 1, 2020, and still occupying the residence.

According to Federal Guidance, assistance received through this program should NOT count as a public benefit for the purpose of determining whether someone is considered a public charge. Public charge refers to non-US citizens who have received one or more public benefits, for more than 12 months within any 36-month period. A person considered a public charge is ineligible to become a lawful permanent resident.

Note: United States citizenship is NOT an eligibility requirement of this program.

Grantees can determine whether or not to implement additional eligibility or prioritization criteria. Consult with your grant manager if considering implementing additional criteria.

### 2.1 Documenting Household Eligibility

#### 2.1.1 Household Information & Eligibility Form

Household eligibility must be documented using the **ERAP 2.0 Household Information & Eligibility Form**. This form and accompanying documentation must be kept in the household file and made available to Commerce during monitoring.

Note that the eligibility criteria can be “self-certified/stated” by the household. A written statement with household signature is not required. If there are barriers or time constraints associated with collecting source documentation to substantiate a household’s income, grantees must utilize the flexibility of self-declarations. Additionally, Commerce prohibits grantees from collecting evidence to substantiate a household statement or adding any

additional criteria, such as identification, Social Security numbers, birth certificates or medical documentation.

Households can access the program more than once. If a household enrolled in the last 60 days, then their Household Information and Eligibility paperwork is still valid for additional services. If 60 days has passed, they need new eligibility paperwork. In either case, a new Payment Agreement Form is necessary for additional rent payments made on their behalf.

The most current version of the Form can be found at <https://www.commerce.wa.gov/serving-communities/homelessness/cares-act-and-state-rent-assistance/>.

## 2.2 Documenting Rent Due

The most current version of payment forms can be found at <https://www.commerce.wa.gov/serving-communities/homelessness/cares-act-and-state-rent-assistance/>.

### 2.2.1 Rent Payment Agreement Form

Households, or landlords on behalf of their tenants, can initiate a request for assistance (see Section 2.2.3 for more landlord information). Payments must be made to the landlord.

The **Rent Payment Agreement Form** must be completed for all households/tenants receiving rent assistance. This form and accompanying documentation must be kept in the household file and made available to Commerce during monitoring. A rental agreement or lease is not required to be collected.

### 2.2.2 Utility Payment Agreement Form

The **Utility Payment Agreement Form** must be completed for all households/tenants receiving utility assistance. This form and accompanying documentation must be kept in the household file and made available to Commerce during monitoring. Documentation of utility bills is not required to be collected. Households receiving utility assistance only must still meet all eligibility requirements.

### 2.2.3 Landlords Applying for Assistance on Behalf of Tenant

Landlords can initiate a request for assistance on behalf of their tenants by completing the **Rent Payment Agreement Form**. Eligibility is based on tenant eligibility.

If a tenant is unresponsive, ineligible, or eligibility cannot be determined, assistance must be denied. If denied and the landlord (owner) is seeking assistance for four units or less, refer landlord to the Commerce Limited Landlord Relief Program (LLRP):

<https://www.commerce.wa.gov/serving-communities/homelessness/landlord-fund-programs/>.

## 3 Allowable Expenses

### 3.1 Rent and Utilities

Households with a missed or partially paid rent payment can receive rent and/or utility assistance back to March 1, 2020. Assistance is not limited as long as payments are not

duplicative, except that future payments are limited to three months at one time.

Rent and/or utility payments can be in any combination of arrears or future payments.

- Arrears is when any payment is missed or past due. This includes when the current month rent is past due.
- Future is the months following the current month.

## **Rent**

Rental situations may include leased rental units, renting from friend/family, hotel/motel arrangements, mooring/slip fees, and RV/mobile home lot rent. There is no minimum term of tenancy.

See the ***Rent Payment Agreement Form*** for details on how to document.

## **Utilities**

Utilities are separately-stated charges related to the occupancy of rental property. They can include electricity, gas, water and sewer, trash removal, and energy costs such as fuel, oil, or wood for heating. Internet is considered a utility for the purposes of this program.

Grantees can determine the monthly amount of a future utility payment to provide by utilizing a couple methods:

- ✓ Take the average payment amount over the last three months and apply it to the future months provided.
- ✓ Take the average payment amount from the same time period for the previous year and apply it to the future months provided. *This may be the best option for households needing utility assistance for future months where they anticipate higher costs, such as during Winter.*

A utility bill that covers a 30 day period is considered one month.

If internet expenses are included in a bundle or an invoice that is not itemized (for example, internet services bundled together with telephone and cable television services) and obtaining an itemized invoice would be unduly burdensome, grantees may establish and apply reasonable procedures for determining the portion of the expense that is appropriate to be covered.

Utilities that are included as part of the monthly rent payment amount will be treated as rent and recorded on the ***Rent Payment Agreement Form***. Utilities that are not included as part of the monthly rent payment amount, or paid to a third party other than the landlord must be recorded on the ***Utility Payment Agreement Form***.

### **3.1.1 Calculating Maximum Rent Payment**

Maximum rent payment amount is up to 150% Fair Market Rent (FMR) and must not be more than the total rent due amount. Utilities included in the monthly rent payment amount will be considered in the FMR determination.

Fair Market Rents for each county can be found at <https://www.huduser.gov/portal/datasets/fmr.html>.

Maximum rent payment calculations must be shown on the **Rent Payment Agreement Form**.

### 3.1.2 Portability

Grantees can determine to serve households located outside their county or not. If households outside the county are not served, connect them to a service provider in their area to ensure households stay housed.

### 3.2 By and For Sub Grants

Grantees must actively work to partner with By and For<sup>1</sup> organizations in their communities that assist and serve marginalized populations.

At least 5% of the initial grant total must be sub granted to By and For organization/s, to pay the costs associated with program outreach and assistance to marginalized communities. This can include acting as a referral source, outreach to marginalized communities, providing rental assistance to households directly, or other Operations activities related to ERAP 2.0.

If a grantee receives additional grant funds, they are not required to amend their sub grants with By and For organizations but are strongly encouraged to do so.

Marginalized communities may include ethnic and racial minorities; immigrants and refugees; individuals who are lesbian, gay, bisexual, and transgender; individuals with disabilities or who are deaf; and Native Americans.

Commerce will provide a list of statewide organizations that we know of and it is incumbent on the grantee to identify By and For service providers that can best support their community members in accessing assistance.

Grantees must make a reasonable effort to sub grant with By and For organizations. If a grantee is not able to execute a sub agreement, they may ask Commerce for an exemption from this requirement.

### 3.3 Operations

Operations expenses directly attributable this program.

- ✓ Salaries and benefits for staff costs, including but not limited to program staff, human resources staff, bookkeeping staff, and accounting staff.
  - Intake and assessment, including time spent assessing a household, whether or not the household is determined eligible.
  - Outreach services.
  - Data collection and entry for Commerce required ERAP Report Form.
- ✓ Office space, utilities, supplies, phone, internet, and training related to grant

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<sup>1</sup>By and For Organizations are operated by and for the community they serve. Their primary mission and history is serving a specific community and they are culturally based, directed, and substantially controlled by individuals from the population they serve. At the core of their programs, the organizations embody the community's central cultural values. These communities may include ethnic and racial minorities; immigrants and refugees; individuals who identify as LGBTQ+, individuals with disabilities or who are deaf; and Native Americans.

- management and/or service delivery.
- ✓ General liability insurance and automobile insurance.
- ✓ Language interpretation services.
- ✓ Translation services for program or marketing materials.
- ✓ Other costs as approved by Commerce.

### **3.4 Administration**

Administration - up to 15 percent of the contracted budget may be allocated to administration.

Allowable administrative costs benefit the organization as a whole and cannot be attributed specifically to a particular program or to the homeless crisis response system. Administrative costs may include the same types of expenses that are listed in program operations (such as IT staff and office supplies), in the case that these costs are benefiting the agency as a whole and are not attributed to a particular program or the homeless system. Administrative costs may include, but are not limited to, the following:

- ✓ Executive director salary and benefits
- ✓ General organization insurance
- ✓ Organization wide audits
- ✓ Board expenses
- ✓ Organization-wide membership fees and dues
- ✓ General agency facilities costs (including those associated with executive positions) such as rent, depreciation expenses, and operations and maintenance

All amounts billed to administration must be supported by actual costs. If actual costs in the contract period meet the budget cap, that amount may be charged in equal monthly amounts.

- ✓ Billed directly such as IT services that are billed by the hour.
- ✓ Shared costs that are allocated directly by means of a cost allocation plan.
- ✓ Costs related to executive personnel such that a direct relationship between the cost and the benefit cannot be established must be charged indirectly by use of an indirect cost rate which has been appropriately negotiated with an approved cognizant agency or by use of the 10 percent de minimus rate.

Federally negotiated indirect rates are allowable. Administrative costs cannot exceed the allocated administrative budget.

## **4 Grant Requirements**

### **4.1 Performance Measurements**

Grantees must ensure equitable access to ERAP 2.0.

Equitable access means that the race and ethnicity of people entering ERAP 2.0 are similar to the community demographics. Equitable access is measured by comparing the percent of people in poverty by race and ethnicity to the percent of people entering ERAP 2.0 by race and ethnicity.

The percentage of head of households provided rent assistance must at least equal the proportion to the population living in poverty in the county for each of the following groups:

- ✓ People of Color (includes Black or African American, American Indian and Alaska Native, Native Hawaiian or other Pacific Islander, Hispanic/Latinx, Asian, Other/Multi-Racial)
- ✓ Black or African American
- ✓ American Indian and Alaska Native
- ✓ Hispanic/Latinx

Additional performance target includes:

- ✓ Ten percent of households served must be youth or young adults age 18-24, *this includes emancipated 16 and 17 year olds.*

Data from all ERAP 2.0 grantees in the county will be combined for the purpose of performance measurement and performance monitoring.

Strategies to promote equity in services:

- Affirmatively market the program.
- Outreach to and develop meaningful connections with tribal communities, farmworkers and other marginalized communities.
- Demonstrate a commitment to hiring and promoting people from communities who are most impacted by COVID in your community.
- Provide interpretation services to ensure effective communication with people who have limited English proficiency.
- Translate all documents and marketing information (including website) into the most common languages spoken by those impacted by COVID in your community.
- Offer flexible intake and services such as mobile services, virtual services and outreach-based services.
- Ensure direct services staff have relevant cultural competency training and educational materials.

#### **4.2 Local Variance**

Grantees interested in implementing program restrictions or additional eligibility requirements must ensure they are based on vulnerability and/or risk. Grantees must first consult with their grant coordinator before implementing. Examples include but are not limited to:

- ✓ Restricting income eligibility to less than 80% AMI (for example, using 50% AMI for eligibility and not just prioritization).
- ✓ Providing less than three months of future payments.
- ✓ Prioritizing households that are severely rent burdened.

#### **4.3 Dispute Resolution Center Partnerships**

Grantees must coordinate with their local Dispute Resolution Centers (DRC) if one exists within their service area. DRCs can be an important pathway to prevent evictions, and providing rent assistance can be critical to settling disputes.

There are many ways to partner with a DRC. The following list is not comprehensive and grantees should work towards a partnership that makes sense for their community.

- ✓ Prioritize referrals from the local DRC for households involved in the Eviction Resolution Pilot Program (ERPP).
- ✓ Embed a release of information in your intake process to be able to communicate with DRC staff.
- ✓ Subcontract to your local DRC to provide rent assistance.
- ✓ Train staff on ERAP 2.0 program eligibility.
- ✓ Engage with DRC staff to help resolve communication challenges between landlords and households.
- ✓ Invite DRC staff to participate in rent assistance provider meetings.
- ✓ Partner households with DRC staff to help establish repayment plans when appropriate.
- ✓ Work with DRC mediators and staff to provide training opportunities to rental assistance providers, landlords, and tenants on the following:
  - Communication to prevent escalation
  - Collaboration for mutual gain
  - Collaborative negotiation
  - Feedback for positive landlord/tenant relationship

#### **4.4 Civil Legal Aid Partnerships**

Civil legal aid services continue to be a crucial support in helping households maintain housing. Grantees should partner with these providers if one exists within their service area. The following list is not comprehensive and grantees should work towards a partnership that makes sense for their community.

- ✓ Train staff on ERAP 2.0 program eligibility and paperwork.
- ✓ Receive ERAP 2.0 referrals from civil legal aid staff.
- ✓ Engage with civil legal aid staff to help resolve communication challenges between landlords and households.
- ✓ Invite civil legal aid staff to participate in rent assistance provider meetings.

#### **4.5 Fiscal Administration**

##### **4.5.1 Invoicing & Reimbursement Requests**

Grantees must invoice Commerce at least monthly, and can invoice as frequently as weekly, for reimbursement of allowable costs. Invoices are due on the 20<sup>th</sup> of the month following the provision of services. Final invoices may be due sooner.

Exceptions to invoicing procedures can be negotiated with Commerce on a case-by-case basis.

Invoices must be submitted online using the Commerce Contract Management System (CMS) through Secure Access Washington (SAW).

#### 4.5.1.1 Advance Payments

Grantees can use the Advance Payment Request Form and procedure to request an amount of funds to be paid forward on a quarterly basis.

#### 4.5.2 Budget Revisions

Requests to move funds between budget categories must be submitted to and approved by Commerce before invoices are submitted. Funds may be moved out of Admin, but additional funds cannot be moved into Admin due to the 15 percent cap.

#### 4.5.3 Reporting

Grantees must use the **ERAP 2.0 Report Form** and submit this monthly, by the 20<sup>th</sup> of the month following service, with data from the entire month. This form can be submitted via email to your grant manager or be attached to an invoice. Please ensure you are using the most current version of the Form by visiting the website at <https://www.commerce.wa.gov/serving-communities/homelessness/cares-act-and-state-rent-assistance/>.

- ✓ Grantees within the Balance of State Continuum of Care (CoC) must not enter program data into HMIS. Enrollment into an existing CE project is allowable.
- ✓ Grantees within non-Balance of State CoCs may choose to report data in HMIS, but must still complete the Commerce ERAP 2.0 Report Form.

#### 4.6 Referrals to Youth Organizations & Coordinated Entry

Grantees must accept applications from young people age 24 and under. Grantees may refer applicants under age 24 to youth-serving organizations for additional support and services.

Lead grantees and subgrantees funded by this grant are not required to participate in the county or regional Coordinated Entry (CE) process for the purpose of this grant.

To support effective partnerships, grantees should actively create and maintain relationships with CE. Additionally, grantees should refer households to CE when their needs cannot be met by this grant assistance.

#### 4.7 Changes to Guidelines

Commerce may revise the guidelines at any time. All lead grantees will be sent revised copies. Lead grantees are responsible for sending revisions to subgrantees in a timely manner.

#### 4.8 Local Variance

Grantees interested in implementing program restrictions or additional eligibility requirements must ensure they are based on vulnerability and/or risk. Grantees must first consult with their Commerce T-RAP grant coordinator before implementing. Examples include but are not limited to:

- ✓ Restricting income eligibility to less than 80% AMI (for example, using 50% AMI for eligibility and not just prioritization).
- ✓ Providing less than three months of future rent payments.
- ✓ Prioritizing households that are severely rent burdened.

## **5 Additional Requirements**

### **5.1 Monitoring**

Commerce will monitor grantees' grant activities during the contract cycle. Grantees will be given a minimum of 30 days' notice unless there are special circumstances that require immediate attention. The notice will specify the monitoring components.

### **5.2 Required Policies and Procedures**

#### **5.2.1 Grievance**

Grantees must have a written grievance procedure for households seeking or receiving services which includes the household's right to review decisions and present concerns to program staff not involved in the grievance.

This procedure must:

- ✓ Clearly describe how households can request a review or report concerns.
- ✓ Be accessible to all households seeking or receiving services.

#### **5.2.2 Termination and Denial of Service Policy**

Grantees must have a written termination and denial policy.

This policy must:

- ✓ Describe the reasons a household would be denied services and/or terminated from program participation
- ✓ Describe the notification process
- ✓ Ensure households are made aware of the grievance procedure

#### **5.2.3 Ineligible Use of Funds**

Grantees must inform Commerce if grant funds are spent on ineligible households or expenses. Reasonable attempts must be made to prevent ineligible use of funds. Grantees must have a written procedure for when fraudulent activity by the landlord or household is suspected that includes the following components:

- ✓ Steps for investigating
- ✓ Process for notifying the State Auditor's Office (SAO) (see Appendix III for more information)
- ✓ When to notify law enforcement
- ✓ How grantees will seek return of funds if substantiated

Grantees can choose to adopt Commerce's sample policy for addressing fraud. Please consult with your Grant Coordinator for assistance establishing this.

### **5.3 Language Assistance Services Requirement**

Lead/subgrantees are required to ensure their customers with disabilities and those with

limited English proficiency have access to vital information, and are responsible for ensuring meaningful language assistance services. This requirement can be fulfilled using 1) in-person interpretation for both spoken and sign language or 2) remote interpretation using phone or video.

The following is a list of organizations that provide language interpretation services over the phone. This is not a comprehensive list or an endorsement of the services they provide; other organizations may be better suited to fulfill the language interpretation requirement:

Lionbridge: <https://www.lionbridge.com/content-transformation-services/interpretation-services/>

Language Link: <https://www.language.link/telephonic-interpretation/>

Linguistica: [https://www.linguisticainternational.com/services/over\\_the\\_phone/](https://www.linguisticainternational.com/services/over_the_phone/)

Commerce will assist with language access by translating the required client facing forms into multiple languages, and can assist grantees with translation of other written materials as requested.

## **6 Appendix I: Addressing Fraud and Ineligible Use of Funds Sample Policy**

The Treasury Rent Assistance Program guidelines require grantees to establish an Ineligible Use of Funds policy for when fraudulent activity by the landlord or household is suspected. The policy should include the following components:

- Steps for investigating.
- Process for notifying the State Auditor's Office (SAO).
- When to notify law enforcement.
- How grantees will seek the return of funds if the fraud is substantiated.

### **FRAUD REPORTING REQUIREMENTS**

If a grantee suspects or knows of Fraud, the following steps must be done. These steps must be included in your policy as well:

- Notify your Rent Assistance Grant Manager at the Department of Commerce.
- Report the loss to the State Auditor's Office (SAO) at Fraud Program - Office of the Washington State Auditor
- All records related to the suspected fraud should be kept until the investigation is complete.
- Contact your legal counsel if appropriate.
- The SAO may advise the grantee to file a police report with their local or state law enforcement.
- Do not sign any documents for restitution or repayment with any party unless approved by the SAO and the AAG (Assistant Attorney General).

Standardization of a policy that addresses fraud is important in order to minimize the impact of implicit bias in decision making around fraud and, by extension, the impact of those biases on

overall rent assistance access by marginalized populations. Additionally, it minimizes the possibility that workers will need to rely on "hunches" which could end in punitive measures, and that they instead know how their agencies expect them to respond to fraud. The information from here through page 3 is from the [HUD Fraud Prevention Guidance](#). This guidance was used in the development of the sample policy at the end of this document.

## **FRAUD**

Fraud is a criminal act in which individuals, groups, or businesses steal taxpayers' monies from local State and Federal programs. Tenants and landlords who make false statements regarding their income or family size, or alter official documents, are committing fraud. Employees who engage in bribery, embezzlement, or who alter, forge or destroy records are committing fraud.

## **COMMITMENT BY MANAGEMENT**

The rental assistance programs can make a positive difference with a commitment to preventing fraud and addressing fraud when it is suspected. Increasing fraud awareness among tenants and employees may be one of the most effective fraud prevention measures available to all managers. Prevention and awareness are the first steps in ensuring the resources are getting to those most in need.

## **WHAT CAN BE DONE TO COMBAT FRAUD**

Lead grantees should notify and educate employees and tenants as to what may constitute fraudulent activities. To accomplish this, grantees must create, adopt and implement an Ineligible Use of Funds policy that can be easily understood by tenants and employees. Fraud controls do little to deter fraud if tenants and employees are not aware that controls are in place. A policy establishes procedures for identifying, addressing and reporting fraudulent activity to the appropriate law enforcement authorities as well as to the AAG.

## **POLICY AND PROCEDURE – THE FIRST STEP IN COMBATING FRAUD**

Your Ineligible Use of Funds policy highlights the importance and commitment by you, your organization and Commerce to combat fraud.

A comprehensive policy should also include the following components:

### ✓ *POLICY STATEMENT*

- A written statement declaring the organization's commitment to fraud prevention, explaining that landlords, employees, and tenants are responsible for preventing, identifying, and reporting fraud. The Policy Statement should clearly identify who the appropriate officials are for reporting suspected fraud.

### ✓ *POLICY SCOPE*

- A written statement defining what constitutes fraud, which may include but are not limited to such activities as:
  - False statements from tenants, landlords or employees
  - Tenant misrepresentation of income
  - Bribery or kickbacks

### ✓ *FRAUD COMMITMENT BY STAFF*

- Theft or embezzlement

- Forgery or alteration of documents
  - Destruction or concealment of records
  - Profiting from the eviction rent assistance program or a conflict of interest
- ✓ *CONFIDENTIALITY STATEMENT*
    - A written statement specifying that any investigation of fraud or other criminal activity will not be disclosed except to the appropriate law enforcement authorities. It should also state that management will not retaliate against tenants or employees who report fraud, criminal activity, or other program irregularities.
- ✓ *AUTHORIZATION FOR INVESTIGATION*
    - A written statement that identifies which management officials are responsible for the investigation and by what authority. The authority should also include the right of management to obtain and examine records.
- ✓ *CONSEQUENCES*
    - A written statement that identifies administrative, civil, and criminal penalties associated with fraud and outlines the penalties for tenants and employees.
- ✓ *DUE PROCESS*
    - A written statement providing assurances that tenants, landlords and employees will be accorded full due process of law.

We are providing this framework to ensure that grantees have a fully formed fraud policy to alleviate the burden imposed on tenants with requests for backup documentation.

## Sample Policy

**Title:** Ineligible Use of Funds Policy

**Effective Date:** 10/1/2021

**Approval:** Your Director

## POLICY PURPOSE

This policy is intended to create a standardized response to fraud or suspected fraud, and to provide good stewardship of funds. Fraud prevention and awareness are the first steps in ensuring the resources are getting to those most in need. This policy attempts to seriously examine the possibility of fraud while minimizing the impact of implicit bias in decision making and, by extension, the impact of those biases on overall access by marginalized populations. Additionally, it intends to protect employees from ambiguous instruction on fraud prevention and investigation.

## SCOPE

Fraud is a criminal act in which individuals, groups, or businesses steal taxpayers' monies from local State and Federal programs. Tenants and landlords who make false statements regarding their income or family size, or alter official documents are committing fraud. Employees who

engage in bribery, embezzlement, or who alter, forge or destroy records are committing fraud. Examples of this for the temporary rent assistance programs may include: providing untrue or misleading statements about a household's income, false statements about property ownership from landlords, and employee action leading to enrichment of oneself or their friends and family, among others.

## POLICY

- A. All attempts will be made by management to communicate to employees, tenants and landlords what may or may not constitute fraud under [insert rent assistance program] guidelines. Sometimes, fraud can be committed without malicious intent, because of unclear messaging.
- B. Employees will send applications they have worked on to another employee or manager for review, to allow for oversight.
- C. Employees will look out for signs of fraud on applications and forms, or "flags." This may include inconsistent or incomplete information on applications. Employees will complete a "check" to ensure the property exists (this could be as simple as an internet "maps" search). Employees will **not** rely on "hunches," "suspicions," "intuition," or other subjective and potentially biased evidence to flag fraud. The organization will make clear what constitutes a "flag" requiring follow-up
- D. If fraud is suspected, the employee will immediately notify their supervisor and reference the County Assessor's site to verify ownership of the property.
- E. If the outlined checks are completed and the fraud concern is alleviated with substantiated evidence, no further action is needed.
- F. If the fraud is unable to be resolved by following the outlined steps, the following steps must be done:
  - a. Notify the Rent Assistance Grant Manager at the Department of Commerce.
  - b. Report the loss to the State Auditor's Office (SAO) at [Fraud Program - Office of the Washington State Auditor](#).
  - c. All records related to the suspected fraud should be kept until the investigation is complete.
  - d. Contact legal counsel if appropriate.
  - e. The SAO may advise the grantee to file a police report with their local or state law enforcement.
  - f. Do not sign any documents for restitution or repayment with any party unless approved by the SAO and the AAG (Assistant Attorney General).

## WHISTLEBLOWER PROTECTIONS

No employee, landlord, tenant, or manager who reports suspected fraud under the guidelines of this policy will be retaliated against by the program or any of its staff or agents for doing so.