



BOULDER COUNTY COLLABORATIVE

CDBG-DR

Temporary Rental Assistance

Housing Assistance Program

Program Policies and Procedures

For residents affected by the September 2013 flood

Administrating Entity:

Boulder County

Boulder County Housing and Human Services

3460 Broadway Street

Boulder, CO 80304

720-564-2294



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I. Purpose

These Program Guidelines provide the policies and standards for the management and operation of the BCC Temporary Rental Assistance (TRA) Program, administered by the Boulder County Human Services Department, using Community Development Block Grant Disaster Recovery (CDBG-DR) Program funds. The Temporary Rental Assistance Program will be administered in conformance with the Uniform Relocation Act as described in Federal Register 78 FR 14329, published on March 5, 2013.

The objectives in the administration of the Temporary Rental Assistance Program is to provide affordable, decent, safe, and sanitary housing to low and moderate-income households. The Temporary Rental Assistance Program is a **short- to medium-term rental assistance program** that provides assistance to eligible households who were displaced from their permanent homes as a direct result of the September 2013 flood. The Program is for households who:

- Have not found permanent housing after being displaced
- Are unable to occupy their residence while determining if their permanent home can be repaired or needs to be replaced
- Need temporary housing while their permanent residence is being repaired, reconstructed or constructed.

The goal of this Program is to provide moving and temporary rental assistance, not to exceed twenty-four (24) months, to displaced households.

2. Program Administration

The Boulder County Human Services staff are responsible for accepting applications, determining eligibility and the length of time the rental assistance will be required, calculating award amounts, and providing advisory services to applicants throughout the Temporary Rental Assistance process.

The county has staff to administer the Program, including the approval of temporary rental housing units and rents, conducting inspections to assure the rental property meets housing quality standards, authorizing and making payments for eligible program costs.

3. General Program Information

- Approved households are eligible to receive up to twenty-four (24) months of assistance through participation in this Program.
- Because households are informed that they may receive “up to” 24 months of assistance, assistance can be for shorter periods of time or cancelled at any time at the discretion of County of Boulder staff.
- Households will receive at least 60 days notification of termination of benefits in order to prevent undue hardship.
- Eligible expenses must be verified by a vendor /third party payee and are limited to the following:
 - Rent
 - Security deposits
 - Utility deposits
 - Moving expenses
- Housing Assistance payments will be paid directly to the Landlord on the first of every month.
- Moving expenses will be paid directly to the household.
- Rents may not exceed 110% of the Fair Market Rent for the County in which the housing unit is located. The State may approve rents exceeding 110% on a case-by-case basis.
- Security deposits may be paid up to a maximum of two months’ rent for the unit.

- Utility deposits may be made in conjunction with temporary rental assistance. Utilities include those required for water/sewer, cooking, heating, lighting, and trash collection. Telephone, internet and cable/satellite TV are not considered utilities for this purpose.
- Each application is given careful, individual consideration, but the County of Boulder does not guarantee assistance to anyone.
- All awards are made, according to this policy, at the sole discretion of the County of Boulder staff.
- Should County of Boulder staff learn at any time that an applicant and/or a prospective landlord has behaved in a dishonest or fraudulent way during the application process in order to receive assistance or rental/deposit payments, assistance will be denied and funds will be required to be repaid to the County.
- CDBG-DR funds paid which result in a duplication of benefits already received or received after this assistance is provided will be required to be repaid to the County.

4. Maximum Award

The maximum per-household dollar amount includes funds used both for actual rent payments and security deposit payments, utility deposit payments and moving expenses not to exceed \$20,000 per household. The household’s share of housing costs is calculated by formula. The household will pay 30% of its monthly adjusted income for total housing costs. Temporary Rental Assistance is available to eligible renter and homeowner households.

Homeowner households will have the amount of their mortgage payments factored into their monthly housing costs. Mobile home occupants who continue to have their lot payments while in temporary rental housing will also have the amount of their mobile home lot rent factored into their monthly housing costs. If the total housing costs surpass 30% of the household’s adjusted gross income, the County will pay the household the difference.

Example

Gross monthly income	\$2000
30% of gross monthly income	\$667
Monthly mortgage payment	\$500

Total Tenant payment for housing costs	$\$667 - \$500 = \$167$
Assistance Calculation	
Monthly Rent	\$1000
Minus Tenant payment	\$167
Amount of Rental Assistance	\$833

5. Household Eligibility Criteria

5.1 Priorities

Homeowners and renters residing in Boulder County during the September 2013 flood whose primary residence received direct flood damage and were determined by FEMA, a City Building Inspector or another approved 3rd party to be uninhabitable or unsafe will be eligible for the Program, with priority given to households that:

- resided in mobile or manufactured housing at the time of the flood
- are elderly
- are disabled
- have gross annual incomes at or below 30% of Area Median Income (AMI)

5.2 Income Eligibility

Total household income must be less than 80% Area Median Income (AMI). Total household income will be calculated using the 1040 Income Calculation Method. For more information on income calculation, (see the BCC CDBG-DR 1040 Income Calculation Method Policy and Procedure attached as Attachment A). If the rent assistance will be provided beyond 12 months, the household will be income certified for the second year of assistance one month prior to the one year anniversary of initial occupancy to assure income eligibility for continued program eligibility. If the household is determined to be over income the County will give a 30-day notice of termination of TRA award benefits.

5.3 Citizenship Requirements

Every member of the household must be a citizen of the United States or be lawfully present in the Country. Before any assistance may be provided, residency documentation must be provided for every household member by completing a Declaration of Residency form (obtained from the Boulder County Housing and Human Services) or by providing appropriate documentation.

5.4 Duplication of Benefits (DOB):

The BCC TRA will comply with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121-5207) as amended, (Stafford Act).

5.4.1 Requirement to Notify TRA Program of Additional Assistance to Tenant

Any additional assistance received for the purpose of temporary rental assistance while the tenant is receiving CDBG-DR rental assistance must be subrogated to the County of Boulder. It is the responsibility of the tenant to report any such assistance to the TRA program at the time of receiving the additional funds. If the tenant is still receiving TRA assistance at the one year anniversary of assistance award, the tenant will be required to sign an Affidavit of No Additional Rental Assistance.

Upon notification of additional assistance, the County's TRA staff will recalculate continued assistance and/or possible repayment of CDBG-DR assistance. For example, the tenant has been approved for 12 months of rental assistance at \$500 per month for a total of \$6,000 during the eligibility period. Subsequent to the tenant receiving assistance, the tenant receives \$2,000 from a local charity to assist with rental assistance. If the additional assistance is received after the 12 month TRA assistance expires and the tenant is still displaced, the additional assistance will not be counted against the previous rental assistance. If the additional \$2,000 assistance is received after the 12 month TRA assistance expires and

the tenant is no longer displaced, then the \$2,000 must be returned to the County as this is considered a DOB. The BCC DOB Policy is attached (Appendix B).

5.5 Eligible Temporary Housing Units

The applicant is limited to choosing units that do not exceed the Housing Payment Standards which are based on 90-110% of the Fair Market Rents developed by the Department of Housing and Urban Development. The County of Boulder will determine that the rent is reasonable in comparison to the rent charged for comparable, unassisted units in the area. The gross rent (contract rent plus utility allowance) cannot exceed the payment standard for the appropriate unit size.

Households do not have the choice of paying an amount higher than is required by the formula in order to rent a more expensive unit.

Households who receive assistance may choose from any housing unit as long as that unit is:

- Located in Boulder County target area, which is within 30 miles of the County of Boulder county limits.
- Meets Section 8 Housing Quality Standards (HQS) including Lead Based Paint Standards and local housing codes.
- Rented for an amount that does not exceed 110% of the Fair Market Rent as determined by HUD for the County in which the housing unit is located.
- Privately or publicly owned but does not receive project based rental subsidies.

6. Fair Market Rent Limits for Boulder County

Final FY 2015 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FMR	\$857	\$996	\$1,232	\$1,815	\$2,157
110% FMR	\$943	\$1,096	\$1,355	\$1,997	\$2,373

The table below contains the Fair Market Rents starting January 1, 2016.

Final FY 2016 FMRs By Unit Bedrooms					
	<u>Efficiency</u>	<u>One-Bedroom</u>	<u>Two-Bedroom</u>	<u>Three-Bedroom</u>	<u>Four-Bedroom</u>
FMR	\$989	\$1142	\$1,381	\$2,004	\$2,382

110%					
FMR	\$1088	\$1,256	\$1,519	\$2,204	\$2,620

The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four bedroom FMR, for each extra bedroom. For example, the FMR for a five bedroom unit is 1.15 times the four bedroom FMR, and the FMR for a six bedroom unit is 1.30 times the four bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero bedroom (efficiency) FMR.

If the unit is located outside to Boulder County jurisdiction, the FMR for that County will be used if different from the Boulder County rent limits.

7. Occupancy Standards

- Two persons of the same sex can occupy a bedroom.
- Adults of the opposite sex, other than spouses, may not be required to share a room.
- Children of the opposite sex (if above the age of six) may not be required to share a bedroom.

The occupancy standards will be used to determine the size of the unit for which the household qualifies. A participant may select a larger unit but the Fair Market Rent for the minimum sized unit for which the household qualifies is the maximum that will be paid. Participants may select a smaller unit if it does not violate local codes or pose a serious overcrowding problem. The rent amount for the housing unit will not exceed 110% of the Fair Market Rent according to the actual size of the unit.

The household will be unable to select a unit in excess of the FMR unless the County determines the unit to be rent reasonable based on comparable units in the area. If the unit is approved the household then would be responsible for the additional rent above the FMR.

8. Application Procedures

Income is used to classify households as either low to moderate-income (LMI) households or non-LMI households based upon income limits published by HUD. Eligible households must have incomes below 80% of the AMI.

1. **Initial Contact:** All inquiries about the Boulder County Temporary Rental Assistance Program will be handled by the Boulder County Housing and Human Services recovery staff. Information on the Program is available from the Boulder County Housing and Human Services located at 3460 Broadway, City of Boulder, or an information packet can be mailed to an interested person by the County of Boulder. This information packet consists of:
 - a) Application
 - b) Program Information Forms and Brochure
 - c) Documentation Requirement Form. Income will be verified according to prescribed Section 8 Income Certification processes
 - d) Lead Based Paint Information
 - e) Duplication of Benefit Statement

After 6 months all required documentation must be resubmitted for re-verification unless the applicant has signed a lease with an approved landlord.

- 2. Processing and Approval:** The application will be reviewed and eligibility will be determined by County staff. Applicants must disclose all sources of income and financial assets for household members 18 years and older. The applicant must provide acceptable documentation to the County. All household members must be able to provide proof of legal residency with documentation acceptable to HUD.

Qualified applicants will be sent:

- An introduction letter informing them of their preliminary approval for program assistance,
 - The name and contact information for their case manager;
 - Explanation of funding sources and restrictions; and
 - A description of the next steps.
- Letters will be sent to those whose applications are denied with an explanation of their rejection and information for the appeals process.

Completed applications of income-eligible households will be prioritized on a monthly basis. Those households who were living in mobile/manufactured housing at the time of the flood, are elderly, and/or are disabled will be prioritized over other qualified households. Qualified households who are not in one of the three priority categories will have their application considered once priority applications have been considered and depending on available funding.

9. Appeals

All appeal requests related to the Temporary Rental Assurances Program will be processed and reviewed by the Boulder County Recovery Manager. Within 30 days of the notice of program ineligibility an applicant may appeal the determination.

An applicant may appeal the following decisions:

- Eligibility determination
- Total Tenant Payment calculation
- Denial of a rental property
- Termination of benefits

The BCC Appeal Policy is attached (Attachment C).

10. Household Rent Contributions

The household's share of housing costs is calculated by formula. The household will pay 30% of its monthly adjusted income for total housing costs. Temporary Rental Assistance is available to eligible renter and homeowner households.

Homeowner households will have the amount of their mortgage payments factored into their monthly housing costs. Mobile home occupants who continue to have their lot payments while in temporary rental housing will also have the amount of their mobile home lot rent factored into their monthly housing costs. If the total housing costs surpass 30% of the household's adjusted gross income, the City will pay the household the difference. See the calculation Example in the Maximum Award Section found earlier in this Policy and Procedures document.

The Temporary Rental Assistance Program will apply a utility allowance for tenant paid utilities. The utility allowance will estimate the average cost of utilities for typical types of housing by unit size and for various utilities. The utility allowance will be added to the contract rent to establish the total housing cost. Utilities included in the schedule are those required for water/sewer, cooking, heating, lighting, and trash collection. Telephone, internet and cable/satellite TV are

not considered utilities for this purpose. The total gross housing costs (including rent and allowable utility costs) cannot exceed 110% of the Fair Market rent for the unit size and county the unit is located in.

11. Annual Reexaminations for Continued Eligibility

Eligibility for continued participation shall be determined once each year by the anniversary date of the initial occupancy. To be eligible for continued participation, the household must meet the same criteria established for initial acceptance into the Temporary Rental Assistance Program. Households who are ineligible for any reason will be notified in writing of such ineligibility and will be given a 60-day notice of award termination.

Once the rental subsidy is established, the subsidy shall remain in effect until the next scheduled reexamination or until circumstances occur that would warrant a rental adjustment. The participant will be required to report changes in family composition and gross income within 30 days of the change, which may affect the Total Tenant Payment (TTP). If a household's income has increased above the 80% AMI level at recertification, the Temporary Rental Assistance will be terminated, with a 60-day notice of award termination.

12. Approval of Temporary Housing Units and Rents

Boulder County staff will schedule initial inspections with landlords upon receiving the Rental Assistance Program Request for Unit Approval form from the program participant. Landlords will be told of the inspection findings in writing. If the landlord is not willing to make the unit ready for move-in, the participant will need to find another unit which meets the HQS requirements. Once a unit meets HQS, the landlord must provide a copy of the proposed lease to County staff who will review the lease and approve it before it is signed.

Units identified by the Program participant must be acceptable under the following guidelines:

- Rent Reasonableness: Agency will insure that the rent does not exceed 110% of the Fair Market Rent for the County in which the housing unit is located.
- Housing Conditions: HQS will be applied to all units assisted with Temporary Rental Assistance funds.
- Size Requirement: The HUD Occupancy Standards will be used to determine the unit size for each household.
- Lease Approval: The lease must comply with the requirements in 24 CFR 92.253 (Tenant and Participants Protection).

§ 92.253 Tenant and participant protections.

(a) Lease. The lease between a tenant and an owner of rental housing assisted with Rental Assistance Program funds must be for not less than one year, unless by mutual agreement between the tenant and the owner.

(b) Prohibited lease terms. The lease may not contain any of the following provisions:

- (1) Agreement to be sued.** Agreement by the tenant to be sued, to admit guilt or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;
- (2) Treatment of property.** Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with State law;
- (3) Excusing owner from responsibility.** Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;

(4) Waiver of notice. Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;

(5) Waiver of legal proceedings. Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;

(6) Waiver of a jury trial. Agreement by the tenant to waive any right to a trial by jury;

(7) Waiver of right to appeal court decision. Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and

(8) Tenant chargeable with cost of legal actions regardless of outcome. Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.

(c) Termination of tenancy. An owner may not terminate the tenancy or refuse to renew the lease of a tenant of rental housing assisted with Temporary Rental Assistance Program funds except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing; or for other good cause. To terminate or refuse to renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

Once Boulder County staff has verified the unit is acceptable and the lease has been approved, a Lease Addendum will be executed.

13. Moving to a Different Temporary Housing Unit

A participating household may choose to move to a different unit within the approved length of rental assistance or the 24 month maximum period (whichever is the lesser time period). The participant will be required to follow their current lease provisions when terminating their lease. If the participant violates the provisions of their lease, continued rental assistance will not be approved.

If a household is evicted from their temporary housing unit for cause, Boulder County will terminate assistance and the household will not be eligible for continued assistance in another unit.

14. Lease Enforcement and Termination of Tenancy

The County of Boulder is not a party to the tenant/landlord lease and will not be obligated to enforce or intervene in a tenant/landlord dispute. If the household is legally evicted for cause, Boulder County will terminate assistance to the participant and no further assistance for a replacement unit will be approved.

15. Termination of Assistance

Assistance will be terminated:

- When the participant no longer needs temporary rental housing assistance because they re-occupy their repaired, or reconstructed home.
- When the Agreement for Rental Assistance expires.
- If the unit fails to meet HQS and is not corrected within the required time. Health and safety concerns will be required to be repaired within 24 hours.
- If the household has committed fraud.
- If there is a duplication of benefits which exceeds the amount of eligible assistance.
- If the household fails to meet the terms of the lease and the landlord evicts for cause.

- If the participant fails to recertify as required under the Program.
- If the participant moves from the unit in violation of their lease.

16. Security Deposit

Onetime security deposit assistance may be provided to the household. Approval will be based on the household needs as determined by the BCC. Participants requesting security deposit assistance will be required to attend a one-on-one budget counseling meeting to determine need. The amount of security deposit assistance will not exceed two (2) times the monthly contract rent and will be paid directly to the landlord.

Security Deposits are provided to property owners/managers for the benefit of the participant. Upon termination of residency, the security deposit will be returned to the participant, after adjusting for damage charges.

17. Mobile Home Park Optional Relocation Policy

The Mobile Home Park Optional Relocation Policy (Optional Relocation Policy) only applies to mobile home parks where a BCC partner is acquiring or intends to acquire land for flood mitigation work. When determined to meet an urgent community need under 24 CFR 570,.208(c), CDBG/CDBG-DR funds may be used for the relocation of an owner of a mobile home legally residing at a mobile home park that a BCC partner is purchasing for flood mitigation. Funding for temporary rental assistance to qualified households will be an eligible cost under the CDBG-DR TRA Program.