

Homelessness Prevention Eligibility Discussion

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Presenters

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Questions

- Enter questions into Question panel of GoToWebinar
 - Questions will be addressed at the end of each section
- If have questions after the webinar, email esg@tdhca.state.tx.us

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Discussion Objectives

- To gain a better understanding of types of eviction and their documents for eligibility verification
- To better understand how to sufficiently document eligibility during eviction moratoria
- Reminders for Program Design

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Reminders: Homelessness Prevention Eligibility

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Reminder: Existing ESG HP Eligibility & Income resources

ESG Video Library

- At Risk of Homelessness Definition and Recordkeeping
- Homeless Definition and Recordkeeping
- ESG Documentation
- Income Eligibility Training

Program Guidance

- HUD Guidance
 - Criteria and Recordkeeping Requirements for Definition of Homeless
 - Criteria for Definition of At Risk of Homelessness
 - Income Determination resources
- TDHCA Guidance
 - Recordkeeping for At Risk of Homelessness Definition (PDF)

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Reminder: Eligible Criteria for HP

- Income Requirements (30% annual, 50% CARES); and
- No other resources and supports; and

At Risk of Homelessness Definition

- **Category 1 – Individuals and Families**
 - Cat 1c focus of discussion
- Category 2 – Unaccompanied Children and Youth
- Category 3 – Families with Children and Youth

Homeless Definition

- **Category 2 – Imminent Risk of Homelessness**
 - Focus of discussion
- Category 3 – Homeless under other Federal Statutes
- Category 4 – Fleeing/Attempting to Flee Domestic Violence

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Comparison: At Risk—Category 1c vs. Homeless—Category 2

At Risk of Homelessness, Category 1 (c)

- Has income no greater than 30% AMI (annual ESG) or 50% AMI (ESG-CV)
- Lacks sufficient Resources or Support Networks
- Has been notified that their right to occupy their current housing or living situation will be terminated within **21 days** after the date of application for assistance

Homeless Definition, Category 2

- Has income no greater than 30% AMI (annual ESG) or 50% AMI (ESG-CV)
- No subsequent residence has been identified
- Lacks the resources or support networks needed to obtain other permanent housing
- The primary nighttime residence will be lost within **14 days** of the date of application for homeless assistance

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Eviction Moratoria and Eligibility

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CDC Eviction Moratorium

- What is covered:
 - Eviction for Non-payment of rent
- What may not be covered:
 - Eviction for Lease Violations
 - Holdover (Lease expiration) Evictions

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Previously shared HUD Technical Assistance Resources on Moratoria

COVID-19 Homeless System Response: Eligibility During Eviction Moratoria



COVID-19 Homeless System Response: ESG Homelessness Prevention Eligibility During Eviction Moratoria



Applicability of the CDC Moratorium in Texas

The Texas Supreme Court's 34th Emergency Order, which applied the provisions of the CDC eviction moratorium to Texas courts, expired effective March 31, 2021

While the CDC Eviction Moratorium has been renewed, the Texas Supreme Court's 34th Emergency Order was not.

<https://www.tjctc.org/coronavirus.html>

Local Ordinances Preventing Eviction

- Subrecipients should check local ordinances preventing eviction that may affect program participant eligibility criteria

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CDC Declaration Documentation for HP Eligibility

- Documenting the use of the CDC Declaration
 1. Document that the CDC Declaration form was completed by the applicant and submitted to the landlord; AND
 2. Document that the landlord has taken issued a Notice to Vacate or taken other legal action after the date the CDC declaration form was submitted to the landlord.

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3rd Party Source Documents from the Eviction Process

- A **court order** resulting from an eviction action that requires the individual or family to leave their residence within 14 days after the date of their application for homeless assistance; or
 - **Notice equivalent to an eviction action** under applicable state law; or
 - **Notice to Quit**; or
 - **Notice to Terminate** under state law.
- You can learn more about the eviction process at the Texas State Law Library
- <https://guides.sll.texas.gov/landlord-tenant-law/eviction-process>

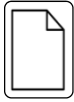
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Where can I learn more about the eviction process in TX?

- Texas RioGrande Legal Aid
 - [The Eviction Process \(Color PDF\)](#)
 - [COVID-19: Eviction Relief](#)
- [Legal Aid of NorthWest Texas](#)
- [Lone Star Legal Aid](#)

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Reminder - Verification Documentation



3rd Party - Source

- An original or authentic document generated by a third party source, and not solely for the purpose of verifying information.



3rd Party – Written

- Written documentation sent directly by the third-party source by mail or electronically by fax, email or internet



3rd Party – Oral Verification

- Documented and certified as true and complete by intake staff



Intake Observation/Self Certification

- May only be used when listed as an allowable form of verification

TDHCA ESG Webinars:

- Homeless Definition and Recordkeeping
- At Risk of Homelessness Definition and Recordkeeping

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Q & A

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Other Reminders

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ESG CARES - Hazard Pay

- Can be used as an incentive to obtain and maintain staff
- Provide hazard pay for subrecipient staff working directly to prevent, prepare for, and respond to coronavirus among persons who are homeless or at-risk of homelessness.
- The hazard pay must be tracked separately and can be charged under each program component serving clients
- Program Administration Form:
 - ESG CARES Salary and Wage Cost Calculator (XLSX)

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Written Standards Check Up

- How many months of rental arrears does your agency provide?
- How many months of rental assistance (going forward) does your agency provide?
- Do you assist with utility payments and utility arrears?
- What applicable eligible costs under financial assistance do you provide?
- Are their restrictions beyond ESG Requirements for client eligibility that need to be reduced or removed?

Updated Written Standards should be sent to esg@tdhca.state.tx.us

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Housing Choice Vouchers and HP

- Sometimes referred to as "Section 8"
- 24 CFR 576.106(c)
 - *Use with other subsidies.* Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a program participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance, through other public sources.
- One-time payment of rental arrears on the tenant's portion of the rental payment is allowable under ESG (annual and CARES)
- Other services and assistance can be provided if it does not duplicate a form of assistance they are already receiving

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Reminder: Budget Amendments

- Budget Amendment Forms can be found on the TDHCA ESG Program Guidance page
 - Forms
 - Program Administration
 - [ESG Annual Budget and Match Amendment Form \(XLS\)](#)
 - [ESG CARES Budget Amendment Form \(XLS\)](#)
- Email completed forms to esg@tdhca.state.tx.us

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Questions? Email us at
esg@tdhca.state.tx.us



Links

- ESG Homelessness Prevention Eligibility During Eviction Moratoria (HUD)
<https://files.hudexchange.info/resources/documents/COVID-19-Grants-Management-ESG-Homelessness-Prevention-Eligibility-During-Eviction-Moratoria.pdf>
- Texas State Law Library: The Eviction Process
<https://guides.sll.texas.gov/landlord-tenant-law/eviction-process>
- TDHCA ESG Quick Links
 - TDHCA ESG Program Guidance webpage
<https://www.tdhca.state.tx.us/home-division/esgp/guidance-solutions.htm>
 - TDHCA ESG Video Library
<https://www.tdhca.state.tx.us/home-division/esgp/video-library.htm>
- CDC Eviction Moratorium
<https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>
- Texas Legal Aid Providers
 - Texas RioGrande Legal Aid
<https://www.trla.org/>
 - Lone Star Legal Aid
<https://lonestarlegal.blog/>
 - Legal Aid of Northwest Texas
<https://internet.lanwt.org/>
 - <http://stopteviction.org/>