



Tapping into rental assistance funds

A guide for Bay Area landlords looking to access stimulus dollars designated for recouping rent debt that accrued during the pandemic.

BORNSTEIN LAW
BAY AREA REAL ESTATE ATTORNEYS

SB 91 was Sacramento's compromise to avoid a perceived tsunami of evictions while assisting landlords who have experienced a hardship of their own.

After suffering a drought in rental income, landlords can now tap into a pool of stimulus funds to recoup 80% of rent debt that has accrued from April 1, 2020, through March 31, 2021. In exchange for participating in the program, the remaining 20% of the rent owed must be forgiven. Yet the devil is in the details.

We have a good grasp of the regulatory regime and can assist in helping navigate the minefields of the pandemic.

The funds will flow first to those most in need.



One metric is the Area Median Income (AMI) for a given region.

Where do your tenants fall? 3 broad categories:

- Low Income (80% AMI)
- Very Low Income (50% AMI)
- Extremely Low Income (30% AMI)

A few words about AMI:

- This will depend on household size, not the individual tenant or the “breadwinner” in this household.
- Will vary by region.
- These values are pre-determined by household size and rental assistance application portals do a good job at laying them out without any additional legwork needed.



SB 91 is the state law that applies throughout California, but local governments have latitude to devise their own programs to implement it. Since the spirit of the legislation was to help tenants most in dire straits, preferential treatment is given to renters with the most pronounced hardship. This means that the hardest- hit tenants will be the first in line to receive rental assistance funds.

Location:	Income requirements to qualify:	Priority given to:
California (SB 91)	At or below 80% AMI	Households at or below 50% AMI
Alameda County's unique program (Not applicable to Oakland and Fremont)	At or below 80% AMI in accordance with state law	Households at or below 30% AMI
Oakland's unique program	At or below 50% AMI	Households at or below 30% AMI
Fremont's unique program	At or below 80% AMI in accordance with state law	Households at or below 50% AMI (mirrors state law)
San Francisco's unique program	Prerequisite is expected to be 30% AMI	To be determined

Localities can and have crafted their own criteria to prioritize applications. Generally speaking, rental assistance funds will be triaged based on need.



Are landlords eligible for the state program, local program, or eligible for both?

Option A - Eligible for State Program

Option B - Eligible for Local Program

Option C - Eligible for Both State and Local Programs



The Alameda County Housing Secure Emergency Rental Assistance Program (ACHS-ERAP)

Oakland and Fremont are excluded, as these localities have carved out their own programs.

Alameda is “Option B,” meaning rental assistance is only available by the county program, not the state program.

Alameda County landlords, with the exception of Oakland and Fremont, must apply through the county’s unique portal.

Minimum eligibility requirements:

- Experiencing financial hardship due to COVID-19
- Experiencing housing instability or a risk of homelessness, such as past-due rent or utility bills
- A low-income individual or household (at or below 80% AMI)

Where to get more information?

<https://www.ac-housingsecure.org/>

Where can landlords apply?

<https://www.tfaforms.com/4890844>

Where can tenants apply?

<https://www.tfaforms.com/4889361>

Priority consideration given to the following applicants:

- (1) tenant households making less than 30% of the area median income;
- (2) small rental property owners (5 units or less); and
- (3) tenants in subsidized affordable housing units. These priorities will be expanded in Phase 2.



Keep Oakland HOUSED program

The City of Oakland has elected for "Option C," meaning Oakland applicants are eligible to apply through both the local and state programs.

Oakland marches to the beat of its own drum by devising its own rental assistance program distinct from Alameda County.

Where to get more information?

<https://www.oaklandca.gov/resources/housing-resources-erap-emergency-rental-assistance>

Where can landlords apply?

If the landlord furnishes 100% restricted affordable housing, email HousingAssistance@oaklandca.gov with the subject line "ERAP for Affordable Housing."

Other landlords can start the application process by visiting https://housing.ca.gov/covid_rr/index.html.

Where can tenants apply?

<https://hpp.bayareacs.org/>

Priority given to the following applicants:

- At or below 30% of AMI
- Have previously experienced homelessness
- Reside in a zip code with high infection rates of COVID-19
- Households with seniors, families with children, households with disabled persons.



A word about San Francisco

The Mayor's Office of Housing and Community Development is expected to launch an online application and guidelines for a community-based program come late April.



Contra Costa County

Although San Francisco is still finalizing its rental assistance program as of the date of this writing, landlords can still apply on the state's website in the interim:

https://housing.ca.gov/covid_rr/index.html

The City has indicated its rental assistance program will prioritize the most vulnerable renters, perhaps households earning at or below 30% of AMI. For this reason, San Francisco Landlords are urged not to wait for the program to be unveiled and instead seek state assistance.

You can get more updates as they become available here:

<https://sf.gov/information/update-us-treasury-emergency-rental-assistance-programs>

As an "Option A" locality, Contra Costa County has no local rental assistance programs.

Instead, landlords and tenants can apply through the state's portal:

https://housing.ca.gov/covid_rr/index.html.



Keep Fremont Housed program

While we always urge landlords to work closely with tenants to complete the rental assistance application, it is even more imperative in Fremont, because the landlord has no other recourse. Only tenants can seek help.

Fremont is an “Option B” locale, meaning that Fremont tenants can only obtain assistance through the local program.

Only tenants can apply for assistance. Application can be found here:

<https://keepfremonthoused.bayareacs.org/>

Priority is given to the following applicants:

- Applicants have a level of household income at 50% AMI or lower;
- Eligible households include an individual who has been unemployed for the 90 days prior to application submittal;
- Applicants who are rent burdened (rent is over 50% of household income)
- Tenants in affordable housing

Documentation required in Alameda County:

Landlords:

- IRS W-9 Form
- Documentation of property ownership such as property tax record, mortgage statement, property deed, mortgage note, property insurance statement. or other proof of ownership.
- Landlords may be asked for additional documentation to verify tenancy and amount of rent owed.

Tenants:

- Government-issued identification (Only for household members over the age of 18)
- Proof of tenancy such as current lease or evidence of rent payments
- Documentation of financial hardship due to Covid-19
- Proof of income
- Documentation of housing instability such as past due rent notice or utility bills

Documentation required in Oakland:

Landlords:

- IRS W-9 Form
- Verify Residency: ONE of the following
 - Lease agreement
 - State issued program id with license
 - Official letter from third party showing name and address
 - Government issued library card
 - Utility statements from provider
- Verify Ownership: ONE of the following
 - Property deeds
 - Mortgage note
 - Property tax forms
 - Homeowner insurance
- Verify Rent Owed: ONE of the following:
 - A current lease signed by the applicant and the landlord or sublessor that identifies the unit where the applicant resides and establishes the rental payment amount.
 - In the absence of a signed lease, evidence of the amount of a rental payment may include:
 - Bank statements
 - Check stubs, or other documentation that reasonably establishes a pattern of paying rent
 - Written attestation by a landlord who can be verified as the legitimate owner or management agent of the unit

Tenants:

- One form of personal identification
- Verification of where you live
- Proof of loss of income or financial hardship
- Verification of rent or utilities owed

Examples of acceptable documents can be [found in this PDF](#).

Documentation required in Fremont:

Landlords (all 3 are required)

- Copy of lease held by the Applicant. If a lease is not available, please submit one of the following: a signed attestation by the landlord, utility bill in the applicant's name, bank statement showing payments to the landlord, or check stubs showing evidence of paid rent. Landlord needs to be identified as the legitimate owner or property manager of the unit verified by City Staff.
- Documentation from landlord for rent owed – signed by landlord or authorized representative
- IRS Form W-9 completed by the landlord

Tenants:

- One form of personal identification
- Verification of where you live
- Proof of loss of income or financial hardship
- Verification of rent or utilities owed

Examples of acceptable documents can be [found in this PDF](#).

Questions? For informed advice on how to come out on the other side of the pandemic unscathed, contact the law firm built for rental property owners.

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To request a consultation online, visit bornstein.law/consultation

For additional educational materials, visit bornstein.law/resources