

**Request for Statement of Qualification
Cuyahoga County Department of Development
Emergency Rental Assistance for Low and Moderate Income Households**

**Issued February 22, 2021 – Submissions due by 8:30AM on March 1, 2021
Email submissions to Paul Herdeg, pherdeg@cuyahogacounty.us**

Background Statement: Cuyahoga County has on hand approximately \$23.5 million from the U.S. Treasury for emergency rental assistance on behalf of eligible county residents impacted by COVID-19. These funds are meant to prevent evictions and maintain housing for persons and households economically impacted by the economic distress caused by COVID-19. The authorizing legislation allows funds to be used for rent payments, some types of utility assistance and “other expenses related to housing”, yet to be fully defined by the U.S. Treasury, with up to 10% of the total allowed for operating costs and certain housing stability services.

Special Note on “Other Expenses Related to Housing”: Due to the current uncertainty as to what qualifies beyond rent and utility assistance, Cuyahoga County encourages submissions from organizations wishing to propose innovative uses for the funds, if allowed by the U.S. Treasury. For example, lead remediation or other safety repairs and improvements to housing units occupied by eligible tenants might be proposed. Any nonprofit organization may, if it wishes, submit a response focusing on innovative uses of the funds for eligible tenants, with or without rent and/or utility assistance.

Special Note on Housing Stability Services: To the extent allowed by the U.S. Treasury, Cuyahoga County encourages submissions from nonprofit organizations wishing to provide housing stability services directly to eligible tenants, with or without also providing rent and/or utility assistance. Such services might include legal assistance.

Funds must be used in full by December 31, 2021. Failure to use at least 65% of the funds by September 30, 2021, will result in permanent loss of the shortfall amount.

Cuyahoga County’s Allocation Process: Approximately \$23.5 million of Cuyahoga County’s 2021 emergency rental assistance funds will be awarded to one or more nonprofit agencies to carry out eligible activities through legislation passed by Cuyahoga County Council. Responses to this RFQ will be essential to the allocation process. Staff reviewing the statements of qualification may request additional information and may negotiate with one or more of the agencies responding to the RFQ.

Statements of qualifications must be emailed to Paul Herdeg at the following address: pherdeg@cuyahogacounty.us. If you do not receive an emailed confirmation, please call Paul Herdeg at (216) 443-7257. Early submission by 4:30PM on Friday, February 26, 2021 is strongly encouraged, to avoid any last minute email delivery issues, but all complete responses received by 8:30AM on March 1, 2021, will be equally considered.

The time period of each award under this formal RFQ will be April 1, 2021, or later, through December 31, 2021, with expenditure of at least 65% of each award required by September 30, 2021. Cuyahoga County reserves the right to make any number of awards to organizations, and to make awards in stages based on need and further federal guidance.

An optional pre-proposal meeting (virtual due to COVID-19) will be held on Tuesday, February 23, 2021, at 11AM via Microsoft Teams with a phone call-in option.

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

(440) 452-2064 code 453 429 775#

To ensure fairness and transparency, all questions from potential vendors must be submitted in the pre-proposal meeting, or by email. Responses to relevant questions about this Request for Qualifications asked in the online meeting, or emailed to pherdeg@cuyahogacounty.us by 4:30PM on Tuesday, February 23rd, will be posted on the Cuyahoga County Department of Development website on Wednesday, February 24th.

The review team will evaluate Statements of Qualifications on a 100 point rating scale:

Up to 30 points for the agency's financial and administrative capacity.

Up to 30 points for the agency's prior history providing emergency assistance.

Up to 30 points for the quality of the agency's outreach, application, and distribution plan.

Up to 10 points for the agency's demonstrated commitment to equity in its programming.

If multiple awards are made covering different types of services, the highest rated nonprofit(s) providing each specific type of service will be recommended for award(s).

STATEMENT OF QUALIFICATIONS – REQUIRED FORMAT FOR RESPONSES

Date: Organization Name:

Contact Person:

Email Address: Phone:

Mailing Address:

Organization Service Area:

Number of Locations in Service Area:

Multilingual service capacity: Language(s):

Current Services Provided:

Required Narrative Statements:

- Summarize your plan to quickly, accurately, and effectively process a high volume of applications for emergency rental assistance, utility assistance, or other costs related to housing (as allowed by the U.S. Treasury) with 65% of the funds expended by September 30, 2021 and all funds expended by December 30, 2021.
- Describe your outreach plan, including your plan to coordinate outreach and intake with other agencies serving the same tenant population.
- Give particular attention to ensuring equity in the distribution of the limited federal funds, both for tenant households and also for small property owners.
- Describe your organization's capacity and prior experience with providing emergency financial assistance, including but not limited to assistance with rent, mortgage, and utility payments, to low and moderate income households using federal income eligibility rules.
- As part of your plan, describe the methodology you would use to ensure that all financial assistance follows applicable federal rules, including but not limited to:
(1) Verifying household income eligibility as required by the U.S. Treasury rules.

- (2) Determining need, including verifying there is no duplication of assistance for the same need between Treasury/CDBG/ESG and federal Small Business Administration funding, such as EIDL and PPP loans to sole proprietors.
- (3) Issuing emergency assistance payments properly to third parties including but not limited to landlords, utility companies, and providers of other eligible services such as lead remediation and other repairs and safety improvements.
- (4) Recordkeeping and reporting, including making data available to other providers to ensure there is no duplication of Treasury/CDBG/ESG funded emergency assistance for the same need.

- Describe your organization’s financial capability to provide financial assistance on a blended partial advance / monthly reimbursement basis including line of credit availability to ensure assistance is paid timely despite any reimbursement delays.
- Attach, or provide a link to online storage to download, relevant staff resumes and a copy of your organization’s most recent audited financial statement.

Required Certification – Scanned Signature or Electronic Signature Required

I HEREBY CERTIFY that I have the authority to respond on behalf of the entity described herein, and that the information contained herein and attached hereto is true, complete and correct to the best of my knowledge.

I acknowledge and agree that if this information results in a contract with Cuyahoga County, all County contracts and programs are subject to all applicable U.S. Treasury regulations, County Ordinances, including, without limitation, the County’s Ethics Code, Inspector General Ordinance and the Contracting Ordinance.

IN WITNESS WHEREOF, the undersigned, being duly authorized so to do, has signed this Statement of Qualifications.

Organization:

Date:

Name and Title:

Signature:

(If electronic, provide your direct phone and email so staff can verify)

Email to pherdeg@cuyahogacounty.us to by 4:30PM on Friday, February 26, 2021, (strongly recommended) or at the very latest by 8:30AM on Monday, March 1, 2021.

Appendix – Federal Guidance Applicable to this RFQ

The following information is current as of February 22, 2021 but subject to change. The latest version of official U.S. Treasury guidance may be found at this Internet address: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program> Please read the Frequently Asked Questions section of this U.S. Treasury website very carefully as it contains important details about eligibility, required documentation, allowable types of assistance, and required reporting. Note: As of February 22, 2021, the latest version of the FAQ's, copied below, was the January 19, 2021 version.

Eligibility as of February 22, 2021

An “eligible household” is defined as a renter household in which at least one or more individuals meets the following criteria:

- i. Qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;
- ii. Demonstrates a risk of experiencing homelessness or housing instability; and
- iii. Has a household income at or below 80 percent of the area median.

Rental assistance provided to an eligible household should not be duplicative of any other federally funded rental assistance provided to such household.

Eligible households that include an individual who has been unemployed for the 90 days prior to application for assistance and households with income at or below 50 percent of the area median are to be prioritized for assistance.

Household income is determined as either the household's total income for calendar year 2020 or the household's monthly income at the time of application. For household incomes determined using the latter method, income eligibility must be redetermined every 3 months.

Available Assistance as of February 22, 2021

Eligible households may receive up to 12 months of assistance, plus an additional 3 months if the grantee determines the extra months are needed to ensure housing stability and grantee funds are available. The payment of existing housing-related arrears that could result in eviction of an eligible household is prioritized. Assistance must be provided to reduce an eligible household's rental arrears before the household may receive assistance for future rent payments. Once a household's rental arrears are reduced, grantees may only commit to providing future assistance for up to three months at a time. Households may reapply for additional assistance at the end of the three-month period if needed and the overall time limit for assistance is not exceeded.

Frequently Asked Questions as of February 22, 2021

1. The statute provides that ERA funds may be used for “utilities and home energy costs.” How are those terms defined? 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, Internet) 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.

2. Must a beneficiary of the rental assistance program have rental arrears?

No. The statute does not prohibit the enrollment of households for only prospective benefits. Section 501(c)(2)(B)(iii) of Division N of the Act does provide that assistance to reduce rental arrears, if any, must be provided before prospective rental benefits may be provided. The statute also provides a limitation on prospective benefits of three months at one time.

3. Must a grantee pay for all of a household’s rental or utility arrears?

No. The full payment of arrears is allowed up to the 12-month limit established by the statute if the arrears can be shown to be due to COVID-19. (Grantees may provide assistance for an additional three months if necessary to ensure housing stability for a household.) However, a grantee may structure a program to provide less than full coverage of arrears. When structuring their program, grantees should consider how to best minimize any incentives for the non-payment of rent or utilities by potential beneficiaries of the program.

4. What outreach must be made by a grantee to a landlord or utility provider before determining that the landlord or utility provider will not accept direct payment from the grantee?

Grantees must make reasonable efforts to obtain the cooperation of landlords and utility providers to accept payments from the ERA program. 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 grantee 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. The cost of the mailing would be an eligible administrative cost. **NOTE: Cuyahoga County will not allow any payments without full, proper written documentation from the landlord or utility provider, due to significant risks of fraud that could well lead to audit findings for recovery.**

5. The statute limits eligibility to households with income that does not exceed 80 percent of area median income as defined by the Department of Housing and Urban Development (HUD) but does not provide a definition of household income. How is household income defined for purposes of the ERA program?

The statute provides that grantees may determine income eligibility by reference to either (i) household total income for calendar year 2020 or (ii) sufficient confirmation of the household's monthly income at the time of application, as determined by the Secretary of the Treasury (Secretary).

With respect to each household applying for assistance, grantees may choose between using the definition of "annual income" as provided by HUD in 24 CFR 5.609 and using adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes.

For determining annual income, grantees should obtain at the time of application source documents evidencing annual income (e.g., wage statement, interest statement, unemployment compensation statement), or a copy of Form 1040 as filed with the IRS for the household.

For determining monthly income, grantees must obtain income source documentation, as listed above, for at least the two months prior to the submission of the application for assistance. If an applicant qualifies based on monthly income, the grantee must redetermine the household income eligibility every three months for the duration of assistance.

6. In addition to providing an attestation in writing, must applicants document that they have experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to the COVID-19 outbreak?

Yes, to the extent administratively feasible, grantees must require applicants to document that they have (i) qualified for unemployment benefits or (ii) 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. **NOTE: Subject to change if the U.S. Treasury issues more specific guidance, Cuyahoga County will allow written self-certification of this requirement when an income eligible household is unable to provide other documentation due to the nature of the hardship: for example, employers in COVID impacted sectors cutting hours or laying off employees without specifically stating the cuts or layoffs are due to COVID-19; self-employed persons in impacted sectors losing customers; loss of child care due to day care centers closing due to COVID-19 health orders without specifically notifying each parent in writing of the reason for the closure.**

Grantees must also require applicants to demonstrate a risk of experiencing homelessness or housing instability, which may include past due rent and utility notices and eviction notices, if any, as part of the application process. **NOTE: Subject to change if the U.S. Treasury issues more specific guidance, Cuyahoga County will allow the risk of homelessness to be documented by verifying the past due rent balance in writing with the landlord, without the need for a three day notice or eviction filing.**

7. Is there a requirement that the eligible household have been in its current rental home when the public health emergency with respect to COVID-19 was declared?

No. However, payments under ERA are to be provided to households to meet housing costs that they are unable to meet as a result of the COVID-19 outbreak. There is no statutory requirement for the length of tenure in the current unit.

8. What data should a grantee collect regarding households to which it provides rental assistance in order to comply with Treasury reporting and recordkeeping requirements?

Treasury will provide instructions at a later time as to what information grantees must report to Treasury and how this information must be reported. At a minimum, in order to ensure that Treasury is able to fulfill its quarterly reporting requirements under section 501(g) of Division N of the Act and its ongoing monitoring and oversight responsibilities, grantees should anticipate the need to collect from households and retain records on the following:

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- 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, and
- Gender, race, and ethnicity for the primary applicant for assistance.

Grantees should also collect information as to the number of applications received in order to be able to report to Treasury the acceptance rate of applicants for assistance.

Treasury's Office of Inspector General may require the collection of additional information in order to fulfill its oversight and monitoring requirements.

9. The statute requires that ERA payments not be duplicative of any other federally-funded rental assistance provided to an eligible household. Are tenants of federally subsidized housing, e.g., Low Income Housing Credit, Public Housing, or Indian Housing Block Grant-assisted properties, eligible for ERA?

An 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 not receive ERA assistance.

If a household receives rental assistance other than the ERA, the ERA assistance may only be used to pay for costs, such as the tenant-paid portion of rent and utility costs, that are not paid for by the other rental assistance. Pursuant to section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA assistance, the grantee 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.

10. May a grantee provide assistance to households for which the grantee is the landlord?

Yes, a grantee may provide assistance to households for which the grantee is the landlord provided that the grantee complies with the all provisions of the statute and this guidance and that no preferences beyond those outlined in the statute are given to households that reside in the grantee's own properties. **NOTE: Cuyahoga County does not itself own any residential rental property. Similar considerations would apply if a nonprofit submitting a Statement of Qualifications owns, controls, or manages such property.**

11. May a grantee provide assistance for arrears that have accrued before the date of enactment of the statute?

Yes, but not before March 13, 2020, the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).

12. May a grantee provide assistance to a renter household with respect to utility or energy costs without also covering rent?

Yes. A grantee does not need to provide assistance with respect to rent in order to provide assistance with respect to utility or energy costs. The limitations in section 501(c)(2)(B) of Division N of the Act limiting assistance for prospective rent payments do not apply to the provision of utilities or home energy costs.

13. May a grantee provide ERA assistance to homeowners to cover their mortgage payment, utilities, or energy costs?

No. The statute requires that ERA assistance be provided only to eligible households, which is defined to include only households that are obligated to pay rent on a residential dwelling.

14. The statute provides that ERA funds may be used for “other expenses” as related to housing incurred due, directly or indirectly, to COVID-19, as defined by the Secretary. What are some examples of these “other expenses”?

The Secretary has not made such a determination at this time.