

## **COLORADO'S EMERGENCY RENTAL ASSISTANCE PROGRAM**

### **8/13/21**

The Colorado Emergency Rental Assistance Program (ERAP) assists tenants who have been unable to pay rent due to financial hardship caused by COVID-19. Qualified individuals can apply for this relief on the Colorado Department of Local Affairs' (DOLA) website [here](#). DOLA sets out the eligibility requirements and scope of permissible assistance [here](#).

Among other things, DOLA's website includes the following:

- Application links for both landlords (“doing their part of the application for unpaid or future rent on behalf of tenants”) and tenants (“doing their part of the application for unpaid or future rent”).
- Online questionnaires to assist tenants and landlords in determining whether they qualify for assistance and are ready to begin the application process.
- FAQs and Resources that cover the following topics:
  - What do tenants need to apply?
  - What do landlords need to apply?
  - What is the maximum allowable income to receive rental assistance?
  - How much rent will you pay?
  - Where can I get the Colorado W-9 form?
  - How do I fill out the Colorado W-9 form?
  - What if my tenant moved out and didn't pay rent?
  - What if my landlord won't do their part of the application?
  - Have any other questions about the Colorado Emergency Rental Assistance Program (ERAP)? This links to an FAQ document dated 5/1/21. The FAQ addresses the following:
    - What is the purpose of ERAP?
    - Who is eligible to receive assistance from ERAP?
    - Is there a U.S. citizenship requirement? Can undocumented residents apply?
    - Will some applications be given priority?
    - What rental assistance is provided?
    - What is the maximum amount of rental assistance?
    - Will tenants and landlords be notified when a payment is made?
    - Who has to complete the tenant's application – the tenant or the landlord?
    - I am a landlord. How do I apply for rental assistance under ERAP?
    - I am a tenant. How do I apply for rental assistance under ERAP?

- How can I get help with my application? What is the call center phone number?
- Are there any penalties if landlords or tenants submit fraudulent information?
- Do tenants need a social security number?
- Does each adult on the lease need to fill out a separate tenant application?
- Is there a landlord-only application to enroll?
- Can I apply for payment for a tenant that no longer occupies the unit even if it was a voluntary move out?
- Is the landlord required to participate in the program?
- Have any questions about what happens after you apply with ERAP?

### **MISCELLANEOUS RESOURCES AND INFORMATION**

- Federal emergency rental assistance funds are also being distributed at the local level, so although there is a statewide rental assistance program in Colorado, additional resources may be available. The Consumer Financial Protection Bureau’s website allows you to search for programs by state, county, and/or tribe. You can view that website [here](#). As of 8/13/21, the website reflected Colorado’s statewide program as well as programs in Adams, Arapahoe, Douglas, Jefferson, Larimer, and Weld counties.
- The U.S. Department of the Treasury issued FAQs (rev. 6/24/21) regarding the requirements of emergency rental assistance programs, and you can view those FAQs [here](#). Although that document lists the types of expenses for which funds may be used (See FAQ #7, for example), please note that those parameters are permissive and that the grantees (states, counties, etc.) are not required to use the funds for those purposes. Indeed, many grantees’ programs, including Colorado’s ERAP, are more restrictive than the federally authorized parameters.
- The Colorado Division of Housing’s website, which can be accessed [here](#), provides housing information and resources for landlords, tenants, and others. This includes, but is not limited to, a COVID-19 page, which can be accessed [here](#). Among other things, the COVID-19 page addresses “Eviction and Foreclosure Prevention for Individuals and Families.”
- Associate Attorney General Vanita Gupta sent a letter to chief justices and state court administrators on June 24, 2021, encouraging them to consider eviction diversion strategies and identifying possible funding sources. You can view the letter [here](#). Among other things, the letter provides that courts “should consider taking the following steps

right now to raise awareness of rental assistance and allow litigants additional time to obtain these funds:"

- Require landlords to apply for rental assistance before filing;
  - Extend time in pending cases;
  - Modify summonses and other form filings to alert litigants to the availability of eviction diversion programs and rental assistance and encourage them to apply;
  - Partner with community-based organizations and legal services providers to raise awareness about the availability of rental assistance funds; and
  - Over the longer term, consider building more robust eviction diversion programs and encouraging landlords and tenants to resolve disputes without formal adjudication.
- The National Center for State Courts (NCSC) offers an online assessment tool (Eviction Diversion Diagnostic Tool), which you can access [here](#). Based upon your answers to the questions, you will be presented with a document that: (1) lays out guidance, best practices, and samples from other jurisdictions with a similar profile; (2) offers advice regarding how to cooperate with legal aid and rental assistance; and (3) provides you with a model eviction diversion program structure that you could implement.
  - To learn more about national eviction diversion programs and resources, view the following previously recorded NCSC webinars and related materials:
    - [Handling High Volume Dockets: Spotlight on Eviction Diversion Programs](#) (Part 1) and [related materials](#);
    - [Spotlight on Eviction Diversion Programs](#) (Part 2) and [related materials](#); and
    - [Policy Briefing from the Consumer Financial Protection Bureau](#).
  - NCSC created a public service announcement (PSA) for courts regarding the availability of rental assistance, and NCSC will customize it for you. You can view the “tiny chat” and PSA [here](#).
  - You can view the White House Fact Sheet on Federal Housing Initiatives (6/24/21) [here](#).