

Tenant Direct Payment for Non- participating or Non-responsive Landlords SOP

STANDARD OPERATING PROCEDURE



BALDWIN
— COUNTY, ALABAMA —
EST. 1809

Record of Changes

This section describes changes made to this document: when they were made, what they were, and who authorized them.

Number	Date	Description
1	6/17/2021	Initial draft
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Introduction

The purpose of this standard operating procedure (SOP) is to describe the process for managing landlords who are unwilling to support a tenant's application to the U.S. Treasury Emergency Rental Assistance Program ("the Program") for Baldwin County. A landlord is any property owner(s) or management company of a residential dwelling who leases the use of that dwelling to a tenant in return for the regular payment of rent.

This SOP describes:

- The type of documentation that is requested from landlords;
- The RFI process that Case Managers use to elicit participation;
- When the Program will choose to process direct payment to the tenant;
- How the Program will process and monitor direct payments to tenants; and
- Circumstances where the Program will support evicted tenants.

These procedures will be administered under the supervision of the Baldwin County Commission. They are intended to support efficient application processing so that Baldwin County's U.S. Treasury Emergency Rental Assistance Program can keep people housed during the COVID-19 pandemic by preventing evictions for failure to pay rent.

Policy Overview

The Program is able to most effectively distribute rental assistance when the landlord participates in the application process by:

1. Completing a Landlord Application online;
2. Signing the Landlord Certifications and Acknowledgements, which describe the Program's requirements for landlords (e.g., not evicting tenants within 60 days of receiving payment, etc.);
3. Providing a complete Internal Revenue Service (IRS) Form W-9; and
4. Providing proof of ownership of the property in the form of a tax record or deed.
5. Management Agreement between Ownership and the Property Management company

By providing this information, the Program is able to provide direct payments to landlords in order to cover past-due and forward rent for applicants to the program. Case Managers must make reasonable efforts to elicit cooperation from landlords so that they can receive direct payments and provide stable housing to their tenants.

The Program acknowledges that some landlords may be unresponsive and/or unwilling to participate in the Program. In these circumstances, the Program does not want to dissuade tenants from applying for assistance. If an eligible application is unable to proceed due to the landlord being unresponsive or noncompliant with a Request for

Information (RFI), the Program will process assistance in the form of a direct payment to the tenant, as allowed under the guidance from the U.S. Treasury for the ERA funds. The maximum the Program will pay direct to tenants are twelve months of arrears rent and/or three months forward rent for a total of 15 months.

Required Documentation from Landlords

Landlords are required to provide the following information:

- **Completed Landlord Application:** Landlords must submit a completed application, to include the necessary documentation and signatures that indicate the landlord's understanding and compliance with the Program's requirements.
- **IRS W-9 Form:** Landlords are required to provide a completed IRS Form W-9 so that the Program can process direct payments once the application is approved.
- **Proof of Ownership:** Landlords must submit proof of ownership of the property to receive rental assistance. This can be provided in the form of a tax record or deed.
- **Landlord Certifications and Acknowledgements:** Landlords must sign a Rental Assistance Contract ("RAC") indicating their acceptance of the Certifications and Acknowledgements, which legally obliges the landlord to comply with the Program's requirements. This includes that they may not evict for non-payment of rent while receiving rental assistance under the Program, and for 60 days after assistance ends; as well as that they will not require, pressure, or coerce the tenant to provide payments for months for which they receive rental assistance.

If landlords are non-responsive or decline to provide the above documentation, the Case Manager will complete the due diligence and determination process described below.

Landlord Non-Participation

If the landlord fails to complete the Landlord application and/or provide required documentation, the Program will conduct the RFI process to elicit participation. During the RFI process, at least three attempts will be made to contact the landlord for missing documents over a period of 5 days and at different times of day. This outreach should be conducted in the following sequence: In all cases of direct payment to tenants, the ownership of rental property by the entity named as the landlord will be verified by Baldwin County the property tax database.

1. The Program will make reasonable efforts to obtain cooperation of landlords to accept payments from the Program. The preferred method of outreach will be at least three attempts by e-mail, text, or phone over a five calendar-day period. These may include but not be limited to the invitation to participate email, automated text messages or phone calls. The case manager will document each

attempt or the automated outreach will be captured by the system (date and message).

In some cases it may be determined that outreach will be made in writing, by mail and in these cases if the landlord does not respond within seven calendar-days after mailing, the outreach will be considered complete.

2. The application may proceed for direct payment processing without the waiting period if the landlord confirms in writing that they do not wish to participate in the Program.

If the landlord fails to respond to a missing document request within five calendar days of email, text or phone outreach or seven calendar days from the mailing of the letter, both the tenant and landlord will be sent an email informing them that the application will proceed as a direct payment to the tenant.

After the landlord has been determined nonresponsive or not willing to participate, the Case Manager will complete their review of the tenant's application and recommend for Quality Control review.

The Team Lead conducting the QC review will mark the application as ***“Non-responsive or Non Participating Landlord”*** in AMS. Based on the Case Manager's work, the QC reviewer will recommend a specific payment option. From that stage forward, all future review processes will evaluate the application as being considered for direct payment to the tenant. If the tenant is determined to be eligible for assistance and is approved, payment will proceed as a direct payment to the tenant.

The non-responsive or non-participating designation landlord should not be automatically applied to all tenants residing in units managed by that landlord, unless the landlord communicates in writing that they do not want to participate for any tenants.

Direct Payments to Tenants

The Program will conduct close due diligence to minimize the potential for fraud, waste, and abuse. If there are multiple tenants included on an application, direct payment will be made to the 'Applicant' in the household. Applications recommended for direct payment will be identified in AMS via a dropdown menu option indicating 'Recommend Direct Payment.'

Applicants that are recommended and approved for direct payment will be paid via check. The check will be made out directly to the tenant to use for rental payments. Tenants who are provided direct payments will be provided the Direct Payment Form (see [Appendix B.](#)) As indicated in the form, by accepting the check, the tenant certifies that they will only use funds for rent payments and/or late fees associated with past due rent.

Tenants must provide documentation that substantiates amount of past due rent. Documentation may be a ledger/statement, letter, invoice or email indicating past due

amount or notice of eviction. Self-attestation will not be sufficient for payment of arrears rent.

The direct payment can be used to secure new rental housing if the tenant can provide proof of rent obligation, ideally in the form of a new lease.

Any tenant that receives direct payment is responsible for maintaining records and proof of the payment being used to cover rent. If the tenant applies for recertification, they will be required to provide proof of rent payment in order to be eligible for further assistance. Tenants that are identified as having used funds for expenses other than rent payments are not eligible for recertification to receive further assistance and may be subject to recapture of funds by Baldwin County.

Assistance to Evicted Tenants

In some cases, landlords who are unwilling to participate in the Program may evict the tenants instead of receiving assistance from the State to pay for past-due and forward rent. Tenants that are subject to eviction may still be eligible to receive assistance in the form of forward rent. The tenant will be required to provide a copy of the new lease to be eligible for forward rent.

Direct Payment Process

The following steps describe how the CM review, QC, and payment processes align or divert from the normal Program process if direct payment to the tenant is required.

1. Tenant submits an application and invites the landlord to participate.
2. Case Manager reviews the application, working with the tenant to confirm eligibility criteria are met.
3. Case Manager attempts to reach the Landlord using multiple communication methods (RFI, phone call, email, etc.) in order to complete the application process.
4. Landlord does not respond to multiple, documented outreach attempts OR landlord is reached, but communicates that they do not wish to participate in the program.
5. Case Manager completes review of application and recommends for QC review without connection to a completed landlord application in the system.
 - a. Case Manager does approve arrears and forward months of rent as appropriate on the Expenditure table.
 - b. Case Manager sends the tenant a Request for Information, directing them to complete the Direct Payment Form, signed and dated.
6. All files marked for Direct Payment must be escalated to a manager for approval and 100% of Direct Payment files will be reviewed by Program QC and QC2.
7. Program QC Reviewer reviews only the tenant's application and chooses 'Approve for QC2 Review' followed by selecting the 'Direct Payment Recommended' check box, which will trigger specific field capture for payment file.

8. QC2 reviews tenant-only application and approves or sends the file back for resolution.
9. Finance Team processes payment to the tenant directly.

Appendix A. Communication Etiquette and Scripts

When interacting with applicants and Team Leads, Case Managers are expected to remain professional at all times in both their verbal and written language. Respect for applicants, Team Leads, and other Case Managers should remain at the forefront of all communication. Remember, many of these applicants are under immense stress and as such, should be approached with empathy and understanding.

Communication should remain prompt without losing accuracy of messaging. In an attempt to reduce a duplication of efforts for both applicants and Case Managers, initial reviews and completeness checks should be as thorough as possible, while keeping in mind the goal is to get money out the door to applicants who qualify.

Note: If an applicant, either a tenant or a landlord, is rude, hostile, or extremely resistant to working with the program, the Team Lead should be notified immediately. The call should then be transferred to the Team Lead to address the issue and end the call.

Uncooperative Landlord Script
The following scripts are meant to ensure all necessary documents have been submitted and are complete.
Email
<p>Hello [landlord name],</p> <p>Thank you for your Emergency Rental Assistance Program application! As your Case Manager, I am currently reviewing your application to make sure we have the documents and information needed to determine if you are eligible for assistance.</p> <p>In order to proceed with your application, we need the following documentation:</p> <ul style="list-style-type: none">● Internal Revenue Service (IRS) W-9 Form● Landlord Certification: An applicable lease or proof of ownership of the property is required to receive rental assistance. All lease agreements must be current. If the lease is due to expire during the period when your tenant would receive rental assistance, the leasing agreement must include a month-to-month provision that begins at the end of the lease. If the lease is set to expire during the rental assistance period or does not include a month-to-month provision, a new lease agreement must be signed that extends at or beyond the rental assistance period.● Ledger or Records of past due rent● Signed Rental Assistance Contract: Contract will be provided to you, after your review, a signed copy will be required. <p>You may respond to this message and provide additional information or documents in the Applicant Portal. If you have any further questions or would like assistance, please contact our team at 251-277-9969.</p> <p>Thank you! [Case Manager name]</p>

Phone Call
<p>Hello, my name is _____ and I am a Case Manager for the Baldwin County U.S. Treasury Emergency Rental Assistance Program.</p> <p>I am reaching out to you regarding your tenant _____, who has applied for assistance through the Program. Our Program is currently processing their application to receive assistance. Are you aware that they applied to the Program?</p>
<p><input type="checkbox"/> If yes: Proceed with phone script.</p>
<p><input type="checkbox"/> If no: That's okay, I'm glad we reached out by phone! For your awareness Baldwin County launched the U.S. Treasury Emergency Rental Assistance Program to provide emergency rental assistance to Baldwin County residents who are at risk of experiencing homelessness or housing instability due to the COVID-19 pandemic. Your tenant is potentially eligible to receive that assistance, which may cover as much as their rental arrears to date, as well as three months of forward rent.</p> <p>Answer questions the landlord has and then proceed with the phone script.</p>
<p>In order to move forward, we need three documents from you: your W-9 form, a lease or proof of ownership to the property, and a tenant ledger or record showing amount of past due rent. Are you able to provide this documentation?</p>
<p><input type="checkbox"/> If yes: Instruct the applicant to follow directions for uploading required files.</p>
<p><input type="checkbox"/> If no: Confirm that the landlord wishes to participate. If yes, walk through documentation options to demonstrate eligibility, see Document Review and Verification SOP.</p>
<p>If you have any further questions, feel free to contact a member of our team at 251-277-9969 Thank you for your time today!</p>

Voicemail
<p>Hello, my name is _____ and I am a Case Manager for Baldwin County's U.S. Treasury Emergency Rental Assistance Program. I am reaching out to you regarding your tenant _____. In order for _____ to receive payment assistance for their rent, we need a W9 form, a lease or form of proof of ownership to the property, and your acknowledgments and certifications form. If you have any further questions or would like assistance, please contact our team at 251-277-9969. Thank you!</p>
Case Manager Phone Call with Hostile Applicant
<p>I understand that applying for the Baldwin County ERA program may be frustrating or confusing. Our team is here to help. I will raise your concerns to my supervisor, do you have time to speak with them I can have them give you a call?</p> <p>(Transfer call to Team Lead).</p>
<p><input type="checkbox"/> If yes and Team Lead is available: Thank you for your patience, your application and contact information is being directed to my supervisor.</p>
<p><input type="checkbox"/> If no or Team lead is unavailable: I can have a supervisor give you a call back and someone from the program will be in touch very shortly. What would be the best time and the best number to reach you? Is there anything else I can assist you with before a supervisor calls you?</p>
Team Lead Phone Call with Hostile Applicant
<p>I understand that applying for the Baldwin County ERA program can be difficult. My team and I are here to help. Assisting me in clarifying this information will help move your application forward. Can you describe your concerns?</p> <p>Thank you for providing your feedback. Our team will review what you have described and someone will be in touch in the coming days to resolve the issue. What is the best time and number to reach you?</p> <p>(End the call.)</p>

For reference, [here](#) are the Contact Center's scripts.

Appendix B:

Tenant Name: _____ (**"Tenant"**)
Unit Address: _____ (**"Unit"**)
Landlord Name: _____ (**"Landlord"**)
Applicant ID #: _____

This Form is applicable to the Tenant receiving funds through the **Baldwin County Emergency Rental Assistance Program**, as funded by the United States Department of Treasury (Treasury).

By accepting these funds, I (Tenant)

1. understand that any funds provided will exclusively be used to pay for rent and rent arrears. All payments will be applied to the months as defined by the County when providing Funds. Forward rent will only be issued for up to three months at a time. Payments may not be applied to rental arrears accrued prior to April 1, 2020.
2. understand these funds must be repaid by me if any part of the application is later found to be ineligible.
3. understand these funds must be repaid by me if they are used for any other purpose besides that of paying rent.
4. understand that in order to be eligible for future assistance, I must maintain records (canceled checks, receipts, etc.) of the use of these Funds to pay rent.

All information that I have provided regarding my eligibility for the United States Treasury Emergency Rental Assistance Program is true and accurate.

WARNING: Recipient understands that false statements or claims made in connection with this award may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

Acknowledged by Tenant Applicant:

Signature

Printed Name

Date