

Frequently Asked Questions from ERA2 HSS Subrecipients related to HSS Income Eligibility changes on and after May 11, 2023

Last updated May 11, 2023

Q. What is changing on May 11, 2023?

A. On May 11, 2023, when the Public Health Emergency related to the Covid-19 Pandemic ends, the option for an HSS applicant household to self-attest to their income will no longer be an allowable method to determine income eligibility. All other self-attestation options remain in place to determine housing instability, financial hardship, and non-duplication of HSS benefits. Income eligibility at or below 80% AMI may be determined as provided in HSS Program Guidelines and Subrecipients' ERA2 HSS contracts. Methods include Categorical Eligibility, IRS Annual Income, the Households Monthly Income, or a Certification of Zero Income.

Q1. Can I modify the Sample Certification of Zero Income Form posted at <https://www.tdhca.state.tx.us/HSS.htm>.

A1. Yes, this is TDHCA's sample form for all housing programs. It is provided as a resource but your organization may modify it to align with specific programs. If your organization already has a zero-income certification form in use that captures documentation of a household's zero-income, you may continue to use that form.

Q2. Do we still need to have the applicant acknowledge that they were financially impacted by the pandemic, even after the Public Health Emergency has ended?

A2. Yes, you do still need to document that the household was financially impacted during or due, directly or indirectly, to the pandemic. This is directly from the Treasury guidance. Please remember that HSS funds are pandemic response funds, even as we exit the formally and federally declared Public Health Emergency after May 11, 2023.

Q3. Does the financial hardship have to have occurred prior to May 11, 2023?

A3. No, the financial hardship does not have a specific date restriction but, as stated in A2 above, you do still need to document that the household was financially impacted during or due, directly or indirectly, to the pandemic.

Q4. Are verbal consents still allowed for the ERA screener in lieu of the client signature, as long as the staff member signs and certifies on their behalf?

If so, is it also allowable to use the verbal consent on the self-certification of zero income, or will we be required to obtain a signature from the clients?

A4. Verbal consents are still allowed so long as an approved staff member with knowledge of the client's application/case signs and certifies on the client's behalf.

Staff member certification is also allowed to certify zero income provided that the client attests to having zero income and both the staff member and the client understand what constitutes zero income in accordance with program policies. If the client does have reportable income, as discussed above, the staff member can still certify, but they will have to verify income via the approved documentation stated in your contract.

The following guidance is based on Treasury FAQ #4: *“Documentation of Income Determination: Grantees in ERA1 and ERA2 must have a reasonable basis under the circumstances for determining income. A grantee may support its determination with both a written attestation from the applicant as to household income and also documentation available to the applicant, such as paystubs, W-2s or other wage statements, tax filings, bank statements demonstrating regular income, or an attestation from an employer. In appropriate cases, grantees may rely on an attestation from a caseworker or other professional with knowledge of a household’s circumstances to certify that an applicant’s household income qualifies for assistance.”*

HSS Subrecipients must document in your own policies what is considered an ‘appropriate case’ for allowing your staff to certify eligibility. Also, have a policy for which staff members have been trained/approved to do this.

Q5. Instead of self-attestation do clients have to fill out the zero income form?

A5. No, this is not an either or situation. Self-attestation of income will no longer be allowed on or after May 11, 2023. However, verbal self-attestation of zero income is still allowed so long as an approved staff member with knowledge of the client’s application/case signs and certifies on the client’s behalf.

Staff member certification is also allowed to certify zero income provided that the client attests to having zero income and both the staff member and the client understand what constitutes zero income in accordance with program policies. See A4 above for further details.

Q6. After May 11, 2023, can clients still self-attest to the following four requirements: Income at or below 80% AMI; Housing Instability; Financial Hardship during or due, directly or indirectly, to the pandemic; and No duplication of ERA HSS benefits?

A6. Self-attestation of income will no longer be allowed to determine income eligibility, but applicants may still self-attest to the other three eligibility requirements. Namely, self-attestation is still allowed for verification of housing instability, financial hardship, and attesting to no duplication of benefits, but self-attestation of income is no longer allowed.

Q7. Does the Certification of Zero Income form for households with no income or no reportable income have to be re-certified every three months?

A7. No, the requirement to re-certify every three months was only for self-attestation of income.

Q8. If a client self-attested to their income on their screener prior to May 11th and will still be enrolled past this date, do we have to rescreen them in 3 months from their previous screener, and either collect proof of income or self-declaration of zero income?

A8. Yes, that client would have to complete either zero income certification or income eligibility after May 10, 2023. You may do this at any time on or before the 3 months is up.

Q9. What types of income are still allowed to be counted as zero income?

A9. This has not changed. Items excluded from income are outlined in Exhibit D of the ERA2 HSS Contract, and on page 27 of the ERA2 HSS Program Guidelines.