

## Chapter 278. CARES Act Rental and Mortgage Assistance<sup>1</sup>

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### **278.001 Purpose**

- (a) Purpose. The purpose of this Policy is to establish standards in administering the CARES Act Rental and Mortgage Assistance Program (“Program”) as set forth in this chapter.
- (b) This Policy only serves to provide guidelines for the provision of services as determined to be available by the Travis County Commissioners Court (“Commissioners Court”) and the Department, and does not create any entitlement to any of the services referenced herein.

### **278.002 Authority**

Travis County (“County” or “Travis County”) is authorized to provide the services referenced in this Chapter 278 CARES Act Rental and Mortgage Assistance Policy (“Policy”) under Section 601(a) of the Social Security Act, as added by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”), Texas Government Code Chapter 418 (the “Texas Disaster Act”), Texas Local Government Code, Section 81.027, and other applicable statutes.

### **278.003 Definitions<sup>2</sup>**

In this Policy, the following terms will have the meaning set forth herein:

- (1) "Common-Law Marriage" means a legal marriage in the State of Texas wherein both parties are free to marry, live together, and hold out to the public that they are married to each other.
- (2) "County Executive" means the County Executive of the Travis County Health and Human Services Department, or their designee.

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<sup>1</sup> Chapter 278 was adopted by Travis County Commissioners Court July 16, 2020, Item 3R. Chapter 278 was amended November 24, 2020, Item 7, and August 16, 2022, Item 25.

<sup>2</sup> 278.003(6) amended 11-24-2020, Item 7.

- (3) "Emancipated Minor" means a person under eighteen (18) years of age who either:
  - (A) has been legally declared as an emancipated minor by the court; or
  - (B) is married (with "marriage" including Common-Law marriage).
- (4) "Household" means an applicant and those individuals who reside in the applicant's housing unit and whose financial assets and obligations are held in common.
- (5) "Immediate Family" means a spouse, parents, children, grandchildren, sister, brother, grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law or person(s) within the same Household with whom the applicant shares a significant relationship of mutual caring.
- (6) "Income" means cash receipts earned and/or received by the Household (as defined in this Policy) before taxes, but not the excluded income as defined by the Texas Department of Housing and Community Affairs ("TDHCA") as set forth in Texas Administrative Code, Title 10, Part 1, Chapter 6 (and according to any future amendments thereto).
- (7) "Residency" means one's home and fixed place of habitation to which one intends to return after any temporary absences, as set forth in Texas Election Code, Section 1.015.
- (8) "Third Party" means a recognized authority that has no potential for personal gain as a result of receipt of benefits and no personal relationship to the applicant or any member of the applicant's Household, who is qualified (as determined by Department) to verify the needed information. Examples of a Third Party include employers, schools, social services agency representatives, medical personnel, etc.
- (9) "Thirty (30) Day Period" means the previous thirty (30) calendar days from and including the Date of Application.

**278.004 Program Administration<sup>3</sup>**

- (a) Provision of Services. The Travis County Health and Human Services Department ("Department") through the Family Support Services Division ("Division") (or such successor division as designated by Department) will provide assistance for Travis County community members experiencing an inability to pay rent or mortgage on their primary residence due to the public health emergency brought about by the Coronavirus Disease 2019 (COVID-19).
- (b) Implementation of this Policy will be done without regard to race, color, age, religion, sex/gender, national origin, disability, veteran status, sexual orientation, or gender identity and expression.

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<sup>3</sup> 278.004(b) replaced 8/16/2022, Item #25.

- (c) Statutory Guidelines. Travis County will provide all services in accordance with all applicable federal, state and local laws, rules and regulations.

**278.005 Limitations**

CARES Act Funds. County CARES Act fund monies and other funds legally available to Travis County for these purposes may be used, as determined by the Commissioners Court and directed by the Department, to provide assistance under this Policy when the Department determines that no other appropriate source of funding is readily or reasonably available to meet the identified need(s).

**278.006 Changes**

- (a) Travis County reserves the right to change any provision of this Policy unilaterally by written amendment approved by the Commissioners Court without specific notice (other than that provided through the Commissioners Court posting procedures, as required by law) to any recipient of services or potential recipient of services.
- (b) No employee, official, supervisor, or other individual has any authority to change any provision of this Policy without the express and specific authority to do so as set forth in this Policy or granted by the Commissioners Court.

**278.007 Availability of Service**

- (a) This Policy sets forth the general guidelines under which certain benefits may be provided by Travis County to eligible recipients and are provided for informational purposes only. The services described herein may be limited by availability of County funds provided through the CARES Act or other factors, and once funding provided through the CARES Act is expended, services under this Policy will no longer be available. The provisions of this Policy are not intended to create any entitlement or interest or right in property.
- (b) This Policy does not create any guarantee of the provision or continuation of services for any individual, even if that individual meets the stated criteria, nor does it guarantee the availability of services or funds for such services at any given time.
- (c) Application of this Policy will be as determined by the Commissioners Court and the Department.
- (d) If CARES Act funding is available and services are provided, services will be provided according to the terms of this Policy for so long as the County continues to provide for such services.
- (e) At the discretion of the Commissioners Court, services may be decreased, interrupted or discontinued at any time.

**278.008 Acceptance of Services**

Acceptance of Services. Prior to receipt of services provided under this Policy, each recipient will sign a statement evidencing their awareness of the above limitations.

**278.009 Eligibility Criteria<sup>4</sup>**

- (a) Purpose. The purpose of this section is to establish unified criteria for identification of Households which meet the minimum Policy eligibility requirements.
- (b) Waiver or Adjustment
  - (1) Eligibility criteria may be waived when the County Executive identifies that an immediate response is required to a disaster which affects the health and safety of the community or in specific instances of households with current life-threatening situations that have been verified by a Third Party.
    - (A) In such cases, the Division (or appropriate Department group), with the written approval of the County Executive, may waive or adjust certain provisions of this Policy where, as determined by the County Executive, such waiver or adjustment will continue to promote the general purpose and intent of this Policy within the limits of applicable laws.
    - (B) At any time that such waiver or adjustment is requested or suggested, the County Executive may make such decision or, where time allows, refer such decision to the Commissioners Court.
  - (2) Upon granting of any such waiver or adjustment, the County Executive will provide written notice to the Commissioners Court of such waiver or adjustment and the circumstances leading to the granting of the waiver/adjustment at the earliest possible date.
- (c) General Criteria
  - (1) Income. Household gross Income must be at or below 250% of the Federal Poverty Income Guidelines for the past Thirty (30) Day Period, described in the Comprehensive Energy Assistance Program (“CEAP”) Program Guidance, published by TDHCA, as income limits for the applicable program year.
  - (2) Identification. Applicant must present acceptable identification, as determined to be satisfactory by Department staff, when applying for assistance.
  - (3) Residency. Applicant and Household members receiving the benefit of assistance must be able to show proof, as determined to be satisfactory by Department staff, of Travis County Residency. Lack of a fixed address would not necessarily be reason for denial of assistance.
  - (4) Age. Applicant must be at least eighteen (18) years of age or an Emancipated Minor.
  - (5) Time of Application and Frequency of Assistance.
    - (A) To be considered for assistance, Applicant must apply for assistance on or before December 15, 2020.

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<sup>4</sup> 278.009(c)(5) amended 11-24-2020, Item 7.

- (B) County will not consider applications received after December 15, 2020 or after CARES Act funds have been expended, whichever comes first.
- (C) County may provide assistance up to three times between the effective date of this Policy (June 29, 2020) and December 30, 2020, or when the funds provided to County through the CARES Act are expended, whichever comes first.

(d) Specific Service Category Criteria, Rent/Mortgage Assistance

- (1) Applicant may not apply before thirty (30) calendar days prior to the due date for rent, mortgage, or mobile home lot payment assistance.
  - (A) The assistance awarded does not have to be for the current month for which payment is due, but landlord must agree in writing to not proceed with eviction for thirty (30) calendar days from the date of acceptance of payment from County.
  - (B) Should applicant owe rent or mortgage and mobile home lot rent, County may split the payment between two vendors.
- (2) If applicable, County will make mortgage payments in applicant's name.
- (3) If applicable, County will make payments only to the owner of the property, or owner's legal agent with whom owner has a property management agreement.
- (4) County will not pay deposits.
- (5) County will not make rent payment or mortgage payments to immediate family (as defined in this Policy) or to applicants' roommates.

**278.010 Verifying Documentation**

- (a) Purpose. The purpose of this section is to establish standard documentation requirements and verification procedures to support all eligibility or ineligibility decisions related to applications for services under this Policy.
- (b) Income. Applicant must provide acceptable proof of income, as determined by Department. In the exceptional case where proof of income is unavailable, an applicant must sign a Declaration of Income Affidavit, as provided by Department. Department will verify and document income.

**278.011 Application Process**

- (a) Purpose. The purpose of this Policy and the procedures utilized by the Department to implement this Policy is to provide all Travis County residents equal access to services under this Policy. All individuals involved in the provision of services under this Policy will follow Department-approved application/intake procedures. Department will serve applicants with confidentiality, dignity, and respect.

- (b) County Executive Discretion. The Division of the Department, and others, as designated by Department, will create, adjust and amend internal Division-specific procedures to implement the Policy with the written approval of the County Executive. Department will maintain internal procedures in writing within the Department.

**278.012 Benefit Limit, Interpretive Guidelines and Standards**

- (a) Purpose. The purpose of this section is to establish a specific benefit amount limits for eligible recipients of the services under this Policy.
- (b) Rent/Mortgage Assistance Benefit Limit
  - (1) Rent/Mortgage Assistance Benefits will be limited to 100% of current Fair Market Rents for Travis County, as determined by the U.S. Department of Housing and Urban Development, effective January 1<sup>st</sup> of each year.
  - (2) In no event shall the assistance awarded exceed the amount indicated on the landlord/lienholder statement.
  - (3) In no event shall the assistance awarded exceed the amount necessary to resolve a crisis the applicant is experiencing.
  - (4) When the amount needed to prevent homelessness or secure housing exceeds the allowable benefit amount, County may award assistance if Department believes that a reasonable expectation exists that the balance needed can be obtained by the applicant.
  - (5) A household may receive no more than 100% of current Fair Market Rents a maximum of three times before December 30, 2020, or before the CARES Act funds have been expended, whichever comes first.

**278.013 Appeals Process**

- (a) Purpose. The purpose of this section is to provide all Travis County residents a right to appeal eligibility determination decisions related to the provision of services under this Policy. All persons involved in the provision of assistance will follow Department-approved appeals procedures. Department will serve applicants with confidentiality, dignity and respect.
- (b) Any applicant may appeal the eligibility determination decisions. Such appeals must be made in writing within ten (10) business days of the rendered decision.
- (c) Appeals will be handled through County Executive-approved written procedures that will ensure that any person denied any service under this Policy is given a written notice of the denial and appeals process.
- (d) All appeals will be handled through the Division organizational structure and the appeal decision will not be made by the staff member making the original denial decision. A written decision will be rendered and provided to the applicant within ten (10) business days of the written appeal request. Documentation of the appeals process will be kept with the applicant file.