



MaineHousing
MAINE STATE HOUSING AUTHORITY

DRAFT
EVICTON
PREVENTION
PROGRAM

Program and Policy Guide

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A. INTRODUCTION AND BACKGROUND

The Eviction Prevention Pilot Program (“Program”) was established by 2024 Public Law Chapter 643, Section KKKK-3.

The Program is administered by Maine State Housing Authority (“MaineHousing”) with daily operations managed by a Partner Agency as an agent of MaineHousing. This Partner Agency delivers the Program across the State in accordance with this Program and Policy Guide (“Guide”), the provisions of a fully executed Service Contract and subsequent amendments, and other guidance as provided by MaineHousing.

This Guide is designed to provide information about Program rules, policies, and guidelines. The Guide is a working document and will be kept up to date by MaineHousing staff. When Program guidelines or clarifications are made, MaineHousing will issue a notification of revisions to this Guide. When income limits change, new replacement charts will be issued and made available on MaineHousing’s website identified below.

Any questions pertaining to the Guide should be directed to MaineHousing using the email address EvictionPrevention@mainehousing.org and/or phone number provided on the below referenced website. All documents and guidance referred to in this section and subsequent sections can be found at mainehousing.org/

B. PROGRAM OVERVIEW

The Program is an eviction prevention program for renters who are behind on their rent and are at risk of being evicted. The Program, which can provide up to \$19,200 per eligible household, is funded through the law cited above. Up to 12% of the funds may be used for administrative costs.

Program funds may be used for the following activities:

- rental arrears owed to the household’s current landlord; and
- up to twelve months of rental payments, not to exceed the lesser of \$800 per month or the monthly rental amount.

Applications will be processed according to the following priorities, on a first-come-first-served basis:

1. Eligible households who have received a Notice to Quit for nonpayment of rent.
2. Eligible households who have received a Late Notice or have an Approved Payment Arrangement.

C. ELIGIBILITY

Household Eligibility:

A household will qualify for the Program if they are obligated to pay rent, which may include pad or lot rent for a mobile home, on a residential Dwelling Unit in the State of Maine, which is their primary residence, and meet each of the following criteria:

- The household is at risk of eviction, such as having past due rent notices, other correspondence from a landlord indicating past due rent, or eviction notices due to rent owed.
- The household’s past due rental amount is at or below \$19,200.
- The household’s income is below 60% Area Median Income (AMI) for the area where they live as established and published by the United States Department of Housing and Urban Development (HUD) on an annual basis. This includes all household members’ income, not just the income of the applicant.
- The household, at the time of application or recertification, is not using a federal housing voucher to pay rent nor living in a subsidized housing unit. A household residing in a LIHTC property without subsidy is eligible.

- The household has a current landlord-tenant relationship supported by a lease or other documentation sufficient to demonstrate such a landlord-tenant relationship, as outlined below in Section D.
- The household has a rental payment within 125% of the fair market rent of the area in which they live as determined by MaineHousing and available at mainehousing.org.

Dwelling Unit Eligibility:

- Dwelling Unit” means an occupied residential housing structure with one or more rooms that was originally constructed and designed as permanent living quarters for one or more persons, when permanently connected to the required utilities (including plumbing, electricity and heating systems) and contains bathroom and kitchen facilities specific to that unit. A Dwelling Unit has its own private entrance from the outside or off an enclosed hallway leading from the outside that does not pass through or offer an open access to any other unit within the structure. A Dwelling Unit does not include a camper, trailer, semitrailer, truck camper, motor home, boat, railroad car, bus, yurt or other structure designed and constructed to provide temporary living quarters.

Mobile Home Pad or Lot Rent Eligibility:

- A household will be eligible to receive assistance with pad or lot rent even if they own the mobile home for which they are paying pad or lot rent.
- Pad or lot rent does not include park fees.

Leasing Arrangements with Additional Leaseholders Eligibility:

- If there is more than one lease for a household, but only one leaseholder needs assistance, that leaseholder may apply. The leaseholder does not need to include the other leaseholder’s income on the application.

Leasing Arrangements with Family Members Eligibility:

- Leasing arrangements with family members are eligible only if the household lives in a separate fully contained Dwelling Unit. A preexisting written lease and evidence of a history of consistent rent payments is required. Family members are defined as the spouse, parent, child, brother, sister, grandparent, grandchild, including steps, and in-laws; and any person cohabitating with an applicant, as well as any immediate family member related by blood, marriage, or adoption, including cousins, aunts, and uncles.

Rent to Own Eligibility:

- A written executed lease establishing a rental relationship is required for any rent to own situations. No household member may be on the deed or a signer or co-signer on a mortgage or have exercised the option to purchase the property.

D. HOUSEHOLD DOCUMENTATION REQUIREMENTS

Identity Documentation

The primary applicant must provide one of the following to verify identity:

- Valid Maine Driver’s License;
- Valid Maine Identification Card;
- Valid Passport or Passport Card; or
- Valid U.S. Military ID.

If the primary applicant is unable to provide one of the above documents, the Partner Agency may allow the primary applicant to provide **TWO** of the following documents to verify identity:

- Adoption Decree;

- Birth Certificate;
- Divorce Decree;
- Employer Identification Card;
- Foreign School Record that contains a photograph;
- High School or College Diploma;
- Marriage Certificate
- Notice from a Public Benefits Agency (i.e. Notice of Decision from DHHS, Social Security Benefit Award Letter, MaineCare Award Letter);
- Social Security Card;
- Union or Worker’s Center Identification Card; or
- Voter Registration Card.

If the primary applicant cannot verify identity they will be ineligible for the Program.

Past Due Rent Documentation

- Past due rent notices showing the amount owed;
- Correspondence from a landlord indicating past due rent owed; or
- Eviction notices due to rent owed including the amount owed.

Income Documentation

Income eligibility may be determined by any one of the following:

- **Zero Income or Waivers**

For zero income households, in order to reduce the burden of further documentation, the Tenant Application and Attestation is sufficient, and no additional forms are required.

- **Categorical Eligibility**

If a household’s income has been verified to be below 60% AMI by a local, state, or federal government assistance program, the Partner Agency is permitted to rely on a determination letter or other evidence of proof from that program or from that government entity, provided that the determination was made in the current program year for the applicable program. All members of the household must be listed in the determination letter. If all household members are not listed, the additional household members will need to verify their income. If the Partner Agency can verify eligibility through data sharing, this method should be used to expedite the processing.

NOTE:

- For instances of HEAP, if the Partner Agency does not have access to the HEAP system of record, they may contact MaineHousing at LIHEAP@mainehousing.org to request a benefit notification letter.

- **Income**

A household may provide a written attestation as to household annual gross income, together with supporting documentation, which can include, but is not limited to, submission of the most recent:

- IRS Form 1040;
- Profit and loss statements;

- W2s;
- IRS Form 1099;
- Proof of self-employment income;
- Wage statements;
- Pay stubs;
- Unemployment documentation;
- A written attestation from an employer;
- Interest statements;
- Court orders;
- Lease agreements;
- Tax filings;
- Eligibility determination letter or other evidence from a government agency; or
- Other proof of annual income.

Income for all household members must be included in the household income calculation, unless specifically excluded by Section E and/or 24 CFR 5.609.

Lease or Rental Agreement Documentation

The Partner Agency must obtain, if available, a signed lease or rental agreement that identifies the unit where the household resides and the amount of rental payment or the pad/lot rental amount. A lease that has turned to a month-to-month lease after the first year is an effective lease.

If a signed lease or rental agreement is not available, the household will need to provide evidence of residence at the rental unit and the amount of rent by providing:

- The Landlord Application & Attestation plus either proof of the landlord's ownership (such as a property tax bill or deed) or in the case where a management company manages the property for a landlord proof of a management agreement for that specific rental unit is sufficient to prove residency and rental amount.
- A utility bill, water/sewer bill, cell phone bill, credit card statement, insurance policy, W-2 form, tax return, tax bill, or driver's license in the name of a household member can be used to prove residency.
- Bank statements, check stubs or other reasonable documentation can be used to verify rental amount.

Only in situations where the above documentation is not available or satisfactory:

- An attestation from both the landlord and the applicant on a form prescribed by MaineHousing may be accepted.

Leasing Arrangements with Family Members Documentation

- Proof the rental unit is a separate fully contained Dwelling Unit (i.e. property tax bill, pictures of the unit, or any other documentation evidencing a separate rental unit); AND
- A preexisting signed written lease; AND
- Evidence of a history of consistent rent payments (i.e. bank statements, check stubs or other reasonable documentation can be used to verify rental amount).

Rent to Own Eligibility:

- A written executed lease establishing a rental relationship; AND
- Proof no household member is on the deed or a signer or co-signer on a mortgage or has exercised the option to purchase the property (i.e. copy of the deed, mortgage, or rent to own agreement).

E. INCOME INCLUSIONS AND EXCLUSIONS UNDER 24 CFR 5.609

The Department of Housing and Urban Development (“HUD”) defines income as all amounts, monetary or not, which go to, or on behalf of, any family member from any source outside the household. For a detailed list and description of forms of income see 24 CFR 5.609(b) and (c), which can be found at <https://www.hud.gov/sites/documents/CALCULATINGATTACHMENT.PDF>.

Income Inclusions

- All wages, including commissions (before any payroll deductions);
- Net income from the operation of a business or profession;
- Interest, dividends and other net income from real or personal property;
- Periodic payments (e.g. Social Security, pensions, disability benefits);
- Payments in lieu of earnings (e.g. unemployment including supplementary unemployment, worker’s compensation, severance pay);
- Welfare assistance (excluding any designated for housing or utilities);
- Periodic and determinable allowances (e.g. alimony, child support, period gifts from sources outside of the household); and
- All regular pay, special pay, and allowances for members of the Armed Forces.

Income Exclusions

- Income from children or foster children under the age of 18 years;
- Income from household members over 18 who are full time students;
- Foster child or adult care payments;
- Lump-sum additions to family assets (e.g. inheritances, insurance payments, capital gains, settlements)
- Reimbursements for medical costs;
- Income of a live-in aide;
- Special Armed Forces payments (e.g. Operations Desert Storm);
- Amounts from certain training programs;
- Temporary, non-recurring, or sporadic income (gifts);
- Reparations from a foreign government;
- Adoption assistance payments;
- Deferred periodic payments from Social Security;
- Property tax refunds or rebates;
- Payments for developmentally disabled household members’ equipment or services for them to remain at home; and
- All other amounts excluded by federal statute as described in 24 CFR 5.609.

F. APPLICATION PROCESSING

The Program will open sometime in October 2024. Applications will be processed according to the stated priorities, on a first-come-first-served basis, until such time as projections indicate that the funding will be exhausted. Households may apply through the online portal, by calling the Partner Agency and requesting a paper application, or by telephone with the Partner Agency, with required documentation mailed at a later date. Any application taken by mail or phone will be entered into the online system by the Partner Agency.

Program Benefit

The Partner Agency will review all applications in the online portal for accuracy and to verify required information. If the Partner Agency has questions regarding the application, they will contact the household for additional follow-

up.

Eviction Prevention funds may be used for the following activities:

- rental arrears owed to the household's current landlord; and
- up to twelve months of rental payments, not to exceed the lesser of \$800 per month or the monthly rental amount.

If the household's arrearage can be completely satisfied within the Program benefit limits and the application meets Program requirements, payment will be made to the Landlord. The payment method must include a notation with the household's name and address. Payments directly to a household are prohibited under this Program.

If the household's arrearage cannot be completely satisfied within the Program benefit limits, the household's situation will be reviewed to determine if a combination of Program funds and non-program funding options can be structured to obtain a result which will bring the household current on their rental obligations.

Late rental fees may be included, provided they are declared in the household's lease or rental agreement and do not exceed 4% of the monthly rental amount.

The household may only receive arrearage assistance from the Program once.

After the arrearage has been satisfied, if the household has not reached the \$19,200 maximum, households will receive up to twelve months of rental assistance, equaling the lesser of \$800 or the monthly rental amount. At the expiration of six months, a recertification process will occur to confirm the household is still eligible. Total payments to any household must not exceed \$19,200.

Program Payments

After receipt and processing of the Tenant Application and Attestation, the landlord will be contacted by the Partner Agency to confirm the information on the application.

If the landlord agrees to accept the terms of the program and payment on behalf of the household, the landlord will submit a signed copy of the Landlord Application & Attestation, a complete IRS Form W-9, and the current lease. If there is no current lease, the landlord must show proof of ownership via a property tax bill or a deed. By signing the Landlord Application & Attestation the landlord agrees not to take any action to evict the household for nonpayment of rent or any related costs for any months that the household received assistance from the Program. Additionally, the landlord agrees not to initiate a no-cause eviction during the months landlord is paid by the Program.

The Partner Agency will make reasonable efforts to obtain the cooperation of landlords to accept payments from the Program. If a landlord refuses or declines to participate in the Program, the Partner Agency cannot issue payment directly to the household. In these situations, assistance will not be provided.

The Partner Agency must notify the household and the landlord upon approval of payment. The notification must contain the following information: (1) the landlord and household must notify the Partner Agency if the household moves out and does not occupy the unit in any months for which the Partner Agency pays rent, and (2) repayment of the rent for any months the household does not occupy the unit or was not qualified for assistance will be required.

Application Submission

Households may apply for the Program by completing the online Tenant Application and Attestation.

Applications may be accessed by:

- Going to MaineHousing’s website at www.mainehousing.org/evictionprevention which provides a link to the online application website.
- Contacting the Partner Agency for assistance with completing the on-line application or obtaining a paper application.

Should MaineHousing receive paper applications or applications by another method, the application will be uploaded to ShareFile. Upon upload, the Partner Agency will be notified in ShareFile that a new application has been uploaded.

Applications are available in multiple languages to accommodate non-English speaking households, both tenant and landlord. The Partner Agency should also use language support services when possible or make referrals to local agencies that provide support to non-English speaking or limited English proficiency household and landlord applicants.

If an applicant starts but does not submit an application, the Partner Agency will reach out to the applicant. The Partner Agency will attempt to telephone and email the applicant; if an applicant fails to respond within 7 days of a phone message and email from the Partner Agency, the applicant’s information will be archived in the online system. The applicant may begin the process again at a later time.

If an applicant submits an application and then fails to respond to an inquiry from the Partner Agency for further documentation or information for a period of 30 days, the Partner Agency may deny the application. The denial reason is either “documentation not provided” or “applicant not responsive.” Applicants that are denied for “documentation not provided” or “applicant not responsive” may reapply subject to the Application Processing provisions laid out in this section. An applicant that reapplies will need to complete a new application, which will be prioritized and dated as of the date of reapplication. Applications will not be retroactively dated.

G. APPEALS

If an applicant is determined to be ineligible under the Program, their application is denied, or the applicant disputes the calculation of the Program benefit, or the applicant disagrees with the determination made, the applicant must submit an appeal, in writing, within 30 calendar days of the determination.

The Partner Agency will notify the applicant in writing with the reason for the denial and let the applicant know that if they wish to appeal the decision, they must notify the Partner Agency of their intent to appeal the decision in writing within 30 days.

A review will be conducted by a person other than the one who made or approved the decision under review or a subordinate of this person. The reviewer will review the file, conduct necessary research, and give the applicant an opportunity to provide additional information and present written or oral objections to the decision under review.

If an applicant that requests an appeal does not respond to a reviewer’s request for additional information within 20 days, the Partner Agency will issue a decision based on the information in its possession.

In rendering a decision, the Partner Agency will evaluate the accuracy of the calculations, the level of documentation provided by the applicant, and the accuracy of the decision. The Partner Agency will communicate the results of the research/review to the applicant and advise the applicant that it may make a final appeal to MaineHousing at: 26 Edison Drive, Augusta, Maine 04330-6046 or by email to

acarson@mainehousing.org.

When the Partner Agency affirms a denial, the Partner Agency will communicate the following to the applicant: “We reviewed the information regarding your appeal of ineligibility for the Eviction Prevention Program and unfortunately have confirmed that you are ineligible. If you continue to disagree with our decision, you may make a final appeal to Maine State Housing Authority. To appeal, either send a written appeal to MaineHousing at 26 Edison Drive, Augusta, Maine 04330 or send an email to acarson@mainehousing.org within 30 days of this email.”

MaineHousing will investigate the reasoning for the denial and make a recommendation to the Director of MaineHousing to uphold or reverse the denial. MaineHousing will then communicate the Director’s decision to you.”

MaineHousing will direct the Partner Agency to upload the documentation needed to make a decision to ShareFile (downloaded documents folder). MaineHousing will investigate the Partner Agency’s reasoning for the denials and make a recommendation to the Director of MaineHousing to uphold or reverse the denial. The Director’s decision will be communicated to the applicant and is a final agency action.

H. REPORTING AND RECORDS RETENTION

The Partner Agency shall submit monthly reports tracking administrative expenses for budgetary purposes.

All records pertaining to this Program shall be maintained by MaineHousing and the Partner Agency for a period of seven (7) years after all funds have been expended. MaineHousing shall have access to all documents, information, records, email correspondence, accounting and financial records, invoices, payrolls, timecards, backup information and other material pertaining to this Program and the Partner Agency shall make such materials available for purposes of audit, inspection and examination by MaineHousing and cooperate fully with any action taken by MaineHousing and be available for scheduled on-site inspections and file review.

I. MONITORING

In order to ensure program integrity and monitor Partner Agency performance, MaineHousing will perform program and fiscal monitoring to satisfy all program oversight requirements. The objective of the monitoring process is to examine policies, processes, and standard operating procedures related to the delivery of services and compliance with Program requirements and this Guide. It is MaineHousing’s goal during monitoring to not only confirm consistent delivery of the program, but to also recognize best practices, improvement of the delivery of services and to acknowledge successful Program compliance. These monitoring activities also identify areas that need improvement and specific activities which may require corrective action and a revision of operating procedures.

J. FRAUD INVESTIGATION

Fraud is defined as an intentional act to deceive or mislead. The element of intent must be present in order to be considered fraud.

Fraud is not information provided or other actions taken based on a misunderstanding of program rules or questions being asked.

Potential Red Flags

If two or more of the below red flags exist, take a closer look or request additional documents. The presence of red flags alone does not prove that fraud exists, but the probability does go up.

- Total rent owed for one household is more than \$6,000;
- Monthly rent is higher than expected for the area;
- The landlord’s mailing address is out of state, or different than the mailing address on the W-9;
- No proof of residence submitted by the household;
- Household cell phone number is out of state.
- Inconsistencies within the provided lease or other documentation;
- No lease or proof of ownership is submitted by Landlord; or
- Requests that checks be made out to or sent to someone other than the Landlord.

Partner Agency Responsibility

The following steps should be taken if the Partner Agency discovers or receives information that appears to conflict with the applicant/landlord application or program guidelines:

- Document the date, time, and details of the initial report/discovery (including contact information of the source of the fraud complaint).
- Initiate contact with the applicant and/or landlord. Give the applicant and/or landlord an opportunity to explain the discrepancy. (Note: never use the term “fraud” or any language that sounds like an accusation. Also, never reveal the identity of someone who has reported alleged fraud.)
- Allow the applicant and/or landlord the opportunity to amend the application.
- Evaluate the information provided by the applicant and/or landlord.

If after reviewing all available information, there is a suspicion of fraud, please forward it to MaineHousing. For further assistance on fraud matters, contact Ashley Carson acarson@mainehousing.org or by phone at 207-624-5728. Please upload documentation to the fraud folder in ShareFile.

MaineHousing Responsibility

MaineHousing will work to investigate and resolve allegations of fraud, waste, and abuse in the Program. MaineHousing will maintain a tracking log for all fraud allegations and investigations and maintain documentation for each incident. Depending on the situation, MaineHousing may pursue collection of overpayments, withhold future payments, refer the case to law enforcement, or take other appropriate actions.

MaineHousing’s website and Landlord and Tenant applications ask participants to report suspected fraud to the Maine State Auditor’s fraud hotline: (207) 624-6250 or via email: fraud.stateauditor@maine.gov.

Applicants are also advised that MaineHousing reserves the right to randomly select applications to request supporting documentation to verify program eligibility.

MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Lauren Bustard, Maine State Housing Authority, 26 Edison Drive, Augusta, Maine 04330-6046, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice) or Maine Relay 711.