

RSP ADDENDUM TO AGREEMENT

This **RSP ADDENDUM TO AGREEMENT** effective as of _____, 20__ (“Grant Addendum”), modifies that certain Consultant Services Agreement dated _____, 20__ (“Agreement”), by and between the **COUNTY OF ORANGE**, a municipal corporation and one of the Counties of the State of New York, with offices located at 255-275 Main Street, Goshen, New York 10924 (“COUNTY”), and _____, an individual, with an address of _____ (“CONSULTANT”). COUNTY and CONSULTANT may be referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, COUNTY received an allocation of funding in an amount of \$920,321.00 from the New York State Office of Temporary and Disability Assistance (“OTDA”) under the *New York State Rental Supplement Program (RSP)* (“RSP”) to provide rental assistance to eligible individuals and families in the COUNTY, both with and without children and regardless of immigration status, who are experiencing homelessness or facing an imminent loss of housing;

WHEREAS, COUNTY has sub-contracted with CONSULTANT to perform certain services related to RSP as described in COUNTY’s Request for Applications for Housing Stabilization Case Manager (“RSP Services”) in exchange for a set rate of \$30.00 per hour;

WHEREAS, use of RSP funding for RSP Services requires COUNTY and CONSULTANT comply with RSP requirements and all applicable federal and state laws, rules, and regulations; and

WHEREAS, this RSP Addendum incorporates that certain OTDA Local Commissioners Memorandum 21-LCM-24 pertaining to RSP (“21-LCM-24”), the provisions of which CONSULTANT shall abide by when performing RSP Services under the Agreement.

NOW, THEREFORE, for and in consideration of the covenants and obligations contained herein and for good and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are true and correct and are hereby incorporated in and made a part of this RSP Addendum as if set forth at length in this Section 1.
2. Authority to Bind. The individual executing this RSP Addendum on behalf of CONSULTANT has the full legal authority to bind CONSULTANT.
3. Incorporation of and Compliance with 21-LCM-24. CONSULTANT shall perform all RSP Services in accordance with the 21-LCM-24, a copy of which is attached to this RSP Addendum as **Exhibit 1** and the terms and conditions of which are incorporated in and made a part of this RSP Addendum, as may be amended by modification to any of the statutes, regulations, or guidelines applicable to 21-LCM-24. CONSULTANT shall comply with all applicable federal and state rules, regulations, and agency- and program-specific requirements as set forth in 21-LCM-24.
4. Financial Claims. CONSULTANT shall submit to COUNTY all financial claims for RSP Services performed and required supporting documentation and reports as necessary to permit COUNTY to meet reimbursement deadlines and documentation requirements as established in 21-LCM-24. CONSULTANT acknowledges that there is a possibility of non-payment or rejection by COUNTY of claims that do not contain the required information, and/or are not received by COUNTY by the required due date.

5. Termination of Appropriation. If for any reason OTDA terminates its appropriation or fails to pay the full amount of the funds allocated for operation of RSP, the Agreement may be terminated or reduced at the discretion of COUNTY, provided that no such reduction or termination shall apply to RSP Services already performed by CONSULTANT where funds are available to COUNTY for payment of such RSP Services. In any event, no liability shall be incurred by COUNTY beyond monies available for the purposes of the Agreement. CONSULTANT acknowledges that any funds due to OTDA because of disallowed expenditures paid to CONSULTANT after audit shall be CONSULTANT's responsibility.

6. Inconsistency or Conflict. In the event of any conflict or inconsistency between the Agreement (including **Schedules A** and **B** annexed to said Agreement), as modified by this RSP Addendum, and any requirement in 21-LCM-24, the conflict shall be resolved by giving precedence to the requirement in 21-LCM-24 over the Agreement, as modified by this RSP Addendum.

7. Headings. Headings and subheadings in this RSP Addendum are included for convenience of reference only and shall not be considered in construing the corresponding text of this RSP Addendum.

8. Execution. By execution of this RSP Addendum, the Parties agree to the foregoing modifications and additions to the Agreement. All other terms of the Agreement, except as specifically modified by this RSP Addendum, shall remain in full force and effect.

IN WITNESS THEREOF, the Parties have executed this RSP Addendum to be effective as of _____, 20__.

COUNTY OF ORANGE

By: _____
Stefan ("Steven") M. Neuhaus
County Executive

By: _____

EXHIBIT 1
21-LCM-24



Office of Temporary and Disability Assistance

KATHY HOCHUL
Governor

BARBARA C. GUINN
Executive Deputy Commissioner

Local Commissioners Memorandum

Section 1

Transmittal:	21-LCM-24
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	December 13, 2021
Subject:	New York State Rental Supplement Program
Contact Person(s):	Temporary Assistance Bureau (518) 474-9344 otda.sm.cees.tabureau@otda.ny.gov
Attachments:	<u>Attachment A – 2021-2022 Rental Supplement Program Allocation</u> <u>Attachment B – 2021-2022 Rental Supplement Program Plan</u>

Section 2

I. Purpose

The New York State Fiscal Year 2021-2022 Budget appropriates \$100 million to provide rental supplements to individuals and families, both with and without children, who are experiencing homelessness or are facing an imminent loss of housing, regardless of immigration status. The purpose of this Local Commissioners Memorandum (LCM) is to notify social services districts (districts) of the option to participate in the New York State Rental Supplement Program (RSP) and to provide 2021-2022 RSP allocations and general program guidance. Districts choosing to participate in the RSP must submit a 2021-2022 Rental Supplement Program Plan (Attachment B) for approval which details the intended use of their allocation as well as their anticipated RSP start date.

II. Background

The RSP is a program established to provide vital rental assistance to individuals and families, regardless of immigration status, who are experiencing homelessness or are facing an imminent loss of housing. The RSP is available to individuals and families both with and without children. Districts may choose to retain their allocation and use district mechanisms (e.g., direct administration or transfer of funds to county agencies) to operate this program or may delegate the administration of this program, in full or in part, to another public agency, contractor or non-profit organization. The RSP will give districts the flexibility to develop a program that meets the needs of their underserved populations while working within the framework of certain minimum eligibility requirements established by the governing statute.

III. Program Implications

A. Program Activities and Services

Districts choosing to participate in the RSP must submit a Rental Supplement Program Plan (Attachment B) to OTDA for approval that provides details regarding the administration of their local program and the intended use of their allocation. Districts are encouraged to complete and return Attachment B to OTDA **as soon as possible, but no later than February 15, 2022**. Supplements shall be made available in accordance with district plans, provided however that certain minimum eligibility requirements are established as outlined in this LCM.

Supplements provided through the RSP will not be part of the standard of need pursuant to Social Services Law §131-a, and therefore would not be considered by ABEL when computing financial eligibility for Temporary Assistance (TA) (e.g., the supplement is not used for TA eligibility when computing the needs or gross income tests). When computing a budget for a TA recipient who is receiving a supplement, the shelter cost must be removed from the budget provided that the supplement covers the entire shelter cost. In addition, RSP supplements shall not be subject to recoupment or repayment unless there is a determination that the application submitted was fraudulent, or otherwise identified as ineligible, and the application should not have been approved.

B. Program Eligibility and Program Requirements

While districts have flexibility regarding the development of a Rental Supplement Program Plan, the governing statute outlines some minimum requirements for participant eligibility as follows:

- Eligible participants are individuals and/or families, both with and without children, who are experiencing homelessness or facing an imminent loss of housing, regardless of immigration status;
- Households must earn no more than 50% of area median income (AMI) at the time of application based on location and household size, with initial priority given to households who earn no more than 30% of AMI;
- Rental supplement amounts shall be set at 85% of local Fair Market Rent (FMR) values with a district option to pay up to 100% of FMR using local funds;
- At least 50% of the supplements shall be allocated for households who are currently in a shelter or experiencing homelessness, unless sufficient demand does not exist for such households within the district;
- A household's financial contribution will be limited to 30% of their household's total earned and/or unearned income;
- Supplements are to be provided until the household's income reaches 30% or more of their monthly rent, at which point the housing will be considered affordable for the individual/family and the supplement will end; and,
- Receipt of TA is not a requirement for determining eligibility for the RSP.

Rental Supplement Program Plans must provide a comprehensive outline of each district's proposed program and must address, at minimum, the following:

1. Specific details regarding how eligibility for a rental supplement will be determined, including the aforementioned eligibility requirements, as well as any target populations identified;
2. Information regarding how contributions towards rental costs from individuals outside the household will be verified and what standards will be applied in determining whether such contributions can be sustained in the future;
3. An assessment of how the district will ensure that the rental costs are legitimate and are the responsibility of the recipient (e.g., lease or letter from landlord);
4. The process for which clients will be expected to advise the district/contracted agency of household changes and how resulting modifications will be handled (rent increases, changes in household composition, etc.);
5. A description of the forms and/or notices that will be used to facilitate the application and determination process. When households requesting a supplement do not meet the criteria

set forth in the district's plan, the denial/closing letter must support the decision by explaining the criteria and the district's decision that the household does not meet such criteria. An award letter must be provided to both the tenant and landlord and must detail the amount approved to be paid on a monthly basis, months/term included and any applicable tenant protections resulting from receipt of the RSP;

6. An explanation of whether there will be any health and safety standards that must be adhered to prior to paying rental supplements at a specific location; and,
7. A plan for ensuring that households do not receive duplicate benefits from other sources that may assist with paying future rent/ongoing rental supplements.

Eligibility is determined based on a household's current monthly income at the time of application. Applications are to be accepted on a first come, first-served basis according to the eligibility parameters set forth at the local level. While districts have flexibility in determining the overall design of their local RSP, they are encouraged to make extra efforts to ensure prioritization of certain households, such as those with children under the age of six, single individuals with a history of housing instability, veterans, individuals and families experiencing domestic violence (DV), and other victims of violence. Though TA eligibility is not a factor in determining eligibility for the RSP, operators are encouraged to refer RSP applicants for assistance applying for applicable benefit programs, such as TA, Home Energy Assistance Program (HEAP), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

Notifications regarding eligibility determinations (e.g., approvals, denials, and closings) must be maintained in the case record for a minimum of six years following submission of the final expenditure report.

C. Allocations

A total of \$100 million is available annually to support the RSP. While all funding is subject to legislative enactment each year, continuing funding support for the RSP is expected. The 2021-2022 RSP district allocations are listed in Attachment A and have been determined based on each district's relative share of TA households as of March 31, 2021, as well as the distribution of renter households under 30% of the local AMI, based on the US Census Bureau 2015-19 Public Use Microdata Sample. RSP allocations may be adjusted in future award years based on factors including statewide utilization and ongoing local rental supplement needs.

D. Reporting Requirements

Reports that describe the progress of RSP activities and households served will be required on at least a quarterly basis. A reporting format is under development and will be distributed to participating districts.

Minimally, reports must include information related to payments made through the RSP (e.g., dates issued, periods covered, households on behalf of which payments are made, payees, supplement amounts, local contribution to the subsidy (where applicable), etc.), the number of households served, and certain demographic information including receipt of TA, household size and composition, number of contributing household members, household income levels, shelter or homelessness status at the time of application, priority group identification (if applicable) and TA case number (if applicable). Districts must also establish identifiers for the heads of household (RSP applicants) as well as a unique household tracking number.

Coordination with the local HUD-funded Continuum of Care (CoC) is encouraged, in order to support each district's ability to track services and outcomes related to participation in the RSP. Additionally, coordination with the CoC will assist districts in avoiding a duplication of benefits with other supplement programs that may exist in each local area.

Districts and/or program operators, as applicable, are required to provide OTDA or its designees access to the program records during the course of the project. RSP projects will be monitored by OTDA on a regular basis and may include onsite visits as well as regular telephone contact and/or case reviews. The goal of monitoring is to ensure the terms of the RSP are being met in accordance with State legislation. In addition, monitoring enables OTDA to provide technical assistance, where necessary, to assist the district and/or program operator to meet the overall intent of the RSP. It is the responsibility of the district to monitor any and all subcontracts. Districts must ensure the confidentiality of records concerning project participants.

IV. Reimbursement Structure and Allowable Costs

RSP payments for the initial 12-month period will consist of an advance of 25 percent of the district's allocation. The remaining 75 percent of the allocation will be paid as claims are submitted to substantiate payment. Allocation and reimbursement for the second year, beginning 12 months following the district's approved initial commencement date but no sooner than December 1, 2022, will be contingent on continued availability of funds and local district need.

RSP funding is made available for districts to provide vital rental assistance to eligible households and as such, it is expected that a minimum of 85% of the funds will be used toward rental supplements in accordance with the guidelines outlined herein. OTDA has set a 15% spending limitation on administrative costs.

Agencies should limit the amount of administrative costs necessary to operate the RSP to maximize both the amount of funds available to pay rental supplements and the number of households enrolled. The use of RSP funds for administrative purposes must be directly related to the provision of rental supplements to eligible individuals and families.

For districts opting to assign all or a portion of their RSP allocation to another public agency, contractor or local nonprofit organization, districts will be held liable for assigned funds not used in a manner consistent with the purpose of the RSP allocation.

Districts are required to submit all claims for reimbursement through the Automated Claiming System (ACS) regardless of whether they elect to operate the program in-house or transfer the administration to another entity. RSP claims must be for services provided during the district's approved initial 12-month period and must be claimed in a timely manner after provided. Additional claiming information will be provided to districts who choose to operate an RSP.

V. Necessary Action

Districts who elect to receive this funding must also complete and submit the Rental Supplement Program Plan (Attachment B). Districts are encouraged to complete and return Attachment B to OTDA as soon as possible, but no later than February 15, 2022. Advances will be remitted following the approval of each district's Attachment B, and in accordance with their anticipated RSP commencement date.

Issued By:

Name: Barbara C. Guinn

Title: Executive Deputy Commissioner

Division/Office: Office of Temporary and Disability Assistance

District	2021-2022 Rental Supplement Program Allocation
New York City	\$67,922,380
Albany	\$1,125,750
Allegany	\$120,210
Broome	\$899,827
Cattaraugus	\$282,026
Cayuga	\$268,767
Chautauqua	\$645,332
Chemung	\$290,178
Chenango	\$139,789
Clinton	\$240,580
Columbia	\$129,741
Cortland	\$141,026
Delaware	\$121,902
Dutchess	\$727,515
Erie	\$3,874,658
Essex	\$100,000
Franklin	\$164,265
Fulton	\$116,749
Genesee	\$143,394
Greene	\$116,986
Hamilton	\$100,000
Herkimer	\$154,406
Jefferson	\$402,505
Lewis	\$100,000
Livingston	\$190,065
Madison	\$120,038
Monroe	\$3,035,181
Montgomery	\$154,608
Nassau	\$2,028,294
Niagara	\$742,819
Oneida	\$857,846
Onondaga	\$1,916,038
Ontario	\$256,173
Orange	\$920,321
Orleans	\$144,298
Oswego	\$432,808
Otsego	\$125,940
Putnam	\$100,000
Rensselaer	\$497,493
Rockland	\$713,032
St. Lawrence	\$309,135
Saratoga	\$322,466
Schenectady	\$536,305
Schoharie	\$100,000
Schuyler	\$100,000
Seneca	\$100,000
Steuben	\$325,926
Suffolk	\$2,640,308
Sullivan	\$240,957
Tioga	\$124,850
Tompkins	\$461,767
Ulster	\$494,918
Warren	\$126,379
Washington	\$131,444
Wayne	\$193,050
Westchester	\$3,029,553
Wyoming	\$100,000
Yates	\$100,000

2021-2022 New York State Rental Supplement Program Plan

District:

Contact Person:

Telephone:

Email:

RSP Implementation Date:

Indicate whether the program will be administered using district mechanisms (e.g., direct administration or transfer of funds to county agencies) or by another public agency, contractor or non-profit organization. Administration of the RSP may be delegated in full or in part. Also indicate whether districts will coordinate with the local HUD-funded Continuum of Care, if applicable.

Indicate the anticipated RSP supplement amount and the number of households expected to be served in the initial 12-month period. RSP supplement amounts are set at 85% of the local Fair Market Rent (FMR) values with a district option to pay up to 100% of FMR using local funds.

RSP Supplement Amount:

Anticipated Number of Households to be Served:

Describe the outreach mechanisms that will be used. Receipt of TA is not a requirement for determining eligibility for the RSP, but at least 50% of the supplements shall be allocated for households who are currently in shelter or experiencing homelessness (unless sufficient demand does not exist for such households within a district).

Describe the application and determination process, including the length of time within which applications will be approved or denied. OTDA encourages districts/contractors to make decisions regarding applications within 30 days of the application date.

Describe the forms and/or notices that will be used to facilitate the application and determination process. When households requesting a supplement do not meet the criteria established by the district, the denial/discontinuance letter must support the decision by explaining the criteria and the district's decision that the household does not meet such criteria. When a supplement is approved, an award letter must be provided to both the tenant and landlord and must detail the amount approved to be paid on a monthly basis and the months/term included.

Indicate the anticipated target population, including prioritization of certain households (e.g., those with children under the age of six, single individuals, veterans, individuals and families experiencing domestic violence (DV) and non-DV victims of violence). Eligible participants include individuals and/or families, regardless of immigration status, who are experiencing homelessness or facing an imminent loss of housing, including individuals and families with or without children.

Indicate how the following eligibility standards will be met:

- Households must earn no more than 50% of area median income (AMI) at the time of application (using current monthly income for the household and excluding earned income of a minor child; adoption/foster care payments; one-time loans, gifts, lump sum payments or other non-recurring income; and childcare subsidy payments) based on location and household size, with initial priority given to households who earn no more than 30% of AMI;
- A household's financial contribution will be limited to 30% of their households' total earned and/or unearned income; and
- Supplements are to be provided until the household's income reaches 30% or more of their monthly rent, at which point the housing will be considered affordable for the individual/family and the supplement will end.

List any other established eligibility criteria and indicate how each criterion will be determined and documented. Include the following:

- Will leases be required of all tenants?
- How will the district/contractor ensure that the rental costs are legitimate and the responsibility of the recipient if a lease is not required?
- Will there be any health and safety standards regarding the housing that must be met prior to paying the supplement at a specific location?
- How will the district handle modifications (e.g., moves, rent increases, changes in household composition, etc.)?
- What standards will be followed in determining whether supplementation will continue following a move?
- Will the district/contractor require the recipient household to report changes related to the supplement within a set timeframe as a condition of continued eligibility for the supplement?
- How will contributions towards rental costs from individuals outside the household be verified and what standards will be applied in determining whether such contributions can be sustained in the future?

Indicate the length of time the supplement will be offered to households (e.g., three months, six months, indefinitely, etc.) and whether there is a recertification process for the supplement.

Indicate the payment mechanism (e.g., check, transfer of funds, etc.) and whether the supplement will be paid to the tenant or the landlord.

Indicate how fraudulent and/or cases determined to otherwise be ineligible will be handled, including the procedure for recouping funds, if necessary.

Describe how the district/contractor will ensure that households do not receive duplicate benefits from other sources that may assist with paying future rent/ongoing rental supplements.

Indicate how client records will be maintained (e.g., paper file cabinets, electronic records, or a combination of both) and whether any specific software or system will be used. Notifications regarding eligibility determinations (e.g., approvals, denials and discontinuances) must be maintained in the case record for a minimum of six years following submission of the final expenditure report.

Indicate how the progress of those served in the RSP will be monitored. Reports that describe the progress of RSP activities and those served will be required on at least a quarterly basis. A report template will be provided. Minimally, reports must include the amount of rental supplement payments provided, the number of households served and certain demographic information including receipt of TA and household composition.

To the fullest extent possible, RSP funding should not be used to supplement existing Shelter Supplement Programs. Districts who currently have an approved Shelter Supplement Plan must indicate the following:

- How the RSP will be different from their current approved Shelter Supplement Plan
- The process established to ensure funds are not duplicated
- How participating households will be distinguished