



Questions and Answers: COVID-19 Emergency Rental Assistance Program (ERAP)

These questions were collected during the ERAP information session held by East Bay Housing Organizations (EBHO) on Friday April 16th. You can view the full presentation [here](#). For additional questions, please contact the ERAP agency for your City or County (you can find contact information [here](#)) or email alex@ebho.org.

1. Who qualifies for ERAP?

You can find a detailed description of who's eligible for ERAP in your City or County by visiting [EBHO's website](#) or reviewing the [slides](#) from the information session. In general, tenants must make less than [80% of area median income](#) (AMI) and have experienced a financial hardship due to COVID-19. In the East Bay, tenants with lower incomes and histories of homelessness will be prioritized for assistance.

2. I was unemployed when I missed rent payments, but now I've regained employment and make more than 80% of AMI. Do I qualify for ERAP?

In most cases, yes. Eligibility can be determined in terms of *either* your income at the time that you apply *or* your income in 2020. If you've regained employment, you should still apply. You'll be able to use your 2020 income tax statement or proof that you received unemployment benefits to show that you were income eligible during the period in which you missed rental payments. That said, given your relative stability, local programs may prioritize lower-income households for relief before providing you with assistance.

3. I get paid in cash. Do I qualify for ERAP?

Yes. You need to be able to prove that you a) are low income and b) experienced a financial hardship due to COVID-19. If you don't have any documents that show how much money you make, or how much money you've lost during the pandemic, you can sign legal statements that say that you meet these qualifications. This is called "self-certification." The statements will be provided when you apply.

4. I qualify for PG&E's CARE program. Can I use this to prove that I'm eligible for ERAP?

Yes. In order to prove that you qualify for ERAP, you need to show proof of five things:

- Identity
- Address of residence
- Household income
- Amount of rent owed
- COVID-related financial hardship

Documents that show that you qualify for CARE should meet the first three requirements. (You still need to satisfy the other two.) You can also use proof of eligibility for other public assistance programs—such as Medi-Cal, CalFresh, or Section 8—to make it easier to apply to ERAP.

5. Oakland and Fremont have ERAPs, but I live in Hayward. Do I qualify for ERAP?

Yes. If you live in Alameda County, but not Oakland or Fremont, then you're covered by the Alameda County ERAP. You can apply [here](#) or call 211. If you live anywhere in Contra Costa County, then you're covered by the State ERAP. You can apply [here](#) or call 833-430-2122.

6. Can I apply over the phone?

Yes. Depending on the location of your rental unit, you can apply by calling:

- Oakland – 510-899-9289, 510-860-4985, or 510-452-4541
- Fremont – 510-574-2028
- Alameda County (not Oakland or Fremont) – 211
- Contra Costa County – 833-430-2122

7. Can homeowners use ERAP?

No. ERAP is only for residential tenants and property owners. However, there are other relief programs dedicated to providing mortgage assistance or adjustment for homeowners. For more information on federal homeowner protections and opportunities, visit [this website](#). If you live in Alameda County, including Oakland, you may be eligible for mortgage payment assistance. Contact [Housing and Economic Rights Advocates](#) (HERA). More resources for homeowners will become available soon thanks to money approved by Congress in the American Rescue Plan.

8. Can businesses/commercial tenants use ERAP?

No. ERAP is only for residential tenants and property owners. However, there are other relief programs focused on restaurants, entertainment venues, small businesses, and non-profit organizations that may help cover rental debt for commercial tenants. For more information, visit the business assistance page of your City or County:

- [Oakland](#)
- [Fremont](#)
- [Alameda County](#)
- [Contra Costa County](#)

9. I live in a transitional housing program that requires program fees, rather than rent. Do I qualify for ERAP?

You might. ERAP is limited to tenants with “an obligation to pay rent.” If you think that the fees in your program amount to “an obligation to pay rent,” then you should apply. In the application, you should explain the situation and request clarification from the ERAP provider.

10. Can supportive housing programs apply for tenants who are behind on their payments?

Yes. If a tenant is eligible for ERAP, then a housing provider can apply on the tenant’s behalf. In order to receive approval, however, the tenant will need to provide their consent and supporting documentation.

11. I’m a subtenant, so I’m not on the lease. Do I qualify for ERAP?

Yes. If you have an obligation to pay rent to the landlord, then you qualify for ERAP.

12. I’m renting a home from a family member. Do I qualify for ERAP, even though I’m related to my landlord?

Yes. If you have an obligation to pay rent to the landlord, then you qualify for ERAP.

13. How long does the application process take? If approved, how long does payment take?

The length of the application process varies depending on how long it takes to receive all of the required documents from both the tenant and the landlord. The best way to make sure that it goes quickly is to provide all of the necessary documents at the beginning of the process. As such, tenants and landlords are encouraged to cooperate with one another. Once the application is approved, it should take around one week for ERAP to make payment.

14. What happens if both a tenant and their landlord have already applied for ERAP?

That's a good thing! In order to be approved, applications need both tenants and landlords to participate. So this will speed up the process. The ERAP agency will use the address of the rental unit to connect these two separate applications, making them one.

15. I'd prefer not to let my landlord know that I'm applying to ERAP until I know whether my application was accepted. Will the program automatically contact my landlord when I apply?

Not necessarily. When you apply, you may be able to fill out the majority of the application but leave out the contact information for your landlord. If you do this, then an ERAP case manager will contact you to get the remaining information. You may be able to determine your eligibility at that time. However, in order to receive rental assistance, your landlord will eventually need to be contacted so that they can approve your application.

16. If my landlord refuses to participate in ERAP, and the program pays 25% of back rent to me directly, is the payment still made out to the landlord?

No. At that point, it's made out to you as the tenant. If your landlord agrees to participate in ERAP, then the program will pay them on your behalf. However, if your landlord opts out of ERAP, then you're still entitled to all or some of the financial assistance that you would've received had your landlord opted into the program (minimum of 25%). The payment is then made directly to you as the tenant, so that you can use it to pay your landlord for a portion of your back rent.

Note: You should submit a letter to your landlord that states that this money is meant to cover rent missed since September 1st, 2020. You should also hold onto a copy of that letter for your records. This will help ensure that you can't be evicted over your COVID-related rental debt at any point in the future, in accordance with State law. To learn more about this law (SB 91), visit [EBHO's website](#).

17. What if my landlord refuses to participate in ERAP, but also refuses my direct payment of 25%?

If this happens, you should speak to a legal specialist by calling:

- API Legal Outreach – 510-251-2846 (Oakland only)
- Bay Area Legal Aid – 800-551-5554 (Alameda and Contra Costa)
- Centro Legal de la Raza – 510-437-1554
- East Bay Community Law Center – 510-548-4040
- Eviction Defense Center – 510-452-4541

18. What happens if my rental assistance isn't approved, and I still can't pay my landlord the 25%? Will I be protected come June 30th, 2021, when the State's eviction moratorium (SB 91) is set to expire?

It depends on where you live. If you live in Alameda County, then you should still be protected from eviction until 60 days after the end of the public health emergency. If you live in Contra Costa County, then you could face eviction unless a) SB 91 is extended or b) you live in a City with stronger protections. Antioch, Pittsburg, and El Cerrito have stronger protections that bar non-payment evictions until the end of the emergency period. However, the interaction between State and local laws can be complex. So you should seek free legal advice in this case. See Question 17.

19. If I wasn't able to pay rent during the pandemic, will that harm my credit report?

State law (SB 91) says that non-payment of rent due to COVID-19 can't be used to give you a negative credit rating or deny your application for an apartment in the future. Currently, efforts are underway to strengthen those protections. If you think that you've unfairly received a negative credit rating, then you should contact one of the legal service organizations in Question 17.

20. I don't owe back rent, but I'm worried about making future rent payments. Can I still apply to ERAP?

While there's no guarantee, you may be eligible to receive help making future rent payments. If you meet the general eligibility criteria (see Question 1), then you should apply. There may also be other programs in your community that can help you cover the rent. For instance, if you live in Alameda County, including Oakland, then you should contact [Alameda County Housing Secure](#) or call 211. If you live in Contra Costa County, then you should call 211.

21. I don't owe back rent, but I'm behind on my utilities. Can I still apply to ERAP?

Yes. As long as you're eligible for ERAP (see Question 1), you can apply for utility relief. You'll be able to indicate that you need utility relief, but not rent relief, when you fill out the application.

22. What role can community providers play in the application process as they work together with families to apply for this assistance?

Community based organizations (CBOs) have an important role to play in helping tenants and landlords learn about and apply to ERAP. City, County, and State agencies are recruiting CBOs to assist with outreach, education, and technical assistance across a broad range of locations and languages. There are small grants available to assist organizations in this role. If you're interested in getting involved, then you can apply to join the State's [Local Partner Network](#). Contra Costa County is in the process of setting up a Coordinating Council of CBOs who can assist impacted communities. If you're interested in participating, email alex@ebho.org to learn more.