APPEALS & DENIALS POLICY

WHY AN APPLICATION MAY BE DENIED

Applications are flagged and denied due to unresolved inconsistencies such as, but not limited to, the tenant and property owner living at the same address, discrepancies found upon residency verification, documentation falsification or duplicate information discovered on multiple applications.

Reasons For Application Denial

- Blatant Misrepresentation
- Refusal to work with CCP
- Tenant demands to be paid directly but the landlord is CCP verified
- Unverifiable or inconsistent residency or ownership information (Including mismatches between LLC information and property ownership)
- Unverifiable W-9
- Harassment (Both written and verbal)
- Uploaded documents/leases/ledgers fail to meet CCP requirements (no falsification, photoshop or image alteration)
- Tenant admission of incentive pay or reward in return for their application
- Unreasonable ratio of applications to total units
- Notable post-Moratorium rent increase/exorbitant fees
- Handwritten/heavily edited documents not congruent with the business profile
- Maximum Assistance Reached
- Income Exceeds Program Eligibility Requirements

Special Issues

Subleasing

Subleasing agreements are not accepted unless:

- A lease with a verified subleasing provision is provided by the property owners AND 3 months of payment receipts are provided indicating that rent was paid prior to the requested assistance dates.
- If residency cannot be confirmed, verification documents may be requested (e.g. mail or official documents with the applicant's name and mailing address typed or printed on it). Letters or documents with a handwritten address will not be accepted as proof of residency.

Roommate/Familial Rentals

Applications are often denied when addresses are the same or the verification process uncovers familial connections or personal associations that were not disclosed, or an attempt was made to hide the association. Upon appeal, these applications will be considered on a case-by-case basis if the following is provided:
3 months of payment receipts are provided indicating that rent was paid prior to the requested assistance dates AND Proof of residency in the form of a bill or official document with the applicant's name and address on it. Handwritten documents will not be accepted.

Due to the amount of waste, fraud and abuse discovered in informal rental applications, Roommate/Familial rental assistance amounts will be capped at 3 months arrears/3 months prospective unless a special determination is made otherwise.

**Please Note:** Community Cares Partners is not required to provide a detailed account of any denial.

**LANDLORD DENIAL POLICY**

If a landlord is found to not be in compliance with Community Cares Partners policy, CCP will no longer send direct payments to the landlord and will work with tenants on a case-by-case basis.

**Determination Procedure**

- Cross referenced verification of application/tenant information utilizing CLEAR Risk Analysis, Government Public Records, and related sites. (Note: Public Records are not used to make determinations of eligibility as indicated by the Fair Credit Reporting Act, only to verify stated information or determine discrepancies)
- Audit of applicants submitted by landlords-checking ledgers/lease information and residency information to determine patterns of inconsistency/deception
- Investigation of any applicant reports of waste, fraud or abuse by the Landlord
- Inspect documents for editing including running documentation through tools that determine photoshopping/electronic editing
- Speaking with applicants to verify information provided by the landlord

Prior to the final determination, suspected Landlords will be placed on the Under Investigation List. The Investigation and Appeals Team will endeavor to complete their investigation in a timely manner.

**Ineligible Landlord List**

Upon final determination, said Landlord will be placed on CCP’s Ineligible Landlord List. From this point, no payments will be made by CCP to a Landlord on the Ineligible List.

The Ineligible Landlord List may be shared with law enforcement officials, federal, state or local, Legal Aid Services of Oklahoma (LASO), Housing Stability Partners, ERAP funders and other parties when deemed reasonable and necessary. The sharing of the information, which shall not include applicant personal information (unless the applicant is a client of LASO, the Housing Stability Partner or required by the government agency), is intended to:

- Ensure payments are not inadvertently made to one of these Landlords, and
- Prevent relocation, if possible, to one of these Landlords’ properties.

Landlords may not appeal for a tenant. If a Landlord is deemed ineligible, the tenant may still be eligible for direct tenant pay.
APPEALS

Oklahoma Community Cares Partners Emergency Rental Assistance Program applicants may contest any determinations or denials based on program policy or calculations. However, an applicant may not challenge the use of federal statutory requirements.

Applicants may file an appeal when it is believed there is an error with program eligibility determinations, program award, initial appeal determination, among any other determinations. An applicant must submit a written appeal directly with the program within thirty (30) days of the determination. If an Applicant fails to file an appeal within the time allotted, said inaction will be deemed as an acceptance of the program determination.

Applicants who file an appeal are encouraged to provide individual facts or circumstances upon request, as well as supporting documents to justify their petition. The program has the discretion to accept or reject new documentation based upon its relevance to the circumstances of the appeal. Appeals may be denied or approved in whole or in part after a thorough review of the circumstances, the information already included in an Applicant's file, and relevant new documentation submitted. An appeal is not an opportunity to resubmit a complete application. Community Cares Partnerships is not required to provide a detailed account of the denial.

DIRECT TENANT PAY POLICY

CCP processors and/or qualifiers will verify for each application whether the listed Landlord is on the Ineligible Landlord List. If the Landlord is ineligible to receive payment from CCP, CCP will attempt to use Direct Tenant Pay. Processors and their team leader(s) will:

1. Verify tenant information utilizing Public Records Databases such as CLEAR and other public record sources
2. Perform a phone interview with the tenant as needed
3. Tenants will need to document proof of residence at the address for which rent assistance is sought. It will need to be current or within the period claimed. If such documentation indicates it has been photoshopped or otherwise altered, the application will be denied.

For tenants seeking rental assistance with CCP whose landlord is on the Ineligible Landlord List, to qualify for Direct Tenant Pay, a lease must be provided by the Tenant, not the Landlord. In some cases, the tenant may be asked to fill out a new ledger.

Due to an influx of waste, fraud and abuse issues involving tenants and landlords working together to misrepresent their circumstances, Direct Tenant Pay will be limited to 3 months arrears and 3 months prospective unless specifically determined otherwise. These monies are to be used in accordance with the new Direct Tenant Pay ERAA

The Direct Tenant Pay ERAA may include a provision that the Tenant certifies they did not receive financial incentive of any kind from the Landlord to apply for ERA.

Treasury Guidelines, Question 5, allow for attestation if Tenant cannot provide a lease, but additional proof of residence and other documentation of rent must be included. This determination may be made by the Investigation and Appeals Team.
ERAA INFORMATION

If Waste, Fraud or Abuse is discovered at any point of the application lifecycle, any signed ERAA attached to the application would be considered null and void.

In the case of an appeal reversal or Direct Tenant Pay, a new ERAA will be drafted and provided to the applicant.

WASTE, FRAUD AND ABUSE OVERVIEW

REPORTING WASTE, FRAUD AND ABUSE

Anyone may file a complaint, regardless of religion, race, immigration or documentation status, or national origin. A person does not have to have been a participant in the program to share a concern of possible fraud, waste, or abuse.

If you are a landlord whose tenant did not use tenant pay funding to pay their rent, please report the incident to the U.S. Department of Treasury here and contact us with the information at Report@okccp2021.org. Please provide the Case ID (if possible), tenant name, tenant address, and amount unpaid as well as your contact information.

If you are a tenant who has been offered money, a discount or a reward in exchange for your application or has been encouraged to apply using false amounts, dates, and/or documents, please contact us at Report@okccp2021.org. You may contact us anonymously, but please provide the property contact details, names of those involved and details surrounding the incident.

If you have witnessed waste, fraud, or abuse of Emergency Rental Assistance Funding, please contact CCP at Report@okccp2021.org. Please provide your contact details so that we may investigate further. If you are not comfortable providing contact information, please provide as much information as possible when reporting.

FAQ

1. What happens after I report?

If you are a landlord /property manager reporting lack of payment, the report will be noted in our file and the information will be sent to local authorities for investigation. We also encourage you to report to Treasury and local authorities as well.

If you are reporting anonymously, you will receive a follow-up email to acknowledge the information and then we will investigate the situation and take appropriate action.

If you are reporting and providing contact information, we will contact you to gather more information and will investigate to determine the appropriate actions to take.

2. Will I get in trouble for reporting?

No. The goal of gathering information is simply to determine whether someone is still eligible for CCP funding. While bad actors will be turned over to the local authorities for further investigation, we want to protect those who are brave enough to come forward with their story.
DEFINITIONS

**Waste** is defined as the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment (or potential detriment) of the U.S. government. Waste also includes incurring unnecessary costs resulting from inefficient or ineffective practices, systems, or controls.

**Fraud** is defined as the wrongful or criminal deception intended to result in financial or personal gain. Fraud includes false representation of fact, making false statements, or by concealment of information.

**Abuse** is defined as excessive or improper use of a thing, or to use something in a manner contrary to the natural or legal rules for its use. Abuse can occur in financial or non-financial settings.

It is important to note that ERA funding is for EMERGENCY rental assistance related to the Covid-19 Pandemic. It is not general hardship assistance. Landlords and Property Managers should not be presenting assistance to tenants unless they are facing risk of eviction, homelessness or financial hardship rendering them incapable of paying rent. **Misrepresentation of funding purpose falls within the waste fraud and abuse category.**