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# Implementation Report on Expediting Rental Assistance

Family Homelessness Prevention and Assistance Program

01/15/2025

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## Purpose

This report is to comply with [Minnesota Laws 2024, chapter 127, article 16](#). It is responsive to the reporting requirements under [Minnesota Laws 2024, ch. 127, art. 16, section 5: Verification Procedures for Rental Assistance](#).

The goal of the Workgroup on Expediting Rental Assistance (WERA) recommendations and the subsequent legislation passed during the 2024 legislative session are to speed up processing of emergency rental assistance applications and the delivery of emergency rental assistance payments. While there are a few state programs that provide emergency rental assistance, the focus of this report and the 2024 Minnesota Laws is on the Family Homelessness Prevention and Assistance Program (FHPAP).

The FHPAP supports the prevention of homelessness and assists households in exiting from homelessness. The FHPAP prevents and decreases homelessness through providing supportive services and direct assistance, including emergency rental assistance. The FHPAP supported 10,260 households for a total of \$33.8 million in 2023 and base funding for the program is \$10.3 million per year.

While the focus of the report is on statutorily required considerations, Minnesota Housing leadership and staff are committed to ongoing program improvement and effective administration of the FHPAP, and will continue engaging with partners, program administrators, and households that utilize the program.

## Requirements

Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5: VERIFICATION PROCEDURES FOR RENTAL ASSISTANCE

- (a) The commissioner of the Minnesota Housing Finance Agency, working with program administrators, must develop recommendations to simplify the process of verifying information in applications for the family homelessness prevention and assistance program. In developing recommendations, the commissioner must consider:
  - (1) allowing self-attestation of emergencies, assets, and income;
  - (2) allowing verbal authorization by applicants to allow emergency rental assistance administrators to communicate with landlords and utility providers regarding applications for assistance; and
  - (3) allowing landlords to apply for emergency rental assistance on tenants' behalf
- (b) The commissioner must:
  - (1) prepare recommendations and submit them to the chairs and ranking minority members of the legislative committees having jurisdiction over housing finance and policy by January 1, 2025;
  - (2) adopt any recommendations that have become law; and
  - (3) provide technical assistance to counties, Tribes, and other emergency rental assistance administrators to implement these recommendations.
- (c) By January 13, 2025, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over housing detailing the proposed recommendations required by this section. By July 7, 2025, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over housing detailing the recommendations adopted as required by this section.

This report covers the reporting requirements under Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(b)1 and (c).

## Recommendations

This section outlines Minnesota Housing’s recommendations adopted for the three considerations outlined in Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(a).

### Self-Attestation

Per Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(a)(1), “In developing recommendations [to simplify the process of verifying information in applications for the FHPAP] the commissioner must consider allowing self-attestation of emergencies, assets, and income.”

Minnesota Housing previously permitted self-attestation to improve access and expedite assistance during the COVID-19 pandemic. The WERA recommendation to simplify the process of verifying information in applications by allowing self-attestation of income in specific cases aligns with the positive outcomes experienced by households, partners, and Minnesota Housing.

The FHPAP currently allows for two methods to obtaining household income verification: income documents provided by the household, or third-party verification. FHPAP staff worked with current program administrators to explore changes to the FHPAP Program Guide, including the verification of household income methods. On October 24, 2024, Minnesota Housing’s board of directors approved self-attestation as a third verification method.

For the October 1, 2025 – September 30, 2027, contract term, self-attestation will be allowed if a household is unable to provide the required documentation or if the provider cannot secure third-party verification. If the aforementioned factors are present, the household may complete a self-attestation of income form. This form must be signed by the household and included in the case file, along with case notes explaining why the self-attestation was necessary. In instances where a household does not currently have any income, this update supports a process to document that rather than challenging a household to find ways to prove their lack of financial resources.

These changes streamline the income verification process and provide flexibility for households facing challenges in securing traditional forms of income verification.

### Verbal Release of Information

Per Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(a)(2), “In developing recommendations [to simplify the process of verifying information in applications for the FHPAP] the commissioner must consider allowing verbal authorization by applicants to allow emergency rental assistance administrators to communicate with landlords and utility providers regarding applications for assistance.”

Minnesota Housing understands the need to respond to housing crises with urgency. We also value the autonomy of tenants and their right to protect their sensitive information. It is imperative that tenants are explicitly informed of the information they are choosing to release when permitting stakeholders

to act on their behalf. This is best accomplished via a signed release of information that details the information the tenant is comfortable with sharing.

A verbal release of information creates several challenges including the risk of releasing information that the tenant did not expressly consent to, uncertainty of stakeholders, and a variety of privacy concerns.

Further, it is a routine practice of property owners, property managers, and other interested parties to require a written release as a means to protect both the tenant and provider/entity. A deviation from this practice would be cumbersome and could potentially delay the necessary assistance to resolve the housing crisis. Thus, Minnesota Housing does not recommend and did not adopt a policy that permits a verbal release of information to allow program administrators to communicate with landlords and utility providers regarding applications for assistance.

### **Application for Assistance on Behalf of Tenants**

Per Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(a)(3), “In developing recommendations [to simplify the process of verifying information in applications for the FHPAP] the commissioner must consider allowing landlords to apply for emergency rental assistance on tenants' behalf.”

Minnesota Housing recognizes that allowing property owners to apply for emergency rental assistance on behalf of tenants may make the process more efficient, potentially avoiding eviction actions or lease terminations. However, the agency has a number of concerns.

First, Minnesota Housing is committed to prioritizing tenants' agency and ability to make their own housing decisions. This includes when and how to pay rent, and through what resource. If tenants do not want to use government rental assistance for whatever reasons, they have the right to not have their housing provider make the choice for them. If a tenant does not pay rent, rental property owners have ways of seeking relief, including through eviction actions to reclaim possession, or through the conciliation court process to recoup amounts owed.

Second, there are legally allowed reasons that a tenant may withhold rent. One example includes a process called ‘repair and deduct.’ If a housing provider has failed to make necessary repairs, under certain circumstances a tenant has the right to pay for the repairs and then deduct the cost from their next rent payment. Another scenario is when a tenant is paying rent into court through a rent escrow action for a violation of Minnesota law. In these cases— if a property owner was able to apply for rental assistance— there is a possibility that legal avenues available to tenants would be circumvented, or property owners would receive what results in a double payment.

Next, there may be a dispute over the amount owed to the property owner. A tenant may have proof that they paid the disputed amount; however, if they are not able to verify and approve the amount paid on their behalf, there may be unjust enrichment.

Finally, most emergency assistance programs have limits on the amount they are able to pay, or how many times an applicant may seek assistance (for example, only one payment in any 12-month period.) If a property owner had applied for rental assistance without the tenant knowing, it may prevent the tenant from the ability to use the assistance in future emergency situations.

For these reasons, Minnesota Housing does not recommend and did not adopt a policy of allowing landlords to apply for emergency rental assistance payments independent of tenants for the FHPAP.



## Closing

This update report has been submitted to the chairs and ranking minority members of the legislative committees with jurisdiction over housing per Minnesota Laws 2024, Ch. 127, Art. 16, Sec. 5(b)1 and (c).

Minnesota Housing will submit a separate report to respond to the requirement for an annual projection of need for emergency rental assistance by January 15, 2025.