

DATE: **December 28, 2021**
July 6, 2021

PROCEDURAL MEMORANDUM #002-21

SUBJECT: Emergency Rental Assistance Program (ERAP) Procedure for Appeals

TO: County ERAP Providers

FROM: Cathy Buhrig
Director
Bureau of Policy

PURPOSE

To inform county ERAP providers of a correction to the ERAP Instructions and Requirements document for handling ERAP appeals.

BACKGROUND/DISCUSSION

Appeals will be handled at the local agency county level for the Department of Human Services (DHS) ERAP program component. PA Act 1 Section 104-D(3) stipulates that appeals are subject to [2 Pa. C.S. Chapter 5 Subchapter B](#) (relating to practice and procedures of local agencies).

The county must develop procedures in accordance with 2 Pa C.S. Chapter 5 that allows clients to appeal denied assistance or terminated services and afford them the opportunity to have their cases **heard** by the county agency.

ERAP provider agencies that also administer the Homeless Assistance Program (HAP) can leverage their existing county level appeals process used for HAP.

Counties must inform clients, in writing, of their right to appeal and of the availability of an **appeal process at the local county level**. The client is not entitled to, but may receive, service during the appeal review at the discretion of the ERAP providers.

Counties must provide all decisions resulting from a county appeal to the client and the provider, in writing. The ERAP provider must keep record of all appeal hearings and outcomes.

The ERAP provider must provide the following information in writing to any client to whom it denies or terminates from service:

- The action being taken
- The reason for the action
- The effective date of the action; and
- The availability of an appeal process
- Information on where and how to file an appeal at the local agency level. This information shall also be made available on the county or agency website.

The ERAP provider must make every attempt to provide a warning or advance notice of termination of services when possible.

If a client wishes to further appeal a decision resulting from a local agency appeal outcome, it must be made to the local court system that has appropriate jurisdiction (2 Pa. C.S. § 752). The DHS Secretary has no authority to reconsider decisions issued at the local level. Appellants would instead file ERAP appeals with the Court of Common Pleas for the county in which the decision was issued.

NEXT STEPS

1. Share and review this Procedural Memo with appropriate staff.
2. Direct questions regarding this Procedural Memo to RA-PWERAPOIM@pa.gov.
3. This Procedural Memo is in effect until further notice.