

Applicant acknowledges that by registering for the Hillsborough County Rapid Response Recovery (R3) Emergency Rental Assistance Program (ERAP) to receive financial assistance, if funding is awarded, the “Applicant” has read, understands, and agrees to be bound by the following terms and conditions. Funds available under this program are Federal funds originally appropriated by Congress as part of section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020). The County is awarding these funds in accordance with applicable laws, US Treasury guidelines, and County policies and procedures.

Program:

Applicant has submitted or shall submit an application for the Emergency Rental Assistance Program as described in this program application (the “Program”).

Award-Payment:

Upon the County’s verification that a tenant applicant qualifies to receive housing and/or utilities financial assistance under the Program, the County will pay an amount to the tenant’s landlord and/or an amount to the applicant’s electric utility provider. Applicant acknowledges that the County intends to award a portion of the ERAP Funding to the applicant’s landlord and/or electric utility provider, on behalf of the eligible household. However, if such payment is made directly to an eligible household, the household must make an equivalent payment to the household’s lessor and/or electric utility provider. Applicant further acknowledges that the ERAP Funding shall be utilized only for the uses authorized by the applicable federal law. Specifically, this County program at this time shall only provide financial assistance for use toward payment of rental arrears and utility costs arrears. Arrears incurred since March 13, 2020 are eligible for award providing all other eligibility requirements are met.

Representation as to Non-Duplication of Federally Funded Rental Assistance

Applicant household represents that any rental assistance provided by the Emergency Rental Assistance Program is not duplicative of any other Federally funded rental assistance.

Attestation as to Eligibility of Household, and Accuracy

Applicant household attests that it is an eligible household. To be considered an eligible household the household must consist of 1 or more individuals who are obligated to pay rent on a residential dwelling. The household must have 1 or more individuals within the household who have qualified for unemployment benefits, or have experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the novel coronavirus disease (COVID-19) outbreak. The household must have 1 or more individuals within the household who are at risk of experiencing homelessness or housing instability. Applicant household attests that household income and all information included in the application is correct and complete.

Award Period:

The County plans to administer this Program through July 31, 2021 or the date by which funding for the Program is exhausted.

Indemnification:

Applicant shall indemnify, hold harmless, and defend the County from and against any and all liabilities, losses, claims, damages, demands, expenses or actions, either at law or in equity, including court costs and attorneys' fees (at the trial and all appellate levels), that may hereafter at any time be made or brought by anyone on account of personal injury, property damage, loss of monies, or other loss, allegedly caused or incurred, in whole or in part, as a result of any negligent, wrongful, or intentional act or omission, or based on any act of fraud or defalcation or breach of any provision or covenant of this Application or applicable law by the Agency, its agents, subcontractors, assigns, heirs, and employees resulting from or arising under this Application.

Governing Laws; Venue:

This Application and terms and conditions shall be governed by the laws, rules, and regulations of the State of Florida, and venue shall be in Hillsborough County, Florida.

Compliance with Applicable Laws:

Applicant shall comply with the requirements of all applicable federal, state and local laws and the rules and regulations promulgated thereunder, including, but not limited to, Florida's Public Records Act, Chapter 119, Florida Statutes and specifically including, but not limited to the Consolidated Appropriations Act, 2021 (the "Act"), Public Law 116-260.

Availability of Funds:

The obligations of the County under this Program are subject to the availability of funds lawfully appropriated for such purposes. In the event sufficient funds to fund an award under this Application become reduced or unavailable or are subsequently determined not to be eligible to fund such award, County shall notify Applicant of such occurrence, and County may terminate such award, without penalty or expense to County, upon no less than twenty-four (24) hours written notice to Applicant. County shall be the final authority as to the availability of funds and how available funds will be allotted.

Public Records:

This Application, including attachments, is subject to disclosure under Florida's public records law subject to limited applicable exemptions. Applicant acknowledges, understands, and agrees that, except as noted below, all information in its application and attachments will be disclosed, without any notice to Applicant, if a public records request is made for such information, and the County will not be liable to Applicant for such disclosure. Social security numbers collected, maintained and reported by the County must comply with IRS 1099 reporting requirements and are exempt from public records pursuant to Florida Statutes §119.071.

If Applicant believes that information in the application, including attachments, contains information that is confidential and exempt from disclosure, Applicant must include a general description of the information and provide reference to the Florida statute or other law which

exempts such designated information from disclosure in the event a public records request is made. The County does not warrant or guarantee that information designated by Applicant as exempt from disclosure is in fact exempt, and if the County disagrees, it will make such disclosures in accordance with its sole determination as to the applicable law.

Enforcement & Audits

In the event the Applicant is awarded financial assistance directly because the Applicant's landlord opted out of the program, if the County ascertains – via audit or otherwise – that the Applicant misspent awarded funds (e.g. did not apply awarded funding to rental arrears), the Applicant must promptly return those funds to the County. Failure to promptly return the funds may result in the County seeking any available legal remedy. Note that audits may be conducted by the Federal awarding agency, Inspectors General, the Comptroller General of the United States, the Hillsborough Clerk of Court & Comptroller and Hillsborough County, or any of their authorized representatives, and the Applicant agrees to allow these entities the right to access any documents, papers or other records pertinent to the Federal award. These documents, paper and other records must be maintained until December 31, 2026.