

**Eviction Diversion Program Frequently Asked Questions (FAQ)
Update September 18, 2020**

*FAQs will be expanded upon or amended as the work continues.
Updates are highlighted throughout the document.*

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TENANT ELIGIBILITY

What is AMI for my county?

Here is the link for the EDP AMI charts for each county:

https://www.michigan.gov/documents/mshda/MSHDA-EDP-Income-Limits_696597_7.pdf

What is 150% FMR for my county?

Please see the 150% FMR chart provided for the EDP.

Can students be assisted with EDP funds?

Yes.

If rent for a unit is beyond 150% FMR, can the tenant still be assisted but the arrearages are based on the 150% FMR level?

Yes, assistance may still be provided but the all funds to clear up the arrearage, including the amount over 150% FMR, must be secured with a Settlement Agreement or Conditional Dismissal in place before EDP funds are dispersed to the landlord.

Which FMR would be use for a single person in a two-bedroom unit?

Please refer to the EDP FMR chart. The FMR is based on the unit size, not the number of people in the household. Assistance for a single person in a two-bedroom unit would be based on the 2 bedroom 150% FMR.

Will an AMI chart for different household sizes be given or will you tell us where we can find a chart that tells what the AMI limits are for different household sizes?

Yes, the AMI chart will be posted on MSHDA's website.

Is the future rent assistance something the tenants needs to accept? If they have regained income, can they accept the past due repayment and deny the future rent assistance?

The tenant is not required to accept the future rent assistance, however, this decision must be made by the tenant, not the agency providing EDP assistance.

If federal unemployment (or any income) is stopping for a household, and they have not regained income adequate to pay rent going into the future, do we still help them pay past due rent? Not knowing how they will make it work going forward?

Yes. If the family is under 50% AMI they will also be eligible for up to two months future rent payments up to \$1200 (please refer to Program Guidance for additional details). Case management must be offered to the family. Please refer to EDP Guidance: The Tenant Process and Case Management Outcomes for additional information.

How do the total assistance caps relate to capping at 150% FMR?

Assistance may be capped in two different ways: 150% FMR and Total Assistance. It is possible for assistance to be capped due to the rent being over 150% FMR even if the total assistance cap has not been reached.

Are tenants with a month to month lease and/or a "verbal or oral" lease eligible?

Yes.

How do we handle conflict of interest cases when the tenant has a family member working for the EDP partner agency or the tenant works for the EDP partner agency?

Agencies can still work with these households, as long as the source of conflict is not directly handling the case (i.e. another, unrelated worker is review/approving eligibility and assistance).

A household member left the units months ago but is still on the lease. Can the family be assisted?

Yes. The application should be completed based on the current residents living in the unit and in need of assistance. It should be noted on the application that the specific household member on the lease no longer resides in the unit.

We have a tribe in our county that we haven't been able to help before because the units on the reservation are subsidized. Now with the CRF funds we can help families in subsidized units. The tribe has reached out to ask about our assistance. They use tribal court and their own legal aid. Any suggestions and guidance for working with tribal courts would be great.

Any comparable legal forms the tribe uses are fine to use with the Program. The provided settlement agreement should be used for cases where the landlord has not yet filed for eviction in the tribal court.

Should plasma donations be considered as unearned income?

Yes. Plasma donations should be noted on the tenant application and self-certified if there is not written verification of the income.

If a child's income is paid in the parent's name, for example SSI, does that count as income?

No. Children's income is not counted.

The tenant has a dog that they pay an additional \$35/month for. Is that something that can be paid for with these funds or would that have to be entered into a settlement agreement?

If possible, please work with the landlord to see if the landlord is willing to waive the pet fees in addition to the 1/9 of the landlord forgiveness amount. If the landlord will not waive the pet fees, then the pet fees must be put into a tenant repayment plan in the Settlement Agreement, if the landlord is willing to accept a payment plan. The Program cannot cover the cost of pet fees.

Can additional fees such as car port fees or washer and dryer rental from the landlord be paid?

Carports or washer/dryer fees are okay to be included in the rent if they are clearly outlined in the lease.

Can a tenant living in a motel be assisted with Program funds?

No.

Can a tenant renting a room be assisted with Program funds?

If a tenant is renting a room, please send details regarding the situation to the EDP mailbox including:

- Is there a lease?
- Is there verification of past payments made to the landlord?
- Are the tenant and landlord related and if so what is the relationship?
- Has the tenant ever lived in the unit without being required to pay rent?

The case will be reviewed and a determination will be sent to you.

We have someone who receives social security, but they lost the benefit award letter that has the amount needed for verification. They took a screenshot of their bank statement and it has a monthly deposit that is titled “social security.” Is the bank statement adequate verification of income?

Yes, verification of automatic deposits on a bank statement are acceptable verification of income if the tenant is not able to obtain a new award letter from Social Security in a timely manner.

The tenant’s income is below 50% AMI but the worksheet shows a tenant portion of the rent due. Is this an error?

Tenants with income below 50% AMI will show a tenant portion due if the program cap on assistance has been reached. This will happen when the arrearages go over the cap amount and/or when the tenant has arrearages from prior to March 1. When this happens, please assist the tenant in attempting to secure assistance from other funding sources to cover the arrearages over the cap amount and/or set up a tenant repayment plan with the landlord. Additional information on these topics can be found in the program guidance document.

We have a situation where a tenant submitted a Notice to Quit with a rental amount leading up to July, however, once received at our agency, it is now August and they are past due for August (not on the Notice to Quit because it was only up to July's past due). Do we need an updated Notice to Quit? Or is a landlord statement with rental arrears owed sufficient?

An updated Notice to Quit is not required. If you are still in the process of working through the case the application may be updated and the landlord should submit an updated ledger to document rental arrears. If the agency has already reached completion of the Settlement Agreement it is too late to make any changes to the case. It is acceptable to update cases as stated, but assistance should not be purposely delayed to provide assistance for an additional month.

When paying the future rental payment(s) are we able to pay that rent in advance or do we have to wait to release funds in the month the rent is due?

All EDP payments are made at the same time for the tenant.

Can the program assist with land contracts that are behind after March 1, 2020?

No.

Can EDP funds be used to cover utilities when the bill is in the landlord’s name and the landlord gives the bill to the tenant to pay every month or when the landlord charges a separate monthly amount to the tenant for utilities?

EDP does not cover utilities. These additional expenses could be covered by other funds from the agency or put into a repayment agreement as part of the Settlement Agreement, but EDP funds may not be used to cover utility expenses.

Can the program assist tenants who already have a judgement against them but are still living in the unit?

Yes, program funds may be used to assist tenants after the judgement if the tenant is still living in the unit. The settlement agreement should be used for tenants in this situation.

There is a lease reflective of \$900 for rent and signed in 2019. The rent was raised as a verbal and now is \$950 which was noted on the application and in the documentation. There is nothing newer reflective that the rent amount changed. Can we use the lease from 2019? The landlord does not want to do a new one.

If the tenant agrees that the rent was raised to \$950, then \$950 can be used as the monthly rent. A clear reporting of the unpaid rent is required and if the landlord is using the application to do this, the tenant should also be asked if this matches their records in terms of how much they owe.

Now that EDP can pay up to two months of rent in advance, can we wait to pay the rent to make sure the tenant is still living in the unit and also for auditing purposes? For example, if we are paying September and October rent, can we wait until the end of September to pay the October rent?

Yes. HARAs may either:

- make one payment to the landlord or
- make two payments to the landlord (first payment = rent arrearage and one month future rent, second payment = second month future rent)

What is an acceptable document to verify unemployment? The complaints from the clients have been they just have a prepaid card where the payments are going and they don't have access to or receive statements from that card. Another has been they don't know where to obtain documentation inside the unemployment system.

If the tenant has not received or does not have written verification of unemployment income, if they have access to the internet they can log in to their account and send a screenshot or picture showing the unemployment payments that are loaded onto the debit card for the past 30 days. If the tenant does not have access to the internet, they may contact unemployment and request written verification of the benefit amount.

The tenant has a Housing Choice Voucher and is behind on her rent. For the months of May-July her rent was \$245. As of August it has decreased to \$124. How do I calculate this given there are two different rent amounts?

For the Total Rental Arrears and Portion of Total Rental Arrears Due After March 1, 2020 you will need to add up the amount of rent in arrears. For the Monthly Rent Amount include the most recent tenant portion of rent amount.

The tenant paid her August 2020 Rent ... which would be one of the 2 months for future rental payments. Can EDP still pay 2 months forward?

Yes, the tenant will still qualify for the lower of two months or \$1,200 of future rent.

The tenant was approved for subsidized housing after the future rent payments were issued. The tenant portion of rent is less than the amount issued for future rent payments. Does the landlord keep the amount and credit the tenant for additional future months of rent assistance?

No. The landlord will need to send the money back to the HARA and the case will need to be redone (including updating HMIS) with the correct amounts for future months of rent assistance. For future reference, verify the tenant portion for subsidized units before issuing the future rent payments.

ELIGIBLE COSTS

Can these funds can be used for households that are in subsidized units either through public housing or with vouchers?

Yes. The tenant portion of rent, not the contract rent, should be entered into the calculation worksheet.

Does this program cover transitional housing program evictions?

Yes.

Are there limitations to any type subsidies?

If you have a question about a subsidy not listed in the Guidance document please send your question to MSHDA-EDP@michigan.gov

For relocation cases, can security deposits be paid?

No. EDP funds cannot be used for relocation.

Can we offer support to the mediation volunteers that will be working with us on the eviction diversion cases? It would be nice to be able to offer some sort of a stipend for the volunteers as there will be many more cases for them to work with us on now. I thought that Kelly had said in the initial webinar on this funding that if this was something we wanted to do, to reach out for approval. I am wondering if we could consider doing this and if there would be a CAP that MSHDA would want us to set on this.

For mediation services, the HARA may choose to use some of their case management/admin to support these services. Up to 1/3 of CM and Admin may be approved. The workgroup will need to decide how the mediation volunteers will work with the Legal Services staff in the work flow.

Can program admin staff time be charged to admin costs or must that go to staffing?

Any staff time should go towards case management, if for some reason there is a request to bill it to admin, please email the request to MSHDA-EDP@michigan.gov

Can staffing line be used to pay for legal assistance? Or with the Legal Services Agency at the table, they are essentially expected to fund all legal assistance?

Grant funds being paid directly to the Michigan State Bar Fund for legal assistance.

Do program funds allow us to cover the costs of a current employee at the court system for the time being spent on this program?

No. Courts are not a funded partner under CRF EDP. Funds should not be given to the court for staffing costs. If the court needs to charge for room space that could be billed to Admin.

PROGRAM FORMS AND DOCUMENTATION

Is the HARA required to use current ESG forms for HMIS data collection on households and for documenting income, etc., or are you providing new forms for us?

The EDP has a tenant application to collect necessary information from the tenant.

Is there a monitoring checklist for this program so we can verify on the back end that we will collect all necessary paperwork on the front end?

Yes, a monitoring checklist will be developed and sent to you.

If households do not owe back rent prior to March 1, 2020, are they still required to complete an SER in order to qualify for HARA rent payments or can the SER be waived?

SER applications are not required to qualify for EDP assistance.

Can EDP forms be signed virtually as many agencies are not yet meeting face to face?

Yes.

If you are accepting a notice to quit as documentation, can we pay back rent if they do not have a summons?

Yes.

Are we required to use the MSHDA cover sheet for the tenant application form?

Yes, all forms must be used as presented.

In addition to the EDP forms will we also have to complete the ESG forms?

No. ESG forms only need to be completed if ESG funding is used.

Is there a utility calculation schedule?

No. The EDP does not assist with utilities. Utility amounts are not included in the determination or calculation process.

PROGRAM BUDGET, FUNDING AVAILABILITY, AND TRACKING EXPENDITURES

This appears to be a 6 month program. Will there be a penalty to the CoC if all of the funds allocated are not spent by the end of December? What might happen if the funds are not used? Is there opportunity for extension or do the funds go back?

There is not an opportunity to extend these funds beyond December. The CoC/LPB will not be penalized if all of the funds allocated are not spent by the end of December. MSHDA will be closely monitoring the expenditure of funds throughout the state and will work with each group to address any problems that may arise regarding the expenditure of the funds. If it appears that the funding needs for any CoC/LPB were overestimated, the amount of funding for that area may be reviewed and some funds may be moved to a CoC/LPB where the funding needs may have been underestimated. Any leftover funds after December will be lost.

When can we expect this funding to be ready to spend?

Case management and admin funds can be incurred starting July 1, 2020.

When can we expect the grant agreements?

July 23.

Do you have an expenditure and FSR guidelines for us?

Expenditure and FSR guidelines are being developed and will be distributed.

MSHDA has stated that CRF funds should be used first, before other funding sources, for prevention arrearages. However, it may be up to 3 weeks before we receive our first advance. Can we use ESG funds in the meantime?

ESG funds should be reserved for tenants who may need assistance for eviction prevention due to rent arrearages from prior to March 1, 2020. It is likely that by the time (or before) the case is processed in the court system and by the time eligibility is determined, the funds will be available to disperse. A payment date will be included in the Settlement Agreement or Conditional Dismissal. If the fiduciary requests the advance quickly, funds may be available as soon as August 10, 2020.

When might we be able to receive a second advance?

Advances will be made based on submission of the FSR which may be done monthly or more frequently depending upon your rate of expenditure of the funds.

Can the prescribed budget be adjusted? For example, removing excess staffing or admin dollars to direct assistance.

No. Case management funds may not be moved because we need to make sure there are sufficient staff available to quickly serve tenants and landlords.

How long does it take for an agency to get an advance after they submit the FSR?

Checks should go out to agencies approximately one week after the FSR submission.

When will we find out how much money will we get for staffing? We cannot hire more people if we do not know how much money will be available.

Funding and budget lines (financial assistance, case management, and admin) were announced to CoC/LPB, fiduciary, and HARA points of contact. Staffing is available to HARAs and, in select areas, other subgrantees as identified by the CoC/LPB.

So we won't have funding until at least July 23rd? What are we to do until then?

Agencies can complete assessments and applications with tenants and landlords seeking assistance. Commitments for financial assistance can be made at this time and payments can be made once the funding is released.

What is the breakdown of the budget? For example, what percentage of the grant amount can we spend on supplies, admin, etc.

Funding and budget lines (financial assistance, case management, and admin) were announced to CoC/LPB, fiduciary, and HARA points of contact. These are fixed and cannot be moved or amended.

Will HARA's be required to submit a budget at the beginning of the program for financial assistance, staffing, admin?

Funding and budget lines (financial assistance, case management, and admin) were announced to CoC/LPB, fiduciary, and HARA points of contact. These are fixed and cannot be moved or amended.

The eviction moratorium allows discretion by local courts in upholding the 30-day delay in evictions once the eviction moratorium ends. If HARA partners are not going to have contracts finalized until Aug. 13th, how are tenants who need assistance being supported in the period between July 15th and August 13th?

Grants will be created by July 23. At that point the fiduciary may submit FSR #1 for the first advance.

What happens if all the admin money is spent but not all of the rental assistance money gets spent? For example, staff will need to be paid regardless of whether or not there are enough eligible cases to spend the money on in the county.

It is fine if all the admin costs are spent. If there are significant rental assistance funds available in October/November, some of the rental assistance may be diverted to other communities that have higher spending.

LOCAL WORKGROUPS

We cover several counties. What if all courts do not attend our weekly calls?

MSHDA is looking for regular participation in the weekly meetings. If a court is not regularly participating in the weekly meetings please notify the EDP mailbox. If a court has very low amount of landlord tenant filings, they may not be needed to participate weekly, but please let MSHDA know if they are not participating enough so that you can get the program established.

LANDLORD ENGAGEMENT

If a landlord wants to evict a tenant for both non-payment and also for damages or other problems, how does this work? Does the LL need to begin the eviction process for non-payment to access the EDP funds, then after he gets the EDP funds begin the eviction process again for the damages/other issues?

If the landlord intends to eventually evict the tenant for damages or other problems they would be violating the settlement agreement that basically says when they sign it there are no current reasons for landlord to evict. If the tenant were to damage the unit after the payment or not pay their rent, then the landlord can evict, but they should not be filing later for things that happened prior to the EDP settlement.

Can we use ESG funds if the landlord refuses to work with the EDP?

EDP is the only program HARAs and communities should be using for households facing eviction and have up to 100% of AMI. ESG should not be used to replace EDP if the landlord is unwilling to participate in the EDP. If the landlord is not willing to participate in the EDP, the HARA should attempt to understand why the LL is refusing. If part or all of the reason for refusal is the tenant payment plan, the payment plan should be shortened to the point the landlord is comfortable.

If the landlord participates in EDP, are they effectively agreeing to not take any legal action for 12 months in case the tenant doesn't keep their end of the bargain?

No. If the tenant does not comply with the repayment agreement and/or does not make future rent payments, then the landlord may choose to take legal action and restart the eviction process.

Can the tenant pay for what we call the forgiveness portion if the landlord is intransigent?

No. The landlord cannot obtain financial assistance for the landlord forgiveness portion.

If the landlord has already forgiven some costs, do they need to forgive more under this program, or can previous forgiven fees be counted toward the 1/9 landlord forgiveness requirement?

The landlord must forgive 1/9 of the rental assistance amount as calculated on the EDP worksheet. Previous forgiveness is not included in this amount as the EDP is only looking at the current amount of rent arrearages.

The 7 day notice, or demand for possession only gives the tenant 7 days to pay or move. After that the landlord can file with court. So we only have a short amount of time to get this agreement done before it ends up in court and then we can't do the settlement agreement, which is what the tenant and landlord prefer. Most of the landlords we deal with do not want to wait much more than the 7 days.

Communicating with landlords is key. Most will be willing to wait for payment, if they understand the process, so that they can avoid court fees and lawyer costs that come with filing for eviction in court. If the landlord is not willing to wait for the Program process to take place, then the landlord has the option to move forward with the court process. Please work your partners at Legal Services and the court as you work with the tenant and make a determination on the case.

The landlord has submitted a landlord application but we have not been contacted by the tenant. Do we have to contact the tenant?

It is agency preference whether or not to contact the tenant after receiving an application or other information from a landlord. Minimally the landlord should be contacted and informed that the tenant must contact the partner agency and apply for assistance. Promotional information about the Program should be provided to the landlord to share with the tenant.

Can the landlord obtain assistance from another source to cover legal fees, court costs and/or late fees?

No. Legal fees, court costs over \$150 and late fees all must be forgiven or covered by the landlord without assistance from another source for the tenant to be eligible for program assistance.

The Notice to Quit is landlord created. Is that okay? Are they allowed to create their own documents?

No. The Notice to quit must be on the actual form.

Can MSHDA change the policy regarding landlords having to waive late fees and 1/9 landlord forgiveness?

No. The landlord waiving of fees and landlord forgiveness is in the Executive Order. MSHDA does not have the ability to change it.

The landlord sold the property. The tenant qualifies for 2 months future rent that would be paid to the new landlord. Do we fill out 2 Settlement Agreements and note the sale of the house and the new lease?

Yes.

The owner has a management agreement in place for the property. Who should the check be issued to?

The check for EDP assistance may be issued to the management company if there is a management agreement in place. The settlement agreement should reflect the landlord's name and the management company name. Ideally this case should be reviewed by Legal Services prior to a determination being made.

If tenants and landlords complete a settlement agreement on their own and return it to us is that acceptable? Or are tenants required to meet with legal aid?

If the landlord and tenant complete the settlement agreement on their own, it must be carefully reviewed. The tenant should still be referred to Legal Services for review of the case. If the tenant declines the referral to Legal Services, then the HARA should proceed with review of the case and making the determination.

What verification is required for landlord court costs?

Landlord court costs must be verified using a court document. A ledger is not adequate verification of landlord court costs. If the landlord cannot provide any verification of the court costs the program worksheet should be completed for the rental assistance amounts. The court costs can be added to the worksheet upon receipt of the conditional dismissal. Court fee assistance is not an automatic \$150. \$150 is the cap. The rental assistance and the court costs can be put into one payment.

If a conditional dismissal is used, when can the payment be made to the landlord?
The EDP payment can be made after the conditional dismissal is filed with the court.

HMIS, DATA ENTRY, AND REPORTING

Can you respond to the question re: why tenants are being asked if they are trans, instead of just asking them their gender?

The categories on the tenant application come directly from HMIS. All information noted on the application and recorded in HMIS is based on self-report or documentation as noted. No tenant (or client from any program) should be asked if they are transgender. Staff should ask for the tenant to identify their gender and record the response.

Are the HMIS provider pages set up?

Guidance to create HMIS provider pages for the EDP will be provided the week of July 20. Local system and/or agency administrators will be responsible for completing the provider page set-up. Additional assistance can be sought through the HMIS Help Desk.

Will CAPERs be required?

Reports will be drawn from HMIS by MSHDA on a bi-weekly basis.

Will there be a HMIS training on this data entry?

Yes. A recorded training from MCAH will be provided the week of July 20.

What will be the required documentation for admin costs? (our HARA rents space in a building and is required to submit ESG admin costs based on a formula and submit backup documentation – will the same be required of CRF?).

Admin costs can be sufficiently documented through the general ledger.

Are we counting self-certification of zero income in the 10% self-certification limit number? If so, this could be a problem as a lot of people may be zero income.

MSHDA would still like self-certifications be stay below 10% if possible. With the new flexibility of unemployment, many people will have that income so we do not expect quite so many zero income households. Case managers should talk with tenants reporting zero income and discuss what their previous employment/income picture was to try and get applicants to disclose all income sources.

The EDP assessment on HMIS includes questions about the type of disabling condition a tenant has and whether or not they are receiving non-cash benefits, such as SNAP food assistance benefits. However, the Tenant Application form does not include these questions. Are these questions required to be completed on HMIS for EDP participants?

Agencies should complete as many areas as they can within HMIS, especially doing real-time data entry. If they are completing data entry from the applications at a later point, they are not responsible for entering information that is not collected in the form. Some data entry items like rental assistance amount, months in arrears or income bracket will be not be on the tenant application and will be contained in other areas of the tenant's file like the calculation worksheet.

Is there an FSR policy for the Program?

The FSR guidance is the same for EDP as it is for ESG (the FSR spreadsheet as the coversheet, general ledger, timesheets). The schedule for submitting FSRs is monthly and the calendar is in the EDP guidance document. Additional information will be sent to fiduciaries once the FSR spreadsheets are sent out.

We are receiving documents back from folks where they are not including social security numbers for every member of the household. On the MSHDA EDP guidance it states "Applicants cannot be denied Program assistance due to not providing a social security number for any member of the household." However, our HMIS Agency Administrator has let us know it is not an HMIS general practice to not collect a SSN for all members of the household and that SSNs are required for all members, preferably before money is paid out. Of course, we can reach out and request the SSNs, but it is possible we may not hear back which would mean HMIS data quality would be affected. Will it be required that social security numbers for all household members for EDP are entered into HMIS although not required for EDP itself?

Agencies should try to get SSNs, but if they cannot get them they need to proceed with the case and enter what they have in HMIS. This will be a small issue in HMIS, but should not present a problem overall.

Do we add those who do not qualify for EDP or where a landlord has declined after apps are in, to the EDP HMIS page? Do we add them and then make a note they are not eligible?

Yes, declined and ineligible applicants should be entered into HMIS. There are several options to select from to explain why the tenant was not assisted. There are referral outcomes to complete for tenants who are not assisted.

I am exiting clients from the EDP program in HMIS. However, I'm not sure how to answer the "Referral Outcomes" question when we financially assist someone. The options for a successful outcome do not seem to be a choice. From the drop-down, the options are "Eviction involves health and/or safety issues, landlord opt-out, tenant opt-out and tenant ineligible." What would you suggest for a client who we financially assist successfully?

There is no required referral outcome tenants that receive EDP assistance. This data element is only used to track the reasons why tenants are not served by the project (beyond basic eligibility).

TRAINING AND GUIDANCE

Will you be creating training materials for this program?

MSHDA will continue to add information to the EDP Guidance document and update other documents as needed. Specific training materials are not provided. If the documents provided do not include what you are looking for, please email questions to MSHDA-EDP@michigan.gov

Where can we find guidance docs other than FAQ?

MSHDA's website will be updated with program documents including EDP Program Guidance.

Suggestion: A weekly peer communication and ability to ask questions of MSHDA on a phone call or zoom, similar to a professor's office hours in college.

Please submit questions to MSHDA-EDP@michigan.gov If you need additional assistance please submit a list of specific topics that you would want addressed during a special meeting for your area and a meeting may be scheduled if the concerns cannot otherwise be addressed.