

TENANT TALK

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A RESPONSE TO THE COVID-19 PANDEMIC SHELTER IN PLACE REQUIRES SHELTER



A NATIONAL LOW INCOME HOUSING COALITION PUBLICATION

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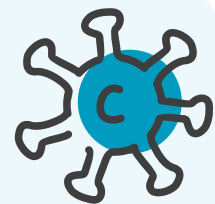
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TENANT TALK

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ABOUT NLIHC

The National Low Income Housing Coalition is dedicated solely to achieving socially just public policy that ensures people with the lowest incomes in the United States have affordable and decent homes.

A key part of our work is through public education and engagement. NLIHC is committed to sharing resources and tools that help individuals become informed advocates. *Tenant Talk* is one of the many resources we provide to the public.

BECOME A MEMBER

NLIHC relies heavily on the support of our members to fund our work and to guide our policy decisions. Members are our strength! Hundreds of low income residents and resident organizations have joined the NLIHC community by becoming members.

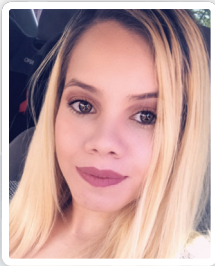
We suggest an annual membership rate of only \$5 for a low-income individual membership, and \$15 for a low income resident organization. Please consider becoming a member of NLIHC today at nlihc.org/membership.

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Tenant Talk **Editorial Board**



Loraine Brown



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Shalonda Rivers



Michael Steele



Mindy Woods

Dear Readers,

We keep hearing on the news that the COVID-19 pandemic is “unprecedented.” It absolutely is, with the U.S. having an exponentially higher death rate than any other country, and the number of deaths rivaling that of war casualties. The thousands of deaths in the U.S. would have been mitigated if not for the indefensible actions, and inaction, by federal, state, and local elected officials. The crisis has already led to an almost unprecedented economic downturn, with nearly 40 million people filing for unemployment benefits due to business closures and layoffs.

Our overloaded hospital system would have been better prepared if our nation had more robust government healthcare systems and funding. Our public health response would have been more effective had we had a more proactive, rather than reactive, medical system. **And millions of people would not be at risk of homelessness if we provided housing as a human right.**

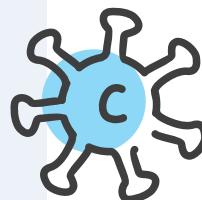
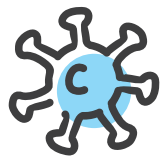
NLIHC receives hundreds of calls and emails from people facing eviction or already experiencing homelessness, who fear for their survival on the street or in a shelter. People experiencing homelessness cannot abide by “stay at home” orders, and sheltering in place, socially distancing, and practicing proper hygiene are challenging at best. **It is essential that everyone remain stably housed throughout this pandemic.**

As you know, COVID-19 is not the reason we have more than 500,000 people experiencing homelessness on any given night in America. Homelessness is a result of the lack of affordable homes, housing discrimination, and declining incomes that existed long before this pandemic. COVID-19 has exposed the cracks in our system and exacerbated the suffering of millions, particularly low-income people.

Several recent developments give hope. Some state and local leaders on both sides of the aisle have softened the blow of the pandemic by issuing eviction and foreclosure moratoriums, using hotel rooms as alternatives to congregate shelter for those without homes, providing some rental assistance, and releasing incarcerated individuals to return to their families. These measures will help those suffering the most —people with the lowest incomes - but much, much more is needed.

NLIHC continues to advocate for the bold federal response that is needed to protect low-income renters with the most urgent needs. Many members of the media and elected officials say we need to get back to “normal.” But “normal” is not enough. Homelessness and housing insecurity have been matters of life or death for too many people for too long. We must provide decent, accessible, affordable homes for all - now and into the future.

***It has never been clearer
housing is healthcare.***



**NATIONAL LOW INCOME
HOUSING COALITION**



WELCOME

NEW EDITORIAL

Meet Mindy Woods Resident Action Project Washington

My name is Mindy Woods, and I am on the Steering Committee for the Resident Action Project, a tenant advocate organization fighting for housing to be a human right in Washington state. In 2011, my son and I lost our apartment and spent eight months couch-surfing, staying in a motel, and living in a YWCA shelter. It was during that time that I was asked to testify before a Housing Committee, and my journey as a housing advocate began.

Three years later I experienced homelessness again when my landlord decided to no longer accept Section 8 rental assistance. I was a low-income tenant on a fixed income, and I felt powerless and devastated. This further fueled my commitment to fight even harder for better tenant protections and safe, healthy, and affordable housing for us all.

I am excited to join the National Low Income Housing Coalition board, and to use my lived experience to collectively build power for change and create the opportunity for everyone to have a home.



◀ Mindy Woods

WELCOME

BOARD MEMBERS

Meet Loraine Brown

Community Board 8; Chair, Census 2020 Task Force; Member of City-Wide Council of Presidents-Resident Advisory Board-NYCHA (Manhattan, New York); Boston Housing Authority-RAB Secretary, Past President 334 East 92nd Street, and NAACP Member



Loraine Brown

Over the past six decades, I have dedicated my life to change. I always want to be part of the solution instead of the problem. My early efforts included involvement as a “freedom rider-fighter,” sitting at counters, protesting, lobbying, advocating for fair housing, voting, and advancing education equality. In 1978, I successfully expanded the MESA (Mathematics, Engineering, Science, Achievement) programs to cover all University of California and California State University campuses, providing opportunities for Black and Chicano students in the sciences. As a Board Member of NYCHA’S CCOP-RAB and member of the Community Board, I deeply care about all of NYCHA’s residents and the City, and I regularly respond to requests for assistance locally and throughout the country. I am here to serve and be the voice for the voiceless.

I am a three-time cancer survivor and, during my second episode (pre-ACA), I lost my house and retirement savings from medical debt and suffered homelessness. Section 8 saved and changed my life. Having been a homeowner, landlord and tenant, I understand and respect all perspectives. My goal as a new NLIHC board member is to learn how to engage and activate change with the tools provided by NLIHC. My focus is to empower all residents to be self-sufficient and to better partner with our elected officials on the local, state, and federal level. My focus is to end homelessness and make sure that all residents and policy-makers understand the benefits and power of Section 3 resident-owned businesses.

I am most humbled and honored to be able to participate in the work and principles of the Coalition set forth by its founder, Cushing Dolbeare. I will do my best to continue in this privileged position to learn and empower all housing residents. I look forward to a very rewarding association with NLIHC, the residents and other members of the Board.

Mrs. B

PEOPLE EXPERIENCING HOMELESSNESS ON THE STREETS are at GREAT RISK

More than 500,000 people experiencing homelessness are at high risk of contracting coronavirus. Having no shelter of their own to “stay at home,” they cannot control their environment, take preventive measures, or isolate, self-quarantine, or recover. Many people experiencing homelessness also have underlying medical conditions.

The Centers for Disease Control and Prevention (CDC) recommends preventive measures to avoid spreading the coronavirus, such as washing hands, maintaining a social distance of six feet from others, covering one’s mouth and nose with a face cover, and cleaning and disinfecting frequently touched surfaces daily. Crowded shelters and encampments, outdoor sleeping arrangements, and housing instability make it difficult for people experiencing homelessness to engage in these preventive measures as well as to maintain their general wellbeing. Wellness activities like getting enough sleep and accessing nutritious food are even harder during the pandemic due to food shortages and shelter closings.

The CDC has warned that people over the age of 65 may be at higher risk of becoming seriously ill from COVID-19. Not only is

the older adult homeless population growing, but studies show that living without a home can accelerate the negative health effects of aging. According to the most recent HUD data, on a single night in 2019, over 100,000 individuals over the age of 45 were homeless.

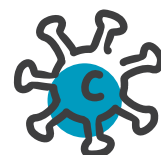
The CDC has also warned that people with serious, pre-existing medical conditions are more likely to become seriously ill from COVID-19. Many people experiencing homelessness have underlying medical conditions. Some had serious illness before they became homeless, which led to a loss of income and to economic insecurity. Others develop serious medical conditions as a result of homelessness due to sleeping outside and/or in crowded settings.

People experiencing homelessness who contract COVID-19 are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than others in the general public. Researchers estimate that without an investment of \$15.5 billion to protect people without homes, as many as 20,000 could require hospitalization and nearly 3,500 could die from COVID-19. Congress provided \$4 billion for homelessness response in the CARES Act; they must now pass the additional \$11.5 billion that is needed.



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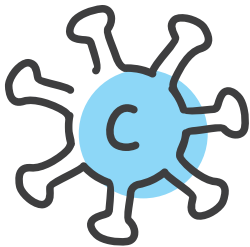


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ISS



Rampant Unemployment Puts More People at Risk of Homelessness - \$100 B in Emergency Rental Assistance Needed



Even before the growing public health and economic crises, the shortage of affordable and available homes was forcing nearly eight million extremely low-income households to spend more than half of their incomes on rent. Many were just one financial shock away from facing housing insecurity.

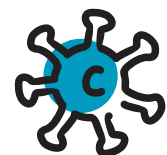
That financial shock is here. Over the span of nine weeks from March to May, more than 38 million Americans filed jobless claims. By comparison, 4.5 million jobs were lost during the worst six months of the Great Recession, between November 2008 and April 2009, according to the Federal Reserve Bank of St. Louis. While there is some uncertainty about the severity and length of this current economic crisis, this downturn will be massive and will put already struggling low-income renters into an even more unstable position.

NLIHC's 2020 *Gap* report finds that 37% of extremely low-income renter households—more than four million households—are of working age and in the labor force. Many of these households have jobs in retail sales, in restaurants and bars, and in personal care and service. It was already difficult to make ends meet in many of these jobs prior to the pandemic. Layoffs caused by the public health and economic crisis will have devastating impacts; the National Restaurant Association anticipates losses of five to seven million jobs in the coming months for the restaurant industry alone.

Prior to COVID-19, nearly 92% of the four million working-age non-disabled renter households in the labor force with extremely low incomes were housing cost-burdened and 76% were severely cost-burdened - spending more than half of their incomes on housing. When these low-income households lose their jobs, paying the rent and staying in their homes becomes virtually impossible. During the Great Recession, the number of families experiencing homelessness climbed while the number of extremely low-income and very low-income households who were severely housing cost-burdened increased by 1.3 million. We can expect the current downturn will have much worse effects.

With coronavirus, many low-income, hourly wage workers are seeing job layoffs or reduced wages because they have become sick, need to care for a family member, or their employer cut back their hours. Even temporary declines in income and unreimbursed medical bills can quickly send the lowest-income households down the spiral of housing instability, eviction, and even homelessness. To prevent massive housing instability and homelessness, Congress needs to provide rent relief to millions of renters on the verge of losing their homes. The \$100 billion for rental assistance in the recently introduced "Emergency Rental Assistance and Rental Market Stabilization Act" is what will be required, according to NLIHC estimates. This level of rent relief was included in the "Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act" that passed the House of Representatives on May 15. It is now up to the Senate to ensure this critically important emergency rental assistance is included in the next coronavirus response package.

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Moving Away from Congregate Shelter

People experiencing homelessness are more vulnerable to an outbreak of highly communicable diseases like COVID-19. Without a permanent place to call home, people experiencing homelessness are more often exposed to potentially infected objects and people. Unsheltered persons often lack a restroom for frequent handwashing and personal hygiene and essential laundry facilities, a tremendous challenge when frequent washing is critical to prevent the spread of the disease. The problem is worse as public spaces such as libraries, cafes, or community centers are often currently closed. Emergency shelter provides some protection from the disease, but shelters commonly have tight quarters and require many people to share facilities like showers and laundry.

Crowded Spaces Spread Disease

Many shelters are underfunded and lacking staff and supply shortfalls that make it harder to maintain sanitary conditions. Adhering to the CDC shelter guidelines requiring more space between beds and more cleaning would help prevent rapid spread of the disease. But shelters have very limited space, so distancing each bed or creating improvised isolation rooms can also mean more people will be unsheltered due to reduced capacity. Sending people out onto the streets exposes them to unsanitary conditions in encampments. To help shelters manage these challenges, Congress provided \$4 billion in Emergency Solutions Grant (ESG) homeless assistance funding in the CARES Act that passed in March. An additional \$11.5 billion in much-needed homeless assistance is included in the HEROES Act that passed the House of Representatives on May 15.

Motel Sheltering Using FEMA Funds

Generally, FEMA does not provide Public Assistance (PA) funding for emergency sheltering in non-congregate environments such as hotels, motels, or dorms, unless congregate sheltering is unavailable. Given the heavy usage and stress the current homeless shelter system is under, FEMA has determined that certain non-congregate sheltering costs will be reimbursable under this program.

North Carolina was one of the first states to get approval for FEMA-funded non-congregate sheltering. Having recent, extensive experience working with FEMA during the recovery from Hurricanes Florence Matthew, state lawmakers and advocates were able to quickly create a request with the state public health department. The state government then released program guidance that stated all current shelter residents met

the FEMA-approved definition of “high-risk individuals,” and would be eligible for non-congregate shelter in motel or hotels.

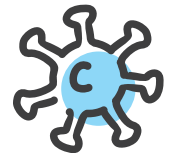
Although the guidance was broad, the state did not receive formal FEMA approval for the expanded definition of “high risk,” creating questions about reimbursement. Without formal FEMA approval, there is a chance that FEMA could refuse to reimburse organizations for the costs of arranging and maintaining non-congregate sheltering. Without a more forceful guarantee from the federal government, many localities are not heeding the expanded guidance and are moving only medically high-risk, COVID-19-positive, or exposed individuals into non-congregate shelter.

All residents of congregate shelters in the state of Connecticut are also eligible for non-congregate shelter. This was made possible through a broad public health order by Connecticut’s health commissioner stating that deconcentrating of shelters is a necessary public-health measure. That order was used as the basis of Connecticut Governor Ned Lamont’s request to FEMA to cover this broad population, and shelter and homeless service providers worked quickly to prioritize the needs of people experiencing homelessness. Approximately 1,000 people from over 60 shelters will be moved into 15 hotels.

Important CDC Guidance for Shelter Operations

The CDC recently released guidance for homeless shelter providers on how to operate during the pandemic based on what is known about the coronavirus. The CDC advises shelters to stay open, deeming them an essential function of the community. The CDC recommends that shelters should close only if the health department, public housing authority staff, and homeless service providers determine together that remaining open is a significant risk to public health.

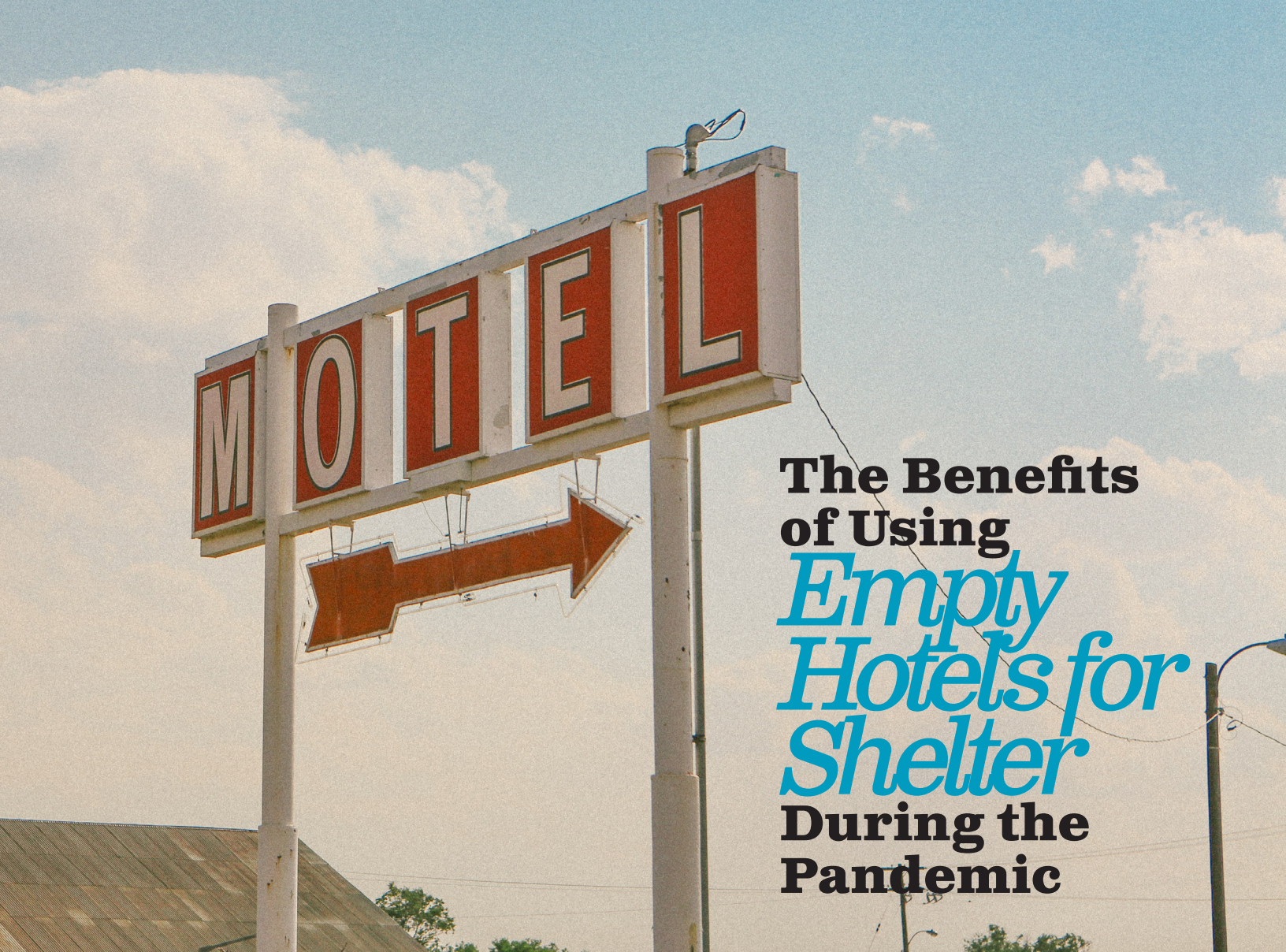
The CDC states that shelters should not exclude people who are having symptoms or test positive for COVID-19. The person presenting symptoms should be provided a mask and have access to non-emergency medical care as needed. Shelter providers should ensure they have a separate place where symptomatic individuals can safely stay within the shelter without spreading infection or others or should be provided shelter at an alternate site such as a hotel or motel.



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The Benefits of Using *Empty Hotels for Shelter* During the Pandemic

Congregate sheltering poses a severe risk to individuals experiencing homelessness, many of whom are more likely to have pre-existing medical conditions that make contracting coronavirus more severe. The general public is also at greater risk when there are outbreaks in the homeless community. One way to reduce this risk is for shelter residents to be moved to safer non-congregate sheltering, such as hotels and motels, which allows for self-isolation and prevents the coronavirus from rapidly spreading to others.

After massive COVID-19 outbreaks in shelters in Boston and San Francisco, many cities and states have decided to move people experiencing homelessness to non-congregate sheltering. In San Francisco, after over 100 residents tested positive for the virus at a shelter, city officials unanimously passed an emergency ordinance to lease 7,000 hotel rooms for people experiencing

homelessness, whether or not they had been exposed to the disease.

Governor Gavin Newsom of California announced in April that thousands of people without homes would be relocated to hotel rooms through a state program called “Project Roomkey.” Similar efforts are underway in other states. At the time of this writing, seven states have plans for FEMA reimbursable, non-congregate sheltering of individuals experiencing homelessness and others needing space for social isolation. Additional shelters are moving forward with non-congregate plans in places where FEMA has not approved a statewide program.

Many communities have experienced challenges moving people into non-congregate shelters quickly. Some issues that have arisen include lack of funding, hampered mobility of people experiencing homelessness, NIMBYism (Not In My Backyard) opposition in neighborhoods where the non-congregate

sheltering would take place, lack of access to critical services, or limited room capacity. Some communities have creatively addressed these challenges with success. For example, the City of New Haven, CT, moved the most vulnerable people experiencing homelessness into hotels first. Wraparound services and meals were brought to them.

As eviction moratoriums end and the unemployment rate increases, the number of people experiencing homelessness could dramatically increase. While there is still much unknown about the virus, advocates must work with elected officials to ensure the needs of individuals experiencing homelessness are included in all their disaster planning. Getting individuals experiencing homelessness out of shelters and into hotel rooms will go a long way to ensure that this vulnerable population is protected.

Domestic Violence, Housing Instability and Coronavirus

Domestic violence correlates with housing insecurity, as 92% of women experiencing homelessness report having experienced severe physical or sexual violence at some point in their lives, and upwards of 50% of all homeless women report that domestic violence was the immediate cause of their homelessness. Conversely, housing insecurity can lead to an increased risk of domestic violence as housing-insecure people are often forced to stay with abusive partners as they are unable to afford an apartment of their own. The COVID-19 pandemic has resulted in stay-at-home orders being issued around the country forcing millions of people to shelter-in-place with abusive partners, exacerbating the perils domestic violence victims face. Several major [cities](#) have already seen large increases in domestic violence arrests and reports compared to last year.

Financial abuse, rampant in abusive relationships, makes it difficult for survivors to leave their abusers. Without more affordable housing options, survivors of domestic violence are forced to make the impossible choice between staying with an abuser or facing the challenges of homelessness.

Addressing the Needs of Domestic Violence Survivors During the Pandemic



The recent CARES Act provided a \$4 billion increase in Emergency Solution Grant (ESG) homeless assistance funding. ESG is a flexible pot of money that can be used for a variety of efforts to prevent or alleviate homelessness. The [National Network to End Domestic Violence](#) (NNEDV) [writes](#) that domestic and sexual violence programs are eligible to apply for ESG funding to meet the needs of survivors at risk of homelessness. ESG funds can be used for eviction prevention assistance, rapid rehousing, housing counseling, and rental deposit assistance; funds can support temporary emergency shelters, and also cover staff costs, training, and hazard pay.

An issue in all congregate shelters is the challenge of practicing social distancing to mitigate the effects of COVID-19. NNEDV states that many shelters have been asked to decrease their populations by 50% to decrease the risk of infection. Denying shelter to domestic violence survivors can upend their lives, so all shelters, including shelters for domestic violence victims and survivors, should be seeking ways to move survivors and their families into motel rooms and dorms.

More funds and guidance are needed to address domestic violence survivors' housing needs during the COVID-19 pandemic. NLIHC will continue to advocate for increased funding for federal housing programs, including ones that serve domestic violence survivors. Meantime, there are steps shelter providers and groups serving domestic violence survivors can take with the resources already being provided. Organizations working with domestic violence survivors should visit NNEDV's online resource library for more information on what they can do to serve their populations now.

If you are in an unsafe situation, contact the U.S. National Domestic Violence Hotline at 1-800-799-7233 and TTY 1-800-787-3224.

The Pandemic and Vulnerability to Parental Violence

Domestic violence survivors are not always adults. The perils that survivors might face also apply to children if they are in an abusive home. The pandemic will likely lead to further parental violence due to lack of options for youth to be outside of homes. For example, Cook Children's Medical Center in Fort Worth, TX, reported they typically see about six child-abuse fatalities each year, but already have three these past two months since shelter-in-place orders went into effect. Dr. Nina Agrawal, a child abuse pediatrician based out of Columbia University, writes in the *New York Times* that we as a nation may face an epidemic of child abuse in the coming months. Dr. Agrawal notes that children often report the abuse to their mothers, but the perpetrator remains in the house because he is the primary breadwinner. Dr. Agrawal links this unfortunate fact to housing insecurity and is concerned "that our current reality — the lack of opportunities to seek refuge outside the home combined with the difficulty of finding new living arrangements when money is tight — makes it even less likely that young victims will be able to escape their abusers." This reality will leave even more youth choosing between an abusive home or fleeing into homelessness.

If you are in an unsafe situation, contact the U.S. National Domestic Violence Hotline at 1-800-799-7233 and TTY 1-800-787-3224





Dire Consequences of School and University Closures

Schools all over the country have closed. *The New York Times* recently reported that approximately 1.5 million school-aged children are experiencing homelessness in the U.S., the highest recorded in more than a dozen years. There was a 15% increase in students who are unsheltered “homeless” (more than 102,000) over a one-year period. Many of these students are staying in places not meant for human habitation, such as abandoned buildings and cars. Many homeless students live with other families, leading to over-crowding. The pandemic could leave children even more vulnerable to health problems or spreading the coronavirus as they have to spend more time on the street or in crowded homes.

Colleges and universities have had to close as well, and while many of them closed while students were on spring break in the hope that many were either at home or could go home, many students have nowhere but campus to shelter. Many college students rely on campus cafeterias for their food needs and are likely to face food insecurity, as are students in K-12 schools. Many students also rely on university employment for their living expenses, but campuses have suspended all jobs not deemed essential. Some schools, such as Harvard, have returned a portion of student’s financial aid to assist them with relocation and living expenses.



Food Insecurity During the Pandemic

Many children are experiencing greater food insecurity during this pandemic. Already, far too many households, especially households with children, must choose between rent and food. About half of all school children are eligible for the free school lunch program, meaning they live in a household with an income at or below 130% of the poverty level or their household receives food stamps. In some states, almost three-fourths of children are eligible. With widespread school closures across the country to maintain social distancing during the COVID-19 pandemic, these 30 million children are missing nutritious meals more than they were before. Many also struggle to do remote learning because they lack computers or internet access. And many of their parents have lost jobs and income due to lockdowns.

Important Increases in SNAP Funding

There is some hope for the food insecure. Many cities have offered mobile lunch sites where families can pick up lunches for their children. Additionally, while greater housing affordability would allow households to have more money for food, the United

States Department of Agriculture (USDA), which administers the Supplemental Nutrition Assistance Program (SNAP), has encouraged states to increase the benefits for current SNAP holders to the maximum allowable. Fortunately, all states have adopted this practice.

States can also submit a request to provide meal replacement benefits through SNAP to households with children who attend a school that has closed and would have received a free or reduced-price meal. So far more than 30 states have been approved to provide benefits under this provision.



Considerations for Immigrant Households

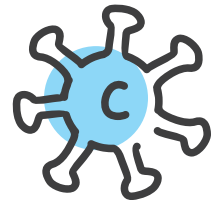
The pandemic proves particularly dire for many of our immigrant neighbors due to the administration's new "public charge" rule. The public charge rule, established in 1882, sought to allow the government to deny a U.S. visa to anyone who might become a "public charge" but did not define what "public charge" means. In 1999, the rule was narrowed to mean that anyone who might rely on public assistance in the form of TANF, SSI, and emergency-Medicaid. Often, however, immigrants do not receive public assistance due to their legal status, so this rule was not regularly applied during immigration applications.

The Trump administration has made limiting immigration a cornerstone policy, including even legal immigration. The new public charge rule follows this trend as it allows the United States Citizenship and Immigration Services (USCIS) to forbid immigrants who might rely on assistance from being admitted into the U.S. or to apply for citizenship, adding to the definition of public charge the Housing Choice Voucher program, Section 8 Project-Based Rental Assistance, and public housing, as well as the Supplemental Nutrition Assistance Program (SNAP, or food stamps) and other programs. This rule will also have a chilling effect on current immigrants who might require SNAP or housing assistance, as they will fear retaliation. HUD has recently worked to expand this restriction, advancing a rule to also ban federally assisted housing to entire households with mixed-immigration status. These are households in which some members of the households are eligible for assistance and others are not; currently their assistance is prorated, but under the new rule the whole family would lose its assistance.

The Supreme Court ruled that the Department of Homeland Security (DHS) may allow USCIS to move forward with the new public charge rule, but a federal court in Illinois has blocked its implementation in the state, leaving the door open to other such rulings. Other states and organizations have filed a total of nine lawsuits yet to be decided. NLIHC is committed to blocking the rule from full implementation and will work with our partners in advocating for immigration justice, including the National Immigration Law Center, National Housing Law Project, Asian Americans Advancing Justice-Los Angeles, the National Health Law Program, and the Western Center on Law and Poverty, and many others to oppose rule changes that impose restrictions on immigrant households.

Go to <https://protectingimmigrantfamilies.org/> for more information on the rule and how to get involved!

Two of the most important programs that received expanded funding through the CARES Act are the Community Development Block Grant (CDBG) and the Emergency Solutions Grant (ESG) homeless assistance grants. Both CDBG and ESG are not covered by the public-charge rule, and these programs can be accessed by immigrant households, even those who might be undocumented.



POLICY UPDATE

NEW! Legislative Action Center

NLIHC has launched a new advocacy tool called the Legislative Action Center for advocates to use to learn about NLIHC's policy priorities and take action to advance affordable housing solutions for the lowest-income people.



The Legislative Action Center provides details on federal legislation NLIHC is tracking and lists each bill by issue area. Selecting a topic in the Legislative Action Center will expand the section to show a summary of that issue area and of each of the bills included under it. Factsheets, talking points, and additional information are located below each bill.

Advocates can also use the Legislative Action Center to contact their members of Congress directly. Click on the "take action" button under the legislation you wish to contact your senators and representative about, and you will be provided an email template you can send directly to your members of Congress. Simply fill out the form to find your members of Congress, personalize the email template, and click "send my message."

Both calling and emailing elected officials is important in advocacy. The factsheets, talking points, and email template can also be used to inform what you want to say to your members of Congress and their staff over the phone. Advocates can find the Washington, DC, and local office phone numbers for their members of Congress at: www.govtrack.us

Visit the Legislative Action Center at: www.nlihc.org/take-action

The Crucial Importance of Halting Evictions

As the COVID-19 pandemic forces many businesses to close temporarily or indefinitely to maintain social distancing practices, employees are being laid off by the millions. There have been nearly 39 million new unemployment claims as of May 21, and the people making these claims will join the millions of rent-burdened households or find their pre-existing rent burdens worsened.

Many states and localities have responded with policies to alleviate these rent burdens and housing instability. One commonly implemented policy is an eviction moratorium, but not all eviction moratoriums are the same. In some states and localities landlords can be forbidden from issuing an eviction notice to a tenant, others instructed courts to suspend eviction hearings, and some sheriffs' departments have been ordered to not serve any evictions. Many of these policies have been coupled with similar foreclosure moratoriums to protect homeowners and landlords from losing their properties.

The best source for identifying if your community is covered by an eviction moratorium is being maintained by Eviction Lab. View their list of state and local policies by visiting

www.evictionlab.org. The patchwork of differing policies in various communities is confusing for renters worrying about losing their homes due to non-payment. Many of these moratoriums are also about to expire as many states and municipalities begin to reopen normal operations, including court hearings.

Adding to the confusion is the eviction moratorium included in the recently passed CARES Act, which halts all eviction actions in any property that receives federal funding. Many properties are clearly funded by the federal government, including public housing, project-based rental assistance, or housing built with HOME or CDBG funds. It is more difficult for renters to know, however, if their landlords have a federally backed mortgage from Fannie Mae and Freddie Mac, support the loans used to build and operate rental housing throughout the country. To address this confusion, NLIHC created a searchable database that renters can use to identify if they live in a property covered by the national moratoriums. That database can be found here: <https://nlihc.org/federal-moratoriums>.

While it is a positive development that so many state and local governments have enacted eviction moratoriums, they do not go far enough. Having an eviction on record can severely limit housing options moving forward as prospective landlords will hold it against applicants applying to live in an apartment, and many public housing agencies have strict penalties for applicants who have prior evictions. The City of Seattle has recently passed an ordinance stating that any non-payment eviction due to the pandemic will not be listed on a renter's record.

Further, many states and localities have no policy in place for the rent that will be owed when the moratoriums expire, so tenants who have been laid off or had hours cut will face a mountain of accumulated debt. This will lead to a wave of evictions and worsening homelessness. This eventuality is why it is so essential that the U.S. Senate passes the \$100 billion in emergency rent assistance included in the HEROES Act. Meanwhile, some communities are working to make it more manageable for households to pay their pandemic-related arrears. In Oakland, CA, renters cannot be evicted for rent owed up to May 31, but while they will owe the rent eventually, the city did suspend all late fees for rent-owed accruals during the pandemic.



Rent Freeze! The Pandemic Is an Awful Time for a Rent Increase

Several cities around the country have pursued rent freezes during which a tenant's rent cannot increase during the pandemic. In Oakland, CA, landlords can raise the rent no more than 3.5% during the declared local emergency. Akin to rent control, this policy seeks to fight price gouging by predatory landlords during the pandemic. Rent control exists in several large cities, but usually applies only to older properties built before a certain year. Rent freezes during the pandemic, however, will ideally apply to all rental properties in the jurisdiction.

ADVOCATES CALL FOR RENT RELIEF

In response to calls from advocates around the country to provide rent relief during the pandemic, members of Congress introduced two bills. Representative Ilhan Omar (D-MN) and eight other original cosponsors introduced the "Rent and Mortgage Cancellation Act" to institute a nationwide cancellation of rents and home mortgage payments through the duration of the pandemic. Under the bill, tenants and homeowners would be provided full payment forgiveness, and property owners and mortgage companies would be barred from charging late fees or evicting tenants. The bill would prevent payment forgiveness from negatively impacting renters' and homeowners' credit scores and would create a relief fund for landlords and mortgage holders to cover losses from the cancelled payments. Read the bill text at: <https://tinyurl.com/ybn5clqr>

Senator Sherrod Brown (D-OH) and Representatives Maxine Waters (D-CA)

and Denny Heck (D-WA), along with 25 original cosponsors in the Senate and more than 130 in the House, introduced "The Emergency Rental Assistance and Rental Market Stabilization Act." This legislation would provide \$100 billion in emergency rental assistance for people who are homeless or on the brink. NLIHC [estimates a need for no less than \\$100 billion in emergency rental assistance](#) and strongly urges Congress to include this level of assistance in the next coronavirus relief package. Read more about the bill here: <https://bit.ly/30lkcmF>.

What's in the CARES Act?



The "Coronavirus Aid, Relief, and Economic Security (CARES) Act" passed on March 27 provides \$12 billion in affordable housing and homelessness resources to states and local communities. This new funding is a significant victory for affordable housing advocates working to ensure people with the greatest needs are protected during the COVID-19 crisis, but much more is needed.

EMERGENCY SOLUTIONS GRANTS

The CARES Act provides \$4 billion in Emergency Solutions Grants (ESG) for homelessness services and prevention. These funds are needed to identify alternative space for people experiencing homelessness to isolate and self-quarantine - such as hotels - and to provide short-term rental assistance and housing stabilization services to very low-income households at risk of homelessness. ESG can also be used to provide medical care, street outreach, and street medicine for people experiencing homelessness. None of the ESG funds provided in the CARES Act can be used to require people experiencing homelessness to receive treatment or perform other activities to obtain shelter, housing, or other services.

COMMUNITY DEVELOPMENT BLOCK GRANTS

The CARES Act provided \$5 billion to the Community Development Block Grant (CDBG) program. This new money allocated to cities and states can be combined with any leftover CDBG dollars from previous years to prevent, prepare for, and respond to COVID-19. CDBG funds can cover a broad range of uses including rental assistance for up to three months per household. Advocates should encourage their state and local governments to use these dollars for emergency rental assistance and to address the needs of people experiencing homelessness.

FEMA DISASTER RELIEF FUND

The Disaster Relief Fund - a crucial funding source for the Federal Emergency Management Agency's (FEMA) disaster recovery programs - received \$45 billion in the CARES Act. Given the nature of a pandemic, a "Category B" grant will likely see the most use during the coronavirus crisis. Grantees under Category B can be state, territorial, tribal, local government entities, and certain private non-profit organizations. These grantees can now apply to be reimbursed for eligible emergency protection measures taken to respond to COVID-19. Advocates should work with their governors, mayors, and state public health officials to push for these funds to be used for non-congregate sheltering such as hotels for people experiencing homelessness.

An additional \$200 million was provided to the Emergency Food and Shelter Program which provides shelter, food, and supportive services through local service organizations. Advocates should encourage their governors to use these funds to help address the needs of people experiencing homelessness and low-income renters.

Coronavirus Response Package

March 25, 2020



NATIONAL LOW INCOME HOUSING COALITION

Housing Programs (set asides italicized) (in millions)	Senate Negotiated Proposal	House Democrat Proposal	Final Package
Tenant Based Rental Assistance	1,250	1,500	1,250
Public Housing Operating	685	720	685
Tribal Housing Programs	300	350	300
Hsg. Opp. for Persons with AIDs	65	130	65
Community Development Fund	10,000	15,000*	5,000**
Homeless Assistance Grants	4,000	15,500*	4,000
Emergency Rental Assistance	0	100,000*	0
Project-Based Rental Assistance	1,000	1,000	1,000
Hsg. for the Elderly (202)	50	75	50
Hsg. for Persons w/ Disabilities (811)	15	25	15
Fair Housing and Equal Opportunity	2.5	7	2.5
<i>Fair Housing Assistance Program</i>	1.5	4	1.5
<i>Fair Housing Initiatives Program</i>	1	3	1
USDA Rural Housing Service	0	0	0

*Reflects authorized levels. In the House bill, Homeless Assistance Grants were provided an appropriation of \$5 billion and emergency rental assistance did not receive an appropriation.

** Congress provided an additional \$150 billion in a Coronavirus Relief Fund that can cover many of the same uses as CDBG.



President Donald Trump signs CARES Act into law

PUBLIC HOUSING AND OTHER PROGRAMS

The public housing operating fund received \$685 million to continue normal operations and take other necessary actions to respond to the coronavirus. Public housing agencies (PHAs) – through the end of the 2020 calendar year – can combine their capital and operating funds for additional flexibility in responding to the pandemic. This flexibility may be extended another 12 months if needed.

PHAs are having to cover more rent for voucher holders facing a loss of income. Congress provided \$1.25 billion to tenant-based rental assistance – \$400 million for public housing agencies facing a significant increase in voucher costs so that vouchers can be renewed rather than terminated, and another \$850 million for administration costs and other expenses related to supporting assisted households and participating landlords.

The CARES Act created the Coronavirus Relief Fund (CRF) and allocated \$150 billion to it, including \$3 billion for territorial governments and D.C. and \$8 billion for tribal governments. These funds can be used very broadly to cover expenses created by the pandemic, such as addressing the needs of people experiencing homelessness and low-income renters impacted by the pandemic. CRF funds cannot be used to replace already-allocated state funds.

Other funding provisions for housing advocates to note in the CARES Act include:

- \$1 billion to project-based rental assistance to maintain normal operations and take other necessary actions while impacted by coronavirus;
- \$300 million to Native American Housing Programs, including \$200 million for Native American Housing Block Grants and \$100 million for the Indian Community Development Block Grant to prevent, prepare for, or respond to coronavirus;
- \$65 million to Housing for Persons with AIDS (HOPWA) to address operations, rental assistance, and other actions to prepare for and respond to coronavirus;
- \$50 million to Section 202 Housing for the Elderly, including \$10 million for service coordinators;
- \$15 million to Section 811 Housing for Persons with Disabilities; and
- \$2.5 million for fair housing activities including \$1.5 million for the Fair Housing Assistance Program Partners for Special Enforcement grants and \$1 million for the Fair Housing Initiatives Program.

Lastly, those getting unemployment insurance can receive \$600 in addition to whatever they receive under regular unemployment insurance. This provision will not serve everyone though, as many people on fixed incomes cannot receive unemployment insurance, so rental assistance is still desperately needed.

No funds were provided to USDA rural housing programs in the CARES Act.

Critical Housing Resources & Protections Provided in HEROES Act



SENATORS MUST ACT ON ESSENTIAL HOUSING SUPPORTS

Please note that there might have been additional Congressional action between the publication of this article and the date you are reading it. For the latest information, visit: <https://nlihc.org/coronavirus-and-housing-homelessness>

The \$12 billion included in the “Coronavirus Aid, Relief, and Economic Security (CARES) Act” to protect the lowest-income renters and people experiencing homelessness was an important first step, but many more resources are needed.

Millions of renters were already struggling to make ends meet before the pandemic, and now many are facing job losses and reduced income. COVID-19 outbreaks are happening in shelters and homeless encampments with enormous consequences for both our unhoused neighbors and some of our country’s already overwhelmed hospitals.

For the next negotiated spending package, NLIHC identified the following top priorities, all of which are included in the “Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act” recently passed on the House:

- An additional \$11.5 billion in Emergency Solutions Grant (ESG) funding to decongest emergency homeless shelters and provide short-term rental assistance and housing stability services;
- \$100 billion in emergency rental assistance and eviction prevention to help keep America’s lowest-income renters stably housed – the amount NLIHC estimates is needed - see: <https://bit.ly/2A3FV7y>; and
- A uniform, national moratorium on evictions and foreclosures to address the current patchwork of moratoria at all levels of government.

While these asks may seem large, so is the need. These are not handouts, but lifelines, and unless Congress wants to face an exploding homelessness crisis during and after this pandemic, they must pass these necessary provisions. While national advocates group across the country support these measures, industry groups like the National Apartment Association and National Association of REALTORS do as well.

The HEROES Act passed the House of Representatives on May 15. The Senate will likely pass a very different spending package, but these housing resources and solutions MUST be included in any final package negotiated between the two bodies of Congress and the White House.

Advocates should contact their members of Congress to urge them to prioritize these resources and protections in the next coronavirus package. Find your members of Congress and send them an email at: <https://sforce.co/2yeW3CD>

See all of NLIHC’s recommendations to Congress for the next coronavirus relief package at: www.nlihc.org/responding-coronavirus





Now more than ever, we must say clearly and unequivocally: Black Lives Matter. We must recognize that calling for racial justice, while important, isn't enough – we must work to create it through actions, through policies and programs that protect and value Black lives and make racial equity a reality.

In Solidarity,



**NATIONAL LOW INCOME
HOUSING COALITION**

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Black Lives Matter Protest in DC, 5/31/2020. Photographed by Koshu Kunii