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NLIHC's HoUSed Campaign for Long-Term Housing Solutions

January 31, 2022

Agenda

Welcome & Updates

• Diane Yentel, NLIHC

Medical Respite Care for People Experiencing Homelessness

• Barbara DiPietro, National Health Care for the Homeless Council

Emergency Rental Assistance Among Indigenous Tribes

• Neetu Nair, NLIHC

Guest Speaker

• Representative Pramila Jayapal (WA)

ERASE Project Updates

• Jade Vasquez, NLIHC

Field Updates

• Kendra Knighten, Idaho Asset Building Network

• Jonathan Jager, Legal Aid Foundation of Los Angeles

"Build Back Better Act" Updates and Next Steps

• Kim Johnson, NLIHC

Next Steps

Welcome & Updates

Diane Yentel

President & CEO

National Low Income Housing Coalition

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Medical Respite Care for People Experiencing Homelessness

Barbara DiPietro

Senior Director of Policy

National Health Care for the Homeless Council

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NATIONAL HEALTH CARE for the HOMELESS COUNCIL

The Framework for an Equitable COVID-19 Homelessness Response

#HousingEquity

Expanding Options for Health Care Within Homelessness Services:

CoC Partnerships with Medical Respite Care Programs

Barbara DiPietro, Ph.D.
Senior Director of Policy

The Problem

- People experiencing homelessness (PEH) have a lot of health conditions that cannot be managed in shelters and in other traditional homelessness services settings

- High use of hospitals/EDs/911

- Lack of appropriate space to recuperate

- Shelter staff are not medical providers

- Ongoing illness, poor health outcomes (or worse)

- Ongoing homelessness

- Inability to deliver appropriate care to vulnerable people

Q: "Are we solving a medical problem or a homelessness problem?"

A: Both.

The Solution: Definitions

- **Medical respite care (MRC)** → acute & post-acute medical care for people who are homeless and too ill to be on the street/in shelter, but not ill enough for hospital-level care

- **Venues:** shelters, stand-alone facilities, hotel/motel programs

- **Staff:** nursing/medical providers, behavioral health staff, case managers, CHWs, housing specialists, etc.

- **Funding:** hospitals, local/state $, Medicaid, private/foundation

- **Continuums of Care (CoC)** → HUD-funded local organizations leading distribution of homelessness services resources and planning local efforts to end homelessness

Medical Respite Care

- Medical care & case management
- Documentation & benefits
- Medication & disease management skills
- Housing assessments & search preparations
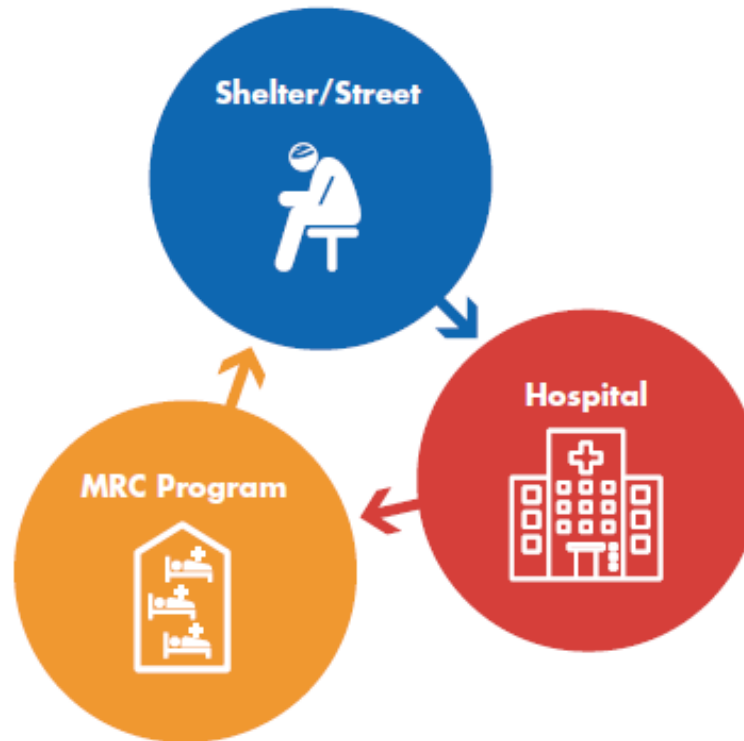- Ongoing care plans & care coordination

The Solution: The Concept of Medical Respite Care

Figure 1: The Vision of MRC in Concept
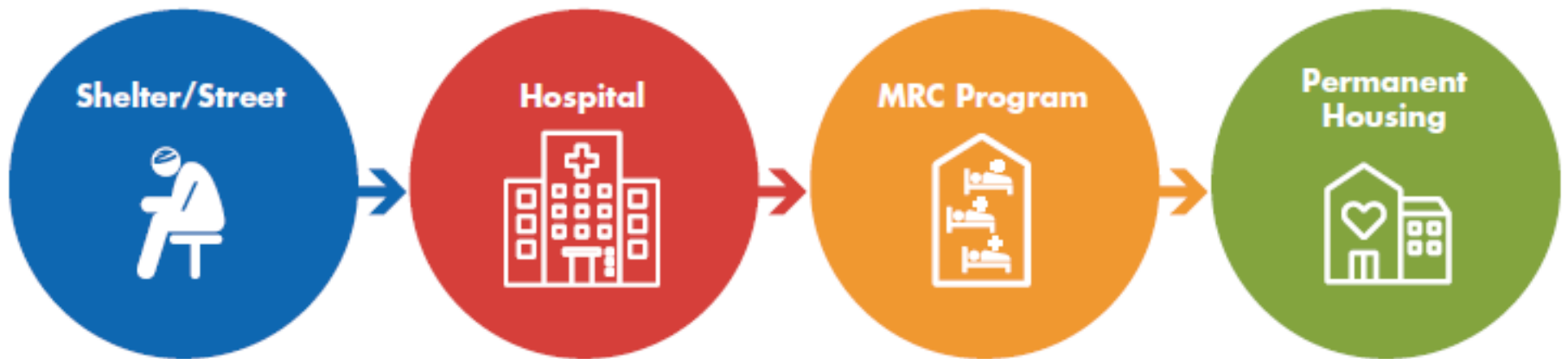
The Solution: The Reality of Medical Respite Care

Figure 2: The Common Reality of MRC

Stakeholder Discussions: CoC & MRC Viewpoints

Shared Desires

- PEH should get the health care services they need
- Ultimate desire is for permanent housing
- CoCs & MRCs want to work together
- CoCs recognize the value of MRCs

Mutual Frustrations

- Admission criteria & program capacity
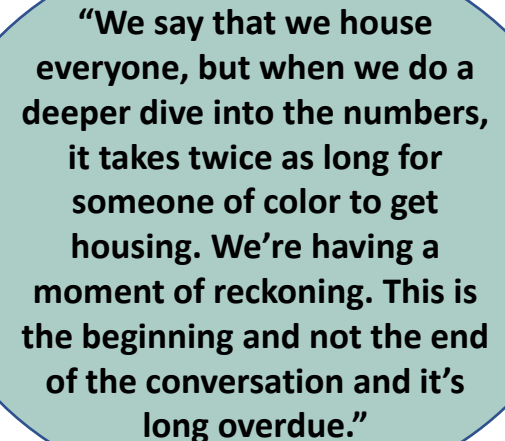- Coordinated entry & program referrals
- Medical vulnerability & assessments
- Ongoing gaps in housing and health
- Responsible entities
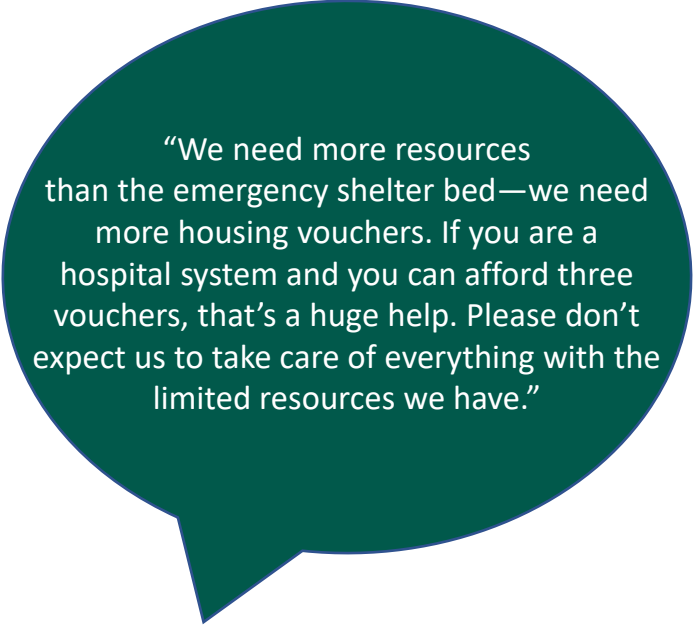
Equity Lens: In Development

- Participants are clear they want to do more to assess & address racial inequities

- Smaller size of MRC programs—relative to the larger scope of the CoC—makes it hard to assess equity impact of the intervention

- MRC provision of case management, care coordination, benefit acquisition, etc. should help address inequities, but hard to know without more intentional evaluation

- This is an area where further attention is needed

"We say that we house everyone, but when we do a deeper dive into the numbers, it takes twice as long for someone of color to get housing. We're having a moment of reckoning. This is the beginning and not the end of the conversation and it's long overdue."

The Way Forward: Systemic Changes Needed

- Problem exists due to lack of adequate housing and health care resources

- Neither CoCs nor MRC programs can fix this problem absent <u>significant</u> changes in funding & policy

- More support & advocacy needed from larger health care system for housing

"We need more resources than the emergency shelter bed—we need more housing vouchers. If you are a hospital system and you can afford three vouchers, that's a huge help. Please don't expect us to take care of everything with the limited resources we have."

Managing in the Meantime:
Action Steps for CoCs, MRCs & Hospitals/Medicaid

Understand each other and build relationships across systems

Consider the information most needed for decision-making

Allocate funding strategically to achieve broader goals

Center racial equity measurement and evaluation

Clarify process for program referrals & coordinated entry participation

Advocate to address gaps in housing and health care

Spotlight on Yakima, Washington

- **Partners:** MRC program is part of Yakima Neighborhood Health Services (an FQHC); Department of Human Services (which houses the CoC); Yakima Housing Authority

- **MRC location:** 3 locations (2 houses + motel rooms) = 40 beds

- **Services:** Daily case management & nursing, BH visits, medication management, care coordination, housing assessments, benefits, transportation, meals, etc.

- **Staff:** Nurse, BH specialist, outreach worker, medical case manager, housing specialist

- **Funding:** CoC classifies beds as "emergency shelter" and pays for beds, meals, support services

"As a housing provider, you need to build relationships with your health care providers because it's difficult for clients to navigate both systems—they need help from us, and we need to be good partners for them."

-- **Annette Rodriguez,** Director of Homeless Services, Yakima Neighborhood Health Services.

CONTACT US

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National Health Care for the Homeless Council

National Institute for Medical Respite Care

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Resources

- **National Institute for Medical Respite Care**

- Expanding Options for Health Care Within Homelessness Services: CoC Partnerships with Medical Respite Care Programs | January 2022

    - One Community's Collaborative Approach: A Spotlight on Yakima, Washington | January 2022

- Defining Characteristics of Medical Respite Care

- State of Medical Respite Care, 2021

- Medical Respite Care Literature Review (Executive Summary)

- Medicaid & Managed Care: Financing Approaches for Medical Respite Care

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NIMRC is an initiative of the National HCH Council

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Emergency Rental Assistance Among Indigenous Tribes

Neetu Nair

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Overview

The Consolidated Appropriations Act of 2021 provides $800 million for tribal communities:

- 0.3 percent or $2.4 million for the Department of Hawaiian Home Lands

- $797.6 million for Indigenous Tribes or Tribally Designated Housing Entities (TDHEs)

301 Tribes and TDHEs qualified and applied for ERA1 funds

Each received 121% of their FY2020 Indian Housing Block Grant (IHBG) formula allocation

By the end of September 2021, grantees had obligated $278.7 million, approximately 35% of their total allocation

Research Methods

Data from NLIHC program tracking of 150 ERA programs administered by Tribes and TDHEs.

Interviews with administrators of six tribal ERA programs

- Two rounds of interviews conducted in June and December 2021.

- Case study sites include Cherokee Nation, Chickasaw Nation, Choctaw Nation, and Muscogee Creek Nation in Oklahoma; Navajo Nation including Reservation and Off-Reservation Trust Land in Arizona, New Mexico, and Utah; and Yavapai Nation in Arizona.

Findings

1. Initial differences in coverage and eligibility between ERA and other rental assistance programs administered by Tribes and TDHEs restricted the availability of ERA funds to fewer tribal households

- Income limits for IHBG programs typically use national median income limits; ERA initially required income limits to be based off local area median income (AMI).

Findings

2. Disparities in administrative capacity to implement the program largely influenced success of tribal ERA programs

- ERA grant amounts ranged from $64,000 to $93 million
  - ERA1 allows 10% of total allocation to be used for administrative expenses.
  - 57% of grantees received less than $1.5 million

Findings

3. Strategies like the use of documentation flexibilities and non-traditional applications lowered administrative burden and helped grantees serve more renter households.

- Use of self-attestations, categorical eligibility, and fact-specific proxies were crucial in serving renters with limited access to technology and broadband services.

- Innovative methods of collecting and verifying household information ensured no renter household was left behind.

Findings

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4. Need for streamlined reporting, technical assistance, and grantee-specific resources to reduce administrative burden.

- Timely communication and training related to grantee-specific questions would have helped administrators spend down funds quicker.

- Process for reallocation of funds for tribal grantees must be expanded to sufficiently capture remaining need.

Read the report here:
https://bit.ly/ERA-Tribes-and-TDHE

For questions regarding this research, email **nnair@nlihc.org**.

Guest Speaker

Representative Pramila Jayapal

Washington's 7th District

Chair, Congressional Progressive Caucus

U.S. House of Representatives

ERASE Project Updates

Jade Vasquez

ERASE Project Coordinator

National Low Income Housing Coalition

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Tenant Protections Resource Page

- NLIHC launched a new webpage, the *Tenant Protections Resource Page*

- The webpage includes all tenant protections resources developed by the ERASE team, including the Tenant Protections report, state and local tenant protections maps, a dashboard summary, and a searchable database.

Tenant Protections & ERA Report
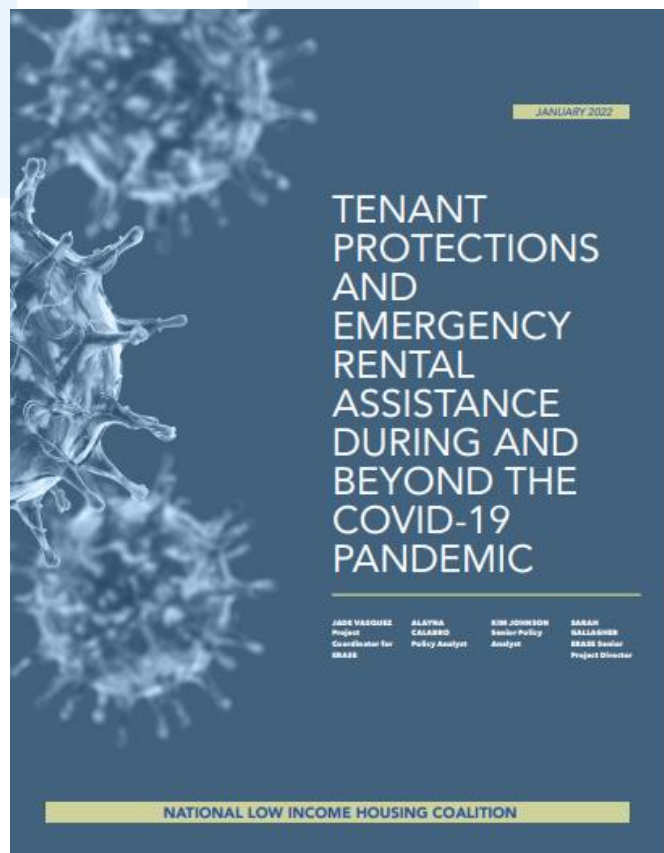
- NLIHC released a new report, *Tenant Protections and Emergency Rental Assistance during and beyond the COVID-19 Pandemic*

- The report provides a descriptive analysis of policies related to tenant protections and emergency rental assistance (ERA) that have been enacted or implemented by states and local governments in 2021.

- States and localities passed or implemented **more than 130 new laws or policies** to protect tenants from eviction in 2021.
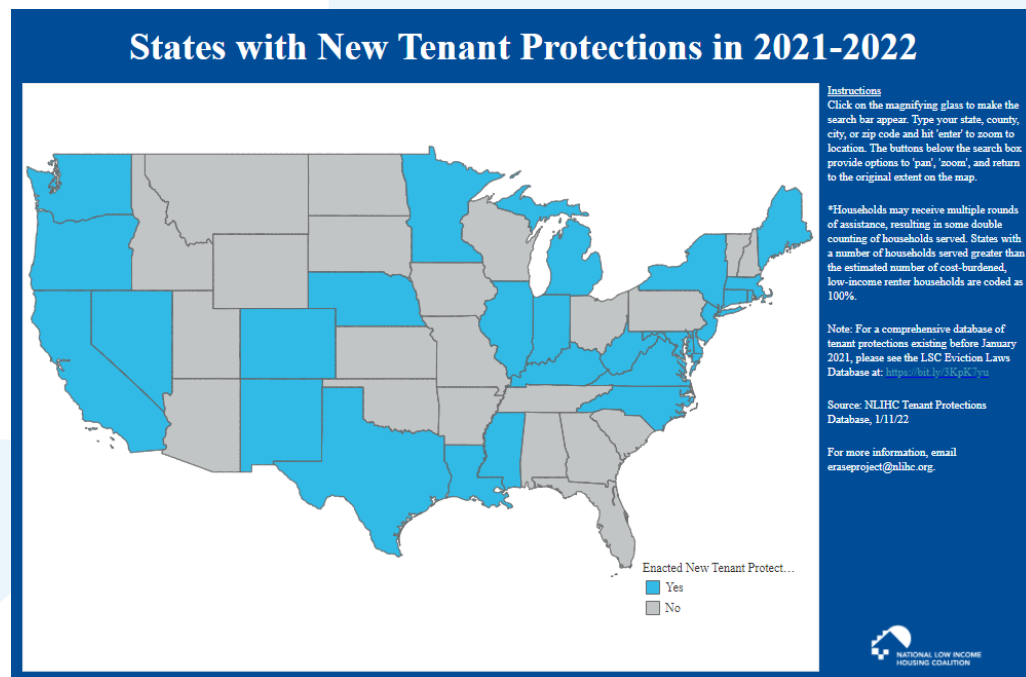
Types of Tenant Protections

- Short-term laws and policies
  - State and local eviction moratoriums
  - Pauses on the eviction process to allow for ERA processing
  - Mandates to increase information about ERA and limit tenant fees

- Long-term laws and policies
  - Increases to tenant representation during the eviction process, such as right to counsel
  - Protections that reduce discrimination and promote housing stability, such as source of income discrimination and sealed/expunged eviction records legislations
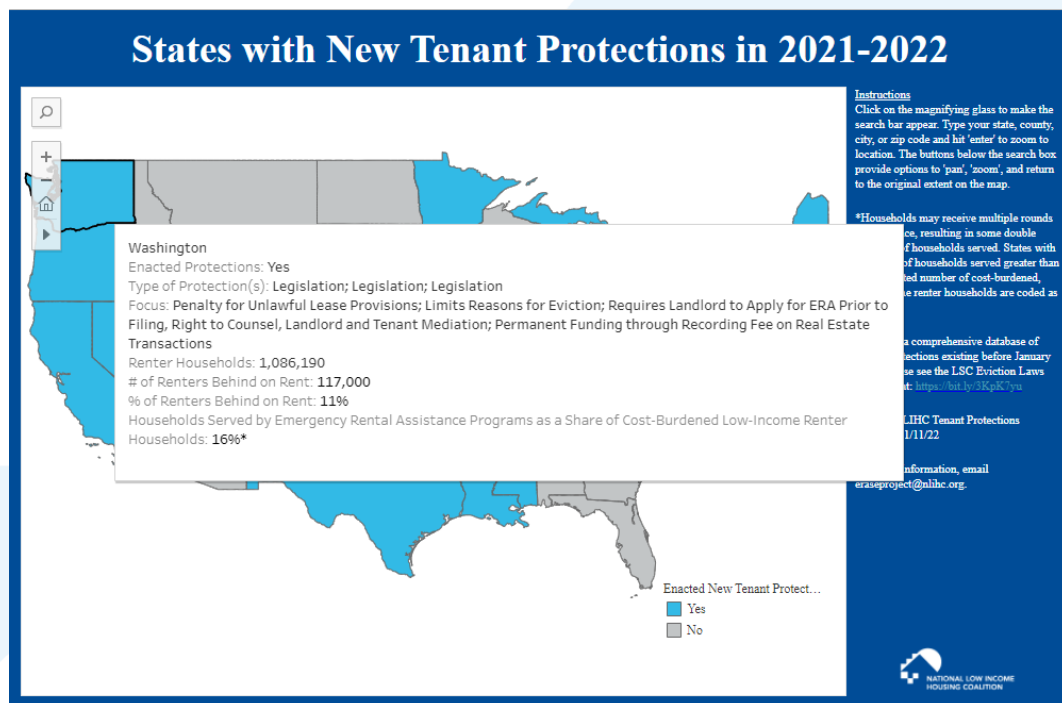
Tenant Protections Maps

- To accompany the report, NLIHC's Research Team has developed two interactive maps that demonstrate which states and localities have enacted or implemented tenant protections in 2021.

- For State Tenant Protections Map, click here.

- For Local Tenant Protections Map, click here.

States with New Tenant Protections in 2021-2022

Tenant Protections Maps

- In addition to listing the type of tenant protections in each state, the State Tenant Protections Map also includes
  - # of renter households in each state
  - # and % of renters behind on rent
  - % of low income/ cost-burdened households served by ERA program

ERASE State and Local Tenant Protections Database

ERASE State and Local Tenant Protections Database

The following is a summary of eviction protections related to emergency rental assistance that have been implemented in 2021:

State	Jurisdiction	Type	Number	Status	Purpose	Link
Colorado	Denver	Ordinance	CB 21-0529	Effective as of 9/1/2021	Gives people facing eviction proceedings access to attorneys for free, improving their chances of staying housed. The ordinance only applies to people earning 80 percent or less of the area median income.	https://denver.legistar.com/LegislationDetail.aspx?ID=4927148&GUID=1A4A3F9C-A0E2-46ED-A998-FA8B5F022B22&Options=ID|Text|&Search=21-0529
Connecticut		Legislation	HB 6689, SB 1202	Signed into law 6/23/21	Under budget bills H.B. 6689 and S.B. 1202, the Department of Housing will receive $10 million per year from the American Rescue Plan Act (ARPA) Coronavirus State and Fiscal Recovery Funds to support legal representation costs for tenants facing eviction, assistance to tenants at notice-to-quit stage, increases in tenants appearing in cases, and outreach to tenants.	https://cga.ct.gov/2021/TOB/H/PDF/2021HB-06689-R00-HB.PDF https://www.cga.ct.gov/2021/TOB/S/PDF/2021SB-01202-R00-SB.PDF
Connecticut		Legislation	HB 6531	Signed into law 6/10/21	Right to counsel: provides attorneys to low-income tenants facing evictions.	https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2021&bill_num=6531
Connecticut		Executive Order	No. 12D	Signed into law on 6/30/21	Requires landlords to apply for rental assistance and give tenant 30 days notice to leave property before filing for eviction until 9/30/21. Any filing stayed 30 days.	https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-12D.pdf
Delaware		ERA Program Policy		Effective as of 7/15/21	Conditionally approves applications with an active eviction status, paying out applicants once the court provides a document saying the eviction case has been withdrawn, satisfied, or resolved via agreement.	https://decovidhousinghelp.com/wp-content/uploads/2021/05/CF14ASL-DEHAP-JP-Stipulation-Final.pdf
District of Columbia		Ordinance	DC 16-501, 16-502	Passed on 5/3/21	Extends eviction moratorium until January 1, 2022. DC Code 16-502 requires summons be served 30 days in advance of an initial court hearing.	https://dccouncil.us/wp-content/uploads/2021/07/Eviction-and-Utility-Moratorium-TEMP.pdf

For additions to the database: Contact Jade Vasquez @
jvasquez@nlihc.org

www.tinyurl.com/NLIHCTenantProtections

ERASE State and Local Tenant Protections Dashboard

- The Tenant Protections Dashboard summarizes the protections passed by jurisdiction, the type of authority used to implement them (e.g., executive order, court order, ERA program policy, or legislation), and the nature of the protection (e.g., eviction moratorium, right to counsel, or source-of-income discrimination law)

30
States that have passed tenant protections (including Washington DC and Puerto Rico)

59
Localities that have passed tenant protections

Implementing Authority

Executive Orders	6
Court Order	16
ERA Program Policy	33
Local Ordinance	39
State Legislation	39

133
Total # of Protections Passed or Implemented

ERA-related protections	66
Eviction Moratorium	10
Eviction Stay	16
Allows Payment to Stop Eviction	5
Requires Landlord to Apply for ERA Prior to Filing	6
Establishes Wait or Safe Harbor Period	10
Right to Counsel	10
Eviction Legal Defense Fund	4
Landlord and Tenant Mediation	11
Source of Income Discrimination	13
Participating Landlords Cannot Evict	29
Expunge/Seal Eviction Records	6
Limits Late Fees	9
Strengthens Written Notice or Summons Process	11
Other	27

ERASE Interactive Tenant Protections Database

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SEARCH STATE, TERRITORY, TRIBE, OR LOCALITY

Search for the city or county you reside in; if you don't see a program for your locality, you should search for your state, territory, or tribe, as applicable.

Connecticut

IMPLEMENTING AUTHORITY

| Any | Executive Order | Court Order | Legislation | Ordinance | ERA Program Policy |

CATEGORIES

- ERA Related Protections
- Eviction Stay
- Requires Landlord to Apply for ERA Prior to Filing
- ✓ Right to Counsel
- Landlord and Tenant Mediation
- Participating Landlords Cannot Evict
- Limits Late Fees
- Other

- Eviction Moratorium
- Allows Payment to Stop Eviction
- Establishes Wait or Safe Harbor Period
- Eviction Legal Defense Fund
- Source of Income Discrimination
- Expunge/Seal Eviction Records
- Strengthens Written Notice or Summons Process

1 protections were found.

State / Territory	Jurisdiction	Type	Number	Status	Purpose	Link	Keywords
Connecticut	Statewide	Legislation	HB 6531	Signed into law 6/10/21	Right to counsel: provides attorneys to low-income tenants facing evictions.	Link	Right to Counsel

- Lastly, the Tenant Protections Resource page has a searchable tool that allows you to sort tenant protections in various categories, including the state/local jurisdiction, the implementing authority, and the type of tenant protection (i.e. right to counsel or eviction moratorium).

Questions/Comments?

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HOUSING COALITION**

For questions regarding the Tenant Protections report or additions to the State and Local Tenant Protections Database, email jvasquez@nlihc.org.

Field Updates

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Field Updates

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- Proclamation of emergency on March 4, 2020

- March 19, 2020: first EO banning evictions for nonpayment of rent and other reasons, through May 31, 2020

- April 14, 2020: EO expanded to cover incorporated cities w/o protections

  - September 1, 2020: applies in any city without stronger local protections

- Monthly extension of EO

September 30, 2020: State law controlling nonpayment and repayment of unpaid rent

- Left authority for local jx to regulate other grounds for eviction

- Extended several times

- Local preemption ends April 1, 2022

- Late 2021, Board requested a report on how to wind down protections

- Departments recommended 3 phase plan
  - Phase I: February 1 – May 31, 2022
    - Continue eviction protections, add protections for nonpayment
  - Phase II: June 1 – December 31, 2022
    - Remove some protections
  - Phase III: January 1 – June 30, 2023
    - Only nonpayment protections for low-income tenants remains

Protections are not a moratorium on filing evictions
- Function as affirmative defenses in an eviction lawsuit

- No late fees, interest, or pass-through charges

- No harassment
  - $5k per violation, + $5k if tenant is over 65 or disabled

- Rents frozen on units in unincorporated LA County covered by RSO
  - Similar freeze for duration of emergency + 1 year in LA City RSO

- No evictions based on nuisance

- No evictions for unauthorized occupants or pets related to COVID

- No evictions for denying entry to landlord
  - Starting June 1, allowed unless denial is in response to harassment

- No no-fault evictions, except certain owner move-in evictions
  - Owner can only move into 1-3 unit property, purchased prior to June 30, 2021, tenant cannot have COVID financial impact, owner (or family member) must be similarly situated to evicted tenant
  - Starting June 1, removes purchase date and COVID impact requirements

- Only applies prospectively
- Tenants must notify landlord of COVID impact and income (if necessary) within 7 days of rent being due
  - Tenants can self-certify these facts
- 1 year to pay rent
  - After 1 year, landlord can only collect in civil/small claims court, not bring an eviction

April 1 – May 31: applies to all tenants

June 1 – December 31: apples to tenants below 80% AMI

- Phase III will likely be voted on in late 2022

- Board called for a report in 120 days
  - Lessons learned
  - Recommendations for changes to permanent County tenant protections
  - How County can influence permanent protections in cities

Next Steps

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Resources

NLIHC's HoUSed Campaign (nlihc.org/housed): Campaign Updates