

End Rental Arrears to Stop Evictions (ERASE)



UNDERSTANDING LANDLORD OR TENANT REFUSAL TO PARTICIPATE IN ERA PROGRAMS

[Research indicates](#) that a lack of tenant and landlord participation is one challenge to state and local administrators of U.S. Treasury Emergency Rental Assistance (ERA) programs trying to get assistance distributed to ensure renters can remain safely in their homes. To better understand the extent of non-responsiveness and refusal to participate in ERA programs, NLIHC asked 247 program administrators to complete a short survey during the period of 9/9/2021 through 9/15/2021. The survey asked program administrators about the frequency with which landlords or tenants are non-responsive or refuse to participate in ERA programs and provided open-ended narrative-response questions aimed at understanding the primary reasons landlords and/or tenants do not participate in ERA programs. NLIHC received 93 responses, a response rate of 38%.

Of the survey respondents, 12% of program administrators represented state jurisdictions, 68% represented local jurisdictions, and 20% represented tribal jurisdictions. NLIHC is currently tracking 495 ERA programs, of which 10% are state programs, 59% are local programs, 1% are territory programs, and 30% are tribal government programs. Therefore, the responses to this survey may have a slightly skewed representation toward local jurisdictions.

Type of Applications Accepted

All program administrators reported that their programs allowed tenants to initiate ERA applications; most (74%) also allowed landlords to initiate applications, and some (43%) allowed for community-based organizations to initiate applications on behalf of tenants. Seventy percent (70%) of the programs surveyed indicated that they provide direct-to-tenant assistance if a landlord refuses to participate in the ERA program, consistent with [2021 research findings](#) from University of Pennsylvania's Housing Initiative at Penn, the NYU Furman Center and NLIHC, in which 100% of programs reported providing assistance directly to landlords and 69% of programs reported allowing assistance to go directly to tenants if the landlord chose not to participate. As of September 20, the [NLIHC ERA Dashboard](#) identified a much lower share of programs (28%) that explicitly allow direct-to-tenant assistance, suggesting that programs allowing direct-to-tenant payments are not clearly communicating this as an option in public-facing portals and documents.

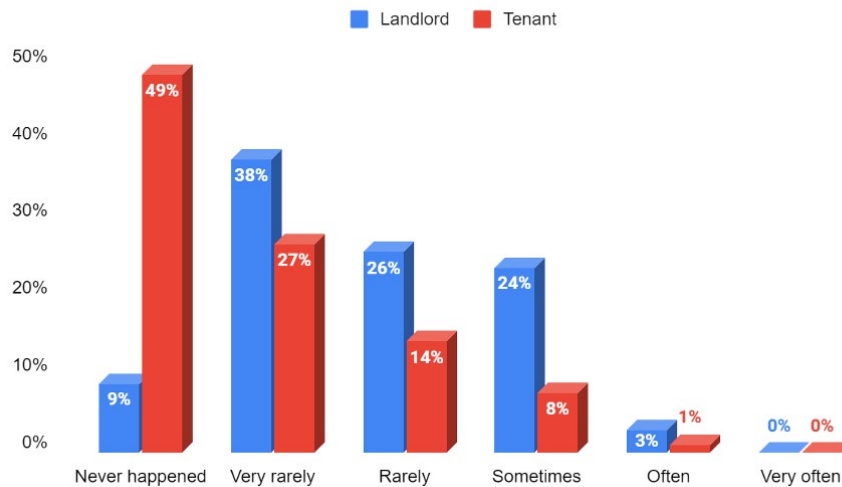
ERA PROGRAM EXPERIENCE

Landlord and Tenant Refusal

Overall, program administrators reported that refusal to participate in ERA programs was more prevalent among landlords; tenant refusal occurs very infrequently. Twenty-seven percent of program administrators indicated that landlords often or sometimes refuse to participate, compared to only 9% of programs reporting this for tenants.

Nearly half (49%) of ERA programs surveyed have never experienced tenants refusing to participate in ERA programs, and 90% of programs reported they never, very rarely, or rarely experienced tenants refusing to participate. In contrast, only 9% of programs indicated that they have never had a landlord refuse to participate, with a total of 73% of programs stating they never, very rarely, or rarely experienced landlord refusal.

Landlord or Tenant Refusal to Participate in ERA Program



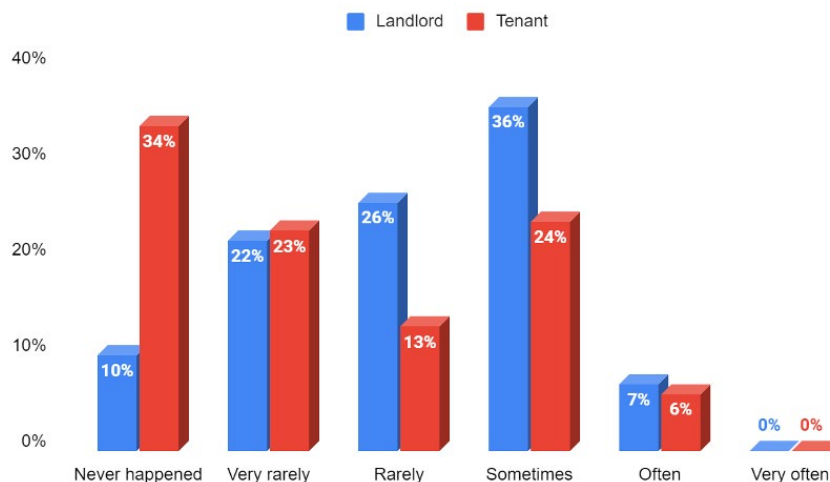
Program administrators gave several reasons for landlord refusals, including landlords not wanting to produce a W-9 (22% of respondents) and landlords wanting to evict the tenant regardless of ERA (28% of respondents). Some program administrators noted that some landlords want to evict the tenant or do not want to lose the right to evict, which becomes more difficult if they accept the additional tenant protections created in the jurisdictions' rental assistance programs.

In the small number of cases where tenants refused to participate in ERA, program administrators indicated it occurred because the tenant had already been evicted, the tenant has a bad relationship with the landlord, or the tenant believed the landlord would still try to evict them, so they did not apply. In some cases, program administrators have found tenants do not participate because they would like to leave their current homes, often due to substandard housing conditions. Some of these tenants request ERA funds for relocation or prospective rent at another location.

Landlord and Tenant Non-Responsiveness

When asked how often landlords and tenants are "non-responsive," 43% of programs reported that landlords were sometimes or often unresponsive, and 30% of programs reported the same for tenants. Thirty-four percent of programs stated that they never had a tenant be nonresponsive, while only 10% of programs said the same for landlords.

Landlord or Tenant Non-responsiveness in ERA Program



Reasons cited for tenant non-responsiveness were often related to challenges with tenant engagement and the application process. For example, program administrators indicated not being able to reach tenants both initially and during the application process, tenants having poor relationships with their landlords or already being evicted, and tenants not following through due to documentation requirements (especially related to immigration status).

Survey Takeaways

- ERA programs rarely experience tenants refusing to participate in ERA programs. Most (49%) ERA programs have never experienced tenants refusing to participate in ERA programs and 90% of programs never, very rarely, or rarely experience tenants refusing to participate.
- While non-responsiveness is more common for both landlords and tenants than outright refusal, programs indicated they experience greater refusal and unresponsiveness from landlords than from tenants.
- Reasons programs give for tenants refusing or not responding are often due to challenges with tenant engagement and the application process.
- Reasons programs give for landlords refusing or not responding are often due to landlords not wanting to share their W-9 and wanting to retain the ability to evict tenants for other reasons.

While this survey provided a glimpse into program refusal and non-responsiveness across the sample of participants, NLIHC encourages program administrators to continue to track landlord and tenant participation and refusal data, including reasons for non-participation, to inform program improvement and course corrections.