EMERGENCY RENTAL ASSISTANCE AMONG INDIGENOUS TRIBES:

FINDINGS FROM TRIBAL GRANTEES

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INTRODUCTION

As part of the $25 billion Congress included in the "Consolidated Appropriations Act of 2021" for the U.S. Department of the Treasury (Treasury) Emergency Rental Assistance (ERA1) program, 301 Indigenous Tribes and Tribally Designated Housing Entities (TDHEs) received $800 million to provide assistance to low-income tribal members and residents of native lands.[1] By the end of September 2021, tribal grantees had obligated $278.7 million, approximately 35% of their total allocation.[2] While some Tribes and TDHEs have exhausted their initial ERA1 grant and have received additional funds, several grantees have not successfully utilized ERA despite increased housing instability.

This research brief describes the challenges and successes of the Treasury ERA1 programs administered by Tribes and TDHEs. Unlike other state and local grantees, Tribes and TDHEs serve households across jurisdictional boundaries. They also potentially face housing needs and rental markets, infrastructure, and ERA allocations that differ from non-tribal grantees, resulting in unique challenges and barriers to ERA program implementation. Based on data from the National Low Income Housing Coalition's (NLIHC) ERA program tracking and from interviews with program administrators, this brief details key characteristics and challenges of – as well as lessons learned from – ERA1 programs administered by Tribes and TDHEs.

KEY FINDINGS

1. **ERA allocations for Tribes and TDHEs ranged from $64,000 to $93 million, with 57% of grantees receiving less than $1.5 million. The wide range of allocations across tribal governments led to significant disparities in administrative capacity. Grantees with larger allocations could build the infrastructure and capacity needed to administer their ERA program and extend assistance to native households not living on reservations, while grantees with smaller allocations were unable to adequately increase capacity.**

2. **Initial differences in income-eligibility limits between the ERA program and other rental assistance programs administered by Tribes and TDHEs placed unnecessary administrative burden on the grantees and restricted the availability of ERA funds to fewer tribal households.**

3. **Use of self-attestation of COVID-19-related financial hardship and household income, as well as categorical eligibility and fact-specific proxies to determine income eligibility, lowered administrative burden and helped Tribes and TDHEs serve low-income renters who had limited access to technology and broadband services.**

4. **Lack of clarity in federal guidance at the onset of the programs delayed application processing and disbursement of ERA funds for several months after their launch.**

1 Section 501(a)(2)(B) of Division N of the Consolidated Appropriations Act, 2021

2 U.S. Department of the Treasury Emergency Rental Assistance Program (ERA1) Monthly Report: November 30, 2021

ERA POLICY, GUIDANCE, AND REPORTING FOR TRIBES AND TDHES

The Consolidated Appropriations Act of 2021 required Treasury to allocate $797.6 million of the $25 billion in ERA1 funds to Tribes and TDHEs.[3] In total, 301 Tribes or TDHEs qualified and applied for ERA1 funds. ERA1 tribal allocations were based on their Fiscal Year (FY) 2020 allocations from the Indian Housing Block Grant (IHBG) program, which is generally determined by tribes' current assisted housing stock, population-based need, median incomes, and housing conditions.[4] Each grantee received approximately 121% of its FY 2020 IHBG formula allocation, with grant amounts ranging from $64,000 to $93 million.

Households eligible for assistance are those with incomes at or below 80% of the area median income (AMI), that have experienced financial hardship due to COVID-19, and that are at risk of homelessness or housing instability. Assistance can go towards rental arrearages, current and future rent, utility arrearages, current and future utility payments, and other housing-related expenses caused directly or indirectly by COVID-19. Tribes and TDHEs may provide assistance to American Indian and Alaska Native (AIAN) households living outside of native lands, as well as to non-AIAN households living on the native lands, as long as the individuals are not already receiving assistance through another ERA program for the same period. [5]

Unlike state and local grantees, Tribes and TDHEs are exempt from Treasury's monthly reporting requirements and are required to submit only quarterly reports on a subset of data points required of other grantees.[6] Tribes and TDHEs do not submit household-level information for each payment made to or on behalf of ERA recipients. Reallocation guidance issued by Treasury on October 4, 2021, clarified that Tribes and TDHEs are not subject to recapture of funds prior to April 2022.

KEY FEATURES OF ERA PROGRAMS ADMINISTERED BY TRIBES OR TDHES

As of December 10, 2021, NLIHC was tracking 150 ERA programs administered by Tribes or TDHEs, using publicly available information from program websites and documents. Of the 150 programs, nearly all accept tenant-initiated applications, with 35% also allowing landlords to initiate applications. Sixty percent of programs cover both rent arrears and future rent, with 55% offering up to 15 months of assistance. Additionally, nearly 90% of all programs provide assistance for utility payments, and just over half extend ERA funds to cover other housing expenses, such as late fees, caused either directly or indirectly by COVID-19.

Most ERA programs administered by Tribes or TDHEs require that households either demonstrate some form of tribal affiliation or rent property on native lands. Of those that require tribal affiliation, nearly 90% of programs tracked by NLIHC ask applicants to provide tribal enrollment cards or citizenship certificates for one or more household member. While most programs prioritize households directly affiliated with their own tribe, several are open to households that can demonstrate some form of affiliation to any other tribe.

Fifty-six percent of programs explicitly state in their readily accessible documents that they allow some form of self-attestation, with attestations for COVID-19-related hardship being the most common (53%). Only 10% of all tribal programs explicitly state that they accept self-attestations for income, and 17% accept self-attestations for housing instability. Additionally, only 23% of tribal programs explicitly offer assistance to tenants if landlords refuse to participate in the ERA program.

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3 Section 501(a)(2)(B) of Division N of the act provides a total of $800 million for tribal communities. After subtracting 0.3 percent ($2.4 million) for Department of Hawaiian Home Lands, $797.6 million is available for Indian tribes and TDHEs.

4 For more information on IHBG funds, see NLIHC's 2021 *Advocates' Guide*, "Native American, Alaska Native, and Native Hawaiian Housing Programs," pp. 5-29.

5 U.S. Department of the Treasury Emergency Rental Assistance Revised Guidance August 25, 2021

6 U.S. Department of the Treasure Emergency Rental Assistance Revised Reporting Guidance October 7, 2021

CASE STUDY PROGRAMS AND TRIBAL AREA CONTEXT

To learn more about these programs, we interviewed program administrators of six tribal ERA programs, including programs for 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. We identified and contacted potential interviewees based on two key factors: grantees with the highest and lowest total allocations, and grantees who had ERA programs online at the time of the interviews. Many grantees received a small share of ERA1 funds. Fifty-seven percent of grantees received a grant of less than $1.5 million, and most of these grantees had limited online presence and were less responsive to our outreach. As such, the six case studies include some of the larger tribal programs, accounting for roughly 23% of the funds allocated to tribal grantees.

The six ERA programs represent a mix of new and expanded rental assistance programs that cover both urban and rural jurisdictions. In June 2021, we conducted semi-structured interviews over Zoom, Skype, or phone with one or more program administrators from each jurisdiction. Prior to the call, interviewees were given a brief outline of questions about program design, internal infrastructure and capacity, documentation requirements, intake and outreach support, and key successes and roadblocks in ERA implementation. We followed up with administrators in December 2021 to discuss if and how improved federal guidance had influenced their program. Table 1 provides information on each program. Finally, to ensure our findings from the interviews were in line with ERA trends seen more broadly across other Tribes and TDHEs and also to gain deeper insights into the experiences of smaller grantees, we consulted with the National American Indian Housing Council.

Table 1: Case Study Program Characteristics

		Navajo Nation	Cherokee Nation (OK)	Chickasaw Nation	Choctaw Nation	Muscogee Creek Nation	Yavapai Apache Nation
	Total funds available	$93,187,351.36	$39,169,218.69	$15,586,520.98	$14,063,789.18	$20,759,703.76	$1,423,613.75
GENERAL PROGRAM INFORMATION	**ERA funds spent as of October 2021**	**	25%	51%	95%	**	26%
	Receiving reallocated funds			X	X		
	Program start date	April 2021	March 2021	March 2021	March 2021	April 2021	April 2021
	Administered by	TDHE	TDHE	Tribal Government	TDHE	Tribal Government	Tribal Government
	Financial assistance provided	rent & utilities	rent	rent & utilities	rent & utilities	rent & utilities	rent & utilities
	Assistance period covered	arrears, current, future	arrears, current, future	arrears, current, future	arrears, current, future	arrears, current, future	arrears, current, future
	Length of coverage	12 months	12 months	15 months	15 months	12 months	15 months
	Cap on assistance provided	None	None	None	None	up to $7,000	None
	Eligibility based on citizenship/affiliations	Navajo citizens nationwide, anyone renting on Navajo native lands	Cherokee citizens in Oklahoma	Chickasaw citizens nationwide	Choctaw citizens nationwide	Muscogee (Creek) citizens nationwide	Tribal members nationwide
KEY FEATURES	**Provides direct-to-tenant assistance**	X	X	X	X	X	
	Allows self-attestation of at least one eligibility requirement	X	X	X	X	X	X
	Allows determination of income via categorical eligibility or fact-specific proxy	X	X	X			
	Covers other housing expenses	X	X	X	X		

**Insufficient data.

We examined housing market dynamics as potential influences on ERA success and challenges for Tribes and TDHEs. A 2017 study of AIAN housing conditions concluded that six out of 10 AIAN households live in tribal areas and their surrounding counties with significant housing needs and challenges.[7] AIAN households in tribal areas are more likely to have inadequate facilities like heating and plumbing and face significant overcrowding (defined as more than one person per room) than in non-tribal areas. Eight percent of AIAN households were overcrowded compared to 3% of households nationally. These challenges vary regionally, with households in the Arizona-New Mexico region facing higher rates of overcrowding and inadequate facilities as compared to other regions.[8]

Table 2: Case Study Tribal Area Statistics

	Navajo Nation	Cherokee Nation	Chickasaw Nation	Choctaw Nation	Muscogee Creek Nation	Yavapai Apache Nation
Tribal area population	172,813	518,991	313,295	231,301	795,947	1,207
Select Housing Characteristics						
Rentership rate	23.6%	29.8%	27.9%	30.1%	36.8%	54.7%
Rental vacancy rate	6.9%	7.8%	8.7%	8.4%	8.0%	**
Median rent	$526	$758	$715	$661	$839	$371
Mobile home, RV, other	21.5%	15.1%	15.0%	15.6%	6.9%	2.5%

**Insufficient data.
Source: 2015-2019 American Community Survey 5-Year Estimates

Table 2 illustrates select housing characteristics within the six tribal areas represented in this brief. Rentership rates for four of the tribal areas are lower than the national average (36%), indicating a relatively smaller market for ERA in several tribal areas than in non-tribal areas. Although rental vacancy rates in most of these tribal areas are higher than the national average (6%), none were exceptionally high. Vacant units may be of a lower quality, too small for families, or located far from schools or places of work, or they may be unaffordable to the lowest-income households.[9] Finally, for four of the six tribal areas, the share of total housing stock made up of mobile homes and recreational vehicles (RVs) is significantly greater than the national average (6%).

FINDINGS AND LESSONS LEARNED

All six ERA programs had begun accepting applications months before we conducted the interviews, so administrators were able to speak about the process of setting up their programs, share insights about how their programs adapted to changing guidance, and discuss anticipated changes. Follow-up conversations highlighted how program changes influenced grantees' abilities to distribute assistance. Findings from the interviews can be classified into four main themes related to (1) differences in tribal area housing contexts, (2) barriers to ERA applications, (3) constraints in infrastructure and capacity, and (4) the need for grantee-specific technical assistance and resources. While several lessons resonate with findings from our previous research on non-tribal local ERA programs conducted in collaboration with the University of Pennsylvania's Housing Initiative at Penn and the New York University Furman Center, we found that Tribes and TDHEs faced unique challenges.[10] These findings and lessons are discussed at length below.

7 Pindus, N. et al. (2017, January). Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs. U.S. Department of Housing and Urban Development Office of Policy Development and Research. p. 56.

8 Pindus, N. et al. (2017, January). Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs. U.S. Department of Housing and Urban Development Office of Policy Development and Research. p. 70.

9 Pindus, N. et al. (2017, January). Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs. U.S. Department of Housing and Urban Development Office of Policy Development and Research. p. 58.

10 Aiken, C. et al. (2021, March). Learning from Emergency Rental Assistance Programs: Lessons from Fifteen Case Studies. The Housing Initiative at Penn, NYU Furman Center, and the National Low Income Housing Coalition.

1. ADAPTING ERA TO THE TRIBAL AREA HOUSING CONTEXT

1.1 Coverage and eligibility for ERA1 funds

Initial differences in income eligibility as defined by the IHBG program, which typically supports tribal housing programs, and by the ERA program posed significant barriers for tribal grantees attempting to quickly set up and disburse ERA funds. Typically, IHBG allows Tribes and TDHEs to set income limits for multi-county native lands based on either the highest county median income among the covered counties or the national median income. The ERA program, however, required grantees to base income limits on local (county) median income. Tribes whose jurisdictions span multiple counties, and sometimes cross state boundaries, were required to base applicant eligibility on the applicant's respective local (county) median income. For programs with limited administrative capacity, this became an obstacle to processing applications quickly, as administrators had to determine and use different income limits for different applicants. While some larger programs with the capacity and infrastructure to verify eligibility across several county boundaries extended their coverage to members anywhere in the country, several smaller programs opted to restrict ERA coverage to counties covered within their native lands to reduce administrative burden, leaving tribal households living outside the native lands to have to find assistance from other local ERA programs. The unevenness in coverage across various programs left several applicants, particularly tribal members who didn't live on tribal lands, confused about their eligibility for their tribal ERA or other ERA programs.

Administrators also highlighted the fact that fewer households were initially eligible for their ERA program as compared to other rental assistance programs, as local median income was often lower than the national median income. Many families, often in crowded housing and facing housing instability, did not qualify for ERA because their total household income exceeded the 80% of local AMI threshold. Cherokee Nation administrators, for example, were aware of several households that qualified for other rental assistance programs that used national median incomes but were not eligible for ERA. To address this problem, Treasury issued guidance in late August 2021 that modified the definition of AMI for tribal ERA programs to match the definition under the IHBG program. Interviewees explained that reviewing previously denied applications added to their administrative burden. Some programs modified their income-eligibility thresholds and planned to review initially rejected applications once they were caught up on current applications in their system. Other programs revised their income-eligibility thresholds but did not have the capacity to identify previously rejected applications that would now qualify for assistance. These programs recommended that eligible households reapply. A few programs did not have the capacity to revise their policies at all. The initial challenge and subsequent change show the need to consider existing programs' practices when new funding streams are created.

Administrators were also concerned about the initial lack of clarity in Treasury's guidance about eligibility for ERA in conjunction with other federal rent subsidies like those available through the IHBG program. Several tribal programs did not consider households with IHBG rent subsidies to be eligible for ERA due to initial concerns about duplication of benefits, despite the significant need. Grantees remained cautious about allowing ERA eligibility for federally subsidized renters for several months after Treasury issued revised guidance confirming their eligibility in May 2021.

1.2 Rental market dynamics for Tribes and TDHEs

Some administrators expressed concern about their ability to utilize their full ERA allocation, which was 121% of their FY 2020 IHBG allocation, because their immediate area lacked a robust rental market. Despite median rents being lower than in surrounding areas for all six native lands, four of the six tribal areas also have lower rentership rates than the national average. Some administrators felt that their smaller rental market, combined with initial restrictions in coverage and eligibility, made it more challenging to disburse funds and likely contributed to uneven spending across tribal grantees.

Additionally, some of the flexibilities included in the Treasury guidance were less applicable for Tribes and TDHEs than for state and local grantees. While ERA funds can be used to help relocate tenants out of precarious housing situations through a combination of forward rent, security deposits, and housing stability services, the relevance of that flexibility rests on the availability of physically adequate and affordable rental units. Although tribal areas typically have lower rents and slightly higher vacancy rates than in surrounding areas, the available stock is not affordable for the lowest income households and is also less likely to meet adequate housing standards, making relocation difficult.[11]

To serve a greater number of households, several administrators opened their ERA programs to households living in mobile homes and RVs. More households – both AIAN and non-AIAN – live in mobile homes and RVs within native lands than in non-tribal jurisdictions.

2. OVERCOMING BARRIERS TO ERA APPLICATIONS

2.1 Documentation flexibilities

Every administrator identified flexible and reduced documentation requirements as a way to lower administrative burdens and help speed up application processing. All six programs accept self-attestations from applicants for at least one eligibility criterion when other forms of documentation are not available, with several adopting self-attestations as their primary form of documentation. Administrators commonly highlighted the difficulty of verifying non-traditional income sources for families who had volatile incomes or who were unbanked. Additionally, documenting financial hardship directly or indirectly due to COVID-19 was challenging for renters who gave up income to care for other family members like elders or children. Three of the six programs included self-attestations for both COVID-19-related hardship and non-traditional income in the application. Programs that accepted self-attestations were able to disburse ERA funds faster.

In addition to using self-attestation, three of the six programs also determined applicants' income-eligibility through categorical eligibility or fact-specific proxies. Treasury guidance from May 2021 clarified that grantees can rely on a determination letter from a government agency that already verified an applicant's eligibility for another means-tested program or utilize reasonable "proxies" such as the average income of the applicant's neighborhood to verify a household's income. Chickasaw Nation's use of fact-specific proxy significantly reduced administrative burden and allowed administrators to quickly process applications in need of critical assistance that were missing income documentation. The program uses data from the U.S. Department of Agriculture's Poverty and Persistent-Poverty county lists, the U.S. Department of Housing and Urban Development's Qualified Census Tracts, and the U.S. Department of the Treasury's Community Development Financial Institutions Fund geographic boundaries to identify high-need geographic areas. Households that reside within these geographic boundaries simply self-attest to their income level without additional income documentation.

For some programs that serve predominantly rural households with limited access to broadband and internet service, documentation flexibility was extremely important. Navajo Nation administrators highlighted the challenges faced by potential applicants who sought to find locations within their native lands for printing, scanning, or uploading documentation. Additionally, many households within native lands have limited technological capacity of their own.

11 Pindus, N. et al. (2017, January). Housing Needs of American Indians and Alaska Natives in Tribal Areas: A Report from the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs. U.S. Department of Housing and Urban Development Office of Policy Development and Research. p. 58.

Programs also adopted innovative methods of collecting and verifying household information. For instance, Chickasaw Nation provides phone-based applications via their call centers. Staff record the conversations, complete applications over the phone, read self-attestation forms out loud, and accept verbal agreements from applicants as electronic voice signatures for accepting the terms and conditions of the program. Transcripts of all calls are recorded for reporting purposes. By providing an accessible application process and flexible forms of documentation, Chickasaw Nation can serve more households in need of critical assistance.

2.2 Applicant intake support systems

All administrators spoke about the benefit of providing intake support to renters navigating ERA applications. Given the lack of broadband coverage and challenges with technological literacy among applicants, a common program strategy was to provide accessible and constant support through call-centers. Administrators from Muscogee Creek Nation set up a phone line that is automated to roll over from one call center staff to the next, until a call is answered. Outside of business hours, an automated message provides callers with answers for a few commonly asked questions and provides an email address to which applicants can send questions. Once connected, call center staff serve as case agents and help renters fill out their existing applications or submit new ones. Interviewees suggested that a responsive call center infrastructure made renters and landlords feel heard and more encouraged during the application process.

Programs also partnered with external organizations to provide intake support for applicants. Choctaw Nation partners with the tribe's community centers and Community Health Representatives who explain the ERA program to renters, answer their questions, and help them gather the required documentation to successfully complete their applications. Administrators noted that providing dedicated partners for application support ensures that applications are completed accurately, allowing ERA teams to quickly approve applications and disperse funds to struggling households.

2.3 Outreach via existing networks

Several programs embraced existing networks and platforms to engage eligible households and increase take-up. A key strategy adopted by several programs was to ensure all households already in their systems were notified about ERA. Cherokee Nation mailed information about the ERA application process directly to all households receiving rental assistance from the IHBG program. In addition to targeting existing assistance recipients, several interviewees tapped into other service program networks, such as family services and elder care, to reach a greater number of households.

Many programs used community platforms such as Facebook groups, community newsletters, local radio and TV channels, and tribal government websites to advertise the ERA program. Digital communication was often complemented by physical mailers. Both Chickasaw Nation and Choctaw Nation mailed postcards with ERA information to tribal members, including information about where to access applications. Chickasaw Nation also developed and deployed outdoor signage in community areas and other venues to increase awareness of its ERA program. Administrators emphasized the importance of engaging tenants through trusted and accessible communication channels to maximize applicant pools.

3. ADDRESSING ADMINISTRATIVE BURDENS AND CHALLENGES

3.1 Infrastructure and application processing

Administrators of all six ERA programs stated that having the necessary infrastructure to run programs of such magnitude was most crucial for overall success. Treasury guidance allows grantees to use up to 10% of their ERA1 allocation for direct or indirect administrative costs. Programs with sizeable ERA1 allocations were able to utilize the administrative allowance under the ERA program to build out online systems to host and process ERA applications more efficiently. For instance, administrators from Muscogee Creek Nation invested in better infrastructure and created a user-friendly program via Salesforce to serve households more efficiently. Having relied solely on paper applications during the previous round of emergency rental assistance distributed via the CARES Act, administrators knew that an online system would help process applications and distribute funds more quickly. For many grantees with small allocations, however, the 10% cap on administrative costs made it difficult to cover costs associated with building infrastructure. More than half of all Tribes and TDHEs received grants of less than $1.5 million, resulting in less than $150,000 for administrative costs. Administrators had to rely on existing infrastructure to disburse ERA funds, and as a result several resorted to running offline programs.

Pre-existing financial assistance programs influenced the speed and ease of establishing processes to administer ERA funds. The TDHEs administering ERA funds for Cherokee Nation and Choctaw Nation were familiar with the infrastructure and capacity needed to run a rental assistance program. They repurposed existing internal infrastructure, databases, and online application platforms from other rental assistance programs to quickly set up their ERA program and began disbursing funds within weeks of their launch. Cherokee Nation administrators also relied on their existing database of over 2,600 households already participating in some form of rental assistance with the TDHE for supporting income documentation, rental agreements, and household data for the ERA program. Administrators were thus able to review applications and disburse funds faster.

3.2 Internal capacity

Interviewees uniformly identified internal staff capacity as an influence on their ability to disburse ERA funds quickly and successfully. By December 2021, all six programs had increased their internal capacity in some form. The five programs that received a sizeable ERA1 allocation hired multiple full-time temporary or permanent staff to serve in call centers, review applications, and process payments. They also reassigned existing staff to support the ERA programs, sometimes utilizing staff from other rental or financial assistance programs or from other departments within the tribal government. On average, programs have between three and eight full-time, newly hired or temporarily reassigned staff dedicated to ERA. Some programs have also relied on volunteers from other departments to process applications.

Several programs provide in-depth training for staff assigned to their ERA programs. Prior to launch, staff were made familiar with program policies, eligibility requirements, and how to troubleshoot incomplete or incorrect applications. Those assigned to call centers were trained to help tenants and landlords navigate the application and field questions about the program. The Muscogee Creek Nation program initiated continuous training and coordination meetings in which staff are updated about changes to program policies and common issues with application processing are discussed and resolved.

Several interviewees mentioned needing even more staff to process applications as efficiently as was necessary. They highlighted the trade-off between utilizing their full administrative allowance for additional capacity and dedicating more funds to financial assistance. As noted above, the administrative cap allowed under Treasury guidance made it difficult for programs that received small allocations of ERA1 funds to increase capacity. One administrator mentioned that their program could only hire one additional staff member for ERA and instead had to rely on existing capacity to administer the program, resulting in often slower processing times.

3.3. Program partnerships for streamlined applications

Interviewees highlighted the importance of collaborating and coordinating with external agencies or departments to assist renter households efficiently. These strategic partnerships are even more critical for programs that could not afford to build up their infrastructure or internal capacity. For tribes with existing financial assistance programs providing resources to renter households, such as longer-term rent subsidies or existing emergency assistance, ERA administrators were able to coordinate with programs to tap into existing assistance networks, data, and infrastructure to streamline the ERA application process. For instance, Choctaw Nation's Emergency Services program already had a robust database of landlord and utility providers in the region. By partnering with this program, ERA administrators could access previously verified landlord information like W9s and leases, allowing them to streamline their review process and spend funds quickly. Administrators also explained that collecting missing household information or supporting documents from another means-tested program was more efficient than attempting to reach back out to the applicant, which often led to delays and even denials if there was no response. Administrators stated that these partnerships were critical to serving the greatest number of rent-burdened households.

4. NEED FOR STREAMLINED REPORTING, TECHNICAL ASSISTANCE, AND GRANTEE-SPECIFIC RESOURCES

4.1 Streamlined reporting

Administrators of all six programs voiced frustrations over vague and often unclear reporting guidelines for tribal grantees. In addition to expressing fears about not collecting the right information, they highlighted the difficulties involved in searching the system to collect months-old data instead of systematically compiling necessary reports as they made ERA payments, which was less of an administrative burden.

Administrators also highlighted the reporting challenges that come with running multiple assistance programs, each with unique requirements. While emergency programs like ERA provide much needed relief for struggling households, administrators operating other programs in addition to ERA are tasked with using multiple reporting platforms and developing new procedures to submit each report, reducing their capacity to process applications. The overall administrative challenges associated with reporting sometimes prevent grantees from participating in federal assistance programs. Future funding streams must consider these challenges and attempt to mitigate the inadvertent burdens they create for administrators.

4.2 Timely communication and shared resources

An initial lack of clarity about the potential recapture of unspent funds inhibited several programs from setting up necessary systems to implement ERA at the onset of their program. Administrators were concerned that they would be unable to obligate 65% of their allocation by the initial September 30, 2021, deadline and be at risk of losing funds to the recapture process, which would result in a recalculation or reduction of their 10% administrative allowance. To prevent overspending, administrators of these programs elected not to utilize their whole administrative allowance; some did not make any administrative investments to run the ERA program. For grantees with already limited capacity, this fear made it increasingly difficult to disburse funds successfully. To address these concerns, Treasury published guidance in October 2021 stating that it would not determine excess funds for tribal grantees before April 2022 and clarified that only grantees that did not spend at least 30% of their initial allocation by September 30, 2022, would be subject to a recalculation of the permissible administrative cap. While some administrators were able to build their internal capacity later, several mentioned that by making this clarification sooner or establishing some form of safe harbor protection in its initial guidelines, Treasury would have provided the reassurance needed for them to make necessary investments, hire staff, and streamline applications to process ERA funds quickly.

Some interviewees also requested more communication and resource sharing between Treasury and tribal grantees. Specifically, smaller programs' administrators stated they would benefit from more support in the form of technical assistance and training on setting up ERA programs and through the sharing of resources like template applications and ERA policy samples. Treasury has since published resources as part of their "Promising practices for ERA programs"; however, administrators said they would most benefit from examples specific to tribal grantees, such as best practices on reaching rural households or strategies for addressing local challenges like overcrowding using ERA funds.

4.3 Grantee-specific processes for reallocation

Administrators expressed concerns about the reallocation process for ERA funds among tribal grantees. In state and local programs, excess funds can be reallocated for use by high-performing grantees within the same state, but this practice was less applicable for tribes operating across multiple states. Reallocation guidance issued in October 2021 encouraged grantees to coordinate with their state to receive a designated reallocation of excess funds. While some tribes were able to successfully receive additional reallocated funds from state grantees, not all tribes have working relationships with their states. Additionally, the lack of data on tribal ERA spending makes it difficult for grantees in need of additional funds to identify those programs that may have excess funds to reallocate.

Administrators also cautioned that the need for additional ERA funds might not always be demonstrated by current spending patterns alone. Several programs indicated a need for additional funds to cover administrative expenses, even while they had not met the spending threshold to request more funds, because the initial 10% cap on administrative costs left them with insufficient resources. One interviewee, for example, explained that additional ERA funds would give their program adequate resources to cover administrative costs and distribute the remaining assistance. Since administrative capacity was critical to rate of spending, administrators suggested that Treasury modify the ways grantees could demonstrate additional need and expand the methods used to determine who could request additional funds.

CONCLUSION

Smaller rental markets, infrastructure limitations, staff capacity, and, in many cases, limited administrative funds presented unique challenges for Tribes and TDHEs implementing ERA programs. While some Tribes and TDHEs were able to distribute funds quickly and successfully, others felt their ERA program did not adequately meet the needs of their tribe. In particular, limited availability of administrative funds for program operation was a problem for several small grantees and likely resulted in slower rates of spending.

One significant lesson that can be drawn from this examination of the six programs is the importance of providing adequate federal guidance early in the implementation process. Administrators identified initial Treasury guidance as a barrier that impeded their ability to serve renters in need of assistance. Subsequent guidance resolved some of the confusion, but not without creating additional administrative burden by requiring the review and revision of program policies and, in some cases, the reconsideration of the eligibility of applicants. Despite these significant challenges, several Tribes and TDHEs adopted best practices – like the use of documentation flexibilities – and employed strategic partnerships to minimize administrative burden and better serve low-income renters.