NLIHC RESEARCH NOTE:

EMERGENCY RENTAL ASSISTANCE PROGRAMS IN RESPONSE TO COVID-19

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INTRODUCTION

Prior to the pandemic, nearly 8 million extremely low-income households were spending more than half of their limited incomes on rent and utilities (NLIHC, 2020a). In the past seven months, the virus and economic crisis have exacerbated the pre-existing housing crisis. Forty-two percent of households have experienced the loss of a job, a loss of wages, or both since the pandemic started. Nearly half (46%) of individuals with lower incomes have had trouble paying their bills, including rent (Parker et al., 2020). Stout, a global advisory firm, estimates that between 10 and 14 million households, consisting of 23 to 34 million individual renters, were behind on their rent by approximately $12 to $17 billion as of mid-September. Renters may owe as much as $25 to $34 billion in unpaid rent by January 2021 (Stout, 2020). NLIHC estimates that more than $100 billion in rental assistance is needed to eliminate housing cost-burdens and maintain housing stability for up to a year for low-income renters who have experienced COVID-related loss of income.

Rental assistance is crucial to keeping people stably housed as economic fallout from the pandemic continues and as pandemic unemployment benefits begin to expire (Mueller & Rainey, 2020). While Congress enacted the "Coronavirus Aid, Relief, and Economic Security (CARES) Act" in March 2020, the Act fails to address the magnitude and duration of housing need, which will likely last well into 2021.

Three main funding streams in the CARES Act are available for emergency rental assistance: Community Development Block Grants (CDBG-CV) can provide up to six months of emergency housing assistance; Emergency Solutions Grants (ESG-CV), which should be used primarily for homelessness response, has eviction prevention as an allowable use; and the Coronavirus Relief Fund (CRF) can also be used for emergency rental assistance. Grantees are not required, however, to devote any of these funds to rental assistance. As of mid-October, NLIHC has identified at least $3.9 billion devoted by state and local governments to rental assistance in response to COVID-19, at least $2.9 billion of which is CARES Act funding. This amount is significantly short of the estimated need.

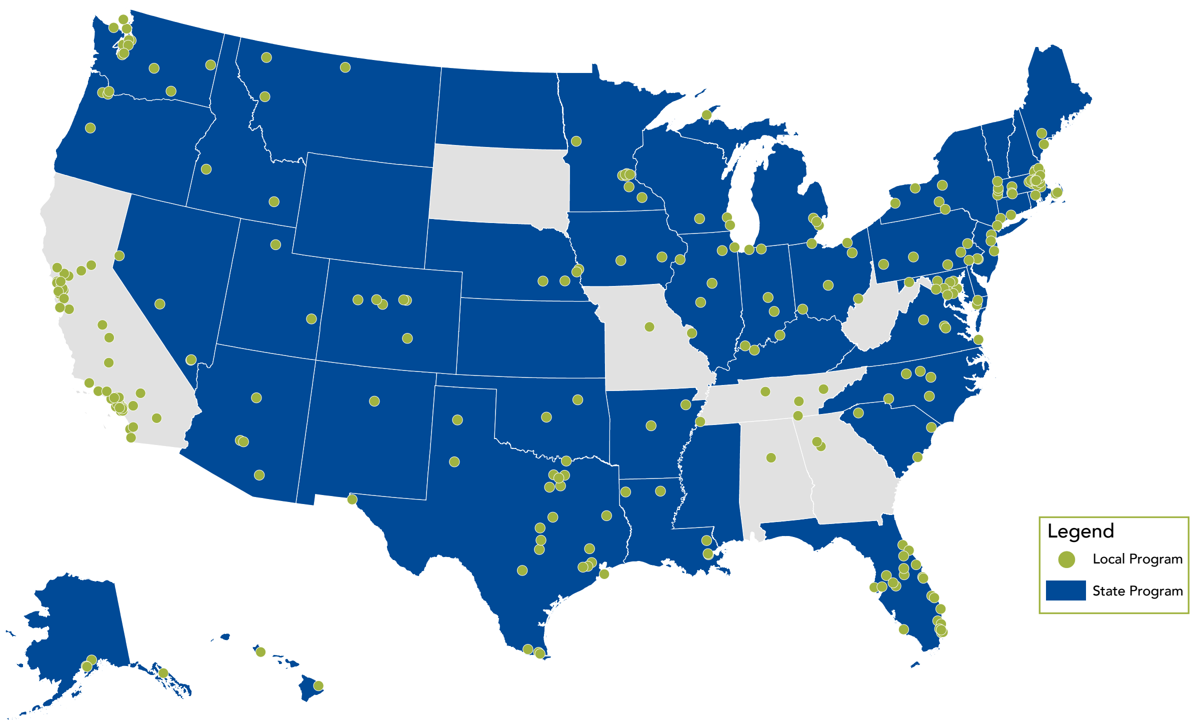
In early September, the Centers for Disease Control and Prevention (CDC) released an order that protects most tenants through the end of the year from evictions related to nonpayment of rent. Tenants need to declare to their landlords through an affidavit that they are eligible for the protection. Though the CDC Eviction Moratorium provides an important stopgap measure to keep tenants stably housed, tenants are still responsible for paying back rent and late fees. According to recent CDC guidance, landlords may still initiate eviction proceedings, but the eviction itself cannot take place until the moratorium expires. Tenants' inability to pay puts them at risk for eviction proceedings even before the moratorium ends, which can leave a damaging mark on tenants' records. Many will leave their homes before the eviction filing to avoid the long-term damage to their prospects of acquiring decent housing in the future. Without rental assistance, millions of renters will face eviction as soon as the moratorium is lifted. The CDC additionally

The CARES Act fails to address the magnitude and duration of housing need, which will likely last well into 2021.

clarifies that landlords are allowed to challenge renters' eligibility declarations in court. These allowances significantly weaken protections for renters and strengthen landlords' power in landlord-tenant interactions, underscoring why adequate funding for rental assistance is more urgent than ever.

In response to the pandemic, many jurisdictions have created or expanded pre-existing emergency rental assistance programs, funded through a range of federal (e.g., CARES Act), state, and local resources. As of mid-October, NLIHC had identified 438 programs (68 state programs and 370 local programs) created or expanded in response to COVID-19 and its economic fallout. These programs cover 43 states and Washington, DC as well as 310 localities (including four regions, 102 counties, and 204 cities), as illustrated by Figure 1.

Figure 1. State and Local Rental Assistance Programs



Overall, our key findings from tracking these programs largely substantiate our preliminary findings on this subject in July 2020:

- **Most programs provide emergency rental assistance on a short-term basis** of one to three months, despite the much longer duration of the pandemic and economic crisis.
- **Most programs ask households to demonstrate COVID-related hardship, income eligibility, and proof of residency within the jurisdiction.** These requirements can create complications for tenants; documenting eligibility for any program can be challenging under normal circumstances and even more difficult during a pandemic.
- **Few programs specifically target extremely low-income renters, those with the clearest and the greatest needs.** Only $180 million of funding supports eight programs wholly committed to renters with incomes at or below 30% of area median income (AMI). Five additional programs with $109 million of funding either prioritize extremely low-income renters or have set-asides devoted to this population.
- **The magnitude and duration of need for assistance has greatly outpaced the available funding,** as evidenced by the closure of 30% of emergency rental assistance programs and limited duration of assistance.

The Emergency Rental Assistance and Rental Market Stabilization Act, introduced in the House of Representatives and Senate, would provide $100 billion for emergency rental assistance to assist households affected by the COVID-19 crisis and would address some of the shortcomings in existing state and local rental assistance programs. At least 40% of appropriated funds would benefit households with incomes below 30% of AMI, and at least 70% would benefit households with incomes below 50% of AMI. Furthermore, the bill would ensure adequate funding to keep all low-income renters safely and stably housed for up to a year. The Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act and the Emergency Housing Protections and Relief Act, both passed in the House, include this urgently needed legislation.

The Emergency Rental Assistance and Rental Market Stabilization Act would provide $100 billion for emergency rental assistance to keep all low-income renters safely and stably housed for up to a year.

METHODOLOGY

NLIHC staff identify rental assistance programs proposed in response to the pandemic through news sources, social media, and organizational contacts. We collect additional information on these programs from public documents released by the relevant jurisdictions. We supplement our current data with information from the National Council of State Housing Agencies, National Conference of State Legislatures, and NLIHC members and partners. Circumstances continue to change on a daily basis, and this research note is based on information we collected as of October 20, 2020. NLIHC continues to track programs and will regularly update the online data set.

NLIHC's data set includes 438 state and local rental assistance programs created or expanded in the wake of the pandemic. For the purposes of this research note, rental assistance refers to programs that provide direct rent subsidy payments or operating assistance from the state or local governments to renters, landlords, or nonprofit intermediary organizations. Some of the programs included in the data set more broadly address housing assistance, including mortgage or utility assistance in addition to rental assistance. At least 19 programs in the data set administered rental assistance in several phases with unique eligibility criteria and implementation features. We chose to include these phases as separate programs. We exclude proposed programs yet to be enacted by state or local legislative or executive branches, if applicable.

CHARACTERISTICS OF EMERGENCY RENTAL ASSISTANCE PROGRAMS

In the past seven months, at least 438 rental assistance programs (68 state and 370 local programs) have been created or expanded as a response to the pandemic (Table 1). These programs range in size from $15,000 to $103 million for local programs and from $400,000 to $167 million for state programs. Of the 438 programs, 341 provide readily available budgetary information, accounting for at least $3.9 billion devoted by state and local governments to rental assistance. Approximately $2.7 billion are completely devoted to rental assistance, while $1.2 billion are invested in programs addressing housing assistance more broadly, including mortgage assistance.

State and local governments devoted at least $3.9 billion to rental assistance.

More than two-thirds (69%) of the new or expanded rental assistance programs were funded with CARES Act funding, primarily through CDBG-CV or CRF. Nearly half (45%) were funded with non-CARES Act resources, the most common of which included local housing funds, donations, re-allocation of existing CDBG or HOME funding, or the jurisdiction's general budget. More than one in ten programs received money from both CARES Act and non-CARES Act sources. Earlier programs tended to be funded solely through non-CARES Act sources, while more recent programs tend to be supported with CARES Act money, especially CRF, and tend to have larger budgets. Nearly three in ten programs (29%) with readily known budgets devoted over $10 million to rental assistance.

TABLE 1: SUMMARY OF RENTAL ASSISTANCE PROGRAMS IN RESPONSE TO COVID-19

Total number of programs created or expanded	438
State-level	68
Local-level	370
Closed programs	132
Percent of Programs by Source of Funding[1]	
Any CARES Act	69%
Any Non-CARES Act	45%
Braided CARES Act and non-CARES Act	13%
Select Eligibility Requirements[2]	
Demonstrated COVID hardship	85%
Any income targeting	83%
30% AMI or below	2%
50% AMI or below	15%
80% AMI or below	72%
200% AMI or below	89%
Non-AMI income targeting	11%
Proof of residency	73%
Landlord requirements and concessions	26%
Demonstrable past due rent or eviction notice	29%
Duration of Assistance[3]	
Three months or less, including one-time payments	81%
Six months or less	96%
Payment Coverage[4]	
Covers rental arrearages and current or future rent	50%
Covers only rental arrearages	36%
Covers only current or future rent	14%

Note: AMI = Area median income. The number of programs and information about them will continue to evolve. Percentages are based on number of programs for which information was available. Analysis includes enacted programs as of October 20, 2020.

1. N=388

2.N=402

3. N=294

4. N=310

TABLE 2: SUMMARY OF PROGRAM BUDGETS

Total funding for rental assistance[1]	$3.902 billion
Rental assistance only	$2.721 billion
Housing assistance (rental and mortgage assistance)	$1.182 billion
State-level	$2.217 billion
Local-level	$1.686 billion
Closed programs	$1.218 billion
Source of Funding	
CARES Act	$2.931 billion
CDBG-CV	$121 million
ESG-CV	$48 million
CRF	$1.751 billion
Braided CDBG-CV, ESG-CV, and/or CRF	$174 million
Unspecified CARES Act Source	$836 million
Non-CARES Act	$269 million
Braided CARES Act and non-CARES Act	$631 million
Unspecified Source	$72 million
Eligibility Threshold	
Total funding for programs using AMI[2]	$2.863 billion
30% AMI or below	$180 million
50% AMI or below	$570 million
80% AMI or below	$2.074 billion
Over 80% AMI or below	$2.863 billion

Note: The number of programs and information about them will continue to evolve. The analysis is up to date as of October 20, 2020.

1. N=341

2. N=230 Note that the funding for each eligibility threshold is cumulative.

Approximately 81% of rental assistance programs created or expanded in response to COVID-19 are designed for short-term relief, ranging from one to three months (Table 1). Most of the remainder of the programs provide assistance for up to six months. Despite the duration of COVID-19 and its economic fallout, only 11 programs indicate the possibility of rental assistance beyond six months. The amount of available assistance varies considerably across the programs. Maximum assistance per household ranges from as little as $500 in a one-time grant to $20,000 for 10 months of assistance; over half of the programs provide between $2,000 and $5,000 in total assistance per household.

Half of the programs help with both rental arrearages and current or future rent, providing adequate flexibility for tenants slightly behind on rent who may also struggle to cover their rent in the near future. More than one in three programs (36%) limit assistance to rental arrearages, which does not necessarily ensure longer-term housing stability through the pandemic. Approximately 14% of programs pay only for current or future rent.

Half of the programs help tenants with both rental arrearages and current or future rent.

The most common eligibility criterion requires demonstrated COVID-related hardship. Eighty-five percent of programs asked renters to provide proof of hardship due to COVID-19, typically involving documentation of income before and after COVID-19 to show a loss. More than eight in ten programs also have specific income-eligibility criteria. Of programs with income-eligibility criteria, 72% set their eligibility thresholds at 80% of AMI and below, representing $2.074 billion in program funding (Table 2). Fifteen percent of these programs use an income-eligibility of 50% of AMI or below. The remaining programs have eligibility thresholds as high as 200% of AMI.

Seven out of ten programs set their eligibility thresholds at 80% of AMI and below.

EMERGING NARRATIVES FROM THE FIELD

Rental assistance program administrators have found new ways to be flexible and responsive during the pandemic but navigate difficult trade-offs and challenges. As time goes on, NLIHC will learn more about their implementation successes and challenges through interviews and surveys of relevant stakeholders. NLIHC's rental assistance program tracking, coronavirus-related working groups consisting of a wide variety of stakeholders, and partner meetings suggest several themes, including:

- **Intake assistance can improve tenants' access to rental assistance, even though it can strain administrative capacity**. Applications can be difficult for tenants to navigate: they may be written for advanced reading levels and contain unfamiliar jargon. Some tenants may have inadequate access to technology for online applications or need other modes of communication. Programs can provide one-on-one counseling over the phone, Zoom, or other creative and safe modes of oral communication to help tenants understand the application and documentation requirements. One-on-one assistance also can provide follow-up with tenants during stressful times. However, the time necessary for this service can strain staff capacity and slow down the processing of applications.
- **Streamlined applications are more accessible to tenants but require additional administrative capacity.** Some programs use brief preliminary applications, asking only for enough information and documentation to determine if tenants appear eligible for rental assistance and, if the program has mixed funding streams, which funding source best matches applicants' needs. Short preliminary applications can be easier and more accessible for tenants, but they may require additional steps and capacity from program administrators. Based on review of the preliminary application, administrators must determine what additional documentation is necessary. In contrast, some programs use lengthy applications that ask for all information and documents upfront. Programs with mixed funding streams may ask for documentation required for each funding source. Lengthy initial applications may not only result in a greater share of incomplete applications, but also deter tenants from applying in the first place. The State of Louisiana's rental assistance program, which blends HOME, ESG-CV, and CDBG-CV funding streams, initially asked tenants to fill out a 55-page application and provide required documentation for all three different funding streams (Stein, 2020), creating tremendous barriers for renters and administrative strains.

Income targeting typically reflects the requirements of the funding utilized. Some programs, for example, use CARES Act supplemental funding for Community Services Block Grants (CSBG) to support rental assistance, which results in eligibility thresholds of 125 to 200% of federal poverty levels. CDBG-CV typically requires eligibility thresholds at 80% AMI or below. In contrast, Coronavirus Relief Funds do not require income-eligibility thresholds.

Nearly three in ten programs (29%) require evidence of past due rent or notice of eviction, which delays when applicants can apply for assistance. The requirement of an eviction filing also puts tenants at risk of damaging their credit history and limiting their future housing options. Some programs require proof of timely payment of rent before COVID-19, preventing households already struggling before the pandemic from accessing much-needed assistance. Other programs require applicants be able to pay rent moving forward after the short-term assistance is provided. This requirement is burdensome for tenants whose incomes have not yet recovered or who struggled even before the pandemic.

In addition to tenant-based eligibility criteria, many programs require landlords to complete W-9 forms, because rent payments are frequently made directly to them. Approximately one out of every four programs ask landlords for additional requirements or concessions, such as additional paperwork, inspections, accepting 80% of payment, forgiving back rent not covered by the program, and promising not to evict tenants for a specified length of time. Programs asking for concessions aim to stretch their funding to cover more people in need of assistance. Tenants, however, are typically ineligible to receive assistance from these programs if their landlords refuse to participate and to meet program requirements. The efficacy of rental assistance programs that involve landlords is likely better where agencies reach out to landlords to educate them about these available resources, where landlord concessions are not overly stringent, and where local ordinances require landlords to accept rental assistance. Some programs ask landlords, rather than tenants, to apply for the rental assistance.

Most rental assistance programs lack adequate resources to meet the need. More than four out of ten (45%) programs distribute assistance on a first-come first-served basis, while two out of ten (18%) programs use a lottery system. Programs often use first-come first-served distribution to get funding out as quickly as possible. Doing so risks exhausting their funding completely before they can reach households that are most in need of assistance. First-come, first-served programs might disproportionately serve populations that are more connected to certain social systems, speak the

– **Fewer eligibility requirements would reduce application processing times, but some administrators feel they cannot reduce requirements.** Some programs allow for documentation shortcuts like self-certification for income. Many programs, however, ask for rigorous documentation as a precaution, fearing they could owe large sums of money back to the federal government if future audits find them out of compliance.

  - Precaution around documentation is particularly relevant to HUD-funded programs. For example, though self-certification for income-eligibility is allowed by HUD, programs still ask for more rigorous up-front documentation of income out of fear that later auditing might discover false information, resulting in a need to return already-spent money to HUD. Programs previously needing to return money as a result of an audit may be especially cautious around documentation. Further guidance from HUD on if and how self-certification can be used with CDBG-CV funding would be beneficial.
  - While the Department of Treasury seemingly provides more flexibility with CRF, their requirements are vague. Some administrators fear that forthcoming guidance will indicate that their current implementation of rental assistance is not compliant and they will owe money back to the government.

– **Landlord concessions may help some tenants, but overly stringent concessions reduce landlord participation.** Some programs ask landlords to agree to not evict tenants for a specified length of time, to not raise rents for a specified length of time, or to accept a program's partial payment of rent and forgive the remaining balance. These concessions can lower the per household costs of assistance and protect tenants' housing stability. Overly stringent terms, however, can limit landlords' willingness to participate. The second phase of Pennsylvania's Rent Relief Program, for example, initially asked landlords to accept a monthly rental assistance payment of up to $750 per household as full payment of rent, regardless of household size or location. Though the program covers up to six months of rent, the stringent terms of the program deterred many landlords from participating, especially in higher-cost areas. This resulted in fewer renters assisted.

– **The pandemic has created unique challenges for both program administrators and tenants.** Program administrators have had to rapidly purchase equipment and software for working remotely. Funding for rental assistance programs may not account for these necessary pandemic-related administrative investments. Tenants may not have access to technology to access applications as intended. Tenants also face new barriers in acquiring necessary documentation like paystubs or notes from their employers when they cannot physically meet with their employers or when they have lost their jobs.

language(s) in which applications are written, have access to the internet and receive community outreach quickly. In contrast, lottery systems may give applicants facing barriers more time to overcome them before funds are distributed, thereby more equitably distributing limited resources. Approximately 12% of programs use prioritization factors such as additional income targeting, veteran status, presence of children or seniors, experience with past housing challenges, and living in neighborhoods with high rates of eviction, poverty, or other social risk factors. To date 132 programs, or three out of ten, have closed.

COMPARISON OF CDBG-CV AND CRF PROGRAMS

Since its passage, state and local governments have relied primarily on the CARES Act to fund emergency rental assistance. Two significant funding sources for rental assistance included in the Act are CRF and CDBG-CV, although neither require grantees to spend money on rental assistance. Grantees have until December 30, 2020 to spend CRF funds, while they have up to three years to spend at least 80% of their CDBG-CV funds and, if 80% is spent, an additional three years to spend the remainder, as articulated in their HUD-approved grant agreement. Income eligibility also differs between CRF and CDBG-CV. CRF does not mandate any income-eligibility criteria, while at least 70% of CDBG-CV must benefit households with incomes less than 80% of AMI. Another difference is that CRF is administered by the U.S. Department of the Treasury, while CDBG-CV is administered by HUD.

To learn more about how grantees have used these two sources of funding for rental assistance, we compared programs funded solely through CDBG-CV and those funded solely through CRF. Many programs combined CDBG-CV and CRF with each other or with other funding streams, so the sample size was limited. Due to the rapidly approaching deadline for CRF spending, CRF-funded programs might receive additional funding or adapt eligibility requirements to ensure funding is exhausted by the end of the year.

Only ten known programs representing $48 million exclusively used ESG-CV to fund their rental assistance activities. Due to the small sample size, these programs are excluded from the comparison. Though states and local governments can use ESG-CV to provide rental assistance to households with incomes below 50% of AMI, NLIHC strongly recommends that states and localities use ESG-CV to address the needs of people who are currently experiencing homelessness per the Framework for an Equitable COVID-19 Homelessness Response. Developed collaboratively by NLIHC, National Alliance to End Homelessness, Center on Budget and Policy Priorities, National Health Care for the Homeless Council, National Innovation Service, Urban Institute, Matthew Doherty Consulting and Barbara Poppe and associates. That so few programs are funded exclusively by ESG-CV may indicate that states and localities are using these funds in more strategic and equitable ways to address homelessness in the long term.

Forty-seven programs are funded exclusively by CRF which represent at least $1.7 billion. Nearly half of these programs are statewide.

Thus far, 47 programs are funded exclusively by CRF which represent at least $1.7 billion. Nearly half of these programs are statewide (Table 3). In comparison, the 43 programs funded exclusively by CDBG-CV account for approximately $121 million, a much smaller amount. Most CDBG-CV-funded programs have been implemented by local jurisdictions. CRF-funded programs have more broadly targeted income-eligibility criteria than CDBG-CV funded programs. Only 78% of CRF-funded programs have income-eligibility criteria. Of CRF-funded programs using income eligibility criteria, half target households with incomes at or below 80% of AMI. An additional 36% of programs target households with incomes at or below 100% AMI to 200% AMI. Because of its funding requirement, all CDBG-CV programs have income-eligibility criteria at or below 80% of AMI.

While the income-eligibility criteria appear more flexible for CRF programs, these programs are more likely to include other eligibility criteria that can make assistance difficult to access for tenants. Thirty-five percent of CRF programs ask for concessions or requirements of landlords beyond the completion of a W-9 and acceptance of payment directly from the program, compared to only 24% of CDBG-CV-funded programs. Tenants are not eligible for assistance if landlords refuse to make these concessions. In addition, 43% of CRF-funded programs ask applicants for demonstrable past due rent or eviction notice, which causes additional challenges and delays for renters. Only 29% of CDBG-CV-funded programs have a similar requirement.

TABLE 3: COMPARISON OF PROGRAMS FUNDED EXCLUSIVELY BY CDBG-CV OR CRF

	CDBG-CV		CRF	
	Number of Programs	Funding	Number of Programs	Funding
Total	43	$121 million	47	$1.752 billion
State-level	5	$70 million	23	$1.241 billion
Local-level	38	$52 million	24	$511 million
Closed programs	14	$39 million	14	$656 million
Percent of Programs with Select Eligibility Requirements [1]				
Demonstrated COVID hardship	98%		83%	
Any income targeting	93%		78%	
50% AMI or below [2]	14%		6%	
80% AMI or below	100%		50%	
100% AMI or below	n/a		61%	
120% AMI or below	n/a		81%	
200% AMI or below	n/a		86%	
Non-AMI income targeting	n/a		14%	
Proof of residency	74%		63%	
Landlord requirements and concessions	24%		35%	
Demonstrable past due rent or eviction notice	29%		43%	

Note: Given that the data are based on publicly available information, the number of programs and information about them will continue to evolve. The analysis excludes programs with mixed (braided) funding streams, includes only programs exclusively funded by CDBG-CV or CRF, and is up to date as of October 20, 2020.

1. N=42 for CDBG-CV-only programs; N=46 for CRF-only programs

2. N=39 for CDBG-CV-only programs; N=31 for CRF-only programs. The base number of programs only includes cases where eligibility is based on AMI.

MORE HELP IS URGENTLY NEEDED

The magnitude and duration of need for rental assistance far outstrips the resources currently available. Of the 438 rental assistance programs created or expanded since the COVID-19 crisis began, 132, or three out of ten programs, are already closed. Furthermore, the anticipated $12 to $17 billion shortfall of rent not paid by tenants as of mid-September is at least three-fold what state and local governments have invested thus far in their rental assistance programs. This gap will increase as previously available assistance, such as the weekly $600 supplemental unemployment benefits and stimulus checks, has expired or been depleted and as the pandemic continues to endure longer than what most emergency rental assistance programs are designed to cover. NLIHC estimates that up to $9.9 billion per month in rental assistance is needed to eliminate housing cost-burdens for impacted renters (NLIHC, 2020b).

The original CDC eviction moratorium order recognized housing stability as tantamount to public health. New CDC guidance, however, allows landlords to challenge renters' eligibility for the moratorium and to initiate eviction proceedings through the courts. The urgency for adequate rental assistance will only grow in the coming months as full unemployment benefits begin to expire and the CDC moratorium ends (Mueller & Rainey, 2020).

Three out of ten programs created or expanded in response to COVID-19 are already closed.

The Emergency Rental Assistance and Rental Market Stabilization Act, introduced in the House of Representatives and the Senate with over 200 cosponsors, and passed through the House as part of both the HEROES Act and the Emergency Housing Protections and Relief Act of 2020, includes critical funding for rental assistance. The bill provides states, localities, and tribes with flexible resources to provide households struggling to pay their rent with short-term and medium-term rental assistance, including aid for up to 6 months of back rent and late fees. The legislation provides $100 billion in emergency rental assistance and requires deep income targeting, ensuring that resources are focused on households with the greatest needs. At least 40% of funds would benefit households with incomes below 30% of AMI, and at least 70% of the funds would go to households with incomes below 50% of AMI. Because the legislation requires income eligibility be based on the day a household applies for assistance, the bill addresses the needs of households that have experienced a sudden job loss or loss of wages without imposing burdensome documentation requirements that can be a barrier to assistance.

NLIHC continues to collect information about state and local rental assistance programs created or expanded during the coronavirus pandemic and will publish periodic research notes with findings and analysis. If you are aware of such an emergency rental assistance program that is not currently in our database, please tell us at research@nlihc.org.

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