

END RENTAL ARREARS TO STOP EVICTIONS (ERASE)



CALL TO ACTION TO END RENTAL ARREARS AND STOP EVICTIONS

In response to the end of the moratorium, NLIHC is asking state partners, local jurisdictions, and Emergency Rental Assistance (ERA) program administrators to focus on three key areas to ensure that the local ERA program is **visible, accessible, and preventive**:

- 1. Visible:** Conduct equitable and robust marketing and outreach efforts to ensure that all landlords, low-income renters, and those already experiencing homelessness due to housing loss know about the ERA program and how to access it in their community.
- 2. Accessible:** Support equitable access to and disbursement of financial support to landlords and tenants by ensuring an accessible, streamlined, and low-barrier ERA application process.
- 3. Preventive:** Ensure holistic, responsive interventions at all intersection points, such as state and local courts, to prevent evictions, housing displacement and homelessness.

The following ERASE Checklists are designed to help you make a quick assessment on if your emergency rental assistance program is visible, accessible, and preventive and to offer strategies for program design and implementation, partnership development and course correction. For more information on ERA programs in your area and for tools and resources to support ERA implementation, please visit the NLIHC Emergency Rental Assistance Dashboard at <https://nlihc.org/era-dashboard>.

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ERA CHECK LIST: VISIBLE

Households most in need and with multiple barriers must be able to access emergency rental assistance (ERA) at the time when they need it most to prevent eviction and/or housing loss. Reaching communities with the greatest need can be challenging due to geographic isolation, language differences, mistrust of government programs, stigma, and/or inadequate access to technology. Many existing programs have adopted creative strategies to overcome these barriers. They have chosen to work with trusted community partners (often smaller nonprofit and community-based organizations with ties to communities with large populations of at-risk renters) to help with outreach, they have consulted with residents in program design and outreach, and have implemented strategies to target those most impacted and most at risk.¹

This document guides communities through important decisions about outreach, marketing, and targeting strategies central to realizing racial justice and ensuring assistance reaches households experiencing the worst impacts of the pandemic, especially BIPOC households and ensuring eviction prevention efforts reach those who are at the greatest risk of homelessness. For additional strategies and to align ERA with other federal resources to advance racial equity and end homelessness, please see tools and resources created through the Framework for an Equitable COVID-19 Homelessness Response project.²

Attributes for Model Programs

- **Outreach and Provide Assistance to People and Neighborhoods Experiencing the Greatest Risk.** The implementation of rental assistance programs should ensure that outreach efforts and resources are effectively reaching neighborhoods and communities, including BIPOC communities, with the greatest risks and needs for assistance, including:
 - Utilize administrative data, through data matching and data sharing, to quickly identify and provide assertive engagement at risk households.
 - Using Urban Institute's web-based tool, [Where to Prioritize Emergency Rental Assistance to Keep Renters in Their Homes](#), to identify neighborhoods in which households are likely facing the greatest risks of loss of housing during the pandemic.³
 - Partner and contract with beneficiaries of ERA, residents and organizations with deep connections in highly-impacted neighborhoods to conduct outreach and provide application and housing navigation services.
 - Dedicate shares of the emergency rental assistance to the neighborhoods experiencing the greatest impacts and risks.
 - Assess data regarding the neighborhood locations of households being served in as close to real time as possible and adjust outreach strategies to better reach highest-risk neighborhoods, as needed.
- **Coordinate with local Continuum of Care and Coordinated Entry Systems** to outreach to and provide access to ensure that the resources will reach and prioritize households exiting homelessness or who face the greatest risks of homelessness, if they lose their housing.

1 Learn more about strategies program administrators have used to advance racial equity in NYU Furman Center, Housing Initiative at Penn, and NLIHC's report on "[Advancing Racial Equity in Emergency Rental Assistance Programs](#)"

2 See tools and materials at housingequityframework.org, including Having the Greatest Impact on Preventing Homelessness and Addressing Racial Inequities with New Federal Emergency Rental Assistance Resources.

3 See this [Technical Appendix](#) to the tool to read more about the data that is used to analyze and assess these risks.

- ❑ **Serve households with federal rent subsidies and engage public housing authorities** and property managers to inform them about ERA and develop mechanisms to directly refer tenants in need to the ERA program.

Additional Key Strategies that Promote Equity in Access:

- ❑ **Provide marketing and outreach materials** through multiple methods (door knocking, pop up clinics, community events, social media), in multiple languages, and in ways that are accessible to people living with disabilities.
- ❑ **Engage landlords with small portfolios of units**, who may be leasing to the most-at risk households Support landlords by developing tools or meeting with them one-on-one.
- ❑ **Distribute program information and/or conduct intake at critical points of intervention** such as courts, libraries, homeless services providers, food pantries, housing counseling offices, public systems, health centers, vaccination sites, schools and others to increase knowledge about ERA, proactively target extremely low-income households and to ensure a broad reach, the identification of households at-risk of homelessness, and many potential referral pathways for households with greatest risks. See: [Santa Clara ERA Case Study](#)
- ❑ **Ensure Transparency and Clearly Communicate Program Policies and Procedures.** Program administrators should be transparent and communicative about their ERA policies and the circumstances under which self-attestation, direct-to-tenant assistance and other flexible program features are allowed. Programs should both adopt and clearly communicate these policies to avoid harming tenants with the greatest needs.
- ❑ **Establish “ERA Tables” in courts** where community service organizations provide applications and have staff available to assist landlords and tenants.
- ❑ **Develop and regularly update a state or local ERA Data Dashboard.** Tracking patterns and making adaptations is critical to advancing equity. Programs should develop and maintain a public facing data dashboard to track applications, make mid-course corrections and ensure funding is getting out equitably. To the extent feasible, localities should collect and monitor both process and outcome data broken down by gender, age, and race/ethnicity, as well as by neighborhood or geography. Examples can be found on the [NLIHC Resource Hub](#).

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ERA CHECK LIST: ACCESSIBLE

Households most in need may have difficulty navigating lengthy applications and meeting burdensome documentation requirements in time to avoid a looming eviction. Many individuals may still face challenges in completing complex applications. State and local programs must support expedited access to and disbursement of financial support to landlords and tenants by ensuring an accessible, streamlined, and low-barrier ERA application process. As such, the design and implementation of emergency rental assistance programs should be as simple, flexible, and accessible as possible, and the program should support progress toward racial equity and justice.

Attributes for Model Programs

- ❑ **Re-design the program** with people impacted by the pandemic, low-income renters, community members and partners and ensure continued opportunities for meaningful input and feedback to continuously improve program implementation. See [Santa Clara Case Study](#).
- ❑ **Ensure multiple and streamlined ways to apply for assistance.** ERA applications need to be accessible, particularly to marginalized populations, including BIPOC, people with disabilities, immigrants, people with limited English proficiency, and others should have full and equitable access to ERA resources. Applications should be available via multiple formats such as online, mobile phone compatible, non-digital, phone, through 211, and in-person, and accepted during traditional and non-traditional hours.
- ❑ **Implement strategies that reduce application and documentation requirements and expedite the approval process.** Program administrators may adopt a number of strategies to expedite their process, such as limiting the need for excessive tenant follow-up, utilizing multiple modes of outreach to contact tenants, or using an “assembly line” approach to reviewing and approving applications.¹ Speeding up the process also makes it more likely that assistance will reach households in time to prevent an eviction or forced move.
- ❑ **Allow for Direct to Tenant Assistance.** Allow for payments to go directly to households to ensure renters can receive needed assistance, regardless of their landlord’s willingness to participate. Failing to provide direct-to-tenant assistance particularly harms residents in less formal tenure situations or whose landlords are non-responsive or unwilling to participate in the program.
- ❑ **Ensure broad use of self-attestation where needed to document eligibility, living arrangement, arrears, and hardship.** Programs should allow for self-attestation in all available categories to simplify the application process and reduce burdens on applicants who face the greatest barriers to gathering and submitting documentation. Treasury’s [updated guidance](#) explicitly allows for self-attestation and self-attestation should be an option for income, housing stability, proof of tenancy and rent owed, and COVID hardship.
- ❑ **Use categorical eligibility and fact-specific proxy** instead of asking for income documentation or self-attestation. Utilize administrative data to verify categorical eligibility if an applicant is receiving other federal, state, or local government assistance or fact-based proxies. Use fact-specific proxy to qualify an applicant’s income. For example, programs can identify zip codes or census tracts where average incomes fall below 80% AMI and infer an applicant’s income based on their residency in those geographies. Burdensome documentation requirements slow application processing times, discourage eligible households from seeking aid, and prevent states and localities from distributing ERA efficiently

¹ Learn more about strategies to efficiently process applications in Housing Initiative at Penn, NLIHC, and NYU Furman Center’s report on [“Learning from Emergency Rental Assistance Programs: Lessons from Fifteen Case Studies”](#)

and equitably.

- ❑ **Provide relocation assistance.** In addition to rental and utility payments, programs should provide assistance for eligible costs, including hotel and motels stays, rental security deposits, application or screening fees, reasonable accrued late fees, and internet service fees especially for temporarily displaced and doubled-up households who are at high risk of losing their living situation. Provide housing navigation assistance to those who are losing their housing and need to relocate. Ensure ERA is available to help households that are currently homeless to exit homelessness into housing.

Other Strategies to Advance Equity and ensure a simple, flexible and accessible application process.

- ❑ **Target outreach and set aside a portion of funds to work with small landlords** who may not be as connected to public resources as larger landlords.
- ❑ **Utilize the maximum allowable administrative cost allowance** to support infrastructure and technology that will support program implementation. Additionally, program administrators should tap into flexible funding sources such as other local, state, federal, or philanthropic funding streams to bolster their staff and technological capacity, invest in application and review infrastructure, outreach capacity, and community-based organizations administering the programs. Specifically, programs should use State and Local Fiscal Recovery funds, allocated by the American Rescue Plan, to increase capacity.
- ❑ **Provide housing navigation services.** Utilize the maximum allowable housing stability services allowance to support outreach, housing navigation, case management and other services that will assist households - particularly those who are the most marginalized - in accessing and successfully navigating the ERA application process and stabilizing their housing for the long term.
- ❑ **Make the re-application process as simple as possible** for households with ongoing needs including the continued use of self-attestation.
- ❑ **Embed data in program design.**
 - Implement local protocols and procedures for data and information sharing, for targeting the most marginalized populations, creating referral processes and to share income and other documentation needed to support successful and complete applications.
 - Collect, share, and analyze relevant data to support efficient use of funds and to identify needed mid-course corrections in program design.

ERA CHECK LIST: PREVENTIVE

ERAP programs should aim to prevent eviction and housing loss for low-income and the most marginalized households. This requires providing emergency assistance, as well as addressing systemic disparities and policies that have contributed to housing instability in the first place, particularly for low-income households and Black, Indigenous and People of Color (BIPOC). States and localities should undergo activities that prevent eviction, housing displacement and homelessness by offering flexible, holistic, and preventive interventions and creating formal partnerships with state and local courts to support eviction prevention and diversion in coordination with ERA and providing a bridge to housing stability and other community-based services and support for households with greater needs.

Attributes for Model Programs

- Enact local eviction moratoria** to allow ERA programs to catch up and distribute assistance.
- Utilize ERA funding** to fund legal attorneys to protect those renters facing eviction. Also consider subcontract with legal aid organizations and those working directly out of eviction courts to directly administer ERA funds.
- Develop a direct line of communication with courts** about the availability of ERA funds and develop procedures and protocols to identify and refer tenants and landlords who may be in need.
- Work with state and local courts should adopt policies and procedural** safeguards to ensure tenants have knowledge about potential assistance, additional time for discovery, access to legal representation, and other measures, including:
 - Judges to postpone hearing eviction cases to give renters the opportunity to apply for and receive ERA.¹
 - Barring landlords from evicting tenants while an application is pending.
- Require that landlords receiving ERA cannot evict renters for at least 3 months.**
- Establish Right to Counsel legislation.** Having an attorney during an eviction proceeding significantly diminishes the likelihood that someone will be evicted.

Additionally, states and localities should look beyond ERA program design to protect renters from housing loss by implementing the following:

- Develop and implement policies to seal eviction records** that occur during or stem from nonpayment of rent during the pandemic, so that the filing does not make it more difficult for renters to find housing in the future.
- Connect program, processes, and resources to local Continuum of Care**, homelessness diversion and coordinated entry process in order to prevent housing loss and quickly rehouse households where and eviction may have been unavoidable.
- Provide a bridge to longer-term or intensive housing stability supports** for household who have greater needs such as a history of homelessness, chronic health conditions or disabilities.
- Provide or coordinate with case management and other support services** to support long term stability. Ensure tenants have access to crisis intervention services, education programs, financial counseling, childcare, healthcare, mental health and substance use services, non-legal advocacy and other support that assist with housing stability.

¹ See [Philadelphia's Court Order](#) requiring landlords seeking to file evictions for non-payment of rent to first apply to the city's ERA program.