

HOUSING PROVISIONS IN EMERGENCY COVID-19 RELIEF PACKAGE

JANUARY 07, 2021

The emergency COVID-19 relief bill signed into law on December 27 provides \$25 billion in emergency rental assistance and extends the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC) through January 31, 2021.

The final relief package is a major victory for low-income renters and would not have been possible without the effective work of advocates across the nation and the leadership of congressional champions Senator Sherrod Brown (D-OH), Representatives Maxine Waters (D-CA) and Denny Heck (D-WA), bipartisan negotiators Senators Mark Warner (D-VA), Susan Collins (R-ME), Joe Manchin (D-WV), and Rob Portman (R-OH), and Senate Minority Leader Chuck Schumer (D-NY) and House Speaker Nancy Pelosi (D-CA). Thank you!

EMERGENCY RENTAL ASSISTANCE

Under the legislation, \$25 billion for emergency rental assistance will be funded through the Coronavirus Relief Fund (CRF) and administered by the U.S. Department of the Treasury.

Allocation

Of the total amount, \$400 million will be allocated to U.S. territories and \$800 million to tribal communities. The remaining funds will be distributed to states and cities with populations of 200,000 or more. See the Treasury Department's [website](#) for information on [state, local government, and territory allocations](#).

Uses of Funds

At least 90% of the funds must be used to provide financial assistance, including back and forward rent and utility payments, and other housing expenses. Assistance can be provided for 12 months. States and localities can provide an additional 3 months of assistance "if necessary to ensure housing stability for a household."

When providing forward rent, assistance can only be given for 3 months, though households can subsequently reapply for additional assistance. To the extent that households have back rent, states and localities may not make commitments for forward rent payments unless they have also provided assistance to reduce an eligible household's rental arrears.

Recipients would be able to use the remainder of funds (up to 10%) to provide case management and other services related to the pandemic, as defined by the Treasury Secretary, intended to help keep households stably housed.

Under the legislation, cities and states can make payments directly to landlords or utility companies on behalf of renters. If a landlord refuses to accept the rental assistance, cities and states can give assistance directly to the renter, who can then make payments to the landlord or utility provider.

Eligibility

Funds must be used for households with incomes below 80% of area median income (AMI), and states and localities must prioritize households below 50% of AMI or those who are unemployed and have been unemployed for 90-days. States and localities can provide additional prioritization of funds.

Income determination would be based on either the household's total income in 2020, or the monthly income the household is receiving at the time of application. If income determinations are made based on the applicant's monthly income, the state or locality must re-determine eligibility after 3 months.

Under the bill, households are eligible for emergency rental assistance funds if one or more individuals: (1) has qualified for unemployment benefits or can attest in writing that he or she has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the pandemic; (2) can demonstrate a risk of experiencing homelessness or housing instability; and (3) has a household income below 80% AMI.

Rental assistance provided through the CRF would not be regarded as income or considered when determining eligibility for federal benefits or federally-assisted programs. The legislation states that "to the extent feasible," grantees should ensure that any rental assistance provided to an eligible household is not duplicative of other federally-funded rental assistance. See NLIHC's [FAQ](#) for additional information on duplication of benefits.

Role for Landlords

The proposed legislation allows landlords and property owners to aid tenants in applying for assistance or applying on the renter's behalf. If a landlord applies for assistance on behalf of their tenant, the tenant must cosign the application, the landlord must provide the tenant documentation of the application, and the payments must be used to pay the tenant's rental obligations.

Deadlines

Beginning on September 30, 2021, the Treasury Secretary is required to recapture excess funds not obligated by a state or locality and to reallocate and repay these dollars to eligible grantees who, at the time of such reallocation, have obligated at least 65 percent of the amount originally allocated and have met other criteria. The amount of any such reallocation shall be determined based on demonstrated need within a grantee's jurisdiction, as determined by the Secretary.

Funds are available through December 31, 2021. States and localities can request to the Treasury Secretary a 90-day extension for any funds reallocated to grantees.

Any unspent funds will be reverted back to the Treasury Department.

Reporting Requirements

The legislation requires the Treasury Department, in consultation with the Secretary of the U.S. Department of Housing and Urban Development, to report quarterly on how each state, local, tribal, and territorial government is using emergency rental assistance funds. Each report must include the number of households served, the acceptance rate for applicants, the types of assistance provided to each eligible household, the average amount of funding provided per household, the average number of monthly payments covered by the assistance, and income levels. The data collected must be disaggregated by the gender, race, and ethnicity of the primary applicant in the household. Under the bill, the Treasury Secretary can make full, unredacted data available for statistical research.

EVICTION MORATORIUM

The legislation extends for one month through January 31 the CDC eviction moratorium for nonpayment of rent to keep renters in their homes while state and local governments work quickly to distribute aid to households in need. For more information on the CDC moratorium, see NLIHC and the National Housing Law Project's [Overview](#) and [FAQ](#), and NLIHC's [website](#).

EXTENSION OF THE CORONAVIRUS RELIEF FUND (CRF)

The law extends the deadline from December 30, 2020 to December 31, 2021 for funds provided by Congress in the CARES Act through the Coronavirus Relief Fund (CRF). Many states and localities have used CRF resources to provide emergency rental assistance during the pandemic.

LOW INCOME HOUSING TAX CREDITS (LIHTC)

The relief bill establishes a permanent floor for the 4% credit in the Low Income Housing Tax Credit (LIHTC) program. This change will make it easier to secure the financing needed for affordable housing projects and will assist in restarting stalled LIHTC projects throughout the country. Advocates estimate that the creation of a 4% floor could create as much as 126,000 rental homes in the next 10 years.

The bill also provides an additional allocation of \$1.1 billion in LIHTC for states impacted by disasters.

For more information, contact NLIHC Vice President Sarah Saadian at ssaadian@nlihc.org



DISASTER HOUSING RECOVERY COALITION, C/O NATIONAL LOW INCOME HOUSING COALITION
1000 Vermont Avenue, NW | Suite 500 | Washington, DC 20005 | 202-662-1530 | www.nlihc.org