



NATIONAL LOW INCOME
HOUSING COALITION



September 17, 2020

The Honorable Steven Mnuchin
U.S. Department of the Treasury
1111 20th St NW, Washington, DC 20526

The Honorable Dr. Ben Carson
U.S. Department of Housing and Urban Development
451 7th St SW, Washington, DC 20410

The Honorable Sonny Perdue
U.S. Department of Agriculture
1400 Independence Ave, SW
Washington, D.C. 20250

The Honorable Mark Calabria
Federal Housing Finance Agency
400 7th St SW, Washington, DC 20024

To Secretary Mnuchin, Secretary Carson, Secretary Perdue, and Director Calabria:

On behalf of the National Low Income Housing Coalition and National Housing Law Project, we write to urge the U.S. Departments of the Treasury, Housing and Urban Development (HUD), and Agriculture (USDA), and the Federal Housing Finance Agency (FHFA) to take immediate action to ensure renters living in federally supported properties know their rights under the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC). **Treasury, HUD, USDA and FHFA should immediately direct federally supported rental property owners and housing authorities to provide tenants written notice of their rights and steps they must take to be protected.** Specifically, federal agencies should (1) require housing providers to send a flyer with a description of the CDC order and its protections to tenants and include a copy of or link to the CDC hardship declaration, and (2) require housing providers to also provide the flyer to a tenant at the same time the housing provider serves a notice of nonpayment of rent.

While the temporary moratorium – in effect from September 4, 2020 to December 31, 2020 – extends vital protections to tens of millions of renters at risk of eviction for nonpayment of rent during the global pandemic, many qualified renters are unaware of the legal steps they must take to be protected. As a result, landlords are moving quickly to file evictions before renters learn of the moratorium and can make use of its protections. As reported by *Bloomberg*, institutional landlords have filed [more than 900 eviction cases](#) across eight metropolitan areas in the days after the moratorium was announced.

A uniform, national moratorium on evictions for nonpayment of rent is long overdue and badly needed. The very least the federal government ought to do is assure every renter that they will not lose their homes in the middle of a global pandemic: the administration's action would do so and will provide relief from the growing threat of eviction for millions of anxious families. The moratorium, however, is only effective if renters are aware of its protections.

Requiring owners of federally supported rental properties to notify renters of their rights under the federal moratorium and steps they must take to be protected is well within the authority of Treasury, HUD, USDA and FHFA. Executive Order 13945 issued on August 8, announces that it is the policy of the United States “to minimize, to the greatest extent possible, residential evictions and foreclosures during the ongoing COVID-19 national emergency” and specifically directs federal agencies to take action. In fact, the Executive Order directs Treasury and FHFA to “review all existing authorities and resources” and HUD to “take action, as appropriate and consistent with applicable law” to prevent eviction.

While HUD's Offices of Public and Indian Housing (PIH) and Multifamily Housing Programs (Multifamily) [informed stakeholders](#) of the moratorium and encouraged them to share information with residents, neither have required property owners to do so. In fact, HUD's Multifamily guidance illegally advises housing providers to advise tenants about the CDC protections only *after* service of a termination notice. The intent of the CDC order is to avoid such notices. From published Rural Development material, it does not appear that RD even asked property owners to advise residents of the CDC order.

Federal agencies should provide property owners with copies of the declaration form and other materials in various languages and require such owners to provide information to all households, including those with limited English proficiency. Given the urgency of this issue, federal agencies should use [materials developed by NLIHC and NHLP](#) while declaration forms in other languages are prepared.

The impact of an eviction on families and individuals is [severe](#). Eviction increases the risk of homelessness, harms mental and physical health, and makes it difficult to maintain employment. Eviction is linked to numerous [poor health outcomes](#), including [respiratory disease](#), which could increase the risk of complications if COVID-19 is contracted, as well as mortality risk during COVID-19. After an eviction, it is often more expensive and more difficult to rent safe and decent housing, and the instability caused by eviction is particularly harmful to children, who suffer in ways that impact their educational development and wellbeing for years.

Evictions also have enormous consequences to our public health. In making its announcement, the CDC cited the historic threat evictions pose to national efforts to contain the coronavirus. The CDC declared that an eviction moratorium would help ensure that people are able to practice social distancing and comply with stay-at-home orders. The announcement cites the increased risk of spreading coronavirus when people are evicted from their homes or experience homelessness. If renters are unaware of this protection and are evicted from their home, however, it will be even more difficult for our nation to address the pandemic.

Every day of inaction puts more seniors, people with disabilities, families and others at imminent risk of losing their homes in the middle of a pandemic. Ensuring that everyone is stably housed during and after the COVID-19 pandemic is not only a moral imperative – it is a public health necessity.

If you have any questions, please reach out to NLIHC Vice President Sarah Saadian at ssaadian@nlihc.org or NHLP Director of Government Affairs Noelle Porter at nporter@nhlp.org.

Sincerely,



Diane Yentel
President and CEO
National Low Income Housing Coalition



Shamus Roller
Executive Director
National Housing Law Project

CC:

Hunter Kurtz, Assistant Secretary of Public and Indian Housing, HUD

Dana Wade, Commissioner, Federal Housing Authority

C. Lamar Seats, Deputy Assistant Secretary for Multifamily Housing Programs, HUD

Bette Brand, Deputy Undersecretary for Rural Development

Elizabeth Walker Green, Acting Administrator Rural Housing Service

Nancie-Ann Bodell, Director of Multifamily Housing, Rural Housing Service