

August 10, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
Washington, D.C.

The Honorable Marcia Fudge
Secretary
U.S. Department of Housing and Urban Development
Washington, D.C.

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
Washington, D.C.

The Honorable Sandra L. Thompson
Acting Director
Federal Housing Finance Agency
Washington, D.C.

To Secretaries Yellen, Fudge, and Vilsack, and Acting Director Thompson:

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 quickly implement the [directive](#) issued on July 29 by the Biden administration, urging all federal housing agencies “to extend their respective eviction moratoria through the end of September” and “to do everything in their power so that owners and operators of federally-assisted and financed rental housing seek Emergency Rental Assistance (ERA)...before moving toward eviction.”

Our organizations support the recent decision by the Centers for Disease Control and Prevention (CDC) to issue a [new eviction moratorium](#) for renters through October 3 in communities with a [substantial or high rate](#) of COVID-19 transmission. The moratorium provides a lifeline to the 6.5 million renter households currently behind on their rent.

Legal challenges from landlords and realtors, however, pose a significant threat to the new CDC eviction moratorium. If these challenges are successful, millions of renters will be at risk of losing their homes – and with them, their ability to keep themselves and their families safe from the growing threat of the Delta COVID-19 variant. Recent research estimates that up to 80% of households behind on rent and at risk of eviction live in communities with over 100% COVID-19 case growth rates in July.

Federal housing agencies must take every action now to protect renters if federal courts invalidate the CDC’s broad eviction moratorium. The Biden administration should immediately announce an eviction moratorium for renters living in all federally assisted properties supported by HUD, USDA, and Treasury. As outlined in previous correspondence, these departments can use existing authorities to issue an eviction moratorium for residents. Additionally, housing authorities and federally assisted property owners should be required to apply for ERA before filing for eviction for non-payment. While this is a relatively small part of the housing stock, tenants living in federally subsidized properties have lower incomes and are at a greater risk of experiencing homelessness or housing instability following an eviction.

FHFA should also investigate any authority it has to institute a moratorium or other eviction prevention requirements on properties that have a federally backed mortgage or multifamily loan. Renters living in properties with a federally backed mortgage loan comprise 30% of all renters. FHFA should commit to making public information on all covered properties, including smaller properties, to ensure renters know whether they are protected. Making this information

public will also help renters understand whether they are covered by the 30-day notice requirement from the CARES Act.

The Biden administration must take every action to protect renters from COVID-19 and keep them stably housed. As always, NLIHC, NHLP, and our partners across the country stand ready to assist.

Sincerely,

A handwritten signature in blue ink that reads "Diane Yentel". The signature is written in a cursive style with a large initial "D".

Diane Yentel
President and CEO
National Low Income Housing Coalition

A handwritten signature in blue ink that reads "Shamus Roller". The signature is written in a cursive style with a large initial "S".

Shamus Roller
Executive Director
National Housing Law Project