Testimony of Diane Yentel, President and CEO
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Before the House Select Subcommittee on the Coronavirus Crisis
"Oversight of Pandemic Evictions: Assessing Abuses by Corporate Landlords and Federal Efforts to Keep Americans in their Homes"
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Chairman Clyburn, Ranking Member Scalise, and members of the subcommittee, thank you for the opportunity to testify on federal efforts to keep people in their homes during the pandemic.

The National Low Income Housing Coalition (NLIHC) is solely dedicated to ensuring the lowest-income and most marginalized people in our country have safe, accessible, and affordable homes. NLIHC's members include residents of public and assisted housing, people experiencing homelessness and other low-income people in need of affordable homes, housing providers, homeless services providers, fair housing organizations, state and local housing coalitions, public housing agencies, faith-based organizations, concerned citizens, and others. While our members include a spectrum of housing interests, we do not represent any segment of the housing field. Rather, NLIHC works on behalf of and with low-income people who receive or need federal housing assistance, especially extremely low-income people and people who are homeless.

The COVID-19 pandemic and economic collapse of 2020 devastated millions of families; people with low incomes and people of color have been disproportionately impacted. Decades of structural racism in health, housing and other systems left Black, Indigenous and people of color (BIPOC) disproportionately likely to contract the virus, be hospitalized, and die during the pandemic.[1] Racial disparities in housing contributed to these inequitable health outcomes. Black people, Native Americans, and Latinos are disproportionately likely to be renters, extremely low-income, and rent-burdened and to experience homelessness, and people of color in homes are more likely to live in overcrowded housing.[2,3,4] People experiencing homelessness, overcrowding, or housing instability are at greater risk of COVID-19 because transmission of the virus is more likely in congregate shelters and crowded homes, where people are unable to maintain safe social distancing.[5,6]

The pandemic makes clear that affordable homes are necessary for individual and public health, but millions of renters struggled to remain safely and stably housed throughout the pandemic. This housing instability was due primarily to the severe shortage of affordable and available homes for people with the lowest incomes even before the pandemic began. Many low-income renters struggled to afford their homes before the COVID-19 crisis and are now in an even more perilous position due to loss of jobs, increased expenses, and rent arrears accrued during the pandemic.

A patchwork of federal, state, and local resources and protections, including a federal eviction moratorium implemented in September 2020 by the Centers for Disease Control and Prevention (CDC), kept many renters stably housed during the pandemic. But millions of families struggled to pay the rent: by January of 2021, at least 9 million renter households[7] were estimated to owe up to $50 billion in rent and utility arrears[8] and were at high-risk of losing their homes. That number has since decreased, but it remains high: the latest Census Pulse Survey data indicate that 6.5 million renter households are behind on rent and at heightened risk of eviction when the moratorium expires.[9]

Congress extended the CDC eviction moratorium through January 2021 (and President Biden further extended it through March, June, and July) and provided a total of $46.5 billion for emergency rental assistance (ERA) to assist low-income renters in addressing rent and utility arrears. State and local governments have worked to design, scale up, and distribute aid to renters and landlords, a significant and time-consuming undertaking during a global pandemic.

Despite the urgent need to distribute these funds and keep renters stably housed, just $3 billion of the $46.5 billion in ERA provided by Congress had been spent through June 2021, according to data released by the U.S. Department of Treasury.[10] Of the first allocation of $25 billion, states had, on average, spent only 10% of their total allocations and cities had spent 20% through June. Nearly half of all states and more than 100 cities had spent less than 5% of their total ERA allocations through the end of June. Fifteen states had spent less than 2% of their funds.

Some states are successfully ramping up their programs. Texas has distributed 45% of its ERA allocation, up from 11% through May 2021, Virginia has spent over 40% of its funds through June, and Illinois increased its distribution from 0% to 27% in the month of June alone. Some cities and counties have spent well more than 40% of their allocations. These are, however, still the outliers. Many states and cities need to dramatically improve and expedite their efforts.

Federal, state, and local governments, as well as landlords, advocates and ERA program administrators and others, must do more, better, and faster, lest millions of renters lose their homes when the eviction moratorium expires. Having millions of families lose their homes would be tragic and consequential at any time, but especially with abundant resources to pay the rent yet to reach them.

In the short term, the Biden administration or Congress should extend and strengthen a federal eviction moratorium. The necessity of an extension is abundantly clear given the newly surging Delta variant, low vaccination rates in communities with high eviction filings, and cities and states' slow rate of distributing ERA to tenants who need it to stay stably housed. In turn, states and cities must improve and expedite their ERA programs by incorporating the features proven to increase success in reaching the lowest-income and most marginalized tenants - those that make ERA visible, accessible, and preventive of evictions and housing instability.

For the longer term, Congress must repair the gaping holes in our social safety net that brought us to the brink of an eviction tsunami during a global health emergency. Congress should:

1. Expand rental assistance to make it universally available to all eligible households in need and make program improvements to ensure it meets the needs of the lowest-income and most marginalized people.

2. Increase the supply of housing affordable to people with the lowest incomes through the preservation and construction of public housing and a major expansion of the national Housing Trust Fund.

3. Create a permanent emergency rental assistance program through a National Housing Stabilization Fund to keep families stabilized during a crisis; and

4. Lessen ongoing evictions and their long-term harm with robust renter protections such as right to counsel, just cause eviction protections, prohibition of source of income discrimination, and expunging eviction records.

In my testimony today, I will discuss: the pre-pandemic housing needs of the lowest-income people in the U.S. and the impact of COVID-19 on housing stability; the continued importance of the CDC eviction moratorium; federal, state and local implementation of ERA and additional federal actions needed to improve distribution; and long-term solutions.

Pre-Pandemic Housing Needs

Even before the COVID-19 pandemic, the country was in the grips of a pervasive affordable housing crisis, impacting rural, suburban, and urban communities alike. While the crisis has many dimensions, the fundamental cause of housing instability is the mismatch between housing costs and what people earn or otherwise have available to spend for their homes. Rents have risen much faster than renters' incomes over the last two decades: since 1960, renters' incomes have increased by only 5% while rents have risen 61%.[11]

NLIHC's annual report, *The Gap: A Shortage of Affordable Rental Homes*,[12] documents the severe shortage of decent, accessible, and affordable homes for extremely low-income people. Pre-pandemic, there was a shortage of seven million affordable and available rental homes for the lowest-income renters earning less than the federal poverty rate or 30% of their area median income (AMI). For every 10 of the lowest-income renters, there are fewer than four homes affordable and available to them. Without affordable options, nearly ten million very low-income households were severely housing cost-burdened pre-pandemic, spending more than half of their limited incomes on rent and utilities.

In Chairman Clyburn's district, there are three affordable and available rental homes for every 10 of the lowest-income households. In Ranking Member Scalise's district, there are fewer than two affordable and available rental homes for every 10 of the lowest-income households.[13] Across the country, there is not a single state or congressional district with enough affordable homes available to its lowest-income renters.

Decades of structural racism in housing and other systems created tremendous racial disparities in housing and homelessness. Renters of color are much more likely to be housing cost-burdened, spending more than 30% of their incomes on rent: 52% of Latino renters and 54% of Black renters are cost-burdened, more than 10 percentage points higher than white renters.[14] Black Americans represent 13% of the general population but are 40% of people experiencing homelessness and more than 50% of homeless families with children.[15] Native communities have some of the most urgent housing needs in the nation – 6% of homes on tribal lands lack adequate plumbing, 12% have inadequate heating, and 16% are overcrowded, compared to 1-2% of the general population, and 38% of Native households are housing cost-burdened.[16]

Impact of COVID-19 on Housing Stability

The COVID-19 economic recession and its resulting job and wage losses magnified and accelerated the existing housing crisis. While the national unemployment rate peaked in April 2020 at 14.8%, some industries reached unemployment rates of almost 40%.[17] More than 20 million renters live in households that have suffered COVID-19-related job loss.[18] While the overall unemployment rate fell to 6.7% by the end of 2020, the Black and Latino unemployment rates were still considerably higher – 9.9% and 9.3%, respectively – and a Federal Reserve analysis finds the unemployment rate for workers in the bottom wage quartile may have been higher than 20%.[19]

A patchwork of federal, state and local resources and protections kept many struggling renters in their homes and helped to avoid an unprecedented eviction crisis that could otherwise have resulted in an estimated 30-40 million people losing their homes by the end of 2020.[20] In addition to resources for housing and homelessness provided in the CARES Act, the Consolidated Appropriations Act, and the American Rescue Plan Act, a federal eviction moratorium issued by the CDC in September 2020 provided vital protections to tens of millions of renters at risk of eviction for nonpayment of rent during the pandemic. With only very limited assistance for rental assistance throughout 2020, however, renters fell behind on rent. In January of this year, renters were estimated to owe up to $50 billion in rent and utility arrears.[21]

According to an analysis of the most recent Household Pulse Survey data, 6.5 million renter households remain behind on their rent as of July 2021.[22] Of those households, over 4 million live in states without eviction moratoriums extending beyond the expiration of the federal moratorium on July 31, 2021. The estimated share of households behind on their rent has held steady or increased since the end of March.

Black renters, low-income renters, and families with children continue to be disproportionately at risk of eviction and housing loss. Twenty-five percent of Black renters are behind, compared to 17% of Asian renters, 19% of Latino renters, and 10% of white renters. Twenty-four percent of renters with incomes less than $25,000 are behind in rent, as are 19% of renters with incomes between $25,000 and $34,999. In addition to rental arrears, households who are behind on rent often experience debt and wealth loss in other areas of their lives placing them at risk for continued housing instability. Among renters of all incomes who are behind on rent, 51% report having borrowed from friends and family to meet spending needs in the last seven days, 25% have used savings or sold assets, and 32% have used credit cards or loans.[23]

The Continued Importance of the CDC Eviction Moratorium

Citing the historic threat to public health created by the pandemic, the CDC implemented an eviction moratorium in September 2020 to help ensure renters could practice the social distancing necessary to curb the transmission of COVID-19. The moratorium has proven to be an essential public health measure.

Research conducted on the efficacy of state, local, and federal eviction moratoriums provide evidence that such moratoriums are effective at reducing both eviction filings[24] and COVID-19 transmission and fatalities. Nationally, researchers found there were 1.55 million fewer evictions filed in 2020 compared to 2019.[25] The risk of infection increases substantially when people are evicted or forced to live doubled-up with another household, but people who are evicted are not the only ones at risk – spillover transmission amplified by evictions also places the broader community at increased risk of infection.[26] Nationally, researchers found that expired eviction moratoriums led to an additional 433,700 cases of COVID-19 and 10,700 associated deaths.[27]

The disproportionate rate of evictions filed against renters of color and inequitable vaccine distribution leaves communities of color particularly vulnerable to coronavirus infection. The surge in evictions and housing instability that will accompany the end of the CDC's moratorium will increase the risk of contracting COVID-19, particularly given the spread of the more contagious Delta variant. Research indicates that neighborhoods with higher eviction filing rates have lower vaccination rates, suggesting that those most at-risk of eviction are also at highest risk of contracting COVID-19.[28]

While the CDC eviction moratorium has proven to be a public health necessity, significant flaws in its design undermined some of its public health benefits and prevented renters from making full use of its protections. Under the order, renters are only protected if they know about the moratorium and take affirmative steps to receive protections. As a result, some landlords evict before renters know about the moratorium's protections, or by finding reasons for eviction other than nonpayment of rent.[29] Despite the moratorium's protections, in the six states and 31 cities being tracked by Eviction Lab, over 444,000 households have faced eviction proceedings during the pandemic.[30]

While imperfect, the moratorium has nevertheless offered essential protections for millions of households struggling to make ends meet during the pandemic. Three federal judges have upheld the legality and importance of the moratorium, and Supreme Court Justice Kavanaugh recognized the necessity of the order to "allow for additional and more orderly distribution of the congressionally appropriated rental assistance funds."[31]

Evictions risk lives, push families deeper into poverty, and threaten to strain our public health systems. Following an eviction, a person's likelihood of experiencing homelessness increases, mental and physical health is diminished, and the probability of obtaining employment declines.[32] Evictions are linked to numerous poor health outcomes,[33] including depression, anxiety, and suicide.[34] Evictions are also linked with respiratory disease, which could increase the risk of complications and mortality if COVID-19 is contracted.

Evictions make it more expensive and more difficult for tenants to rent safe and decent housing, apply for credit, borrow money, or purchase a home. Housing instability caused by eviction is particularly harmful to children, who suffer in ways that can impact their educational development and wellbeing for years.

The public costs of eviction are far reaching; individuals experiencing displacement due to eviction are more likely to need emergency shelter and re-housing, use in-patient and emergency medical services, require child welfare services, and interact with the criminal-legal system, among other harms.[35] Considering these and other services needed as a result of eviction, public costs of eviction range between $62 billion and $129 billion, depending on the number of people evicted. These costs are in addition to the well-documented personal costs of eviction on individuals and the costs to landlords of unpaid rent.[36]

Given the slow pace of spending in ERA programs, low vaccination rates in marginalized communities most at risk of eviction,[37] and the newly surging Delta variant, the Biden administration or Congress should further extend and strengthen a federal eviction moratorium until states and localities can distribute ERA and until vaccination rates in marginalized communities have increased.

Federal Enactment and Implementation of Emergency Rental Assistance

In April 2020, after passage of the CARES Act, NLIHC launched and led a national campaign for "Rent Relief Now." The campaign, comprised of over 2,300 organizations from across the country, called for a national moratorium on evictions for nonpayment of rent, and sufficient emergency rental assistance funds to assist low-income tenants and small landlords.

The U.S. House of Representatives voted twice to approve ERA, in May and June of 2020, when renters were still relatively current on their rent payments and the funds could have been used as prospective assistance for struggling renters. The measures stalled in the Senate under Republican leadership. Ultimately, Congress did not pass ERA until late December 2020. By then, renters had accrued an estimated $50 billion in rent and utility arrears.

Throughout our advocacy for ERA, NLIHC urged that funds be distributed through the Department of Housing and Urban Development (HUD), given the agency's deep expertise in housing and the unique needs of the lowest-income and most marginalized populations. NLIHC further urged that programs be administered by grantees with experience working directly with individuals in need, and that ERA authorization ensure that programs be as low-barrier as possible. The legislation passed twice through the House of Representatives included these essential features. During final negotiations, however, the Trump administration and Republican leadership in the Senate demanded otherwise; the final statute allocated ERA through the Department of Treasury, and with unfortunate and unnecessary restrictions that have since made it more difficult for state and local governments to distribute the aid to those in need.

Ultimately, Congress provided a combined $46.5 billion in ERA funds in the December 2020 COVID-19 relief package and the March 2021 American Rescue Plan Act.

The ability of state and localities to distribute critical ERA funds was hindered early on by harmful guidance released by the Trump administration on its last day in office, January 19, 2021.[38] The Trump administration's FAQ created new and unnecessary barriers that increased application times, discouraged eligible households from seeking assistance, and prevented states and localities from spending resources in a timely manner.

Immediately after President Biden was sworn into office, NLIHC urged the new administration to rescind the harmful guidance and provide state and local governments with improved guidance needed to distribute ERA to millions of households at risk of losing their homes.[39,40] The Department of Treasury rescinded the Trump administration's harmful FAQ and released a new one[41] in February 2021 that directly addressed the significant flaws[42] in the previous administration's guidance and included many of the recommendations[43] made by NLIHC.

The revised guidance clarified that renters may self-attest to meeting most eligibility criteria, including COVID-related hardships, income, housing stability, and the amount of back rent owed; shortened the timeframe from 21 days to as little as 10 days before ERA could be provided directly to tenants when landlords refuse to participate in the program or are unresponsive; and clarified that home Internet costs and legal assistance for renters facing eviction are eligible uses of ERA. Treasury made additional improvements to the FAQs on March 26[44] that aligned with recommendations made by NLIHC to ensure rent relief resources reach households with the greatest needs. Treasury clarified that rental security deposits and application or screening fees are permissible rental fees, and that households renting manufactured homes or temporarily residing in hotels or motels are eligible for ERA.

NLIHC further urged the Biden administration to build on these improvements through additional guidance to ensure that resources reach renters who face the greatest risk of eviction.[45] In March, 2021, NLIHC notified the Biden administration of emerging and troubling roadblocks in many ERA programs, including the lack of direct-to-tenant assistance options, the continued reliance on burdensome documentation requirements, and the exclusion of federally assisted households and undocumented households.[46]

On May 7, Treasury and the White House released new ERA guidance[47] and a summary[48] with major program improvements that directly addressed NLIHC's concerns. While many of the improvements in the revised guidance apply specifically to the ERA funds enacted under the American Rescue Plan Act (ERA2), the White House and Treasury made clear what they consider model ERA programs that serve renters most in need.

Treasury's revised guidance requires program administrators distributing ERA2 to provide assistance directly to renters if landlords refuse to participate or are unresponsive; cuts in half the time to determine a landlord's refusal to participate before providing direct-to-tenant assistance; and allows ERA2 programs to offer direct-to-tenant assistance first and immediately, rather than requiring programs to conduct outreach to landlords beforehand. The updated FAQ urges grantees to avoid establishing burdensome documentation requirements that reduce participation and allows programs to verify eligibility based on readily available information, such as the average income of the neighborhood in which renters live.

Additionally, the improved guidance expands renter protections by prohibiting landlords from evicting tenants for nonpayment while ERA payments are being made on their behalf; prohibits ERA2 programs from denying aid to eligible households solely because they live in federally assisted housing, noting that failure to do so may violate civil rights laws; and increases access for people experiencing homelessness by reinforcing that ERA can be used for moving expenses, security deposits, future rents and utilities, and the costs of transitional hotel or motel stays. To ensure that ERA reaches those who need it most, Treasury's updated guidance requires programs to report how they will achieve the required prioritization of assistance.

In June 2021, NLIHC identified ongoing roadblocks and new challenges in the ERA programs, including state and local government capacity issues; programs continuing to impose burdensome documentation requirements and not utilizing direct-to-tenant assistance; landlord refusal to participate in ERA programs; a lack of awareness of available aid; and a developing trend of some landlords evicting tenants even after receiving ERA funds to cover rental arrears.[49] NLIHC urged the Biden administration to strengthen and extend the federal eviction moratorium, which was set to expire on June 30; raise awareness of ERA; establish eviction delay, diversion, and mitigation measures; support ERA program administrators to quickly deploy aid; and ensure data transparency to help policymakers and advocates discern best practices and areas for improvement.

The Biden administration adopted many of NLIHC's recommendations, including extending the eviction moratorium, and releasing an updated FAQ[50] and fact sheet[51] on June 24 to accelerate and broaden the distribution of ERA. The White House encouraged state courts to adopt anti-eviction diversion practices, activated a whole-of-government effort to raise awareness of ERA, and Treasury issued new guidance to accelerate and broaden state and local distribution of funds.[52] Treasury's revised FAQ strongly encourages grantees to partner with courts to actively prevent evictions and develop eviction diversion programs; increases access to ERA for people experiencing homelessness by establishing a commitment letter process; directs grantees to remove cultural and linguistic barriers to accessing aid; encourages grantee coordination to reduce burdens and delays; and streamlines payments for utility providers and large landlords.

Mixed Success in Spending ERA

Despite these efforts, state and local spending of ERA is, on average, unacceptably low. The first public report of ERA-spending data was released by Treasury in early July 2021, and the second report was released on July 21, 2021. These data show that as of the end of June 2021, states and localities had spent approximately $3 billion of the $25 billion from ERA 1. States spent approximately 10% of their funds and localities spent approximately 20% of their funds.

Recent data from public dashboards and the U.S. Department of the Treasury data show that some programs have quickly ramped up spending, while other programs continue to lag far behind. The table below contains low-spending ERA programs that spent 1% or less of their Treasury allocation and high-spending ERA programs that spent 40% or more of their allocation.

Table 1. ERA Spending[53, 54]

Low-Spenders (1% or less)			High-Spenders (40% or more)		
Location	Assistance Distributed	% ERA1 Allocation Distributed	Location	Assistance Distributed	% ERA1 Allocation Distributed
New York	$0.00	0.0%	Texas*	$593,064,066	45.3%
South Carolina	$36,096.00	0.01%	Virginia	$223,237,704	42.6%
Florida	$1,516,354.00	0.2%	Summit County, Ohio	$17,900,002	100.0%
Arkansas	$578,695.00	0.3%	Louisville/Jefferson County, Kentucky	$23,542,825	100.0%
Mississippi	$1,829,409.00	1.0%	Caddo Parish, Louisiana	$6,647,610	92.8%
Wyoming*	$2,000,000.00	1.0%	Des Moines, Iowa	$5,719,453	89.2%
Brazos County, Texas	$0.00	0.0%	Mecklenburg County, NC	$6,006,381	88.6%
Corpus Christi, Texas	$0.00	0.0%	Leon County, Florida	$7,412,806	83.6%
Laredo, Texas	$0.00	0.0%	New Hanover County, NC	$5,718,528	80.9%
Hays County, Texas	$0.00	0.0%	Milwaukee County, WI	$8,410,928	79.1%
Hidalgo County, Texas	$0.00	0.0%	Cook County, Illinois*	$51,586,380	78.7%
Nueces County, Texas	$0.00	0.0%	San Antonio, Texas	$36,095,153	77.2%
Webb County, Texas	$0.00	0.0%	Harrison County, MS	$4,834,625	76.8%
San Bernardino, CA	$0.00	0.0%	Austin, Texas	$22,698,865	76.7%
Escambia County, FL	$0.00	0.0%	Chesterfield County, VA	$7,896,436	74.5%
Saint Johns County, FL	$0.00	0.0%	Harris County, Texas	$54,605,495	74.0%
Chicago, Illinois	$0.00	0.0%	Honolulu, Hawaii*	$44,643,844	72.1%
Lackawanna County, PA	$0.00	0.0%	Santa Barbara County, CA	$9,538,668	71.9%
Durham, North Carolina	$0.00	0.0%	Houston, Texas	$48,828,881	69.6%
Cincinnati, Ohio	$0.00	0.0%	Lubbock, Texas	$5,427,716	69.4%
Lake County, Ohio	$0.00	0.0%	Mesa, Arizona	$10,489,580	66.6%
Lucas County, Ohio	$0.00	0.0%	New Orleans, Louisiana	$7,574,953	65.1%
Stark County, Ohio	$0.00	0.0%	Marin County, California	$4,988,526	64.8%
Hawaii County, Hawaii	$0.00	0.0%	Oakland, California	$7,737,620	60.1%
Harford County, MD	$0.00	0.0%	San Diego, California	$24,245,717	57.3%
Henry County, Georgia	$0.00	0.0%	Dane County and Madison, Wisconsin*	$9,128,791	55.9%
Horry County, SC	$0.00	0.0%	Clark County, Nevada	$17,267,498	54.4%
Bergen County, NJ	$0.00	0.0%	Prince George's County, Maryland	$14,791,664	54.4%
Camden County, NJ	$0.00	0.0%	Lehigh County, PA	$5,948,795	54.1%
Jersey City, NJ	$0.00	0.0%	Brown County, Wisconsin	$4,197,084	53.1%
Newark, NJ	$0.00	0.0%	York County, PA	$7,084,026	52.9%
Gloucester County, NJ	$0.00	0.0%	Sacramento, California	$8,072,780	52.9%
Middlesex County, NJ	$0.00	0.0%	Charlotte, North Carolina	$14,025,886	52.5%
Monmouth County, NJ	$0.00	0.0%	Seminole County, Florida	$7,314,524	51.3%

Ocean County, NJ	$0.00	0.0%	Champaign County, IL	$3,151,204	50.7%
Passaic County, NJ	$0.00	0.0%	Greensboro, NC	$4,487,253	50.1%
Union County, NJ	$0.00	0.0%	Monroe County, NY	$7,894,282	49.6%
City of Rochester, NY	$0.00	0.0%	Montgomery County, PA	$11,852,535	47.9%
Hempstead, NY	$0.00	0.0%	Moreno Valley, California	$2,941,684	46.4%
Town of Oyster Bay, NY	$0.00	0.0%	Chula Vista, California	$3,762,898	46.1%
Madison County, AL	$0.00	0.0%	Stockton, California	$4,212,563	45.3%
Tuscaloosa County, AL	$0.00	0.0%	Lexington-Fayette Urban County, Kentucky	$4,357,785	45.1%
Huntsville, AL	$0.00	0.0%	Lafayette City Parish, LA	$3,246,510	44.6%
Washington County, AK	$0.00	0.0%	Fremont, California	$3,187,534	44.5%
Portland, Oregon	$0.00	0.0%	Boise, Idaho	$5,063,318	43.9%
Marion County, Oregon	$0.00	0.0%	Shelby County, Tennessee	$3,752,266	43.6%
Multnomah County, OR	$0.00	0.0%	Pima County, Arizona*	$13,749,723	43.2%
Brazoria County, Texas	$1,194.00	0.0%	Luzerne County, PA	$3,882,941	41.1%
Cumberland County, NC	$5,265.00	0.1%	Polk County, Iowa	$3,384,877	41.0%
Montgomery Cnty, TX	$39,431.00	0.2%	Sacramento County, CA	$12,487,828	40.4%
Travis County, Texas	$23,756.00	0.2%			
Toledo, Ohio	$20,243.00	0.2%			
Franklin County, Ohio	$33,008.00	0.3%			
Fayetteville, NC	$18,968.00	0.3%			
San Bernardino, CA	$188,820.00	0.4%			
Rockingham County, NH	$79,612.00	0.4%			
Jefferson County, Texas	$54,501.00	0.7%			

* Data represented with an asterisk is from the jurisdiction’s ERA data dashboard. All other data is reported by the U.S. Department of the Treasury.

Some states have consistently distributed funds at a high rate, such as Virginia, which has paid out 42.6% of its funds after a strong early start. Other programs opened early and started off slow but have since increased their spending after making needed improvements to their programs. Texas, for example, distributed $1.3 million during the first quarter. After making critical course corrections, they distributed $306 million in June alone. The state spending dashboard indicates they have now paid out 45% of their $1.3 billion allocation. Still other states took needed time to carefully design accessible programs and have experienced rapid increases in their funding. Illinois, for example, did not make any payouts between January and April but has since allocated $150 million, approximately 27% of their allocation.

Other states and cities have consistently been poor performers due to issues such as: overly complicated applications, including burdensome documentation requirements; not utilizing direct-to-tenant assistance when landlords refuse to participate; capacity and technology challenges; or unnecessary restrictions or delays required by state legislatures or city councils.

Nearly half of all states and more than 100 cities had spent less than 5% of their total ERA allocations through the end of June. Fifteen states had spent less than 2% of their funds. Overall, however, states and cities are improving. Programs spent 1% of their allocations from January to March, 2% in April, 3% in May, and 6% in June. With additional support, guidance, and program improvements, programs should be able to increase distribution in the months ahead.

Lessons Learned and Best Practices for State and Local ERA Administration

NLIHC is tracking,[55] analyzing,[56] and sharing best practices[57] for ensuring emergency rental assistance is distributed[58] to households most in need and advances racial equity.[59] We currently track and share a searchable database of more than 480 Treasury ERA programs, including information on programs' eligibility criteria, documentation requirements, direct-to-tenant assistance, self-attestation, and other key program components. NLIHC has also produced case studies highlighting successful and innovative emergency rental assistance programs,[60] and has collaborated with NYU Furman Center and the Housing Initiative at Penn on research to identify best practices for successful emergency rental assistance programs.

The evidence is clear: to ensure ERA reaches tenants with the greatest needs, program administrators should design and administer programs that are visible, accessible, and preventive of evictions and housing instability. To ensure greater visibility, programs must conduct equitable and robust marketing and outreach efforts so that low-income renters and landlords know about ERA and how to access it in their communities. To improve accessibility, programs should ensure streamlined, and low-barrier ERA application processes. By creating formal partnerships with state and local courts, programs can support eviction prevention and diversion in coordination with ERA.

Increasing Visibility of ERA Programs

States and localities should conduct equitable and robust marketing and outreach efforts to ensure all low-income renters and landlords know about ERA and how to access it. A May 2021 survey of small-scale landlords and their tenants conducted by the Urban Institute and Avail found that more than half of renters and 40% of landlords were unaware of federal rental assistance. Beyond lack of awareness, difficulty finding available ERA programs, uncertainty about receiving ERA payments, and complicated eligibility criteria are among the top reasons tenants and landlords who are aware of assistance have not applied. [61]

Reaching communities with the greatest needs is especially challenging during a pandemic, especially in communities isolated by geography, language differences, and inadequate access to technology. Some localities adopted creative strategies to overcome these barriers and to reach those wary of government assistance due to mistrust or fear of stigma. Successful programs partner with trusted community-based organizations on outreach.[62]

Ensure Robust and Equitable Outreach
Outreach strategies should geographically target priority populations and include outreach through existing referral systems, trusted community partners, or door-to-door knocking. Program administrators also need to engage directly with landlords to ensure priority applicants receive timely assistance.

Target Marginalized Populations
Program administrators should prioritize BIPOC and other historically marginalized people, such as households with the lowest incomes and others who are disproportionately at risk of eviction. For example, the state of Washington requires that the percentage of households being served through its ERA program be proportionate to the populations of color living in poverty in each county.

Program administrators can target households with the greatest needs by prioritizing applications originating from certain census tracts, such as those with high rates of COVID infections or unemployment, or households with fewer assets. Programs should consider using rolling, weighted lotteries, where households meeting prioritization criteria have a higher likelihood of being selected to receive assistance. Rolling selection periods give tenants needed time to hear about the program, gather documents, and apply for assistance.

Target Marginalized Neighborhoods

Program administrators should target neighborhoods experiencing the greatest impact and risks. Key strategies for prioritization include centering racial equity in the prioritization process and prioritizing applications by income, geography, or other housing-related factors such as risk of homelessness. Program administrators should consider a variety of housing-related, COVID-19, and other relevant data in identifying geographic areas for prioritization, such as the share of renter-households, rate of severely housing cost-burdened renters, rates of evictions and eviction filings, COVID-19 infection and death rates, unemployment rates, and more. Programs should streamline documentation requirements related to this prioritization as much as possible to facilitate access to ERA.[63]

Partner with Community Organizations

Program administrators should partner with and invest in community organizations that community members trust to increase access and success. Administrators should partner with community groups, such as grassroot organizations, nonprofits, churches, and neighborhood groups, particularly organizations providing services to BIPOC and extremely low-income communities, to provide outreach and navigation services and expand the program's potential applicant pool. Community partners' roles and responsibilities will vary depending on their capacity and may include reaching out to tenants, providing intake support, reviewing applications, reaching out to landlords, processing payments, or implementing multiple facets of the program. Community groups are uniquely situated to provide tenant and landlord outreach as they have pre-existing relationships and trust from community members.

Several states and cities have successfully partnered with community organizations. Washington state requires grantees to partner with "by and for" organizations whose primary missions and histories are serving a specific community and are substantially controlled by individuals from the community they serve. Many of these groups have not historically worked in or been invited into the housing space, but their ties to their communities were impactful in ensuring that the program served historically marginalized populations. These collaborations on the emergency rental assistance program have formed the foundation for future partnerships.

Other examples include the state of Wisconsin, which partnered with United Migrant Opportunity Services to administer its CARES Act-funded rent relief program to reach migrant workers and diverse underserved populations. The State of Oregon is working with the Oregon Human Development Corporation to reach agricultural workers statewide in its ERA program. In Santa Clara, California, Destination: Home and Sacred Heart Community Service co-designed their ERA program with community members and impacted people, improving their ability to serve them. Chicago initially struggled to get immigrant populations to apply in their CARES Act program, so they partnered with organizations in these communities, which increased their success in reaching them.

Communicate Clearly

Programs must ensure transparency and clearly communicate policies and procedures. Program administrators should be transparent and communicative about their ERA policies and the circumstances under which self-attestation and direct-to-tenant assistance are allowed. A 2021 survey of 64 ERA programs conducted by NLIHC, the Housing Initiative at Penn, and the NYU Furman Center found that a higher share of programs in the survey stated they allowed for self-attestation or assisted tenants directly in cases of landlord non-participation than were identified in NLIHC's database.[64] This suggests that some programs were not clearly communicating their policies in public-facing documents and websites.

Programs that allow self-attestation or direct-to-tenant assistance but do not communicate it to the public may harm tenants with the greatest needs. Program administrators should clearly communicate program policies and procedures and conduct equitable and robust outreach to ensure all renters and landlords know about ERA and how to access it.

Leverage Critical Points of Intervention
Program administrators should distribute information and conduct intake where critical points of intervention take place, such as at courts, libraries, shelters, food pantries, housing counseling offices, health centers, vaccination sites, and schools to increase knowledge about ERA and proactively target extremely low-income households that have experienced loss of job or income, financial hardship, or crisis - those at the greatest risk of eviction or housing loss. Memphis, Tennessee, "scrapes" public court data multiple times per week to identify and then reach out to tenants at-risk of eviction about ERA prior to their court hearings. It also stations volunteers or staff at court to ensure tenants have access to information about ERA the day of their hearing.

Leverage Existing Referral and Service Systems
Programs should leverage existing tenant referral systems and service networks. For example, programs prioritizing those most at risk of homelessness should consider partnering with their local Continuums of Care (CoCs) or other homeless service providers to refer individuals contacting these organizations to the ERA programs. Programs prioritizing those most at risk of eviction should partner with Legal Aid or local courts to know when eviction filings occur and to intervene before households are evicted. Program administrators can also establish referral systems to connect applicants to other public benefits and services they may be eligible for, such as the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Medicaid, and tenant/landlord mediation services. [65]

Many communities have incorporated tenant referral systems into their programs. New Orleans, Louisiana is receiving court filings to reach those with the highest likelihood of eviction and is also receiving referrals through their CoC, local housing authority, and the city's 311 number. Orange County, North Carolina has also partnered with their CoC in 2020 to receive referrals through their existing Coordinated Entry system. This partnership has helped the program target households with the highest needs; over 75% of rental assistance funds in Orange County have gone to households earning less than 30% of AMI.

Ensuring Accessibility of ERA Programs

To ensure accessibility, program applications must be streamlined and low-barrier. Households at greatest risk for eviction may have difficulty navigating lengthy applications, meeting burdensome documentation requirements, and completing complex applications in time to avoid a looming eviction. Evidence from 2020 programs in Washington State and Illinois show that self-attestation of income reduces documentation burdens and allows funds to be distributed faster and reach the most marginalized renters.

While Treasury and the White House made major improvements to the ERA program guidance[66] in direct response to roadblocks in programs, too few programs are making use of the flexibilities provided and reducing barriers for renters and landlords. According to NLIHC's ERA dashboard,[67] only 53% of programs as of July 20 explicitly use self-attestation as an allowable substitute for at least one eligibility requirement. Only 15% of programs explicitly allow self-attestation of income, which is often the most difficult documentation for renters to provide. Only 7% of programs allow for self-attestation of lease/proof of tenancy, which can disproportionately impact renters in informal rental arrangements or undocumented renters.

Similarly, program administrators have also been too slow to adopt direct-to-tenant assistance, which is especially critical when landlords refuse to accept ERA. According to NLIHC's ERA dashboard, 26% of programs are explicitly allowing this flexibility. Research NLIHC conducted in partnership with the University of Pennsylvania's Housing Initiative at Penn and NYU Furman Center indicates that a higher share of programs (69%) are in fact allowing direct-to-tenant assistance, but neglect to make this option publicly known to renters and landlords on program webpages or informational flyers.[68]

Streamline Applications

To support access to and disbursement of financial support to tenants and landlords, programs must streamline the application process. Strategies that reduce application and documentation requirements, limit the need for multiple tenant follow-up, and utilize multiple strategies to contact tenants, such as text messages and knocking on doors, help programs spend funds more quickly and serve a greater number of people. For instance, the Washington State ERA program requires grantees to use self-certification for eligibility criteria such as income and rental arrears and do not mandate source documentation such as a lease or landlord ledger of missed payments. Grantees of the state program report that the forms provided were straightforward and easy to use and help speed up processing times.[69]

Allow Direct-To-Tenant Assistance

Research indicates that lack of landlord participation is a prevalent challenge among ERA programs. A survey conducted by NLIHC, the Housing Initiative at Penn, and the NYU Furman Center found that of 64 ERA programs, 44% of program administrators continued to identify landlord responsiveness as a challenge. Landlords may decline to participate in ERA programs for several reasons, including not wanting to provide a W-9 or not wanting to participate in a government program at all.

ERA programs must allow for direct-to-tenant assistance when landlords are non-responsive or refuse to participate in the program to ensure renters can receive needed assistance. Failing to provide direct-to-tenant assistance particularly harms residents in less formal housing tenure situations.

Examples of ERA programs that have successfully implemented direct-to-tenant assistance include the states of Maine and Texas and two local programs in Cameron County, TX, and Allegheny County, PA. These programs, which also do not require burdensome proof of payment, have been able to assist significantly more households using these flexibilities.

In Allegheny County, once it is determined that the tenant will be paid directly the county sends an award letter with the payment amount and months paid. The letter includes a statement that the funds should be paid towards rent at the specified address, and failure to do so violates federal law. The state of Texas and Cameron County, TX, require tenants to sign tenant certifications swearing under penalty of perjury that the funds will be used towards rent. While the state of Maine has implemented additional requirements, requiring tenants to provide a proof of payment to the program, they give tenants three weeks after receiving the payment to do so. Programs should build off these examples and limit additional documentation requirements tied to direct-to-tenant payments as much as possible. [70]

Allow Broad Use of Self Attestation

By broadly using self-attestation and proxies for eligibility, including categorical eligibility if an applicant is receiving other federal, state, or local government assistance or other fact-based proxies like residing in a low-income community, programs can ease burdensome documentation requirements that slow application processing times, discourage eligible households from seeking aid, and prevent states and localities from distributing ERA efficiently and equitably. 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 self-attestation for income, housing stability, proof of tenancy and rent owed, and COVID hardship.[71]

Several programs offer self-attestation across multiple categories, including Chicago, IL; Brazoria County, TX; and Hall County, Georgia. Some programs, like in the states of Wyoming and Washington, further streamline the self-attestation process by providing a single form for applicants to attest to income, housing instability, proof of tenancy, rent owed, and COVID hardship at one time.

Serve Households with Federal Rent Subsidies

It is important that programs 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.

Support Tenants and Landlords

By providing ample support to both tenants and landlords, program administrators can increase the inflow of applicants from the prioritized population and decrease barriers for both tenants and landlords applying to the program. Some tenants and landlords may have limited digital literacy, low access to technology, or prefer non-English languages as their primary language. Application support services bridge those gaps by providing intake support. Such services and supports may include partnering with trusted organizations to help tenants and landlords complete applications, providing one-on-one assistance and follow-up, offering applications in different languages, and providing different methods for applicants to complete applications (e.g., online, over the phone, or on paper).[72]

The Santa Clara County Homelessness Prevention System in California worked with a network of grassroot community groups to conduct targeted outreach and provide intake support to tenants and landlords. Community groups adopted several ad hoc strategies to support tenants in completing their applications, including delivering applications to tenants' doorsteps and conducting outdoor "home" visits to help renters fill out forms or capture photos of documents.[73]

Utilize Administrative Funds

NLIHC has found that programs that cap administrative costs below the allowable 10%, such as in North Carolina and Pennsylvania, severely limit critical ERA activities including robust outreach, staffing capacity, technological infrastructure, and housing stability services. In contrast, program administrators in the city of Charlotte and Mecklenburg County, North Carolina utilized their full 10% administration allocation from ERA 1 to hire a private non-profit firm to administer their program. They developed an advanced electronic ERA application process and tracking system to automate the application processing and provide applicants real-time updates on where their application was in the process. Several local jurisdictions in the California Bay Area have joined together to use philanthropic funds to develop application portals and systems that can better support more advanced data needs and processes.

Ensure Data Transparency
Programs must ensure data transparency and accountability. ERA program administrators should make data public and use it to monitor and make mid-course corrections to ensure funding is getting out equitably. Developing an ERA data dashboard assists with transparency, collaboration, and problem-solving. Federal policymakers should ensure program administrators set spending thresholds to provide sufficient funding for renters with the lowest incomes and other historically marginalized people, invest in outreach and targeting, simplify applications and documentation, monitor progress, make program improvements, and ensure funding is getting out equitably.

Currently, 17 states and 14 localities have public dashboards updated regularly to reflect the ERA program's progress. Model ERA dashboards include data on the number of applications submitted and funding disbursed, broken down by key demographics, such as race, income, and geography. Colorado, Connecticut, Maine, and Texas have well-designed dashboards that include such information.

Eviction Prevention and Diversion

In addition to ensuring ERA programs utilize the best practices identified above, states and localities should implement additional measures to prevent eviction and housing loss for the lowest-income and most marginalized households. Such efforts must address systemic disparities and polices that have contributed to housing instability in the first place, particularly for low-income and BIPOC households. States and localities should undertake 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 the greatest needs.

States and localities should implement or extend local eviction moratoriums to provide more time to distribute ERA to tenants in need, as New York, California, Delaware, Hawaii, Maryland, New Jersey, Washington, and Washington D.C. have done.

By establishing right-to-counsel programs and using ERA and other funding sources including the American Rescue Plan Act State and Local Fiscal Recovery Funds to fund legal aid attorneys, cities and states can ensure access to legal representation during an eviction proceeding. Such access to legal counsel significantly diminishes the likelihood that someone will be evicted. Some of the states that have passed right-to-counsel legislation include Connecticut, Washington State, Kentucky, Pennsylvania, and Maryland.

Programs should also 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. Programs should adopt policies and procedural safeguards to ensure tenants have knowledge about potential assistance, additional time for discovery, and access to legal representation. The city of Philadelphia, for instance, provides regular updates to the court on the status of ERA applications for cases on the docket. The Allegheny program in Pennsylvania provides court clerks access to their database.

Communities should develop and implement policies to seal eviction records that occur during or stem from nonpayment of rent during the pandemic, provide a bridge to longer-term or intensive housing stability supports for households with significant needs, and provide or coordinate with case management services to connect households to income, employment, education, childcare, and other supports to help them maintain or obtain housing.

Additional Federal Actions to Improve Emergency Rental Assistance Distribution

The federal government, too, should continue working aggressively to avert an historic wave of evictions this summer and fall. In addition to providing guidance, support, and technical assistance to ensure ERA programs are implementing the core features that lead to success, there are several actions the Biden-Harris administration can take to help ensure ERA funds are distributed efficiently, effectively, and equitably.

Raise Awareness and Increase Outreach for Emergency Rental Assistance

Incorporate ERA into Vaccination Outreach
The Biden-Harris administration, including the Consumer Financial Protection Bureau, Treasury Department, and HUD, are taking important steps to increase awareness of ERA and help connect renters to resources. To further raise awareness of ERA, the administration should include information about ERA into broader efforts to increase vaccinations and educate the public about other American Rescue Plan resources, such as stimulus checks and increased child tax credits.

For example, the White House is partnering with childcare workers to provide free childcare while parents and caregivers receive their vaccinations. Those childcare workers should provide all parents and caregivers information on how to access ERA and other American Rescue Plan resources. The Biden administration is working with pharmacies, such as Walgreen's and CVS, to extend their hours to provide vaccinations; these pharmacies should share ERA information with individuals who receive vaccinations at their locations. Existing plans to deploy community canvassing, phone banking, text banking, and hotlines can be modified to share information on ERA, and partnering businesses, colleges, and other institutions can similarly share ERA information.

Use Other Federal Anti-Poverty Programs to Reach At-Risk Households
The recent announcement by the White House included important cross-agency efforts to increase awareness of ERA, including outreach to HUD grantees and HUD-assisted households and sharing information about ERA with SNAP recipients and SSI beneficiaries.
The Biden administration should build on this effort by directing all federal agencies that administer programs serving low-income households, including Medicaid/Medicare, Children's Health Insurance Program, Temporary Assistance to Needy Families (TANF), Head Start, Low Income Home Energy Assistance Program (LIHEAP), National School Lunch Program and School Breakfast Program, and Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), to include information about ERA in all existing outreach.

Treasury should encourage ERA programs to use enrollment in federal anti-poverty programs as a fact-specific proxy to prove eligibility. The White House should encourage states, who often administer these federal programs, to develop local protocols and procedures for data and information sharing, cross system collaboration and referral processes to increase access to ERA for those most in need.

Eliminate Barriers to Flexible, Person-Centered ERA Programs

Model ERA Applications
Treasury has created a resource for program administrators, identifying strategies that could help speed up program implementation and improve access to ERA programs. The resource includes 10 strategies and examples of how these strategies have been successfully implemented in programs nationwide. Treasury must also provide oversight and consequences for programs not applying these strategies to their programs.

Moreover, the Biden-Harris administration should build on this resource by creating and broadly distributing a model streamlined ERA application including broad use of self-attestation and proxies that state and local governments can easily and quickly adopt. The model application should explicitly allow for program administrators to encourage third parties (such as legal aid attorneys, shelter or service providers, teachers, etc.) to apply on behalf of a tenant.

Safe Harbor Protections
Many program administrators are hesitant to reduce application requirements, utilize self-attestation and provide direct to tenant assistance and are overly cautious in their design and implementation of ERA programs out of concern that the Biden-Harris administration may later penalize them for noncompliance. To facilitate faster ERA spending, Treasury and its Office of Inspector General should together set and announce clear and flexible expectations. The White House and Treasury should create an explicit safe harbor to provide program administrators with clear assurances that funds will not be clawed back if administrators' interpretation of the guidance is "reasonable."

COVID-19 Hardships
Treasury should use a similar approach to proving a COVID-19-related hardship under the ERA program as allowed under the State and Local Fiscal Recovery Funds. Even with self-attestation, proving a COVID-19-related hardship can be a challenge. Allowing programs to presume that all low- and moderate-income households were negatively impacted by the pandemic, rather than proving such hardship for each individual applicant, would greatly expedite the process of getting aid to households in need. This is especially true as we continue to see vaccination rates increase and the economic crisis of the pandemic subside.

Ensure Data Transparency

Data Transparency
Advocates in communities across the nation are struggling to access program data that could be used to help identify barriers and solutions. Only 17 states maintain real-time dashboards to inform the public of their progress. Access to this basic information is critical to ensuring proper oversight and addressing barriers as they arise.

Treasury should establish an appropriate timeline for monthly and quarterly reports to be made publicly available. Given the upcoming program deadlines – including reallocation deadlines – and the fast-changing nature of these programs, having up-to-date data is critical to proper oversight. Treasury should also identify the process it will use for data-sharing agreements regarding non-public data for research purposes. Providing access to such data will help better identify best practices, improve programs, and ensure racial equity in program design and implementation.

Data Collection and Dissemination
While the Treasury Department has released more information on reporting requirements,[74] additional clarity is needed to ensure that the proper information is collected and disseminated. For example, when reporting "the acceptance rate of applicants for assistance," Treasury should clarify that grantees should report both the number of applicants deemed eligible and the number of eligible applicants who also accepted assistance. Grantees should also report the number of applicants deemed ineligible and the reasons for denial. When reporting "the outcome…for the eligible household at the end of the assistance period," Treasury should clarify what date signifies the end of the assistance period for households only receiving back rent and for households who receive future rent payments.

The statute requires data collected by Treasury to be publicly disaggregated by the gender, race, and ethnicity of the applicant. Treasury should further require that data be disaggregated by the smallest geography possible, such as block group or census tract, while protecting personally identifiable information. Disaggregating data by geography will allow researchers, academic institutions, and advocates to better understand gaps in program design and opportunities for policy improvements.

The statute also directs the Treasury Department to make full and unredacted data available for statistical research purposes. Treasury should ensure the process for obtaining such data is open to any research entity capable of maintaining the security of the data and provide clear information about this process in its guidance.

Long-Term Solutions to the Underlying Housing Crisis

Beyond addressing and averting the immediate eviction crisis, Congress must address the underlying and long-standing shortage of affordable, accessible homes and insufficient renter protections for America's lowest-income people. Addressing the roots of the housing affordability problem requires a sustained commitment to universal rental assistance for eligible households, the construction and preservation of rental homes affordable and accessible to people with the lowest incomes, the creation of a permanent emergency rental assistance program, and the establishment of robust renter protections.[75]

As Congress invests robust resources into communities, it must also advance necessary reforms and improvements to ensure these investments undo the legacy of racism and discrimination rooted in our housing system.

Make Rental Assistance Available to All Eligible Households
Rental assistance is a critical tool for helping the lowest-income people afford decent, stable homes and for preventing housing insecurity or homelessness, but three out of four households who qualify for rental assistance do not receive it because of chronic underfunding.[76] Expanding rental assistance to meet the needs of all income-eligible households is key to any successful strategy to solve the affordable housing crisis.[77]

Housing Choice Vouchers (HCV) are a proven solution to homelessness and housing poverty.[78] A growing body of research finds that rental assistance can improve health and educational outcomes, increase children's chances of long-term success, and increase racial equity.[79]

Vouchers help people with the lowest incomes afford housing in the private market by paying landlords the difference between what a household can afford to pay for rent and the rent itself, up to a reasonable amount. Housing vouchers are flexible: for instance, families may use them to rent homes that best meet their needs, including in areas with higher performing schools and greater access to jobs and transportation. Housing vouchers may also be tied to a specific housing development in a way that facilitates the development's financing and makes it easier for property owners to provide health and other services some people need.

Congress should make housing vouchers universally available to those in need. As a first step, Congress could enact the "Family Stability and Voucher Opportunity Act" (S.1991) reintroduced by Senators Chris Van Hollen (D-MD) and Todd Young (R-IN) in June 2021. This bipartisan bill would create 500,000 new housing vouchers for families with young children and provide mobility counseling and case management to help families who choose to move to areas with higher performing schools and lower poverty rates.[80] Congress should enact Chairwoman Maxine Waters' "Ending Homelessness Act," which would expand the HCV program into a federal entitlement to ensure that every eligible household would receive assistance. To ensure greater racial equity, Congress must bar discrimination based on source of income (e.g., housing vouchers), sexual orientation, gender identity, and marital status.

Expand and Preserve Affordable Housing Infrastructure

Congress must provide robust resources to preserve the existing affordable housing stock, including the roughly 900,000 public housing units that are currently home to over 1.5 million residents, predominantly people of color. Like other federal housing investments, public housing provides people with low incomes with the affordable, stable homes.

Congress has underfunded public housing for decades. More recently, between 2000 and 2016, funding for public housing repairs declined 53%, while funding for public housing operations met the need only three times.[81] Between 2010 and 2016 alone, Congress cut public housing funding by $1.6 billion. While Congress recently increased funding for public housing in fiscal years 2020 and 2021, overall funding for the program remains 13% lower than the FY10 funding level.

These decades of declining resources have threatened the quality and existence of public housing. With limited funding, many public housing agencies (PHAs) are unable to make needed repairs to preserve these homes. As a result, our country loses 10,000 to 15,000 public housing apartments each year to obsolescence or decay,[82] as other public housing units fall into deep disrepair. In 2010, the country's public housing had a $26 billion capital-needs backlog, which is estimated to grow by $3.4 billion each year. Today, the funding needed to address capital repairs in public housing is estimated to exceed $70 billion.[83]

Congress should enact the "Housing is Infrastructure Act of 2021" to provide $70 billion to eliminate the public housing capital needs backlog and ensure public housing is safe, decent, and affordable for all current and future residents. Additionally, to meaningfully address the severe shortage of affordable, available housing, Congress must repeal the Faircloth Amendment, which prohibits the construction of new public housing units that result in a net increase to a PHA's overall stock of housing. With Faircloth in place, PHAs can create few new public housing units without demolishing or disposing of other units. Repealing the amendment would allow for the first expansion of public housing in decades, increasing the supply of homes available to extremely low-income renters.

To further expand the affordable and accessible housing stock, Congress should provide at least $45 billion annually to the national Housing Trust Fund (HTF), a dedicated funding stream to efficiently build, rehabilitate, preserve, and operate rental housing for extremely low-income people. A one-time investment of $40 billion in the HTF would support the construction and preservation of more than 192,000 rental homes affordable to people with the lowest incomes, while creating 260,000 jobs.[84]

In addition, the federal government should incentivize or require state and local governments that receive federal transportation and infrastructure funding to reduce regulatory and zoning barriers that increase the cost of development and limit housing supply for all renters. The "Housing, Opportunity, Mobility and Equity Act," introduced by Chair Jim Clyburn (D-SC) and Senator Cory Booker (D-NJ), would require localities receiving Community Development Block Grants and Surface Transportation Block Grants to develop a strategy for inclusive zoning policies. In addition to providing robust investments in public housing and the HTF, Chairwoman Waters' "Housing is Infrastructure Act" includes $10 billion to be spent in part on eliminating zoning and other requirements that limit affordable housing development.

All federal investments to increase the supply of affordable rental housing must require states and communities to affirmatively further fair housing. By fostering integration, Congress can make certain that renters have fair and affordable housing options in all communities. Congress should also ensure that localities prevent the displacement of low-income and marginalized renters during development to allow long-term residents to continue to remain in their communities.

Establish a National Housing Stabilization Fund

Congress should create a permanent National Housing Stabilization Fund to provide emergency rental assistance to the lowest-income households to prevent housing instability, evictions, and homelessness.[85] Even before the pandemic, tens of millions of households were one financial setback (e.g., a broken-down car, an unexpected medical bill, job loss, etc.) away from losing their home. Temporary assistance can stabilize households experiencing economic shocks, whether caused by a pandemic, a natural disaster, or an everyday financial emergency, before such shocks cause housing instability and homelessness, requiring more prolonged, extensive, and expensive housing assistance.

Congress should build on the successes and lessons learned from the Treasury Department's ERA program by creating a permanent National Housing Stabilization Fund. The bipartisan "Eviction Crisis Act" introduced by Senators Rob Portman (R-OH) and Michael Bennet (D-CO) and cosponsored by Senators Brown (D-OH) and Young (R-IN) would create an emergency stabilization fund to provide financial assistance to cover the gaps between income and rental costs during a financial crisis. The bill would also provide housing stability services, such as counselors and legal aid. When combined, short-term housing assistance and support services can significantly reduce evictions and homelessness. Congress should pass the Eviction Crisis Act to establish a permanent emergency rental assistance program using the ERA infrastructure communities are building now.

Expand Renter Protections

Affordable, stable, and accessible housing and robust housing choice are the foundations upon which just and equitable communities are built. But power imbalances between renters and landlords put renters at greater risk of housing instability, harassment, and homelessness, and fuel racial inequity.

Despite the broad and lasting consequences of evictions, only 10% of renters in eviction court receive legal representation, compared to 90% of landlords.[86] In many states, landlords can evict renters for no reason, and there are no federal protections against arbitrary, retaliatory, or discriminatory evictions or other abusive practices by some landlords. Discrimination by some landlords against renters prevents households from effectively using federal, state, or local rental assistance, and can be a pretext for illegal discrimination against renters of color, women, and people with disabilities. Some landlords evict survivors of domestic or intimate partner violence because of the actions of their abusers, or refuse to rent to survivors, putting them at greater risk of housing instability and homelessness.

Congress should enact legislation to better protect renters. Establishing a national right to counsel prior to and during eviction actions would help more renters stay in their homes and mitigate harm when eviction is unavoidable. Banning credit reporting agencies from including eviction-related information after three years would stop evictions from following families for years. Creating "just-cause" eviction protections would ensure greater housing stability, particularly for survivors of violence. Prohibiting discrimination against source of income (e.g., housing vouchers) would help renters more effectively use federal housing assistance and help prevent other unlawful forms of discrimination.

Conclusion

More than ever, significant and sustained investments and program reforms are needed to ensure that people with the lowest incomes and the most marginalized people have stable, affordable homes. NLIHC looks forward to a continued partnership with members of Congress and the administration in advancing the short and long-term solutions needed to prevent an eviction crisis and repair the gaping holes in our country's social safety.

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