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NLIHC in the News

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Emergency Rental Assistance

NLIHC Launches ERA Dashboard and Updated ERA Program Table

NLIHC launched new Emergency Rental Assistance (ERA) tools to monitor trends in how ERA programs are operating and to help renters find assistance. These tools include an [ERA Dashboard](#) on how many and which programs are implementing best practices and an updated [ERA program table](#) to help renters locate programs in their areas. These tools include programs funded by the \$25 billion Treasury ERA program appropriated by the December 2020 Consolidated Appropriations Act (ERA1). The resources will also soon include data from the \$21.6 billion appropriated by the American Rescue Plan (ERA2). As of May 12, 2021, NLIHC identified 344 emergency rental assistance programs, including 47 statewide programs, funded through the \$25 billion Treasury ERA program.

The [ERA Dashboard](#) presents a snapshot of ERA programs with key design features that enable them to serve the lowest-income and most marginalized renters in need of housing assistance. The most recent [Treasury guidance](#) strongly encourages programs to avoid establishing burdensome documentation requirements, requires ERA2 programs to provide direct-to-tenant assistance, and cautions programs against excluding tenants with federal rent subsidies, among other notable changes. NLIHC will continue to monitor programs and the rollout of these key design features. As of May 12, 148 programs allow for self-attestation, allowing applicants to attest to certain eligibility requirements without having to provide burdensome documentation. The dashboard also tracks types of permissible self-attestation, such as COVID hardship, income, housing instability, and lease/proof of tenancy. The dashboard also tracks programs that provide direct-to-tenant assistance when landlords are unresponsive or refuse to participate. As of mid-May, 78 programs – approximately 23% of programs tracked – allowed for direct-to-tenant payments. In addition to the dashboard summary data, users can toggle within the accompanying table of programs to see which programs contain each attribute.

NLIHC's updated [ERA program table](#) helps renters find programs near them. The searchable table contains links to programs' websites. Users can search for their relevant state, territory, county, city, or tribal government to find applicable programs. The database is updated three times per week to reflect the most updated program information. The ERA table and dashboard will only include data from Treasury ERA programs, but NLIHC will continue to maintain its [comprehensive research database](#) of all rental assistance programs created or expanded in response to the pandemic.

NLIHC is also developing an ERA Resource Hub which will include additional materials to help programs implement practices for an equitable distribution of assistance to those most in need.

If you know of a program that is not included in our database or see a program that needs to be updated, please email us at: research@nlihc.org

NLIHC, National League of Cities, and Mayors and CEOs for U.S. Housing Investment Host Webinar on “Keeping Renters Housed: Ensuring Equitable ERA Programs”

NLIHC, the National League of Cities, and Mayors and CEOs for U.S. Housing Investment held a webinar on May 12 with key leaders from the Biden administration, elected officials, and policy experts. The webinar focused on the [Emergency Rental Assistance \(ERA\) program](#), [new and improved guidance](#) from the White House and Treasury Department, and examples of how cities have incorporated [best practices](#) to ensure funds reach the households most in need.

Clarence Anthony, National League of Cities CEO and executive director, provided opening remarks and held a discussion with Libby Schaaf, mayor of Oakland and co-chair of Mayors and CEOs for U.S. Housing

Investment, and San Antonio Councilmember Rebecca Viagran about how they have addressed racial equity and incorporated best practices into the design and implementation of local ERA programs. Mayor Schaaf and Councilmember Viagran spoke about the importance of relying on trusted, community-based organizations, using self-attestation, and adapting their programs to ensure ERA reaches the lowest-income and most marginalized households.

Gene Sperling, White House American Rescue Plan coordinator and senior advisor to the president, and Noel Poyo, deputy assistant secretary for community economic development at the Department of the Treasury, spoke about the administration's new ERA guidance, which includes major improvements to ensure these critical federal resources reach households with the greatest needs and are distributed equitably. NLIHC President and CEO Diane Yentel held an in-depth question and answer session with Noel Poyo to address questions about the new guidance submitted by NLIHC members, partners, and advocates across the country.

Gene Sperling noted that while many of the ERA improvements apply specifically to the second allocation of ERA funds, such as requiring programs to provide direct-to-tenant assistance when a landlord refuses to participate, the new guidance makes clear what the Biden administration considers necessary for ERA programs to serve renters most in need and to avoid violating civil rights laws. "The idea that we could have a program designed to keep people in their homes, the most vulnerable renters, and that some of them could face homelessness because their landlord chose not to participate, and there simply was not even an effort to see if they could go through the tenant," stated Sperling, "that was just unacceptable." He continued, "We found that we did have the authority to require that under ERA2, and so we put that down. We hope that sends a strong message for all of the programs that are funded by ERA," said Gene Sperling. "Guidance doesn't always say this is a 100% requirement, it strongly encourages. It tells people what the administration's policy is and how money should be used. I think it has been made pretty clear in here that it is the policy of this administration not to close the books if a landlord refuses."

In response to a question from Diane on whether undocumented households are eligible for ERA, Noel Poyo stated that there are no restrictions based on immigration status. "Neither the Consolidated Appropriations Act of 2021, the law that produced ERA1, nor the American Rescue Plan, the law that produced ERA2, speak in the ERA sections to the question of documentation of people's immigration status," said Poyo. "There are a clear set of requirements for being qualified for this money. There has been a lot of discussion about what documentation is necessary for those qualifications, all laid out very clearly in the Treasury FAQs, and there is nothing in there about immigration status."

"These dollars can be a pathway to people getting housed regardless of whether they have experienced an eviction, they have been living outside, or feel like they are going to have to move because they are under pressure where they are now," Poyo stated in response to a question about whether people experiencing homelessness are eligible for ERA. "A person's homeless status – whether they meet a federal homelessness guideline or what have you – is sort of neither here nor there, that is to say, is this an eligible household under the ERA, and do they have a rental obligation? Let's focus on the regulatory space that we have here as opposed to other regulatory spaces, which might be more difficult to prove or require more documentation."

Diane spoke about [joint recommendations from NLIHC and NLC](#) to elected officials on how communities can minimize obstacles, maximize uptake of rental aid, and ensure ERA is distributed equitably. Rebecca Yae, senior research analyst at NLIHC, provided an overview of NLIHC's updated, more easily-searchable [ERA database](#) and new [Treasury ERA Dashboard](#). Lauren Lowery, program director of housing and community development at NLC, discussed the importance of centering and embedding racial equity in this critical work, including by holding ourselves accountable to key racial equity performance metrics.

Watch a recording of the webinar "Keeping Renters Housed: Ensuring Equitable Emergency Rental Assistance Programs During the Pandemic" at: <https://youtu.be/jxU9nEp8mf8>

Access the presentation slides at: <https://tinyurl.com/49mnadxn>

HoUSed Campaign for Universal, Stable, Affordable Housing

Negotiations Continue on Bipartisan Infrastructure Package

Congressional leaders and the White House are continuing negotiations for a potential bipartisan infrastructure package. Senate Majority Leader Chuck Schumer (D-NY), House Speaker Nancy Pelosi (D-CA), Senate Minority Leader Mitch McConnell (R-KY), and House Minority Leader Kevin McCarthy (R-CA) met on May 12 with President Joe Biden to discuss the size, scope, and potential timing of a bill, and although no agreement was reached, Minority Leader McConnell noted in an interview the talks were “productive,” and President Biden stated he “came away encouraged” by the meeting.

The president met on May 13 with Commerce Secretary Gina Raimondo, Transportation Secretary Pete Buttigieg, and Senators Shelley Moore Capito (R-WV), John Barrasso (R-WY), Roy Blunt (R-MO), Mike Crapo (R-ID), Pat Toomey (R-PA), and Roger Wicker (R-MS) to continue infrastructure discussions. Republican senators are reportedly considering revisions to their initial \$568 billion proposal (see *Memo*, [4/26](#)), and plan to have a new draft sent to the president early this week.

Lawmakers have yet to agree on either the size of a potential infrastructure bill or the bill’s “pay-for,” with Republican leaders expressing staunch opposition to the suggestion of repealing the 2017 Tax Cuts and Jobs Act to help finance infrastructure investments. President Biden has suggested Memorial Day as a potential deadline for bipartisan negotiations, and Speaker Pelosi noted she intends for the House to take up an infrastructure bill before the July 4 holiday.

The president and Democratic leaders have suggested the possibility of a two-part infrastructure package, with an initial, smaller bill focused primarily on surface infrastructure moving through regular order with bipartisan support, and a second, larger bill containing provisions left out of the initial bill passed through reconciliation.

NLIHC is working to ensure Congress includes in any infrastructure spending plan comprehensive resources to address homelessness and housing poverty, including these priorities from the NLIHC-led [HoUSed campaign](#):

- Expansion of rental assistance to every eligible household
- \$70 billion to repair public housing and make energy-efficient upgrades to existing public housing stock
- At least \$40 billion annually for the national Housing Trust Fund to build and preserve homes affordable to people with the lowest incomes

Take action by signing your organization on to a national letter urging Congress to support robust investments in affordable housing at: <https://tinyurl.com/zbau4kee>

Learn more about NLIHC’s HoUSed Campaign at: <https://nlihc.org/housed>

Join NLIHC’s National Call on “HoUSed: Universal, Stable, and Affordable Housing” Today at 2:30 pm ET

Join today’s (May 17) national HoUSed campaign call from 2:30-4 pm ET. Senators Patty Murray (D-WA) and Amy Klobuchar (D-MN) will join to discuss the importance of ensuring all people have affordable, accessible

housing. We will also discuss how resources in any infrastructure and jobs package can be used to help survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking find safe, affordable housing; provide updates on the rollout of emergency rental assistance programs across the country; learn the latest on the CDC eviction moratorium; hear the latest from Capitol Hill and the field; and more.

Register for the call at: <https://tinyurl.com/ru73qan>

See the full agenda [here](#).

Recording Available of NLIHC’s May 10 National Call on “HoUsed: Universal, Stable, and Affordable Housing”

During the most recent national “HoUsed: Universal, Stable, and Affordable Housing” call, we discussed the administration’s latest guidance for Emergency Rental Assistance programs. We also heard updates on the legal challenges to the Centers for Disease Control and Prevention’s (CDC’s) eviction moratorium. Participants received information on NLIHC’s tracking of emergency rental assistance (ERA) programs around the country, updates from Capitol Hill on the HoUsed campaign’s policy priorities, updates from the field, and more.

White House American Rescue Plan Coordinator and Senior Advisor to the President Gene Sperling and Erika Poethig of the White House Domestic Policy Council joined our call to share changes to emergency rental assistance program guidance (see *Memo*, [5/10](#)). The [latest guidance](#) takes into account many of the recommendations provided to Treasury by NLIHC, based on the feedback received from state and local advocates across the country.

Eric Dunn from the National Housing Law Project shared his insights on the latest court ruling against the CDC’s eviction moratorium (see *Memo*, [5/10](#)). A federal district court judge in Washington, DC ruled on May 5 that the CDC does not have the authority to issue a federal moratorium on evictions for nonpayment of rent. Within hours of the decision, the US Department of Justice (DOJ) filed a notice of appeal and sought an emergency stay of the order. The judge in the case granted a temporary administrative stay and gave plaintiffs until May 12 to file a response.

NLIHC’s Rebecca Yae and Neetu Nair provided updates on implementation of state and local ERA programs. As of May 10, NLIHC had identified 319 emergency rental assistance programs funded through the \$25 billion Treasury ERA program appropriated in the December 2020 Consolidated Appropriations Act. The 319 programs account for over \$18.65 billion of the funding allocated.

Malik Marshall of [Arkansas Renters United](#) and Billy Cook of Young Democrats of Arkansas discussed their joint effort to prevent evictions in Arkansas by creating a [hotline for tenants](#) and providing information about the federal eviction moratorium. Daniel Delfino of the [Alaska Housing Finance Corporation](#) and Andy Heidt of the [Wisconsin Community Action Program Association](#) shared their states’ efforts to disseminate emergency rental assistance to households in need. NLIHC’s Sarah Saadian gave the latest updates from Capitol Hill.

NLIHC hosts national calls every week. On today’s call, we will be joined by Senators Patty Murray (D-WA) and Amy Klobuchar (D-MN). Register for today’s call (Monday, May 17 at 2:30 pm ET) at: <https://tinyurl.com/ru73qan>

Watch a recording of the May 10 call at: <https://tinyurl.com/wk4e6z68>

Access presentation slides at: <https://tinyurl.com/ytfbnwc5>

Coronavirus, Disasters, Housing, and Homelessness

Federal Court Extends Stay on CDC Eviction Moratorium Ruling

The federal district court in Washington, DC [decided](#) on April 14 to extend a temporary stay on its May 5 [ruling](#) in *Alabama Association of Realtors v. U.S. Department of Health and Human Services (HHS)*, which held that the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC) was invalid. By extending the stay, the federal eviction moratorium will remain in effect while the case is appealed to a higher court.

In issuing its order, the judge held that ending the temporary stay and invalidating the eviction moratorium would result in irreparable harm by exacerbating significant public health risks during the pandemic, citing estimates by the CDC that suggest that lifting the moratorium would lead to an increase in COVID-19 cases and deaths. The federal government’s “weighty interest in protecting the public” outweighs the financial loss to landlords.

There are currently many conflicting rulings at the district court level, with several judges ruling in favor of the moratorium and others ruling against it. Several cases have been appealed to circuit courts for further review, but the issue has not yet been decided by a higher court. While the court’s ruling in *Alabama Association of Realtors v. HHS* states that the moratorium is invalidated nationwide, NLIHC believes it likely has limited application impacting only the plaintiffs who brought the case or, at most, renters in the district court’s jurisdiction.

The CDC moratorium has [prevented](#) millions of renters from being evicted from their homes during the pandemic. More than 8 million renters are currently behind on rent because of the economic crash that accompanied the pandemic. Congress responded to the pandemic and its economic fallout by providing \$46 billion in emergency rental assistance to keep renters stably housed, and the federal eviction moratorium is critical to ensuring these resources reach America’s lowest-income and most marginalized households before they lose their homes and, in worst cases, are pushed into homelessness.

If the CDC eviction moratorium is vacated nationally, it could result in a historic wave of evictions, with tremendously harmful consequences to individuals, communities, and our nation’s public health. Evictions [risk lives](#), push families deeper into poverty, and further strain our public health systems working to vaccinate as many people as possible to contain the virus. The impact would be felt immediately and for years to come, as evictions harm everything from physical and mental health to economic mobility. Because evictions predominantly harm people of color – disproportionately [Black women](#) – overturning the CDC moratorium could deepen and exacerbate racial disparities.

NLIHC continues to call on the Biden administration to vigorously defend and enforce the moratorium and to take every action to keep renters stably housed.

Read the May 14 decision to extend the stay at: <https://tinyurl.com/dkyhyjft>

Read the May 5th ruling in *Alabama Association of Realtors v HHS* at: <https://tinyurl.com/3bbmrces>

NLIHC and Partners Urge Immediate Action against Landlords Who Violate Eviction Moratorium

NLIHC, the National Housing Law Project (NHLP), and Private Equity Stakeholder Project (PESP) sent a [letter](#) on May 12 to Federal Housing Finance Agency (FHFA) Director Mark Calabria, urging him to take immediate action against landlords who violate the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC). The letter highlights concerns about growing [reports](#) of landlords, including those who receive federally backed loans through Fannie Mae and Freddie Mac, who continue to evict renters from their homes without consequence, despite the CDC eviction moratorium.

In response to the COVID-19 pandemic and economic fallout, Congress provided \$46 billion in emergency rental assistance and the CDC issued and further extended a federal eviction moratorium to help keep renters in their homes while aid is distributed. Despite these historic efforts, a growing number of renters is facing eviction, as landlords circumvent the moratorium's protections. According to the PESP, which has been closely tracking evictions by large corporate landlords in six cities, at least 57,000 evictions have been filed since the federal eviction moratorium went into effect. These evictions are driven by a small number of large corporate landlords and their affiliates.

Despite NLIHC's recommendations to the contrary, the CDC eviction order has been interpreted to allow eviction lawsuits to be filed as long as the physical eviction of the tenant does not occur while the order is in effect. Many of the filed cases may not have resulted in actual, physical evictions – though, as the [Consumer Financial Protection Bureau recently noted](#), this dynamic leads many tenants to “self-evict” before an eviction case is filed to avoid acquiring an eviction case record that will significantly reduce their future rental housing opportunities. In some jurisdictions, however, these large landlords have been able to evict tenants covered by the CDC moratorium.

The letter urges Director Calabria to take action against landlords with federally backed mortgages who violate the CDC moratorium, including by finding them in technical default on their loans and barring them from receiving future federally backed loans. Enforcing the CDC eviction moratorium is critical to ensuring that the lowest-income and most marginalized renters living in federally backed properties are safely and stably housed during and after the coronavirus pandemic.

Read the full text of the letter at: <https://bit.ly/3vYL3l2>

NLIHC Joins Letter Urging CFPB to Prohibit Reporting of COVID-19 Rent Arrears to Consumer Reporting Agencies

NLIHC joined on May 6 a [sign-on letter](#) led by the National Consumer Law Center urging the Consumer Financial Protection Bureau (CFPB) to prohibit debt collectors from reporting rent arrears accrued during the COVID-19 pandemic to consumer reporting agencies, including Equifax, Experian, and TransUnion. Doing so would provide significant protections to tenants who fell behind on rent during the pandemic.

Landlords typically refer rental arrears to debt collectors, who in turn report the arrears to consumer reporting agencies. Once a rental debt is reported, it can remain on a tenant's credit report for up to seven years, significantly lowering their credit score and making it difficult to obtain new housing. Reporting arrears accrued during the COVID-19 pandemic would disproportionately impact low-income Black, Native, and Latino renters, who are more likely to report being behind on rent due to pandemic-related financial hardship and face the [greatest threat](#) of eviction.

Read the sign-on letter at: <https://tinyurl.com/u74mrhpc>

NLIHC and Partners Submit Comment Letter on Strengthening CFPB Interim Final Rule

NLIHC, the National Consumer Law Center (NCLC), and the Center for Responsible Lending (CRL) submitted a [comment letter](#) on May 7 to the Consumer Financial Protection Bureau (CFPB) on the [interim final rule](#) it issued to strengthen and enforce the Centers for Disease Control and Prevention's (CDC) federal eviction moratorium (see *Memo*, [4/26](#)). The letter commends the CFPB for taking action in support of the CDC eviction moratorium and outlines recommendations to strengthen the interim rule to better protect tenants.

The interim final rule, which went into effect on May 3, requires debt collectors (including attorneys) to provide written notice to tenants of their rights under the eviction moratorium and prohibits debt collectors from misrepresenting tenants' rights under the moratorium. Debt collectors who evict tenants without providing notice of the moratorium or who misrepresent tenants' rights can be prosecuted for violating the Fair Debt Collection Practices Act (FDCPA). The comments submitted by NLIHC, NCLC, and CRL address §1006.9(c)(1) of the rule, which requires that a debt collector provide written disclosure of the CDC order on the date the eviction action is filed.

NLIHC, NCLC, and CRL recommend that the CFPB clarify that debt collectors must provide the disclosure on the date that the eviction action is filed if an eviction notice is required and they receive the account after the eviction notice has already been provided by a non-debt collector. Doing so would address concerns that the rule's current language and its official interpretations do not clearly state that a debt collector must separately disclose the existence of the CDC order if a landlord who does not qualify as a debt collector under the FDCPA provided the eviction notice.

Overwhelmed tenants who have just received an eviction notice or been notified that an eviction has been filed against them may be less likely to notice the disclosure or comprehend the information about the CDC order's protections. To ensure tenants are aware of the CDC order, the CFPB should require debt collectors to provide the disclosure multiple times. The letter also recommends that the CFPB require debt collectors to provide the disclosure at the same time and in the same manner as the eviction notice or notice of the eviction action to ensure tenants receive timely notice of the CDC eviction moratorium. Additionally, NLIHC, NCLC, and CRL urge the CFPB to address language access by requiring debt collectors to provide disclosures in English and Spanish in all communications, translating the sample disclosures into additional languages, and requiring debt collectors to provide a translated disclosure if they know the tenant speaks that language.

The CFPB interim final rule requires debt collectors to provide the disclosure only in evictions for nonpayment of rent where the CDC order "reasonably might apply." Debt collectors, however, may not know whether the CDC order might reasonably apply and may erroneously exclude some tenants that should have received the disclosure. NLIHC, NCLC, and CRL recommend that the CFPB require the disclosure for all tenants facing eviction for nonpayment of rent. This would simplify the application of the rule and prevent debt collectors from erroneously excluding some tenants who should have received the disclosure. The comment letter also urges the CFPB to require debt collectors to provide tenants information about state, local, territorial, or tribal protections that may apply to them.

Read the comment letter at: <https://bit.ly/3feA1S1>

Read the CFPB interim final rule at: <https://bit.ly/3n9Zq2S>

Renters can learn about their rights under the FDCPA and how to report debt collectors who break federal law at: <https://bit.ly/3tLU5kI>

HUD PIH Announces Emergency Housing Voucher Allocation Amounts

HUD's Office of Public and Indian Housing (PIH) sent letters to 696 public housing agencies (PHAs) on May 10 indicating how many Emergency Housing Vouchers (EHVs) each is eligible to receive. EHVs, provided through the American Rescue Plan (see *Memo*, [3/15](#)), are intended to assist individuals and families experiencing homelessness, at risk of homelessness, or fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking. Previously, PIH issued [Notice PIH 2021-15](#), which describes the process for allocating 70,000 EHVs (see *Memo*, [5/10](#)). PIH created a [new website](#) for the EHV program, including the list of the 696 PHAs and the number of EHVs they may administer, *Notice PIH 2021-15*, a list of training webinars, and Continuums of Care (CoCs). FAQs will be added.

The list of 696 PHAs and the amount of EHVs they may administer is at: <https://bit.ly/3eEVcgX>

The new Emergency Housing Voucher website is at: <https://bit.ly/3fg9Tq4>

Notice PIH 2021-15 is at: <https://bit.ly/3objMt2>

Additional Coronavirus Updates – May 17, 2021

Upcoming Event

Join NLIHC, the Association of Programs for Rural Independent Living (APRIL), and the Partnership for Inclusive Disaster Strategies on May 26 at 1 pm ET for a [webinar](#) on Emergency Relocations and Non-Congregate Sheltering: Using Federal Disaster Recovery Resources to Save Lives. [Learn more about the webinar and register!](#)

National Updates

Consumer Financial Protection Bureau

The Consumer Financial Protection Bureau (CFPB) released a [practitioner's guide](#) to help people experiencing homelessness access their economic impact payments (i.e., stimulus checks).

Department of Housing and Urban Development

HUD's Office of Public and Indian Housing (PIH) sent letters on May 10 to nearly 700 public housing agencies (PHAs), [inviting the PHAs](#) to administer [70,000 emergency housing vouchers](#) (EHVs) authorized by the American Rescue Plan Act.

Department of Treasury

The Department of the Treasury on May 10 [announced the launch](#) of the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act to provide \$350 billion in emergency funding for state, local, territorial, and Tribal governments. Recipients can use funds to support households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. See this [fact sheet](#) for an overview of the Coronavirus State and Local Fiscal Recovery Funds program. See the [full list](#) for additional details on state, local, territorial, and Tribal government allocations.

Advocacy

The Center on Budget and Policy Priorities [Get It Back Campaign](#) released a toolkit on [stimulus check outreach to immigrant families](#). The public-facing materials in the toolkit are available in Arabic, Chinese, French, Spanish, and Vietnamese to help reach non-English speakers. The tools are customizable: within them, you will

find prompts to insert a link to your website or phone number to call, as well as ways to localize the information to better suit your needs.

The Urban Institute will host a [webinar on May 25, 2021 at 3 pm ET](#) on the Emergency Rental Assistance Prioritization (ERAP) tool it created to help states and localities identify neighborhoods where low-income renters face the greatest risk of housing insecurity. The webinar will highlight two programs from across the country centering racial equity in their program design and using the ERAP tool to prioritize outreach and shape the provision of assistance.

Reporting

[Reuters](#) reports on the Treasury Department's allocation of an additional \$21.6 billion for emergency rental assistance (ERA) under the American Rescue Plan Act and the new ERA guidance aimed at assisting more renters directly.

The [New York Times](#) reports on the Biden administration's new guidance intended to make it easier for tenants to access the \$46 billion in federal emergency rental assistance, highlighting that housing advocates have praised the revised guidance.

[CNBC](#) reminds readers that the federal eviction moratorium remains in effect as the Department of Justice appeals the ruling by U.S. District Court Judge Dabney Friedrich. The article outlines what struggling renters should know about the CDC moratorium, state and local eviction protections, and [rental assistance](#).

According to the [New York Times](#), it remains unclear how wide an impact the U.S. District Court Judge Dabney Friedrich's ruling on the CDC eviction moratorium will have on renters. The article cites statements from NLIHC President and CEO Diane Yentel on the numerous conflicting court rulings at the district court level, with several judges ruling in favor of the moratorium and several ruling against.

[Reuters](#) reports that after the Department of Justice sought a stay, Judge Dabney Friedrich agreed to put her ruling on the CDC moratorium on hold until May 12 to give landlords time to file legal papers opposing the delay. NLIHC's Diane Yentel says the moratorium should remain in place at least until federal emergency rental assistance reaches renters in need.

[CNBC Make It](#) reports on Judge Dabney Friedrich's ruling on the CDC eviction moratorium, highlighting housing experts' concerns that the ruling puts tenants at risk just as emergency rental assistance is making its way to renters in need of these critical resources. "The Biden administration should continue to vigorously defend and enforce the moratorium, at least until emergency rental assistance provided by Congress reaches the renters who need it to remain stably housed," said NLHC's Diane Yentel.

[CBS MoneyWatch](#) reports on efforts by the Federal Trade Commission and Consumer Financial Protection Bureau to target corporate landlords' eviction practices. "Conservatively, there are probably thousands of families who are being evicted every week without knowledge of their rights under the CDC moratorium," said Diane Thompson, senior adviser to the CFPB's acting director, in a recent conference call.

State and Local News

Arizona

Governor Doug Ducey announced [\\$500 million](#) of federal funds to combat homelessness in Arizona. The funds come from the December 2020 COVID-19 relief package and the American Rescue Plan.

Colorado

[Axios](#) reports on Colorado's efforts to use underutilized hotels to house people experiencing homelessness. Democratic state lawmakers advanced a [bill](#) that would allocate \$15 million to local governments and nonprofits to lease, purchase, and renovate hotels and motels for people experiencing homelessness.

Connecticut

The [Connecticut Mirror](#) reports that the Connecticut House of Representatives voted on May 11 to provide attorneys for low-income tenants facing eviction. If passed in the Senate and signed into law by Governor Lamont, Connecticut will become one of the first states to provide the right to counsel. Funding for the first two years of the program is expected to come from federal COVID-19 relief funds. Governor Lamont recommended the legislature allocate \$20 million to provide legal representation for 12,000 people facing eviction over the next two years.

Minnesota

The [Members of Equity in Place Coalition](#) held a news conference on May 11 raising concerns over the phasing out of Minnesota's eviction moratorium. The [coalition urged](#) that the state eviction moratorium should remain in place until every eligible Minnesotan receives housing assistance.

New Jersey

[New Jersey renters](#) can still apply to the state's [Emergency Rental Assistance \(ERA\) lottery program](#). Since the application opened in late March, the New Jersey Department of Community Affairs has received over 74,000 applications. The state expects to choose 20,000 applications out of that pool for the lottery by May 14.

Pennsylvania

Pennsylvania will receive its first funding disbursement of Emergency Rental Assistance (ERA) funded through the American Rescue Plan, and the Pennsylvania General Assembly will need to pass legislation to ensure these resources reach tenants and landlords as quickly as possible. The [Housing Alliance of Pennsylvania](#) is encouraging residents to call their legislators and urge them to improve the PA Emergency Rental and Utility Assistance Program (ERAP) to make it as effective as possible. The Alliance put together an [ERAP comparison chart](#) with recommendations on how to improve the program.

Texas

Lone Star Legal Aid has a [fact sheet](#) about accessing COVID-19 FEMA Funeral Benefits. Residents can call Lone Star Legal Aid's hotline for more information: 1-800-733-8394.

Virginia

The [Henrico Citizen](#) provides a list of rent relief resources available in the Richmond region.

Washington

The [Seattle Times](#) reports that King County will buy several hotels in the coming weeks to convert into permanent housing for people experiencing homelessness. The goal is to house 1,600 people in hotels by the end of 2022.

Guidance

Department of Housing and Urban Development

[HUD Emergency Housing Voucher \(EHV\) Program Webpage](#)

- [Emergency Housing Vouchers Webinar Series – May and June 2021](#)

- [List of HUD EHV Awardees \(MS Excel\)](#)
- [May 11th Webinar Presentation Materials on EHV Operating Requirements](#)

[Fact Sheet: HUD and HHS Announce Joint Effort to Increase Access to COVID-19 Vaccinations](#)

[HUD Exchange: New Resources for DCTA Recipients and Smaller Distressed Communities](#) – May 10, 2021

Department of Treasury

[Emergency Rental Assistance Program Webpage](#)

- [Emergency Rental Assistance Frequently Asked Questions](#) – Revised May 7, 2021
- [ERA2 Allocations and Payments](#) – May 7, 2021
- [Grantee Award Terms for ERA2](#) – May 7, 2021

[Fact Sheet: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \\$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs](#) – May 10, 2021

FEMA

[FEMA COVID-19 Funeral Assistance Webpage](#)

- [FEMA Funeral Assistance FAQ](#)
- [FEMA State-Specific Funeral Assistance Information](#) – May 10, 2021

Disaster Housing Recovery Updates – May 17, 2021

The NLIHC-led Disaster Housing Recovery Coalition convenes and supports disaster-impacted communities to ensure that federal disaster recovery efforts reach all impacted households, including the lowest-income and most marginalized people who are often the hardest-hit by disasters and have the fewest resources to recover.

Learn more about the DHRC’s policy recommendations [here](#).

Federal News

A [review](#) of CDBG-DR funds by the Government Accountability Office (GAO) identified four categories of fraud risk facing the long-term recovery funds. Although the report opened with an example of a fraudulent application, the report found that fraud risks at the grantee, subgrantee, and contractor level were also high. The report recommended permanent authorization of the program as a solution, something supported by the DHRC.

California

California recently released a set of [proposed rules](#) for the allocation of federal disaster housing credits. A public hearing is planned for later this month. Written comments on the proposed rules are due by May 31.

Louisiana

President Biden visited the hard-hit city of Lake Charles in Southwest Louisiana last week to tout the American Jobs Plan in front of the aging I-10 Calcasieu River bridge. Residents of the city, struck by several hurricanes in

2020 and with more than \$230 million in housing needs, [hoped](#) that the President would choose to directly address disaster recovery, and the President did [commit](#) to pushing for recovery assistance in his speech.

FEMA [reminded](#) Louisiana residents that its temporary housing program is not a permanent solution and that survivors should create a plan to find permanent housing or be evicted once the program ends after 18 months. Given the loss of housing stock in the area, it appears difficult to accomplish. Out of the 1,900 families provided temporary housing directly by the agency since Hurricanes Laura and Delta in 2020, only 100 families have been able to move out of these temporary housing units. Six hundred families remain on the list of eligible applicants to receive accommodations.

[Southerly](#) reports on new United States Postal Service and Census Bureau data showing that Lake Charles, LA tops the list for out-migration between 2019 and 2020. The author highlights that national coverage of this data ignored the critical impact of the back-to-back hurricanes and the severe winter storm that devastated Lake Charles. “This neglect – and misinterpretation – is the culmination of eight months of underinvestment and underreporting on this crisis in southwest Louisiana,” writes Carly Berlin.

A [Weather.com](#) article discussing how some hurricane supplies, such as lumber and generators, are in short supply, highlights the continued struggles of many Lake Charles residents who are unable to even think about preparing for the upcoming hurricane season. “Prepping? We’re still recovering from the last hurricane,” said an employee of a hardware store in Lake Charles. “People aren’t really prepping. They’re still trying to rebuild.”

Severe Storms, Flooding, Landslides, and Mudslides

[Kentucky residents](#) displaced from their homes by the severe storms, flooding, landslides, and mudslides from February 27 through March 14 may apply for FEMA rental assistance.

President Biden [approved](#) a disaster declaration for Tennessee, which was struck by multiple tornadoes and severe weather earlier this month. The declaration included FEMA Individual Assistance, allowing individuals in Davidson, Williamson, and Wilson counties to [apply for assistance](#).

Tropical Storm Imelda – September 2019

Lone Star Legal Aid reports that [Tropical Storm Imelda survivors](#) may be eligible for aid through the 2018/2019 Homeowner Assistance and Reimbursement Programs (HARP). In September 2019, the Texas Gulf Coast was hit by Tropical Storm Imelda – deemed the worst storm in Texas since Hurricane Harvey. Imelda hit hardest in Galveston and Beaumont and left \$5 billion of damages scattered through the state in its wake. While some Texans have recuperated from the casualties, many people still require assistance for damages resulting from this storm. [Learn more about the HARP program](#).

Wildfires

[The Intercept](#) examines how the Chico City Council’s treatment of unhoused individuals, which has been [condemned](#) recently by the American Civil Liberties Union of Northern California, demonstrates how the lowest-income and most marginalized people are often most impacted by climate change-fueled disasters and are treated poorly by people whose resources protected them – at least in the short-term – by said disasters. According to the Butte Countywide Homeless Continuum of Care, about a quarter of the city’s unsheltered residents lost their homes in the 2018 Camp Fire that burned the neighboring town of Paradise.

Winter Storm

[Texas residents](#) impacted by the February severe winter storms have until [May 20](#) to register for federal disaster assistance.

Resources

[FEMA Recovery Checklist for the Oklahoma Severe Winter Storms](#)

HUD

GAO Releases Report on Lead Evaluation Methods in Housing Choice Voucher Program

The Government Accountability Office (GAO) recently assessed lead evaluation methods in the Housing Choice Voucher program and identified key considerations for policymakers for adopting stricter methods. The GAO [report](#) identified considerations related to the number and characteristics of voucher housing units and their occupants, costs for lead evaluations based on method used and units included, availability of lead professionals, and observations from selected cities that use lead evaluation methods stricter than visual assessments.

The report found that HUD's voucher program includes 1.1 million families living in housing units built before 1978—including about 229,000 children under 6 years old (who are at the greatest risk of lead exposure/poisoning). Housing Choice Voucher programs require only visual assessment for identifying deteriorated paint, with no test of paint or dust. If HUD were to adopt lead evaluations stricter than visual assessments for these units, estimated costs for lead evaluations range from \$60 million (for evaluation of units with young children to \$880 million (evaluating all Housing Choice Voucher units). This would equate to 3%-41% of the voucher program's fiscal year 2021 administrative expenses. This cost estimates also depend on the mobility of the voucher households and the frequency of any additional lead evaluations.

GAO's analysis of EPA and state data estimated that there are nearly 6,000 lead professionals in the United States in 2020. They also found that certain states have a greater number of lead professionals to perform lead evaluations for housing units built before 1978. While they did not find any indication that there may be a shortage of lead professionals, cities/states with a higher number of pre-1978 voucher units and low numbers of lead professionals may face challenges implementing stricter lead evaluation methods.

Representatives of PHAs and local advocacy organizations in the selected cities (Detroit, Michigan; Newark, New Jersey; Philadelphia, Pennsylvania; Rochester, New York; and Washington, D.C.) provided observations from their implementation of a change in evaluation method for this GAO report. They found that the education of landlords can help clarify new evaluation requirements and encourage landlords to continue to rent to voucher holders. Furthermore, implementing a new method in phases could target areas with the greatest need and help landlords and the industry adapt to the new requirements and the increased demand for lead evaluations. HUD did note that some actions taken by these selected cities could require statutory or regulatory changes were to be applied to the voucher program.

The report is at: <https://bit.ly/3br1qiq>

Their one-pager highlight sheet is at: <https://bit.ly/3uR2YKk>

More information about Housing Choice Vouchers is on page [4-1](#) of NLIHC's *2021 Advocate's Guide*.

More information about Lead Hazard Control and Healthy Homes is on page [6-1](#) of NLIHC's *2021 Advocate's Guide*.

Senate Committee Holds Confirmation Hearing for HUD Deputy Secretary-Designate Adrienne Todman

The Senate Banking, Housing, and Urban Affairs Committee held a confirmation hearing on Adrienne Todman, the deputy secretary nominee for HUD on Tuesday, May 11. Deputy Secretary-designate Todman's [testimony](#) highlighted her extensive career in housing and community development, her dedication to serving vulnerable populations, and her commitment to HUD's mission of creating strong, sustainable, inclusive communities and affordable homes. "If confirmed, I will focus on immediate housing needs related to the pandemic and longer-term structural housing challenges to serve America's diverse communities in a way that is inclusive, equitable, and effective," said Ms. Todman. When asked by Chairman Sherrod Brown (D-OH) what inequities have the COVID-19 pandemic revealed, Ms. Todman responded "This pandemic has underscored the importance of housing, including affordable housing particularly for people of color and renters."

Asked by Senator Raphael Warnock (D-GA) about her plan to preserve, improve, and modernize public housing, and whether she will commit to expanding public housing, Ms. Todman reflected on her tenure as the executive director of the District of Columbia Housing Authority and expressed a commitment to use all the tools HUD has to ensure quality homes in public housing and to explore other opportunities to expand affordable housing. Ms. Todman then agreed with Senator Warnock that "housing is infrastructure."

Deputy Secretary-designate Todman confirmed her commitment to work with members of Congress on their concerns about HUD programs, the Fair Housing Act and the changes to the Affirmatively Furthering Fair Housing rule, Native American housing, Veteran housing, HUD staffing, senior housing, and rural housing. She said she plans to draw on her extensive background in housing and community development, including her time as a policy aide in the Office of the Assistant Secretary of Public and Indian Housing and the Office of the HUD Secretary, to address these issues.

NLIHC President and CEO Diane Yentel submitted a [letter](#) of support for Adrienne Todman's nomination as U.S. deputy secretary of HUD to Committee Chairman Sherrod Brown (D-OH), Ranking Member Pat Toomey (R-PA), and the members of the Senate Committee on Banking, Housing, and Urban Affairs Committee, urging her swift confirmation. A confirmation vote is expected soon. If confirmed, Adrienne Todman will be the first Black woman to serve as deputy secretary of HUD.

A recording of the hearing is at the Senate Committee, on Banking, Housing, and Urban Affairs' website: <https://bit.ly/3uNffiS>

Read Deputy Secretary-designate Todman's written testimony at: <https://bit.ly/3eK1jk9>

Read NLIHC's letter of support for Adrienne Todman's nomination as deputy secretary of HUD: <https://bit.ly/3brGoAk>

HUD PIH Announces Cohort 2 of Moving to Work Demonstration Expansion

HUD's Office of Public Housing (PIH) informed stakeholders on May 7 that ten public housing agencies (PHAs) were selected to participate in Cohort 2 (Alternative Rent Policies) of the Moving to Work (MTW) Demonstration Expansion. A [list of the ten PHAs](#) and a brief summary of their MTW alternative rent policy is posted on the MTW Expansion [Cohort 2 webpage](#). NLIHC has a [summary](#) of the MTW Rent Reform *Notice PIH 2020-21* inviting PHAs to apply.

NLIHC sent a [memorandum](#) on February 23 urging HUD to pause implementing the Moving to Work (MTW) Demonstration expansion and consider concerns NLIHC has with the Cohort 2 [Cohort 3](#), Work Requirements (see *Memo*, [1/25](#)), as well as the [final MTW Operations Notice](#) (see *Memo*, [8/31/20](#)) that can harm residents.

Tiered Rents

Four PHAs will test “tiered rents,” which use “income bands” or “tiers” to determine a household’s rent. *Notice PIH 2020-21* set the income bands or tiers at \$2,500. The lowest tier includes households with **gross income** (not adjusted income, as is typical) between \$0 and \$2,499, the next tier includes households with gross income between \$2,500 and \$4,999, and so on. The number of tiers would vary by PHA, with the maximum tier going up to a PHA’s area median income.

Rents are fixed within the different income ranges (bands) and all households in the range of the band pay the same fixed rent. An example in *Notice PIH 2020-21*, shows a household’s monthly rent would be \$344 in an income tier between \$12,500 and \$14,999. The rent burden for a household with \$13,000 income would be greater than one with income of \$14,250. Household income will be recertified every three years, and a household’s rent would not change unless its income moved into a different tier.

One PHA will test “alternative tiered rents” set at increments of \$2,000 instead of \$2,500 resulting in more tiers, ostensibly to minimize the negative financial impact for residents.

Congress has three MTW statutory objectives: reduce costs, give households incentives to achieve economic self-sufficiency, and increase housing choice. It is not obvious that requiring residents to pay more rent will increase resident self-sufficiency or housing choice.

Stepped Rents

Five PHAs will test “stepped rents,” a form of time limit with a household’s rent payment starting at 35% of adjusted income and growing each year. After the first year a household’s rent increases annually by a specific dollar amount unrelated to each household’s income. In other words, even if a household’s income does not grow, its rent will increase every year. A PHA can set the stepped rent increase anywhere between 2% and 4% of the Fair Market Rent (FMR). A PHA can choose whether to review and adjust a stepped rent increase each year, or leave it fixed for the 6-year study period of the MTW study. It is not obvious that requiring residents to pay more rent will increase resident self-sufficiency or housing choice.

Background on MTW Expansion

The “Consolidated Appropriations Act of 2016” authorized HUD to expand the MTW demonstration to an additional 100 high performing PHAs over a seven-year period to end in 2022. PHAs will be added to the MTW demonstration in groups (cohorts), each of which will be overseen by a research advisory committee to ensure the demonstrations are evaluated with rigorous research protocols, quantitative analysis, and comparisons to control groups. Each cohort of MTW sites will be directed by HUD to test one specific policy change.

The MTW statutory objectives are to reduce costs, give households incentives to achieve economic self-sufficiency, and to increase housing choice. The statute requires MTW agencies to: 1) serve the same number of low-income families as they would without MTW funding flexibility; 2) serve a mix of families by size comparable to the mix they would have served if they were not in MTW; 3) ensure that 75% of the families they assist have income at or below 50% of area median income; 4) ensure that assisted units meet housing quality standards; and 5) establish a reasonable rent policy.

The program includes five cohorts:

- Cohort 1: evaluating the overall impact of MTW flexibilities on PHAs with fewer than 1,000 units
- Cohort 2: evaluating the impact of different rent structures
- Cohort 3: evaluating the impact of work requirements
- Cohort 4: evaluating incentives to landlords to participate in the HCV program
- Cohort 5: evaluating the overall impact of MTW flexibility on PHAs with fewer than 27,000 units

The list of the ten MTW Expansion Cohort 2 PHAs and summaries of their alternative rent policies is at: <https://bit.ly/2RMrfmr>

The MTW Expansion Cohort 2 webpage is at: <https://bit.ly/2ROXIIu>

NLIHC’s Summary of *Notice PIH 2020-21* inviting PHAs to apply for Cohort 2 is at: <https://bit.ly/3eGvQzq>

NLIHC’s Summary of Key Provisions of the Moving to Work (MTW) Demonstration Operations Notice is at: <https://bit.ly/3ocxCvk>

NLIHC’s memorandum to HUD is at: <https://bit.ly/2ROdXFR>

More information about the MTW expansion is on NLIHC’s Public Housing webpage at: <https://bit.ly/3y4QvEV>

Congress

Senate Committee to Hold Hearing on Expanding Opportunity through Infrastructure Investments with HUD Secretary Marcia Fudge and DOT Secretary Pete Buttigieg

The Senate Banking, Housing, and Urban Affairs full committee announced it will hold a hearing titled “21st Century Communities: Expanding Opportunity Through Infrastructure Investments” on [May 20 at 10 am ET](#). Witnesses include HUD Secretary Marcia Fudge and Department of Transportation (DOT) Secretary Pete Buttigieg. Unless otherwise noted, hearings and votes will be broadcast live at: <https://bit.ly/3g3hcDF>. Visit <https://www.banking.senate.gov/hearings> for the most up-to-date schedule of Senate Banking, Housing, and Urban Affairs Committee hearings and witnesses lists.

Opportunity Starts at Home

Register Now for May 18 Webinar on Multi-Sector Housing Advocacy

The [Opportunity Starts at Home](#) campaign will kick off a [three-part webinar series](#) entitled “Building Multi-Sector Partnerships to Advance Housing Policy,” with the first webinar on May 18 from 3-4 pm ET. Over the course of three parts, this webinar series will explore the opportunities, challenges, and best practices of building multi-sector coalitions to advance policy, featuring speakers from leading national and state organizations from many fields of work.

The first part of the webinar series, entitled “Health, Climate, and Education Advocates ARE Housing Advocates,” will feature:

- Khalil Shahyd, senior policy advisor, Equity Environment and Just Communities, Natural Resources Defense Council
- Makeda Harris, senior policy analyst, National Education Association
- Dr. Janna Gewirtz O'Brien, MD, FAAP, University of Minnesota, American Academy of Pediatrics
- Nan Roman, president and CEO, National Alliance to End Homelessness
- Chantelle Wilkinson, campaign manager, Opportunity Starts at Home

Through the *Opportunity Starts at Home* campaign, leading national organizations from an array of sectors are pushing Congress to act on more robust and equitable housing policies. Even before the pandemic, America was in the grips of an affordable housing crisis, most severely impacting the most marginalized and lowest-income people. Advocates from health, education, racial equity, food security, environmental protection, economic mobility, domestic violence, social work, faith, and more are recognizing that affordable homes are inextricably linked to their own priorities and concerns. As Congress begins to discuss robust infrastructure and recovery packages, we have a historic opportunity to advance bold housing solutions. These solutions are more likely to come to fruition when multi-sector coalitions are leading the way, as opposed to housing advocates alone.

The event is open to the public. Please register and help spread the word to your respective networks. Learn more about the event and register [here](#).

To stay up-to-date on *Opportunity Starts at Home*, follow us on social media: [Twitter](#), [Instagram](#), [Facebook](#), and [LinkedIn](#)

Building Multi-Sector Partnerships to Advance Housing Policy
Health, Climate, and Education Advocates ARE Housing Advocates
 May 18th, 3–4 PM ET

Exploring the opportunities, challenges, and best practices of building multi-sector coalitions to advance policy

Makeda Harris
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University of Minnesota, American Academy of Pediatrics

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Chantelle Wilkinson
Opportunity Starts at Home

OPPORTUNITY STARTS AT HOME

Research

Fact of the Week

From the Field

Governor Cuomo and New York State Legislature Enact FY22 Budget with \$3 Billion in Rent and Homeowner Relief

Governor Andrew Cuomo and the New York's State Legislature approved the state's FY22 budget, which includes significant new housing funding, continues existing programs, and creates the state's emergency rental assistance program. In total, approximately \$3 billion in combined federal and state dollars will be provided for rent and homeowner relief in the state. New York advocates, including members from NLIHC's state partner New York Housing Conference (NYHC), applaud the efforts of New York legislators to secure additional funding for housing. Leaders in this effort included Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senate Housing Chair Brian Kavanaugh, and Assembly Housing Chair Steven Cymbrowitz.

The final budget enacts the "Covid-19 Emergency Rental Assistance Program of 2021," New York State's new rent relief program (legislation linked [here](#), page 70), which utilizes funding from federal stimulus packages from December and March. The New York State Office of Temporary and Disability Assistance (OTDA) will administer the program. The program will use \$2.3 billion in federal funds and \$100 million in state funds. The additional \$100 million can be used to:

1. Supplement the federal funds
2. Provide relief for households with incomes greater than the 80% AMI if a household member is in a priority population defined by the bill
3. Provide assistance to landlords

The legislative language authorizing the \$100 million in supplemental state funding is broad; it does not appear to include a limit on income eligibility or guidance on the assistance for landlords. NYHC staff will seek more details on intended use of this funding.

Residents of public housing and tenants of other federal and state subsidized housing where rent is limited to a percentage of income are eligible for assistance only if funds remain after all others are served. This language concerns advocates, as it can potentially be interpreted to exclude tenants in affordable housing without rental assistance. NYHC's network understands this is not the bill's intent and is working with other housing organizations to ensure that this program will not prohibit or delay assistance to tenants in low-income housing tax credit buildings who are otherwise eligible.

For approved applications, funding will go directly to landlords. If the landlord does not accept the payment within twelve months, they are deemed to have waived the covered rent and cannot initiate an action based on nonpayment of the rent. Landlords who accept payments are agreeing to certain tenant protections, including: 1) covering arrears and to waiving late fees; 2) not increasing the rent above the amount that was due at the time of application for one year after the first payment; 3) not evicting for an expired lease or holdover for 12 months after the first payment; and 4) notifying the tenant of the protections.

The administration is required to report monthly on its website the number of applicants; the number of recipients that chose to participate; the number of eligible households that received assistance including the category of assistance; and the average amount of funding provided per eligible household. The legislation requires housing court to provide information to residents in court about how to apply for assistance.

While some of NYHC's major concerns regarding tenants' ability to self-attest and access for undocumented households have been addressed in the legislation, advocates remain concerned about timely access and advanced processing of priority populations, which may delay processing overall. Additionally, some of the new guidance from Treasury conflicts with New York's program, such as decreasing the time allowed for landlord response and allowing for direct-to-tenant assistance. Further, the state may have to reconsider language regarding tenants of federally subsidized housing who are currently eligible only if funds remain after all others are served. It is unclear how these changes will impact rollout, and NYHC staff will continue to monitor this issue.

In addition to codifying the emergency rental assistance program, the budget includes funding for new and existing programs. \$100 million is allocated for a new rental assistance program called the Transitional Rent Supplement Program, which will allow local jurisdictions to design programs and apply for funding. \$200M in capital funding is allocated for the New York City Housing Authority (NYCHA) and \$125M for public housing across the state for weatherization, heating, elevators, lead remediation, and other critical maintenance projects. NYHC’s network is pleased to see public housing funding included in the FY22 budget, however they believe the state should live up to its responsibility and commit to ongoing funding for NYCHA and other public housing. The budget allocates \$100 million to create the Adaptive Reuse Affordable Housing Program to convert commercial properties and hotels in New York City to permanent affordable housing. There was no program language attached to this funding. NYHC staff will continue to monitor for legislative action. The enacted state budget also includes \$250 million for supportive housing (\$186 million in Homes and Community Renewal (HCR) and \$64 million in OTDA’s Homeless Housing and Assistance Program (HHAP)) for year 6 of the supportive housing plan and extends Low-Income Housing Credits for five years for \$8 million per year.

In addition to rental assistance, the budget includes funding for homeowner assistance and energy assistance. The Homeowner Protection Program (HOPP) will receive \$20 million per year for the next three years to provide foreclosure prevention services. The Affordable Housing Corporation (AHC) will receive a historical funding increase of \$51 million. The money will be used to fund affordable homeownership opportunities and should help fill budget gaps for many halted projects. The final budget also allocates \$950 million to the Home Energy Assistance Program, which is an increase of \$450 million. This program helps low-income households pay for the costs of heating their homes.

“The State Legislature really delivered on housing in the budget in so many ways this year,” said Rachel Fee, executive director of the New York Housing Conference. “We saw many of our priorities reflected. And we’re very thankful to the New York Congressional Delegation for securing this level of housing assistance for New Yorkers. Now we just have to make sure our rent relief program gets funds out as quickly as possible to meet the urgent need across our state.”

To learn more about New York Housing Conference and New York’s FY22 budget, email Brendan Cheney, director of policy and communications at New York Housing Conference, at: Brendan.cheney@thenyh.org

NLIHC News

NLIHC Is Hiring!

NLIHC in the News