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Eviction Moratorium

CDC Extends Eviction Moratorium for One Month, President Biden Activates Whole of Government to Prevent Evictions

The Biden administration [announced](#) on June 25 that it will extend through July 31 the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC), and it will implement a whole-of-government approach to prevent an historic wave of evictions this summer, as NLIHC has urged the administration to do. The moratorium was set to expire next week. These actions from the White House extend an essential lifeline to millions of renters who remain behind on rent and would be at heightened risk of eviction when the moratorium expires.

Extending the eviction moratorium through July gives state and local governments more time to distribute more than \$46 billion in emergency rental assistance (ERA) to those most in need. The administration's whole-of-government effort to stem evictions and ensure ERA is provided efficiently, effectively, and equitably can keep families safely housed and bolster the administration's efforts to contain COVID-19. While in many areas in the U.S., vaccination rates are up and COVID-19 caseloads are down, communities with lower vaccination rates and more COVID-19 cases tend to be [the same communities](#) that have large numbers of renters at heightened risk of eviction.

NLIHC [urged](#) the Biden administration to use every tool possible to prevent evictions, and the White House adopted many of our recommendations. In addition to extending the eviction moratorium, the White House will:

- Convene a summit to bring together local teams to develop eviction-prevention action plans
- Issue new guidance from Treasury for the ERA program to accelerate and broaden state and local delivery of funds (see the article in this *Memo* about that new guidance).
- Direct the Department of Justice send guidance to state courts encouraging them to adopt anti-eviction diversion practices
- Provide guidance from HUD to prevent Fair Housing Act violations related to evictions
- Activate a whole-of-government effort to raise awareness about emergency rental assistance, tapping agencies including Treasury, HUD, CFPB, DOJ, and USDA to inform tenants and landlords of available support

To amplify and accelerate these efforts, NLIHC is launching a national Call to Action to End Rental Arrears to Stop Evictions (ERASE).

With at least 6 million renter households still behind on rent, state and local governments must use the next month to quickly and aggressively strengthen their emergency rental assistance programs to avert an historic wave of evictions this summer and fall.

NLIHC urges state and local advocates, city and state officials, and program administrators to act quickly to make emergency rental assistance programs:

1. **Visible:** Conduct equitable and robust marketing and outreach efforts to ensure that all renters and landlords know about ERA and how to access it in their communities.
2. **Accessible:** Help tenants and landlords receive aid by ensuring an accessible, streamlined, and low-barrier ERA application process.
3. **Preventative:** Prevent evictions or housing displacement by creating formal partnerships with state and local courts to support eviction prevention and eviction diversion in coordination with ERA.

How you can participate in ERASE

- **Governors and Mayors.** Adopt state and local policies needed to ensure ERA programs are visible, accessible, and preventative.
- **Program Administrators.** Use NLIHC [resources](#) and [guidance](#) to make ERA programs accessible, streamlined, and low-barrier.
- **Tenants and Landlords.** Share your experience. Assist neighbors and friends who might be in need. Advocate for ERA programs to course correct.
- **State and Local Courts.** Leverage ERA to support eviction prevention and diversion.
- **State and Local Coalitions.** Urge your state and local governments to implement key visibility, accessibility, and preventative elements into your ERA programs. Send letters and written guidance; convene stakeholders, including tenants and other state and local coalitions to add their voices to the effort; and track outcomes and use this information to advocate for further improvements.

For more information or to get involved, contact Sarah Gallagher, NLIHC ERASE senior director, at: sgallagher@nlihc.org

[Join](#) NLIHC’s national call this Monday, June 28 at 2:30 pm ET to learn more about how the extension of the eviction moratorium and other critical actions being taken by the Biden administration will impact renters in your community and what you can do to prevent evictions this summer, fall and beyond!

Register for the call [here](#).

Members of Congress Called on Biden Administration to Extend CDC Eviction Moratorium

Representatives Ayanna Pressley (D-MA), Jimmy Gomez (D-CA), and Cori Bush (D-MO) led 45 of their House colleagues in a June 22 [letter](#) calling on the Biden administration and Director of the Centers for Disease Control and Prevention (CDC) Rochelle Walensky to extend and strengthen the CDC’s federal eviction moratorium beyond the previous expiration date of June 30. The Biden administration has since extended the moratorium to July 31 (see related *Memo* article about the extension).

The letter called on the administration to extend the moratorium’s expiration date to allow more time for the \$46 billion in emergency rental assistance to be distributed to renters, and to allow for vaccination rates to increase in marginalized communities. NLIHC supported this letter, and sent a similar letter to the administration urging for the extension and strengthening of the CDC’s federal eviction moratorium and suggesting ways the administration could help increase awareness of and access to emergency rental assistance (see *Memo*, [6/21](#)).

View the full letter at: <https://tinyurl.com/yy4kcucj>

View NLIHC’s letter to the Biden administration at: <https://tinyurl.com/v2aks4tm>

HoUsed Campaign

White House Announces Agreement on Bipartisan Infrastructure Package with No Funding for Affordable Housing

The White House announced on June 24 that it has reached an agreement with a bipartisan group of senators on an infrastructure package that could pass with bipartisan support. The deal does not include any investments to

make housing affordable to America’s lowest-income and most marginalized households, despite calls for these investments by President Biden, HUD Secretary Marcia Fudge, and key members of Congress.

Democratic congressional leaders, including House Speaker Nancy Pelosi (D-CA), insist that any bipartisan deal must be paired with a larger economic recovery package that would include the essential investments needed to address the nation’s affordable housing crisis. President Biden has vowed to move a bipartisan bill “in tandem” with a larger bill that would need to pass through budget reconciliation, and moderate Senator Joe Manchin (D-WV) affirmed that both bills would need to move at the same time. The budget reconciliation process allows legislation to be enacted with a simple majority of 50 votes in the Senate, rather than the 60 votes typically required in the chamber.

If the HoUsed campaign’s [top priorities](#) are not included in the bipartisan infrastructure package, Congress must pass these necessary investments in a separate economic recovery bill with the remaining pieces of President Biden’s “American Jobs Plan.” That plan proposed \$318 billion in affordable housing investments (see *Memo*, [6/1](#)), including two of the HoUsed campaign’s top priorities: significant resources for public housing and the national Housing Trust Fund. The opportunity to enact robust housing investments may be lost if congressional leaders do not tie the passage of the bipartisan infrastructure bill with a much larger economic and housing recovery package.

Advocates should [contact their representatives and senators](#) and urge them to include in any economic recovery package the HoUsed campaign’s [top priorities](#): expansion of rental assistance to every eligible household; \$70 billion to repair public housing; and at least \$40 billion for the national Housing Trust Fund to build and preserve homes affordable to people with the lowest incomes.

Contact your representatives and senators at: <https://www.govtrack.us/>

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

Take Action: Urge Your Members of Congress to Join Dear Colleague Letter in Support of HoUsed Campaign’s Infrastructure Priorities!

Senator Jeff Merkley (D-OR) and Representative Ritchie Torres (D-NY) are circulating a [“Dear Colleague” letter](#) urging congressional leaders to include the [HoUsed campaign’s top priorities](#) in any infrastructure package. [Take action](#) to urge your members of Congress to sign on!

The letter calls for:

- A major expansion of Housing Choice Vouchers to pave the way toward universal rental assistance for all eligible households
- \$70 billion to repair and preserve public housing for current and future generations
- \$45 billion for the national Housing Trust Fund to build and preserve new homes affordable to America’s lowest-income and most marginalized households

Your advocacy is needed!

Your members of Congress need to hear from you! Please email or call your senators and representative today and ask them to sign onto the Dear Colleague letter to show their support for including the HoUsed campaign’s top priorities.

- To email your members of Congress, click [here](#).

- To call your members of Congress, you can find a call script [here](#) and the phone number to your members of Congress [here](#).

Thank you for your advocacy in support of the #HoUsed Campaign!

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

Join today’s (June 28) national HoUsed campaign call from 2:30-4 pm ET. We will be joined by senior officials from the Biden administration, including Gene Sperling, senior advisor to President Biden, and Noel Poyo, Treasury deputy assistant secretary, to discuss the one-month extension of the CDC eviction moratorium and the Biden administration’s activations to prevent evictions. We will also discuss NLIHC’s End Rental Arrears to Stop Evictions (ERASE) project; a new report on the results of a national survey of emergency rental assistance programs; and a new resource from the [Framework for an Equitable COVID-19 Homelessness Response](#) on using American Rescue Plan Act funds to address homelessness. We will also discuss how to advance the HoUsed priorities through the infrastructure package on Capitol Hill, hear updates and from the field, and more. Register for the call at: <https://bit.ly/3ub2sWM>

Recording Available of NLIHC June 21 National Call on “HoUsed: Universal, Stable, Affordable Housing”

During the most recent national call on “HoUsed: Universal, Stable, Affordable Housing,” we heard from HUD Senior Advisor Richard Cho about updates on homelessness and housing resources from the American Rescue Plan Act (ARPA). We also discussed the latest developments on the CDC eviction moratorium and emergency rental assistance; learned about new research on eviction filings and vaccination rates; and got the latest from Capitol Hill and the field.

Mr. Cho discussed housing resources available from the American Rescue Plan, including the 70,000 new [emergency housing vouchers](#) targeted to people at risk of or experiencing homelessness and survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking.

Olivia Jin and Emily Lemmerman from Eviction Lab shared insights from their new study on the correlation between eviction filings and vaccination rates. The study found that [neighborhoods with the highest eviction filing rates have the lowest levels of COVID-19 vaccinations](#), which suggests that allowing evictions to move forward may threaten the progress made in curbing COVID-19 transmission.

NLIHC’s Emma Foley provided the latest updates on NLIHC’s emergency rental assistance (ERA) tracking [database](#) and guidance on direct-to-tenant ERA applications. NLIHC’s Sarah Saadian gave an overview of our comment to Treasury on its interim final rule for the Fiscal Recovery Funds allocated in the ARPA (see *Memo, 6/21*), and the congressional “[Dear Colleague Letter](#)” being led by Senator Jeff Merkley (D-OR) and Representative Ritchie Torres (D-NY) on the necessity of affordable housing investments in any infrastructure package. We received field updates from Housing and Community Development Network of New Jersey’s Sharon Barker, and Transit Riders Union and Stay Housed Stay Healthy Coalition’s Katie Wilson.

NLIHC hosts national calls every week. On today’s call, we will be joined by White House American Rescue Plan Coordinator and Senior Advisor to the President Gene Sperling. Register for today’s call (Monday, June 28 at 2:30 pm ET) at: <https://tinyurl.com/ru73qan>

Watch a recording of the June 21 call at: <https://youtu.be/clq77BjnHBE>

Access presentation slides at: <https://tinyurl.com/yj7wwwn8>

Emergency Rental Assistance

Treasury Releases Revised ERA Guidance to Accelerate and Broaden Distribution of Funds

The U.S. Department of the Treasury released on June 24 an updated [frequently asked questions \(FAQs\)](#) and [fact sheet](#) to support rapid deployment of [emergency rental assistance \(ERA\)](#) and prevent evictions. The revised FAQ offers additional clarity for grantees and makes several significant improvements to ensure ERA is distributed efficiently, effectively, and equitably.

Despite historic efforts by Congress, the administration, and state and local governments, far too many renters are struggling to access ERA programs due to ongoing roadblocks and new challenges. NLIHC [urged](#) the Biden administration to take immediate action to prevent evictions and outlined recommendations based on NLIHC's ongoing tracking and analysis of more than [1,000 state and local rental assistance programs](#), including over 440 [Treasury ERA programs](#). The White House adopted many of our recommendations, including extending the eviction moratorium, encouraging state courts to adopt anti-eviction diversion practices, activating a whole-of-government effort to raise awareness of ERA, and issuing new Treasury guidance to accelerate and broaden state and local delivery of funds.

Highlights of the new Treasury guidance include:

- **Partnerships with courts:** The new guidance strongly encourages grantees to partner with courts to actively prevent evictions and develop eviction diversion programs, as recommended by NLIHC. ERA funds can be used to help families at risk of eviction remain housed, including working with courts to connect tenants and their landlords with mediation and ERA resources, engaging housing-stability service providers for support, and working with court administrators to facilitate eviction diversion programs. Treasury's ERA FAQ and [FAQ on State and Local Fiscal Recovery Funds](#) makes clear both funding streams can be used to support a wide range of eviction-prevention and housing stability services (see Q36).
- **Access to ERA for people experiencing homelessness:** For families that do not have a current rental obligation—a requirement for ERA eligibility—Treasury encourages grantees to provide these households with a commitment letter specifying the amount of ERA the grantee will pay a landlord for a security deposit or rent if the landlord and household enter into a qualifying lease of at least six months. Grantees should connect these households with providers to help them identify housing that meets their needs (see Q35).
- **Equal access for all households:** Grantees should remove cultural and linguistic barriers to accessing aid by providing program information in multiple languages and conducting targeted outreach. The revised FAQ instructs grantees to provide, either directly or through partner organizations, culturally and linguistically relevant outreach and housing stability services to ensure equal access to ERA for all eligible households (see Q37).
- **Encourages grantee coordination to reduce burdens and delays:** Treasury encourages grantees providing services to overlapping or neighboring areas to develop consistent or complementary policies to avoid unnecessary confusion or burden for tenants or landlords seeking assistance (see Q33).

- **Streamlines payments for utility providers and large landlords:** The FAQ says grantees may establish information-sharing arrangements with utility providers and landlords for determining household eligibility. Additionally, grantees may establish procedures for combining ERA provided for multiple payments into a single “bulk” payment made to a utility provider or landlord (see Q39).

Read Treasury’s ERA fact sheet, “Treasury Announces Further Action to Support Housing Stability for Renters at Risk of Eviction,” at: <https://bit.ly/3qoP28X>

Read Treasury’s revised ERA FAQ at: <https://bit.ly/3zXJgzK>

Read a White House statement, “Biden-Harris Administration Announces Initiatives to Promote Housing Stability by Supporting Vulnerable Tenants and Preventing Foreclosures,” at: <https://bit.ly/3h67Fu6>

Study of Emergency Rental Assistance Programs Identifies Analyzes Key Features

New research from NLIHC, the Housing Initiative at Penn (HIP), and the NYU Furman Center for Real Estate and Urban Policy provides an initial analysis of key program-design features of the Department of the Treasury’s Emergency Rental Assistance (ERA) programs based on a survey of 64 program administrators. Surveyed programs have adopted self-attestation and direct-to-tenant assistance at higher rates than programs in NLIHC’s [Treasury ERA dashboard](#), which is based on readily available public information. In addition, program administrators identified staff capacity and technology as key challenges to program implementation, despite most programs’ use of the full 10% allocation for administrative costs as well as efforts to add staff and bolster technology and infrastructure.

The survey took place in April 2021 and includes responses from 64 program administrators of early ERA programs. Many Treasury ERA programs were launched after the survey took place; among the programs that participated, many had launched recently. Thus, the report focuses on program design features rather than outcomes and compares key features to NLIHC’s ERA program-tracking database as well as results from the three organizations’ previous survey in the fall of 2020.

Programs in the survey commonly required tenants to provide income documentation for income, COVID-19-related financial hardship, and housing instability, as well as a current lease and government issued identification. Programs commonly required landlords to provide a W-9, a current lease, and a commitment not to evict the participating tenant. Programs can reduce documentation burden by allowing for self-attestation for select eligibility criteria. Of programs that responded to questions on self-attestation, 100% of programs reported that they permitted self-attestation of COVID-19 hardship; 75% reported that they permitted self-attestation of income. Programs in the survey had higher rates of self-attestation compared to data gathered in NLIHC’s ERA database. Of the 59 programs in the survey sample with a direct match in NLIHC’s database, 31 (53%) responded on the survey that self-attestation is allowed for one or more items but were not coded as allowing self-attestation in the database. Similarly, of the programs in the survey sample with a direct match in the database, 18 (31%) responded on the survey that direct-to-tenant assistance was an option but were coded in the database as having “unknown” policies on direct-to-tenant assistance. These findings suggest that programs need to be more transparent and communicative about their policies and the circumstances under which self-attestation and direct-to-tenant assistance are available.

Program administrators identified staff capacity and technology as key challenges to program implementation, despite most programs’ use of the full 10% allocation for administrative costs as well as efforts to add staff and bolster technology and infrastructure. Program administrators also cited lack of tenant and landlord responsiveness as common challenges. More than half of program administrators indicated they aimed to

advance racial equity in their programs. Of programs aiming to advance racial equity, all targeted outreach to disadvantaged groups and communities. Other common strategies programs used to advance racial equity included collecting racial and ethnic data to inform program structure, providing additional application support to disadvantaged applicants, and reducing barriers that racial and ethnic minorities are more likely to face.

NLIHC, HIP, and the Furman Center will administer two additional rounds of surveys to better understand how programs adapt and change and how different program features translate to outcomes.

To learn more, visit: <https://tinyurl.com/4s2zfhme>

NLIHC Calls on Treasury to Better Allow Household Relocation

NLIHC joined other national organizations on a [letter](#) calling on the Department of Treasury to allow emergency rental assistance (ERA) grantees to establish a rental assistance standard for rehousing in cases of eviction, and to allow master leasing of hotel and motel rooms. The letter was sent before the Centers for Disease Control and Prevention (CDC) extended the federal eviction moratorium, and urged action to allow a rapid deployment of assistance to help households secure alternative housing, should they be evicted when the moratorium expires.

While ERA can be used to cover expenses associated with securing alternative housing, including moving costs, temporary hotel or motel stays, and lease-up costs, the documentation requirements related to such expenses may pose a barrier to grantees aiming to provide assistance as quickly as possible to prevent homelessness. NLIHC urges Treasury to allow grantees to establish a “Rehousing Assistance Standard” to provide evicted households a flat amount of assistance paid directly to the tenant so they can reestablish housing stability without needing to document individual expenses. Additionally, Treasury should allow grantees to use ERA assistance to hold master leases on a block of rooms over an extended time to temporarily shelter displaced families in hotel or motel rooms while they search for permanent housing.

Read the letter at: <https://tinyurl.com/pds6mcvr>

More on Coronavirus, Disasters, Housing, and Homelessness

HUD to Host Webinar Series on HOME-ARP

HUD’s Office of Affordable Housing Programs (OAHP) is hosting a webinar series to assist communities planning for allocation of HOME-American Rescue Plan (HOME-ARP) funding in advance of OAHP publishing an implementing notice for the program. The [first webinar](#) is scheduled for July 1 from 2 to 3:30 pm ET. This initial webinar will provide an overview of the homelessness system operated by Continuums of Care (CoCs).

The American Rescue Plan (ARP) provides \$5 billion through the HOME-ARP program to HOME Participating Jurisdictions (PJs), see *Memo*, [4/12](#). In collaboration with other community stakeholders such as CoCs, HOME PJs can use the funding to make targeted, strategic investments in housing and other assistance for people experiencing or in imminent risk of homelessness, as well as for other vulnerable populations. Advocates should be clear that even though the title contains “HOME,” this special program should not be confused with the traditional HOME program.

To support planning for HOME-ARP, the first webinar will introduce HOME PJs and partners to the role of Continuums of Care (CoCs) in planning and coordinating the homeless systems in communities.

The first webinar will discuss:

- How HOME PJs and CoCs can plan together in preparation for HOME-ARP funding
- Strategies for leveraging HOME-ARP funding with other investments to develop projects best suited to community needs
- Examples of communities that have undertaken projects eligible under HOME-ARP funding to respond to homelessness

Future webinars will focus on “Getting Started,” “Developing a Plan,” and “Case Studies.” No dates have been determined for these other webinars.

Register for the July 1 webinar at: <https://bit.ly/3xKdEvj>

NOTE: You must have a HUD Exchange account to register. Follow these [instructions to register for a HUD Exchange account](#).

Visit the new OAHP HOME-ARP website at: <https://bit.ly/3zTUtkT>

To receive HOME-ARP updates, subscribe to the [HOME-ARP mailing list](#) on the HUD Exchange mail list.

NHLP Webinar Materials Available on Coping with End of CDC Eviction Moratorium

The National Housing Law Project (NHLP) held a June 16 webinar on “Zen and the Art of Residential Eviction Defense: Coping with the End of the CDC Moratorium.” Webinar slides, recording, and other materials are now available.

Materials include:

- [PowerPoint Presentation](#)
- [Webinar recording](#)
- [Reasonable Accommodations and Disability Discrimination in the Context of COVID-19](#)
- [Procedural Due Process Challenges to Evictions during the COVID-19 Pandemic](#)
- [NHLP’s CARES Act Litigation Resources page](#)
- [NLIHC’s State and Local Rental Assistance page](#)

Additional Coronavirus Updates – June 28, 2021

National Updates

Internal Revenue Service

The [IRS is partnering](#) with nonprofit organizations, churches, community groups, and others in 12 cities to help eligible families, particularly those who normally do not file a federal tax return, file a 2020 income tax return or register for the monthly Advance Child Tax Credit (AdvCTC) payments using the new [Non-filer Sign-up Tool](#). This tool, an update of last year’s IRS Non-Fileers tool, is also designed to help eligible individuals who do

not normally file tax returns register for the \$1,400 third round of Economic Impact Payments (e.g., stimulus checks) and claim the Recovery Rebate Credit for any amount of the first two rounds of stimulus checks they may have missed. Individuals do not need to have children to sign up for Economic Impact Payments.

Advocacy & Research

The Turner Center on June 18 published a [study](#) examining the uneven impacts of the COVID-19 pandemic on California renters and the mounting rental arrears facing tenants. The analysis draws on rent payment data for 8,605 households living in affordable housing managed by Eden Housing to demonstrate the precarious financial circumstances facing low-income renters—particularly single-parent families and households of color—since the onset of the pandemic. Read the report [here](#).

The National Center for State Courts released the [Eviction Diversion Diagnostic Tool](#), an online guided interview that allows court leaders to answer a series of questions about their particular jurisdiction and their interest in eviction diversion. By answering a few key questions, court leaders are presented with a take-away document that provides guidance, best practices, and samples from other jurisdictions with a similar profile. The document offers advice on how they might cooperate with legal aid and rental assistance, along with a model eviction diversion program structure that they could implement.

Reporting

[Reuters](#), the [Washington Post](#), and the [New York Times](#) reported earlier in the week that the Biden administration was expected to extend the federal eviction moratorium by 30 days and was ramping up efforts aimed at preventing evictions, in particular by speeding the distribution of emergency rental assistance. “Extending the moratorium is the right thing to do—morally, fiscally, politically, and as a continued public health measure,” said NLIHC President and CEO Diane Yentel. “Allowing evictions to proceed when there are tens of billions in resources to prevent them would be wasteful and cruel.” The administration later extended the moratorium.

[Pew Stateline](#) says states are preparing for a flood of evictions when the federal eviction moratorium expires. NLIHC’s Diane Yentel had urged the Biden administration to extend the moratorium until emergency rental assistance funds reach all renters and landlords who need it, and the CDC [announced](#) on June 24 an extension of the federal eviction moratorium through July 31.

[ABC News](#) reports on concerns about a potential wave of evictions as the federal eviction moratorium nears expiration. With a disproportionately large share of those facing evictions or foreclosures being low-income or people of color, this potential housing crisis would exacerbate existing housing inequalities.

[NPR](#) reports that Black renters are likely to be hit hard when the federal eviction moratorium expires. Black renters experience eviction at twice the rate of white renters in the U.S., and evidence shows this has been the case during the pandemic as well.

According to [CNBC](#), approximately 800,000 older people may be at risk of eviction when the federal eviction moratorium expires. Difficulty in getting rehired, insufficient retirement savings, and a lack of affordable housing have left many seniors vulnerable to financial shocks, like the one caused by the pandemic.

The [New York Times](#) discusses the struggles facing owners of mobile homes amid the pandemic. Many who have struggled to keep up with mortgage payments are at the whim of five financing firms that dominate the mobile home financing market.

State and Local News

California

Governor Gavin Newsom and legislative leaders are [negotiating](#) whether to extend California’s eviction protections past June. Extending the eviction moratorium would provide more time to distribute federal emergency rental assistance.

[CapRadio](#) discusses how many Californians may be at risk of eviction when the state and federal moratoriums expire. Analysis by PolicyLink suggests that [about 900,000 households in California](#) are behind on rent.

Florida

The [Orlando Sentinel](#) reports that while the Biden administration is considering a one-month extension of the CDC eviction moratorium (an extension later announced on June 24), Florida Governor Ron DeSantis is not considering enacting another state moratorium. Governor DeSantis allowed the state’s moratorium to expire last fall, saying it was no longer needed due to the CDC order.

Illinois

The Illinois Housing Development Authority stopped accepting applications for the first round of funding through the [Illinois Rental Payment Program](#) on June 14. A second round of applications will be accepted from June 28 to July 18.

Maryland

According to the Montgomery County Renters Alliance, around 20,000 county residents could soon be evicted when the federal eviction moratorium expires. [ABC 7News](#) learned that the Montgomery County Circuit Court has processed more than 18,000 back rent cases in recent months.

State and federal eviction protections will [soon expire in Maryland](#), and housing advocates are concerned many tenants could lose their homes as courts work through eviction backlogs. Maryland’s state of emergency will end July 1, and after an additional 45-day grace period, the state’s eviction protections will also phase out.

Massachusetts

The [Boston Globe](#) reports that more than 100 eviction cases against tenants of Georgetowne Homes, one of Boston’s largest privately run affordable housing complexes, will have long-term ramifications. While most cases have been resolved and dismissed due to renters tapping into federal emergency rental assistance, eviction filings have significant consequences.

Nevada

According to a joint analysis by the [Las Vegas Review-Journal](#) and Eric Seymour, an assistant professor at Rutgers University, law enforcement agencies received approximately 450 eviction orders to carry out at Siegel Suites and Siegel Select properties in 2020. Siegel Suites, however, collected over \$2 million in federal rental assistance from Clark County, one of the largest amounts received by any landlord in the program’s first round of allocations. The chain of hotel-apartment hybrids, which includes about 4,000 rental units, allows tenants to forgo annual leases and pay by the week for furnished units – making such units one of the few options available to low-income renters who face barriers to obtaining traditional rental housing.

Oregon

[Oregon lawmakers](#) passed Senate Bill 278, a [bill](#) to protect tenants from eviction for an additional 60 days, as long as they show they have applied for rental assistance. Lawmakers passed legislation earlier this year that gives tenants until 2022 to pay back rent; however, forward rent must be paid on time by July 1, 2021. More than 10,000 people have applied for the latest round of [rent assistance](#), and about 70% of applicants need assistance with their July rent.

As the eviction moratorium nears its expiration, [Central Oregon lawyers](#) are seeing a high demand for help from both tenants and landlords.

Vermont

[Vermont Public Radio](#) reports Governor Phil Scott's decision to end the state of emergency will impact housing and food assistance for low-income residents. Senior Vermonters, people with children, and people with disabilities will be allowed to remain in emergency motel housing for at least another three months, but more than 700 people will be forced from their state-funded hotel rooms on July 1. Currently, roughly 2,000 Vermonters are receiving emergency motel vouchers. Secretary of Human Services Mike Smith has said about half of them will lose those vouchers when the eligibility guidelines change.

Washington

Governor Jay Inslee announced the statewide eviction moratorium will be [extended one more time](#) to provide a short-term bridge extension for state emergency rental assistance programs to get up and running.

[Seattle Mayor Jenny Durkan announced](#) on June 18 she is extending the eviction moratorium through September 30, 2021. [Executive Order 2021-06](#) will provide additional tenant protections, including the start of a six-month period in which a renter may claim a defense against eviction for nonpayment if they can demonstrate financial hardship due to COVID-19. Mayor Durkan also prohibited utility shut offs through December 31, 2021. An estimated 86,500 people across the Seattle metro area (about 10% of renters) are behind on their rent.

Guidance

Department of Housing and Urban Development (HUD)

[Emergency Solutions Grants – CARES Act \(ESG-CV\) Page](#) – June 2021

Centers for Disease Control and Prevention (CDC)

[Interim Guidance on People Experiencing Unsheltered Homelessness](#) – Updated on June 7, 2021

Disaster Housing Recovery Updates – June 28, 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](#).

Department of Housing and Urban Development (HUD)

HUD published a [Federal Register notice](#) on June 21 governing the use of \$2 billion in Community Development Block Grant Disaster Recovery (CDBG-DR) funds for electric power system enhancements and improvements for Puerto Rico and the U.S. Virgin Islands (USVI). Read [HUD's press release](#) on the notice. The funds provide an opportunity for Puerto Rico and the USVI to mitigate disaster risks to their electrical power systems; improve system reliability, resiliency, efficiency, and sustainability; and address each system's long-term financial viability.

FEMA

The House Transportation and Infrastructure Subcommittee on Economic Development held a June 23 hearing on [“FEMA’s Priorities for FY22 and Beyond: Coordinating Mission, Vision, and Budget.”](#)

FEMA [extended the comment period](#) for its [Request for Information](#) on the extent to which agency programs, regulations, and policies 1) perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups; 2) bolster resilience to the impacts of climate change; and 3) address the disproportionately high and adverse climate-related impacts on disadvantaged communities. FEMA has also requested concrete information about unnecessary or unjustified administrative burdens that may create systemic barriers. The deadline is now July 21, 2021.

Disaster survivors can receive [one-on-one, in-person help](#) appealing FEMA application decisions at a Recovery Service Center in Lake Charles.

Research and Resources

The Societal Experts Action Network (SEAN) of the National Academies released new guidance, [“Addressing Disaster Vulnerability Among Homeless Populations During COVID-19.”](#) The guidance helps decision makers and communities support people experiencing homelessness before, during, and after a disaster in the context of COVID-19. Nnenia Campbell, deputy director of the William Averette Anderson Fund for Hazard and Disaster Mitigation Education and Research, joined yesterday’s (6/22) DHRC Disaster Recovery Working Group to discuss the new publication.

Bursting water pipes after Winter Storm Uri have produced serious mold problems in many rental properties in Austin, and the city has no standards or regulations directly targeting mold. The Austin Tenants Council, with Austin Women in Housing, is [gathering information](#) on best practices for identifying, remediating, and preventing mold in rental properties. They are seeking this information as part of their effort to persuade the City of Austin to provide mold inspections for renters. Examples of models working in other jurisdictions will help them develop and support their proposal. Access the survey [here](#). The deadline to respond is July 1, 2021.

Reporting

[Buzzfeed News](#) examines how Lake Charles, Louisiana exposes a rarely discussed reality of climate change: overlapping disasters are becoming more frequent. Compounding disasters, like the ones Lake Charles experienced over the past year, demonstrate how climate change disproportionately impacts low-income families and communities of color. Most of the [more than 56,000 homes](#) across Louisiana damaged by Hurricane Laura were in Calcasieu Parish, home to Lake Charles – one of the [most segregated residential communities](#) in the U.S. – whose Black residents have among the [highest rates of poverty and unemployment](#) in the country. The article highlights how the federal government’s largely hands-off approach to disaster recovery fails to address the needs of low-income people and communities of color, who receive the [least amount of federal disaster aid](#) to recover.

The [New York Times](#) examines racial disparities in federal disaster aid. A growing body of research shows that FEMA often helps white disaster survivors more than people of color, even when the amount of damage is the same. This is true not only for individual survivors but also for the communities in which they live.

The [Advocate](#) reports local officials in southwest Louisiana continue to plead for supplemental federal disaster aid to address urgent housing needs and rebuild the economy. Lake Charles officials estimate between 3,000 and 5,000 residents (out of a population of roughly 78,000) are still displaced following the four natural disasters that devastated the region, a number that increased following the May flood. FEMA has assisted with temporary housing and other programs, but local officials say a full recovery will not be possible without supplemental disaster relief.

Severe Storms and Flooding

With the hurricane season underway and amid ongoing efforts to recover from last year's disasters, operations are ramping up in Lake Charles to [address the immediate concern of flooding](#). Following the severe flooding last month, the Lake Charles City Council approved an additional \$3 million for drainage expenses and an additional \$20 million to address drainage issues throughout the city. Lake Charles residents fear that without additional aid, more residents will be forced to leave.

At the request of Kentucky Governor Andy Beshear, FEMA has [extended the deadline](#) for severe-storm survivors in the 31 designated counties to apply for Individual Assistance. The deadline to apply is now July 8.

Wildfires

A [series of wildfires](#) has broken out unseasonably early, sparking fears that this will be one of the worst wildfire seasons yet. [Large wildfires](#) are burning in every Western state except Washington. At least 45 fires that are burning now have consumed more than 820 square miles – an area larger than the cities of New York and Los Angeles combined.

FEMA opened a new [direct housing program site](#) with 27 trailers in Talent, Oregon at the former Totem Pole Trailer Park. The families residing at the site are former residents of the trailer park that was destroyed by the Almeda Fire.

Budget and Appropriations

House Budget Committee Holds Hearing on President's FY22 Budget Request for HUD

The House Budget Committee held a [hearing](#) on June 23 to discuss the president's fiscal year 2022 (FY22) budget request for HUD. HUD Secretary Marcia Fudge served as the hearing's sole witness. In her opening testimony, Secretary Fudge stated the budget "makes historic investments that will help our nation build back better and lay the foundation for shared growth and prosperity for decades to come. Our request greatly expands assistance to low-income families currently served by HUD programs, increases assistance to targeted vulnerable populations—including persons experiencing homelessness and Native Americans—and revitalizes neighborhoods with distressed HUD-assisted housing and concentrated poverty."

Secretary Fudge outlined her priorities for HUD, including increasing the production of and access to affordable housing; strengthening and broadening the federal housing safety net; advancing housing equity; and promoting environmental justice. The president's FY22 [budget requests \\$68.7 billion](#) for HUD, a 15% increase over FY21 appropriated levels.

Budget Committee Chairman John Yarmuth (D-KY) noted in his opening statement that "ensuring that every American has access to decent housing – to homes that are stable, secure, sanitary, and safe – should be a national priority," and stated that, while the American Rescue Plan provided critical support to families throughout the pandemic, "ending the pandemic will not end our nation's housing crisis."

Representative Judy Chu (D-CA) asked for additional ways to meet the \$45 billion requested by some members of congress for national Housing Trust Fund (HTF), which is currently funded through a small fee levied on Fannie Mae and Freddie Mac that has contributed \$371 million to the HTF since 2016. Secretary Fudge stated that HUD is still determining effective and efficient ways to raise revenue for the HTF.

View the full hearing at: <https://tinyurl.com/p8mr4d98>

[Read Secretary Fudge's opening statement at: https://tinyurl.com/vkvjjerw](https://tinyurl.com/vkvjjerw)

[See NLIHC's analysis of President Biden's FY22 budget request at: https://tinyurl.com/na7dv97m](https://tinyurl.com/na7dv97m)

Congress

Senate Banking, Housing, and Urban Affairs Holds Hearing on Bipartisan Bills to Increase Access to Housing

The Senate Banking, Housing, and Urban Affairs Committee (BHUA) held a June 25 [hearing](#) on “Examining Bipartisan Bills to Increase Access to Housing.” The hearing address numerous bipartisan bills that will be or have been introduced to increase access to housing, including bills related to mobility housing vouchers for families, the creation of an eviction database and stabilization fund, expansion of the Community Development Financial Institutions (CDFIs) to better serve rural and Native American communities, and more.

Witnesses included Lisa Mensah, president and CEO of the Opportunity Finance Network; Nan Roman, president and CEO of the National Alliance to End Homelessness and NLIHC board member; and Howard Husock, American Enterprise Institute adjunct fellow and contributing editor at *City Journal* and the Manhattan Institute.

Chairman Sherrod Brown (D-OH) spoke to witnesses and members on the reintroduction of the “[Eviction Crisis Act](#),” a bipartisan bill introduced by the Chairman and Senators Michael Bennet (D-CO), Rob Portman (R-OH), and Todd Young (R-IN). The Eviction Crisis Act would create new tools to help end the nation’s eviction epidemic. This includes the creation of an emergency assistance fund to test, evaluate, and expand proven interventions to help low-income households facing housing instability due to an unexpected economic shock.

This policy solution was developed and championed by NLIHC’s [Opportunity Starts at Home](#) campaign and in a [statement](#) in support of the legislation, Nan Roman stated “Every day, people become homeless who not long ago had a stable home, but whose lives and housing were disrupted by an economic crisis that a small amount of money could have fixed. Thanks to Senators Bennet and Portman for this legislation that would make such help available, preventing housing instability and homelessness and improving the lives of struggling Americans.” Chairman Brown and Nan Roman discussed the importance of this bill in better understanding solutions to ending homelessness, specific vulnerabilities that individuals who are homeless have, and getting people the resources they need.

Senators Catherine Cortez Masto (D-NV) and Tina Smith (D-MN) spoke on the “[Native American Rural Homeownership Act](#),” bipartisan legislation introduced by Senator Smith and Senator Mike Rounds (R-SD). This bill would expand an existing USDA Pilot, in which the USDA has partnered with Native CDFIs to leverage their deep ties in local communities and deploy loans to eligible Native borrowers. Lisa Mensah spoke to the importance of expanding CDFIs to better assist rural and native American communities become homeowners. Lisa Mensah also supported Congress to review how CDFIs can help with small mortgage loans.

Senator Tim Scott (R-SC) briefly spoke on the bipartisan bill, the “[Lead-Safe Housing for Kids Act](#),” which was introduced by Senator Scott and Senator Dick Durbin (D-IL). This bill ensures that families and children living in federally assisted housing are protected from the devastating consequences of lead poisoning. NLIHC supports this legislation as part of the HoUsed Campaign. Senator Scott also spoke to the shortfall of competition in the housing finance market and the need for better reform in the housing finance system.

Senator Van Hollen (D-MD) spoke on the reintroduction of the “[Family Stability and Opportunity Vouchers Act](#),” a bipartisan bill that was co-introduced with Senator Todd Young (R-IN). This bill would create an

additional 500,000 housing vouchers specifically designed for low-income families with young children to expand access to neighborhoods of opportunity with high-performing schools, strong job prospects, and other resources. The legislation would largely eliminate homelessness among families with young children, as well as substantially reduce the number of children growing up in areas of concentrated poverty. The policy solution has been championed by NLIHC's [Opportunity Starts at Home](#) campaign, which worked with the bill's sponsors to shape the legislation. Nan Roman voiced support of the bill and the high impact it can have on ending family homelessness.

Senator Elizabeth Warren (D-MA) spoke to the need for Congress to come together in addressing the housing crisis. "We need a bipartisan commitment to take on our nation's housing needs headfirst, not just nibble around the edges. . . . Housing is essential infrastructure. Senator Warren also spoke to the need for increases to the investments in the current public housing stock. "We need more than 70 billion dollars just to make public housing safe for the residents who are there. And we are not even talking about the investments that we need to make to upgrade public housing to withstand the impact of climate change and to incorporate energy-efficient updates, [\$70 billion] is just to maintain where we are now, to maintain this critical source of housing available to us." Both Nan Roman and Lisa Mensah addressed the poor state of many of the homes in public housing. Lisa Mensah added that CDFIs are ready to be partners in making homes greener and healthier.

Senator Jack Reed (D-RI) spoke about a bipartisan bill [to strengthen the United States Interagency Council on Homelessness](#) (USICH) which was reintroduced with Senator Susan Collins (R-ME). This bill would continue the funding of USICH indefinitely.

Watch the full hearing and read witness' testimonies, and related legislation at: <https://bit.ly/2UtVlFA>

Learn more about NLIHC's HoUsed Campaign legislative priorities at: <https://bit.ly/3x0p5z2>

Learn more about NLIHC's *Opportunity Starts at Home* campaign at: www.opportunityhome.org

Senator Young Reintroduces Bipartisan Bill to Establish Housing Affordability Task Force

Senators Todd Young (R-IN), Angus King (I-ME), Maria Cantwell (D-WA), John Kennedy (R-LA), and Jon Tester (D-MT) reintroduced on June 23 the "[Task Force on the Impact of the Affordable Housing Crisis Act](#)" (S. 2190), which would create a bipartisan housing task force to understand and respond to America's housing affordability crisis. If enacted, the task force would evaluate and quantify the impact of housing costs on other government programs and provide recommendations to Congress on how to increase affordable housing options to improve life outcomes.

"I've seen firsthand in Indiana how a lack of affordable housing has negative and lasting consequences. The inability to access safe and affordable homes leaves Hoosier families with fewer dollars to spend on important expenses like health care and groceries, and the pandemic has only exacerbated this problem," said Senator Young in a press release. "Our bipartisan bill would assemble a group of experts to better understand the housing affordability crisis so that we might take legislative action to end the cycle of poverty for millions of struggling Americans while decreasing overall taxpayer expenditures."

"Communities across Maine and across the country continue to struggle with a shortage of affordable housing, forcing too many Americans to choose between keeping a roof over their head or food on the table," said Senator King. "This challenge cuts across party lines, and affects rural, urban, and suburban households alike. A problem of this magnitude deserves a pragmatic, bipartisan effort to find a solution. I am hopeful that this task force will give us the information we need to confront this challenge and ensure all Americans have access to affordable housing."

“We have an affordable housing crisis in the State of Washington and across the United States, and the COVID-19 pandemic has only made this crisis worse. We must act. I know that we can work in a bipartisan basis to both stimulate our economy and solve the affordable housing crisis,” said Senator Cantwell.

Learn more about the bill at: <https://tinyurl.com/2ss6vff5>

View the full press release at: <https://tinyurl.com/y5hsnupy>

House Committee Members Express Frustration at Hearing with FEMA Administrator

The House Committee on Transportation and Infrastructure’s Subcommittee on Economic Development, Public Buildings, and Emergency Management hosted FEMA Administrator Deanne Criswell for the first time on June 23 for a hearing titled “[FEMA’s Priorities for FY22 and Beyond: Coordinating Mission, Vision, and Budget.](#)” This hearing comes after Committee Chairman Peter DeFazio (D-OR), Ranking Member Sam Graves (R-MO), Subcommittee Chair Dina Titus (D-NV), and Ranking Member Daniel Webster (R-FL), sent a [letter](#) to FEMA raising the issue of basic eligibility determinations for Individual Assistance (IA) and clarity in appeals.

The hearing became charged early with Chairman DeFazio’s [opening statement](#), which echoed the sentiments of many disaster survivors and advocates who have found the application process for FEMA recovery programs increasingly difficult. “The apparent inconsistencies and inequities for disaster survivors seeking help are frustrating” said Chairman DeFazio, “and the process survivors endure to apply and get evaluated is frankly a black box.” Chairman DeFazio specifically cited FEMA’s restrictive IA program eligibility requirements that survivors must meet to receive assistance, saying that “survivors who have lost literally everything should not have to go through a rigmarole to try to prove eligibility for often meager FEMA assistance. It’s demoralizing.” In response to a later question from Chairman DeFazio about streamlining the applications process for disaster assistance, Administrator Criswell stated that she understood the frustration and that “I think that right now, we can do a better job of making sure our programs are easily accessible for individuals.”

The questions of several committee members also expressed concern about how FEMA is handling disaster recovery. Congresswoman Beth Van Duyne (R-TX) reflected on her history as a regional administrator at HUD working in the aftermath of Hurricane Harvey and questioned FEMA protocols and their effect on efficiency – stating that the agency often implements short term housing solutions that cost more than simply repairing storm damaged homes. Administrator Criswell stated that the agency would be re-examining its regulatory frameworks to ensure that taxpayer money was being used effectively.

Congressman John Garamendi (D-CA) questioned Administrator Criswell on FEMA’s ability to pay for costs normally reimbursed by FEMA through its Public Assistance (PA) program. Congressman Garamendi noted that rural counties and local governments often are unable to pay for recovery costs up front, even if they are later reimbursed by FEMA. However, FEMA has not widely utilized alternative procedures to provide these jurisdictions with up-front funding to pay for these necessary disaster recovery efforts, something that is permitted under the Stafford Act. Administrator Criswell stated that she was unaware of any cash-flow issues with rural counties and will look into ways the agency could assist. Cash flow issues has largely stymied efforts in many parts of the country to house individuals experiencing homelessness, as well as residents of congregate care facilities, in hotels and other non-congregate arrangements to lessen their risk of COVID-19 infection.

The issues raised by Committee leadership and membership strongly align with the priorities of the [Disaster Housing Recovery Coalition](#) (DHRC) – an NLIHC-led group of over 850 local, state, and national organizations working to ensure that all disaster survivors receive the assistance they need to fully recover. The DHRC recently sent a list of policy reform priorities that, if implemented, would address many of the concerns raised during the hearing.

View a recording of the hearing at: <https://bit.ly/3xT6GUT>

Read opening remarks from Chairman DeFazio and Subcommittee Chairwoman Titus at: <https://bit.ly/2SsARDv>

Learn more about the DHRC at: <https://bit.ly/3h4YD0H>

HUD

President Biden to Nominate Julia Gordon and Dave Uejio to Key HUD Positions

President Joe Biden [announced](#) on June 24 his intention to nominate Julia Gordon to be the assistant secretary for housing and federal housing commissioner of the Federal Housing Administration (FHA) and Dave Uejio to be assistant secretary for Fair Housing and Equal Opportunity (FHEO).

Julia Gordon is currently the president of the National Community Stabilization Trust (NCST), and she previously served as senior director of housing and consumer finance at the Center for American Progress, manager of the single-family policy team at the Federal Housing Finance Agency, and senior policy counsel at the Center for Responsible Lending. The [FHA](#) insures mortgages nationwide to help improve access to affordable homeownership for low- and moderate-income and first-time homebuyers and to support the construction of affordable and market rate rental housing, among other activities.

Dave Uejio is currently serving as the acting director of the Consumer Financial Protection Bureau (CFPB). Before this role, he served as the CFPB's acting chief of staff, lead for talent acquisition, and chief strategy officer. [FHEO](#) works to “eliminate housing discrimination, promote economic opportunity, and achieve diverse, inclusive communities by leading the nation in the enforcement, administration, development, and public understanding of federal fair housing policies and laws.” FHEO is charged with investigating fair housing complaints, conducting compliance reviews, ensuring civil rights laws are upheld in HUD programs, and managing fair housing grants.

Read the White House announcement at: <https://tinyurl.com/wv68y5rp>

HUD Publishes Proposed Rule to Reinstate 2013 Disparate Impact Rule

HUD's proposed rule reinstating the 2013 Disparate Impact Rule was published in the *Federal Register* on June 25. The rule will recodify the 2013 rule's discriminatory effects standard, removing most changes made from the 2020 Disparate Impact Rule which would have discarded the well-crafted and time-tested three-part shifting standard, replacing it with a set of tests intended to hurt the Fair Housing Act's protected classes (see [Memo, 07/14/2020](#)).

HUD proposed to recodify the 2013 rule's discriminatory effect standard as it is more consistent with Fair Housing Act's Disparate Impact standard purpose, prior case law under the Act, including *Inclusive Communities* (see [Memo, 05/29/2015](#)), and other civil rights authorities. The proposed rule also returns the definition of “discriminatory effect” that was eliminated from the 2020 rule which had also erased “perpetuation of segregation” as a recognized type of discriminatory effect distinct from disparate impact. HUD proposal changes will reaffirm that perpetuation of segregation remains a basis for contending that a policy has an unlawful discriminatory effect. The proposed rule also recodifies that actions that could predictably result in a disparate impact on a group of persons are prohibited by the Fair Housing Act.

HUD's proposed rule also removes the confusing defenses introduced in the 2020 rule that had created virtually insurmountable barriers to presenting a case in the pleading stage. This includes removing the defense that a challenged policy or practice is "reasonably necessary to comply with a third-party requirement", and the "outcome prediction" defense that had camouflage harmful practices used by lenders such as models and algorithms intended to predict the occurrence of an outcome.

The proposed rule does keep a portion of the 2020 proposed rule that added more examples to a list of prohibited activities under the Fair Housing Act's Disparate Impact Standard such as enacting or implementing building codes, permitting rules, or requirements that restrict or deny housing opportunities or otherwise make unavailable or deny a dwelling to persons of a protected class.

This latest action by HUD was completed in accordance with a [memorandum](#) from President Biden to the secretary of HUD instructing the agency to redress the nation's long history of discriminatory housing practices and reaffirming the administration's commitment to end housing discrimination. The memo also ordered the HUD secretary to take the necessary steps to prevent practices that have a disparate impact (see *Memo*, [02/01](#)).

As of June 25, a 60-day public comment period is open, and HUD must consider all comments may make changes upon them. Once the changes are complete, and after another review by OIRA, HUD will publish a final rule in the *Federal Register*. The introduction, or preamble, to the final rule must present all meaningful comments received and HUD must explain why each was accepted or rejected. If you would like to make comments, visit: [regulations.gov](#).

"We must acknowledge that discrimination in housing continues today and that individuals, including people of color and those with disabilities, continue to be denied equal access to rental housing and homeownership," said Secretary Marcia L. Fudge. "It is a new day at HUD, and our department is working to lift barriers to housing and promote diverse, inclusive communities across the country. Today's publication of the proposed discriminatory effects rule is the latest step HUD is taking to fulfill its duty to ensure more fair and equitable housing."

Read HUD's proposed rule "Reinstatement of Discriminatory Effects Standard" at: <https://bit.ly/2UrATvQ>

An easy-to-read version can be found at: <https://bit.ly/3gTgSY7>

Read HUD's Press Release on the Proposed rule at: <https://bit.ly/3jfvLW6>

More information about the Disparate Impact Rule is on pages [7-8](#) of NLIHC's [2021 Advocates' Guide](#)

HUD Secretary Fudge Outlines Actions to Address Housing Needs of People Returning from the Criminal-Legal System

HUD Secretary Marcia Fudge sent a [letter](#) on June 23 to entities participating in various HUD programs emphasizing that people returning to the community from the criminal-legal system who are at risk of homelessness are among the populations eligible for Emergency Housing Voucher (EHV) assistance. The letter was sent to public housing agencies (PHAs), Continuums of Care (CoCs), private owners of HUD-assisted Multifamily properties, and HUD grantees. Secretary Fudge encourages these entities to ensure that eligible returning people are considered for EHV's. The American Rescue Plan provides \$5 billion for 70,000 EHV's (see *Memo* [5/10](#), [5/17](#), [6/14](#), and [6/21](#)).

Secretary Fudge stated that she and President Biden believe that everyone deserves a second chance and a stable home from which to rebuild their lives and that no person should exit a prison or jail only to wind up on the

streets. Addressing reentry housing needs furthers the Biden administration’s commitment to advancing equity and reversing systemic racism, given the racial disparities evident in the criminal justice system.

Secretary Fudge writes that it is a HUD priority to ensure that people leaving prisons and jails are supported in their reentry to the community. Research shows that people who lack stable housing following incarceration face a higher likelihood of rearrest and reincarceration. A stable home can serve as the foundation upon which returning people can rebuild their lives, obtain employment, improve their health, and achieve recovery.

The letter notes that a significant number of people experiencing homelessness are caught in a revolving door between homelessness and reincarceration. In some communities, the lack of stable housing can also delay a person’s approval for discretionary release from prison, leading people to serve more time behind bars than those with stable housing.

[Notice PIH 2021-15](#) implementing the EHV program makes clear that people exiting prisons and jails who are at risk of homelessness due to their low income and lack of sufficient resources or social supports are eligible for EHV. HUD strongly encourages PHAs to work with their CoC partners to ensure that individuals who are at risk of homelessness after leaving prisons or jails are considered for these vouchers.

In the coming weeks, HUD will provide further tools and guidance to assist private landlords, PHAs, and Multifamily housing owners to ensure that their applicant screening and tenant selection practices avoid unnecessarily overbroad denial of housing to applicants on the basis of criminal records that could lead to Fair Housing Act violations, consistent with the [2016 memo on disparate impact and criminal records](#).

Read Secretary Fudge’s letter at: <https://bit.ly/3qk1AhY>

More information about the EHV program is on a special HUD EHV website at: <https://www.hud.gov/ehv>

HUD PIH Extends Date for PHAs to Apply for Landlord-Incentive MTW Cohort

HUD’s Office of Public and Indian Housing (PIH) issued [Notice PIH 2021-19](#) on June 17 extending until October 15 the deadline for public housing agencies (PHAs) to apply to participate in the Landlord-Incentive Cohort (i.e., Cohort #4) of the Moving to Work (MTW) Demonstration Expansion.

PIH published [Notice PIH 2021-03](#) on January 7, inviting PHAs to apply for the Landlord Incentive Cohort (see *Memo*, [1/25](#)). In order to be entered into a lottery to be considered for the Landlord Incentive Cohort, an applicant PHA must meet the eligibility requirements listed in sections 5(B)(i)(a)-(d) of *Notice PIH 2021-03* (an MTW Plan and application package) as of the new submission deadline of September 17. Those selected through the lottery will be offered MTW designation under Cohort #4. Evaluation of Cohort #4 will be conducted by an independent research team that will compare outcomes for PHAs that were selected and PHAs that were not selected through the lottery.

Notice PIH 2021-03 describes the process by which 30 PHAs will be selected for Cohort #4, which will evaluate landlord incentives and their effect on landlord participation in the Housing Choice Voucher program. PIH identified seven MTW activities in the *MTW Operations Notice* (see *Memo*, [8/31/20](#)) that have the potential to act as landlord incentives. In addition, two Cohort Specific MTW Waivers are available for PHAs. Together, the MTW Operations Notice and Cohort Specific MTW Waivers are referred to as the “Cohort #4 MTW Activities List.” PHAs in Cohort #4 must implement at least two activities from the Cohort #4 MTW Activities List and vet those proposed waivers through a required resident engagement and public comment and review process.

NLIHC prepared a [summary of key provisions](#) of the Landlord Incentives Notice.

Notice PIH 2021-19 is at: <https://bit.ly/3qIbHmK>

Notice PIH 2021-03 is at: <https://bit.ly/3gNKo13>

The *Federal Register* version of the Operations Notice is at: <https://bit.ly/2ECV569>

An easy-to-read version of the Operations Notice is at: <https://bit.ly/3hCrqZf>

The main MTW website is at: <https://www.hud.gov/mtw>

MTW Expansion webpage is at: <https://bit.ly/39PEXdF>

The Cohort #4 Landlord Incentives webpage is at: <https://bit.ly/2UxFEUP>

More about MTW is on [page 4-60](#) of NLIHC's *2021 Advocates' Guide*.

More information about public housing is on [page 4-30](#) of NLIHC's *2021 Advocates' Guide*.

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

FHFA

President Biden Replaces Mark Calabria as FHFA Director, Names Sandra Thompson Interim Director

The Supreme Court [ruled](#) on June 23 that the leadership structure of the Federal Housing Finance Agency (FHFA) is unconstitutional because the authorizing statute wrongfully limited the president's ability to remove the agency's director. As a result of the decision, the Biden administration moved quickly to replace the current director, Mark Calabria, who was appointed by President Donald Trump in 2019. The president named Sandra Thompson the agency's interim director; Ms. Thompson served previously as deputy director of FHFA's Division of Housing Mission and Goals, overseeing agency's housing and regulatory policy and fair lending.

Congress established FHFA as an independent agency in 2008 to regulate and oversee Fannie Mae and Freddie Mac, the two federally chartered companies that provide a secondary market for residential mortgages. These government-sponsored entities (GSEs) have been in conservatorship since that time.

During his tenure as director, Director Calabria frequently listened and responded to concerns raised by NLIHC. In March 2020, for example, FHFA became the [first federal agency](#) to implement a federal eviction moratorium during the pandemic, and Director Calabria's leadership on the issue encouraged other federal agencies and Congress to take further action.

The statute that created FHFA, the "Housing and Economic Recovery Act of 2008," also established the national Housing Trust Fund and the Capital Magnet Fund. Because Fannie Mae and Freddie Mac provide the dedicated source of funding for the HTF, their status and viability are of particular interest to low-income housing advocates.

Opportunity Starts at Home

Bipartisan Eviction-Prevention Legislation Reintroduced in Senate

Senators Michael Bennet (D-CO) and Rob Portman (R-OH), along with Sherrod Brown (D-OH) and Todd Young (R-IN), reintroduced the “Eviction Crisis Act” on June 24. The bill would create new tools to help end the nation’s ongoing eviction epidemic. Among its promising provisions, the bill includes the creation of an Emergency Assistance Fund to test, evaluate, and expand interventions to help low-income households facing housing instability due to an unexpected economic shock. This policy solution was developed and championed by the *Opportunity Starts at Home* campaign, which worked closely with the bill’s sponsors. Reintroduction of this legislation marks a significant milestone for the campaign in advancing its policy agenda.

The Emergency Assistance Fund is a grant program administered by the Department of Housing and Urban Development (HUD), with input from the Departments of Treasury, Health and Human Services (HHS) and Agriculture (USDA). Eligible grantees include state, local, Tribal, and territorial governments, and initial funding eligibility would be based on the number of extremely low-income renter households experiencing severe housing cost-burdens or overcrowding, a jurisdiction’s unemployment rate, prior performance of the grantee, geographic diversity, and other factors.

The funds must be used to provide direct financial assistance to help households overcome a short-term crisis that directly impacts their housing stability. Up to 25% of funds can be used to providing housing stability-related services, such as case management, rehousing services, services to connect households to other public supports, some housing counseling-related services, and referrals to other services for behavioral, emotional, and mental health issues. The bill also requires a rigorous evaluation of the program’s effectiveness at preventing housing instability, and lessons learned from these evaluations will be incorporated into the program design.

Most families in poverty who rent spend at least half of their incomes on housing, leaving virtually no margin for an unexpected expense. Broken-down cars, unreimbursed medical bills, or temporary declines of income can quickly send vulnerable households down the spiral of housing instability, eviction, and even homelessness. If enacted, the Emergency Assistance Fund could provide a blueprint for helping millions of low-income households that live on the edge of what they can afford.

Leading national organizations from the housing, education, health, civil rights, anti-hunger, anti-poverty, criminal justice, child welfare, and faith-based sectors have come together through the *Opportunity Starts at Home* campaign to advocate for more robust and equitable federal housing policies such as those included in the Eviction Crisis Act.

What Campaign Leaders Are Saying about the Eviction Crisis Act

“Improving housing stability is not just about keeping people in their homes, but it’s also about providing them with the foundation they need for success in many other areas of life. Stable, affordable homes are linked with better educational outcomes, better health outcomes across the lifespan, greater food security, upward economic mobility, and reduced costs to the taxpayer.” – **Mike Koprowski, national director of the *Opportunity Starts at Home* Campaign**

“I applaud Senators Michael Bennet and Rob Portman for their leadership in introducing legislation to create new, permanent tools to help end America’s ongoing eviction epidemic, which most severely impacts the lowest-income and most marginalized households. If enacted, the Eviction Crisis Act would create a new Emergency Assistance Fund – a policy solution developed and advanced by NLIHC’s Opportunity Starts at Home campaign – to extend an emergency cushion to families in crisis. Together with the legislation’s new data

collection and outreach initiatives, the bill would help low-income renters avert the downward spiral of housing instability and homelessness. I urge Congress to quickly pass this bill.” – **Diane Yentel, NLIHC president and CEO**

“Every day, people become homeless who not long ago had a stable home, but whose lives and housing were disrupted by an economic crisis that a small amount of money could have fixed. Thanks to Senators Bennet and Portman for this legislation that would make such help available, preventing housing instability and homelessness and improving the lives of struggling Americans.” – **Nan Roman, president and CEO of the National Alliance to End Homelessness**

“America’s cities, towns, and villages are on the front lines of the affordable housing crisis, and local leaders are eager to support bold solutions like the Eviction Crisis Act of 2021. This legislation would give local governments an opportunity to address a host of social and economic challenges at the root level, including by providing resources to mitigate housing instability and limit costly evictions. The National League of Cities commends Senators Bennet and Portman for introducing this bill; and for their ongoing bipartisan leadership, which is so sorely needed today.” – **Clarence Anthony, CEO and executive director of the National League of Cities**

"The National Education Association applauds Senators Bennet and Portman for their re-introduction of the Eviction Crisis Act. The COVID-19 pandemic highlighted how essential housing is - especially for our students. This bill assists families facing desperate circumstances and will provide students with stable homes as we look to rebuild our communities." – **Marc Egan, director of government relations, National Education Association**

“Eviction from one’s home is a horrible trauma - from the decimation of a family’s shelter to the destruction of its financial security. The NAACP salutes and supports the efforts of Senators Bennet and Portman to thoughtfully and effectively address this serious, and sadly continuing problem. The provisions of this legislation which create an Emergency Assistance Fund to help extremely low-income American families facing eviction is an incredibly important tool in our arsenal to fight the scourge of homelessness. The Emergency Assistance Fund, as envisioned by this legislation, is perhaps one of the best examples of a ‘safety net’ that I can think of that the government can, and should, pursue for all Americans during the hardest economic times in their lives.” – **Hilary Shelton, director of the NAACP Washington Bureau and senior vice president for policy and advocacy**

“During the COVID-19 pandemic, households around the nation have experienced unprecedented threats to not only their health, but also to their food, housing, and economic security--with harms disproportionately affecting Black, Latinx, Indigenous, and other communities of color. The Emergency Assistance Fund is a smart investment in our nation’s families. The Fund will not only keep a family housed, but also increase a family’s food security by stabilizing the situation and avoiding the multiple harms to nutrition, health, and well-being emanating from an eviction and hunger.” – **Luis Guardia, president of the Food Research & Action Center**

“On behalf of the members of the National Association of Social Workers (NASW), the nation’s largest professional social work organization, I want to offer my full support for the passage of the Eviction Crisis Act. I also thank Senators Bennet and Portman for joining in a bipartisan collaboration to address one of the country’s most important social problems. Social workers, as direct providers of services to indigent and low-income families, are all too aware of how financial distress can create a housing crisis which often leads to homelessness. The Emergency Assistance Fund will help state and local governments to develop innovative programs that will lead to housing stability for low-income families. You can be assured that NASW will join with other Opportunities Start at Home partners to help get this bill passed.” – **Dr. Angelo McClain, CEO of the National Association of Social Workers**

“The Coalition on Homelessness & Housing in Ohio (COHHIO) enthusiastically endorses the Eviction Crisis Act and the creation of the Emergency Assistance Fund designed to prevent unnecessary evictions. Evictions were down in 2020, but with the moratorium expiring at the end of June, we fear there could be a spike in evictions this summer. Evictions are not only the result of – but also a cause of – deeper poverty eventually leading to increases in homelessness. Once we’re out of pandemic crisis mode, this legislation will have a lasting impact on the everyday crises facing the lowest income Americans. We appreciate the leadership of Ohio’s own Sen. Rob Portman working together to tackle this stubborn problem.” – **Bill Faith, executive director of COHHIO and state partner of the *Opportunity Starts at Home* campaign**

"We appreciate Senator Bennet's advocacy on behalf of low-income renters who face substantial challenges in obtaining equitable treatment by some landlords and courts. The best way to prevent homelessness and the enormous stress it puts on our emergency response systems is to keep people safely housed. This bill demonstrates that Senator Bennet knows we need investments across the housing spectrum in order to resolve the nation's homelessness crisis." – **John Parvensky, president and CEO of the Colorado Coalition for the Homeless and state partner of the *Opportunity Starts at Home* campaign**

Tell Congress to enact this critical bipartisan legislation quickly by sending a letter [here](#).

Research

Turner Center Report Shows Increase in Rent Arrears Among Affordable Housing Renters

The Turner Center for Housing Innovation at the University of California at Berkeley published a report, [“Paying the Rent in a Pandemic: Recent Trends in Rent Payments Among Affordable Housing Tenants in California.”](#) The study examines the effects of the pandemic on renters’ ability to pay rents. Rent data from Eden Housing, a large, mission-driven, affordable housing developer in California serving approximately 22,000 residents indicate that by December 2020, 5% of all Eden residents had unpaid back rent, more than two times the share of people who owed back rent in December of 2019.

The majority of Eden’s properties are financed with the Low-Income Housing Tax Credit (LIHTC) program, but some also use funding from the HOME Investment Partnership Program, Project-Based Vouchers, and U.S. Department of Agriculture’s (USDA’s) Rural Development program. Using a sample of 5,388 households and matching rent information with demographic data, researchers broke down rent trends.

More than 1,600 households missed at least one month’s payment between April and December of 2020, 50% more compared to the same period in 2019. More than 670 households missed multiple payments, and 160 missed more than 5 months. The average amount owed in arrears per household for any given month was \$750. Of those who missed a rent payment in April of 2020, 62% had not caught up by December 2020.

Ability to pay rent varied across income sources. Households least likely to miss a rent payment were those in which at least one member received fixed income or at least one member received fixed income and the household had tenant or project-based HUD assistance. Households who received tenant or project-based HUD assistance but received no fixed income had the highest nonpayment rates, a trend that existed before the pandemic. HUD-subsidized tenants tend to have very low incomes to begin with and can have their rents adjusted if they lose income. Despite this, many HUD-subsidized tenants have minimum rents and can still fall into arrears. Meanwhile, tenants without any rental assistance and without fixed income saw the biggest increases of missed rental payments, accounting for 56% of the number of households that missed at least one rent payment.

Family households headed by a single parent were most affected by the pandemic. By December 2020, 12% of single-adult households with children had missed payments, compared to 5% of households with children and multiple adults, and 4% of households without children. The share of senior households with missed payments did not change, so the uptick in missed rental payments from 2.5% to 5% in a year likely stemmed from households with children, which are less likely to have fixed income. Black households saw the steepest increase in nonpayment, with one in three Black households falling behind during the pandemic.

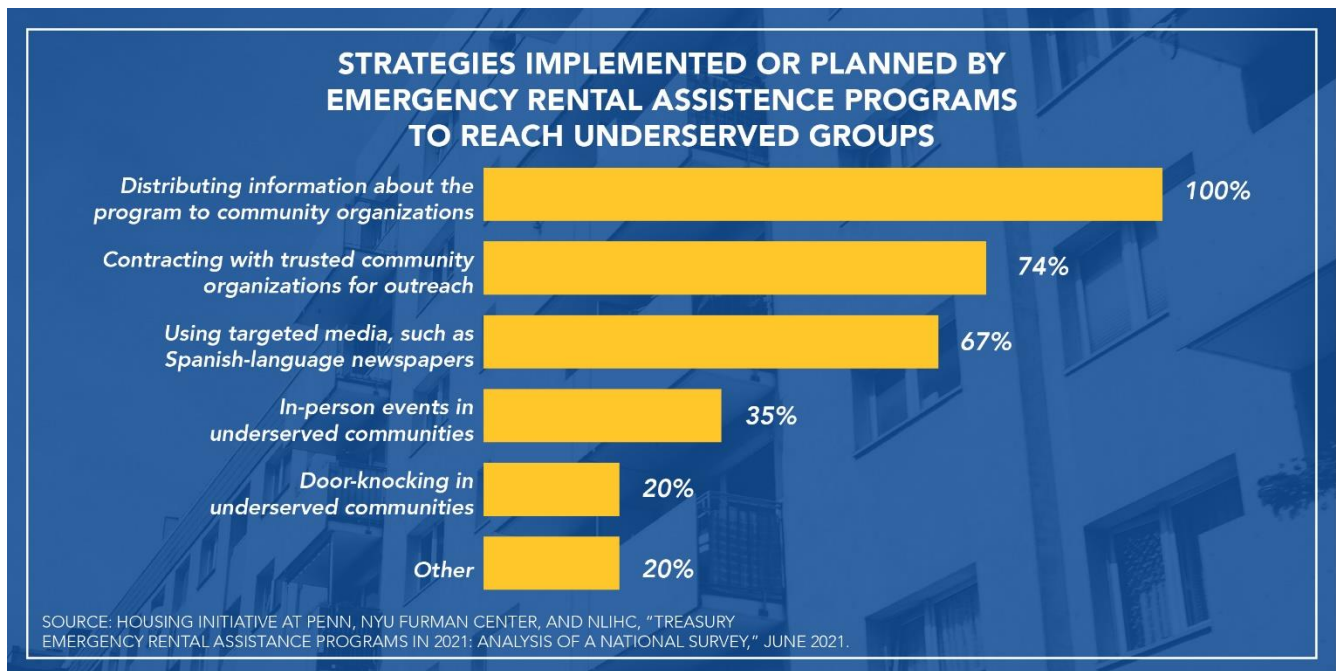
Non-payment rates varied across geography as well. Households living in areas where the pandemic had less of an effect on the employment rate, such as areas relying on agricultural work, saw fewer people behind on rent than areas more reliant on service economies. Areas with strong rent relief programs beginning early also had lower non-payment rates.

As a mission-driven organization, Eden works with vulnerable tenants to find help with rent and to keep them housed through existing residential services infrastructure, something the private market lacks. They also changed their policies, allowing for partial payment of rent beginning in March 2020. As a result, Eden residents likely fared better than private-market residents.

Read the brief at: <https://bit.ly/2StUdrW>

Fact of the Week

Three Fourths of ERA Programs Taking Steps to Reach Underserved Groups Partner with Trusted Community Organizations



From the Field

Texas Passes Statewide Camping Ban

Texas Governor Greg Abbott signed legislation on June 15 enforcing a statewide camping ban. [HB1925](#) will ban encampments in all public areas. Local governments can choose to designate space on government-owned properties for people experiencing homelessness, but these must first be proposed to and approved by the Texas Department of Housing and Community Affairs (TDHCA). The bill will go into effect on September 1, 2021.

The ban would charge individuals camping outside of designated areas with a Class C misdemeanor and a fine of up to \$500. Cities must comply with the ban and cannot adopt any policy that “prohibits or discourages the enforcement of any public camping ban.” The law frames these requirements as the minimum threshold, and cities are allowed to enforce stricter camping measures.

The legislation mandates that local governments submit requests to TDHCA for designated campsites that meet all the following criteria:

- Availability of health care, including access to Medicaid services and mental health services
- Availability of indigent services
- Availability of “reasonably affordable” public transportation
- Local law enforcement resources
- Mental health coordination

TDHCA must respond to applications for new campsites within 30 days. The legislation comes after a similar proposition passed in Austin, [Proposition B](#), making it a Class C misdemeanor to “sit, lie down, or camp in public areas and prohibiting solicitation of money or other things of value at specific hours and locations.” Proposition B, passed in May and was endorsed by the governor.

The legislation was criticized by homelessness advocates who stated that the camping ban will not alleviate homelessness, and that the potential fine for camping could lead to arrests for repeated offenses or an inability to pay which would create further barriers to exiting homelessness. In addition, the requirement for TDHCA to process new campsite applications is likely to be a costly burden on an already strained housing and community affairs department.

“This law seeks to push Texans experiencing homelessness out of sight. And, if they don't comply with the ban, it criminalizes their living condition,” said Eric Samuels, president and CEO of the Texas Homeless Network (an NLIHC state partner). “Criminalizing homelessness creates barriers for individuals and families seeking housing; it does nothing to reduce it. The only way communities have succeeded in making homelessness rare, brief, and a one-time event is through collaborative planning and investment in deeply affordable and supportive housing,”

For more information about HB1925, Proposition B, and the Texas Homeless Network, contact Eric Samuels at eric@thn.org or visit: www.thn.org

NLIHC in the News

The following are some of the news stories that NLIHC contributed to during the week of June 20:

- “U.S. officials expected to extend eviction moratorium by 30 days as fears about renters mount,” *Washington Post*, June 23 at: <https://wapo.st/3xV4GeO>

- “Biden administration extends federal eviction ban through July,” *CNN*, June 24 at: <https://cnn.it/35ZmJo9>
- “Millions of renters still haven't been able to pay back rent as Biden administration extends eviction moratorium for 30 days,” *USA Today*, June 24 at: <https://bit.ly/3qyV47i>

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