

MEMORANDUM

Date: January 20, 2021

To: Marisa A. Zapata, PhD
Director, PSU-HRAC

From: Lauren E. M. Everett
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Subject: Updates on COVID-19 response, housing, and people experiencing homelessness nationwide, January 11–17.

News

1. [President-elect Biden's \\$1.9 trillion legislative proposal](#) includes extending the federal eviction moratorium through September 2021, \$30 billion in rental and utility assistance, and \$5 billion towards housing and services for people experiencing homelessness.
2. As the pandemic stretches into a new year, the data continues to show that [Black and Latino renter households](#) face eviction in disproportionate numbers. In [Kent County, Michigan](#) (Grand Rapids) the number of families in shelter has doubled since the pandemic began. About 75% of these families are people of color, and are predominantly Black families, in contrast to the Black population comprising 11% of the county's residents.
3. In 2018, a nonprofit in [Vancouver, BC](#) gave about \$5,800 USD to 50 people experiencing homelessness to invest in their futures. Two years later, the results suggest that cash distribution with no strings attached is a promising and powerful model for lifting people out of poverty.
4. In [Los Angeles](#), the Right to Counsel movement is building steam, and aims to provide low-income Angelenos with legal representation in eviction court. Several other US cities, including New York and San Francisco, have already passed similar legislation. [More on the policy](#) from the National Coalition for a Civil Right to Counsel.
5. The challenges of the pandemic have inspired innovative housing solutions for people experiencing homelessness in [Colorado](#).
6. A new bill in [California](#) (Assembly Bill 71) proposes raising over \$2 billion a year for homeless housing by raising the corporate income tax from 8.84% to 9.6%. This increase would only apply to companies with over \$5 million in annual profits in the state.
7. A small housing authority in [Rhode Island](#) offered the COVID-19 vaccine to all of its staff, residents, and housing choice voucher holders.
8. A new working paper from Harvard's Joint Center for Housing Studies estimates that [62% of working-age renters in the United States](#) cannot afford a modest but comfortable standard of living.
9. In [Honolulu](#), the state eviction moratorium has significant loopholes that enable evictions to take place. Specifically, owners are allowed to terminate tenancies if they move into the

home or sell the properties. [Oregon](#)'s moratorium has similar loopholes, which allow for termination in the event that the landlord or their family intends to move in, or sells it to someone with that intention.

10. In advance of the presidential inauguration and possible rioting from far-right groups, houseless advocates in [Washington D.C.](#) are working to make sure that people experiencing homelessness in the District have the support they need. AirBnB's decision to cancel all reservations—while welcomed by many—has also resulted in some community members losing their temporary housing.

National Low-Income Housing Coalition (NLIHC) weekly call and updates (January 11)

Senator Sherrod Brown, Ohio: I will be chairing the Senate Banking Committee, but I include the word “housing” when I describe it because it's my top priority and will be for the rest of my career. Housing impacts many aspects of life, including health, education, and more. Many renter households live in a situation where if one thing goes wrong, they are at risk of losing their housing. We will start by working with the Biden administration to get out that emergency rental assistance and extend the eviction moratorium. Then we'll start working on a new COVID relief package. When we first passed that COVID package, 13 million people were kept out of poverty. We need to get to work addressing income inequality and structural racism in our next package. We'll work to preserve and create affordable housing, and to end homelessness. We need to invest in low income neighborhoods and communities of color. This committee will play a role in advancing environmental justice and more energy efficient public transportation, as well as strengthening Fair Housing law enforcement. We can't wipe away the history of Jim Crow and redlining, but we can dismantle it and move forward.

Q: What are your first priorities as the incoming chairman?

A: We need to move on confirming nominees first. We've got to decide what we'll do with impeachment. I'm concerned it will get in the way of the things we need to do, meaning all work stops during an impeachment trial. The COVID relief package is the most important thing to do, as much as I think that Trump, Giuliani and others deserve to be held accountable. I want to make sure there's enough money for rental assistance. Keeping the moratorium is also essential. We have to get help to local governments so they don't start laying off massive amounts of people. We've got to get the vaccine out to teachers so kids can return to school, or our society will pay. We'll never get the economy back in shape if parents can't return to work. When the vaccine is distributed to enough people, then we'll turn to long term on housing and building new housing. When we do a big infrastructure bill that will include transit, building housing around transit, and by investments in the National Housing Trust Fund and public housing. The pent up demand for that is great, and for the first one hundred days we're going to show that our concerns aren't Wall Street, as they have been for years. We want people to see that things are going to get better through their vote for this administration, in the months after it begins.

More on [Senator Brown's priorities](#) as the top Democrat on the committee.

Diane Yentel: As most of you know, the current CDC eviction moratorium expires in 20 days. So what we need most is for Biden in his first days to extend and strengthen the moratorium. We hope he will issue this on day one, as an executive order. We've had some conversations with his transition team and they are aware and considering what steps to take. We think they're aware of what needs to happen and considering how to address it. We're working to make sure the \$25 billion in rental assistance gets out quickly, and to those who need it most. This includes recommendations for US Treasury guidance about how the funds are allocated and distributed. The Treasury opened up the process for certification to get out their request for the funds, and that process ends tomorrow. It could be as soon as next week that these funds will be sent to states and cities, and then it's up to them to distribute them. We had a tremendous amount of feedback during our working group call on this topic, which helped us put together a detailed document of [our recommendations](#) for the Treasury. This entailed getting the money out to the people who need it most, and also simplifying the documentation needed so it can be distributed quickly. We've sent it to the transition teams and the Treasury and HUD.

Sarah Saadian, VP of Policy, NLIHC: I wanted to thank everyone who shared their input to get this document out quickly. We made it clear that we had two major goals: 1. That guidance addressed the challenges localities experienced with the first round of fundings, and 2. That localities design their programs using evidence based practices. We want to make sure that guidance emphasizes state and local flexibility. People were worried that the Treasury would put out more guidance, that would result in localities having to pay back money. We also wanted to make sure the funding is going to households most in need. We recommend strengthening language around prioritization, specifically in prioritizing households making 50% AMI and less. We want to ensure that when localities set their allocation priorities, it reflects data on communities most in need.

Another element is streamlining the process as much as possible by allowing tenants to self-certify financial need. The Treasury should encourage states to use this method, rather than cumbersome documentation requirements. Tenants should not be penalized when landlords refuse to participate in assistance programs. We don't want renters to be on the hook if their landlords aren't participating. We want to make sure that financial assistance is available to all renters, regardless of what kind of housing they're in and if they have a lease agreement. We were pleased that the bill allows for 10% of the funds to be used for housing stabilization services, but this is also vague, so we'd like them to use the existing HUD definition. This includes legal services. It's important that we have robust data collection practices, so advocates can best prioritize assistance. This is important from a racial equity lens as well.

Kim Johnson, Policy Analyst, NLIHC: In light of the \$25 billion in rental assistance that was just passed, we've put together [guidance for localities](#). This has been informed by our findings about how the CARES Act assistance has been deployed. We consider this document to be a living document, and will continue to update it. We pull examples from existing programs and link to

examples when relevant. The eligibility for this round of funding specifies that at least one member has income impacted by COVID, and that the household is at risk of homelessness. Program members should not require an eviction notice, as it is often too late at that point for aid to be useful. Rental assistance applications should be as short and simple as possible. These short initial applications can help administrators determine whether applicants meet requirements, and if additional documentation is needed. Our research shows that this low-barrier process enables aid to be distributed more effectively. A significant portion of aid should be allocated to the most vulnerable renters. Administrators can also target assistance to areas with higher levels of housing instability and unemployment. We recommend using a weighted lottery system for distribution, rather than a “first come first served” system, as that can prioritize applicants with more access to technology.

Rebecca Yae, Policy Analyst, NLIHC: The COVID-19 package enables up to 15 months of rent to be subsidized. Because the need for assistance is greater than current resources, many administrators choose to set a maximum amount or percentage for coverage. Localities can make payments directly to landlords and utility companies, but if they refuse to accept assistance the payments can also be made to the tenant. Most programs require landlords to submit a W9 form in order to process payments. Some programs have additional requirements, including housing quality programs, waiving late fees, etc. One thing I’m wary of is overly stringent concessions that can deter landlords from participating. It’s critical that localities work with local organizations that have experience in providing aid to people in need - especially those who work with communities of color. The guidance also covers other federal funding streams to help renters.

Rachel Cohen-Miller, Supervising Attorney, Disability Rights Texas: We have an [accommodation request letter generator](#) for people with disabilities who are facing eviction for nonpayment of rent. Disability is broader than most people realize. In a scenario where someone is behind on rent or an eviction has been filed, what is disability? People have a number of conditions that will put them at risk of serious outcomes. This could include having diabetes, mental illness, or having COVID. This tool is only going to get more important as time goes on, given the new strains of the virus and how transmissible they are. One thing we’re seeing is that people can work out a payment plan with their landlord, and this can include negotiating for partial rent forgiveness. If you’re behind on rent, it’s helpful to pinpoint the reason. We’ve had landlords give tenants money to move, in addition to forgiving rent. You also have to take into consideration the landlord’s situation, in terms of feasibility of forgiving rent, but you don’t get what you don’t ask for so it’s important to at least ask.

Rachel Heller, CEO, Citizen’s Housing and Planning Association: We are based in Massachusetts, and advocate for opportunities at various levels of government, and for policy change to expand access to housing. We’ve been bringing stakeholders together to understand how the pandemic is impacting low-income households. We’ve advocated that helping people pay the rent creates stability through the pandemic, and also stabilizes landlords and prevents investors from purchasing buildings. We’ve successfully advocated for increases in our state’s homelessness prevention program. [The Eviction Diversion Initiative](#) allocated \$100 for rental assistance, \$12

million for a Right to Counsel program, \$6.5 million for housing consumer education, and \$48.7 million for homelessness prevention. The Massachusetts Eviction Protection Law establishes a number of protections, including revised notices to quit for COVID-related evictions, delayed eviction cases if there is a pending application for emergency rental assistance, and more. Last week the state legislature passed a significant economic development bill, which includes zoning reform to enable more affordable housing development; eviction record sealing; a tenant's right to purchase; and climate resilient affordable housing investments (\$10 million in funding).

Other Resources:

1. HUD's guidelines for Continuums of Care seeking [waivers for conducting the required point-in-time count](#).
2. The NLIHC's new report, [Best Practices for State and Local Emergency Rental Assistance Programs](#).