

## MEMORANDUM

**Date:** March 1, 2021

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

**From:** Lauren E. M. Everett  
Graduate Research Assistant, PSU-HRAC

**Subject:** Updates on COVID-19 response, housing, and people experiencing homelessness nationwide, February 22 - 28.

### News

1. The U.S. Department of the Treasury has released a new FAQ outlining guidelines for distributing [\\$25 billion in federal rental assistance](#). It incorporates many of the recommendations made by the NLIHC and other advocates, to improve the previous FAQ issued under the Trump administration.
2. Recent research shows a significant increase in deaths among people experiencing homelessness in the [United Kingdom](#), despite the government's Everyone In hotel shelter program. Advocates attribute the increase to drastic cuts in welfare services and lack of suitable housing.
3. *Time* reports on how the crisis of [accumulating back rent](#) is placing a financial burden on tenants and small landlords alike, and highlighting racial inequities.
4. As landlords across the country look for ways to evict their tenants despite the protections of the federal eviction moratorium, month-to-month leases have emerged as a major loophole. Judges in [South Florida](#) and elsewhere are ruling that these tenants do not hold leases and therefore do not fall under the protection of the order. However, it is standard practice among some landlords to only offer month-to-month leases regardless of how many years the tenant resides in the home.
5. Some landlords have been circumventing the legal system entirely, performing illegal "self-help" evictions to remove residents from their rental homes. In [Chicago](#), the Metropolitan Tenants Organization has received over 500 calls since March about these illegal lock-out evictions.
6. In [Wisconsin](#) 7,163 eviction cases have been filed since the CDC moratorium took effect in September 2020
7. [Hawaii](#) State Senator Stanley Chang is looking to Singapore's housing system for a proposed program that would entail building 67,000 affordable housing units across the state. Under ALOHA (Affordable, Locally Owned Homes for All), the government would oversee the construction of housing on state-owned land near transit stations, and they would be lease-to-own.

8. The National Consumer Law Center released guidelines on what states can do to save lives during COVID by [preventing utility shut-offs](#).
9. Continuing trends that had been blatantly evident before the pandemic, [Black households have been receiving eviction filings](#) at much higher rates than white households, even with the moratoriums.
10. A new study from the RAND Institute reveals the toll housing instability during the pandemic [has been taking on sleep](#).
11. [Los Angeles County](#) has extended their eviction moratorium through June 30. It covers residential and commercial evictions, and includes a prohibition on filing eviction due to small lease violations like having an unauthorized pet. This last provision is especially significant, as landlords across the country have been looking for these previously overlooked violations to circumvent tenant protections.

## National Low-Income Housing Coalition (NLIHC) weekly call and updates (February 22)

**Eric Samuels, President & CEO, Texas Homeless Network:** As I've talked to advocates, service providers, co-workers, and really anyone who cares about homelessness or even just Texas, I'm hearing the overwhelming emotion of rage. Rage that this was allowed to happen when the state was given ample time and warning to do something about the infrastructure. We had the opportunity to winterize our infrastructure after a smaller storm a while back and that didn't happen. Now people have died in this storm. Of this, at least six people have died in the street, including a Houston man in a van and a woman who died in a doorway. Galveston had many deaths that they're still looking into. In addition to the loss of life there was millions of dollars in damage to infrastructure within the homelessness system. There were at least two domestic violence shelters I know of with burst pipes. At Haven for Hope in San Antonio, they opened their doors and were willing to help 150 more people than they normally do, and had a large water main break that left them with one working faucet. So the staff that came there and camped out so they could help, had to constantly fill up water buckets and bring the water inside so residents could flush toilets.

We had people working hard all over the state to bring Texans into shelter, including outreach before the storm as well as after. One of our contacts in Amarillo drove around all night every night during the storm to bring people inside. The ED of San Antonio Regional Alliance went out and got stuck in the snow trying to bring people in. We had shelters that weren't opening and our advocates had to put pressure on them to open. We had people who stayed outside in their tents and we had outreach workers doing welfare checks and bringing food and supplies. We're in recovery mode. There's a utility disconnection moratorium and we're also in discussion with FEMA, but it shouldn't have come to this. We should have taken proactive measures and winterized our grid. These once in 100 years storms are happening more often and we have to be ready. Our agency has been compiling ways to help and I can send that out.

**Diane Yentel:** We have been pushing for the Treasury to rescind its harmful FAQ on federal rental assistance. It requires unnecessary and burdensome documentation from tenants that went beyond the statute in some cases and counter to it in others. We sent a letter with our collective recommendations to the incoming administration requesting a new FAQ that addresses the issues we identified. The administration held a number of listening sessions that we participated in. There were a number of occasions where the administration asked us for evidence of these issues and with your help we were able to provide examples. Sarah Saadian and I were on a call yesterday with some folks from the White House and Dept of Treasury to see what would be in the new FAQ, [which just came out](#), and it's very good: they took many of the recommendations we gave them. It is now up on their website, and they removed the previous one. They also made clear that their intention with this FAQ is to quickly reverse the harm from the guidance in the previous one, and they intend to provide more guidance in the future to fill in remaining grey areas. They also note they intend to have a webinar sometime next week on the emergency rental assistance program. On next week's national call we'll have a guest speaker from the Dept of Treasury whose team is running the rental assistance programs. They are now allowing for self-certification in almost all cases where eligibility is required. The only place where they don't allow for that is to prove residency somewhere. They are flexible in the types of documentation they require. In all other cases (e.g. proving reduction of income) they allow for self-attestation, which is really good news. This was something where there was unanimous agreement from stakeholders. They also allow for internet costs to be covered, though it's not classified as a utility, which is what we recommended. Not all internet services are covered, but anything that allows renters to engage in distance learning, work, or telehealth. States are not required to accept self-certification, but they are allowed to.

There's also a very positive improvement in that tenants who are in federally subsidized properties can be eligible for emergency rental assistance, as long as the ERA funds aren't being used in duplicate to cover another cost. Up to 10% of the funds can be used for other services, and they give examples of that to include legal aid. It can also include housing counseling, case management, and other services.

**Sarah Saadian:** By clarifying that the statute says up to 10% of funds can be used for services, that addresses an issue from the previous FAQ where it included administrative costs. They also clarified the timeframe between landlords refusing to take the funds and tenants being able to access them directly, and changed it from up to 21 days to 14 calendar days if a request is sent in writing. If the request is made by phone or text or email, there have to be three attempts over a 10 day period. It's a much shorter period than what was in the previous FAQ.

**Diane:** To clarify, legal aid is not in the same pot as administrative costs. It would come out of the 10% to be allocated for housing stability services. There also is not a requirement to ask for SSNs for tenants, so there's nothing here that prohibits using funds for immigrants - documented or undocumented. They have not clarified an income preference system targeting low-income households, but they have outlined it.

**Q:** Can the state require that landlords accept less than 100% of rent and forgive the rest?

**A:** It is not prohibited, so yes states can (and have been) requiring that.

**Diane:** As a reminder we're tracking rental assistance programs across the country, which number over 600. Many began at the start of the pandemic but we're also seeing new programs to distribute this federal assistance. We anticipate hundreds more opening in the next week, with this FAQ coming out. To touch briefly on the eviction moratorium, I mentioned last week that several agencies have had a number of listening sessions with stakeholders as they determine how to strengthen it. We have reopened our sign-on letter to the director of the CDC and President Biden. Last week we had over 2,000 organizations signed on, so if you haven't had your organization signed on please circulate it. The deadline is March 15.

**John Pollock, Coordinator, Staff Attorney, National Coalition for a Civil Right to Counsel:**

Before COVID-19 the movement was already on the rise, with 5 cities having passed a RTC before the pandemic. Since then we can see that the movement has really responded in understanding why a RTC is so important, due to the loopholes in the moratorium and limited legal resources. Where we are now is we have seven cities with a RTC, and a number of states have pending legislation at the state level. Maryland, Minnesota, Nebraska, and Washington have already had hearings. The ordinances have mostly been passed by lawmakers, but two municipalities have put it on the ballot. Then there are about twenty states and localities that are having conversations about a RTC. One of the things that's fuelling these conversations is the enormous success of their programs and how much evictions have dropped. Judges in NY have reported that it's improving their courts and making things more efficient. San Francisco has also had very positive outcomes. In Cleveland, 93% of tenants who are represented have been able to avoid displacement. On a racial equity note, people of color are overrepresented in housing court and this has continued and been magnified during the pandemic. You can find more information about all of the legislation on our website. We're also having webinars about a RTC, each one focuses on a different city and how they organized to bring it into being. Many jurisdictions have been using federal emergency assistance funds for legal representation, and the 10% in housing services in the latest round can also be used for this. Please visit our website or reach out for more information: [jpollock@publicjustice.org](mailto:jpollock@publicjustice.org).

**Q:** How are the RTC organizing efforts incorporating the efforts of BIPOC tenants, law students and graduate students?

**A:** We haven't been working so much with law students, but as far as graduate students, racial equity is a huge part of our work. Part of our conversation about this will include conversations about how to incorporate law and graduate students. We're hoping that bringing on some additional resources will enable us to engage with that aspect more.

**Q:** How are jurisdictions that have RTC getting funds for this aside from the federal emergency funds?

**A:** We hope that Polk County will write something up about their case because it's a really good example. Some jurisdictions have used general funds. We don't encourage using private

funding because it's not sustainable, although some cities are using philanthropic funds as a bridge until a steady funding stream is in place. Also, a licensing or filing fee might be looked to as a funding source. But usually it's general revenue.

**Q:** Do you have data on the percentage of families in eviction court?

**A:** All I've seen on that is in the US Census' Pulse Survey (which informs [eviction estimates](#)) they ask about family status when they ask about ability to pay rent, so that gets to some of that data even though it's not actually court.

**Q:** Is there gender and race data on housing court?

**A:** Yes actually the Eviction Lab's data found that Black women were twice as likely to face eviction than White tenants.

**Q:** Who are the key partners in passing a RTC?

**A:** Community-based groups have been really key. This includes not only renters' rights groups, but also homeless health advocates, labor groups, and even judges and county commissioners who see a value in reducing the amount the government spends on homelessness prevention. Local chapters of DSA (Democratic Socialists of America) are getting very involved in RTC, the Autonomous Tenants Union Network (ATUN) and others. We're also trying to get national policy groups on board with this, and recent research shows that [the majority of Americans are supportive of this policy](#).

[A list of jurisdictions](#) using CARES Act funding for tenant representation.

**Marcie Roth, ED & CEO, World Institute on Disability:** People in long term care facilities are not considered to be experiencing homelessness and are thus not eligible for FEMA noncongregate shelter funds. Many residents of both prisons/jails and assisted living facilities have disabilities. Many COVID deaths have been in nursing homes. 188,000 people have died in nursing homes during the pandemic. Many of them were BIPOC and were experiencing poverty before being sent to the nursing homes. The Supreme Court determined over 20 years ago that people with disabilities have a right to receive services in a setting that best meets their needs. So the new FEMA 100% reimbursement rule is a wonderful win, however people in congregate institutions like that are not eligible. We are working on gaining access to funds for noncongregate shelter for people with disabilities, but FEMA keeps cancelling our meetings. Nursing homes are hungry to fill those empty 188,000 beds, and hospitals are using that opportunity to transfer people with COVID to these facilities, where they're not separated from other residents. In states that have been impacted by extreme weather many people went to emergency rooms because they needed access to heat and hot water. Many of these people have been transferred to LTC and these are not safe places for people to be. These Category B protective measures are denied to people who aren't meeting a specific definition of homelessness. I would like to really welcome the opportunity for all of us to work together to optimize this opportunity to place vulnerable people in noncongregate shelter. I wish I could be more hopeful about our upcoming meeting with FEMA but we're really in limbo here.

**John Pourciau, Chief of Staff, Mayor's Office, City of New Orleans:** The city has received \$11.6 million to provide a rental assistance program, and that's on top of work we were doing with CDBG (Community Development Block Grant) and private funds. This program is being set up by the city rather than partnering with an external agency. We're hoping we'll be able to get this money out the door quickly. We went live on February 14 and have already received thousands of applications. The prevention of eviction can also help other aspects of the public health crisis arising from the pandemic. One aspect we're proud of is our relationship with the courts. We prioritize funding for people who are facing eviction. Also, while we realize that the eviction moratorium is a powerful tool it's not foolproof so we're working to make sure we have protections in place for when that expires. Before the pandemic we were already facing significant concerns about eviction so this is adding to that preexisting issue. For any landlord who accepts the federal funds they will not be able to evict tenants for any reason other than criminal activity for at least 90 days. This includes terminating month-to-month leases. The intention for this is to provide as much stability as we can, for up to six months. From the city's perspective housing counseling is also very important and continues to be at the forefront of our requests for federal assistance, as well as legal counsel.

**Q:** What are you doing about landlords who refuse to participate, so that tenants can still get that back rent paid?

**A:** Case management and communication with landlords is a really important part of the process. Our focus is on the resident, but we try to talk to landlords with respect and understand that some of them are really stressed out and struggling right now too. Many small landlords have intergenerational properties, and this is especially significant for our city's Black community. So having conversations about mutual respect is important.

**Adrienne Bush, ED, Homeless & Housing Coalition of Kentucky:** In the last week or so we've had some media attention. The Urban League reported over the 950 evictions that have already been filed in Louisville in 2021. The Louisville Courier-Journal reported that there were 1,298 eviction judgements between August and December of 2020. The most egregious development was that district courts in Louisville upgraded their Zoom accounts for remote experiences at the end of January, and staff had been taking time during court to call attorneys for landlords. The Kentucky Equal Justice Center filed a lawsuit. Our outreach continues, and there's a website ([homerenterdeclaration.org](http://homerenterdeclaration.org)) that can be used by anyone in the US, and sends the CDC declaration to your landlord. In looking forward, we ask ourselves why evictions are continuing. One issue is leases expiring and not being renewed. Also, filings and detainers for other lease violations - things that weren't a problem a year ago and are now resulting in evictions. We also have judges issuing judgements for nonpayment of rent, tenants without leases, and landlords refusing assistance and turning to the courts for relief.

We have emergency rental assistance that is available in all 120 counties and it covers 100% of past due rent owed since April, plus up to three months of future rent. All three relief portals opened by February 15. As part of the program parameters there must be a written lease, which

can be signed contemporarily. With the CARES Act money the state finally had enough money for Rapid Rehousing assistance to assist people in all 120 counties for everyone in need, regardless of familial or veteran status. The last thing I want to mention is that vaccine distribution continues to be an issue. Staff at homeless shelters were in 1C, which is about in the middle, and we were able to get them moved up to 1A. We haven't had any luck prioritizing people experiencing homelessness though.

**Sarah Saadian:** All of the various bills from each committee have been put together in one package and the budget committee has gone over it to make sure it's in compliance. All the bills add up to \$1.956 trillion, which is a little above what was approved, so they'll have to make some adjustments to align it with that number. When the bill goes to the house floor Democrats can only lose a handful of votes for it to still pass, so it's really important to reach out to our Democrat representatives. It's also helpful to reach out to Republicans, even though they're expected to vote against it. Once it's in the Senate there will be 20 hours set aside for debate and we expect Republicans to introduce amendments that will cut eligibility (especially for undocumented people), impose spending timelines, and other restrictions. We hope the process will be finalized by mid-March. Then the final bill will have to go back to the House for another vote.

### Other resources:

1. The [2020 State Index on Youth Homelessness](#) was just released. The report ranks and scores laws and policies related to preventing and addressing youth homelessness across the US.
2. The National Alliance to End Homelessness's webinar [Actionable Research on COVID-19 and Homelessness](#) will take place on March 2.
3. The Urban Land Institute will host the [Housing Opportunity Conference](#) March 16-17.