

# TENANT TALK

WINTER 2022 | VOLUME 13, ISSUE 1

## EMERGENCY RENTAL ASSISTANCE AT ALL ANGLES



NATIONAL LOW INCOME HOUSING COALITION

# TENANT

WINTER 2022 | VOLUME 13, ISSUE 1



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## TENANT TALK

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## ABOUT NLIHC

The National Low Income Housing Coalition is dedicated to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice.

A key part of our work is public education and engagement. NLIHC is committed to sharing resources and tools that help individuals become informed advocates. *Tenant Talk* is one of the many resources we provide to the public.

## BECOME A MEMBER

NLIHC relies heavily on the support of our members to fund our work and to guide our policy decisions. Members are our strength! Hundreds of low-income residents and resident organizations have joined the NLIHC community by becoming members.

We suggest an annual membership rate of only \$5 for a low-income individual membership, and \$15 for a low-income resident organization. Please consider becoming a member of NLIHC today at [nlihc.org/membership](https://nlihc.org/membership).

*Layout Design: Ikra Rafi, Creative Services Manager*

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# MESSAGE FROM THE EDITORIAL BOARD

## Dear Readers,

**E**ven before the COVID-19 pandemic, tenants in the United States were facing a crisis. Rising costs, stagnant wages, and a shortage of rental homes made it all but impossible for the lowest-income people to find quality, accessible, and affordable homes. A patchwork of insufficient protections left far too many renters vulnerable to eviction. Centuries of systemic racism and racial discrimination in the housing market put people of color at especially high risk. Black and Latino tenants, especially women, were more likely to be threatened with eviction and were being evicted at disproportionately high rates.

The pandemic only exacerbated this crisis. The country's broken housing system and threadbare safety net left many tenants unprepared to weather the pandemic and its economic fallout. As the virus spread, the connection between housing and health became clearer than ever. Without stable, quality homes, people were unable to socially distance to protect themselves from the virus. Meanwhile, a recession caused millions of households to fall behind on rent, putting them at risk of eviction when temporary eviction bans expired. A public health crisis that took a devastating toll on communities of color left the country on the brink of a mass eviction crisis as well.

After a major push by tenants and advocates, the administration and Congress established a federal eviction moratorium and the Emergency Rental Assistance (ERA) Program. Administered by the U.S. Department of the Treasury (Treasury), the program allocated unprecedented federal resources for paying back rental arrears. By now, more than 500 local programs have distributed billions of dollars of aid and assisted over 3 million families – yet too many tenants have been left out.

Some states and cities have exhausted their resources and stopped accepting new applications. Other programs have lagged in distributing resources or imposed bureaucratic hurdles making them difficult to access. Many renters are once again at risk of eviction, especially in communities of color, because these temporary solutions don't address the long-term, systemic flaws in our housing system. To address the challenges involved in implementing emergency rental assistance, NLIHC launched the national effort known as End Rental Arrears to Stop Evictions (ERASE). Through ERASE, NLIHC has worked closely with state and local partners to ensure this historic aid enacted by Congress reaches the lowest-income people.

This issue of *Tenant Talk* focuses on the successes and shortcomings of ERA, highlights renters' perspectives on the program, and discusses opportunities for improvements based on tenant experiences. Together, we have the power to push for more equitable programs that stop evictions, dismantle racism in the housing system, and achieve long-term housing justice. We hope our magazine inspires you to join us!

In Solidarity,

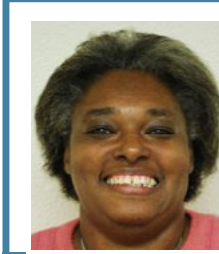
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# EVICTIIONS 101

## EVICTIIONS, COVID-19, AND RACIAL DISPARITIES

The longstanding housing affordability crisis in the United States entered a new stage of urgency in 2020, as the COVID-19 pandemic sparked an economic and public health emergency that threatened the housing stability and the lives of millions of renters. Many people faced eviction for the first time, while those in shelters or camping in public spaces found it impossible to self-quarantine.

Prior to the onset of COVID-19, Black and Indigenous people and people of color were already facing disproportionate housing cost burdens and housing instability that were rooted in a history of structural racism and discriminatory housing practices. COVID-19 made clear the link between housing and health. Individual and public health were endangered as millions of renters – predominantly people of color – struggled to remain safely and stably housed throughout the pandemic. Many low-income renters who had struggled to pay rent before the COVID-19 crisis were left at even greater risk due to job losses, increased expenses, and the resulting rental debt that built up over the pandemic. By January 2021, at least 9 million renter households were estimated to owe up to \$50 billion in rent and utility bills and were at high risk of losing their homes.

To lessen the spread of COVID-19 and help keep people in their homes, the Centers for Disease Control and Prevention (CDC) issued a nationwide [eviction moratorium](#) (a temporary freeze on evictions for nonpayment of rent) in September 2020. In the months that followed, Congress passed two additional bills – the “[Consolidated Appropriations Act of 2021](#)” and the “[American Rescue Plan Act of 2021](#)” – that made a total of \$46.55 billion in emergency rental assistance (ERA) available to states and localities for distribution to renters and landlords across the country.

The public health emergency and resulting historic aid to renters have fundamentally shifted the housing landscape in the United States. In addition to the federal moratorium and availability of emergency rental assistance, state and local jurisdictions across the country have recognized the crucial role tenant protections play in preventing evictions and ensuring housing stability for the lowest-income households. In 2021 alone, states and localities implemented over 130 new regulations to protect tenants from eviction and keep them stably housed.



*The NYC chapter of the Democratic Socialists of America holding up a red sign that reads “Housing is a Human Right.”*



# THE EVICTION PROCESS: HOW IT WORKS AND WHAT TO KNOW

Are you threatened with eviction because you owe several months of back rent due to pandemic-related disruptions? You are not alone. Many renters have been hit hard by COVID-19, losing their jobs, having to stay home to care for children and loved ones, and being forced to take on additional expenses related to working and schooling at home. If you are in a crisis and are unable to pay your rent, are behind on your rent, or are going into debt to make rental payments, there are some important first steps you should take to address your situation:

- Contact your local emergency rental assistance (ERA) program to check your eligibility for ERA and start an application.
- Then, contact your landlord to let them know that you applied for ERA and would like to make a plan.

## How the eviction process works

Like other people, however, you may already be facing eviction. Even if you are, do not despair! The eviction process has several stages, and there are ways to avoid eviction throughout the process. Though the process can be confusing – and each state has its own rules, forms, and timelines that guide evictions for both landlords and tenants – there are five basic steps that you should know about.

### STEP 1: THE NOTICE TO QUIT FROM THE LANDLORD

If you continue to be late on your rent, your landlord may at some point give you a “Notice to Quit.” The Notice to Quit is a written notice provided by a landlord that states that a tenant is breaking a rule in the lease or is behind on their rent. This notice must be given in compliance with state and local requirements.

#### COMMON WAYS OF SERVING THE NOTICE INCLUDE:

- personal delivery to the tenant.
- taping the notice to the tenant’s front door.
- sending the notice through first-class or certified mail.

In the situation of nonpayment of rent, the Notice to Quit provides a deadline (three to five days in most states) for a tenant to pay the rent or move out (quit). After the deadline has passed, the landlord can file the eviction with the court.

#### I RECEIVED A NOTICE TO QUIT - WHAT HAPPENS NEXT?

It is important to know that receiving a Notice to Quit is the first step in the process and that you should not move out after receiving one. However, there are three immediate actions you should consider if you do receive a Notice to Quit:

- Find out if you have tenant protections. As a renter, you have local, state, and federal rights during the pandemic and possibly beyond. Some of these rights may help you stay in your home and postpone eviction. See the tenant protections article on page 20 for more information.
- Ask for legal help. If your landlord is threatening to evict you, or you need help understanding your rights, talk to a lawyer. You may qualify for free legal aid depending on your income.
- If you have not done so already, now is the time to contact your local ERA program and complete an application. There may be additional protections that kick in when you complete an ERA application.



### OPTIONS TO PAY THE OWED RENT MAY INCLUDE:

- entering a payment plan.
- applying for rental assistance.
- making other plans to pay the owed rent.

**REMEMBER: A LANDLORD CANNOT JUST LOCK YOU OUT, EVEN IF YOU ARE BEHIND ON RENT. THEY MUST GO THROUGH A PROCESS AND GET A COURT JUDGEMENT FIRST!**

### STEP 2: THE SUMMONS TO COURT

If your landlord has provided a Notice to Quit but you haven't moved out, paid the rent, or fixed the violation stated in the notice, your landlord must then file paperwork with the state or local court and serve you with a summons or complaint to move forward with the eviction.

The summons or complaint is an official court document that lets the tenant know they are being sued. It provides the date and time for a hearing or trial before a judge.

Remember: You **MUST** respond to the summons and/or show up to this hearing. If you do not show up, the judge will likely rule against you, even if you have a strong defense against eviction.

### STEP 3: THE COURT HEARING IN FRONT OF A JUDGE

The hearing is your opportunity to tell your side of the story. The judge or other official managing the hearing will allow both you and your landlord to present facts related to the case, including witnesses and evidence. You can bring your ERA application number to show you have a pending application. You can also bring rent receipts or other information showing your ability to pay rent or make a payment plan moving forward. The judge examines all the evidence, listens to each side of the story, and decides if the eviction is valid.

**REMEMBER: KNOW YOUR RIGHTS AND SEEK SUPPORT!**

Tenants are more successful in stopping evictions when they have legal representation. Unfortunately, research shows that more than 90% of landlords have legal representation compared to less than 10% of tenants. Several states have passed right-to-counsel legislation that provides free legal services to low-income tenants who are faced with a potential eviction.

### STEP 4: THE DECISION

After listening to all the witnesses and looking at the evidence presented by the tenant and the landlord, the judge will make a decision and write that decision up in an Order. If the tenant wins, the tenant can stay, usually subject to conditions. If the landlord wins, the judge will enter a *judgment for possession* (order of eviction).

Even if the judge decides against you, you may be able to file an appeal if you feel that the decision was wrong. In Connecticut, for example, tenants have five days to appeal a court's decision. If an appeal is filed, the eviction will be stopped until a final ruling is made on the appeal. Otherwise, the eviction process will continue.





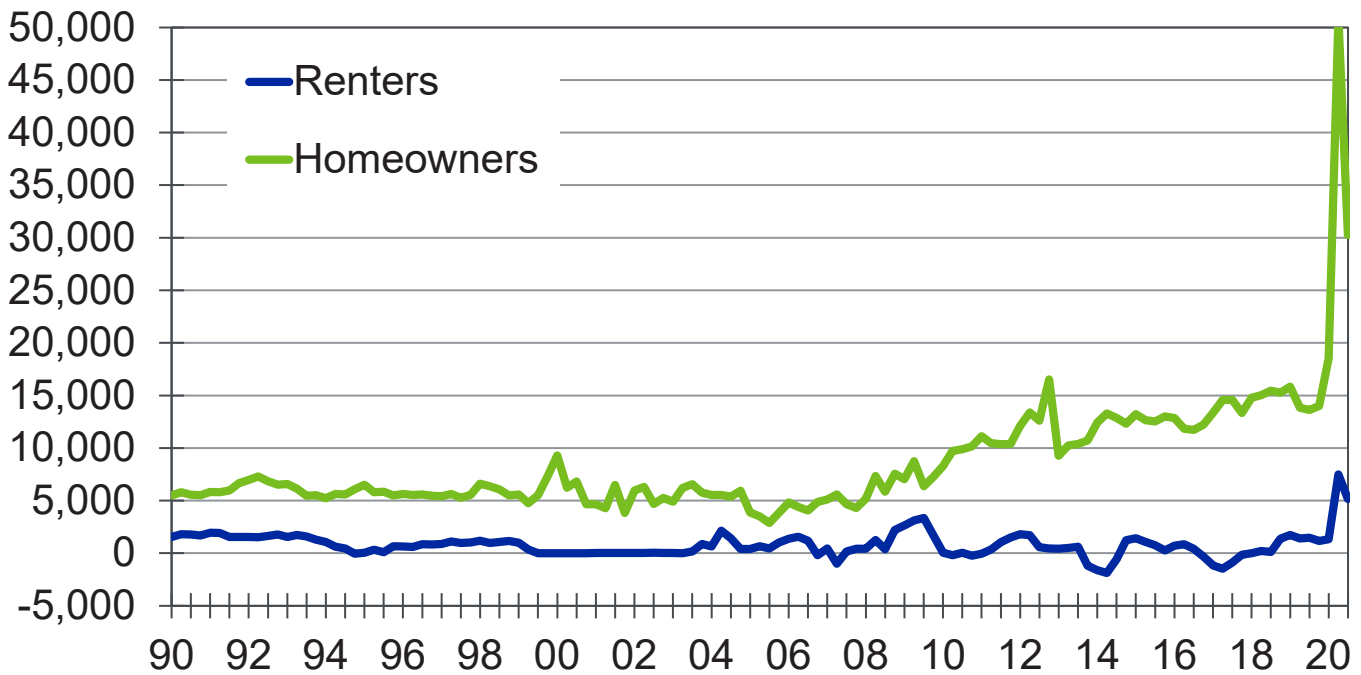
## STEP 5: THE NOTICE TO VACATE OR WRIT OF EXECUTION

Even if the landlord wins the eviction lawsuit, they cannot simply move you and your belongings out to the sidewalk. A landlord must give the court judgment to local law enforcement, usually along with a fee. A sheriff or marshal will give you – or post to your door – a final notice to vacate. This is a final notice to leave the rental unit and allows you time to move your belongings before law enforcement returns to remove them and escort you off the property.



# Chart 2: Renters Are Unable To Save

Personal saving, annualized, 2020Q3 \$



Sources: BLS, Moody’s Analytics

Chart created by the Bureau of Labor Statistics indicating that renters are unable to save when compared to homeowners. Citation: Zandi, M. & Parrott, J. (2021). Averting an Eviction Crisis. Urban Institute.

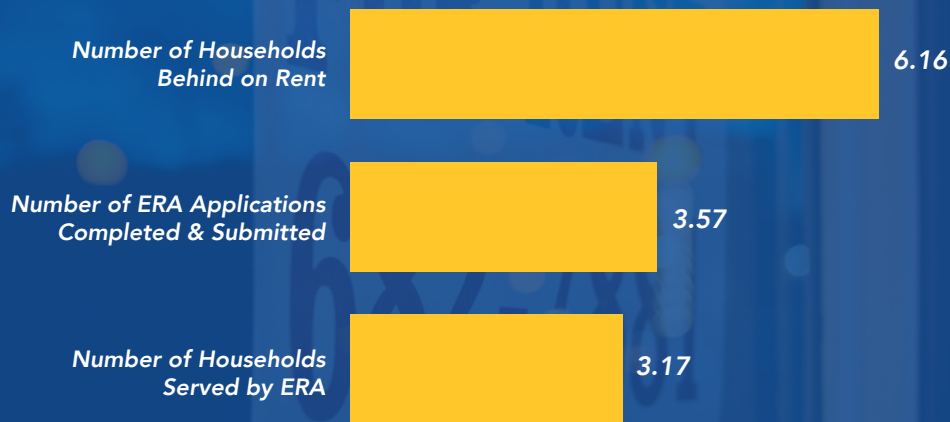


# EMERGENCY RENTAL ASSISTANCE PROGRAM

## THE EMERGENCY RENTAL ASSISTANCE PROGRAM

**T**he Emergency Rental Assistance Program – commonly called ERAP or ERA – is administered by the U.S. Department of the Treasury (usually known as “Treasury”). Through the program, Treasury gives funding to states (including the District of Columbia), territories, tribal governments, and local governments to disburse to landlords and renters in need. While Treasury provides rules (or “guidance”) for running ERAP and disbursing funds, each individual ERA program is unique. Through its guidance, Treasury has encouraged state and local ERA programs to adopt practices – including self-attestation, direct-to-tenant assistance, categorical eligibility, and fact-specific proxies – that help ensure that ERA money gets to tenants and landlords in need in time to prevent evictions. You can learn more about these practices on page 11.

## HOUSEHOLDS BEHIND ON RENT, TOTAL EMERGENCY RENTAL ASSISTANCE (ERA) APPLICATIONS SUBMITTED, AND HOUSEHOLDS SERVED BY ERA (IN MILLIONS)



SOURCES: (1) HOUSEHOLD PULSE SURVEY WEEK 41: DECEMBER 29, 2021 - JANUARY 10, 2022, U.S. CENSUS BUREAU; (2) EMERGENCY RENTAL ASSISTANCE QUARTERLY DATA FOR JANUARY 1-SEPTEMBER 30, 2021, U.S. DEPARTMENT OF THE TREASURY; (3) EMERGENCY RENTAL ASSISTANCE MONTHLY COMPLIANCE REPORT: NOVEMBER 1-30, 2021, U.S. DEPARTMENT OF THE TREASURY



NLIHC Fact of the Week – Households Behind on Rent, Total Emergency Rental Assistance (ERA) Applications Submitted, and Households Served by ERA (in millions)

# ERA: WHO IS ELIGIBLE? WHAT IS COVERED?

The \$46.55 billion in emergency rental assistance (ERA) that was passed by Congress came through two different pieces of legislation, the [“Consolidated Appropriations Act of 2021”](#) (enacted in December 2020) and the [“American Rescue Plan Act”](#) (enacted in March 2021). The ERA made available through the first piece of legislation is known as “ERA1” and that made available through the second piece of legislation is called “ERA2.” Eligibility for ERA varies based on whether the funding is distributed through ERA1 or ERA2.

Households are eligible for **ERA1** funds if one or more individuals has qualified for unemployment benefits or can attest in writing that they have experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly or indirectly to the pandemic.

Households are eligible for **ERA2** funds if one or more individuals has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship during or due directly or indirectly to the pandemic.

Most programs allow applications to be started by either tenants or landlords. If a landlord starts the application, the tenant must meet all eligibility requirements and cosign the application submitted by the landlord. However, tenants can still be paid directly by programs even if a landlord is not cooperative in the application process.

At least 90% of the ERA funds received by any state or local program must be used for direct financial assistance, such as rent, utilities and home energy costs, and other expenses related to housing. Funds can be used to pay back money owed for utilities or rent as well. A portion of the funds may also be used to support housing stability services, such as case management, housing counseling, and tenant/landlord mediation. For individuals receiving assistance, payments – including past and future payments – can be made for no more than 18 months in total.

Households that demonstrate a risk of experiencing homelessness or housing instability are also eligible for emergency rental assistance. This group includes low-income tenants – that is, those with incomes less than 80% of area median income (AMI) – though the Department of Housing and Urban Development (HUD) has the authority to adjust eligibility to include additional households.

## Accessing rental assistance

If you are a renter looking for assistance with rent or utilities, visit <https://nlihc.org/rental-assistance> and use the searchable database to find a Treasury Emergency Rental Assistance program near you. It is important that you apply immediately – before programs run out of funding – and that, if eligible, you take steps to benefit from tenant protections tied to ERA programs that delay or prevent evictions.

## Using Emergency Rental Assistance to support people experiencing homelessness

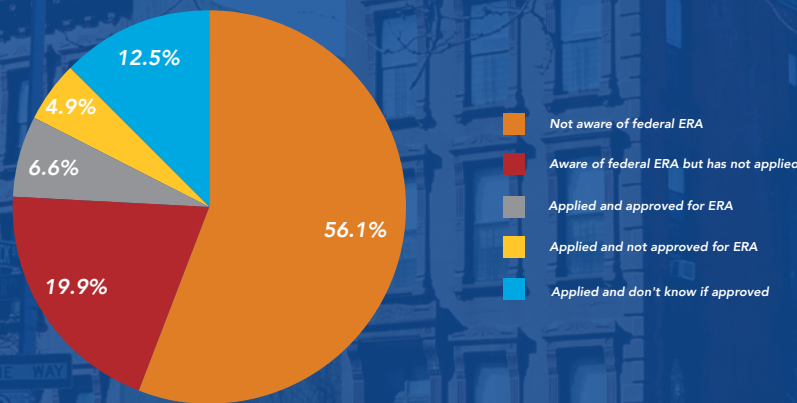
ERA funds can also be used to help people who are experiencing homelessness by paying for relocation costs, security deposits, future rent, application fees, and temporary hotel stays.

When people apply for rental housing, they often need to provide proof that they will be able to pay a security deposit and future rent. To help individuals demonstrate that they can pay the deposit and rent, the Treasury Department allows ERA programs to provide a “commitment letter” to prospective landlords stating that the applicant will have access to future rental assistance. The [commitment letter](#) specifies the amount of financial assistance the ERA program will pay the landlord if they enter into a lease with the applicant.

Using commitment letters is an important way for ERA programs to help people who are currently unhoused, individuals escaping domestic violence, people transitioning from incarceration or foster care, and other people who are at risk of experiencing homelessness or housing instability.

Program administrators must work with trusted community-based organizations to help people experiencing homelessness apply for ERA and obtain safe, affordable housing. Some landlords may refuse to accept the commitment of an ERA program to provide assistance on behalf of a tenant. ERA grantees and housing advocates should educate landlords about the commitment letter process and find ways to incentivize landlords to accept prospective tenants.

## AWARENESS OF FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAMS AMONG RENTERS WHO HAVE MISSED A PAYMENT SINCE MARCH 2020 IN HOMES OWNED BY SMALL-SCALE LANDLORDS



SOURCE: URBAN INSTITUTE, "WITH JUST A MONTH LEFT OF THE EVICTION MORATORIUM, MANY MOM-AND-POP LANDLORDS AND TENANTS ARE STILL UNAWARE OF FEDERAL RENTAL ASSISTANCE," 2021. SURVEY CONDUCTED IN MAY 2021.

NLIHC Fact of the Week – Awareness of Federal Emergency Rental Assistance Programs Among Renters Who Have Missed a Payment Since March 2020 in Homes Owned by Small-Scale Landlords

# SUCCESSFUL EMERGENCY RENTAL ASSISTANCE APPLICATIONS – KNOW YOUR RIGHTS!

by Andy Heidt, program manager for housing policy and programs, Wisconsin Community Action Program Association (WISCAP)

**C**reating tips for a successful emergency rental assistance (ERA) application is not an easy task. Different states, cities, and counties have different requirements, making the process complicated despite the excellent guidelines provided by NLIHC and others, including the U.S. Department of the Treasury. Still, there are some tips that you should be aware of and that can help no matter where you live:

1. If you are provided with an ERA application checklist, follow it carefully.
2. Make sure you have an effective method for communicating with your ERA worker. Is it by phone? Make sure your voicemail is set up (and not full). Is it by email? Text? Will you be receiving updates on your application? Or will you have to follow up on your own? Programs that allow photos of required information, including images of signatures that can be texted, make life easier for all parties, especially tenants.

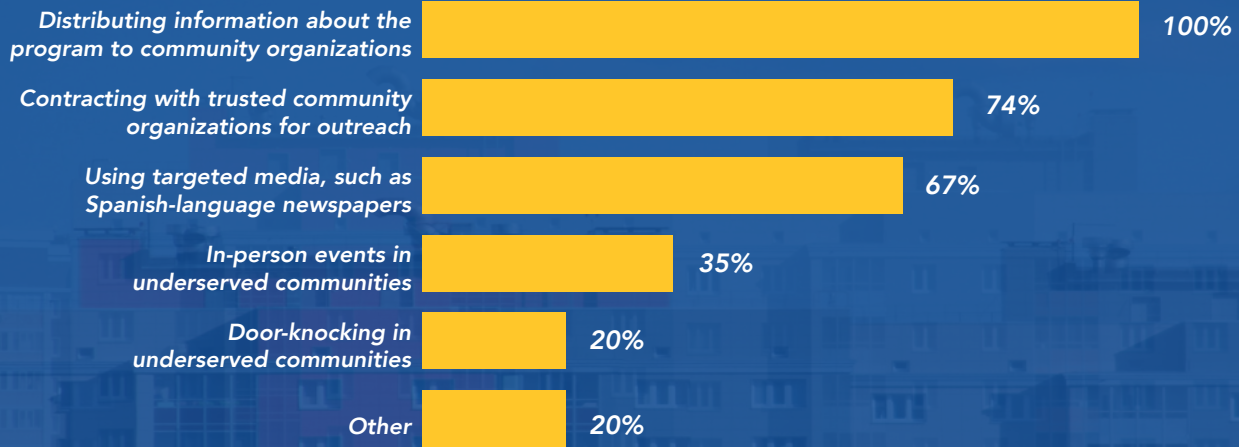
3. Ask questions! If self-attestation is allowed but your program is still asking for documentation, ask why! If your application is denied, ask why! Often, programs will not provide you with this information unless you ask.
4. Get help from an advocate. Legal aid organizations or local elected officials from your city or town government might be good resources. You can find a list of legal aid resources [here](#) and [here](#).
5. Work with your landlord. I know, I know: it's not always possible, and it's rarely easy. But if you do have a good relationship with your property manager, you should use it. Collaborative applications in which the tenant and landlord work together are the easiest to process successfully. Local non-profit organizations and social service agencies can provide additional assistance helping you connect with your landlord.
6. KNOW YOUR RIGHTS! Housing needs to be a human right, but it's not considered one. Even so, tenants and renters do have certain rights, and there are many places where you can learn about them. To learn more about your rights, check out some of the resources from the National Housing Law Project, including [HUD Housing Programs: Tenants' Rights](#) and the excellent [Tools for Tenant Advocates](#).

This process is harder than it needs to be, but it is important that you know about it. We need to stay stable in our homes so that we can rise above the struggle to survive – and thrive!



*Photo by MJ Haru on Unsplash*

## STRATEGIES IMPLEMENTED OR PLANNED BY EMERGENCY RENTAL ASSISTANCE PROGRAMS TO REACH UNDERSERVED GROUPS



SOURCE: HOUSING INITIATIVE AT PENN, NYU FURMAN CENTER, AND NLIHC, "TREASURY EMERGENCY RENTAL ASSISTANCE PROGRAMS IN 2021: ANALYSIS OF A NATIONAL SURVEY," JUNE 2021.



NLIHC Fact of the Week – Strategies Implemented or Planned by Emergency Rental Assistance Programs to Reach Underserved Groups.

# EQUITABLE DISTRIBUTION OF EMERGENCY RENTAL ASSISTANCE

Long-standing health inequities and social inequities like residential segregation mean that people from racial and ethnic minority groups, particularly Black and Latino households, are [disproportionately impacted by COVID-19](#), economic hardship, and social vulnerability. The U.S. Department of the Treasury (Treasury) Emergency Rental Assistance (ERA) Program has provided direct financial assistance to help renters stay safely in their homes amid the COVID-19 crisis and its economic fallout. The ERA Program must address racial equity while also reaching households and communities that have been the hardest hit by COVID-19 and the economic consequences of the pandemic.

Recent data from the U.S. Census Bureau’s Household Pulse Survey for December 2021 and January 2022 suggest approximately 15% of renter-households were behind on rent. Renter-households of color, particularly Black and Latino renter-households, were more likely to have fallen behind on rent: 26% of Black renter-households were behind on rent in early December compared to 20% of Latino renter-households, 14% of Asian renter-households, and 9% of white renter-households. Compared to their need, Latino and Asian renter-households have been less likely to apply for emergency rental assistance: 15% of Latino and 7% of Asian renter-households have applied for rental assistance compared to 27% of Black renter-households and 9% of white renter-households. This disparity was reflected in a similar pattern among households receiving emergency rental

assistance: Latino and Asian renter-households were less likely to receive emergency rental assistance relative to their need. The findings likely indicate gaps in the abilities of emergency rental assistance programs to conduct outreach to different households and support households that speak languages other than English. Though these data provide a picture of how emergency rental assistance has been distributed generally, that picture is limited, insofar as the data apply broadly to all emergency rental assistance programs, including programs that are not funded through Treasury's ERA program.

Data from Treasury would provide richer information about types and amounts of assistance at a more granular scale. Treasury collects data from all local programs on key ERA outcomes, such as application rates, acceptance rates, and average amounts of assistance, and breaks this data down by gender, race, and ethnicity. Low application rates among specific populations could indicate a need for further outreach and revised communication strategies, while high incomplete or denial rates could signal barriers within the application and approval processes. Program improvements based on these metrics would ensure that funds are getting out quickly and equitably to the low-income renters most in need. Yet Treasury has yet to release these detailed data points. Such data are necessary for evaluating potential racial disparities in the distribution of ERA funds both nationally and within each jurisdiction. For this reason, [NLIHC has urged Treasury](#) to release these data quickly.

## ERA PROGRAM FEATURES AND SPENDING PATTERNS

The Department of the Treasury Emergency Rental Assistance (ERA) Program has provided \$46.55 billion to help low-income renters stay in their homes. By the end of November 2021, the department's ERA programs had distributed \$15.9 billion in direct financial assistance to approximately 3.2 million households. Even so, spending patterns among ERA programs have been uneven. While around 150 programs have spent most of their initial ERA funds, other ERA programs continue to spend slowly, with approximately 60 programs still having spent less than one-third of their initial ERA allocation.

Differences in key program-design features may help explain the uneven performance among ERA programs. [New research](#) from the National Low Income Housing Coalition and the University of Pennsylvania's Housing Initiative at Penn provides a preliminary analysis of key ERA program-design features and spending outcomes. The report finds that programs that allow renters to verify their own documents – a process known as “self-attestation” – run especially smoothly.

Another program-design feature that reduces the burden of paperwork is “categorical eligibility,” in which a person's eligibility for other income-qualified benefit programs makes them eligible for ERA. For example, being eligible for the Supplemental Nutrition Assistance Program (SNAP) can make a person eligible for emergency rental assistance. “Fact-specific proxy” is a similar program-design feature. It allows programs to determine ERA eligibility on the basis of the neighborhood where a person lives or other available facts about their situation.

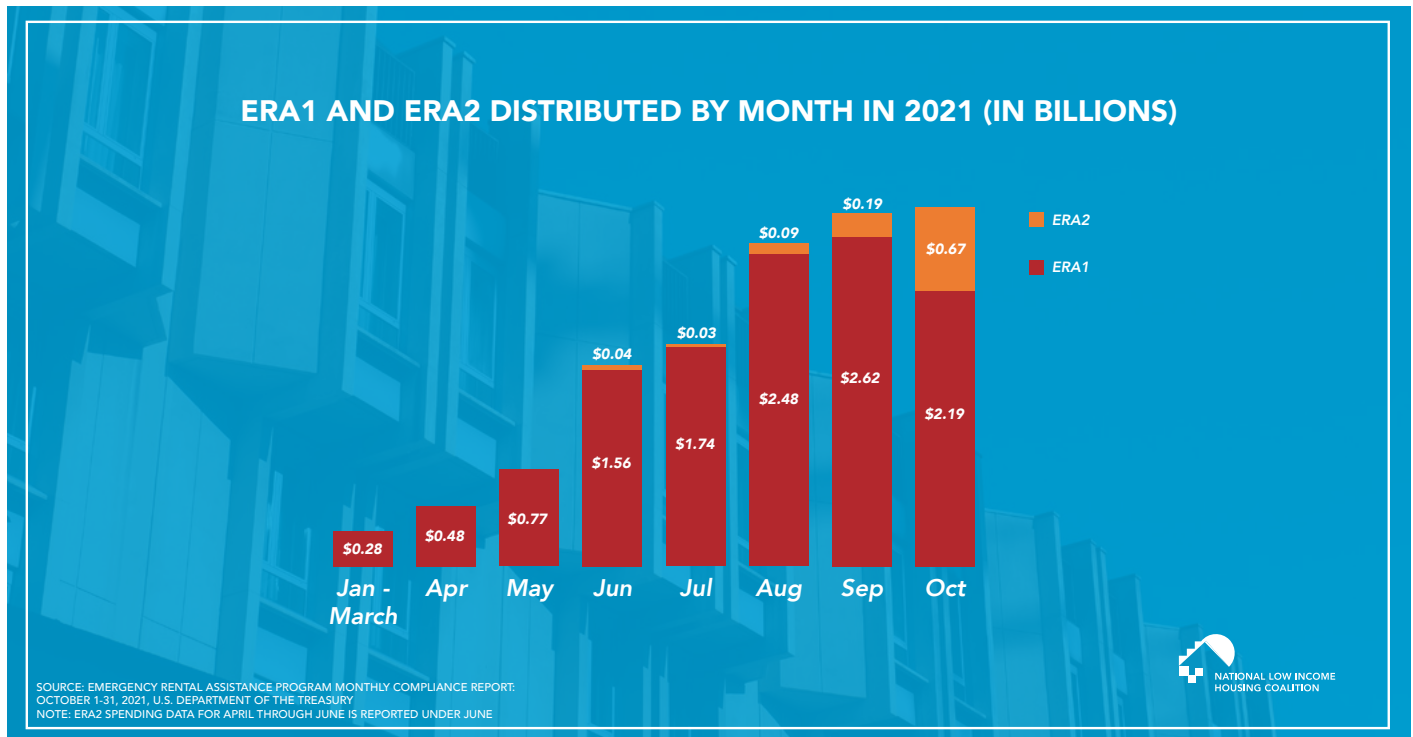
Programs using self-attestation or other tools to reduce documentation, like categorical eligibility or fact-specific proxy, had generally spent a greater share of their money by September 2021 than programs that had not.

Furthermore, programs that made changes to allow for more documentation flexibility seemed to have better spending outcomes. For example, programs that adopted self-attestation between the end of June and the end of September 2021 spent on average a greater share of their allocation (34%) during these months than programs that did not (25%). What's more, these



programs were more likely to be top spenders of ERA during that time. Yet even despite the emerging preliminary evidence that these flexibilities support spending, only 63% of ERA programs allow for some form of self-attestation.

Uneven initial allocations may also help explain uneven spending performance in some jurisdictions. According to an NLIHC report, *Emergency Rental Assistance Spending and Performance Trends*, several high-spending state programs have significantly more need than their initial ERA allocations will likely cover. State grantees in New York, California, Illinois, and New Jersey, for example, spent 83% to 100% of their state's initial ERA allocation but have served fewer than 10% of low-income, housing cost-burdened renter households statewide. In contrast, states that received the small-state minimum and spent their funding quickly have served far higher proportions of housing cost-burdened, low-income renters and so likely have less need for additional resources. To address the problem, the Treasury Department can redirect excess funds from low-spending programs to high-spending programs through a process known as "reallocation," which is discussed in the next article.



NLIHC Fact of the Week – ERA1 and ERA2 Distributed by Month in 2021 (in billions)

## THE ERA REALLOCATION PROCESS

The U.S. Department of the Treasury (Treasury) is required by law to recapture Emergency Rental Assistance (ERA1) money from state and local programs with excess funds and send those funds to programs that need more money. This process, called "reallocation," began on September 30, 2021. Reallocation is a way to ensure ERA is available in areas with the greatest needs and the capacity to distribute these resources. This is particularly important for states like California, New York, New Jersey, and Illinois, in which there are [more applicants than can be assisted with current funding](#). Due to the way money was distributed at the beginning of ERA1, small states, like Wyoming, received a higher share of money per person. For example, New York's population is nearly 33 times larger than Wyoming's population, but New York received less than seven times the amount of ERA1 funding received by Wyoming (\$1.28 billion

for New York and \$200 million for Wyoming). Reallocation can help adjust some of these discrepancies in funding.

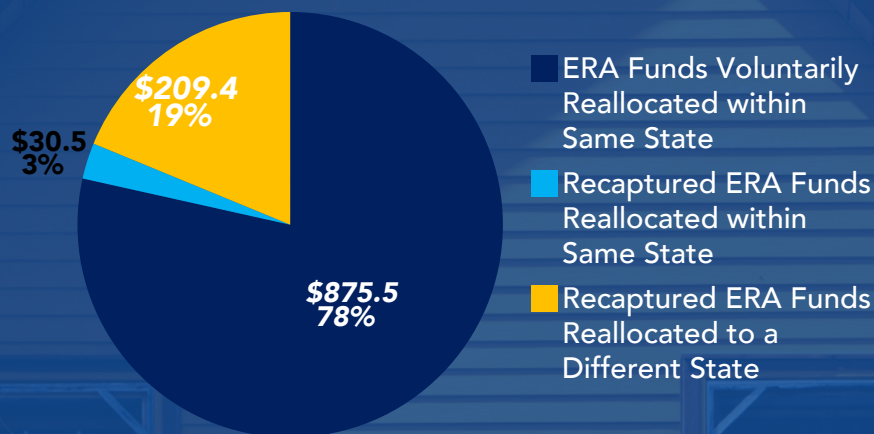
Treasury released [guidance](#) on the ERA1 reallocation process in October 2021. Programs that did not “obligate” – a measure that includes both spent and committed funds – at least 65% of their ERA1 funding by September 30 were required to submit a [Program Improvement Plan](#) to Treasury by November 15, 2021. In their program improvement plans, programs had to address whether they had (1) adopted policies recommended by Treasury (e.g., self-attestation or eviction diversion programs); (2) enacted policies not supported by Treasury; (3) identified barriers to distributing ERA; and (4) identified ways to improve their program.

Grantees that did not obligate 65% of their funds and did not meet a 30% spending threshold by September 30 were determined to have “excess funds.” The amount of funds recaptured was based on the difference between a grantee’s spending and the 30% threshold. The spending threshold increases each month, and Treasury plans to reallocate funds every two months. Programs can also voluntarily give their funds to another program within their state. Grantees that obligated more than 65% of their initial allocation by September 30, 2021, are eligible for reallocated funds.

Treasury released data in January 2022 about ERA1 grantees that [voluntarily reallocated](#) their funds or had their funds [recaptured](#). These data also include where funding was sent. Treasury’s announcement initiated the first of several rounds in which Treasury will recapture “excess” ERA1 funds from programs that did not meet the required spending benchmark and redistribute those funds to programs in need.

In the first round of reallocation, more than \$1.1 billion was reallocated, with \$905 million going to grantees in the same states. Only 19% of the \$1 billion in reallocated funds crossed state lines. Wisconsin, North Dakota, Indiana, Louisiana, and Tennessee all voluntarily gave up more than \$100 million of their allocations. Idaho, Montana, and Delaware had the largest amounts of funding recaptured involuntarily, with \$33 million, \$22 million, and \$11 million, respectively, being recaptured.

### AMOUNT OF REALLOCATED ERA FUNDS STAYING WITH THE SAME STATE VS. MOVING TO DIFFERENT STATES, IN MILLIONS



SOURCES: U.S. DEPARTMENT OF THE TREASURY, ERA1 VOLUNTARY REALLOCATION VOLUNTARY REALLOCATION TO DESIGNATED ENTITIES; U.S. DEPARTMENT OF THE TREASURY, ERA 1 ROUND 1 REALLOCATION



NLIHC Fact of the Week – Amount of Reallocated ERA Funds Staying with the Same State vs. Moving to Different States, in millions



Because most of the reallocated funds were given up voluntarily during the first round, most of these funds remained in the same states. This is promising news for slow-spending states that were able to reallocate their funds locally, because many local grantees have been more efficient than their state program in spending ERA allocations. As a result, spending may pick up in states like Georgia, Arizona, Louisiana, Tennessee, and Wisconsin, where large amounts of funding were reallocated within the state. The small amount of funds available for reallocation across state lines, however, meant that some states with significant needs received far less than they requested. Grantees that received less money than requested may have the opportunity to receive additional funds in future rounds of reallocation, though it is still unclear how Treasury is prioritizing certain states and cities in the reallocation process.

Any ERA1 funds that have not been obligated by March 31, 2022, may be considered excess funds and may be reallocated to other programs. Treasury will not start reallocating ERA2 funds until March 31, 2022.

Read NLIHC's fact sheet on ERA reallocation to learn more: <https://bit.ly/3nBRNnl>

*Photo by Braxton Apana on Unsplash*

# CHALLENGES WITH ERA

COHORT MEMBERS OF THE END RENTAL ARREARS TO STOP EVICTIONS (ERASE) PROJECT SHARE THEIR CHALLENGES WITH ERA IN THE NEXT THREE ARTICLES

[End Rental Arrears to Stop Evictions](#) (ERASE) is a national effort led and coordinated by the National Low Income Housing Coalition (NLIHC). ERASE is designed to ensure that the historic aid enacted by Congress reaches the lowest-income and most marginalized renters it is intended to help. The project seeks to eliminate rental indebtedness caused by the pandemic and to prevent evictions by tracking and analyzing emergency rental assistance utilization; documenting and sharing best practices and toolkits; influencing and shaping program design at federal, state, local levels; developing key partnerships for outreach and education; and assessing the remaining needs to inform advocacy for long-term investments to end housing instability and homelessness in the United States.

The [ERASE Cohort](#) is a selected group of state and local nonprofit partners that are conducting on-the-ground partnership development, capacity building, outreach and education, policy reform and systems change work to ensure that ERA funds reach renters and small landlords with the greatest need for assistance, especially Black, Indigenous, and people of color (BIPOC) and other marginalized people and communities and build support for long term housing solutions.

## TECHNOLOGICAL BARRIERS IN ACCESSING EMERGENCY RENTAL ASSISTANCE

*by Jay Williams, program associate, Low Income Housing Coalition of Alabama*

The Low Income Housing Coalition of Alabama (LIHCA) was created in the late 2000s to address the housing crisis impacting low-income Alabamians by creating and advocating for more affordable housing opportunities for Alabama's most vulnerable. When the Emergency Rental Assistance (ERA) program in Alabama was launched, LIHCA aimed to influence state and local programs to accelerate the use of ERA funding and to ensure the program was equitable. In our work, we discovered that technology played a huge role in deterring renters from applying for assistance. Historically, housing programs have been operated through the Alabama Housing Finance Authority (AHFA), but they mainly focused on programs for homeowners. AHFA's interactions with renters are very limited, and that shows when you look at the agency's original ERA program design.

By our analysis, Alabama's ERA application lacks a renter-centered approach, leaving renters on their own to navigate a program and resources they know little about. Renters with little broadband access, or low technological proficiency, have an even harder time accessing ERA than other applicants. We believe a paper application would be most beneficial for these renters. While we wait for paper applications to be released, however, we are encouraging

local partners to provide navigation services for renters who cannot access or fill out online applications. To increase the accessibility of the application, we also encouraged AHFA to make the application available in multiple languages. Application guidance needs to be available in several languages as well. One of LIHCA's goals is to develop an application translating tool that will assist AHFA and other local programs in making ERA applications more accessible.

LIHCA is grateful for its growing connections with AHFA and other ERA administrators, and we will continue advocating for improvements in the ERA application process to make it more accessible to Alabamians. Approaching this work with a holistic lens is important because renters desperately need all systems to work together to bring about program improvements that directly impact them. When working with administrators and other partners, we recognize that values-based messaging is truly transformative. Through our work, we are now aware of the gaps in service. What we've learned has made it easier to address the issues renters care about the most.

## THE CHALLENGES OF LANDLORD REFUSAL

*by Emma Anderson, housing outreach worker, KY Equal Justice*

In Lexington, Kentucky, receiving Emergency Rental Assistance (ERA) funds depends on a landlord's willingness to participate in the city's Housing Stabilization Program. In my experience, this is a significant barrier to eviction prevention during the pandemic. There is a running list of landlords and management companies that have made it company policy to refuse any rental-assistance funding from the city. Many distressing cases have gone through our courts. One landlord did not complete their section of the rental-assistance application and then evicted a tenant when the application wasn't completed by the court date. Another got tired of waiting for a check to process and evicted a tenant even though they had been approved for payment. Many landlords do not want to comply with the program rules, which require waiving late fees and veto their ability to evict until 35 days after a last payment. As a tenant, the most helpful action you can take is to push your city's ERA program to adopt the guidelines created by the Department of the Treasury, such as the suggestion that programs pay tenants directly.

If you are in a city that does not allow direct payment to tenants, and your landlord has refused to accept ERA money, try to find someone to advocate on your behalf to your property manager. Make sure it is mentioned in court that your landlord refused the assistance, as this could be evidence in a future debt collection case. While doing door-to-door outreach, I met a young mother, Ms. M, who had applied for the rental assistance program several months before and had yet to hear back. Her landlord was tired of waiting and didn't trust the program due to a mistake it had made in approving one of his tenants who did not actually qualify. Due to this experience, he had stopped accepting funds and evicted Ms. M. After contacting the landlord and talking him through the program, we succeeded in convincing him to accept the money if he could get written confirmation that Ms. M qualified. She was not evicted and her rent was paid through February. If you can find someone who knows the ERA program and has some connections, it is sometimes possible to negotiate with landlords!

## NAVIGATING THE CONFUSION AND COMPLEXITY OF COURT DATA

*by Margaret Haltom, Neighborhood Preservation, Inc.*

With the end of the eviction moratorium, more and more tenants are seeking to navigate local court data and access basic information about their upcoming eviction hearings. Here in Memphis, Tennessee, we were among the first in the country to be left unprotected by the ending of the eviction moratorium: evictions resumed in March 2021, after a group of local landlord attorneys fought successfully to persuade a court to declare the ban on evictions unconstitutional in West Tennessee. Since then, we've seen COVID-19-related court delays cause confusion as tenants try to determine when their hearing is set, where to go, and what to say to the judge, while simultaneously maneuvering the Emergency Rental Assistance (ERA) process. Neighborhood Preservation, Inc. – a community partner providing tenant representation and eviction prevention for the Memphis and Shelby County ERA program – is working to provide tenant court notifications that fill in the gaps for tenants seeking to decipher court data.

Our initiative leverages public court data to notify as many tenants as possible about their upcoming eviction hearings and available ERA funds via postcards, email, and text notifications. Eviction hearings here are running three months

behind schedule, as the courts have regularly had to close or limit the number of hearings each week due to COVID-19 outbreaks. Most tenants are unaware of the delays: their first court notice – a detainer warrant that arrives in the mail – notifies them of an upcoming hearing to be held two weeks later. This hearing date is just a placeholder; the actual hearing date is reset later through the mail. But tenants often go to court anyway on the day of the placeholder date. They take time off from work and pay \$8 to park only to find out their hearing will be reset. Many tenants do not return for their actual court date, assuming that it too is incorrect. To help clarify the process for people, my organization is sending postcards to all tenants with court filings in the public record. The postcards explain the court delays, notify recipients about available ERA assistance, and provide a QR code to access the ERA application. Public records do not include tenants' phone numbers or email addresses, but as soon as a tenant facing eviction applies for ERA, we have access to their contact information and can send them text and email notifications about their court case, including a link to their personal court records online and an explanation of what the court records mean. We provide other useful resources, too: information about what to wear, what to tell the judge about their ERA application, what to say to their landlord. Over the coming months, we will strengthen this system and plan to send text and email notifications to as many tenants in need as possible. Our goal is to create a hotline that any tenant facing eviction can use to receive regular updates and resources in preparation for their upcoming hearing.

# SUCCESS STORIES WITH ERA

## THE POWER OF VISIBLE AND EASY-TO-FIND EMERGENCY RENTAL ASSISTANCE

by Foluke Akanni, housing policy organizer, Housing Action Illinois

**K**imberly Rhymes, who lives in southern Illinois, was diagnosed with cancer a few years ago. When COVID-19 started spreading, she wasn't able to work and got behind on rent. While getting treatment at SIH Cancer Institute at Southern Illinois Healthcare, one of the employees gave her Sue Herbert's number. Sue is a caseworker at Land of Lincoln Legal Aid.

Land of Lincoln Aid is one of the organizations funded through [EvictionHelpIllinois.org](https://www.evictionhelpillinois.org), an initiative of the Illinois Department of Human Services (IDHS) and the Illinois Equal Justice Foundation that provides free legal aid, mediation services, and connections to other resources. In addition to providing legal representation to people facing eviction, one of the main goals of [EvictionHelpIllinois.org](https://www.evictionhelpillinois.org) is to make sure people know about available emergency rental assistance resources.

Sue talked with Kim about a couple of programs that she was able to apply to, which included IDHS's [Emergency Rental Assistance Program \(ERAP\)](https://www.idhs.gov/emergency-rental-assistance-program), as well as monthly disability benefits. The ERAP dollars were used to pay Kim's back rent and some future rent until her disability payment started in December 2021.

Kim credits ERAP with helping her stay housed as she fights cancer. "If it wasn't for the program, I'll be out in the cold," said Kimberly. She

encourages anyone who needs the funding and is eligible to apply. Kim is just one example of what happens when service providers, including healthcare professionals, are aware of the life-changing ERA programs in their communities.

### SERVING ALL COMMUNITIES: MAKING ERA MORE ACCESSIBLE

by Dr. Tolulope Ola, founder and Executive Director, Restoration for All Minnesota (REFA)

**R**estoration for All Minnesota (REFA) conducts community-based outreach to the families of Black and Indigenous people and people of color (BIPOC) living in Minnesota. In the past year, we engaged with 350 BIPOC households and learned about each family's unique struggles to navigate and secure emergency rental assistance. REFA also worked with Dakota County, Minnesota, through a grant from the Pohlad Foundation to identify households that may benefit from services designed to help them avoid eviction and remain stably housed.

REFA bases its outreach and service programs on the principle that successful programs are those that are culturally appropriate and responsive to the lives of Black and Indigenous people and people of color. Through our programs, we aim to increase access to eviction prevention assistance resources for people in low-income populations. We achieve success through frequent outreach to the community and by working with community partners to identify and address the root causes of housing instability.

REFA's mission is to nurture and empower individuals, organizations, and communities to discover, renew, and restore their cultural connections and achieve improved economic and socio-cultural well-being. In line with this mission, we conducted a door-knocking campaign to share information and handed out flyers in five different languages (English, Somali, Spanish, Oromo, and Amharic). The door-knocking campaign was an effective way to find out about the issues tenants face that prevent them from accessing rental assistance because the campaign was about listening, observing, and trust-building. We also attended community events that were culturally



*Distributing posters and infographics in Somali language at Dakota County Somali Independence Day celebration, July 1, 2021, Jensen Lake Trailhead, Eagan. REFA activities funded by Pohlad Foundation grant, administered by Dakota County, MN.*

specific (Somali Independence Day and Juneteenth celebrations, for example), where we distributed flyers and offered referrals to other housing-stability resources.

### THE HAWAI'I TENANT-LANDLORD MEDIATION PROGRAM: A STORY IN PREVENTIVE SUCCESS BY HAWAI'I APPLESEED

**F**ollowing the end of Hawai'i's eviction moratorium in August 2021, the state established a [landlord-tenant mediation program](#) (through [Act 57](#)) to prevent the eviction of tenants who are behind on rent. The program requires that, before filing an eviction, a landlord must present a notice to the tenant providing the opportunity to schedule a mediation session within 15 days of the date of the notice. If the tenant decides to pursue mediation, the landlord cannot proceed with the eviction until 30 days after the date of the notice.

A typical mediation session lasts an hour and a half and is facilitated by an experienced, impartial mediator who assists the tenant and landlord in negotiating an agreement that ideally allows the tenant to remain in the unit and repay the landlord any rent owed. The process also gives tenants access to rental assistance. Prior to the implementation of the program, tenants were given only 20 to 30 minutes during an eviction hearing to attempt to mediate with their landlord.

Hawai'i has five mediation sites: one on each of the islands of Kaua'i, O'ahu, and Maui, and two on Hawai'i Island. Since August 2021, the five centers have provided mediation for 700 tenant-landlord cases. Nearly 90% of the mediation sessions resulted in an agreement between tenant and landlord and allowed the tenant to remain housed.

Unfortunately, over half of all tenants who receive eviction notices do not pursue mediation. Many tenants move out immediately when they receive a notice from their landlord, and others are reluctant to participate due to a lack of familiarity with mediation, which some perceive as involving the court system. Further engagement with and education of at-risk tenants would ensure that tenant-landlord mediation is better utilized.



*With the help of ERASE grant funds, Hawai'i Appleseed created a two-month radio and television campaign to promote the mediation program.*



# EXPANDING TENANT PROTECTIONS DURING THE PANDEMIC

The pandemic and resulting historic aid to renters have profoundly reshaped the housing landscape in the United States, in part because states and localities across the country have recognized the crucial role tenant protections play in preventing evictions and ensuring housing stability for low-income renters, Black and Indigenous people and people of color (BIPOC), and other marginalized households. In 2021 alone, states and localities passed or implemented over 130 new laws or policies to protect tenants from eviction and keep them stably housed.

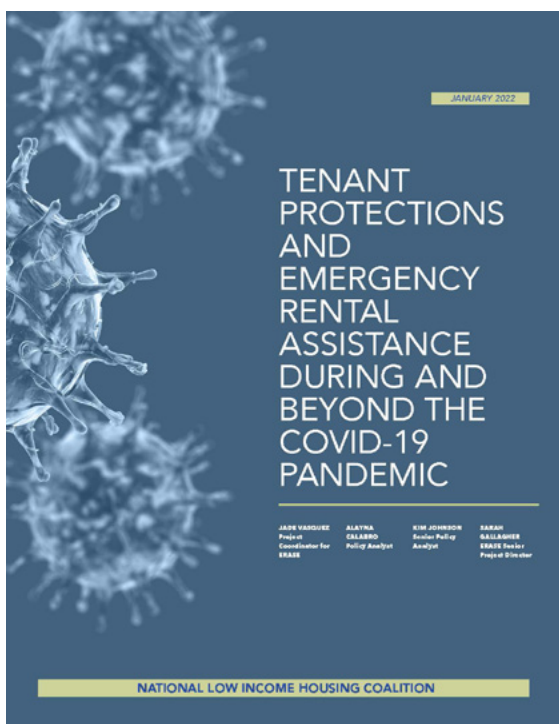
In January 2022, NLIHC released a new [report](#), *Tenant Protections and Emergency Rental Assistance during and beyond the COVID-19 Pandemic*. The report describes and analyzes new tenant protections and emergency rental assistance (ERA)-related policies enacted or implemented by states and local governments in 2021. The protections examined in the report include state and local eviction moratoriums, pauses on the eviction process to allow for ERA application processing, and mandates to increase information about ERA and limit tenant fees. The report also looks at regulations that increase tenant representation during the eviction process, such as those that offer right to counsel, and protections that reduce discrimination and promote housing stability, such as source-of-income discrimination laws and legislation that seals or expunges eviction records.

In addition to encouraging more states and localities to adopt laws or policies to protect tenants, the report urges states and localities to assess their tenant-protection laws and programs to ensure maximum effectiveness in preventing evictions.

The federal government can also take steps to support state and local renter protections. For example, Congress can authorize and fund a permanent program to provide emergency rental assistance – such as that proposed in the “[Eviction Crisis Act](#)” – to ensure housing stability for households that experience financial shocks after the pandemic ends.

[Read the report to learn more.](#)

Tenant Protections and Emergency Rental Assistance during and beyond the COVID-19 Pandemic *report cover.*



# ADVOCATING TO ELECTED OFFICIALS ABOUT EMERGENCY RENTAL ASSISTANCE PROGRAMS

by Francisca Blanc, Assistant Executive Director, Utah Housing Coalition

**A**s a grassroots and now professional advocate, I've always tried to find new relationships and build partnerships in support of the causes I care about. Affordable housing is something that most people – if not all – would agree is needed in every community. Most of the disagreements about housing stem from questions about how to achieve such a lofty goal.

As a housing advocate, I realized early on that interpersonal communication is the most important skill. It is a skill you have to work on over time, and it is one you can develop by speaking to elected officials (federal, state, and local) and their staffs. For tenants, renter residents, and professional advocates, the same advice applies: research your issues, draft concise talking points, and prepare before you speak to elected officials. Find a way to speak about common ground.

Another practice I learned is to always approach the folks who might disagree with you in the same way you approach the ones you agree with. Imagine that you are having a conversation with someone you get along with. I always found that being relaxed and exchanging pleasantries works. They know why you want to talk to them. It is their job to listen and learn about their constituents' issues.

One other thing I learned over the years is that persistence and respect pay off. Making good trouble is the core of advocacy.

So how can you be more involved? Your experience brings value to the cause. That's why written or verbal testimonies are so crucial. Policy reviews and proposals don't have any value if we can't show how they impact real people in real time.

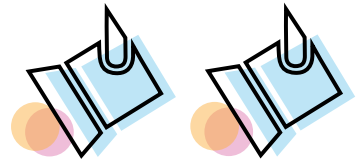
If you, your neighbor, co-worker, friend, or family member received emergency rental assistance, our elected officials need to know about its impact. You can reach out to staff at your local office by calling them, emailing them, or sending them a letter. Regardless of the method you choose, when you are writing your story, always think about the **Who, What, When, Where, and Why**. Expressing yourself concisely is the best way to make sure your voice is heard.

Here is some sample text you can adapt when contacting your elected officials:

*My name is Francisca Blanc, and I'm a tenant living at ABC apartment building. Last November, I applied for Emergency Rental Assistance at the XYZ County Center. I needed the help because my hours were reduced due to COVID-19 and I couldn't pay my rent on time. The help I received made it possible to keep my apartment and not become homeless. We hope that you can support more programs like this in the future.*

The voices of tenants, renters, and resident advocates matter the most in making sure that Emergency Rental Assistance works as it was intended – to keep our tenants housed.

# RENTERS' PERSPECTIVES



## MY EXPERIENCE WITH ERA - A RENTER'S PERSPECTIVE

*by Anonymous Renter in Pittsburgh, Pennsylvania*

**M**y experience applying for Emergency Rental Assistance (ERA) was my first time seeking out this type of assistance. I had recently quit my job due to the pandemic. Before quitting, my husband and I were on a fixed income. When I lost my job, my family did not have enough money to meet the rent. We started having a lot of rental arrears. I decided to apply for ERA but faced multiple barriers with the application itself that made the process a bit tedious. I am not a person that is used to being online. Truth be told, when the pandemic began, my daughter got accustomed to being online faster than I did because she had to go to school remotely. Sometimes my daughter would help me navigate the online world. I would still get stressed trying to access the online application, especially because the application itself was so long and unorganized. I ended up having to go into the application multiple times because it would ask for information that I would have to look for. I also have arthritis, and it's hard to be on the computer all the time. Having a medical condition does not make this process easier. The estimated time an application takes to get approved always varies, which can be difficult for some families, including my own. I have heard of some individuals reapplying after not hearing back about their application status, but that only makes it harder for their initial application to be processed. There needs to be more information about the program available, but especially how long it's going to take to get an application processed. We need to cut through that.

The wonderful women at Hill District Census Group provided me with a lot of support. I would not have received my rental assistance without them. Community groups like the Hill District Census Group are important because they help applicants who are not tech-savvy access online applications. They also help address the concerns of applicants who are stuck in the "middle" waiting for their application to be approved. They helped me get my materials together, like bills, paperwork, and personal information, which would have taken so much longer without them. Not to mention that they can communicate with landlords who may be hesitant to participate in the program. It's not easy, but once landlords understand ERA and get on

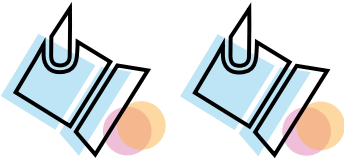


*“We must work to elevate tenant voices in spaces that involve their rights.”*

*“There needs to be more information about the program available, but especially how long it’s going to take to get an application processed. We need to cut through that.”*

board with it, it makes the application process easier. With the assistance of community groups, individuals can avoid moving out of their unit because they do not hear back about their application. The entire ERA program is a new process for tenants, and these community groups help tenants understand the applications and guidelines of the program. If you’re a go-getter, it’s good, but if not, you’re missing out. Not everyone is going to seek out help the way I did, so it’s important to make sure these resources are available to everyone.

In the future, I suggest that policymakers at all levels of government engage tenants before creating a program with such a rigorous application process. Programs will vary and have different components to them depending on the location, but it can be difficult to implement an effective rent assistance program when tenants are not given a voice. We must work to elevate tenant voices in spaces that involve their rights. The ERA program started as well-intentioned, and it could be a wonderful program if more community resources were available. Renters will shy away from an ERA program because of the intimidating application process. Programs should aim to streamline their applications or provide renters with community resources, such as those at the Hill District Census Group, to help tenants apply for rental assistance. As someone who has worked hard all her life, just to ask for assistance now, I hope ERA programs will continue to improve.



# RENTAL ASSISTANCE CAN BE A LIFESAVER

Picture of Rebekah Love during a Zoom call.



by Rebekah Love, Renter from Louisville, Kentucky

**P**overty is not a new experience for me. Growing up, my parents were almost always renters, and they were too proud to utilize safety net programs to keep our family afloat. As a kid, I changed schools a lot, because we moved frequently. Basically, when rent was due and



they couldn't pay, we would pack what we could and leave in a rush, because they were too ashamed and afraid to face the landlord. As a result, I went to over a dozen public schools between kindergarten and Seventh Grade. When I finished high school, I went on to college, where, with the help of Pell Grants and student loans, I received a degree in fine arts. After that, I went into a career in programming. This career was the way that I "lifted myself up by the bootstraps." I had burnt out after 20 years, however. Leaving my technology career behind, I decided to do something I had always wanted to do – open a ceramics studio. As a small business owner, I did expect to struggle as I got started, but the pandemic ended up putting me out of business during that historic weekend of March 14-15, 2020. As unfortunate as my circumstances were, there was a lot to be grateful for. I ended up receiving unemployment assistance during a good portion of the pandemic, made available to those like me who were self-employed, via Pandemic Unemployment Assistance (PUA). When the unemployment support ended and as I slowly started to run out of money to pay for rent, the Louisville ERA program came to the rescue.

A website was set up at [stopmyeviction.org](http://stopmyeviction.org) for renters in Louisville. After filling out the simple form online, I submitted my information, which was routed to an intake coordinator, who reached out to me and took over the entire application process once I provided her with the necessary documentation. She even connected directly with my landlord to facilitate that side as well. I wish my intake coordinator had touched base with me more often, but I understand that she and her organization were busy!

I needed rental assistance more than once during the pandemic. The second time, my lease was coming to an end, and my landlord would not renew it because of my previous participation in the program. My landlord also would not cooperate with my case manager the second time. There was a significant delay processing the payment. Meanwhile, I was facing homelessness, and the stress of the whole pandemic came crashing down on me and sent me to a crisis stabilization unit at a local mental health provider. There, I was hooked up with a case manager who helped me face the challenge with her experience and resources. I moved everything into storage and ended up staying at my aunt's house because I didn't have anywhere else to stay. It was only by sheer persistence that I secured a subsidized

apartment for myself and my teenage daughter. I was with my aunt for two months, and right when I needed it, the rental assistance was there, helping me get rehoused.

When I did finally receive my rental assistance, it was provided to me with the stipulation that I would only use it for housing. It was confusing to me and my case manager what exactly that meant – "ONLY for housing." For example, would I be able to use it to buy replacements for furniture that didn't survive the move? The lack of guidance from the Department of the Treasury at the time did make it difficult for individuals like my case manager to determine whether I could use the funds for furniture. Due to this confusion, I did not receive the furniture I needed at that time, but I was thankful to have at least my rental debt paid off and a comfortable, safe home for my daughter.

ERA really did save my life, and I don't think I'd be where I am now without it. The program is helpful for people who fall through the cracks. Before I was able to receive assistance, I had to face those monsters, Poverty and Homelessness, that I knew from childhood. I never wanted my daughter to have to experience that, and thankfully it was short-lived. For my fellow renters, I know how frustrating it can be to seek help. There is some shame that comes with asking for help. I myself had to navigate my feelings of self-worth as I navigated the ERA program. I want to let everyone who is experiencing homelessness or who is at risk of losing their home know: you are worthy of being helped! ERA and other programs were created to help you. Do not be afraid to get help. Don't take "no" for an answer when you seek help. Follow up with people as often as you need to. Call them again. Know your rights. Contact your local Office of Ombudsman if you have one. Mostly, it's important to understand how a case manager can help you. Their job is to be there for you, so take advantage of that when you can. You are not alone.

***"As a small business owner, I did expect to struggle as I got started, but the pandemic ended up putting me out of business ... ERA really did save my life, and I don't think I'd be where I am now without it."***

# POLICY UPDATE

## UPDATES ON THE “BUILD BACK BETTER ACT”

*Note: given the fast-changing nature of the legislative process, some information in this article may be outdated by the time of publication.*

The “Build Back Better Act,” President Joe Biden’s landmark social spending and economic recovery legislation, has faced a long, winding road to enactment. The \$1.75 trillion package includes over \$150 billion in affordable housing and community development investments, including significant funding for [NLIHC’s HoUSed campaign’s top priorities](#):

- \$25 billion to expand housing vouchers to [more than 300,000 households with low incomes](#);
- \$65 billion to make desperately needed repairs to public housing and improve living conditions for its 2.5 million residents; and
- \$15 billion for the national Housing Trust Fund to build and preserve [over 150,000 affordable, accessible homes](#) for households with the lowest incomes.

To enact the legislation, Congressional Democrats are using a process called “budget reconciliation,” which allows a bill to pass the Senate with a simple majority of 51 votes rather than the 60 votes typically required in the chamber. Even when using budget reconciliation, though, every single Democratic senator needs to vote in favor of the bill if it is to be enacted in an evenly split Senate.

The House of Representatives voted on November 19, 2021, to approve the Build Back Better Act by a near party-line vote of 220-213, but the bill has faced steep hurdles in the Senate. After months of discussions, West Virginia Senator Joe Manchin, a Democrat, declared in December 2021 that he would not support the historic recovery package as it is currently written, effectively killing the bill.

In consequence, President Biden confirmed during a January 2022 press conference that the White House would embark on a new strategy to advance and enact a scaled-down version of the act that would only include provisions that can garner the support of all Senate Democrats. Parts of the bill not making it into the scaled-back version could be repackaged into smaller bills that would need to move through regular order in the Senate, requiring support from all Senate Democrats and at least 10





Senate Republicans. Given the difficulty of moving legislation through regular order and the limited floor time available during an election year, these smaller bills would have virtually no chance of being voted into law this year.

NLIHC is urging advocates to continue [contacting members of Congress](#) to demand they protect and advance the bill's historic investments in housing vouchers, public housing, and the Housing Trust Fund. It is crucial that these provisions make it into any final reconciliation bill that is brought forward in the Senate. With homelessness on the rise, rents increasing across the country, and households still struggling to make ends meet, we cannot let Congress miss this opportunity to make historic investments in affordable housing programs targeted to households with the lowest incomes.

## UPDATES ON FISCAL YEAR 2022 APPROPRIATIONS

*Note: given the fast-changing nature of the appropriations process, some information in this article may be outdated by the time of publication.*

The annual appropriations process is an essential task completed by Congress every year to ensure the federal government and all its vital programs continue to operate. Congress is tasked with enacting a new budget by October 1, which marks the beginning of the new federal fiscal year, but it rarely meets this deadline. Instead, Congress typically enacts a short-term continuing resolution (CR), which briefly extends federal government funding at its current level, buying Congress more time to finalize its spending bill for the new fiscal year.

This year's appropriations process has been no different. The House Appropriations Committee voted in July 2021 to approve a draft spending bill that would provide \$56.5 billion for the Department of Housing and Urban Development (known as "HUD") – an increase of \$6.8



billion from the previous fiscal year, including funding for an expansion of housing vouchers to an additional 125,000 households. However, progress has stalled in the Senate.

Without a finalized appropriations bill for fiscal year 2022 (FY22), Congress has passed a series of short-term CRs to buy more time for appropriators to reach an agreement. The most recent CR passed in December 2021 and extended the appropriations deadline to February 18, 2022. Meanwhile, in mid-October 2021, the Senate Appropriations Committee released its funding proposal for FY22. The proposal would provide \$53.4 billion for HUD and does not contain the major expansion of housing vouchers included in the House bill.

With both the House and Senate proposals released, Congressional appropriators have set about negotiating a final spending package with the aim of pushing the bill through both the House and Senate. Negotiations began on shaky ground but reportedly improved, with both Democrats and Republicans on the House and Senate Appropriations Committees expressing optimism about the progress made. Still, it appears unlikely Congress will meet its February deadline, so there will likely be another CR passed extending the process into mid-March.

You can add your organization to a [sign-on letter](#) urging Congress to invest in affordable housing and community development programs in fiscal year 2022. For more information, contact Kim Johnson at [kjohnson@nlihc.org](mailto:kjohnson@nlihc.org)

# INSIDE AND OUTSIDE THE HALLS OF CONGRESS, REPRESENTATIVE CORI BUSH PUSHES TO PREVENT EVICTIONS

**O**n the eve of the expiration of the federal eviction moratorium in July 2021, Representative Cori Bush (D-MO) did something unconventional: she took to the steps of the Capitol and camped out overnight. At the time, more than 11 million people were behind on rent, the Delta variant had ignited a new wave of COVID-19 infections, and distribution of emergency rental assistance was still slowly ramping up. As the expiration date approached, Representative Bush and some of her colleagues pressed for a further extension of the moratorium to stave off a wave of mass evictions – but legislation to extend the moratorium did not have the votes necessary to pass in either chamber. The Biden administration felt its hands were tied, and a

recent Supreme Court ruling indicated that a majority of the justices would overturn another extension of the moratorium unless Congress passed a bill explicitly authorizing it.

As the House of Representatives adjourned for August recess on the evening of July 31, Representative Bush – who has personally experienced homelessness – brought a chair and a sleeping bag to the Capitol steps to protest the inaction of Congress and the Biden administration. Through heavy rain and summer humidity, the protest ultimately lasted four nights, with dozens of House and Senate Democrats – as well as hundreds of activists – showing up in support.

“I know what it’s like to sit up restless as my babies sleep in the car, doing everything I can to keep them







*Picture of Representative Cori Bush at a press conference in front of the Capitol advocating for the end of evictions.*

warm as the sun goes down,” said Representative Bush recently about her protest. “I know what it’s like to wonder when that knock on the door is going to come next, telling us to pack up and leave. Evictions can be a death sentence in this country. When we saw that Congress was going to leave for vacation while thousands of evictions were set to be carried out, we refused to accept this as our reality.”

Finally, on August 3, the Biden administration reinstated a two-month eviction moratorium that would apply to counties experiencing “high” or “substantial” community spread of COVID-19 – the vast majority of the United States at the time. Two weeks later, however, the Supreme Court invalidated that moratorium and evictions resumed.

“Last summer’s movement on the Capitol steps was a movement of, for, and with the people,” said Representative Bush. “It was a movement to save lives and make clear that housing is a human right, and that protecting the dignity of every person is at the center of our policymaking. Thank you to the National Low Income Housing Coalition for helping lead the charge with data-driven solutions, and for continuing to put this conversation where it belongs: at the top of the national agenda. We will not give up, because the people must win.”

Since ending their protest on the Capitol steps, Representative Bush and her colleagues have continued to push for Congress to reinstate a nationwide eviction moratorium. Representative Bush and Senator Elizabeth Warren (D-MA), along with three dozen other members of Congress, [introduced](#) the “Keeping Renters Safe Act” ([S. 2776/H.R. 5307](#)) in September 2021. The bill would enact a federal eviction moratorium for nonpayment of rent that would last for the duration of the COVID-19 public health emergency and at least two months following the end of the emergency declaration. The moratorium would apply to eviction filings, hearings, judgments, and executions of judgments. Rather than require applications, the moratorium would automatically cover all renters. The bill would also clarify the authority of the Secretary of the Department of Health and Human Services to implement a residential eviction moratorium to address public health crises.

The Keeping Renters Safe Act affirms what renters know to be true: that stable housing is an essential part of public health. The bill would enable Congress and the administration to overcome the Supreme Court’s objections to the eviction moratorium, paving the way for much-needed protections during the current crisis and in the event of future emergencies.



# ELECTION 2022: CONGRESS WORKS TO BOOST VOTING AMONG RENTERS

**R**epresentatives Jesús “Chuy” García (D-IL) and Mary Gay Scanlon (D-PA) introduced H.R. 2215, the “Our Homes, Our Votes Act,” on March 26, 2021. The bill aims to boost voter registration among residents of federally subsidized housing by allowing them to register to vote when they sign their lease. The bill has 31 cosponsors.

The Our Homes, Our Votes Act would alter the “National Voter Registration Act” (better known as the “Motor Voter Law”) by adding a requirement that landlords in many properties make voter registration available to people during an important transition: when they change their address and move into a new property. In particular, the bill would:

- allow eligible and interested tenants in subsidized housing administered by a public housing agency (PHA) to register to vote as they sign their lease document without requiring that they provide duplicate information, meaning that they would not have to fill out additional paperwork to become voters at their new addresses.
- require PHA’s to transmit these voter registration forms to local election authorities in a timely manner.
- designate private landlords of subsidized housing as “voter registration agents” responsible for distributing voter registration forms and helping tenants fill them out if needed. The designation would cover landlords of properties that receive funding through the Low Income Housing Tax Credit program, the HOME program, the national Housing Trust Fund, the USDA’s rural housing programs, and others.

Crucially, the bill would make clear that federally subsidized housing providers are expected to conduct voter registration activities at lease-up. Census data show large discrepancies in registration and voter turnout between low- and high-income voters and between renters and homeowners. While 88% of people with incomes of more than \$150,000 were registered to vote in 2020 and 85% of this group voted, just 66% of people with incomes of less than \$30,000 were registered to vote and only 56% voted.

One of the most common reasons renters do not vote is that they have recently moved and have not updated their registrations. The new law would reduce that barrier. Contact your members of Congress and urge them to support this essential addition to the Motor Voter Law. Pass the Our Homes, Our Votes Act today!

# RACIAL EQUITY AND HOUSING

## NLIHC'S NEW VISION AND MISSION STATEMENTS

Vision and mission statements are like roadmaps: they indicate where organizations want to go and how they will get there. Last fall, NLIHC's Board of Directors adopted new vision and mission statements embodying our organization's commitment to addressing structural racism in every part of our work.

### **NLIHC's Vision:**

A racially and socially equitable society where everyone has a quality, accessible, and affordable home.

### **NLIHC's Mission:**

The National Low Income Housing Coalition is dedicated to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice.

Over the last year and a half, NLIHC has undertaken an organization-wide initiative to advance racial equity and inclusion in its policy analysis and advocacy, research, advocate-mobilization efforts, internal operations, and external relationships. With the assistance of a diversity, equity, inclusion, and anti-racism consultant, NLIHC established an Equity Action Team made up of NLIHC staff to guide and inform the overall direction of NLIHC's racial equity work. The Equity Action Team drafted a revised mission statement and a new vision statement and reviewed and modified each with input from the president and CEO, the board chair, and the Board Executive Committee.

The vision statement is the first to be adopted by our board, but the mission statement replaces a previous statement, which hadn't been changed since 2008. The statement – according to which NLIHC was “dedicated solely to achieving socially just public policy that ensures people with the lowest incomes in the United States have affordable and decent homes” – had served us well, but we wanted a new “roadmap” to embody our commitment to advancing policies that center racial equity in housing.

The new mission statement also introduces several new words: “accessible,” “quality,” and “communities.” We decided to include these words because we believe they better capture the characteristics of those homes most likely to enable people with low incomes and people with disabilities to thrive.

# HOW ADVOCATES, ARTISTS, AND STORYTELLERS ARE REIMAGINING THE PAST, PRESENT, AND FUTURE OF OUR COMMUNITIES



The Rise-Home Stories Project brings together multimedia storytellers and housing, land, and racial justice advocates to reimagine the past, present, and future of our communities by transforming the stories we tell about them. The project includes a collection of five innovative works: a video game, a non-fiction podcast, a children’s book, an animated web series, and an interactive platform, all aimed at audiences from frontline and impacted communities.

Funded by the Ford Foundation, the body of work produced by the Rise-Home Stories Project was made by and for Black and brown organizers, artists, and audiences. This approach acknowledges that authentic representation of lived experience is vital in using media to build power and activate community.

## Dot’s Home

*Dot’s Home* is a single-player video game that gives players a chance to explore the harmful systems that dictate our relationships to race and place. Created with help from NLIHC, the game follows a young Black woman in Detroit living in her grandmother’s beloved home. Dot travels through time to relive key moments in her family’s history where race, place, and home collide in difficult choices. *Dot’s Home* inserts the player into scenarios in which they must make choices about how and where to live in the midst of redlining, urban renewal, and gentrification. In doing so, the game invites players to grapple with a fundamental question: “How did your family end up where it is today, and how much choice did it have in that journey?”

The release of *Dot’s Home* comes at a time when America is reckoning with a racist legacy of inequality in housing and land that continues to impact communities of color, leaving them at risk of displacement and

endangered by predatory real estate practices. “Our goal is to use the game to spark robust and courageous conversations about this country’s fraught history with racialized housing and land policy, while also illuminating our role in creating a vision of a just and equitable future that can become reality,” said Luisa Dantas, project director of Rise-Home Stories Project.

*Dot’s Home* was created by housing justice advocates from NLIHC, Texas Housers, Public Advocates, and United for a New Economy, as well as other talented contributors from the Rise-Home Stories Project. The advocates who created the game are grateful for the support and technical expertise of an independent and award-winning BIPOC team that included lead developer Neil Jones, lead artist Sanford Greene, lead writer Evan Narcisse, the team at Weathered Sweater, and composer Natalie White.

With a housing affordability crisis being felt from coast to coast and a multitude of challenges – from



aggressive gentrification and continuing foreclosures to predatory real estate practices – combining to make stable homes in thriving neighborhoods out of reach for many, particularly in Black and brown communities, *Dot's Home* aims to expose the generational impacts of racist land and housing policies while offering a long-term positive vision for our collective future.

*Dot's Home* is available for free on PC/Mac and mobile.

To learn more about *Dot's Home*, visit: <https://risehomestories.com/dots-home/>

## But Next Time

As disaster and crisis become our new normal, how can collective action create real change from the bottom up? What happens when communities across the country band together to face evermore frequent storms, fires, and floods – and challenge the political indifference and inaction that often follow in their wake? *But Next Time* is a four-part limited-run podcast that zeroes in on community organizers and residents in California, Texas, and Puerto Rico who take on these challenges while actively building a better future for those BIPOC communities that are often on the frontlines when disaster strikes but relegated to the margins of local and federal responses.

The hosts, Rose Arrieta (of Causa Justa/Just Cause in the Bay Area) and Chrishelle Palay (of the HOME Coalition in Texas), are themselves community organizers and women of color who have been on the frontlines of disasters in the Bay Area and Houston.

“Disasters just have a way of exacerbating existing conditions,” said Palay, who is also a member of the board at NLIHC. “The rich get richer, the poor get poorer, and communities of color bear the brunt of discrimination and oppression while trying to rebuild their homes and lives. This podcast seizes on these galvanizing moments by hearing and learning from disaster survivors who actually fought and won despite the odds being stacked against them.”

The podcast presents the stories of courageous individuals who have stepped up in the face of unimaginable devastation. One segment focuses on a beloved radio host who broadcasted crucial information in Spanish to migrant workers while the Tubbs Fire engulfed Sonoma, California. Others feature a group of moms who fought for housing justice after

Hurricane Harvey flooded Houston, Texas, and an elected official in Texas whose roots as an organizer influenced her ability to listen to and engage with her constituents. Listeners will also hear about a group of longtime organizers in San Francisco, California, who put their deep experience to work and set up major support systems for residents during the COVID-19 pandemic. The hosts visit Puerto Rico as well, where organizers share lessons about disaster recovery in their communities.

Listen as these community leaders demand change from those in power and work to make sure that the next time a climate-fueled disaster strikes, things can and will be different.

To learn more about *But Next Time*, visit: <https://risehomestories.com/but-next-time/home/>

## Alejandria Fights Back! / La Lucha de Alejandria!

*Alejandria Fights Back! / La Lucha de Alejandria!* is a bilingual children's book that aims to challenge dominant narratives about land, housing, and development by inviting readers to see through the eyes of those who are often most impacted by displacement but least heard: young people.

*Alejandria Fights Back! / La Lucha de Alejandria!* tells the story of nine-year-old Alejandria, an Afro-Latina girl for whom home isn't just the apartment she shares with Mami and her abuela – it's the whole neighborhood. For Alejandria, home is the place where Ms. Beatrice makes yummy picos; where Ms. Alicia sells flowers with her little dog, Duende; and where Mr. Amir has his corner store. But when rent prices go up, people in el barrio start to leave because they can no longer afford their homes. Then, the worst thing happens: Mami receives an eviction notice. Alejandria knows it isn't fair, and she's not about to give up and leave. Instead, Alejandria brings her community together to fight and save the neighborhood.

The organizations and artists who created *Alejandria Fights Back! / La Lucha de Alejandria!* aimed to reach families in those communities most at risk of displacement. The book was crafted so that children, their caregivers, educators, and community organizers would see themselves in the narrative. The story educates youth and adults about the issues of

gentrification and housing insecurity. More importantly, the book aims to give young people a sense of their power to bring about change when they come together with their neighbors to take collective action.

To learn more about *Alejandria Fights Back! / La lucha de Alejandria!*, visit: <https://risehomestories.com/alejandria/home/>

## Steal-Estate

*Steal-Estate* is an interactive web experience featuring audio storytelling and dynamic illustration that makes the case against the financialization of housing. The work frames financialization as an organized criminal racket that has preyed on vulnerable communities with impunity, especially since the 2008 financial crisis. Adopting a true-crime format, *Steal-Estate* follows three foreclosure survivors as they get to the bottom of an intricate web of competing corporate interests, predatory housing policies, and the practices that enable them. The three characters discover that they are not alone and join forces with organizers and advocates in the fight to protect their beloved communities.

To learn more about *Steal-Estate*, visit: <https://steal-estate.com/>

## MINE

*MINE* is an animated narrative web-series that challenges us to shift the way we think about who owns our land and resources and who determines the futures of our communities.

Written and created in a groundbreaking collaboration between artists and housing, land, and social justice activists, *MINE* is set in the near-future and transports us to Beau Voda, a utopian world where every aspect of life is powered by a miraculous healing water source. In the pilot episode, siblings Blaze and Mia discover that their fair and just community may not be as magnanimous as they imagined when their source of life is threatened.

A timely portrayal of the issues and debates shaping our world as seen through the eyes of teenagers, *MINE* examines themes like climate justice and migration, as well as the conflicts between individualism and collectivism and abundance and scarcity. "In the wake of this pandemic, we have a unique opportunity to redefine how we relate to each other and the world

around us," said Mike Leyba, a *MINE* co-writer and the Director of Development at City Life / Vida Urbana. "*MINE* reveals that we already have everything we need to make a better world possible right now, should we choose to be brave, be imaginative, and organize our people to make it so."

To learn more about *MINE*, visit: <https://risehomestories.com/mine/>



From left to right: Dot's Home, But Next Time, Alejandria Fights Back!/La Lucha de Alejandria!, MINE, Steal-Estate



# RESEARCH UPDATE

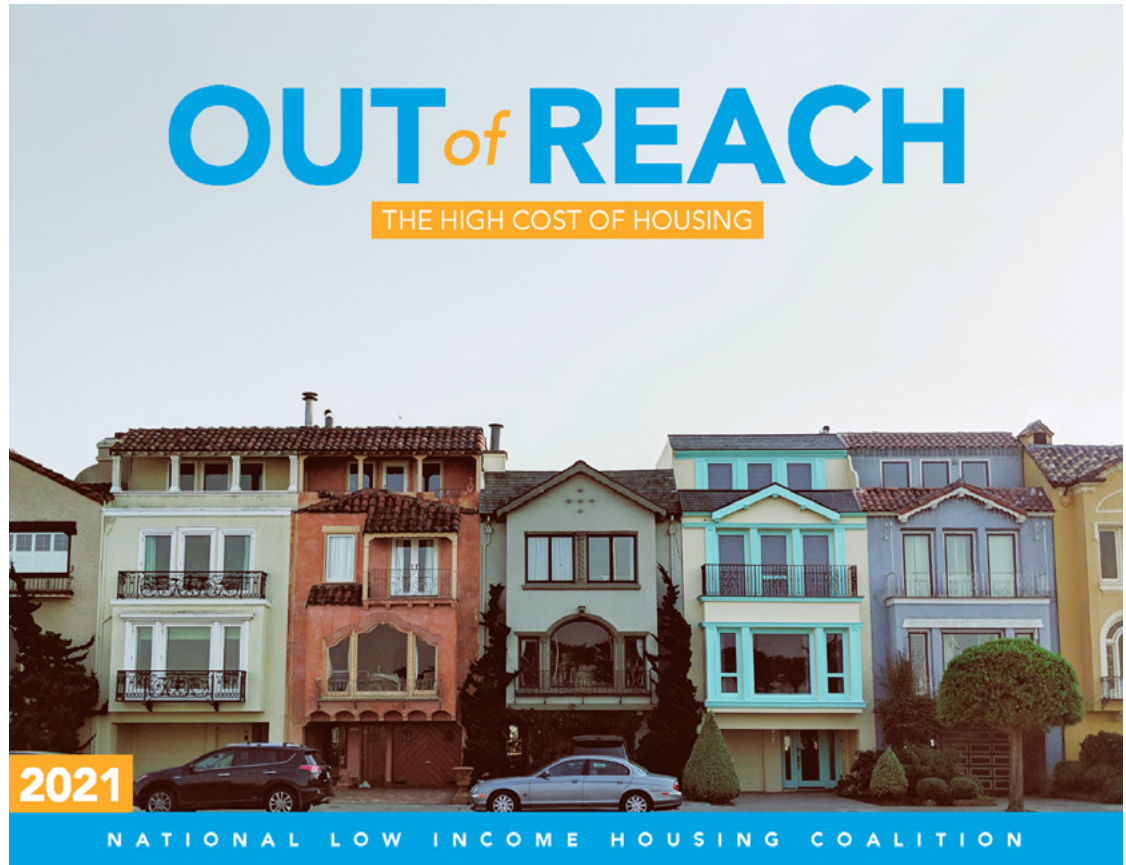
## NEW REPORTS AND UPCOMING DATA RELEASES FROM NLIHC'S RESEARCH TEAM

**N**LIHC's research documents the need for more public investment in affordable rental housing and provides policy recommendations to ensure those investments target households with the greatest need. [The Gap](#), an annual report we typically release in March, documents the shortage of rental homes affordable and available to renters with extremely low incomes for each state and large metropolitan area. In last year's report, we estimated a national shortage of 6.8 million affordable and available rental homes. No state or major metropolitan area was found to have an adequate supply. [Out of Reach](#), an annual report released during the summer, estimates the "housing wage" – the hourly wage that a full-time worker needs to earn to afford a modest rental home in their community. The housing wage in 2021 was \$20.40, on average, for a one-bedroom rental home and \$24.90 for a two-bedroom rental home. Both wages are much higher than the typical earnings of low-wage workers. We will release updated editions of *The Gap* and *Out of Reach* later this year.

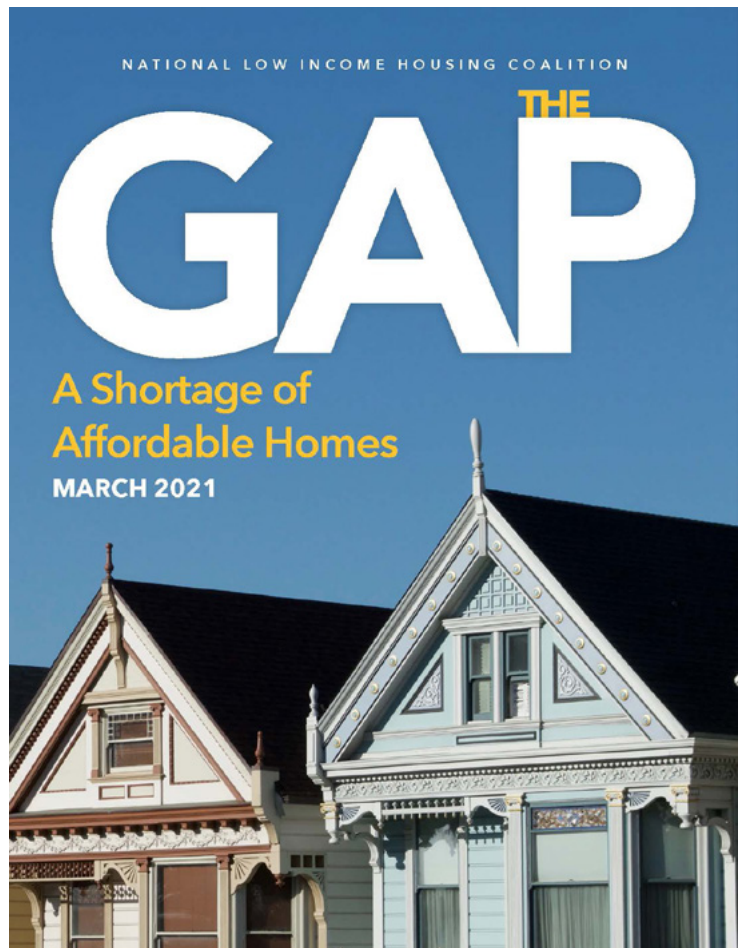
NLIHC's research team also regularly publishes reports focused on protecting the existing supply of affordable rental housing. In [2021 Picture of Preservation](#), we discussed the challenge of preserving the affordability and quality of thousands of publicly assisted rental homes that could be lost from the affordable housing stock in the near future because of expiring rental contracts, lapsing affordability restrictions, or poor physical conditions. In 2022, we will work to improve our data so advocates can better target their organizing efforts towards properties at the greatest risk of being lost. In another publication released last year, [Taking Stock: Natural Hazards and Federally Assisted Housing](#), we estimated that in 2021 one-third of federally subsidized homes are in areas at high risk for negative impacts from natural hazards.

Throughout the pandemic, NLIHC has tracked state and local emergency rental assistance (ERA) programs implemented to help renters who have fallen behind on their rent. Households can find an ERA program near them using NLIHC's [searchable database](#), where we currently track more than 500 Department of the Treasury Emergency Rental Assistance programs. Our research, which can be found on NLIHC's [ERA Resource Hub](#), highlights best ERA practices to ensure that assistance reaches renters with the greatest needs. The reports available through the site provide information about how to prioritize households, provide direct-to-tenant payments when landlords refuse to cooperate, and advance racial equity. As of November 2021, Treasury Department ERA programs had spent \$16.9 billion and provided assistance to 3.2 million households. NLIHC will continue to track ERA spending and further evaluate these programs in 2022.





Cover of Out of Reach: The High Cost of Housing



Cover of The Gap: A Shortage of Affordable Homes

# TENANTS IN LOW INCOME HOUSING TAX CREDIT PROPERTIES: WHAT WILL HAPPEN WHEN AFFORDABILITY RESTRICTIONS END?

The Low Income Housing Tax Credit (LIHTC) program was established by the “Tax Reform Act of 1986” to fund the construction, rehabilitation, or preservation of affordable homes for low-income renters. The LIHTC program gives federal tax credits to state housing financing agencies. The agencies then award those credits to developers through an application process. Developments are eligible for tax credits if they include a certain portion of units that are affordable for households with incomes less than 60% or 50% of the area median income. Federal law requires LIHTC properties to remain affordable for 30 years, though some states extend the affordability period for even longer. In some instances, owners may eliminate the restrictions after 15 years.

Given the age of the program, LIHTC properties are for the first time approaching the 30-year mark and the possible end of their affordability restrictions. Some of these properties may be lost from the affordable housing stock because they are in high-demand areas where owners have incentives to raise rents to market rates. The loss of affordability can lead LIHTC tenants to experience rent increases and possibly displacement. Many renters may have to leave their homes and neighborhoods as a result. In other cases, properties may remain affordable because they are in low-demand markets. Yet owners of properties in these markets may lack the resources to reinvest in or renovate the properties, which could make them vulnerable to physical decline.

The NLIHC research team hopes to learn more about the experiences of tenants in LIHTC properties that reach the end of their affordability restrictions. We plan to identify LIHTC properties recently lost or at risk of being lost from the affordable housing stock and talk to residents of these properties. Our findings will allow us to better understand the impact of housing markets and affordable housing policies on tenants’ experiences and needs, enabling us to formulate policy ideas for preserving the housing stability of low-income tenants.

To share your experience, please email NLIHC’s research team at: [research@nlihc.org](mailto:research@nlihc.org)



*Last summer's movement on the Capitol steps was a movement of, for, and with the people... It was a movement to save lives and make clear that housing is a human right, and that protecting the dignity of every person should be at the center of our policymaking.*

*-Representative Cori Bush*

