

MEMORANDUM

Date: May 17, 2021

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

From: Lauren E. M. Everett
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Subject: Updates on COVID-19 and disaster response, housing, and people experiencing homelessness nationwide, May 10 - 16.

News¹

1. Housed and unhoused Oaklanders have collaborated on creating a community resource called Cob on Wood. The collection of small cob structures features a kitchen, shower and health clinic, and is located on publicly-owned CalTrans land. Organizers did not receive approval from the agency for use of the land, but CalTrans has no immediate plans to remove it. ([The Guardian](#))
2. The Oregon Legislature voted to approve a bill that extends the state's rent repayment period through February 28, 2022. The bill also includes a ban on landlords rejecting rental applications based on rent arrearages or evictions during the pandemic, and prevents the tenant's credit score from being impacted. ([Portland Mercury](#))
3. California governor Gavin Newsom announced a proposal to allocate \$12 billion in new funding to support people experiencing homelessness statewide. Almost \$9 billion would be used to expand the hotel and motel conversion effort with half of that money going towards supportive housing with services, while \$3.5 billion would go toward constructing new housing and rent support payments. ([NBC News](#))
4. As part of the American Rescue Plan, The U.S. Department of Housing and Urban Development (HUD) is providing 70,000 additional Emergency Housing Vouchers (EHVs) to assist households that are experiencing homelessness, at risk of homelessness, or fleeing domestic violence. ([HUD](#))
5. As a participant in the Built for Zero campaign, Bakersfield, CA has had great success in reducing chronic homelessness. The city saw the number of unhoused people go from 72 to 2 individuals between 2017 and 2020. ([Next City](#))
6. Participants in New York City's hotel shelter program reflect on what the opportunity to have stable housing has meant to them, and the difference it has made in their lives. ([The City](#))

¹ New stories are gathered from national and international publications, and are not HRAC's original reporting.

7. Santa Cruz, CA became the latest city to adopt a camping ban. The ordinance will not take effect until the city has established 'safe sleeping sites' for at least 150 tents and a storage program for belongings. ([Good Times](#))
8. The City of Los Angeles' Committee on Homelessness and Poverty authorized a study on the feasibility of creating temporary tiny home villages and safe camping facilities at several local beaches. ([Santa Monica Daily Press](#))
9. In Lawrence, KS, students from the school of architecture at the University of Kansas partnered with a local nonprofit to design and build a 12-residence tiny home village for people experiencing homelessness. ([KCTV](#))

National HoUSed Campaign Call for Universal, Stable, and Affordable Housing (May 10):

Diane Yentel, CEO, NLIHC: We have major news today to share, both good and bad. We're going to start with the good. All of you on the call know the challenges and importance of getting rental assistance to the most impacted households. For over a year the NLIHC has tracked and monitored nearly 900 ERA programs, and have shared lessons about best practices. As of today we're tracking 319 federal ERA programs, and we've been able to identify emerging trends that must be immediately addressed to make these programs effective. We're seeing landlords refusing to participate, program administrators refusing to assist tenants directly when their landlord declines, and challenges like program administrators requiring burdensome documentation or refusing to assist tenants who already receive housing subsidies. We have been in conversation with decision makers at the federal level, and the administration has taken these concerns very seriously. Gene Sperling and I had an initial conversation about this that was over three hours, and since then there have been immense efforts from the Treasury and HUD to address these issues. I'm pleased to welcome Gene Sperling, who is a senior economic advisor to President Biden. We also have Erika Poethig on the call who is the special assistant to the president for housing policy.

Gene Sperling, American Rescue Plan Coordinator & Senior Advisor to the President: I can't say enough about the partnership and the reliance we have had on the advocacy community and the people on the ground, particularly Diane. We have a great team that's working on this, between HUD, Treasury, and my team. But let's be honest, we're here in Washington, DC and trying to get the funds out the door. Getting it wrong is so devastating. To keep someone in their home and prevent eviction or homelessness - all the things that you all know about and have taught us about - this is so deeply important. You have real resources and a team that cares about this, as well as a president and vice president who really cares. All that said, this is a tough environment we're in with the CDC moratorium ending sooner than we would like and some landlords not cooperating. There is a start-up barrier for programs and other challenges. Think about what a normal policy process was like in the White House before the crisis. It hopefully would get passed a year after you started but this is a crisis and we've had to act quickly. The only way we can respond is for the people on this call to be our eyes and ears and our advocates.

We couldn't be doing the job to serve the American people without listening and hearing from people who have the best information. Diane and I had been talking long before I came into the government and I had been hearing about various programs. We did the [Treasury guidance](#) and then the [White House guidance](#) around preventing evictions and providing rental assistance with nine things people on this call have urged us to implement. I don't want anyone to think that we think we're done here - it's an ongoing struggle. We want to be looking every single day at what more we could be doing. I wish we could say that the ARA gives us as many sticks and carrots as we need, because it doesn't. We're going to be looking for everything we can with the full power of the federal government. One of the places I feel that we pushed most effectively on is requiring program administrators to offer rental assistance directly to tenants when the landlord says they won't accept it, and we only know about that because of the people on this call. We have to ask ourselves what President Biden would think about hearing that someone became homeless because their landlord wouldn't accept assistance and it wasn't available to them as the tenant, so we changed that.

Advocates have also said they wanted the waiting period between offering assistance to the landlord and the tenant, if the landlord refuses, to be shorter so we've cut it in half. I think all of us have to respond to what might be happening in the larger environment, so we wanted to send the message that the first goal is to keep someone in their homes, but it's also important to use these funds to help people make the transition to another housing situation. We also heard repeatedly about discrimination against people who were already receiving federal housing assistance, so we clarified that was not permissible under this new round of ERA funding. We also stipulated that program administrators not require burdensome documentation, and that furthermore if they are already a participant in a program that can be a proxy for eligibility (e.g., SNAP food benefits) that can serve as documentation. We're going to do a White House/HUD/Treasury meeting soon to try and identify some philanthropic dollars as well. We're not done, and we're looking for more ways we can address this.

Rebecca Yae & Neetu Nair, NLIHC: We're going to share some updates on the latest with the ERA programs. As of today our database includes over 940 programs, over 319 of which are from the federal ERA program. At this point 691 jurisdictions have received allocations from the Treasury. All of this information is available on our webpage. Nearly 70% of the states, cities and countries that received federal funding are represented in our database. This is 50 states + DC, 382 cities/counties, 252 Tribal governments, and 6 territories/entities. There are a few areas of concern where programs are not using the flexibility granted to them to reach the most impacted households. The use of self-attestation, direct-to-tenant assistance, and service tenants who have federal rent subsidies are areas that need improvement. We'll have our interactive dashboard up on Wednesday that will share information about ERA programs, as well as key design features that facilitate effective targeting of households most in need. You'll be able to see how many programs are actively implemented, how many are closed, and follow key issues we've been tracking. The new guidance reminds programs of disparate impacts and violations of Title 6 when programs deny assistance to tenants receiving federal subsidies. About a third of total programs serve tenants with federal rent subsidies, a little over a third of programs allow self-attestation, about a fifth allow direct-to-tenant

assistance, and about a sixth of programs have additional prioritization to target households most in need. The dashboard will include detailed information on which programs are doing what, so advocates can draw from example programs to make changes in their own local programs.

Malike Marshall, Organizer, Arkansas Renters United: We've developed an eviction intervention program that entails getting in touch with everyone who has an eviction filing throughout the state. There's an online database in the state where anyone can view all of the evictions that have been filed, so we have staff that track that and create a spreadsheet with the data. Then we have volunteers who create information packets, and staff and volunteers bring those packets in person if possible (or by mail if not) to the tenant. We have a five day deadline for responding to a summons, so we really emphasize that they should respond immediately, and we encourage them to fill out the declaration. We've intervened in almost 500 evictions since we started this program. It's a great organizing tool because we've also been able to engage with renters and get them involved in advocacy. If you're on a month-to-month lease however, the landlord is permitted to simply refuse to renew the lease, which is a huge problem.

Bill Cook, Vice President of Colleges, Young Democrats of Arkansas: I'm a renter and the CDC moratorium and declaration enabled me to keep my home. Arkansas is the worst place to be a renter in the country, with the weakest tenant protections. The reality of the human tragedy that's playing out in our neighborhoods gets buried in the headlines. Our work brings us face-to-face with renters in distress, and seeing the struggles and impossible challenges people are facing shows us the cost of bad policy, as well as the resilience of people who are fighting to keep their homes. One thing that we're learning in this work is that our communities are full of people who are ready to fight for their homes and their rights.

Q: How have you been tracking the eviction filings, and how do you use that work to engage people more broadly?

A: In AK there's a site called Court Connect that has public legal records. Unlawful detainer (eviction) is the vast majority, so you can sort by date, case type, and county. There are a few counties that aren't in there. We keep information on what happened with each case and whether we were able to speak with them. If we aren't able to speak with them, there's contact information in the packet that urges them to contact us. We talk to them, develop a relationship with them, and maintain contact. It's good for organizing because many of these people are very upset about the situation, and just having someone come to the door wanting to help is a huge change for them.

Q: Are you able to track the number of evictions you've been able to prevent?

A: Our efforts are very decentralized and we don't have a huge team, so we know we have to go through our notes and compile them in a central place. Based on my information we've stopped quite a bit of evictions. If they're not non-renewal cases and if they answer the door and talk to us, I think it's safe to say their eviction will have been prevented by the outreach.

Eric Dunn, Director of Litigation, National Housing Law Project: The CDC passed the moratorium in September of 2020 after the CARES Act moratorium expired. Within a few weeks

several lawsuits were filed against it. The arguments landlords made were similar, and had been unanimously rejected by courts. There were something like 37 cases and they had all been rejected. There were some new arguments we were concerned about which argue that the statute the CDC was relying on, which gives the CDC director the power to take whatever measures they find necessary to stop the transmission of a communicable disease, it must be on the list in the original statute. We tried to delay cases by challenging the merits, which had been pretty successful. In December Congress extended the moratorium through the end of January 2021, which means that Congress ratified the eviction moratorium and extended the status quo until the Biden administration came into power and could decide what to do next. We thought that would be the end of the legal challenges, but then in February we've seen four cases where a federal judge decided that the CDC did not have the authority to impose the moratorium. Just last week there was a decision out of DC. which was different from the other decisions in that it purports to strike down the moratorium on a nationwide basis. The Department of Justice filed an opposition to the decision and asked the judge to issue a stay, which preserves the policy until it can have an appeal hearing. Now every individual judge hearing a case had to decide for themselves what case precedent to follow (e.g., uphold the moratorium or not). Since there are now four federal judges that have found it unlawful, this could result in local judges deciding not to uphold the moratorium.

Other Resources

1. The NLIHC's updated and more easily searchable [database of ERA programs](#) and new [dashboard](#) of federally funded ERA programs.
2. The Consumer Financial Protection Bureau's guide to helping people experiencing homelessness [access federal stimulus payments](#).
3. The Urban Institute's webinar about [equitable provision of emergency rental assistance](#) will take place May 25.
4. *Shelterforce* reports on why many cities have been hesitant to continue or expand their [hotel programs](#) even though FEMA will now cover 100% of the costs of leasing them.
5. The Urban Institute's *Housing Matters'* round up of research that addresses the connection between [housing, health and racial equity](#).