

MEMORANDUM

Date: June 1, 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 24 - 31.

News¹

1. Marcia Fudge, Secretary of The U.S. Department of Housing and Urban Development (HUD), announced that President Biden's proposed \$2.3 trillion "American Jobs Plan" will include \$318 billion for housing. The proposal allocated \$2 billion for new project-based vouchers, \$55 billion for the Low Income Housing Tax Credit program, and \$2 billion for HUD's Section 202 program, which provides affordable supportive housing for seniors. ([HUD](#))
2. New York City Council voted to increase the value of housing vouchers to more closely align with market conditions. The increase is expected to make a significant impact on voucher holders' ability to access housing, and will cost the city about \$900 million over five years. ([The New York Times](#))
3. In Venice, CA the number of tents on the beachfront boardwalk has reached over 100, and local elected leaders are facing calls for urgent action. In June 33 rooms will open in a Venice hotel for people living on the boardwalk, through the state's [Project Homekey](#) program. ([KTLA](#))
4. Senators Chris Coons (D-DE) and Kevin Cramer (R-ND) introduced a bill to expand and improve the Housing Choice Voucher (HCV) program. In response to declining landlord participation, the Choice in Affordable Housing Act aims to increase voucher holders' access to high-opportunity neighborhoods, by offering incentives for landlords and reducing programmatic barriers for landlord participation. ([NLIHC](#))
5. Four unhoused Portlanders are suing the city to block the new encampment sweep policy. ([Willamette Week](#))
6. As the federal eviction moratorium expiration looms, communities across the country are doing their best to prepare for the anticipated wave of people losing their homes. ([NPR](#))
7. Despite the protections of federal, state and local eviction moratoriums, landlords have been resorting to a suite of harassment tactics to force tenants to 'self-evict'. ([Mother Jones](#))

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

8. A recent survey of Emergency Rental Assistance (ERA) providers in California found that tenant applicants have been facing significant challenges in accessing funds, and many have also been illegally threatened with eviction. ([PolicyLink et al.](#)) [Vox](#) reports on the crisis nationwide.
9. Lawmakers in The Nevada State Assembly introduced a bill that would prevent evictions after the CDC moratorium ends for tenants who have submitted an ERA application. ([Patch Across Nevada](#))
10. A recent study from Arizona State University found that it is almost 30% cheaper to provide housing for people with chronic mental illness than to allow them to become homeless, where they frequently come into contact with law enforcement and visit the emergency room. ([AZCentral](#))

National HoUSed Campaign Call for Universal, Stable, and Affordable Housing (May 24):

Senator Mazie Hirono, Hawaii: Thanks to all of you on this call, because what could be more critical as providing housing to everyone in this country? The pandemic has highlighted the disparities in affordable housing access. In my state we have always had an affordable housing issue. The [Pathway to Stable and Affordable Housing Act](#) includes full funding for rental assistance, investments in the Housing Trust Fund, and expanded funding for homelessness programs. We have to continue to advocate. There is an opportunity to get an infrastructure bill through, but Republicans have been a barrier to passing it. We know we have a tremendous supporter in Sherrod Brown for example. Ron Wyden and Patty Murry are also big supporters. That the Democrats are now setting the agenda, it means that these things are finally coming up for a vote, but of course the 50/50 split is an obstacle. Thank you very much for staying the course. One person can make a difference, and all of us working together can make a difference. Half the battle is staying the course and being focused, and another part of it is getting out of our comfort zone. Take care, stay safe, aloha.

Q: Can you give us any perspective on the process - where we are now in terms of trying to achieve something bipartisan. Do you foresee the infrastructure package being split up into something that could be done on a bipartisan basis followed up by something that could be done as part of reconciliation?

A: The traditional infrastructure that Republicans look at is still so small compared to the need. It's \$500-700 billion, a large part of which is funding that has already been accounted for. So even there, there's a big partisan gulf. Yes I think there might be efforts to try and bifurcate the infrastructure bill into different types of needs. I hope that will not happen because often the stuff that's left behind never gets addressed. I'm hopeful we can do things in a bipartisan way, but there's also a sense of urgency, so we're not going to spend a year negotiating with Republicans. Unless we do filibuster reform - because the Democrats are not all united either - we'll have to do a reconciliation process. At some point we'll have to pivot from negotiating, but we haven't reached that point yet.

Q: What advice do you have for people on this call to ensure that whatever infrastructure package gets passed includes housing for people with the greatest need?

A: I think you're already doing a lot of it. With the Democrats in charge we might not have all the votes we need, but the chairs of the various committees are all on the same page pretty much, as far as agreeing on these urgent needs.

Neetu Nair & Emma Foley, Research Analysts, NLIHC: We'll be providing some updates on Emergency Rental Assistance (ERA) programs. Last week we announced the launch of our [modified ERA database](#). Programs that serve multiple jurisdictions are now cross-referenced so people can easily identify programs that serve their areas. Our rental assistance page also gives access to our larger database, which includes almost 1,000 programs, over 374 of which are from the Treasury ERA program (federally funded). Last week we launched our ERA database. These are in 50 states, 228 cities or counties, and 96 territories/tribal governments, representing a total of \$21.684 billion. Some of the key issues we're tracking are use of self-attestation, direct-to-tenant assistance, and serving tenants with federal rent subsidies. Upcoming indicators we'll be looking at are other housing services provided and statewide spending. Our latest ERA dashboard provides key features of program design and implementation, including the key issues mentioned previously. As we currently stand, only 42% of the programs we track have said they provide self-attestation to reduce documentation burden. Only 34% of programs we're tracking allow tenants who already receive federal subsidies (e.g. Section 8) to access ERA funds.

NLIHC has [a new resource hub](#) to help programs who want to align their program criteria and design more closely with Treasury guidance. This includes program information collected from state and local partners, along with forms and other program documents like outreach materials and toolkits, evaluation reports, and sample applications. If you know of a program that has useful materials but is not in there, please do share it with us.

Q: Are there resources available to learn about the software vendors helping to administer the ERA programs?

A: Neighborly and Salesforce are the main ones we see.

Q: Do you rate ERA programs by success rate or otherwise? Is there a way to access data on how many funds have been distributed by a given program?

A: We are going to start tracking how much programs are spending at the state level, to see how effective state programs have been. We don't rate them, but we do record different attributes of how programs have been getting the funds out to the most impacted households.

Q: Are there any states that have really dropped the ball?

A: We're a little bit concerned with New York because their program hasn't opened yet. We hope they will be able to get the money out quickly once it does. It's a little too early to tell how effective states have been. Some places have spent a higher percentage of their funds than others, such as Alaska. But yes, it's still early to say.

Q: Do you track when programs request SSNs?

A: We track it - we have a tenant eligibility column and we have a metric that tracks whether programs ask for citizenship status.

Q: There has been an increase in programs that allow self-attestation, as the Treasury guidance has specified that in their latest guidelines, right?

A: Yes we have been seeing an increase and will continue to track it.

Sandra Park, Senior Staff Attorney, ACLU Women’s Rights Project: I’m going to talk about the [Presidential Memorandum](#) that came out last week on access to justice. This latest memorandum is building on the 2010 Access to Justice Initiative. The purpose is to work with other parts of the DOJ to coordinate policy on aspects like criminal defense, language barriers, civil legal aid, and more. This initiative included an interagency roundtable that focused on civil legal aid and federal funding opportunities. It convened different stakeholders around topics on increasing access to justice. There were a number of other initiatives that came out of the Access to Justice (ATJ) office, but it was shut down in 2018. With the new administration there was a push to re-open the office. I think partially in response to that, the President issued the May 18th memorandum. The first component is that it calls on the Attorney General to submit a report to the President within 120 days, describing a plan for the Department of Justice to expand its access to justice function. So it’s a report to the President about how it envisions its ATJ work within the agency. The second part is around improving coordination between federal programs. Developing policy recommendations is another aspect, as well as advancing relevant data-based research and disseminating best practices. The memo provides that the Legal Aid Interagency Roundtable (LAIR) will report to the President regularly, and the first one will focus on access to justice in the context of COVID. There will be a lot of thinking about how to use the ATJ work to address evictions - both process and long term effects, as well as best practices with supporting defendants.

Q: How do we get involved with the roundtable, or recommending who should be involved?

A: It will be staff from the federal government, but one of the things LAIR is supposed to do is reach out to NGOs and stakeholders. So that will happen either way.

Kim Johnson, Policy Analyst, NLIHC: I’m here today to flag a new source of American Rescue Plan Act funding that can be used for housing. The funds can be used to provide rental assistance or address the housing needs for people experiencing homelessness. This can be housing counseling, legal aid, preventing or mitigating the spread of COVID in congregate settings, and quarantine facilities. The funds can also be used for investment in affordable housing and housing assistance for low-income households. These funds are allocated by identifying census tracts where there has been a disproportionate impact from the virus. However, in some areas that methodology doesn’t work, so we are drafting a letter about other ways to identify households who have been most impacted.

Q: Is NLIHC also reviewing allowable uses of the funds (not just what geographical areas are eligible)? And/or will they be able to give advocates some orientation about what kinds of advocacy we should be ready to launch at state/local level?

A: We can take a look at allowable uses of funds if advocates are flagging problems where we should expand the uses. We can talk about that with our field team to plan some advocacy around those issues.

Q: Does affordable housing development also include rehabilitation?

A: It should count as construction AND rehabilitation, but I think we need more clarity on that.

Emily Near, Case Manager, Housing Law Unit, Legal Aid of Washington D.C.: I work with a number of clients who are seeking ERA funds. Our program is called Strong Together by Assisting You. It started taking applications April 12th, but there are no paper application options, which means applicants must have access to the internet, email and phone. So it's really difficult for people who don't have access to the internet. It's administered by Deloitte, with no clear inclusion of community-based organizations. We haven't seen a lot of outreach to get tenants to apply. There is an option for the landlord to apply, but the application cannot be completed without the tenant approving it. We're seeing a lot of issues around tech and language barriers. SSNs are not required, but the language is confusing. A self-attestation form was added recently, but income is not included on the form. It's also a PDF so it's tricky to use. We haven't seen data yet on the program outcomes, but we have heard reports of more than 20,000 initiated applications, with about half having been completed and submitted. The first approvals came through last week, and we haven't heard anything about direct-to-tenant assistance being disbursed yet.

Q: Is the advocacy community mobilizing around this?

A: There has been a lot of conversation around this last week and the sunset of our local eviction moratorium.

Q: During these conversations has there been receptivity around making this process less difficult?

A: I think there was receptivity, but it comes down to our mayor's office and other local offices to make the changes. One of our council members' offices held an event shortly thereafter to help people complete the applications.

Other resources:

1. The National Alliance to End Homelessness' guide to common mistakes to avoid when designing [Emergency Rental Assistance programs](#).