NATIONAL LOW INCOME
HOUSING COALITION

EMERGENCY RENTAL ASSISTANCE:

A Blueprint for a Permanent Program

NOVEMBER 2022

END RENTAL ARREARS TO STOP EVICTIONS (ERASE)

EMERGENCY RENTAL ASSISTANCE:

A Blueprint for a Permanent Program

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Table of Contents

I. INTRODUCTION

Emergency Rental Assistance: A Blueprint for a Permanent Program

NATIONAL LOW INCOME HOUSING COALITION

NOVEMBER 2022

Introduction

This report examines the implementation of the U.S. Department of the Treasury's (Treasury) Emergency Rental Assistance (ERA) program by state and local organizations around the country. Through both the "Consolidated Appropriations Act of 2021" and the "American Rescue Plan Act," Congress established an unprecedented $46 billion in funding for emergency rental assistance to prevent evictions and help renters stay stably housed. ERA stood up more than 500 state and local programs over a two-year period. This report aims to assess the challenges and opportunities that were presented through ERA to identify successful policies and practices and propose a policy blueprint for a permanent ERA program.

The report has five sections. The first section presents an overview of Treasury's ERA program, surveying its aims and structure, as well as the guidance issued by Treasury concerning the use of ERA funds, Treasury's processes for allocating and reallocating funds, trends in ERA spending over time, and the general impact of ERA. The section then provides an overview of the National Low Income Housing Coalition's (NLIHC) End Rental Arrears to Stop Evictions (ERASE) project, which has tracked the progress of ERA since the program's inception and collaborated with state partners, local jurisdictions, and program administrators to ensure that ERA reaches the lowest-income and most marginalized renters. In particular, the ERASE project has sought to make sure that ERA programs are **visible, accessible,** and **preventive** and has worked with state and local partners around the country to realize this goal. After reviewing the ERASE project's aims and framework, the section discusses some of the general strategies that have been used by state and local partners in the ERASE project to ensure the success of ERA. These strategies include:

- Partnering with tenants, landlords, and other community members.
- Utilizing ERA program data to track progress and course correct.
- Advancing racial equity through Emergency Rental Assistance.
- Ensuring program integrity.

The next three sections of the report delve into the three components of the ERASE framework. Section Two explores how ERA programs around the country ensured that ERA was visible to the lowest-income renters. Section Three examines how programs guaranteed that ERA was accessible to all renters in need. Section Four analyzes the ways programs made sure that ERA succeeded in preventing housing instability, evictions, and homelessness. Each section draws on numerous examples of policies and practices adopted by ERASE project partners around the country to generate recommendations that could be used by future ERA programs to ensure that emergency rental assistance is visible, accessible, and preventive.

The final section of the report advances a set of policy recommendations, exploring existing legislation that, if enacted, would help preserve the progress made in establishing an ERA infrastructure over the last two years and that could form the basis for a permanent ERA program in the future.

This report would not have been possible without those who contributed to the effort. In particular, we extend thanks to the ERASE Cohort. The ERASE Cohort is a select group of 38 state and local partners working with NLIHC to influence state and local emergency rental assistance programs and ensure that ERA funds quickly reach the lowest-income and most marginalized people. Over the last year, ERASE Cohort members have been working to (1) influence state and local programs to accelerate the equitable use of funding; (2) enable the adoption of eviction-prevention and diversion measures through policy reforms and/or judicial partnerships; and (3) encourage transparency through tracking program data, successes, and challenges.

The 2021 - 2022 ERASE Cohort includes the following organizations:

- Low Income Housing Coalition of Alabama
- Anchorage Coalition to End Homelessness
- CT Fair Housing Center
- Housing Counseling Services, Inc.
- Empower DC
- United Community Housing Coalition
- Florida Housing Coalition
- Miami Workers Center
- Georgia Advancing Communities Together, Inc.
- Hawai'i Appleseed
- Idaho Center for Fiscal Policy
- Housing Action Illinois
- Chicago Anti Eviction Campaign
- Prosperity Indiana
- Homeless & Housing Coalition of Kentucky
- HousingLOUISIANA
- Michigan Coalition Against Homelessness
- Minnesota Housing Partnership
- Hope Enterprise Corporation
- Nebraska Housing Developers Association
- Dataworks NC
- Housing Alliance of Pennsylvania
- Housing Network of Rhode Island
- Richland Library
- Texas Housers
- Utah Housing Coalition
- Washington Low Income Housing Alliance
- Byrd Barr Place
- Arkansas Coalition for Housing and Neighborhood Growth for Empowerment (ACHANGE)
- Coalition on Housing and Homelessness in Ohio
- Arizona Housing Coalition
- Neighborhood Preservation, Inc.
- Housing Alliance Delaware
- United Native American Housing Association
- Ayuda Legal
- Coalicion de Coaliciones
- Citizen's Housing and Planning Association (CHAPA)
- North Dakota Coalition for Homeless People

OVERVIEW OF THE FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAM

Origins of ERA

The COVID-19 pandemic was a public health crisis that quickly ramified into a housing crisis. Even before the pandemic began, nearly 8 million extremely low-income households were spending more than half of their limited incomes on rent and utilities.[1] The severe housing burdens and deep rental debt facing many millions of Americans undermined basic housing security and put extremely low-income renters just one financial shock away from eviction and homelessness. The emergence of COVID-19 was just such a shock. When job losses early in the pandemic shut down large parts of the economy and deprived households of income, many extremely low-income renters were threatened with imminent eviction and homelessness.

In April 2020, Congress enacted the "Coronavirus Aid, Relief, And Economic Security (CARES) Act" in an attempt to address the economic and financial fallout of the pandemic. The act included several flexible funding streams that jurisdictions could choose to use for emergency rental assistance (ERA). By October 2020, jurisdictions around the country had established 438 early ERA programs with at least $3.9 billion in CARES Act funding. Yet well before then, it was apparent to many that the CARES Act would be insufficient in addressing the crisis. The programs it helped fund were limited in resources and constrained in the types of assistance they could offer renters.[2]

Responding to the pressure and advocacy of NLIHC's "Rent Relief Now" campaign of over 2,300 organizations from across the country and recognizing the need for a more robust emergency rental assistance program, the U.S. House of Representatives voted three times to approve measures enacting ERA – in May, June, and July 2020. Throughout this period, NLIHC offered guidance about how the program should be implemented. NLIHC and our partners urged that funds be distributed through the U.S. Department of Housing and Urban Development (HUD), given the agency's deep expertise in housing and the unique needs of the lowest-income and most marginalized populations; be administered through multiple delivery systems, by grantees with experience working with individuals in need; and be administered through programs with low barriers for participation. The legislation passed by the House included these essential features. However, each measure stalled in the U.S. Senate.

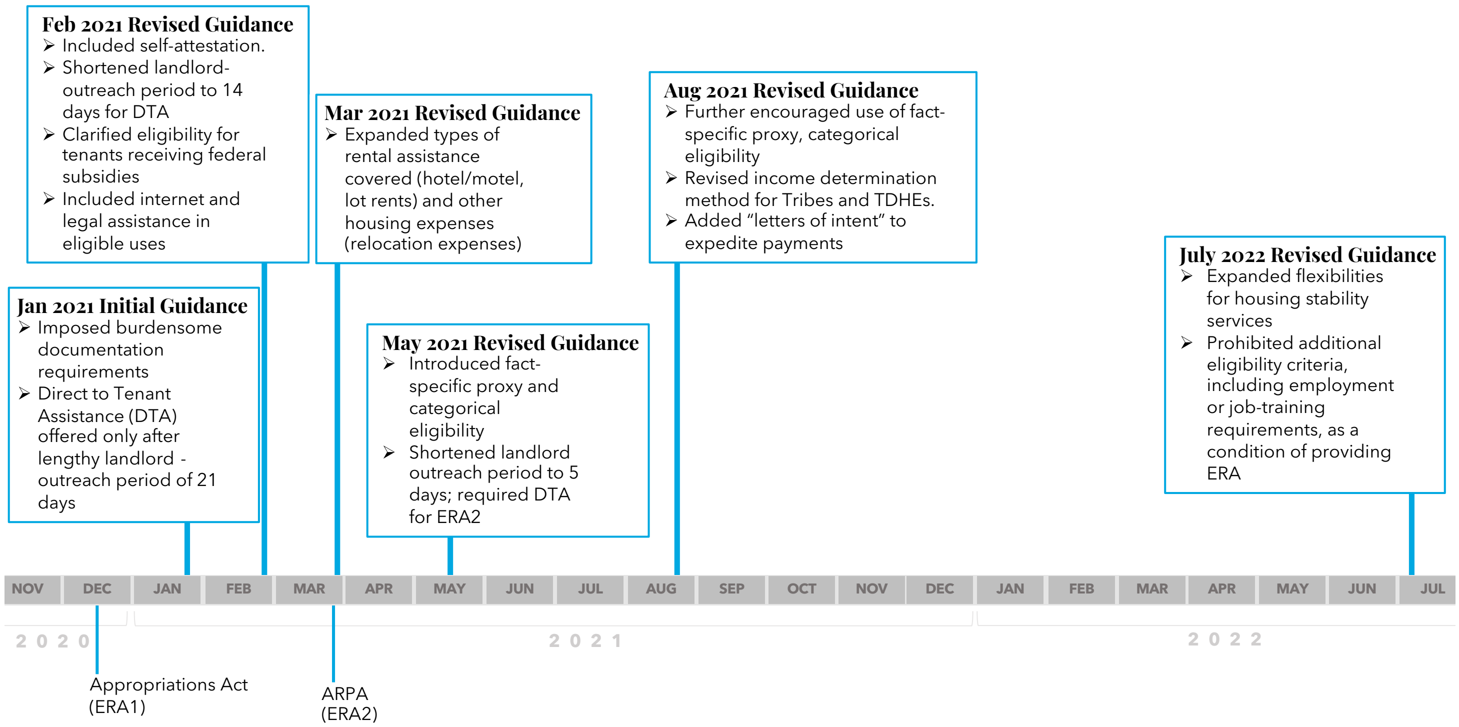
Finally, in late December 2020, Congress succeeded in passing a bill providing emergency rental assistance to struggling renters. The "Consolidated Appropriations Act of 2021" established an ERA program that would be administered through the U.S. Department of the Treasury (Treasury) and would provide funding through September 30, 2022.[3] The program became known as "ERA1."

ERA1

When ERA1 was enacted at the end of 2020, the housing crisis had reached an acute stage. By January 2021, renters had accrued an estimated $50 billion in rent and utility arrears.[4] The aim of ERA1 was to make funding available to the millions of renters unable to pay their rental or utilities arrears in order to prevent evictions, help them stay housed, and slow the spread of COVID-19.[5] In total, the program made available $25 billion in funding, which was to be distributed by ERA program grantees at the state and local levels. (Figure 1 presents a timeline of the development of Treasury's ERA program and associated guidances.)

Figure 1.

Timeline of Treasury Guidance



The statute authorizing ERA1 defined the criteria for establishing eligibility. Only renter households were eligible for assistance, and such households had to (1) have household incomes no greater than 80% of area median income (AMI); (2) include one or more individuals who qualified for unemployment benefits or who had experienced a reduction in income, incurred significant costs, or experienced other financial hardship due directly or indirectly to the coronavirus outbreak; and (3) include one or more individuals who could demonstrate a risk of experiencing homelessness or housing instability. Such a risk could be demonstrated through (a) a past-due utility or rent notice or an eviction notice, (b) evidence of unsafe or unhealthy living conditions, or (c) any other evidence of such risk as determined by the grantee administering the assistance. NLIHC's and our partners' advocacy ensured that the statute also allowed for several program flexibilities, such as categorical eligibility, direct-to-tenant assistance, and self-attestation for some eligibility categories, to facilitate access to funding for households in need.

However, implementation of the new program was hindered in a few ways. Due to demands made by the Trump administration and Republican leadership in Congress, the program included restrictions that made it unnecessarily complex to administer, slowing the speed with which tenants behind on rent received assistance. Likewise, guidance released on the last day of the Trump administration included a FAQ resource that created additional barriers by requiring applicants to document hardship beyond self-attestation; requiring grantees to wait 21 days after conducting outreach to the landlord or utility provider before providing assistance directly to the renter; and suggesting that 10% of funds were to be used for both housing stability services and administrative fees, which would make it nearly impossible for states and localities to provide housing stability services because administrative fees would quickly consume the available funds set aside for this purpose. These requirements resulted in increased application times, discouraged eligible households from seeking assistance, and prevented them from staying stably housed.[6]

After President Biden was sworn into office on January 20, 2021, NLIHC urged the new administration to rescind the Trump-era guidance and provide state and local governments with new guidance that would help distribute ERA to the millions of households at risk of losing their homes.[7] In February 2021, Treasury released a new FAQ that directly addressed the significant flaws in the Trump administration's guidance and included many of the recommendations made by NLIHC.[8] The February 2021 guidance clarified that renters could self-attest to meeting most eligibility criteria, including those related to COVID-19-related hardships, income, housing instability, and the amount of back rent they owed. The guidance also shortened the number of days – from 21 to as few as 10 – that had to pass before ERA could be provided directly to tenants in cases when landlords refused to participate in the program or were unresponsive. Likewise, the guidance clarified that home internet costs and fees for legal assistance for renters facing eviction were eligible uses of ERA.

Treasury made additional improvements to the FAQ in March 2021.[9] These improvements, which aligned with recommendations made by NLIHC to ensure that rent relief resources reached households with the greatest needs, clarified among other things that rental security deposits and applications, as well as screening fees, were permissible uses of ERA funds, and that households renting manufactured homes or temporarily residing in hotels or motels were eligible for ERA.

ERA2

In March 2021, after continued advocacy by NLIHC and our partners in the Rent Relief Now campaign, Congress appropriated an additional $21.6 billion for emergency rental assistance through the "American Rescue Plan Act." The new funding, which amounted to approximately $21.55 billion, became known as "ERA2."[10] Like ERA1, ERA2 was to be administered through Treasury, but unlike the first program, ERA2 funds were to be spent by grantees by September 30, 2025.

ERA2 differed from ERA1 in other ways as well.[11] ERA2 included statutory improvements such as expanding eligibility to renters who experienced hardship *during* the pandemic and not just *due to* the pandemic, extending the time limitation for assisting households to 18 months, and prohibiting grantees from refusing assistance to federally assisted tenants. Additionally, under ERA2, grantees that had obligated at least 75% of their total funds were permitted to use any funds that were unobligated as of October 1, 2022, for "affordable rental housing and eviction prevention purpose[s]," as defined by the Treasury secretary, to assist very low-income families.

NLIHC notified the Biden administration about emerging and troubling roadblocks in ERA programs based on our ongoing tracking of state and local ERA programs and feedback from our partners.[12,13] In addition to sending letters detailing our concerns and recommendations for further guidance, NLIHC was in sustained conversation with the administration to discuss each challenge and needed improvements. In May 2021, Treasury and the White House released new ERA guidance and a summary with major program improvements that directly addressed NLIHC's concerns about several ongoing challenges of ERA1.[14] The revised guidance sought to ensure access to assistance for the renters most in need by requiring program administrators distributing ERA2 to provide assistance directly to renters if landlords refused to participate or were unresponsive and by allowing ERA2 programs to offer direct-to-tenant assistance first and immediately, rather than requiring programs to conduct outreach to landlords beforehand. The revised guidance also expanded ERA2 eligibility criteria to include renters that experienced a financial hardship during COVID-19 rather than as a result of COVID-19. The new guidance encouraged grantees to avoid establishing burdensome documentation requirements that would reduce participation and allowed programs to verify eligibility based on readily available information, such as the average income of the neighborhood in which renters lived.

Likewise, the May 2021 guidance expanded renter protections by prohibiting landlords from evicting tenants for nonpayment while ERA payments were being made on their behalf; prohibited ERA2 programs from denying aid to eligible households solely because they lived in federally assisted housing, noting that such denials could potentially violate civil rights laws; and increased access for people experiencing homelessness by reiterating that ERA could be used for moving expenses, security deposits, future rents and utilities, and the costs of transitional hotel or motel stays.

Initial Allocations and the Role of Reallocation

ERA1 and ERA2 also differed in terms of their initial allocations and the role of reallocation. Treasury was statutorily required to base a state's maximum ERA allocation on its share of the U.S. population, with a minimum state allocation reserved for low-population states ($200 million for ERA1 and $152 million for ERA2). In addition to the population-based allocation, ERA2 included a $2.5 billion set-aside for high-need grantees. Local jurisdictions with populations over 200,000 were eligible to receive a portion of their state's maximum allocation directly. Local grantees' direct allocation was capped at 45% of the local jurisdiction's population share of the state's maximum allocation. Research indicates that the minimum state allocation and the 45% cap resulted in a greater relative per capita allocation to small states and a greater per capita allocation to state grantees compared to local grantees within the same state.[15] To adjust this disproportionality, some state grantees sub-allocated a portion of their funds to local grantees.

Grantees received their full ERA1 allocations in January 2021 and, as noted above, were required to spend their initial ERA1 allocation by September 30, 2022. Grantees had until May 16, 2022, to accept their ERA2 allocation, and, as noted, they have until September 2025 to obligate these funds. Notably, two state grantees – Arkansas and Nebraska – did not accept their allocations of ERA2 funds, despite there being remaining need in both states.

Treasury was statutorily required to reallocate ERA funds from grantees with "excess" funds to grantees in need of additional resources beginning on September 30, 2021, for ERA1, and March 31, 2022, for ERA2. Treasury released initial ERA1 reallocation guidance on October 4, 2021, and ERA2 reallocation guidance on March 30, 2022.

According to ERA1 reallocation guidance, grantees that had not obligated 65% of their initial ERA1 allocations on financial assistance by September 30, 2021, were required to meet a gradually increasing expenditure benchmark to avoid having "excess" funds reallocated. Treasury evaluated whether grantees met the required expenditure benchmark twice, basing its determinations on expenditures through September and November 2021. Treasury provided grantees with several options for mitigating reallocation in the first evaluation. Grantees were also allowed to voluntarily reallocate a portion of their ERA1 funds to another grantee in the same state or to a general pool. To receive reallocated ERA1 funds, grantees were required to have obligated at least 65% of their initial ERA1 allocation. In a press release issued in early 2022, Treasury stated it would reallocate unobligated funds in a way that left grantees with an amount of ERA1 funds equal to what grantees had spent in their strongest quarter.[16] After June 30, 2022, Treasury considered whether additional recapture of unobligated funds was appropriate to help ensure ERA1 funds were distributed by the statutory deadline.[17]

As with ERA1, grantees are required to meet an increasing expenditure benchmark to avoid having ERA2 funds reallocated. The expenditure benchmark for ERA2 is based on funds disbursed for financial assistance and housing stability services. Any funds determined to be in excess will be reallocated from ERA2 funds yet to be disbursed to grantees, as required by statute. Grantees were allowed to voluntarily reallocate up to 60% of their initial ERA2 allocation to another grantee within the same state that has spent or obligated at least 50% of its own initial ERA2 allocation or to a general pool.

So far, $3.7 billion of ERA funds have been reallocated. Over four rounds of ERA1 reallocation, nearly $3.1 billion was transferred from state and local grantees. An additional $38 million of ERA1 funds were reallocated from tribal grantees. Earlier this year, Treasury started the process of reallocating ERA2 funds. Thus far, $519.9 million of ERA2 funds have been transferred. Over 50% of reallocated ERA funds have been voluntarily reallocated, usually from state grantees to local grantees within the same state. The large amount of funds voluntarily reallocated helped correct the initial allocation formula, which gave a disproportionate amount of funding to state grantees compared to local grantees. Notably, because a large proportion of funds remained within the same state, allocation disparities between stated were sustained.[18]

Spending Trends over Time

Since the beginning of ERA implementation, grantees have disbursed their ERA funds at various rates. Grantees' rates of disbursal are influenced by the initial allocation formula, which was based on population share and did not consider need within jurisdictions, as well as program implementation features.[19] Previous research by NLIHC and the Housing Initiative at Penn (HIP) found that grantees that instituted flexible documentation requirements – such as applicant self-attestation for COVID-19-related hardship and income – disbursed funds more rapidly, on average.[20] However, grantees also faced persistent challenges throughout 2021, including difficulties related to staff capacity and technology and landlord and tenant responsiveness.[21]

By the end of June 2022, ERA grantees had disbursed $20.9 billion (84%) of ERA1 and $10.9 billion (51%) of ERA2 on financial assistance to households and for housing stability services and administrative expenses.[22] The ERA program made over 6.3 million payments to households between January 2021 and June 2022.[23]

ERA1 spending increased each month between April and September 2021, with significant increases occurring in the late spring and early summer of 2021 (as shown by the datapoints for Q2 and Q3 for each year in Figure 2, below). Between October 2021 and June 2022 – or Q4 of 2021 and Q2 of 2022 – ERA1 spending decreased and then plateaued. Very little ERA2 was spent between April and September 2021 (Q2 and Q3 of 2021), but rates increased drastically at the end of the year (in Q4). ERA2 spending by quarter reached its peak in Q1 of 2022 before decreasing in Q2 of 2022.[24]

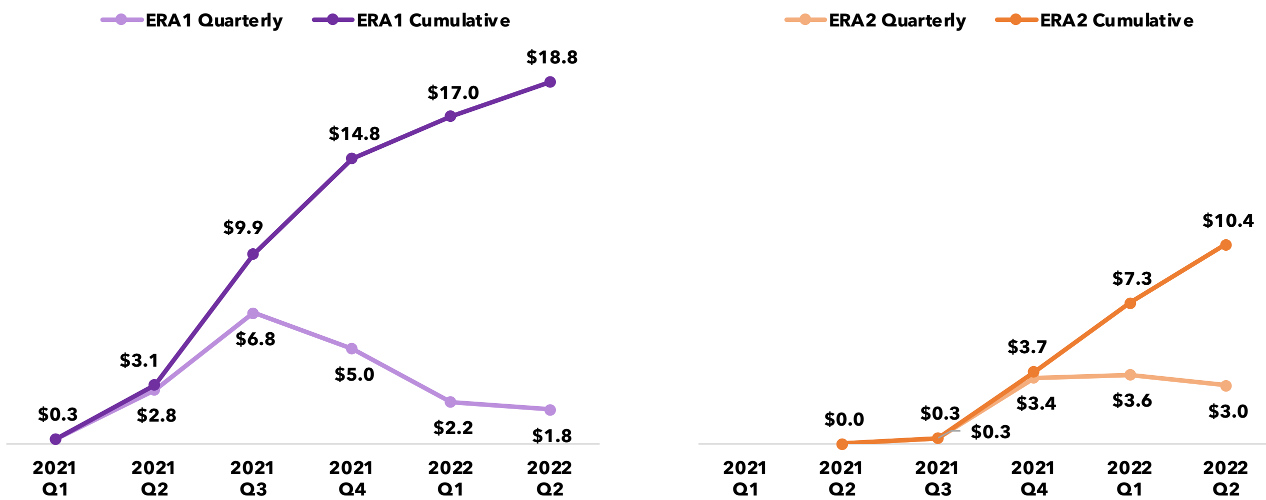
By the end of June 2022, state grantees had spent $13.3 billion in ERA1 funds, or 80% of the $16.6 billion of revised state allocations. Localities had spent more than $5.2 billion, or 77% of the $6.8 billion of revised allocations, in the same time period. Nine state grantees had expended 50% or less of their revised ERA1 allocations by the end of June 2022, despite having reallocated portions of their initial ERA1 funds.[25]

State grantees had spent $7.8 billion of ERA2 funds by the end of June 2022 – approximately 49% of the $15.9 billion allocated to states. Similarly, localities had spent approximately 49% of their allocations, or $2.6 billion of the $5.3 billion allocated to localities.[26]

Throughout 2022, NLIHC has tracked ERA spending on the ERA Dashboard and Spending Tracker. Our tracking has integrated Treasury data

Figure 2.

Emergency Rental Assistance Quarterly and Cumulative Spending, by Tranche (in billions)



Source: U.S. Department of the Treasury, "June 2022 ERA Monthly Data," https://bit.ly/3bIGLd9
Note: Spending numbers include funds spent toward forward rent, arrears, and utilities. Additional funds that have gone toward administrative expenses and housing stability services are not depicted in this graph.

with real-time data from program dashboards and program administrators to provide a closer estimate of how much ERA funding has been obligated to date.

The Impact of ERA

As indicated above, the latest Treasury data show that as of June 2022, nearly $31.8 billion in assistance had been disbursed to households and for administrative expenses and housing stability services, while over 6.3 million payments had been made to households.[27] Nearly two-thirds of households receiving assistance had extremely low incomes. Overall, ERA programs assisted a high share of Black households: 42% of households that were assisted identified as Black, though Black households only make up 24% of cost-burdened low-income renter households.[28] The ERA program may have underserved Latino(a) households: Latino(a) households account for 22% of cost-burdened low-income renter households, but only 20% of households served were Latino(a).[29] More granular data at the state-level suggest that some states were serving higher shares of Latino(a) households relative to potential need and others were significantly underserving Latino(a) households.[30]

In 2021 alone, at least 1.36 million formal evictions were prevented, thanks to a wide range of government interventions, including federal, state, and local eviction moratoriums; policies like expanded unemployment insurance and stimulus payments; and emergency rental assistance.[31]

THE ERASE PROJECT AND FRAMEWORK

NLIHC worked both directly as well as through our state and local partners to support – and learn from – the implementation of ERA in states and localities around the country. These efforts were planned, coordinated, and managed by a special project developed by NLIHC and intended to focus exclusively on emergency rental assistance: the End Rental Arrears to Stop Evictions (ERASE) project.

Visible

Conduct equitable and robust marketing and outreach efforts to ensure that all landlords and low-income renters know about the Emergency Rental Assistance (ERA) program and how to access it in their community.

Accessible

Support access to and disbursement of financial support to landlords and tenants by ensuring an accessible, streamlined, and low-barrier ERA application process.

Preventive

Prevent housing displacement by creating formal partnerships with your state and/or local court to support eviction prevention and eviction diversion in coordination with ERA.

The ERASE project has aimed to ensure that ERA 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, and 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.

In support of these goals, the ERASE project undertook a number of advocacy, research, and education efforts over the last two years. The project facilitated bi-weekly State and Local Partner Implementation Calls that brought together program administrators and state and local advocates to discuss the implementation of the three pieces of legislation creating ERA: the "2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act," the "Consolidated Appropriations Act of 2021," and the "American Rescue Plan Act of 2021. "The project provided grant funding and technical assistance to 38 state and local partners through an "ERASE Cohort" and facilitated bi-weekly working group meetings during which members could engage in peer-to-peer learning. Through its ERA Program Dashboard, the ERASE project also tracked and shared information about programs and key design and implementation features that enabled them to serve the lowest-income and most marginalized renters in need of housing assistance.[32] Meanwhile, the project and its partners released more than 21 reports highlighting the state of emergency rental assistance, emergent best practices, and program recommendations. These reports contain frameworks, program examples, and case studies that may be useful in designing or adapting ERA programs in the future. NLIHC also held weekly National Calls that featured national speakers, administration staff, members of Congress, and members of state and local programs to share the latest information on Treasury guidance and innovations in the field.

From the beginning, the ERASE project worked with state partners, local jurisdictions, and ERA program administrators to ensure that local ERA programs were **visible, accessible,** and **preventive**. These three goals formed a framework for generating program improvements that would ensure that the lowest-income and most marginalized renters were able to find and access ERA in time to prevent their evictions. Over time, the ERASE project and its partners developed recommendations for each part of the visible-accessible-preventive framework – recommendations that will help future permanent ERA programs successfully meet the housing stability needs of the lowest-income renters:

1. To increase visibility: Conduct equitable and robust marketing and outreach efforts to ensure that all landlords, low-income renters, and people already experiencing homelessness know about the ERA program and how to access it in their community.

2. To increase accessibility: Support equitable access to and disbursement of financial support to landlords and tenants by ensuring an easy-to-use, streamlined, and low-barrier ERA application process.

3. To increase preventiveness: Ensure holistic, responsive interventions at all intersection points, including state and local courts, to reduce evictions, housing displacement, and homelessness.

This report brings together lessons learned over the last two years by the ERASE project and its state and local partners about those programmatic and policy components that have been most effective in making ERA visible, accessible, and preventive.

GENERAL STRATEGIES FOR ENSURING SUCCESSFUL ERA IMPLEMENTATION

Though this report explores the particular policies, processes, and tools that have made ERA visible, accessible, and preventive, it is worth drawing attention to a set of strategies adopted by many programs that tended to strengthen ERA implementation generally. These overarching strategies involved (1) partnering with tenants, landlords, and other community members; (2) utilizing ERA program data to track progress and course correct; (3) advancing racial equity through ERA; and (4) ensuring program integrity.

Partnering with Tenants, Landlords, and Other Community Members

In its "Promising Practices," Treasury has noted that "grantees that reported strong partnerships with nonprofit program providers emphasized that these relationships rely on building a shared vision and infrastructure that supports continuous communication about ERA program development, program requirements and definitions, and the flow of ERA applications/payments."[33] We agree with Treasury that non-profit partnerships are essential in ensuring the efficacy of ERA implementation. Yet we also found that programs benefited from partnerships with those parties most directly affected by ERA: namely, tenants and landlords. Programs that provided ways for tenants and landlords to make their voices heard were able to leverage their expertise in developing planning, implementation, and course correction strategies related to emergency rental assistance.

State and Local Non-Profit Partners Convening Program Administrators to Provide Technical Assistance and Advocate for Program Flexibilities:

The Housing Alliance of Pennsylvania and Florida Housing Coalition

Members of the ERASE cohort were effective in convening programs and advocating for program changes to better serve renters with the greatest need. Over the course of 2021 and 2022, the Housing Alliance of Pennsylvania (HAP) regularly met with and provided technical assistance to many of Pennsylvania's ERA program administrators. The organization has an active listserv with those ERA administrators, where it shares guidance and information on promising practices and where ERAP administrators ask each other questions. HAP has also developed guidance on using fact-specific proxies as well as prioritization to support programs in Pennsylvania.

Florida Housing Coalition provided free training and technical support to the 32 local governments in Florida that received ERA funds. The Coalition hosted monthly workshops with the state's local ERA program administrators and provided free consulting services to local housing staff, ranging from answering individual questions on topics such as income documentation and eligible expenses to providing full independent audits on program design, Treasury reallocation guidance, advice about how to use State and Local Fiscal Recovery Funds (SLFRF) dollars for rent assistance, information about HOME-ARP and tenant protections, and other information that could assist local ERA administrators with their work. Their goal was to use existing relationships with local housing administrators to help them adopt best practices, like self-attestation and direct-to-tenant assistance, and to expend funds efficiently and equitably.

This strategy is illustrated by the case of the California-based Santa Clara County Homelessness Prevention System, a network of 70 partner organizations led by Destination: Home and Sacred Heart Community Service. In late 2020 and early 2021, the organizations provided $36 million to nearly 15,000 low-income households through a combination of direct financial assistance and rental assistance through the "COVID-19 Emergency Homelessness Prevention Program," which was funded with CARES Act Coronavirus Relief Funds. In designing their program, the organizations drew on the expertise of community partners, including tenants and landlords, to determine how services and funds should be distributed to tenants. Through a survey of their partners' community members, the organizations learned what kind of assistance was desired and how community members wished to receive assistance. They prioritized on-the-ground expertise through regular check-ins and meetings where partners could share their feedback, inform program decisions, and discuss successes and concerns with each other. This model of community engagement and collaboration provided valuable insights concerning how to engage partners for ERA.[34]

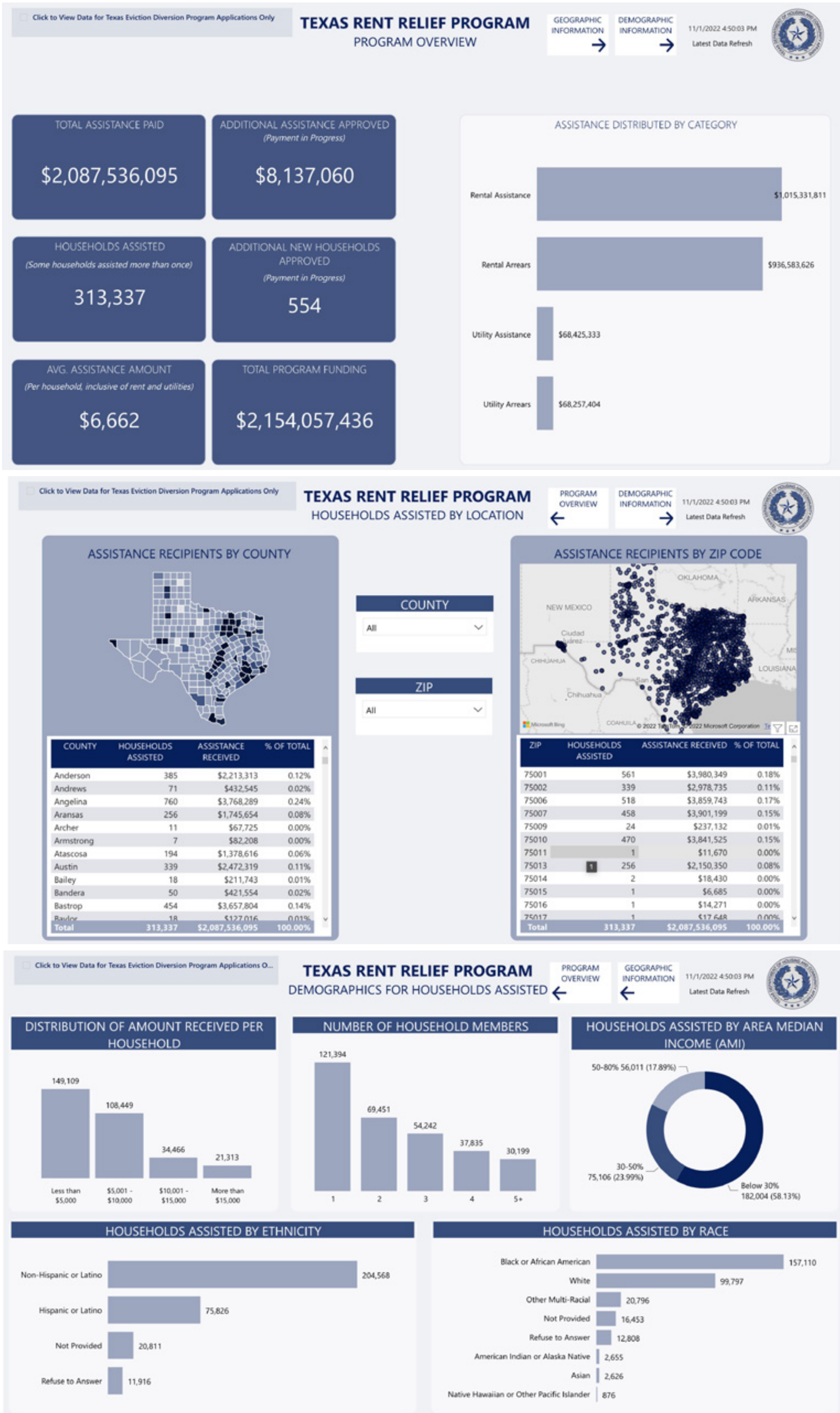
Utilizing ERA Program Data to Track Progress and Course Correct

Advocates in communities across the country struggled to access critical program data, particularly data that would enable better analysis of the demographics of who was being served by ERA programs and the relationships between ERA and eviction patterns, neighborhood racial characteristics, and program elements. State and local demographic data in particular are critical to supporting the equitable distribution of ERA insofar as such data enable programs to identify any disparities that may exist on the local level as well as determine where outreach and engagement efforts are best targeted for the ERA funds that have yet to be spent. ERA program data dashboards offer examples of transparency and provide regularly updated data that can inform program corrections and communicate program progress. Many ERA programs developed data dashboards that included information on the number and status of applications, demographics related to participating households, and the types and amount of assistance disbursed and obligated. One such dashboard was created by the Texas Rent Relief Program. The dashboard (shown in Figure 3 below) provides updates on the amount of ERA distributed per household, the number of members in households receiving ERA, the share of households assisted by area median income, the numbers of households assisted by race and by ethnicity, and other metrics.[35] (For more examples, visit the NLIHC Resource Hub at https://nlihc.org/resource-hub.)

The ability to successfully track national demographic metrics helps to ensure that equity is at the forefront of decisions and that all decisions and program evaluations are based on data. In December 2021, Treasury released data on the total national distribution of ERA funds by race, ethnicity, gender, and income. Unfortunately, however, Treasury did not release other critical data required by the "Consolidated Appropriations Act of 2021," including data on the acceptance rate of applicants for assistance; the type or types of assistance provided to each eligible household; the average amount of funding provided per eligible household receiving assistance; household income level; and the average number of monthly rental or utility payments that were covered by the funding amount that a household received. State and local dashboards can help fill in the information gaps until Treasury releases further national data.

Figure 3:

Texas Rent Relief Program Public Dashboard.



See the updated dashboard at: https://bit.ly/3NzV6Hg

Advancing Racial Equity though Emergency Rental Assistance

As a result of decades of racist housing policies and practices, Black, Hispanic, and Native American households were more likely to be extremely low-income renters prior to the pandemic compared to white households. Partly for this reason, the COVID-19 crisis disproportionately affected households of color. Black, Hispanic, and American Indian/Alaska Native people experienced higher rates of COVID-19 infection and death compared to white people.[36] Black, Asian American, and Hispanic workers also tended to experience more job loss than white people during the pandemic.[37] ERA programs cannot fully address the inequities that led to these outcomes by themselves, but they can at least begin to do so by centering households of color at each step of program planning and evaluation.

ERA programs used a multitude of strategies to conduct targeted outreach to renters of color.[38] Programs frequently partnered with nonprofits or trusted community-based organizations to conduct outreach in vulnerable communities and even support applicants in the intake process. They broadened their marketing and outreach tactics and made application materials available in many forms (e.g., online, on paper, or over the phone) and in many languages. Many programs also simplified their application processes and changed their documentation requirements. Requiring traditional documentation can place unnecessary burdens on applicant households, especially the most vulnerable ones, and some programs opted to use self-attestation or other tools to reduce such burdens during the pandemic. Further, several programs made clear that they would accept a broad variety of identification documents, or that they did not have citizenship requirements. Some programs also purposefully set up evaluation and monitoring benchmarks to ensure that they were serving households of color in ways that were proportionate to need. Only limited data presently exist for determining whether renters of color were served proportionately to their needs at local levels, let alone for determining whether certain strategies were effective at serving households of color.

Ensuring Program Integrity

Since the beginning of ERA, program administrators have been working to guarantee program integrity while ensuring that funds are disbursed to those households with the greatest needs as efficiently as possible. To accomplish this goal, programs have developed strategies that rely on combinations of staffing, processes, policies, and technology.

Successful program integrity models are grounded in the development and consistent implementation of strong policies and procedures and utilize a combination of technology and staff to identify, investigate, and take action regarding suspicious applications before payments are made. Key strategies include training staff on fraud mitigation and prevention efforts; identifying red flags before an application proceeds; using software programs to review documents and to avoid duplication of assistance and better analyze data; expanding teams to include quality control staff; implementing multi-step review processes; reporting fraud to outside investigators; and setting up security protocols for the processing of payments. Program administrators often cited program flexibilities such as fact-specific proxy and categorical eligibility as features that helped to ensure program integrity by layering data-driven eligibility criteria into the process.

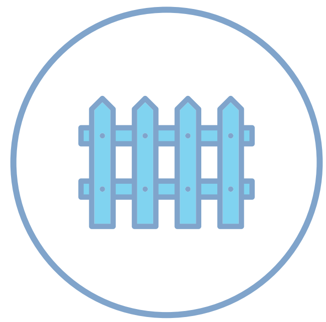
One challenge in understanding fraud within ERA is the lack of a common definition of fraud. Differences in definitions have led to different narratives regarding the amount of fraud that may exist within a particular program. For example, though some may suggest otherwise, fraud does not typically involve common user errors, households and/or landlords unknowingly providing incorrect information, or improper payments being made without the intent or knowledge of wrongdoing.

Instead, threats to the integrity of ERA application processes and programs have typically fallen into five main categories: (1) households (tenants) falsifying applications; (2) landlords (owners) falsifying applications; (3) landlord / tenant collusion; (4) coordinated attacks by "bots" or hackers; and (5) third-party individuals and "businesses" elsewhere in the process charging fees or coercing tenants. Within each of these categories, fraud can be committed through single applications or through bulk or multiple applications.

Given these threats, most ERA programs have been vigilant in ensuring high program integrity and catching fraudulent requests for assistance before they result in payments. According to an article published in *Newsweek*, states have observed little fraudulent activity and, in those few cases of fraud observed, have often detected and prevented it. The article explains, for example, that "California has rigorously checked its rental assistance applications for fraud, resulting in 0.0036 percent of applications being rejected due to potentially false information. None of these applications were paid." The article also notes that Utah had a 1% fraud rate and New York a fraud rate of less than 1%. Such low fraud rates were also confirmed anecdotally by ERA program administrators with whom NLIHC staff spoke.

Visible

Accessible



Preventive

END RENTAL ARREARS TO STOP EVICTIONS (ERASE)

II. ADVANCING VISIBILITY IN EMERGENCY RENTAL ASSISTANCE PROGRAMS

Emergency Rental Assistance: A Blueprint for a Permanent Program

NATIONAL LOW INCOME HOUSING COALITION

NOVEMBER 2022

Advancing Visibility in Emergency Rental Assistance Programs

Households most in need and with multiple barriers must be able to access emergency rental assistance (ERA) at the time when they need it most to prevent eviction and housing loss. Reaching communities with the greatest needs can be challenging due to geographic isolation, language differences, mistrust of government programs, stigma, inadequate access to technology, or other factors.

By February 2021, when ERA rollout was just beginning, less than half of landlords and a third of tenants surveyed by Avail and the Urban Institute were aware that federal assistance was available.[39] By May 2021, more landlords and tenants were aware of federal rental assistance (60% and 43%, respectively), but awareness among tenants was still low, suggesting that additional outreach strategies were necessary to ensure the lowest-income tenants were assisted by the program.

Many emergency rental assistance programs have adopted creative strategies to overcome problems with visibility. They have chosen to work with trusted community partners (often smaller nonprofit and community-based organizations with ties to at-risk renters) to help with outreach and to consult with residents on program design, while also educating and engaging landlords about ERA, using data to target resources to communities with high housing instability and eviction rates, and creating unique ways to get information about ERA directly to tenants in need.

This section outlines innovations communities have made related to outreach, marketing, and targeting strategies central to ensuring that assistance reaches households experiencing the worst impacts of the pandemic, especially BIPOC households, and that eviction prevention efforts reach those at the greatest risk of homelessness. These innovations include:

- Engaging trusted community-based organizations (CBOs) for outreach and marketing.
- Conducting outreach to landlords.
- Using data to target outreach and engagement.
- Distributing program information at critical points of intervention and directly to renters.
- Providing ERA outreach at eviction court.

This section explores each of these innovations and provides examples of ways ERA programs around the country deployed them.

ENGAGING TRUSTED COMMUNITY-BASED ORGANIZATIONS FOR OUTREACH AND MARKETING

Building partnerships with community-based organizations (CBOs) is one of the most widely utilized – and most successful – tactics for raising the visibility of ERA among the lowest-income renters and renters who are Black, Indigenous, or people of color. Using trusted messengers to provide information and resources about ERA can make renters more willing to participate in the program. State and local partners played a crucial role in leveraging their community networks, connections to tenants, and organizing experience to increase outreach and marketing efforts to support the rollout of ERA.

The Washington State Department of Commerce's Eviction Rental Assistance Program worked with 30 grantees to administer the ERA program locally. The state required grantees to invest at least 5% of their initial grant in partnerships with "By & For organizations." These organizations are culturally based and directed, as well as substantially controlled, by individuals from the population they serve. At the core of their programs, the organizations must embody the communities' central cultural values. In most cases, this requirement meant the program grantees were contracting with organizations with which they had never contracted before and fostering relationships in new ways. Depending on the subgrantees' or subcontractors' organizational capacity and relationships with the grantees, the roles of subgrantees and subcontractors ranged from outreach only to outreach, intake support, and providing rental assistance payments to landlords on behalf of tenants. Requiring grantees to partner with organizations substantially bolstered their ability to serve marginalized communities: many grantees served high shares of households of color in general and high shares of Black- and women-headed households, in particular.[40]

ACTION-Housing – a nonprofit affordable housing provider in Allegheny County, Pennsylvania, and the administrator of the Allegheny County Emergency Rental Assistance Program – contracted directly with 27 area nonprofits and community groups to ensure the lowest-income and most vulnerable tenants in Allegheny County were able to access rental assistance. The organizations were paid a monthly stipend so they could staff up and provide outreach, case management, and application assistance, among other things. The organizations served immigrant, LGBTQ+, BIPOC, and senior communities, as well as specific high-risk neighborhoods, and were seen as trusted messengers. Familiarity with these organizations enabled community members to feel comfortable applying for ERA, despite similar government programs failing their communities in the past. Approximately two-thirds (65%) of applications submitted to the Allegheny ERA program were from households led by a person of color, and 65% of payments made were to BIPOC-led households.[41]

The Massachusetts-based Citizens' Housing and Planning Association (CHAPA) created the Neighborhood Emergency Housing Support Program, a pilot program to support community-based organizations working to prevent evictions and foreclosures due to the COVID-19 pandemic in low-income communities in Massachusetts. CHAPA saw the value in funding CBOs, which are often Black- and Brown-led organizations that are connected to community members but that could benefit from additional capacity and resources to support their work. CHAPA's strategy was to leverage the unique positions of CBOs in their communities to ensure that financial assistance reached those households it was intended to serve. CHAPA financially supported 22 CBOs covering every region of Massachusetts from December 2021 through May 2022. The CBOs were able to serve 1,968 clients, 76% of whom requested assistance in applying for ERAP as well as the state-funded Residential Assistance for Families in Transition (RAFT) program. When asked by the CBOs why they had not yet applied for the program, 25% of applicants said they were unaware of it, 25% said they needed help applying, and 21% cited language barriers. Other reasons included immigration barriers and impediments involving technology. When asked how they had learned about the assistance, over 60% of households said they learned about the ERA program either through CBO outreach or from a community member who referred them to a CBO as a trusted resource. Only 3% of clients learned of the ERA program through state outreach.[42]

Community-based partners explained that when incorporating CBOs as a part of ERA outreach efforts that it is important to fund CBOs adequately and to be aware of the impact the ERA program's performance can have on the reputation of community partners. For example, if a CBO refers clients to an ERA program with long processing times and burdensome requirements that prohibit access to ERA, clients can associate these problems with the referring CBO, damaging its reputation and creating barriers to future services and engagement.

CONDUCTING STRATEGIC OUTREACH TO LANDLORDS

Direct outreach to landlords can be an important practice when trying to increase landlords' program uptake. Some jurisdictions found that landlords were generally responsive to the ERA program but needed additional education and assistance in understanding its operations. Several jurisdictions undertook efforts to make sure that landlords were aware of (1) ERA and how to access it, (2) restrictions on evictions and tenant protections related to ERA, and (3) important information that can help landlords communicate with tenants. ERA programs in Charlotte-Mecklenburg County (North Carolina), Maricopa County (Arizona), and the City of Chicago implemented innovative strategies to engage landlords and increase landlord participation.

The City of Charlotte and Mecklenburg County in North Carolina partnered with DreamKey Partners to offer mortgage and emergency rental assistance. Among the outreach strategies used by DreamKey Partners was an effort to connect with the Greater Charlotte Apartment Association to conduct ERA training sessions specifically for landlords. The sessions were recorded and the recordings shared throughout the year with new landlords who had questions about the program. DreamKey Partners also worked with Socialserve.com, an affordable housing search database. Socialserve.com has over 1,000 landlords in its network and was able to send notifications to landlords about the rent program, how to gain access to it, and program updates.[43]

Maricopa County, Arizona, in partnership with HOM, Inc, a membership organization, launched the "Threshold" program, using a $5 million initial investment of federal relief money.[44] Threshold is a resource hub for property owners, landlords, and managers that aims to engage landlords to help end homelessness. Its efforts include connecting landlords to available rental assistance and prevention resources.

These two programs conducted general outreach efforts involving landlords, but some jurisdictions identified a need for outreach to specific landlord types. Small landlords, for example, manage most two-to-four unit properties in the City of Chicago, and the city's ERA program worked with local community development-focused financial institutions to integrate outreach and education on ERA into their small property owner training courses. Other jurisdictions, however, found that the wide disparity in power between tenants and landlords undermined any efforts to conduct outreach and that in jurisdictions where landlords could retaliate, such efforts could even place tenants in danger instead of improving their odds of receiving assistance. In New Orleans, Louisiana, for instance, the gap in power was so wide that the potential to settle arrears was inadequate in incentivizing some landlords to participate.

USING DATA TO TARGET OUTREACH AND ENGAGEMENT

The analysis and use of existing, cross-system administrative data has been effective in targeting outreach and engagement to renters with low incomes and other populations. Robust data collection and data sharing among partners is required to make these efforts work. The Kentucky Housing Corporation, the administrator of Kentucky's ERA program, entered into a data sharing agreement with Kentucky's Administrative Office of the Courts to receive automated daily imports of eviction filings data. It then used the court data to identify existing ERA applications with a court filing; automate creation of "pre-applications" for tenants or landlords who had not applied for ERA; serve as proxy documentation for ERA eligibility; support outreach to landlords and tenants to determine if a settlement could be reached; and send daily USPS mailings to tenants and landlords about the ERA program.[45]

Researchers in Utah analyzed ERA and eviction data to better target ERA utilization. The Multicultural Advisory Committee of Utah's COVID-19 Response was formed in May 2020 by former Governor Gary Herbert to address the disproportionately high rate of COVID-19 transmission in the state's BIPOC communities. The group also collaborated with diverse stakeholders to study the rising number of evictions in the state. The group's research team found that disparities in evictions did exist, with a significant number of evictions (over 80%) occurring in ZIP codes where BIPOC communities predominate. The research team analyzed rental assistance data from the state's early emergency rental assistance program to (1) identify trends in how approved rental assistance applications were dispersed throughout the state and (2) determine whether rental assistance was reaching ZIP codes where eviction disparities were evident. The analysis showed that five ZIP codes had high eviction rates but received insufficient amounts of emergency rental assistance to address the disparities in evictions.[46] The Utah Housing Coalition, municipalities, state agencies, and other nonprofits used the research findings to target ERA outreach and assistance to the ZIP codes of concern.

DISTRIBUTING PROGRAM INFORMATION AT CRITICAL POINTS OF INTERVENTION AND DIRECTLY TO RENTERS

One simple tactic that increased tenants' knowledge and awareness of ERA was putting information in their hands – literally. Such direct distribution was accomplished through door-to-door outreach, mailings, and the utilization of mobile units.

Byrd Barr Place, an organization based in Seattle, Washington, enlisted the help of a communications firm in Seattle to build a marketing plan that included creating and distributing flyers in multiple languages to specific neighborhoods in South Seattle and with the help of partner organizations directly serving BIPOC populations. Byrd Barr Place also sent out an email blast to existing LIHEAP clients who were identified as needing emergency rental assistance for past due balances. The organization also made paper applications available at its food bank, where it stationed client advocates to inform people about ERA and provide application assistance and language translation services.

In Georgia, several organizations – including FRESH Communities, SOWEGA Rising, Fort Valley State University, and strategic partners like NLIHC's state partner Georgia ACT – engaged in a "3V Liberation Tour" to bring "voters, vaccines, and vision" to over 40 cities and towns throughout rural and suburban parts of the state. One critical component of the tour was the use of a mobile technology unit – an air-conditioned facility outfitted with computers – that travelled to each city on the tour. The mobile unit helped many Georgians in rural and suburban areas complete rental assistance program applications and health benefit forms and register to vote.

Mobile technology units were used by other programs as well. UniteCT, the Connecticut ERA program, partnered with 13 community organizations to establish UniteCT Resource Centers. One of the contracted Resource Center partners utilized technology-equipped buses to generate workforce development engagement throughout the state and had an extra bus available to support UniteCT's efforts. The UniteCT Resource Centers supported numerous efforts linking tenants to housing stabilization services, providing community education, breaking down barriers to accessing technology, and leading community engagement events, and the mobile technology bus was integrated into many of the engagement efforts through the local Resource Centers. The UniteCT bus was equipped with workstations, tables, chairs, computers, iPads, mobile wifi, volunteers, and staff to assist tenants and landlords with completing their applications, tenants and landlords either pre-registered for an appointment or visited without an appointment on the day the bus was located in their community. The bus traveled throughout the state from the time the program was launched in the spring of 2021 until late-November 2021, when events were moved inside due to colder weather.[47]

The Detroit-based United Community Housing Coalition (UCHC) and its partners Congress of Communities, Detroit Action, Michigan Legal Services, and the Wisdom Institute worked with people of all ages and backgrounds, including those with lived experience of housing crises, to conduct outreach regarding tenants' right to counsel and COVID Emergency Rental Assistance (CERA) funds. The organizations employed a comprehensive outreach strategy throughout the city, relying on trusted neighborhood messengers to utilize proven, on-the-ground techniques, such as door-knocking, flyering, phone banking, and business-to-business outreach. They were able to inform thousands of Detroiters about CERA and prevent numerous evictions, especially after convincing the City of Detroit to use their network of trusted messengers to conduct outreach. Targeted outreach was conducted via mail and canvassing to over 3,500 households where "order of eviction" applications had been submitted and where a bailiff was likely to evict within 7-10 days, and to households where there a default judgment had been entered and eviction was likely in 10-20 days. Such outreach reduced the cases that would have escalated to the signing of an eviction order by 20%.

Empower DC is a citywide organization with an 18-year track record of effective grassroots civic engagement centered in D.C.'s lowest-income communities and led by Black and brown residents impacted by issues of social, racial, and environmental justice. As a base-building organization, Empower DC utilized community organizing and grassroots advocacy expertise to target communities most affected by the pandemic and expand the visibility of the emergency rental assistance program. It developed accessible outreach tools and messaging to inform tenants about available dollars and encourage their participation and organized pop-up events at local churches and public housing properties connecting residents in the District of Columbia to ERA money. It also partnered with one of the larger local landlords to host pop-up events that reached more than 200 households, indicating the importance of working with all parts of the housing ecosystem to support tenants at risk of eviction. Once rental assistance funding ran out, Empower DC transitioned to offering eviction prevention events geared towards tenants facing eviction.

The Washington Low Income Housing Alliance educated tenants across Washington State about new tenant protections and how to access rental assistance. The organization mailed over 450,000 "know your rights" postcards to low-income households in Washington and provided postcards in English and Spanish to organizations working directly with tenants. It ran a digital campaign in English and Spanish using Google search ads, Facebook, and TikTok that reached over 247,000 people across Washington and sent almost 16,000 people to a website providing help avoiding evictions. It also ran short radio ads in Spanish many times every day on La Pera Radio TV.

PROVIDING ERA OUTREACH AT EVICTION COURT

Over the course of ERA implementation, the importance of building relationships between ERA programs and courts became abundantly clear. Sharing data between ERA programs and courts and conducting outreach directly through the court systems ensured that ERA reached people with active eviction cases and disrupted the eviction process. ERA program outreach during the eviction process was thus shown to be an effective strategy for increasing ERA uptake and preventing evictions. Specific strategies applied by ERA programs and community organizations included accessing information on tenants with active evictions and conducting targeted outreach to them and their landlords; setting up ERA tables in courts to provide information to landlords and tenants; and educating judges and other court officials about the ERA program and how to access it.

In Louisville, Kentucky, the local ERA program, in partnership with the Coalition for the Homeless, worked with the Jefferson County Sheriff Department to ensure that every eviction notice included information about the ERA program, legal aid and other assistance a QR code linking to an ERA application page, and detailed instructions for joining eviction court via Zoom. The ERA program also worked with the circuit court office to acquire copies of dockets and the addresses of the tenants listed on them. Outreach workers with the Coalition for the Homeless visited the addresses to determine whether tenants still lived at their residences, encourage residents to attend eviction court, and made sure they knew about rental assistance.

In Rhode Island, a group of nonprofits worked together at the intersection of ERA and eviction prevention. Rhode Island Legal Services partnered with the Rhode Island Center for Justice, the Pro-Bono Collaborative at Roger Williams University (RWU) School of Law, Direct Action for Rights and Equality, and HousingWorks RI at RWU to launch an Eviction Help Desk in the courthouse to provide on-the-spot legal support and rental assistance facilitation to unrepresented tenants. Law student volunteers and staff attorneys connected as many unrepresented tenants as possible to the rental assistance program, educated landlords and landlord attorneys about the benefits of participation in the rental assistance program, and postponed and prevented evictions through on-the-spot support and intervention. From May 2021 to June 2022, Rent Relief RI also maintained a dedicated table inside the courthouse where tenants and landlords could apply for assistance and learn about the status of their applications and payments.

Recommendations for Model Programs

The implementation of rental assistance programs should ensure that outreach efforts and resources are effectively reaching neighborhoods and communities, including BIPOC communities, with the greatest risks and needs for assistance. Based on those ERA programs we have examined, we make the following recommendations regarding equitable and robust marketing and outreach efforts that will ensure that landlords, low-income renters, and those already experiencing homelessness due to housing loss know about ERA and how to access assistance in their communities:

- Design programs with people impacted by the pandemic or other crises, such as low-income renters, people experiencing homelessness, members of community-based organizations, community members, and other partners, and incorporate opportunities for meaningful input and feedback to continuously improve program implementation.
- Utilize data, including administrative data for other benefit programs, such as Medicaid, through data matching and data sharing agreements, census data, and eviction filing data, to quickly identify and provide assertive engagement to at risk households.
- Partner and contract with beneficiaries of ERA and residents and organizations with connections in highly impacted neighborhoods to conduct outreach and provide application and housing navigation services.
- Use publicly available data to identify neighborhoods experiencing the greatest needs and target and adjust outreach strategies to better reach highest-risk neighborhoods.
- Coordinate with local Continuum of Care and Coordinated Entry Systems to reach out and provide access to households exiting homelessness or that face the greatest risks of homelessness.
- Make sure that emergency rental assistance programs serve households with federal rent subsidies and engage public housing authorities and property managers to inform them about available resources while also developing mechanisms to directly refer tenants in need to emergency rental assistance programs in times of crisis.
- Provide marketing and outreach materials through multiple methods (e.g., door knocking, pop up clinics, community events, and social media), in multiple languages, and in ways that are accessible to people living with disabilities.
- Engage landlords with small portfolios of units, who may be leasing to the most-at risk households. Support landlords by meeting with them one-on-one to better understand potential program barriers and develop tools to support landlord program participation.
- Distribute program information and/or conduct intake at critical points of intervention such as courts, libraries, homeless services providers, food pantries, housing counseling offices, health centers, schools, and other institutions to increase knowledge about ERA and proactively target extremely low-income households, and to ensure a broad reach, the identification of households at risk of homelessness, and many potential referral pathways for households with the greatest risks.
- Program administrators should be transparent and communicative about their program's availability, policies, and the circumstances under which self-attestation, direct-to-tenant assistance, and other flexible program features are allowed. Programs should both adopt and clearly communicate these policies to avoid harming tenants with the greatest needs.

Visible

III. ENSURING AN ACCESSIBLE EMERGENCY RENTAL ASSISTANCE PROGRAM

Emergency Rental Assistance:
A Blueprint for a Permanent Program

NATIONAL LOW INCOME HOUSING COALITION

NOVEMBER 2022

Ensuring an Accessible Emergency Rental Assistance Program

The households most in need of emergency rental assistance (ERA) can often face barriers navigating complex application systems and accessing support in time to avoid evictions. They may speak languages other than English, require reasonable accommodations, or lack email addresses, internet access, or access to other technology necessary to complete lengthy applications. They also may struggle to provide the documentation required by ERA programs. Burdensome documentation requirements, limited access to technology, and lack of translation services for ERA applicants can all prevent or delay the disbursement of ERA funding to households, resulting in greater housing instability, reduced equity, and a higher likelihood of eviction.[48]

To ensure efficient and equitable access to ERA funds, the U.S. Department of the Treasury (Treasury) regularly updated and released guidance that aimed to reduce barriers for low-income and marginalized renters who were completing applications. Many state and local ERA programs used Treasury guidance to create an accessible, streamlined, and low-barrier ERA application process. By reducing unnecessary barriers in the application process, many program administrators were able to facilitate expedited access to and disbursement of emergency rental assistance to landlords and tenants in need. NLIHC recommends that emergency rental assistance programs be as simple, flexible, and accessible as possible, and that programs center racial equity and justice in their practices. To achieve these goals, permanent state and local ERA programs, as well as future federal programs, should adhere to the following recommendations:

- Ensure adequate staff capacity, infrastructure, and partnerships to process applications and distribute funds equitably and efficiently.
- Prioritize households to advance equity in assistance.
- Minimize burdensome documentation barriers.
- Allow programs to provide direct-to-tenant assistance.
- Streamline application processing through the use of bulk payments to landlords and utility companies.
- Provide housing navigation services to assist with applications.
- Improve online application systems and address the technological divide.
- Ensure language access and provide translation services for non-English speakers.
- Ensure access for people with disabilities.
- Guarantee access to members of rural communities.
- Ensure access to ERA for Native American communities.

In this section, we explore each of these recommendations in detail, relying on examples drawn from ERA programs around the country to show how programs made ERA more accessible.

ENSURING ADEQUATE STAFF CAPACITY, INFRASTRUCTURE, AND PARTNERSHIPS TO PROCESS APPLICATIONS AND DISTRIBUTE FUNDS EQUITABLY AND EFFICIENTLY

ERA was an emergency program intended to be set up quickly in order to meet the crisis that millions of households faced due to the pandemic. However, many ERA programs were set up from scratch, necessitating the building of a new infrastructure where one may not have existed before. ERA programs needed to ensure adequate staffing to accept, review, and process applications and payments; to develop the infrastructure and technology to track applications, policies, and procedures; and to build relationships with other stakeholders, including tenants, community-based organizations, courts, and legal aid providers, to help streamline the disbursement of funds.

Programs needed to be equipped to receive an unprecedented number of ERA applications. They needed to have the capacity to support an application process that often required multiple interactions between tenants, landlords, and program administrators to obtain documentation to complete applications. In several surveys of ERA program administrators administered by NLIHC's research team and partners, 60-68% of respondents cited limited staff capacity as a challenge to the efficient distribution of funds.[49] However, programs that partnered with nonprofits were less likely to report capacity limitations than those that did not. They were also less likely to report incomplete applications as a challenge.[50] Furthermore, programs with nonprofit partnerships had better spending outcomes compared to those without such partnerships.[51]

Building Capacity through Partnerships in Allegheny County, Pennsylvania

In Pennsylvania, expanding capacity through investments in partnerships, staffing, and infrastructure was critical to processing ERA applications equitably and efficiently. The Allegheny County's COVID-19 Emergency Rental Assistance Program (ERAP) contracted with ACTION-Housing, a longstanding housing and community development nonprofit in Pittsburgh, to lead the administration of emergency rental assistance.

Together, Allegheny County and ACTION-Housing developed a five-step program to process applications:

1. Tenants apply for ERA through Allegheny County's ERAP online portal. If a tenant is unable to access the online application, the tenant can call ACTION-Housing's phone hotline to receive application assistance.
2. The local YWCA, also a contractor with ERAP, collects the required documentation from ERA applicants, communicating with tenants when additional documentation is needed. The YWCA also conducts outreach to tenants, landlords, and district court judges to inform them of the availability of funds.
3. Once the YWCA collects all the required application materials from a tenant, the application moves to ACTION-Housing's staff to determine eligibility and provide preliminary approval.
4. After ACTION-Housing preliminarily approves the tenant's application, the Urban League of Greater Pittsburgh, a housing counseling organization, reaches out to the property owner to confirm that the tenant lives on the property and the amount of money owed, requests the landlord's financial documentation (i.e., a W-9 form), and determines how the landlord wants to receive payment.
5. ACTION-Housing staff review the full application, determine final eligibility (addressing any concerns about fraudulent applications), and send payment to tenants and landlords.

ACTION-Housing also subcontracted with 27 community-based organizations (CBOs) to conduct outreach and provide housing navigation assistance in its nine drop-in centers. These organizations helped tenants who lacked computer or internet access at home apply for ERA. In cases where tenants were unable to visit a drop-in center in person, staff would meet them in their homes or in convenient locations to provide assistance and support.

To build trust with CBOs and reduce the administrative burden on program administrators, Allegheny County paid the local organizations a monthly retainer, no matter how many applications they processed. The retainer provided financial support to local organizations that, in some cases, were struggling to stay afloat during the pandemic. The county also trained CBO staff and provided technical assistance to organizations regarding Treasury ERA guidance. In return, CBOs provided in-person application support to renters with the greatest needs.

Allegheny County's efforts to increase and train staff (approximately 80 at the height of the program) through community partnerships played a significant role in distributing rental assistance efficiently and equitably because the increased capacity allowed the program to offer online, phone, and in-person housing navigation assistance to marginalized communities with a diverse set of obstacles and needs. According to Allegheny County's ERAP Dashboard, as of September 29, 2022, 87% of households served had incomes below 50% of the area median income (AMI), 58% of ERA recipients identified as Black, and 71% of recipients identified as female.[52] The county's ERAP data suggests that it is serving communities with the greatest need before those households are faced with eviction, homelessness, and long-term housing instability.

Employing Administrative Allocation to Build Staff Capacity in the State of Texas

In February 2021, the Texas Department of Housing and Community Affairs (TDHCA) launched the Texas Rent Relief Program, which became the first and only statewide rent and utility assistance program in Texas. TDHCA built its program from scratch, funding it solely through Treasury's federal ERA allocations.

As a large state, Texas received over $2 billion in ERA from Treasury. Treasury's ERA program capped administrative expenses at 10% and 15% of grantees' ERA1 and ERA2 allocations, respectively, allowing Texas up to approximately $200-300 million in funding for administrative purposes. TDHCA used its administrative dollars to quickly hire highly qualified staff for its internal team and contract with four external vendors. Internal staff provided program leadership, policy design, anti-fraud and quality control activities, and overall management support, while external vendors provided an online system for application submission and processing, conducted outreach and marketing, provided a call center and customer service, reviewed applications, processed payments to eligible households, and conducted quality assurance.

Initially, TDHCA contracted with one vendor, intending that the vendor would develop a software platform that the program would use to receive and process applications and pay out funds to landlords, tenants, and utility providers. However, due to the capacity required to review and process the large number of applications it was receiving, TDHCA decided to bring on two additional vendors to conduct application eligibility reviews using the same software platform. TDHCA also contracted with a fourth vendor early on to conduct quality assurance and ensure program integrity.

While there were logistical challenges coordinating with multiple vendors, TDHCA believes that hiring additional vendors was key to ramping up capacity and assisting households in a timely way. At its height, the Texas Rent Relief Program employed a total of nearly 2,800 internal and contracted staff. TDHCA was able to take full advantage of remote work and external vendors, who could hire more quickly, to fully staff this newly launched rental assistance program. The increased staff that the large administrative allocation supported made it possible for the program to build an accessible model and efficiently process applications and distribute funds to help Texans promptly.

From the beginning, TDHCA wanted to create a program that was accessible and equitable for everyone across the state. Due in part to the increased capacity made possible by external vendors and significant administrative funds, Texas Rent Relief was able to provide an application process to tenants and landlords that was accessible online, by phone, and via mail-in paper applications. The program website and applications were available in the five most commonly spoken languages in the state (English, Spanish, Korean, Vietnamese, and Mandarin), and the call center offered staff support to complete applications in English and Spanish (with translation services available for other non-English speakers).

As a result, Texas Rent Relief served households in 250 of 254 counties in the state. As of August 2022, the Texas Rent Relief Program had paid out over $2 billion in rental and utility assistance to more than 310,000 Texas households, serving more households than any other single program in the country with Treasury ERA funds. Of the households served, 82% were extremely or very low-income (at or below 30% or 50% of AMI, respectively), 24% were Hispanic or Latino, and 50% were Black, suggesting that the Texas program successfully reached the low-income and marginalized renters that the federal government's ERA program was intended to serve.[53]

PRIORITIZING HOUSEHOLDS TO ADVANCE EQUITY IN ASSISTANCE

The need for rental assistance in most places surpassed the amount of funding available. ERA programs most commonly selected applications on a first-come, first-served basis in an attempt to get funding out as quickly as possible. However, using a first-come, first-served system may inadvertently help applicants who face fewer barriers to applying for assistance and disadvantage historically marginalized populations who may have reduced access to information about the programs, language barriers, or no internet access. To overcome this sort of systemic bias, several programs utilized strategies to intentionally prioritize emergency rent assistance for those most in need.

Prioritization requires intentionality and planning before implementation but can be incorporated into program design on an ongoing basis and should not slow administrators down when it comes to implementing emergency rental assistance programs. Furthermore, clarifying a program's goal and prioritized population can help to focus resources and administrative capacity and make programs operate more efficiently.[54] For example, some ERA programs utilized publicly available data and resources to prioritize census tracts with higher rates of unemployment or COVID-19 infections; others used a points-based system to prioritize applicants in the selection process; and some devoted a portion of rental assistance program funds to community agencies primarily serving households of color on a referral basis.

Administrators typically integrated points-based prioritization systems into their application software, assigning applicants points based on a set of characteristics or identities. Then, applicants with the greatest number of points were assisted first. Administrators implementing a points-based system need to have a holistic understanding of who in their community is at the greatest risk of housing insecurity before determining which characteristics or identities are assigned points.[55] For example, the State of Oregon's Emergency Rental Assistance Program (OERAP) used a points-based system based on six housing instability factors to determine which applications would be reviewed and assisted first. The core intention was to utilize objective data to deploy resources to households facing the highest acuity of housing instability. The program used four additional factors along with the two required by Treasury (AMI and unemployment), including household size, number of months behind on rent, whether a household had been impacted by the 2020 wildfires, and whether a household lived within a census tract with a high prevalence of low-income renters at risk of experiencing housing instability and homelessness due to COVID-19.[56] As of October 2022, about 30% of households served by OERAP were households of color. For comparison, BIPOC individuals make up 14% of the population of Oregon.[57]

Other grantees prioritized applicants by partnering with community-based agencies that had pre-existing relationships with specific target populations. In the City of Tacoma, Washington, for example, administrators of a CARES Act-funded emergency rental assistance program partnered with community agencies to ensure a substantial portion of funds reached households of color. To do this, the city set a benchmark that 45% of its rental assistance would be distributed to households of color, explaining that "while we know COVID-19 is affecting all people, we also know that people of color face additional systemic barriers that result in disparate health and economic outcomes."[58] Program applicants were selected by lottery, but the city also set aside a portion of funds to serve clients who were referred by community agencies.

MINIMIZING BURDENSOME DOCUMENTATION BARRIERS

Burdensome documentation requirements – such as requiring proof of COVID-19-related hardship, a lease agreement, employer income verification, tax forms, or identification documents like a birth certificate or social security card – can impede the ability of tenants to apply for or successfully complete ERA applications and significantly delay or lengthen application processing times. Such requirements can also lead to or exacerbate social, economic, or racial disparities in ERA access and distribution. A report by the Office of Management and Budget finds that administrative burden – the time and energy spent accessing public benefits – impacts individuals unequally and leads to disproportionate underutilization of public benefits by the communities who need them the most.[59]

Although initial guidance published by Treasury in January 2021 required programs to obtain documentation of an applicant household's income and COVID-19 hardship, subsequent guidance provided greater flexibility in how programs could determine household eligibility in order to minimize barriers.[60] Treasury's current guidance allows for three such flexible approaches to determining a household's income eligibility: self-attestation, categorical eligibility, and fact-specific proxy. **Self-attestation** allows an applicant to attest to their income, COVID-19-related hardship, housing instability, or amount of rental arrears they owe as an alternative to traditional source-documentation. **Categorical eligibility** allows a household to be deemed eligible if it has been verified as low-income by another local, state, or federal program, such as the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families (TANF) program, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid, or the

Housing Choice Voucher program. **Fact-specific proxy** allows programs to use other facts to infer a household's income eligibility, such as the median income of the household's census tract. By implementing these flexibilities, ERA program administrators have reduced the documentation burdens placed on renter households in crisis.

Allowing greater program flexibilities was a key factor in spending outcomes. A December 2021 study found that the adoption of different forms of self-attestation improved spending outcomes in the summer of 2021, compared to programs that had always used self-attestation or had never used it.[61] State and local program administrators have also indicated that adopting other flexibilities, like categorical eligibility, fact-specific proxy, and direct-to-tenant assistance, has helped provide struggling tenants the relief they need before they are displaced from their homes.

Self-Attestation

Self-attestation was the most common way state and local ERA programs sought to reduce documentation barriers. According to NLIHC's Emergency Rental Assistance Dashboard, by February 2022, half of ERA programs (51%) allowed self-attestation for COVID-19-related hardship, 21% for income verification, 29% for non-traditional income verification, 17% for proof of housing instability, and 12% for proof of rental lease or tenancy.[62]

Utilizing Self-Attestation in Oregon and the District of Columbia

Some ERA programs, like Oregon's Emergency Rental Assistance Program (OERAP) and the District of Columbia's STAY (Stronger Together by Assisting You) DC program, allowed applicants to self-attest for all areas of eligibility, including COVID-19-related hardship, income and non-traditional income verification, and proof of housing instability or rental lease.[63] The rates of ERA spending in Oregon and D.C. suggest that adopting this flexibility helped both jurisdictions reduce application processing times. Oregon and D.C. distributed all their federal ERA1 and ERA2 funds to struggling tenants much sooner than most other jurisdictions, with OERAP exhausting its initial allocations of ERA1 and ERA2 by January 2022 and STAY DC by November 2021.

This accelerated rate of spending was critically important in D.C., because it provided the financial support struggling renters needed before they faced eviction. Eviction filings in the city resumed in September 2021, shortly after the federal eviction moratorium was lifted by the U.S. Supreme Court. According to Housing Counseling Services, Inc, a D.C.-based nonprofit that provides counselors in eviction court hearings, approximately 550 evictions were scheduled between September 2021 and December 2021. About 70% of those evictions were prevented using ERA1, ERA2, or local rental assistance funding.[64] As of June 2022, D.C. had disbursed nearly $328 million in financial assistance to households and had made nearly 51,000 financial assistance payments.[65,66]

Due to their accelerated spending and the ongoing needs of low-income renters in their jurisdictions, both the Oregon and D.C. governments received reallocated ERA funds from Treasury and appropriated state and local funds to their programs to continue to deliver vital rental assistance to their residents beyond their ERA allocations. The State of Oregon also allocated an additional $100 million of the American Rescue Plan's State and Local Fiscal Recovery Funds (SLFRF) to its emergency rental assistance program to continue to meet the needs of struggling renters. As of July 2022, OERAP had paid out over $390 million to 60,829 households.[67]

Categorical Eligibility

Guidance from Treasury in the form of Frequently Asked Questions (FAQ) resources has provided several solutions for decreasing documentation burdens, including by allowing income eligibility determination based on categorical eligibility and fact-specific proxy.[68] As noted above, categorical eligibility allows a household to be deemed eligible if it has been verified as low-income by another local, state, or federal program, such as SNAP, TANF, WIC, Medicaid, or Housing Choice Vouchers. Although incorporating these flexibilities into ERA policies and procedures decreases the documentation burden for renter households without compromising program integrity, according to NLIHC's tracking, as of February 2022, only 28% of ERA programs had implemented categorical eligibility and less than 6% had implemented fact-specific proxies.[69] Programs that have incorporated this flexibility have spent funds more quickly.[70]

Using Administrative Data to Reduce Barriers and Promote Efficiency in Philadelphia, Pennsylvania

The Philadelphia Housing Development Corporation (PHDC), the city's ERA program administrator, used several types of public assistance programs to determine whether an ERA applicant was categorically eligible for rental assistance (i.e., whether their income was below 80% of AMI), including Medicaid, Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), SNAP, and public housing.

PHDC established a data-sharing agreement with the city's Data Management Office (DMO) to utilize DMO data for determining income eligibility among ERA applicants. Following Treasury guidance, PHDC examined public benefits data for people who were receiving public benefits after January 2020. While DMO shared several datasets, the most significant information that was made available related to Medicaid eligibility. PHDC received spreadsheets with Medicaid eligibility data twice per month and would upload the data into its Quick Base system. If a tenant was listed as receiving Medicaid, then the system automatically determined that the tenant household was eligible to receive ERA funds based on their income. The process saved time for staff, reducing the need to review income documentation and calculate income eligibility. It also allowed for applications that were previously not approved to be subsequently approved and enabled the automatic income-verification of applications that were pending in the system due to the lack of documentation of household income.[71]

PHDC also partnered with the Philadelphia Housing Authority (PHA), giving the PHA access to tenants' ERA applications so they could conduct the initial review of public housing tenants' ERA applications. This partnership accelerated the application review process for public housing tenants because the agency was able to verify ERA applicants' rent and residency documents, which the ERA program typically requests from landlords in private buildings.

Additionally, when Philadelphia's eviction moratorium was lifted, PHDC partnered with the municipal court to ensure that tenants with emergency rental assistance application facing eviction filing were prioritized for review, approval, and payment. The Department of Public Development matched data from the Landlord Tenant Court docket to tenants in PHDC's ERA program database so the team could assist them with their process and guarantee landlords that arrears would be paid. A court liaison communicated with PHDC staff throughout the day during court proceedings, enabling the team to update reviews and give timely feedback to tenants, landlords, and the judges overseeing their cases.

According to its rental assistance dashboard, Philadelphia had distributed more than $221 million and made over 30,151 assistance payments by September 16, 2022.[72] Approximately 76% of households that received ERA had extremely low incomes (30% of AMI or lower), and 66% of recipients were Black, a significant achievement in a city where Black renters are nearly three times more likely to receive an eviction filing than white renters.[73] PHDC's decision to use categorical eligibility to support tenants receiving public benefits likely contributed to this success.

Fact-Specific Proxy

Treasury added fact-specific proxy to its guidance in May 2021 as an additional method for verifying7 income eligibility.[74] Fact-specific proxy allows a program to use other facts to infer a household's income eligibility, such as the median income of the household's census tract. For example, programs can identify ZIP codes or census tracts where average incomes fall below 80% of AMI and infer an applicant's income based on their residency in those areas. Applicants simply need to self-attest to their household income if they meet the proxy eligibility criteria. While using census tracts may be one way to establish a fact-specific proxy, NLIHC research emphasizes the importance of testing multiple proxies, so that programs can choose the most effective method for maximizing coverage of potentially eligible households and minimizing coverage of ineligible households. This allows program administrators to reduce documentation barriers faced by tenants while also maintaining program integrity by reducing the risk that funds go to ineligible households.

Through interviews with ERA program administrators, NLIHC researchers found that fact-specific proxy improved application accessibility, decreased application processing times, and increased fund disbursal.[75] NLIHC's 2022 report, "Fact-Specific Proxy in ERA Programs: Key Considerations and Lessons Learned," highlights five statewide programs (in Connecticut, Kentucky, North Carolina, Massachusetts, and South Carolina) and four local programs (in Multnomah County, OR; Phoenix, AZ; Denver, CO; and Tulsa, OK) representing diverse program types, sizes, and geographies that utilized fact-specific proxies to improve the accessibility of their ERA programs for low-income and marginalized renters.

Testing Multiple Proxies to Maximize Impact in Denver, Colorado

In August 2021, Denver's Emergency Rental Assistance Program, which shares an application portal with the Colorado Emergency Rental Assistance Program, added fact-specific proxy as an income verification option. The city and state administrators identified Qualified Census Tracts (QCTs) from the Low-Income Housing Tax Credit program and Low-Income Communities (LICs) from the New Markets Tax Credit program as the two best options because these proxies were already associated with statutorily enacted programs.[76] Although the ERA program began by using QCTs as its fact-specific proxy, the city and a partner organization, COVID-19 Eviction Defense Project (CEDP), quickly determined that by replacing QCTs with LICs as the proxy, they could nearly double the number of census tracts covered by the proxy. (Twenty-eight percent of tracts in Denver were covered using QCTs, while 47% of tracts were covered using LICs.) After making this change, the share of applicants who were income-eligible through the proxy rose from 35% to 74%.[77]

In interviews conducted by NLIHC, program administrators discussed the programmatic impacts of fact-specific proxies. They observed a decrease in processing times, an increase in fund disbursal, and an increase in application accessibility. Administrators at CEDP – which provides rental assistance and legal services – saw a direct correlation between the use of fact-specific proxy, decreases in processing times, and eviction diversion. Prior to incorporation of the proxy, the application process often involved back-and-forth exchanges with tenants about pay stubs or tax returns. In addition to increased efficiency, Denver administrators noted that by using a more inclusive proxy, they were better able to reduce barriers for low-income BIPOC households, who are among those facing the greatest risk of eviction.[78]

ALLOWING PROGRAMS TO

PROVIDE DIRECT-TO-TENANT ASSISTANCE

Providing rental assistance directly to tenants was critically important for keeping renters with unresponsive or noncooperative landlords stably housed during the pandemic. Treasury guidance explicitly allows and encourages direct-to-tenant assistance (DTA).[79] However, some program administrators have expressed apprehension about the flexibility due to concerns over fraud. Other program administrators have chosen not to clearly communicate DTA as an option in public-facing portals and documents, leading to a discrepancy between survey data, which shows that 70% of program administrator respondents have stated their ERA program offers direct-to-tenant assistance,[80] and the information provided on ERA program websites, which has been found by NLIHC to indicate that only 35% of ERA programs provide a direct-to-tenant assistance option.[81] As a result, many tenants may be unaware that DTA is an option for them, which may lead some to self-evict rather than requesting direct payment from their ERA program administrator. Thus, it is imperative that programs develop protocols and strategies to distribute rental assistance directly to households before they are displaced or experience homelessness.

Treasury guidance regarding the parameters regulating the provision of direct-to-tenant assistance by programs to applicants changed between ERA1 and ERA2. Under ERA1, grantees could provide assistance directly to tenants only after seeking, but failing to obtain, landlord participation. Under ERA2, programs could provide assistance directly to tenants without first seeking landlord participation. Moreover, under ERA2, grantees that did seek landlord participation were required to provide direct-to-tenant assistance when landlords refused to participate or were non-responsive. Treasury noted that "in cases where a landlord or utility provider does not participate in the program, the only way to achieve the statutory purpose is to provide assistance directly to the eligible household."[82]

DTA is an important tool for ensuring assistance is accessible to tenants in need regardless of a landlord's ability or willingness to participate in ERA. A national survey conducted with program administrators in April 2021 found that 44% of program administrators identified landlord nonparticipation as a significant challenge.[83] In a follow-up survey focused on landlord responsiveness, program administrators indicated that 27% of landlords "often or sometimes refuse to participate" in ERA programs, compared to only 9% of programs reporting this finding for tenants.[84]

DTA thus improves program accessibility for marginalized tenants, ensuring that qualified tenants are not denied aid simply because their landlord chooses not to engage with a government program. DTA is an innovative feature of ERA – one not seen in traditional rental assistance programs, such as the Housing Choice Voucher program – and has important implications when it comes to ensuring equity and improving the ability of programs to spend funds in a timely way.

Implementing DTA in Louisville, Kentucky

In September 2021, shortly after Treasury released ERA2 guidance, the Louisville ERA program in Louisville, Kentucky, began issuing payments directly to tenants when landlords were uncooperative. The program administrator noted that ERA2 guidance not only encouraged direct-to-tenant assistance (like the ERA1 guidance) but required it.[85]

In implementing the direct-to-tenant option, the Louisville ERA program would notify the landlord when a tenant applied for ERA, giving the landlord two weeks to respond and confirm their participation in the program. If the landlord did not respond or refused to participate, the program would provide rental assistance directly to the tenant. Tenants were required to sign an affidavit stating that they would use these direct payments to pay their rent.[86]

The Louisville ERA program expedited the processing of applications when tenants were to be paid directly. If a landlord stated in court and on the record that they were not accepting rental assistance for any resident as a matter of policy, Louisville Metro would immediately begin categorizing all applications from tenants renting from that landlord as requiring direct-to-tenant payments. This categorization eliminated the necessity of sending future notifications from the program to the landlord and reduced wait time for applicants. When landlords declined to participate in the rental assistance program, a combination of compassionate judges and representation by legal aid attorneys often resulted in a tenant gaining more time to pay or vacate to avoid an eviction.

In 2021, the CDC eviction moratorium and a Kentucky Supreme Court order allowing a stay of an additional two weeks for nonpayment cases also helped prevent evictions in Louisville. The limited time between eviction hearings combined with the volume of rental assistance applications made it difficult to get payments to tenants in such a short window of time. Agencies including the Louisville Urban League and the Coalition for the Homeless both ran programs using ERA funds that supported housing stability by paying a security deposit plus first month's rent when residents were forced to quickly move due to eviction.

STREAMLINING APPLICATION PROCESSING BY MAKING BULK PAYMENTS TO LARGE LANDLORDS AND UTILITY COMPANIES

Several state and local housing partners identified bulk ERA payments to large landlords and utility companies as an essential program innovation for increasing the accessibility of ERA and preventing multiple evictions at once. Under the bulk payment option, Treasury allowed grantees to establish information-sharing agreements with utility providers and landlords with multiple units that would allow them to determine eligibility and combine payments into a single "bulk" payment in order to reduce administrative burden and enhance program integrity.[87] The Alabama Low Income Housing Coalition reported that the state ERA program's decision to add a bulk application option for Alabama Housing Finance Authority-owned properties and properties in the area covered by the Alabama Rural Coalition for the Homeless (which serves as the Alabama Balance of State Continuum of Care) helped streamline applications and reduce the time it took to process and disburse funds from 30 to 15 days.[88]

In addition to streamlining applications and disbursement, bulk payments were sometimes used as an incentive for landlords with multiple units to accept other ERA requirements. For example, in King County, Washington, the ERA program was able to leverage bulk payments to engage landlords, all of whom either accepted 80% of rent owed, waiving the rest, or accepted the equivalent Fair Market Rent. The program was intended specifically for large landlords, with 10 or more tenants. King County found that offering bulk payments for multiple households was an effective method for disbursing payments and forgiving back rent, with the large landlord program serving 64% of all ERA-assisted households.[89]

Negotiating Bulk Payments in the City of Memphis and Shelby County

According to ERASE cohort members at Neighborhood Preservation, Inc. (NPI), the main community partner subcontracted by Tennessee's Memphis and Shelby County Emergency Rental Assistance Program (MSCERA), bulk payments played a significant role in preventing evictions in the city and county, where the majority of landlords and eviction filers are large-scale property owners. NPI was contracted to support the city and county with eviction settlements by adding staff capacity to the court system. NPI's five on-staff ERA attorneys – hired in March 2021 – were responsible for negotiating individual and bulk settlements with landlord attorneys.

NPI noted that ERA attorneys were able to reach more tenants through bulk settlements, and ERA attorneys and volunteer lawyers were able to build strong relationships with landlords and their attorneys, which allowed them to negotiate large-scale settlements regularly, including with one landlord whose settlement covered more than 600 tenants. The ERA attorneys were very effective in maintaining these relationships and sustaining landlord and landlord attorney involvement in the program. Large landlords and their attorneys would work with the same ERA attorneys each month to negotiate repeat settlements. Because MSCERA only had to process one check for every property manager, bulk settlements were much quicker to process than many individual payments.

Between March 2021 and September 2022, 7,709 tenants were assisted via bulk settlements with landlords, making up approximately 40% of the total rental assistance administered through the program.[90] Among tenants facing eviction, 70% of households who received legal representation had their rental arrears paid via bulk settlements, a rate that was only made possible by the ongoing relationships between ERA attorneys and landlord attorneys. NPI and MSCERA were so successful in disbursing ERA funds and preventing evictions that Treasury's Deputy Secretary Wally Adeyemo visited Memphis in March 2022 as part of the Biden administration's American Rescue Plan "Anniversary Tour." In his speech at an event highlighting the MSCERA program, Deputy Secretary Adeyemo explained that "using funding from the American Rescue Plan, Memphis and Shelby County worked together to stand up a new infrastructure for rental assistance that did not previously exist – a program that is now one of the strongest programs in the country, one that Treasury has used as an example of best practices to share with other grantees."

ENLISTING HOUSING NAVIGATION SERVICES TO ASSIST WITH APPLICATIONS

Housing navigation has proven to be a crucial tool in helping mitigate the difficulties renters face when filling out ERA applications. Applicants have mentioned having trouble completing applications fully and have noted that some application software does not provide updates on applications. Applicants have also observed that there can be a lack of transparency between ERA programs and the tenants and landlords they are meant to serve. Without knowledge of the status of their applications, individuals and families can be wrongfully evicted.

ERA programs should help such households apply for assistance by soliciting housing navigation services from other agencies or contracting with local non-profits. In Illinois, for example, renters can apply for ERA through social service agencies funded by the Illinois Department of Human Services (IDHS). According to ERASE cohort member Housing Action Illinois, the program's decision to work with social service providers and community-based partners to distribute ERA was key to its success in quickly disbursing ERA funding and preventing evictions. In addition to helping tenants apply for ERA and supporting those with limited access to technology, IDHS service providers and housing navigators from community-based organizations provided feedback to the ERA program on needed policy changes.

Partnering with Social Workers at the Richland Library

South Carolina's Richland Library offers a powerful example of the role community-based organizations and social workers played in assisting vulnerable households through the ERA process. Before ERA, Richland Library's social workers worked closely with Richland County's Department of Government and Community Services to offer in-person assistance to individuals applying for county assistance. When ERA funds became available, the library worked to ensure that those most in need, who often use the library for support, were able to access the program.

Richland Library partnered with the NAACP and South Carolina Legal Services to develop the capacity necessary for the county to help renters with their ERA applications. The library held navigator training events to increase the capacity of staff and assigned social workers to eight different library locations to help people apply for ERA. However, these navigators were not paid through a government agency and relied on philanthropic funding to continue to support ERA applicants. Even without ERA funding, the library played a critical role in ensuring that Richland's ERA program was accessible by serving both urban and rural populations through its library locations. The housing navigators assisted tenants in completing ERA applications, helped tenants upload required documents through the online portal (for example, tenants could text photos of documents to staff, who would then upload them to the portal), and conducted follow-up calls with tenants, landlords, and program administrators to provide and request status updates on applications.

When describing the important role housing navigators played in efficiently and equitably distributing ERA funds, Richland Library Social Work Director Lee Patterson notes that "having someone navigate local challenges with you, is knowledgeable about the community you live in, and who you can see on a regular basis is important. The library has helped build trust and confidence in the program among tenants and landlords." Social workers were valuable resources for their clients, advocating for them in discussions with the ERA program administrator, so that their clients received the assistance for which they were eligible, including assistance paying for rent and utilities. Social workers would call the Richland County program administrator directly to follow up on pending applications. If a landlord was unresponsive or unwilling to participate in the ERA program, the housing navigators would request that the program provide direct-to-tenant assistance to prevent the household from becoming displaced. In addition to helping tenants apply for ERA, Richland Library social workers also assisted low-income tenants applying for other public assistance benefits, like SNAP, after observing that many people eligible for rental assistance also did not have enough money for food.

Richland Library social workers were also effective in building trust among landlords who were awaiting assistance or skeptical about ERA. Landlords were able to call library staff, who were trusted members of the community, to receive status updates. Using limited philanthropic funding, Richland Library was likewise able to help tenants pay for one month of rent and utilities while ERA applications were being processed. Such stopgap funding helped staff generate goodwill with landlords and the Richland County ERA program, which later offered to allocate ERA2 funding directly to Richland Library to support continued navigation assistance.

IMPROVING ONLINE APPLICATION SYSTEMS AND ADDRESSING THE TECHNOLOGICAL DIVIDE

Online ERA applications were used by many programs to increase access to benefits; however, online-only applications can create challenges for many communities. Low-income people and rural communities have lower access to high-speed internet, which can restrict their access to ERA applications. Approximately 43% of low-income households with annual incomes below $30,000 do not have broadband services, and 41% of those households do not own a desktop or laptop computer.[91] In rural areas generally, 72% of residents have access to high-speed internet, but in poverty-stricken rural areas, the share drops to 63%.[92] While these numbers suggest that internet access is increasing in rural areas, rural residents are less likely to have access to multiple devices to use the internet (~33%) compared to residents in urban (44%) and suburban (43%) areas.[93] Rural residents are also more likely only to have access to a smartphone instead of a laptop or desktop computer, which can alter their experience completing and tracking the status of their ERA application. Feedback from community partners noted that many low-income renters used their mobile phones to submit online applications which were often difficult to complete because they were not designed to be mobile-friendly. The length of applications and the documentation requirements were the biggest barriers to submitting mobile applications.

In addition to experiencing the effects of this technological divide, some applicants also face a lack of transparency in the application process. Some application portals do not update tenants on the status of their applications, putting them at a higher risk of being evicted. Third-party companies contracted by ERA programs can also create barriers for tenants through application features (e.g., long applications, complicated language, or the use of required fields). Advocates working with NLIHC have mentioned the need for greater attention to and accountability concerning the technology and software systems underlying the administration of ERA programs.

To further address challenges related to internet access, ERA programs should be required to use ERA funding for in-person navigator assistance, especially for programs that only offer online applications and for renters who cannot access applications online. To address software problems with ERA applications, programs should hold public comment periods or listening sessions to provide tenants and advocates with outlets for voicing their concerns about the ERA application process and program design. Community partners should also have more power to customize ERA programs based on community needs. Tenants from NLIHC's Tenant ERASE listening sessions have suggested that using phone interviews for intake applications would help bridge the technological gap.

Meeting Tenants Where They Are in Connecticut and Clay County, Florida

UniteCT, the Connecticut ERA program, partnered with 13 community organizations to establish UniteCT Resource Centers. As discussed in the "Visible" section of this report, one of the contracted Resource Center partners utilizes technologically equipped buses to bring workforce development engagement throughout the state and offered to volunteer one of the buses to aid UniteCT's efforts. The UniteCT Resource Centers already supported numerous efforts linking tenants to housing stabilization services, providing community education, breaking down barriers to accessing technology, and leading community engagement events. The mobile technology bus was integrated into many of these engagement efforts through the local Resource Centers, which drew on UniteCT funds to help send the bus to statewide communities.[94] Because the bus was equipped with workstations, tables, chairs, computers, iPads, and mobile Wi-Fi, volunteers and staff were able to assist tenants and landlords with completing their applications. Tenants and landlords either pre-registered for an appointment or visited the bus without registering on days it was located in their communities. Organizations hosting bus visits included faith-based organizations, schools, town governments, large businesses, and other community partners. Bus visits also often provided communities with opportunities to hold general social service help days for community members, with social service agencies, health centers, utility partners, and other programs setting up tables and tents to help attendees learn more about additional housing stability services that were available. A mobile technology bus like that run by UniteCT offers an especially effective way to increase technological access in rural areas, in other areas with limited access to technology, and among communities with limited knowledge about technology use.

IMPROVING LANGUAGE ACCESS AND ENSURING TRANSLATION SERVICES FOR NON-ENGLISH SPEAKERS

Lack of language access limits the number of individuals who can apply for ERA. ERA programs, advocates, and community-based organizations have worked hard to address this barrier using a variety of strategies, including outreach to low-income communities, the adjustment of applications, and offers of support for those filling out applications. In an early 2021 survey of programs, NLIHC researchers and partners found that 81% of ERA programs conducted outreach in multiple languages.[95]

Making ERA Applications Accessible to Non-English Speakers in Illinois and Texas

The Illinois Housing Development Authority (IHDA), Illinois Department of Human Services (IDHS), City of Chicago, and Cook County ERA programs all made their marketing materials, applications, and website information available in English and Spanish. IHDA also provided FAQ documents in six additional languages (Arabic, Mandarin, Hindi, Polish, Portuguese, and Tagalog).[96] Likewise, IHDA partnered with over 70 community agencies in 102 counties in Illinois to offer resources in 28 languages, including American Sign Language.[97] In addition to collaborating with community agencies, IHDA partnered with the Guatemalan, Colombian, Ecuadorian, and Mexican consulates to expand access to ERA to Spanish-speaking communities. Following these additional outreach efforts, "tenants who identified as Hispanic/Latinx accounted for 13.2 percent of approved applications and funding disbursed under the [Illinois Rental Payment Program], compared to 11.7 percent of renter households assisted in 2020."[98]

Likewise, the Texas Department of Housing and Community Affairs' (TDHCA) ERA program, Texas Rent Relief, made its application, website, FAQs, and marketing materials available in the five most commonly spoken languages in the state (English, Spanish, Korean, simplified Chinese, and Vietnamese). The program also opened a call center that provided customer service directly in English and Spanish and offered a language line to provide callers with interpreters and translators competent in many other languages.

The Role of Nonprofits in Expanding ERA Access to Non-English Speakers: RIHousing and Miami Workers Center

Like those ERA programs that ensured language access, community-based organizations that had worked closely with non-English speaking communities and built trust over time played a large role in ensuring their communities had access to ERA programs. CBOs were successful in utilizing their networks to convene tenants and government officials and inform ERA programs on best practices that would benefit non-English speakers beyond language translation.

For example, RIHousing in Rhode Island co-hosted a webinar with Providence Mayor Jorge Elorza to provide an overview of the state's ERA program and answer questions in real-time from audience members. RIHousing included an interpreter at this webinar to make sure the information was available to attendees who spoke only Spanish. Additionally, advertising materials and other resources were provided in English and Spanish, with translation into other languages available upon request.

In Florida, the Miami Workers Center (MWC) collaborated with Miami Homes for All, Community Justice Project, and the University of Florida Shimberg Center for Housing Studies to deliver outreach efforts that would target those communities most likely to face high rates of eviction. As part of this effort, the organizations worked to ensure language and technology justice by designing ERA websites, materials, and printed advertisements in multiple languages.[99]

Increasing Access by Reducing Stigma and Increasing Cultural Competency

Removing stigmatizing language from ERA programs and applications is also a necessary step in enhancing language access. Research by The People Lab at the University of California, Berkeley indicates that when tenants received an ERA mailer with "de-stigmatizing" language, they were 89% more likely to request an ERA application and 40% more likely to complete an ERA application.[100] Such de-stigmatizing language provided validation of hardships some tenants were experiencing due to the COVID-19 pandemic. To maximize outreach to non-English speaking communities, ERA programs should also focus on strengthening cultural competence among staff.

The Utah Housing Coalition (UHC), in collaboration with 25 other multicultural community-based organizations, provided culturally competent services to low-income families in Utah. UHC discovered that the communities it served included many refugees, asylum seekers, and undocumented immigrants, and the organization collaborated with members of these groups to provide other members with services in languages of their choice. The steps taken by the Utah Housing Coalition ultimately helped increase access to ERA among members of many different non-English speaking communities in the state. For example, the Coalition supported an initiative to work with community health workers and Spanish speakers to reach out to tenants, offer resources, participate in community events, and approach program design and practice with cultural competence. Program administrators worked closely with their communities through local groups to help expand language access and invested in increasing language access at all levels of government, ensuring that applications, flyers, advertisements, translation services, and other materials were available in many languages.

ENSURING ACCESS FOR PEOPLE WITH DISABILITIES

According to the Center for Budget and Policy Priorities, "more than 4 million people with disabilities – including 1.4 million people ages 62 and older – are in low-income families paying more than half their incomes in rent and utilities"[101] People with disabilities are at special risk of suffering hardships, such as eviction, food insecurity, and utility shutoffs, that can jeopardize their health and access to services. Moreover, tens of thousands of disabled people continue to live on the streets or in homeless shelters, where they face additional health risks that have been exacerbated by the pandemic.

For these reasons, many ERA programs have developed strategies to ensure accessibility for persons with disabilities. The ERA program in Allegheny County, Pennsylvania, created opportunities for local CBO staff to visit tenants in their homes and provide further access for persons with disabilities, while UniteCT's technology bus (discussed above) was made mobility-accessible. Other state and local programs, like Placer County, California, and Fairfax County, Virginia, posted links at the bottoms of their webpages to ensure applicants were aware of the programs' accessibility policies.

ERA programs should constantly re-examine the extent to which they provide equitable access to people with disabilities, doing so regularly and in partnership with members of the disability community to better address their needs. The Low-Income Housing Coalition of Alabama (LIHCA), for example, addressed the inaccessibility of Alabama's ERA application by working closely with the administrators to update the application website.[102] Due to LIHCA's ongoing advocacy, the website is now ADA-compliant. The landing page has clearer instructions for tenants and landlords, a link to its accessibility statement, as well as an email address to contact if applicants encounter accessibility barriers on ERA Alabama. The work of LIHCA bridged the gap for individuals with disabilities who needed ERA.

GUARANTEEING ACCESS TO MEMBERS OF RURAL COMMUNITIES

Renters in rural communities have faced unique challenges when it comes to learning about and accessing rental assistance. Natural disasters and a lack of transportation infrastructure often limited ERA outreach to rural communities and made it difficult for some residents to access application assistance. The fact that some ERA programs only offered online applications was also a common barrier to access, since many rural areas are not covered by broadband.

Many ERA programs serving rural communities received relatively small allocations, making the 10% allowable allocation for administrative costs insufficient for building the infrastructure needed to operate some program. Likewise, larger ERA programs that covered rural areas were often unable to conduct specialized outreach to more isolated areas and frequently offered only one location where staff could provide assistance with applications.

Rural Outreach in Florida and Delaware

In order to improve internet access in rural areas, the Clay County, Florida, ERA program hosted "Coffee and WiFi" events, where program staff brought coffee access to WiFi to community centers across the county and offered community members assistance applying for ERA. Another example comes from Newcastle County, Delaware. Even though the county is the most populous in the state, it still has rural areas with limited access to internet. Because of limited internet access, the program originally received only 500 applications. To improve program accessibility, staff at Housing Alliance Delaware visited places where renters could be found, including barber shops, nail salons, and churches. The Alliance also shared flyers about the program with businesses and asked them to share information about ERA widely. Such practices nearly doubled the number of applications received by the county, increasing the number of people it was able to assist.

ENSURING ACCESS TO ERA FOR NATIVE AMERICAN COMMUNITIES

Of the $25 billion in ERA1 made available by Treasury, $800 million was initially allocated to Indigenous tribes and Tribally Designated Housing Entities (TDHEs) assisting low-income tribal members and residents of native lands. Initial research on ERA among tribes and TDHEs highlighted the unique challenges and barriers these grantees faced in quickly setting up programs of the size required and getting funds out the door.[103] Different patterns of ERA utilization among TDHEs were due in part to the variation in housing needs and rental markets, infrastructure, and ERA allocations that differed from those of non-tribal grantees.

In a series of interviews conducted with NLIHC staff, TDHE administrators highlighted the importance of providing adequate federal guidance early in the implementation process. Several tribes and TDHEs set up targeted rental assistance programs for the first time, and most did not have prior experience in administering a program of ERA's scale. Thus, while changing guidance helped clarify several procedural questions about the program, they emphasized the challenges involved in constantly revising policies and restarting operations.

Nevertheless, ERA provided an unprecedented opportunity for tribes and TDHEs to serve members of their communities. Unlike typical Indian Housing Block Grant (IHBG) funds, ERA allowed tribes and TDHEs to serve tribally affiliated households outside of their service areas. While some found it challenging to build up their capacity to process applications across the country, many used this opportunity to serve off-reservation households who had never been eligible for previous tribal assistance programs. Several programs adopted best practices – like the use of documentation flexibilities – and employed strategic partnerships to minimize administrative burden and spend down their total allocations. By the end of March 2022, tribal grantees had spent $411.6 million on financial assistance to households, housing stability services, and administrative expenses – approximately 50% of their total allocation.[104]

Nearly 100 TDHEs have also received reallocated funds totaling over $27.7 million.[105] The needs of American Indian and Alaska Native (AIAN) households have been historically understudied, yet analysis conducted by HUD indicates that housing conditions are substantially worse among AIAN households compared to all households in the United States. Six out of 10 AIAN households live in tribal areas and surrounding counties with significant housing needs and challenges.[106] These households are also more likely to have inadequate facilities like heating and plumbing and face significant overcrowding (defined as more than one person per room) than in non-tribal areas.[107] Eight percent of AIAN households were overcrowded compared to 3% of households nationally; however, this number is likely much larger due to significant census data limitations among AIAN households. Still more research is needed to understand whether, and, if so, how ERA addressed the unique housing needs of Native American communities. NLIHC, in partnership with United Native American Housing Association, continues to research how TDHEs utilized ERA to address their unique needs and highlight the existing housing and infrastructure challenges Native American communities face.

Recommendations for Model Programs

Households most in need of emergency rental assistance often face multiple barriers to navigating complex application systems and accessing assistance in time to avoid an eviction. State and local programs must support expedited access to and disbursement of financial support to landlords and tenants by ensuring an accessible, streamlined, and low-barrier ERA application process. As such, the design and implementation of emergency rental assistance programs should be as simple, flexible, and accessible as possible, and programs should support progress toward racial equity and justice. Based on the careful examination of existing ERA programs, NLIHC has found that future ERA programs can increase the accessibility of applications for the lowest-income and most marginalized renters by following these recommendations:

- Ensure multiple and streamlined ways to apply for assistance. Applications need to be accessible in many different ways, particularly to marginalized populations – including BIPOC communities, people with disabilities, immigrants, people with limited English proficiency, and others – so they have full and equitable access to program resources and opportunities.
- Make applications available in multiple formats – e.g., online, via mobile phone, by calling a phone number (like 211), and in-person – and accept application submissions during traditional and non-traditional hours.
- Design application processes to prioritize households with the greatest needs – as opposed to accepting applicants on a first-come, first-served basis.
- Ensure application materials and resources are available in multiple languages, and partner with culturally competent CBOs to provide non-English speakers with application support.
- Utilize the maximum allowable administrative cost allowance to support staffing, infrastructure, and technology that will support program implementation and reduce barriers for tenants. Additionally, program administrators should tap into multiple, diverse, and flexible funding sources, such as local, state, federal, or philanthropic funding streams, to bolster their staff and technological capacity and invest in application and review infrastructure, outreach capacity, and community-based organizations administering the programs.
- Broaden use of self-attestation to document income, housing stability, proof of tenancy, rent owed, and COVID-19-related or other hardships. Programs should allow for self-attestation in all available categories to simplify the application process and reduce burdens on applicants who face the greatest barriers to gathering and submitting documentation.
- Use categorical eligibility in preference to income documentation or self-attestation. Utilize administrative data to verify categorical eligibility if an applicant is receiving other federal, state, or local government assistance or resources that could serve as fact-based proxies.
- Use fact-specific proxy to qualify an applicant's income. Programs should test multiple proxies and choose the most effective method for maximizing coverage of potentially eligible households while precluding coverage of ineligible households.
- Require direct-to-tenant assistance. Allowing payments to go directly to households ensures renters can receive needed assistance, regardless of their landlord's willingness to participate. Direct payments can also help tenants in less formal housing situations.
- Utilize bulk payments and target outreach and set aside a portion of funds for working with small landlords.
- Provide housing navigation services. Emergency rental assistance programs should appropriate adequate funding for in-person navigator assistance, especially in areas where renters cannot access applications online, and to support housing stability services such as outreach, housing navigation,

case management, and other services that will assist households – particularly those who are the most marginalized – in accessing and successfully navigating application processes and stabilizing their housing for the long term.

- Develop strategies in partnership with members of the disability community to ensure applications and assistance are accessible for persons with disabilities and address their needs.
- Embed data in program design. Implement local protocols and procedures for data and information sharing, for targeting the most marginalized populations, creating referral processes, and sharing income and other documentation needed to support complete and successful applications.
- Collect, share, and analyze relevant data to support efficient use of funds and to identify needed mid-course corrections in program design.

Accessible

IV. PREVENTING EVICTIONS AND PROMOTING HOUSING STABILITY WITH ERA AND TENANT PROTECTIONS

Emergency Rental Assistance: A Blueprint for a Permanent Program

NATIONAL LOW INCOME HOUSING COALITION

NOVEMBER 2022

PREVENTING EVICTIONS AND PROMOTING HOUSING STABILITY WITH ERA AND TENANT PROTECTIONS

Emergency rental assistance (ERA) programs aim to prevent eviction and housing loss for the lowest-income and most marginalized households. Preventing evictions and housing loss requires providing emergency assistance in time to prevent an eviction, ensuring evictions do not take place once emergency assistance has been received, and addressing the systemic disparities and policies that have contributed to housing instability in the first place, particularly for low-income and BIPOC households.

To accomplish these goals, states and localities should establish programs that pair emergency rental assistance with state and local policies and legislation to protect tenants throughout the process. Moreover, specialized case-management and mediation services, formal partnerships with state and local courts, and the integration of housing services with other social services can provide a path to long-term housing stability when coordinated with ERA.

Program administrators, community members, and ERASE Cohort members have played crucial roles in establishing and supporting programs that braided financial assistance available under the ERA program with other supportive housing services to prevent evictions. In this section, we highlight various practices adopted by cohort members and ERA program administrators to ensure that ERA was preventive. These included:

- Using ERA to pay for prospective rent and other housing services.
- Using ERA to fund housing counseling and housing navigation services.
- Integrating ERA with landlord-tenant mediation programs.
- Supporting coordination between courts and ERA programs to prevent evictions.
- Establishing and enforcing ERA-related tenant protections at the state and local levels.
- Setting up eviction diversion and prevention programs.
- Utilizing ERA to prevent and end homelessness.

USING ERA TO PAY FOR PROSPECTIVE RENT AND OTHER HOUSING EXPENSES

Guidance issued by the U.S. Department of the Treasury (Treasury) makes clear that ERA funds can be used to cover prospective rent, with recertification for future rent taking place every three months. ERA funds can also be used to cover other housing-related expenses, such as relocation assistance, security deposits and application fees, and hotel and motel stays to assist those who are at risk of or have already experienced eviction or displacement. These services work together to help renters move out of unstable housing situations and thus promote longer-term stability. At the end of 2021, NLIHC's tracking showed that over 80% of all ERA programs covered prospective rent, 28% covered relocation expenses, and 12% used funds to cover hotel and motel stays for renters at risk of or experiencing homelessness.[108]

Members of the ERASE Cohort explained that using ERA funds in this way successfully helped renter households in their areas. Rhode Island's ERA program, Rent Relief RI, instated prospective rent payments and covered security deposits from the onset of its program. While tenants were responsible for finding new housing, the state program provided preapproval letters for future assistance with rent and/or security deposits to renter households that met the eligibility criteria. Households could use these letters to secure new rental units and later update their applications with details about their new landlords and addresses to receive rental assistance payments. The program eventually extended funds to cover moving fees for renter households as well. Cohort members indicated that these services together helped prevent homelessness.

Several other states and localities increased flexibility in their programs to cover additional expenses over time. For instance, Durham, North Carolina, initially made prospective payments to landlords only under its ERA1 program. However, under ERA2, the program – known as the Durham Rent Relief Program (DRRP) – offered a combination of future payments and security deposits to landlords of new units. Tenants were also eligible to receive direct payments from the program.

USING ERA TO FUND HOUSING COUNSELING AND HOUSING NAVIGATION SERVICES

Treasury guidance establishes that a portion of ERA funds can be used to provide housing stability services for renter households. These services include landlord and tenant mediation; housing counseling and case management services; housing-related services for survivors of domestic abuse or human trafficking; legal services or attorneys' fees related to eviction proceedings; and specialized housing services for individuals with disabilities or seniors.[109] Members of the ERASE Cohort highlighted the benefits of funding housing counseling and navigation services to help ERA applicants identify and secure new housing that would promote longer-term housing stability. Housing counseling and navigation services were offered by ERA staff through community-based organizations as well as through partnerships in court. Several programs also set up kiosks in courts with high concentrations of eviction cases and offered remote services for high-need tenants in other parts of their states.

Indiana Housing and Community Development Authority (IHCDA) provided a $15 million ERA2 grant to Prosperity Indiana – an ERASE Cohort member – and Indiana Community Action Association (INCAA) to establish the statewide Housing Stability Network. The Network is now able to provide housing counseling and family stability wraparound case management services for tenants in all 92 counties, with specific outreach to the lowest-income, BIPOC, and most underinvested communities. The Network also closely coordinates with the Indiana Bar Foundation's ERA2-funded Indiana Legal Help Network, which provides court-based eviction diversion and other legal services to tenants.

When ERA funds are again available, these two networks will be able to cross-refer tenants to ERA funds as well.

In many cases in which landlords were unwilling to participate or tenants were concerned that their landlords would not accept assistance or would retaliate, housing counselors were the final line of defense against unnecessary evictions. One of our cohort members in the District of Columbia – Housing Counseling Services, Inc. (HCS) – served as a housing navigator and mediator for the District's ERA program. HCS reported that over 50% of evictions were stopped, quashed, or delayed, in large part due to the collaborative efforts between housing counselors, legal service providers, and judges.

INTEGRATING ERA WITH LANDLORD-TENANT MEDIATION PROGRAMS

Several jurisdictions established landlord-tenant mediation programs to work in conjunction with ERA in their area. Mediation programs vary greatly based on how they identify landlords, whether they are mandatory, and whom they include to help facilitate mediations, and different states and localities have adopted different approaches to mediation. Some, like Philadelphia, established by law mandatory landlord participation in mediation services prior to the filing of an eviction due to nonpayment of rent. Others, such as Illinois and Washington, require landlords to provide notice of available mediation services prior to the filing of an eviction and to delay filing if a tenant agrees within a certain number of days to participate. In both scenarios, examples from our cohort suggest that housing counselors and navigators helped to mediate landlord-tenant conflicts to reach resolutions that did not end in eviction courts, such as petitions to close active eviction cases. Their services ranged from formal conversations conducted in court to initiatives that preemptively targeted landlords to encourage them to apply for assistance instead of filing for eviction.

As noted above, the Housing Stability Network in Indiana coordinates with the Indiana Bar Foundation's ERA2-funded Indiana Legal Help Network to provide court-based eviction diversion and other legal services to tenants. After two years of work, these advocates won a partial sealing/expungement of eviction filing records, when House Enrolled Act 1214 became law on July 1, 2022. In addition, housing partners on the Indiana Supreme Court's Landlord Tenant Task Force created the Fast Track Facilitation eviction diversion mediation program to increase utilization of mediation services and reform court processes to provide more time for tenants to access resources and services.

Housing counselors in the District of Columbia brokered conversations with major landlord and property owners to identify renters who might need assistance and who might benefit from mediation. Housing counsellors identified properties with rental delinquency rates of 17%-18% and assumed that landlords of these properties were likely to file a larger number of evictions. They approached those landlords with information on ERA to encourage their participation in an attempt to divert evictions. These relationships also fostered trust in the ERA program.[110]

ERASE Cohort members in Weber County, Utah, had similar successes with their data-driven approach to mediation. They highlighted that in a county as small as Weber, even one or two evictions by the same landlord can indicate where to direct an offer of mediation services. Using court data, it was possible to identify and connect with landlords and property managers with significant numbers of evictions. Through mediation, program staff were then able to encourage other methods of resolution. Several landlords and property owners cited the provision of ERA as the main motivation to reach a settlement outside of eviction court.

ERASE cohort members also highlighted the importance of tapping into existing networks that work with or convene landlord groups to support mediation services. In Alabama, cohort members coordinated with local Continuums of Care, several of which had preexisting relationships with landlords and property managers, to help facilitate mediation sessions. By connecting financial assistance to mediation services, cohort members were able to prevent evictions for more than 1,400 Alabama renters.

SUPPORTING COORDINATION BETWEEN COURTS AND ERA PROGRAMS TO PREVENT EVICTIONS

Partnerships between courts, attorneys, housing advocates, and ERA programs are crucial to eviction diversion and prevention efforts. These partnerships take many different shapes – some formal, others informal – and were bolstered by funding from ERA during the pandemic. Such partnerships are most successful when they involve court systems that value eviction diversion programs, offer established legal representation and formal mediation programs, work with landlords and tenants, and can help tenants navigate or access rental assistance. Funding for court and eviction diversion programs and for advocacy supporting such programs helps strengthen these efforts, especially by scaling and sustaining them.

After reviewing efforts by members of the ERASE Cohort, we have observed that the process of integrating courts and ERA programs involves three steps: (1) creating judicial buy-in, (2) setting up and bolstering a framework for legal aid partnerships at eviction court, and (3) making ERA accessible through courts.

Creating Judicial Buy-In

Educating judges, attorneys, and local and state representatives about the availability of ERA, features of the program, and the benefits of participating was a crucial step toward enabling courts and ERA programs to work together to prevent evictions.

The Detroit-based United Community Housing Coalition (UCHC) and its partners participated in information sessions with sitting Detroit City Council members and their staffs to discuss the growing eviction crisis and brainstorm strategies to keep Detroit residents stably housed. Expanding on its ongoing efforts to bring together Detroit tenants and residents, nonprofit organizations, and legal aid organizations, UCHC was effective in educating community members, members of courts, and local policy makers about the importance of tenant protections and ERA. This work resulted in a unanimous 9-0 vote by the Detroit City Council to enact a right-to-counsel law. By creating buy-in among members of local district courts and the City Council, UCHC ensured additional protections for tenants. For instance, all litigants are entitled to receive brief legal advice before hearings proceed. The organization also had success in pushing for courts to adjourn cases to allow enough time for a pending ERA application to be processed. Finally, the right-to-counsel ordinance provided a right to full legal representation for persons whose household income did not exceed 200% of the Federal Poverty Limit.

Setting Up and Bolstering a Framework for Legal Aid Partnerships at Eviction Court

Evidence shows that access to legal representation for renters increases the likelihood of eviction cases being withdrawn or reaching settlement outside of eviction courts.[111] Therefore, ERA-focused advocates knew from the beginning that preventing evictions during the pandemic would necessitate building strong networks of legal aid or pro-bono lawyers who were familiar with the eviction process and available support services in their areas, as well as establishing frameworks through which legal aid lawyers could intervene and prevent evictions.

ERASE Cohort members worked closely with legal aid providers to develop and integrate free or low-cost legal services into the eviction court system. One cohort member in Illinois, the Lawyers' Committee for Better Housing (LCBH), examined Chicago's eviction court records and found that tenants with access to legal representation were more likely to receive a positive outcome at court. LCBH then used this research to argue for eviction court reform. Meanwhile, the pandemic provided the impetus for Cook County to establish the Cook County Legal Aid for Housing and Debt (CCLAHD) program in combination with legal aid providers and the local bar association. The Early Resolution Program, a key element of CCLAHD, combines free legal assistance and rental assistance in Zoom break-out rooms to assist unrepresented landlords and tenants. In these breakout rooms, attorneys provide tenants information about rental assistance and whether they are eligible and offer formal mediation services. The break-out rooms allow self-represented tenants to consult with attorneys and reduces barriers to legal aid. The early success of the county's court-based program also paved the way for Chicago's new Right-to-Counsel pilot program, which is funded by ERA2.

While free or low-cost legal representation has been an important component of court-based programs, it can be difficult in some jurisdictions to identify pro bono or other legal aid attorneys with expertise in eviction court proceedings, or to find trained staff capable of carrying out mediation. In these cases, cohort members had to turn to other strategies to fill in the gaps. In Columbia, South Carolina, the NAACP Housing Navigator program trained community volunteers to help clients with landlord-tenant mediation and other pre-eviction solutions, aiding over 200 housing insecure individuals. Similarly, as an alternative to enacting a politically controversial moratorium in Nebraska, the state's bar association set up a framework for a volunteer-based legal aid program in Douglas and Lancaster counties known as the Tenant Assistant Project.[112] Despite initial skepticism about this effort from judges and courts, cohort members in Nebraska report that the program effectively prevented or delayed several thousand evictions, preventing over 7,400 evictions in Omaha alone.[113] Additionally, to mitigate the effects of the limited capacity of legal aid and pro bono attorneys to offer legal assistance to all litigants in need of help, several states have pushed to authorize and expand regulations around unbundled legal services. One such effort in Delaware undertaken by the Eviction Defense Project resulted in a Delaware Supreme Court ruling allowing tenants to be represented in court by "Qualified Tenant Advocates" – non-lawyers trained by Delaware legal-aid agencies.[114] In these ways, ERASE Cohort members have set up and bolstered frameworks that make legal aid available and accessible to renters at eviction court.

Making ERA Accessible through Courts

Research has shown that the most effective factor in preventing evictions has been the provision of rental assistance to cover back-rent.[115] Therefore, while efforts to bring courts, judges, attorneys, and housing navigators to the table have been very helpful, such efforts would not have been as successful without the provision of emergency rental assistance. Court-based interventions that were connected with Treasury ERA funds were identified as central to the work of successfully diverting evictions and keeping renters housed.

Cohort members have thus placed special emphasis on the provision of ERA at court. Cohort members in Memphis and Shelby County, Tennessee, worked closely with their ERA program to identify tenants who were eligible for assistance and had an active eviction case by matching program and local court data. A dedicated team of five on-staff ERA attorneys would then contact the landlord to offer a settlement. At court, judges would inform tenants about the availability of assistance and issue a two-week continuance to give tenants time to apply for ERA. County program staff also set up tables at the courthouse to help tenants apply for assistance. For every eviction case filed at court, an informational flyer would be mailed to tenants, informing them of their upcoming hearing and information about ERA. This system ensured that efforts to get courts and lawyers involved were matched with a focus on ensuring assistance was available to resolve cases and divert harmful evictions.

The Housing Alliance of Pennsylvania studied two eviction diversion programs administered in Berks and Chester counties. Both programs were begun during the pandemic and tied ERA to courts in some way. Drawing on court data, conversations with tenant participants in the programs, and interviews with judges whose courtrooms participated in eviction diversion, the Alliance found that implementation of the two programs was associated with better case outcomes for tenants in court. Among other findings, the Alliance heard directly from tenant participants that the financial assistance and paired services offered under the diversion programs helped them stay in their homes and in many cases find and keep employment. The coordination of rental assistance, legal assistance, and outreach to tenants and landlords enabled the programs to be especially effective in meeting the needs of tenants, landlords, and members of the wider community.

ESTABLISHING ERA-RELATED TENANT PROTECTIONS TO ENSURE LONG-TERM HOUSING STABILITY

Throughout the pandemic, tenant protections have played a crucial role in preventing evictions and ensuring housing stability. Since January 2021, states and localities have passed or implemented more than 150 new laws or policies to protect tenants from eviction and keep them stably housed. Of these protections, 70 laws and policies were implemented by or in support of ERA programs.[116]

The enactment of tenant protections depends on the willingness of jurisdictions to establish safe harbors for renters. In jurisdictions where there is little political will to enact protections through legislative bodies or the court, ERA programs must establish these protections within their policies. ERASE Cohort members represented areas with different political orientations and varying degrees of protections. Where laws fell short and local politics prevented protections from being enacted in law, cohort members fought to win protections and establish safe harbors by means of ERA program policies. In addition to working to enact ERA-related tenant protections, advocates sought to ensure that landlords and property owners adhered to these protections. This section describes the range of tenant protections enacted and highlights the means established to ensure renters remain stably housed.

Enacting ERA-Related Tenant Protections at the State, County, and City Levels

In 2021, several state and local courts issued rulings that tied tenant protections to the availability of ERA in their area.[117] These protections vary in aim and structure, but in general they are designed to ensure that landlords and property owners have made every effort to resolve problems related to rental arrears before turning to the eviction process. Some ERA-related tenant protections enacted at the state, county, and city levels required landlords to apply for ERA before they filed evictions, while others established wait periods and safe harbors for ERA applicants. Others involved the issuing of eviction stays or prohibited landlords participating in the ERA program from evicting tenants in the near term.

Some states, like California, Virginia, and Connecticut, enacted legislation or issued executive orders requiring that landlords apply for ERA prior to filing an eviction. In some cases, these policies also ensured tenants were given a 30-day notice before an eviction could be filed. In some jurisdictions, local courts mandated participation in ERA in certain cases. The Philadelphia Municipal Court issued an order in April 2021 that instated three requirements for landlords seeking to evict a tenant for non-payment of rent. These landlords had to apply for rental assistance, participate in mediation through Philadelphia's Eviction Diversion Program, and wait 45 days before filing if the issues leading the landlord to seek to evict were not resolved. Officials say the program was essential to Philadelphia's success in distributing more than $235 million in emergency rental assistance and that it has helped reduce the number of eviction filings to 75% of the pre-COVID number.[118]

Jurisdictions also established wait periods and safe harbors to ensure that renters who applied for assistance were not evicted as they waited for their applications to be approved. Most such protections, like those enacted in Arizona, California, and Oregon, delay eviction proceedings for 30 to 90 days, pending a tenant's successful ERA application. These safe harbor policies were critical in allowing ERA program administrators time to process large numbers of applications during the pandemic. Other safe harbor protections, like one established in Philadelphia, prohibited landlords from issuing a writ of possession for nonpayment of rent while an ERA application was pending.[119]

Eviction moratoriums and stays, especially those that addressed earlier steps in the eviction process, were effective in reducing eviction filings.[120] During the pandemic, 16 state and local jurisdictions enacted protections that paused or delayed eviction judgements to allow time for tenants to apply for ERA.[121] In Illinois, for example, the state Supreme Court redirected every new eviction filing to the state's ERA program. Eviction stays are a critical intervention, helping delay final judgments and giving renters opportunities to apply for ERA and avoid eviction.[122]

The strongest ERA-related protections include requirements for landlords receiving ERA to drop eviction filings or forgive rental arrears, interest, or fees. In 2021, 29 states and localities passed laws or policies that prohibited landlords participating in ERA from evicting tenants. The length of time for which such policies prohibited evictions ranged from 30 days to 12 months.[123] These protections work in tandem with safe harbors and wait periods to give renters sufficient time to access assistance. For instance, in Kentucky, landlords must wait 45 days after receiving assistance before initiating an eviction and must provide 30 days' notice before moving forward with an eviction.[124]

Enforcing Protections to Ensure Renters Are Protected in the Long Term

While jurisdictions across the country enacted ERA-related tenant protections, reports indicated that in some cases protected renters were still being evicted, even after their landlords received assistance.[125] This was due to the fact that many new protections lacked formal protocols to enforce compliance. As a result, many local administrators and their community partners had to work directly with landlords to ensure ERA-assisted tenants were protected in the long term.

For instance, Dane County, Wisconsin's ERA program – administered by the Tenant Resource Center (TRC) – provides tenants with free legal representation, ensuring they have access to attorneys who can help negotiate agreements, lease extensions, and the reopening of falsely filed cases, and appeal terminations impacting tenants in protected properties. In response to guidance from Treasury, TRC established a mandatory landlord agreement that prohibited landlords from evicting tenants for nonpayment of rent for the period of assistance. Since the state was not willing to enforce additional protections, TRC leveraged its position as an administrator and mediator to protect tenants from harmful evictions. The organization found that its ability to leverage the combination of attorneys, mediation, and the landlord agreement, allowed tenant attorneys to launch payments the day of the hearing and negotiate agreements that stabilized and/or extended housing. By working with landlords to enforce adherence, the program ensured that eviction filings did not rise above their pre-pandemic level of roughly 2,000 annually. Additionally, 78% of cases are dismissed at or before the tenant's initial appearance – a significantly higher rate of dismissal than pre-pandemic, when the rate was approximately 29%. Especially remarkable is the fact that tenants are now more often represented in courts than landlords – the first time this has occurred in the history of Dane County.

As Treasury ERA funds dwindle, some cohort members are working to expand partnerships with landlords and property owners to ensure eviction filings do not return to pre-pandemic levels and renters remain protected in the long term. One ERASE Cohort member in Louisiana – HousingLOUISIANA – developed a targeted intervention project to inform landlords about alternatives to eviction. Designed through partnerships with the Housing1st Alliance of the Capitol Area, Together Baton Rouge, and the City of Baton Rouge Mayor's Office, the project was called the Healthy Housing Forum and targeted landlords who had received ERA funds to ensure their renters remain stably housed. The project developed content to help these landlords understand how they could be part of the broader solution to affordable housing. Despite ERA funds making landlords whole again, there was still a high rate of eviction filings, leading to several vacant units in the area. Additionally, advocates realized that several units were in need of significant repairs. Healthy Housing Forum partners are now identifying additional sources of funding through state programs (such as Low-Income Housing Tax Credits and CDBG funds) to help landlords and property owners make necessary repairs to their units. They are also co-designing with landlords a loan fund and rental assistance pilot project to benefit both landlords and tenants modeled after similar programs in cities like Milwaukee and Chicago.

SETTING UP EVICTION DIVERSION AND PREVENTION PROGRAMS

Eviction diversion and prevention programs provide landlords and tenants the resources, information, and time required to find the least harmful alternatives to eviction.[126] Research shows that such programs involve some combination of housing counseling, legal assistance, emergency rental assistance, and other supportive services.[127] They are designed to divert eviction cases from formal proceedings by reaching a mediated alternative prior to or during an eviction filing.

While each of the practices and programs highlighted above plays a significant role in preventing unnecessary evictions, combining financial assistance with access to housing mediation services and tenant protections is crucial to addressing housing instability. In a review of 47 state and local eviction prevention and diversion programs, Urban Institute found that while moratoriums, tenant protections, and legal assistance strengthened tenants' positions, they did not "resolve underlying and long-standing drivers of the eviction crisis" by themselves. Financial assistance, meanwhile, played a crucial role in resolving rental arrears, an immediate driver of eviction filings.[128] Eviction diversion and prevention programs that integrated these components not only successfully promoted housing stability but provided a framework for states and localities to reexamine and improve their basic housing service delivery systems.

Treasury ERA funds became the cornerstone of many eviction diversion initiatives that were launched or expanded during the pandemic. In addition to providing critical direct assistance, ERA also provided the funds needed to set up eviction diversion infrastructure. ERASE Cohort members played crucial roles in supporting and establishing eviction prevention and diversion programs in their jurisdictions.

State of Texas Eviction Diversion Program

After the Texas Rent Relief Program was launched in February 2021 to provide rent and utility assistance during the pandemic, the Supreme Court of Texas, the Texas Office of Court Administration, and the Texas Department of Housing and Community Affairs (TDHCA) partnered to create the Texas Eviction Diversion Program (TEDP). TEDP reserved 10% of available Texas Rent Relief funds to help low-income tenants facing eviction to remain in their homes and provide landlords with an alternative to eviction.

The Supreme Court of Texas established the statewide Texas Eviction Diversion Program (TEDP) through an emergency order, which has since been renewed several times.[129] Under the program rules, eviction courts provide an informational ERA flier to a tenant prior to an eviction hearing, and judges are required to discuss the program with the landlord and tenant. If a landlord and tenant agree to apply for ERA, or if they already have applied, the court delays the eviction case for 60 days, makes the eviction filing confidential, and dismisses the case after 60 days, unless the landlord files a motion to reinstate. Through the Texas Eviction Diversion Program, more than 21,000 applicants have received more than $200 million in assistance, had their evictions stopped, and had their eviction case records made confidential.

The Texas Department of Housing and Community Affairs also used a portion of ERA1 and ERA2 funds to create the Housing Stability Services Program, which provides critical funding for housing stability services to 56 local communities and non-profits, including the Texas Access to Justice Foundation (TAJF). In partnership with 10 organizations, TAJF provides counsel to low-income households during an eviction proceeding, offers mediation services, and provides local in-person and online housing clinics to assist low-income households. The TAJF Program is funded through March 31, 2024.[130]

Washington, D.C. Eviction Diversion Initiative

In the District of Columbia, ERASE Cohort partner Housing Counseling Services, Inc. (HCS) worked closely with the District's ERA program administrator and legal service providers to establish a framework for eviction diversion that ensures any tenants who are scheduled for eviction, have writs of eviction, or have judgments against them are connected to rental assistance and legal counsel. HCS is in the courtrooms every day, participating in hearings and providing updates on active cases. Staff are present in court hearings as housing counselors, providing court staff with information on current ERA application statuses and providing clients with information on how to apply. Extensive collaboration among partners ensures "last mile payments" are accurate and will in fact stop an eviction. Of 400 evictions scheduled for between September 13 and October 31, 2021, HCS staff were able to reach more than 200 tenants, delaying or stopping their evictions. About 75% of those evictions were stopped as a direct result of nearly $300 million in ERA funds that had been disbursed. Such an outstanding result could not have occurred without the deliberate integration of financial assistance and community-based and legal services, the support of courts and judges, the D.C. government (specifically the Department of Human Services), and the existing system of tenant protections in the District.

State of Louisiana Eviction Diversion Pilot

The emerging Louisiana eviction diversion program began as a series of distinct local efforts between nonprofits and legal aid providers working in courts to provide legal aid and enroll renters facing eviction into ERA. Based on successful efforts in New Orleans and Baton Rouge, advocates, including ERASE cohort member HousingLOUISIANA, have partnered with the Governor's office and Southern University to co-design a pilot program and hope to build support for scaling this intervention statewide. The partnership between advocates, the Governor's office, and Southern University aims to create a statewide eviction-diversion program modeled after pilots currently underway in Baton Rouge. It builds on a program currently managed by Southern University to prevent the displacement of low-income families in several parishes across the state. The design for this pilot project consists of components similar to those in the Baton Rouge model and has three main intervention points:

- Tenant intervention in the case of rent arrears or when there is a conflict with the landlord.
- Landlord intervention to inform landlords of alternatives to eviction and identify other funding sources to help them make repairs.
- Judicial intervention to show judges how they can help prevent evictions.

UTILIZING ERA TO PREVENT AND END HOMELESSNESS

Early research on the connections between ERA and homelessness prevention indicates that even while many programs considered preventing homelessness to be a goal, not all programs were able to transform this intention into processes and structures – e.g., outreach methods, eligibility criteria, documentation requirements, or subsidy structures – that succeeded in reaching those imminently at risk of homelessness. Programs typically favored upstream targeting and tended to require documentation that would be challenging for households most at risk of homelessness to provide. Nevertheless, program administrators often viewed homelessness as the result of a series of destabilizing events and emergency rental assistance as a tool that could disrupt the course of such events.

To be eligible for assistance, applicants to Treasury ERA programs were required to be at risk of experiencing homelessness or housing instability. However, only a quarter of programs surveyed in the spring of 2021 accepted previous experience of homelessness as proof of a household's risk of homelessness or housing instability, despite research showing that shelter history is a strong predictor of reentry to homelessness. According to information from NLIHC's Treasury ERA program database, as of July 2022, only a handful of programs explicitly stated that they accepted prior experience of homelessness as an indicator of the risk of homelessness. Despite movements towards accepting self-attestation of COVID-19-related hardship and income, only 43% of surveyed ERA programs allowed for self-attestation of tenancy without a current lease, which left doubled-up households or households in informal living arrangements unable to access ERA funds. As of July 2022, only 12% of programs explicitly stated that they accepted self-attestation for a lease. A large number of ERA programs may have inadvertently excluded households most at risk with overly narrow eligibility criteria or overly stringent documentation requirements.

Yet many programs also sought new partnerships or engaged with already existing partnerships to more deeply target vulnerable populations. At least 42 programs had partnerships with a court and 31 programs also funded legal services in order to target and divert households from evictions. Some ERA programs may have used some of their funding to directly support programs that specifically served households currently experiencing homelessness. In Chesterfield County, Virginia, Housing Families First used ERA funds to help families with children living in motels or doubled up secure new housing. Still other programs served a wide variety of households under the Treasury ERA program, including people experiencing homelessness or most at-risk of homelessness, and created specific partners to identify and support these households.

The Alaska Housing Finance Corporation (AHFC) utilized the flexibility offered by the Treasury funding to create a program that would provide immediate housing solutions for homeless Alaskans, with a goal of finding longer-term housing solutions. Alaska's Housing Stabilization & Recovery program (HSRP), which was deployed statewide in February 2022, works with 20 community-based partners, including the Continuum of Care, to help Alaskans who are on the streets, in emergency shelters, or fleeing domestic violence access immediate safe housing and up to 12 months of rent. ERA has also been used to provide funding to temporarily house formerly homeless households in motels and hotels. Participants receive up to 12 months of rental assistance, assistance in finding long-term housing opportunities, assistance to cover moving costs, and ongoing engagement with a housing navigator. As of September 20, 2022, 1,373 households in Alaska have been enrolled in the program, with 807 households currently housed using program funds.

REMAINING CHALLENGES

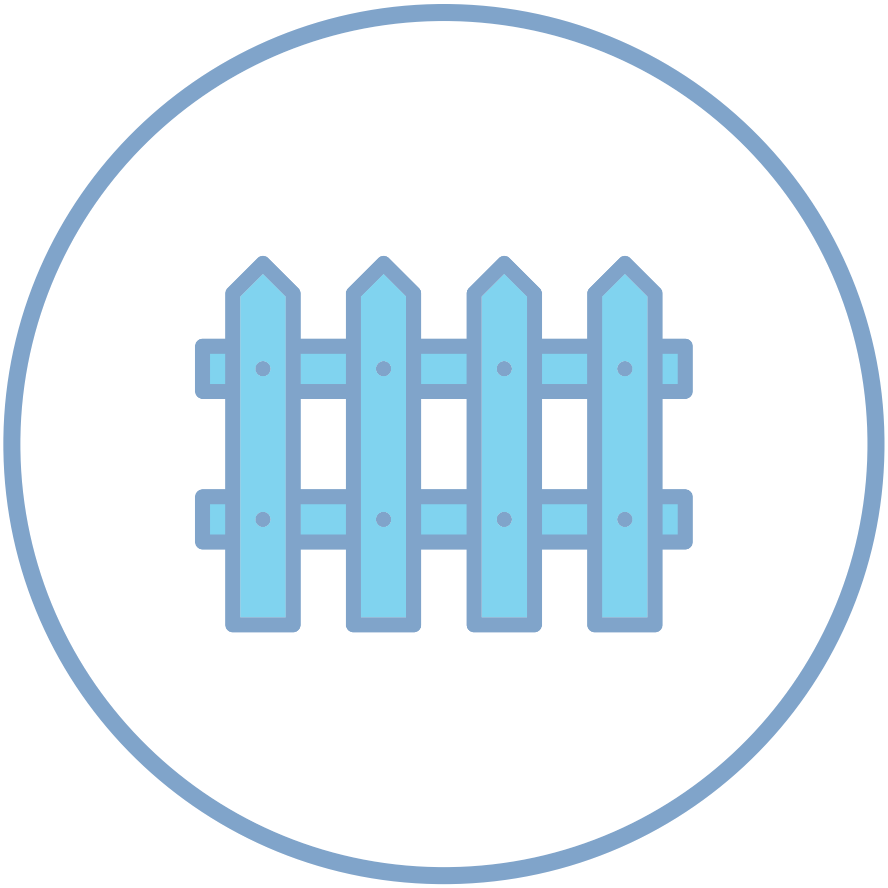
Currently, cohort members are working to make their eviction diversion and prevention strategies permanent and to strengthen state and local tenant protections. It was clear that ERA money – and the promise of payment for arrears – was a significant incentive for both eviction court judges and landlord and property owner groups to partner with tenants and their advocates. In areas where Treasury ERA funds are dwindling or are depleted, ERASE Cohort members report that more landlords are expediting hearings and are unwilling to participate in mediation initiatives.[131]

Maintaining partnerships with courts and attorneys is challenging with a lack of funds available for rental assistance and federal, state, or local support for institutionalizing the partnerships created through the Treasury program. Retaining these frameworks is the key to ongoing prevention work. At the same time, cohort members also recognize that there needs to be more judicial buy-in. In Indiana, Tennessee, Pennsylvania, and Wisconsin, cohort members faced hostility from some local courts that were unwilling to coordinate with ERA programs. They are now seeking ways to represent and support tenants without federal funding and to leverage the limited state and local funding that is available to sustain the efforts from the Treasury ERA program.

Recommendations for Model Programs

Based on our examination of existing ERA programs, we provide the following recommendations to future programs that aim to design an ERA apparatus that prevents evictions and promotes housing stability:

- In addition to rental and utility payments, programs should provide assistance paying for other eligible costs, including hotel and motel stays, rental security deposits, application or screening fees, reasonably accrued late fees, and internet service fees, especially for temporarily displaced and doubled-up households that are at high risk of losing their homes.
- Provide housing navigation assistance to those who have lost their housing or need to relocate.
- Ensure assistance is available to help households that are currently homeless to exit homelessness into housing.
- Utilize funding to fund legal attorneys to protect renters facing eviction. Subcontract with legal aid organizations and entities working in eviction courts to directly administer funds.
- Develop a direct line of communication with courts about the availability of emergency rental assistance funds, and develop procedures and protocols to identify and refer tenants and landlords who may be in need before evictions can be filed.
- Work with courts to adopt policies and procedural safeguards, including:
    - Ensuring tenants have knowledge about and access to available assistance and legal representation options.
    - Requiring judges to postpone eviction case hearings to give renters time to apply for and receive assistance.
    - Barring landlords from evicting tenants while emergency rental assistance applications are pending.
- Require that landlords receiving ERA cannot evict renters for at least three months after receiving emergency rental assistance payments, and develop mechanisms to enforce these protections.
- Access eviction data to target outreach to households most at risk of eviction and to enforce tenant protections for households that have received rental assistance.
- Enact, fund, and enforce state and local tenant protections, and provide a right to counsel across the eviction process. Right-to-counsel legislation that ensures tenants have access to an attorney during an eviction proceeding significantly diminishes the likelihood of eviction.
- Develop and implement policies to seal eviction records so that filings do not make it more difficult for renters to find housing in the future.
- Connect programs, processes, and resources to local Continuum of Care, homelessness diversion, and coordinated entry processes to prevent housing loss and quickly rehouse households where an eviction may have been or may be unavoidable.
- Provide or coordinate with case management and other support services to support long-term housing stability. Ensure tenants have access to crisis intervention services, education programs, financial counseling, childcare, healthcare, mental health and substance use services, non-legal advocacy, and other supports that assist with housing stability.
- Provide a bridge to longer-term or intensive housing stability supports for households that have greater needs, such as a history of homelessness, chronic health conditions, or disabilities.



Preventive

END RENTAL ARREARS TO STOP EVICTIONS (ERASE)

V. POLICY RECOMMENDATIONS

Emergency Rental Assistance: A Blueprint for a Permanent Program

NATIONAL LOW INCOME HOUSING COALITION

NOVEMBER 2022

Policy Recommendations

Over the last two years, more than 500 state and local jurisdictions have established U.S. Department of the Treasury (Treasury) emergency rental assistance (ERA) programs using federal dollars, many of them starting from scratch. At the same time, NLIHC's partners have successfully advocated for the passage of more than 150 new federal, state, and local tenant protections since January 2021. ERA program administrators have made over 7 million payments to households since January 2021, with early research suggesting that most state and local programs have served high shares of extremely low-income households and Black households. The unprecedented investment in rental assistance, coupled with new local, state, and federal tenant protections, prevented at least 1.36 million formal evictions in 2021 alone.[132] Given the success of ERA and renter protections in promoting housing stability and preventing evictions, every effort should be made to preserve the newly created ERA infrastructure and new federal funding should be made available to continue this essential component of a full housing safety net.

As federal funding for ERA is depleted, this newly created and critically important ERA infrastructure is increasingly at risk. According to NLIHC projections, most state ERA programs have or will have exhausted their ERA1 and ERA2 funds long before the statutory expenditure deadlines of September 2022 and September 2025, respectively. Further, many states will still have served only a fraction of their low-income renter households in need.

States and localities must act quickly to protect the progress that has been made, address the possible loss of ERA, and invest in long-term housing solutions. State and local governments can use some of the $350 billion in Coronavirus State and Local Fiscal Recovery Funds (SLFRF) allocated by the "American Rescue Plan Act" (ARPA) to extend their emergency rental assistance programs and bridge the gap between Treasury ERA funding and not-yet-determined future funding streams. NLIHC systematically tracked SLFRF investments allocated for affordable housing and homelessness prevention and services in all 50 states and the District of Columbia, Puerto Rico, and 60 localities, including the 10 cities or counties receiving the highest allotments of SLFRF and the largest city or county in every state. As of October 2022, 53% of the jurisdictions in our sample – including 67% of all states and over 44% of the selected cities and counties – have invested approximately $16.1 billion of SLFRF for housing activities. States and localities have allocated approximately $4.3 billion to provide short-term aid to households, such as rental and utility assistance, legal aid, and housing stability services.[133]

However, most communities are grappling with how to sustain ERA programming, infrastructure, and partnerships without federal ERA funding. More action is needed to preserve the gains made in creating an infrastructure to provide emergency assistance and prevent evictions. The recommendations discussed in this section form a policy blueprint for creating a permanent emergency rental assistance program and enacting tenant protections that meet the needs of all low-income renters. The recommendations are meant to ensure that existing ERA infrastructure is sustained and becomes part of our national housing infrastructure for supporting low-income renters facing sudden financial crises. The recommendations include:

- Establishing and funding a permanent emergency rental assistance program.
- Exploring the use of innovative models like direct-to-tenant payments to support renters.

A permanent ERA program is one part of a needed housing safety net to end homelessness and alleviate housing insecurity among the lowest income renters. Congress must also:

- Ensure long-term affordability for the lowest-income renters through universal vouchers.
- Preserve and increase the supply of housing affordable to the lowest-income renters.
- Enact robust and permanent tenant protections at the state, local, and federal levels.

In what follows, we discuss in detail each recommendation included in this policy blueprint, as well as legislation that, if enacted, would build on the blueprint to create a permanent emergency rental assistance program.

ESTABLISH AND FUND A PERMANENT EMERGENCY RENTAL ASSISTANCE PROGRAM

While the pandemic and its resulting economic fallout have underscored the inextricable link between housing and health, the nation's eviction crisis originated long before the pandemic. Limited public resources, combined with a severe lack of housing stock affordable and available to households with the lowest incomes, led to an increasing number of evictions, higher rates of homelessness, and worsening housing instability, especially for renters with extremely low incomes. The pandemic exacerbated these pre-existing trends, threatening to transform the housing crisis into a housing catastrophe.

People of color, and particularly Black, Latino, and Indigenous people, as well as people with disabilities and households headed by women, were disproportionately impacted by the pandemic. Black households were twice as likely to report being behind on rent than white households during the economic crisis that followed the arrival of COVID-19, and Black women were – and still are – more likely to face eviction than any other group.

Preventing evictions is essential in ensuring the well-being of extremely low-income renter households. Improving housing stability not only keeps people in their homes but provides them with the foundation needed for success. Stable, affordable housing is linked to better educational and health outcomes across a person's lifespan, and stably housed families with children report greater food security and financial stability than families in housing they cannot reasonably afford.

The more than $46 billion allocated by Congress for emergency rental assistance in response to the pandemic was thus a vital lifeline for households experiencing a decline in income and at risk of eviction. Emergency rental assistance has helped stabilize households experiencing economic shocks before they face instability and homelessness, which have traumatic consequences and require more prolonged, extensive, and expensive assistance. Tenant protections have offered another lifeline.

Prior to the pandemic, NLIHC's *Opportunity Starts at Home* multi-sector affordable housing campaign worked to build bipartisan support for and introduce legislation to establish a pilot emergency rental assistance program. The *Opportunity Starts at Home* campaign worked closely with a bipartisan group of senators – Michael Bennet (D-CO), Rob Portman (R-OH), Sherrod Brown (D-OH), and Todd Young (R-IN) – to craft the provision establishing the Emergency

Assistance Fund proposed in the "Eviction Crisis Act" (S.2182) that was introduced in 2019 and reintroduced in 2021. The Eviction Crisis Act and the "Stable Families Act" (H.R.8327), the House companion bill introduced by Representative Ritchie Torres (D-NY), would establish a new, national Emergency Assistance Fund to help ensure that extremely low-income renters have access to emergency assistance to cover the gap between income and housing costs in the event of a financial crisis. Since its first introduction in 2019 and after Congress approved $46 billion in ERA during the pandemic, congressional sponsors have strengthened the legislation by redesigning it as a permanent program rather than a pilot program. They have also incorporated lessons learned and best practices from the Treasury ERA program.

Building on the infrastructure and best practices for emergency rental assistance distribution pioneered during the pandemic, the Emergency Rental Assistance Fund envisioned by these bills would be designed to test, evaluate, and expand proven interventions to help low-income families facing sudden economic shocks remain stably housed.[134] Run as a grant program through the U.S. Department of Housing and Urban Development (HUD), the program would distribute funding to state, local, tribal, and territorial governments, and funds would be used to provide direct financial assistance to help households overcome short-term financial crises impacting their housing stability. Assistance would be targeted to extremely low-income households, who are most at risk of eviction and homelessness following economic shocks. The program would be funded at $3 billion annually and would incorporate best practices developed during the pandemic.

EXPLORE THE USE OF INNOVATIVE MODELS LIKE DIRECT-TO-TENANT PAYMENTS TO SUPPORT RENTERS

Despite Congress providing ERA, many renters faced difficulties accessing assistance. Some renters were not aware of the availability of emergency rental assistance, while others had to navigate overly burdensome documentation requirements or try to work around their landlord's refusal to accept emergency assistance funds.

Providing funding directly to tenants helped decrease these barriers and sped up the delivery of assistance to the lowest-income households, while modeling a new way of delivering assistance not typically seen in other housing assistance programs. Future iterations of emergency rental assistance, including the Emergency Assistance Fund proposed in the "Eviction Crisis Act" and "Stable Families Act," should provide such direct-to-tenant assistance to ensure the fast and equitable distribution of funding.

In addition to creating a permanent federal emergency assistance fund that provides direct-to-tenant payments, Congress should explore innovative methods, like the renters' tax credit proposed in the "Rent Relief Act of 2022" (H.R. 8357), for expanding the availability of direct-to-tenant housing assistance. The renters' tax credit would help bridge the widening gap between incomes and housing costs by providing a refundable tax credit for housing cost-burdened renters – those paying over 30% of their incomes on rent every month. Such a program would also help overcome administrative barriers that often prevent households from accessing rental assistance by providing relief directly to renters and minimizing landlord involvement.

Several jurisdictions across the country are also exploring basic income support to provide low-income households direct assistance to pay for rent and other expenses. For example, the University of Pennsylvania and Philadelphia's Housing Development Corporation will jointly operate a pilot program involving 300 rent-burdened households in public housing. The households will receive cash payments for two to three years in the program to bridge the difference between the cost of their rent and 30% of their income.[135]

ENSURE LONG-TERM AFFORDABILITY FOR THE LOWEST-INCOME RENTERS THROUGH UNIVERSAL VOUCHERS

Nationwide, 8 million of the lowest-income renters pay at least half of their income on rent, leaving them without the resources they need to make ends meet. Despite the clear need, only one in four eligible households receive any help, and some households spend years on waitlists due to inadequate funding by Congress.[136] If universal housing assistance had been in place during the pandemic, more could have been done to protect the lowest-income renters from housing instability, eviction, and homelessness.

Making rental assistance available to all eligible households is central to any successful strategy to solve the housing crisis. As mentioned above, a growing body of research finds that rental assistance can improve health and educational outcomes, increase children's ability to thrive, and advance racial equity.[137] To ensure that everyone has a stable, accessible, and affordable home, Congress should expand rental assistance to make it universally available to all households in need.[138] In particular, Congress should significantly expand and guarantee funding for Housing Choice Vouchers and establish a renters' tax credit, as discussed above. Rental assistance is a critical tool for helping the lowest-income people afford decent, stable, accessible housing, and the Housing Choice Voucher program has a proven track record of reducing homelessness and housing poverty.[139] Congress must ensure that housing resources – like other programs making up our nation's social safety net – automatically receive full funding each year to cover the needs of all eligible households.

Households receiving rental assistance have tools to help address fluctuations in income, including during a crisis. Households can also recertify their incomes to redetermine the rent contributions owed by tenants. Expanding rental assistance can help reduce the amount of funds needed for emergency rental assistance and ensure greater housing stability.

Congress should enact both the "Ending Homelessness Act" (H.R. 4496) introduced by Representatives Maxine Waters (D-CA), Emanuel Cleaver (D-MO), and Ritchie Torres (D-NY), and the "Family Stability and Opportunity Vouchers Act" (S.1991) introduced by Senators Chris Van Hollen (D-MD) and Todd Young (R-IN). The "Ending Homelessness Act" would ensure universal rental assistance for every eligible household, increase the supply of affordable housing, and enact other critical measures to end homelessness, while the "Family Stability and Opportunity Vouchers Act" would provide 500,000 new housing vouchers and counseling services to help families with children move to communities of their choice.

PRESERVE AND INCREASE THE SUPPLY OF HOUSING AFFORDABLE TO THE LOWEST-INCOME RENTERS

There is currently a national shortage of 7 million homes affordable and available to the lowest-income renters.[140] For every 10 of the lowest-income renter households, there are fewer than four homes affordable and available to them. The private sector cannot on its own build and maintain homes affordable to the lowest-income renters without federal support. Zoning and land use reforms at the local level are needed to increase the supply of housing generally, and federal investments are needed to build and preserve decent homes affordable to the extremely low-income tenants.

To increase and preserve the supply of affordable rental homes, Congress must expand funding for the national Housing Trust Fund to at least $40 billion annually to build and preserve homes affordable to people with the lowest incomes; provide at least $70 billion to preserve and rehabilitate our nation's public housing infrastructure, make energy-efficient upgrades, and guarantee full funding for public housing in the future; and use federal transportation investments to require inclusive zoning and land use reforms to reverse residential segregation and increase the supply of affordable and accessible homes.[141]

Congress should also enact the "American Housing and Economic Mobility Act" (S.1368/H.R. 2768) introduced in their respective chambers by Senator Elizabeth Warren (D-MA) and Representative Emanuel Cleaver (D-MO). The bill would address the shortage of affordable rental homes for people with the lowest incomes through a robust investment of nearly $45 billion annually in the national Housing Trust Fund. The bill also includes resources to repair public housing, build or rehabilitate housing in tribal and Native Hawaiian communities, and create and preserve affordable homes in rural areas.

The targeted housing investments that were included in the House-passed "Build Back Better Act" would also directly address the severe shortage of rental homes affordable to people with the lowest incomes by preserving the nation's public housing and building new affordable housing through the national Housing Trust Fund.[142] The bill provided $65 billion to preserve public housing for future generations and to protect the health and safety of its 2.5 million residents. The Build Back Better Act also included $15 billion to build and preserve more than 150,000 homes for people with the greatest needs through the national Housing Trust Fund.[143] The historic investments included in the Build Back Better Act are still critically needed and long overdue after decades of federal disinvestment in affordable housing. By failing to include the Build Back Better Act's significant affordable housing investments in the reconciliation package passed earlier this year, Congress missed a once-in-a-generation opportunity to help end homelessness in America, repair public housing, and pave the path to universal rental assistance for everyone in need.

ENACT TENANT PROTECTIONS AT THE STATE, LOCAL, AND FEDERAL LEVELS

The COVID-19 pandemic made manifest the close links between housing and individual and public health, as millions of renters – predominantly people of color – struggled to remain safely and stably housed throughout the public health crisis. To mitigate the spread of COVID-19 and keep people in their homes, the Centers for Disease Control and Prevention (CDC) issued a nationwide eviction moratorium in September 2020. Following the federal government's lead, state and local jurisdictions across the country recognized the crucial role protections play in preventing evictions and ensuring housing stability for the most marginalized households by enacting numerous tenant protection measures.

The ERASE State and Local Tenant Protections Database provides information about those protections passed or implemented since January 2021 that have helped prevent evictions and keep renters stably housed during the COVID-19 pandemic. The database includes information about the jurisdictions enacting protections, the implementing authorities, the status of protections, brief descriptions of these protections, and links to more information on both short-term protections directly related to emergency rental assistance and long-term tenant protections intended to outlast the pandemic.

As noted above, 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. To date, more than 150 state and local laws have been passed to support tenants' rights and housing stability. These tenant protections can be separated into five categories: (1) state and local eviction moratoriums; (2) pauses on the eviction process to allow for ERA processing; (3) mandates that require landlords to apply for or share information on ERA before filing an eviction and that limit tenant fees; (4) increases to tenant representation during the eviction process; and (5) protections that reduce discrimination and promote housing stability.[144]

The pandemic highlighted the need for additional tenant protections but also presented opportunities to learn how existing protections can be strengthened and expanded in the future. Emergency rental assistance and the short-term tenant protections tied to ERA will eventually expire, but long-term tenant protections, like source-of-income discrimination laws, right to counsel, and sealed eviction legislation, will outlast the pandemic and can guide housing advocates and policymakers looking to pass similar protections in their own jurisdictions.

NLIHC recommends the following actions at the state and local levels to protect tenants, prevent evictions, and support long-term housing stability:

- State and local governments should make permanent those ERA-era tenant protections enacted during the pandemic and continue to pass tenant protections focused on all stages of the eviction process to advance housing as a human right.
- States and localities must assess their tenant-protection laws and programs to ensure maximum effectiveness in preventing evictions, from improving enforcement of source-of-income discrimination laws to adequately funding right-to-counsel programs.
- ERA programs, states, and local courts should develop collaborative partnerships to ensure the successful implementation and enforcement of tenant protections at all stages of the eviction process.
- State and local courts should centralize eviction filing and outcome data for facilitating access to ERA to those in need, enforce existing tenant protections, and track housing stability outcomes for tenants who may have been evicted.
- Long-term federal tenant protections, such as a Tenant's Bill of Rights, source-of-income discrimination laws, "just cause" eviction standards, right to counsel, and sealed eviction legislation, are needed to ensure that all renters – across all jurisdictions – share a basic level of protection.

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Looking for more information?

- For more information on emergency rental assistance, please visit the ERASE website
- If you have a question, please contact the ERASE team at eraseproject@nlihc.org

NATIONAL LOW INCOME HOUSING COALITION

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.

National Low Income Housing Coalition
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