



January 28, 2021

The Honorable Janet L. Yellen  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, DC 20220

The Honorable Marcia Fudge  
Secretary Nominee  
U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410

Dear Dr. Yellen and Congresswoman Fudge:

The COVID-19 relief legislation signed into law in late December allows America's renters and housing providers access to immediate support. The undersigned national associations that represent for-profit and non-profit owners, developers, managers, housing cooperatives, lenders and housing agencies involved in providing affordable rental and cooperative housing to millions of American families are pleased Congress approved COVID-19 relief that includes rental assistance, which protects renters from losing their homes and ensures the owners' ability to maintain the viability of the rental housing stock.

On January 19, the U.S. Treasury Department published [Frequently Asked Questions \(FAQ\)](#) regarding program requirements of the \$25 billion Emergency Rental Assistance Program (ERAP), approved in the COVID-19 relief package. While the FAQs answer 14 questions, providing information on participation requirements, record keeping, and definitions, we feel further clarification is needed. Please find our January 7 letter ([linked here](#)) urging the Department to allocate the funding as quickly as possible and to provide a framework for implementation that will maximize states' and localities' ability to get the much-needed assistance into the hands of the eligible recipients. As you develop supplemental FAQs and additional guidance, we ask that Congressional intent be acknowledged in ensuring that funds are distributed swiftly, efficiently and in a manner that allows for flexibility that gets assistance to all of those in need. Importantly, Congress saw the great need for rental assistance across the nation and across income levels and required that 90% of the funds be used for rental and utility assistance. Attempts to divert funding away from efforts that are not intended to directly address rental and utility arrears and current rent and utility obligations are well-intentioned but will continue to threaten housing stability of millions of renters who are in great need. We urge the Administration to prioritize rent relief to as wide a population as possible and we urge you to clarify and address the following issues:

- Eliminate placing the resident in the position of accruing debt too great to ever be repaid.
- Provide full payment of arrears and prospective rent.
- Clarify and streamline the process by which funds can be paid directly to the property owner on behalf of the resident to ensure the financial obligations of the property are met.
- Provide concrete information to owners to apply for assistance on behalf of the resident.

- A non-response to outreach by a resident or an owner needs a review in light of the current COVID-19 public health emergency. To the extent practicable, measures should be taken to avoid direct contact, while also ensuring clear communication and documentation. If an owner has explicitly denied acceptance of the direct payment, clear steps should be provided to the resident as to how to fulfil their obligations under the lease.
- It is common for residents who are significantly behind in rent, with no prospect of repayment, to cut off communication with their landlord for fear of eviction or other penalties. Without communication available, it is essential that landlords are given flexibility in their ability to apply on behalf of a tenant.
- Confirm rent on land on which a manufactured home is sited is eligible for assistance.
- Allow residents to self-certify and/or utilize attestation forms to seek assistance, rather than requiring burdensome paperwork.
- Collect documentation directly from the owner, including copies of the lease, proof of rent in arrears/currently owed, copy of resident CDC declaration, and if applicable; the landlord's W-9.
- Application intake should be flexible and allow for electronic and paper application options.
- Establish criteria allowing those who have received assistance to recertify continuing need in future months and be flexible enough to incorporate an influx of additional resources as future COVID-19 relief measures are implemented.
- No funds should be disbursed for initiatives or expenses that are outside the scope of the statute. With limited funds, the rental assistance program must focus on paying arrears which have financially burdened both tenants and properties for the past 10 months.
- Provide state and jurisdictional allocations and information as to how to participate in the program for households and owners on the Treasury website with links to administering state and local entities.

We stand ready to work with you as you develop criteria to implement the Emergency Rental Assistance program. As the program is implemented, we request continued conversation and meetings with the Administration and our industry representatives to ensure efforts to administer the rental assistance program and other federal housing resources protect the long-term stability of the rental housing sector.

Sincerely,

CCIM Institute  
 Council for Affordable and Rural Housing  
 Institute of Real Estate Management  
 Manufactured Housing Institute  
 Mortgage Bankers Association  
 National Affordable Housing Management  
 Association

National Apartment Association  
 National Association of Home Builders  
 National Association of Housing  
 Cooperatives  
 National Association of REALTORS  
 National Leased Housing Association  
 National Multifamily Housing Council

cc: Robert R. Redfield, MD, Director,  
 Centers for Disease Control and Prevention  
 Rochelle P. Walensky, MD, MPH, Centers  
 for Disease Control and Prevention

The U.S. Senate Committee on Banking,  
 Housing, and Urban Development  
 The U.S. House Committee on Financial  
 Services