

RENTAL ASSISTANCE TOOLKIT

August 2021

EVICTION MORATORIUM: SMALL HOUSING PROVIDERS HEAD BACK TO COURT

Housing providers brought their case back to federal court on August 4, after the Centers for Disease Control and Prevention (CDC) extended the eviction moratorium through October 3. Read about the [lawsuit](#) and partial eviction ban in this [breaking news alert](#). And read the [emergency motion to vacate](#).

OPINION: THE CDC'S EVICTION MORATORIUM IS ALMOST CERTAINLY ILLEGAL

The Washington Post Editorial Board offers the opinion that the CDC eviction moratorium violates the rule of law. ([Full story below](#).)

NAR URGES FULLER RENTAL ASSISTANCE ROLLOUT UNDER NEW EVICTION BAN

The CDC announced an extension of the eviction moratorium until October 3 in targeted areas seeing high COVID-19 transmission, which accounts for the majority of the country. NAR is assessing the order's impact on housing providers. Read the latest [here](#).

FAQ ON NEW CDC BAN EXTENSION FOR HOUSING PROVIDERS

Housing providers have special considerations when it comes to their residents under the new eviction ban. What precautions should they take? How they can ensure the building is protected and sustainable? This [FAQ](#) answers those questions.

EVICTION MORATORIUM UPDATE... NEW ORDER AND NAR RESPONSE

NAR Chief Advocacy Officer Shannon McGahn issued a statement on the new CDC order on August 4. NAR is assessing the order and exploring all possible legal options moving forward. ([Read the full statement below](#).)

MEDIA: PROPERTY OWNERS CONTINUE TO STRUGGLE AMID PANDEMIC ENVIRONMENT

Ongoing eviction moratoriums continue to destabilize the housing market, hurting both property owners and tenants. These [articles](#) showcase this issue in the media and how various groups are being harmed.



Talking Points

NAR RENTAL ASSISTANCE RESOURCES

NAR offers a webpage devoted to information on rental assistance from a wide variety of sources, including links to emergency rental assistance programs, government resources, and more. Access it at [NAR.realtor](https://www.nar.realtor).

CONSUMER FINANCIAL PROTECTION BUREAU RENTAL ASSISTANCE TOOLKIT

The Consumer Financial Protection Bureau announced a new online tool where renters and housing providers who continue to face pandemic-related financial hardships can locate and apply for payment assistance for rent, utilities, and other expenses. The new Rental Assistance Finder, at consumerfinance.gov/renthelp, can guide housing providers and renters to aid programs in their area.

BACKGROUND AND TALKING POINTS ON THE EVICTION MORATORIUM

The latest CDC action is focused on halting evictions in counties with “heightened levels of community transmission.” Based on current CDC COVID-19 data, the order is estimated to cover 90 percent of the population. In addition, application of the moratorium follows the level of COVID infection rates in a given county as tracked by the CDC, which may be lifted or reinstated based on rates of transmission over 14 consecutive days.

Check out the latest [background information](#) and talking points [here](#).

NEW RESEARCH FIGURES ON SMALL HOUSING PROVIDER IMPACT

Nearly 60% of renter households not caught up on rent live in 1-to-4-unit properties that are typically run by mom-and-pop landlords. Read the latest [research](#) from NAR Senior Economist Scholastica (Gay) Cororaton.

STATE AND FEDERAL OUTLOOK: EVICTIONS, FORECLOSURES AND RENTAL ASSISTANCE

Read the [latest issue](#) for additional information on the federal eviction moratorium extension, state-level eviction moratoriums, and rental relief programs.



Talking Points

Opinion: The CDC's eviction moratorium is almost certainly illegal

The Washington Post

Opinion by the Editorial Board

August 4, 2021 at 6:01 p.m.

Americans behind on their rent payments may have cheered when the Centers for Disease Control and Prevention announced Tuesday a new eviction moratorium for most of the nation, this one set to last until October. With some 6 million people owing back rent, many of them victims of covid-19's sudden economic damage, there is little doubt about the need for aid, particularly because people are about to be thrown out of their homes just as disease rates are climbing.

But the CDC's action was almost certainly illegal. Under pressure from House Speaker Nancy Pelosi (D-Calif.) and progressive Democrats, President Biden and the CDC may have muted accusations that they failed to stick up for desperate renters. The administration also may succeed in giving many Americans a short reprieve from eviction. But perhaps not as long as advertised — because courts may strike it down before October — and at the expense of the rule of law.

The CDC crafted its new moratorium after a previous eviction ban expired last week. The old policy covered the whole country and had been in place since September. But Supreme Court Justice Brett M. Kavanaugh warned in June that the CDC had “exceeded its existing statutory authority by issuing a nationwide eviction moratorium” and that it could not be renewed absent “clear and specific congressional authorization.” Justice Kavanaugh was the crucial fifth vote that stopped the court from immediately striking down the old eviction ban, giving states an extra few weeks to begin distributing some \$47 billion in federal rental aid.

The CDC on Tuesday tried to get around this ruling by issuing a new ban that covers only areas “experiencing substantial and high levels of community transmission.” This amounts to 80 percent of counties. Advocates argue that the rise of the delta variant may have changed the court's thinking and that the new policy is more closely tailored to the worsening public health situation. They also argue that Justice Kavanaugh may uphold another temporary policy while federal rental aid money is still only trickling out.

That is unlikely. The law the CDC relies on to justify its unilateral eviction ban authorizes the agency to impose measures such as “inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals,” not to freeze the rental housing market month after month in nearly the entire country. Many landlords are themselves desperate, on the hook to keep up their properties, pay taxes and service loans whether their tenants pay their rent. Justice Kavanaugh in June clearly signaled willingness to disregard their plight — and the law's limitations — for another few weeks, not months.



Talking Points

It is not the Biden administration's fault that states have been slow to get federal rental aid to needy Americans. But the administration's only reasonable options were to push states to get their acts together and to request that Congress give the CDC the authority it needed to reimpose an eviction ban. Indeed, the onus remains on states and localities; they cannot count on the new moratorium, issued on shaky legal ground, to absolve them of responsibility to aid renters.

If the Trump administration had ignored a direct warning from the Supreme Court, Democrats would rightfully line up to condemn the president. Mr. Biden does not get a pass on the rule of law because his heart is in the right place.

Eviction Moratorium Update... New Order Issued and NAR Response

Post on [The Hub](#), August 4, 2021 by Shannon McGahn

Last night, the Centers for Disease Control and Prevention issued an extension of the eviction moratorium through October 3.

NAR is assessing the order and exploring all of our legal options forward. We have already taken this case to the Supreme Court, so our dedication to defending property rights is evident and will not wane. We should have news on this front very soon.

This order covers only counties where COVID-19 cases are rising. Officials admit even this targeted approach covers 90% of the U.S. population and will still struggle to pass legal muster.

It is unfortunate for all parties to find ourselves back in this position of uncertainty. Tenants continue to accrue mounting debt-up to 18 months of back rent in some cases-while small housing providers struggle to pay their bills and maintain their properties. It is not a sustainable situation for anyone.

The solution is and always has been rental assistance. Congress has already allocated nearly \$50 billion. Efforts now should be put toward the administration of those programs.

Attempting the continuation of a moratorium the Supreme Court has already indicated isn't legal sends a mixed message to those it was designed to help and fails to address the real solution to the problem.

NAR has partnered with the White House during the past several weeks in the effort to get rental assistance funds into the hands of housing providers on behalf of their struggling tenants. We will continue that effort.

