



Sep 25, 2021

## National CAPACD ERA Survey Fact Sheet

Last month, National CAPACD conducted a survey of our membership to assess the impact of the Eviction Moratorium and Emergency Rental Assistance (ERA) Program. A total of 26 organizations in 13 states and 20 Metropolitan Statistical Area (MSAs) responded to the survey, including 20% that are housing counseling agencies, 19% that are community organizing groups. Since the first phase of the ERA program, National CAPACD members have been working with their local and state agencies to conduct in-language outreach, supporting renters with applying for assistance, providing interpretation services, advocating for renters in negotiations with landlords, and translating and deploying information and resources on its implementation as it becomes available. The findings confirm that many communities have not been sufficiently protected by the Centers for Disease Control's Eviction Moratorium for reasons ranging from language access and egregious landlords looking to push tenants out of their homes, to smaller landlords not understanding the program. A summary of our findings is included below.

### Issue #1: Challenges to Accessing ERA Programs

- **Barriers:**
  - Eligibility requirements (15%)
  - Language access issues (13%)
  - Landlords unwilling to accept rental assistance (11%)
  - Lack of income documentation (10%)
  - Lack of community outreach (10%)
  - Lack of lease (10%)
  - Landlords not verifying applicant information (10%)
  - Lack of funding (6%)
  - Technology requirements/lack of access to computers and/or the Internet (4%)
  - ERA website issues (2%)
  - Cumbersome and complex application processes (2%)
- **Delays in program availability.** More than 74% of respondents shared that ERA programs in their region launched between February-July 2021 with sharp jumps in April and June.
- **Lack of outreach and in-language information** 41% of respondents said in-language information regarding ERA is unavailable in their communities. In response, respondents are providing interpretation for renters (32%), providing in-language counseling (24%), translating outreach materials (23%), and translating application forms (18%).



- More than half of respondents (52%) said that **less than 25% of renters that their organization serves are able to access rental assistance**
- **Bottleneck in deployment of funds** In some regions, funds are not being released until 3-4 months after applications are received. This serves as a major deterrent to landlords' willingness to participate in the program.
- **Insufficient level of support and additional unaccountable burdens on renters** While renters are able to access rental assistance in some regions, it isn't covering the full cost. In other cases, landlords are adding late fees or increasing rents to unachievable levels. Respondents shared discrepancies in states like California, where landlords were required to apply for assistance for up to 80% of back rent covered, but if a tenant applied without landlord approval, only 25% would be covered.

### **Issue #2: Continued Evictions Despite the Eviction Moratorium**

- **A total of 37% of respondents said that some tenants who were at risk of eviction were protected due to the latest eviction moratorium.** Eviction protection in states like California with state moratoriums are offering better protections, as one respondent shared that “most of the stayed cases are via the California Moratorium (which offers more protections), not the CDC Moratorium. We've seen an increase of extremely technical Unlawful Detainers (Eviction Forms) that appear to be filed to get around the moratorium.”
- **Among renters who were facing eviction, 25% were served an eviction notice, 18% left before the eviction notice was served, and 7% were evicted by landlords (i.e., changed locks).** In places, such as Akron, Ohio, for example, groups reported that evictions continued to occur.
- **Almost 50% of respondents said “only sometimes” or “rarely” are community members able to submit declarations for temporary protection from eviction under the latest eviction moratorium, and 37% of respondents were “not sure”.**

### **Issue #3: Contentious Relationship Between Landlords and Tenants**

- **Our findings confirm the contentious relationship between landlords and tenants, particularly in larger, investor-owned buildings.** This is clearly a major factor in preventing the success of program implementation in high-cost markets. Unfortunately, the COVID-19 pandemic has not stymied the pushing out of low-income tenants from many cities.



- **Landlords are unwilling to cooperate with tenants, market availability, or even accept rental assistance given the potential to evict and increase rent after eviction moratoriums are lifted.**
- **Our groups reported that landlords are avoiding renewing leases, ignoring repairs, employing harassment tactics, dramatically raising rents, and retaliating when presented with a CDC declaration.** In addition, when landlords assume the renter will be able to access rental assistance, groups report landlords adding unrealistic late charges to rental fees. **In some cases, tenants are also refusing to cooperate with landlords in applying for rental assistance.**

#### **Issue #4: Barriers for Homeowners with rental units or “Smaller” Landlords**

- In cases where there are smaller landlords or homeowners with accessory units, **challenges are related to confusion and lack of understanding of the program and concerns around being able to increase rent or delays in receiving payments.**
- Some have **limited English proficiency and need assistance in the application process.** There is **very little information that is made available in-language for limited English Proficient (LEP) landlords.**
- Some are **hesitant to accept rental assistance given restrictions on increasing rent when they are struggling to meet mortgage payments.**
- In some cases, some are **hesitant to release information such as taxes or share more about rental units.**
- Groups also reported a **desire to work through the housing courts once the moratoriums are lifted, rather than negotiating with the tenant.**
- In cities where there is an eviction diversion program to reduce burdens on the courts, **renters are able to access housing counselors but there is little support for landlords.**

#### **Issue #5: Only Renters Immediately Facing Eviction are Eligible**

- **Many renters have found other means (some potentially risky) to make rental payments and therefore do not have overdue rent.** Some may have borrowed money or used credit to pay rent, and may have depleted any savings and/or incurred debt to make rental payments.
- **Renters who are not behind on rent or in court proceedings are unable to access ERAP.** However, tenants continue to pay rent despite the moratorium and some are even paying backed-up rent from 2020.



- **One organization shared that they are only allowed to disburse rental assistance to those in court proceedings.** Every month, this organization disburses \$1 million but remarks that it is still a slow process that can only be processed through the courts.
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### **Recommended Reforms**

- **Increase in-language information and outreach to both tenants and homeowners, as well as small landlords through partnerships with community-based organizations that can provide in-language counseling and assistance for small landlords and homeowners.**
  - **Remove overburdensome barriers to eligibility for rental assistance and drive assistance directly to renters.** Do not rely on landlord participation, allow for renters to provide self-attestation of income and amount owed.
  - **States and Municipalities should move to put stronger renter protections in place, such as Right to Counsel,** to prevent any unjust evictions outside of court proceedings.
  - **Expand availability of mediation services and other court diversion programs,** particularly for smaller landlords and homeowners. As eviction moratoriums are lifted, mediation services will serve as an effective way to negotiate, particularly in cases where both the tenant and owner are limited in resources and access to counsel.
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### **About National CAPACD**

National CAPACD is a coalition of more than 100 local organizations spanning 21 states and the Pacific Islands that advocate for and organize low-income Asian American and Pacific Islander (AAPI) communities and neighborhoods. We are a U.S. Department of Housing and Urban Development (HUD) Housing Counseling intermediary, and support an array of economic justice services, community organizing, and leadership development among our member organizations that are working to reach thousands of low income renters in most of the major metropolitan areas every day. These organizations offer culturally and linguistically competent services in more than 30 languages. In 2020, National CAPACD members collectively raised nearly \$25 million in mutual aid assistance that was deployed to community members to preserve their housing as well as meet other needs. For more information, please contact [policy@nationalcapacd.org](mailto:policy@nationalcapacd.org).