

## **CDC Issues New Eviction Moratorium By: Nancy Cordes, CBS News**

The Centers for Disease Control and Prevention is issuing a new, "temporary" moratorium on evictions, the agency announced Tuesday. The new moratorium, which CBS News confirmed earlier Tuesday would be announced, will be separate from the CDC's prior eviction moratorium that expired over the weekend.

The new order, which expires on October 3, covers counties experiencing "substantial" or "high" levels of COVID-19 spread. One source familiar with the moratorium said that currently includes about 80% of U.S. counties, or 90% of the U.S. population.



"The emergence of the delta variant has led to a rapid acceleration of community transmission in the United States, putting more Americans at increased risk, especially if they are unvaccinated," CDC Director Rochelle Walensky said Tuesday. "This moratorium is the right thing to do to keep people in their homes and out of congregate settings where COVID-19 spreads."

The latest moratorium order could face legal challenges, after the Supreme Court determined the Biden administration couldn't extend the previous moratorium eviction through executive action. As the latest eviction moratorium was about to end last week, the White House told Congress to act, while Congress called on the White House to act. The White House said it lacked the authority to extend the moratorium.

In June, the Supreme Court decided in a 5-4 decision to allow the eviction ban to continue through the end of July. One of the justices voting in the majority, Justice Brett Kavanaugh, made clear that he would block any additional extensions unless there was "clear and specific congressional authorization."

President Biden told reporters Tuesday afternoon he isn't sure whether the new eviction moratorium will pass constitutional muster, but any litigation would "probably give some additional time" for rental assistance funds to flow.

"Any call for a moratorium based on the Supreme Court's recent decision is likely to face obstacles. I've indicated to the CDC I'd like to look at other alternatives," the president told reporters Tuesday.

Meanwhile, public health officials raised concerns that allowing evictions to resume while the coronavirus is surging again could lead more people to get sick and die unnecessarily.

*NAA will continue to aggressively advocate against eviction moratoriums and continue calls for fully funding and swiftly delivering rental assistance. Your voice will be heard on Capitol Hill, within the administration and in the media. NAA has spoken with multiple national news outlets – including The New York Times, CBS and The Wall Street Journal – and remains in contact with key policy makers and agencies daily.*

## **NAA Sues Federal Government to Recover Industry's Losses Under Nationwide Eviction Moratorium**

The National Apartment Association is taking legal action to recover damages housing providers suffered under the CDC's eviction moratorium and ensure that similar measures can never again be enacted.

The National Apartment Association (NAA) on July 27 filed a lawsuit in the U.S. Court of Federal Claims to recover damages on behalf of rental housing providers that have suffered severe economic losses under the U.S. Centers for Disease Control and Prevention's (CDC) overreaching federal eviction moratorium.



As NAA members and the broader industry understand all too well, the CDC's prolonged order directly harms those who provide critically needed rental homes, jeopardizes the long-term viability of housing infrastructure and sets a dangerous precedent for future disaster-response measures. NAA is the first to take legal action seeking compensation for the CDC's policy and to ensure that similar "emergency measures" cannot be enacted again.

The suit, *NAA et al. v. The United States of America*, is open to all rental housing providers who have been damaged by and are operating in a state or locality under the federal eviction moratorium. It argues that the CDC order has curbed several rights under the U.S. Constitution including: The right to access the courts, the freedom to contract with others absent government interference, the right to demand compensation when property is taken by government action and the limits of federal government power. NAA is confident that the CDC will be found to have acted illegally based on court rulings to date, including the most recent decision from the Sixth Circuit Court of Appeals affirming that the CDC's order was unlawful.

Apartment owners and operators have continued good-faith operations throughout the public health and economic crises of the COVID-19 pandemic and are now left to shoulder \$26.6 billion\* in debt not covered by federal rental assistance. As a low-margin industry where just 10 cents of each rental dollar is considered "profit," this debt is unsustainable and could devastate countless small businesses while simultaneously damaging housing affordability. Though NAA is proud of the unprecedented adaptability and flexibility of our members and the broader industry, we firmly believe that it is time to make rental housing providers and their residents whole again.

Relief efforts to date have fallen short of fully supporting the rental housing industry and its residents. While the federal government has allocated roughly \$47 billion in federal rent relief, it took more than nine months for Congress to do so. Further, that amount also does not cover the full and continuously growing amount of rent debt – current estimates indicate an additional \$26.6 billion on top of Congress' \$47 billion rental assistance funding. The government's prolonged inaction, paired with a sluggish rollout and the CDC eviction moratorium, has only allowed unfunded rent debt to continue to balloon.

## **NAA Sues Federal Government to Recover Industry's Losses Under Nationwide Eviction Moratorium** *Continued*

Since the onset of the pandemic, NAA has aggressively advocated to protect the interests of the rental housing industry. We have called out the dangers and short-sightedness of eviction moratoria and asked for its sunset to both the 116<sup>th</sup> and 117<sup>th</sup> Congresses, in meetings with both the recent and current White House administrations and across all levels of media. NAA was among the first to take legal action challenging the CDC's authority last September by joining the National Civil Liberties Alliance lawsuit, Richard Lee Brown, et al. v. Secretary Alex Azar, et al.

The COVID-19 pandemic was devastating, and if we do not act, the housing affordability crisis may grow into a catastrophe where the government could invoke more "emergency" remedies. With the meter on rent debt still running, political will waning and Congress moving past COVID-relief measures, NAA is putting up the greatest fight yet and asking the courts for two things: Fair compensation for damages suffered under the unlawful CDC order and an assurance that the federal government can never do this again.

NAA is proud to take action for our members and work to stabilize the industry. The rental housing industry cannot be held solely responsible for an unfunded rent debt while the federal government trades one crisis for another. Ultimately, making housing providers and their residents whole again will help secure the long-term health of the rental housing industry and ensures households across the income spectrum have continued access to rental housing.

## **Kansas Emergency Rental Assistance (KERA) Program Now Open to Wichita Residents** *By: Todd Pittenger, KSAL.com*

Kansas Housing Resources Corporation, the state's housing finance agency, has provided \$21,670,326.79 in emergency rental and utility assistance to 4,054 Kansas households experiencing financial hardship as a result of the COVID pandemic.

According to the organization, the funds made available through the Kansas Emergency Rental Assistance program were allocated to the state through the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021.

The Centers for Disease Control and Prevention previously issued a temporary nationwide halt in residential evictions to prevent the further spread of COVID-19. That moratorium is set to expire on July 31, 2021. Kansans who may be facing eviction due to financial hardship incurred as a result of the COVID pandemic are encouraged to apply for KERA assistance.

"It's so gratifying to know our team is getting these funds out the door and into our communities where they are so desperately needed," said Ryan Vincent, KHRC's Executive Director. "We recognize that the need is vast, and we look forward to providing this crucial assistance to Kansas tenants, landlords, and service providers as the program continues."



Time before federal  
rental assistance was  
funded



# Legislative News



## **Kansas Emergency Rental Assistance (KERA) Program Now Open to Wichita Residents** *Continued*

KERA funds helped Gary Evert and his wife Sheryl, a couple in their 70s, remain in their Olathe home. “To anyone else out there who has applied for KERA I would say, ‘Don’t get discouraged. We’re all nervous, but when a customer service representative can calm you down and give you a sense of hope, it’s quite comforting,’” Evert said.

The KERA program previously served Kansans across the state except Wichita residents, who were served by the city’s rental assistance program. Recognizing the importance of serving tenants and landlords in our state’s most populous city, Wichita residents are now eligible to apply for the KERA program, though duplication of benefits is prohibited.

To be eligible to receive KERA assistance, tenants must rent their homes and must have experienced a documented financial hardship as a result of the COVID-19 pandemic. Examples of hardship may include qualifying for unemployment benefits, experiencing a reduction of household income, or incurring significant costs due to the pandemic. Additionally, the tenant’s household’s income may not exceed 80 percent of the area median income.

Nyrica Hall of Topeka was facing eviction when she applied for KERA assistance. Her request resulted in funding for rental and utility assistance, as well as a \$600 lump sum payment to cover internet service. “When the customer service manager called me back to say my application had been approved, I cried,” Hall said.

KERA applicants must provide the following documentation:

- Past-due utility bill or overdue rent or eviction notice from April 2020 to the present
- Signed lease identifying the residential unit and the rental payment amount
- 2020 Federal Income Tax Return as filed with the IRS (if tenant hasn’t filed 2020 federal income taxes, their W-2 wage statement and all IRS 1099 forms are acceptable)
- Proof of identification, including a current state-issued photo ID, court filing notice, or mail from a federal, state, county, or city agency displaying the rental unit address

Approved KERA applicants are eligible to receive a maximum of 12 months of rental and utility assistance, in addition to reasonable fees and security deposits. Qualified applicants are also eligible to receive a lump sum of \$600 in credit to their internet providers to cover past-due or future internet costs, at a rate of \$50 per month for 12 months. Tenants may apply for three months of prospective assistance at a time. Program guidelines require tenants and landlords to apply jointly, with payments made directly to the landlord or service provider.

The KERA program builds on KHRC’s success administering the Kansas Eviction Prevention Program, a statewide rental assistance initiative funded by the federal CARES Act in 2020. In the roughly 60 days that program was in statewide operation, KHRC processed 10,138 applications for more than \$25.8 million in requested funding, ultimately serving 27,200 Kansans with \$17,007,614 in rental assistance.

To learn more, to locate a community partner to assist with the application process, and to apply, visit [kshousingcorp.org/emergency-rental-assistance](https://kshousingcorp.org/emergency-rental-assistance).

**YOU MAY QUALIFY FOR THIS PROGRAM  
IF YOUR TENANT(S) MEET ALL OF THE FOLLOWING CRITERIA:**

- + Tenant rents their home.
- + Tenant's 2020 income did not exceed 80 percent of their area's median income.
- + At least one member of tenant household is experiencing documented financial hardship as a result of the COVID pandemic. Hardship may include reduction in household income, loss of employment, or significant COVID-related expenses (medical bills, personal protective equipment, child care costs, equipment or Internet costs to enable online work/schooling, etc.).
- + At least one member of tenant household is uncertain where they will stay or may become homeless without assistance.
- + Applicant can provide valid proof of identification

**Applicants must not have received assistance from other sources for the same costs and time period for which they are requesting KERA assistance.**



**HOW TO APPLY:**

- 1 Landlord completes online certification.
- 2 Tenant submits online application.
- 3 Landlord and tenant are notified when application is processed.
- 4 If approved, landlord and/or service provider(s) receive funds directly from KHRC.
- 5 Landlord and/or service provider(s) applies assistance to tenant's account.

**LEARN MORE AND APPLY ONLINE**

[kshousingcorp.org/emergency-rental-assistance/](http://kshousingcorp.org/emergency-rental-assistance/)

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