

The CDC Extends the Federal Eviction Moratorium until March 31

Last Friday, the U.S. Centers for Disease Control and Prevention (CDC) extended its federal eviction moratorium order until March 31, at the direction of the President. The extension of the CDC order is without any substantive changes, however, the Administration is contemplating changes moving forward. Renters'

rights activists have already weighed in with the kinds of revisions they would like to see in the order. The National Apartment Association (NAA) and many others in the rental housing community will be heavily engaged in our advocacy efforts as well.



The timing of this new deadline is likely intended to coincide with consideration of another COVID-19 stimulus package by Congress. On January 14, the President proposed a long-term extension of the federal moratorium as part of his “American Rescue Plan.” Of primary concern to the rental housing industry is a drastic federal eviction moratorium, to be in effect through September 30, and a call to fund legal assistance for renters in eviction court. On a positive note, the package also includes funding for \$25 billion in rental assistance, \$1,400 per-person stimulus checks for qualifying households and enhanced unemployment benefits.

While the President has recognized the millions of struggling mom-and-pop rental housing owners and operators and claimed that his proposals will also be an “economic bridge to recovery,” we know that housing providers cannot continue to shoulder the financial impacts of the pandemic alone under the constraints of eviction moratoriums and other emergency renter protections. Further extensions of the federal eviction moratorium would cripple rental housing providers. More help is needed, and it is needed now without an eviction moratorium attached.

While we applaud the Biden Administration for calling on Congress to pass further rental assistance, action must be taken immediately. We call upon Congress to enact additional rental assistance without delay, so that rental housing providers of all portfolio sizes may be made whole and can continue operations – keeping America’s 40 million renters safely housed while the pandemic continues to rage. Additionally, we urge Congress to avoid any extension of any eviction moratorium, which only cripples housing providers, hurts housing affordability and the very Americans it seeks to protect.

As always, NAA will continue to aggressively advocate for policies that meet the unique needs of our industry. We welcome the opportunity to work with the Biden Administration and 117th Congress to craft the most effective short- and long-term solutions to the housing crisis created by the COVID-19 pandemic. With the inauguration behind us, the legislative process will begin in earnest. Look for more details on NAA's Advocate conference in the coming days as the federal eviction moratorium will be a major focus during our virtual meeting.

Federal Rental Assistance Rollout Begins



This past December, President Trump signed into law a much-needed \$900 billion COVID-19 relief package, combined with the \$1.4 trillion budget that will fund the government through September 2021. Importantly, the new law includes \$25 billion in dedicated emergency rental assistance funding, administered by the Department of the Treasury (USDT). Like renters, housing providers continue to struggle with the financial impacts of COVID-19 and were relieved to see that rental assistance was included in the latest package.

Throughout the COVID-19 emergency, the National Apartment Association (NAA) and its real estate coalition partners have utilized the power of their collective voice to advocate for the unique needs of the industry. We continue this work with Congress and the administration to ensure that rental assistance funding is distributed quickly and efficiently to support renters and housing providers in need.

As USDT has begun the certification process for states, territories, tribes and local governments to receive allocations of the funding, NAA is focusing its work on the implementation process and has asked USDT to consider the following principles:

- **Flexibility in Eligibility** - Provide flexibility with regard to demonstration of eligibility for those who participate in the program; a certification or affidavit of need should be sufficient. In regard to applications of housing providers on behalf of their residents, proof of consent should be easily demonstrable.
- **Reduction of Barriers** - Enable funds to be utilized without extraneous requirements that undermine Congressional intent. The legislation is clear that these funds can be used for past and current rent, utilities and “other expenses related to housing incurred directly or indirectly, to the novel coronavirus disease.” States should be prohibited from imposing additional prerequisites on housing providers or renters. Examples include obligations for owners to accept discounted rents or additions to the length of the lease term without corresponding payment.
- **Emphasis on Communication** - Widely communicate the availability of assistance and application processes for housing providers and renters, ensuring extensive distribution of resources and closes any gaps in service to those in need.
- **Safe Harbors** - Allow for safe harbors by which states, localities, and program participants may operate in good faith and within the intent of the legislation. The overarching goal should be to assemble reasonable supporting documentation and enable the assistance to flow quickly and efficiently. Consider providing sample forms for housing providers and renters to use.
- **Broad Support for Housers** - Ensure broad distribution of funds across rural, suburban and urban markets, and to all property types – small, medium and large – including residents in manufactured housing communities and housing cooperatives.

According to Moody’s Analytics, there was a \$70-75 billion backlog in rent owed in January. Property owners have been bearing the brunt of the costs associated with the federal eviction moratorium, keeping families in their homes throughout the pandemic while receiving minimal rental income. It is critical that state and local governments act to help protect these Americans and our critical housing stock by requesting rental assistance funds, ensuring the public health crisis does not become a housing crisis.



Legislative News



Kansas Rental Assistance Funds Update

The City of Wichita is expecting an estimated \$12M from the Treasury Department for the new Emergency Rental Assistance Program (ERAP). The State, through Kansas Housing Resource Corporation will be administering approximately \$170M. Sedgwick County has chosen to decline direct funding and have the State administer on behalf of Sedgwick County residents. The only other local government in Kansas eligible for a direct allocation is Johnson County who is expected to accept their direct allocation. Wichita City Officials are working closely with the State to align policies and collaborate on outreach and form and policy development. They have agreed to launch their programs simultaneously and will need until late February to March 1st before they will be ready to accept applications.

With the program in development, here is what we know:

The ERAP program is different than the Emergency Assistance Program (EAP) that has been administered through WSCCAP. ERAP provides funding not only for rent and utility arrears but also for prospective rent for up to a total of 12 months of assistance for qualifying households (possible extension to 15 months if funding & need allow). To qualify, households **must have a COVID-19 related financial impact**, income less than 80% Area Median Income (AMI), and be at risk of homelessness or housing instable (arrears). The program requires we have a preference and prioritize those with income less than 50% AMI or those that were employed in 2020 but have been unemployed for the 90 days prior to application.

The chart of Area Median Income for Wichita can be found below.

Income Limit Category	Persons in Family							
	1	2	3	4	5	6	7	8
Very Low 50% AMI	\$25,450	\$29,050	\$32,700	\$36,300	\$39,250	\$42,150	\$45,050	\$47,950
Low Income 80% AMI	\$40,700	\$46,500	\$52,300	\$58,100	\$62,750	\$67,400	\$72,050	\$76,700

The AAGW will continue to follow these updates and keep our members informed. On February 18th, during our monthly membership meeting, Ryan Vincent, Executive Director of the Kansas Housing Corporation, is scheduled to join our call and give an overview of the upcoming program.

HUD’s Equal Access Rule & Talking to People Who Are Transgender or Nonbinary

HUD’s Equal Access Rule requires equal access to HUD programs without regard to a person’s actual or perceived sexual orientation, gender identity, or marital status. Housing providers that receive HUD funding or have HUD-insured loans are subject to the Rules. A person who identifies as LGBTQ who has experienced (or is about to experience) discrimination by a HUD-funded or FHA-insured housing provider or lender may report it to HUD by either filing a complaint or by contacting a local FHEO office.

HUD's Equal Access Rule & Talking to People Who Are Transgender or Nonbinary *Continued*

Mind your pronouns and avoid misgendering

If you meet someone new and they haven't made it clear which pronouns they use, ask. The more we do this as a society, the more natural it'll become, like asking "How are you?" And honestly, it'll save you more awkwardness down the line. A simple, "Hey Jay, how do you like to be referred to? What pronouns do you use?" will suffice.



So, whether it's he, she, they, or something else: When someone lets you know their pronouns, accept them. Using the wrong pronouns (or *misgendering*) is a sign that you don't believe someone knows who they are better than you do. It can also be a form of harassment when done intentionally.

Don't say this: "She's a former woman who now goes by Michael."

Say this instead: "That's Michael. He tells amazing stories! You should meet him sometime."

Respect their identity and refrain from deadnaming

It's unfortunately not uncommon for trans people to still be referred to by their given (as opposed to affirmed) names. This is called deadnaming, and it's an act of disrespect that can be easily avoided by simply asking, "How do you like to be referred to?"

Many trans people put a lot of time, emotion, and energy into the name they use and it should be respected. The use of any other name can be harmful and should be avoided whenever possible. A full summary of a transgender person's gender history and anatomy are usually completely irrelevant. So, when you talk about or with a person, be careful to not prioritize your curiosities. Stick to topics that are relevant to why the person came to see you.

Don't say this: "Dr. Cyril Brown, named Jessica Brown at birth, made a pivotal discovery in the journey toward curing cancer."

Say this instead: "Thanks to Dr. Cyril Brown, an amazing scientist, we may now be one step closer to curing cancer."

Think twice about your words

Remember, you're speaking about another person. Another human being. Before you open your mouth, think about what details may be unnecessary, diminish their humanity, or result from your own discomfort.

For example, it's important to acknowledge that this person is — you guessed it — a person. Referring to members of the trans community as "transgenders" denies their humanity. It's just like how you wouldn't say "he's a black."

HUD's Equal Access Rule & Talking to People Who Are Transgender or Nonbinary *Continued*

They're people, and being transgender is just a part of that. Terms like "transgender people" and "the transgender community" are more appropriate. Likewise, many trans people dislike the term "transgendered," as if trans-ness was something that happened to them.

Rather than coming up with new or shorthand ways to describe trans people, just call them trans people. This way, you avoid accidentally stumbling onto an offensive slur.

Note that even if one person identifies with a term or slur, it doesn't mean everyone does. It doesn't make it OK for you to use that term for all the other trans people you meet.

And in most instances, being trans isn't relevant when interacting with people. Other details that probably aren't necessary to question are whether the person is "pre-op" or "post-op" and how long ago they started transitioning.

You don't talk about cis people's bodies when you introduce them, so extend the same courtesy to trans people.

Don't say this: "We met a transgender at the bar last night."

Say this instead: "We met this awesome dancer at the bar last night."

Navigating new territory can be difficult, we get it. And while these guidelines may be helpful, they're also just guidelines. People are diverse, and one size will never fit all — especially when it comes to self-reference. The important part is to remember to focus on the other's feelings — not your own.

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