

## **Congress Approves \$25 Billion in Rental Assistance—Who Can Use it, And How** *By: Mark Shelburne, Novogradac*

The \$2.3 trillion omnibus spending and COVID-19 relief bills, which became law on Dec. 27, include \$25 billion in emergency rental assistance. The need is overwhelming. Estimates for unpaid rent range from \$34 billion to \$70 billion, and the amount will undoubtedly continue rising into the new year. While the federal prohibition against evictions for nonpayment is in effect through January, bringing balances current is the only long-term solution.



### **DISTRIBUTION**

The U.S. Department of Treasury will distribute the funds to states, tribes, territories, the District of Columbia and units of local government with populations exceeding 200,000. The definition of locality is “a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.”

With regard to the split between states and localities, the new law references a provision in the CARES Act. In order to receive funding, a unit of local government must submit a certification Treasury. These amounts will reduce what goes to the state. Novogradac has produced estimates of what is available to the nation’s largest cities and counties.

### **ELIGIBLE USES**

Agencies receiving the funds must expend at least 90% to pay

- rent;
- rental arrearages;
- utilities and home energy costs;
- utilities and home energy costs arrearages; and
- other housing expenses resulting from the pandemic.

The assistance can last up to 12 months, plus an additional three months if necessary to ensure housing stability. There are two categories of uses from the remaining 10%: other services related to the pandemic (e.g., case management) and/or agencies’ administrative costs.

### **ELIGIBLE HOUSEHOLDS AND PRIORITIES**

The funds may only benefit tenant households meeting each of the following three criteria. Agencies also must ensure the assistance is not duplicative of any other federally funded source.

1. One or more individuals has:

- qualified for unemployment benefits, or

## Congress Approves \$25 Billion in Rental Assistance—Who Can Use it, And How *Continued*



- experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the pandemic (applicant must attest in writing).

2. One or more individuals demonstrate a risk of experiencing homelessness or housing instability, which may include:

- a past due utility or rent notice or eviction notice,
- unsafe or unhealthy living conditions, or any other evidence of such risk.

3. The household income may not exceed 80% of the area median (AMI) based on either:

- total income for calendar year 2020, or
- confirmation of monthly income at the time of application.

When documented by tenant confirmation, the agency must re-determine eligibility every three months. The assistance does not count as income for purposes of determining eligibility under any federally funded program.

Among eligible households, the policies must prioritize those with:

- incomes less than 50% of AMI, or
- at least one individual unemployed as of the date of the application who has not been employed for the preceding 90 days. Agencies may add other criteria.

### **EXPENDITURE PROCESS**

Agencies will make payments to landlords and/or utility providers on behalf of eligible households. If a landlord or utility provider is unwilling to participate, the agency may provide funding directly to eligible households.

Landlords may either assist renters in applying for assistance or apply on behalf of renters. With the latter, the landlord must:

- obtain the signature of the tenant (may be electronic),
- provide documentation of the application to the tenant, and use any payments received to satisfy the tenant's rental obligations.

While certainly not all that is needed, this \$25 billion – and the other \$286 billion in individual assistance the agreement provides – will help millions of residents get and stay current on their financial obligations and assist thousands of housing providers rebuild depleted reserves and ensure they can pay their own bills.

## Who Will Get the Vaccine Next? *By: NAA*

Anticipation for the COVID-19 vaccine is quickly growing following the Food and Drug Administration's (FDA) December 11 approval of an emergency use authorization for the first vaccine candidate. Healthcare workers across the country received the first doses just days later, but many are questioning where they, or their profession, falls in the vaccine distribution plan.



The same is true for the apartment industry. Since the COVID-19 pandemic hit the U.S. in March 2020, residential property management staff have been on the frontlines, keeping their residents safe at home and ensuring rental housing remains operational. These industry professionals are doing important work as essential workers and should be given priority in the next phase of the vaccination program. Maintenance professionals, many of whom are people of color and have been disproportionately affected by COVID-19, are in most need of protection from the virus, given their close contact with residents in their homes.

At the highest levels, federal agencies have been coordinating with manufacturers on the production and delivery of the vaccine for months through Operation Warp Speed, and now millions of doses are being distributed to the states, upon the FDA's issuance of an emergency use authorization. For its part, the U.S. Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) has released its recommendations to states for the initial phases of the COVID-19 vaccination program. In Phase 1a, health care personnel and residents of long-term care facilities were prioritized for vaccination.

On December 20, the ACIP approved its recommendations for the next phases of the vaccination program, by a vote of 13 to 1.

- In phase 1b, the ACIP recommends that "frontline essential workers" and persons 75 years and older be prioritized next in the distribution of the limited supply of vaccine doses. The term "frontline essential worker" is defined to include: fire fighters, police officers, corrections officers, food and agricultural workers, Postal Service workers, manufacturing workers, grocery store workers, public transit workers, those who work in the education sector (teachers, and support staff), as well as daycare workers.
- In phase 1c, the ACIP recommends prioritization of "other essential workers", adults 65 to 74, and adults 16 to 64 with high risk medical conditions.  
NAA is awaiting more guidance from the CDC as the ACIP's recommendations do not become official until they are published in the CDC's Morbidity and Mortality Weekly Report.

While "other essential workers" seems vague, it is likely that the CDC will defer to Cybersecurity and Infrastructure Security Agency (CISA) guidance to identify the critical populations of essential workers that should be prioritized in phase 1c. In light of National Apartment Association (NAA) and National Multi Housing Council (NMHC) advocacy, CISA guidance already acknowledges that apartment communities are part of our nation's critical infrastructure and the essential work that rental housing professionals provide, including:

- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency "at-home" situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services.

## Who Will Get the Vaccine Next? *Continued*

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Given that Phase 1c populations include upwards of 129 million Americans, it is vital that the NAA affiliate network continue their advocacy in the states to ensure that property management staff are given priority in distribution of the vaccine as they are the ultimate decision-makers. The CDC's guidance is influential but not binding. Even with all of the federal government's planning, initial allocations of the vaccine will fall short in terms of vaccinating tens of millions of frontline workers and high risk Americans, and states already have plans for set asides within CDC's broad categorizations to meet their own unique needs. According to

the New York Times, Arkansas, for example, has proposed including workers in its large poultry industry, while Colorado wants to include ski industry workers who live in congregate housing.

The Atlantic cites research in their reporting which found 70 percent of American workers can be defined as essential and 42 percent as frontline workers that directly interact with the public. This makes it all the more challenging for the countless lobbyists and advocacy organizations that are vying for dedicated allocations of the vaccine for their industry. We must build a groundswell of support for the rental housing industry to separate us from the crowded field.

To assist the NAA affiliate network in their advocacy efforts, NAA has put together a letter template to use as a starting point for reaching out to your appropriate state agency. For more information, contact [Nicole Upano](#), Director of Public Policy.

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