

National Updates

FEMA

The Biden administration announced on November 9 that FEMA will continue to cover the full costs of COVID-19 response activities eligible under FEMA's Public Assistance (PA) program through April 1, 2022. The 100% cost reimbursement includes costs associated with non-congregate sheltering for individuals experiencing homelessness. In an executive order issued in January 2021, President Biden directed FEMA to cover 100% of approved costs. He extended the guidance through the end of the year.

The Urban Institute finds that while awareness of federal emergency rental assistance (ERA) has increased dramatically, many landlords and tenants are unsure of whether they qualify for aid, and many are not applying. Additional outreach is still needed to address what ERA covers and who is eligible to apply.

- FCC Broadband Proceeding

FCC proceeding aimed at refreshing the record on broadband competition and choice in the multifamily and commercial real estate sectors. The effort is specifically geared towards looking at agreements between property owners and broadband providers with respect to revenue/cost sharing, exclusive wiring, marking and access agreements. A joint NMHC and NAA survey showed 79% of apartment properties represented had at least two broadband providers on site.

- Renovation, Repair and Painting Rule

Changes are being made with respect to requirements regarding lead-based paint activities on pre-1978 properties. The EPA is withdrawing its FAQ pertaining to Property Management Companies effective March 21, 2022. The FAQ exempts Property Management Companies from certification and recordkeeping requirements if they hired certified firms to perform covered activities and did not themselves employ workers who engaged in covered tasks. Comments on this issue are due the first week in December so stay tuned on this matter.

- Eviction Update

At least eight states have some semblance of an eviction moratorium in effect. New York offers protections against non-payment of rent due to COVID-19 hardship until January 15, 2022. New Jersey offers protections to low- and moderate-income households until December 31, 2021. New Mexico offers stay on evictions in cases where tenants can show inability to pay rent. Oregon, Nevada, Minnesota, Washington DC, and Massachusetts offer eviction protections to renters who can provide evidence of rental assistance applications.