

LINGERING CHALLENGES WITH THE CARES ACT EVICTION MORATORIUM

The CARES Act established a temporary 120-day moratorium on evictions due to nonpayment of rent, applicable to federally-backed and federally-assisted housing. This section of the CARES Act also instituted what should have been a temporary notice procedure, requiring housing providers to notify covered residents 30 days before filing for eviction after the moratorium ended on July 24, 2020.

Because of a drafting error, this federal “notice-to-vacate” requirement remains a contested issue in courts today, long after the moratorium itself ended. It supersedes states’ established eviction laws—exceeding required notice procedures and further delaying the start of the eviction court process.

NAA Viewpoint

We urge Congress to correct lingering challenges with the CARES Act eviction moratorium by striking subsection (c) from Section 4024 of the CARES Act (15 U.S.C. 9058), making clear that this emergency notice procedure for housing providers has ended.

Backlogs in the courts are stretching from weeks or months to more than a year in some jurisdictions. Meanwhile, owners and managers face even more lost rent while they wait. This is particularly challenging for operators of subsidized housing and mom and pop landlords and ultimately hurts the tens of millions of Americans who work in the industry as well as the nation’s renters.

For professional owners and operators of rental housing, eviction is a last resort. Their businesses always do better when units are occupied and when they can fully meet their obligations to their residents, employees, creditors and the communities that they serve.

We urge Congress to strike subsection (c) from Section 4024 of the CARES Act (15 U.S.C. 9058), making clear that this emergency requirement for housing providers has ended. The CARES Act notice-to-vacate requirement was intended to be a temporary, emergency extension of notice during the height of pandemic uncertainty, and not a permanent change to states’ eviction laws.

NAA is a strong supporter of the Respect State Housing Laws Act (H.R. 802 introduced by Congressman Barry Loudermilk (R-GA-11)) which eliminates the CARES Act notice requirement and returns eviction policies back to the states. We need Congress’ support of H.R. 802’s passage to ensure that property owners can effectively manage their properties and continue to provide quality, affordable housing to their communities.

The Eviction Process for Nonpayment of Rent

Evictions are costly and difficult for all parties involved. Yet, the eviction process is critical for resolving landlord and tenant disputes and for housing providers to legally recover possession of their property when a renter violates the lease agreement. The eviction process varies widely by jurisdiction.

THE PANDEMIC

Court backlogs are stretching the eviction process from a number of weeks or months to more than a year in some jurisdictions, while housing providers remain unpaid. Housing providers are utilizing all available resources to keep their residents housed throughout the pandemic and being as flexible as their circumstances allow.

However, housing providers cannot continue to operate their businesses and maintain the housing for their renters with sustained losses in rental income.



Learn more about the breakdown of a dollar of rent at: www.naahq.org/dollarofrent

Housing Affordability

Housing affordability is a complex issue driven by diverse factors including income levels, land and natural resource availability, population growth and housing supply-demand imbalance. To remedy these issues, lawmakers at all levels of government must prioritize solutions that increase the supply and availability of rental housing at all price points.

Barriers to development remain a significant impediment to increasing the supply of rental housing. NAA conducted a national survey to better understand these factors and what constraints they place on the supply of rental housing. This research suggests that physical, administrative and regulatory barriers contribute to the rising cost of development and halt the delivery of quality affordable rental housing.

NAA strongly urges members of Congress to support passage of bipartisan legislation – the Yes in My Backyard Act (YIMBY) Act – which encourages localities to eliminate discriminatory land-use policies, increase thoughtful and inclusive development practices, and requires periodic reporting of local efforts to reduce barriers to development. This legislation, which passed the House in 2019 with overwhelming bipartisan support.

NAA Viewpoint

Housing affordability is a complex issue that is best remedied by solutions that increase the supply and availability of rental housing at all price points.

In addition to reducing barriers to development, lawmakers must prioritize enhancements to the Section 8 Housing Choice Voucher (HCV) program. The HCV program has long served as America's primary method of rental assistance. This public-private partnership has the potential to be the nation's most effective, short-term solution to address housing affordability, but only if the red tape associated with the program can be reduced. Housing provider participants experience inconsistent support from public housing authorities (PHAs) to manage programmatic challenges, inspection delays, and prescribed rents and rent increases, which do not keep pace with market rates. This creates uncertainty in their operations and undermines the ability of owners to properly manage risk.

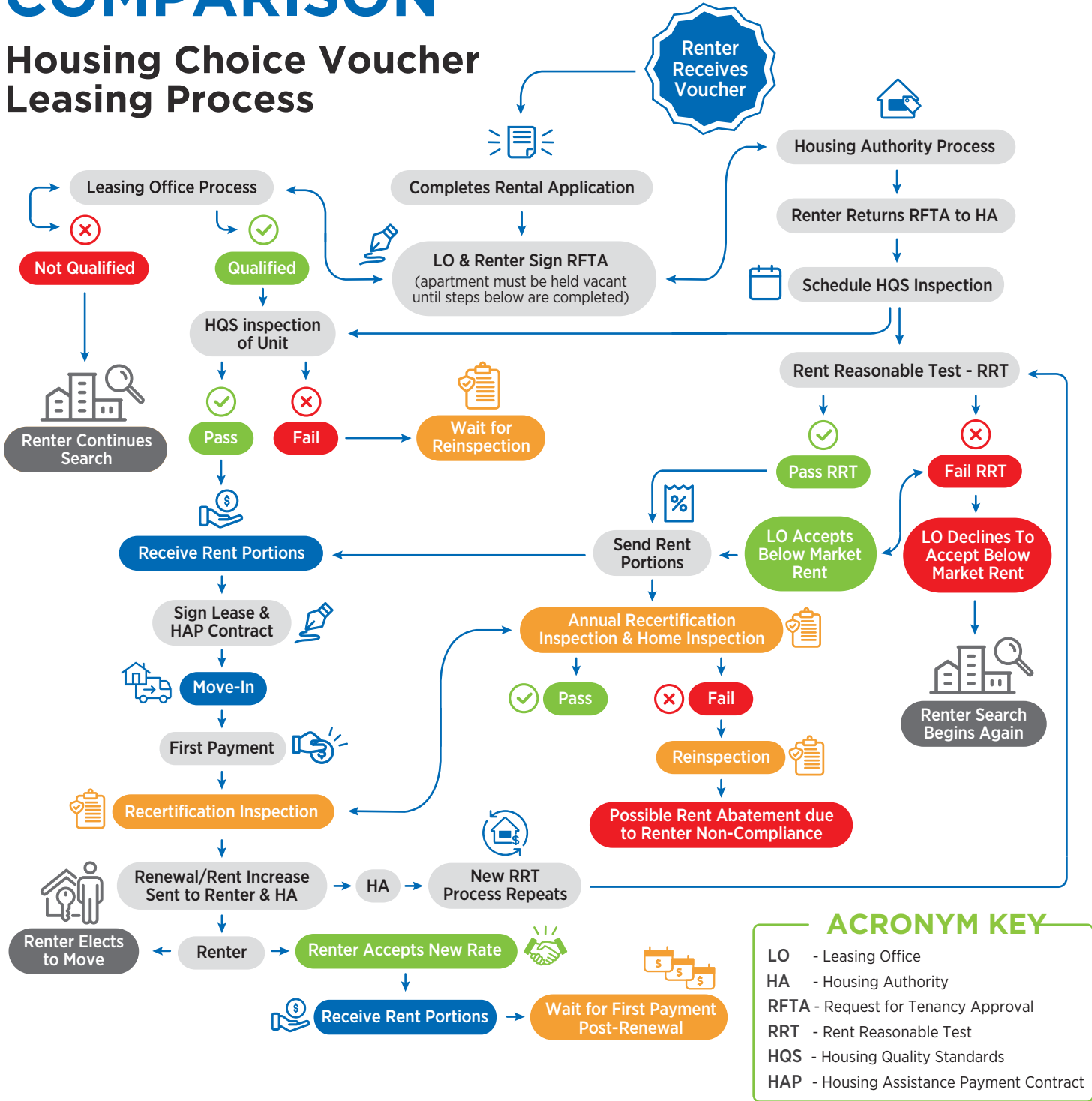
NAA is a proud supporter of the Choice in Affordable Housing Act (S. 32 introduced by Senators Chris Coons (D-DE) and Kevin Cramer (R-ND)) and calls on Congress to pass this bipartisan legislation immediately. This bill would to improve housing affordability nationwide by

- Creating grants to incentivize housing provider participation in the HCV program;
- Providing security deposit assistance for low- and moderate-income renters and protect owners' investments;
- Allowing greater flexibility in the scheduling of unit inspections; and
- Establishing a fund for PHAs to hire staff as dedicated "landlord liaisons".

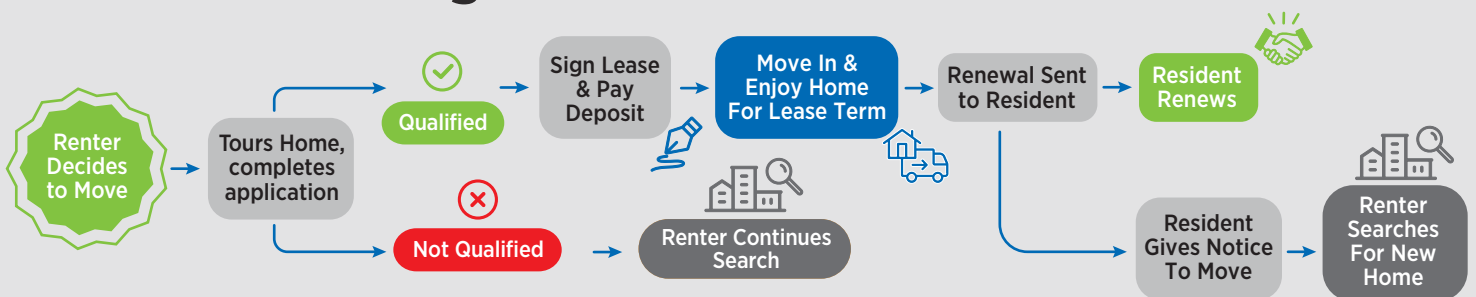
The Choice in Affordable Housing Act would encourage greater housing provider participation and improve outcomes and access to areas of opportunity for low- and moderate-income renters.

LEASING PROCESS COMPARISON

Housing Choice Voucher Leasing Process



Standard Leasing Process



Housing Supply Bills in the 117th Congress

- Housing is Infrastructure Act – H.R. 4497 (117th). Introduced by Congresswoman Maxine Waters (D-CA). Reintroduction TBD.
- Yes In My Back Yard Act (YIMBY) – H.R. 3198, S. 1614 (117th). Introduced by Congressmen Killmer (D-WA) and Hollingsworth (R-IN) and Senators Schatz (D-HI) and Young (R-IN). Reintroduction Expected.
- Better Planning and Land-Use for Accessible Neighborhoods Act (BETTER PLAN Act) – S. 768 (117th). Introduced by Senator Cortez-Masto (D-NV). Reintroduction Expected.
- Build More Housing Near Transit Act H.R. 2483, S. 3237 (117th). Introduced by Congressman Peters (D-CA) and Senator Schatz (D-HI). Reintroduction Expected.
- Housing Supply and Affordability Act – H.R. 2126, S. 902 (117th). Introduced by Congresswoman Blunt-Rochester (D-DE) and Senator Klobuchar (D-MN). Reintroduction Expected.
- Affordable Housing Credit Improvement Act – H.R. 2573, S. 1136 (117th). Introduced by Congresswoman DelBene (D-WA) and Senator Cantwell (D-WA). Reintroduction Expected.
- Middle Income Housing Tax Credit – S. 3365 (117th). Introduced by Senator Wyden (D-OR). Reintroduction Expected.
- Revitalizing Housing, Economies, and Business (REHAB) Act – H.R. 1483 (117th). Introduced by Congressman Blumenauer (D-OR). Reintroduction Expected.