



July 21, 2020

The Honorable Benjamin S. Carson, Sr. M.D.
Secretary, U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, D.C. 20410

Subject: Expiration of the CARES Act Eviction Moratorium

Dear Secretary Carson,

On behalf of more than 5,000 mission-driven senior housing and other aging services providers, thank you for your service to low-income communities throughout the pandemic. We support HUD's efforts to prevent housing instability during the COVID-19 emergency; in particular, we welcome the agency's ongoing actions to implement the CARES Act eviction moratorium and issue relief needed by residents and providers of HUD-assisted housing as they adapt to the crisis.

As HUD continues to serve households with low incomes through COVID-19, we ask the agency to urgently address the impending expiration of the eviction moratorium for non-payment of rent, and to provide further relief and guidance for housing communities experiencing financial distress resulting from the crisis, including communities serving older adults.

Extending the Current Eviction Moratorium

First and foremost, we urge HUD to extend the current eviction moratorium for non-payment of rent, which expires on July 24th. Households with low incomes continue to be severely financially impacted as the virus resurges in many areas of the country; in fact, a recent nationwide study found that 32% of surveyed renter households had difficulty making their July rent payments in full, and that Americans in general are increasingly concerned about evictions and foreclosures.¹

Following enactment of the CARES Act in late March, HUD implemented resident protections from the CARES Act to temporarily prohibit adverse action against assisted residents for non-payment of rent or fees. However, the agency recently extended the moratorium on evictions only for HUD-insured or HUD-held mortgages under forbearance, leaving the vast majority of residents in the assisted portfolio unprotected.

LeadingAge shares HUD's concerns about the imminent loss of these resident protections as a result of expiring CARES Act provisions, as stated by the agency in its recent CARES Act Eviction Moratorium Notice to property owners and agents:²

HUD is concerned about the termination of the eviction moratorium in Section 4024 of the CARES Act. While the extension of the eviction protections provided to tenants residing in properties under forbearance will assist some renters, many tenants in properties with FHA-

¹ ["Missed Housing Payments Continue Piling Up In July,"](#) Apartment List, July 8, 2020

² ["CARES Act Eviction Moratorium,"](#) Notice H 20-07, July 1, 2020

insured and HUD-held mortgages and Section 202 and Section 811 financing not under forbearance, who have experienced income loss, will not be similarly protected.

Although Congress may approve an extension of the evictions protections in the HEROES Act, the legislation is likely to be enacted after the expiration of the CARES Act protections, leaving a gap in the moratorium. Even if Congress enacts eviction and late-fee prohibitions retroactively for HUD-assisted residents, in the meantime, those households are likely to receive 30-day termination notices and begin accruing late fees immediately upon expiration of the current protections, resulting in distress and housing instability of unmatched proportions.

As HUD seeks to fulfill its mission of advancing affordable housing options for households with low incomes, we urge HUD to utilize the statutory and regulatory authority granted by Congress in the CARES Act (42 USC Sec. 3535(d)) to issue an extension of the current resident protections. **Using this authority, and in light of the health emergency, we ask that HUD issue a complete extension of the current eviction moratorium for the housing programs it administers for the duration of the national emergency declared by the President on March 13, 2020 (“COVID-19 emergency”).**

In the absence of an agency-issued extension, we ask that HUD issue guidance to proactively prohibit termination notices for non-payment of rent, and the accrual of late-fees, during the gap period between the expiration of the CARES Act and the enactment of additional or continued protections by Congress.

Expanding Relief and Guidance for Residents and Providers

Since March, HUD has taken a number of actions to support both residents and providers of HUD-assisted housing struggling with the economic impacts of the COVID-19 emergency: In addition to communications to residents and owners regarding the CARES Act eviction and late-fee moratorium, HUD also provided flexibilities for Multifamily Housing providers to complete interim income recertifications in a timely but safe manner.

We applaud HUD’s actions and ask that the current flexibilities remain in place throughout the emergency; we also urgently ask the agency to take additional actions to support housing providers as they navigate increasing rates of lost revenue and unbudgeted expenses resulting from COVID-19. In particular, we ask HUD to swiftly award the remaining CARES Act relief funds for Project-Based Section 8, Section 202, and Section 811 housing communities, both for revenue loss through rent declines and extended vacancies, and for exorbitant and unanticipated costs incurred by providers to keep communities safe. We are aware that HUD is working on the distribution of these funds, and the arrival in communities’ accounts cannot come soon enough. Because the funds from the CARES Act are not likely to be sufficient to meet the financial needs of housing communities during the crisis, we will also continue to work with congressional appropriators for additional housing relief funds, which we urge the agency to award swiftly.

In addition, we ask the agency to support housing providers as they engage in extended repayment plans to keep families housed. To help Multifamily Housing owners maintain financial solvency through the crisis, we ask that HUD retroactively expand vacancy loss periods and amounts, while also extending the subsidy cutoff period after the sole resident of a unit passes away. We also ask that HUD issue additional vacancy claim flexibility that allows owners to temporarily claim the loss on a unit that is

occupied, but for which they are not receiving rent; as the resident repays their past-due amount over time, the owner would credit their monthly payment voucher from the agency, resulting in an even balance sheet in the long-run, but helping housing providers through the most financially-strained months. This kind of “financial vacancy” flexibility will help owners as they prioritize their commitment to the housing and health needs of residents, despite financial constraints.

Preventing Displacement and Hardship

During a pandemic, when the safest place to be is at home, we ask that the agency act urgently to protect households in need. As Congress deliberates continued eviction protections, HUD can and should urgently utilize its new statutory and regulatory authority to extend protections for impacted residents. Without agency action, our country’s low income households – those with the fewest resources to weather this dire crisis – will experience devastating displacement and broad economic hardship.

Thank you for your leadership during this crisis, and please don’t hesitate to reach out with questions to Juliana Bilowich, Director of Housing Operations and Policy, at jbilowich@leadingage.org.

In partnership,

A handwritten signature in black ink that reads "Katie Smith Sloan". The signature is written in a cursive, flowing style.

Katie Smith Sloan

President & CEO