



August 19, 2020

The Honorable Benjamin S. Carson, Sr. M.D.  
Secretary, U.S. Department of Housing and Urban  
Development  
451 7<sup>th</sup> Street SW  
Washington, DC 20410

The Honorable Steven T. Mnuchin  
Secretary, U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

The Honorable Robert Redfield  
Director, the Centers for Disease Control and  
Prevention  
1600 Clifton Road  
Atlanta, GA 30329

The Honorable Alex Azar  
Secretary, U.S. Department of Health and Human  
Services  
330 C St SW  
Washington, DC 20416

Dear Director Redfield and Secretaries Carson, Mnuchin, and Azar,

On behalf of our more than 5,000 aging services and housing provider members, LeadingAge urges you to act quickly on the President's recent "Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners."<sup>1</sup> Both residents and providers of affordable housing are under severe financial strain during the ongoing health crisis, and we need protections and financial support to avoid a nationwide housing crisis.<sup>2</sup>

At the end of July, CARES Act evictions protections expired without congressional action to extend them. Many state and local eviction moratoria have also lapsed; at the same time, costs for senior housing providers to keep living environments safe throughout the pandemic have increased, leaving low-income older adults communities without protections or support.

More than 1.1 million older adults with low incomes are served by federally-assisted housing, and senior housing providers have been on the front lines of the pandemic, adapting communities to be safe living environments for older adults throughout the crisis.

During a national health emergency, when the safest thing to do is shelter at home, our country needs more housing stability, not less. The President's executive order states: "That [eviction] moratorium has now expired, and there is a significant risk that this will set off an abnormally large wave of evictions...Those who are dislocated from their homes may be unable to shelter in place and may have more difficulty maintaining a routine of social distancing."

**While we have urged Congress and the Administration to return to the negotiating table to enact meaningful renter protections, paired with financial support for housing providers, we ask that your agencies take quick action on the orders issued by the President.**

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<sup>1</sup>["Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners;"](#)  
August 8, 2020

<sup>2</sup> ["Cheapest Apartments at Biggest Foreclosure Risk as Payments Fall,"](#) Bloomberg News; August 11, 2020

Specifically, we ask that you take each of the following actions immediately. When undertaken separately, these actions will not be sufficient to protect at-risk Americans throughout the ongoing health crisis, but when taken together, the following actions will help ensure the safety and solvency of our nation's low-income older adults:

- **Clarify the importance of housing stability during a pandemic:** The President's executive order directs the CDC and HHS to "consider whether halting residential evictions of any tenants for failure to pay rent are reasonably necessary to prevent the further spread of COVID-19." Data previously published by the CDC show the clear connection between housing instability and COVID-19 risk, stating that "many persons experiencing homelessness are older or have underlying medical conditions, placing them at higher risk for severe COVID-19-associated illness."<sup>3</sup> Additionally, the executive order itself cites CDC and HHS data showing that "growing and disproportionate unemployment rates for some racial and ethnic minority groups during the COVID-19 pandemic may lead to greater risk of eviction and homelessness or sharing of housing."

We ask that the Secretary of HHS and the Director of the CDC urgently announce the clear connection between evictions protections and COVID-19 resiliency, as requested by the executive order. Because of the critical nature of the situation, we urge you to make this determination immediately.

- **Authorize meaningful evictions protections:** The President's executive order directs HUD to "take action, as appropriate and consistent with applicable law, to promote the ability of renters and homeowners to avoid eviction or foreclosure resulting from financial hardships caused by COVID-19." HUD was granted regulatory and statutory broad waiver authority in the CARES Act (42 USC Sec. 3535(d)), and we ask that HUD utilize that authority to issue a complete extension of the recently-expired eviction moratorium for non-payment of rent. As requested in our July 21<sup>st</sup> letter to HUD,<sup>4</sup> the moratorium for housing programs it administers should be in place at least 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 of the eviction moratorium, we ask that HUD issue guidance to prohibit termination notices for non-payment of rent, and the accrual of late fees, until Congress is able to finalize deliberations on continued evictions protections.
- **Provide financial support for housing providers:** HUD-assisted senior housing communities are porous, independent living properties accessed by a variety of home- and community-based service providers. The staff operating these communities have gone above and beyond to keep residents as safe as possible through the pandemic, and we applaud the actions HUD has taken to address revenue loss at HUD-assisted housing communities. However, with further congressional relief delayed, we ask that HUD make all administrative and operational flexibilities available to senior housing communities, including extended and increased vacancy payments, support for providers engaging in extended repayment plans for rent delinquencies, and the swift allocation of any remaining or newly-approved COVID-19 relief funds. More detail is available in our letter to HUD Secretary Carson from July 21<sup>st</sup>, 2020.

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<sup>3</sup>["People Experiencing Homelessness,"](#) Centers for Disease Control and Prevention; August 10, 2020

<sup>4</sup> ["Expiration of the CARES Act Eviction Moratorium,"](#) LeadingAge; July 21, 2020

- **Protect assisted households and communities throughout the ongoing pandemic:** The executive order instructs HUD and the Department of Treasury to “identify any and all available Federal funds to provide temporary financial assistance to renters and homeowners who, as a result of the financial hardships caused by COVID-19, are struggling to meet their monthly rental or mortgage obligations.” While we support this effort, HUD’s affordable housing programs are severely underfunded, with three out of every four low-income renter household unassisted by federal rental assistance.<sup>5</sup> The vast majority of already appropriated HUD funding is obligated toward much-needed rental assistance for already-assisted households; to divert these funds would be to plunge low-income households into further housing instability. Recently-approved supplemental funds for HUD have been earmarked for shelters and homelessness prevention during COVID-19, pandemic reimbursements to housing providers for PPE and cleaning supplies, and payments to service coordinators to support low-income older adults cut off from family networks and community services. Instead of diverting funds from these critical services, we ask that HUD and the Department of Treasury work with Congress to approve the additional funds necessary to prevent evictions.

On behalf of low-income older adults and the providers who serve them, we thank you for your urgent action to provide protections and financial support for affordable senior housing communities. Please reach out with questions to Juliana Bilowich, Director of Housing Policy and Operations for LeadingAge, at [jbilowich@leadingage.org](mailto:jbilowich@leadingage.org).

In partnership,



Katie Smith Sloan

President & CEO

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<sup>5</sup> [“Three Out of Four Low-Income At-Risk Renters Do Not Receive Federal Rental Assistance,”](#) Center on Budget and Policy Priorities; August 2017