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Continuing Emergency Rental Assistance: How Jurisdictions Are Building on Treasury's ERA Program

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Introduction

In response to the COVID-19 public health emergency, more than 500 state, local, tribal, and territorial emergency rental assistance programs were created using $46.55 billion made available through the U.S. Department of the Treasury's (Treasury) Emergency Rental Assistance (ERA) program. Not only were the circumstances of the ERA program unique, but the magnitude of funding was also unparalleled.[1] Jurisdictions were permitted to use between 10% and 15% of their funds (or up to $5.7 billion in total) to cover administrative costs for staffing, technology, and other pieces of infrastructure. For some, especially jurisdictions that received substantial allocations for ERA, funding was large enough to allow administrators to enhance their systems. Program administrators were able to create new programming and infrastructure; form or deepen relationships with community-based organizations, judicial systems, and government agencies; and implement new systems or ways of operating by using self-attestation, categorical eligibility, and fact-specific proxy to minimize documentation requirements.

Despite the ongoing needs of low-income renters, Treasury's ERA program is quickly winding down. Though jurisdictions are allowed to use program funds through the end of 2025, nearly $38 billion, or almost 80% of funds, had already been spent by the end of 2022. As of July 2023, only 15% of programs were still open to new applications for assistance. The closure of these programs raises the question of what will become of the new infrastructure, networks, and innovative ways of operating that were adopted to administer Treasury ERA programs, as well as what resources will remain for households in need of emergency assistance. The effective end of Treasury's ERA program also coincides with the conclusion of other pandemic-era benefit programs, such as expanded Supplemental Nutrition Assistance Program (SNAP) assistance and Medicaid's continuous coverage requirement.[2] The cumulative loss of these vital safety-net programs will likely

1 For example, as a point of comparison, the Housing Choice Voucher program's budget was $23.48 billion in fiscal year (FY) 2020 (National Low Income Housing Coalition, "Housing Choice Vouchers," *Advocates' Guide 2020*, April 2021).

2 More information on the continuous coverage requirement can be found at, Center for Budget and Policy Priorities, "Unwinding the Medicaid Continuous Coverage Requirement," April 2023.

increase financial burden and housing instability among low-income households.

To better understand which elements of Treasury's ERA program will remain in place, the National Low Income Housing Coalition (NLIHC) surveyed administrators of Treasury ERA programs that had spent over 75% of their funds or were closed to new applicants. The survey focused on the possibility of an emergency rental assistance program continuing in their jurisdiction. Surveys were distributed at three different times: July 2022, September 2022, and May 2023. NLIHC and the Housing Initiative at Penn (HIP) also conducted semi-structured interviews with 10 program administrators to further explore what factors contributed to program administrators' decisions to continue emergency rental assistance and to retain other components of Treasury's ERA program. Interviews were conducted between February and March 2023.

Our research revealed the following:

- Almost half of surveyed jurisdictions (47%) and seven of the 10 interviewees said their jurisdiction is continuing or planning to continue emergency financial assistance beyond the depletion of Treasury ERA funds.
- Of the jurisdictions continuing emergency rental assistance, nearly half are doing so in part using temporary federal funds. More than half (57%) use, in part, state and local funds. The scale of funding for continuing emergency rental assistance is far less than that of Treasury's ERA program. Among the interviewees, plans to continue providing emergency financial assistance heavily relied on previously existing programs.
- To target limited funds, a majority of jurisdictions continuing emergency rental assistance prioritize households with active eviction cases.
- Thirty percent of surveyed jurisdictions and two of the 10 interviewees said their jurisdiction would not continue to provide emergency financial assistance. A majority of these jurisdictions identified the lack of a dedicated funding source (90%) and staff capacity (67%) as major barriers to continuing emergency rental assistance.
- One-third of jurisdictions not continuing emergency rental assistance are retaining or planning to retain at least one other component of their Treasury ERA program, such as legal services for tenants and housing navigation.
- Programs are maintaining elements of their ERA programs, like flexibilities and partnerships with courts, in other programs.
    - Of the jurisdictions continuing emergency rental assistance, nearly two-thirds allow applicants to self-attest to certain eligibility criteria. Just under 25% of surveyed jurisdictions are retaining at least one flexibility in non-emergency rental assistance programs.
    - More than 40% of survey respondents indicated their jurisdiction plans to retain eviction diversion services and maintain partnerships with courts beyond the conclusion of Treasury's ERA program.
- In some instances, agencies had never administered a direct assistance program prior to Treasury ERA. Interviews suggest that the Treasury ERA program fundamentally changed agencies' long-term focuses.

Context

To respond to the COVID-19 crisis, Congress passed two pieces of legislation that included funding for emergency rental assistance: the "Consolidated Appropriations Act of 2021" (referred to as "ERA1") and the "American Rescue Plan Act" (referred to as "ERA2"). The two acts provided a total of $46.55 billion in emergency rental assistance for low-income renters and tasked Treasury with administering the funds to jurisdictional grantees.

According to statutory requirement, ERA1 ended for most grantees in September 2022. The statutory spending deadline for ERA2, meanwhile, is September 2025, but it is likely that funds will be depleted well before that time. Between January 2021 and December 2022 alone, grantees spent approximately $37.8 billion – approximately 80% of funds – on financial assistance, housing stability, and administrative costs.[3] Furthermore, most programs have closed their public application portals to new applicants with little indication that they will reopen.[4]

Treasury is still in the process of reallocating ERA2 funds. While some programs may reopen if awarded additional funds, it is more likely that these funds will be spent assisting households that have already applied for assistance and are on a waitlist.

Methodology

Surveys

NLIHC designed and administered a survey to gain a broad understanding of how program administrators were planning for the end of Treasury's ERA program. Surveys were distributed to administrators of programs whose application portals were closed or whose spending data indicated that more than 75% of their Treasury funds had been disbursed. Survey responses were collected in July 2022, September 2022, and May 2023. Surveys administered in May 2023 included additional questions regarding the challenges involved in continuing an emergency rental assistance program, documentation requirements, and prioritization, as well as more specific questions about funding sources. Across the three time periods, 118 out of the 221 program administrators invited to participate in the survey responded (response rate = 53%).

Interviews

Interviewees were selected based on HIP's and NLIHC's existing partnerships with localities, with the aim of gathering information about state and local programs in a variety of geographic locations. Most interviewees were government employees, but those interviewed also included program administrators from local nonprofits and community action agencies. The jurisdictions included in the interview group were Los Angeles County, California; the Commonwealth of Kentucky; Louisville, Kentucky; Chicago, Illinois; the State of New York; the Commonwealth of Pennsylvania; Philadelphia, Pennsylvania; the State of Virginia; King County, Washington; and the State of Wisconsin.

NLIHC and HIP conducted semi-structured interviews in February and March of 2023 in an effort to answer three broad questions:

1. Will programs continue to provide emergency rental assistance? If so, what was the rationale for the decision that was made?
2. Aside from financial assistance, what other components (e.g., partnerships, infrastructure, tenant protections) of Treasury's ERA program will be sustained?
3. What lessons can be learned from programs that are transitioning to a more permanent footing?

Survey respondents and interviewees offered varying interpretations of what qualified as a continuing emergency rental assistance program. Some jurisdictions may provide forms of financial assistance

3 U.S. Department of the Treasury, *ERA1 & ERA2 Quarterly Demographic Data for Q1 2021 through Q4 2022.* Available at: https://bit.ly/46ENwEv

4 National Low Income Housing Coalition, *COVID-19 Emergency Rental Assistance Database, 2020-2022.* Available at: https://bit.ly/RA-database

to renters that they do not consider emergency rental assistance but that other jurisdictions would consider emergency rental assistance.

Treasury's ERA Program: Accomplishments and Future Needs

In general, interviewees felt that Treasury's ERA program accomplished its aim: to help the most vulnerable renters remain stably housed during an unprecedented health crisis. Administrators pointed to the number of individuals and households their programs served and how many evictions were prevented to illustrate ERA's accomplishments. In Wisconsin, administrators estimated the state program served approximately 160,000 individuals and 60,000 households. In Chicago, administrators pointed to projections that more than 20,000 evictions would follow the overturning of the Centers for Disease Control and Prevention's eviction moratorium by the Supreme Court in 2021, but the ERA program prevented many of those evictions from occurring. Other administrators believed ERA had prevented devastating financial losses for landlords, as well as the depletion of affordable housing units in their communities during the pandemic.

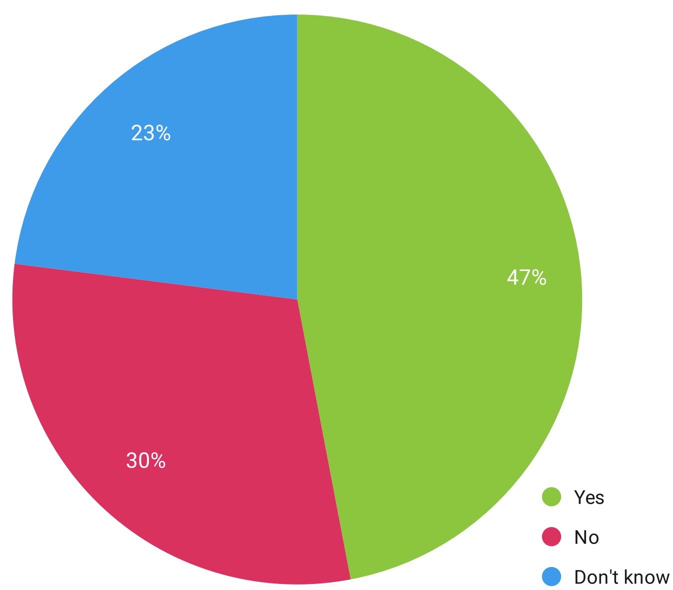
ERA was "a significant Band-Aid" for renters during the pandemic, as one administrator put it, but the program was not designed to address persistent issues in affordable housing or solve households' long-term challenges with housing instability. As time went on, some administrators saw some users of their ERA program cycle to other programs to seek additional emergency rental assistance. As another administrator explained, "I always caution [people to contextualize our ERA success] with the fact that this program alone is not able to make up for 40 years of systemic disinvestment in affordable housing."

All interviewed program administrators felt that there was still a need for emergency rental assistance in their communities, in addition to other housing supports. Administrators in Virginia cited data from the RVA Eviction Lab indicating that eviction filings across the state had increased substantially compared to the number filed during the pandemic and were approaching pre-pandemic levels.[5] Another administrator expressed "fear" over the number of households that could not pay their rent next month, while another felt "very anxious" for cost-burdened households. Yet administrators also discussed other housing interventions needed in conjunction with an emergency rental assistance program. In particular, administrators cited the need for a shallow rent subsidy program, more Housing Choice Vouchers, a renewed focus on capital projects, more assistance covering relocation costs, and stronger tenants' rights as additional supports that would help renters in their communities.

Continuing Emergency Rental Assistance: Considerations and Constraints

Almost half of survey respondents (47%, n=118) indicated their jurisdiction was continuing or planning to continue to provide some form of emergency rental assistance beyond the conclusion of its Treasury ERA

FIGURE 1 Surveyed jurisdictions continuing emergency rental assistance *(n = 118)*



5 RVA Eviction Lab, "Quarterly Data Report 4th Quarter 2022: October through December," January 2023.

TABLE 1 Interview sites and status of continuing emergency rental assistance

Program	Treasury ERA program status as of July 2023	Continuing an emergency financial assistance program?	Continuing a program that existed prior to the pandemic?	Continuing other components of Treasury ERA program?	Source of funds
King County, WA	Closed	Yes	Yes	Data sharing with courts, partnerships with nonprofits	State and local appropriations
Los Angeles County, CA	Closed	Yes	No	Not yet decided	American Rescue Plan Act funds
Louisville, KY	Open	Yes	Yes	Partnerships with courts and nonprofits	Community Service Block Grant (CSBG) and local appropriations
State of New York	Closed	Yes	Yes	Data sharing with courts, at least through 2025	Temporary Assistance for Needy Families (TANF) block grant, state and local funds
Commonwealth of Pennsylvania	Open in 40% of counties	Yes	Yes	Not yet decided	State-funded block grant
Philadelphia, PA	Closed	Yes	No	Staff infrastructure	Housing Trust Fund and local appropriations
State of Virginia	Closed	Yes	Yes	Categorical eligibility	State general funds
Chicago, IL	Open for eviction diversion	Unsure		Not yet decided	
Commonwealth of Kentucky	Open for eviction diversion	No		Partnerships with courts	
State of Wisconsin	Closed	No		Partnerships with nonprofits	

program. Thirty percent indicated they were not continuing or planning to continue to provide assistance, and 23% did not know at the time of the survey (**FIGURE 1**).

While all 10 of the interviewed program administrators felt there was an ongoing need for emergency rental assistance, only seven of the 10 jurisdictions were continuing to provide assistance (**TABLE 1**). Of those, four jurisdictions were continuing or expanding a program established prior to the pandemic, two were using funds to create a new program, and one was continuing a program established during the pandemic. At the time interviews were conducted, two jurisdictions were still determining whether they would continue their emergency rental assistance program, and two jurisdictions were not going to continue their program.

In the following sections, we explore challenges faced by program administrators and considerations cited by those who continue to provide emergency rental assistance, particularly regarding funding sources, the duration and types of assistance offered, and the eligibility and prioritization of different applicants.

Reasons for not continuing an emergency rental assistance program

Nearly one-third of surveyed jurisdictions (30%) and two of the 10 interviewees did not plan to continue their emergency rental assistance program. NLIHC's May 2023 survey included a question regarding the primary reason(s) jurisdictions were not continuing an emergency rental assistance program. Survey respondents overwhelmingly cited lack of funding (90%, n=21) and lack of staff capacity (67%). Other reasons that were cited included emergency rental assistance being provided elsewhere (e.g., through the state or a local nonprofit) (24%) and a lack of technological infrastructure (19%). Interviewees cited the same reasons for not continuing their program: lack of a dedicated funding source and lack of staff capacity.

Local program administrators faced challenges in finding a viable funding source to continue their emergency rental assistance program. "We don't have a really good delivery of those [emergency rental assistance] services in the city only because we don't have a good source of funding for it," one administrator explained. Some interviewees considered traditional federal funds – like those from the Community Development Block Grant (CDBG) or Emergency Solutions Grants (ESG) programs – to be too inflexible for use in an effective emergency rental assistance program.[6] For example, one administrator noted that while their program uses CDBG funds in dire emergencies, the amount of assistance provided per household is quite small – around $250 – and applicants must have a documented work history, proof of which can be burdensome. They felt that they were not "solving a problem with that money." Another local program administrator stated that "[if we use] CDBG funding, we have to use CDBG rules, and they're not going to allow us to run the kind of program that we did with ERA." Due to the inflexibility and short-term nature of current federal funding sources, interviewees aiming to continue providing ERA were focused on securing state and local general funds, even if they were temporary. On the other hand, administrators felt that "[i]f we kept getting cash, we could keep running [emergency rental assistance] forever."

Previous research by NLIHC and HIP has already identified lack of staff capacity as a significant challenge in the administration of ERA.[7] Consistent with this research, survey respondents and interviewees cited staff capacity as a challenge in continuing an emergency rental assistance program. Several program administrators noted that despite braiding funds together to maintain staff at a level sufficient to provide services, it was difficult to hire staff for a one- or two-year program. Some administrators also noted that because they manage other highly staff-intensive programs, like the Emergency Housing Voucher program, staff would have only limited time to devote to continuing an emergency rental assistance program.

Funding sources for emergency rental assistance programs

The ability to find or create a dedicated funding source was a key determinant of whether a jurisdiction would continue to provide financial assistance to renters. Interviewees described drawing on state or local appropriations, federal funds, or both to do so. In some cases, funding sources were temporary (e.g., American Rescue Plan Act funds), leaving questions about program longevity. In all cases, the funding being used to continue emergency rental assistance was only a fraction of what had been made available through Treasury's ERA program.

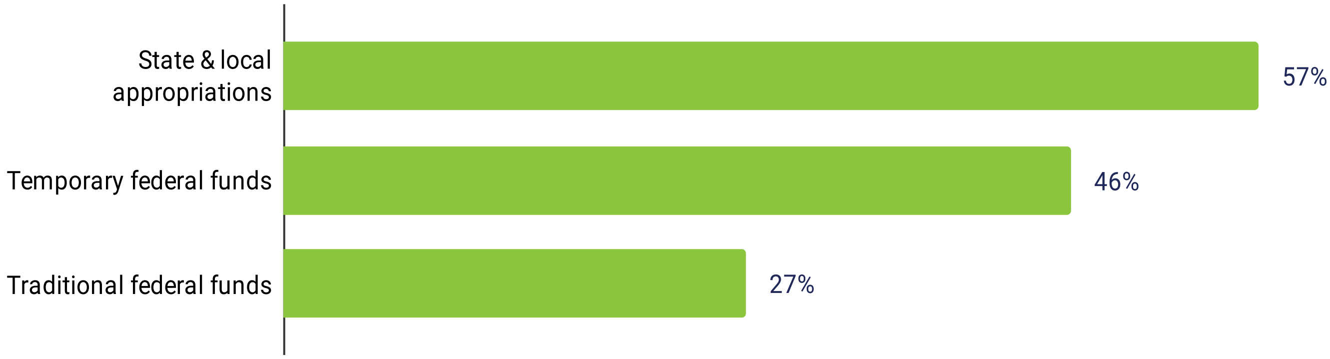
Jurisdictions continuing an emergency rental assistance program were found to be using a variety of funding sources. As shown in **FIGURE 2**, nearly 60% of such jurisdictions indicated that they are using state and local appropriations – both temporary and permanent – for funding. Forty-six percent of jurisdictions are using temporary federal funds (e.g., funds from the State and Local Fiscal Recovery Funds program), while only 27% of jurisdictions are using traditional federal funds (e.g., funds from the CDBG program). The fact that so many programs are relying on temporary federal funds may indicate that without more permanent funding sources, these programs may prove to be provisional.

Both the State of New York and the Commonwealth of Pennsylvania plan to continue emergency rental assistance through programs that existed prior to the pandemic by using a combination of federal and state funds. Before the pandemic, the State of New York funded an emergency rent relief program using TANF block grants, and the state plans to continue to rely on TANF to provide rental assistance into the future. New York will continue to use state and local funds to provide emergency assistance to those who have

6 CDBG provides a block grant to states and localities to support community development activities (e.g. housing rehabilitation efforts). A portion of funds may be used for "public services" such as job training, transportation, healthcare, and childcare. ESG is a grant program for states and larger cities and counties and helps fund homelessness prevention programs and emergency shelters. More information about these programs can be found in NLIHC's *Advocates' Guide 2023*.

7 Aiken et al., "Emergency Rental Assistance During the Pandemic: Implications for Design of Permanent ERA Programs," March 2022.

FIGURE 2 Funding source used by jurisdictions continuing an emergency rental assistance program *(n = 56)*



surpassed their lifetime TANF limits or who are not eligible to receive TANF. Pennsylvania will continue to provide emergency rental assistance through its Homeless Assistance Program, funded by a state block grant. At the time of the interviews, administrators of Pennsylvania's program were hopeful that additional funds could be allocated to expand the program's impact.

Similarly, King County, Washington, has for many years run an emergency rental assistance program designed to help children and other youth using funds from a local tax levy. In 2021, a permanent funding source for emergency rental assistance was established at the state level, allowing administrators to expand services. Between these two funding sources, administrators estimate they will now have access to $17 million during the first year of funding and $8 million during the following years to support emergency rental assistance. Even so, this amount represents just a fraction of the more than $360 million that was made available under Treasury's ERA program.

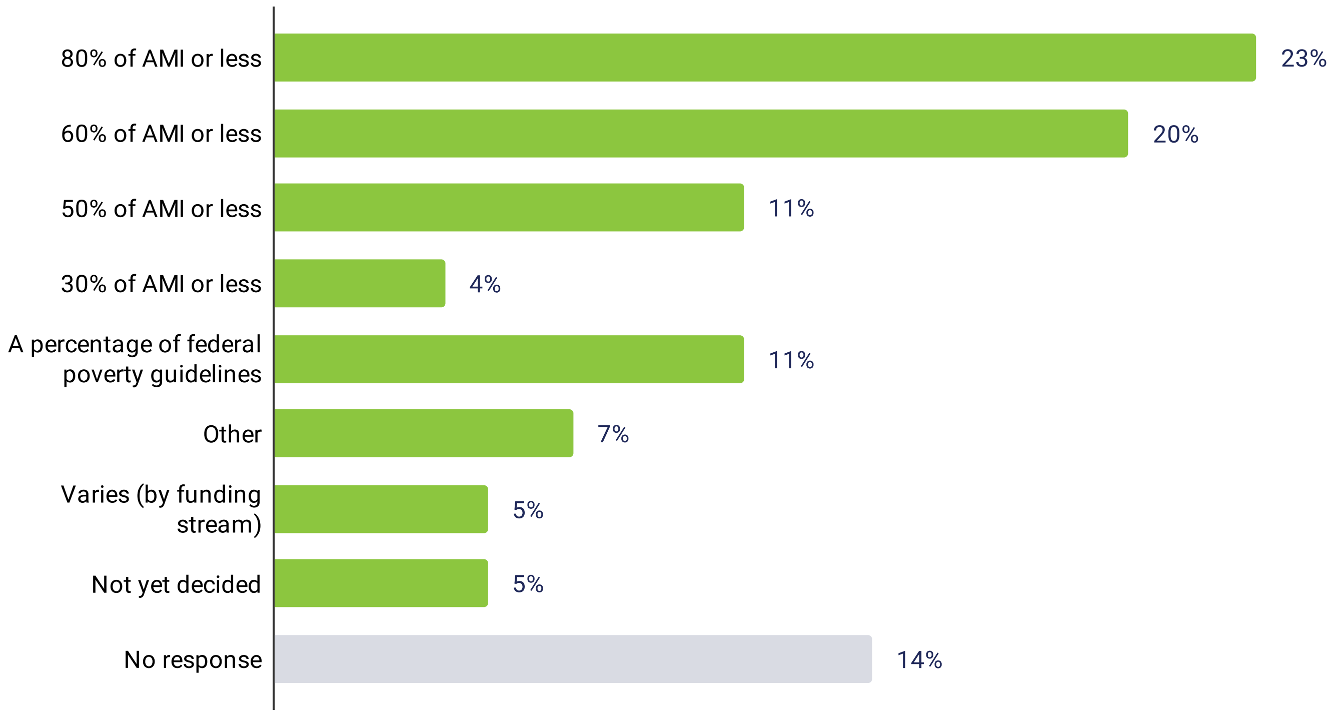
Duration and types of rental assistance offered

Overall, both survey results and interviews indicate that programs are continuing to provide similar types of assistance – funds to cover rental and utility arrears, future rent, relocation expenses, and hotel or motel stays, for example – as those provided by Treasury's ERA program but that continuing programs are unable to match Treasury ERA's duration of assistance offered. While the duration of assistance of Treasury's ERA program was 18 months, approximately 20% (n=56) of jurisdictions continuing an emergency rental assistance program reported providing up to three months of assistance, and another 18% reported providing a maximum of between four and seven months of assistance. Only 18% of jurisdictions reported providing a maximum of between 13 and 18 months. Some jurisdictions may be providing a similar duration of assistance to the Treasury ERA program because additional funding was infused into the jurisdiction's ERA program in order to serve more households. Therefore, these programs may not continue emergency rental assistance past the exhaustion of the additional funding.

Of those jurisdictions continuing an emergency rental assistance program, the majority are providing assistance to cover rental arrears (84%, n=56), current or future rents (63%), utility arrears (61%), or late fees (54%). Some jurisdictions are also providing assistance to cover relocation expenses (41%), current or future utility payments (38%), and hotel or motel stays (32%).

Some interviewees had succeeded in securing additional funding but were grappling with questions regarding the maximum duration of assistance and types of assistance they should offer, given the limits of this additional funding. For example, the budget for Virginia's Treasury-funded ERA program was more than $1 billion. In contrast, the two-year budget of the state's pilot program, the Virginia Eviction Reduction

FIGURE 3 Income eligibility criteria among jurisdictions continuing emergency rental assistance *(n = 56)*



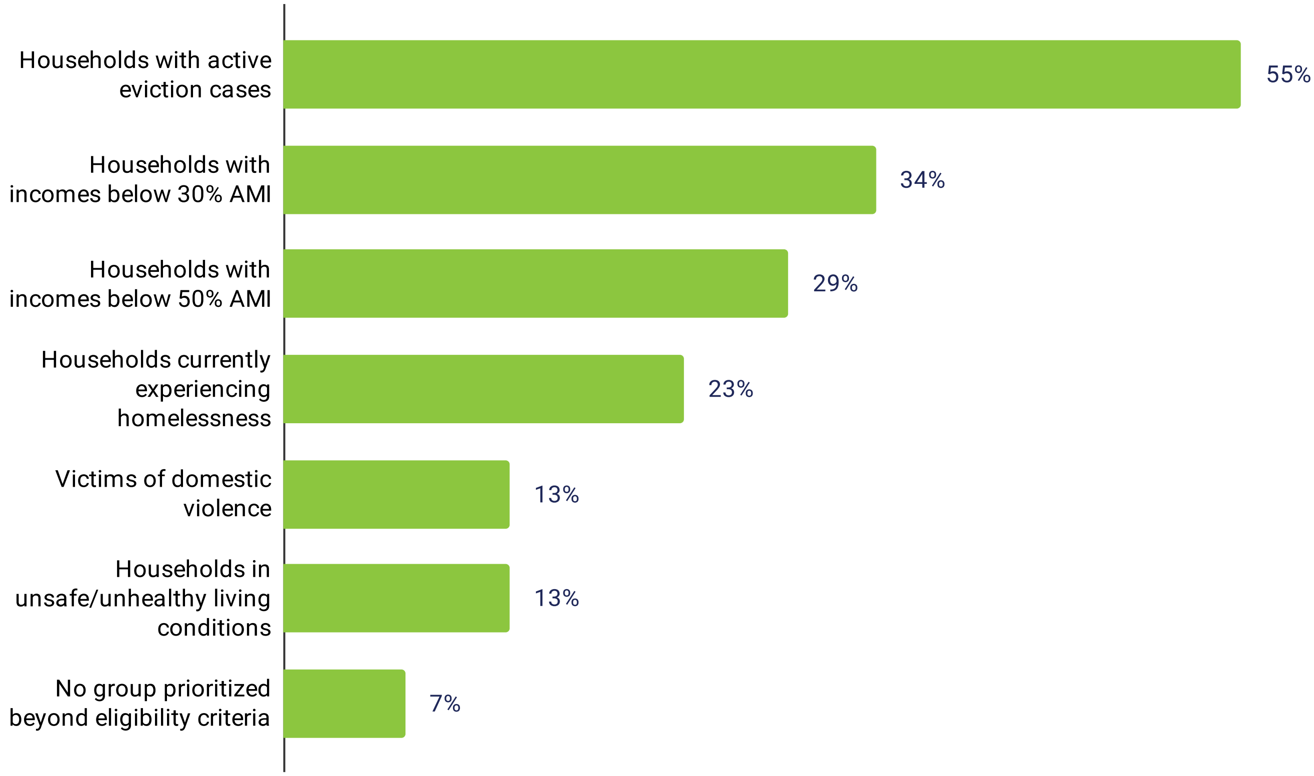
Pilot (VERP), was just $5.9 million at the time of the interview. As a result, administrators had to make difficult decisions regarding how much of the limited funds to set aside for rental assistance and what investments to make to intervene at the system rather than household level. Currently, VERP provides up to six months of rent and utility assistance. The six months of assistance can cover a combination of rent or utility arrears and current/future rent. It also provides a variety of stabilization support services (e.g., for transportation assistance, childcare, and medical bills). Yet this is a far cry from the assistance offered through Treasury's ERA program. Administrators acknowledged that under Treasury's ERA program "we were spending around $15 million a week…So we can't operate or spend the money the way we spent it with the [Treasury ERA program,] but it's the only tool in our toolbox now."

To better accommodate the unique financial situations of different tenants, VERP administrators provided as much flexibility in the types of assistance offered as was possible. VERP could "be [used to cover] all the things that prevent you from staying housed," including financial shocks that could cause a tenant to fall behind on rent. For example, administrators found that some tenants facing housing instability did not have rental arrears because they had chosen to pay their rent instead of paying for a medical expense or much-needed car repair. Instead of being used only to address housing crises, it was decided that VERP funds could be deployed in more "nimble" ways to assist people before they experienced housing instability by paying for these other non-housing necessities.

Eligibility and prioritization of applicants

To ensure assistance for those with the greatest needs, program administrators typically limit the pool of eligible households and prioritize households with certain characteristics. Under Treasury's ERA program, a household was required to be "low-income" – that is, to have an income at or below 80% of the area median income (AMI) – to be eligible for assistance. Treasury's ERA program also prioritized assistance for households with very low incomes (at

FIGURE 4 Prioritized populations among jurisdictions continuing emergency rental assistance *(n = 56)*



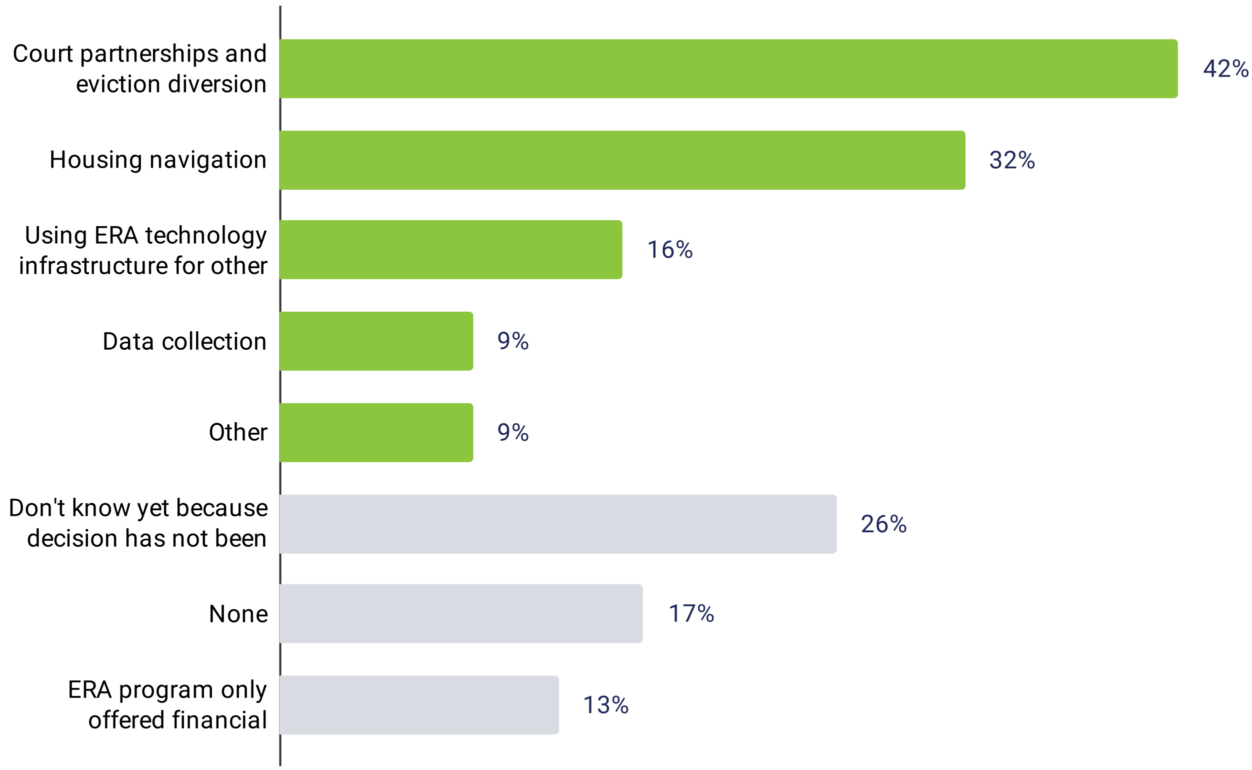
or below 50% of AMI) and those with members who had been unemployed for 90 or more days.

Jurisdictions continuing emergency rental assistance tend to apply an income threshold as an eligibility criterion but vary the threshold used. More than 20% of those jurisdictions continuing emergency rental assistance limit eligibility to households with incomes at or below 80% of AMI (see **FIGURE 3**). Eleven percent of jurisdictions limit eligibility to households with incomes at or below 50% of AMI, and just a few programs (4%) limit eligibility to households with extremely low incomes – that is, incomes at or below 30% of AMI. Just over 10% of survey respondents indicated their jurisdiction uses a percentage of the federal poverty guidelines to determine eligibility. Other jurisdictions (5%) adjust the income threshold based on the funding stream being used.

Jurisdictions also use additional non-income-related eligibility criteria. Among the 22 jurisdictions limiting household eligibility based on criteria other than income, the most common criteria involve having rental arrears (59%, n=22), experiencing or being at risk of homelessness (55%), and facing an active eviction notice (45%).

In addition to targeting resources using eligibility criteria, some programs are prioritizing particular households for assistance. The majority of jurisdictions continuing an emergency rental assistance program are prioritizing households with active eviction cases (55%, see **FIGURE 4**). Just over a third of jurisdictions are prioritizing households with extremely low incomes, and 29% of jurisdictions are prioritizing households with very low incomes. Only 7% of jurisdictions are not prioritizing groups beyond the eligibility criteria.

FIGURE 5 Other components of Treasury ERA program being retained *(n = 106)*



Retaining Features of Treasury's Program in Other Programs

Aside from continuing financial assistance, several jurisdictions are retaining program features and infrastructure developed under Treasury's ERA program, such as relationships with courts and community-based organizations and program flexibilities. Nearly 65% of jurisdictions continuing an emergency rental assistance program, as well as 34% of jurisdictions not continuing an emergency rental assistance program, are retaining or planning to retain at least one component of Treasury's ERA program. More than 40% of jurisdictions are retaining or planning to retain court partnerships and eviction diversion services after the conclusion of Treasury's ERA program (**FIGURE 5**). Other jurisdictions are retaining housing navigation services (32%), technology infrastructure (e.g., application portals) (16%), and data collection systems (9%). Over a quarter of surveyed jurisdictions are still determining which features, if any, to retain.

Court-based partnerships and eviction diversion services

Treasury's ERA program provided the opportunity and necessary resources for agencies to develop or deepen relationships with courts. Under Treasury's ERA program, some jurisdictions developed court-based rental assistance programs, which allowed tenants to access rental assistance during the eviction process. Others funded organizations to provide eviction diversion services, including legal or mediation services. Still others created data-sharing relationships so they could prioritize applicants with active eviction cases or target program outreach.

Of surveyed jurisdictions retaining court partnerships and eviction diversion services, the majority are retaining legal services for tenants (80%, n=44). Almost 60% are retaining landlord-tenant mediation, and just over 20% are retaining partnerships with courts.

Several interviewees were focused on continuing to provide rental assistance through their court relationships. For example, one jurisdiction is continuing to provide emergency rental assistance through an eviction diversion program. Landlords are required to participate in eviction diversion before seeking a legal eviction and, if eligible, they can access funds, which can be used to cover a total of $3,000 in rental arrears and two months of future rent for a tenant who is behind on rent. Eligibility for the assistance is limited to tenant households whose rental arrears are $3,000 or less and have incomes at or below 80% of AMI, and to tenant and landlord pairs with a written agreement that resolves any other issues that could result in an eviction. Further, the jurisdiction plans to retain a liaison position developed under the ERA program to oversee relations between the program and the courts.

Even programs that no longer have dedicated funding for emergency rental assistance are hoping to maintain their relationships with courts and other eviction diversion services. Knowing that securing funds outside of Treasury's ERA program would be difficult, administrators with the City of Chicago set aside $8 million of the city's Treasury ERA funds to support a right-to-counsel pilot program that will operate through 2025. Administrators indicated that they wanted to take advantage of the longer spend-down period under ERA2 to allow legal service providers to ramp up their capacity. Administrators in Chicago plan to use the additional time to conduct a formal evaluation of the program and hope that it will provide further evidence of the need for continued and additional funding.

Administrators with the Commonwealth of Kentucky's program felt committed to maintaining relationships with the courts. Under Treasury's ERA program, the state's program was able to build strong and productive relationships with courts, resulting in small but invaluable changes to the eviction process. For example, Kentucky court eviction case data is now integrated into the administrator's eviction diversion processing system. The state administrator also felt it was important to align eviction diversion services between the major cities and the state. The state's two major cities, Lexington and Louisville, have a court diversion program, and the state administrator recognized the importance of maintaining a similar level of service across different jurisdictions in the state.

Jurisdictions also developed data-sharing relationships between court systems and other governmental agencies. King County, Washington, created a dataset tracking the "lifecycle" of evictions using data from the court, the sheriff's office, and another private data source. Administrators noted that the combination of the pressure to prevent evictions and the availability of funding generated the "energy" and infrastructure necessary to create the dataset. Administrators hoped these data could be used to evaluate and monitor the progress and impact of their continuing emergency rental assistance program, as well as other housing assistance programs.

Partnerships with community-based organizations

In many jurisdictions, Treasury-supported ERA programs partnered with local community-based organizations (CBOs) to provide a range of services, including outreach and application support. Several program administrators were focused on continuing these partnerships beyond the conclusion of Treasury's ERA program.

In King County, Washington, funding made available through Treasury's ERA program allowed small CBOs to expand their scope to include social service work. Moving forward, program administrators plan to partner with CBOs that work with a wider variety of communities. For example, one CBO communicated to program administrators that tenants in its community were using payday loans and credit cards to pay rent out of fear of accumulating rental debt. This CBO will work with King County to create fliers letting tenants know about the continuing emergency rental assistance program. Program administrators felt the level of knowledge about communities offered by CBOs is "something that only these small nonprofits can bring to the table." Given the limited funding, program administrators felt it was even more important to "be intentional about understanding who your most marginalized communities are and partner with the agencies that work within those communities."

Expanded focus and infrastructure

In some instances, Treasury's ERA program was the first direct assistance program that an agency had administered. Findings from our interviews suggest that the program fundamentally changed agencies' long-term focuses and cultures and led in some cases to broader program infrastructure.

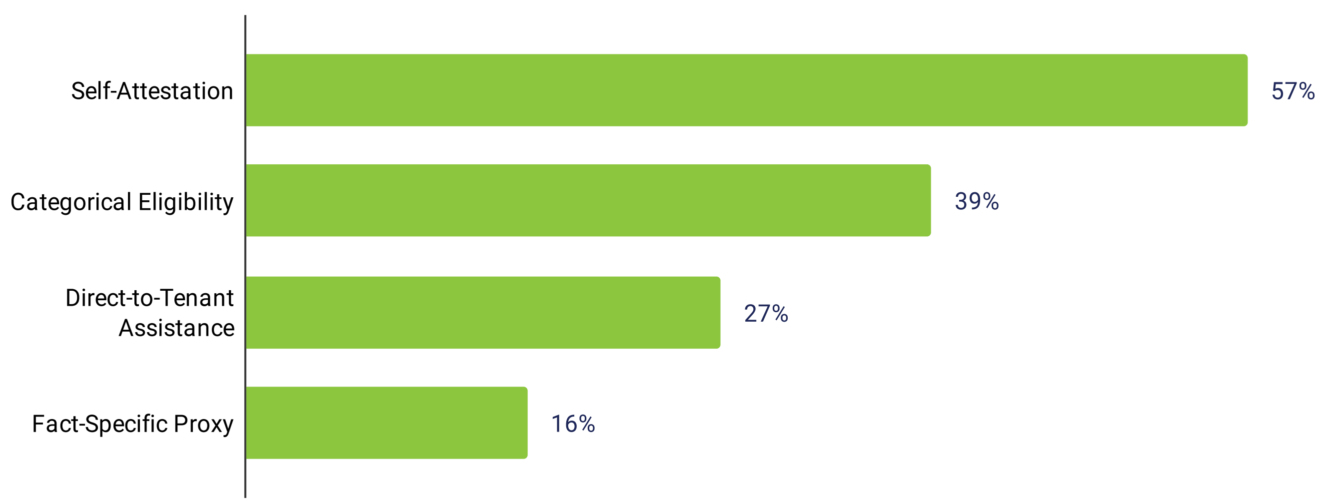
For example, one state-level administrator noted that before the advent of the ERA program, their agency had functioned only as a funder or grant-maker to other organizations. Operations changed radically during the Treasury program: at one point, the agency had expanded to include 900 people working on the program. Furthermore, the administrative budget permitted under ERA guidelines was larger than the agency's entire budget prior to the pandemic. Because of the scale of the program, the agency was also required to interface with the public, raising its profile in ways that interviewees found to be positive.

Another state-level administrator noted that eviction prevention had never been on their agency's programmatic or policy agenda, in part because of a lack of funding. Administering the ERA program allowed agency administrators to consider how eviction prevention was connected to the agency's other work, such as the financing of affordable housing. Similarly, another local-level administrator explained that the ERA program had brought additional personnel to the agency, creating new energy and a drive to grow the organization more, which in turn generated momentum to implement a suite of programs for tenants and landlords. The administrator described the benefit of such programs as follows: "If I receive information about a particular case in [the eviction diversion] program and one of the issues is that the landlord needs to fix things and that is why the tenant withheld rent, instead of having no solution, we can say, 'Hey, we've got this landlord grant program… we can give you a forgivable loan for that property… which means you can provide better housing for that tenant.'…We can put things into place to meet the very specific issues that we see."

New flexibilities

Treasury's ERA program allowed for some unique flexibilities regarding documentation and direct-to-tenant assistance. Both survey responses and interviews indicate that administrators are incorporating these

FIGURE 6 Flexibilities incorporated in continuing emergency rental assistance program *(n = 56)*



flexibilities into both continuing emergency rental assistance programs and non-emergency rental assistance programs. As shown in **FIGURE 6**, of those jurisdictions continuing an emergency rental assistance program, the majority are allowing applicants to self-attest to certain eligibility criteria (57%, n=56). Many jurisdictions are also determining household income via categorical eligibility (39%) or fact-specific proxy (16%). Nearly 30% of jurisdictions are providing assistance directly to tenants if a landlord refuses to apply or cooperate. Just under 25% of surveyed jurisdictions are retaining at least one such flexibility in non-emergency rental assistance programs.

One state-level administrator was hopeful that their agency would be able to carry forward categorical eligibility and fact-specific proxy – two alternative methods for documenting income – in their continuing emergency rental assistance program.[8] The administrator noted that it was important to strike the right balance between reducing superfluous documentation requirements for families and maintaining a high level of program integrity.

Another program administrator explained that "[thanks] to the flexibility of the Treasury guidance and partly thanks to the fact that we were designing a program from the ground up, we were sort of free from the barnacles of years and decades of [a particular way of doing things] and designed a low-barrier program." Designing a flexible, low-barrier program drew the attention of other program administrators, who approached the agency to learn how to incorporate similar flexibilities into other programs, including a guaranteed income pilot program.

8 For more information on fact-specific proxy and categorical eligibility, see Sophie Siebach-Glover and Emma Foley, "Implementing Fact-Specific Proxy in ERA Programs: Key Considerations and Lessons Learned," February 2022.

Policy implications

Fund emergency rental assistance programs

The overwhelming challenge faced by jurisdictions in continuing emergency rental assistance and maintaining the infrastructure created through Treasury's ERA program is the lack of dedicated funding. While many program administrators are trying to retain portions of Treasury's ERA program, they run the risk of losing the infrastructure and partnerships developed during Treasury's program without sustained and sufficient funding. Treasury's ERA program demonstrated that with adequate funding, jurisdictions can provide crucial assistance to households. The emergency rental assistance program envisioned in two pieces of legislation introduced in the previous Congressional session, the 117th Congress – the "Eviction Crisis Act" and the "Stable Families Act" – would provide $3 billion in annual funding for emergency assistance programs and address challenges in sustainable funding sources. State and local policymakers should also strive to provide ongoing financial support for emergency rental assistance.

Allow program flexibilities from Treasury's ERA program to be adopted in other housing programs

In most cases, survey respondents indicated that their jurisdiction plans to retain important flexibilities – such as self-attestation, categorical eligibility, and fact-specific proxy – in their continuing emergency rental assistance program. Prior research indicated that incorporating these flexibilities helped Treasury ERA programs reduce application barriers and expend funds more quickly.[9] However, some program administrators felt that current federal programs do not provide the flexibility necessary to run an emergency rental assistance program that meets the needs of their communities. Federal, state, and local agencies

9 Aiken et al., "Treasury Emergency Rental Assistance Programs in 2021: Preliminary Analysis of Program Features and Spending Performance," December 2021

should explore how to allow in established programs flexibilities that reduce documentation burden among households in need.

Promote relationships with courts

Interviewees indicated clearly that Treasury's ERA program allowed jurisdictions to form or deepen relationships with courts and that emergency rental assistance programs and court relationships are mutually supporting. Over a third of survey respondents indicated their jurisdiction is continuing to deepen relationships with courts through court-based rental assistance programs, legal services, and data sharing. To build on the momentum generated through Treasury's ERA program, the federal government should provide the necessary resources for communities to continue these relationships.

Increase funding for other housing supports

Even though interviewees said that Treasury's ERA program was successful and should be continued, emergency rental assistance is only one component in an ecosystem of housing supports. Moreover, emergency rental assistance was not designed to address the persistent shortage of affordable and available rental homes for the lowest-income renters, as detailed in NLIHC's *The Gap* report.[10] Without significant federal resources allocated to addressing the underlying shortage of affordable rental units, tenants will continue to face housing instability. To increase the supply of affordable housing units, Congress should expand the national Housing Trust fund to at least $40 billion annually. Congress should also provide at least $70 billion to preserve and rehabilitate our public housing infrastructure as well as guarantee full funding for public housing in the future.

10 National Low Income Housing Coalition, *The Gap: A Shortage of Affordable Homes*, March 2023.

Conclusion

The pandemic was devastating for low-income households throughout the country, but Treasury's ERA program helped many of these households remain stably housed through the public health emergency. Even so, Treasury's program was temporary, and while some jurisdictions are continuing to run emergency rental assistance programs using state, local, or federal funds, funding remains far from permanent. Without a dedicated and sufficient funding source, it is unclear how long these programs can continue providing financial assistance. Such a loss of funding could also result in the disappearance of critical infrastructure and knowledge about how to implement an effective emergency rental assistance program, further limiting the resources available to low-income renters. Likewise, Treasury's ERA program allowed administrators to implement new practices by forming partnerships with courts and community-based organizations and incorporating new flexibilities, and it is important that funding for future emergency rental assistance programs can be used to support relationships between courts and CBOs, as well as the incorporation of those flexibilities needed by local program administrators to better serve tenants in their communities.

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