



Preventing Homelessness After Eviction Moratoriums Expire



HUD is providing this information for Tribes or Tribally Designated Housing Entities (TDHE) that have tenants in units financed with a Section 184 or a Title VI loan guarantee that may be impacted by the expiration of the Eviction Moratorium provided under Section 4024 of the CARES Act. The below information is not considered legal advice and Tribes and TDHEs should consult their attorneys regarding any relevant tribal, federal, state, or local laws impacting evictions before taking any eviction actions after the expiration of the Eviction Moratorium.

Note: The CARES Act Eviction Moratorium (expired on July 24, 2020)* does NOT apply to units solely developed and assisted by the Indian Housing Block Grant (IHBG) program or the Indian Community Development Block Grant (ICDBG) program.¹ However, Tribes and TDHEs are encouraged to consider adopting some of these policies and strategies under their IHBG or ICDBG programs as well.

While the CARES Act **Eviction Moratorium** expired **on July 24, 2020**, Tribes and TDHEs can still play a crucial role in reducing housing instability during any ongoing difficulties resulting from the COVID-19 pandemic. HUD's Office of Native American Programs encourages Tribes and TDHEs to strive to keep as many families stably housed as possible during the COVID-19 pandemic.

Across the country many families are experiencing job loss, reduced work hours, and overall reductions in income due to the outbreak of the COVID-19 pandemic. Families with lower incomes and those faced with housing instability have been hit the hardest. Many residents are also facing new challenges, such as loss of childcare, limited access to healthcare, illness, death of loved ones, increased incidents of domestic violence, rising costs for basic needs, and fear of uncertainty.

During this time of economic uncertainty there are steps Tribes and TDHEs can take, if not done so already, to provide residents with **frequent and accurate information that will keep as many residents stably housed** as possible. Below are some **tips to consider that will** help residents maintain their housing following the expiration of the eviction moratorium.

Rent Reduction and Financial Hardship Exemptions

Tribes or TDHEs have the discretion to reduce or waive rent, particularly to help residents who have financial hardships deal with the COVID-19 pandemic.

Permit Repayment Agreements and Update Policies

Your Tribe or TDHE may also consider implementing repayment agreements so that families can continue to be housed during the periods of economic hardship resulting from the COVID-19 pandemic. For any unpaid rent, Tribes or TDHEs can elect to provide options for the family to repay unpaid rent to avoid eviction, including lengthening repayment terms over a period of months for any unpaid amounts. As a reminder, tenants covered by the CARES Eviction Moratorium should have the option of paying back rent in a lump sum or as part of a modified repayment plan and cannot be charged late fees or interest for rent due in the months of April, May, June, and July of 2020.

¹ See FAQ 61 for a more detailed explanation on which projects this moratorium applies to:
https://www.hud.gov/sites/dfiles/PIH/documents/ONAP_COVID_FAQ_R6M_7.17.2020.pdf

* Enacted in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act, 2020 "CARES Act" (Public Law 116-136). Please note, the expiration of Section 4024 of the CARES Act does not override other federal, state, local, or tribal requirements relating to evictions, including eviction notice requirements and other eviction moratoria that may be in place.

Tribes and TDHEs should do the following as soon as practicable:

- Ensure housing staff, admissions and occupancy staff, and service coordinators are aware that repayment agreements (and/or hardship exemption policies) are an option and encourage them to work with families to complete repayment agreements.
- Connect with families that are behind on rent as soon as possible.
- Ensure that it is easy for families to reach the appropriate staff and that income recertification forms are made available and are easy to complete during social distancing.

Amend your Tribe or TDHE's admission and occupancy policy to allow for emergency reexamination policies for tribally owned housing

Interim reexamination policies that allow for retroactive adjustments in response to the COVID-19 pandemic can support families experiencing a loss of income and provide for a rent reduction. These policies may reduce the potential hardship on families and eliminate or significantly reduce the amount a family may owe for back rent if the family has had difficulty in making timely rent payments.

Direct Outreach to Families Behind on Rent

Review your tenant accounts receivable records to **determine how many, and which families are behind on rent**. From there, have staff connect with families with outstanding balances **in order to prevent eviction**.

IHBG-CARES Act or ICDBG-CARES Act funding can be used to directly benefit households. Funds can be used to pay for a range of assistance to residents, including the coordination and delivery of services, goods, and supplies. These supports can help alleviate some of the financial tradeoffs many households are facing during the COVID-19 pandemic, such as whether to pay for food, cleaning products, personal protective equipment, or rent.

Best Practices!

- Advise families behind on rent how they can assess eligibility for additional safety net benefits. For example, rent repayment plans and rent assistance resources, economic impact payments (also referred to by some as stimulus payments), tax refunds such as the Earned Income Tax Credit (EITC), utility assistance, Temporary Assistance to Needy Families (TANF), and Supplemental Nutrition Assistance Program (SNAP).
- In addition, connect with non-government partner organizations to identify designated points of contact who can support households having difficulty accessing resources. Essential partners include:
 - Tribal departments administering CARES Act funding, eviction prevention resources, and emergency payment assistance for rent and utilities;
 - Community Action Agencies which received federal funding authorized under the CARES Act for emergency rental and utility assistance;
 - Economic Impact Payments: www.irs.gov/coronavirus/economic-impact-payment-information-center
 - [Childcare for Essential Workers:](http://www.acf.hhs.gov/sites/default/files/occ/state_level_info_for_essential_workers_seeking_child_care.pdf) http://www.acf.hhs.gov/sites/default/files/occ/state_level_info_for_essential_workers_seeking_child_care.pdf
 - Immediate jobs available due to COVID-19: <https://needajobnow.usnlx.com>
 - [211 is a vital service that connects millions of people to help from any phone. Or, they can visit www.211.org to search by zip code for referrals to agencies and community organizations that offer emergency financial assistance](http://www.211.org)

To learn more about the U.S. Department of Housing and Urban Development's Office of Native American Programs, visit www.hud.gov/codetalk.