Congressional Research Service
Informing the legislative debate since 1914

Federal Role in Preventing Evictions

Updated November 10, 2022

Congressional Research Service
https://crsreports.congress.gov
R47204

CRS REPORT
Prepared for Members and
Committees of Congress

Congressional Research Service
Informing the legislative debate since 1914

Federal Role in Preventing Evictions

SUMMARY

R47204

November 10, 2022

Libby Perl
Specialist in Housing Policy

Maggie McCarty
Specialist in Housing Policy

Concerns related to the economic and public health consequences of the COVID-19 pandemic accelerated what was already a growing interest among federal policymakers in evictions. In March 2020, Congress passed legislation instituting an eviction moratorium applicable to federally subsidized rental properties, which was followed in September 2020 by the Trump Administration's use of public health authorities to establish a broader, nationwide moratorium on eviction for nonpayment of rent. Congress also appropriated nearly $47 billion for a newly established Emergency Rental Assistance (ERA) program to provide rental assistance and other eviction prevention resources to address housing instability brought about by the pandemic.

Eviction, the legal process by which landlords can have tenants removed from their properties, is governed by state and local laws. Until the pandemic, federal involvement in evictions had been minimal. Historically, little has been known about the scale of evictions; records of formal evictions through the legal process are kept at the local level, and there are no records of so-called informal evictions, which may occur through landlord pressure or other methods. This lack of information is starting to be addressed, as private entities, such as Princeton University's Eviction Lab, have begun centrally collecting and analyzing state and local eviction data, and the U.S. Census Bureau has added new questions about eviction to the American Housing Survey. Legislation has been introduced at the federal level to create a nationwide database of evictions, and the Department of Housing and Urban Development (HUD) has released a congressionally mandated report on the feasibility of establishing such a database.

Researchers have examined the extent to which a given household may be at risk of eviction, as well as the effects of both formal and informal evictions, and related housing instability more broadly, on tenants. This research has found that the poorest families are at the greatest risk of eviction. Further, families with children are more likely to be evicted, and Black and Latina women are more likely to be evicted than their male counterparts. Evictions can be destabilizing, with a greater likelihood of job loss and additional moves occurring in their aftermath. Evictions can also result in greater material hardship and poor health.

Although evictions are governed in large part at the state and local level, the federal government administers programs that can be used to prevent them. Aside from pandemic-era rental assistance specifically meant to prevent eviction, most ongoing short-term federal rental assistance is provided in the context of homelessness prevention. HUD and the Department of Veterans Affairs (VA) each administer programs that can be used to assist certain people who are at risk of homelessness. There are also several flexible federal block grants providing funds that could be used by grantees to protect vulnerable tenants. Federal programs also fund legal assistance, through the Legal Services Corporation, and Housing Counseling, through which third-party attorneys or counselors can help tenants navigate the eviction process and potentially prevent an eviction. Some research has indicated that ongoing rental assistance, such as that provided through the federally funded Section 8 Housing Choice Voucher program, may provide longer-term protection against eviction.

Legislative proposals to increase the federal role in addressing evictions include providing additional and ongoing funding for the ERA program, improving data collection, increasing funding for legal assistance, and expanding federal long-term rental assistance. Factors to consider for increased federal involvement include the effectiveness of any intervention in preventing an eviction from occurring, particularly for very low-income tenants in the face of rising rental prices; the cost to the federal government of new funding streams; and effects on landlords.

Contents

Contacts

Introduction

A growing body of research has raised concerns about the long-term effects of housing instability and involuntary moves on the well-being of individuals and families. One form of involuntary moves, and a cause of housing instability, is eviction—the legal process by which a tenant is removed from a landlord's property.

The COVID-19 pandemic brought significant attention to and resources for the prevention of evictions, out of concern that tenants might be unable to pay their rent and that potential tenant displacement would have public health consequences. The federal government intervened with an unprecedented nationwide moratorium on evictions that lasted nearly a year, as well as appropriations totaling nearly $47 billion to help tenants pay rent through a new Emergency Rental Assistance (ERA) program. However, even before the pandemic, interest in evictions and their effects on tenants was growing, largely due to research on the prevalence and consequences of eviction presented in the Pulitzer prize-winning book *Evicted*.[1]

The number of evictions nationwide is difficult to quantify because records are kept by local court systems and may not be computerized or easily accessible. In addition, while eviction is typically thought of as a formal legal process, landlord efforts to remove tenants from their properties outside the legal system (i.e., informal evictions) can have the same result as an eviction, and similar consequences for tenants, but may not be captured in official records. Recent efforts have been made by both private organizations (e.g., the Eviction Lab at Princeton University) and the federal government (e.g., the U.S. Census Bureau) to improve data on both formal and informal evictions.

Landlord-tenant law, including evictions, is regulated at the state and local level, and, until the pandemic, federal involvement in the regulation or prevention of evictions was limited. However, there is a growing interest among federal policymakers in finding ways to reduce the prevalence of eviction, both in the context of the pandemic and in the context of growing housing affordability challenges.

This report begins by discussing what it means to be evicted and summarizing the state of available data and research regarding evictions. It then describes the extent of federal involvement in evictions, including available funding to prevent them through rental and legal assistance. The final section of the report discusses legislative and policy proposals around data collection, eviction prevention, and housing stability, and concludes with considerations related to an expanded federal role.

What Is Eviction?

Generally, renters and landlords enter into contracts, usually referred to as leases, that spell out the terms and conditions of tenancy, such as the monthly rent level, conditions for use of the property, and the maintenance duties of the landlord. These terms and conditions are generally regulated by state and local law. Eviction is the legal process property owners can use to compel

[1] Matthew Desmond, *Evicted* (New York: Crown Publishing, 2016).

the removal of a tenant from a property, using law enforcement resources if necessary, when the terms of the lease have been violated.[2]

Like lease terms, evictions are governed by state and local laws. These laws can have varying requirements concerning the reasons for which a tenant can be evicted, the amount and form of notice that landlords must give tenants before initiating an eviction, and the cost to file an eviction case or appeal, among other requirements.[3] Common permissible grounds for eviction include nonpayment of rent, violation of lease terms, criminal or nuisance activity, or remaining on the property after the lease has expired. A small number of jurisdictions require that evictions be for "just cause" or "good cause," under which a landlord can only evict a tenant for specified reasons.[4] In jurisdictions that have just cause eviction laws, expiration of a lease term on its own is often not grounds for eviction.[5]

An eviction through the legal system is one type of involuntary move.[6] However, a tenant may also face an involuntary move from a housing unit that is not officially captured as an eviction because the formal legal process was not followed. These are sometimes referred to as informal or self-help evictions. An involuntary move can be triggered by a landlord's verbal persuasion or coercion, failure to maintain the property, turning off of utilities, or locking tenants out of the premises. A tenant may also move out of fear an eviction is imminent. Because these activities are not captured in court records, it is difficult to quantify how often tenants move involuntarily due to some form of landlord pressure. This report refers to involuntary moves under these circumstances as *informal evictions*. The term *involuntary moves*, as used in this report, describes moves that occur due to both formal and informal evictions.[7]

Involuntary moves due to either formal or informal evictions can have similar consequences for tenants, but with some important differences. For example, a formal eviction through the legal system can have additional consequences for a tenant's credit record and ability to secure future housing that an informal eviction may not. On the other hand, the notice requirements for formal evictions may result in access to protections (such as legal representation or rental assistance) that informal evictions may not provide.

---

[2] While eviction is a tool that can also be used by lenders to remove an owner occupant from a home following a foreclosure, or by owners of commercial properties to remove a business occupant, this report focuses on residential evictions of renters.

[3] The Legal Services Corporation (LSC), at the direction of Congress (H.Rept. 116-101), has compiled a database of state, and some local, eviction laws. See the LSC Eviction Laws Database at https://lsc.gov/press-release/new-eviction-laws-database-reveals-striking-differences-eviction-processes-around-country.

[4] As of July 14, 2021, LSC reported that four states and the District of Columbia had just cause eviction laws. Additional localities may also have their own just cause laws. See https://www.lsc.gov/press-release/new-eviction-laws-database-reveals-striking-differences-eviction-processes-around-country; ("Only four states and Washington, D.C., have 'just cause' statutes requiring landlords to disclose a clearly defined reason for removing a tenant from a rental property. In the vast majority of states, landlords are able to evict the tenant at-will.") Since LSC published its findings, more states and communities may have added just cause provisions to their laws. For example, the National Low Income Housing Coalition, an advocacy organization, tracks jurisdictions with tenant protections on its website, https://nlihc.org/tenant-protections.

[5] For example, see DC Code §42–3505.01 and OR Rev. Stat. §90.427.

[6] Researcher Matthew Desmond has classified three categories of moves, one of which is forced or involuntary moves. This category includes both formal and informal evictions. See Matthew Desmond, Carl Gershenson, and Barbara Kiviat, "Forced Relocation and Residential Instability among Urban Renters," *Social Service Review*, vol. 89, no. 2 (June 2015), pp. 227-262, 227 (hereinafter, "Forced Relocation and Residential Instability among Urban Renters").

[7] Other forms of involuntary moves, such as those due to fires or natural disasters, are beyond the scope of this report.

Prevalence of Eviction and Data Availability

There is no single comprehensive source of nationwide data on the prevalence or characteristics of evictions. This is due in part to records of formal evictions being maintained at the state and local level, and in part to not all evictions being formal. In recent years, efforts have been made to collect more information on evictions.

In 2017, the Eviction Lab was founded at Princeton University and began collecting state and local court data on evictions.[8] The database the Eviction Lab built and maintains is purported to be "the largest accumulation of U.S. court records related to eviction ever compiled" and includes data from 48 states (including from some municipalities in North Dakota and South Dakota, where state records are not available) and the District of Columbia, going back to 2000.[9] Eviction Lab data are based on court records, and include both filings and evictions; they do not include information on informal evictions. The Eviction Lab's national data show that approximately 1 in 40 renter households were evicted between 2000 and 2016, with the number of evictions averaging over 900,000 per year during that period.[10]

Also in 2017, a new set of questions related to evictions was added to the American Housing Survey (AHS).[11] The AHS is sponsored by the Department of Housing and Urban Development (HUD) and is conducted biennially by the U.S. Census Bureau. It is nationally representative (and representative of a rotating selection of metropolitan areas) and is the most comprehensive national housing survey in the United States. Since 2007, the AHS has included questions for recent movers inquiring about whether the main reason for their move was an eviction. The new eviction-related questions that debuted in the 2017 AHS survey were designed to solicit information on both formal and informal evictions and other forced moves.

The first release of AHS data featuring the new questions showed an estimated formal eviction rate of 0.8%, which means this share of the nation's renters are estimated to be formally evicted each year.[12] It also estimated an informal eviction rate of nearly 4.5%. The AHS estimate of formal evictions is notably lower than the comparable data from the Eviction Lab, which estimates a national rate of formal evictions of 2.3%.[13] A recent set of journal articles explored the challenges in using the AHS to try to capture comprehensive eviction information, and concerns that the AHS may be under-representing formal evictions and over-representing informal evictions. Among the factors discussed in these articles was the unit of measurement (AHS tracks housing units over time, not individual renters), sample representation (exclusion of persons who are homeless and concerns about under-representation of extremely low-income renters), and question structure and non-response rates.[14]

---

[8] For more information, see https://evictionlab.org/.

[9] The Eviction Lab, Princeton University, https://evictionlab.org/methods/#section-name.

[10] The Eviction Lab, Princeton University, "National Estimates: Eviction in America," May 11, 2018, https://evictionlab.org/national-estimates/.

[11] For a discussion of the changes to the 2017 AHS, including the addition of eviction-related questions, see Shawn Bucholtz, *Introducing the 2017 American Housing Survey*, HUD Office of Policy Development and Research, September 10, 2018, https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-091018.html.

[12] Ashley Gromis and Matthew Desmond, "Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Housing Survey," *Cityscape*, vol. 23, no. 2 (2021).

[13] Ibid.

[14] Shawn Bucholtz, "Can the American Housing Survey Provide Reliable Estimates of the Prevalence of Eviction?," *Cityscape*, vol. 23, no. 2 (2021); and Ashley Gromis and Matthew Desmond, "Estimating the Prevalence of Eviction in the United States: New Data from the 2017 American Housing Survey," *Cityscape*, vol. 23, no. 2 (2021).

In 2021, at the direction of Congress, HUD released a report on the feasibility of developing a national eviction database.[15] It recommends a three-pronged approach. The first prong involves building on the efforts of the Eviction Lab to foster direct state and local reporting to HUD of formal evictions, the second is to improve survey data collection on informal evictions, and the third is to improve the agency's own administrative data on evictions in federal housing programs.

Eviction Data During the Pandemic

Concerns about evictions were heightened during the COVID-19 pandemic, both because the economic consequences of the pandemic (e.g., shutdowns) could put renters at risk of falling behind on their rent and because of concern that tenant displacement could increase disease risk and spread. In addition to implementing a series of eviction moratoriums, the federal government began collecting data on the risk of housing insecurity through the U.S. Census Bureau's Household Pulse Survey. The survey showed that from April 2020 through August 2021, in data reported in biweekly surveys, an estimated 15%-19% of renters reported being behind on their rent, and an estimated 6%-10% of renters believed themselves to be at risk of eviction in the coming two months.[16]

Available Research on Tenants

Research has identified factors that might increase the risk of eviction for a given household. Most evictions occur due to nonpayment of rent,[17] so it is perhaps not surprising that in research across multiple cities, the lowest-income families with children were found to be more likely to be evicted than those in higher income families.[18] Families with children have also been found to face higher rates of eviction through formal and informal methods, with the probability of eviction increasing with additional children.[19] Additionally, research across multiple cities found that Black individuals were overrepresented among people who were evicted, and Black and Latina women were more likely to be evicted than their male counterparts.[20]

Formal evictions can appear in tenant records, including tenant screening reports and credit records, making it more difficult to secure housing, and possibly resulting in lower quality

[15] HUD, Office of Policy Development and Research, *Report to Congress on the Feasibility of Creating a National Evictions Database*, October 2021, available at https://www.huduser.gov/portal/sites/default/files/pdf/Eviction-Database-Feasibility-Report-to-Congress-2021.pdf.

[16] Based on Household Pulse Survey data presented in HUD, Office of Policy Development and Research, *Report to Congress on the Feasibility of Creating a National Evictions Database*, October 2021, available at https://www.huduser.gov/portal/sites/default/files/pdf/Eviction-Database-Feasibility-Report-to-Congress-2021.pdf.

[17] Matthew Desmond and Rachel Tolbert Kimbro, "Eviction's Fallout: Housing, Hardship, and Health," *Social Forces*, vol. 94, no. 1 (September 2015), pp. 295-324, 318 (hereinafter, "Eviction's Fallout: Housing, Hardship, and Health").

[18] Ian Lundberg and Louis Donnelly, "A Research Note on the Prevalence of Housing Eviction Among Children Born in U.S. Cities," *Demography*, vol. 56, no. 1 (February 2019), pp. 391-404, 401 ("Children's probability of eviction, however, diverges most strikingly by household income. Approximately 28.9 % (CI: 20.4–38.5 %) of children living in deep poverty (permanent income relative to the poverty threshold below 50%) were evicted. The prevalence of eviction declines monotonically as income rises, yet even the most advantaged children (higher than 300% of the poverty threshold) faced a 4.7 % (CI: 2.5–7.8 %) probability of eviction.")

[19] See, for example, Matthew Desmond and Carl Gershenson, "Who gets evicted? Assessing individual, neighborhood, and network factors," *Social Science Research*, vol. 62 (February 2017), pp. 362-377, 369 ("we predict that a renter with two children has an 11.7% chance of being evicted in a given year, compared to a 9.5% chance for a renter with one child and a 7.3% chance for a childless renter.... This finding suggests that family discrimination colors the eviction decision, with each successive child further increasing a renter's odds of eviction.")

[20] Peter Hepburn, Renee Louis, and Matthew Desmond, "Racial and Gender Disparities among Evicted Americans," *Sociological Science*, vol. 7 (December 16, 2020), pp. 649-662, 653-654.

housing. Further, residents who move involuntarily due to formal and informal evictions may move again shortly thereafter because their immediate post-eviction housing was chosen in haste and with limited choice.[21]

There is not a wide body of research on the effects of evictions on tenants.[22] In the last decade, researchers have begun to explore relationships between eviction and other outcomes in tenants' lives. Among these are employment,[23] material hardship (based on factors such as ability to pay for food or utilities, decisions to forgo medical visits, or the need to borrow money),[24] and maternal and child health.[25]

Federal Role in Evictions

Evictions are governed by state and local law, and, with limited exceptions, the federal role in regulating or attempting to prevent evictions has been minimal. To the extent that federal involvement in regulating evictions had occurred, it has been in times of crisis: during the COVID-19 pandemic and following natural disasters, and as part of price control regulation during World War II. The federal government has also made funding available to prevent evictions through short-term rental assistance and representation in eviction court. These efforts increased during the pandemic. This section describes ways in which federal laws or programs seek to or can be used to prevent eviction.

Legal and Administrative Protections for Renters

Eviction Moratoriums

One way to prevent evictions is to block them from taking effect via temporary moratoria. Such policies may prevent evictions by providing tenants more time to secure funding to meet rent obligations, or they may serve to delay the process, preventing immediate displacement while tenants seek to secure alternate housing. Eviction moratoria are generally only adopted in times of emergency and are controversial, in that they prevent landlords from using the primary tool at their disposal to address lease violations, and thus moratoria may be subject to legal challenge.

At the local level, some communities have experimented with or adopted policies to prevent evictions, or enforcement of eviction orders, under certain circumstances, such as during periods of extreme weather or before or immediately following natural disasters.

---

[21] Forced Relocation and Residential Instability among Urban Renters, pp. 256-257.

[22] Eviction's Fallout: Housing, Hardship, and Health, p. 296.

[23] Matthew Desmond and Carl Gershenson, "Housing and Employment Insecurity among the Working Poor," *Social Problems*, vol. 63, no. 1 (February 2016), pp. 46-67, 52-54 (surveying tenants about job loss in the year after formal or informal eviction in Milwaukee, WI).

[24] Eviction's Fallout: Housing, Hardship, and Health, pp. 302-310 (analyzing longitudinal survey data from the Fragile Families and Child Well-Being Study regarding the ability to obtain necessities).

[25] Eviction's Fallout: Housing, Hardship, and Health, pp. 302-310 (analyzing longitudinal survey data from the Fragile Families and Child Well-Being Study regarding the health of mothers and children [including the depression and parenting stress of mothers]); and Gracie Himmelstein and Matthew Desmond, "Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016," *JAMA Pediatrics*, vol. 175, no. 5 (May 2021), pp. 594-600, 495-496 (assessing longitudinal birth records and formal eviction records in Georgia for birth weight, gestational age, premature birth, and infant death).

- In 2020, Seattle, WA, adopted a winter eviction ban from December 1 to March 1 each year.[26]
- In Washington, DC, the U.S. Marshals Service (the entity that administers evictions) has a policy of not conducting evictions when precipitation is falling or when the temperature is forecasted to fall below freezing.[27]
- Similarly, in Cook County, IL, the Sheriff's office is prevented by court order from conducting evictions when it is under 15 degrees Fahrenheit or during severe weather conditions.[28]
- Miami-Dade County enacted an ordinance to prevent evictions of residents of public and assisted housing during a state of emergency due to a disaster.[29]

During the COVID-19 pandemic, a number of local, state, and federal temporary moratoria on evictions were adopted to prevent tenant displacement during the public health emergency. Early in the pandemic, such policies were adopted in various forms at the state and local level. With the enactment of the CARES Act (P.L. 116-136) in March 2020, the federal government implemented a federal eviction moratorium, applicable only to renters living in certain federally assisted or financed properties, subject to various conditions.[30] In fall 2020, the Trump Administration implemented a broader federal moratorium that applied to all renters that attested to meeting certain conditions. This moratorium was implemented administratively using the emergency public health authorities of the Centers for Disease Control and Prevention (CDC) and was extended several times, including by the Biden Administration. Numerous legal challenges to the CDC moratorium were filed, resulting in conflicting rulings by various federal courts.[31] Ultimately, the U.S. Supreme Court blocked enforcement of the CDC's eviction moratorium nationwide.[32]

Prior to the pandemic, there were limited examples of federal policies akin to a federal eviction moratorium. During World War II, the Office of Price Administration enforced restrictions it placed on rent increases by having federal employees contest local eviction actions (see the "Eviction Limitations During World War II" text box for more details). More recently, after natural disasters, the federal agencies that make, insure, or guarantee federally related loans—the Government Sponsored Enterprises (GSEs) Fannie Mae and Freddie Mac, the U.S. Department of Veteran Affairs (VA), the U.S. Department of Agriculture, and HUD's Federal Housing Administration (FHA)—generally institute temporary moratoriums on foreclosures on mortgages they back or insure or direct mortgage servicers to take steps to avoid foreclosures and

[26] See Seattle City Council Ordinance 126041, An Ordinance relating to termination of residential rental tenancies; prohibiting evictions in winter months; and amending Section 22.206.160 of the Seattle Municipal Code, https://seattle.legistar.com/LegislationDetail.aspx?ID=4277547&GUID=19852BCC-EC7F-4732-9B9B-B67D1BBFA833.

[27] U.S. Marshals Service, "District of Columbia, Superior Court - Evictions Process; New process began August 13, 2018," https://www.usmarshals.gov/district/dc-sc/general/evictions.htm (accessed March 29, 2022).

[28] First Municipal District, Circuit Court of Cook County Illinois, General Order 2021-05, Issued December 2, 2021, https://www.cookcountycourt.org/Portals/0/1st%20Municipal%20District/General%20Administrative%20Orders/2021-05%20GO.pdf.

[29] Miami-Dade Legislative Item, *Evictions of Residents of Public Housing During a Storm*, File Number 192349, adopted November 19, 2019, https://www.miamidade.gov/govaction/matter.asp?matter=192349&file=true&fileAnalysis=false&yearFolder=Y2019.

[30] See CRS Insight IN11516, *Federal Eviction Moratoriums in Response to the COVID-19 Pandemic*.

[31] See CRS Legal Sidebar LSB10632, *Litigation of the CDC's Eviction Moratorium*.

[32] See CRS Legal Sidebar LSB10638, *Supreme Court Blocks Enforcement of the CDC's Eviction Moratorium*.

foreclosure-related evictions.[33] (These steps were also taken in response to the COVID-19 pandemic.)

Eviction Limitations During World War II

The Emergency Price Control Act of 1942 (P.L. 77-421) and the subsequent actions of the Office of Price Administration (OPA) present a unique example of federal involvement in landlord-tenant matters. The OPA was charged with enforcing the purposes of P.L. 77-421, including to "stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents" during the war effort. Among other price controls, the agency set maximum rents in "Defense Production Areas" for the duration of the war. A substantial component of the OPA's rent price control enforcement was preventing landlords from evicting tenants and defending tenants from eviction in court. The OPA mandated limited circumstances under which tenants could be evicted and monitored and investigated eviction filings.

Although meant to be wartime measures, popular pressure prolonged price controls for a period after the war. Revised temporary rent price controls were enacted by the Housing and Rent Act of 1947 (P.L. 80-129); these were legislatively extended several times, until ending in 1953 (or 1954 for certain critical defense housing areas).[34]

Funding

Federal funding to prevent evictions takes three primary approaches. The first is programs that provide short-term federal funding to help tenants pay their rent, utilities, and similar expenses to avoid or halt an eviction action. The most notable example of this was emergency rental assistance provided during the COVID-19 pandemic. Prior to the pandemic, short-term federal funding to help tenants pay rent was available primarily in the context of homelessness prevention. A second approach involves programs that provide counseling or legal assistance to tenants who are at risk of or facing eviction, with the goal of negotiating an end to eviction proceedings. Finally, programs that subsidize the rent of low-income tenants without time limits, such as the federally funded Section 8 Housing Choice Voucher program, can be seen as a long-term eviction prevention strategy.

This section of the report discusses federal funding sources that can be used for eviction prevention purposes. In some cases, the funding may be targeted specifically to eviction prevention activities, while in other cases, eviction prevention is one of many possible uses of flexible grant funds. As such, the extent to which these resources are actually used for eviction prevention activities may vary substantially.

Direct Financial Assistance to Prevent Eviction

Tenants who are being evicted for nonpayment of rent, or for whom nonpayment is a component of an eviction action, may be able to maintain their housing if they can become current on their rental payments. Both COVID-19 pandemic-related and other available funding sources for short-term assistance are described below.

[33] For a review of the general agency post-disaster policies, see https://library.nclc.org/twelve-tips-homeowners-after-natural-disasters.

[34] Laws that extended rent price controls included the Housing and Rent Act of 1949 (P.L. 81-31), the Housing and Rent Act of 1950 (P.L. 81-574), the Defense Production Act Amendments of 1952 (P.L. 82-429), and the Housing and Rent Act of 1953 (P.L. 83-23).

Pandemic Funding

Through the newly created ERA program, Congress provided nearly $47 billion to help families stay stably housed during the pandemic.[35] The program, administered by the Department of the Treasury, provided formula grants to states and localities that they could use to subsidize the rent and utility costs and arrearages for low-income renters, as well as to provide related housing services, including legal assistance to prevent eviction. The first round of funding, $25 billion, was provided in the Consolidated Appropriations Act of 2021 (P.L. 116-260), and it was limited to serving individuals who were facing economic hardship related to the pandemic. The second round of funding, $21.55 billion, was provided by the American Rescue Plan Act (ARPA, P.L. 117-2) and was broader in purpose; it was not limited to serving those whose economic hardship was directly related to the pandemic. The first round of ERA funds were required to be spent by September 30, 2022 (December 29, 2022, for reallocated funds); the second round must be spent by September 30, 2025.

In addition to the specific funding for emergency rental assistance, Congress also provided other pandemic relief funds that could be used by grantees for eviction prevention purposes.

- The CARES Act provided additional funding ($5 billion) for the Community Development Block Grant (CDBG) program. CDBG funds can be used by the state and local governments that receive them for a wide variety of activities, including public services, which includes "emergency grant payments" made to a provider of food, clothing, housing, or utilities.[36] Ordinarily, emergency grant payments cannot be made to a provider for more than three consecutive months, but funds appropriated as part of the CARES Act could be extended for six months of assistance.[37]
- The CARES Act also provided funds ($4 billion) for the Emergency Solutions Grants (ESG) program. An eligible use of ESG funds is short- to medium-term rental assistance (up to 24 months) to prevent homelessness.[38] People who can be served include individuals at risk of imminently losing their housing (within 14 days), those who qualify as homeless under federal program definitions (which may include people living with family and friends for economic reasons), and people who are considered at risk of homelessness.[39] People are considered at risk of homelessness if they have extremely low incomes, do not have resources to attain housing stability, and have one or more circumstances contributing to housing instability, including impending loss of housing within 21 days.[40] However, while eviction moratoriums were in effect, grantees may have had difficulty using funds for pandemic rental assistance in some instances because they were unable to show imminent loss of housing.[41]

---

[35] For more information, see CRS Report R46688, *Pandemic Relief: The Emergency Rental Assistance Program*.

[36] 24 C.F.R. §570.207(b)(4).

[37] U.S. Department of Housing and Urban Development, "Notice of Program Rules, Waivers, and Alternative Requirements Under the CARES Act for Community Development Block Grant Program Coronavirus Response Grants, Fiscal Year 2019 and 2020 Community Development Block Grants, and for Other Formula Programs," 85 *Federal Register* 51467, August 20, 2020, https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-18242.pdf.

[38] 24 C.F.R. §576.103.

[39] 24 C.F.R. §576.2.

[40] *At risk of homelessness* is defined at 42 U.S.C. §11360(1) and 24 C.F.R. §576.2.

[41] See U.S. Department of Housing and Urban Development, *COVID-19 Grants Management: ESG Homelessness*

- ARPA provided $350 billion in Coronavirus State and Local Fiscal Recovery Funds to the Department of the Treasury to distribute via formula to states and localities.[42] These funds could be used for rent, mortgage, or utility assistance and counseling and legal aid to prevent eviction, among other purposes.[43] According to research compiled by the National Low Income Housing Coalition (a nonprofit advocacy organization), of the states and local jurisdictions they tracked, 39 had devoted a total of $3.9 billion to short-term housing assistance, including rent and utility payments and legal and case management services.[44]

Other Sources of Funding

HUD and the VA administer programs for which short- to medium-term rental assistance is one of several interventions that can be used to assist people experiencing or at risk of homelessness, which may also include those at risk of eviction. Homelessness prevention, while overlapping with eviction prevention, focuses on the most vulnerable households, where a person would become homeless without assistance.[45] Eviction prevention may include seeking housing stability for tenants whose eviction might not result in homelessness. In addition, certain flexible federal programs have broad purposes that can include short-term rental assistance for vulnerable tenants.

- As discussed in the "Pandemic Funding" section above, HUD's ESG program can be used for short- and medium-term rental assistance (up to 24 months), including for up to six months of rental arrears, to prevent homelessness among people who are considered homeless or at risk of homelessness.[46] ESG funds can also be used for utility payments and arrears as part of housing stabilization services.[47]
- The VA administers the Supportive Services for Veteran Families (SSVF) program, which, like ESG, can be used to provide rental assistance to veterans and their family members at risk of housing loss.[48] Funds can be used to help very low-income veterans and their families maintain housing stability through rental and utility assistance, with limits on the number of months of assistance based on family income and location (typically, not to exceed two years).
- Other flexible federal program funding may also be used for rent payments, sometimes framed as emergency assistance, at the option of grantees:

Prevention Eligibility During Eviction Moratoria, July 2020, https://files.hudexchange.info/resources/documents/COVID-19-Grants-Management-ESG-Homelessness-Prevention-Eligibility-During-Eviction-Moratoria.pdf.

[42] See CRS Insight IN11665, *The American Rescue Plan Act, Section 9901—The Coronavirus State Fiscal Recovery Fund*; and CRS Insight IN11664, *The American Rescue Plan Act, Section 9901—The Coronavirus Local Fiscal Recovery Fund*.

[43] U.S. Department of the Treasury, "Coronavirus State and Local Fiscal Relief Funds," 87 *Federal Register* 4338 et. seq., January 27, 2002, https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf.

[44] Alayna Calabro, Neetu Nair, and Victoria Bourret, *State and Local Fiscal Recovery Funds: Initial Trends in Housing Investments*, National Low Income Housing Coalition, June 8, 2022, p. 7, https://nlihc.org/sites/default/files/State-and-Local-Fiscal-Recovery-Funds-Initial-Trends-in-Housing-Investments.pdf.

[45] Marybeth Shinn, Andrew L. Greer, and Jay Bainbridge et al., "Efficient Targeting of Homelessness Prevention Services for Families," *American Journal of Public Health*, vol. 103, no. S2 (December 2013), pp. S324-S330.

[46] 24 C.F.R. §576.103. Use of funds for rental arrears is specified at 24 C.F.R. §576.106(a).

[47] 24 C.F.R. §576.105.

[48] 38 C.F.R. §62.34.

- As discussed in the "Pandemic Funding" section above, CDBG funds can be used for "emergency grant payments" made to a provider of food, clothing, housing, or utilities.[49] Typically, emergency payments cannot be made to a provider for more than three consecutive months.[50]
- The Community Services Block Grant (CSBG), which is awarded to states and passed through to community action agencies or local governments, can be used for a wide variety of antipoverty programs, including emergency assistance for rent or other housing-related needs.[51]
- Temporary Assistance for Needy Families (TANF) grants to states can be used for assistance to meet a family's ongoing basic needs as well as for nonrecurrent short-term benefits to address a crisis situation or episode of need, such as a risk of eviction or homelessness.[52]

Legal Assistance and Housing Counseling

In eviction actions, the majority of landlords have legal representation, while tenants rarely do.[53] The intervention of advocates, whether counselors, mediators, or attorneys, on behalf of tenants may prevent some evictions in conjunction with rental assistance, or even without it. A third-party advocate may be able to help negotiate payment of back rent or fees. Where evictions actions occur for a cause other than nonpayment of rent, third-party assistance may be able to help landlords and tenants negotiate other solutions. And if evictions proceed in court, attorneys can help tenants raise defenses of which they might be unaware. There is evidence that tenants who have representation in eviction cases are evicted less frequently.[54] Some state and local governments have laws guaranteeing a right to counsel in eviction cases.[55]

Several federal funding streams can also be used at the state or local level to assist tenants facing eviction.

- The Legal Services Corporation (LSC) is a federally funded private nonprofit corporation, established by Congress,[56] that disburses funding to local legal services providers around the country.[57] Legal services providers, in turn, provide representation to low-income clients in a variety of civil legal matters, including housing cases.

---

[49] 24 C.F.R. §570.207(b)(4).

[50] Ibid.

[51] CSBG is codified at 42 U.S.C. §9901, et seq. and regulations are at 45 C.F.R. Part 96.

[52] 45 C.F.R. §260.31(a), (b).

[53] Legal Services Corporation, *FY2023 Budget Request*, pp. 11-13, https://www.lsc.gov/our-impact/publications/budget-requests/fiscal-year-2023-budget-request.

[54] See, for example, Michael T. Cassidy and Janet Currie, *The Effects of Legal Representation on Tenant Outcomes in Housing Court: Evidence from New York City's Universal Access Program*, NBER Working Paper, March 2022, p. 31, https://www.nber.org/system/files/working_papers/w29836/w29836.pdf ("we find large reductions in: the probability that there is a judgment with possession (on the order of 62 percent), log judgment amount (on the order to 68 percent), ... and in the probability of eviction warrant issuance (on the order of 72 percent).").

[55] For example, right to counsel ordinances have been enacted in the cities of New York, Philadelphia, Cleveland, and Boulder, CO, and in the states of Washington and Maryland.

[56] 42 U.S.C. §2996-2996l.

[57] 42 U.S.C. §2996e.

- In FY2020, Congress provided additional funding to the LSC to study the legal process of eviction and the scope of unmet legal needs at the state and local levels.[58] In response, LSC has undertaken a project, expected to be completed in 2022, to develop an eviction laws database, study how court processes for evictions affect outcomes, and identify effective legal services interventions to prevent evictions.[59]
- A new VA program is to provide legal services for veterans experiencing homelessness and at risk of homelessness. Funds are to be awarded to public and private nonprofit organizations and may be used for housing-related cases, including "eviction defense, representation in landlord-tenant cases, and representation in foreclosure cases."[60] As of the cover date of this report, the program was in the process of being implemented.[61]
- Funds for an Eviction Protection Grant Program, administered by HUD, were initially appropriated as part of the FY2021 Consolidated Appropriations Act (P.L. 116-260) through the Housing Counseling account. HUD awarded inaugural grants for the program in 2021 and 2022.[62]
- HUD's Housing Counseling program funds local certified housing counselors who assist clients with all manner of homeowner- and renter-related housing matters. The program's regulations define rental housing counseling to include eviction prevention, among other types of assistance.[63]
- ESG program funds (discussed in the "Pandemic Funding" section above) can be used to provide legal services to help "resolve a legal program" that may result in loss of permanent housing.[64]

Long-Term Housing Assistance

Long-term housing assistance can reduce evictions and increase housing stability for families by allowing them to pay a rent they can afford because it is based on their specific income and circumstances. The very low- and extremely low-income families who live in subsidized housing may otherwise have difficulty paying market-rate rent and may be more likely to face eviction. In addition, federally subsidized housing has tenant protections in place that market-rate housing

---

[58] U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2020*, report to accompany H.R. 3055, 116th Cong., 1st sess., June 3, 2019, H.Rept. 116-101, p. 102, https://www.congress.gov/116/crpt/hrpt101/CRPT-116hrpt101.pdf.

[59] For more information, see https://www.lsc.gov/initiatives/effect-state-local-laws-evictions (accessed on June 10, 2022).

[60] The program was created by the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (P.L. 116-315) and is codified at 38 U.S.C. §2022A.

[61] U.S. Department of Veterans Affairs, *FY2023 Budget Submission, Vol. 2, Medical Programs and Information Technology Programs*, p. 284, https://www.va.gov/budget/docs/summary/fy2023-va-budget-volume-ii-medical-programs-and-information-technology.pdf.

[62] HUD's Notice of Funding Opportunity contains more information about eligible uses of funds, https://www.hud.gov/sites/dfiles/SPM/documents/EvictionProtectionGrantProgramFR-6500-N-79.pdf. Grantees were announced November 23, 2021, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_193 and May 9, 2022, https://www.hud.gov/press/press_releases_media_advisories/HUD_No_22_091.

[63] 24 C.F.R. §5.100.

[64] 24 C.F.R. §576.105(b)(4).

does not, such as additional notice requirements and the right to a hearing prior to commencement of an eviction.[65] Federal rental assistance is provided through a number of programs, including HUD's Public Housing and Section 8 Housing Choice Voucher programs and several project-based rental assistance programs, as well as several rural housing programs administered by the U.S. Department of Agriculture's Rural Housing Service.[66]

In the case of these rental assistance programs, residents generally pay no more than 30% of their income toward rent, and the remainder of the rent is subsidized.[67] Other affordable housing programs, most notably the federal Low Income Housing Tax Credit (LIHTC) program, subsidizes the construction of below-market rate rental housing for eligible tenants by private developers. LIHTC rents may not be affordable to some households in the absence of other subsidies, as they are not as sensitive to individual tenant incomes as the rental assistance programs. Depending on the type of housing assistance they receive, tenants living in subsidized housing may be less likely to be evicted.[68] For example, studies have shown less likelihood of eviction for tenants in federally subsidized housing, but not necessarily for those in LIHTC housing.[69]

Long-term rental assistance has also been shown to reduce housing instability and homelessness when compared to other housing interventions, including short-term rental assistance.[70] For example, a HUD study of the effects of vouchers on families previously receiving federal cash assistance found that families randomly selected to receive vouchers, when compared to similar families who did not receive vouchers, were less likely later to find themselves living in shelters or on the street, had reduced incidence of doubling up, and a reduced number of overall moves. In-depth interviews with study participants noted a lower incidence of eviction for nonpayment of rent as one factor behind reduced residential moves among voucher recipients.[71] A different study, comparing short-term, long-term, and no rental assistance for families experiencing homelessness

---

65 For example, see 24 C.F.R. part 966 for Public Housing lease and grievance procedure requirements.

66 USDA's Rural Housing Service administers similar programs on a smaller scale. For more information, see CRS Report RL34591, *Overview of Federal Housing Assistance Programs and Policy*.

67 For more information about income eligibility and how subsidies are calculated, see CRS Report R42734, *Income Eligibility and Rent in HUD Rental Assistance Programs: Frequently Asked Questions*.

68 Ian Lundberg, Sarah L. Gold, and Louis Donnelly et al., "Government Assistance Protects Low-Income Families from Eviction," *Journal of Policy Analysis and Management*, vol. 40, no. 1 (2021), pp. 107-127, 118-119 ("the results suggest that public housing protects families from eviction despite doing little to help them make rent payments. Meanwhile, other assistance reduces the risk of nonpayment, but this does not translate into reduced risk.").

69 Gregory Preston and Vincent J. Reina, "Sheltered From Eviction? A Framework for Understanding the Relationship Between Subsidized Housing Programs and Eviction," *Housing Policy Debate*, vol. 31, no. 3-5 (2021), pp. 785-817 ("Although all supply-side subsidy programs analyzed here decrease the likelihood that its tenants are evicted, those properties with deep affordability restrictions—public housing and PBRA properties—are associated with larger reductions in the incidence of eviction filing. We cannot conclude that eviction filing in LIHTC properties, which lack household-adjusted rents, is statistically different than in market-rate properties, all else being equal."). See also Austin Harrison, Dan Immergluck, and Jeff Ernsthausen et al., "Housing Stability, Evictions, and Subsidized Rental Properties: Evidence From Metro Atlanta, Georgia," *Housing Policy Debate*, vol. 31, no. 3-5 (2021), pp. 411-424, 420 (Finding that nonsenior multifamily subsidized properties, 85% of which were LIHTC units, did not have eviction rates that were statistically different from non-subsidized properties; however, also finding that senior subsidized properties had lower eviction rates than non-subsidized properties.).

70 For example, see Daniel Gubits, Marybeth Shinn, and Michelle Wood et al., *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*, HUD, October 2016, https://www.huduser.gov/portal/sites/default/files/pdf/Family-Options-Study-Full-Report.pdf (hereinafter, "*Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*").

71 Gregory Mills, Daniel Gubits, and Larry Orr et al., *Effects of Housing Vouchers on Welfare Families*, HUD, September 2006, https://www.huduser.gov/portal/publications/pdf/hsgvouchers_1_2011.pdf.

found that only families receiving long-term rental assistance saw reduced homelessness; families that received only short-term rental assistance had no reduction in homelessness relative to unassisted families.[72]

Although rental assistance programs have demonstrated effectiveness in terms of reducing evictions and other measures of housing instability, current federal funding is limited, and roughly one out of every four eligible households receives rental assistance.[73]

Policy Proposals and Considerations

Proposals

A number of policy proposals to increase the role of the federal government in reducing evictions have been made in recent Congresses.

Data Collection

Data on evictions is fragmented and inconsistent, and informal evictions are not well captured. New federally directed data collection efforts, such as through the U.S. Census Bureau and the LSC, are underway, and HUD has issued a report to Congress on the feasibility of developing a national database of evictions. HUD's feasibility study found that federal funding to support state and local data collection would be necessary to build a national database:

> the main path to collect complete data for the entire US and its Territories is to support data infrastructure at the local level. With regular congressional funding and the participation of states and localities, such a federal effort would eventually result in a national database that would provide stakeholders with a comprehensive source of data to measure eviction trends accurately across the nation.[74]

Several bills introduced in the 117th Congress—many of which were also introduced in the 116th Congress—would require HUD to establish a national database of evictions.[75] These proposals vary in terms of the extent to which they would compel or incentivize state or local record collection.

Legal Interventions

The eviction process can vary significantly from one state or locality to another. Some communities are considered to be more tenant-friendly than others because they have tenant protection laws, such as a tenant right to counsel in eviction proceedings or just-cause eviction requirements. Some research has looked at how local policies affect eviction rates and outcomes. For example, some communities that have enacted right-to-counsel ordinances for tenants facing

---

[72] *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families,* pp. 36-37, 52-53.

[73] Center on Budget and Policy Priorities, *76% of Low-Income Renters Needing Federal Rental Assistance Don't Receive It*, https://www.cbpp.org/research/housing/three-out-of-four-low-income-at-risk-renters-do-not-receive-federal-rental-assistance.

[74] HUD, Office of Policy Development and Research, *Report to Congress on the Feasibility of Creating a National Evictions Database*, October 2021, p. 56, available at https://www.huduser.gov/portal/sites/default/files/pdf/Eviction-Database-Feasibility-Report-to-Congress-2021.pdf.

[75] For example, see the We Need Eviction Data Now Act of 2021 (H.R. 5361), Eviction Crisis Act of 2021 (S. 2182), Eviction Prevention Act of 2021 (H.R. 3580), and HELP Act of 2022 (H.R. 6696).

eviction have evaluated the effects of the interventions and found that majorities of represented tenants are able to stay in their homes.[76] As noted earlier, at Congress's direction, the LSC is currently engaged in a congressionally funded and directed study to track state/local eviction laws and determine which legal service policies are effective at reducing evictions.

There have been numerous proposals to increase federal support for addressing some of the legal aspects of eviction. Examples from legislation proposed in the 117th Congress include the following:

- providing grants to fund legal assistance for tenants facing eviction and/or provide incentives to states and localities to adopt right-to-counsel laws,[77]
- providing grants to fund landlord-tenant courts that offer social service assistance for tenants,[78]
- limiting landlords' rights to evict during a national emergency or disaster,[79]
- allowing landlords to evict only for certain specified reasons (i.e., for cause),[80] and
- limiting the reporting of evictions to consumer credit reporting agencies.[81]

CARES Act Tenant Notice Requirement

Section 4024(c) of the CARES Act (P.L. 116-136) created a requirement that landlords of certain rental properties with federal assistance or federally related financing provide tenants at least 30 days' notice before they must vacate a unit for nonpayment of rent.[82] This provision was initially part of a broader set of eviction protections that expired on July 24, 2020. However, the 30-day notice to vacate requirement did not expire and is still in effect, overriding shorter state eviction notice periods.

Legislation was introduced in the 117th Congress (H.R. 9062) to repeal this requirement.

Future Funding for Emergency Rental Assistance

The nearly $47 billion in new funding that the federal government invested in ERA in response to the COVID-19 pandemic spawned the development of new and expanded systems for states and localities to administer such assistance. While some communities had previously developed their own, smaller eviction prevention/emergency assistance programs with either local funding or by using flexible federal grants, in most places the advent of ERA meant building new systems or

[76] See, for example, New York City Human Resources Administration, Office of Civil Justice, *Universal Access to Legal Services, A Report on Year Three of Implementation in New York City*, Fall 2020, p. 11, https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf (86% of tenants); and City and County of San Francisco, Mayor's Office of Housing and Community Development, *2020-2021 Consolidated Annual Performance and Evaluation Report*, p. 84, https://sfmohcd.org/sites/default/files/Documents/Reports/2020-2021%20CAPER.pdf (67% of tenants).

[77] See, for example, the Eviction Prevention Act (H.R. 3580), HELP Act of 2022 (H.R. 6696), Housing for All Act of 2022 (S. 3788/H.R. 6989), and Affordable HOME Act (S. 2234/H.R. 5385).

[78] See, for example, the Eviction Crisis Act of 2021 (S. 2182).

[79] See, for example, the Emergency Eviction Enforcement Act of 2021 (H.R. 1451) and Federal Disaster Housing Stability Act of 2021 (H.R. 5043).

[80] See, for example, the Affordable HOME Act (S. 2234/H.R. 5385).

[81] See, for example, the HELP Act of 2022 (H.R. 6696) and Eviction Crisis Act of 2021(S. 2182).

[82] The provision is codified at 15 U.S.C. §9058(c). For more information on units and properties subject to the requirement, see CRS Insight IN11320, *CARES Act Eviction Moratorium*.

partnerships with nonprofit or community organizations. This lack of pre-existing administrative architecture is seen as at least part of the reason for the slow initial expenditure of ERA assistance.[83] However, now that the infrastructure is in place, questions have arisen as to whether and how eviction prevention and emergency assistance should continue once ERA funds are exhausted.

Some states and localities may commit their own funds, or commit other federal grant funding (i.e., CDBG funds), to maintain emergency rental assistance, but it would likely be at a smaller scale than under the federally funded program.[84] Low-income housing advocates have called for an ongoing federal investment in dedicated emergency rental assistance, informed by experience with the ERA program.[85] Several bills have been introduced in the 117th Congress to authorize an ongoing emergency rental assistance program.[86]

Expansions of Federal Housing Assistance

As noted earlier, federal housing assistance, particularly rental assistance, appears to decrease the rates of involuntary displacement, including eviction, among low-income tenants. Federal rental assistance programs are currently funded at levels that allow them to serve roughly one in four eligible households. If rental assistance programs were expanded, evictions might be reduced.

A number of proposals have been made to expand federal housing assistance programs, particularly the Housing Choice Voucher program—proposals have called for it either to serve significantly more households or to be made an entitlement program such that it serves all eligible households.[87]

Considerations

When reviewing policy proposals to address evictions, there are a number of considerations to take into account.

Effectiveness

One consideration is related to the overall effectiveness of a given strategy; for example, do interventions such as short-term rental assistance and legal representation result in longer-term housing stability? Temporary, emergency rental assistance is predicated on the idea that a person has experienced a financial shock that cannot be absorbed with their current resources, and that short-term assistance can serve as a bridge to ensure housing stability until that crisis period has

[83] U.S. Department of the Treasury, *Emergency Rental Assistance Data Shows Programs Ramping Up, but States and Localities Must Do More to Accelerate Aid*, interim report, July 2, 2021, p. 4, https://home.treasury.gov/system/files/136/2021-07-02-ERA-Data-Blog-Post-vF.pdf.

[84] For an example of how states and localities have used other federal funding—State and Local Fiscal Recovery Funds—for continuing emergency rental assistance, see Alayna Calabro et al., *State and Local Fiscal Recovery Funds: Initial Trends in Housing Investments*, June 8, 2022, https://nlihc.org/sites/default/files/State-and-Local-Fiscal-Recovery-Funds-Initial-Trends-in-Housing-Investments.pdf.

[85] See, for example, Claudia Aiken et al., *Emergency Rental Assistance (ERA) During the Pandemic: Implications for the Design of Permanent ERA Programs*, Housing Initiative at Penn and the National Low Income Housing Coalition, research brief, March 2022, https://nlihc.org/sites/default/files/HIP_NLIHC_2022_3-10_FINAL.pdf.

[86] See, for example, the Eviction Crisis Act of 2021(S. 2182), Affordable HOME Act (S. 2234/H.R. 5385), and Prevent Homelessness Act of 2022 (H.R. 6453).

[87] See, for example, the Ending Homelessness Act of 2021 (H.R. 4496) and Housing for All Act of 2022 (S. 3788/H.R. 6989).

passed. However, it is unclear what share of evictions are the result of a short-term, immediate crisis versus ongoing affordability challenges. As rental housing has become less affordable in many parts of the country, short-term, temporary assistance may only serve to postpone displacement for tenants with persistently low-incomes.

The extent to which ERA funding has been able to prevent evictions is unclear, particularly in the longer-term. Recent research using self-reported Census Pulse Survey data found that respondents who stated that they received ERA were less likely to consider themselves at risk of eviction in the upcoming two months than tenants who stated that they applied for but had not yet received ERA.[88]

While evidence of the overall effectiveness of short-term eviction prevention assistance is limited, findings related to the use of short-term rental assistance in the context of people experiencing homelessness may be instructive. An evaluation of the Rapid Rehousing Demonstration, which provided roughly 6-18 months of rental assistance for families experiencing homelessness in the wake of the Great Recession, found that 10% of families had at least one period of homelessness within a year after exiting the program and 76% of families moved at least once within the same period.[89] Further, in HUD's Family Options Study, which provided homeless families with a range of housing interventions, temporary rental assistance for an average of eight months did not reduce homelessness after a three-year period relative to families in the usual care group who received no housing assistance aside from emergency shelter accommodations.[90] By contrast, a permanent housing subsidy showed substantial reductions in housing instability and homelessness.[91]

These studies point to ongoing housing assistance as a potentially more effective strategy for promoting longer-term housing stability for low-income or vulnerable renters, as it ensures long-term affordability. (Another strategy for supporting longer-term affordability could be through providing other financial assistance to boost tenants' incomes, although an examination of the pros and cons of housing assistance versus other financial assistance is beyond the scope of this report.)

Federal Cost

Prior to the COVID-19 pandemic, there were no dedicated federal eviction prevention resources. To the extent that eviction prevention resources existed, they were developed by state and local governments with local funding, which may have included flexible federal grant funding. The

---

[88] Whitney Airgood-Obrycki, *The Short-Term Benefits of Emergency Rental Assistance*, Harvard Joint Center for Housing Studies, June 2022, https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_short_term_era_benefits_airgood-obrycki_2022.pdf.

[89] Meryl Finkel, Meghan Henry, and Natalie Matthews et al., Rapid Re-Housing for Homeless Families Demonstration Programs Evaluation Report, Part II: Demonstration Findings—Outcomes Evaluation, U.S. Department of Housing and Urban Development, April 2016, pp. 36, 46, https://www.huduser.gov/portal/sites/default/files/pdf/RRHD-PartII-Outcomes.pdf. (The report authors noted "From the perspective of the homeless assistance system, which has the role of reducing the number of households that experience homelessness, this outcome is excellent. That said, the high rate of mobility raises some concerns, as does the finding that family income showed little or no increase, and very few families exited the program with any type of subsidized housing assistance. These findings suggest that the short-term assistance offered may be just that, and that some families who continue to struggle with severe poverty may find themselves again in housing crisis before too long. From a homelessness prevention perspective, this finding is vexing." See p. iii.)

[90] *Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families*, pp. 52-53.

[91] Ibid., pp. 36-37.

magnitude of the COVID-19 pandemic led to historic federal investments in numerous policy domains, including providing additional aid to bolster state and local spending needs. Whether ongoing dedicated federal support to prevent evictions is a worthwhile federal investment, or an appropriate cost-shifting from states and localities to the federal government, is at question.

In addition to federalism-related questions, efforts to increase the federal role in reducing evictions raise questions of overall cost to the federal budget. Depending on the policy in question, the costs range from hundreds of millions (for some expanded legal assistance)[92] to tens of billions (for a voucher entitlement program),[93] investments that would be weighed against the other priorities in the congressional budget and appropriations process.

Effects on Landlords

Another consideration is the unintended consequences for landlords of policies like eviction moratoriums or enhanced legal protections for renters. Formal evictions can involve a somewhat lengthy process and may be costly for landlords. Landlords generally need rental income to maintain properties as well as for their own financial support. This raises the question as to whether limiting the ability to evict, or making the process lengthier and costlier, could influence landlord behavior, potentially making housing more expensive, lower quality, or more difficult to access for lower-income tenants.[94] Put differently, if landlords find it more difficult to evict, they may be less likely to rent to certain applicants.

While rental property ownership and landlord behavior is not well studied,[95] there is some evidence from the COVID-19 pandemic national eviction moratorium. Several studies, based on surveys of landlords, found that while more landlords had made concessions to tenants during the moratorium period, more had also deferred maintenance on their properties and missed payments for their own mortgages, utilities, and taxes. Small landlords, Black landlords, and landlords in lower-income communities were the most likely to report economic losses during this period, increasing the risk of loss to the naturally occurring affordable housing stock that these types of landlords generally provide.[96] Conversely, greatly expanded rental assistance, depending on how it is structured, could result in more steady and predictable income for landlords who serve low-income qualifying tenants.

[92] For example, the Eviction Prevention Act (H.R. 3580) would authorize $125 million in grants to states and localities to fund legal assistance.

[93] Estimates for the cost of a voucher entitlement vary; the most recent CBO estimate from 2015 was that it could cost an additional $41 billion per year. Congressional Budget Office (CBO), *Federal Housing Assistance for Low-Income Households*, Washington, DC, September 2015, https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/50782-lowincomehousing-onecolumn.pdf.

[94] See, for example, Jung Hyun Choi, Laurie Goodman, and Daniel Pang, *The Real Rental Housing Crisis Is on the Horizon*, Urban Institute, March 11, 2022, https://www.urban.org/urban-wire/real-rental-housing-crisis-horizon (“Overall, 39 percent of landlords said they are now using more stringent screening criteria, and landlords who have missed rental payments are becoming especially cautious, with 49 percent of these landlords tightening screening criteria, versus 32 percent who did not miss rental income.”).

[95] See U.S. Department of Housing and Urban Development, Office of Policy Development and Research Online Magazine Edge, *Landlords*, June 11, 2018, https://www.huduser.gov/portal/pdredge/pdr-edge-frm-asst-sec-061118.html.

[96] Elizabeth Kneebone et al., *The Impact of the Pandemic on Landlords: Evidence from Two National Surveys*, Harvard Joint Center for Housing Studies, September 2021, https://www.jchs.harvard.edu/sites/default/files/research/files/harvard_jchs_impact_on_landlords_two_national_surveys_kneebone_et_al_2021.pdf.

Author Information

Libby Perl
Specialist in Housing Policy

Maggie McCarty
Specialist in Housing Policy

Disclaimer