



HUD COVID-19 RELIEF BILL PROVISIONS

The third coronavirus (COVID-19) relief bill has passed the Senate and the House, been signed by the President, and is now law. The entire bill includes more than \$2 trillion to help the United States economy.

Thank you to everyone that contacted your legislators through the [NAHRO's Advocacy Action Center](#). Your messages of how important affordable housing is during a pandemic played a critical role in the HUD programs receiving supplemental, relief funding. NAHRO is providing additional coronavirus resources at www.nahro.org/coronavirus.

The relief bill includes additional funds for HUD's Public and Indian Housing (PIH), Community Planning and Development (CPD), and Office of Housing programs. The HUD funding in the bill is in line with the previously discussed Senate bill - except for the Community Development Block Grant (CDBG) funding, which is \$5 billion in the relief bill. All the funding in the bill is in addition to the previously appropriated FY2020 funding. The chart below provides the amounts of the supplemental funding for select HUD programs from the relief bill.

Relief Bill HUD Funding	
Program	Relief Bill
Tenant-Based Rental Assistance	\$1.25 Billion
<i>HAP Adjustments (included above)</i>	<i>\$400 Million</i>
<i>Admin Fee (included above)</i>	<i>\$850 Million</i>
Public Housing Op Fund	\$685 Million
Native Housing Programs	\$300 Million
HOPWA	\$65 Million
202 - Elderly	\$50 Million
811 - Disabled	\$15 Million
CDBG	\$5 Billion
Homeless Assistance Grants	\$4 Billion
Project-Based Rental Assistance	\$1 Billion

In addition to the supplemental funding the relief bill includes several policy provisions including limited statutory and regulatory waivers. HUD is expected to issue notices soon that provide the allocation of the supplemental funding and implements the policy provisions and program waivers, as many of the provision dates are tied to the date of enactment, March 27, 2020. The program policy provisions, along with the funding for each, are described below.

Temporary Moratorium on Eviction Filings

The relief bill includes a provision that requires PHAs to implement a temporary moratorium on evictions. The moratorium applies to Public Housing, Housing Choice Vouchers, Low-Income Housing Tax Credit units, rural housing assistance, and other programs as defined by the Violence Against Women Act. The eviction moratorium will last for 120 days from the enactment of the relief bill, July 25, 2020. The PHA will not be allowed to file an eviction action for nonpayment of rent, fees, or charges and no late fees or penalties may be charged. A 30-day notice to vacate for nonpayment of rent cannot be issued until the expiration of the eviction moratorium. In practice, nonpayment of rent eviction hearings cannot be heard for 5 months from the enactment of the relief bill, August 24, 2020. The moratorium only addresses eviction for non-payment of rent evictions and does not address any other type of eviction. Evictions for issues such as criminal activity or safety of residents are, therefore, allowed.

Tenant-Based Rental Assistance (TBRA)

The relief bill provides \$1.25 billion for tenant-based rental assistance.

Administrative Expenses – Of the relief bill’s \$1.25 billion for the TBRA account, there is \$850 million for additional administrative and other expenses PHAs encounter in administering Section 8 programs, including mainstream vouchers, in response to coronavirus. The bill states that these expenses shall be new eligible activities to be defined by HUD and shall be activities to “support or maintain the health and safety of assisted individuals and families and costs related to retention and support of current participating landlords.” Funds from the FY 2020 appropriations bill may also be used for these expenses.

Housing Assistance Payments (HAP) Adjustments – Of the relief bill’s \$1.25 billion for the TBRA account, \$400 million will be available for “adjustments in the calendar year 2020 Section 8 renewal funding allocations, including Mainstream vouchers.” These adjustments will be for those PHAs that “experience a significant increase in voucher per-unit costs due to extraordinary circumstances or that, despite taking reasonable cost savings measures,” as determined by HUD, would be forced to terminate voucher assistance.

Need-based allocation – The Department is instructed to allocate the above funding based on need as determined by HUD.

Section 811 – The relief bill allows for any amounts unobligated, including administrative expenses, that remain available after funding renewals and administrative expenses to be used for non-competitive section 811 tenant-based rental assistance to prevent, prepare for, and respond to coronavirus. HUD will award no less than 25 percent of the remaining amounts proportionately to PHAs who received awards in the 2017 and 2019 competitions within 60 days of enactment, May 26, 2020.

Family Unification Program (FUP) vouchers – Funds from tenant-protection vouchers used for youth in the FUP program and funds from FUP funding reserved for youths will not have to be reported to the appropriate congressional committees when grants are awarded.

Waivers – The relief bill allows that the Department may “waive, or specify alternative requirements for, any provision of any statute or regulation [except for requirements related to fair housing,

nondiscrimination, labor standards, and the environment] that [HUD] administers in connection with the use of the amounts made available” in this bill or the FY 2020 appropriations act, upon a finding by HUD that waivers “are necessary for the safe and effective administration of these funds to prevent, prepare for, and respond to coronavirus.”

Notice of waivers – HUD must notify the public through the *Federal Register* or “other appropriate means to ensure the most expeditious allocation of this funding” of waivers or alternative requirements. A public notice at the appropriate government website or through other electronic media determined by HUD may suffice.

Length of waivers – Waivers or alternative requirements will remain in effect for the time and duration specified by HUD by public notice and may be extended by HUD.

Project-Based Rental Assistance

Project-based rental assistance – The relief bill provides \$1 billion for project-based rental assistance. These funds are to “prevent, prepare for, and respond to coronavirus,” including funds to maintain normal operation and take other necessary actions, while the program is impacted by coronavirus. The funding is also for owners and sponsors of properties receiving project-based assistance.

Waivers – The Department may “waive, or specify alternative requirements for, any provision of any statute or regulation [except for requirements related to fair housing, nondiscrimination, labor standards, and the environment] that [HUD] administers in connection with the use of the amounts made available” in this bill, upon a finding by HUD that waivers are necessary “to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus” and the waivers are consistent with program purposes.

Notice of waivers – HUD must notify the public through the *Federal Register* or other appropriate means. At a minimum on the Internet at the appropriate government website or through other electronic media decided by HUD.

Public Housing

Public Housing Operating Fund – The relief bill provides \$685 million to the Operating Fund. These funds would be distributed by the Operating Fund formula.

Public Housing Subsidy Flexibility – The relief bill allows PHAs fungibility of their Operating and Capital Funds so long as the funds are used to prevent, prepare for, and respond to coronavirus. This includes Operating and Capital Funds appropriated to PHAs prior to these bills. The ability to transfer funds between the Operating and Capital accounts will remain available through December 31, 2020. HUD can extend this provision in 12-month increments if needed.

Waivers – The relief bill allows HUD to provide waivers for statutory and regulatory requirements related to the Capital and Operating Fund if those waivers would help PHAs prepare for, prevent, and respond to coronavirus. These waivers will be released in the *Federal Register*.

Community Development Programs

HOPWA – The relief bill provides \$65 million to HOPWA – \$50 million to be distributed by formula and \$10 million by one-time, non-renewable grants to existing contracts for permanent support housing that were initially made in FY 2010 and prior years.

The bill allows these funds to be used to help individuals living with HIV-AIDS relocate for the purposes of self-isolation, quarantine, or provide other coronavirus control services as recommended by the CDC.

Community Development Block Grant – The Community Development Fund receives \$5 billion to be distributed as Community Development Block Grants (CDBG). Of this funding, \$2 billion will be distributed to entitlement communities by formula and \$1 billion will go directly to states to prepare for and respond to coronavirus based on need. The need-based formula will consider public health needs, the number of COVID-19 cases compared to the national average, and economic and housing disruptions. Allocations must be made within 45 days of enactment of the relief bill, May 11, 2020. HUD would have the discretion to distribute the remaining funds to states or local governments.

The relief bill allows entities an expedited procedure to amend their statements of activities to engage in coronavirus activities. In-person meetings are not required however entities must provide notice a comment period of no less than 5 days to receive public input. Virtual meetings are also allowed.

Homeless Assistance Grants – The relief bill provides \$4 billion for the Emergency Solutions Grants (ESG) program. Of this, \$2 billion will be distributed as formula grants and \$2 billion will be distributed to states by a formula developed by HUD. The formula would consider risk of transmission of coronavirus, rising rate of sheltered and unsheltered homeless individuals, disruptions to economic and housing markets, and other factors.

The relief bill allows funding to be used for temporary emergency shelters, costs related to infectious disease prevention, and hazard pay. The Secretary may waive statutory and regulatory waivers as needed to prepare for, prevent, and respond to coronavirus. Up to one percent of the funds can be used to increase prior technical assistance awards that relate to providing health care services. Ten percent of the funds received by grantees can be used for administrative purposes. None of the funds provided can be used to require homeless individuals to enter treatment or perform any other prerequisite activity as a condition or receiving shelter, housing, or other services.

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