

August 6, 2021

President Joseph Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden:

On behalf of the below civil and human rights organizations, we write to thank you for your leadership in working with the Centers for Disease Control and Prevention to create a limited 60-day moratorium on evictions in counties with high rates of COVID-19 transmission, covering about 90 percent of renters through October 3, 2021. This was a necessary initial step and additional action is needed to help protect renters and homeowners in the ongoing health and economic crises, especially Black and Brown people who have faced the disproportionate harms of the pandemic. We call on you to take the following actions to ensure that the nation does not end up with an eviction crisis:

- Extend the Centers for Disease Control and Prevention's (CDC) federal moratorium on evictions until December 31, 2021.
- Require the departments of Agriculture, Treasury, Veterans Affairs, and the Federal Housing Administration to extend the moratorium on evictions for properties owned or assisted by these agencies to December 31, 2021, as well as encourage the Federal Housing Finance Agency to take similar action regarding foreclosed properties owned by Fannie Mae, Freddie Mac, and other federally backed properties.
- Remove barriers in the Treasury Department's Emergency Rental Assistance Program (ERA). For example, create a safe harbor provision for ERA programs that reasonably interpret federal guidance. Provide greater clarity to ensure that eligibility criteria, documentation requirements, and lack of outreach do not continue to pose barriers.
- Provide direct assistance to states who are experiencing challenges standing up their ERA programs.
- Require federal agencies to instruct servicers of their single family loans to follow the CFPB's RESPA 2021 Mortgage Servicing COVID-19 Rule immediately, prohibiting servicers from making a first notice or filing for foreclosure on most loans until December 31, 2021.

Communities of color have disproportionately borne the brunt of the hardships brought about by the COVID-19 pandemic. Black, LatinX, and Indigenous Americans are more likely to be hospitalized and die from the coronavirus, and more likely to face increased financial insecurity as a result of this crisis. A dizzying array of longstanding factors—notably, our nation's long and unmitigated legacy of segregation and discrimination, and the concentration of contaminated land, air, water, and food deserts in communities of color—left communities of color especially vulnerable to the devastating economic and public health impacts of the COVID-19 pandemic.

After months of declining COVID-19 infections nationwide, the extremely contagious Delta variant has led to a shocking increase in new reported cases in the past few weeks, even among those who have been vaccinated. The disconcerting growth in new COVID-19 cases comes at a time when nearly 6.5 million U.S renters—the vast majority of whom live in communities that experienced surges in new COVID-19 infections last months—report being behind on rent.¹

¹ U.S. Census Household Pulse Survey (July 14, 2021). Available at: <https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>

To date, the pandemic has severely harmed the health and economic security of households and neighborhoods of color. Nearly 58% and 53% of LatinX and Black households, respectively, reported experiencing declines in employment income since March 2020, significantly higher than the share of the share of White households—39%— that experienced similar economic impacts. Moreover, Black and Brown Americans disproportionately work in front-line jobs deemed “essential” during the pandemic, putting them at additional risk of contracting COVID-19. The Department of Labor found that, in 2017 and 2018, nearly 30% of White employees had jobs they could do from home, compared to just 20% of Black workers and 16% of LatinX workers. Additionally, 61% of the workers in the top quarter of earners could work from home, while only 9% of those in the bottom quarter could work from home.² These glaring discrepancies help explain why Black and Brown U.S. households have continued to report significant financial and housing insecurity challenges during the course of this pandemic.

In a recent Pew Research Center survey, Black, LatinX, and Asian-American adults were significantly more likely than White respondents to report struggling to pay their housing and other bills at all or on time, using money from savings and retirement funds, borrowing money from friends and family to make ends meet, and losing health insurance coverage. For example, 43% of Black adults and 37% of LatinX surveyed adults reported having trouble paying their rent or mortgage compared to just 18% of White adults.³ Publicly available data also continues to show that Black and LatinX homeowners are having the most difficulty paying their mortgage.⁴ Worse yet, a third of U.S. homeowners—many of whom are people of color—have not been eligible for forbearance because their mortgages are not federally-backed.

Research has long shown that communities of color are disproportionately rent-burdened and at risk of eviction. People of color are twice as likely to be renters and are disproportionately likely to be low-income and rental cost-burdened. In nearly every metropolitan city in the U.S., Black and LatinX people are the vast majority of renters who would be at risk of eviction. A recent study found that Black households are more than twice as likely as White households to be evicted after controlling for education.⁵

Millions of renter households face eviction, and in localities across the nation there has already been an uptick in eviction filings. Likewise, there are homeowners that have already been foreclosed upon who now face the risk of eviction. These families have lost or will lose access to the very housing protections that are key to stemming the spread of new COVID-19 infections at a time when communities nationwide are struggling to combat the surge of new Delta COVID variant cases. Left unaddressed, the next wave of evictions and foreclosures would fall hardest on the most financially vulnerable in our society, with Black and Brown working families—for whom the COVID-19 pandemic continues to disproportionately harm—faring the worst.

Although Congress recently allocated \$46.6 billion in rental assistance, only \$3 billion of those funds have reached the families who need it. It is imperative for the administration to ensure that state and local governments do everything possible to distribute funds to help struggling renters get back on track and rapidly rehouse those who have already been evicted. Those states and local governments that have failed

² Eric Morath, Theo Francis, and Justin Baer, “The Covid Economy Carves Deep Divide Between Haves and Have-Nots,” *The Wall Street Journal*, October 5, 2020, <https://www.wsj.com/articles/the-covid-economy-carves-deep-divide-between-haves-and-have-nots-11601910595>.

³ Kim Parker, Rachael Minkin, and Jesse Bennett, “Economic Fallout from COVID-19 Continues to Hit Lower-Income Americans the Hardest,” *Pew Research Center Social & Demographic Trends*, September 24, 2020, <https://www.pewsocialtrends.org/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>.

⁴ Urban Institute, “Measuring the Crisis: Housing Data during the COVID-19 Pandemic,” October 26, 2020, <https://www.urban.org/events/measuring-crisis-housing-data-during-covid-19-pandemic>.

⁵ Harvard Civil Rights-Civil Liberties Law Review. Mathew Desmond, Deena Greenberg, Carl Gershenson. Available at: https://scholar.harvard.edu/files/mdesmond/files/greenberg_et_al._.pdf

to distribute rental assistance must be held to account as any disruption in the housing sector will be felt throughout the whole economy. The Treasury Department must also ensure equitable distribution of the American Rescue Plan's Homeowner Assistance Fund (HAF), which provides nearly \$10 billion to help hardest-hit homeowners remain in their homes.

We pledge our assistance in this important work ahead. Should you have any questions, please feel free to contact Lisa Rice, President and CEO, National Fair Housing Alliance (Lisa.Rice@nationalfairhousing.org), and Marc Morial, President and CEO, National Urban League (MMorial@nul.org).

Thank you for your attention to and consideration of this important matter.

Sincerely,

Lawyers' Committee for Civil Rights Under Law
The Leadership Conference on Civil and Human Rights
National CAPACD – National Coalition for Asian Pacific American Community Development
NAACP Legal Defense and Educational Fund, Inc. (LDF)
National Fair Housing Alliance
National Urban League
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