

Secretary of the Treasury Yellen, Attorney General Garland and Secretary of the Department of Housing and Urban Development Fudge Sent Letter to Governors, Mayors and State Courts Urging Use of Emergency Rental Assistance Over Eviction

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WASHINGTON — Today, U.S. Secretary of the Treasury Janet L. Yellen, Attorney General of the U.S. Department of Justice Merrick B. Garland, and Secretary of the Department of Housing and Urban Development Marcia L. Fudge sent a letter to state and local government leaders addressing the eviction moratorium.

[The full text of the letter is available here](#)  and below.

Governors, Mayors, County Executives, and Chief Justices/State Court Administrators:

We are writing to request your urgent help preventing unnecessary evictions during the pandemic. Our bottom line is this: No one should be evicted before they have the chance to apply for rental assistance, and no eviction should move forward until that application has been processed.

Though over 172 million Americans are now fully vaccinated, and COVID-19 deaths are down over 80 percent compared to January of this year, significant work remains to defeat the virus and rebuild our economy. The spread of the Delta variant has led to a rise in cases, many Americans are just getting back on their feet from the economic downturn, and millions remain at risk of eviction. With lives on the line, it is imperative that we act-at all levels of government-to keep people in their homes and prevent a surge in COVID-19, as well as the long-term economic scarring and poor health consequences that come with eviction.

The Treasury Department remains laser-focused on partnering with state and local governments to get Emergency Rental Assistance (ERA) funds out the door and into the hands of renters and landlords, including through recent guidance emphasizing the flexibility grantees have to simplify application processes and accelerate the delivery of assistance.

The Department of Justice recently sent a letter to state court Chief Justices and court administrators encouraging them to implement eviction diversion programs that delay or stop eviction proceedings until renters and landlords have had the chance to apply for rental assistance. The Attorney General and Associate Attorney General also met with over 35 Chief Justices from around the country to listen to their concerns and discuss ways the federal government can support implementation of these programs.

Similarly, the Department of Housing and Urban Development has required public housing authorities and properties receiving federal project-based rental assistance to offer protections that will provide tenants with a fair chance to receive emergency rent relief and to take other steps to help prevent evictions. Our three Departments are working closely together and with other agencies across the federal government to make rental assistance available to households in need.

We also know we cannot address this challenge alone. State and local governments play a crucial role as administrators of programs like ERA and as leaders of their own housing agencies, judiciary systems, and other components of government that are essential to keeping Americans in their homes. Today, we are urging you to exercise your own authorities-as states, cities, and counties representing millions of Americans already have-to take action to prevent unnecessary evictions, including:

- **Enacting state and local eviction moratoriums during the remainder of the public health emergency.** Six states and the District of Columbia already have eviction moratoriums in place. As the President called for, we are encouraging all other state and local governments to use their legal authorities to appropriately put in place or extend their own eviction moratoriums.
- **Working with state and local courts to require landlords to apply for ERA before they commence eviction proceedings.** State and local governments or courts should ensure that all tenants have the opportunity to apply for rental assistance before any proceedings begin, and landlords seeking eviction should be required to apply for rental assistance first-a policy already implemented in some states and localities.
- **Staying eviction proceedings while an ERA application is pending.** By taking this step, as some states and localities already have, courts can ensure that tenants have a fair opportunity to apply for federal aid and that unnecessary evictions are avoided. While we call on courts to stay eviction proceedings, state and local governments must also speed the delivery of rental assistance to meet courts' deadlines.

- **Using ERA and American Rescue Plan State and Local Fiscal Recovery Funds to support the right to counsel and eviction diversion strategies.** Tenants are more likely to avoid eviction and remain stably housed when they have access to legal representation. Legal counsel can also aid in the successful completion of ERA applications. We encourage state and local governments to use ERA and Fiscal Recovery Funds to launch right to counsel programs and invest in court navigators and diversion programs.
- **Helping tenants navigate the ERA application process.** The Treasury Department has issued recent guidance streamlining the ERA application process, for example, by making clear that grantees can rely on self-attestation from tenants for certain eligibility requirements. State and local governments can continue to build on these efforts by removing unnecessary barriers to ERA funds.

The ERA program and the State and Local Fiscal Recovery Funds have provided state and local governments tens of billions of dollars to support renters and landlords; it is critical that renters be given the chance to receive that aid before being subject to eviction. Many state and local governments are working hard to get rental assistance to those in need as quickly as possible, and these policies will help ensure renters are not evicted before those resources reach them.

We applaud the efforts of the state and local governments that have already taken these and other actions to prevent unnecessary evictions, as we know many of you have. However, we also know more must be done and that effective and comprehensive policies to prevent unnecessary evictions have never been more urgent. We stand ready to partner with and support you in any way we can to protect renters and landlords and make programs like ERA as effective as possible.

Thank you for all you are doing and will continue to do to keep Americans in their homes. We will continue to engage with you over the coming days and weeks as we take on this challenge, and we welcome your input as we work together to prevent unnecessary evictions and help households in need reach the other side of this pandemic safely.

Sincerely,

Janet L. Yellen

Secretary

U.S. Department of the Treasury

Merrick B. Garland

Attorney General

U.S. Department of Justice

Marcia L. Fudge

Secretary

U.S. Department of Housing and Urban Development