Honorable Benjamin S. Carson, Sr. M.D., Secretary  
U. S. Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC  20410-0500  
March 24, 2020  
BY EMAIL

Dear Secretary Carson:

On behalf of the National Alliance of HUD Tenants (NAHT), we write to urge additional immediate actions by HUD to protect the five million low income renters in HUD assisted housing, including HUD Multifamily, Public and Section 8 Voucher tenants.

NAHT is the national tenants union representing the 1.7 million households in privately-owned, HUD multifamily housing. Since 1992, NAHT has been the national voice for HUD -assisted tenants, and is the only national tenant membership coalition in the US. Governed by an all tenant, elected Board, NAHT’s voting membership consists of tenant associations that meet HUD standards for legitimate tenant organizations at 24 CFR Part 245, Subpart B, and associated areawide tenant assistance organizations in 17 states. Our mission is to preserve and improve HUD assisted housing through tenant empowerment and participation in decisions affecting our homes.

We appreciate the emergency steps taken by HUD to suspend foreclosures and related evictions in private, single-family housing receiving FHA mortgage assistance, to protect homeowners and lenders affected by drops in income during the COVID-19 crisis. We urge you to extend this principle to low income renters assisted by HUD as well. Specifically, we urge HUD to:

**Direct owners and agencies receiving or administering HUD rental assistance, to suspend all evictions and subsidy terminations, except in cases of serious criminal actions such as domestic violence that would harm others, for the duration of the national emergency.** Maintaining housing stability during this crisis is essential to comply with public health orders to shelter in place. HUD assisted tenants who are employed are already facing major losses in income as the economy enters a deep recession. In HUD-assisted housing, 56% of working households earned less than the federal poverty line in 2016, according to the Center for Budget and Policy Priorities; these families will be even more severely impacted by the crisis. An exception should be maintained for evictions of household members who engage in criminal actions endangering others, such as domestic violence, which is unfortunately likely to increase as families are confined in lock down for extended periods of time.
Suspend all eviction filings and subsidy termination hearings for the duration of the crisis to avoid community spread of the virus. Hearings and court appearances endanger tenants, agency and court personnel alike. Tenants will also have challenges obtaining necessary documents and assistance from attorneys during the crisis. An eviction moratorium will reduce the risk of community spread of the virus.

Notify tenants and streamline interim recertifications. Tenants are already experiencing sudden job loss or radically reduced incomes. HUD should require owners and PHAs to notify tenants of their right to seek immediate interim recertifications. Since many employers may be shut down and unable to readily provide back up documentation, tenants should be allowed to self-certify drops in income, receiving immediate rent adjustments and an extended period to provide back-up documentation after the state of emergency has ended.

Across the board waiver of minimum rent requirements. Current HUD policy setting minimum rents in Public and HUD Multifamily housing allows tenants to seek a hardship waiver on a case by case basis. But tens of thousands of destitute tenants who experience a sudden loss of income will need these waivers to survive. An across the board waiver of minimum rent requirements will provide immediate relief to these tenants while avoiding a costly administrative burden to owner/agents and PHAs who would otherwise be overwhelmed processing waiver requests at the expense of more urgent management attention to resident and community health.

Moratorium on late fees and rent arrearages during the health crisis. HUD should instruct PHAs and owner/agents to waive late fees and rent arrearages; not impose new fees such as for online payments; and instruct owners and PHAs that missed rent payments during the emergency period should not constitute “good cause” for eviction, after the crisis subsides.

Withdraw HUD’s proposals before Congress to increase rents on working families to 35% of income, eliminate deductions and impose “work requirements” for putatively able households. In light of the national emergency, HUD’s proposals appear inappropriately punitive and harsh. This is not the time to squeeze marginal amounts of income from poor people to reduce the federal deficit and pay for tax cuts to the highest earners and large corporations. It is particularly absurd, if not cruel, to condition the award of subsidies on meeting a work requirement when the economy is contracting by 30-50% due to the emergency. We ask HUD to notify Congress it is withdrawing these proposals now.

Encourage PHAs and Owner/Agents to take all necessary steps to provide clean, safe and sanitary housing consistent with tenant privacy and without stigma. HUD should utilize its FAQ pages to publish guidelines and highlight best practices to ensure HUD subsidized buildings, tenants, management and maintenance staff are safe. Maintenance workers must be provided with personal protective equipment such as masks and gloves; hand sanitizers should be located at entrances, common areas still in use such as laundry rooms, and on each floor near
elevators in high rise buildings; management functions such as recertifications or emergency relocations must be done with maximum social distancing and electronically where feasible, and so on. Public postings and announcements of limited visitor access should be done in a manner that does not stigmatize residents or imply that an entire community is in quarantine, as has happened recently at Grove Parc in Chicago.

**Hold non-subsidized “market” tenants unable to re-certify in mixed income HUD multifamily developments harmless from Section 8 OCAF rent increases for the duration of the emergency.** HUD should presume that these tenants are suffering adverse economic impacts from the crisis and should be exempted from rent increases caused by Section 8 OCAF adjustments, for example at Methunion Manor in Boston.

**Clarify that any emergency stimulus funds provided by the federal government to individuals during the emergency will not count as income for purposes of rent calculation.**

**Ensure effective communications.** HUD should remind owners and PHAs of their obligations under federal civil rights statutes to ensure any notifications to tenants and related communications must be available in appropriate languages and understandable to persons with disabilities.

**Encourage owners and PHAs to flexibly interpret occupancy rules during the emergency.** Rules effecting length of guest stays or extended absences should be interpreted flexibly, since lock downs may effectively strand people or prevent them from returning home. Similarly, sudden college shutdowns have left many families housing students not otherwise expected on their lease. Inflexible enforcement of occupancy rules during the emergency could endanger personal and public health and be an added burden to families and management offices alike. After the emergency has ended, HUD should encourage owners and PHAs to allow a reasonable grace period to meet program requirements.

**Pause Voucher search periods.** Lock-downs, shelter in place orders and social distancing protocols make it difficult, if not impossible, for tenants issued new Vouchers by PHAs to look for an available apartment. We recommend that HUD instruct PHAs to automatically pause search periods for the duration of the national emergency and restart them at that time.

Thank you for your consideration of these recommendations. NAHT stands ready to assist HUD in its

Cc: Brian Montgomery, GDAS
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Sincerely,

Geraldine Collins, President
National Alliance of HUD Tenants

Michael Kane, Executive Director
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