



National Council of
State Housing Agencies

Emergency Rental Assistance

The following summary is of the rental assistance program provided in the Consolidated Appropriations Act of 2021

Updated January 13, 2021

Total Funding:	\$25 billion
Eligible Grantees:	Of the total funding available, \$23.785 billion to be distributed to states (including the District of Columbia) and local governments; \$400 million to Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands and American Samoa; \$800 million to Indian tribes and Native Hawaiians; and \$15 million for administration by the Treasury Department.
Distribution Formula:	Funding to be distributed to states based on the state's proportional rate of the total US population according to 2019 Census data. States will receive no less than \$200 million. 45 percent of a state's allocation may be accessed by local governments with a population of 200,000 or above. The allocation to any individual local government equals the proportion of its population to the full state population multiplied by 0.45. The Secretary will reduce the amount that would have gone to the state-level grantee by the amount of funding provided to qualifying local governments in that state.
Receipt of Funds Process:	To receive funding, eligible grantees must complete payment information and sign an " acceptance of award terms form " no later than 11:59 p.m. EDT on January 12, 2021. In the case of local government grantees, the form must be signed by the chief executive officer. Treasury must disburse payments to grantees within 30 days of enactment of the Act (January 26, 2021).
Federal Administration:	The program is to be administered under the jurisdiction of the Treasury Department. The Treasury Department Inspector

General is responsible for monitoring and oversight of the receipt, disbursement, and use of funds. The Treasury Department Inspector General may recoup funds if it determines that a grantee failed to comply with the Act.

Eligible Recipients:

Renter households with incomes no more than 80 percent of area median income (AMI) who meet the following conditions:

- One or more individual in the household has qualified for unemployment benefits or has experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly or indirectly to the coronavirus outbreak; and
- One or more individual in the household can demonstrate a risk of experiencing homelessness or housing instability which may include:
 - A past due utility or rent notice or an eviction notice;
 - Unsafe or unhealthy living conditions; or
 - Any other evidence of such risk as determined by the grantee

Grantees must prioritize assistance to households with incomes of no more than 50 percent of AMI and to households in which one or more household member is unemployed and has been unemployed for 90 days (the statute does not specify how these preferences may be made).

Landlords and owners may apply on behalf of tenants meeting the eligibility requirements, so long as the tenant cosigns the application, the landlord provides documentation to the tenant, and the payments are used to satisfy the tenant's rental obligation to the owner.

Grantees must, to the extent feasible, ensure that households receiving rental assistance provided under this program do not also receive funding under any other Federally funded rental assistance program

Income Determination:

For eligibility purposes, grantees must only consider household income for 2020 or confirmation of the monthly income that the household is receiving at the time of application, as determined by the Treasury Secretary.

Household income must be recertified every three months if the household is receiving ongoing rental assistance. Eligibility for

funds after each three-month period is subject to the availability of remaining funds.

Use of Funds & Admin: At least 90 percent of funds must be used for the following activities:

- Rent
- Rental arrears;
- Utilities and home energy costs;
- Utilities and home energy arrears; or
- Other expenses related to housing incurred directly or indirectly due to the pandemic

Grantees may only provide prospective rent payments to the extent that they have also provided funding to bring current all rental arrears for the household in question.

The remainder of grantees' funds—no more than 10 percent of total each grantee's grant—may be used for a combination of housing stability services, including case management or other services related to the coronavirus pandemic as defined by the Treasury Secretary and administrative expenses attributable to providing direct assistance under this program, including for data collection and reporting requirements.

Time Limitation: Payments, including arrearages and future payments for any individual household generally may not exceed 12 months, however a grantee may provide assistance for an additional three months (for a total of 15 months) only if it is necessary to ensure the household remains stably housed and if funding is available.

Payment: Grantees must make payments directly to a lessor or utility/home energy provider on behalf of the eligible household unless the lessor or utility/home energy provider does not agree to accept the payment, in which case the grantee may make payments directly to the eligible household.

Use of Funds Timeframe: The Treasury Secretary may recapture funds not obligated by grantees as of September 30, 2021 and reallocate/repay those amounts to grantees who, as of that time, have obligated at least 65 percent of their original grant. The amount of the reallocation will be based on demonstrated need as determined by the Treasury Secretary, and will be available until December 31, 2021. Grantees must then request an extension of up to 90 days after the

end of 2021, subject to approval by the Secretary if additional time is needed.

Reporting Requirements: The Secretary of the Treasury in consultation with the Secretary of Housing and Urban Development must provide quarterly public reports on the use of funds, including the following information on each grantee's program:

- The number of eligible households that receive assistance
- The acceptance rate of applicants for assistance;
- The type(s) of assistance provided to each household;
- The average amount of funding provided per household;
- Incomes of eligible households by income tier (less than or equal to 30 percent of AMI, between 30 and 50 percent of AMI, between 50 and 80 percent of AMI);
- The average number of monthly rental or utility payments that each household received;

The data above must be disaggregated by gender, race, and ethnicity of primary applicant.

Grantees must establish data privacy and security requirements.

Treasury may set alternative reporting requirements for Native American tribal entities and Native Hawaiians.

Treatment of Assistance: Payments made on behalf of households are not treated as income of the household and are not considered a resource for purposes of determining eligibility for or extent of other benefits or assistance under other federal, state, or local programs.

Eviction Moratorium: The CDC eviction moratorium extended until January 31, 2021.