



November 16, 2021

The Honorable Noel Poyo
Deputy Assistant Secretary for Community Economic Development
U.S. Department of the Treasury
Washington, DC

Dear Deputy Assistant Secretary Poyo:

On behalf of the state governments administering the Emergency Rental Assistance (ERA) program, the National Council of State Housing Agencies wishes to raise our concerns with you about the ERA quarterly reporting process, which has proven to be exceedingly burdensome to grantees. We urge Treasury to limit quarterly reporting requirements to the specific data elements required by the Consolidated Appropriations Act of 2021. Treasury could still require more detailed reporting by ERA grantees, but should do so in a one-time cumulative report for each of the two ERA programs after their respective sunset dates on September 30, 2022 for ERA 1 and September 30, 2025 for ERA 2.

If Treasury will not limit quarterly reports to the data elements required by the statute, it should still take steps to streamline quarterly reports, as the existing system is extremely burdensome to grantees. Moreover, it should provide grantees with technical assistance to address the many questions grantees have raised about the reporting protocol and make improvements to its reporting portal. Given that this will take time, Treasury should provide a blanket extension to all ERA grantees, rather than considering grantees' requests for extensions individually.

Accurate reporting is in the general public interest and the interest of public agencies in their administration of federal funds. However, grantees must understand what is being required of them so that the data they report is of good quality and consistent across grantees. Given the high level of confusion and numerous questions we have heard from grantees, it is clear that unless Treasury streamlines their requirements and provides technical assistance to help grantees, the data it will get will be of limited use.

The remainder of this letter details examples of our concerns and provides a non-exhaustive list of specific recommendations to Treasury.

Streamlining Reporting

Treasury should ensure that reporting covers all requirements of the statute. Beyond that, it should balance the benefits of collecting information with the reporting burden on grantees and streamline the requirements as much as possible. Below are several examples of how Treasury should reduce this burden.

- Exempt tenants, landlords, and utilities from being considered subrecipients for purposes of reporting, regardless of whether they received \$30,000 or more during a quarter either in a single

payment or as a total from multiple payments. Treasury requires grantees to treat for reporting purposes any entity or individual that receives \$30,000 or more as a “subrecipient.” This includes not just organizations with which a grantee contracts for program administration, but also individual tenants, landlords, and utility providers receiving a direct payment meeting or exceeding this threshold.

Grantees must report for each subrecipient a DUNS number and tax ID number. This makes no sense for tenants and small landlords especially, as they are unlikely to have DUNS numbers or a tax ID number other than their social security number, which Treasury expressly, and rightly, urges grantees not to collect because of data privacy concerns. Moreover, all subrecipients must be registered in Sam.gov. It is not reasonable to expect this of a tenant or small landlord.

While most tenants receive far less than \$30,000, there are some who may have received direct payment of assistance (as allowed and encouraged in Treasury’s ERA FAQ) in excess of this threshold, especially if they live in a high-cost area and have substantial arrears. Moreover, it is very common for landlords, including small landlords, who have multiple tenants are receiving ERA assistance to receive over \$30,000 in total payments during an individual quarter.

- Do not require grantees to separate the number of unique applications received for ERA 1 and ERA 2. It is not typically possible to determine at the time of application whether the applicant will eventually receive funding under ERA 1 or ERA 2 for grantees that are running both programs simultaneously. It would be much simpler if Treasury required only that the grantee provide the number of unique applications received in a given month without having to assign these applications to the specific ERA funding source.
- Allow grantees to group both prospective rent and rental arrears into a single “rent” category and prospective utility payments and utility arrears into a single “utilities” category. Many grantees did not initially set up their data collection systems to separate rental arrears from prospective rent or utility/home energy cost arrears from prospective payments for utilities/home energy costs. Moreover, grantees often cut checks to landlords and utility providers that cover both arrears and prospective payments. Treasury has thus far adjusted its guidelines in response to this issue by telling grantees that they may classify payments based on the predominant type of assistance. However, this still requires grantees to consider every individual payment and determine the category to which it belongs and manually enter it in to Treasury’s system.

Treasury’s Reporting Portal

Grantees have reported numerous technical problems using Treasury’s reporting portal and often attempt to upload information, only to receive an error message. For example:

- If a subrecipient or subaward is created in error prior to submission, there is no way to delete or edit this in the portal. While the portal has a pencil icon that is supposed to allow the grantee to edit subrecipient or subawards, this does not appear to be functional.

- The portal allows grantees to enter information and return later to complete the reports. However, if reports are not completed, it appears that information from one quarter will overwrite information in another quarterly report.
- The User Guide states that the Recipient Project ID is self-generated, but grantees report that this is not the case. Instead, the system pre-populates this field and cannot be edited. The bulk upload forms do not seem to accept the number format for the recipient ID that the system created.

We appreciate Treasury's partnership in running the ERA program. We would be happy to meet with you at your convenience to further discuss these and any other issues relating to ERA reporting.

Sincerely,



Stockton Williams
Executive Director

cc: Tia Boatman Patterson