



July 9, 2021

Office of Recovery Programs  
U.S. Department of the Treasury

RE: Comments on Emergency Rental Assistance Reporting Guidance

To Whom It May Concern:

The below-signed national organizations representing hundreds of state, county, city, and tribal governments appreciate the opportunity to provide comments on the Emergency Rental Assistance (ERA) program Reporting Guidance Treasury published July 1. Treasury's ERA grantee partners are committed to providing the necessary program data required by the ERA statute.

Accurate reporting is in the general public interest and in the interest of public agencies in their administration of federal funds. This said, Treasury's proposed guidance would place a substantial administrative burden on all ERA administrators at a time when they are working around the clock to deliver ERA assistance – and in many cases already working with insufficient administrative funding due to earlier Treasury guidance that was only recently clarified. We propose solutions below.

We also strongly object to the requirement that grantees provide their first reports under the new guidance by July 29. Meeting this deadline will require a massive diversion of grantee resources from the urgent task of accelerating delivery of ERA funds during the final days of the nationwide eviction moratorium. Any time spent on reporting will be time not spent getting ERA funds out the door. **We urge Treasury to apply the new requirements to Quarter 3 – the period from July 1 to September 30 – with Quarter 3 reports due by October 31.**

Finally, we object to the requirement that grantees submit data for the first two quarters of the year in the new format by July 29. Grantees already submitted first quarter data under the requirements Treasury initially provided and were planning to follow the same approach for their second quarter reports. Complying with brand-new and significantly different requirements will require substantial agency resources. **Grantees should be given until the end of October to submit their first and second quarter data under the new requirements.** In the meantime, Treasury should continue to collect the more limited monthly data reports on the number of unique households receiving ERA assistance and the total assistance paid to those households.

The reason we are requesting additional time is that the new requirements will necessitate significant changes to grantees' ERA software programs, as they will have to add new data fields and redesign systems to comply with the many additional requirements and then test the systems. Grantees will

then have to manually update the new data fields for the tens of thousands of applications received during the first two quarters. This simply cannot be done by July 29.

The remainder of this letter recommends improvements to the requirements that would reduce the substantial administrative burden on ERA grantees while enduring Treasury receives the necessary data on program performance in a timely manner.

- **Module A:** Treasury should clarify that the pre-populated recipient information is for the state or local government or tribal entity and the recipient may have designated another entity, for example a state HFA, to administer the program in practice, and this administering entity may be the official point of contact for reporting on behalf of the recipient.
  
- **Module C:**
  - We suggest Treasury not calculate the acceptance rate of applications on a per-quarter basis, as an application may be received late in the quarter but processing that application may extend into the next quarter. Instead, we recommend Treasury make those calculations on a cumulative basis.
  
  - Subpart A(b): Requiring grantees to report on the number of unique households who receive initial ERA assistance in the current reporting period will require grantees to update their software to flag “first payment” to all applicants. To limit the administrative expenses associated with software updates, we suggest Treasury not require this data element, which we do not believe is integral to the reporting requirements set by Congress.
  
  - Subpart A(d): We recommend that the number of households who receive ERA assistance by type be cumulative rather than collected separately for each quarter. This will prevent double counting of unique households if they receive ERA assistance multiple times (for example, if the household applies for arrears and later applies for prospective rent assistance).
  
  - Subpart A(d): Rather than being required to separate rent from rental arrears and utilities from utility arrears, grantees should have the option of simply reporting on rent (both prospective and arrearages), utilities (both prospective and arrearages), and other assistance related to housing. This would speed up the processing of applications, as currently grantee staff are dedicating time to determining whether rent or utility payments are arrearages or prospective payments.
  
  - Subpart A(e): Treasury should not require grantees to assign an Area Median Income classification level to applicants who are determined eligible for ERA because of categorical eligibility (i.e., their participation in another local, state, or federal benefit program) or because of a fact-based proxy. This requirement adds unnecessary work for grantees and negates the benefits of implementing policies related to fact-based proxies or categorical eligibility.

- Subpart A(h): The reporting guidance notes, “A ‘month of assistance’ is defined as any calendar month during which the Recipient incurs a cost for providing ERA assistance (of any amount and type(s)) to a participant.” We are unaware of Treasury having articulated this policy in any prior guidance. Some grantees have tracked separately rental assistance and utility assistance for purposes of the maximum number of months a household can receive this assistance. For example, a recipient may have received utility assistance paid with ERA 1 for the maximum 15-month period spanning March 2020 to May 2021 but received rental assistance paid with ERA 1 for the 15-month period spanning April 2020 to June 2021. Under this guidance, this policy would violate the maximum time in which the household could be served. When grantees have asked Treasury for guidance on this and many other points, Treasury has told grantees to establish their own policies and follow those policies consistently, yet six months into the operation of this program, Treasury is establishing a universal policy that is contrary to policies set by some grantees. Treasury should provide an exception to this policy for those grantees that already had written policies allowing rent and utility assistance to be tracked separately.
- Subpart A(h): It is particularly difficult for grantees to determine the number of months associated with utility arrears, as utility bills typically show only a past-due amount and do not allocate that amount to specific months. This forces the grantee to capture details that are not available on the documentation, which adds to the time it takes to process the application. We urge Treasury to provide technical assistance to grantees on how best to address this challenge prior to requiring reporting on arrears.
- **Module D:** The guidance provides that the Participant Household Payment Data File may be provided to Treasury by either manual data entry or batch upload via Excel template. As manual data entry will be extremely time consuming, grantees will likely want to do this via batch upload. However, grantees will need time to build mechanisms for exporting the data required by the Participant Household Payment Data File.

Furthermore, some grantees have raised concerns about reporting certain data elements required in the Participant Household Payment Data File, such as the physical address of the participant household, because they may be serving undocumented households.

- **Appendix 4:** Some grantees allow applicants to select every racial identity that applies to them, rather than limiting them to one primary racial identity. The way Treasury has constructed its reporting guidance, there is only one selection category for race and no option for multiple racial identities. This means grantees will need to go back to every applicant and request that they select a primary racial identity. Not only is this administratively burdensome, it is intrusive for applicants.
- **General comment:** Treasury should anticipate how the portal will integrate ERA 1 and ERA 2. Treasury is requiring grantees to report separately on ERA 1 and ERA 2, which is understandable given the statutory differences between the programs. However, we anticipate that some

households who initially receive ERA 1 assistance will later receive ERA 2 assistance for ongoing rent or utility needs. There should be some mechanism for ensuring the household is not double counted.

As noted above, we strongly recommend Treasury give grantees the time they will need to implement systems changes so that they may comply with these new requirements for quarterly reports. We appreciate the opportunity to comment on the ERA reporting guidance. Do not hesitate to contact us with any questions.

Sincerely,

Council of State Community Development Agencies  
National American Indian Housing Council  
National Association of Counties  
National Council of State Housing Agencies  
National League of Cities