

United States Senate

Washington, D.C. 20510

April 4, 2023

The Honorable Brian Schatz
Chair
Subcommittee on Transportation,
Housing and Urban Development
Senate Committee on Appropriations
Washington, DC 20510

The Honorable Cindy Hyde-Smith
Ranking Member
Subcommittee on Transportation,
Housing and Urban Development
Senate Committee on Appropriations
Washington, DC 20510

Dear Chair Schatz and Ranking Member Hyde-Smith:

As you develop the Fiscal Year 2024 Transportation, Housing and Urban Development, and Related Agencies appropriations bill, we urge you to expand eviction prevention activities through the Department of Housing and Urban Development (HUD). We respectfully request funding of at least \$100 million for HUD's Eviction Protection Grant Program, to be made available through September 30, 2024.

American households have long faced a severe eviction crisis. Prior to the COVID-19 pandemic, 3.7 million eviction filings took place every year—a rate of seven every minute—with families of color disproportionately at risk of eviction from their homes.¹ This risk of eviction is due in part to the acute shortage of affordable housing,² which forced 1 in 4 renters, or nearly 11 million households, to spend more than half of their income on rent in 2018.³ At the height of the pandemic, timely aid through the federal Emergency Rental Assistance (ERA) program—coupled with federal, state, and local eviction moratoria—successfully helped keep families housed. As of June 2022, the ERA program has served over 5 million households, almost two-thirds of which had incomes below 30% of area median income (AMI).⁴ However, in the aftermath of the expiration of eviction moratoria and ERA funds, millions of families are again at risk of eviction from their homes.

Indeed, as pandemic-era protections expire, eviction rates are returning to pre-pandemic levels at an alarming rate. For example, eviction filings rose by 20% in the three months following the expiration of the CDC's eviction moratorium.⁵ At the municipal level, eviction filing trends are even more concerning, particularly for localities with minimal renter protections. In 11

¹ Peter Hepburn, Olivia Jin, Joe Fish, Emily Lemmerman, Anne Kat Alexander & Matthew Desmond, "[Preliminary Analysis: Eviction Filing Patterns in 2021](#)," Eviction Lab, March 8, 2022.

² Nationwide, for every 100 renter households with very low incomes, there were less than 60 affordable and available housing units in 2020. National Low Income Housing Coalition, "[The Gap](#)," April 2022.

³ Joint Center for Housing Studies of Harvard University, "[America's Rental Housing 2022](#)," accessed March 6, 2023.

⁴ Grant A. Driessen, Maggie McCarthy, Libby Perl, "[Pandemic Relief: The Emergency Rental Assistance Program](#)," Congressional Research Service, updated January 10, 2023.

⁵ Jacob Haas, Jasmine Rangel, Juan Pablo Garnham, and Peter Hepburn, "[Preliminary Analysis: Eviction Filing Trends After the CDC Moratorium Expiration](#)," Eviction Lab, December 9, 2021.

major cities, eviction filings exceeded 75% of the historical average following the end of the CDC's moratorium.⁶

The national eviction crisis undermines family economic security and places enormous financial strain on our nation's health care system, courts, schools, and local governments. Research shows eviction can have devastating long-term consequences for children and adults' physical and mental health, employment and educational outcomes, future housing stability, and more.⁷

Studies have consistently found that legal representation in eviction proceedings significantly reduces evictions and harm to families. In Boulder, CO, for instance, right to counsel legislation prevented evictions for 63% of tenants with representation in the law's first year.⁸ Nationally, only about 3% of tenants facing eviction receive legal representation, compared to 81% of landlords.⁹ States and cities that have implemented right to counsel measures have seen a decline in eviction filings, and tenants who go to court are more likely to remain in their homes¹⁰ or obtain relief that helps secure long-term housing stability.¹¹

The Fiscal Year 2021, 2022, and 2023 omnibus appropriations bills each provided \$20 million to help fund legal assistance and related activities to prevent evictions and promote housing stability for those at risk of eviction. Early grantees have used the funds to hire eviction defense attorneys; fund housing court assistance centers; cover legal expenses; support right to counsel programs; and provide non-legal assistance, including helping renters find new housing, apply for rental assistance, or seek mediation. Importantly, these grants add much-needed legal capacity to underserved rural communities. Additional funding for eviction prevention legal assistance will expand the reach of this critical program to more communities and help mitigate the eviction crisis.

Thank you for your consideration of this request, and we look forward to working with you throughout the Fiscal Year 2024 appropriations process.

Sincerely,

⁶ Ibid.

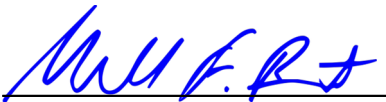
⁷ See e.g. Robert Collinson and Davin Reed, "[The Effects of Evictions on Low-Income Households](#)," December 2018; Lauren Taylor, "[Housing And Health: An Overview Of The Literature](#)," Health Affairs Health Policy Brief, June 7, 2018; Paula Braveman, Mercedes Dekker, Susan Egerter, Tabashir Sadegh-Nobari, and Craig Pollack, "[Housing and Health](#)," from *Exploring the Social Determinants of Health*, Robert Wood Johnson Foundation, May 1, 2011; and Adam Voight, Marybeth Shinn, and Maury Nation, "[The Longitudinal Effects of Residential Mobility on the Academic Achievement of Urban Elementary and Middle School Students](#)," *Educational Researcher*, 41 no. 9 (December 1, 2012).

⁸ National Low Income Housing Coalition, "[From the Field: Boulder Establishes Eviction Prevention Program through Ballot Initiative](#)," March 14, 2022.

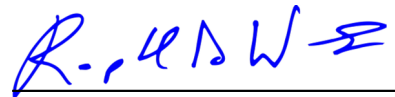
⁹ National Coalition for a Civil Right to Counsel, "[Tenant Right to Counsel](#)," accessed March 6, 2023.

¹⁰ Sandra Park and John Pollock, "[Tenants' Right to Counsel is Critical to Fight Mass Evictions and Advance Race Equity During the Pandemic and Beyond](#)," American Civil Liberties Union, January 12, 2021.

¹¹ See e.g. "[Cleveland Eviction Right to Counsel Annual Independent Evaluation - January 1 to December 31, 2021](#)," Stout Risius Ross, LLC, January 31, 2022. (93% of represented tenants avoided either eviction or involuntary move, 92% secured additional time to move, 94% mitigated damages, and 97% secured monetary relief).



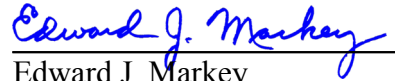
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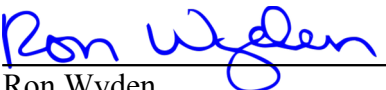
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Alex Padilla
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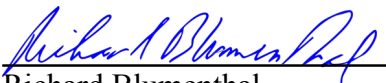
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United States Senator



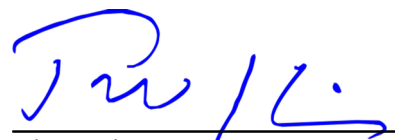
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United States Senator



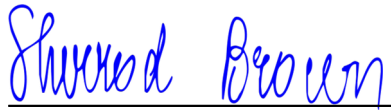
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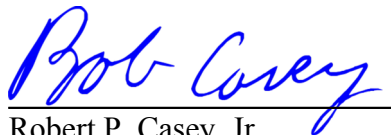
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