

A RESOLUTION

23-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 6, 2020

To declare the existence of an emergency with respect to the need to amend the Homeless Services Reform Act of 2005 to reform the Emergency Rental Assistance Program to aid tenants in their recovery from the public health emergency, and to reduce administrative barriers to Emergency Rental Assistance Program payments for tenants in need.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Emergency Rental Assistance Reform Emergency Declaration Resolution of 2020”.

Sec. 2. (a) On March 11, 2020, the Mayor issued Mayor’s Orders 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19.

(b) The COVID-19 pandemic has led to widespread unemployment and loss of income, particularly in the leisure and hospitality industries, due to business closures. As of August 2020, data from the Bureau of Labor Statistics shows that the unemployment rate in the District is 8.5%, and nearly 40% of all adults in the District report that their household has lost employment income since March 13.

(c) The jobs and income of renters in the District have been impacted by the COVID-19 pandemic. The Census Bureau’s Household Pulse Survey shows that approximately 40% of all adults in renter households are currently unemployed and nearly 43% of all adults in renter households report that the household has lost employment income. In part due to job and income loss, 13% of renter households report that they have fallen behind on their rent payments. The financial strain that these households are facing will not dissipate in the near future and other households may face similar circumstances on the likely long road to economic recovery.

(d) The Emergency Rental Assistance Program (“ERAP”) was created in 2007 to assist low-income residents facing housing emergencies due to the inability to pay overdue rent, a security deposit, or the first month’s rent.

(e) Currently a resident may only be eligible for ERAP if someone in the resident’s household is under the age of 18, a senior, or disabled, and the resident’s income in the last 30

days does not exceed 125% of the federal poverty level as established by the U.S. Department of Health and Human Services. Additionally, tenant advocates have noted that many of their clients have had to provide unnecessary paperwork that makes it difficult for low-income residents to receive ERAP funds.

(f) Recognizing the need for rental assistance, the Council substantially increased the Fiscal Year 2021 budget for the ERAP program.

(g) To ensure that more tenants are able to apply for assistance, it is necessary to adjust the eligibility criteria and documentation requirements for ERAP, including increasing the income threshold to 40% of area median income, removing requirements that a member of the household be under the age of 18, a senior, or disabled, and streamlining the documentation requirements for residents to be eligible.

(h) The current ERAP rules also cap the amount of money an applicant can receive for rent arrearages to a maximum of \$4,250 unless they meet certain narrow criteria. This maximum amount comes to \$850 a month for the maximum 5 months of back rent, less than half of the median monthly rent for a one-bedroom apartment in the District according to analysis of August 2020 listings by Zumper.

(i) To ensure that ERAP assistance payments can account for true rental costs, it is necessary to increase the maximum amount for rent arrearages to the applicable fair market rent for the Washington-Arlington-Alexandria Metropolitan area based on unit size and zip code. It is also necessary to give the Department of Human Resources the discretion to waive the 5-month cap during, and for a certain period of time after, public health emergencies such as the current one.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances, making it necessary that the Emergency Rental Assistance Reform Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.