

CHAPA
COVID-19 Affordable Housing Response Meeting
Wednesday, July 1st, 2020 at 2:00-3:00 p.m.

For the most updated information on affordable housing and the COVID-19 crisis, visit:
<https://www.chapa.org/housing-news/covid-19-affordable-housing-updates>

Notes

Welcome

Eric Shupin, Director of Public Policy CHAPA

Shupin welcomed everyone back to our COVID-19 Affordable Housing Response Calls and summarized today's updates. CHAPA will continue to offer these calls on a bi-weekly basis.

Right to Counsel Pilot Program

Annette Duke, Massachusetts Law Reform Institute

Duke updated callers on the status of the *Right to Counsel Pilot Program. An Act Promoting Housing Stability and Homelessness Prevention through a Right to Counsel Pilot Program in Massachusetts in Response to the COVID Emergency*, (“the Pilot”) (S.2785), sponsored by Senator DiDomenico, was filed as emergency legislation to assure full legal representation to low-income renters and owner-occupants likely to face eviction in areas of the state hardest hit by COVID-19. According to a recent report by the Boston Bar Association, “For every \$1 invested in full representation for eviction prevention, the Commonwealth can save \$2.40 in shelter, health care, and foster care costs associated with homelessness.”

The Pilot is consistent with principles adopted by the Massachusetts Right to Counsel Coalition, and according to Duke, the Coalition continues to grow. It represents more than 130 organizations that include community groups, tenant organizations, housing and legal aid advocates, large property owners, municipalities, women's organizations, and many more. Duke indicated that the Coalition is seeking \$6M of funding to support the Pilot which is part of a broader strategy to assure housing stabilization for the hardest hit populations during the pandemic. Duke gave a special shout out to both Eric Shupin and Ryan Dominguez for their able assistance in advocacy.

Detailed information on the Pilot can be found in a report of the Boston Bar Association entitled [Investing in Fairness, Justice, and Housing Stability: Assessing the Benefits of Full Legal Representation in Eviction Cases in Massachusetts](#), Boston Bar Association, June 2020 and on the website of the [Massachusetts Right to Counsel Coalition](#) which also includes information on how to support Right to Counsel legislation.

Federal Updates

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Ryan Dominguez, Senior Policy Analyst, CHAPA

Dominguez updated the audience on the status of federal legislation. Unfortunately, there is no movement on the HEROES Act, recently passed by the House of

Representatives. Currently, members of both the House and the Senate are focusing on other emergency measures that include some components of the HEROES Act that address tenancy protection and landlord stability. Senators Warren and Brown have introduced legislation entitled, *The Protecting Renters from Evictions and Fees Act* and Senator Brown has introduced two bills, one entitled [the Housing Counseling Improvement Act](#), and the other entitled, [the Emergency Rental Assistance and Rental Stabilization Act of 2020](#).

Looking ahead, the [Moving Forward Act](#), a plan to rebuild infrastructure in the amount of \$1.5 trillion has been introduced by the House Committee on Transportation and Infrastructure. This bill includes funds for LIHTC correction and \$100 billion for additional housing assistance. While broad in scope, no one expects movement on this measure in the near future.

Dominguez pointed out that the Consumer Federal Protection Bureau (CFPB) does offer extensive resources for small landlords regarding mortgage forbearance during the pandemic which can be found [here](#).

Lastly Rodriguez summarized the additional rounds of funding that have come to Massachusetts from the CARES Act including \$26 billion in Community Development Block Grant funding and \$27 billion in Emergency Solutions Grants.

Eviction Moratorium Challenge

Carol Marine, Senior Program Manager, CHAPA

Marine updated callers on the status of *Matorin v. Commonwealth*, a case filed with the Supreme Judicial Court challenging the constitutionality of the [statewide Moratorium on Evictions and Foreclosures During the COVID-19 Emergency](#) (the Moratorium). The Moratorium halts most “non-essential residential and small business evictions as long as the state of emergency remains in effect. The measure does not exempt tenants from the requirement of paying rent.

CHAPA will be filing an Amicus Brief in the case to educate the Court on housing as the essence of household and public health. The moratorium created a “pause” in evictions and foreclosures to stabilize housing and stem the spread of the virus. Following the moratorium critical resources will be needed to stabilize tenancies and assure landlords have funds to own and operate their properties.

The Single Justice of the SJC dismissed several of plaintiff claims and sent the case to Superior Court to be heard on the merits. It is expected to be heard within the next several weeks.

For a [summary of the law, please click here](#).

State Budget & Legislative Updates

Eric Shupin, Director of Policy, CHAPA

Shupin opened with budget updates and announced that on July 1st, the Baker-Polito Administration announced a [\\$20 million statewide fund to assist low-income household facing difficulty making rent and mortgage payments](#). The Emergency Rental and Mortgage Assistance (ERMA) program will provide direct funding to eligible household who have suffered financial hardship during the State of Emergency put in place to combat the spread of COVID-19. ERMA expands eligibility to include households within 50%-80% AMI and provides up to \$4000 per household per year for eligible households to pay rent or mortgage payments in arrears going back to payments due April 1, 2020.

As of July 1, 2020, applications will be accepted by the eleven agencies that administer RAFT on the state's behalf including the nine Housing Consumer Education Centers, Lynn Housing and Neighborhood Development and Central Massachusetts Housing Alliance.

Funding for the new program includes \$10 million from the supplemental CDBG Coronavirus (CDBG-CV) fund, part of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), in addition to other federal resources. This new funding will serve twice as many households as the traditional RAFT program by greatly expanding eligibility to families who would otherwise not qualify for RAFT. Shupin pointed out that ERMA is available to all residents, including those in entitlement communities. Lastly, the 2020 income guidelines released on July 1, 2020 will apply to both ERMA and RAFT.

Shupin thanked the Baker-Polito administration as well as Amy Mullen, HomeBASE/RAFT Contract & Compliance Coordinator at the Department of Housing and Community Development, the Housing Consumer Education Centers and the Regional Housing Authorities for their efforts in implementing this valuable program.

More details on ERMA and how to apply can be found by clicking [Emergency Rental and Mortgage Assistance \(ERMA\)](#).

Shupin noted that July 1st was the first day of the FY 2021 state budget. However, the State is now operating under short term (month to month) budgets at least through July. The legislature is waiting to better understand the fiscal impact of COVID-19 on revenue collections before setting the full FY2021 state budget. In the meantime, funding for affordable housing programs like MRVP will likely be based on last year's funding level. CHAPA continues to advocate for all our FY2021 affordable housing, community development, and homelessness prevention resources in the state budget.

The legislature is working on a Supplemental Budget for Fiscal Year 2020 (the "Supp Budget") to provide COVID-19 response funding. The House has passed a bill (H4802) and the Senate is expected to do so on Thursday, July 2. Both measures contain funding for programs that support housing stability and address homelessness and community development initiatives. Specifically, the Supp Budget contains an additional \$20 million for RAFT and creates a COVID response program within RAFT which allows households to receive up to \$10,000 per year. Of the total funds, 33% is targeted to extremely low income households. More details on the Supp Budget are available at:

<https://www.chapa.org/housing-news/house-passes-fy2020-state-supplemental-budget-with-20-million-for-raft>.

Shupin encouraged callers to reach out to their state representatives, thanking them for passing the budget, their state senators and encouraging them to pass the budget as well, and to the governor asking him to quickly sign the measure into law.

Shupin reported that the FY2021 Capital Budget was released in June. The Capital Budget funds affordable housing resources that were authorized by the 2018 housing bond bill. The FY2021 bill is level funded and supports a strong pipeline to create and preserve affordable housing in the next fiscal year. For more on this budget, please click on [highlights of the FY2021 Capital Budget](#).

Turning to legislative updates, Shupin reported on the status of the Data Reporting legislation. The new law imposes daily reporting requirements on senior housing providers and providers of housing for residents with disabilities placing an insurmountable burden on them as housers do not have access to that information.

CHAPA has been working with housing providers to create a “fix” to the legislation and supports [S2753](#) filed by Governor Baker. While CHAPA agrees with the need for and transparency of the data, this legislation would remove affordable, public, and market rate housing providers for seniors and persons with disabilities from the burdensome reporting requirements of the new COVID-19 data law.

Shupin gave a shout out to our partner organizations, Mass Union of Public Housing Tenants, Mass NAHRO, 2Life Communities and Preservation of Affordable Housing who submitted testimony supporting S2753. In the meantime, the law stands and all housers are subject to the reporting requirements. We continue to work with the Department of Public Health to clarify how housing organizations can comply.

Moving on to economic development, Shupin reminded callers that Governor Baker’s Economic Development Bill ([H4529](#)) was filed before COVID-19 and includes critical items such as Housing Choice, as well as measures for public transportation and climate resiliency, public housing which needs to be part of the economic recovery story, and the expansion of the state Low Income Housing Tax Credit that will both expand production and create jobs. [CHAPA’s testimony](#) contains more information on this important legislation.

Shupin addressed the recently filed bill ([HD5166](#)) of Representatives Connolly and Honan, *An Act to guarantee housing stability during the COVID-19 emergency and recovery*. This legislation extends the eviction and foreclosure moratorium for 12 months, confers just cause protection to renters, freezes rents at pre-COVID levels and offers protections to landlords by creating a housing stability recovery fund. CHAPA will be reviewing the bill. [Click here for more information on HD5166](#).

Regional Meeting & Emergency Rental Assistance Report Update

Dana LeWinter, Municipal Engagement Director, CHAPA

LeWinter offered an overview of CHAPA's 2020 regional meetings held this spring and summer throughout MA designed to engage residents on issues they are currently facing in their cities, towns and regions. Thus far over 450 people have attended our zoom meetings. LeWinter gave a warm shout out to our regional co-hosts who helped organize the meetings. Two additional meetings are coming up in the Cape and Islands and Metro West areas.

For information on registration on our two remaining meetings, please click on the [Cape and Islands](#) or [MetroWest](#) Boston for details. All meetings are recorded and are available, along with materials and resources shared, on the CHAPA website at [Regional Meeting recordings and materials](#).

LeWinter underscored the key take aways from this year's meetings:

- People were vulnerable prior to COVID -19 and both tenants and small landlords are seeking assistance to stabilize the housing ecosystem;
- People do not want to return to "normal" and are thinking more broadly about framing and addressing long term goals within their communities;
- Regional efforts will be needed to address the economic impact on small businesses, tourism, undocumented immigrants and disparities within and across regions and it is important to come together to address these community needs; and
- How do we assure housing is safe, healthy and affordable and meets the needs of all populations?

LeWinter then addressed the Report on the Emergency Rental Assistance (ERA) Survey (the Report) that is expected to be published shortly. The Report consolidates information from a survey designed by Department of Housing and Community Development (DHCD), CHAPA, and the Massachusetts Housing Partnership (MHP) on types of local emergency rental assistance that municipalities and partners are offering or are in the process of developing.

As of May 26th, the survey results are very positive:

- 48 communities have approved ERA programs with an additional 21 considering ERA;
- Funds pledged thus far equal \$20.8 million;
- Average pledge per community is \$325,542 (excluding Boston \$200,542);
- Funds used include Community Development Block Grant (CDBG), Community Preservation Act (CPA) and Affordable Housing Trust Fund (AHTF), as well as private donations;
- Average maximum assistance allotted per household is \$3,718;
- Examples of priority categories include those experiencing job loss or furlough as a result of COVID-19, households with children, households without Section 8/Public Housing Voucher, cost burdened households, households ineligible to receive unemployment and households at risk of eviction;
- Most programs will be implemented by an outside agency; and

- Communities should prioritize expanding outreach to include information in multiple languages, allowing applications both electronically and via paper, and to make information available at food banks, post offices and other public venues.

The Report will be posted on the CHAPA website once it is available. For additional information on how to create a local Emergency Rental Assistance Program, please click on the [Housing Toolbox](#).

New Data & Reports

Abhidnya Kurve, Policy Associate, CHAPA

Kurve updated callers on several recently published reports that highlight alarming issues in affordable housing in Massachusetts. The Boston Foundation released a report in conjunction with Suffolk University entitled, [Qualified Renters Need Not Apply: Race and Voucher Discrimination in the Metro Boston Rental Housing Market](#), highlighting rampant discrimination against qualified tenants who are black and/or housing voucher holders searching for housing in the metro Boston market.

Also published this month was a report by City Live/Vida Urbana in conjunction with researchers at MIT entitled, [Evictions in Boston: The Disproportionate Impact of Forced Moves on Communities of Color](#). The report researches and analyzes those who have faced eviction in Boston to conclude that “communities of color are disproportionately affected by eviction filings in both subsidized and market rate rental housing.”

Finally, the first of the Greater Boston Housing Report Card 2020 Series, [Housing Stability: COVID-19 and Beyond](#), was published by the Boston Foundation in late June. The Report explores housing instability that has been highlighted during COVID. The Report looks at market conditions including the high cost of housing, high number of rent burdened households and low housing production (currently at pre-recession levels) to identify the issues and explore solutions.

Kurve concluded by reminding callers that CHAPA and our partners will be using the data in these reports to inform our state, local and federal advocacy.

Next Virtual Meeting: Thursday, July 16, 2020, 2:00-3:00 p.m.