

**CHAPA
COVID-19 Affordable Housing Response Meeting
Thursday, September 17th, 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 Policy, CHAPA

Shupin welcomed everyone to the call. With sadness and appreciation, Shupin acknowledged the passing of Justice Ralph Gants who played an outsized role as a champion for racial and housing justice. At the time of his passing, Judge Gants was leading an effort to think through how the court system should address the housing COVID-19 crisis.

**Discussion on Eviction Moratoriums
Federal Eviction Moratorium**

Judith Liben, Senior Staff Attorney, Massachusetts Law Reform Institute

Liben summarized the September 10th CDC health order (the “CDC Order”) imposing a temporary moratorium on evictions for non-payment of rent due to COVID-19. The moratorium applies to all rental housing including public, subsidized and private, but does not cover foreclosures. It is in effect through December 31, 2020 and applies nationwide except to states, such as Massachusetts, which have higher levels of protection. The CDC Order is intended to stem the spread of COVID-19. Liben shared more specifics of the [CDC Order](#).

Liben and others acknowledged that the CDC Order will not solve the housing crisis in MA and or elsewhere. However, like the MA moratorium, it provides a “pause” and an opportunity for policymakers to authorize and deploy needed tenancy and property stabilization funds. Estimates of funds needed are in excess of \$100 billion.

Court Challenges to Eviction Moratorium

Carol Marine, Senior Program Manager, CHAPA

Marine gave an update on both the state and federal challenges to the moratorium. On August 26th, Judge Wilson of the Massachusetts Superior Court issued an order in *Matorin v. Commonwealth* denying injunctive relief to plaintiffs advocating for the end of the eviction moratorium. Ruling on claims of infringement of core judicial powers, access to the courts and the takings clause, Judge Wilson found that any harm to landlords is “far outweighed” by the potential harm that would be caused by putting an end to the moratorium. Plaintiff landlords have indicated they would appeal. CHAPA along with MACDC and MPHA filed an [amicus brief](#) in this case highlighting the connection between overcrowded housing and the spread of COVID-19.

In U. S. District Court in Boston, a virtual hearing was held on September 10th in which Judge Wolf indicated that he is likely to find that the moratorium passes constitutional muster on all counts and will remain in place for now. Plaintiff landlords had sought a preliminary injunction staying the moratorium while the case is litigated. Judge Wolf indicated that the temporary nature of the ban influenced his decision. Additionally, he noted that the dramatic reduction in COVID cases from the enactment of the legislation until now may be a consideration in whether the ban continues to be necessary and constitutionally viable. He did not comment on the economic emergency that still blankets the state.

So long as the Massachusetts moratorium remains in place, the federal eviction moratorium announced last week by the federal Centers for Disease Control will not apply to Massachusetts households.

Judge Wolf is expected to issue a written opinion in the near future.

Presentation of New Housing Help Website on Mass.gov

Samantha Kaufman, Deputy Director of Communications, Executive Office of Housing and Economic Development

Kaufman offered an overview of DHCD's Housing Help Website: www.mass.gov/covidhousinghelp. Kaufman highlighted several of the new features of the website designed with user friendly search options for renters, homeowners and landlords. There are sections on finding each of the eleven regional administering agencies, understanding the eviction and foreclosure moratorium as well as where to find emergency shelter. Kaufman indicated that efforts are being made to make the emergency assistance features more visible. Kaufman welcomes comments, suggestions and questions on the website and can be reached at Samantha.Kaufman@mass.gov.

Emergency Rental Assistance Program Updates

Dana LeWinter, Municipal Engagement Director, CHAPA

LeWinter updated callers on the reach of the local Emergency Rental Assistance Programs (ERA). To date, 89 communities are offering over \$30 million in assistance. Income eligibility for relief is generally set at 80% of area median income (AMI) with some communities going up to 100% of AMI. Other communities target lower AMI households. The average assistance is \$4000 per household. LeWinter encourages anyone interested in setting up a program to check the ERA toolkit or the recording of ERA trainings for information on best practices and various challenges and solutions developed by different communities. LeWinter shared ERA resources including the [ERA Event Recap](#) and the [ERA Program Database and Housing Toolkit COVID-19 Response](#).

Federal Updates

Ryan Dominguez, Senior Policy Analyst, CHAPA

Dominguez updated callers on the U.S Senate's proposed "skinny version" of the next federal COVID-19 relief bill. The price tag for this bill was \$650 billion of which \$300 billion was re-allocated from already appropriated CARES Act funding that has not yet been spent. It did include an additional \$300 per week unemployment boost in some

states. Housing advocates were happy that this measure did not pass as the benefits it would have delivered were considered minimal.

While competing proposals are floated with one bill including state and local aid as well as enhanced unemployment insurance at \$450 per week, there seems to be no agreement within the Republican party on any initiative and no consensus between the House and the Senate that would result in passage of any relief measure before the November 3rd election.

Dominguez reported on the allocation of the Coronavirus Relief Funds available to entitlement and non-entitlement communities in MA through Community Development Block Grant (CDBG) funds. Fund allocation to specific communities can be found at <https://www.hud.gov/sites/dfiles/CPD/documents/fy2020-formula-allocations-AllGrantees.xlsx>. Included is the use of six months of rental assistance which is targeted to households with higher risk of eviction, higher risk of COVID-19 transmission and greater unemployment.

Lastly, Dominguez commented on the new waiver issued by HUD for ESG funds for allocation formula, amounts and requirements. Significantly, the waiver provides landlord incentives to allow for households at high risk of homelessness to obtain housing and includes signing bonuses, security deposits and extra cleaning and maintenance costs. The total for all incentives is capped at three months rent per unit. Additional details on the waiver can be found at <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-08cpdn.pdf>.

State Updates

Eric Shupin, Director of Policy Director, CHAPA

Shupin underscored that CHAPA as well as the broader housing community is watching and waiting for the Legislature to report out the Economic Development bill. The extension of the session has no timeline so it is unclear when the bill along with other measures before the Legislature will be finalized. Shupin noted that since the September 1st primary the Legislature has come back into session and it is useful to continue to engage with conference committee members about our housing priorities. Shupin shared a [comparison of housing provisions](#) in both the House and Senate versions of the bill as well as [CHAPA's letter to the Conference Committee](#).

The Supplementary Budget for Fiscal Year 2020 (the "Supp. Budget") was signed by the Governor with important housing resources to provide COVID-19 relief funding. To date, Administration & Finance has released less than complete allocation of funds including \$15 million for RAFT (out of an allocated \$20 million), \$1.5 million for Housing Consumer Education Centers, \$13.5 million for local housing authorities and \$11 million for shelter providers. The fate of line items for unaccompanied youth and homelessness remains unknown.

We continue to operate under short term budgets through October 31, 2020 which allows the Legislature the flexibility to wait to see if the U. S. Congress passes an additional relief package to help with the state budget shortfall.

Momentum continues to build for the passage of the [Right to Counsel \(RTC\) pilot](#). The RTC Coalition is asking for \$6 million from Coronavirus Relief Funds. Shupin recognized Massachusetts Law Reform Institute (MLRI) as a great leader in this endeavor.

And, to all, please be sure to join us for the first-ever [virtual CHAPA Annual dinner](#) on Tuesday, October 21st at 7:00-8:00.

Next Meeting: TBD