

Congress of the United States
Washington, DC 20515

October 13, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Yellen,

Thank you for your commitment to keeping families in their homes with the Emergency Rental Assistance program (ERA). The updated FAQ guidance¹ provided important clarifications on the administration of ERA by using contractors, subrecipients, and intergovernmental cooperation agreements. We write with deep concern for reaching all children impacted by housing insecurity and recommend that schools be uplifted as central community hubs that, more than any other public institution, are uniquely positioned to identify and assist students and families at risk of or facing eviction, as well as those who are currently experiencing homelessness.²

The single biggest predictor of an eviction is there being a child in the household.³ The Supreme Court's decision to strike the federal eviction moratorium in the middle of a deadly public health crisis jeopardized the safety and well-being of children and families across the nation as schools reopened for the fall, with a disproportionate negative impact on Black and brown children. A rise in evictions correlates with a rise in positive COVID-19 cases, which poses an increased risk for households with children under age 12 who are not eligible for vaccinations.⁴ Housing insecurity exposes our children to adverse childhood experiences, or ACEs, which are linked to at least five of the top ten leading causes of death.⁵ Many households across the country

¹ [FAQs by Category | U.S. Department of the Treasury](#)

² Jacobson, Linda. 2021. *The 74 Million*. <https://www.the74million.org/article/what-happens-when-an-all-of-government-approach-to-preventing-evictions-leaves-out-schools-advocates-fault-biden-plan-for-delays-in-rental-assistance/>

³ Desmond, Matthew et al. 2013. "Evicting Children." *Social Forces*. https://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf

⁴ Benfer, E. A., Vlahov, D., Long, M. Y., Walker-Wells, E., Pottenger, J. L., Jr, Gonsalves, G., & Keene, D. E. (2021). Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy. *Journal of urban health : bulletin of the New York Academy of Medicine*, 98(1), 1–12. <https://doi.org/10.1007/s11524-020-00502-1> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7790520>

⁵ Centers for Disease Control and Prevention. *Adverse Childhood Experiences (ACEs)*. <https://www.cdc.gov/vitalsigns/aces/index.html>

accumulated rent debt prior to ERA being stood up, and due to implementation flaws, eviction notices can easily go out faster than rental relief is paid out.⁶⁷

The *Emergency Rental Assistance Program (ERAP) Improvement Act of 2021*, [H.R. 5269](#), was developed to drastically expand access to financial assistance by allowing individuals and families to apply for assistance at places that are central to their communities — schools, libraries, the post office, among others. We ask that Treasury implement these changes to the ERA program and make these funds directly available for public school districts to distribute and protect children from devastating disruption and trauma caused by evictions. It is critical that our schools be prepared to support students and families in the face of an ongoing pandemic and the rise in extreme weather events, both of which exacerbate the risk of homelessness. As such, equipping schools to meet students’ emerging needs must be prioritized with respect to implementing ERA.

Under the federal *McKinney-Vento Act*, every public school district in the nation has a designated liaison who facilitates the enrollment, attendance, and success of students experiencing homelessness in the district. This funding can be used for tutoring, supplemental instruction, and referral services, including medical, dental, mental, and other health services. As established by the *McKinney-Vento Act*, schools already have systems in place to ensure that students experiencing homelessness are identified, enrolled and remain enrolled at their school of origin, and that they access the same free, appropriate public education – including public preschool – provided to other children. Congress recognized the significant unmet needs of children and youth experiencing homelessness in the pandemic, and the vital role of schools in meeting those needs, with the addition of \$800 million specifically for homeless children and youth in the American Rescue Plan Act. School district McKinney-Vento liaisons are currently on the front lines of the housing crisis; while many have established relationships with housing and homeless assistance agencies, many also confront numerous barriers when attempting to help families access emergency rental assistance, or to sustainably exit homelessness.

Any program trying to reach vulnerable families quickly and seamlessly has a nationwide, established system already in place to do so: our public schools. Therefore, we urge the following recommendations be included in updated ERA implementation guidance:

- 1. Explicitly authorize local educational agencies (LEAs) to distribute emergency rent relief directly to eligible families (or to landlords on behalf of eligible families) and incentivize ERA grantees to subcontract with public schools for this purpose.**

Delays in accessing ERA can make the difference in a family remaining in their home or not. Further, inadequate outreach means many families lack information about ERA, which puts the onus on the family to try finding resources on their own on top of the

⁶ Sgaier, Sema K. and A. Dibner-Dunlap. 2021. “How many People are at Risk of Losing Their Homes in Your Neighborhood.” New York Times. <https://www.nytimes.com/2021/07/28/opinion/covid-eviction-moratorium.html?partner=slack&smid=sl-share>

⁷ Zainulbhai, Sabiha. 2021. “Opinion: Eviction notices will get to renters sooner than most relief payments.” CNN. [Opinion: Eviction notices will get to renters sooner than most relief payments - CNN](#)

compounding stress of housing insecurity. Interagency collaboration with our public schools that already know students and are connected to families is a common-sense solution to quickly deliver resources, mitigate exposure to ACEs, and provide stability.

- We urge the Treasury to specifically include LEAs as eligible subrecipients able to administer ERA funds on behalf of ERA grantees to eligible families with children enrolled in the LEA. FAQ 21 in the updated guidance currently allows for subgrants, contracts, and intergovernmental agreements, but it does not discuss or specify public schools.
- We further recommend that LEAs be made eligible to enter into a written agreement with an ERA grantee to establish a payment fund for delivering assistance using ERA funds while a household's application remains in process. FAQ 42 allows non-profits to deliver assistance under these terms and we believe LEAs should similarly be able to make expedited payments to landlords in order to prevent evictions.
- In addition to encouraging ERA grantees to subgrant or contract with public schools to distribute rental assistance, McKinney-Vento liaisons should be directly engaged in this work. With these recommendations in place, we believe a demonstrable increase in families assisted with ERA would result.

2. Clarify the use of ERA for temporary hotel and motel stays for eligible households identified by public schools.

In many communities, there are no family shelters; where family shelters do exist, they are often full or have reduced capacity due to COVID-19 precautions. Parents are often fearful of seeking shelter, particularly during the pandemic. Issues with shelter capacity are further exacerbated by the rising frequency and severity of extreme weather events due to the climate crisis.

As a result, 84% of children and youth identified as experiencing homelessness by public schools are forced to stay temporarily with others in crowded, unstable, and unsafe conditions (particularly in the context of a pandemic in which social distancing is necessary), or in motels that are paid for with limited and/or sporadic income.⁸ Schools are increasingly confronted with families and youth who have been displaced from their housing and have nowhere to go, even while longer-term housing solutions are researched and put in place. In addition, many families identified under the education definition of homelessness⁹ are not eligible or prioritized for motel stays under HUD's Emergency Solutions Grant program. The result is thousands of families with no safe

⁸ Federal Data Summary School Years 2016-17 Through 2018-19. Education for Homeless Children and Youth. National Center for Homeless Education. <https://nche.ed.gov/wp-content/uploads/2021/04/Federal-Data-Summary-SY-16.17-to-18.19-Final.pdf>

⁹ National Center for Homeless Education. [McKinney-Vento Definition – National Center for Homeless Education](#)

alternative for shelter in the middle of a pandemic. As evictions increase, we expect this situation to significantly worsen.

Current Treasury guidance allows the use of ERA funds to pay for temporary hotel accommodations for temporarily displaced households (FAQ 26). However, because public schools historically have not been well connected with ERA programs, there is not a clear, streamlined way for schools to help households access ERA rental assistance for this purpose. Therefore, Treasury's guidance should be revised to provide a streamlined process for public schools to connect eligible families that they identify under the education definition of homelessness to ERA funds quickly to pay for the cost of a hotel or motel room.

3. Encourage the use of ERA housing stability services to fund navigator positions in public schools and early childhood programs to help families access rental assistance

According to a 2020 report from SchoolHouse Connection and the University of Michigan's Poverty Solutions, McKinney-Vento liaisons described significant unmet needs of children and youth in their communities, including mental health and increased stress levels for children and their families experiencing homelessness as they try to navigate public assistance application processes, including the ERA, by themselves.¹⁰ They often lack devices and connections for online applications and required documentation. They need the help of a trusted person who is knowledgeable about the rental assistance program to advocate for them and walk them through the process of applying for ERA assistance to ideally remain in their home, locating housing, moving into the housing, and remaining stably housed.

Current Treasury guidance (FAQ 23) describes housing stability services that can be funded with ERA funds, including housing navigators and case managers. Treasury should encourage the use of ERA funds for these positions, particularly located in, or working closely with, public schools and early childhood programs, such as Head Start, Early Head Start, state preK, subsidized child care, Maternal, Infant, and Early Childhood Home Visiting (MIECHV) programs, and early childhood education programs receiving funds from IDEA Part B Section 619 and IDEA Part C. Treasury guidance (FAQ 35) addresses how ERA assistance can be used to support an eligible household moving to a new home. Housing instability can result in students switching schools or school districts in the middle of a school year, which exacerbates instability in a student's life. Updated ERA guidance should further encourage grantees and subgrantees to work with McKinney-Vento liaisons, school districts, and schools to identify students who have

¹⁰ SchoolHouse Connection; Poverty Solutions at the University of Michigan. Lost in the Masked Shuffle and Virtual Void: Children and Youth Experiencing Homelessness Amidst the Pandemic. <https://schoolhouseconnection.org/wp-content/uploads/2020/11/Lost-in-the-Masked-Shuffle-and-Virtual-Void.pdf>

recently moved or are potentially going to move schools as a result of housing instability to help connect them with ERA funds.

4. Address the distribution of funds through schools in the determination of reallocation.

Unobligated funds are required to be reallocated to high-performing jurisdictions that have obligated at least 65 percent of their original allocation, which will make it possible for them to continue serving tenants and landlords in need. Because eviction notices have been delivered promptly while renters assistance has been delayed due, in part, to not identifying public schools as key partners from the start, we strongly recommend that the reallocation process account for partnering with school districts and McKinney-Vento liaisons meaningfully so that children and their families are not punished at no fault of their own.

Thank you for your work to improve the ERA program to keep children and families safely in their homes. We look forward to partnering with you to uplift our public schools as a key component to solving the challenges before us.

Sincerely,

/s/

Jamaal Bowman, Ed.D.
Member of Congress

/s/

Cori Bush
Member of Congress

/s/

Alexandria Ocasio-Cortez
Member of Congress

/s/

Ilhan Omar
Member of Congress

/s/

Ayanna Pressley
Member of Congress

/s/

Rashida Tlaib
Member of Congress

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Mark Pocan
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André Carson
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Jesús G ‘Chuy’ Garcia
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Jimmy Panetta
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Kaiali‘i Kahele
Member of Congress

/s/
Thomas R. Suozzi
Member of Congress

/s/
Marie Newman
Member of Congress

CC:
The Honorable Miguel Cardona, Secretary of the U.S. Department of Education
The Honorable Xavier Becerra, Secretary of the U.S. Department of Health and Human Services