

BROKEN PROMISES

2021-22 STATEWIDE EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) SURVEY



TENANTS TOGETHER
California's Statewide Organization
for Renters' Rights
www.tenants-together.org

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Why Is This Important?

The coming expiration of COVID-related eviction protections and gaps in the state's rental assistance program (ERAP) are leaving many renters to fall through the cracks. California is breaking its promise that no tenant would lose their home due to pandemic hardship, making landlords whole while tenants are evicted.

Tenants Together and our members, partners and allies across California have received increasing reports of widespread, critical problems with the Emergency Rental Assistance Program (ERAP). To find out how these problems are impacting tenants, we surveyed fifty-eight organizations in twenty-seven counties representing 88% of California tenants. The survey was conducted from November 2021 to February 2022 in English and Spanish.

The results are clear: rent relief is not getting to those who need it most, leaving hundreds of thousands of tenants in danger of harassment, retaliation, and eviction this year and beyond. The State of California lacks a plan to protect millions of tenants from eviction for non-payment, including the hundreds of thousands with pending ERAP applications, after the limited eviction protections expire March 31, 2022. This will force more tenants into an unfair eviction court process, overwhelming the courts and already limited legal aid services.

California tenants are at a crisis point. We hope that this report will galvanize policymakers across the state to take immediate action and protect our most vulnerable neighbors, prevent escalating long-term homelessness and indebtedness, and ensure a just social and economic COVID-19 recovery for every Californian.

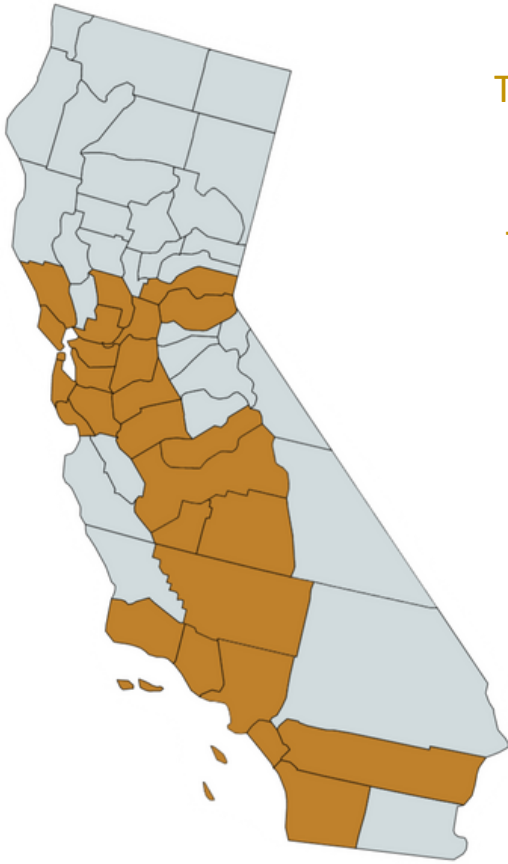
In solidarity,



María Guadalupe "Lupe" Arreola
Executive Director
Tenants Together



Survey respondents



The fifty-eight organizations in this survey work in **twenty-seven** counties that 15 million of California's 17 million tenants call home. Twenty-one respondents work for **official local ERAP partners** and may receive state funding. The others are not official partners, but are nonetheless working extensively to help tenants navigate the application process.

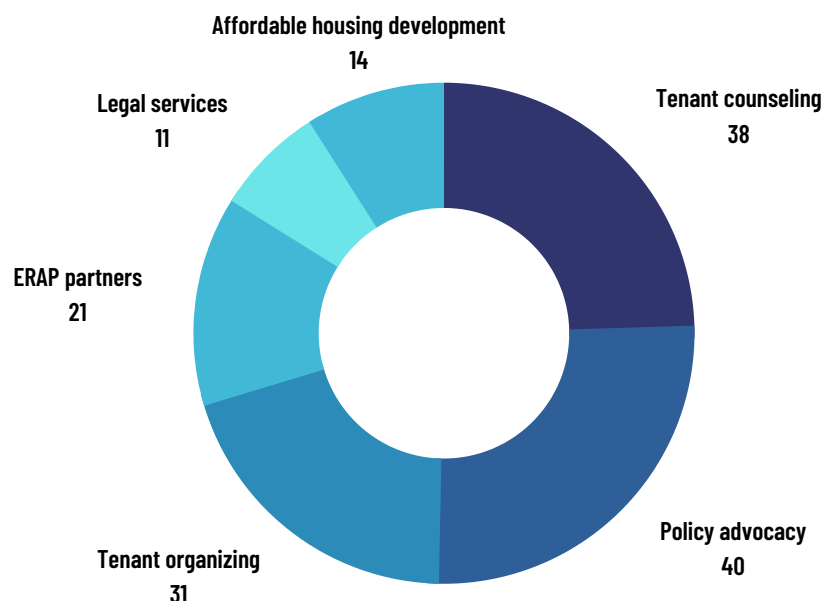
Nearly all respondents (97%) serve Spanish-speaking tenants. The next-most spoken languages were Cantonese or Mandarin (25%), Vietnamese (18%), Tagalog (17%), Korean (10%), and Arabic (8% of respondents).

"We... have been doing our best to answer questions tenants have about how to access ERAP. Unfortunately, what this usually means is a cycle of referrals to organizations [who are] already at capacity."

—Survey respondent, statewide organization

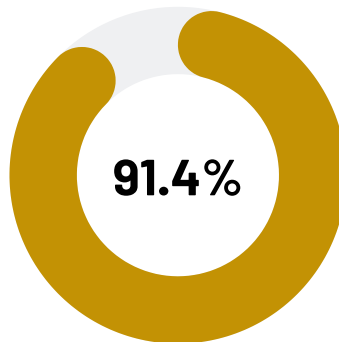
Respondents by service area

Survey question: "What activities does your organization engage in? (check all that apply)"



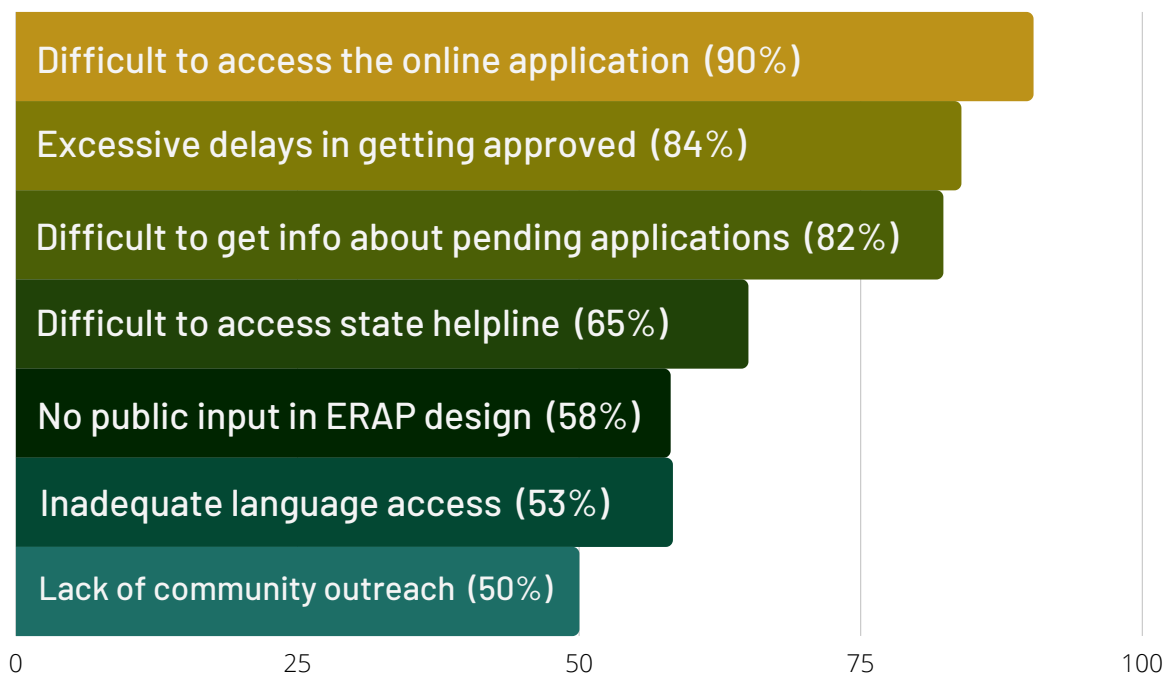
Barriers to access

Some [Orange County] tenants are "unaware that a program exists because outreach has been extremely flawed... the process for applying is confusing and it is difficult to obtain any answers after submitting an application."



of respondents have not yet been contacted by state agencies for their group's assessment and recommendations regarding ERAP barriers.

Top ERAP access challenges reported by respondents



During the initial "ERA 1" phase (March - June 2021), ERAP funds were regionally administered via three options: by state agencies (Option A), application and disbursement managed by city agencies (Option C), or a hybrid system (Option B)^[1]. In summer 2021, some Option C and Option B jurisdictions rolled their programs back into state administration in the "ERA 2" phase. Partners in these jurisdictions reported that tenants have had to reapply or have experienced disconnects in the administration of their applications. As one respondent observed after working with an Option B city to improve community outreach: *"The City did very well, yet with [lack of] mass media and lack of partnerships between City, County, and State agencies charged with rent relief, many tenants never applied or applied and eventually gave up waiting and moved out of the city."*



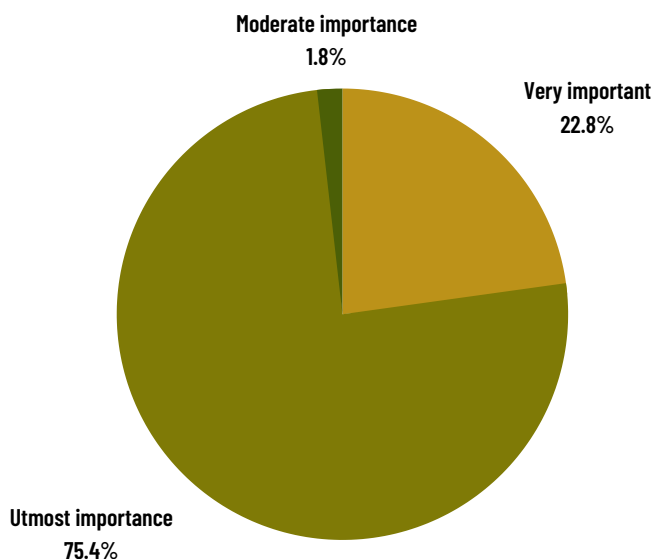
ERAP barriers are leaving eligible renters unprepared for the end of AB 832 protections, with many already receiving eviction notices.

ERAP was initially launched in early 2021 without input from tenants and tenant advocates about predictable barriers and flaws. Two weeks after the eviction moratorium was allowed to expire in October 2021, Governor Newsom vetoed AB 1487, which aimed to create a statewide vehicle for legal aid funding [2]. Many jurisdictions have few to no tenant legal services, and those that do are stretched past capacity with incoming asks for support. As a result, disputes over valid ERAP applications are litigated in eviction court, setting up tenants for unfair evictions and convincing many more to simply leave, instead of facing an ordeal where the deck is stacked against them.

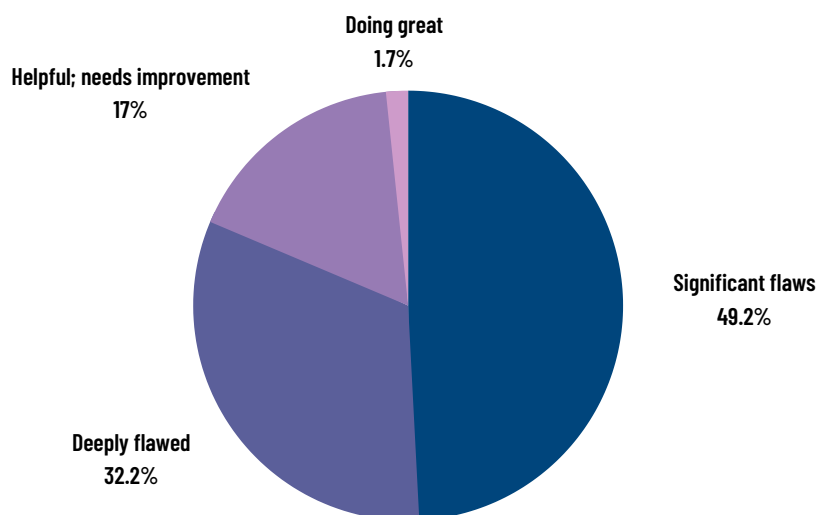
The impacts are already severe. Many tenants have already been served with repeated three-day "pay-or-quit" notices. Others are already receiving "unlawful detainer" notices to appear in court, despite AB 832 allowing for these cases to be dismissed. Faced with a lack of access to legal representation, ERAP-eligible applicants are already being served with eviction judgments, or simply leaving their homes instead of pleading their case in court. Even when they have representation, tenants face a massive challenge to prove to judges that the system was at fault.

Overall performance

How important is accessing rent relief for the tenants who you serve or represent as a means to keeping their homes?



Based on your organization's experience with the communities you serve, how would you evaluate the recent overall performance of the state rent relief program (Housing is Key)?



As a survey respondent in Los Angeles County relayed to us:

"One of our clients had her application delayed due to an error where her application was marked as 'duplicate' due to another tenant accidentally inputting her unit instead of theirs. During this time, she received an unlawful detainer for non-payment of rent and we have been working since November to clear this up. Currently, her application is marked as 'pending applicant information' when she has completely complied with her obligations but the landlord has not, yet it appears as if it is the tenant's fault the application is delayed, which is not helpful in court proceedings."



Underserved Populations

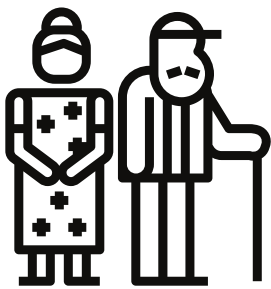
California's most vulnerable tenants face significant barriers to access ERAP funds.

Questions: "Are there groups of tenants that continue to experience special barriers to obtaining relief, or have been less likely to get relief? How effective has the state rent relief program been in providing equal access to assistance to tenants not proficient in English?"



Non-English speakers (82%)

Respondents overwhelmingly reported that tenants not proficient in English had "significantly flawed and not equal" access, due to incomplete or incorrect application translations or lack of access to helplines in their language.



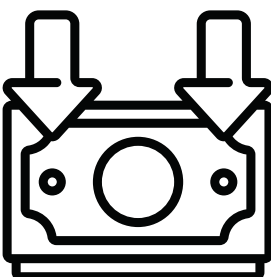
Seniors (76%) & people with disabilities (60%)

The online application has proven challenging for seniors who are in the words of respondents "not tech savvy", and disabled applicants with visual and/or other physical challenges. Several respondents reported that tenants who experienced tech challenges had their applications rejected.



Applicants with informal tenancy status (78%)

Subtenants, tenants not on formal leases, and others with informal rental arrangements are experiencing difficulty verifying tenancies. This is acute for undocumented renters and low-income families renting single rooms.



Extremely low-income households (73%)

While ERAP correctly targets applicants making under 50% of area median income as top-priority, these applicants find it difficult to meet income documentation requirements or maintain technological access. 47% of respondents said workers in the informal economy were especially impacted.



Financial challenges

Californians' rent & utility relief needs have likely exceeded federal aid, while debt exceeds the scope of ERA programs.

In December 2021, the California Department of Housing and Community Development (HCD) requested an additional \$1.9 billion in funds from the Treasury Department, which would be reallocated from other states that have failed to disburse their Emergency Rental Assistance (ERA) funds. Despite these commendable efforts, \$63 million has been reallocated so far in 2022.^[3]

Calculating the total additional need for funds has been difficult, as the public-facing Housing is Key dashboard includes some duplicate applications in the total of requested dollars. However, the rate of increase in this total is rapidly exceeding the \$5.263B in allocated federal funds, and currently stands at above \$7B, with just over \$2B in funds disbursed since ERAP launched in spring 2021.^[4]

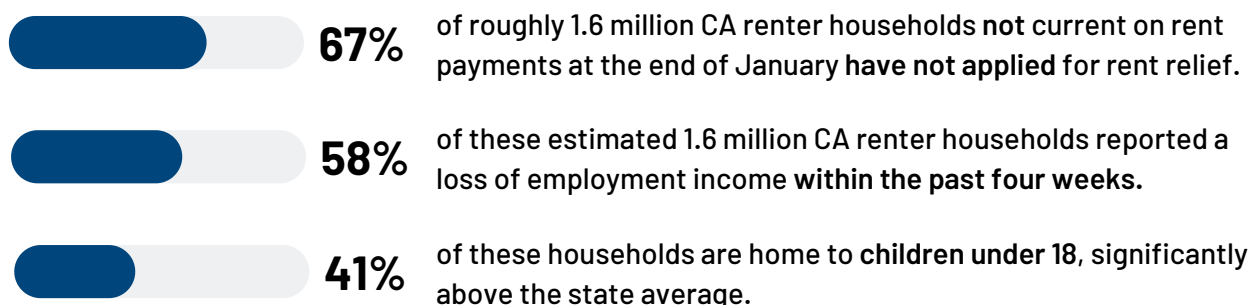
"Shadow debt"

Many tenants have taken out loans from family, friends, and predatory lending services in order to pay rent, or foregone necessary household expenses to cover rent payments to the best of their ability. Asian-American and Pacific Islander renter households in California are disproportionately impacted by secondary COVID rental debt, according to a 2021 University of Pennsylvania study^[6]. One Orange County respondent observed that *"Some [tenants] are left behind because they've acquired debt from a third party – many of whom have experienced fraud."*

The claims estimates in the Housing is Key dashboard only include data for jurisdictions supported by the state-level program, but local jurisdictions have also reported concerns that need exceeds available funds. , in some cases pausing their local programs with little warning.

The passage in February 2022 of Senate Bill 115 granted ERAP applicants a critical reprieve by supplementing federal funds with the state's budget surplus, so long as tenants apply before the end of March 2022 (unless this period is extended). Even so, the pace of disbursement so far suggests existing federal funds are extremely unlikely to be fully disbursed by the time AB 832's protections against eviction for COVID-related nonpayment of rent expire.^[5]

Estimates from the US Census' biweekly American Household Pulse Survey give us a fuller picture of the significant remaining need.^[7]



Policy Recommendations

State & local policymakers can make common-sense interventions to prevent further homelessness and community instability, sparing communities from long-term economic & social consequences that could significantly damage California's pandemic recovery.



Disconnect COVID debt from eviction

Handling COVID debt in eviction court harms those most in need of rent relief. Most tenants lack access to counsel and tenant counseling groups are stretched to capacity. ERAP recipients are already facing eviction notices while they wait for funds to be disbursed. Protecting ERAP-eligible tenants from eviction over COVID debt beyond April is essential to preventing a long-term spike in homelessness.



Prevent repeal of local protections

A number of city and county protections limiting eviction over COVID-related debt have repeatedly been repealed at the state level. Some major renter cities and counties representing millions of renters have initiated anticipatory local protections in 2022. State law must work as a floor, not a ceiling, for policy, in order to give local jurisdictions the flexibility necessary to respond to their communities' urgent needs.



Make ERAP data more transparent

While the public-facing Housing Is Key dashboard provides big-picture information for those jurisdictions participating in the state program, organizations working to serve indebted tenants cannot access critical data and statistics about incomplete or rejected applications, average waiting periods, underserved geographies, service for non-English language categories, or the share of funds distributed to small vs. large landlords.



Advice for California Tenants

If you are a tenant facing harassment or eviction for COVID-related debt, remember that **you are not alone**, and you do not have to fight alone. For information on your protections, sample letters you can use to help enforce your rights, and links to organizations in your area, click [here](#) to consult our [Tenant Defense Toolkit](#) in English and [Spanish](#).



Don't blame yourself

It is not your fault that you could not pay your rent because you lost your income a pandemic. California passed the rent relief program because legislators and Governor Newsom agreed that COVID hardship should not result in eviction. You deserve your home.

Do not leave your home unless you have received an official "notice to vacate" signed by a sheriff.



Fight together, not alone

Organize with your neighbors to fight for your home. Collective power is your best bet at making sure you don't lose your home or wind up with debt that you should not owe. Connect with us if you'd like to start a tenant association in your building, and we can share resources and put you in touch with local tenant groups.



Get involved in the movement

The financial impacts of COVID will be with us for years to come. Whether or not tenants continue suffering for the economic losses during the pandemic for the long term depends on how many tenants are united to demand a just recovery.

Email info@tenantstogether.org to get connected with Tenants Together.



Citations

- [1] California HCD Emergency Rental Assistance Program ERA1 Table: <https://www.hcd.ca.gov/grants-funding/active-funding/erap/docs/rental-assistance-allocations-table.pdf>
- [2] Joint Statement on AB 1487 Veto: <https://wclp.org/joint-statement-bill-sponsors-for-homelessness-prevention-fund-disappointed-with-governor-newsoms-veto-resolved-to-pass-through-budget-process/>
- [3] California HCD COVID-19 Rent Relief Program, January 2022 Monthly Report: <https://www.hcd.ca.gov/policy-research/plans-reports/docs/covid-19-rent-relief-monthly-report-january-2022.pdf>
- [4] Housing Is Key Dashboard: https://housing.ca.gov/covid_rr/dashboard.html
- [5] "State Not on Track to Pay Most SF Rent Assistance Before Eviction Protections Expire," San Francisco Public Press, January 2022. <https://www.sfpublicpress.org/state-not-on-track-to-pay-most-sf-rent-assistance-before-eviction-protections-expire/>
- [6] *An Early Analysis of the California COVID-19 Rent Relief Program*, University of Pennsylvania, The Housing Initiative at Penn, July 2021. https://www.housinginitiative.org/uploads/1/3/2/9/132946414/hip_carr_7.9_final.pdf
- [7] United States Census Household Pulse Survey, Week 42, Housing Table 1b: <https://www.census.gov/data/tables/2022/demo/hhp/hhp42.html>

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Tenants Together is a statewide coalition of forty-seven local tenant organizations and thirteen partners dedicated to defending and advancing the rights of California tenants to safe, decent and affordable housing. As California's only statewide renters' rights organization, Tenants Together works to support and strengthen the statewide movement for renters' rights through education, organizing and advocacy.

