



NATIONAL LOW INCOME  
HOUSING COALITION

### **Testimony of Diane Yentel**

President and CEO of the National Low Income Housing Coalition  
Before the U.S. Senate Committee on Banking, Housing, and Urban Affairs  
“The Rent Eats First’: How Renters and Communities Are  
Impacted by Today’s Housing Market”  
August 2, 2022

Chairman Brown, Ranking Member Toomey, and members of the Committee, thank you for the opportunity to testify before this committee on how renters and communities are impacted by today’s housing market.

The National Low Income Housing Coalition (NLIHC) is dedicated to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice. NLIHC’s members include residents of public and assisted housing, people experiencing homelessness and other low-income people in need of affordable homes, housing providers, homeless services providers, fair housing organizations, state and local housing coalitions, public housing agencies, faith-based organizations, concerned citizens, and others. While our members include a spectrum of housing interests, we do not represent any one segment of the housing field. Rather, NLIHC works on behalf of and with low-income people who receive or need federal housing assistance, especially extremely low-income people and people who are homeless.

Even before the pandemic, millions of extremely low-income households – disproportionately people of color - were struggling to remain housed, always one financial shock away from falling behind on rent and being threatened with eviction and, in the worst cases, homelessness. On any given night, more than half a million people experienced homelessness, and millions more were at risk.<sup>1</sup>

The underlying cause of America’s housing and homelessness crisis is the severe shortage of homes affordable and available to people with the lowest incomes and the widening gap between incomes and housing costs. There is a national shortage of seven million homes that are affordable and available to America’s lowest-income renters – those earning less than either the federal poverty rate or 30% of their area median income (AMI). The severe shortage of affordable and available homes for extremely low-income renters is a structural feature of the country’s housing system, consistently impacting every state and nearly every community.<sup>2</sup>

Housing costs are out of reach for too many of the lowest-income renters.<sup>3</sup> Rents are far higher than what the lowest-income and most marginalized renters, including seniors, people with disabilities, and working families, can spend on housing. Despite the clear and urgent need, Congress only provides housing assistance to one in four eligible households.<sup>4</sup>

Without affordable housing options, 10 million of the lowest-income renter households pay at least half of their income on rent, leaving them without the resources they need to put food on

the table, purchase needed medications, or otherwise make ends meet.<sup>5</sup> Paying so much of their limited income on rent leaves the lowest income families always one financial shock - an emergency or unexpected expense – from facing eviction and, in worst cases, homelessness. For millions of these same households, the coronavirus pandemic was that financial shock.

The COVID-19 pandemic and accompanying economic hardship put as many as 12 million households at risk of losing their homes without immediate government action. Federal, state, and local governments responded to the warnings of housing advocates and impacted people with unprecedented resources and protections to keep renters housed, including \$46.6 billion in emergency rental assistance (ERA) and a national eviction moratorium. While these temporary measures significantly reduced housing instability and unnecessary suffering during the pandemic, they were not intended to solve the longstanding causes of housing affordability.

Now, as emergency resources are being depleted and pandemic-era renter protections expire, renters are faced with increased inflation, skyrocketing rents, eviction filing rates reaching or surpassing pre-pandemic averages, and, in many communities, increasing homelessness. Unprecedented rent increases are exacerbating our country's affordable housing crisis, pushing more people into homelessness each year. The U.S. Government Accountability Office (GAO) found that a \$100 increase in median rent is associated with a nine percent increase in the estimated homelessness rate.<sup>6</sup> On average, rents increased by nearly \$200 per month in the last year.

Recent rent increases are driven by several factors, including a growing demand for rental housing, limited supply, and high inflation. Rent increases can also be attributed to a mostly unregulated rental market that permits landlords to raise rents as high as the market will allow, without regard to its impact on tenants with low incomes. Further, real estate investors have been purchasing low-cost homes at an increasing rate, leading to further increases in rental prices and putting low-income renters at greater risk of eviction. A lack of national renter protections places tenants at risk of unjust treatment, housing instability, and evictions.

To address a housing crisis that pre-dated the pandemic, was exacerbated by its disruptions, and will continue to persist after COVID-19 subsidies are depleted, Congress must increase investments in long-term solutions to the underlying shortage of affordable, accessible homes and improve renter protections for the lowest-income people. This should include making rental assistance universally available to everyone in need, preserving and expanding the supply of homes affordable to people with the lowest incomes, preventing evictions and homelessness, and strengthening and enforcing renter protections. These solutions must be paired with reforms to break down barriers that prevent access to critical resources and that deepen racial disparities. As Congress works towards long-term solutions, the Biden administration must take immediate action to protect tenants from exorbitant rent hikes and, in worst cases, homelessness.

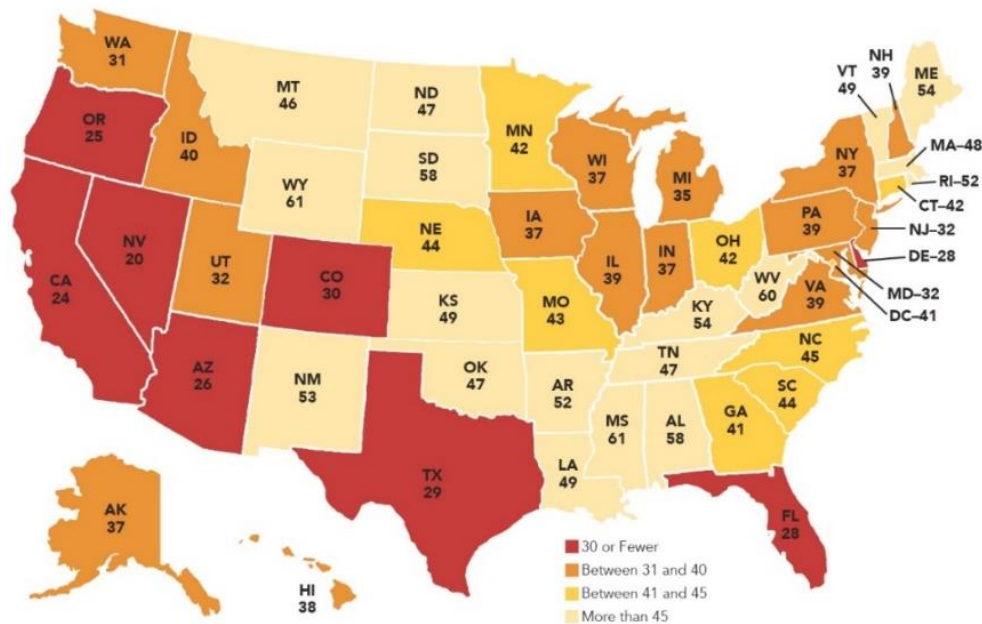
## **Underlying Causes of the Housing Crisis**

### ***Shortage of Affordable Housing for the Lowest-Income Renters***

Even before the COVID-19 pandemic, the country was in the grips of a pervasive affordable housing crisis, impacting rural, suburban, and urban communities alike. An underlying cause of America's housing crisis is a market failure that results in a severe shortage of rental homes affordable to people with the lowest incomes. Nationwide, there is a shortage of seven million

homes affordable and available to extremely low-income renters, whose household incomes are at or below either the poverty guideline or 30% of their area median income (whichever is greater). For every 10 of the lowest-income renter households, there are fewer than four homes affordable and available to them.<sup>7</sup>

## RENTAL HOMES AFFORDABLE AND AVAILABLE PER 100 EXTREMELY LOW INCOME RENTER HOUSEHOLDS BY STATE



The shortage of affordable and available homes for the lowest-income renters ranges from most severe to least severe, but there is no state or congressional district with enough affordable homes for its lowest-income renters. For example, in Chairman Brown's state of Ohio and Ranking Member Toomey's state of Pennsylvania, there are just four affordable homes available for every 10 of the lowest-income renter households. Idaho faces a similar situation, with only four available homes for every 10 of the lowest-income renters. Nevada has the worst housing needs in the nation, with just two affordable homes available for every 10 of the lowest-income renter households.<sup>8</sup>

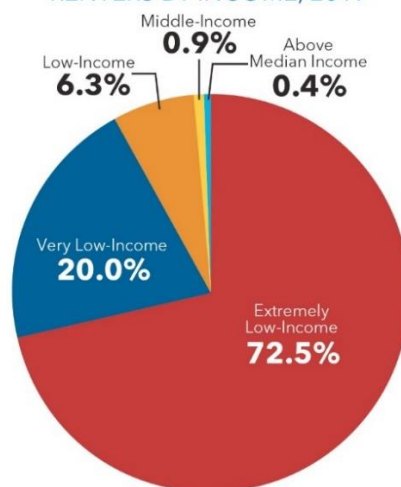
Systemic racism, past and present, has led to significant racial disparities in both renter demographics and adverse outcomes experienced by renters, such as cost burdens, evictions, and homelessness. The unaffordability of the rental market disproportionately harms Black and Latino households because they are more likely at all income levels to be renters: 30% of white households are renters, compared with 58% of Black households and 46% of Latino households.<sup>9</sup>

Moreover, renters of color are much more likely than white households to be extremely low-income renters. Twenty percent of Black households, 18% of American Indian or Alaska Native (AIAN) households, 15% of Latino households, and 10% of Asian households are extremely

low-income renters, compared to only 6% of white non-Latino households. Renters of color are also more likely to experience housing cost burdens than white, non-Latino renters. While 43% of white renters are cost-burdened, 53% of Latino renters and 55% of Black, non-Latino renters are cost-burdened. Thirty-one percent of Black, non-Latino renters and 28% of Latino renters are severely cost-burdened, compared to 22% of white, non-Latino renters.<sup>10</sup>

Nationwide, 10 million of the lowest-income renters pay at least half of their income on rent, leaving them without the resources they need to make ends meet. Housing cost burdens are concentrated among the lowest-income renters. Eighty-six percent of extremely low-income renters are cost-burdened, and 72% of extremely low-income households are severely cost-burdened.<sup>11</sup> Research indicates that the lowest-income households spend significantly less on other necessities – such as food, clothing, transportation, and healthcare – when they are forced to spend more than half of their income on rent and utilities.<sup>12</sup>

SEVERELY HOUSING COST-BURDENED RENTERS BY INCOME, 2019



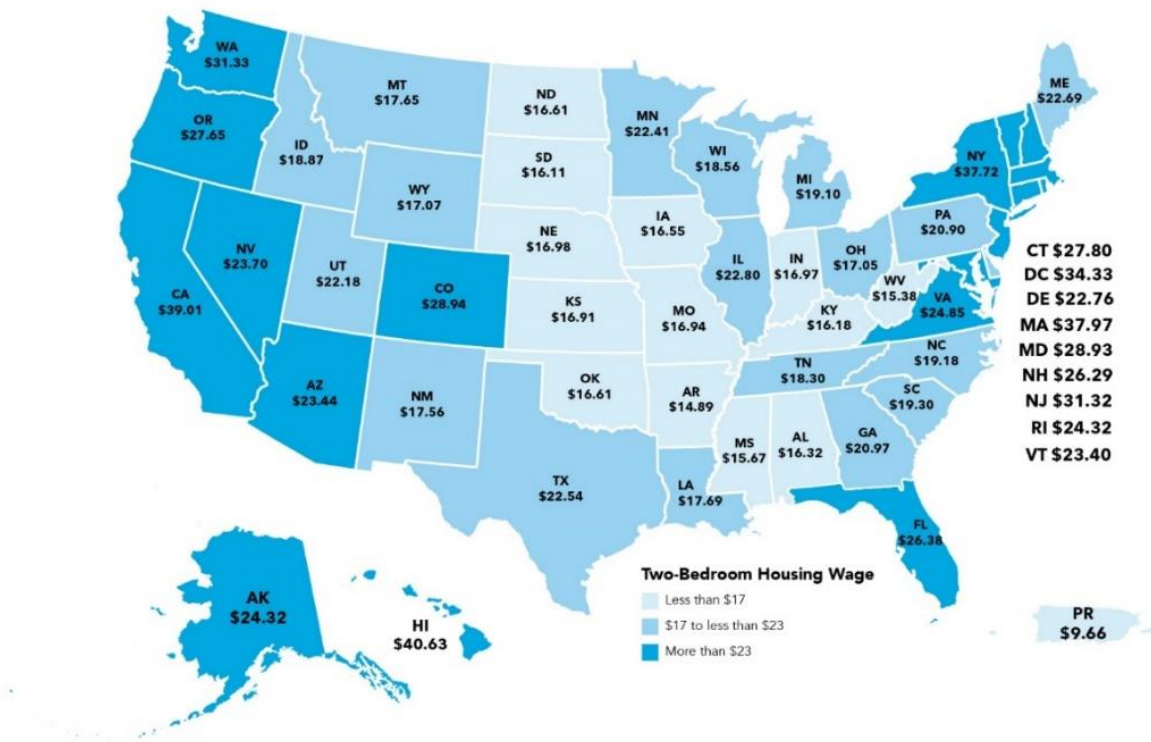
Making matters worse, the existing affordable housing stock is often in poor condition, due to decades of underfunding by the federal government, or with affordability requirements set to expire soon.<sup>13</sup> Based on past trends, more than 176,000 federally assisted rental homes with expiring affordability restrictions over the next five years could be lost from the affordable housing stock if preservation efforts are not expanded. An additional 21,954 homes not facing a subsidy expiration in the next year could also be lost through public housing disposition, foreclosure, or early owner opt outs.<sup>14</sup> The failure to preserve federally subsidized housing can lead to unaffordable rents, a loss of habitability, or evictions for current tenants. Given the current shortage of affordable homes and chronic underfunding for federal programs, preventing the loss of the already limited supply is essential.

### ***The Gap Between Incomes and Housing Costs***

A major cause of housing instability is the fundamental mismatch between growing housing costs and stagnant incomes for people with the lowest incomes. NLIHC's *Out of Reach: The High Cost of Housing*<sup>15</sup> annual report estimates each locality's "Housing Wage" – the hourly wage a full-time worker must earn to afford a modest apartment without spending more than

30% of their income on housing. In 2022, the national Housing Wage is \$25.82 per hour for a modest two-bedroom rental home and \$21.25 per hour for a modest one-bedroom rental home.

## 2022 TWO-BEDROOM RENTAL HOUSING WAGES



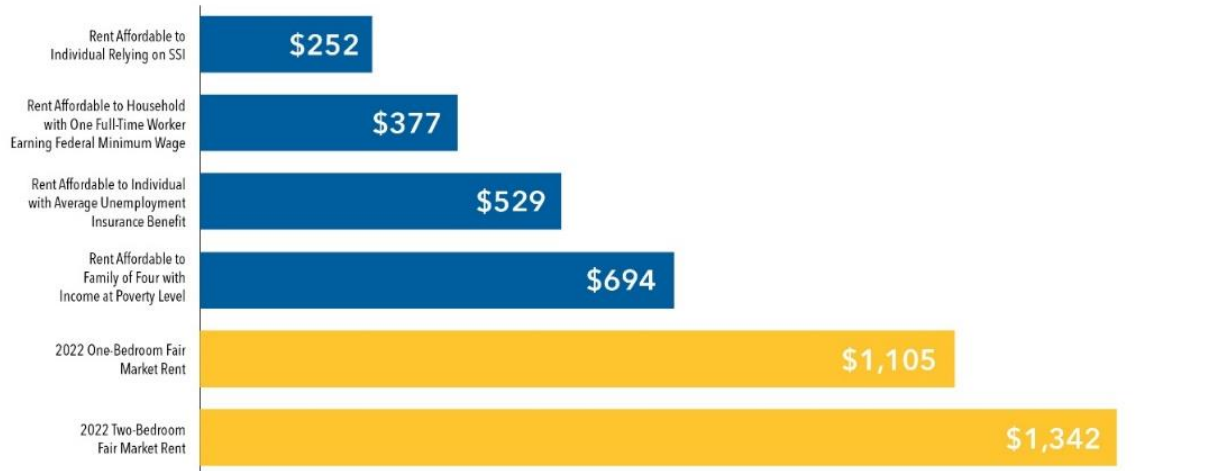
Eleven of the 25 largest occupations in the U.S. pay a lower median hourly wage than the wage a full-time worker needs to earn to afford a modest one- or two-bedroom apartment at the national average fair market rent. Over 24 million people work in the five lowest-paying occupations – retail sales, food and beverage services, food preparation, home health aide and personal care services, and building cleaning. Workers in these occupations earn median wages that fall more than \$6 short of what a full-time worker needs for a one-bedroom apartment.<sup>16</sup>

The average minimum wage worker must work 96 hours per week (nearly two and a half full-time jobs) to afford a two-bedroom rental home, or 79 hours per week (two full-time jobs) to afford a one-bedroom rental home at the fair market rent. People who work 96 hours per week and need eight hours per day of sleep have around two hours per day left over for everything else – commuting, cooking, cleaning, self-care, caring for children and family, and serving their community.

Low-wage workers are not the only renters who struggle to afford their housing. Housing is unaffordable for low-income families in a variety of circumstances. Three-quarters of the nation's 4.4 million senior renters with incomes less than 50% of the AMI are housing cost-burdened. Over 2 million households are very low-income, have a disability, and are not in the labor force, with most of these households paying more than 30% of their income toward rent.

Of the country's approximately 850,000 very low-income householders who are single-adult caregivers or students, 93% are cost-burdened.<sup>17,18</sup>

## RENTS ARE OUT OF REACH



### ***Lack of Federal Resources***

The shortage of rental homes affordable to the lowest-income people is caused by market failures and the chronic underfunding of solutions. Government intervention, in the form of subsidies, is necessary to fill the gap between what the lowest-income people can afford to pay and the costs of developing and operating rental homes. Congress has consistently underfunded housing subsidies such that only one in four households eligible for housing assistance receives any.<sup>19</sup> Millions of families are placed on waitlists for housing assistance, many of them faced with homelessness or overcrowding while they wait.<sup>20</sup>

Congress has also divested from public housing for decades, resulting in over \$70 billion in unmet capital backlog needs.<sup>21</sup> As a result, our nation loses 10,000 to 15,000 units of public housing every year to obsolescence or decay, while other units fall into deep disrepair. This leaves public housing residents routinely exposed to hazardous and unhealthy living conditions, including lead, carbon monoxide, mold, asbestos, radon, and pests.<sup>22</sup>

### **Current State of the Housing Market**

#### ***Impact of COVID-19 Pandemic on Low-Income Renters***

The COVID-19 pandemic and its economic impacts underscored and exacerbated the severe housing shortage and unaffordability faced by the lowest-income renters. Data from the U.S. Census Household Pulse Survey (HPS) and eviction data illustrate the ways the pandemic worsened the housing challenges faced by the lowest-income renters.

Almost six million (14.5%) renter households were behind on rent by August 2020, according to the HPS. This number grew to a peak of 7.9 million (19.4%) renter households by January

2021. By March 2022, 5.6 million renter households remained behind on rent. Renters with low incomes were most likely to be behind on rent. One out of every five renter households with annual incomes below \$35,000 was behind on rent, and such renter households together accounted for over two-thirds of all households behind on rent. Households of color were also disproportionately behind on rent. Twenty percent of Black renter households, 16% of Latino renter households, 15% of Asian renter households, and 10% of white renter households were behind on rent.<sup>23</sup>

In response to the urgent housing needs of renters impacted by the pandemic, the Trump administration implemented (and Congress and the Biden administration extended) a national eviction moratorium, and Congress allocated \$46.6 billion in Emergency Rental Assistance (ERA) to states and localities to keep renters stably housed. Research conducted on the efficacy of local, state, and federal eviction moratoriums provides evidence that such moratoriums were effective at reducing COVID-19 transmission and fatalities as well as eviction filings.<sup>24 25</sup> ERA has similarly helped keep millions of renter households stably housed over the course of the pandemic. State and local grantees have so far disbursed over \$30 billion to renters who were facing housing instability.<sup>26</sup> The ERA program has made over six million payments mostly to very low and extremely low-income renters.<sup>27</sup>

While ERA has been impactful for millions of households, the program was designed to provide short-term financial assistance during the pandemic and cannot address the long-standing gaps in our housing safety net. As state and local ERA programs run out of funding, the last eviction protections expire, and rents skyrocket across the country, the persistent shortage of affordable housing for the lowest-income renters is worsening. Evictions are increasing, with eviction rates in some cities reaching or surpassing their pre-pandemic levels.<sup>28</sup> When the public health dangers finally recede, the lowest-income renters will continue to face housing precarity and instability until permanent solutions to widespread housing unaffordability are enacted, implemented, and enforced.

### ***Inflation, Rising Rents, Increasing Housing Instability and Homelessness***

Growing inflation, rising rents, and declining real wages are particularly challenging for the lowest-income renters, who have little margin to afford increasing prices. Unprecedented increases in rent prices over the last year have exacerbated the disparity between low wages and fair market rents, making the process of finding and maintaining affordable housing even more difficult for tenants with the lowest incomes.

Rising rental prices are associated with an increase in homelessness. A study by the GAO found that changes in median rental prices and homelessness rate estimates were statistically significantly related. A \$100 increase in median rental price was associated with an approximately 9% increase in the estimated homelessness rate, even after accounting for other relevant factors.<sup>29</sup>

Between the first quarter of 2021 and the first quarter of 2022, median rents for two-bedroom apartments in metropolitan counties increased 15%, or \$179. This increase is more than four and a half times greater than the increases of the previous four years, where median rents rose between \$25 and \$39 annually. Significant rental price increases in the past year have impacted housing markets nationwide. In 294 out of the 345 metropolitan counties tracked by Apartment

List, rental prices for a two-bedroom apartment increased over \$100 between the first quarter of 2021 and the first quarter of 2022.<sup>30</sup>

ANNUAL CHANGE IN FIRST QUARTER MEDIAN RENTAL PRICES



Recent rent increases have been driven by several factors, including a growing demand for rental housing, limited supply, and high inflation. Between the start of the pandemic and the middle of 2021, 870,000 renters entered the rental market. The increase in demand led to record-low vacancy rates, which fell from 6.6% in 2020 to 5.8% by the third quarter of 2021.<sup>31</sup> Many households entering the market were higher-income renters who may have been priced out of the increasingly competitive home-buying market. The rent increases can also be attributed to a largely unregulated rental market that permits landlords to raise rents as high as the market will allow, without regard to its impact on tenants with low incomes.

### ***Increased Investor Purchases***

Rising rental prices are also impacted by increased purchases of single family and multi-family properties by real estate investors, who have been buying low-cost homes at an increasing and unprecedented rate.<sup>32</sup> In each of the last three quarters of 2021, investors purchased more than 80,000 homes – the highest number of quarterly investor purchases since data collection began in 2000.<sup>33</sup> Increased institutional investor ownership in the rental market can have negative impacts on renters, and have been associated with decreased affordability, increased fees, lack of upkeep, higher rates of eviction, and worsening displacement, particularly within Black neighborhoods.<sup>34</sup> The lack of federal tenant protections allows corporate landlords to engage in abusive practices in pursuit of profit.

Several companies lead investor purchases in the single-family rental market, including Invitation Homes, Progress Residential/Pretium Partners, American Homes 4 Rent, FirstKey Homes, Amherst Capital Management, and Tricon Residential. These companies purchase homes to upgrade and resell them, often holding them until their value increases enough to make their resale profitable or converting them to rental properties. The House Financial Services Subcommittee (HFSC) on Oversight and Investigations conducted a survey of five of



these companies to assess their growth over time. Together, the five surveyed companies held 280,637 properties in the third quarter of 2021.

According to the National Multifamily Housing Council, ownership of multifamily buildings is becoming more consolidated in the hands of corporate landlords, with the number of apartment units owned by the largest 50 companies increasing from under 2 million in 2017 to 2.5 million in 2022.<sup>35</sup> These 2.5 million units represent approximately one-tenth of the country's multi-family apartment stock.<sup>36</sup> This is likely an underestimate because two of the largest firms – Blackstone and Lone Star Funds – do not participate in the NMHC survey that collects this data. Blackstone alone owns more than 300,000 units, though these may not all be multi-family units.<sup>37</sup> Investor purchases have historically been made in low-cost, Black and brown neighborhoods, and this trend continued during the pandemic.<sup>38</sup>

Investors' accumulation of subsidized properties could further threaten housing affordability in the future. Two large investors – Blackstone and Starwood Capital – now own over 138,000 federally subsidized units, including many units backed by the Low-Income Housing Tax Credit (LIHTC).<sup>39</sup> Given the time-limited affordability period of LIHTC properties and the stated strategy of investors to purchase below market rental properties and later increase their prices, it is unlikely that these apartments will remain affordable.

The influx of private equity firms into the housing market can have harmful consequences for low-income tenants. Increases in the number of investor-owned properties are associated with rising rental costs, particularly in the most affordable segment of the housing market.<sup>40</sup> Unlike smaller landlords who focus primarily on rental revenues, institutional investors and private equity firms have been found to be more interested in capital gains opportunities through residential real estate.<sup>41</sup>

In addition to raising rents, corporate landlords have been shown to use tenant fees to generate profit. Data collected by the HFSC found that surveyed institutional investors increased lease fees 40% over the survey period, from an average of \$147 per lease per year in 2018 to an average of \$205 in 2021.<sup>42</sup> Some investors may use this strategy more than others. While lease fees for several of the companies surveyed remained steady over the four-year period, average annual lease fees for Invitation Homes' properties increased from \$201 in 2018 to \$449 in 2021.<sup>43</sup> Investors have acknowledged that fee collection is part of their revenue generation strategy. Tricon, whose profits increased from \$113 million to \$517 million between 2020 and 2021, noted that this significant increase in profits was due in part to fees and other costs and upkeep responsibilities that were transferred to tenants.<sup>44</sup>

Research suggests that corporate landlords are more likely to file for eviction than small landlords. A study of single-family rentals in Atlanta found that corporate owners were 8% more likely than small landlords to file for eviction, even after controlling for neighborhood characteristics.<sup>45</sup> The study also found that some investors are far more likely to pursue evictions than others. One institutional investor filed evictions against one-third of its tenants, while two other institutional investors filed evictions against one-quarter of their tenants.

Large landlords are also more likely to be serial eviction filers, filings for evictions repeatedly when households fall behind on their rents.<sup>46</sup> Serial eviction filings can significantly increase housing costs for renters beyond their monthly rent payments since filings often result in late fees and court fines.<sup>47</sup> One estimate finds that each eviction filing results in a 20% monthly

increase in housing costs.<sup>48</sup> Moreover, eviction filings can make it more difficult for renters to find other landlords willing to rent to them, pushing households deeper into poverty.

Institutional investors' practices have a disproportionate impact on Black communities. Data collected by the HFSC indicate single-family rental investors purchase properties in ZIP codes whose populations are on average 40% Black, which is over three times the Black population in the U.S.<sup>49</sup> Research on investor purchases in southeast cities during COVID-19 also found that purchases were concentrated in Black and Latino neighborhoods.<sup>50</sup> The higher rates of investor purchases in Black neighborhoods have resulted in displacement of residents. Statistical models estimate that on average, neighborhoods in Atlanta with an investor-purchased property result in 166 fewer Black residents and 109 additional white residents compared to nearby neighborhoods without an investor-purchased property.<sup>51</sup>

Institutional investors wield significant political power and have used this power to advocate against renter protections. Five prominent rental home investment companies – American Homes 4 Rent, FirstKey Homes, Invitation Homes, Progress Residential, and Tricon Residential – have formed the National Rental Home Council, a trade association that advocates against state rent regulation policies. In 2018, Invitation Homes and Blackstone spent \$1 million and \$6 million, respectively, opposing a ballot initiative that would have allowed rent regulation in California cities.<sup>52,53</sup> Institutional investors also lobbied to reverse the eviction moratorium, with some of these owners continuing to evict tenants unscrupulously and unlawfully during the protected period.<sup>54,55</sup>

### ***Lack of Federal Tenant Protections***

The power imbalance between renters and landlords puts renters at greater risk of housing instability, harassment, and homelessness, while also fueling racial inequity. Broad and robust tenant protections – including laws ensuring legal representation in eviction court, prohibiting source-of-income discrimination, and “just cause” eviction laws – are needed to rebalance the power that currently tilts heavily in favor of landlords at the expense of low-income and marginalized tenants.

Despite the broad and lasting consequences of evictions, only 10% of renters in eviction court receive legal representation, compared to 90% of landlords.<sup>56</sup> When tenants have legal representation during the eviction process, they are more likely to avoid eviction and remain in their homes.<sup>57</sup>

In many states, there are no federal protections against arbitrary, retaliatory, or discriminatory evictions, or other abusive practices by landlords. Many low-income tenants who use housing subsidies like housing vouchers, emergency rental assistance, and other forms of public assistance struggle to find or maintain safe, quality, affordable housing due to source-of-income discrimination – the practice of denying an individual the full and equal access to housing based on their lawful source of income. Discrimination by landlords against renters can prevent households from effectively using federal, state, or local rental assistance and is often a pretext for illegal discrimination against renters of color, women, and people with disabilities.<sup>58</sup>

In most states and localities across the country, landlords are not required to provide a reason for evicting a tenant at the end of the lease term or for evicting a tenant without a lease. Landlords who are unable to evict a tenant during their lease term may choose not to renew the tenant's lease and use the lease holdover as grounds for eviction. A tenant at the end of their

lease is also at risk of unreasonable rental increases.<sup>59</sup> When a tenant receives an eviction notice, faces rent hikes, or fears displacement, they may choose to leave their unit – or “self-evict” – rather than go to court. Those who pursue legal action often find that no laws exist to protect them from eviction at the end of a lease term and that having an eviction judgment on their record creates further barriers to obtaining and maintaining future housing.<sup>60</sup>

### **Immediate Actions Needed**

It appears increasingly likely that Congress will enact a reconciliation bill that neglects to address the country’s housing crisis, a deeply unfortunate and short-sighted decision. An “Inflation Reduction Act” that does not address skyrocketing rents and dwindling housing supply – as the housing investments in the Build Back Better Act would do - neglects to address a key driver of inflation and leaves the lowest income renters and people experiencing homelessness to suffer from continued inaction.

In the absence of quick Congressional action, the Biden administration must take immediate steps to protect America’s lowest-income and most marginalized renters from the harmful impacts of inflation and rising rents, high rates of eviction filings, and increasing homelessness. To respond to unprecedented and unwarranted increases in rent prices and housing instability, the Biden administration should establish critical renter protections to help keep renters stably housed. Just as several states have in place laws to prevent price or rent gouging after natural disasters, the Biden administration should implement anti-rent gouging measures to prevent landlords from imposing exorbitant rent increases on tenants in the wake of a global pandemic. There is clear precedent and need for using federal price controls to stem unreasonable rent increases.<sup>61 62</sup>

The Biden administration should also expand renter protections, such as source-of-income protections, just-cause eviction standards, and anti-price gouging protections, to those living in properties with federally backed mortgages. There is recent precedent for tying renter protections to federally back loans and other assistance. During the pandemic, the Federal Housing Finance Agency (FHFA) required that property owners receiving forbearance suspend evictions for nonpayment of rent, and the agency prohibited these property owners from charging late fees or penalties or requiring tenants to pay past due rent in a lump sum. Property owners who failed to comply with these renter protections were subject to remedies under their loan documents, which could include moving the loan into a technical default and revocation of the forbearance.

The Biden administration should also take action to address the housing needs of those experiencing or at risk of homelessness by activating the Federal Emergency Management Agency (FEMA) Public Assistance (PA) program and the Disaster Housing Assistance Program (DHAP) to help move individuals experiencing homelessness out of shelters and encampments and into hotels and permanent housing.<sup>63</sup> During the pandemic, President Biden took bold action to protect people experiencing homelessness by directing FEMA to provide 100% reimbursement for eligible non-congregate sheltering costs, as recommended by NLIHC and the NLIHC-led Disaster Housing Recovery Coalition (DHRC).<sup>64</sup> This action allowed states and communities to rapidly move unsheltered individuals to hotels and other non-congregate shelters. The DHAP program has similarly been used to help keep households stably housed after disasters by providing long-term rental assistance to households with the greatest needs and those most at risk of homelessness. Given the rise in homelessness, the Biden

administration should make these resources available once again to move individuals into permanent housing.

## **Long-Term Solutions to the Housing Crisis**

As the country faces record rent increases and rising evictions, it is more important than ever to make meaningful and long-lasting structural changes to ensure people with the lowest incomes have stable, affordable homes.

A stronger housing safety net is needed to prevent evictions and homelessness and to reduce housing instability among the lowest-income renters. Addressing the roots of the housing affordability problem requires a sustained commitment to (1) bridging the gap between incomes and rent through universal rental assistance, (2) investing in new affordable housing and preserving affordable rental homes that already exist for America's lowest-income and most marginalized renters, (3) providing emergency assistance to stabilize renters when they experience financial shocks, and (4) establishing and enforcing strong renter protections.

### ***Bridge the Gap Between Incomes and Housing Costs***

Congress should expand rental assistance to make it universally available to all eligible households in need. Making rental assistance available to all eligible households is central to any successful strategy for solving the housing crisis. Rental assistance is a critical tool for helping the lowest-income people afford decent, stable, accessible housing, and the program has a proven record of reducing homelessness and housing poverty.<sup>65</sup> A growing body of research finds that rental assistance can improve health and educational outcomes, increase children's chances of long-term success, and advance racial equity.<sup>66</sup>

As shown throughout my testimony, the COVID-19 pandemic accelerated the existing housing crisis and exposed the inadequacy of the federal housing safety net. If universal housing assistance had been in place before the pandemic, the U.S. could have more quickly and easily protected the lowest-income renters from housing instability, eviction, and homelessness using an existing infrastructure and without the need to create over 500 new emergency rental assistance programs throughout the country.

Congress should enact the "Ending Homelessness Act" (H.R.4496) introduced by Representatives Maxine Waters (D-CA), Emanuel Cleaver (D-MO), and Ritchie Torres (D-NY) to create universal rental assistance for every eligible household. If enacted, housing investments in rental assistance – like other parts of our nation's safety net – would receive mandatory full funding each year to cover the needs of all eligible households. The bill would also expand resources to increase the supply of housing affordable to those with the greatest needs through the national Housing Trust Fund and prohibit housing discrimination based on source of income. Another innovative approach to providing universal rental assistance would be to establish a renters' tax credit, like the program proposed in the "Rent Relief Act of 2022" (H.R. 8357).<sup>67</sup>

In the near term, Congress should enact the "Family Stability and Opportunity Vouchers Act" (S.1991). This bipartisan bill, introduced by Senators Chris Van Hollen (D-MD) and Todd Young (R-IN), would provide 500,000 new housing vouchers and counseling services to help families with children move to areas connected to good-performing schools, well-paying jobs, healthcare, and transit.

The House-passed “Build Back Better Act” would invest \$25 billion to expand rental assistance to more than 300,000 households.<sup>68</sup> The reconciliation bill currently under negotiation in Congress will likely not include this investment, a tremendous missed opportunity to pave a path to universal rental assistance for everyone in need.

### ***Expand and Preserve the Supply of Affordable Rental Homes***

Addressing the shortage of affordable and available housing for the lowest-income households requires both preserving existing affordable housing stock and increasing the supply of affordable housing.

Efforts to expand the federally assisted housing stock and close the affordability gap hinge on preservation. Preservation stops displacement and housing instability for current tenants, prevents the loss of difficult-to-replace housing in desirable neighborhoods, mitigates further disinvestment from distressed communities, presents an opportunity to reduce greenhouse gas emissions through energy retrofitting, and prevents the further decline of the already limited federally subsidized housing stock. Congress must provide robust resources to preserve the roughly 900,000 public housing units that are currently home to over two million residents, the majority of whom are people of color. Public housing is critical to ensuring people with the greatest needs have an affordable and accessible place to call home, and the preservation of this community asset is key to any strategy to address America’s housing crisis.

To increase the supply of deeply affordable and accessible housing, Congress should expand funding for the national Housing Trust Fund to at least \$40 billion annually. The HTF is the only federal housing program exclusively focused on serving households with the lowest incomes and most acute housing needs. The “American Housing and Economic Mobility Act” (S.1368/H.R.2768), introduced by Senator Elizabeth Warren (D-MA) and Representative Emanuel Cleaver (D-MO), would address the shortage of affordable rental homes for people with the lowest incomes through a robust investment of nearly \$45 billion annually in the national Housing Trust Fund. The bill also includes resources to repair public housing, build or rehabilitate housing in tribal and Native Hawaiian communities, and create and preserve affordable homes in rural areas.

In addition, the federal government should incentivize or require state and local governments that receive federal transportation and infrastructure funding to eliminate restrictive zoning rules that increase the cost of development, limit housing supply for all renters, and reinforce segregation and structural racism in housing and other systems.

The targeted housing investments in the House-passed “Build Back Better Act” would directly address the severe shortage of rental homes affordable to people with the lowest incomes by preserving the nation’s public housing and building new affordable housing through the national Housing Trust Fund.<sup>69</sup> The bill provides \$65 billion to preserve public housing for future generations and to protect the health and safety of its 2.5 million residents, as well as \$15 billion to build and preserve more than 150,000 homes for people with the greatest needs through the national Housing Trust Fund.<sup>70</sup> By failing to include the Build Back Better Act’s historic and targeted affordable housing investments in the reconciliation package currently under negotiation, Congress risks missing a once-in-a-generation opportunity to help end homelessness and housing poverty in America.

### ***Provide Emergency Rental Assistance to Stabilize Families and Prevent Evictions***

The COVID-19 crisis highlighted a reality that has long been true: many households are only one missed paycheck or unexpected expense away from not being able to afford their housing.

Permanent solutions are needed to combat the evictions and homelessness that can occur when low-income renters experience income loss or unexpected financial shocks. Congress should build on the lessons learned and successes of Treasury's ERA program by enacting a permanent program to help stabilize families before they face eviction, displacement, and, in the worst cases, homelessness.

The "Eviction Crisis Act" (S.2182) and "Stable Families Act" (H.R.8327) would help establish a more permanent version of this program by creating a national housing stabilization fund for renters facing temporary financial setbacks. Providing temporary assistance for households would help prevent the many negative consequences associated with evictions and homelessness, including physical and mental health challenges, loss of possessions, instability for children, and increased difficulty finding a new home.<sup>71</sup>

### ***Strengthen and Enforce Renter Protections***

During the pandemic, state and local jurisdictions across the country have recognized the crucial role tenant protections play in preventing evictions and ensuring housing stability for the most marginalized households. NLIHC has been tracking the passage of tenant protections in jurisdictions across the country.<sup>72</sup> In 2021 alone, states and localities passed or implemented over 150 new laws or policies to protect tenants from eviction and keep them stably housed. Jurisdictions passed short-term protections to support renters during the pandemic, including eviction moratoriums, pauses on evictions while ERA applications were under review, and efforts to coordinate the eviction process with ERA. State and local governments also enacted long-term protections, such as right-to-counsel legislation, source-of-income discrimination laws, legal defense appropriations, and sealed eviction records legislation.<sup>73</sup> While ERA programs and the short-term protections tied to them are expiring, long-term tenant protections will outlast the pandemic and can guide policymakers looking to pass similar local or federal protections.

To ensure the safety and just treatment of renter households across all jurisdictions, Congress should similarly enact legislation to establish vital national protections for renters. Congress should prohibit source-of-income discrimination to help ensure that landlords do not discriminate against renters who receive rental assistance or other sources of income. Current federal law does not prevent landlords from rejecting all housing vouchers, with limited exceptions.<sup>74</sup>

A growing number of states and localities have enacted source-of-income protection laws that would increase voucher acceptance.<sup>75</sup> Several studies indicate that voucher non-discrimination laws are associated with substantial reductions in the number of landlords that refuse to accept vouchers.<sup>76,77</sup> Despite the growing evidence suggesting that source-of-income protection laws increase the effectiveness of the Housing Choice Voucher program, only one in three voucher holders is protected by non-discrimination laws.<sup>78</sup> Congress should enact the "Fair Housing Improvement Act" (S.4485/H.R.8213), introduced by Senator Tim Kaine (D-VA) and Representative Scott Peters (D-CA). The bill would expand the Fair Housing Act to prohibit housing discrimination based on source of income and military and veteran status.

Additionally, Congress should establish and fund a national right to counsel to help more renters stay in their homes and mitigate harm when eviction is avoidable. In eviction cases, access to legal representation can make the difference between a tenant remaining safely, stably housed and facing eviction or even homelessness. With legal representation, tenants may be more informed of their rights, better positioned to navigate the complicated eviction process, and more able to access tenant protections that reduce fees or rent owed and allow them to stay in their homes.

Further, NLIHC supports legislation to create federal “just cause” eviction standards to ensure greater housing stability and prevent arbitrary and harmful actions by landlords. Legal protections extended through just cause legislation make the lease renewal process more predictable, protect renters from excessive rent increases, empower tenants to advocate for better living conditions without fear of retaliation, and promote long-term housing stability for the lowest-income and most marginalized renters. Congress should pass just cause eviction legislation to provide stability and predictability at the end of a lease term and mitigate the harms resulting from unprecedented rental increases in cities and states across the country.<sup>79</sup>

Congress should enact additional measures to protect renters nationwide, including expanding the “Fair Housing Act” to ban discrimination based on sexual orientation, gender identity, marital status, and source of income; establishing anti-rent gouging protections for renters; ending arbitrary screening and eviction policies to ensure access for people exiting the criminal legal system; and supporting tenant organizing.<sup>80</sup>

## Conclusion

More than ever, significant and sustained federal investments are needed to ensure that people with the lowest incomes and those who are most marginalized have stable, accessible, and affordable homes. NLIHC looks forward to a continued partnership with members of Congress and the administration in advancing the large-scale investments and anti-racist reforms needed to repair the gaping holes in our country’s social safety net and ensure that every renter has an affordable place to call home.

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