

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

August 6, 2021

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, DC 20515

Dear Speaker Pelosi:

Last week, House Democrats failed to provide a permanent solution for Americans who are now at risk of being evicted from their homes due to unpaid rent stemming from the pandemic. Instead of taking action to provide renters with the financial relief they need, Democrats sought to delay rather than solve the problem through another temporary and flawed federal eviction moratorium extension. To be clear, such an approach is both unlawful and unwise, and only adds new uncertainty to already struggling renters who missed payments due to COVID-19.

The Centers for Disease Control and Prevention's (CDC) Eviction Moratorium that expired on August 1st is not a solution and should not have been extended. The decision by House Democrats to forgo action and lobby for an extended CDC moratorium is especially egregious because the flaws of such an approach were a knowable and foreseeable problem. As early as March 2021, at least two Federal courts declared that the CDC's Eviction Moratorium was unconstitutional and required legislative action. This point was further confirmed when the Supreme Court declined to take up the case and Justice Kavanaugh wrote: *"In my view, clear and specific congressional authorization (via new legislation) would be necessary for the CDC to extend the moratorium past July 31."*

Despite Justice Kavanaugh's clear instructions, Democrats on the Energy and Commerce Committee held no hearings or discussions with Committee Republicans on whether it was appropriate to give the CDC this expansive authority, given their clear abuse of power.

Meanwhile, for months Republicans on the Financial Services Committee have been concerned about the mismanagement of the administration of the Emergency Rental Assistance (ERA) program. This program was specifically created to provide renters with the financial relief they need to repay all their back rent and end the threat of evictions. But instead of getting this money out quickly, the Treasury Department has bungled the program and few funds have reached any

renters. This mismanagement includes the four separate occasions the Administration changed its guidance. Despite repeated requests to work with Republicans to get public answers about the administration of this program, House Democrats held multiple closed-door meetings with the Treasury Secretary to avoid accountability.

Every Democrat should be ashamed of their failure to protect renters from the threat of eviction by eliminating the back rent they owe, which is a direct result of the House Democrats' decision to ignore regular order. While your caucus has failed to support renters as promised, Republicans have repeatedly presented a solution. In June, Republicans introduced H.R. 3913, the *Renter Protection Act* to ensure ERA money gets into the hands of the renters who are most in need. This is the exact policy the Administration has pushed over the last several days.

Not only did House Democrats not even bother to hold a hearing on this bill or an alternative, House Democrats held no bipartisan negotiations and no markups. In the face of this crisis, House Democrats did nothing.

Instead of working towards a bipartisan solution, you called on the Biden administration to ignore the Constitution and Justice Kavanaugh's warning. Your actions have severely undermined the separation of powers by abdicating Congress's Article I authorities to the Executive Branch, despite federal court rulings that the CDC exceeded its authority. By enabling this abuse of power and showing a complete disregard for the rule of law, you have further weakened the House of Representatives as a separate but equal branch of the United States Government.

When the newly issued moratorium is inevitably struck down by the courts there will be even more confusion and uncertainty for renters and landlords across the country. This was entirely avoidable.

It is unconscionable for the House to stand in recess while millions of renters and property owners across the country face eviction and the loss of livelihoods. With so many Americans facing eviction from their homes, we demand that you call the House back to provide a lasting solution that grants relief to renters and landlords by passing H.R. 3913.

Sincerely,



Patrick McHenry
Member of Congress



Cathy McMorris Rodgers
Member of Congress



French Hill
Member of Congress



Brett Guthrie
Member of Congress



Ann Wagner
Member of Congress



Fred Upton
Member of Congress



Frank D. Lucas
Member of Congress



Michael C. Burgess
Member of Congress



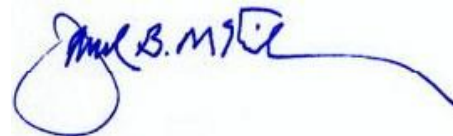
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Member of Congress



Robert E. Latta
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Bill Posey
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David B. McKinley
Member of Congress



Blaine Luetkemeyer
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Bill Johnson
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Bill Huizenga
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Larry Bucshon
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Andy Barr
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Earl L. Carter
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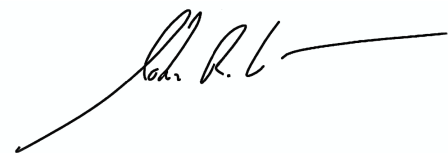
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Neal P. Dunn
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Tom Emmer
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Lee M. Zeldin
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Dan Crenshaw
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Barry Loudermilk
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John Joyce
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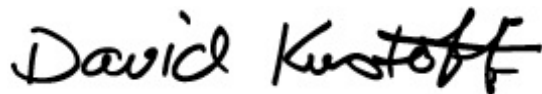
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Kelly Armstrong
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Ted Budd
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