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**U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES**  
**– CHAIRWOMAN MAXINE WATERS –**  
**SECTION-BY-SECTION OF H.R. 5196, THE “EXPEDITING ASSISTANCE**  
**TO RENTERS AND LANDLORDS ACT OF 2021”**

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**Section 1. Short title.**

- This section establishes the short title of the bill as “Expediting Assistance to Renters and Landlords Act of 2021.”

**Section 2. Expediting Applications for Assistance Submitted by Landlords.**

- This section amends ERA 1 to require the Treasury Secretary to establish a process for a landlord of a residential dwelling to submit an application on behalf of a renter when the landlord is unable to obtain a renter’s consent under the following conditions:
  - Landlords must notify the renter that an application will be submitted no less than 10 days before application submission.
  - The amount of assistance a landlord receives will be deemed to satisfy all monetary claims relating to rent against the renter from the date of declaration of a national emergency related to COVID-19 to the date of application submission if such assistance equals the amount on the application.
  - Landlords must comply with a 120-day eviction prohibition, beginning from the date of application, with specific exceptions related to health and safety of other individuals or property damage. Landlords must also set aside and vacate any past eviction judgement based on non-payment of rent, rescind any eviction notice, and agree to seal any eviction filing.
  - Landlords may apply for rental assistance to cover the 120 day period, and if grantees approve of the application for arrears, they are required to also provide assistance to cover the rent for 120 days provided that the requested amount is consistent with the monthly arrearage rate.
  - Upon receipt of rental arrearages, landlords must notify renters that such arrearages were received and provide notice of the 120-day eviction prohibition associated with receipt of such funds, including if the landlord received payment of rent for the 120-day period.
  - Landlords must attest that the amount requested in the application is accurate.
  - Any other conditions that the Treasury Secretary prescribes to ensure that renters remain stably housed.
- Grantees must notify state and local courts and the renter that rent is no longer past due and that any eviction proceedings related to non-payment of rent should be halted. Grantees must also inform the renter about renter rights in the Fair Housing Act and relevant state and local fair housing laws, how the renter can file complaints with respect to Fair Housing Act violation and state and local law violations related to fair housing, and the renter’s rights against eviction under the ERA program.
- Vacant Properties. Treasury is required to establish a process to permit landlords of properties that were vacant prior to September 7, 2021 to apply for rental arrears owed by an eligible renter provided that the landlord attests under penalty of perjury that the landlord did not file an eviction notice on the tenant, sever the utilities or change the locks of the dwelling while the tenant resided in the dwelling, or

otherwise bar the tenant from the dwelling. In addition, a landlord may also apply for rent to cover any period of time required by local law that the landlord keep the dwelling vacant after a tenant leaves.

- For such instances when a landlord is applying for assistance without a renter’s consent, this section requires that the Secretary provides methods for landlords to establish the income of a renter for purposes of documentation, attest to the accuracy of the amount requested in the application, and to, where possible, limit the amount of documentation required for an application for assistance when a landlord owns four or fewer residential dwellings.
- This section states that nothing in the paragraph may be construed to prevent a renter from applying for assistance that is not included in an application submitted by a landlord on their behalf.
- This section also creates a separate process for a landlord applying for assistance on behalf of a renter that resides in a Federally assisted residential dwelling, but without the express consent of the renter. Such landlord must certify the income of such household base on the information the landlord has about the renter. The landlord is required to notify each renter no less than 20 days before submitting an application. A renter may request in writing or electronically, that a landlord not submit an application for assistance on behalf of the landlord. This section states if a landlord of a Federally assisted rental dwelling evicts a renter in violation of the ERA or does not accept a rental payment from a renter, the landlord is prohibited from participating in a rental assistance program under section 8 of the Housing Act of 1937.
- Aggregate Applications. The Treasury Secretary is directed to require eligible grantees to accept aggregate applications from a landlord and to establish reasonable procedures. Grantees must provide assistance to landlords in a single payment once the application is approved.
- Prioritization of Assistance.
  - Eligible grantees must prioritize applications filed by renters and applications filed by landlords with the consent of renters over applications submitted by landlords without the consent of renters.
  - Grantees are also directed to prioritize payments in the following manner:
    - Payments of rent
    - Payments of rental arrears
    - Payments of utilities and home energy costs
    - Payments of utilities and home energy costs arrears
    - Payments of other expenses related to housing accrued related to the pandemic.

### **Section 3. Mandating Tenant Access to Financial Assistance.**

- This section amends ERA1 and ERA2 to extend the amount of time that assistance can be provided. Currently under ERA 1, renters can receive up to 12 months of assistance plus an addition 3 months “only if necessary, to ensure housing stability for a household.” This section extends the amount of time to 20 months plus an additional 4 months if necessary. Currently under ERA 2, renters can receive up to 18 months of assistance. This section extends that to 24 months.
- This section requires that grantees provide renters assistance for rent and utility payments even when the landlord or utility company refuse to participate in the program. Currently, grantees “may” provide assistance directly to renters.

- This section requires grantees to accept the self-attestation of renters to document a renter meets the eligibility requirements, including the income determination. It also amends the eligibility requirements so that renters experiencing hardship “during” the pandemic can qualify; currently under ERA1 only renters experiencing hardship “due, directly or indirectly” to the pandemic can qualify, but ERA2 allows for “during or due, directly or indirectly.”
- This section provides a safe harbor for grantees who provide assistance under this section to a renter who does not meet the relevant eligibility requirements so long as the grantee provides such assistance in good faith pursuant to rules issued by the Treasury Secretary, including accepting the attestation of a renter.
- This section provides more flexibility for grantees in providing housing stability services. Currently, grantees can use up to 10 percent of their funds under ERA1 to provide case management and other services intended to keep households stably housed for eligible households. This section would also more broadly define the population that may be served by an organization contracted by a grantee to provide housing stability services.
- This section directs grantees to presume that a person who is experiencing homelessness is eligible to participate in the ERA program.
- This section prohibits grantees from requiring a renter to submit a written lease agreement to be eligible for assistance.
- This section requires the grantee to provide versions of written applications in the three most spoken languages in the state in which the eligible grantees operate or to provide translation services for renters and landlords that apply for assistance.

#### **Section 4. Performance Improvement Plans.**

- This section requires grantees that have obligated less than 25 percent of funds by September 30, 2021 to provide the Secretary a performance improvement plan that explains how the grantee will expedite the delivery of assistance.

#### **Section 5. Outreach to Renters and Landlords and Technical Assistance.**

- This section requires the Treasury Secretary and grantee to conduct outreach to renters and landlords to ensure maximum participation, including by sending direct mail to taxpayers and by purchasing television, radio, and electronic advertisements.
- This section requires the Secretary to provide technical assistance to grantees, including assisting grantees with development and administration of programs, by providing technical advice and technology solutions to grantees, and by providing other information and technical assistance as the Secretary determines appropriate.
- This section authorizes \$50 million for fiscal year 2022 to carry out outreach and technical assistance required under this section and to create the hotline and portal established in Section 8.

#### **Section 6. Allocation and Recapture Process Modification.**

- This section allows any funds recaptured by the Treasury Secretary to be reallocated, in addition to other grantees, to (1) any nonprofit entity that primarily provides housing services and operates in the jurisdiction of the grantee from whom the funds were recaptured, or (2) a public or private entity

supervised by a court that primarily provides housing services and operates in the jurisdiction of the grantee from whom the funds were recaptured. Under current law, recaptured funds can only be reallocated to other grantees who have obligated at least 65 percent of their funds.

- This section directs the Secretary to consider the population of cost-burdened renters in a jurisdiction when reallocating funds.
- This section also directs Treasury to consider allocating funds that a grantee does not request under ERA2 to another eligible grantee that operates in the same jurisdiction of that grantee.

### **Section 7. Collaboration with Public Entities.**

- This section amends ERA1 by changing the amount a grantee can use for administrative costs from 10 percent to 15 percent and by stating that administrative expenses include data collection and reporting requirements related to the activities described in this section.
- This section requires the Secretary of the Treasury to issue guidance within 30 days designed to instruct grantees on how to best collaborate with public entities to provide application assistance services. It clarifies that a grantee may collaborate with public entities and may use amounts available for administrative costs to develop administrative infrastructure necessary to provide such services.

### **Section 8. Oversight and Enforcement.**

- This section clarifies that nothing in the bill would prevent the Justice Department, HUD, the Treasury IG, and the CFPB from using their enforcement authorities to ensure that Federal funds are spent in accordance with the law.
- This section also requires Treasury to establish an online portal and a telephone hotline to provide information about the ERA program and protections against evictions. The hotline will collect complaints and suggestions for improvements to the implementation of the ERA program.
- Treasury is required to publish complaints received through and online portal and telephone hotline on the Department of Treasury's website in a manner that protects the privacy of individuals who submit complains and suggestions.
- This section states all complaints related to fraud that are received though the online portal and telephone hotline must be submitted to the Justice Department, complaints relating to violations of consumer financial protection laws must be submitted to the CFPB, complaints relating to landlords must be submitted to the Federal Trade Commission and federally subsidized landlords to HUD, and complaints relating to fair housing violations to the Justice Department and HUD.

### **Section 9. Application of False Claims Act.**

- This section states any claim by an individual who directly receives assistance under this section shall be subject to the False Claims Act.