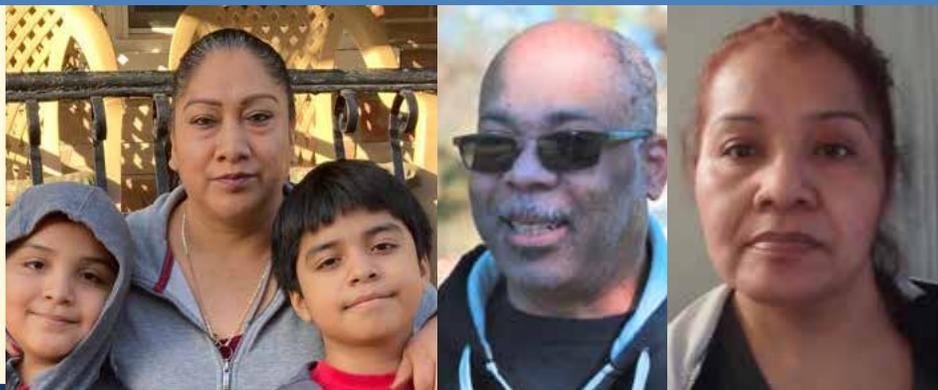


Housing Affordability in Pennsylvania During and After the COVID-19 Pandemic:

Evictions and Recommendations to Help Families



KEYSTONE RESEARCH CENTER
AND
PA BUDGET AND POLICY CENTER

by
Kehinde Akande
Diana Polson
Stephen Herzenberg

contributor
Nthando Thandiwe

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Home. It's such a simple word that encompasses so much—both mundane and extraordinary. Ideally, a home is a place of retreat, safety—a place for us to conduct life's daily business, to recharge, and to connect with children, family, pets, and friends.

Despite this ideal, many thousands of Pennsylvanians have precarious living situations and are facing housing insecurity due to insufficient wages, underemployment, the ever-increasing cost of rent, and long waitlists for housing assistance. The federal eviction moratorium—a temporary, nation-wide halt on filing new eviction cases—has ended. Additionally, with the ongoing COVID-19 pandemic, there have been various spikes of fast-moving, contagious, and deadly variants leaving many Pennsylvanians hospitalized and grieving for loved ones.¹ Individuals, businesses, organizations, and government have taken precautions to limit community spread and keep lives safe during these times. In many states, including Pennsylvania, rental relief funds are running out. In some counties, such as Berks and Philadelphia, aid has been completely depleted.² In other counties, much of the aid remains unused. Also, counties have begun to receive reallocated excess rental relief money since January of this year.³ All the while, individuals and families across Pennsylvania continue to be at risk of eviction.⁴

Pennsylvania faced a pre-pandemic housing affordability problem, but the crisis has made matters worse. In this report, we look at who Pennsylvania's renters are, who was housing cost-burdened before the pandemic, and the number of people at risk of eviction now. We examine critical social policies put in place to protect renters at risk—namely, housing moratoriums and rental relief programs. And finally, we provide a detailed housing agenda for Pennsylvania, which includes both short-term and long-term recommendations for keeping renters in their homes. Housing is a vital issue—and for this report we've drawn from a wealth of wisdom and knowledge of advocates, practitioners, and the individuals who are affected.

We find the following:

The share of renters in Pennsylvania has been growing over the last two decades. Renters have lower incomes than typical Pennsylvanians and are disproportionately Black.

- Renters make up 32% of households in the state or a total of 1.6 million units. Across the state, the

1 Robert Bollinger and Ray Stuart, "COVID Variants: What You Should Know," *Johns Hopkins Medicine*, accessed January 18, 2022, <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/a-new-strain-of-coronavirus-what-you-should-know>; Stephanie Adeline, Connie Hanzhang Jin, Alyson Hurt, Thomas Wilburn, Daniel Wood, and Ruth Talbot, "Tracking the coronavirus around the U.S.: See how your state is doing," NPR, January 17, 2022, <https://www.npr.org/sections/health-shots/2020/09/01/816707182/map-tracking-the-spread-of-the-coronavirus-in-the-u-s>.

2 Charlotte Keith, "Renters in parts of Pa. shut out of rent relief as counties elsewhere sit on millions in unused aid," *Spotlight PA*, December 10, 2021, <https://www.spotlightpa.org/news/2021/12/pennsylvania-rent-relief-reading-berks-county/>.

3 U.S. Department of the Treasury Emergency Rental Assistance Under the Consolidated Appropriations Act, 2021 Reallocation Guidance (updated March 30, 2022), <https://home.treasury.gov/system/files/136/REDLINED-Updated-ERA1-Reallocation-Guidance-3-30-2022.pdf>. "The Consolidated Appropriations Act, 2021 requires Treasury to begin reallocating 'excess' ERA1 funds on September 30, 2021. Treasury's objective in reallocations is to ensure ERA funds remain available to Grantees in accordance with their jurisdictional needs and demonstrated capacity to deliver assistance while the ERA appropriations remain available."... Treasury will publish guidance for the reallocation of ERA2 funds, which will not begin until March 31, 2022, at a later date."

Treasury Guidance on ERAP Program Delivery & Design, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/service-design>. (Under January see "Reallocation: On January 7, Treasury released the reallocation amounts for [ERA1 Round 1 Reallocation](#) and [Voluntary Reallocation](#).")

4 Michael Casey, "States, cities running out of rental assistance funds," Public Broadcasting Service, November 30, 2021, <https://www.pbs.org/newshour/economy/states-cities-running-out-of-rental-assistance-funds>.

share of households that are renters has been growing over the last two decades, accounting for 78% of the net growth in households between 2000 and 2017.

- Most renters in the state are white (71%). However, Black people are disproportionately renters—19% are renters compared to their 12% share of the state’s population.
- Renters are all ages, with more than two-thirds of renters over the age of 35.
- The median income of renters (\$37,761 per year) is much below the state median income (\$63,463).

Pennsylvania had a housing affordability problem prior to the pandemic.

Even before the pandemic, Pennsylvania had a severe housing affordability problem among low-income renters, one that had grown increasingly since just before the Great Recession in December 2007.

- Households are considered cost-burdened if they must spend more than 30% of their income on housing; they are considered severely cost-burdened if they spend more than 50% of their income on housing. In 2019, prior to the pandemic, more than a quarter (about 27%) of renter households were extremely low income, meaning they earned between \$0 and \$18,999 per year. The vast majority of these households were cost-burdened with respect to housing (84%) and more than two-thirds were severely cost-burdened (68%).
- Roughly one-third (35%) of additional renter households were “very low-income” (\$19,000 to \$31,999) or “low-income” (\$32,000 to \$49,999) in 2019; 71% and 35% of these two groups respectively were severely cost-burdened.
- The number of cost-burdened households has trended upwards over time since 2007, with increases of 28%, 12.2%, and 13.5% by 2019, respectively, in the “low-income,” “very low-income,” and “extremely low-income” categories.

The COVID-19 pandemic has worsened Pennsylvania’s housing crisis.

- While the pandemic has had an impact on all of us, it has had the most severe impact on low-income people.
- For example, the number of low-wage jobs in Pennsylvania in late 2021 remained 20% below pre-pandemic levels, while the number of middle- and high-wage jobs had increased since before the pandemic began.
- Today, Black and Hispanic unemployment rates remain more than five percentage points higher than white unemployment.
- Census Pulse data provide insight into the likelihood of eviction or foreclosure. The average percentage of “adults in households not current on rent or mortgage where eviction or foreclosure in the next two months is either very likely or somewhat likely” over the last year was 30%, or 471,638 renter households, across Pennsylvania. More than 84,000 renters at risk for eviction live in Philadelphia County and more than 58,000 in Allegheny County.

Two policies, eviction moratoriums and rental assistance, helped renters in need during much of the pandemic. But the end of eviction moratoriums and a slow distribution of rental aid in some locations are putting renters at risk.

Two rounds of federal emergency rental assistance have been distributed called ERA 1, from the late December 2020 federal relief bill (the “Consolidated Appropriations Act”), and ERA 2 from the American Rescue Plan enacted in March 2021.

Because of the way the state distributed rental assistance funds (i.e., on a per capita basis), more ERA assistance is available per renter for rural renters than urban renters, even though rents are higher in urban areas. This allocation of federal funds by the Commonwealth of Pennsylvania is stunningly inequitable, based on race and ethnicity as well as geography. And disbursement of Emergency Rental Assistance varies greatly by county. As of January 2022, Monroe and Philadelphia Counties had given out more than 80% of their total state and federal ERA funds, while Forest and Juniata Counties had given out less than 11%.

The short- and long-term policy solutions below are first steps to stem the crisis. We further recommend looking at the structural inequalities that underlie the lack of safe and affordable housing for all people and determining how to remove those structural barriers.

Policy Recommendations

Short-Term Policy Solutions:

1. Pursue solutions via the legal system, including implementation of eviction diversion programs and educating all president judges about COVID-19's widespread impact on vulnerable renters and available resources.
2. Improve outreach by helping families and individuals fill out applications and by attaching Emergency Rental Assistance Program (ERAP) applications to hearing notices. Ensure that all programs are available to all applicants, regardless of immigration status, and ensure that state housing laws ban data-sharing with immigration agencies.
3. Improve the design and implementation of ERA programs: use a more equitable funding formula, reduce administrative barriers, and promote data transparency.
4. Request reallocation of unused American Rescue Plan funds to “shorted” counties and cities (which received less than a “fair” share initially) to supplement ERA funds and fill in eligibility gaps.

Long-Term Policy Solutions:

1. Fund a universal “Right to [Legal] Counsel” (RTC) program for renters at risk of eviction.
2. Harness the power of data collection and visualization to forecast and track eviction hotspots for mitigation. Pursue legislative solutions to end evictions without “good cause” and sealing eviction records to protect tenants from being refused future housing.
3. Fund a long-term Emergency Rental Assistance program.
4. Make more funds available for increased affordable housing development.

There are legislative proposals at the state and federal levels that would implement these short- and long-term solutions. We recommend that policy organizations, advocates, grassroots groups, and stakeholders meet with legislators to educate them about the substantial affordable housing problems in Pennsylvania and about available solutions.

INTRODUCTION



Housing is one of the most important “social determinants of health.” If you don’t have a place to live that is stable and adequately safe, your health is in jeopardy. Safe and stable housing matters even more to people’s health during a global pandemic. The U.S. Department of Health and Human Services has established a goal of reducing the housing-insecure share of families from 35% to 25% by 2030.⁵ However, during this pandemic, renters around the country have struggled to pay rent due to the COVID-19 recession.⁶ Some estimates predicted that, nationally, between one and two million households faced risk of eviction at the end of the CDC moratorium on October 3, 2021, between 39,000 and 78,000 in Pennsylvania.⁷ For Pennsylvania, the end of the CDC moratorium means that renters are vulnerable to eviction if no action is taken.⁸

In August 2021, we released a report examining policy responses to the state of housing during the pandemic and the impact of eviction moratoriums and rental assistance programs in Pittsburgh and Allegheny County, Pennsylvania.⁹ We also reviewed the impact of these policies and what could be done to help families stay in their homes. This brief examines rental housing affordability in the entire state of Pennsylvania and what public policy solutions could help alleviate affordability problems.

OVERVIEW OF PENNSYLVANIA’S RENTERS

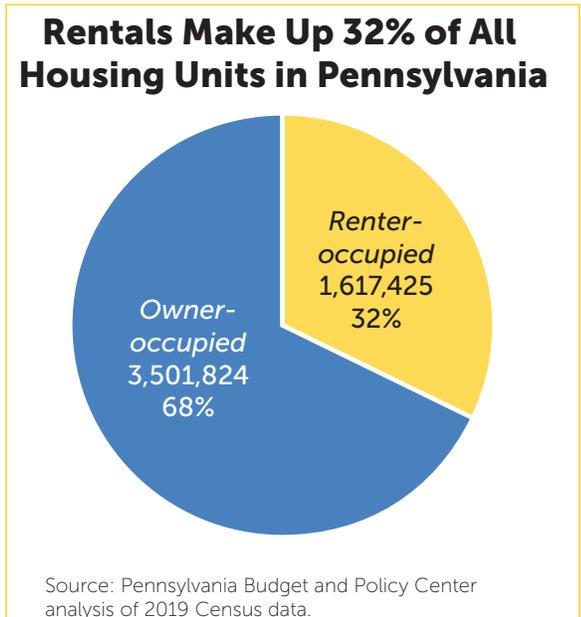


Demographics of Pennsylvania Renters

This section profiles the demographics of Pennsylvania’s renters. As figure A below shows, renters made up approximately 32% of all households in the state in 2019, or a total of 1,617,425 renter-occupied units.¹⁰ The share of renter households has been growing in Pennsylvania in recent decades. In fact, between 2000 and 2017, 78% of the net growth in households in the state was among renter households.¹¹

Women and children are affected disproportionately. Of all adults in renter households in Pennsylvania, 54% are

Figure A



5 U.S. Department of Health and Human Service: Office of Disease Prevention and Health Promotion, *Reduce the Proportion of Families That Spend More than 30 Percent of Income on Housing - SDOH04*, accessed September 3, 2021, <https://health.gov/healthypeople/objectives-and-data/browse-objectives/housing-and-homes/reduce-proportion-families-spend-more-30-percent-income-housing-sdoh-04>.

6 Tom Ozimek, “Around 750,000 Households Face Eviction in 2021 Following Moratorium Ban: Goldman Sachs,” *Entrepreneur*, August 31, 2021, <https://www.entrepreneur.com/article/382777>.

7 Ibid. Note: These are rough estimates. Please see <https://fivethirtyeight.com/features/what-happened-to-the-eviction-tsunami/>.

8 Michaëlle Bond, “The Only Eviction Moratorium That Covers Pa. Remains in Effect - for Now,” *Philadelphia Inquirer*, May 6, 2021, <https://www.inquirer.com/real-estate/housing/eviction-moratorium-cdc-ruling-philadelphia-pa-nj-20210506.html>.

9 Nthando Thandiwe, Stephen Herzenberg, and Diana Polson, “There’s No Place Like Home: Avoiding a Wave of Evictions in Pittsburgh as Moratoriums End,” Pittsburgh Budget and Policy Center, August 3, 2021, https://krc-pbpc.org/research_publication/theres-no-place-like-home-avoiding-a-wave-of-evictions-in-pittsburgh-as-moratoriums-end/.

10 U.S. Census Bureau (2019), “Demographic Characteristics for Occupied Housing Units: American Community Survey,” (Table ID: S2502) (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?q=pennsylvania%20renters&tid=ACSST1Y2019.S2502&hidePreview=true>.

11 Pennsylvania Housing Finance Agency, “Pennsylvania Comprehensive Housing Study 2020,” 2021. Data accessed from PHFA report using U.S. Census data, https://www.phfa.org/forms/housing_study/2020/pennsylvania-comprehensive-housing-study-full-report.pdf.

women. Nearly half (48%) of all Pennsylvania renters live in a household with at least one child (under age 18).¹²

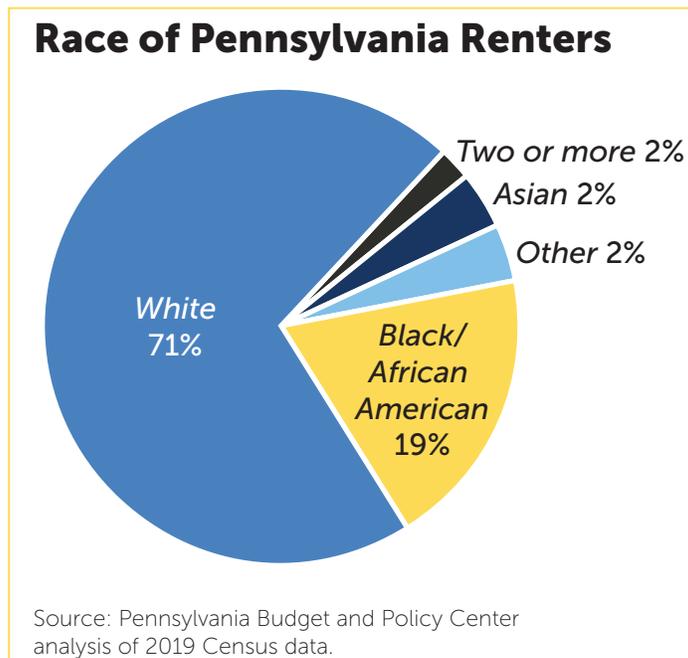
Chart A and figure B below show the racial breakdown of Pennsylvania’s renters.¹³ The majority of renters in the state are white (71%). Black people rent disproportionately, however: 19% are renters compared to their 12% share of the total state population. Ten percent of renters are Hispanic or Latino, despite making up only 7.8% of Pennsylvania’s population.¹⁴

Chart A

Race of All Pennsylvanians and of Pennsylvania Renters, 2019			
	% in PA	% Renters	Difference Between % in PA and % Renters
White	81.6%	70.7%	10.9%
Black or African-American	12.0%	19.0%	-7.0%
Other Race	0.5%	4.1%	-3.6%
Asian	3.8%	3.6%	0.2%
Two or more races	2.1%	2.6%	-0.5%
Hispanic or Latino origin	7.8%	2.6%	-2.3%

Source: Pennsylvania Budget and Policy Center analysis of 2019 Census data.

Figure B

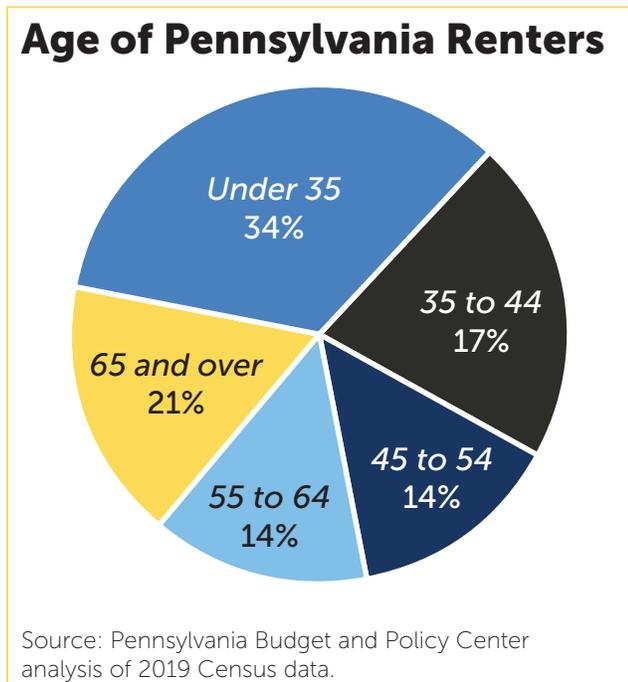


12 American Community Survey, 2019 data; Avery Brien, Marvin So, Christine Ma, and Lauryn Berner, "Homelessness & Adverse Childhood Experiences: The health and behavioral health consequences of childhood trauma," National Health Care for the Homeless Council and National Network to End Family Homelessness, January 2019, <http://www.nh.xz.vchc.org/aces>.
 Note: Housing instability can contribute to childhood trauma, which could have an adverse impact on neurological development and health outcomes.

13 U.S. Census Bureau (2019), "Demographic Characteristics for Occupied Housing Units: American Community Survey" (Table ID: S2502) (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?q=pennsylvania%20renters&tid=ACSS1Y2019.S2502&hidePreview=true>.

14 Hispanics can be of any race and are not included in applicable race categories. We used the "race alone" method from the Census, which creates mutually exclusive groups.

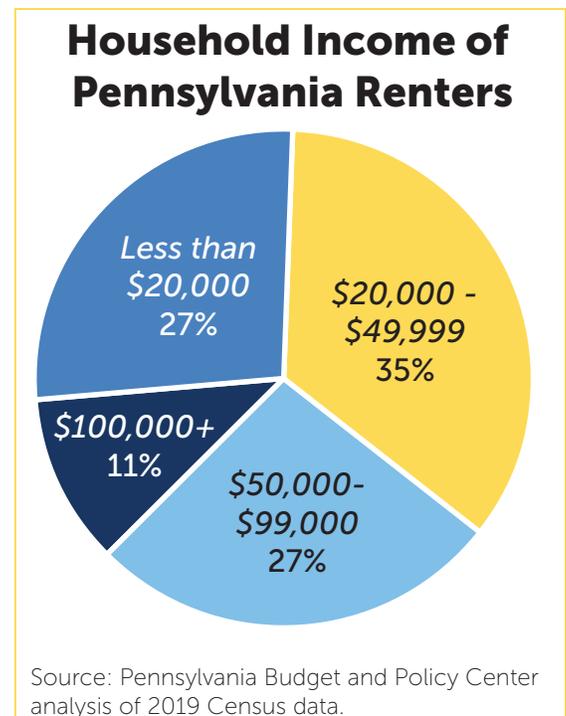
Figure C



People often think of renters as young people. While it is true that people under age 35 make up more than a third of renters in Pennsylvania (35%), it's also important to note that about two-thirds of renters are middle aged or older. In fact, 21% of renters in Pennsylvania are aged 65 and over (see figure C).

The median household income in Pennsylvania was \$63,463 in 2019.¹⁵ The median household income for renters in the state was just \$37,761, showing that lower-income Pennsylvanians are more likely to be renters.¹⁶ Figure D shows how household incomes vary among Pennsylvania's renters. Sixty-two percent of renters have a household income below \$50,000 per year and more than a quarter of Pennsylvania's renters (27%) earn less than \$20,000 per year.

Figure D



15 U.S. Census Bureau (2019), "Citizen, Voting-Age Population By Selected Characteristics: American Community Survey," (Table ID: S2901 (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?q=S2901&g=0400000US42&tid=ACSST1Y2019.S2901&hidePreview=true>).

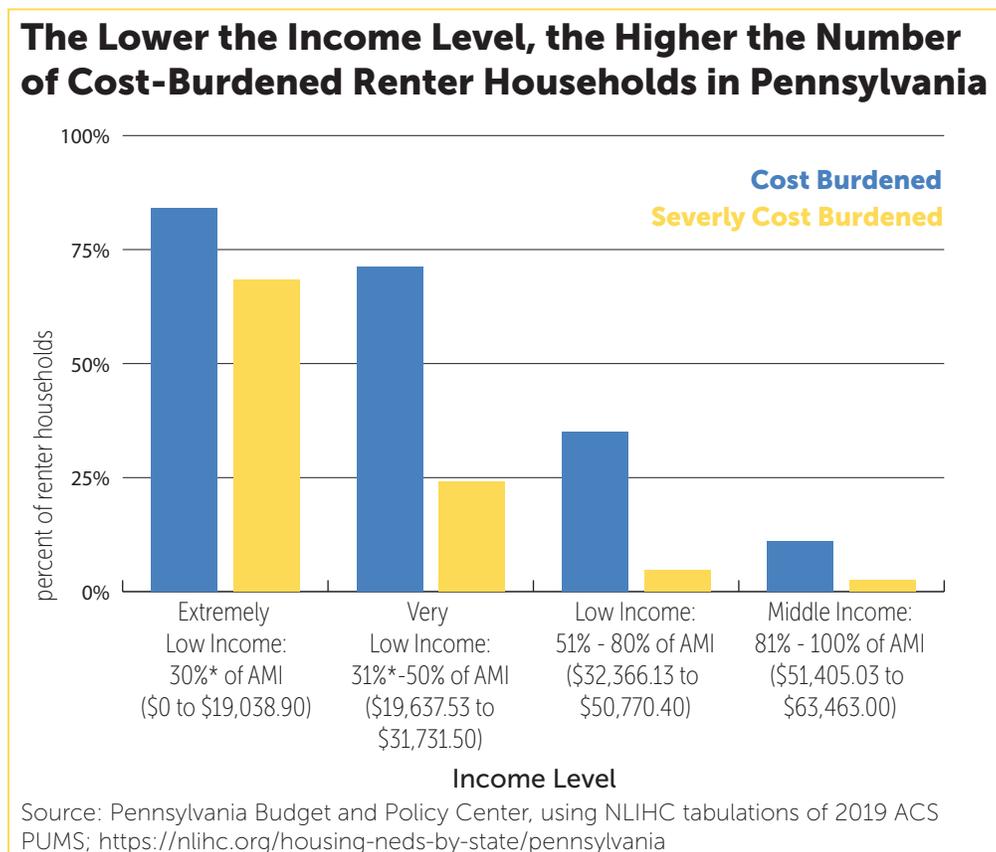
16 U.S. Census Bureau (2019), "Financial Characteristics American Community Survey," (Table ID: S2503) (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?t=Housing%3AOwner%2FRenter%20%28Householder%29%20Characteristics&g=0400000US42&y=2019&tid=ACSST1Y2019.S2503>.

Pre-pandemic Housing Affordability in Pennsylvania

Pennsylvania had a housing affordability problem prior to the pandemic, with many households spending too much of their income on housing. Individuals are considered cost-burdened if they spend 30% or more of their income on housing costs and are considered severely cost-burdened if they spend 50% of their income or more on housing.¹⁷

Figure E illustrates the impact of being cost-burdened in Pennsylvania on renter households of differing incomes in 2019. Extremely low-income households are most at risk of being cost-burdened for housing. Approximately 27% of renter households in the state were extremely low-income. Of this group, 84% were cost-burdened, and 68% were extremely cost-burdened because they had to spend more than 50% of their income on housing.¹⁸

Figure E



¹⁷ Mary Schwartz and Ellen Wilson, "Who Can Afford To Live in a Home?: A Look at Data from the 2006 American Community Survey," U.S. Census Bureau, 2006, <https://cdn2.hubspot.net/hubfs/4408380/PDF/General-Housing-Homelessness/who-can-afford.pdf>.

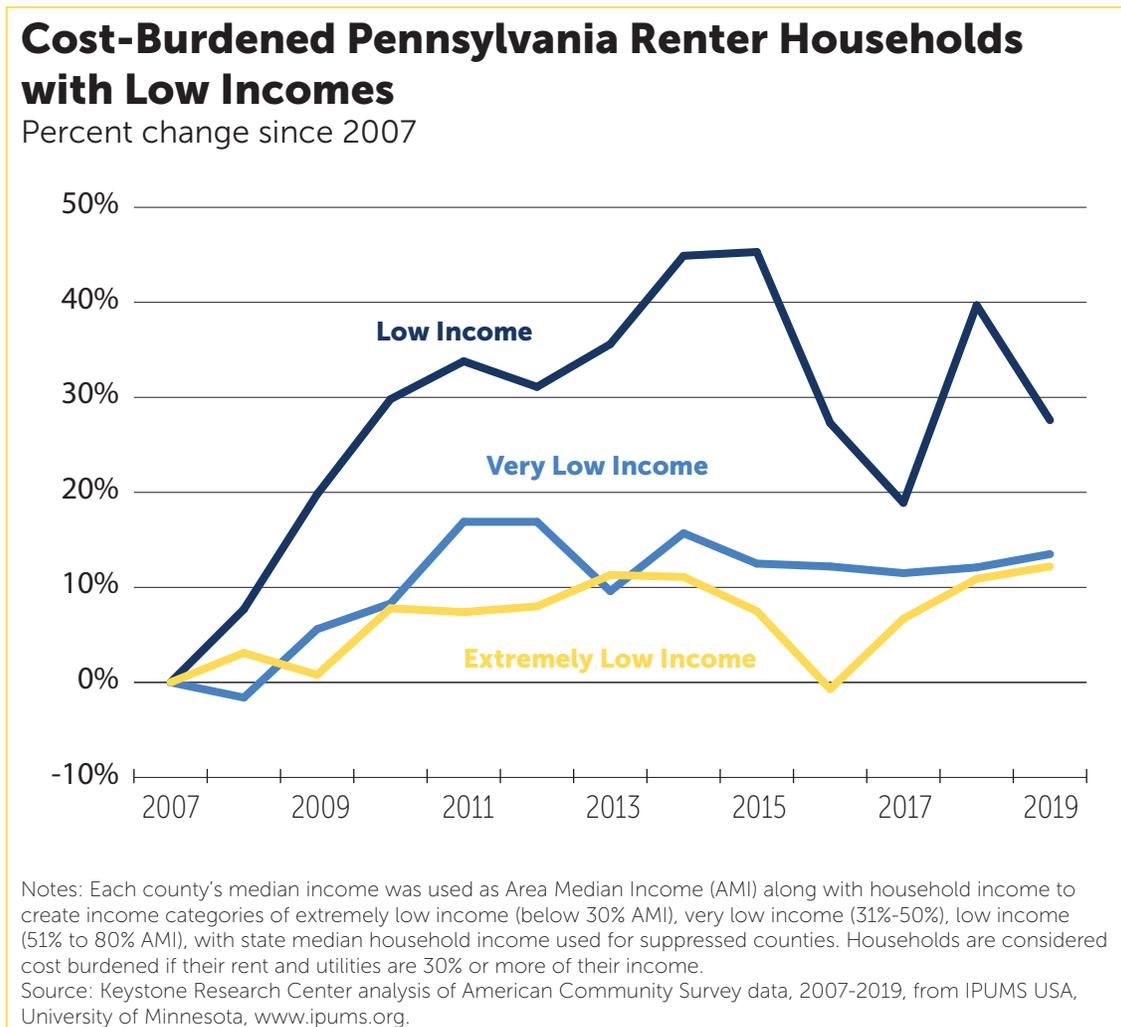
The categories within this term, which illuminate severity, include 1) *cost-burdened*, which is more than 30% of income spent on housing costs; 2) *moderately housing cost-burdened* ("moderately cost-burdened"), which is "30.0 to 49.9 percent of income spent on housing costs"; and 3) *severely housing cost-burdened* ("severely cost-burdened"), which is "50% or more of income spent on housing costs."

¹⁸ National Low Income Housing Coalition, Housing Needs by State: Pennsylvania, accessed September 3, 2021, <https://nlihc.org/housing-needs-by-state/pennsylvania>. Defined as "...households whose incomes are at or below the poverty guideline or 30% of their area median income (AMI)." Note: Figure D and figure E uses similar, but not identical, income brackets. Figure D data source is from 2019 Census data, while figure F is from NLIHC's tabulations of 2019 ACS PUMS.

As we can see, those households most at risk of housing insecurity pre-COVID are either extremely low-income or very low-income. Most (84%) extremely low-income households are either seniors (31%), are in the workforce (30%), or are disabled (23%). Members of these and other low-income households are many of the same individuals who will be at risk of losing their homes once eviction moratoriums expire.

Figure F shows that the number of cost-burdened renter households in Pennsylvania has increased since 2007 despite only a modest (2.2%) increase in Pennsylvania’s overall population from 2007 to 2019. The greatest percentage increase in cost-burdened households since 2007 has been among low-income households, with smaller increases in very low- and extremely low-income households. One explanation for these increases is that rent and utility costs are growing faster than wages. A critical factor holding down wages: the Pennsylvania minimum wage has been stagnant at \$7.25 per hour since 2009. Given that the median household income for renter households in Pennsylvania was only \$37,761¹⁹ in 2019, it is likely that a substantial share of working members of such households work in low-wage jobs, which would benefit from an increase in the Pennsylvania minimum wage. When the cost of living increases faster than their wages, more low-income households slip into cost-burdened status.

Figure F



19 U.S. Census Bureau (2019), “Financial Characteristics,” American Community Survey, (Table ID: S2503) (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?t=Housing%3AOwner%2FRenter%20%28Householder%29%20Characteristics&g=0400000US42&y=2019&tid=ACSST1Y2019.S2503>.

Housing affordability is a problem in our state. There are only 39 affordable, available homes for every 100 extremely low-income households in Pennsylvania.²⁰ And the average wage required to afford the average two-bedroom in Pennsylvania is \$19.95 per hour, around three times the Pennsylvania minimum wage. To afford a two-bedroom rental unit, a minimum wage worker would have to work 110 hours each week.²¹ While from 2007 to 2019, the median gross rent was \$951 per month, a minimum-wage worker would only have been able to afford rent costs of \$377 per month.²² Many Pennsylvanians spend too much of their income on housing, which makes them housing-insecure. Any crisis, or change in economic circumstances, can make these households vulnerable to eviction.

THE COVID-19 PANDEMIC HAS WORSENER PENNSYLVANIA'S HOUSING CRISIS



Pennsylvania lost 1.13 million jobs from February 2020 to April 2020. This was a stunning and more rapid decline than in any other downturn in U.S. history, including the Great Depression. The reason for this plunge was that “non-essential” businesses, in which workers cannot work from home (e.g., eat-in restaurants, hospitality), had to shut down partly or completely so that customers and workers would not contract or spread the coronavirus.²³

While the pandemic affected all of us, it has had the most severe impact on low-income people, who we've seen were cost-burdened for housing even before the pandemic. In the first two months of the COVID crash, employment of low-wage workers (in jobs that pay less than \$27,000 per year) fell 40%—and was still down 20%. This workforce is disproportionately women and people of color. As of September 2021, Black and Hispanic unemployment rates in Pennsylvania remained more than five percentage points higher than white unemployment. These employment trends stem partly from concentration of low-wage workers and people of color in the leisure and hospitality industry (including restaurants, bars, hotels, casinos, theaters, etc.), which has seen the largest decline in employment since the pandemic.²⁴

Further, it is estimated that, due to the nature of the novel coronavirus, 3 to 10 million Americans have “long COVID,” and many of them are members of the workforce. With the ongoing pandemic, this number could rise. This adverse health impact is pushing some workers out of the labor force. As a result, many are applying for social security disability insurance (SSDI), which if granted would shift them from salaries to benefits of approximately \$1,288 per month.²⁵ This translates into a yearly benefit of \$15,456, barely above the poverty line of \$12,880 per year for a household of one,²⁶ and low enough to increase housing insecurity

20 National Low-Income Housing Coalition (NLIHC), “2021 Pennsylvania Housing Profile,” July 19, 2021, https://nlihc.org/sites/default/files/SHP_PA.pdf.

21 National Low-Income Housing Coalition (NLIHC), “Out of Reach: Pennsylvania,” October 4, 2021, <https://reports.nlihc.org/oor/pennsylvania>.

22 National Low-Income Housing Coalition (NLIHC), “Out of Reach: Pennsylvania,” <https://reports.nlihc.org/oor/pennsylvania>; U.S. Census Bureau (2019), “Selected Housing Characteristics,” American Community Survey, (Table ID: DP04) (2019: ACS 1-Year Estimates Subject Tables), <https://data.census.gov/cedsci/table?g=0400000US42&tid=ACSDP1Y2019.DP04&hidePreview=true>.

23 Keystone Research Center (KRC), “State of Working Pennsylvania 2021,” September 2021, https://krc-pbpc.org/wp-content/uploads/SWP-Final_rev1432.pdf.

Note: This statistic was last updated in August 2021.

24 Ibid.

25 Amanda Morris, “Another Struggle for Long COVID Patients: Disability Benefits,” *New York Times*, October 27, 2021, <https://www.nytimes.com/2021/10/27/us/long-covid-disability-benefits.html>.

26 U.S. Department of Health and Human Services ASPE–Office of the Assistant Secretary for Planning and Evaluation, 2021 Poverty Guidelines, accessed November 20, 2021, <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references/2021-poverty-guidelines>.

for many individuals with disability brought on by COVID-19 complications.²⁷

Surgo Ventures estimated the number of households per county in rental arrears and instances in which a household has missed one or more rental payment. Surgo's analysis is based on combining data from the U.S. Census Bureau Household Pulse Survey and more granular microdata, rather than just relying on state-level estimates. The model takes into account income-level, race, living quarters, and education.²⁸

Figure G shows the estimated number of households in rental arrears in each Pennsylvania county from December 29, 2021, through January 10, 2022. The data used for this figure are based on the question: "Is the household currently caught up on rent?" If a household has already received rental assistance and is currently caught up on rent, the answer would be "yes" and would not be included in the number of households estimated to be in rental arrears in the figure below. So, this is a point-in-time estimate for those households still struggling with unpaid rent.

As you can see in figure G, Philadelphia has 34,912 renter households estimated to be in arrears—that's about one in five renter households. It has the greatest percentage of households in arrears (23%) of all Pennsylvania counties and, by far, the greatest number in arrears. Allegheny County has the next highest number of renter households in arrears: 19,019, or 16%, of renter households. Delaware, Berks, and Lebanon Counties also have a high share of renter households estimated to be in arrears (19%). The average statewide is 17%.

27 Mythea Mazzola, "Eliminating Financial and Physical Barriers to Housing for People with Disabilities in Philadelphia," National Community Reinvestment Coalition (NCRC), February 21, 2020, <https://nrc.org/eliminating-financial-and-physical-barriers-to-housing-for-people-with-disabilities-in-philadelphia/>. "People with disabilities are two times more likely to experience sheltered homelessness and housing insecurity, and nearly 50% of people experiencing homelessness identified as having a disability."

28 Surgo Ventures, "Rental Arrears in the Pandemic: Responding to the U.S. Rent Debt Crisis with a Precision County-Level Approach," 2021, http://precisionforcovid.org/rental_arrears.

For detailed information on the methodology, see this link: https://surgo-housing-vulnerability.s3.amazonaws.com/surgo_ventures_rental_arrears_technical_manuscript_july2021.pdf.

Figure G

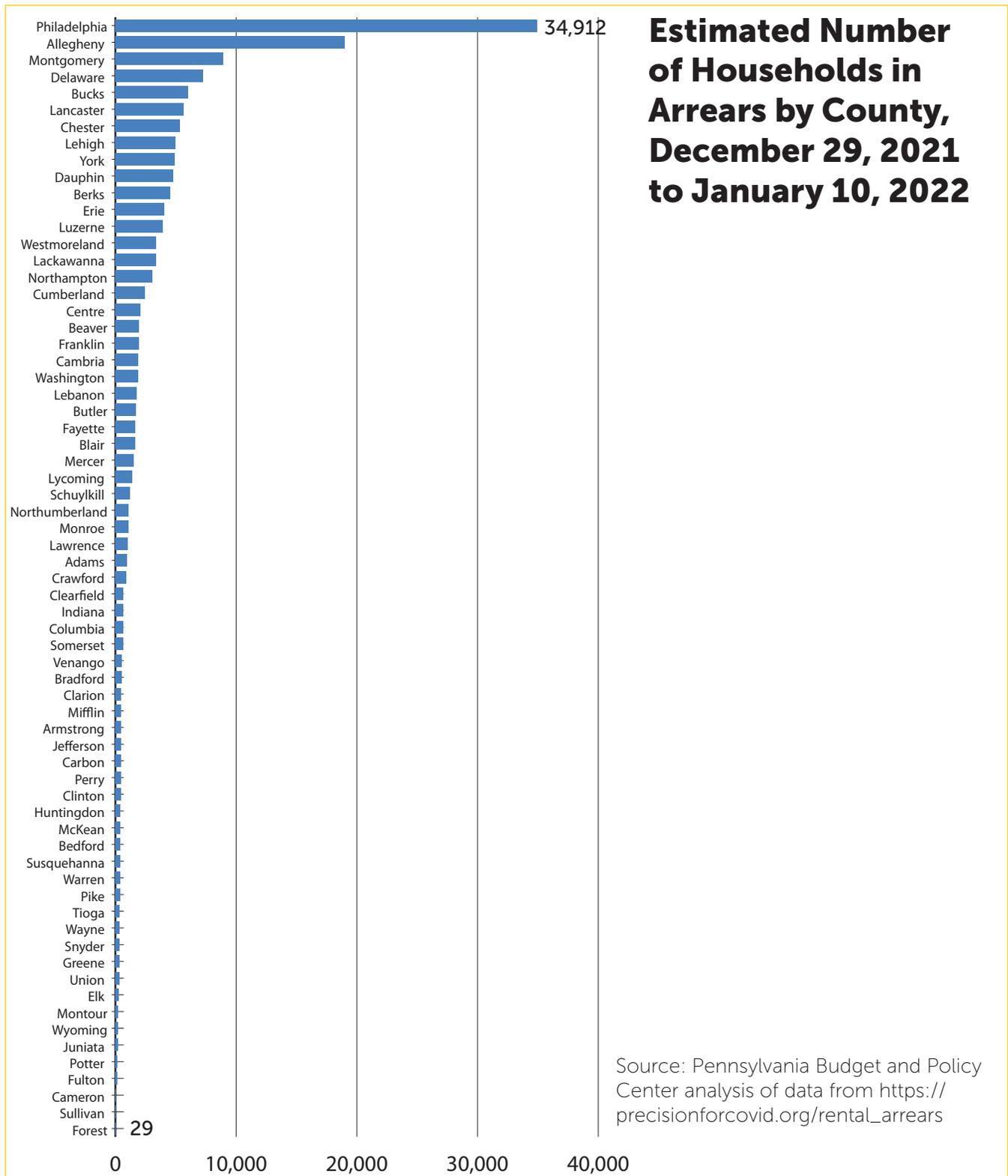


Figure H below shows the estimated number of households in rental arrears since the beginning of the pandemic. At the end of April/early-May 2020, there were an estimated 184,358 renter households in arrears (12% of renter households). The number of households in rental arrears spiked in October/November 2020 to 336,211 (22% of renter households) and then again to 318,641 in January 2021 (21% of renter

households). Arrears in the state have fallen since then, but the latest data (December 2021–January 2022) show that 17% of renter households in Pennsylvania are still in arrears.

Figure H

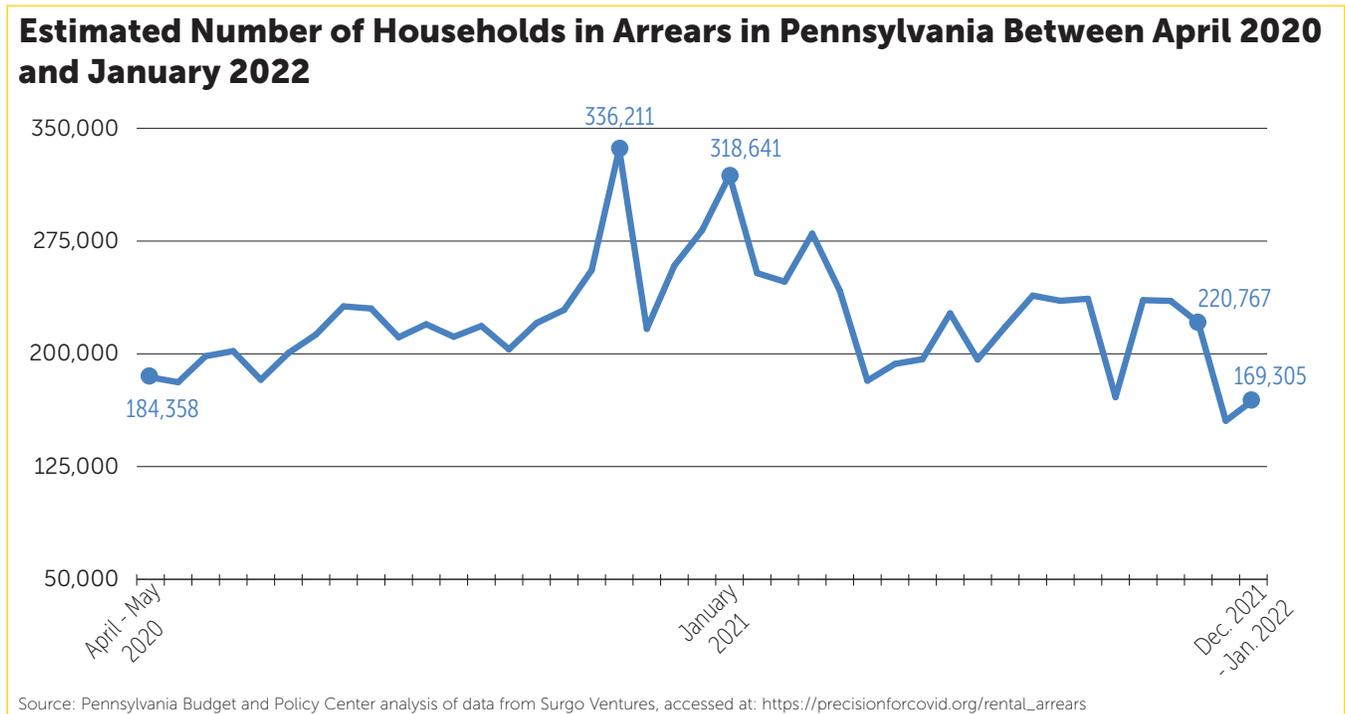
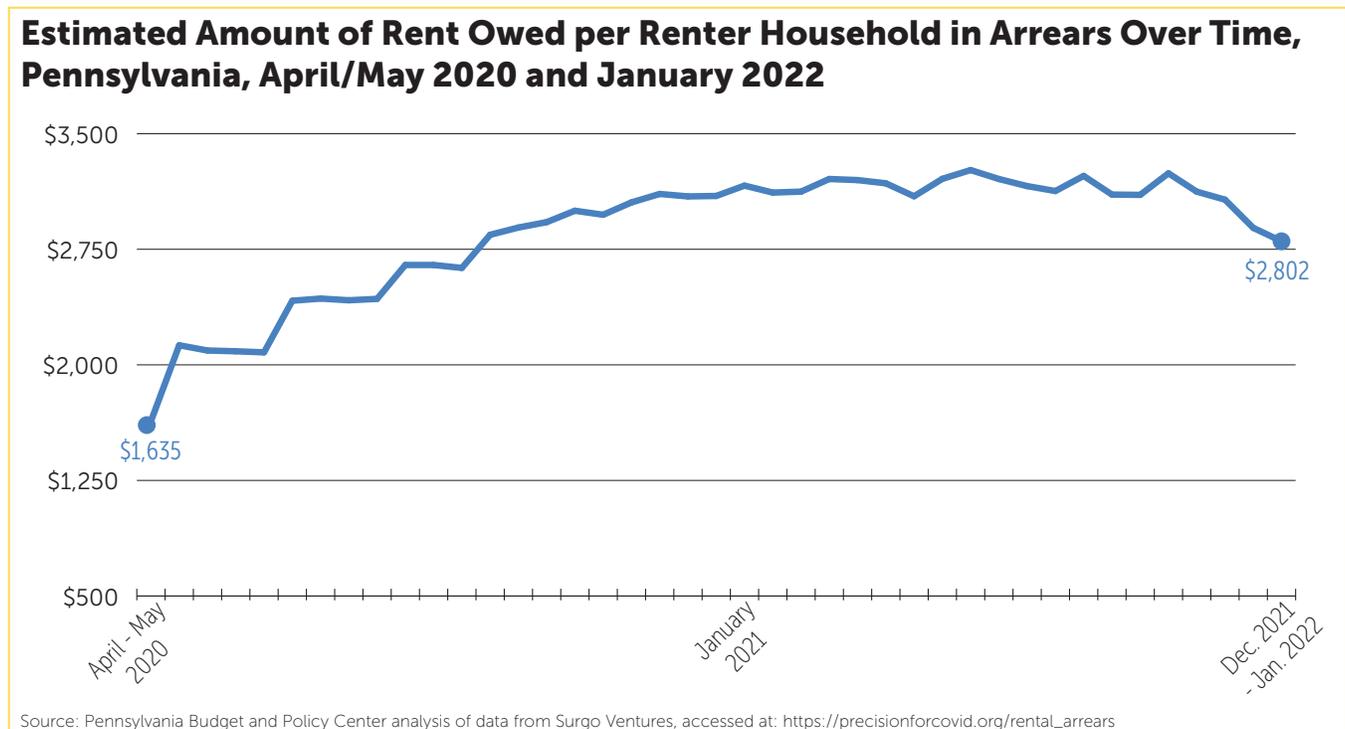


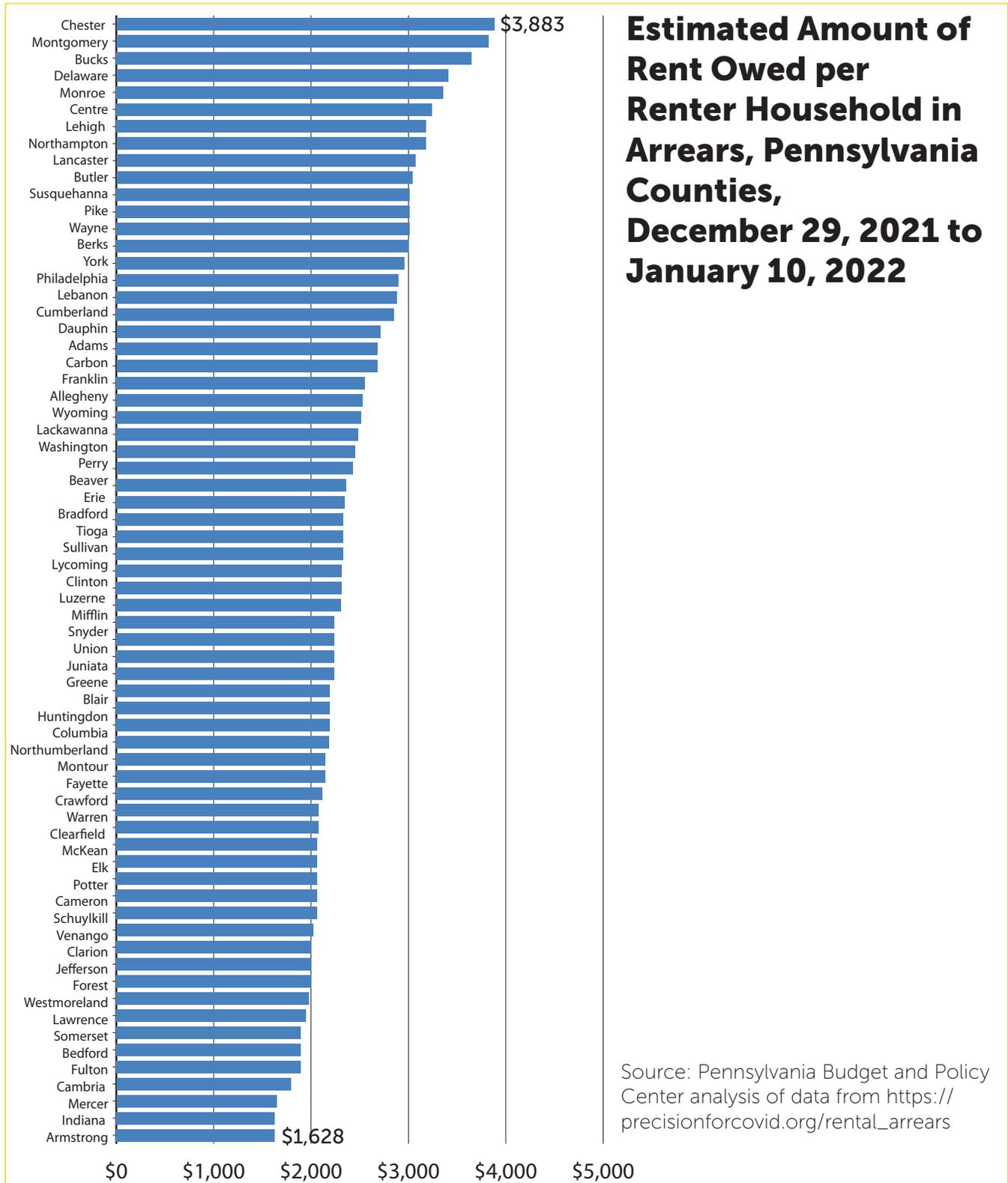
Figure I below shows the estimated amount of rental arrears owed per household in Pennsylvania. In April/May 2020, the amount owed per household in Pennsylvania was \$1,635; the amount has increased over time and has hovered above \$3,000 per household since October/November 2020. The fact that arrears amounts per household remain high indicates that renters are not yet able to pay off their rental debt.

Figure I



While the above figure shows the average amount of rental arrears in Pennsylvania throughout the pandemic, figure J below shows that this amount varies tremendously by county. During the period December 29, 2021, through January 10, 2022, the estimated amount of rental arrears owed per household was more than \$3,500 in Chester, Montgomery, and Bucks Counties, while in Armstrong and Indiana Counties the estimated amount in arrears was less than half as much at \$1,628.

Figure J



Eviction Moratoriums and Rental Assistance: Two Policies Addressing the Housing Crisis

During this crisis, the short-term methods of managing eviction risk, implemented by federal, state, and local governments, have included eviction moratoriums and rental assistance programs. Eviction moratoriums are policies that halt evictions due to missed rent payments. Rental assistance programs provide rent support to individuals who have been unable to pay rent due to decreased income, unemployment, etc. These two policies can work effectively in combination: moratoriums provide renters the time and rental assistance the resources needed to avoid eviction.²⁹

Eviction Moratoriums

A number of moratoriums have been put in place to temporarily halt evictions at different levels of government. The CARES Act Moratorium started on March 27, 2020, and ended on July 25, 2020.³⁰ Governor Wolf instituted a moratorium for Pennsylvania which lasted, ultimately, from May through August 2020.³¹ The federal Centers for Disease Control and Prevention (CDC) issued a moratorium from September 4, 2020, to December 31, 2020, which was extended multiple times through June 2021.³² A second order issued by the CDC implemented another moratorium, on August 3, 2021, and expired on October 3, 2021.³³ The Biden administration attempted a partial extension of the CDC moratorium through executive authority, but the Supreme Court unanimously voted to invalidate the order.³⁴

This means that much of Pennsylvania now has no eviction moratoria protecting its renters in need.

The box below shows the Pennsylvania eviction timeline in more detail.

Box #1. 2020 Eviction Moratoriums Timeline

- Pennsylvania Supreme Court Moratorium: March 18, 2020 – May 11, 2020
- CARES Act Eviction Moratorium: March 27, 2020 – July 25, 2020
- Governor Wolf's Eviction Moratorium by Executive Order: May 7, 2020 – Aug. 31, 2020
- CDC Eviction Moratorium: Sept. 4 – Oct.10, 2021

29 Michaëlle Bond, "The Only Eviction Moratorium That Covers Pa. Remains in Effect – for Now."

30 "Congressional Research Service, "Federal Eviction Moratoriums in Response to the COVID-19 Pandemic," accessed September 23, 2021. <https://crsreports.congress.gov/product/pdf/IN/IN11516#:~:text=The%20CARES%20Act%20eviction%20moratorium>.

31 Michaëlle Bond, "The Only Eviction Moratorium That Covers Pa. Remains in Effect – for Now."

32 Federal Register, "Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19," September 23, 2021, <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>.

33 Congressional Research Service, Maggie McCarty, Libby Perl, and David H. Carpenter, "The CDC's Federal Eviction Moratorium," (2021), <https://crsreports.congress.gov/product/pdf/IN/IN11673>.

34 Adam Liptak and Glenn Thrush, "Supreme Court Ends Biden's Eviction Moratorium," *New York Times*, August 27, 2021, <https://www.nytimes.com/2021/08/26/us/eviction-moratorium-ends.html>.

Some counties and cities, although not many in Pennsylvania, have instituted local moratoriums, emergency orders, and administrative rules, adapting language in many cases from the governor's Executive Order, the CARES Act, or the CDC Moratorium on evictions to allow renters and landlords more time to apply or receive a determination on rental aid. Allegheny County had an eviction moratorium.³⁵ Examples include the cities of Pittsburgh and Harrisburg.³⁶ President Judge Kim Clark requested and received approval to extend Allegheny County's eviction moratorium beyond the CDC's expiration date to October 31, 2021.³⁷ Philadelphia courts stayed eviction proceedings in part of 2020, and its Landlord-Tenant Diversion Program received approval to continue through October 31, 2021.³⁸

Most counties have orders on the PA courts website stating how landlord-tenant proceedings are handled in light of the availability of federal rental aid relief.³⁹ Protections are limited to eviction cases for non-payment in line with ERAP eligibility guidelines. Counties varied on guidance handling evictions due to non-payment.⁴⁰ Some president judges allowed for the temporary postponement of eviction-nonpayment cases to allow tenants and landlords to receive rental aid.

These moratoriums are limited by duration, have varying levels of protection and cover different jurisdictions, therefore having unequal reach and impact amongst renters across Pennsylvania. For some, moratoriums instituted on the local level may not include all locations, and the federal moratorium's end leaves many vulnerable.⁴¹ Further, due to loopholes within the CDC moratorium, when it was in effect, renters could still be evicted due to lease expiration, termination or a no-fault violation of the lease.⁴² This jeopardized some renters' stability.

35 Ryan Deto, "Allegheny County extended its local eviction moratorium, and data shows it's necessary," *Pittsburgh City Paper*, <https://www.pghcitypaper.com/pittsburgh/allegheny-county-extended-its-local-eviction-moratorium-and-data-shows-its-necessary/Content?oid=19990418>. Known moratoriums on the county level: Allegheny.

36 Harrisburg moratorium: 2/12/21 (2nd extension); 3/12/21 (3rd extension); 04/14/21 (4th extension); 05/14/21 (5th extension) and Pittsburgh moratorium, <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=4806307&GUID=008E2E11-2ED9-45D1-BAF8-60E388CC0AB8&Options=ID%7CText%7C&Search=moratorium&FullText=1>

37 *Pennsylvania Capital Star*, "Allegheny County Extended Its Local Eviction Moratorium, and Data Shows It's Necessary - Pennsylvania Capital," August 11, 2021, <https://www.penncapital-star.com/covid-19/allegheny-county-extended-its-local-eviction-moratorium-and-data-shows-its-necessary/>.

38 Jo Ciavaglia, "Pa Supreme Court Greenlights Bucks County Eviction Stay Program," *Bucks County Courier Times*, August 2, 2021, <https://www.buckscountycouriertimes.com/story/news/2021/08/02/court-order-stay-evictions-bucks-county-renters-tenants-covid-19-cdc-moratorium-landlord/5444616001/>.

39 <https://www.pacourts.us/ujs-coronavirus-information>

40 For example, some president judges stayed or offered a continuance on eviction cases due to non-payment. Berks County did the same in their March 18, 2020, and March 25, 2020, orders.

(Berks County) Order, dated March 18, 2020; Order, dated March 25, 2020.

Also, in their September 1, 2020, order they allow for the initial hearing date to be used as a status conference. (Berks County) Order, dated September 1, 2020.

In a January 5, 2021, administrative order, Mifflin County courts stayed the notice requirement for eviction proceedings until January 31, 2021, not allowing such cases to start until February 1, 2021. (Mifflin County) Administrative Order, dated January 5, 2021.

41 Charlotte Keith, "The inside story of how Pa. failed to deliver millions in coronavirus rent relief," WHYY, February 16, 2021, <https://why.org/articles/the-inside-story-of-how-pa-failed-to-deliver-millions-in-coronavirus-rent-relief/>.

Note: Judges across Pennsylvania are handling eviction cases differently. See Charlotte Keith's article in Spotlight PA's "Locked Out" series: <https://www.spotlightpa.org/news/2020/11/pa-eviction-cdc-ban-loophole-renters-despair/>. Also, Keith's article, "What renters in Pa. need to know about available relief, the new eviction ban," illustrates the geographical contours of the CDC moratorium in PA as of August 11, 2021. It shows that the CDC, and local protections were not all encompassing: <https://www.spotlightpa.org/news/2021/08/pennsylvania-rent-relief-eviction-ban-faq/>.

42 Kendra Nichols, "Pa. eviction moratoriums do not protect everyone," *abc27.com*, September 16, 2021, <https://www.abc27.com/investigators/pa-eviction-moratoriums-do-not-protect-everyone/>.

Rental Assistance

The federal government passed the following pieces of legislation which provided funding for rental assistance through the state.

The Pennsylvania Housing Finance Agency's (PHFA) Rent Relief Program (RRP) was made possible through the Coronavirus Relief Funds (CRF) from the federal Coronavirus Aid, Relief and Economic Security (CARES) Act, Act 24 of 2020.⁴³ It provided \$150 million in aid to the state. This program provided aid to households who were behind on rent for 30 days or more, or who had suffered a loss of income and made 80% of the area median income (AMI) or lower, due to the pandemic.⁴⁴ Recipients were eligible to receive up to \$4,500 in a 6-month period for coverage of rent expenses incurred between March 1, 2020, and December 2020.⁴⁵ Not all of these funds were distributed, however. In Pennsylvania, about \$96 million out of \$150 million, which could have helped families in need, was reallocated in part towards the Department of Corrections.⁴⁶ There was not enough capacity to distribute the funds, and the policy process missed some forethought necessary for successful implementation. Strict eligibility requirements left out many who were intended to benefit from the program, like individuals who had lost employment and may have only lost a portion of their income, but the loss was not enough to qualify for assistance. Also, the 30-day delinquency rent requirement forced renters to put their credit scores at risk to become eligible for assistance.⁴⁷ Some lessons learned in the first round of ERA distribution improved second round distribution, including a reduction in the paperwork required to prove eligibility restrictions.⁴⁸

The Emergency Rental Assistance Program (ERAP), also known as ERA 1, was made possible through the Consolidated Appropriations Act of 2021.⁴⁹ Funds are available to cover up to 12 months of rent with the possibility of an additional 3 months based upon need and availability. A total of \$847.7 million was allocated to the state of Pennsylvania.⁵⁰ Of this money, some larger counties and cities got direct aid from the federal government totaling \$278 million; the state disbursed money to counties across Pennsylvania, totaling \$564 million; and an additional \$5.7 million was used for DHS administrative costs. The Department of Human Services launched the program on March 15, 2021, and the program was operating in each county by the end of that month.⁵¹ ERA 1 funds expire on September 30, 2022, and prior to that point, unobligated funds can be reassigned by the Treasury to grantees who have spent 65% or more of their funds.⁵² Recently, Treasury released guidance on the precise process it would use to reassign unallocated funds.⁵³

43 Department of Human Services, FAQ-PA Emergency Coronavirus Relief Funds, accessed September 3, 2021, <https://www.dhs.pa.gov/coronavirus/Pages/FAQ-PA-Emergency-Coronavirus-Relief-Funds.aspx>.

44 Ibid.

45 Pennsylvania Housing Finance Agency (PHFA), "CARES Rent Relief Program Guidelines," accessed September 3, 2021, <https://www.phfa.org/forms/pacares/rental/cares-rent-relief-program-guidelines.pdf>.

"Area Median Income is a metric calculated by the U.S. Department of Housing and Urban Development (HUD) to determine the income eligibility requirements of federal housing programs," <https://affordablehousingonline.com/glossary/Area-Median-Income>.

46 Nthando Thandiwe, Stephen Herzenberg, and Diana Polson, "There's No Place Like Home: Avoiding a Wave of Evictions in Pittsburgh as Moratoriums End."

47 Charlotte Keith, "The inside story of how Pa. failed to deliver millions in coronavirus rent relief."

48 Charlotte Keith, "Locked Out," Spotlight PA.

49 Department of Human Services, "Emergency Rental Assistance Program (ERAP) Monthly Report," <https://www.ds.pa.gov/ERAP/Documents/ERAP%20Legislature%20Report%20June%202021%207.20.21.pdf>.

50 National Low Income Housing Coalition, "Out of Reach: Pennsylvania," July 12, 2021, <https://reports.nlihc.org/oor/pennsylvania>; House Appropriations Committee, "Senate Bill 109: Rental and Utility Assistance," accessed

51 Pennsylvania Department of Human Services, "Emergency Rental Assistance Program (ERAP) Instructions And Requirements," March 2021, <https://www.dhs.pa.gov/ERAP/Documents/ERAP%20I%20R%202021.pdf>.

52 National Low-Income Housing Coalition (NLIHC), "FAQs: Treasury's Emergency Rental Assistance (ERA) Program," 2021, https://nlihc.org/sites/default/files/FAQs_Emergency-Rental-Assistance.pdf.

53 U.S. Department of the Treasury, "U.S. Department of the Treasury Emergency Rental Assistance Under the Consolidated Appropriations Act, 2021 Reallocation Guidance," <https://home.treasury.gov/system/files/136/ERA-Reallocation-Guidance.pdf>.

The American Rescue Plan (ARP) allocated additional rental assistance money to the Emergency Rental Assistance Program, what we call the ERA 2 allocation, provided through the U.S. Department of Housing and Urban Development (HUD).⁵⁴ A total of \$670,736,457 was allocated to the state of Pennsylvania.⁵⁵ These funds were appropriated by Governor Wolf and the General Assembly in Act 24 of 2021.⁵⁶ They must be used by September 30th of 2025.⁵⁷ Complete aggregate data on ERA 2 county spending are not yet available.

ERAP's Purpose

The ERAP program provides rental and utility assistance and housing stability services. Rental and utility aid can be used to assist renters at risk of homelessness or in need of assistance due to COVID-19 or unemployment. Applicants are eligible to receive assistance for up to 12 months plus an additional three months based upon need and availability of funds. For rental arrears, or money that has accrued in unpaid rent, the rent must have been accrued on or after March 13, 2020. Tenants can apply directly, or landlords can apply on their behalf. If landlords refuse to accept funds from ERAP, the program can make the payment directly to the tenant, after which they can pay the landlord.⁵⁸

Additionally, ERAP provides assistance to applicants with utility and home energy expenses, including electricity, gas, water, sewer, and trash removal. The program also assists applicants with other housing expenses, including relocation, rental fees, reasonable late fees, and internet fees associated with school, work or telemedicine.⁵⁹

Lastly, housing stability services related to COVID-19 are provided to assist eligible households in obtaining or maintaining housing. The services include related

Box #2. Pennsylvania's faulty ERA distribution strategy shorted urban counties and those with higher Black population shares.

In the late 2020 federal COVID relief package, Pennsylvania received Emergency Rental Assistance funds (ERA 1) to help renters in need who had been negatively impacted by the pandemic. Pennsylvania then allocated the funds to counties on a per capita basis, taking into account direct assistance received by the most urban counties (i.e., these urban counties got less of the state-distributed funds because they had earlier received direct funding from the federal government). This formula was highly unfair because it didn't take into account the fact that a) a higher share of households in urban counties rent as opposed to owning their own homes and b) rents are higher in urban counties. The variation in the share of households that rent by county is quite dramatic, ranging from 14% in Forest County to 47% in Philadelphia. The variation in fair market rents is also substantial, ranging from \$1,200 per month in some counties to just above \$700 in others. These two ignored factors in distribution led to counties with more renters and higher rents—as well as with more Black households that rent—getting shorted Emergency Rental Assistance funds. This faulty distribution strategy was then repeated with the additional Emergency Rental Assistance funds (ERA 2) from the American Rescue Plan. As a result of this distribution strategy for ERA 1 and ERA 2 funds, Philadelphia was shorted nearly \$80 million in rental assistance funds and Allegheny County was shorted by \$45 million. For more information, see this [report](#) and this [report](#).

54 H.R. 1319, "American Rescue Plan Act of 2021," (see Sec. 3201), <https://www.congress.gov/bill/117th-congress/house-bill/1319/text#toc-HBBF8660D9D784C56B9AB4D1063AA8256>.

55 U.S. Department of the Treasury, "U.S. Department of the Treasury Emergency Rental Assistance Program Allocations to States and Eligible Units of Local Government," https://home.treasury.gov/system/files/136/ERA_2_Allocations_Eligible_Entities_572021.pdf

56 Commonwealth of Pennsylvania, "DHS Details," Pennsylvania Pressroom, 2021, https://www.media.pa.gov/pages/dhs_details.aspx?newsid=749.

57 National Low-Income Housing Coalition (NLIHC), "FAQs: Treasury's Emergency Rental Assistance (ERA) Program," 2021.

58 Pennsylvania Department of Human Services, "Emergency Rental Assistance Program (ERAP) Instructions And Requirements," March 2021.

59 Ibid.

counseling, case management, services for survivors of domestic violence and human trafficking, attorney fees for eviction or utility termination proceedings, and homelessness prevention services for seniors and individuals with disabilities.⁶⁰

For more information on ERAP requirements, please see the Appendix.

Treasury Guidance Updates

The U.S. Treasury shared policy changes to ERAP on August 25, 2021, to help subgrantees address some of the implementation issues such as processing delays.⁶¹ The Treasury clarified that self-attestations could be used for household eligibility, to prove financial hardship, and in lieu of unavailable documentation. Also, the agency clarified that advance assistance could be provided to landlords or utility providers, including additional payments to landlords who aid renters who have been evicted or experienced homelessness or barriers to obtaining a lease. The agency also broadened “other expenses” that could be covered for renter households to include hearings or appeals to an order of eviction.⁶²

Box #3: There’s an even harder reality of housing insecurity for a single-parent family with a sick child.

When Celia Mocada arrived in Reading 18 years ago, she had all four of her young children with her. Since then, three of her four children have been deported to Mexico, and after leaving her abusive husband, Celia was left alone to care for her youngest daughter, who was diagnosed with schizophrenia at 14. Every day Celia faces a battle to give her daughter the care she needs and make ends meet. As the single parent of a child with a serious illness, Celia has been forced to choose between work and family, and food and rent.

Because a mental health crisis is unpredictable, Celia can often work only two or three days to make the money she needs to pay rent on the studio apartment where she and her daughter live. When her daughter is in crisis, Celia must leave work and come home to look after her. When she needs to be hospitalized and no beds are available in Pennsylvania, Celia and her daughter are sent to other states, and must leave everything behind, including their home and Celia’s work, borrowing money to make the trip and get by. Forced to make the decision between eating and paying rent, there have been many months when Celia couldn’t make rent payments. Already a few months behind on rent and facing the threat of eviction and homelessness for her and her sick daughter, Celia decided to apply for the Emergency Rental Assistance Program (ERAP) in April 2021.

The current ERAP guidelines require both the renter and the landlord to participate in applying for assistance, and despite her family’s financial and health situation, Celia’s landlord refused to complete his part of the application, saying it didn’t benefit him and he didn’t want to get involved. Although Celia submitted her portion of the application to her local ERAP office, it was never processed because of the landlord’s refusal to participate.

As a single parent and an immigrant woman, Celia doesn’t receive any of the basic benefits like food stamps or WIC that could support her and her daughter. The ERAP was designed to support struggling families like hers, but the requirement for landlords to participate in the application process prevented Celia and her daughter from even being considered for, much less receiving, much-needed aid to cover their rent, leaving a single mom and a sick child at risk of eviction and homelessness.



*Celia Mocada,
Member of Make
the Road Pennsylvania*

60 Pennsylvania Department of Human Services, “Emergency Rental Assistance Program (ERAP) Instructions And Requirements,” March 2021.

61 U.S. Department of the Treasury, “Treasury Announces Seven Additional Policies to Encourage State and Local Governments to Expedite Emergency Rental Assistance,” August 25, 2021, <https://home.treasury.gov/news/press-releases/jy0333>.

62 U.S. Department of the Treasury, “Treasury Announces Seven Additional Policies to Encourage State and Local Governments to Expedite Emergency Rental Assistance,” August 25, 2021.

Box #4: Lack of transparency and communication in ERAP allowed a landlord to double dip while a family struggled.

Benita Gonzalez has lived in Reading for more than 20 years, where she and her husband have raised four children and built a life together. She worked for many years, but ultimately had to leave her job to stay home and care for her small children, relying solely on her husband's income to support the family of six. When the pandemic hit, her husband's restaurant job reduced his hours, and the family's already small household income was reduced by more than half.

To be able to stay in their home, Benita applied for rental relief funds through the Emergency Rental Assistance Program (ERAP) with the help of Make the Road Pennsylvania and submitted her application to the local ERAP office in Reading in May 2021. But nine months later, in February 2022, Benita still had not received notice of assistance from the ERAP office, and her landlord was demanding rent payments that she couldn't make.

Make the Road visited the Reading ERAP office that month to check on the status of her application and discovered that Benita's landlord had received a check for \$7,500 in October 2021—payment for 10 months of rent. The landlord never notified Benita that he received the rent assistance money, and he continued to collect monthly rent from the Gonzalez family, dishonestly doubling his income from the property. When Benita found out that her landlord was getting paid by both her family and the ERAP, she confronted him and he confirmed he'd received the rent assistance check and never told her about it. Although her housing is now stabilized and the landlord has agreed to return some overpayments to the Gonzalez family and apply some payments towards upcoming months' rent, Benita continues to worry that since the ERAP does not notify renters when assistance is granted, other families like hers are being harassed for rent by landlords who are already receiving payments through the program.



*Benita Gonzalez,
Member of Make the Road Pennsylvania*

63

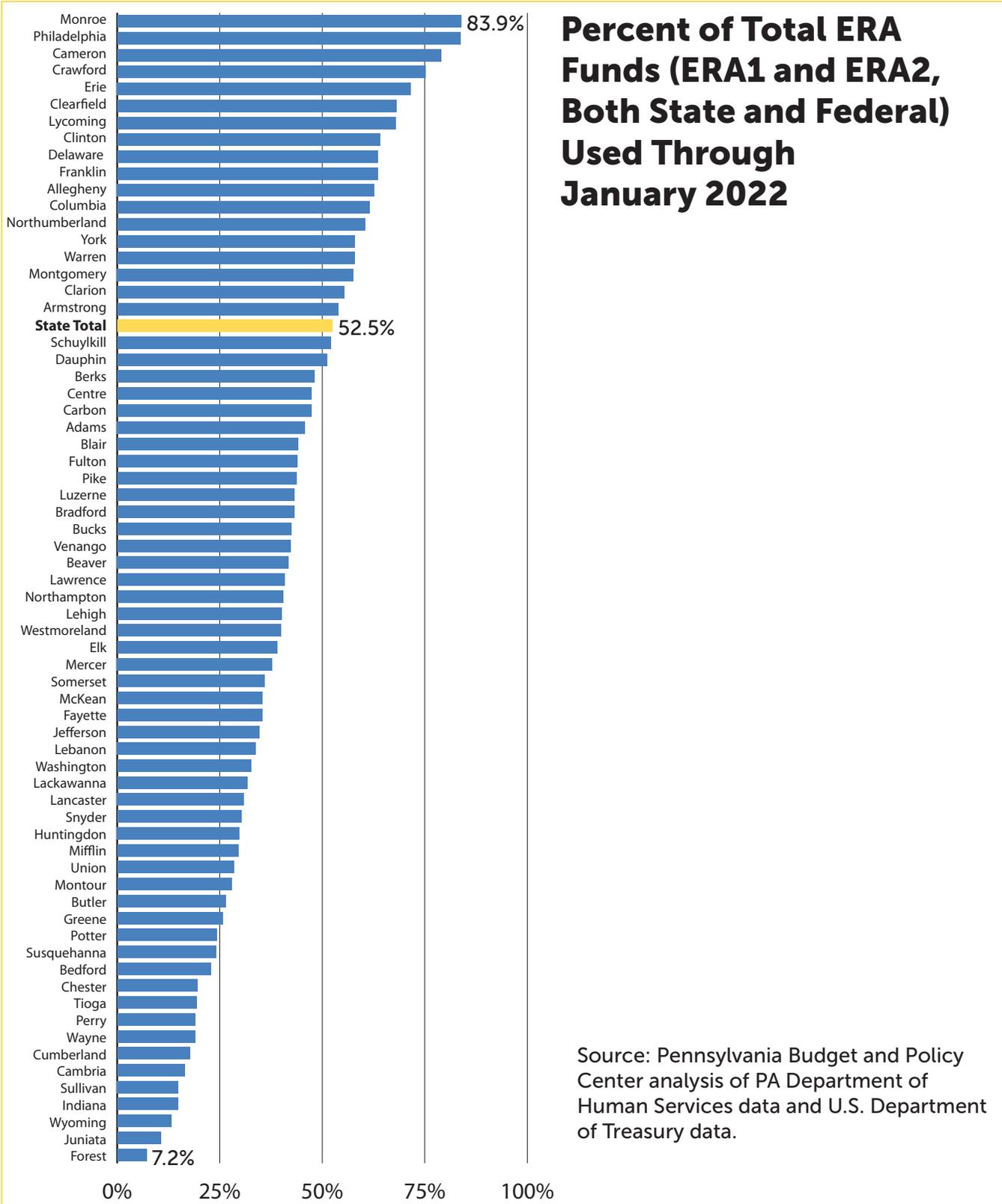
How Much Emergency Rental Assistance 1 (ERA 1) Funding Has Been Used to Date

As of January 2022, only 29% of Pennsylvania counties (20 out of 67) had spent more than half of their total ERA funds (ERA 1 and 2, state and federal). As figure K below shows, Philadelphia County has spent 84% of its total ERA funds. On the other end of the spectrum, Forest, Juniata, Wyoming, Indiana, and Sullivan Counties have spent less than 15% of their ERA funds. As a whole, the state has spent 52.5% of ERA funds.

63 Giving rental assistance to tenants for payment to their landlord is allowed within the U.S. Treasury Guidance for the ERA program. See "Treasury Announces Seven Additional Policies to Encourage State and Local Governments to Expedite Emergency Rental Assistance," <https://home.treasury.gov/news/press-releases/jy0333>.

However, not all grantees offered rental assistance directly to tenants. In a 2021 review of ERA Programs only 39% of those surveyed provided rental assistance directly to the tenants in absence of landlord participation. See "Treasury Emergency Rental Assistance Programs in 2021: Analysis of a National Survey," https://nlihc.org/sites/default/files/HIP_NLIHC_Furman_2021_6-22_FINAL_v2.pdf. Omitting this program flexibility from program practices can be a barrier for applicants in need of rental assistance.

Figure K



There are funds available to help renters in Pennsylvania at the county level, but from our observation of ERA 1 data, disbursement was initially slow in many counties. Challenges of both staff and technical capacity were significant in the deployment of the ERAP program.⁶⁴ Interviews with housing advocates and nonprofits revealed some of the challenges faced in distribution of ERA, as well as some successes. Rachel Blake, director of strategic initiatives from Regional Housing Legal Services, mentioned the importance of reaching out to families in need of rental assistance during this period. Gale Schwartz, associate director of policy and strategic initiatives for the Housing Alliance of Pennsylvania, stressed that outreach is critical to ensure that at-risk renters know about the Emergency Rental Assistance program.⁶⁵ In addition, she highlighted the increased flexibility the U.S. Treasury has provided to allow counties to disburse funds widely and efficiently.⁶⁶ Action Housing and the YWCA noted that this allowed them to tailor their program to the needs of their residents, to leverage collaboration with other partners to improve the program, and to benefit from existing networks to uncover ways to inform families about the availability of rental assistance through ERA. (For a case study on ERA rental relief outreach, see Appendix Box #8.)

In some counties, disbursement has been especially slow. If counties delay distributing ERA 1 funds to families, they risk losing the funds. Further, if counties fail to spend at least 75% of the initial ERA 2 allocation by the deadline they may lose the remainder of that funding.⁶⁷

Eviction Filings in Pennsylvania

The figure below shows eviction filings in Pennsylvania from the beginning of 2019 to the beginning of 2022.⁶⁸ Several points stand out. First, the federal CARES Act eviction moratorium worked, possibly reinforced by the Pennsylvania Supreme Court moratorium and Governor Wolf's moratorium. From March 27 to July 25, 2020, the period of the CARES Act moratorium, weekly eviction filings averaged less than 90 per week, compared to more than 1,500 per week from the beginning of 2019 to mid-March 2020. Second, there was a huge spike in evictions—to 2,822—in a single week starting August 1, 2020, after the end of both the CARES Act moratorium on July 25, 2020, and the Wolf moratorium on August 31, 2020. Third, this spike was nipped in the bud by the imposition of the CDC moratorium on September 4, 2020, which brought average weekly filings down to a bit over half their pre-pandemic level (i.e., about 850) until the end of July 2021. In total, there were about 64,000 fewer eviction filings from late March 2020 to the end of August 2021 than if weekly evictions had averaged the same as in the 14 ½ months before mid-March 2020.⁶⁹ Fourth, since August 2021, even before the lifting of the CDC moratorium on October 31, 2021, eviction filings have been trending back up, averaging 1,300 per week in the first seven weeks of 2022.

64 Vincent Reina, Claudia Aiken, Isabel Harner, Julia Verbrugge, Ingrid Gould Ellen, Tyler Hauptert, Andrew Aurand, and Rebecca Yae, "Treasury Emergency Rental Assistance Programs in 2021: Analysis of a National Survey," Housing Initiative at Penn; NYU Furman Center; National Low Income Housing Coalition, June 2021, https://nlihc.org/sites/default/files/HIP_NLIHC_Furman_2021_6-22_FINAL_v2.pdf.

65 From interviews with Pennsylvania housing experts.

66 Ibid.

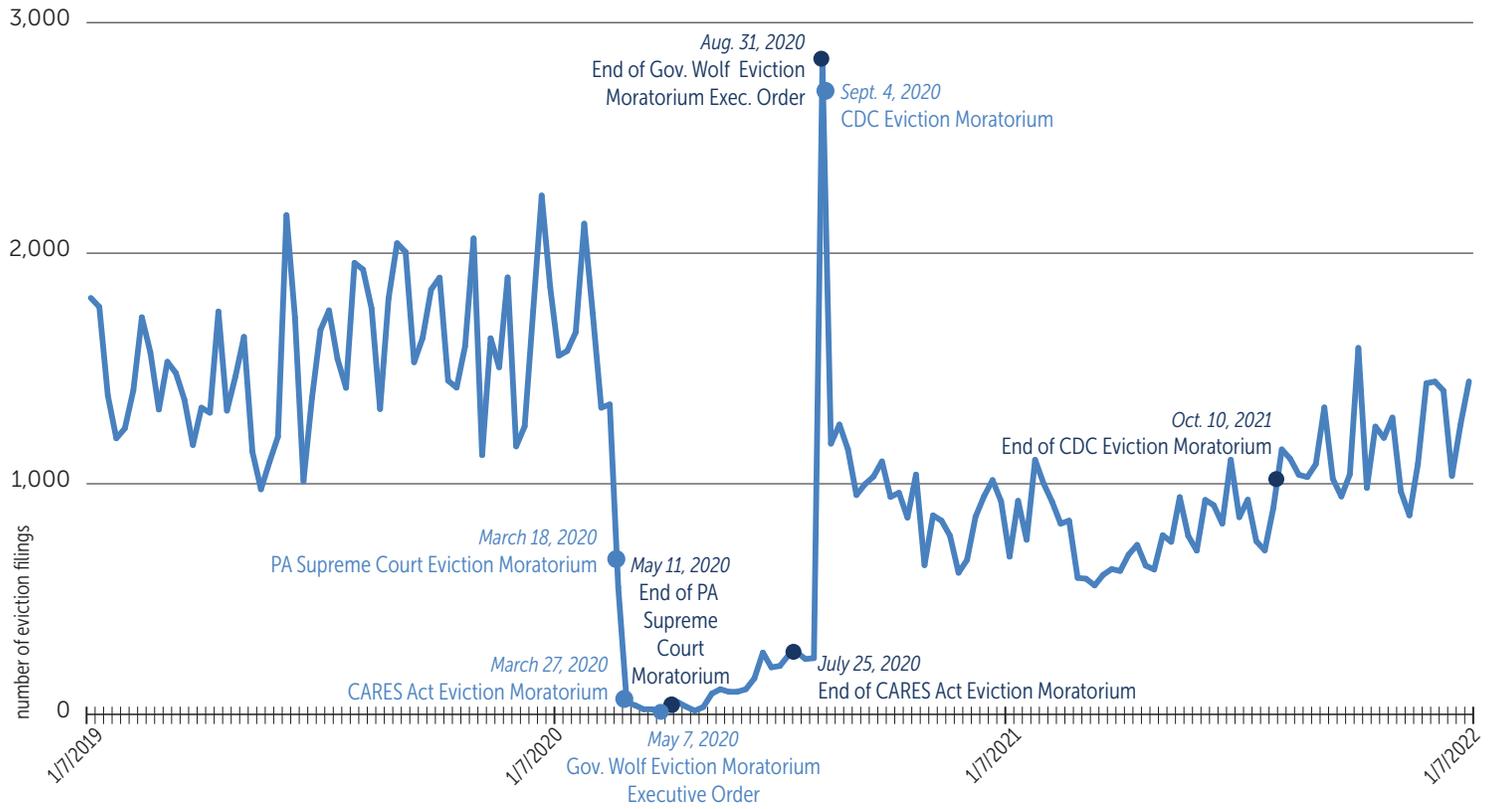
67 Grant A. Driessen, Maggie McCarty, and Libby Perl, "Pandemic Relief: The Emergency Rental Assistance Program," Congressional Research Service, September 8, 2021, <https://crsreports.congress.gov/product/pdf/R/R46688>.

68 Eviction filings are the best proxy we have for actual evictions.

69 Here is the basis for the estimate in the text that the moratoriums helped avoid about 64,000 eviction filings. From January 2019 to mid-March 2020, the 14 1/2 months before the pandemic, eviction filings averaged 1,561 per week. We take this as our "baseline" estimate of eviction filings with no moratorium in pace. In the 19 weeks from the start of the CARES Act moratorium on March 27, 2020, to August 30, 2020, eviction filings averaged 88 per week. In the 52 weeks ending August 31, 2021, weekly filings averaged 845. Therefore, across these 71 weeks there were 65,220 fewer filings than if weekly filings average 1561 (i.e., $(1561-88)*19+(1561-845)*52 = 65,219$). If we subtract from 65,219 the roughly 1,000 extra filings in the two weeks starting August 31, 2020, we get 64,219 or roughly the 64,000 figure used in the text.

Figure L

The Pennsylvania and CDC Moratoriums Reduced Eviction Filings



Source: Daniel Bernstein, Madeline Youngren, Sarah Abdelhadi, Ranya Ahmed. Civil Court Data Initiative. Legal Services Corporation, 2021

The fact that eviction filings have not shot up above pre-pandemic levels—that we did not get an extended repeat of the 2,822 filings the week starting August 31, 2020—is a relief. At least temporarily, we have avoided the “evictions tsunami” feared if the avoided 64,000 eviction filings ended up getting filed in a few months after the lifting of the CDC moratorium. This could reflect, in part, the improvements in ERA assistance from late summer 2020 to late summer 2021, and the strengthening of county protocols for using eviction filings to trigger efforts to connect landlords and tenants to rental assistance and also to encourage mediation.

We are not out of the woods, however. The threat that many more renters will now be evicted remains. While some landlords are willing to work with renters who have applied for rental assistance, others are less willing to cooperate. Continued delays in disbursement and difficulties in applying and qualifying for aid in some places remain a challenge. To avoid an increase in eviction filings, evictions and homelessness, the next section presents short-term and long-term recommendations identified in interviews with housing experts and advocates and in the policy and research literature.



Short-Term

1. Solutions Via the Legal System

Implement eviction diversion programs.

Philadelphia County's Eviction Diversion program was heralded as a national example of steps cities and localities could take to protect renters during the public health crisis (Box #5).⁷⁰ The county provided resources to renters and used mediation within Philadelphia's courts to arrive at resolutions between landlords and tenants.⁷¹ The state should adopt the Eviction Diversion program statewide as proposed in PA SB466. Doing this will help more families stay in their homes while obtaining access to resources to reduce or eliminate rental arrears. Similarly, a 60-day cooling-off period requiring rental assistance submissions for families in need should be implemented by the courts.⁷² For example, Bucks County received the green light to pause eviction cases for a 60-day period following applications for rental relief.⁷³ These are steps that can be taken to help renters remain in their home while we work nationally and at the state level to overcome the myriad of issues arising from the pandemic.

Box #5. Philadelphia Leads the Way on Eviction Diversion Program and Tenant Rights to Counsel

The City of Philadelphia has led the way in Pennsylvania and nationally in developing housing policies that prevent evictions.⁷⁴ The city has the freedom to innovate to reduce eviction risk because its home rule charter protects Philadelphia against state preemption legislation.

Since 2015, Philadelphia has seen 112,000 eviction filings, more than 80% (90,500) in communities of color. In the pandemic, the volume of eviction filings dropped, but communities of color still accounted for the same high share (4,500 or 79%) of the total. In response, Philadelphia City Council adopted a local eviction moratorium combined, in September 2020, with a mandatory "eviction diversion program." The Municipal Court of Philadelphia extended the diversion program in April 2021.

The Eviction Diversion Program brings partners together to help tenants and landlords to "access rental assistance, case management, mediation, access to legal representation, and other supportive resources aimed at preventing eviction." Under the program extension, landlords must enroll in the EDP and apply to PHLRentAssist, Philadelphia's online rental assistance website, before filing an eviction for nonpayment, ensuring that rental assistance goes to many high-risk households. According to Benfer and Philips, "Early results indicate that this program is effective at preventing displacement: 86 percent of cases either reached an agreement or consented to further mediation...."

Data from Philadelphia also document the benefits of tenants' rights to counsel in eviction cases. Benfer and Philips again: "In Philadelphia, 96 percent of represented tenants avoided an involuntary move or eviction, saving the city an estimated \$45.2 million in associated costs.... Due to the success of these interventions, the state's legislature is considering a statewide right to counsel in eviction measure, demonstrating the value of local innovation to the state as a whole."

70 The Inquirer Editorial Board, "Philadelphia's eviction diversion program became a national model. What's next as COVID-19 relief funds run out?," *Philadelphia Inquirer*, August 26, 2021, <https://www.inquirer.com/opinion/editorials/philadelphia-evictions-emergency-rental-assistance-treasury-funds-diversion-20210826.html>.

71 City of Philadelphia (website), "About City of Philadelphia's Eviction Diversion Program," <https://eviction-diversion.phila.gov/-/About>. ("Philadelphia Municipal Court requires Landlords seeking to evict for nonpayment of rent to apply for Phase 4 rental assistance and participate in the Eviction Diversion Program first and wait 45 days before filing in court if the issues are not resolved.")

72 Charlotte Keith, "High court gives Pa. county OK to delay eviction cases while tenants wait for rental relief," *PennLive.com*, August 3, 2021, <https://www.pennlive.com/coronavirus/2021/08/high-court-gives-pa-county-ok-to-delay-eviction-cases-while-tenants-wait-for-rental-relief.html>.

73 Ibid.

74 Emily Benfer and Rasheedah Philips, "Housing Policy," *The Local Power and Politics Review*, 2nd edition, 10-14, <https://static1.squarespace.com/static/5ce4377caeb1ce00013a02fd/t/621ef122d42c703ace74086b/1646194985581/LPPR-Volumell-2022.pdf>.

Educate all president judges on the widespread impact of COVID-19 on vulnerable renters and available resources.

During this period, president judges within the state have taken action to mitigate evictions, keeping families from homelessness. For example, Judge Kim Berkeley Clark of the Allegheny County Court of Common Pleas petitioned the state's supreme court seeking a delay in eviction proceedings.⁷⁵ Also, President Judge Wallace Bateman Jr. allowed tenants who had applied for ERAP to obtain up to 60 days waiting period to avoid eviction.⁷⁶ As we have seen earlier from the numbers of court eviction filings in Philadelphia County, the number of evictions can be kept low when there is legal action taken to help renters at risk of eviction.

2. Outreach, Collaboration, and Promoting Access to Aid

*Improve outreach to ensure families that are the most in need apply for and receive assistance.*⁷⁷

It is important to ensure those who are at risk of eviction know they can apply for rental aid and receive assistance in doing so. Meeting families where they are can make a great difference in avoiding homelessness.

Outreach could include working with the courts and housing stability programs. Judge Michael Gallagher has allowed Bucks County Emergency Rental Assistance (BERA) program representatives to help tenants with applications. Also, his court has sent out ERAP applications with hearing notices.⁷⁸ By meeting people where they are directly during the eviction process, we can ensure that the right people are getting the information they need in a timely manner.

While the ERAP program does not prohibit access based on immigration status, some connected programs may limit access on this basis.⁷⁹ To ensure that all applicants regardless of immigration status are able to access ERAP, state housing laws should ban data-sharing with immigration agencies. Also, it should ensure that any related limitations are lifted.

Other examples of effective outreach include the following:

Reducing the stigma associated with participating in ERAP programs by carefully crafting outreach materials to families who are at risk of eviction. Making the pivot to “de-stigmatizing” communications in ERAP information increased the likelihood of request and submission of rental assistance applications in a randomized experiment of over 62,500 households conducted by The People Lab of UC Berkeley’s Goldman School of Public Policy, in collaboration with the City of Denver.⁸⁰

⁷⁵ Zoe Stratos, “Allegheny County Judge Requests Delay in Evictions,” *Pittsburgh Post-Gazette*, August 5, 2021, <https://www.post-gazette.com/local/region/2021/08/05/allegheny-county-judge-Clark-requests-halt-eviction-hearings-renters-pittsburgh-pandemic/stories/202108050151>.

⁷⁶ Jo Ciavaglia, “Pa Supreme Court Greenlights Bucks County Eviction Stay Program.”

⁷⁷ Nthando Thandiwe, Stephen Herzenberg, and Diana Polson, “There’s No Place Like Home: Avoiding a Wave of Evictions in Pittsburgh as Moratoriums End.”

⁷⁸ Jo Ciavaglia, “Pa Supreme Court Greenlights Bucks County Eviction Stay Program.”

⁷⁹ National Immigration Law Center (NILC)| National Housing Law Project (NHLPP)| National Low-Income Housing Coalition (NLIHC), “Frequently Asked Questions: Eligibility for Assistance Based on Immigration Status,” April 2021, <https://www.nilc.org/resources-covid19-crisis-and-consequences/faq-eligibility-for-assistance-based-on-immigration-status/>.

⁸⁰ Berkeley Public Policy: The Goldman School, “Reducing Stigma to Improve Take-Up of Rental Assistance,” The People Lab, accessed September 24, 2021, https://peoplelab.berkeley.edu/wp-content/uploads/2021/03/Rental-Assistance-Policy-Brief-7_22_21.pdf.

Utilizing “place-based” approaches to reach families most in need.⁸¹ It is important to disrupt the colorblind nature of the administration of ERAP and to facilitate discussion of complex cases to iterate solutions for different neighborhoods. Since target groups may not find out about ERAP programs on their own, Pennsylvania needs to earmark funding for locally customized outreach efforts so all communities know these programs exist and how to apply. Such customized outreach should, for example, connect tenants who are undergoing eviction proceedings to rental relief programs. Other options include collaborating with housing authorities and implementing eviction mediation to assist renters.

Working with trusted community partners to assist families. One example is to provide drop-in centers for completing applications. Another is working with utilities companies to help families obtain assistance during a time of need.⁸² Community partners like non-profit service centers and community-based organizations already have the trust of and familiarity with people who need housing support. The state and localities should provide those partners with the tools they need to intervene earlier, and not to wait until they are homeless. Ideally, community partners would have all the information and tools to get people who need rental assistance into rental assistance programs as early as possible to prevent eviction.

Recognizing that landlords must maintain their livelihoods and that some are willing to collaborate to help families maintain housing. Encouraging landlords to participate in ERAP could also help renters. As Judge Gallagher says: “Most landlords just want the money. They aren’t looking to kick people out.”⁸³

81 “Place-based” refers to services and activities that are provided on-site. In this instance, this is the resident’s development or home. For examples of the success of “place-based” initiatives, please see the report [“Participating in a Place-Based Employment Initiative Lessons from the Jobs-Plus Demonstration in Public Housing.”](#) by Linda Yuriko Kato from MDRC. Find more examples of the success of “place-based” initiatives in Will Lambe and the Atlanta Federal Reserve’s article [“The Role of Place-Based Initiatives in Community Development.”](#)

82 PECO offers assistance programs to customers during the pandemic through a variety of ways including collaboration with the ERAP, <https://www.peco.com/MyAccount/CustomerSupport/Pages/AssistancePrograms.aspx>.

83 Jo Ciavaglia, “Pa Supreme Court Greenlights Bucks County Eviction Stay Program.”

Box #6: Ryan, Brandywine Communities resident

Resident who contracted COVID-19; property management company encouraged and assisted with application for Emergency Rental Assistance Program (ERAP)



The early days of the COVID-19 pandemic were surreal for all of us. Almost overnight, we found ourselves in a new reality – a world of masking, social distancing, and quarantining.

For essential workers like Brandywine Communities resident Ryan, that new reality was even more intense. Frontline workers were the people most at risk of being affected by the global health crisis. Staying home simply was not an option for people like Ryan.

While working to deliver essential services during the pandemic, Ryan contracted COVID-19, setting him on a potentially catastrophic path. Ryan survived, but COVID had hit him hard; he'd even ended up on a respirator for a time. Between his illness and mandatory quarantines, Ryan had to miss nearly a month of work. When he returned to his job, his hours had been cut in half.

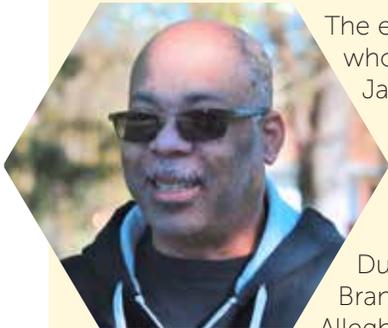
Like many Americans, the missed income from his forced time off work caused Ryan to fall behind on his rent payments. Unlike most landlords, Brandywine was not only empathetic to the plight of residents like Ryan but proactive in helping its tenants receive financial assistance to stay afloat.

Brandywine Communities reached out, connected Ryan to Allegheny County's Emergency Rental Assistance Program (ERAP), and provided assistance with the application process.

As Ryan's health and finances continued to improve, the availability of ERAP was a key part of his recovery, allowing him to stay housed during dual public health and economic crises.

Box #7: James, Brandywine Communities resident

Brandywine resident economically-impacted by the COVID-19 pandemic, referred to ERAP and assisted with his application by a Brandywine employee



The economic impact of the COVID-19 pandemic was felt by many Americans, especially those whose jobs were lost to business shutdowns. A 20-year resident of Brandywine Communities, James is one of these workers.

Like so many others, when his workplace was shuttered during the pandemic, James quickly depleted his savings and fell behind on his rent. Without a steady paycheck, he was forced to choose which bills he could pay.

Due to his self-reliant nature, James was initially hesitant to ask for help. Thankfully, Brandywine reached out to James to let him know that rental assistance was available through Allegheny County's Emergency Rental Assistance Program.

With the help of the Brandywine Communities staff, James applied for and received ERAP funds, providing him with the financial relief he needed while navigating the new normal of living during a pandemic.

3. Program Design and Improvement in Administration

To improve the Emergency Rental Assistance Program in real time, the following recommendations can promote access.

- It is important to make the application process user-friendly.⁸⁴ Some research cites burdensome documentation requirements as one of the reasons that rental relief was distributed to families

⁸⁴ Treasury Guidance on ERAP Program Delivery & Design, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/service-design>.

more slowly than expected.⁸⁵ This included lack of internet, lack of landlord cooperation, missing required documentation, and the accompanying verification process. John J. Katz, president of Brandywine Agency in Allegheny County, shared that lack of childcare and difficulty with transportation are additional barriers preventing people from applying successfully.⁸⁶ Implementing a more accessible and user-friendly process can encourage applicants to complete their applications and possibly increase the number of rental assistance recipients.⁸⁷

- A more equitable funding formula should be applied to any future federal and/or state emergency rental assistance aid.⁸⁸
- Reduce administrative barriers to applying for rental aid. One example of this is permitting self-attestations.⁸⁹ Another is allowing for direct-to-tenant payments, in absence of landlord cooperation.⁹⁰ Local governments should use the flexibility of ARP funds to supplement ERA funds and fill in eligibility gaps.⁹¹ Evictions also include informal evictions without formal eviction notices.⁹² They can be due to no fault evictions, non-renewals, harassment and redevelopment.⁹³ We should consider remedies that include low-income families that are subject to these types of evictions as well.
- We should learn from the outcomes of these programs to better assist Pennsylvania's families going forward. One area to explore is to examine the relationship between administrative caps for programs like ERA 1 and 2 and their effect on program efficacy.⁹⁴ The administrative cap for ERA 2 was raised to 15% from ERA 1's 10% administrative cap, allowing for more resources to implement this program.⁹⁵ Through research within this area we can discover if administrative caps at certain rates produce barriers to efficient program rollouts and further improve this area.

85 Owen Minott, "Emergency Rental Assistance: Challenges to Efficient Distribution and Potential Solutions," Bipartisan Policy Center, September 30, 2021, <https://bipartisanpolicy.org/blog/emergency-rental-assistance-challenges/>; U.S. Government Accountability Office, "During COVID-19, Access to Federal Emergency Rental Assistance Increased, but Some Challenges and Risks Remain Unaddressed," February 15, 2022, <https://www.gao.gov/blog/during-covid-19-access-federal-emergency-rental-assistance-increased-some-challenges-and-risks-remain-unaddressed>.

86 From interviews with Pennsylvania housing experts.

87 Vincent Reina, Claudia Aiken, Julia Verbrugge, Ingrid Gould Ellen, Tyler Hauptert, Andrew Aurand, and Rebecca Yae, "COVID-19 Emergency Rental Assistance: Analysis of a National Survey of Programs," Housing Initiative at Penn; NYU Furman Center; National Low Income Housing Coalition, June 2021, https://nlihc.org/sites/default/files/HIP_NLIHC_Furman_Brief_FINAL.pdf.

88 Diana Polson and Stephen Herzenberg, "Missing the Target: Pennsylvania Emergency Rental Assistance Shorts Communities with Greatest Need," Pittsburgh Budget and Policy Center, 1-11, <https://krc-pbpc.org/wp-content/uploads/DRAFT-ERA-distribution-paper.pdf>. (See recommendations on formula based upon the number of renters and the average rent paid in the county.)

89 Vincent Reina, Claudia Aiken, Isabel Harner, Julia Verbrugge, Ingrid Gould Ellen, Tyler Hauptert, Andrew Aurand, and Rebecca Yae, "Treasury Emergency Rental Assistance Programs in 2021: Analysis of a National Survey," Housing Initiative at Penn, NYU Furman Center; National Low Income Housing Coalition, June 2021.

90 Ibid; Flexibilities with adequate risk management could ensure that families in need receive rental assistance, <https://www.gao.gov/products/gao-22-105490>.

91 Nthando Thandiwe, Stephen Herzenberg, and Diana Polson, "There's No Place Like Home: Avoiding a Wave of Evictions in Pittsburgh as Moratoriums End."

92 Kathryn Howell and Daniel William Immergluck, "Evictions: Shedding Light on the Hidden Housing Problem," *Housing Policy Debate* 31, no. 3-5 (2021): 374-76, <https://doi.org/10.1080/10511482.2021.1929342>.

93 Ibid.

94 Sarah Kleiner, "HUD Got \$9 Billion to Combat COVID-19 Impacts. Only a Quarter Has Been Spent," The Center for Public Integrity, <https://publicintegrity.org/housing/housing-in-crisis/hud-housing-funding-covid-impacts/>; Discussing that measurements of success should ask "...how are we using these funds, what outcomes are we trying to achieve, what is the highest and best use of these dollars, and doing that quickly and efficiently," Deputy Director Geoffrey Ross (California Department of Housing and Community Development: Federal Financial Assistance Division).

95 Grant A. Driessen, Maggie McCarty, and Libby Perl, "Pandemic Relief: The Emergency Rental Assistance Program," Congressional Research Service, September 8, 2021.

Rowan Connelly, ERAP program manager at the YWCA of Greater Pittsburgh, mentioned the importance of researching why certain populations learned about ERAP later than other groups so we can improve the effectiveness of future outreach efforts.

- Lastly, administrative overhead funding should allow a portion of funds to be used for data transparency on implemented programs with specification that state- and county-level data highlight applications, approvals, denials, and allocations, by race, gender, ethnicity, and income.

4. Use American Rescue Plan funds going to counties and cities to supplement ERA funds and fill eligibility gaps.

In addition to the state reallocating ERA funds if some localities do not use them, local governments should consider using their own ARP funds for rental assistance. Local ARP dollars could help people stay in their homes who cannot meet federal eligibility criteria but still need assistance to cover rent, a mortgage, or utilities.

Long-Term

1. Fund “Right to [Legal] Counsel” (RTC)

Legal counsel for renters can help with eviction prevention, which benefits families, communities, and the state.⁹⁶ Only 3% of tenants, on average, have access to counsel, compared to 81% of landlords.⁹⁷

Renters connected to legal representation obtain more favorable outcomes whether a judgment is entered in their favor or not.⁹⁸

Washington state provided legal representation for low-income tenants within eviction proceedings ([SB 5160](#)) in April of 2021, with immediate effect.⁹⁹ Maryland passed similar legislation ([HB18](#)) on May 28, 2021, which went into effect on October 1, 2021.¹⁰⁰ Connecticut also enacted right-to-counsel legislation for eviction proceedings—on June 3, 2021—funded through federal COVID-19 funds.¹⁰¹ In Pennsylvania, Philadelphia’s city council enacted [Bill No. 190386](#) in October of 2019 (see box #5).¹⁰² However, it is not enacted statewide.¹⁰³

96 Rasheedah Phillips and Bob Damewood, “All Pennsylvanians Win When Tenants Have Legal Representation: Opinion,” *Pennsylvania Capital-Star*, August 5, 2021, <https://www.penncapital-star.com/commentary/all-pennsylvanians-win-when-tenants-have-legal-representation-opinion/>.

97 National Coalition for a Civil Right to Counsel, “Eviction Representation Statistics for Landlords and Tenants Absent Special Intervention,”

http://civilrighttocounsel.org/uploaded_files/280/Landlord_and_tenant_eviction_rep_stats_NCCRC.pdf

98 See e.g. Legal Aid Society of Cleveland and United Way of Greater Cleveland, Annual Report to Cleveland City Council (Jan. 31, 2021), <https://lasclev.org/wp-content/uploads/January-2021-report-on-initial-6-months-of-Right-to-Counsel-Cleveland-high-res.pdf>. (Finding is not only that 93% of represented tenants avoided eviction or an involuntary move but that 83% of represented tenants who did have to move obtained more time to do so, and 89% of represented tenants mitigated damages.)

99 Sen. Patty Kuderer, “Washington Becomes First State to Enact Right to Counsel in Eviction Cases,” Senate Democrats-Washington, April 23, 2021, <https://senatedemocrats.wa.gov/kuderer/2021/04/22/washington-becomes-first-state-to-enact-right-to-counsel-in-eviction-cases/>.

100 National Low Income Housing Coalition (NLIHC), “From the Field: Maryland Becomes Second State to Enact Right to Counsel for Eviction Proceedings,” <https://nlihc.org/resource/field-maryland-becomes-second-state-enact-right-counsel-eviction-proceedings>.

101 Alexander Soule, “Low-Income Renters Facing Eviction in CT Can Now Get Free Legal Services,” *Connecticut Post*, June 14, 2021, <https://www.ctpost.com/business/article/Low-income-renters-facing-eviction-in-CT-can-now-16247012.php>.

102 Caitlin McCabe, “Philly Council Passes Right to Counsel, Giving Free Legal Representation to Tenants Who Are Evicted,” *Philadelphia Inquirer*, November 14, 2019, <https://www.inquirer.com/real-estate/housing/right-to-counsel-bill-helen-gym-city-council-tenants-eviction-lawyer-20191114.html>.

(New York City, San Francisco, and Newark, N.J., are cities that have also passed “right to counsel” legislation for low-income tenants in eviction proceedings.)

103 National Coalition for a Civil Right to Counsel, “Interactive Map: Civil Right to Counsel: NCCRC,” Public Justice Center, 2003, <http://civilrighttocounsel.org/map>.

(Click on “right to counsel status,” then under the “Subject” drop-down, select “Housing-Evictions.”)

According to the investment analysis firm Stout Risius Ross, for an investment of \$3.5 million in a right to counsel for renters, Philadelphia County would save almost \$45 million long term on costs related to emergency shelter, re-housing, emergency healthcare, foster care, and social services.¹⁰⁴ This again bolsters the case that when you invest in people up front you can reduce expenses later. Federal funds could be used to pilot the program.¹⁰⁵ In fact, some advocates in Maryland are urging the state to use ARP monies to fund this program.¹⁰⁶ Alternatively, raising court filing fees could serve as a funding source. Although the corresponding proposed bill, [HB31](#), failed in Maryland, it is still a viable source of funding to explore for a prospective statewide program within Pennsylvania.¹⁰⁷ One downside is that landlords may respond to an increase in filing fees by increasing rent. Other funding options for RTC are general revenue funds or a landlord license tax as implemented in the cities of Boulder and Denver, Colorado.¹⁰⁸

2. Harness the power of data collection and visualization to forecast and track eviction hotspots for mitigation.

It has been highlighted that there is a dearth of official, reliable, and timely aggregated eviction data nationwide.¹⁰⁹ Better data are essential to understand the scope of potential evictions, the disparate impacts upon various groups within our communities, and what is needed to help people remain in their homes. Using data collection and visualization can help us remain efficient and proactive in serving residents. CreateLab at Carnegie Mellon University and the Eviction Lab's work in the City of Pittsburgh, Allegheny County, and Philadelphia County illustrate the power of data collection in promoting housing affordability. It is important, however, to obtain data in a way that does not deter families from seeking rental relief or create privacy concerns—but that serves the limited purposes of giving a clear picture of the effects of evictions in the state and targeting outreach to households who most need assistance. Two types of data are needed: national eviction data and state court data.

National Eviction Data

The Biden administration should consider extending and potentially upgrading the “likelihood of eviction or foreclosure” Census Household Pulse Survey (HPS) data beyond the pandemic period. Many researchers have relied upon the U.S. Census Household Pulse Survey during this period to estimate the number of households at risk of eviction.¹¹⁰ Despite its flaws, researchers found its measures of housing security valuable. It could be an even more valuable tool if its weights produced more accurate estimates of

104 Stout Risius Ross, “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants” November 13, 2018, https://cdn2.hubspot.net/hubfs/4408380/PDF/Cost-Benefit-Impact-Studies/Philadelphia%20Evictions%20Report_11-13-18.pdf.

105 Rasheedah Phillips and Bob Damewood, “All Pennsylvanians Win When Tenants Have Legal Representation: Opinion: Pennsylvania Capital.”

106 National Low Income Housing Coalition, “From the Field: Maryland Becomes Second State to Enact Right to Counsel for Eviction Proceedings.”

107 Horus Alas, “Maryland Joins States Providing Tenants Access to Counsel...” *U.S. News & World Report*, June 16, 2021, <https://www.usnews.com/news/best-states/articles/2021-06-16/maryland-joins-states-providing-tenants-access-to-counsel>.

108 Boulder, Colorado—Municipal Code 4-20-18. Rental License Fee (2021), https://library.municode.com/co/boulder/codes/municipal_code?nodeId=TIT4LIPE_CH20FE_4-20-18RELIFE; Denver City Council Bill 21-0420 (2021) (passed), <https://denver.legistar.com/LegislationDetail.aspx?ID=4906155&GUID=5DF5FF66-D888-412D-90E7-9654F73418BA&Options=&Search>.

109 Yuliya Panfil and Lauren Lowery, “We Have to Close the Eviction Data Gap,” *Bloomberg*, February 3, 2021, <https://www.bloomberg.com/news/articles/2021-02-03/why-is-it-so-hard-to-collect-good-eviction-data>.

110 Alexander Hermann and Sharon Cornelissen, “Using the Census Bureau’s Household Pulse Survey to Assess the Economic Impacts of COVID-19 on America’s Households,” Joint Center for Housing Studies of Harvard University, July 2, 2020, <https://www.jchs.harvard.edu/blog/using-the-census-bureaus-household-pulse-survey-to-assess-the-economic-impacts-of-covid-19-on-americas-households>; Center on Budget and Policy Priorities (CBPP), “Tracking the COVID-19 Economy’s Effects on Food, Housing, and Employment Hardships,” <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-economys-effects-on-food-housing-and> (on the usefulness of HPS data, and some data accuracy challenges).

households at risk of eviction and if it produced reliable, county-level estimates.¹¹¹ In addition, the survey did not track rental arrears over time amongst at-risk households. Accessibility to taking the HPS was limited to those with internet and text message capabilities—tainting the data set with selection bias—and the high share of participants that left surveys incomplete reduced the sample size.¹¹² Insights for upgrading the survey can also be drawn from researchers who have bootstrapped HPS housing data to produce more accurate estimates, including the need for rental assistance and the number of months in arrears.¹¹³ The Urban Institute illuminates some of these data issues, while surveying other datasets and sharing good examples from which to learn.¹¹⁴ Collecting and implementing these best practices can improve the Household Pulse Survey.

State Court Data

In 2019, researchers at the Department of Sociology's Eviction Lab at Princeton University surveyed 3.6 million eviction records from 12 states; about 22% of the records from 2011 through 2015 had ambiguous or inaccurate information on case outcomes. This includes omissions, duplicates, ambiguities, bias, and errors. These errors can inflate or deflate eviction rates, producing misleading information that then distorts policymaking efforts. To obtain more reliable eviction data at the state level, it will require the state court system to promote data accuracy and update its data practices. State civil courts can produce comprehensive administrative court records which could benefit tenants and be used to inform policymaking.¹¹⁵

We can also improve statewide eviction data by implementing measures such as: (1) “improv[ing] outcome code standards for civil courts”; (2) performing regular audits to eliminate duplicates; (3) marking serial cases (where a tenant appeared on a case associated with the same property) as a continuing landlord-tenant dispute; and (4) enforcing the right for tenants to dispute inaccuracies in their tenant history. Currently, the state court prohibits the sharing of household-level data needed for targeted outreach and intervention.¹¹⁶ If household-level demographic data were available, community groups could directly inform people about ERAP. Newly crafted policy parameters would give the state court greater flexibility for releasing household-level court data that would enhance outreach without compromising privacy concerns. It could create a workable process, like the disclosure of health information and protections through HIPAA laws, even if it were to require working with the federal government. The privatization of eviction record data has jeopardized current and future housing security and economic stability for many tenants.¹¹⁷ In Philadelphia,

111 Alexander Hermann and Sharon Cornelissen, “Using the Census Bureau’s Household Pulse Survey to Assess the Economic Impacts of COVID-19 on America’s Households,” Joint Center for Housing Studies of Harvard University, July 2, 2020. (Discussion about the issues with the weights used in the Household Pulse Survey). Surgo Ventures’ [technical](#) and [white](#) papers also discuss the issues with the weights used in HPS. They produced county-level rental arrears estimates using HPS microdata and pre-COVID American Community Survey data.

112 Jung Hyun Choi, Laurie Goodman, and Daniel Pang, “Navigating Rental Payment and Eviction Data during the Pandemic What Have We Learned, and What Do We Need to Know?” The Urban Institute, February 2022, <https://www.urban.org/research/publication/navigating-rental-payment-and-eviction-data-during-pandemic>.

113 Surgo Ventures, “Rental Arrears in the Pandemic: Responding to the U.S. Rent Debt Crisis with a Precision County-Level Approach,” 2022.

114 Jung Hyun Choi, Laurie Goodman, and Daniel Pang, “Navigating Rental Payment and Eviction Data during the Pandemic What Have We Learned, and What Do We Need to Know?”

115 Adam Porton, Ashley Gromis, and Matthew Desmond, “Inaccuracies in Eviction Records: Implications for Renters and Researchers,” *Housing Policy Debate*, 31:3-5, 377-394, <https://doi.org/10.1080/10511482.2020.1748084>. (Court outcomes can negatively affect tenants’ credit histories and ability to rent.)

116 The Unified Judicial System of Pennsylvania, “Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania,” accessed November 19, 2021, <https://www.pacourts.us/Storage/media/pdfs/20210508/214127-file-11411.pdf>. (See Sec. 3.00(F), and Sec. 3.10.)

117 Rasheedah Phillips, “Eviction Records Follow People Around for Years. This Isn’t Fair,” *Next City*, June 4, 2021, <https://nextcity.org/urbanist-news/entry/eviction-records-follow-people-around-for-years-this-isnt-fair>; Annette Duke and Andrea Park, “Court Database Shouldn’t Be Landlord Screening Tool,” *Commonwealth Magazine*, July 18, 2019, <https://commonwealthmagazine.org/opinion/court-database-shouldnt-be-landlord-screening-tool/>.

there are ongoing efforts to make eviction proceedings more equitable through passage of local laws like the Renters Access Act.¹¹⁸ Also, CLS has proposed recommendations requesting that access to eviction records and filings be sealed or restricted within rental decisions and eviction proceedings.¹¹⁹

A State Eviction Dashboard

Lastly, by coalescing all available eviction dashboards on a dedicated state agency website, and requiring counties without a dashboard to create one, we can produce a more reliable picture of the nature of evictions in the state and readily address them in a more concerted fashion.

3. Fund a long-term emergency rental assistance program.

Providing long-term funding to address evictions and help low-income renters allows the state to be ready, and better equipped to assist those in crisis. The National Low-Income Housing Coalition (NLIHC) has included the expansion of rental assistance as one of its asks within the proposed federal Build Back Better bill, the future of which is currently uncertain.¹²⁰ Within BBB, the coalition seeks \$90 billion to expand rental assistance to a greater number of extremely low-income families nationally.¹²¹

4. Make more funds available for increased affordable housing development.

Aside from new rental assistance legislation, there are some preexisting federal programs that provide some funding for rental assistance. Through the U.S. Department of Housing and Urban Development (HUD), the Housing Choice Voucher Program Sections 8 Housing Choice Vouchers (HCV) can partially subsidize the cost of rent for very low-income families, disabled persons, and elderly persons.¹²² Alternatively, HUD's Project-Based Rental Assistance (PBRA) program assists low-, very low-, and extremely low-income households, making 50% or less than the area median income, in obtaining safe and sanitary housing.¹²³ Cities and counties may have additional funding through local initiatives. In addition to support through foundations and philanthropy, Pittsburgh was able to give renters short-term assistance through its Housing Stabilization fund.¹²⁴

118 Taylor Allen, "Aiming to 'Protect Renters', Philly Council Limits Use of Eviction Records," WHYY, June 25, 2021, <https://whyy.org/articles/aiming-to-protect-renters-philly-council-limits-landlords-use-of-eviction-records/>.

Note: The Renters Access Act prohibits landlords from denying housing based solely on eviction records; credit scores; eviction records more than four years old; or inability to pay rent or utility bills during the COVID-19 emergency period. Also, "the law requires that landlords let tenants know why they are denied and provide written rental screening criteria to prospective tenants."

119 Community Legal Services, "Report: Breaking the Record: Dismantling the Barriers Eviction Records Place on Housing Opportunities," December 1, 2020, <https://clsphila.org/housing/report-eviction-record-policy/>.

120 National Low Income Housing Coalition (NLIHC), "Priorities For The Build Back Better Act," March 15, 2021, [https://nlihc.org/sites/default/files/American_Recovery_Plan.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=02977d7893-CTA_housed_09162021&utm_medium=email&utm_term=0_e090383b5e-02977d7893293421378&ct=t\(CTA_housed_09162021\)&utm_source=NLIHC+All+Subscribers&utm_campaign=d0b2367c0a-CTA_housed_100521&utm_medium=email&utm_term=0_e090383b5e-d0b2367c0a-293430262&ct=t\(CTA_housed_100521\)](https://nlihc.org/sites/default/files/American_Recovery_Plan.pdf?utm_source=NLIHC+All+Subscribers&utm_campaign=02977d7893-CTA_housed_09162021&utm_medium=email&utm_term=0_e090383b5e-02977d7893293421378&ct=t(CTA_housed_09162021)&utm_source=NLIHC+All+Subscribers&utm_campaign=d0b2367c0a-CTA_housed_100521&utm_medium=email&utm_term=0_e090383b5e-d0b2367c0a-293430262&ct=t(CTA_housed_100521)).

121 Ibid.

122 U.S. Department of Housing & Urban Development, "Housing Choice Voucher Section 8 Program," https://www.hud.gov/topics/housing_choice_voucher_program_section_8#hcv01.

Housing vouchers can also help eligible renters receive rental assistance. Renters could apply for assistance for a future or current residence once it meets the Public Housing Agencies (PHA) guidelines. PHA subsidizes 75% of the applicants rent, and applicants must make 30% or less of the area median income.

123 U.S. Department of Housing & Urban Development, "Renewal of Section 8 Project-Based Rental Assistance," <https://www.hud.gov/hudprograms/rs8pbra>.

Project-based rental assistance provides rent-subsidized units to families who make 50% to 80% of the area median income. The applicant must pay the highest of 30% of their adjusted income amongst these three options: (1) 10% of gross income; (2) welfare assistance allocated to housing cost; or (3) minimum rent as defined by HUD, while HUD offsets the remainder of the cost of rent.

PHAs in Pennsylvania: https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_PA.pdf.

124 Urban Redevelopment Authority, <https://www.ura.org/pages/housing-stabilization-program>. "The Housing Stabilization Program provides one-time or short-term financial assistance to households who are facing a temporary non-recurring housing crisis. City of Pittsburgh renters may receive up to \$3,000 and homeowners may receive up to \$6,000 in housing assistance."

Sarah Dittoe, director of Economic Empowerment Programs at the YWCA of Greater Pittsburgh, mentioned that while subsidized housing is helpful and has potential, it should be improved and expanded to meet housing needs. She explained that housing vouchers can be difficult to use and administer. Some of the challenges include the limited number of housing vouchers available and the rules regarding rent increases when tenant income rises—in effect, a “benefit cliff” for housing vouchers that can undercut the incentive to earn more.

Alternative funding sources for sustaining renters’ assistance include the Emergency Solution Grants (ESG) and Community Development Block Grant (CDBG) from HUD’s Home Program.¹²⁵ This could allow the federal government to collaborate with states to provide funding, while also allowing for philanthropic support.¹²⁶ An additional grant that could assist Pennsylvanians with rental assistance is the Community Service Block Grant (CSBG) provided through the Health & Human Services (HHS) Administration for Children and Families. States must use these funds primarily to alleviate poverty; housing is a permitted use.¹²⁷

CONCLUSION



It is vital to assist Pennsylvanians facing housing insecurity. The need is unprecedented due to the economic and housing affordability crisis induced by the novel coronavirus. Complicated by legislative and programmatic bureaucracy, with an unprecedented number of families experiencing housing insecurity, our nation, state, and communities had to rise to the occasion—and, to a significant extent, did so.¹²⁸

The improvements in disbursement of aid from ERA 1 and ERA 2, and through Philadelphia and other local innovations to help families in need, demonstrate progress in real time to assist families who most need help.

A few months ago, many Americans and Pennsylvanians feared an evictions tsunami as the CDC eviction moratorium ended. Today, our overview of housing security in Pennsylvania makes us cautiously optimistic that our worst fears may not be realized. Our work, however, is not yet done at the state or local level.

125 Ingrid G. Ellen, Amy Ganz, and Katherine O’Regan, “A Renter Safety Net: A Call For Federal Emergency Renters Assistance,” The Aspen Institute: Economic Strategy Group, December 3, 2020, <https://www.smgov.net/departments/pcd/agendas/Planning-Commission/2020/20201209/s20201209-10Ae.pdf>.

The Emergency Solution Grants (ESG) Program is a grant provided through the U.S. Department of Housing and Urban Development. It was established through the McKinney-Vento Homeless Assistance Act and reauthorized by the Homeless Emergency Assistance and Rapid Transition to Housing (Hearth) Act of 2009. This grant can be used for the purpose of homelessness outreach, shelter operations and services, rehousing, and homelessness prevention. <https://www.hudexchange.info/programs/esg/esg-requirements/>.

Community Development Block Grant: CARES Act (CDBG- CV), Regulation 24 CFR 570.207(b)(4), permits the use of these funds to make rent payments directly to a landlord or lender on behalf of a family or individual for a period of up to three consecutive months. [https://nlihc.org/resource/hud-provides-additional-guidance-using-cdbg-cv-rental-assistance#:~:text=Existing%20CDBG%20regulations%20%5B24%20CFR.%E2%80%9D%20Therefore%2C%20the%20use%20of](https://nlihc.org/resource/hud-provides-additional-guidance-using-cdbg-cv-rental-assistance#:~:text=Existing%20CDBG%20regulations%20%5B24%20CFR.%E2%80%9D%20Therefore%2C%20the%20use%20of;); (It was extended to six months in August 2020.) <https://www.hud.gov/sites/dfiles/CPD/documents/CDBG-CV-Notice-FAQs-OBGA-082720-TOC.pdf>.

Andrew Aurand, Rebecca Yae, Daniel Threet, and Emma Foley, “NLIHC Research Note: State and Local Rental Assistance Programs: Finding Solutions for A Growing Crisis,” July 20, 2020, <https://nlihc.org/sites/default/files/State-and-Rental-Assistance-Programs.pdf>. On page 8, the report says that more than half of the surveyed local and state rental assistance programs received CARES Act funding through a Community Development Block Grant: CARES Act (CDBG-CV), the Coronavirus Relief Fund (CRF), the Emergency Solution Grants-CARES Act (ESG-CV), or a Community Service Block Grant (CSBG) and that many jurisdictions “infused new funding into an existing rental assistance infrastructure.”

126 Ingrid G. Ellen, Amy Ganz, and Katherine O’Regan, “A Renter Safety Net: A Call For Federal Emergency Renters Assistance,” The Aspen Institute: Economic Strategy Group, December 3, 2020.

127 Health & Human Services (HHS) Administration for Children and Families, “CSBG Fact Sheet,” <https://www.acf.hhs.gov/ocs/fact-sheet/csbg-fact-sheet>.

128 Vincent Reina, Claudia Aiken, Isabel Harner, Julia Verbrugge, Ingrid Gould Ellen, Tyler Hauptert, Andrew Aurand, and Rebecca Yae, “Treasury Emergency Rental Assistance Programs in 2021: Analysis of a National Survey.”

Moving forward with empathy and urgency, and embracing collaboration, accountability and continuous improvement, Pennsylvania and its counties have a chance to do more than avoid the worst—and to make progress towards long-term housing security for all.

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Gale Schwartz (Associate Director, Policy & Strategic Initiatives)

<https://housingalliancepa.org/>

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John Pollock (Coordinator)

<http://www.publicjustice.org>

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www.cbpp.org

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Matthew S. Rich (Attorney)

<http://www.midpenn.org>

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Adam Goldman (Housing Counselor)

<https://philaup.org/web/>

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Kyle Webster (General Counsel)

<https://actionhousing.org/>

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Sarah Dittoe (Director, Economic Empowerment Programs)

Rowan Connelly (ERAP Program Manager)

<https://www.ywcapgh.org/>

Make The Road PA

Patty Torres (Director of Organizing)

<https://www.maketheroadpa.org/>

Rose Hill Consulting Co.

Melissa McCleery (President)

<https://www.onrosehill.com/about>

Pittsburgh United

Jennifer Rafanan Kennedy (Executive Director)

<https://pittsburghunited.org/about/>

Brandywine Agency

John J. Katz (President)

<https://brandywinecommunities.com/about/management-service/>

Sequal Consulting

Jodi Hirsh (Co-Founder & Principal Consultant)

Kyla Rollins (Communications Associate)

<https://sequalconsulting.com/>

**Box #8.*****ERAP Requirements***

For application requirements we have included portions most pertinent to household and income eligibility. There are other components of the assessment, but these are most important.

Household eligibility requires that one or more of the individuals with the responsibility of paying rent within a household qualifies for unemployment or has “experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak,” attested to in writing. Also, the individual(s) must show risk of homelessness or housing instability by providing past due rent, utility or an eviction notice, unhealthy or safe living conditions, or risk. Lastly, the household must have a monthly annual income at 80 percent of the Area Median Income (AMI) or less.¹²⁹

Income eligibility is based on the household’s total annual income before deductions for the last year, 2020 or the monthly income of all adults in the home at the time of the application. The program collects client information, housing information and financial information to make a determination for each applicant. Client information includes a release, identification, demographic information, client certification or attestations and appeals forms. Housing information includes landlord-certification, rental or utility arrears, landlord utility information if applicable, a W9 form, eviction notice, lease, and housing expense or cost written attestation without documentation. Lastly, financial information includes income verification, tax returns (1040), written income attestations without documentation, an income calculation worksheet, and a Household Area Median Income (AMI) percent bracket determination (30, 50, and 80).¹³⁰

129 Pennsylvania Department of Human Services, “Emergency Rental Assistance Program (ERAP) Instructions And Requirements,” March 2021.

130 Ibid.

Box #9.

ERA Rental Relief Outreach Case Study

One of the biggest challenges in distributing ERA funds was creating a rental relief distribution infrastructure from scratch. Every county was tasked with giving out more direct assistance than ever before. While each county is unique, analyzing the rental distribution in Allegheny County gives insight on how rental relief with a focus on equity can help high-risk communities that don't typically gain access to social programs because they are not being serviced.

As a grantee of ERA funds, Allegheny County partnered with Action Housing as a subgrantee to distribute ERA funds. Before the pandemic, Action Housing was not involved in rental aid, but it quickly created a detailed plan to distribute rental relief. Action Housing partnered with 27 subcontractors to help with rental distribution and assistance program awareness, separating these subcontractors into four tiers (table A1). With 70% of subcontractors being minority-led nonprofits and community organizations, this outreach model has led to more equitable outcomes.

Action Housing's Approach

Action Housing approach to distributing funds was to develop a program that could get to those most in need. The group didn't have the ground game connections to know what works in every community and deferred to community partners to tell the organization what it needed to do to serve their community. Action Housing recognized that it was vital to have other organizations to 1) help people navigate the programs and 2) be at the table to tell Action where the program was failing. For example, in the majority-minority neighborhood of Homewood, a subcontractor Operation Better Block sent people to spread information in churches to reach community members and be a trusted source. Other examples of targeted outreach include Acculturation for Justice, Access, and Peace Outreach (AJAPA) servicing African immigrant populations and the Pittsburgh Hispanic Development Corporation, which works with Hispanic communities and ensured they were being serviced.

Action Housing Partner Framework (Table A1)

Partner Tier	Payment Model
<i>Primary Subcontractors</i> The Urban League and the YWCA	Reimbursement model based on staff time and agreed upon expenses and actual successes
<i>Ground Game</i> To connect with the community e.g., Operation Better Block, Hill District Consensus Group, etc.	Monthly stipends based on the organization's capacity and referral agreement (between \$2,000 and \$4,000 a month)
<i>Drop-In Centers</i> Community centers & paid trainings e.g., Kingsley Association	Referral-Based (volume capacity) Open at least 35 hours per week (\$5,000 a month)
<i>Targeted Outreach</i> Local grassroots organizing groups e.g., Pittsburgh United	Negotiated contract (paid in a flat sum)

Leveraging Partners

The two primary partners, the Urban League and the YWCA, were instrumental to Action Housing's outreach plan. With 97% of applications submitted incomplete, the YWCA conducted outreach to ensure applications had all necessary documentation. The YWCA reached out to tenants by phone or email and walked them through the application to rectify any issues or missing documentation. This process required contacting people repeatedly—sometimes, as much as up to 15 times—and not being limited by a set number of attempts.

This expansive outreach plan also required additional staffing with the YWCA bringing on 14 new employees to assist in outreach. The stipend model was not utilized prior to Action Housing ERA's model in Allegheny County—sharing the wealth gave capacity to smaller organizations that normally would not have been able to be a participating partner. Subcontractors were paid only with ERA funds, using the 10% of ERA funds allowed for administration.

Results and Lessons Learned

One of the benefits of creating new rental relief infrastructure is that a lot of counties now have an efficient and rapid system to get rental relief money out quickly. Action Housing was able to ramp up and give out \$12 million per month and \$75 million total in less than 10 months. While Allegheny County is 80% white, 13% Black, and 2% Hispanic, an identical 61% of the county's households who applied for and received rental aid had a person of color as head of household. There is still room for improvement, however, as more than 12,000 household applicants have not received a payment. While other counties have spent funds faster, Allegheny County has distributed all of its ERA 1 funds compared to the 43% of ERA 1 funds distributed in Pennsylvania as a whole.¹³¹ By utilizing an equitable approach, Action Housing was able to distribute funds quickly and equitably.

131 Allegheny County Department of Human Services, COVID-19 Emergency Rental Assistance Program: Interactive Dashboard, June 23, 2021, <https://www.alleghenycountyanalytics.us/index.php/2021/06/23/allegheny-county-covid-19-emergency-rental-assistance-program-dashboard/>; National Low Income Housing Coalition, Treasury Emergency Rental Assistance (ERA) Dashboard, <https://nlihc.org/era-dashboard>.