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## *Audit Memorandum*

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SUBJECT: Opportunities Exist To Improve HUD's Communication to Renters About  
Eviction Protections

### **INTRODUCTION AND HIGHLIGHTS**

As part of the Office of Inspector General's effort to provide oversight of the U.S. Department of Housing and Urban Development's (HUD) relief efforts provided by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), we reviewed HUD's communication to renters regarding the eviction moratorium found in Section 4024. The objective of our review was to highlight the progress HUD has made and identify areas for improvement.

The Section 4024 eviction moratorium protects millions of households residing in properties that participate in certain housing programs or have federally backed mortgage loans. These households include renters connected to HUD's public housing and rental assistance programs as well as those who rent in Federal Housing Administration (FHA)-insured single-family homes, FHA-insured multifamily properties, and other properties related to HUD programs.

We found that HUD provided critical information to many of these renters through its website and published guidance. It created a web page specifically targeted to renters, helped create a joint website with other agencies to provide information to the public, published tenant flyers and brochures for some of its programs, and added a new search tool to its website for renters in multifamily properties. However, we identified several aspects of HUD's communication to renters on its website and published guidance that could be strengthened. For example, (1) guidance for renters can be difficult to locate, does not cover all impacted renters, and does

not consistently provide key information; (2) search tools and other information on its website do not help all impacted renters determine whether they are protected; and (3) HUD's website and published guidance do not consistently inform renters about additional eviction protections available. Further, we identified areas of the joint website that could be improved to ensure that all impacted renters have access to clear and complete information.

While the Section 4024 eviction moratorium expired on July 24, 2020, it is still crucial that HUD have clear, complete, and accessible guidance available to help renters at a time when their health and financial stability may be at risk. We urge HUD to quickly address the concerns identified by strengthening its website and guidance as well as the joint website. For example, impacted renters still need to know about the requirements surrounding the Section 4024 eviction moratorium in case landlords improperly sought to evict them or charged them fees or penalties related to nonpayment of rent. They also need to know where to look for relevant information about other protections provided by the CARES Act, Centers for Disease Prevention and Control (CDC), States, and local governments, as well as any added by future legislation; what to do if they are being evicted; and about other relief options that may be available, such as rent adjustments and repayment plans.

If HUD maintains up-to-date and easily accessible information for all impacted renters, including information on any new renter protections, it would help to ensure that renters know their rights, maintain housing stability through the pandemic, and avoid homelessness.

## **BACKGROUND AND METHODOLOGY**

On March 27, 2020, the President signed the CARES Act into law to provide economic relief to individuals and businesses impacted by the COVID-19 pandemic. One type of relief provided was protection from eviction for renters.

Section 4024 of the CARES Act established a 120-day eviction moratorium period for renters of covered properties. During this time, "the lessor of a covered dwelling may not (1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges or (2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent." While the 120-day period expired on July 24, 2020, and lessors may now issue notices to vacate to tenants, they may not require tenants to vacate until 30 days after such notice is provided.

These protections extend to renters in any property that participates in a covered housing program as defined in Section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. (United States Code) 12491(a)) or the rural housing voucher program under Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) or has a federally backed mortgage loan or multifamily mortgage loan. Using information provided by HUD and data obtained from its website and systems, we determined that the eviction moratorium protects millions of households residing in properties and units connected to a variety of HUD programs, including but not limited to those discussed in the table below. Note that HUD does not normally have a regulatory relationship with some of the impacted renters, such as those who rent properties insured under the Native American loan guarantee and FHA-insured single-family mortgage programs.

Program area		Who is protected	Impact <sup>1</sup>
Public and Indian Housing	Public housing	Renters residing in subsidized public housing units administered by public housing agencies (PHA).	900,000 households
	Voucher programs	Renters that receive rental assistance through voucher programs administered by PHAs, such as the Housing Choice Voucher Program (HCV) and Project-Based Voucher Program.	2.3 million households
	Other PHA-administered programs	Renters residing in subsidized or rental-assisted housing under other programs administered by PHAs, such as the Section 8 Moderate Rehabilitation Program (Mod Rehab).	25,000 households
	Native American loan guarantee programs	Renters of homes that have loans through the Section 184 Indian Housing Loan Guarantee Program, Section 184A Native Hawaiian Loan Guarantee Program, and Title VI Tribal Housing Activities Loan Guarantee Program.	See footnote <sup>2</sup>
Multifamily Housing	FHA-insured multifamily mortgage programs	Renters of units in properties designed for five or more families that have FHA-insured mortgages, such as those available through Section 213 mortgage insurance for cooperative housing and Section 231 mortgage insurance for rental housing for the elderly. Some of these units are also part of the multifamily housing rental assistance programs discussed below.	1.4 million households <sup>3</sup>
	Multifamily housing rental assistance programs	Renters of units in properties that receive project-based rental assistance through various programs, such as Section 8 Project-Based Rental Assistance, Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for Persons With Disabilities.	1.3 million households
Single-family Housing	FHA-insured single-family mortgage programs	Renters of units in one- to four-unit homes that have FHA-insured mortgages, such as those available through Section 203(b) mortgage insurance for one- to four-family homes, Section 203(k) rehabilitation loan mortgage insurance, and Section 255 home equity conversion mortgages.	See footnote <sup>4</sup>
Community Planning and Development	Programs providing loans to renters	Renters in certain properties that (1) have a Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP), or CDBG Disaster Recovery-assisted loan that is in repayment or a period of affordability, including loans made with Section 108, and (2) are secured by a first or subordinate lien on residential real property. Note that projects that received temporary financing, such as a construction loan, are not covered.	See footnote <sup>5</sup>
	Programs providing housing assistance to renters	Renters that receive housing assistance through the Housing Opportunities for Persons with AIDS (HOPWA), Emergency Solutions Grant (ESG), Continuum of Care (CoC), and Home Investment Partnerships (HOME) programs.	See footnote <sup>6</sup>

<sup>1</sup> For programs for which HUD had household-level data, such as those administered by PHAs and multifamily projects, we based impact on units occupied by households and did not include vacant units or unused vouchers.

<sup>2</sup> More than 45,000 loans have been guaranteed under these programs. While some of the loans require ongoing owner occupancy, HUD does not track how many of these properties are occupied by renters.

<sup>3</sup> There are approximately 11,500 impacted FHA-insured multifamily properties with more than 1.4 million units, which could each be rented by a household. HUD does not maintain data on these units unless they are part of its rental assistance programs.

<sup>4</sup> There are more than 8.5 million properties with FHA-insured single-family mortgages, including more than 187,000 that have two to four units. FHA-insured properties with one unit are generally occupied by homeowners, including those with Section 255 loans, which require ongoing owner occupancy. While some insured properties become occupied by renters over time, HUD does not track how many of these properties are occupied by renters.

<sup>5</sup> HUD data do not contain details on how many households have received such loans.

<sup>6</sup> Due to limitations in data available, we do not know how many renters connected to these programs are impacted. However, hundreds of thousands of people receive services through HOPWA, ESG, and CoC each year. Further, more than 9,600 rental projects with 190,000 units are under HOME program compliance agreements.

This memorandum focuses on HUD’s communication to these renters. In response to the pandemic, HUD created a centralized page<sup>7</sup> on its website with COVID-19 guidance for stakeholders, which linked to a specific resources page<sup>8</sup> targeted toward renters. Further, a joint website<sup>9</sup> was created by HUD, the Consumer Financial Protection Bureau (CFPB), and the Federal Housing Finance Agency (FHFA) to consolidate housing guidance about the CARES Act. It also included a page<sup>10</sup> targeted toward renters.

To conduct our research, we reviewed both HUD’s website and the joint website. We also reviewed HUD’s response to our request for (1) a list of HUD programs relevant to the eviction moratorium, (2) copies of any communication HUD has issued for renters related to the eviction moratorium, (3) information on any additional communication HUD plans to issue to renters about the eviction moratorium, and (4) information on any changes HUD plans to make to its website or to the joint website in relation to the eviction moratorium. We conducted our research from May 19 through July 24, 2020, and included all guidance identified during this period. We also included up-to-date information about eviction protections through September 4, 2020.

To estimate how many renters were impacted related to HUD’s programs, we reviewed information provided by HUD and obtained from its website and systems. For Office of Community Planning and Development (CPD) programs and Native American loan guarantee programs, we used data from HUD’s 2020 congressional justifications. For all other Office of Public and Indian Housing (PIH) programs, we used data from HUD’s PIH Information Center. For FHA-insured single-family mortgage programs, we used data from HUD’s Single Family Data Warehouse and Neighborhood Watch system. For multifamily housing rental assistance programs, we used data from HUD’s Tenant Rental Assistance Certification System. For FHA-insured multifamily mortgage programs, we used data from HUD’s Integrated Real Estate Management System and information provided by HUD. While we did not perform tests on the reliability of the data, we concluded that the data were sufficient for our purpose of estimating the impact of the protections.

To understand how renters could find out whether they were protected under the moratorium, we reviewed two search tools linked on HUD’s specific resources page for renters – one for FHA-insured multifamily properties<sup>11</sup> and one for assisted multifamily properties.<sup>12</sup> We also reviewed the multifamily housing property search tool<sup>13</sup> added to HUD’s website in June 2020 and the National Low-Income Housing Coalition’s (NLIHC) search tool<sup>14</sup> for multifamily properties subject to Federal eviction moratoriums, which is referenced on the joint website. To assess the completeness of information available using HUD’s new multifamily housing property search tool and the NLIHC tool, we searched addresses of 100 multifamily properties<sup>15</sup> related to HUD programs.

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<sup>7</sup> <https://www.hud.gov/coronavirus>

<sup>8</sup> <https://www.hud.gov/coronavirus/renters>

<sup>9</sup> <https://www.cfpb.gov/housing> or <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/>

<sup>10</sup> <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/>

<sup>11</sup> <https://hudgis-hud.opendata.arcgis.com/datasets/hud-insured-multifamily-properties>

<sup>12</sup> <https://hudgis-hud.opendata.arcgis.com/datasets/multifamily-properties-assisted>

<sup>13</sup> [https://www.hud.gov/program\\_offices/housing/mfh/hsgrent/mfhpropertysearch](https://www.hud.gov/program_offices/housing/mfh/hsgrent/mfhpropertysearch)

<sup>14</sup> <https://nlihc.org/federal-moratoriums>

<sup>15</sup> We selected 100 properties from the assisted and FHA-insured multifamily property data on HUD’s website, which contained 22,470 and 15,756 records, respectively, as of May 6, 2020. Using the Galvanize software, we

We conducted the review in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objective(s). We believe that the evidence obtained provides a reasonable basis for our conclusions based on our objective.

In planning and performing our review, our objective was to highlight the progress HUD has made communicating to renters and identify areas for improvement. Our objective was not to provide assurance of HUD's internal controls over communication to renters about the eviction moratorium. Therefore, we did not assess HUD's controls or express an opinion on them. Further, note that while the CARES Act did not provide a specific standard for communication to renters, we reviewed and compared the various communication on HUD's website, published guidance, and the joint website to identify areas for improvement.

HUD did not provide formal written comments for inclusion in the final memorandum.

## **RESULTS OF RESEARCH**

HUD provided critical information to many of the renters protected by the Section 4024 eviction moratorium through its website and published guidance. However, we identified several aspects of HUD's communication to renters that could be strengthened on its website and published guidance as well as on the joint website it shares with the CFPB and FHFA.

### **HUD Has Worked To Provide Guidance to Renters**

HUD took the following action to provide information to renters following the passage of the CARES Act:

- ✓ Created a page<sup>16</sup> on its coronavirus website specifically targeted to renters.
- ✓ Helped create a joint website with the CFPB and FHFA to provide the public with CARES Act information about housing.
- ✓ Published flyers and brochures for renters related to some of its programs.
  - PIH flyer for public housing, HCV, and Mod Rehab, entitled "Addressing Tenant Concerns Regarding Rent and Temporary Suspension of Evictions for Nonpayment of Rent"
  - PIH brochure for public housing and HCV, entitled "Information and Resources for Tenants during COVID-19"
  - PIH Office of Native American Programs (ONAP) flyer for Native American loan guarantee programs, entitled "Temporary Suspension of Evictions for Nonpayment of Rent and Tenant Concerns"
  - Multifamily housing brochure, entitled "Addressing Tenant Concerns During the COVID-19 National Emergency"
  - CPD flyer for ESG and CoC, entitled "Attention: Continuum of Care and Emergency Solutions Grants Program Participants"

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selected a random sample of 50 properties from each data set. While this method did not allow us to project the results to the populations, it allowed us to assess the completeness of information available through the tools.

<sup>16</sup> <https://www.hud.gov/coronavirus/renters>

- CPD flyer for HOME, entitled “Attention: Tenants of HOME-Assisted Properties - Temporary Moratorium on Evictions”
- CPD flyer for HOPWA, entitled “Attention: Participants in the {Insert Rental Assistance Program Name}<sup>17</sup> - Temporary Moratorium on Evictions”
- ✓ Added a new search tool on its website for properties connected to its multifamily housing programs.
- ✓ Posted information about the moratorium on the Facebook newsfeed section of its website, such as a June 3, 2020, video that refers renters to the joint website. HUD also included this information on its Facebook page.

At the beginning of our research, HUD indicated that it planned to continue issuing and updating various communications to help ensure an understanding of the eviction moratorium. Consistent with that statement, HUD took several actions while we performed our research, such as making website updates; releasing the new search tool; and publishing the Eviction Prevention and Stability Toolkit, which was released on July 8, 2020, and included the PIH brochure discussed above. HUD has also provided guidance<sup>18</sup> to a variety of other key stakeholders, such as PHAs, multifamily properties, lenders, Tribes, and grantees, related to the eviction moratorium.

### **HUD Could Improve Its Website and Published Guidance**

The sections below summarize the aspects of HUD’s communication on its website and published guidance that could be strengthened. While the CARES Act did not provide a specific standard for communication to renters, we reviewed and compared the various communication HUD provided to identify areas for improvement. If HUD makes improvements to address these issues, it would help to ensure that renters can more easily find clear, complete, and consistent information during the ongoing COVID-19 pandemic.

#### *Guidance Can Be Difficult To Locate and Does Not Cover All Impacted Renters*

Guidance for renters impacted by the Section 4024 eviction moratorium can be difficult to find on HUD’s website for coronavirus and does not cover all impacted renters. Specifically,

- HUD’s specific resources page for renters does not contain information for all impacted renters and is difficult to follow. When citing the CARES Act, it mentions only renters in multifamily properties that have FHA-insured mortgages or participate in its multifamily housing rental assistance programs. However, despite this information and the page’s general focus on multifamily programs, it does not contain links to the multifamily housing tenant brochure listed on page 5 or its new search tool. Further, while the page refers to PHAs twice and contains a link to PIH’s new Eviction Prevention and Stability Toolkit, which includes the PIH brochure for renters in the public housing and HCV programs, it does not otherwise discuss these renters. Lastly, the page does not include guidance for the millions of other renters residing in properties connected to programs shown in the chart on page 3.
- The published flyers and brochures discussed on page 5 are difficult to find on HUD’s website. Only the PIH brochure could be found through the specific resources page for

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<sup>17</sup> The tenant flyer for HOPWA participants is designed to be personalized by grantees and project sponsors.

<sup>18</sup> HUD’s communication to stakeholders included but was not limited to mortgagee letters, dear lender letters, program notices, question and answer documents, and the other Eviction and Prevention and Stability Toolkit sections. HUD PIH indicated that it also hosted webinars where it discussed the moratorium.

renters. The other published flyers and brochure could not be found from the specific resources page for renters and were often buried several pages deep from HUD’s main coronavirus website home page. Renters searching for answers would sometimes need to scroll through detailed pages and click on things that were not specifically directed toward them, such as (1) the specific resources pages for PHAs and CPD grantees and Native Americans, (2) a “COVID-19 Resources from HUD Program Offices” link toward the bottom of the main coronavirus web page, and (3) a link for “Office of Multifamily Housing Programs Stakeholders.” It would not be intuitive for renters to click on links specifically targeted to the PHAs and property owners that they rent from when there is already a page that says it is dedicated to renters, and they may not know that HUD considers them to be stakeholders.

- HUD has not published guidance for renters of (1) properties connected to certain CPD programs, such as CDBG, NSP, and the CDBG Disaster Recovery program; or (2) properties that have FHA-insured single-family mortgages for one- to four-unit homes.<sup>19</sup> While HUD does not normally have a regulatory relationship with impacted renters who rent FHA-insured single-family properties, it could still acknowledge that these renters are covered by the moratorium on its page for renters or in published guidance.

*Published Guidance Does Not Consistently Provide Key Information*

The tenant brochures and flyers published each provide details about the 120-day protections available and what to do if you cannot pay rent or have lost income. However, as shown in the table and bullets below, they do not consistently cover key topics and do not always provide the same level of information when topics are covered. While the information would vary by program, each of these topics provide valuable information to renters.

Guidance topic covered	Multifamily programs brochure	PIH flyer <sup>20</sup>	PIH brochure	PIH ONAP flyer	CoC and ESG flyer	HOME flyer	HOPWA flyer
Details about the 120-day period of eviction protection	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Exceptions to the eviction moratorium	Yes	Yes	No	Yes	Yes	Yes	Yes
Details about the 30-day notice to vacate period	Yes	No	Yes	Yes	Yes	Yes	Yes
How to determine whether you are protected <sup>21</sup>	No	No	No	Yes	Yes	No	No
A disclaimer that rent is still due and accruing	Yes	Yes	Yes	Yes	Yes	Yes	Yes
What to do if you cannot pay rent or have lost income	Yes	Yes	Yes	Yes	Yes	Yes	Yes
What to do if you are being evicted	No	Yes	Yes	Yes	Yes	No	Yes
What to do if you have questions	No	No	Yes	No	No	No	No

<sup>19</sup> While HUD indicated that it had made information about the eviction moratorium public through mortgagee letters to lenders, these documents are not targeted toward renters or easy for them to locate.

<sup>20</sup> HUD stated that the April 2020 PIH flyer was published to notify renters of their rights whereas the July 2020 PIH brochure was published to prepare them for the expiration. It further noted that the information about exceptions was more relevant to its April 2020 flyer and that the notice to vacate period details were more relevant to the July 2020 brochure because the end of the eviction moratorium was approaching. However, we believe the information was relevant at both points in time.

<sup>21</sup> While most of the flyers and brochures indicate which specific programs they cover, some do not say how renters who are uncertain whether they are connected to the programs can determine whether they are protected, such as by asking their PHA or landlord.



Below are examples of when guidance does not provide the same level of information.

- The flyers and brochure that mention what to do if you are being evicted provide inconsistent levels of information. The flyer for CoC and ESG participants says to contact your case manager, who may be able to connect you with a mediator or attorney, and that you may inform the landlord if the eviction notice violates Section 4024. In contrast, the HOPWA flyer says only to contact your case manager, the PIH ONAP flyer says to contact your local HUD ONAP, and the PIH brochure and flyer say that renters should contact local legal aid organizations, social services agencies, or PHAs. Further, the latter specifically states that HUD does not intervene or participate in eviction proceedings.
- While nearly all of the guidance warns renters that evictions that started before the CARES Act was passed may proceed, they provide varied levels of detail about other exceptions to the eviction moratorium. For example, the multifamily brochure says only that tenants may be evicted for reasons other than nonpayment, and the HOPWA flyer mentions only that lease violations other than nonpayment are a cause for eviction. In contrast, the flyer for CoC and ESG specifies that tenants may be evicted for criminal activity or other lease violations as long as the landlord complies with applicable program requirements, such as the Violence Against Women Act, and State and local law. Lastly, the PIH flyer says that tenants can still be evicted for drug abuse, criminal activity, lease violations, fraud, repeated minor violations, and other good causes. While the various programs may have different requirements, it could be helpful for all impacted renters to have access to clear information about these exceptions.

Further, most of the issued guidance does not say what renters should do if they have questions or provide links to additional eviction moratorium information on HUD's website or the joint website. Lastly, only the brochure for multifamily properties contains a link to copies of the document translated into other languages, and the PIH and HOPWA flyers are the only other published guidance for which we could locate translated versions during our research period.

#### *Search Tools and Other Information on HUD's Website Do Not Help All Impacted Renters Determine Whether They Are Protected*

HUD's website does not provide a mechanism or information to help ensure that all impacted renters can find out whether they are protected, and we had difficulty locating and using the existing search tools.

The only properties for which HUD provides search tools are those connected to its multifamily housing programs, specifically those multifamily properties that have FHA-insured mortgages or receive assistance under multifamily housing rental assistance programs. While HUD has three tools for these properties, we identified several concerns with them and had difficulty locating the newest tool.

- The page on HUD's coronavirus website targeted to renters contains two links to search tools<sup>22</sup> where renters can determine whether the property they are in is multifamily assisted or FHA insured. However, the pages are difficult to follow and do not contain

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<sup>22</sup> See <https://hudgis-hud.opendata.arcgis.com/datasets/hud-insured-multifamily-properties> and <https://hudgis-hud.opendata.arcgis.com/datasets/multifamily-properties-assisted>.



instructions. While we could locate properties using the plotted map feature, by downloading spreadsheets with the information, or using property names or address filters in the data tab, these methods were not intuitive to use without instructions.

- While HUD launched a new multifamily housing property search tool<sup>23</sup> in June 2020 that is significantly easier to use than the two older search tools, the new search tool cannot be found on HUD's coronavirus website and did not locate all of the properties sampled. Of the 100 multifamily properties sampled, we were able to locate all 50 of the properties selected for receiving rental assistance and 44 of the properties selected for having FHA-insured mortgages, although some of these properties could be located only by using address or name variations or through the rental assistance side of the search tool, despite being FHA insured. We were unable to locate the remaining six properties.

If HUD intends to only have renters use the new search tool, it should remove links to the older tools from its coronavirus web page for renters, add a link to the new search tool so that it is readily available, and ensure that the new tool covers all impacted properties connected to its multifamily housing programs.

Further, HUD does not consistently provide information to help renters of properties connected to other programs determine whether they are protected under Section 4024. For example, the flyer for CoC and ESG participants advises them to contact their case manager and the PIH ONAP flyer advises renters to contact their Tribe, Tribally Designated Housing Entity, or property manager to determine whether the eviction moratorium applies to them. In contrast, HUD does not provide any information to help renters determine whether the property they are renting has an FHA-insured single-family mortgage or is connected to other impacted CPD programs, such as advising them to ask their landlords.

#### *HUD Has Not Consistently Informed Renters About Additional Eviction Protections Available*

Certain renters covered by the Section 4024 eviction moratorium may be protected from eviction for a longer period. However, we found that HUD's website and published guidance do not all discuss the additional protections.

- Section 4022 of the CARES Act provides a 60-day foreclosure and eviction moratorium for one- to four-unit single-family properties with federally backed mortgages. While this date has passed, HUD has issued mortgagee letters<sup>24</sup> and dear lender letters<sup>25</sup> extending the eviction protection from lenders through December 31, 2020, for single-family properties insured by its programs. These extensions provide renters additional protection from eviction by lenders<sup>26</sup> of homes insured under its single-family mortgage insurance and Native American loan guarantee programs.
- Section 4023 of the CARES Act provides landlords the right to temporary relief from making mortgage payments if they have federally backed mortgages. It also provides

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<sup>23</sup> [https://www.hud.gov/program\\_offices/housing/mfh/hsgrent/mfhpropertysearch](https://www.hud.gov/program_offices/housing/mfh/hsgrent/mfhpropertysearch)

<sup>24</sup> ML-2020-04, dated March 18, 2020, ML-2020-13, dated May 14, 2020, ML-2020-19, dated June 17, 2020, ML-2020-22, dated July 8, 2020, and ML-2020-27, dated August 27, 2020

<sup>25</sup> DLL-2020-04, dated March 20, 2020, DLL-2020-06, dated May 19, 2020, DLL-2020-08, dated June 29, 2020, and DLL-2020-10, dated August 28, 2020

<sup>26</sup> Section 4022 protects from evictions by lenders and would not impact evictions initiated by the homeowners.

eviction protection for renters of those properties during the period of mortgage relief. This protection would impact renters of properties with mortgages under FHA-insured multifamily mortgage programs. While HUD did not discuss this eviction moratorium in its multifamily brochure for renters or on its specific resources page for renters, it (1) issued a housing notice<sup>27</sup> that required owners to inform their renters of the protections; (2) updated a questions and answers document for stakeholders, which has two relevant questions; and (3) planned to update its search tool to notate properties impacted.

- Various State and local governments are providing eviction protections that extended beyond July 24, 2020. With the exception of the new PIH brochure, HUD’s website and published guidance do not inform renters that such protections may be available for a longer period.

Most recently, the CDC issued a temporary halt in residential evictions through December 31, 2020, to prevent the further spread of COVID-19. In order to qualify, renters must provide a certification that includes criteria related to the impact of eviction, income level, inability to pay rent for certain reasons, and using best efforts to obtain government assistance and make partial rent payments. Similar to how the PIH brochure mentions State and local protections, HUD’s website and published guidance could acknowledge the newest eviction protection because it’s important that renters understand the differences between the various moratoriums and how to qualify for eviction protection.

### **HUD Could Help Improve the Joint Website**

In May 2020, the CFPB, FHFA, and HUD launched a joint website to ensure that homeowners and renters have the most up-to-date and accurate housing assistance information during the pandemic. The joint website has a page<sup>28</sup> for renters that covers programs of several Federal agencies, including HUD, the U.S. Department of Veterans Affairs, and the U.S. Department of Agriculture. While the page about renter protections could help renters of properties connected to HUD programs, we identified areas that could be improved to ensure that all impacted renters have access to clear and complete information.

The “Find out if you’re protected” section of the renter protection page identifies three protected renter categories: (1) those who receive Federal rental assistance from a voucher or grant program, (2) those who receive or whose landlord receives assistance through federally subsidized housing programs, and (3) those whose rental home or apartment has a federally backed mortgage. For each category, it provides a list of programs or mortgage types that it includes. It then provides information to help renters find out whether they are covered by the eviction moratorium based on the type of rental assistance they receive, the type of housing they are in, or the type of mortgage the housing has.

While the “Find out if you’re protected” section is organized and helpful, we identified the following items related to HUD programs that it could help improve:

- The lists of who is covered do not clearly cover all impacted HUD programs, particularly CPD grant programs other than HOPWA.

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<sup>27</sup> Notice H 20-07, dated July 1, 2020

<sup>28</sup> <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/>

- In the first two categories, the phone number listed for HUD is for the PIH Customer Service Center, which covers only renters connected to PIH programs. The website does not explain that the number is not for those connected to other programs.
- While the first category includes a link to HUD’s newest multifamily housing search tool, this search tool is more relevant to the second and third categories of renters.
- While the NLIHC search tool linked in each category worked for the majority of multifamily properties sampled,<sup>29</sup> HUD should consider reviewing it to ensure that the information covers all impacted properties connected to multifamily housing programs.
- While the section provides various search tools so landlords can determine whether the one- to four-unit single-family home they rent out has a federally backed mortgage, these tools do not cover those guaranteed by FHA-insured mortgages and through Native American loan guarantee programs. The section does not say how renters can determine whether they are in a home with a mortgage guaranteed under these programs, such as asking their landlord.
- While the section contains links to frequently asked questions for public housing tenants and those in covered multifamily properties, it does not provide similar information for other covered programs and properties related to HUD programs.
- While the section contains a link to the 10-page brochure for tenants of multifamily properties who receive rental assistance through HUD’s multifamily programs or have FHA-insured mortgages, it does not contain links to the other flyers HUD has released.
- While the section explains that renters in multifamily housing where the landlord is receiving mortgage help may be protected from eviction for a longer period, it does not mention that renters in one- to four-unit single-family properties may also receive additional protections from eviction by lenders under Section 4022.

In addition to the concerns above, we noted that links to financial hardship information below the “What to check next” section did not work. Further, HUD could work to ensure that the program-specific information in the “Where to get additional help” section is clear and consistent with information on its website. While the joint website talks about housing counselors related to HUD’s FHA-insured single-family mortgage programs, HUD’s web page for renters talks about housing counselors available to renters of assisted or insured multifamily properties. Finally, we noted that the joint website renter protection page does not contain a link to the renter page found on HUD’s coronavirus web page.

## **CONCLUSION**

While HUD has worked to provide critical information to renters, we found several aspects of its communication that could be strengthened. For example, (1) guidance for renters can be difficult to locate, does not cover all impacted renters, and does not consistently provide key information; (2) search tools and other information on its website do not help all impacted renters determine whether they are protected; and (3) HUD’s website and published guidance do not consistently

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<sup>29</sup> Of the 100 HUD-assisted or FHA-insured multifamily properties searched, we were able to locate all but 1 of the assisted and 7 of the insured properties using the NLIHC search tool. The tool allowed us to search by zip code or city, then review the list to identify the sampled properties.

inform renters about additional eviction protections available. Further, we identified areas of the joint website that could be improved to ensure that all impacted renters have access to clear and complete information.

We urge HUD to work to quickly update its website and guidance as well as the joint website to ensure that renters know their rights and mitigate the risk of improper evictions. This includes but is not limited to ensuring that the following information is available for all renters of covered dwellings related to its programs when applicable:

- details about the 120-day eviction moratorium and 30-day notice to vacate period
- information about exceptions to the moratorium
- how renters can determine whether they are protected
- what renters should do if they cannot pay rent or have lost income
- what renters should do if they are being evicted
- where renters can find answers to questions
- where renters can find guidance in additional languages
- details about additional eviction protections that may apply to them

While the Section 4024 eviction moratorium expired on July 24, 2020, it is still crucial that HUD have clear, complete, and accessible guidance available to help renters at a time when their health and financial stability may be at risk. For example, impacted renters need to know about the requirements surrounding the Section 4024 eviction moratorium in case landlords improperly sought to evict them or charged them fees or penalties related to nonpayment of rent. They also need to know where to look for relevant information about other protections provided by the CARES Act, CDC, States, and local governments, as well as any added by future legislation; what to do if they are being evicted; and about other relief options that may be available, such as rent adjustments and repayment plans.

If HUD maintains up-to-date and easily accessible information for all impacted renters, including information on any new renter protections, it would help to ensure that renters know their rights, maintain housing stability through the pandemic, and avoid homelessness.

We will continue to communicate with HUD regarding the eviction protections and plan to perform additional work related to the CARES Act provisions that impact renters.