

November 8, 2021

**ATTORNEY GENERAL RAOUL CALLS ON FEDERAL GOVERNMENT TO PROTECT VULNERABLE
TENANTS FROM EVICTIONS**

Raoul Urges HUD to Expand Protections for Tenants Seeking Emergency Rental Assistance

Chicago — In response to the housing crisis exacerbated by the COVID-19 pandemic, Attorney General Raoul, as part of a coalition of 18 attorneys general, today submitted a comment letter to the U.S. Department of Housing and Urban Development (HUD) supporting the expansion of an interim final rule that requires the landlords of public and project-based Section 8 housing to provide a 30-day pre-termination notice before bringing any eviction proceeding against tenants who owe rent. The rule gives tenants facing eviction for not paying rent the opportunity to secure funds through the Emergency Rental Assistance Program (ERAP), and expands the notice requirements to all future presidentially declared emergencies.

ERAP funds were given to states to help tenants who fell behind in rent as a result of the pandemic. Raoul and the coalition are urging HUD to take further actions to help tenants of public housing and project-based Section 8 housing by halting all evictions when an ERAP application is pending, require that HUD-supervised landlords seek only monetary and not possessory judgments against tenants who file ERAP or other federal emergency rent assistance applications, and eliminate late-payment fees during all presidentially-declared national emergencies.

“A pandemic or similar national emergency is not the time to force people out of their homes, and tenants have a right to know whether they could qualify for federal assistance before eviction proceedings begin,” Raoul said. “I urge HUD to implement this rule to ensure that tenants are aware of and have the opportunity to apply for assistance during a national crisis.”

HUD’s rule provides new protections for vulnerable tenants across the country who live in public housing and project-based Section 8 housing, which HUD regulates. Because of the rule, tenants experiencing financial hardship due to the pandemic and any future national emergencies will get a longer period of time to learn about and apply for ERAP assistance before facing a non-payment eviction by their landlord. The rule also requires these landlords give a 30-day notice for non-payment evictions, which extends the length of time that tenants can seek federal financial assistance by more than two weeks before facing an eviction proceeding.

Due to the slow pace at which federal emergency funds are reaching tenants in states without eviction moratoriums in place, Raoul and the coalition believe that additional protections for tenants are needed, including an automatic stay of landlords filing new non-payment cases when a tenant’s emergency rent assistance application is pending. Raoul and the attorneys general argue that tenants need more than 30 days to learn about their eligibility for federal emergency rent assistance, apply to the program by providing all of the required documentation, and receive a decision from the state or locality distributing funds – before facing potential eviction. Raoul and the coalition also contend that the rule should be expanded to limit public housing and project-based Section 8 landlords, during presidentially-declared emergencies, to collecting rent debts as money, not possessory judgments, and prohibiting them from charging late fees to tenants.

Joining Raoul in submitting [the comment letter](#) are the attorneys general of California, Colorado, Connecticut, the District of Columbia, Delaware, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington.