

United States Senate

WASHINGTON, DC 20510

July 20, 2020

The Honorable Benjamin S. Carson, Sr.
U.S. Department of Housing and Urban Development
451 Seventh Street S.W.
Washington, D.C. 20410

The Honorable Sonny Perdue
U.S. Department of Agriculture
1400 Independence Avenue N.W.
Washington, D.C. 20250

The Honorable Mark S. Calabria
Federal Housing Finance Agency
400 7th Street S.W.
Washington, D.C. 20024

Dear Secretary Carson, Secretary Perdue, and Director Calabria:

As the nation continues to grapple with the health and economic consequences of the coronavirus, it has become abundantly clear that millions of Americans have not been able to keep up with their monthly rent or mortgage payments due to unexpected hardships and loss of income. An estimated 32 percent of renters were unable to make their full housing payment this month. Given this reality, we are deeply concerned by reports that, despite a temporary federal ban on evictions to protect renters in federally-assisted properties, some tenants have been unlawfully evicted from their homes during the pandemic.

As you know, the CARES Act created temporary protections from eviction for millions of tenants who live in properties with federally-backed mortgages or that receive certain types of federal housing assistance. During a time when having a roof over your head is essential for Americans' abilities to stay safe and healthy, Congress insisted that these safeguards be put in place to help those at risk of losing their housing in the midst of the public health and economic crises. These protections, as well as all tenant protections available under federal, state, and local law, must be honored and enforced.

As was highlighted during a recent oversight hearing by the Senate Committee on Banking, Housing and Urban Affairs with federal housing regulators, there have been reports that, since April, communities in several states have allowed landlords to move forward with eviction proceedings, despite the mandated temporary protections for renters established under the CARES Act.¹ Additionally, some jurisdictions have now reportedly moved to conducting eviction hearings remotely, including through video conference software. These remote proceedings, and the fact that most renters lack legal representation in eviction court, may mean that their rights under the CARES Act are not being identified and enforced.

¹ *Despite Federal Ban, Landlords Are Still Moving to Evict People During the Pandemic*. ProPublica, April 16, 2020, available at <https://www.propublica.org/article/despite-federal-ban-landlords-are-still-moving-to-evict-people-during-the-pandemic>

During this pandemic, when it is dangerous for individuals to even be required to appear in a court room, it is troubling that some renters have been unlawfully removed from their homes in violation of the clear protections of the CARES Act. As evictions continue to rise, more must be done to ensure these protections are adhered to and any violations are immediately addressed, otherwise the repercussions will be severely felt by millions of the most vulnerable Americans, including elderly and low-income renters and many essential workers. The Department of Housing and Urban Development, the Department of Agriculture, and the Federal Housing Finance Agency have important responsibilities to these renters and their families to help ensure that their rights under federal law are protected and any violations of these rights are immediately corrected. Accordingly, we urge your agencies to use every tool at your disposal to protect renters and ensure that the CARES Act and other renter protections are enforced, including:

- Sustained efforts to help renters understand what CARES Act protections apply to them and what actions taken by landlords would be unlawful by providing clear, accessible information to potentially impacted tenants. Such information should include maintaining a publicly available database that includes covered properties overseen by each of your agencies as well as the Secretary of the Treasury; requirements to notify tenants of their rights under the CARES Act and other laws; and a toll-free help line where renters can identify whether their homes qualify for these protections, for how long, and what steps they can take if they believe the protections are not being adhered to.
- Ensuring that your agency's compliance monitoring programs are comprehensive and take proactive steps to prevent and identify noncompliance by the entities you oversee, including through notifications to these entities, adjusting standard practices or review schedules to ensure timely oversight and sufficient staffing.

We also ask that your agencies provide regular updates to Congress on actions your agencies are taking to ensure that no tenant is wrongfully evicted. There is more work that needs to be done to keep all renters in their homes during and after this pandemic, and it is critical that the protections Congress and your agencies have provided be enforced to protect our constituents during this crisis.

Sincerely,

/s/ Jon Tester
JON TESTER
United States Senator

/s/ Doug Jones
DOUG JONES
United States Senator

/s/ Charles E. Schumer
CHARLES E. SCHUMER
Senate Minority Leader

/s/ Sherrod Brown
SHERROD BROWN
United States Senator

/s/ Brian Schatz
BRIAN SCHATZ
United States Senator

/s/ Catherine Cortez Masto
CATHERINE CORTEZ MASTO
United States Senator

/s/ Elizabeth Warren
ELIZABETH WARREN
United States Senator

/s/ Jack Reed
JACK REED
United States Senator

/s/ Tina Smith
TINA SMITH
United States Senator

/s/ Christopher Van Hollen
CHRISTOPHER VAN HOLLEN
United States Senator

/s/ Robert Menendez
ROBERT MENENDEZ
United States Senator

/s/ Bernard Sanders
BERNARD SANDERS
United States Senator

/s/ Gary C. Peters
GARY C. PETERS
United States Senator

/s/ Patty Murray
PATTY MURRAY
United States Senator

/s/ Kirsten Gillibrand
KIRSTEN GILLIBRAND
United States Senator

/s/ Richard J. Durbin
RICHARD J. DURBIN
United States Senator

/s/ Richard Blumenthal
RICHARD BLUMENTHAL
United States Senator

/s/ Ron Wyden
RON WYDEN
United States Senator

/s/ Amy Klobuchar
AMY KLOBUCHAR
United States Senator

/s/ Sheldon Whitehouse
SHELDON WHITEHOUSE
United States Senator

/s/ Cory Booker
CORY BOOKER
United States Senator

/s/ Tom Udall
TOM UDALL
United States Senator

/s/ Edward J. Markey
EDWARD J. MARKEY
United States Senator

/s/ Tammy Duckworth
TAMMY DUCKWORTH
United States Senator

/s/ Debbie Stabenow
DEBBIE STABENOW
United States Senator

/s/ Jacky Rosen
JACKY ROSEN
United States Senator

/s/ Mazie K. Hirono
MAZIE K. HIRONO
United States Senator

/s/ Thomas R. Carper
THOMAS R. CARPER
United States Senator