



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-8000

OFFICE OF HOUSING

Office of Management and Budget
Office of Information and Regulatory Affairs
Administrator Richard Revesz
Eisenhower Executive Office Building
Washington, DC 20503

RE: OMB Control Number 2502-XXXX

Dear Administrator Richard Revesz:

The Department of Housing and Urban Development's (HUD) Office of Housing – Office of Multifamily Housing Programs respectfully requests a six (6) month PRA Emergency Approval (as detailed under 5 C.F.R § 1320.13) for the Tenant Education and Outreach (TEO) Notice of Funding Opportunity (NOFO). This is the first NOFO published using MAHRAA Section 514 funding since 2011 and will address an urgent need for resources for tenant organizations at HUD-assisted multifamily properties.

5 C.F.R § 1320.13(a)(1)(ii) requires a determination that the collection of information is “essential to the mission of the agency.” Tenant leaders at Project Based Rental Assistance (PBRA) properties across the United States have highlighted the importance of providing resources to established and emerging tenant organizations that advocate for the best interests of residents on issues related to property management, physical conditions, and preservation of affordable housing. Tenant organizations educate residents about their rights and responsibilities and work with property management and other stakeholders on issues affecting residents’ quality of life at privately-owned HUD-assisted multifamily properties. This includes providing information on a tenant’s rights if an owner begins eviction proceedings, protections under the Fair Housing Act and other applicable civil rights laws, and resources on available services and supports. Tenant organizations also work with property owners on crucial matters related to management policies that affect tenancy and eviction policies.

The new TEO program has been created in response to this feedback and will provide crucial funding for technical assistance and operational costs for tenant organizations at PBRA properties. The TEO program will support HUD’s mission to provide decent, safe, sanitary, affordable housing. The TEO program seeks to improve the quality of housing provided through the PBRA program by empowering tenants to work collaboratively with property management and HUD staff to resolve issues related to their homes. The Tenant Education and Outreach (TEO) NOFO will provide a grant to an intermediary organization that will make sub-awards to tenant organizations and provide them with technical assistance and training throughout the period of performance. Currently, HUD provides no other funding for tenant advocacy efforts at PBRA properties.

This emergency approval is necessary because of a rising wave of evictions following the end of temporary tenant protections that were in force during the COVID-19 Public Health

Emergency (PHE). The Centers for Disease Control and Prevention temporary moratorium on evictions was stayed by the United States Supreme Court on August 26, 2021, and is no longer in effect. Forty-three states, the District of Columbia, and five U.S. Territories instituted eviction moratoria during the PHE, all of which have now ended.¹ Eviction data tracked in 10 states and 34 cities by Princeton University’s Eviction Lab show that weekly eviction filings have risen significantly in all tracked states and cities since the end of pandemic-era eviction moratoria.²

While unemployment rates have for the most part returned to pre-pandemic levels, the rising cost of living, exacerbated by high inflation rates, has strained household budgets for the low, very low, and extremely low-income households served by the PBRA program. These factors have made it increasingly difficult for many PBRA tenants to pay their rent on time, at the same time that they are no longer protected by PHE eviction moratoria at either the federal or state level. Average annual food-at-home prices were 11.4 percent higher in 2022 than in 2021, compared with the 20-year historical level of retail food price inflation of 2.0 percent per year from 2002–21.³ Healthcare spending has also continued to rise nationally, from 6.6 percent of household spending in 2010 to 8.2 percent in 2019.⁴ According to the Centers for Medicare and Medicaid Services (CMS) National Health Expenditures Projections, out-of-pocket healthcare spending is projected to grow by 5.5 percent in 2023, and retail prescription drug spending growth is projected to increase by 4.7 percent.⁵ And the Consumer Price Index for All Urban Consumers (CPI-U) rose by 4.7 percent in 2021 and 8 percent in 2022, compared with increases of 2.4 percent in 2018 and 1.8 percent in 2019. At the same time, the temporary boost to SNAP benefits put in place during the COVID-19 pandemic, known as emergency allotments, ended nationwide after the February 2023 issuance.⁶ The Consolidated Appropriations Act, 2023 ended the Medicaid continuous enrollment provision as of March 31, 2023. States can now resume Medicaid disenrollments as of April 1, 2023. According to the Department of Health and Human Services, an estimated 15 million people will lose Medicaid and Children’s Health Insurance Program (CHIP) coverage following the end of the continuous enrollment provision.⁷ As these rising costs increase the pressure on the household budgets of PBRA residents, HUD is concerned that owners may see a decrease in on-time rent payments and as a consequence, an increase in evictions of PBRA residents.

¹ Emily A. Benfer, Robert Koehler, Alyx Mark, Valerie Nazzaro, Anne Kat Alexander, Peter Hepburn, Danya E. Keene & Matthew Desmond (2022): COVID-19 Housing Policy: State and Federal Eviction Moratoria and Supportive Measures in the United States During the Pandemic, Housing Policy Debate, DOI: 10.1080/10511482.2022.2076713. Available at: <https://doi.org/10.1080/10511482.2022.2076713>

² Eviction Lab (updated May 6, 2023). Available at: <https://evictionlab.org/eviction-tracking/>

³ US Department of Agriculture Economic Research Service (updated February 27, 2023). Food Prices and Spending. Available at: <https://www.ers.usda.gov/data-products/ag-and-food-statistics-charting-the-essentials/food-prices-and-spending/>

⁴ US Bureau of Labor Statistics (Modified October 19, 2021). Analysis of CMS National Health Expenditure Accounts data. Available at: https://www.bls.gov/cex/cecomparison/nhea_profile.htm

⁵ Office of the Actuary, Centers for Medicare & Medicaid Services (March 28, 2023). *National Health Expenditure Projections 2021–30: Growth to Moderate as COVID-19 Impacts Wane*. Available at: <https://www.cms.gov/files/document/national-health-expenditure-projections-2021-30-growth-moderate-covid-19-impacts-wane.pdf>

⁶ US Department of Agriculture Food and Nutrition Service (Updated February 27, 2023). Recent Changes to SNAP Benefit Amounts. Available at: <https://www.fns.usda.gov/snap/2023-benefit-changes>

⁷ Issue Brief No. HP-2022-20. “Unwinding the Medicaid Continuous Enrollment Provision: Projected Enrollment Effects and Policy Approaches” Washington, DC: Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services. August 19, 2022. Available at: <https://aspe.hhs.gov/sites/default/files/documents/a892859839a80f8c3b9a1df1fcb79844/aspe-end-mcaid-continuous-coverage.pdf>

Tenant organizations at PBRA properties are well-placed to provide support to residents facing eviction, but as largely volunteer-run organizations they often lack the resources to print informational materials, attend trainings on tenant advocacy, or rent meeting space to conduct tenant meetings and group information sessions. The TEO program is the first HUD-funded initiative to address this crucial need since the end of the Tenant Resources Network in 2014. The emergency authorization is necessary to allow publication of the TEO NOFO and avoid significant public harm if HUD were required to comply with the 60-and 30-day notice requirements. The NOFO is currently in Departmental Clearance, and HUD hopes to publish the NOFO in June 2023 so that program activities may begin in January 2024. The delay in the publication of the NOFO caused by the standard PRA process would inevitably delay the award of these critically needed funds and the beginning of program activities at a time of increasing need.

This determination satisfies the requirement in 5 C.F.R § 1320.13(a)(1)(i) that the information collection is “needed prior to the expiration of time periods established under this Part” as well as the requirement in 5 C.F.R § 1320.13(a)(2)(i) that “Public harm is reasonably likely to result if normal clearance procedures are followed.” During these 90 days and the time necessary to complete related approval processes, tenants facing evictions or deteriorating housing conditions will continue to lack access to resources to educate themselves and advocate for their best interests to landlords and to HUD. Emergency approval of the NOFO will allow HUD to proceed to NOFO publication without delay and complete the normal clearance process during the application submission and review period, without the harm to members of the public who urgently need resources to cope with changing circumstances following the end of the PHE.

To minimize the impact on other agencies and the public, HUD has been actively working with partners to implement its new TEO NOFO program and prepare all associated forms for clearance and publication. This includes developing several other newly created forms that will go through the normal PRA clearance process prior to program implementation as part of an amended PRA package, as they will not be needed until the beginning of program activities. Moreover, much of the information collected through this NOFO is the same or similar to what is collected through other NOFOs, and relies heavily on the use of Standard Forms that already have PRA approval.

The attached provides the emergency PRA package for OMB Collection 2502-XXXX.

I appreciate your prompt attention to our 7-day request for a six-month emergency PRA approval. If you have any questions, please direct them to Belinda Koros, Director, Assisted Housing Division at Belinda.P.Koros@hud.gov.

Sincerely

Ethan D. Handelman
Deputy Assistant Secretary for Multifamily
Housing Programs
Office of Housing

Attachment