

**August 20, 2021**

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Guillermo Mayer  
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Dear Ms. Murray, Mr. Hewitt, and Mr. Mayer:

Thank you for contacting NAR about your concerns with violations of the Fair Housing Act in relation to the acceptance of Emergency Rental Assistance Program ("ERAP") relief funds on the part of housing providers.

NAR is committed to supporting the Fair Housing Act and its principles of equality and equity in housing opportunities, in both our advocacy and in practice. Most recently NAR submitted comments in support of the Department of Housing and Urban Development's "Affirmatively Furthering Fair Housing" rule, which restores definitions from the HUD's 2015 rule and better reflects the goals of the Fair Housing Act as enacted by Congress and interpreted by the Courts. In addition to our advocacy work, NAR puts its support into practice with our more than 1.4 million members with its "Fair Housing Action Plan," or "ACT," for (A)ccountability, (C)ulture change, and (T)raining to ensure that REALTORS® are protecting housing rights in America. In November 2020, NAR launched Fairhaven.realtor, an innovative online simulation training where agents go through scenarios that require them to confront discrimination in the homebuying process and receive training to apply in their daily business interactions. Finally, NAR's Code of Ethics prohibits discrimination based on race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity, and provides standards of practice for specific business practices in which such discrimination might occur.

Since the beginning of the COVID-19 pandemic, NAR advocated for emergency rental assistance to keep tenants who lost their jobs or were otherwise financially impacted by the pandemic in their homes. We strongly supported both rounds of funding for ERAP, and continue to meet with the White House, Treasury Department, HUD, and the Consumer Financial



Protection Bureau (CFPB) to discuss the program's requirements and critical improvements. This includes how to increase the disbursement of the funds so they get out to housing providers and tenants more quickly and efficiently and also how to communicate the existence of the program to people who are unaware relief available to them. NAR participated in the White House's July 28 "call-to-action" day, with a social media campaign to raise awareness of the program and internal efforts to share ERAP information and resources with state and local associations and the more than 1.4 million NAR members. This includes sharing information about the program generally, where to find the correct application for each geographic area, how to get the information to tenants who may be in need, and the ongoing updates to these resources, such as the CFPB's recently released Spanish version of the rental assistance finder.

Unfortunately, challenges still persist in getting ERAP funding out to those who need it most. Each state has its own program, and in addition many counties have their own operations within the state's, with application forms and requirements varying across jurisdictions. While most programs allow for housing providers to apply on behalf of their tenants, they still require that the tenant provide financial information and sign-off, which many housing providers have had difficulty getting from them. In addition, some areas have chosen to attach untenable "strings" upon housing providers who participate in the program, such as rent freezes for many months into the future, beyond the coverage of the prospective rent relief a tenant receives, or agreements not to evict for several months into the future, again beyond the coverage of prospective rent relief payments. These housing providers – especially mom-and-pop landlords, who own only 1-4 housing units – may already be struggling to meet their own financial obligations nearly a year into the national eviction moratorium, when they may be collecting reduced or no rent payments from tenants. These obligations include mortgage payments, taxes, and upkeep to maintain the health and safety of the housing they provide. Making participation in ERAP conditional upon continuing to place themselves in financial peril may simply not be an option for them. Fortunately, tenants whose housing providers choose not to participate in the program are still eligible to receive direct payments of rent relief funds, which they then must use for housing-related costs, which include rent and utility payments, but may also be relocation expenses or security deposits for new housing.

NAR's Code of Ethics does not tolerate discriminatory housing practices, and again, we are committed to supporting and upholding the principles of the Fair Housing Act in our advocacy and in our members' business practices. We will continue to work with the Administration and Congress, and our broad coalition of industry partners, to improve ERAP and increase its distribution to keep as many people in their homes and as many housing providers current on their financial obligations as possible. Thank you again for reaching out to me and I look forward to working with you in the future on these critically important issues.

Sincerely,



Charlie Oppler  
2021 President, National Association of REALTORS®