



Staying Informed and Vigilant!

In early August, without any warning, President Biden did a 180-degree turn and directed the CDC to issue another extension to the eviction moratorium to placate housing advocates and progressive Democrats (many of whom he will likely need to pass his infrastructure package in the U.S. House). The same framework instituted in the original CDC Order remains in the extension. Residents still must complete a declaration and make all efforts to pay their rent, but we all know that was not equally enforced in every local area, often making it a negligible deterrent for those, who although not qualified for protection under the moratorium, are simply determined to not pay their rent.

However, under the new extended eviction moratorium, which allegedly “expires” on October 3rd, it “*applies in U.S. counties experiencing substantial and high levels of community transmission levels of SARS-CoV-2 as defined by CDC, as of August 3, 2021.*”

The order defines those levels in footnote #9: “*Counties experiencing substantial transmission levels are experiencing (1) 50.99 – 99.99% new cases in the county in the past seven days divided by the population in the county multiplied by 100,000; and (2) 8.00 – 9.99% positive nucleic acid amplification tests in the past seven days (number of positive tests in the county during the past seven days divided by the total number of tests performed in the county during the past seven days).*”

Did your eyes cloud over as you read that statement? Ours too! And the bigger concern is that this is just an attempt to continue kicking the can down the road and continue the moratorium into 2022. National REIA, along with our strategic alliance partners, is preparing to fight this latest extension. It is not the fault of the property owners that the states cannot seem to figure out how to give away money. In a statement to the local press one of our members bluntly stated that if they really wanted to fix the problem, the agencies in charge of getting assistance dollars into the hands of those who deserve and need it, should simply show up at eviction court and (if the resident indeed is eligible) just write a check on the spot! How wonderful life would be if we could depend upon government to be logical and keep things simple as they try to “help!”

Right now, it is still unclear how courts will determine when and how evictions can proceed. President Biden told the media that the order applies to 90% of Americans who are renters. We have found in speaking to members across the country that local courts have taken wildly different approaches, complicating the process and confusing property owners and their attorneys alike.

As more information becomes available regarding the implementation of this new order, National REIA will provide updates. We will also continue to vigorously advocate for opportunities for property owners to apply for rental assistance from programs in their respective states and that pressure will continued to be applied to states that have not released or created a clear path to rental assistance.

As we prepare for the fight and keep you informed, I wanted to make you aware of a CDC web page that tracks this information. It can be found on our NREIA website (www.NationalREIA.org) under the COVID resources as well as our news site Real Estate Investing Today (www.RealEstateInvestingtoday.com).



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Maintaining a Steady Hand and Calm Demeanor

A word of encouragement first and foremost, we will make it through this. The key for now, is a steady hand and a calm demeanor. Over the next several weeks and months there will be numerous articles with headlines about abusive landlords and poor, victimized renters. Occasionally, there may even be a story about a resident taking advantage of the system, as happened to CNN and Rep. Cori Bush to the tune of \$220k! However, in each of your situations just do the right thing, and don't be the next headline. Find someone to vent to – and not online or on camera. Breathe deep. As entrepreneurs not only will we get through this, we will apply the skills learned and honed to do better in the future.

A personal favorite, read the poem “If” by Rudyard Kipling. You can view it here; <https://bit.ly/2VRRrhN>

We are each aware of the hype that drives the 24/7 news media, but please remember that their announcement of something passing, like the Infrastructure bill passing the U.S. Senate, means nothing. Until a bill is signed by the President, the Legislature is just making sausage. And, with little else deemed worthy to cover, one bill or regulation will take the headline space. In the meantime, the rest of the country is working or avoiding work depending on their predilections.

An example of this occurred on July 23rd, when a 3-judge panel of the 6th Circuit Court of Appeals ruled in the case of Skyworks Ltd. Judges in the four states covered by the 6th Circuit are no longer bound by the CDC's Eviction Moratorium. Additionally, as the new extension was based upon the same language struck down by the 6th Circuit, judges are recognizing the precedent of the July 23rd case. Additionally, the Alabama Realtors have renewed their case before the DC Court in hopes the judge will not be so restrained this time, striking it down nationally. Time will tell.

The focus of energy outside the courtroom for the rest of us is best spent focusing on Rental Assistance. Local REIAs can participate in oversight boards, act as clearinghouses for information and share the good, bad and ugly truth of the various programs with media and elected officials. With \$46.5 billion* set aside for Rental Assistance, only government bureaucracy could screw up giving away the money. (The asterisk is due to the “flexibility” given to grantees by the second tranche of \$21.5B, what's not spent on Rental Assistance can be re-purposed to other affordable housing programs: So, don't count on those funds actually going out.) And yes, there will be plenty of fraud and corruption – I'm looking at you, Illinois. However, no matter how tempting unrequested funds are to keep, please track them and set them aside, responding in writing about any errors. The funds sent out over the past 18 months will make the careers of auditors for a decade, especially with the IRS ramping up auditing staff. Don't get caught in those cross-hairs.

Finally, there is a lot of speculation, some would even say conspiracy about the next steps with the Eviction Moratorium. Rumors abound that the Congress will force the issue or extend the edict in some form or fashion. This might occur. It might be struck down soon, too. Either way be ready to respond via National REIAs grassroots outreach, as we did when the House was trying to round up votes and over a dozen Democrat Congressmen demurred on passing an extension due to housing industry grassroots pressure. We are weighing in with our DC lobbyists daily, and will ask for your support when the time is right – together we are having a national impact! Thank you for being a REIA member – your voice is being heard.

www.NationalREIA.org/advocacy