

Emergency Rental Assistance Program (ERAP)

CFDA: 21.023

Administering Federal Agency: U.S. Department of the Treasury

Description: The [Coronavirus Response and Relief Supplemental Appropriations Act \(CRRSA Act\)](#), signed December 27, 2020, created the ERAP with \$25 B (now referred to as ERA1). The [American Rescue Plan Act](#) built upon this critical relief to reduce evictions by providing an additional \$21.6 B in emergency rental assistance for low-income renters who have lost income or are experiencing other hardship and risk losing their housing (now referred to as ERA2). According to the [Congressional Research Service](#), funding is available until September 30, 2025.”

Matching Requirements: None

Find your state/local administrator: Treasury collected websites for state ERAP grantees [here](#).

Amount of available funding: State and local allocation and payment information is [here](#).

Potential uses: Treasury has provided helpful language to understand allowable use of funds that support [“housing stability services”](#), and included at the bottom of the page multiple examples that include court partners, such as Jefferson County, Alabama district courts; Northhampton County, Pennsylvania courts; City of Columbus & Franklin County, Ohio courts; and Maricopa County, Arizona courts.

More specifically, [Treasury guidance language](#) relevant to the courts is in FAQs 23 and 36:

[FAQ 23](#) expressly allows legal services (emphasis added):

“23. ERA1 and ERA2 both allow for up to 10 percent

of the funds received by a grantee to be used for certain housing stability services. What are some examples of these services?

ERA1 and ERA2 have different requirements for housing stability services.

Under ERA1, these funds may be used to provide eligible households with **case management and other services** related to the COVID-19 outbreak, as defined by the Secretary, intended to help keep households stably housed.

Under ERA2, these services do not have to be related to the COVID-19 outbreak.

For purposes of ERA1 and ERA2, housing stability services include those that enable eligible households to maintain or obtain housing. Such services may include, among other things, **eviction prevention and eviction diversion programs; mediation between landlords and tenants;** housing counseling; fair housing counseling; **housing navigators or promotoras that help households access ERA programs or find housing;** case management related to housing stability; housing-related services for survivors of domestic abuse or human trafficking; **legal services or attorney’s fees related to eviction proceedings and maintaining housing stability;** and specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing. Grantees using ERA funds for housing stability services must maintain records regarding such services and the amount of funds provided to them.”

[FAQ 36](#) speaks directly to courts (emphasis added):

“36. What steps can ERA grantees take to prevent evictions for nonpayment of rent?

Treasury strongly encourages grantees to develop **partnerships with courts in their jurisdiction that adjudicate evictions for nonpayment of rent to help prevent evictions and develop eviction diversion programs**. For example, grantees should consider: (1) providing information to judges, magistrates, court clerks, and other relevant court officials about the availability of assistance under ERA programs and housing stability services; (2) working with eviction courts to provide information about assistance under ERA programs to tenants and landlords as early in the adjudication process as possible; and (3) engaging providers of legal services and other housing stability services to assist households against which an eviction action for nonpayment of rent has been filed.”

Other Helpful Information:

- Treasury guidance and FAQs for ERAP 1 and 2 can be found [here](#).
- National Association of Counties' (NACo) webinar, "[Emergency Rental Assistance Programs: Understanding ERAP I and ERAP II](#)", explains the differences and similarities between the two ERAPs, including spend deadlines, use of funds, and best practices and avoiding pitfalls in administration.
- National Coalition for a Civil Right to Counsel (NCCRC) held a webinar highlighting ERAP legal aid work underway in Michigan, Rhode Island, Cleveland, and Long Beach and Santa Ana California - a recording can be found [here](#).
- The National Council of State Housing Agencies (NCSHA) prepared [Administration of the Federal Emergency Rental Assistance Program: Considerations for State Agencies](#), that mentions “potential expenses states may want to consider counting toward significant costs, and that may contribute to financial hardship” including “...legal costs associated with rental or utility arrears”, and examples of partners for outreach as **local court systems and legal aid**.
- NCSHA frequently updates its [map of state agency ERAP administrators](#).
- To help make the evidence-based case for why pandemic relief funds should include legal aid to

keep people housed, see [this curated collection of key research findings](#) and this February 2021 issue of the JGP-NLADA newsletter [Just Research](#).