

NHLP Analysis of Trump Executive Order on Evictions

On August 8, 2020, President Trump issued an [Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners](#). Unfortunately, despite the title, the Executive Order does nothing to help renters and homeowners during this economic and public health crisis. It is important for the public to understand that the order does not expand protections previously enacted by the CARES Act, bar evictions moving forward, or provide emergency rental assistance funding. Landlords, courts, public housing authorities, and other entities can still seek to evict tenants.

Once again, this Administration is late to the table. This executive order asks HHS, CDC, and other agencies to ponder the question “is it necessary to prevent evictions during the pandemic?” The answer is yes, and experts and advocates have been saying it for months. More than 10 million people previously covered by the federal evictions moratorium in the CARES Act lost protections on July 24th, and tens of millions more Americans in private rental markets are vulnerable to evictions as local and state moratorium expire and the economic devastation of the pandemic continues to wreak havoc.

NHLP supports the universal eviction moratorium in the HEROES Act that passed the House on May 15th. The bill also includes \$100 billion for rental assistance. Taken together, the universal moratorium and emergency rental assistance are what this country needs to halt the imminent wave of evictions. Further, HUD, USDA, Treasury, and other federal agencies have the authority to issue eviction moratoriums for the housing programs administered by their agencies. We support any efforts to utilize this authority to help renters and homeowners.

Key Points of the Executive Order:

- The EO provides absolutely no directives to federal agencies. It simply requires that HUD “promote” eviction prevention related to COVID financial hardships. Actions may include encouraging housing providers to minimize evictions and foreclosures (Sec. 3(c)).

Response: This executive order will not protect tenants and homeowners from eviction, absent any existing state or local laws. The EO dangerously creates confusion for families across the country who are already struggling to understand the patchwork of laws and protections that may apply to them.

- Similarly, the order requests that the HHS and CDC “consider” whether halting evictions is reasonably necessary in light of Covid (Sec. 3(a)).

Response: An eviction moratorium is necessary – experts and advocates have been saying so for months. More than 10 million people previously covered by the federal eviction moratorium in the CARES Act lost protections on July 24th, and tens of millions more Americans in private rental markets are vulnerable to evictions as the economic devastation of the pandemic wreaks havoc. Families need help paying rent *right now* and these actions are not likely to lead to immediate assistance.

- The order does not create any enforceable rights (Sec. 4(c)).

Response: Administrative agencies (include HUD, USDA, VA, Treasury, etc.) have the legal authority to fix this immediately for federally-assisted residents by enacting their own moratoria. See [the letter signed by 170 organizations outlining HUD's authority and demanding that HUD extend the CARES Act eviction moratorium or enact its own.](#)

- The order asks Treasury and HUD to identify funds for temporary financial assistance (Sec. 3(b)) but note that this is subject to available appropriations (Sec 4(b)).

Response: PHAs and federally-assisted owners are strapped for cash right now because of increased COVID-related costs; asking them to foot the bill for some type of emergency rental assistance is unrealistic at best.

- The legality of the EO is unclear, particularly with respect to private tenancies.

Response: The Senate Republicans must stop blocking the HEROES Act, which includes a universal eviction moratorium and \$100 billion in rental assistance for landlords and tenants.

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