

August 4, 2021

The Honorable Maxine Waters  
Chairwoman  
Committee on Financial Services  
2129 Rayburn HOB  
Washington, D.C. 20515

Dear Chairwoman Waters:

Last week, Democrats adjourned the House without a solution to help the millions of renters who faced eviction. As Committee Republicans have repeatedly exposed, continued mismanagement by the Biden Administration has left renters impacted by COVID struggling in spite of the more than \$46 billion in Emergency Rental Assistance (ERA) Congress provided last winter.

Instead of providing permanent relief by expediting the distribution of ERA money to fully eliminate rental arrears, Democrat leadership and the Administration have wasted valuable time pursuing a temporary and flawed approach to delay the problem. The latest version of which is the Administration's announcement on Tuesday that the Centers for Disease Control and Prevention (CDC) had extended its unconstitutional exercise of authority despite knowing it has already been struck down in the courts. In March, May, and again in July, various federal district and appeals courts, including the District Court for the District of Columbia and the U.S. Court of Appeals for the Sixth Circuit, found the CDC had exceeded its statutory authority in issuing any eviction moratorium. This point was further confirmed in a June appeal to the Supreme Court. In writing a concurring opinion for the majority, Justice Brett Kavanaugh stated the Administration required "*clear and specific congressional authorization (via new legislation) ... for the CDC to extend the moratorium past July 31.*"

Despite these rulings, Congress took no action. At same time, the Biden Administration failed to get ERA relief into the hands of renters. The program guidance was changed not once but four times. Moreover, Democrats pushed to extend the timeframe for distribution to 2025. Thus, this problem was both knowable and foreseeable. In fact, as noted in your August 2<sup>nd</sup> [letter](#) to the Speaker, ending the threat of evictions for renters with arrears is "*an emergency, but it could have been prevented.*"

I wholeheartedly agree. That is why in May I sent a [letter](#) to Treasury Secretary Yellen demanding to know why those ERA funds still had not reached the hands of renters and landlords. Last month,

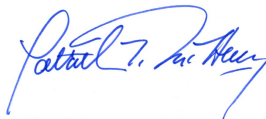
I [requested](#) you require Treasury Secretary Janet Yellen to appear before the Committee and provide public answers on why this ERA money has not helped more renters. Unfortunately, neither of those letters was provided with a meaningful response.

Instead of responding to those requests to understand the source of the Biden Administration's failures, House Democrats held multiple closed-door meetings with the Secretary. The result? A continuation of a temporary, unconstitutional order.

Renters need a permanent solution to eliminating their back rent. In June, Committee Republicans introduced H.R. 3913, the *Renter Protection Act*. This bill accomplishes the exact policy called for in your letter to Speaker Pelosi and the one articulated by the Administration. The bill would “*encourage state and local governments to disburse the emergency rental assistance funds quickly and efficiently.*” H.R. 3913 ensures that all remaining ERA money will be immediately used to eliminate the old debts of renters and end any threat of their eviction.

Congress should stop the bickering. The solution is clear. Enacting the *Renter Protection Act* will provide millions of renters with the peace of mind that their missed COVID bills will not result in an eviction. Thus, I once again renew my request that the next hearing the Committee convene be one requiring Secretary Yellen to testify on this urgent matter, and that the Committee immediately move to favorably report H.R. 3913.

Sincerely,



Patrick McHenry