



VIA EMAIL

January 6, 2021

Jennifer Ho
Commissioner
Minnesota Housing

Ryan Baumtrog
Assistant Commissioner, Policy and Community Development
Minnesota Housing

James Lehnhoff
Assistant Commissioner, Multifamily Division
Minnesota Housing

RE: Minnesota COVID-19 Housing Assistance Program

Dear Commissioner Ho, Assistant Commissioner Baumtrog, and Assistant Commissioner Lehnhoff:

With the good news about over \$370m in additional federal resources made available to Minnesota renters, we wanted to take this opportunity to provide information and feedback about the CHAP process and to begin a conversation about recommendations for the design of a program moving forward.

Housing Justice Center was able to assist people statewide who were applying for the Minnesota COVID-19 Housing Assistance Program (CHAP). Thanks to communications from Minnesota Housing and referrals from United Way, over the course of seven calendar days, we received over 400 calls from eligible renters and homeowners navigating the CHAP program application process. Since the application closed on December 7, 2020, we have continued to answer calls from applicants, landlords, and utility providers to help connect them with the next part of the application process and answer questions.

Overall the CHAP program was remarkable – the speed with which the agency was called upon to create a mechanism to deploy a large amount of assistance in a short amount of time, and under extraordinarily difficult circumstances is a testament to the commitment that Minnesota Housing leadership and staff have to its mission.

In our experience helping Minnesotans through the final days of CHAP, we saw some of the elements of the program that worked well and other areas where the program fell short of its potential. For example, many callers repeatedly mentioned that United Way was a great asset that helped them complete the CHAP preapplication. The ability to reach out to a person who would reliably pick up the phone, patiently walk people through an

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unfamiliar system, and provide information and assistance in multiple languages for people with a variety of needs was both a crucial element of the program and gave applicants experiencing significant trauma a sense of hope. Many callers also mentioned that the messaging in the final weeks of the CHAP program to alert the public of the upcoming application deadline aid was effective. For many people the news coverage five days prior to the December 7th deadline was the first time they had ever heard of CHAP. We were also able, through our experience assisting people across the state, to observe and document a series of repeated and preventable problems that exist in the CHAP systems and processes. These system failures create barriers that affect the most vulnerable eligible Minnesotans that are attempting to access the state emergency assistance program.

While we have outlined below more specific failings, the overarching problem we observed was that the program was not accessible to many Minnesotans. As a well-funded statewide emergency assistance program, your goals for an easy process were admirable. Unfortunately, many of those most in need of your funds found the system anything but easy. We observed that your program was particularly arduous for the elderly, those who struggle with written and spoken English, those without reliable access to fast internet, and those who are not technologically savvy. A poor application design, inconsistent practices related to document requests from applicants, and a lack of meaningful support for applicants from local administrators caused eligible Minnesotans to spend hours on the phone to seek help or to give up and fall between the cracks. We placed obvious specific failures into three categories: application barriers, technical barriers, and gaps in customer service. We address each in turn.

Application Barriers: The most troubling problems we have observed are the design flaws in the current application process that create unnecessary confusion and barriers to successful applications. These flaws adversely affected vulnerable Minnesotans as early as the first stages of their application, and led to many Minnesotans expressing to our office their feelings of fear, distrust, and helplessness. Every single caller we worked with experienced at least one application barrier listed in this section.

The three-step process utilized by the CHAP application is repetitive and creates unnecessary confusion. As you know, Minnesotans first begin the application process by completing a preapplication to determine eligibility via telephone or the state's online website. In the preapplication, Minnesotans are asked screening information that includes their contact information, monthly income, and whether the requested support is required because they are impacted by COVID-19. This information goes beyond that necessary for prescreening, is repetitive to what is requested for the full application (where it asks additional income and COVID-19 impact questions) and easily leaves the impression that the person is completing an application (versus a preapplication). Through our work, we discovered that more than two dozen callers who were confident that they had completed an application, had in fact only submitted a preapplication. We are confident that many more Minnesotans who did not call 2-1-1 to check their application status are still waiting for aid that will never arrive. The unnecessary confusion for those accessing this resource could be easily fixed by removing the preapplication and instead implementing one streamlined application.

A second troubling issue that was observed by clients is the location and save functions of the online common household application. Internet user applicants competing the common household application online access this application by clicking on a small link halfway down the landing screen. The placement and size makes it difficult for some users to find (especially users uncomfortable with computers) – an issue that could be easily remedied by more prominent placement of the link. If an applicant successfully locates and enters the common household application online, additional barriers exist to successful submission of their application. When helping Minnesotans submit their application, we noticed that under the current system, an applicant cannot submit their

application without first “saving” the information inputted during the application process. The problem with the save function is that once an applicant presses “save”, the portal brings the applicant back to the main landing page (i.e. exits the common household application page). An applicant must then reenter the application a second time to press submit. This added step creates confusion and leaves some applicants with the false belief that they have successfully submitted the application, when in fact they must reenter the application a second time to submit the application.

The last issue is the framing of the “withdrawn” status by the CHAP program. According to the CHAP online portal, an eligible applicant’s status is labeled withdrawn if (1) the applicant tells an administrator that they wish to withdraw their application, or (2) if an administrator is unable to reach an applicant to receive missing application materials. The labeling of this second group of applicants as withdrawn is misleading and raises significant legal implications. Even if a client does not return phone calls (this is disputed, as many callers reported to Housing Justice Center that they never received a phone call or notice that their application had been withdrawn), a lack of communication by an applicant does not mean that their application is withdrawn, it signals that a program administrator has chosen to reject an application using their discretion. When paired with the nearly-meaningless token appeal process provided by CHAP, this programmatic framing raises significant due process and fair housing concerns.

Technical Barriers: Many eligible applicants who were connected with our services experienced persistent technical barriers that significantly impacted their ability to apply for the assistance they are entitled to under the program. More minor common technical barriers included lock-outs from their accounts, and difficulty uploading documents to the application portal. More serious technical barriers included inadequate internet to support the site, and difficulty accessing the mobile application. The common thread in these barriers is the mistaken assumption that Minnesotans have access to reliable internet that could support the application portal. These problems disproportionately affected elderly Minnesotans and people in Greater Minnesota.

Once an applicant faced a technical barrier, if it could not be easily remedied by United Way (ex. a person calling 2-1-1 was directed to the password reset function, that they were able to access and successfully reset their password), the applicant could wait *weeks* to work with someone from an IT support center. One effective solution to this problem is to significantly increase the IT support for any future program. This is necessary as this program needs to better serve Minnesotans who are not fluent in technical troubleshooting, and needs to do so in a timely fashion to support Minnesotans who need to access emergency rental resources.

The most problematic effect of CHAP’s understaffed IT support desk is the lack of recourse for an applicant once they faced a technical hurdle. If a client could not get access to their online portal because of a technical issue that prevented their password being sent to them, there is no other support for someone in their position to get help to complete an application outside of IT. Minnesotans could not call their administrator to fill out an application over the phone. Instead, applicants were expected to wait weeks for technical support or independently troubleshoot the technical issue and apply online. None were given additional support or alternative avenues to apply. The Housing Justice Center identified 15 Minnesotans in 7 days who experienced this issue. None of the 15 Minnesotans had their technical difficulties resolved before the application deadline, and only after advocacy from our office was an alternative arrangement made to allow the 15 eligible Minnesotans to complete an application via telephone. Any new program must have additional technical support, and a way for Minnesotans to complete an application via telephone if the applicant runs into technical barriers.

Customer Service Gaps: The last common barrier faced by the Minnesotans we served is related to customer service gaps in the CHAP application process. Several key functions of this program were not given adequate customer service support to properly address barriers and misconceptions that applicants experienced while applying for CHAP.

Outside of the preapplication process, which had the customer service support of United Way, there was very little communication for Minnesotans when completing the application. For example, there is no email or text confirmation that alerts the applicant that their CHAP application was successfully submitted. Many applicants also were unable to determine who they should contact in case of questions (i.e. were unable to identify who their local administrator was). This is particularly problematic with applicants facing internet barriers. If an applicant was unable to log into their online portal at any time, an applicant did not know (1) who their administrator was; (2) where they were in the application process; or (3) if their application had been successfully submitted.

Even if an applicant was able to contact their local administrator for additional support, Minnesotans reported varying levels of support received from local administrators. Many reported long wait times for returned telephone calls and expressed frustration that their concerns were not met in a satisfactory or timely manner. Adding to the frustration were reports of inconsistency between administrators regarding what documentation was required to receive aid, and the timeline for their application to be processed. As of today, some applicants who submitted their application on or before December 7, 2020, still have not heard from their administrator. It is clear to us that some organizations had inadequate staffing and organizational capacity to provide the level of outreach and support necessary. There were some stellar administrators and some who struggled. We believe that they were trying to do the best job that they could but did not necessarily have the resources necessary.

Our clients were not the only ones left confused by the inconsistent practices by local administrators. Our office has received several calls from landlords who expressed confusion while working with local administrators. It appears based on reporting from clients and landlords that requirements and communications from local administrators vary widely. One landlord reported to us that he had worked with three different local administrators for his rental properties in one town, and all three administrators had different paperwork requirements. He expressed frustration with the process and distrust of the local administrators. An easy solution that would improve trust would be to automatize systems for administrators and implement standard protocols. While we understand the needs of applicants may vary and require unique solutions, standardization of landlord requirements may be an easy area for improvement.

Recommendations for Future Discussion

The issues addressed here is but a small subset of barriers facing Minnesotans in crisis as they access the CHAP emergency resources to help stay safe and secure in their homes. We are also concerned for the large number of eligible Minnesotans who never learned of CHAP, or learned of the program too late. In the age of technology, it is easy to forget that many Minnesotans do not use the internet or social media, and more effort must be made to reach neighbors using other forms of media. A large number of callers indicated that they were not aware of the program until the week before applications closed, and many people were also unaware of the continuing eviction moratorium. Particularly for people who are largely disconnected from social services and support networks, it will be critical to develop more ways to reach out to people so that they know that rental assistance exists in general, but also so that they can see themselves in the programs that are meant to help them.

While we stand by our criticism, our feedback comes with the knowledge that the urgency to quickly implement a statewide relief program can result in unforeseen challenges. As Minnesota moves forward, now is the time to thoughtfully consider how to better provide emergency rental relief to Minnesotans during a global pandemic. We are aware that other cities and states have used different models to achieve these goals, and we wish to address those issues as well as you plan your next emergency aid programs.

One model used by other states, and implemented in several Minnesota counties, is a direct payment model that provides the rental assistance aid via landlord applications. While we agree that such a model decreases administrative burdens and places fewer obligations on renters to engage in the public assistance process, we believe that any landlord aid program that does not have strict rules to avoid abuse. In accordance with the goal of the current December 2020 Federal Coronavirus relief package to “provide financial assistance and housing stability services to eligible households” we urge the state to make sure any landlord programs include commonsense measures to improve stability such as (1) requiring landlords to notify tenants that the landlord has applied for rent relief on their behalf; (2) excluding landlord participation when the landlord is under investigation for a violation of the Governor’s executive order; and (3) requiring landlords to agree that they will not provide nonrenewal notices to tenants for a period of time after the end of the moratorium as a condition of payment, (4) prohibiting late fees for the past due rent that will be paid by the state, and (5) ensuring that renters rights under this program are enforceable. We believe that this is an area of work that requires a broader table of organizations as part of the program design including community based tenant advocates, legal services, social service agencies, and non-profit mission oriented landlords. In order for a direct landlord payment program to properly serve the those who the resources are intended to serve (tenants), any landlord payment model must have resources available to organizations whose mission is to safeguard the rights of the tenants.

Minnesota Housing should also consider partnering with other agencies and organizations to increase knowledge of future programs and renter rights under the Governor’s executive order. When working with renters to complete CHAP applications, we discovered landlord violations of the Governor’s executive order (including eviction notices), reports of fair housing violations, and proof of ongoing illegal late fees charged by landlords. Tenants who cannot pay rent are particularly vulnerable to exploitive practices by landlords, and any messaging to reach these populations should also include information on their rights that exist even before they apply for emergency aid as well as avenues for recourse for violation of renters rights.

We would also like to take this opportunity to once again advocate for a broader interpretation of utilities that are covered by future programs. For many families, and especially BIPOC households and low-income families in greater Minnesota, the cost of internet is unaffordable. Internet access is essential for work, education, healthcare access, and a wide range of public benefit programs. Internet access is not a luxury item – it is at the very core of the states successfully addressing vast disparities in public health outcomes, education, and economic prosperity. And yet today, even the types of third-spaces that provide free internet, such as libraries and coffee shops, are currently closed. Including internet as an eligible utility is not optional.

Lastly, as the current December 2020 Federal Coronavirus relief package recognizes, relief for renters cannot be limited to past-due balances if the goal of the funding is to promote housing stability during a pandemic. Rather, any future program must consider the reality that Minnesotans face: those seeking assistance for past-due rent today due to low of income or increased expenses will have still have past-due rent next month. This is especially important because there is a significant lag in processing times for approved payments and by the time a landlord receives a check, many renters now owe an addition 2-3 months of rent. Under the current system there is nothing that prevents a landlord from non-renewing tenants after the end of the eviction moratorium and, unless there

are mechanisms that contemplate and address the need for future housing stability, the program will not fulfill its promise of assisting renters.

We bring these issues to your attention in the spirit of collaboration. We sincerely hope that any future program implemented by the State of Minnesota will address the raised issues and create a collaborative process to identify and adopt changes to ensure a more just and equitable program. Programs such as CHAP are effective only if they are designed and implemented in a way that is accessible, understandable, and easy to navigate for the people who are going to be using the program. We look forward to continuing our discussion with Minnesota Housing about this issues and working together with you and our community partners to solve these challenges together.

Truly,

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