STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER

Order 2021-02

ORDER TO IMMEDIATELY PREPARE FOR THE ADMINISTRATION OF THE FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAM

WHEREAS, on or about December 31, 2019, a new and significant respiratory illness with an unknown source was detected in Wuhan City, Hubei Province China. The cause associated with these cases was linked to a novel coronavirus disease later named COVID-19. Since the initial detection in China, COVID-19 has spread worldwide; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."; and

WHEREAS, on March 13, 2020, I, Governor Mark Gordon, issued a Declaration of a State Emergency and Public Health Emergency (Executive Order 2020-2), which continues to be in effect; and

WHEREAS, on September 4, 2020, the U.S. Centers for Disease Control imposed a national eviction moratorium in response to the COVID-19 pandemic, explaining within such order that "housing stability helps protect public health because homelessness increases the likelihood of individuals moving into close quarters in congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID-19." This order has been extended through March 31, 2021; and

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WHEREAS, on December 27, 2020, President Donald J. Trump signed the federal Consolidated Appropriations Act of 2021 into law, which created certain pandemic relief programs, including the federal Emergency Rental Assistance Program under Division N, Title V, § 501 of that Act. This federal program directs funding to states to administer rental and utility relief to income-eligible households who demonstrate financial harm and a risk of homelessness due to COVID-19; and

WHEREAS, Wyoming 2-1-1, Inc. reports a significant spike in requests for rental and utility assistance during the pandemic, with more than 5,600 such requests made between March 2020 and January 2021. This amounts to a 280% increase from rental requests made in 2019, and a 95% increase from utility assistance requests made in 2019; and

WHEREAS, One22 Resource Center in Teton County reports receiving 349 rental assistance applications from county residents between October 2020 and January 2021, 77% of which were from households who were actively employed and earning wages; and

WHEREAS, residents of Wyoming have accrued significant debt in past-due utility bills during the COVID-19 pandemic, with one Wyoming utility company reporting that they are owed more than $1.5 million from Wyoming renters; and

WHEREAS, the Cheyenne Landlord Association, which has recently expanded in geographic scope to support landlords across the State, has reported that over half of Wyoming landlords are small business owners who rely upon the income of only a few rental properties. These landlords are hit hardest by tenants' non-payment of rent. In Cheyenne and Casper, landlords have seen the average rental arrearages owed to them increase from an average of $1,500 to between $3,000 and $5,000. Additionally, many landlords across the state have been left to cover not only their own costs as rent goes unpaid, but also the arrearages owed by tenants for water bills. For landlords that rely upon their properties for monthly income, this increase in unpaid rent and unpaid water bills is devastating, especially for those who continue to owe a mortgage on their rental properties; and

WHEREAS, the Wyoming legislature recognized the necessity of ensuring "safe, decent and sanitary housing" during the COVID-19 pandemic, creating Wyoming's housing assistance program to provide financial relief to households with significantly reduced income and an inability to pay housing costs. However, that state program ended on December 30, 2020 under the 2020 Wyoming Special Session Law, Ch. 2, § 4(b)(iv); and

WHEREAS, legislative leadership has indicated that upon reconvening in March 2021, the Wyoming Legislature may consider enabling legislation providing state agencies with the

requisite authorities to administer relief to Wyoming households under the federal Emergency Rental Assistance Program; and

WHEREAS, it is imperative that the State immediately prepare for large-scale administration of the federal Emergency Rental Assistance Program upon enactment of enabling legislation, so that vulnerable Wyoming families remain housed after the expiration of the national eviction moratorium; and

WHEREAS, the Wyoming Homeland Security Act provides the Governor with the authority to issue orders relating to a national emergency, including orders "assign[ing] to a state agency any activity concerned with the mitigation of the effects of a disaster or national emergency of a nature related to the existing powers and duties of the agency, including interstate activities, and the agency shall undertake and carry out the activity on behalf of the state." Wyo. Stat. Ann. § 19-13-104(c)(i); and

WHEREAS, the federal Emergency Rental Assistance Program is intended to mitigate the effects of the national COVID-19 emergency by curing financial harms caused to Wyoming households, landlords, and utility companies, and by protecting vulnerable families from eviction; and

WHEREAS, the Department of Family Services has existing statutory powers and duties which are of a nature related to the federal Emergency Rental Assistance Program, including the duty to "provide and administer programs for public assistance and social services in Wyoming to those individuals lacking sufficient income." Wyo. Stat. Ann. § 42-2-103(a). Under this statutory duty, the Department of Family Services directs temporary financial assistance to families experiencing crises related to income, housing, and utilities. For instance, the Department of Family Services administers federal benefits programs to households meeting certain income and need requirements, including the Supplemental Nutrition Assistance Program (SNAP), Personal Opportunities with Employment Responsibilities (POWER), and the Low Income Energy Assistance Program (LIEAP). Wyo. Stat. Ann. § 42-2-102.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and by the laws of the State of Wyoming, particularly Wyo. Stat. Ann. § 19-13-104, I, Mark Gordon, Governor of the State of Wyoming, do hereby assign to the Department of Family Services the following temporary responsibilities necessary to prepare to administer the federal Emergency Rental Assistance Program upon the enactment of enabling legislation:

a. Enter into formal or informal cooperative agreements with other state entities for information-sharing, planning, policy steering, and technical assistance related to the State's

effective administration of the federal Emergency Rental Assistance Program;

b. Enter into formal or informal cooperative agreements with any federal entities, including the U.S. Department of Housing and Urban Development, for information-sharing, planning, and technical assistance related to the State's effective administration of the federal Emergency Rental Assistance Program;

c. Coordinate with community stakeholders for purposes of information-sharing, planning, policy steering, and technical assistance related to the State's effective administration of the federal Emergency Rental Assistance Program;

d. Task current state employees with planning activities necessary to the effective implementation of the federal Emergency Rental Assistance Program including, but not limited to, drafting policies, creating forms, communicating with stakeholders, communicating with interested households, training employees and contractors, and creating an application and reporting system;

e. Enter into contracts with vendors for services necessary to the State's effective administration of the federal Emergency Rental Assistance Program, including contracts for temporary staff, project management, public communications, and software;

f. Engage in any other activities necessary to prepare for administration of the federal Emergency Rental Assistance Program short of beginning administration of relief payments to eligible households under the program;

g. Expend from the portion of funds designated under the relevant federal law for administrative purposes, but only for costs necessary to prepare for the program's administration, including costs for the activities authorized herein.

This Executive Order shall remain in effect until such time it is rescinded or until state legislation governing the State's administration of the federal Emergency Rental Assistance Program is enacted.

Given under my hand and the Executive Seal of the State of Wyoming this 8th day of February 2021.

Mark Gordon
Governor