Emerging best practices for COVID-19 emergency rental assistance programs

December 22, 2020





EXECUTIVE SUMMARY

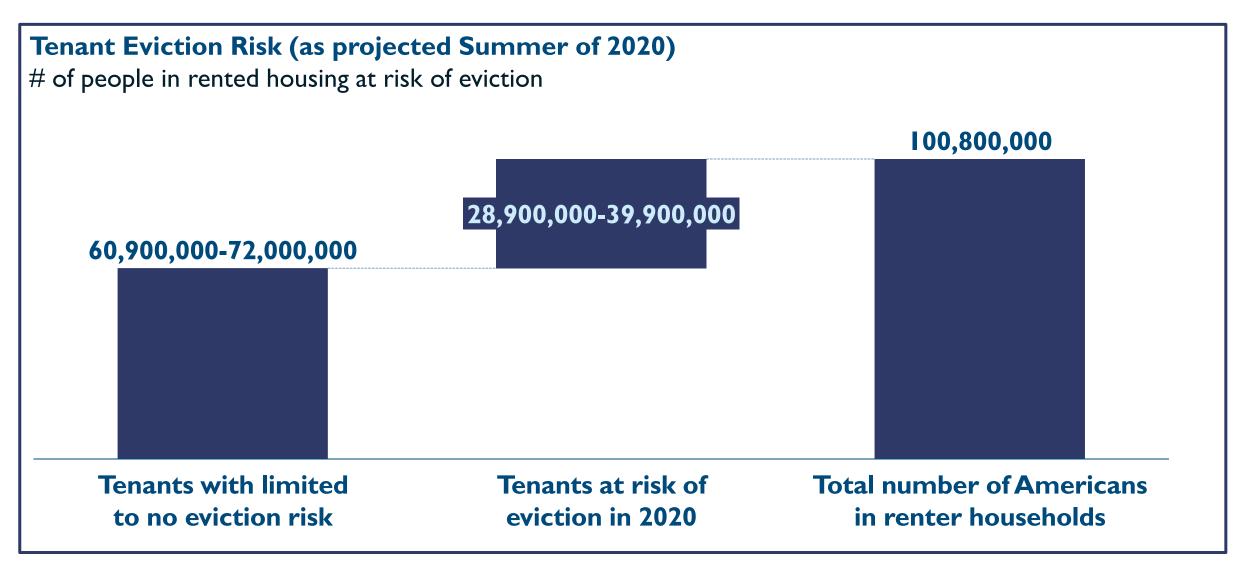
- Over the summer, the Aspen Institute's Financial Security Program and the COVID-19 Eviction Defense Project
 estimated that 30-40M Americans could be at risk of eviction as result of the COVID-19 pandemic
- While the economy has improved, many renters face dire financial straights, with I in 6 renters behind on rent and nearly I in 3 expressing low confidence in their ability to pay next month on time
- On December 21st, Congress passed legislation that included \$25B in rental assistance for U.S.
 tenants and extended the CDC eviction moratorium through the end of January; state and local governments, and their non-profit partners, will soon be called upon to rapidly disburse these funds
- In many parts of the US, rental assistance programs have faced significant funding, design, and administrative challenges that have slowed payments and unnecessarily burdened landlords and tenants; these challenges are likely to increase as federal rental assistance is distributed through public and non-profit entities
- To maximize the effectiveness of rental assistance programs, operators should: (1) create strong legal and policy frameworks to support housing stability, (2) ensure that rental assistance "payment terms" promote long-term housing stability, rather than loss-absorption, (3) extensively market a simple, accessible application process, and (4) provide ongoing support to tenants after rental assistance has been paid

TABLE OF CONTENTS

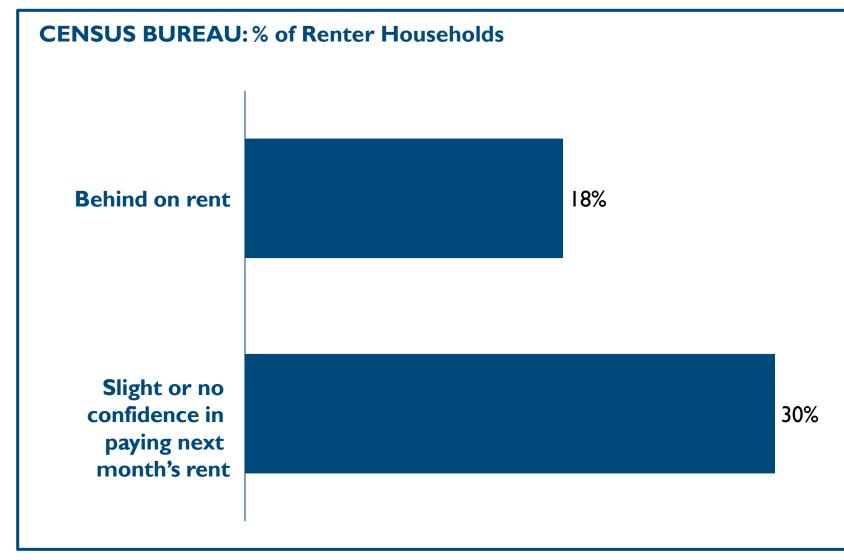
- Tenants are billions of dollars in debt to their landlords, creating eviction risk for millions (pgs. 4-9)
- 2 Effective policy solutions combine eviction moratoria with rental assistance (pgs. 10-14)
- Rental assistance programs face design and administrative challenges, slowing the disbursement of funds (pgs. 15-19)
- States and localities have emerging best practices to draw upon as they prepare to distribute billions in emergency rental assistance (pgs. 20-28)
- Appendix 1: Reviewing state models based on best practices (pgs. 30-34)
- 6 Appendix 2: Background on the COVID-19 Eviction Defense Project Rental Assistance Pilot (pgs. 35-39)

Tenants are billions of dollars in debt to their landlords, creating eviction risk for millions of tenants

OVER THE SUMMER, WE PROJECTED THAT ~30-40M AMERICANS COULD BE AT RISK OF EVICTION THROUGH THE END OF THE YEAR



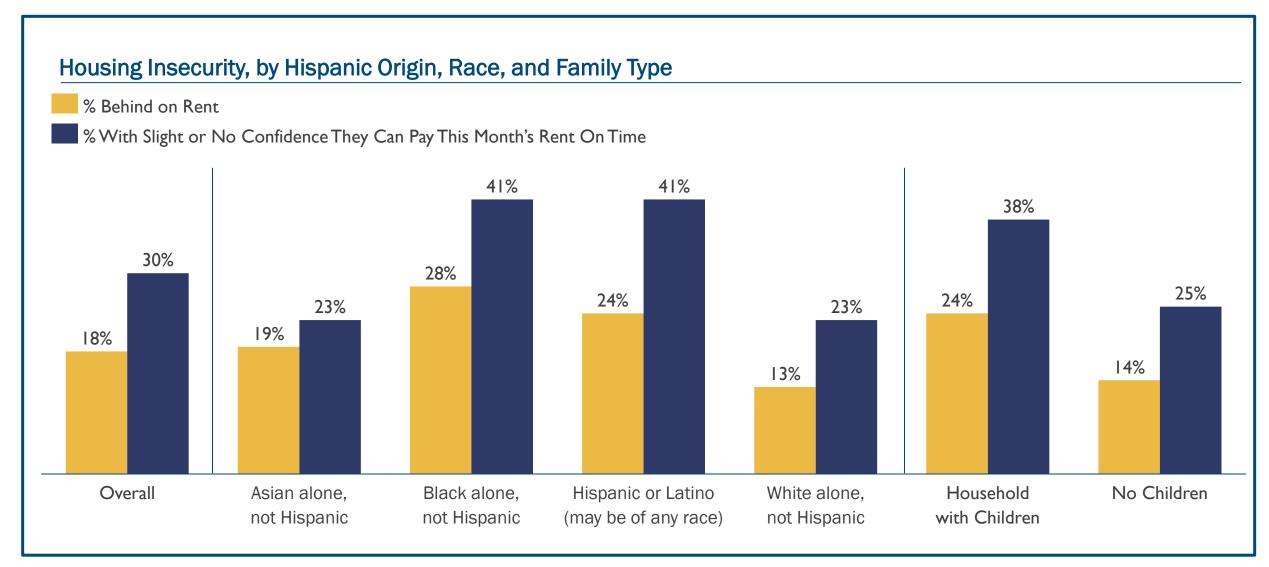
STATE AND FEDERAL MORATORIA HAVE AVOIDED MASS DISPLACEMENT, BUT MILLIONS OF TENANTS ARE BEHIND ON THEIR RENT



- Since the beginning of the COVID-19 pandemic, the U.S. economy has shed 10M+ jobs
- Extended unemployment, loss of hours, and reduced wages have caused tenants to fall behind on rental payments and accrue debt to their landlords
- 19M people in 8.1M households owe rent to their landlords
- Over the same period, nearly
 8M Americans have fallen
 into poverty

Source: Week 20 Census Bureau HH Pulse Survey;

CENSUS: HOUSING INSECURITY IMPACTS BLACK RENTERS, OTHER RENTERS OF **COLOR AND FAMILIES WITH CHILDREN DISPROPORTIONATELY**



TENANTS OWE BILLIONS OF DOLLARS IN RENTAL DEBT TO LANDLORDS

Bloomberg CityLab

CITYLAB

U.S. Renters Could Owe \$70 Billion

By January, when the federal eviction moratorium expires, 11.4 million households in the U.S. might be more than three months behind in their rent, or \$6,000 each.

By Kriston Capps

December 10, 2020, 11:36 AM EST



Back rent owed by struggling U.S. households — about 11.4 million renters in all — averages about \$6,000 per household, or around three-and-a-half months' rent, according to Mark Zandi, chief economist for Moody's Analytics. Most of it has accrued since the expanded unemployment benefits under the CARES Act expired over the summer.

"These are low-income households," he says. "They've probably already borrowed as much as they can from family or friends. They have no resources left."

POLITICO

'The most lopsided economic event imaginable': Wave of evictions threatens Black, Latino tenants

By **KATY O'DONNELL** and **JANAKI CHADHA** | 12/14/2020 11:28 PM EST | Updated 12/15/2020 11:05 AM EST

In the meantime, rental debt continues to grow — tenants around the country could collectively owe as much as \$24.4 billion in back rent by January, according to the latest estimates from the financial consulting firm Stout Risius Ross.

RENTAL DEBT CREATES RISK FOR TENANTS AND LANDLORDS



- In many states, tenants with outstanding rental debt may be subject to eviction, civil suits to recover unpaid bills, and negative credit reporting
- Without financial assistance, impacted tenants may never be
 able to catch up on their bills, creating long-term instability



- Landlords with non-paying tenants face significant financial loss whether they choose to evict or not
- Tenant non-payment impacts mortgage, maintenance, and taxes, and especially threatens mom and pop landlords

Effective solutions combine eviction moratoria with rental assistance.

- Moratoria keep tenants in their homes for a defined period of time, but tenants are at risk when they expire.
- Rental assistance can permanently "cure" the risk of eviction by clearing tenant debts.

SOLUTIONS HAVE FOCUSED ON THREE AREAS

Payment agreements

- Encourage landlords and tenants to voluntarily reach resolution
- Increase tenant payments significantly, often making them unsustainable
- Require landlords to float tenant debt over the short to medium term

Eviction moratoria

- Keep tenants housed and avoid immediate harm of displacement
- Do not address landlordtenant payment issues
- Risk of "payments cliff" if not backed by extensive rental assistance

Rental assistance

- Resolve tenant debts to landlords
- Sustain tenancies into the future and allow landlords to pay mortgages, maintenance, and taxes
- Face ongoing funding, operational, and administrative challenges

Eviction moratoria and rental assistance are mutually reinforcing

PAYMENT PLANS ALONE ARE TOO EXPENSIVE FOR RENT BURDENED TENANTS TO SUSTAIN



- Payment plans that amortize tenant debt over the life of the remaining lease can dramatically increase monthly rent for tenants who are still recovering from COVID-19 economic hardship
- Even when paired with lease extensions and a longer repayment window, payment plans alone
 are unsustainable for rent-burdened tenants

EVICTION MORATORIA PROTECT TENANTS BUT DON'T ADDRESS DEBT

Eviction moratoria avoid harmful and expensive displacements

- State and federal eviction moratoria have protected many tenants from eviction and displacement during the COVID-19 crisis, avoiding a broader crisis
- These stop-gap measures have promoted housing stability in the absence of ongoing federal financial support for renters



But they do not address growing payments issues

- Eviction moratoria do not address the growing debt tenants owe their landlords
- Without financial support, rental arrearages will eventually lead to tenant eviction, landlord foreclosure, or both

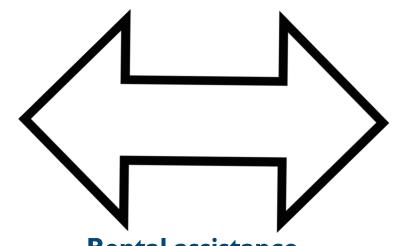


RENTAL ASSISTANCE STABILIZES LANDLORDS AND TENANTS, BUT EXISTING STATE AND LOCAL PROGRAMS FACE ADMINISTRATIVE CHALLENGES



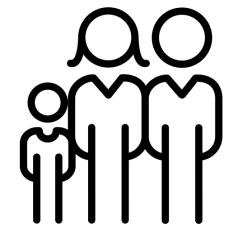
Landlords

Rental assistance addresses distressed property balance sheet, including mortgages, maintenance, and taxes



Rental assistance

Permanently clears landlord-tenant debt balances, but needs to be administered effectively to work



Tenants

Rental assistance eliminates eviction risk for covered period, resolves debt, and avoids credit damage

Eviction moratoria and other tenant protections together create strong incentives for landlords to pursue rental assistance to address arrearages owed by tenants

Rental assistance programs face design and administrative challenges, slowing the disbursement of funds

DESIGN AND ADMINISTRATIVE CHALLENGES HAVE PLAGUED RENTAL ASSISTANCE PROGRAMS



Deadline looms for rental aid as demand leads to lengthy waits



Tenants who received an eviction notice from their landlord fill out forms at the Civil Law Self-Help Center at the Regional Justice Center, on Nov. 16, 2020, in Las Vegas. (Bizuayehu Tesfaye/Las Vegas Review-Journal)

The Boston Globe

As eviction cases rise, more concerns surface about delays in Mass. rental aid program

Lawyers for Civil Rights advocacy group raises the possibility of taking legal action.

By Tim Logan Globe Staff, Updated December 10, 2020, 6:54 p.m.









RENTAL ASSISTANCE PROGRAMS FACE COMMON DESIGN & ADMINISTRATIVE CHALLENGES

Common design challenges

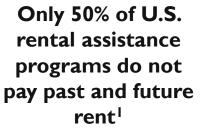
- No future stabilization: Rental assistance programs only pay arrearages, creating immediate concerns about next month's rent
- Limited tenant protections: Settlement agreements between landlords and rental assistance programs do not establish specific eviction protections for tenants
- Full price payment for distressed assets: Landlords
 are paid full face value for rental arrearages, reducing the
 number of tenants and landlords who receive assistance
- Limited negotiating power: Assistance dollars are reserved for current landlord, limiting tenant flexibility during negotiations

Administrative and operational challenges

- Limited accessibility: Rental assistance is often allocated via a single channel, with limited marketing and outreach (e.g., only tenants can apply)
- Difficult applications: Tenants and landlords struggle to complete applications, gather the necessary paperwork, and meet documentation burdens
- Long review, underwriting, and payment processing timelines, at times lasting multiple months
- Limited tenant interaction or post-payment tracking

COMMON DESIGN CHALLENGES







Economically distressed tenants face re-application or eviction "next month"



Rental assistance programs pay rent debt at 100% of face value



Public and charitable dollars overpay for distressed rental debt



Tenants are unable to use funds for rehousing; funds must go to current landlord



Tenant negotiating leverage is dramatically reduced



Rental assistance agreements do not include tenant protections



Rental assistance funds pay landlord debt without securing housing stability

COMMON ADMINISTRATIVE AND OPERATIONAL CHALLENGES

Marketing and outreach	Intake and application process	n Application review	Payment processing	Post-assistance support
 Rental assistance channels are limited & directed to a segment of tenants (e.g., only those with court dates) Limited marketing and outreach budgets keep assistance from reaching diverse tenants & landlords (especially non-English speakers) 	 Application and intake processes are difficult to navigate Tenants & landlords must provide extensive documentation to claim benefits Digital, language, and knowledge barriers limit access 	 Processing of applications takes weeks to months due to limited automation, limited staff capacity, high volume & burdensome compliance regs. Reviewing agency required to go "back and forth" with tenant, extending review time 	 Payments to landlords are batched / slow, extending timeline Time required to process assistance payments may lag the eviction timeline, creating risk of tenant displacement 	 Limited follow up with tenant after disbursement Potential for eviction after the first of "next month" Tenant lack of awareness of rights and options after receiving rental relief

Across the US, states and localities are preparing to distribute billions in emergency rental assistance. To maximize the effectiveness of these programs, operators should:

- I) Create strong legal and policy frameworks to support deal-making
- 2) Ensure that rental assistance payment terms promote long-term housing stability, rather than loss-absorption
- 3) Extensively market a simple, accessible application process
- 4) Provide ongoing support to tenants after rental assistance has been paid

EARLY LEARNINGS SUGGEST THAT EFFECTIVE RENT RELIEF PROGRAMS COMBINE MANY OF THE FOLLOWING BEST PRACTICES

Eviction moratorium to incentivize dealmaking and settlement

Adequate funding to support landlord-tenant needs

Application process

Eligibility criteria prioritize people most at risk

Multiple access channels before & during eviction process

Extensive, relevant marketing and outreach to tenants and landlords

Both landlords and tenants can apply

Simple, intuitive application process with low documentation burden

Payment terms

Pays past and future rent to create long-term stability for renters

Payments made at less than face value take assistance funds further (60%+)

Reinstates, extends, or formalizes lease

Tenant can use flexible funds at current residence or for rehousing, creating negotiation leverage

Post-payment tracking

Ongoing tenantlandlord settlement tracking to ensure compliance

Connection with other forms of support and service

Connections to legal representation and services

A STRONG SUPPORTING LANDSCAPE CAN STABILIZE HOUSEHOLDS AND IMPROVE THE EFFECTIVENESS OF RENTAL ASSISTANCE

Eviction moratorium

Civil debt conversion

Moratoria halt evictions, creating strong incentives for landlords and tenants to seek rental assistance funding and financial solutions to arrearages

 Temporary bans on eviction buy time for rental assistance programs to process applications, disburse funds, and stabilize communities

- Converting rental debt (which in most jurisdictions creates grounds for eviction) to civil debt ensures that tenants cannot be displaced from housing as rental assistance programs are implemented and expanded to address arrearages
- Following civil debt conversion, landlords and tenants may seek rental assistance from providers

el

 Right to counsel programs increase tenant awareness of legal and funding options, accelerating disbursement of rental assistance

Right to counsel

Strong supporting policies can ensure that rental assistance prevents eviction, rather than just servicing landlord debt

A SIMPLE APPLICATION PROCESS, SUPPORTED BY EXTENSIVE MARKETING AND MULTIPLE INTAKE CHANNELS CAN EXPAND ACCESS FOR RENTERS

Eligibility Criteria

- Eligibility criteria prioritize lowincome renters and includes flexibility for renters with a variety of firstand secondorder COVID impacts
- Criteria emphasize the need to equitably reach underserved populations

Marketing & outreach

- Extensive
 marketing to a
 wide range of
 landlords and
 tenants, using
 various types of
 outreach
- Emphasis on equity, with extensive investment in reaching underserved populations

Multiple intake channels

- Numerous intake channels before and during the formal eviction process, accessible to both landlords and tenants
- Strong
 connections
 between rental
 assistance
 application
 process and
 service
 organizations
 fighting evictions

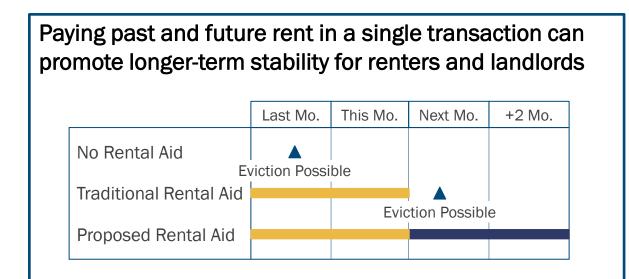
Simple application process

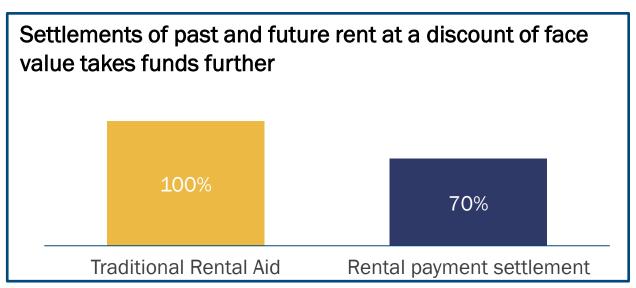
- Simple, easy to understand application process
- Multiple ways to apply (e.g., online, paper, in person, etc.)
- Limited documentation requirements

Rapid app review & payment processing

- Rapid review of applications with direct follow-up on incomplete applications
- Speedy disbursement of settlement docs and payment to landlords

WELL DESIGNED RENTAL ASSISTANCE PROGRAMS STABILIZE TENANTS AND TAKE PUBLIC FUNDS FURTHER





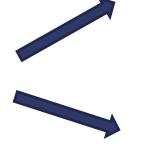
Allowing tenants to use rental assistance for existing or new housing creates flexibility and gives tenants real leverage in negotiations

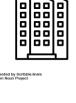


No Leverage:

Rental assistance only pays current LL









Leverage Rental assistance pays current LL or for re-

housing



POST-PAYMENT TRACKING AND SUPPORT ENSURES COMPLIANCE WITH DEAL TERMS

Post payment tracking

- Track landlords and tenants after payments are issued to ensure full compliance with program payment terms and enable program evaluation
- Various methods may facilitate post-payment tracking, including tenant complaint lines, eviction filing scans, and close collaboration with community groups
- Provide additional support / intervention to tenants with ongoing payment issues when available funding allows

Connection to legal services and other support

- Connect tenants receiving rental assistance with legal services providers to provide advice and representation if housing is threatened
- Offer direct referrals to other community programs and services including career counseling, health services, nutrition assistance, and other forms of support

STATES ACROSS THE U.S. HAVE IMPLEMENTED A VARIETY OF THESE BEST **PRACTICES**



- Distributed \$200M in rental assistance. paired with a constant eviction moratorium
- Funding can be used to support past and future payments
- Deployed extensive marketing and outreach campaign to educate landlords and tenants about program



- Supported rental assistance program funded at \$150M level
- Many rental balances paid at less than face value with a \$750 monthly cap
- Funding could be used for past and future rent between March 1st and December 1st



- Paired \$100M in rental assistance with a moratorium through Dec. 31
- Extensive marketing & program criteria ensure & require equitable distribution of funds to vulnerable individuals and populations of color
- Pays back and future rent up to 80% of face value



- Allocated over \$120M in rental assistance through two state programs
- Funds cover current housing as well as rehousing (e.g., security deposit and first month's rent)
- Funded expansion of access to legal representation as well as mediation program in housing court

WITH BILLIONS IN RENTAL ASSISTANCE FUNDS ON THE WAY, IMPLEMENTATION IS CRITICAL TO HOUSING STABILITY

Congress will extend eviction moratorium, fund emergency rent assistance with new stimulus deal

Published: Dec. 21, 2020 at 7:21 a.m. ET

By Jacob Passy

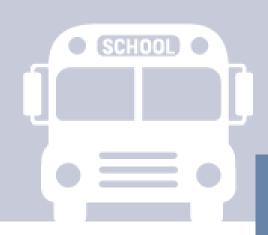
'Tens of millions of people are at risk of losing their homes,' said Diane Yentel, president and CEO of the National Low Income Housing Coalition



STABILIZING RENTER FAMILIES THROUGH EVICTION PREVENTION AND RENTAL ASSISTANCE LEADS TO MASSIVE SOCIAL BENEFITS

EDUCATION

- Improve academic performance
- Improve attendance
- Reduce need for school-based social services





- Able to pay other bills on time and weather financial shocks
- Able to save and invest for the future
- Children can thrive





HEALTHCARE

- Fewer chronic illnesses in community
- Reduce need for unfunded acute care
- Meet Affordable Care Act community health and charity care requirements



GOVERNMENT

- Serve the public interest
- Reduce reliance on food and utilities assistance programs
- Stronger tax base

BUSINESS

- Able to recruit and retain talent
- Improve employee financial wellness
- Stronger consumer spending environment



Authors



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Special thanks to Carson Bryant for providing tremendous research support on state rental assistance programs that helped shape our framework and recommendations.

APPENDIX #1: Reviewing state models based on best practices

WASHINGTON (WA)

Supporting landscape		Application Process		Payment terms		Post payment support	
Eviction moratorium?	CDC moratorium; State moratorium through Dec. 31st	Summary Eligibility Criteria	80% AMI plus one of the following: 50% rent burden; prev. homelessness; eviction history, housing discrimination; illness risk; disability	Pays past and future rent?	Yes; covers up to six months' worth of rent; grantees may apply more than one time; only covers up to one month of future rent	Ongoing tracking to ensure compliance?	Yes; grantees must pass a performance review to access second 50% of funding
Level of state funding	\$100M	Multiple channels?	No; tenants apply through housing service providers, who receive the money in the form of grants	Offers less than face value payments?	Yes; payments can be up to 80% of rent due or FMR, grantees can choose the greater of the two & can't exceed amount of rent due	Connection to other forms of support?	Yes; additional services available through community organizations and housing service providers
Who Administers?	Department of Commerce runs the program; money is distributed through housing service providers	Extensive, relevant marketing?	Yes; requires outreach thru orgs "by and for" marginalized groups & proportional service of groups by race & ethnicity	Formalizes / reinstates lease?	No; only requires landlords to attest to full satisfaction of arrears and waiver of late fees	Direct access to legal services?	Limited but access may exist through formal and informal relationships within housing service providers
		Landlords and tenants can apply?	No	Tenants can use funds to support rehousing?	No		
		Simple application process?	Yes; very limited doc. burden; self attestation for tenant & landlord				

MASSACHUSETTS (MA)

Supporting landscape		Application Process		Payment terms		Post payment support	
Eviction moratorium?	CDC moratorium; State moratorium expired on Oct. 17th	Summary Eligibility Criteria	ERMA below 80% AMI; RAFT below 50% AMI; addl. criteria based on type of funds & group status e.g., some RAFT applicants must prove funds stabilize tenancy	Pays past and future rent?	Yes; ERMA: Up to \$4K RAFT: Up to \$10K	Ongoing tracking to ensure compliance?	Yes; state tracks and reports on several outcomes
Level of state funding	\$20M for ERMA + \$100+ M for RAFT	Multiple channels?	Yes; tenants can apply directly to HCECs, can be referred by 'service partners' or accessed thru mediation	Offers less than face value payments?	No; for RAFT funds > \$4K & not distributed thru courts, tenants pay 30% of income to rent (\$0 if no income)	Connection to other forms of support?	Yes; HCECs can connect residents to a range of services
Who Administers?	Housing Consumer Education Center (HCECs)	Extensive, relevant marketing?	Yes; HCECs actively promote the program and provide resources	Formalizes / reinstates lease?	Depends; RAFT for amounts between 4K-10K requires landlords not to evict for 6 months; ERMA no such requirement	Direct access to legal services?	Close connection to legal services network & program expansion included mediation & access to counsel funding
		Landlords and tenants can apply?	Tenants and landlords who own fewer than 20 units can apply	Tenants can use funds to support rehousing?	Depends; RAFT can fund rehousing; ERMA cannot		
		Simple application process?	Burdensome app. requires significant documentation from tenant and landlord				

ILLINOIS (IL)

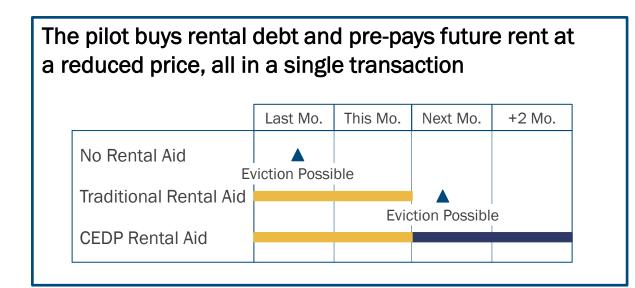
Supporting landscape		Application Process		Payment terms		Post payment support	
Eviction moratorium?	CDC moratorium; State moratorium bans filings until early January	Summary Eligibility Criteria	Self-certification of income loss due to COVID; 80% AMI or below; Landlord verification of debt; signed lease	Pays past and future rent?	Yes; ERA funds can be dedicated to past and / or future rent, up to \$5,000	Ongoing tracking to ensure compliance?	No
Level of state funding	\$200M	Multiple channels?	No; tenants directly applied to IHDA	Offers less than face value payments?	No; but late fee waiver is required to receive funds	Connection to other forms of support?	Limited
Who Administers?	Illinois Housing Development Authority (IHDA)	Extensive, relevant marketing?	Yes; extensive online marketing and community engagement	Formalizes / reinstates lease?	No; program only accessible to tenants with written leases	Direct access to legal services?	No
		Landlords and Tenants can apply?	No; tenants must apply & landlords must agree to participate & complete docs.	Tenants can use funds to support rehousing?	No		
		Simple application process?	Medium; clear application, requires landlord verification of debt, lease, & ownership proof				

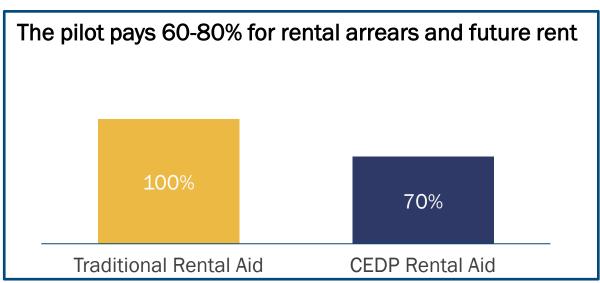
PENNSYLVANIA (PA)

Supporting landscape		Application Process		Payment terms		Post payment support	
Eviction moratorium?	CDC moratorium; State moratorium expired	High Level Eligibility Criteria	I00% AMI or below; Income loss of 30% or more	Pays past and future rent?	Yes; up to \$750/month for six months between Mar. 1st and Dec. 30th; Max value of \$4,500	Ongoing tracking to ensure compliance?	Yes; there is periodic reporting on program performance
Level of state funding	\$150M	Multiple channels?	No; tenants and landlords applied directly to their county agency of the PHFA	Offers less than face value payments?	In some cases, as rent is often higher than the \$750 monthly cap	Connection to other forms of support?	No
Who Administers?	Pennsylvania Housing Finance Authority (PHFA) through participating counties	Extensive, relevant marketing?	No	Formalizes / reinstates lease?	No; requires lease & no requirement of formalization	Direct access to legal services?	No
		Landlords and tenants can apply?	Yes	Tenants can use funds to support rehousing?	No		
		Simple application process?	No; process requires extensive compliance & documentation, slowing distribution				

APPENDIX #2: Background on the COVID-19 Eviction Defense Project Rental Assistance Pilot

THE COVID-19 EVICTION DEFENSE PROJECT IS TESTING RENTAL ASSISTANCE BEST PRACTICES THROUGH A PILOT PROGRAM IN COLORADO



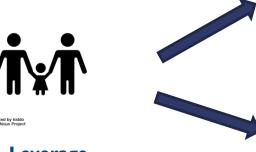


The pilot provides funding for existing or new housing, giving tenants leverage in negotiations, with support from lawyers and navigators



No Leverage:

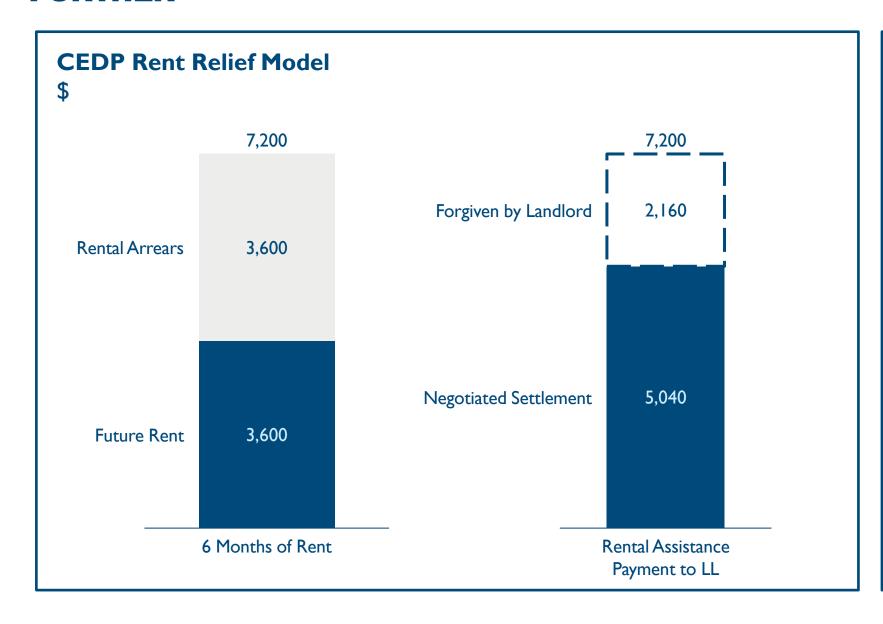
Rental assistance only pays current LL





Leverage
Rental assistance pays current LL or for rehousing

THE USE OF THESE THREE PRACTICES IS TAKING RENTAL ASSISTANCE FURTHER



- CEDP rental assistance program pays both past and future rent in a single check
- CEDP and landlords settle past and future rent at approximately 70% of face value, taking funding further
- Tenants receiving support have ongoing access to counseling, legal services, and other forms of support

CEDP MANAGEMENT PROCESSES ARE DESIGNED TO SPEED TIME TO SETTLEMENT DEALS

Simple application process

- Application is simple and requires minimal data / input
- Tenants can self-apply or work with a navigator

Targeted marketing to tenants and mom-and-pop landlords

- Outreach to big landlords, pursuing bulk deals
- Close work with community groups to expand access

Rapid application review and underwriting

g

Speedy payment processing

- Auto review of applications with flags for human review
- Loan portion subject to minimal underwriting (expect high default rate)
- Once deals are approved, fund processes and mails certified checks within 10 days
- Landlords receive payment timeline and tracking number

Targeted Outreach to landlords and tenants

THE PILOT IS BUILDING 5 CHANNELS TO IDENTIFY NEED AND DISBURSE RENTAL ASSISTANCE TO A WIDER AUDIENCE

Channel **Description** Online portal accessible to small operators and their tenants to strike bargains and **Digital platforms** resolve payment issues at pre-fixed terms (small operators) Portal functions as a one stop shop for execution of settlement agreements, PREreinstatement of lease, and payment **FILING** Fund representatives negotiate directly with large operators / LP owners to reach **Bulk buy-outs** property or portfolio wide terms (large operators) Deal terms are then extended to tenant for consideration and approval Community Community organizations refer tenants to rental assistance fund and legal services **BOTH Organizations** Intake triages tenant need and assigns legal assistance, financial advice, or both Provide rental relief fund to legal services attorneys representing tenants in Legal services evictions intake Lawyers and tenants have flexibility to negotiate deals with landlords within preset, POSTpre-approved boundaries **FILING** Tenant is approved for funding within pre-set, pre-approved boundaries Court house Mediator can use funding to support resolution and avoid eviction mediation



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