

MEMORANDUM

Date: August 3, 2020

To: Marisa A. Zapata, PhD
Director, PSU-HRAC

From: Lauren E. M. Everett
Graduate Research Assistant, PSU-HRAC

Subject: Updates on COVID-19 response, housing, and people experiencing homelessness nationwide, July 27 - Aug 2

News

1. As the GOP and Democrats battle over a new COVID relief package, an estimated [\\$21.5 billion in past-due rent](#) threatens housing stability for millions of households nationwide.
2. *Next City* reports on [Los Angeles County](#)'s ambitious plan to rapidly house 15,000 people experiencing homelessness. Additionally, the plan aims to prevent additional households from losing their housing, and prepare the homelessness and housing systems for future crises while applying an equity lens. Gary Blasi of UCLA's School of Law expresses concern about the plan's lack of specificity as to how the goals will be achieved. His report on [the impending crisis](#) if the state's eviction ban expires in August predicts that 300,000 households could be at risk.
3. The [eviction moratorium](#) on properties with federally backed mortgages expired July 24 at midnight. As democrats push to extend it, GOP lawmakers have expressed support for owner-occupied homes, but have yet to commit to an extension for rental properties. Communities of color are most at risk for losing their homes.
4. In [Maryland](#), according to current estimates, about 292,000 are unable to pay rent statewide. This could result in around 192,000 eviction filings over the next four months. The court will begin processing evictions for nonpayment after July 25, but won't begin hearing the cases until August 31. The [Gaithersburg](#) City Council voted to cap residential rent increases at 2.6% during the state of emergency and for 90 days after despite opposition from some council members who favored a rent freeze.
5. The court in [Mecklenburg County](#), NC has worked through 600 eviction cases for unpaid rent in one week. Many tenants are being referred to mediation and rent relief funds to pay back rent with an emphasis on balancing landlord ledgers.
6. [Rhode Island, ME](#)'s Safe Harbor Housing Program is an eviction prevention initiative that offers up to six months of rent arrearages and legal services for households at the 80% AMI level or below.

7. The [Senate Republican COVID-19 plan](#) was announced July 27. The Center on Budget and Policy Priorities' analysis argues that it falls short of meeting the needs of struggling families and the economy.
8. In [Portland, OR](#) the Joint Office of Homeless Services opened three more motels to individuals who had been sheltering in public buildings and people who have tested positive or are awaiting test results and do not have space to isolate in their homes. There are four motels in the program, two of which the city and county have the option to purchase. The \$22 million budget comes from federal CARES Act funding.
9. [Kansas City, MO](#) housing advocates are bracing themselves for a massive number of eviction filings as both the federal moratorium and unemployment benefits expired last week. Data suggests that at least 48% of Missouri renters are at risk.
10. In [New York City](#), where two thirds of the city's residents rent their homes, a quarter of renter households haven't paid rent since March. The city is now preparing for hundreds of millions of dollars in delinquent property tax payments.
11. The president rescinded the Obama-era [Affirmatively Furthering Fair Housing](#) rule, which required local governments to proactively ensure that fair housing regulations were followed in order to receive federal housing funding. He touted the legislation's repeal as supporting the goal of suburban segregation, which he described as an integral component of the American dream.
12. In [Texas](#), many undocumented immigrants who cannot pay rent are self-evicting rather than facing the courts.
13. [Victoria, BC](#) has allocated \$150 million to extend its hotel program until at least April of 2021 while the 2,000 participating individuals are transitioned into permanent housing.

National Low-Income Housing Coalition (NLIHC) weekly call and updates (July 28)

Paul Kealey, COO, NLIHC: Moratoriums have expired and the unemployment extension expired this week. We will see an eviction tsunami without action. I can't emphasize enough how essential it is that everyone contact your representatives about passing these bills.

Janet Golrick, Deputy Assistant Secretary for Grant Programs; Jessie Handforth Kome, Director, Office of Block Grant Assistance, HUD

Janet: HUD is providing guidance and technical assistance to grantees and stakeholders. They have webinars and are doing outreach. More than \$100 million is being expended by grantees. They're turning the funding around in quick order. A grantee can issue their plan and not have to wait for HUD notices to be posted. HUD is working on a communication plan to inform all stakeholders of their programs, and being able to ask questions. This includes webinars, working with other federal agencies, and other tactics.

Jessie: [The FAQ is up on the website](#). It's officially dated July 10, 2020. It has basic questions like what are the CDBG requirements, what is it, etc. It also answers how the Coronavirus-specific funds can be used, and questions about duplication of benefits and how

that's determined. For example, you can use multiple types of funding, but just can't cover the same expense twice. There's more detail about the technical aspects of this in the document. For CDBG everything has to meet 1. Prevention and elimination of slum and blight, 2. Meeting an urgent community development need, and 3. At least 70% needs to go to a low-income population. The fund hasn't been used for public services in the past, so this is new territory. They will be publishing federal register notice with additional waivers, and will lay out all the CARES Act requirements in one place. You can use the funds for clinics, but it can be hard to make the case for funding rationale. Funding an activity makes more sense, e.g. instead of funding a whole hospital, funding isolation rooms. We're getting a lot of food bank questions about national objectives, and yes they are eligible. The funds can also be used for FEMA cost share (they usually reimburse 75% of non-congregate shelter costs). It can also be used to help small businesses adapt to new regulations.

Q: Can you use CDBG for arrearages? **Jessie:** I think if they clearly happened because of COVID and the grantee can show that. We want to make sure that the program is enabling someone to continue paying rent once the arrears are paid so they won't just get evicted once a moratorium expires. It would be framed as an emergency payment to someone for their rent or mortgage. It's more homeless prevention, and there are ways to design it as an eligible activity, but it can't be for more than three months. Utilities are tricky because many are publicly owned so the grantee would be paying itself and there are regulations about that. This is a public service grant so homelessness prevention is key to allocating this funding for arrears rather than just preventing debt.

More info on [hotels](#).

Eric Burmeister, ED, Polk County Housing Trust Fund: Local trust fund for the Des Moines, Iowa metro area.

Prevention Funding	Provider	Amount	Income Eligibility	Funds In Use	Des Moines Only	WDM Only	All Polk County
Iowa							
Iowa Rental/Mortgage - IFA	MUST APPLY ONLINE	\$20 Million - IA	<80% of AMI	Yes			X
Polk County							
CDBG - WDM	WDM Human Services	\$157,905	<80% of AMI	Yes		X	
CDBG - BoS	???	TBD	?	No			
ESG - DM	Home, Inc.	\$330,487.85	<50% of AMI	3-Aug	X		
ESG - BoS	Home, Inc.	\$293,653.74	<50% of AMI	3-Aug			X
CSBG - Impact	IMPACT	est. \$1 million	200% of Poverty	Fully Expended			X
Link to Iowa Program - https://www.iowafinance.com/covid-19-iowa-eviction-and-foreclosure-prevention-program/							

Iowa has a rent-relief program. The criteria are that the participant must not be receiving the \$600 weekly bonus, and that the circumstances that gave rise to them not paying rent must be

COVID related. In this spreadsheet we can see the Impact fund, which was the full allocation for 2020 and has been fully expended. Now Impact and Home Inc. are working with funding that has come through the City or the CoC, or the Balance of State ESG allocation, a portion of which has been allocated to Polk. We're waiting for August 3, which is the kick-off date for Impact and Home Inc.'s rent-relief programs. They are keeping waiting lists for applications. The Trust Fund has created a pool of rental assistance money with its dollars that can be used as a last resort.

Q: Is there an amount for rent and mortgage separately? **Eric:** No, there is no cap on one or another. As you might expect, the largest percentage of the dollars have been for rental assistance.

Howard Belodoff, Associate Director, Idaho Legal Aid Services: They've had some eviction proceedings throughout the pandemic. They have had a challenge representing people as they were working remotely and Idaho is a large state with a lot of rural areas. It's difficult to get to people and difficult to get information out of people. They developed a plan where they looked at all the eviction proceedings that were on the docket and filed briefs in each case contending that tenants should have a right to a jury trial. It was unclear to them how a landlord was going to prove that a tenant didn't fall under the CARES Act moratorium. They didn't know how the courts were going to handle this. It was chaos. The courthouses were closed so there was no way to appear. They filed these motions to educate these judges about the CARES Act requirements using the argument that the burden of proof for exemption (from the Federal eviction moratorium) was on the landlord, and that tenants have a constitutional right to a jury trial. The evictions happened very quickly: First a three-day notice, and the hearing is set in about 12 days. It takes more time to get rental assistance than to evict someone. In some cases the judge ruled that they did have a right to a jury trial. This gave them leverage to negotiate with the landlords. It's been hit or miss depending on the jurisdiction and the rules and procedures. The plaintiff was the organization since they couldn't find a tenant to be a plaintiff.

Sarah Saadian, NLIHC: Things are starting to move quickly on the Hill with the COVID package. Democrats are pulling together about what is needed in the next package. On the GOP side, things are in disarray. They were supposed to release [their counter proposal](#), but there are internal disagreements about what should be in it and how big it should be. They might be releasing it this afternoon. The deep divisions within the party are making this process much messier than it would otherwise be, but that could mean it will give more leverage to Democrats in the end.

United States Interagency Council on Homelessness webinar (July 27): COVID-19 Future Planning for the Homelessness Response System: Lessons Learned from Birmingham, Detroit, and New Orleans

Gordon Sullivan, Director of Operations, One Roof: One Roof is the CoC for central Alabama. Their area is a state coronavirus hotspot with a large increase over the past few weeks. Jefferson County's pandemic response is similar to any other emergency. It's headed by the Health Department and Emergency services, and includes all of the relevant local partners (local governments, hospitals, CoC, service providers, and community leaders). This system isn't perfect but has enabled local prioritization and coordination. It does sometimes seem overly concerned with process to the point that it can be inefficient and has resulted in service providers not always having what they need. The CoC wanted to post information in camps etc., and it took several weeks to get approval to put signs up so it's not always the most nimble structure.

Testing strategies have included early testing of sheltered and unsheltered individuals who are asymptomatic and on-call testing sites with CoC coordination intake. They thought this would be adequate, but it didn't work as far as getting a significant number of clients tested. They phased out the testing site and moved into partnerships with other community testing sites. During the current period of substantial community spread, they're doing facility-wide testing of guests and staff. This entails partnerships with service providers to conduct the tests. There also has to be a plan for what happens when positive tests come back to keep those people separate. The CoC is conducting weekly calls with service providers to hear what is needed. No shelters have closed, but many have reduced their services. The CoC has worked closely to resume services and permanent housing pathways. They had to reduce shelter capacity by 50% to 60%. Alternative shelter options are hotels/motels and a quarantine/isolation facility. They've learned a lot about staffing the hotel/motel program, which requires case management, special services for individuals who have tested positive, etc. For the isolation/quarantine facility, never underestimate the amount of work needed to get a building that hasn't been inhabited in a long time into adequate shape.

Outreach for unsheltered individuals has been challenging because they're seeing a large increase in this population. They've refocused their priorities for street outreach toward life-sustaining services, and now they're now refocusing back to shelter and permanent housing. For slowing community spread, they've been providing portable toilets and handwashing stations, setting up camps for 10 or more individuals, and providing constant education on handwashing and hygiene. Best practice is to not clear camps without a plan, and they've been working with the Birmingham police on that approach. Also, prioritize unsheltered individuals in your re-housing plan.

Tasha Gray, ED and Terra Linzer, Homeless Solutions Director, Homeless Action Network of Detroit

Tasha: They are the CoC for Detroit and the HMIS lead. Detroit is unique in that their Black population is particularly concentrated (79% of the population) and the poverty rate is 36%, which is three times higher than the national average. Other things that are challenges are an

older housing stock, which makes it difficult to find permanent housing in the private market. These challenges layered on top of COVID make for an especially challenging situation.

Terra: They started to prepare on March 11, as it became apparent that COVID was going to be a pandemic. Their plan is broken down into five areas:



Their innovations have included 1. Sanitation and hygiene resources (CDBG funds) 2. Client incentives (incentivizing people to stay in isolation while they're waiting for their test results with gift cards for \$25), 3. Telehealth (equipment at each shelter), 4. Frontline hazard pay (based on number of shelter beds and number of staff), and 5. Testing at shelters. The last four initiatives were all funded privately.

Tasha: There were many lessons learned based on how COVID revealed gaps in the system. There's a greater need for outreach, landlord recruitment, and education. Shelters are under-resourced and lack focus on permanent housing. Private funders are interested in helping with homelessness solutions, and we can leverage these resources to fill gaps. The vision for the future should revolve around the idea that it is unacceptable for people to remain houseless, while applying a racial equity lens.

Marjorianna Willman, Director of Housing Policy and Community Development, City of New Orleans; Martha Kegel, ED, UNITY of Greater New Orleans

Marjorianna: The City is 60% Black and 35% white (80% of Black people live in poverty compared to 16% of white people.) Four out of five cost-burdened renter households are Black. The poverty rate citywide is 25%. There have been 9,752 cases of COVID-19 total in the city and 548 deaths. Black people make up 75% of the deaths in the city vs 60% of the population.

Martha: UNITY is the CoC for New Orleans. The shelters in the city were hard hit in the spike that occurred after Mardi Gras. Deconcentrating the shelters was the first thing they did. The health department provided handwashing stations pretty quickly, but despite that about a dozen houseless people tested positive early on. Because of this, they realized they needed to secure hotel rooms for people experiencing homelessness. The precedent they relied on was the system and process they implemented for Katrina. This time around they have moved 700 homeless people into hotels from both Jefferson Parish and New Orleans. This represents 54% of the 2020 PIT count. What's unique is that they have focused on moving as many people off the streets into hotels as possible. Most of these people were coming from encampments. Their Safe at Home rehousing campaign centers goals of permanent housing, with a dedicated ESG rapid-rehousing model. They're partnering with the public housing authority for 225 housing choice vouchers. To date 49 people have been placed in permanent supportive housing, 41 in rapid re-housing, and 54 to other permanent housing solutions.

National Housing Law Project webinar (July 29): *Housing Resources During COVID-19*

- The CARES Act eviction moratorium on federally-backed housing expired. There are some HUD Guidance discrepancies with low-income housing tax credits and a Section 8 recent court ruling. After the moratorium expired, we entered into a period where a landlord could begin serving notices of intention to file for eviction. This results in many people exiting their housing instead of asserting their rights. They don't currently have data on how many evictions will actually happen because of the 30-day window before they can actually be served, which is around August 23. Evictions for nonpayment *after* July 24 are not subject to the 30-day window. There are a number of lookup tools to find out if your home is covered by the federal moratorium.
- There are a number of states that have local moratoriums. NHLP recommends that state and local governments implement these policies. In any discussion with a landlord who has served you a non-payment eviction, you should: negotiate a repayment plan; work to prohibit late fees; encourage them not to report evictions or unpaid rent; add family members to the lease during the emergency period or allow family members to assume the lease if the leaseholder passes away; release tenants from a remaining lease without penalty.
- CARES Act Emergency rental assistance included \$4 billion for ESG. The first \$2 billion was awarded to CoCs for providing homeless services, and the second half was mostly allocated to CoCs, but has a broader allowable use. It also contains \$20 million in emergency vouchers to be distributed through PHAs.

More resources:

1. NLIHC's guide to [Coronavirus relief funds and legislation](#).
2. The Center on Budget and Policy Priorities' [pandemic relief recommendations](#).

3. NAEH's [report](#), *Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tell Us*
4. NLIHC's [report](#), *Fixing America's Broken Disaster Housing Recovery System Pt. 2*