

MEMORANDUM

Date: September 28, 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, September 21 - 27.

News

1. In California, the first Project Homekey hotel conversions are in the beginning planning stages. [Santa Clara County](#) will receive almost \$30 million to buy a local hotel, which should be ready with 132 rooms by March. The county will have to match \$20 million for the project with funding from a 2016 ballot measure. [San Francisco](#) has been awarded nearly \$45 million for the purchase of the 232 unit Single Room Occupancy Granada Hotel, which will become Permanent Supportive Housing.
2. [Los Angeles County](#) is phasing out their hotel program (Project Roomkey), citing concerns about the uncertainty of federal funding. They [will find housing](#) for each participant with a goal of ending the program entirely by early next year.
3. The highly controversial removal of houseless men from the Lucerne Hotel in [New York City's](#) Upper West Side neighborhood has been postponed until at least the end of September, along with a pause on relocations at all shelter hotels citywide. The mayor then announced Friday that [all 300 hotel residents would be moving](#) to a hotel shelter in the financial district by Oct 4. The move prompted outcry from advocates and residents of the Lucerne, as well as the formation of a new opposition group in the financial district: Downtown NYCers for Safe Streets.
4. Remote learning presents additional challenges for [students experiencing homelessness](#).
5. An RV park in [San Francisco's](#) Bayview neighborhood that was set up as part of the Project Roomkey initiative is being hailed as a major success story for its residents. The park has wrap around services including meals and is a 'low-barrier' shelter in the Housing First model.
6. Despite the CDC moratorium, general [uncertainty around evictions](#) is taking a toll on millions of Americans who rent their homes. [Evictions](#) are not only traumatizing and may result in houselessness, but can also have repercussions that last many years. Meanwhile, a new company has emerged to take advantage of both the high unemployment rate and housing insecurity, by offering [a platform for landlords to hire people as process servers](#) on a gig basis.

7. COVID has exposed underlying inequities in many places, including [Tucson, AZ](#)'s Latino community.
8. In [Texas](#), judges are enforcing the federal eviction moratorium inconsistently, leading to tenants receiving eviction judgements despite being legally protected. Julia Orduña of Texas Housers covers this in more detail in the NLIHC call recap below. A family in [Milwaukee, WI](#) who wasn't aware of the moratorium also experienced an eviction, highlighting the flaws of the policy.
9. In the [Portland, OR](#) area, Multnomah County commissioners unanimously voted to extend its eviction moratorium through Jan 8 of 2021. The policy also includes a six month grace period for repayment of back rent.

National Low-Income Housing Coalition (NLIHC) weekly call and updates (September 21)

Sarah Saadian, NLIHC: The eviction moratorium seems to be working, as filings have declined in a number of cities. We still have a lot of work ahead of us reaching out to renters about their rights so they're aware of the moratorium. We also need to make sure low-income renters get their economic stimulus checks.

Senator Brian Schatz, Hawaii: I worked with Sherrod Brown to co-sponsor the [Emergency Rental Assistance and Rental Market Stabilization Act 2020](#) to secure funds to address the rent and mortgage debt that will be due. The likelihood of passing that is a lot lower as now the attention is on passing a government funding bill and on the passing of Justice Ruth Bader Ginsberg. It doesn't feel like there's a lot of movement toward a COVID relief package now. To be straight, it doesn't look good in the next couple of weeks.

Q: When the moratorium ends renters are going to owe back rent and we don't know about other economic impacts. What can people do to build momentum?

A: Making sure that renters know their rights is very important. Second, to educate the public about the difference between forbearance and forgiveness. It might feel the same now, but won't when people have months of rent payments due. People in blue and red states are all facing this crisis together, and we're going to have to pass a bill by the end of the calendar year anyway, so it needs to include this.

Q: This pandemic is highlighting the need for transformational change. What do you think the pandemic means for housing policy going forward?

A: That's a question I would like to turn back to you folks. From the federal side there's only so much we can do. Even if we pour money into it, it's still not enough. In markets like Honolulu, the local government creates scarcity of housing and then wonders why there isn't enough housing. I'm talking about exclusionary zoning and other restrictive policies. I think it's our job to reach out to people who are "officially" with us in this fight but don't understand the systemic roots (e.g. redlining) of the current situation. They may be for inclusion in theory, but not in practice when it's

in their neighborhood. I think we need a bipartisan YIMBY bill. We have to build a coalition for housing that includes people who care about climate, social justice, and housing policy. We have to call out some of our friends who are officially for housing, but not anywhere near them. If you're for housing people, some of those housing projects need to be near you, even when it impacts your property values. I see us failing time and time again because of these NIMBY issues.

Q: We hear about people experiencing these issues a lot. There's some bipartisan support for your YIMBY bill and we'd like to help support that. There's another bill you're proposing for pandemic Community Development Block Grant (CDBG) funds—how can we build support for that?

A: The bill codifies that program. They don't have clear rules about spending and they are reinvented whenever there's a disaster so it varies a lot by location. There needs to be a uniform understanding of how disasters impact people based on their vulnerabilities, and disaster relief from the federal government should use a lens that accommodates the general idea [of equity].

Jim Baker, ED, Private Equity Stakeholder Project: Our organization researches and tracks private equity firms that invest in housing. We looked at eviction cases filed in multiple counties in Arizona, Texas, Tennessee, Georgia, and Florida, and tried to focus on corporate landlords, including REITs (Real Estate Investment Trusts), private equity firms, and other companies that own thousands of units. They gathered public records and other publically available documentation. Part of what we've seen is in these places, there's an acceleration of evictions by these landlords in the last week. Filings by corporate landlords make up the vast majority of filings in some counties, for example in DeKalb County, GA it's over 80%. Part of what was surprising was that we were seeing evictions by some of the largest landlords in the country, since the CDC moratorium was announced. We saw specific landlords accounting for a disproportionate share of the filings in some areas. If you would like to contact us please reach out: jim.baker@pfstakeholder.org

Q: How did you pick those states?

A: It depends partially on what information is available, but we were also looking at large metro areas where evictions had been happening already. These are geographies where we've seen filings for some time during COVID, though there has been an escalation in recent weeks.

Q: Do we know the reasons for the evictions?

A: In many cases we don't, but in FL and GA we can see that data and the vast majority is for nonpayment of rent.

[Presentation slides](#)

John Pollock, Coordinator, National Right to Counsel (RTC): Before COVID we were looking at a movement that was growing significantly across the country. Five cities including NYC have passed an act, and it's pending in several other jurisdictions and states. There have been very successful results with these programs. Default rates are going down in NYC by 34%, which means that way more tenants are actually showing up to court. With COVID there's an increased need for RTC because 1. The increased complexity of cases, 2. Increased risks to tenants (health if doubling up,

incarceration if perjury), and 3. Increased illegal behavior from landlords. The CDC moratorium is complex and is being interpreted in various ways by the courts. We're seeing landlords trying to put tenants on the stand, despite the clarity of the moratorium in stating that the declaration document is all that is needed. This is especially problematic in places without an RTC, because landlords will have council. The situation is made even more complex by the fact that there are layers of state and local moratoria, which would preclude the federal one if they're more protective. The variables are significant, so for a tenant without council it would be impossible to navigate. So it's quite possible that tenants could be evicted in violation of the law. Without council we're looking at a really significant problem of the CDC's action being undercut.

It also doesn't cover all evictions. Those evictions are still going forward, and then of course there will be more evictions in the future. Courts are in some cases still requiring people to come in person, which presents health risks. Then remote hearings have other issues with access etc. If they have counsel these problems will be mitigated because the attorneys can negotiate directly. Mediation has almost no impact without council. Now we're receiving reports that landlords are moving forward with eviction despite receiving the declaration. Then there are also 'constructive evictions' where landlords are reducing services and making the residence uninhabitable to get the tenants to self-evict. Then of course after the moratorium expires we'll be faced with a huge wave of evictions. The RTC movement is responding with federal advocacy, continued legislative work, and continued pilot work. We're also pushing for jurisdictions to use CARES Act funds for counsel, which some are already doing and is fully allowed.

[Presentation slides](#)

Julia Orduña, Community Navigator, Texas Housers: We've been tracking evictions. The justices are working autonomously, which means that the CDC order will be interpreted differently. Access to the hearings are also all different. Last week I watched a justice evict tenant after tenant, only telling them when they should move out by, and never mentioning the CDC order. One tenant presented a declaration and the judge didn't seem to know anything about how to interpret it and referred both parties to the CDC. We thank the Texas Supreme Court for issuing some guidance on the CDC order. We are also aware that there are trainings in the works for more equitable access to hearings.

Q: What is some of the advocacy work you're doing to encourage courts to implement the moratorium better?

A: We are trying to set up an eviction solidarity network. Basta is one of the groups, based in Travis County (Austin), that was working on this previously. Once there was a moratorium the network stopped watching court, but since that's still going on in Harris County (Houston) we're trying to figure out how we can monitor hearings and change the justice's behavior in court to be more in line with the changes in the pandemic. There have been issues with court monitoring because some don't have a mechanism for public access with the remote hearings.

Jim Schaadsma, Housing Law Attorney, Michigan Poverty Law Program: Housing advocates here have been frustrated that our State Supreme Court's administrative office hasn't shown stronger guidance to the state district courts, which handle eviction cases. They only issued a FAQ summary, and it said that some aspects entail judicial interpretation, even on things that are very basic like the definition of eviction. It's troubling that they were much more cooperative in the CARES Act eviction moratorium, and we wonder why they are being resistant about issuing guidance with the CDC one. We would like them to require landlords to give tenants notice about the moratorium. In the absence of guidance we've seen a number of behaviors, including the good (not accepting any new eviction case filings) and the bad (interrogating tenants about their declaration forms; allowing cases to proceed up to the eviction order stage).

Roxy Caines, EITC Campaign Director, Center on Budget and Policy Priorities: Update on the stimulus payments: There is a final push for the eligible individuals to get their payments, so up to Oct 15. About 12 million people have not received their payments, and 9 million of these eligible individuals receive SNAP and or Medicaid, while 3 million do not. There's a need for outreach so everyone who's eligible can receive their payment. Not having a mailing address, income or bank account are some common barriers.

Dev Wakeley, Policy Analyst, Alabama Arise: We're a member-directed policy and advocacy organization working primarily on the state level. Mostly what we're seeing is a scramble on the ground to address the issues that have resulted from Hurricane Sally. There are lots of folks who have no power, and most of our service providers (e.g. shelters) are incommunicado. There are about 100,000 people who still have no electrical service down there. It wasn't as bad as it could have been in Baldwin County, which was the hardest hit, and would have been worse if the path was slightly different. However, we haven't been able to get in touch with a lot of people. Baldwin County and Mobile County both have dusk-to-dawn curfews. As far as our broader low income housing advocacy work, this effort has definitely taken over. Statewide, we're still seeing eviction courts in operation but not in South Alabama with the hurricane.

Alison McIntosh, Policy & Communications Director, Neighborhood Partnerships (Oregon): The scale of the wildfires here has been a disaster we haven't yet experienced in our state. The fires began on Labor Day (Sept 7) as a combination of drought and very high winds. It encompassed many counties, with four fires. They impacted some pretty high population areas, which had never experienced these kinds of fires. We had to evacuate 40,000 people from their homes and hundreds of thousands were ready to leave. Southern Oregon was the site of some major damage, and about 2,400 residential structures were lost or damaged, including manufactured homes in fifteen parks that were largely homes to seniors and Latino families.

There were also three affordable housing projects that were lost, and many children in the area lost their homes. With other fires we are just starting to learn about the impacts, and there are still areas where people are under evacuation orders. Additionally, there was a lot of impact with the smoke and poor air quality. We saw some relief with shifting weather and rain. The air really impacted homeless people, farm workers and people with pre-existing conditions. There's a lot of

misinformation around FEMA and insurance companies, and we're hearing concerning reports about denials. We've also seen some really amazing community responses with mutual aid and home sharing systems. A lot of folks are turning their thoughts to how to rebuild these areas, which includes how we can address what people really need there, versus what developers want to do. Jackson County was already experiencing a housing crisis with 1% vacancy.

National Alliance to End Homelessness webinar (Sept 24) *Researching an End to Homelessness: Policy Ideas for Election Year 2020—A Deep Dive: Homeless Services and Housing*

Marybeth Shinn: Jill and I have [written a book](#) about how to end homelessness. The first question is who becomes homeless. In the 90s, a telephone survey revealed that 7% of respondents from the general population have experienced literal (not staying with friends or family) homelessness. This suggests it is a temporary state that we can help people avoid. It is experienced by people of all ages.

Jill Khadduri: What causes it? The housing crisis is a significant driver. The number of rental homes affordable to the bottom quartile has declined significantly since the 1970s. Rates of homelessness are high where rents are high: there is a clear relationship. The amount of money an individual needs to make per hour to afford a rental home is far higher than minimum wage in every state. Rent subsidies are proven to prevent homelessness by a significant margin. Income disparities by race are another factor. Black earnings are lower and unemployment is higher. Wealth disparities are even more significant. For example a Black household in crisis is less likely to have friends and family that can help them financially. These disparities have been created by a number of factors, including income discrimination and the inability to buy homes. Incarceration also plays a significant role. People with disabilities also face many barriers to accessing housing.

Marybeth: The Family Options Experiment showed that homelessness can be prevented, with Housing Choice Vouchers (HCVs). Permanent Supportive Housing (PSH) ends homelessness for people with mental illness and substance abuse through the Housing First model. Finland has largely ended homelessness with a Housing First approach. The question is also how to prevent homelessness. Targeted prevention is needed, to get services to people who will benefit the most. Deep housing subsidies are also proven to be effective. There's weaker evidence for legal help, shallow rent subsidies (short-term), and universal screening for veterans.

Jill: We need to expand the HCV program. Increasing the supply of subsidized rental housing is another aspect, which entails expanding the National Housing Trust Fund. Also, overturning exclusionary zoning. Increasing incomes would be very impactful, as well as providing free childcare. Combating social exclusion for enforcing Affirmatively Furthering Fair Housing is another piece. So we know how to end homelessness. We know what causes it and how to prevent it, but what it takes is political will. The causes of homelessness remain the same as pre-pandemic and it will continue to increase if we don't intervene.

Q: What level of government is most responsible for housing development?

Jill: Increasingly state and local governments are providing their own resources for expanding the housing supply and vouchers. California in particular. On the other hand there simply aren't the resources on the state level to properly address the problem. I think we should expand the Low Income Housing Tax Credit program with an add on that can be accessed by states that match the funds.

Q: How do senior citizens factor into your solutions, if they can't pay for their share of the subsidies?

Marybeth: Seniors are actually more secure than a lot of other populations, largely due to Social Security. However the average age of people becoming homeless is increasing, so we need to be planning for that. It's not at the level of crisis we see among younger people.

Q: What about Black Americans and the role of discrimination?

Marybeth: The background checks for the HCV program established by the federal government are actually a little more lenient than what local housing authorities have established. HCV eligibility is wider than even for Rapid Rehousing in many cases, but we should still expand the eligibility requirements.

Q: Do you have thoughts about how to address the racism you mentioned?

Jill: There have been studies about who is able to succeed in using HCV over the years. It can actually be higher success among Black and Latino households, so expanding that program could be impactful for those populations. There's also all of this evidence from Fair Housing testing that discrimination against People of Color remains, so robust reinforcement of those laws is really important.

Marybeth: Also addressing employment discrimination. Homelessness is kind of the worst manifestation of racism in our country, so anything we do to address racism in general will help with homelessness.

Q: Is there anything we can do with HCV to reduce discrimination?

Jill: When the landlord says they don't take HCV that is often just racism. So 'source of income' laws must be enforced, and Fair Housing enforcement needs to be resourced with funding for legal services.

Q: Can you discuss Housing First (HF)?

Marybeth: I was involved in one of the first HF experiments. These were individuals with long histories of mental illness, substance abuse, etc. They had to be unsheltered to participate. One cohort did the ‘staircase approach’ and the other went right into apartments. What we found was 99 fewer days homeless with HF, with no additional substance abuse. What we found was the programs that required people to be sober to come indoors were essentially sorting people. That study has been replicated in Canada and other places.

Q: Can you discuss crisis response models?

Marybeth: The main crisis response models are homeless shelters, which we will continue to need. Rapid Rehousing (RRH) is another emergency response. We’ve found that these aren’t any better—3 months or 6 months of help isn’t enough for someone to raise their income and take over the lease and pay the full amount. That’s why we think we need long-term subsidies. For example subsidies for families that last until the youngest child goes to school.

Jill: We’re just finishing up another RRH study. I’m really surprised by how short the subsidies are. It’s clearly not enough, especially as RRH is being targeted increasingly on the highest needs individuals. But what is enough? I think we really don’t know. RRH is being increasingly used for people with high needs, and the program needs to be re-thought to be better tailored to these individuals.

Q: How about rural areas, or places with less resources?

Jill: There’s a lot of variety among rural areas, and it’s not the case that there is no rental housing in rural communities. Homelessness is more likely to be unsheltered in rural areas, and more likely to be families and first-time.

Q: Did you consider assessment tools in your book?

Jill: Coordinated entry is a common tool, and is great. The tools that people use to prioritize people for PSH and RRH have never really been tested. So we need to do some work around evaluating those screening questions.

Q: What about encampments?

Jill: Communities need short term suggestions for encampments and lowering the barriers for shelters, and increasing outreach and engagement are important. In reality though, many people may prefer to stay in an encampment over a traditional shelter so we need more housing options.

Q: We touched on RRH earlier since communities have CARES Act funding which can be used for that.

Marybeth: I think the best way to use ESG money is for rental subsidies to get people into housing, and make those as long as you can. If someone's been homeless for a while, it's going to be very difficult especially right now to find employment to pay the full rent. I think the maximum is two years, so consider that. Some people will do fine with shorter term, but it should be on a case-by-case basis. For people who need additional services, having those services available is really important.

Q: Are substance abuse issues the cause or a symptom of homelessness?

Marybeth: I think it's both/and. Sometimes it leads to homelessness and sometimes it creates it. We have seen with families that receiving HCVs reduces substance abuse. Not so much with individuals.

Q: What are one or two items that would advance the cause of ending homelessness?

Marybeth: A large scale expansion of the HCV program. That would enable people on the border to stay housed. Housing authorities would also be able to set aside units for people who need them. We've suggested that 300,000 units a year added would end homelessness. Income discrimination is also key, so HCV holders aren't denied housing, especially as there's a racial element.

Jill: Working on the income side is another aspect. I don't know what will be politically feasible in the next few years, but raising the benefit levels for SSI and SSDI would go a long way toward helping people and preventing homelessness.

Other materials and resources:

1. The NLIHC's guide to the [CDC eviction moratorium](#).
2. NLIHC's [Disaster Housing Recovery](#) Policy Recommendations.