

## MEMORANDUM

**Date:** Sept 14, 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, Sept 7-13.

### News

1. The intersection of the pre-existing [housing crisis, a pandemic, and natural disasters](#) is unprecedented in modern memory.
2. Unhoused [Californians](#) face heightened health risks with the wildfires and record-breaking temperatures.
3. *The Los Angeles Times'* Editorial Board urges the city to continue their strategy of placing people experiencing homelessness in [permanent housing and non-congregate shelters](#), and to refrain from sweeping camps.
4. While the mass evictions that many expected to see have been momentarily averted by the CDC's eviction moratorium, [tenants still face being left with massive debt](#) if rental assistance is not forthcoming.
5. In [Portland, OR](#), City Council will vote on extending renter protections during COVID. The proposal entails applying the city's Relocation Ordinance to a rent increase of any amount, rather than the current 10% or more, with the intention of dissuading rent increases. Oregon has rent stabilization at the state level but state leaders have not proposed a rent freeze. Meanwhile, Governor Brown has extended the [foreclosure moratorium](#) to the end of the year.
6. In [Minneapolis](#), protesters marched to the home of Park Board Superintendent Al Bangoura to express solidarity with unhoused community members whose encampments have been swept from local parks.
7. The hotel program in [Snoqualmie, WA](#) illustrates the success of the Housing First model.
8. [Guilford County, NC](#) has spent over a quarter of a million dollars of city money to provide hotel shelter to 370 unhoused individuals.
9. [Toronto](#) is considering an ambitious plan to house people experiencing homelessness, which includes the city leasing and purchasing buildings, constructing modular housing, and expanding their network of harm reduction and addiction resources.
10. In [New York City](#), the de Blasio administration has responded to neighbors' threats of legal action over the use of three hotels as shelters in the Upper West Side by planning to transfer shelter residents at the Lucerne Hotel to another location. This is the only neighborhood in

the city that has raised opposition to the hotel program on this scale. Meanwhile families and couples staying at the [Harmonia Shelter](#) - which has been open for several years - were notified they were to be transferred to another facility to accommodate those displaced from the Lucerne, prompting intervention from Legal Aid and local advocates.

11. A recent poll shows that 70% of [San Francisco](#) voters agree that more affordable housing for homeless people is the long-term solution to homelessness, while only 45% agree that more enforcement of city laws against camping and crime is the long-term solution.
12. [Oahu, HI](#) has four isolation hotels for people who have tested positive for COVID or are awaiting test results. The objective is to reduce household spread in situations where individuals cannot self-isolate within their homes.
13. A new report from the National Community Reinvestment Coalition finds a [higher prevalence of COVID-19 risk factors](#) in historically “redlined” neighborhoods.
14. In [Maryland](#), undocumented immigrants face the highest risk of losing their homes as courts reopen and eviction hearings resume.
15. Despite having some of the strongest tenant protections in the nation, at least 70 illegal eviction cases were filed in [Massachusetts](#) this spring.

## National Low-Income Housing Coalition (NLIHC) weekly call and updates (Sept 8)

**Peter Hepburn, Associate Professional Specialist, Eviction Lab:** We are now looking at 17 cities, and have observed over 46,000 new eviction filings since mid-March. These cities can be divided into broad categories: sustained low filings (under eviction moratoriums), rising filings (uptick in the last few weeks, but under historical averages), and high filings (above historical averages). Kansas City, MO is an example of a city with high filings. There were 161 filings just last week, which is more than 30% above normal. In Pittsburgh, PA, where the moratorium expired at the end of August, there was a big spike with almost 200 filings in the last week, which is above average.

Q: Can you separate the evictions into different causes?

A: In some cities we can see data on back rent owed, so that might help get at some of the cause questions. But otherwise no.

Q: How do those high eviction levels now compare with this time last year?

A: We’re usually comparing data to this time of the year for several years.

Q: Do you believe that COVID-19 related unemployment is the cause for the places with higher filings?

A: I think there are two key causes. The CARES moratorium expired and the 30-day period expired in late August. So we’re seeing filings that came after that and those could possibly be on properties that had been covered. It’s also possible it’s connected to the roll-back of the unemployment extension.

[Presentation slides](#)

**Michael Levy, Associate Professor of Epidemiology in Biostatistics and Epidemiology, Perelman School of Medicine, University of Pennsylvania:** We've been looking at the transmission of the virus and how evictions connect to that. Our model uses networks, which is a common approach and is probably familiar to people on the call. One thing we're trying to measure is how many people in a household catch an infection from a household member. It's about 30%. The larger the household, the more routes there are for the virus to leave the household and spread to other people. We tried to capture what we can count, so we have data from cities with COVID cases. We modeled what would happen if evictions resumed in a situation with a reemergence of the virus, and in a situation where infections remained steady. The key point is that evictions made things a lot worse. We expect 5-10% more COVID cases, or one death for every 60 evictions. That doesn't mean the deaths necessarily occur in the evicted households, because there's a spillover effect. In another model, we look at what happens if the city is under lockdown. When we impose a lockdown, it's less effective if evictions have caused households to grow.

### [COVID simulations](#)

**Diane, NLIHC:** The CDC's eviction moratorium is pretty unprecedented. There's no doubt that if it's upheld in the courts, it will save lives, and could prevent millions of renters from losing their homes. We've been asking for this for over five months, so this is welcome news. There are multiple challenges to this moratorium. It covers eviction for nonpayment of rent, not other reasons, and there are a number of eligibility requirements. For example, renters have to attest that they would become homeless or have to double or triple up. The most helpful thing service providers and advocates can do is reach out to renters about their rights under this moratorium so they can fill out the paperwork. However, this is not a solution to the entire problem. Renters are still going to be accumulating a large debt, so it's essential that Congress pass legislation for rent assistance. I think a moratorium like this creates more pressure to also provide rental assistance. The real estate lobby has been advocating for rental assistance, and we're with them in that fight. This legislation also only works if it's upheld in the courts. We can look to two states and six cities where landlords sued the government and the moratoriums were upheld in every case.

**Eric Dunn, National Housing Law Project:** The CDC order prohibits a landlord from evicting any covered person from any residential dwelling. Since the point of the order is to prevent evictions because evictions spread COVID-19, there may be situations where local moratoriums would take precedence. We'll see how that plays out. A 'covered person' is someone who has made best efforts to obtain government assistance to pay rent, which is tricky because it could preclude people who have missed past opportunities. We're hoping someone could show that they've been making an effort in the present and that would be enough. There are also income limits, which are: \$99,000 or less in 2020 income; being eligible to receive a stimulus check; or not being required to report income in 2019. You must be unable to pay full rent due to loss of household income or extraordinary medical expenses. The tenant still has to use their best efforts to pay partial rent, which is a little unclear, but we're interpreting it as what the tenant feels they can pay. Again, the tenant must also assert that they believe they would become homeless or live in close quarters if

evicted. Evictions based on lease violations other than non-payment are *not* covered. The rent is still owed, of course.

Q: There are a lot of questions about when in the eviction process a renter can be protected by this. Does it apply to renters who are already in the process of being evicted?

A: The order doesn't put any time limit on when the declaration can be provided, so our interpretation is that it can be provided at any time before the physical eviction takes place. The language is not super clear, but it's our view that the tenant could bring a declaration to court.

Q: What about renters at the end of their lease term?

A: The order has a list of categories where evictions are allowed to take place, and they all relate to violating a lease. So the theory that a landlord can evict someone because a lease expired - we don't think that would be a proper reason. Some have argued that not vacating the property at the end of the lease IS a lease violation, but we don't agree with that interpretation.

Q: Is there a process to question the information in the declarative statement?

A: There is no process specified, so our interpretation is that an affidavit is enough.

Q: What assistance is there for small property owners?

A: This moratorium does not provide any relief for landlords, which is why for many months we've been calling for emergency rental assistance to be tied to the moratorium.

Q: Will evictions be allowed for minor violations?

A: If you're in a situation where the landlord is suddenly enforcing rules they haven't before, take advantage of the "opportunity to cure," which is part of landlord-tenant law in most places. That just means that you can fix the problem within a certain time period.

Q: What about evictions for unauthorized occupants?

A: If there isn't permission for that person to live there, the management typically has the right to do a background check and make the decision to allow the person to live there. If it's a LIHTC (Low-Income Housing Tax Credit) property or similar, that person may not qualify or it might change the overall financial situation for the household. If the person has been there for a while, the tenant might owe some back rent, otherwise they may be subject to eviction for having that person there.

Q: What about roommates? Are they all protected?

A: The order says that all adults in the household 'should' sign their own declaration. It's possible that those who sign a declaration would not be evicted and those who don't could be, but that seems a bit absurd. We think as long as one person has a right to be there that should protect all household members.

This order only applies in places where there isn't a more comprehensive moratorium. In those places (e.g. Washington) the CDC order may not apply at all, or the CDC moratorium may provide a "floor" for the moratorium.

### Other resources:

1. Details on the National [Federal Eviction Moratorium](#) and how to apply for coverage.