

MEMORANDUM

Date: November 2, 2020

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

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Subject: Updates on COVID-19 and disaster response, housing, and people experiencing homelessness nationwide, October 26 - November 1.

News

1. An in-depth analysis by *The Oregonian* illustrates why [housing is the best way to support people experiencing homelessness](#), while over-policing is detrimental.
2. A federal district court judge in Georgia [denied a motion filed by landlords](#) and the National Apartment Association to halt the CDC's eviction moratorium.
3. In [New York City](#), Legal Aid has filed suit against the city, demanding that they provide single-occupancy hotel rooms to every homeless New Yorker until it is deemed safe to return to congregate settings. Amidst the controversy that has been going on for months, a recent poll found that [62% of New Yorkers](#) believe that people experiencing homelessness should be housed in hotels or shelters in their neighborhoods. Meanwhile, the hotel industry is seriously ailing, and one hospitality industry broker explained that people experiencing homelessness are propping it up by occupying an estimated [30 to 40% of the rooms](#).
4. In [California](#), Governor Newsom announced an additional \$200 million in funding for homeless housing projects, in addition to the \$600 million already allocated through Project Homekey. The latest data from the US Census Bureau's Household Pulse Survey reveals that [59% of Black renters in California who are behind on rent fear eviction](#), compared to 41% of all renters in arrears in the state. Meanwhile, hotel placements under [Project Roomkey](#) are nearing their expiration date, and only 5% of clients have found permanent homes while 16% have returned to homelessness.
5. Long-time [Atlanta homeless advocate](#) Reverend Murphy Davis has passed away at the age of 72. She began her work with the houseless community in the 1970s, which included co-founding the Open Door Community, and organizing a high-profile building take over in 1990 that lasted for two weeks and ended with her arrest.
6. City officials in [Baltimore](#) plan to move roughly 400 houseless residents who are currently in hotel rooms back to traditional congregate shelters, despite a 500% increase in hospital patients last week.

7. Extra-legal¹ [eviction-by-harassment](#), as well as evictions through exploiting [legal loopholes, continue across the country](#) as landlords look for ways to evade the CDC moratorium. In addition to know-your-rights outreach, tenant organizers are providing support to tenants facing eviction in the form of [direct action](#).
8. The United States Interagency Council on Homelessness [released a strategic plan](#) that [advocates claim](#) ignores decades of evidence on the causes of and solutions to homelessness.
9. [North Carolina](#)'s governor passed an executive order requiring landlords to inform tenants about their rights under the CDC moratorium.
10. In [Oregon](#), the state's Housing and Community Services Department is estimating a shortage of 10,000 shelter beds. [Project Turnkey](#) is the proposed response, but state lawmakers [voted against allocating \\$35 million](#) for people experiencing homelessness while approving \$30 million for [shelters in areas impacted by wildfires](#).
11. [Legal aid for civil cases](#) (such as evictions) is a crucial component of stabilizing renters during the pandemic.
12. A proposed bill in [Honolulu](#) would increase the criminalization of homelessness by making it illegal to sit or lay on a public sidewalk within 800 feet of a park or school between the hours of 6am to 9pm.
13. [San Francisco](#) will begin moving more than 500 houseless people out of hotels, in the first phase of shutting down the city's temporary hotel shelter program. There is no clear plan for where they will go. There are roughly 2,400 people in hotels currently.

National Low-Income Housing Coalition (NLIHC) weekly call and updates (October 26)

Diane Yentel: There's a new lawsuit in Ohio by the Association of Homebuilders and some landlords are seeking to strike down the CDC moratorium. The Arizona lawsuit is more or less dormant right now because the main landlord dropped out of the case after finding another way to evict her tenant. With the Kansas City lawsuit, that one is still ongoing and the NLIHC along with partner orgs has filed an amicus brief. We're still trying to get the word out about the CDC moratorium and have translated our FAQ into over a dozen languages. The DOJ is defending the moratorium in all of these court cases.

Nan Roman, NAEH: We conducted a survey of homeless service providers and here are the results:

¹ Does not go through the court system.



The [framework updates](#) include recommendations around cultural competence, guidance on rural strategies, starting to address subpopulation issues, and the Framework for Equity-Based Decision-Making (NIS). The framework focuses on centering equity; serving the highest need first; creating housing not just shelter; fostering permanent partnerships; and more. Repurposing hotels and motels is a promising strategy.

Max Weinstein, Chief of Consumer Protection Division, Office of Massachusetts Attorney General Maura Healey: One of the Attorney General’s foremost priorities is housing instability and avoiding evictions. I’ve been responsible for enforcing the eviction moratorium. The moratorium prohibited even sending a notice to quit (e.g., it applied to even early parts of the process) and for-cause evictions. It also targeted threatening or deceptive landlord behavior that implies the tenant will have to leave. We responded to any report we heard through any channel that threatened eviction, and monitored court dockets. We were able to follow up on every alleged violation of the moratorium, including verbal threats and “creatively” worded notices to quit. When possible we ask landlords to rescind whatever action they have taken immediately. Compliance is generally good but not universal, and we have had to send cease and desist letters in some cases. We’ve also given attention to “self-help” evictions which are always illegal, and basically means that landlords do their own lock-out eviction. That’s how we’ve approached enforcing the moratorium. Earlier this month our governor, who has the authority to extend the moratorium, allowed it to expire. We are very concerned that now is exactly the wrong time for evictions to resume, with the pandemic heading towards another crisis point. There have been efforts in MA to increase state rental assistance to help with past due rent, and to increase the availability of legal assistance and other forms of assistance. That safety net is not yet online.

Q: Is the attorney general taking similar actions to enforce the CDC moratorium?

A: Yes, we will absolutely take the same steps to enforce it. I think that the opportunities for us to enforce the CDC moratorium are not going to be as straightforward because of how the Department of Justice has limited the applicability of the moratorium. It's my understanding that their position is that even if you meet the eligibility criteria, your landlord can still file a summary process action, which could go all the way to judgement for execution, but couldn't seek the writ of execution (the final step). We all know that the most vulnerable residents—when they're threatened with an eviction they don't go to court and assert their rights, they just move. This is exactly what we want to avoid. There's a high rate of default in the best of times in MA and we would expect that to increase not decrease, with tech barriers and other issues.

Q: Do you ever reach out to higher-risk tenants?

A: We target our public education efforts to those communities. The AG started a public education division within our office—the Community Engagement Division—and they are focused on education and outreach about the moratorium and other forms of assistance that might be available right now. This is a challenge for offices like ours, where intervening in disputes between individuals is an unusual thing for us to do. By contrast the mortgage crisis was easier because we were dealing with a small number of banks and other lenders. In this situation we have a lot more actors and it's a challenge.

Q: Is there talk of criminal penalties?

A: It's definitely a criminal act under state law regardless of the CDC moratorium. It is not infrequent that people ask me about criminal prosecution, but that's not my job. We do have a criminal bureau, but it's separate

Jim Baker, ED, Private Equity Stakeholder Project: We have been [tracking evictions](#) by corporate landlords. We looked at evictions in counties in Arizona, Texas, Tennessee, Georgia and Florida. We tried to focus on properties owned by corporate landlords, which include REITs, private equity firms, or other companies with thousands of units or more. We used publicly available court records. There were 11,500 cases filed since the federal moratorium was announced. In some areas the numbers have been steady, in some there are declines, and in some, increases. We've seen filings by some of the largest landlords in the country. For example Greystar Real Estate Partners which owns 140,000 homes and manages 693,000. We've seen different responses by different landlords. Some have said they're halting non-payment evictions until at least the end of the year, whereas some are proceeding. Greystar increased their filings after mid-October, so we're concerned this indicates a change in policy for that company. Companies that have filed evictions since the moratorium was announced include affiliates of a number of large asset managers like Morgan Stanley.

[Full presentation](#)

Pam Atwood, Director of Housing Policy, North Carolina Housing Coalition: Most state residents haven't been protected by the CARES Act eviction moratorium since July 1, and the CDC enforcement has been more favorable to landlords. From the beginning we knew rental assistance was going to be more vital. Our entitlement communities (eligible for income-based assistance) received about \$42

million of CARES funding for rental and utility assistance. Our new rental assistance program has been open since mid-October and there are over 20,000 applications. We know that more money is definitely needed at this point. The program is called Housing Opportunities & Preventing Evictions (HOPE) and uses \$117 million in rental and utility assistance. Eligibility is households with incomes between 50-80% AMI, with no more than 6 months worth of payments. For rent it can be past or current payment, but for utilities it's only past-due payments. The application intake is through 211, and applicants self-certify they have been financially impacted. The payments on behalf of the renter are paid to the landlord, and the landlord has to agree to a few conditions: they cannot pursue eviction, and they cannot increase the rent for the remainder of the year.

Q: How about the housing needs of undocumented people?

A: The program leaders have done their best to write the requirement that a government issued ID is what's required, and that means *a* government, so it's open to interpretation. If they're getting push back they're instructed to contact us to troubleshoot.

Matthew Cavanaugh, ED, Nebraska Housing Developers Association: In Douglas County the board allocated \$10 million for rental assistance. As of October 8 the county had allocated less than one quarter. Many applicants had been denied, mostly due to insufficient documentation. We're trying to convince the County Commissioners that a letter of self-certification would suffice. I don't think the county has approved a single request with a self-certification. On the state level, they've announced a new round of funding in the form of over \$3 million in eviction prevention funds. The state hasn't solicited reporting yet, so it's not clear how quickly it's being disbursed.

Phyllis Chamberlain, ED, Housing Alliance of Pennsylvania: We've had great success with creating a rental assistance program, but the downside is that there were a lot of requirements written into it. We have \$150 million in rental assistance at the state level, with \$25 million for mortgage relief. It was pretty clear early on that the program was really weighed down by requirements, so we've been advocating to the legislature to amend the program. The main problem was that there were a number of landlords who didn't want to participate. They have to fill out an application, and the biggest issue was that the cap in rental assistance per month was \$750 and they have to agree to waive the remainder. Another challenge was that a tenant had to be thirty days in arrears. They're trying to change it so the landlord doesn't have to waive the remaining rent but can instead enter into a payment plan. Obviously that's better than being evicted, but we're concerned it's going to set up a lot of tenants with rent debt and a delayed eviction. The challenges were that all of this happened so quickly, and it's a fairly complicated program. I think partly what happened is that the program may have been caught up in the partisan politics that were happening at the state level. The lack of agreement between GOP and Democrats has never been this bad.

Other resources:

1. A new study finds that [state limitations on inclusionary zoning](#) hurts residents' health.
2. The NLIHC released [a research brief](#) on emergency rental assistance programs that respond to COVID.

3. Diane Yentel of the NLIHC spoke with *Street Roots* about [what's at stake in the 2020 presidential election](#), with regards to housing.
4. HUD's [winter planning guide](#) for shelter providers.