

MEMORANDUM

Date: December 14, 2020

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

From: Lauren E. M. Everett
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Subject: Updates on COVID-19 and disaster response, housing, and people experiencing homelessness nationwide, December 7–13.

News

1. As the [CDC's eviction moratorium's expiration](#) approaches, advocates are urging its immediate extension, using a public health lens.
2. A resident of The Red Lion Hotel in [Renton, WA](#) weighs in on what will happen if City Council votes to close the shelter.
3. In a [Charlotte, NC](#) shelter, a COVID outbreak of five residents grew to forty-five over the course of about a month.
4. The Pew Charitable Trust's Stateline blog explores [state-level hotel acquisition projects](#) like California's Project Homekey.
5. In [Anchorage, AL](#) shelter providers are reporting the highest levels of occupancy on record.
6. Up to 204,000 [Maryland](#) households are at risk of eviction when the CDC moratorium expires, and advocates worry the homeless system isn't prepared to handle the influx, assuming no action is taken to extend it.
7. [Washington D.C.](#) is considering legislation to seal eviction records, in order to increase housing accessibility and to account for errors and issues in reporting (see Rasheedah Phillips' presentation below).
8. A new report finds that nearly 10% of all children in [New York City](#) public or charter schools experienced housing insecurity in the 2019–2020 academic year. Eighty-five percent were Black and Latino. This has dire implications on educational outcomes during remote learning, when about 20% of children living in homeless shelters have not had any daily interactions with their lessons since March.
9. Moody Analytics estimates that 12 million renters will owe [\\$70 billion in back rent](#) and utilities (an average of \$5,850 per household) by January.
10. In [Oregon](#), Democrats in the state Senate remain at an impasse over a proposal that would extend the state's eviction moratorium through the end of June. The proposal includes a plan to allocate \$100 million in general funds for existing rental assistance programs and a new landlord assistance program that would require participants to forego 20% of past-due rent. Meanwhile in [Portland](#), protesters have formed multiple barricades around 'the Red

House' to protect it from police, after the longtime occupants were evicted as a result of a pre-pandemic foreclosure.

11. [California](#) continues to face challenges in housing participants in their Project Roomkey hotel shelter program. San Francisco city supervisors urged officials to make the rooms available for as long as possible, and introduced legislation to mandate that every hotel resident is placed in permanent housing.
12. In [New York](#), 20 ex-staffers in Mayor de Blasio's office signed a letter critiquing the Mayor's decision to move the 200 residents of the Lucerne Hotel across town in response to local opposition.

National Low-Income Housing Coalition (NLIHC) weekly call and updates (December 7)

Karma Cottman, Ujima—The National Center on Violence Against Women in the Black Community: Today's presentation is about the impact of the pandemic on Black women who are survivors of domestic violence and assault. Our organization was formed in 2014, and we are the national resource center on this topic for the Department of Health and Human Services. Ujima defines the Black community as African, American, Afro-Caribbean, and Afro-Latina. We focus on domestic violence, sexual violence, community violence, and institutional/structural violence. We work in spaces of public policy, research, education and outreach, and technical assistance and training. We define our work as addressing power and oppression, whether interpersonal or systemic. COVID has had a disproportionate impact on communities of color, which has exacerbated the effect of domestic violence and sexual assault. People of color are overwhelmingly represented in the essential service industry (restaurants, domestic and janitorial services, etc.), which has a higher vulnerability to both contracting COVID and to sexual assault. Lack of access to safe and affordable housing also heavily impacts this group. What we know for children and youth of color is that they're at increased risk for victimization and abuse, as they continue to be sheltered in unsafe home environments. These issues are not new, they have just been exacerbated by the pandemic.

Intersectionality means increased vulnerability. Poverty, lack of access to safe housing, disparities in the healthcare system, the education system, and the criminal justice system all impact our communities disproportionately. This equals increased vulnerability. Structural and institutional violence is expressed through lack of access to resources like food, transportation, and the internet. These are grounded and rooted in issues like racism, sexism, and classism. So we have to go back and address these root causes. People of color will be most hard hit by the expiration of federal aid. Forty-four percent of Black tenants and 41 percent of Latino tenants expressed little to no confidence of being able to pay rent. Evictions disproportionately affect Black women. Additionally, Black renters were nearly twice as likely as white renters to have an eviction on their record. We've got to talk about how we get resources to the most marginalized communities. In the realm of criminal justice, Black women are incarcerated at twice the rate of white women.

It is important to acknowledge the link between long-standing historical inequities and the impacts of COVID. Addressing violence against women has to be the central component of our recovery. We have to ensure economic access, access to safe and affordable housing, health equity, and justice for all women. This includes analyzing policies and increasing access to support for survivors of domestic violence and sexual assault. It's critical we have organizations that are run by and oriented toward Black women. In the first round of the CARES Act we did not see funding targeted towards culturally-specific responses like this. As we look at responses we need to use an equity lens that examines bias and structural inequalities.

Rasheedah Phillips, Managing Attorney for Housing Policy, Community Legal Services of Philadelphia: Our organization collaborated with tenant organizers ([The Black and Brown Workers Cooperative](#)) on a report called [Breaking the Record](#). It provides data on eviction records in Philadelphia and who is most impacted by the long-term harms associated with open access to eviction records. It highlights the issue of access to eviction records as one that disproportionately impacts Black and Latinx communities. Our first key finding was that eviction records are really a race and gender issue, both locally and nationally. We looked at some of our most recent eviction records from this year in Philadelphia and found that 56% of all eviction filings occur in majority-Black communities, with 81% occurring in communities of color. Our second finding is that eviction records are easily accessible, even in situations where the tenant won their case, worked out an agreement, or where the landlord withdrew the case. What this means is that the tenant has an eviction case on their record even though there wasn't an actual eviction judgement in the case. We found that 96% of judgements happen in the first hearing and more than one quarter of cases do not result in a judgement against the tenant.

Our third finding is that most tenants who show up to court do not have legal representation, and there are high rates of default judgement (meaning the tenant doesn't show up at all). Often tenants have not been served with notice of the court case, and have difficulties accessing the court due to its location and the time the court starts. The last key finding is that landlords rely on screening companies, internet searches, and other methods to access eviction records. This results in refusing to rent to tenants with everyone filing on their record, regardless of the outcome of the case or other context. These companies will flatten a person's entire life experiences. Our recommendations are 1. Pass state legislation for sealing records, 2. Pass local protections restricting the use of eviction records in rental decisions and banning the use of blanket ban policies, and 3. Expand agreement options for tenants in Landlord-Tenant Court and implement administrative rules limiting or sealing access to eviction filings.

Q: Do you know of any states so far that have taken action to seal eviction records in the wake of COVID?

A: I don't know off hand about states, but St. Paul, MN has passed a local law, and Washington D.C. is also exploring one. A lot of folks are looking at Right to Counsel and diversion programs.

Q: Have you looked at cases that were brought by tenants against landlords, and whether that impacts a housing search?

A: No, because tenants cannot file cases in Landlord-Tenant court.

Q: I'm seeing in the chat that California seals some pre-COVID eviction cases conditionally, and cases that relate to a COVID income loss unconditionally.

Miranda Darden-Willems, Executive Director, Maryland Affordable Housing Coalition: We primarily represent affordable housing multifamily developers and their business partners. Our statewide efforts are being managed by our state housing office (DHCD). They have two separate programs. We helped DHCD with The Assisted Housing Relief fund, which was allocated \$10 million in CRF (Coronavirus Relief Fund) for eviction prevention assistance for tenants of affordable properties. There are mostly tax credit properties. Tenants are only required to submit a one-page certification form. The building manager collects the forms from the tenants, enters them into a spreadsheet, and then submits it to DHCD, who then mails the manager one check for all the tenants with outstanding rent. In the first six months 300 properties applied. They're processing October now. The governor announced an additional \$10 million to be split between this program and the local program to cover the rest of the year. The program has been going really well. They had an easy process to follow and put out a one-page flyer so property managers could place it within the properties. Then we have local eviction prevention programs. To date they've awarded about \$28 million of CDBG funds. Our governor renewed the state of emergency for the state, so we still have an eviction moratorium in place for inability to pay rent due to COVID. The courts are only hearing cases prior to COVID and for breach of lease. The utility cut off and late fee moratorium has expired. However utility companies are working with residents on making payments.

Q: The statewide program is limited to LIHTC properties right? What protections are in place to make sure landlords who receive these funds aren't still charging for back rent?

A: The properties have to have a state loan, which means they have a relationship with the state already. There's an agreement the landlord has to sign which says they will forgive back rent and not file for eviction.

Q: You had mentioned using CDBG funds for the local programs. How quickly are those being spent?

A: I've heard that some jurisdictions are having trouble spending their funds, partially because they have specific requirements for documents and it has been a challenge to get those from tenants in some cases. We're trying to spend as quickly as possible and reach out to tenants to spend those funds before we lose it.

Q: I'm hearing documentation is a huge barrier for spending funds in MA, and I've heard that in other states. It means that fewer renters get through that process because perhaps they don't have those documents.

A: That's the great thing about our state program because it's funded with CRF funds and those don't have such high barriers for documentation.

Q: Can the state certification be done online? Access to printers has been an issue.

A: For the state one the application is from the property manager, so I assume they are providing hard-copy forms for applicants.

Other resources:

1. The NLIHC is asking for signatures to their [letter urging the CDC to extend the Federal Eviction Moratorium](#).
2. California's [Community Improvement Authority Workforce Housing Program](#) will use bond funds to acquire multifamily housing that is income-restricted to households making between 80% to 120% Area Median Income. Annual rent increases will be capped at 4%.
3. Local housing policy implications gleaned from the [2020 elections](#).
4. The NLIHC's guide to [winter shelter planning](#) during the pandemic.