

MEMORANDUM

Date: February 15, 2021

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

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

Subject: Updates on COVID-19 and disaster response, housing, and people experiencing homelessness nationwide, February 8 - 14, 2021.

News

1. The pandemic and its attendant exacerbation of the pre-existing housing crisis has led to a major increase in tenant activism across the country. In [Kansas City](#), grassroots organization KC Tenants has delayed an estimated 854 evictions through direct action.
2. In [Orange County, CA](#), which has been a recent epicenter for COVID infections, 825 houseless people have contracted the virus. Of these, 625 are shelter residents.
3. A recent report from the Reinvestment Fund reveals that Black renters in [Philadelphia](#) are more than twice as likely to face eviction as White renters. This finding points to an impending crisis when the eviction moratorium is lifted.
4. A recent HRAC study illuminates the cost of the state of [Oregon](#) not doing enough to assist renters during the COVID pandemic. While recent estimates suggest Oregon's renter households could owe up to \$378 million in back rent, the public cost should these households face eviction is projected to be between \$1 - \$3.3 billion.
5. New research shows that [eviction and utility shutoff moratoriums](#) slow the spread of COVID-19. However, despite federal, state, and city moratoriums, many renters across the country are [fighting to stay in their homes](#).
6. [Boise, ID](#) reached a settlement in a twelve-year legal battle, which was initiated by advocates against the city for their ordinance criminalizing sleeping outdoors. In 2018 the Ninth Circuit Court of Appeals had ruled that the city could not make it illegal for people to sleep outdoors if all of the city's shelter beds were full. Boise will allocate over \$1.3 million for homelessness prevention, and people will not be cited or arrested for sleeping outside when no appropriate accommodation is available within the shelter system.
7. [Fresno, CA](#) is the latest city where tenant advocates are organizing for a Right to Counsel program. Already enacted in a half dozen US cities, these programs, which provide free legal counsel to low-income renters facing eviction, have been overwhelmingly successful at helping households avoid homelessness.
8. Bipartisan concern about a rental assistance bill in [Indiana](#) centers around the requirement that the landlord apply for the funding. This structure where the landlord either applies directly or must approve the application is problematic because landlords can simply refuse to participate and move forward with filing for eviction.

9. In [Austin, TX](#) a local group called Save Austin Now has gathered signatures behind a push for city council to reinstate the city's camping ban. Mayor Steve Adler prefers the matter be placed on the May ballot for voters to decide. Meanwhile, officials in Williamson County are [preparing to bring legal action against the City of Austin](#) to prevent them from using one of their recently purchased hotels as housing for disabled people experiencing homelessness.
10. In response to FEMA's new 100% shelter reimbursement policy, [San Francisco](#) City Supervisors have introduced legislation to expand the hotel program to house 500 more houseless community members. [Los Angeles](#) Mayor Eric Garcetti announced that the program will be extended until the end of September, but has no plans to expand the program at this time.

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

Sarah Saadian, VP of Public Policy, NLIHC: Things are really busy right now on The Hill. Democrats are moving forward on their budget reconciliation process that allows them to pass a budget with a simple majority (50% + 1). The next step in the process is that each committee has to draft and vote on their bills, and then they're combined into one package and that goes through the budget committee before a vote. The current bill has \$19 billion in rental assistance, and \$100 million for rural housing assistance. Households can receive assistance for up to 18 months. These funds don't need to be spent until September 2025, and eligibility is expanded to households that are experiencing financial hardship during the pandemic, rather than just because of the pandemic (so it encompasses a wider range of people). It also provides tens of thousands of emergency housing vouchers for people experiencing homelessness or domestic violence.

There is \$5 billion for general homelessness services and property acquisition to acquire hotels and motels. The bill also includes \$9.9 billion for homeowners to avoid foreclosure. The bill doesn't deal with expanding or adjusting the eviction moratorium, and that's because it's beyond the scope of what can be done in this budget reconciliation process. We are expecting \$5 billion for utility assistance in a future bill and a major anti-poverty bill coming out of the Ways and Means Committee. They're looking at providing lump sum payments per child in the household. It looks like they could start voting on amendments early this week, and then will vote on the bill. We expect Republicans to offer a number of amendments and we don't know which ones, but we're paying close attention. We also had good news recently from FEMA about expanding their cost-share to 100% for noncongregate shelter, whereas before it had been 75%. This is retroactive. So if there was ever a time to urge your community to start a motel/hotel program for people experiencing homelessness it is now. We're still waiting for the Treasury to update their FAQ on rental assistance.

Q: Is there any guidance about serving undocumented households with rental assistance?

A: There is nothing in either bill that would prohibit undocumented immigrants from being able to receive assistance. You can work with your state and local government to make sure that's possible.

Barbara DiPietro, Senior Director of Policy, National Health Care for the Homeless Council:

We've developed a new resource on strengthening partnerships for better health outcomes during COVID-19. When we say 'integrating healthcare and housing', what does that mean in practice? There are three partnerships I'd like to highlight: Heartland Alliance Health in Chicago, Community Health Center/Connecticut Coalition to End Homelessness, and Mercy Care in Atlanta. We collaborated with the Framework for An Equitable C19 Homelessness Response to provide guidance to communities on how to use a wide range of federal funding sources. It ensures that funds are used strategically across key public health and economic recovery strategies, and uses a racial equity lens. In all three of these communities, they prioritized moving people into permanent housing, and created partnerships between service providers and health care providers. The noncongregate programs that have been created across the country are new models of care, and we can't go backwards. Some of the key takeaways are: broadening the understanding of health care, engaging willing partners, creating local standards of care, laying the foundation before a crisis, prioritizing people experiencing homelessness, and creating a system-wide response.

Faith Schwartz, President, Housing Finance Strategies, LLC: I lead an advisory group and am here today to talk about a campaign to reach homeowners who have a government loan and may be in trouble due to the pandemic. This campaign was created by a cross-collaborative team of industry leaders who want to make sure no customer is left behind as they deal with the impact of COVID-19. We know there are customers who haven't asked for help or who are confused by what comes after a forbearance, so we launched an industry-wide outreach campaign urging customers to reach out to their servicers. There's some confusion about what deferral and forbearance means. There was an agreement for 12 months for government-backed loans to defer payment, but we're coming up on the expiration of those deadlines. So we partnered with lawyers and organizations who donated their services pro bono on outreach. This campaign is made possible by generous support throughout the housing industry. We're here to help homeowners and are trying to learn from the 2008 crisis and make sure people don't fall through the cracks as they did during that time.

Representative Emanuel Cleaver, Missouri, Chair of the House Financial Services Subcommittee on Housing, Community Development, and Insurance: Affordable housing has been an issue for me before I even realized it was. My background is that I didn't live in a house with electricity or running water until I was about six, and we moved into public housing when I was seven. My dad worked hard to buy a house in a White neighborhood that became a Black neighborhood. The shack that I lived in was about 26 minutes from the Omni Hotel in Dallas where I spoke recently and I rented a car to go look at it. So this is what I've always wanted to do. My staff and I are getting ready to submit the first memo to the committee about a very ambitious project we're looking to bring forward. We're looking to design legislation we can get through the Senate, which is the real mark of legislating right now. One of the things we've been successful at is getting money into the affordable housing section of the next stimulus package and I'm not sure how that's going to look in the final analysis. Rural America is struggling with the same housing issues that we

are in urban America, and once we realize those commonalities we can get a lot of things done with regard to housing. But tragically we've had people work deliberately to divide us.

One of the things I'm trying to do with public housing is get the government to create new housing. As you may know, with public housing we are pretty much doing a one-to-one replacement. When we had Katrina we had to rebuild some public housing but we just did the same number of units that were destroyed. I think there are some ways to do it through tax incentives to increase developer interest. We're working on a program where residents of public housing could make more money and save it, rather than having the rent increase with income increases. Savings plans should not count against you with your housing costs.

Q: What would you say to advocates on this call as far as what they should be doing to ensure that this next relief package includes housing and homelessness resources?

A: I've never known a politician who couldn't count, and letters matter. When they have their staff meetings, the volume of letters on various topics are discussed. So writing letters is really going to be important and helpful. Because of the structure right now we are going to get affordable housing in the stimulus, so there's no question about that, but there is a question of how much and how flexible those dollars are going to be. Rental assistance is already out, but there's an apprehension about landlords throwing people out. At the same time, we have to make sure landlords are able to stay in business. So we have to assist them, while making sure they aren't taking advantage of renters.

Eric Hufnagel, ED, Michigan Coalition Against Homelessness: In Michigan we received \$621 million in funds to be distributed for rental assistance and homelessness services and housing. Michigan communities weren't equipped to get money out quickly. An eviction diversion program was established in late 2020 using federal CARES Act dollars (\$50 million). Eviction filings across the state were down about 40%, and about 80% of the households that participated in the program were very low-income. So we were able to get the money out the door effectively despite not being prepared for such an effort. Congress is requiring that 65% of the original funds be committed by September 2021 or they have to be returned. In order to reach that deadline we have to allocate \$50 million a month. There are some political dynamics that are slowing things down and we've been working on various angles to deal with that.

Q: So the funds can't move until the House and the Senate come together and approve the release?

A: Yes - you have to have the House and Senate Appropriation Committees take action, and then it needs to be signed by the Governor.

Q: What are the prospects for getting it to happen quickly? I know time is of the essence here.

A: We've really been confused by this because some of the comments about making sure there's transparency and accountability don't make sense to us because we feel like there already is. It's been there since the first round of funding. And we don't have legislators reaching out to us or any other stakeholders. It seems like a smokescreen and we're waiting for the appropriate pressure to

grease the wheels and get some action. Members of the Michigan Congress can push this forward as well as pressure through the media.

Pamela Schwartz, Director, Western Massachusetts Network to End Homelessness: The MA eviction moratorium was the most comprehensive in the nation. Enacting this was a coalition effort between lawyers, grassroots activists, and advocates. The governor extended the moratorium once, but declined to extend it again and it ended October 17. Advocates pushed hard for passage of the Housing Stability Act. This would have created a defense for eviction if your income loss was related to COVID. The goal was to keep nonpayment out of the eviction process. The goal was to protect tenants and small landlords. The landlord lobby pushed back hard against this and argued it was an extension of the moratorium. The governor announced his Eviction Diversion Initiative which included some different things including mediation. It had some good things but wasn't enough to address the crisis. Since the moratorium expired there have been 7,000 evictions filed. So the Eviction Diversion Initiative does some good but it's not enough.

After that passed, advocates turned our attention to the budget process. We all pushed for the adoption of the Housing Stability Act. That didn't pass, but we did win a few important provisions. One is that a tenant will be granted a continuance in their eviction trial if a request for rental assistance has been filed. Also, when there is a "notice to quit" (also called a "lease termination") it must clearly state that is not the same thing as an eviction, and include information about the CDC moratorium and about rental assistance. It also requires reporting about evictions and eviction executions (the final step). As a result we have our first trial report, which is for the month of December. We see 449 executions for possession were issues. This is the document that a landlord gives to the sheriff, who then notifies the tenant that they have 48 hours to leave. Currently the gap between legal representation for landlords and tenants is massive. Advocates are now focused on new emergency laws and also looking to the long term. The bill is in draft form, but we know that the bill will try to keep tenants out of court in various ways, including directing rental assistance to the hardest-hit people. We'll continue to push for eviction record sealing and other meaningful interventions to stabilize renters long term.

Other resources:

1. The Joint Center for Housing Studies at Harvard has developed an [interactive tool that illustrates the disparate economic impacts](#) of the pandemic on low-income households of color.
2. Guidance for [*Centering Students Experiencing Homelessness in School District Plans*](#).
3. The National Council of State Housing Agencies' webinar [*Toward a Racially Just Housing System: A National Symposium*](#) will take place February 24 from 11:30am - 5:00pm

