

MEMORANDUM

Date: April 19, 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, April 12 - 18.

News

1. In [Oregon](#), two bills in support of facilitating more homeless shelters are moving through the Legislature. HB 2006 would require local governments to allow shelters to be built without restriction by land-use laws and other regulations. HB 3261 proposed that local governments must unconditionally allow the conversion of a hotel or motel to a shelter.
2. A new study on [unsanctioned encampments](#) finds that sweeps are both ineffective and expensive.
3. In [Los Angeles](#), the city council is nearing a settlement of a federal lawsuit which would entail providing housing or shelter for 60% of houseless Angelenos while using anti-camping laws to clear the streets. Meanwhile the L.A. City Board of Public Works [denied two appeals](#) filed against a permit issued for the proposed conversion of a hotel in the Venice neighborhood into a shelter.
4. [San Francisco](#) mayor London Breed is proposing the Homelessness Recovery Plan, which would provide housing placement for 6,000 people, and the city's acquisition of 1,500 new permanent supportive housing apartments by the end of 2023. As with the Los Angeles plan, this will come alongside tougher rules on encampments and unsheltered homelessness.
5. Unhoused Americans continue to face challenges accessing their [federal stimulus checks](#).
6. Last year the [Washington, D.C.](#) Housing Authority used only 56% of its permanent supportive housing vouchers for individuals, and only 37% of the available vouchers for families, leaving \$14 million in allocated housing funding unspent.
7. [New York City](#) high school students living in homeless shelters missed almost one in every three days of remote classes in January.
8. Service providers in [Phoenix](#) are engaged in a proactive effort to vaccinate houseless community members by bringing vaccinations directly to them.
9. [Abilene, TX](#)'s Built for Zero campaign has effectively ended veteran and chronic homelessness in the town.
10. On Monday The Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA) released a joint statement outlining their commitment to [ending veterans' homelessness nationwide](#), using [Housing First](#) principles.

11. The Private Equity Stakeholder Project released a report on how [one of America's major corporate landlords](#) has filed to evict more than 1,300 residents during the pandemic.

National HoUSed Campaign Call for Universal, Stable, and Affordable Housing (April 12):

Sarah Saadian, NLIHC: The president unveiled his priorities in March with the American Jobs Plan, which includes \$40 billion for public housing, money for additional tax credits, and more. There wasn't much detail, but that gives us an opportunity to push for our priorities in the next bill. We've started to see more support around incorporating our priorities in the American Jobs Act, starting with a letter signed by 78 members of Congress in support of the HoUSed Campaign. We also saw that the Congressional Progressive Caucus endorsed the campaign's top three priorities. We also saw a support letter signed by about 40 non-housing organizations, such as education and healthcare organizations. Today Chairwoman Waters released an updated version of her Housing Is Infrastructure Act. It includes \$70 billion for public housing capital needs, and \$45 billion for the Affordable Housing Trust Fund. Overall it provides \$235 billion for housing needs, which is well above the White House's proposal. The Financial Services Committee is having a hearing this Wednesday about the president's bill.

Focusing on the FY 22 budget, we're seeing the HoUSed Campaign's priorities being amplified. It includes a 15% increase to HUD's budget, which would include expanding the Housing Choice Voucher program to over 200,000 households, and an increase of \$3.2 billion to the public housing capital improvement fund. So the budget is a major opportunity for us to advance our priorities. We're still circulating a national letter urging Congress to provide the highest level of funding possible for housing and community development.

Samantha Batko, Senior Research Associate, Urban Institute: We released [a tool](#) to help communities target emergency rental assistance in a way that targets households at risk of homelessness as well as centering equity. The overall index shows darker and lighter census tracts, where darker tracts are neighborhoods that should be prioritized. We updated a number of data sets last week, and you can learn more about the tool and the data [here](#). Communities are using the tool in a variety of ways, not just to target rental assistance. One way is targeting outreach to make sure the people who live in priority neighborhoods know rental assistance is available. This could take the form of working with community groups, or doing direct outreach. Another application is using the tool to target other types of assistance for eviction prevention.

Q: Does the tool help communities figure out how to help Asian households?

A: The tool has an indicator for people of color, but does not delineate by race and ethnicity. You can add your own layers of indicators for your own community by downloading the full data set for the index in our data catalog. A lot of people are doing this in order to be able to upload the data into their own GIS systems so they can layer it with other data sets.

Q: Do you expect the tool to help youth and families experiencing homelessness? And does it account for people who are already receiving rental subsidies?

A: It does not have an indicator for public housing, or a measure for people who are currently experiencing homelessness. Based on what we know with drivers of homelessness it should help with prevention.

Emergency Rental Assistance (ERA): Updates on tracking and initial findings (Neetu Nair & Rebecca Yae, NLIHC)

We've been tracking COVID-19 ERA programs and are still expanding [our database](#). This phase includes the \$25 billion in rental assistance, with over 810 programs, 185 of which are from the Treasury ERA program (versus state and local funding). At this point 691 total jurisdictions received direct allocations from the Treasury. All of the programs we track are consolidated on the map. Our database provides a deeper look into the fields we're tracking, such as landlord requirements, tenant eligibility criteria, etc. With changes to this round of funding we're tracking the new characteristics as well. We have 40 state programs, 143 city/county programs, and 4 territory/tribal programs currently open and active.

Our initial observations find that excessive documentation requirements are slowing down the disbursement of funds in many programs. Only 46 programs explicitly state that self-attestation is an acceptable substitute for proof of documentation, and only 10 programs allow self-attestation for income or housing instability. Additionally, only 30 programs have stated that they will issue assistance directly to tenants, and some programs will dismiss the application if landlords do not respond. This happens for a number of reasons, for example the fact that the assistance is taxable may be unattractive to landlords that are renting informally. There must be recourse for tenants in these situations, including legal services and relocation assistance. On the bright side we're seeing a number of programs incorporating equity measures and prioritizing applications. We're also seeing a number of programs serving people regardless of immigration status.

Q: What can we do if our state is applying greater restrictions than it should be?

A: Advocates should do whatever you can on the local and state levels to change the implementation plan to get to those most in need. The NLIHC has a variety of resources to help with your advocacy efforts.

Q: One thing we're seeing is that a lot of small landlords do not want to provide a W9. Is that something that you're seeing in your research?

A: Yes that is something we've been hearing about. That's maybe one of the biggest reasons to ensure that there's some sort of direct-to-tenant option. I think there are a number of ways to negotiate and persuade landlords that this is their best option to recoup the rent.

Q: Does that database include details about which jurisdictions are using best practices?

A: We're tracking best practices in terms of the aspects mentioned previously, but there are a number of programs that are investing deeply in community partnerships and that's more difficult to track.

Q: For localities that have not opened their programs yet, are there common reasons why that we're aware of?

A: I think a common reason is that the guidance for the funding wasn't released until late January and it wasn't very substantive. Then the second round of guidance wasn't released until late February, so many places are catching up. That also includes building the technological and staffing infrastructure.

Devin Rutan, Graduate Research Assistant, Eviction Lab: We're trying to understand where evictions are occurring over time, if there are patterns, and how policy can anticipate this and intervene. We're looking at evictions in 17 mid-sized cities with 10 years of data. We find that the distribution of evictions repeats itself year after year, so evictions are most common in areas of cities where they were most common ten years ago. We zoomed in further on three cities; Cleveland, OH, Fayetteville, NC, and Tucson, AZ. We located evictions at the building level. We divided the buildings into two groups: landlords who evict frequently, and those who evict infrequently. We find that most landlords evict infrequently, but a small number evict frequently and thus make a substantial contribution to the total number of evictions in their cities. Fayetteville is noteworthy because there was a single apartment complex that was producing 5% of the city's evictions each year. In Tucson the routine evictors were responsible for two out of three evictions in the city. Because the evictions are happening in the same places and buildings year after year, we can anticipate future evictions. Evictions are so concentrated that we can make a lot of progress by targeting these buildings.

The implications of policy and practice include targeting legal aid and mediation services to these buildings, and targeting rental assistance or homelessness services. At the city level leaders could take action by sanctioning, negotiating or incentivizing these landlords to change behavior; mandating mediation; and prioritizing these buildings for code enforcement and tax assessments. We advocate for a federal eviction database, which would enable any organization to do this in the United States.

[Read the full report](#)

Q: Did you analyze evictions based on cost to file? And did you find any similarities in the variables for these high eviction landlords?

A: In this paper we didn't look at cost to file, but in other analyses we've seen that the filing fee is relevant. They've shown to be an important aspect in reducing evictions. In terms of landlord attributes, it varied. In Cleveland all of the top evictors were public housing, but in the other two cities they were private buildings.

Martin Siegel, Law Offices of Martin Siegel: I'm a Houston-based lawyer and have been working on an amicus brief legal challenge to the Texas ruling about the eviction moratorium, in the Fourth Court of Appeals. One set of arguments claims that the moratorium is beyond the CDC's authority in this matter - which is a public health argument. Others have made the argument that even if the CDC is acting within its statutory authority, the order is still beyond the authority of Congress. The challenge I'm working on is the latter, which relates to Congress' ability to regulate interstate commerce. So far there have been split decisions here where the moratorium has been both stricken

down and upheld in different courts. It is now trickling up to the Court of Appeals. It's unclear based on the timing whether there will be other decisions before the moratorium expires in June. In Texas, the moratorium was enforced through a series of orders handed down from the Texas Supreme Court to local courts, which said to abide by the federal moratorium and not to allow evictions. Recently the court issued new guidance giving local courts the ability to ignore the moratorium, on the grounds that the order pertains to landlord behavior and not the courts themselves. Now a tenant facing eviction would have to pursue justice at the federal level.

Q: Will there be opportunities for more groups to participate in the amicus brief?

A: Yes, the brief in the Texas case is not due for another three plus weeks. We've already been working with some tenant organizations, but the more the merrier. It's more convincing to the judge if you provide more groups who support your position. Landlords have been represented by conservative advocacy groups. Also, in Texas there's \$1.3 billion in rental assistance sitting in Austin to be distributed but almost none of it has been.

Benjamin Larsen, Research Associate, Idaho Policy Institute at Boise State University & Zoe Ann Olson, ED, Intermountain Fair Housing Council:

Larsen: We've been trying to get [data](#) to folks on the ground so they can make the best use of rental assistance. We have data on both eviction filings (which may or may not have resulted in the tenant leaving their home) and formal evictions where they do have to leave the home. Even in the former case though, an eviction filing alone can be very damaging in securing housing. In 2020, there were an average of 3.1 evictions per day, and 1% of households had eviction filings with 0.6% of households losing their cases and being evicted. The data shows us that evictions did go down during the court closures in April 2020 and have been slowly rising - though they're not quite at pre-pandemic levels. There are differences across the state of Idaho and we wanted to release that data so assistance can be targeted appropriately.

Olson: Intermountain Fair Housing Council is a housing advocacy and support organization. We've found in Idaho that when we have data on where evictions are going up we can make calls to community partners to get more funding for legal representation. We're looking at who are the main evictors so we can strategize with a coordinated legal approach and also with outreach to the landlords to try and intervene. What we weren't seeing in this data is demographic data so we hope that by working with Ben and other partners we can get that data. With the information on repeat evictors we are able to reach out and offer rental assistance. During the time when we didn't have those funds we had to reach out to private foundations to fill those gaps. Evictions are disproportionately people of color and disabled people. The rental assistance that is currently available, along with the CDC moratorium being enforced here has been incredibly effective. We were also able to get a right to jury trial, which is a really crucial tool for mitigating evictions and facilitating negotiation. This data (from the Idaho Policy Institute) has enabled us to communicate with our community partners about where outreach is most needed.

[Read the report on evictions in Idaho](#)

Q: If some of the high evicting landlords are resistant to accepting rental assistance, is there a direct-to-tenant option?

A: We haven't had that issue, but if we did that would be something I would advocate for. I have heard about that happening but it hasn't been something that we have dealt with as an organization.

Other resources:

1. The Department of Veterans Affairs is [hosting a webinar](#), *Establishing a Care Environment for Homeless Housing Settings: Lessons Learned from the COVID-19 Pandemic* on April 21.
2. The Joint Center for Housing Studies at Harvard's [webinar](#), *How Are Landlords Managing the COVID-19 Rental Crisis? Evidence from a Large Cross-Site Survey* will be held on April 23.