



NATIONAL LOW INCOME
HOUSING COALITION

Coronavirus, Disasters, Housing and Homelessness

Hosted by NLIHC and the
Disaster Housing Recovery Coalition
February 22, 2021

Agenda



Welcome & Updates

- Diane Yentel, NLIHC

Update from Texas on Winter Storm & Homelessness

- Eric Samuels, Texas Homeless Network

Updates on Eviction Moratorium and Emergency Rental Assistance

- Diane Yentel, NLIHC

Right to Counsel Efforts Around the Country

- John Pollock, National Coalition for a Civil Right to Counsel

Using FEMA EO to Expand Eligibility to People in Long Term Care Facilities

- Marcie Roth, World Disability Institute

Field Updates

- John Pourciau, Mayor's Office, City of New Orleans
- Adrienne Bush, Homeless and Housing Coalition of Kentucky

Update on New Housing/ Homelessness Resources in Next COVID Relief Bill

- Sarah Saadian, NLIHC

Next Steps

www.nlihc.org

Welcome & Updates



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Update from Texas on Winter Storm & Homelessness



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Updates on Eviction Moratorium and Emergency Rental Assistance

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Right to Counsel Efforts Around the Country



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NCCRC

National Coalition for a
Civil Right to Counsel



The Right to Counsel for Evictions: A Movement on the Rise Despite COVID-19

February 22, 2021

Where we were ...

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FASTCOMPANY

CO.DESIGN

TECHNOLOGY

LEADERSHIP

ENTERTAINMENT

IDEAS

08.24.17 | WORLD CHANGING IDEAS

Cities Are Guaranteeing Tenants Access To A Lawyer To Help Them Fight Eviction

In eviction cases, 90% of landlords have a lawyer, and 90% of tenants do not. To fight gentrification and displacement, cities are trying to correct that imbalance.



Where we were ...

 **NEXT CITY**

Enter your email  [Sign Up](#)

 **BACKYARD**
NEXT CITY ON HOUSING EQUITY

Is Tenants' Right to Counsel On Its Way to Becoming Standard Practice?

 **JARED BREY** DECEMBER 10, 2019

MOST POPULAR

A Tale of Two Community Reinvestment Act Proposals

Where we are!



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News, cases, companies, firms

PROPERTY SECURITIES BANKRUPTCY COMPETITION EMPLOYMENT WHITE COLLAR LEGAL INDUSTRY ACCESS TO JUSTICE IN-DEPTH LAW360 UK || [SEE ALL 61 SECTIONS](#)

Dive Deep into Law360 Pulse's Inaugural Partner Compensation Survey

How does your compensation stack up? Check it out now!



Virus Lights Fire Under Eviction Right To Counsel Movement

By **Natalie Rodriguez** | August 16, 2020, 8:02 PM EDT

Where we are!



REUTERS

World

Business

Markets

Breakingviews

Video

More

BIG STORY 10 OCTOBER 20, 2020 / 5:13 AM / UPDATED 4 MONTHS AGO

With evictions looming, U.S. cities seek legal help for renters

By Carey L. Biron

8 MIN READ



Where we are!



ABOUT THE APPEAL



INCARCERATION / POLICING / HOUSING / POLITICS / ECONOMY

MORE FROM THE APPEAL:

THE LAB

THE POINT

APL LIVE

POLITICAL REPORT

Elizabeth Weill-Greenberg

Feb 18, 2021

SHARE



MOST TENANTS FACING EVICTION DON'T HAVE A RIGHT TO AN ATTORNEY. LAWMAKERS WANT TO CHANGE THAT

Numerous city councils and state legislatures are debating giving renters a right to counsel, which can make the difference between stability and catastrophe.

The movement is growing!

- Enacted: NYC (2017), San Francisco (2018), Newark NJ (2018), Cleveland (2019), Philadelphia (2019), Boulder (2020, Baltimore (2020)
- Pending in 2021: Connecticut, Indiana, Maryland*, Massachusetts, Minnesota*, Nebraska*, South Carolina, Washington State*
- Expected or possible introductions in 2021: Delaware, Denver, New York State, Seattle
- Federal: 2019-2020 bills by Reps. Clyburn/Price, DeLauro, Ocasio-Cortez, and Pressley, and Sens. Merkeley and Harris

* = *has had hearing*

Comparison of enacted RTC laws

City	Eligibility requirements	Scope	Accomplished by	Funding source	Implementation Plan
NYC (2017)	200% of FPL (RTC 2.0: 400% of FPL)	Evictions in court/admin cases (RTC 2.0: subsidy terms, court appeals)	City ordinance	General revenue	5 years (starting 2017) via Office of Civil Justice. Nonprofits only.
San Francisco (2018) (ballot)	no income limit or other requirements	Evictions in court and admin cases; subsidy terminations	Ballot initiative	General revenue	Mayor's Office of Housing & Community Developments. Fully implemented by 10 nonprofit providers as of July 2019
Newark (2018)	200% of FPL	Evictions in court	City ordinance	General revenue (not yet fully funded)	Office of Tenant Legal Services w/in Dept of Economic & Housing Development
Cleveland (2019)	100% of FPL <u>and</u> have children	Evictions in court	City ordinance	General revenue + \$2 million from United Way for initiation	United Way leads implementation. Noprofits only. Starts in July 2020.
Philadelphia (2019)	200% of FPL	Evictions in court and admin cases; subsidy terminations; appeals; some affirmative cases	City ordinance	General revenue (not yet funded)	Multi-year. Nonprofits only. Office under Mayor that oversees health/human svcs.
Boulder (2020)	no income limit	Evictions and appeals, and Section 8 terminations	Ballot Initiative	\$75 excise tax for all registered rental units	Coordinator overseen by Tenants Committee. No specific timeline in ballot initiative.
Baltimore (2020)	no income limit	Evictions + termination of housing subsidies, or any proceeding "functionally equivalent"	City ordinance	General revenue	Overseen by Commissioner of DHCD; 4 year rollout.

Other cities/states working on and/or thinking about RTC

- Chattanooga
- Chicago
- Cincinnati
- Clark County NV
- Detroit
- Fresno
- Houston
- La Crosse WI
- Nashville
- New Jersey
- Oklahoma
- Omaha
- Pennsylvania
- Pittsburgh
- Santa Monica
- Toledo
- Tulsa
- Virginia


NYC's eviction RTC success

- Overall, 86% of tenants who are represented by counsel are remaining in their homes.
- Since 2013:
 - Representation has risen from 1% to 38%;
 - Evictions have dropped 41%, including 15% drop in 2019 alone;
 - Eviction filings have dropped by 30%, including 20% drop in 2019 alone;
 - Default judgments have dropped 34%;
 - Requests by tenants to bring their cases back to the Housing Court calendar on an emergency basis in order to dispute a judgment, request additional time, or raise legal issues previously not addressed have dropped by 38%.

NYC's eviction RTC success

New York Law Journal

NOT FOR REPRINT

 [Click to print](#) or Select '**Print**' in your browser menu to print this document.

Page printed from: <https://www.law.com/newyorklawjournal/2018/09/24/increasing-tenants-access-to-counsel-has-raised-court-efficiency-fairness-judges-say/>

Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say

San Francisco's eviction RTC success

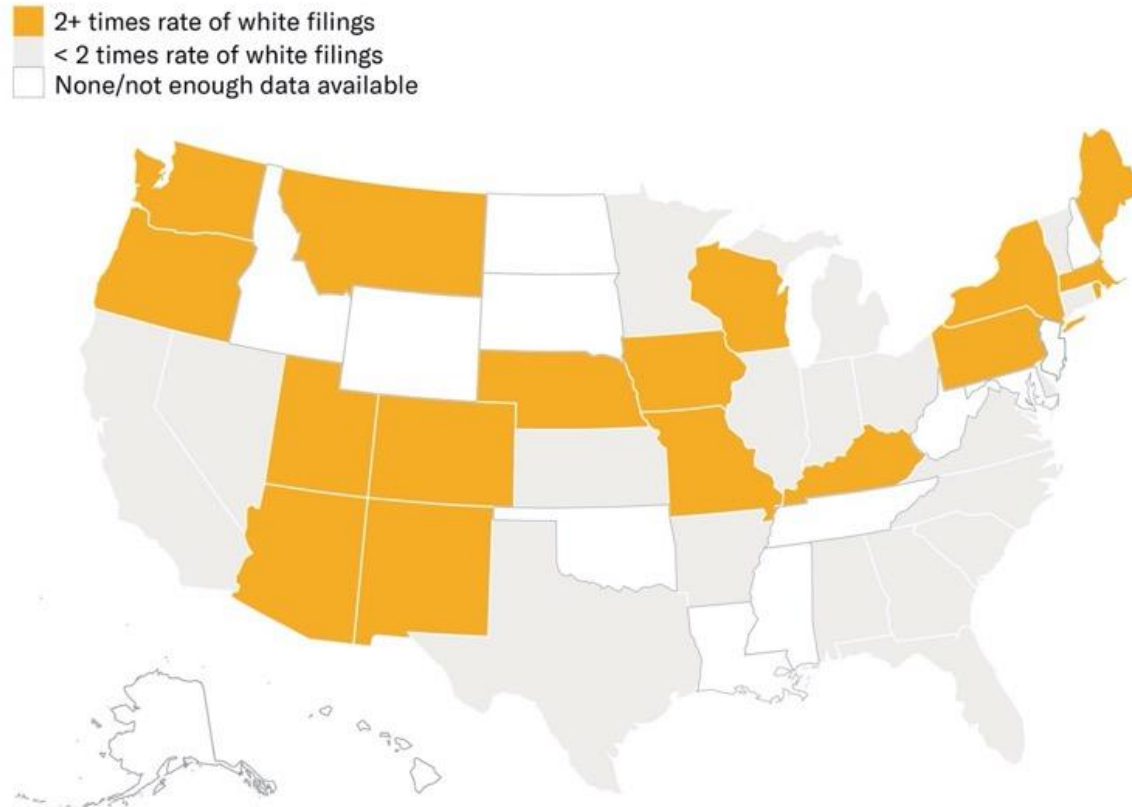
- Filing rate decreased by 10% from 2018 to 2019;
- For 2/3 of tenants receiving full-scope representation, 67% are able to stay in their homes;
- Despite lack of an income limit, 85% of those receiving counsel are extremely low or low income, 9% are moderate income, and 6% are just above moderate income.

Cleveland's RTC success

- 93% of those represented avoided eviction or involuntary move
- 83% who were seeking additional time to move were able to get it
- 89% of those seeking to mitigate damages were able to do so

The impact of evictions on race

BLACK FEMALE RENTERS WERE FILED AGAINST FOR EVICTION AT DOUBLE THE RATE OF WHITE RENTERS OR HIGHER IN 17 OF 36 STATES



Data source: The Eviction Lab. Counties without data² were excluded from the analysis. States where all counties were excluded or where the sum of all counties' Black populations were less than 1%, are shown in white with a grey border. Five states: Delaware, Georgia, South Carolina, and Vermont filed white tenants for eviction at slightly higher rates than Black women. Ratios were rounded to the nearest tenth.

Source: ACLU report (<http://bit.ly/377R1nG>), based on Hepburn, Peter, Renee Louis, and Matthew Desmond. 2020. "Racial and Gender Disparities among Evicted Americans." *Sociological Science* 7: 649-662, <https://bit.ly/3uqlfRr>.

Race equity implications of evictions during Covid



Chart 3 of 13: Tenant Confidence Level in Ability to Pay Next Month's Rent by Ethnicity

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Chart 3 of 13: Tenant Confidence Level in Ability to Pay Next Month's Rent by Ethnicity

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Source: Stout interactive analysis of Census data, <https://bit.ly/evictionestimates>

☒ Recent Activity
 ☐ Right to Counsel Status
 ☐ NCCRC's Work
 ☐ NCCRC Presence

Filters (optional) ☐ Limit to NCCRC-involved developments

Development Type Subject Area

(any type) Housing - Evictions



Seeing the latest legislation: civilrighttocounsel.org

State	Bill #	Description	Latest Status
AR	HB 1388	Would authorize court to appoint counsel in proceeding to enforce post-adoption contact agreement.	Referred to Committee on Aging, Children, and Youth, Legislative & Military Affairs on 2/3/21.
AZ	HB 1391	Clarifies child's right to counsel in dependency and termination of parental rights cases.	Assigned to Rules and Judiciary Committees on 1/26/21.
CT	SB 531	Provides a right to counsel for tenants facing eviction.	Referred to Joint Judiciary Committee on 1/27/21.
FL	HB 405 / SB 828	Requires court to appoint public defender when minor assents to admission to inpatient mental health treatment.	HB 405 filed on 1/25/21. SB 828 referred to Children, Families, and Elder Affairs, Judiciary, and Appropriation Committees on 2/4/21.
FL	SB 80	Requires court to appoint counsel for caregiver of child in certain circumstances when change of custody sought post-disposition in child welfare cases.	Referred to Children, Families, and Elder Affairs; Judiciary; and Rules Committees on 1/14/21.
HI	HB 345 / SB 199	Changes law for assisted community placement for drug/alcohol treatment such that a guardian ad litem is appointed instead of the public defender.	HB 345 referred to HHH, JHA, and FIN Committees on 1/27/21. SB 199 referred to HMS/HTH and JDC committees on 1/27/21.
HI	HB 453 / SB 821	Requires court to appoint counsel for minor seeking emancipation.	HB 453 referred to HHH, JHA, and FIN Committees on 1/27/21. SB 821 referred to HMS and JDC Committees on 1/29/21.

Seeing the status of existing RTC laws: civilrighttocounsel.org

☐ Recent Activity ☒ Right to Counsel Status ☐ NCCRC's Work ☐ NCCRC Presence

Select a subject area from the menu below to see which states provide for appointment of counsel for that subject area. The key explains meanings of the different colors of the states and a tally of the total number of states that fit each type of result. Clicking on any state will pop up a list of the developments on which we base our determination.

Select a subject area for which to compare all states,

Housing - Evictions

OR

Select a specific jurisdiction to be taken to a separate page with all information for that jurisdiction.

(choose jurisdiction) ▼

Key

-  Categorical Right To Counsel ?
-  Discretionary Appointment Of Counsel ?
-  Right Or Appointment Is Qualified ?
-  No Such Proceeding ?

Total States

0
0
8
0



Eviction RTC bibliography: civilrighttocounsel.org

- [Specific Areas](#) (878 entries)
 - + [11 Hen. VII or Common Law Approach](#) (3 entries)
 - + [Anti-Injunction](#) (3 entries)
 - + [Appellate Issues](#) (4 entries)
 - + [Bankruptcy](#) (1 entry)
 - + [Courts Utilizing Inherent or Supervisory Power](#) (19 entries)
 - + [Class Actions](#) (5 entries)
 - + [Consumer or Other Debt Collection](#) (3 entries)
 - + [Criminal Law Relevant to Civil Right to Counsel](#) (8 entries)
 - + [Debtor's Prison \(Including Child Support Contempt\)](#) (39 entries)
 - + [Domestic Violence](#) (30 entries)
 - + [Education](#) (17 entries)
 - + [Family Law](#) (187 entries)
 - + [Federal Law](#) (14 entries)
 - + [Forfeiture](#) (24 entries)
 - + [Health](#) (50 entries)
 - [Housing](#) (183 entries)
 - + [All Housing \(Evictions and Foreclosures\)](#) (17 entries)
 - [Evictions](#) (148 entries)
 - [Housing Eviction - Cases](#) (8 entries)
 - [Housing Eviction - Law Review Articles and Treatises](#) (19 entries)
 - [Housing Eviction - Legislation](#) (5 entries)
 - [Housing Eviction - Media](#) (41 entries)
 - + [Housing Eviction - Pilot Projects](#) (11 entries)
 - [Housing Eviction - Studies and Reports](#) (64 entries)
 - + [Foreclosure or Demolition](#) (18 entries)
 - + [Immigration](#) (198 entries)
 - + [International Law](#) (41 entries)
 - + [Juvenile Delinquency](#) (5 entries)
 - + [Military](#) (1 entry)
 - + [Race and Gender](#) (9 entries)
 - + [Sex Offender Commitment or Registration](#) (2 entries)
 - + [State Action Issue](#) (20 entries)
 - + [State Constitutional Analysis](#) (3 entries)
 - + [Sustenance](#) (7 entries)

Upcoming RTC webinars

- Session 3: San Francisco, March 2 @ 3 PM ET,
<http://bit.ly/RTCwebinarspt3>
- Session 4: New York City, March 16 @ 3 PM ET,
<http://bit.ly/RTCwebinarspt4>
- Session 5: Cleveland, April 6 @ 3 PM ET,
<http://bit.ly/RTCwebinarspt5>

Coming summer 2021: RTC convening!

Questions?

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Using FEMA EO to Expand Eligibility to People in Long Term Care Facilities



NATIONAL LOW INCOME
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Field Updates



John Pourciau

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Field Updates



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Field Update from KY

NLIHC National Call on 2/22

Evictions Continue

- Louisville Urban League: 950 evictions filed in 2021
- Louisville Courier-Journal: 1298 judgments from August to December
- KY Center for Investigative Reporting: Louisville District Courts “upgraded” their Zoom account for remote appearances at the end of January
 - While taking time during court to call the attorneys for the landlords
 - Lawsuit filed by Kentucky Equal Justice Center
 - At least 1 plaintiff had invoked the CDC declaration which was ignored by the court because she was not present

Outreach Continues

- HomerenterDeclaration.org
- Can be used anywhere – not KY specific
- App can be used on a smart phone and emailed directly to landlord



You might be protected from eviction until March 31, 2021. President Biden has extended the CDC's eviction protections (previously scheduled to expire on January 31), through March 31st. Congress is currently considering extending eviction protections, as well.

But. To get the CDC's protections through March 31, you need to send your landlord a Declaration.

This tool allows you to **review, sign and email the Declaration** from within this app. However, you may prefer to simply print, sign, and date the Declaration yourself.

Here is a [copy of the Declaration](#). (And here are translations of the Declaration in [20 different languages](#).)

A nonprofit called the [Kentucky Equal Justice Center](#) created this

Why are evictions continuing?

- Leases expiring and not being renewed
- Filings and detainers for “other lease violations”
- Judges issuing judgments for nonpayment of rent if renter is not present
- No lease at all
- Landlords refusing rental assistance

Emergency Rental Assistance Update

- Available in all 120 counties
- Louisville: \$22.9M
- Lexington: \$9.6M
- Balance-of-State: ~\$226M
- All 3 portals opened by 2/15

Program Parameters

- 100% of past due rent owed since April 1, 2020 + up to 3 months future rent.
- 100% of past due utilities owed since April 1, 2020 + up to 3 months future utilities.
- Maximum past due rent and/or utility bills covered = 12 months
- Maximum future rent and/or utility bills covered = 3 months
- Must forgive late fees, penalties, interest, and legal/court fees related to non-payment of rent.
- Have a current written lease or sign a lease with their tenant. [Click Here](#) to download a lease template.
- Must agree not to evict for any past rent due prior to April 1, 2020.
- Must agree to give 30 days' notice for any future eviction, not to be initiated until at least 45 days after assistance concludes.

Other Updates/Contact Info

- Emergency Solutions Grant-CV Rapid Re-Housing available in 120 counties
- Vaccine deployment
- Contact Info:
- Adrienne Bush, abush@hhck.org, @HHCKy on Twitter

Update on New Housing/Homelessness Resources in Next COVID Relief Bill



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Next Steps



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Resources

[Responding to Coronavirus
\(https://nlihc.org/responding-
coronavirus\)](https://nlihc.org/responding-coronavirus): Recommendations for
Congress

[Coronavirus and Housing/
Homelessness
\(https://nlihc.org/coronavirus-and-
housing-homelessness\)](https://nlihc.org/coronavirus-and-housing-homelessness): National and
Local Updates