



NATIONAL LOW INCOME  
HOUSING COALITION

# Coronavirus and Housing/Homelessness

Hosted by NLHHC and the  
Disaster Housing Recovery Coalition

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# Welcome & Overview



**Diane Yentel**

*President & CEO*

National Low Income Housing  
Coalition

[dyentel@nlihc.org](mailto:dyentel@nlihc.org)

[www.nlihc.org](http://www.nlihc.org)

# Agenda



## Guest Speaker

- Senator Elizabeth Warren (D-MA)

## Field Updates

- Daniel Davis, UMOM New Day Centers
- Chris Martin, Housing California
- Raphael Ramos, Legal Action of Wisconsin
- Andrew Bradley, Prosperity Indiana

## Litigation Strategies to Prevent Evictions

- Eric Dunn, NHLP

## Healthcare Needs of People Experiencing Homelessness

- Bobby Watts, NHCHC

## Update from Capitol Hill & Needed Advocacy

- Sarah Saadian, NLIHC
- Joey Lindstrom, NLIHC

# Guest Speaker



## **Senator Elizabeth Warren**

*Massachusetts*

United States Senate

NLIHC  
[www.nlihc.org](http://www.nlihc.org)

# Field Updates



**Daniel Davis**

*Director of Housing*

UMOM New Day Centers

[ddavis@umom.org](mailto:ddavis@umom.org)

NLIHC  
[www.nlihc.org](http://www.nlihc.org)

# Field Updates



**Chris Martin**

*Legislative Advocate – Homelessness*

Housing California

[cmartin@housingca.org](mailto:cmartin@housingca.org)

NLIHC  
[www.nlihc.org](http://www.nlihc.org)

# Field Updates



**Raphael Ramos**

*Eviction Defense Project Director*

Legal Action of Wisconsin

[RFR@legalaction.org](mailto:RFR@legalaction.org)

NLIHC  
[www.nlihc.org](http://www.nlihc.org)

# Field Updates



**Andrew Bradley**

*Policy Director*

Prosperity Indiana

[abradley@prosperityindiana.org](mailto:abradley@prosperityindiana.org)

NLIHC  
[www.nlihc.org](http://www.nlihc.org)



# Litigation Strategies to Prevent Evictions



**Eric Dunn**

*Director of Litigation*

National Housing Law Project

[edunn@nhlp.org](mailto:edunn@nhlp.org)

NLIHC  
[www.nlihc.org](http://www.nlihc.org)

# Holding Back the Ocean

Fighting evictions during Covid-  
19

Eric Dunn

**National Housing Law Project**

919 E. Main St., Ste. 610

Richmond, Virginia 23223

(415) 546-7000

[edunn@nhlp.org](mailto:edunn@nhlp.org)



# Strategies for Stopping Evictions

- Political:
  - Many public officials have the power to stop or slow down at least one aspect of the eviction process
  - Identify and bring pressure on all such officials
- Judicial:
  - Courts can stop evictions through administrative orders related to protecting public/staff safety
  - Higher courts can restrain acts of lower courts

*Ideally, a judicial strategy supports (or creates) a viable political strategy*

# Asking courts to stop evictions

- Courts can decline to process or hear eviction cases altogether to protect their staff or the public
- Courts can impose conditions on resuming eviction cases (for safety, **due process**, or other good cause)

# Health concerns: Covid-19

- Physical characteristics of courthouse
  - Courtrooms, lobbies & hallways, security checkpoints
  - Clerk's offices and other facilities
- Volume of court users
  - Caseloads, dockets (not just evictions!)
  - Public has right of access to observe court operations too
- Rules & policies
  - Masks, social distancing rules, numerical limits
  - Notice, compliance, enforcement

# Some due process concerns

- Access to court:
  - Safe to enter? Safe to travel?
  - Access for witnesses, others?
- Preparation:
  - Investigation/discovery
  - Access to legal services
- Notice
  - Has court location changed?
  - New rules or policies?
  - Remote hearings available?
  - Remote hearings, you say?
- Video available?
- Written procedures on-line?
- Devices, wifi provided?
- Accessible exhibit practice?
- Real-time interpretation?
- Public access provided?
- Tech help available?
- Policy for those unable to use technology effectively?

# What if the court isn't ready?

- Safety/public health:
  - Physical preparations (if possible)
  - Adopt & enforce safety rules & policies
  - Reduce volume of court users
- Due process:
  - Fully-baked procedures
  - Notice to all concerned
  - Totality of circumstances

# Suing courts to stop evictions

- Identify recurring due process violation
  - Must taint quality of hearings across entire dockets or categories of cases—not adjudication of single case
  - Individual violations: strong basis to seek remedy for affected tenant but not necessarily collective relief
- Sue to enjoin the court from hearing more evictions until the challenged practice is corrected



# Litigation vehicles

- Federal: 42 U.S.C. § 1983
  - Challenges: standing, ripeness, federalism (Anti-Injunction Act, abstention doctrines, Rooker-Feldman doctrine, Eleventh Amendment)
  - Benefits: good remedies, universally available
- State: varies, usually statutory or constitutional writ
  - Quasi-administrative law procedure, also useful for enforcing conditions and administrative court orders

# The Virginia writ theory

- Virginia Supreme Court:
  - Issued emergency order suspending in-person hearings on all non-emergency cases in March 16
  - On May 6, authorized courts to resume in-person hearings, but imposed conditions (safety, notice)
- Lynchburg General District Court:
  - Decided to resume in-person eviction hearings without fulfilling the conditions set by VSC
- Claim: Order Lynchburg GDC not to hear any eviction cases until it complies with VSC's conditions

# Healthcare Needs of People Experiencing Homelessness



**Bobby Watts**

*Chief Executive Officer*

National Health Care for the Homeless  
Council

[bwatts@nhchc.org](mailto:bwatts@nhchc.org)

[www.nlihc.org](http://www.nlihc.org)

# Updates from Capitol Hill & Needed Advocacy



**Sarah Saadian**

*Vice President for Policy*

National Low Income Housing  
Coalition

[ssaadian@nlihc.org](mailto:ssaadian@nlihc.org)

[www.nlihc.org](http://www.nlihc.org)

# Updates from Capitol Hill & Needed Advocacy



**Joey Lindstrom**

*Director for Field Organizing*

National Low Income Housing  
Coalition

[jlindstrom@nlihc.org](mailto:jlindstrom@nlihc.org)

[www.nlihc.org](http://www.nlihc.org)

# 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



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# Next Steps