NLIHC’s HoUSed Campaign for Long-Term Housing Solutions

April 19, 2021
Agenda

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• Dave Uejio, CFPB

Report on Evictions by Major Multistate Landlords
• Jim Baker, Private Equity Stakeholder Project

Field Updates
• Elena Gaines, New Jersey Department of Community Affairs
• Christine Hess, Nevada Housing Coalition
• Maxwell Ciardullo, Louisiana Fair Housing Action Center

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• Noel Andrés Poyo, US Treasury
• Alys Cohen, NCLC
• Rebecca Yae & Neetu Nair, NLIHC

Advancing Long Term Housing Solutions: Updates & Next Steps
• American Jobs Plan & FY22 Budget – Kim Johnson, NLIHC

Next Steps
Welcome

Diane Yentel

President & CEO

National Low Income Housing Coalition

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CFPB Announcement on Evictions

Dave Uejio
Acting Director
Consumer Financial Protection Bureau
Report on Evictions by Major Multistate Landlords

Jim Baker
Executive Director
Private Equity Stakeholder Project
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Tracking evictions by corporate landlords

- The Private Equity Stakeholder Project has been tracking eviction cases filed in multiple counties in:
  - Arizona (Maricopa),
  - Texas (Harris, Tarrant),
  - Tennessee (Shelby),
  - Georgia (DeKalb, Clayton),
  - Florida (Miami-Dade, Broward, Palm Beach, Orange, Hillsborough, and Pinellas)
  - Nevada (Clark)

- Have focused on properties owned by corporate landlords, including REITs, private equity firms, or other companies with a thousand units or more.

- Gathered publicly available court records.

- Used corporation filings, UCC filings, real estate records, and company websites to identify landlords.
57,000+ cases filed since Sept 2020

- At least 57,000 eviction actions filed by large corporate landlords since CDC moratorium took effect in Sept 2020.

- Have tried to answer the question of “Who is driving the eviction crisis?”
57,000+ cases filed since Sept 2020

Affiliates of some of the largest landlords in the country have filed to evict tenants since the CDC moratorium was announced in September 2020, including

- **Greystar Real Estate Partners** (693,000 apartments managed, 140,000 owned),
- **Mid America Apartment Communities** (100,000 apartments),
- **Invitation Homes** (80,000 rental homes),
- **Starwood Capital** (75,000+ apartments and rental homes), and
- **Yes! Communities/ Stockbridge Capital** (56,000 mobile home sites).
57,000+ cases filed since Sept 2020

- The companies that have filed evictions since the CDC eviction moratorium was announced also include affiliates of a number of large asset managers with trillions of dollars in assets combined, including The Carlyle Group, Morgan Stanley, Eaton Vance, Prudential, UBS, JPMorgan, New York Life, Nuveen/TIAA-CREF, LaSalle Investment Management, Highland Capital, Angelo Gordon & Co, and AEW Capital Management.

- In some counties, eviction filings by private equity firms and other corporate landlords have accounted for the overwhelming majority of cases. For example, in DeKalb County, Georgia, large landlords filed at least 550 of the 656 eviction cases (84%) filed there during the week of Sept 14-20.

<table>
<thead>
<tr>
<th>Eviction Filings, Dec 14-20</th>
<th>Overall</th>
<th>Corporate</th>
<th>Corporate %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harris County, TX (Houston)</td>
<td>964</td>
<td>657</td>
<td>68%</td>
</tr>
<tr>
<td>Maricopa County, AZ (Phoenix)</td>
<td>1,341</td>
<td>917</td>
<td>68%</td>
</tr>
<tr>
<td>DeKalb County, GA (Part of Atlanta + suburbs)</td>
<td>764</td>
<td>624</td>
<td>82%</td>
</tr>
<tr>
<td>Hillsborough County, FL (Tampa)</td>
<td>201</td>
<td>118</td>
<td>59%</td>
</tr>
</tbody>
</table>
CFPB and FTC announced they would be investigating evictions by "major multistate landlords" and "private equity firms", amid "reports that major multistate landlords are forcing people out of their homes despite the government prohibitions or before tenants are aware of their rights."

PESP has shared eviction tracking data with the FTC and CFPB.
Most frequent filers since Sept 2020

<table>
<thead>
<tr>
<th>Landlord</th>
<th>Filings 9/4/20-4/2/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>S2 Capital</td>
<td>1,160</td>
</tr>
<tr>
<td>Ventron Management</td>
<td>1,134</td>
</tr>
<tr>
<td>Pretium Partners (Progress Residential, Front Yard Residential)</td>
<td>1,126</td>
</tr>
<tr>
<td>Western Wealth Capital</td>
<td>1,018</td>
</tr>
<tr>
<td>Invitation Homes</td>
<td>710</td>
</tr>
<tr>
<td>Bridge Investment Group</td>
<td>656</td>
</tr>
<tr>
<td>Mid-America Apartment Communities</td>
<td>629</td>
</tr>
<tr>
<td>Tides Equities</td>
<td>580</td>
</tr>
<tr>
<td>American Landmark Apartments/ Electra America</td>
<td>567</td>
</tr>
<tr>
<td>Siegel Group</td>
<td>555</td>
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</tbody>
</table>
Most frequent filers since Jan 1

<table>
<thead>
<tr>
<th>Landlord</th>
<th>Filings 1/1/21-4/2/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretium Partners (Progress Residential/ Front Yard Residential)</td>
<td>609</td>
</tr>
<tr>
<td>S2 Capital</td>
<td>529</td>
</tr>
<tr>
<td>Ventrion Management</td>
<td>485</td>
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<tr>
<td>Western Wealth Capital</td>
<td>450</td>
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<tr>
<td>Invitation Homes</td>
<td>316</td>
</tr>
<tr>
<td>Mid-America Apartment Communities</td>
<td>258</td>
</tr>
<tr>
<td>Madera Residential</td>
<td>250</td>
</tr>
<tr>
<td>American Landmark Apartments/ Electra America</td>
<td>235</td>
</tr>
<tr>
<td>Weidner Apartment Homes</td>
<td>221</td>
</tr>
<tr>
<td>Dominium Apartments</td>
<td>194</td>
</tr>
</tbody>
</table>
Pretium Partners/ Progress Residential

- Own/ manage 55,000 single family rental properties
- Along with Ares Management, recently acquired Front Yard Residential, with 15,000 homes
- Front Yard focused on “affordable” rental homes
- Both Progress and Front Yard have steadily increased eviction filings in recent months
- 600+ eviction filings so far this year. Some evictions may violate CDC moratorium.
Pandemic Evictor: Don Mullen’s Pretium Partners Files to Evict Black Renters, Collects Billions from Investors

- Pretium Partners is a private equity and debt firm focused on US single-family rental homes, headed by former Goldman Sachs partner Donald Mullen. Mullen made millions betting against the mortgage market during the 2008 Global Financial Crisis.

- In January 2021, Pretium Partners through its single-family rental company Progress Residential, became the second-largest owner and operator of single-family rental homes in the United States when it acquired Front Yard Residential and took the company private. Pretium now owns 55,000 rental homes.
Since the beginning of 2021, Progress Residential and Front Yard Residential have filed to evict residents in majority-Black DeKalb and Clayton Counties in Georgia at much higher rates than they have in majority-white Seminole and Polk Counties in Florida.

Front Yard Residential has also drawn complaints from predominantly Black residents in Minneapolis who say the company is failing to maintain their homes.
Pandemic Evictor: Don Mullen’s Pretium Partners Files to Evict Black Renters, Collects Billions from Investors

- Progress Residential and Front Yard Residential have advanced eviction cases against residents affected by the COVID-19 pandemic, a number of whom submitted hardship declarations pursuant to the CDC’s eviction moratorium.

- Progress Residential has also challenged at least one resident’s CDC hardship declaration in court, calling the CDC Eviction Moratorium an “unconstitutional overreach” in a recent filing.

**MOTION CHALLENGING DEFENDANT’S CDC DECLARATION**

COMES NOW Plaintiff, PROGRESS RESIDENTIAL BORROWER 13, LLC, a Delaware limited liability company authorized to do business in Florida, as landlord, by and through its undersigned attorney, who hereby challenges the Declaration filed by the Defendants claiming coverage under 86 FR 8020, Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, and moves for entry of an order to lift stay on the writ of possession, and as grounds therefor states as follows:

1. CDC Order 86 FR 8020, Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, is an unconstitutional overreach into the general police power retained by the states. Tarkel et al. v Centers for Disease Control and Prevention et al., 6:20-cv-00564 (E.D. Tex. 2021). In *Tarkel*, the Federal Government argued that the CDC eviction moratorium was authorized under Article 1, Section 8 of the United States Constitution (the “commerce clause”), which authorizes congress to “regulate Commerce . . . among the several States.” The *Tarkel* court rejected this argument for many of the same reasons that the United
Pandemic Evictor: Don Mullen’s Pretium Partners Files to Evict Black Renters, Collects Billions from Investors

- Pretium Partners has drawn on investments from private equity firms, pension funds, insurance companies, and other institutional investors, including:
  - Ares Management
  - Landmark Partners
  - Canada’s Public Sector Pension (PSP)
  - American Equity Investment Life Insurance
  - Tennessee Consolidated Retirement System

- Even as it has filed to evict several hundred residents, Pretium Partners has raised hundreds of millions of dollars to buy more homes.
Large landlords have taken different approaches

Single family rentals:

<table>
<thead>
<tr>
<th>Landlord</th>
<th>Total rental homes</th>
<th>Evictions 9/4/20-4/2/20 (Select counties in AZ, NV, TX, FL, GA, TN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pretium Partners (Progress Residential/ Front Yard Residential)</td>
<td>55,000</td>
<td>1,126</td>
</tr>
<tr>
<td>Invitation Homes</td>
<td>80,177</td>
<td>710</td>
</tr>
<tr>
<td>Amherst Holdings (Main Street Renewal)</td>
<td>22,000</td>
<td>317</td>
</tr>
<tr>
<td>Tricon Residential</td>
<td>31,000</td>
<td>104</td>
</tr>
<tr>
<td>Cerberus Capital (Firstkey Homes)</td>
<td>20,000</td>
<td>23</td>
</tr>
<tr>
<td>American Homes 4 Rent</td>
<td>53,784</td>
<td>7</td>
</tr>
</tbody>
</table>
Questions for follow up:

What other geographies should we add to list of places we are tracking?

Let us know if you want access to shared spreadsheet of eviction filings

- Jim Baker, jim.baker@PEstakeholder.org
Field Updates

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Field Updates

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Treasury’s Homeowner Assistance Fund & Emergency Rental Assistance

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Emergency Rental Assistance

Updates on tracking and initial findings.

April 19, 2021

Neetu Nair and Rebecca Yae
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What we’re tracking

As of April 19, NLIHC is tracking over 850 programs, 240 of which are from the Treasury ERA program. The ERA Treasury program includes: 50 States + D.C., 382 cities/counties, 252 Tribal govts. and 6 Territories/Entities

Rental Assistance resources available at: https://nlihc.org/rental-assistance
What we’re tracking

# Latest Updates*

<table>
<thead>
<tr>
<th>ERA Treasury Programs in Database</th>
<th>241</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdictions Represented</td>
<td>301</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Opened Programs</th>
<th>209</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Programs</td>
<td>37</td>
</tr>
<tr>
<td>County Programs</td>
<td>127</td>
</tr>
<tr>
<td>City Programs</td>
<td>42</td>
</tr>
<tr>
<td>Territory/ Tribal Govt/Other</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Closed Programs</th>
<th>15</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Programs</td>
<td>1</td>
</tr>
<tr>
<td>County Programs</td>
<td>11</td>
</tr>
<tr>
<td>City Programs</td>
<td>2</td>
</tr>
<tr>
<td>Territory/ Tribal Govt/Other</td>
<td>1</td>
</tr>
</tbody>
</table>

*NLIHC updates these numbers each week. If you are aware of a program not included in our database, please contact nnair@nlihc.org or rya@nlihc.org

<table>
<thead>
<tr>
<th>STATE</th>
<th>41</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITY/COUNTY</td>
<td>196</td>
</tr>
<tr>
<td>TERRITORY/TRIBAL GOVT.</td>
<td>4</td>
</tr>
</tbody>
</table>

$16,601,230,065.68

<table>
<thead>
<tr>
<th>Open</th>
<th>Not Yet Open</th>
<th>Closed</th>
</tr>
</thead>
</table>
Initial Observations

• **Self-attestation**
  • Only 26% programs explicitly state that self-attestation is an acceptable substitute for proof of documentation.
  • COVID Hardship is the most common “acceptable area” of self-attestation.
  • Only 10 programs allow self-attestation for Income or Housing Instability (lease).

• **Direct to Tenant options**
  • Only 17% programs have stated that they will directly issue assistance to tenants if landlords refuse to participate.
  • Some programs state that they will dismiss the application if landlords do not respond
Advancing Long Term Housing Solutions: Updates & Next Steps

Kim Johnson
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Next Steps

Diane Yentel
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Resources

NLIHC’s HoUSed Campaign (nlihc.org/housed): Campaign Updates