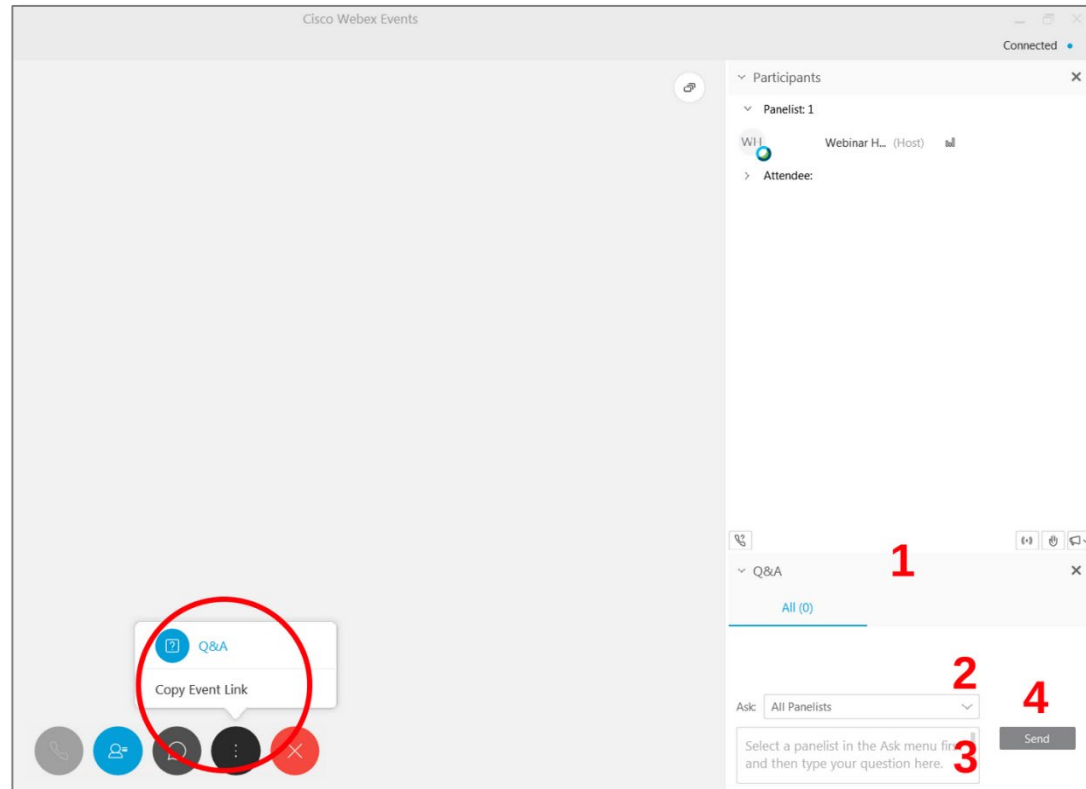


# **COVID-19: State and Local Government Actions to Address Housing Insecurity**

**April 6, 2020  
1:00 – 2:00 p.m. EST**

## How to Use WebEx Q & A

1. Open the Q&A panel
2. Select “All Panelists”
3. Type your question
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## Moderator



**Kerri McGowan Lowrey, JD, MPH**, Deputy Director, Network for Public Health Law - Eastern Region

- J.D., University of Maryland School of Law
- M.P.H., Johns Hopkins University Bloomberg School of Public Health
- Research interests/areas of expertise:
  - Empirical Legal Research and Coding
  - Injury Prevention
  - Child and Adolescent Health Policy

## Presenter



**Emily A. Benfer, LLM, JD**, Visiting Associate  
Clinical Professor of Law, Columbia Law School

- LLM, Georgetown University Law Center
- JD, Indiana University Robert H. McKinney School of Law
- Research interests/areas of expertise:
  - Housing & Homelessness
  - Lead Poisoning Prevention
  - Special Education
  - Public Benefits

## Presenter



**Kathi Hoke**, Director, Network for Public Health Law – Eastern Region Office; Professor, University of Maryland Carey School of Law

- J.D., University of Maryland
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  - Injury Prevention and Safety
  - Tobacco Control
  - Environmental Public Health
  - Food Safety
  - Oral Health



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# Housing & COVID-19

**Emily A. Benfer**  
**Visiting Associate Clinical Professor of Law**  
**Director, Health Justice Advocacy Clinic**  
**Columbia Law School**

# Poverty & COVID-19 Vulnerability

- 38.1 million people (11.8%) live below the Federal Poverty Level
- The lower a person's socioeconomic status, the greater the risk of chronic disease
- Poor adults are 5 times as likely to be in poor health as those with incomes 400% of the Federal Poverty Line
- Race strongly influences socioeconomic factors
- Black Americans continue to have both lower incomes and shorter life expectancies than white Americans do

*Sources: Robert Wood Johnson Foundation, Centers for Disease Control and Prevention, U.S. Census Bureau, Chetty, et. al (2019)*

# COVID-19 & Economic Instability

- 10 million Americans filed for unemployment in March
- 10-15% estimated unemployment rate in March compared to 3.5% in February)
- 27% of Americans had to take a pay cut (40% of Latinos)
- 20% of Americans lost jobs (29% of Latinos)
- Nearly 50,000 health care industry outpatient jobs lost in March

*Sources: U.S. Bureau of Labor Statistics; Justin Wolfers, University of Michigan; Pew Charitable Trust; Modern Healthcare*

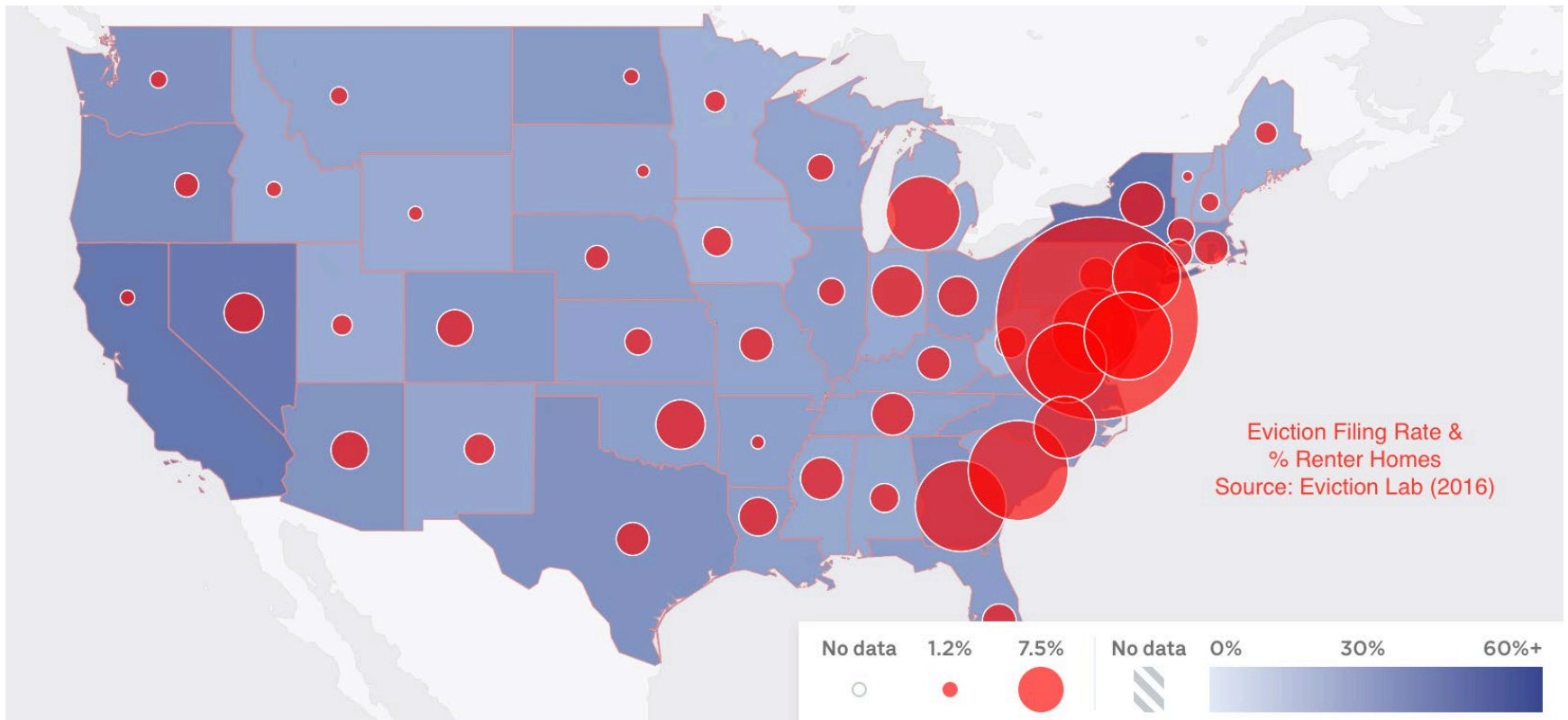


# Eviction Prior to COVID-19

- 300,000 people face eviction in a typical month
- 2.8 million more were on the verge of eviction
- 1 out of 5 people pay over half of their income to housing
- Less than half of these households have more than \$10 in savings.
- Eviction results in poor health, high blood pressure, depression, anxiety, and psychological distress

*Sources: Eviction Lab; Desmond & Gershenson (2016), Vasquez-Vera, et. al (2017)*

# Eviction Filing Rate Before COVID-19



## Housing is Health Care

***Over 60% of states  
with eviction moratoria  
recognize the effect of  
housing stability on  
public health.***

WHEREAS, the economic impacts of COVID-19 are significant, and pose a growing threat to the housing security of many New Jerseyans; and

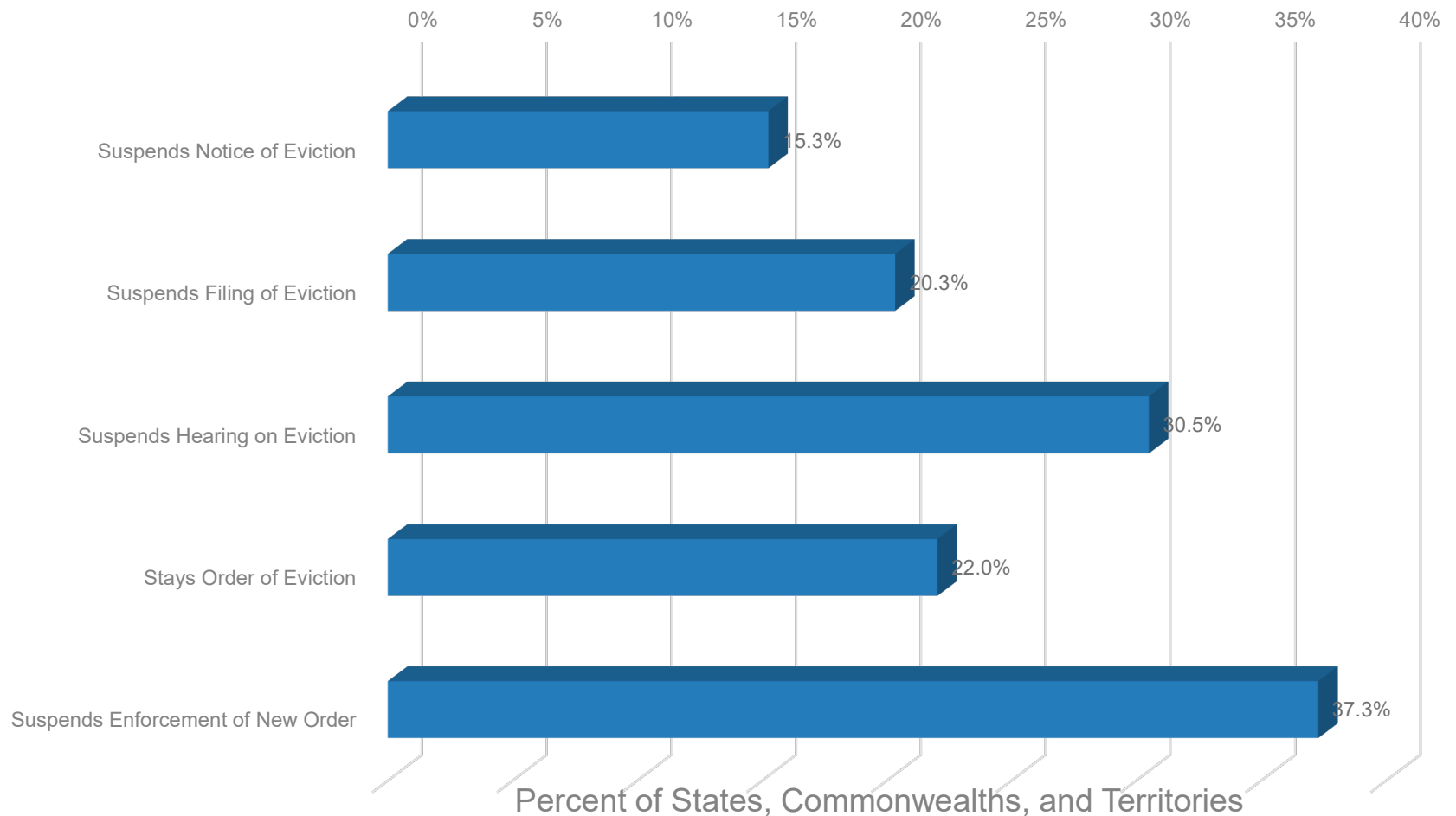
WHEREAS, many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments; and

WHEREAS, housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and

WHEREAS, removals of residents pursuant to evictions or foreclosure proceedings can increase the risk to those residents of contracting COVID-19, which in turn increases the risks to the rest of society and endangers public health, and

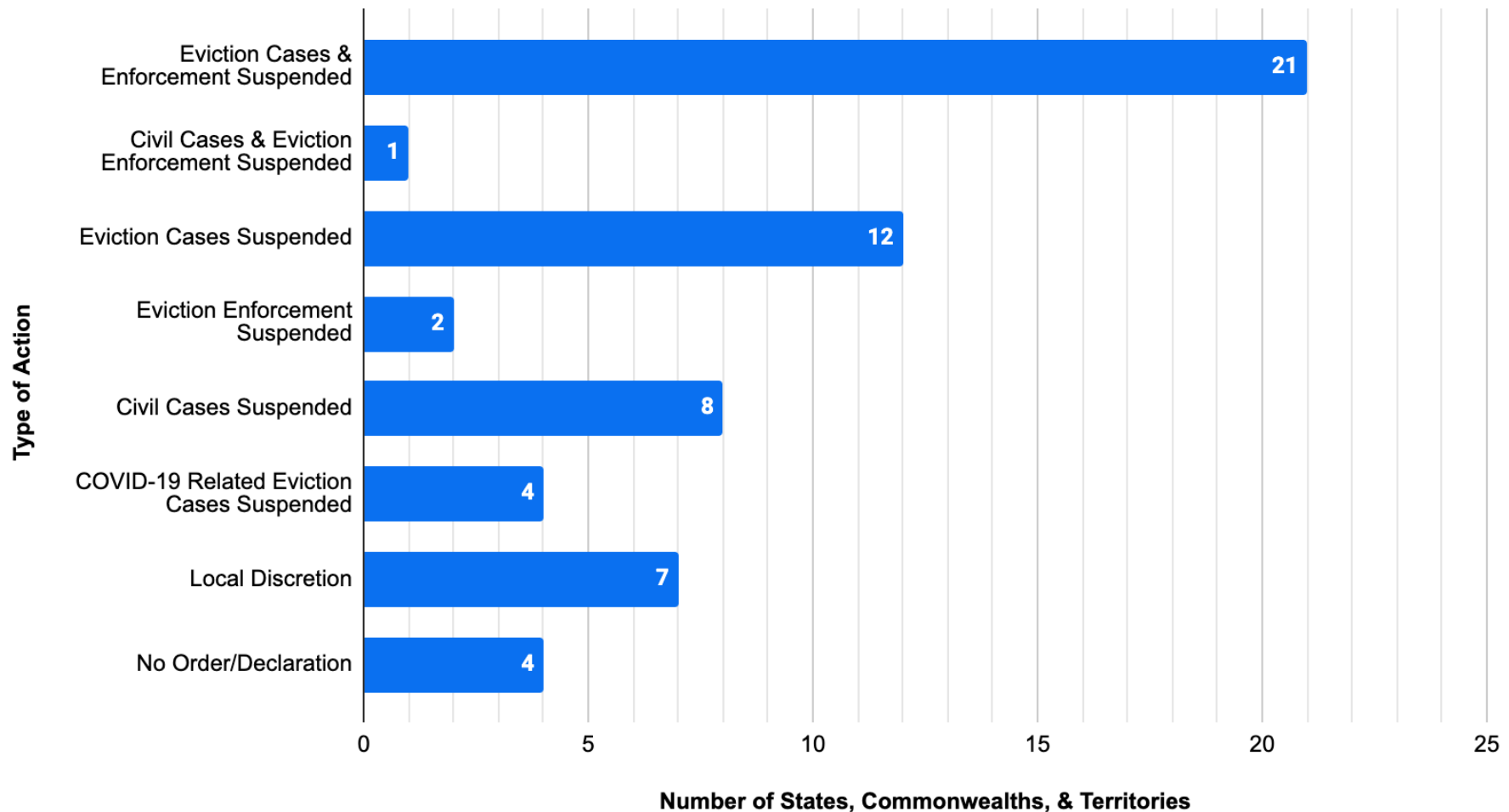
# Moratoria by Stages of Eviction

Source: [bit.ly/COVID19EvictionFreezeUS](https://bit.ly/COVID19EvictionFreezeUS)




# Approaches to Eviction During COVID-19 Pandemic

Source: [bit.ly/COVID19EvictionFreezeUS](https://bit.ly/COVID19EvictionFreezeUS)



# Federal CARES Act Eviction Moratorium

- VAWA Covered Housing 
- Rural Housing Voucher Program
- Federally Backed Mortgage (1-4) Loan
- Federally Backed Multifamily(5+) Mortgage Loan

## VAWA Covered Housing Programs 34 U.S.C. § 12491(a)

- Public housing
- Section 8 Housing Choice Voucher program
- Section 8 project-based housing
- Section 202 housing for the elderly
- Section 811 housing for people with disabilities
- Section 236 multifamily rental housing
- Section 221(d)(3) Below Market Interest Rate housing
- HOME
- HOPWA
- McKinney-Vento homelessness programs
- Section 515 Rural Rental Housing
- Section 514, 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 multifamily rental housing
- Low-Income Housing Tax Credit

# CARES Act Eviction Moratorium

- Non-payment cases only
- Freezes evictions for 120 days
- After moratorium expires, requires 30 days notice of eviction
- FHA, VA, USDA, 184/184A, Fannie Mae, Freddie Mac mortgages receive 6 month forbearance (prior to CARES Act)



# Shelter in Place & Healthy Housing

- Low-income people are more likely to live in homes with poor air quality, mold, asbestos, lead paint, infestations, inadequate space
- 35 million (40%) homes in U.S. metropolitan areas have 1 or more health and safety hazard
- Rental properties have greater prevalence of health-harming conditions than owner-occupied units
- 2 million people live in severely inadequate homes lacking heat, water, electricity

*Source: Benfer & Wiley, Health Affairs*



# Recommendations: Health Justice Approach

1. Legal and policy responses must address the social determinants that threaten to exacerbate the health, financial, and social impacts of a public health emergency on low-income communities, communities of color, and other socially subordinated groups.
2. Interventions mandating healthy behaviors—such as social distancing—must be accompanied by immediate legal, social, and financial protections and supports to facilitate those behaviors.
3. Legal and policy responses must address root problems in addition to immediate needs.

# Recommendations: Moratoria

- Extend eviction moratoria for at least six months after emergency declarations end
- Prohibit utility shut-offs and require universal service
- Require landlords to waive or suspend fees for missed or late rental payments
- Adopt rent control ordinances
- Treat unpaid rent and mortgage payments like an unsecured debt unrelated to the tenancy
- Strict enforcement against landlords who violate moratoria

# Recommendations: Court Processes

- Provide civil Gideon for any tenants served an eviction notice in the year following the pandemic
- Permit out-of-state lawyers and supervised law students to provide pro bono services in other states
- Mandate payment plans or mediated settlement negotiations
- Adopt community court models to divert tenants from eviction
- Seal eviction records and expunge past records
- Bar retaliatory eviction and require “clean hands” eviction

# Recommendations: Investments

- Create or expand emergency rental and mortgage assistance fund
- Create and distribute housing subsidies
- Cover legal fees for low-income tenants
- Provide case management and housing counseling services
- Study interventions
- Fund healthy homes interventions
- Invest in the rejuvenation of low-income communities
- Provide property tax relief



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# Homelessness & COVID-19

# U.S. HOMELESSNESS + COVID

## People Experiencing Homelessness (PEH)

- Approx. 600k PEH (likely under-measured)
- Aging PEH population
- More likely to have underlying medical conditions, chronic
- Insufficient access to medical care, nutritious food, sufficient sleep, showering, hand-washing, public health messaging

## PEH with COVID-19

- 2 times more likely to be hospitalized
- 2-4 times more likely to need critical care
- 2-3 times more likely to die

# CARES ACT (COVID Stimulus)

## \$4 Billion

HUD Emergency Solutions Grants (ESG) Program to state and local governments for services for PEH and those at risk of becoming homeless

- Eliminates need for matching funds and local planning and releases some procurement rules
- Eliminates cap on shelter funding and the need for habitability and environmental review standards
- ***PEH may not be required to seek treatment or undertake other activities to receive shelter***

***HUD may waive almost any requirement for ESG if the flexibility in CARES is not sufficient.***

# COMMUNITY BLOCK GRANTS

**\$5 Billion**

Distributed to state and local governments

- May be used to keep people experiencing homelessness safe
- May be used to prevent homelessness

# CORONAVIRUS RELIEF FUND

**\$150 Billion**

Distributed to state and local governments

- Available for broad public health purposes



# State Stay-at-Home or Shelter-in-Place Orders

## Four Approaches + 1

- Silent on Applicability to PEH
- Exempt PEH
- Exempt PEH + urge them to find shelter
- Exempt PEH + urge them to find shelter + urge governmental and other entities to provide shelter meeting CDC guidelines

***Virginia: All relevant state agencies shall continue to work with all housing partners to execute strategies to protect the health, safety, and well-being of Virginians experiencing homelessness during this pandemic and to assist Virginians in avoiding evictions or foreclosures.***

# Best (Good) Practices: Shelters

## Providing Separate Living Spaces in Shelters

- “Appropriate” for well, low-risk persons
- Shelter space modifications to meet CDC recommendations
- Screening new residents before entry
- Cleaning and disinfecting at highest level possible
- Establishing isolation area for COVID+ or exposed
- Challenges: shared bathrooms; communal eating; will reduce # served; may close temporarily if COVID-19+ client/staff (i.e. Catholic Charities in Las Vegas)

# Best Practices: Shelter Diversion

## Shelter Diversion (Single/Family Occupant Residence) Preferred

- Secure hotel/motel/FEMA trailer space
- Place in potential permanent housing (expedite process)
- Priority for symptomatic not in need of hospital, people with underlying health conditions, as respite care after hospital discharge, families with children, *humans*.
- Challenges: \$; NIMBY; access to food, laundry, health care, other services, strains staff that serve PEH

*Good Examples: Connecticut; Portland*

*California: Newsom \$50M for SOR as Project Roomkey*

# Best Practices: Encampments

## Encampments

- Do not clear. Stay enforcement of laws and educate PEH and law enforcement.
- Encourage tents/sleeping areas w/ 12'X12' per person.
- Provide portable handwashing stations and toilets.

***City of Los Angeles: Council voted to stay enforcement of law prohibiting tents between 6 a.m. and 9 p.m. in certain areas, providing h/w, toilets, dumpsters.***

***Many jurisdictions formal or informal stay of enforcement of anti-homeless laws to stop clearing and arrests. MUST communicate to law enforcement.***

# Anti-Homeless Laws

**Anti-Homeless Laws: Those that prohibit possession of certain items (tents) in certain places, prohibit sitting/sleeping/panhandling in public places:**

- Ineffective at reducing homelessness
- Effective at increasing PEH interactions with law enforcement and criminal justice system
- Leads to neighborhood shifting
- Loss of property (on arrest/confiscation) harms PEH well-being

***Best Practice? Repeal them***

***Short-term? Stay enforcement***

# Related Issues

- ✓ **Public Education Targeted to PEH**
- ✓ **Children Experiencing Homelessness**
- ✓ **People with SUD (incl. alcohol and tobacco)**
- ✓ **PEH Pets**

# COVID-Related Resources on Homelessness

**[U.S. Interagency Council on Homelessness](#)**

**[CDC](#)**

**[National Alliance to End Homelessness](#)** (NAEH  
resources and extensive list of other  
resources)

**[National Healthcare for the Homeless Council](#)**



# Ending Homelessness





# Time for Q&A

**Contact information:**

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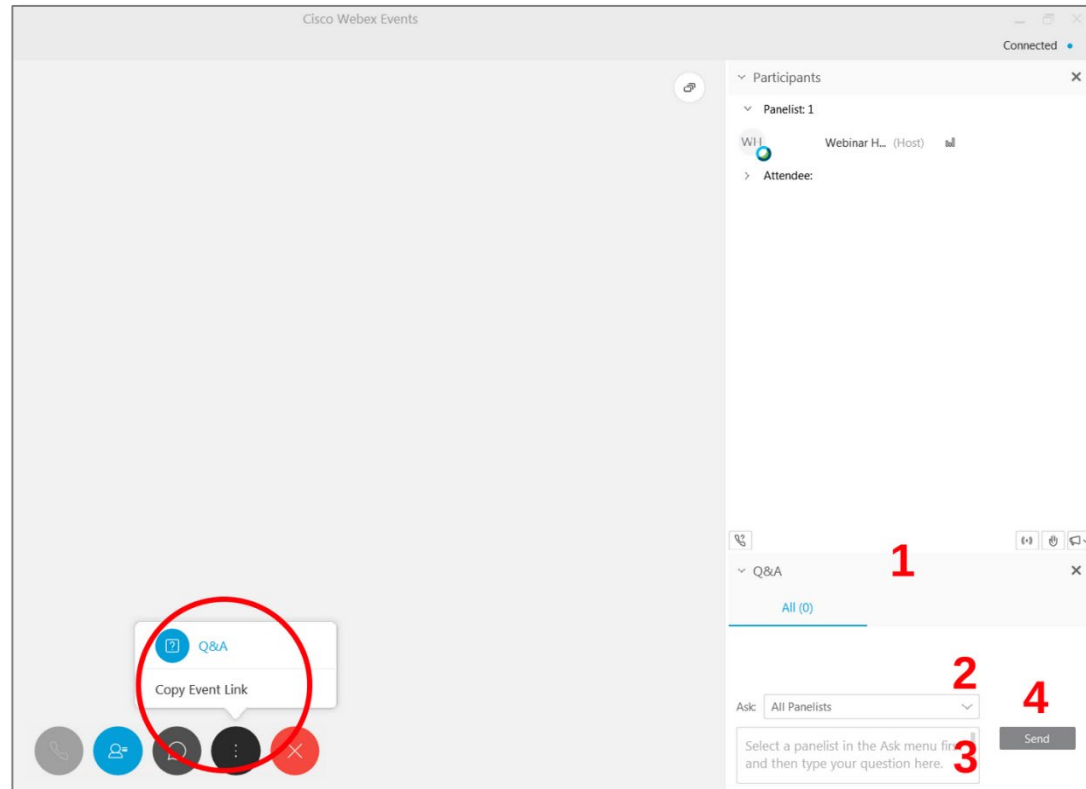
**Kathi Hoke**

**[khoke@networkforphl.org](mailto:khoke@networkforphl.org)**

**Slides and the recording will be available  
on the Network's website soon.**

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# Thank you for attending

For a recording of this webinar and information about future webinars, please visit [networkforphl.org/webinars](https://networkforphl.org/webinars)

## COVID-19: Focus on Emerging Constitutional Challenges

1:00 – 2:00pm EST | April 15

## COVID-19: Real-Time Guidance, Resources and Information

View resources & request assistance at [networkforphl.org/covid19](https://networkforphl.org/covid19)

