

# DVHTAC COVID-19 Special Topic Series

## Eviction Moratoriums: What Advocates Working with Domestic and Sexual Violence Survivors Need to Know

**April 21, 2020**

### Presenters

**Sandra Park**, [American Civil Liberties Union](#)

**Linda Morris**, [American Civil Liberties Union](#)

**Renee Williams**, [National Housing Law Project](#)

### Hosts

**Larisa Kofman**, [National Alliance for Safe Housing](#)

**Karlo Ng**, [National Alliance for Safe Housing](#)

# DV & Housing TA Consortium (DVHTAC)

## Federal Partners

- Family Violence Prevention & Services Program/HHS
- Office on Violence Against Women/DOJ
- Office for Victims of Crime/DOJ
- Office of Special Needs Assistance Programs/HUD
- US Interagency Council on Homelessness

## Technical Assistance Providers

- National Alliance for Safe Housing (NASH)
- Collaborative Solutions, Inc. (CSI)
- National Network to End Domestic Violence (NNEDV)
- National Resource Center on Domestic Violence (NRCDV)
- National Sexual Violence Resource Center (NSVRC)
- Corporation for Supportive Housing (CSH)



Sandra Park  
Linda Morris

# Potential Housing Issues Facing Survivors

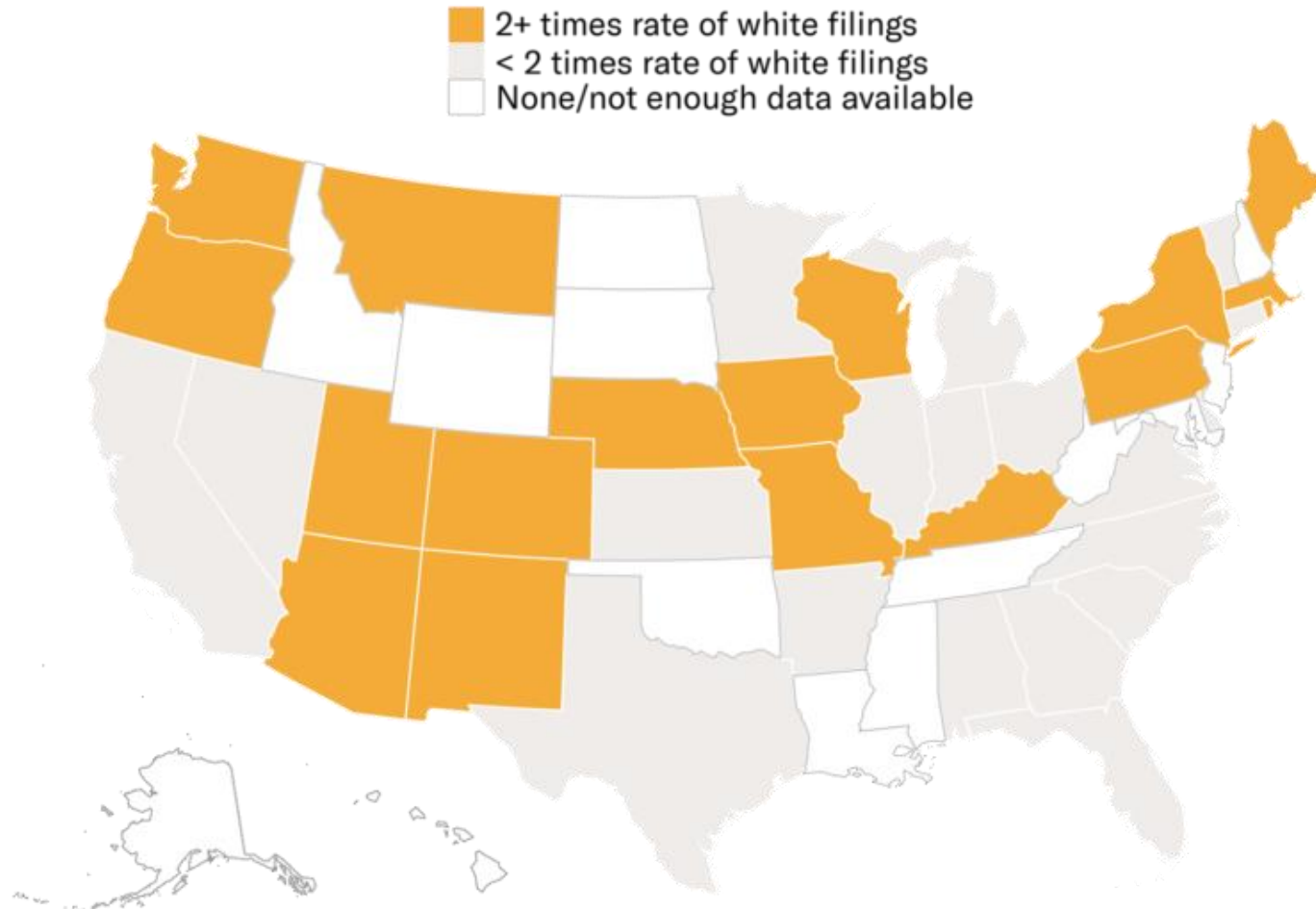
- Increased Threat of Eviction
  - Criminal Activity or Other Lease Violations
  - Loss of Income and Economic Abuse
- Sexual Harassment by Landlords
  - Quid Pro Quo
  - Hostile Environment

# Eviction's Fallout Across Race and Gender Lines

- Eviction disproportionately burdens women of color — — and particularly Black women.
- Long-term Consequences
  - **Tenant Blacklisting:** A prior eviction record can indefinitely block access to housing — regardless of whether case was dismissed, occurred many years ago, or filed unlawfully.
  - More Information can be found here:
    - <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>

# Black woman renters had evictions filed against them at double the rate of white renters or higher in 17 of 36 states.

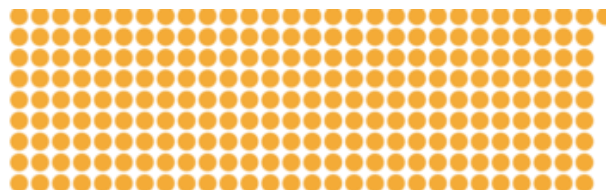
Data Analysis by the ACLU Data Analytics Department



# Black women in MA were most likely to have evictions filed against them that were ultimately dismissed.

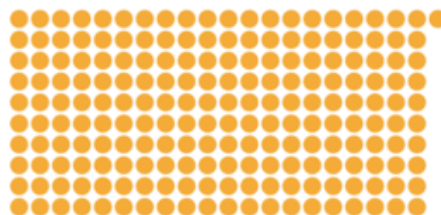
Data Analysis by the ACLU Data Analytics Department

Black **female**  
renters



282

Black **male**  
renters



201

White **female**  
renters



99

White **male**  
renters



90



# Renee Williams



# Federal Eviction Moratorium

- Result of the CARES Act, signed into law March 27, 2020 (P. L. 116-136)
- Prohibits landlords covered by the moratorium from filing new eviction actions for non-payment of rent
- Prohibits landlords from charging fees, penalties, or other charges related to nonpayment of rent
- Eviction moratorium took effect on March 27, and lasts for **120 days** (ending in July), ***after which*** there is an additional **30-day notice** requirement to evict a tenant

# Federal Eviction Moratorium - Coverage

- Tenant must live in unit in a property that participates in covered program
- Covered programs include
  - Federal housing programs covered by VAWA 2013
  - Rural Housing Voucher Program
  - Properties with federally backed mortgage loans (1-4 units)
  - Properties with federally backed multifamily mortgage loans (5 or more units)

# Refresher: Programs Covered by VAWA 2013

## HUD Programs

- Public housing
- Section 8 Housing Choice Vouchers
- 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 (BMIR) housing
- HOME
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney-Vento Act homelessness programs

## USDA Programs

- Section 515 Rural Rental Housing
- Sections 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 multifamily rental housing

## Treasury Department

- Low-Income Housing Tax Credit (LIHTC)

# What is Not Covered by the Federal Moratorium?

- Eviction cases that were filed before the moratorium took effect (or that are filed after CARES Act protections expire)
- Eviction cases that involve non-covered tenancies (e.g., tenancies in private rental housing without a federally backed mortgage), or
- Eviction cases where the eviction is based on another reason besides nonpayment of rent or nonpayment of other fees or charges

## Also, Check Your State/Locality for an Eviction Moratorium

- A number of states and localities have placed moratoria on evictions, but require investigation as to what is actually covered.
  - State/local moratoria may be more protective.
- For some states, tenant must demonstrate economic hardship due to COVID-19.
- For state moratoria, note that circumstances are changing quickly, but NHLP has link to a tracking resource:
  - [COVID-19 Eviction Moratoria by State, Commonwealth and Territory](#)

# Practical Considerations

- An eviction moratorium **does not** mean the cancellation of rent owed. This is simply a pause.
  - Interim recertifications in federal programs such as public housing and project-based Section 8 for tenants who have lost income/jobs during the pandemic.
  - At this time, rent will have to be repaid after the pandemic ends.
- To determine if your client lives in one of the properties covered by the federal moratorium, consult (non-exhaustive resource):
  - <https://nlihc.org/federal-moratoriums>

# Practical Considerations

- Even if you think a moratorium is in place, if a client receives an eviction notice, they should still consult a housing attorney *immediately* to discuss their rights and options.
- Remember, the type of eviction delayed is important – for example, the federal moratorium is restricted to delaying evictions related to non-payment; a number of states also have exemptions for criminal activity, nuisance, etc.
- You can always reach out to NHLP for technical assistance: [rwilliams@nhlp.org](mailto:rwilliams@nhlp.org).
- Check out [nhlp.org](http://nhlp.org) for more COVID-19 [information/resources](#).

# Federal Housing Protections for Survivors

- Violence Against Women Act – federal protections for survivors of domestic violence, sexual assault, dating violence and stalking
  - Applies to many federally-subsidized housing programs, including public housing, Section 8, Low Income Housing Tax Credits
  - Prohibits denial of housing or eviction based on violence; provides for lease bifurcations, confidentiality, voucher portability, and covered housing providers must adopt a plan for emergency transfers
- Fair Housing Act – federal law prohibiting discrimination based on sex, race, and other characteristics in housing
  - Includes protections against sexual harassment

## Resources:

[www.nhlp.org/initiatives/protections-for-survivors-of-domestic-and-sexual-violence/](http://www.nhlp.org/initiatives/protections-for-survivors-of-domestic-and-sexual-violence/)  
[www.aclu.org/fairhousingforwomen](http://www.aclu.org/fairhousingforwomen)



# State Housing Protections for Survivors

- Many states provide protection from discrimination or eviction based on violence, early lease termination, lease bifurcation, lock changes, and other measures
- Almost every state also has a fair housing law prohibiting discrimination based on sex, race, and other protected characteristics
  - Note: Protections against sex-based discrimination apply to sexual harassment.

## Resources:

<https://www.nhlp.org/wp-content/uploads/2017-NHLP-DV-and-Hsing-State-Compendium-FINAL.pdf>

<http://lawatlas.org/datasets/state-fair-housing-protections-1498143743>

# State & Local Advocacy

- **Advocacy for State and Local Eviction Moratoria**

- The Eviction Lab's Housing Policy Scorecard for All States

- Link: <https://evictionlab.org/covid-policy-scorecard/>

- National Housing Law Project's Resources

- Link: <https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>

- ACLU Advocacy Materials

- Contact [LindaM@aclu.org](mailto:LindaM@aclu.org) and [SPark@aclu.org](mailto:SPark@aclu.org)

- **Advocacy for Guidance from HUD and Other Agencies**

# Discussion/ Questions

# Consortium COVID-19 Resources

- **Safe Housing Partnerships:**

<https://safehousingpartnerships.org/news/preventing-managing-spread-covid-19-within-domestic-violence-programs>

- **NASH:** [DV and Housing-Related Coronavirus Resources](#)

- **NNEDV:** [COVID-19: Coalition Guidance for Programs by the National Network to End Domestic Violence](#)

- **NRCDDV:** [Preventing & Managing the Spread of COVID-19 Within Domestic Violence Programs](#)

- **NSVRC:** [Resources for Covid-19 Response](#)

- **CSI:** [HUD and DV Resources -Covid-19](#)