STRATEGIES FOR SURVIVOR ADVOCATES WORKING WITH LANDLORDS DURING COVID-19

Background

Landlord engagement is an increasingly critical component to advocacy for survivors of domestic violence (DV) and sexual assault (SA), given that the economic impact of DV and SA, compounded by the COVID-19 pandemic, is resulting in a housing crisis for many low-income survivors and particularly survivors of color. Now is the time for survivor advocates to shore up existing landlord partnerships and establish new ones to help increase safe housing options and maintain housing stability for survivors. This resource provides an overview of current eviction moratoriums and their impact on survivors' housing rights. It further highlights strategies that advocates across the country are using to work with landlords to help survivors avoid eviction, as well as access and maintain safe housing.[1]

Eviction Moratoriums and Their Impact on Survivors

As finances tighten for families across the country because of COVID-19, advocates have many questions about whether and in what situations survivors can be evicted, especially in light of federal and local eviction moratoriums. We provide here information and resources that clarify the housing rights of survivors during the pandemic, as well as how survivors, who are behind on paying rent, can work with landlords to stay in their housing.

⇒ **Survivors continue to have critical housing protections.** Tenants who experience DV/SA cannot be evicted, be removed from a housing program, or have their rental assistance terminated because of the violence committed against them. This includes evictions, removals, or terminations due to property damage caused by the harm doer. Tenants experiencing violence also cannot be evicted or removed from their programs for seeking help by calling 9-1-1 or emergency services. Further, housing providers cannot treat survivors more harshly than they treat other tenants. These protections for survivors apply independently of the current public health crisis.

In many states, housing providers can still remove a tenant from a unit (also known as a lease bifurcation) for committing violence against another tenant. This means that if a harm doer is also a tenant, the harm doer can be removed from the lease or program. This promotes the safety of the survivors as well as other tenants.

[1] The authors would like to thank the following advocates for sharing their insights and experiences for the development of this paper: Lee Heflebower, Nebraska Coalition to End Sexual and Domestic Violence; Maria Williams, Pennsylvania Coalition Against Domestic Violence; Andrea Miller, Kentucky Coalition Against Domestic Violence; Rhonda Albert and Amanda Acevedo from Coburn Place in Indianapolis; and Blair Dorosh-Walther at Safe Horizon in New York City.

⇒ **Survivors may have additional protections under eviction moratoriums.** Survivors who are experiencing difficulties paying rent may be protected by various eviction moratoriums. The federal eviction moratorium issued by the U.S. Center for Disease Control in September (CDC) prohibits residential evictions for eligible renters for nonpayment of rent, fees or other charges until December 31, 2020. To qualify, a tenant must (1) be a "tenant, lessee, or resident of a residential property" and (2) provide a signed declaration to their landlord stating that they:

- Have "used best efforts to obtain all available government assistance for rent or housing;"
- Expect to earn no more than $99,000 annually in 2020 (or no more than $198,000 jointly), or were not required to report income in 2019 to the IRS, or received an Economic Impact Payment;
- Are unable to pay rent in full or make full housing payments due to loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical costs;
- Are making their best efforts to make timely partial payments as close to the full rental/housing payment as possible;
- Would likely become homeless, need to live in a shelter, or need to move in with another person (aka live doubled-up) because they have no other housing options;
- Understand they will still need to pay rent at the end of the moratorium (Dec. 31, 2020); ~ and ~
- Understand that any false/misleading statements may result in criminal and civil actions.

*** Translated versions of the declaration are available in multiple languages (here & here).*

The federal moratorium does not prohibit evictions due to other lease violations. Therefore, tenants can be evicted for perpetrating criminal acts against other tenants, such as DV/SA.

Additionally, a state or local eviction moratorium may apply to the unit. Many of these state and local moratoriums include exceptions for criminal activity such that perpetrators of DV/SA can still be evicted during the crisis.

⇒ **Strategies for helping survivors who are behind on rent.** Advocates can help survivors who owe rent during the pandemic. For example, they can work with landlords to negotiate repayment agreements on behalf of survivors. If the advocate's organization has flexible funds available, these funds could be used to help pay for all or part of the survivor's back rent. A landlord often may be more willing to work with a survivor, if they know that an advocacy organization is supporting the survivor.

For survivors who are receiving housing assistance from the federal government (where the assistance is determined by the household's income), advocates can help survivors request interim recertifications from the landlords, so that the survivors' rental assistance can be adjusted accordingly. HUD permits tenants to self-certify for recertifications or provide documentation for recertification by email or other electronic delivery.

Furthermore, advocates can see if their states and localities offer emergency rental assistance programs for survivors who cannot pay rent during COVID-19. Emergency Solutions Grant (ESG) funds, including ESG funds through the CARES Act to recipients and subrecipients, can also be used for emergency rental assistance for survivors of domestic violence. ESG funds can also be used for rent arrears. Continuum of Care (CoC) Rapid Re-Housing funds can be used for rental assistance. The target usage of ESG and CoC funds for rental assistance differs, directly connecting to the type of household served, but survivors could be eligible for either.

Strategies for Developing New Landlord Partnerships

⇒ **Present a win-win proposition.** DV/SA advocates are not seeking charity when they ask landlords to consider renting to the survivors they work with. Landlords have a lot to gain from working with DV/SA programs. A well-structured partnership can offer access to rental units for survivors and financial benefits to landlords, along with improvements to the overall safety of the landlord's property and well-being of the tenants. Advocates can highlight these landlord benefits when making a win-win proposition:

1. Reliable monthly rent payments
   - If the DV/SA program is providing a rental subsidy, landlords can depend on the consistent payment of all or some portion of the rent.
   - Through the provision of flexible funding, DV/SA programs can cover a survivor's unexpected financial needs so that they are able to pay rent.
   - DV/SA programs can often swiftly fill a vacancy if the survivor-tenant needs to break the lease for safety reasons.

2. Property protection and improvements
   - Many programs have found that setting aside funds to pay for any damages to the property allays landlord fears around not being able to recoup the costs of possible damages to the unit by the harm doer or the survivor.
   - Often, survivors do not have experience being the sole leaseholder or living alone. DV/SA advocates can support survivors in understanding the parameters of their lease and how to be responsible tenants. This can include helping survivors identify and raise issues with their units to the landlords before they become emergency problems, as well as troubleshooting minor issues that can be easily managed.
   - DV/SA programs can use flexible funding to pay for additional safety elements to the survivor's unit, such as an alarm system, lock changes, or additional locks, if the landlords are not legally obligated to pay for these changes.

3. Safety and well-being for all tenants
   - DV/SA programs can be a resource to the landlord around specific concerns they may have with tenants. For example, programs can offer trainings to help tenants understand their responsibilities as residents and learn about financial management.

DV/SA programs may also be able to offer tenants rehabilitation services, to address issues like mental health or drug use.

- DV/SA programs can help landlords understand the dynamics of domestic violence by offering DV 101 trainings to property management staff, as well as education on their legal obligations as housing providers under federal, state, and local laws, such as fair housing laws and the Violence Against Women Act.
- The advocacy and support that DV/SA program advocates provide can help increase the chances the survivor-tenant is able to consistently pay rent, and is safe and thriving. Once landlords see the impact of the DV/SA program, it is not uncommon for them to refer other tenants dealing with DV/SA to the program. The services can also help landlords be better property managers for all tenants.

⇒ **Know the landlord landscape.** DV/SA advocates, like those at Coburn Place in Indianapolis, often maintain a database of landlords that includes, among other details, the landlord's preferences so that they can make landlord referrals to survivors who are potentially a good fit. For example, some landlords are willing to be flexible when it comes to credit and background checks, if they can be convinced that the survivor will be a reliable tenant or that the program can vouch for consistent rent payment.

⇒ **Leverage community partnerships.** Some DV/SA programs, like the Nebraska Coalition Against Sexual and Domestic Violence, collaborate with their local Continuums of Care to pool resources toward developing a shared landlord network. This cross-agency collaboration is effective because agencies share information about landlords, including rooting out exploitative landlords and flagging vacancies with reputable landlords for one another. They also collaborate with the Continuums of Care to engage landlords and educate them about the various rental subsidy and voucher programs, as well as offer their specific expertise on housing protections and compliance under the Violence Against Women Act.

Strategies for Maintaining and Strengthening Landlord Partnerships

⇒ **Check in regularly with landlords**. Ongoing communication through frequent site visits is often how advocates maintain communication with landlords and stay abreast of any issues or concerns. The need to socially distance during COVID-19 creates new challenges for how advocates can maintain connection. Particularly given the increase in domestic violence and the isolation many survivors are experiencing during the pandemic, advocates need to remind landlords that they are still an engaged partner and resource. It is important for advocates to call the landlord regularly and ask how the partnership is going and how the program can offer support with any existing issues. Advocates can also share with landlords the ways in which the program is providing ongoing remote or virtual support and other resources to the survivor during COVID-19.

⇒ **Find creative ways to recognize effective landlord partnerships.** While landlord appreciation luncheons, summits and other in-person events are no longer an option during COVID-19, DV/SA advocates can find ways to highlight landlord contributions such as using social media or sending cards sharing specific examples about their impact.

Center Survivor Agency and Empowerment

⇒ **Survivors should inform landlord partnerships.** Advocates must ask the survivor about any challenges that might hinder their ability to meet landlord screening requirements and/or their ability to pay their portion of the rent, as well needs around safety, transportation, and others. Regardless of the relationships and agreements that an advocate has formed with landlords, survivors themselves must be the ones to determine where they live and which landlords they want to work with.

It's not uncommon for a survivor to have been sexually exploited by a landlord and the process of renting a new unit can trigger those past experiences with violence. Thirty-eight percent of respondents to a national survey reported receiving reports of landlord sexual assault. In these cases, 79% of women reported that their landlords refused to repair locks, supply heat, hot water, or make the space "safe." Given this reality for some survivors, advocates should support survivors to clarify their options while also developing as expansive a list as possible of safe housing options to accommodate the survivor's needs, concerns and challenges. If you are working with a survivor who has experienced sexual harassment in housing, see the links listed in the resources section below.

⇒ **Support survivors to advocate for themselves with landlords.** At Safe Horizon, a DV/SA program in New York City, shelter advocates help survivors prepare for meeting landlords by conducting mock interviews and providing guidance on how to explain issues that may come up around poor credit or past evictions. Some advocates provide a detailed letter that the survivor can take to the landlord interview, if they choose, that specifies the range of supports and services that the program provides.

Resources

⇒ For more information about the CDC's eviction moratorium, see these materials by the National Low Income Housing Coalition.

⇒ For resources on sexual harassment in housing, see the U.S. Department of Housing and Urban Development's (HUD) website, which includes information on how to file a complaint. Additionally, the Civil Rights Division of the U.S. Department of Justice has the Sexual Harassment in Housing Initiative that combats sexual harassment by landlords, property managers, maintenance workers, loan officers or other people who have control over housing.

⇒ This webinar highlights the work the Nebraska Coalition to End Sexual and Domestic Violence and HopeWorks, a DV program in Maryland, is doing with landlords to address the evictions crisis and build partnerships.

This publication was made possible by Grant Number 90EV0451 to the National Resource Center on Domestic Violence from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the presenters and do not necessarily represent the official views of the U.S. Department of Health and Human Services.