

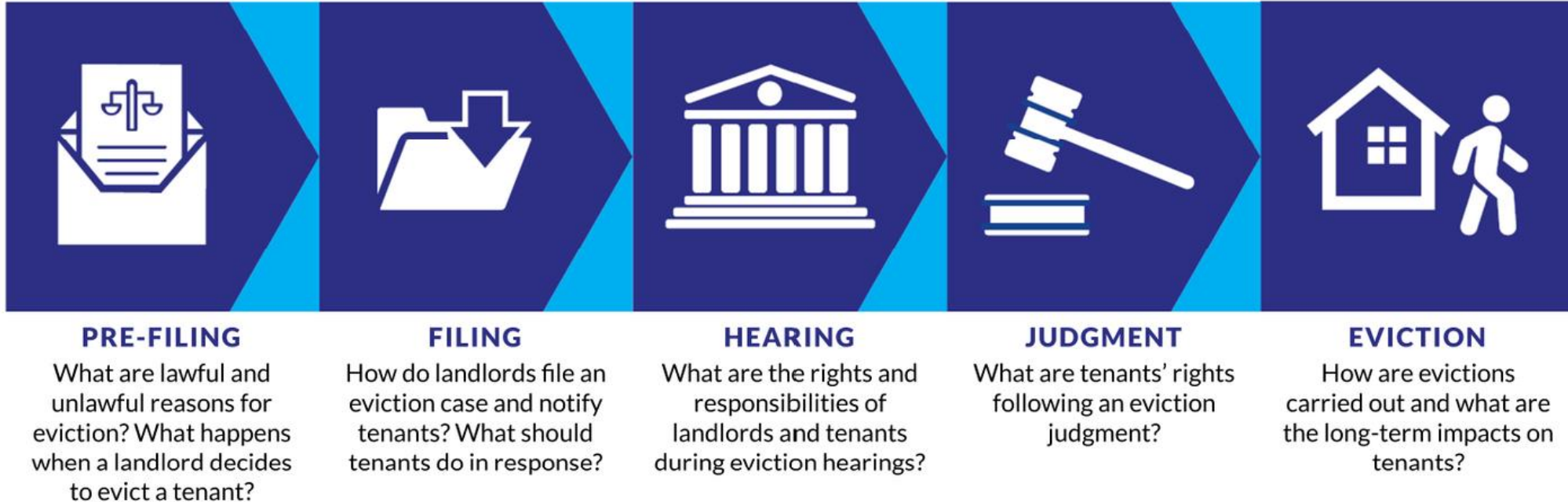
Understanding the Eviction Process in United States Cities

A Policy Surveillance Project

National Public Health Law Conference, September 2021

Presented by: Joshua Waimberg, JD, MBA

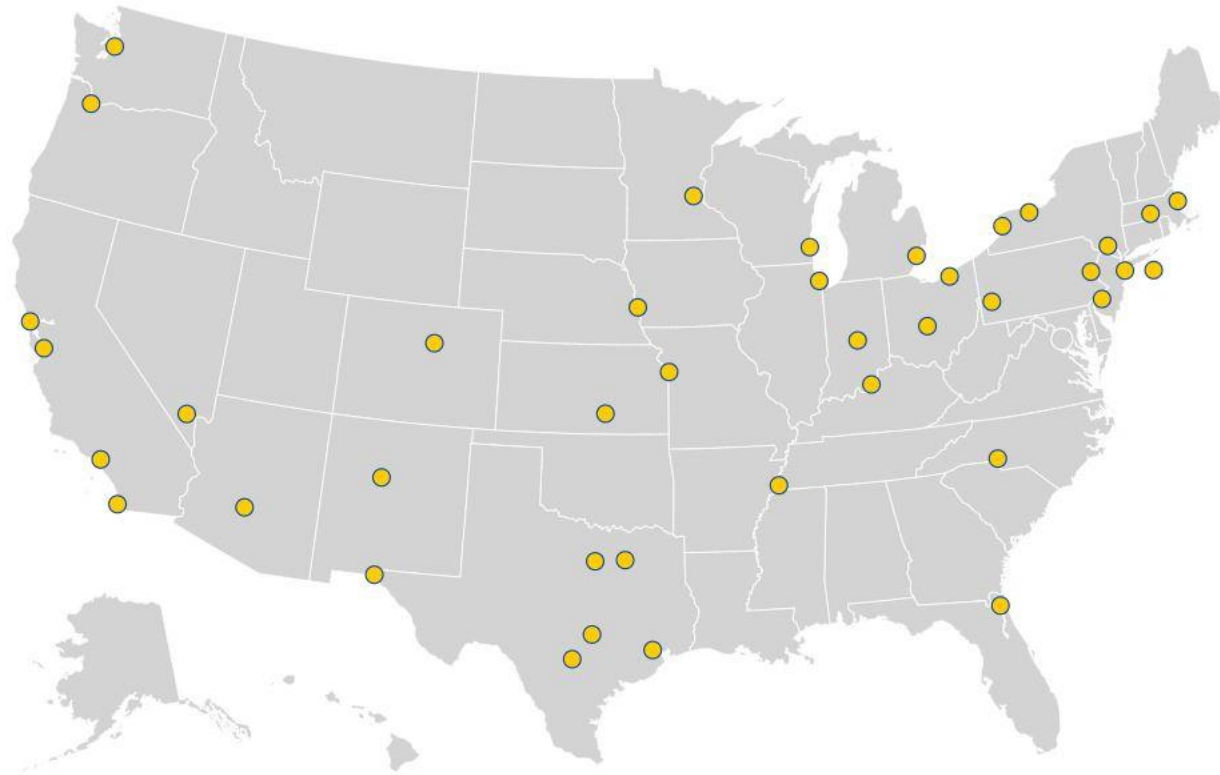
The Legal Process of Eviction in the United States



Residential Eviction Laws in 40 U.S. Cities

- Identified key features of state, county, and city-level laws governing the residential eviction process in 40 U.S. cities as of August 1, 2018.
 - 10 largest cities in the four Census regions.

Residential Eviction Laws in 40 U.S. Cities



- Identified key features of state, county, and city-level laws governing the residential eviction process in 30 U.S. local jurisdictions as of January 1, 2021.
 - Localities selected by a panel as part of LSC's Effect of State & Local Laws on Eviction Study.

Local Eviction Laws



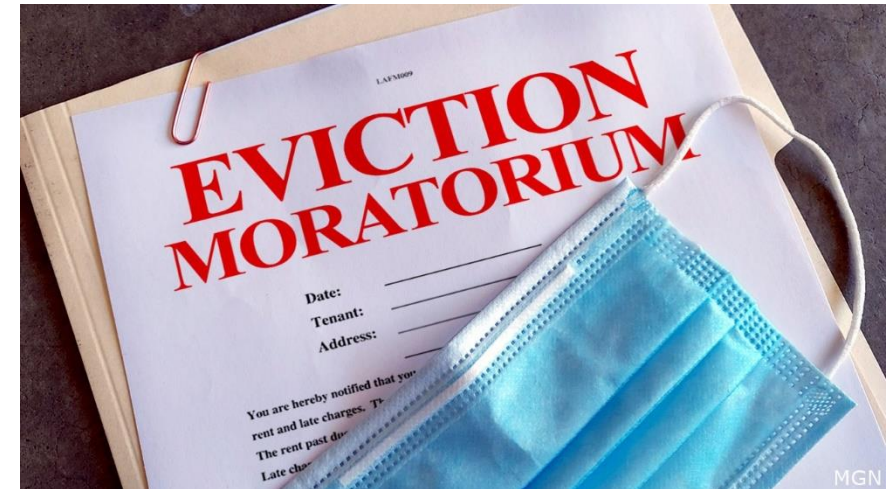
Evictions in the United States

- The eviction crisis in the United States
 - Close to 20 million renters in the United States spend at least 30 percent of their income on housing and utilities.
 - Landlords pursue an estimated 3.7 million eviction cases across the country every year.
 - Approximately 1 million evictions occur each year, impacting an estimated 2.3 million people.

**EVICTIION
NOTICE**

- **Poor physical and mental health outcomes**
 - High blood pressure, depression, anxiety, and stress.
 - Psychological distress can lead to unhealthy behaviors, including smoking or adopting poor eating habits.
 - Exacerbation of existing health problems in children such as asthma or allergies.
 - Residential instability, moving into poor quality housing, overcrowding, and homelessness.

- COVID-19 Eviction Moratorium
 - CDC eviction moratorium helped to prevent 1.55 million eviction filings in the United States.
 - Federal, state, and local policies helped prevent at least 2.45 million eviction filings since the start of the pandemic.
 - Revised federal moratorium was ended by the Supreme Court on August 26, 2021.



Evictions in the United States

- Local evictions are controlled by a confusing patchwork of policy
 - State statutes and regulations
 - County laws
 - Municipal code
 - Judicial rules
 - Emergency declarations



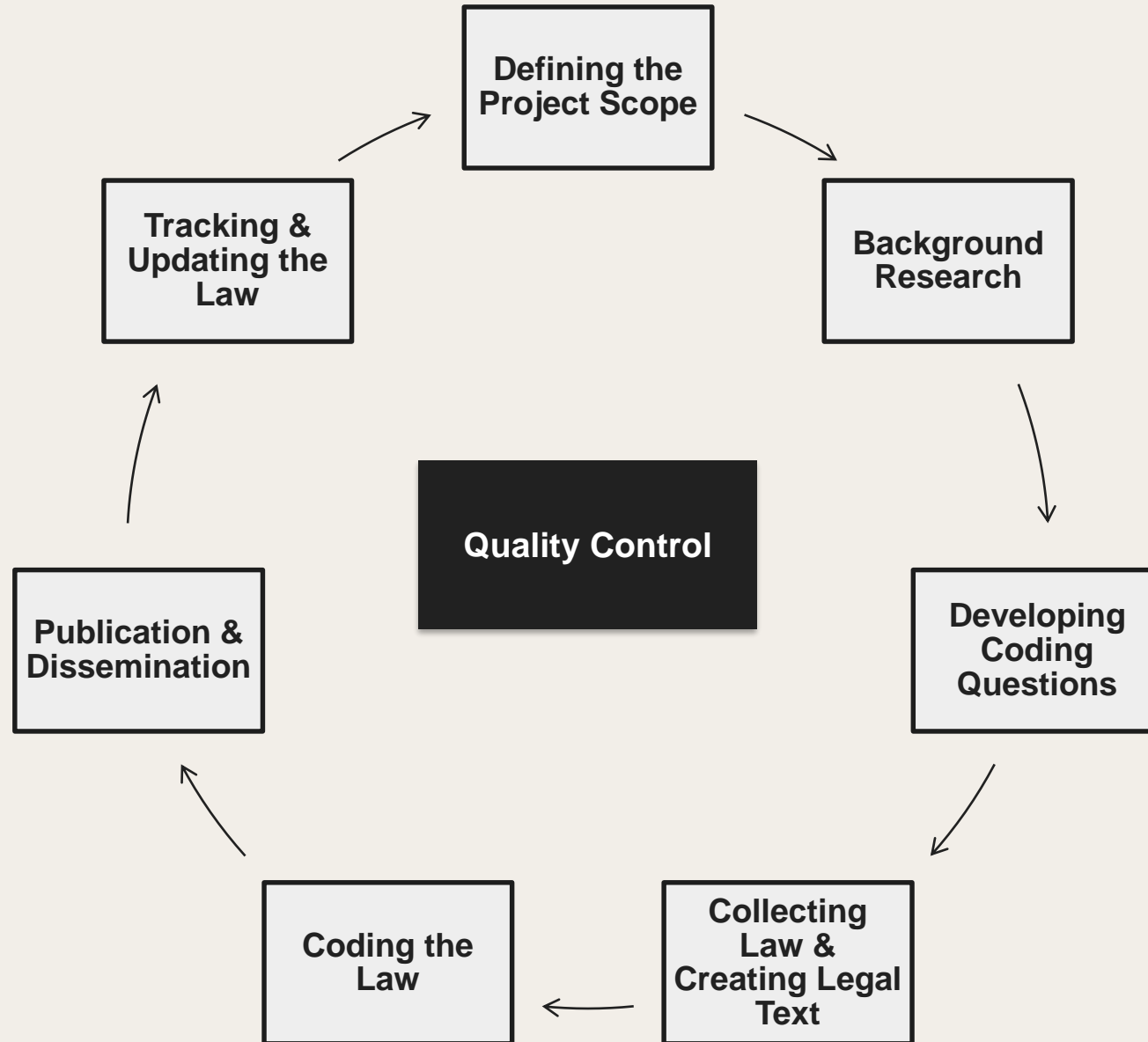
Legal Epidemiology

The scientific study and deployment of law as a factor in the cause, distribution, and prevention of disease and injury in a population.

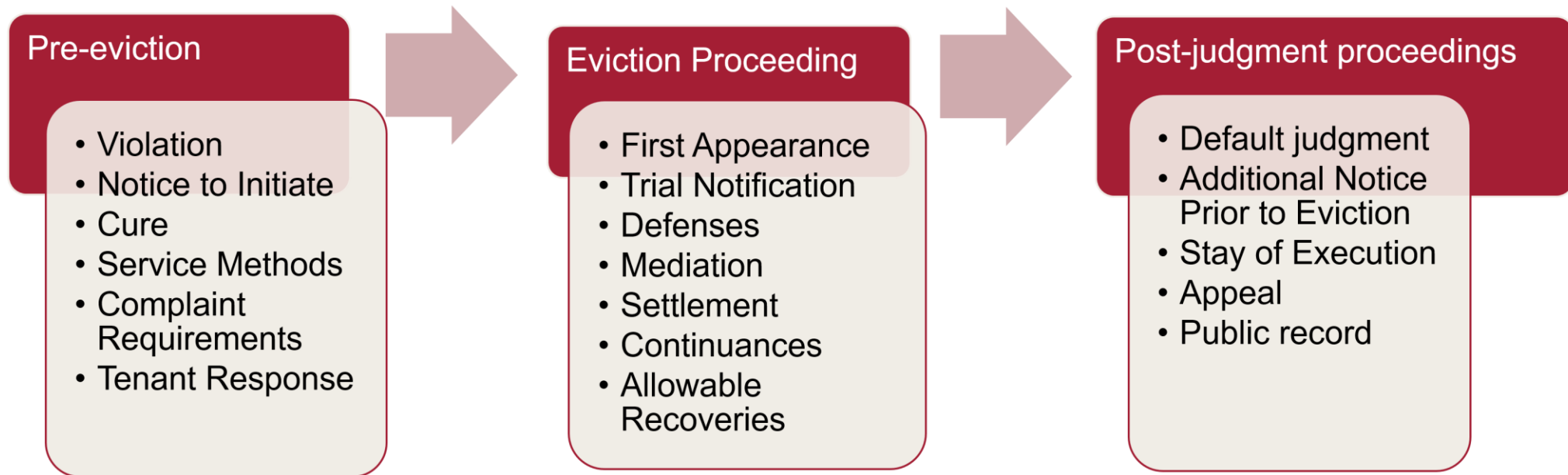


Policy
Surveillance

The Policy Surveillance Process

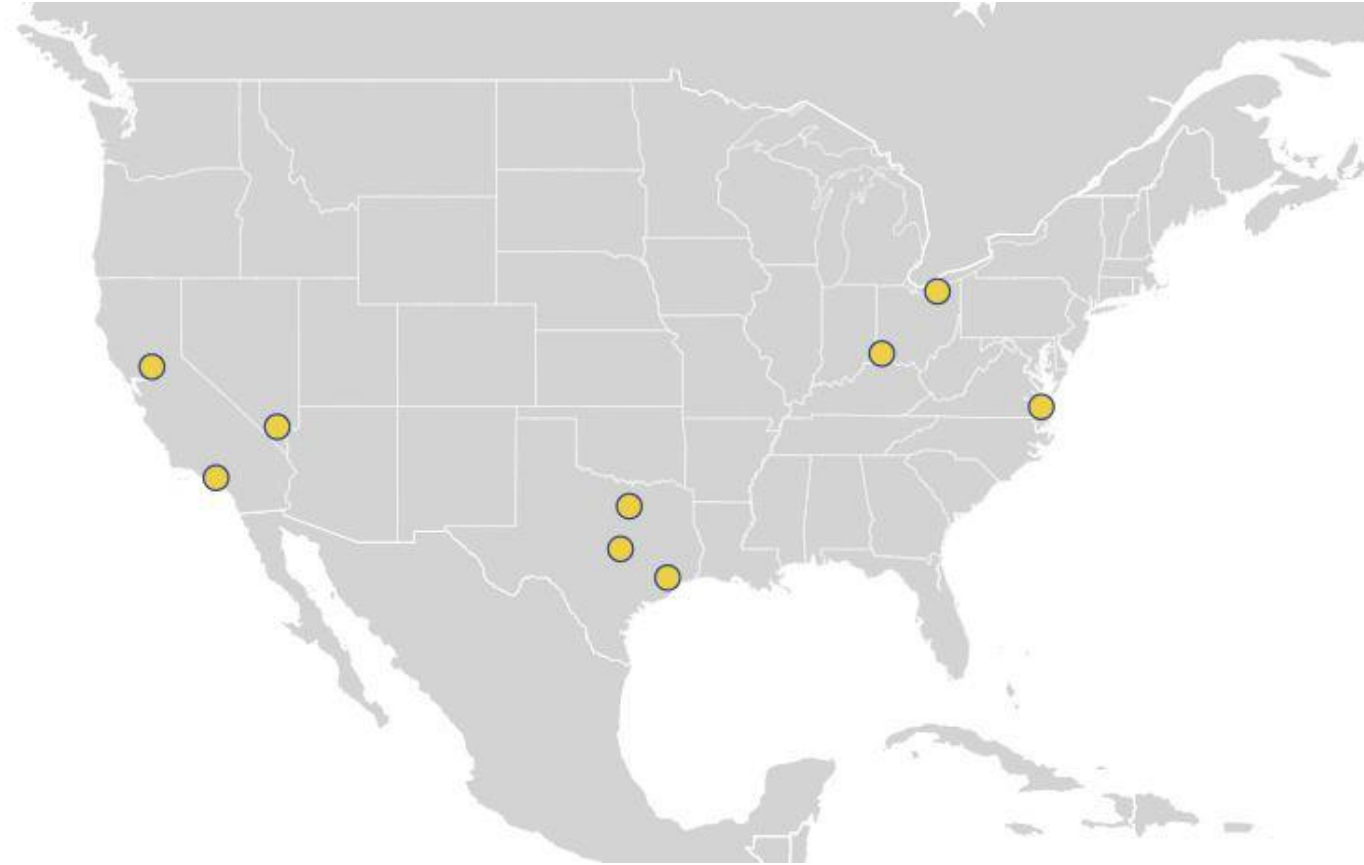


Sample Variables at Each Stage of the Eviction Process



Key Findings

Preemption



Is there a state/territory law preempting local eviction laws? (2021)

Key Findings

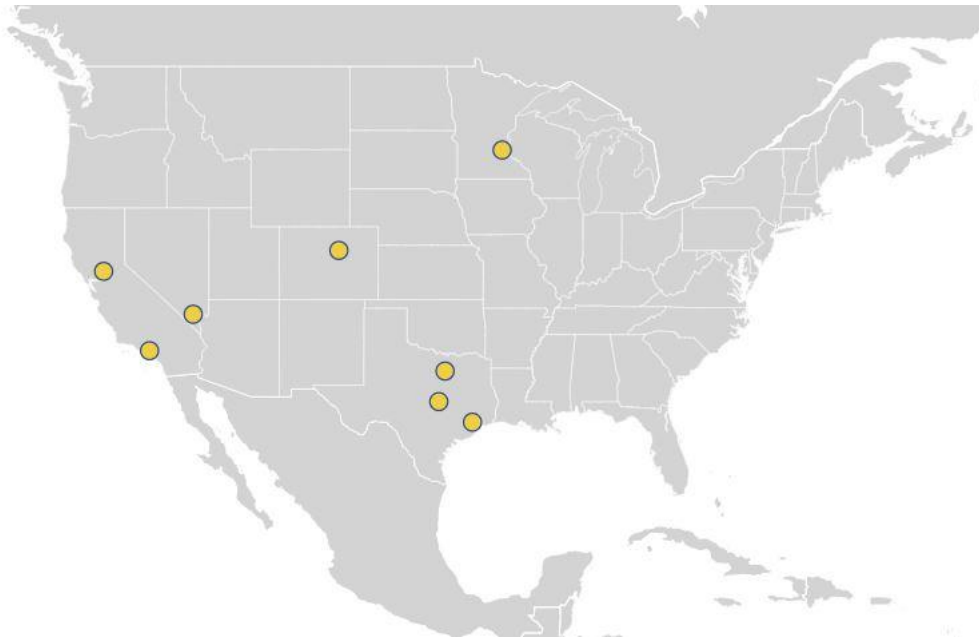
Just Cause



Does the law require that landlords have a just cause to terminate a tenancy at the end of a lease term? (2021)

Key Findings

Unlawful Evictions



Calls for emergency services

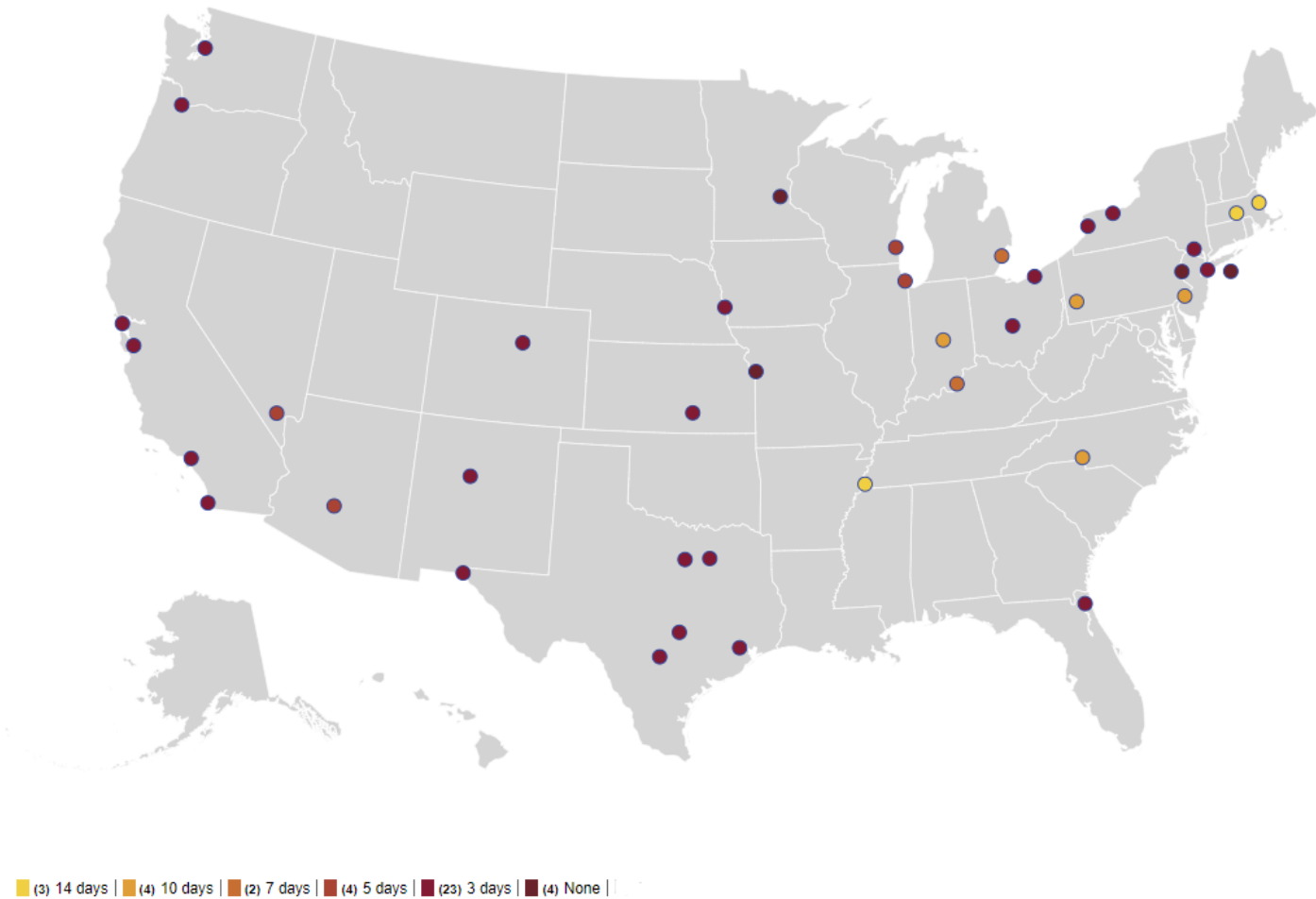


Tenant experienced domestic violence

On what basis is it unlawful to evict a tenant? (2021)

Key Findings

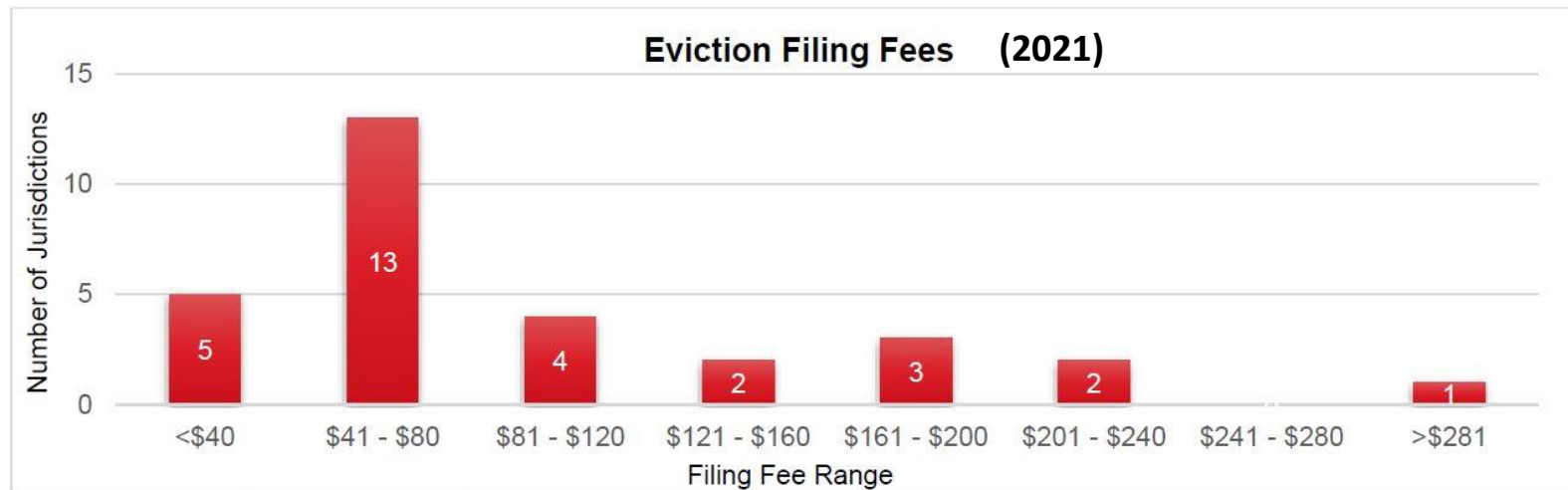
Notice Timing for Nonpayment of Rent



In cases of nonpayment of rent, how many days' notice must a tenant be given before a landlord may file for eviction? (2018)

Key Findings

Filing Fees

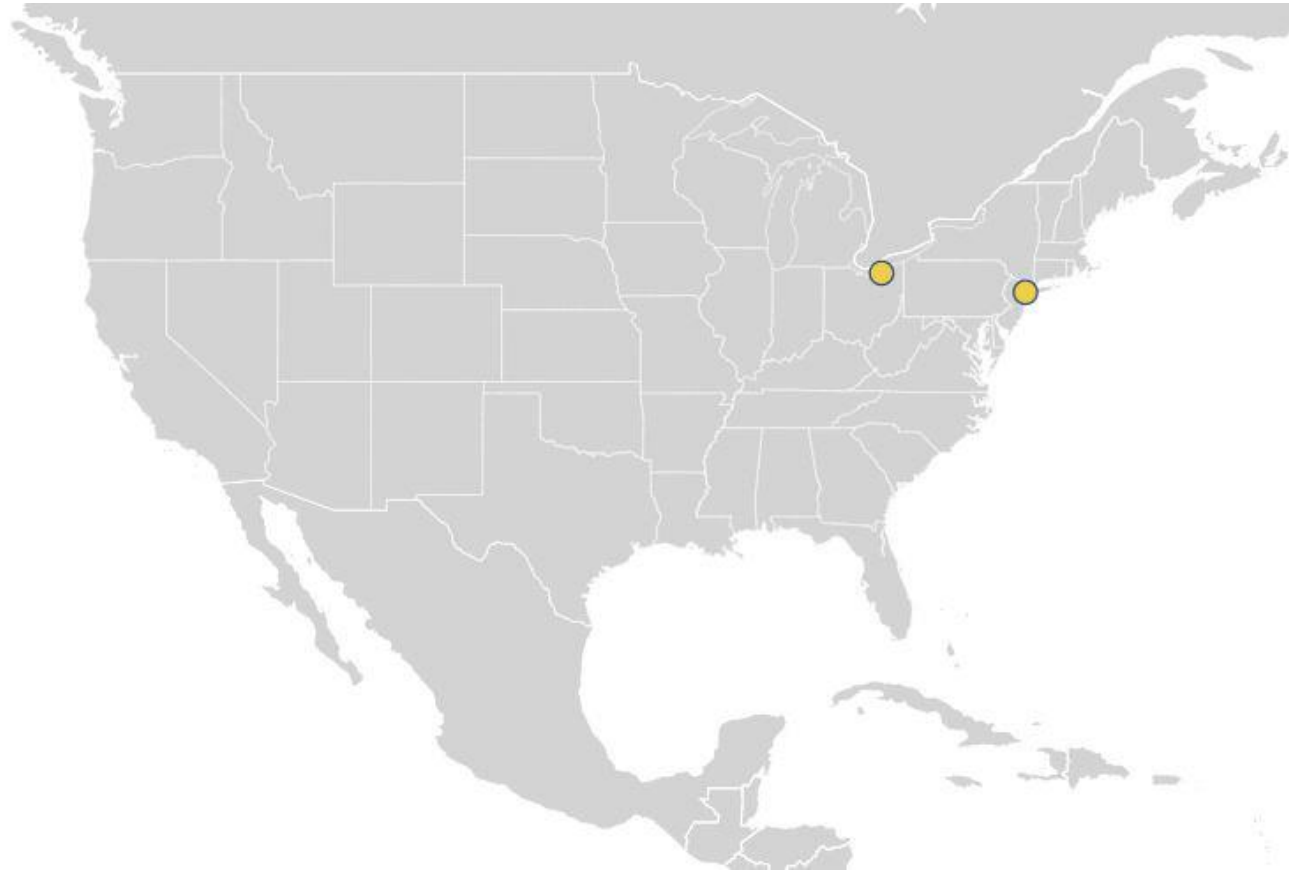


*For jurisdictions with more than one filing fee coded, only the smaller fee is depicted on the chart.

What is the fee for filing an eviction action?

Key Findings

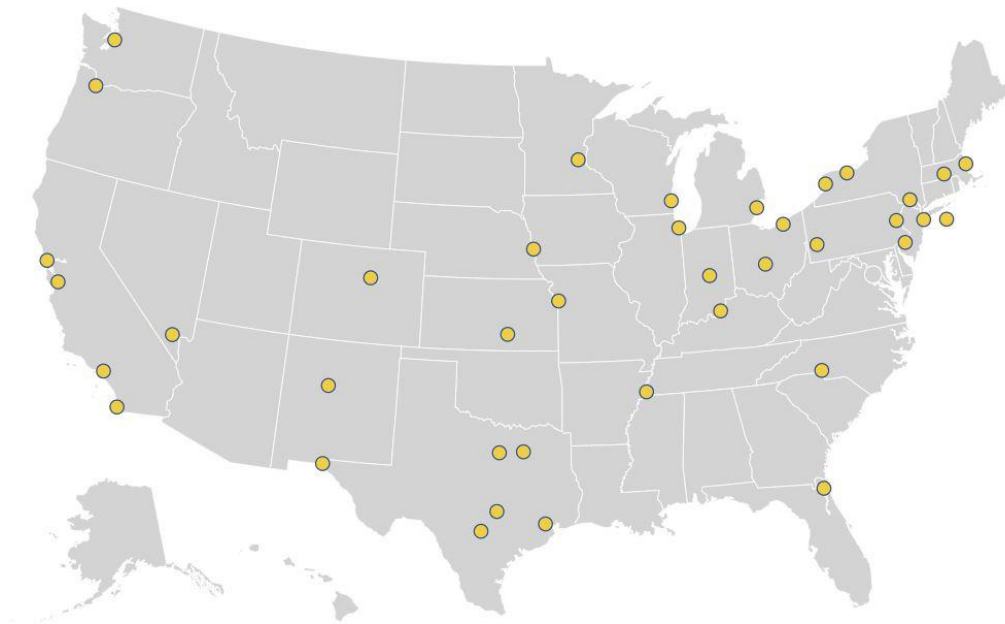
Right to Counsel



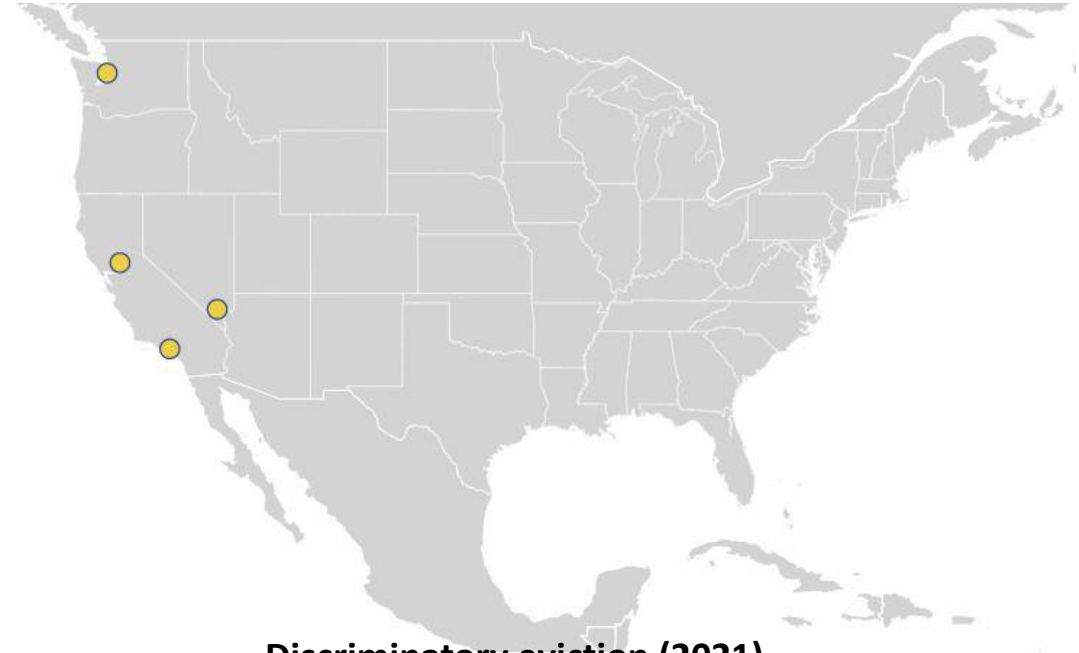
Does the law provide the right to free counsel for tenants? (2021)

Key Findings

Tenant Rebuttals



Landlord retaliation (2018)

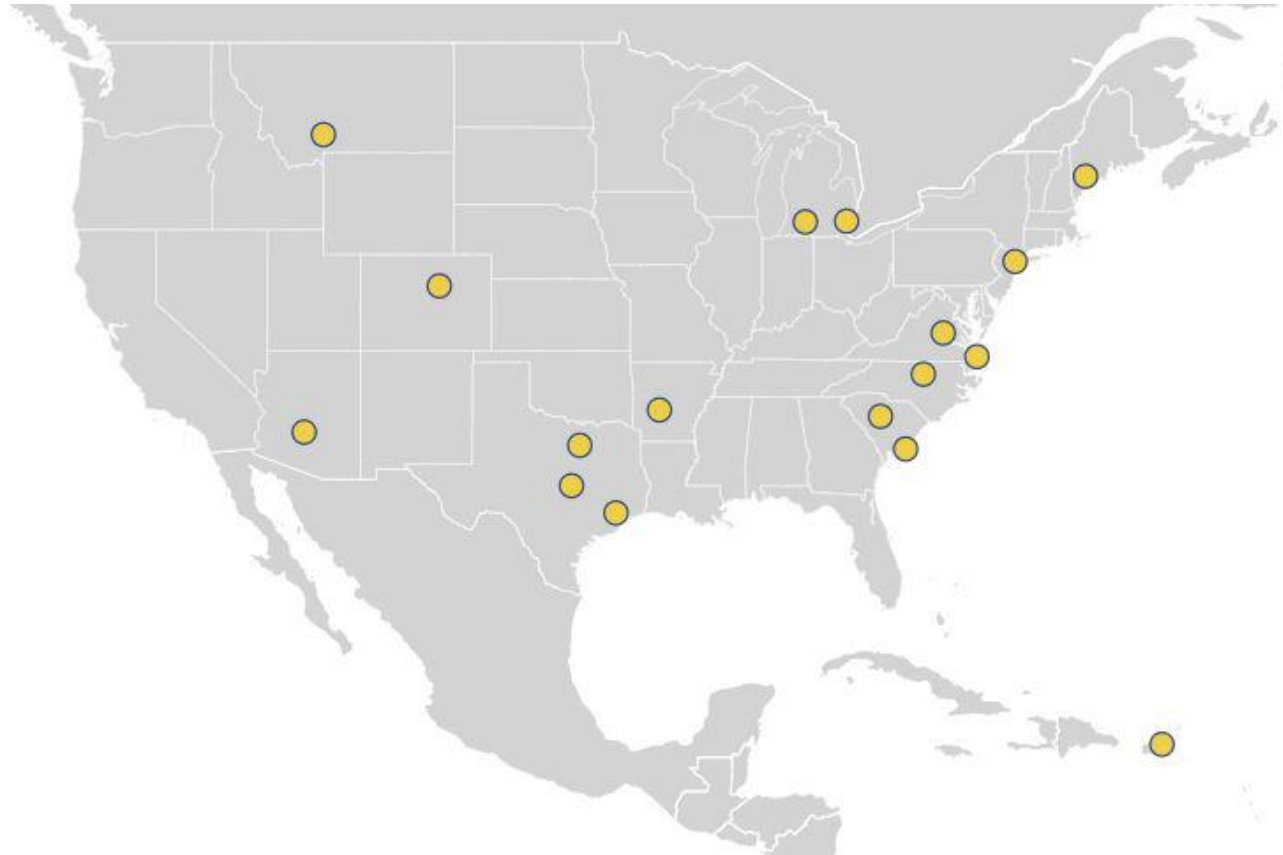


Discriminatory eviction (2021)

What rebuttals available to a tenant are specified in the law?

Key Findings

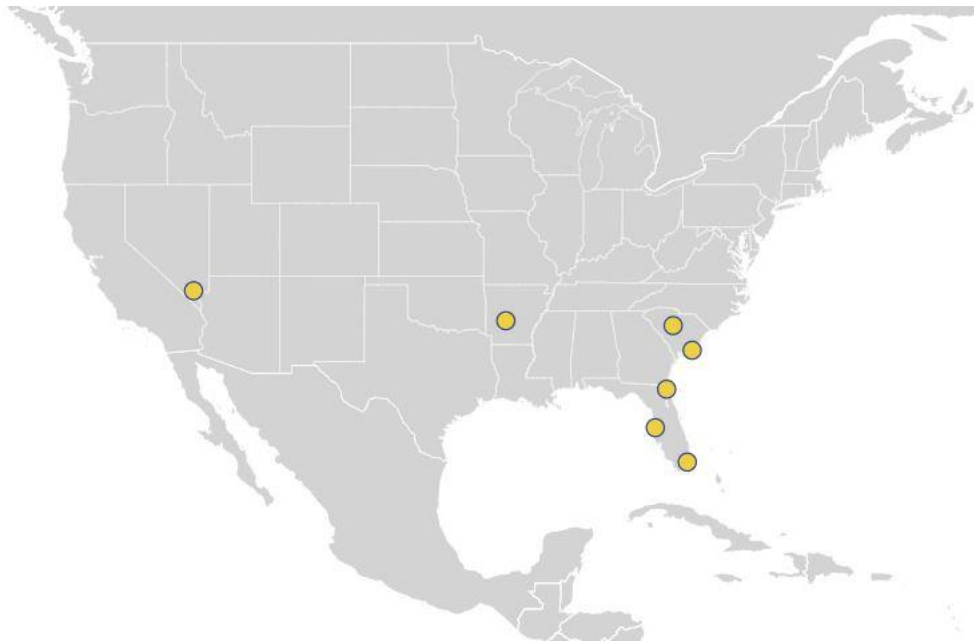
Appeal Bond



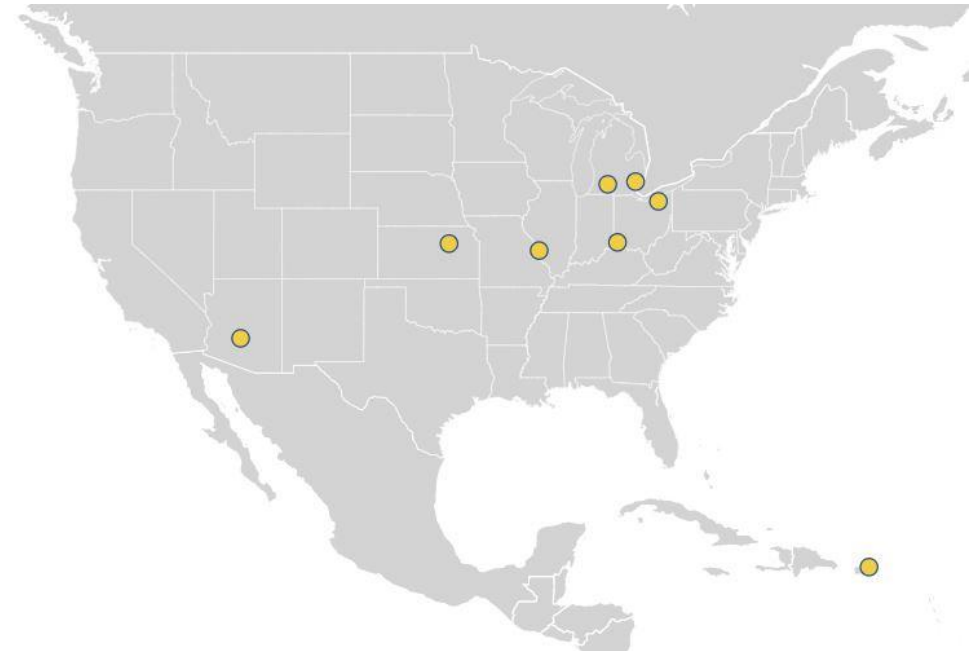
Does the law require a tenant to pay a bond in order to appeal an eviction judgment? (2021)

Key Findings

Eviction Timing



24 hours



Immediate

What is the minimum number of days after issuing a writ that the writ can be executed? (2021)

Looking Ahead

- Legal Evaluation
 - These data open doors for researchers and policymakers to better understand how the legal process impacts eviction across the country.





Proactive Rental Inspection: An Underutilized Tool to Promote Healthy Housing and Advance Health Equity

Public Health Law Conference

September 22, 2021



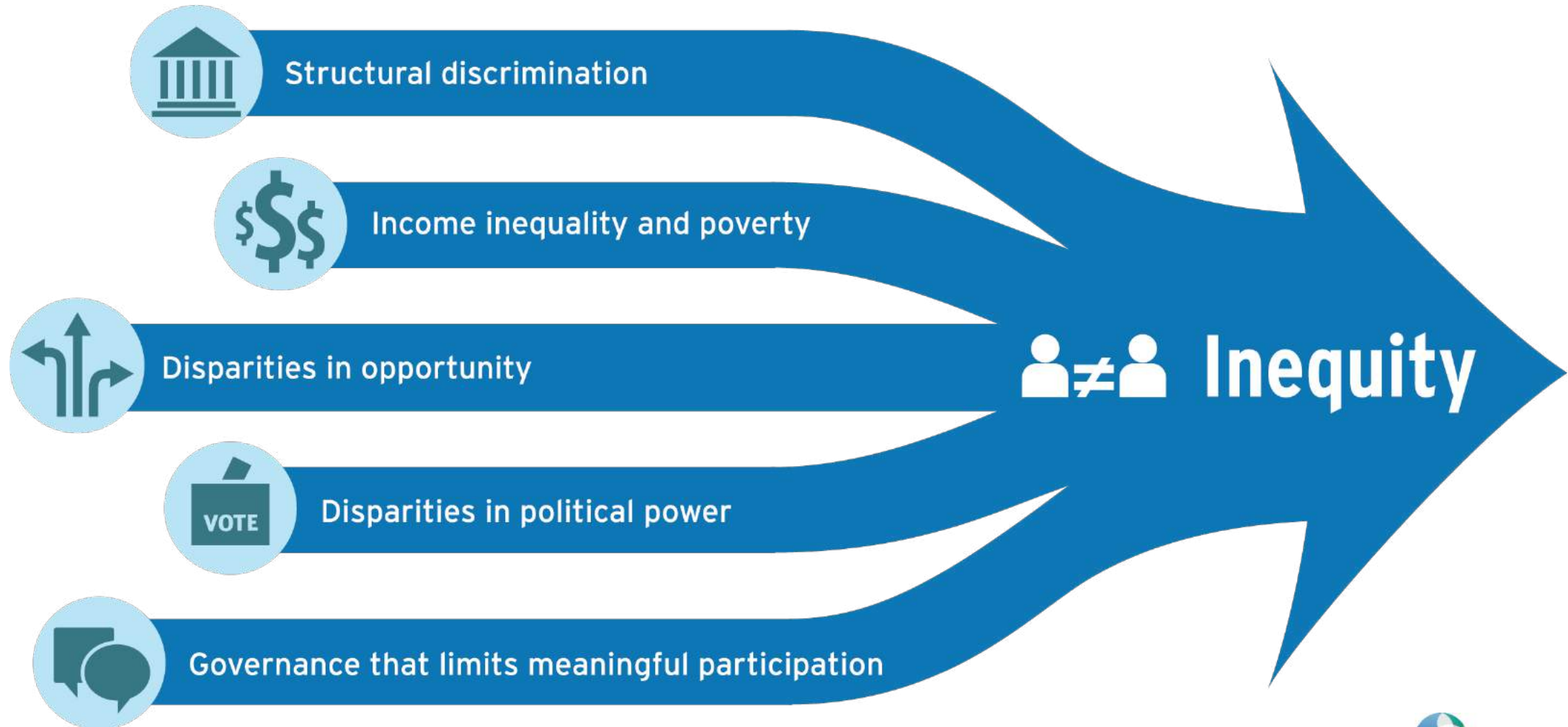


What is ChangeLab Solutions' Mission?

Healthier communities for all through equitable laws & policies

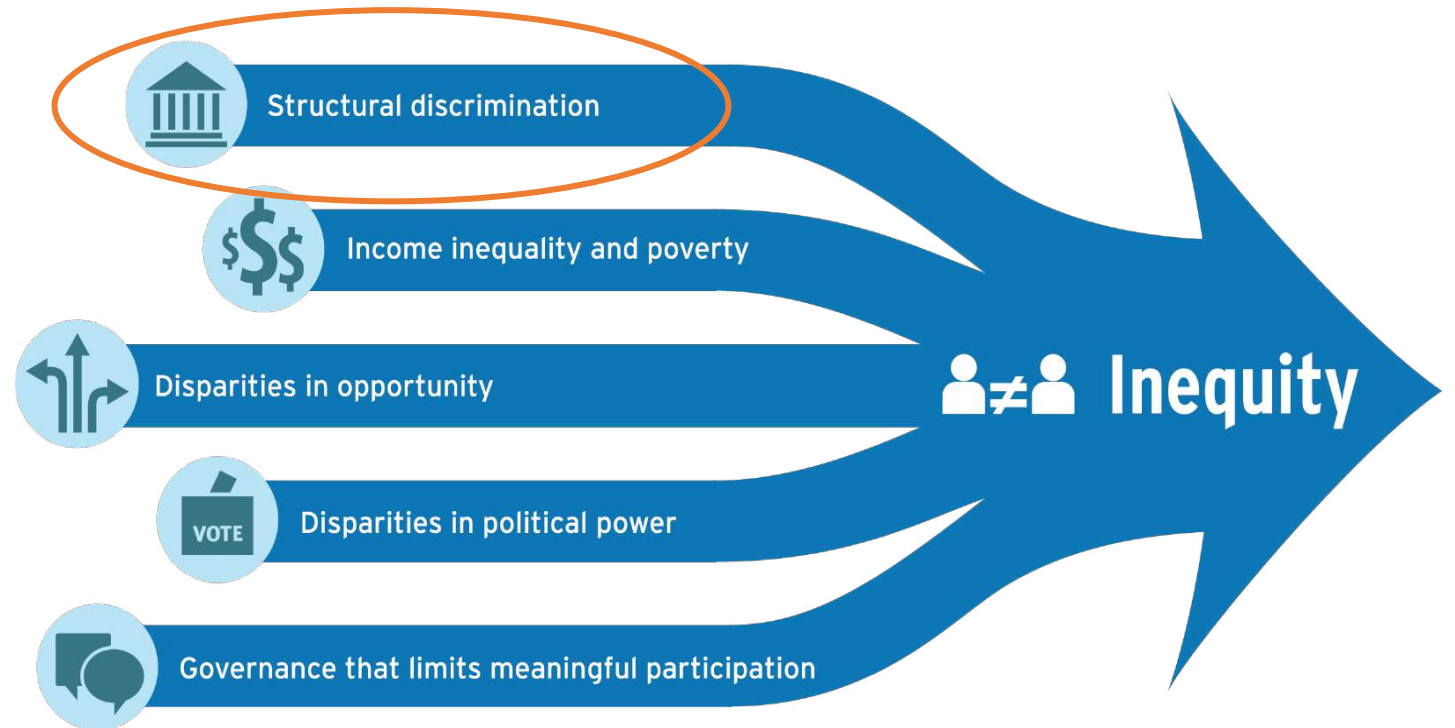


The Fundamental Drivers of Health Inequity



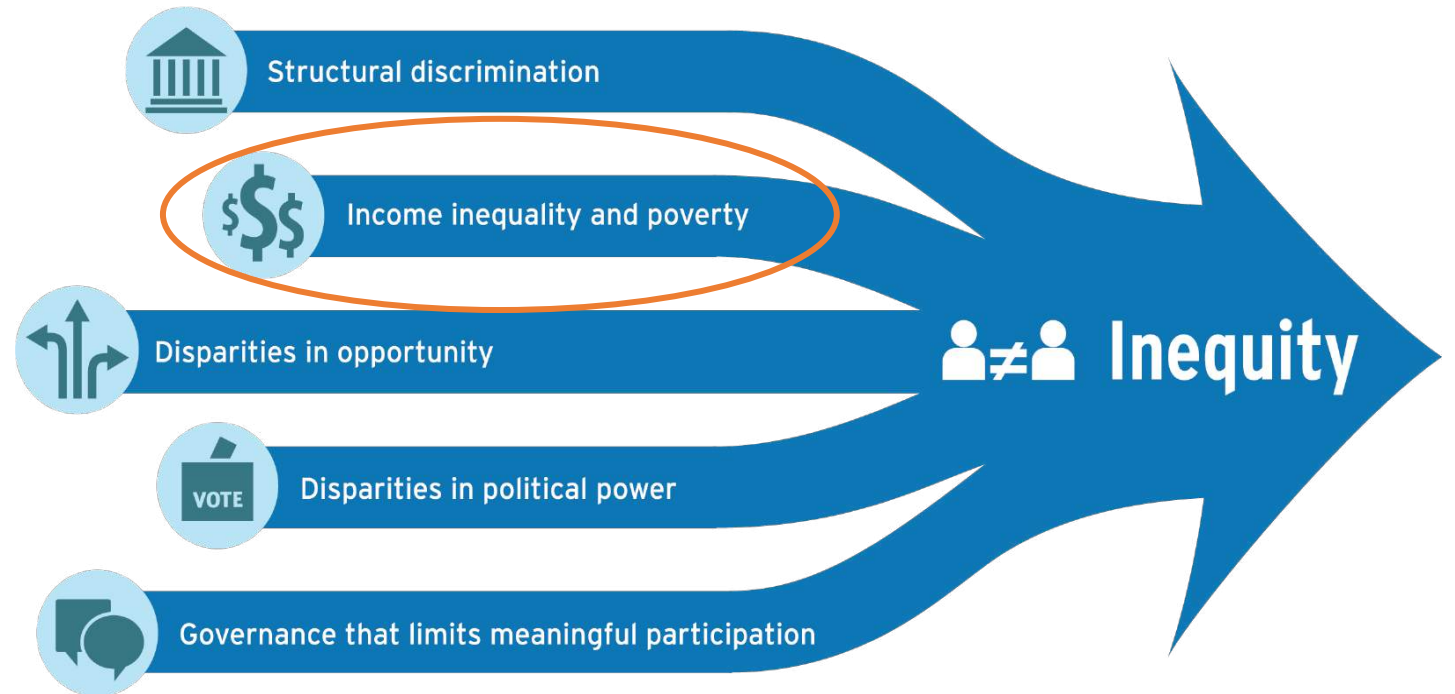
Structural Discrimination

Occurs when systems (rather than individuals) unjustly deny wealth, opportunity, power, or government representation on the basis of characteristics such as race, gender, ability, sexual orientation, social class, and immigration status.



Income inequality and poverty

Occurs when some people or groups experience disparities in income and wealth generation, concentrating wealth among the wealthy and making it difficult for the poor to escape poverty.





Housing and Health



Systemic discrimination drives where people can find housing, what kind of housing they can find, and how much they pay for that housing



Neighborhood conditions can limit access to health supporting resources and opportunities such as: green space, grocery stores, and school systems



Neighborhood conditions can negatively impact health through exposures to violence and pollution



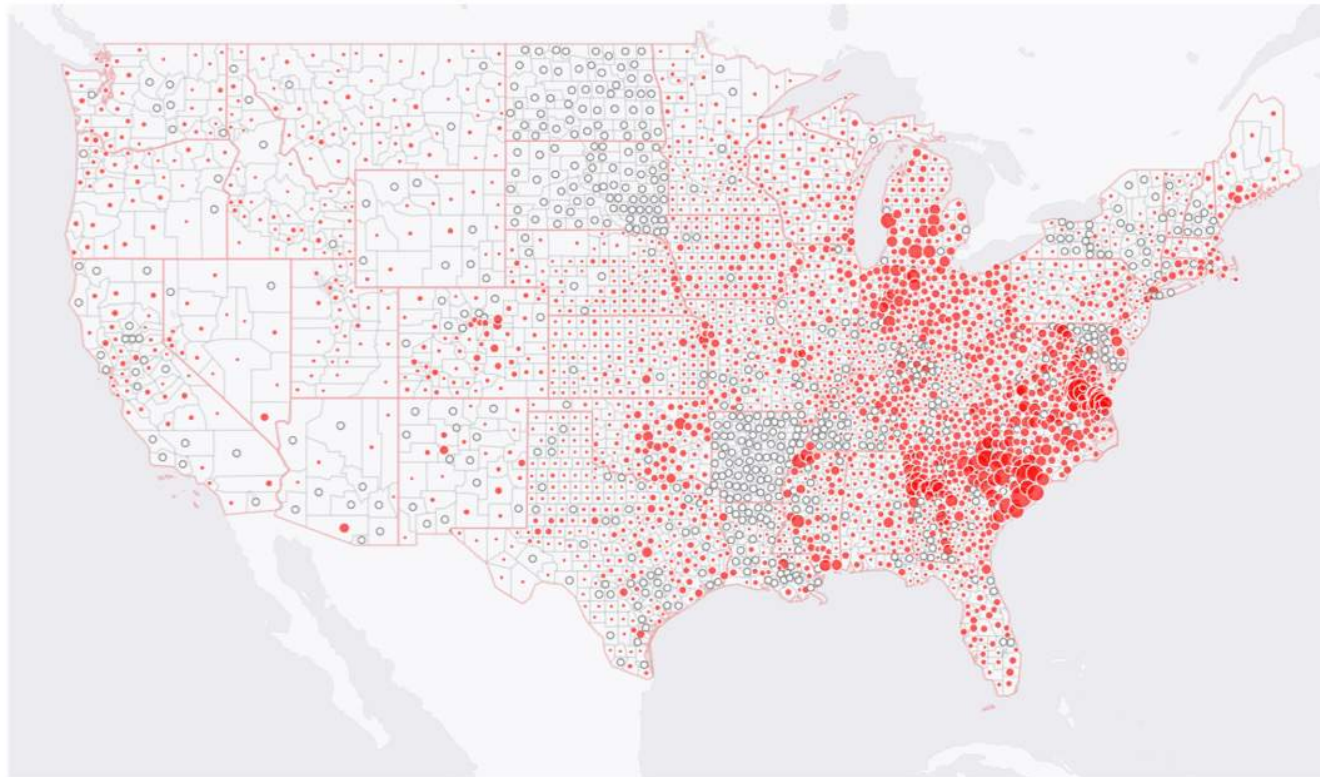
Poor physical housing conditions, such as exposure to toxics, lead, pests, poor air quality, and poor heating and cooling can lead to numerous acute and chronic health conditions



Inequitable housing costs can lead to overcrowding, homelessness, and force low-income families into choosing between food, heating, and other basic needs



Eviction Risk (2016)



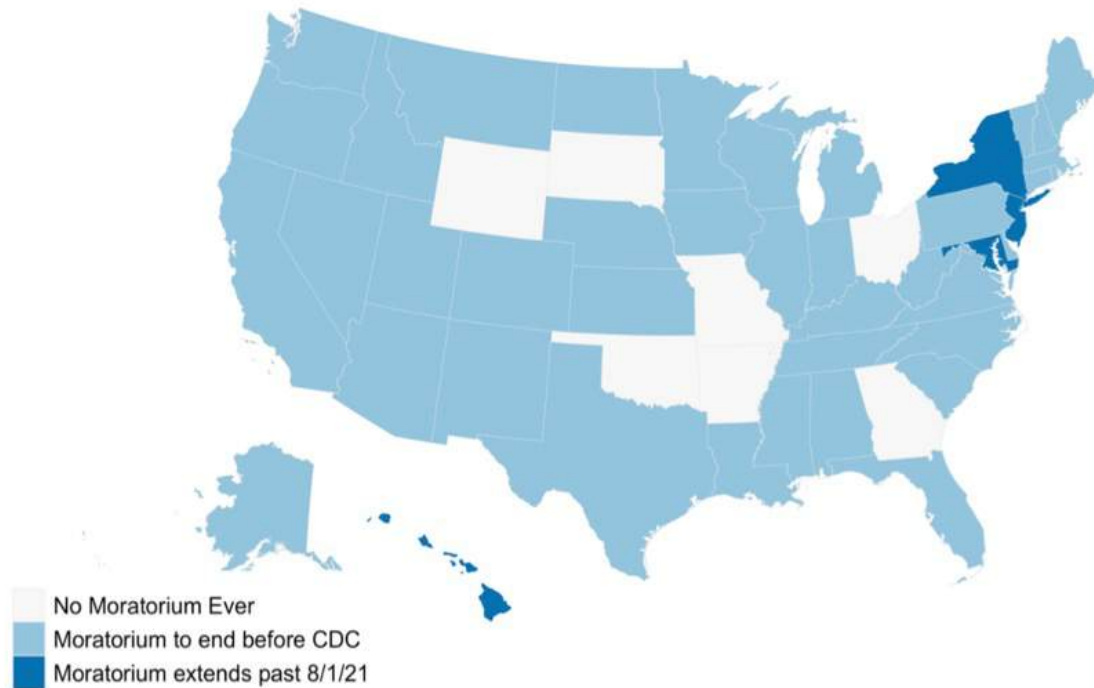
2016 Eviction Rate: 2.3%

2016 Evictions: 3.7 million

Source: Eviction Lab, Princeton University

<https://www.evictionlab.org>

Eviction Risk 2021



2021 Eviction Risk Adults: 10.4 million

2021 Eviction Risk Children: 1 in 5

Sources: EA Benfer, R Koehler, et al., *COVID-19 Eviction Moratoria: Federal, State, Commonwealth and Territory* (2021); Center on Budget and Policy Priorities, *Tracking the COVID-19 Recession's Effects on Food, Housing, and Tenant Hardship*
<https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>

Long-term Health Impacts of Eviction

Physical Health	Mental Health	Associated Conditions Among Women	Associated Conditions Among Children	Exposure to Sub-Standard Living Conditions	Barriers to Livelihood
<ul style="list-style-type: none"> • Higher Mortality • Respiratory Conditions • High Blood Pressure • Poor Self-Rated General Health • Coronary Heart Disease • Sexually Transmitted Infections • Drug Use 	<ul style="list-style-type: none"> ▪ Depression ▪ Anxiety ▪ Mental Health Hospitalization ▪ Exposure to Violence ▪ Suicide 	<ul style="list-style-type: none"> ▪ Physical Assault ▪ Sexual Assault ▪ Drug Use and Related Harms ▪ Pre-term Pregnancies ▪ Future Housing Instability 	<ul style="list-style-type: none"> ▪ Lead Poisoning ▪ Academic Decline ▪ Food Insecurity ▪ Emotional Trauma ▪ Risk of Chronic Disease in Adulthood ▪ Low Birthweight ▪ Decreased Life Expectancy 	<ul style="list-style-type: none"> ▪ Lead ▪ Mold ▪ Poor Ventilation ▪ Pest Infestations ▪ Crowding 	<ul style="list-style-type: none"> • Failing credit scores • Downward move • Unemployment • Residential instability • Homelessness • Inability to access social services

Sources available in EA Benfer, et al., Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy. J. Urb. Health (2021). <https://link.springer.com/article/10.1007/s11524-020-00502-1>

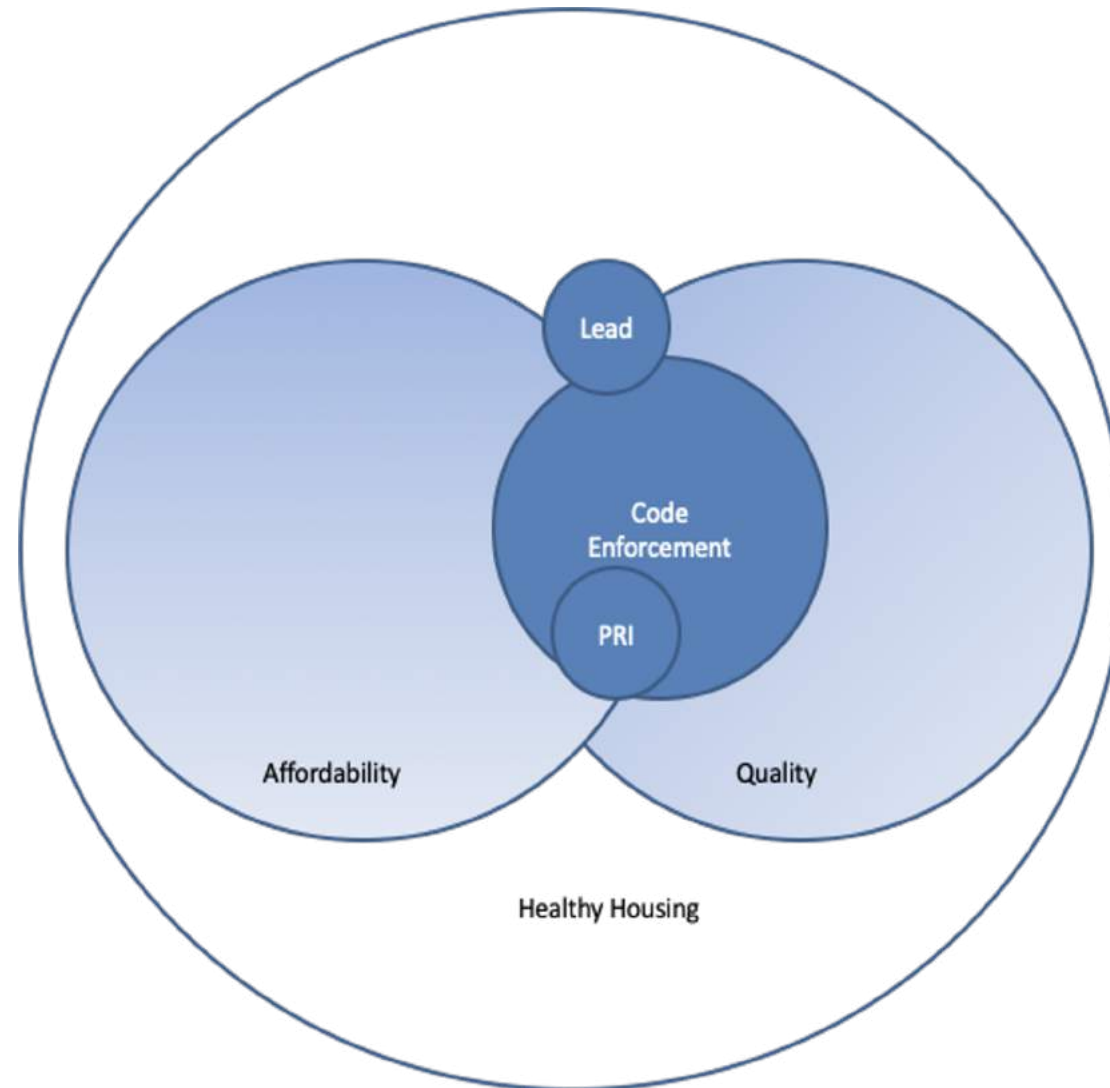
Poor Housing Quality

Housing Hazards include:

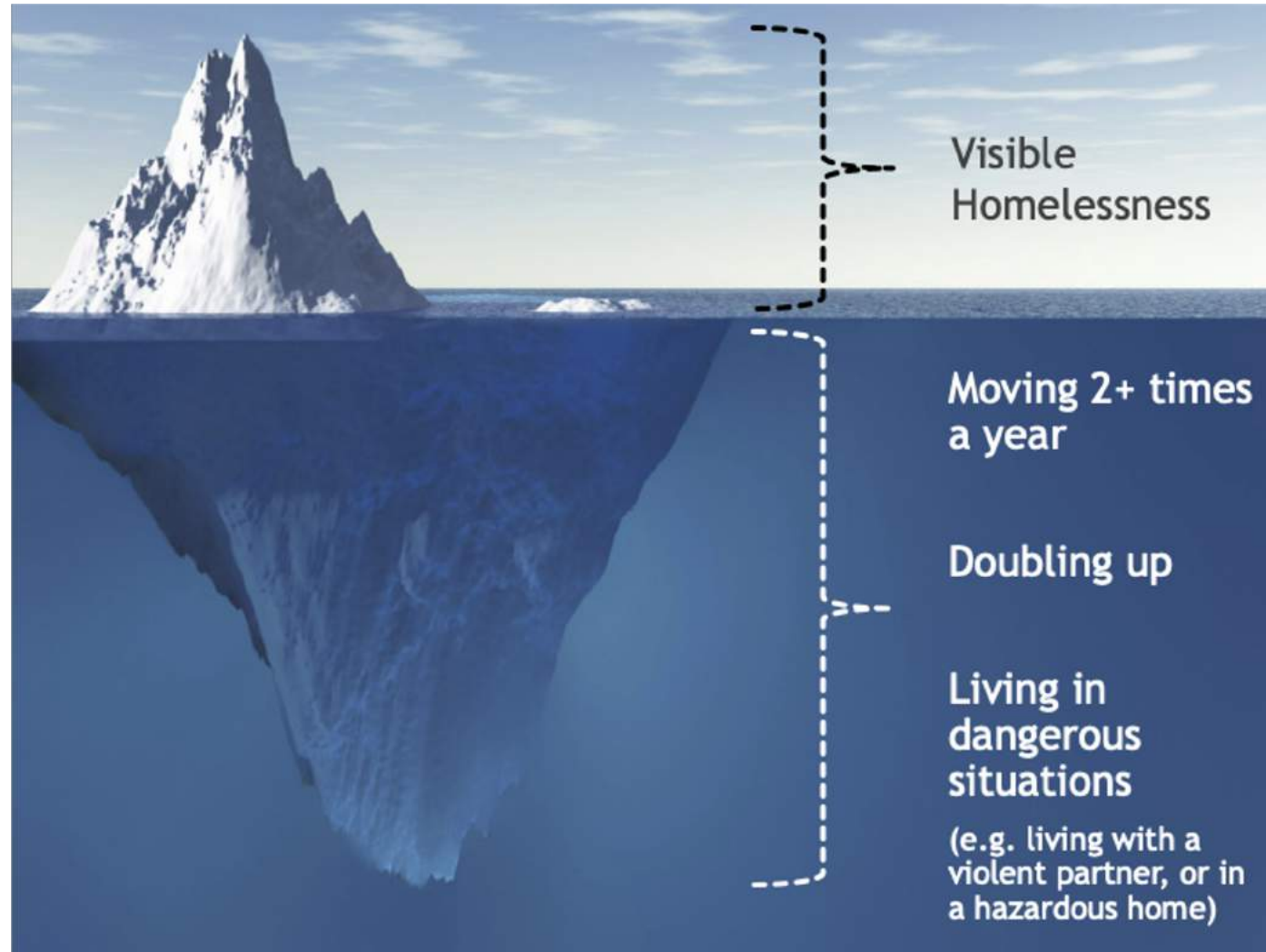
- Unsafe structures
- Overcrowding
- Poor ventilation and climate control
- Exposure to pesticides and other toxics
- Exposure to lead
- Exposure to environmental contaminants



The Healthy Housing Problem



The Housing Instability Problem



The Housing Instability Problem



Why Code Enforcement?

- Local Housing and Building Code Enforcement is a system of law and policy that serves as a first line of defense to improve substandard housing conditions and protect residents' health

What is PRI?

- Also known as systematic or periodic code enforcement
- Not complaint-based
- Generally include:
 - Registration of rental properties
 - Regular, periodic inspections of rental properties
 - Enforcement designed to incentivize compliance rather than displacement
- Lots of options for how to structure

Example: Syracuse

Certificate of Compliance

- 3+ units or mixed use
- Every three years
- \$55 flat rate + \$20 per unit

Rental Registry

- 1 - 2 family
- Every three years
- \$150



PRI in Action

Rochester, NY

- Population: 208,046
- Inspection for lead via Certificate of Occupancy requirements or after a filed complaint
- Enforcement via fines
- Use of data for evaluation
- Prohibition of retaliatory action

Other examples include:

Boston, MA

- Population: 685,094

Toppenish, WA

- Population: 8,906



Why PRI? Preserving Safe & Healthy Rental Housing to Protect Peoples Health

- PRI ensures all covered rental housing in a jurisdiction is subject to periodic inspections
- PRI brings a prevention approach to code enforcement
- PRI ensures regular, ongoing dialogue with landlords, helping shift the dynamic from ignoring code enforcement to cooperation & compliance

Why PRI? *Protect Vulnerable Tenants*

- In a complaint-based system, substandard housing can fall through the cracks
 - Vulnerable tenant communities are often less likely to report substandard housing conditions
 - Vulnerable tenants are more likely to live in substandard housing

Why PRI? *Community Stability*

- To preserve safe and healthy rental housing stock
- To preserve neighborhood stability, property values, and the property tax base
- PRI helps localities know what rental properties exist and who owns them

Why PRI? *Social Justice*

- PRI is a social justice tool, that can help ensure that code enforcement resources are spent equitably and that can raise the quality of housing for all residents

Example: Small & Medium Sized Multi-Family (SMMF) Housing

- Small and medium sized multi family homes (those with between 2 and 50 units total) constitute 49% of the rental stock
- More than 52% of Black, Hispanic, and Asian renters live in small and medium sized multi family homes
- SMMF housing account for the majority of housing for households making <80% AMI, with the majority of those renters being people of color

Example: Small & Medium Sized Multi-Family (SMMF) Housing cont.

- Landlords are not particularly diverse, but where there is diversity, it's in SMMF (particularly 2-4 unit housing)
- Black and Brown landlords have been the hardest hit by the pandemic and have also been the most willing to work with renters on flexible repayment plans
- 28% of DIY Landlords reported deferring maintenance due to the pandemic
- 31% of DIY landlords reported considering selling their properties due to the pandemic

Example: How PRI can help

- PRI helps prevent deferred maintenance issues, saving landlords money in the long run and helping maintain housing in a safe condition
- PRI can help municipalities develop relationships with landlords and can connect SMMF landlords and BIPOC landlords with programs (housing rehab & weatherization, rental assistance, and others) to help them keep their properties in good condition

Resources



Available at www.changelabsolutions.org

Thank You!

Greg Miao

gmiao@changelabsolutions.org

www.changelabsolutions.org

