A Pandemic Meets a Housing Crisis

Courtney Lauren Anderson, JD, LLM, Georgia State University College of Law

**SUMMARY.** As we write in early 2021, there is a COVID-19 vaccine, a new president but, unfortunately, the same racial and socioeconomic inequities attributable to housing that have become more entrenched in the fabric of this country. A person’s housing status and the quality of that housing have a significant impact on the individual’s health. Homelessness can be a death sentence and anything that makes it more difficult to pay rent is a step closer to losing shelter, with government intervention as the only hope. If a family can only afford to live in substandard housing with overcrowding, allergens, or in a hazardous neighborhood, this adversely impacts mental and physical health. The short-term solutions in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, 2020) and the Consolidated Appropriations Act did not begin to address decades of injustice that have exposed communities of color to health risks. The Biden administration has extended the eviction moratorium, and increased the level of federal reimbursement to states and cities that provide sheltering for people who are homeless and are also likely to experience high-risk, but federal action by itself is not enough: a multi-level approach is needed to ensure the long-term effects of the public health crisis are addressed. State and local actors must enact laws that provide resources to stave off an eviction crisis, ensure stable and affordable housing, and provide anti-poverty measures that would reduce environmental stressors that intensify and create chronic disease. This Chapter describes the pandemic’s effect on racial housing and health disparities before providing details on the most important federal, state and local actions that will mitigate these injustices on a more permanent basis.

**Introduction**

As detailed in the first Volume of this report, people of color experience poverty, health disparities, and housing instability at significantly higher rates than white people. It is clear these injustices are heightened as a result of the pandemic, and that housing relief policies offer little more than a stopgap for a select percentage of residents, rather than taking the opportunity to address widespread systemic racism and institute long-term solutions. This Chapter will discuss the inequities in depth before setting forth concrete recommendations for action. The racial inequities exacerbated in 2020 point to two, overarching housing solutions that must be implemented in 2021. First, people who are struggling need direct, financial assistance. Second, we must keep people safely sheltered through eviction moratoria, affordable housing creation, and by addressing the underlying causes of homelessness. For more analysis and recommendations related to housing and the pandemic, please see Chapter 25 in *Assessing Legal Responses to COVID-19: Volume I*.

**Housing and Health Inequities**

Black and Hispanic people bear the brunt of the millions of evictions that are filed each year in the United States. Eighty percent of people facing eviction identify as non-white, with Black women facing eviction at the most disproportionately high rates (Benfer, E., et. al., 2020). Black women were evicted three times as often as white women, and 37% more than Black men from 2012 to 2016 (Benfer, E., et. al., 2020). Further, Black, Hispanic, Indigenous and Asian people are more likely to be hospitalized and die from COVID-19 (Eviction Lab, 2020). Racial disparities in housing instability and health care existed prior to the pandemic, and the factors causing both are compounding, enhancing both complications from the coronavirus and eviction rates among people of color. There are several reasons for the connection between eviction and the transmission of COVID-19. Eviction-related stressors result in weakened immune systems that are then more susceptible to the virus (Vásquez-Vera et al., 2017). The actual eviction event, which often results in families moving in with others, homelessness, or sleeping in vehicles or shelters, makes it effectively impossible to practice basic social distancing. Experiencing any of these scenarios also make it difficult to comply with hand-washing guidelines or seek health care (Benfer et al., 2020). The 11,000 coronavirus-associated deaths that occurred as a result of ending eviction moratoriums between March and September 2020 illustrate the impact that housing policies have on health (Leifheit, 2020).
The eviction moratorium included in the CARES Act passed by Congress in March 2020, as well as additional moratoria at the state and local levels slowed the rate at which people were forced out of their homes, but when such restrictions were lifted, evictions reached historic heights. Eviction Lab found that cities without protections in place saw eviction filings climb to 395% above average upon the expiration of the CARES Act (Eviction Lab, 2020). Of the 44 states that enacted eviction moratoriums in the spring, 33 of these states lifted them over the summer, and these states had twice as many COVID-19 cases and five times as many deaths as their counterparts (Leifheit, 2020). Eviction rates fell to 83% below the average upon the implementation of the Centers for Disease Control and Prevention (CDC) Order (Benfer, E., et al., 2020). The National Low Income Housing Coalition estimates that up to 40 million people believe they will not be able to pay the rent owed upon the expiration of the CDC moratorium (Threet, 2020). Given that 26% of Black renters and 18% of Latino renters had overdue rent as of October 2020, the expiration of the moratorium will continue to adversely impact people of color (Threet, 2020).

Short-term housing solutions provide only temporary relief, and this mirrors what has occurred with the poverty rate during the pandemic. The stimulus, unemployment increases, and other temporary cash assistance measures drastically reduced U.S. poverty rates in the summer of 2020 (Han et al., 2020). However, upon the expiration of these measures, poverty rates skyrocketed to all-time highs (Han, et al., 2020): 7.8 million people’s incomes fell to or dipped below the poverty line between June 2020 and November 2020, with Black people being the most affected of racial groups (Han et al., 2020).

Short-Term Solutions

The amount and limits on federal housing aid underscore the importance of solutions at the state and local level. The Urban Institute estimates that $15.5 billion per month is required to provide assistance to every rent-burdened household (Shroyer et al., 2020). The pandemic relief bill that was signed into law on December 27, 2020 (the Consolidated Appropriations Act) appropriates $25 billion in emergency rental assistance (including rent, rental arrears, utilities and home energy costs, and arrears, and other housing-related expenses) administered by the U.S. Department of the Treasury to eligible, pass-through grantees, which are U.S. states, certain cities with populations of at least 200,000, U.S. territories and Tribal communities. Even if 100% of this amount is used for direct financial assistance, this is not enough to cover the monetary need for even two months. Furthermore, in considering applications for financial assistance and housing stability services by eligible households, the Consolidated Appropriations Act prioritizes households with an income that does not exceed 50% of an area’s median income (AMI), as well as households in which one or more individuals are unemployed as of the date of the application for assistance and have not been employed for a 90-day period preceding that date. The additional layers of requirements are in response to the limited resources allocated to housing. Instead, the amount of resources should increase. Certainly, all families who make less than 100% of the AMI would benefit from assistance, and simply having a job does not negate an individual from being underemployed and in need. Increasing resources rather than shrinking the recipient pool is a more optimal solution. With respect to homeowners, the only assistance is to increase funds available to insure and guaranty home loans.

Unfortunately, the wave of evictions that has been anticipated for months will likely materialize. The eviction moratorium issued by the CDC on September 4, 2020, set to expire on December 31, 2020, has only been extended by three months, to the end of March 2021 (CDC Media Statement, 2021). While this order protected many more renters than the CARES Act, a slight extension in time offers no substantial assistance to any renter and certainly does not address racial inequities.

Long-Term Solutions to Mitigate Inequities

Distributing funds for rental assistance, back rent, security deposits, overdue and forthcoming utility bills, and other housing-related costs would provide a solution for sustainable mitigation of health inequities. In addition to this, more policies and laws that provide long-term solutions to health disparities caused by housing instability must be enacted in order to reduce the racial inequities that have become more pronounced by the pandemic. Ensuring that funds are quickly delivered to those in need allows people on the brink of eviction or in need of other necessities to avoid extending their state of emergency for clerical reasons. There must be sufficient inventory of affordable housing available for those in need upon receipt of the funds. Therefore, it is necessary to create and maintain housing for people who are living in poverty. The interrelated socioeconomic causes of homelessness require more than simply the construction of residences. Addressing issues such as substance abuse, mental health, education inequities and other determinants that are both a product of and enhanced by structural racism through permanent, supportive housing will help to end the cycle of poverty and unstable housing that the stopgap policies we saw in 2020 failed to do.

It is of paramount importance to efficiently distribute cash directly to those who need it most. The $4.3 billion allocated to states and localities via the CARES Act to provide rental assistance stipulated that the funds be used by December 30, 2020. A lack of landlord participation and bureaucratic inefficiencies have slowed the distribution of this money. Administrative difficulties in reviewing applications, responding to requests, and distributing money have resulted in likely $300 million going unused by that deadline despite the obvious financial need (Dougherty, 2020). Financial assistance needs to be allocated directly to low-income landlords in danger of losing their properties and suffering from reduced income, and to low-income renters to avoid eviction. Funds should also be provided to organizations working directly with people experiencing homelessness in order to secure shelter and other necessary social services to reduce adverse health outcomes.

Given the deficiencies in federal action, states and localities must act quickly to pass legislation and appropriate funds for housing and financial assistance. It has been encouraging to see states, cities, and counties declare emergencies and enact ordinances that provide their residents with housing protections and rental
assistance beyond what was allocated by the federal government. New York, Connecticut, and Washington have all extended eviction moratoriums beyond January 2021 (Rubinstein, 2020). However, these extra measures were certainly the minority, and to achieve the objective of avoiding a humanitarian crisis of epic proportions due to the compounding effects of health challenges, unemployment evictions and countless other stressors, the best practices at the state and local level must be implemented nationwide.

### Recommendations for Action

#### Federal government:

Congress should amend the Affordable Housing Credit Improvement Act of 2019 to increase the tax credit allocations by 50% in order increase the supply of affordable housing.

By the end of the first quarter of 2021, Congress should have passed an additional stimulus bill to:

- Extend the time limit on eviction and foreclosure moratorium for homeowners with Fair Housing Act-insured single-family mortgages through the end of 2021. The eligibility criteria provided in the CDC order should be used in this bill in order to increase the percentage if renters who will benefit.
- Provide loan forgiveness for three months for owners of multifamily properties with federally-backed loans.
- Increase the amount of rental assistance by at least 50% of that provided in the Consolidated Appropriations Act.

#### State governments:

State legislatures should appropriate funds and enact laws to provide rental assistance grants to low-income renters and to landlords to reduce evictions and rehabilitate structures with environmental hazards.

#### Local governments:

To prevent public housing tenants from experiencing homelessness, public housing authorities (PHAs) by rule and/or local governments by ordinance should:

- Interpret emergency orders or declarations regarding evictions broadly, to freeze evictions in all forms and at all stages, including filings and notices.
- Stop the initiation or completion of evictions for non-violent or emergency reasons until after state or local emergencies are over.
- Extend the repayment period to a minimum of six months after the end of the moratorium.
- Stop the collection of any late fees during the suggested extended repayment period, even if such fees were charged prior to the beginning of the moratorium.
- Eliminate any restrictions on individuals who were evicted from private housing from the Housing Choice Voucher program.
- Provide permanent, supportive housing for people experiencing homelessness.

PHAs should exercise their authority to cease enforcement of any minimum rent during the pandemic and for a period for at least six months after.
References


Consolidated Appropriations Act, H.R. 133, 116th Cong., Div. L, Title II at 1704 (as passed by House of Representatives, Dec. 21, 2020).


