

SOUTHSTRONG **CITIES**

PEOPLE FIRST. EQUITY CENTERED

RENTAL & EVICTION POLICIES

SouthStrong Cities Grab-N-Go Policies

Rental & Eviction Policy Brief

JUNE 2021

www.southstrong.org

What's the issue?

It is no secret that the COVID-19 pandemic severely exacerbated the housing crisis many Americans face, especially those in rural communities. According to data by the Aspen Institute, more than 40 million Americans were vulnerable to facing possible evictions during the pandemic. While evictions and filings took place across the nation, the South, as usual, was disproportionately hit the hardest. According to the Eviction Lab, landlords in Georgia filed more than 203,000 eviction notices; a total of 57,000 families were actually evicted during the pandemic.

From August 28 to September 7, 2020, the SouthStrong campaign surveyed Supplemental Nutrition Assistance Program (SNAP) participants in 12 Southern states. The data below rely on self-reported information from 2,308 anonymized surveys.

“**58%**

Worried that they may not have stable housing in the next two months.”

Why does it matter?

Communities want to avoid a crisis of housing insecurity on top of the pandemic's economic and health impacts -- that is the "why" to the reason stronger rental and eviction policies should be in place. Local policies related to rental housing and evictions can help communities ensure that tenants receive fair treatment from landlords. Policies will also provide clear procedures for both tenants and landlords in the case of conflicts. Implementing these policies can lower transiency rates within neighborhoods, which improves economic outcomes for individuals and their larger communities. Following the publication of "Evicted" by Matthew Desmond, there is a growing awareness among policymakers that **eviction is not just a result of poverty but is also a cause.**

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With clear data showing that the pandemic has impacted LatinX, Indigenous and Black communities the most regarding healthcare access, the same disproportionate impacts are evident in the pandemic's housing crisis.

As early as April 2020,
32 percent of Black adults and 41 percent of Latinx
experienced job loss due to the pandemic,
compared with only 24 percent of white
adults.

During the pandemic,
renters of color have reported less overall confidence in being able to pay their next month's rent
and have reported not having paid the
previous month's rent on time at
disproportionately higher rates than their
white counterparts.



While COVID-19 eviction moratoria were widespread during 2020, they were temporary by design. In many places, these moratoria will be ending soon or may have already been lifted. Given this, the downstream economic impacts on neighborhoods and communities are prompting more local jurisdictions to consider whether adopting the city or county-level rental policies is beneficial.

This [Framework for an Equitable COVID-19 Homelessness Response](#) provides guidance to communities on using a wide range of federal funding sources.

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Policy Options: What Cities Can Control

1. Ability to enact local ordinances related to eviction rules.

The creation of local “Just Cause” eviction policies delineates allowable conditions for eviction. These policies can be tailored to cover all rental housing or a subset of certain types or scales of rental housing.

This policy holds landlords accountable to the City by requiring them to justify why a tenant is facing eviction. The policy can also protect tenants during global crises, such as the COVID-19 pandemic, from being evicted outside of any defined causes.

Click on the [“Just Cause” toolkit](#) for an overview of this topic and links to resources.

- This Policy Surveillance Program [website](#) provides a map with links to cities with existing just cause eviction laws.

“Pay to Stay” ordinances dictate that the eviction process will stop if past due rent is paid in full, with reasonable late fees.

- These websites describe initiatives in several OH cities to adopt these policies:
 - [The Contours of Evictions in a Midwestern First Suburb](#)
 - [Several NE Ohio Cities Consider ‘Pay To Stay’ Eviction Prevention Laws](#)
 - [Support Pay to Stay Legislation in Northeast Ohio](#)

Ensure any local “nuisance” or “crime-free housing” ordinances exempt victims of domestic violence.

- These websites describe this issue and provide a resource for local jurisdictions:
 - [Nuisance and Crime-Free Ordinances Initiative](#)
 - [Nuisance Ordinances and Their Impacts on Domestic Violence Survivors](#)

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2. Ability to require landlords to register with the city.

Cities can require rental landlords to register with the City and provide essential information to allow the City to communicate with property owners in an emergency, code violation or other issues. This tool can help facilitate good housing practices within the rental community and build relationships towards potential problem-solving. It can also help cities assess how much of the local rental housing stock is either locally owned or is controlled by out-of-town or out-of-state entities.

Aiken, SC requires residential landlords to register (provide contact information) with no accompanying fee or inspection program.

Cities can also require licensing for rental landlords, which represents an enhanced level of regulation beyond registration. Licensing is combined with inspection requirements and provides a mechanism through which cities can confirm rental housing stock's safety and general conditions and identify and resolve life/safety issues in local rental properties. Inspection services could be funded by associated licensing fees and could be performed by city staff or certified third-party inspectors.

Many US cities have rental registration or licensing requirements for residential landlords, which can be found online.

For example, this website from Clinton, MS, explains the city's requirements for rental property, including landlord registration and licensing, with links to required forms.

This Center for Community Progress website describes a mix of strategies for cities to encourage "good" landlords and discourage "bad" owners.

This short paper from UT School of Law provides additional background on this concept in the context of a 2013 rental registration ordinance proposed (and later implemented) for Austin, TX.

Rental and Eviction Policy Brief

JUNE 2021

www.southstrong.org

Policy Options: What Cities Can Control

3. Direct funding for rental assistance/eviction prevention programs.

Cities can provide direct funds by implementing policies that provide rental assistance that will allow cities to provide direct funds to support emergency rental assistance programs or award grants to prevent eviction. Existing or new local nonprofits can serve as implementation partners to provide service delivery, case management, and assessment. This type of partnership can efficiently leverage the use of City funds.

With billions of American Rescue Plan funding flowing into communities, there are ample federal dollars available for cities to allocate funding towards local rental assistance.

This [National Low Income Housing Coalition website](#) is tracking state and local rental assistance programs related to COVID-19. The use of federal CARES funds for this purpose significantly expanded the scope of these programs across the country.

The City of Alexandria, VA, has an example of a rental assistance program currently focused on preventing evictions. Requirements, application materials, and a dashboard showing program outcomes are provided [here](#).

This [Just Shelter website](#) provides a state-by-state listing of community resources working on housing issues, which could help identify potential partners or resources to cities who wish to support this type of program without developing internal city staff support.

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JUNE 2021

www.southstrong.org

Policy Options: What Cities Can Control

4. Direct funding for legal assistance for residents facing eviction.

When tenants facing eviction are provided with legal assistance, the rate of eviction is significantly reduced. Given the downstream economic impacts that eviction creates for the individual and community, City investment in legal assistance can be a cost-effective tool in eviction prevention. Cities could also choose to implement a policy that requires that tenants facing eviction have access to legal resources. Local legal aid resources can provide service delivery, making efficient use of financial support provided by cities.

This [All in Cities website](#) provides an overview with links and resources regarding legal assistance to prevent evictions.

This [Center for American Progress brief](#) reviews several studies demonstrating the positive outcomes from right-to-counsel programs and highlights pilot programs in three large cities.

This [Justice of Government Project brief](#) provides information, with the addition of Jan. 2021 information on outcomes from a right-to-counsel program in Cleveland, OH.

NOTE: There is a relevant legal issue to be aware of regarding whether State level pre-emption doctrine limits the ability of local jurisdictions to adopt local eviction protections.

This [State Preemption of Local Housing Protections paper](#) explains this issue and discusses some examples within the context of COVID-19 responses.

This [State Preemption of Local Equitable Housing Policies paper](#) provides additional detail and maps each state's preemption context for housing policies.