

# **A CRISIS ON TOP OF A CRISIS:** EVICTED AND RENTAL ASSISTANCE IN THE TIME OF COVID-19.

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## Background

Before the pandemic, Greensboro's renters were being evicted at an alarming rate, and this was in an economic environment marked by years of expansion and low unemployment. Sustained strong economic activity, though great for some, drove rents up in Greensboro and vacancy rates down. Renters increasingly were forced to pay an unreasonable percentage of their income on housing expense, and forced to settle for substandard conditions or to cut food or medicine. As a result, Greensboro in recent years was deep into an eviction crisis, with [well above four evictions per hundred rental homes](#), the worst rate in North Carolina and seventh worst in the country.

Rents, late fees, excessive utility bills, and repair costs make it hard for low-income tenants to keep up. The consequences are dire: households are

pushed deeper into poverty and homelessness; they lose possessions too costly to move; their kids' schooling is interrupted, and their health is put under stress; landlords incur lost rent, vacancies, legal fees and court costs; and burdens are placed on homeless shelters, social services, hospitals, courts, and sheriff's departments. Neighborhoods continue the cycle of

deterioration and instability.

That was then. But in 2020 the COVID-19 crisis struck, shattering that strong

economy. The abrupt imposition of stay-at-home orders throughout the country shut down businesses and led to sudden, catastrophic job losses. North Carolina was hard hit. Over a million new unemployment claims were filed since March 14, [representing 21.2% of the workforce](#). Women, Latinx people, immigrants, young workers and those with less education were [most vulnerable](#) to layoffs, and those groups are among the most



precariously housed already. This has the potential to turn an eviction crisis into an “[avalanche of evictions](#).”

The avalanche hasn’t happened yet. Governments acted aggressively to hold it off, closing courts, suspending new eviction filings and delaying the execution of writs of possession. They also provided financial assistance in the form of unemployment insurance, stimulus checks and dedicated emergency assistance funds, all intended at least in part to support rent payments and prevent a housing meltdown. During this interim crisis period, the rate of families in poverty stabilized and, [by some measures even declined](#). As a result of court closings and moratoria, evictions have [fallen sharply](#), in many cities dropping by as much as 85% to 100% from the prior year periods, and this has been the case in Greensboro. But after income supports begin to run out this month, [poverty rates could rise](#) to a point dramatically above their pre-COVID levels, with as many as [28 million renter households](#) left vulnerable to evictions, according to one estimate.

In this paper, we will provide a summary of the COVID-19 situation in Greensboro as it relates to evictions and renter security. We will describe the various overlapping components of the eviction moratorium. We will track the progress of the federal, state and local government funding and regulatory initiatives that have been implemented or are in process. Finally, we will give a report of some of the work being done by local agencies to bring assistance to the people who need it. It will be a snapshot of a volatile and fast-changing state of affairs.

## The Eviction Moratorium

*Orders of the Chief Justice.* Chief Justice Cheri Beasley intervened early and forcefully in response to the COVID-19 outbreak. On March 13, when the Trump Administration was still accusing Democrats of [overhyping the threat](#), the Chief Justice [ordered local courts](#) to postpone most proceedings for at least 30 days from March 16 – and this included the filing of petitions in summary ejection. On the 15<sup>th</sup>, the Chief Justice and AOC

Director Wooten issued a [memorandum](#) clarifying the order’s scope and answering frequently asked questions. Then on April 2 the Chief Justice issued her [second order](#), postponing court proceedings until June 1 and containing several supplemental directives concerning court administration. After a series of interim orders extending filing deadlines and dealing with administrative matters, by an order of May 30 the Chief Justice [extended further the moratorium](#) on evictions to bring it in line with the Governor’s order discussed below, halting evictions until June 21, and announced the creation of a new landlord / tenant mediation program, also discussed below.

*Orders of the Governor.* At around the same time as the Chief Justice began to act, Governor Cooper issued the first of a [series of orders](#) responding to the pandemic. The first order, issued

March 10, did not address evictions, but declared a [state of emergency](#), invoking emergency powers, implementing various regulatory waivers and mandating the expansion of COVID-19 testing. A second order a few days later [closed the schools](#) and banned gatherings of one hundred or more. Additional orders followed, closing restaurants and limiting gatherings to 50 people, and



culminating with a statewide [Stay at Home](#) order on March 27. In an order of March 31, the Governor, referring to the Chief Justice’s

orders, [confirmed](#) that “there should be no new eviction proceedings” and “no new rental bonds due” until April 17, and prohibited utility service providers from terminating service for nonpayment or collecting late fees until the expiration date. Finally, on May 30 the Governor [extended](#) the statewide moratorium on evictions and utility service terminations through June 20.

*CARES Act Moratorium.* The CARES Act became law on March 27, 2020. Among its many provisions is a [nationwide temporary moratorium](#) on evictions, to supplement moratoria imposed at the state and local levels. The CARES Act moratorium extends through July 25, and applies to rental units in properties that participate in federal assistance programs (including the Section 8 voucher program) or are subject to a federally backed mortgage loan. The Act prohibits landlords from evicting or charging late fees for nonpayment, and from evicting for any reason on fewer than 30 days' notice. The scope and impact of the federal moratorium are unclear, because it's hard to know how many rental units are affected; indeed, renters themselves, unless they are direct recipients of federal assistance, may not know if their unit is covered. As many as [28% of renters](#) may, knowingly or otherwise, be receiving the benefit of this moratorium extending into late July. Importantly,



[Emergency Directive 18](#) requires a landlord seeking summary ejectment to submit an affidavit to the effect the property is not subject to the federal moratorium.

*Action of the Sheriff.* None of the federal or statewide eviction moratoria affected evictions already granted prior to their date of effectiveness. Accordingly, writs of possession issued

by courts prior to that date and forwarded to the Sheriff, could be executed, resulting in the dispossession of the tenant. The Guilford County Sheriff's

Department initially [announced their intention to proceed](#) with dispossessions, disclaiming any legal authority to suspend them. But the Sheriff's Department [changed course](#), interpreting the Chief Justice's March 19 and April 13 orders extending all court filing deadlines to confer upon the Sheriff's Department the legal authority to suspend the execution of writs of possession. As the then



expiration date approached, the Sheriff [announced plans](#) to resume executions on May 29. Although the Sheriff had estimated the number of pending evictions at 140, by the 28<sup>th</sup> [that number had decreased](#) to fifty-eight; some were settled, some proved defective, and some were deemed subject to the separate federal moratorium; but even the fifty-eight were forestalled once more by the Chief Justice. In her May 30 order extending the moratorium expiration date to June 21, the Chief Justice in [Emergency Directive 17](#) for the first time expressly stayed the execution of writs of possession and relieved the Sheriffs of



any obligation to execute pending writs until June 30. The Sheriff's Department then [publicly stated](#) their intention to postpone evictions until June 30.

## Rental Assistance Funds

Moratoria on evictions were of course not the only action taken by

governments to alleviate the effects of the sudden economic disruption. They also made available significant income supports and other financial resources. In this section, we will summarize the terms of federal relief bills as they relate to housing, and the measures taken at the state and local levels to allocate those funds to housing assistance.

*CARES Act.* The CARES Act, while containing numerous [health-related provisions](#)

including those related to testing and research, was first of all an economic stimulus package designed

to prevent the economic crisis from turning into a collapse. Its \$2.1 trillion in aid was devoted to business loans, supplemental unemployment insurance, one-time stimulus checks to individuals, and a [Coronavirus Relief Fund](#) of \$150 billion, \$139 billion of that destined for state and local governments. In the housing category, the Act also provides for a year's

forbearance of payments on federally-backed mortgages, and [emergency housing assistance funds](#) including \$4 billion in Emergency Solutions Grants (ESGs) to help prevent an outbreak among sheltered and unsheltered people experiencing homelessness and very low-income households, and to provide eviction prevention assistance, including rapid rehousing, housing counseling, and rental deposit assistance to mitigate the adverse impacts of the pandemic; \$5 billion in community development block grants (CDBG) to states and local governments, to be applied in part to address COVID-19 and related economic and housing disruptions; \$1 billion in community services block grants (CSBG) for grants to states and local community-based organizations to provide social services and emergency assistance; \$1.25 billion in public housing supports; and funds allocated to tribal housing programs, people living with HIV and elderly and disabled people. In addition, local governments in their discretion could apply their share under the Coronavirus Relief Fund to address the

needs of people experiencing homelessness and low-income renters.

*HEROES Act.* On May 15, [the House of Representatives passed](#) the second coronavirus relief package, known as the [HEROES Act](#). It has been sent to the Senate but no action has been taken, and there is small likelihood of passage there in its current form. Although stalled, and criticized by Republicans as “gamesmanship,” there remains some momentum in favor of enacting a second stimulus, particularly as efforts to restart the national economy [pause and roll back](#).

A \$3 trillion omnibus package, the [HEROES Act would have provided](#) \$914 billion direct assistance to state, local, tribal and territorial governments, \$200 billion hazard pay for essential workers, extension until January of the \$600 per week unemployment insurance supplement, student loan relief, support for testing and treatment, and other forms of assistance. In the housing category, the Act would have provided \$175 billion for rent and mortgage



assistance, a big increase from CARES Act dedicated funding. This would include \$100 billion for assistance with rent and utilities, with a sliding scale of benefits determined in accordance with the beneficiary's income (up to 80% of the area median income). The remaining \$75 billion was targeted for mortgage assistance for homeowners. The bill would extend the moratorium on evictions for another year, and extend residential mortgage forbearance to private as well as government-guaranteed loans.



totaling approximately \$47 million to North Carolina for housing-related purposes; and CSBGs allocated to North Carolina were approximately \$26 million, to address the needs of low income people including the homeless and to provide employment, education and other services. These grants can be used in whole or in part to fund homelessness prevention, rapid re-housing, rent and

mortgage payments and related housing costs; and some of the rules restricting the scope and amount of such uses were waived in the CARES Act, to remove as many obstacles as possible to rapid relief. Funds allocated under these programs can be distributed directly by local governmental agencies or through nonprofit grantmaking channels.

## North Carolina Allocations

Funds specifically earmarked for housing support were [allocated to North Carolina](#) under the ESG, CDBG and CSBG provisions of the CARES Act. ESGs allocated to North Carolina totaled approximately \$23.7 million; CDBGs were allocated by HUD in three waves, on [April 2](#), [May 1](#) and [May 11](#),

General CARES Act funding through the Coronavirus Relief Fund was distributed to states and localities

through a variety of channels. [Allocations to the states and local governments](#) were based on population, with North Carolina receiving an initial allocation of \$4.07 billion. But any local governmental unit having a population exceeding 500,000 was also eligible to receive a direct allocation from the Treasury and, if it did, its population was subtracted from the state's population for purposes of calculating the allocation. So, North Carolina's allocation was reduced *pro rata* to reflect direct allocations to eligible counties including Wake (\$194 million direct allocation), Mecklenburg (\$194 million) and Guilford County (\$93.7 million).

The remaining roughly \$2 billion allocated to North Carolina went to fund a series of relief funds established by the state legislature under the [2020 COVID-19 Recovery Act](#) and supplemental legislation. Around \$800 million was held in a reserve fund against future pandemic-related costs. The Act then authorized the Office of State Budget and Management to

disburse the balance of the funds for forty-six enumerated uses, including for the purchase of medical supplies and personal protective equipment, for the replacement of lost agency revenues, and for various educational and health-related purposes. Most relevant to this paper, however, were allocations of \$150 million to counties ineligible because of population size to receive direct federal allocations, and \$19 million – less than half of one percent of the initial North Carolina allocation – to the Department of Health and Human Services for food and housing security purposes.

This series of initial allocations from the Coronavirus Relief Fund to the state and larger county governments, and from the state to agencies and smaller county governments, set off a series of disputes between cities and counties over the fairness of their allocations. From the Triad, [a set of bills](#) landed in the General Assembly arguing for further allocations [for Greensboro](#) and [for Winston-Salem](#) and Forsyth County.

In Guilford County, a battle royal broke out over how to spend the \$93 million allocated directly to it. The [County Commissioners made initial allocations](#) of \$20 million to defray expenses incurred by the county in responding to the pandemic; \$22 million in grants to city and town governments; \$5 million to nonprofit organizations including United Way in Greensboro and High Point; and \$20 million in grants of \$10,000 each to small businesses. Housing advocates, not satisfied by these allocations, mounted a [public campaign](#), which has so far fallen on deaf ears, to persuade commissioners to pledge more of the money to rent and mortgage relief.

Housing advocates also have rallied behind a major housing bill now pending in the General Assembly. Under the sponsorship of Representatives Szoka, Saine and Jones, and fifty-two co-sponsors, [House Bill 1200](#) was introduced May 26. This bill would transfer an additional \$200 million from the state reserve to fund mortgage, rent and utility payments for eligible homeowners and renters,

and grants to housing counseling and other nonprofit agencies. The fight to pass this bill has continued through June. It was reviewed in committee and gained momentum, but faltered. Now, [vocal support is being mobilized](#) across housing, homelessness, philanthropic, domestic violence, children's rights, healthcare and church communities; and housing advocates and apartment owners have joined in an unusual and [influential coalition](#) in support of the bill.

## Local Assistance Programs

The CARES Act emergency assistance funds described in previous sections have filtered through the state, county and municipal distribution networks to reach, in many cases, the nonprofit agencies providing direct housing assistance services to low income people. In this section we will describe briefly several of the emergency rental assistance programs that have been working on the front lines to support struggling renters in Greensboro.

*Eviction Resolution Project.* A partnership of Greensboro Housing

Coalition, Legal Aid of North Carolina and UNCG's Center for Housing and Community Studies, the Eviction Resolution Project (ERP) has been in development for several years and was launched in January as a pilot program to intervene in eviction cases. The program would combine legal counsel, representing tenants in court or in settlement negotiations; emergency rent and utility payment assistance; and housing counseling and referrals to other needed social services. When the COVID crisis began, the partners made only modest adaptations to redirect the program to the immediate needs of people unable to pay rent because of the crisis. Deploying funds already committed, supplemented by additional COVID relief funds, the project now is positioned to respond to a surge in evictions occurring over the coming weeks and months. Applicants are assessed by GHC case managers and, if approved, are eligible for up to \$2,000 of financial assistance. Cases with substantial legal claims will be assigned to a Legal Aid attorney, and an evaluation team will follow up with

30- and 90-day check-ins to ensure the renter's situation has been stabilized.

A slow stream of applications came in during the moratorium. Calls have begun to increase, and the partners are actively recruiting more through cooperation with court administrators and some landlords.

*Greensboro Urban Ministry.* Urban Ministry has been a key provider of emergency housing assistance for years. Even before the coronavirus, Urban Ministry had been receiving five hundred calls a month for rental assistance; now the number of calls has increased, and financial assistance has more than doubled, to \$30 to 40,000 per month. Here, too, the organization has been able to supplement its previous grant funding from additional private sources, and from city and county funds from CARES Act allotments. Funds from these latter sources can be provided in amounts up to \$1,000 per household.

Like other housing assistance agencies, the Urban Ministry has cultivated relationships with landlords, many of

whom are reaching out, indicating a willingness to work with Urban Ministry to accept third party funding and to work out terms. This is an indication that some landlords are not eager to evict struggling tenants *en masse*; this would help no one. This crisis is confronting both tenants and landlords, and relief will have to reach both.

*Faith Action International House.* Faith Action helps newcomer families meet the challenges they face – some challenges unique to the immigrant experience and some they share with all low-income people. Housing issues have been on the agenda for a long time.

Drawing on assistance from longtime friends and donors, from local philanthropic sources, and from CARES Act allotments, they have provided emergency assistance with rent, utilities and, on occasion, with medical and food costs and other urgent needs.

*Welfare Reform Liaison Project.* The Welfare Reform Liaison Project has

been Guilford County's designated Community Action Agency for around sixteen years, and in that capacity is the recipient of community services block grant funding under the federal Economic Opportunity Act. The agency's principal focus in past years has been on job training and employment, in keeping with the federal program's goal of promoting self-sufficiency among the low-income people they work with. But more recently, as their assessment of community needs has evolved, they have begun to dedicate more resources to housing stability as well.

Therefore, with the onset of the COVID crisis, the program structure was already in place to allow the agency to respond. With job training largely sidelined for now, existing funds were redirected toward eviction diversion and rental assistance. In addition, the agency received a grant from North Carolina's share of CARES Act CSBG funding. This has supported emergency assistance to families needing help with rent, utilities,

transportation, child care and other emergency expenses.

WRLP, like some other agencies, received relatively few calls for help while the moratorium was in place; many renters didn't feel the urgency yet. Now, the number of calls is on the rise. It may get busier yet: the agency is reaching out to those in need, by leaving flyers at the courthouse; and by approaching

landlords who might be willing to resolve cases without legal action. It's not business as usual.

With an eviction crisis looming, some landlords and court administrators are more willing to work in partnerships with housing advocates to prevent the worst from happening.

*Landlord / Tenant Mediation.* [Emergency Directive 19](#), issued by the Chief Justice as part of her order of May 30, established a voluntary mediation program for summary ejectment actions, and charged the



[North Carolina Dispute Resolution Commission](#) with supervisory

responsibility. In [a statement](#), the Chief Justice said she hoped the program would “assist landlords and tenants in crafting repayment plans that might help avoid eviction altogether.” Since then, Legal Aid of North Carolina has worked with local teams to set up mediation programs.

In Greensboro, the project is in formation with the participation of Legal Aid, GHC, the Greensboro Human Relations Department mediators from Elon University and UNCG,

and the district court administration. They anticipate that the ability to settle rent arrears cases without resort to the courts will be a vital part of the COVID-19 housing emergency response.

## The Current Outlook

The moratoria on evictions are for the most part expired. CARES Act funding has been allocated to the state and local



governments, and local government and nonprofit agencies are disbursing funds to struggling homeowners and renters. Direct CARES Act unemployment insurance supplements have kept families afloat, but they will expire in July unless the Congress acts. Renters are treading water, but have seen their unpaid rent continue to accrue. Only payment of the arrears will forestall eviction. But major additional housing supports are held up by political disagreements at both the federal and state legislative levels.

Greensboro renters are approaching a moment of truth – the moment when the real impact of COVID-19 on the stability of housing will be revealed.

There is some debate about the magnitude of the rent arrears that have accumulated since the beginning of the COVID economic crisis. One survey reported that [30% of Americans missed their housing payments](#) in June, up from 24% in April but about the same as in May. Other surveys

report higher payment rates of as much as 90% but could be [skewed to higher-end buildings](#). It's the lower-income renters who have been precariously housed before the pandemic, and are the most vulnerable now. There are [30,000 newly unemployed](#) in Greensboro and High Point -- an unprecedented number – and [lawyers and housing advocates worry](#) that the eviction floodgates are about to open.

Whether that will happen may not be known for a week or two more. Legal Aid lawyers have attended at small claims court in the first days following the expiration of the statewide moratorium. They've told us that the floodgates didn't open immediately at midnight on the 20<sup>th</sup>. The courts are starting slowly, in part because of social distancing, but perhaps also in part because the courts are not eager to see thousands made homeless. The magistrates are expressing a willingness to cooperate with the tenant bar and the agencies providing



emergency assistance, to facilitate mediations and settlements. [Data from other cities](#) whose moratoria have expired indicate that even there, new eviction filings remain substantially below average (with the exception of Milwaukee, where the tidal wave of new filings did occur in the month

following the May 26 expiration of the moratorium).

But, failing a new large-scale government funding initiative or long-term moratorium or forgiveness program, or an expanded patchwork of local support structures in place, the inevitable might only be delayed.

## Legislative, Executive and Judicial Documents

### *Orders and Memoranda of the Chief Justice.*

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March 27, 2020. Executive Order No. 121. <https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-text.pdf>.

March 31, 2020. Executive Order No. 124. <https://files.nc.gov/governor/documents/files/EO124-Utilities-Evictions-Financial-Services.pdf>.

May 30, 2020. Executive Order No. 142. <https://files.nc.gov/governor/documents/files/EO142-Temp-Prohibitions-on-Evictions-and-Extending-Prohibition-on-Utility-Shut-Offs.pdf>.

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<https://www.guilfordcountync.gov/Home/Components/News/News/2083/760>.

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