

COVID-19 HOUSING POLICY

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EXECUTIVE SUMMARY

The federal government's response to the housing challenges created by COVID-19 has been limited, leaving state and local governments to create a patchwork of solutions. State and local governments have been forced to provide eviction and foreclosure protections and relief from rent, mortgages, and property taxes as federal government support falls well short of current housing needs. This report analyzes state and local pandemic housing policy across all 50 states and 118 cities.

- **Since the beginning of the pandemic, 45 states and 56 percent of large cities have developed and implemented formal eviction moratoriums.** Large majorities of state and local governments added eviction protections that go well beyond the limited support of the initial federal government response. Notably, none of these protections cancel rent obligations, leaving renters vulnerable once these protections start expiring — as many have over the course of the summer.
- **40 percent of the nation's largest cities and 54 percent of states provide some form of COVID-19 rent relief.** The scope of these programs, however, falls well short of renters' housing needs. Underfunded, these programs frequently feature oversubscribed lotteries and long waitlists. Some also ended over the summer, despite the ongoing nature of the global pandemic.
- **66 percent of states and 19 percent of cities put in place a foreclosure moratorium in response to COVID-19.** As with the eviction moratoriums, however, these programs simply delay, rather than cancel mortgage obligations.
- **33 percent of cities and 58 percent of states offer COVID-19 mortgage relief.** In some cases, state and local governments directly offer financial resources to support homeowners struggling with mortgage payments. Other governments negotiated directly with banks to ensure reduced or delayed mortgage payments.
- **Only 30 percent of states and 37 percent of cities have provided any property tax relief.** In some communities, governments have offered to delay payments. Other places have created funding to provide financial resources for residents struggling to pay their property taxes.

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Access to safe, stable, and affordable housing is inextricably linked to health. It shapes the air we breathe, the jobs available to us, the quality of our public services, and our mental and physical health.¹ These forces become even more acute during a global pandemic, which poses a direct danger to our physical health, and creates a myriad of economic and mental health challenges. Indeed, the economic effects, in particular, of COVID-19 have created perilous housing conditions for some — leaving them vulnerable to serious physical and mental health problems and further economic difficulties.

The federal government response to these challenges has largely been limited during the duration of the pandemic. The CARES Act, signed by President Trump on March 27th, 2020, provides some protections — including an eviction moratorium and mortgage forbearance — to renters and homeowners in properties with federally-owned or backed mortgages.² This includes all rental units held by agencies like Fannie Mae, Freddie Mac, the FHA, and the VA.³ Protections also applied to the wide array of federal housing assistance programs implemented by agencies like HUD, the Department of Agriculture, and the Department of the Treasury.⁴ More recently, the Center for Disease Control (CDC) issued an eviction moratorium — recognizing the public health impact of the pandemic. But, even this more expansive policy simply delays evictions until January, pushing rent and landlord relief to states and municipalities.

For much of the pandemic, eviction protections were only available to a relatively small share of homeowners and renters through the CARES ACT.⁵ The Urban Policy Institute estimates that the CARES Act eviction protections covered only around 30 percent of the nearly 44 million rental units in the United States, or 12.3 million properties.⁶ Still, roughly half of the 19.5 million multifamily (large properties housing 5+ units) rental units in the nation were protected by the moratorium, since the majority of federal mortgage financing is diverted towards multifamily properties through Fannie Mae, Freddie Mac, and the FHA.

Moreover, these policies miss a wide set of housing needs — perhaps most notably the desperate need for rent relief. This need has become particularly acute as another key provision of the CARES Act has expired: the supplemental \$600/week of federal

¹ Sandel, Megan, Richard Sheward, Stephanie Ettinger de Cuba, Sharon M. Coleman, Deborah A. Frank, Mariana Chilton, Maureen Black, Timothy Heeren, Justin Pascuariello, Patrick Casey, Eduardo Ochoa and Diana Cutts. “Unstable Housing and Caregiver and Child Health in Renter Families.” 2018. *Pediatrics* 94(2):1-10.

² Consumer Financial Protection Bureau. “Mortgage and Housing Assistance.” 2020. <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/>

³ “Summary and Analysis of Federal CARES Act Eviction Moratorium.” National Housing Law Project, March 28, 2020. <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>.

⁴ Summary and Analysis of Federal CARES Act Eviction Moratorium.” National Housing Law Project, March 28, 2020. <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>.

⁵ “CARES Act Eviction Moratorium.” Congressional Research Service, April 7, 2020. <https://crsreports.congress.gov/product/pdf/IN/IN11320>.

⁶ Goodman, Laurie, Karan Kaul, and Michael Neal. “The CARES Act Eviction Moratorium Covers All Federally Financed Rentals—That’s One in Four US Rental Units.” Urban Institute, April 9, 2020. <https://www.urban.org/urban-wire/cares-act-eviction-moratorium-covers-all-federally-financed-rentals-thats-one-four-us-rental-units>.

unemployment assistance. This money likely acted as a crucial protection against eviction by helping millions of still unemployed Americans keep up with their rent payments.⁷

In short, CARES Act protections were limited and have mostly expired. Moreover, Congress and President Trump have been unable to pass any meaningful replacements of these already limited policies. This has left state and local governments to create a patchwork of housing protections and programs for their most vulnerable residents. In this report, we document state and local housing policies, mapping the availability of homeowner and renter protections nationwide.

Methodology

We collected a variety of information about housing protections across 118 cities and all 50 states. Our study population includes the 100 largest cities in the country as well as the largest city in each state. We measured and analyzed policy responses across four key areas: (1) Evictions; (2) Rent relief funds; (3) Mortgage relief and foreclosure moratoriums; and (4) Property tax relief.⁸

Table 1. City Demographics.

Variable	Mean	Median	Minimum	Maximum
Population	561,621	321,334	42,513	8,443,713
% Black	20.0%	14.0%	0.3%	81.8%
% Hispanic	23.2%	14.9%	1.2%	77.3%
% Renters	49.8%	50.3%	27.3%	77.3%

Source: 2018 American Community Survey

We also conducted phone interviews in May 2020 with several housing commissioners — from Austin, TX, Chicago, IL, and Oakland, CA — to better understand how these cities approached their COVID-19 rent relief policies, including how they identified funding streams and target populations, and what metrics, if any, are being used to measure efficacy.

⁷ Sophia Schmidt. "Where is the wave of evictions experts predicted? 'Too early to say.'" Delaware Public Media. August 1, 2020. <https://www.delawarepublic.org/post/where-wave-evictions-experts-predicted-too-early-say>

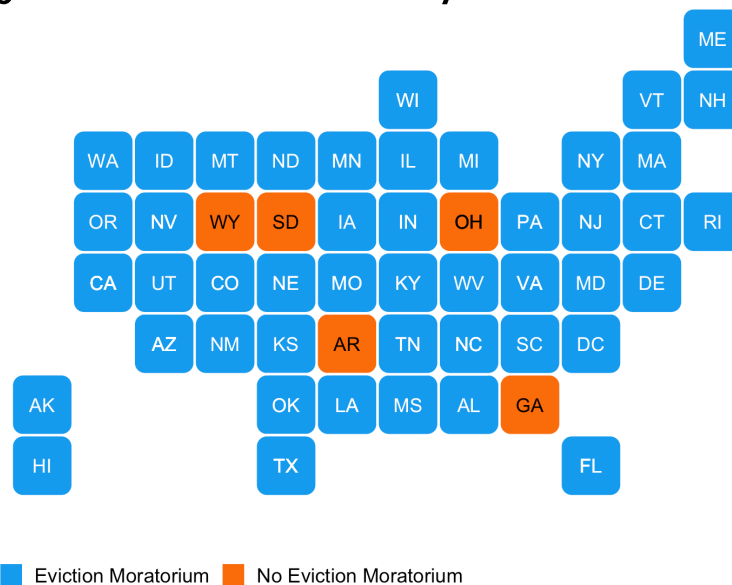
⁸ We completed data collection on August 15, 2020. Given the rapidly changing policy environment, some states/local government programs may have expired (and new ones may have been created).

Evictions

Prior to COVID-19, many American cities were already facing an eviction epidemic, with poor renters – especially Black and Latinx renters – vulnerable to losing their homes.⁹ Evictions create economic stress for families, and hurt mental and physical health.¹⁰ These problems are only compounded in the context of a pandemic where overcrowded housing and frequent moves accelerate the spread of COVID-19.¹¹ The same Black and Latinx renters who are most vulnerable to eviction are also at higher risk for complications or death from COVID-19,¹² making addressing the coming wave of evictions all the more urgent.

It is unsurprising, then, that state and local governments took immediate action to stop evictions. Since the beginning of the pandemic, 45 states and 56 percent of large cities have developed and implemented formal eviction moratoriums. These moratoriums were widespread; only three cities had none at either the state or city level. Sixty cities had both state- and city-level protections, 49 had state-only protections, and six had city-only protections. Figure 1 illustrates the spread of these protections by state.

Figure 1. Eviction Moratoriums by State.



Among those cities and states that did pass moratoriums, there was striking variation in the speed with which they did so. For example, while Washington, D.C. and Atlanta, GA passed eviction moratoriums almost immediately after their state of emergency declaration,

⁹ Ong, Paul M. "Systemic Racial Inequality and the COVID-19 Renter Crisis." UCLA Luskin Institute on Inequality and Democracy, August 7, 2020. <https://challengeinequality.luskin.ucla.edu/2020/08/07/systemic-racial-inequality-covid-19-renter-crisis/>

¹⁰ Desmond, M. and R. Tolbert Kimbro. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*, Vol. 94, Issue 1, September 2015. <https://academic.oup.com/sf/article-abstract/94/1/295/1754025>

¹¹ Melnik, M. and A. Raisz. "Racial Equity in Housing in the Time of COVID-19." The Boston Foundation, July 14, 2020. <https://www.tbf.org/news-and-insights/reports/2020/july/greater-boston-housing-report-card-2020-race-equity-covid>

¹² "Health Equity Considerations and Racial and Ethnic Minority Groups." Centers for Disease Control and Prevention, July 24, 2020. <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html>

Detroit, MI took over 125 days (see Figure 2). Context is crucial for understanding several of the more delayed city responses: Chicago, Philadelphia, and Detroit did not summarily ignore their renting populations for over three months. In the case of Chicago and Philadelphia, city officials worked to expand, specify, and supplant statewide eviction moratoriums whose original expiration dates were drawing near. Hours after Michigan’s statewide ban officially lapsed, local courts in Detroit put in place a city-level eviction ban. In states with no or only a fleeting eviction moratorium, the instruments of city and county government are the crucial source of virtually all housing-related protections throughout the pandemic beyond those created by the CARES Act. The details about the duration, strength, and source of any city’s eviction moratorium must be analyzed in the context of their respective state’s renter protections in order to understand and critically assess them fully.

State governments also varied: Iowa, Massachusetts, Michigan, and Vermont enacted eviction moratoriums shortly after their state of emergency declarations, while California and Florida waited nearly 25 days to do so. The average time that elapsed between when a state declared a state of emergency and a city-level eviction moratorium was enacted was approximately 18 days. On average, states acted quicker with only about 15 days elapsing before implementing statewide protections.

Figure 2. Days to Enact Eviction Moratorium Policy at the State and City Levels.



The strongest protections for renters against eviction come from moratoriums that take a comprehensive approach to halting the dispossession process at every level. This is the case in Massachusetts, where a strong eviction moratorium was built through cooperative policymaking across different branches of government: the court system, the state legislature, and Governor Charlie Baker. The moratorium began on March 13th with a standing order issued by the Massachusetts Housing Court designed to (in a pattern followed by many other states) vastly limit court operations, including the immediate suspension¹³ of all summary process (eviction) hearings until April 21st. This order alone granted protection for renters by preventing any new eviction cases or writs of execution from moving forward and was soon followed up by more concrete policymaking from the state legislature. Chapter 65¹⁴ of the 2020 session furthers MA's eviction ban beyond freezing court activity by prohibiting landlords taking any action towards initiating a "non-essential" eviction, which generally comprises no cause evictions and evictions for non-payment of rent. Under these restrictions, landlords cannot deliver notices to quit to tenants behind on rent nor are they able to file any complaint or case in court for the duration of the moratorium.¹⁵ Signed into law on April 21st, MA's eviction moratorium was recently extended by Governor Baker until October 17th.¹⁶ The eviction moratorium in Massachusetts is a strong example of constructive policymaking, with different branches of government layering renter protections on top of one another before any one initiative lapsed. Crucially, the structure of the MA moratorium avoids the future crisis of having to work through a huge backlog of eviction cases once it eventually expires.

City and local governments have shown to be important leaders in the implementation of strong eviction protections in their limited jurisdictions — especially when state protections have fallen short. Philadelphia city council members unanimously passed a series of eviction protections on June 18th as officials eyed the impending initial expiration of Pennsylvania's statewide moratorium on July 10th. Philadelphia's local moratorium took several important steps to address an impending eviction crisis by extending the ban on nonessential evictions to August 31st and creating a novel Eviction Diversion program.¹⁷ This program streams all landlord-tenant disputes through mediation services in the hope of reducing the volume of official eviction filings in court. In Seattle, city council passed a measure to effectively extend the city's eviction ban potentially into 2021.

¹³ Standing Order 2-20: Temporary Modifications to Court Operations Arising From the Coronavirus Outbreak (Trial Court of Massachusetts Housing Department March 13, 2020). <https://www.mass.gov/doc/housing-court-standing-order-2-20-temporary-modifications-to-court-operations-arising-from-the/download>

¹⁴ Chapter 65, Acts of 2020, 191st General Court of the Commonwealth of Massachusetts. <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter65>

¹⁵ Quattrochi, Doug. "Massachusetts Eviction Moratorium: Full Explanation and FAQ." *MassLandlords.net*, August 4, 2020. <https://masslandlords.net/massachusetts-eviction-moratorium-full-explanation-and-faq/>.

¹⁶ Baker-Polito Administration Extends Moratorium on Evictions and Foreclosures to October 17," July 21, 2020. <https://www.mass.gov/news/baker-polito-administration-extends-moratorium-on-evictions-and-foreclosures-to-october-17>.

¹⁷ Bond, Michaëlle. "City Council Passes Housing Bills to Help Philly Renters during the Pandemic." *The Philadelphia Inquirer*, June 18, 2020. <https://www.inquirer.com/real-estate/housing/rent-relief-emergency-housing-philadelphia-city-council-20200618.html>.

The statute gives tenants protection against eviction for rent nonpayment for six months after Seattle's local state of emergency is lifted.¹⁸ These cities raise strong examples of potential mitigation strategies for an impending eviction crisis by disincentivizing property owners from going through the court process. Mandating mediation meetings and providing long-term court protections push the parties towards alternatives to eviction, such as rent-relief or payment plans.

The strength of Philadelphia and Seattle's renter protections are buttressed by the broad eviction moratoriums that remain in place in Pennsylvania and Washington. In Atlanta, policy options to protect renters may have been restricted by the power of the local government and the lack of a statewide eviction ban in Georgia. With no policy infrastructure to back her up, Mayor Keisha Lance Bottoms issued¹⁹ a limited moratorium on evictions (later extended to August 31st²⁰) instructing properties owned by Atlanta's six major semi-public housing authorities not to initiate evictions or charge late fees to their tenants.²¹ 6,500 evictions have been filed in Fulton County since the beginning of the pandemic²², suggesting the limited scope and authority of Atlanta's local eviction protections. Overall, cities with the strongest protections against evictions throughout the crisis have tended to expand upon already existing moratoriums issued by state executive, judicial, and sometimes legislative authorities.

However, not all eviction moratoriums are created equal. In Texas, for example, the statewide eviction ban was far more limited and short-term than policies enacted in Massachusetts, despite both states having been hit hard by the coronavirus. The Texas eviction ban began on March 20th with a standing order issued by the Texas Supreme Court similarly freezing the hearing of any new eviction cases.²³ However, landlords in Texas were still fully able to file new eviction cases with the court to be acted on after the end of the statewide moratorium, eventually extended to May 18th. Additionally, judges were still empowered to issue writs of possession on the condition that they could not be posted and enforced by sheriffs until the conclusion of the moratorium.

¹⁸ Beekman, Daniel. "Seattle to Provide Eviction Protection for 6 Months after Coronavirus Moratorium Expires." The Seattle Times. The Seattle Times Company, May 4, 2020. <https://www.seattletimes.com/seattle-news/politics/seattle-to-provide-eviction-protection-for-6-months-after-coronavirus-moratorium-expires/>.

¹⁹ Executive Order 2020-10, Office of the Mayor, City of Atlanta. March 16, 2020. <https://www.atlantaga.gov/Home/ShowDocument?id=45422>

²⁰ "Atlanta Mayor Extends Halt on Evictions during COVID-19 Pandemic." FOX 5 Atlanta. FOX 5 Atlanta, July 7, 2020. <https://www.fox5atlanta.com/news/atlanta-mayor-extends-halt-on-evictions-during-covid-19-pandemic>.

²¹ "Atlanta Mayor Calls on Temporary Halt on Evictions during Coronavirus Outbreak." FOX 5 Atlanta. FOX 5 Atlanta, March 17, 2020. <https://www.fox5atlanta.com/news/atlanta-mayor-calls-on-temporary-halt-on-evictions-during-coronavirus-outbreak>.

²² Capelouto, J.D. "Eviction Hearings Quietly Resuming across Metro Atlanta." AJC. The Atlanta Journal-Constitution, August 6, 2020. <https://www.ajc.com/news/atlanta-news/eviction-hearings-quietly-resuming-across-metro-atlanta/MXKISPC4FRDYRNTBHCXRUGTZYM/>.

²³ Fourth Emergency Order Regarding The COVID-19 State of Disaster (Misc. Docket No. 20-9045 March 19, 2020). <https://www.txcourts.gov/media/1446203/209045.pdf>

Major cities like Houston are primed for an eviction crisis throughout the fall as legal aid advocates note an initial 24 percent²⁴ increase in eviction applications in the city. Nearly three million Texans²⁵ have applied for unemployment statewide since the beginning of the pandemic. During an interview, when asked what the state or federal government could be doing to help, Austin's housing director responded: "*Setting policy on eviction moratoriums is critical: we are in a red state, but the bluest city. It creates a lot of angst and eviction pressures. There's only so much local government can do. We need some control around eviction moratoriums.*"

Ohio has not developed any formal statewide eviction moratorium, other than guidance from the state Supreme Court advising counties to issue continuances on eviction cases. This leaves major cities to implement their own protections for renters – all of which have since expired. For instance, Franklin County Municipal Court (with a jurisdiction containing Ohio's largest city, Columbus) implemented an initial eight week eviction ban on March 16th that was eventually extended to June 1st.²⁶ The city anticipates a huge surge in eviction cases. Indeed, in response, the local government has co-opted a large part of the sprawling Columbus Convention Center as the new center of the city's housing court operations, with space also designated for tenant advocacy groups and landlord-tenant mediation organizations.²⁷ Meanwhile in Cincinnati, a local eviction moratorium instituted by Hamilton County Municipal Court (also on March 16th) was lifted on June 8th,²⁸ soon after a local property owner filed suit²⁹ and appealed to the OH Supreme Court to end the local ban. In Cleveland, similar local eviction protections expired on June 15th.³⁰ In all three cities, housing advocates warn of an impending wave of evictions catalyzed by a lack of statewide protections and mounting court backlogs.

The level of implementation may shape the efficacy of eviction protections. Court-level eviction moratoriums, for example, generally provided the least comprehensive protection for renters; many court-level eviction moratoriums provided protection in the form of a

²⁴ Childers, Shelley. "Where Houstonians Who Can't Pay Rent during COVID-19 Can Turn for Help." ABC13 Houston. KTRK, August 14, 2020. <https://abc13.com/eviction-help-in-houston-rent-for-covid-19-coronavirus-stimulus-check-moratorium/6337786/>.

²⁵ Garnham, Juan Pablo. "Texas Wants \$32 Million in Unemployment Benefits Back after Finding 46,000 People Were Overpaid." The Texas Tribune. The Texas Tribune, July 6, 2020. <https://www.texastribune.org/2020/07/06/texas-unemployment-benefits-workers/>.

²⁶ Landers, Kevin. "Utilities Begin Sending Shut-off Notices; Landlords Issuing Eviction Letters." 10tv.com. WBNS, June 15, 2020. <https://www.10tv.com/article/news/local/utilities-begin-sending-shut-off-notices-landlords-issuing-eviction-letters/5303093ce46-f05a-41cb-ad26-0e3928fd498f>.

²⁷ Capps, Kriston. "How Do You Hold Housing Court in a Pandemic?" Bloomberg.com. Bloomberg, June 18, 2020. <https://www.bloomberg.com/news/articles/2020-06-18/how-do-you-hold-housing-court-in-a-pandemic>.

²⁸ Administrative Order #20-13 (Hamilton County Municipal Court June 8, 2020). <https://www.courtclerk.org/forms/EvictionOrder.pdf>

²⁹ Horn, Dan. "Judges Reopen Hamilton County's Eviction Court after Landlord's Lawsuit." Cincinnati.com. The Cincinnati Enquirer, June 4, 2020. <https://www.cincinnati.com/story/news/2020/06/04/cincinnati-evictions-judges-reopen-eviction-court-after-landlord-sues/3144939001/>.

³⁰ Editorial Board. "An Eviction Crisis Could Be Coming. Ohio's Courts, and Localities, Need to Prepare and Work to Mitigate It: Editorial." cleveland.com. The Plain Dealer, May 13, 2020. <https://www.cleveland.com/opinion/2020/05/an-eviction-crisis-could-be-coming-ohios-courts-and-localities-need-to-prepare-and-work-to-mitigate-it.html>.

suspension of eviction hearings during court closures, due to COVID-19 concerns. However, state and local governments have left renters with uncertainty as to when their eviction hearings will proceed. As sectors of the economy reopen, courts are reopening as well, effectively ending some eviction protections for vulnerable renters.

The strongest and most encompassing eviction moratoriums in our analysis came from those states that halted the process at both the initiation and judicial levels. Eviction bans that still permit the filing of evictions (for nonpayment or otherwise) consistently develop large backlogs of eviction cases — a situation which can quickly overwhelm court, legal aid, and shelter systems as moratoriums lift and federal aid runs dry. Some statewide moratoriums are limited further by restrictions on which renters are eligible for eviction protections. In Arizona, the statewide eviction ban (set to expire October 31st) implemented by Governor Doug Ducey is not encompassing because it only applies to those directly impacted by “COVID-19 Hardship”.³¹ People behind on rent in Arizona seeking to avoid an eviction filing have to take several steps to prove their eligibility to their landlord and local officials. Renters must notify their landlord of their continued COVID-related hardship, provide documentation to prove financial hardship/unemployment, apply for state/local rental assistance, and request a payment plan for back-rent to their landlord in writing.³² Renters who do not meet these requirements, which includes those facing eviction for nonpayment along with other reasons for eviction (such as a lease violation or termination), are still currently vulnerable to the full eviction process. The situation is similar in Florida, where renters must also document and demonstrate medical/economic hardship inflicted by COVID-19 in order to be eligible for eviction protections. Princeton’s Eviction Lab’s analysis of Arizona and Florida eviction protections during the pandemic note that the whole range of institutional eviction proceedings is currently running for those ineligible for protection: from notices to quit, hearing cases, issuing writs of possession, and eviction execution by law enforcement. The Eviction Lab rates Arizona³³ and Florida’s³⁴ protections poorly, with a 1.8 and 1.85 stars out of 5, respectively. Cities with the most forward-thinking renter protections, like those discussed gearing policy towards mediation and payment plans, are backed by legal infrastructure and cooperation of strong statewide moratoriums.

³¹ Reagor, Catherine. “Arizona Rental Property Owners and Associations Sue to Overturn Eviction Moratorium.” The Arizona Republic. Arizona Republic, August 13, 2020. <https://www.azcentral.com/story/money/real-estate/catherine-reagor/2020/08/12/arizona-rental-property-owners-sue-overturn-eviction-moratorium/3361647001/>.

³² Reagor, Catherine, and Rebekah L Sanders. “Arizona Renters Hurt by COVID-19 Must Follow These 4 Steps by Aug. 22 to Avoid Eviction.” The Arizona Republic. Arizona Republic, July 29, 2020. <https://www.azcentral.com/story/money/business/economy/2020/07/23/4-steps-arizona-renters-must-take-by-aug-22-qualify-eviction-relief-covid-19/5479755002/>.

³³ “COVID-19 Housing Policy Scorecard for Arizona.” Eviction Lab. Princeton University. <https://evictionlab.org/covid-policy-scorecard/az/>.

³⁴ Eviction Lab. “COVID-19 Housing Policy Scorecard for Florida.” Eviction Lab. Princeton University. <https://evictionlab.org/covid-policy-scorecard/fl/>.

City policies built outside of a statewide moratorium, like we discussed in Texas, Ohio, and Georgia, are typically limited in their scope and duration, perhaps from a lack of higher government support and defense.

What’s more, eviction protections in many places have proven fleeting. As it stands now, only 18 states and the District of Columbia have prohibitions on residential evictions still in place. While some cities’ and states’ eviction moratoriums lasted over a month, others protected renters for mere days (see Figure 3). May and June, in particular, saw many eviction protections expire – in many places, just as coronavirus cases exploded across the country (see Figure 4).

Figure 3. Length of Eviction Moratorium Policy.

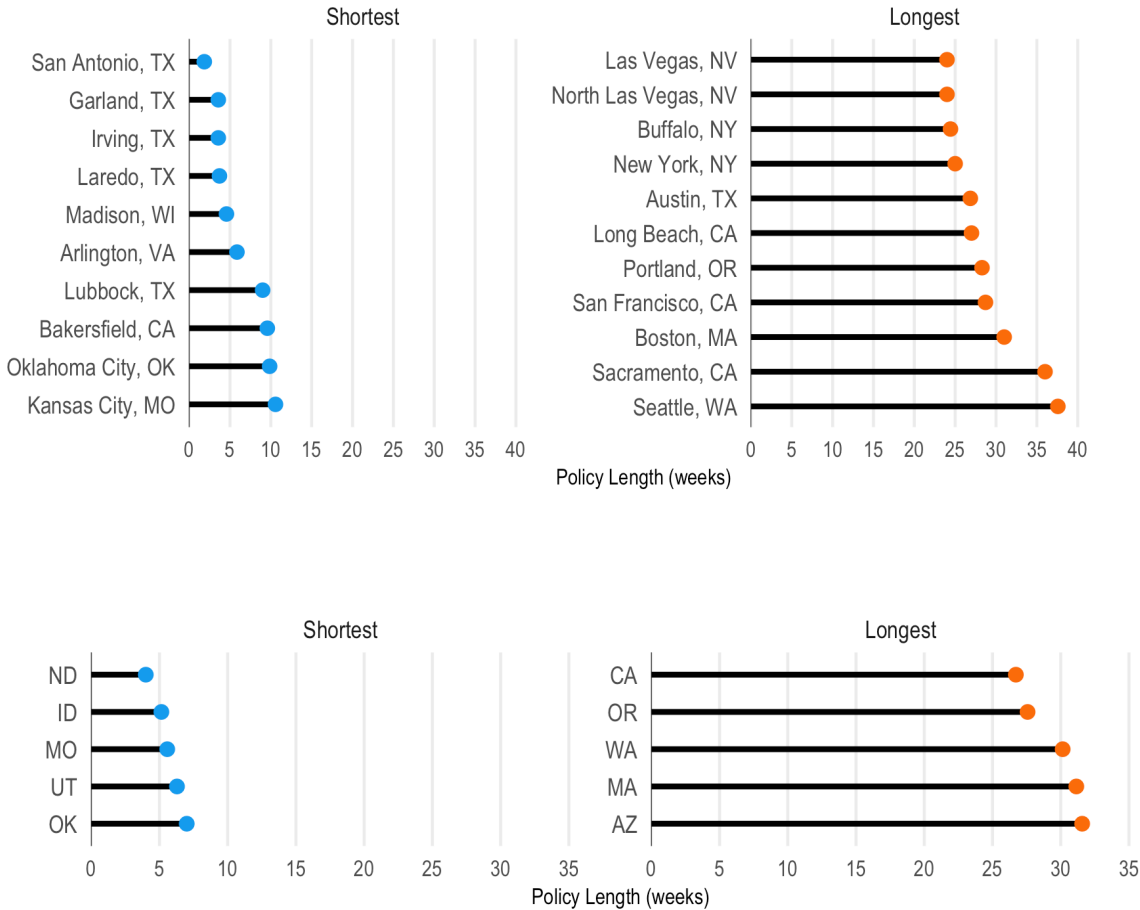
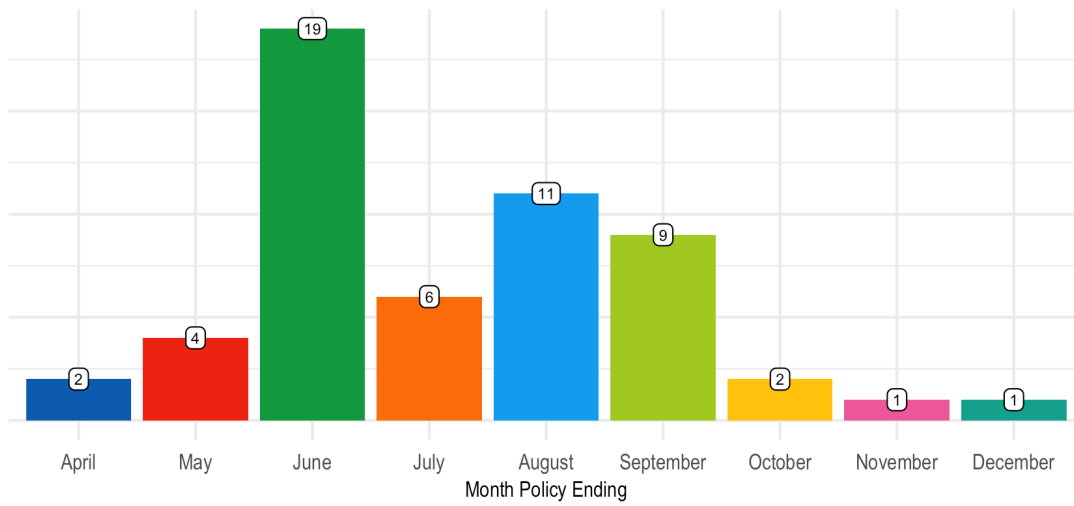
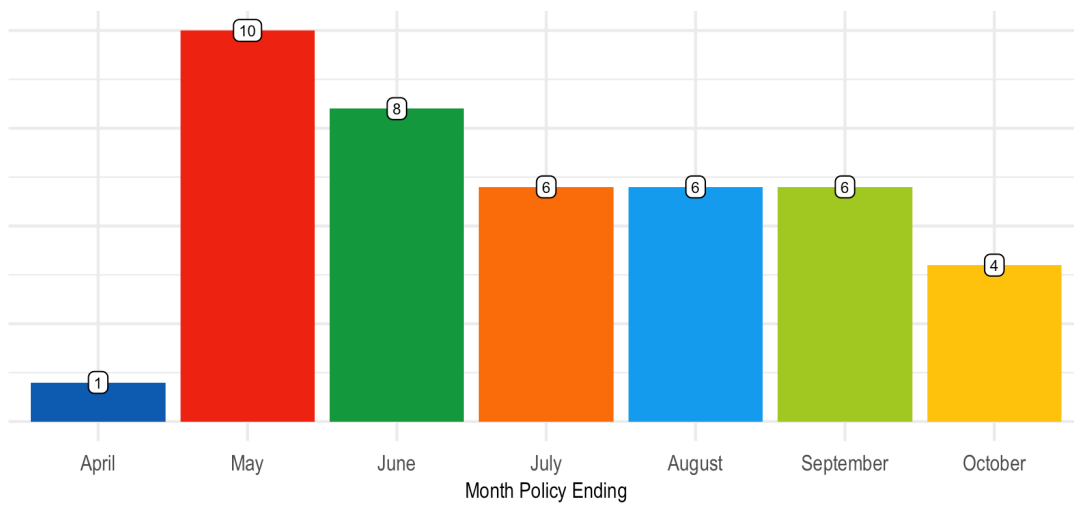


Figure 4. Ending Data of Eviction Moratoriums.

Ending Date of City Eviction Moratorium Policies



Ending Date of State Eviction Moratorium Policies



The country consequently faces a flood of evictions just as COVID-19 case numbers continue to grow nationally. Several local governments have taken the lead in implementing longer-term protections. The Seattle City Council passed a measure to give tenants protections from non-payment related evictions in court for six months after the end of the state of emergency.³⁵ In San Jose, officials have integrated back-rent repayment plan guidelines. Tenants would have until January 31, 2021 to repay the first half of their back rent and until June 30, 2021 to pay back the remaining half – all the while keeping current with the present rent.³⁶ In Texas, variation in local government decision-making was especially stark: Texas’ eviction moratorium only protected residents for two months, from March 20, 2020 to May 19, 2020. In response, cities and counties in Texas enacted moratoriums at their own discretion that extend past the state’s premature expiration. The city of Austin barred landlords from issuing notices to vacate on March 26, 2020, and extended this order to August 30, 2020. Austin has ultimately sheltered residents from eviction for longer in the absence of state assistance, whereas Houston has offered no additional eviction protection – causing the state’s largest city to face an eviction crisis.³⁷

Ultimately, the patchwork collection of diverse state and local eviction moratorium policies likely served not as preventative measures, but stopgap ones. Despite pushes from many housing advocates and small protests dotted across the country, no state or local government policy we studied pursued the goal of outright rent cancelation. With the expiration of enhanced unemployment benefits, lapsing of the official federal eviction ban, and the stalling of future relief negotiations, many Americans previously relying on federal aid to pay rent may now face the threat of eviction.³⁸ With federal assistance drying up and economic recovery slowing, it is already clear that the threat of an incoming eviction crisis bears most heavily on marginalized communities of color. A recent analysis of eviction filings in Boston uncovered alarming racial disparity, with 70 percent of filings coming from majority Black and Latinx neighborhoods.³⁹

³⁵ Beekman, Daniel. “Seattle to Provide Eviction Protection for 6 Months after Coronavirus Moratorium Expires.” *The Seattle Times*. The Seattle Times Company, May 4, 2020. <https://www.seattletimes.com/seattle-news/politics/seattle-to-provide-eviction-protection-for-6-months-after-coronavirus-moratorium-expires/>.

³⁶ Toledo, Aldo, and Maggie Angst. “Coronavirus: Santa Clara County, San Jose Extend Eviction Moratoriums.” *The Mercury News*. The Mercury News, May 28, 2020. <https://www.mercurynews.com/2020/05/25/coronavirus-santa-clara-county-san-jose-extend-eviction-moratoriums/>.

³⁷ Grieder, Erica. “Looming Eviction Crisis Needs to Be Confronted Directly.” *HoustonChronicle.com*. Houston Chronicle, August 8, 2020. <https://www.houstonchronicle.com/news/columnists/grieder/article/Looming-eviction-crisis-needs-to-be-confronted-15468240.php>.

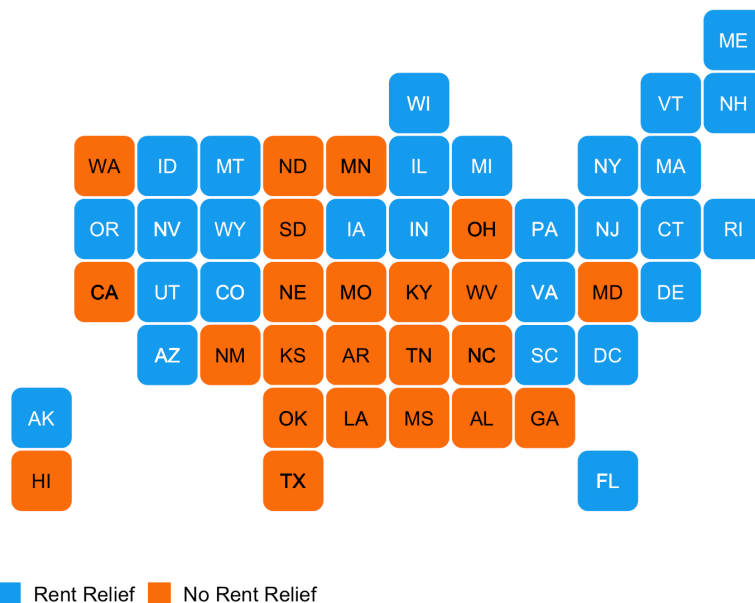
³⁸ Casselman, Ben, and Gillian Friedman. “Without \$600 Weekly Benefit, Unemployed Face Bleak Choices.” *The New York Times*. The New York Times, August 8, 2020. <https://www.nytimes.com/2020/08/08/business/economy/lost-unemployment-benefits.html>.

³⁹ Associated Press. “Boston Minority Communities Hit Hardest By Evictions, Report Says.” *Boston Minority Communities Hit Hardest By Evictions, Report Says* | WBUR News. WBUR, June 28, 2020. <https://www.wbur.com/news/2020/06/28/boston-minorities-evictions>.

Rent Relief

Millions of Americans – facing reduced earnings and unemployment due the novel coronavirus pandemic – are struggling to pay their rent.⁴⁰ In response to this troubling trend, many state and local governments have introduced new rent relief funds specifically for income-qualifying applicants facing economic hardship due to COVID-19. At the time of this report, 40 percent of the 118 largest cities in the U.S. provided their own rent relief, and 45 percent of cities were in a state that provided rent relief. Additionally, 54 percent of U.S. states had initiated rent relief policies at the state level (Figure 5).

Figure 5. COVID Rent Relief Policies by State.



⁴⁰ Karpman, Michael, Stephen Zuckerman, Dulce Gonzalez, and Genevieve M. Kenney, "The COVID-19 Pandemic Is Straining Families' Abilities to Afford Basic Needs," *Urban Institute*, April 28, 2020, <https://www.urban.org/research/publication/covid-19-pandemic-straining-families-abilities-afford-basic-needs>.

Though quite widespread, there is enormous variation in the scope of these protections, with some cities providing rent relief without state support, others providing relief in tandem with the state, and still others providing no rent relief at all at either the local or state levels. In 18 cities, renters could apply to local and state rent relief programs. Twenty-nine cities had only local programs available, while 36 cities had no rent relief available at the state or city level.

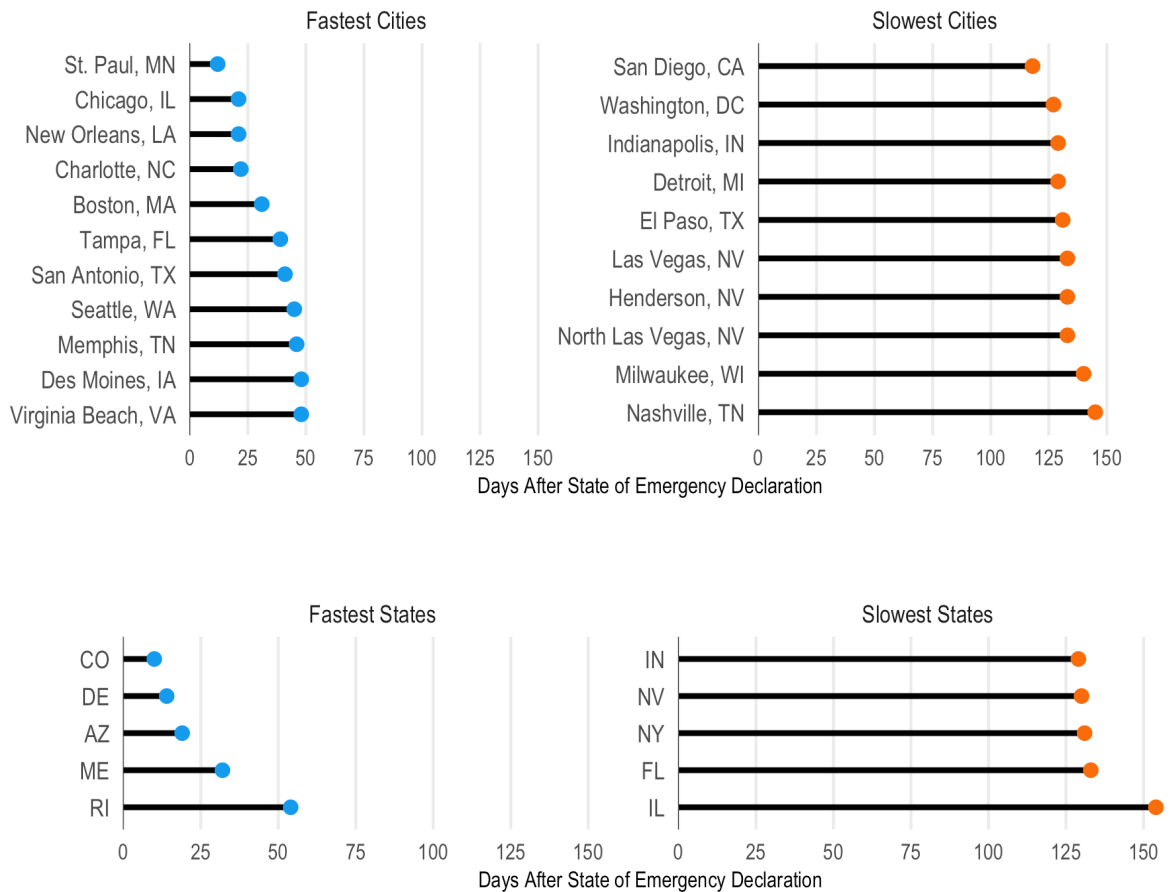
Some local government rent relief programs are buttressed by those at higher-levels of government. Las Vegas, NV established its own rent relief program; its county (Clark County) and the state of Nevada also promulgated their own rent relief programs.⁴¹ In contrast, the rent relief response within the state of California has been notably more decentralized. The state of California has no rent relief program, and the majority of existing aid programs are confined to city governments, such as Los Angeles and San Diego, or county governments, such as Riverside County.⁴²

States and cities took far longer to implement rent relief programs than eviction moratoriums. Indeed, even the fastest cities and states – Chicago, IL, New Orleans, LA, and Charlotte, NC and Delaware and Arizona – took almost 25 days after their state of emergency declarations to create a rent relief program. In slower communities, the wait for rent relief programs likely felt extreme to renters in dire straits: El Paso, TX, Detroit, MI, and Washington, D.C. took over 125 days from the date of their state of emergency declarations to provide COVID-19 rent relief. Among all cities that provided rent relief, the average response time was approximately 78 days. The average response time among states that enacted relief programs was approximately 91 days.

⁴¹ “Nevada’s rental assistance program still has funds available, state says,” *KTNV Las Vegas*, July 27, 2020, <https://www.ktnv.com/news/coronavirus/nevadas-rental-assistance-program-still-has-funds-available-state-says>; “Nevada’s \$30M rental assistance program now taking applications,” *KTNV Las Vegas*, July 21, 2020, <https://www.ktnv.com/13connects/13helps/nevadas-30m-residential-rental-assistance-program-now-taking-applications>; “Attorney General Ford Announces \$2 Million in Funding for Emergency Rental Assistance,” *Office of Nevada Attorney General Aaron Ford*, April 7, 2020, [http://ag.nv.gov/News/PR/2020/Attorney_General_Ford_Announces_\\$2_Million_in_Funding_for_Emergency_Rental_Assistance/](http://ag.nv.gov/News/PR/2020/Attorney_General_Ford_Announces_$2_Million_in_Funding_for_Emergency_Rental_Assistance/); Manna, Orko, “United Way distributing \$2M in emergency funds,” *8 News Now Las Vegas*, April 12, 2020, <https://www.8newsnow.com/news/local-news/united-way-distributing-2m-in-emergency-funds/>; Lilly, Caitlin, “Program offers rent, mortgage to help Vegas residents with COVID-19-related loss of income,” *Fox 5 KVVU-TV Local Las Vegas*, July 1, 2020, https://www.fox5vegas.com/coronavirus/program-offers-rent-mortgage-help-to-vegas-residents-with-covid-19-related-loss-of-income/article_0edc1a6e-bbad-11ea-a5fe-7bc953831ee1.html; “Housing Assistance Program,” *Government of Las Vegas, Nevada*, <https://www.lasvegasnevada.gov/Residents/Housing-Assistance-Program>

⁴² Brinklow, Adam, “What to do if you can’t pay this month’s rent,” *Curbed San Francisco*, April 3, 2020, <https://sf.curbed.com/2020/3/31/21198571/bay-area-eviction-rent-help-oakland-coronavirus>; “Eviction Moratorium Extended to July 28,” *Fullerton Observer*, June 5, 2020, <https://fullertonobserver.com/2020/06/05/eviction-moratorium-extended-to-july-28/>; “Rental Relief for Tenants and Landlords,” City of Santa Ana, <https://www.santa-ana.org/covid19/rental-relief>; Brinklow, Adam, “What to do if you can’t pay this month’s rent,” *Curbed San Francisco*, April 3, 2020, <https://sf.curbed.com/2020/3/31/21198571/bay-area-eviction-rent-help-oakland-coronavirus>; “Eviction Moratorium Extended to July 28,” *Fullerton Observer*, June 5, 2020, <https://fullertonobserver.com/2020/06/05/eviction-moratorium-extended-to-july-28/>; “Inland SoCal COVID-19 Fund Requests,” *United Way of the Inland Valleys*, June 24, 2020, <https://uwiv.org/covid-fund-requests>; Martin, Erika, “Riverside County unveils COVID-19 rent assistance program, plan to review law enforcement policies,” *KTLA 5*, June 5, 2020, <https://ktla.com/news/local-news/riverside-county-officials-give-covid-19-update-after-state-announces-move-into-reopening-phase-3/>.

Figure 6. Days to Enact Rent Relief Policy.



What’s more, those rent relief programs that were established were limited in scope. Demand far exceeded the financial resources of cash-strapped state and local governments. Indeed, many local programs allocate their funds via lottery, with the number of applicants dramatically higher than the slots available. For example, while there were nearly 13,000 applications for the first phase of Philadelphia’s rental assistance program (launched May 8th), there was only enough funding for around 4,000 applicants. A second wave of funding opened for applications on July 6th, but the City estimated funding to be sufficient for only around 6,300 tenants.⁴³

⁴³ “Phase 2 of Rental Assistance for Tenants Affected by COVID-19,” *City of Philadelphia: Division of Housing and Community Development, Department of Planning and Development*, June 29, 2020, <https://www.phila.gov/2020-06-29-phase-2-of-rental-assistance-for-tenants-affected-by-covid-19/>.

The oversubscription of rent relief programs is widespread. During a phone interview, Austin's housing director summarized the magnitude of the problem:

"We went into May not knowing need – and knowing our available funds were insufficient – but knowing we could do something now. In a three day lottery, we had more than 10,000 applications. If we had it out there longer or had more funds, we would have had more than 10,000 applications. This is something we are struggling with. Knowing people are scrapping together funds to pay May rent, and having a number of folks benefiting from additional COVID unemployment benefits. When that runs out, we'll see a much deeper spike and greater need. And we need to be cognizant of this. We want to plan for a longer-term situation. We could spend \$15 million and I have no doubt that whatever we put out there would be spent in a week."

In another interview, the policy director for Chicago's Department of Housing discussed how demand far exceeded their resources: *"For the 2,000 grants we had available, we got 83,000 applications. We always knew the need would be far above what we had available, but that's what we could do for the first round [of funding]."*

More recently, in the July press release announcing the New York state rent relief fund, the NY state senate majority leader acknowledged that the forthcoming aid program by the state would likely not meet the demonstrated need resulting from the coronavirus pandemic.⁴⁴

Delays in the processing of relief applications can also create uncertainty and prevent relief from being made available. As of July 17th, Arizona's state rent relief fund was still reviewing relief applications submitted in April, with fewer than seven percent of applicants having received aid. In the case of Arizona, the use of third-party community action agencies to allocate and disburse funds may be a further cause of delay. Because such organizations provide other social support functions, staff were overwhelmed prior to the implementation of rent relief. Furthermore, the presence of multiple agencies with different responsibilities may lead to a slower response time for adaptive measures such as loosening application requirements or hiring more staff.⁴⁵ Such flexibility may be especially important in cases like Arizona, where eligibility standards have changed over the course of the program.⁴⁶

⁴⁴ "Governor Cuomo Announces New COVID Rental Assistance Program," *Office of Governor Andrew M. Cuomo*, July 14, 2020, <https://www.governor.ny.gov/news/governor-cuomo-announces-new-covid-rental-assistance-program>.

⁴⁵ Sanders, Rebekah L., "Arizona rental aid is so backlogged, applications from April still haven't been processed," *Arizona Republic*, July 13, 2020, <https://www.azcentral.com/story/money/real-estate/2020/07/13/arizonas-covid-19-rental-assistance-program-so-backlogged-employees-still-reviewing-applications-sub/5411662002/>.

⁴⁶ Reagor, Catherine and Rebekah L. Sanders, "Arizona loosens rules so more renters hurt by COVID-19 should qualify for financial help," *Arizona Republic*, June 22, 2020, <https://www.azcentral.com/story/money/real-estate/catherine-reagor/2020/06/16/coronavirus-arizona-renters-assistance-fund-available-covid-19-news/3149760001/>.

In Austin, TX, the first round of relief – dubbed RENT 1.0 – was based on the difference between 30 percent of the applicant’s currently monthly household income and the maximum rent subsidy. The city’s housing director discussed how this formula led to delays in processing applications:

"On the first go round of RENT, we made it complicated: instead of paying what is on the lease, we paid a variation of FMR, while also looking at what percent income people were bringing in. Which is why it's taking us a couple weeks to get through applications, because we made it more complicated in our desire to stretch the money and have people have some skin in the game if they could pay something. The average ask was somewhere between \$1,000-\$1,200. We ended up paying \$760 on average. We made things hard, but had less than two weeks to get this going. We were throwing things against the wall to see what sticks. In retrospect, and looking forward, hoping to keep things simple and pay the full rental amount. For some extremely low-income households, we want to authorize three months of assistance, and for others, might be a month-by-month decision."

Moreover, if a resident’s city, county, or state does have a rent relief fund available, the process of navigating specific information about that relief can be difficult and time consuming. Programs are offered by different levels of government in different places, and phase in and out of effect. In order to confirm basic information regarding various rent relief programs during our research process, our researchers contacted a host of local and or state governments or organizations involved in rent relief distribution. At the time of this report, there are at least 13 entities that the research team has still not received answers from regarding the amount of funding available, the date the program went or will go into effect or the applications opened or will open, how much funding is available, or how funding will be distributed (via lottery, on a first-come-first-serve basis, or on the basis of need).

The variable absence of rent relief programs and information regarding those programs is especially worrying given growing concern about a wave of evictions. Many renters are facing an acute crisis as the benefits of federal relief run dry and eviction moratoriums expire. What rent relief programs do exist are often difficult to locate and are run, at times, by overburdened and unresponsive government agencies. The implications of this crisis are formidable – between 30 and 40 million Americans may face eviction at some point in 2020.⁴⁷

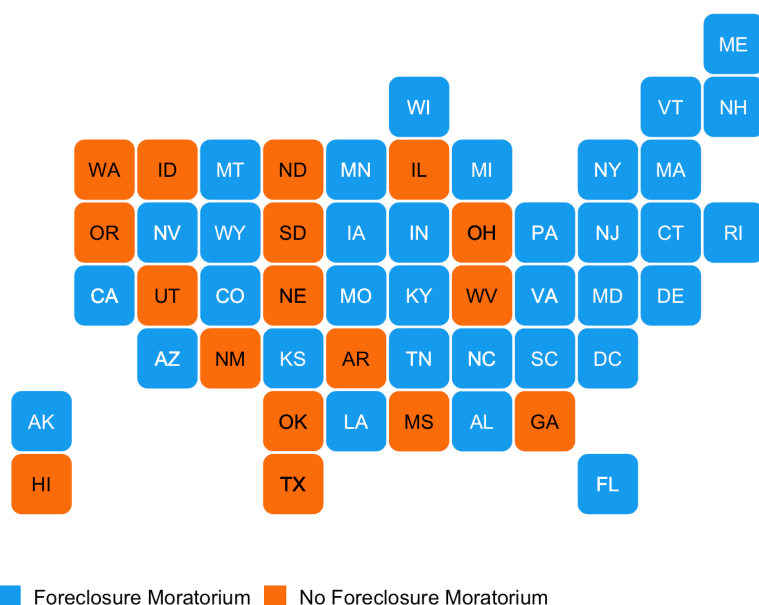
⁴⁷ Dougherty, Conor and Gillian Friedman, "They're Making the Rent. Is It Costing Their Future?," *New York Times*, August 21, 2020, <https://www.nytimes.com/2020/08/21/business/economy/rent-tenants-evictions.html>.

Foreclosure Moratoriums

Homeowners, like renters, are struggling to make mortgage payments as a consequence of COVID-19. While federal COVID-19 legislation has provided better protections for homeowners compared with renters, some state and local governments have added additional support for homeowners. These state and city actions include foreclosure moratoriums for a set time period, as well as agreements with local banks to protect homeowners from late fees and lowered credit scores as a consequence of delayed mortgage payments.

Of the 118 cities examined, 22 established foreclosure moratoriums, either at the city or the county level. Additionally, 33 states established a statewide foreclosure moratorium (see Figure 7). All but two of the state moratoriums were put in place in March or April. Governors signed executive orders and issued proclamations suspending foreclosures either until a set date or until a specified length of time after the conclusion of a state of emergency order.⁴⁸ In addition to the moratoriums, many governors also encouraged homeowners to contact their own mortgage providers if they are struggling to make payments on time.⁴⁹

Figure 7. Foreclosure moratorium policies by state.



⁴⁸ "Sixth Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat," State of Delaware, March 24, 2020, <https://bloximages.newyork1.vip.townnews.com/wdel.com/content/tncms/assets/v3/editorial/1/bc/1bc7183e-6e17-11ea-b978-3ba64d71f0df/5e7a7cbb284b1.pdf.pdf>

⁴⁹ Ralph, Pat. "Foreclosures, evictions halted in Pennsylvania through mid-July." *Philly Voice*, May 7, 2020.

Cities varied significantly in how quickly they implemented foreclosure moratoriums. Figure 8 illustrates the 10 cities that made stays on foreclosures available the fastest and the slowest relative to when their respective states declared a state of emergency. The average response time among the 23 cities that provided mortgage relief was approximately 15 days. State responses also varied considerably. Figure 8 lists the five states that enacted foreclosure moratoriums the fastest and the slowest. The average response time of all 33 states that provided stays on foreclosures was approximately 17 days.

Figure 8: Days to enact Foreclosure Moratorium Policy.



As with eviction moratoriums, foreclosure moratoriums often involved the court system. On April 6th, California's courts suspended foreclosure proceedings along with eviction proceedings statewide until 90 days after the state of emergency is lifted.⁵⁰ Prior to the Judicial Council's action, Governor Newsom announced a financial relief package on March 25th that prohibited financial institutions from initiating foreclosure sales for at least 60 days.⁵¹ The court action went further than Governor Newsom's executive order, which called for a moratorium, but still allowed court proceedings to continue and only delayed foreclosures until May.⁵² The court action on April 6th halted all court summons, judgements, and lock out orders, and suspended foreclosures for a longer period of time.

Some California cities moved even faster to protect homeowners. For example, Santa Ana, a city in Orange County, took action on March 19th. The city manager of Santa Ana issued an Executive Order that imposed a moratorium on residential and commercial evictions or foreclosures of tenants unable to pay their rent or mortgages because of financial impacts due to COVID-19.⁵³ The moratorium was extended by the City Manager on June 30th until July 28, 2020. Similarly, Irvine, California took action to fight foreclosures. On March 24th, the Irvine City Council approved City Resolution No.20-29 which states the following:

*"To strongly encourage, and expect, all residential and commercial landlords, and all utility providers, in the City of Irvine to abide by the provisions of the Governor's Executive Order, and to specifically refrain from evictions, foreclosures, rent increases, or service and utility disconnections during the period of the COVID-19 emergency."*⁵⁴

These local government actions preceded the California Courts' stay by several weeks. This mix of city, state, and court action potentially creates a confusing and inconsistent patchwork of protections.

In Texas, a similar set of overlapping protections has emerged. Multiple county courts - but not the state - have passed foreclosure moratoriums. Many of the largest counties in Texas, including Harris, Dallas, Bexar, Hidalgo, El Paso, and Travis, suspended foreclosures in the month of April.

⁵⁰ Nichols, Chris. "California Courts Suspend Eviction, Foreclosure Proceedings Until 90 Days After Coronavirus Emergency Lifted." *Capradio*, April 6, 2020.

⁵¹ "Governor Gavin Newsom Announces Major Financial Relief Package: 90-Day Mortgage Payment Relief During COVID-19 Crisis," *Office of Governor Gavin Newsom*, March 25, 2020, <https://www.gov.ca.gov/2020/03/25/governor-gavin-newsom-announces-major-financial-relief-package-90-day-mortgage-payment-relief-during-covid-19-crisis/>

⁵² Nichols, Chris. "California Courts Suspend Eviction, Foreclosure Proceedings Until 90 Days After Coronavirus Emergency Lifted." *Capradio*, April 6, 2020.

⁵³ "Moratorium on Residential and Commercial Eviction," City of Santa Ana, California, <https://www.santa-ana.org/moratorium-evictions-and-foreclosures-english>.

⁵⁴ "City Council Adopts Resolutions Pertaining to COVID-19: Landlords, Evictions and Preventative Measures," City of Irvine, California, March 24, 2020, <https://www.cityofirvine.org/news-media/news-article/city-council-adopts-resolutions-pertaining-covid-19-landlords-evictions-and>

These bans in different counties act in effect as announcements that each county will not make county facilities available for foreclosure sales to proceed. In Harris County, the Commissioners Court approved County Engineer John Blount's recommendation to cancel the scheduled tax sale in April. As a result of this action, no foreclosed homes were sold at auction in April.⁵⁵ These moratoriums aimed, in part, to prevent crowds from gathering for foreclosure sales. Texas is a non-judicial foreclosure state, meaning lenders are able to proceed with foreclosure without a court order as long as the mortgage documents contain a power of sale clause. In Texas, foreclosure sales occur on the first Tuesday of every month and usually on the steps of the courthouse. Due to the large number of people who gather for the sale of these properties, local officials are concerned about these sales during a pandemic. No state action has been taken, leaving creditors to take into account local prohibitions on sales to determine whether to proceed with pending foreclosures.⁵⁶

The New Jersey moratorium enacted by Governor Murphy on March 19th is one of the most expansive state efforts taken thus far and is currently set to expire two months after Governor Murphy declares an end to the COVID-19 health crisis. First, Governor Murphy signed A-3859 into law, which gives the Governor the authority to issue an executive order declaring a moratorium on removing individuals from their homes in response to foreclosure proceedings. Governor Murphy then immediately signed Executive Order No. 10 which created the actual moratorium. He also asked financial institutions that hold commercial or residential mortgage loans to implement a process to work with homeowners to avoid foreclosure or issues caused by financial hardships due to COVID-19.⁵⁷

As with eviction moratoriums, protections against foreclosures are fleeting in many places (see Figure 9). In some cities and states, foreclosure moratoriums have lasted over a month, while in others, they have lasted fewer than five days. April, May, and June saw many foreclosure moratoriums end (Figure 10). Combined with loss of CARES Act protections in July, many homeowners are now facing the serious possibility of foreclosure.

⁵⁵ Despart, Zach. "Harris County extends coronavirus disaster declaration – but only for a week," *Houston Chronicle*, March 17, 2020, <https://www.houstonchronicle.com/news/houston-texas/houston/amp/Harris-County-extends-coronavirus-disaster-15138031.php>

⁵⁶ Alonso, Gabriella E., Melissa Gutierrez, David C. Miller, and David Smith. "Foreclosure in the Times of COVID-19: Some Texas Counties Halt Foreclosures for April Amid Coronavirus Concerns," *Financial Services Perspective*, April 6, 2020, <https://www.financialservicesperspectives.com/2020/04/foreclosure-in-the-times-of-covid-19-some-texas-counties-halt-foreclosures-for-april-amid-coronavirus-concerns/>

⁵⁷ "Governor Murphy Enacts Moratorium on Removals of Individuals Due to Evictions or Foreclosures," State of New Jersey, March 19, 2020, <https://www.nj.gov/governor/news/news/562020/20200319c.shtml>

Figure 9. Length of Foreclosure Moratorium.

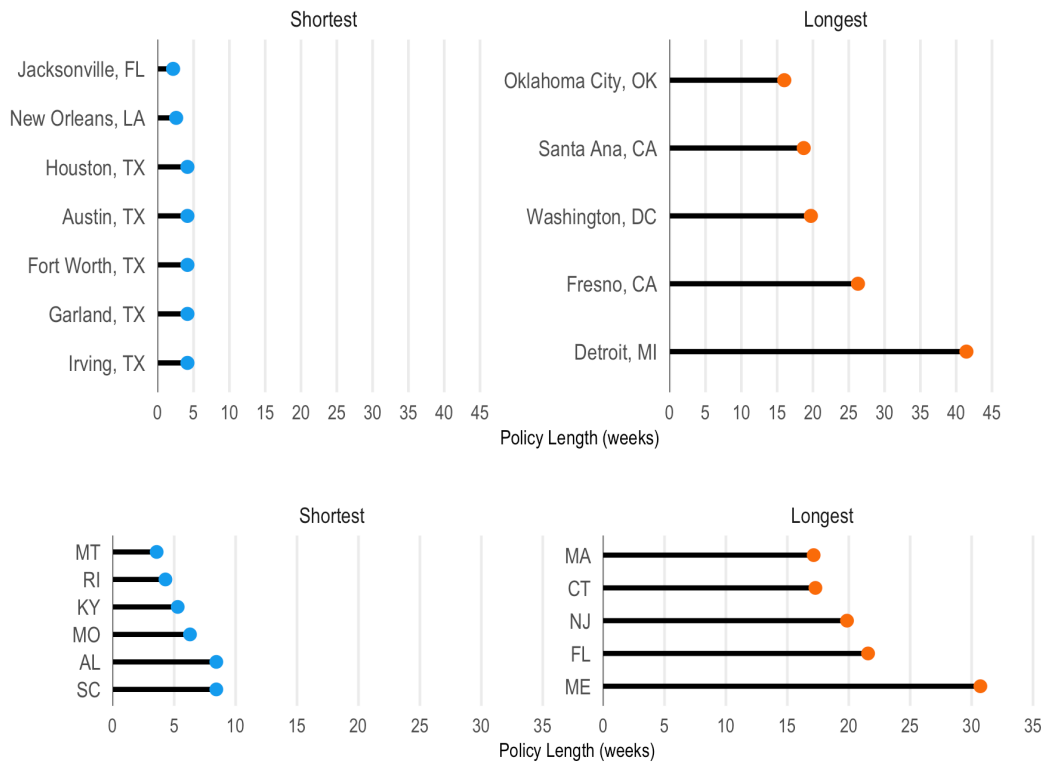
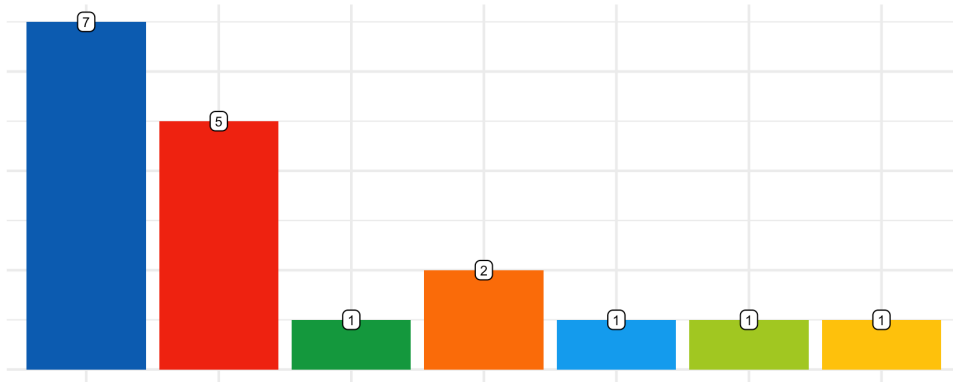
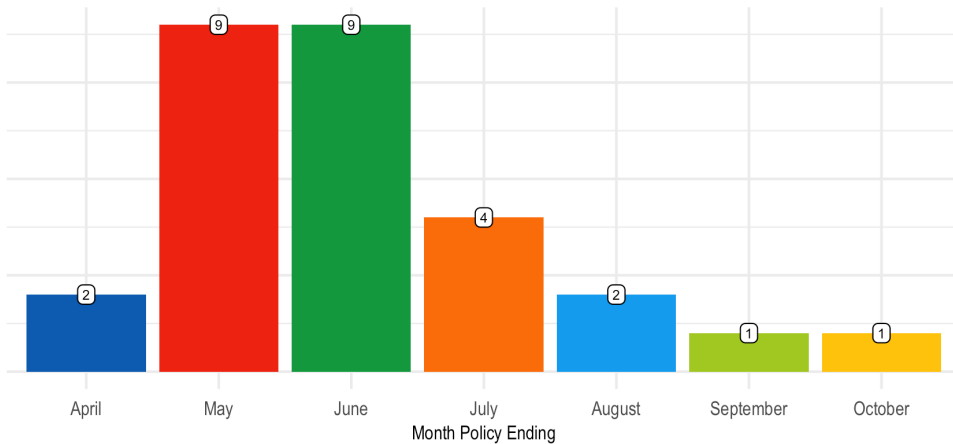


Figure 10. Ending Date for Foreclosure Moratoriums.

Ending Date of City Foreclosure Moratorium Policies



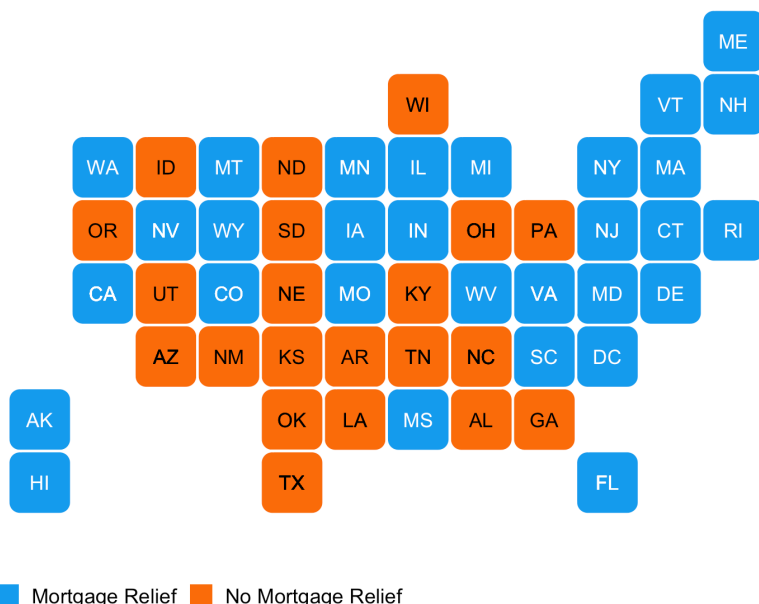
Ending Date of State Foreclosure Moratorium Policies



Mortgage Relief

Of the 118 cities examined, 39 established some form of mortgage relief programming. These programs typically consisted of either a reduced or no interest loan to be repaid back to the city over a set period of time, or a one-time grant without any repayment requirement. Twenty-nine states also created some type of mortgage relief program for homeowners (see Figure 11). Mortgage assistance at the state level was not limited to just monetary relief. Eighteen state governors and one city mayor (Boston Mayor Martin Walsh) collaborated with small and large mortgage lenders to provide consumers forbearance options for mortgage payments. On average, forbearance periods, also referred to as grace periods depending on the state, gave residential borrowers 60 to 90 days of relief on mortgage payments. State level relief almost always took the form of either monetary relief or a forbearance period, but not both simultaneously.

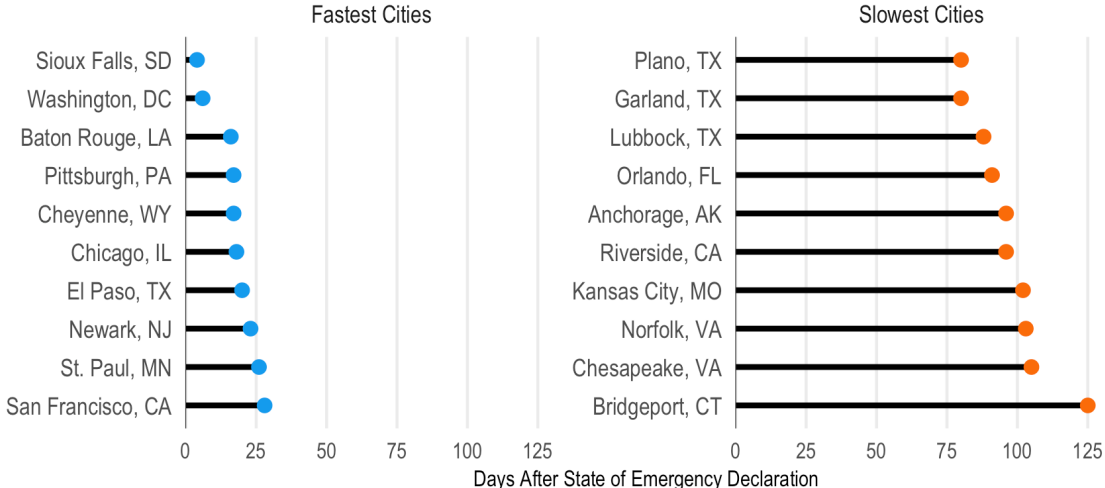
Figure 11: Mortgage Relief Policies by State.



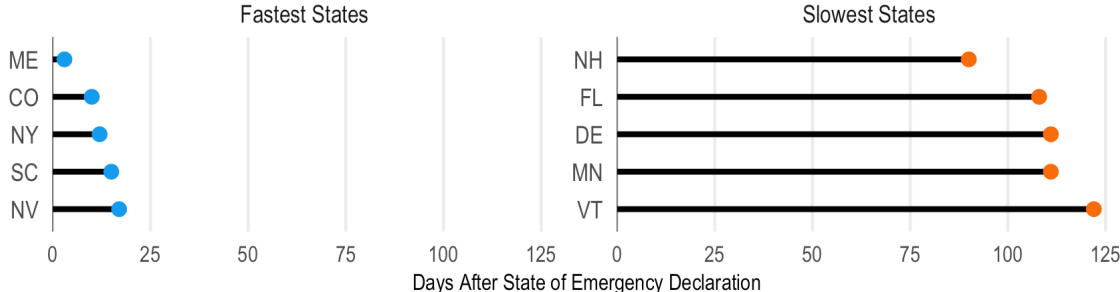
Cities varied significantly in how quickly they implemented mortgage relief programs. Figure 12 illustrates the 10 cities that made relief to homeowners available the fastest and the slowest relative to when their respective states declared a state of emergency. The average response time among the 39 cities that provided mortgage relief was approximately 57 days. State response also varied considerably. Figure 12 lists the five states that made mortgage relief available the fastest and the slowest. The average response time of all 29 states that provided mortgage relief was approximately 47 days.

Figure 12: Days to enact Mortgage Relief Policy.

Days to Enact Mortgage Relief Policy



Days to Enact Mortgage Relief Policy



Several relief efforts are particularly notable, both at the state and local level. For example, despite only having a population of just over one million people,⁵⁸ Montana has put together one of the most comprehensive relief efforts among all states. Governor Steve Bullock and his appointed Coronavirus Relief Fund Advisory Council allocated \$1.25 billion in federal CARES act funding across 15 state relief programs. These programs provide relief across several sectors of the economy, ranging from residential housing assistance to support for small and medium meat processing plants.⁵⁹ The governor and the advisory council solicited public comments to decide how best to allocate funds. In total, more than 1,400 comments were submitted by the public.⁶⁰

Montana allocated \$50 million for the state's Emergency Housing Assistance program, which provides residents with rent, security deposit, mortgage payment, and/or hazard insurance assistance through Montana Housing. Applicants may receive as much as three months worth of assistance in the initial payment if the household can provide evidence of arrears for April and May.⁶¹ The income limits for the program (between \$75,000 and \$125,000 dependent on household size) are also quite generous considering Montana's median income of \$52,559.⁶² Finally, Montana Housing will provide the difference between 30 percent of a household's gross monthly income and their eligible housing assistance costs, a potential payment of up to \$2,000 a month.⁶³

Two government bodies in the state of Florida made considerable financial resources available to homeowners. The city of Jacksonville made \$40 million available through its COVID-19 Mortgage, Rent, and Utilities Program. The program pledged to provide one-time \$1,000 payments to 40,000 residents, made available by a \$163 million CARES act grant.⁶⁴ Applicants were eligible for a payment so long as they were Duval County residents, their income did not exceed \$75,000, and they experienced a loss in wages of 25 percent or more as a result of the pandemic.⁶⁵ Jacksonville's total housing relief funding offered was the largest by any local or county government examined. With Duval County's total population of 957,755 as of 2019,⁶⁶ the funding assisted approximately 4.2 percent of the city's total residents.

⁵⁸ "QuickFacts: Montana," United States Census Bureau, 2020, <https://www.census.gov/quickfacts/MT>.

⁵⁹ "Montana Coronavirus Relief," Montana Department of Commerce, 2020, <https://commerce.mt.gov/Coronavirus-Relief>.

⁶⁰ Montana Department of Commerce, "Montana Coronavirus Relief."

⁶¹ "Emergency Housing Assistance Program," Montana Housing, 2020 <https://housing.mt.gov/Rental-Housing/CovidHousingAssist>.

⁶² United States Census Bureau, "QuickFacts: Montana."

⁶³ Montana Housing, "Emergency Housing Assistance Program."

⁶⁴ Jim Piggot, "City to pay \$1,000 to Jacksonville residents most impacted by coronavirus", *News4Jax*, April 23, 2020, <https://www.news4jax.com/news/local/2020/04/23/mayor-to-announce-stimulus-payments-to-jacksonville-residents/>.

⁶⁵ "COVID-19 Mortgage, Rent, and Utilities Relief Program: Official City of Jacksonville Application," City of Jacksonville, Florida, 2020 <https://jaxrelief.coj.net/#/>.

⁶⁶ "QuickFacts: Duval County, Florida," United States Census Bureau, 2020, <https://www.census.gov/quickfacts/duvalcountyflorida>

Orange County accounted for the second largest funding amount at \$36.5 million for housing related relief. Orange County Government’s Individual and Family Assistance Program provided one-time \$1,000 payments for rent, mortgage, or utility costs to residents whose jobs or wages were affected by the pandemic, effectively providing relief to 36,500 residents.⁶⁷ Again, the exact amount earmarked specifically for mortgage relief is unclear. With a total population of 1,393,452 as of 2019,⁶⁸ the funding assisted approximately 2.6 percent of all Orange County residents.

Although local, county, and state governments have earmarked substantial funds to assist homeowners, there are still limitations in the relief programs that have been established thus far. Perhaps most importantly, like eviction policies, many of them come with clear end dates, with multiple programs ending in June and July (Figure 13). Few programs lasted longer than one month (Figure 14).

The vast majority of mortgage relief efforts set up by local, county, or state governments that involve financial payments rely on CARES Act funds. Some programs have already stopped accepting new applications from households; with no clarity as to how much funding state and local governments will receive under the pending federal economic relief bill, these mortgage assistance programs could soon be depleted, if they are not already. Additionally, with states and cities facing extreme revenue decreases due to stalled economic activity, raising funds themselves for these programs is likely an impossible task. While some cities have partnered with local non-profits for fundraising efforts, whether or not this model is sustainable is uncertain. Moreover, some of these programs only offer residents one-time payments, leaving mortgage borrowers without any source of continual assistance.

While the funds that have been allocated towards general housing relief so far are significant, they seem to fall short of what will be required in the near future to ensure housing stability for the majority of residents. As demonstrated in Jacksonville and Orange County, even with millions of dollars in funding, the two programs can only provide relief to 4.2 percent and 2.6 percent of their respective total populations. These percentages include all residents, not just those that are eligible for funding. However, they are an indication of the extent of funding required to assist the majority of residents, even for just a one-time payment.

⁶⁷ “Social Service and Resident Needs: Orange CARES for Residents,” Orange County Government, Florida, 2020, <http://www.ocfl.net/EconomicDevelopment/OrangeCARES/SocialServicesandResidentNeeds.aspx>

⁶⁸ “QuickFacts: Orange County, Florida,” United States Census Bureau, <https://www.census.gov/quickfacts/orangecountyflorida>

Figure 13. Ending Date of Mortgage Relief Policies.

Ending Date of City Mortgage Relief Policies

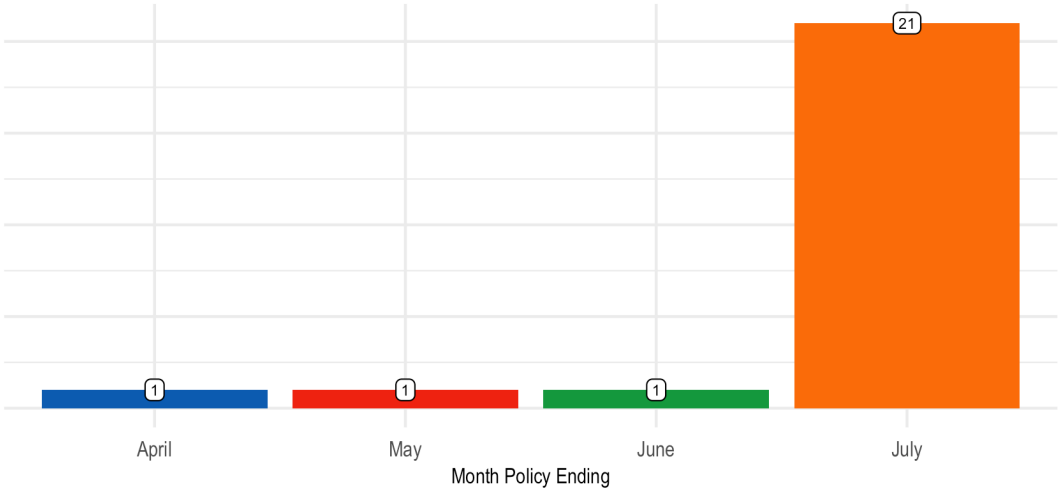
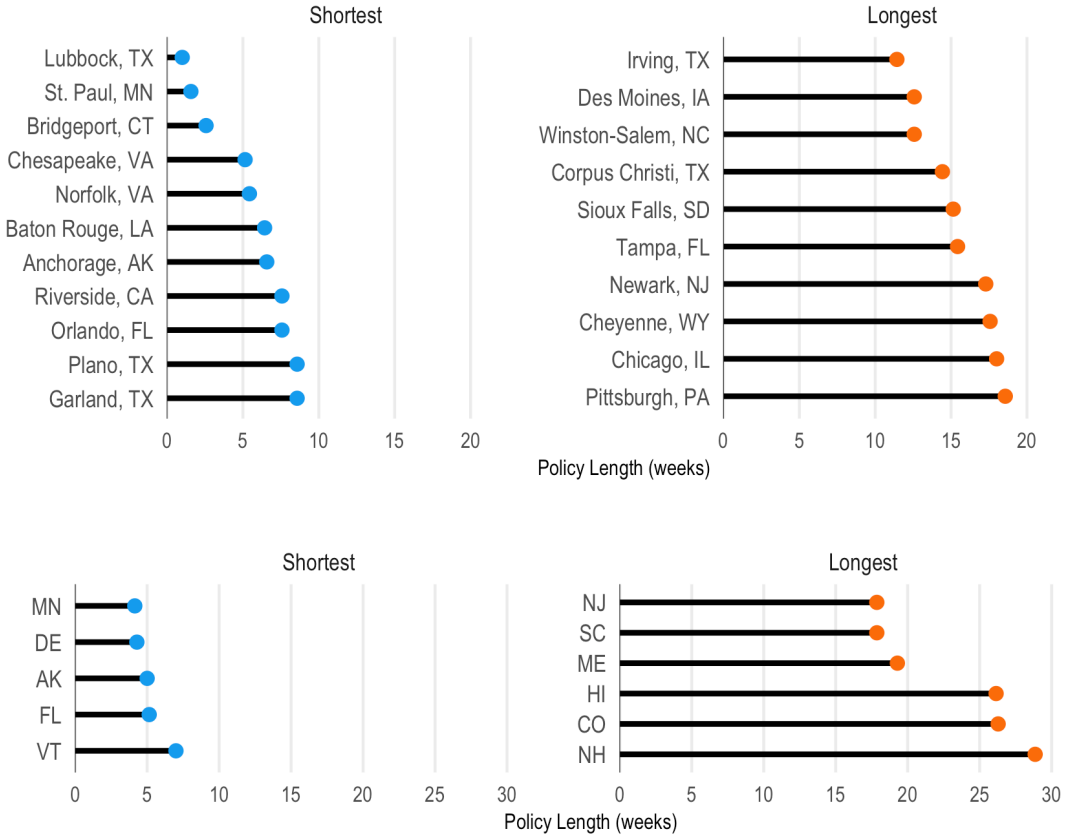


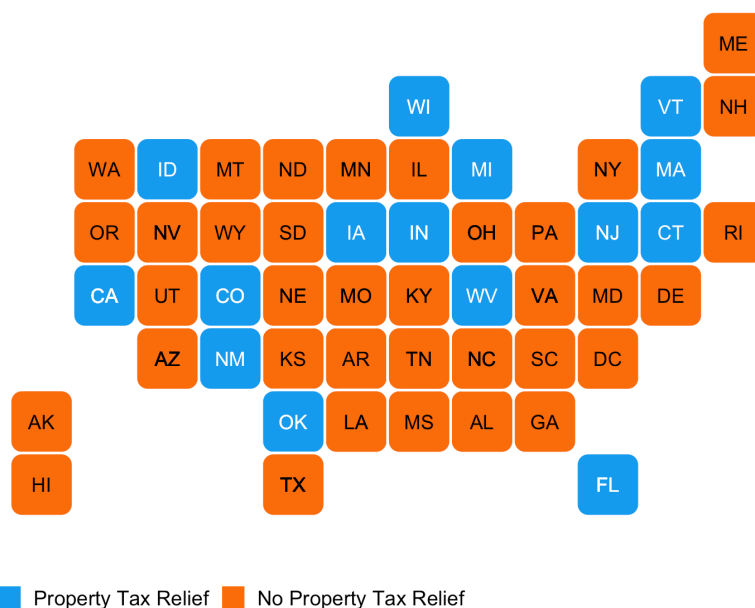
Figure 14. Length of Mortgage Relief Policy.



Property Tax Relief

Homeowners may also face a bind when paying their property taxes due to the economic fallout from COVID-19. Pre-pandemic, many local governments offered limited abatement or exemption programs, often targeted towards homeowners who are over sixty-five years old, disabled, or low-income. In response to COVID-19, some state and local governments have implemented additional sets of temporary policies to alleviate homeowners' property tax obligations. Property tax relief was generally offered in one of two ways: (1) as an explicit extension of tax deadlines, or (2) as a waiver of penalties and interest for delinquent taxes. Of the 118 cities examined, 44 had their own property tax relief policies, and 35 percent of cities were in a state with property tax relief. Only 15 states implemented property tax relief, leaving many cities with the responsibility of addressing relief policies (Figure 15).

Figure 15: Property Tax Relief Policy by State.



Due to variations of tax deadlines by different local and state governments, relief efforts were enacted at vastly different times (see Figure 16). The average time that lapsed between a state's emergency declaration and when a city implemented tax relief was approximately 41 days; however, areas with property taxes due later in the year generally implemented relief much later than areas where property taxes were due in March or April. State level policy, on average, took about 50 days to be enacted after a state of emergency was declared. States were generally slower than cities to implement property tax relief, often leaving local governments powerless due to the nature of many state tax codes, which prohibit cities and counties from offering penalty waivers or changing

tax deadlines at their own discretion. Among the slowest states in passing property tax policy were California and New Mexico; not only did these states enact policy slower than almost any other state – they passed these policies after their respective tax deadlines. Comparatively, Idaho was also among the slowest states, but property taxes in the state are due in full in December, making the slow action by the state government less consequential than that of California or New Mexico.

Figure 16: Days to Enact Property Tax Relief.



Although most property tax relief took form in an extension or penalty waiver, there is great variation in how state and local governments enacted this relief. In Virginia Beach, VA, the city implemented a standard suspension of penalties and interest on delinquent property taxes as well as a unique property tax relief program to homeowners.

On April 7, 2020, the Virginia Beach City Council passed an ordinance that suspends late payments, penalties, and interest on both real estate and personal property taxes until August 1, 2020.⁶⁹ The city ordinance virtually extended the property tax deadline from June 5, 2020 to August 1, 2020.⁷⁰ While the ordinance was passed 26 days after the state ordered a declaration of emergency, it was passed quickly relative to its June tax deadline. Moreover, the Virginia Code allows local governments to suspend penalties and impose other types of tax relief, as opposed to most other state tax codes in the country, which often prohibit cities from enacting any type of tax relief. In addition to the ordinance, Virginia Beach also created the “COVID-19 Real Estate and Personal Property Tax Relief Program,” a program that resembles many of the current rent and mortgage relief programs across the country. The Virginia Beach City Council appropriated \$2 million for the program, with \$1.25 million for real estate taxes and \$750,000 for personal property tax relief. The fund is estimated to benefit between 2,500 and 4,000 households by sending payments directly to applicants who have lost their job due to COVID-19.⁷¹ For real estate property taxes, a maximum of \$500 per household is available and is contingent upon application approval and individual circumstances. Once a homeowner provides proof of unemployment due to COVID-19 and their application was deemed complete, the program determines eligibility and sends direct payments on a lottery basis. Applications for the first round were accepted between July 1, 2020 and July 31, 2020, and a second round of applications was accepted between August 12, 2020 and August 30, 2020. Of the 118 cities studied, Virginia Beach is the only city to develop a direct cash-based property tax relief strategy.

Connecticut offered counties and municipalities both of the most common types of property tax relief: a deadline extension and a reduction in interest for delinquent taxes. In Executive Order 7S, Governor Lamont introduced two tax relief programs applicable to real property, personal property, motor vehicles, or utility bills – the Deferment Program and the Low Interest Rate Program.⁷² The executive order, signed on April 1, 2020, allows municipalities to participate in one or both of these programs, and once a city participates in a program, taxpayers must provide documentation of economic detriment caused by COVID-19. The Deferment Program allows participating municipalities to defer property tax payment by 90 days after the tax deadline. The Low Interest Rate Program allows participating municipalities to lower the interest rate for delinquent tax payments to three

⁶⁹ Councilmembers Moss and Tower. “An Ordinance to Suspend Provisions of the City Code Regarding Penalties and Interest Upon Certain Local Taxes During the COVID-19 Pandemic.” April 3, 2020. [vbgov.com/government/departments/city-treasurer/Documents/Tax%20Relief%20ORD%20Executed.pdf](https://www.vbgov.com/government/departments/city-treasurer/Documents/Tax%20Relief%20ORD%20Executed.pdf)

⁷⁰ Virginia Beach City Treasurer. “City Treasurer.” 2020 <https://www.vbgov.com/government/departments/city-treasurer/Pages/default.aspx>

⁷¹ Virginia Beach City Government. “COVID-19 Real Estate and Personal Property Tax Relief Program.” 2020. <https://www.vbgov.com/government/departments/human-services/financial-assistance/Pages/covid-19-tax-relief-program.aspx>

⁷² Ned Lamont. “Executive Order No. 7S.” April 1, 2020. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7S.pdf>

percent for any payment made between March 10, 2020 and July 1, 2020, and 90 days after July 1st, delinquent payments will be charged with normal interest rates. The largest city in Connecticut, Bridgeport, chose to adopt the Low Interest Rate Program, effectively reducing the interest rate on delinquent property taxes from 18 percent to three percent until September 30, 2020.⁷³ Not only did the state offer cities and counties flexibility in their approach to provide tax relief, but it also did so three months in advance of the original property tax due date of July 1, 2020.

California has one of the most expansive property tax relief strategies in the country. On May 6, 2020, Governor Newsom issued Executive Order N-61-20, which suspends interest and penalties on delinquent real property tax payments for one year, through May 6, 2021.⁷⁴ This directive absolves the 10 percent penalty that is normally applied to delinquent taxes paid after April 10, 2020, as well as the 1.5 percent interest rate that begins to accrue at the end of fiscal year 2020, on July 1, 2020. As one of the longest property tax relief policies, the executive order applies to second installment payments for 2019 taxes and to both first and second installment payments for 2020 taxes. With the exception of New Mexico, California's relief policy is the only one to extend into 2021. Although the state passed the relief policy almost a month after the tax deadline, counties implemented their own application-based relief waivers to assist homeowners in the time between the state tax deadline and the passing of the Governor's executive order. While penalty waivers are still application-based, the executive order strengthens and solidifies the property tax response by effectively extending the penalty waiver period for up to one year. At the local level, the San Francisco Treasurer and Tax Office implemented the strongest property tax relief plan in the state. Of the 16 cities in California examined, San Francisco is the only one to automatically waive penalties from April 10, 2020 to May 15, 2020, whereas other cities and counties offered limited, application-based penalty waivers.⁷⁵ Local property tax relief, however, is inherently limited by California state tax law, which prohibits cities and counties from extending or postponing tax deadlines - furthering the need for unified state policy.

Some states are even using federal CARES Act funding to provide property tax relief to homeowners in more ancillary ways. In Idaho, Governor Little and state legislators announced in June that they would direct up to \$200 million of the \$1.25 billion the state received from the CARES Act towards local government services in order to reduce

⁷³ Bridgeport, Connecticut Tax Collector. "Tax Collector." 2020.

<https://www.bridgeportct.gov/content/341307/341403/343315/default.aspx>

⁷⁴ Gavin Newsom. "Executive Order N-61-20." May 6, 2020. <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-61-20-text.pdf>

⁷⁵ City and County of San Francisco. "COVID-19 Response." 2020. <https://sftreasurer.org/covid19>

property tax payments and rates for homeowners.⁷⁶ The state then allowed local governments to participate in the program to receive federal relief funds, in which 54 cities and 28 counties submitted letters of intent to participate. The funds will go towards salaries of those in public safety sectors in participating localities, such as fire departments, police, or EMS personnel, and in turn, reduce property tax bills by 10 to 20 percent this year. In contrast, Idaho only allocated a maximum of \$15 million for rent relief.⁷⁷ This combination of housing policy may stem from Governor Little's "fiscal conservative" ideology, in which the Governor believes "all federal funds - which are taxpayer funds - should be managed prudently and judiciously on behalf of all taxpayers"⁷⁸ and that these funds should be given "back to the people of Idaho in the form of property tax relief rather than backfilling local government budgets."⁷⁹

These relief efforts, however, are sparse across the country; 60 cities, over half of those studied, and 35 states had no property tax relief. Even in cities with tax relief, these measures exclude large segments of the homeowner population. Most, if not all, policies regarding property taxes apply solely to homeowners with paid-off mortgages, leaving those with escrowed taxes at the mercy of mortgage relief programs. Nationally, only about 37 percent of homeowners do not have a mortgage.⁸⁰ Furthermore, homeowners without mortgages who pay property taxes directly to their local tax office are usually seniors or retirees who, generally, are less affected by unemployment.⁸¹ The proportion of those who have paid-off mortgages, as well as the demographic trends of these homeowners, are potential reasons for why property tax relief is seldom implemented.

Additionally, many of these policies have already expired. Most city-level property tax relief policies expired in May, June, or July, while most state level relief efforts expired in April, May, or June (see Figures 17 and 18). While variations in tax deadlines may account for some

⁷⁶ Idaho Office of the Governor. "Idaho leverages federal relief funds to cover public safety costs, gives local governments opportunity to transfer up to \$200 million in savings to taxpayers." June 8, 2020. <https://gov.idaho.gov/pressrelease/idaho-leverages-federal-relief-funds-to-cover-public-safety-costs-gives-local-governments-opportunity-to-transfer-up-to-200-million-in-savings-to-property-taxpayers/>

⁷⁷ Chase Biefeldt. "Financial relief available for Idahoans behind on rent and utility payments." KTVB 7. <https://www.ktvb.com/article/news/health/coronavirus/coronavirus-rent-bills-assistance-program-how-to-apply-idaho/277-dce71dbe-e19b-4aee-b531-b54d852c70b0>

⁷⁸ Idaho Office of the Governor. "Majority of Idaho cities, counties submit letters of intent to support public safety, pass savings onto property tax payers." June 16, 2020. <https://gov.idaho.gov/pressrelease/majority-of-idaho-cities-counties-submit-letters-of-intent-to-support-public-safety-pass-savings-onto-property-taxpayers/>

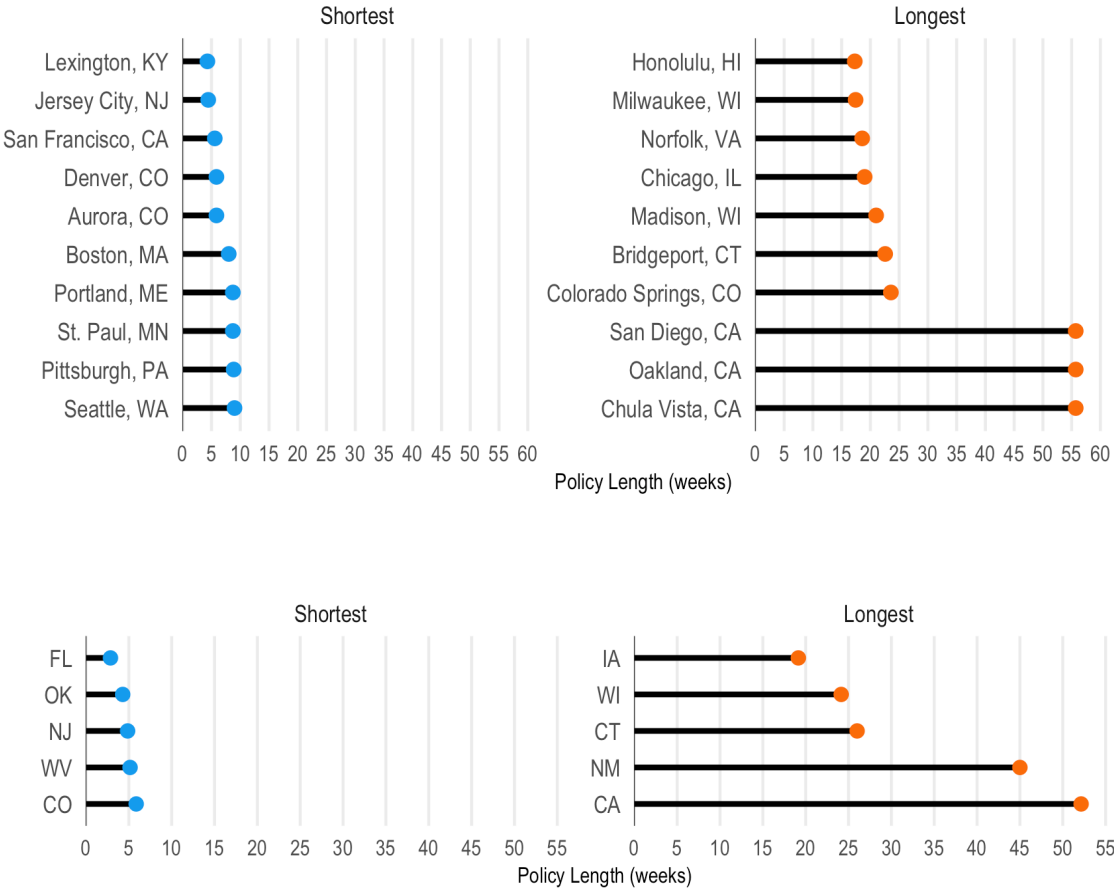
⁷⁹ Idaho Office of the Governor. "Idaho leverages federal relief funds to cover public safety costs, gives local governments opportunity to transfer up to \$200 million in savings to property taxpayers." June 8, 2020. <https://gov.idaho.gov/pressrelease/idaho-leverages-federal-relief-funds-to-cover-public-safety-costs-gives-local-governments-opportunity-to-transfer-up-to-200-million-in-savings-to-property-taxpayers/>

⁸⁰ Shelly Hagan. "Almost 40% of U.S. Homes Are Mortgage Free." June 17, 2019. <https://www.bloomberg.com/news/articles/2019-07-17/close-to-40-of-u-s-homes-are-free-and-clear-of-a-mortgage>

⁸¹ Kimberly James. "Officials seek extensions to tax payments." The Center Square. May 11, 2020. https://www.thecentersquare.com/arizona/officials-seek-extensions-in-property-tax-payments/article_312fc416-992b-11ea-9298-eb74514bdc0.html

of these early expirations, many policies are still short-lived. The shortest relief policies, in Lexington, KY and Jersey City, NJ, were five weeks long, giving homeowners only about a month-long grace period to pay their property taxes. The longest city level relief policies span multiple months and cover multiple installments. Such is the case in Colorado Springs, CO, where property tax relief implemented at the county level protects both payments in full (due in April, 2020) and second tax half payments (due in June, 2020) for 25 weeks.⁸² The longest relief efforts hail from cities in California, where local tax offices offered penalty waivers immediately after the tax deadline and extend well into 2021.

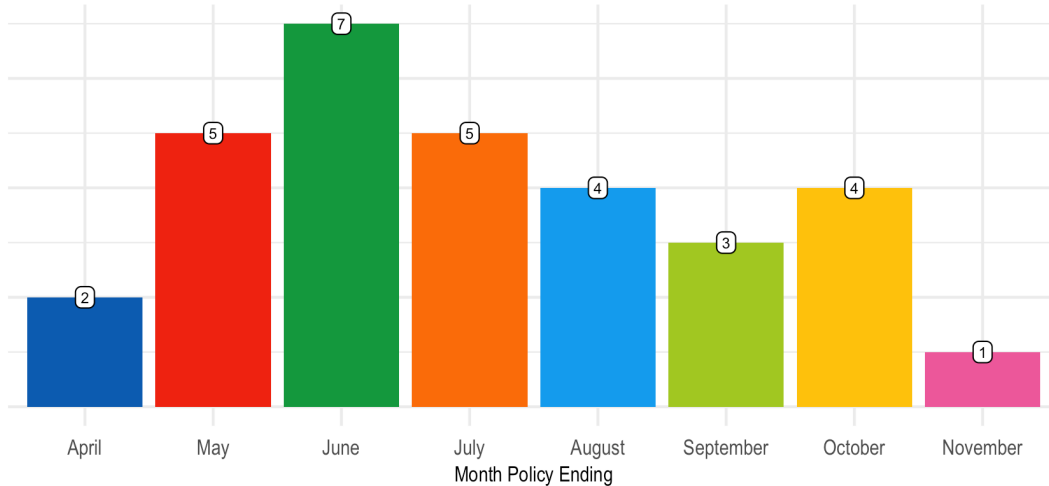
Figure 17: Length of Property Tax Relief Policy.



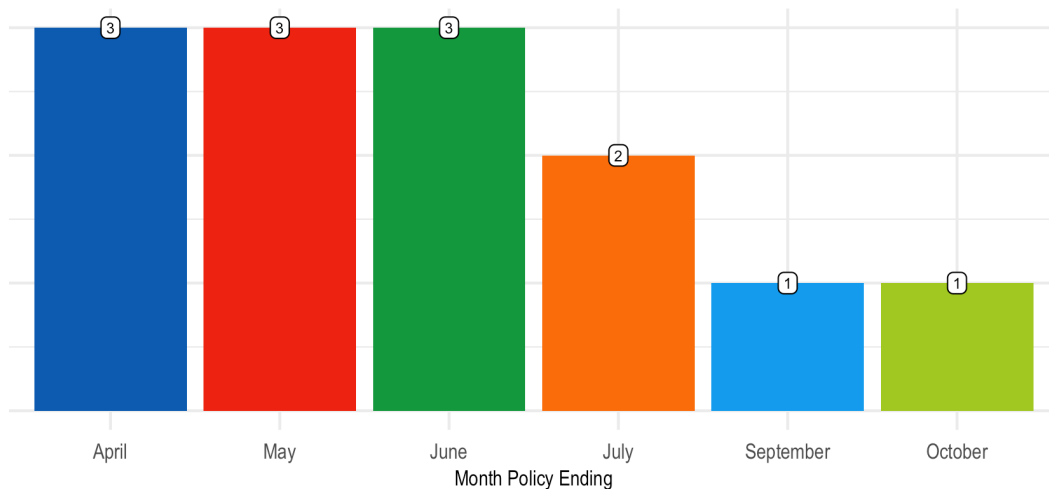
⁸² <https://treasurer.elpasoco.com/>

Figure 18: Ending Date of Property Tax Relief Policies.

Ending Date of City Property Tax Relief Policies



Ending Date of State Property Tax Relief Policies



Property tax relief policies and programs represent an intricate interaction between the federal, state, and local government; cities and counties are often prohibited by state tax law from changing due dates or providing other tax relief, and state and local governments are inhibited by a lack of funding and support from the federal government. One of the most prevalent barriers cities face when providing property tax relief are prohibitive state tax codes. For example, in Maricopa County, AZ the county treasurer attempted to provide homeowners with tax relief but was “restricted by law” because “only the Legislature can change the law” to extend property tax deadlines.⁸³ Consequently, Maricopa County was unable to implement any property tax relief due to inaction from the state legislature, affecting millions of homeowners in Phoenix and surrounding suburbs as one of the largest counties in the country. Also, in Texas, the interpretation of strict tax codes leaves even some state officials unable to provide property tax relief.

⁸³ Maricopa County Treasurer’s Office. 2020. <https://treasurer.maricopa.gov/#>

In the Texas Tax Code, Section 11.35 created a temporary tax exemption for qualified property damaged by a disaster declared by the governor.⁸⁴ While Governor Abbott declared the entire state a disaster area due to COVID-19, Attorney General Ken Paxton interpreted Section 11.35 as only allowing tax exemption for physical damage caused by a disaster.

Members of the state legislature reached out to Paxton to attempt to use Section 11.35 to provide property tax relief, to which Paxton responded that “purely economic, non-physical damage to property caused by the COVID-19 disaster is not eligible for the temporary tax exemption provided by section 11.35 of the Tax Code.”⁸⁵ With restrictive state tax laws, such as those in Arizona or Texas, local governments are unable to respond to the needs of their own constituents at their discretion.

Conclusion

Many state and local governments are implementing ambitious housing policies to support renters and homeowners in the face of a mounting economic and public health crisis. They are halting evictions and foreclosures and creating novel rent, mortgage, and property tax relief programs. Evaluations of different approaches can begin to inform best practices. But, in the absence of a coordinated and generously funded federal government response, a localized approach, at best, creates a confusing patchwork of limited opportunities. This comes at the expense of the most at risk community members. Black and Latinx people are more vulnerable to the economic and medical consequences of COVID-19; and, they are at higher risk for eviction⁸⁶ and foreclosure⁸⁷ during this crisis. With rent, mortgage, and property tax obligations delayed, rather than canceled, millions of renters and homeowners will face crushing financial burdens for which there is grossly inadequate federal, state, and local support. Aggressive and coordinated federal government is needed to counteract a mounting housing emergency.

⁸⁴ State of Texas. Tax Code Chapter 11. <https://statutes.capitol.texas.gov/Docs/TX/htm/TX.11.htm>

⁸⁵ Ken Paxton, Attorney General of Texas. Opinion No. KP-0299. April 13, 2020.

<https://www.texasattorneygeneral.gov/sites/default/files/opinion-files/opinion/2020/kp-0299.pdf>

⁸⁶ Paul M. Ong. “Systemic Racial Inequality and the COVID-19 Renter Crisis.” UCLA Luskin Center on Inequality and Democracy. August 7, 2020. <https://challengeinequality.luskin.ucla.edu/2020/08/07/systemic-racial-inequality-covid-19-renter-crisis/>

⁸⁷ National Consumer Law Center. “Looming Crisis: Black Communities at Greater Risk of COVID-19 Foreclosure.” July 2020. https://www.nclc.org/images/pdf/special_projects/covid-19/IB_Covid_Black_Forbearance_Foreclosure.pdf