

# Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio



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## **We're falling off the eviction cliff. (We just don't know it, yet.)**

by Andrew Neuhauser, managing attorney

Late last month, the Biden administration extended the eviction moratorium that has been in place since March of last year. The premise behind the moratorium is simple: people who have suffered financial hardship because of the pandemic need help so they don't end up homeless.

We also want to make sure landlords are able to pay their bills, right? And that's where federal (and state) rental assistance programs came into play. If we could just offer financial support to people who lost income because of the pandemic, then everyone would be made whole, and no one would lose their homes.

But as the pandemic continues, it's becoming more and more clear that these issues (and the solutions our country has put in place) aren't as simple as we want them to be.

First, we have to acknowledge the discrepancies that have existed since the beginning of the moratorium in how courts implemented it. When the moratorium was first issued, it was left to the discretion of each court how they could apply it. Our team at Legal Aid provided each of our courts with summaries about how the order would impact low-income renters facing eviction actions. What followed was a wide range of applicability. We witnessed courts issue blanket policies that postponed eviction proceedings for months during the height of the surge, to courts that required tenants jump through hoops to prove that the moratorium applied to them, to courts that largely just ignored the moratorium and allowed evictions to continue. The recent rulings from several federal judges calling the moratorium unconstitutional has only further emboldened many landlords and courts to move forward with evictions. This lack of uniformity has created an inequitable legal process that has only helped certain people, despite the intent of the order.

Second, we have seen first-hand the false sense of security the moratorium has created among some renters. Much of the reporting and public discussion around the moratorium has led people to believe that because they can't be evicted during this time, they don't need to pay their rent. Not only is that not true, but it's leading many to find themselves months and months behind on their rent, while they honestly believe they aren't going to owe that money. We certainly have clients at Legal Aid who have continued paying their rent as best as they can, and we've been working with those who have fallen behind to get rental assistance dollars to avoid an eventual eviction. But we are fearful that there are many more in our community who are not aware of the trap they are falling into. Our cities and agencies that have been granted federal and state rental assistance dollars must be proactive in getting the word out, especially in areas where we've struggled to spend CARES and now American Rescue Plan money.

Lastly, the moratorium (and the impending avalanche of evictions) have only made the racial and socioeconomic disparities in our housing stock all the more prevalent. Even before the pandemic, Black renters were more than twice as likely to face eviction than white renters and often face systemic barriers in gaining access to safe, stable, affordable housing. Since the start of the pandemic, Black workers were laid off more and rehired less, only widening the housing stability gap and putting more pressure on an already inequitable system. The lack of trust in this inherently inequitable system, which comes from generations of disinvestment, blocking access to wealth, and gentrification, only makes it harder to overcome these barriers.

All of this points to the inequities that exist in Ohio's rental housing laws. The protections afforded to homeowners, who are overwhelmingly white, are not extended to renters. Homeowners who fall behind on their mortgage payments are typically given multiple opportunities and options to catch up on payments. And even if they do end up losing their home, the protections built in can take a year or more to run their course, meaning the homeowner has ample time to make future living arrangements and avoid homelessness. Those same systems don't extend to renters.

Instead, the power lies with the landlords, who can force you out in as little as 30 days. For a low-income family living paycheck-to-paycheck, it's virtually impossible in that amount of time to line up the finances needed to find a new place, make the necessary deposit, and pay for moving costs. And while there are many well intentioned and accommodating landlords that Legal Aid has worked with over the years, we see a shocking number who don't follow the law, skirt the system, and exploit low-income families for their own gain.

News outlets at both a local and national level continue warning that the evictions are coming. Those of us living in this world know they are. While there are some protections in place to try to help, communities must band together and be intentional about making sure that renters' rights are protected to keep them from falling off a cliff.

*This article is part of Legal Aid's "Big Ideas" series.*

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