



# FORECLOSURES, EVICTIONS & UTILITY CUTOFFS: THE FAIR HOUSING IMPACT OF COVID-19 ON BLACK COMMUNITIES

---

BY JASON BAILEY & COTY MONTAG | MAY 2020

Thurgood Marshall Institute at  
NAACP Legal Defense and Educational Fund, Inc.  
[tminstituteldf.org](http://tminstituteldf.org)  
[naacpldf.org](http://naacpldf.org)

LDF  
**THURGOOD  
MARSHALL  
INSTITUTE**



”

**The consequences of the pandemic are expected to underscore the structural inequalities in the United States, as the most vulnerable members of our society are likely to bear the brunt of the economic pain.**

**THURGOOD MARSHALL INSTITUTE**  
EXCERPT FROM THE REPORT

”



---

**TABLE OF CONTENTS**

**I**

**INTRODUCTION**

**II**

**THE 2008 FORECLOSURE CRISIS AND ITS  
ONGOING IMPACT ON BLACK HOMEOWNERS**

**III**

**THE EVICTION EPIDEMIC  
PLAGUING BLACK RENTERS**

**IV**

**COVID-19 FEDERAL FORECLOSURE  
AND EVICTION MORATORIUMS**

**V**

**WHAT IS NEEDED TO PROTECT  
BLACK HOMEOWNERS & RENTERS**

**VI**

**CONCLUSION**

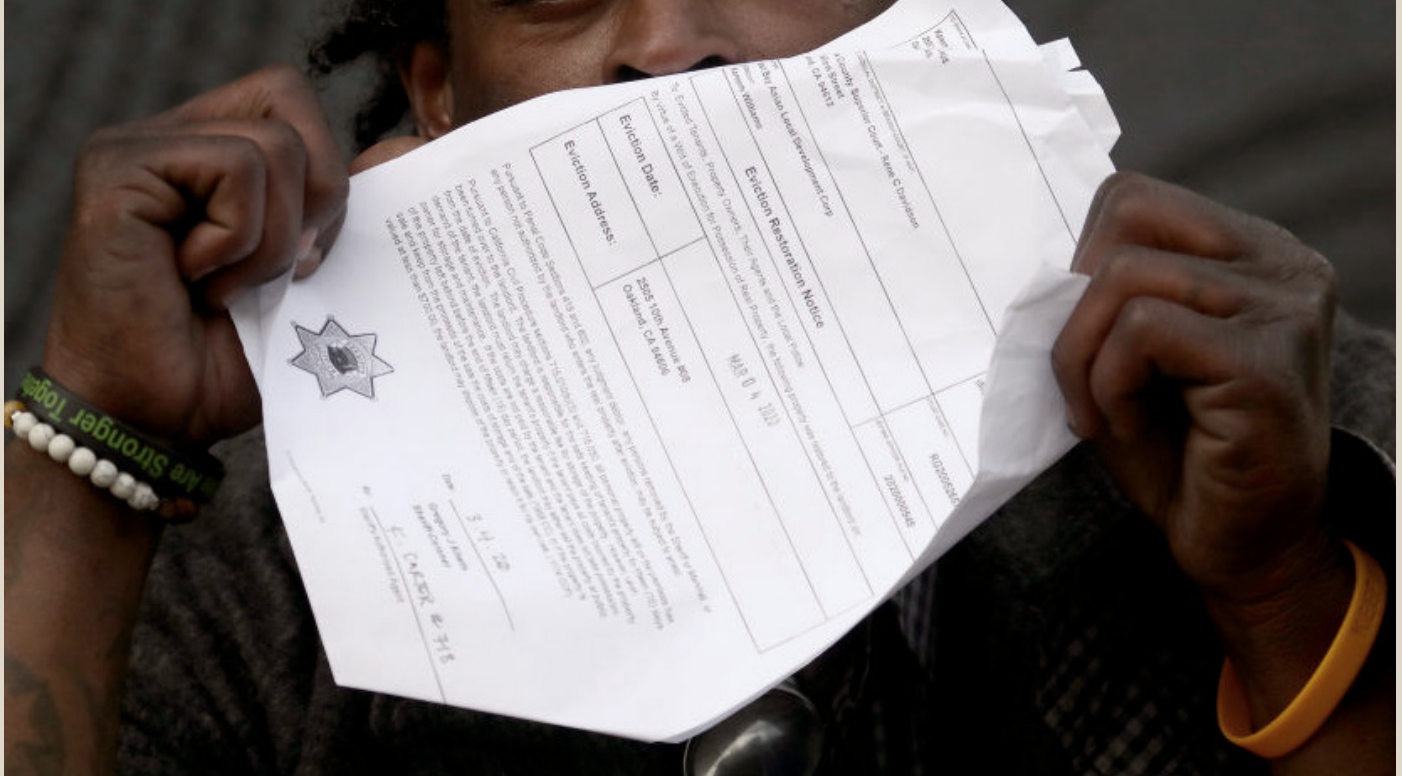
**VII**

**RESOURCES**



# I

## Introduction



MediaNews Group/East Bay Times via Getty Images

This report by the Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc. ("LDF") focuses primarily on the fair housing impacts of COVID-19 on Black communities. To provide context for the housing challenges that Black homeowners disproportionately have experienced, the first section discusses the 2008 foreclosure crisis—caused, in part, by discriminatory lending practices that preyed on Black borrowers—and the losses that Black households continue to suffer as a result. The second section of our report discusses the current eviction epidemic plaguing the United States that is disproportionately impacting Black renters. Next, we provide details on recent legislative measures enacted to protect home-





# 21m

The CDC estimates as many as 21 million people could be hospitalized due to COVID-19

# +15%

UNEMPLOYMENT  
RATE AS OF  
APRIL 2020

The worst the nation has seen since the Great Depression.

owners and renters during the pandemic. We conclude with several policy recommendations—including additional foreclosure, eviction, and water shutoff moratoriums—that federal, state, and local officials should implement to safeguard the communities most likely to be disproportionately impacted by the current pandemic.

The COVID-19 pandemic is an unprecedented public health crisis that will have long-lasting health and economic impacts on the United States and the rest of the world. In the United States alone, the Centers for Disease Control and Prevention (“CDC”) estimates that in the worst-case scenario—that does not account for the use of widespread mitigation and containment efforts—between 160 million and 214 million people could become infected by the virus over the course of the pandemic.<sup>1</sup> In addition, the virus is expected to be particularly devastating to our healthcare system, as the CDC estimates that as many as 21 million people could be hospitalized if steps are not taken to slow transmission of the virus.<sup>2</sup>

Between 100,000 and 200,000 individuals are projected to die from the disease in the United States.<sup>3</sup>

Experts predict that the pandemic will greatly impact the American economy.<sup>4</sup> Although it is too early to predict the severity of the economic fallout, workers across the country are already suffering from the effects of COVID-19. The pandemic has triggered unprecedented mass layoffs and furloughs across industries and companies.<sup>5</sup>

As a result, many states have seen massive spikes in unemployment claims.<sup>6</sup> As of April 30, more than 30 million people had applied for unemployment benefits in the last six weeks, and the current unemployment rate (estimated to range between 15% and 20%) is the worst the nation has seen since the Great Depression.<sup>7</sup> James Bullard, President of the St. Louis branch of the U.S. Federal Reserve Bank, recently warned that the unemployment rate might reach up to 30% in the second quarter of 2020.<sup>8</sup>



*Black households run the risk of suffering additional economic losses, as evidenced by the last housing crisis.*



*Star Tribune via Getty Images*

**100K to 200K**

**NUMBER  
OF DEATHS  
PROJECTED IN  
U.S. DUE TO  
COVID-19**

As of early May 2020, there are more than three million cases worldwide.

It is impossible to know now how many jobs will ultimately be lost because of the COVID-19 outbreak. The consequences of the pandemic are, however, expected to underscore the structural inequalities in the United States, as the most vulnerable members of our society are likely to bear the brunt of the economic pain. The U.S. Private Sector Job Quality Index estimates that roughly 35 million low-

wage and low-hour jobs are at risk of layoffs.<sup>9</sup> Black workers are particularly vulnerable because they are overrepresented among low-wage workers relative to their representation in the overall workforce.<sup>10</sup> The most immediate layoffs are likeliest to occur in workplaces where Black people make up a disproportionate share of the workforce, such as restaurants, hotels, and entertainment venues.<sup>11</sup> Thus, Black workers are expected to be among the hardest-hit by the tide of low-wage job losses expected to occur during the looming economic downturn.





*Busà Photography via Getty Images*

*Economic hardships induced by the COVID-19 pandemic will result in a disproportionate number of Black people losing their homes.*

---





Even before the pandemic struck many low-wage workers struggled to afford housing, food, utilities, and medical care. Job losses and declines in income will make it much harder for them to afford life's most basic needs.<sup>12</sup> In particular, housing costs were a major burden for a large portion of the population before the outbreak, as "[m]ore than 10 percent of U.S. households [spent] at least half their total income on housing costs—far more than the one-third that financial experts advise as a maximum limit."<sup>13</sup>



With the scarcity of affordable housing for low-income families, the poorest members of our society are especially overburdened by housing costs. The poorest 20% of renters spend more than half of their monthly income on rent and have less than \$500 left after paying rent.<sup>14</sup> As of 2019, a full-time minimum wage worker could not afford a two-bedroom apartment anywhere in the United States.<sup>15</sup> Although many communities are strained by housing costs, the severe housing cost burden is much more prevalent among Black households. For example, the 2019 County Health Rankings found that almost one in four Black households spend more than half of their income on housing as compared to one in 10 White households.<sup>16</sup>



Economic hardships induced by the COVID-19 pandemic will result in a disproportionate number of Black families losing their homes unless federal, state, and local leaders implement moratoriums suspending the initiation of foreclosures and evictions throughout the duration of the national emergency.

## 1 in 4

1 in 4 Black households spend more than half of their income on housing as compared to 1 in 10 White households.

We focus here on the need to prevent foreclosures and evictions based on the recognition that it is necessary from a public health perspective. Shelter is imperative to heed the shelter-in-place directives that stem community spread of the virus. Without such protections in place, the pandemic will create a crisis within a crisis for Black households across the country, with many forced into homelessness and, consequently, faced with a heightened risk of contracting and spreading the virus.<sup>17</sup> Moreover, Black households run the risk of suffering additional economic losses, as evidenced by the last housing crisis, if such protections are not implemented.



**Shelter is imperative to heed the shelter-in-place directives that stem community spread of the virus. Without such protections in place, the pandemic will create a crisis within a crisis for Black households.**





# II

## The 2008 Foreclosure Crisis and Its Ongoing Impact on Black Homeowners

Black communities are still reeling from the losses suffered during the 2008 foreclosure crisis, despite the gains made in the economy over the last decade. In fact, even after the post-2008 recovery, Black families continued to experience a sharp decline in homeownership, recently hitting a 50-year low in 2017.<sup>18</sup> Consequently, the decline in homeownership has expanded the Black-White homeownership gap, which shockingly is larger today than it was decades ago when lenders could “legally” discriminate against Black homebuyers.<sup>19</sup>

The decline in Black homeownership can be attributed, in part, to barriers that Black borrowers continue to face at every stage of the homebuying and mortgage lending process. In the mortgage lending process, they are rejected at more than double the rate of non-Hispanic White applicants regardless of the type of loan. In 2017, 19.3% of Black applicants were denied a conventional home loan, compared to 7.9% of White applicants.<sup>20</sup> Similar trends exist in the refinancing market with 39% of Black applicants rejected while 22.9% of non-Hispanic White applicants were rejected.<sup>21</sup> Due to discretion in the mortgage approval process, lenders are more likely to originate mortgage loans to Black borrowers with higher fees and interest rates.<sup>22</sup>

The housing market crash of 2008 and the ensuing foreclosure crisis substantially impacted many Americans. Nearly 10 million homeowners across America experienced foreclosure or lost their properties to other distress events between 2006 and 2014.<sup>23</sup> Though many communities suffered as a result of the rise of foreclosures during the Great Recession,

**19.3%**

In 2017, 19.3% Black applicants were denied a conventional home loan, compared to 7.9% of White applicants.

**10m**

In 2008, nearly 10 million homeowners across America experienced foreclosure or lost their properties to other distress.

**1930**

Redlining dates back to the 1930s and contributed to the stark residential racial segregation in the United States.

Black homeowners were disproportionately affected by the foreclosure crisis. In 2010, nearly half a million Black homeowners were at risk of losing their homes to foreclosure.<sup>24</sup> More than 240,000 Black households lost their homes by 2014.<sup>25</sup>

Predatory lending aimed at Black borrowers fueled the foreclosure crisis and led to mass foreclosures in predominantly Black neighborhoods across the United States.<sup>26</sup> In the years leading up to and during the crisis, lenders engaged in a number of harmful practices that discriminated against Black people. Lenders steered large numbers of Black borrowers to subprime mortgage loans, which carried high interest and fees, even when these borrowers were qualified for lower-cost and more favorable prime loans based on the lender's own objective credit characteristics.<sup>27</sup> For example, Black borrowers were more likely to be provided high-cost mortgages even when controlling for factors like credit score, loan-to-value ratio, subordinate liens,

and debt-to-income ratios ("DTI").<sup>28</sup> As a result, Black borrowers were at a higher risk of foreclosure when they could not pay the steep and unfair rates and fees that accompanied these loans.<sup>29</sup>

At the same time, many traditional lenders refused to establish a lending presence in Black neighborhoods, limiting credit options for these families. This practice, known as redlining, dates back to the 1930s and contributed to the stark residential racial segregation in the United States that developed throughout the mid-20th century.<sup>30</sup> In the years leading up to the 2008 crisis, redlining continued to prevent qualified Black borrowers from obtaining the most favorable forms of credit. Subprime branches of established lending institutions and other non-traditional lenders specifically targeted Black neighborhoods and other communities of color in originating predatory and unfair loans, a practice known as "reverse redlining."<sup>31</sup> Following the recession, the U.S. Department of Justice's Civil Rights Division brought



*The immense loss of wealth that Black people experienced because of the foreclosure crisis will continue to be felt for decades to come.*

## 3%

### DENIAL RATES

Borrowers in “substantially minority” areas had at least 3% higher denial rates than borrowers in “nonsubstantially minority” areas.

a number of enforcement actions against banks for the failure to provide credit services to predominantly minority neighborhoods, as well as other discriminatory practices like unfair pricing and steering, during the period leading up to the crisis.<sup>32</sup>

Black homeowners also faced discriminatory barriers in the aftermath of the recession when applying for assistance that could have helped them avoid foreclosure. During the foreclosure crisis, Black people were less likely than their White counterparts to receive relief from a key government program aimed at keeping homeowners out of foreclosure.

Specifically, the Home Affordable Modification Program (“HAMP”) was established by the federal government in 2009 to help financially struggling homeowners avoid foreclosure by modifying loans to a more affordable level for borrowers.<sup>33</sup> Although HAMP helped almost 1.6 million homeowners prior to its expiration in 2016, a 2014 report by the Government

Accountability Office found that Black borrowers had a significantly higher denial rate compared to White borrowers.<sup>34</sup> The report further found that borrowers in “substantially minority” areas had at least 3% higher denial rates than borrowers in “nonsubstantially minority” areas.<sup>35</sup> The report concluded that the racial disparities in HAMP denial rates were likely due to discriminatory lending practices, as well as the stringent eligibility requirements for the program, such as the relevant DTI percentage required for a modification.<sup>36</sup> While commonly considered an “objective” factor in loan decisioning, DTI has limited predictive value in determining whether a borrower has the ability to repay a loan while having a significant adverse impact on Black borrowers.<sup>37</sup>

Black households had a larger portion of their wealth in their homes before the crisis, which resulted in a disproportionate loss of wealth when their homes were lost to foreclosure.<sup>38</sup>

**33%**

The foreclosure crisis caused Black households to lose 33% of their wealth compared to a 12% loss for Whites between 2007 and 2011.

“

**Black households had a larger portion of their wealth in their homes *before* the crisis, which resulted in a disproportionate loss of wealth when their homes were lost to foreclosure.**

”

Consequently, the steep decline in Black homeownership has exacerbated the already broad racial wealth gap<sup>39</sup>. For instance, between 1999 and 2005, White and Black households achieved similar wealth gains.<sup>40</sup> However, the foreclosure crisis caused Black households to lose 33% of their wealth compared to a 12% loss for Whites between 2007 and 2011.<sup>41</sup>

The immense loss of wealth that Black people experienced because of the foreclosure crisis will continue to be felt for decades to come. For example, by 2031, the potential wealth of White households is expected to be 31% below what it would have been without the Great Recession.<sup>42</sup> In comparison, Black wealth is expected to be down by almost 40%.<sup>43</sup> Black household wealth is predicted to reach zero by 2053 if the racial wealth gap is left unaddressed.<sup>44</sup>

Black homeowners have also faced discrimination in the face of natural disasters. For example, in the aftermath of Hurricanes Katrina and Rita, the State of Louisiana and the U.S. Department of Housing and Urban Development (“HUD”) created the Road Home program—the largest housing recovery program in history—to assist Louisiana homeowners



RELIEF RESPONSE POST-KATRINA:

**\$11 billion**

GRANTS PROVIDED TO REBUILD HOMES:

up to

**\$150,000**

RE-DISTRIBUTED FUNDS DUE TO  
DISCRIMINATORY FORMULA:

**\$62 million**

The U.S. Department of Housing and Urban Development agreed to distribute \$62 million as a result of an LDF lawsuit alleging a discriminatory formula for allocating relief program resources.

affected by the storms.<sup>45</sup> The program—which was allotted \$11 billion in federal funds—provided grants of up to \$150,000 to property owners to assist with rebuilding and reoccupying their homes.<sup>46</sup> The formula used to determine the homeowner’s grant amount, however, was based on either the pre-storm value of a home or the cost to rebuild, whichever was lower, rather than considering the cost needed to repair storm damage.<sup>47</sup> Because homes in Black communities were undervalued by historic and institutionalized racist policies, Black homeowners almost uniformly had lower pre-storm value than White homeowners.<sup>48</sup>

As a result, the program discriminated against Black homeowners by providing them with grants that fell far short of the amount needed to repair their homes. LDF and its co-counsel sued HUD and the State of Louisiana on behalf of several homeowners and fair housing groups, alleging that the program discriminated against tens of thousands of Black

homeowners.<sup>49</sup> In 2011, the parties reached a settlement, and HUD agreed to distribute up to \$62 million to thousands of homeowners who were unable to fund their home repairs due to the program’s discriminatory formula.<sup>50</sup>

In sum, the impending economic crash from the COVID-19 pandemic threatens to force millions of households from their homes due to a sudden loss of income. Black homeowners are especially at risk of losing their homes at higher rates, as evidenced by the disproportionate share of the losses they suffered during the 2008 crisis.



Tovfla via Getty Images

“ Because homes in Black communities were undervalued by historic and institutionalized racist policies, Black homeowners almost uniformly had lower pre-storm value than White homeowners. ”

# III

## The Eviction Epidemic Plaguing Black Renters

The United States is in the midst of an affordable housing crisis. As a result, many low-income households that rent their homes are currently experiencing an eviction epidemic that some are likening to the foreclosure crisis.<sup>51</sup> In a landmark study, Princeton University's Eviction Lab reviewed records of nearly 900,000 eviction judgments in 2016.<sup>52</sup> Eviction Lab estimates that almost 2.3 million people were evicted from their homes that year.<sup>53</sup>

Just like the foreclosure crisis, the current eviction epidemic disproportionately affects Black renters. According to the Urban Institute, nearly 60% of Black households in 2018 rented their homes, and Black renters have greater difficulties than Whites in paying their rent.<sup>54</sup> A recent Apartment List study found that Black households faced the highest rates of eviction in 2016, even after controlling for education and income.<sup>55</sup>

**900K**

eviction judgments  
in 2016 alone.

**2.3m**

estimated number of  
evictions in 2016.



**Black renters in Washington's most populous counties experienced eviction rates almost seven times higher than White renters.**





*In 2017, Memphis—which has a Black population of over 64%—had the highest eviction rate in the country, and Black renters make up the majority of those being evicted.*

Specifically, the study found that 11.9% of Black renters were faced with the threat of eviction as compared to just 5.4% of White renters.<sup>56</sup> Even more disturbing, Black women have a one in five chance of facing eviction in their lifetime, while for White women this is about a one in 15 chance.<sup>57</sup>

Racial disparities in eviction rates exist across the country. For instance, the Lawyers' Committee for Better Housing found that, from 2010 to 2017, landlords in Chicago's predominantly Black neighborhoods filed evictions at a substantially higher rate than those in other parts of the city.<sup>58</sup> Similarly, a study by the University of Washington found that Black renters in Washington's most populous counties experienced eviction rates almost seven times higher than White renters.<sup>59</sup>

Black renters in the South have been hit particularly hard by the eviction epidemic. Eviction Lab recently found that nine of the 10 largest cities with the highest eviction rates were in the South and had populations that were at least 30% Black.<sup>60</sup>

For example, the Atlanta metropolitan area has one of the highest eviction rates in the nation, with over 40% of households receiving eviction notices in predominantly Black areas such as East Point, College Park, and Union City,<sup>61</sup> despite Black people making up only 33.1% of the metropolitan area's population.<sup>62</sup> In 2017, Memphis—which has a Black population of over 64%<sup>63</sup>—had the highest eviction rate in the country,<sup>64</sup> and Black renters make up the majority of those being evicted.<sup>65</sup> Likewise, in New Orleans—where Black people make up almost 60% of the population<sup>66</sup>—one out of every four renters experienced a court ordered eviction in majority-Black neighborhoods as compared to one out of every 24 renters in majority-White neighborhoods.<sup>67</sup>



# IV

## **COVID-19 Federal Foreclosure and Eviction Moratoriums**

---

The federal government has provided some relief for homeowners and renters who are affected by the coronavirus pandemic. On March 1, 2020, President Trump proclaimed that the COVID-19 outbreak constitutes a national emergency.<sup>68</sup> On March 18, during a COVID-19 press briefing, he announced that HUD was suspending foreclosures and evictions.<sup>69</sup> Later that day, HUD clarified President Trump's announcement by issuing its official policy, Mortgagee Letter 2020-04 ("Mortgagee Letter").<sup>70</sup>

Pursuant to the Mortgagee Letter, the Federal Housing Administration ("FHA") implemented an immediate moratorium on foreclosures and evictions for all FHA-insured single-family mortgages.<sup>71</sup> Specifically, the Mortgagee Letter directed servicers of FHA single-family mortgages to suspend the initiation and completion of foreclosure actions.<sup>72</sup> In addition, the moratorium directed servicers to suspend all evictions of tenants who reside in properties secured by FHA-insured single-family mortgages for a period of 60 days.<sup>73</sup>

In conjunction with FHA's efforts, the Federal Housing Finance Agency ("FHFA") directed the Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") to suspend foreclosures and evictions.<sup>74</sup> The FHFA moratorium—which was set to last for 60 days—applied to homeowners with a single-family mortgage backed by Fannie Mae and Freddie Mac.<sup>75</sup>



*Suzanne Tucker via Getty Images*

On March 27, 2020, President Trump signed the Coronavirus Aid, Relief, and Economic Security ("CARES") Act, a \$2 trillion stimulus aid package that supersedes the previous guidance issued by HUD and FHFA with respect to mortgage relief.<sup>76</sup> Under the CARES Act, homeowners with federally backed mortgages have multiple options for mortgage relief. For instance, the CARES Act prohibits lenders and servicers of federally backed mortgages from foreclosing on homeowners for 60 days after March 18, 2020.<sup>77</sup> In addition, the CARES Act allows homeowners to request a forbearance on mortgage payments for up to 180 days (with a subsequent 180-day extension available) if they are experiencing financial hardship because of the COVID-19 pandemic.<sup>78</sup> Importantly, the mortgage relief options are not automatic and homeowners must contact their lenders to request a forbearance.



## Relief for Homeowners with Fannie Mae Backed Loans

If you have a Fannie Mae backed loan and have been financially impacted by the COVID-19 pandemic, through job loss, income reduction, sickness, or other issues, there are [relief options](#) available to you. In addition to repayment relief and repayment options, Fannie Mae's [Disaster Response Network](#) offers free help with the broader financial challenges caused by the pandemic.

Fannie Mae recommends that homeowners visit their [website](#) to determine if they have a Fannie Mae-owned mortgage and are eligible to receive assistance.



## Relief for Homeowners with Freddie Mac Backed Loans

If you have been affected by COVID-19 and have a Freddie Mac backed loan, relief options may be available for you. Visit their [website](#) for more information about the program's eligibility requirements and to [determine](#) if Freddie Mac owns your loan.



## Relief for Homeowners with FHA Loans

If you have a loan from the FHA and have been affected by COVID-19, there are relief options available to you. Visit HUD's [Disaster Relief Options for FHA Homeowners](#) site or download this [notice](#) for more information.



The CARES Act provides meaningful relief for a significant number of borrowers with federally backed mortgages. Indeed, “Fannie and Freddie Mac alone accounted for upward of 46% of all mortgages originated as of 2018.”<sup>79</sup> In addition, the FHA and Department of Veteran Affairs insured almost 23% of all new mortgages during that period.<sup>80</sup> However, it is important to keep in mind that the CARES Act does not apply to all homeowners—instead, it applies only to borrowers with federally backed mortgages. As a result, about one-third of residential homeowners will not be covered under the Act’s provisions.

### The Federal Eviction Moratorium for Tenants in Federally Backed Housing

The CARES Act also provides for a federal eviction moratorium for certain types of properties. Pursuant to the Act, tenants in federally backed housing are provided with 120 days of eviction relief. **This means you may not be served with an eviction notice until July 25, 2020, and the notice must give you 30 days to leave the property.** During the moratorium, you may not be charged late fees, penalties, or other charges for paying your rent late. **However, the moratorium does not relieve you of your obligation to pay rent.** Nor does it prevent a landlord from proceeding with an eviction for a reason other than the nonpayment of rent, or from proceeding with an eviction that was initiated prior to the passage of the law.<sup>81</sup>

Only certain properties are covered by the federal eviction moratorium:

- Properties with a federally backed mortgage (e.g., properties with mortgages owned by HUD, Fannie Mae, or Freddie Mac);
- Properties covered under the Violence Against Women Act. This includes public housing, the Section 8 Housing Choice Voucher Program, and project-based public housing, among other covered properties;
- Properties subject to the Rural Housing Voucher Program; and
- Properties participating in the Low Income Housing Tax Credit.

For more information on how the federal eviction moratorium affects renters in public housing or with Housing Choice Vouchers, please see HUD’s Frequently Asked Questions [document](#), which was issued on March 31 to respond to common issues raised by agencies related to COVID-19.



# What is Needed to Protect Black Homeowners & Renters

---

To ensure that the most vulnerable members of our society receive adequate protection from foreclosures and evictions, we recommend that federal, state and local officials adopt the following policies:

## **1. Protect Low-Income Renters**

The federal government must move to ensure that all renters are protected from evictions. On March 23, 2020, Fannie Mae and Freddie Mac took the initial step of implementing a mortgage forbearance program for multifamily property owners on the condition that property owners in the program suspend all evictions for renters who cannot afford their rent due to COVID-19.<sup>82</sup> These programs are described below. The CARES Act also protects renters living in properties backed by Fannie Mae and Freddie Mac loans from eviction for 120 days after the statute's enactment, regardless of whether the property owner applies for a forbearance, as described above.<sup>83</sup> If the owner does receive a forbearance, they must not evict their tenants for the duration of the forbearance period.<sup>84</sup>

## Freddie Mac's Multifamily COVID-19 Program for Landlords

Under Freddie Mac's Multifamily COVID-19 Relief Program, landlords with a Freddie Mac multifamily loan may contact their lender and request a forbearance on their loan for up to 90 days. Forbearance may be granted only if a property's operations have been adversely affected by COVID-19. In exchange, landlords must agree to suspend evictions for tenants who are adversely impacted by COVID-19 for the duration of the forbearance period. Freddie Mac encourages renters to contact their landlord or management company to determine if they are participating in Freddie Mac's relief program. Visit Freddie Mac's [website](#) for more information.

## Fannie Mae's Multifamily COVID-19 Program for Landlords

Under Fannie Mae's new multifamily [guidance](#) for COVID-19, landlords with a Fannie Mae multifamily loan may contact their lender and request a forbearance on their loan for up to 90 days, if the borrower is experiencing financial hardship. In exchange for forbearance, landlords are prohibited from evicting tenants who are experiencing financial hardship because of the pandemic.

In addition, Fannie Mae offers the [Disaster Response Network](#) to residents living in apartments financed by a Fannie Mae lender. The Network provides housing counselors and other services for residents in order to guide them through the recovery process. Residents are encouraged to check with their property manager or building owner for more information.



While many renters are protected by eviction for at least the next few months under the CARES Act, those provisions are limited and apply only to certain covered properties. The Urban Institute has estimated that the CARES Act extends its eviction protections to only 28% of the overall rental market.<sup>85</sup> Many tenants will not be covered by the Act's provisions or the stimulus payment (discussed below) will be insufficient to cover their rent, placing them at risk of delinquency and eviction.

In addition to the CARES Act's protections, many state and local governments have enacted [laws](#) protecting all renters from eviction. On April 3, Alabama Governor Kay Ivey issued an order preventing law enforcement officers from removing people from their homes.<sup>86</sup> On March 20, New York Governor Andrew Cuomo implemented a 90-day moratorium on evictions of residential and commercial tenants, which followed an announcement providing foreclosure relief for homeowners.<sup>87</sup> LDF encourages state and local governments to immediately implement similar actions to protect all renters from eviction during the pandemic if they have not already done so.

## **2. Rental Assistance**

While eviction moratoriums safeguard vulnerable tenants from being forced out of their homes during the pandemic, more needs to be done to minimize the financial hardship that tenants may face once the national health crisis ends. Tenants are still responsible for their rent despite the implementation of the CARES Act and other eviction moratoriums. Thus, a tenant who has accumulated significant arrears may be threatened with eviction once any applicable moratorium is lifted. This is especially true for low-income individuals who may have recently lost their jobs and cannot afford to pay their rent. In fact, some landlords have already warned their tenants that rent must be paid when due and late fees will still be assessed despite the implementation of statewide eviction moratoriums.<sup>88</sup> According to the National Multifamily Housing Council, nearly a third of apartment renters in the United States did not pay any of their April rent during the first week of the month.<sup>89</sup>

The CARES Act will provide a maximum of \$1,200 to every adult earning up to \$75,000, \$2,400 for joint tax filers earning up to \$150,000, and \$500 for every child. Although some may argue that this amount should be sufficient, it is important to note that the median rent amount in the United States was \$1,012 in 2017, and rent amounts vary greatly across the country. In addition, a one-time direct payment is unlikely to be enough considering the uncertainty of when the pandemic will end.

The CARES Act does provide \$5 billion in funding to states that will be made available under HUD's Community Development Block Grant ("CDBG") program, which provides funding for community-development activities. To ensure that low-income renters are not faced with eviction or homelessness now or once the moratorium is lifted, federal, state, and local governments must provide emergency rental assistance to low-income renters, particularly those who have suffered financially because of COVID-19.

### Additional Rental Assistance for Public Housing Tenants or Housing Choice Voucher Recipients

If you receive a Housing Choice Voucher or live in publicly assisted housing, the amount you owe for rent is usually a portion of your income. If your income has gone down due to the pandemic, here is a tool to help you [recalculate](#) your portion of the rent and create a letter to send to your [local public housing authority](#) or [fair housing organization](#) and find out what resources may be available to you to help you pay rent.

If you are expecting an imminent eviction or struggling to make your forthcoming rental payment, it is imperative that you check to see what your state, city, or county is doing to help provide relief for renters who need support. For example, some [states](#) have either already banned or are considering banning evictions of tenants who are facing COVID-19-induced economic hardships. Many [other localities](#) are enacting similar measures. It is important to reach out and find out what resources may be available to you to help you pay your rent. Additionally, the CARES Act will provide rental assistance through city and county community development programs. It is important to reach out to a [fair housing organization](#) and find out what resources may be available to you to help you pay rent.

## Who is Eligible to Receive a Stimulus Check?

As stated above, the U.S. government recently enacted the CARES Act, which will provide direct cash payments to eligible Americans. Eligibility is determined by a person's income. Eligible adults earning up to \$75,000 will receive \$1,200, and couples earning up to \$150,000 will receive up to \$2,400. The amount decreases by \$5 for every \$100 earned. Individuals who earned \$99,000 or more and couples that earned \$198,000 or more are not eligible to receive a payment. In addition, the CARES Act will send families \$500 for each dependent child under the age of 17. Stimulus payments will be sent to the direct deposit information or mailing address from your 2018 or 2019 tax return. Payments are being issued now.

The Internal Revenue Service ("IRS") will use a person's 2019 tax returns to determine eligibility. If a person has not filed a 2019 tax return, their stimulus check will be based on their 2018 tax return. Recipients of Social Security, Social Security Disability Insurance, and Railroad Retirement benefits who are not typically required to file a tax return do not need to take any action to receive their payments.

Other individuals such as low-income workers and certain veterans and persons with disabilities who are not required to file a tax return may still be eligible for a stimulus payment. Please visit the IRS [website](#) to determine whether you need to file anything with the IRS to receive your payment or for more information.

## Beware of Scams and Potential Garnishment of Payments

The IRS has warned taxpayers to be aware of scams related to the economic impact payments. The IRS will not call, text, email you, or contact you on social media asking for your personal or bank account information. Be aware of emails with attachments or links that claim to have information about the payments or tax refunds.

You should be aware that your payment could be garnished if you owe debts from a court judgment. While the CARES Act protects your payments from garnishment from state or local governments, it could be seized by a private creditor. Please see this helpful article from the [National Consumer Law Center](#) on how to protect your payment from garnishment.



“

**Shut-offs should not be on the list of worries that people who are struggling financially have, along with keeping themselves safe from this pandemic.**

”

**SHERRILYN IFILL**

LDF PRESIDENT & DIRECTOR-COUNSEL

*Excerpt from 3/27/20 Marketplace Interview*



### 3. Moratorium on Water Shutoffs

It is also imperative that state and local governments implement moratoriums on water shutoffs during the pandemic. The COVID-19 outbreak is an unprecedented public health crisis, and water—while always crucial for our survival—is especially necessary to prevent the virus from spreading further. As Sherrilyn Ifill, LDF’s President and Director-Counsel, noted during a Marketplace interview, water service shut-offs “should not be on the list of worries that people who are struggling financially have along with keeping themselves safe from this pandemic.”<sup>90</sup> Families should be able to access water and other essential services regardless of their ability to pay. In addition, water service should be restored to customers whose service was disconnected prior to the pandemic.

Numerous jurisdictions across the country have implemented moratoriums on water service shutoffs while restoring service to residents who have had their service shut off. For instance, on March 28, Michigan Governor Gretchen Whitmer issued an executive order requiring the restoration of water service to previously disconnected residents, as well as providing grant funds to local communities who need assistance with reconnecting homes to their water supplies.<sup>91</sup> Unfortunately, many jurisdictions have yet to implement similar orders. LDF calls for the implementation of a moratorium on all water and other utility shutoffs for the remainder of the national health crisis, the reconnection of water and other utility services for all customers previously disconnected for nonpayment or other reasons, and for the forgiveness of bills owed during this period. For example, LDF has called on individual state governors to implement statewide moratoriums on shutoffs and the restoration of water service for disconnected customers.<sup>92</sup> State and local officials should also explore the use of federal funding to assist residents with water bills. For example, the city of Flint is utilizing CDBG funds to grant low- and moderate-income water customers a \$75 credit toward their bills during the pandemic.<sup>93</sup> Failure to take actions like these could exacerbate the pandemic by leaving our most vulnerable citizens at greater risk of contracting the virus.

#### Eligibility for Utility Relief During the Pandemic

As mentioned above, numerous jurisdictions have banned residential utility shutoffs and authorized reconnections of water and other services. The advocacy organization Food & Water Watch is maintaining a [list](#) of the shutoff and reconnection policies of municipalities across the country. Residents should contact their utility providers to determine if they are eligible for service reconnection during the pandemic.

## 4. Additional Emergency Aid for Homelessness Prevention

In addition to the measures described above, steps must be taken to protect the homeless from COVID-19. In 2019, roughly 568,000 people experienced homelessness in the United States.<sup>94</sup> Black people make up about 40% of that total, despite being only 13% of the overall population.<sup>95</sup> Homeless people are particularly vulnerable given that they often live in conditions that make it much harder to fight the spread of infectious diseases.

The CARES Act includes \$4 billion for Emergency Solutions Grants, which can be used for emergency shelter, homelessness prevention, and short- and medium-term housing assistance for displaced persons.<sup>96</sup> Additionally, several jurisdictions have enacted strategies to mitigate the spread of the coronavirus among the homeless. For instance, California—which has the largest homeless population in the country—allocated \$150 million to local governments to house the homeless in hotels and travel trailers.<sup>97</sup> However, many state and local governments have yet to release details on how they plan to protect the homeless from the coronavirus. While the federal funding and state measures are critically important, they may not provide enough support for vulnerable homeless persons. The National Coalition for the Homeless has noted that the CARES Act did not provide for increases in food assistance, adequate health and housing support for Americans losing their jobs, or enough support to house vulnerable homeless persons.<sup>98</sup> Federal officials should consider additional financial assistance to state and local governments so that they can provide sufficient shelter for people experiencing homelessness during the pandemic.



# VI

## Conclusion

---

The COVID-19 pandemic is an unprecedented human tragedy that will have a devastating economic impact on the United States and the rest of the world for the foreseeable future. Black people are disproportionately affected by COVID-19 infection and death. Black communities are especially vulnerable to housing insecurity and the further loss of wealth during the pandemic given the disproportionate losses they experienced in the last financial crisis, as well as the racial disparities that exist in the current eviction epidemic. Given the immense economic toll that past crises have taken on marginalized communities, federal, state, and local officials must take steps to ensure that the least advantaged members of society are not disproportionately impacted by the impending economic crisis. LDF will continue to call for policy changes at all levels of government to ensure that Black people and other marginalized communities are protected during the pandemic and will consider enforcement actions, if necessary, to prevent discriminatory conduct from occurring.



”

**The COVID-19 outbreak is an unprecedented public health crisis, and water—while always crucial for our survival—is especially necessary to prevent the virus from spreading further.**

THURGOOD MARSHALL INSTITUTE  
EXCERPT FROM THE REPORT

”



# VII

## Additional Resources

---

Letters to Governors Urging Moratoriums on Utility Shut-Offs During the COVID-19 Pandemic (Apr. 13, 2020), <https://www.naacpldf.org/news/letters-to-governors-urging-moratoriums-on-utility-shut-offs-during-the-covid-19-pandemic/>

LDF Sends Letter to National Governors Association Requesting a Moratorium on Foreclosures, Evictions, and Water and Utility Shut Offs (Apr. 3, 2020), <https://www.naacpldf.org/press-release/ldf-sends-letter-to-national-governors-association-requesting-a-moratorium-on-foreclosures-evictions-and-water-and-utility-shut-offs/>

LDF Calls on State and Local Governments to Address the Many Challenges Associated with the COVID-19 Pandemic (Mar. 23, 2020), <https://www.naacpldf.org/press-release/ldfs-sherrilyn-ifill-sends-letter-to-us-conference-of-mayors-calling-for-halting-of-utility-shutoffs-and-evictions-during-covid-19-pandemic/>

A Message from LDF's President and Director-Counsel Sherrilyn Ifill on Our Work Amid the COVID-19 Pandemic (Mar. 20, 2020), <https://www.naacpldf.org/news/a-message-from-president-and-director-counsel-sherrilyn-ifill-on-ldfs-work-amid-the-covid-19-pandemic/>

LDF Calls on the U.S. Senate to Pass the Families First Coronavirus Response Act (Mar. 17, 2020), <https://www.naacpldf.org/press-release/ldf-calls-on-the-u-s-senate-to-pass-the-families-first-coronavirus-response-act/>

LDF Calls On State and Local Governments to Address the Many Challenges Associated with the COVID-19 Pandemic (Mar. 17, 2020), <https://www.naacpldf.org/press-release/ldf-calls-on-state-and-local-governments-to-address-the-many-challenges-associated-with-the-covid-19-pandemic-2/>



# Endnotes

- 
- 1 Sheri Fink, *Worst-Case Estimates for U.S. Coronavirus Deaths*, N.Y. Times (Mar. 13, 2020), <https://www.nytimes.com/2020/03/13/us/coronavirus-deaths-estimate.html>.
  - 2 *Id.*
  - 3 Bobby Allyn, *Fauci Estimates That 100,000 To 200,000 Americans Could Die From The Coronavirus*, NPR (Mar. 29, 2020), <https://www.npr.org/sections/coronavirus-live-updates/2020/03/29/823517467/fauci-estimates-that-100-000-to-200-000-americans-could-die-from-the-coronavirus>.
  - 4 See Philipp Carlsson-Szlezak, Martin Reeves & Paul Swartz, *Understanding the Economic Shock of Coronavirus*, Harv. Bus. Rev. (Mar. 27, 2020), <https://hbr.org/2020/03/understanding-the-economic-shock-of-coronavirus>.
  - 5 Taylor Borden, *The coronavirus outbreak has already triggered unprecedented mass layoffs and furloughs*, Business Insider (Mar. 26, 2020), <https://www.businessinsider.com/coronavirus-layoffs-furloughs-hospitality-service-travel-unemployment-2020>.
  - 6 Thomas Franck & John W. Schoen, *These are the states with the most job losses so far because of the coronavirus*, CNBC (Mar. 26, 2020), <https://www.cnbc.com/2020/03/26/these-are-the-states-with-the-most-job-losses-so-far-because-of-the-coronavirus.html>.
  - 7 Rachel Siegel & Andrew Van Dam, *3.8 million Americans sought jobless benefits last week, extending the pandemic's grip on the national workforce*, Wash. Post (Apr. 30, 2020), <https://www.washingtonpost.com/business/2020/04/30/weekly-jobless-claims-unemployment/>.
  - 8 Steve Matthews, *U.S. Jobless Rate May Soar to 30%, Fed's Bullard Says*, Bloomberg (Mar. 22, 2020), [https://www.bloomberg.com/news/articles/2020-03-22/fed-s-bullard-says-u-s-jobless-rate-may-soar-to-30-in-2q?utm\\_content=business&utm\\_medium=social&utm\\_campaign=social-flow-organic&cmpid=socialflow-twitter-business&utm\\_source=twitter](https://www.bloomberg.com/news/articles/2020-03-22/fed-s-bullard-says-u-s-jobless-rate-may-soar-to-30-in-2q?utm_content=business&utm_medium=social&utm_campaign=social-flow-organic&cmpid=socialflow-twitter-business&utm_source=twitter).

- 9 Emily Stewart & Christina Animashaun, *How the coronavirus crisis will hit American workers, in one chart*, Vox (Mar. 24, 2020), <https://www.vox.com/policy-and-politics/2020/3/24/21191075/coronavirus-recession-worker-layoffs-unemployment-economy-restaurants-stimulus-bill>.
- 10 Martha Ross & Nicole Bateman, *Meet the Low-Wage Workforce*, Brookings Inst. (2019), [https://www.brookings.edu/wp-content/uploads/2019/11/201911\\_Brookings-Metro\\_low-wage-workforce\\_Ross-Bateman.pdf#page=9](https://www.brookings.edu/wp-content/uploads/2019/11/201911_Brookings-Metro_low-wage-workforce_Ross-Bateman.pdf#page=9).
- 11 Janell Ross, *As economy struggles amid coronavirus, low-wage workers of color taking a major hit*, NBC News (Mar. 25, 2020), <https://www.nbcnews.com/news/nbcblk/economy-struggles-amid-coronavirus-low-wage-workers-color-taking-major-n1168731>.
- 12 Michael Karpman et al., *Even Before the Coronavirus Outbreak, Hourly and Self-Employed Workers Were Struggling to Meet Basic Needs*, Urb. Inst.: Urb. Wire (Mar. 20, 2020), [https://www.urban.org/urban-wire/even-coronavirus-outbreak-hourly-and-self-employed-workers-were-struggling-meet-basic-needs?cm ven=ExactTarget&cm cat=UI-U+-+3.24.2020&cm pla=VPL+1401+for+List+179&cm ite=https%3a%2f%2fwww.urban.org%2furban-wire%2feven-coronavirus-outbreak-hourly-and-self-employed-workers-were-struggling-meet-basic-needs&cm ainfo=&&utm source=%20urban\\_newsletters&&utm medium=news-UIU&&utm term=URBAN\\_COVID19&&](https://www.urban.org/urban-wire/even-coronavirus-outbreak-hourly-and-self-employed-workers-were-struggling-meet-basic-needs?cm ven=ExactTarget&cm cat=UI-U+-+3.24.2020&cm pla=VPL+1401+for+List+179&cm ite=https%3a%2f%2fwww.urban.org%2furban-wire%2feven-coronavirus-outbreak-hourly-and-self-employed-workers-were-struggling-meet-basic-needs&cm ainfo=&&utm source=%20urban_newsletters&&utm medium=news-UIU&&utm term=URBAN_COVID19&&).
- 13 David Montgomery, *The Neighborhoods Where Housing Costs Devour Budgets*, City Lab (Apr. 4, 2019), <https://www.citylab.com/equity/2019/04/affordable-housing-map-monthly-rent-home-mortgage-budget/586330/>.
- 14 Jeff Larrimore & Jenny Schuetz, *Assessing the Severity of Rent Burden on Low-Income Families*, Bd. Governors Fed. Res. Sys. (Dec. 22, 2017), <https://www.federalreserve.gov/econres/notes/feds-notes/assessing-the-severity-of-rent-burden-on-low-income-families-20171222.htm>.
- 15 Andrew Aurand et al., *Out of Reach 2019*, Nat'l Low Income Hous. Coal. (2019), [https://reports.nlihc.org/sites/default/files/oor/OOR\\_2019.pdf](https://reports.nlihc.org/sites/default/files/oor/OOR_2019.pdf).
- 16 *This Year's Rankings Explore Severe Housing Cost Burden and Health*, Cty. Health Rankings: Cty.-by-Cty. Blog (Mar. 19, 2019), <https://www.countyhealthrankings.org/news-events/this-years-rankings-explore-severe-housing-cost-burden-and-health>.
- 17 *Responding to Coronavirus Disease 2019 (COVID-19) among People Experiencing Unsheltered Homelessness*, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html> (last reviewed Mar. 22, 2020).
- 18 *Id.*
- 19 Caitlin Young, *These Five Facts Reveal the Current Crisis in Black Homeownership*, Urb. Inst.: Urb. Wire (July 31, 2019), <https://www.urban.org/urban-wire/these-five-facts-reveal-current-crisis-black-homeownership>.

- 20 Kenneth R. Harney, *Large numbers of loan applications get denied. but for blacks, Hispanics and Asians, the rejection rate is even higher*, Wash. Post (May 23, 2018), [https://www.washingtonpost.com/realestate/large-numbers-of-loan-applications-get-denied-but-for-blacks-hispanics-and-asians-the-rejection-rate-is-even-higher/2018/05/22/dac19ffc-5d1b-11e8-9ee3-49d6d4814c4c\\_story.html](https://www.washingtonpost.com/realestate/large-numbers-of-loan-applications-get-denied-but-for-blacks-hispanics-and-asians-the-rejection-rate-is-even-higher/2018/05/22/dac19ffc-5d1b-11e8-9ee3-49d6d4814c4c_story.html).
- 21 *Id.*
- 22 See generally Sarah Burd-Sharps & Rebecca Rasch, *Impact of the US Housing Crisis on the Racial Wealth Gap Across Generations*, Soc. Sci. Res. Council (2015), [https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new\\_publication\\_3/impact-of-the-us-housing-crisis-on-the-racial-wealth-gap-across-generations.pdf](https://s3.amazonaws.com/ssrc-cdn1/crmuploads/new_publication_3/impact-of-the-us-housing-crisis-on-the-racial-wealth-gap-across-generations.pdf).
- 23 Laura Kusisto, *Many Who Lost Homes to Foreclosure in Last Decade Won't Return*—NAR, Wall St. J. (Apr. 15, 2015), <https://www.wsj.com/articles/many-who-lost-homes-to-foreclosure-in-last-decade-wont-return-nar-1429548640>.
- 24 Keeanga-Yamahtta Taylor, *How Real Estate Segregated America*, Dissent Mag. (2018), <https://www.dissentmagazine.org/article/how-real-estate-segregated-america-fair-housing-act-race>.
- 25 Nathalie Baptiste, *Staggering Loss of Black Wealth Due to Subprime Scandal Continues Unabated*, Am. Prospect (Oct. 13, 2014), <https://prospect.org/justice/staggering-loss-black-wealth-due-subprime-scandal-continues-unabated/>.
- 26 Nick Carey, *Racial predatory loans fueled U.S. housing crisis: study*, Reuters (Oct. 4, 2010), <https://www.reuters.com/article/us-usa-foreclosures-race/racial-predatory-loans-fueled-u-s-housing-crisis-study-idUSTRE6930K520101004>.
- 27 See Complaint at 3-4, *United States v. Wells Fargo Bank, N.A.*, No. 12-01150 (D.D.C. July 12, 2012); Consent Order, *United States v. Countrywide Fin. Corp.*, No. 2:11-cv-10540-PSGAJW (C.D. Cal. Dec. 28, 2011).
- 28 See, e.g., LDF, *Comments regarding Docket No. CFPB-2019-0039 title, Qualified Mortgage Definition under the Truth in Lending Act (Regulation Z) 7* (Sept. 16, 2019), <https://www.naacpldf.org/wp-content/uploads/LDF-ATR-QM-Comments-FINAL.pdf> (hereinafter LDF QM Letter).
- 29 See, e.g., Complaint, *Wells Fargo*, *supra* note 27, at 1-2, 4-5.
- 30 Tom Shapiro et al., *The Black-White Racial Wealth Gap*, Thurgood Marshall Inst. 8 (2019), <https://tminstitutldf.org/wp-content/uploads/2019/11/FINAL-RWG-Brief-v1.pdf>.
- 31 Emily Badger, *Were Big Banks Guilty of Racial Discrimination in the Housing Crisis?*, City Lab (Oct. 16, 2012), <https://www.citylab.com/equity/2012/10/did-big-banks-subprime-mortgage-crisis-violate-civil-rights-law/3598/>.



32 See, e.g., Complaint, *United States v. Eagle Bank & Trust Co.*, No. 15-1492 (E.D. Mo. Sept. 29, 2015); Complaint, *United States v. Citizens Republic Bancorp, Inc.*, No. 11-11976 (E.D. Mich. May 5, 2011). See also generally *supra* note 27.

33 U.S. Gov't Accountability Off., *Troubled Asset Relief Program: More Efforts Needed on Fair Lending Controls and Access for Non-English Speakers in Housing Programs* (GAO-14-117) 1 (2014), <https://www.gao.gov/assets/670/660712.pdf>.

34 *Id.* at 23.

35 *Id.* at 51.

36 *Id.* at 23-24.

37 See, e.g., LDF QM Letter, *supra* note 28, at 6.

38 See Burd-Sharps & Rasch, *supra* note 22.

39 See Shapiro et al., *supra* note 30 (providing extensive overview of the history and origins of the Black-White racial wealth gap).

40 See Burd-Sharps & Rasch, *supra* note 22, at 14.

41 *Id.*

42 *Id.* at 3.

43 *Id.*

44 Dedrick Asante-Muhammad et al., *The Road to Zero Wealth: How the Racial Wealth Divide is Hollowing Out America's Middle Class* 5, 12, Prosperity Now (2017), [https://prosperitynow.org/sites/default/files/PDFs/road\\_to\\_zero\\_wealth.pdf](https://prosperitynow.org/sites/default/files/PDFs/road_to_zero_wealth.pdf).

45 Michael A. Fletcher, HUD to pay \$62 million to La. homeowners to settle Road Home Lawsuit, Wash. Post (July 6, 2011), [https://www.washingtonpost.com/business/economy/hud-to-pay-62-million-to-la-homeowners-to-settle-road-home-law-suit/2011/07/06/gIQAtsFN1H\\_story.html](https://www.washingtonpost.com/business/economy/hud-to-pay-62-million-to-la-homeowners-to-settle-road-home-law-suit/2011/07/06/gIQAtsFN1H_story.html).

46 LDF, Case: Road Home (Nov. 12, 2008), <https://www.naacpldf.org/case-issue/road-home/>.

47 *Id.*

48 *Id.*

49 See Complaint for Declaratory and Injunctive Relief, *Greater New Orleans Fair Hous. Action Ctr. v. HUD*, No. 08-01938 (D.D.C. Nov. 12, 2008).

- 50 Fletcher, *supra* note 45; see also Press Release, LDF, State Amends Problematic Hurricane Relief Program (July 6, 2011), <https://www.naacpldf.org/update/civil-rights-organizations-settle-hurricane-katrina-housing-discrimination-case-hud-louisiana/>.
- 51 Andrea Riquier, *The eviction crisis is starting to look a lot like the subprime mortgage crisis*, MarketWatch (July 3, 2019), <https://www.marketwatch.com/story/the-eviction-crisis-is-starting-to-look-a-lot-like-the-subprime-mortgage-crisis-2019-07-03>.
- 52 Emily Badger & Quoc Trung Bui, *In 83 Million Eviction Records, a Sweeping and Intimate New Look at Housing in America*, N.Y. Times (Apr. 7, 2018), <https://www.nytimes.com/interactive/2018/04/07/upshot/millions-of-eviction-records-a-sweeping-new-look-at-housing-in-america.html>.
- 53 David Brancaccio & Kate Long, *Millions of Americans are evicted every year—and not just in big cities*, Marketplace (Apr. 9, 2018) at 00:37–00:57, <https://www.marketplace.org/2018/04/09/eviction-desmond-princeton-housing-crisis-rent/> (Comments from Prof. Matthew Desmond).
- 54 Jung Hyun Choi et al., *COVID-19 Policy Responses Must Consider the Pandemic’s Impact on Young Renters and Renters of Color*, Urb. Inst.: Urb. Wire (Apr. 7, 2020), <https://www.urban.org/urban-wire/covid-19-policy-responses-must-consider-pandemics-impact-young-renters-and-renters-color>.
- 55 Chris Salviati, *Rental Insecurity: The Threat of Evictions to America’s Renters*, Apartment List: Rentonomics (Oct. 20, 2017), <https://www.apartmentlist.com/rentonomics/rental-insecurity-the-threat-of-evictions-to-americas-renters/>.
- 56 *Id.*
- 57 Gillian B. White, *America’s Insidious Eviction Problem*, The Atlantic (Mar. 1, 2016), <https://www.theatlantic.com/business/archive/2016/03/eviction-matthew-desmond-housing/471375/>.
- 58 Javonte Anderson, *Renters in Chicago’s black neighborhoods 4 times as likely to face eviction as those in white areas*, Chi. Trib. (May 16, 2019), <https://www.chicagotribune.com/news/breaking/ct-met-chicago-evictions-minority-communities-20190515-story.html>.
- 59 Timothy A. Thomas et al., *The State of Evictions: Results from the University of Washington Evictions Project*, U. Wash. (Feb. 17, 2019), <https://evictions.study/washington/>.
- 60 Max Blau, *Black Southerners Are Bearing the Brunt of America’s Eviction Epidemic*, Pew Charitable Trusts: Stateline (Jan. 18, 2019), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2019/01/18/black-southerners-are-bearing-the-brunt-of-americas-eviction-epidemic>.
- 61 Nedra Rhone, *Eviction rates in metro Atlanta among the highest in the nation*, Atl.-J. Const.: Talk of The Town Blog (Nov. 3, 2017), <https://www.ajc.com/blog/talk-town/eviction-rates-metro-atlanta-among-the-highest-the-nation/urCf77JRwjO8HncL1flhpN/>.

- 62 Sean Keenan, *In diverse metro Atlanta, why are less than a quarter of homes black-owned?*, Curbed Atl. (June 11, 2019), <https://atlanta.curbed.com/2019/6/11/18660452/metro-atlanta-black-african-american-homeownership>.
- 63 U.S. Census Bureau, *QuickFacts: Memphis, Tenn.* (2019), <https://www.census.gov/quickfacts/memphiscitytennessee>.
- 64 Keenan, *supra* note 62.
- 65 Toby Sells, *Dream Denied: Corporations Buying Up Memphis Homes, Destabilizing Neighborhoods*, Memphis Flyer (Dec. 12, 2019), <https://www.memphisflyer.com/memphis/dream-denied-corporations-buying-up-memphis-homes-destabilizing-neighborhoods/Content?oid=21933012>.
- 66 U.S. Census Bureau, *QuickFacts: New Orleans City* (2019), <https://www.census.gov/quickfacts/neworleanscitylouisiana>.
- 67 Davida Finger et al., *New Orleans' Eviction Geography: Results of an Increasingly Precarious Housing Market* 14 (2019), [https://storage.googleapis.com/wzukusers/user-27881231/documents/5c95369d185a9kbj1pY4/JPNSI\\_Evictions\\_Final.pdf](https://storage.googleapis.com/wzukusers/user-27881231/documents/5c95369d185a9kbj1pY4/JPNSI_Evictions_Final.pdf).
- 68 Press Release, The White House, *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (Mar. 13, 2020), <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.
- 69 Kevin Liptak, *Trump says HUD is suspending foreclosures and evictions*, CNN (Mar. 18, 2020), <https://www.cnn.com/2020/03/18/politics/trump-hud-evictions-foreclosures/index.html>.
- 70 HUD, *Mortgagee Letter 2020- 04* (Mar. 18, 2020), <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-04hsgml.pdf>.
- 71 *Id.*
- 72 *Id.*
- 73 *Id.*
- 74 Press Release, Fed. Hous. Fin. Agency, *FHFA Suspends Foreclosures and Evictions for Enterprise-Backed Mortgages* (Mar. 18, 2020), <https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Suspends-Foreclosures-and-Evictions-for-Enterprise-Backed-Mortgages.aspx>.
- 75 *Id.*
- 76 HUD, *Mortgagee Letter 2020- 06* (Apr. 1, 2020), <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-06hsngml.pdf>.



- 77 U.S. Consumer Fin. Prot. Bureau, *Guide to Coronavirus Mortgage Relief Options* (Apr. 6, 2020), <https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/>.
- 78 *Id.*
- 79 Jacob Passy, *Fannie Mae, Freddie Mac instruct servicers to offer 12-month moratoriums on mortgage payments if borrowers suffer hardship*, MarketWatch (Mar. 21, 2020), <https://www.marketwatch.com/story/some-homeowners-and-renters-will-get-a-break-from-the-coronavirus-financial-fallout-2020-03-18>.
- 80 *Id.*
- 81 Nat'l Hous. L. Project, *Summary and Analysis of Federal CARES Act Eviction Moratorium* (Mar. 28, 2020), <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>.
- 82 Ben Lane, *Freddie Mac, Fannie Mae move to protect renters from eviction during coronavirus crisis*, HousingWire (Mar. 23, 2020), <https://www.housingwire.com/articles/freddie-mac-fannie-mae-move-to-protect-renters-from-eviction-during-coronavirus-crisis/>.
- 83 Laurie Goodman et al., *The Cares Act Federal Eviction Moratorium Covers All Federally Financed Rentals—That's One in Four U.S. Rental Units*, Urb Inst.: Urb. Wire (Apr. 2, 2020), <https://www.urban.org/urban-wire/cares-act-eviction-moratorium-covers-all-federally-financed-rentals-thats-one-four-us-rental-units>.
- 84 Nat'l Hous. L. Proj., *supra* note 81, at 4.
- 85 *Id.*
- 86 Elijah Baker, *UPDATE: Gov. Kay Ivey issues ban on evictions for the entire state, but rent is still due*, WHNT News 19 (Apr. 4, 2020), <https://whnt.com/news/rent-is-still-due-there-are-no-changes-in-state-law-right-now-except-federal-housing-laws/>.
- 87 Kevin Tampone, *Cuomo orders moratorium on evictions in New York*, Syracuse.com (Mar. 20, 2020), <https://www.syracuse.com/coronavirus/2020/03/cuomo-orders-moratorium-on-evictions-in-new-york.html>.
- 88 Stacy Jacobson, *Tennessee courts halt evictions, landlords agree to leniency after WREG asks questions*, WREG News (Mar. 26, 2020), <https://wreg.com/news/tennessee-courts-halt-evictions-landlords-still-pushing-on-time-rent-policies/>.
- 89 Will Parker, *Nearly a Third of U.S. Apartment Renters Didn't Pay April Rent*, Wall St. J. (Apr. 8, 2020), <https://www.wsj.com/articles/nearly-a-third-of-u-s-renters-didnt-pay-april-rent-11586340000>.

- 90 David Brancaccio et al., *Stop utility shut-offs during COVID-19 crisis*, NAACP Legal Defense Fund president says, Marketplace (Mar. 27, 2020), <https://www.marketplace.org/2020/03/27/stop-utility-shut-offs-during-covid-19-crisis-naacp-legal-defense-fund-president-says/>.
- 91 Press Release, Gov. Gretchen Whitmer, Gov. Gretchen Whitmer Calls for Water Reconnections Statewide, Establishes Fund to Help Communities Comply (Mar. 28, 2020), <https://www.michigan.gov/coronavirus/0,9753,7-406-98158-523415--,00.html>.
- 92 LDF, *Letters to Governors Urging Moratoriums on Utility Shut-offs During the COVID-19 Pandemic* (Apr. 13, 2020), <https://www.naacpldf.org/news/letters-to-governors-urging-moratoriums-on-utility-shut-offs-during-the-covid-19-pandemic/>.
- 93 Zahra Ahmad, *Flint offering \$75 water credit to eligible residents during pandemic*, MLive (Apr. 6, 2020), <https://www.mlive.com/news/flint/2020/04/flint-offering-75-water-credit-to-eligible-residents-during-pandemic.html>.
- 94 HUD, *The 2019 Annual Homeless Assessment Report (AHAR) to Congress* (Jan. 2020), <https://files.hudexchange.info/resources/documents/2019-AHAR-Part-1.pdf>.
- 95 *Id.*
- 96 Press Release, U.S. House Comm. on Fin. Servs., Committee Releases Answers to Frequently Asked Questions About the CARES Act (Apr. 1, 2020), <https://financialservices.house.gov/news/documentsingle.aspx?DocumentID=406472>.
- 97 Adam Beam, *California rushes to prevent virus spread among the homeless*, Associated Press (Mar. 19, 2020), <https://apnews.com/c660bcae7971da5a85fce97e3b0871aa>.
- 98 Nat'l Coal. for the Homeless, *CARES Act: What's in it, and what do we still need?* (Apr. 2, 2020), <https://nationalhomeless.org/cares-act-whats-in-it-and-what-do-we-still-need/>.



**LDF**

# **THURGOOD MARSHALL INSTITUTE**

Foreclosures, Evictions & Utility Cutoffs: The Fair Housing  
Impact of COVID-19 on Black Communities

©MAY 2020

A Report by the Thurgood Marshall Institute at  
NAACP Legal Defense and Educational Fund, Inc.





LDF  
**THURGOOD  
MARSHALL  
INSTITUTE**

The Thurgood Marshall Institute is a multidisciplinary center within the NAACP Legal Defense Fund. Launched in 2015, the Institute complements LDF's traditional litigation strengths and brings critical capabilities to the fight for racial justice, including research and targeted advocacy campaigns. The Institute also houses LDF's Archives—a collection of materials chronicling the legal history of the Civil Rights Movement.

[www.tminstituteldf.org](http://www.tminstituteldf.org) | [www.naacpldf.org](http://www.naacpldf.org)

THURGOOD MARSHALL INSTITUTE AT NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.