

July 2020

## SURVEY OF LEGAL AID ATTORNEYS

At the end of June, the **National Housing Law Project** surveyed 100 legal aid and civil rights attorneys in 38 states to see how tenants were faring during the pandemic. While the numbers reported here are troubling, they are the tip of the iceberg; they only take into account families these attorneys have represented during COVID. **Nationally, only 10% of tenants have legal representation, while 90% of landlords do.** The attorneys told us about their top concerns and what they plan to do about the widely anticipated surge in evictions after eviction moratoria expire.

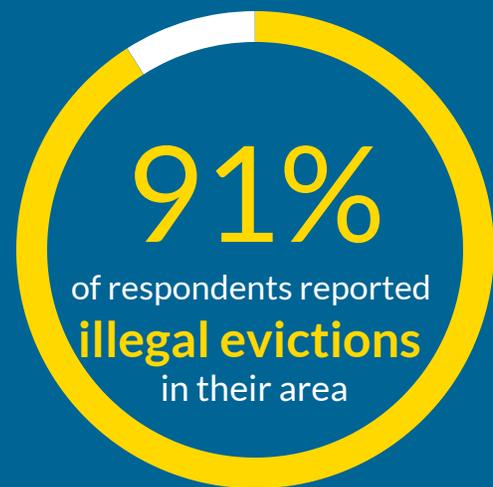
### TOP CONCERNS

- illegal evictions and lockouts by landlords
- evictions via Zoom - remote hearings rife with due process problems
- ballooning number of cases that legal aid attorneys simply can't handle
- health and safety of legal staff and clients
- need for rental assistance to prevent homelessness crisis

Under the federal moratorium in the CARES Act and many state and local eviction moratoria, it is illegal to evict someone for not paying rent. The CARES Act moratorium expires July 24th. **Starting July 25th, tenants will begin to get eviction notices unless Congress and the federal government act.**

Moratoria around the country vary – some have already expired; others extend into the fall. At the time of this survey, **78% of respondents had local or state moratoria in place; 12% had local or state moratoria that already expired; 10% never had a state or local moratorium.**

## EVICTION DEFENSE BY THE NUMBERS



**53%** saw tenants being  
**illegally locked out**  
of their homes by landlords

**18%** saw tenants facing  
**landlord intimidation**  
and other eviction threats

### LANDLORD TACTICS

To intimidate and evict tenants, landlords illegally:

- cut off utilities and refused repairs
- used "constructive evictions" (rendering homes uninhabitable to tenants)
- falsely certified that their properties were not covered by moratoria

July 2020

I really worry about my clients being evicted just because they don't have the technology that the judge wants them to have.

How will I protect the health of my staff and clients with courts opening back up in the midst of COVID?

Make no mistake: we will not be able to handle the flood of evictions coming at the end of the moratorium

## WHAT'S HAPPENING IN COURT?



88%

of respondents are **concerned about remote hearing processes**

### DUE PROCESS CONCERNS

Concerns with remote hearings include:

- digital divide - tenants lacking technological access to fully participate in hearings
- race and class bias by judges and juries due to lack of technology
- default judgments against tenants because of tech challenges
- inconsistent or nonexistent protocols for submitting and presenting evidence

**53%** report remote hearing processes that **significantly disadvantage low-income tenants**

**65%** are concerned about **access to justice and due process issues**

July 2020

A "TSUNAMI" OF EVICTIONS  
IS COMING...

85%  
of respondents expect a  
**dramatic surge in  
eviction cases**  
once moratoria expire

 REASONS FOR SURGE

- backlog of eviction cases on hold
- unmonitored illegal evictions and other aggressive landlord behavior
- end of unemployment payments
- limited access to legal representation
- problematic remote hearing processes



85%  
of respondents  
**don't know how they  
will handle** the surge

 COPING STRATEGIES

- 30% will rely on pro bono attorneys
- 23% hope for expanded rental assistance or extended moratoria
- 19% will use new public funds to staff up and/or increase materials
- 13% will refer clients to other service providers

HOW CAN WE PREVENT AN  
EVICTION CRISIS?

20 to 28  
million

**renters could lose their  
homes by September**  
if federal, state, and local  
eviction moratoria expire

 PREVENTING A CRISIS

- Congress must pass a universal federal eviction moratorium that goes beyond the CARES Act and extends for at least 1 year.
- Congress must appropriate \$100 billion for rental assistance to help tenants experiencing pandemic-related income loss.
- HUD, VA, USDA, Treasury and other federal agencies must use their authority to halt evictions in their properties and programs as detailed in [this letter to HUD from 170 organizations](#).

NOTE: There are various estimates that predict the number of renters at risk of being evicted post-moratoria. We rely on estimates from the [Aspen Institute](#) and [Amherst Capital](#).

## Questions?

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