

## Rising Evictions in HUD-Assisted Housing Survey of Legal Aid Attorneys

Despite \$46.5 billion in federal emergency rental assistance and a federal law protecting tenants from hasty evictions, the U.S. Department of Housing and Urban Development (HUD) continues to allow public housing authorities and voucher landlords to evict tenants from their homes.

In Spring 2022, the National Housing Law Project (NHLP) surveyed 148 legal aid and civil rights attorneys in 39 states, DC, and Puerto Rico. These attorneys are part of NHLP's Housing Justice Network. The survey assessed how tenants are faring in HUD-assisted housing, specifically, public housing and the Housing Choice Voucher (Section 8) program. Public housing is both owned and administered by state and local public housing authorities (PHAs). In the voucher program, PHAs administer the voucher, but tenants rent units owned by private landlords. Highlighting the experiences of some tenants observed by their legal aid attorneys, this survey is only the tip of the iceberg. Nationally, only 3% of tenants have legal representation, while 81% of landlords do. For a fuller picture, HUD should collect data about evictions, especially for its own tenants. For now, this survey offers an important look at what has been happening on the ground and includes policy recommendations for preventing evictions and prioritizing housing stability.

### HUD Evictions Are Returning to Pre-Pandemic Levels or Higher

**47%** of attorneys reported rising eviction cases across HUD-assisted housing, compared to pre-pandemic levels.

An increase in HUD evictions for non-payment of rent means that families with the lowest incomes – primarily seniors, people with disabilities, and Black and Latino families – are the most at risk of losing affordable housing in the midst of a market with skyrocketing rents. Eviction cases are rising in part because many HUD-assisted housing providers failed to leverage the tools that the federal government made available during the pandemic to make rents affordable for tenants, such as emergency rental assistance and the ability to waive program rules.



report an increase  
in public housing eviction cases.



report an increase  
in voucher eviction cases.

### Courts Are Not Enforcing the CARES Act 30-Day Notice Requirement

**88%** of attorneys reported inconsistent or no court enforcement of federal eviction notice requirements.

Federal law (CARES Act) requires that, before filing an eviction, federally assisted housing providers must give tenants a 30-day notice. PHAs and voucher landlords continue to violate the law, and courts enforce it inconsistently or not at all. For many HUD-assisted tenants, a 30-day notice is critical to avoid homelessness by allowing them time to find another place to live with a limited income and preventing the landlord from filing an eviction in court. To help increase CARES Act compliance, HUD should educate PHAs and landlords and issue unequivocal guidance explaining that the notice requirement is still in effect for all HUD housing providers.

# Evictions in Public Housing

About one million households, many with incomes below the poverty level, live in public housing. During the pandemic, PHAs were responsible for ensuring housing stability and preventing eviction for their residents to protect the public health. HUD offered PHAs a range of strategies to keep tenants housed, including applying for emergency rental assistance and allowing PHAs to adapt their rules. Unfortunately, many PHAs did not take advantage of these resources to keep families housed – a problem that is reflected in our survey results and in [HUD's own data](#).

48%

reported an **increase in public housing eviction cases for nonpayment of rent**, compared to pre-pandemic levels.

35%

reported an **increase in illegal evictions** for public housing tenants, compared to pre-pandemic levels.

## Many PHAs Ignored Strategies for Reducing Rent That Would Have Helped Families

Under HUD housing programs, tenants pay a portion of their income in rent. During the pandemic, HUD tenants, like many Americans, saw their incomes fluctuate greatly. HUD provided PHAs with tools to quickly and accurately calculate a household's changing rent, but many failed to make use of these tools, and HUD never mandated them. Now, tenants are facing evictions for nonpayment of rent that PHAs never should have charged.

72%

reported PHAs in their area **did not recertify tenants' rent** so that it reflected real-time changes in income.

81%

reported PHAs in their area **did not implement a \$0 minimum rent policy**, even when families saw drastic reductions in income.

61%

reported PHAs in their area **did not offer tenants repayment plans** for past due rent, prior to evicting them.

### Problematic PHA Practices

#### Attorneys reported some PHAs

- Refused to implement policies that would have reduced rent for tenants during the pandemic;
- Misled tenants about the availability of pandemic-related protections;
- Engaged in sloppy recordkeeping, which led to PHAs' losing tenant documents and delaying processes.

### Recommendations

#### HUD should require PHAs to:

- Apply for federal emergency rental assistance for tenants behind on rent;
- Adopt policies that apply changes in income retroactively to rent and provide other accommodations to tenants whose incomes decrease;
- Fully implement \$0 minimum rent policies to protect families whose incomes drop
- Offer reasonable repayment plans to all tenants facing eviction for nonpayment of rent.

"The PHA has routinely told my office that HUD Regulations do not apply to them." – Colorado

"Our public housing authority is still closed to the public and tenants must submit documents in a drop box. In case after case, tenants report the PHA loses or claims never to have received the documents." – Connecticut

## Evictions in Voucher Housing

Vouchers are a critical resource for low-income families across the country because they help families afford housing in neighborhoods of their choice. Voucher families are subject to the same market pressures as other renters because they seek housing in the private rental market. Covid tenant protections that expired as rents began to sharply rise nationwide combined to push voucher families out of their homes as rents exceed their voucher amounts.

92%

reported **voucher tenant evictions** had either increased or returned to pre-pandemic levels.

66%

reported an increase in evictions due to **unreasonable rent**, compared to pre-pandemic levels.

60%

reported an increase in **voucher eviction cases for nonpayment of rent**, compared to pre-pandemic levels.

### Problematic Voucher Landlord Practices

**Attorneys reported egregious actions by some voucher landlords including:**

- Increasing rents without public housing authority approval;
- Refusing to work with emergency rental assistance programs when tenants owed back rent, despite documented pandemic hardship;
- In places with rent stabilization laws, evicting tenants for minor infractions, false allegations, or claiming substantial remodels, all to make room for higher paying tenants.

### Recommendations

**To help voucher families afford rent, HUD and PHAs should:**

- Implement rent policies that reflect tenants' true incomes so that voucher tenants pay close to 30% of their incomes in rent;
- Require voucher landlords to work with tenants and local programs where emergency rental assistance is available, particularly where there is documented pandemic hardship;
- Set subsidy levels to compete with market rents;
- Collect data about evictions in HUD-assisted housing, including for non-payment of rent.

"Voucher landlords consistently ignore the 30-day CARES Act notice requirement." - Oregon

"We have seen voucher landlords trying to raise rent without going through proper channels with the PHA."  
- Maryland

"We are seeing illegal lockouts, termination of utilities, refusing to make required repairs, ending the lease term when there is no other reason to evict, and raising rents too high." - Pennsylvania

"We are consistently seeing PHAs rubber-stamp significant rent increases to entire complexes." – California

## Many HUD-Assisted Tenants Did Not Benefit from Emergency Rental Assistance

To keep tenants housed during the pandemic, Congress provided \$46.5 billion in emergency rental assistance (ERA) to state and local programs, which successfully helped many tenants across the country stay housed during the pandemic. Landlords (including PHAs) could apply for ERA to recover lost rental income. HUD recommended, but never required, PHAs to apply. PHAs that failed to apply deprived their residents of assistance for which they were otherwise qualified.



reported seeing **evictions from PHAs after they accepted rental assistance.**



reported seeing **evictions from PHAs that refused rental assistance.**

Voucher families fared worse than public housing tenants during the pandemic. Like public housing tenants, voucher families explicitly qualified for ERA, but suffered from some of the same landlord tactics as private tenants, and generally had less protection from HUD and their PHAs. For example, while HUD's interim final rule required PHAs to notify public housing tenants about local ERA programs, it did not provide a comparable requirement for voucher landlords.



reported seeing **evictions from voucher landlords after they accepted rental assistance.**



reported seeing **evictions from voucher landlords that refused rental assistance.**

### Recommendations

**To improve access to rental assistance programs for all HUD tenants, HUD should require HUD-assisted housing providers in both public housing and the voucher program to:**

- Renew leases or sign non-eviction pledges if they receive rental assistance;
- Agree that the rental assistance satisfies all past debts of the tenant;
- Stay eviction cases until ERA applications are processed;
- Avoid engaging in source-of-income discrimination against tenants using ERA.

**"Some voucher landlords have increased rent without PHA approval, passed the cost on to the tenant, applied for rental assistance, and then tried to kick out the tenant despite receiving the rental assistance." – Georgia**

**"Voucher landlords collect rental assistance funds for a voucher tenant for months going forward and then evict the tenant but refuse to return the ERA funds to the issuing agency or the tenant." - Montana**