

Officials warn evictions could rise as protections expire

- David Crigger/Bristol Herald Courier



Bristol Redevelopment and Housing Authority Executive Director Lisa Porter is working to develop repayment plans with residents who have fallen behind on their rent during the pandemic.

Tim Dodson Aug 16, 2020

When a clerk called Scott Halcomb's name in Bristol Tennessee General Sessions Court on a recent morning, he walked to the front of the quiet, mostly empty courtroom.

Halcomb's 2 1/2-year-old son, Wyatt, wore Elmo-patterned overalls and wriggled in his father's arms. His landlord stood to his right.

Judge David Tipton started what would be a short eviction proceeding.

Tipton asked Halcomb, 51, if he had fallen behind on his rent. Halcomb agreed that was accurate and the judge issued a judgment in the landlord's favor. The tenant would have to vacate his trailer near Blountville in the coming weeks.

It took just a few minutes for Halcomb, a single parent, to be evicted from what had been his home for what he said was about eight or nine months.

After the hearing, Halcomb told the Bristol Herald Courier that he lost his job as a mechanic in Bristol this past spring as the COVID-19 pandemic began to ravage the economy. He received

unemployment benefits, but when the \$600 weekly supplement that Congress provided in the CARES Act expired at the end of last month, Halcomb was one of millions of Americans whose aid was slashed.

Although Halcomb searched for other job opportunities, he said he has a heart condition and cannot work in sectors like retail where he could be exposed to large numbers of people during the pandemic. With that major limitation, his jobs prospects in the region have been slim, he said.

And the current \$152 in weekly unemployment benefits forced some tough choices.

“If I took all the money that that brought in, it would maybe just come close to covering rent,” he said.

And with other expenses like groceries and diapers, he said he fell behind on his rent as he prioritized those competing costs and tried to set aside some funds for a relocation.

“It was a hard decision, but it’s just — it’s a nickel and dime thing,” he said. “You just make your mind up on what you’ve got to do and hope that the rest of it works out.”

Halcomb is not alone.

An estimated 30 million to 40 million people across the U.S. could be at risk of eviction in the coming months, according to an analysis published in early August by researchers from a group of institutions that included Princeton University, the Massachusetts Institute of Technology and the National Low Income Housing Coalition.

Among the forces driving these concerns are the expirations of state and federal moratoria on eviction proceedings, widespread job and wage losses during the pandemic and the end of the \$600 federal boost in unemployment benefits.

Over the past two weeks, local attorneys, court clerks and others involved in evictions in Northeast Tennessee and Southwest Virginia told the Bristol Herald Courier that they have not seen a major spike of cases in the region.

But there could be a wave on the horizon as various protections and benefits lapse, and those who work with low-income individuals that may be more at risk for housing insecurity are trying to help them navigate this crisis.

Moratoria provide some temporary relief, but debts accumulate

In March, the supreme courts of Tennessee and Virginia each issued a moratorium that temporarily paused eviction proceedings.

However, Tennessee's highest court allowed evictions to resume in local courts June 1 and Virginia's moratorium expired in late June.

The Virginia Supreme Court later reinstated the statewide eviction moratorium in a 4-3 ruling Aug. 7. This will last through Sept. 7 and comes as the state General Assembly convenes this coming week for a special session.

Gov. Ralph Northam wrote in a letter to the court that the time will allow his administration to work with legislators "to develop and pass a legislative package that will provide additional relief to those facing eviction and to expand financial assistance for tenants through our rent relief program."

At the national level, the CARES Act included an eviction moratorium that covered properties that participate in federal assistance programs or have federally backed mortgages. But that moratorium, like other protections and benefits associated with the CARES Act, expired toward the end of July.

About a quarter of the country's 43.8 million rental units were covered by the federal moratorium, according to an estimate the Urban Institute released in April.

While moratoria may have brought temporary relief to tenants, they did not stop the accumulation of rent debts and created strains for landlords who need to pay mortgages.

Using \$50 million in federal CARES Act funding, Northam launched the Virginia Rent and Mortgage Relief Program (RMRP) at the end of June to offer short-term financial assistance to people who meet certain eligibility requirements. For renter households to receive assistance, the program requires an agreement with the landlord, who would need to be willing to either forgive part of past due rent or implement a repayment plan with the tenant.

"There's plenty of assistance and there's plenty of funding available," said Kyle Sensabaugh, director of Housing Services at People Inc., a nonprofit organization administering the RMRP in parts of Southwest Virginia.

As of Thursday, \$43,220 has been distributed in relief to 48 people across the city of Bristol and Buchanan, Dickenson, Russell, Tazewell and Washington counties, according to Rachel Fogg, the group's public information officer. A total of more than \$250,000 has been allocated for this region.

The state of Tennessee does not have a similar program.

Local evictions move forward in Tennessee

It's unclear how many households in Northeast Tennessee and Southwest Virginia may be at risk of eviction, but some landlords have tried to move forward with proceedings in local courts.

Sullivan County clerks said anecdotally they've seen eviction filings since the Tennessee Supreme Court allowed the cases to proceed starting June 1. But Circuit Court Clerk Bobby Russell was unable to provide a specific breakdown of cases because evictions are categorized as contract debts, which are mixed in with credit card debt, hospital debts and other types of cases.

"Surprisingly enough, we haven't seen all that big a surge in landlord-tenant cases in Sullivan County," said Polly Peterson, a legal aid attorney based in Johnson City. She is the associate director of litigation of Legal Aid of East Tennessee.

But Peterson said one of the explanations for this could be landlords were waiting for moratoria to expire. In Tennessee, landlords seeking an eviction have had to sign a declaration under perjury that the property does not fall within the restrictions of the CARES Act.

As the financial resources provided by the federal government, such as the initial \$1,200 stimulus check and the enhanced unemployment benefits, are spent and expire, the region may see an increase in evictions in the coming weeks, Peterson said.

One of her pieces of advice is for tenants who reach any sort of agreements with landlords, do so in writing.

On the other side of the state border, courts have continued eviction cases for nonpayment until after the existing state moratorium ends.

Joseph Carico, executive director of the Southwest Virginia Legal Aid Society, said in an interview before the moratorium was reinstated that his office was watching for a spike in eviction cases but had not yet seen one.

More than 8,500 eviction hearings were scheduled across Virginia between early August and Sept. 21, according to an eviction tracker from the Legal Aid Justice Center.

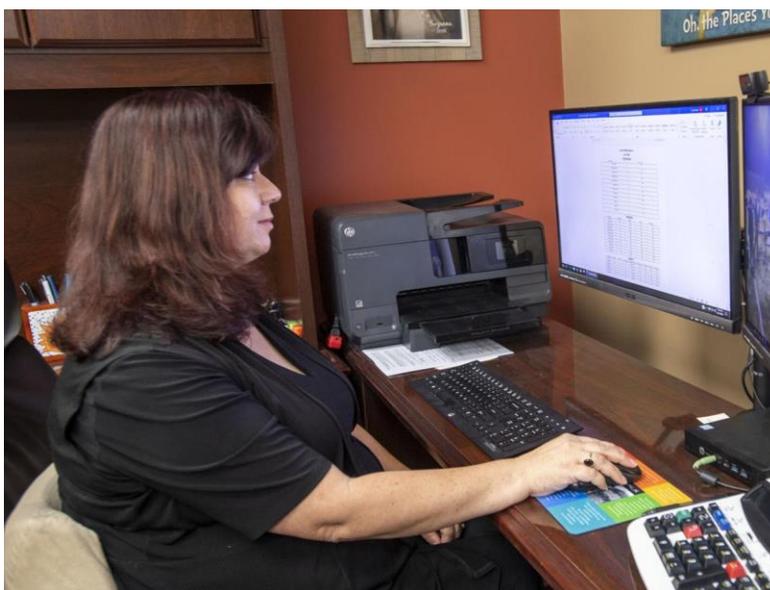
Of those cases, 149 were scheduled over an eight-week period in the cities of Bristol and Norton and Buchanan, Dickenson, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington and Wise counties.

But many cases are being rescheduled because of the existing 30-day moratorium that was issued Aug. 7.

Public housing's response

Agencies administering federal housing programs in the local area said they each have several tenants who are behind on rent from the moratorium periods and are trying to work out repayment agreements to avoid evictions.

Lisa Porter, executive director of the Bristol Virginia's Redevelopment & Housing Authority, said recently that the agency has 36 accounts behind on rent.



The agency is working on an eviction prevention plan that would include repayment agreements.

“If we just pursue evictions on everyone who's behind, it doesn't help them and it doesn't help us either,” Porter said.

In Bristol, Tennessee, Karena Coakley, project manager for Bristol Housing, said 19 tenants in the city's public housing units are behind on rent. She's also encouraging tenants to sign repayment agreements and said the agency has tried to be accommodating.

Rent in public housing is set so that a tenant does not pay more than 30% of their adjusted gross income. Tenants should report any changes in employment status so that rent amounts can be adjusted, Coakley said.

She added that Aug. 26 is when she will begin court action for tenants who have not paid rent and do not sign a repayment agreement, which residents have until Aug. 25 to enter into.

In Bristol, Virginia, the state moratorium means that the earliest court dates for any eviction proceedings for nonpayment of rent probably would not be until October, Porter said.

Authority leaders said the ongoing crisis underscores larger issues surrounding housing that were affecting families well before the pandemic.

"There is not enough affordable housing in the Bristol surrounding area for families that are low to medium income," Coakley said.

And housing ties into other needs, Porter said.

"If you don't have stable housing, it's really hard to concentrate on having stable employment, and a stable home life and if you have other needs, like substance abuse," Porter said. "But if you have stable housing, you can start to concentrate on those other issues."

Private landlords navigating evictions

While private landlords have been proceeding with evictions in Tennessee, cases have generally been put on pause in Virginia.

At a hearing in Washington County, Virginia earlier this month, Eugene King, who has rental properties in Abingdon and Bristol, had one of his cases moved to September because of the recent state Supreme Court order temporarily suspending eviction cases.

King said he depends on rent payments to cover mortgages, property taxes and maintenance costs.

"The banks don't give me any freedom," he said as he left the courthouse on a recent morning.

“The tenants are getting the best of everything right now,” he added.

From a renter’s perspective, Halcomb, who was evicted from his trailer in Blountville, said he understands the pressures landlords are under.

“I have sympathy for everyone in the situation,” he said.

Halcomb added that there are tenants like him who do, in fact, want to work — after his heart condition landed him in the hospital last year, he said he returned to work soon after. And he’s moving to Maryland in the next few weeks to find a job opportunity and be closer to family, he said.

But so much of the pandemic’s impacts are out of any individual’s control, Halcomb said.

“With it being so detrimental to so many people, it just seems like there ought to be a little more understanding.”

tdodson@bristolnews.com | 276-645-2567 | Twitter: @Tim_Dodson

1 comment

Leigh Anne Stephens Aug 16, 2020 9:07am

Hind sight is 2020, but perhaps money should have gone directly to landlords, rather than trust tenants to pay the most important bills first. Unemployment plus 600 extra should have been plenty to cover rent and utilities and food, the top three. I’m not sure there are many people out there who prioritize. They usually hate the landlord, the very person who provides shelter. Postponing evictions wasn’t a get out of rent free card.