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LOCAL

Kentucky faces wave of evictions if Andy Beshear's protections go away, advocates warn

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Stephanie Grant ran out of time.

She lost her job during the coronavirus pandemic and had to wait months for her unemployment benefits — and is still waiting on full payment.

She's continued to seek work anywhere she can — gas stations, hotels — even if it's a change from her last job in the health care field. Her optimism about a contact-tracing position has faded.

Grant, 42, lives in a two-bedroom apartment in Cadiz with two of her three daughters — one is still in high school and the other just graduated college.

She said she's relied on her modest savings over the past few months, has kept in touch with her landlord and even got a lifeline to help pay for one month's rent.

"I've got to get back up on my feet because I've got to pay my bills," Grant said, adding that she used her delayed unemployment checks to make car payments and take care of other bills. "I've got to survive. ... The fact is, I'm getting further behind, and I have to take care of my family. So I'm willing to do anything at this point."

With July coming to an end, she said she can't pay her rent for August. And Grant isn't alone.

About one in four Kentucky adults live in a household that missed last month's rent or mortgage payment, or who aren't sure they can make next month's payment on time, according to a U.S. Census Bureau survey.

The National Coalition for a Civil Right to Counsel makes a more dire prediction, estimating that 44.3% of Kentucky renter households are at risk of eviction and the state could see 149,000 eviction filings in the next four months.

From 2017 through 2019, Kentucky saw 127,522 total eviction filings.

During his media briefing on Tuesday, Gov. Andy Beshear said he believes the number of at-risk Kentuckians is much lower than previously thought, saying most who were struggling have reached payment plans with their landlords.

And while he suspended evictions for nonpayment in May, the outcome of a federal lawsuit that challenges that order and a recent decision by the state Supreme Court could allow for most eviction cases to resume in full just as the state's coronavirus cases are on the rise again.

Landlords have said some renters are taking advantage of them and not working with them to find solutions and that missed rent payments are impacting maintenance, payroll and other expenses.

A mediation session for the lawsuit was scheduled for Thursday morning. The Supreme Court is part of that discussion, Beshear said.

"I know that there have been some possible outcomes that have gone back and forth, trying to find that right area where no one who is unable to pay because of COVID is evicted," Beshear said. "But at the same time those that can, can't use it as a reason to simply not pay."

During his briefing on Thursday afternoon, Beshear said the last update he received on the mediation session was that it did not look like there would be a resolution.

"If there is not a resolution then ... we'll move forward and we will defend our order," he said.

He added that he believes the Supreme Court's decision would allow for eviction cases for nonpayment to be filed — although any trials could not start until Oct. 1 — but his order would still prevent people from actually being pushed out of their homes.

Ben Carter, an attorney with the Kentucky Equal Justice Center, said Beshear's interpretation runs counter to how everyone treated his order.

"Nobody read his May 8 order as covering only set outs," which is when somebody is kicked out, he said. "The court system, advocates like me and landlords all read his order" as

applying to court filings and people being forced out.

In a letter to Beshear, affordable housing advocates in Kentucky urged him against settling the lawsuit or lifting the current eviction moratorium.

"We will only make it through this together if you don't throw millions of Kentuckians who rent their homes overboard by allowing landlords to evict them for nonpayment of rent during the twin calamities of an escalating pandemic and coincident economic crisis," they wrote.

Later, in a footnote, they told Beshear that failing to defend his eviction order, which they said is legal, "will be an absolute disaster and there will be no one to blame but you and your administration."

Affordable housing issues a factor

A wave of evictions would mean sharp increases in homelessness or larger groups of people living together, affordable housing advocates say, neither of which are ideal as coronavirus cases increase in the state.

And they say the underlying pre-pandemic housing issues are making the eviction crisis worse. Chief among them, a shortage of affordable housing, specifically for low-income people, which leads to housing costs taking up significant percentages of monthly income, often more than 50%.

The result, said Sarah Saadian, vice president of public policy at the National Low Income Housing Coalition, is little distance between financial stability and risk of eviction.

"Before they were one financial crisis or financial shock away from falling behind on their rent and being evicted from their homes," she said. "For many people, this pandemic is going to be that precipitating event because they're seeing the decline in their wages or they lose their job.

"And all of a sudden, you know, maybe they were struggling to get by before, but they just can't make it work this time."

A recent report by her group underscores how tight budgets are for Kentuckians making the minimum wage. The organization estimated the "state housing wage" — the hourly amount needed to not spend more than 30% of monthly income on housing — at \$14.99 per hour, more than double the state's minimum wage.

It didn't take long after the economic shutdown in Kentucky this year for residents to grow worried about making their rent, said Adrienne Bush, executive director of the Homeless and Housing Coalition of Kentucky.

"It took basically two weeks for people to not be able to pay the rent or make their mortgage payment if they're a homeowner," she said. "We started getting calls immediately like in March."

Bush's organization is among the seven who wrote to Beshear this week urging him to stick with his order.

"Even with the protections that are currently in place, it's still a very serious issue right now," she said.

'Massive' racial justice impact

The pandemic has disproportionately impacted people of color.

The same can be said for evictions before the coronavirus.

From 2012 to 2016, landlords filed evictions against Black renters at nearly twice the rate of white renters, according to an ACLU report from January that used data from the Eviction Lab at Princeton University. What's more, in 17 of 36 states with enough data available, including Kentucky, landlords filed eviction cases against Black female renters at more than twice the rate of white renters.

"We've been trying, as a society, for more than 50 years now since the Fair Housing Act was passed, to work on desegregating our communities," said Eric Dunn, director of litigation at the National Housing Law Project.

"And I think this is a situation where, if we don't protect people from evictions, and we don't provide protections for people who are displaced to be able to get other decent affordable housing, then we're going to undo all of even the meager progress we have made."

Evictions make it more difficult for renters to find housing.

Those renters will have to turn to more desperate landlords, Dunn said, who will likely be renting in neighborhoods with lesser job opportunities and schools, neighborhoods with environmental hazards and areas with lower quality housing.

"The racial justice impact of this is just massive," he said, "and should not be overlooked."

Housing advocates propose solutions

To head off a potential wave of evictions as the coronavirus began its spread through the state, Beshear suspended all evictions on March 25.

On May 25, he amended the order to suspend evictions for nonpayment, meaning that renters could be evicted for other violations of their lease, such as being nuisance.

From that point through July 15, landlords filed 669 eviction cases in Kentucky, including 127 in Jefferson and 34 in Fayette counties, according to data from the Administrative Office of the Courts.

But there are some resources available for those at risk of eviction.

Louisville Metro Government is using some of the money it received from the first federal relief bill for rental assistance.

As of July 21, Louisville Metro's Eviction Prevention COVID-19 Relief fund had received seven applications that were expected to be approved, totaling \$66,240 for 68 households representing 169 tenants, according to a city spokeswoman. A separate program to help with rent, utilities and food has approved \$2,298,668 to 2,708 households.

But more can be done, say housing advocates, many of whom are pushing for \$100 billion in rental assistance and a federal eviction moratorium in the next relief bill.

Dunn, the director of litigation at the at the National Housing Law Project, recommended three policies.

The first is that unpaid rent during the pandemic not be cause for eviction. Since landlords won't be able to collect that unpaid rent from new tenants, he said it doesn't make sense to displace people who can pay going forward and pay some of what is owed.

Second, Dunn said that those who can pay rent but not what they're currently paying should be able to break leases without a fee or to have it held against them as they seek housing they can afford.

And third, Dunn recommended an increase in funding for federal housing vouchers.

Among the recommendations to Beshear from the seven state housing advocacy groups was extending the eviction moratorium into 2021 to allow the state legislature to address the issue.

They also asked for at least 60 days' notice before the end of any eviction suspension so renters and landlords can prepare.

"We hope you will hold strong to your conviction to keep Kentuckians healthy at home," they wrote to Beshear, using his often-used phrase, "whether home is rented or owned."

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