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Commentary

Expected and possible unexpected consequences of ending the eviction moratorium

Jack Tsai^{a,b,c,*}^a School of Public Health, University of Texas Health Science Center at Houston, Houston, TX 77030, United States^b National Center on Homelessness Among Veterans, U.S. Department of Veterans Affairs, Tampa, FL, United States^c Department of Psychiatry, Yale School of Medicine, New Haven, CT, United States

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ABSTRACT

The U.S. Supreme Court ended the federal moratorium on evictions that was in effect from May 2020–August 2021 during the Coronavirus Disease 2019 (COVID-19) pandemic. The end of an unprecedented national eviction moratorium has public health implications for housing, health, and homelessness. Accumulation of eviction filings, unpaid rent, tenant moral hazards, deteriorated tenant-landlord relationships, and increased transmission of COVID-19 and rates of homelessness are possible consequences that need to be prepared for as the federal eviction moratorium has ended. Innovative approaches and solutions can be taken that build upon existing knowledge and infrastructure for rental assistance, legal aid, and homeless prevention.

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On August 27, 2021, the U.S. Supreme Court ended the federal moratorium on evictions put into effect by the Centers for Disease Control and Prevention (CDC) in response to the Coronavirus Disease-2019 (COVID-19) pandemic. The lifting of the eviction moratorium has important public health implications for housing, health, and homelessness.

First, eviction filings have not stopped during the pandemic and have been accumulating. These eviction filings will now be processed, and while courts may have a backlog of cases, renters who have pending eviction cases will now be at risk of eviction. Eviction and the risk of eviction are associated with negative physical and mental health outcomes [1,2]. Since some minority groups may be at higher risk for evictions, the resumption of evictions may exacerbate some ongoing health disparities.

Second, the number of renters behind on rent who report they are at risk of eviction steadily increased in the summer of 2021 and remained elevated thru September according to data from the U.S. Census Bureau Household Pulse Survey (see Fig. 1). For example, between May 12 and August 4, 2021, there was a 15.7% increase in renters behind on rent and a 30% increase in renters who reported they were “very likely” to be evicted. States with the largest number of renters at risk of eviction are, in order, Florida,

California, North Carolina, Pennsylvania, and Texas. With the end of the eviction moratorium ending, unpaid rent and late fees are now due, and renters who cannot pay this debt may face eviction. These debts if unpaid for long periods may affect the ability of renters to achieve upward income mobility given the relation between poverty and poor health [3].

Third, the eviction moratorium may have introduced moral hazards for renters. Certainly, many renters across the country are faithfully trying to pay their rent on time and some renters have delayed paying their rent to use the money for basic necessities, but other renters have used the money for purposes that may negatively impact their ability to pay back the rent with the moratorium lifted. In one study of a national sample of 3393 middle and low-income renters, 23.4% reported they had delayed paying their rent over a three-month period during the eviction moratorium [4]. While many renters used their rent money to pay groceries, utilities, and debt, some renters reported they used the money for entertainment and recreation. It is difficult to judge individual financial choices because they depend on circumstances, but these potential consequences should be considered with the end of the eviction moratorium since financial literacy and money management are important to long-term health and well-being [5]. In addition, renters who delayed paying rent were found to be more likely to have an antagonistic renter-landlord relationship which can be essential for a sustained, stable housing situation [4].

* Correspondence to: School of Public Health, University of Texas Health Science Center at Houston, 1200 Pressler St., Houston, TX 77030, United States.

E-mail address: Jack.Tsai@uth.tmc.edu

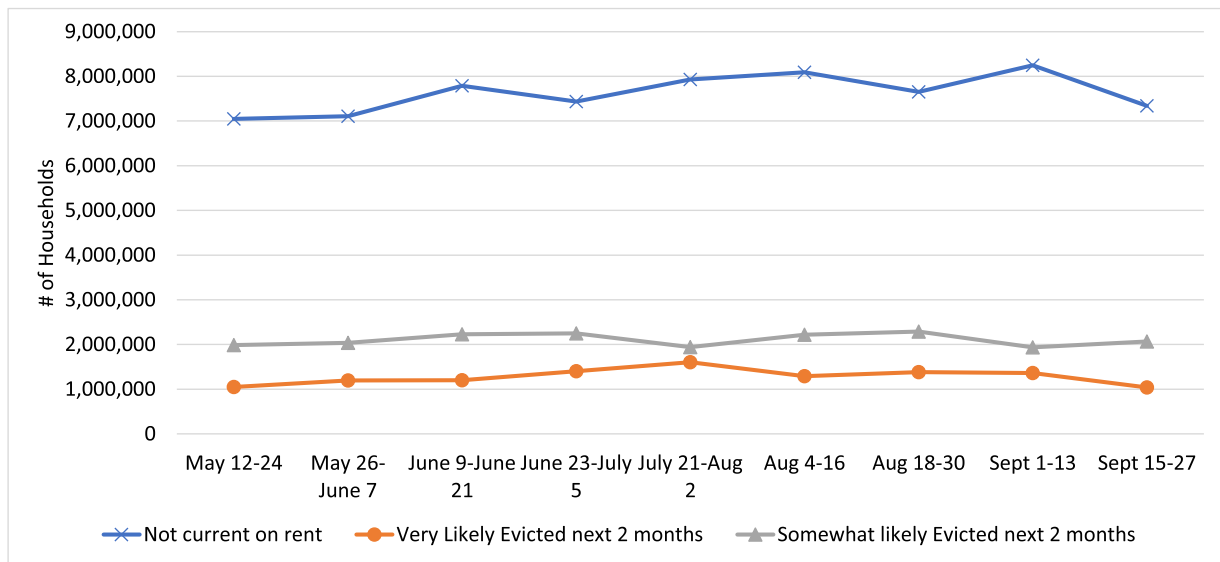


Fig. 1. Estimated number of adult tenants in 2021 who reported they were behind on rent and likely to be evicted in the next 2 months. Note: Data were from the U.S. census bureau household pulse survey.

Forth, as evictions resume, COVID-19 transmission may increase especially among low-income and racial/ethnic minority populations [6]. Evictions are also a pathway to homelessness and there have been concerns about managing COVID-19 in homeless service settings and congregate housing [7]. Since racial/ethnic minority groups may be at especially high risk for both housing instability and COVID-19, special consideration of these groups is needed in developing solutions. Coordinated efforts to manage COVID-19 and homelessness will be important to addressing both major public health issues.

So, what solutions do we have? A multi-pronged approach is likely needed. One major approach is to help renters and landlords obtain assistance from the \$46.6 billion dollars approved by Congress for Emergency Rental Assistance funds. Some renters have reported challenges accessing these funds because of documentation requirements for income and lease as well as requiring landlords to agree to certain terms (e.g., not evict participating renters within a certain time period). Communities can build on existing rapid rehousing and homeless prevention programs and expand these programs with federal funding, such as from the American Rescue Plan, to help high-need renters navigate and access emergency rental assistance.

Many individuals could also benefit from greater access to legal aid. Over 40 law schools have joined a national effort to help households at risk of eviction. Several states and local jurisdictions have “right to counsel” programs that provide lawyers to renters facing evictions. A randomized trial has shown that clients who receive full legal representation in eviction cases have significantly better outcomes than clients who receive only limited legal assistance [8]. In addition, there is a growing model of medical-legal partnerships or legal aid clinics embedded in healthcare and homeless service settings that can advocate for patients in eviction cases, file necessary paperwork, and represent them in court proceedings [9].

Lastly, evictions can be a recurring problem, particularly because an eviction record can make it difficult to find secure housing. Some advocates have argued for expunging or sealing records in eviction cases. Eviction diversion programs have shown promise and are already operating in many states; these programs seek to resolve disputes between landlords and renters with mediation, financial and social services, and legal advocacy to prevent evictions from occurring.

Short-term solutions will not be able to address deeper issues like poverty and lack of economic opportunity, and the eviction moratorium has highlighted the dire financial situation of many Americans. Thus, there is a need for new innovative lasting solutions to help renters achieve economic security, financial literacy, and sustainable communities. At the individual level, financial literacy and money management programs may be important. For example, representative payee programs can be setup with professional staff helping at-risk individuals manage a budget, pay rent consistently, and achieve stable housing and financial security [10]. Such programs may also help assure landlords that unpaid rent and future issues with payment or other tenancy issues will have professional support.

In conclusion, there are a number of expected public health consequences with the end of the federal eviction moratorium but also possible unexpected consequences. Communities should be encouraged and supported to capitalize upon existing experience and infrastructure for services related to rental assistance, legal aid, and homeless prevention.

Declaration of Competing Interest

Author reports no conflicts of interest.

CRediT authorship contribution statement

Jack Tsai: Conceptualization, Investigation, Writing – original draft.

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