

June 16, 2021 – 2:00-4:00 PM ET

NATIONAL FAIR HOUSING FORUM

On the Brink: The Looming Eviction Crisis of the COVID-19 Pandemic

Speakers: Peggy Bailey, Senior Advisor, Rental Assistance, Office of the Secretary, U.S. Department of Housing and Urban Development (HUD); Lynn Grosso, Director, Office of Enforcement and Programs, HUD; Chancela Al-Mansour, Executive Director, Housing Rights Center; Erin Kemple, Executive Director, Connecticut Fair Housing Center; Steve Tomkowiak, Executive Director, Fair Housing Center of Metropolitan Detroit

LYNN GROSSO [0:00:00]: Good afternoon, everybody, and welcome to the National Fair Housing Training Academy's National Fair Housing Forum entitled "On the Brink: The Looming Eviction Crisis of the COVID-19 Pandemic." Welcome, all of you. Very happy for you to join us. My name is Lynn Grosso and I am the Director of the Office of Fair Housing Enforcement with HUD.

I think we are going to begin with a--while we are waiting in the room, we are going to begin with a poll, if all of you wouldn't mind. We will begin the program shortly, but we'd like to see where you are joining us from. Please take a moment to fill out and we will be right back with you.

And what I will do for those of you who may not be able to see this on the screen, the first option for where you are located is East Coast; the second option is South; the third option is Midwest; and finally, those can indicate whether they're joining us from the West Coast. And for those colleagues out there and friends I have in the Rocky Mountain Region, I guess you'll just have to figure that one out. So, we'll be right back with you. Take a moment to figure that out.

Thank you, everybody. Again, welcome to this session of the National Fair Housing Training Academy. I see we have lots of people joining from the West Coast and, of course, it's still morning on the West Coast, so maybe we'll have people join late. But very nice to see you all, very happy to see that we have good national representation for this very important topic.

I want to take care of a little bit of housekeeping; I want to make sure that we know that this form features information and resources that represent the experiences of the speakers, and the comments on here don't necessarily reflect the policies or positions of the Department of Housing and Urban Development.

I'm very excited to be here and see today we have a fantastic lineup, and to cover some technical tips and instructions regarding today's event, I'm going to turn it over to you TJ, please.

TJ WINFIELD [0:02:35]: Thank you, Lynn. So, I just wanted to start off by noting that today's event is Section 508-compliant, this includes our dedicated team of American Sign Language interpreters who you can see on your screen; we also have closed captioning available for this event. You can access the live transcript by clicking on the closed captioning button on your screen, clicking Live Transcript and then Show Subtitles. If you do have any technical difficulties with audio or video, we ask that you first sign out of the webinar and then sign back in; and if you're still having trouble, you can request help in the Q&A box located on the Zoom panel section at the bottom of your screen. You can also send an email to NFHTA, that's nfhta@cloudburstgroup.com, which we'll be monitoring for any issues for those that can't join the session.

For this event, you can choose for your audio to come through your speakers or your phone. And we do encourage you to ask questions; you can enter your questions at any time by selecting the Q&A button on the Zoom panel. Please note that due to time constraints we may not be able to respond to every question today; the webinar is scheduled for two hours and is being recorded; [the recording and transcript will be made available on the NFHTA website on HUD Exchange along with resources that supplement today's conversation.](#)

HUD encourages you to regularly visit www.hudexchange.info/nfhta.

Back to you, Lynn.

MS. GROSSO [0:04:15]: Thank you, TJ. Again, I want to welcome you and I have to tell you as we were preparing to go live in the virtual green room that is always on these kinds of events, we got the latest numbers that there are over 1300 people registered for this event and I understand that breaks NFHTA's all-time record on virtual events. This is such an important topic right now; it is a very important time for the department, the Office of Fair Housing, and for all of our fair housing partners in FHIP and FHAP organizations across the country.

So, it's a sign of the times that the registration is so high on this, and I want us to know that we are here working together; FHIPs and FHAPs are an extraordinarily important part of the fair housing enforcement infrastructure of this country, and we stand ready as we look out onto the horizon ready for what is coming our way and we want to make sure that we support you as well.

We stand ready to remind the public of the very important parts of the Fair Housing Act that can help us as fair housing enforcement partners through this time; and to remind the public that even though eviction moratoria are coming to a close and Emergency Assistance is coming to an end, the Fair Housing Act remains in full force and the department and its partners will ensure that we get through this and that the Fair Housing Act protects families, ensures family stability, and to the extent maximum, avoids displacement of families facing imminent addiction in the face of likely discrimination. So, thank you all for recognizing the importance of this training and for joining us today.

I have some very important announcements I want to make. I will tell you that I may seem a bit frazzled right now, it is a pretty hectic time in the department; there is--particularly in the Office of Fair Housing--there is a lot going on as we prepare to ready ourselves and ready our partners for this important mission that lies before us. The Acting Assistant Secretary, Worden, will soon be making announcements and particularly reaching out to our Fair Housing Assistance Program partners to share with them important support that the department is putting in place to help us and to help the fair housing infrastructure of this nation work through this time.

Very soon, you will be hearing the department's announcement regarding the availability of partnership and special enforcement funds for FHAP organizations; many of you come from FHAP organizations, you know what these funds can do, you know how important they are; they are above and beyond the typical case processing and administrative funds that we provide to you. And right now, we are making \$900,000 available to our FHAP organizations to undertake some very important activities.

Most of those funds will be in the form of partnership funds and partnership funds are for our FHAP agencies to collaborate with community-based organizations for housing testing, education and outreach, and we are making these funds available in these four priority areas. First of all, we are providing funds to FHAPs to conduct education outreach and testing, to address discrimination because of sex, and [specifically because of sexual orientation and gender identity because of the department's announcement earlier this year that notified the public and our FHIP and FHAP partners](#), that the department will be fully enforcing the Fair Housing Act to protect people against sexual discrimination, including discrimination because of sexual orientation and gender identity.

So, for some communities, there may be significant parts of the community that are not aware of these types of protections, and so we think that's a very important service that partnership funds can provide.

Next, we would like FHAP funds to be used to address discrimination because of race, including tackling discrimination that we all know has been targeted against Asian Americans and Pacific Islanders, Black, Indigenous, and other communities of colors right now, and to remind communities of barriers that can restrict housing, can restrict neighborhood choice, and can better promote integrated communities.

The third category for partnership funds, you will see, will be fair housing issues related to COVID-19, the COVID-19 pandemic. Of course, this continues to be challenging for us; last year in the FHAP program, we were able to roll out CARES Act funds that Congress appropriated; many of them addressed dire needs you all had for things like equipment to work remotely and activities to reach customers, reach potential victims of discrimination, even during the pandemic.

And then finally fair housing issues resulting from or in connection with the lifting of the eviction moratoria. Of course, the theme of today's training, the very timely issue that we are here to discuss.

So, these are the areas that we will see partnership funds support--and then finally, a smaller fund that is very often underutilized, but FHAPs can tap into funds that the department has available that are typically dedicated to supporting protracted litigation and other unusual or extraordinary enforcement expenses.

Today, we are letting you know you can expect that these funds will be available, specifically dedicated to support FHAP agencies as they seek prompt judicial actions where voluntary stays of eviction have not been obtained to keep families in their homes and in the midst of imminent displacement. We know our FHAP organizations, as you'll learn today, have this authority; we expect that they will continue to use it as they have all along in order to carry forward the objectives of their local laws. But there will be, we expect extraordinary strains on FHAP agencies as they have to do this and these funds will be available.

And if those of you representing FHIP agencies thought maybe you were overlooked, fear not. Of course, as you well know, the American Rescue Plan has appropriated funds for FHIP organizations; the act, of course, was approved March 11th. Congress has made 20 million dollars available in grant funding to provide to FHIPs to carry out the activities-- advocacy, and testing, and education, and outreach--to address the impact during and related to recovery as a result of the pandemic. You will see these funds will provide supplemental FHIP funding to address fair housing inquiries, complaints, investigations, education outreach and the cost of delivering, or adapting services.

Very broad support; watch our website for upcoming notice of funding availability. We are working very hard to roll this out quickly, swiftly and you can look forward to that.

So, we have a lot in the works for both our FHAP partners and our FHIP partners and we look forward to working with you to utilize these supports in addressing what we expect to be a very trying time with respect to evictions.

Finally, today, I want to refer all of you to the National Fair Housing Training Academy's website which is hudexchange.info/nhfta; that's hudexchange.info/nhfta. [There, you will find three job aids that we have developed for this presentation today](#); it has involved a great deal of collaboration from the academy's faculty, from HUD's Office of General Counsel, and of course, FHEO, and they are available on the website, we will be discussing them today and will be helpful to fair housing practitioners, legal aid attorneys, and others. [They will touch on prima facie elements of a discriminatory eviction, from judicial action under the Fair Housing Act to combat discriminatory evictions as I've mentioned](#), very powerful tool under the act--and timely--[best practices for language access and limited English proficiency](#).

And armed with these three job aids, we think you will be even better positioned to take on the challenges that we think are coming our way.

Today's event, just as a reminder, is part of a two-part forum series on July 21st from 2 to 4 PM--and I assume that is Eastern Time; we will offer a separate complimentary forum

entitled Preserving Homeownership Post-COVID-19; Forbearance Options for Homeowners and Tools to Prevent Discriminatory Foreclosures. You can register for the event in the upcoming days on NFHTA's website, again, as I shared with you.

It is now my pleasure to introduce Peggy Bailey who is your moderator for today's forum. Ms. Bailey is new to the department, but certainly not new to fair housing--a longtime friend of fair housing, she's the Senior Adviser to the Secretary on Rental Assistance in HUD's Office of the Secretary. Prior to joining HUD, she was the Vice President of Housing Policy at the Center on Budget and Policy Priorities where she oversaw the center's work to protect and expand access to affordable housing for people with low incomes.

Ms. Bailey, thank you for taking the time to join us. I know that these things can--they look simple on the outside, but there's always a lot behind the scenes that goes into it. So, thank you for joining and facilitating our conversation, and I'll turn it over to you now.

PEGGY BAILEY [0:16:04] Thank you. And thank you, Lynn, for that introduction and the great announcement for the FHAP organizations and their upcoming resources for the FHIPs as well. I know you'll be joining back for the Q&A segment at the end.

It is my pleasure to moderate this forum on the important topic of the national eviction moratorium. Let's do another quick poll to see why you participants are joining today. The poll question is what are you the most interested in learning today? A, about COVID-19 and disparate impact on race; B, is that you'd like to add more tools to address discriminatory eviction; C, that you're looking for solutions to address discrimination such as injunction relief; or D, that you're wanting to learn more about the impact of lifting the national eviction moratorium.

We'll wait for your responses to come in on the poll. And it looks like most of you are here to learn more about the impact of lifting the national eviction moratorium, which is about 59 percent of everyone; but all of these topics are of interest to you and we'll be able to cover them today.

So, it's really great to hear directly from individuals like you who are working on the ground to address racial equity in fair housing. We truly appreciate your feedback and I'd like to share the learning objectives for today's forum and give a little bit more detail on those aspects of the polling question.

So, together, we will understand how COVID-19 has had a disparate impact housing, impacts on people in protected classes and communities of color, and how it has led to a looming eviction crisis with potential fair housing implications. You'll know more about the eviction moratoria that are in place and assistance programs that may prevent evictions; you'll understand the legal framework for a fair housing solution to an eviction case; you'll know about fair housing issues in eviction processing and how to address those issues; you'll have more tools to combat discriminatory evictions including through the legal process and reasonable accommodations; and finally, you'll know more about fair housing, housing counseling, and legal service resources for combating eviction.

And I'll just say that all of these objectives are of great importance to Secretary Fudge and to the President. There was an eviction crisis before the pandemic and what it's done is really brought evictions out of the shadows and into the forefront, and we're going to seize on that to make sure to do everything we can to prevent an eviction cliff once any of the moratoria end.

So, at this time, I want to introduce our panel speakers. We are eager to learn from the experiences of the speakers whose bios are available on the forum page that Lynn mentioned earlier. So, joining us today, we have Chancela Al-Mansour, Erin Kemple, and Steve Tomkowiak.

[Chancela Al-Mansour is Executive Director of the Housing Rights Center in Southern California.](#) The Housing Rights Center is dedicated to securing and promoting fair housing while also working towards the prevention of homelessness. [Erin is the Director of the Connecticut Fair Housing Center,](#) which works to ensure that all people have equal access to housing opportunities in Connecticut, free from discrimination. [Steve is the Executive Director of Fair Housing Center of Metropolitan Detroit,](#) a nonprofit inner enforcement agency engaged in fair housing outreach and education, complaint intake, investigation, and enforcement proceedings in the Metropolitan Detroit area.

Each panelist has a ten-minute presentation and after that, we will open it up to the Q&A portion of the event. So, during the round table at any time, you can submit questions using the Q&A box at the bottom of the webinar app.

And with that, I'm going to hand it over to Chancela.

CHANCELA AL-MANSOUR [0:21:10]: Hello. Good morning to my fellow people who are out here on the West Coast with me--I'm in California--and good afternoon for everyone else who's listening. We, housing advocates and tenants' rights advocates for housing advocates, really thank you all for participating. I feel the mutual love here even though I don't know all of you who are listening in, but that our main objective and goal is to prevent evictions, to stop and end homelessness, and to get people in housing and to keep them in the housing which they want to live in, in which they should be living.

So, some of the things that I'm going to be covering starting off with are just who are the people and who are the communities that are impacted by evictions and by foreclosures. I'm going to talk a little bit about the expiration of the eviction moratoria, and the potential for--we know more than the potential--but what we're already starting to see is a surge in evictions. I'm going to discuss the legal framework for how evictions may be a fair housing issue and almost always is a fair housing issue for certain communities; I'm going to discuss evictions due to disparate treatment and due to disparate impact, which are theories that are used to prove cases of fair housing violations under the law; and I'm going to discuss the legal framework for how to prove a fair housing case--all in 20 minutes--in the prima facie elements to establish a fair housing jurisdiction when there is an eviction. And hopefully, we can also get to some systemic eviction issues.

So, who's being evicted during, and before the pandemic, after the pandemic right now? What we know in particular is that Blacks, in particular, are being evicted; they were being evicted beforehand; what we saw is that Blacks, even though according to statistics,

[The Eviction Lab, about 21 percent of African Americans are renters and according to its data, about 36 percent of African Americans faced eviction last year.](#) But we already we all know--and The Eviction Lab acknowledges this as well--that number is very low because that's only taking to account the defendants in eviction cases; a lot of Blacks, once they face eviction, will leave once they are given a notice and so forth before--or won't show up at the trial or won't file an answer to enter and present a case. So, obviously, that number that 36 percent of them face evictions is actually much lower than what we know it to be.

The other issues, the things that already impacted the Black community; and so, in particular, we're talking about high rent burdens already; having a of a low socioeconomic status, being the first to be fired oftentimes or last to be hired, already being underpaid, facing race discrimination based on the fact of being Black, so that could be based on the employment that they have, just sometimes based on their names and so forth when it comes to renting an apartment; having children--having Black male, especially young boys and so forth, not being rented to, or being harassed, or retaliated against for those factors as well. So, unfortunately, all those conditions--and then, of course, suffering from a higher vulnerability to the COVID-19 disease and to its aftermath as well.

And also, who's being evicted and who's facing it? Hispanic, Latinx, Native American families--and in particular, those who are directly impacted by COVID-19. What we saw in April of 2020 last year initially was it was Black Americans who--at least, the data was showing were the most heavily-impacted by the COVID-19 pandemic; but by the fall, the Latino, Latinx, Hispanic community were severely impacted by the COVID-19 pandemic especially as they had to work to keep working in the farm industry and other labor markets as well, and service industry, and healthcare where they were exposed to the disease; lived in overcrowded housing, so it's hard to socially-distance in home and so forth; and also multi-generational housing as well. So, from very young children to seniors sharing housing as well, making the family often times more vulnerable.

[We added some statistics here about the COVID-19 mortality rate in California that were just released, showing where they looked at death certificates, just showing just who died--](#) and also what was surprising to who to some was the age of the--especially the Latinx families who were very hit hard by the COVID-19 and how young they were, and which directly impacts the income stream into households. When you have younger people who are bringing in the income to pay rent--or to pay the mortgage, if a family is fortunate enough to own a home--or maybe the grandparents owned a home but still have a mortgage that the younger people are helping to pay off--that family is housing-vulnerable and insecure once the younger people lose their jobs and so forth.

We also saw, obviously, low-income families regardless of race and especially large families caught up in the vicious cycle of losing their homes and being directly impacted

both in terms of exposure to the COVID-19 pandemic, not having access to child care, losing income streams because of the lack of access to child care and so forth, or being--for many people--being stuck--the sandwich generation taking care of children and seniors and elders as well, especially because as we all know, while many people were talking about nursing homes--and that was an issue for a lot of Black and Latinx communities, but it also wasn't as much because nursing homes are expensive, you have to be part of the system; and so, for immigrants, oftentimes, that's not an option for them. So, they were home being taken care of the best that they could be, again, exposing them to the COVID-19 pandemic.

And in California also, we saw the homeownership market is at an absolute upheaval where if it has impacted all of the stages of housing because the housing values of prices are so expensive for homeowners, many of them have entered into or are staying in the rental market as opposed to looking for a home, because even if they sold a home last year for \$1 million, that home was probably worth \$1.52 million; now, they can't afford it, so they're renting, which is more heavily impacting everybody else who rented. California is facing this true crisis as well, and I added some statistics and surveys here showing the fact that Black and Latinx families are more likely--2.5x more likely to experience housing hardship in the United States.

And obviously, the racial wealth gap is being further exacerbated because of these racial disparities due to either income issues, less work flexibility, and job insecurity as well.

So, one thing I just want to say also, the Native American, Indian American communities in the United States were always heavily impacted by the COVID-19 pandemic; we know the numbers are underrepresented. So, I definitely, by not speaking emphatically about the community, I don't want to underrepresent the extreme hardship that that community has faced as well in terms of evictions and jobs in housing and security.

So, the eviction moratorium. So, evictions, number one, let me just say that eviction still happened last year, and we saw that; even in California, where we had a very strong eviction moratorium in terms of the state one and we had local ones, and Los Angeles County has a strong one, LA City still has a very strong one--I'm sorry the county does as well, that may expire June 30th. In California, we have fairly strong tenant protections, but still, tenants were evicted. They were evicted oftentimes because if landlords were able to try to assert that there was a health and safety concern, they were able to get the case heard in court; there was a short period of time where the courts weren't hearing evictions, but they kind of quickly did start again; and then also it's been kind of a little bit of a battle with the sheriff's department in terms of hopefully, keeping them from executing writs to stop lockout notices even--because oftentimes, we know that sometimes that will happen even if there isn't a court--even if the landlord hasn't gone through the proper channels to get a legal eviction.

So, in March 2020, that's when the CARES Act started, we saw the 120-day eviction moratorium that the CDC did nationwide, but it was only to prevent evictions in federally

subsidized and federally mortgage-backed home apartments and mortgage units. On July 24, 2020, the CARES Act moratorium expired, but landlords had to provide a 30-day notice.

It was started up again; the CDC, in order to prevent a further COVID-19 spread, issued a second federal eviction moratorium, but there was a ten-day gap between the two moratoria, so we know that there was probably an eviction surge between that time. Also, the good thing about the second eviction moratorium is that it wasn't limited to subsidized or federally-backed mortgages. But right now, we know it was extended again in January of this year, was extended again in March of this year; right now, the CDC moratorium is set to expire June 30th--so that's in 14 days--of this year; and I'm going to go back to the CDC more time just a little bit in terms of what we may kind of guess in terms of whether or not it will be extended.

In California and nationwide, we know that there were several jurisdictions that passed stronger eviction moratoria that applied to potentially everybody who was renting, not just people who are in federally backed mortgage apartments or subsidized housing; but like even in California, still relied upon the tenant to be informed of their rights by the landlord. So, for example, instead of having a three-day notice to pay rent or quit, tenants were given a 15-day notice, but the landlord had to give them a declaration form that the tenant had to sign out saying they were impacted by COVID-19; and then their rent was converted to debts, the landlord couldn't file an eviction based on that unpaid rent.

So, that's all great, that's still going on; but the problem that we all know, is that it really relies on the tenant knowing their rights. So, we know that, again, tenants are either being evicted or they're leaving the apartment not knowing their rights, knowing that they owe a lot of back rent, knowing that maybe they weren't able to get emergency rental assistance, and we know that families with children and the communities I talked about are the ones who are being more severely impacted by this.

In terms of whether or not the CDC moratorium is going to be extended? Well, we know that in some states, in particular in the south, there have been a lot of fights and challenges against it. [So, for example, the Alabama Association of Realtors have said that the CDC didn't have the authority to oppose it; there's another one against the Consumer Financial Protection Bureau because they have an interim rule that helps residential tenants facing eviction to say that they can't couldn't enforce these rules at all](#), so there's definitely some challenges. [In Florida, there's a case that was just filed in May by the Association of Realtors and also against the CDC, saying it's overstepped its authority.](#)

[There are a few glimmers of hope, lights that the CDC order will be extended. In the National Law Review a couple days ago](#), they decided that because of the fact that that there is a really aggressive defense going on against all of these cases and so forth, that maybe that there is hope. In California as well--and I can really only speak to California--we're also waiting to see whether or not our eviction moratorium will be extended, and so I'm kind of hoping that as well.

So, fair housing, I'm going to really quickly talk about fair housing law and so forth, just to kind of jump into it. So, there are protected categories that are protected from being discriminated against under fair housing law. Everybody is protected under the fair housing law because we are all members of a protected category, because we all have a race and so forth, all these things. Now, we know, for example, that race is the main reason why people are evicted; it is used either intentional discrimination against people based on their race or there's a policy or so forth that impacts a person more so because of their race. And what we see oftentimes in terms of violations based on race, is we see restrictive rules, or overly punitive, or heavy-handed enforcement against people based on their race, based on who they associate with, based on their children, their guests, their visitors, or maybe looking into criminal background checks--or just background checks in general, guilt by association, and so forth. That's who we see being evicted.

In California--or in other places as well-- it may be because a teenage son, an allegation that a friend that they hang out with may be a gang member and that they were seen in the apartment building, especially if it's subsidized housing, so then the whole family becomes evicted because of an allegation made against a child which, again, because the standard is so much lower than in criminal proceedings, they don't need to necessarily prove that it happened oftentimes--and they should, of course, in terms of good cause, but we all know what happens in court.

So, some of the other protected categories as well, in terms of the discrimination that is prohibited against, is based on a person's color, their language, their religion, their sex, their gender in particular as we've seen fortunately, with the new executive orders and with the revamping of the Equal Access Rule based on sexual orientation and gender identity; domestic violence, sexual harassment--especially quid pro quo in this horrific economic climate we're seeing right now; we're knowing that vulnerable communities, especially women, especially the LGBTQIA community are particularly vulnerable to managers who may approach them with a quid pro quo, "If you can't afford to pay rent, maybe you could do something else," or it may be much more assertive than that in terms of a sexual assault; but we're definitely seeing that, we know that that's happening as well. Discrimination based on national origin, we see that oftentimes when it comes to monolingual ads.

So, I've been told I just have a few minutes, so let me just rush through the rest. So, familiar status, obviously we've gone through restrictive rules, occupancy overcrowding; disability, we've seen a lot of discrimination based on nuisance charges, especially when it came to the use of COVID-19, the fear, and economics, and subsidized housing.

So, disparate treatment, disparate impact in fair housing; these are both theories that are used to prove that fair housing violations occurred. The main thing, I guess, basically to say, is that disparate treatment is usually when there's a direct evidence or circumstantial evidence that's kind of a direct evidence, of intentional discrimination. Just defendants--which is the housing provider in housing discrimination cases--have to just to show that they had a legitimate non-discriminatory reason for their action in order to rebut an

allegation of discrimination brought under a disparate treatment case; and then the plaintiff, which is usually the tenant or the person who's living there--has to show that the defendant's reason that they gave is pretextual, that it's a lie, it's wrong, and so forth, and oftentimes based on statistics, or testing evidence or something like that.

So, other quick things about disparate intent or motives in these kinds of cases is that motive is required, it's a necessary element--not necessarily under your state law--fair housing laws in California for example, mixed motive cases may be adequate to prove a discriminatory case, you don't need to prove that the landlord's main motivation was discrimination in other words, so look at your state fair housing law in addition as well.

And here are some examples of disparate treatment cases that we've seen litigated in evictions; oftentimes, eviction cases have to do with notices and complaints that the tenants may have received--racial comments, statements, discriminatory ads, policies that directly state, for example, children can't play outside, children can't be outside, that type of thing.

Disparate impact. Disparate impact cases, generally, it's when there's a facially neutral policy, so on the face of it, it doesn't appear to discriminate against anybody based on their membership in a protected category, but when you apply that policy or that rule, it does more severely impact one group more than another based on their membership in a protected class. I'm sorry for speaking so slowly. So, there are some proofs to proving a case under the disparate impact claim that we have in the materials as well.

[In 2013, HUD issued its discriminatory effects standard.](#) And this practice has a discriminatory effect where it actually or particularly results in a disparate impact case against a certain people. California recent state law, we also prohibit practices based on discriminatory effects in California; [I encourage you to look at the California Department for Employment and Housing Act for more informative information.](#)

One last thing I want to say just really quickly about asserting attendance rights and evictions that the judicial council, which is the state group in California that does our pleadings and so forth for evictions--anyway, in our answer forms now, it's part of the standard answer form where it's an affirmative defense that a reasonable accommodation was not provided to a tenant and so forth. And so, hopefully, we'll find that to be very helpful and being used because it is now an affirmative defense in our answer forms to protect persons with disabilities that are being discriminated against. And so, I just encourage those kinds of things in order to for those of you who have access to be able to add additional eviction protections that tenants oftentimes don't know their rights and so forth; they even go to the court if they have a self-help center to help them with an answer form, but they may not know what to say and they may not get help at the courthouse. So, having this kind of information in the answer packet that kind of generates that kind of response to the tenant has been discriminated against, we hope will help to prevent--hopefully--prevent some of these evictions.

Thank you very much for your time and I apologize for speaking so quickly.

MS. BAILEY [0:41:04]: No, that was great. Thank you very much for that; that was fantastic, no apologies needed. So, next up is Erin, and Erin is going to speak to us about programs and available resources. Erin?

ERIN KEMPLE [0:41:24]: Thank you very much. I am going to be going over some of the same ground as Chancela, but hopefully, giving you a little bit of a different perspective on some things.

So, again, I'm going to talk about who is evicted, the eviction process, the consequences of eviction because I think that's particularly significant for our clients and the people that we are designed to help going forward, as well as the programs that have been created to assist people being evicted.

So, as Chancela has already mentioned, when you look at the demographics of who owns versus who rents, it becomes very clear that the eviction crisis is going to hit people of color much harder than people who are White, as well as families with children, female-headed households, and people with disabilities. As Chancela already pointed out, these groups are already particularly impacted by eviction, so what we're seeing is an even greater impact as a result of the COVID-19 crisis.

So, the other thing, I think, that Chancela pointed out and I just want to re-emphasize, is that people of color, female-headed households, people with disabilities have lost more jobs, have higher rates of infection, have fewer assets to ride out the economic crisis, are living in housing that was unaffordable before the crisis began, and the homeownership gap was made worse by the 2008 real estate meltdown.

So, what we're looking at is as the eviction moratoria end, both the CDC and any local or state moratoria, what's going to happen is that you're going to go into housing courts or eviction courts and see massive numbers of people of color and very few people who are White. And so, that's why we know that this is a fair housing issue.

We're going to be looking at housing that will be empty because the people who are living in it are going to be evicted and unable to live there; and in addition to that, one of the things that is particularly concerning to me is how tenants are described. Tenants are not giving respect that homeowners are: "They're deadbeats," "They're taking advantage of the system," "They're abusing landlords' good will." And we, here in Connecticut, hear over, and over, and over again the tenants don't believe that they have to pay rent, that if they just wait things out, the government's going to come and rescue them. And what a lot of people aren't acknowledging is the amount of income that most people lost and what they have to spend in order to just stay afloat, and the new expenses that people have.

The people in the protective classes inevitably are infantilized and demonized, which makes it even more important that we assist them, but it also prevents people from wanting to help them, and that's part of what I really want you to understand is that this is not just a thing where people, "Well, they couldn't pay the rent," but people are really being

demonized, infantilized, paternalized in very negative ways that are going to continue to follow them as they go through the rest of their lives.

So, one of the things, again, to notice is that as a consequence of the fact that there are more people in the protected classes that are likely to be evicted, there is less process. So, in a foreclosure, there's at least 90 days between default and when a foreclosure can begin; it's much shorter time, sometimes as little as three days or 24 hours. Under a lot of the foreclosure rules, there's an ability to cure, and you can't really do that in a lot of states in eviction cases.

In addition to that, losing a court case is much more severe than losing most other court cases; I think one of the other things that is most dramatic in terms of losing a court case is the impact on a family, is maybe losing custody of a child. And for a long time, I really thought that criminal cases, in many respects, were worse than an eviction case. But at least, in most of the criminal cases, the person ends up with a place to live and food to eat, which is not true in most eviction cases. And as I said before, losing a court case has long-term consequences. And so, I'm telling you all of this in an effort to get you to understand how not just the numbers are important, but the impact and what is going to happen to people is so important that we understand.

So, some of the things to watch. As the courts open, some of your states have courts that are fully open; in Connecticut, they are not. But we are facing a digital divide, because we're seeing in Connecticut and a lot of other states in New England, that the digital divide is going to continue to prevent many tenants from participating in their court cases; because even though the courts are open, sometimes they're not allowing people to come in to a hearing or they're only allowing a certain number of cases to be heard on a particular day, and the rest of the cases are still going to be remote. And so, all the families that had difficulty getting their kids online for school, figuring out how they were going to apply for benefits and that sort of thing, are going to continue to have difficulties, and we know that most of those people are people of color.

In addition to that, just getting online for many people is very, very difficult. I don't know how many of you use the Teams app in order to be able to communicate with one another; but in Connecticut, that is the system that is being used in order to have tenants be able to be in a courtroom or a remote courtroom; and most tenants, I have found, cannot navigate it; they don't know how to get online, they don't know how to leave to go into a separate room.

The other thing is that you have to have the ability to read and write English in order to participate in most of these. I have yet to see any place that is really translating any of the instructions on how to participate in hearing remotely, or how to even let the court know that you've got the email. And for some people, disabilities make online participation even more difficult. We have someone here today who is doing simultaneous ASL interpretation, but I haven't seen many courts where that's possible; and a lot of times, the courts don't even know how to make closed captioning available in a way that is going to give access to people who have who are deaf or hard of hearing. And for people who have sight

impairments, there are much more difficulties because a lot of times, you have to use a mouse in order to access parts of this court system, and that's impossible for some people who have seeing impairments.

After the courts are fully open, again, there may still be a digital divide; we go back to the point where a lot of courthouses were built at a time when accessibility for people with physical disabilities was not an issue, or it wasn't thought of as something to strive for, and so, we're going back to a time where people with disabilities may have difficulty getting into a courthouse.

Again, you have a lot of times just to be able to get someone to interpret for; you have to be able to read and understand English because there isn't a way to request an interpreter in the language that you speak--and that was true before the pandemic, and it's even more true now when it's not clear that a lot of interpreters have gone back.

You also have to be able to read and write in order to participate in a case; and for people who either have an impairment that prevents them from seeing or people who just never learn to read or write, they will not be able to participate in their cases. And again, the majority of these people are people of color.

So, one of the things that we have done here in Connecticut is really call out the problem as a racial justice issue--racial and ethnic justice issue--because we recognize it is not--people are not being evicted for bad behavior, they are being evicted because they are victims of the COVID pandemic; and it is also a justice issue for people with disabilities and families with children.

Some of the solutions that we've demanded here in Connecticut include a right to counsel because people of color and others in the protected classes cannot afford to hire lawyers; and we're fortunate to work with a group of organizers who actually helped us get that right to counsel passed.

There was also an attempt to get a right to housing, because access to housing is blocked for more people in the protected classes. Unfortunately, the law that was passed here in Connecticut was very weak and doesn't really assist people who are in danger of losing their homes to eviction.

Some of the things that you can do that can fix the injustice immediately is to work with the judicial branch to access interpreters, even if that means getting people to interpret who are good, but maybe not certified. Unfortunately, one of the things that we see all too often is interpreters that are 12-year-old children who, because they have been going to school, speak both English and the language that is spoken at home; those are not the appropriate interpreters and we have really tried to get the judicial branch here in Connecticut not to allow people to use interpreters that are not hired by the court or certified by the court; but lacking that, we also have asked to prevent children from having to interpret for their parents; it's too big a burden and too often, they don't understand what they are interpreting.

ADA-compliance is really lacking in a lot of courthouses. During the time that the pandemic was going on, there was almost nobody in the ADA Compliance Office that actually was able to make changes in order to assist people with disabilities.

In addition to that, addressing the digital divide. So, one of the things that we continue to point out is that attending court on a smartphone is not equal access, especially not when the landlord is represented, maybe, by an attorney who has a relationship with the court and has gotten permission to be in court because, "Oh, they have a lot of cases coming up, so we'll allow them to be in the court," and what you have is an attorney in the courtroom while all of the tenants are attending by smartphone or trying to log on through a friend's computer.

Having access to someone else's email is not equal access, so that's one of the things that we found is that a lot of people do not have their own email address because they don't really have any way to check email. And so, when they're told by the court, "You have to give us an email address," they're giving their neighbor's or they're giving their sister's, but not someone who is there on a day-to-day basis that is actually checking their email.

And finally, access to technology also does not equal knowing how to use technology. And so, one of the things that we have heard often is, "Well, the schools gave kids Chromebooks or other kinds of computers in order to use during the COVID-19 crisis to go to school." First of all, most parents had to sign an agreement that said that they would not use the Chromebook or other computer for anything other than school, so they're not supposed to be using it for to attend court; but second of all, it doesn't mean that the parents actually know how to use that.

As Chancela already mentioned, the CDC is in effect until June 30th; we have not found it to be very effective here in Connecticut because it's not automatic. As Chancela pointed out, it has to be filled out and given to the landlord, and then the courts allow--at least, in Connecticut--allow the landlord to cross-examine the tenants on the contents of the declaration. So, in Connecticut, one of the things that has happened is the landlord's lawyer says, "You tenant, did you apply for this Emergency Rental Assistance Program, or that program, or that program?", and when the tenant says no because they never heard of it, because there wasn't any advertisement, the court allows the case to go forward.

I'm going to skip this slide because Chancela already went over it so we should move on, because I do want to talk about some of the programs. The Emergency Rental Assistance program, I saw some questions in the chat about the programs and how they work. [The link that is on here, if you go to treasury.gov and put in "Emergency Rental Assistance," you will get this even before you have the PowerPoint in front of you.](#) In general, what it's supposed to do is pay back rent, some future rent and utilities for someone who is behind in rent as a result of COVID-19.

The new Treasury guidance that was issued in May is designed to get the money to tenants and landlords as quickly as possible; and as a result of that, one of the things that is supposed to be happening is that people who are living in what is called a Qualified

Census Tract would not have to put in as much documentation as others. So, a Qualified Census Tract is a census tract in which the majority of people living there have income at or below 80 percent of Area Median Income. So, if you put in your address, 123 Main Street, Hartford, Connecticut and it's a Qualified Census Tract, then that would be all you would need to prove in terms of your income.

There is also an encouragement of cross-governmental cooperation to reduce the amount of documentation needed; so, if someone is qualified for TANF [Temporary Assistance for Needy Families] or for food stamps, that should result in them being automatically qualified for an Emergency Rental Assistance Program.

And finally, the most important thing that, I think, the new Treasury guidance says is that the money should go to the tenant if the landlord will not participate. So, we're seeing a high number of landlords who are refusing to participate; what the Treasury guidance is saying, in that case, is that the money should go directly to the tenant, so that the tenant can find a new place to live and pay first class security deposit, moving expenses. But this is another case in which the landlords--and I think, the public's--disdain for tenants is evident because the state of Connecticut, and landlords, and other people who are participating in designing the program in Connecticut and elsewhere all believe that the tenants won't use the money responsibly if they're given it, "They'll use it to buy a TV, or a car, or something else that isn't necessary and the tenant will still be homeless." So, Connecticut, in particular, is fighting to not give the tenant any money if the landlord won't participate.

Some of the issues in the ERAP program--it's called different things in different states--is that programs require an applicant to have a social security number or an ITIN [Individual Taxpayer Identification Number]; this can result in disqualifying people who are undocumented, even though the Treasury guidance says that they are not necessary. Many programs require government identification, again, something that would result in disqualification for people who aren't documented--and is not required by the Treasury.

A lot of people who are undocumented, because they're undocumented, are paid in cash; under the Treasury guidance, they should be allowed to self-certify, but many programs don't allow that--self-certify how much the income is.

The other thing that we're seeing is that a lot of the information is not translated accurately, and even if it is translated through Google or other online translation tools, it's not accurately translated, because the tool doesn't account for things like idioms, usage or technical usage that may not be part of the common English. The other thing that we're finding is that the instructions, in some cases, are not translated. So, you can get an application that is translated, but you can't get any instructions that are translated.

And this is the last thing that I'm going to talk about because I'm running out of time; but the accessibility of the online application is very difficult. If any of your states are using--or counties--are using online applications, we're finding that the online application is not accessible by a screen reader. For instance, they're a dropdown list, so, "Choose from this

list what city you're in," and you can't type in your city, you have to use the dropdown list, but the screen reader can't read the dropdown list. The keyboard navigation doesn't work, and the online reader doesn't work for some features.

The other thing I would say is that one of the things that I think--and Chancela ended her presentation with reasonable accommodations--in applying for the Emergency Rental Assistance Program, I'm not seeing anything that allows people to request assistance as a reasonable accommodation. So, what I'm hearing and seeing is that everybody gets help or everybody has to fill it out online, and we all know that that's not a reasonable accommodation saying that because everybody has to do something, you have to do it too--even though you're disabled and may not be able to do so.

Thank you, and I will be here during the question-and-answer and be able to answer your questions.

MS. BAILEY [1:01:26]: Great. Thanks, Erin. And next up, our final speaker is Steve. Steve will speak to us about the legal tools available for renters at risk of evictions. Steve, I'll pass it to you.

STEVE TOMKOWIAK [1:01:40]: Alright. Thank you so much. I appreciate everybody for coming out for this forum; I will address legal tools for assisting tenants in danger of eviction. I've drafted an outline for my free presentation and the outline has many case citations; if title of this outlines, the slides, links to the outline, and so, the slides with the links to the outline will be posted on HUD Exchange at the conclusion of this forum.

Obviously, we have an eviction crisis--and we had an eviction crisis prior to the pandemic; nationally, the rate of eviction was 6 to 7 percent of all rental households, roughly one in seven filings for every 17 renter households. Princeton's Eviction Lab, so we see almost a million evictions against tenants every single year. Erin gives some information on Connecticut; our Michigan data is probably, to say the least, the University of Michigan Poverty Solutions and the Michigan Poverty Law Program examined Michigan's statewide data for a five-year period from 2014 to 2018. The Michigan eviction filing rate statewide was 17 percent or 17 evictions for every 100 rental households; that amounts to one eviction for every six rental households for each unit in the state; it's not one filing every five years for a rental household; at 17 for every 100 per year, the average annual filing rates are well over 20 percent for several populous counties, as you see some of the numbers at the state level exceeding 30 percent or so.

The date is limited, it only shows eviction filings--not actual evictions, just the filings; however, some people leave their home before the case was filed. In our state, we have notices, then the case gets filed in court. Others may leave in the midst of the hearing, after the hearing, sometimes the writ is issued, so it's hard to determine the actual number of people that are displaced. Regardless, the volume of filings in Michigan and elsewhere, it's just stunning. The combined effects of the pandemic, lack of affordable housing, and our eviction crisis makes this a problem of just inestimable magnitude. Really, steps have to be done at every state at the national level.

Anyways, in this discussion, I'm going to address the underlying part of the eviction crisis, the Michigan study found that in urban areas, variables that were statistically significantly related to eviction filings include percentages of households occupied by African Americans, households headed by single mothers, and households that contain children. And that just shows you who's bearing the brunt; it is adversely impacting persons in all protected classes.

On the next slide, just very, very briefly--I know this has been touched on--there are common types of fair housing violations that may underlie eviction filings--and non-renewal, actually, is a real source of underlying discrimination, evictions for rule violations where it's applied to this one protected class and not another; quid pro quo sexual harassment--I had a case where it was clear that she was not going to go out with the landlord and he said, "Well, I can no longer be your landlord.", domestic violence, most important service animals--someone asked for a service animal vacation this week and, "I'm sorry, you have to go." Enforcement limits on a number of occupants and targeting persons with disabilities and other minority groups, I can give example after example for each of these categories; non-renewal, they're suspect--yesterday, we receive pleadings from a complainant who has a disability, she's evicted filing a 30-day notice of eviction. No reason was giving for the eviction, it's a straight-up non-renewal--but we know why; she has an emotional disability and I think the management company doesn't want to deal with her, basically.

And there's nothing significant about the cases coming into our office; we get cases and complaints eviction complaints come in all the time most days. She was in tears yesterday over the eviction and she has a smartphone, not able to figure out what to do with the Zoom hearing; so, we offered and she agreed to participate in the Zoom hearing next week in our office. The good news is she's got a solid defense because the landlord accepted her June payment, so we'll file a motion to have that dismissed; but they're likely going to renew the eviction so we really have to dig hard to find the proof that they're not going to hand over to us, that her disability is underlying the discrimination and underlying the eviction.

Another step we can take when it comes to eviction cases to go down to--ours is a district court--I call them eviction courts--but go down to your eviction court and take a look for a two to three-year period, or a four-to-five year period, whatever is relevant for you and find out whether others have been non-renewed, or find out what reasons they've used to evict others so you can pick up some pretty good information as to how the housing provider, landlord, what criteria they're really using when they decide who to evict. Again, non-payment of rent is one thing--and even then, it can be discriminatory as well; but these non-renewals are very, very suspect.

Again, it's impossible to give the number or percentage of the eviction cases that underlie fair housing violations, but they do. On the next slide, the sad part is they don't really get raised during eviction hearings. Usually, the hearings focus on the ground set forth in the notice to quit or demand for possession; judges pretty much don't ask, "Well, why do you think you're being evicted?", they're really looking to see, "Well, did you get the eviction

notice? Were you served?", that kind of thing, they don't ask that. Underlying discrimination claims can come out sometimes just ask one question, "What's the real reason you think that you're being evicted?" And right there they'll tell you, "Well, because I wouldn't go out with the landlord, that's why." But that doesn't get asked.

In that situation, I just described, there were two eviction hearings. So, after the first hearing for non-payment, they entered up to an agreement or whatever after the hearing, and he put flowers on her car after the first eviction hearing... just this is the stuff that goes on-- never got raised in front of the court.

Counsel for housing providers rarely are aware of the underlying housing discrimination; landlords, management companies, they don't tell their counsel. Even if the claims do get raised, they're unlikely to be presented successfully--just 4.8 percent in the Michigan data for five-year data--4.8 percent of tenants were represented by counsel; 83.2 percent of landlords were represented. That's an enormous disparity. And really, even in a Zoom hearing, there's a disparity: the landlord's counsels are Zooming into the court hearing from a nice, professional office and unrepresented tenants log in from their phones, you may or may not be able to see them on their phones, they're not coming from a very impressive type setting; it just sets kind of a--with every step of the way, tenants are disadvantaged.

And a tenant simply can't navigate the complexity of the available forums needed to assert their fair housing claims. Occasionally, they'll contact a FHIP or a FHAP organization or retain counsel, but those are rare cases.

And then, finally, if the claims are raised in a defense or an affirmative defense during the eviction proceedings, the judgment of possession, judgment of faith, the landlord will probably be race due to res judicata possibly collateral estoppel as to the fair housing claims. So, there are a lot of procedural barriers.

On the next slide, we're going to start to go through some of the legal steps or avenues that are available to provide some assistance. First off is that eviction cases, by definition, need immediate action; they're hurry-up cases. From the start, they should be red-flagged; that date should be asked as a part of intake: "Has a case been filed? Have you gotten a notice" Right away, that has to be flagged; HUD general counsel has authority under [\[42 U.S.C.\] § 3610\(e\)](#) and [24 CFR 103.500](#), acting on behalf of the secretary to request the DOJ to petition the US District Court to grant injunctive relief, and that's at the grounds where the case needs immediate action. Each substantial equivalent fair housing law at the state or local level must have the same provision to provide an opportunity to seek proper judicial action for temporary or preliminary relief pending the final disposition of a complaint. Again, these provisions enable HUD and FHAP agencies to preserve the status quo until the complaint investigation process has been completed. Cases that warrant prompt judicial action are ones where there is immediate threat of laws, injury, damage to the aggrieved person, unique characteristics of the housing, the certainty that irreparable injury loss or damage will occur unless injunctive relief is granted; and the key thing is that there

needs to be persuasive evidence that the alleged housing practice has, in fact, occurred--or is likely to occur, and that the aggrieved person will succeed on the merits of the case.

For those that know the court standards, that's all very similar to the court standard for liability of success in the merits. The dwelling continues to be available if the aggrieved person wishes to continue to reside in the dwelling. Another factor is whether the housing provider is seeking to actively rent or sell the subject housing to another tenant or purchaser. If that occurs and there's a new purchaser or a new tenant without any notice or knowledge of the underlying discrimination, they'll be considered a good faith bonafide purchaser and later on, the court will not be able to unseat the tenant--the new tenant that moves in or the new purchaser. So, that's why it's another factor why that has to be entered right away; the citations are [42 USC Section 3612 \(g\)\(4\) and 3613 \(d\)](#) . That's strong grounds for why preliminary injunctive release should be sought.

There are other factors too which sometimes don't get considered, but they should. Immediate relief needs to be sought if there's a situation involving destruction of evidence. Another time that can occur is necessary to preserve testimony; there's cases where, for example, a strong case but the complainant has Stage 4 breast cancer. I mean there has to be a going to court get a video deposition; that's crying out for immediate judicial action.

If evidence is destroyed or complainant is no longer available, the case can be irreparably damaged. I think I saw the code of Miami-Dade County Florida lists preservation of testimony as within the duties and authority of the commission, it's not expressly mentioned in most states, most FHAPs do not have it, but you have to believe courts would certainly open up the court doors if the testimony needs to be preserved, and counsel will need to look at the standards retaining preliminary injunction within their jurisdiction.

On the next slide, the Fair Housing Act includes available relief preliminary, and permanent injunctive relief, and injunctive relief is also available under other fair housing laws such as 1981 and 1982, similar standard as the Fair Housing Act. So, what are the standards for obtaining injunctive relief? There are four likelihood success in the merits or the party will show irreparable harm without preliminary relief; the balance of equities between the party's harm and the absence of preliminary relief and the defendant's harm from the preliminary relief, and that the balance favors the party seeking it--the tenant; and four, that the public interest favors granting the injunctive relief.

The key one is likely success on the merits; it can be met, in some cases, where there's direct evidence, other cases, it can be a little bit more difficult. The standard is that you have to show by a clear showing, carrying the burden of persuasion. Wright and Miller puts it this way, "All courts agree that plaintiff must present a prima facie case, but need not show that he is certain to win." That's a good standard because some courts seem to want to make a certainty standard which is too high of a threshold--and one court said it should be higher than surviving a motion for summary judgment; that may be still kind of high but that's probably what courts are likely to do. But that is the key line, "The likelihood of success of the merits."

On the second component, irreparable injury, I saw a case--well, for a fact, I've seen case after case--where courts have trouble with this one where they really shouldn't. When it comes to civil rights claims, once there's a probability of likelihood of success and the merits is established, irreparable injury is presumed based on the national policy against race discrimination in housing. The same standard applies to any other civil rights cases, whether it's voting, employment. Once it's shown that there is a civil rights violation, the irreparable injury component is met. [The district court in the ReMed Recovery Care Centers case \[ReMed Recovery Care Centers v. Township of Willistown, 36 F. Supp. 2d 676 \(E.D. Pa. 1999\)\] --it's from the eastern district of Pennsylvania](#)--put it this way, "A violation of the Fair Housing Act creates a presumption of irreparable harm the defendant must rebut in order for a preliminary injunction not to issue." And even in the absence of the presumption, once the likelihood of success on the merits is shown, the loss of one's home will be found to constitute irreparable injury. Why? Because there's no real adequate relief for someone who has lost housing, and especially if the third innocent third party moves in, the courts not authorized to return the housing to the complainant.

Balance of equities. In most cases, a plaintiff will sue for harm if preliminary relief is not granted and the defendant sells the home to a third party, and there's several cases which hold that hardship of attendance eviction, in general, outweighs the modest financial administrative burden a stay of eviction imposes on a landlord. I simply submit an escrow order on behalf of the tenant, "Agree to comply with the rules and that should not be an issue," and there should be no harm to the housing provider, to the landlord in that situation.

Harm to the public interest if the injunction is not issued. That's usually not difficult to meet; public interest favors right enforcement of fair housing throughout the United States, that's right in the first section of Fair Housing Act [42 USC § 3601](#), the Supreme Court – [Trafficante \[v. Metropolitan Life Ins. Co., 409 U.S. 205 \(1972\)\]](#), eradication of housing and discrimination, a policy Congress considered to be of the highest priority. The important goal of civil rights laws and to eliminate fair housing is clearly in the public interest. Once you have a likelihood of success on the merits, the public interest favors entering injunctive relief.

In order to really be effective in moving for immediate relief in the face of any eviction, you have to have a plan in place. At the administrative level, [HUD has a handbook, Chapter 4, Page 4-24](#), gives examples of necessary documentation to support a request for prompt judicial action; it requires a verified housing discrimination claim with a signed affidavit detailing all the facts showing that housing discrimination has occurred or likely to occur, and how it is injuring the complainant and why immediate injunctive relief is needed.

There must be facts showing the FHAP jurisdiction must identify clearly the dwelling, show the person's need for the housing, identify the respondents, make clear that the respondent has been contacted and notified of the complaint, and evidence indicating the aggrieved person is likely to prevail on the merits. In court proceedings, I have it in the outline example of it in [Johnson v. Macy \[145 F. Supp. 3d 907 \(C.D. Cal. 2015\)\]](#) it's an example of

it; but at a minimum, you want to file a detailed court complaint including requests for injunctive relief; there's an ex parte motion for a temporary restraining order in order to show cause with notice to the defendant to appear for the hearing on the motion for preliminary injunction; there should be affidavits with supporting documents and evidence showing first, likelihood for success in the merits and the need for immediate injunctive relief; that there should be a supporting memorandum in brief; the standard should show what the elements are for a violation; how that's met in the case; and it shouldn't dress any potential procedural barriers to the injunctive relief; and this varies with the jurisdiction, but that should be outlined; and there should be a proposed temporary restraining order, an order of show cause should be presented along with proof of efforts to contact the defendant for the requested relief.

On the next slide, there are COVID-related disability claims that occur. COVID is can be covered as a disability under the Fair Housing Act, because it is a physical or mental impairment; in the 1988 amendments of the legislative history, made clear in the House report that physical or mental impairment extends the person suffering from communicable disease, including AIDS, HIV - COVID-19 is similar to that. And also, as person with COVID often or is regarded as having a record of a disability or are regarded as having a disability; and housing providers inquiries at to COVID-19 can be a violation. At a situation with one of our municipalities asked if other tenants wanting them to give information as to whether other tenants had COVID and what floors they were on, and so they asked me to provide a statement which they could in turn, provide to the tenants to make clear that that's not information that the housing provider can provide. HUD's regulation concerning permissible applicant inquiries addresses what's permitted information through request of a tenant or tenant applicant, certainly that's not information that can be provided to others; you can't share that.

What we have seen for COVID-related disability claims would be, for example, request because someone has a compromised immune system, to not have maintenance come into their unit or for other type inspections. There is one case that came in on an insurance inspection, as a reasonable accommodation request, we asked that they go look at other units, not the one where the family resided because of their compromised immune system. Another situation involved a policy permitting only one person in the laundry room; at a time, the disabled complainant had a caregiver-- the caregiver was only there for a certain limited period of time, but the caregiver couldn't use the laundry facilities at the time where other people were using, it could be that the laundry could not get done. So, we were able to get a reasonable accommodation granted to allow that to be used even though someone else may be using the laundry facilities.

One last thing: it's important to foster relationships between FHAPs, FHIPs, and legal service providers. I had a case yesterday contacted by legal service attorney, an 84-year-old client who is being non-renewed; they believe it's because of his disability and his age, he resided in a unit seven or so years, always paid rent on time, there's no reason for the non-renewal, no reason for it; but he has a mobility impairment; in the community there

aren't any housing that he can move to that is accessible, so that's a real problem for him. The second part of it is he's 84 years old; we believed it's age-related. And so, one of those suggestions I had I'm going to assist with the pleadings and also suggested doing testing; and that didn't occur to legal service court attorney, but it's very, very helpful to coordinate and discuss it. Any time there's a fair housing claim at legal service offices, organizations should contact FHIP agencies and have a discussion as well so that we can suggest ways to look at it, from a fair housing standpoint, to make sure that those are claims that will not suffer for loss of proof. I really believe the testing evidence will show age discrimination; age is protected under our state law.

I don't want to go too much over it, I'm over time. I'll stop right here. Thank you.

MS. BAILEY [1:23:55]: Great. Thanks, Steve. And I want to ask the panelists and Lynn to go ahead and come on camera so that we don't waste too much time with the transition. You can still keep yourselves on mute if you think there's background noise; but coming on camera, we'll just save a little bit a few precious seconds.

So, now, we're going to move into the question-and-answer section; we've got some great questions in the Q&A box, but please continue to send questions.

And Chancela, I'm going to start with you on an overview question first, and that's just how do people find their local housing counseling agency or local fair housing center?

MS. AL-MANSOUR [1:24:36]: So, I wish I had access to be able to show you, because I'm also a little bit more of a visual person than numbers, and the email addresses and the websites. But basically, they should contact their local fair housing council first; and one way to find their local fair housing council besides probably Googling "fair housing council" in their city is to go to see if there's a local state agency, the state FHAP--in California, it's the [Department of Fair Employment and Housing](#)--it could be HUD as well; there's also our National Fair Housing Membership Organization, that's the [National Fair Housing Alliance](#), NFHA--their website is--well, I don't want to say it incorrectly--but, hopefully, we will provide all that information. So, there's the local fair housing councils, there is the National Fair Housing Alliance; there's the local state department agencies and there's the HUD agency; sometimes, the civil rights department, the Department of Justice would take these; but the bottom line is all these services should be free, so people shouldn't be paying for these services.

MS. BAILEY [1:25:44]: Great. And maybe we can use the chat to paste in some of the web links while we're going through the Q&A. So, Chancela, there was a specific question to you as well, asking what enforcement or other remedial action is authorized expressly by the CARES Act, and is there guidance on determining probable cause of a Fair Housing Act violation in the event of an eviction during the moratorium?

MS. AL-MANSOUR [1:26:13]: So, if I understand the question correctly, is asking if the CARES Act specifically spoke to evictions. I, off the top of my head, can't think of--I've been very much immersed in the emergency rental assistance part of it, I can't think of any kind

of prohibitory language about evictions other than what's under the CDC guidance as well. So, maybe--I see Erin has her hands up.

MS. KEMPLE [1:26:42]: So, remember the CARES Act was passed in 2020, we're now working really under the American Rescue Plan Act, ARPA. But under the CARES Act, one of the things that had to happen was that landlords had to submit an affidavit that the property was not subject to exclusion; and the reason for the exclusion would be that the owner had a federally backed mortgage, like a Fannie Mae or Freddie Mac mortgage.

That actually still remains in effect where an owner is supposed to say that they are not covered by the eviction moratorium under Fannie or Freddie; unfortunately, that also runs out at the end of June, so that really is the only protection that is currently available. In other words, there's nothing to prevent a owner who has a private mortgage from bringing an eviction action and proceeding all the way through to judgment if the person hasn't filed a CDC declaration.

MS. BAILEY [1:27:58]: Thanks, Erin. Anybody want to add anything else to that? Using the hand feature is great too.

MS. AL-MANSOUR [1:28:05]: I did want to point out that in the chat, there are links to the National Fair Housing Alliance and how to file a fair housing complaint in your area. So, please, consult the chat.

MS. BAILEY [1:28:15]: Erin, I think this is also for you. Regarding the right to counsel, was this passed as a state statute or by local jurisdiction and does the state pay for the counsel?

MS. KEMPLE [1:28:34]: This was a state statute that was passed and part of the really great part of it is that the right to counsel starts at the time that the person receives a notice to quit, and also includes a right to counsel if someone is in danger of losing their section aid or their housing choice voucher, and it is a very broad law.

The other piece is that one of the reasons we were able to get it through is because the state is using American Rescue Plan, or ARPA, money in order to fund it for the first two years. So, it gives it gives the right to counsel, number one; it funds it for two years, and gives us that two years to find additional funding in order to ensure that the program continues.

MS. BAILEY [1:29:22]: And does anyone else have anything to add on right to counsel in any other jurisdictions?

MR. TOMKOWIAK [1:29:31]: It's a jurisdiction-by-jurisdiction basis; there's a number of cities that have adopted them. But even for the jurisdictions that haven't adopted it, there are other measures short of that that could be adopted; for example, just to have house counsel available to review--to meet with defendants in eviction cases before they go on forward with their hearing, that makes a huge difference. For example, Lower Detroit's eviction rate is lower than some of the outlying cities.

Another one is to have a preliminary hearing or a pre-trial hearing a day or two before; some cities have it--and sorry to use Detroit again--you can upload documents like pictures and things, emails right from your phone into the court file, and it will be reviewed, it will go directly to the judge handling the case. So, there's a lot of other steps that can be done short of right to counsel; but there's a movement--there's a right-to-counsel movement throughout the nation when it comes to eviction cases, there's no question about it.

And, by the way, too, it would apply--there are some indigent landlords, and we don't make it seem like all landlords have money while many of them do not. They may have an elderly parent pass and they're just not knowing what to do with the home, so they rent it out. And so, for example, they may not be able to afford making the repairs and would need counsel themselves.

MS. AL-MANSOUR [1:31:01]: If I could just jump in here. California is definitely looking towards right to counsel; Los Angeles passing right to counsel-type ordinances and the same thing in LA County; so, that movement is moving very strongly. Our governor has made a very strong financial commitment to preventing--hopefully preventing--homelessness in the future. So, of course, that includes a right to counsel and definitely a discussion about a right to housing.

And just one other quick thing I want to emphasize are our tenant anti-harassment ordinances. Oakland passed a very strong anti-tenant harassment ordinance that basically makes a lot of the activity we talked about earlier prohibited, like directly prohibited under the local law, so tenants can use those as tools to prevent their eviction; in Los Angeles, we're also hoping to get a strong anti-tenant harassment ordinance.

And tenants' rights organizations like ACCE in Oakland have used it to file affirmative litigation against housing providers who violated the anti-tenant harassment ordinance by the harassing tenants for a lot of the things we talked about earlier.

MR. TOMKOWIAK [1:32:07]: Yeah, another thing too on the right to counsel, there are studies showing that providing right to counsel, because of the ability to stop some of the evictions or tenant evictions, it lowers the homelessness rate and other demands on municipal resources, so it ends up being really cost-effective, and those are some of the arguments that can be really persuasive.

Another thing that would help would be the sorts of income protection we really need; that would just take the inability to pay the rent component off the table, that would be a huge improvement. Right now, it's hit-and-miss when it comes to the source of income protection. There's a lot of steps that could be done and we really need to start looking at these.

MS. BAILEY [1:32:52]: Great. Thanks, everyone. So, Steve, this next question is for you: is there any authority that a lease non-renewal or other eviction basis that would otherwise be non-objectionable? Is it illegal if the defendant can show it is masking a discriminatory basis for eviction?

MR. TOMKOWIAK [1:33:12]: Absolutely. Absolutely. For example, there could be a standard notice of eviction or whatever, but that could be done in retaliation because someone filed a fair housing complaint, or if someone complained to the city about habitability, that would be of retaliatory eviction.

Virtually, in all the eviction cases, the landlord/housing provider will present something that looks like it's a non-objectionable reason, but when you examine all the facts, you find out that it is illegal. For example, they could be enforcing the no-pet policy and the tenant has an assistance animal. That would be a violation. So, yes, put it this way: fair housing law overrides contrary state local law; it can override contrary lease provisions. So, they can use whatever policies and procedures they do; however, they cannot do it in such a way that they're discriminating against someone based on their protected class status; you can increase someone's rent and ultimately evict someone based on, "Unable to afford the rent," or "Not paying the rent," but the question is if you haven't increased everybody's rent, you just targeted one protected group for rent increases? That would be a violation.

So, the answer is it would be there in virtually every eviction-based housing discrimination complaint, that there will be some reason that the defendant is arguing is legitimate and non-discriminatory.

MS. BAILEY [1:34:50]: Thank you. Erin, this next question is for you: can you provide more information on the cross-government cooperation in that Emergency Rental Assistance Program application process, and is this something the state needs to set up or is it built into the application process now?

MS. KEMPLE [1:35:08]: It is not built into the application process; it is something that the state has to set up and it has to be done either state by state or even county by county. So, in some places the agencies that give governmental assistance like temporary assistance for needy families, or food stamps, or any kind of social security supplement is done on a county-by-county basis. So, you would have to get--you'd have to get information or cooperation from that unit of government that hands out the cash assistance that some people receive.

It could be done, in addition, if there is anyone receiving some housing subsidy, but again, that doesn't guarantee that the person is at 80 percent of AMI; it's only the cash assistance that guarantees that someone is at 80 percent of AMI, so that's what has to be done.

And in Connecticut, it has to go through the government; it has to go from one agency through the governor back to the other agency, so it's really just a lot of paperwork and bureaucracy but unfortunately, that was the way that Connecticut thought it had to be done.

MS. BAILEY [1:36:37]: There's also the city level as well that could be grantees for the ERAP program. I don't know, Steve or Chancela, if you have examples in your states of cross-jurisdiction collaboration on the ERAP program.

MS. AL-MANSOUR [1:36:59]: So, in this round right now, it has been a challenge in terms of administering it, the state of California has the largest ERAP program and it's

using a private company when it comes to processing the applications, but it has privately contracted with probably hundreds of local nonprofit agencies to try to ensure that there is like hands-on assistance at the community level to help with uploading documents, for example, going to visit people with mobile scanners and that type of thing. So, there has been that in terms of getting the state assistance out as well.

MS. BAILEY [1:37:45]: And I would just say--not that I can talk about any particulars--but if you're in New York state, the state is playing a role in helping coordinate and do some cross-agency coordination there as well. So, that's a place to reach out to partners that you know they're in New York to find out more about how that's working. But the state opted to ask localities that are receiving resources if they wanted to partner with the state to create a uniform process, and I know some jurisdictions took them up on that offer.

So, next up--maybe, Chancela, this is for you, but others can raise their hand if you're interested in answering it. So, the question is, "I'm an advocate in Massachusetts and some management companies are putting evictions on tenants while they while still residing in the unit, when they go to court and make a payment arrangement telling them once they pay it, the eviction will be removed. This has caused some tenants to lose certain privileges like being able to get student loans, et cetera. Is this legal or does this infringe on fair housing?"

MS. AL-MANSOUR [1:38:56]: So, first of all, my first answer to that is it may be a state law, if not even a local law, that would apply to that type of thing, in terms of, for example, whether or not if a tenant pays part of the rent or all of the rent the day of trial, whether or not that automatically sets aside the eviction and gives the extended time. I know in New York, that happens; in California, unfortunately, tenants don't have that. If they don't pay the rent by the third day, even if they offer it the day of trial, unless it's a settlement agreement and it's very clear that they maintain possession of the unit, they could still lose the unit and pay that rent.

So, I would first caution in terms of doing anything like that without consulting your local legal services agency or fair housing counsel to find out--and maybe even if your court has a self-help center--to find out about all that. But I think I would look at it to your state level.

MS. BAILEY [1:39:49]: Erin, did you want to add?

MS. KEMPLE [1:39:51]: So, I handled evictions in Massachusetts for ten years. There are some very good parts of Massachusetts law; one is that the tenant is permitted to reinstate or get possession of the unit on the day of court and actually within ten days after. The issue, though, is whether or not that filing of the eviction is preventing them from getting other kinds of resources like student loans, and that's the piece that I can't answer. I'm very surprised that anybody would use the eviction as a reason to deny someone a student loan, so I can't really speak to that.

But yes, if the tenant reinstates, meaning they pay the rent that's owed plus costs, meaning the money that the landlord had to put up in order to file the case in court and have it spot served by a sheriff and all of that, then the tenant should be permitted to stay.

MR. TOMKOWIAK [1:40:01]: The problem is that the filing of that case--maybe, I haven't seen it be a problem for student loan, qualifying for a student loan, but I have seen it a problem when someone then looks for alternative housing, that that's a Black mark on their record and that just stays forever, the fact that there's been an eviction filing. We talked about "ban the box," your second chance ordinance for criminal records, we're going to be getting to the point where we need to have some type of forgiveness when it comes to previous eviction cases. There may be a variety of reasons--someone could have had a health injury, or job loss, or someone who is also responsible for paying the rent left and left the one person with the full burden--there's a variety of reasons. Great explanations, but landlords may not accept that.

There needs to be a federal expungement statute, believe it or not. How can there be no federal expungement statute? I mean all of these things contribute to evictions, it contributes to homelessness; it contributes to our housing crisis, and we've got to use all of the above in addressing this problem.

MS. BAILEY [1:42:10]: For Lynn, "What do FHIPs need to provide to FHAPs at the administrative filing to trigger a prompt judicial action on the eviction filing?"

MS. GROSSO [1:42:21]: That's a great question. Thank you, Peggy. So, there aren't legal parameters in the Fair Housing Act that would necessarily trigger this. But let me be clear: a FHAP organization, as part of its certification to be a FHAP and to enforce a substantially equivalent state or local law, has to have that authority to seek or grant a prompt judicial action. The factors, of course, will vary by jurisdiction. Steve covered many of them very well; I would recommend that a FHIP organization that is representing a client in a FHAP administrative process be clear with the FHAP about the imminence of the eviction and be clear with the FHAP and provide any information that could be supportive in demonstrating that the reason for the eviction is likely discriminatory.

All of those factors that Steve outlined are very important; very important for the FHIP organization to help their client convey that information to the FHAP to press the FHAP to either seek a voluntary stay of the eviction by the housing provider, or if necessary, take that prompt judicial action.

MR. TOMKOWIAK [1:43:55]: I'll add a little bit within our state FHAPs because within 180 days, the case will be investigated by the state FHAP. My experience in our state every single instance in which there's a complaint in a pending eviction case, the FHAP will contact the respondent and ask them to hold off on the eviction pending the outcome of the investigation, and they have a pretty high percentage of success with it.

The only time it's a little bit difficult if there's been evidence of significant rule violation or a lengthy period of non-payment of rent, then they have a little bit more trouble getting the housing provider to hold off on the eviction pending the outcome of the investigation.

But again, like Lynn said, at the state FHAP level, they're required, when it's warranted the same way HUD would, to take that prompt judicial action to hold off on the eviction.

MS. GROSSO [1:44:53]: That's right. It should be a routine part of the case processing within HUD and within FHAP agencies to very quickly seek that voluntary stay of eviction, so that an investigation can take place and even sometimes much more effectively, efforts toward voluntary conciliation can happen.

MR. TOMKOWIAK [1:45:17]: I would add too that where it gets a little technical, it's probably more appropriate for the state FHAP to do it than HUD; HUD is a federal agency, the state FHAP is a state agency, the agency would be more likely to go into state court where you would need the injunction to be issued; because of the Anti-Injunction Act I don't believe that HUD could go into federal court to join a state court eviction case once it's been filed. I mean there's some exceptions, it's not a nationwide standard like that, but it's much--some of those barriers are not present when the state and local FHAP step in to join eviction. It's a technical question, but it's not a simple answer from a federal or DOJ standpoint.

MS. BAILEY [1:46:03]: And this, I think, is a point of clarification that's needed: someone asked, "Can someone explain expand on the digital divide as a violation?" and I wasn't sure if that's what we were saying or if we were saying that it's one of the ways that creates challenges for tenants, but whether it's a violation, I just wanted to clear that up. Does someone want to answer that?

MR. TOMKOWIAK [1:46:30]: I could add that the ADA applies to courts--state and federal courts. If there's a defendant in an eviction case that for reasons of disability, is unable to fully participate in the hearing, you can submit a request for reasonable accommodation to the court, and the courts should granted, so that's something that could help kind of eliminate a little bit of that divide.

MS. GROSSO [1:46:58]: I would add, kind of as a sister statute, of course to the ADA, is Section 508 of the Rehabilitation Act, which requires those type of information services to be accessible to people with disabilities, and that the department, we seek compliance with Section 508 not even not only within our services, but also by recipients of federal financial assistance.

MS. BAILEY [1:47:30]: And Erin?

MS. KEMPLE [1:47:34]: So, I would say the digital divide that I was talking about where many families of color or people living in neighborhoods of color, don't have access to the internet for a variety of reasons, is not a fair housing violation, but it's a symptom of what people are people of color are experiencing and why we're trying to make the point that evictions, as they are being carried out right now, is a fair housing issue because it is

something that is affecting people of color at much higher rates and in a much more significant way.

Is that going to win an eviction case where you go in and say, "Well, I couldn't get here because I couldn't get online."? It hasn't won in Connecticut yet, I'd love to see it somewhere. I do think it's an access to justice issue; as Lynn and Steve both pointed out, it goes along with several of the other issues that people with disabilities face, so I do think it's an access to justice issue; but I think, standing alone, alleging a violation of the Fair Housing Act because of the digital divide is not going to be a winner.

MS. BAILEY [1:48:54]: And Erin, this question is for you, "When you mentioned the fair housing issues in ERAP, the Emergency Rental Assistance Program, are these issues that that Emergency Rental Assistance Programs are facing?"

MS. KEMPLE [1:49:10]: So, each state is allowed to set up its--each state, sometimes county, sometimes municipalities--sets up its own Emergency Rental Assistance Program; the Treasury guidance that I sent out is the general guidance, but it does not--the Treasury guidance doesn't get into the weeds of determining exactly how the program is going to be run.

So, for instance, the program in Connecticut is an entirely online program, it is impossible to call someone to put in an application, there's no written application, and that is causing, I think, a lot of fair housing issues as well as disability discrimination issues that we're trying to work out. But that doesn't mean that Massachusetts, which does not have an online-only application, is in violation of the law. I was trying to highlight issues for people to look at so that they could determine if their program is running in conformance with the Fair Housing Act.

And the one thing that I didn't get a chance to talk about is marketing. So, because this is federal money, there is an obligation to create and implement an affirmative fair housing marketing plan which is designed to get to the people least likely to apply; and what we're seeing in Connecticut is the marketing plan is designed to get to the people who are most likely to apply: they're mostly advertising online; they are mostly advertising in English; they are not doing a lot of in-person, door-to-door knocking the way a lot of the efforts have been to get people both vaccinated and tested against COVID.

So, those are just some of the ways to put pressure on your Emergency Rental Assistance Program for them to be able to reach the people who truly need the assistance. As somebody mentioned, I think the rates of usage are very, very low. I think, in Missouri, it's less than 1 percent, and in Connecticut, the usage of the program is at 3.5 percent, even though the program has been in existence for three months now. So, getting the money out the door is a significant problem.

MS. GROSSO [1:51:39]: Erin, if I could add, those are excellent, excellent points, and I would want to let the audience know too that HUD is looking very closely right now at those affirmative marketing issues and how deficiencies in the process can contribute to

segregation, concentration in HUD-assisted programs, and exclusion of populations. It's an extraordinarily important point and we're looking very closely at it. I would also say in any application process, the Fair Housing Act--and other laws where there is federal funding--the Fair Housing Act provides for reasonable accommodation, not just in housing, but in the application process. And so, if digital divide issues come up, if the accessibility issues come up in the course of application, it's absolutely imperative that people understand people with disabilities can ask for accommodations in that process.

MS. BAILEY [1:52:40]: Yeah, and I'll just also add that we're taking a whole government approach to this as well, and so our partners at the Consumer Financial Protection Bureau are also a good partner in this space and are looking at ways to develop materials that process this as well.

So, I think I have time for one more question. So, Lynn, I am going to direct this question to you--and if you could help me with--the question has acronyms in it, so Lynn, I'm going to read the acronym, but if you could spell it out for folks, because I don't want to make assumptions.

"I had asked for non-eviction as an RA for a client with a disability, arguing that eviction would make the client more susceptible to COVID. The LL is state is stalling the response, running out the clock to get to June 30th when the moratorium ends. Is my RA request dependent on the moratorium continuing; can you suggest arguments to make."

MS. GROSSO [1:53:42]: Actually, it's a great question. Thank you. So, "RA" is reasonable accommodation. Those of us that write a lot in this area use that shorthand pretty frequently. "LL", I would assume there, refers to the landlord.

So, a reasonable accommodation request is not dependent on or contingent on an eviction moratorium; an eviction moratorium protects everybody, including people with disabilities. I do hear that there's a reasonable accommodation that has been put before the housing provider; we don't have details about what that is, but it's pretty clear that it involves, in some way, perhaps a postponement of an eviction or other flexibilities. I think in this instance, what I would really encourage the representative or the person with a disability, is to be very specific about the reasonable accommodation that is needed--the rule, the policy, the practice, the service that needs to be modified. Are there lease-compliant issues that are central in the matter that can somehow be addressed with reasonable accommodation? And what is that reasonable accommodation?

If, for example, in these circumstances, a person with this disability--and considering we are talking about COVID and issues of long COVID, these may be disabilities that are exacerbated by or caused by COVID-19. So, let's look at that closely: if there are specific issues that are central to that reasonable accommodation that needs to be communicated, that's very important. I would caution a reasonable accommodation that looks something like, "Well, my client has a disability, therefore don't evict." I think that that would be difficult, and I don't know that that would really withstand scrutiny. I think that what needs to happen is it needs to be very specific.

If there is a pending application for assistance that would alleviate some of those lease non-compliant issues, communicate that, communicate timeframes. I mean if there are other lease non-compliant issues, what are the mitigating factors--perhaps, the person with a disability now has social services in place that they didn't have before that can alleviate some of the lease non-compliant issues.

So, that would be my advice on that question. It doesn't have to do with the eviction moratorium; obviously, so many families feel this pressure and the instability around the lifting of the moratorium, but when we're talking about accommodations, these are rights that are in place now, they have been in place, and they will continue to be in place even after the moratoria are lifted.

MS. BAILEY [1:56:45]: Thanks, Lynn. And thanks, panelists. On behalf of Lynn, and myself, and HUD, we want to thank you so much for participating today and the great information. I know we didn't get to all the questions, but I think we did a great job of getting through quite a few. And we're all here because we're willing to have you reach out to us directly if there are questions that you have on any of the presentations. And, as was said in the chat, we will be providing this material to you directly.

So, goodbye, panelists. And so, I want to just thank all of you participants for your participation in today's forum; we hope that you will join us for the next forum. [Check out the NFHTA website for a description and important information on jobs, aids, and registration for the July forum.](#) And please note that to correspond with today's topic, which was more focused on the rental side, July's forum will focus on forbearance options for homeowners and tools to prevent discriminatory foreclosures. So, we invite you to join us again next month. Thanks to everyone who made today's event possible and finally, please be on the lookout for an email that includes a survey link that will allow you to provide feedback on today's event. Your feedback is critical to improving these forums and it shouldn't take you long to complete this anonymous survey; we highly value your input.

So, thank you, again, and look forward to seeing you in July at the next forum. Take care.