



The Pandemic Has Exacerbated Housing Instability for Renters of Color

By Jaboa Lake | October 30, 2020

Author's note: CAP uses “Black” and “African American” interchangeably throughout many of our products. We use “Native American” and “American Indian” interchangeably in this issue brief, as many reports referenced include either or both terms in their data collection. We also use the term “Latinx,” which includes a person or group of people with origins in Latin American. This term is preferable to “Latino,” which is not gender-inclusive.

There has been a long history of housing insecurity for people of color in the United States due to racially targeted policies and widespread discrimination, particularly within the rental housing market. These policies and practices continue to keep people of color in poverty. In 2019, before the coronavirus pandemic hit, an estimated 34 million individuals were living in poverty in the United States,¹ with Black and Latinx people experiencing higher rates of poverty than whites.² Native American, Black, and Latinx renters were also more likely to be extremely low income.³ During the coronavirus pandemic, disparities by race have persisted: Renters of color report having less confidence in their ability to pay rent and experiencing greater difficulties staying current on rent compared with their white counterparts. It is clear that the coronavirus pandemic is affecting renters of color differently, exacerbating past inequality, and leading the path to a future of worsening inequality.

To ensure an equitable recovery from this pandemic, past harms and current hardships faced by communities of color must be reconciled. To do so, specifically when it comes to rental housing, requires:

- Prioritizing community partnerships in developing and implementing solutions
- Protecting equity initiatives and adequately funding programs
- Expanding renter protections
- Repealing collateral consequences and statutory barriers to obtaining and maintaining secure housing
- Increasing the supply of affordable, accessible housing that meets the needs of a diverse range of households

Communities of color are affected by housing insecurity in many ways

Renters of color face discrimination in obtaining and maintaining housing.

Long entrenched, racially targeted policies and practices at the local, state, and national levels have led to discriminatory practices and disparities in rental housing.⁴ The Fair Housing Act (FHA) of 1968 prohibits discrimination against applicants and tenants based on various identities, including race.⁵ Yet despite the FHA and its amendments, overt and subtle racial discrimination still occurs. In 2018, 8,200 fair housing complaints were filed for discrimination based on race or national origin⁶—likely a vast undercount of actual occurrences. However, housing discrimination policies that disproportionately affect people of color, such as barring people with criminalized records from renting or obtaining housing vouchers,⁷ are still legal; and other discriminatory practices, such as landlords showing families of color fewer rental options,⁸ still occur with little tracking or accountability.

Renters of color are more cost-burdened. Before COVID-19, half of all renters were moderately or severely cost-burdened, with at least 30 to 50 percent of their household income going toward housing costs.⁹ Cost-burdened renters, particularly those of color, are the most at risk of eviction due to the increased likelihood of missing rent payments. People of color, who have faced higher rates of lost employment during the pandemic,¹⁰ continue to be disproportionately cost-burdened and at increased risk of eviction.¹¹

Current housing stock does not fit the needs of multigenerational families of color. As many as 64 million people in the United States live in a multigenerational household,¹² which is prompted by cultural, economic, and many other factors. However, housing is rarely constructed with multigenerational families in mind, and the supply does not meet the growing demand.¹³ Latinx, Native American, and Asian individuals, who increasingly live in multigenerational households,¹⁴ disproportionately live in overcrowded rental units that are not large enough or are not constructed for larger households.¹⁵ A benefit of living in a multigenerational household is that it increases household resources,¹⁶ which can serve as a safety net and lift families out of poverty.¹⁷ However, without adequate and affordable rental units designed and constructed to fit a range of families' needs, the cultural, social, and economic benefits of living in multigenerational households are less available.

Neighborhoods with more renters of color face higher rates of eviction. A study from the University of Washington that focused on rental housing in Washington state found that, in 2018, neighborhoods with more racial diversity experienced higher rates of evictions.¹⁸ Another, earlier study, which looked specifically at King County, Washington, found that nonwhite renters faced eviction rates that were 60 percent higher than those of white renters.¹⁹ Controlling for poverty levels, New York City neighborhoods with more Black and Latinx renters also face higher rates of evictions,²⁰ and more Black

and Latinx renters than white renters report being threatened with eviction.²¹ And after looking at data from 2009 to 2011, the Milwaukee Area Renters Study found that Latinx renters in predominantly white neighborhoods were twice as likely to be evicted as Latinx renters in neighborhoods that were not predominantly white.²²

People of color disproportionately experience homelessness. Due to historic and current policies as well as systemic racism in housing, criminal justice, education, employment, and health care, people of color are more likely to experience homelessness across their lifespan.²³ As a result, communities of color are overrepresented in the homeless population, with nearly 40 percent of people experiencing homelessness identifying as Black, 22 percent as Latinx, 3 percent as Native American, and 2 percent as Pacific Islander.²⁴ These racial disparities are only expected to worsen due to the impacts of the neglectful mismanagement of the coronavirus pandemic.²⁵

Financial hardships and housing insecurity persist for communities of color amid the COVID-19 pandemic

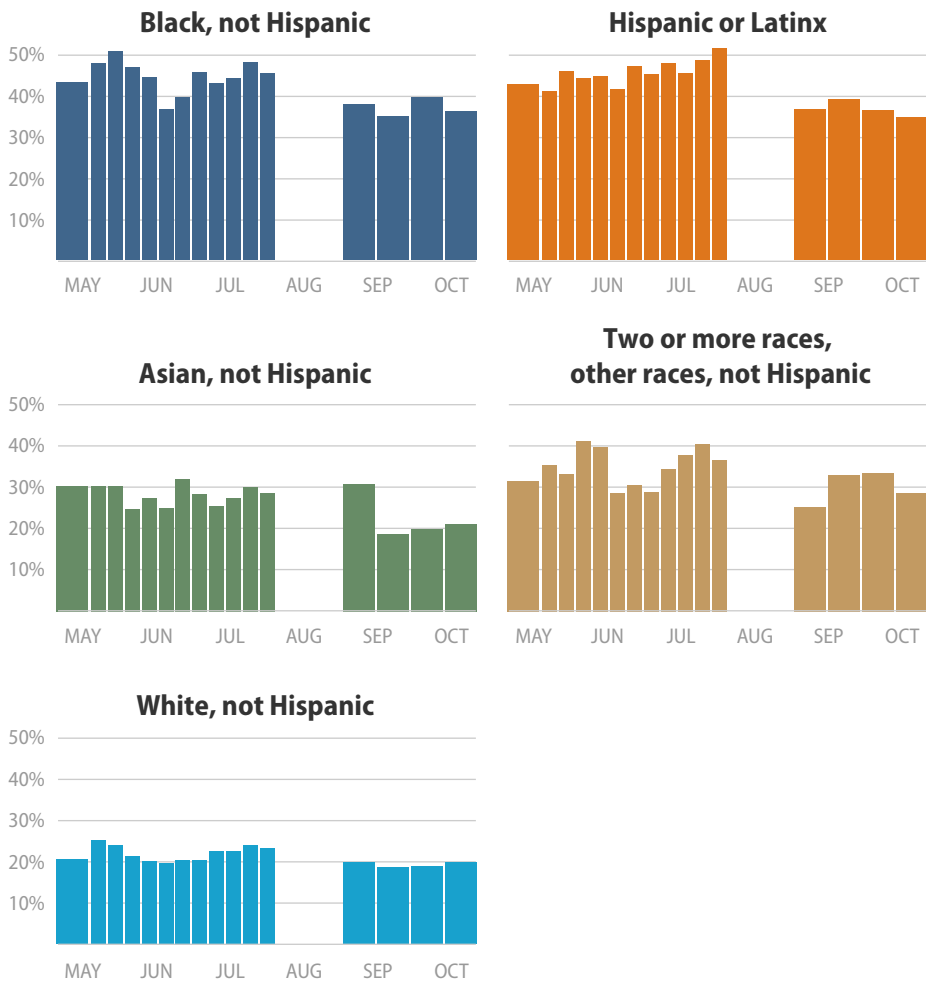
Although housing insecurity affected communities of color long before COVID-19, the current pandemic continues to exacerbate inequalities. As early as April 2020, 32 percent of Black adults and 41 percent of Latinx adults experienced job loss due to the pandemic, compared with only 24 percent of white adults.²⁶ Black and Latina women have seen the largest drop in their employment-to-population ratios since February, with Black women in particular seeing jobs come back at a rate that is 1 1/2 times slower than that of white women.²⁷ Although all racial and ethnic groups have faced record unemployment, the Black-white unemployment gap has persisted throughout the pandemic.²⁸ For Asian Americans—who have been particularly targeted by racist responses to the coronavirus crisis—unemployment rates have soared to 11 percent in July, compared with 3 percent during the previous year, and they remain historically high as the pandemic continues.²⁹

Lost and reduced income has worsened already difficult situations for many. During the pandemic, renters of color have reported less overall confidence in being able to pay their next month's rent and have reported not having paid the previous month's rent on time at disproportionately higher rates than their white counterparts. (see Figures 1 and 2) With communities of color also navigating the collective pain of higher rates of COVID-19 cases, hospitalizations, and deaths,³⁰ they must face additional medical and funeral costs in addition to potential lost employer-sponsored health insurance and reduced household income due to unemployment—or worse, the loss of an income-earner's life.

FIGURE 1

Throughout the COVID-19 pandemic, renters continue to have little confidence in being able to pay the next month's rent

Percentage of renters with slight or no confidence in being able to pay the next month's rent, by race

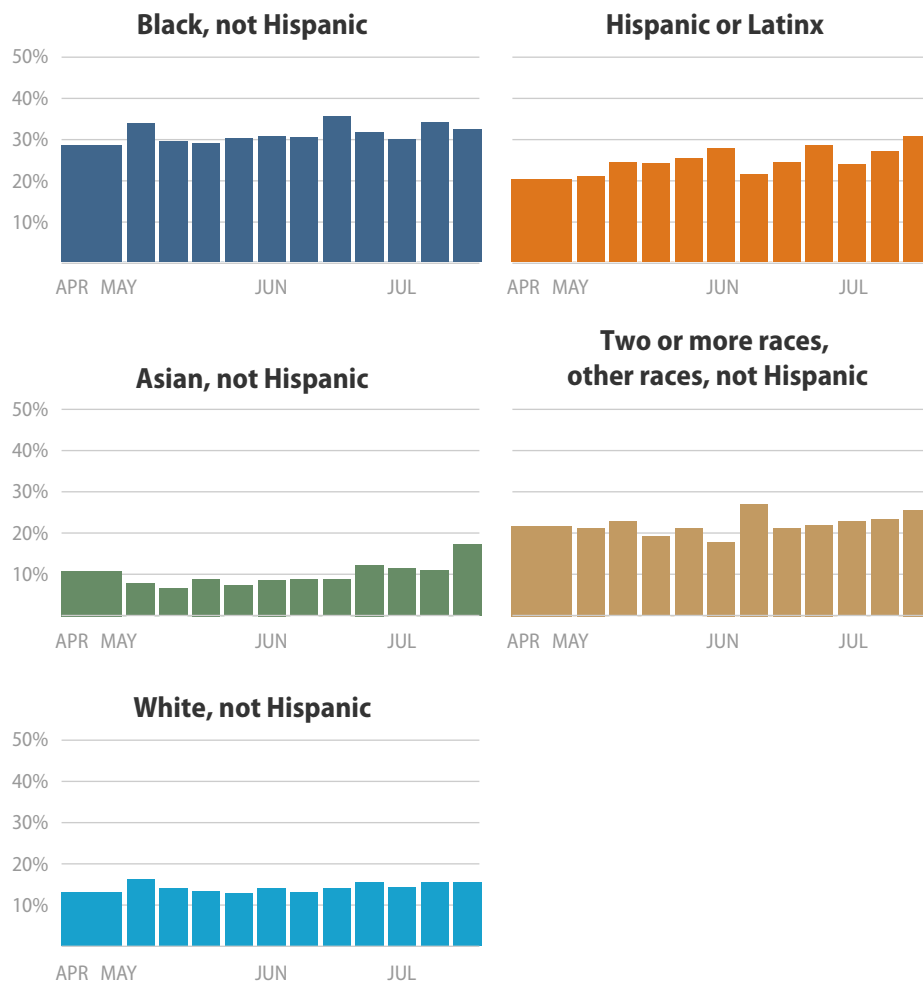


Note: Data for individuals who identify as Native American, Pacific Islander, or Middle Eastern or North African (MENA) may be included in the "Two or more races, Other races, not Hispanic" category in the Household Pulse Survey dataset. Data for these individual groups could not be disassociated in these analyses.
Source: Author's calculations are based on data from the U.S. Census Bureau, "Household Pulse Survey: April 23 - October 12," available at <https://www.census.gov/programs-surveys/household-pulse-survey/data.html> (last accessed October 2020).

FIGURE 2

Throughout the COVID-19 pandemic, renters continue to struggle to pay rent on time

Percentage of renters who did not pay last month's rent on time, by race



Note: Data for individuals who identify as Native American, Pacific Islander, or Middle Eastern or North African (MENA) may be included in the "Two or more races, Other races, not Hispanic" category in the Household Pulse Survey dataset. Data for these individual groups could not be disassociated in these analyses.

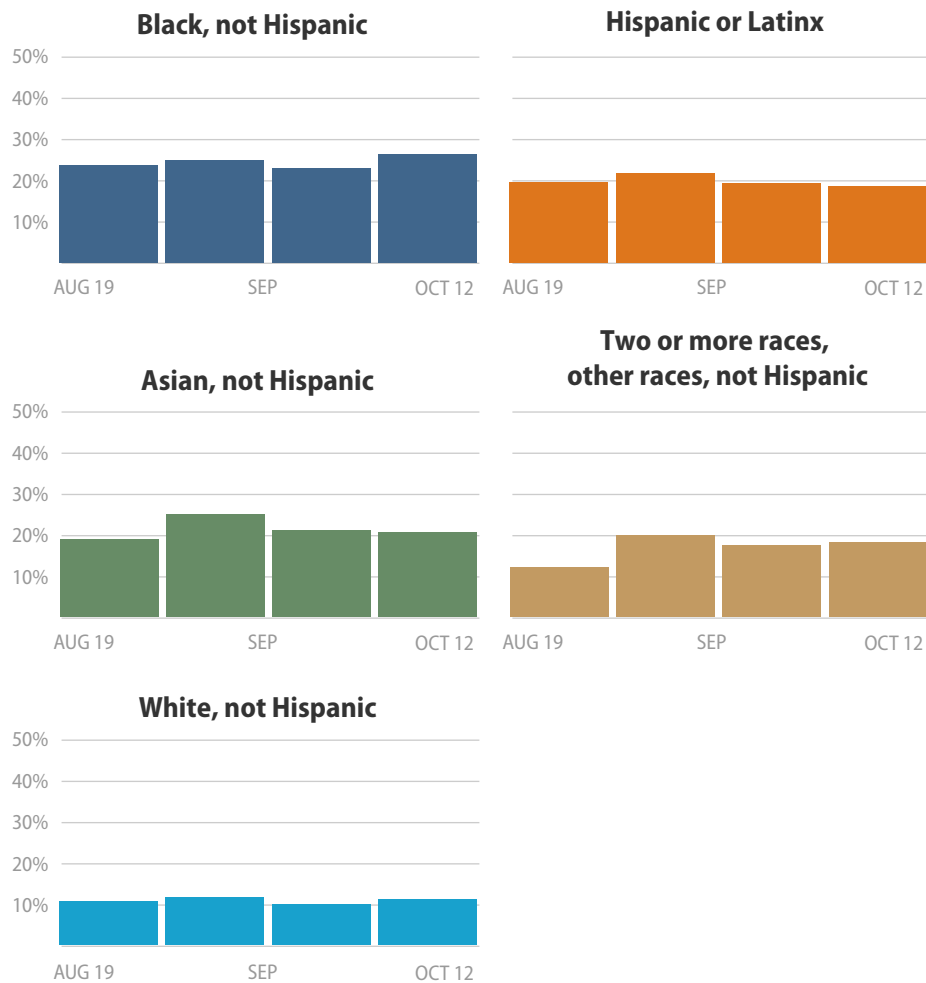
Source: Author's calculations are based on data from the U.S. Census Bureau, "Household Pulse Survey: April 23 - July 21," available at <https://www.census.gov/programs-surveys/household-pulse-survey/data.html> (last accessed October 2020).

Recent analysis estimates that the amount of back rent owed may reach as much as \$34 billion by year's end, with more than 20 million renters—8 million households—facing possible eviction by January 2021.³¹ Renters of color disproportionately report being behind on rent, (see Figure 3) and unpaid rent continues to grow. As a result, more renters are turning to savings,³² retirement,³³ and the newly accepted rental payment method by many landlords—credit cards.³⁴ These methods of staying afloat that so many are now turning to plant the seeds of future financial struggle, as many diminish personal emergency funds and increase debt as individuals and families try to stay housed.³⁵ Tenant advocate groups, researchers, and agencies across the country have identified eviction as a perpetuator of poverty,³⁶ a driver of homelessness,³⁷ and a public health crisis.³⁸

FIGURE 3

During the COVID-19 pandemic, many renters continue to struggle to stay caught up on rent

Percentage of renters not caught up on rent over time, by race



Note: Data for individuals who identify as Native American, Pacific Islander, or Middle Eastern or North African (MENA) may be included in the "Two or more races, Other races, not Hispanic" category in the Household Pulse Survey dataset. Data for these individual groups could not be dissociated in these analyses.

Source: Author's calculations are based on data from the U.S. Census Bureau, "Household Pulse Survey: August 19 - October 12," available at <https://www.census.gov/programs-surveys/household-pulse-survey/data.html> (last accessed October 2020).

In response to the coronavirus pandemic, some emergency housing protections have been taken at the local, state, and federal levels. However, throughout the pandemic, advocates³⁹ have shown that these protections, while essential, have fallen short and that much more emergency action is necessary as need continues to remain high.⁴⁰

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law in March 2020, provided direly needed housing protections and homeless services aids.⁴¹ However, many of these protections and aids have expired, such as unemployment insurance benefit boosts and a moratorium on evictions for federally backed housing. Meanwhile, the Health and Economic

Recovery Omnibus Emergency Solutions (HEROES) Act⁴²—the anticipated relief package that was originally passed in the U.S. House of Representatives in May—and a revised version of that bill passed by the House in October⁴³ have yet to be introduced in the U.S. Senate. This HEROES package originally included key protections, such as \$100 billion in emergency rental assistance, a uniform federal moratorium on evictions, and \$11.5 billion in homelessness aid—supports that were responsive to the direct asks of advocates, experts, and critical-need communities. However, more recent versions of the bill have cut these proposals by nearly half.⁴⁴ In July, the Senate introduced the Health, Economic Assistance, Liability Protections, and Schools (HEALS) Act,⁴⁵ another relief package, which proposes only \$3.3 billion for certain housing vouchers and does not propose funding for homelessness aid. Beyond these packages, other legislation focused specifically on housing has been introduced, including the Rent and Mortgage Cancellation Act,⁴⁶ the Emergency Housing Protections and Relief Act,⁴⁷ and the Protecting Renters from Evictions and Fees Act.⁴⁸

In September, the Centers for Disease Control and Prevention (CDC) enacted a national halt on residential evictions for nonpayment of rent,⁴⁹ which required renters to sign a declaration form stating that they meet certain eligibility criteria.⁵⁰ This action came with the following CDC acknowledgement: “Housing stability helps protect public health because homelessness increases the likelihood that people may move into close quarters in homeless shelters or other settings. These crowded places put people at higher risk of getting COVID-19.” The CDC halt was announced in early September, more than a month after the expiration of the CARES Act moratorium and a week after the end of the first set of 30-day notices of intent to evict. During this time between protections in late August, many cities saw historical spikes in the number of evictions being filed, with increases as high as 118 percent above normal.⁵¹ But even after the CDC’s halt, local courts were still carrying out evictions for many families.⁵² And though the halt on evictions may help some tenants, the Trump administration issued guidance in October that further burdened struggling renters by allowing landlords to challenge renters’ declaration of eligibility—a declaration that tenants already provide under penalty of perjury—and proceed with eviction filing.⁵³

State and local renter assistance programs, including local moratoriums on evictions, have developed across the country.⁵⁴ Local moratoriums vary with regard to which stages of the eviction process are halted, from filing to court proceeding to voluntary or forced vacation of a rental unit. Although they have been able to keep many individuals and families housed, many moratoriums have expired,⁵⁵ and many renters are faced with paying back rent. Beyond moratoriums and court action, “invisible” or “soft” evictions continue to occur across the country, with tenants being locked out of their homes⁵⁶ or having their utilities shut off against local protections,⁵⁷ which may take a toll on renter confidence in the effectiveness of some legislation.

The lasting effects of eviction

Regardless of the outcome, having an eviction filed makes it more difficult for an individual to obtain rental housing in the future. When an eviction is filed—or there is a “serial filing,”⁵⁸ whereby a landlord files to evict the same household at the same address multiple times—a tenant can be subject to debt collection that leverages state resources in the favor of landlords over tenants. These filings are then reflected negatively on tenants’ credit reports and public records.⁵⁹ When a tenant is evicted, loss of housing can fuel cycles of multigenerational poverty.⁶⁰

Across their lifetime, 1 in 5 Black women are evicted, compared with 1 in 15 white women.⁶¹ The threat of eviction is a stressful event with negative health impacts.⁶² Even if housing is not lost, the eviction process can have negative effects on the health of household members. A study examining data from New York City recently found that evictions increase the likelihood of a person being hospitalized up to two years later and increase the probability of hospitalization to address a mental health condition.⁶³

People who have been evicted are also more likely to apply to stay in shelters, as well as spend more days living in shelters.⁶⁴ Pacific Islander, Native American, Black, Latinx, and Asian communities already face higher rates of homelessness,⁶⁵ and once pushed into homelessness, families encounter a “pileup of inequities.”⁶⁶ When stable housing is not available, people often confront criminalization due in large measure to anti-homeless legislation.⁶⁷ They also suffer from food insecurity,⁶⁸ declines in physical and mental health,⁶⁹ and further barriers to obtaining future housing.⁷⁰

Anti-homeless laws and enforcement during the pandemic

Anti-homeless legislation and ordinances are present in 9 out of 10 cities, and their passing and enforcement have been on the rise.⁷¹ These laws criminalize specific public behaviors and make it possible to punish people experiencing homelessness who are simply looking to meet their basic needs and may have no other alternatives. These laws include bans on “camping” or sleeping in public spaces or in vehicles; loitering; panhandling, both giving and receiving; public food-sharing, both providing and accepting; and more. They restrict access to resources, increase criminal-legal involvement for many, perpetuate poverty,⁷² have not been found to be effective in decreasing homelessness, and cost taxpayers more than if housing were provided to people experiencing homelessness.⁷³

Anti-homeless legislation disproportionately affects Black, Native American, and Latinx individuals, who are often already more justice-involved.⁷⁴ People who are not currently experiencing homelessness may also be targeted by these laws, which advocates argue do more harm than service and should be litigated.⁷⁵

During the COVID-19 pandemic, public health experts and local law enforcement have differed in their approach to anti-homeless laws. By May 2020, the CDC released guidance halting the clearing of outdoor encampments, though this guidance has not been implemented across many states and localities.⁷⁶ Dozens of cities—including Washington, D.C.,⁷⁷ Sacramento, California,⁷⁸ and Denver, Colorado⁷⁹—have been reported to continue encampment clearing against this CDC guidance. Public health experts and advocates say that the enforcement of anti-homeless legislation such as this compromises public health and safety at any time,⁸⁰ and during the COVID-19 pandemic, it increases the potential for viral spread.⁸¹

COVID-19 responses and reliefs must address historical and current racial inequality to build a more equitable future

The United States needs to recover not only from the ongoing pandemic but also from its long history of exclusion and inequality. This requires both emergency and long-term solutions at the local, state, and federal levels. The BREATHE Act,⁸² a holistic racial equity policy platform built by the Movement for Black Lives with support from Reps. Ayanna Pressley (D-MA) and Rashida Tlaib (D-MI), as well as various cosponsors, includes a section on equitable community investments.⁸³ The act advocates for addressing the affordable housing crisis by pushing to advance reconciliation for Native Americans and other communities negatively affected by redlining and other housing discrimination policies and practices. Platforms such as these recognize that an equitable recovery must be race-conscious and reconcile past harms while also providing solutions for current challenges.

Recommendations

Prioritize community partnerships in pandemic responses

As frameworks such as those in the BREATHE Act specify, those communities most affected by both past harms and the current pandemic must be included at all levels of policy and decision-making. The National Innovation Service's Framework for an Equitable COVID-19 Homelessness Response, for example, took a participatory action approach to engaging communities with lived experiences with housing insecurity and homelessness in developing guidelines for decision-makers to build equity-focused COVID-19 homelessness relief approaches.⁸⁴ Meaningful community partnerships must be prioritized, resourced, and sustained to ensure more equitable responses.

Protect equity initiatives and funding for programs

Community-led and developed solutions must also be provided the funding necessary to build capacity to foster community partnerships and carry out the solutions developed. This includes developing and expanding programs, workshops, and trainings that develop racial equity capacity-building through agencies such as the U.S. Department of Housing and Urban Development. Protecting programs that include a race-conscious approach means vetoing harmful actions such as the recent "Executive Order on Combating Race and Sex Stereotyping,"⁸⁵ which will punish government contractors and nonprofits who provide trainings on race and sex diversity, equity, and inclusion by withholding federal grants for these lifesaving programs.⁸⁶ It also means protecting the FHA⁸⁷ and reviving the Affirmatively Furthering Fair Housing provisions that combat housing discrimination and promote community participation.⁸⁸

Expand protections for renters against the threat of eviction

Recovery for many individuals and families will extend well beyond the COVID-19 pandemic. Therefore, a national, comprehensive moratorium on evictions should be extended past the pandemic to ensure that renters are able to remain housed. When moratoriums on evictions do expire, renters will face an accumulation of owed back rent. Rent, deposit, and utility assistance that lasts throughout the pandemic and its recovery would provide essential aid for the more than 1 in 6 renters who are not current on rent payments and could prevent evictions altogether.

The CARES Act required landlords to provide at least a 30-day notice to tenants before filing an eviction—a protection that is not set to expire.⁸⁹ This protection, and other pre-filing notice requirements,⁹⁰ provide tenants—who previously only had a few days' notice before court involvement⁹¹—more time to take the action needed to prevent their eviction or, if an eviction does occur, search for emergency housing. In cases where tenants are faced with eviction, investments should be made in further preventive eviction diversion programs. For example, tenant-landlord mediation programs that intervene once an eviction is threatened or filed can explore options and negotiate solutions prior to court involvement to ultimately prevent an evic-

tion.⁹² A mediation program in Palo Alto, California, reports that 80 percent of mediation cases are able to be resolved outside the court.⁹³ If an eviction filing does occur, guaranteeing renters a right to counsel can also help to keep them housed.⁹⁴ In eviction proceedings, approximately 90 percent of landlords have legal representation, compared with just 10 percent of tenants.⁹⁵ This vast inequality in resources leads to the majority of tenants losing these cases. By enacting the right to counsel legislation, evictions in New York City—the first city to implement this intervention strategy—were reduced by 29 percent from 2017 to 2019.⁹⁶ To better understand the scope of the U.S. housing stability crisis, uniform eviction data collection on the federal level is needed to capture the scope of filings and evictions—where they are concentrated, who is filing, and the reasons for filing.

Repeal additional barriers to obtaining temporary and long-term housing

Although housing discrimination based on race and other identities is illegal, other barriers to housing security that disproportionately affect communities of color must be addressed. For example, having an eviction on one's credit report and/or public record can affect one's ability to secure housing.⁹⁷ Local legislation, such as Washington, D.C.'s Eviction Record Sealing Authority Amendment Act of 2019⁹⁸ and Fairness in Renting Emergency Amendment Act of 2020,⁹⁹ could help people looking to rent by sealing eviction records to prevent landlords from denying an applicant housing based on public records.¹⁰⁰

Additionally, people with criminal records continue to face barriers in obtaining rental housing. Four in 5 landlords use criminal background screening when evaluating tenant applications,¹⁰¹ and people with criminal records are often ineligible for public and supportive housing programs.¹⁰² These barriers disproportionately affect people of color and contribute to the cycle of housing insecurity and incarceration.¹⁰³ Repealing these restrictions and practices while jointly adopting automated record-clearing programs, such as the "Clean Slate Initiative,"¹⁰⁴ would help provide access to affordable housing and keep people lodged.

Increase supply of affordable, accessible housing that meets families' needs

Although new rental construction is currently on the rise, more rental units are being built with the high-income market in mind, whereas the supply of low-cost rental units continues to decline dramatically as housing instability increases.¹⁰⁵ Worse yet, few rental units are accessible¹⁰⁶ or constructed to fit the needs or lifestyles of multigenerational families.¹⁰⁷ Moreover, exclusionary zoning policies that concentrate racialized poverty and foster segregation must be banned, and investments must be made in affordable, accessible housing that gives residents a choice of where to live and that works for a diverse range of families.¹⁰⁸

Conclusion

As recent analyses show, renters of color are experiencing disproportionate negative outcomes from COVID-19. Communities of color, disadvantaged from a long history of racism that has undermined their financial stability and housing security, now find their hardships further exacerbated by the ongoing pandemic. Homelessness prevention and housing security programs and policies need to include and prioritize a race-conscious framework. Without rapid action that centers the needs of communities of color and makes investments in long-term solutions, the future will hold even more inequality and continued unfairness.

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Methodology

National data from the U.S. Census Bureau’s Household Pulse Survey (HPS)¹⁰⁹—which started data collection April 23, 2020, and is ongoing—were used to estimate the experiences of housing stability for renters during the COVID-19 pandemic. The question “Did you pay your last month’s rent or mortgage on time?” (Question 30) was asked in Phase 1 of the HPS, which includes weeks 1 through 12 (April 23 to July 21, 2020). The question “How confident are you that your household will be able to pay your next rent or mortgage payment on time?” (Question 41) was asked in phases 1 and 2 of the HPS, which include weeks 1 through 16 (April 23 to October 12, 2020). The question “Is this household currently caught up on rent payments?” (Question 40b) was asked in Phase 2 of the HPS, which includes weeks 13 through 16 (August 19 to October 12, 2020). To estimate percentages, total respondents were adjusted for missing responses and only those who responded that they pay rent were included.

The HPS only collects data in English and Spanish.

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