

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
LANDLORD AND TENANT BRANCH**

CAVALIERS PROPERTIES, LLC, V. JAMES SHELTON.	NO. 2020 LTB 006576
BORGER MANAGEMENT, INC., V. ABEL HERNANDEZ-CRUZ, ET AL.	NO. 2020 LTB 006637
KAREN TOWERS, V. MATT TALLEY.	NO. 2020 LTB 006315
KRISHNA MCARTHUR, V. KENDRA BRYANT.	NO. 2020 LTB 006770
GALLO HOLDINGS LLC - SERIES 2, V. ANDRE HOPKINS.	NO. 2020 LTB 008032
URBAN CITY MANAGEMENT, V. DONNA BUTLER.	NO. 2020 LTB 008107

**AMICI CURIAE’S MOTION FOR LEAVE TO FILE MEMORANDUM OF LAW &
DECLARATION IN SUPPORT OF THE DISTRICT OF COLUMBIA’S
MOTION FOR STAY PENDING APPEAL**

Amici curiae Bread for the City, the D.C. Bar Pro Bono Center, the Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, the Neighborhood Legal Services Program, and Rising for Justice, respectfully seek leave from the Court to file the attached Memorandum of Law and attached Declaration in Support of the District of Columbia’s Motion for Stay Pending Appeal. *See* Exhibit A, Memorandum of Law and Declaration. The memorandum and attached declaration include publicly-available data as well as client stories and provider experiences that demonstrate the importance of the District’s eviction filing moratorium, the irreparable harm tenants will suffer if the Court’s decision declaring that moratorium unconstitutional is not stayed pending appeal, and the public interest in granting the motion for stay.

In support of this Motion, the *amici curiae* refer the Court to the attached Memorandum of Points and Authorities.

Respectfully submitted,

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CERTIFICATE OF ATTEMPT TO SEEK CONSENT

I hereby certify that we attempted to obtain consent to the relief sought in this Motion from each Plaintiff’s counsel in the above captioned cases, the Intervenor the District of Columbia, the unrepresented Defendants, and John O’Connor, Counsel for Defendant Donna Butler, via electronic mail on February 5, 2021. Defendant Donna Butler and Intervenor the District of Columbia consent to the motion. Plaintiff Matt Towers does not consent. Counsel for other Plaintiffs did not respond.

/s/
Beth Mellen

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of *Amici Curiae*’s Motion for Leave to Submit Evidence in Support of the District of Columbia’s Motion for Stay Pending Appeal on the following parties via CaseFileXpress:

Aaron Sokolow & Morris Battino
Gary D. Wright
Stephen Hessler & Jennifer Friend-Kelly
Edward J. Cordone
Counsels for Plaintiffs

John O’Connor, Jr.
Counsel for Defendant Donna Butler

I further certify that I served a copy of *Amici Curiae*’s Motion for Leave to Submit Evidence in Support of the District of Columbia’s Stay Pending Appeal on the following parties by first class mail, postage pre-paid, on February 5, 2021:

James Shelton
256 15th Street SE
Washington, D.C. 20003

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF *AMICI CURIAE*'S MOTION FOR LEAVE TO FILE LEGAL MEMORANDUM & DECLARATION IN SUPPORT OF THE DISTRICT OF COLUMBIA'S MOTION FOR STAY PENDING APPEAL

The six *amici curiae* – Bread for the City, the D.C. Bar Pro Bono Center, the Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, the Neighborhood Legal Services Program, and Rising for Justice – are all legal services providers who represent low-income tenants facing eviction in the District. Our six organizations receive funding under the Civil Legal Counsel Projects Program (CLCPP) to provide eviction defense services to tenants with household incomes under 200 percent of the Federal Poverty Level, through funding provided by the Council of the District of Columbia. For a family of three, this income limit translates to households with gross annual income of \$43,920 per year or less.¹ The overwhelming majority of the clients we serve have incomes under the Federal Poverty Level, with incomes of less than \$21,960 for a family of three.² Through this work we witness first-hand how eviction filings have immediate, negative impacts on families, cause families to vacate their homes without ever going to court, cause families to experience stress and anxiety, and make it difficult for families to obtain new housing.

The *amici* have already participated in this case to file a brief in support of the eviction case filing moratorium. We now seek permission to file the attached legal memorandum and declaration in support of the District's Motion for Stay Pending Appeal. One of the elements the Court considers when deciding a request for a stay pending appeal is whether the moving party is likely to suffer irreparable harm without a stay. *See, e.g., Akassy v. William Penn Apts. LP*, 891

¹ *See* D.C. Code § 4-1801, *et seq.*; U.S. Dep't of Health & Hum. Servs., Ofc. of the Assistant Sec'y for Planning & Evaluation, *HHS Poverty Guidelines for 2021*, available at <https://aspe.hhs.gov/poverty-guidelines> (last visited Feb. 3, 2021).

² *Id.*

/s/

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PROPOSED ORDER

This Court, having considered *Amici Curiae*'s Motion for Leave to File Memorandum of Law and Declaration in Support of the District of Columbia's Motion for Stay Pending Appeal, the Memorandum of Points and Authorities in support thereof, and any opposition, concludes as follows:

IT IS HEREBY,

ORDERED that *Amici Curiae*'s Motion is hereby GRANTED; and it is further

ORDERED that the Memorandum of Law and Declaration in Support of the District of Columbia's Motion for Stay Pending Appeal is ACCEPTED FOR FILING.

JUDGE ANTHONY C. EPSTEIN

DATE

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AMICI CURIAE’S MEMORANDUM OF LAW IN SUPPORT OF THE DISTRICT OF COLUMBIA’S MOTION TO STAY PENDING APPEAL

Low-income tenants in the District of Columbia will face immediate, irreparable injury if the Court’s decision declaring the eviction filing moratorium to be unconstitutional is not stayed pending appeal. Some families that are served with eviction complaints will move without ever going to court, putting themselves and all District residents at greater risk of spreading and contracting the COVID-19 virus. *See* Exhibit A, Declaration, at ¶ 7-16. Others will experience extreme stress and anxiety, and some will struggle to find an alternative place to move with an open, pending eviction case on their records. *See id.* at ¶ 17-22, 33-37. For those tenants forced to defend their homes in Court, many will struggle to do so effectively in a virtual environment. *See id.* at ¶ 23-32. The public interest is served by staying the Court’s decision, thereby ensuring that fewer tenants will self-evict or struggle with housing instability and add to the community spread of a deadly virus during a public health emergency.

For these reasons, explained more fully below, the six *amici curiae* – Bread for the City, the D.C. Bar Pro Bono Center, the Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, the Neighborhood Legal Services Program, and Rising for Justice – respectfully request that the Court grant the District of Columbia’s Motion for Stay Pending Appeal.

I. Procedural Background

On May 13, 2020, Mayor Muriel Bowser signed into law the Coronavirus Omnibus Emergency Amendment Act of 2020, D.C. Act 23-317, “[t]o provide, on an emergency basis, additional protections to Districts residents and businesses during the current public health emergency.” Act 23-317, 67 D.C. Reg. 5235 (May 22, 2020) (signed and enacted May 13, 2020). Section 10 of the May 13, 2020 Act, titled “Eviction clarification,” amends Section 16-1501 of the District of Columbia Code, the forcible entry and detainer statute governing

summary complaints for possession, to add a new subsection (b), which makes it unlawful for any person to file a complaint for possession for the duration of the public health emergency and for sixty days thereafter. *Id.* § 10. The Council included a section making the entire Act's provisions applicable retroactively to March 11, 2020. *Id.* § 29.

On July 28, 2020, this Court issued a General Order describing the process the Court would follow to consider cases filed on or after March 11, 2020 and therefore subject to the statutory filing moratorium. *See* General Order Regarding Landlord and Tenant Cases Filed on or After March 11, 2020 (June 28, 2020). The Court first issued Orders to Show Cause in each such case, requiring the plaintiff to respond within 28 days to show cause why the case should not be dismissed. *See, e.g.,* Order to Show Cause (7/22/20), *Cavalier Props., LLC v. James Shelton*, 2020 LTB 6576. At a hearing on September 9, 2020, this Court granted an oral motion by *amici curiae* to file a brief by November 6, 2020 responding to the questions and the arguments raised by landlords in response to the Orders to Show Cause. The Office of the Attorney General (OAG) also intervened in the six captioned landlord and tenant cases to defend the constitutionality of the eviction filing moratorium.

On December 16, 2020, the Court issued an order finding the eviction filing moratorium unconstitutional. The OAG filed a notice of appeal to the D.C. Court of Appeals on January 15, 2021. On January 15, 2021, the OAG filed a Motion for Stay Pending appeal before this Court, which is currently still pending. Pursuant to a Court Order, the Plaintiffs' opposition to this Motion was due February 5, 2021, and a hearing will be held on February 10, 2021. On February 2, 2021, the DC Court of Appeals issued an administrative stay, staying this Court's decision until both this Court and the Court of Appeals have time to rule on the motions for stay

pending appeal. In response to the administrative stay, this Court has issued orders cancelling hearings that were set in cases that were filed in violation of the eviction filing moratorium.

II. Argument

Courts consider multiple factors when deciding a request for a stay pending appeal, including whether the moving party will suffer irreparable harm without a stay and whether “the public interest favors the granting of a stay.” *E.g., Akassy v. William Penn Apartments LP*, 891 A.2d 291, 309 (D.C. 2006). In this case, both of these factors militate in favor of granting a stay pending appeal.

District tenants are most directly impacted by the Court’s decision finding the filing moratorium unconstitutional and the parties most likely to suffer irreparable harm if landlords are allowed to file and litigate cases against them during the public health emergency. Low-income families in the District suffer when an eviction case is filed against them, regardless of whether they are ever actually evicted for four independent reasons, as outlined in the attached declaration.

First, some families move out due to fear without ever going to Court, leading to their own housing instability and, during a global pandemic, community spread of a deadly virus. *See* Exhibit A, ¶ 7-16. This not only causes families to move out into congregate or unstable living situations, but also puts those families as well as the community at large at greater risk of spreading and contracting COVID-19. *See id.* Second, many tenants experience extreme stress and anxiety when served with an eviction complaint. *See* Exhibit A, ¶ 17-22. Third, available data, our extensive observation of eviction cases in which tenants are unrepresented, and our participation in cases as counsel for tenants, all show that remote hearings that are employed during the public health emergency carry unacceptably high risk of erroneous outcomes because

they limit the ability of tenants – especially unrepresented tenants – to meaningfully defend themselves because of limited access to technology and the internet. *See* Exhibit A, ¶ 23-32.

Fourth, the mere filing of an eviction case can cause lasting damage to families as they search for new housing. *See* Exhibit A, ¶ 33-37.

It is important to note that some of the families we represent are not considered tenants, but instead are “squatters” in the eyes of the law, because their family member who was on the lease passed away – whether due to COVID-19 or some other cause – because they are terminated cooperative members, or because they are foreclosed homeowners. For these families, the only protection standing between them and eviction/homelessness is the filing moratorium. *See Saltzman v. Kogan*, 2020 LTB 004978, Order dated Jan. 22, 2021 (finding that only tenants are protected by the actual eviction moratorium); *see also* Exhibit A, ¶ 38-45.

The attached declaration contains data on each of these situations and impacts, as well as stories from real families we have met with and assisted during the public health emergency. Without a stay pending appeal, the families we represent, and thousands of families who are similarly situated, but in many instances worse off because they do not have the benefit of counsel, will be irreparably harmed when their landlords file eviction complaints against them and those cases proceed in court.

For all of these same reasons, the public interest also weighs in favor of staying the Court’s decision pending appeal. It is in the public interest for families to remain in their homes throughout the public health emergency, to not experience the stress and anxiety of a potential eviction, to not struggle to defend themselves in virtual eviction proceedings, and to avoid having eviction filings on their records so that they can more easily find and move into new homes.

EXHIBIT A

DECLARATION OF *AMICI CURIAE*
IN SUPPORT OF MOTION FOR STAY PENDING APPEAL

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DECLARATION OF *AMICI CURIAE*
IN SUPPORT OF MOTION FOR STAY PENDING APPEAL

Our Organizations Have Advised, Counseled, and Represented Hundreds of Tenants Facing Eviction During the Pandemic

1. The six organizations submitting this declaration - Bread for the City, the D.C. Bar Pro Bono Center, the Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, the Neighborhood Legal Services Program, and Rising for Justice - are legal services providers who represent tenants facing eviction in the District of Columbia. In total, we employ 61 attorneys and 19 non-attorney support staff who spend all or the majority of their time providing these services.¹ During the pandemic alone, between March and December 2020, we have represented over 1,000 tenants to provide advice, brief services, and limited or extended representation.²
2. Our six organizations receive funding under the Civil Legal Counsel Projects Program (CLCPP) to provide eviction defense services to tenants with household incomes under 200 percent of the Federal Poverty Level, through funding provided by the Council of the

¹ Bread for the City employs ten attorneys and one paralegal who provide representation in eviction defense matters. The D.C. Bar Pro Bono Center has six attorneys and five non-attorney support staff who work on eviction defense. Legal Aid employs 17 attorneys and five non-attorney support staff who spend the majority of their time working on eviction defense. Legal Counsel for the Elderly employs five full-time, two part-time attorneys, and four non-attorney support staff for this work. The Neighborhood Legal Services Program employs eight attorneys, one law graduate, and one support staff member for eviction defense. Rising for Justice has 13 attorneys and two paralegals who work primarily on eviction defense.

² Pursuant to the CLCPP statutory requirements, *see* D.C. Code § 4-1804, our organizations collect and report demographic data on the clients we serve to the D.C. Bar Foundation via a data evaluator, NPC Research. This preliminary data was provided to Beth Mellen at Legal Aid by NPC Research. The 1,000 figure is an undercount, because it only includes cases we have closed out during the pandemic. Our organizations have represented hundreds more tenants whose cases remain open.

District of Columbia.³ For a family of three, this income limit translates to households with gross annual income of \$43,920 per year or less.⁴ The overwhelming majority of the clients we serve are under the Federal Poverty Level, with incomes of less than \$21,960 for a family of three.⁵

3. In June 2020, our organizations came together to formalize our coordinated network for providing legal services to tenants facing eviction, launching the Landlord Tenant Legal Assistance Network (LTLAN). We established the LTLAN telephone intake line, staffed by our six organizations through a shared schedule, with calls answered live five days a week. From June through December 2020, we provided advice, brief services, and representation to over 700 tenants who accessed our services through the LTLAN intake line. We also worked in collaboration with this Court to ensure that the LTLAN intake line could be included on Court notices and provided to unrepresented tenants during their Court hearings.⁶
4. Under the umbrella of the LTLAN, our six organizations also have engaged in outreach to tenants facing eviction, including sending over 1,500 letters to tenants with pending

³ See D.C. Code § 4-1801, *et seq.*

⁴ See U.S. Dep't of Health & Hum. Servs., Ofc. of the Assistant Sec'y for Planning & Evaluation, *HHS Poverty Guidelines for 2021*, available at <https://aspe.hhs.gov/poverty-guidelines> (last accessed Feb. 3, 2021).

⁵ Funding under the CLCPP is awarded through a competitive grant process administered by the D.C. Bar Foundation. See generally D.C. Bar Found., *Civil Legal Counsel Projects Program*, available at <https://www.dcbarfoundation.org/civil-legal-counsel-grants> (last accessed Feb. 3, 2021).

⁶ See D.C. Bar Foundation, *Critical Network Collaboration for Eviction Defense* (Aug. 18, 2020), available at <https://www.dcbarfoundation.org/post/critical-network-collaboration-for-eviction-defense>; Jeremy Conrad, "Pro Bono Partnerships Forged in Crisis," *Wash. Lawyer* 19-24 (Nov./Dec. 2020), available at <http://washingtonlawyer.dcbar.org/novemberdecember2020/index.php?startid=19#p/18>.

eviction cases and participating in dozens of remote community outreach and education events. Through the LTLAN, we committed to providing an attorney to observe all initial court hearings for cases pending in the Landlord and Tenant Branch. Since July 2020, when remote hearings resumed in the Branch, we have observed court hearings five days a week for approximately 15 hours each week, amounting to thousands of hearings.

5. Each of our organizations also continues to receive requests for assistance and provide legal services through our own networks. We have adapted to the pandemic by offering telephone and/or online intake. Once new eviction case filings slowed and then stopped, we shifted to focusing on advice and brief services for tenants likely to face eviction once filing moratoria lift, including helping tenants apply for rental assistance and enter into payment plans, and more generally helping tenants understand their rights and options.
6. Eviction is a complex and multi-stage process in the District, and we advise and represent tenants at all stages – from when a landlord serves a pre-court eviction notice, to filing and serving an eviction complaint, to a tenant appearing at a court hearing and litigating the case, to the actual eviction itself. To understand the impact of stopping one or more parts of the process, while allowing others to move forward, it is important to consider data, observations, and stories that we share below from how tenants experience each stage.
7. The observations and client stories shared in this declaration, unless otherwise noted, are based on our provision of legal services to hundreds of families facing eviction during the pandemic. For every individual story shared below, we have spoken to many other tenants who have shared similar experiences with us, and for every tenant who reaches us, we know that there are likely dozens more with common issues. While our services and outreach touch thousands every year, tens of thousands of low-income District tenants

never receive the benefit of our advice, counsel, and representation.

Many Tenants Move Out When They Receive Eviction Notices or Complaints Rather Than Go to Court, Leading to Increased Community Spread of COVID-19

8. When landlords file eviction complaints or serve pre-court eviction notices, some tenants choose to move out instead of defending themselves in court. As a recent study of eviction in the District notes, the number of executed evictions “undercounts the true number of evictions since many families facing an eviction leave the home before the Marshal arrives,” and in other cases informal evictions occur, “where landlords threaten eviction and use intimidation to get tenants to leave the home informally.”⁷ This reality is not unique to the District. For example, in one of the most comprehensive studies on eviction available, Professor Matthew Desmond found that in 34 percent of such situations in Milwaukee, tenants who received an eviction notice moved out of their homes without ever going to court.⁸ More generally, Desmond has documented that low-income tenants typically experience significant residential instability, with nearly 25 percent of moves categorized as “forced,” i.e., the result of informal or formal evictions, ranging from landlords harassing and threatening tenants into leaving to sending eviction notices to filing court cases.⁹
9. When tenants move out of their homes due to fear of eviction, it leads to increased

⁷ Brian J. McCabe and Eva Rosen, Georgetown Univ., *Eviction in Washington, DC: Racial and Geographic Disparities in Housing Instability* 13 (Fall 2020), available at <https://georgetown.app.box.com/s/df0d4mruf59wcvqm6cqo9a8pyu8ukeuk>.

⁸ Matthew Desmond, *Harvard University Dataverse*, “Milwaukee Area Renters Study (MARS),” available at <https://doi.org/10.7910/DVN/BLUU3U> (last accessed Feb. 3, 2021). Desmond’s data is based on an in-person, comprehensive survey of over 1,000 households in Milwaukee.

⁹ Matthew Desmond, Carl Gershenson, and Barbara Kiviat, “Forced Relocation and Residential Instability among Urban Renters,” *Social Servs. Rev.* (June 2015), available at https://scholar.harvard.edu/files/mdesmond/files/desmond.etal_.2015.forcedrelation.ssr_2.pdf.

community transmission of COVID-19. The Centers for Disease Control (CDC) recognized this reality when it imposed its own moratorium on actual evictions, finding: “housing stability helps protect public health because homelessness increases the likelihood of individuals moving into congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID-19. The ability in these settings to adhere to best practices, such as social distancing and other infection control measures, decreases as populations increase.”¹⁰ Individuals forced to move not only may enter the shelter system, but also may stay with family members or move between different households, all actions that can increase transmission of an infectious disease that spreads easily with person-to-person contact. While the CDC moratorium does not extend to new case filings - and it should be noted the federal government’s legislative and regulatory authority arguably is more limited in this regard - the findings about housing stability extend to any protections that keep families in their homes during the pandemic.

10. Two recent studies confirm that eviction moratoria - including both moratoria on actual evictions and on new eviction case filings - reduce community spread and resulting deaths from COVID-19. One study examined all 44 states with eviction moratoria and those states’ incidence of and deaths from COVID-19 before and after moratoria were lifted, controlling for a number of other factors. The authors found that incidence of COVID-19 was 1.6 times higher at 10 weeks after eviction moratoria were lifted and 2.1 higher at 16 weeks, and deaths from COVID-19 were 1.6 times higher at the 7-week mark and 5.4 times

¹⁰ Centers for Disease Control & Prevention, Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19, 85 FR 55292 (Sept. 4, 2020), *available at* <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>.

higher at the 16-week mark.¹¹ Importantly, the authors concluded that lifting a moratorium on case filings has a separate and statistically-significant impact increasing incidence and deaths, separate and apart from lifting a moratorium on actual evictions.¹²

11. A similar study released by the National Bureau of Economic Research found that moratoria on both utility disconnections and various stages of the eviction process promote housing stability and therefore reduce transmission and resulting deaths from COVID-19. The authors conclude that if various policies limiting evictions (moratoria on eviction notices, case filings, actual evictions) had been in place across the United States from early March 2020 through the end of November 2020, COVID-19 infections would have been reduced by 14.2 percent and deaths would have been reduced by 40.7 percent. For moratoria on utility disconnections, COVID-19 infections rates would have been reduced by 8.7 percent and deaths by 14.8 percent.¹³

12. Attorneys at each of our six organizations regularly meet with tenants who have either already moved out because they were sued for eviction or are considering moving instead of defending themselves in court. Tenants who have already moved out often tell us they did so because they thought they did not have any choice. Tenants who are considering moving out often will explain that they do not have the time to go to court, that they have been to court in prior cases and did not think the process was fair, that they do not want to

¹¹ See Kathryn M. Leifheit, et al., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality* (Nov. 30, 2020), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576.

¹² *Id.*, Appx. 6.

¹³ See Kay Jowers, et al., National Bureau of Economic Research, *Housing Precarity & the COVID-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across US Counties* (Jan. 2021), available at <https://www.nber.org/papers/w28394>.

make trouble for their landlords, or that they simply did not know they have legal defenses to eviction.

13. In April 2020, a family law client being represented by the Neighborhood Legal Services Program, T.D.¹⁴, mentioned to her attorney that she had gotten a letter from her landlord saying that if she did not pay March rent by March 31, she had to move out. Knowing that she could not afford March or April rent, Ms. D moved out on April 4 and moved in temporarily with a family member. She then proceeded to move around among the houses of three or four different family members throughout the months of April and May, when infection rates were particularly high.

14. I.G. is an elderly individual who has lived in her home for 20 years, lives alone, and does not have a local support system of friends or family. She contacted Legal Aid after her landlord served her with a notice to correct or vacate, alleging she was in violation of her lease and that she had to move out or a court case would be filed against her. This was Ms. G's first time receiving this kind of notice and she panicked. She started contacting movers and prepared to move. She felt anxious, hopeless and began to lose sleep. When she contacted Legal Aid, she was convinced that she would become homeless, a particular fear because she had experienced homelessness as a child. Legal Aid was able to tell Ms. G that the notice was unenforceable because of the eviction filing moratorium, that she could stay in her home, and that she would be safe. She described the entire experience as traumatizing and one that no one should have to face during the pandemic.

¹⁴ *Amici* are identifying clients in this declaration only by initials and have changed their names to protect their privacy. Many of our clients are concerned about sharing their stories because of possible retaliation or greater scrutiny from their landlords at a time when they already are at risk of eviction.

15. In October, a Spanish-speaking tenant, P.M., contacted the LTLAN hotline because he received a letter from his landlord incorrectly stating that he had to leave after his lease expired in November. Mr. M, who lived with his wife and three small children, had nowhere else lined up and was worried about moving during the pandemic, especially while COVID-19 cases were spiking. The letter he received was written in English that he could not fully understand, but he saw the word “eviction” and believed he had to leave. When Bread for the City spoke with him, Mr. M had already begun seeking new housing. Thankfully he reached an attorney at Bread for the City before he moved, and received advice about his legal protections, leading him to conclude he could stay in his home.
16. In November, S.S., a single mother of three children and a Section 8 voucher holder who has lived in her home for 10 years, contacted LTLAN after receiving several text messages from her landlord telling her she had to leave within weeks or would be forcibly evicted. Ms. S had recently asked her landlord to fix her garage door, and the landlord concluded Ms. S had caused the problem and wanted her out. Ms. S, whose quadriplegic daughter requires a wheelchair-accessible bedroom, was distraught because she would not be able to quickly find another 4- or 5-bedroom unit on short notice, and she was planning to temporarily move in with a family member outside of the District. She had asked her children to start helping her pack and reported that this experience had traumatized her and her children. Fortunately, Bread for the City spoke with Ms. S before she actually vacated and explained her rights and that she did not have to leave.
17. Prior to the Superior Court’s declaration that the eviction filing moratorium was unconstitutional, our advice to tenants who were worried about being evicted was clear: your landlord can only evict you through the court process, and right now they cannot file

a case against you. Now, that advice is more complicated. We have to explain to tenants that even though they cannot be formally evicted, their landlords can file complaints against them, and the Court could require the tenant to litigate that case to its end. We also must explain that in some types of cases, depending on the nature of the allegations, the Court might conclude that an actual eviction is allowed as an exception under current law. Now, with an administrative stay of the Court's decision in place, the advice has grown even more complex. While we do our best to convey this information and reassure affected tenants, even those with whom we speak often remain fearful.

Tenants Also Experience Significant Stress and Anxiety When They Receive an Eviction Notice or Complaint and Have to Defend Themselves in Court

18. Many individuals are experiencing frequent symptoms of anxiety and depression because of the COVID-19 pandemic. As of late December 2020, 62 percent of District residents reported that they were experiencing symptoms of anxiety at least several days a week, and 51 percent reported experiencing symptoms of depression at least several days a week.¹⁵ Against this backdrop, the added stress from receiving an eviction notice or court papers can be devastating. Our attorneys have spoken with many tenants (including the stories shared above and below) who report experiencing significant anxiety, stress and depression as a result.

19. Bread for the City recently assisted W.H., a tenant who has been in the same home for 15 years. As of this January, Ms. H already was struggling with poor housing conditions including frequent floods downstairs, all while helping her children attend school virtually. Then she received a 30-day notice to correct or vacate, alleging she had violated her lease.

¹⁵ U.S. Census Bureau, *Household Pulse Survey Week 21: Dec. 9-21 – Detailed Tables*, Health 2a., 2b., available at <https://www.census.gov/data/tables/2021/demo/hhp/hhp21.html>

Ms. H has had a voucher for over 20 years and has never had any problems with her housing. She felt “completely overwhelmed,” as she put it, when she received the letter and did not know what to do or where her family would go if the landlord put them out. Thankfully, Ms. H reached out to Bread for the City and learned her landlord was not allowed to send the notice. Her attorney helped her contact the landlord’s attorney to explain Ms. H’s rights. Ms. H shared with her attorney at Bread for the City that while she was grateful for their help, she was concerned for all the people who might get a 30-day notice and not know whom to call. As Ms. H put it, “When your landlord or their lawyer is saying you have to go, sometimes people don't know that they have rights or options or that they can fight back.”

20. The D.C. Bar Pro Bono Center recently placed a pro bono case for a tenant C.J., a veteran who suffers from post-traumatic stress disorder. Ms. J. has had a significant increase in anxiety as a result of an eviction action that was filed against her in November 2020. Her stress is further heightened by her confusion. From her perspective, she received a notice from the Court which she understood to mean that the case would be dismissed due to the public health emergency, only to have her landlord file a response to this show cause order, leaving the case open. Ms. J was homeless before moving into her current apartment, and the eviction filing has caused her to worry that she may be homeless again very soon.

21. Legal Aid represents a tenant, C.M., in a nonpayment of rent case that was filed prior to the pandemic. Litigating this case during the pandemic has been very stressful for Ms. M. She has serious health conditions and depends on blood transfusions to stay alive. Ms. M receives these transfusions at home, and she needs a clean place to live in order to be able to safely receive them. Her pending eviction case has made her extremely nervous to the

point that her heart speeds up, and she has trouble sleeping. It also causes her to become depressed. All of these symptoms have negative consequences for her health.

22. Another tenant, L.R., contacted Legal Aid when his landlord filed a nonpayment of rent case in violation of the moratorium. Mr. R is in his late 50's, has a heart condition, and reports that he is at high risk for COVID-19. He is already very concerned about the pandemic, but having this case filed against him on top of that is a major source of stress, anxiety, and it also contributes to his insomnia. In addition to health concerns, he now also has to worry about keeping a roof over his head.

23. D.M., who is an undocumented immigrant, fell behind on her rent after she and her husband lost their jobs in the spring of 2020. Her landlord then began charging an illegal late fee that accrued daily. Ms. M's landlord repeatedly texted her about paying the unpaid rent and late fees. Ms. M told her landlord that she was trying to catch up on the rent and that she knew the late fees were illegal, but the landlord continued to harass her about the unpaid money. Because she is an undocumented immigrant, Ms. M was afraid that her landlord would use that fact to retaliate against her. While Ms. M has not received an eviction or complaint yet, she fears it will happen.

Many Tenants Have Trouble Accessing and Fully Participating in a Remote Court Process

24. The District has one of the worst digital divides in the nation, with low-income households and those headed by people of color much more likely to lack access to high-speed internet and desktop computers or tablets. The District estimates that less than 65 percent of residents in Wards 5, 7, and 8 have access to high-speed internet, compared to 85 percent or more in the District's other wards.¹⁶ This is not surprising, given that Wards 7 and 8 in

¹⁶ Connect.DC - Digital Inclusive Initiative, *Fact Sheet*, available at

particular also have the highest concentrations of families living in poverty (23 and 27 percent respectively, compared to 12 percent District-wide).¹⁷ This digital divide cuts along racial lines. Census survey data from January 2021 show that more than 80 percent of the District households currently reporting lack of regular access to high-speed internet or computers are headed by a Black resident.¹⁸

25. These same families are much more likely to face eviction. Seventy percent of all eviction cases are filed against tenants living in Wards 5 (13.7 percent), 7 (22.6 percent), and 8 (34 percent), even though those three Wards account for only 36.7 percent of all renter households in the District.¹⁹ These same disparities apply to executed evictions, with researchers finding a strong, positive correlation between the percentage of Black residents in a census tract and the rate of executed evictions.²⁰

26. Our own data similarly confirm that low-income households headed by people of color are much more likely to face an eviction case. For services provided under CLCPP during the pandemic months, 78 percent of the tenant clients served by our six organizations were Black, 8 percent were Latinx, and the mean annual income was \$14,220 for a family of

<https://connect.dc.gov/page/fact-sheet> (last accessed Feb. 3, 2021).

¹⁷ DC Health Matters, Demographic Data - Households/Income, *available at* <https://www.dchealthmatters.org/demographicdata> (last accessed Feb. 3, 2021)..

¹⁸ U.S. Census Bureau, *Week 22 Household Pulse Survey: Jan. 6-18 – Detailed Tables*, Education Table 3, *available at* <https://www.census.gov/data/tables/2021/demo/hhp/hhp22.html>. Another recent study estimates that 27 percent of Black students and 25 percent of Latinx students in the District lack high-speed internet access at home, compared to only 5 percent of white students. Elizabeth O’Goreck, “DC Student Digital Divide Second Highest Nationally,” Hill Rag (June 22, 2020), *available at* <https://www.hillrag.com/2020/07/22/dc-has-second-highest-racial-gap-in-student-connectivity-study/>.

¹⁹Brian J. McCabe and Eva Rosen, *supra*, at 18-20.

²⁰*Id.* at 21.

two, below the Federal Poverty Line.²¹ We have found that many of our clients do not have stable, high-speed internet access at home and/or do not have a computer or tablet to join a court hearing by video. Even for tenants with cell phones, many cannot afford and do not have sufficient data plans to allow participating in a hearing by video.

27. Through our observations of thousands of court hearings held during the pandemic in pending eviction cases, we have seen many unrepresented tenants struggle to participate in the remote court process due to lack of technology. It is not unusual for tenants to join by phone but not video, to have trouble muting and unmuting their device, and to express confusion about or a misunderstanding of what is happening in the hearing. At times, parties join by phone and cannot be heard even to state their name, much less participate in their cases. For tenants who speak a language other than English, the process is particularly daunting.

28. We also know that some tenants still are not receiving court notices of their scheduled hearings. Attorneys at all six of our organizations have had and continue to have many experiences in individual cases in which we do not receive mailed notices of an upcoming court hearing. We have heard multiple landlord attorneys report experiencing the same problem. Because we have computers, internet access, and knowledge of how to navigate the Court's website, we are able to monitor our case dockets and find out when hearings are scheduled, though even for us it takes careful monitoring. Many tenants do not have this ability or knowledge. During our court observation, our attorneys have seen a number of cases in which the Court notes on the record that a mailed notice was returned to the Court as undeliverable mail and clearly never was received by the tenant in the case. In

²¹This preliminary data was provided to Beth Mellen at Legal Aid by NPC Research.

some of these cases, the attorney for the landlord who has been present has acknowledged that the tenant remains in possession of the unit. While the Court has continued some of these hearings, others have gone forward without the tenant present or participating.

29. Likely due in large part to these barriers, many tenants are not appearing in Court at all.

As a result, defaults and judgments for possession have been entered in some of these cases, and those tenants now face eviction when the moratorium on actual evictions ends. For those tenants who do appear, participating in the remote court process solely by phone, with no video, puts litigants at a significant disadvantage. It is much harder for parties to listen, to follow what is happening, and to respond to questions when they are only on the phone. For evidentiary hearings and trials in particular, parties joining only by phone cannot see the judge who is presiding, or the opposing party or counsel who is presenting arguments and questioning witnesses, or exhibits that are being displayed on the screen. Without being able to see a tenant, the presiding judge is unable to use visual observations to determine their credibility or to recognize when the tenant is struggling to be heard or to understand the proceedings.

30. Our organizations also have represented tenants in remote hearings and experienced these same problems, even when tenants have the benefit of assistance of counsel. Legal Counsel for the Elderly, which represents tenants who are 60 years or older, has seen many such cases. One client, D.R., participated in a court mediation over Zoom but was not able to unmute his microphone to speak. His attorney had to call the tenant by phone and put him on speaker so that he could try to participate, but the arrangement did not work well. The client later shared with his attorney, “I felt like I was not being a part of it over the phone. It's like you're not part of what's going on. I would have a little bit more to say to them

because it didn't need to go that far.” Working together, Mr. R and his attorney were able to reach a settlement with the landlord despite these challenges, but the outcome could have been different without an attorney’s help to navigate the process.

31. Legal Counsel for the Elderly worked with another tenant, S.H., who shared his concerns after receiving a court notice for an upcoming remote hearing. Because this tenant does not own a computer, he knew we would have to call in to the hearing. He has a Lifeline Assistance Free Government Phone Plan, better known as an “Obama Phone,” with limited minutes each month. With the uncertainty of the length of the hearing or how long he would be on hold before his case was called, the tenant was very worried that he would run out of minutes.

32. Legal Aid is representing a tenant, N.M., who has limited English proficiency and had a further initial hearing scheduled in her eviction case during the pandemic. When Ms. M received the written notice for the hearing, she did not understand that she would be required to call into the hearing. She thought that the Court was going to call her at the time identified on the notice. She waited by her telephone all morning on the day of her hearing, but never received a call. She was confused by this and had no idea that while she was waiting by her telephone for a call from the Court, a default was being entered against her in her case.

33. P.F. is a tenant who was sued for eviction by her landlord but never received proper notice of the case. The Court scheduled a remote hearing on her motion to dismiss. Ms. F did not have the necessary technology to participate by video. Fortunately, Ms. F had an attorney from Legal Aid, who was able to get a binder of exhibits delivered to Ms. F’s home before the hearing, so that she could follow along with what was happening. Ms. F

was not able to see the attorneys who were questioning her, either on direct or on cross. She also was unable to see the judge who was making a decision in a case that would ultimately determine whether or not she would be able to stay in her home, and the judge was unable to see her when making credibility determinations. As with so many other tenants that we assist, we fear her motion might not have been granted if not for the help of an attorney, who was able to join by video to share exhibits and make arguments.

Even the Mere Filing of an Eviction Case Can Make It Difficult for Tenants to Find New Housing, and If the Record Remains Unsealed It Can Cause Lasting Damage

34. The mere filing of an eviction complaint, regardless of the outcome of the case, can have significant harmful ramifications for tenants. Eviction case records are one of the primary barriers to tenants searching for housing, often resulting in landlords charging higher rents or denying applications altogether.²² A 2017 survey by Transunion, one of the three major credit reporting agencies, found that nationally 85 percent of landlords routinely review eviction reports for applicants for their rental housing.²³ A recent report from Georgetown University examining eviction patterns and practices in the District found that this practice is common, with many landlords relying on data-aggregating companies to prepare reports on the eviction case records of prospective tenants.²⁴ As the Georgetown report's co-authors have observed, the ultimate outcome of the case may not matter, because the filing

²² See generally, e.g., Matthew Desmond, *Evicted: Poverty and Profit in the American City* 297 (2016); Paula A. Franzese, "A Place to Call Home: Tenant Blacklisting and the Denial of Opportunity," 45 *Fordham Urb. L.J.* 661 (2018); WNYC Studios, "The Scarlet E: Unmasking America's Eviction Crisis," available at <https://www.wnycstudios.org/podcasts/otm/scarlet-e-unmasking-americas-eviction-crisis> (last accessed Feb. 3, 2021).

²³ Cmty. Legal Servs. of Philadelphia, *Breaking the Record: Dismantling the Barriers Eviction Records Place on Housing Opportunities* 9 (Nov. 2020), available at <https://clsphila.org/housing/report-eviction-record-policy/>.

²⁴ McCabe and Rosen, *supra*, at 31-32.

itself does harm: “Property owners make little distinction between a household that experienced an eviction filing and one that has been formally evicted.”²⁵ Studies in other jurisdictions have reached the same conclusion.²⁶

35. This type of discrimination against tenants in the rental market has enduring impacts.

Matthew Desmond has found that tenants who are forced to move often relocate to units with worse conditions, putting their health and their family’s health at risk. He concludes that discrimination against tenants because of prior eviction cases is a major factor: “Because many landlords reject applicants with recent evictions, evicted tenants are pushed to the very bottom of the rental market and often are forced to move into run-down properties in dangerous neighborhoods.”²⁷ Analysis from Desmond’s survey of over 1,000 Milwaukee tenants found that those forced to move are 25 to 35 percent more likely to experience long-term housing problems in their next unit, such as lack of heat, broken appliances, and exposed wiring.²⁸

36. Legal Aid has focused on this issue, assisting many tenants with filing motions to seal their eviction cases, even without a specific local sealing law in place, and advocating for broader legislative reform with the Council. Below are a few of their stories:

a. C.P. has applied to seven or eight apartments and was rejected from all of them.

²⁵Eva Rosen & Brian J. McCabe, “D.C. makes eviction filings too easy,” Wash. Post (Nov. 6, 2020), available at https://www.washingtonpost.com/opinions/local-opinions/dc-makes-eviction-filings-too-easy/2020/11/05/ec441a88-1304-11eb-ad6f-36c93e6e94fb_story.html.

²⁶Se, e.g., *Breaking the Record*, supra, 5, 8, 11; Lawyers’ Committee for Better Housing, *Prejudiced: The Stigma of Eviction Records* 3, 5, 7 (March 2018), available at <https://lcbh.org/sites/default/files/resources/Prejudged-Eviction-Report-2018.pdf>.

²⁷Matthew Desmond, *Eviction and the Reproduction of Urban Poverty*, 118 Am. J. Soc. 88, 118 (2012).

²⁸Desmond, et al., *Forced Relocation*, supra, at 249-51.

An office manager at one of those apartments explained to her that the building runs background checks on potential tenants, and, if those background checks turn up old eviction cases, it will be very hard for the potential tenant to be approved. The fact that Ms. P has an old eviction record has discouraged her from applying for new apartments, particularly because the apartments generally charge a nonrefundable application fee.

- b. T.R. is a tenant currently living with significant housing code violations. She wants to move somewhere safe and habitable. Ms. R has records of two eviction cases that are getting in the way of her finding housing. Ms. R is a survivor of domestic violence and one of these eviction cases arose because her abuser was living in her apartment.
- c. Prior to the public health emergency, L.J.'s landlord sued her for nonpayment of rent. She entered into a consent judgment agreement with her landlord, paid the amount that she owed, and remained at the property. Sometime thereafter, Ms. J decided to move out of her apartment because of the conditions, and she provided her landlord with a notice to vacate. However, Ms. J's application at the new property, where she had been planning to move, was initially denied because the new landlord found the record of her old nonpayment of rent case.
- d. B.R. is a voucher-holder, who was evicted from her apartment in June 2019. She has been homeless ever since. In November 2019, Ms. R found an apartment where she believed she was going to be able to place her voucher. However, at the last minute, the landlord withdrew its offer of an apartment. Ms. W believes that the landlord withdrew its offer because it discovered her eviction record. She has not

been able to find housing since then.

37. For tenants facing eviction for nonpayment of rent, they may be able to avoid an eviction filing and these resulting negative consequences altogether, if only they have enough time to apply for and obtain funds before the filing moratorium is lifted. Legal Aid's case manager, Emily Near, has helped dozens of tenants apply for rental assistance during the pandemic and has worked closely with multiple rental assistance providers. She has found that the process is complicated and confusing, with multiple barriers, including 1) the need to have a desktop computer and high-speed internet access to fill out an application online, 2) a prior scheduling system (since eliminated) that required tenants to choose appointments but often would not show any availability for appointments until 2022 or later, 3) lack of access to applications and other documents in languages other than English for many months, 4) onerous documentation requirements, including from third parties whose offices are closed to the public right now, 5) the need for landlord cooperation that is not always forthcoming, and 6) provider delay, undoubtedly due in large part to providers being simply overwhelmed with applications. In many cases it has taken tenants *with a case manager's assistance* multiple months to complete an application and get funds in their landlords' accounts.

38. Agencies and rental assistance providers have been responding to feedback from tenants and tenant advocates to improve their systems, but this iterative process has taken some time. New federal legislation enacted at the end of December 2020 (the Consolidated Appropriations Act of 2021) soon will provide the District with an additional \$200 million that can be used for rental assistance, but these funds still have not been distributed and

new systems currently are being put into place to implement yet another new program.²⁹ Without the filing moratorium in place, landlords could start filing nonpayment of rent cases against tenants, despite the fact that many tenants may be able to become current in rent if they just had more time to access these new federal funds.

The Eviction Filing Moratorium Uniquely Protects Individuals Who Are Not Tenants, And Otherwise Would Face Actual Eviction During the Pandemic

39. This Court’s December 16, 2020 Order notes that even if the filing moratorium is not in place, tenants have other protections, including the moratorium on actual evictions and on the service of eviction notices until after the end of the public health emergency. However, many of those protections were implemented as amendments to the Rental Housing Act in Title 42 of the D.C. Code, and arguably are available only to individuals qualifying as tenants under that Act. An Order from this Court (Epstein, J.) issued on January 22, 2021 in *Saltzman v. Kogan*, 2020 CA 4978 B, interprets the actual eviction moratorium to be limited in this way.

40. The eviction filing moratorium, on the other hand, was unique from most of the other emergency protections put in place by the Council during the public health emergency, because it was an amendment to Title 16 of the D.C. Code, applicable to all summary complaints for eviction filed in this Court, including those outside the scope of the Rental Housing Act. The filing moratorium thus protected a broader range of housing situations, such as foreclosed homeowners, terminated employees, terminated cooperative members, and remaining household members of deceased tenants. With the elimination of the

²⁹ Consolidated Appropriations Act of 2021, Public Law No. 116-260, *available at* <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-116HR133SA-RCP-116-68.pdf>.

eviction filing moratorium, District residents in all these categories could face the loss of housing in the midst of a pandemic. Our organizations have received calls from individuals in all these categories, who would not qualify for the protections of the Rental Housing Act and who are now exposed to the risk of an eviction filing and the loss of their housing. Regardless of whether these individuals are tenants, their eviction will increase the risk of transmission of and death from COVID-19.

41. The D.C. Bar Pro Bono Center recently provided advice to E.R., an employee of a property management company who lived in the property in connection with their job and reached out for help after the company for which they worked lost the contract to manage the property. The new property management company did not retain any of the former company's employees. As a terminated employee, E.R. had been told that they would have to move out despite the eviction moratorium. By the time they contacted LTLAN for assistance, E.R. had already given the landlord a notice to vacate, fearing that there was no alternative and they were about to lose their current housing.

42. A foreclosed homeowner, L.C., worried about receiving an eviction filing during the pandemic, called LTLAN to find out when she should be expecting an eviction filing against her. An attorney at the D.C. Bar Pro Bono Center informed her that an eviction suit could not be filed against her until 60 days after the public health emergency ends, allowing her the assurance of continued housing during a time when residents are being instructed to stay home and avoid contact with others as much as possible. Her housing became less secure in December when the eviction filing moratorium was declared unconstitutional.

43. Legal Aid represents an individual, D.S., who originally purchased his home more than

thirty years ago and owned it together with his parents before their passing. After the mortgage on the property went into default, he tried to bring it current with a loan modification but was unsuccessful. The bank eventually foreclosed on the home, but the auction purchaser has not moved forward with trying to evict Mr. S in part because of the eviction filing ban, allowing him to stay in his long-time home at least until the pandemic is over.

44. The D.C. Bar Pro Bono Center recently assisted B.L., the surviving girlfriend of a lawful tenant of a unit who had passed away. She was not a signatory to the lease but had lived in the unit for an extended time. Ms. L contacted LTLAN for assistance, asking how soon the landlord would be able to have her evicted from the unit. The Pro Bono Center attorney had to inform her that the moratorium on filing new eviction cases was no longer in effect, and that the landlord might file a case to have her removed from the property even during the public health emergency.

45. Legal Aid is representing a tenant, C.I., who is the son of a lawful tenant who passed away in 2020 from COVID-19. Mr. I lives in a building where tenants already had been advocating for repairs and participating in a rent strike before the pandemic, heightening a tense relationship with the landlord. The landlord so far has not acknowledged Mr. I as a tenant or allowed him to sign a new lease. Because the building falls under rent control, the landlord also may try to argue that Mr. I has to pay a large rent increase in order to stay in his home, based on the “vacancy” of the unit because his father had passed away.

46. The Neighborhood Legal Services Program received a call just before Christmas from W.C., whose husband died in November. She received a letter from her landlord telling her that because the leaseholder had died, she had to be out of the apartment by January 4,

or he would change the locks. When Ms. C talked to her landlord, he said that it did not matter that she had lived there for more than 30 years. Just before New Year's Eve, NLSP heard from the landlord's attorney that because Ms. C's name was not on the lease, she, her adult child, and her two grandchildren that live with them in the apartment are "squatters," and that, because the eviction filing moratorium had been declared unconstitutional, he could file a case against her anytime. He said that he planned to do so in January. Ms. C's adult daughter was so worried about being evicted that, despite assurances from NLSP, she and her children moved out of their home and into a friend's apartment on January 3rd. Had the filing moratorium still been in place in December, the landlord's attorney would have informed the landlord that there was nothing to be done until the end of the public health emergency, and Ms. C and her family would still be in their longtime home.

The Eviction Filing Moratorium Also Protects Small Businesses

47. Commercial tenants also are outside the scope of many of the protections effective during the public health emergency but had been shielded from new eviction actions while the eviction filing moratorium was in effect. In the absence of the eviction filing moratorium, they are at greater risk of losing possession of their offices or storefronts during the public health emergency, and face even greater costs, simply because they must now hire counsel to defend a case at a time when their resources are most strained.

48. The D.C. Bar Pro Bono Center's Small Business Legal Assistance Program provides legal assistance, trainings, and other resources to small businesses in the District of Columbia. Since the onset of the public health emergency in March 2020, the Pro Bono Center has provided information on the eviction moratorium and the filing moratorium, explained

commercial tenants' right to apply for a payment plan under the emergency and temporary legislation, and explained negotiation techniques to settle any disputes regarding unpaid rent before the expiration of the eviction filing moratorium.

49. Since the December 16, 2020, Order invalidating the eviction filing moratorium, the Small Business Legal Assistance Program is experiencing an increase in requests for legal assistance related to commercial evictions, specifically from small business owners who are recent defendants in or have been informed by their landlord that they will imminently become defendants in commercial eviction actions in D.C. Superior Court. Because small businesses are primarily corporate entities not permitted to represent themselves in court, providing brief legal advice and information on the state of the law has not been enough to meet the needs of the Pro Bono Center's clients. Those business entities must then pay for counsel to represent them in any court hearing - a cost they must bear upon learning of the filing of a case against them.

50. For example, in late fall of 2020, a small business's landlord was threatening to evict them at the end of December and demanding that the business agree to a new rent payment plan when the business fell behind on their initial payment plan. When the business owner spoke to the D.C. Bar Pro Bono Center for brief legal advice, they were empowered learning about their rights and confidently shared with their landlord that they could not legally carry out a self-help eviction or demand a new payment plan. When the eviction filing moratorium was struck down, the business again feared that their landlord would file an eviction case in D.C. Superior Court—which would require the business to pay for an attorney—and considered voluntarily vacating the leased premises to avoid additional conflict and expense in an already stressful time.

