CHRISTIAN LEGAL AID SUMMIT

2022 CLS NATIONAL CONVENTION

LANDLORDS GONE WILD!

AL W. JOHNSON

Thursday, October 6, 2022

I. Why is landlord/tenant law such a critical justice issue?

   A. There are three primary rights that government can take away:

      1. Life

      2. Liberty

      3. Property

   B. There is a well-developed body of law to protect property owners but very limited protection for renters.

      1. Most states have some version of what we refer to in Missouri as the "rocket docket." See Chapter 535 Revision Statutes of Missouri.

         a. A rent and possession case can be filed and within two-three weeks from service of the petition, an individual can be evicted. § 535.030.1 RSMo. (Summons may be properly served four (4) days before the first court date); § 535.040.1 (upon return of the summons the court shall set the case on the first available court date).

         b. The initial proceeding is a summary proceeding with the evictee having only the right to a brief trial in front of a judge. You can appeal an adverse verdict and have the ultimate right to a jury trial *de novo,* but you must put up a bond for the entire amount of the judgment for the past due rent. §§ 535.030.4, 535.110 RSMo.

2. These summary procedures have been upheld by the Supreme Court as satisfying Constitutional Due Process
   a. Chapter 535, Mo. Rev. Stat., outlines a process for landlords to expeditiously obtain possession of rental properties from tenants who fail to timely pay rent; and
   b. Such summary procedures have been upheld generally as constitutional by the United States Supreme Court. *See Lindsey v. Normat*, 405 U.S. 56 (1972). In *Lindsey*, the Court determined that Oregon's statutory scheme, which provided for trials on short notice - 6 days' - did not violate due process as long as tenants were allowed to present every available defense and had access to a subsequent *trial de novo*. Courts may require a bond before granting a trial de novo but not to exceed the total amount of rent due and owing.
3. Summary proceedings place tenants at a significant disadvantage, to wit:
   a. Such procedures afford very limited, if any, pre-trial discovery;
   b. Affirmative defenses must be filed at the time of the first court appearance;
   c. Counterclaims may be filed but they are discretionary with the court;

d. Tenants may obtain legal counsel but there is no requirement that courts appoint counsel;

e. Most courts offer petition and judgment forms for landlords but normally do not provide any forms for tenants who often are *pro se*; and

f. Even for those tenants who are able to obtain legal counsel the challenges associated with defending the landlord/tenant case are significant.

II. The current housing and economic climate have exacerbated the crisis:

A. The economic turndown of 2008-2009 caused the construction industry to slow down significantly. This greatly limited the supply to such an extent that the demand could not be met. (See attached illustration)

B. This was exacerbated by the COVID crisis. People lost their jobs and fell behind in their rent. The eviction moratoriums helped, but only delayed the crisis. Landlords could still obtain rent and eviction judgments; they simply could not enforce those judgments.

C. Most major landlords received PPP money as well as government rent support monies for individual tenants.

D. Unfortunately, these circumstances have led some landlords to raise their rental rates, sometimes substantially. In greater Phoenix, for example, average rents rose over 13% between 2020 and 2022. In Miami, Atlanta, and Tampa the average increase was over 10%. In St. Louis, estimated average rent increases are over 15%.

III. Examples of abusive landlord tenant tactics

A. Case 1: In June of 2021, we tried a case on behalf of a client who lived in an apartment complex in St. Louis County. She fell behind in rent in late 2019, and the landlord sued her. There was an eviction and a judgment ordered. Prior to the date of the eviction, she approached the landlord in an attempt to pay the entire amount owed and avoid the eviction. The landlord accepted her payment of approximately $2,500 but then refused to show the judgment satisfied and still let the eviction go forward. Our client moved out a few days before the sheriff arrived, but the eviction still appeared on Missouri CaseNet along with the judgment for approximately $2,500. Our client had a job opportunity in Atlanta and wanted to move but was unable to accept the job and move because she was unable to obtain housing in Atlanta. We sued in 2020 and won a monetary judgment for our client together with a complete removal from the St. Louis County court records of the eviction and judgment. NCLS was also able to obtain a judgment for approximately $20,000 in attorney's fees under the Missouri Merchandising Practices Act.

B. Case 2: In the 2020-2021 time period, there was extensive publicity in the St. Louis area regarding TEH, an Israeli company with a national footprint that had bought several distressed apartment complexes in the St. Louis Metropolitan region. Their business plan was simple: after purchasing the distressed property, they would put neither money nor resources into it, many times not providing heat, water, or basic necessities. When the lawsuits started raining in and they came under some government scrutiny, TEH pulled all their staff members out of a number of St. Louis housing complexes but continued to sue individuals who refused to pay rent. We took on the case of a young woman who lived in one of the TEH properties that was condemned by the local municipality where the complex was located. She was given three days to move out and ended up losing all her furniture and was forced to live in motels for several weeks until she found another apartment. We sued TEH on her behalf and obtained a default judgment for $137,000 in St. Louis County Circuit Court, which included $100,000 in punitive damages. The insurance carrier for TEH eventually stepped in and offered to settle the judgment with us. Because the insurance did not cover punitive damages, we settled the case for $37,000 which was the total amount of our client's damages plus our attorney's fees.

C. Case 3: We will name our client in this case because it has been highly publicized in our local newspaper, the St. Louis Post Dispatch. We have attached the article. We currently have a suit pending in St. Louis City Circuit Court on behalf of Dyamond Bradford, a recent college graduate who moved into an apartment complex in the City of St. Louis shortly after she graduated college. Ms. Bradford had a job but was just getting back on her feet financially and dealing with college debts as well as taking care of her teenage brother. After a few days in her new apartment, she realized that it was infested with bedbugs. She was bitten several times and the injuries were severe enough that she required emergency room treatment. When she complained to the landlord, an exterminator was sent to attempt to treat the building. However, the bedbug infestation was not just in her apartment, but it was also in several others' apartments immediately adjacent to her. When the pest control company was not able to eradicate the bed bugs, Ms. Bradford went to the management and requested to be transferred to another unit in another building. The building management company, who also owned and operated a number of other apartment buildings in the city, agreed to move her, but only if she paid $1,500 for the security deposit, which also included the first month's rent. The management company *refused* to apply the first $1,500 that she had paid to get into the unit that she originally rented. After an unsuccessful attempt to settle the case with the management company, we filed suit. We are currently in the process of settling the case with the attorney for the management company.

IV. Other examples of abusive landlord tactics

A. Lockouts – A situation where the landlord locks out a tenant in order to avoid the meager due process rights that tenants have.

B. Constructive Evictions – Withholding heat, water, or other necessities in an attempt to motivate a tenant to move.

V. How can the Christian community respond?

A. Providing high quality legal services at a low cost;

1. Know the law!
2. Sponsor information tables at local courthouses
3. Be prepared to go to court with clients when necessary.

B. Assemble a resource database of tenant assistance agencies; and

C. Organize a consortium of Christian landlords who can provide decent housing at a reasonable cost.

REPORT AUG 22, 2022

The Rental Housing Crisis Is a Supply Problem That Needs Supply Solutions

Policymakers must prioritize improving housing access and affordability for low-income households through immediate and long-term investments.

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Building an Economy for All, Affordable Housing, Economy, Family Economic Security, Taxes

A woman bikes through Union Square in Allston, a Boston neighborhood with waitlists of thousands of people waiting for affordable housing, on July 16, 2020. (Getty/Erin Clark)

Housing insecurity in the United States long predates the COVID-19 pandemic. Current challenges most recently appeared in the wake of the Great Recession, which lasted from 2007 to 2009, as demand for housing increased while the supply of new housing units plummeted. People were squeezed out of the housing market, adding upward pressure on demand for rental properties. Those with deeper pockets—higher incomes and more wealth—can afford higher rents if they do not buy, leaving lower-income renters to fight over an insufficient pool of available rental housing.

In January 2019, the United States had a shortage of 7 million affordable homes for low-income renters,[1] resulting in only 37 affordable rental homes for every 100 low-income renter households.[2] Due to these market pressures, the most economically vulnerable suffered the highest housing precarity. As a result, millions of Americans have experienced eviction, homelessness, and housing insecurity, each of which leads to financial insecurity, toxic stress, poor health outcomes,[3] poor academic achievement for children,[4] food insecurity,[5] and other negative outcomes.

For decades, policies to address the complexities of the affordable housing crisis, such as rental assistance, have been underfunded, deferred, and inadequate.[6] In May 2022, the Biden-Harris administration released the Housing Supply Action Plan,[7] which aims to address the rising cost of rent and the affordable housing shortage through comprehensive short- and long-term housing investments that focus on increasing the supply of available housing—particularly for low- and middle-income people. This issue brief offers policy solutions that build upon the administration's federal housing supply plan to ensure equitable housing for all households by:

- Boosting the supply of affordable rental units in opportunity-rich neighborhoods.
- Increasing housing voucher subsidies to ensure households receive the help they need in a timely manner.
- Expanding renter protections so that those who have housing do not lose it, as eviction is often the catalyst for further economic instability.

Housing affordability and stock do not meet demand

The housing affordability crisis is the result of deliberate policy choices and chronic underfunding that have persisted for decades but have worsened since the Great Recession.[8]

Often, homeownership is the preferred housing choice for American families because it builds wealth. Homeownership provides homeowners and their families financial security and locked-in, predictable monthly costs and assets that support equity and can be passed down through generations, assuming homeowners are able to make mortgage payments and home values rise. Homeownership is also favored by U.S. policies. Tax benefits for homeowners include:

- Owners are not required to pay taxes on imputed rental income; essentially, homeowners act as both landlord and renter. They are able to make deductions on their property investment, which is discussed more below, and they are not taxed on the investment itself.
- Owners may deduct mortgage interest and property tax payments from their federal income tax if their deductions are itemized.
- When filing their taxes, homeowners are allowed to exclude part of their financial gains that result from selling their home.[9]

It is worth noting that these benefits are valuable to high-income households but not low-income households, further exacerbating economic inequality.

New housing supply fell dramatically after the Great Recession

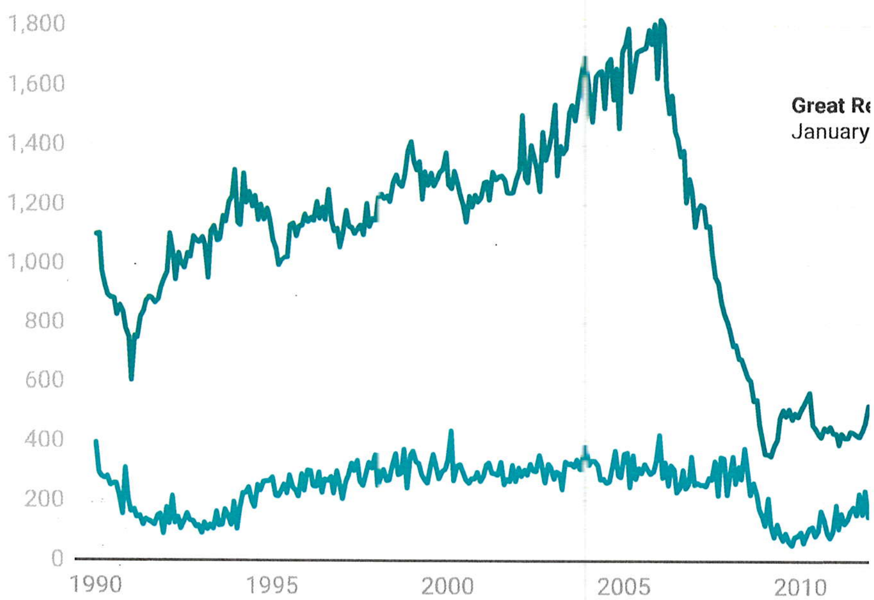
A decline in new housing after the housing crash of the Great Recession squeezed many would-be homebuyers out of the market. These households were then forced to remain in the rental market, adding upward pressure to rental prices while driving those with less income and less wealth into more insecure and unstable rental housing. The supply of new housing cratered after the 2007–2009 housing crisis and only very slowly recovered. This is apparent in the number of units where construction was started but not completed.

This drop in supply was sharpest after the Great Recession. Authorizations of single-family units as well as multifamily units, which are defined as buildings with five or more units, fell in the aftermath of the housing crash. Most importantly, the years immediately following the Great Recession—2010 and 2011—saw a dearth of new multifamily building constructions. For several months, units with initiated construction dropped to 30,000—the lowest amount on record dating back to 1968. (see Figure 1) Importantly, this decline followed modest levels of initiated construction of multifamily buildings before the Great Recession. This lull made a bad situation worse and exacerbated the shortage of housing supply even while demand increased.

Figure 1

New construction dropped dramatically after the Great Recession, reducing the supply of new housing

Number of new privately owned housing projects started by property type, January 1990–May 2022



Hover over or click to see values.

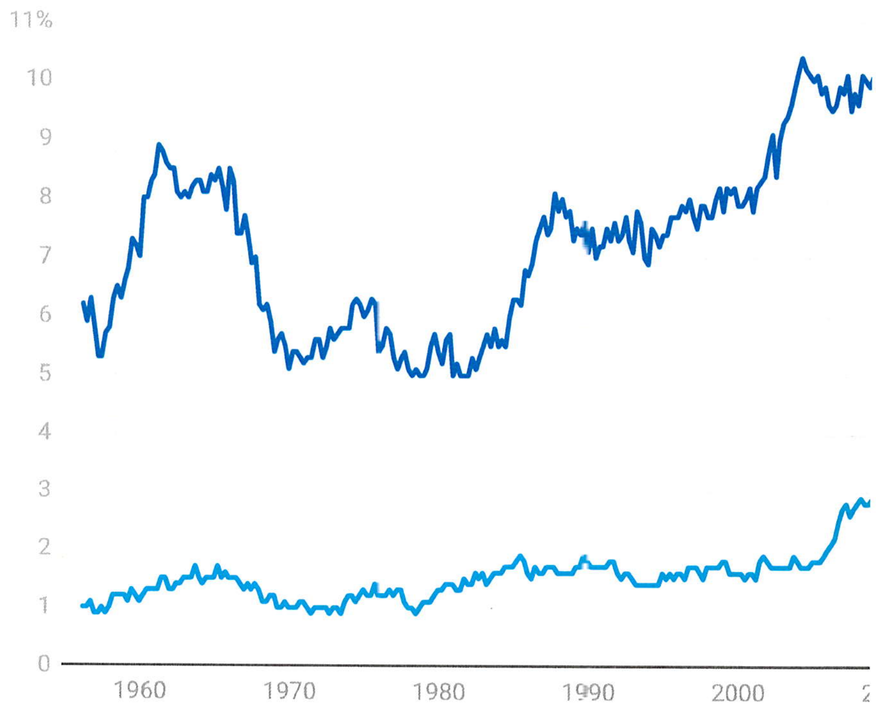
Without added supply, vacancies fell by the 2020s

The number of new single-family and multifamily buildings where construction had started grew during the past decade. However, construction has not kept pace with the rise in demand, as reflected in falling vacancy rates. Vacancy rates show the shares of rental and housing units that are readily available. Both have fallen sharply since the Great Recession, alongside the decreasing supply. (see Figure 2) Homeownership vacancies dropped to less than 1 percent for three financial quarters in 2021, the lowest consistent level since 1957. (see Figure 2) Without vacant homes, many would-be homeowners could not buy a new house and either stayed in their existing house, further reducing the housing supply, or entered the rental market and subsequently increased the demand for rental housing. Consequently, rental vacancies fell to less than 6 percent in the second half of 2021, the lowest level since 1984. Historically, low rental vacancy rates make it much harder for families to find an affordable housing option, as demand outpacing supply drives up prices to ever-higher levels.

Figure 2

Housing availability has shrunk to near-record lows during the pandemic

Rental and housing vacancies, quarterly, 1956–2021



Hover over of click to see values.

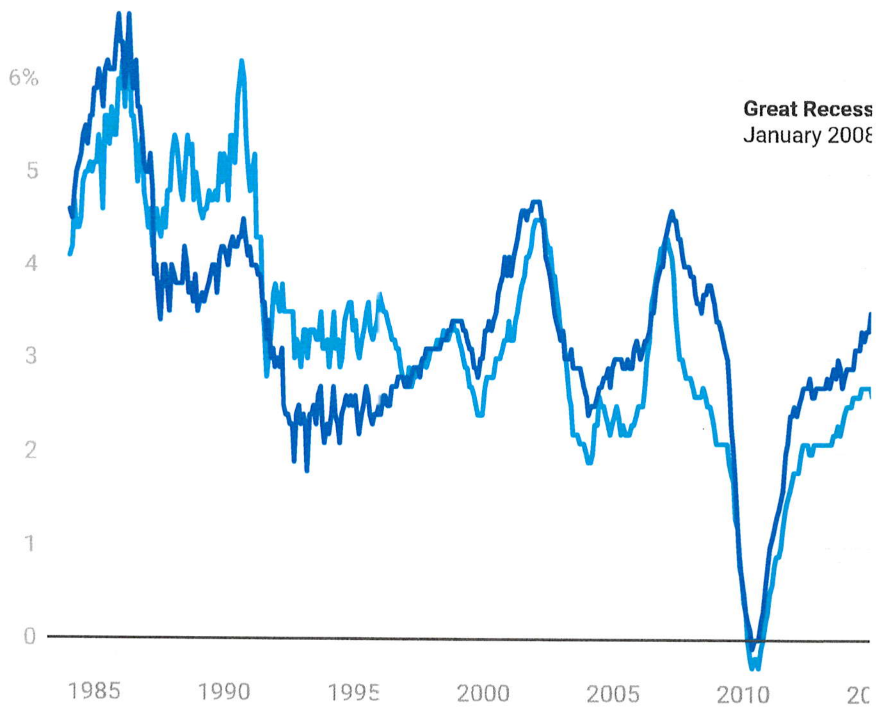
Rental costs have increased dramatically

For more than a decade, rental costs consistently have gone up faster than the costs of owning a house. Figure 3 shows yearly rental price inflation and the equivalent inflation measure for homeowners. Since late 2006, when the housing bubble started to burst, through January 2021, rents have gone up faster than prices for homeowners. Early on in that period, both rents and house prices rose modestly as the country grappled with the fallout from the housing crisis. However, housing costs for both homeowners and renters have gained steam since mid-2010. Moreover, rents and homeowners' costs quickly shot up again after a drop at the start of the pandemic in early 2020. (see Figure 3) The recent rise in rental inflation is thus largely a return to and even an exacerbation of the pre-pandemic situation, as the pre-pandemic levels of housing supply did not meet the needs of many low-income renters.

Figure 3

Housing costs have gradually increased since the Great Recession

Average yearly inflation of rental and housing prices for all urban consumers since 1984, seasonally adjusted

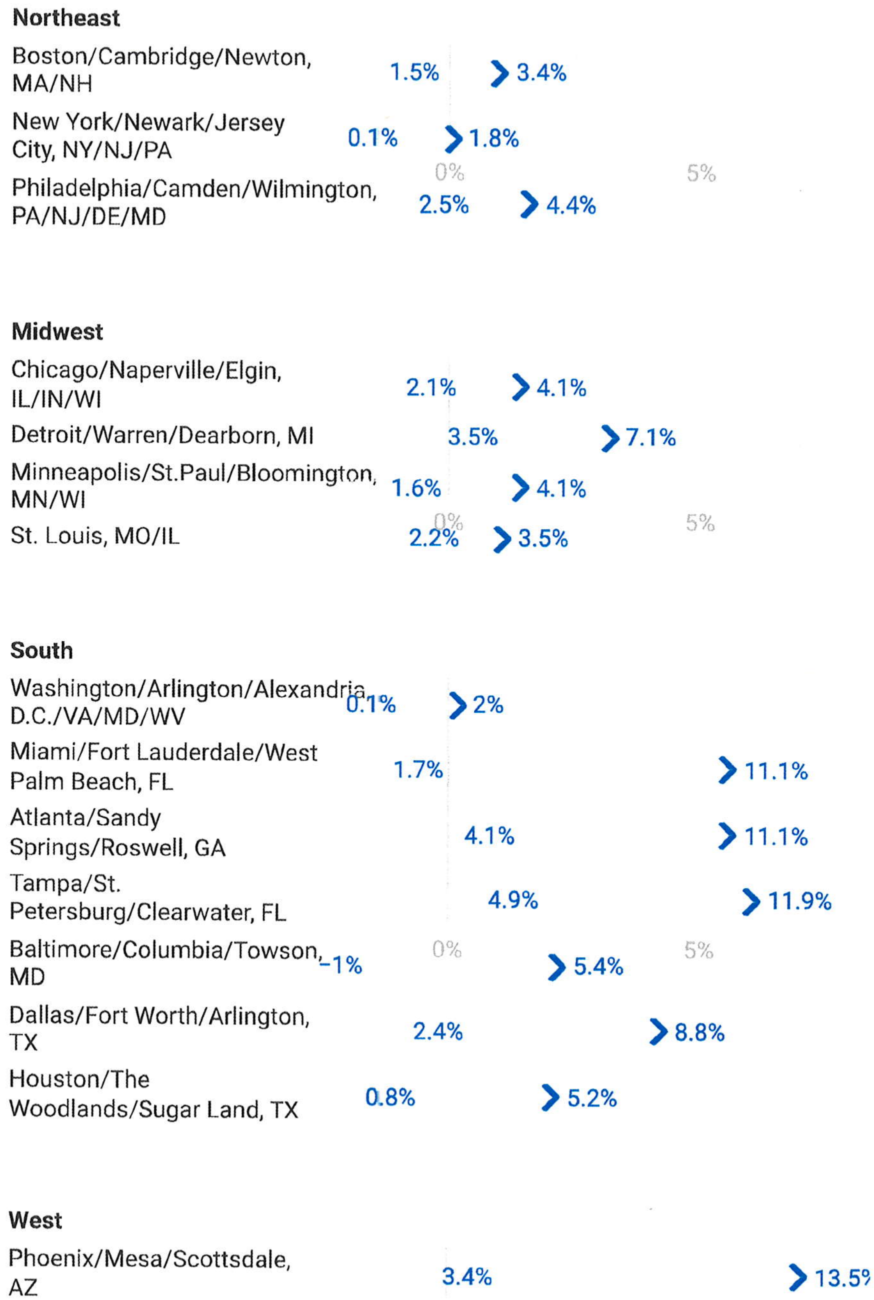


Rental costs have increased across the country during the pandemic. Virtually all areas of the United States experienced an acceleration in rental prices from the first part of the pandemic—May 2020 to May 2021—to the latter part—May 2021 to May 2022. (see Figure 4) Prices rose especially sharply in areas of the South Atlantic such as Miami; Tampa, Florida; and Atlanta. (see Figure 4) Few areas experienced price increases of less than 3 percent—roughly the long-term average price increase—in both years. (see Figure 4) A price increase above this long-term average suggests higher-than-usual rental prices. Moreover, even where rental inflation stayed relatively low, it accelerated as the pandemic eased.[10]

Figure 4

Rental inflation accelerated over the past 2 years

Rental inflation by region from May 2020 to May 2022



Millions of Americans are cost-burdened by rent

Rising rents compound the overall financial insecurity of many households. The Department of Housing and Urban Development (HUD) defines a cost-burdened household as one that spends more than 30 percent of its income on housing costs. In 2019, 20.4 million renter households were cost-burdened.[11]

The onslaught of pandemic-related job losses, rising health care costs, and increased cost of necessities due to inflation and supply chain issues likely worsened the outlook for many renters. The Board of Governors of the Federal Reserve System projected rent increases of an additional 10 percent in 2022, meaning that millions of Americans will be pushed toward housing insecurity and even homelessness as housing costs become untenable.[12]

The pain of rising rents and the associated financial insecurity is unevenly distributed across demographic characteristics. Many Black, Latino, and Asian renters regularly face discrimination when trying to rent an apartment or a house. They are kept out of some rental places altogether, steered instead toward lower-quality housing, and they pay higher rents and fees than similarly situated white renters.[13] Housing insecurity also disproportionately affects single parents, individuals with disabilities, older adults, LGBTQ people, and people with multiple or intersecting identities.[14]

Federal investments helped stabilize the housing crisis during the worst part of the pandemic

The COVID-19 pandemic and subsequent economic fallout succeeded in shining a harsh light on the ongoing housing crisis. Key investments by the Biden administration during the worst of the pandemic helped mitigate some housing insecurity, but those were temporary fixes. For example, the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 included a 120-day federal eviction moratorium that helped keep people in their homes during the public health crisis.[15] The U.S. Supreme Court made the decision to end the moratorium on August 21, 2021.[16] The CARES Act also provided emergency rental assistance to households that were not able to make rental payments or other rental-related fees, such as security deposits, apartment applications, and late fees. Furthermore, in March 2021, Congress passed the American Rescue Plan (ARP) Act, which bolstered the CARES Act through emergency rental assistance, housing vouchers, homelessness assistance programs, homeowner assistance, utilities assistance, housing counseling, and fair housing activities. More than 80 percent of the Emergency Rental Assistance funds have reached vulnerable communities, helping very low-income households remain in their homes.[17]

While these pandemic-related responses led to a more equitable housing recovery, they are a drop in the bucket in comparison to the centuries of segregation and disinvestment in low-income communities of color. Therefore, more action is needed to ensure that investments in housing also focus on long-term solutions that ensure affordable, quality, and safe housing in opportunity-rich areas and create robust renter protections for all Americans.

Renters can benefit from greater supply, increased subsidies, and more protections

The housing crisis requires more affordable rental housing as well as protection for low-income people. The federal government has a plethora of programs and resources at its disposal dedicated to housing security and economic mobility. The administration and Congress have several tools available to help struggling renters. They can increase the supply of affordable and accessible housing while also providing housing allowances to those who need them, particularly low-income households and other marginalized people, and protect tenants facing evictions, thus increasing overall housing security for renters.[18] Such policies can specifically include the recommendations made in the following subsections.

Increase the supply of affordable rental units

Increased funding for affordable housing construction is a key requisite for boosting supply. Market forces alone will be insufficient to address the shortage of affordable housing units. In May, the Biden administration announced the Housing Supply Action Plan[19] to ease the burden of housing costs by boosting the supply of quality housing nationwide. The plan pertains to both rental housing and homeownership. In the next three years, this plan aims to create and preserve thousands of new units for low- and moderate-income families.

In essence, policymakers can address the rental crisis on the supply side in two ways. First, they can increase the total number of rental units, which can help slow rental inflation as more renters find the housing that they want. Second, they can focus on building housing units slated for lower-income renters. This increases supply, especially for those struggling the most to find affordable, stable, and secure housing. Another avenue is through reforming and strengthening the Low-Income Housing Tax Credit (LIHTC) program, created to address the mismatch between housing supply and relentless demand, incentivize the production of affordable units, and ensure that those units remain affordable in the long run. It would be beneficial to increase program credits and eliminate the income average provision that allows LIHTC-receiving owners to charge higher rents to households above 60 percent of the area's median income.[20] Currently, to participate in the LIHTC program, owners must rent at below-market rates for 30 years—only 15 of which are the "compliance period," during which tax credits that have gone to developers can be taken away if the developers do not comply with LIHTC regulations. To maintain affordability, limitations on rental rates could be mandated—and enforced—beyond the current period.

At the state level, policymakers should create and enforce state mandates for inclusionary housing, which use a portion of proceeds from rising real estate values to expand affordable rental and ownership opportunities for low- and moderate-income families. Housing supply is a crucial area for investment at the state and municipal levels and can contribute to financial stability for residents, tax bases for cities and states, and the vibrancy of communities. Prioritizing an increased supply of affordable rental housing near transit and good jobs is one of the most impactful ways state and local officials can shape the long-term financial health of their residents and jurisdictions.

Ensure eligible households actually receive housing subsidies in a timely manner

It will take some time before additional rental housing supply has a measurable impact on the most financially vulnerable renters. These renters will need extra support as the rental crisis continues to take its toll. Policymakers at the federal, state, and local levels can take additional steps that provide financial assistance to struggling renters. Data from the U.S. Census Bureau indicate that less than one-third of renters who were behind on their rent in spring 2022 either received rental assistance or expected it.[21] In other words, most struggling renters were either denied or did not even apply for rental assistance. These renters are just the tip of the iceberg, as they are already behind on their rent. Many others manage to pay their rent while making cuts in spending or falling behind on other payments.

In the meantime, millions of renters will need financial assistance even if there is a boost in affordable housing supply sufficient to meet demand. Additional steps to provide such help should include:

- Protect and expand the Housing Choice Voucher program, making it available to additional low- and moderate-income brackets, which could lift 9.3 million individuals above the poverty line and cut the child poverty rate by one-third.[22]

- Increase funds for the Emergency Rental Assistance program to reach all families in need in a timely manner.[23]
- Increase contact with communities vulnerable to imminent housing crises so that they are aware of the Emergency Rental Assistance program through transparent and guided outreach efforts.[24]

Protect tenants facing evictions to increase overall housing security for renters

Some tenants will still fall behind on their rent as they encounter rising rents, other costly expenses such as health care and child care, and widespread economic emergencies and insecurities. These renters will need protections to keep them in their homes while they get back on their feet. Congress and the administration could use a range of tenant protections to supplement the value of additional affordable housing supply, including:

- Expand tenant protections to keep people housed, not just during the pandemic but also any time they face economic challenges.[25]
- Protect households that face eviction by guaranteeing renters' right to counsel to better counter eviction proceedings and prevent homelessness.[26]
- Remove barriers to obtaining future housing by eliminating evictions from credit reports and public records, therefore empowering individuals who have experienced the trauma of eviction. The stigma of eviction records is detrimental for struggling households and severely limits future housing options.[27] If eviction records were sealed, landlords would not be able to deny applicants on the basis of their past eviction.[28]

Additionally, at the state and local levels, mechanisms must be put in place to reduce preventable evictions. One way to achieve this is through expanding landlord-tenant community courts and increasing engagement of social service providers who could help avoid the high costs of eviction.[29]

Conclusion

There is no one silver bullet to address the affordable housing crisis. Affordable rental homes continue to be in short supply, and renters face high and ever-rising costs. However, policymakers have the tools and resources to ensure both greater supply of affordable rental units and better protections, financial and otherwise, for renters. Policy changes can strengthen many existing programs with the infusion of much-needed capital.

It is critical that policymakers at all levels of government address housing affordability. Some demand for homeownership will ease amid higher interest rates, which could ultimately lower housing prices and then spill over into lower rents. However, such shorter-term changes do not address the overall challenge of too little supply for the demand from lower-income households that has created financial insecurity for millions of Americans for so long. This is a moment when the Biden administration and others in government are advocating for increased housing supply; local and state officials can support and supplement this work through advocacy for greater supply, responsiveness to federal calls for innovation and partnership, and the prioritization of support for those squeezed by unaffordable rental housing while the market effects of increased supply take hold.

Policy inaction to address the affordable housing crisis adequately will only leave millions of American households vulnerable and unable to afford rent and other necessary expenses. Prolonging the pain in the rental market is not a viable approach.

Endnotes

Expand

1 Andrew Aurand and others, "Out of Reach: The High Cost of Housing" (San Francisco: National Low Income Housing Coalition, 2021), available at https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach_2021.pdf.

2 Ibid., preface.

3 Jaboa Lake, "The Pandemic Has Exacerbated Housing Instability for Renters of Color" (Washington: Center for American Progress, 2020), available at https://www.americanprogress.org/article/pandemic-exacerbated-housing-instability-renters-color/.

4 Department of Housing and Urban Development PD&R Edge, "How Housing Instability Impacts Individual and Family Well-Being," February 4, 2019, available at https://www.huduser.gov/portal/pdredge/pdr-edge-featd-article-020419.html.

5 National Low Income Housing Coalition, "NLIHC Participates in House Committee Roundtable on Food Insecurity," available at https://nlihc.org/resource/nlihc-participates-house-committee-roundtable-food-insecurity

6 Ibid., p. 8.

7 The White House Briefing Room, "President Biden Announces New Actions to Ease the Burden of Housing Costs," Press release, May 16, 2022, available at https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/president-biden-announces-new-actions-to-ease-the-burden-of-housing-costs/.

8 Sam Fulwood III, "The United States' History of Segregated Housing Continues to Limit Affordable Housing" (Washington: Center for American Progress, 2016), available at https://www.americanprogress.org/article/the-united-states-history-of-segregated-housing-continues-to-limit-affordable-housing/.

9 Tax Policy Center, "Key Elements of the U.S. Tax System" (Washington: 2020), available at https://www.taxpolicycenter.org/briefing-book/what-are-tax-benefits-homeownership.

10 Inflation measures for homeowners showed the same pattern of accelerated prices from the first year to the second year of the pandemic. Again, Miami; Tampa, Florida; and Atlanta experienced large increases in housing prices in the second year of the pandemic, as did Phoenix. Authors' calculations are based on Bureau of Labor Statistics, "Inflation & Prices," available at https://www.bls.gov/data/home.htm#prices (last accessed April 2022).

11 Joint Center for Housing Studies of Harvard University, "America's Rental Housing 2022" (Cambridge, MA: 2022), available at https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_Americas_Rental_Housing_2022.pdf.

12 Federal Reserve Bank of New York, "Short- and Medium-Term Inflation Expectations Unchanged; Job and Income Expectations Strengthen Further," Press release, January 10, 2022, available athttps://www.newyorkfed.org/newsevents/news/research/2022/20220110.

13 Peter Christensen, Ignacio Sarmiento-Barbieri, and Christopher Timmins, "Racial Discrimination and Housing Outcomes in the United States Rental Market" (Cambridge, MA: 2021), available at https://www.nber.org/papers/w29516; Danyelle Solomon, Connor Maxwell, and Abril Castro, "Systemic Inequality: Displacement, Exclusion, and Segregation" (Washington: Center for American Progress, 2019), available at https://www.americanprogress.org/article/systemic-inequality-displacement-exclusion-

segregation/.

14 Department of Housing and Urban Development Exchange, "LGBTQ Homelessness," available at https://www.hudexchange.info/homelessness-assistance/resources-for-lgbt-homelessness/#resources-for-homeless-lgbtq-individuals-in-crisis (last accessed August 2022).

15 National Housing Law Project, "Summary and Analysis of Federal CARES Act Eviction Moratorium" (San Francisco: 2020), available at https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf.

16 Consumer Financial Protection Bureau, "The CDC eviction moratorium has ended: Learn your options," August 27, 2021, available at https://www.consumerfinance.gov/about-us/blog/the-cdc-eviction-moratorium-has-ended-learn-your-options/.

17 Department of the Treasury, "New Treasury Data Shows Over 80% of Emergency Rental Assistance Delivered to Lowest-Income Households," Press release, February 24, 2022, available at https://home.treasury.gov/news/press-releases/jy0606.

18 Shane Phillips, *The Affordable City* (Washington: Island Press, 2020).

19 The White House Briefing Room, "President Biden Announces New Actions to Ease the Burden of Housing Costs," Press release, May 16, 2022, available at https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/16/president-biden-announces-new-actions-to-ease-the-burden-of-housing-costs/.

20 Income averaging allows LIHTC-qualified units to serve households earning as much as 80 percent of the area's median gross income. The overall average income limit at the property must not exceed 60 percent of the area's median gross income. See Donna Kimura, "IRS Issues Income-Averaging Guidance," Affordable Housing Finance, February 5, 2020, available at https://www.housingfinance.com/news/irs-issues-income-averaging-guidance_o#:~:text=In%20general%2C%20income%20averaging%20allows%20LIHTC-qualified%20units%20to,the%20imputed%20income%20limitation%20designated%20by%20the%20taxpayer.%E2%80%9D.

21 Authors' calculations based on Census Bureau, "Household Pulse Survey," (Washington).

22 Will Fischer, Sonya Acosta, and Erik Gartland, "More Housing Vouchers: Most Important Step to Help More People Afford Stable Homes" (Washington: Center on Budget and Policy Priorities, 2021), available at https://www.cbpp.org/research/housing/more-housing-vouchers-most-important-step-to-help-more-people-afford-stable-homes.

23 Alexander Hermann, "Emergency Rental Assistance Has Helped Stabilize Struggling Renters," Joint Center for Housing Studies of Harvard University, April 6, 2022, available at https://www.jchs.harvard.edu/blog/emergency-rental-assistance-has-helped-stabilize-struggling-renters.

24 National Low Income Housing Coalition, "End Rental Arrears to Stop Evictions (ERASE)" (Washington: 2021), available at https://nlihc.org/sites/default/files/End-Rental-Arrears-to-Stop-Evictions.pdf.

25 Jaboa Lake, "With eviction moratoria expiring, we need permanent housing solutions," *The Hill*, July 28, 2021, available at https://thehill.com/opinion/finance/565122-with-eviction-moratoria-expiring-we-need-permanent-housing-solutions/.

26 Lake, "The Pandemic Has Exacerbated Housing Instability for Renters of Color."

27 Lawyers' Committee for Better Housing, "Eviction Filings Are Barrier to Finding Future Housing—Even for Tenants Who Are Not Evicted," March 7, 2018, available at https://www.lcbh.org/news/eviction-filings-are-barrier-to-finding-future-housing.

28 Ibid.

29 Samuel Adams, "Eviction Crisis Act: What It Is and Why It Matters," Opportunity Starts at Home, available at https://www.opportunityhome.org/resources/eviction-crisis-act-what-it-is-and-why-it-matters/ (last accessed August 2022).

https://www.stltoday.com/news/local/columns/tony-messenger/messenger-st-louis-woman-says-landlord-ignored-bedbugs-sues-to-get-her-money-back/article_272802f5-c593-53fd-995c-b69865e2e848.html

Messenger: St. Louis woman says landlord ignored bedbugs, sues to get her money back

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Dyamond Bradford poses for a photo in the St. Louis office of her attorney, Al Johnson. Bradford has sued her former landlord, claiming the firm violated Missouri law by renting her an apartment that was uninhabitable.

Tony Messenger

By Tony Messenger

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Coming out of the pandemic, Al Johnson and attorneys like him who work in the nonprofit sector have been worried about the difficulties facing renters in St. Louis. Among a backlog of evictions and rents rapidly increasing amid record inflation, signs are pointing to tough times ahead for financially strapped folks who are looking for a place to live.

"There has been a huge uptick in problematic landlords coming out of the pandemic," Johnson says. "They jack the rents up and the responsiveness to tenants has been reduced."

Johnson is the executive director of **New Covenant Legal Services**, a faith-based nonprofit that represents clients who often have nowhere else to turn.

So it was for Dyamond Bradford. A recent graduate of the University of Missouri-St. Louis, the criminal justice major is planning to go to law school. She's working as a paralegal. She doesn't make a lot of money, but she lives on her own and sometimes takes care of her 14-year-old brother. Earlier this year, Bradford's lease was up and she was looking for a new place to stay, one with a monthly rent she could better afford.

She found a place on North Newstead Avenue, in a building owned by the Urban League of Metropolitan St. Louis. The three-story, brick-and-stone building, known as the Dr. Taylor Apartments, was remodeled in the 1990s with the help of state and federal tax credits from the Missouri Housing Development Commission. It is required to keep at least some of the apartments "affordable" for people with lower incomes. The building is managed for the Urban League by Fox Grove Management.

Bradford signed a lease in March. She paid $1,500 for the security deposit and first month rent. She moved in April. But on the first night, she noticed a problem: bugs, the sort she had never seen before.

She called **Fox Grove**, and they sprayed two days later, she says. Bradford came back a couple of nights later.

"That was the first night I was bit," she says.

They were bedbugs, and they were everywhere. She went to the emergency room and was given some Benadryl and cream for the bites. Fox Grove sprayed again. But the bugs were still there. She sent the landlord a video. She talked to other tenants, who said they were getting their units sprayed also.

Finally, she left, knowing most of her possessions were left behind and ruined. Bradford says she asked the landlord to move her to a different apartment in another building, but the manager said she'd have to go through the application process again and come up with another deposit. These days, she's bouncing between her mom's house and grandma's house, as she tries to save enough money for a new place.

In the meantime, Johnson is trying to get Bradford's money back. In early June, he sent a letter to Fox Grove asking for their help in finding a place for Bradford to live and pay her medical bills. He never heard back from the landlord. So on June 21, he sued the company, alleging the landlord violated Missouri law by renting Bradford an apartment that was uninhabitable.

The lawsuit claims Fox Grove knew that Bradford's apartment, as well as others, were infested with bedbugs.

"This type of tenant abuse is a long-term pattern for Fox Grove, who has an 'F' rating with the Better Business Bureau and many complaints pending," the suit says.

Fox Grove Management is not a typical landlord. It was created in 2005 by **DeSales Community Development**, one of the oldest nonprofit community development agencies in the city. DeSales, based primarily in the Fox Park neighborhood, for decades has purchased properties and rehabilitated them, trying to improve neighborhoods and provide affordable housing. Its real estate management spinoff, Fox Grove, has grown into one of the larger landlords in the city, managing more than 1,300 units across St. Louis and University City.

Tom Pickel, the longtime executive director of DeSales, says he didn't know about the lawsuit until I brought it to his attention. A month after it was filed, Fox Grove still hadn't responded to it. He denies that the landlord knew about the bedbugs.

"It is entirely without merit," Pickel says of the lawsuit. "We would never do that. We had no information at all that there were bedbugs in that unit."

Pickel also says he was unaware of Fox Grove's **"F" rating from the Better Business Bureau**. The rating is based in part on having six unresolved complaints in the past year, some about maintenance, others about management.

"It's distressing to me," Pickel says.

According to an inspection by the state housing commission in February, the unit Bradford moved into had been vacant for two months. It was rated as "uninhabitable" in the inspection because it lacked a smoke detector. The inspection otherwise rated the building "satisfactory" in most categories. The building was exterminated quarterly and "as needed," according to the inspection.

Fox Grove plans to fight the lawsuit. On the day I spoke to Pickel, a notice was put on Bradford's door, demanding more than $2,000 in back rent.

Johnson doesn't get it. Bradford is a "great tenant," he says, "but these guys just don't care."

Meanwhile, the owner of the building, the Urban League, is taking a different approach. Last week, Patricia Washington, the executive vice president of communication for the organization, emailed me the contact information for the nonprofit's facilities manager and asked that I share it with Bradford.

Said Washington: "We want to try to help her."