



COVID-19 (Its Impact on Housing in Indiana)

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HOUSEKEEPING

- All lines are muted.
- Feel free to ask questions by typing your question in the Q&A box.
- If you lose your Internet connection, reconnect using the link e-mailed to you.
- The presentation and recording are available on the COVID-19 Resources Hub located on the Prosperity Indiana member portal (www.prosperityindiana.org/page-18228)

WELCOME



Jessica Love, Executive Director
PROSPERITY INDIANA

WELCOME



Jadira Hoptry, Vice President | Community and Economic
Development Manager



FIFTH THIRD BANK

SNAPSHOT

- Founded in 1986 as the Indiana Association for Community Economic Development
- “Prosperity Indiana builds a better future for our communities by providing advocacy, leveraging resources, and engaging an empowered network of members to create inclusive opportunities that build assets and improve lives.”
- **RESOURCES**, **ENGAGEMENT**, **ADVOCACY**, and **PROGRAMS**

PRESENTATION

Brandon Beeler, Director | Housing Law Center Indiana Legal Services





INDIANA LEGAL SERVICES, INC.

COVID-19 and Its Impact on Rental Housing In Indiana

BRANDON E. BEELER
HOUSING LAW CENTER DIRECTOR
INDIANA LEGAL SERVICES, INC.

Overview

- Indiana's Eviction Moratorium
- Federal Eviction Moratorium
- Issues we are seeing now
- Issues we anticipate seeing when the moratorium ends
- Discussion and Questions

Indiana's Eviction Moratorium

Indiana Eviction “Pause”

- Initiated on March 19, 2020
- Extended through until May 5, 2020 (as of 4/13/20)
- “No eviction...action[]...may be initiated....”
- Tenants still obligated to pay rent

Indiana Courts

- Indiana Supreme Court extended Emergency Order until May 4, 2020
- Allows county courts to delay “nonessential court matters”
 - Rules may change county-to-county
- Courts holding virtual hearings
- Courts still hearing “emergency” matters

Federal Eviction Moratorium

Federal Eviction Moratorium

- On March 18, 2020 HUD issued an eviction moratorium
 - Only applies to FHA-insured mortgaged properties and FHA-insured single family properties
- On March 27, 2020 Congress passed the CARES Act
 - Implemented a federal eviction moratorium to certain “covered properties”
 - Includes required, heightened notice provisions

CARES Act "Covered Properties" under HUD

- Public Housing
- Section 8 Housing Choice Voucher program
- Section 8 project-based housing
- Section 202 (housing for the elderly)
- Section 811 (housing for people with disabilities)
- Section 236 multifamily rental housing
- Section 221(d)(3) BMIR housing
- HOME
- HOPWA
- McKinney-Vento Act homelessness programs

CARES ACT “Covered Properties” under Department of Agriculture

- Section 515 Rural Rental Housing
- Sections 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 multifamily rental housing

CARES Act “Covered Properties under Department of Treasury

- Low-Income Housing Tax Credit (LIHTC/Section 42)

CARES Act “Covered Properties”

- Rural Housing Voucher Program
- Properties with federally backed mortgage loans (1-4 units)
- Properties with federally backed multifamily mortgage loans (5+ units)

CARES Act Eviction Moratorium

- Took effect on March 27, 2020
 - Extends for 120 days (*i.e.* July 25, 2020)
- Restricts landlords/owners from filing new eviction actions **for nonpayment of rent**
- Prohibits “charg[ing] fees, penalties, or other charges to the tenant to such nonpayment of rent”

CARES Act Notice Requirement

- 30 Day Notice Required
 - May not be given until after the moratorium period
 - Remember: only applies to nonpayment of rent cases
- Note: due process
 - Landlord failure to provide notice should allow for dismissal
 - "Good cause" to evict requirement still enforced (e.g., public housing, LIHTC)

What We Are Seeing Now

Hotels

- Hotel residents are not regulated under landlord-tenant code
 - Not “evictions”
 - Not subject to the state or federal moratoriums
- Advocacy
 - Community partner rental assistance programs (and Trustee Offices?)
 - Seek injunction based on public policy?

Previously Ordered Writs

- Writs/evictions Ordered Before the March 19, 2020
- Are constables executing writs?
- Tenant should immediately seek to stay the writ
- Most Writs expire after 30 days

Ongoing Concerns

- Self-help evictions
- Improper invocation of the Emergency Possessory Order statute
 - Emergency Possessory Orders **only for** when a tenant commits physical waste (actual damage) to the rental property
- Retaliation
 - Tenants are still entitled to basic protections (e.g. habitable living conditions)

What We Might See After the Moratoriums End

Surge of Eviction Filings

- Public encouragement to landlords to work with tenants
- Rental assistance for tenants
- Current support/resources to prepare for the surge:
 - City of Indianapolis Tenant Hotline: (317) 327-2228 (2ACT)
 - Tenant Legal Assistance Project and Eviction Avoidance Project
 - Legal Aid Organizations

Working with Tenants

- Ensure CARES Act protections are enforced, if applicable
 - Timing requirement
 - Notice requirement
 - Basis for termination
- Knowing private sources for rental assistance
- Helping with negotiation on payment plans with the landlord
 - Get any agreements in writing
- Retaliation?
 - City of Indianapolis Ordinance

Tenant Resources

- Indiana Attorney General
 - Specific online complaint form for landlord attempting to evict a tenant during the state of emergency
- City of Indianapolis Tenant Hotline: (317) 327-2228 (2ACT)
- Legal Aid Organizations

Thank You!

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QUESTIONS?

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