



501 3rd Street, NW · 8th Floor
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
childrenslawcenter.org

Testimony Before the District of Columbia Council
Committees on Judiciary & Public Safety, Housing & Executive Administration, and
Human Services

February 4, 2021

Joint Roundtable Examining the
District's Legislative Prohibition on Evictions During the COVID-19 Pandemic

Kathy Zeisel
Senior Supervising Attorney
Children's Law Center

Good morning Chairperson Allen, Chairperson Bonds, Chairperson Nadeau, and members of the Committees. My name is Kathy Zeisel. I am a DC resident and a Senior Supervising Attorney at Children's Law Center.¹ I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health, and a quality education. With nearly 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

Introduction

Each year, Children's Law Center represents low-income families renting apartments with deplorable health harming housing conditions as part of our medical legal partnerships with Children's National, Mary's Center, and Unity Health Care.² We are referred cases from pediatricians where they believe housing conditions are impacting their patient's health. These are children who have been to the ED for their asthma because even though they are taking their medication, the housing conditions are exacerbating their asthma. Or kids who have mice crawling through their bed or their food. Or families who are cold because their heat is not working. Often times, we find that the family has been evicted numerous times in the past, leading them to worse housing each time, or that the family is hesitant to fight for habitable and healthy housing due to fear of eviction. We look at evictions through the lens of health and

healthy housing, and we believe the eviction moratorium is a critical public health tool to promote COVID-19 mitigation and healthy housing.

The Moratorium is an Important COVID-19 Mitigation Strategy

We know there is a clear link between evictions and health, both in terms of the COVID-19 specifically and healthy housing. Evictions in and of themselves have a negative impact on health³, but there is an added impact with respect to the current COVID-19 crisis. This is why the CDC eviction moratorium, cites the public health consequences of evicting tenants while also trying to control the spread of COVID-19.⁴ Indeed, it is logical that eviction would increase the spread of COVID-19 because it results in people living doubled up or in shelters where they have communal spaces.⁵ Pre-pandemic, Black households were twice as likely as white households to experience eviction nationally and 80% of evictions were in non-white households.⁶ In DC, 70% of all eviction cases are filed against tenants living in Wards 5 (13.7%), 7 (22.6%), and 8 (34%) even though those wards account for only 36.7% of the population of all renter households.⁷ Over 90% of the residents in Wards 7 and 8 residents are Black, while over 55% of Ward 5 residents are Black.⁸ COVID-19 has also had a disparate impact on Black and Latinx households in DC.⁹ Residents of Wards 5, 7, and 8 make up 44% of the COVID cases and 51% of the deaths from COVID-19 in DC.¹⁰

A moratorium on evictions helps stop the spread of COVID-19 among the populations who disproportionately bear the heaviest burden of COVID-19. It also stabilizes the school situation for students who are doing virtual learning. As you know, this has been a significant challenge for many families, and attempting to do virtual learning while trying to find stable housing would be a nearly insurmountable challenge for most families.

Discontinuing the moratorium could significantly increase community spread as tenants move to new neighborhoods or house to house in search of stable housing while also destabilizing the education of the children. For many of our clients, even getting stable internet set up has been a challenge, and getting evicted would mean losing meaningful access to their child's education.

The American Medical Association recently stated, in their Brief in support of the eviction moratorium, that evidence already shows that the eviction moratoriums currently in place help prevent overcrowded living situations, homelessness and housing instability, which are all situations that promote the spread of COVID-19. The brief goes on to say:

Protecting public health during this pandemic requires protecting those most likely to contract, spread, and die from COVID-19, including people in poverty and people of color, who are more likely to be evicted and more likely to suffer severe harm during the pandemic. Eviction moratoriums are a critical public health tool that should be employed now.¹¹

DC has one of the best eviction moratoriums in the country. We should continue to deploy this valuable public health tool, which works to promote health equity since the DC residents most likely to be evicted are also those with the highest COVID rates.

The Moratorium Helps Families Obtain Healthier Housing

At Children's Law Center, we represent tenants in cases to get their landlords to make repairs to their properties that the landlords are required to make by law. Yet, before the pandemic families we talked to were often afraid to pursue remedies for these conditions if they owed money to the landlord because they were afraid of evictions.

We know that even in the best economic climate, many of these families routinely faced evictions due to the high cost of rental housing in the District.¹² Before the moratorium, we also regularly saw retaliatory eviction cases filed when we tried to help tenants obtain habitable living conditions in their units. Evictions not only make it harder for a tenant to obtain a new home, but when they do, research shows that it typically costs the same as the prior home, but is in worse condition, meaning it unhealthier housing, as their last home.¹³

During the pandemic, we have seen an increase in the number of tenants coming to us who owe money to their landlords, which is consistent with the local and national upward trend of tenants owing money to landlords.¹⁴ Many of these residents report

losing their jobs or having fewer hours during the pandemic and having to choose between food and rent. These tenants often have extremely bad housing conditions that have grown worse during the pandemic, and unlike pre-pandemic times when their children could go to school or get away from the conditions during the day, the whole family is spending all day in the home. Our clients who have Rapid Rehousing have some of the worst conditions even though those units have supposedly passed inspections.

We have also heard about concerning landlord practices during the pandemic. From March through the summer, we were regularly hearing from tenants that landlords were saying they only had to do urgent repairs during the pandemic, and would not exterminate or do other things that were clearly required under the housing code while continuing to collect full rent from tenants.

Thanks to the moratorium, we can tell these families that we can help them without them having to worry about a retaliatory eviction. And, thanks to the new flexibility with and increased funds in ERAP and CHAP, there may be money available to help them. The moratorium is allowing these families to have not just stable housing, but stable and healthy housing where their children can do their virtual school without fear of having to go to the emergency department for an asthma attack.

Thank you for the opportunity to testify, and I am happy to answer any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With nearly 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Children’s Law Center, *Testimony Before the District of Columbia Council Committee on Human Services*, 2010 – 2020. Available at: <https://www.childrenslawcenter.org/testimony>.

³ Megan E. Hatch & Jinhee Yun (2020): *Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults*, Housing Policy Debate, DOI: 10.1080/10511482.2020.1812690 available at: <https://doi.org/10.1080/10511482.2020.1812690>.

⁴ Centers for Disease Control and Prevention, *Federal Register Notice: Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*. (Updated Oct. 9, 2020). Available at: <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>.

⁵ Pollack, C., Leifheit, K., Linton, S., *When Storms Collide: Evictions, COVID-19, And Health Equity* (Aug 4, 2020), Health Affairs Blog, available at: <https://www.healthaffairs.org/doi/10.1377/hblog20200730.190964/full/>

⁶ Benfer, Emily and Vlahov, David and Long, Marissa and Walker-Wells, Evan and Pottenger, J.L. and Gonsalves, Gregg and Keene, Danya, *Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy* (November 1, 2020). *Journal of Urban Health* (2020), Available at SSRN: <https://ssrn.com/abstract=3736457> or <http://dx.doi.org/10.2139/ssrn.3736457>

⁷ McCabe, B. and Rosen, E., *Eviction in Washington DC: Racial and Geographic Disparities in Housing Instability*, 18-20 (Fall 2020), available at: <https://coronavirus.dc.gov/release/coronavirus-data-january-31-2021>.

⁸ DC Health Matters, 2021 Demographics, available at: <https://www.dchealthmatters.org/?module=demographicdata&controller=index&action=index&id=131492§ionId=>

⁹ Id. and as of January 31, 2021, in the race category on the DC Health website, Black DC residents were 48% of the COVID-19 cases in DC, while white residents were 26%, and in the ethnicity category, 21% of people with COVID-19 were Hispanic/Latinx and 71% were not Hispanic/Latinx. DC Health Data, available at: <https://coronavirus.dc.gov/release/coronavirus-data-january-31-2021>.

¹⁰ Calculated from data available at: DC Health COVID 19 Surveillance, <https://coronavirus.dc.gov/data>.

¹¹ Public Health Amici Curiae Brief in Support of the Centers for Disease Control and Prevention Eviction Moratorium in *Brown v Azar*, available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3708504.

¹² Many of the families we represent are low-income reside in Wards 7 and 8, where the median rent price for a two bedroom apartment is \$1,192 and \$1,156 respectively. See: Taylor, Y.S., *Appraising the District’s rentals*, DC Policy Center, (Apr. 1, 2020), Available at:

<https://www.dcpolicycenter.org/publications/appraising-districts-rentals/>.

¹³ Desmond, Matthew, *Evicted: Poverty and Profit in an American City* (2016) at page 297.

¹⁴ Khouri, A., *Depleted savings, ruined credit: What happens when all the rent comes due?* (Feb. 2, 2021), available at: <https://www.latimes.com/business/story/2021-02-02/rent-debt-worries-grow-covid-strains-tenants>;

Long, H., *Millions of Americans are heading into the holidays unemployed and over \$5,000 behind on rent* (Dec. 7, 2020), available at: <https://www.washingtonpost.com/business/2020/12/07/unemployed-debt-rent-utilities/>.