

YOUR MONEY

10 Steps to Take to Try to Prevent Your Own Eviction

Some federal relief is about to expire. Local assistance is spotty. Congress may not act quickly. Here's how to get help, or help yourself.



By Ron Lieber

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If you have a mortgage and can't afford to pay it because of fallout from the coronavirus, you may be able to push off your payments for several months, or even into next year. But if you're struggling to pay your rent, your options are probably much more limited.

Local, state and federal governments have laid out a patchwork of programs to pause certain eviction proceedings, but some of those have already expired — and one eviction protection component set out in the CARES Act is scheduled to expire by July 25.

Without continued regional action or new help from Congress, a spike in evictions may soon be upon us. The Covid-19 Eviction Defense Project in Denver estimates that between 19 million and 23 million — one in five of the 110 million Americans who live in rental housing — are at risk of eviction by the end of September.

But as harrowing as eviction is, it's a process that plays out over weeks, at a minimum. And at nearly every point along the way, it may be possible to stop it.

Most people who have never experienced eviction aren't aware of their local rules, which can be complex and differ widely from place to place. And then there's the tangle of stopgap federal efforts that may be extended or resurrected over the course of the crisis.

If you're having trouble paying your rent, your situation might feel hopeless. It may not be — and experts have these suggestions for what to know and what to do.

Act First

If you've lost your job or part of your income, your instinct may be to avoid your landlord. But it's probably better to make contact and explain what's going on.

"In a couple of groups I've been part of where landlords have been present, they've complained that they've reached out to tenants and aren't getting responses," said Abigail Staudt, managing attorney of the housing practice at the Legal Aid Society of Cleveland. "Many of them — not all — are compassionate and are ready and willing to work with tenants."

If you're going to pay late, not pay in full or pay nothing, landlords will find that out soon enough anyway, she added. Being upfront might pay off later.

Don't Just Leave

Often, tenants receive that first notice from a landlord, assume that there is no fixing the problem, and decide that they should pack up and move. "People often confuse the first step in the process with the last step," said Zach Neumann, founder of the Covid-19 Eviction Defense Project.

In fact, in most areas, you don't have to move until there has been some sort of legal finding against you and an officer of the law arrives to carry out any order of eviction. That means there may be time for you to figure out a solution that doesn't require you to move at all.

Get Legal Help

You probably do not have the right to a lawyer if a landlord brings an eviction action against you (although there are a few notable exceptions, like in San Francisco and for some families in Cleveland). But you can retain one anyway, and possibly for little cost.

Contacting your local Legal Aid office is a good start. An organization called Just Shelter also has a nationwide map on its website with links to other local organizations that may be able to help.

Merely retaining a lawyer may make landlords more likely to negotiate. That's because it could signal that their own legal fees are about to go up. A number of reports have pointed to improved (or at least non-worst-case-scenario) outcomes for tenants who have counsel.

Even if you're not able to fend off eviction, Ms. Staudt said, a lawyer may be able to negotiate more time for you to find a new place.

Consider the Landlord

The company or person tacking notices to your door does not inspire much sympathy. Still, landlords have to pay utilities, taxes, maintenance and insurance, too.

And this is one of the few areas of consumer life where you alone may be the source of a significant percentage of someone else's income.

It might help in any communication to acknowledge this. Small-scale landlords own more than half the housing stock that rents for less than \$750 per month, noted Whitney Airgood-Obrycki, research associate at the Joint Center for Housing Studies of Harvard University. If they go into foreclosure or have to sell, even less sympathetic owners might replace them.

"If we lose them, we risk losing a big source of affordable housing," she said. Perhaps if you acknowledge your own landlord's contribution in this way (and your desire to keep landlords solvent, if your own seems to be in jeopardy), you could get a more sympathetic ear.

Make an Offer

You do not get what you do not ask for. So talk to your landlord. There are different ways to reduce your costs: waiving rent, reducing rent or using a security deposit in lieu of your payment.

A survey by Apartment List, the real estate listing site, found a bit of decent news. As of June, 39 percent of people not paying rent in full reported that their landlord had made some kind of concession. That figure had fallen from 45 percent in April, but it's still worth asking for new terms.

Review the Rules

Depending where you live and the details of the mortgage for the property you occupy, you might be protected from eviction, at least for now. Some landlords who have themselves put their mortgages into forbearance cannot evict tenants while they're also skipping payments.

A database of addresses that the National Low Income Housing Coalition created may help some renters figure out if their landlord must comply with the various federal rules. This is another area where a lawyer can help, since the rules can be complicated and some landlords don't know them — or ignore them.

Some state and local officials have put their own eviction restrictions into place. These efforts are listed on the websites for Eviction Lab and Regional Housing Legal Services.

Emily Benfer, a law professor at Wake Forest School of Law, has also assembled a large amount of helpful information on local actions, with the help of many law and public health students. It's collected in a publicly available Google spreadsheet.

Seek Outside Help

Rental assistance programs exist, although high demand has depleted some of them.

Still, it's worth seeking the help out if you need it. The National Low Income Housing Coalition maintains a list of programs on its website.

Also, keep checking back. Any new federal relief bill could provide additional money.

Don't Just Leave, Part 2

Things may not go your way. The Princeton sociologist Matthew Desmond, a founder of both Just Shelter and Eviction Lab, saw it happen while researching his book "Evicted."

He suggested a couple of tactics. First, make a plan for where you might go if you lose your housing. Ask family and friends for help well ahead of time.

Then stay in your current home as long as you legally can. "You might as well wait for the sheriff to come and force you out," he said.

Watch for Changes

Nobody knows what will happen in Washington. Many lawmakers agree that another relief package is necessary, but what it will look like and when it will arrive are anyone's guess.

In the meantime, tenants should pay as much as they can for as long as they can — and cross their fingers that more help arrives, said Norrinda Brown Hayat, associate clinical professor of law at the Newark campus of Rutgers School of Law.

"Everything is 'If, then, but,'" she said. "People want to have certainty, but there is none. We just don't have it yet."

Watch Out for One Another

Jaffe S. Pickett, executive director of Florida Rural Legal Services, said collecting yourself and responding quickly to the threat of eviction isn't easy, given everything that renters may be up against right now.

"People are coming home from one job, trying to get the kids to Grandma's," she said. "With schools and summer programs closed, it all becomes more of a burden."

This pandemic compounds poverty or causes it outright. If you know someone is in trouble, try to help that person head it off as quickly as possible.