Summer 2020

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Adolfo Briceno

If you have any suggestions for a featured service or program, please contact Adolfo Briceno, Human Relations Specialist, at 336.734.1225.

Winston-Salem

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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CDC Eviction Moratorium and NC Governor's Executive Order

By Adolfo Briceno

In response to the COVID-19 pandemic, in September 2020, the Center for Disease Control, a US governmental agency, established an Eviction Moratorium until December 31, 2020.

This Eviction Moratorium is meant to lessen the community spread of Covid-19, as explained by the CDC in the Frequently Asked Questions document regarding the Temporary Halt in the Residential Evictions to Prevent the Further Spread of Covid-19. "Housing stability helps protect public health because homelessness increases the likelihood that people may move into close quarters in homeless shelters or other settings. These crowded places put people at higher risk of getting COVID-19."

The CDC also established that this moratorium covers only residential tenants wo are behind in rent because of reasons related to Covid-19, like loss of work or reduced hours. Other reasons for evictions are not covered by this order, which means that people could still be evicted if they engage in criminal activity, breach the lease, are a threat to the safety or well-being of the property or other residents, among others. Nevertheless, the order explicitly says that the landlord cannot use a COVID-19 diagnosis to evict a tenant on the basis that he or she is a health threat to other residents.

To be protected under the moratorium protection, the tenant must sign and date a form, located on the CDC website, and give it to the landlord. The tenant can give the landlord the form either electronically, in person, or by mail. It is advised that the tenant read the document carefully because willfully lying on it could carry criminal penalties. The due rent is not forgiven by this moratorium. It is still owed and the tenant must find ways to pay it or he or she could be evicted after the expiration date of this protection.

The CDC established that the landlord is neither forced to give the tenant the form, nor inform him of this potential benefit. This is where Executive Order 171 by NC Governor Roy Cooper comes into place. It was issued on October 28, 2020 and ends the 31 of December, 2020, and it forces landlords to provide the CDC form to tenants before starting an eviction procedure. It also clarifies that one declaration per household is enough to cover all residents in the unit.

Executive Order 171 also gives landlords the opportunity to challenge the eviction moratorium protection by providing reasons to the courts as to why the eviction should proceed. If the landlord obtains a Writ of Possession by the courts, despite the submission of the CDC form, the landlord can act on it and proceed with the tenant's eviction. Also, those who are eligible to receive help from the HOPE program (a state run program that gives money to residents who are behind in the rent) cannot be evicted, even if they cannot be covered by the CDC Eviction Moratorium.

Familial Status Fair Housing Settlement

By Adolfo Briceno

On March 2016, 2020 the National Fair Housing Alliance (NFHA) announced a settlement agreement with Asset Campus Housing, Inc., the largest third-party property management company in the nation for campus living, that will open up access to 140,000 beds across 40 states and 77 cities to families with children. This agreement is the result of a lawsuit filed in 2018 by NFHA, the Lexington Fair Housing Council, the Fair Housing Center of West Michigan, and Asset Campus Housing tenant Maya Moss.

In July of 2018, after receiving complaints from individuals and conducting a year-long investigation, NFHA and its co-plaintiffs filed a lawsuit in federal court in the Western District of Kentucky, alleging that Asset Campus Housing dis-

criminated against families with children. The company, although marketing itself as student housing, knowingly rented to non-students while enforcing policies that discouraged families with children, even when the parents were students. These practices, according to the plaintiffs, were in clear violation of the federal Fair Housing Act, which prohibits discrimination on the basis of familial status.

For plaintiff Maya Moss and her daughter, Asset Campus Housing's policies created an undue economic burden. The company, which owns or manages hundreds of apartment buildings throughout the country, had a policy that no more than one person could reside in each bedroom. Even a mother and two-year-old child could not live in a large one-bedroom apartment under one lease. So, Maya and her daughter had to sign two leases and pay double the rent.

Asset Campus Housing is just one of many student property management companies in the U.S. This industry has experienced significant growth over the past decade. Between 2010 and 2018 alone, the volume of investment in the U.S. student housing market jumped from under $2 billion to $11 billion, according to a report by CBRE. As this industry expands, it's even more important for companies like Asset Campus Housing to understand and accommodate an increasingly diverse college student demographic.

Policies, like the one implemented by Asset Campus Housing, unnecessarily add to expenses for students and can cause them to take on higher student loan debt. Almost 45 million borrowers owe $1.56 trillion in student loan debt — an average of roughly $35,000 per student. This compares with an average of $20,000 per student a little over 10 years ago. Finding a decent affordable place to live can be extremely challenging for students. One study found that 14 percent of community college students are homeless.

"The modern college student population is no longer just comprised of 18- to 24-year olds. It's made up of people from all age groups and backgrounds. Some have spouses and children and others are single parents," said NFHA President and CEO, Lisa Rice. "Moreover, our country is grappling with an affordable housing crisis. Student housing management companies need to be aware of this and must not implement policies that illegally discriminate against people and make housing inaccessible to vulnerable groups," Rice added.

Minority Business Owners and the Wealth Gap

By Adolfo Briceno

In March 2020, the National Community Reinvestment Coalition (NCRC) sponsored and publicly released a study , that revealed disparities and inequities in small business lending that negatively affect Black and Hispanic business owners, in particular.

The NCRC explained that the study took into consideration small business lending made by banks, from 2008 to 2016, in seven large metropolitan areas: Atlanta, Houston, Los Angeles, Milwaukee, New York, Philadelphia, and Washington, D.C.

The study was done using Credit Reinvestment Act (CRA) and the Federal Financial Institutions Examinations Council (FFIEC) data, which provides publicly available data on loans by census tract and income category; however, it aggregates the loans by revenue size of the business (above and below $1 million) and loan dollar amount (below $100,000, $100,000–$250,000 and above $250,000).

The study showed that, from 2008 to 2016, the amount of bank deposits increased, but the financing provided to small business owners diminished, except in Houston, where it stayed the same.

The summary of the study is, as follows:

- Business owners in wealthier areas received the largest share of loans - 85% in Milwaukee. In fact, in six of seven metro areas analyzed, more than 70% of loans went to middle- and upper-income neighborhoods.
- The number of bank branch locations declined 10% since 2009, likely affecting small businesses that are highly dependent on local-level banking relationships.
- Banks have not reinvested the increased capital that they accumulated through deposits after the end of the Great Recession back into small businesses. The most significant difference between deposits and loans occurred in New York City metro area, where deposits increased by 100%, but lending decreased by nearly 40%.
- There are tremendous gaps in Black and Hispanic business ownership relative to their population size. Although 12.6% of the U.S. population is Black, only 2.1% of small businesses with employees are Black-owned. Hispanics are 16.9% of the population yet own only 5.6% of businesses with employees.

One of the most significant findings of the study is that wealthier areas receive a disproportionate large share of loans. In every study area, more than 40% of CRA loans go to areas in which borrowers' incomes exceed 120% of the median family income. In New York City, 24% of loans go to borrowers in moderate-income areas and 12% of loans go to borrowers in low-income areas. The biggest disparity was seen in Milwaukee, as already explained.

Another important finding is that Blacks and Hispanic are underrepresented in business ownership. For instance, Blacks are 12.60% of the population, but own only 9.50% of all the firms in the USA, regardless of size, but they only own 2.1% of the business with employees. Hispanics are 16.90% of the population, own 12.20% of all firms, but only 5.60% of the firms with employees. In comparison, Whites are 62.80% of the population, but own 70.90% of all firms and 81.60% of the companies with employees. Similarly, Asians are 5% of the population, own 7.10% of all firms in the USA, but own 9.40% of the ones with employees.

The study noted that it could not determine the number of business loans and the amount given to minority small business owners because the figures are not reported so that banks and financial institutions in the country are not forced to report such numbers so that their performance with race groups can be tracked.