

# THE IMPACT OF COVID ON CHICAGO TENANTS AND LANDLORDS:

A Study on the Eviction Time Bomb that Will Go Off Once Moratoriums are Lifted

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## ABSTRACT

This project will explore how COVID-19 has amplified the causes and ramifications of eviction and tenants' inability to pay rent in Chicago. Secondly, it will address how Chicago and the state of Illinois can better prevent high eviction rates in the present and future. With COVID impacting nearly every household, there are additional consequences to being evicted, and this study hopes to advocate on behalf of the most impacted populations and propose remedies to the current housing and eviction crisis. Given that moratoriums at the federal and state level are in place, tenants cannot be evicted for nonpayment of rent, but they, and their landlords, still continue to suffer in this waiting period, as they will have to face the financial repercussions once the courts are again open. This study is distinguished from others in that it focuses on the impact of eviction on both tenants and landlords and addresses the various ways that eviction disproportionately impacts minorities and low-income households. This paper will rely on scholarly articles that previously examined eviction's fall out, as well as more current data such as news reports, eviction databases, and interviews with stakeholders in the field. A comparison to past crises, such as the Great Recession and H1N1 pandemic, will prove why COVID has been significantly worse for the American population and how it is unique from these two events. This qualitative and quantitative data will be important in establishing how Chicago was already facing an eviction crisis, with COVID expediting the process and forcing tenants to simultaneously face a number of hardships. With policy recommendations such as implementing a right to counsel and extending the moratoriums, this study will aim to set precedent for future pandemics and crises in the hopes to be better prepared and better protect at-risk communities.

*The Impact of COVID on Chicago Tenants and Landlords:  
A Study on the Eviction Time Bomb that Will Go Off Once Moratoriums are Lifted*

## INTRODUCTION

With the current COVID pandemic, hundreds of thousands of Chicagoans have either lost their jobs or fallen ill with the coronavirus. Since late March, the federal government, as well as the state of Illinois and the city of Chicago, have passed legislation to help alleviate some of the financial and health burdens that have fallen on the people of Chicago. News platforms and politicians have focused and kept track of the number of cases and deaths due to COVID, yet not enough attention has been devoted to discussing how the virus' impact on employment has affected people's ability to afford the basic necessities in life, such as rent, especially since current policies have been insufficient in addressing the housing issues that people in Chicago are facing. With monthly rent being one of the largest expenditures, many people are at risk of falling short on their payments, resulting in the potential risk of eviction. There are several repercussions of being evicted, aside from being physically displaced out of one's residence, such as a damaged credit score, the possibility of homelessness, increased mental health issues, and a court record that will prevent evicted residents from securing alternative housing. With the right preventative measures in place, however, the likelihood of tenants being evicted can diminish, protecting them from the trail of consequences that follow eviction while also stabilizing local communities and preventing unnecessary strain on underfunded public services. Unfortunately, the right preventative measures weren't in place nor were adequate remedial courses of action once governments realized the severity of the situation. The impact COVID has had on Chicagoans, and Americans in general, reveals the inadequate federal and state responses

to its effects, and this project seeks to address the policy gaps that have negatively impacted millions of lives. It is important to note that smaller mom-and-pop landlords have also been adversely impacted during the pandemic, as they have faced dire consequences, which is why they are a key stakeholder for my project. The questions I then propose are: how is COVID exacerbating the causes and ramifications of eviction and tenants' inability to pay rent in Chicago? Secondly, based off past financial and health crises, how can Chicago and the state of Illinois better prevent high eviction rates in the present and future?

Prior to COVID, eviction was already a prevalent issue in America, impacting millions every year. The probability of an individual being evicted is inversely related to their household income, which means that minorities like Latinos and African Americans are more vulnerable to being evicted because they are statistically more likely to be lower income. Similar to who is most vulnerable to eviction, COVID disproportionately impacts low-income people of color, not only in terms of falling ill with the virus, but also the financial impact of the pandemic. Given the disproportionately high numbers of low-income Black and Latinx households, people of color are more likely to have trouble affording their rent as a result of the pandemic, with "African Americans being 2.25 times more likely than white respondents to not be able to afford rent due to the effects of COVID-19." (Stahl, 2020) This greater risk is also seen in the increased infection and fatalities seen in minority neighborhoods. As of April 2020, 72 percent of the city's COVID-19 deaths were among Black Chicagoans, despite the city's population only being 30% Black. (Hebert-Beirne et al., 2020) Fast forward to November 2020, Black residents still accounted for 40 percent of Chicago's COVID deaths, making Black Chicagoans' death rate the highest among all racial groups and nearly double that of the city's white residents. (Zamudio, 2020) Once the Illinois eviction moratorium is lifted, Black and Latinx Chicagoans will then be

unprotected against evictions and the virus itself, especially since there has been a surge in cases during the last few months of 2020.

Since March 2020, federal, state, and local authorities have instituted eviction moratoriums which postpone the eviction process for those who are unable to pay their rent. Although a relief for many, each jurisdiction's moratorium still results in rent accumulating, leaving many Chicago tenants with a substantial money owed once the protections are lifted. With employment opportunities and health risks not significantly improving, Chicago residents are unsure if they will be able to pay back the rent they owe, whether it be just one month or the entirety of the pandemic.

Only once the moratorium and other eviction protections are lifted will we truly know the scope of the COVID-induced eviction crisis in Chicago, but there are strong indications that the eviction will spike considerably. The Eviction Lab at Princeton University built a nationwide database of evictions based on several variables such as city, population, and other census data. The most recent data available on the eviction rate in Chicago is from 2016, placing the eviction rate at 1.1%, the median household income at \$48,522, and the median gross rent at \$965. (Eviction Lab) Once data comes out from more recent years, specifically 2020 in regards to COVID-19, it will be worth analyzing the trends between these three variables and how they fluctuated as a result of the outbreak. The unemployment rate has fallen from 14.8 percent in April 2020 to 6.7 percent in December 2020, but despite this positive trend, rent has just been deferred, not cancelled. (Falk et al., 2021) With COVID's impact on minority community being as outsized as it is, it is very likely an eviction time bomb will go off, and the socioeconomic fallout will be significant.

Given that COVID-19 has impacted nearly every American in some capacity, this pandemic will prove useful for setting precedent for policy responses to future health and economic crises, particularly housing crises. “Nearly nine-in-ten U.S. adults say their life has changed at least a little as a result of the COVID-19 outbreak, including 44% who say their life has changed in a major way.” (Pew Research Center, 2020) Many people who haven’t personally contracted the virus have still been impacted in several ways, whether that being laid off from their jobs or their loved ones falling ill. Certain populations and classes of people have been hit harder than others, and by studying these groups, we can come to understand why these groups were more vulnerable and how we can go about protecting them in the future. It’s nearly impossible to eradicate potential future housing crises, but analyzing the underlying factors that most contribute to housing inequality would result in fewer people financially struggling to pay their rent.

Given the ongoing nature of the COVID pandemic and its as-yet untold impact on evictions, exploring other health and financial crises will help reveal the common underlying inadequacies in housing policy. Similar to COVID-19, the H1N1 flu pandemic in 2009 was a global matter. As of January 2021, the total deaths from H1N1 is only three percent of the number of deaths from COVID-19, and these numbers will only continue to increase until everyone is vaccinated, further proving how COVID-19 has impacted Americans far more than the 2009 H1N1 pandemic. Besides the vaccine, the government has continued to make strides in influenza surveillance, prevention, and treatment. The CDC released guidelines summarizing lessons learned from the 2009 H1N1 pandemic, from pre-pandemic planning and preparedness to the timely implementation of community mitigation measures. (CDC, 2019) Despite these guidelines emphasizing the importance of community preparedness, they have failed to

adequately prepare communities for the COVID-19 pandemic. (CDC, 2019) Although important, it is worth noting that there is no mention of the socioeconomic repercussions of a pandemic, besides the health impact. Hand hygiene, school closures, and social distancing measures are all important, but they provide little to no guidance for residents regarding being able to afford rent or handling lost employment. These preventative measures do little to solve the issues that millions of Americans are facing today, as a majority are following COVID-19 guidelines, yet no one knows when this pandemic will end. Success and well-being are heavily tied to a stable home, and with COVID-19 jeopardizing that stability, it is worth analyzing how health officials and legislators can improve in the future. Utilizing comparative analyses and an in-depth look into existing qualitative data, my approach will study the pre-pandemic eviction landscape in order to gain a better understanding of how COVID has amplified the causes and risks, and from there, I hope to show how more time and resources need to be dedicated to developing preventative measures that protect tenants and landlords from the eviction process. Although it is good that several policies are focused on the court aspect of eviction, more attention needs to be dedicated to ensuring that low-income individuals have affordable and adequate housing and resources for support.

## LITERATURE REVIEW

Eviction has been a widespread issue in the United States for decades, despite the protections put into place by fair housing legislation. The Fair Housing Act prohibits discrimination in housing based upon seven protected classes, and several other Supreme Court cases speak to matters like zoning ordinances and predatory lending, yet evictions are not truly addressed in both the Fair Housing Act or any court cases. Prior to 2010, there weren't many



studies regarding eviction, as the sociologist Matthew Desmond was the researcher who initiated the deep study and analysis of the issue. Plenty of research fortunately now exists regarding the causes and consequences of eviction, with several authors and experts in the field offering remedies to fix the life-changing problem that millions of low-income individuals face in America. The onset of COVID has further complicated how tenants and their landlords must deal with tenants' inability to pay their rent, and given that it has been a year since the initial lockdown in March, millions of individuals across the country still see no true resolution to solve the problem. Nearly every household in America has been impacted by COVID in some capacity, whether it be through a lost job, a positive diagnosis, or a detriment to one's mental health, and with housing being one of the only stable facets in somebody's life, it is difficult to gauge the toll that this pandemic has taken on Americans' lives, specifically tenants and those who house them.

The majority of the press released during the pandemic about eviction and housing issues revolve around the experience of the tenant and do not explore how landlords are also being impacted. In regards to landlords' concerns, I am more so referring to independent landlords who own and self-operate a small number of buildings and tenants, as opposed to large-scale management companies who have more capital and resources to rely on. Local news coverage often speaks of the current federal and state moratoriums that are in place and question what will happen once they are lifted. Some platforms acknowledge the avalanche of evictions that will take place once eviction bans are removed and the repercussions that evicted tenants will face. To my knowledge, news networks have yet to analyze how eviction and housing policy are failing to adequately protect both tenants and landlords, and they are hesitant towards placing the

blame on the government or any other leading authorities for the eviction crisis that will occur in the near future.

In order to establish how the COVID housing crisis has further exacerbated the repercussions of tenants' nonpayment, it is important to first understand the eviction landscape prior to COVID. This includes a wide array of topics, from eviction's impact on one's housing and health to the disproportional burden that eviction has on low-income, minority communities. It is also worth specifically exploring eviction statistics in Chicago and Cook County to get a sense of how the city assesses housing crises and how it compares to the rest of the nation. With the eviction landscape in mind, the paper will then transition to investigating policies and legislation that are intended to protect both tenants and landlords during the eviction process, both at the city and state levels. Looking back at the governments' response to past health and financial crises will be beneficial in identifying trends and places for improvement, but given that COVID has impacted the nation at a greater scale than past crises and is different in its repercussions, it will be difficult to truly compare among the various crises. By analyzing the overall eviction process and local governments' response to the crisis, this paper aims to demonstrate how Chicago can better stabilize its housing market during COVID and future crises.

### ***Scholarly Literature***

Matthew Desmond has provided a large amount of knowledge and research to the eviction discussion, publishing several award-winning articles and books about the housing matter. With his primary teaching and research interests including poverty, housing insecurity, public policy, and racial inequality, he became the principal investigator of the Eviction Lab, the

first nationwide database of evictions. In his Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City*, Desmond took an anecdotal approach to exploring poverty and the everyday lives of low-income families by following eight families in Milwaukee. (Desmond, 2016) In order to get a genuine sense of these families' conditions, Desmond actually lived alongside these families, first in a poor trailer park then in a rooming house in the middle of the inner city. By living in these neighborhoods, he was able to get first-hand accounts of these individuals' experiences with eviction, whether that be by sitting beside them in eviction court or spending time in their homes. All of the events that took place in the book were witnessed firsthand, with the dialogue being captured by a digital recorder or copied from official documents. By temporarily becoming part of the community, Desmond was able to let the people's stories drive his narrative. This use of primary data strengthens his argument and story, and despite the fact that this case study focused specifically on Milwaukee, there are certain parallels that can be drawn about other metropolitan areas facing eviction crises. Desmond set out to show that without a home, everything else falls apart. The book offers a new perspective of poverty and economic exploitation, offering personal anecdotes and potential remedies, such as a universal housing voucher and the right to counsel, for solving the issue of eviction.

Desmond, along with Rachel Kimbro, also published an article entitled *Eviction's Fallout: Housing, Hardship, and Health* in 2015, which explores the impact eviction has on millions of families' lives. The study specifically focuses on low-income urban mothers since they are a population at high risk of eviction, and the study finds that this population, once evicted, was more likely to suffer from depression, reported worse health for themselves and their children, and reported more parenting stress. (Desmond and Kimbro, 2015) Rather than offering policy recommendations, they dedicate the bulk of their research on the estimated

effects of recent and early evictions, as well as additional topics, such as public housing and gentrification, that ought to be explored. With this Desmond and Kimbro study being among the first to examine the consequences of involuntary displacement, it is important to continue studying the impacts of eviction on other at-risk populations. Given that COVID has significantly impacted Americans' housing and health through various hardships, improving eviction policy can potentially also improve health outcomes, which would benefit society at large.

Shortly after Desmond released the bulk of research, Collinson and Reed explored how certain populations are disproportionately burdened with the risk and consequences of eviction in their article *The Effects of Evictions on Low-Income Households*. Prior to their study, there was little causal evidence on how evictions affect low-income households. The majority of the research on eviction was released during the past decade, and Collinson and Reed contributed to several existing literatures regarding the effects of eviction on low-income households, the importance of liquidity constraints in the consumption decisions of low-income households, and housing stability and adult outcomes. In their study, they used court cases in New York City and administrative data to estimate the causal effect of evictions on homelessness, health, earnings, employment, and public assistance receipt – all of which low-income families are more susceptible. Their results suggest that eviction prevention policies could provide important consumption smoothing benefits to low-income households, but they may not substantially reduce poverty on their own. (Collinson and Reed, 2018) Unfortunately though, an insurance-based rental housing assistance program has yet to be implemented; although, it would be beneficial to provide an adequate safety net for renters. One of their unexplored areas for future research was drivers of non-payment, and COVID is currently a major driver worth studying.

Given that the impacts of COVID have disproportionately burdened low-income households, it will be beneficial to first analyze how eviction impacts low-income households as well since these households will fall victims to both COVID and the risk of being displaced from their homes.

With it being established that evictions can have an outsized detrimental impact on low-income households, researchers have also explored the cyclical nature of evictions. In Desmond's *Eviction and the Reproduction of Urban Poverty*, he combined statistical and ethnographic analyses to explore the prevalence and ramifications of evictions in the lives of the urban poor. A quantitative analysis of administrative and survey data found that eviction is commonplace in inner-city Black neighborhoods and that women from those neighborhoods are evicted at significantly higher rates than men, while a qualitative analysis of ethnographic data based on fieldwork among evicted tenants and their landlords reveals multiple mechanisms propelling this discrepancy. (Desmond, 2012) This research supports the idea that not only does poverty cause eviction, but eviction itself causes poverty, and this research is valuable in gauging the extent to which low-income households' lives will be severely impacted following an eviction.

Since this project is specifically focused on the impact of eviction on Chicago residents, it is important to look at studies that are based in the region. Fortunately, the article *Does Eviction Cause Poverty? Quasi-Experimental Evidence from Cook County, IL* relies on Cook County court records over a period of 17 years, linking these records to credit bureau and payday loans data. The authors find high levels of increasing financial strain in the years before an eviction case is filed, and through a differences-in-differences design and instrumental variables strategy, the researchers find that eviction negatively impacts credit access and durable

consumption for several years. (Humphries et al, 2019) Even though Desmond's research is primarily based on the residents of Milwaukee, a metropolitan area with similar demographics and levels of segregation to Chicago, this specific study that is centralized on Cook County is important in specifically addressing the needs and concerns of Chicagoans. The paper provides a wealth of knowledge regarding landlord-tenant law in Cook County and conducts a comparative analysis of Cook County's eviction court proceedings to other counties. Although useful and thorough, this study is limited in that it only explores the causal effect of eviction on financial distress, residential mobility, and neighborhood quality, with factors like health and legal repercussions being absent from the paper. Similar to the Desmond and Kimbro reading, this paper does not offer any policy recommendations, as they do not study the effectiveness of policies targeting populations at risk of eviction, such as emergency relief funds or assistance programs for recently-evicted individuals.

With the lack of published research on the impact of COVID, studying past housing crises will be valuable to project the consequences associated with home eviction. One study aimed to determine the frequency, characteristics, and precipitating circumstances of eviction and foreclosure-related suicides during the US housing crisis by examining all eviction-related suicides from 2005 to 2010 in 16 states in the National Violent Death Reporting System. They found that eviction and foreclosure-related suicides doubled in the five year period, which made them conclude that housing loss is a significant crisis that can precipitate suicide. (Katherine et al, 2015) Similar to its impact on the eviction crisis, COVID has exacerbated suicide risk factors as well. There is currently limited research on the relationship between COVID and suicide rates, and with America's system for monitoring suicides being inefficient, experts won't know for another two years about the impact COVID has had on suicide rates. Although, coroners and

medical practitioners are concerned after a survey that the CDC conducted. In the August survey, 1 in 4 young adults had answered yes if they had thought about killing themselves in the past 30 days, which demonstrates an increase in suicidal thoughts during the pandemic. (Wan, 2020)

Although the CDC data is somewhat limited, the Katherine et. al study was monumental in that it was the first to examine the relationship between home evictions and suicide, but it just merely proposes that more research be done to fully understand the process behind suicidal acts and how countries can better protect their citizens from doing so. The Great Recession is the most recent large-scale driver of evictions, which prompted a great deal of eviction-related research, yet it is difficult to compare the Great Recession to COVID. During COVID, the decline in output and employment was much larger and faster than in the Great Recession, and the likely long-term effects include “a huge loss of small businesses and human capital (due to unemployment and online-only instruction); more permanent telecommuting; acceleration of the digital transformation; and increased concentration and decreased competition in some sectors.” (Boskin, 2020) Therefore, it is difficult to truly evaluate how COVID will continue to impact households once protections are lifted, but I anticipate the eviction rate will be significantly higher than that of the Great Recession.

Even though studies about COVID are limited, a recent publication addresses the emerging pattern of racial disparities in COVID infection rates and the impact of the virus itself. The authors of *Social Vulnerability and Racial Inequality in COVID-19 Deaths in Chicago* examined the relative burden of social vulnerability and health risk factors, finding significant spatial clusters of social vulnerability and risk factors, both of which are significantly associated with the increased COVID-19-related death rate. They also found that a higher percentage of African Americans was associated with increased levels of social vulnerability and risk factors.

(Kim and Bostwick, 2020) Nearly one-third of Chicago's population identifies as Black or African American, and based off a 2018 study, nearly 60 percent of Black households live in a rented property. (Rodkin, 2018) With this population being more at-risk for COVID, that means the repercussions of COVID will increase the likelihood of being unable to afford rent and being evicted. Given the uneven burden of the pandemic, this study suggests that health policies must factor in the broader structural inequities, as public health can only be protected by reducing social vulnerability of all communities.

With the wealth of research on evictions, nearly all of the researchers explore the impact of eviction on tenants, but besides Desmond's anecdotal evidence on landlords, the research neglects to study the ramifications for landlords when their tenants are unable to pay their rent. This is an especially important aspect for present times since thousands of landlords are dealing with tenants who cannot afford to pay rent due to COVID and that is a differentiating factor of this project. On the plus side, all of the research acknowledges that the likelihood of being evicted, along with its repercussions, disproportionately burdens low-income, minority families. Both quantitative and qualitative methods are used to explore the data, whether that be through studying court cases, living among impacted communities, or analyzing statistical and administrative data— all of which will be useful for establishing the necessary measures to protect all those affected by eviction in the Chicagoland area.

## METHODOLOGY

In order to get a sense of how COVID has exacerbated the housing crisis, not only did I analyze the existing literature on the impact of eviction, but I also researched other topics pertaining to tenants' inability to pay rent. Although the literature provides a significant amount



of research, it fails to consider more current research on the effects of COVID and what populations have been impacted the most. This study relies on both quantitative and qualitative data. News articles, federal policies, interviews, and a variety of other sources will expand on the research of the literature, allowing us to gain a bigger picture of the current housing situation among thousands of Chicago residents.

### *Quantitative Data*

The bulk of the quantitative data comes from the Eviction Lab and Lawyers' Committee for Better Housing websites—both of which are sources that provide data about evictions nationwide and Chicago specifically. The Eviction Lab allows users to understand changes to landlord-tenant law and how the COVID-19 pandemic has affected renters across the country, through an eviction tracking system, a housing policy scorecard, and a policies database. (Eviction Lab) Based off eviction data and census data, the interactive map illustrates the various eviction rates in the Chicagoland area and even compares them to eviction rates in past years or rates in other regions of the country, and this is particularly beneficial for comparing eviction rates during the Great Recession and the H1N1 pandemic to predicted eviction rates due to COVID. Similar to the Eviction Lab, the Chicago Evictions data portal from the Lawyers' Committee for Better Housing is a resource that investigates Chicago's chronic eviction problem, either by community area or ward. The website also provides statistics on the annual average of eviction filings, the percentage that ended in eviction orders, and the percentage of tenants and landlords who had legal representation. (Lawyers' Committee for Better Housing) Even though the most recent data on these sites is from 2017, it will be helpful to establish the trend in eviction rates in Chicago and make projections about the impact of COVID on eviction

rates once the courts open. Additional quantitative data is used to specifically explore how many people have been impacted by COVID, particularly in regards to their finances and their ability to afford their essential expenses. Dividing this data by race, class, and region was helpful in order to address which populations have been hit hardest by the pandemic.

### *Qualitative Data*

To supplement the quantitative data, the majority of the research for this project will be based on qualitative data, derived from six one-on-one interviews, federal housing policy, or recently published news reports. The literature review is one subset of qualitative data that is essential for answering the research question, but as stated before, there is a lack of scholarly literature on the topic from the past couple of years, especially research that explores the intersection between COVID and the eviction crisis. There are plenty of news articles and reports about the eviction crisis that explore how tenants and landlords are impacted by the crisis, such as the causes and consequences of being evicted, which will help fill in the gaps of the literature review. Prior to the pandemic, there were policies and practices at the state and city levels that addressed the eviction crisis, and even though they didn't fully protect all parties involved, it is important to analyze this legislation to understand what support was in place for those going through the eviction process. This understand could potentially highlight various points of possible intervention to improve outcomes and avoid some of the cyclical effects of eviction demonstrated by Desmond and others. This policy analysis will also illustrate how the city of Chicago addresses the eviction process step-by-step, from distributing the initial notices to the actual day in court. African American women are disproportionately burdened by this eviction process, and the news articles will guide us to the underlying causes of these women's fate and

how preventative measures can be implemented to protect this demographic. In addition to Desmond's *Eviction*, there are several other articles that propose potential remedies to the eviction process and how we can improve conditions for all parties involved.

In regards to the intersection between COVID and the housing crisis, an analysis of city, state, and federal moratoriums will detail the nature and guidelines of the temporary halt in evictions that are currently in place. In addition to legislation passed by Governor J.B. Pritzker at the state level, Chicago also passed the COVID-19 Eviction Ordinance that offers additional protections to tenants, and most of this legislation is specifically aimed at tenants, so it will be worth researching any protections that were passed for landlords. Even though COVID is different from past crises, such as the Great Recession and H1N1 pandemic, it is important to establish why COVID has been significantly worse and identify any gaps in the housing policies from those crises. On top of the historical analysis, it is also known that tenants are heavily dependent on their tax refunds to afford their rent, and with COVID delaying the IRS' ability to process tax returns, thousands of families had to wait for checks that their livelihoods depend on, and many news sources have examined this delay and how many households have been impacted. (Evicted, 2016) I have attended several Zoom sessions, which will be discussed in the data analysis section, that centered around the protections for tenants and landlords during the pandemic that have been helpful in illustrating the rights, eviction procedures, and resources for both parties involved. Several separate stakeholders have recognized the same need as this project in addressing housing issues and the inadequacy of the government's response, which proves the importance of this project in incorporating the concerns and hardships of all parties involved.

Through interviews and surveys, I gained the perspective of landlords', tenants', and other relevant stakeholders' experiences during COVID to gain more personal accounts, specifically in regards to housing and potentially eviction. Through the Zoom meetings I have attended, I was able to establish some contacts in order to reach out to some interview participants. Due to the pandemic, I conducted the interviews via Zoom or over the phone, depending on the preference of the participant. I didn't have any specific selection criteria for my interview participants besides them being 18 years or older, living in Chicago proper, and speaking English. The interview questions for landlords, tenants, and other relevant stakeholders all revolved around how COVID impacted them, if any services or assistance were offered and provided to alleviate any issues, and how they believe the government and other authorities could better assess housing inequality and the pandemic in Chicago. Through these interviews, I gained a better understanding of how COVID has impacted the eviction process and a better understanding of what some of the process' shortcomings are.

The collection of quantitative and qualitative data enabled me to understand the eviction landscape and its repercussions prior to COVID, and with the introduction of newer data from more recent news articles and interviews with affected individuals, I was able to determine how the pandemic has amplified the risks for those facing eviction and potentially increased the eviction rate both in Chicago and nationwide. By studying housing policy and protections geared toward eviction, it will be clear that current legislation is insufficient in adequately addressing housing crises and fails to protect landlords and tenants from the legal, financial, and social ramifications.

## DATA ANALYSIS

### *The Eviction Process*

Before exploring the consequences of eviction, it is important to first understand how the eviction process works, specifically in Cook County. Between 2010 and 2017, Chicago had an average eviction filing rate of 3.9 filings per 100 rental units, which means 1 in 25 renters and their families face eviction each year. (Eviction Lab) The guidelines and process of evicting a tenant varies from state to state, and although evictions in all states require a court order, the timeline of vacating the premises and tenants and landlords' rights depend on state legislation. In order to evict a tenant, a judge needs to legally place the order, so it is illegal for a landlord to lock a tenant out or make the apartment uninhabitable by turning off the utilities. In those instances, tenants are encouraged to report illegal lockouts to the police.

The eviction process first starts with a termination notice that is served to the tenant, and this notice must include three items: (1) a description of the address; (2) the reason for termination of the lease; (3) when the lease will terminate after the service of the termination notice. (Eviction Procedure – Tenants Guide) Termination notice periods vary based on the type of lease and the reason for the termination, and depending on the case, tenants may be able to resolve the issues of the case before the notice expires. A five-day notice occurs if the tenant did not pay rent on time, while a 10-day notice means the tenant violated the terms of the lease. There are also 30 and 90-day notices, with the former meaning the tenant doesn't have a lease and lives month-to-month and the latter occurring if the landlord has been foreclosed on. (Illinois Housing Handbook, 2017) For those who are unable to make any last-minute payments, this is the stage in the eviction process to consult an attorney because once the termination notice period expires, the landlord can take legal action against the tenant and file a court case to evict

him or her. Those are who at-risk of eviction often do not have the money to afford an attorney, which is why organizations like the Lawyers' Committee for Better Housing and Chicago Volunteer Legal Services offer free or low-cost legal representation. In Chicago, landlords disproportionately are more likely to have legal representation, with only 11 percent of tenants having a lawyer, while 79 percent of landlords have legal representation. (Eviction Lab) In Cook County, the landlord will then file a Complaint in the Circuit Court of Cook County. (Eviction Procedure – Tenants' Guide, 2018)

Following the termination notice and complaint, Illinois law requires that a tenant be served by a Cook County Sheriff's Office either by personal service or substitute service, which is typically accomplished by leaving a copy of the documents at the defendant's residence with another resident of the property, provided that the officer shall also send a summons in a sealed envelope addressed to the defendant. The Summons provides the defendant with specific information about the date, time, and location that he or she is required to appear in court. (Eviction Procedure – Tenants' Guide, 2018) At the court hearing, verdicts are typically reached within one minute since judges simply ask the tenant for any information that refutes the reason they are being evicted, and often times judges grant extra time to defendants who actually show up to the hearing. (Illinois Housing Handbook, 2017) If the landlord obtains an Order for Possession from the Court, the Sheriff's Office has been ordered to evict the tenant and other occupants of the property, and once the order is filed, the scheduled eviction may occur as soon as 24 hours after the order was placed.

Even though defendants are not provided with the date or time that the eviction will take place, which is for the officers' safety, it is recommended that they vacate premises prior to enforcement of the eviction by the Sheriff's Office. On the day of the eviction, Sheriff's

personnel will knock, and if no one answers, they are allowed to forcibly enter the premises to ensure that all persons ordered evicted are removed. The eviction is complete once the tenant discloses which belongings they will be taking with them and the Sheriff posts a “No Trespassing” order on the door, indicating that the property is now back in the possession of the landlord.

Prior to the pandemic, there were few preventative measures in place to protect landlords or tenants. The state’s housing handbook merely states that one should follow the terms of his or her lease and pay rent on time, which is common knowledge involved in renting a property. They also suggest talking to the landlord if one is unable to pay rent for any reason, and whenever communication is held with a landlord, keep receipts and have all agreements in writing. (Illinois Housing Handbook, 2017) The best ways to prevent an eviction are all fit in one paragraph in an eighty-page document, and none of them provide any substantial measures to rectify the situation, especially during a housing crisis.

Fortunately, there is some existing landlord-tenant law in Cook County, with the Forcible Entry and Detainer Section of the Circuit Court of Cook County handling eviction cases. The relevant legislation is recorded in two sources: RLTO – the Municipal Code of Chicago Residential Landlords and Tenants Ordinance and ILCS – the Illinois Compiled Statutes. RLTO applies only to Chicago, while ILCS applies to Cook County and thus also Chicago. (Humphries et al, 2019) Since the first act in 1874, over a dozen acts have been passed in these courts, with the most relevant acts being:

**1874** – Illinois Forcible Entry and Detainer Act: Proof of payment is the only defense a tenant could mount against an eviction case related to nonpayment of rent

- 1963** – Retaliatory Eviction Act: Forbade a landlord from terminating a tenant’s lease in response to the tenant complaining to authorities about building or health code Violations
- 1972** – IL Supreme Court ruled, in *Jack Spring, Inc. v Little*, that there is an implied warranty of habitability for leased residential premises; therefore, the landlord’s failure to keep the unit up to standard is considered a breach of the lease. This increased the scope of possible defenses for tenants.
- 1978** – The Lawyers’ Committee for Better Housing (LCBH) and Legal Assistance Foundation Chicago (LAFC) released a report after monitoring eviction court cases, highlighting the amount of time available to make judgements, which prompted a response by the presiding judge and expansion of the number of time slots available to handle eviction cases.
- 1986** – Chicago Residential Landlords and Tenants Ordinance (RLTO): Expanded on tenants’ possible defenses by providing them with additional rights
- 1997** – IL Rent Control Preemption Act: Prohibits municipalities from enacting any form of regulation on residential or commercial rent prices
- 2018** – Forcible Entry and Detainer Act was replaced by the Eviction Act: Simplified the language of the Statute that governs evictions in Illinois.

The Chicago Residential Landlord Tenant Ordinance has strict laws, especially for security deposits, which explains why the landlord-tenant state laws in Illinois are less complex than those of Chicago. Chicago has one of the strictest landlord climates in the country, which is why Illinois is deemed a tenant-friendly state. (Manolas, 2020) With Illinois having this



reputation, independent and smaller landlords are often left without recourse when their tenants are unable to pay their rent, putting them at jeopardy of bankruptcy and other consequences. Present-day policies do not protect both parties involved in the renting process, and COVID has brought to light the insufficient nature of Illinois housing policy, particularly for landlords.

It is difficult to pinpoint one particular point in the existing eviction process that would be most effective to implement a new policy that would protect against a mass eviction crisis. Most states and metropolitan areas follow the same general process as Chicago and Cook County, but Chicago falls behind in the disparity in legal representation between landlords and tenants. Providing an attorney to tenants could decrease the number of cases that result in an eviction order, but policy interventions focused on measures before the court process or dedicated towards simply improving the well-being of low-income households would be more beneficial. By trying to decrease the amount of eviction filings sent to court, both landlords and tenants can save themselves time and money, which would also lower reliance they had on a third party to settle the dispute.

### ***Ramifications of Eviction***

The scholarly literature has done a vast amount of research on the ramifications of eviction, in terms of its impact on health, housing options, finances, etc. Eviction contributes to poverty and homelessness in several ways. Prolonged periods of homelessness may follow eviction. When families are being evicted, they often dedicate their time and resources to securing subsequent housing and restoring a household, which often requires them to forego other basic necessities, like warm clothing, food, or medical care. Additionally, having an eviction on one's record makes them ineligible for federal housing assistance and tarnishes their

credit score. Eviction can also prolong families' residential instability, which causes economic instability. (Desmond and Kimbro, 2015) In regards to the effects on health, extended periods of homelessness can take a toll on one's physical health. Evicted families are often desperate to secure subsequent housing, so they usually succumb to substandard living conditions, which can bring about significant health problems. Evicted residents' mental health is not spared, as they often face psychological distress after being involuntarily forced from their homes. Mothers, in particular, may suffer from a diminished capacity for affirmative and supportive parenting and increase their tendency to act punitively and erratically toward her children. (Desmond and Kimbro, 2015) These effects on poverty and one's health can significantly impact an evicted resident's livelihood, especially since it increases the likelihood of them becoming trapped in the cyclical nature of poverty.

Evictions are more likely to impact low-income households, especially since lower incomes make renters more cost burdened than homeowners. Over a quarter of renters are severely cost burdened, spending at least half their income on rental housing, and the eviction process intensifies the financial burden that these households face. In addition to facing all of the factors associated with living in poverty, they must additionally deal with the ramifications of being evicted, which can easily cost these households all of their money.

As stated before, landlords are more likely to have an attorney than tenants since they have greater financial resources and bigger networks. Given that evictions disproportionately affect low-income households, the fact that only 11 percent of tenants have legal representation makes sense, as they simply cannot afford to hire an attorney. Legal aid clinics in Chicago, such as the Chicago Volunteer Legal Society and the Lawyers' Committee for Better Housing, provide free legal representation, but with there being an average 63 eviction filings per day in

Chicago, these legal organizations don't have enough bandwidth to be able to serve everyone who is at jeopardy of being evicted. (Eviction Lab) This lack of legal representation results in about 60 percent of cases ending in eviction orders. (Lawyers' Committee for Better Housing) These statistics prove that being low-income actually contributes to the eviction process, as these residents' financial situations essentially set them up for failure. Wealthier people would be able to afford an adequate lawyer, but they also wouldn't even be in this predicament, as they would not only be able to afford their rent, but also be more likely to be a homeowner. Living in poverty constantly reminds residents of their living circumstances.

With over half of renters having low-income or living in poverty, it is understandable how evictions can exacerbate the conditions of these low-income households. Evictions are one of the main factors, if not the biggest, that is responsible for reproducing poverty in communities. Low-income families move so much because they are more likely to be forced out of their homes and having to do so is a social disadvantage. These high levels of residential mobility among the urban poor, typically from one disadvantaged neighborhood to another, arise from several factors. First, crime or substandard conditions prompt residents to seek new places to live. Second, gentrification and neighborhood revitalization may explain these high residential mobility rates, as gentrification often displaces poor residents due to the rise in property values. Third, slum clearance is a contributing factor, with poor Blacks having borne the brunt of it. The demolition of public housing casts residents across the city into neighborhoods they are unfamiliar and where they have no social connects. (Desmond, 2012) These three factors are not enough to explain the high residential mobility rates among the urban poor, and the effects of eviction help fill in the gap in explaining the lives of the urban poor. Evictions are not only the

result of being poverty-stricken, but they also cause poverty, with evicted residents facing a cycle of financial insecurity, homelessness, and family and employment instability.

Evicted tenants are statistically more likely to be people of color given their historically lower socioeconomic status. In Chicago, “over 30 percent of Black families, around 25 percent of Latino families, and less than 10 percent of white families live below the poverty line.”

(Flood, 2017) These statistics illustrate the racial disparities in evictions, and systemic racism and racial inequality are some of the underlying reasons for this data. People of color have historically been subjected to several racist practices, such as redlining, higher mortgage rates, and banks’ unwillingness to provide loans. Desmond discusses in his book how landlords actually make more money in low-income, minority areas, especially since “the same thing that made homeownership a bad investment in poor, Black neighborhoods—depressed property values—made land-lording there a potentially lucrative one.” (Desmond, 2016) These targeted practices have led to a lack of funding and attention to these communities, resulting in food deserts, subpar healthcare, inadequate public transit, and several other factors – all of which contribute to the cyclical nature of poverty that evicted residents face.

Even though Blacks and Latinos are disproportionately burdened by this COVID housing crisis, there is a subpopulation that bears the greatest burden: Black women. Similar to the case of minorities, the treatment of this population today is the result of decades of deep-rooted, systemic racism. Desmond draws the analogy that eviction is to women what incarceration is to men: incarceration locks men up, while eviction locks women out. For those evicted from Black and Latino neighborhoods, studies find that in high-poverty Black neighborhoods, one male renter in 33 and one woman in 17 is evicted, whereas in high-poverty white neighborhoods, the ratio is 134:1 for men and 150:1 for women. (Desmond, 2014) There are several factors that

contribute to these dismaying statistics: women's low wages, their responsibility as a mother to their children, and women's nonconfrontational approach with landlords. (Desmond, 2014) With the oncoming wave of mass evictions, Black women will very likely continue to be hit the hardest during the pandemic. Black women are statistically more likely to be single, which is partially due to the high incarceration rate for Black men, and being without a partner, along with having children, doesn't cast a wide safety net and puts Black women in greater jeopardy for falling short on rent.

Being evicted severely impacts residents' lives and those around them. Losing one's home causes instability in several areas of one's life, with the insecurity of each factor only worsening another. It is important to understand the underlying causes of each ramification and how to better address them when it comes to drafting housing policy. Evictions clearly disproportionately impact low-income, minority households, and given that these populations have historically been at a disadvantage and treated unfairly, it is essential that housing policy be updated to ensure greater eviction protections for tenants in a way that also accounts for the operations costs of landlords.

### ***COVID-19's Impact on Low-Income and Minority Households***

Now that the eviction landscape prior to 2020 and the pandemic has been established, it is appropriate to now assess how COVID has intensified the conditions that place people at risk of eviction. Analyzing the intersection between the two will reveal how low-income, minority households have taken the biggest hit during the pandemic, allowing us to establish solutions for future housing crises. COVID-19 has impacted nearly every American in some capacity, regardless of their race, socioeconomic status, or region. For the purposes of this paper, I will

only be focusing on the financial hardships that Americans have faced during the pandemic and what will happen to those who are unable to afford their rent, as well as the landlords who house these residents. Statistics regarding those who have been infected will be mentioned in order to gain a better understanding of how these groups have been financially burdened.

The most vulnerable groups during the pandemic have been minority groups, such as Black and Latino households, and low-income households. This trend holds true nationwide, as “Latino and African American residents of the United States have been three times as likely to become infected as their white neighbors.” (Oppel, Richard A, et al, 2020) Not only are Black and Latino people more likely to become infected, they are also more likely to die from the virus, whether that be from lack of accessible healthcare or their increased exposure. These vulnerable groups often hold positions where they are considered essential workers, such as grocery clerks or public transportation operators, and because of this, they are unable to work from home and must go to work and risk infection. “Across the country, 43% of Black and Latino workers are employed in service or production jobs that for the most part cannot be done remotely, census data from 2018 shows. Only about 1 in 4 white workers held such jobs.” (Oppel, Richard A, et al, 2020) With the inability to work from home, it is no surprise that these minorities have significantly higher infection and death rates than those can work remotely. Black and Latino people are also more likely to rely on public transportation to travel to and from their homes, and their homes are often multigenerational or occupied by more people than their white counterparts. (Oppel, Richard A, et al, 2020) There is a clear disparity in the impact that COVID has had on different racial groups, with these minority groups being made to continue going to work at the expense of their health and well-being.

As of September 2020, half of Americans who lost their job during the pandemic still didn't have one, a third returned to their old job, and 15 percent were in a different job than before. (Parker et al, 2020) At that point in time, the overall unemployment rate was 8.4 percent, but the unemployment rate isn't an accurate representation of all groups, as workers of color have exceptionally higher rates. For example, in August the unemployment rate for white Americans was 7.3 percent, while the rate for Black Americans was 13 percent and the rate for Asian and Latinx Americans being over 10 percent. (Aleem, 2020) Even though more people are regaining employment, the economy is not improving at the same rate for everyone, and there are certain parallels between the unemployment rate and eviction rate for people of color: their rates are significantly higher than those of white people. These unemployment rates alone reveal how COVID has disproportionately burdened the same communities impacted by higher rates of poverty and eviction.

The Pew Research Center has released a large amount of data regarding the economic fallout from COVID, finding that "one-in-four adults have had trouble paying their bills since the coronavirus outbreak started, a third have dipped into savings or retirement accounts to make ends meet, and about one-in-six have borrowed money from friends or family or gotten food from a food bank." (Parker et al, 2020) Similar to the last article, these financial pain points differ widely based on race, ethnicity, and income, as they are more common with low-income individuals or Black and Latinx individuals. With evictions being more prevalent among low-income households, it is worth studying how COVID has financially impacted lower-income adults. Among lower-income adults, 46 percent say they have had trouble paying their bills since the pandemic started and roughly one third say it's been difficult for them to make rent or mortgage payments. (Parker et al, 2020) With this data being from August and the fact that low-

income individuals are less likely to have found employment again, I assume that this percentage has not decreased significantly, especially since the pandemic has made Black and Latino neighborhoods suffer the most in terms of their economic status. Even though Black and Latinx groups carry the greatest percentages across the board, analyzing specifically low-income individuals of these groups would be a more accurate reflection and be more telling of how this subpopulation's risk of eviction has grown exponentially as a result of the pandemic.

As the unemployment rate begins to fall, there are slight improvements in rent payments. "68 percent renters made an on-time rent payment in the first week of September, the second straight month showing minor improvement and the highest on-time payment rate since June." (Popov et al, 2020) Even though there is an upward trend, many renters are still concerned about unpaid rent obligations from previous months. "Nearly 12 million U.S. renters were expected to owe an average of almost \$6,000 in late rent and utility payments per household by January." (Vesoulis, 2021) The stimulus check that was distributed at the beginning of the pandemic alleviated some of this financial burden, and even with the second stimulus check, renters are continuing to fall into a deeper hole. Once eviction moratoriums are lifted, they will owe all of their back rent and possibly face eviction. Black and Latinos are far more likely to owe unpaid rent, with rates of 48 percent and 41 percent, opposed to white renters' rate of 24 percent. (Popov et al, 2020) A theme has developed throughout the existing research: low-income, Black, and Latinx households have been hit the hardest by COVID.

Minority neighborhoods that are at risk for COVID also have disproportionately higher eviction rates. Residents in these neighborhoods have a handful of the underlying health conditions, such as diabetes, obesity, and kidney disease, that increase their likelihood of contracting the virus. CDC data identified the neighborhoods with the highest rates of these



major COVID risk factors, and “in 12 of the 14 cities has neighborhood-level data, there was a higher rate of eviction filings in those high-risk census tracts than in others that didn’t have the same elevated rates of medical conditions.” (Lah and Tolan, 2020) Given that low-income individuals are more likely to have underlying health conditions and have jobs that either do not allow for remote working or provide less security during the pandemic, they are placed at a higher risk of not only becoming infected, but also for becoming financially burdened and potentially evicted. In addition, “research has shown that job losses during the pandemic have been concentrated among lower wage workers, and polls have found that Black and Latino workers are almost twice as likely to have been laid off.” (Lah and Tolan, 2020) Without a source of income, these workers potentially fall victim to eviction, and those who become evicted during the pandemic may be forced to live in densely packed housing with friends and family or homeless shelters, both of which are environments that make it nearly impossible to social distance from others. Therefore, in addition to all the ramifications that follow from being evicted, those who are forced from their homes during the pandemic are also at greater risk of becoming infected. During the pandemic, there have been some individuals who have been hit with COVID, a job layoff, and eviction, and it is pertinent that the government addresses the need for a policy change to stabilize housing. Given housing’s impact on health, employment, and other issues, eviction must be a boundary that governments must not allow landlords to cross, especially during times of societal crisis.

COVID has drastically impacted the livelihood of nearly every American, with a particular emphasis on minorities and those who are most dependent on their income. The pandemic has delayed the timeline of taxpayers receiving their tax returns, which has had a negative impact since nearly 1 in 4 Americans use their refund to cover everyday expenses, such

as rent. (Huddleston, 2020) Millions have been impacted by this delay and have expressed their concern to sources like ABC7 Eyewitness News. The I-Team of the Chicago-based news channel contacted the IRS on behalf of these frustrated residents, and “the IRS explained that they closed down from late March through late June due to the pandemic and are still struggling to catch up because they are still resource challenged.” (Knowles, 2020) Some Illinois taxpayers had to wait over nine months to receive their refunds. Katie Hogan of St. Charles stated, “I’m afraid that you know maybe I’m not going to be able to pay the rent, maybe I’m not going to be able to put food on the table because \$6,000 is a huge amount of money for a single mom.” She filed her taxes electronically on February 5<sup>th</sup> and expected her refund of \$6,500 within the usual timeline of a few weeks but had to wait plenty longer for the check. Another Chicagoan, Denise Jackson, filed her taxes last January and, as of November, did not receive her \$10,500 refund check. (Knowles, 2020) 68 percent of people who expect refunds believe their financial well-being depends on them, and the refunds are more critical to women than men – 73 percent of women versus 63 percent of men said that the money is “very” or “somewhat” important to their financial health. (Segal, 2020) Low-income households are highly dependent on their tax refunds because there are a number of federal tax credits that they are eligible for that maximize the amount of their refund. The Earned Income Tax Credit, the American Opportunity Tax Credit, the Lifetime Learning Credit, the Child and Dependent Care Credit, and the Savers Tax Credit were all designed to assist low-income households, given that only taxpayers who do not exceed a maximum income can qualify for them. Refund checks the size of Katie Hogan’s or Denise Jackson’s could be life-changing during the pandemic, especially with the chronic unemployment rates among low-income, minority households. It is important to note that the two women’s checks are outliers in that they are larger than the average tax refund of \$2,881, but that

amount can still be incredibly helpful when a household's income has decreased or terminated. (The Average Tax Refund) COVID has clearly exacerbated the struggles of these households, by not only stripping them of their jobs and incomes, but also delaying the refunds that their lives may very well depend on. These consequences demonstrate that a federal emergency rent holiday is required to insulate renters and their landlords from the negative impacts of delayed tax refunds, layoffs, etc.

### ***Legislative Protections During COVID-19***

On September 1<sup>st</sup>, the Centers for Disease Control and Prevention (CDC) issued an order to temporarily halt residential evictions to prevent the further spread of COVID. The order has been extended until June 30, 2021. The order “does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract. Nothing in this Order precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract.” (CDC, 2020) Given that evicted tenants face a greater health risk, the CDC implemented this order to protect public health, and although it does not eliminate all causes for eviction, it does not allow landlords to evict tenants for nonpayment of rent during the moratorium. Even though landlords may initiate eviction proceedings, tenants cannot be physically evicted or taken to court until the moratorium expires. To qualify as an eligible renter, one must be “unable to pay rent in full or make full housing payments due to loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical costs.” (CDC, 2020) Renters must also expect to earn no more than \$99,000, or no more than \$198,000 jointly, annually to be

eligible, which protects low- and middle-income households. The federal moratorium on eviction for nonpayment of rent was clearly designed to protect tenants, leaving thousands of family-owned and smaller property owners with months of unpaid rent from their tenants. It also made tenants liable for paying all deferred rent upon expiration of the moratorium, which might prove difficult if they have been without income or other assistance during that period. Contrary to popular belief, more than 70 percent of properties with four or fewer rental units are owned by mom-and-pop landlords. In fact, almost half the nearly 49 million rental units in the U.S. are owned by individuals, who tend to offer more affordable housing than large corporations. (Vesoulis, 2021) With the media, activists, and legislators grouping all landlords into the same group, they fail to acknowledge the huge burden that small landlords have taken on during the pandemic. It is unknown how many landlords are at risk of foreclosure, which would draw certain parallels to the Great Recession. Billion-dollar corporations are easily able to stay afloat, but with such a sizable proportion of buildings being owned by individuals, it is time that policies account for this population as well.

At the state level, Governor J.B. Pritzker issued an executive order placing residential evictions on hold in March and has since reissued the order in subsequent 30-day periods, with it being currently extended until May 1, 2021. Similar to the federal moratorium, there is an income maximum, as the moratorium only covers renters who have earned no more than \$90,000 in annual income during the calendar year. (NBC Chicago, 2020) The \$90,000 income maximum takes precedence over the federal moratorium's income of \$99,000, but the state moratorium still aims to protect lower to middle income families. Although the specific enforcement mechanisms were not mentioned, the motivation behind the new moratorium, according to Pritzker, was to ensure smaller landlords and property owners receive payments from individuals who have taken

advantage of the eviction ban, which is the first that has taken the finances and wellbeing of landlords, especially smaller ones, into consideration in regards to these moratoriums. With the current surge in cases, I anticipate that Governor J.B. Pritzker will continue extending the moratorium and hopefully grant further protections for tenants and landlords.

The Chicago City Council also passed the COVID-19 Eviction Protection Ordinance that protects tenants facing eviction in mid-June, but it is different than the federal and state moratoriums, as the ordinance only applies to tenants who are served with an eviction notice after they pay rent. “The Eviction Protection Ordinance will apply to any pending eviction cases that were filed from the date Illinois Governor J.B. Pritzker signed [the] executive order halting evictions on March 21, 2020 and covers eviction cases filed during the first 60 days after the state’s eviction courts reopen.” (Domu, 2020) For the new ordinance, the City imposed extended grace periods on landlords, which provides an additional week after Chicago landlords deliver a five-day notice to their tenants. These “cooling-off” periods were intended to foster better communication between landlords and tenants, so they could hopefully collaborate on a mutually agreeable repayment plan. These negotiations were meant to protect tenants, as they impose several burdens on landlords since they must now extend the time they expect to receive payment, and even if negotiations on rent repayment fail, landlords still may be unable to successfully evict their tenant and find one who is able and willing to pay rent. Current legislation displays a tension between the interests of tenants and landlords, and policies must be changed to reconcile the opposition between these groups and ensure the basic right to stable housing without bankrupting smaller, independent landlords.

Although these moratoriums and ordinances put a pause on evictions, they do not adequately address COVID’s impact on tenants’ inability to pay rent. They merely postpone the

eviction crisis, as they don't forgive tenants' outstanding rent balance. If people couldn't afford their rent during the first few months of the pandemic, then it is highly unlikely that they can pay it now, let alone have the money for the nine months of rent they fell behind on. Rental assistance would be significantly more helpful in solving both tenants' and landlords' problems, but there is unfortunately not enough funds and resources to help all parties who have been impacted. The passage of the CARES Act of 2021 seemed promising in that it provided American households of up to \$1,200 per adult for individuals whose income was less than \$99,000 (or \$198,000 for joint filers) and \$500 per child under 17 years old – or up to \$3,400 for a family of four. It even authorized additional payments of up to \$600 per adult and up to \$600 for each qualifying child. (U.S. Department of the Treasury) These economic income payments will be helpful, but depending on the financial burden for certain households, may not be enough to afford all of the back rent owed. This second round of financial assistance was distributed nearly ten months after the first stimulus check, which is too little and too late for many struggling American households. Fortunately, more relief is currently being determined by the legislative branch. Therefore, once these protections are lifted, all of the eligible renters who make less than \$90,000 in annual income are likely to be faced with an eviction notice if they were unable to find the income to afford their rent. Rent forgiveness, or more consistent, larger stimulus checks, are likely the policy that would've best addressed the situation that tenants at-risk of eviction are facing.

Although other state and federal programs have been developed, they are still insufficient at effectively protecting both tenants and landlords. Authorities recommend that renters contact their landlords. "On April 29, many landlords and mortgage lenders signed a 'Chicago Housing Solidarity Pledge,' indicating they would waive late fees and agree to written plans that allow

tenants to pay in installments.” (Bradley and Ewing, 2020) The waiving of these late fees and installment plans still don’t excuse renters from paying their rent in full, so renters still may struggle with these additional protections. The City of Chicago also offers several other resources to assist renters, such as emergency support to avoid homelessness and short-term housing stabilization funds to those who are at immediate risk of eviction. The Chicago Community COVID-19 Response Fund, which is primarily funded by donors, also provides money to relief organizations and local nonprofits, such as Northwest Side Housing Center and Metropolitan Family Services, that offer short-term and rental assistance to the communities they support. It is clear that Chicago is trying to assist its residents, but the lack of funds and resources have only made a minimal difference, and it is unfortunate that landlords, particularly smaller ones, continue to be left out of the conversation.

### ***Guidance and Protections Offered by Social Advocacy Groups and Key Stakeholders***

#### ***Tenant-Oriented Groups***

Individuals and organizations across the Chicagoland area have recognized the need for further protections and have hosted several online sessions offering advice to impacted parties. On June 13<sup>th</sup>, I attended an event hosted by the Chicago Democratic Socialists of America (CDSA). At their Tenant Organizing and Rights Training Zoom session, there were 37 participants who joined the hour-and-a-half meeting. In addition to outlining the eviction process and protections during COVID, they also illustrated the benefits of forming a tenants’ union. Alone, individual tenants can complain to Chicago’s non-emergency services system or withhold rent, which would be only be a fraction of the landlords’ income. On the other hand, organized tenants can threaten a landlord’s reputation, withhold most or all of the landlord’s income, and

can make it more expensive for landlords to fight with tenants rather than simply negotiating with them. During COVID, forming a tenants' union can be very helpful in showing solidarity to landlords who are unwilling to negotiate and be accommodating during these troubling times. This Zoom meeting was helpful in providing the variety of resources that tenants have at their disposal and the network of organizations that were created to protect tenants and ensure they understand their rights.

Nearly two months later, I attended the Chicago Tenants Movement Orientation, which was also hosted by the Chicago Democratic Socialists of America. Three times as many participants showed up to this event. During this one-hour event, they shared that Forbes estimates that 42 percent of Illinois renters face possible eviction for non-payment of rent, and even though this project focuses specifically on the city of Chicago, that statistic is likely similar to that of the percentage of people at-risk in Chicago. The CDSA then outlined what the organization has done thus far, from collecting 18,000+ signatures for petitions demanding a rent freeze and no eviction to establishing a network of a dozen active tenants unions citywide. The organization also shared that their tenants' rights and organization trainings have been viewed more than 3,000 times. After detailing how the city and state have responded to the pandemic, they discussed the Chicago Tenants Movement (CTM), which is a collaborative network of tenant organizations and housing organizers from across the city who are united in the struggle to keep their neighbors in their homes and build tenant power, organization, and solidarity for the long haul. The CTM believes that housing is a human right and hosts regular collective meetings to work on tenant organizing campaigns in the three regions of Chicago: Northeast, Northwest/west, and South. It is evident that the Chicago Democratic Socialists of America play a role in advocating on behalf of tenants and have made it a point to unify impacted renters



across the Chicagoland during the pandemic. Even though CDSA and CTM are unable to pass legislation or offer any monetary support to those at-risk of eviction, they stand to create a network of Chicago residents and give them the confidence and resources to know their rights in these pressing times.

### *Landlord-Oriented Groups*

During the month of November, I virtually attended another Zoom session, but this session was designed to provide Chicago landlords and housing providers with their rights during the pandemic. Events like this were pretty rare to find, as most of the online events centered on the housing crisis and eviction were for tenants, but I believe that landlords deserve to know their rights and be protected too, as their livelihoods depend on it as well. The Chicagoland Latino Investor Organization, the host of the event, is an organization made to support small to mid-size landlords. They invited guest speakers Gina Diaz and Ashley Pipal, who are two practicing attorneys, to discuss landlords' rights, eviction procedures, and resources. They suggested that the best recourse for landlords dealing with tenants who cannot pay is to go to the Center for Conflict Resolution (CCR) that the city has specifically set up for landlords and tenants. In fact, the CCR must be consulted before even filing anything in court. For landlords whose tenants aren't paying, they advised that they should reach out to their mortgage company, ComEd, or any other relevant authorities to ensure their credit isn't damaged as a result of the pandemic. This meeting was truly enlightening, as it offered the perspective of the landlord-tenant issue that is often omitted. I recall one attendee mentioning that one of her tenants had not paid for eight months, and even though she had not lost her job due to COVID, she was still protected by the moratorium. For context, landlords are typically allowed to begin the eviction

process as soon as a tenant fails to pay rent on time. I sympathize with landlords who are dealing with tenants who are not paying their rent, and it is these frustrations and troubles that, I believe, were not considered enough when drafting protective measures during the pandemic.

I was fortunately able to find another online session focused on landlords' rights, but this was one was based out of San Diego, California. Nearly 650 people logged on to listen to Dennis Block, who has represented landlords for 44 years, address new aspects of COVID. The complaints and protections he discussed were similar to those of the meeting from the Chicagoland Latino Investor Organization. The language used during the one-hour session was truly biased towards landlords, as he referred to current legislation as a "governmental assault on property owners." As he put it, this legislation is essentially making landlords donate rent to tenants, forcing landlords to solely support one segment of society. Granted, some of the words he used were a bit drastic and didn't adequately address any safety nets put in place for property owners, but it was evident from participants' comments that some landlords are truly struggling to make ends meet. These meetings have raised awareness for an emergency rent payment assistance policy that prioritizes the needs of tenants who actually lost the ability to pay rent from COVID but preserves landlords' rights to evict renters who take advantage of these unprecedented times to continue not paying rent without consequences.

### *Other Key Stakeholders*

Lastly, Matthew Desmond held an online event on December 9<sup>th</sup>, which proved very beneficial given his expertise in the field. Desmond first mentions how "we can make a dent in the eviction process by addressing the laws, but there's a deeper story: the American story about racism and the systematic denial of the land security from African American." I dive into this a

bit more in the following section, but much of what Desmond discusses in this meeting is from his book. Although, he did touch on the importance of having updated and credible eviction and housing data. His Eviction Lab doesn't have data for the whole country and only goes as far as 2017, but researchers are constantly working on providing more quality data to add to the eviction database. Aside from a federal eviction database, Desmond suggests requiring landlords to use their real name when evicting someone instead of a corporate name, as that would allow transparency about who is filing most of the evictions in a community. Another way to hold property owners accountable would be data about which property owners are renting to local families with few to no evictions and which property owners are evicting everyone in the city, as that would also indicate which property owners are predatory. Desmond, and I, acknowledge that having data wouldn't solve every issue associated with evictions, but it would help government authorities track which communities are most vulnerable and why.

### ***Interview Data***

I originally intended to have a larger sample size for the interview portion of my project, but with all the available data I found and information I gained from the few interviews I conducted, I realized I would just use my participants' data to complement my existing data, rather than rely on the data as the bulk of my research. I still wanted to have a diverse group of participants, so I made sure to interview people with different roles to encompass the various experiences and perspectives of the pandemic. I interviewed one tenant, one landlord, two attorneys, and two employees from organizations that assist people who have been impacted by eviction. I am aware that the sample size limits the extent to which this data accommodates

broad conclusions, but the insights that the interviews offer are nevertheless illuminating and point to potential avenues for future research.

The tenant I spoke to lives in Uptown, a neighborhood on the North Side of Chicago. Judith currently resides in a six-unit four flat building that has two vacant units, but before the pandemic, there was only one vacant unit. She explained that prior to COVID, rent was at market value in her neighborhood. Fortunately for her, when I asked how COVID has impacted her lifestyle, she said that “the only thing that's limited me is social. My social circle has been limited. Aside from that, I still have a job. I was still able to go to the grocery store. I think part of it had more to do with my perceptions of limitation, so while I did have some peers that were like, I can't leave my house, I have to order everything from Amazon, and I'll never see human beings again, I didn't quite have that same perception.” Interestingly enough, when I asked her if any authorities had offered rent assistance, she said she was unfamiliar with anything in her neighborhood. From Judith's perspective, Uptown has been more focused around the smaller, independently owned businesses and trying to make sure that residents supported them through the pandemic. She doesn't recall seeing any advertisements from her local alderman, Alderman Harry Osterman of the 48<sup>th</sup> Ward. Given that the median household income of Uptown, \$51,889, is less than the median of the city of Chicago, \$55,198, I was slightly surprised to hear that the neighborhood wasn't more concerned about rent relief and the moratoriums eventually lifting. (CMAP, 2020) The biggest takeaway from this interview was that Judith wasn't aware that tenants would have to pay back rent once the moratoriums lifted, which could explain why she and other residents didn't realize the severity of the situation. She “thought they would have to pick up from like, you know, starting today.” Considering moratoriums are often referred to as eviction bans or eviction freezes, it makes sense that people would assume that they wouldn't

owe all the rent during the freeze. For many, they may view a moratorium as one less burden to worry about and not understand the gravity of the situation if they cannot pay back their landlord by the time the moratorium is lifted. Once I explained the conditions of the state and federal moratoriums, she suggested that low to middle income families, along with those on Section 8 housing, should've been prioritized for financial assistance since affording back rent will be nearly impossible for this groups. She also thought that providing tax breaks to landlords would be helpful; her logic was that "if the landlords' haven't lost their properties as of yet and haven't foreclosed, that means that they were able to keep their head above water. It gets another aspect where the government can step in, and be like, if you've been able to pay your mortgage and cover whatever, we'll give you some tax breaks, we go back to just charging rent as normal." Although Judith's experience isn't representative of tenants who are financially struggling, it was helpful in describing the tenants' perspective of the moratoriums and their recommendations for how the government could've better assisted Chicago residents in their time of need.

To complement the interview with the tenant, I wanted to also get the opposing side's perspective, which is often neglected in eviction studies and reports of the pandemic. I was able to speak with Ibrahim, a regional estate manager, who has been in charge of managing buildings and the managers of buildings for about 11 years. His company manages around 30 properties. Prior to COVID, he described how the Chicagoland market "works on seasons. We have the high traffic, the tours, a high number of people looking to run apartments between, you know, end of winter, spring, summer, and kind of little bit of fall, maybe, you know, like leading into early winter, but there's a dead season, the winter season, which is about maybe two or three months." The pandemic made things worst case scenario, as the real estate market is no longer working on seasons, and the seasons that typically show the highest demand for new tenants failed to meet

the typical sales numbers of the seasonal cycle. Fortunately for Ibrahim, some people are still looking for apartments, so he and other real estate managers have had to become a little bit more creative and design different incentives, such as “offering two or three months of rent or locking him in for longer terms as opposed to 12 months, [they] can put them in something like 15 months or so.” One incentive that real estate managers usually promote are holiday events or parties for their residents, but they can no longer provide such services due to the pandemic. In regards to tenants who cannot pay rent, his company has been making calls to people who are behind on their payments, documenting their financial and employment situation and constantly checking in to see if circumstances have improved for them. He phrased it as “minimizing the delinquency and the vacancy,” which I think is a great approach that landlords can take in these unprecedented times. This approach is only possible with the support of municipal authorities and funding, which Ibrahim expressed was scarce to come by during the pandemic. When I asked him if any services were offered to alleviate some of the company’s financial burden, he said organizations like the Illinois Housing Authority have programs that provide financial assistance to residents, and when someone qualifies, the money goes directly to their ledger, which in turn helps their property managers. It seems like his company has been able to stay afloat during the pandemic with the assistance of these programs, and although they have been helpful, he did recommend that government agencies and authorities hire more staff to keep up with the phone calls. Ibrahim mentioned how “the government should have different scenarios laid out, you know, if it’s a disease world or we’re having a tornado or anything, just have some type of staff prepared for emergency situations to help things like answer phone calls or reply.” The understaffed nature of these organizations has only been one aspect of the tricky situation that real estate managers find themselves in, but according to Ibrahim, it’s just a matter of

adjusting on a daily basis and aiming to keep occupancy rates at normal levels within their buildings. He ended on a positive note in stating that “Chicago is still a hot place and every single year somebody turns 18, so some people are looking every single day, it's just a matter of, can we design something that can attract those people and make them feel comfortable? It's kind of just what's happening right now.”

In addition to tenants and landlords, I wanted to interview attorneys since they represent the parties involved in eviction court and understand the laws that shape housing policy. I had the opportunity to speak with Lewis Powell III, who has a wide range of talents that are relevant to this project. He is a real estate developer, a part time professor, and an attorney in eviction court, for small corporations, and for general litigation. When in eviction court, he primarily represents landlords, which is especially helpful for the purposes of this study. At the moment, he has helped very few clients file evictions due to the moratoriums. Commercial property owners can still be evicted, but residential evictions can only be filed if the property manager can allege in good faith that the tenant is a danger in regards to criminal activity or the health, safety, and welfare of the property and its other residents. Even though the courts are discouraging people from going to court, he has done one residential eviction, and the tenant’s danger to others is proven by photographs and testimony. When I asked what legal advice he would offer to struggling tenants, he recommended that they “try and be honest with the landlord right now [because] if the tenant has some way to make some type of payment, you know that’s better than nothing.” Whenever he gives presentations, he encourages landlords and tenants to come up with a compromise since some money is better than none at all. As for landlords, he believes that the “government needs to take in consideration making more funds available to the landlord. There is some money out there, but a lot of landlords are legitimately struggling because no one can

pay their rent.” Unfortunately, the recording of our call somehow cut off at this point in the conversation, but as a big believer in homeownership, he explored the various ways that the government can further help people obtain housing, especially since even the majority of people who qualify for assistance don’t receive anything. My conversation with Mr. Powell was enlightening, as it provided the perspective of someone who not only helps file evictions but also develops real estate himself. He is able to sympathize with the thousands of landlords who are dealing with tenants who cannot afford, or choose not to pay, rent due to COVID and offer remedies for the way that the tenant-friendly state of Illinois can help landlords.

Another lawyer I interviewed, Michael Seng, offered a different perspective to the way that laws have been shaping housing policy and COVID. He currently is a full time professor at UIC John Marshall Law School, but he has decades of experience with civil rights law, fair housing law, and general practice. With his experience during the Great Recession, he believes there will be certain parallels once the moratoriums are lifted. “Generally, the moratorium covers most tenants, so the minute that is lifted, then, yeah, I think the feeling is there's gonna be a big rush into the courts and probably a horrible background block [unless] they assign more judges to eviction court, such as they did about 10-15 years ago to foreclosure court.” Additionally, many landlords in Chicago are local, mom-and-pop-owned three or four flats, and with them being dependent on the rent in order to make their mortgage payments, he anticipates that “we're going to have a replay of what happened with the foreclosure crisis, [which] is a lot of these buildings are going to be bought up by corporations [and] professional investors, and they're going to end up raising rents, they're not going to be around, they're not going to service the properties. Then they're probably going to try to sell the properties again, at disadvantageous terms to people, so I think there is a potential here. Unless the Consumer Financial Protection



Bureau really gets back in operation with a lot of those things, I'm just not real optimistic.”

Michael is particularly concerned for the future since COVID has exposed the vulnerability of nearly all tenants and how so many live on a month-to-month basis. Without a job or the decrease in pay that many Chicagoans have seen, people will not be able to pay their monthly rent, let alone the thousands of dollars in debt for their back rent. Fortunately, the court sometimes evicts people without requiring them to pay the back rent, which puts landlords in a bind, but if they do require debt collection, then that will stain people’s housing and financial records for years to come. To prevent going to eviction court, Michael gave almost the exact recommendation as Lewis Powell, in that landlords should be flexible with their tenants since some money is better no money, especially since evicting a tenant costs landlords legal fees and leaves them with a vacant unit. As a remedy for this housing and eviction crisis, he recommended that the government invest in expanding the housing voucher program and re-assess current housing policies. In his opinion, the moratoriums simply stopped everything and didn’t really address the problem, so having more mediation and education programs could help solve several underlying problems. With Michael Seng’s background in fair housing, I knew he would offer the legal perspective on behalf of the tenant, and with his comparison of COVID to the Great Recession, it is clear that no one really knows how large the number of eviction orders filed will be once the moratoriums are lifted since the statistics for COVID are significantly more concerning and larger than those of the foreclosure crisis.

Attorneys aren’t the only key stakeholders in the eviction process, as several news reports and articles mention the importance of tenant-organizing and legal aid organizations that assist tenants with their housing needs. I was fortunate enough to speak with Philip DeVon, the Eviction Prevention Specialist at Metropolitan Tenants Organization (MTO). MTO has been

around since 1986 and was born out of the grassroots effort to create and pass the Chicago Residential Landlord Tenant Ordinance under Mayor Harold Washington. Even though Philip terms it as a self-help law, MTO is important in that it helps enforce the rights of the ordinance, by running a tenant hotline and building organizing program. The organization also has a Healthy Homes Program that provides inspections that helps people with children facing lead poisoning and other health hazards. In short, MTO's mission is to affirm that housing is a human right, and that everyone should have access to it, regardless of their income, race, or any other factor.

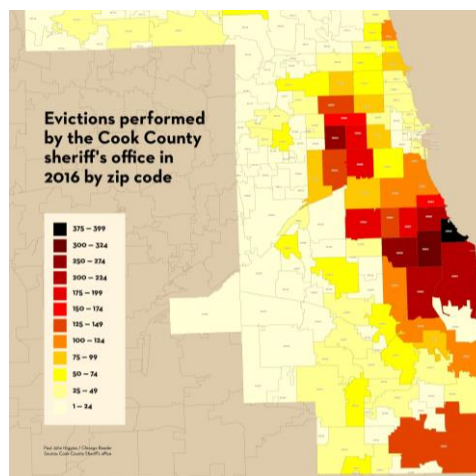
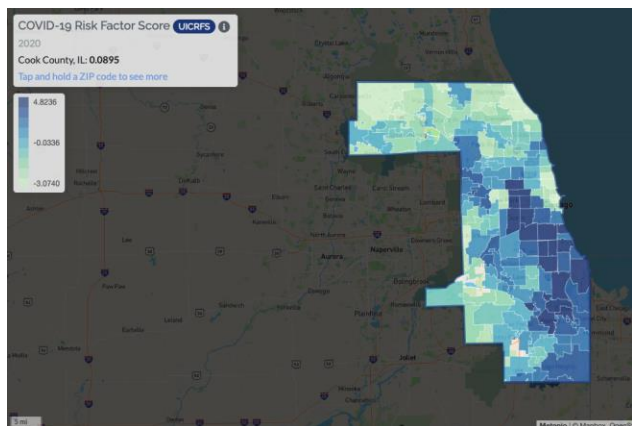
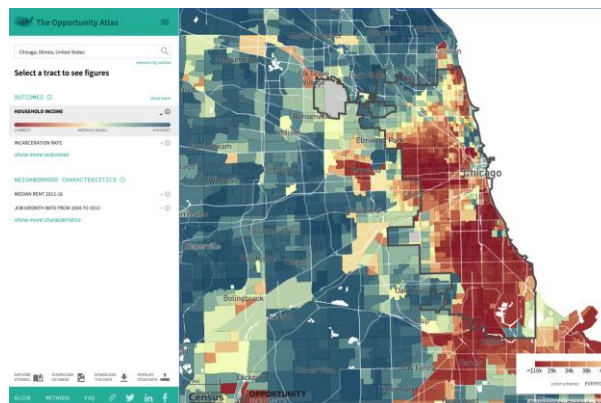
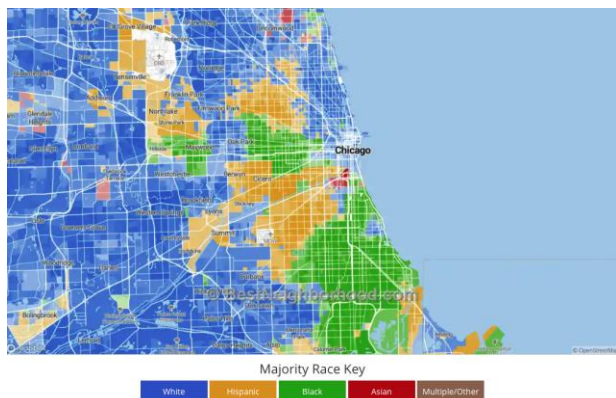
Even before COVID, the organization was aware that the country was in the midst of an eviction and housing crisis, as there simply was not enough affordable housing to go around. The affordable housing that does exist is generally deteriorating or has substandard conditions, which forces people to live in inhospitable conditions. Therefore, COVID intensified every possible issue and created an avalanche of problems for people that can't pay their rent. Unfortunately, MTO has seen an increase in illegal lockouts and an influx of people who cannot afford rent, which makes things even more difficult for MTO since they are grossly under-staffed. Philip explained how "COVID has really created two crises: one, the immediate crises of people not being able to pay rent, dealing with walkouts, and things of this nature. But also, it's, it's like acting as a bottleneck right now. Eventually, the bottleneck is going to explode, and all of these people are going to be left with no defense and no support, as they're essentially being put out of their own homes, not essentially, they will be put out." These crises could be partially solved, according to him, if the government paid rent for tenants and mortgage for landlords or made the banks pay since they're sitting on billions of dollars. Philip calls the most recent \$600 stimulus check "an insult to most people" since it won't even cover a month's rent, yet the government

took nearly nine months to draft the stimulus bill which gave billions to large corporate enterprises and other special interests.

Given that MTO can't facilitate all of these recommendations, the organization has been informing tenants of the current landscape of evictions laws and their housing rights in Chicago. They assist with documenting a tenant's situation and how to proceed moving forward in negotiating with their landlord. In some instances, they provide more than just one-on-one consultations, as they have also donated bags of groceries, diapers, children's toys, and other necessities to the tenants in the buildings they've been organizing. Philip ended the call explaining how

“that connections should be made that, just like with the coronavirus, and with almost any major issue that's affecting our city there, it's disproportionately affecting communities of color, younger people, particularly single mothers, single Black mothers, particularly the eviction crisis. These things are not happening in a silo, there's a reason that the map of evictions and calls on our hotline line up exactly with the map of the murder rate, or the life expectancy rate, or where all 50 schools that Rahm closed, where all these maps look the same because they're disproportionately affecting one community over other communities. We can't ignore that if we're going to be solving the problem, so we want people to be aware of that, and invest more resources, where the problem really matters. That means not spending our TIF dollars on more hotels or luxury developments, but actually creating affordable housing, job programs, and support for people working families that really truly mean.”

He even noted that 70 to 75 percent of MTO's clients are single mothers from the South and West sides calling about a renter issue, which is why I wanted to illustrate the very issue that Philip was addressing.



Top Left: [Race](#)

Top Right: [Median Household Income](#)

Bottom Left: [COVID-19 Risk Factor](#)

Bottom Right: [Cook County Evictions in 2016](#)

The locations of Blacks and Latinx communities in Chicago clearly have the highest levels of eviction and social vulnerability to COVID, while also having the lowest household median income. Social vulnerability is determined by chronic disease prevalence,

hospitalization, mortality, and demographic characteristics. Higher scores indicate a greater predicted risk.

It is clear that these Black and Latinx communities' burdens have been amplified during COVID, as they were already dealing with lower household incomes and eviction rates. The addition of COVID has harmed these households in a myriad of ways: higher infection rates, lost employment opportunities, decreases in pay, remote or nonexistent childcare or schooling for their children, and higher death rates. Philip, and other stakeholders in the city, have recognized this trend in these communities, yet the city of Chicago has yet to dedicate enough time and resources in properly addressing it and ensuring that these populations, who have been historically discriminated against and forced into these circumstances, are protected not only during COVID, but in general. Given that the city and state government have played a role in the past in constructing these segregated neighborhoods that lack proper resources and capital, it is time that the local government provides a remedy to their own wrongdoings.

The last interview I conducted was with Michelle Gilbert, the Legal Director of the Lawyers' Committee for Better Housing (LCBH), which is a renowned organization in Chicago known for helping tenants both in and out of the courtroom with evictions and other housing-related matters. As we were going over the various moratoriums and protections in place, she advised me that Illinois will be receiving \$843 million from President Trump's latest federal emergency rental assistance bill. From a legal perspective, she believes that "it makes absolutely no sense for the eviction moratorium to be lifted now, when this big pot of money could be paying off, or if not paying off, paying down a lot of rent and debt," and with the new Biden administration, she doesn't anticipate the federal moratorium being lifted in the near future. Additionally, similar to the MTO, LCBH has also been seeing a spike in illegal lockouts, so the

organization has been negotiating with landlords to restore electricity and remove locks and threatening to sue. Michelle has also explored research that shows people are being subject to eviction, who would have otherwise escaped it if it weren't for the virus. Even though she didn't highlight how low-income households and communities of color have been financially impacted the most, she also highlights another population that hasn't gained much attention from the media: recent college graduates. She gives the example of someone who "graduated in 2019 and got a job at Boeing and moved to Seattle, and he has an apartment, where his share of the rent is \$2,000 or something, and now he's lost his job. The moratorium has prevented him from being evicted, but at the end of the day, he's gonna owe \$20,000. That's gonna follow him around for a long time." This anecdote merely showed the different problems that various socioeconomic groups are facing due to the pandemic. Although she sympathizes with people who are in the same situation as her hypothetical aerospace grad, she expresses that recent graduates won't have the same long term effects as her clients who are lower income and struggled before the pandemic. Michelle notes that this demonstrates why she thinks lawyers should have some training in bankruptcy, especially since many firms' clients will potentially have to file once the courts open. To wrap up our conversation, she detailed how she sees how the affordable housing crisis and COVID-19 has been impacting her clients, stating how "poor people are the canaries in the mine shaft." Even though she didn't anticipate COVID, she, along with Philip and the two attorneys I interviewed, knew that the United States was already in an affordable housing crisis that was impacting every race and class, and COVID only further exacerbated those problems.

Although I only conducted six interviews, they were all enlightening and informative in their own way, and getting six different perspectives of people involved in the eviction crisis offered more information than news media outlets have shared throughout the pandemic. I am

aware that I was unable to speak with low-income tenants and smaller, independent landlords who are bearing the greatest financial burden, but I believe that news reports have done an adequate job in sharing those stories. Despite COVID not allowing me to formally meet all these individuals, I am fortunate that I was able to still connect with them and attend informational meetings that I likely wouldn't have been able to attend due to school conflicts and geographical limitations. Although these interviews were complementary rather than comprehensive, they highlighted the need for future research centered on interviews with the groups I, and others, have identified as the most vulnerable to eviction. Ironically, COVID itself was a major hindrance on my ability to conduct such interviews.

### *Comparative Analyses to the Great Recession and H1N1 Pandemic*

COVID is unfortunately not the only crisis that has impacted the American people in the 21<sup>st</sup> century, with the Great Recession and H1N1 pandemic taking place nearly a decade ago. Even though COVID is strikingly different in that job losses were the highest since the Great Depression, it is important to compare COVID to these past two crises in order to understand any similarities and establish the best legislative measures and practices going forward. (Soucheray, 2020)

Unlike COVID, the Great Recession that began in 2007 was a result of subprime mortgage-backed securities, which also spread to mutual funds, pensions, and the corporations that owned these securities. (Coghlan et al, 2018) This banking crisis eventually led to a market and housing collapse, which impacted millions. Without the presence of an infectious virus, the central focus of the Great Recession has been factors like evictions, foreclosures, and the unemployment rate, which, although high, were significantly lower than those of the current

pandemic. Unemployment rose higher in just three months of COVID than it did in two years of the Great Recession, and although the peak of the three-year recession was 10.6 percent in January 2010, it is still considerably less than rates seen during COVID. (Kochhar, 2020) The Great Recession is referred to as a foreclosure crisis, but it was an eviction crisis as well. The National Low Income Housing Coalition estimated that about 40 percent of households affected by foreclosures were renters. At the time, federal protections were catered towards homeowners, leaving financially distressed renters with little to no help. (Joint Center for Housing Studies of Harvard University, 2011) One primary difference between the Great Recession and COVID is that during the Great Recession, tenants were displaced by their landlords' foreclosures, while tenants today are at-risk because of their own inability to pay rent. This likely explains why there were few protections granted towards evicted tenants from 2008-2010, as they were not the main victims at the time since they merely suffered as a result of their landlords. Evicted tenants were unprotected during the Great Recession, just as they are now, which furthers my case for updating housing policy and eviction protections during financial crises.

The H1N1 pandemic, on other hand, was similar to COVID in that the virus was transmitted from person to person through exposure to infected droplets. "From April 12, 2009 to April 10, 2010, CDC estimated there were 60.8 million cases, 274,304 hospitalizations, and 12,469 deaths in the United States due to the H1N1 virus." (CDC) As of April 5, 2021, there were 1.26 million cases and 23,654 deaths in just Illinois alone, which is higher than the number of deaths nationwide from the H1N1 virus. (New York Times, 2020) A year into COVID, the number of deaths is already exponentially higher than the H1N1 virus, which officially lasted 16 months. Although there are obvious similarities between the H1N1 pandemic and COVID, the



analysis revealed to be a less constructive point of comparison than the Great Recession due to its more limited effect on housing and eviction.

Unfortunately, a complete comparative analysis among the three crises cannot be conducted because after the 2008 crisis, no one actually knew how many evictions and foreclosures took place since no systems existed to track the losses of the affected families' home. (Goldstein, 2020) Even though Matthew Desmond founded the Eviction Lab, which is the first nationwide database of evictions in 2017, there is no federal database to track evictions and foreclosures, so eviction monitoring and prevention continue to be understudied policy areas, which by extension means that the root causes have continued to go unaddressed. The lack of a federal database and adequate time and resources for the issue make it difficult to compare the impact COVID will have on evictions to that of the other two crises, but unemployment statistics alone prove that COVID eviction rates will be significantly higher. This lack of eviction data is partially a result of the lack of funding to the Department of Housing and Urban Development (HUD), which is responsible for overseeing housing discrimination, addressing homelessness, and managing public housing. (Goldstein, 2020) The budget of HUD is less than \$50 billion a year, and compared to the U.S. defense budget of \$730 billion, it is abundantly clear that HUD is severely underfunded. (National Priorities Project, 2020) Fortunately, we can use Desmond's eviction database to attempt to compare the eviction rates in Chicago during the Great Recession and H1N1 pandemic to that of a pre-COVID year. I chose the year 2016 as the control year since that is the most recent year with data, and even though courts are still closed, I anticipate that the eviction rates in Chicago will be higher than the five years being examined. The data defines rent burden as the percentage of household income spent on rent.

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2016</b>
<b>Evictions Per Day</b>	21.15	25.56	26.4	26.55	18.79
<b>Eviction Rate</b>	1.33%	1.61%	1.67%	1.68%	1.1%
<b>Evictions</b>	7,720	9,356	9,636	9,689	6,877
<b>Eviction Filing Rate</b>	3.6%	4.22%	4.18%	4.21%	3.15%
<b>Eviction Filings</b>	20,928	24,435	24,136	24,220	19,680
<b>Poverty Rate</b>	17.16%	17.16%	17.16%	18.26%	18.35%
<b>% Renter Homes</b>	51.39%	51.39%	51.39%	55.09%	55.71%
<b>Median Gross Rent</b>	\$866	\$866	\$866	\$935	\$965
<b>Rent Burden</b>	31.6%	31.6%	31.6%	32.1%	31.4%
<b>Median Household Income</b>	\$46,781	\$46,781	\$46,781	\$47,408	\$48,522

Source: Eviction Lab

From the data, I am not clear why the Census data wasn't updated for the years 2008 and 2009, but this comparative chart still provides plenty of insightful data. First, it is clear that the eviction rate and other eviction data points continued to rise from 2007-2010, which is when the Great Recession and H1N1 pandemic occurred. As stated before, the H1N1 pandemic didn't have a significant impact on housing, which is indicated by the consistent trend in the data. The eviction data for 2016 is considerably lower than the four other years, yet the poverty rate, median gross rent, and median household income were all higher than previous years. This is interesting given there wasn't any monumental market or health crises that took place during 2016, yet this year displays higher poverty and rental rates than those of the Great Recession. Given that 2016 was four years ago, I am curious about two things: (1) the poverty rates for 2019

and (2) how COVID has increased these poverty rates during 2020, so hopefully data in the future will be able to answer these questions.

## POLICY RECOMMENDATIONS

Several researchers within the field have suggested remedies to the ongoing housing and eviction crisis, and although most have not been fully implemented, COVID displays the need for their immediate implementation, not only in Chicago but nationwide. This section is organized according to the scale and jurisdiction of the recommendation, starting off with smaller, more local efforts and expanding to proposals that would be facilitated by the federal government. Some would be costlier than others to implement, but the city of Chicago has temporarily required some already, while other countries and U.S. cities have adopted the other recommendations, which is helpful in establishing the efficacy of each recommendation.

### *City Level - Mediation Programs*

During COVID-19, disputing tenants and landlords in Chicago have been required to go to the Center for Conflict Resolution before formally filing an eviction notice. Eviction mediation programs provide a power-neutral setting where if an agreement is reached, the landlord and tenant can enter into a legally binding resolution while avoiding court proceedings all together. There are several benefits to mediation programs: legal cost savings for the landlord, rental history protections for the tenant, and a decreased caseload for overwhelmed court systems. (Butler et al, 2020) For context, mediation services at the Center for Conflict Resolution are free for most situations, while the minimum cost to evict a tenant for a landlord in Cook County is \$432.50 assuming there is only one defendant and that everything goes as smoothly as

possible. (Mazur) The last benefit is most relevant to the pandemic since all of my legal interviewees and Zoom informational sessions stressed how backed up the courts will be once the moratoriums are lifted. With the moratoriums being in place for nearly a year, it is difficult to even comprehend how many people are at-risk of becoming evicted and if there are even enough judges to keep up with the caseload. Chicago should continue to mandate that landlords and tenants consult a mediator before proceeding in court, as there are several clear benefits to both parties in doing so.

### *City Level - Housing Policies from Other Countries*

Although eviction bans have been the most popular policy worldwide, there are several other solutions that have been implemented that Chicago could benefit from. The least widespread protective measure is a rent freeze, which a couple of my interviewees even proposed. Greece and Spain have reduced rent, while rent payments have been completely suspended in Venezuela. (Kholodilim, 2020) The freeze sometimes differs depending on the size of the landlord, but small landlords, which have been a concern in Chicago, are spared with this policy. Other countries like Argentina, New Zealand, Colombia, and Ireland have implemented such policies.

In some countries, such as the Canadian province of British Columbia, Luxembourg, and Spain, the government has provided compensation to landlords, in the form of subsidies or interest-free loans. This is to avoid losses due to freezes on rents.

The most popular measure is the suspension of evictions (19 countries), followed by the suspension of mortgage interest and principal payments (15 countries). In 12 countries, the moratorium on evictions is accompanied by mortgage approvals. Rental stops are only available

or planned in nine countries. Subsidies to tenants or landlords are granted in four countries.

(Kholodilim, 2020) Even though these measures would be difficult to impose on Chicago alone, the United States should evaluate how successful these programs have been in these countries to determine if they would work well for the American people.

Although less popular, the policies geared towards assisting landlords would be helpful for Chicago landlords especially since they have lost months of rent payments and don't receive unemployment benefits. Large corporations are likely to be able to make ends meet during the pandemic since they house more tenants and likely cater to wealthier clients, but the mom-and-pop landlords are the ones who are suffering tremendously. Single-family homes account for half of all rental housing, and the majority of those property owners are mom-and-pop landlords, many of whom may be operating on razor-thin margins, relying on rental income to cover the costs of the property and using what's left as their income. Given that renter households with a job loss will owe an estimated average of \$5,400 in back rent from December 2020, it is evident that these smaller, more local landlords are struggling to make ends meet for not only their business, but for themselves. (Bahney, 2020) According to a survey by Chicago's Neighborhood Building Owners Alliance, 79 percent of landlords surveyed in December said they had tenants behind on rent. (CBS 2 Chicago Staff, 2021) Although the comparative information doesn't disclose how effective or practical the subsidies to landlords were, the statistics that detail how gravely landlords have been hit, especially mom-and-pop landlords, prove that comparable measures need to be implemented in Chicago. With most of the concern and federal assistance geared towards tenants, soon enough smaller landlords won't be able to afford the building or utilities for their tenants, thereby affecting both the tenant and landlord. This unfortunately occurred during the Great Recession, so one would hope that the U.S. government would learn

from their mistakes and include landlords into the conversation. Many housing protections and policies fail to adequately protect landlords in the eviction process, and COVID has proved the importance of looking after both parties involved.

### *City Level - Right to Counsel*

To address the disparity in legal representation, a Right to Counsel should be administered, which would give tenants the right to an attorney, just like criminal defendants are granted in the Sixth Amendment of the U.S. Constitution. As mentioned before, landlords disproportionately are more likely to have legal representation, with only 11 percent of tenants having a lawyer, while 79 percent of landlords have legal representation. (Eviction Lab) Simply having an attorney who understands the legal jargon and the eviction process can help tenants keep their homes and landlords save money and time searching for new tenants. There are several Chicago-based organizations that already provide free legal advice and lawyers to tenants, such as the Lawyers' Committee for Better Housing (LCBH) and Cabrini Green Legal Aid, but creating a cohesive operation would increase the representation for individuals and families being evicted.

In 2017, New York City became the first city in the nation to establish a Right to Counsel for tenants facing eviction. Given that the supply of pro bono attorneys does not meet the high demand for legal representations, the government must hire attorneys and provide them with full compensation in these cases. Eviction lawyers typically charge \$200-300 per hour, and the total bill for a lawyer's services can add up quickly depending on the case. (How Much Does a Tenant) The cost of eviction can be high; assuming that the total bill ends up being \$3,000 for the entirety of one case, it would take nearly \$60-90 million to fund the amount of the eviction

filings every year in Cook County. Pro bono lawyers would eat up some of these costs but would be unable to cover the full cost. Partnering with local law schools, such as Northwestern and University of Chicago, would increase the amount of available legal services, for a cheaper cost as well. The government fully funds Right to Counsel in New York City, with the help of third parties like non-profit organizations and corporations. Through activism and engagement, the Right to Counsel NYC Coalition was able to raise public awareness in regards to tenants' rights. Neighborhood mobilization, institutional outreach, and lobbying were all necessary for the success in New York. They presented data on eviction rates, the percentage of unsheltered homeless who became homeless, and several other statistics about tenants and the outcomes of their evictions to build their case. More importantly, when tenants had legal representation, the number of ordered evictions was reduced, which solidified the need for a Right to Counsel. By following suit in Chicago, a Right to Counsel could be publicly supported and federally funded, which is easier said than done.

Critics may claim that raising funds to support tenants who are “irresponsible” or “undeserving of federal funds” is an inadequate use of funding. In conjunction with the financial firm Stout Risius Ross, the City Bar Association was able to create a cost benefit analysis of the implementation of a Right to Counsel. The report concluded that nearly \$320 million would be saved every year. (Right to Counsel NYC Coalition) The city would save millions in avoided shelter costs and through the retention of affordable units, as well as other homelessness costs like hospitals and law enforcement. Thousands of families and individuals would no longer end up in homeless shelters. In addition to these financial benefits, this legal representation would potentially keep eviction filings off tenants' records, reduce court costs, and help tenants apply for rental assistance and arrange for alternative housing. Studies show that providing legal

counsel to tenants was associated with a 77 percent decrease in eviction cases. (Schultheis & Rooney 2019)

Ideally, the necessity of a right to counsel wouldn't be as important if less people were subjected to eviction proceedings. If an effective mediation program was implemented and mandated, the need wouldn't be as great, which would lighten the caseload for lawyers and spare tenants and landlords from even having to go to court. In addition to mediation programs, simply making housing more affordable and accessible would allow low-income residents, who most often fall victim to eviction, to be able to afford their rent and avoid the possibility of eviction altogether. Even though COVID has effectively suspended the legal process of eviction, it is crucial that this affordable counsel is still provided even after the extenuating circumstances end.

#### ***State Level - Extend State Moratorium***

During my discussion with Michelle Gilbert from the Lawyers' Committee for Better Housing, she revealed that Illinois would be receiving approximately \$873 million in federal funding for rental assistance, and we agreed that it would not be logical to lift the moratoriums until those funds were properly distributed. The funds would be able to assist tenants in paying off the back rent owed, which would in turn help landlords who are reliant on these payments. Therefore, for the safety and well-being of the general public, Governor J.B. Pritzker should continue extending the state moratorium until herd immunity is achieved or job prospects significantly improve. Low-income families are already burdened enough from the pandemic, and there is no need to add on the additional burden of finding a new home or potentially becoming homeless.



A study was conducted by a team at the UCLA Fielding School of Public Health that explored expiring eviction moratoriums and COVID-19 incidence and mortality. The sample consisted of states that enacted eviction moratoriums between March 13, 2020 and September 3, 2020, and during this time period, 27 states lifted their moratoriums. Before moratoriums were lifted, incidence rate ratios and mortality rate ratios were relatively constant, but COVID-19 incidence was significantly increased, with 1.6 times the incidence of states that maintained their moratoriums. Nationally, the results translate to a total of 433,700 excess cases and 10,700 excess deaths associated with eviction moratoriums lifting over the course of the study period, with effects growing over time, perhaps due to mounting displacement, crowding, and/or homelessness as evictions proceeded. (Leifheit, 2020) From this study alone, it is clear that, even though moratoriums don't solve the eviction crisis itself, they are beneficial in protecting the health and livelihood of at-risk tenants. More governmental authorities should learn from this data and understand the importance of extending moratoriums until a worthy alternative is proposed. To protect the residents of Chicago, the Illinois moratorium should be extended until significant and lasting improvement with the pandemic takes place.

### ***Federal Level - Expand Housing Voucher Program***

Desmond, along with several interviewees, advocated for the expansion of the federal housing voucher program. Although this is a federal program, this would surely benefit Chicago residents, and Chicago could implement a smaller version of the federal program. In his book *Evicted*, Desmond details how the Housing Choice Voucher Program helps families secure decent housing units in the private rental market. Contrary to popular belief, not every public housing resident or voucher holder is poor, many are elderly or disabled. Others may have

modest income, but regardless, every year rental assistance programs lift roughly 2.8 million people out of poverty. In 2013, only 15 percent of poor renters lived in public housing and another 17 percent received a government subsidy, mainly in the form of a rent-reducing voucher. More importantly, 67 percent of poor renting families received no federal assistance. (Desmond, 2016) Clearly, the supply is not enough to meet the high demand for federal housing vouchers or assistance. Based off the 2013 statistics alone, an expansion of the voucher program could lift more than 2.8 million people out of poverty, which would improve several aspects of low-income families' lives. Research shows that housing assistance can reduce crowding, housing instability, and homelessness; reduce poverty; improve outcomes for children; and improve adult well-being and reduce health costs. (Fischer et al, 2019) Funding limitations to the voucher program and rental assistance inhibit the potential and opportunity for mobility of low-income families. Securing housing provides stability to one's life, and the voucher program can provide that to millions of Americans.

Another federal alternative to expanding the housing voucher program would be to increase the frequency and amount of the stimulus checks, but the logistics and cost of doing so may be just as difficult. The two stimulus checks that have been distributed thus far have totaled to be about \$2,000, not factoring in the number of children that an individual may have. This amount alone may not even be enough to cover one to two months of rent, which explains why my interviewee Philip DeVon referred to the stimulus checks as "an insult to most people." Considering nearly 12 million U.S. renters were expected to owe an average of almost \$6,000 in late rent and utility payments per household in January, the \$2,000 barely made a dent in the back rent owed and that doesn't even account for present-day rent payments or the remaining basic necessities that households must pay for. (Vesoulis, 2021) The third stimulus check is

expected to be up to \$1,400, and although this will help alleviate some financial burden, it will be too late for most families considering we have been in the pandemic for a full year now. People are more hopeful about help from the government with the new Biden administration, but the public is still unsure if there will be any more stimulus checks provided after the third one.

The objective of these policy recommendations was to propose initiatives that didn't solely revolve around the eviction process in court. By expanding the housing voucher program or extending the state moratoriums, many tenants and landlords would be able to avoid the costly and timely legal process. The recommendations geared towards local efforts, such as the mediation programs, are more feasible since they wouldn't necessarily require that much support or oversight from the federal government, but impacted populations would need more than just a mandated mediation program to protect themselves from eviction. In an ideal world, all levels of government would have the time, money, and staff to support all of these endeavors, but there is a low likelihood of some of these proposals becoming policy in the near future. Despite the need for a change in our current housing policy, I hope that COVID illustrated the importance of supporting tenants and landlords, especially those who identify as a minority or low-income.

## CONCLUSION

This research aimed to understand how COVID has exacerbated the causes and ramifications of eviction and tenants being unable to pay their rent. Based on quantitative and qualitative analysis of the pre-COVID eviction landscape and how COVID has impacted both tenants and landlords, it can be concluded that those who were disproportionately impacted by eviction, Black and Latinx households, are also impacted most by COVID. These groups have been historically subjected to lower incomes and underfunded and under-resourced

neighborhoods, which means they were at greater risk of not only becoming infected with the virus but facing the financial consequences that have occurred during the pandemic. The United States was already facing a housing and eviction crisis prior to March 2020, but the pandemic has brought to light the conditions of these vulnerable populations.

While the limited number of tenant and landlord interviews limits the generalizability of the results, this approach provides new insight into those who are at-risk of becoming evicted once the moratoriums are lifted. I wanted to ensure that the perspectives of both tenants and landlords were included for two reasons: (1) most research studies about eviction fail to study the impact that a tenant not being able to pay his or her rent has on the landlord and (2) during COVID, smaller mom-and-pop landlords have financially suffered with little to no assistance provided to them. Although the data I found was disheartening, it wasn't surprising that Black and Latinx tenants, as well as mom-and-pop landlords, have not been adequately protected, both prior to the pandemic and present day. It is unfortunate that a global pandemic had to be the reason why the government finally took notice and decided to help those who cannot afford their rent, but the federal help nonetheless has been too little and too slow. This research clearly illustrates that the likelihood of an eviction crisis could be diminished if more affordable housing were available to tenants and Illinois legislation protected landlords, but it also raises the question of how the city of Chicago and the Illinois government can continue to protect tenants without placing the burden on landlords.

To better understand the implications of these results, future studies could address the affordability and feasibility of implementing the policy recommendations. Fortunately, New York City has already initiated a Right to Counsel program for tenants, and I am sure other metropolitan areas have mandated mediation programs or extended their moratoriums in

response to the pandemic. Additionally, further research could be dedicated towards studying how all levels of the government could ensure that Black and Latinx households aren't disproportionately impacted by eviction and future health crises. It is important to be prepared and focus on preventative measures rather than be forced to make hasty remedial initiatives. As stated in the analysis, the comparison to the Great Recession and H1N1 pandemic failed to be as fruitful as I had hoped, but it will be pertinent to study the policies and consequences of COVID once the pandemic subsides and society returns to normal.

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