

Testimony of Jyoshu Tsushima

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Senate Committee on Banking, Housing, and Urban Affairs

Hearing entitled “The Coronavirus Crisis: Paving the Way to An Equitable Recovery”

February 18, 2021

Thank you for inviting me to testify. My name is Jyoshu Tsushima, and I am a staff attorney at the Legal Aid Society of Columbus Ohio, a non-profit that provides free legal assistance to low-income clients. Through our eviction prevention clinic, the Tenant Advocacy Project (TAP), my team and I represent tenants in eviction trials at Franklin County Municipal Court.

While the pandemic has wreaked havoc on our community, it has hit low-income communities the hardest. We are constantly reminded to stay home and social distance, but such safety measures are not available to families who are evicted.

Every morning, Monday through Friday, my team and I watch tenants and landlords check in for eviction court. About 90 to 100 trials are scheduled per day, all for 9 AM, before one magistrate. Our court uses a “cattle call” system, where tenants, their families, landlords, and attorneys wait in an atrium for cases to be called one at a time. We try to help as many families as we can before cases get called. We quickly assess cases for legal defenses and scramble to seek solutions that will keep them housed. Other agencies are also at eviction court trying to connect tenants and landlords with rental assistance. Every morning is chaotic and so many tenants fall through the cracks, leaving court knowing they have to move their families elsewhere, in the dead of winter, in the middle of a pandemic.

The vast majority of tenants are facing eviction for falling behind on rent. Even before the pandemic hit, over 54,000 low- and moderate-income households in Central Ohio spent more than half of their income towards housing.¹ Many were survived by living paycheck to paycheck. When these renters lost their jobs, or their hours were cut due to the pandemic, they were forced to rely on erratic spurts of stimulus checks, unemployment, and rental assistance, with little certainty about how much would come or when it would arrive. At one point Columbus was so short on rental assistance that our distributor, IMPACT

¹ Affordable Housing Alliance Central Ohio, The Columbus and Franklin County Affordable Housing Challenge: Needs, Resources, and Funding Models. February 2017
<https://static1.squarespace.com/static/55dcbb61e4b04de53492b533/t/58b9c43f9de4bb2be93071b2/1489074761352/AHACO+Research+Report+FINAL+February+2017.pdf>

Community Action, only dispersed funds to tenants that were being evicted while others were told to reapply when funds were replenished. When funds were depleted after that, IMPACT ceased new applications altogether. And even when assistance arrives, it is mostly used to pay off debts that were already owed, leaving nothing to for next month's rent. So many of our clients live this cycle month-to-month. They are not hanging by a thread; they are constantly waiting for one to be thrown down to save them.

Because of this uncertainty and frequent shortages in financial assistance, tenants are terrified of falling behind on rent and losing their homes, and current law does not ease those fears. Landlords can legally refuse rent once it is late and choose to evict instead. Landlords are not required to work out payment plans to give tenants a chance to catch up. We have had tenants who cannot even attend court because they are hospitalized by COVID-19, and when we ask some landlords' attorneys to reschedule a case until the tenant is well enough to return, they decline and reply that, although unfortunate, they will still evict these tenants because that is the right of the property owner. When a landlord owns your home, being infected with COVID-19 does not stop an eviction. Neither does job loss, family death, mental illness, crippling accidents, nor any other misfortune.

Eviction moratoriums are effective in keeping people housed and preventing the spread of COVID19.² However, enforcement of moratoriums under the CARES Act and CDC has been excruciatingly difficult. Under the CARES Act moratorium it was nearly impossible for attorneys to determine if rental properties met the requirement of having a federally backed mortgage since such information was not publicly available. Unrepresented tenants did not even know what the moratorium requirements were. Ultimately, enforcement was left to the self-regulation of landlords.

When the CDC announced its moratorium we were hopeful that it would be easier to enforce; however, too many tenants are slipping through the cracks due to several loopholes. Current CDC guidance allows landlords to challenge tenants' eligibility for the moratorium in court. Since there is no consequence to making such a challenge, many landlords and their attorneys advise tenants that they are not protected and will challenge the moratorium by filing an eviction, which is often enough to pressure tenants to move.

In Columbus if a tenant seeks protection under the moratorium through our court, the tenant then has to attend a "truthfulness" hearing, where the landlord or their attorney quizzes the tenant on whether they are

² Leifhert et al., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*.
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576

really poor enough to qualify. One of our clients lost his job due to the pandemic and was supporting himself and his two kids on \$100 weekly unemployment checks. His landlord filed an eviction against him for failing to pay rent. At trial the landlords' attorney grilled him on why he couldn't spend any of his unemployment towards rent. Our client responded that it all went to food and utilities. The attorney argued to the court that since our client spent nothing on rent the CDC moratorium should not apply. The court declined this argument and stayed the eviction; however, the landlord filed a new eviction against our client, claiming he was a holdover tenant. Tenants are already scared and humiliated to be at court. To have to be cross-examined in open court on how they are trying to keep their children alive on \$100 per week demeans them even further, and they cannot even be guaranteed that the moratorium will keep them safe. Over 4000 evictions were filed in our court between September and December 2020. Less than 20 of these evictions were stayed under the moratorium.

Evictions and COVID19 are also hitting our black communities the hardest. While 60% of our clients at eviction court are black, black residents make up only 24% of Columbus' population. CDC's data shows that if you are black then you are twice as likely to die from COVID19 than if you are white.³ In other words, a disproportionate number of black tenants are being evicted, leading them to greater exposure of COVID-19 when they move into shelters or another family's home. None of my clients chose their race or choose to be born poor. None of them chose to suffer as they do. The rest of us, however, have a choice in either taking action or being bystanders to the consequences of this pandemic.

We need more aggressive intervention. That means adequate rental assistance that tenants and landlords can rely on, and effective eviction moratoriums to keep families housed. An estimated 272,000 to 552,000 of Ohio families are at risk of an eviction without such intervention, while 7 to 14 million households nationwide face the same peril.⁴ These numbers do not even account for the millions of homeowners facing similar threats through foreclosures. When a family is displaced, those parents, those children, suffer innumerable ways. And the community as a whole suffers as well. We must do more to ensure everyone has a home, not just because it is right, but because it is necessary.

³ Center for Disease Control and Prevention, COVID-19 Hospitalization and Death by Race/Ethnicity, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>

⁴ STOUT Data: Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction (8/19/20 – 11/23/20). <https://app.powerbi.com/view?r=eyJrIjoiNzRhYjg2NzAtMGE1MC00NmNjLTllOTMtYjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGE5Y2RhZGE2MSIsImMiOiN9>