Weekly COVID-19 Housing & Homelessness Call Notes

Wednesday, October 28, 10:00-11:15am via Zoom

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|  | Topic | Speaker | Notes |
| 10:005 min | Welcome & Settle in | Rachael Myers, Housing Alliance | * We’ll start with updates from the Department of Commerce on the state’s homelessness response. Focusing on what they’ve learned.
* Then we’ll hear from folks in King County on House Bill 1590 to fund permanent affordable housing. Several years ago we successfully passed a bill in Olympia that allowed counties to implement a one-tenth of 1% sales tax to use for affordable housing. It was required at the time that that go to a vote of the people. Last year after a lot of advocacy I know many of you are involved in that. We were able to change the legislation so that that could be passed by councils. King County has made great strides and passed that. We’re going to hear from Alison Eisinger from Seattle/King County Coalition on Homelessness and Kelly Rider from the King County Human Service King County Department of Community and Human Services, about their efforts and about what that will do in King County.
* Then we’ll hear from Patricio Marquez from the Washington State Office of the Attorney General, talking about updates and changes to the state's eviction moratorium. The governor has extended that through the end of the year so Patricio will give us updates about that
* Then we’ll be joined by Joey Lindstrom from the National Low Income Housing Coalition, who will be talking about volunteer opportunities in the next week to help mobilize low income renters for the election.
* Finally, John will give an update on our fall 2020 Building Momentum webinar series.
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| 10:055 min | Poll Questions | * **Where are you joining from today?**

* **Has your city or county adopted, or planned to adopt, the .1% sales tax for affordable housing?**

* **Do you have a story to share with lawmakers that relates to any of our housing and homelessness agenda items? (I.e. have you experienced the value of an affordable home? Fallen behind on rent or threatened with eviction?)**
	+ Link to share your housing-related story: <https://forms.gle/JV88NRvhuymVDTSW6>

Inserting image... |
| 10:1020 min | Updates on the state’s homelessness response | Tedd Kelleher, Dept. of Commerce  | * ERAP (Emergency Rental Assistance Program) launched in Aug with $100m in federal CARES Act funding for rental assistance.
* Dept of Commerce knew they may need to make changes to the program after quickly implementing, but are relieved to have no major challenges so far.
* Just finished surveying grantees and got a lot of nuanced feedback county by county to inform some changes to the program.
* Counties report they’ve served over 10k households and have spent 35% of the funds.
* Out of 32 grantees, half support having the right amount of funding to last thru end of Dec. 3 predict they will not be able to spend all funds. 13 predict they’ll run out of funds prior to Dec and report needing an additional $21m to meet local needs.
* Difference between capacity and need though. Spending #s aren’t necessarily reflective of the need, or of what’s possible with more time to ramp up systems and relationships.
* Changes to the program that Dept of Commerce is comfortable moving forward with, which would need to be implemented right away since funding must be spent by Dec:
* (1) Increasing eligibility from 50% AMI and below to 80% AMI and below
* (2) Increasing # of months of assistance provided from 3 to 6.
* (3) Allowing access to the program more than once.
* Some grantees also requested no changes to the program, so these changes would be offered as local options.
* Feedback on these changes from folks on the call:
* Many noted support for all options, and appreciation for the local choice to implement them or not.
* Q: What about debt prior to March?A: It’s a CARES Act restriction, so no power over that.
* Q: What would be the timeline for implementing the changes?A: Nov 1.
* Making the process easier has meant that Dept of Commerce has been able to move faster.
* Q: Would we be able to reach out to applicants already served and who we know COULD have used more than 3 months assistance, and encourage them to apply again?A: Yes!
* Q: How much do you expand the population by going from 50% to 80%?A: Part of the problem is the statistics that the Census Bureau produces for example don't speak to current income levels, but to pre-pandemic levels. So we don't have a good source of data on where people are at with their income, but it should expand the people who are eligible. One of the concerns people were seeing was that people may have gotten a job back recently who may be above the threshold even though they’ve had financial difficulties.
* Q: Have you considered making any changes to the option counties can implement to only pay 80% of the rent arrears (or forgive more than three months)? I keep hearing that this is a concern for some landlords who may be unwilling to accept the assistance for these reasons.A: One of the things they considered, yes. Expanding to 80% addresses many LL concerns, biggest of which was around the income threshold.
* Q: Timing on additional funds?A: Would need to happen really soon to be meaningful. Next couple weeks.
* Counties reported additional need to use another $20m, but that’s based on the program not changing – so counties implementing program changes may see increased need/appetite.
* Q: When will changes be announced?A: This week.
* Q: Would it be 6 months of arrears, or 6 months of assistance?A: Program expires in Dec, so if you cut a check in Dec for Jan rent, that’s allowable, but not beyond that.
* Q: There are many LL whose rents are already far below FMV...they should not have to live with 80% settlementA: Given resource level, it’s a constrained resource and we are focusing on those with the greatest need. Some are being left out, and it’s not perfect. LL charging below FMR get 100%.
* We’ll make sure everyone gets the information when the announcement goes out.
* Folks are welcome to send additional comments to Commerce, but they won’t be able to consider feedback on these changes beyond noon.
* Appreciation for Commerce’s work to quickly roll out assistance, and roll it out well.
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| 10:3020 min | Implementing HB 1590 to fund permanent affordable housing in King County | Kelly Rider and Alison Eisinger, Seattle King County Coalition on Homelessness, and Kelly Rider, King County Dept. of Community and Human Services | Kelly Rider, King County Department of Community and Human Services:* King County is calling our approach to the councilmanic sales tax that was granted by the legislature this year “Health Through Housing”
* The state legislature authorized this year HB 1590, a councilmanic sales tax option – these are details on specific restrictions that counties and cities have on implementing this. Luckily these restrictions aligned with what King County already wanted to do, generally.
* The councilmanic sales tax was approved in March, but we immediately went into economic recession, which made folks more nervous about a regressive sales tax but also created some opportunities. What KC has done in our approach:

 1. Center the most affected, especially knowing this is a regressive sales tax. Proposal focuses on households 0-30% AMI and those that are chronically homeless or at risk of chronic homelessness.2. Use COVID response as a platform to remind folks that housing is health, moving people into SRO spaces to improve health of individuals and community by reducing spread of COVID3. Take advantage of a temporary opportunity in existing buildings that are going up for sale because of the recession, especially hotels and motels, also nursing homes; captured some buildings at reduced cost to get folks housed immediately* Specific proposal made in September – to house up to 2,000 chronically homeless residents (chronically homeless residents in HMIS right now is 4500), with a focus on single room settings like motels; not waiting for rehab, moving folks in ASAP
* Making sure to have full operating support for those services, including behavioral health services, included in authority for this revenue
* Long term, making sure to move these hotels into real supportive housing (like extended stay hotels that already have kitchens bathrooms etc.) and rehabbing other hotels
* KC already passed our sales tax! Ordinance 19179. Voted 8-1 on this with much help from community partners. Testament to what it means to match the moment with the policy approach.
* Late summer, economy starting to improve, moment for policy makers that had been hearing from the public, who had experienced the summer of uprising and were asking for change, KC approved implementing this tax super quickly – went from concept to adoption of the tax in less than 2 months
* Process did lead to not being ready to adopt by September 30th, so window for implementation had passed. Lost a couple of cities across the county who chose to implement the tax ahead of the county (8 cities). Will impact ability to focus funds on the need KC has seen. Will continue conversation with those cities about how to partner and continue KC’s approach to permanent housing.
* Focusing on serving folks 0-30% AMI and those who are chronically homeless or at risk of chronic homelessness (HUD definition); also tried to develop own definition for “at risk” of chronic homelessness, including BIPOC communities and folks with history in criminal justice system or other factors, so they have access to housing as well
* Eligible populations set by state legislature: persons with behavioral health disabilities, senior citizens, veterans, persons with disabilities, domestic violence survivors, homeless or at risk of homelessness, unaccompanied youth or young adults; unfortunately, excludes single adults without disabilities
* Trying to bring an equity and racial justice lens to approach as quickly as possible, even though quick process wasn’t as inclusive as would have wanted. Specifically, proposing that advisory committee include persons with lived experiences of homelessness and from BIPOC communities experiencing this disproportionately, expenditures would also support and build capacity of orgs serving communities disproportionately impacted by homelessness, also will use an equity-based review tool for selecting permanent housing sites
* Next steps – ask for KC to allocate funds in 2021-2022 budget, proposed ordinance 0338, state legislative session – ask for technical change so that acquisition can be an allowed cost in this revenue (and ask for expedited action), and form an implementation plan

Alison Eisinger – Seattle King County Coalition on Homelessness* Despite being limited in state to non-progressive revenue sources, want to inspire communities to use this new tool; must seize the moment even if it includes a global pandemic and economic crisis!
* Health through Housing – part of advocacy strategy to exclude the word “homeless” by focusing on the actions we can take to generate health by acquiring and promoting housing. Technical details of generating multiple pieces of legislation (some still must be passed through KC regional policy committee – we need KC folks to show up next Wednesday at 3pm!)
* Folks organized incredibly rapidly, went from a concept to 8-1 vote for authorization in less than 60 days. Not a recommended form of advocacy, certainly not for power-building or community engagement that we strive for, but will say that this proposal emerged out of many years of thoughtful dialogue and partnership. And learning that even when you have the resource, getting the acceptance in the community and overcoming barriers like zoning and regulatory restrictions, is the long game. In advocacy strategy, we try to build on the positive understanding that COVID has brought – that our health is wrapped up in the health of everyone in our community. No such thing as pretending other groups of people can suffer without that affecting everyone. And to be very enthusiastic about the opportunity to go big – to be able to say this is a proposal that will rapidly provide 2,000 people with good homes in our community. Disappointingly, that number has to decrease because we lost 25% of potential revenue through 8 cities implementing the revenue on their own. Although they will be using that revenue for local affordable housing efforts.
* Any single campaign is only possible based on the organizing we have done leading up to it. We didn’t get to mobilize dozens of orgs and hundreds of people to send emails just overnight – that is a result of the work we are doing all the time. Suggestion for communities where this hasn’t been considered as possible – this is a new tool to generate the kinds of investments that we know work and we know we need more of, can be part of your current advocacy work. This was an opportunity to go big, and we did. Now need to do additional work and make sure focus remains on households 0-30% AMI, and build a series of homes where the process and outcome takes seriously who’s building it, who’s operating it, and who’s living in those homes. Many months and years worth of work.
* Alison contact info: “Alison Eisinger, Seattle/King County Coalition on Homelessness. Alison at homelessinfo.org - happy to talk, but after the election! ”
* Kelly contact info: kelly.rider@kingcounty.gov
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| 10:5010 min | Updates on the state eviction moratorium extension | Patricio Marquez, Washington State Office of the Attorney General | * Their office, the Civil Rights Division, has been enforcing the eviction moratorium since March. There are changes introduced by the newest version of the proclamation.
* In the prior version of the proclamation, the governor had requested or instructed his senior policy staff to convene an informal workgroup of stakeholders and legislators to weigh in on further amendments of the proclamation. The process did yield some responses, and the new revision came out of and are a reflection of that process.
* There are points of clarification and adjustments made to exceptions to the part of the proclamation prohibiting serving any type of eviction notice or termination of tenancy. The first, the health, safety, and property exception, a point of clarification has been made to make it clear that on the affidavit that needs to be attached to the eviction notice, there's additional language now that indicates that the health and safety exception for proceeding with evictions includes any behavior by a resident which is imminently hazardous to the physical safety of other persons on the premises.
* With respect to the notice of intent to sell or personally occupy exception, this version makes it clear that that’s only intended for the property owner. There have been some instances in which the language articulated before where notices advised that a property manager intended to personally occupy a unit, and the governor has now made clear that the exception is only intended for the property owner themselves. Additionally, out of concerns of possible abuse of these notices by a landlord, it now requires that the notice be in the form of an affidavit under penalty of perjury.
* The proclamation also makes clear that when landlords give notice to come into a property or to bring in a contractor to do work in advance or to bring in possible buyers, the exception does not dispense with the obligation that landlords have to wear face coverings and to socially distance, and to give the required notice before entering the property after giving one of the exceptions.
* There is also clarification that just because a landlord is able to invoke one of these exceptions (health/safety/property or the notice of intent to sell or personally occupy), that only allows a landlord to then provide a notice of eviction or a notice of termination pursuant to the rules under statute. So, if the Residential Landlord Tenant Act has certain requirement to be met, based on timing or on the basis for issuing such a notice, those requirements must still be met. The proclamation itself does not intend to create a whole new basis for eviction.
* The proclamation also has a new clause that speaks to the scope of the proclamation and who is protected from eviction. It clarifies that the proclamation seeks to protect from eviction individuals and families who have had to double up during the pandemic and move in with others, college students who have had to move back in with their parents, etc. It clarifies that even if those individuals were not and are not named in the lease, that they’re still protected by the proclamation.
* By contrast, in response to concerns of situations where an occupant that had not been known or added to the lease moved in and held over after the resident or tenant of record formally vacated and surrendered possession of the premises back to the landlord, the proclamation seeks to make clear that that type of hold over scenario is not allowed. The exception is situations where landlords have accepted rent from that holdover tenant or otherwise acknowledged formally or informally a landlord-tenant relationship over time.
* There is also a section clarifying the types of communication that a landlord can have during this time without running afoul of the proclamation, specifically in the section of what happens with unpaid rent during the pandemic and steps that a landlord would need to take to be able to collect unpaid rent. What’s written is a sort of standard that allows for customary and routine communications or clarifies what is acceptable. Landlords can continue to communicate with residents in the way that they’re used to before the proclamation, provided that it is limited to things like giving a reasonable notice in advance of upcoming rent that’s due, providing updates, giving information about financial resources that might be useful, or to document a lease violation. But, they can’t threaten eviction.
* It helps people understand how they can have a conversation with the landlord about the reasonable repayment plan option and provision. Part of what informed this, in addition to a request for clarification from landlords and property owners and managers was an attempt to make it clear what’s not prohibited.
* Constant harassment and communication is prohibited by the section on collection efforts. Any efforts to bill or otherwise collect by any means unpaid rent is not permitted if no reasonable repayment plan has been offered by the landlord.
* There is also a section on rent increases. There is no change on the prohibition against rent increases while the proclamation is in effect. But, there are a couple of new exceptions.
* Notices of a rent increase that’s to take effect after the proclamation lifts are only allowed in two limited circumstances. Mobile home/manufactured housing residents can now be given a three month notice (as required by the mobile home/manufactured housing landlord tenant act), but it can’t take effect until after the proclamation is over.
* The second exception applies only to existing leases that already contemplated a periodic rent increase. Typically, that’s probably for a multi-year lease, so it will be fairly limited in circumstance. It allows a notice that says that once the proclamation lifts, the rent increase that had been previously agreed to will take effect.
* Regarding long term care facilities that are licensed or certified by the Department of Social and Health Services. A prior version of the proclamation indicated that these facilities were allowed to transfer or discharge residents as necessary for health or safety reasons. This version adds to that. Another circumstance that would justify a transfer or discharge is when there is someone coming onto Medicaid or Medicare that the facility is not equipped to accept that form of payment.
* Also, the rent increase prohibition in that setting would not prohibit a cost of care, which would be different from simply room and board or rent type charges. It would also not prohibit charges or fees related to COVID-19, including the cost of PPE, testing, etc., provided that those types of charges are outlined in the facility’s notice of services and are in accordance with applicable laws and rules that govern those facilities.
* The proclamation also indicates that the workgroup that informed many of these amendments and changes will continue to function for another 30 days to contemplate any amendments that may be required or helpful to ensure that individuals are not abusing the non-payment of rent protections.
* Q: can a landlord pursue a tenant in small claims court for non-payment?
* A: A landlord couldn’t do that if their non-payment was a result of the COVID-19 outbreak. The proclamation is clear that they have to engage that tenant in a conversation about a reasonable repayment plan. if and only if the tenant were to refuse a reasonable repayment plan or fail to comply with it after they agree to one could a landlord seek an order from a court, and I guess the small claims court proceeding is not expressly barred by the proclamation so that would appear to be possible. The landlord would just have had to have taken all of those steps in order to get there.
* Q: Can manufactured housing communities double up on rent increases, for example if an increase was shared before the moratorium but didn’t go into effect. Can the owner give notices for a second increase and have them both go into effect in January?
* A: I don’t know that that would come up in too many circumstances. That’s generally a one a year opportunity came up, and we haven’t reached a year, yet. I don’t think it would allow for doubling up.
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| 11:0010 min | Volunteer opportunities to mobilize low-income renters for the election  | Joey Lindstrom, National Low Income Housing Coalition | * Slides
* Work intently to make sure policy solutions that prioritize the needs of the lowest-income people
* Over last couple years – encourage housing professionals, advocates, orgs to have more electoral focus
* Our Homes, Our Votes 2020: nonpartisan; register, educate, and mobilize voters
* Final 7 days before election – really care about mobilizing voters
* Renters have voted at lower rates than homeowners, about 20 point disparity – even greater disparity when comparing under $20K vs. $100K family income
* Phone banking tips - use good call list from Housing Providers Council, use a script specific to state, tracking phone calls, establishing follow up, best practices (provide as much info as possible, connect with positive encouragement)
* Reach out to Joey Lindstrom: jlindstrom@nlihc.org
* In chat from Alison Eisinger:
	+ Anyone who is working to register voters in King County is invited to contact the Coalition on Homelessness! We're registering voters and helping people vote through Election Day. You can reach out to vote @ homelessinfo.org for information resources or check our website. We'll help you get the information you need right now, as well as plan for future work. Thanks!
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| 11:105 min | Fall 2020 Building Momentum webinar series | John Stovall, Housing Alliance | * Ran out of time 😊
* Register for next week’s Building Momentum webinar: <https://us02web.zoom.us/meeting/register/tZEpf-qupjwuGNcM_52qMiR6khMjVqaTjeoE?eType=EmailBlastContent&eId=d54fd741-bd88-42c6-8268-54e927fb421a>
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| 11:15 | Wrap-up & Adjourn | * Ran out of time
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