EVICATIONS: From Bad to Worse

Stopping the Tsunami of Evictions
The Housing Forum will start shortly.

**But first, some housekeeping...**

- **New Streaming Tool:** Allows presenters to see your comments from Facebook, YouTube and Twitter. We’ll call for questions at specific portions of our presentations today.

- **Audience Poll:** We’ll ask you a number of questions today. You can respond on your smartphone, tablet, computer – visit [www.menti.com](http://www.menti.com) and be ready enter the on screen code in your device when prompted.

- **Emailed to registrants and subscribers this morning** and on the website: [www.AtlantaRegionalHousingForum.org/sep2020](http://www.AtlantaRegionalHousingForum.org/sep2020)
  - Program guide for today’s Forum
  - Slide deck you are viewing now

- **A link to the recording** will be emailed to registrants/subscribers by Thursday COB
OUR PRESENTERS

EVICTIONS: Data, Process & Policy

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Chief Magistrate Judge
Fulton Magistrate Court

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Atlanta Volunteer Lawyers Foundation

SARAH STEIN
Federal Reserve Bank of Atlanta

BILL BOLLING
Moderator & Founder
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Fourth week of August filings in DeKalb and Fulton met and exceeded pre-pandemic filings numbers for the fourth week of the month.
# CASE FILING NUMBERS AND ANSWER RATES

Potential Data Use for Legal Services

<table>
<thead>
<tr>
<th></th>
<th>Clayton</th>
<th>Cobb</th>
<th>DeKalb</th>
<th>Fulton</th>
<th>Gwinnett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Filings</td>
<td>2030</td>
<td>1400</td>
<td>2690</td>
<td>3640</td>
<td>1530</td>
</tr>
<tr>
<td>Answers</td>
<td>*</td>
<td>240</td>
<td>460</td>
<td>1060</td>
<td>250</td>
</tr>
<tr>
<td>Answer Rate</td>
<td>*</td>
<td>17%</td>
<td>17%</td>
<td>29%</td>
<td>16%</td>
</tr>
</tbody>
</table>

*Clayton answer filing data in progress

![Chart showing case filing numbers and answer rates for Clayton, Cobb, DeKalb, Fulton, and Gwinnett counties.](chart.png)

- **COBB**
  - **Answer Filed**: 17%
  - **No Answer Found**: 83%

- **DeKalb**
  - **Answer Filed**: 17%
  - **No Answer Found**: 83%

- **Fulton**
  - **Answer Filed**: 29%
  - **No Answer Found**: 71%

- **Gwinnett**
  - **Answer Filed**: 16%
  - **No Answer Found**: 84%
<table>
<thead>
<tr>
<th>County</th>
<th>Address</th>
<th>Eviction Filings in August, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulton</td>
<td>3200 Lakeview Place, College Park GA 30337</td>
<td>38</td>
</tr>
<tr>
<td>Gwinnett</td>
<td>1100 Indian Trail Lilburn Road, Norcross GA 30093</td>
<td>35</td>
</tr>
<tr>
<td>Dekalb</td>
<td>1401 N. Hairston Road, Stone Mountain GA 30083</td>
<td>27</td>
</tr>
<tr>
<td>Fulton</td>
<td>250 Piedmont Ave NE, Atlanta GA 30308</td>
<td>26</td>
</tr>
<tr>
<td>Fulton</td>
<td>4001 Lakemont Drive, College Park GA 30337</td>
<td>25</td>
</tr>
<tr>
<td>Clayton</td>
<td>8050 Taylor Road, Riverdale, GA 30274</td>
<td>24</td>
</tr>
<tr>
<td>Dekalb</td>
<td>3515 Pleasantdale Road, Doraville GA 30340</td>
<td>19</td>
</tr>
<tr>
<td>Clayton</td>
<td>8050 Tara Blvd, Jonesboro, GA 30236</td>
<td>18</td>
</tr>
<tr>
<td>Dekalb</td>
<td>100 Camellia Lane, Lithonia GA 30058</td>
<td>17</td>
</tr>
<tr>
<td>Clayton</td>
<td>5758 Hwy 85, Riverdale, GA 30274</td>
<td>17</td>
</tr>
<tr>
<td>Gwinnett</td>
<td>1500 Willow Trail Drive, Norcross GA 30093</td>
<td>15</td>
</tr>
</tbody>
</table>
• We want our data to support the work of **practitioners, service providers, advocates, and policy makers** as you stabilize housing during COVID-19 and beyond.

• **Visit** [https://metroatlhousing.org/eviction-tracker/](https://metroatlhousing.org/eviction-tracker/) to access aggregated data and customizable visualizations.

• Requests for access to **downloadable data**—either at aggregate or granular levels—can be made through the tracker.
  • Data will be made available at the discretion of the collective for conforming uses and under the terms of a data use agreement.
  • Case-level data will have restricted use and limited circulation.
  • Find out more on the website

• **Tell us how we can help support your work, and we will try to make it happen.**
Research on COVID-19 Housing Policies:

**Impact of Eviction Moratorium Policies on Eviction Filings Across the US.** Compares types of eviction moratorium by their case filing outcomes.

**COVID-19 Policy Solutions for Atlanta from 9 Atlanta Experts** Offers insights into immediate steps and long-term thinking to fortify housing risk.

**Eviction Prevention During COVID-19, by Emily Benfer, et. al** General overview of policy options and strategies that are or could be implemented.

Organizations Monitoring and Responding to COVID-19 Housing Issues:

**National Housing Law Project** quick legal and policy analysis on COVID housing.

**National Low Income Housing Coalition** hosts a weekly call on COVID response.

**Urban Institute** posts analysis and updates on a near weekly basis.

**Eviction Lab Policy Scorecard** survey of policy approaches from across the nation.
Housing Forum

Cassandra Kirk
Chief Magistrate Judge and Court Administrator
Magistrate Court of Fulton County

September 2, 2020
Magistrate Court of Fulton County

2019 Case Count: 82,393

2019 Landlord Tenant: 45,403

2020 July YTD Landlord-Tenant: 13,030

Landlord
Tenant
STATEWIDE JUDICIAL EMERGENCY

March 14, 2020 - July 14, 2020

We handled EWI (electronic search/arrest warrants): 24/7/365, First Appearance hearings: 6 days a week, and Misdemeanor Mental Health Court (MMC) compliance hearings: 1/week

Cases Not Being Heard During Judicial Emergency

- landlord-tenant (evictions)
- abandoned motor vehicles
- warrant applications
- copy of charges
- personal property foreclosure
- trover
- Misdemeanor Mental Health jail
- small claims
- AMC
- environmental
- garnishments
- post-judgment hearings
- weddings
Landlord/Plaintiff Files
Dispossessory Affidavit

Tenant/Defendant
Served

Defendant Files Answer and/or
counter claim within 7 Days

Court Date Given
Parties Noticed

Plaintiff Issued Writ
and/or damages for
past rent

Case Closed

Tenant Issued
Judgment for
Counterclaim

Case Closed

Consent Agreement
Reached
Case Closed

Late Answer

Late Answer Forward to
Presiding Judge

Late Answer Granted

Late Answer Denied

Writ Issued

Writ and Default
Judgment Issued
(Court Date if needed)

Plaintiff Applies For Writ
and/or Default Judgment

Either Side can file an appeal
within seven (7) days of the
judgment to State or Superior
Court

If affidavit of Non-
compliance, Writ of
Possession and/or
Default Judgment Issued

Seven DAYS to respond once served

Mediation

Consent Agreement
Reached
Case Closed

Community assistance

Either Side can file an appeal
within seven (7) days of the
judgment to State or Superior
Court
In order to manage the over 2555 landlord-tenant cases filed during the Judicial Emergency, the Court created three categories:

1. Cases scheduled **before** the Judicial Emergency began. Deadlines for responsive pleadings have passed and cases are ripe for adjudication. These cases were given priority and scheduled in the order filed.

2. Cases filed **between March 14, 2020 and March 27, 2020.** Pre-CARES Act

Federal Coronavirus Aid, Relief, and Economic Security ("CARES") Act for Plaintiffs in Dispossessory Cases

Covered time period: March 27, 2020-July 25, 2020; landlord must give a tenant 30 days’ notice before an eviction can be filed, AND that notice can only be given AFTER July 25, 2020

Is the property a covered dwelling/property?
1. The rent is subsidized by the Federal Government;
2. The underlying mortgage is backed by any agency of the Federal Government;
3. The underlying mortgage has been transferred to any Federal Agency even if still serviced by the original lender.

If YES to ANY of the following, you CANNOT
1. Evict for nonpayment of rent or fees until after August 24, 2020.
3. Charge late fees for late rent that accrues during the period of time from March 7, 2020- July 25, 2020
4. Make or cause to be made any filing with the court regarding nonpayment

In other words:
If your property is covered by the CARES Act mortgage forbearance, you CANNOT evict your tenants during the covered period March 27-July 25 AND You must give 30 days’ notice on or after July 25, 2020.

NEXT COURSE OF ACTION
If YES (covered dwelling/property),
1. Wait until the covered period is over to proceed with case

If NO to the following, you CAN
1. File your CARES Act Affidavit under Magistrate Rule 45 (proof that property is not covered by CARES Act) effective from March 27, August 25, 2020
2. Must be filed with warrant
3. Proceed with case

What are Federally Backed Mortgage Loans?
1. Made, insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government; or
2. Purchased or securitized by the Federal Home Loan Mortgage Corporation (Freddie Mac) or the Federal National Mortgage Association (Fannie Mae).

What is not covered property under the Act?
1. A dispossessory based on a breach of the landlord/tenant relationship having absolutely nothing to do with rent is not covered by the moratorium. Examples include staying beyond the expiration of the tenancy, or otherwise breaching the conditions of the rental agreement.
2. Cases filed on or before March 26, 2020 are not covered by the Act.
3. If a landlord has absolutely NO federal ties to a mortgage (i.e. owns the property free and clear) and rent is not subsidized with any Federal money, then the moratorium does not apply.

How can I find out if it is a covered property (Federally-backed mortgage)?
- Sometimes this information is recorded in public records, but sometimes it is not. It will be part of the landlord’s deed and closing paperwork.
- A non-exhaustive database of multifamily properties with HUD, FHA, USDA, Fannie Mae and Freddie Mac mortgages can be found at the National Low Income Housing Coalition: https://nlihc.org/federalmortgageurs?
- Properties that have multifamily FHA or USDA mortgages are searchable on the National Housing Preservation Database: https://preservationdatabase.org/
- The landlord can call the FHA, VA, USDA, Fannie Mae or Freddie Mac escalation number listed on this website to inquire as to the status of their mortgage: https://www.hmpadelin.com/portal/resources/advisors/escalation.jsp
- The landlord can look up if Fannie Mae or Freddie Mac own their mortgage on these sites: https://www.consumerfinance.gov/ask-cfbs/how-can-i-tell-who-owns-my-mortgage-en-214/--------

How can I find out if it is a covered property (Covered by VAWA or USDA rural housing voucher)?
Additionally...
- If the tenant must do an annual income recertification the property is likely a covered property
- If the tenant deals with a Public Housing Authority for matters related to their housing it is likely a covered property
- If the tenant’s rent adjusts based on their income the property is likely a covered property
- The tenant’s lease may reference a federal subsidy program
- Some subsidies are searchable on the National Housing Preservation Database
Fulton Resources

**Housing Court Assistance Clinic**  404-333-6243
[https://avlf.org/hcac](https://avlf.org/hcac)  hcac@avlf.org

**Star C  Eviction Relief Fund**
[https://www.star-c.org/eviction-relief/](https://www.star-c.org/eviction-relief/)
404-698-3781  hello@star-c.org

**Hosea Helps Homeless Prevention Program**
404-755-3353

**Urban League of Greater Atlanta**
NJohnson@ulgatl.org  404-931-6205
Our Mission:

Inform, Engage, Empower Our Community

www.magistratefulton.org  404-613-9071  IG: @fultonmagistrate
OUR PRESENTERS

EVictions: Relief Efforts, Resources & Best Practices

PROTIP BISWAS
United Way of Greater Atlanta

STEPHEN DAVIS
Atlanta Apartment Association

LIZ OSBORNE
Enterprise Community Partners

LEJLA PRLJACA
Lawrenceville Housing Authority
The Lawrenceville Response Center

**Intake**
- Collects online applications
- Obtains verification documents
- Creates client files

**Case Managers**
- Extended Stay
- Apartments
- Gwinnett County

**Partners**
- Lawrenceville Housing Authority
- Georgia Center for Opportunity
- Co-op
- MMI (Clearpoint)
- Renasant Bank
- Quality Child Care

**Mission & Objectives**
- Homeless prevention
- Family long term sustainability
- Income recovery
- Local nonprofit capacity growth
- LRC as community hub for coordination and collaboration

**Services provided:**
- Up to 3 months housing assistance
- Employment opportunities/job matching
- Job search coaches
- Food distribution
- Child care assistance
- Housing options

**Success (prior to Cares Act funding):**
- $500K raised in one week (faith community, City of L’ville, United Way, New Story Charity, individual donations)
- Opened “virtual” doors April 14
- Served 160 households (200 children)
- Employed at higher wages
- Unprecedented coordination between organizations

**Challenges:**
- Permanent housing barriers to entry
- Despite advocacy and outreach efforts, many residing in extended stays are not aware of their rights under “landlord tenant law”
- Increase in street homelessness

TO APPLY: WWW.IMPACT46.ORG
ACTION ITEMS

• New regional eviction tracker – need more local participation/data

• Local governments should consider prioritizing CARES ACT (and other) funding for eviction prevention

• Continue to refine efforts to deploy rental relief efforts

• Cross-sector collaboration is needed -

• Philanthropy is needed – major efforts under way

• YOU are needed! Lend your voice to the above items, donate.

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Kathleen Brownlee
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