

Arkansas Families Awaiting Rental Assistance As Eviction Moratorium Runs Out

By [CHRISTINE JONES \(/PEOPLE/CHRISTINE-JONES\)](#) • 5 HOURS AGO

[Share \(http://facebook.com/sharer.php?u=https%3A%2F%2Ftinyurl.com%2Fyhqamn9n&t=Arkansas%20Families%20Awaiting%20Rental%20Assistance%20As%20Eviction%20Moratorium%20Runs%20Out\)](http://facebook.com/sharer.php?u=https%3A%2F%2Ftinyurl.com%2Fyhqamn9n&t=Arkansas%20Families%20Awaiting%20Rental%20Assistance%20As%20Eviction%20Moratorium%20Runs%20Out)



https://mediad.publicbroadcasting.net/p/kuar/files/styles/x_large/public/202107/2020-05-01-evictions-KATV.png

Protestors demand a halt to evictions in Arkansas during a demonstration on May 1, 2020.

CREDIT KATV-CHANNEL 7

A federal eviction moratorium that was put in place by the Centers for Disease Control and Prevention will expire Saturday, leaving more than 1,300 Arkansas families who are waiting for state rental assistance in danger of losing their homes. The order was originally set to expire on June 30, but was extended through July to further prevent the spread of COVID-19.

Although the moratorium went into effect on September 1, the order didn't slow landlords in serving eviction notices.

Between January 1 and July 20 of this year, more than 2,700 eviction cases have been filed in district courts across the state. That number is up by more than 400 compared to the number of cases during the same period last year, according to an Arkansas courts database.

In order for the moratorium to go into effect for a tenant, however, the tenant must first understand how it works. According to Kendall Lewellan, managing attorney for the Center of Arkansas Legal Services (<https://www.arlegalservices.org/center>), many tenants don't understand how to proceed once they're served an eviction notice.

"The main issue that comes up is that people can still file eviction cases in court for nonpayment while the moratorium is in place," Lewellan said, "however, the tenant would then basically have to prove that they qualify for the moratorium as a defense."

For a tenant to be able to avoid eviction while the moratorium is in place, the tenant would need to turn in a signed copy of the form that was attached to the CDC order that verifies conditions the tenants fall under. Tina Payne of Beebe said that was something she was unaware of.

"I looked it up on the internet and I couldn't find nothing about filling out a form," she said.

Payne said she knew there was something in place that was supposed to be blocking evictions in the state, so she couldn't understand how she kept receiving eviction notices. She even received an eviction notice after her landlord had already received some of the emergency rental assistance funds.

"We got behind on rent and I lost my job here and we got an eviction notice to be out on Christmas Eve, and we got paid up," said Payne. "We got our next eviction notice from them in February because we were behind from January, but it was just one month behind. It wasn't a lot. But we had already had rental assistance pay and catch them up before Christmas."

In most cases, when the proper paperwork is filed for the moratorium order to take effect, the eviction process ends there. However, Lewellan says many tenants like Payne don't really understand their rights and don't know how to fight back.

"A lot of people are somewhat aware that there's some eviction moratorium in place, so when they are sued they don't file what they need to file or show up at necessary court hearings to do what they need to do to protect their rights," said Lewellan. "Because they're not participating in the court process or they don't know how, they do end up losing when they maybe could've been protected from eviction by the moratorium if they understood it, or if they understood how to advocate for themselves in court."

Meanwhile, according to the Arkansas Department of Human Services, there are more than 1,300 renters currently awaiting assistance to prevent being evicted the moment the moratorium expires.

Of the funds the state received from the CARES Act in January, Arkansas set aside \$173,684,765 for the Emergency Renter's Assistance program (ERAP). The program is to help those renters who have been affected by COVID-19 pay their rent, late fees, and in some cases their utilities. As of July 15, just \$1,675,077 had been spent.

Since the program began on May 17, 651 applications have been processed and awarded through the state-administered Arkansas Rent Relief Program as of July 15, according to the DHS Deputy Chief of Communications Gavin Lesnick. DHS blames the amount of money distributed on the low number of applicants thus far.

“We are continuing to work on promoting the availability of these funds. This is a new program and it takes time to gather and submit the necessary documents before an application can be approved,” Lesnick said. “The eviction moratorium could also be causing some potential applicants not to apply at this time.”

Due to this, there could be a housing crisis imminently ahead for many more Arkansas residents than the 1,381 applicants currently waiting for renter’s assistance. Those applications have been returned for additional documentation.

It can be a lengthy process for applicants to gather the needed documentation to qualify for ERA funds. In Arkansas, applications must be submitted by both the landlord and the tenant, and must include specific documentation that demonstrates need.

“This is a complex process driven by US Treasury guidelines and state policies,” said Lesnick. “Once all documentation has been received from both the tenant and the landlord, the application is reviewed, documentation is validated, and the claim is then either processed for payment or sent back to the tenant and landlord with a request for additional information.”

Some have even expressed concern that the emergency funds will be returned to the U.S. Treasury Department before they can be used to assist those most impacted by the pandemic. Lesnick said the initial plan called for 65% of funds to be obligated by September 30, with the remaining 35% to be returned if that threshold isn’t met.

On May 7, President Joe Biden and the Treasury Department relaxed rules for the ERA program by determining that applications no longer needed to go through their landlords. In cases where the landlords refused the assistance, the funds could be given directly to the applicant.

KUAR News asked DHS why the department hasn’t updated the application process in Arkansas to mirror the updated order, especially since Arkansas didn’t begin distributing emergency rental assistance funds until this June.

“The guidance you mentioned applies to the second round of Emergency Rental Assistance (ERAP2) funding from the federal government. This is not required under the first round of ERA. The Arkansas Rent Relief Program is now using funds from the first round and not the second,” said Lesnick. “While we are always looking for ways to make improvements, we believe this program has been effective in providing rent relief for eligible Arkansans.”

The second round of ERAP funds came from the American Rescue Plan Act, enacted on March 11, providing \$21.6 billion for an additional round of the U.S. Treasury Department’s Emergency Rental Assistance Program. However, in order for states to be eligible for the additional relief, the state had to apply for it. According to DHS, Arkansas did not apply for the additional funds.

“The state has not applied for an ERAP2 allocation because there is not a need for additional funds for the Arkansas Rent Relief Program at this time. DHS will continue to closely monitor funding as the program progresses,” said Lesnick.

Some advocates for low income families and rental assistance programs throughout the state blame landlords’ reluctance to accept the renter’s assistance funds for the low number of people who have been assisted thus far.

“Around 40% of applications are from landlords. We continue to conduct outreach with landlords to promote the program and encourage their participation,” said Lesnick.

Although there have been approximately 2,000 applications for the rental assistance program this far, the agency believes that after July 31, they’ll receive an influx of new applicants.

“We believe applications may increase once the moratorium is lifted and eviction notices begin,” said Lesnick. “We also are continuing to promote the program, including through paid advertising that is ramping up this month. This may also cause an increase in applications.”

In the meantime, Lewellan has some advice for those who may be facing eviction at the moment.

“Keep in mind that eviction is a court process and that you don’t necessarily have to move out at the end of an eviction notice,” Lewellan said. “A lot of people don’t understand that and they think that at the end of that notice period they’re going to trespass or that they could just be locked out or something but that is actually often just the beginning of a longer legal process until the person actually has to leave the home.”

She also suggests that people look into their local resources such as the Pulaski County Community Services Department for assistance with rent or if someone is in danger of becoming homeless, since those places can help with rapid rehousing assistance. In addition, Lewellan recommends that tenants facing eviction should look for legal assistance.

“Nonprofit legal aid offices like the one that I work for, The Center for Arkansas Legal Services, will provide free advice and sometimes council. For more extended services for tenants in eviction cases they just have to call and apply for our services and they can call us at 1-800-950-5817 to apply.”

TAGS: [ARKANSAS COVID-19 \(/TERM/ARKANSAS-COVID-19\)](#) [ARKANSAS COURTS \(/TERM/ARKANSAS-COURTS\)](#)



Share (<http://facebook.com/sharer.php?>

[u=https%3A%2F%2Ftinyurl.com%2Fyhqamn9n&t=Arkansas%20Families%20Awaiting%20Rental%20Assistance%20As%20Eviction%20Mor](https://www.facebook.com/sharer.php?u=https%3A%2F%2Ftinyurl.com%2Fyhqamn9n&t=Arkansas%20Families%20Awaiting%20Rental%20Assistance%20As%20Eviction%20Mor)