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NEWS

What Arkansas renters should know about the end of the eviction moratorium

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The U.S. Supreme Court blocked the extension of the eviction moratorium this week, leaving renters across the country scrambling to pay their debts.

More than 50,000 Arkansans say they are behind on rent or mortgage payments and expect eviction or foreclosure to be either very likely or somewhat likely, according to the U.S. Census Household Pulse survey conducted from Aug. 4-16.

In order to keep individuals in their homes during the coronavirus pandemic and limit community transmission, the Centers for Disease Control imposed a nationwide eviction moratorium.

That action prevented district judges from passing evictions on tenants who have not paid rent. However, it does not cancel the payments.

Here are five things to know how the end of the eviction moratorium will affect renters in Arkansas.

An eviction moratorium timeline

After former President Donald Trump issued an executive order, the CDC established the moratorium Sept. 4, which was set to expire Dec. 31, 2020.

Congress extended the moratorium until Jan. 31, and the CDC extended it three more times through July 31.

In June, the U.S. Supreme Court ruled 5-4, allowing the freeze to remain in place despite the frustrations of landlords.

With the spread of the delta variant, the CDC yet again extended the moratorium, which was set to last until Oct. 3 but it only applied to “counties with heightened rates of COVID-19 community transmission.”

In response, real estate groups in Georgia and Alabama sued again, and the U.S. Supreme Court struck down the extension in a 6-3 ruling, due to the order relying on a 1944 public health law.

"It would be one thing if Congress had specifically authorized the action that the CDC has taken," the court's majority wrote in an unsigned opinion. "But that has not happened. Instead, the CDC has imposed a nationwide moratorium on evictions in reliance on a decades-old statute that authorizes it to implement measures like fumigation and pest extermination. It strains credulity to believe that this statute grants the CDC the sweeping authority that it asserts."

How aid is being dispersed in Arkansas

Rental assistance programs across the nation have distributed only around 11% of almost \$50 billion in Emergency Rental Assistance first approved by Congress in December, according to data released by the Treasury Department.

The Arkansas Rent Relief Program received "\$200 million, including about \$173 million that is being administered through the statewide program," Gavin Lesnick, deputy chief of communications for the Department of Human Services, said in an email.

He said the additional amount of the allocation is being administered by Pulaski, Benton and Washington counties, which are large enough that "they were able to apply for their own allocations from the federal program."

As of Aug. 30, \$7.2 million in rental assistance had been distributed to 2,90 households through the program, according to the Department of Human Services. This is an increase from 844 households in late July.

Evictions in Arkansas

Last year, more than 3,000 Arkansas households faced eviction for non-payment of rent, according to research conducted by Lynn Foster, professor emeritus at the University of Arkansas Little Rock.

In the Arkansas December 2020 Eviction Report for Arkansas for Stronger Communities, Foster wrote, "The best solution is rent assistance, not a moratorium, for tenants who have lost income through no fault of their own."

From April to December 2020, Foster tracked evictions in the Court Connect Database. The data shows 17 evictions cases filed in Sebastian County, 104 in Crawford County and one in Franklin County.

Since the moratorium only prohibits evictions “for the nonpayment of rent and related fees,” evictions continued across the nation “with landlords raising lease violations or lease expiration as grounds for evictions,” according to the Congressional Research Service.

Where to receive rental assistance

For residents of Sebastian and Crawford counties, there are multiple avenues of rental assistance offered by the Crawford-Sebastian Community Development Council.

Robin Moses, director of the family services program, said, “It is a team effort – the landlord, the tenant and us – working together.”

The aid “helps (landlords) just as much as it does the tenant because they’re not getting paid like they are used to, so at least it is getting them paid,” Moses said. “... With the tenant, it is helping them stay in one place without having to be moved around.”

The Arkansas Fresh Start program pays up to two and a half months of rent if the applicant is approved. The online application can be accessed at arfreshstart.com. Applicants will need an ID, a copy of their rental agreement and four weeks of pay stubs or a claims history report from the unemployment office.

The Community Services Block Grant rental assistance program pays for up to \$700 of rent over the course of two consecutive months. Applicants must have a notarized eviction notice.

The AR Cares program helps with mortgage defaults and rental assistance. Applicants must meet income qualifications and prove that they have been impacted by the coronavirus pandemic such as a positive COVID-19 test.

The Community Development Block Grant Coronavirus Response funds aid Fort Smith residents. Applicants must live within the city limits and have proof of being impacted by the pandemic, such as a positive COVID-19 test.

The Emergency Solutions Grant assists those who are currently in their home and are trying to preserve them. Applicants must have proof of being impacted by the pandemic such as a positive COVID-19 test or pandemic unemployment assistance.

Depending on the funding source, applications can be completed online, through mail or by email. For more information, email Brittany Hamilton at bhamilton@cscdcca.org or call 479-785-2303 extension 126.

Where to receive legal assistance

For anyone with low incomes seeking help due to an eviction notice, the Center for Arkansas Legal Services offers support.

An Aug. 27 statement issued by the Center said ending the moratorium took “away vital protections that kept millions of Americans, who were disproportionately people of color and families with young children, stably housed.”

Fort Smith residents should contact the Center for Arkansas Legal Services at arkansaslegal.org or (800) 950-5817.

The Center also offers an in-person “help desk” from 9 to 11:30 a.m. on the first and second Mondays of each month at the Riverview Hope Campus .

Catherine Nolte is a corps member with Report for America, a national service program that places journalists into local newsrooms. She can be reached at cnolte@swtimes.com. Southwest Times Record and Report for America are working to place a new generation of journalists in community news organizations across the country. Will you support this effort today?