

THE DURHAM HUMAN RELATIONS COMMISSION 2018 REPORT ON EVICTIONS CRISIS IN DURHAM COUNTY

When a person in Durham County loses their home to an eviction, they may lose their possessions, sense of community, and their children may need to change schools as their family is forced to move. The uprooting of so many residents on an annual basis has the tendency to fracture our community and weakens the cohesiveness of our neighborhoods, religious institutions and businesses. This report is a call to action, not just to our city and county leaders, but to all of Durham.

The number of eviction filings in Durham County was just over 10,000 for 2016 and again in 2017. Each month a large percentage of Durham citizens, neighbors, friends, family members, constituents, and taxpayers are forced to leave their homes. We don't have clear data on where our residents go when they are forced to leave their home due to an eviction; we do know that a number of evicted families stay homeless, some find other forms of inadequate housing, and a minor percentage are able to get some financial assistance. In a 2010 Chattahoochee Valley point-in-time report of self-identified causes by individuals experiencing homelessness, 10% of those surveyed cited evictions as the cause of their homelessness.¹

Gentrification and eviction disproportionately affect lower-income neighborhoods; it seems convincing that the rise in evictions and the simultaneous gentrification of low income regions are related. As described in the 'Gentrification and Neighborhood Change' presentation given to Durham City Council on May 19, 2016, one of the three definitions of Gentrification is "the process by which higher income households displace lower income residents of a neighborhood, changing the essential character and flavor of that neighborhood."² Eviction would seem one of the primary methods of resident displacement in Durham. It also seems just as likely that actions to help prevent this displacement will help abate gentrification.

Durham County has the highest number of evictions per capita than of the five highest populated counties in North Carolina. As indicated in the chart below, of the five counties with the greatest number of monthly eviction filings, Durham County has the highest rate at 36 eviction filings per 10,000 residents per month. In contrast, the combined average number of filings in the other counties is 27 per 10,000 residents. Based on these figures Durham County has had 24% more eviction filings per capita for the past seven years of existing data.

¹ http://homelessresourcenetwork.org/?page_id=1332

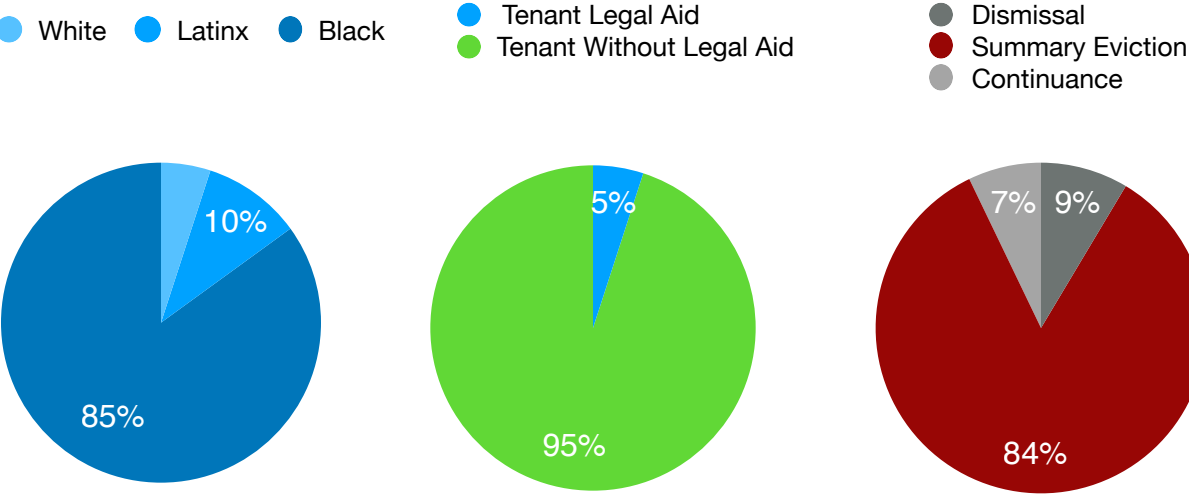
² http://www.durhamnc.gov/agendas_new/2016/cm20160606/11154_PRESENTATION_GENTRIFICATION_NEIGHBORHO_390153_697110.pdf

County	Total Number of Eviction Filings July 2010 to June 2017 ¹	Average Number of Monthly Eviction Filings ²	County Population ³	Monthly Eviction Filings Per Every 10,000 Residents ⁴
MECKLENBURG	236,405	2,814	967,971	30
WAKE	122,324	1,456	952,143	15
GUILFORD	124,879	1,487	501,018	30
DURHAM	84,615	1,007	282,081	36
FORSYTH	77,483	922	357,850	26

1) Information provided by DataWorks to the HRC on January 9, 2018. Totals spanning from July 2010-June 2017.
 2) Total number of evictions divided by 84, the number of months we have data for from Dataworks.
 3) Population data source <http://www.us-places.com/North-Carolina/population-by-County.html>
 4) Number of average evictions divided by the county population rounded up to nearest whole number.

The DHRC determined that in order to better understand who in Durham — demographically — are impacted by eviction filings, we needed to create a base statistical analysis of eviction filing cases. Commission members sat in Durham County ‘eviction court’ on December 12th, 13th, 14th, 21st, 28th, 29th 2017 to try to develop a point of reference of demographic information. The 60 summary ejection cases documented from those six days is reflective of only those cases where a tenant responded to the summons scheduled for that day.

The following charts reflect key demographic information, legal representation, and outcomes:



It needs to be noted only basic information based on Commissioner's visual observations and court testimony are represented in these charts. The race and national origin identifiers are based solely on visual perception and may not reflect the tenant's actual race or ethnicity.

Based on these observations, we feel that eviction filings, and there by extension evictions disproportionately affect non-white individuals and families in Durham County.

For some, having a filing of an eviction against them — even with a dismissal — leaves them faced with an uphill struggle to secure new leases because of the court documentation of the filing. Those with eviction filings or those that are evicted are, at times, only able to rent housing that is substandard or are forced into lease contracts that significantly favor the landlord — either through month to month leases or rental rates that are disproportional to the value of the leased property.

We know that evictions have devastating consequences for families and communities.³ Numerous national studies show that those who are evicted most frequently are poor, women with children, and people of color.⁴ Reports show that evictions can cause depression, degraded health, and higher stress for all members of the family and that these effects can linger on for years after the very first (even if only one) eviction.⁵ Single households with children are twice as likely to face the threat of eviction. Married couples with children reported struggling to pay rent. Evicted mothers are more than twice as likely to report that their children are in poor health, compared with mothers who have not experienced eviction.⁶ Mathew Desmond explains in his book *Evicted* that eviction judgments (or even a filing) makes it much harder to rent another unit and may make families ineligible for affordable housing units.⁷

Most tenants do not have legal counsel in eviction proceedings, but landlords largely do. Cities nationwide are learning that eviction rates goes down when tenants have legal representation. Several cities are experimenting with various models of providing legal counsel for all residents facing an eviction. Since the passing of such a law in 2014, New York City saw a reduction of evictions by 18% in the its first year. This reduction was mostly attributed to the providing of free legal representation for tenants

³ http://scholar.harvard.edu/files/mdesmond/files/desmondkimbro.evictions.fallout.sf2015_2.pdf

⁴ <https://www.innovations.harvard.edu/sites/default/files/10950.pdf>

⁵ (<http://news.rice.edu/2015/03/09/eviction-can-result-in-depression-poorer-health-and-higher-stress-according-to-new-rice-and-harvard-study/>)

⁶ https://www.washingtonpost.com/news/where-we-live/wp/2017/12/28/does-your-city-rank-high-or-low-when-it-comes-to-evictions/?utm_term=.354f8aee8583

⁷ <https://www.theguardian.com/society/2017/feb/12/americas-eviction-epidemic-matthew-desmond-housing-crisis>

in eviction court with funding provided by the city's budget.⁸ San Francisco, Philadelphia, and Washington, DC, are all piloting and funding legal representation; and eviction numbers for all are going down.⁹

Durham there is a new program designed to address this crisis, the Durham Eviction Diversion Program, which is sponsored by the Duke Civil Justice Clinic and Legal Aid of North Carolina in partnership with the Durham County Department of Social Services. This is a new, currently self-funded program that needs to be expanded to serve the needs of our 10,000 annual evictees. The primary goal of the Eviction Diversion Program is to help our citizens avoid eviction judgments and — over time — greatly decrease the number of eviction filings and verdicts in Durham County.

Legal Aid of North Carolina receives and screens applicants referred to them by the Durham Department of Social Services. The applicant either receives legal support from Legal Aid of North Carolina or Duke's Civil Justice Clinic. The attorneys interview the tenants and negotiate with the landlord to resolve the eviction proceeding. It may be in the form of assistance to help the renter, negotiation of a move-out date to avoid litigation, or representation during litigation.

The DHRC feels the Eviction Diversion Program is a positive step in stabilizing Durham County's evictions crisis, but that alone cannot bring the number of evictions in parity or lower than other counties in North Carolina. An organized focus to reduce evictions will also need to address the systemic causes of the higher eviction rates in Durham County. A living wage, more affordable housing, and more robust workforce initiatives will all contribute to the reduction of the number of evictions.

Finally, current programs offering rental assistance to residents are overly burdened and seem to focus on specific groups of people like veterans or those who are currently employed. A community approach to creating a fund for rental assistance funded by non-profits, community based organizations, and governmental agencies would be very valuable and an endeavor that would greatly help residents in danger of an eviction.

⁸ <https://www.nytimes.com/2016/03/01/nyregion/evictions-are-down-by-18-new-york-city-cites-increased-legal-services.html>

⁹ <https://www.citylab.com/equity/2017/08/nyc-ensures-eviction-lawyer-for-every-tenant/536508/>

RECOMMENDATIONS TO ADDRESS THE DURHAM EVICTION CRISIS

We, the City of Durham Human Relations Commission, recommend the following actions :

I. Financially Support the Eviction Diversion Program

The DHRC proudly supports the work of the Eviction Diversion Program, a partnership between Duke's Civil Justice Clinic and Legal Aid of North Carolina, in cooperation with the Durham County Department of Social Services. During the DHRC's January 9th, 2018 monthly meeting, the Eviction Diversion Program team, as well as representatives from DSS, presented their program's goals as well as the hurdles they face meeting these goals. The DHRC supports the Eviction Diversion Program's request for financial support from multiple partners including the Durham City Council, the Durham County Commissioners, as well as community partners like Duke University to join in funding the Eviction Diversion Program on a continuing annual basis.

II. Refer Residents to the Eviction Diversion Program

The DHRC recommends that the City of Durham leadership engage the appropriate City staff and department leaders to find ways to direct people under threat of eviction to the Eviction Diversion Program. The DHRC sees Durham One Call and the various City sponsored functions and programs dealing with landlords and tenants as primary areas where residents can be directed to the intake process for the Eviction Diversion Program.

III. Emergency Rental Assistance Campaign

We support a citywide campaign to raise funds for additional and less restricted emergency rental assistance.

IV. Financially Support a Landlord Maintenance Fund

The DHRC recommends creating and partially funding a Landlord Maintenance Fund with community partners designed to provide low interest loans to landlords who are facing needed repairs to substandard *very low income* and *extremely low income* rental properties as defined by HUD. Much like the proposed Risk Mitigation Fund by the Unlocking Doors Initiative¹⁰ a landlord Maintenance Fund would help prevent evictions

¹⁰ <https://www.indyweek.com/news/archives/2017/07/12/section-8-voucher-holders-are-having-a-hard-time-finding-housing-in-durham>

caused by rental rate increase due to needed code enforcement repairs to the rental units.

V. Creation of an Eviction Crisis Task Force

The DHRC feels the amount of coordination needed to align agencies, tenants, landlords, and lawyers to develop an effective action plan could be greatly helped by the creation of an Eviction Crisis Task Force. This Task Force would provide insight, advice, and recommendations to the Durham City Council and the Durham Board of County Commissioners on the creation of a master plan to lower evictions. It is suggested that this Task Force be focused in goal and timely, providing a detailed plan within 180 days of its creation.

VI. *Evicted* by Matthew Desmond

The DHRC recommends the Durham City Council read *Evicted* by Matthew Desmond. We feel that this book does an excellent job framing the discussion on evictions, how an eviction negatively affects our most vulnerable residents, and the cascading negative outcomes they face after an eviction.

METHODOLOGY

This report, and set of recommendations, is based on the broad concerns voiced by Durham residents, community organizations and the Eviction Diversion Program leaders to the members of the Affordable Housing and Gentrification Abatement Committee of the DHRC and fellow members of the DHRC general body.

In our committee's research on the eviction crisis we discussed and were presented with several ideas, plans and points of action by the following people and organizations:

-We participated in two meetings with the Eviction Diversion Program, one in which a small subcommittee participated and the other a full panel discussion before the full Commission in January 9th, 2018 that included speakers from DDSS, the EDP, and Dataworks, as well as many members of the community, voicing overwhelming concerns about evictions.

-John Killeen of Dataworks provided very helpful maps illustrating geographical information on the location of eviction filings in Durham County as well as data on eviction filings by county from 2010 to 2017 in North Carolina, eviction data specific to Durham County for the same time period and other salient points to this discussion all of which we provide as appendixes.

-Peter Gilbert of Legal Aide of North Carolina provided a very help PowerPoint presentation. This PowerPoint was presented to City and County leadership on January 9th, 2018 at a joint City-County meeting.

-A spreadsheet of 100 eviction filing judgments within a single week documented by DHRC members. This spreadsheet seems to document that a large number of eviction filings are filed by large out-of-state corporations. This spreadsheet can be found in this report's appendixes.

-One-on-one discussions with local 'eviction court' magistrates that helped illuminate the process and the level of discretion they have within the law regarding evictions.

-Committee meetings and conversations with leadership from the following Durham based organizations: Durham Congregations, Associations and Neighborhoods, Families Moving Forward, Legal Aide of North Carolina, Community Endowment Fund, Urban Ministries, The Durham Homeless Advisory Service Committee, Durham Congregations in Action, The Durham Committee on the Affairs for Black People, The North Carolina Housing Coalition, Durham Department of Social Services, Duke Law Center, The Veterans Administration, The Durham Housing Authority, The City of Durham Neighborhood Improvement Services among other groups.

We are so very thankful for your help and guidance.

Appendix Documents

- 1) Dataworks eviction data nc_county_summary Ejectments_710_617.numbers
- 2) Dataworks graph of evictions in Durham County Summary Ejectments Durham 2010 to 2017.xlsx
- 3) Durham Evictions and the Eviction Diversion Program presentation.key.pptx
- 4) Dataworks Evictions Renters HRC Jan2018 PDF
- 5) Judgements for Eviction 2017.xlsx

Link of all reference documents can be found at this link. <https://goo.gl/qJJJgq>