EVICTIONS IN VIRGINIA

PREPARED FOR THE VIRGINIA POVERTY LAW CENTER BY

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Contents

1 EXECUTIVE SUMMARY

Data from Princeton University's Eviction Lab has demonstrated that Virginia is facing an eviction crisis. Virginia has the second highest eviction rate in the country. Five of the top ten large cities in the United States with the highest eviction rates are in Virginia (Eviction Lab, 2018). Geographically, these cities tend to be located in the Hampton Roads and Richmond metropolitan areas. In the relatively more affluent region of Northern Virginia in the suburbs of Washington, D.C., eviction rates are far closer to the national average.

Virginia policymakers at both the state and local levels have already taken action to reduce the number of evictions in key communities.

I studied the existing literature on evictions, including both their effects as well as best practices for protecting low-income renters from losing their homes. I also compiled more recent Virginia court data from 2017 through 2019 in order to build upon the work previously carried out by the Eviction Lab.

I considered the following four different policy alternatives based on my selected criteria of effectiveness, cost, equity, and feasibility.

1. Proceed with the planned Eviction Diversion Pilot Program
2. Expand the Eviction Diversion Pilot Program to additional cities
3. Guarantee a right to counsel for tenants facing eviction
4. Extend the mandatory pay-or-quit period from five days to fourteen days

Based off my findings, I recommend VPLC commit to lobbying the Virginia General Assembly to expand the state's mandatory pay-or-quit period from five days to fourteen days. This option would ensure that no neighborhood is systematically left behind by the state's attempted reform without an unfeasible price tag.

2 PROBLEM DEFINITION

Rental tenants in Virginia are being evicted at extraordinary rates. In the city of Richmond, there are over 17 evictions per day. This amounts to 11.44% of all renter homes in the city facing eviction each year. This eviction rate is nearly four times higher than the national average. However, Richmond is not alone. Five of the top ten large cities in the United States with the highest eviction rates are in Virginia. These include Hampton, Newport News, Norfolk, and Chesapeake. Virginia is similarly represented among mid-size cities, with Petersburg, Hopewell, and Portsmouth in the top ten nationally (Eviction Lab, 2018). **These extraordinarily high eviction rates destabilize families and communities and represent an economic threat to the Commonwealth which must be addressed.**

3 BACKGROUND

Evictions are a notoriously difficult figure to measure. A major reason for this is that the federal government has never maintained a nationwide database of eviction filings, and many states have been similarly unprepared to measure evictions. The work done by the team at Princeton University's Eviction Lab has given researchers and policymakers an unprecedented amount of data to study and examine the nature of evictions in the United States. However, such data only empowers us to examine a specific category of eviction: formal evictions.

Formal evictions are those which flow through the standard legal process and court system. However, this is not the only method by which a property owner can remove a tenant. Conversely, an informal eviction eschews the standard sequence of events extra-judicially (Our Methodology Report, 2018). Examples of an informal eviction includes everything from giving a tenant $200 to move out voluntarily to having the door to their unit removed. The 2016 Milwaukee Area Renters Study, led by Matthew Desmond who would later go on to create the Eviction Lab, found that informal evictions accounted for 48% of all forced moves in the city (Flowers, 2016). For the purposes of this project, we will be limiting our focus to formal evictions, but it is important to remember that for every eviction that goes through court, there is likely another which leaves no such paper trail.

Under Virginia law, tenants have four opportunities to pay rent late without being evicted. Their first chance would be to pay within a grace period (if one is included in their lease) before facing a late fee. This grace period is typically around five days. If the grace period ends and the tenant has still not paid, the landlord may issue a written five day "Pay or Quit" notice to be posted at the property by the Sheriff's Department. This informs the tenant(s) that if the rent is not paid within five days, the landlord will begin legal proceedings. It may be interesting to contrast Virginia's required five day notice prior to eviction proceedings with that of the District of Columbia, which allows tenants 30 days to pay their rent following the notice. If this period passes without the full payment being submitted, the landlord may file an "Unlawful Detainer," summoning the tenants to appear in court on a date set by the clerk (typically 21 days after the filing date). If the tenant pays the entirety of the rent owed, late fees, attorney's fees, and court costs on or before the date set by the clerk, the matter is settled and they will not face eviction. However, a tenant can only invoke this right once every 12 months. The final opportunity for a tenant to pay their overdue rent is a recent addition to Virginia law which came into effect on July 1, 2019. Under this law, if a judge rules in favor of the landlord and a writ of eviction is set to be delivered by the Sheriff on a specific date, the tenant has the opportunity to pay the landlord, their attorney, or the court all amounts owed (rent, late fees, court costs, Sheriff's fees, etc.) as of two business days before the Sheriff's scheduled eviction date. Again, a tenant may only invoke this extended right of redemption once in a 12 month period (Wegbreit, 2019).

While this appears to be a long and drawn out process on paper, pursuing legal action due to nonpayment is without a doubt within the best interest of any landlord in this situation. According to a survey of the Central Virginia Legal Aid Society, the average back rent owed in such cases was $1,008, the average court cost was $56, the average attorney fees were $196, and the average late fees were $142 (Addressing Evictions in Richmond, 2018). Consider that most tenants will either not come to court or come without an attorney, and you will see that evicting is an easy and logical option for landlords, despite the social cost imposed upon the evictee and the community at large.

A critical component of understanding evictions is understanding housing affordability. The United States Department of Housing and Urban Development uses cost burden as a gauge of housing affordability; households spending 30% or more of their income on housing costs are considered to be cost burdened. A 2019 study by Harvard's Joint Center for Housing Studies found that 47.4% of rental households are cost burdened. Meanwhile, the stock of low rent units (<$800 per month) has shrunk by 4 million since 2011 (Joint Center for Housing Studies of Harvard University, 2019). As housing costs increase and earnings stagnate, more and more people become at risk of being one medical emergency or layoff away from being unable to pay the month's rent, and once you fall behind, it is nearly impossible to get back on track.

In 2017, 43.7% of all renters in Virginia were cost burdened, and this rate is even higher among low income households. Among households earning less than $20,000, 87.7% were cost burdened (Housing Virginia, 2017). In Richmond, the average percentage of a renter's income that goes to housing costs is 33.3%, meaning that the average Richmond resident qualifies as cost burdened according to HUD. Compare this to Arlington, where the average renter pays 26.5% of their income on housing costs, below the 30% threshold (Eviction Lab, 2018).

Unsurprisingly, housing cost burden is a critical component of eviction risk. The higher one's cost burden, the smaller one's margin of error to cover living expenses in the event of an unanticipated financial crunch. In the Hampton Roads metropolitan area, including Virginia Beach, Norfolk, and Newport News, 62% of households earning between 50-80% of the area median income (AMI) are cost burdened. Compare this figure to the D.C. metro area, where only 45% of households in that AMI range are cost burdened (Howell, 2019).

There are policies currently in place both at the state and federal levels which are meant to either prevent evictions or reduce the harm they cause. Perhaps the most prominent national program is federal rental assistance. Federal rental assistance helps partially cover the cost of privately-owned housing to low-income renters, defined as households with an income less than 80% of the local median income. In Virginia, 217,800 people receive federal rental assistance in order to keep their housing affordable. This assistance from the federal government amounted to $872 million in 2018. However, there are many individuals who are excluded from these benefits due to limited funding. There are still 494,000 low-income Virginia renters paying more than half of their income every month to housing costs ("Federal Rental Assistance Fact Sheets," 2019). As a result, states must address the remaining need on their own.

Eviction records compiled by the Eviction Lab at Princeton University found significant regional disparities in eviction rates in Virginia. Half of the top ten highest eviction rates among large cities in the United States are found in Virginia. However, Virginia is also home to five of the top ten wealthiest counties in the United States. While cities such as Richmond, Hampton, and Newport News have some of the highest eviction rates in the country, cities like Arlington, which has the 7th highest eviction rate of Virginia cities, are among the nation's lowest. There is a clear geographic divide between these localities with high eviction rates in Southeastern Virginia (Richmond, Hampton, Newport News) and the affluent localities of Northern Virginia (e.g. Arlington, Fairfax, Loudoun) which enjoy relatively low eviction rates (Eviction Lab, 2018).

These disparities can even be found within a city itself. Different neighborhoods see dramatically different eviction rates. Richmond's overall eviction rate appears to be inflated by small pockets of the city with eviction rates higher than 33%, three times higher than the overall city rate. Perhaps surprisingly, these areas are not among the poorest neighborhoods in Richmond. In fact, Virginia Commonwealth University's RVA Eviction Lab found that poverty rates and median income are not statistically significant predictors of high eviction rates within a census block, while having a higher share of African-Americans within a block is associated with a statistically significant increase in eviction rates (Terese, 2019). While we might expect poverty or income to be the most important predictor of evictions, these data suggest that other factors such as race play a critical role in this problem. It is important to note that the affluent region of Northern Virginia has black population of about 12% compared to 31% in Hampton Roads and 30% in the Richmond area where the majority of Virginia's high eviction rates are located.

Following the release of the Eviction Lab's data, city and state officials quickly mobilized to formulate policy solutions to the eviction crisis. In November of 2018, seven months after the findings of Princeton's Eviction Lab were published in the New York Times, Governor Ralph Northam issued Executive Order Twenty-Five, establishing affordable housing priorities to address Virginia's unmet housing needs. Among the initiatives included in the Executive Order was a call to reduce eviction rates across the Commonwealth through prevention programs, evaluating potential pilot programs, and counseling and education services (Governor Northam Issues Executive Order to Address Virginia's Unmet Housing Needs, 2018). In February of the following year, Governor Northam signed several bills into law aiming at reducing eviction rates in the Commonwealth, which included legislation providing Virginians with additional time to make up for unpaid rent before facing eviction. Of the seven bills signed by Governor Northam, four were sponsored by Democrats and three were sponsored by Republicans, indicating bipartisan support for addressing eviction rates in Virginia (Governor Northam Signs Legislation to Reduce Eviction Rates in Virginia, 2019).

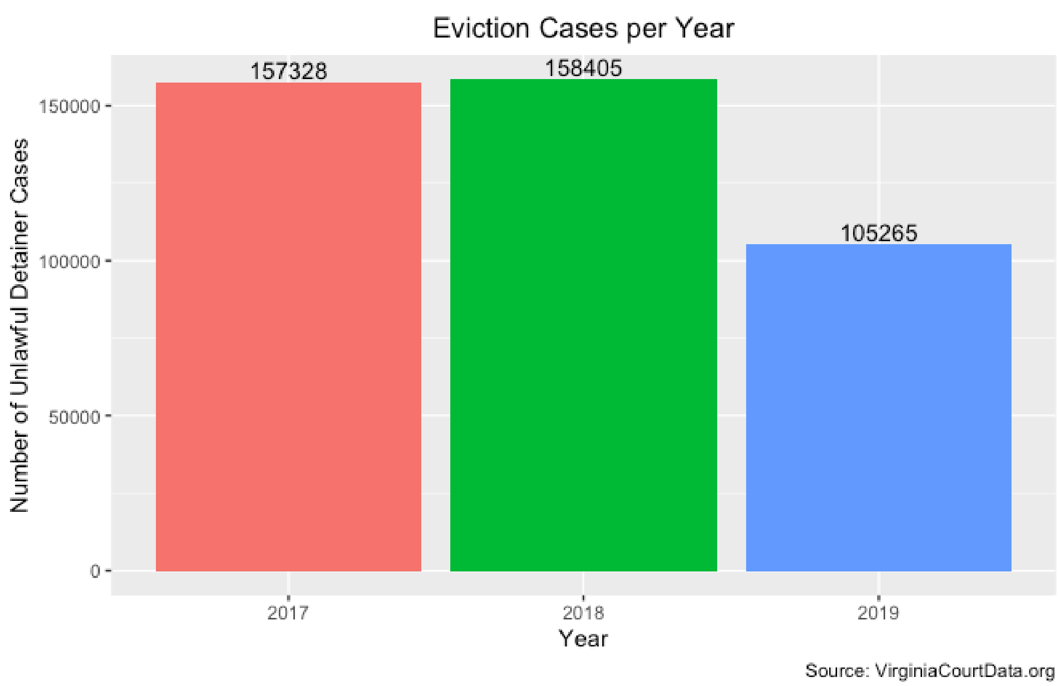
The global COVID-19 pandemic has also brought issues of rent payment and eviction into the spotlight. As millions face either layoffs or reduced hours, many Americans expect to see a significant decrease in their checking account which could make it difficult to cover their typical monthly rental payment. Even real estate trade groups have stepped in. The California Apartment Association has urged its member landlords to freeze rents and waive late fees for impacted residents through May 31 (Lansner, 2020).

4 METHODOLOGY

While the data available from Princeton's Eviction Lab was critical to drawing attention to the dire need for a policy intervention in Virginia's major cities, its data only extends through 2016. In order to have a more up-to-date picture of the state of the eviction crisis in Virginia, I sought out eviction data from 2017 through 2019.

VirginiaCourtData.org has anonymized court record data available for bulk download. I took data from 2017, 2018, and 2019 and excluded all cases except those which involved an unlawful detainer charge. The most precise available measure for geography in these cases was the defendant's address variable, which included the city and ZIP code of the property in question. I extracted the ZIP code from this variable to be used as my space measure. I also created indicator variables for whether or not the defendant or plaintiff had legal representation. The dataset included variables for the address of the defendant's attorney and the plaintiff's attorney, so I assumed that if this variable was missing in the dataset that indicated that the person in question had no attorney. Based on this measure, less than 1% of tenants came to court with an attorney. Conversely, approximately 66% of landlords had legal representation listed in this data.

In this graph, you can see validation of previous findings that 2019 saw a sharp decrease in eviction filings. Based on the available court data, there were about 50,000 fewer eviction cases in Virginia.



Interestingly, the data suggests that the process within the courtroom itself has not changed over the years. Across the years, the percentage of cases resulting in an eviction judgement are substantively consistent (see Appendix A). This suggests that the drop in evictions in 2019 can be attributed to a reduction in eviction filings rather than a shift in opinion or procedure within the courtroom.

An advantage of the Eviction Lab's dataset was the inclusion of informative demographic data based on the unit of observation in question, whether it be a city, block group, or census tract. I sought to recreate these demographic measures as closely as possible for my new dataset. The most meaningful measure of geography in my dataset was the defendant's ZIP code, so I searched for ZIP code level demographic data to append. The closest proxy to ZIP codes used by the United States Census Bureau are ZIP Code Tabulation Areas (ZCTA). ZCTAs are generated by examining every ZIP Code in a census block and assigning the most frequently occurring ZIP code as the preliminary ZCTA code. Because of this, an address's ZIP code and ZCTA are most often the same, with some outlying exceptions. With the acknowledgement that these two measures are not perfect analogs for each other, I used the demographic data from the 2010 Census to approximate the racial composition of each case's surrounding area.

Using this additional demographic data, I built a model to estimate the causal effect of neighborhood demographics on the likelihood of a case resulting in an eviction judgement. When controlling for racial demographics, poverty level, median household income, and percentage of households experiencing cost burden, coming to court with a lawyer was found to be a statistically and substantively significant predictor for a tenant retaining their home (see Appendix B)

5 LITERATURE REVIEW

In order to understand how evictions have been studied and addressed outside of Virginia, I conducted a systematic literature review of the topic. My findings can be subdivided between two primary categories: the effects of evictions on communities and past strategies for reducing evictions.

5.1 EFFECTS OF EVICTIONS

Evictions are a negative experience all parties, including property owners. Landlords want their tenants to be able to reliably pay off their rent in full each month. A tenant falling behind on rent introduces stress and risk to the property owner's investment. However, a landlord's decision to evict a tenant is not always a simple one. Researchers examining the strategies of property managers and landlords in Baltimore, Dallas, and Cleveland found that landlords will typically weigh the decision to evict a tenant based on two pieces of calculus: first, the likelihood the tenant will be able to pay their back rent — second, the potential revenue lost in the vacancy period between eviction and moving in a new tenant (Garboden & Rosen, 2019). This opportunity cost of a vacant unit coupled with the legal and administrative costs of executing an eviction is one of the primary reasons landlords will often deny rental applications from prospective tenants who have an eviction order on their record. Landlords will often screen potential tenants to find records of past eviction orders and use this piece of information to effectively blacklist them from finding new housing, even if the court never ultimately issued an eviction order (Park, 2017). This results in a vicious cycle of housing instability as evicted families struggle to find replacement housing, often forcing them into unsafe living situations.

Beyond landlords and tenants, evictions also yield externalities which impose costs on the community at large. There is an economic cost on cities imposed by eviction proceedings. The Boston Public Housing Authority examined the costs associated with a forced eviction from their projects, accounting for staff time, filings, lost rent, and refurbishment, which totaled to over $10,000 per eviction (Wood-Boyle, 2015). There are also less directly obvious costs imposed on a community by evictions. A study examining the effects of eviction on low income households. Researchers estimated the cost of usage of homeless shelters and emergency rooms as an effect of eviction, which totaled nearly $8,000 in cumulative costs (Collinson & Reed, 2018). This cost is imposed on cities as a result of insufficient policies aimed at promoting residential stability in at-risk communities.

Evictions impose significant financial and economic costs on cities. This is most obvious for landlords and tenants. The negative consequences of an eviction on a tenant are obvious. The lack of stable housing can make it more difficult for an individual to hold down a job or care for their children (Babajide, Blum, Maniates, & Scher, 2016).

Evictions are also a prelude to the extreme case of chronic homelessness. A 2010 report found that 47% of families in New York City's homeless shelters had experienced an eviction less than five years prior to entering the shelter (National Law Center on Homelessness & Poverty, 2018).

Researchers have investigated how communities of color are disproportionately affected by evictions. One population which is overwhelmingly and disproportionately impacted by evictions is black women. In Milwaukee, women from predominantly black neighborhoods make up less than 10% of the population, yet account for 30% of the city's evictions (Desmond, 2014). This may be in part a result of racial biases among landlords, as the decision to evict is often one which is primarily up to the discretion of the landlord.

Likewise, families with young children are disproportionately impacted by eviction, and this impact can be especially harmful on many aspects of child welfare, including health and educational outcomes. The presence of young children in a household is a significant predictor of evictions. Neighborhoods with a high percentage of children experience increased evictions (Desmond, An, Winkler, & Ferriss, 2013). All else equal, an additional child in a household leads to an increase in a renter's monthly probability of eviction by 0.002 compared to a base probability of 0.006 (Desmond & Gershenson, 2016). There are several potential reasons behind this. Because of our societal interest in child welfare, there is a great deal of scrutiny by the state on properties housing children. Children are more affected by exposure to lead than adults, and are therefore more likely to test positive for lead poisoning (Agency for Toxic Substances and Disease Registry, 2017). That increased risk of lead poisoning means an increased risk of the landlord receiving an abatement order from the Environmental Protection Agency, imposing significant cost on the property owner (Desmond, An, Winkler, & Ferriss, 2013).

However, this increased concern for child safety does not carry over into the court system. Among tenants who appear in eviction court, those with children are significantly more likely to receive an eviction judgement. Children are also, inevitably, less responsible than adults. Children can cause property damage, which landlords can use as a justification for an eviction, as was the case documented by Matthew Desmond in his Pulitzer Prize winning book, Evicted, when two children throwing snowballs at passing cars provoked a passerby to chase them into their house before kicking down the door, leading to an eviction notice from the property owner (Desmond, 2016).

5.2 STRATEGIES FOR EVICTION PREVENTION

While past data limitations have made studying the effectiveness of different eviction prevention policies difficult, there is still an ever expanding collection of literature examining best practices for policymakers.

One of the most well known policies aimed at ensuring affordable housing for low-income families is the housing choice voucher program. This federal program helps to subsidize housing expenses conditional on the owner's consent and the unit meeting basic health and safety standards. Unsurprisingly, access to housing choice vouchers have been found to be extremely effective at protecting low-income families from eviction and homelessness. When comparing low-income families who utilize housing vouchers to those who do not, vouchers have been found to reduce housing instability by 80% and homelessness by 75% (Fischer, 2015). Unfortunately, landlords can still legally refuse to accept potential tenants based on housing choice voucher recipiency. However, that may soon change in Virginia, as a bill prohibiting landlords from discriminating against tenants on the basis of receiving federal assistance recently passed through both chambers of the Virginia General Assembly (Oliver, 2020a).

Another commonly known intervention is rent control, but its effects on evictions are far less clear cut. Last year, rent control laws in California and New York produced nearly opposite results. In the 85 day period between California Governor Gavin Newsom signing rent control legislation and the law coming into effect, landlords in Los Angeles reportedly began to preemptively file unlawful detainers at significantly higher rates before the law could begin protecting tenants. In response, the city of Los Angeles implemented a temporary eviction moratorium to subside this massive surge in eviction filings (Tinoco, 2019).

Conversely, New York City's eviction rate has been falling significantly following the implementation of increased tenant protection legislation, including expanded rent control. In the period following the legislation's implementation, New York City saw evictions drop by 46% compared to the same time period in 2018 (Barbanel, 2019).

A rather straightforward strategy to keeping people in their homes is to provide direct financial assistance to those at risk of homelessness. An analysis of nearly 5,000 calls to Chicago's Homelessness Prevention Call Center (HPCC) found that those who called HPCC at a time when there was available funding were 76% less likely to enter a homeless shelter within the following six months. Due to the volatility of HPCC's available funding on any given day, the researchers argued that the assignment of a caller being connected with emergency funds was as good as random (Evans et al., 2016).

As discussed earlier, low-income renters most at risk of facing eviction rarely have the means to secure legal assistance regarding their case. One of the earliest evaluations of a legal assistance program for low income renters was in New York City in 2001. The evaluation involved a randomized comparison of a treatment group who were chosen to receive legal counsel and a control group which was not. As one would expect, the treatment group fared far better than the control group on multiple measures. Treated cases were significantly more likely to appear in court and far more likely to retain their homes than those in the control group. The findings from this study also challenged the notion that providing low-income tenants with legal counsel would create inefficiencies in the court system and jam up the judicial process. The researchers found that treated cases did not see a significant increase in court appearances or motions filed and were also significantly less likely to have burdensome post-judgement motions filed than control cases (Seron et al., 2001).

More recent programs have seen similar effects. One such pilot program was introduced in the South Bronx in New York City. The Housing Help Program provided legal representation to 1,388 South Bronx residents facing eviction, regardless of the legal merits of their case. The HHP prevented a loss of housing for 91% of clients and prevented an eviction judgement for 86%. In addition, this program was actually found to deliver net savings for the city. The costs of the program were about $450,000, but it negated the many costs associated with evictions and homelessness stated earlier, resulting in over $700,000 in savings (Seedco Policy Center, 2010).

A similar project in Boston, HomeStart's Court Intervention Project, focused on public housing tenants. CIP accompanied its clients to courts, assisted in negotiations, provided rental assistance grants directly to landlords, and connect tenants with other public resources. From its implementation in 2010 to 2013, CIP was able to prevent over 500 public housing evictions with over 97% of clients retaining their home. While HomeStart spent an average of $1,570 per prevented eviction, this figure was 84% less expensive than the counter-factual of proceeding with standard forced evictions (Wood-Boyle, 2015).

I also found literature detailing how policy changes not directly aimed at the housing market can still have substantial effects on evictions. When California began expanding Medicaid on a county-by-county basis in late 2011, researchers used this natural experiment to conduct a differences-in-differences analysis of counties which did and did not expand Medicaid to more people. The researchers found that counties which were involved in early Medicaid expansion saw an average of 24.5 fewer evictions per month (Allen et al., 2019). These findings lend credence to the claim that the fundamental issue of evictions is one of affordability. In this instance, newly expanded access to Medicaid may have been the difference between a low-income renter being insured versus going into significant medical debt due to a health crisis. It is likely that Virginia's recently enacted Medicaid expansion played a role in the 14% drop in evictions observed in the state in 2019.

6 CRITERIA

In order to evaluate potential policy alternatives to address Virginia's eviction crisis, I chose four criteria to measure across each option.

Effectiveness Each alternative will be judged by its estimated reduction in eviction judgements compared to the status quo. For the purposes of standardization, the primary metric of interest will be the number of eviction judgements, not filings.

Cost Each alternative will be assessed on an estimate of its total cost of implementation and maintenance, normalized to 2020 U.S. dollars. Using the Effectiveness and Cost criteria, I will estimate the average cost of a prevented eviction judgement for each alternative.

Equity Evictions tend to affect certain communities more than others. Each policy will be assessed based on how well it is designed to accurately target interventions to those who need support most in order to maximize the utility of public investment. This criterion will be measured based on the policy's estimated impact on the current disparity in eviction rates in predominantly non-white communities compared to predominantly white communities.

Feasibility Because Virginia Poverty Law Center is not a policymaker, their advocacy should be focused on policies which have enough support from lawmakers such that their lobbying can be effective in producing change. Each alternative will be ranked on a scale from Low to High indicating the extent to which intervention from the VPLC would result in the program's successful implementation. This criterion will help provide a balanced scale to measure whether an alternative is achievable from the perspective of the VPLC.

7 ALTERNATIVES

These aforementioned criteria will be used to evaluate each of the following policy alternatives.

Proceed as Planned

Given Richmond's significant decrease in evictions in 2019, the best course of action may be to simply allow these recent trends to continue. This recent reduction in evictions could be a result of the steps the state has already taken to address the problem. Recent pieces of state legislation have provided additional opportunities for tenants to submit unpaid rent and fees prior to an eviction judgement. Governor Northam also approved the creation of pilot eviction diversion programs in Danville, Hampton, Petersburg, and Richmond. The pilot programs are set to come into effect in July of 2020 and continue until July of 2023. Additionally, Richmond Mayor Levar Stoney has announced that the City of Richmond will be implementing an eviction diversion pilot program of its own.

Expand Pilot Program

While the state's Eviction Diversion Pilot Program is not set to be implemented until July (with the COVID-19 outbreak potentially pushing its rollback further into the future), VPLC could advocate for an expansion of the program to include other critically important cities, such as Newport News, Norfolk, Chesapeake, and Virginia Beach. Each of these four cities has a larger population and eviction rate than Danville. However, they are excluded from benefiting from this state initiative until at least 2023, when the program is set to expire and begin evaluation. While ambitious, this alternative ensures that low-income renters of Hampton Roads are not systematically excluded from the state's intervention.

Guarantee Right to Counsel

Providing tenants with legal representation has been a successful strategy utilized across the country. An analysis of eviction cases in Philadelphia found that only 5% of cases with tenant representation resulted in disruptive displacement compared to 78% of cases with unrepresented tenants. Last month, Philadelphia City Council unanimously voted to guarantee legal representation to low income tenants facing eviction. Under the bill, tenants with an annual gross income of less than $24,980 for a single person or $51,500 for a family of four will receive fully covered legal representation from nonprofit legal providers, like the Virginia Poverty Law Center (Blumgart, 2019).

Extend Pay-or-Quit Period

Currently, landlords are only required to provide a five day warning to tenants before pursuing an eviction judgement for nonpayment of rent. In many other states such as Maryland, Tennessee, and New York, this period is fourteen days. Just across the Potomac River in Washington, D.C., a tenant is allowed 30 days to correct a nonpayment. Extending Virginia's pay-or-quit period could give low-income tenants a better opportunity to connect with local resources or receive another paycheck in order to prevent a loss of housing.

8 FINDINGS

I have estimated the effectiveness of each of my proposed alternatives. For the sake of consistency, I calculated the following figures based on a three year period, with a focus on each policy's effect in Virginia's five high-risk large cities: Richmond, Hampton, Newport News, Norfolk, and Chesapeake. Due to the limitations of available data, many of these figures are based on stated assumptions, with the acknowledgement that this introduces some degree of uncertainty.

8.1 PROCEED WITH DIVERSION PILOT PROGRAM

Evictions Diverted	Cost per Eviction Diverted	Equity	Feasibility
6,600	$900-$1,000	Low	High

Both the city of Richmond and the state legislature have already taken action to address the eviction crisis. As a result, we must predict the outcomes of these existing programs. This is a good problem to have, but it certainly opens up some uncertainty.

The city of Richmond's Eviction Diversion Pilot Program is already off to a promising start. After launching in October, the city's program has protected 76 families facing eviction over its first three months. This puts the program on track to hit its first year goal of 300 prevented evictions. The eviction diversion goal increases to 500 in subsequent years.

Unlike the City of Richmond, the Commonwealth of Virginia has not set an explicit goal for the number of evictions they hope their program will prevent. Instead, the bill only states its goal as "reducing the number of evictions of low-income persons... for the failure to pay small amounts of money under the rental agreement" (SB 1450, 2019). The Virginia Housing Commission will eventually provide an evaluation of the potential benefits and costs of the program, although it is unclear when this will take place. For now, we will assume that the state's program will have a similar rate of evictions-prevented-per-dollar compared to Richmond's program. Richmond's program is expected to eventually prevent 500 evictions per year at a cost of $465,000 per year (Richmond Mayor Levar Stoney, 2019).

This amounts to an investment of $930 per tenant, similar to the per tenant cost of the Housing Help Program in the South Bronx, which averaged $986 per client (Seedco Policy Center, 2010).

Governor Northam has already budgeted $6.6 million over three years into the state's diversion pilot program. Considering that Richmond's preliminary program has a similar prevented eviction cost as programs in the South Bronx, I anticipate that the Governor's allocated funds should yield approximately the same rate of return. Under this assumption, we can expect to stop approximately 6,600 evictions between 2020 and 2023.

This option scores low on equity because it leaves out many cities which desperately need assistance. The program arbitrarily excludes major cities with critically high eviction rates such as Newport News and Norfolk in favor of Danville, which has the 7th highest eviction rate among Virginia's mid-sized cities.

The status quo scores high on feasibility because it has already been enacted. The budget has already been earmarked, and the state's program will begin in July of 2020 and extend through July of 2023. Furthermore, it is highly unlikely that this policy will be undone. Any alternative would have to be in addition to this baseline.

8.2 EXPAND DIVERSION PILOT PROGRAM

Evictions Diverted	Cost per Eviction Diverted	Equity	Feasibility
12,000-13,000	$900-$1,000	Medium	Low

A potential alternative which builds on the projected success of the state's pilot program is to expand the program to the other cities in Virginia which also have some of the nation's highest eviction rates: Newport News, Norfolk, Chesapeake, and Virginia Beach. This would double the number of serviced cities from four to eight.

Considering the consistent returns on investment to these programs as well as the high opportunity cities which would be involved in this expansion, I estimate that this alternative would approximately double the number of evictions diverted compared to the status quo over the next three years while retaining the same marginal cost per eviction prevented.

This option has a medium score on equity. The expansion to critical cities around the Hampton Roads area makes this alternative clearly stronger than the status quo, but the nature of the program itself could still exclude many vulnerable populations, due to its strict criteria for eligibility.

This policy scores low on feasibility. It is unlikely the state legislature will be interested in expanding the pilot program to other cities until it has been proven effective in the cities it is already scheduled to target. Such an alternative could become more viable in the near future, but efforts to expand the pilot program before there has been any official evaluation of the initial progress could fall on deaf ears.

8.3 GUARANTEE RIGHT TO COUNSEL

Evictions Diverted	Cost per Eviction Diverted	Equity	Feasibility
12,000-14,000	\$800-\$1,000	High	Low

An even more ambitious approach to preventing evictions in Virginia is by guaranteeing a right to counsel in unlawful detainer cases. This would differ from the previous diversion plans because it would remove many of the requirements the more restrictive plan imposes; namely, that a tenant can not have been late more than twice in a six month period and had not been in an eviction diversion program in the last year. However, due to limited resources guaranteed counsel would only be provided to those with incomes at or below 200% of the federal poverty line, about \$25,000 for a single individual or \$50,000 for a household of four (Office of the Assistant Secretary for Planning and Evaluation, 2015). This restriction is consistent with similar policies implemented in New York City, San Francisco, Newark, and most recently Philadelphia (Schultheis & Rooney, 2019).

A right to counsel has been shown to be highly effective at reducing evictions. In New York City, fully represented tenants won or settled their cases 96% of the time (Stout, 2019). While we do not have data on individual income for those facing eviction in our cities of interest, we can estimate the number of tenants who would benefit from this program. For simplicity, let us assume that a quarter of those who are evicted would qualify for legal counsel. If 25% of eviction cases were settled or ruled in favor of the tenant at a rate of 96%, that would translate to over 13,000 fewer evictions over three years.

A recent analysis of Richmond eviction court data by the Central Virginia Legal Aid Society found that the average court cost for unlawful detainers was \$56, the average attorney fees totaled \$196, and the average late fees were \$142 (Addressing Evictions in Richmond, 2018). This sums to an average total cost of \$394 per case. However, if tenants have attorneys, the duration of the average court case will almost certainly increase from the baseline default judgement. A cost-benefit analysis of a right-to-counsel legislation in the city of Philadelphia estimated the average time investment per case to be six hours, with time budgeted at $150 per hour (Stout Risius Ross, 2018). This totals to an average cost of $900 per case. By applying this rate to the estimated number of cases, we arrive at a three year cost ranging from $10 million to $12 million. This amounts to an expected cost per prevented eviction of between $800 and $1,000.

This option scores high on equity. A guaranteed right to counsel for low-income tenants would provide a massive counterbalance to the typical landlord-tenant power dynamic. Similarly, this policy specifically targets the most vulnerable populations in Virginia without placing restrictions on the number of times they can utilize the program.

8.4 EXTEND PAY-OR-QUIT PERIOD

Evictions Diverted	Cost per Eviction Diverted	Equity	Feasibility
7,000-9,000	$400-$600	Medium	Medium

Currently, landlords in Virginia are allowed to give a mere five day pay-or-quit notice following a nonpayment of rent. Since salaries are typically deposited in two-week intervals, this short time-span does not allow a tenant many options for recourse if some financial shock puts them just below the threshold to meet that month's rent. However, other states have much more generous pay-or-quit periods. Across the Potomac in Washington D.C., the pay-or-quit period is 30 days. There is also recent precedent for changing a state's pay-or-quit period. In May of 2019, Washington Governor Jay Inslee signed a bill increasing the required pay-or-quit period from three days to 14 days (Washington Governor Signs Sweeping New Eviction Bill, 2019). This piece of state legislation could provide a model for action in Virginia.

The cost of this alternative would be borne by landlords. If we were to assume that a 14 day lapse in a payment of $800 would impose an opportunity cost of $400, then this alternative would impose a cost of between $2.8 million and $3.6 million on landlords across the cities of interest. While this sum is lower than the other alternatives, it is also imposed directly on private citizens rather than the government. In order to cushion the potential economic blow of this policy, the state could subsidize smaller landlords whose investment could be seriously compromised by late payments.

This alternative scores medium on equity. An extended pay-or-quit period would only make a meaningful difference for those who are within two weeks of gathering the funds needed to pay off their late rent. If someone was abruptly laid off or unable to work, this policy would do little to provide a safety net from a potential loss of housing. Unfortunately, such stories are very common, and we can expect that a significant number of people would fall through the cracks in those situations.

Feasibility could prove a challenge. Patrick McCloud, the Chief Executive Officer of the Virginia Apartment Management Association, has expressed firm opposition to the proposal of a 14 day pay-or-quit term, saying "Everyone knows when they sign their lease what day the rent is due" (Oliver, 2018). Landlords could effectively counter-organize to prevent such legislation from moving forward. However, opposition could potentially be mitigated by providing subsidies to struggling landlords, as discussed previously.

As Virginia begins to return to business as usual, VPLC can begin to foster these connections with both legislators and landlord to build up support for this common sense proposal.

9 RECOMMENDATION

Based off of these findings, I recommend the VPLC pursue the fourth option, extending the pay-or-quit period from five to fourteen days. This policy has been demonstrated to work in other states. By giving more flexibility to tenants, this policy would also amplify the reach of pre-existing support networks which tenants could otherwise struggle with finding. Furthermore, this intervention does not introduce additional costly programs into the state budget. Future tax revenue is more uncertain than ever, which provides a significant advantage to this policy.

10 IMPLEMENTATION

In order to effectively implement a fourteen day pay-or-quit period in Virginia, it is critical to consider the stakeholders, decision makers, and present political landscape, all of which have a significant influence over a policy's success.

The current COVID-19 pandemic introduces an extraordinary amount of uncertainty to any non-emergency policy. The Supreme Court of Virginia has declared a judicial emergency, temporarily suspending all non-essential, non-emergency court proceedings. This judicial emergency has recently been extended from April 6 to April 26, and this period could be extended even further as that date approaches (Harvey, 2020). At the time of writing, the University of Virginia's Biocomplexity Institute's model projecting COVID-19 infection in Virginia predicts a mid-August peak in infections, some time after the Governor's current stay-at-home order expires on June 10 (Samarrai, 2020). Based on this model, we can expect the Governor's order to be extended, pushing back the implementation of any new eviction prevention programs.

Despite this order from the Supreme Court of Virginia, many key stakeholders have been confused by the decision's consequences. The week following the judicial emergency was put into effect, courts in Fredericksburg, Leesburg, Loudon, and Hanover all heard unlawful detainer cases, at least two of which resulted in eviction judgements (Oliver, 2020c).

Beyond the issue of an effective timeline, this pandemic also introduces fiscal challenges. Governor Ralph Northam has suspended all new spending to prioritize only essential programs (Martz, 2020). This decision was made as economic models predict increasingly serious monetary consequences from the COVID-19 crisis. Previously projected levels of state revenue have become obsolete, and Secretary of Finance Aubrey Layne has said that many items may need to be cut (Oliver, 2020b).

Still, despite the uncertainty of the times, VPLC can take steps to prepare for a successful implementation in the future. First and foremost, we must consider the current state of Virginia law. Although Virginia's evictions are highly concentrated in a few major cities of concern, an effective intervention will have to come from the state rather than local level. Due to Virginia's status as a Dillon Rule state, cities are significantly restricted in the rules and regulations they are allowed to set for themselves. For example, Hampton does not have the authority to establish a fourteen day pay-or-quit period for its citizens absent an amendment to Virginia state code. The current law which governs the state's pay-or-quit period is Virginia Code § 55.1-1415. The law states:

> "If any tenant or lessee of nonresidential rental property who is in default in the payment of rent continues to be in default five days after receipt of written notice that requires possession of the premises or the payment of rent, such tenant or lessee forfeits his right to possession of the premises."

In order to amend this law to allow for a fourteen day pay-or-quit period, a bill must make its way through both the House of Delegates and State Senate before being signed into law by the Governor. In 2019, bills to extend the pay-or-quit period to 14 days were introduced in both the House of Delegates and State Senate. Both ultimately died in their respective chamber's General

Laws committee.

The Senate bill (SB 1438) was referred to the Committee for General Laws and Technology after its introduction. There it was "passed by indefinitely" by unanimous vote, a vote cast by several of the bill's co-patrons, including Adam Ebbin and Scott Surovell. Other prominent members of the committee which tabled the bill included George Barker, Mamie Locke, and Monty Mason, all of whom had sponsored or co-sponsored notable pieces of pro-tenant legislation.

The House bill (HB 1860) followed a similar path. After being sent to the House Committee on General Laws, it was assigned to a subcommittee, where it failed to be recommended by a party-line vote of 2-5-1, with Committee chairman Delegate David Bulova not voting. Of the five dissenting Republicans, only one, Delegate Buddy Fowler Jr., remained on the General Laws committee in 2020. Two of them retired from office and the other two were given different committee assignments. When examining the roster of Republican members of the House General Laws Committee from the 2020 session, one can see several opportunities for bipartisan cooperation. Four out of the nine Republican members of the committee represent cities with eviction rates exceeding 8%. Specifically, Delegate Jay Leftwich of Chesapeake, Delegate Jason Miyares of Virginia Beach, and Delegate Barry Knight of both cities would be key stakeholders with whom to engage. These three key stakeholders are well aware of how high eviction rates cause harm to the communities they represent, which could prime them to be receptive to proposed alternatives.

The VPLC should seek to build a coalition among the state legislators who represent areas of high eviction as well as those who have already identified themselves as being active in the pursuit of greater protection for tenants. These are the stakeholders who can be relied upon to drive this amendment through the legislative process.

However, legislators are not the only stakeholders who must be engaged. The Virginia Apartment Management Association is a consistently active participant in the legislative process. As mentioned previously, Patrick McCloud, the Chief Executive Officer of the Virginia Apartment Management Association, has expressed opposition to the notion of extending the pay-or-quit period to 14 days, arguing, "Everyone knows when they sign their lease what day the rent is due" (Oliver, 2018). However, Mr. McCloud has demonstrated a willingness to compromise and find solutions that are mutually beneficial to landlords and tenants. His main concern is addressing issues of equity "without harming everyone else who's doing it correctly" (Oliver, 2020d).

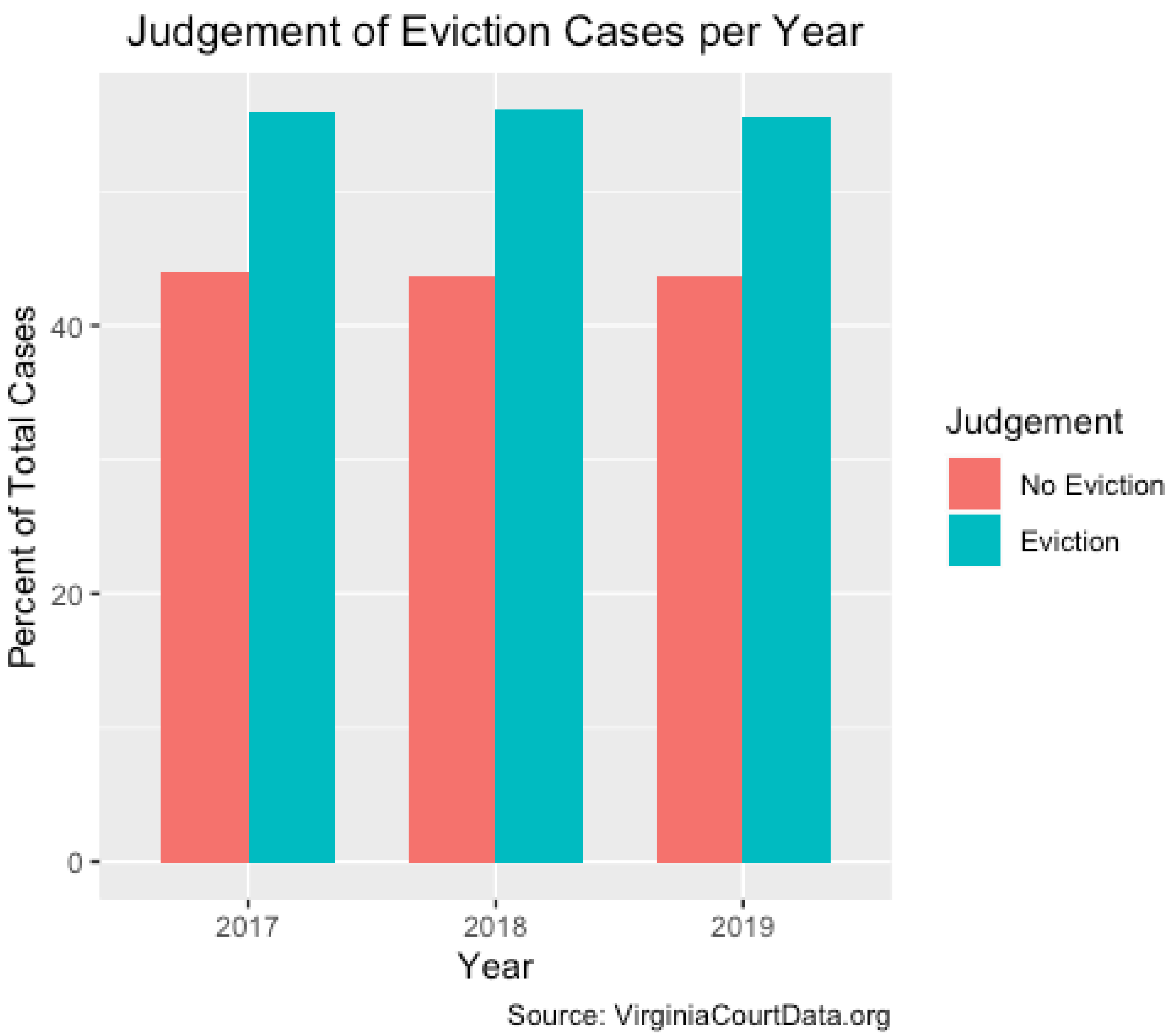
In order to anticipate the potential objections to this proposal, we can look to Washington state. The Senate Bill Report for SB 5600, which extended the state's pay-or-quit period from three days to fourteen days, includes a summary of the public testimony made by stakeholders, both in favor and against. Those who opposed the legislation expressed concerns that it would force landlords to be more aggressive in taking legal action against nonpayment of rent, disincentivizing them from providing informal opportunities to make up for late payment through payment plans. Detractors also argued that slowing down the speed at which a landlord can replace a non-paying tenant would disproportionately impact the small property owners who lack the capital to absorb those short-term losses. They argue that this would drive more and more small property owners out of the market, replacing them with larger corporate entities (Washington Governor Signs Sweeping New Eviction Bill, 2019).

Keeping these concerns in mind, a potential strategy to demobilize opposition to an extended pay-or-quit period is to expand on landlord engagement strategies that have been tested in Norfolk. In March, the city of Norfolk hosted its first Landlord Summit, which provided local rental property managers the opportunity to learn more about recent legislation as well as share strategies to take advantage of certain tax incentives (Pennecke, 2020). Partnering with cities and landlords to host more events such as these could go a long way to demonstrate that these interventions are not seeking to destroy the rental housing industry as we know it. Bringing in landlords from other states with 14 day pay-or-quit periods as guest speakers could also help to counter any concerns that this modest reform would pose an existential threat to their livelihoods.

In conclusion, there is a window of opportunity to successfully implement a fourteen day pay-or-quit period, despite the failure of 2019. By engaging with potential opponents in the General Laws committees of both chambers of the General Assembly, VPLC can help to ensure that legislation is able to make it out of committee. At the same time, VPLC's expertise will surely be needed in the evaluation of the Eviction Diversion Pilot Program once it is fully implemented in Richmond, Hampton, Petersburg, and Danville.

APPENDIX

Appendix A



Appendix B

Table 1

	Dependent variable:
	evict
pct_afam	0.002***
	(0.0001)
median_inc	0.00000***
	(0.00000)
poverty	−0.001***
	(0.0001)
rentburden	−0.0005***
	(0.00005)
ten_rep	−0.166***
	(0.011)
Constant	0.556***
	(0.004)
Observations	391,249
R^2	0.002
Adjusted R^2	0.002
Residual Std. Error	0.496 (df = 391243)
F Statistic	148.209*** (df = 5; 391243)
Note:	*p<0.1; **p<0.05; ***p<0.01

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