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The CDC eviction moratorium ended last month. What happens next in Bloomington?



Illustration by Donyá Collins

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Due to the intense economic hardship of the COVID-19 pandemic, individual states and later the Centers for Disease Control and Prevention imposed eviction moratoria. According to the CDC, the pandemic could be exacerbated by homelessness and overcrowded shelters, which was the public health reason for instating the temporary prohibitions on eviction.

Many renters in the U.S. needed the help after losing their source of income. According to the Congressional Research Service, the unemployment rate reached 14.8% in April 2020, the highest rate observed since data collection began, and remains above pre-pandemic levels.

The number of households reporting difficulty paying for expenses such as rent and food also remains higher than pre-pandemic levels, even as unemployment rates improve, according to the Center for Budget and Policy Priorities.

But evictions didn't stop during the moratoria, and the pandemic hasn't stopped now that the CDC moratorium has.

The Eviction Lab, a group of researchers who have collected eviction data across the U.S., has published what they say is the first dataset of evictions in America. According to its data, the number of eviction filings in Indiana dropped to over 90% below average from April through July 2020, but more than 2,000 households still faced eviction during that period.

When the state moratorium ended in August 2020, the number of eviction filings rose. That number remained closer to, and sometimes surpassed, pre-pandemic averages of eviction filings during the CDC moratorium.

Other than a spike in January 2021, Monroe County eviction filings have broadly followed statewide trends.

Eviction filings remained below average for most of the year

Averages are based on filings from 2016-2019.

State County

Source: The Eviction Lab • Graphic by: Kaitlyn Radde | IDS

 A Flourish chart

Monroe County's rental market differs from other markets in the region, according to a City of Bloomington housing study. Because of IU, more homes in Bloomington are occupied by renters compared to non-university communities.

The large and growing student population drives up rental prices, according to the City of Bloomington. According to the IndyStar, the average rent in Bloomington is the highest in the state at \$894. In Indianapolis, Indiana, the average rent is \$738, and in Indiana's other college town with a large number of student renters — Lafayette, Indiana — the average rent is \$789.

The Department of Housing and Urban Development classifies households who pay more than 30% of their income on rent as cost burdened. In 2019, over 60% of Bloomington renters were cost burdened. Excluding students, 47% of renters were cost burdened, according to the Bloomington Affordable Living Committee.

So, how did evictions keep happening even during multiple moratoria designed to prevent them? And what happens now that the CDC moratorium has ended?

How does eviction work?

The first hearing in an eviction case is a possessory hearing, which determines who has the right to possession of the unit or to determine whether the tenant has to move out. Sixty days later, a damages hearing determines how much money is owed, which could include the monetary amount of necessary repairs or back rent. At this point, the eviction process is over.

In Monroe County, a community organization called the Housing and Eviction Prevention Project offers free legal advice, mediation and social service referrals for self-represented tenants and landlords who are going through the eviction process.

HEPP Project Coordinator Tonda Radewan described the group's structure as a three-legged stool including attorneys, mediators and housing and social services referrers.

When people come into their hearings, HEPP attorneys are available to provide brief legal advice. Consultations used to be in person, but since court proceedings have been virtual during the pandemic, they are now in a private Zoom breakout room.

If both parties consent, the tenant and landlord are then paired with a team of mediators in another private breakout room to attempt to come to an agreement. For example, the tenant and landlord could agree a voluntary move out with more time to find new housing or a manageable payment plan for a tenant who owes back rent or damages. Most landlords see eviction as a last resort, and mediation has been effective, Monroe County Circuit Court Judge Catherine Stafford said.

Upon conclusion of the hearing, Radewan meets with the tenant to refer them to any housing and social services they are eligible for.

How did the eviction moratoria affect the process?

The first moratorium to take effect in Indiana during the pandemic was the state's moratorium from March 19 to Aug. 14, 2020, barring all evictions for not paying rent. Evictions could still proceed for other reasons, including unauthorized occupants or safety issues.

Soon after the Indiana moratorium expired, the CDC imposed its own eviction moratorium Sept. 4, 2020. It was extended multiple times but ended Aug. 26 when the U.S. Supreme Court blocked it, ruling the CDC had exceeded its authority. Indiana has not had a state-level moratorium since the first ended in August.

Unlike the statewide moratorium which applied to all tenants automatically, tenants had to fill out and send CDC declarations to their landlords, Stafford explained. To qualify for the CDC moratorium, tenants had to meet income qualifications and live in a community which faced substantial or high COVID-19 spread.

In many cases, Radewan said tenants did not know how to file a CDC declaration or even that they could until HEPP attorneys advised them at their hearing.

"The CDC moratorium was not a bar on filing for an eviction, it was a bar on granting an eviction if the tenant opted into the program," Stafford said.

This is part of why the number of eviction filings rose closer to those in an average year. In the charts below, the bars show the number of eviction filings by month in 2020, while the lines show pre-pandemic averages.

State eviction filings have not surpassed average since before the moratorium

The state moratorium was in effect for half of March 2020. The CDC moratorium ended Aug. 26.

Average Filings Filings in 2020/2021

Source: [The Eviction Lab](#) • Graphic by: Kaitlyn Radde | IDS

✿ A Flourish chart

Monroe County eviction filings have surpassed average three times in the past 17 months

Two of those times were during the CDC moratorium.

Average Filings Filings in 2020/2021

Source: [The Eviction Lab](#) • Graphic by: Kaitlyn Radde | IDS

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Stafford said the moratoria affected both tenants and landlords. They helped tenants maintain their housing, but they also affected the ability of landlords to pay their own mortgages and stay in business.

“It’s a tough situation for all parties,” Stafford said.

The CDC moratorium has ended. What happens now?

The short answer: it’s too soon to tell, according to Stafford.

“That’s the million dollar question,” Stafford said. “My gut tells me we will see an upward trend in evictions. I don’t know if it will be a flood or a deluge or a slight increase, but my guess would be that we will have an increase.”

The Monroe County Circuit Court Board of Judges is working on implementing an eviction diversion program. The Indiana Office of Court Services halted the first plan they tried to implement, so the board of judges has gone back to the drawing board.

Radewan said she expects to see an uptick in eviction cases filed because some landlords were waiting to file for an eviction until after the CDC moratorium ended. However, Radewan said most landlords who wanted to file for eviction had already been filing new cases, so she doesn't expect to see a flood of eviction filings now that the CDC moratorium has ended.

However, she expects to see more court activity since cases with hearings that were delayed or contested due to the moratorium can now move forward.

Stafford and Radewan both urge tenants facing eviction to apply or reapply for emergency rental assistance, which can pay up to 12 months of rent. Since it can take up to 45 days to get the money to your landlord, it is important to apply as early as possible. Landlords can also complete the application to pay for what their tenants owe them.

As of Aug. 30, the Indiana Emergency Rental Assistance program has assisted 350 Monroe County households since the beginning of the program in March 2021, according to the program's most recent weekly report. The aid has amounted to over \$3.7 million.

Radewan said maintaining communication between tenants and landlords about the status of rental assistance and the situation in general can help prevent evictions from being filed in the first place.

For help completing the emergency rental assistance application, people can call 211 or see their township trustee.

Community members who are interested in helping those going through an eviction can volunteer to be a mediator through the Community Justice and Mediation Program, which partners with HEPP.

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