

April 30, 2020

SENT VIA E-MAIL

Governor Michael L. Parson
P.O. Box 720
Jefferson City, MO 65102
(573) 751-3222

Dear Governor Parson:

The ACLU of Missouri urges you to immediately issue a statewide moratorium on evictions, foreclosures, and utility shut-offs in Missouri and commit to prevention of mass evictions after the moratorium ends.

Across the nation, the COVID-19 pandemic has already resulted in widespread and devastating economic consequences, as the number of unemployment claims filed has reached over 26 million. In the face of staggering unemployment numbers and climbing medical costs, millions of people living in the United States—and over 1.8 million renters living in Missouri—face the imminent threat of losing their homes or access to utility service. These consequences risk further spread of COVID-19 throughout Missouri and undermine efforts to protect public health and well-being. Moreover, the nearly guaranteed wave of evictions and utility shut-offs would inflict far-reaching and significant economic and social harm on Missouri residents—particularly on women, people of color, low-income residents, and other vulnerable communities.

We commend your work to closely monitor the pandemic in Missouri. However, it is critical that you take action to support Missourians in advance of May 1. Specifically, we urge Missouri state officials to immediately issue a comprehensive statewide eviction and foreclosure moratorium; ban utility shut-offs and mandate universal service; institute a rent and mortgage suspension for the duration of the crisis; provide homes and expanded services for people experiencing homelessness.

**Evictions and Utility Shut-Offs Will Disproportionately Harm Communities of Color—
And Particularly Women of Color.**

The ACLU's Data Analytics team [analyzed national eviction data from 2012 to 2016](#), provided by the Eviction Lab at Princeton University, and found that on average, Black renters had evictions filed against them by landlords at nearly twice the rate of white renters.¹ Women of color, and particularly Black women, [bear the burden of eviction](#).² The harmful impact of

¹ Sophie Beiers et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color* (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.

² Matthew Desmond, *Poor Black Women Evicted at Alarming Rates, Setting Off a Chain of Hardship* (Mar. 2014), https://www.macfound.org/media/files/HHM_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf.

eviction is further compounded by other racial, gender, and socioeconomic barriers—such as wealth gaps, pay disparities, and inequities in our healthcare system.

Critically, the aftermath of an eviction persists for decades, as tenants with prior eviction records face major obstacles to accessing future housing opportunities. Landlords routinely employ screening policies that deny housing to any renter previously named in an eviction case, regardless of whether the case was dismissed, occurred many years ago, or was filed on unlawful grounds.³ As a result, eviction often exacerbates and reproduces conditions of economic insecurity for low-income women and communities of color.

The stark racial and gender disparities in eviction are just as alarming in Missouri. From 2012 until 2016, Black women renters in Missouri, on average, had an eviction filed against them at more than double the rate of white renters.⁴ Absent immediate statewide protections against eviction, such disparities will be magnified even more and lead to further inequities for communities of color.

Utility shut-offs also disproportionately harm communities of color. A 2017 report by the NAACP found that Black households experience utility disconnections at a higher rate than financially similar white households. For households at or below 150% of the federal poverty level, only 5.5% of white-headed households experienced shutoffs as compared to 11.3% of Black-headed households.⁵ Similarly, another study revealed that residents in predominantly minority neighborhoods faced 27% higher energy cost burdens than those in predominantly white neighborhoods.⁶ Research further shows that Black communities disproportionately experience higher water costs, water service terminations, and water liens, resulting in negative health and economic outcomes.⁷

Missouri Must Issue a Comprehensive Moratorium on Evictions, Foreclosures, and Utility Shut-Offs That Will Also Prevent Mass Evictions After the Moratorium ends.

In light of the widespread and devastating impact of eviction and other economic hardship during the pandemic, we urge you to immediately issue a comprehensive moratorium on evictions, foreclosures, and utility shut-offs throughout the entire state. In doing so, Missouri state officials must implement a moratorium that prohibits every stage of the eviction process and without

³ Sandra Park, *Unfair Eviction Screening Policies Are Disproportionately Blacklisting Black Women* (Mar. 30, 2017), <https://www.aclu.org/blog/womens-rights/violence-against-women/unfair-eviction-screening-policies-are-disproportionately>.

⁴ Data were drawn from Lexis Nexis eviction court records and compiled by the Eviction Lab. Data spanned 2012 - 2016. Calculations provided are averages across these five years of available data for Missouri. More information about the data and methodology can be found at: Sophie Beiers et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color* (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.

⁵ NAACP, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter* (Mar. 2017), https://www.naacp.org/wp-content/uploads/2017/12/Lights-Out-in-the-Cold_NAACP.pdf.

⁶ Kyle Miller, *The Hidden Cost in Housing Affordability* (Feb. 20, 2020), <https://www.planning.org/blog/9195636/hidden-cost-in-housing-affordability/>.

⁷ The Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc., *Water/Color: A Study of Race & the Water Affordability Crisis in America's Cities* (May 2019), https://www.naacpldf.org/wp-content/uploads/Water_Report_Executive-Summary_5_21_19_FINAL-V2.pdf.

exceptions for types of tenants or lease violations. It must also plan ahead for when the moratorium ends to prevent mass evictions and other enduring housing consequences for tenants and other residents harmed by the pandemic.

The Moratorium Must Halt Every Stage of the Eviction Process and Halt Foreclosures.

An [effective eviction moratorium](#) must prohibit landlords and housing providers from proceeding with any stage of the Missouri state eviction process, including, but not limited to: (1) formal or informal issuance of eviction notices; (2) service of legal process in eviction actions; (3) filing of new eviction cases; (4) eviction hearings; and (5) enforcing orders of eviction, including orders that were issued prior to the date that the moratorium went into effect.⁸ The moratorium should also block non-renewal of month-to-month and all other leases during this time. Moreover, the moratorium should extend or toll all court deadlines for pending court proceedings for at least 30 days after the moratorium is lifted. Absent a clear and comprehensive moratorium, residents still face a heightened risk of losing their homes or sustaining an eviction filing record that may unjustly act as a barrier to housing in the future.

The Moratorium Must Continue to Prevent Evictions and Foreclosures During and Shortly After the Pandemic, with Extensions.

Given the ongoing and unpredictable nature of the COVID-19 pandemic, the statewide moratorium must, at a minimum, continue until at least 45 days or longer⁹ after the following conditions are met: (1) the period for mandated or recommended social distancing has ended; (2) Missouri state officials have determined the moratorium is no longer needed to control or limit the spread of COVID-19; and (3) Missouri state officials have determined there are no further public health, economic, or other circumstances supporting the continued need for the moratorium. Moreover, an effective moratorium should allow for extensions as necessary to allow residents reasonable time to apply for and receive financial resources and assistance following the conclusion of the pandemic. The moratorium should also guarantee that landlords and housing providers give at least 30 days' notice to evict a tenant upon expiration of the moratorium period.¹⁰

The Moratorium Should Apply to All Types of Tenants and Lease Violations.

In light of the ongoing public health crisis and its economic consequences, all residents—regardless of their circumstances or background—must have access to safe and stable housing throughout the course of the COVID-19 pandemic. Given the extraordinary circumstances that Missouri residents are facing, an effective moratorium should not be limited to evictions for non-payment of rent. Rather, the moratorium must prohibit all evictions, regardless of the type of tenant or lease violation. Any exception to an eviction moratoria should be narrowly tailored to circumstances in which an individual's tenancy poses a serious and imminent health of safety

⁸ National Housing Law Project, *Protecting Renter and Homeowner Rights During Our National Health Crisis*, <https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>.

⁹ See, e.g., Mass. H. 4647, *An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID-19 Emergency*, <https://malegislature.gov/Bills/191/H4647>.

¹⁰ See, e.g., Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 4024.

threat that cannot be reduced or eliminated except by eviction, and provide procedural protections to ensure such exceptions are proper.

The Moratorium Should Prohibit the Collection of Late Fees and Protect Tenants Who Assert Rights Provided by the Moratorium.

The moratorium should prohibit landlords and other actors from imposing fees or fines associated with the late payment of rent due during the period of the moratorium, which can often be considerable. Additionally, Missouri state officials should prohibit landlords and other actors from retaliating against residents who seek protections under the moratorium. The moratorium should also set forth meaningful penalties for landlords and other actors that violate the moratorium, including but not limited to fines and/or loss of license to do business.

Missouri Must Issue a Moratorium Against Utility Shut-Offs and Mandate Universal Service.

In addition to issuing a comprehensive eviction and foreclosure moratorium, Missouri should protect its residents' access to critical utility services by prohibiting utility shut-offs or disconnections for the duration of the pandemic. The utility shut-off moratorium must apply to water, gas, electricity, phone service, and the Internet. Moreover, Missouri should commit to restoring previously disconnected utility services for all households, and to expand them as needed to execute emergency precautions and communications. Moreover, Internet services must be provided, through emergency hotspots or other means, in every possible locality to ensure dissemination of accurate and timely information.

Missouri Must Also Prevent Mass Evictions and Homelessness After the Moratorium Ends.

The issuance of a moratorium will play an important role in mitigating the public health and economic impact of the pandemic. In addition to containing further spread of COVID-19 by ensuring residents can comply with stay-at-home orders, a moratorium will prevent the harmful aftermath of eviction, such as medical and mental health issues, financial hardship, and homelessness.¹¹ However, permitting mass evictions to take place the moment the moratorium lifts will similarly cause huge upheavals in local communities, harm public health, and threaten families. For that reason, Missouri should commit to adopting policies that would prevent mass evictions and homelessness during the pandemic and once the moratorium ends.

To ensure that people can stay in their homes, Missouri state officials should institute an immediate rent and mortgage payment suspension for public and private properties for the duration of this crisis and the entire recovery period. The policy should come with a fund for landlords to recoup losses, conditioned on compliance with tenant protections. Other key policies set in place following the moratorium's expiration should include requiring landlords and other actors to negotiate payment plans prior to the filing of eviction cases, creating renters' relief

¹¹ Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity among the Working Poor*, Oxford: Social Problems Advance Access 1–12 (Jan. 11, 2016), <http://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>; see also Allison Bovell-Ammo & Megan Sandel, *The Hidden Health Crisis of Eviction*, Boston Univ. School of Public Health (Oct. 5, 2018), <https://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>.

funds to cover any owed back rent, providing renters with a grace period of at least 30 days to pay rent, establishing right to free legal counsel to residents facing eviction, and exploring other creative strategies for addressing this unprecedented threat to community stability. Such policies should provide meaningful mechanisms to ensure compliance by landlords and housing providers. For example, Missouri officials should issue guidance for housing courts to require landlords and housing providers to show that they have engaged in good faith negotiation of payment plans prior to filing for eviction.

Missouri Should Also Protect Tenants from Blacklisting Because They Face Eviction After the Moratorium Ends.

The mere filing of an eviction—even where an eviction judgment is not entered—deprives tenants of housing opportunities, because landlords often will not rent to anyone who has been subject to an eviction case. This type of blacklisting is devastating, locking out families from better housing, schools, and employment for decades. Missouri state officials must ensure that any evictions filed during this period do not impede tenants’ opportunities for the rest of their lives by preventing consideration of evictions filed during this crisis period. Moreover, Missouri state officials should prohibit landlords and housing providers from reporting missing or late rental payments to credit agencies or debt collection agencies to avoid future economic hardship following the pandemic.

Missouri Should Provide Homes and Expanded Services for People Experiencing Homelessness.

Tens of thousands of Missourians sleep on the streets every night. Those numbers do not account for the people who are un-housed, living out of cars, on couches, in shelters, or in motels. People experiencing homelessness are among the most vulnerable to COVID-19. If Missouri and other public health experts urge residents to “stay at home,” Missouri state officials must create that possibility for people experiencing homelessness. Accordingly, Missouri state officials must act immediately to convert vacant hotel and motel rooms, dorms, schools, hospitals, and large stadiums into homes for people who need them—including people experiencing homelessness and people living in unsafe or unsanitary conditions.

For those Missourians who will not or cannot move indoors, Missouri state officials must also build emergency sanitation sites near homeless encampments and major public transit hubs to mitigate the spread of COVID-19. These sites must include 24-hour restrooms and showers, laundry, free hygiene supplies, COVID-19 testing services, case workers, and disease prevention information in multiple languages.

Moreover, Missouri state officials must provide an infusion of resources to local providers for expanded homeless services. Local health departments, community health clinics, shelters, and other frontline service providers should receive this funding to cover staff overtime pay and hazard pay and necessary supplies, such as sanitizers, medicine, and masks. Funding for these services should be conditioned on a commitment to equity and non-discrimination.

We further urge the Governor to issue an immediate moratorium on encampment sweeps and closures, as well as vehicle tows. Sweeps and similar practices that criminalize homelessness pose a serious health risk, as they disrupt consistent access to services and the ability for outreach and health workers to provide continuous care.

With the first of the month rapidly approaching, it is critical that you act quickly to protect its residents against eviction, foreclosures, and utility shut-offs. Missouri state officials' actions will provide the certainty and stability that residents need to ensure that no one is at immediate risk of losing their homes while we work to find longer-term solutions to handling unpaid rent and mortgages, providing economic and financial support, and ensuring access to stable housing in the aftermath of the COVID-19 pandemic.

We encourage you to act quickly in addressing the critical issues facing the residents of Missouri. If you have any questions or concerns, please contact Sara Baker, our Policy Director, at sbaker@aclu-mo.org. Thank you in advance for your time.

Sincerely,

A handwritten signature in cursive script that reads "Luz María Henríquez".

Luz María Henríquez
Executive Director
American Civil Liberties Union of Missouri