



Metro Human Relations Commission
Summary Report:
Public Information Hearing - Evictions
Held on September 8, 2021

Table of Contents

Table of Contents	2
Hearing Overview.....	3
Metro Human Relations Commission Recommendations.....	4
Public Comments	5
Panelist Statement Summaries.....	6

Hearing Overview

On September 8th, 2021, the Metro Human Relations Commission held a public information hearing on the topic of evictions. The public information hearing brought together many of the relevant stakeholders from Metro Government and the local community who are involved in eviction prevention. Commissioners wanted to hear about what each panelist and/or their organization was seeing surrounding evictions, what resources they might need, and any recommendations to prevent evictions and to distribute federal rental assistance.

A video recording of the hearing can be accessed through the Metro Nashville YouTube page: <https://youtu.be/db35-9Xk5do>

The following panelists presented during this public information hearing:

- Dr. Cynthia Croom, Executive Director, Metro Action Commission
- Judge Rachel Bell, LEGACY Court
- Jackie Sims, Director, People’s Alliance for Transit, Housing, and Employment (PATHE)
- DarKenya Waller, Director, Legal Aid Society of Middle Tennessee
- Kerry Dietz, former housing attorney for Legal Aid Society, Chair of Continuum of Care Performance Evaluation Committee
- Lee Myers, Red Door Collective
- Sara Figal, Executive Director, Nashville Conflict Resolution Center (NCRC)
- Victoria Tobin, President, Greater Nashville Apartment Association
- Eddie Latimer, CEO, Affordable Housing Resources

Metro Human Relations Commission Recommendations

1. The Mayor's Office and Metro Council should play a larger role in the dissemination of information to the public about all resources available with respect to evictions. More effective efforts should be made to reach a wide audience by using a variety of formats, media, and languages.
2. Metro Action Commission should review the HOPE application's accessibility as well as the required documents. Questions might include: Are there any requirements that can be removed to create less of a burden on applicants? How can Metro Action Commission help applicants who may not be able to complete the application on their own due to inaccessibility or technological challenges? Additional mechanisms to facilitate the application process should be implemented. Additional resources should be secured to process applications quickly for the benefit of tenants and landlords.
3. The Mayor's Office and Metro Council should consider Right to Counsel legislation that would enable all people facing evictions to have representation in the courtroom.
 - a. Cities that have implemented Right to Counsel legislation for tenants in eviction proceedings include Baltimore, Boulder, Cleveland, Newark, New York City, Philadelphia, and San Francisco.
4. The Mayor's Office and Metro Council should use administrative funds from federal assistance to fund additional housing navigators and mediators as well as fund legal representation for undocumented people facing eviction.
 - a. Both Legal Aid Society of Middle Tennessee and the Nashville Conflict Resolution Center have played important roles in helping people facing eviction and need additional resources to reach people in need of assistance: LAS to hire two more staff attorneys to work on eviction cases and NCRC to hire two more mediators to be in General Sessions Court Monday through Friday.
 - b. Undocumented people facing eviction cannot be represented through the Legal Aid Society and are in need of legal representation in eviction cases.
5. The Mayor's Office and Metro Council should earmark additional federal funds to combat the economic impact of COVID-19 on those households who are in a higher Area Median Income (AMI) bracket (from 80-120%) and who thus do not qualify for current assistance through the HOPE Program. This type of assistance is needed for both renters and those households paying mortgages.
6. The Davidson County Clerk's Office should update or modify its existing CaseLink system, the software used to manage detainer warrants, to a program that makes information more accessible, searchable, and downloadable. This will facilitate outreach to tenants conducted by entities offering assistance, mediation, and other resources, while allowing for the collection of data for evidence-based analysis and policy decisions.
7. The Justice Integration Services of Metropolitan Nashville and Davidson County should establish an eviction database. Red Door Collective has started this tedious work, but ongoing tracking of information and analysis of trends should be conducted by a Metro Government entity.

Public Comments

The Metro Human Relations Commission received a number of comments and recommendations following the public information hearing on evictions. There were common themes that emerged from these submissions:

- Lack of dissemination of information on resources by the Metro Government
 - Reliance on non-profits and grass-roots organizations
 - It is not too late for Metro to take a more active role in making sure the public understands their resources
 - Government can put out PSA's and work with traditional and ethnic media across the city to make sure that people know what to do when they receive an eviction notice
- The complexity and inaccessibility of the HOPE application for rental assistance
 - Application needs to be simplified, there are too many paperwork requirements
 - There needs to be more one-on-one assistance in completing the application
 - Long holds on phone calls with MAC staff, trouble receiving application status updates and clarification on which application documents were still needed
 - Accessibility issues for residents who can't read or who lack access to necessary technology
 - It is challenging to complete the HOPE application without access to a computer instead of only a smart phone (which not everyone has either)
- The wait time (2-3 months or more) for receiving rental assistance from the HOPE program from application to monetary disbursement
- The inaccessibility of public data on evictions from the Davidson County Circuit Court Clerk
 - CaseLink – information on detainer warrants and evictions should be searchable and exportable. Currently, CaseLink makes it a tedious, manual process to extract information.
 - Contact information on the detainer warrants – outreach to defendants (tenants) would be easier if the detainer warrants had not just a person's address but a name and phone number. (A name is not always listed.) This could be required or even just have a space for a phone number that people can fill in voluntarily.
- Legal Protections for tenants
 - Right to Counsel
 - Protections for tenants against landlords carrying out illegal evictions – a complaint/accountability system
 - Legal representation for undocumented residents
 - Legal Aid Society can't represent them due to regulations
 - Fear of going to court, even LEGACY court
 - Mayor's Office needs to help spread the word about the importance of going to court
- Monetary assistance for those tenants/individuals that are outside of the current Area Median Income (AMI) requirements and those who are struggling with paying their own mortgages
- The need for affordable housing in Nashville and Davidson County, people can't find places to live

Panelist Statement Summaries

Dr. Cynthia Croom, Executive Director, Metro Action Commission

Dr. Croom gave an overview of the Housing, Opportunity, Partnership and Employment (HOPE) rental assistance that has been distributed thus far through the Metro Action Commission. A breakdown of the different types of funding sources for rental assistance was given: \$60,000,000 is total amount of funding believed to be allotted to Nashville consisting of \$30,000,000 directly from Treasury and the rest coming from the Tennessee Housing Development Agency. Through the HOPE rental assistance program, the Metro Action Commission can help tenants pay up to 12 months of rent in arrears and three months forward. Dr. Croom acknowledged that rental assistance is a short-term approach to a longer-term issue. When asked about what additional resources might help with the Commission's work, Dr. Croom stated that it has asked Metropolitan Government to consider distributing additional funding in two ways: first, funds could be appropriated to nonprofit agencies to assist those individuals between 81-100% Area Median Income (AMI); and second, to provide funding assistance for legal representation for undocumented individuals who cannot be represented by the Legal Aid Society of Middle Tennessee.

Judge Rachel Bell, LEGACY Court

Judge Bell gave an overview of how the LEGACY Housing Resource Divisionary Court was created in 2019 through working with MDHA, United Way, Metro Action Commission, and the Tennessee Supreme Court. Housing court navigators ensure the applications and dockets are transferred from General Sessions Eviction Court to the Housing Resource Divisionary Court. Judge Bell also discussed a new court order that will automatically transfer HOPE applicants to the divisionary court with the guidance received from the White House to create eviction diversion programs and the goal of sealing eviction records. Judge Bell also entered an order effective September 7, 2021, that requires documentation on what rent was paid, when it is valid through, when the obligation as a tenant begins, if they have a lease agreement, and the 90-day eviction protection period following an agreement to address the issue of landlords being paid past due rent and then pressuring tenants to move out before the 90-day protection period is up. When asked about additional resources needed, Judge Bell mentioned the need for attorneys to be client advocates not just focusing on the tenant but also for the landlord to be comfortable with the process that has been created. Even though a lawyer cannot represent two parties there is a need for client advocates in the court.

Jackie Sims, Director, People's Alliance for Transit, Housing, and Employment (PATHE)

Jackie Sims gave an overview of PATHE and discussed how it has assisted in tenant protection from evictions. Ms. Sims pointed out that evictions result in more than just the physical loss of a home. The loss of a home impacts a person's mental and physical health and can also disrupt access to transportation, education, and employment. PATHE works in the courts five days a week with its volunteer staff participating in a Court Watch program. In addition, eviction court dockets are received three days before court is scheduled and PATHE spends the weekend knocking on doors to locate renters to make them aware of their court date and what is needed from them. PATHE acts as a housing advocate at the court working as a support system for tenants by pointing them towards the various resources that are available. Bass, Berry, and Sims (a local law firm) has agreed to assist by providing pro bono attorneys to help answer legal questions for the people PATHE assists. When asked what

additional resources are needed, Ms. Sims stressed the need for more people to help knock on doors and to provide assistance when tenants appear for their court date.

DarKenya Waller, Director, Legal Aid Society of Middle Tennessee

DarKenya Waller provided an overview of the Legal Aid Society of Middle Tennessee's free legal services for low-income people. Unfortunately, Legal Aid Society cannot provide resources to undocumented individuals who are at risk of eviction due to federal restrictions on its services. Ms. Waller stated that the Legal Aid Society has 45 staff attorneys and a network of 100 pro bono attorneys (including Bass, Berry, & Sims) that provide legal assistance to those who are in vulnerable populations. Legal Aid Society of Middle Tennessee represents clients referred to them by the Housing Divisionary Court and informs landlords and tenants about their rights. COVID has negatively impacted the ability of people to attend court and retain employment. Legal Aid can benefit these individuals as the attorneys can appear on the tenant's behalf. However, 98% of tenants are not represented at their court hearings. Ms. Waller mentioned Legal Aid Society attorneys have been able to persuade landlords to work with the divisionary court system. When asked what additional resources are needed, Ms. Waller emphasized the need for Metro Government funding for two new attorneys to work with the General Sessions Court and the Housing Resource Divisionary Court.

Kerry Dietz, former housing attorney for Legal Aid Society, Chair of Davidson County Continuum of Care Performance Evaluation Committee

Kerry Dietz provided her personal insight on the eviction crisis after having served as a housing attorney for Legal Aid Society for four and a half years. In her current role, Ms. Dietz helps oversee Continuum of Care Competition funds annually. Ms. Dietz pointed out that the existing docket system for General Sessions Court does not provide sufficient information. She also explained that currently, funds are only available to prevent an eviction but little additional assistance is available for individuals who do not wish to stay in their leased premises due to other issues such as price or conditions, and when the landlord is still attempting to evict. When asked what additional resources are needed, Kerry Dietz believes that more advanced notice of the General Sessions court dockets would be beneficial, having more attorneys available for tenants, as well as modernizing the General Sessions Court docket system.

Lee Myers, Red Door Collective

Lee Myers gave an overview of the grassroots organization Red Door Collective and the work it has done to bring awareness about those being impacted by the eviction crisis. Red Door Collective is a chapter of the Democratic Socialists of America Middle Tennessee focusing on the commodification of housing. It has collected information from the existing CaseLink system maintained by the General Sessions Court and extracted available data. Lee Myers brought attention to the lack of consistency amongst judges in their respective actions in eviction cases. Under the current system, there are many instances in which tenants are not informed about court date changes which results in default judgments and evictions. Mr. Myers discussed a report compiled by the Red Door Collective which disclosed that affordable housing providers appear to be the largest filers of eviction in Nashville and court data underreporting the total number of displacements. The report also identifies the law firms that are responsible for representing landlords in most of the eviction cases. When asked what additional resources are needed, Mr. Myers believes Nashville should support a tenant bill of rights as well as invest in affordable and public housing with tenant accountability (no privatization).

Sara Figal, Executive Director, Nashville Conflict Resolution Center (NCRC)

Sara Figal gave an overview of the Nashville Conflict Resolution Center (NCRC) which offers mediation services in Middle Tennessee having provided 934 free mediations during the last fiscal year. Since March 2021, in Davidson County alone, NCRC has handled 439 cases that required mediation, currently averaging 16 mediations a week. Ms. Figal mentioned that this eviction crisis is also a crisis of Nashville's sense of community. NCRC attempts to help landlords and tenants not see the other as problems but as persons. NCRC has observed that larger companies can afford to wait through the court process, but smaller landlords often don't have attorney representation and are struggling to manage their expenses with some facing bankruptcy. When asked what additional resources are needed, Ms. Figal said there needs to be a focus on individuals who are lower-middle income and do not qualify for federal assistance. There is also a need for additional mediators for eviction cases.

Victoria Tobin, President, Greater Nashville Apartment Association (GNAA)

Victoria Tobin provided an overview from the perspective of the Greater Nashville Apartment Association which represents owners and managers of properties totaling about 130,000 units. Small individual property owners are not typically members of the Greater Nashville Apartment Association. Ms. Tobin emphasized that its members prefer to have residents stay in their properties. Property managers have provided their residents with food, water, and gas when needed. GNAA's largest concern is that property managers are being seen as the "bad guy" in the current eviction crisis even when going out of their way to help residents stay in their homes. Property owners have been concerned about the initial federal relief payouts rolling out slowly. When asked what additional resources are needed, Ms. Tobin stated there is a lack of data available for them to fully understand the size and scope of the problem as well as knowledge on how much of the federal relief funds have been issued to applicants.

Eddie Latimer, CEO, Affordable Housing Resources

Eddie Latimer is the Executive Director of Affordable Housing Resources which is one of the nine non-profit agencies in Metro Nashville that focus on creating new affordable housing. Mr. Latimer brought attention to the issue of loss of affordable housing due to issues with existing programs. Many out-of-town developers are buying properties and doubling rent after making minor changes to the properties such as paint, carpet, or changing counter tops (minimal expenses). Affordable housing is becoming scarcer, and it will take organizations such as Affordable Housing Resources years to be able to replace affordable properties that have been lost in Nashville. When asked what additional resources are needed, Mr. Latimer discussed a lack of transparency in affordable housing funding programs and highlighted the complexity of applications needed to apply for housing assistance compared to what is required to apply for an \$800,000 mortgage from a bank. Mr. Latimer stated that he believes there is an unwarranted fear of the "3%" who may misuse the system to apply for assistance (and thus the applications have been made to be rigorous). Mr. Latimer brought up the issue of accessibility. He stated that most people who make under \$20 an hour do not have access to computers but instead have smartphones which cannot be used to complete the required applications.