

March 23, 2020

Via Electronic Mail

Executive Directors
South Carolina Housing Authorities

RE: Protections for Low-Income Families During COVID-19 Emergency

Dear Directors,

The COVID-19 pandemic has likely affected all of us in one way or another. We hope that you, your staff, and loved ones are and remain safe and healthy. As we all know, low-income tenants often face additional challenges during times of crisis and this one is no different. Many low-wage workers rely on income that has been or will be interrupted as a result of measures taken to limit the spread of coronavirus. School closures will require some parents to take unpaid time off work to care for children or spend already-limited income on childcare. Families searching for housing will likely face delays due to business closures and may be forced to choose between prudent social distancing and meeting deadlines related to their housing search.

Many if not all of you have taken steps to ensure the safety of your staff and those you serve. However, as you have probably anticipated, low-income tenants will continue to face challenges over the coming weeks and months. We write to ask that you implement the following measures to help ensure that the families you serve have a fair chance to recover from this crisis.

- 1. Suspend all proposed lease and/or subsidy terminations and all grievance hearings, except in cases involving threats to health or safety, until the state of emergency is lifted.**

Evicted families generally have few options for shelter and many are forced to live in crowded conditions with friends or relatives, in homeless shelters, or on the street. This crowding exacerbates the current public health crisis and places those in high-risk categories at even greater risk. While the South Carolina Supreme Court has temporarily stayed evictions, this stay is for a very limited time and does not affect grievance hearings or termination from the HCV program.¹ It is unclear at this stage whether this pandemic will be contained by the time this stay is lifted. In addition, many situations which could lead to lease or subsidy termination may be consequences of the COVID-19 pandemic such as loss of income, illness, changes in housing authority staffing or procedures, self-quarantine or social distancing, or fear of infection. Suspending terminations and other proceedings during this time can help ensure that there is adequate opportunity for families to recover and that none are unnecessarily made homeless. Suspending terminations now will also help

¹ <https://www.sccourts.org/whatsnew/displayWhatsNew.cfm?indexId=2464>

ensure that a backlog of cases will not prevent those who face termination proceedings after the state of emergency is lifted from having a full and fair opportunity to present a defense.

2. Offer affordable repayment plans for all debts owed or incurred as a result of COVID-19.

We understand that housing authorities have varying policies on the repayment of debts owed due to underreporting or late reporting of income. Some of these policies may require down-payments, cap the amount of debt for which a repayment plan may be offered, or limit the duration of a repayment plan. Because many families will face reductions in income and/or additional expenses as a result of COVID-19, their ability to make these additional payments will be further limited. In addition, a low-wage worker who becomes ill and chooses to self-quarantine for the recommended fourteen days will likely face a significant reduction in income, but that reduction will not last long enough to trigger an interim recertification. We request that, consistent with HUD's guidance, you permit repayment plans without time limits or down-payments where the monthly retroactive rent payment plus the amount of rent the tenant pays is both 1) affordable to the tenant, and 2) in any case no more than 40% of the family's adjusted income.²

3. Permit retroactive rent reductions where families were unable to timely report changes in income.

Quarantine, fears of infection, school and business closures, housing authority closures, and other circumstances related to COVID-19 may prevent families from timely reporting income reductions due to job loss or reductions in hours. Families may also be unable to quickly gather documentation of an income change. We request that you permit rent reductions retroactive to the date that an income reduction occurred in circumstances where families were delayed in reporting their income change as a result of COVID-19.

4. Allow families to report income changes by phone or email.

To facilitate social distancing and self-quarantine, we request that you permit families to report income changes by phone or email if you do not allow this already. In many cases, you may have releases on file which are still valid and may be used to verify these income changes. HUD has recently issued a FAQ concerning COVID-19 which reminds PHAs that HUD does not mandate in-person meetings for certifications or re-certifications.³ While some families may be able to report

² See HUD Notice PIH 2010-19, p. 15 (extended indefinitely by PIH 2015-02).

³ COVID-19 FAQs for the Public Housing, Housing Choice Voucher (HCV) (including the Project-based Voucher Program (PBV)) and Native American Programs, p. 4, https://www.hud.gov/sites/dfiles/PIH/documents/COVID19_FAQ_PIH_Final.pdf (accessed March 18, 2020)



changes this way, allowing reporting by phone or email should not be a substitute for retroactive rent reductions and/or affordable repayment agreements.

5. Suspend work or community service requirements until the state of emergency is lifted.

Good public health practice dictates social distancing, at minimum, and self-quarantine for those exposed to coronavirus. Continued participation in employment or community service will be at odds with these practices in many cases. We request that you suspend all work or community service requirements until the state of emergency is lifted and not penalize those who are unable to comply with these requirements as a result of COVID-19.

6. Toll all voucher search times until the state of emergency is lifted.

Families searching for housing will likely be hindered by business closures and by adherence to good public health practices including social distancing and self-quarantine. As a result, much of their already limited time to locate a suitable unit may pass while they are unable to effectively search for housing. We request that you toll all voucher search times during this emergency without requiring families to expressly request that those times be extended.

We thank you for the work that you do on behalf of the families that we all serve and for your consideration of these requests. If you have any questions, please feel free to reach out to Adam Protheroe at South Carolina Appleseed at adam@scjustice.org or (803) 779-1113 ext. 106. We look forward to hearing your decision soon given how quickly this crisis is escalating.

Sincerely,

South Carolina Appleseed Legal Justice Center
South Carolina Legal Services
One80 Place Legal Services
Homeless No More
Midlands Area Consortium for the Homeless

