Food and Housing Insecurity in the Wake of COVID-19

Old Problems, New Opportunities?

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Food & housing insecurity are woven into the cycle of poverty.

- Disproportionate impact on low-income and people of color
- COVID highlighted and amplified problems that already existed
- Food and housing insecurity → poor health outcomes
- Impossible choices:
  - Food, health care, childcare, prescriptions, transportation, and other expenses
- Most impacted during pandemic:
  - People employed in restaurants, bars, sports arenas, hospitality, schools, drivers, domestic jobs, landscaping, etc.
  - Single mothers without childcare, seniors, community college students, transitional foster youth
CHRONIC STRESS

- Food & Housing Insecurity
- Coping Strategies
  - Dietary quality
  - Eating behaviors
- Chronic Disease
- Health Care Expenditures
- Household Income
- Spending Tradeoffs
- Employability

Old Problems: Food Insecurity

 USDA 2019 report indicated that 37.2 Million Americans were food insecure.

- National Average: 11.1%
- White Americans: 8.1%
- Hispanic Americans: 16.2%
- Black Americans: 21.2%
- Native American: 25%

Food insecurity increases risk for:

- Coronary heart disease, stroke, cancer, diabetes, arthritis, chronic obstructive pulmonary disease, obesity, depression, suicidal ideation, poor academic performance, impaired cognitive development . . .
In the wake of COVID-19…

- More than **45.7 million Americans** had filed for unemployment as a result of the pandemic (as of June 2020).

- In 2020, an estimated an additional **17.1 Million Americans** will be forced into food insecurity because of the pandemic.
  - Total of 54 million Americans
  - 7 million additional children (totaling 18 million)
1 in 4 children in the U.S. go to bed hungry
Unable to learn...education as SDOH

For 1 in 7 Adults With Children, Household Lacked Sufficient Food in Last 7 Days

Share of adults reporting that their household sometimes or often did not have enough to eat

14% With children in household
9% No children

Note: Chart excludes individuals who did not respond to the question.
Source: CBPP analysis of Census Bureau Household Pulse Survey tables for October 14-26, 2020
Access in rural communities…

30% of Vermont towns with high household poverty* have limited access** to fresh foods.

*Mid-Service grocery stores have some fresh food available while Full-Service stores have a complete range of fresh produce, meat, and dairy.

*Towns where 25% or more of households have annual incomes <150% of the Federal Poverty Level (FPL).

**Towns that have a >15-minute drive to a grocery store.

Note: Grocery stores in New York, New Hampshire, and Massachusetts that influenced Vermont residents ability to access fresh food in under 15 minutes were included in this analysis.
Using SNAP to Address Food Insecurity During the COVID-19 Pandemic

- Mathew Swinburne, JD, Network for Public Health Law–Eastern Region

Access the full Assessing Legal Responses to COVID-19 report or individual chapters at: COVID19PolicyPlaybook.org
SNAP: The Largest Nutrition Program

Number of People
- FY 2017-42.2 Million
- FY 2018-39.8 Million
- FY 2019-35.7 Million
- April 2020 (preliminary data)- 43 Million

Amount of Funding
- FY 2017-$63.7 Billion in Benefits
- FY 2018-$60.4 Billion in Benefits
- FY 2019-$55.6 Billion in Benefits
Economic Impact of SNAP

- During a weak economy, every additional SNAP dollar creates an additional $1.54 in economic activity.
- An additional billion dollars in SNAP funding supports 13,560 jobs.
  - Agriculture, transportation, manufacturing, food service, health care, . . . .
Making SNAP more responsive to needs driven by COVID

- Emergency allotments under FFCRA
- Normally amount of money is determined by income and number of people in a household
- Emergency Allotment provision allows states to increase the amount of money given to a SNAP household regardless of income
- Increase is limited to the existing maximum allotment for a household of its size.
  (Ex., Max for a household of 4 is $646/month)
- Initially planned for 2 months (April/May), but USDA has been granting 1-month extensions
- All 50 states participated and issued extensions through Aug
The Problem with the Emergency Allotment

✓ Ignores households with the lowest incomes, because they already receive the maximum allotment—40% of SNAP households.

✓ Under *normal* conditions, SNAP allotments are inadequate.
  - IOM found that they failed to provide for a minimally adequate diet (failed to keep up with inflation).
  - Food Research Action Center: Impractical food lists, lacks variety to meet dietary guidelines ignores special dietary needs, unrealistic assumptions regarding food availability and affordability….
Opportunity: Increase the Maximum Allotment

✓ Helps families who received no additional support from the Emergency Allotment Provision

✓ Utilized during the Great Recession (2008-2009)
  - Temporarily increased the maximum allotment by 13.6%
  - Resulted in improved food security, health outcomes, decreased healthcare costs, and promoted economic growth ($40 billion)

✓ HEROES Act (House)—proposed a 15% increase that would have sunset on 9/30/2021
  - It would be better if any plan to increase the allotment was dependent on actual economic recovery rather than a set date.
Opportunity: Increase the Minimum Allotment

- SNAP households composed of 1 or 2 people are guaranteed a *minimum* allotment of $16 per month.
  - 1.8 million households, the majority of which are elderly individuals
- Increase minimum benefit to $30 as proposed by the HEROES Act
- If Congress fails to act, *states* can increase the minimum allotment
  - Maryland increased it for households with individuals at least 62 years of age
Opportunity: Increase Eligibility for SNAP

Able Bodied Adults without Dependents (ABAWD)

✓ Requires people 18-49 who can work and do not have dependents to meet special work requirements (20 hrs/week, 80 hrs/month) or limited to 3 months of services in 3-year period.

✓ FFCRA waived it from April 1 through one month after the termination of the federal public health emergency declaration.

  ▪ Would be better to set expiration of COVID waiver to an economic recovery metric.

✓ Normally states can secure geographic waivers when there are poor economic conditions and offer individual exemptions.
Opportunity: Innovation

- Innovations in the food industry and food production systems
  - Urban and vertical agriculture
  - Improve sustainability, reduce waste
  - Plant-based and cellular protein development
  - Focus on regional food systems
Your home matters. A lot.
Housing in the Wake of COVID-19

[Video]
Housing is a key social determinant of health.

✓ How do you think housing impacts health?
✓ What do we mean by “housing”?
Stability

Instability. Frequent moving or “couch surfing” more likely to experience poor health

✓ Disruptions to employment, social networks, education, and receipt of social service benefits
✓ Youth: increased risks of teen pregnancy, early drug use, depression

Impact on healthcare cost. Provision of stable housing to 10,000 people in Oregon = 12% decrease in Medicaid expenditures.

✓ Use of outpatient primary care increased by 20%, and ED use declined by 18%.
Homelessness. People who experience homelessness face substantially higher physical and mental morbidity.

- Even children who experienced homelessness only in utero are more likely to suffer worse health than their peers.
Safety & Quality

**Toxic exposures.** In-home exposure to lead, water leaks, poor ventilation, dirty carpets, pest/rodent infestation, mold, etc. have been associated with poor health outcomes (especially asthma)

**Extreme temps.** Exposure to extreme hot or cold correlated with poor health, *e.g.*, cardiovascular events in the elderly

**Residential crowding.** Associated with infectious disease and psychological stress
Affordability

Rising cost. Wages have not kept pace with housing increases.

Rental “cost-burden.” In Baltimore City, 57% of renters pay >30% of their income on housing; 33% pay >50% of income on housing (“severe”)

☑️ Forces choices among food, childcare, health and preventive care, prescribed medications, etc.

Gentrification. Efforts to make communities more “livable” often price people out of their own neighborhoods.
Neighborhood

**Access to** public transportation, grocery stores, safe places to exercise and play associated with improved health outcomes

**Proximity to high-volume roads** = increased stress, injury, respiratory diseases, and use of health care

✓ Study: walking past a “greened” lot decreased heart rate; abandoned property remediation decreased gun violence

**Social characteristics.** Segregation, social capital, crime, community

✓ Raj Chetty, et al.: When children were <13 when they moved to a low-poverty neighborhood, they were more likely to attend college and projected lifetime earnings improved
“The public peace—the sidewalk and street peace—of cities is not kept primarily by the police, necessary as police are. It is kept primarily by an intricate, almost unconscious, network of voluntary controls and standards among the people themselves and enforced by the people themselves.” …disadvantaged neighborhoods with higher levels of “collective efficacy”—the stuff of loosely linked neighbors who trust one another and share expectations about how to make their community better—have lower crime rates.

A single eviction could destabilize multiple city blocks, not only the block from which the family was evicted but also the block to which it begrudgingly relocated. In this way, displacement contributed to…”perpetual slums,” churning environments with high rates of turnover and even higher rates of resentment and disinvestment.

—Evicted, Matthew Desmond (2016) at p. 70 (quoting Jane Jacobs, The Death and Life of Great American Cities)
COVID-19 and the Housing Crisis

Job or wage loss
Uncertainty
Stress

Threats
Court
Eviction
Stress

Lower residential mobility
Fewer housing options
More instability

POVERTY
COVID-19 and the Housing Crisis

**Eviction.** Renters unable to make rental payments (at a time when it is most important to be able to shelter at home and not be forced to live in communal settings)

**30-40 million** American renters at risk of losing their homes (40% of Maryland rental households at risk of eviction with 250,000 renters behind on paying rent)
EVICTION RISK DISPROPORTIONATELY IMPACTS BLACK AND LATINX RENTERS, AND RENTERS WITH CHILDREN

Housing Insecurity, by Hispanic Origin and Race

- % Unable to Pay Last Month’s Rent On Time
- % With Slight or No Confidence They Can Pay This Month’s Rent On Time

<table>
<thead>
<tr>
<th>Hispanic Origin and Race</th>
<th>Unable to Pay Rent On Time</th>
<th>With Slight or No Confidence to Pay Rent On Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian alone, not Hispanic</td>
<td>14%</td>
<td>27%</td>
</tr>
<tr>
<td>Black alone, not Hispanic</td>
<td>26%</td>
<td>42%</td>
</tr>
<tr>
<td>Hispanic or Latino (may be of any race)</td>
<td>25%</td>
<td>49%</td>
</tr>
<tr>
<td>White alone, not Hispanic</td>
<td>13%</td>
<td>22%</td>
</tr>
<tr>
<td>Two or more races + Other races, not Hispanic</td>
<td>20%</td>
<td>33%</td>
</tr>
</tbody>
</table>

Housing Insecurity, by Family Type

<table>
<thead>
<tr>
<th>Family Type</th>
<th>Unable to Pay Rent On Time</th>
<th>With Slight or No Confidence to Pay Rent On Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in the Household</td>
<td>25%</td>
<td>43%</td>
</tr>
<tr>
<td>No Children in the Household</td>
<td>13%</td>
<td>25%</td>
</tr>
</tbody>
</table>

Source: Census Bureau Household Pulse Survey, Week 12 Tables 1b and 2b. The Census Bureau defines a household as housing insecure if they have slight or no confidence in their ability to pay next month’s rent on time or did not pay this month’s rent on time.

Source: https://sites.northwestern.edu/globemed/2020/09/08/covid-19s-influence-on-the-eviction-crisis-in-the-united-states/
Most state eviction moratoria expired on July 25 (the same date that the federal CARES Act moratorium for public and federally backed housing expired)

- Vermont (rental population \( \rightarrow \) 329,259)
  - S.333 “stays” (pauses) all evictions as of May 14, 2020, until the governor declares an end to the state of emergency, and for some actions, for 30 days after that. Obligation to pay rent unchanged; filings still permitted.

- New Hampshire (rental population \( \rightarrow \) 157,154)
  - Governor Sununu’s suspension on evictions effectively ended on June 11th.

Policy Scorecard— www.evictionlab.org
Policy Scorecard

Eviction Initiation
- Notice to quit, filing for nonpayment, filing despite COVID-19 hardship

Court Process
- Hearings suspended, deadlines extended, judgments of possession stayed, eviction records sealed

Enforcement of Eviction Order
- Removal with COVID-19 hardship, no removal

Short-Term Supports
- Extension of moratorium beyond SOE, utility reconnection, no utility disconnection, rent grace period, foreclosure moratorium

Tenancy Preservation Measures
- No late fees, no rent increases, legal counsel, housing relief programs
CDC Moratorium

CDC issued a nationwide “moratorium” on evictions until Dec. 31
✓ Requires tenant declaration under penalty of perjury
✓ Many courts have interpreted it as an affirmative defense

Lots of thorny legal and implementation questions
✓ Does Section 361 of the PHA and its enabling regulation (42 CFR 70.2) grant CDC this kind of sweeping authority
✓ Improper delegation of legislative power/
✓ Anti-commandeering doctrine (10th Amendment)
✓ Denies citizens access to the courts
✓ Uncompensated “government taking”?
✓ Offers no financial relief to tenants or LL (also doesn’t prevent late fees, penalties, or interest); grounds for eviction (nonpayment of rent, what about breach or refusal to renew?); enforcement (authorizes DOJ to initiate criminal proceedings); what is the standard for verifying the declaration
COVID-19 and the Housing Crisis—Opportunity to turn the ship?

In the absence of significant Congressional action, the crisis will only get worse. Innovative legal and policy solutions will be necessary. These measures could help alleviate housing insecurity post-pandemic.

- Rent stabilization laws
- Tenancy preservation measures (statewide eviction moratoria, forgiveness of late fees, rent forgiveness)
- Programs to assist small LLs
- Restricting access to now-public court filings related to FTPR and eviction
- Eviction expungement
- Right to counsel

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Right to Counsel

Most tenants do not report for court, and those that do are unrepresented (90%)

- Counsel = better outcomes (less homelessness, less eviction, less negative impact on children’s health/education, increased family and community stability, increased civic engagement and trust in the justice system)

Right-to-Counsel legislation (NYC, San Francisco, Newark, Cleveland, & Philadelphia)

Publicly supported legal services for tenants (and small landlords)

Expand practice rules for law students and graduates who have not yet taken the bar

Agency rules
What is the Network?

- Funded by Robert Wood Johnson Foundation since 2010
- One National Office
- Five Regional Offices
  - **Northern** (Edina, MN)
  - **Western** (Arizona State Univ. Sandra Day O’Connor School of Law)
  - **Mid-States** (Michigan SPH)
  - **Southeastern** (UNC-Chapel Hill SPH)
  - **Eastern** (Univ. of Maryland Carey School of Law)
Our Purpose…

- “Promoting health and health equity through law & policy”
- Increase the use and effectiveness of public health laws in protecting, promoting, and improving public health
  - Legal Technical Assistance
  - Products (fact sheets, issue briefs, 50-state compilations, blog, webinars, updates, alerts, etc.)
  - Network of experts (That means you!!)
How it works…

Northern Region
- Tobacco control, cross-border issues, mental health

Western Region
- Emergency legal preparedness and response, Tribal law

Mid-States Region
- Health information privacy and data sharing; public health regulation

Southeastern Region
- Accreditation and structure of public health agencies, health reform (ACA)

Eastern Region
- Food safety, environmental health, injury prevention, marijuana, school health
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