

Three households threatened with eviction every day in Lynchburg

By Richard Chumney rchumney@newsadvance.com

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An average of three families are threatened with eviction every day in Lynchburg, making it among the worst in the country for a city of its size, according to a new analysis of eviction records in the region.

Nearly nine out of every 100 renting households in the city faced a court-ordered eviction in 2016, giving it the ninth highest eviction rate among Virginian cities larger than 20,000 residents. Lynchburg renters faced eviction more than three-and-a-half times higher than the national average.

The figures were made public in a report released in May by the Virginia Legal Aid Society, which provides free civil legal services to low-income residents. Though the report does not show how many people were ultimately removed from their homes it offers the clearest look yet at the scope of court-ordered evictions in Lynchburg.

The research was inspired by Princeton University's Eviction Lab, which maintains a national database on eviction records. When the Eviction Lab announced its findings last year, it highlighted Virginia as one of the worst states in the country for evictions. Richmond was revealed to have the second highest eviction rate in the nation, with one in five renter households facing eviction in 2016.

But eviction data for Lynchburg was not available until this spring, after the Lynchburg-based Virginia Legal Aid Society crunched the numbers.

Throughout the course of 2016, 1,207 households were ordered to vacate their homes, according to the analysis by the Virginia Legal Aid Society. A year later, another 1,167 faced eviction.

“It's certainly distressing,” said Beau Wright, an at-large Lynchburg City councilman who centered much of his campaign last year on the issue of poverty. “It's a cancer in the body and its a cancer we need to treat.”

Top Evicting Mid-Size Cities in the United States

	CITY	TOTAL EVICTIONS	EVICTIONS PER DAY
1	Portsmouth, Va.	2,469	6.76
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3	Roanoke, Va.	1,531	4.19
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5	St. Andrews, S.C.	1,338	3.79
6	Warner Robins, Ga.	1,317	3.61
7	Gulfport, Ms.	1,248	3.42
8	Wilmington, De.	1,238	3.39
9	Canton, Oh.	1,211	3.32
10	Lynchburg, Va.	1,207	3.30

Data is from 2016. Mid-size cities are defined as cities with populations between 20,000 and 100,000

Chart: Richard Chumney • Source: [The Princeton Eviction Lab](#) and the [Virginia Legal Aid Society](#)

The reasons behind Lynchburg’s high eviction rates are not yet clear. Experts suggest a myriad of factors may be at play, including opaque and weak legal protections for tenants and a lack of affordable housing.

Poverty is almost certainly the main driver behind evictions, said John Abell, a professor of economics at Randolph College. More than a fifth of Lynchburg residents live in poverty, which is nearly twice the national rate, according to five-year estimates from the U.S. Census Bureau.

Evictions also exacerbate poverty. Without an address, those eligible for federal and state benefits may miss their renewal notices. And with no roof over their head, job seekers may have no place to prepare for interviews.

“It becomes this vicious circle,” Abell said. “It’s a serious thing to be evicted.”

Madeline Cotton found herself in that exact situation last year.

About 15 years earlier, a false tumor on her brain caused fluid to build up, damaging her optic nerves. She’s suffered from partial vision loss and depth perception issues ever since, making it especially hard to find work and to hold down a job. She relied on Social Security Disability Insurance to stay afloat but fell behind as bills climbed past her monthly benefits.

It wasn’t long before a notice appeared on her door demanding rent payment under threat of legal action.

“It’s like you’ve been buried alive,” she said. “I wouldn’t want that to happen to my worst enemy.”

After bouncing between homeless shelters, Cotton was eventually rehoused with the help of Miriam’s House, a nonprofit that works to end homelessness by connecting families with affordable housing. The nonprofit has since helped Cotton stay on her feet by supplementing rent payments, helping her to balance her budget and by acting as the mediator between her and her landlord.

“Thankfully, I have more people on my side now,” she said.

Because evictions records do not include information about race, it is impossible to say for certain if one group faces more evictions than another.

But according to Abell, poverty figures strongly suggest deep disparities between black and white tenants. About a third of all black residents in Lynchburg live in poverty, compared with a little more than a sixth of white residents, according to census data released in February.

The growing disparity between rich and poor and stagnating wages may also play a part in evictions. Between 1990 and 2016, median rents in Lynchburg rose 14% while wages decreased 5%, according to a report released earlier this year by the Lynchburg Regional Housing Collaborative.

“For a lot of folks it just doesn't matter how hard they work, they simply can't afford a decent quality of life,” Wright said. “It says nothing about their work ethic, but rather the rising income inequality across the United States.”

Every Monday and Wednesday morning, landlords march into Lynchburg General District Court with a stack of papers under their arms. Both days are set aside for civil cases involving private property disputes and landlords arrive hoping to win a court-ordered eviction.

From the outset, the system is stacked against the tenant, according to Jeremy White, the managing attorney for the Virginia Legal Aid Society's Lynchburg office.

Many renters do not show, giving landlords an automatic victory. Low-income defendants are not eligible for court-provided attorneys like they are in criminal cases. And judges overwhelmingly decide in favor of landlords.

Between 2008 and 2017, eviction suits were filed against more than 21,000 households in Lynchburg. Judges ruled for landlords in 60% of those cases while about 37% were dismissed or withdrawn. Tenants contested and won just 62 cases over that time period.

Eviction cases in Lynchburg

Landlords win more than half of all evictions lawsuits.

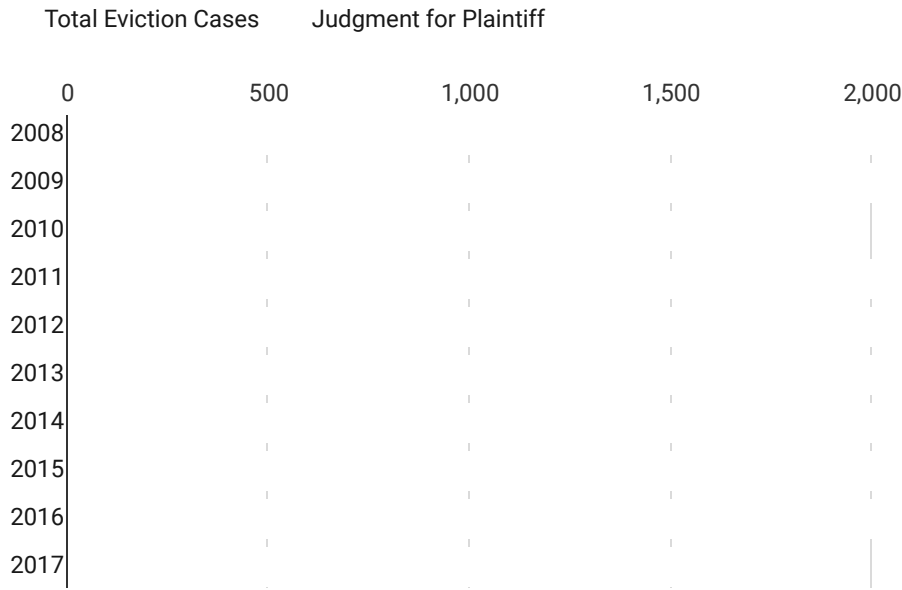


Chart: Richard Chumney • Source: [The Virginia Legal Aid Society](#) • [Get the data](#)

The fear of losing a court battle often deters tenants from fighting a landlord’s attempt to get a court ordered eviction, White said.

If a judge rules for a landlord, tenants face an uphill battle in their search for new housing. Many landlords refuse to rent to formerly evicted residents and public housing can deny applications marred by a past eviction.

“The risk of losing may not be worth it,” White said.

Instead, tenants may agree to informal evictions to avoid the court process. Those evictions aren’t captured in court records, making it virtually impossible to know how many occur each year.

Tenants aren't the only ones eager to avoid the courts. Property owners also dread appearing before a judge, according to Antonio Rose, a Lynchburg landlord who owns about two dozen rentals across the city.

Eviction paperwork is time consuming for landlords and the court process could take several weeks to resolve, he said. In the meantime, tenants may still be living in a rental unit without paying rent, cutting off a landlord's source of income.

In some cases, Rose has opted to pay delinquent tenants to vacate his rentals — an informal workaround known among landlords as a "cash for key eviction." He said he once offered a tenant \$400 to move out.

"It saves time," he said.

Other landlords aren't as flexible.

Gina Smith, of Thaxton, owns several rental properties in the city, most of which are in the Rivermont-area. She said a series of delinquent renters have threatened her bottom line in recent years. As a result, she won't hesitate to file an eviction suit as soon as the rent is late.

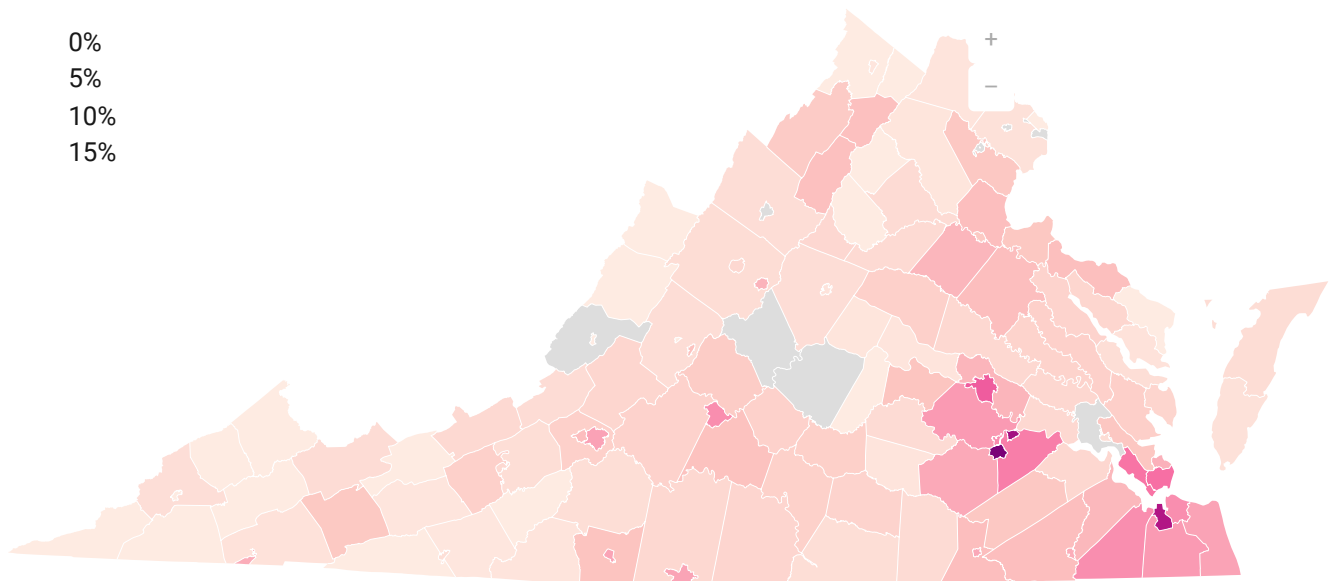
"If someone takes your wallet and takes your money, they're going to go to prison," she said. "But yet, they can come in and they can rob us. We are a business. We are not here to give you a handout. And I'm tired of it."

Not all formal eviction attempts end with a knock on the door from a sheriff's deputy. Some tenants may choose to leave their homes after an eviction lawsuit is filed but before a judge has ruled, in which case the suit may be dismissed or withdrawn.

Sheriff Don Sloan said his office served 831 writ of possession orders in 2016 and another 898 in 2017. Possession orders are issued after a judge decides in favor of a landlord or property owner. Not all possession orders evict people from homes (some are filed to recover rented equipment and furniture), but according to Sloan the "vast majority" of possession orders result in evictions.

Eviction orders in Lynchburg dwarf those in neighboring localities. Added together, the four counties that surround the city saw fewer than half the total number of court-ordered evictions Lynchburg saw in 2016.

Eviction rates across Virginia in 2016



The national eviction rate is 2.34%. Data for nine localities is not available

Map: Richard Chumney • Source: The Princeton Eviction Lab and the Virginia Legal Aid Society
• [Get the data](#) • Created with [Datawrapper](#)

Eviction orders also have trended down in recent years. Between 2013 — when judges awarded 1,412 evictions — and 2017, the number of court-ordered evictions orders dropped about 17%. But Lynchburg's 8.62% eviction rate still exceeds national and state averages. According to Princeton's Eviction Lab, the national eviction rate is 2.34% and the Virginia rate is 5.12%.

Work is now underway to help alleviate the eviction crisis.

In March, Gov. Ralph Northam signed legislation creating a pilot program for renters facing eviction. The court program allows tenants to enter into a payment plan with landlords. It launches in Richmond, Danville, Hampton and Petersburg next year.

New laws broadening tenant rights also came into effect this month. The changes include shortening the time a court-ordered eviction is in effect and allowing tenants more time to come up with rent.

The new legislation also requires that property owners provide the court with a copy of a five-day notice to pay rent or face an eviction suit. Last week, as landlords argued their case some were unaware of the new requirement, offering tenants a surprising reprieve — at least until Monday.

City Council debates solutions to affordable housing shortage in Lynchburg

By Richard Chumney rchumney@newsadvance.com

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Recommendations for increasing Lynchburg's stock of affordable housing sparked a lively discussion Tuesday, as city council members debated their role in alleviating housing instability.

Lynchburg is facing a shortage of at least 578 affordable housing units for renters with extremely low incomes, according to a study released earlier this year by the Lynchburg Regional Housing Collaborative. The same study found 50% of households are considered low income and of those, nearly 4,500 spent more than 50% of their income on housing.

The results of the study prompted council to request city officials draw up possible long-term solutions to the issue. At a work session Tuesday, Deputy City Manager Reid Wodicka summarized the findings of the research and outlined a series of potential fixes, including creating a dedicated revenue source for housing initiatives and requiring developers to set aside a percentage of units for certain low- income earners.

"The question is: What are the challenges that we really want to fix and what are the challenges that we can fix?" Wodicka said.

Ward I Councilwoman MaryJane Dolan and Ward II Councilman Sterling Wilder both expressed an interest in the proposals. Ward III Councilman Jeff Helgeson, however, raised several concerns throughout the afternoon work session, saying none of the proposals would help raise income but could depress property values.

"We've got to look out for our landlords as well because of the fact that when the landlords don't have that property rented and income isn't coming in, values of that property stagnates," he said.

Ward IV Councilman Turner Perrow, who serves as chairman of the city's public housing authority and is a landlord, echoed Helgeson's skepticism.

"I understand the desire to help people but people also have to help themselves, and if we take the position that we're going to help them, ... then we're just going to be a magnet for poor people coming in and it'll end up being like San Francisco," Perrow said. "And we cannot afford that, and we don't want it."

"What we need to do is make sure that people have the ability to find employment and be employed and be successful," he added.

At times, the disagreements led to fiery back-and-forths as council members sparred with each other. Mayor Treney Tweedy said much of the previous discussion ignores the city residents who work full time but can't afford to make rent.

"People are working everyday and can't live off \$10 an hour," Tweedy said.

"They absolutely can," Perrow shot back.

"Well you try and go and get an apartment with \$10 an hour," Tweedy rebutted.

Tweedy expressed interest in moving forward with the city's top two proposals: developing clear housing goals for Lynchburg and expanding the city's housing collaborative to include developers and lending institutions.

The collaborative — currently made up of Miriam's House, Rush Homes, Greater Lynchburg Habitat for Humanity, Lynchburg Redevelopment and Housing Authority, Lynchburg Community Action Group and the city of Lynchburg government — focuses on serving the housing needs of the low-income population, including the homeless.

At-large Councilman Beau Wright asked his colleagues to raise their hand if they've ever struggled to pay rent or if they've ever been evicted. When no one raised their hand, he argued that his fellow council members had no right to "make pronouncements about who has value."

He said the city has a responsibility to make sure residents are able to live with dignity, though it should happen in partnership with private organizations.

“Does government have a hand here in trying to foster an environment that makes affordable housing possible for people? Or do we say, ‘let the free market reign, let it resolve this issue?’ Well, I got to tell you, it hasn’t really seemed to solve the issue,” he said. “The issue still remains.”

Richard Chumney covers breaking news and public safety for The News & Advance. Reach him at (434) 385-5547.

Meeting promotes greater community discussion on homelessness

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Since 2009 no landlord has filed more eviction lawsuits than Lynchburg’s public housing authority

https://www.newsadvance.com/news/local/since-no-landlord-has-filed-more-eviction-lawsuits-than-lynchburg/article_20695e14-4ab8-591b-8da1-9bf811f57a97.html

Since 2009 no landlord has filed more eviction lawsuits than Lynchburg's public housing authority

By Richard Chumney rchumney@newsadvance.com

Aug 3, 2019



Brookside Apartments is one of four housing complexes owned by the Lynchburg Redevelopment and Housing Authority. Over the last decade no city landlord has moved to evict more tenants than the LRHA.

Richard Chumney/The News & Advance

Later this week a flurry of notices will appear in the mailboxes of residents living in Lynchburg's four public housing complexes.

The notices carry a blunt message: If the rent is not paid within the next two weeks, your lease will be terminated.

Time after time, the housing authority has made good on that threat.

Over the past decade, no landlord in the city has moved to evict more residents than the Lynchburg Redevelopment and Housing Authority, according to an analysis of more than 20,000 court records by The News & Advance.

Last year, the authority — which houses nearly 1,000 low-income residents across 328 apartments — filed eviction lawsuits against almost a third of all households, court records show.

Dawn Fagan, the executive director of the LRHA, said the money the authority collects from rent is a crucial piece of what keeps the authority functioning. According to the authority's 2018 financial plan, rent payments make up about a fifth of all revenue allocated for public housing. The federal government provides about \$1.6 million in subsidies every year, while rent brings in another \$500,000.

“Yes, we get subsidies from [the U.S. Department of Housing and Urban Development], but they don't pay us everything we need to manage the properties,” she said. “So, we would rather they pay. Right up until the day they go to court, we'll usually accept the payment.”

The housing authority's high rate of eviction filings has helped place the city among the worst in the nation for evicting renters.

A recent analysis of all court-ordered evictions in Lynchburg by the Virginia Legal Aid Society found that an average of three families face eviction every day. Landlords in the city evict renters at rates three-and-a-half times higher than the national average.

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For tenants who live in public housing, an eviction can mean a permanent end to future housing assistance. Federal regulations bar housing authorities from renting or offering housing vouchers to people who have been previously evicted, according to Christine Marra, an attorney with the Virginia Poverty Law Center.

“These are folks who had no other choice,” Marra said. “Not only do they not have anywhere to go now, but they were in public housing to begin with, not because they chose that place, but because, for the most part, that was all that they could afford.”

Evicted tenants may have just as hard a time finding a new place to stay on the open market. Some private landlords will refuse to rent to a person who has had an eviction suit filed against them, even if the judge ruled in their favor, Marra said.

The housing authority filed the eviction lawsuits any time a tenant was more than 14 days late on rent, the minimum amount of time a public housing authority must wait before filing an eviction suit, which is also known as an unlawful detainer.

Often times the suits are over small sums.

In cases won by the housing authority last year, the average amount owed was \$360. Some owed far less. At least 10 residents were sued for debts totaling less than \$100. One received a summons for just \$15.

The court records show a seemingly endless churn of eviction-related lawsuits. Last year, one in 10 households were sued at least twice, including two families who faced four suits. In previous years, some residents have been sued upwards of six times.

Cashmere Woody, a single-mother living with her five children in a two-bedroom apartment, faced three suits last year after slipping behind on rent while struggling with a disability.

Each time she found the money before she was due in court and each time the housing authority agreed to dismiss the suit. But the threat of eviction forced her to make painful choices: pay rent or buy school supplies for her young children.

“Sometimes you’ve got to rob Peter to pay Paul,” she said.

Though legal under Virginia law, tenant advocates argue the practice of filing multiple eviction suits against the same resident after previously winning judgement is redundant.

When a judge rules in favor of a landlord, the property owner has six months to use the eviction order. While most landlords ask the sheriff’s office to serve the order as soon as possible, some, including the housing authority, leverage the eviction order to recover rent.

The court process can be costly, especially for residents who face multiple suits in the same year.

Lynchburg General District Court generally levels a \$58 or \$70 fee to tenants when they lose an eviction suit. That's on top of the LRHA's \$50 late rent fine and the money it might cost to take off work or to find transportation to attend court.

“What they're doing by filing these multiple lawsuits, is increasing the cost to tenants and making it harder for them to ever catch up,” Marra said. “They're passing on the cost of the filing fee to the tenants every time they get a judgment against them. It's unnecessary at best and it's harmful at worst.”

Fagan, the authority's executive director, sees it differently.

When someone is late on rent, “the only way to get their attention is to file that unlawful detainer,” she said

Fagan also said the vast majority of the tenants sued by the authority remained LRHA residents. Though judges ruled in favor of the authority in about 40% of the more than 150 cases last year, Fagan said the sheriff's office ultimately executed just 12 eviction orders.

The court records, however, do not reflect the number of residents who may have left their homes after learning an eviction suit has been filed and before a judge has a chance to make a ruling.

In any case, residents are extremely unlikely to contest the suits in court, according to Judge Sam Eggleston III, who commonly hears eviction lawsuits at Lynchburg General District Court.

In the last 10 years, just two tenants in public housing contested and won their cases, court records show.

Eggleston said he generally asks tenants who contest their eviction to enter into a court-sponsored mediation process before making a ruling. He said mediation often helps tenants and landlords reach an agreement, which may allow the suit to be dismissed.

“Even when they don’t get an agreement, the parties have had the opportunity to air out both their sides,” he said. “So when it comes back to me to hear, they’ve figured out what the real issues are between them.”

The court process could soon look different for tenants facing eviction. Earlier this year, state lawmakers approved new legislation creating an eviction diversion pilot program in Danville, Hampton, Petersburg and Richmond. The program, which will launch next summer, will allow tenants to enter into a court-administered payment plan and to ultimately have the suit dismissed.

In the meantime, public housing authorities can use their own tools to reduce evictions, Marra said. Above all she would like to see the authorities begin to proactively offer payment plans to residents who fall behind on rent.

“Maybe it’ll take you 12 months to pay that off, but the authority will get a better, more predictable stream of income that way,” she said. “They won’t incur the additional expenses of the filing fees, the service fees and the attorney fees. And people will get to stay stably housed.”

But, according to Fagan, creating an in-house diversion program would be impossible. The authority simply cannot afford to hire someone to manage the program.

“Even if we tried to bring that in-house and do that in-house, there’s going to be folks that want help and there’s going to be folks that continue to not pay rent, because we’re not doing anything about it,” she said. “That’s human nature.”

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