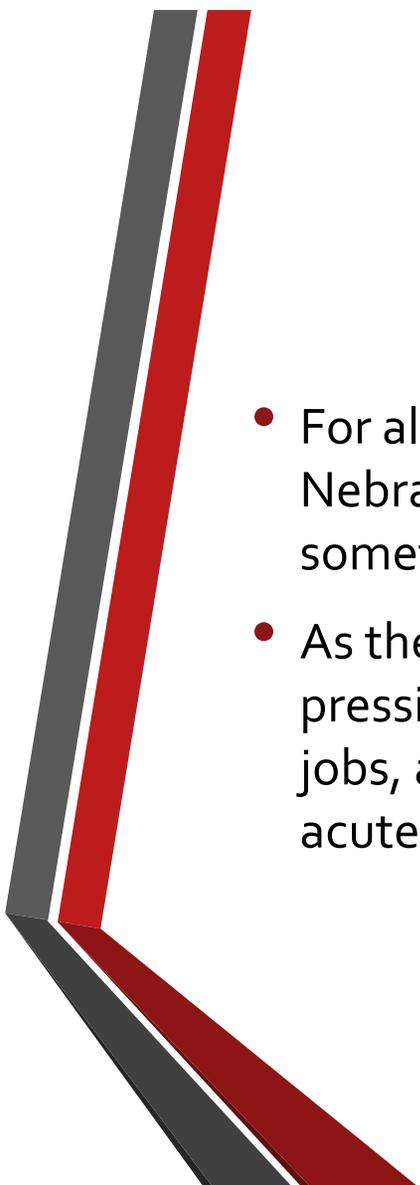


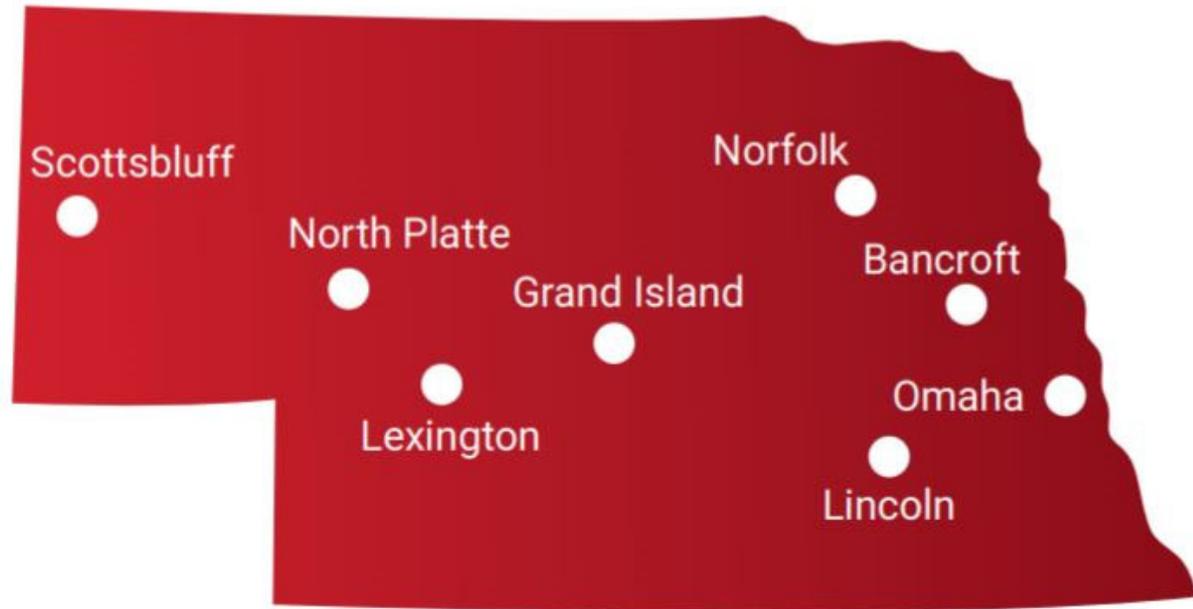


Legal Aid
OF NEBRASKA



Legal Aid of Nebraska

- For almost 60 years, Legal Aid of Nebraska has provided low-income Nebraskans with free, high quality civil legal advice and representation—something those more fortunate take for granted.
- As the only statewide civil legal aid provider, Legal Aid targets the most pressing legal problems keeping clients in poverty: lack of good housing, jobs, and benefits; the burden of predatory and high-interest debt; and the acute absence of family stability and safety.



As Nebraska's largest nonprofit law firm, we serve:

- **6 service areas.**
- **93 counties.**
- **1 unified goal.**

Priorities



HOUSING

- Eviction/foreclosure
- Unsafe conditions in rental unit
- Utility shut off/risk of shut off
- Return of security deposit



CHILDREN & FAMILIES

- Protection from abuse
- Juvenile record sealing
- Divorce, custody and child support



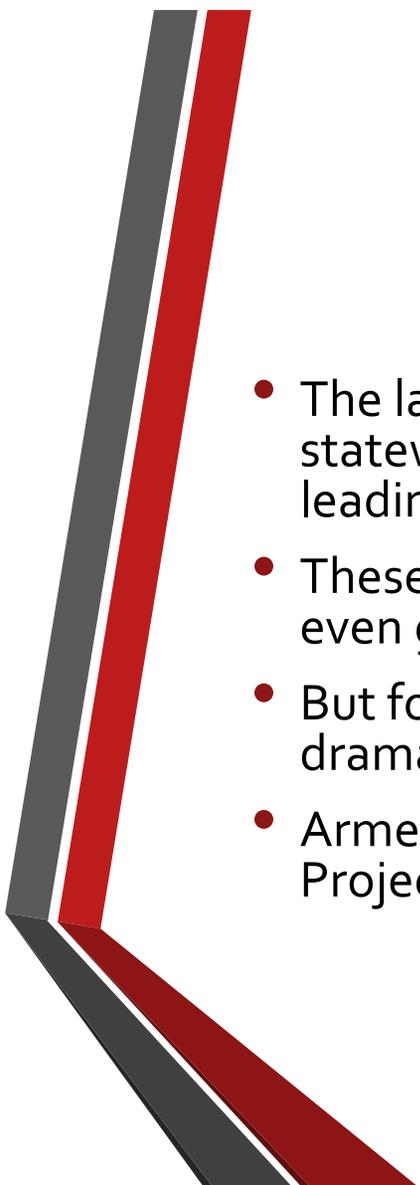
DEBT & FINANCE

- Bankruptcy
- Debt collection
- Wage and bank garnishment
- Student loan debt
- Tax and medical debt



INCOME & BENEFITS

- Disability benefits
- Public assistance programs (ADC, SNAP, Medicaid)
- Unpaid wages



Housing Justice Project

- The lack of safe and affordable housing for low-income Nebraskans is a statewide crisis. Evictions, foreclosures, and poor housing conditions are leading factors keeping low-income families in poverty.
- These Nebraskans also have basic legal rights denied or ignored, leading to even greater housing insecurity.
- But for low-income Nebraskans with access to civil legal aid, they receive dramatically different – and positive- opportunities and results.
- Armed with this knowledge, in 2019 Legal Aid created the Housing Justice Project.



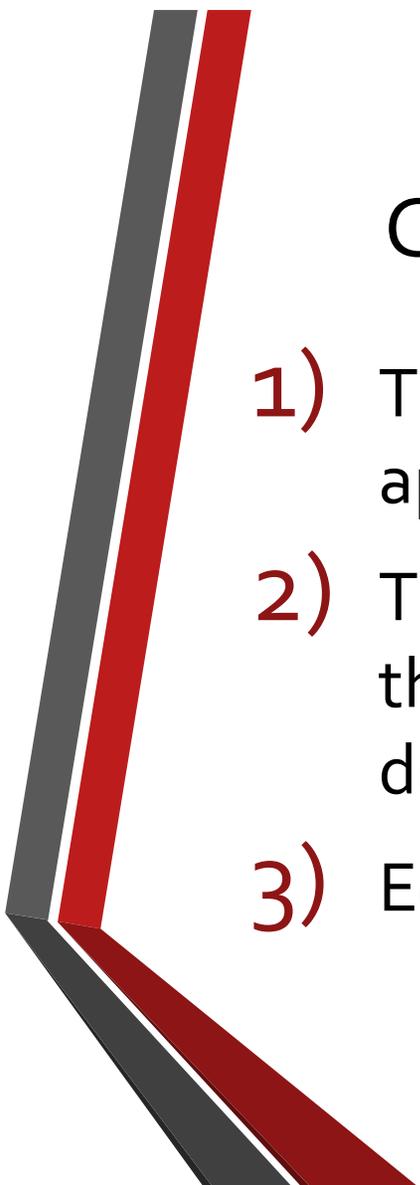
Recent Examples

- Housing insecurity (evictions, security deposits, utilities, etc.)
- Yale Park Apartments (unsafe conditions/code enforcement)
- Tax deed/sales (stripping of equity)
- Disaster impacts (affordable housing and low-income community resilience)
- Housing development (access to and participation in affordable housing options)



COVID-19 and Low-Income Housing in Nebraska: A Deepening Crisis

- The rapidly changing COVID-19 public health emergency has led federal, state, and local governments, including in Nebraska, to declare states of emergency and implement a large number of emergency orders and legislation, all intended to swiftly and decisively slow the spread of the virus and mitigate the devastation it is causing.
- Eviction and foreclosure legal process in every county court in Nebraska exposes mostly low-income people, as well as their communities, to great risk during this public health crisis.
- Without restrictions on this process, eviction cases continue to be filed for non-payment, unrepresented low-income Nebraskans are summoned and travel to their county courthouse on very short notice to protect what little they have, gather together with dozens if not hundreds facing the same crisis, and are evicted into their communities.
- The deepening crisis means these civil matters can be put on hold until the safety and well-being of the general public is no longer at risk. But as of April 22, no statewide moratorium exists in Nebraska, and many courts are “business as usual.”



COVID-19 ISSUES FACED BY TENANTS

- 1) The protections against eviction are not being applied equally by county courts across the state
- 2) The post- eviction moratorium filings may result in thousands of evictions when there is a shortage of decent, affordable housing in Nebraska
- 3) Economic insecurity



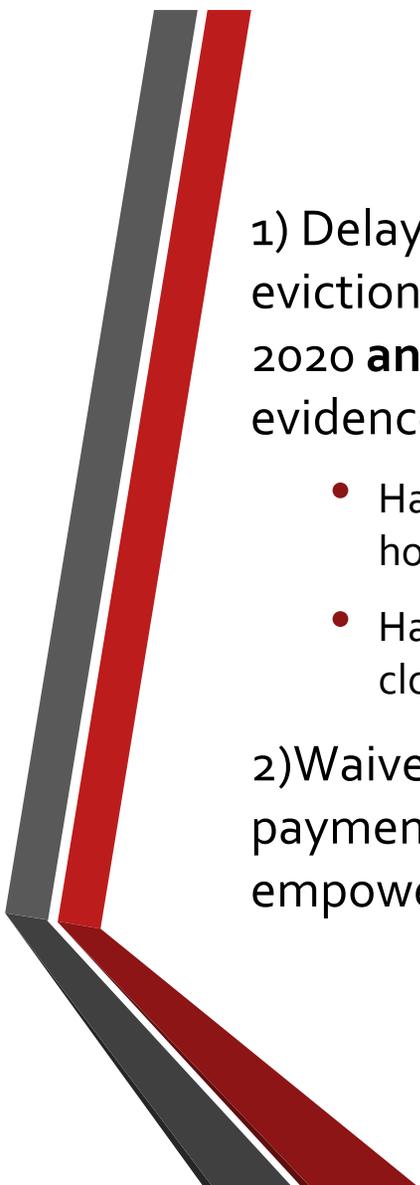
Tenant and Homeowner Protections Need to Be Applied Fairly and Equally Across the State

- Governor's Executive Order
- CARES Act
- Administrative Order and Direction by the Nebraska Supreme Court



Governor's Executive Order Signed March 25, 2020

- Does not stop all evictions
- The Order applies to evictions related to non-payment of rent due on or after March 13, 2020
- Forbids evicting anyone for having or being suspected of having or being impacted by COVID-19
- Ends May 31, 2020



Governor's Executive Order

1) Delays eviction trials for unpaid rent until after May 31, 2020, **only if** the eviction is based upon non-payment of rent that was due on or after March 13, 2020 **and** the tenant can show to the landlord, with documentation or other evidence, that the tenant:

- Has a substantial loss of income related to COVID-19, such as job loss, reduction in hours of work, or their place of employment has closed; **or**
- Has missed work to care for a relative or child because their school or childcare facility closed, or the childcare has limited attendance, due to COVID-19.

2) Waives the requirement that Courts must hear eviction trials for non-payment of rent within 10 to 14 days after the issuance of a summons. This empowers courts to delay eviction trials for non-payment of rent.



CARES ACT

Eviction Moratorium

- Federal Law
- Prohibits the filing of evictions for non-payment of rent for all **covered properties** for 120 days – from March 27, 2020 through July 25, 2020.



CARES ACT

Eviction Moratorium

Covered properties are those subject to VAWA and all federally backed single and multi-family mortgages.

- Properties subject to VAWA include public housing, landlords that take Section 8 vouchers, project-based housing, and properties that receive a low-income housing tax-credit.
- A property that has a federally backed mortgage includes, but is not limited to, HUD, USDA, VA, Fannie Mae and Freddie Mac mortgage loans.



CARES ACT HOMEOWNER RELIEF

Provides foreclosure and forbearance relief for homeowners with federally backed mortgages.

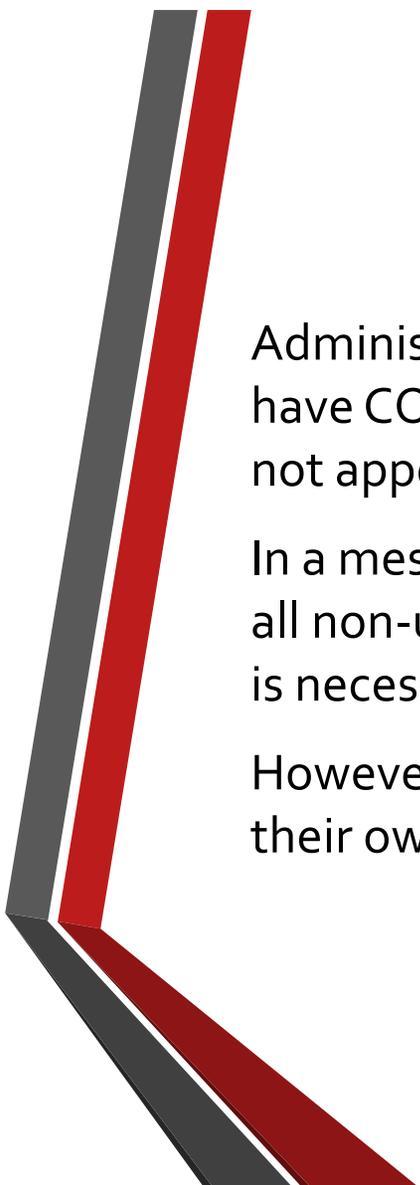
- Homeowners who have lost income due to COVID-19 can request a forbearance of their mortgage payments for up to 12 months.
- The Act also temporarily suspends foreclosures and foreclosure related evictions for at least 60 days from March 18, 2020.

It is estimated that 70% of single family mortgages are federally backed. *

*National Housing Law Project

<https://www.nhlp.org/wp-content/uploads/foreclosure-protection-CARES-Act.pdf>



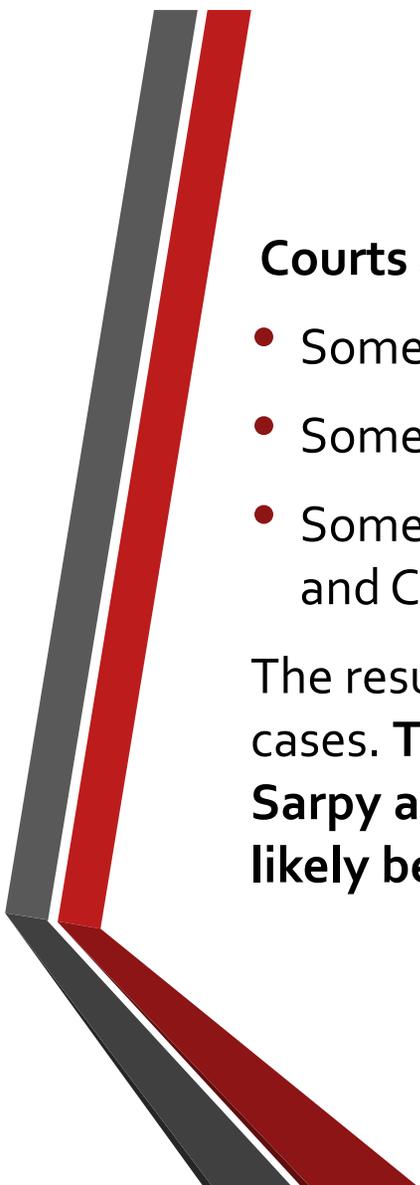


Administrative Orders and Directives of Nebraska Supreme Court

Administrative Order requires parties and witnesses to notify the court if they have COVID, are at high risk of COVID, or have been exposed to COVID and not appear in court without permission.

In a message to attorneys the Chief Justice encouraged attorneys to continue all non-urgent matters, and agree to telephonic or video hearings if a hearing is necessary.

However, the Administrative Order essentially requires local courts to develop their own administrative orders and protocols for handling cases.



MAJOR ISSUES WE SEE

Courts across Nebraska are treating evictions differently

- Some – like Douglas County – are continuing non-payment cases until June.
- Some courts are hearing eviction cases business as usual.
- Some are doing a hybrid – requiring some showing that the Executive Order and CARES Act do not apply before the hearing is held.

The result is that tenants are treated differently for non-payment of rent cases. **Those living in Douglas County will not be evicted, those living in Sarpy and Lancaster may be evicted, and those living in Lincoln County will likely be evicted.**



MAJOR ISSUES WE SEE

Tenants cannot adequately advocate for themselves. Tenants are largely unrepresented – 90% or more of tenants do not have an attorney. Almost all landlords have an attorney. Tenants do not know the law, including the Governor’s Executive Order and the CARES Act.

Misinformation about the new protections and a belief that no evictions are happening, is potentially contributing to tenants not appearing for eviction hearings – leading to eviction.



WAY TO ENSURE PROTECTIONS AND FAIRLY AND EQUALLY APPLIED ACROSS THE STATE

Courts should continue all eviction case for non-payment of rent
through July 25, 2020



Post-Moratorium Evictions

- Executive Order ends May 31
- Federal moratorium ends July 25
- Backlog of eviction cases filed that have already been continued
- Potential huge number of new filings for tenants who fell behind on rent
- In 2016 there were 5615 evictions in Nebraska*
- The majority of tenants do not have an attorney
- Shortage of decent, affordable housing
- Landlords need rent payments

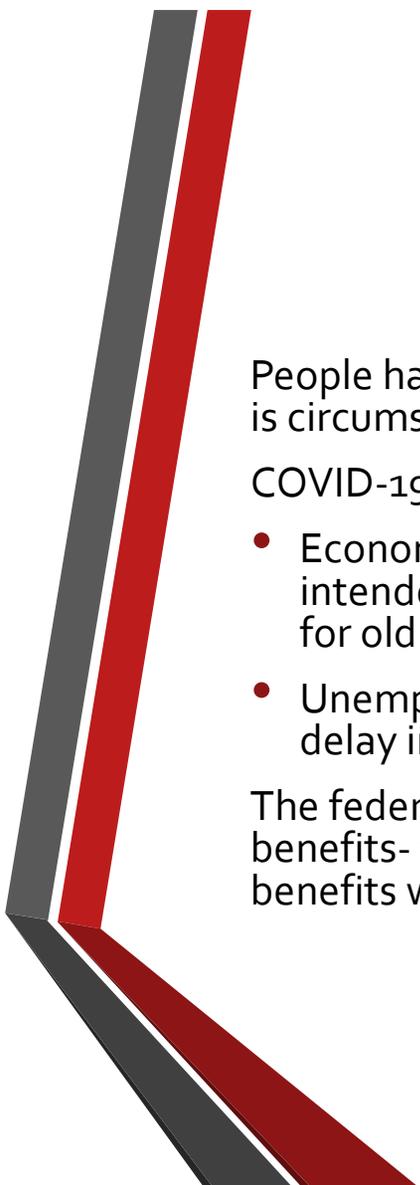
Data from Eviction Lab <https://evictionlab.org/>



Post-Moratorium Evictions

Opportunity to create solutions with long-term benefit

- Provide financing opportunities to property owners and developers to prevent evictions and develop low-income properties
- Provide funding options to tenants to stay in their homes



ECONOMIC INSECURITY

People have lost and are losing their jobs because of COVID -19. Not through anyone's fault, it is circumstances beyond anyone's control.

COVID-19 economic relief is provided under the law but:

- Economic stimulus payments of up to \$1200 per individual and \$500 per child, that is intended to be used to pay for rent, mortgage, and food is able to be garnished by creditors for old debts
- Unemployment insurance benefits, including new federal programs, can be a 3-4 week delay in payments from the date of application

The federal law delaying evictions compliments the federal law providing these economic benefits- yet there is a delay in getting access to these benefits, and the ability to access these benefits will help households catch up on and pay their rent



Legal Aid's COVID-19 Legal Hotline and Legal Resources on Website

1-844-268-5627

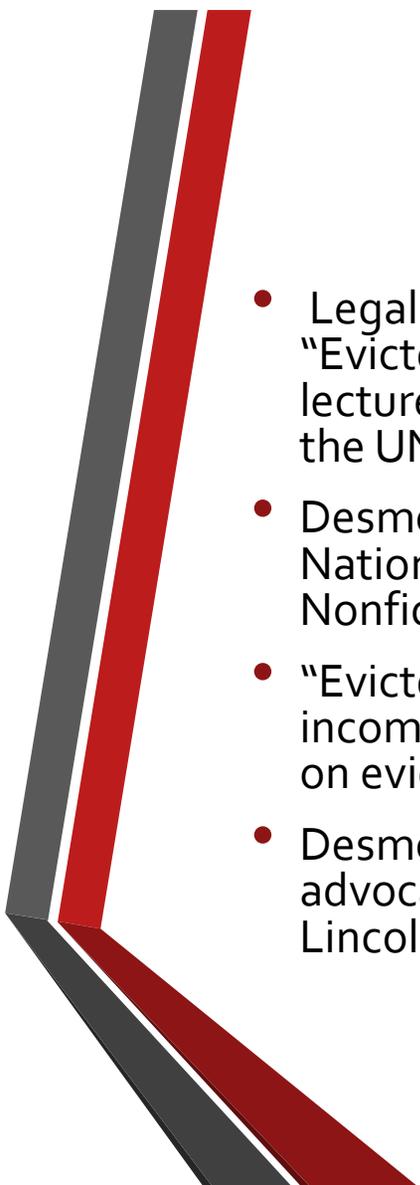
*Go online for COVID-19 legal
information/resources:*

www.LegalAidofNebraska.org

Apply for help online:

www.LawHelpNE.org





Matthew Desmond Free Public Lecture October 8 in Lincoln

- Legal Aid is excited to announce Matthew Desmond, best-selling author of “Evicted: Poverty and Profit in the American City” (2016), will provide a free public lecture on Thursday evening, October 8, at the Sheldon Art Gallery Auditorium on the UNL campus.
- Desmond, a MacArthur Foundation “Genius” Award winner, won the Pulitzer Prize, National Book Award, Carnegie Medal, and PEN/John Kenneth Galbraith Award for Nonfiction for “Evicted.”
- “Evicted” has precipitated a nationwide advocacy response to evictions and low-income tenant rights, including the creation of The Eviction Lab, a source of data on evictions, poverty, and inequality used across the country.
- Desmond’s free public lecture is co-sponsored with the local coalition of housing advocates and organizations involved in addressing low-income housing needs in Lincoln and Nebraska.



LegalAidOfNebraska.org

We make equal justice happen.

