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Virginia Poverty Law Center



CURRENT ISSUES IN PUBLIC HOUSING IN RICHMOND

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LITIGATION DIRECTOR



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Committed to leading and coordinating efforts to seek justice in civil legal matters for lower income Virginians

VPLC



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LITIGATION

The Virginia Poverty Law Center (VPLC)
breaks down systemic barriers keeping
low-income Virginians in the
cycle of poverty

WHAT IS PUBLIC HOUSING?



- Housing owned by a government agency-Richmond Redevelopment and Housing Authority (RRHA)
- Rents (including utilities) set at 30% of household's adjusted income
- Lease term indefinite
- Evictions allowed only for good cause
- Tenants have grievance rights to challenge actions or inactions of RRHA
- Tenants have rights to participate in management and redevelopment decisions: 24 C.F.R. 964

WHO LIVES IN RRHA HOUSING?



- RRHA OPERATES 3,727 PUBLIC HOUSING UNITS
- AVERAGE HOUSEHOLD INCOME \$9,853
- 97% OF HOUSEHOLDS ARE BLACK
- 53% OF RESIDENTS ARE UNDER 18 YEARS OLD
- 17% OF RESIDENTS ARE 62 YEARS OLD OR OLDER WITHOUT CHILDREN
- 60% OF HOUSEHOLDS WITH CHILDREN ARE HEADED BY WOMEN

Sources: RRHA web site; HUD's Resident Characteristics Report for RRHA as of 6/30/19

WHO IS ON RRHA'S WAITING LIST?



- 3,485 Families on RRHA's Public Housing Waiting List
- 90% have incomes under 30% of area median income
- 83% are Black
- 10% are White
- 3.6% are Latinx
- 3.5% are Asian/Pacific Islander/Other

Source: RRHA's FY 2020 Annual Plan

RRHA's CURRENT PUBLIC HOUSING STOCK



- **Big Six:**
 - **Creighton:** 504 units opened 1952
 - **Fairfield:** 447 units opened 1958
 - **Gilpin:** 783 units opened 1942; later phases opened 1957 & 1970
 - **Hillside:** 402 units opened 1952
 - **Mosby:** 458 units opened 1962; later phase opened 1970
 - **Whitcomb:** 447 units opened 1958

 - **Totals 3,041 units Average age 65 years**

RRHA's CURRENT HOUSING STOCK



- **Other Family Developments**
 - **Afton Avenue:** 40 units opened 1980
 - **Bainbridge:** 18 units opened 1971
 - **Fulton:** 64 units opened 1980
 - **Stovall Place:** 30 units opened 1986
 - **Overlook and Mimosa:** 10 units opened 1976
 - **Randolph:** 52 units opened 1984

Totals 214 units, average age 40 years

RRHA's CURRENT HOUSING STOCK



- **Elderly and Disabled Developments**
 - **Fay Towers:** 123 units opened 1971
 - **Fox Manor:** 50 units opened 1986
 - **1200 Decatur Street:** 24 units opened 1971
 - **1161 4th Avenue:** 105 units opened 1977
 - **1920 Stonewall Place:** 70 units opened 1978
 - **3900 Old Brook Circle:** 25 units opened 1978
 - **700 South Lombardy Street:** 75 units opened 1978

 - **Total 472 units; average age 42 years**

RRHA's REDEVELOPMENT PLANS



- Redevelopment Plans are described in RRHA's One and Five Year Plans approved on 6/19/19 before public comment period closed on 7/8/19.
- **Privatize, Privatize, Privatize** (turns over public housing to privately owned/controlled entities)
- RENTAL ASSISTANCE DEMONSTRATION (RAD) CONVERSION
- DEMOLITION
- CHOICE NEIGHBORHOOD INITIATIVE

RAD CONVERSIONS



- Transfer of development to private entity that will retain many but not all features of public housing
 - Grievance Rights, Rents and utilities still 30% AGI, good cause evictions all retained
 - No rescreening of current residents/right to return
 - Tenants retain organizing rights and tenant participation funding— BUT not same rights under 24 CFR 964 (No requirement that “Residents shall be involved and participate in the overall policy development and direction of Public Housing operations.”)
 - One for one replacement generally required
 - Tenants rents subsidized like Section 8 instead of operating subsidy payment made for public housing

RAD CONVERSIONS



- RRHA no longer the landlord—but it may retain ownership rights in the land.
- Private entity will manage RAD converted developments
- RRHA Developments planned for RAD conversion: ALL except Creighton, Gilpin and Mosby. Timing of conversions uncertain.
- RFP issued last year for first round of conversions involve 11 properties: five family housing properties totaling 204 apartments (not Mimosa), and six senior housing properties totaling 349 units (not Fay).

WHAT ABOUT THE 1,868 UNITS AT CREIGHTON, GILPIN, MOSBY and FAY TOWERS?



- **Creighton:** Demolition planned but no application submitted to HUD. PHA Plan contemplated submission last April.
- **Mosby:** Demolition planned no application submitted to HUD. PHA Plan contemplates submission on 1/30/20.
- **Gilpin:** Demolition planned. Choice Neighborhood Planning Grant application submitted in June. PHA plan contemplates demolition application submission on 1/30/20.
- **Fay Towers:** PHA Plan says demolition to be proposed, but also is the subject of a RAD conversion application.

DEMOLITION: WHY WORRY?



- Existing public housing units can be replaced with Section 8 Vouchers; landlords can refuse to rent to Voucher holders
- Hard Units (as opposed to Vouchers) that will be constructed likely won't be public housing units.
- Non-public housing replacement units will require tenants to undergo rescreening.
- Current tenants that owe RRHA money not eligible for Section 8, whether Vouchers or hard Section 8 units.
- RRHA rent account ledgers often wrong.
- **Where will public housing tenants ineligible for Vouchers or unable to use them within 120 days go?**

WHAT ELSE IS WRONG WITH RRHA'S REDEVELOPMENT PLANS?



- Affected residents were not actively involved in either redevelopment planning or decision-making.
- No guarantee of one-for-one replacement for units proposed for demolition. **Best redevelopment plans would include one-for-one replacement with public housing units (no such requirement with RAD conversions).**
- Likely loss of hard low income housing units.
- Vouchers won't lead to deconcentration of poverty.
- Loss of tenant participation rights under 24 C.F.R. 964 and other rights in non-RAD redevelopments (especially grievance rights)
- No guarantees of right to return in non-RAD redevelopments.

RRHA'S EVICTION RATES ARE APPALLING



- List of all RRHA evictions filed in 2017 and 2018 obtained from Ben Schoenfield's Virginia Court's Open Data Project.
- RVA Eviction lab takes data and eliminates duplicate filings
- Eviction rates (same as judgment rates) calculated by dividing number of judgments by the number of units in each RRHA development.
- In 2016, Richmond's eviction rate was 11% according to Princeton Eviction Lab.

RRHA EVICTION STATISTICS: 2017



2017 RRHA EVICTION DATA SCRUBBED OF DUPLICATES					
Development	# Units	# Filings	# Judgments	Filing Rate	Judgment Rate
Hillside Court	402	227	171	56.47%	42.54%
Whitcomb Court	447	220	139	49.22%	31.10%
Fairfield Court	447	202	126	45.19%	28.19%
Mosby Court	458	125	96	27.29%	20.96%
Gilpin Court	783	109	78	13.92%	9.96%
Creighton Court	504	107	67	21.23%	13.29%
Stonewall	70	36	25	51.43%	35.71%
Fay Towers	123	21	13	17.07%	10.57%
Fulton Community	64	17	9	26.56%	14.06%
Lombardy	75	4	4	5.33%	5.33%
Afton Avenue	40	7	1	17.50%	2.50%
Old Brook Circle	25	1	1	4.00%	4.00%
Randolph Housing	52	2	1	3.85%	1.92%
Stovall Place	30	2	0	6.67%	0.00%
Other	207	12	4	5.80%	1.93%
TOTAL	3727	1092	735	29.30%	19.72%

RRHA EVICTION STATISTICS: 2018



Development Name	2018 RRHA EVICTION DATA SCRUBBED OF DUPLICATES				
	# Units	# Filings	# Judgments	Filing Rate	Judgment Rate
Gilpin Court	783	465	278	59.39%	35.50%
Hillside Court	402	261	173	64.93%	43.03%
Mosby Court	458	217	140	47.38%	30.57%
Fairfield Court	447	208	128	46.53%	28.64%
Whitcomb Court	447	233	127	52.13%	28.41%
Fay Towers	123	68	40	55.28%	32.52%
Creighton Court	504	94	33	18.65%	6.55%
Stonewall	70	18	8	25.71%	11.43%
Fulton Community	64	14	6	21.88%	9.38%
Afton Avenue	40	5	1	12.50%	2.50%
Lombardy	75	1	1	1.33%	1.33%
Randolph Housing	52	3	1	5.77%	1.92%
Stovall Place	30	1	0	3.33%	0.00%
Other	232	8	5	3.45%	2.16%
TOTAL	3727	1596	941	42.82%	25.25%

WHAT NEEDS TO HAPPEN TO REDUCE RRHA EVICTIONS? CHANGE RRHA POLICIES



- Always offer Pre-eviction filing meeting with manager to address problems out of court.
- File non-payment of rent cases after 25th of the month.
- Apply rent payments to current rent owed (as opposed to past rent balance) to avoid cascading late fees.
- Offer reasonable repayment agreements.
- No eviction for rent balances under \$50.
- Consider mitigating circumstances before filing lease violation evictions.



LILLIE A. ESTES
DEVOTED HER
LIFE TO
IMPROVING THE
LIVES OF PUBLIC
HOUSING
RESIDENTS.

THE
CHALLENGES
AHEAD ARE
MANY.

WE MUST
CONTINUE HER
WORK.



**Together at VPLC's Forty Faces /
Forty Years Celebration
November 15 2018**

Thank You



**THE ULTIMATE MEASURE OF A MAN IS NOT
WHERE HE STANDS IN MOMENTS OF COMFORT
AND CONVENIENCE BUT WHERE HE STANDS
IN TIMES OF CHALLENGES AND
CONTROVERSY**

DR. MARTIN LUTHER KING JR.