2020·2021 STATE OF METROPOLITAN HOUSING REPORT

COVID-19 and the Struggle to Stay Safe at Home in Louisville, KY

Metropolitan Housing Coalition

UNIVERSITY OF LOUISVILLE
CENTER FOR ENVIRONMENTAL POLICY & MANAGEMENT

LETTER TO MHC MEMBERS

Dear MHC Members and Friends,

As has been the case for everyone, the past year has been one of challenge, change, and growth for MHC. In addition to changes to our daily operations brought on by COVID-19, MHC said goodbye to our longtime leader, Cathy Hinko, who retired in October. For the past 15 years, MHC was dutifully and passionately led by one of Louisville's most revered and respected housing advocates. Cathy's energy, intelligence, dedication, and compassion advanced the fight for fair and affordable housing in our community immeasurably. Thankfully, Cathy remains actively involved in the advocacy work that is so needed and important in Greater Louisville. The community is not losing her voice or spirit! All of us at MHC wish her the absolute best in her well deserved retirement.

The retirement of Cathy Hinko led to the appointment of a new Executive Director to the Metropolitan Housing Coalition. Dr. Cathy Kuhn joined the organization in October and has been working hard to get up to speed on all things housing in Louisville. Cathy comes to MHC from New Hampshire, where she worked for 15 years in the provision of affordable housing, research, education, and advocacy across the state. Cathy is a sociologist who has made the pursuit of safe, fair, and affordable housing for all citizens her goal for over 20 years. Cathy believes that quality housing is the bedrock of community wellness and is committed to working to ensure that Louisville becomes a place where decent housing is available, affordable, and accessible in all areas of the city.

As is described on the following page, much has been accomplished over the past year to advance access to fair and affordable housing. At the same time, however, like nothing else before, the COVID-19 pandemic has shown us how much more needs to be done. The 2020-2021 State of Metropolitan Housing report details how COVID-19 has exacerbated housing insecurity and long standing racial and ethnic disparities in our community. Despite the various eviction moratoria, we continue to see families struggle to stay safe after losing their housing. Sometimes these families are forced into congregate living environments such as emergency shelters. Other times, they turn to families and friends, doubling or tripling up in overcrowded living situations, increasing their potential exposure to COVID-19. Now, new research finds that policies that limit evictions reduce COVID-19 infections by 3.8% and reduce deaths by 11%. Had such policies been in place consistently across the country since early March 2020, COVID-19 infections would have been reduced by 14.2% and deaths by 40.7%.

In an effort to keep people safely housed during the ongoing pandemic-related economic downturn, we are seeing unprecedented funding come into the city. It will be critical that the community think strategically about how to use the wide range of new and existing federal funding sources to prevent increases in homelessness, increase housing stability, and meet public health goals. Reducing ongoing racial and ethnic disparities in economic, social, and health outcomes requires that this strategy be firmly rooted in a racial justice and equity framework. To be sure, this is a critical time for our city's future and we urge you to join us as we intensify our work to provide fair, accessible and affordable housing for everyone in our Louisville community.

Stacy Deck, PhD
MHC Board Chair

Cathy Kuhn, PhD
MHC Executive Director

MHC KEY ACCOMPLISHMENTS IN THE LAST YEAR

- Even before the COVID-19 pandemic substantiated the critical connection between housing and health, MHC was focusing its work on raising awareness about the many ways in which safe and affordable housing is the cornerstone of overall wellness for children and adults. In June of 2020, MHC hosted Dr. Sarah Moyer, Chief Health Strategist for the City of Louisville, as our Annual Meeting Speaker. In her talk, Dr. Moyer discussed the important intersection of health and housing in our community. MHC also played a key role in securing a housing focus as a key strategy within Health Louisville 2025, Louisville's action plan for improving community health. All of this work culminated in the decision to focus on Health and Housing in MHC's 2020-2021 State of Metropolitan Housing Report.
- In the summer of 2020, amid growing demands for racial justice, Louisville Metro Council ordered a racial equity review of Louisville's Land Development Code. The groundwork for this review of the Land Development Code began with the release of the updated Comprehensive Plan in 2018, which as a result of MHC's tireless advocacy, included fair and affordable housing for the first time. There is no question that the LDC is intentionally rooted in racism, which has had the effect of creating and cementing ongoing housing segregation in our city. The LDC has not been significantly changed in over 50 years and in the face of the pandemic and growing calls for racial justice, the time for change could not be more urgent. Over the course of the past year, MHC has been leading the efforts to move this process forward and we will continue to advocate for changes to the LDC that will allow for greater production of affordable housing in all areas of our city.
- In November of 2020, after years of intense advocacy work by MHC and other partners, Louisville Metro Council passed an ordinance that reduces housing discrimination by widening the umbrella of populations covered under the city's fair housing ordiance. The new ordinance prevents people from being denied access to housing based on criminal background, homeless status, source of income, or military service record. The inclusion of a source of income law brings Louisville inline with a growing number of cities that utilize these laws to increase housing choice and accessibility for lower income renters and make it easier for people with Section 8 vouchers to access rental housing outside of areas where subsidized housing options are often concentrated.
- At the request of Metro government, MHC prepared and released the 2020 Analysis of Impediments to Fair Housing Choice for Louisville Metro (AI). This analysis was adopted as policy by Metro Government in May of 2020 and submitted to HUD as part of the 5-year Consolidated Plan. The AI examines the state of housing choice for protected classes in Louisville, not only analyzing where people in protected classes live, but also proposing action steps to tear down barriers to fair housing.
- Once again, MHC is acting as an intervenor before the Kentucky Public Service Commision, represented by attorney Tom Fitzgerald through the Kentucky Resources Council. In this case, MHC has partnered with Kentuckians for the Commonwealth, the Mountain Association, and the Kentucky Solar Energy Society in our efforts to prevent more costly utility increases.
- MHC and the University of Louisville Oral History Center have partnered on "Unfair Housing In Louisville: A Legacy Project," an oral history project focused on documenting, understanding, and preserving the history of housing discrimination in Louisville. By preserving this history, we can help people to better understand the injustice perpetrated on Black families and the resulting inequities of homeownership, wealth, and opportunities in our society that live on today.
- MHC implemented a new Vacant and Abandoned Properties Learning Series that will continue throughout 2021. This learning series is designed to increase community engagement and understanding about the challenges that vacant and abandoned properties bring to our neighborhoods and the solutions for how we can get these properties back into productive use.
- In partnership with a number of organizational partners, MHC convened multiple Fair Housing Forums in 2020 and 2021. These events highlight local, state and federal progress towards ensuring fair housing for all citizens, while also identifying areas where more work is sorely needed.
- MHC helped fund the creation of many new affordable housing units in our community through the MHC revolving loan pool.

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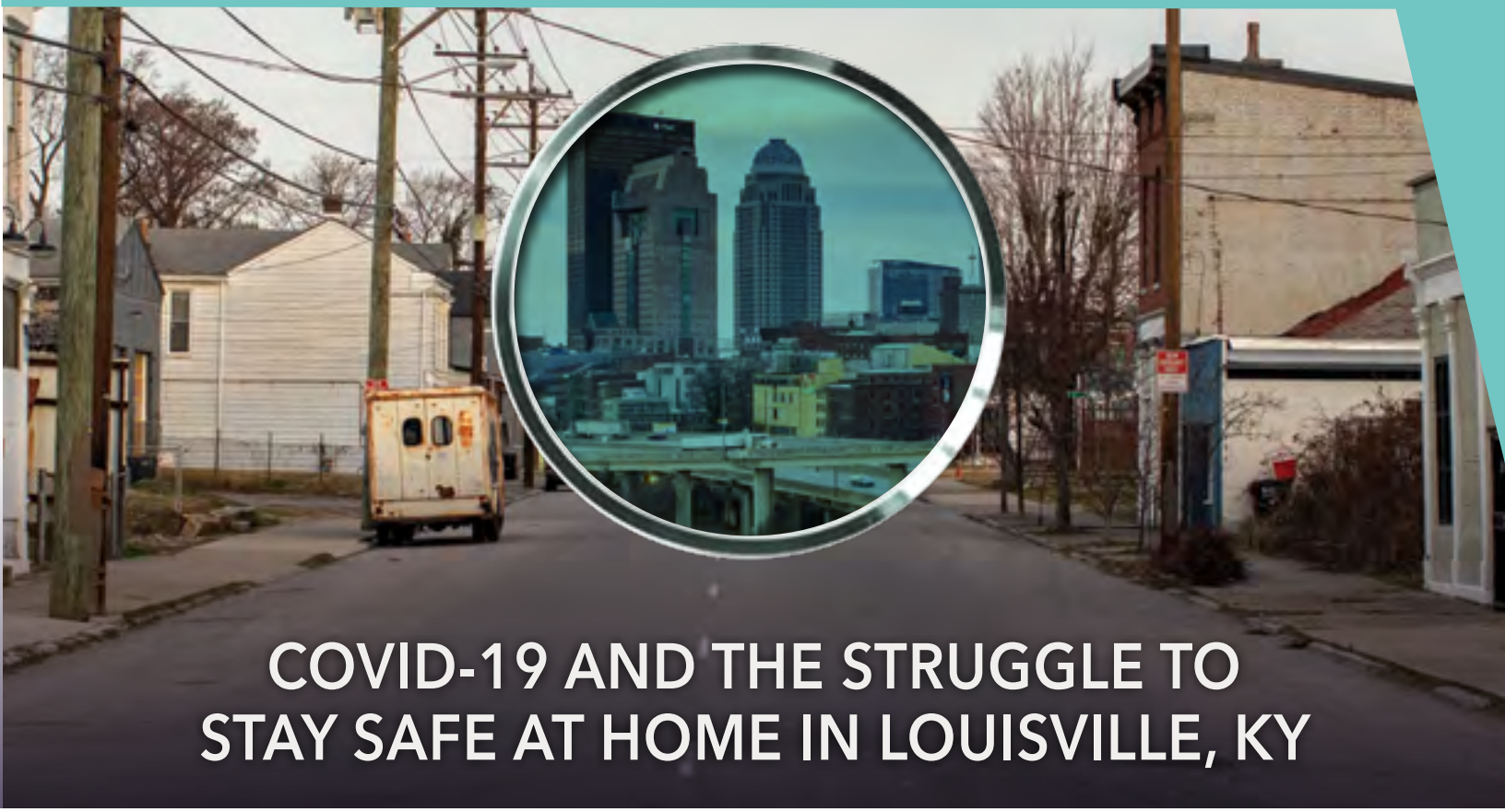


COVID-19 AND THE STRUGGLE TO STAY SAFE AT HOME IN LOUISVILLE, KY

Josh Mauser / Kertis Creative

Housing insecurity in Louisville, KY was a well-documented problem prior to the COVID-19 pandemic. While efforts to address access to safe, fair, and affordable housing have made some recent progress, the pandemic exacerbated already existing social, economic, and health inequities. Across the United States, those who own property have seen values increase and interest rates fall (Corelogic 2020; Demsas 2021). Home equity increased by 10.8 percent for all U.S. homeowners with mortgages from late 2019 to late 2020. Across Kentucky, the average homeowner gained about $10,000 in home equity over the same period (Corelogic 2020). Louisville's housing market has witnessed similar patterns. In Jefferson County, monthly median home sale prices were higher throughout 2020 compared with 2019 (Greater Louisville Association of Realtors n.d.). Those who had investments in the stock market have not experienced dramatic losses, but those with meager savings have seen those dwindle as hours are cut, jobs lost, and businesses close and restructure in response to the new reality. During the Great Recession (2007-2009), the losses of household wealth were more pronounced for Black/African American and Hispanic and Latino households than for White households (Famighetti and Hamilton 2019; Pew Research Center 2011). Furthermore, employment losses due to COVID have disproportionately affected lower-income households and households with young adults (18-29), with both of these groups experiencing high rates of job loss. Black, Hispanic, and Asian households were all more likely to experience layoffs, job losses, pay cuts, or some combination of these things compared to White households (Parker, Minkin and Bennett 2020).

As more people are laid off and businesses close, the number of people who cannot pay rent, utilities, and mortgages increases and the threat of mass eviction becomes starkly clear. The response of local, state, and federal officials to the pandemic has been uneven, confusing, and insufficient across the board. This year the State of Metropolitan Housing Report focuses on Louisville's response to housing insecurity and displacement magnified by the COVID-19 pandemic. To that end, we provide an inventory of the federal, state, and local policies and funding intended to address economic hardship and looming mass evictions as a result of COVID-19. Included are descriptions of key local agencies and service providers who are tasked with getting financial assistance into the hands of those who need it and help keep people safely in their homes during the pandemic.

This report will go to the printer just days before the current federal moratorium on evictions is scheduled to end on March 31, 2021. Simultaneously, the Kentucky legislature is in its 2021 session where several bills introduced in the Kentucky Senate and House threaten efforts to protect renters from eviction during public health pandemics and other emergencies, undermine the Governor's power to protect renters from evictions, limit the amount of assistance renters can receive, and allow landlords to file criminal damage charges against renters. These bills filed in Kentucky are examples of the direction that state policy across the country is going. They create more obstacles to holding landlords responsible and to protecting renters from increased evictions and housing insecurity during and post-pandemic crises.

Finally, this year's report updates several measures from previous annual reports, discusses the 2020 Louisville Fair Housing Ordinance, addresses efforts to address racial housing inequity and zoning, summarizes the status of two pending fair housing cases, and examines activities associated with the redevelopment of Beecher Terrace in the Russell neighborhood. The measures we include are: Housing Segregation; Production, Rehabilitation, and Inventory of Affordable Housing; Homeownership and Affordability; Housing Insecurity and Displacement.

Examples of legislation proposed in Kentucky 2021 General Assembly

HB 570 — Erases eviction protections, removes the Governor's ability to address long-term disasters, and limits rent relief to $5 million dollars state-wide.

SB 11 — Specifies criminal damage liability for renters.

SB 264 — Restricts Governor's ability to protect Kentuckians from evictions for nonpayment of rent during a declared emergency and provides no protections for renters even if they have sought monetary rental assistance.

Responding to Housing Insecurity During a Pandemic

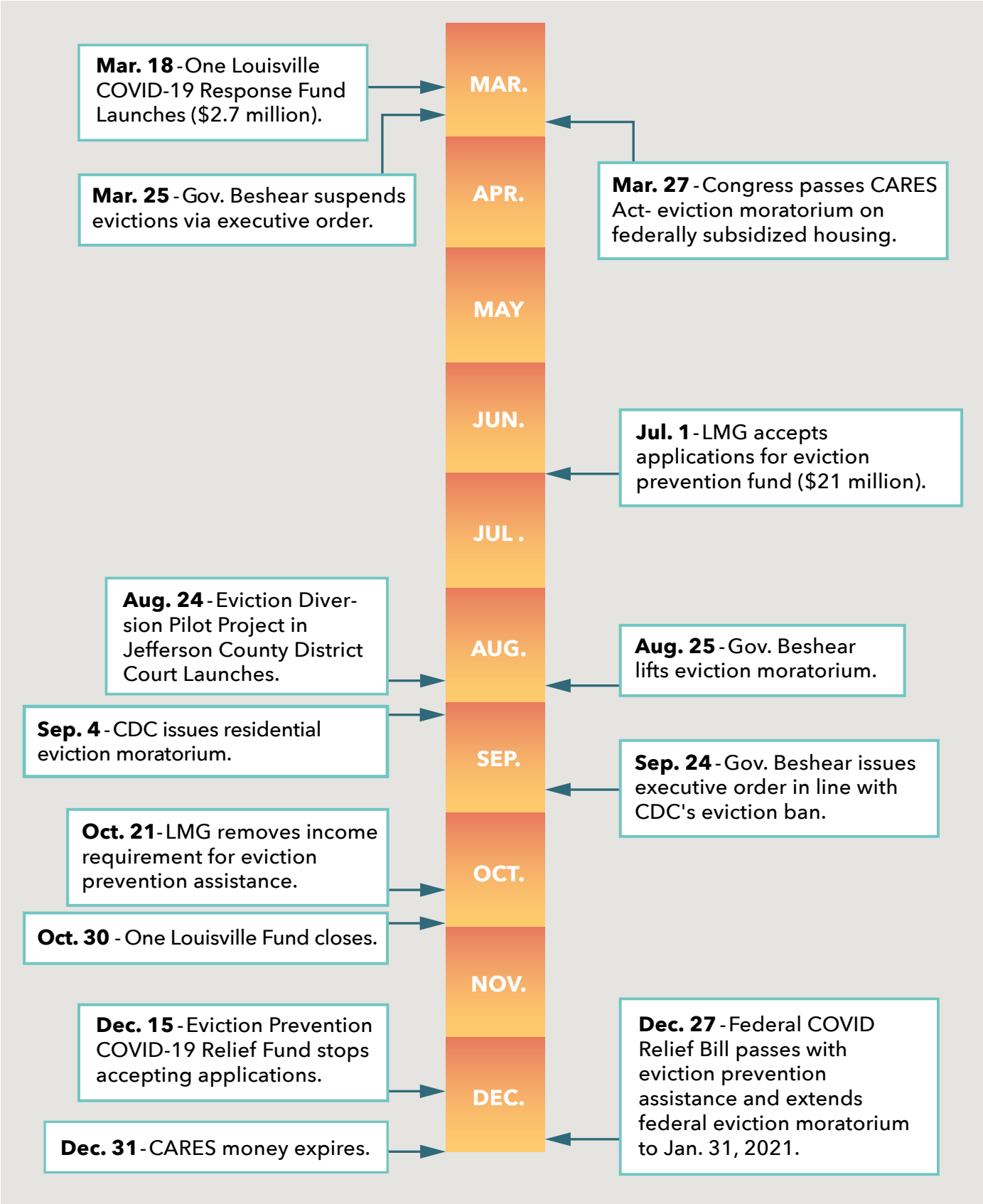
Beginning in March of 2020, policymakers at local, state, and federal levels recognized that shutting down businesses, workplaces, schools, and public areas would require financial support and protections that would allow people to stay in their homes. Eviction and foreclosure moratoriums, unemployment expansion, and utility shutoff moratoriums were some of the policy interventions that were implemented. **Figure 1** illustrates the timeline of key dates for these interventions and demonstrates the complexity, overlap, and, in some cases, contradictions of the federal, state, and local policy decisions. Here we summarize local government and agency efforts to mitigate housing insecurity as a result of COVID-19 impacts. We follow with analyses of patterns in available eviction, foreclosure, homelessness, and utility shut-off data during 2020 to shed light on the ongoing impacts on Louisville residents and propose appropriate policy solutions.

Federal Policy Responses

On March 27, 2020 Congress passed the Coronavirus Aid, Relief and Economic Security (CARES) Act, a $2 trillion aid package that included emergency relief to individuals and state and local governments, in the forms of stimulus payments, boosts to unemployment insurance, limited eviction prevention, and fiscal relief and loans to governments. On December 27, 2020, days before the CARES Act expired, the second major COVID-19 stimulus package, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021, was signed into law. The second relief bill totaled $900 billion.

Stimulus Payments: The CARES Act provided payments of $1,200 per eligible adult and $500 per child under 17. Eligible adults included those with a 2018 or 2019 income of less than $75,000 or $150,000 for married couples filing jointly, adults with a valid social security number who (if applicable) filed with another adult or dependents who have valid social security numbers, and adults who are not filing as a dependent. Incarcerated adults who met eligibility requirements could receive the 2020 stimulus check. Excluded were immigrants without a social security number, their family members, and adult dependents (if applicable) – which includes many college students, adults with significant disabilities, and elderly adults. The Center on Budget and Policy Priorities decried the choice to exclude adult dependents as 'misguided' and without clear policy rationale. (Parrott et al. 2020).

FIGURE 1 Timeline of Federal, State, and Local Interventions for Eviction Prevention and Rental Assistance 2020



The second COVID relief bill issued $600 stimulus checks to eligible adults and dependent children under 17. The income threshold remained the same, as did the ineligibility of adult dependents and the eligibility of incarcerated individuals. One key change was the eligibility of those with a valid social security number to receive the stimulus bill regardless of whether they filed with someone who did not have a social security number, and they were retroactively made eligible for the first stimulus payment under the CARES Act (2020).

Unemployment Insurance: The CARES Act had a number of unemployment insurance assistance provisions. It created the Pandemic Unemployment Assistance (PUA) program for those who were ineligible for unemployment

A Note on Unemployment Insurance

Nationally, by February 2021, 41.5 percent of all unemployed persons had been out of work for 27 weeks or more. Direct payment assistance, like State and Federal unemployment benefits, are essential for residents to meet basic needs. Unemployment benefits are one of the few programs that provide direct cash to recipients without limitations on how it can be spent. The COVID-19 pandemic revealed the inadequacy of funding, antiquated and error-prone administration systems, and under-funded and under-staffed administration offices.

Who Qualifies?

Under COVID-19, federal programs opened unemployment to some workers who traditionally would not receive it such as self-employed 'gig' workers and part-time workers. However, even with this change, there are still those in low-wage jobs who are unable to meet their basic financial needs but work too many total intermittent hours to receive unemployment.

How Much do People Receive?

Department of Labor data shows that in the third quarter of 2020, the average unemployment benefit in Kentucky replaced just 46.2 percent of weekly wages. The $300 a week unemployment supplement provided for 11 weeks in 2021 by the second COVID relief bill replaces 86.1 percent of weekly wages in the third quarter of 2020. However, the system is not designed to fully replace 100 percent of lost wages. Benefit amounts in Kentucky are calculated at 1.1923 percent of the total wages earned during the 'base period' (the first four of the last five completed calendar quarters). There is also a minimum weekly rate ($39 per week in Kentucky) and a maximum weekly rate (currently $569 in Kentucky).

What were the Limitations of Expanded Unemployment?

In Louisville, unemployment was the primary form of cash-in-hand assistance. For those whose unemployment benefits were insufficient to meet their costs of living, they often had to rely on savings, loans, credit cards, and borrowing from family and friends. Despite the federal government's unprecedented 17-week $600 weekly supplement to unemployment benefits and the additional $400 weekly supplement for three weeks in August from Kentucky and federal funds, those supplements were still too limited. Of the 40 weeks between March 22, the first full week for which Kentucky was 'shut down', and December 27, the last full week of December, only half of those weeks were eligible for unemployment supplements while the other 20 weeks were not. Those who were chronically unemployed in Kentucky due to COVID-19 received unemployment checks for the standard amount, which is not designed to replace full earnings. Many, such as single-parents with no childcare options, those who were unable to find suitable employment, and those with health concerns, had no option but to remain on unemployment - even when the benefits were insufficient.

What's Causing the Delay?

Throughout the pandemic, Kentucky, like other states, has struggled to pay unemployment claims in a timely fashion. When shutdowns began in March 2020, Kentucky's unemployment office had only 12 staff members. As of March 10, 2021 67,000 initial claims remained unresolved, down from 80,000 on October 29, 2020 (Glowicki 2021; KY Auditor 2021). The lack of administrative capacity is reflected in the 400,000 unread emails sent to the UI assistance email as of November 2020 (KY Auditor 2021).

The state unemployment office estimated around half of the claims filed since businesses shut down were flagged by the state's automated verification system as fraudulent. In January 2021, 70 percent of the claims were flagged for identity verification issues. The office placed priority on verification over getting funds processed as quickly as possible and attempting to recover any fraudulent payments after the fact (Glowicki 2021).

benefits through their state (independent contractors, gig workers, self-employed), it provided a $600 weekly benefit supplement to workers unemployed due to COVID-19 (ended July 31), and established the Pandemic Emergency Unemployment Compensation (PEUC) program to provide 13 extra weeks of extended unemployment benefits for those on traditional unemployment insurance programs. The second COVID relief bill extended PUA and PEUC by 11 weeks and provides a $300 supplement through March 14, 2021. Additionally, an executive order issued August 8, 2020, established the Lost Wages Assistance program providing at least $100/week in unemployment benefits with a 3-week $300 unemployment supplement. States could opt to pay an additional $100 making the supplement a total of $400 for three weeks. Kentucky was 1 of 4 states that opted to pay the full $400 supplement (FEMA 2020).

The second COVID relief bill addressed an obstacle to state access to the U.S. Department of Labor (DOL) Extended Benefits (EB) unemployment insurance program. EB funds state unemployment claims during periods of 'high unemployment' for up to 13 weeks during which the unemployment rate is 5 percent or higher. Access to funds to pay claims during this extension is opened when states' unemployment rates go above five percent, ends when they fall below five percent, and cannot be reopened for 13 weeks after the states' unemployment rates return to below five percent. This caused a problem for states like Kentucky where access to EB was triggered on May 17, 2020 and halted on November 28, 2020 when the 13 week unemployment rate fell below five percent, which stopped payment of claims that had not used all 13 weeks of benefits. The new legislation empowers states to request EB and for the US DOL to restart the program regardless of the state unemployment rate (DOL 1970).

Fiscal Relief to State and Local Governments: The CARES Act provided $1.6 billion to the state of Kentucky and $134 million to Louisville/Jefferson County, the only eligible local government in Kentucky to receive direct federal funding. The CARES Act also provided Kentucky with $25.9 million for homelessness programs and $17.9 million for the Low-Income Home Energy Assistance Program (LIHEAP) to assist with utilities (Bailey 2020).

Eviction Prevention: The CARES Act implemented an eviction moratorium for landlords participating in federal housing assistance programs and subject to federally backed mortgages or loans. This was in effect for 120 days, after which landlords were required to give a 30-day notice before eviction (CRS 2020). The second COVID relief bill extended eviction protections until January 31, 2021, and subsequently to February 28, 2021 (NLIHC 2021a, 2021b).

Additionally, the Centers for Disease Control and Prevention (CDC) implemented a moratorium on residential evictions for nonpayment or late payment of rent on September 4, 2020 to prevent further spread of COVID-19. This order allowed late fees and interest. The order was extended to January 31, 2021 and then to March 31, 2021. On February 25, 2021, a U.S. District Judge in Texas declared the moratorium unconstitutional in a lawsuit filed by a group of landlords and property managers. The Department of Justice filed an appeal to the ruling on February 27, 2021 and stated that the decision does not extend beyond the plaintiffs, leaving the moratorium in effect (Schneider 2021).

State Policy Responses

In Kentucky, action came from the executive branch, the Public Service Commission, and the Kentucky Supreme Court. Governor Beshear declared a State of Emergency on March 6, 2020 (KY 215 2020). Most businesses closed by March 17,2020, followed by the closing of most retail businesses on March 23, 2020, the closing of non-essential businesses on March 26, 2020, and schools closing around April 1, 2020 (KY 2020).

Unemployment: On March 16, 2020, Governor Beshear waived the 1-week waiting period for unemployment. Two days later, he made changes to the system that allowed those who were unemployed to immediately apply to

MHC RECOMMENDS

Reduce Regulatory Barriers to Federal Funding

Regulatory barriers to accessing federal funding through states is not new. The unemployment extension regulations are one example of federal regulatory barriers. States can impose additional barriers through legislating how state governments can accept federal funds and additional levels of regulations on how states can spend those funds. For example, during the 2021 session, the Kentucky Legislature considered a bill that would require the Governor to get approval from the legislature before spending funds under the American Rescue Plan Act. Removal of unnecessary legislative regulatory barriers are necessary to ensure Louisville/Jefferson County residents can access resources necessary to stay in their homes during COVID-19 and have time to recover from economic losses as limitations are lifted.

Medicaid. On September 22, 2020, Governor Beshear announced that the Lost Wage Assistance program was approved for the weeks of August 22, 29, and September 5 (KY 2020). The federal government contributed $300 while Kentucky contributed $100 for a total unemployment boost of $400 per person for three weeks.

Utilities: On March 16, 2020, the Public Service Commission (PSC) implemented a moratorium on utility disconnections and late fees for utility companies subject to PSC regulations (PSC 2020). On May 8, 2020, Governor Beshear implemented a statewide moratorium on utility disconnections (KY 2020). PSC lifted their moratorium on utilities on October 20, 2020 and their moratorium on assessing late fees on December 31, 2020. PSC also required utilities to create payment plans of between 6 months and 2 years for people who were behind on utility payments. People who meet their payment plan on time in the full payment amount are to be considered 'on-time' and cannot be disconnected, but anyone who fails to make a payment or pays less than the monthly amount owed are eligible to be disconnected (PSC 2020). Even though PSC lifted their moratorium on October 20, 2020, Governor Beshear's October 19, 2020 executive order mandated that Kentucky customers could not be disconnected until November 6 (KY 881 2020). The order requires utilities to establish payment plans similar to the PSC payment plan for all Kentuckians who were past-due on their utilities, not just those subject to PSC. It also created the Healthy at Home Utility Relief Fund, funded with $15 million allocated from Federal Relief Funds.

Evictions: On March 16, 2020, the Kentucky Supreme Court halted ongoing eviction proceedings except for those already ordered. On March 25, 2020, Governor Beshear issued a state-wide eviction moratorium that suspended all evictions in Kentucky and ordered all law enforcement officials to stop enforcing eviction orders from court (KY 257 2020). On August 10, 2020, the Kentucky Supreme Court established the Eviction Diversion Pilot Program in Jefferson County to decrease the number of evictions that resulted from unemployment and financial loss (KY Supreme Court 59 2020). On August 24, 2020, Governor Beshear issued an executive order that protected tenants from late fees and required landlords to give a 30-day notice before evicting due to nonpayment. The order also created the Healthy at Home Eviction Relief Fund with $15 million of Kentucky's CARES Act money. Monies from this fund could be used to pay up to 90 percent of past-due rent and two months of future rent for eligible tenants. Because CARES Act funding for this went directly to the local governments of Fayette/Lexington and Louisville Metro, residents in these areas were not eligible to apply for assistance through this state fund. This fund was officially opened on September 8, 2020. On September 4, 2020, Governor Beshear updated the executive order to reflect the eviction moratorium implemented by the CDC (KY 2020). This includes permitting landlords to assess late fees, penalties, and interest. On December 15, 2020, the Healthy At Home Eviction Relief Fund closed. According to the state, the program assisted 4,135 Kentuckians during this period, which does not include Lexington or Louisville Metro numbers (KY Office of the Governor 2021). It reopened with new program benefits on February 15, 2021 with $264 million dollars allotted from the money granted to Kentucky in the second federal COVID relief bill. Again, the funds for Louisville/Jefferson County and Lexington/Fayette County went directly to the local government agencies so local residents were ineligible for the state program. The new program raised the assistance to 100 percent of past due rent beginning April 2020 and up to 100 percent of rent prepaid for 3 months. It also prohibited landlords from beginning eviction proceedings for 45 days following the end of the period the assistance covers.

The Team Kentucky Fund, established by executive order on March 23, 2020, provided more flexibility in meeting multiple areas of family need. Funded by donations from businesses and community members, it provided eligible families with vouchers of up to $1,000 for mortgage, rent, utilities, and grocery costs. Applicants had to have an income at or below 4-times the poverty line prior to March 6, 2020, been employed full time on or after March 6, 2020, and show at least a 50 percent reduction of their income on or after March 6, 2020 due to COVID-19. Applications closed on November 16, 2020 (PCC 2020). The fund received $3.7 million in donations from 11,411 donors and assisted 3,662 applicants and their families. On February 8, 2021, the fund awarded 19 nonprofits across Kentucky $20,000 each to assist with homelessness prevention or assist families impacted by the opioid epidemic as well as an equal share of funds that remain after all pending applications are addressed. Three of the nonprofits awarded service the Louisville/Jefferson County area: Coalition for the Homeless, Volunteers of America's Freedom House, and Maryhurst (AP News 2021).

Local Government and Agency Policy Responses

Before Louisville Metro Government (LMG) and local agencies could access federal and provide state funding for COVID-related assistance, the privately funded One Louisville Fund was established through the Community Foundation on March 18, 2020 to assist Louisville/Jefferson County residents with rent, utility, and grocery bills. More

flexible than the state private fund, the One Louisville Fund made up to $1,000 in emergency funding available for households with an income at or below 80 percent Area Median Income (AMI) and a loss of income due to COVID to use toward rent, childcare, transportation support, grocery access, utilities assistance, pharmaceutical needs, and other supportive needs determined on a case-by-case basis. The Office of Resilience and Community Services managed the funds and Neighborhood Place staff processed applications (Community Ventures 2020). Through August 2020, the Fund distributed $10.9 million, including $2.9 million to individuals and households and $8 million to nonprofit organizations (Community Foundation 2020).

LMG through Develop Louisville's Office of Resiliency and Community Services (RCS) and Office of Housing, used the first round of federal CARES Act funding ($21.2 million) to launch the Eviction Prevention for Households Program ($10.95 million), the Landlord Tenant Rental Assistance Program (LTRAP) ($3.2 million), and the Court Eviction Diversion Pilot Program ($4 million) in August 2020, and granted $3 million to the Association of Community Ministries and the Coalition for the Homeless (Develop Louisville 2021a). Rental assistance through the second federal COVID relief funding ($22.9 million) started in mid-February in 2021. These funds are more restrictive than the CARES Act, requiring more documentation from the tenant, but revised guidance from the Federal Reserve issued in February 2021 permits local agencies to have flexibility in the types of documentation they will accept and specifies expenses outside of rent to which the funds can be applied.

Revised Federal Reserve ERAP Guidelines Summary

- Permit payments to public utilities, a helpful addition for renters in counties with publicly-owned utilities.
- Shorten the timeframe by which renters can apply for funding directly if a landlord refuses to respond or participate in the ERAP from 21 days to 14 days if the notice is sent via postal mail and to 10 days for a notice via email.
- Allow renters to "self-attest" to meeting most ERAP program eligibility criteria, including income, housing stability and the amount of rental arrears owed, provided that certain safeguards are met.
- Permit grantees to use ERAP payments to make sub-awards to other entities, including non-profit organizations and local governments, to administer ERAP programs on behalf of grantees.
- Allow internet costs needed for distance learning, telework and telehealth for families to be covered under "other expenses" and reasonable accrued late fees not covered by rental or utility arrears due to COVID-19.
- Confirm that up to 10 percent of funding for ERAP can be used for housing stability services and includes housing counseling and legal assistance for renters facing eviction as a covered expense.

Source: Daniel 2021

Rental Assistance and Eviction Prevention

The Eviction Prevention for Households Program, under the direction of RCS, assists households qualifying for unemployment, and those facing COVID-19 related challenges, including income reduction, significant costs, or financial hardship. Additionally, eligible households must demonstrate a risk of homelessness or housing instability and a household income at or below 80 percent AMI. In this, and all eviction prevention and rental assistance programs, are made directly to landlords. By January 31, 2021, the

Louisville's Emergency Rental Assistance in Perspective

Recent research on emergency rental assistance programs in 15 U.S. cities provides perspective on how Louisville's programs compare to approaches used elsewhere (Aiken, Reina, Verbrugge, Aurand, Yae, Ellen, and Haupert 2021). Like most of the other programs studied, Louisville's program structure includes partnerships with other organizations and nonprofits. The study reports that only Louisville and Phoenix did not use other funding streams outside of the CARES Act Coronavirus Relief Fund to directly supplement emergency rental assistance. Of the 15 cities studied, only Louisville and King County, WA allow both tenants and landlords to initiate participation in rental assistance. It is common among the programs studied, Louisville included, for payments to be limited to landlords. Chicago, IL and St. Lucie County, FL are exceptions.

Only four cities require landlords to agree not to evict and to forgive rental arrears. Louisville and four other cities only require an agreement not to evict and six places do not require any landlord concessions.

program had assisted 10,211 residents in 4,340 households, and by March 10, 2021 they had assisted 17,376 residents (Develop Louisville 2021a).

Under the direction of the Office of Housing, LTRAP assisted 3,476 residents in 1,110 units and the Court Eviction Diversion Pilot Program helped 3,689 residents in 1,541 units (Develop Louisville 2021a). Through LTRAP landlords apply on behalf of tenants for rental assistance and must agree to waive late fees, fines, and penalties associated with late payments and refrain from evicting assisted tenants for 60 days. The Court Eviction Diversion Pilot Program is designed to address filed evictions. The program pays overdue rent to landlords who have filed for an eviction if they agree to dismiss the eviction proceeding and waive fees. The landlords do not have a legal obligation to accept backrent, and some do not. For instance, WDRB reported on August 24, 2020 that S.W. Apartments LLC was in the process of evicting 10 tenants and would not accept the assistance offered (Otts 2020).

Utility Assistance

In addition to the Eviction Prevention for Households Program, the Office of Resilience and Community Services administers the Low-Income Home Energy Assistance Program (LIHEAP), the Healthy at Home Utility Assistance Fund (funded through the state), and the COVID-19 Utility Relief Fund (CARES Act). LIHEAP, a longstanding federally program, is an annual subsidy that helps low-income households afford heating costs with a one-time payment to a utility. In response to COVID, income eligibility standards for LIHEAP were increased from 130 percent to 150 percent of poverty making more families eligible (CAPKY 2020a). The Healthy at Home Utility Assistance Fund assists households with incomes at or below 3-times the federal poverty line and a financial hardship due to COVID with up to $500 towards water and wastewater services and $400 for electric and gas utilities (CAPKY 2020b).

The COVID-19 Utility Relief Fund opened on January 25, 2021, funded by reallocating $10 million from LMG general funds that were freed up by federal CARES Act funding. Residents could apply for assistance for past due payments accrued between March 16, 2020 and December 31, 2020 with a one-time grant of up to $500 for LG&E bills and up to $500 for water/MSD bills paid directly to the utility companies (LMG 2021). RCS administers the program through Neighborhood Place locations and in collaboration with the Association of Community Ministries.

Louisville Water was among the first utility companies in the state to suspend disconnections. On March 13, 2020 (3 days before the PSC moratorium was implemented) Louisville Water announced that they were voluntarily suspending water disconnection due to nonpayment because they "recognize that access to clean water for hands is a vital component to reduce the spread of the virus"(Louisville Water 2020a).

Aid that helps Louisville residents to pay for their water and sewer utilities like the COVID-19 Utility Relief Fund, the One

Coordinating Resource Access Across Agencies

There are multiple entry points for residents to access the locally administered programs: the Office of Resiliency and Community Services/Neighborhood Places, the Office of Housing, and service providers through the Association of Community Ministries. As federal, state, and local funding made its way to service providers, the agencies and organizations working on the front lines with residents in need had to learn new data systems, keep track of on-going changes in requirements and guidelines, and address obstacles in data sharing and management across different agencies. Staff had to quickly adjust their existing internal practices to adhere to new state and federal regulations specific to COVID funding sources and create new platforms for communication across agencies and service providers.

One effort to assist with these needed transitions emerged from the Louisville Rapid Access Network (LRAN). LRAN is a collaborative network of direct service providers, funders, and decision makers focused on improved coordination and more effective delivery of resources. One outcome was a centralized webpage, *StopMyEviction.org* to help residents navigate the variety of programs available specifically for rental assistance and eviction protection.

How organizations process intake and manage the personal data associated with each case remains an issue to resolve. Since the Neighborhood Place service providers are part of a federally funded Community Action Agency, they must use a database management system called CASTINET that is not available to other service providers. The other local direct service agencies use a Metro United Way database management system called United Community. It remains to be seen whether the information in both systems can or should be be merged to better coordinate or document services rendered.

Louisville Fund, and the Healthy at Home Utility Assistance Fund, is critical to maintaining sanitary conditions that promote healthy living in households. While this is especially relevant during a pandemic, this is also true during times Louisville does not face a public health threat. PSC points out in their September 21, 2020 docket that the need for sewer and water assistance "has been growing for decades" (PSC 2020:14) and currently stands at more than $15 million. According to PSC estimates, this figure is likely to increase to $150 million after the winter months. While LIHEAP is an ongoing federal assistance program for electric and gas utilities, there are no specific ongoing sewer and/or water assistance programs at the federal or state level. The assistance for utilities available to eligible customers to address arrears will not be sufficient to alleviate accrued customer debt and will certainly contribute to further housing insecurity and more evictions.

COVID-19 Magnifies Housing Insecurity

Eviction, foreclosure, homelessness, and utility shut off data provide a snapshot of the pre-existing and increasing need of residents in Louisville/Jefferson County who experience housing insecurity and involuntary displacement. The COVID-19 pandemic reveals pre-existing structures and systems that have disparate impacts by race, ethnicity and income in Louisville/Jefferson County residents. Of particular importance is how disparate impacts of the courts', regulatory agencies', and service providers' practices are reflected in these patterns.

Evictions

The eviction process has always favored landlords across the United States and because Louisville's eviction rates have consistently outpaced national rates and many other comparable cities (Eviction Lab 2016), the Jefferson County Court system and disparate eviction filing rates have come under increasing scrutiny by housing advocates prior to the pandemic including MHC (Kinahan et al. 2018; Heberle et al. 2019). The swift onset of the pandemic and the specter of mass evictions during a public health crisis led to a hodgepodge of local, state, and federal executive orders and legislation emerging to attempt to provide relief for those in danger of losing their homes, including the rental assistance programs previously discussed.

Eviction Filings and Judgments

Definitions:

- **Eviction Filing Rate:** total eviction filings divided by total renter-occupied housing units (ACS 2019 5-year Estimates)
- **Eviction Rate:** total eviction judgments divided by total renter-occupied housing units (ACS 2019 5-year Estimates)
- **Judgment Ordered Rate:** total judgments divided by total filings
- **Warrant Rate:** total warrants divided by total judgments

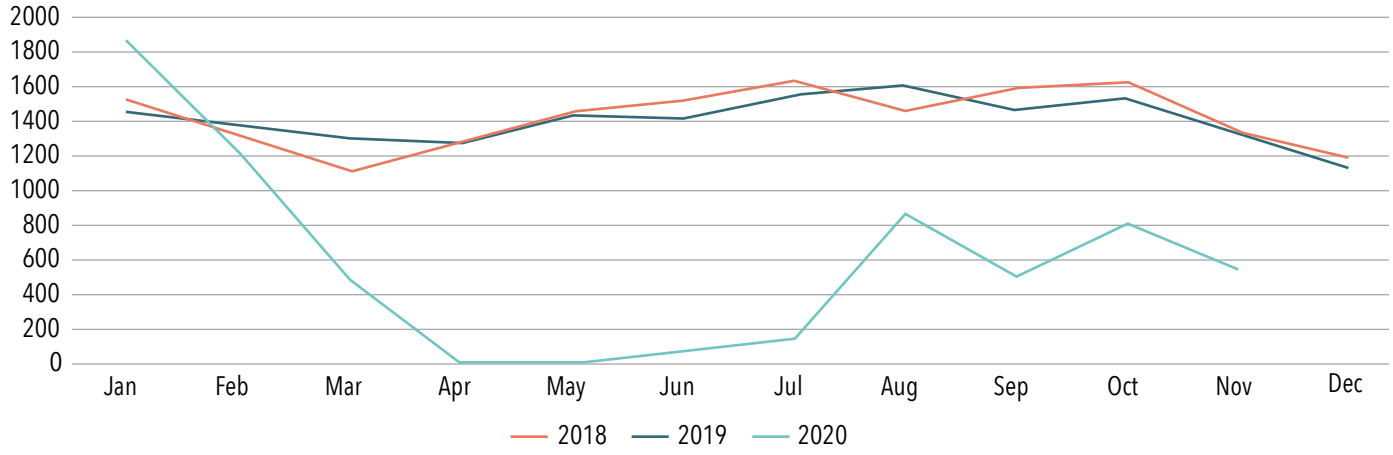
In 2020 (January-November), the Jefferson County AOC recorded 6,481 eviction filings **(Figure 2).** This reflects a 62 percent decline from 2019, due to the state and federal level eviction moratoriums and vastly expanded rental assistance funding sources established in the wake of the COVID-19 global pandemic. The 2020 eviction filing rate for Louisville/Jefferson County was 5.4 percent, a dramatic decline from the previous two years when the eviction filing rate was above 14 percent. For context, in 2016, the national eviction filing rate was 6.1 percent. While the drop in eviction filings is substantial, it is also reflective of the extreme housing insecurity faced by renters pre-pandemic when Louisville's eviction filing rate was more than double the national rate. Eviction filings were down in all quarters

FIGURE 2 Eviction Filings 2018-2020, Louisville KY

Quarter	2018	2019	2020	Percent Change 2019-20	Percent Change 2018-19
January - March	4,125	3,958	3,560	-10.1%	-4.0%
April - June	4,131	4,244	61	-98.6%	2.7%
July - September	4,612	4,676	1,509	-67.7%	1.4%
October - November*	3,986	4,148	1,351	-67.4%	4.1%
Total Filings	16,854	17,026	6,481	-61.9%	1.0%
Annual Eviction Filing Rate	14.09%	14.24%	5.42%		
Renter Occupied Housing Units	119,595				

Sources: Jefferson County Administrative Office of the Courts; ACS 2019 5-Year Estimates
*December 2020 data were not included in the dataset.

FIGURE 3 Monthly Eviction Filings, 2018-2020



Source: Jefferson County Administrative Office of the Courts

during 2020 compared with the past two years (2018, 2019) with the steepest decline from April to June, coinciding with the state level eviction moratorium initiated in late March 2020. Zero evictions were filed in April and May, but a ruling from the Kentucky Supreme Court allowed filings to recommence June 1 for reasons other than nonpayment of rent.

Filings under the moratorium peaked in August, coinciding with the end of the statewide moratorium **(Figure 3).** In late August, the Kentucky Supreme Court instituted a 14-day pause for eviction cases to allow landlords and tenants sufficient time to access rental assistance funds and noted that rental assistance funds "should reduce the number of eviction cases that are filed" (KY Bar Association 2020). Eviction filings did not consistently decline after the 14-day pause. As **Figure 3** shows, monthly eviction filings dropped in September, quickly rose again in October, and then fell again in November. The rise in October and decline in November appearing to mirror seasonal trends in 2018 and 2019.

Maps 1 and 2 illustrate the spatial distribution of eviction filings in 2019 and 2020, with the patterns of concentration remaining consistent over time. Higher rates of eviction filings are found primarily in western, southwestern and

MHC RECOMMENDS

Legal Representation for Tenants

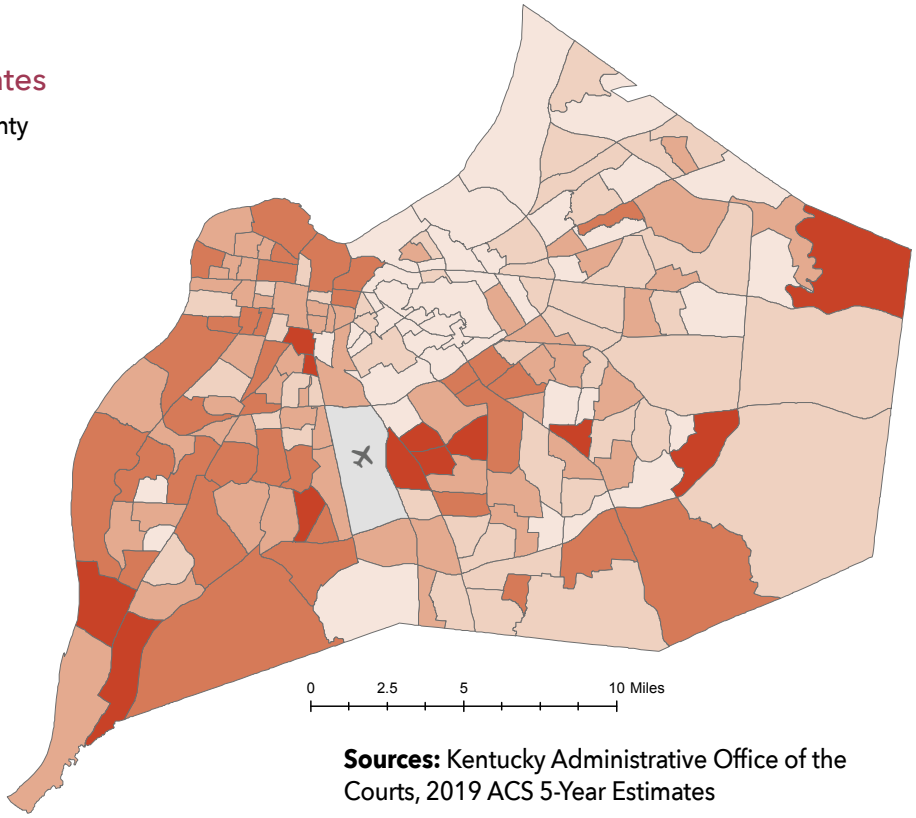
Of the tenants that appear in eviction court, the vast majority do so without legal representation, while nearly all landlords are represented by an attorney. Research shows that access to legal support significantly improves a tenants' ability to avoid eviction (Holl, van den Dries, and Wolf 2016). In Louisville, Legal Aid provides representation for some tenants, but their capacity is limited. Establishing a right to counsel program would help balance the power dynamics inherently in favor of the landlord in eviction proceedings. Expanded legal representation could also help address other housing issues that can lead to eviction, including landlord harassment, discrimination, and lack of property maintenance (Local Housing Policy Solutions 2021).

Strengthen the Rental Registry

Creating, maintaining, and enforcing a robust rental registry can be an important tool to ensure compliance with housing codes as well as to prevent unlawful evictions. For example, by requiring landlords to submit information regarding tenancy changes such as rent increases or eviction filings, a rental registry could be utilized to prevent circumstances in which tenants feel compelled to move without due process. In addition to expanding the information collected in the existing rental registry, MHC recommends that access to information in the registry be expanded to allow for greater transparency and accountability.

MAP 1 2019 Eviction Filing Rates

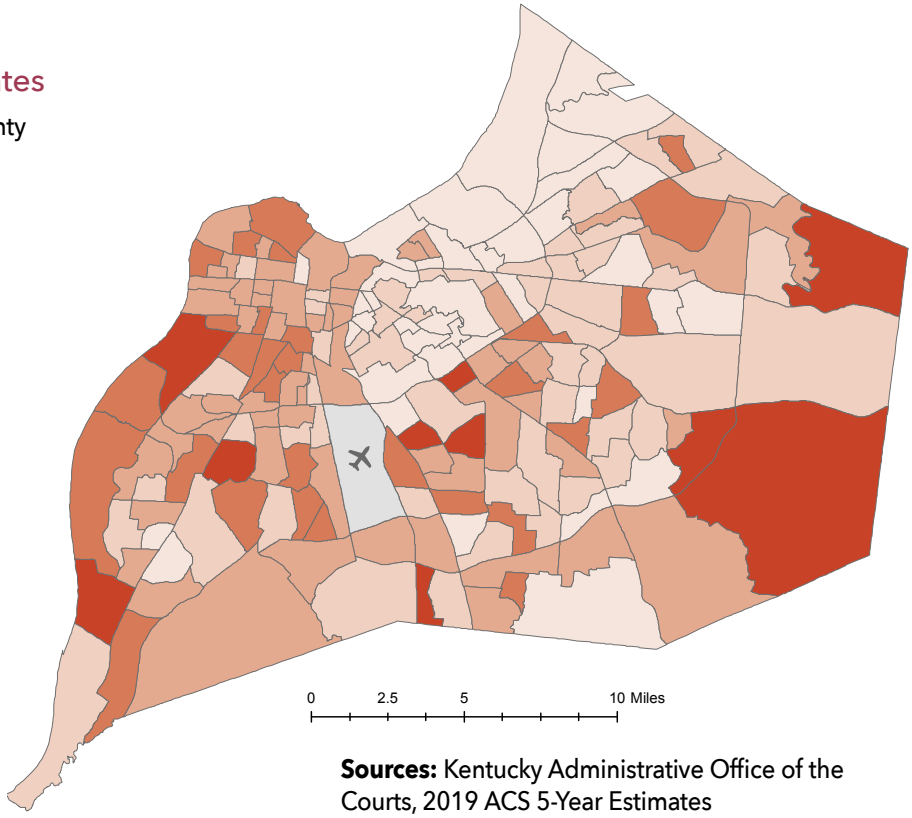
By Census Tracts–Louisville/Jefferson County



Sources: Kentucky Administrative Office of the Courts, 2019 ACS 5-Year Estimates

MAP 2 2020 Eviction Filing Rates

By Census Tracts–Louisville/Jefferson County



Sources: Kentucky Administrative Office of the Courts, 2019 ACS 5-Year Estimates

FIGURE 4 Eviction Judgments 2018-2020, Louisville KY

Quarter	2018	2019	2020	Percent Change 2019-20	Percent Change 2018-19
January - March	2, 181	1,964	1,491	-24.1%	-9.9%
April - June	2,285	2,387	42	-98.2%	24.5%
July - September	2,719	2,565	667	-74.0%	5.7%
October - November*	2,254	2,181	565	-74.1%	3.2%
Total Judgments	9,439	9,097	2,765	-69.6%	3.6%
Annual Eviction Rate	7.89%	7.61%	2.31%		
Renter Occupied Housing Units	119,595				

Sources: Jefferson County Administrative Office of the Courts; ACS 2019 5-Year Estimates
*December 2020 data were not included in the dataset.

south-central Louisville, in tracts where there are relatively high concentrations of Black/African American households, households living in poverty, and people living with disabilities **(see Maps 6-8)**. The high eviction filing rates in a couple of tracts in far eastern Jefferson County affect far fewer people than in areas to the west, due to a relatively small number of renters in those tracts (e.g. fewer than 30 renter-occupied units).

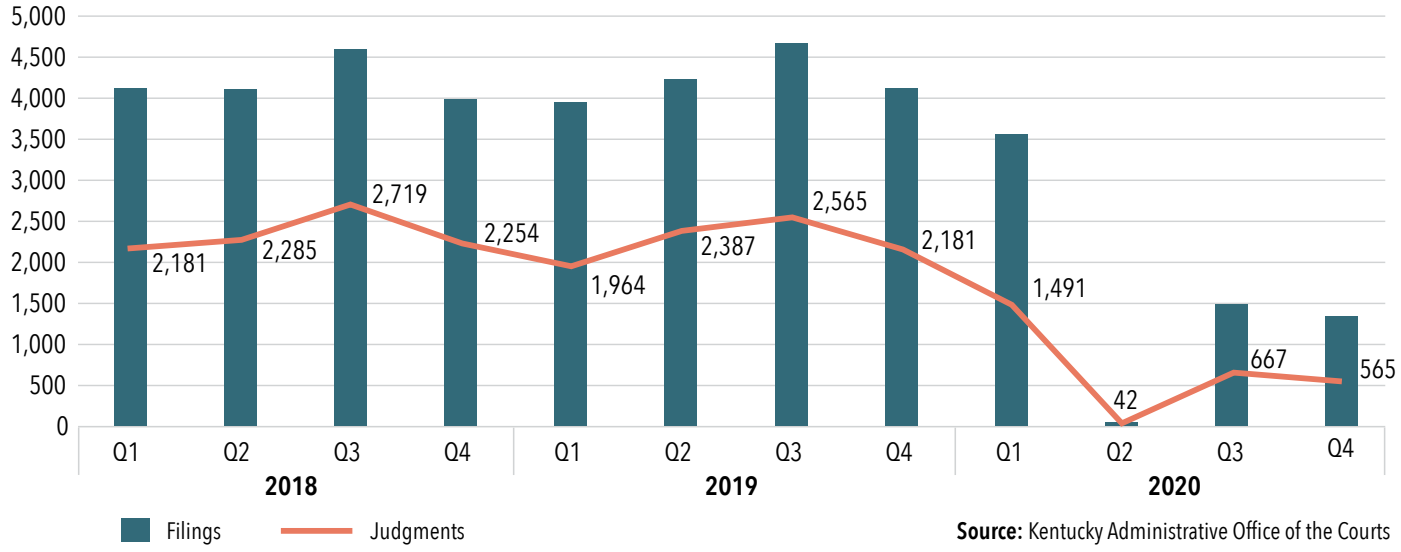
Eviction judgments follow broadly similar patterns as was observed with eviction filings (**Figure 4)**. In 2020, there were 2,765 total eviction judgments, a 70 percent decrease from 2019. Again, the steepest drop in judgments occurred during the second quarter, just after the statewide moratorium was put in place, with zero judgments issued in April or May (**Figure 5**). The annual eviction rate was 2.3 percent, falling from 7.6 percent the previous year. To put this in national perspective, the most recent (2016) national analysis reported an eviction rate of 2.3 percent (Kinahan et al. 2018).

Rates of Judgments Ordered and Warrants

While filings and judgments were clearly down from past years, analysis of the rate at which judgments were ordered (judgments/filings) reveals patterns more consistent with non-COVID times (**Figure 6**). Overall, judgments against the tenant were ordered in about 43 percent of cases, compared with approximately 53 percent of all cases in 2019 and 57 percent in 2018. Eviction judgments were ordered in nearly 70 percent of all cases in the second quarter of 2020, which is nearly 15 percent higher than the rate of judgments during the same quarter in the two previous years, although the total number of judgments (42) is comparatively much smaller.

After a landlord receives a judgment in their favor, if the tenant does not vacate the property within seven days, the landlord is entitled to a warrant for possession, which is executed by the Jefferson County Sheriff's Office. According to the AOC, indication of the presence of

FIGURE 5 Quarterly Eviction Counts, 2018-2020, Louisville, KY



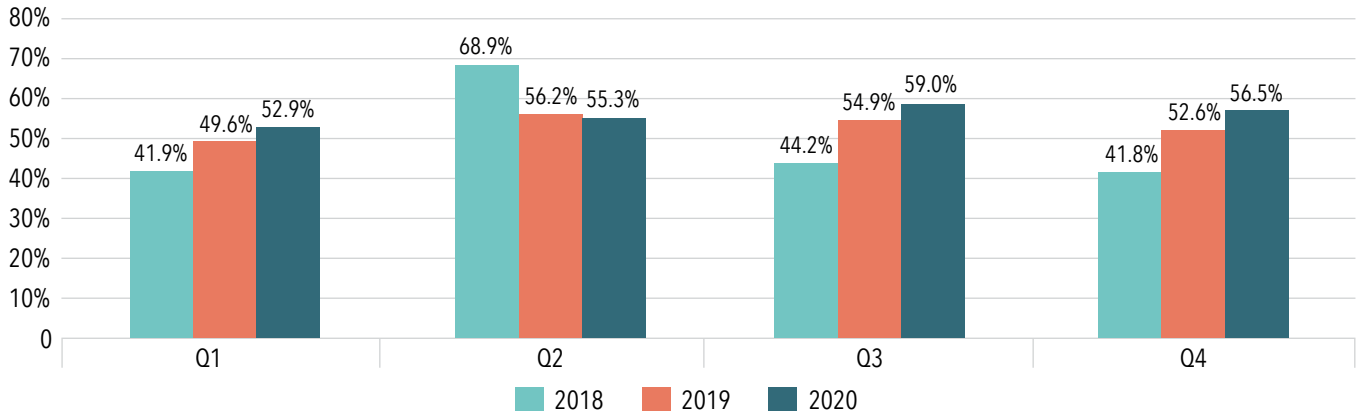
Source: Kentucky Administrative Office of the Courts

an eviction warrant filed within a case does not mean the defendant was successfully served the warrant by the county sheriff's office. Similar to judgment rates, the rates at which warrants were obtained during 2020 tracks much more closely to non-COVID years, despite eviction moratoriums and increased rental assistance funds **(Figure 7**). The overall warrant rate (warrants/judgments) in 2020 was 45 percent, only slightly below the overall rate in 2018 and 2019 (both approximately 48 percent). Again, the absolute numbers were substantially smaller, with 1,244 warrants issued in 2020 compared to more than 4,300 in both of the previous years. During the third quarter of 2020, landlords obtained warrants to re-possess their property in nearly 60 percent of all judgments, a rate that is nearly 15 percent higher than during the same quarter in the previous two years. Between July and September, 390 warrants were issued, potentially triggering the process of a 'set-out', whereby renters' possessions are removed from their former living space under the watch of the Jefferson County Sheriff's Office.

"When people say, 'Well, (no one) can be evicted' – when you feel like your housing is threatened, when you feel like you won't be in your house next month, (tenants) internalize that fear. With that level of stress sometimes the easiest thing to do is pick up and go," says Clare Wallace, the executive director of South Louisville Community Ministries, a nonprofit that provides rental assistance."

(Marshall 2020)

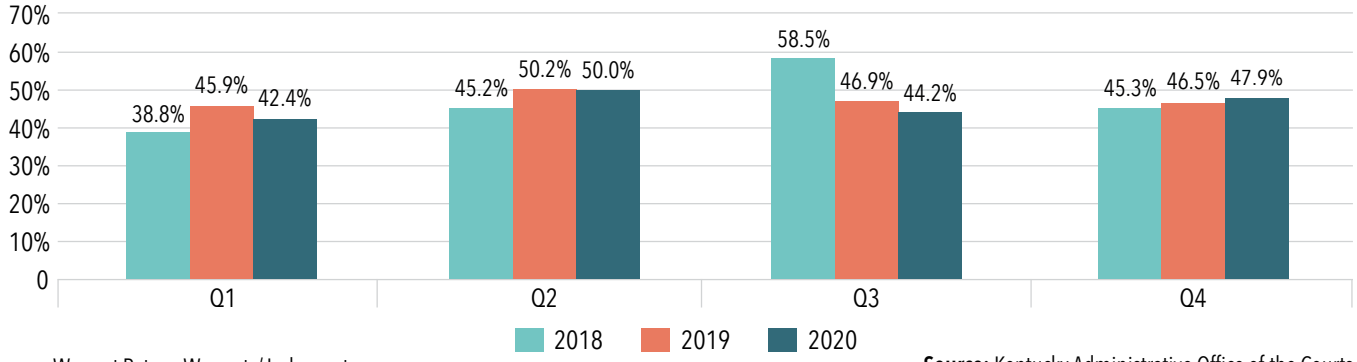
FIGURE 6 Quarterly Eviction Judgment/Judgment Rates: 2018, 2019, and 2020



Eviction Judgment/Judgments Rate = Judgments/Filings

Source: Kentucky Administrative Office of the Courts

FIGURE 7 Quarterly Warrant Rates: 2018, 2019, and 2020

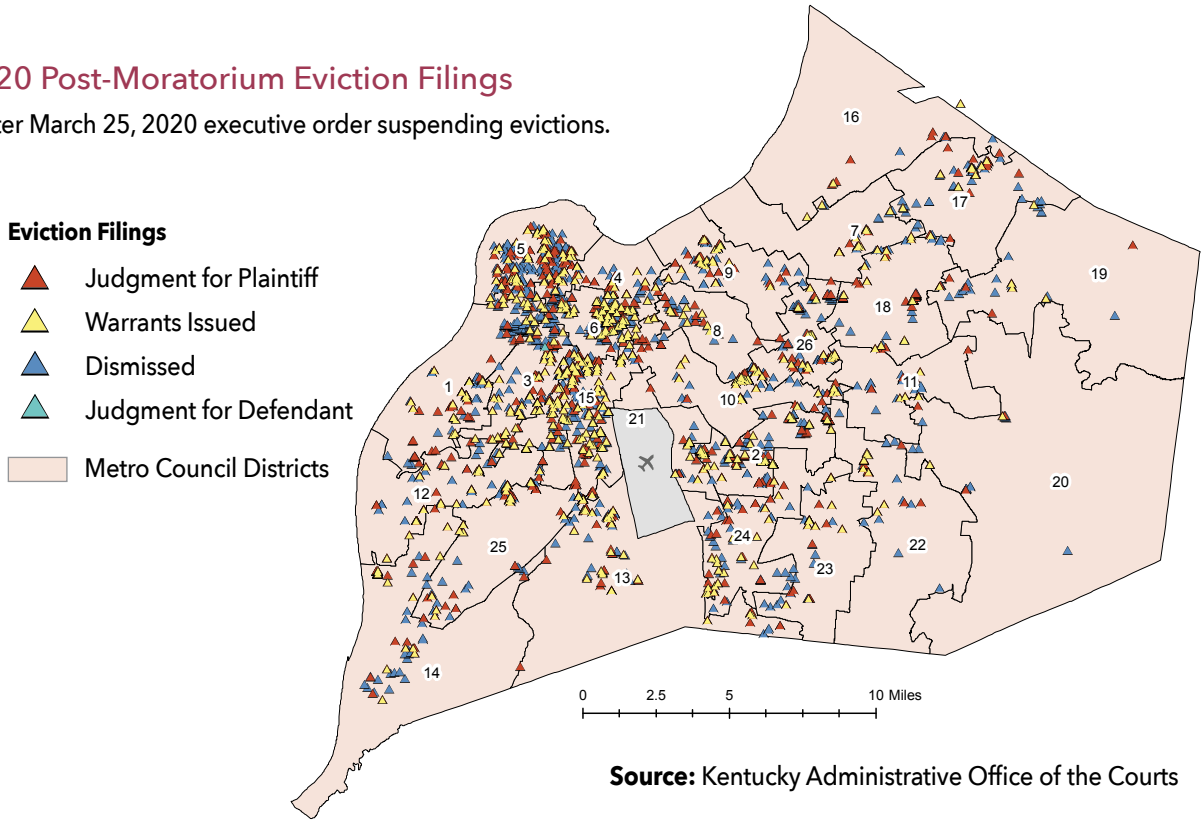


Warrant Rate = Warrants/Judgments

Source: Kentucky Administrative Office of the Courts

MAP 3 2020 Post-Moratorium Eviction Filings

Filings made after March 25, 2020 executive order suspending evictions.



Source: Kentucky Administrative Office of the Courts

Josh Mauser / Kertis Creative

Turning to eviction filings that occurred after the moratorium was in place, **Map 3** (see page 16) shows the spatial distribution of these cases, including judgments in favor of the landlord, instances where warrants were issued, and dismissed cases. Metro Council District 1, 2, 4, 5, 6, & 15 were among the top five districts in terms of total filings judgments in favor of the landlords and issued warrants. These predominantely Black/African American districts encompass census tracts with some of the city's greatest rates of poverty, disability, and single female headed households with children.

Eviction prevention has emerged as a key policy concern in Louisville since the national Eviction Lab data showed an eviction rate more than double the national average (Kinahan et al. 2018). Broadly, the data presented here indicate that the two major policy changes enacted in response to the global pandemic – limitations on landlords filing evictions and increased rental assistance – were able to substantially reduce both filings and judgments. **This suggests that long-term policy measures that limit landlords' ability to file evictions and that provide robust rental assistance funding could be effective changes for reducing evictions in Louisville.**

MHC RECOMMENDS

Just Cause Eviction Protections

Just cause eviction policies would limit some of the landlord loopholes highlighted by the moratorium, particularly evictions due to lease expirations without further justification. Implementation of a just cause eviction policy would be a direct means of limiting landlords ability to file evictions and provide greater protections for renters.

> *"Just cause" (or "good cause") eviction policies promote residential stability by limiting the grounds upon which a landlord may evict a tenant; typically, allowable grounds for eviction include nonpayment of rent, intentional damage to the unit, or other material noncompliance with the terms of the lease before they may evict tenants. They also create procedures that landlords must follow in order to establish "just cause" to evict" (Local Housing Policy Solutions 2021).*

Eviction Expungement

Laws providing for the expungement of eviction records can help to mitigate the harmful long-term consequences of eviction and improve access to safe housing for those who have experienced an eviction. Many landlords will not rent to people who have had an eviction filed against them, sometimes even if they win the case or if the case is dropped. As a result, research suggests that renters who experience a forced move relocate to poorer and higher-crime neighborhoods than those who move under less-demanding circumstances (Desmond and Tolbert Kimbro 2015). Recognizing the long term harm that evictions can have on child and family wellbeing, some states and jurisdictions are taking action to enact laws that would allow a court to order expungement of an eviction record. Although this practice will not prevent evictions from happening in the first place, it does provide those who have been evicted with an improved opportunity to access safe and stable housing, providing some level of mitigation of the well-documented mental and physical health harms caused by ongoing housing instability.

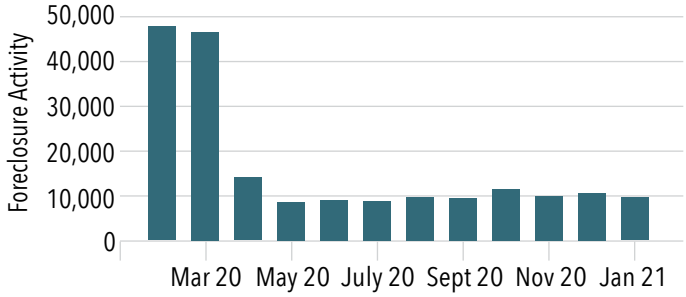
However, the rates of eviction judgments and warrants highlight the limitations of the piecemeal eviction moratorium, which only applies to nonpayment of rent cases. Landlords were able to proceed with evictions for other reasons, including lease expiration or lease violations. While these types of evictions are within the landlord's legal rights, it is well-established that landlords wield evictions as a tool to control and retaliate against tenants and that the power dynamic in the tenant-landlord relationship overwhelmingly favors the landlord (Marshall 2020; Garboden and Rosen 2019; Lindsey 2010). Anecdotal observations in eviction court cases where the stated cause was lease expiration or violations found examples of landlords alluding to nonpayment of rent issues. Evictions filed for reasons other than nonpayment of rent (e.g. lease violations or expirations) were not subject to delayed hearings intended to provide time for obtaining rental assistance, meaning eviction judgments could be obtained more quickly in these cases. And, if tenants were behind on their rent, but the stated reason for eviction was something other than nonpayment of rent, tenants (and landlords) were ineligible for rental assistance programs, meaning tenants could be evicted and still owe back rent. The data from the court does not include information about the reason for the eviction (e.g. nonpayment of rent, lease violation). This precludes analysis that could shed more light on anecdotal court observations. Lastly, while the amount of funding available through rental assistance programs was fairly robust ($21.1M from the CARES Act and $22.9M from the Consolidated Appropriations Act of 2021), landlords are not required to participate in eviction intervention programs and can choose to evict rather than receive owed back rent (LMG 2020a; Develop Louisville 2021b).

These data also only capture formal evictions that proceed through the court system. As the Louisville Eviction Lab and other researchers highlight, informal and illegal evictions occur outside of the court system, such as when landlords change the locks, tell tenants to leave without filing an eviction, or pay tenants to vacate (Shaw et al. 2021; Desmond 2012; Hartman and Robinson 2003). These instances of forced removal are not captured in this data but are certainly affecting Louisville renters (Balzarini and Boyd 2020; Marshall 2020).

Foreclosures

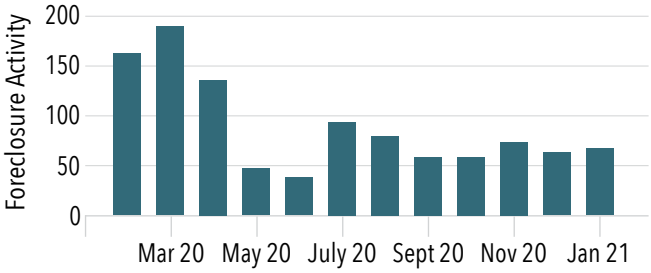
Federal protection from foreclosures was included in the CARES Act and on February 16, 2021, the Biden Administration extended foreclosure moratorium and mortgage payment forbearance enrollment through June 30, 2021 (White House 2021). For those who are enrolled in

FIGURE 8 U.S. Foreclosure Filing Activity, February 2020-January 2021



Source: https://www.realtytrac.com/statsandtrends/foreclosuretrends/ accessed March 13, 2021

FIGURE 10 Jefferson County, KY Foreclosure Filing Activity, February 2020-January 2021



Source: https://www.realtytrac.com/statsandtrends/foreclosuretrends/ accessed March 13, 2021

forbearance on or before June 30th, 2021 the action provides an additional six months of payment forbearance in three-month increments. In addition, those coming to the end of their existing forbearance would have it extended by three months. This means landlords who hold mortgages can benefit from moratoriums and payment forbearance in addition to getting rent payments for their tenants as part of eviction prevention and rental assistance programs.

Like evictions that continue despite federal moratoriums, foreclosures have continued to be filed, but are overall dramatically lower compared to early 2020. Nationally, total foreclosures dropped precipitously in April 2020 and overall foreclosure activity has remained low through January 2021 **(Figure 8)**.

The number of new foreclosures in the U.S. for January 2021 ranged from 76 percent to 86 percent lower than in January of 2020 depending on the type **(Figure 9).**

In Jefferson County, foreclosure activity in 2020 declined more gradually from April to June, compared to the national data. Activity picked back up in July 2020 and remained fairly constant through January 2021. Breaking down foreclosure filings by type, the number of new pre-foreclosure filings for January 2021 increased from the previous month but sit at 53.1 percent below those in January 2020 **(Figures 10 and 11)**.

While foreclosure activity in Jefferson County is generally lower compared to pre-pandemic times, the foreclosure rate for the Louisville Metropolitan Statistical Area (MSA, including counties in Kentucky and Indiana), is among the highest in the U.S. for metro areas with a population greater than 1 million (ATTOM, 2021). In the Louisville MSA, foreclosure is affecting one in every 7,541 housing units, putting the region in the top five foreclosure rates nationally.

Foreclosure trends during COVID-19 combined with reports that show home values continue to increase in concert with low mortgage rates, indicate that households who owned their own homes were likely to increase their wealth (equity) and benefit from either refinancing their mortgages at lower rates or obtaining a mortgage forbearance (Tobin 2020). The publicly available data are not broken out by race, ethnicity, or income. Therefore, it is not possible to determine if those who are able to benefit from increasing home values and mortgage forbearances is unevenly distributed by race, ethnicity, or income.

FIGURE 9 New Forclosures, U.S. January 2021

Pre Foreclosures	
Prior Month	Prior Year
+ 14%	- 80.8%
Auction	
Prior Month	Prior Year
- 1.5%	-76.9%
Bank Owned	
Prior Month	Prior Year
-26.6%	-86.2%

Source: https://www.realtytrac.com/statsandtrends/foreclosuretrends/

FIGURE 11 New Foreclosures, Jefferson County January 2021

Pre Foreclosures	
Prior Month	Prior Year
+57.9%	-53.1%
Auction	
Prior Month	Prior Year
+87.5%	-9.1%
Bank Owned	
Prior Month	Prior Year
-75%	-76.7%

Source: https://www.realtytrac.com/statsandtrends/foreclosuretrends/

However, we also know that the negative effects of the foreclosure crisis from the Great Recession disproportionately affected Black homeowners and Black neighborhoods (Hinko and O'Neil 2008).

In Louisville/Jefferson County, foreclosure sales (all residential, commercial, and industrial properties that received orders of sale to be sold at auction) in 2020 are again concentrated in census tracts where there are also higher concentrations of Black homeowners and renters. This suggests that those households will again bear higher economic burdens and losses **(Map 4)**.

Unhoused Populations

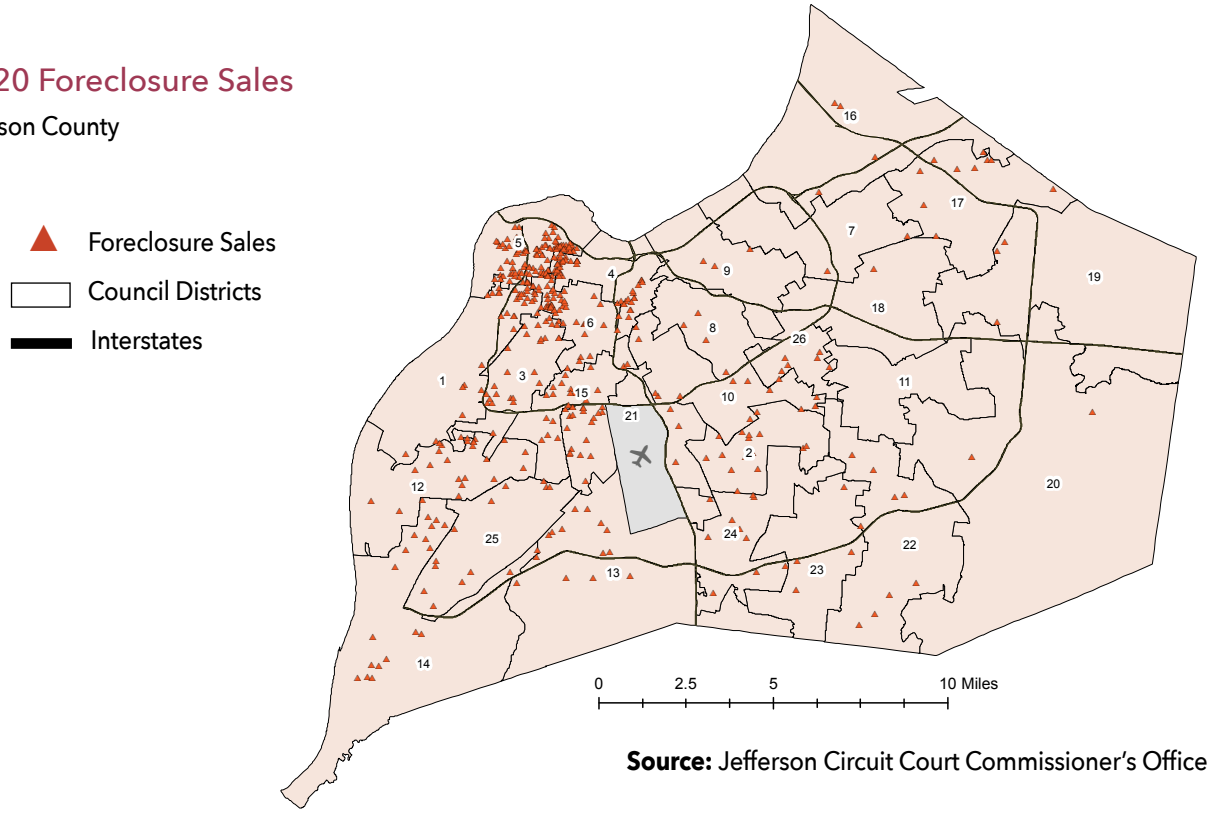
As social distancing and mask mandates were implemented, public areas such as libraries and parks normally open to people without shelter were closed or access was restricted. The need to find solutions for people who could not adequately socially distance or quarantine if they were ill became imperative. In response, the Salvation Army expanded their day shelter space to a 24-hour operation, and in a separate shelter space, created quarantine and isolation rooms for individuals who tested positive or were awaiting results. Other mitigation measures by LMG include installing port-a-potties and hand sanitizing stations at seven Louisville locations and increased collaboration with other agencies to enhance service provision.

According to Louisville's service providers, the COVID-19 infections among the homeless population were relatively low (Buchino et al. 2020). During the spring and summer months of 2020, cities across the country implemented a variety of solutions aimed at curbing the spread of COVID-19 among individuals without stable housing. Some cities converted vacant parking lots to spaces for unhoused people while others directed funds to pay for hotel rooms (Lee 2020; LA County 2020). In Louisville, service providers dedicated CARES Act funding to address the transportation gap that arose due to COVID, among other needs (Buchino et al. 2020). As winter months made it increasingly difficult for cities to respond to the growing need for safe, temporary shelter, a difficult task under normal circumstances, providing hotel rooms became an option. For example, service providers through Douglass Boulevard Christian Church organized a crowdfunding effort to pay for hotel rooms at the Wingate. There was not however any consistency in responses across the city. For instance, on February 19, 2021, LMPD and Public Works garbage crews engaged in a sweep of a 7-person homeless camp without adhering to established policy requiring a 21-day notice (Austin 2021).

Prior to the onset of the pandemic, in 2019, Louisville Metro Council began funding the Louisville Metro Homeless Initiative, allocating grants through the Office of Resilience and Community Services continuing into FY 2020. Between

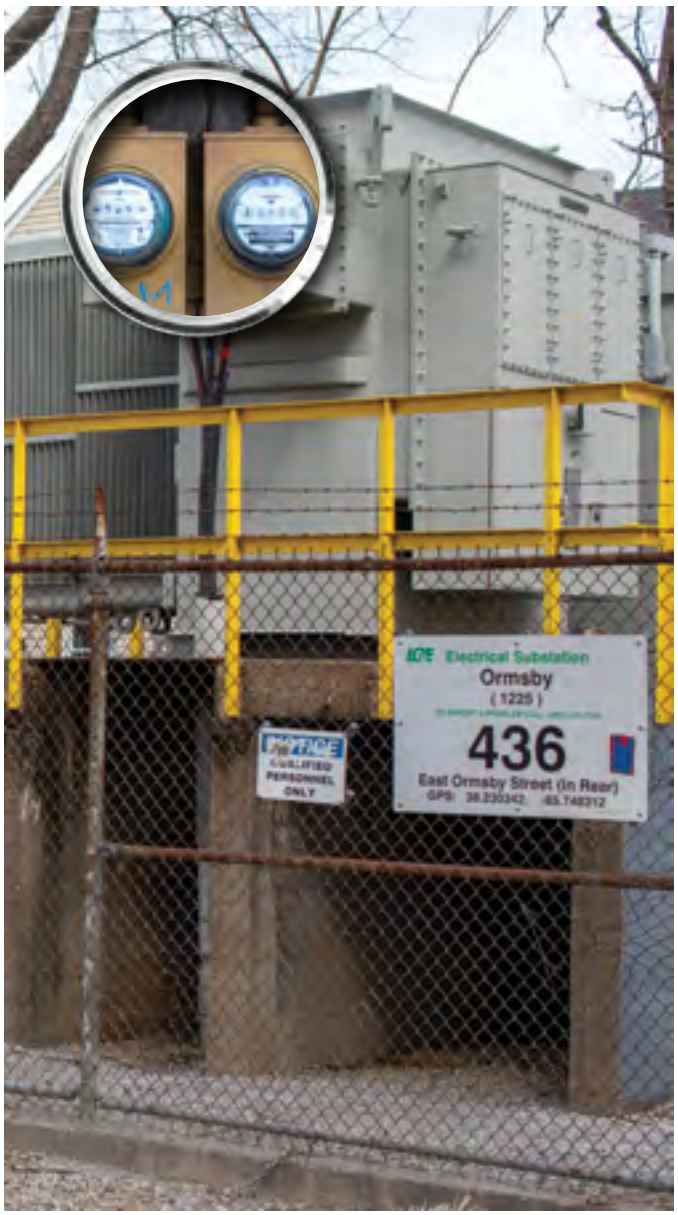
MAP 4 2020 Foreclosure Sales

Louisville/Jefferson County



Source: Jefferson Circuit Court Commissioner's Office

April 1 and June 30, 2020, just as things were shutting down, the organizations and programs funded under this initiative served a total of 1,213 households/families – 53.1 percent of those served were White and 38.5 percent of those served were Black/African American; 66.2 percent were male; 33.7 percent of the individuals served were considered chronically homeless and 68.4 percent of households had no monthly income. Of those served during this three-month period, 24 percent of those served had been unhoused between 1 and 30 days. Between June 1, 2020 (the beginning of fiscal year 2021) and February 18, 2021 there were 18,164 total stays of individuals at the Healthy Day shelter and 12,254 total stays at the newly expanded Healthy Overnight Shelter run by the Salvation Army (LMGR&CS 2020).



Josh Mauser / Kertis Creative

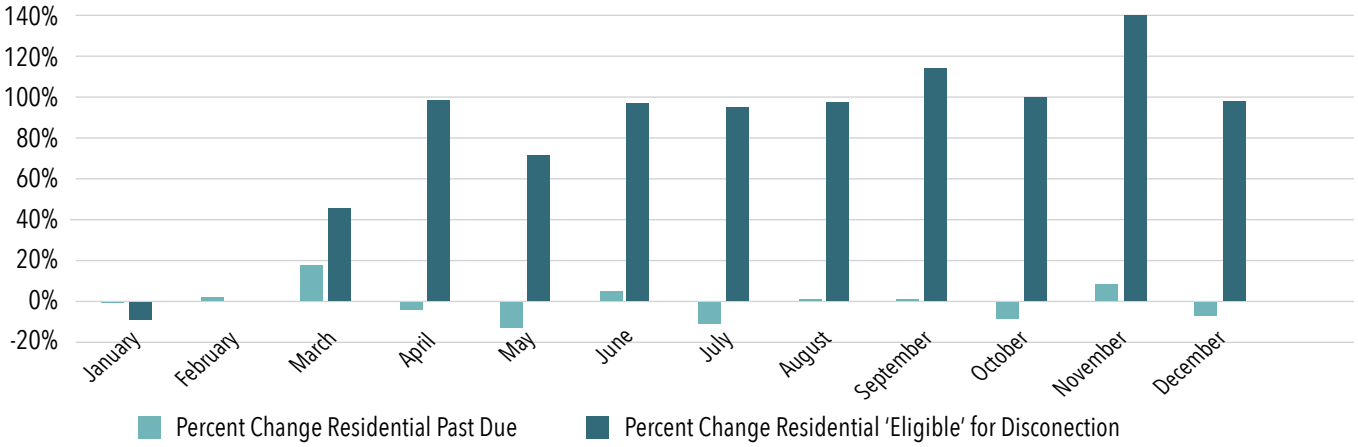
Utilities Shutoff 'Eligibility' and Debt

The number of households who fell behind in paying for their utilities and those who were eligible for shut-off was understandably much higher compared with previous years. The moratorium for utility shut-offs went into effect on March 16, 2020. LG&E serves customers in Louisville and in 16 surrounding counties, with the majority in Jefferson County. LG&E is a unit of publicly traded PPL Corp., not a municipal utility. It is a for-profit company with one shareholder: Louisville Metro Government. LG&E gas and electric customer data from January 2019 through December 2020, made available by LG&E in responses filed under the Public Service Commission rate case no. 2020-00350, document the number of residential customers past due and the number of residential customers who were eligible for disconnection each month. These records indicate that the number of households who were past due each month did not vary dramatically between 2019 and 2020. However, the number who were eligible for disconnection each month in 2020 from March through December was dramatically higher than during the same months in 2019 **(Figure 12)**.

The number of households across the entire LG&E service area who were eligible for shut-off each month within each zip code increased on average by 124 households from 2019 to 2020. This represents an average increase of 78 percent across all zip codes. **Map 5** illustrates the change in the average number of Jefferson County households eligible for shut-off each month between 2019 and 2020 by zip code. Zip codes in west and southwest areas of the county had larger increases in the average number of LG&E residential customers eligible for disconnection with the exception of two zip codes in the eastern side of the county. Six zip codes had increases between 112 and 137 percent. Four of those zip codes had an increase in the average number eligible for shut-offs between 297 to 512 customers. The zip codes with the top two highest increases in the average number of customers eligible for disconnection were 40216 (+694 more on average each month) and 40211 (+653).

Beginning in March 2020, when the Governor issued the disconnection moratorium, the monthly total dollar amount of residential LG&E accounts in arrears was $10,889,622. In March 2019, the amount was similar, $10,091,984. By December 2020, that amount rose to $26,092,841 compared with just $7,690,177 in December of 2019. It remains to be seen if the state's $15 million designated in October 2020 for the Healthy at Home Utility Relief Fund and the $6 million allocated by Metro Council for LG&E payments will adequately address the amount owed in past due residential accounts.

FIGURE 12 LG&E Customers Past Due and 'Eligible' for Disconnection 2019-2020 Monthly Percent Change

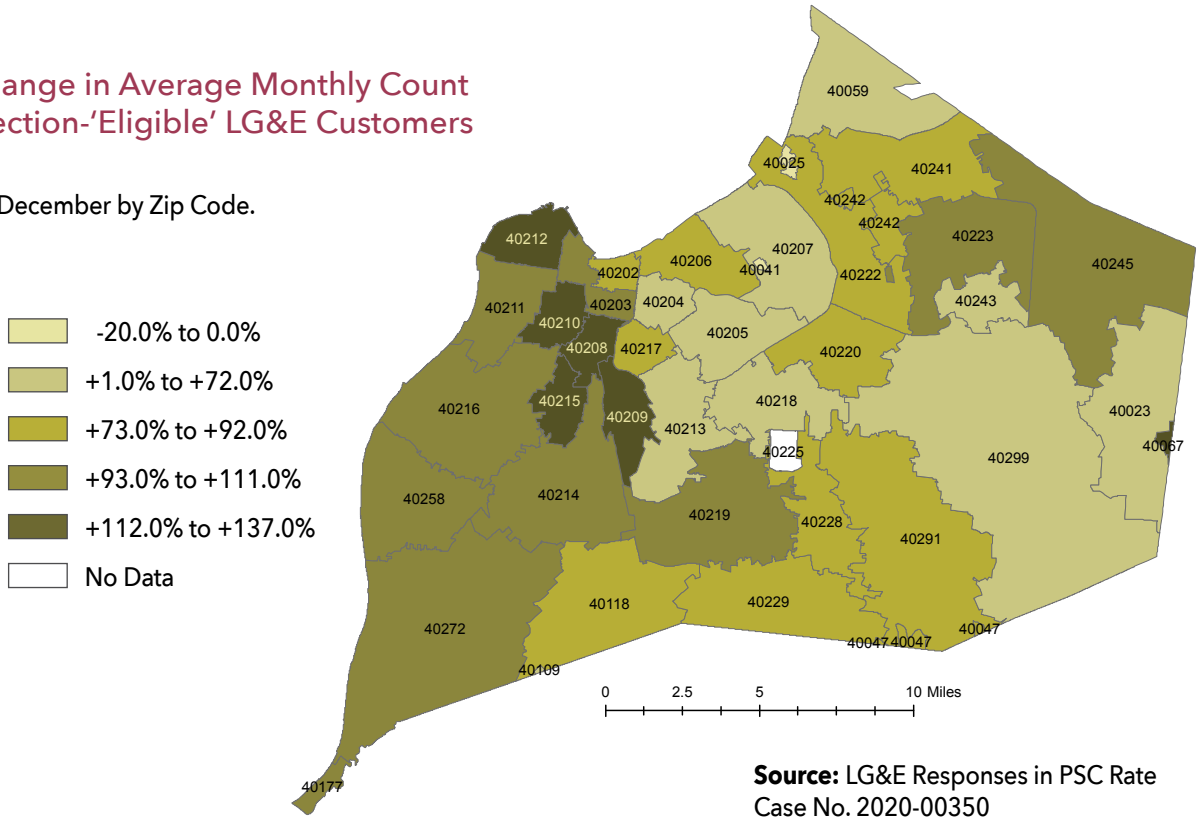


Source: LG&E Responses in PSC Rate Case No. 2020-00350

On October 28, 2020, Louisville Water reported to LMG's Community Affairs, Health and Education Committee that 16,000 residents were considered delinquent, collectively owing $7.5 million, and that 230 multi-family accounts were considered outstanding, collectively owing $3.5 million. Multi-family accounts are accounts for rental complexes that are paid by landlords (Louisville 2020b). In data released one day later, Louisville Metro Government News-reported that 18,000 residents in Jefferson County had an overdue Louisville Water/Metropolitan Sewer District (MSD) bill with an average balance of $430 – a stark increase when compared with the 1,900 overdue residents prior to COVID in mid-March (LMG 2020b). The $4 million allocated by LMG to address water utility bills may alleviate some pressure on residents who are struggling to pay their water bill but this will not be a long-term solution.

MAP 5 Change in Average Monthly Count of Disconnection-'Eligible' LG&E Customers 2019-2020

March through December by Zip Code.



Source: LG&E Responses in PSC Rate Case No. 2020-00350

Housing Segregation

Louisville/Jefferson County and the Louisville MSA remains segregated in residential housing by income, race and ethnicity, and household type. The spatial concentration of households by income, race and ethnicity, and household type described throughout this section is a result and reflection of structural barriers and intentional bias experienced by residents when they seek access to fair, safe, and affordable housingg.

Poverty

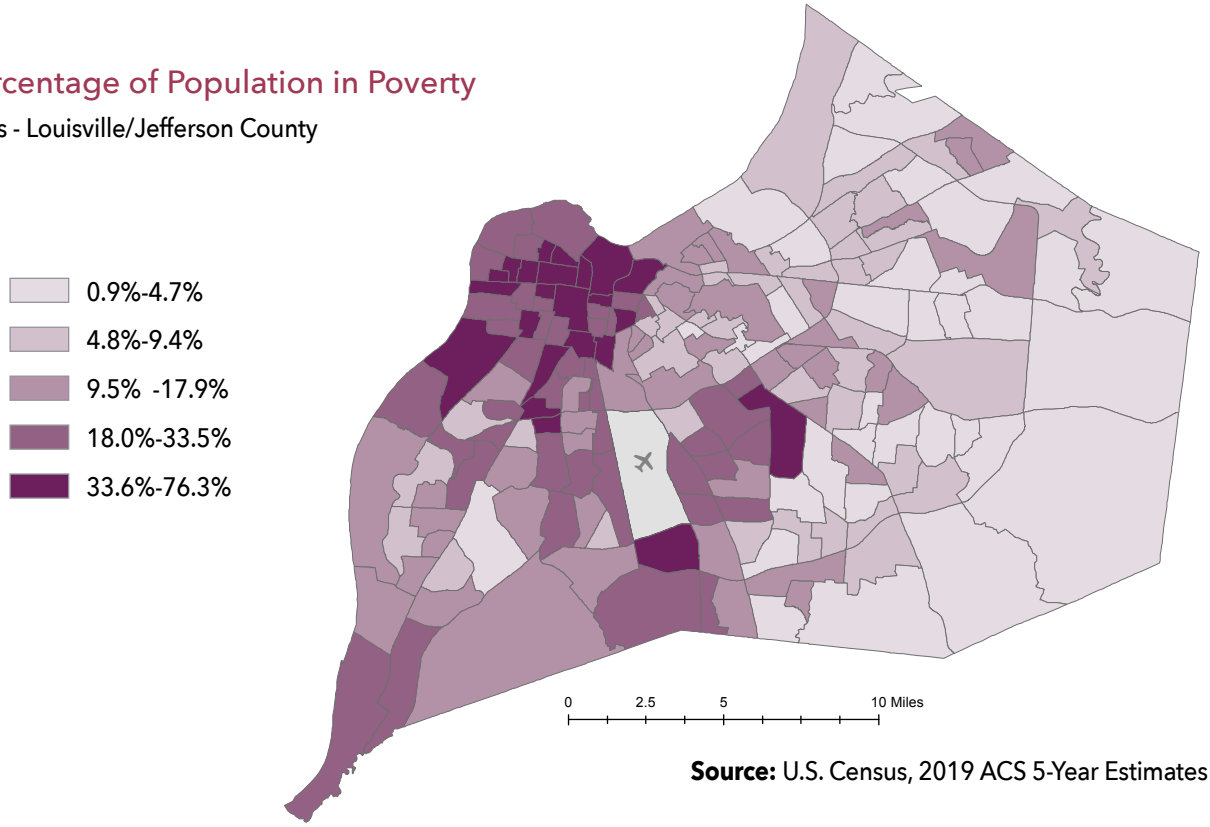
In 2019, the U.S. Census reported 14.2 percent of Louisville/Jefferson County residents and 12.5 percent of Louisville MSA residents live below the federal poverty level, representing a slight but continuing decline from 16 percent and 14.1 percent respectively in 2016 and less than one percentage point from 2018 (14.8 percent and 13.1percent respectively). The Louisville/Jefferson County rate remains higher than the U.S. rate of 13.4 percent while the Louisville MSA rate remains lower, similar to 2018. Furthermore, 11.2 percent of households in Louisville/Jefferson County and 10.2 percent of households in the Louisville MSA subsisted on an income of less than $15,000 a year in 2019, not much of a change from 2018 (11.7 and 10.6 percent respectively) but a decrease of 2.4 percentage points from 13.6 percent in 2016 for Louisville/Jefferson County and a decrease of 2.1 percentage points from 12.3 percent in 2016 for Louisville MSA residents.

Poverty continues to be concentrated in Louisville's west and south-central areas (**Map 6**). Census tracts with the highest levels of poverty in Louisville/Jefferson County, those where one half to more than three-quarters of the population lives in poverty, are in Metro Council districts 4, 5, 6, and 15. The highest level of concentration of poverty by census tract declined from 87 percent to 76 percent from 2016 to 2019 in Census Tract 30. This drop is likely due to the Vision Russell Choice Neighborhood Initiative that includes the demolition and rebuilding of Beecher Terrace during which all residents relocated by October of 2019, many to areas outside of Census Tract 30 (LMHA 2019).

The poverty rates among Black/African American residents and Hispanics/Latino residents are more than double the current rate for White residents. The poverty rate for White non-Hispanic residents is 9.5 percent in Louisville/Jefferson County and 9.1 percent in the Louisville MSA, which is substantially less than for Black/African American residents, for whom it is 27.6 percent and 27.1% respectively. This is a slight decrease for Black/

MAP 6 Percentage of Population in Poverty

By Census Tracts - Louisville/Jefferson County



Source: U.S. Census, 2019 ACS 5-Year Estimates

African American residents from 2018 of 1.1 percentage points at both the Louisville/Jefferson County and Louisville MSA levels. Hispanic/Latino residents in Louisville/Jefferson County and the Louisville MSA also have a high rate of poverty – 19.1 and 20.9 percent respectively. Compared to 2018, the rate of Hispanic/Latino residents in poverty has decreased by 1.9 percentage points at the Louisville/Jefferson County level and 1.3 percentage points at the Louisville MSA level.

The poverty rates for seniors (65 and over) decreased from 2018 to 2019 by 1.3 percentage points, while the poverty rate for persons with disabilities (18 and over) increased slightly from 2018 to 2019 by 0.3 of a percentage point in Louisville/Jefferson County and remained virtually the same in the MSA. In 2019, 8.4 percent of seniors in Louisville/Jefferson County and 8.0 percent of seniors in the Louisville MSA lived in poverty, which are both lower rates than the overall county and MSA levels. However, 22.3 percent and 20.0 percent of people with disabilities (18 and over) in Louisville/Jefferson County and the Louisville MSA respectively live in poverty. These rates are higher than the general poverty rate for both the county and the MSA. The census tracts with the highest rates of individuals with disabilities are located in Council Districts 1, 3, 4, 5, 6, and 15. See **Map 7**.

MHC RECOMMENDS

Support Zoning Reform that Allows for Higher Density Development and Incorporates Inclusionary Zoning Strategies

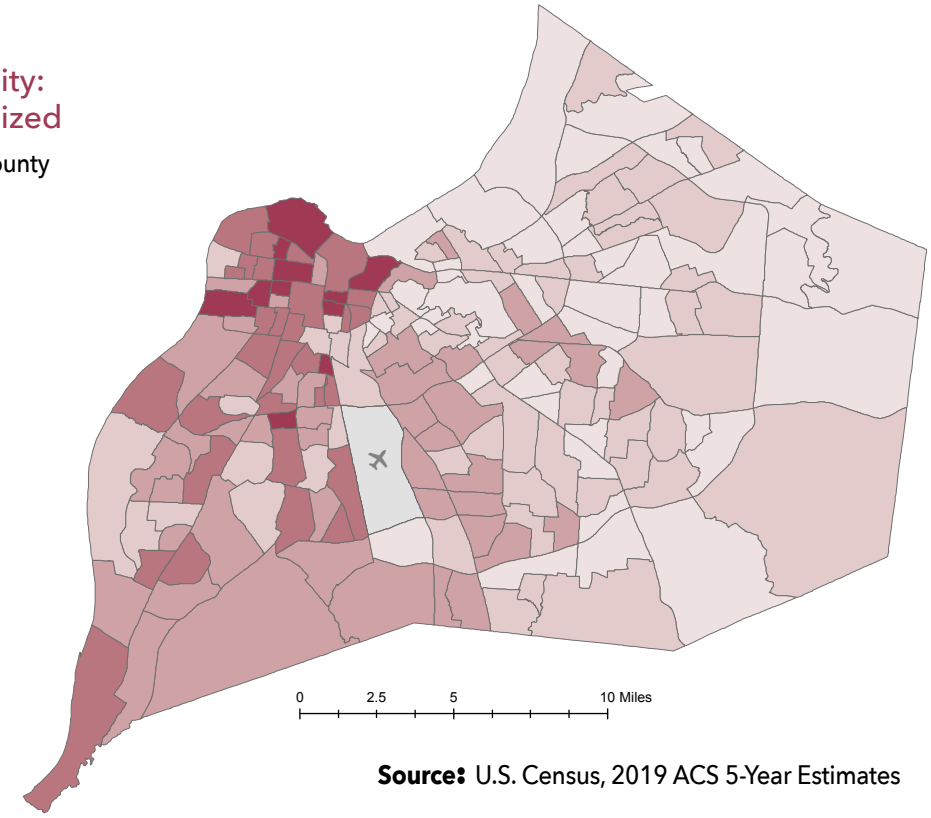
It is critical that zoning reform open up single family zones to more diverse forms of housing. Moreover, assuring that the benefits of increased density are equitably distributed requires explicit policies to incentivize or require this outcome. Louisville's Land Development Code should offer provisions that require the development of affordable housing as a condition to the development of market-rate housing.

Deliberate Inclusion of Fair Housing-Protected Classes in all City Boards and Committees

MHC recommends deliberate inclusion of people in fair housing-protected classes on all boards and committees, especially those making decisions affecting the built environment. MHC also recommends that seats on the various zoning boards and committees be reserved for residents who rent in Louisville.

MAP 7 Percent with a Disability: Total Civilian Non-institutionalized

By Census Tracts - Louisville/Jefferson County



Source: U.S. Census, 2019 ACS 5-Year Estimates

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In Louisville/Jefferson County, 10.2 percent of families live in poverty compared to 9.0 percent of families in the Louisville MSA. 17.1 percent of families with children in Louisville/Jefferson County have earnings below the federal poverty line, while 13.0 percent of families with children live in poverty in the Louisville MSA. It is important to note that 40.5 percent of female-headed households with children in Louisville/Jefferson County are living in poverty, as are 37 percent of female-headed households in the Louisville MSA.

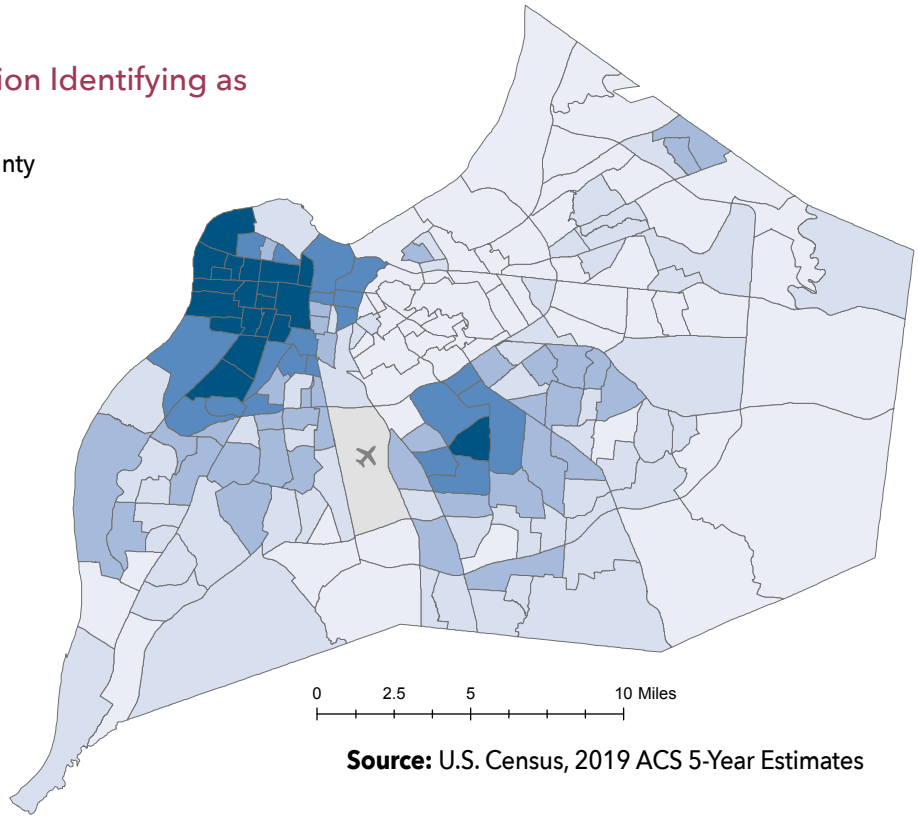
Race and Ethnicity

White, non-Hispanic remains the primary racial and ethnic demographic of residents in Louisville/Jefferson County (67.5 percent) and the Louisville MSA (75.7 percent), both of which are higher than the national level of 60.7 percent. Black/African American residents represent 21.7 percent of the population in Louisville/Jefferson County and 14.8 percent in the Louisville MSA compared to 12.7 percent nationwide. People identifying as Hispanic or Latino comprise 5.4 percent of the population of Louisville/Jefferson County and 4.9 percent in the Louisville MSA, which is well below the current national share of 18.0 percent in the U.S. as whole.

Louisville/Jefferson County is home to nearly half (46.5 percent) and just over one-quarter (25.6 percent) of the

MAP 8 Percentage of Population Identifying as Black or African American

By Census Tracts - Louisville/Jefferson County



Source: U.S. Census, 2019 ACS 5-Year Estimates

state's Black/African American and Hispanic/Latino populations, respectively. Louisville/Jefferson County continues to be highly segregated. Black/African American residents in Louisville/Jefferson County live predominately in west Louisville in census tracts represented by Council districts 1, 3, 4, 5, and 6 and east of the Airport in census tracts represented by Council districts 2 and 10. The majority of White residents in Louisville/Jefferson County continue to reside in eastern Louisville. The largest percentages of Hispanic/Latino people live in census tracts south of the Watterson Expressway. See **Maps 8 and 9.**

Household Type

In Louisville/Jefferson County, 59.5 percent of households classify as family households, compared to 63.6 percent of households in the Louisville MSA. Of the 185,937 Louisville/Jefferson County family households, 68.5 percent are married-couple households, 23.4 percent are female-headed households (no husband present), and 8.0 percent are male-headed households (no wife present). In the Louisville MSA, 72.4 percent of the 312,529 family households are married-couple households, while 20.0 percent are female-headed households (no husband present), and 7.5 percent are male-headed households (no wife present).

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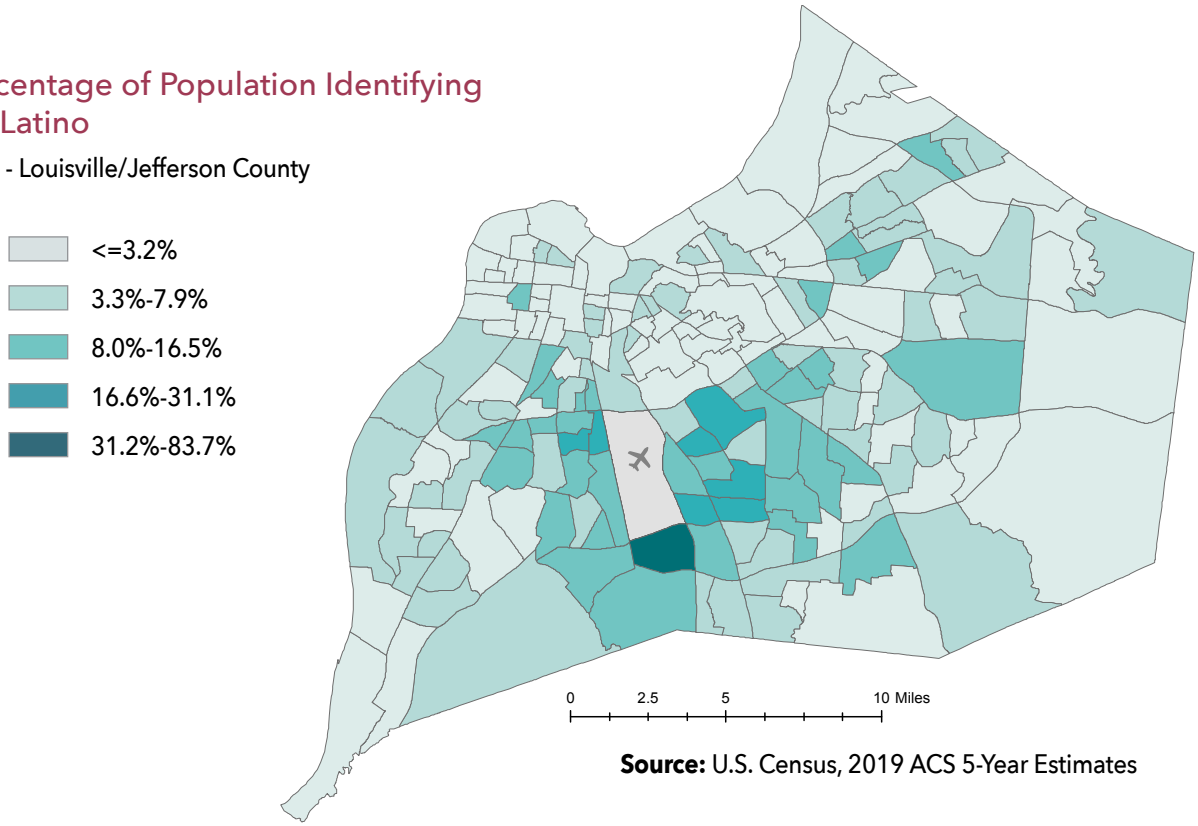
MAP 9 Percentage of Population Identifying as Hispanic/Latino

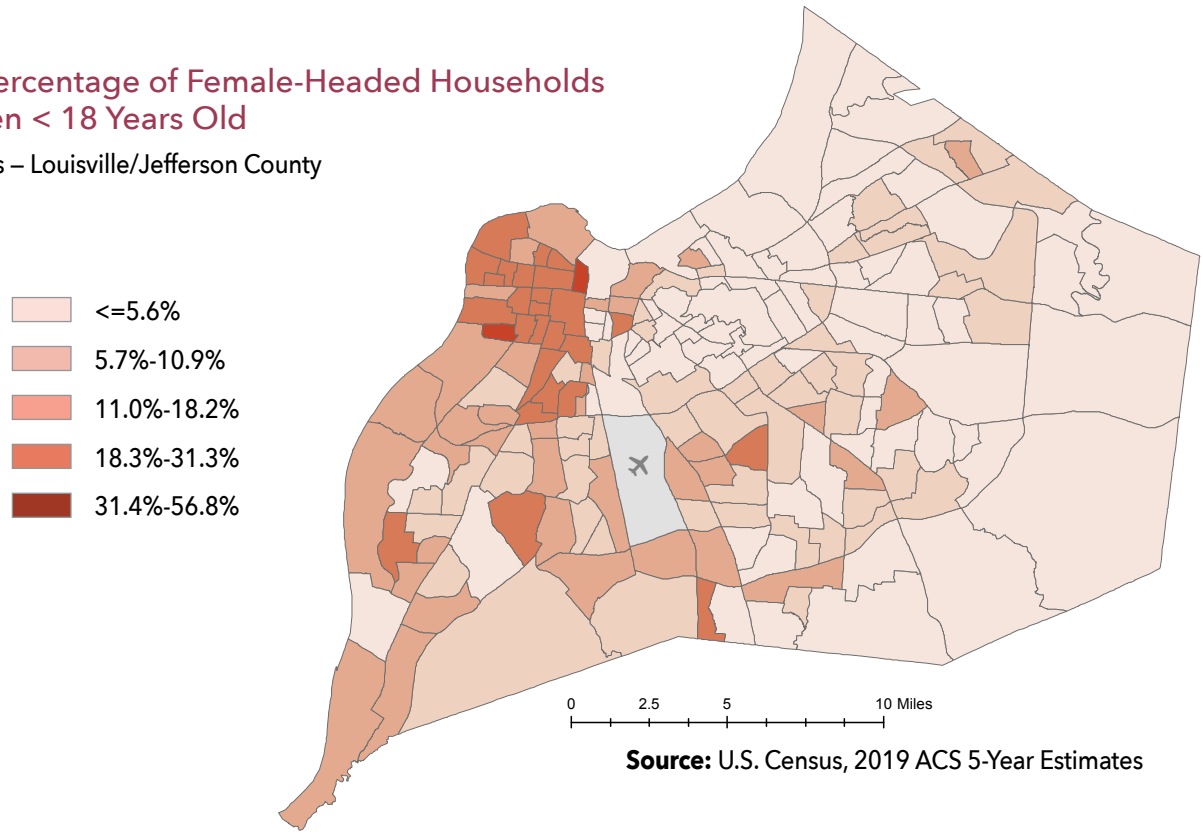
By Census Tracts - Louisville/Jefferson County



Source: U.S. Census, 2019 ACS 5-Year Estimates

MAP 10 Percentage of Female-Headed Households with Children < 18 Years Old

By Census Tracts – Louisville/Jefferson County



Source: U.S. Census, 2019 ACS 5-Year Estimates

Most of Louisville/Jefferson County's female-headed households (no husband present) with children under 18 are concentrated in western and central census tracts situated in Council districts 1 through 6. Tracts with the highest concentration of these households represent between 25.0 and 56.8 percent of the population in each of these tracts **(Map 10)**.

Production, Rehabilitation, and Inventory of Affordable Housing

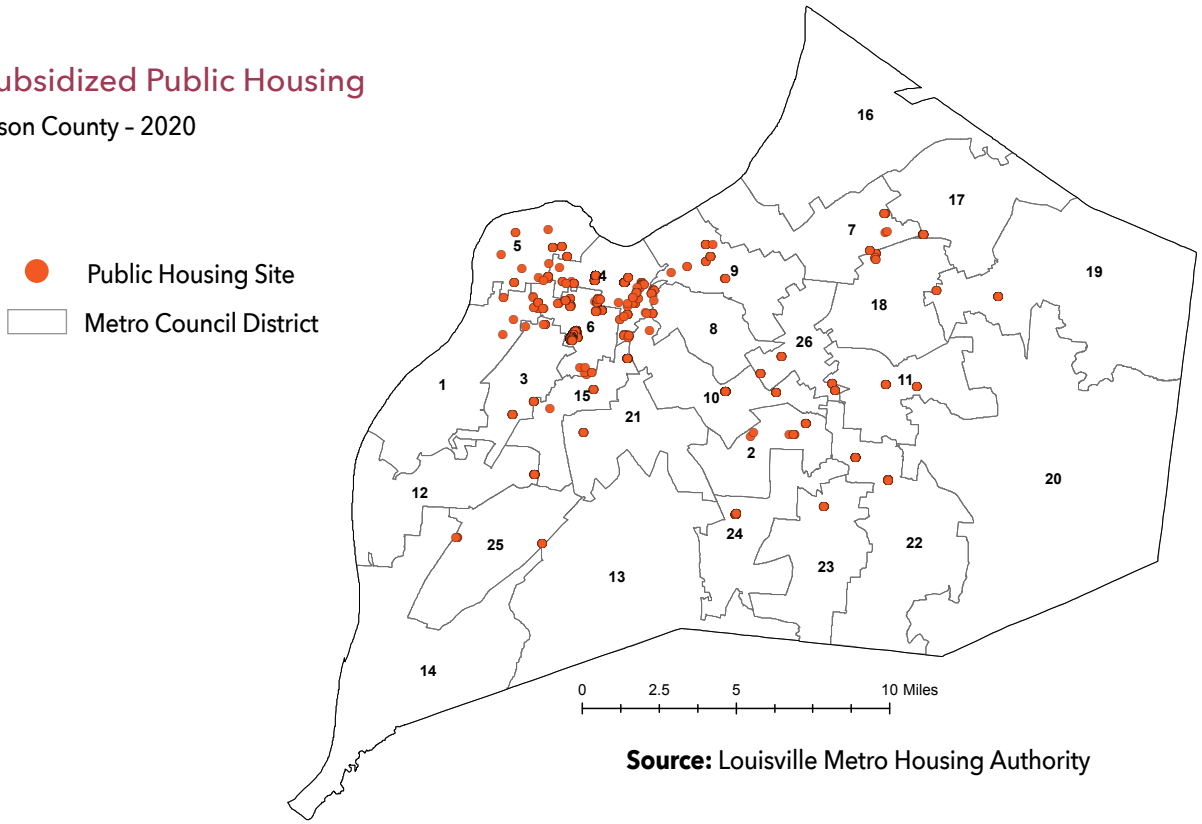
Public Housing Units

Public housing units are managed by roughly 3,300 local housing authorities (HUD n.d.a). Federal support for constructing new public housing ended in the mid-1990s and funding shifted to subsidized housing through Section 8 and Project-Based Vouchers for use in the private rental market. As federal housing policy funded the privatization of subsidized public housing, it neglected to adequately fund the renovation or repair of existing public housing units with some estimates as high as $45 billion to meet needed repair costs (NHLP n.d.). Nationally, roughly 1.8 million households live in public housing. In 2020, HUD reported a 94 percent occupancy rate of 957,971 available public housing units. For comparison, in 2000, HUD reported 1,282,099 available public housing units (HUD 2007.)

As with other cities across the U.S., Louisville has been losing public housing units as the Louisville Metropolitan Housing Authority (LMHA) shifts more and more to a voucher system through the implementation of several HUD funded HOPE VI grants and the current Choice Neighborhoods (CN) grant, and due to lack of funding to keep up with needed repairs. LMHA is required to replace units lost as a result of demolition under the most recent HOPE VI and CN grants, thus it is not yet possible to determine a net loss from these projects. Louisville Metropolitan Housing Authority (LMHA) currently owns 2,602 public housing units; this is a decrease of 1,963 units from 2018 when LMHA reported 4,565 public housing units. A portion of this decrease reflects the demolition of Beecher Terrace (758 units) as part of the Choice Neighborhood Grant (LMHA 2020). The impact of lack of federal funding for maintenance and repair of public housing units is reflected in LMHA's FY 2021 Move to Work Plan in which 29 units are proposed for sale and disposition due to excessive needed repairs, an additional 10 units of scattered sites under an earlier HOPE VI program will be sold in 2021, and 21 of the Beecher Terrace units will be converted to HUD's Renter Assistance

MAP 11 Subsidized Public Housing

Louisville/Jefferson County – 2020



Source: Louisville Metro Housing Authority

Demonstration (RAD) program. RAD is intended help local housing authorities "preserve and improve public housing properties" (HUD n.d.b). LMHA will use this flexibility to finance building 21 new units within the new Beecher Terrace site that were vacant or non-residential units within the original Beecher Terrace portfolio. How and if LMHA will use the RAD conversion program as a method to address needed repairs and to prevent losing more public housing units remains to be seen. This could be a path for addressing the pending loss of Low-Income Housing Tax Credit (LIHTC) units as they age out of that program.

Of the 2,602 units LMHA owns, 750 are scattered site units, 635 are at Parkway Place, the others are for seniors and residents living with disabilities (LMHA 2021a). The greatest concentrations of public housing sites remain in Metro Council Districts 4 and 6, which combined account for about 75 percent of units **(Map 11).** As of February 2021, the overall vacancy rate for public housing units in Louisville is 9 percent compared to 18 percent in 2018 when LMHA was beginning to take units off-line in preparation for demolition of Beecher Terrace and relocation residents.

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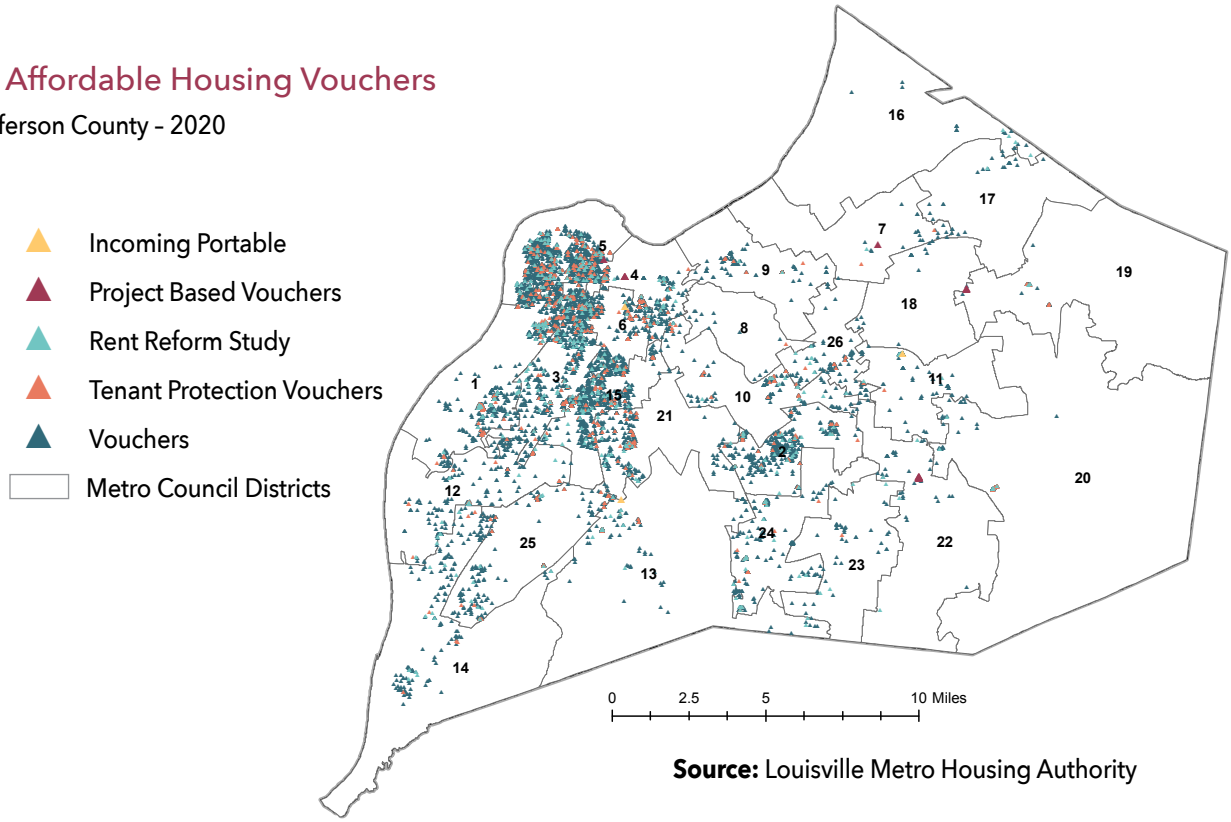
More in depth information about HUD's Renter Assistance Demonstration (RAD) program can be found here: https://www.hud.gov/RAD and here: https://www.localhousingsolutions.org/act/housing-policy-library/the-rental-assistance-demonstration-rad-program-overview/the-rental-assistance-demonstration-rad/

MAP 12 Affordable Housing Vouchers

Louisville/Jefferson County – 2020



Source: Louisville Metro Housing Authority

Scattered site vacancies are at 15.3 percent with an additional 2 percent (15 units) in maintenance. The senior and accessible units are only 6.6 percent vacant and Parkway Place, the only remaining public housing for families is 6.1 percent vacant. There are additional 1,121 privately managed public housing units reported in the 2020-2024 Consolidated Plan (Develop Louisville 2020).

Section 8 Housing Choice Vouchers

LMHA issued 9,512 housing choice vouchers as of February 2021. This includes Section 8 Vouchers, Tenant Protection Vouchers, those in the Rent Reform Study group, project-based vouchers, and incoming portable vouchers from other housing authorities (**Map 12**).

MHC RECOMMENDS

Build Public and Affordable Housing

Housing is becoming increasingly less affordable and there has been a consistent lack of investment in new affordable housing production. Ensuring that all citizens have access to affordable housing requires that local, state and federal governments commit to making meaningful investments in the production of housing dedicated to those with the lowest incomes. ***At the federal level,*** increased investment in public housing as well as in the National Housing Trust Fund will help to shore up the housing safety net for those who are on fixed incomes or who are working in low wage jobs. ***At the state level,*** establishment of a state affordable housing tax credit as well as investment in the Kentucky Affordable Housing Trust Fund will help to incentivize the production of new affordable housing units. ***At the local level,*** increased funding for programs such as Louisville CARES, the Louisville Affordable Housing Trust Fund, and the MHC Non Profit Housing Production and Rehabilitation loan pool is essential to meeting the housing needs of Louisville citizens. In addition, a portion of the new funds available through the American Rescue Plan Act should be designated to help create new permanent housing for those who are homeless or at risk of homelessness.

Housing Choice Vouchers	Number
Incoming Portable	3
Project Based Vouchers	22
Rent Reform Study - Reform Group	479
Tenant Protection Voucher	677
Section 8 Voucher	8,331
Grand Total	**9,512**

Waiting Lists

LMHA maintains their waiting lists according to eligibility and applicant location preference. Thus, individual families may appear on more than one waiting list. In addition, families may be listed on public housing and Section 8 waiting lists, and, as these are dynamic lists, it is difficult to fully characterize the number of individual/families who are waiting for assistance in Louisville/Jefferson County at any given time. As of February 2021 (LMHA 2021a), LMHA reports 3,797 families on their managed sites waiting list and 3,272 on the site-based lists for public housing. Within the site-based list are the following locations: Liberty Green, Park DuValle, Sheppard Square, Wilart Arms, and Downtown Family Scholar House. There are 6,905 families on the Section 8 Housing Choice Voucher waitlist.

Louisville CARES

The Louisville Creating Affordable Residences for Economic Success (CARES) Program, provides gap financing (a loan to cover costs that cannot be covered by other sources or programs) to encourage the creation of "affordable workforce housing" (80 percent Area Median Income (AMI)). The program also sets income limits and maximum rent using HUD's Income Limits Documentation System and rent limits using one person/bedroom + one calculation. In 2020, this meant that affordable rent for a three-bedroom unit for a family of 4 at 80 percent of AMI or $62,000, is set at a maximum of $1,527 (Louisville CARES 2020). This was $353 higher than 2017 Fair Market Rent ($1,174), which is the rent limit for families using Housing Choice Vouchers.

The program is intended to supplement other financing tools such as HOME or Community Development Block Grants (CDBG) as well as private financing mechanisms. LMG structured CARES to operate with the Louisville Affordable Housing Trust Fund (LAHTF) as another layer of financing to encourage private developers to build more affordable units. As of June 2020, CARES has funded six projects, five of which are complete representing a total of 578 rental units (Louisville Forward 2020). Three of these projects were completed in FY20, including the Middletown Apartment project, which was a joint venture between CARES and the Louisville Affordable Housing Trust Fund. CARES has devoted $9.4 million to these projects. An additional 500 units received eviction prevention assistance. Between May 2016 and June 2020, 39.4 percent of units assisted (includes rental units created by projects, rental units being constructed, and units receiving eviction prevention assistance) were at or below 50 percent AMI, 36.8 percent were at or below 60 percent AMI, and 23.7 percent were at or below 80 percent AMI.

Louisville Affordable Housing Trust Fund

The Louisville Affordable Housing Trust Fund (LAHTF) supports the development of affordable housing through grants, loans, and technical assistance to housing developers by reducing financing gaps and project risk. Between April 2014 and June 2020, LAHTF has funded the creation and renovation of rental units (Louisville Forward 2020). 52.4 percent of those units were committed to households making up to 50 percent AMI while only 6.9 percent of the total units were committed to households making up to 30 percent AMI. In FY20, five projects were completed, creating and renovating a total of 244 units. This number includes the 80 units in the Middletown Apartment project that was a joint venture between LAHTF and CARES.

Homeownership and Affordability

According to the Current Population Survey, in 2019 rates of homeownership in the Louisville MSA decreased from the 2017 peak (71.7 percent) to 64.9 percent and is only 2.0 percentage points higher than the rate of homeownership in 2005. This marks a 3.9 percentage point difference in homeownership rates compared to the 2011 low point (61.7 percent) after the recession **(Figure 13, page 31).** At the national level, the 75 largest MSAs exhibited relatively slow but stable increases in homeownership rates over the past 4 years (62.6 percent in 2016, 63.0 percent in 2017, 63.6 percent in 2018, and 64.1 percent in 2019), but Louisville went in the opposite direction, from 2018-19 Louisville saw the sixth largest decrease in homeownership among the 75 largest MSAs (BLS 2019).

Nationally, a large disparity in homeownership rates by race continues to exist. The national homeownership rate for non-Hispanic White people is 71.9 percent (based on ACS 2019 data), while the rates for Black/African American people and Hispanic/Latino people are 41.8 percent and 47.3 percent, respectively. This racial disparity in homeownership rates exists at the local level as well, despite an overall rate of homeownership in the Louisville MSA that is higher than the national rate (67.1 versus 64.0 percent, based on ACS 2019 estimates). Minority rates of homeownership at both the MSA and Louisville/Jefferson County level are lower than the national rates. In Louisville/Jefferson County and the Louisville MSA, homeownership rates for Black/African American households are 36.7 percent and 37.2 percent, respectively, lower than the national rate for Black/African American households of 41.8 percent. Similarly, Hispanic/Latino homeownership rates in Louisville/Jefferson County and in the Louisville MSA are 37.8 percent and 39.5 percent respectively, but 52.7 percent nationally. In other words, the racial disparity in homeownership rates is even more pronounced in the Louisville area.

Alongside homeownership rates by race, we also see a gendered difference in homeownership among single family households. 59.9 percent of single male-headed householders own their own home compared to a homeownership rate of 46.1 percent of single female-headed householders in the MSA. This difference persists in Louisville/Jefferson County with 55.6 percent and 43.3 percent of single male-headed and female-headed households, respectively **(Figure 13).**

These findings highlight disparities with respect to homeownership rates across race, gender, and family structure. There is also variation in the ability to ***afford*** housing amongst homeowners as a group. Homeownership costs are complex and extend beyond mortgage payments. In addition to monthly principal plus interest on

FIGURE 13 Housing Tenure

	United States	Kentucky	Louisville MSA	Louisville/Jefferson County
Total Households	120,756,048	1,734,618	491,443	312,679
Owners	64.0%	67.2%	64.0%	61.8%
Renters	36.0%	32.8%	36.0%	38.3%
Households by Race/Ethnicity				
White Households - Not Hispanic	81,642,121	1,507,458	385,975	222,839
Owners	71.9%	71.9%	74.5%	71.1%
Renters	28.1%	28.1%	25.5%	28.9%
Black/African American Households	14,883,197	140,519	72,970	66,342
Owners	41.8%	36.6%	37.2%	36.7%
Renters	58.2%	63.4%	62.8%	63.3%
Hispanic/Latino Households	15,892,113	43,049	17,365	12,458
Owners	47.3%	37.7%	39.5%	37.8%
Renters	52.7%	62.3%	60.6%	62.2%
Households by Family Type				
Family Households	79,114,031	1,135,835	312,529	185,937
Married Couples Households	58,198,771	837,020	226,389	127,418
Owners	79.8%	82.8%	84.9%	82.1%
Renters	20.2%	17.2%	15.1%	17.9%
Male Household - no wife present	5,898,296	85,074	23,582	14,953
Owners	54.1%	57.4%	59.9%	55.6%
Renters	45.9%	42.6%	40.1%	44.4%
Female Household - no husband present	15,016,964	213,741	62,558	43,566
Owners	46.2%	47.7%	46.1%	43.3%
Renters	53.8%	52.3%	53.9%	56.7%

Source: U.S. Census, ACS 2019 5-year Estimates

a home loan, further costs include property taxes, insurance, maintenance, and utilities. Thus, an accurate depiction of housing affordability factors in all these costs as a percentage of household income.

Homeowners with monthly housing costs exceeding 30 percent of their annual income are designated as having excessive shelter costs. Those who own their home with annual incomes of less than $35,000 are at risk of having excessive shelter costs, often putting them one emergency away from coming up short at the end of the month. In Jefferson County, 87.7 percent of households earning $20,000 to $34,999 have excessive shelter costs while 98.4 percent of households earning less than $20,000 annually have excessive shelter costs. Additionally, 51.1 percent of Jefferson County homeowners and 48.5 percent of Louisville MSA homeowners earning $35,000– $49,999 have excessive shelter costs. This translates to 22.7 percent of all households (no matter the income level) with excessive shelter costs in Louisville/Jefferson County and 21.5 percent in the Louisville MSA **(Figure 14).**

98.4 percent of homeowners with mortgages in Louisville/Jefferson County who make less than $20,000 a year spend more than 30 percent of their income on housing costs compared to 3.9 percent of those making more than $75,000 a year.

MHC RECOMMENDS

Make Home Ownership More Affordable

Support programs for low income families that help to overcome wealth barriers and keep monthly mortgage payments low. Some examples of these types of programs may include down payment assistance, grants, subsidies, homeownership vouchers, and forgivable loans.

Support Community Land Trusts

While solving our affordable housing crisis will require a range of interventions and significant federal, state and local investment, the establishment of the first Community Land Trust in Louisville in late 2020 was one very important step forward in our work to ensure that every citizen has access to safe and stable housing. Community Land Trusts provide meaningful opportunities for low income people to build equity through homeownership, while also allowing for community control and direct participation in decision-making.

FIGURE 14 Cost-Burdened* Owner-Occupied Households with a Mortgage

	Louisville/Jefferson County Estimate	Louisville MSA Estimate
Total Households:	**193,084**	**329,631**
Households with a Mortgage:	**126,822**	**217,131**
Cost- Burdened	22.7%	21.5%
Households by Annual Income (N)		
Less than $20,000	5,998	9,546
Cost-Burdened	98.4%	98.6%
$20,000 to $34,999	9,616	16,523
Cost-Burdened	87.7%	84.7%
$35,000 to $49,999	14,001	23,576
Cost-Burdened	51.1%	48.5%
$50,000 to $74,999	23,875	41,140
Cost-Burdened	18.5%	17.7%
$75,000 or more:	72,879	125,525
Cost-Burdened	3.9%	3.7%

Source: U.S. Census, ACS 2019 5-year Estimates
*Paying more than 30 percent of household income on monthly housing costs in the past 12 months.

Housing Insecurity and Displacement

Families in Louisville/Jefferson County continue to face the financial burdens caused by lack of housing stability, utility disconnections, evictions, and foreclosures. The information tracked here provides an overview of available data reported by the key agencies and organizations tasked with serving individuals experiencing housing insecurity, the utilities that track customers eligible for disconnection, and the court that processes eviction filings and foreclosure sales. These measures together provide just one way of documenting the scale of housing insecurity and displacement in Louisville, KY and where possible the surrounding counties. They also document that during times of crisis, there will be long-term impacts on families who experience housing insecurity and that this disproportionately affects Black/African American households who experience higher rates of homelessness and are more likely to live in areas with high rates of utility shutoffs, evictions, and foreclosures.

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Unhoused Populations

Louisville/Jefferson County continues to struggle to adequately support people who experience homelessness. While the overall numbers of people living without stable homes in Louisville declined from 2012 to 2017 (Buchino et al. 2019), the number of people seeking shelter continues to increase each year since 2017. Furthermore, the number of individuals service providers assisted with placement into permanent housing increased from 980 in 2018 to 1,145 in 2019, representing 13 percent of clients served, slightly lower than in 2018. This indicates the need for shelter continues to increase and providers are struggling to meet the need. To better address homelessness, Louisville Metro Council allocated $500,000 in FY2019 and another $1 million in FY 2020 as part of the Street Homeless Initiative. The most recent evaluation of this effort examines the status of homelessness and housing precarity in Louisville, the impact of this additional funding, and offers recommendations (Buchino et al. 2020).

The Louisville Metro Continuum of Care 2019 Homeless Census reported that providers served a total 8,745 people seeking shelter and services during the 2019 fiscal year in Louisville/Jefferson County. This reflects a ***25.1 percent increase*** from 2018 (6,986). The number of those who received shelter services declined from 6,354 in 2018 to 5,494 in 2019, a 13.5 percent decrease. However, the 2019 report includes the number of individuals seeking shelter under severe weather or "White Flag" conditions, meaning the area is experiencing freezing temperatures or dangerously hot temperatures. 2,306 homeless individuals sought shelter under these weather conditions. This number was not specified in 2018. The remaining 945 were those who received services but not necessarily shelter which is an ***increase of 49.5 percent*** when compared to 2018 (Coalition for the Homeless 2020, 2019a).

Youth Without Housing

In 2019, 1,302 youth under 18 experiencing homelessness received services in Louisville. Of those, 400 were not accompanied by an adult, reflecting a 21 percent decrease from 2018. The providers served 898 youth between 12 and 24 who were unaccompanied by family older than 24, a 6 percent increase from 2018 (Coalition for the Homeless 2020, 2019a).

Schools face a particular challenge in supporting the education of students without adequate shelter. Many schools receive federal funding for programs to support unhoused students and as a result the districts must report the number of students experiencing homelessness enrolled. Across the Louisville MSA there has been a

decrease of 5.3 percent in the number of enrolled students without shelter in the 2019-20 school year compared to the previous year: from a total of 6,456 students in the 2018-19 school year to 6,113 in the 2019-20 school year (IDE 2020, 2021; KDE 2020a, 2020b; DOE 2020). The number of students without housing measured as a percentage of the total enrolled for 2019-20 either declined or remained about the same when compared to the previous year in every Louisville MSA county (non-Indiana), except for Spencer County, which experienced a 45.7 percent increase (35 to 51).

In Jefferson County Public Schools (JCPS), the largest district in the Louisville MSA, there were 4,915 unhoused students enrolled in 2019-20, representing 4.7 percent of the student body, a slight decrease from 4.9 in 2018-19 **(Figure 15)**. The majority, 58.7 percent, of unhoused JCPS students are Black/African American compared to 19.3 percent who are White, non-Hispanic, and 14.5 percent who are Hispanic/Latino. 15 percent of JCPS students experiencing homelessness have a disability (KDE 2020c).

Schools located in the five Indiana counties included in the Louisville MSA reported a total of 659 students without housing enrolled in 2019-20. This is down from

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FIGURE 15 Louisville MSA Unhoused Students

2018/19 - 2019/20		2018 - 2019		2019 - 2020		2018/19 - 2019/20	
School System	Unhoused Students	Total Enrollment	Percent Total Enrollment	Unhoused Students	Total Enrollment	Percent Total Enrollment	Percent Change
Jefferson County Public Schools	5,178	104,859	4.9%	4,915	103,876	4.7%	-5.1%
Other Kentucky Counties within Louisville MSA							
Bullitt County Public Schools	436	13,932	3.1%	390	13,728	2.8%	-10.6%
Henry County Public Schools	50	2,302	2.2%	44	2,234	2.0%	-12.0%
Oldham County Public Schools	41	13,177	0.3%	12	13,171	0.1%	-70.7%
Shelby County Public Schools	35	7,666	0.5%	31	7,516	0.4%	-11.4%
Spencer County Public Schools	35	3,221	1.1%	51	3,271	1.6%	-45.7%
Trimble County Public Schools	12	1,360	0.9%	11	1,282	0.9%	-8.3%
Indiana Counties within Louisville MSA							
Clark County Public Schools	443	16,348	2.7%	451	16,312	2.8%	1.8%
Floyd County Public Schools	84	11,637	0.7%	86	11,702	0.7%	2.4%
Harrison County Public Schools	27	6,046	0.4%	27	6,111	0.4%	0.0%
Scott County Public Schools	23	3,856	0.6%	3	3,899	0.1%	-87.0%
Washington County Public Schools	92	4,115	2.2%	92	4,123	2.2%	-0.0%
Louisville MSA Total	6,456	188,519	3.4%	6,113	187,225	3.3%	-5.3%

Sources: IDE 2020, 2021; KDE 2020a, 2020b; DOE 2020

669 students in the previous year. Two of the Indiana counties in the MSA, Clark County and Floyd County, reported increased percentages, two, Harrison County and Washington County, showed no change, and one, Scott County, showed a decline of 87 percent (23 to 3) in the number of students identified. The largest number of unhoused students in the Indiana counties (451) attend school in Clark County, which represents 2.8 percent of their student body **(Figure 15)**.

To reduce and eventually eliminate youth homelessness in Louisville, the Coalition for the Homeless applied for and, in July 2018, was awarded a $3.45 million Homeless Youth Demonstration Grant by the U.S. Department of Housing and Urban Development (HUD) for the provision of outreach, services, and housing for unaccompanied youth under 25 years of age (Coalition for the Homeless 2018). In summer 2019, the organization announced 6 providers and projects to be funded by the grant: Centerstone of Kentucky, Family Scholar House, Home of the Innocents, KentuckianaWorks, YouthBuild, and YMCA Safe Place (Coalition for the Homeless 2019b).

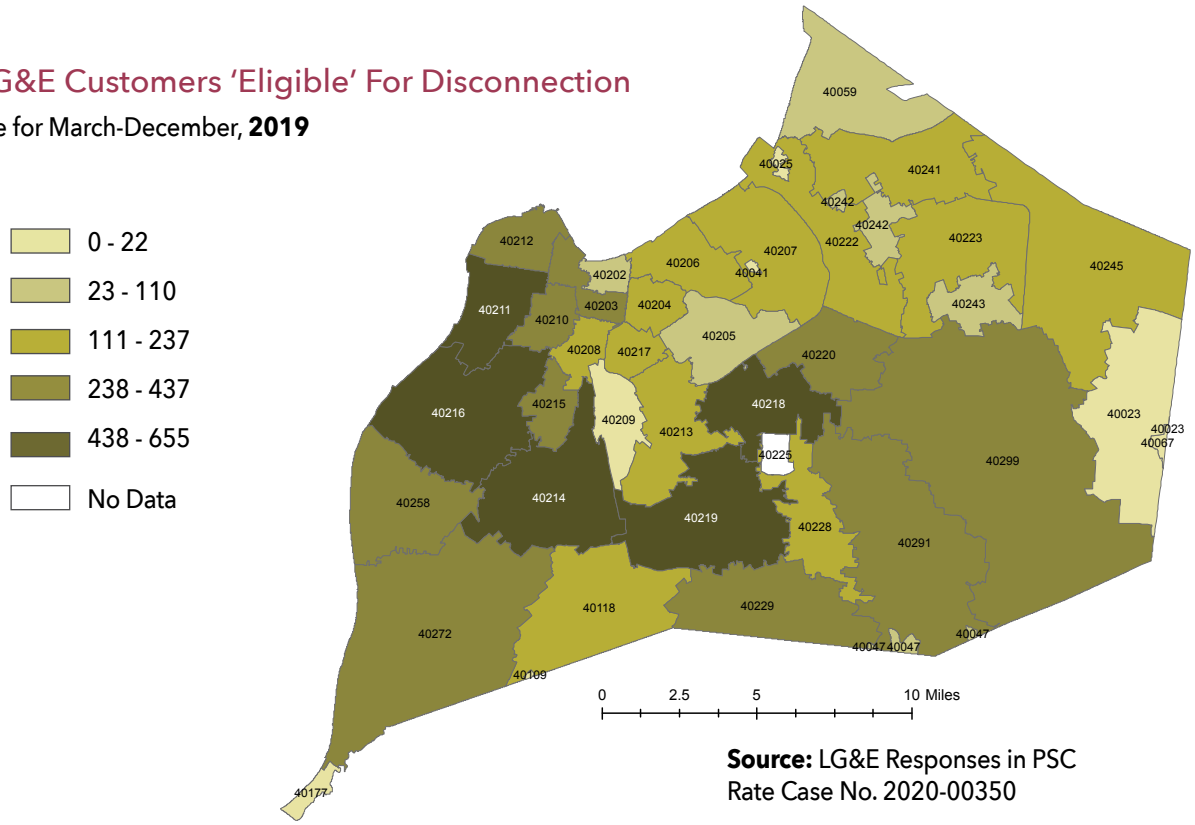
Throughout all the variety of reports that track the demographics of people who do not have stable housing, the data consistently show that Black/African American residents are more likely to experience housing insecurity and homelessness in Louisville, KY. This is evident in the JCPS homeless student data, the Continuum of Care Annual Homeless Census, the annual Point in Time Count, and in the data collected by the Office of Resiliency and Community Services as part of the Unsheltered Homeless Initiative.

Utility Insecurity

The inability to pay for rising utility costs continues to contribute to housing insecurity. **Map 13** illustrates the average number of customers by zip code eligible for shut off between March and December of 2019 and **Map 14** depicts those eligible during the same months in 2020. The higher monthly averages are located primarily in census tracts in the western part of Louisville/Jefferson County in both 2019 and 2020. This reflects the importance of the disparate impact any crisis will have on areas where there are higher concentrations of lower-income residents, especially those who are Black/African American or Latino. As is the case with the most recent LG&E rate case, despite the ongoing pandemic, utilities continue to propose rate increases that will create even greater challenges for households impacted by COVID-related economic losses.

MAP 13 LG&E Customers 'Eligible' For Disconnection

Monthly average for March-December, **2019**



Source: LG&E Responses in PSC Rate Case No. 2020-00350

Evictions

The focus topic in this year's report takes a close look at evictions in Louisville/Jefferson County during 2020 and the interventions of local government agencies and organizations during the COVID-19 pandemic. Here, **Figure 16** compares Louisville/Jefferson County eviction filings by quarter between 2016 and 2020. The filing rates remain fairly stable from 2016 to 2019 and reflect the dramatic decrease due to the eviction moratoriums put in place in 2020. Research shows the lasting impacts eviction filings and judgments have on renters from contributing to low infant birth weights (Himmelstein and Desmond 2021),

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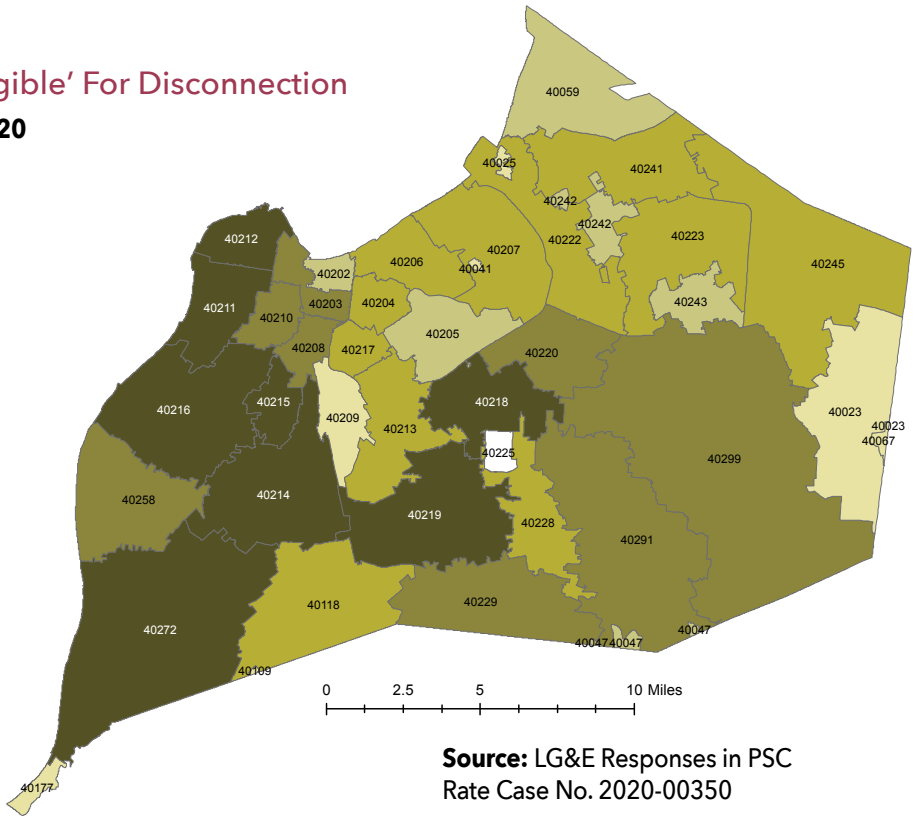
FIGURE 16 Eviction Filings by Quarter, 2016-2020 Louisville/Jefferson County

	2016	2017	2018	2019	2020
Q1: January-March	3,676	3,997	4,125	3,958	3,560
Q2: April-June	4,272	4,201	4,131	4,244	61
Q3: July-September	4,716	4,457	4,612	4,676	1,509
Q4: October-December	4,493	4,446	3,986	4,148	1,351
Total Annual	17,157	17,101	16,854	17,026	6,481
Eviction Filing Rate	14.35%	14.30%	14.09%	14.24%	5.42%

Sources: Kentucky Administrative Office of the Courts; 2019 ACS 5-Year Estimates

MAP 14 LG&E Customers 'Eligible' For Disconnection

Monthly average for March-December, **2020**



Source: LG&E Responses in PSC Rate Case No. 2020-00350

increased mental and physical health impacts (Vásquez-Vera et al. 2017), and continued difficulty in accessing stable housing as a result of having a court record (Grundman and Kruger 2018).

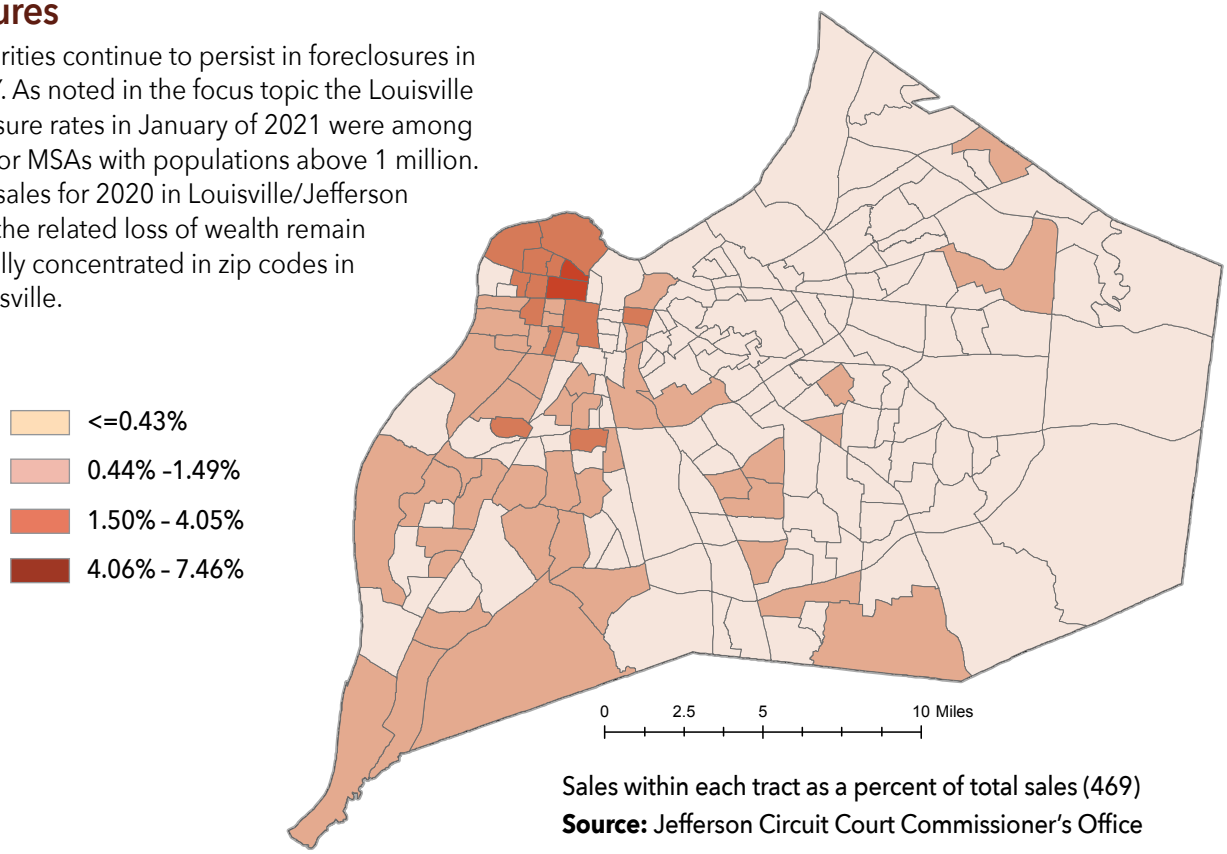
Foreclosures

Spatial disparities continue to persist in foreclosures in Louisville, KY. As noted in the focus topic the Louisville MSA foreclosure rates in January of 2021 were among the highest for MSAs with populations above 1 million. Foreclosure sales for 2020 in Louisville/Jefferson County and the related loss of wealth remain geographically concentrated in zip codes in western Louisville.

MAP 15

Distribution of Foreclosure Sales (2020)

By Census Tract–Louisville/Jefferson County



Sales within each tract as a percent of total sales (469)

Source: Jefferson Circuit Court Commissioner's Office

MHC RECOMMENDS

At a time when so many individuals and families are facing extreme housing insecurity, it is more important than ever to prevent people from falling into homelessness whenever possible. The unprecedented federal investment in Emergency Rental Assistance will play a major role in preventing a homelessness crisis in Louisville and across the country. Ensuring that these interventions are as effective as possible will require investment in a robust and systematic outreach strategy that will make certain that all of those who are facing housing insecurity not only know that these relief programs exist, but also know how to access them. Moreover, it is critical that the community think strategically about how to use the wide range of new and existing federal funding sources to prevent increases in homelessness, increase housing stability, and meet public health goals. Reducing ongoing racial and ethnic disparities in economic, social and health outcomes requires that this strategy be firmly rooted in a racial justice and equity framework. There are a number of tools that can be utilized to help communities and providers implement these strategies with a racial justice and equity lens and MHC recommends that these tools be utilized at all stages of program development, from initial design to implementation to evaluation and beyond. (For an example, see The Framework for an Equitable COVID-19 Homelessness Response at https://housingequityframework.org/).

Louisville 2020 Fair Housing Ordinance

Louisville, Kentucky's Fair Housing Ordinance was successfully amended by Louisville Metro Council on November 19, 2020 and signed into law on December 9, 2020 by Louisville's Mayor Greg Fischer to include key provisions that reduce the ability of landlords to reject potential tenants (LMC 2020b). Landlords in Louisville can no longer exclude potential renters on the basis of homeless status, prior military service, or conviction and arrest history. Refusal of tenancy based on convictions are still permitted regarding non-exhaustively lifetime-registered sex offenders, violent offenders, felony arson, production of methamphetamine, and three years after a drug-related eviction from federally assisted housing. These protections went into effect as soon as the ordinance was signed. The ordinance also precludes landlords from rejecting potential tenants on the basis of 'lawful source of income' effective March 1, 2021. Lawful income non-exhaustively includes public housing assistance sources such as Section 8 vouchers, child support, social security monies, and alimony. This is in addition to previous fair housing ordinances that non-exhaustively prohibit housing discrimination based on race, religion, disability, sex, gender, and sexual orientation.

By prohibiting housing discrimination on the basis of income, specifically public housing assistance monies, Louisville becomes more aligned with the intentions of the 1968 Fair Housing Act which makes housing discrimination based on race illegal. Louisville residents who benefit from subsidized housing are disproportionately racial minorities. For instance, in 2019, LMHA reported 84 percent of the individuals living in subsidized units were Black and African American, 12 percent were White and 4 percent identified with other racial categories (HUD 2019). Housing discrimination on the basis of public assistance has therefore perpetuated racial segregation. We see this in the geographic distribution of Section 8 Housing Choice Vouchers, **Map 12, page 29** where they are concentrated in census tracts in west Louisville and south Louisville. This new ordinance has the potential to contribute to mitigating obstacles faced by many renters in choosing where they want to live. It may also increase social mobility by allowing people on public assistance to access the full local housing market instead of relegating them to the properties and landlords willing to accept public assistance and subsidies such as Section 8 Housing Choice Vouchers.

Zoning and Housing Inequality

What is zoning?

Zoning is the legal ordinance that regulates changes to the built environment. In Louisville, the zoning ordinance is known as the Land Development Code (LDC). The LDC regulates the built environment by both land use (also known as Euclidean or use-based zoning) and by the physical form of buildings (form-based code).

Zoning as a Mechanism of Exclusion

Contemporary zoning policy is one of the most significant barriers towards creating equitable cities and affordable housing, two concepts that are increasingly mentioned as goals both at the national and local level. Zoning is among the various policy mechanisms that have implicitly and explicitly excluded certain racial, ethnic, and class groups from accessing housing opportunities afforded to other groups, with Black and low-income households facing the most exclusion and White and upper-income households reaping the greatest benefits.

The origins of these exclusionary tactics are rooted in the earliest zoning ordinances that used race as a mechanism for defining where people could live (MHC 2013). Race-based zoning was declared unconstitutional in the landmark *Buchanan v. Warley* (1917) case. The zoning model that followed – Euclidean zoning – created geographic zoning districts based on permitted land uses. Within this model, single-family zoning districts were afforded exceptional legal protections that only allowed

Lauren C. Heberle

the construction of single-family housing (Hirt 2013). In addition to only allowing this one type of land use, requirements for large lots sizes limited density, increased housing costs, and excluded many renters.

Zoning policies did not function in isolation. Other racist housing policies enacted by federal agencies such as the Home Owners Loan Corporation, Federal Housing Administration, and Veterans Affairs Administration actively subsidized housing developments that primarily benefited White communities and White homeowners. Further, racist practices like restrictive covenants and deed restrictions among private actors were used to enhance and protect White property values (Rothstein 2017). Collectively, these strategies created an environment that excluded Black and low-income households from accessing affordable housing opportunities and ensured White communities were the overwhelming benefactor of post-war development subsidies, amounting to a land grab during the first half of the century that endures into the present day.

National Context: Eliminating Single-Family Zoning

The pervasiveness of single-family zoning in almost every major American city has created a scarcity of accessible land for affordable housing options, increasing the cost of development particularly in our most densely populated areas. In recent years, cities across the U.S. have begun to revisit, and in some cases eliminate, zoning classifications that only permit single-family dwellings. Minneapolis increased the minimum density per residential parcel from 1 to 3 units, essentially permitting triplexes on all lots that previously only allowed one house (Bertolet 2018). Oregon's state legislature passed a bill requiring most cities to allow duplexes on all land zoned single-family (The Oregonian 2019). Most recently, Berkeley, CA voted to begin a process that would end single-family zoning and allow multifamily housing across the city (Yelimeli 2021).

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The primary arguments underpinning the calls to eliminate single-family zoning are tied to addressing affordability by increasing the supply of housing and reversing land development patterns that have proven unsustainable (Wegmann 2020). In particular, removing the limitations of single-family zoning are intended to increase the supply of so-called "missing middle" housing, or middle density housing that ranges from duplexes to small apartment buildings (Opticos Design 2020). With 75 percent of all land in Louisville designated for single-family housing **(Map 16)**, development options that could increase density and potentially lower costs for both homeowners, renters, and developers are not currently possible without additional permitting. ***In practice, allowing more housing types in areas zoned single-family would not result in the elimination of all single-family housing. It would, however, remove the legally exceptional nature of single-family zoning that only allows single-family houses***.

Changes to the Land Development Code in Louisville/Jefferson County

In 2018, Metro Council adopted a new comprehensive plan (Plan 2040) to guide development and changes to the built environment in Louisville/Jefferson County. Plan 2040 is a policy document that outlines long-term goals and objectives, several of which call for the expansion of fair and affordable housing for the first time. In August 2020, Metro Council adopted a resolution supporting a review of the Land Development Code (LDC) – the legal ordinance, informed by the Comprehensive Plan, which regulates the built environment and specifies requirements for zoning, form districts, land use, building and site design, transportation, landscaping, and signage. The LDC review is specifically focused on making recommendations for more equitable and inclusive development (LMC 2020a).

Planning staff hosted a series of listening sessions and workshops during fall 2020 to provide information about the LDC reform process and solicit input from

residents. Recommendations were published in January 2021 and include three phases of implementation over at least two years (Louisville Metro Planning and Design 2020).

What types of outcomes might be expected from zoning reforms?

Removing this excessive regulation would benefit housing developers who could access previously restricted land to develop more types of housing such as duplexes, triplexes, and quadplexes that can be found today in older neighborhoods within the city. Homeowners within single-family zoned areas would have the opportunity to subdivide their homes to gradually increase density if they so desire or build Accessory Dwelling Units (ADUs) to make better use of underutilized land within their property. Overall, increasing density could help lower automobile dependency and associated carbon emissions (Ewing, Bartholomew, Winkelman, Walters, and Chen 2007).

In theory, reduced regulations to allow denser types of housing development should increase affordability and overall housing construction. However, research studying recent zoning reform in Chicago that increased density and reduced parking requirements found housing prices rose over the short-term and no evidence of greater housing supply (Freemark 2020). These findings suggest that if greater housing affordability is an intended outcome from zoning changes, *explicit requirements to include affordable units in new developments would be necessary*. To achieve broader affordable housing goals, zoning reform needs to be combined with other tools that explicitly address affordability, such as rent control, land trusts, and inclusionary zoning.

Assuring that the benefits of increased density are equitably distributed requires explicit policies to incentivize or require this outcome. Inclusionary Zoning programs tie the development of affordable housing to the development of market-rate housing. This is done by requiring or incentivizing a certain percentage of units in any new development to be affordable to households within a certain income range. Including such a requirement guarantees that the benefits of new

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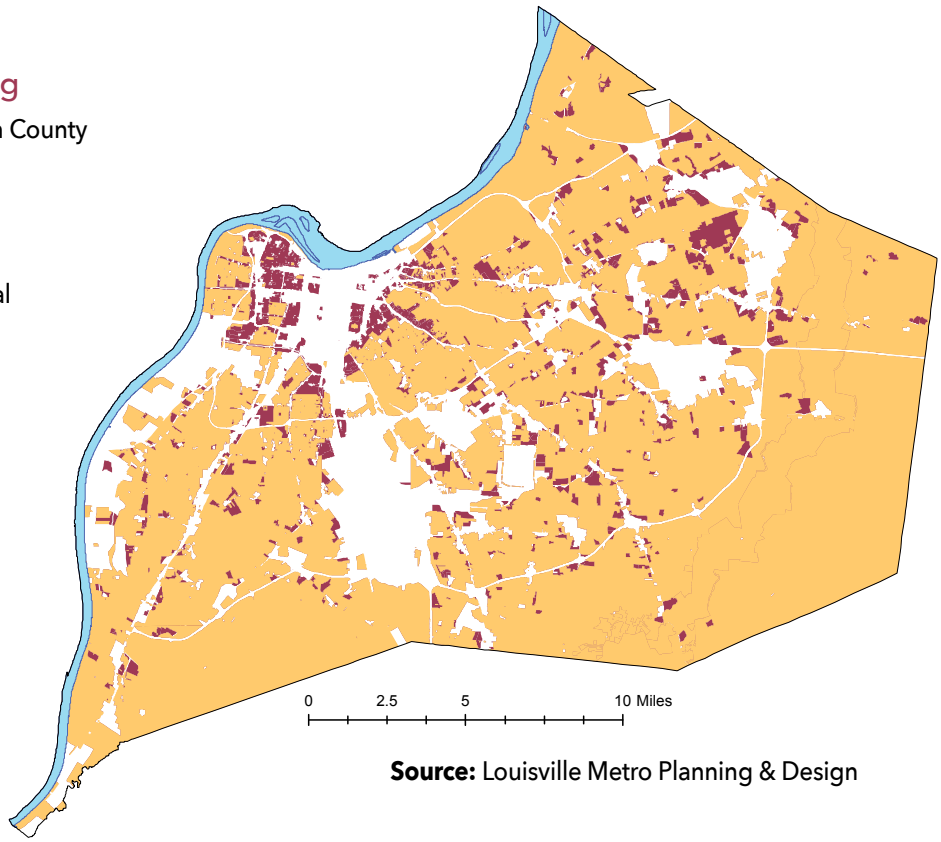
MAP 16 Single-Family Zoning

Nearly three-quarters of land in Jefferson County is zoned for single-family residential use.



Source: Louisville Metro Planning & Design

development are made accessible to households along a range of incomes. Inclusionary zoning programs have been shown to improve neighborhood racial and economic integration, allowing the benefits of denser neighborhoods to be enjoyed by a more households (Kontokosta 2014).

Map 16 highlights the area of land that is zoned single family in Louisville/Jefferson County and the resulting limitation of land available for building affordable multi-family housing.

Active Lawsuits

Redfin Housing Discrimination Case

National Fair Housing Alliance, along with 9 other organizations, sued Redfin, a Seattle based national brokerage firm that primarily operates online, on October 28, 2020 for alleged discriminatory housing practices that perpetuate residential segregation in Louisville, KY and 9 other areas: Baltimore, Chicago, Detroit, Kansas City, Essex County, Philadelphia, City of Memphis and Shelby County, and Milwaukee and Waukesha Counties (Graham 2020). A two-year investigation found that Redfin's alleged arbitrary minimum house listing price policy, which sets the minimum listing price required for a house to qualify for their services, disqualified the majority of homes from their real estate services in 70 percent or more minority populated neighborhoods while the majority of homes in 70 percent or more White populated neighborhoods qualified for services. One example shows that on one day in November 2018 in Louisville, Kentucky, only 108 houses were listed in minority populated neighborhoods and none of those houses qualified for their best available services. This case is still pending and if successful has the potential to address a clear form of structural racism that continues to create obstacles for Black and other marginalized households from accumulating wealth.

Prospect Cove

On October 26, 2017, Louisville Metro Council rejected the rezoning application of the Prospect Cove development, a development proposed for low-income residents ages 55 and older (LMC 2017). The application had been approved by the Louisville's Planning Commission. Metro Council's reasoning for the rejection received pushback from the developer, LDG Multifamily LLC, who claimed the facts were false. LDG filed a lawsuit against Metro Council on November 27, 2017 claiming that the decision was discriminatory on the basis of race violating the federal Fair Housing Act and the constitutional equal protection clause. According to the

Kentucky Courts, the next court date regarding the lawsuit is a pretrial conference scheduled for April 4, 2021 (KCOJ 2021). The Department of Justice's Civil Rights Division was reported to be conducting an investigation into the decision in February 2018, but they have yet to publish any findings (Bailey 2018). In the meantime, a new proposal from the same developers for a 164-unit development, of which 100 units would be affordable family housing, was proposed in July 2019 (Ladd 2019). Both projects continue to be listed as part of LMHAs replacement units in their agreement for one-for-one replacement of Beecher Terrace.

Russell Neighborhood/Beecher Terrace Update

Here we provide an update on housing redevelopment that is part of the Choice Neighborhood Grant focused on redeveloping the Beecher Terrace public housing project that is jointly led by the Louisville Metropolitan Housing Authority (LMHA) and Louisville Metropolitan Government (LMG). There are other important efforts focused on building wealth and neighborhood capacity in Russell such the Russell Place of Promise that are not included in this year's update but will be in subsequent reports. These efforts, along with others in Louisville, KY and elsewhere in the U.S., that claim to address vacant properties and historical disinvestment in predominantly Black/African American neighborhoods have rightfully come under increased scrutiny. Redevelopment efforts are often implemented in ways that exacerbate involuntary displacement of current residents and increase over-policing in those neighborhoods. When these initiatives and redevelopment strategies are combined uncritically with practices that perpetuate racist policing, such as Louisville Metro Police Department's (LMPD) Place Based Investigation (PBI) Unit, the outcome is lethal. An area in the Russell neighborhood was part of LMPD's PBI and directly connected to a set of warrants served that led to the killing of Breonna Taylor by LMPD officers. Therefore, maintaining attention on how redevelopment programs and initiatives operate is crucial. This requires all public and private entities to be completely transparent with the public about their activities. This year the report offers just a few key updates about the Choice Neighborhood grant work in Russell and acknowledge that it is by no means comprehensive and further analysis is warranted. Finally, like all other institutions and agencies, COVID-19 required those involved in these efforts to shift gears quickly, change daily administrative practices, and redirect funds to address immediate needs of residents and community members. The report highlights some of those efforts as well.

Beecher Terrace and Vision Russell Transformation Plan

In December of 2016, LMHA received a $29.574 million U.S. HUD Choice Neighborhood Initiative (CNI) Implementation grant. The Vision Russell Transformation Plan (LMHA 2017) includes neighborhood changes and as well as elements specific to the Beecher Terrace housing project. Those tied directly to Beecher Terrace include (1) the demolition of the Beecher Terrace public housing development, (2) relocation of existing Beecher Terrace households, and (3) creation of a "new, sustainable, walkable, and amenity-rich" Beecher Terrace (Vision Russell 2019).

The HUD Choice Neighborhood grant also funds comprehensive case management and support services for residents. These include financial literacy, savings and wealth building programs, job training and placement, higher education scholarship funds and a variety of programs designed to improve educational outcomes. Additional supports include but have not been limited to transportation assistance, emergency assistance funds, homeownership counseling, a Section 8 Homeownership program, and fitness and wellness programs.

Built in 1941, Beecher Terrace was a 31.4-acre public housing development that had 758 one, two and three bedroom housing units (LMHA 2017:1-18). There were 726 Households and 1383 Individuals Living in Beecher Terrace in 2017.

Top: Chris Harrell Bottom: Josh Mauser / Kertis Creative

Demolition and remediation of Beecher Terrace residential units began in fall of 2017 and was completed by the end of 2019. New construction of the on-site units is expected to be completed by September of 2023. The redevelopment efforts are guided by the Vision Russell Transformation Plan (LMHA 2017).

The following are select statistics and program goals for Vision Russell reported by LMHA to HUD on a quarterly basis. LMHA gets updates from McCormack Baron Salazar (MBS), the primary developer of the new Beecher Terrace and Urban Strategies, the nonprofit arm of MBS, is responsible for providing and tracking case-management for the original Beecher Terrace residents. The information below focuses solely on the housing status of the original households. Future reports will follow the support services families received as part of the grant efforts.

Households Moved in Phases

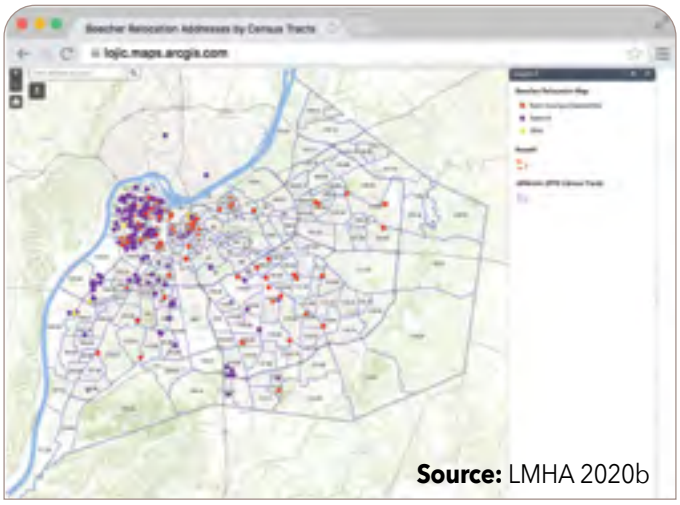
A total of 571 households experienced their first move from Beecher Terrace by October 2019. A total of 543 families received relocation assistance for their first move. These families' housing relocation choices included:

Parkway Place	31
High Rises	56
Beecher Terrace	1
Scattered Sites	168
Section 8	219
Privately Managed	38
Market Rate	3
Temple Spears	20
Purchased Home	2
Moved (No Relocation Assistance)	28
*Other	5
TOTAL	**571**

Source: LMHA 2021
*Other – moved in with family, moved in with partner, moved out of town.

The geographic distribution of Beecher Terrace residents who received moving assistance from LMHA shows that they relocated to homes all over Louisville/Jefferson County but the majority remain in western and northwestern neighborhoods. LMHA will not update the map shown here to reflect subsequent moves but maintains contact with and tracks those residents who continue to receive housing assistance through the LMHA system and with those who do not but who want to return to the new development.

RELOCATION MAP Location of Original Beecher Terrace Residents Who Received Relocation Assistance, October 2019.



Source: LMHA 2020b

Involuntary Moves

From the original 726 Beecher Terrace households, 103 (14.7 percent) were labeled by LMHA as 'involuntary terminations' and further characterized as follows:

Evictions (LMHA is landlord) Total – 96
For Cause – 14
Non-Payment of Rent – 82
Termination of Housing Choice Voucher (private landlord) Total – 2
Eviction – 1
Unauthorized Person in Unit – 1

> As of March 2021, there have not been any evictions by LMHA since the end of December 2019.

There is an on-going issue with how some portion of evictions by LMHA are initiated. Whenever a tenant leaves a unit that LMHA manages without turning in their keys, LMHA goes through the formal eviction process to legally enter the apartment, re-key it, clean, dispose of any abandoned items, and prepare it for a new tenant. This response can have long-term negative consequences, particularly for tenants who simply did not turn in their keys. However, LMHA follows this process to document legal entry into vacated units. It is unclear how many of the evictions are initiated by LMHA for this reason. Distinguishing the reasons for the 'involuntary termination' would LMHA with information they could use to better

LMHA's ACOP

LMHA's Admissions and Continued Occupancy Policy (ACOP) was last updated January 19, 2021. It contains all regulations associated with determining and maintaining eligibility for subsidized housing. It is available for review here: *http://bit.ly/3tWGkiMLMHAACOP*

target eviction prevention strategies. It also could allow them to assist those who left without notice or simply did not return their keys, to determine a path to return to the new development or other housing option should they desire to do so.

Following Households, Individuals, and Outcomes

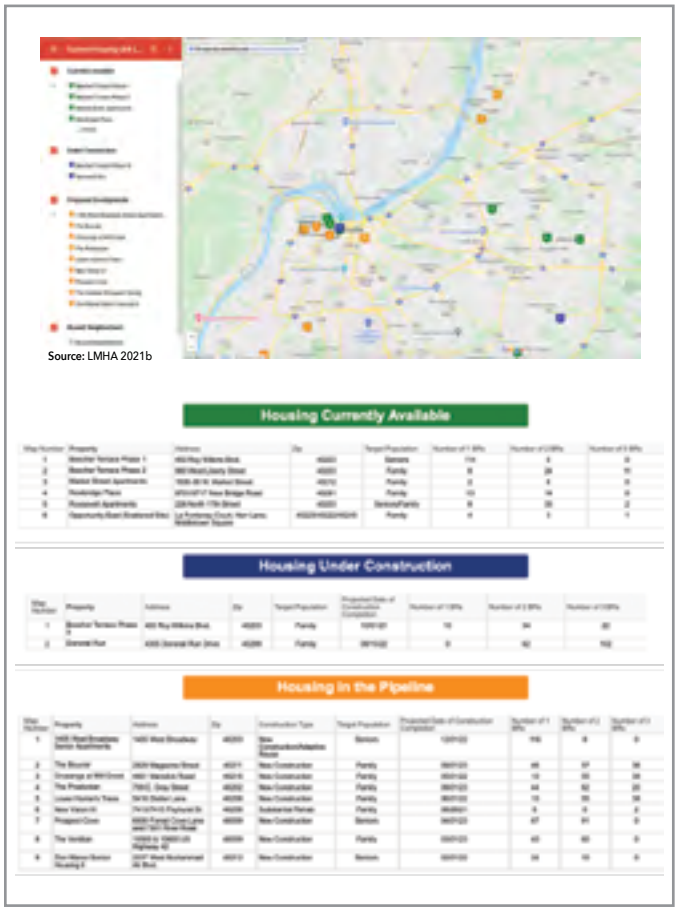
The total number of Beecher Terrace households and individuals tracked by LMHA for case management changes as the population changes. The number of original Beecher residents LMHA followed at the start of the grant was 1,383. That number declined to 1,297 individuals (568 households) by October 2019, and by February of 2021, there were 841 individuals characterized as 'target' residents, eligible for case management (LMHA 2021). The changes in the number of individuals and households who are tracked in LMHA's reporting system are the result of deaths, 'involuntary terminations,' and other moves. As noted above, this number however is not the total number of original Beecher Terrace residents with whom LMHA stays in contact. There are additional families and individuals who are not part of the case management components of the grant but are eligible to return to the new on-site units and other off-site units that will be designated as part of the one-for-one replacements. In April 2020, LMHA had addresses for 609 of the original 726 original Beecher Terrace households, or 80 percent.

It will be difficult to know the long-term outcomes for those who left the LMHA system through eviction or moves to the private market. Furthermore, it is not clear whether LMHA will be able to follow those former Beecher Terrace residents who opt to use Section 8 Vouchers and are evicted by future landlords unless they move into Section 8 Project Based locations where LMHA has some influence on the information managers report to LMHA. Urban Strategies will need to continue to provide eviction prevention counseling and maintain their records in a manner that corresponds accurately with LMHA's records.

Redevelopment Activities

Replacement Units within and External to Russell

LMHA has plans for 758 replacement units. The original plan included 316 on-site replacement units and 442 off-site. The housing plan also includes market rate units (172 on-site and 229 off-site), Low Income Housing Tax Credit units (132 on-site and 223 off-site), and 20 units for sale on-site. Important to note here is that the off-site replacement units are not all 'new build' and therefore could put additional pressure on the current rental market that does not accommodate existing housing needs, especially those below 30 percent of Area Median Income.



Source: LMHA 2021b

LMHA has established a website with a map and description of units that are available for applications, under-construction, and in the pipeline see: *http://bit.ly/3ddsEcLBeecher*.

As of March 15, 2021, there were 208 available units in the Russell Neighborhood with the remainder located across the county.

Demolition of the for public housing units is funded through allocations from LMG's Community Development Block Grant. As of March 2021, 664 housing units have been demolished (LMHA 2021a). Phase III of remaining demolition is scheduled to continue in FY2021.

Construction of housing began in April 2019 when LMHA broke ground on the first new residential building at 9th Street and West Liberty as part of the Phase 1 construction plan. The first residential building is complete and includes 117 energy-efficient one- and two-bedroom apartments for seniors age 55 and older.

Reoccupancy As of January 6, 2021, there were 251 Original Beecher Terrace households on the waiting list for replacement housing. LMHA continues to reach out to 380 former Beecher Terrace residents who have not applied for either on-site or off-site replacement units.

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By the end of 2020, 29 original Beecher Terrace households had submitted full applications to live in the newly completed senior housing in the 450 Roy Wilkins Building. As of March 1, more applications were submitted, 11 have moved in and another 22 were in the process of completing leases and moving in.

Presently, residents can contact LMHA to get on the waiting list for new on-site units. However, there remains no centralized application list for residents interested in moving to the off-site units, meaning they must navigate the individualized application requirements at each site. Furthermore, the ability of all former Beecher Terrace households who wish to return to do so will be constrained by their capacity to remain 'lease compliant' during the transition.

It is likely that the Choice Neighborhood Grant redevelopment effort in Russell and throughout the city will continue to put pressure on Louisville/Jefferson County's affordable rental market. LMHA granted a total of 9,512 Section 8 (housing choice and project-based) rent subsidies in 2020 **(see page 29)**. This is down from 14,501 reported in 2018 (MHC 2018). This suggests that LMHA is not improving its capacity to respond to existing, let alone any increase in, demand for Section 8 vouchers specifically as LMHA relocates former Beecher Terrace residents into existing units using a limited supply of Section 8 housing choice vouchers or into a geographically limited number of new project-based Section 8 Vouchers.

LMHA COVID-19 AGENCY RESPONSES (selected examples)

WORK AND SAFETY: Like any other employer and service provider LMHA shifted staff and administrators to remote work and communication with residents to phone, email, and mail. Access to public and common areas had to be restricted, new cleaning protocols were implemented, and the agency developed creative solutions for obtaining personal protective equipment and supplies. For example, they hired two former Beecher Terrace residents to make masks. LMHA distributed PPE and supplies to public housing residents and voucher recipients.

TESTING AND VACCINES: COVID-19 testing was implemented in coordination with local health partners for all public housing residents and staff. LMHA is actively working to get COVID-19 vaccinations to residents and LMHA staff in partnership with UofL Health.

RENT AND UTILITIES: A limitation in the assistance made available through CARES Act prohibited LMHA from using any funds they received towards past-due rent. LMHA identified alternate funds to pay for one month of rent for all public housing residents during 2020. In addition, LMHA assigned a staff member to focus on eviction prevention for all public housing residents. This staff member works directly with residents, property management staff, social service providers, and internal LMHA departments to identify and assist residents who have fallen behind in rent or are in danger of falling behind, develop solutions, access to resources, and if needed payment plan agreements. LMHA assisted residents with utility payments with $89,453 from LIHEAP program funds between March 2020 and December 2020.

Louisville/Jefferson County Eviction Data Limitations

The data collected by courts across the country that account for who is being evicted and who is evicting are inconsistent and often difficult to access. The data for Jefferson County have been made available as part of ongoing efforts by Louisville Metro Government, community housing advocates, and community researchers who are working to make current eviction practices transparent, so that they can be challenged. The most recent analysis of these data comes from community researchers with the Louisville Eviction Lab and the Root Cause Research Center, who advocate for a "radical reimagining of a Kentucky where we question the violent and extractive nature of rent, begin to see property as a form of theft and build a base campaign for #ZeroEvictions during a global pandemic" (Shaw et al. 2021).

The Jefferson County Administrative Office of the Courts (AOC) shared eviction data with the report authors under the Memorandum of Understanding executed between the AOC and Louisville Metro Government. The dataset includes the following information: filing date, disposition date, case number, defendant name, defendant address, case disposition, eviction notice, eviction warrant, and whether the judgment was in favor or the defendant or plaintiff. Information on the plaintiffs (i.e., the landlords) was not shared with the report authors. Sealed cases are not included in the dataset. The full dataset contains 84,789 cases from 2015 through 2020. The analysis in this report includes cases from 2018 through 2020 (40,361). The spatial analyses **(Maps 1 and 2, page 14)** show 16,670 cases filed in 2019 and 6,376 cases filed in 2020 (Jan 1 through November 30, the last day of available data). This report includes an additional analysis of a subset of the 2020 filings – the 2,909 cases filed between March 26 (the day after the executive order freezing evictions) and November 30. A total of 461 cases could not be geocoded and were not included in the spatial analysis, which is roughly 2 percent of the 2019-20 cases.

The rate of eviction was calculated by dividing each tract's total filings by the latest figure on rented housing units from the U.S. Census' 2019 American Community Survey Five-Year estimates. Map classes were created using the Jenks Natural Breaks classification method, resulting in different classes between comparison Maps 1 and 2. Different classes for these maps are primarily due to the dramatic decline in filings during 2020. Also with the eviction maps, some tracts, especially in eastern Jefferson County, have very few renters compared with the urban core, which can lead to a high rate that reflects a small number of eviction filings.

There are limitations and inaccuracies specific to this dataset, as is also the case with other administrative eviction datasets (Porton et. al. 2020). Between 2018 and 2020, the dataset includes 75 opaque cases where the disposition was a 'judgment court trial,' yet the data did not indicate whether the judgment was in favor of the plaintiff or the defendant. Additionally, the disposition for 137 cases is marked as 'other', and the AOC does not provide any additional explanation as to the meaning of this disposition coding. There are 105 cases where the outcome is 'dismissed,' yet the case also possesses an associated eviction warrant. These cases were included when calculating warrant rates.

Finally, only five cases from 2018-2020 are coded as 'default judgment.' This is almost certainly representative of incorrect record keeping. Default judgments in favor of the landlord are issued when a tenant does not appear in court for their eviction hearing. It is well established in the empirical literature that many tenants do not appear in eviction court for a variety of reasons (e.g. inadequate or nonexistent notice about the eviction hearing, work or childcare conflicts, lack of transportation, choosing to vacate prior to court hearing) (Larson 2006). Observers in eviction court confirm that default judgments continued to occur during 2020, despite none being recorded in the AOC data, including after the Jefferson County Eviction Diversion Pilot Project that required a 14-day waiting period after the initial hearing (Supreme Court of Kentucky 2020-62). **Greater transparency from the AOC regarding this data issue with default judgments is essential, as this information is needed to shape appropriate policy responses.** LMG and the AOC are currently collaborating to improve eviction data access, although whether this will address record-keeping and data accuracy from the AOC remains an open question.

This data issue is even more urgent in the context of the pandemic, when eviction court proceedings were moved to a virtual platform creating additional technological barriers for renters facing eviction. In January 2021, tenants were not notified when the Courts changed the information for accessing the virtual proceedings (Wolf 2021). As the data are currently recorded, it is not possible to determine whether this change resulted in an influx of default judgment cases against tenants who did not show up for their hearing because they possessed inaccurate information about how to attend the hearing.

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ACKNOWLEDGEMENTS

The 2020-2021 State of Metropolitan Housing Report is a product of the Center for Environmental Policy and Management (CEPM) at the University of Louisville in collaboration with the Metropolitan Housing Coalition. The report was authored by Dr. Lauren C. Heberle, Associate Professor, Sociology and Director, CEPM; Rebecca Halpryn, Sociology Doctoral Student; and Dr. Kelly L. Kinahan, Assistant Professor, Urban and Public Affairs. Mark R. Long, Urban and Public Affairs Masters Student, produced the maps and associated text. Robert Monsma, Urban and Public Affairs Masters Student, assisted with the content for "Zoning and Housing Inequality" and Dr. Jamar M. Wheeler, Principal, Kiaspo (http://kiaspo.com/about) provided content review and editing support.

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