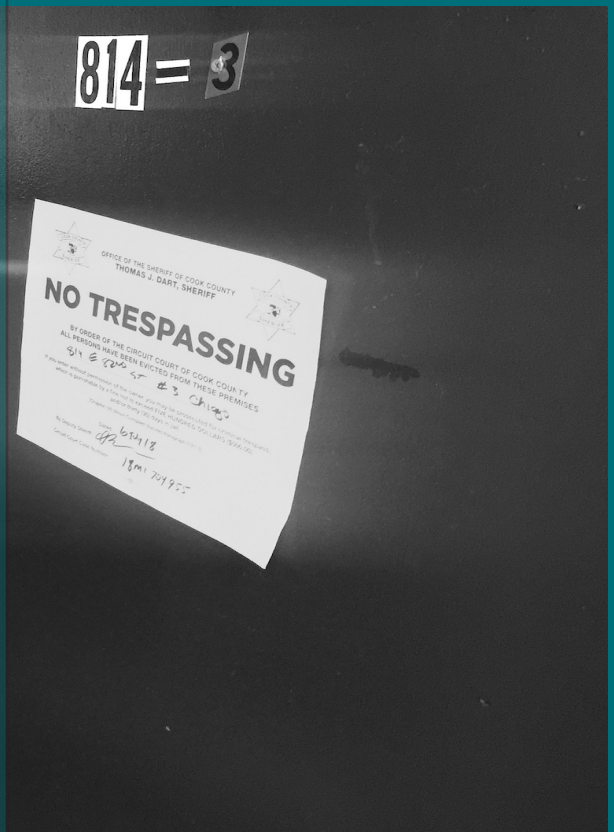


OPENING THE DOOR ON CHICAGO EVICTIONS

Chicago's Ongoing Crisis



Security guard DJ, 61, lived in her apartment in Chatham with her longtime boyfriend for 10 years. This past November, her boyfriend died suddenly, and when the landlord learned that he had passed away, he told DJ to vacate the unit because she wasn't a "real tenant," despite the fact that she was paying rent.

DJ could not afford to move right away, but she was making preparations to find a place she could afford. "I had called the shelter and had an interview for a second job," she says. But one fall morning she put on a light jacket and went out to the store. When she returned, a padlock was on her apartment door—an illegal eviction.

"Everything was going in my favor, and then when he locked me out, everything went downhill," she says. She stayed with friends and family until the landlord returned her calls on December 29th. He called to demand she remove her personal property or else he would throw it in the alley.

When she got to the apartment to gather her things, Jackson found the landlord had begun rehab, moving the appliances and placing her personal property in a pile in one room. She refused to leave. Called to the scene, Chicago police informed the landlord he had illegally evicted DJ.

In January he filed for eviction, and at her first court date, a judge told DJ that she could have a week's continuance to get an attorney. She was referred by the help desk in the Daley Center to Lawyers' Committee for Better Housing. Her attorney there, Jonathon Raffensperger, successfully settled her case, requiring the landlord to make necessary repairs, buying DJ time to find a new place to live, and sealing her case so it would not affect DJ's ability to find new housing.

This is the first of three reports that are available along with eviction data by community area and aldermanic ward on the Chicago Evictions data portal at <http://eviction.lcbh.org>.



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Photo by Erick Johnson, courtesy of Chicago Crusader newspaper

WHAT THE DATA SHOW

Between 2010 and 2017, Chicago saw an average of more than 23,000 eviction filings per year, or just over 3.9 eviction filings per 100 rental units. Put in human terms, about 1 in 25 Chicago renters and their families faced eviction each year. In the last two years (2016-2017), eviction filings have decreased by about 20%, a decline partially attributable to the drop in foreclosure-related evictions stemming from the subprime mortgage crisis.

About 60% of cases ended in eviction orders. An eviction order allows the landlord to have the tenant forcibly removed by the sheriff if the tenant has not moved out by a specified date. The data show little year-over-year fluctuation from this average rate of 60% in cases ending in eviction orders, even with the recent declines in eviction filings. Small differences though were present across Chicago's Community Areas.

There were troubling disparities in eviction filing rates when comparing Chicago Community Areas by racial composition, in particular in majority Black Community Areas. Disparities were much less pronounced for case outcomes. This suggests that racial segregation likely plays a larger role in eviction filings than eviction orders.

Analysis is based on Lawyers' Committee for Better Housing's (LCBH) review of Chicago residential eviction court records of cases filed during the calendar years of 2010-2017 in the Circuit Court of Cook County. Race and rental unit data come from American Community Survey 5-year estimates. The data, along with additional analysis and methods, can be accessed on the Chicago Evictions data portal at <http://eviction.lcbh.org>.

DISCUSSION

There has been a groundswell of interest in eviction as a driving force behind the cycle of poverty, due in large part to the 2016 publication of the Pulitzer Prize-winning book *Evicted: Poverty and Profit in the American City* by Matthew Desmond. While this has led to new reporting, research showing the full range of impacts of eviction on renters remains limited. As Desmond noted in 2015, "Research on the consequences of forced displacement is still in its infancy. Even as eviction has become commonplace in poor urban neighborhoods, social scientists know remarkably little about its ramifications for children, families, and communities."¹

CHICAGO'S EVICTION CRISIS

Eviction cases typically resulted in tenants losing their homes: 60% of cases ended with an eviction order. Most tenants receiving eviction orders moved out or were forced out by the sheriff. 40% of cases did not end in eviction orders, but this did not mean tenants got to stay. The outcomes in these cases were primarily dismissals—with no judgment in either party's favor—though a small number (0.3%) of cases ended with judgments in tenants' favor. In our experience, in most dismissals tenants avoided eviction orders by moving out "voluntarily" before their court date, or as required by a settlement agreement with their landlord.

The effects of being evicted go far beyond simply losing an apartment. The displacement and instability caused by the eviction process can, among other things, exacerbate physical and mental

health issues, disrupt children's educations, impact job performance, and ultimately lead to illness, unemployment, and homelessness.²

Generally, landlords file evictions for non-payment of rent, other lease violations, or because tenants held-over after the lease ended. Hold-overs often occur when tenants are provided little time to find and move into new housing, because landlords can terminate tenancies with as little as 30 days' notice. An eviction case may only be filed with the court after a landlord provides notice to the tenant and the tenant does not vacate the rental unit by the date specified in the notice. Chicago saw an average of more than 23,000 eviction filings per year between 2010 and 2017.

Relying on eviction court records alone substantially underreports the number of forced displacements. Court records only provide information on formal evictions. No information is available about the untold number of informal and constructive evictions that occur due to illegal lockouts, denial of essential services, refusal to perform maintenance or repairs, intimidation, unconscionable rent increases, and coercive "cash for keys" deals. Many other renters are displaced by the city itself in Chicago's building courts, when rental properties are condemned and vacated due to negligent landlords.

Levels of displacement that were universally recognized as unacceptable for homeowners are routinely ignored in the context of renters and eviction. A decade ago, during the subprime mortgage crisis, millions of people lost their homes to foreclosure. At the peak of the crisis, the foreclosure filing rate in the Chicago metro area rose to 3.1% of all residential properties.³ The federal government reacted with unprecedented financial bailout and stimulus packages well in excess of one trillion dollars to address this housing crisis. Between 2010 and 2017, Chicago's eviction filing rate averaged 3.9%, but little attention has been paid to this chronic problem. This disparate treatment is unjust: renters no less than homeowners deserve a decisive response to high rates of dispossession.

RECENT DECLINES IN EVICTION FILINGS

The data show that, in 2016 and 2017, eviction filings declined by about 20%. A portion of this observed decline can likely be attributed to the end of the subprime mortgage crisis, but there may also be other factors at play.

LCBH's reporting on the foreclosure crisis showed that nearly 1 in 10 rental units were impacted by foreclosure.⁴ Mortgage lenders that took title to rental properties through the foreclosure process evicted large numbers of renters. In 2012, LCBH estimated that at least 10% of eviction cases were filed as a result of foreclosure.⁵ Foreclosure filings only returned to their pre-crisis levels around 2014, and evictions are not typically filed until the foreclosure case is concluded.⁶ Given the length of the foreclosure process and the volume of foreclosure cases working their way through the courts, it seems reasonable to attribute part of the recent decline in eviction filings to the lagging effect of the end of the foreclosure crisis.

Other factors may be contributing to a reduction in Chicago eviction filings. Chicago's minimum wage has been increasing incrementally since 2014. Chicago's population has also been declining over the past four years, with a particularly notable decline in African American residents who, as will be discussed below, are a population especially at risk of eviction.⁷ In an article on eviction declines in DC, researchers there noted that less affordable housing and loss of low-income residents may be factors: "eviction filings may be lower if the number of households at risk of eviction has gone down—that is, if low-income renters have already been displaced." DC advocates also suggest move-out agreements ("cash for keys") may be on the rise, as high demand for affordable rentals may make the formal eviction process less desirable for landlords, a concern shared by LCBH.⁸

It remains to be seen whether the observed decline in eviction filings is simply a reversion to the mean after the disruption of the subprime mortgage crisis, or part of an ongoing trend, and why.

RACIAL DISPARITIES

Our brief discussion of disparities looks at data from the US Census Bureau to make some inferences based on the composition of Chicago's Community Areas. Court records don't provide any demographic information and we haven't conducted any surveys, interviews, or court monitoring in tandem with this report.

Most troubling, we found landlords filed for evictions at substantially higher rates in majority Black Community Areas than in other parts of the city. In 2010, 16 of the 19 (84%) Community Areas with filing rates over 50% of the citywide rate of 4.1% were majority Black areas. In 2017, it rose to 23 of 25 (92%) areas when the citywide rate was much lower at 3.1%.

Only for African Americans was there a positive correlation when comparing Community Area eviction filing rates and population percentages. In 2010, for every 10 percent increase in African American share of the population, the eviction filing rate increased by 0.36 (13%). But with White, Latinx, or Asian population increases at the same rates, eviction filing rates decreased. In 2017, the increase for African Americans was 0.41 (23%).

The table below provides a simple comparison of 2010 and 2017 data by Community Areas that are majority White, Black, and Latinx.

Majority Race (over 50% of total population)	Number of Community Areas		Eviction Filing Rate (filings per 100 rental units)		% of Cases Ending in Eviction Orders	
	2010	2017	2010	2017	2010	2017
White	20	19	2.5%	1.4%	55%	53%
Black	30	28	6.6%	6.2%	62%	60%
Latinx	16	17	3.0%	2.7%	61%	62%
Citywide	77	77	4.1%	3.1%	60%	59%

One Community Area that had a majority Asian population and the others that did not have a majority race are not included in our brief discussion below. Data on race were obtained from American Community Survey 5-year estimates. The 2006-2010 estimates were used as a proxy for 2010 and the 2013-2017 estimates were used for 2017. Eviction cases are aggregated by the year in which they are filed.

These data show that majority Black areas had eviction filing rates two to four times higher than majority Latinx or White areas. They also show that eviction filing rates in majority Black and Latinx areas have not declined in recent years to the same extent as rates for majority White areas or across the city as a whole.

Differences in the rate of cases ending in eviction orders were much less pronounced. At about 60%, this rate has been fairly constant over time citywide, with only slight differences (+/-10%) across most Community Areas. While not conclusive, this suggests that to the extent race is a factor, it plays a much larger role in determining who gets summoned to eviction court, rather than who receives an eviction order.

These observed disparities have fair housing implications that require further study. We have barely scratched the surface in understanding racial disparities in eviction rates. Much more research is needed to understand the effects of and interplay between race, poverty, place, presence of children, gender, age, and disability on rates of eviction.

In 1996, LCBH found that approximately 72% of all tenants appearing in eviction court were African American, 62% were women, and African American women accounted for almost half (49%) of all tenants appearing in court.⁹ We have no reason to believe that those numbers have meaningfully changed in the intervening years. Researchers have also shown that having children “significantly increases the odds of receiving an eviction judgment.”¹⁰

African Americans, women, and families with children face disproportionate rates of evictions. The fair housing implications of these disparate impacts by race, gender, and familial status must be further researched. We must also develop the necessary legal strategies to remedy these fair housing concerns. As Matthew Desmond observed in “Evicting Children,” an article from 2013: “Policymakers interested in identifying and sanctioning discrimination ... should focus not only on the front end of the housing process—the freedom to *obtain* housing anywhere—but also on the back end: the freedom to *maintain* housing anywhere.”¹¹

The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving Community Development Block Grants to conduct an analysis of impediments to fair housing choice (an “AI”) and then take appropriate actions to overcome the effects of those impediments.¹² “Policies, practices, or procedures that appear neutral on their face but which operate to deny or adversely affect the provision of housing to persons of a particular race, color, religion, sex, disability, familial status, or national origin may constitute such impediments.”¹³

While Chicago’s 2016 analysis of impediments acknowledged that eviction filings may play a role as an impediment to fair housing, it does not analyze how the entire eviction process creates an impediment to housing.¹⁴ But there is an opportunity through the analysis of impediments process to examine the effects of eviction and recommend remedial actions. “Although the City itself might not undertake discriminatory housing practices and programs, it should recognize that it cannot take a passive approach to addressing conditions that result in segregative housing patterns but must instead take action to correct distortions in the housing market that prevent free housing choice.”¹⁵

RECOMMENDATIONS

- 1. The recently launched Regional Assessment of Fair Housing process, which includes Cook County and the city of Chicago, should include as part of its analysis a review of eviction as an impediment to fair housing.** Appropriate actions should be proposed to overcome the effects based on race, gender, and familial status in order to Affirmatively Further Fair Housing (AFFH).
- 2. Resources should be marshalled to areas where eviction filings are higher than the citywide average to prevent evictions.** Community-based programs should be funded to intervene earlier in landlord-tenant disputes prior to an eviction filing to educate tenants on their rights and responsibilities, assist with the creation of tenant unions, and empower tenants to communicate with landlords about conditions and other problems to avoid eviction.
- 3. Chicago laws, such as a Proactive Rental Inspection (PRI) and Just Cause or Good Cause for Eviction Ordinance should be implemented to prevent evictions.** Chicago should implement a Proactive Rental Inspection (PRI) approach rather than the complaint-driven one currently employed. This would insure safe and habitable rental units for all of Chicago's renters, and reduce evictions by not requiring tenants to risk retaliation when complaining to the city about conditions problems. Conditions and maintenance issues are often at the root of landlord-tenant disputes. This ordinance would prevent unwarranted, no-fault evictions against tenants that are current on their rent and have not committed any serious lease violations and, thereby, engender in landlords and tenants a long-term interest in the well-being of their neighborhoods.
- 4. Eviction cases should only become available to the public after they result in an eviction order or other judgment against the tenant.** As discussed in LCBH's report with Housing Action Illinois, Prejudged, the state should amend the Illinois Eviction Act to seal eviction case records at the point of filing. Such a law would protect tenants whose cases could eventually be sealed from ever having the case appear in the public record or who are being evicted through no fault of their own.¹⁶

ENDNOTES

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About Lawyers' Committee for Better Housing

Lawyers' Committee for Better Housing (LCBH) is the only legal aid agency in the Chicago area that advocates solely for renters. LCBH represents low- and moderate-income renters. LCBH prevents wrongful eviction, and combats sub-standard living conditions so renters have a safe and decent place to live. LCBH provides free, comprehensive legal representation so that renters have a trusted advocate in court. LCBH programs holistically address both the short-term housing crisis and its underlying causes by combining legal services with education, outreach, supportive services, and policy initiatives, so families can move from a path to homelessness to one of safe and stable housing.

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**Lawyers' Committee
for Better Housing**