

CHARLOTTE-MECKLENBURG EVICTED BOOK CLUB STUDY GUIDE

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ABOUT THE STUDY GUIDE

This study guide is intended to be used by book clubs in Charlotte-Mecklenburg reading the book *Evicted: Poverty and Profit in the American City* by Matthew Desmond.

The study guide provides:

- Discussion questions that place issues in the book within a local context
- Resources to learn more and get involved
- Local data and policy on housing instability and evictions
- Guided reading questions and definitions

HOW TO USE THE STUDY GUIDE

The study guide is organized into the following parts. You can access each part separately or as one full document. Each part begins with a summary and instructions for how to use it.

PART 1: **About Evicted**

PART 2: **Guided Reading Questions for Book Club Participants**

PART 3: **Leader's Guide for the Book Club Discussion**

PART 4: **Book Club Discussion Questions**

PART 5: **So What Next? How to Learn More and Get Involved**

PART 6: **Charlotte-Mecklenburg Local Data Handout**

PART 7: **Charlotte-Mecklenburg Local Policy Handout**

PART 8: **Important Definitions**

STUDY GUIDE CONTRIBUTORS

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PART 1: ABOUT *EVICTED*

This section provides a summary of the book Evicted: Poverty and Profit in the American City.

SUMMARY OF THE BOOK

In *Evicted*, Princeton sociologist and 2015 MacArthur “Genius” Award winner Matthew Desmond “follows eight families in Milwaukee as they struggle to keep a roof over their heads. *Evicted* transforms the reader’s understanding of poverty and economic exploitation while providing fresh ideas for solving one of 21st-century America’s most devastating problems. Its unforgettable scenes of hope and loss remind us of the centrality of home, without which nothing else is possible¹.” Based upon years of embedded fieldwork, “Matthew Desmond takes readers into the poorest neighborhoods of Milwaukee, where families spend most of their income on housing and where eviction has become routine: a vicious cycle that deepens the country’s vast inequality”².

Readers are first introduced to Arleen Belle, a poor African American woman with two sons, Jafaris and Jori. Arleen can't afford her rent, and her landlord, Sherrena, evicts her. Arleen illegally sublets from the new tenant, Crystal, before again being evicted³. Sherrena's other tenants include Lamar, a Vietnam veteran who lost a leg in an accident; Doreen Hinkston and her four children, who live together in a small apartment; and Crystal, an unstable woman from whom Arleen briefly sublets⁴.

Desmond also introduces readers to the residents of College Mobile Home Park, a trailer park in Milwaukee. Among the residents are Scott, a drug addict and former nurse; Pam and Ned, two crack addicts expecting a baby; and Lorraine, a woman suffering from fibromyalgia. All of them are evicted by their landlord, Tobin⁵.

DESMOND’S RECOMMENDATIONS & THE ROAD AHEAD OF US

Desmond writes that solutions depend on a single question: *do we believe that the right to a decent home is part of what it means to be American?* He recommends establishing a universal voucher program which would mean that everyone below a certain income would receive a voucher. Desmond’s work also shows that any solution will be messy and require work. At its heart, Desmond’s story on evictions is really about relationships. These relationships are integral to the problems that cause evictions and perpetuate poverty. They also have the potential to be the foundation for the solutions that can bring about real change.

¹ Retrieved from <http://www.penguinrandomhouse.com/books/247816/evicted-by-matthew-desmond/9780553447453/>

² Retrieved from <http://www.penguinrandomhouse.com/books/247816/evicted-by-matthew-desmond/9780553447453/teachers-guide/>

³ This paragraph is retrieved from <https://www.enotes.com/topics/evicted-matthew-desmond>

⁴ This paragraph is retrieved from <https://www.enotes.com/topics/evicted-matthew-desmond>

⁵ This paragraph is retrieved from <https://www.enotes.com/topics/evicted-matthew-desmond>

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PART 6: CHARLOTTE-MECKLENBURG LOCAL DATA HANDOUT

HOUSING DEMAND/SHORTAGE IN CHARLOTTE-MECKLENBURG

1. Charlotte-Mecklenburg currently has a deficit of approximately 34,000 affordable housing units for people earning 60 percent or below of the Area Median Income (AMI).⁶
2. Charlotte needs 71,523 new apartments by 2030 to keep pace with demand growth due to an aging population, immigration and declining home purchases. Nationally, 4.6 million new apartments are needed by 2030.⁷
3. In Charlotte, an average of 3,913 units were built annually between 2011 and 2016. Charlotte will need to average 5,109 units per year in the coming years to meet the expected demand.⁸

CHARLOTTE-MECKLENBURG WITHIN THE UNITED STATES CONTEXT

4. Charlotte is ranked 4th out of 50 metro areas in terms of the percent increase (43percent) of apartments needed by 2030.⁹
5. Charlotte is second only to Austin, TX for the lowest share of market-rate affordable apartments among the Top 50 Metros.¹⁰

CURRENT HOUSING SITUATION IN CHARLOTTE-MECKLENBURG

6. In Charlotte, there are 61,195 rental households that have an annual income less than \$15,000. There are 117,221 households spending more than 35percent of their income on rent.

⁶ Retrieved from https://leadingonopportunity.org/wp-content/uploads/2017/03/20170320_LeadingOnOpportunity_Report.pdf

⁷ National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) Study, 2017.

⁸ National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) Study, 2017.

⁹ National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) Study, 2017.

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7. In Charlotte-Mecklenburg, the demand for 5+ Unit Apartment has been increasing since 2009. In terms of age group, the largest number of renters occurs in 25-34-year-old people whereas the largest number of homeowners occurs in 45-54-year-old people.¹¹
8. There are 20,000 apartments in Charlotte that rent for under \$800 per month, but these 20,000 dwellings constitute only 14percent of the marketplace. Among these 20,000 units, 48.3percent are rated 4 & 5 star, 37.6percent are rated 3 star, and 14.1percent are rated 1 & 2 star.¹²
9. During the 2014-15 school year, 4,388 Charlotte-Mecklenburg Schools students were homeless or faced housing instability.¹³
10. On the night of the January 2017 Point-in-Time Count, there were 1,389 emergency shelter and transitional beds dedicated to people experiencing homelessness and 1,476 people experiencing sheltered and unsheltered homelessness. This indicates that there was a capacity shortage of approximately 87 beds.¹⁴

AFFORDABILITY OF HOUSING IN CHARLOTTE-MECKLENBURG

11. Nearly half of renters and more than a quarter of homeowners in our community were cost-burdened between 2010 and 2014, meaning they spent more than 30 percent of their gross income on housing costs.¹⁵

¹¹ (Metro Multifamily Demand Overview Retrieved from https://c.ymcdn.com/sites/greatercca.site-ym.com/resource/resmgr/pdf_forms/Metro_MF_Overview_Charlotte_.pdf)

¹² Apartment Times, July/Aug 2017

¹³ Charlotte-Mecklenburg Family Homelessness Snapshot 2014-2015. Retrieved from http://www.neighborhoodindicators.org/sites/default/files/publications/Familypercent20Homeless_3_17.pdf

¹⁴ Charlotte-Mecklenburg Point-in-Time Count 2010-2017. Retrieved from <https://www.mecknc.gov/CommunitySupportServices/HomelessServices/reports/Documents/2017percent20Pointpercent20inpercent20Timepercent20Countpercent20Report.pdf>

¹⁵ 2015. UNCC. Housing Instability in Charlotte-Mecklenburg.

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TRANSPORTATION IN CHARLOTTE-MECKLENBURG

12. In Charlotte, the average non-express bus trip takes 90 minutes due to the “hub and spoke” model, which forces people to come into the Center City and then transfer back out onto other routes to get to their destination. Fewer than 20 percent of bus riders can get to their destination in one bus ride.¹⁶

EVICCTIONS IN CHARLOTTE-MECKLENBURG

13. In Mecklenburg County, there are approximately 35,000 eviction complaints filed annually. It is common for the initial eviction trials to be scheduled 30 to 120 cases per hour.¹⁷

HOUSING DEMAND/SHORTAGE IN THE UNITED STATES

14. Extremely low-income renter households face a shortage of affordable and available rental homes in every state.¹⁸

15. The housing shortage for extremely low income renters ranges from 26,300 homes in Raleigh, NC to 638,500 in New York, NY-NJ-PA metropolitan area.¹⁹

16. The shortage of affordable and available rental homes for extremely low-income and homeless households is 7.8 million nationwide.²⁰

¹⁶ The Charlotte-Mecklenburg Opportunity Task Force Report, March 2017

¹⁷ Eviction Picture in Mecklenburg County by Theodore O. Fillette

¹⁸ The Gap: A Shortage of Affordable Homes: National Low Income Housing Coalition, March 2017

¹⁹ The Gap: A Shortage of Affordable Homes: National Low Income Housing Coalition, March 2017

²⁰ The Gap: A Shortage of Affordable Homes: National Low Income Housing Coalition, March 2017

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17. The rental housing market continues to experience strong demand. A record 43.3 million households were renters in 2016, representing a 26.5percent increase since 2006 (U.S. Census Bureau, 2017b). Meanwhile, the homeownership rate dropped from 68.8percent to 63.4percent.²¹
18. Demand for rental housing will likely continue to rise. Researchers at the Joint Center for Housing Studies at Harvard predict an additional 4.7 million renter households by 2025 from household growth, even if homeownership rates stabilize.²²

CURRENT HOUSING SITUATION IN THE UNITED STATES

19. Nationwide, 51percent of the apartment stock was built before 1980, which translates into 11.7 million units that could need upgrading by 2030.²³
20. 11.4 million extremely low-income renter households accounted for 26 percent of all U.S. renter households and nearly 10percent of all households.²⁴
21. The U.S. has a shortage of 7.4 million affordable and available rental homes for extremely low income (ELI) renter households, resulting in 35 affordable and available units for every 100 ELI renter households.²⁵

²¹ Out of Reach 2017: The High Cost of Housing. National Low Income Housing Coalition

²² Out of Reach 2017: The High Cost of Housing. National Low Income Housing Coalition

²³ (National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) Joint Legislative Program)

²⁴ The Gap: A Shortage of Affordable Homes. National Low Income Housing Coalition, March 2017

²⁵ The Gap: A Shortage of Affordable Homes. National Low Income Housing Coalition, March 2017

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22. According to a study conducted by CoStar on behalf of the Urban Land Institute (ULI) Terwilliger Center for Housing, there are over 5.5 million so-called Naturally Occurring Affordable Housing²⁶ (NOAH) units around the country. Among these 5.5 million units, 22.3percent are rated 4 & 5 star, 41.5percent are rated 3 star, and 36.2percent are rated 1 & 2 star.²⁷
23. Because of the increased demand for rental housing, the rental vacancy rate in the U.S. declined from 9.8percent in the 4th quarter of 2006 to 6.9percent in the 4th quarter of 2016.²⁸

AFFORDABILITY OF HOUSING IN THE UNITED STATES

24. Of the nation's 11.4 million extremely low income (ELI) renter households, nearly 7.9 million occupy housing above their affordability range. Approximately 2.4 million ELI renter households live in rental homes not affordable to them but affordable to very low income renters, 4.1 million live in rental homes affordable to low income renters.²⁹
25. The 2017 national Housing Wage is \$21.21 per hour for a two-bedroom rental home, or more than 2.9 times higher than the federal minimum wage of \$7.25 per hour. The 2017 Housing Wage for a one-bedroom rental home is \$17.14, or 2.4 times higher than the federal minimum wage.³⁰
26. A full-time worker earning the minimum wage needs to work 117 hours per week for all 52 weeks of the year to afford a two-bedroom rental home or 94.5 hours per week for a one-bedroom rental home.³¹

²⁶ NAOH is housing that is affordable without being supported by public subsidies such as low-income housing tax credits.

²⁷ Apartment Times, July/Aug 2017

²⁸ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

²⁹ The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

³⁰ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³¹ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

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27. An extremely low income (ELI) household whose income is less than the poverty level or 30percent of their area's median cannot afford the average cost of a modest one-bedroom rental home in any state.³²
28. The median rent for a new market-rate rental home in an apartment building built in 2015 was \$1,381 per month. To afford a rental home at that price without spending more than 30percent of his or her income on housing, a full-time worker would need to earn \$26.56 per hour.³³
29. National Low Income Housing Coalition (NLIHC) estimates that the average hourly wage of renters in the U.S. is \$16.38, \$4.83 less than the two-bedroom Housing Wage.³⁴
30. Six of the seven occupations projected by the U.S. Bureau of Labor Statistics to add the greatest number of jobs between 2014 and 2024 provide a median wage that is lower than what a worker needs to afford a modest rental home.³⁵
31. On average, extremely low income households whose income is at or below 30percent of their area median income cannot afford to spend more than \$523 per month on housing. Meanwhile, the national average monthly rent for a modest one-bedroom rental home is \$892.³⁶
32. The struggle is even more daunting for the 5.5 million people with disabilities who rely on Supplemental Security Income (SSI). An individual relying on federal SSI in 2017 can afford monthly rent of no more than \$221.³⁷

³² U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³³ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³⁴ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³⁵ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³⁶ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

³⁷ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

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HOUSING COST BURDEN IN THE UNITED STATES

33. Extremely low income households account for nearly 73percent of all severely cost-burdened renters.³⁸
34. Extremely low income (ELI) renters are far more likely to experience severe cost burdens than any other income group. Approximately 71.2percent of ELI renter households, 33.3percent of very low income renter households, and 8.2percent of low income renter households are severely cost-burdened.³⁹
35. More than 20 million renter households live in housing poverty, meaning they cannot afford to meet their other basic needs like food, transportation, medical care, and other goods and services after they pay for their housing.⁴⁰
36. Extremely low income (ELI) renter households have little, if any, money left for other necessities after paying the rent. A severely cost-burdened ELI household with monthly income of \$1,690 spends a minimum of \$846 per month on rent, leaving at most \$844 for all other expenses. The U.S. Department of Agriculture's (2016) thrifty food budget for a family of four (two adults and two children) is \$655, leaving at most \$189 for transportation, child care, and other necessities. Severely cost-burdened renters in the lowest quartile of expenditures spend 41percent less on food and health care than similar households who are not cost-burdened.⁴¹

³⁸ U.S. Census Bureau, 2017b. (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition.

³⁹ U.S. Census Bureau, 2017b). (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition.

⁴⁰ Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

⁴¹ Joint Center for Housing Studies, 2016. The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

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US ECONOMIC CONTEXT

37. For the first time since the recession, U.S. household income increased significantly during 2015. Gains were seen even among the lowest income households, with the poverty rate declining from 14.8percent to 13.5percent. Millions of people, however, continue to struggle economically. Household income for the poorest 10percent of households remains 6percent lower today than in 2006, and more than 43 million Americans remain in poverty, many of whom struggle to afford their homes.⁴²
38. Charlotte apartment developers, owners and managers and their residents contribute \$5.1 billion to the local economy annually.⁴³
39. Homeowners are more likely to be wealthy. 45percent of homeowners are in the highest income group (over 120 percent of Area Median Income), compared with 18percent of renters.⁴⁴⁻⁴⁵

NATIONAL FUNDING:

40. The mortgage interest deduction (MID) is a \$65 billion annual federal tax expenditure that predominantly benefits homeowners with income greater than \$100,000. Reducing the amount of a mortgage eligible for a tax benefit from \$1 million to \$500,000 and converting the deduction to a tax credit would provide a new tax benefit for 15 million lower income homeowners who currently receive none, and a tax cut for 10 million more homeowners. These changes would generate \$241 billion in new revenue over 10 years to reinvest into programs such as the national Housing Trust Fund, Housing Choice Vouchers (HCV) and other rental assistance programs, and Public Housing.⁴⁶

⁴² U.S. Census Bureau, 2017b). (Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition.

⁴³ (National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) Joint Legislative Program)

⁴⁴ Retrieved from <http://www.urban.org/urban-wire/low-income-homeowners-are-burdened-housing-costs-renters>

⁴⁵ *Low-Income Homeowners and Renters are Similarly Burdened by Housing Costs* by Laurie Goodman and Bhargavi Ganesh

⁴⁶ The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

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41. The National Low Income Housing Coalition (NLIHC) supports improvements to the Low Income Housing Tax Credit (LIHTC) that include income averaging, which would encourage a greater mix of incomes in LIHTC developments, and a 50percent basis boost in tax credits for developments that set aside and make affordable at least 20percent of their housing units for extremely low income households.⁴⁷
42. The MID (mortgage interest deduction) is a federal tax expenditure of more than \$65 billion per year, 84percent of which goes to households with annual income greater than \$100,000 (Joint Committee on Taxation, 2017). By comparison, less than \$38 billion was spent on all of HUD's housing programs for the lowest income households in 2014, including Public Housing, Housing Choice Vouchers, Section 8 Project Based Rental Assistance, Section 202 Supportive Housing for the Elderly, and Section 811 Supportive Housing for People with Disabilities.⁴⁸
43. Important improvements to better serve extremely low income (ELI) households include a 50percent basis boost in tax credits for developments that set aside at least 20percent of their housing units for ELI renters, and income averaging, which would allow a development to use tax credits to serve households with income up to 80percent of Area Median Income (AMI), if the average household income limit of the development is either 50percent or 60percent of AMI.⁴⁹
44. Despite its critical role in providing much needed housing to low income renters, Public Housing received \$1.6 billion less for operations in 2016 than in 2010. Funding used to repair and renovate the public housing stock has declined by 53percent since 2000.⁵⁰

⁴⁷ The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

⁴⁸ The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

⁴⁹ The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

⁵⁰ Center on Budget and Policy Priorities, 2016. The Gap: A Shortage of Affordable Homes - National Low Income Housing Coalition, March 2017

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45. The mortgage interest deduction (MID) alone costs \$65 billion to assist higher income homeowners, most of whom would be stably housed without the government's help.⁵¹
46. Only one out of four eligible low-income households receive housing assistance. Applicants for assistance face a long wait, if they can even apply. A recent survey of public housing agencies (PHAs) found that 53percent of waiting lists for Housing Choice Vouchers were closed to new applicants and the median waiting list had a wait time of 1.5 years (NLIHC, 2016).⁵²
47. Federal funding for housing assistance programs that serve the lowest income households, including Housing Choice Vouchers, Public Housing, Section 8 Project-Based Rental Assistance, Housing for the Elderly, and Housing for Persons with Disabilities, declined by 3.3percent between 2010 and 2017. Public Housing received the largest cut of nearly \$1.8 billion.⁵³
48. National Low Income Housing Coalition (NLIHC) endorses the "Ending Homelessness Act of 2017" (H.R. 2076), reintroduced by Representative Maxine Waters (D-CA), which would provide \$13.27 billion in new funding over five years to federal programs to address the shortage of affordable housing and homelessness.⁵⁴

⁵¹ Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

⁵² Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

⁵³ Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

⁵⁴ Out of Reach 2017: The High Cost of Housing - National Low Income Housing Coalition

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PART 7: CHARLOTTE-MECKLENBURG LOCAL POLICY HANDOUT

This part provides policy context around housing instability and evictions in Charlotte-Mecklenburg. The information below was largely informed by Ted Fillette, Assistant Director, Legal Aid of North Carolina.

GENERAL LEGAL FRAMEWORK FOR EVICTIONS

- Landlords must file court actions to lawfully evict any tenants.
- Generally, evictions can be allowed for violation of lease obligation for which landlords has right to terminate or holding over after the tenant's lease has expired and is not renewed.
- Under state law, landlords may draft leases that allow them to file for summary ejectment (swift eviction) with or without prior notice of the grounds claimed for the breach of the lease.

NON-FEDERALLY REGULATED AND SUBSIDIZED LEASES

Landlords in private units can generally impose any arduous terms in leases and make the tenant's breach of such terms grounds for eviction, including:

- **Late Payment:** Rent is due on the 1st of the month and is late if it is not paid by the 5th (or earlier), and can provide that one late payment is basis for eviction; and lease may allow the landlord to accept late rent and still evict the tenant.
- **Unauthorized Occupant:** Presence of any "unauthorized" occupant (including adult or child fleeing domestic violence, returning from prison).
- **Presence of Banned Individual:** The lease may authorize the landlord to "ban" relatives or friends of the tenant and make the mere presence of the banned person grounds for eviction.
- **Behavior-related Rules:** The tenant violates prohibited behavior including putting toys on the porch or clothing drying on railings.
- **Rules related to Vehicles:** The tenant violates rules prohibiting inoperable automobiles or vehicles with expired tags.

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MOBILE HOME PARKS

In mobile home parks where tenants own the trailers, but rent the lots, some landlords terminate leases for little or no stated reason. The only limit placed on landlords is a requirement to provide a 60-day notice if there is no lease violation. Many tenants are not able to relocate their mobile homes because they are too old to “qualify” by some park standards or the tenants cannot afford the moving costs. The ultimate results are that the landlord gets a lien on the mobile home and confiscates the one asset that the tenant possessed.

PRIVATE PERIODIC LEASES

Landlords in private periodic leases where there is no federal regulation may arbitrarily terminate the week-to-week, month-to-month, or year-to-year lease for virtually any reason. Notable exceptions include discriminatory reasons in violation of the Fair Housing Act or in retaliation for the tenant’s exercise of the right to request repairs or have an inspection through the City or County code inspector.

- The landlord can define the amount of notice required for such terminations.
- In the absence of a lease provision, state law allows for a 2-day notice for a weekly lease, 7-day notice for a monthly lease, and a 30-day notice for a year-to-year lease.

FEDERALLY REGULATED AND SUBSIDIZED RENTAL HOUSING

There are two key policies in federally regulated and subsidized rental housing that, in addition to the ones generally applicable in private housing, have harsh impacts:

- The Charlotte Housing Authority (CHA) exercises its federal option to charge tenants who have zero income a minimum rent of \$75 per month. Those tenants may request a “hardship” exemption in writing if they learn about their right to do so, but even if it is granted by CHA, the exemption is for a 90-day period and CHA considers the exemption a deferment of the rent obligation that the tenant must pay later once they obtain income. The tenant must renew the hardship claims periodically even if they are disabled and unmarketable for employment.
- A federal statute, as interpreted by the U.S. Supreme Court, gives housing authorities discretion to evict entire families for criminal activities by household members or guests for which the tenant had no knowledge or fault, such as drug possession by a grandson on a school trip 500 miles away from the apartment complex.

Tenants may have additional procedural rights, such as an informal hearing with a landlord or before an “impartial” hearing officer for issues other than alleged criminal activity by household members or guests. Tenants must know of these rights and request the hearing before they are sued for eviction.

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EVICITION PROCESS

- Court hearings are scheduled in small claims court within 10 days of the landlord's filing of the complaint.
- It is common for there to be scheduled 30 to 120 cases per hour, starting at 9am and repeated at 10am in small claims courts where 2 or 3 courtrooms run concurrently every morning.
- Unless the tenant hears the magistrate call their name and tells the magistrate they oppose the eviction, the magistrate will enter a judgment for possession of the dwelling and the tenant does not receive a copy of the judgment.
- If the tenant learns they have the right to appeal the magistrate's judgment, they must do so within 10 days. The tenant must pay their rent into court while awaiting a new trial in district court. In Mecklenburg County, there are approximately 830 such new trials per year.
- When the landlord obtains a judgment for summary ejection and executes that with the sheriff's supervision, the tenant has a very short period to try to relocate and retrieve all personal items. The landlord may offer to release the items to the tenant on the day of eviction and the tenant has 7 days to retrieve the items. If there are no means available to retrieve the items, the landlord may place a lien on all the possessions and may sell, keep, or dispose of them.

LEGAL LIMITATIONS ON EVICTIONS

- **Retaliatory Evictions:** Landlords may not terminate leases in substantial part because the tenant requested repairs, complained to a housing or health department inspector, or exercised their rights under state or federal law.
- **Domestic Violence:** Landlords cannot refuse to rent to families or evict or discriminate in services because a member of the family is a victim of domestic violence.
- **Fair Housing under Federal and State Laws:** Landlord may not refuse to rent to or discriminate against tenants or their family members because race, color, gender (not sexual orientation), age, familial status, religion or disability.
- **Implied Warranty of Habitability:** Landlord must put and keep the premises in habitable condition, and the tenant may be entitled to rent abatement for periods in which the landlord defaults on that duty.

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PART 8: IMPORTANT DEFINITIONS HANDOUT

1. The definition of **affordability** is consistent with the federal standard that no more than 30percent of a household's pre-tax gross annual income should be spent on rent and utilities.
2. **Area Median Income (AMI)** is the median family income in the metropolitan or nonmetropolitan area, used to determine income eligibility for affordable housing programs. The U.S. Department of Housing and Urban Development (HUD) estimates the median family income for an area in the current year and adjusts that amount for different family sizes so that family incomes may be expressed as a percentage of the area median income.
3. **Cost Burden** means spending more than 30percent of household income on housing costs.
4. **Eviction (or summary ejection)** Summary ejection is a legal action brought by a landlord seeking to remove a breaching tenant from possession of rental property. In North Carolina, generally, evictions can be allowed for violation of the lease obligation for which the landlord has reserved right to terminate (including non-payment of rent, behavioral issues) or holding over after the tenant's lease has expired and not renewed.⁵⁵
5. **Extremely Low Income (ELI)** refers to households earning less than the poverty level or 30percent of AMI
6. **Fair Market Rent (FMR)** means the rent that would be required to be paid in a housing market area to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. The FMR includes utilities (except telephone). Separate FMRs are established by the U.S. Department of Housing and Urban Development for dwelling units of varying sizes (number of bedrooms).

⁵⁵ Eviction Picture in Mecklenburg County (Theodore O. Fillette)

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7. **Full-time work** is defined as 2,080 hours per year (40 hours each week for 52 weeks). The average employee works roughly 34.4 hours per week, according to the Bureau of Labor Statistics.
8. **Housing Wage** is the estimated full-time hourly wage a household must earn to afford a decent rental home at HUD's Fair Market Rent while spending no more than 30percent of their income on housing costs.
9. **Low Income (LI)** refers to households with income between 51percent and 80percent of AMI.
10. **Moderate Income (MI)** refers to households with income between 81percent and 120percent of AMI.
11. **Severe Cost Burden** means spending more than 50percent of household income on housing costs.
12. **Star Rating System** refers to the CoStar Building Rating SystemSM which provides a national rating for commercial buildings. Properties are evaluated and rated using a universally recognized 5-Star scale based on the characteristics of each property type, including: architectural attributes, structural and systems specifications, amenities, site and landscaping treatments, third-party certifications and detailed property type specifics.⁵⁶
13. **Very Low Income (VLI)** refers to households with income between 31percent and 50percent of AMI.

⁵⁶ Retrieved from <http://www.buildingratingsystem.com/>