

Despite restrictions eviction notices still being delivered in New Orleans amid pandemic

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Despite local emergency orders against evictions and restrictions included the CARES Act enacted last month, many unemployed workers in New Orleans, Louisiana and many other states are receiving eviction notices from landlords and being thrown out on the street in the midst of the coronavirus pandemic.

Thousands of workers in New Orleans have lost their jobs, many of them working in the city's vibrant service industry, and are now dependent upon slow and more often than not insufficient state and federal aid in order to pay rent and buy food and medicine and other essentials.

In the face of massive layoffs and economic uncertainty facing nearly half the New Orleans workforce following a mandatory lockdown to slow the spread of COVID-19 in a city that has been hit particularly hard by the highly contagious virus, Mayor LaToya Cantrell ordered a ban on evictions beginning in mid-March. However, this week she had to issue a reminder in the face of a recent rash of eviction notices and threatening actions by multiple landlords across the city.

One out-of-work restaurant worker, Johnquil Kelley, told WWLTV last week about her experience with her landlord Joshua Bruno, who rents her an Algier area apartment. Having lost her job in mid-March, when the city finally issued stay at home orders and shut down many restaurants and virtually every bar in the interest of public safety, Kelley was hoping to work with Bruno on April's rent and was faced with a eviction notice for her trouble.

Instead she received a note on her door which read, "Three Day Notice To Pay Or Vacate. Demand for possession is hereby made. You are hereby given notice to PAY or vacate the dwelling on or before midnight of the 2nd day of this notice." The note from Bruno

demanded the full amount of rent plus late fees.

Kelley was reportedly trying to get some leeway on the rent by attempting to reason with her landlord, "I'm still waiting on a stimulus check, and I'm still waiting on my unemployment—anything, something—so I can pay him his rent," Kelley explained to reporters. "But he still put the notice on the door."

"Receiving a bright red notice to vacate in three days is an intimidation tactic that is going to cause some tenant to move when they really don't have to right now," Hannah Adams, an attorney who works for a local legal service for those who can't afford lawyers, told WWLTV in response to Kelley's eviction notice. "Moving right now means you are exposing yourself to potential infection with the coronavirus."

Bruno reportedly sent out several other eviction notices and had been the subject of several tenant complaints in regards to neglecting appliances and maintaining his units.

While the CARES Act also prohibits evictions by property owners such as Bruno who receive federal subsidies through the end of July, there have been multiple instances in New Orleans and around the country of landlords sending eviction notices as a bullying tactic to force out or squeeze rent payments from of poor and unemployed workers.

Another New Orleans man, Robert Stephenson, was actually evicted from his home, along with his girlfriend, when their service industry incomes both disappeared immediately following the lockdown.

Stephenson, who is diabetic and a veteran, was still in the process of applying for disability benefits when the owners of the guesthouse that he and his girlfriend were living in told them to vacate immediately.

Fearing a clash with police if they resisted, they left the house and Stephenson was left homeless, sleeping

under the Claiborne Avenue bridge that very same day. Southeastern Legal Services, the same attorneys who represented Kelley in her claim against her landlord, are now assisting Stephenson in getting his medications and in pursuing punitive damages against his landlord for their illegal eviction.

According to the National Multifamily Housing Council only 69 percent of those living in apartments had made their rent payments by April 5. Across the country, housing attorneys have seen a massive increase in landlords seeking to carry out illegal evictions ever since the COVID-19 related economic collapse hit last month.

Since courts across the country have closed, including the Orleans Parish Civil District Court which closed on March 16, most evictions and notices are illegal, whether that includes threatening notes or changing of locks or in some cases removing doors from hinges, because the landlords have not gone through the proper legal proceedings.

According to attorneys with the Public Interest Law Center in Philadelphia, landlords have taken it upon themselves to illegally enforce eviction measures that are normally enforced by the local sheriff's departments.

Most states have issued moratoriums on all evictions as well as utility shutoffs, however, according to law professor Emily Benfer there are some states that still allow landlords to send eviction notices even if a lawful eviction is prohibited. Landlords often use these notices as a threatening tactic, counting on the tenants to move out on their own.

The CARES Act provision blocking evictions only applies to the about one-in-four rental properties which are backed by federal mortgage securities. For the other renters, they are forced to rely on state and city bans for protection from eviction, which are, for the most part, inconsistently and sporadically enforced as only twenty states are temporarily banning law enforcement from carrying out the final stage of the eviction process, the forcible removal of the tenant.

Many states have banned the court stage of the eviction and some are banning the initial stage, the eviction notice, but only a few states have actually implemented on every stage of the eviction, leaving many out-of-work renters vulnerable during this disastrous economic downturn. With more than 22

million currently out of work, this leaves many at risk of being made homeless.

Despite these various bans, for thousands of workers across the country who are already in tenuous living situations such as temporary housing or hotel residencies, the prospect of filling up homeless shelters during a pandemic is especially dangerous. Situations such as these only exacerbate the damage the outbreak will have, and each eviction is a social crime.



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