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To cite this article: Emily A. Benfer, Robert Koehler, Alyx Mark, Valerie Nazzaro, Anne Kat Alexander, Peter Hepburn, Danya E. Keene & Matthew Desmond (2023) COVID-19 Housing Policy: State and Federal Eviction Moratoria and Supportive Measures in the United States During the Pandemic, *Housing Policy Debate*, 33:6, 1390-1414, DOI: [10.1080/10511482.2022.2076713](https://doi.org/10.1080/10511482.2022.2076713)

To link to this article: <https://doi.org/10.1080/10511482.2022.2076713>



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Published online: 10 Jun 2022.



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COVID-19 Housing Policy: State and Federal Eviction Moratoria and Supportive Measures in the United States During the Pandemic

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ABSTRACT

This article provides the first comprehensive description of federal and state housing policy response to the COVID-19 pandemic. Beginning on March 13, 2020, the federal government, 43 states, the District of Columbia, and five American territories issued eviction moratoria that varied in terms of justification, the stage(s) of eviction frozen, the duration and source of protections, and the eligible population. There were cross-state differences in implementation of the two federal eviction moratoria and in additional renter-supportive measures. Although eviction moratoria were largely justified on public health grounds, protections were lifted or weakened prior to control of the pandemic. Moratoria—especially those that froze the earliest stages of the eviction process—significantly reduced eviction filings. The descriptive and analytic framework detailed here provides researchers and practitioners with the tools to advance, evaluate, and refine renter protection strategies that serve to safeguard communities from housing loss.

ARTICLE HISTORY

Received 26 April 2021
Accepted 6 May 2022

KEYWORDS

Eviction; moratoria; COVID-19; public health; pandemic; housing

The COVID-19 pandemic precipitated catastrophic job and wage loss in the United States, an economic shock that had the potential to exacerbate rental housing instability (JCHS, 2022; Parrott & Zandi, 2021). Economic repercussions of the pandemic disproportionately affected low-income communities and Black and Hispanic renters (Airgood-Obrycki & Hermann, 2021; Kneebone & Murray, 2020), groups that already experienced the highest rates of housing cost burden and housing insecurity (Benfer, Vlahov, et al., 2021; JCHS, 2022; Myers & Park, 2019). In

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 Supplemental data for this article is available online at <https://doi.org/10.1080/10511482.2022.2076713>.

This article was originally published with errors, which have now been corrected in the online version. Please see Correction [10.1080/10511482.2022.2157966](https://doi.org/10.1080/10511482.2022.2157966)

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response, federal, state, and local policymakers issued—for the first time on a national scale—a patchwork of temporary eviction moratoria and renter-supportive measures.

The goal of this article is two-fold. First, we develop a framework for describing and analyzing the largely unprecedented set of housing policies enacted in response to the pandemic across the U.S. states and the District of Columbia (DC) between March 13, 2020, and March 13, 2021 (the study period). We employ longitudinal policy surveillance and legal mapping to fully document the characteristics of and variations between over 1,500 protective measures put in place by the states during this period (Gerring, 2012; King et al., 2012). The resulting data set is richly informative but, because of the large number of characteristics measured, poses challenges for analysis. To make the data more tractable, we use a mix of inductive and deductive coding to identify five key dimensions along which these policies varied: the justifications put forward for their implementation, the stages of the eviction process that were suspended, the duration of the protections, the source of the policy, and the eligible population. We also document variations in state adoption and implementation of the two federal eviction moratoria that were established during the study period and detail a range of additional renter-supportive measures that were enacted by the states.

Second, through a pair of exploratory analyses we demonstrate how this framework can be used to assess the predictors of policy implementation and to evaluate the efficacy of these policies. As we document below, most eviction protections established during the first year of the COVID-19 pandemic were justified on public health grounds. The first analysis addresses the question of whether the phase-out of eviction protections was, therefore, responsive to improving public health conditions. The second assesses the efficacy of the policies when in force. Using eviction filing data gathered by the Eviction Lab, the Legal Services Corporation, and the Metro Atlanta Evictions Data Collective, we conduct a regression analysis demonstrating the extent to which moratoria served to reduce case filings relative to historical baseline levels. We find that policies that halted earlier stages of the eviction process had a significant effect in reducing eviction filing rates. This empirical evidence demonstrates the value of our policy framework and establishes its applicability to future studies that predict policy implementation and efficacy, both within and outside of the pandemic context.

Background

Eviction Prior to the Pandemic

Eviction is a civil legal process by which a landlord compels the removal of a tenant from a rental unit (Benfer, 2021).¹ The eviction process varies from state to state and between local jurisdictions within states in numerous ways, including: the possible causes of action, the cost of filing a case, and the length of time from the beginning of the process to the final enforcement of an eviction order (Ahmed, Abdelhadi, et al., 2021; Hatch, 2017). The cause of action for an eviction lawsuit is usually based on nonpayment of rent, lease violations, holdovers past the lease term, and criminal activity. Most states allow a landlord to terminate the tenancy without providing a reason at the end of a lease term, or at the appropriate interval in a month to month or other periodic tenancy, after adhering to a statutorily prescribed notice period (Benfer, 2021). Generally, the eviction process can be broken down into five stages:

- Stage 1: landlord gives notice of intent to file eviction to tenant,
- Stage 2: landlord files the eviction with the court,
- Stage 3: court holds hearing on eviction case,
- Stage 4: court issues judgment and orders writ of eviction, and
- Stage 5: law enforcement or other contracted party executes the eviction.

There is considerable state-level variation in landlord-tenant laws governing the eviction process (Hatch, 2017; LSC, 2021; Nelson et al., 2021), which may in turn drive variation in eviction rates between states (Leung et al., 2021; Merritt & Farnworth, 2021; Gromis et al., 2022). In some jurisdictions, such as Maryland and DC, eviction cases may be filed for as little as \$15, whereas in states like Alabama and Minnesota the courts charge hundreds of dollars to file. Notice periods also vary drastically. In Utah, as little as 3 days' notice to the tenant is required before filing the case, whereas in Massachusetts landlords are required to give tenants multiple weeks of notice and the opportunity to repay rent. Some states, such as Pennsylvania, do not require landlords to provide tenants with written notice of eviction at all prior to filing an eviction case, or they permit landlords to waive the notice requirement in the lease (Pennsylvania Real and Personal Property § 250.501, 2020). Other states, like Nebraska, allow tenants to be removed from the premises on the same day as the hearing, even when tenants were unable to attend (Nebraska Revised Statutes § 76-1444).

Widespread housing insecurity among renters predates the COVID-19 pandemic. Because of stagnant wages, rising rents, and a lack of federal investment in affordable housing, one out of four renters spends over half of their income on housing costs and is considered severely rent burdened (JCHS, 2022). The majority of renter households below the poverty line spend at least half of their income toward rent, with one in four spending over 70% of their income on housing costs (JCHS, 2022). Among rent-burdened households, half have less than \$10 in savings (Urahn et al., 2018). Owing to an ongoing history of racially discriminatory housing policy (Rothstein, 2017; Swope & Hernández, 2019), Black and Hispanic families are disproportionately likely to rent rather than own their homes and to be rent-burdened (JCHS, 2022).

This affordable housing crisis leaves many tenants—especially low-income renters who are unable to access subsidized housing (Harrison et al., 2021; Preston & Reina 2021)—vulnerable to eviction. Renters with high cost burden and limited savings are often unable to weather short-term job loss or unexpected expenses (Desmond, 2016). Between 2000 and 2018, an average of 2.7 million households were threatened with eviction annually—one case for every 14 renter households (Gromis et al., 2022). These evictions disproportionately affected Black and Hispanic renters: nearly one in four Black renters lived in a county in which the Black eviction rate was more than double the white eviction rate (Hepburn et al., 2020b).

Eviction is associated with an array of negative economic consequences including job loss, missed educational opportunities, and increased child maltreatment (Bullinger & Fong, 2021; Desmond & Kimbro, 2015). Eviction records create significant barriers to securing subsequent rental housing (García & Kim, 2021; Kimble, 2020; Swenson, 2021). Evictions are associated with reduced access to healthcare (Schwartz et al., 2022) and numerous negative health consequences including adverse birth outcomes (Himmelstein & Desmond, 2021), maternal and adolescent depression (Desmond & Kimbro, 2015; Hoke & Boen, 2021), and increased exposure to sexually transmitted diseases (Groves et al., 2021; Niccolai et al., 2019). Adverse health effects of eviction are enduring, extending years beyond the initial event (Hatch & Yun, 2021).

Eviction Risk During the COVID-19 Pandemic

Mass layoffs in the initial weeks of the COVID-19 pandemic, resulting in unemployment rates exceeding those of the Great Depression, left many tenants without the means to pay their rent and exacerbated pre-pandemic eviction risk (Kochhar, 2020). Low-income households experienced job losses at much higher rates than higher-income households, and Black and Hispanic people at much higher rates than their White counterparts (Kneebone & Murray, 2020; Parker et al., 2020). As a result, eviction risk spiked and a growing share of renter households, especially Black and Hispanic households, were forced to deplete cash reserves, borrow from friends and family, and take on debt in an attempt to keep rent paid (Airgood-Obrycki et al., 2021; Aurand et al., 2020; Parrott & Zandi, 2021).

Eviction prevention had important implications for responding to the public health emergency of COVID-19. Eviction leads to overcrowding, doubling up, homelessness, and transience (Benfer, Vlahov, et al., 2021), all of which increase contact with others and hinder people's ability to maintain physical distance and adhere to public health recommendations. Indeed, initial analyses suggest that eviction prevention policies such as moratoria were important in controlling the spread of COVID-19 and reducing mortality (Jowers et al., 2021; Leifheit et al., 2021; Nande et al., 2021).

Although governors, courts, and legislative bodies have the ability to adjust aspects of the eviction process, states had little or no historical evidence or models to guide the use of these emergency powers, especially when responding to a public health emergency during a pandemic. Upon declaration of a state of emergency, governors in 42 states have emergency powers to suspend laws (Thompson et al., 2017), including forcible entry and detainer (eviction) cause of action statutes. In some states, courts have the power to declare judicial emergencies, during which the court may have the ability to continue or postpone specific case types, prohibit court access, halt court operations, or temporarily refuse to accept case filings (e.g., Delaware Constitution Article IV § 13, 1897; Vermont Constitution Ch. 2, 1793). Legislatures have the ability both to pass time-limited emergency laws and to make permanent changes to the state's landlord-tenant code, such as requiring the postponement of evictions during a declared public health emergency.

In the closest historical parallel, during the 1918–1919 influenza epidemic, public health authorities in St. Louis, Missouri, closed the municipal court to slow disease transmission (McKinney et al., 2018, pp. 319–324). During the Great Depression, a bailiff in Chicago, Illinois, unilaterally refused to process eviction warrants after evictions doubled (Abbott & Kiesling, 1935). In the 21st century, governors have restricted access to courts, and federal mortgage backers have suspended foreclosures following natural disasters (Freddie Mac 2017; Galante, 2013; HUD, 2013). Following Hurricanes Katrina and Rita in 2005, for instance, the governor of Louisiana suspended all civil deadlines for months, citing the loss of basic rights resulting from the inability to physically access courts, case files, or attorneys due to evacuation. Eviction cases were the first to resume, 51 days after the suspension went into effect (Landrieu, 2005a, 2005b). Courts in New York City closed on the afternoon of September 11, 2001, and remained shuttered until September 17 (Birkland, 2004). Courts as far away as New Mexico also closed in the wake of the 9/11 attacks due to concerns about subsequent attacks (Stier et al., 2007). Although the responses to these crises demonstrate the ability of state actors to halt eviction during a state of emergency, they do not provide a consistent roadmap for forestalling the threat of mass evictions, particularly during a pandemic that spans multiple years.

This article details how state policymakers and courts responded to a once-in-a-century public health emergency. What tools were available to them to prevent evictions during the first year of the COVID-19 pandemic, and which did they elect to use? Describing state moratoria and renter-supportive measures provides a unique opportunity to understand how state actors reacted to this moment of crisis and to evaluate novel approaches to preventing eviction. Doing so requires that we systematically track the measures that were implemented. To reduce the complexity of this large and heterogeneous set of policies, we use a mix of inductive and deductive coding to develop a framework of five key dimensions along which these policies can be described. We then demonstrate how this framework can be used to analyze both the implementation and efficacy of eviction prevention policies.

Data and Methods

Data Collection and Framework Construction

We employed longitudinal policy surveillance, legal mapping, and legal assessment techniques (Burris et al., 2012, 2016; Chiqui et al., 2011) to comprehensively describe federal and state

responses to the eviction crisis over the first year of the pandemic. These tools rely on an exhaustive collection of all emergency orders and legislation that controlled the eviction process, related to protections under federal moratoria, or provided support to tenants and that were issued by the federal government, state governors, courts, and legislative bodies within the study period of March 13, 2020, to March 13, 2021. A subset of the authors constructed a dynamic data set consisting of over 50 indicators that captured the temporal and substantive features of these moratoria and renter-supportive measures (Benfer, Koehler, et al., 2021). The resulting data set included nearly 1,500 orders in all 50 states, DC, and five U.S. territories.

Multiple search stages ensured complete documentation of policy activity, including regularly visiting websites of state governors, legislatures, and courts and conducting keyword internet searches (e.g., COVID, coronavirus, eviction, moratorium) to confirm the absence of orders, or the existence of actions not yet posted on actors' websites. We employed a systematic coding protocol to ensure data quality, and multiple researchers reviewed each order. A validation procedure was used to verify coders' interpretation of the temporal and substantive features extracted from the orders. To understand the orders as they changed over time, a subset of authors considered how orders within a state related to one another, as well as their relation to pre-pandemic state statutes and court processes. For example, to assess how protections changed over time in Colorado, we reviewed six executive orders because Governor Polis's policy protocol involved issuing amendments to previous executive orders without including the text of the underlying order. Similarly, to assess the impact of moratorium legislation passed in Vermont, a subset of the authors read through three chapters of Vermont landlord-tenant law to confirm the causes of action to which the moratorium applied. This step, which occurred in the majority of states, allowed us to understand the effect of orders and how they collectively created the state-level moratorium. This effort resulted in the generation of a time series cross-sectional data set tracking changes in a state's overall eviction moratorium and supportive measures. Finally, we contacted state governors and court actors in March 2021 to confirm the accuracy of the policy data collected for each state.

The resulting data set provided a wealth of information about each of the specific orders but, because of the level of detail it entailed, did not allow easy comparison between or analysis of these moratoria. Using a mix of inductive and deductive coding, we derived a set of five characteristics that describe the key aspects of eviction moratoria that we uniformly recorded across measures. These five characteristics facilitate comparison across moratoria and are linked to both predictors of policy implementation and potential outcomes.

First, we coded the justifications given for the moratorium. Although policymakers relied on emergency authorization to institute moratoria (Thompson et al., 2017), the stated reasoning for the orders took two main—and nonexclusive—forms: public health implications and economic impact on tenants' ability to pay rent. Actors' likelihood of employing one of these justifications may vary as a function of their role and their political affiliation. There may also be variations in other characteristics of moratoria as a function of the reasoning used to justify the measures. For example, those justified on public health grounds may offer more robust protections in various ways.

Second, we coded which stages of the eviction process the moratorium affected (see above for a description of the stages). Many households facing the threat of eviction move well before an eviction judgment or a writ of possession has been issued; even receipt of an eviction notice can precipitate displacement (Hartman & Robinson, 2003). Especially in analyzing the effects of these moratoria, accounting for which stage(s) of the eviction process were frozen is critical. For example, an order that prevented landlords from providing notice to tenants (Stage 1) would be expected to reduce eviction filings, overall levels of displacement, and long-term effects of an eviction record much more than an order that only halted the execution of writs (Stage 5).

Third, we measured the duration of protections: the number of days that the states maintained their eviction moratoria. Duration of protections is potentially a function of multiple

factors: the source of the original order, the political affiliations of state leadership, the power of interest groups that opposed or supported moratoria, and public health factors in the state. Moratorium duration is also plausibly linked to various outcome measures, such as local economy, rental debt levels, and health.

Fourth, we coded whether the source of protections was the state's governor, legislature, or judiciary branch. Moratorium source is likely most important as an outcome measure (i.e., in analyzing the political factors that made it more or less likely that one sort of actor would provide such protections). It may also help to explain other moratorium characteristics. For example, court-ordered moratoria might be more or less restrictive than those issued by legislatures or governors.

Fifth, we captured any restrictions on moratorium eligibility. Specifically, we coded the two most common restrictions that emerged in the data: protections that were restricted to nonpayment of rent evictions and protections that extended only to those with a demonstrated health or economic hardship caused by the COVID-19 pandemic. Again, this serves as both a potential outcome and a predictor variable. Certain political actors may have been more or less likely to impose such a restriction and, when imposed, these restrictions could plausibly have weakened the efficacy of eviction moratoria. Hardship restrictions in particular put the burden of proof on tenants to demonstrate that they qualified, rather than offering a universal protection. We would expect that such restrictions would result in moratoria that were less effective in reducing eviction filing rates and preventing displacement, especially where they operated as an affirmative defense a tenant raised during the court process.

We describe variations in moratoria along these five dimensions, a framework that allows us to parsimoniously describe a large number of policies that varied significantly across the states and over the course of the first year of the pandemic. We also document variations in state adoption and implementation of the two federal eviction moratoria that were established during the study period and detail a range of additional renter-supportive measures that were enacted by the states.

The Framework in Practice

Incorporating additional data, we conducted two analyses that demonstrate the utility of the moratoria policy data and framework. First, we assessed public health conditions when renter protections were initially phased out. As we demonstrate below, many eviction moratoria were justified on public health grounds. Were protections then systematically rolled back as COVID-19 infection rates declined? Were protections reinstituted or strengthened if infection rates spiked? In addressing these questions, we aim to assess the responsiveness of state actors to ongoing pandemic conditions. More broadly, this analysis is meant to demonstrate the ways in which our framework can be used to evaluate the predictors of policy implementation and roll-back.

To do so, we relied on COVID-19 infection data compiled by the Centers for Disease Control and Prevention (CDC). These data allowed us to calculate daily COVID-19 case rates for each state-day throughout the study period. Due to uneven access to testing, these rates provide an imperfect proxy for disease prevalence in any given state. However, we suspect that state policymakers were also relying upon these data—and other less-than-perfect representations of the pandemic's pervasiveness—when making decisions about renter protections. We measured the change in these rates between two points: the weekly average four weeks prior to the first protections being lifted and in the week that initial protections were rolled back.²

Second, we analyzed the relationship between various approaches to eviction moratoria and reductions in case filings. Assuming that these orders served their stated purpose, we expect that eviction filings were lower while moratoria were in place. Likewise, we anticipate that moratoria that froze earlier stages of the eviction process were associated with larger reductions in

eviction filings than those that halted only later stages. We expect that restrictions on eviction moratoria—to nonpayment-of-rent cases or to tenants with a demonstrated COVID-19 hardship—limited the reach of these orders and thereby resulted in higher levels of eviction filing relative to moratoria that did not include such restrictions. In contrast, we did not expect that the source of the moratorium (governor, court, or legislature) or the justification offered for the moratorium (on economic or public health grounds) had any meaningful effect on filing rates.

To test these hypotheses, we compiled eviction filing data collected during the study period by the Eviction Lab (Hepburn et al., 2020a), the Legal Services Corporation (Bernstein et al., 2021), and the Metro Atlanta Evictions Data Collective (Raymond et al., 2020). Each group has collected eviction filing data throughout the pandemic from a nonrepresentative subset of jurisdictions across the country where data were available from court systems. Data included cases filed during the study period as well as cases filed in previous years—a historical baseline against which pandemic-era filings can be compared.³ Between the three sources, we were able to compile weekly counts of eviction cases filed over the study period from 852 counties in 25 states ($n = 44,304$ county-weeks across 52 weeks).⁴ These counties are home to 14.7 million renter households, just over a third of all such households nationwide (34.1%). Although not a representative sample of all counties or states, they included states that experienced a wide variety of policy responses to the pandemic.

Using these data, we fit a series of negative binomial regression models in which we predicted the number of eviction cases filed in a given county-week as a function of the state-level eviction moratorium (if any) that was in place at the time.⁵ Here, we detail five models that account for multiple predictors across two samples. First, across the full sample of county-weeks we fit a model predicting eviction filings as a function of whether there was any moratorium in place in the given week (binary indicator). Second, we restricted the sample to just those county-weeks in which some moratorium was in place ($n = 15,063$ county-weeks in 584 unique counties) and predicted eviction filings as a function of the earliest stage of the eviction process that was frozen during the given week. Third, in the restricted sample we predicted eviction filings as a function of whether there was a COVID-19 hardship restriction or a nonpayment-of-rent restriction in place (or both; both variables were coded as binary indicators). Fourth, in the restricted sample we predicted eviction filings as a function of the actor that implemented the order: court, governor, or legislature. Fifth, in the restricted sample we predicted eviction filings as a function of the stated justification for the order, if any (economic and/or public health, coded as separate binary indicators). Because of multiple causal pathways and collinearity among

Table 1. Eviction moratoria characteristics in the regression analysis sample.

	Number of county-weeks
No moratorium	29,241
Moratorium	15,063
<i>Earliest stage frozen</i>	
Stage 1	6,391
Stage 2	2,535
Stage 3	3,158
Stage 4	997
Stage 5	1,982
<i>Restriction on eligibility^a</i>	5,379
COVID-19 hardship	749
Nonpayment of rent	5,000
<i>Source of the moratorium</i>	
Court	5,529
Governor	9,429
Legislature	105
<i>Justification offered</i>	10,481
Economic	8,059
Public health	8,954
Total sample size	44,304

^aIncludes any county-week with either restriction in place.

predictors (e.g., an actor may have a direct effect and also an indirect effects via stage frozen), we focus on these separate direct net effects of moratorium characteristics on filing counts rather than presenting a pooled model with all predictors. We provide a summary of these predictors across our full sample in [Table 1](#).

In each model we included week fixed effects to account for time-varying conditions that affected all jurisdictions over the course of the study period and county fixed effects to account for time-invariant local factors. We clustered standard errors by state. We also included an offset term in every model: the natural logarithm of the average number of filings in the given county-week in the baseline data. The inclusion of the offset term means that the resulting coefficients should be interpreted as the log share of eviction filings during the study period relative to historical baseline for the county-week. As an example, the first model can be written as:

$$Y_{ij} \sim \text{NegBin}(\mu_{ij}, \theta)$$

$$\log(\mu_{ij}) = \beta_0 + \beta_1 \text{MORATORIUM}_{ij} + \log(n_{ij}) + \text{WEEK}_t + \text{COUNTY}_j$$

We stress that the results of this exercise should be treated as preliminary given the limited availability of eviction data. Nonetheless, it provides an example of how to assess policy efficacy and a framework for future analysis as more data become available.

Results

During the study period, at least one state-level actor (court, governor, or legislative body) instituted a moratorium on eviction in 43 states, DC, and five territories. In addition, the Coronavirus Aid, Relief, & Economic Security (CARES) Act instituted a moratorium on eviction in federally subsidized properties and CDC issued a nationwide eviction moratorium. The state-level approach to moratoria varied widely along five dimensions: justification, stage of eviction frozen, duration, source, and eligibility.

Why Was It Done? Justification for Protections

The CDC and actors in 27 states and DC referenced the public health effects of housing displacement as a rationale for halting evictions during the pandemic. Public health-based justifications included the inability to practice social distancing in crowded courtrooms and conflict between state pandemic protocols and the realities of eviction. For example, the New Jersey governor's moratorium order stated, "housing security and stability are important to public health, particularly as homelessness can increase vulnerability to COVID-19; and ... removals of residents pursuant to evictions ... can increase the risk to those residents of contracting COVID-19, which in turn increases the risks to the rest of society and endangers public health" (Murphy, 2020). Some orders took the conflict between eviction and pandemic mitigation strategies to be self-evident. For example, the Virginia State Supreme Court stated that the purpose of its moratorium was to provide "time to implement its comprehensive rent relief program and to help relieve the public health risk associated with evicting Virginians from their places of residence" (Supreme Court of Virginia, 2020).

Actors in 26 states and DC cited the economic impact of the pandemic on the ability to pay rent as a rationale for eviction moratoria, including 21 states and DC that cited both the economic and public health rationales. Whereas the public health rationale cited prevention of eviction as a means of combatting the pandemic, the economic rationale posited that the state had an interest in ensuring that its residents not lose their homes during an economic catastrophe that resulted in widespread job and wage loss. For example, a Tennessee court-ordered moratorium stated, "Given the increasing economic issues caused by this pandemic,

no judge, clerk, or other court official shall take any action to effectuate an eviction ... based upon the failure to make a rent, loan, or other similar payment" (Supreme Court of Tennessee, 2020). Similarly, the New Jersey governor's order stated, "many New Jerseyans are or will be experiencing substantial loss of income as a result of business closures, reductions in hours, or layoffs related to COVID-19, impeding their ability to keep current on rent and mortgage payments" (Murphy, 2020).

What Was Done? The Form of Eviction Protections

Stage of the Eviction Process Frozen

Eviction moratoria froze at least one stage of the typical eviction process. In Stages 1 and 2, the landlord is the primary actor initiating the eviction process; in Stages 3 and 4, the court is the primary actor presiding over the hearing and issuing a judgment; and in Stage 5 the sheriff, law enforcement agent, or private company executing the writ of removal is the primary actor. With the exception of notice, these five stages occur in nearly every state before a landlord can take possession of the property, unless the tenant vacates the premises.⁶

In Figure 1 we plot, for every state and DC, the time that each stage of the eviction process was frozen, if at all. Across DC and the 43 states that instituted a moratorium at least once, Stage 5 was frozen at the highest rate (70%), followed by Stage 3 (68%), stage 2 (54%), stage 1 (41%), and stage 4 (36%). The most common approach, which occurred in 10 states (22.7%), was to freeze only Stage 3 or only Stage 5. Nine states (20.4%) froze four stages of eviction, in various combinations. Only four states (HI, NC, NV, MA) froze all stages of eviction at some point,



Figure 1. State-level duration of moratoria by eviction stage, March 13, 2020–March 13, 2021.
Note. This map demonstrates variation both in the duration of eviction moratoria present in states, including interruptions in moratorium coverage, and in the number of stages frozen in a state at a given time within the study period.

and another four states (CO, IL, WA, WI) froze Stages 1, 2, and 5. The remaining states froze different combinations of two to four stages of eviction.

Duration and Source of Moratoria

Eviction moratoria went into effect as early as March 13, 2020, and some remained in effect at the close of the study period. The median length of a moratorium was 144 days. In Figure 2 we plot the presence and overall duration of protections in each state and DC.

The longest moratorium, issued by the DC Superior Court and later extended by the DC Council, went into effect on March 15, 2020, and was still in place at the end of the study period, totaling 363 days in effect.⁷ The shortest moratorium was issued by the North Dakota State Supreme Court and was in effect for 27 days.

The duration of moratoria varied depending on the actor that instituted the order (see Table 2). Moratoria established by the courts had the shortest median length, followed by those established by governors, and then those enacted by legislative bodies. As we demonstrate in Figure 3, the source of eviction moratoria varied over time. At the outset of the pandemic, between March 13 and March 20, 2020, courts were the primary source of state-level moratoria: 22 state supreme courts barred access to the court, compared to 10 governor-issued moratoria and one legislatively issued moratorium. Governors and courts were responsible for the vast majority of the 65 eviction moratoria established during the study period (31 and 27 orders, respectively). The remaining seven orders (11%) were issued by legislative bodies. In most states, a combination of measures implemented by multiple actors created a patchwork state-level moratorium.

State courts lifted moratoria on hearings either by reopening courthouses or by authorizing courts to hold hearings remotely, including eviction proceedings. With the exception of Nebraska, which never attempted remote hearings, all states and DC authorized or mandated

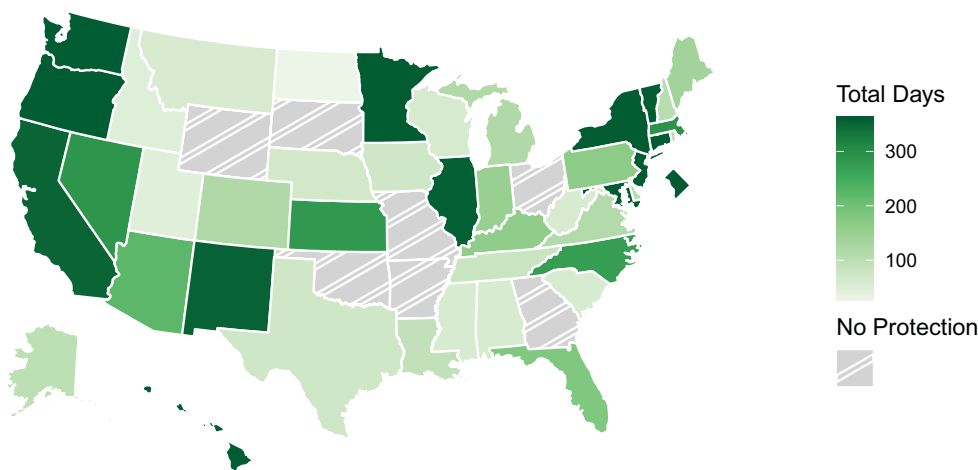


Figure 2. State-level eviction moratoria by total duration of protection, March 13, 2020–March 13, 2021.
Note. The cumulative duration of active moratoria reflects the total number of days that any stage of eviction was frozen by a state-level actor in a given state, taking into account any gaps in coverage that may have existed over the study period.

Table 2. Duration of state and DC moratoria by actor, March 13, 2020–March 13, 2021.

State actor	Shortest moratorium (days)	Longest moratorium (days)	Median duration of moratorium (days)	Mean duration of moratorium (days)
Legislative body (7)	82 (AK)	361 (DC)	256	244
Governor (31)	45 (UT)	362 (MD)	149	181
Court (27)	7 (MN)	362 (NJ)	80	120

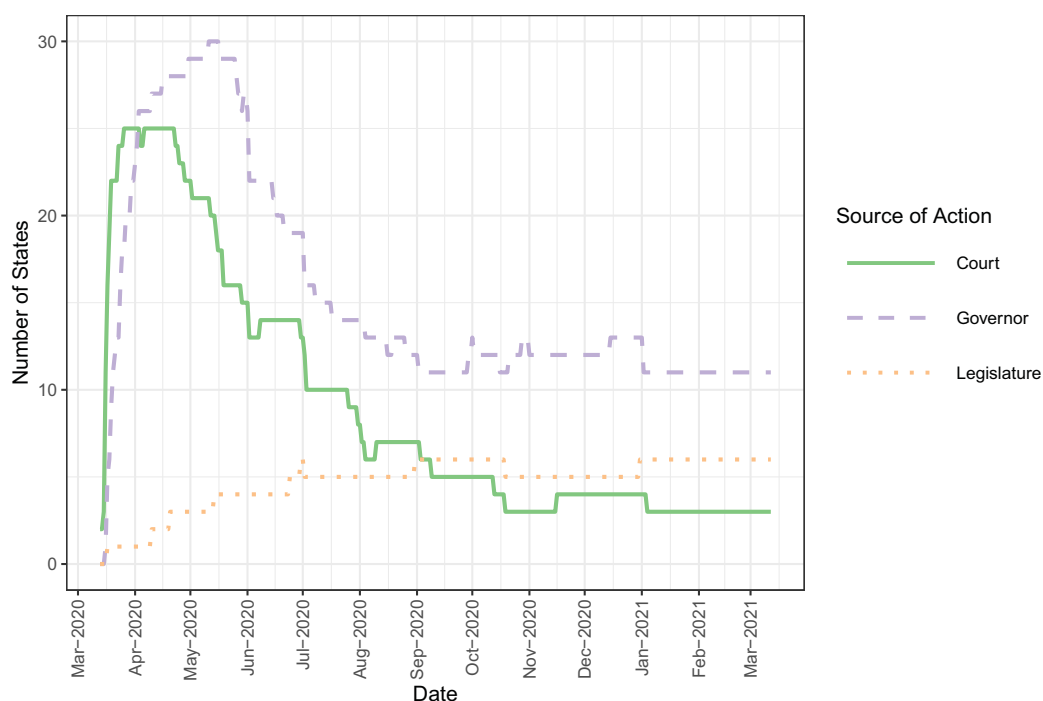


Figure 3. Number of states with active eviction protection, by the source of the protection, March 13, 2020–March 13, 2021. *Note.* The plot reflects the number of states with an active eviction moratorium freezing any stage of eviction on a given date according to the actor(s) responsible for the policy over the study period.

the use of remote hearings, some as early as April 2020. By November 17, 2020, 82% of all state courts ($N=51$) encouraged or permitted the use of remote proceedings or allowed local discretion; 14% of all courts mandated remote hearings (seven states and DC).

Tenant Eligibility for Protection

Moratoria that froze the same stages of the eviction process were not necessarily commensurate: orders varied in the type of eviction covered and tenant eligibility for protection. Initially, 34 states and DC applied moratoria to all evictions without eligibility restrictions. Four states (FL, NM, TN, WA) initially restricted the moratoria to nonpayment-of-rent evictions, and three others (AZ, MD, UT) required tenants to demonstrate COVID-19 hardship, typically defined as wage loss or health conditions related to the pandemic. Only two states (CA, NE) initially limited moratoria to both nonpayment-of-rent evictions and tenants who could demonstrate COVID-19 hardship. Across the 44 jurisdictions that issued a moratorium, 59% included emergency exceptions that allowed an eviction to proceed where a tenant engaged in criminal activity or presented an imminent danger to the health or safety of others or the property.

During the study period, nearly half (49%, 17 states) of the 35 jurisdictions that initially adopted moratoria with no restrictions issued amendments that limited protections to nonpayment of rent eviction, demonstration of COVID-19 hardship, or both. We plot the timing of these restrictions in [Figure 4](#). By September 15, 2020, 11 of the 18 active moratoria included one or both of these restrictions. During the entire study period, only the state of Washington broadened protections by lifting restrictions.

Although states that applied moratoria to all eviction actions should, in theory, have prevented “holdover” evictions where the landlord sought possession and not necessarily financial recovery, the majority of states did not expressly address evictions at the end of the lease term.

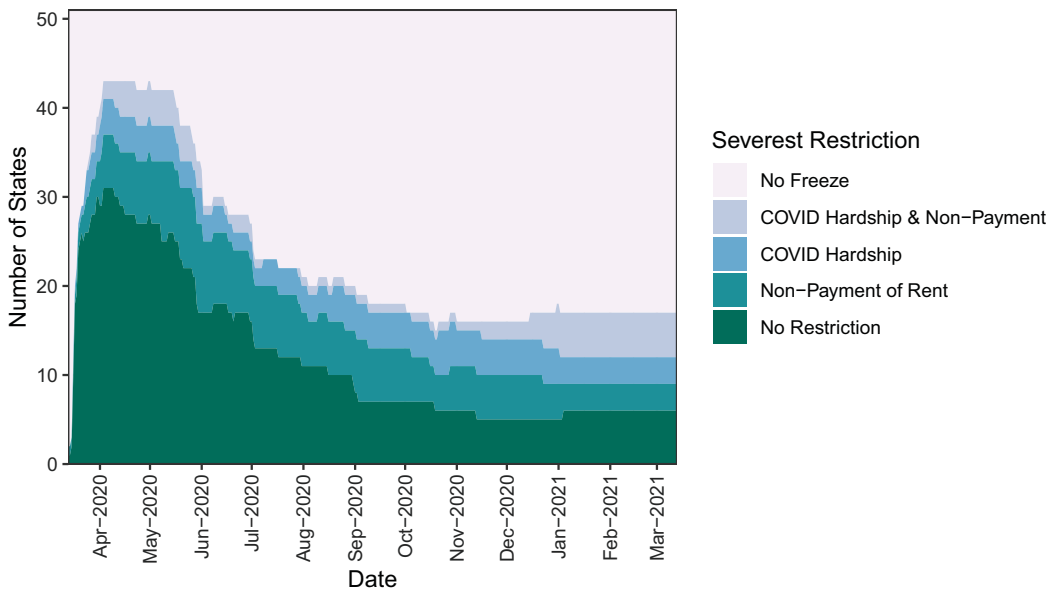


Figure 4. Number of states with eviction moratoria containing coverage restrictions, March 13, 2020–March 13, 2021.
Note: Active state-level moratoria reported if any stage(s) of the eviction process was frozen on a given date.

Hawaii suspended the statute providing the landlord with remedies against holdover tenants (Hawaii Fifth Supplementary Proclamation, 2020), and Oregon modified any lease that expired between April and December of 2020 to have an end date 30 days after the end of the eviction moratorium (Oregon Exec. Order No. 20-56, 2020). Beyond mobile home and apartment rentals, few states provided protections to individuals who pay for their housing on a weekly or monthly basis but are not generally considered tenants by the legal system, such as hotel guests and nursing home residents.

State Adoption and Interpretation of Federal Moratoria

The federal government imposed two moratoria during the study period. The CARES Act halted evictions between March 27, 2020, and July 25, 2020, and instituted a 30-day notice period for several categories of housing that received federal subsidies or mortgage backing (116th U.S. Congress, 2020). On September 1, 2020, the CDC issued an emergency order halting certain non-payment-of-rent evictions, effective September 4, 2020, as a public health measure to reduce the spread of the novel coronavirus (Centers for Disease Control and Prevention and Department of Health and Human Services, 2020). The CDC moratorium was initially scheduled to expire on December 31, 2020; it was extended first by Congress to January 31, 2021, and by the CDC to March 31, 2021, again to June 30, 2021, and again to July 31, 2021. The Biden administration re-established a revised version of the moratorium on August 3, 2021, which was then struck down by the Supreme Court on August 26, 2021.

Implementation of the two federal eviction moratoria varied across jurisdictions. Judicial actors in 21 states issued orders requiring that landlords file a certification or affidavit of compliance with the CARES Act moratorium at the time of an eviction filing or in pending eviction cases. Only six states (IL, KY, MD, NJ, RI, SC) automatically dismissed cases if a property was covered under, or if a landlord failed to verify compliance with, the CARES Act. In Tennessee, cases originating from covered property were continued until the CARES Act expired. In Georgia, the covered property case proceeded to judgment, but the writ was stayed until the CARES Act

expired. Other courts remained silent on the procedure when a property was covered under the Act.

After the CDC moratorium went into effect on September 4, 2020, 18 state courts and governors adopted or offered explicit interpretations of the order. At least five states (CO, KY, NC, NV, MT) adopted the CDC moratorium as state law. The governor of California stated that the moratorium would not apply in California because the state-level moratorium, which did not include an income limit, was determined to be more protective.

Court implementation of the CDC moratorium was inconsistent (Rangel et al., 2021). Only five states (AZ, CT, CO, NC, TX) required landlords to provide a declaration and notice of rights to tenants prior to filing an eviction for nonpayment of rent. Eight states (AK, AZ, MA, MI, NC, NH, TX, UT) required landlords to submit an affidavit or attest to compliance with the CDC moratorium. Courts also varied in their interpretation of which stages of the eviction process the CDC moratorium froze. Some states only applied the CDC moratorium to a single stage of the eviction process, such as hearing (DE, IA) or judgment (MD, MI). Others froze the eviction process at the moment a declaration was presented, including filing (NH, RI, UT). At least one state (MD) treated the moratorium as a defense to the eviction that the tenant was required to raise and prove in court, subject to examination by the landlord. States did not address the effect of the CDC declaration on the final stage of the eviction process (sheriff execution of an order). Sheriffs did not always interpret the CDC declaration as halting the enforcement of a writ of possession without a court order. For example, in North Carolina, the Sheriffs Association issued a statement that sheriffs were not owners of covered property and, thus, the CDC moratorium did not apply to them (Caldwell, 2020).

Additional Renter-Supportive Measures

In addition to pausing stages of the eviction process, many states also adopted renter-supportive measures. These included financial assistance to tenants, utility shutoff moratoria, utility reconnection, bans on late fees and rent raises, grace periods to pay rent, measures sealing eviction records, and bans on landlords reporting past-due rent to credit bureaus. We plot the adoption and duration of such measures in Figure 5.

The most common supportive measure was rental assistance, either through the expansion of existing programs or the creation of new programs that provided rent payments to tenants or directly to landlords (Reina et al., 2021; Yae et al., 2020). By December 31, 2020, 45 states and DC were running rent relief programs with various eligibility criteria and conditions. These programs used funds provided by the CARES Act, as well as state funds. To prevent landlords from accepting rent relief and then filing to evict tenants for remaining or newly accrued rental debt, some states stipulated that a landlord's acceptance of rent relief payments resulted in their tenants' temporary protection from eviction (e.g., Cooper, 2020; Vermont House Committee on Appropriations, 2020). Between December 2020 and March 2021, via the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act, Congress appropriated \$46.5 billion in Emergency Rental Assistance (ERA). These funds, which were allocated to over 400 state, county, and local grantees, and over 300 Tribal governments, were distributed after the study period.

The second most frequently adopted supportive measure was a moratorium on utility shutoffs for nonpayment. More than half of states and DC (65% $N=51$) instituted a utility shutoff moratorium; 21% of states ($N=51$) also required that utility providers reconnect customers whose utilities had been disconnected prior to the pandemic. States varied in which utilities were subject to shutoff moratoria. For example, Nebraska only prohibited shutoffs of natural gas services, whereas New Hampshire prohibited shutoffs of electric, gas, water, telephone (landline and Voice over Internet Protocol), cable, internet, and deliverable fuels (propane, fuel oil, and heating oil) services. States' ability to control utilities often depends on whether utilities are private or

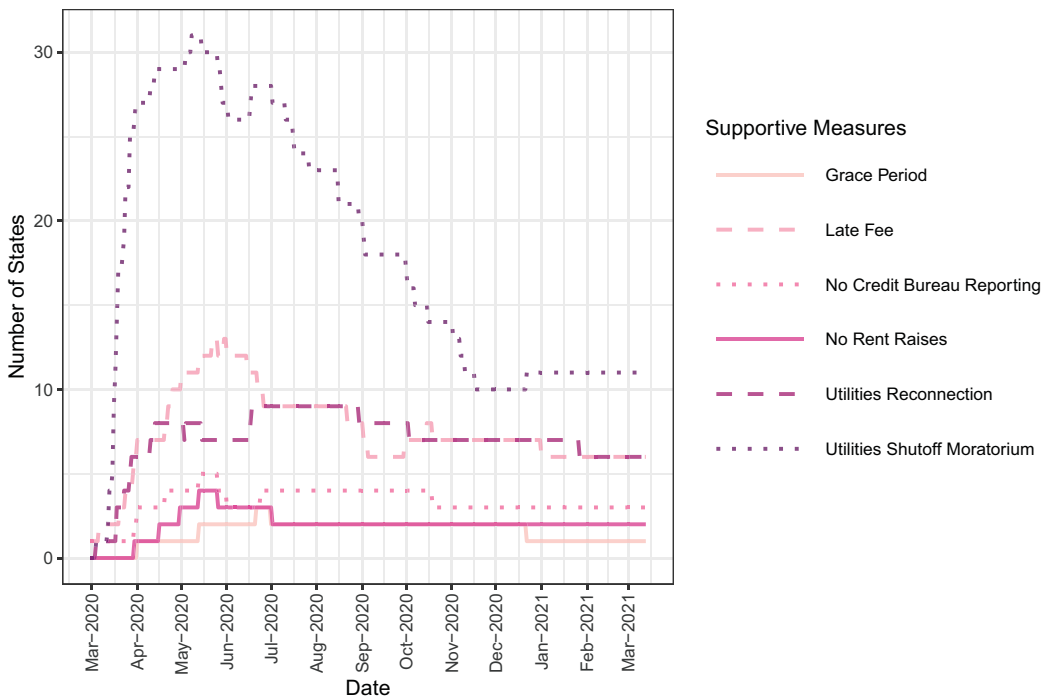


Figure 5. Number of states with renter-supportive measures, March 13, 2020–March 13, 2021.

Note. This figure depicts the number of states with an active renter-supportive measure on a given date. Supportive measures were not dependent upon a state having a moratorium.

public. For example, in Kansas, Governor Kelly issued an order placing a moratorium on disconnection of all utilities outside of the state public utility commission, whereas the Kansas Corporation Commission froze disconnection of the utilities it regulates. In the first year of the pandemic, states ended shutoff moratoria in favor of requiring utilities to enter into payment plans with all customers who requested them (e.g., TN) or providing utility payment assistance to customers who had fallen behind (e.g., IA, VT).

Other supportive measures were less common. DC and fewer than a third of states (29% $N=51$) prohibited landlords from charging late fees, and only 12% prohibited landlords from reporting late rent to credit bureaus. Three states and DC prohibited landlords from increasing rent. Three states and DC provided tenants with a grace period to pay rent. As with utility shutoff moratoria, the number of states providing these supportive measures decreased over the study year. Finally, during the study period, DC passed a temporary law allowing tenants to request sealing of their eviction records in at least some circumstances.⁸

Several states also modified the eviction process. Some states mandated that a longer period of time pass between stages of eviction. For example, when New Hampshire ended its eviction moratorium, Governor Sununu modified the court process, while the state of emergency persisted, by extending the minimum period between a landlord giving notice to the tenant and filing an eviction lawsuit for nonpayment of rent from 7 days to 30 days (Sununu, 2020). Kentucky, North Carolina, and Colorado all implemented similar measures (Beasley, 2020; Beshear, 2020; Polis, 2020).

Other states mandated that courts adopt diversion programs or that eviction cases proceed through alternative dispute resolution procedures prior to going to trial. For example, when Massachusetts' moratorium ended, the Massachusetts Housing Court set up a two-tier process for all pending cases. In the first tier, the court scheduled a hearing before a housing specialist to discuss potential resolutions to the case, including the availability of rent relief for the tenant

and the possibility that the CDC moratorium could prevent the case from moving forward if the tenant qualified for its protections. If a resolution was not reached, the case moved to the second tier, with the court scheduling a trial no sooner than 14 days after the first-tier hearing (Massachusetts Housing Court, 2020). Kentucky and Michigan courts instituted similar procedures (Michigan Supreme Court, 2020; Supreme Court of Kentucky, 2020), with Michigan ultimately adopting a statewide eviction diversion program that paused the eviction process.

Multiple states, including Delaware and Michigan, combined these approaches and coupled a mandatory extension of the eviction process with directives to the courts to adopt diversion programs that find alternative resolutions to the dispute and are often coupled with legal rental assistance. When the state moratorium ended, Governor Carney of Delaware ordered that all pending evictions and all newly filed evictions be immediately stayed, with no specific end date, so that the court could determine whether the parties would benefit from alternatives to the court process (Carney, 2020).

Causes and Effects of Eviction Moratoria

Public Health Conditions as a Predictor of Eviction Protections

Public health was cited as a justification for eviction protections in 28 of the 44 jurisdictions that ever implemented an eviction moratorium. We found, however, that states began to roll back protections—or to impose new restrictions on the protections that they offered—well before the COVID-19 pandemic was contained, thereby reducing the population protected from eviction. Indeed, in most cases, protections were lifted even as case rates were increasing. In [Figure 6](#) we plot, for each state that ever imposed a moratorium, the change in COVID-19 infection rates over the four weeks before the least restrictive earliest eviction stage protections were lifted or modified.⁹

In 27 states and DC, the least restrictive earliest stage protections afforded to renters were lifted or modified as COVID-19 infection rates were increasing. Indeed, in several cases infection rates were increasing quite dramatically. In North Dakota, for example, rates rose by 726% (from 0.71 to 5.89 per 100,000) in the four weeks before the state lifted its hold on eviction hearings on April 22, 2020. Only 15 of the states with a moratorium in place eased protections as case rates were declining. Nearly all eviction moratoria were lifted before the widespread availability of COVID-19 vaccines to the general public.

It was very rare for state policymakers to expand protections over time, despite increases in COVID-19 incidence. [Figure 7](#) plots COVID-19 infection rates in each of the 50 states and DC over the study period. For each jurisdiction, we mark in blue the time period in which least-restrictive earliest stage protections were in place.

In the vast majority of places where moratoria were enacted—36 states and DC—the highest COVID-19 infection rates were recorded *after* renter protections were lifted or weakened. In Indiana, for example, the average COVID-19 infection rate during the period in which the state halted the filing of eviction cases (March 19 to August 15, 2020) was 7.9 per 100,000. Four months later, on December 3, 2020, infections in the state spiked to 102.5 per 100,000, yet no new protections were afforded to renters. Only seven states—California, Connecticut, Hawaii, Minnesota, New Jersey, New Mexico, and Washington—maintained the most stringent eviction protections during the periods when highest COVID-19 case rates were recorded.

In short, we find little to no evidence that public health conditions served as a meaningful predictor of the timing of moratoria protections. Eviction protections were very often rolled back even as the prevalence of COVID-19 was increasing in a given state, and were rarely reimposed or strengthened when public health conditions worsened.

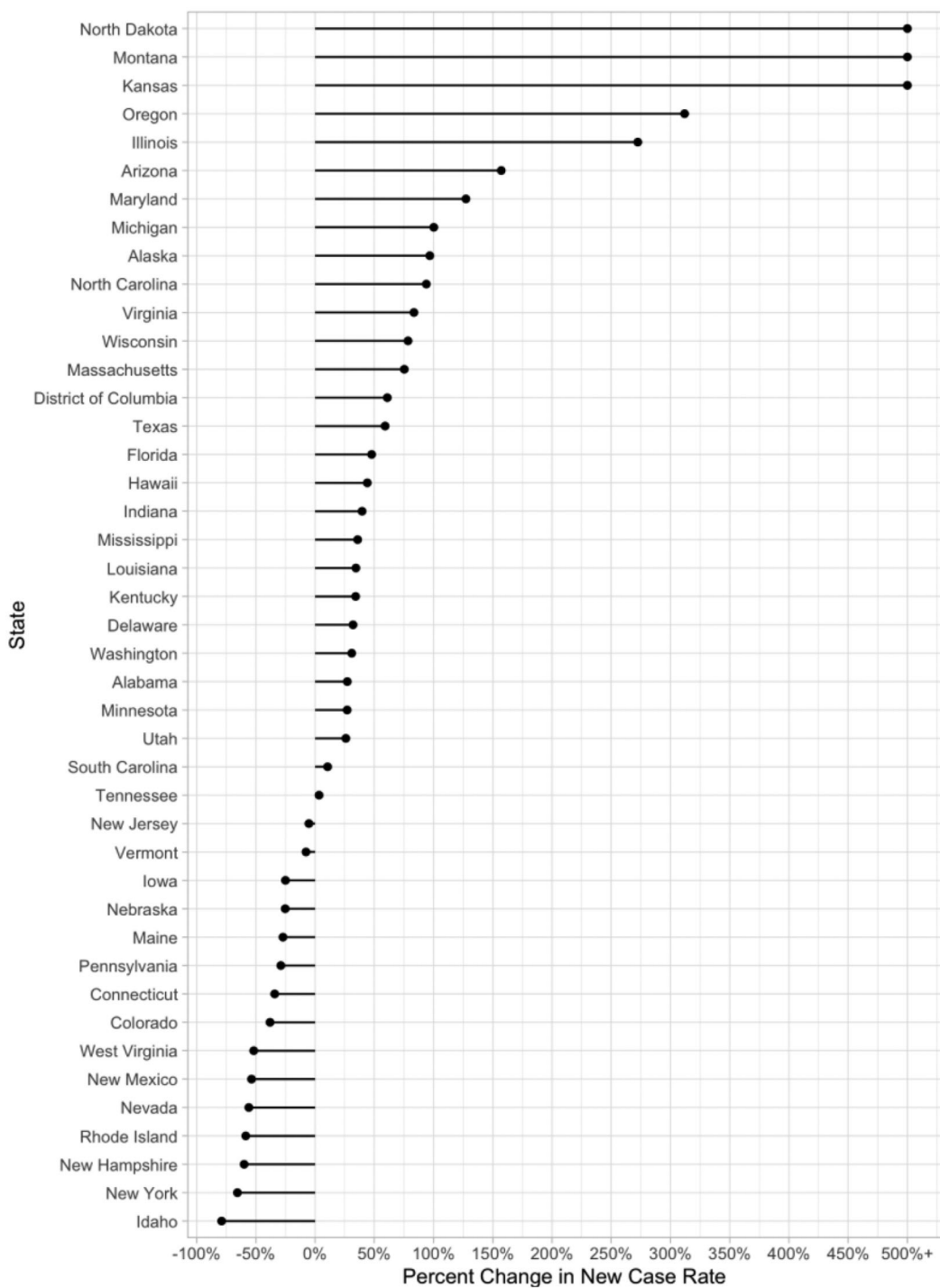


Figure 6. Percent change of new COVID-19 cases surrounding the removal or weakening of the earliest stage of eviction frozen in each state with an eviction moratorium, March 13, 2020–March 13, 2021.

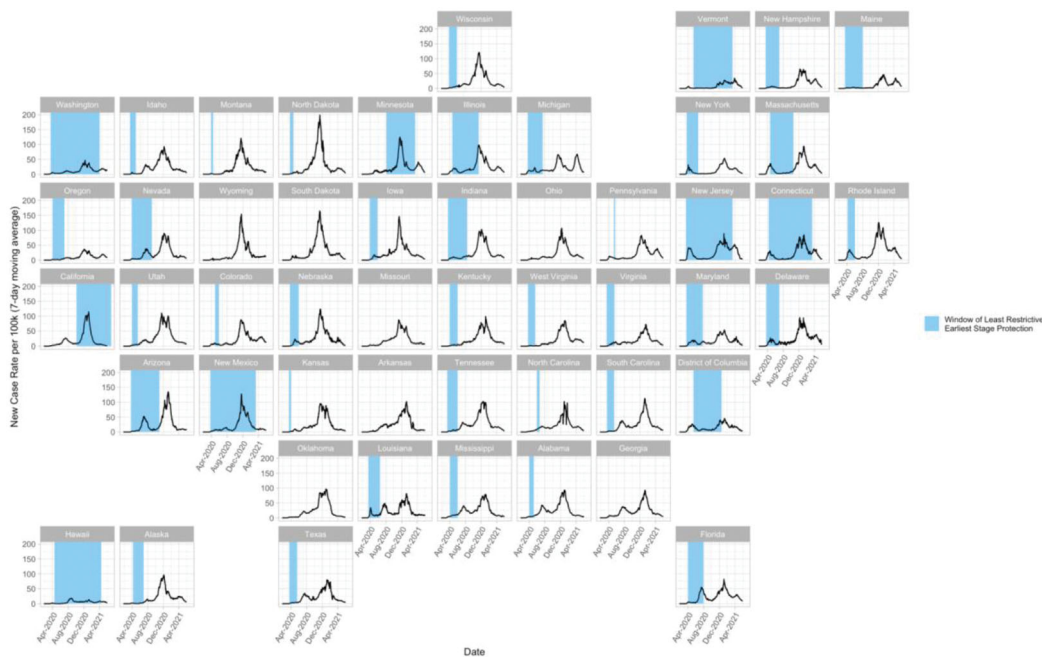


Figure 7. COVID-19 new case rate in relation to a state’s window of least severe restriction on earliest stage of eviction frozen.

Table 3. Negative binomial regression estimates of county-week eviction filings relative to historical baseline.

	Model 1		Model 2		Model 3		Model 4		Model 5	
	Coef	SE	Coef	SE	Coef	SE	Coef	SE	Coef	SE
Moratorium	−0.682***	(.184)								
Earliest stage frozen										
Stage 1			−1.032**	(0.391)						
Stage 2			−1.291**	(0.486)						
Stage 3			−0.744***	(0.160)						
Stage 4			−0.652**	(0.231)						
Stage 5			ref							
COVID-19 restriction					0.274	(0.196)				
Nonpayment restriction					0.236	(0.236)				
Actor										
Court							ref			
Governor							−0.165	(0.388)		
Legislature							0.618*	(0.247)		
Economic justification									−0.092	(0.238)
Public health justification									−0.090	(0.189)
No. observations	41,912		13,880		13,880		13,880		13,880	

Note. The model includes week and county fixed effects. Standard errors are clustered by state.

+ $p < .1$. * $p < .05$. ** $p < .01$; *** $p < .001$.

Effectiveness of Moratoria in Reducing Eviction Filings

To assess the effects of eviction moratoria on eviction filings, we fit a series of negative binomial regression models predicting county-week eviction filing counts as a function of moratorium characteristics and the historical baseline number of filings for the county-week (expressed as an offset term). The results from these models are presented in Table 3.

In Model 1, we find that eviction filings relative to historical average were significantly lower when a moratorium was in place compared to county-weeks in which no moratorium was in place. The effect was both statistically and practically significant: filings as a percentage of historical baseline were reduced by nearly 50% when a moratorium was in place ($1 - e^{-0.682} = .494$).

In Model 2, restricting to those county-weeks in which a moratorium was in place, we find that reductions in filings were largest when one of the earlier stages of the eviction process was frozen.¹⁰ Results from both models align with our expectations. By contrast, in Model 3 we find no support for our hypothesis that the relationship between eviction moratoria and eviction filings will be weakened by restrictions. Rather, it appears that nonpayment-of-rent and COVID-19 hardship restrictions had no appreciable effect on eviction filing rates. In Model 4 we find that eviction filings relative to baseline levels were no higher or lower when an eviction moratorium was issued by a governor than the courts (the reference category). Unexpectedly, filings were significantly higher when moratoria were issued by legislatures rather than the courts. Finally, in Model 5 we find that the justifications provided for the order had no meaningful effect on the relationship between moratoria and eviction filing levels.

Discussion

Eviction moratoria established in response to the COVID-19 pandemic varied widely across states. We highlighted five key dimensions along which these orders can be characterized: the justification for the moratorium, the stage(s) of the eviction process frozen, the duration of the moratorium, the source of the order, and the eligible population. We also documented variations in state interpretation and implementation of the federal CARES Act and CDC eviction moratoria and the establishment of an array of additional renter-supportive measures by the states.

Although the adoption of moratoria as a pandemic mitigation strategy was itself significant, we emphasize the considerable variability in these policies across states and the disparities in protections that resulted. Consider the situation of a tenant behind on rent in one of three contiguous Western states on April 30, 2020. If the hypothetical renter was in Washington, their landlord could not serve them with notice of intent to file for eviction, much less file the case with the courts. If they were in Idaho, an eviction case could be filed, but no hearing would be held. But if they were in Wyoming, the eviction process could proceed as normal.¹¹ Even when the federal government implemented nationwide eviction moratoria, variations in interpretation and adoption from state to state left some renters less protected from eviction than those elsewhere (Hepburn et al., 2021; Rangel et al., 2021).

Frequent changes to moratoria and the disjointed nature of orders issued by multiple state actors likely increased confusion among renters and landlords about their rights and obligations. Restrictions on eligibility had the potential to be especially pernicious. Where state actors amended moratoria to include a COVID-19 hardship requirement, they shifted from a prohibition on landlord action to an affirmative defense that tenants were required to raise in court. Because 97% of tenants lack access to counsel—more in nonurban jurisdictions—and fifteen U.S. cities and three states have adopted a civil right to counsel in eviction cases, it is unlikely that all eligible tenants had the ability to exercise their rights or receive protection from eviction under this approach (Ellen et al., 2021; Park & Pollock, 2021; Schultheis & Rooney, 2019). Limiting protections may have left vulnerable many eligible renters who lacked resources to prove their eligibility (Keene et al., 2021). Thus, although the COVID-19 hardship and nonpayment-of-rent restrictions had no appreciable effect on eviction filing rates, they likely had other negative consequences, such as housing displacement, that we cannot observe using the available data.

Although some rental assistance was available during the study period, funds were disbursed slowly, were insufficient to address accumulating rental debt, and required significant time and resourcefulness on the part of tenants to access (Reina et al., 2021). Nearly all moratoria had expired before the \$46.5 billion in rental assistance allocated through the Consolidated Appropriations Act of 2021 and American Rescue Plan Act became widely available.¹² States did not successfully replace expired moratoria with other supportive measures or increase supportive measures as the pandemic progressed. To the contrary, utility shutoff moratoria—the most

frequently adopted supportive measure after rental assistance—decreased in frequency over time. During the study period, less than 30% of states adopted other measures that might have reduced the effects of the economic crisis on the rental housing market, such as requiring a grace period to pay rent or a prohibition on late fees.

More than half of state governors and legislatures argued that halting eviction was an important public health measure in a state's repertoire of emergency pandemic mitigation strategies. Yet the majority of state actors narrowed the covered population and/or eroded protections early in the pandemic, despite ongoing or increasingly high rates of infection. After lifting or limiting moratoria, 27 states saw new COVID-19 infection rates increase, in several cases by as much as 500%. At least some of these increases may have been attributable to the lack of renter protections (Jowers et al., 2021; Leifheit et al., 2021; Nande et al., 2021). Even were that was not the case, it is striking that states did not reinstate protective housing policies as the conditions that they were explicitly implemented to address worsened. By July, the majority of eviction moratoria had lapsed, yet the COVID-19 daily infection count was more than double the April count (Johns Hopkins Coronavirus Resource Center, 2020). The stated purpose of these moratoria was undermined by the premature erosion or lifting of protections.

Despite these flaws, we found clear evidence that, when in place, eviction moratoria—particularly those that froze the earliest stages of the eviction process—were effective in reducing eviction filing rates. This finding is both intuitive and fundamentally encouraging: policies specifically designed to shield households from the threat of displacement appear to have worked, a conclusion that was far from certain given the novelty of the intervention. The framework developed here allowed us to highlight moratoria factors that plausibly affect eviction filings (stage frozen and restrictions on coverage) and those that likely do not (source of and justification for the order). Our findings are consistent with other preliminary research demonstrating that the earlier the eviction process was halted, the more likely it was that a renter could stay housed and avoid the pandemic-related and long-term harms of eviction (Ahmed, Youngren, et al., 2021; Hepburn et al., 2021; Leifheit et al., 2021).

Areas for Future Research

We have described a period of heightened activity in U.S. housing policy and developed a framework that can aid researchers interested in understanding both the correlates of policy response and the effects of interventions. The five aspects of moratoria policy laid out above are, we argue, the critical dimensions that should be analyzed when assessing the factors that predict policy response and estimating the effects of moratoria, whether that be in terms of eviction and eviction filing rates, disease transmission, economic indicators, public health outcomes, or rental market stability.

Our analysis of public health conditions when eviction moratoria were rolled back was intended to demonstrate how this framework can be used to predict the cessation of renter protections. It provides preliminary evidence of policymakers' reluctance to use eviction moratoria for extended periods of time, despite increasing public health threats. Future research should tackle the question of what factors predicted the initial implementation of these policies, and by whom, as well as the level of protections correlated with each Michener, 2022. Although the justification for moratoria did not affect eviction filings, it appears to have affected the stages frozen and the type of moratoria adopted. Further exploration and analysis would contribute to scholarly debates across multiple disciplines, including public health, political science, and public policy. For example, federalism scholars have long questioned the determinants of state-level policy innovation given federal pressure or incentives to act (Elazar, 1962, 1990; Welch & Thompson, 1980). The federal-level policies at issue here—the CDC and CARES Act moratoria provisions—are unique in their function as *supplemental* support for renters, which raises an

important question: How does ancillary federal action interact with state-level decision-making? Alternatively, scholars of the policymaking process question the role that exogenous shocks, like disasters, play in stimulating policy innovation (Birkland, 1997). Given the disturbance caused by the pandemic itself, what features of a state's political environment, or of its historical policy landscape, determine its response (or nonresponse) to the pandemic's effects on its residents? The framework presented here suggests three key outcome measures: the justification, source, and duration of protections.

It is equally important to understand what effects these policies had when in place, and who benefitted. Our initial analysis of eviction filing rates suggests that some policies were more effective than others in preventing eviction filings, but there is considerably more work to be done. As more eviction filing and eviction judgment data become available from more jurisdictions, we hope that these analyses are reproduced and improved upon, both on a larger scale and with greater geographic specificity. In particular, we hope that future research assesses which neighborhoods saw the most significant reductions in displacement, and how this is related to the sociodemographic composition of such spaces and their historical eviction patterns. In doing so, it will be important to account for additional federal policies such as economic impact payments, expanded unemployment insurance, and the expanded child tax credit, which, although not explicitly aimed at improving housing stability, likely contributed to that end.

Likewise, future analyses should account for relationships between moratoria and other eviction prevention policies, especially those enacted in response to the pandemic, such as ERA, eviction diversion, and right to counsel. As noted above, ERA funds were distributed through hundreds of state, county, local, and tribal grantees that, in turn, established or enhanced state and local programs with heterogeneous application, vetting, and distribution processes. A growing body of literature explores the characteristics of these programs, describing operations and best practices that developed over time (e.g., Aiken et al., 2021; Boshart et al., 2022; Reina et al., 2021). A smaller set of research has explored eviction diversion programs established in response to the pandemic (e.g., Bates, 2021; Treskon et al., 2021). Similarly, right-to-counsel programs more than doubled in number during the pandemic. We would encourage additional research in this vein that (1) establishes frameworks for describing the key characteristics of ERA, eviction diversion programs, and right to counsel laws; and (2) analyzes the relationships between characteristics of eviction moratoria and these other eviction prevention policies. Were these programs supplementary (i.e., ERA was more available where moratoria were more limited) or complementary (i.e., places with strong eviction moratoria also established effective diversion, right-to-counsel and/or ERA programs)? How did this vary across jurisdictions? What combination of factors was most effective in keeping households safely and stably housed?

Despite the strengths of this study, it also has several limitations. First, although county- and municipal-level data were collected, this study does not evaluate local interventions, which may provide additional insights into the necessity and effects of state and federal response. Second, specific state variations in extant eviction law were not factored into analysis. Third, this study did not examine rental assistance, which is an important component of eviction prevention and pandemic control. Finally, the study did not account for the effects of eviction diversion programs as a complementary intervention, which became much more widespread following federal calls to action and guidance allowing for the use of ERA funds to create and operate the intervention. These are important areas for additional research.

Conclusion

The COVID-19 pandemic represents the first time in its history that the United States adopted eviction moratoria on a national scale. Due to the ongoing dangers posed by COVID-19 and the unpredictable nature of future public health threats, it is necessary to fully understand the

measures that were implemented in response to the pandemic and to engage in continuous evaluation, planning, and adoption of model approaches. Our descriptive framework provides researchers and practitioners alike with the tools to advance, evaluate, and refine comprehensive renter protection strategies that ultimately serve to safeguard the communities most impacted by public health or other emergencies from housing loss and associated harms.

Notes

1. Arkansas also implements eviction as a criminal process (Ark§18-16-101 2010).
2. Weekly average rates are preferable to daily rates because of day-to-day variations in reporting.
3. The exact years of baseline data available varied from site to site. See [Supplementary material](#) for more information.
4. Within the sample, the first observed week started Sunday, March 15, 2020, and the final week started Sunday, March 7, 2021. These data provide full coverage of 11 states (Arkansas, Connecticut, Delaware, Indiana, Minnesota, Missouri, New Mexico, North Dakota, Pennsylvania, Utah, and Virginia) and partial coverage of 14 states (Arizona, Florida, Georgia, Kansas, Louisiana, Mississippi, Nevada, New York, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Wisconsin).
5. We account for characteristics of state-level moratoria, but not for contemporaneous federal or local moratoria. Because federal moratoria were applied universally across the sample, their effects are accounted for by the week fixed effects.
6. Some states require tenants to post a monetary bond in order to access a hearing and avoid a default judgment.
7. As of June 15, 2022, when moratoria were still in place in California and the U.S. Virgin Islands, the longest moratorium was 810 days in California.
8. At least 10 states (CA, CO, DE, IL, MA, MN, NV, OR, WI, WA) and the Municipal Court of Cleveland, Ohio, allow for eviction records to be sealed in at least some circumstances. Some cities and states also regulate screening practices or disclosure of eviction actions in tenant screening reports, including Philadelphia, Pennsylvania; Minneapolis and Saint Paul, Minnesota; Minnesota; Seattle, Washington; and Washington. In addition, at least five states (CA, IL, NJ, OR, TX) and the District of Columbia adopted time limited pandemic-related record sealing policies.
9. We define the period of highest protection as the period when the given state froze the earliest stage of the eviction process with the fewest restrictions. This period ended when a given protection was modified to be more restrictive or was ended altogether. California is excluded from the plot because their least restrictive earliest stage protection extended beyond the study period. The estimated change in Kansas was infinite because the average case rate four weeks prior to protections lifting was zero.
10. Results from an equivalent model over the full sample yield functionally identical results and are available upon request. A total of 1,183 county-weeks were dropped from analysis because there were no eviction cases filed within the unique county; conditional likelihood estimation is not possible in situations such as these where the outcome does not vary. The resulting regressions therefore have a sample size of $n = 13,880$.
11. Landlords in Washington could not serve their tenants with notice of intent to evict for 380 days (March 18, 2020, through April 1, 2021). By contrast, in Idaho cases could be filed throughout the study period and hearings were suspended for only 47 days (March 16, 2020, through May 1, 2020), whereas in Wyoming no eviction moratorium was ever established.
12. The federal Emergency Rental Assistance Program disbursed or obligated \$25 billion to \$30 billion in assistance across 3.8 million payments to households in 2021 and over \$40 billion across nearly 6 million payments to households by May 2022. The bulk of the assistance was delivered after the study period.

Data Availability

The dataset used in our analysis was created by EA Benfer, et al. EA Benfer takes full responsibility for the integrity of these data. Select data points from the study are available at <https://www.openicpsr.org/openicpsr/project/157201/version/V1/view>.

Disclosure Statement

EA Benfer, DE Keene, P Hepburn have provided expert testimony to legislative bodies regarding the effectiveness of eviction moratoria and the effects on eviction filings and public health. EA Benfer was the lead attorney on

amicus curiae briefs submitted on behalf of herself and health associations and experts in lawsuits challenging the CDC moratorium. EA Benfer's contributions to this article occurred prior to her position as a Senior Policy Advisor to the White House and American Rescue Plan Implementation Team and reflects her personal views only.

Funding

EA Benfer, DE Keene, P Hepburn received support from The Pew Charitable Trusts. The funders had no role in study design, analysis, interpretation of data, writing this paper, or the decision to submit the paper for publication. The content is solely the responsibility of the authors and does not necessarily reflect the official views of the funding entity.

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