

## **Health Impact Review of SSB 5160**

**Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs (2021 Legislative Session)**

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## **Full review**

The full Health Impact Review report is available at:

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2021-10-SSB5160.pdf>

## **Acknowledgements**

We would like to thank the key informants who provided consultation and technical support during this Health Impact Review.

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## Executive Summary

**SSB 5160, Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs  
(2021 Legislative Session)**

**Evidence indicates that specified provisions in [SSB 5160](#) have the potential to decrease evictions, which would improve health and decrease health inequities for multiple groups of tenants.**

## BILL INFORMATION

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**Sponsors:** Kuderer, Lias, Conway, Das, Lovelett, Saldaña, Wilson, C.

### Summary of Bill:

Full details about the provisions of this bill can be found in the bill text linked above. Given the length of the bill and the large number of provisions, the summary highlights sections most relevant to this review.

- Prohibits landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice until two years after expiration of any public health emergency, with exceptions.
- Requires landlords, before any collection action is initiated for unpaid rent accrued during the Governor's eviction moratorium or public health emergency and if the rent debt is no more than six months, to first offer tenants a repayment plan schedule equal to or greater than payment of the rent debt in monthly payments of at least one-sixth of the rent debt owed.
- Removes the prohibition on judicial discretion eligibility for a current pay or vacate notice in cases where a tenant has received three or more pay or vacate notices for failure to pay rent within the previous 12 months.

## HEALTH IMPACT REVIEW

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### Summary of Findings:

This Health Impact Review found the following evidence for relevant provisions in SSB 5160:

#### *Pathway 1: Prohibiting “no cause” terminations*

- **Informed assumption** that prohibiting landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice (“no cause” terminations), with limited exceptions, during and for two years after the expiration of a public health emergency would decrease evictions during the specified period. This informed assumption is based on provisions in the bill, current statute, use of just cause eviction ordinances, information from key informants, and the current eviction moratorium.

#### *Pathway 2: Offering repayment plans*

- **Informed assumption** that requiring landlords to offer a repayment plan (in instances where less than six-months of rent is owed) before taking collective action during and for two years

after a public health emergency will result in some number of tenants using a repayment plan to pay back-rent. This informed assumption is based on provisions of the bill.

- **Informed assumption** that tenants using a repayment plan to pay back-rent during and for two years following a public health emergency will decrease evictions, specifically for those who successfully repay the rent owed. This informed assumption is based on provisions in the bill, information shared by key informants, and U.S. Census Bureau Household Pulse Survey data.

***Pathway 3: Allowing judicial discretion***

- **Informed assumption** that allowing judicial discretion in cases in which a tenant has received three or more pay or vacate notices within a 12-month period would likely result in some number of tenants not being evicted. This informed assumption is based on differences between current statute (status quo) and provisions in the bill.
- **Strong** evidence that decreasing evictions will improve health outcomes.
- **Strong** evidence that improving health outcomes will decrease health inequities.

## Introduction and Methods

A Health Impact Review is an analysis of how a proposed legislative or budgetary change will likely impact health and health disparities in Washington State (RCW 43.20.285). For the purpose of this review ‘health disparities’ have been defined as differences in disease, death, and other adverse health conditions that exist between populations (RCW 43.20.270). Differences in health conditions are not intrinsic to a population; rather, inequities are related to social determinants (e.g., access to healthcare, economic stability, racism). This document provides summaries of the evidence analyzed by State Board of Health staff during the Health Impact Review of Substitute Senate Bill 5160 ([SSB 5160](#)).

Staff analyzed the content of SB 5160 and created a logic model depicting possible pathways leading from the provisions of the bill to health outcomes. We consulted with experts and contacted key informants about the provisions and potential impacts of the bill. We conducted an objective review of published literature for each pathway using databases including PubMed, Google Scholar, and University of Washington Libraries. More information about key informants and detailed methods are available upon request.

The following pages provide a detailed analysis of the bill, including the logic model, summaries of evidence, and annotated references. The logic model is presented both in text and through a flowchart (Figure 1). The logic model includes information on the strength-of-evidence for each pathway. The strength-of-evidence has been defined using the following criteria:

- **Very strong evidence:** There is a very large body of robust, published evidence and some qualitative primary research with all or almost all evidence supporting the association. There is consensus between all data sources and types, indicating that the premise is well accepted by the scientific community.
- **Strong evidence:** There is a large body of published evidence and some qualitative primary research with the majority of evidence supporting the association, though some sources may have less robust study design or execution. There is consensus between data sources and types.
- **A fair amount of evidence:** There is some published evidence and some qualitative primary research with the majority of evidence supporting the association. The body of evidence may include sources with less robust design and execution and there may be some level of disagreement between data sources and types.
- **Expert opinion:** There is limited or no published evidence; however, rigorous qualitative primary research is available supporting the association, with an attempt to include viewpoints from multiple types of informants. There is consensus among the majority of informants.
- **Informed assumption:** There is limited or no published evidence; however, some qualitative primary research is available. Rigorous qualitative primary research was not possible due to time or other constraints. There is consensus among the majority of informants.

- **No association:** There is some published evidence and some qualitative primary research with the majority of evidence supporting no association or no relationship. The body of evidence may include sources with less robust design and execution and there may be some level of disagreement between data sources and types.
- **Not well researched:** There is limited or no published evidence and limited or no qualitative primary research and the body of evidence has inconsistent or mixed findings, with some supporting the association, some disagreeing, and some finding no connection. There is a lack of consensus between data sources and types.
- **Unclear:** There is a lack of consensus between data sources and types, and the directionality of the association is ambiguous due to potential unintended consequences or other variables.

This review was subject to time constraints, which influenced the scope of work for this review. The annotated references are only a representation of the evidence and provide examples of current research. In some cases, only a few review articles or meta-analyses are referenced. One article may cite or provide analysis of dozens of other articles. Therefore, the number of references included in the bibliography does not necessarily reflect the strength-of-evidence. In addition, some articles provide evidence for more than one research question, so are referenced multiple times.

## Analysis of SSB 5160 and the Scientific Evidence

### **Summary of relevant background information**

- Between 2000 and 2016, an estimated 61 million eviction cases were filed in the U.S., an average of 3.6 million evictions annually.<sup>1</sup> These data only account for formal evictions processed through the courts and do not include informal evictions (a landlord tells a tenant they need to move out and the tenant complies, illegal lockout, etc.).<sup>2</sup>
- Nonpayment of rent is the leading reported reason (80% to 90%) for eviction in Washington State.<sup>3,4</sup> This trend holds true nationally (personal communications, March 2021).
- In 2017, 86.5% of eviction filings in Seattle, Washington, were for nonpayment of rent and of these 52.3% were for one month or less of rent.<sup>3</sup> Among all cases, 10.2% of cases were commenced for less than \$500 in back-rent and 1.7% were commenced for less than \$100 in back-rent<sup>3</sup> with most evictions occurring in diverse, gentrifying, and the lowest rent neighborhoods.<sup>4</sup> Reported reasons for falling behind on rent included: lost employment or income (51.4%), medical emergency (8.6%), and a death in the family (2.9%).<sup>3</sup> At the time of the interview, 74.3% of respondents indicated they could pay all or some portion of the rent owed.<sup>3</sup>
- Washington State landlord-tenant law:
  - In 2019, the Washington State Legislature enacted Engrossed Substitute Senate Bill 5600 (Chapter 356, Laws of 2019) which, among other provisions, extended the pay or vacate period from 3 days to 14 days.<sup>5</sup>
  - Current state law allows landlords to terminate or refuse to renew a rental lease that expires at the end of the lease term or provide tenants a 20-day termination notice without providing a reason why the tenant is required to move out. Collectively, these types of terminations are commonly referred to as “no cause” evictions.
    - Four cities in Washington (Auburn,<sup>6</sup> Burien,<sup>7</sup> Federal Way,<sup>8</sup> and Seattle<sup>9</sup>) have just cause ordinances, also known as “good” cause ordinances, which require landlords have a “good” reason the tenant must move.
  - There is no state or federal guaranteed right to counsel for indigent tenants in unlawful detainer eviction cases.<sup>10</sup>
- On March 18, 2020, Governor Inslee issued Proclamation 20.19 to temporarily prohibit activities related to evictions by all residential landlords operating residential rental property in Washington.<sup>10</sup> Since then, the Governor has issued multiple extensions of the eviction moratorium with the current variation, Proclamation 20-19.5, set to expire March 31, 2021.<sup>10</sup> Among other provisions, the eviction moratorium prohibits residential landlords, manufactured housing community landlords, property managers, and property owners (henceforth referred to as landlords) from:
  - Serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, as applied to tenancies or other housing arrangements (e.g., hotel/motel or camping

- area stays of more than 14 days) that have expired or that will expire during the moratorium's effective period;<sup>10</sup> and
- “Seeking or enforcing, or threatening to seek or enforce, judicial eviction orders, unless, as applied to both circumstances: (1) An affidavit to the eviction or termination of tenancy notice attests that the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or (2) at least 60 days’ written notice of the property owner’s intent to personally occupy the premises as a primary residence or sell the property is provided to the tenant by affidavit signed under penalty of perjury.”<sup>10</sup>
  - Federal law and government guidance:
    - Section 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136) “provided a 120-day moratorium on eviction filings as well as other protections for tenants in certain rental properties with Federal assistance or federally related financing.”<sup>11</sup> The CARES Act eviction moratorium expired July 24, 2020. The protections in the CARES Act “supplemented temporary eviction moratoria and rent freezes implemented by governors and local officials using emergency powers.”<sup>11</sup>
    - On September 4, 2020, the Centers for Disease Control and Prevention (CDC) Director issued an Order temporarily halting residential evictions in the U.S. for nonpayment of rent until December 31, 2020 (*Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*).<sup>12</sup> Section 502 of Title V, Division N of the Consolidated Appropriations Act, 2021 extended the Order until January 31, 2021.<sup>13</sup> Under the new administration, the CDC issued an Order further extending and modifying the prior Orders until March 31, 2021.<sup>11</sup>
      - The CDC issued Orders because “evictions threaten to increase the spread of COVID-19 [...] A temporary halt of evictions can help people who get sick or who are at risk of severe illness from COVID-19 protect themselves and others by staying in one place to quarantine.”<sup>13</sup>
      - Collectively, the Orders and legislation temporarily halt residential evictions of covered persons for nonpayment of rent effective September 4, 2020 through March 31, 2021.<sup>11-13</sup>
      - The Orders do not apply in any state, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public health protection than that listed in the Order.<sup>11,13</sup>
      - The Orders do not prevent evictions based on other factors (engaging in criminal activity while on the premises; threatening the health and safety of others; damaging or posing an immediate and significant risk of damage to the property; etc.).<sup>11,13</sup>
      - Individuals or organizations violating the Order are subject to a maximum fine of \$100,000 or \$200,000 per event (respectively) if the violation does not result in a death or a maximum fine of \$250,000 or \$500,000 per event if the violation results in a death, or as otherwise provided by law.<sup>11</sup>

- In 2020, the U.S. Department of Housing and Urban Development (HUD) “allocated and made available \$4 billion in Emergency Solutions Grants and \$5 billion in Community Development Block Grants, including \$2 billion in grants focusing on areas with increased eviction risk.”<sup>13</sup> State and local authorities can use funds for rental assistance.<sup>13</sup>
- The economic downturn due to COVID-19 has increased the number of individuals who are unable to pay rent, placing them at risk for eviction.<sup>14</sup>

### **Summary of SSB 5160**

Full details about the provisions of this bill can be found in the bill text linked above. Given the length of the bill and the large number of provisions, this summary highlights sections most relevant to this review.

- Prohibits landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice until two years after expiration of any public health emergency, with exceptions.
  - Defines “public health emergency” as the Governor’s Proclamation 20-05 and any extensions or amendments as well as “any emergency need for health care services to respond to a catastrophic disaster, a significant outbreak of an infectious disease, a bioterrorist attack or other catastrophic event and the governor of the state of Washington has restricted the free and uninhibited movement of persons in the state, including any mandatory reduction in business service capacity or hours of operation resulting in a loss of employment or significantly reduced work hours for employees.”<sup>15</sup>
- Requires landlords, before any collection action is taken for unpaid rent accrued during the Governor's eviction moratorium or public health emergency and if the rent debt is no more than six months, to first offer tenants a repayment plan schedule equal to or greater than payment of the rent debt in monthly payments of at least one-sixth of the rent debt owed.
- Removes the prohibition on judicial discretion eligibility for a current pay or vacate notice in cases where a tenant has received three or more pay or vacate notices for failure to pay rent within the previous 12 months.

### **Health impact of SSB 5160**

Evidence indicates that specified provisions in SSB 5160 have the potential to decrease evictions, which would improve health and decrease health inequities for multiple groups of tenants.

### **Pathway to health impacts**

The potential pathways leading from relevant provisions of SSB 5160 to health inequities are depicted in Figure 1. For Pathway 1, this review makes the informed assumption that prohibiting landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice (“no cause” terminations), with limited exceptions, during and for two years after the expiration of a public health emergency would decrease evictions during the specified period. This informed assumption is based on provisions in the bill, current statute, use of just cause eviction ordinances, information from key informants, and the current eviction moratorium. For Pathway 2, this review makes the informed

assumption that requiring landlords to offer a repayment plan (in instances where less than six-months of rent is owed) before taking collective action during and for two years after a public health emergency will result in some number of tenants using a repayment plan to pay back-rent. This informed assumption is based on provisions of the bill. It also makes the informed assumption that tenants using a repayment plan to pay back-rent during and for two years following a public health emergency will decrease evictions, specifically for those who successfully repay the rent owed. This informed assumption is based on provisions in the bill, information shared by key informants, and U.S. Census Bureau Household Pulse Survey data. For Pathway 3, the review makes the informed assumption that allowing judicial discretion in cases in which a tenant has received three or more pay or vacate notices within a 12-month period would likely result in some number of tenants not being evicted. This informed assumption is based on differences between current statute (status quo) and provisions in the bill. Lastly, there is strong evidence that decreasing evictions will improve health outcomes,<sup>14,16-20</sup> and strong evidence that improving health outcomes will decrease health inequities for multiple groups of tenants.<sup>4,16-23</sup>

## Scope

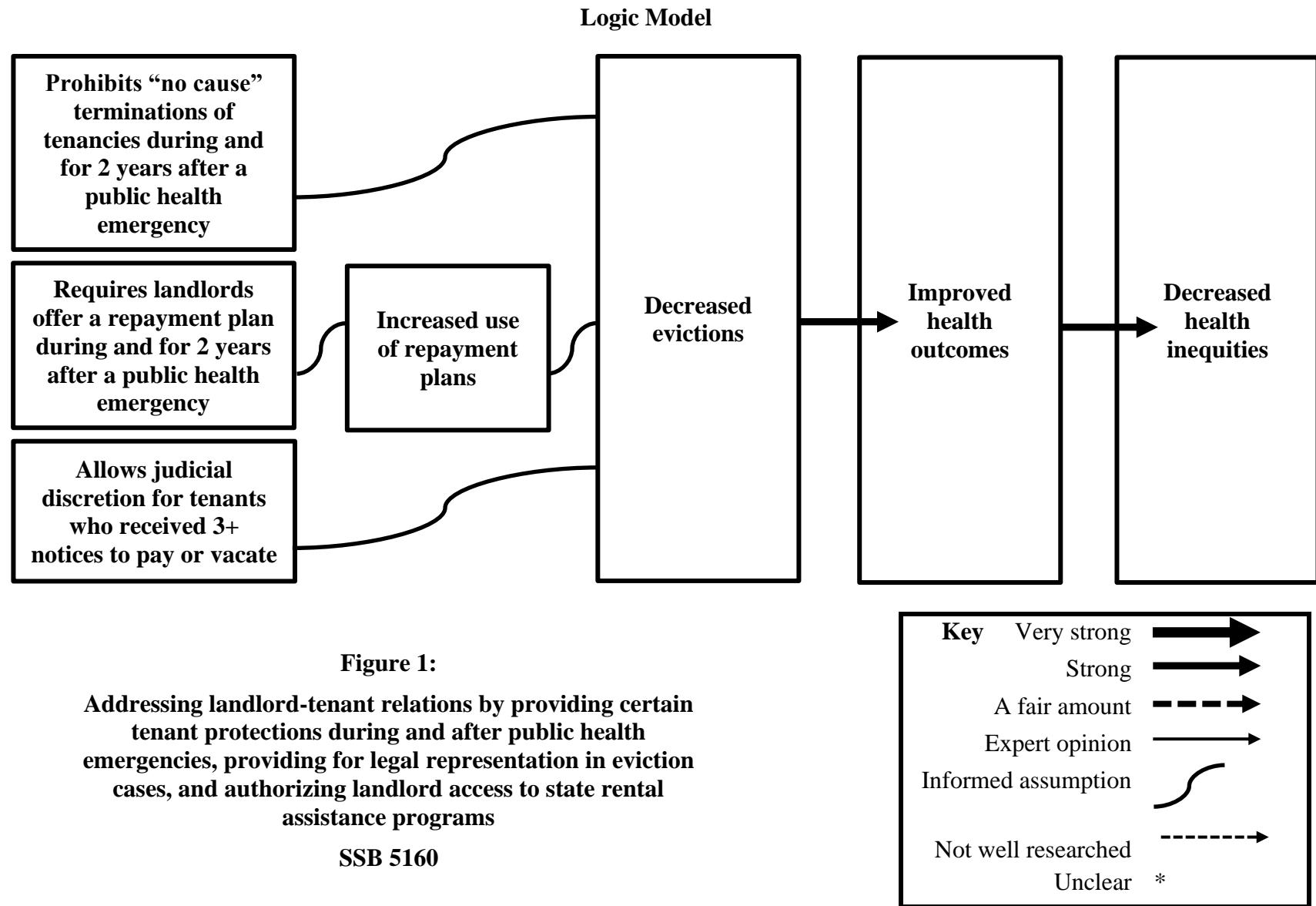
Due to time limitations, we only researched the most direct connections between specified provisions of the bill and decreased health inequities and did not explore the evidence for all possible pathways. For example, we did not evaluate potential impacts related to:

- Authorizing landlords access to state rental assistance programs. Evidence indicates that the COVID-19 housing crisis has increased the risk of foreclosure and bankruptcy, particularly among small property owners.<sup>2</sup> One key informant expressed concern that the COVID-19 pandemic has the potential to mirror the market response following the Great Recession in 2008 (personal communication, March 2021). Larger rental companies halted development, bought out “mom and pop” landlords, and then increased prices significantly in 2013 as the economy improved (personal communication, March 2021). The key informant expressed that the loss of small landlord properties would be detrimental to the overall market (personal communication, March 2021). We did not assess how expanded access to state rental assistance programs would affect landlords.
- Spillover effects in neighborhoods and communities that experience evictions. In a systematic review, five studies evaluating whether living in areas with higher rates of evictions and foreclosures impacted health outcomes found, “significant associations with health outcomes such as high blood pressure, depressive symptoms, and higher frequencies of mentally unhealthy days. This is relevant because the threat of eviction is not only an individual-level risk factor, but also a contextual-level determinant of health” impacting “the wider community through various mechanisms, including declining local property values, degradation of the neighbourhood environment, changes in safety levels, changes in retail and built environments, and other factors yet to be explored (spillover effects).”<sup>16</sup>
- The effect of eviction on subsequent employment loss among low-wage workers, which can further affect access to stable housing and contribute to adverse health outcomes. Evidence indicates that “undergoing a forced move can consume renters’ time and cause them to miss work; consume their thoughts and cause them to make mistakes on the job; overwhelm them with stress and cause them to

act unprofessionally in the office; result in their relocating farther away from their worksite and increase their likelihood of tardiness and absenteeism; and lead to homelessness, relationship dissolution, and other severe consequences.”<sup>24</sup> For example, a study of low-income renters surveyed in Milwaukee, WI, between 2009 and 2011 found the likelihood of being laid off was 11-22% higher “for workers who experienced a preceding forced move, compared to observationally identical workers who did not.”<sup>24</sup>

### **Magnitude of impact**

According to the 2017 American Housing Survey, 1.9% of all renter households were threatened with eviction within the previous three months.<sup>25</sup> “Among renters with incomes under \$30,000, that share climbs to 2.7%.”<sup>25</sup> In Washington, an average of 18,376 evictions occurred each year between 2013 and 2017.<sup>4</sup> During that timeframe, 1 in 55 (1.8%) Washington adults faced an eviction.<sup>4</sup> In 2017, almost half (46%) of all renters in Washington state were rent burdened (contributing more than 30% of their income to rent).<sup>4</sup> Approximately 250,000 households were paying between 30% to 50% of their income and another 250,000 were paying over half of their income to rent.<sup>4</sup> Based on results of the most recently available U.S. Census Bureau Household Pulse Survey data (February 3 – February 15, 2021), an estimated 134,994 (10%) renter-occupied households in Washington are not currently caught up on rent,<sup>26</sup> suggesting they could be at risk of eviction.



**Figure 1:**  
**Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs**

**SSB 5160**

## Summaries of Findings

### **Pathway 1: Prohibiting “no cause” terminations**

**Will prohibiting landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice (i.e., “no cause” terminations of tenancies) during and for two years after the expiration of a public health emergency decrease evictions?**

This review makes the informed assumption that prohibiting landlords from terminating or refusing to renew a rental lease that expires at the end of the lease term or is subject to a 20-day termination notice (“no cause” terminations), with limited exceptions, during and for two years after the expiration of a public health emergency would decrease evictions during the specified period. This informed assumption is based on provisions in the bill, current statute, use of just cause eviction ordinances in Washington and California cities, information from key informants, and the current eviction moratorium.

SSB 5160 would prohibit landlords from using “no cause” termination notices during and for two years after the expiration of any public health emergency. Exceptions to the “no cause” terminations prohibition are limited to cases in which: 1) the landlord intends to sell the rental dwelling unit or property on which it sits; 2) the landlord intends to occupy the rental dwelling unit as their primary residence and at least 60 days’ notice is provided to the tenant as an affidavit signed under penalty of perjury; or 3) the landlord and tenant reside in the same dwelling unit. While the bill does not allow a landlord to evict, or otherwise force a tenant to relocate, solely for nonpayment, the landlord may file an unlawful detainer action as otherwise authorized under current Washington State law (e.g., for failure to keep or perform any condition or covenant of the lease; permitting or maintaining any nuisance; or failure to pay rent subject to the requirements outlined in the bill). The proposal makes the rebuttable presumption that any “no cause” termination notice issued to a tenant who has unpaid rent between March 1, 2020, and the expiration date of the Governor’s eviction moratorium is a reprisal or retaliatory action. A landlord in violation of the “no cause” termination prohibition is liable for up to 4.5 times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys’ fees. A court must impose the penalty in an amount necessary to deter future violations, payable to the tenant bringing the action.

Under current Washington State law, there are three statutes by which a landlord can terminate or refuse to renew a tenancy without specific cause. For example, a tenant that overstays their lease term (whether written or oral) ([RCW 59.12.030\[1\]](#)) or who’s landlord notifies them 20-days prior to the end of their lease that they need to move out and fails to do so (RCW 59.12.030[2]) is liable for an unlawful detainer. An unlawful detainer is a court ordered eviction process filed by a landlord to remove a tenant. In cases where a property is rented for an indefinite period (e.g., month-to-month), the tenancy shall be terminated by written notice of 20-days or more, preceding the end of any months or periods of tenancy ([RCW 59.18.200\[1\]\[a\]](#)). Notice can be given by either the tenant or landlord. Finally, in all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of the specified time ([RCW 59.18.220](#)). Collectively, these are referred to as “no cause” terminations/evictions as the landlord is not providing any reason for the eviction.

Conversely, Just or Good Cause Eviction Ordinances require landlords have a just or “good” cause to terminate a tenancy. Examples of just causes include, nonpayment of rent (i.e., tenant receives a 14-day notice to pay or vacate and fails to comply); violation of the rental agreement (i.e., tenant receives a 10-day notice to comply with the rules of your rental agreement or vacate and fails to comply); and engaging in criminal activity on the property (requires the landlord to specify the crime and offer facts supporting the allegation).<sup>27</sup> A recent analysis of just cause eviction ordinances and eviction rates and eviction filing rates in four California cities found that eviction rates dropped by 0.808% and eviction filing rates dropped by 0.780% after passage of just cause eviction ordinances, compared to matched control cities.<sup>2</sup> The author noted that informal evictions that occur outside of the judicial system are not accounted for in the dataset used for the analysis.<sup>2</sup> According to the Eviction Lab at Princeton University, which recently compiled the first national database on evictions using court data, informal evictions are likely more common than court-ordered evictions.<sup>2</sup> For example, data from Milwaukee found that 13% of renters were involuntarily displaced from housing in the two years prior to being surveyed, and 45% of all recorded forced moves were informal evictions.<sup>18</sup> Just 24% of forced moves were formally processed through the court.<sup>18</sup>

Four cities in Washington (Auburn,<sup>6</sup> Burien,<sup>7</sup> Federal Way,<sup>8</sup> and Seattle<sup>9</sup>) have adopted a Just/Good Cause Eviction Ordinance. For example, Seattle’s Ordinance passed in 1980 and applies to month-to-month renters and renters with verbal agreements.<sup>9,27</sup> It requires landlords have one of 16 “Just Cause reasons” if they want to end a tenant’s month-to-month rental agreement.<sup>27</sup> While Seattle’s Just Cause Eviction Ordinance has historically provided some of the strongest tenant protections in Washington, compared to other Just Cause statutes across the country it has loopholes and other shortcomings.<sup>3</sup> For example, landlords “can require tenants to sign a short-term lease then refuse to renew the agreement when it expires” thereby circumventing the Ordinance’s protections of month-to-month tenants.<sup>3</sup> A report by the Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association analyzed 1,218 residential unlawful detainer cases that occurred in 2017 in Seattle city limits, with a total of 1,473 individual tenants.<sup>3</sup> Despite the city’s Just Cause Eviction Ordinance, the study identified 12 cases which commenced for no cause.<sup>3</sup> Most were due to a tenant remaining in the apartment after expiration of the lease agreement, in which case the tenant is not protected by Seattle’s Ordinance.<sup>3</sup> Authors noted that this was likely an underestimate of “no cause” evictions as “it is difficult to know how many tenants’ leases end without cause [and the tenant moved out] but did not have an eviction case filed.”<sup>3</sup>

Key informants representing researchers and tenants’ rights advocates noted that allowing “no cause” termination notice gives landlords the opportunity to avoid the formal eviction process and circumvent fair housing laws (personal communications, March 2021). Specifically, by terminating a tenancy without stating a specific cause a landlord can mask discriminatory motivations (personal communication, March 2021). Conversely, the formal eviction allows each party to present their case and provides an opportunity for the tenant and landlord to access mediation, court resolution, and/or rental assistance that could avoid a forced move (personal communications, March 2021). Qualitative data and anecdotal evidence indicate that “no cause” evictions also create opportunities for landlords to retaliate against tenants who have raised a complaint (e.g., mold, other unhealthy housing conditions, sexual harassment or assault) (personal communication, March 2021). Key informants also shared “no cause” evictions can be

used to evict tenants with low incomes as a means of renting to a ‘more desirable’ tenants (personal communication, March 2021). However, court records do not have a systemic way to track whether cases may be retaliatory or discriminatory.

Finally, in response to the COVID-19 pandemic, the Governor issued an eviction moratorium (Proclamation 20-19.5), which prohibits residential landlords from serving or enforcing, or threatening to serve or enforce, any notice (e.g., eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate) requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, as applied to tenancies or other housing arrangements (e.g., hotel/motel or camping area stays of more than 14 days) that have expired or that will expire during the moratorium’s effective period.<sup>10</sup> Additionally, landlords are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders, unless they provide the tenant an affidavit signed under penalty of perjury that: 1) the action is necessary to respond to a significant and immediate risk to the health, safety, or property of others created by the resident; or 2) they intend to personally occupy the premises as a primary residence or sell the property in 60-days (or more). As such, when Washington’s eviction moratorium expires, there is a potential for a spike in the number of evictions, including “no cause” evictions. Nationally, there is concern that when federal and state moratoriums are lifted the number of evicted tenants has the potential to overwhelm homeless shelters and other housing assistance programs, which were already overburdened prior to the COVID-19 pandemic.

By prohibiting “no cause” evictions, SSB 5160 limits the circumstances under which a landlord can evict a tenant during and for two years following the expiration of a public health emergency. Overall, a key informant representing researchers anticipates some number of “no cause” evictions would still occur as landlords and property management companies identify loopholes in the law and adopt other mechanisms by which to evict tenants (personal communications, March 2021). Additionally, some tenants may move out or “self-evict” when directed to by their landlord because they may be unaware of their rights. However, key informants expect the prohibition and associated fines would reduce evictions that would otherwise occur during a public health emergency and during the first two years of recovery. Therefore, this review makes the informed assumption that the bill would decrease evictions during and for two years following the expiration of a public health emergency.

## **Pathway 2: Offering repayment plans**

### **Will requiring landlords to offer a repayment plan (in instances where less than six-months of rent is owed) before taking collection action during and for two years after a public health emergency result in tenants using repayment plans to pay back-rent?**

This review makes the informed assumption that requiring landlords to offer a repayment plan (in instances where less than six-months of rent is owed) before taking collection action during and for two years after a public health emergency will result in some number of tenants using a repayment plan to pay back-rent. This informed assumption is based on provisions of the bill.

Under SSB 5160, before taking any collection action for unpaid rent accrued between March 1, 2020, and the expiration date of the Governor’s eviction moratorium, or during the public

health emergency, and if the amount of unpaid rent is equal to no more than six-months of rent due, a landlord would be required to first offer tenants a repayment plan of the outstanding debt. SSB 5160 defines a “collection action” as “any attempt or threat to collect through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, reporting to tenant screening companies, or by any other means.”<sup>15</sup> Specifically, the repayment schedule should consist of monthly payments equal to at least one-sixth of the outstanding debt owed. Repayment plans must begin no sooner than 60 days after the plan is offered; cover only rent (not legal fees, late fees, or other charges); allow for payment from any source of income (e.g., benefits, like Social Security; assistance or subsidy programs, like Section 8 Vouchers; pledges by non-profits, religious institutions, churches, or governmental entities); and not include provisions or be conditional.

Provisions of the bill make it a defense to an eviction under RCW 59.12.030 if the landlord did not offer the tenant a repayment plan. However, if a tenant knowingly refuses the offer of a repayment plan, fails to respond to the offer, or defaults on the repayment plan, a landlord may pursue an unlawful detainer action for nonpayment of rent by issuing a 14-day pay or vacate notice. If a tenant denies receiving a repayment plan offer but the landlord can prove that tenant was offered and knowingly refused or failed to respond to or comply with the repayment plan, then the tenant can be evicted.

Because a landlord’s failure to offer a repayment plan for eligible tenants is a defense to an eviction and a tenant’s refusal of or failure to respond to an offer of a repayment plan would put the tenant at risk of eviction, this review makes the informed assumption that some number of eligible tenants will accept and use a repayment plan to repay rent owed during and for two years after a public health emergency.

### **Will tenants’ use of repayment plans to pay back-rent decrease evictions during and for two years following a public health emergency?**

This review makes the informed assumption that tenants using a repayment plan to pay back-rent during and for two years following a public health emergency will decrease evictions, specifically for those who successfully repay the rent owed. This informed assumption is based on provisions in the bill, information shared by key informants, and U.S. Census Bureau Household Pulse Survey data.

According to the provisions of SSB 5160, once a tenant successfully repays the sum of owed rent using a repayment plan, a landlord would not be allowed to evict the tenant as the bill prohibits the use of “no cause” terminations of tenancy during and for two years following the expiration of a public health emergency. As previously discussed, a landlord in violation of the “no cause” termination prohibition is liable for up to 4.5 times the monthly rent of the real property at issue, as well as court costs and reasonable attorneys’ fees. Additionally, Section 4 of the bill states that rent accrued during the Governor’s eviction moratorium (March 1, 2020 through expiration) and a tenant’s nonpayment of rent cannot be a factor in any housing decision affecting a tenant’s right or ability to occupy a rental dwelling unit. This applies to tenants and prospective tenants. Therefore, we would expect that eligible tenants who opt to use a repayment plan and successfully repay the rent owed would not face eviction.

However, if the tenant defaults on the payment plan, provisions of the bill allow the landlord to proceed with an unlawful detainer action (RCW 59.12.030[3]) subject to any requirements under the eviction resolution pilot program established under Section 8 of the bill. Therefore, we expect that some number of tenants who enter a repayment plan may still be evicted if they are unable to make required payments.

It is unknown what proportion of eligible tenants who enter a repayment plan may default on rent owed. Key informants shared that a tenant's ability to successfully make payments may be affected by the amount of back-rent owed; employment; availability of rental assistance or pledges by nonprofit organizations, religious institutions, or governmental entities; and availability of financial resources within the tenant's network (e.g., family, friends, community), among other factors (personal communications, March 2021).

Evidence from the COVID-19 pandemic indicates that nearly one year following the announcement of a public health emergency and the Governor's eviction moratorium, a significant proportion of Washington renters are not current on rent. In April 2020, the U.S. Census Bureau began conducting the Household Pulse Survey to measure social and economic impacts during the COVID-19 pandemic.<sup>26</sup> Among other items, the 20-minute survey asks questions about employment, food security, health, and housing have been affected by the ongoing crisis. Based on results of the most recently available Household Pulse Survey data (February 3 – February 15, 2021), an estimated 134,994 (10%) renter-occupied households in Washington are not currently caught up on rent.<sup>26</sup> Data are not available for the average amount of back-rent currently owed by these households. Therefore, it is unknown how many may be eligible under SSB 5160.

Overall, based on provisions in the bill, information shared by key informants, and Household Pulse Survey housing data, this review makes the informed assumption that tenants who successfully repay the sum of their owed debt using a repayment plan will not face eviction, which will result in fewer evictions during and in the two years following a public health emergency. However, it is unknown what proportion of tenants will successfully pay back-rent compared to those who default on payments and would be subject to unlawful detainer filings.

### **Pathway 3: Allowing judicial discretion**

#### **Will allowing judicial discretion in cases in which a tenant has received three or more pay or vacate notices within a 12-month period decrease evictions?**

This review makes the informed assumption that allowing judicial discretion in cases in which a tenant has received three or more pay or vacate notices within a 12-month period would likely result in some number of tenants not being evicted. This informed assumption is based on differences between current statute (status quo) and provisions in the bill.

Under current law ([RCW 59.18.410\[3\]](#)), when an unlawful detainer case is decided in favor of the landlord and against the tenant for nonpayment of rent, the court may stay the writ of restitution (i.e., eviction) upon good cause and on terms that are fair and just for both parties. In making the decision the court shall consider: whether nonpayment of rent was willful or intentional; whether nonpayment was caused by demanding circumstances beyond the tenant's

control and that are not likely to recur; the tenant's ability to timely pay the judgment; payment history; compliance with other aspects of the rental agreement; hardship on the tenant if evicted; and conduct related to other notices served within the last six months. However, RCW 59.18.410(3)(d) prohibits judicial discretion in cases where a tenant has been served with three or more notices to pay or vacate for failure to pay rent within 12 months prior to the current notice. Therefore, tenants cannot seek relief from eviction.

Key informants who have reviewed Washington State unlawful detainer filings shared that the proportion of tenants who receive multiple pay or vacate notices within a 12-month period is fairly small (estimate less than 5-10% of those named in an unlawful detainer case) (personal communication, March 2021). Although rent is generally due on the first of the month, many renters are not paid prior to the first of the month which can put them at risk of late payments (personal communications, March 2021). For example, tenants who pay their bills using benefits (e.g., Social Security Disability Insurance [SSDI]) do not receive their benefits on the first of the month (personal communication, March 2021). Additionally, the growing share of the workforce in the 'sharing' or 'gig economy' face uncertainties of irregular income that is pieced together from multiple sources (e.g., technology, ridesharing, food delivery services)<sup>3</sup> and is dependent on consumer demand. Tenants who rely on benefits or multiple sources of income to afford rent may be able to pay rent but due to timing of payments could have late payments putting them at risk of eviction.

By eliminating the prohibition of judicial discretion in cases where a tenant has received three or more pay or vacate notices within a 12-month period, we expect that in some number of cases a judge will use this discretion to stay evictions. However, it is unknown what proportion of cases would result in the tenant being allowed to remain in their home or whether such discretion would be equitably applied.

### **Will decreasing evictions improve health outcomes?**

There is strong evidence that decreasing evictions will improve health outcomes. It is well-documented that housing instability is associated with worse health outcomes.<sup>28</sup> Healthy People 2020 recognized housing instability as a key social determinant of health linked to cost of housing, substandard housing, and forced evictions, which "may negatively affect physical health and make it harder to access health care."<sup>19</sup> Housing instability has been linked to mental health outcomes (i.e., depression, anxiety, stress, psychological health, mental health strain, suicide ideation, and death by suicide); substance use (i.e., alcohol use, drug use, high-risk behaviors like syringe sharing); general and physical health outcomes (i.e., poor self-reported health, high blood pressure, weight gain, chronic health concerns [e.g., diabetes]); and death (i.e., cardiovascular disease-related mortality, all-cause mortality).<sup>17</sup> Housing instability has also been associated with negative health outcomes in children, including chronic health conditions, poor physical health, physical abuse, hospitalization, poor diet, and high cortisol levels.<sup>17,19</sup> Children who experience housing instability are also more likely to lack access to health insurance.<sup>19</sup>

Researchers have noted that, "of all scenarios that can be described as housing insecurity, risk of losing one's dwelling or being evicted is one of the most important."<sup>16</sup> Additionally, while eviction is typically included as a measure of housing instability, evidence "generally support[s] the idea of forced housing loss as a unique stressor that affects physical and physiological

functioning.”<sup>17</sup> Researchers have noted three main pathways between eviction and health outcomes: 1) psychosocial stress; 2) environmental exposures related to substandard housing; and 3) exposure to disease.<sup>17</sup>

#### *Psychosocial stress*

Eviction is linked to numerous health outcomes.<sup>16-18</sup> A systematic review of 47 articles published through March 2016 evaluating the impact of eviction on health found a “general consensus that individuals under threat of eviction present negative health outcomes, both mental (e.g., depression, anxiety, psychological distress, and suicides) and physical (poor self-reported health, high blood pressure, and child maltreatment).”<sup>16</sup> The review found that being evicted is related to higher risk of depression and anxiety, psychological distress, and death by suicide.<sup>16</sup> Individuals who experienced eviction were also at greater risk for substance use (e.g., alcohol, tobacco, other drugs) and food insecurity.<sup>16</sup> Additionally, “some qualitative studies reported that [threats of eviction] are experienced by individuals as a personal failure and as a concealable stigma, leading to feelings of insecurity, embarrassment, isolation, and having a lack of control of key aspects of daily living.”<sup>16</sup> Authors noted that these feelings can further contribute to anxiety, depression, and suicide ideation.<sup>16</sup> Other research has found that threat or loss of housing due to eviction can “lead to increased rumination, hopelessness, anxiety, depression, and risk of suicide. This stress can be compounded by the experience of social stigma associated with eviction and housing loss.”<sup>17</sup> Stigma can increase mental health impacts, as well as result in disrupted sleep quality, hormonal changes, and reduced immune function.<sup>17</sup>

A longitudinal study of tenants over 18 years of age who appeared in eviction court from March 2017 to October 2018 in New Haven, Connecticut and had been issued a “notice to quit” due to non-payment of rent or a lease violation, found that “one-third of participants screened positive for major depressive disorder and over one-third screened positive for [posttraumatic stress disorder] and/or generalized anxiety disorder at baseline; while these rates did decrease over time, many participants continued to report problems (15–19% screened positive for at least one of these disorders at 9 months).”<sup>20</sup> In addition, 17% of participants reported suicide ideation at baseline and “evictions have [been] found to be a precipitating factor for suicide.”<sup>20</sup> Mental health symptoms were similar between individuals that had to move and individuals that did not have to move, suggesting “participants are already very distressed with high rates of mental health problems during presentation to eviction court.”<sup>20</sup> While the individuals with severe mental illness are often evicted for their disability status,<sup>20</sup> these findings could also suggest that individuals may experience mental health impacts by being involved at any step in the eviction process regardless of the outcome of court proceedings.

Additionally, a nationally-representative longitudinal study of young adults found a positive association between eviction history and depressive risk, such that young adults who experienced eviction had statistically significantly more depressive symptoms than young adults who were not evicted.<sup>17</sup> This relationship persisted over time and “the longitudinal associations between changes in eviction and changes in depressive risk persisted after adjusting for other markers of household and neighborhood socioeconomic conditions as well as measures of housing and financial insecurity, which would suggest that eviction serves as a particular salient health risk among young adults.”<sup>17</sup> The authors also found a strong positive association between eviction

history and self-reported health, and individuals experiencing eviction were more likely to report poor or fair health compared to those that did not experience eviction.<sup>17</sup>

#### *Environmental exposures related to substandard housing*

Increased environmental exposures result from increased “likelihood of being exposed to substandard housing or becoming homeless” as a result of eviction.<sup>17</sup> Eviction increases the risk of experiencing homelessness,<sup>3</sup> particularly for families with children.<sup>18</sup> A study in Seattle found that most individuals who were evicted became homeless, with 37.5% of individuals completely unsheltered, 25% living in a shelter or transitional housing, and 25% staying with family or friends.<sup>3</sup> Only 12.5% of evicted respondents moved into another apartment or home.<sup>3</sup> Healthy People 2020 acknowledged that “homelessness is housing deprivation in its most severe form.”<sup>19</sup> It is well-documented that individuals who experience homelessness have worse health outcomes than their housed peers, including higher rates of chronic disease, mental health concerns, and premature death.<sup>19</sup>

#### *Exposure to disease*

Lastly, “eviction can directly increase one’s exposure to infectious disease risks. Upon experiencing eviction, individuals and families may seek shelter in crowded, unsafe situations. This can include homeless shelters, doubling up (moving in with friends or family), or seeking alternative accommodations in one’s vehicle or on the street. Any of these options can lead to increased exposure to those infectious diseases that continue to disproportionately affect homeless populations such as HIV, Hepatitis B, Hepatitis C, and tuberculosis”<sup>17</sup> as well as COVID-19.<sup>14</sup>

Recent evidence that has examined the impact of eviction and the spread of COVID-19 has found that COVID-19 infection and mortality rates are higher for individuals who have experienced eviction.<sup>14</sup> Researchers conducted a natural experiment by evaluating daily, state-level counts of confirmed COVID-19 cases and deaths in states that lifted the eviction moratorium during Summer 2020 (27 states) compared to states that did not (16 states).<sup>14</sup> They found that the incidence of COVID-19 and mortality due to COVID-19 was statistically significantly higher in states that lifted the eviction moratorium compared to states that did not lift their moratorium.<sup>14</sup> After 16 weeks the incidence of COVID-19 was 2.1 times higher and mortality was 5.4 times higher than in states that did not lift their moratorium.<sup>14</sup> Overall, the authors estimated that lifting statewide eviction moratoriums over the course of the study period (March to September 2020) resulted in approximately 433,700 cases of COVID-19 and 10,700 excess deaths from COVID-19.<sup>14</sup>

Overall, there is strong evidence that decreasing evictions will improve a range of health outcomes across the lifespan.

#### **Will improved health outcomes decrease health inequities?**

There is strong evidence that improving health outcomes as a result of reducing evictions will decrease health inequities. Evidence suggests inequities in eviction are experienced by age, disability status, education level, employment status, family and marital status, gender identity, geography, immigration status, incarceration, language spoken, race/ethnicity, sex, sexual

orientation, socioeconomic status, and Veteran status (personal communications, March 2021).<sup>4,16-23</sup>

Inequities are not inherent to an individual's identity. Rather, inequities are influenced by social determinants that systematically marginalize groups due to their identity. For example, risk of eviction is not inherent to an individual's race/ethnicity. Rather, it is influenced by social determinants of health like racism, which contributes to inequities, like socioeconomic status, which are associated with adverse opportunities and outcomes.

Inequities can be exacerbated or alleviated by intersecting identities. For example, a longitudinal study of tenants over 18 years of age who appeared in eviction court from March 2017 to October 2018 in New Haven, Connecticut and had been issued a "notice to quit" due to non-payment of rent or a lease violation, found that the majority of individuals appearing in eviction court were female (74%), Black (59%), aged 18-49 years (69%), never married (59%), have high school or some college education (76%), and have an annual income less than \$15,000 (55%).<sup>20</sup> Additionally, 28% were unemployed, 23% had ever been incarcerated, 19% were disabled, and 4% were military Veterans.<sup>20</sup> Forty-four percent had experienced homelessness at some point in life.<sup>20</sup> All of these populations experience worse health outcomes and "one of [the] mediating factors is housing."<sup>16</sup>

Since research consistently indicates that family and marital status, race/ethnicity, sex, and socioeconomic status are factors most likely to increase risk of eviction, this review focused specifically on inequities experienced by those groups of tenants.

#### *Inequities by family and marital status*

Research has found that, "the presence of children in a household...poses a greater risk for eviction than race or [sex]" such that "there is a .002 increase in the probability of being evicted for each child in a [household]."<sup>21</sup> Evidence indicates that "children do not shield families from eviction, but rather they often expose them to it."<sup>18</sup> Specifically, one study found that "[i]f a tenant in eviction court lives with children, [their] odds of receiving an eviction judgment almost triple, even after taking into account how much is owed to the landlord, household income, and several other key factors."<sup>18</sup>

The group most vulnerable to eviction are women with children who have larger expenses but smaller incomes<sup>18</sup> A study in Chicago looking specifically at pediatric health outcomes associated with eviction found that eviction filing rates and eviction rates were statistically significant predictors of very low birth weight and infant mortality.<sup>21</sup> Additionally, the study found that households "in census tracts with higher rates of evictions and eviction filings also experience[d] a significantly higher [very low birth weight] percentage and [infant mortality] rate, however, causality cannot be concluded from this analysis. Data showed that eviction rates, eviction filing rates, [infant mortality] and [very low birth weight] were all clustered in the most underserved communities of Chicago...these neighborhoods are predominantly comprised of Black and Hispanic populations."<sup>21</sup> Additionally, evidence from a national, longitudinal study of 4,900 new parents and their children in 20 large cities in the U.S. found that, "the year following an eviction, mothers [were] 20 percent more likely to report depression than their peers. Moreover, at least two years after their eviction, mothers still experienced significantly higher

rates of depression than their peers.”<sup>18</sup> This evidence suggests that eviction has a disproportionate impact on the health of women with children.

#### *Inequities by race/ethnicity*

Evidence shows that “decades of racial discrimination by real estate agents, banks and insurers, and the federal government made homeownership difficult to obtain for people of color, and those disadvantages have compounded over time.”<sup>25</sup> For example, people of color are more likely than white people to be renters with extremely low incomes.<sup>25</sup> A nationally-representative longitudinal study of young adults found that Black young adults were also disproportionately more likely to have experienced eviction; “while Black young people comprised approximately 12 percent of the full sample, they represented approximately 23 percent of those who reported being evicted.”<sup>17</sup> Similarly, an evaluation of court records of eviction cases filed between 2012 and 2016 against 4.1 million individuals in 39 states found that Black renters had the highest rates of eviction and were statistically significantly more likely to be evicted than white renters.<sup>23</sup> Nationally, Blacks made up 19.9% of all adult renters, but 32.7% of evictions.<sup>23</sup> These disparities differed by location. Of counties included in the evaluation, King County, Washington had the greatest disparity with Black tenants making up 9% of all adult renters and 28.2% of evictions.<sup>23</sup>

In Washington State, “Black adults are evicted 5.5 times more than [w]hites in King County, 6.8 times more in Pierce, and only .9 less in Whatcom [...] Latinx adults are evicted 1.9 times and 1.4 times more than whites in King and Pierce and only 10% more in Whatcom. Asian adults are evicted almost half as much as [w]hites.”<sup>4</sup> Additionally, “Black adults are over-represented in the eviction process when their group’s population consists of at least 5% of the county’s total population.”<sup>4</sup> In Pierce County, 1 in 6 Black adults experienced an eviction between 2013 and 2017 compared to 1 in 50 whites.<sup>4</sup> In King County, 1 in 11 Black adults experienced an eviction compared to 1 in 100 whites.<sup>4</sup>

Evidence from a systematic review showed that Black individuals experiencing eviction have significantly worse mental health outcomes than white individuals experiencing eviction.<sup>20</sup> In addition, it is well-documented that communities of color experience worse health outcomes than their counterparts for many health measures. A report by University of California Berkeley’s Henderson Center for Social Justice stated, “overall, people of color rate their health status lower than [non-Hispanic] [w]hites...In general, people of color report less access to health care and poorer quality health care than [non-Hispanic] [w]hites.”<sup>29</sup> In Washington, data indicate that American Indian and Alaska Native (AI/AN), Native Hawaiian and Other Pacific Islander, and Black residents experience a variety of health inequities compared to other groups in the state, including higher age-adjusted death rates and shorter life expectancies at birth.<sup>30-35</sup> Further, communities of color also have higher rates of tobacco use, diabetes, obesity, and poorer self-reported health and mental health.<sup>30,36-40</sup> Specifically, AI/AN people in Washington experience high rates of coronary heart disease deaths,<sup>31</sup> stroke deaths,<sup>35</sup> prevalence of diabetes,<sup>38</sup> and poor mental health than other racial and ethnic groups.<sup>41</sup>

#### *Inequities by sex*

An evaluation of court records of eviction cases filed between 2012 and 2016 against 4.1 million individuals in 39 states found that female renters were more likely to be evicted than male renters.<sup>23</sup> Overall, 15.9% more female renters were evicted than male renters during the study

period.<sup>23</sup> The authors found that, “across all renters, the median ratio of female eviction rates to male eviction rates...[indicated] that the risk of eviction was two percent higher for women than for men.”<sup>23</sup> Disparities by sex were greatest for Black women (4% higher risk of eviction than Black men) and Latinx women (9% higher risk of eviction than Latinx men).<sup>23</sup>

In Seattle, women were also more likely to be evicted over small amounts of money.<sup>3</sup> For example, of 2017 single-tenant household eviction cases where a tenant owed \$100.00 or less, 81.0% were women.<sup>3</sup> Statewide females were evicted 6% more than males (189,053 females, 178,500 males, and 30,143 unknown).<sup>4</sup> Data showed Pierce, Spokane, Clark, and all “other” counties with less than 700 evictions a year (n=34) had a higher ratio of (approximately 11% more) eviction filings for women than men.<sup>4</sup> However, in King County and Snohomish County slightly more men were evicted than women (roughly 3% on average).<sup>4</sup>

Research examining the impacts of eviction on health have found that eviction had a stronger impact on mental and physical health for women compared to men.<sup>16</sup> However, men who experienced eviction were at greater risk of alcohol dependence and drinking compared to women.<sup>16</sup>

#### *Inequities by socioeconomic status*

Research has shown that “evictions may serve as both a cause and consequence of economic insecurity and a source of population-level socioeconomic health [inequities].”<sup>17</sup> At the household level, evictions are a function of low, stagnant wages (i.e., unchanging minimum, or just above minimum, wages) and inadequate public assistance not being able to compete with rising rents.<sup>4</sup>

Approximately 20% of Black households, 17% of American Indian or Alaska Native households, 15% of Hispanic households, and 10% of Asian households are extremely low-income renters (i.e., households with incomes at or below the poverty guideline or 30% of average median income).<sup>25</sup> Extremely low-income renters are also more likely than other renters to be seniors or people with disabilities.<sup>25</sup> In 2013, 23% of Black renting families and 25% of Hispanic renting families spent at least half of their income on housing.<sup>18</sup> In 2018, of severely housing cost-burdened renters 71.6% had extremely low-incomes, 20.6% had very low-incomes, and 6.5% had low-incomes.<sup>25</sup> “Households are considered to be cost burdened if they spend more than 30% of their income on housing and severely cost burdened if they spend more 50% of their income on housing.”<sup>19</sup> Cost burdened households are also more likely to experience eviction and forced moves.<sup>19</sup> Households with low-incomes and households of color are at higher risk of being cost burdened. In 2013, the majority of households with low-income spent at least half their income on housing costs, and nearly one-quarter dedicated more than 70% of their income to pay for rent and electricity.<sup>18</sup> Approximately 83% of households with an annual income less than \$15,000 were cost burdened.<sup>19</sup> Black and Hispanic households were twice as likely to be cost burdened compared to white households.<sup>19</sup>

A nationally-representative longitudinal study found that individuals with low-incomes and individuals of color are more likely to experience eviction and resulting depressive symptoms.<sup>17</sup> More generally, there is a large body of robust evidence that supports the association between income, or socioeconomic status, and health. A report by the U.S. Agency for Healthcare

Research and Quality stated, “more than half of measures show that [low-income] households have worse care than high-income households” and that “significant disparities continue for people [with low-incomes] compared with high-income people who report they were unable to get or were delayed in getting needed medical care due to financial or insurance reasons.”<sup>42</sup> Significant correlations exist between lower income and a number of health indicators including worse overall self-reported health, depression, asthma, arthritis, stroke, oral health, tobacco use, women’s health indicators, health screening rates, physical activity, and diabetes.<sup>43</sup> Further, 2015 data indicate that age-adjusted death rates were higher in Washington census tracks with higher poverty rates.<sup>30</sup> Household income was the strongest predictor of self-reported health status in Washington in 2016, even after accounting for age, education, and race/ethnicity.<sup>44</sup> Among children, evidence indicates that low socioeconomic status in the first five years of life has negative health outcomes in later childhood and adolescence, including activity-limiting illness, parent-reported poor health status, acute and recurrent infections, increasing body mass index (BMI), dental caries, and higher rates of hospitalization.<sup>45</sup>

Overall, there is a large body of research indicating that communities that are at higher risk of eviction also experience worse health outcomes. Therefore, there is strong evidence that improving health outcomes for these populations would decrease health inequities.

### **Other considerations**

This Health Impact Review focused on the most direct pathways between provisions in the bill and health outcomes and health equity. Staff also explored potential pathways related to the right to counsel and long-term housing stability. These pathways were ultimately not included in the Logic Model, and evidence is discussed below.

#### *Right to counsel*

Sections 9 and 10 of SSB 5160 require the court to appoint counsel for indigent tenants at the initial hearing and at trial and for the state to pay the costs of such legal services subject to amounts appropriated. Currently, there is no federal or state guaranteed right to counsel for indigent tenants in unlawful detainer eviction cases.<sup>10</sup> Sections 9 and 10 of SSB 5160 would establish a right to counsel for indigent tenants (i.e., Residential-Landlord Tenant Act—Generally and the Manufactured/ Mobile Home Landlord-Tenant Act) provided sufficient funding is appropriated and sufficient attorney capacity is secured through contracting. As the identified implementing agency, the Office of Civil Legal Aid (OCLA) would be responsible for contracting with attorneys and agencies in each judicial district to represent indigent tenants for whom an attorney is to be appointed. Once OCLA certifies to the presiding judge that there are enough contracted attorneys available to represent indigent tenants and sufficient funds have been appropriated by the state to pay for appointed attorney services in the judicial district, then the court must appoint an attorney for an indigent tenant at any show cause hearing or scheduled trial. However, if appropriated funds are insufficient to pay for appointed attorney services, then the court’s duty to appoint is suspended. The bill specifies that the court is not required to appoint attorneys at the court or county’s expense. The court’s duty to appoint an attorney resumes upon certification from OCLA that sufficient funding has been appropriated. Once established, the right to counsel would apply to indigent tenants facing an unlawful detainer eviction case. The bill defines someone as “indigent” if they: receive assistance from certain public and medical benefits programs; have an annual income, after taxes, at 200% or

below of the federal poverty level; or are unable to pay anticipated cost of counsel due to insufficient funds. This definition is “consistent with the standard set forth in [RCW] [10.101.010](#), Supreme Court GR 34, and current income eligibility requirements for state-funded civil legal aid.”<sup>46</sup> According to OCLA, “[f]ield service experience from programs representing tenant defendants indicates that at least 80% of tenant defendants in filed Residential Landlord Tenant Act unlawful detainer actions will meet the indigency standard.”<sup>46</sup>

OCLA and other state and local entities are in early stages of discussing how to operationalize the right to counsel if enacted and funded. Provisions specifically require the court to appoint an attorney at any show cause hearing or scheduled trial. However, for judicial efficiency, OCLA would work with courts to ensure tenants receive a notice of the right to counsel for low-income renters, as outlined in the bill, when served with a summons and complaint for an unlawful detainer action. This notification would hopefully increase the proportion of eligible low-income tenants who have representation when they arrive for their show cause hearing or trial. If enacted, OCLA would also conduct outreach and education to inform communities disproportionately represented among those facing eviction for nonpayment and those experiencing default judgments about the new right to counsel (personal communication, March 2021). The agency would work with trusted organizations within the Black, Indigenous, and other communities of color, as well as Washingtonians with limited English proficiency, immigrants, and people with disabilities (personal communication, March 2021).

Based on the provisions in the bill and field experience, OCLA predicts that “courts will be required to appoint attorneys in about 60% of all filed unlawful detainer actions.”<sup>46</sup> The court will not be required to appoint an attorney if the tenant defendant doesn’t meet the standards for indigency (unknown percentage), in instances of unfiled case commencements (pocket-filed cases), and if the tenant defendant does not appear/respond to an Order to Show Cause (i.e., default judgment).<sup>46</sup> A large first wave of post-moratorium evictions is expected, and “OCLA anticipates between 5,000 to 7,500 tenants will receive appointed attorneys.”<sup>46</sup> Following the first wave of post-moratorium evictions, “the baseline level of filed eviction will revert to 2016 levels as documented in the [Judicial Information System] data.”<sup>46</sup>

Prior to the start of the COVID-19 pandemic, the University of Washington’s Eviction Project found “the most common resolution for an eviction is a default judgment—a no-show to a court hearing.”<sup>4</sup> While the percentage varies by county, in 2017 default judgments accounted for approximately 30% to 50% of filed unlawful detainer cases in Clark, Snohomish, Pierce, Spokane, and King Counties (counties listed in order of lowest to highest proportion of default judgments).<sup>4</sup> Collectively, the rate of default judgments among all other counties in Washington was approximately 20% in 2017.<sup>4</sup> Key informants shared that unlawful detainer cases move very quickly, and in many cases tenants who do not show up to the court hearing are unaware of their rights and are focused on moving out (OCLA, personal communication, March 2021).

The consequence of no-show/default judgments almost guarantees the tenant will face the strictest enforcement and costs of an eviction.<sup>4</sup> “In these circumstances, unlawful detainer defendants are almost guaranteed to receive the maximum penalty and fines requested by the landlord, putting them further behind than just losing their home.”<sup>4</sup> A study in Seattle found the median court costs for over 1,000 unlawful detainer cases in 2017 was \$3,129.73, including

owed rent, non-rent charges, and legal costs.<sup>3</sup> These costs further compound negative outcomes associated with an eviction and securing other housing.<sup>3,4</sup>

Currently, tenants that do show up to the courthouse for their unlawful detainer hearing may have access to free legal advice from a local housing justice project, but they will likely need to represent themselves (i.e., pro-se representation). However, these housing justice projects are not present in all areas of the state or at all courthouses (personal communication, March 2021). When lawyers from local housing justice projects are available, they generally meet with tenants who request free legal advice and provide limited assistance designed to enhance the tenants' ability to resolve the dispute or represent themselves in the show cause hearing (personal communication, March 2021). In limited circumstances, housing justice project attorneys will file notices of appearance and represent tenants in the unlawful detainer proceedings (personal communication, March 2021). Data indicate that less than 8% of all Washington unlawful detainer defendants had an attorney named on their behalf.<sup>4</sup> Researchers noted, "one caveat to this number is that a named attorney does not equate representation during trial, but rather, there was some attorney working on some part of the case (i.e., not necessarily present before the judge). Realistically, attorney representation at the time of trial would speculatively fall several percentage points below 8% for all defendants."<sup>4</sup> Among all 39 Washington counties, 9 counties had an average representation rate at or above 8%.<sup>4</sup> Meanwhile, evidence indicates the overwhelming majority of landlords are represented by legal counsel.<sup>18,47</sup>

Evidence from studies in Washington State and across the country indicates that tenants who have attorney representation are more likely to have the issue resolved in a manner that avoids displacement.<sup>3,48</sup> The 2017 study in Seattle found that defendants who had legal representation were "twice as likely to stay in their homes as compared to pro-se representation."<sup>3</sup> From the court records, 23.4% of tenants with legal counsel remained housed, compared to 14.6% without counsel.<sup>3</sup> In cases in which displacement is unavoidable, attorneys are generally able to negotiate additional time before move-out and connect clients to moving assistance so that the evicted tenant does not find themselves without shelter (personal communication, March 2021).

In 2017, New York City (NYC) passed Local Law 136 of 2017, which established the right to counsel for tenants facing eviction with full implementation by 2022.<sup>47</sup> The Office of Civil Justice (OCJ) reported that in year three of implementation, the percent of tenants who appeared in Housing Court for eviction cases with representation increased from 32% at the end of Fiscal Year (FY) 2019 to 38% in the first half of FY 2020, with representation rates for tenants increasing in every borough.<sup>47</sup> In 2013, the citywide representation rate was 1% of tenants facing eviction cases.<sup>47</sup> Among Housing Court eviction and NYC Housing Authority termination cases resolved by OCJ's legal services providers from July 1, 2019 through June 30, 2020, "86% of households [4,469 cases] represented in court by lawyers were able to remain in their homes."<sup>47</sup> In the 14% of cases in which tenants were legally required to leave the residence, eviction proceedings did not typically require they vacate immediately.<sup>47</sup> Rather, "tenants may be permitted to remain for several weeks or months to allow them to obtain new housing."<sup>47</sup>

In 2018, San Francisco voters passed Proposition F which established its Tenant Right to Counsel program which provides tenants facing eviction free legal counsel.<sup>49</sup> From 2018 to 2019, the city's eviction case filing decreased by 10%, and for cases there were filed, fewer resulted in tenants losing their housing.<sup>49</sup> Of the two-thirds of tenants receiving full scope representation in their eviction cases, 67% were able to stay in their homes.<sup>49</sup> Additionally, the right to counsel helped stop the displacement of African American renters: 80% of African American tenants who received an eviction notice and received legal counsel through the program ended up staying in their homes.<sup>49</sup>

As SSB 5160 specifies that the right to counsel for indigent tenants facing eviction is subject to appropriated funds, this pathway was ultimately not included in the Logic Model because it is unknown whether the budget will appropriate funds for this purpose. However, if funds are appropriated and the right to counsel is implemented, evidence indicates access to counsel could decrease evictions, which would positively impact health and equity.

#### *Long-term housing stability*

We also explored the potential impacts of eviction on housing stability in the long-term. Researchers have noted that, "the course and long-term outcomes of people who face eviction are unclear and so research is needed."<sup>20</sup> However, evidence indicates that individuals who are evicted experience ongoing housing instability and challenges renting again.<sup>19,20</sup> A longitudinal study of individuals who appeared in eviction court in Connecticut found that 54% of individuals were forced to relocate.<sup>20</sup> At follow-up, "these participants experienced significantly greater housing instability over time than those who did not have to move, underscoring the influence of the housing eviction process on housing stability for at least 9 months afterwards for those who had to move."<sup>20</sup> The authors stated that, "participants experienced significantly fewer days housed in their own place and more days homeless or unstably housed over time, from baseline to 3, 6, and 9 months."<sup>20</sup> Additionally, "after eviction court, many participants experienced increased homelessness and housing instability over time. In fact, participants reported that they were either homeless or unstably housed over one-fifth of the time after eviction court."<sup>20</sup> Lastly approximately 67% of participants had an eviction recorded in their public record and "an eviction record is public and can negatively affect future applications for rental housing as many landlords are reluctant to rent to applicants with eviction records."<sup>20</sup>

Provisions in SSB 5160 stipulate that eviction records would automatically receive limited dissemination status in certain circumstance, which could improve future rental decisions and housing stability in the future (personal communication, March 2021). However, as there is little published research examining the long-term outcomes of eviction, this pathway was ultimately not included in the Logic Model.

## Annotated References

1. **Benfer E.A., Robinson D.B., Butler S., et al. The COVID-19 Eviction Crisis: An Estimated 30-40 Million People in America Are at Risk. 7 August 2020 2020.**

Benfer et al. aggregate existing research related to the COVID-19 housing crisis, including estimated potential upcoming eviction filings, unemployment data, and housing insecurity.

2. **Cuellar J. . Effect of “Just Cause” Eviction Ordinances on Eviction in Four California Cities. *Journal of Public & International Affairs*.**

This article by Cuellar was published in the Journal of Public and International Affairs (JPIA), a student-run journal of policy studies. It is a joint publication of the Association of Professional Schools of International Affairs (APSIA) and the School of Public and International Affairs at Princeton University. Cuellar analyzes the relationship between just cause eviction ordinances and eviction rates and eviction filings in four California cities using data from the Eviction Lab. This analysis uses data from the Eviction Lab at Princeton University. "The Eviction Lab has collected, cleaned, and geocoded all recorded court-ordered evictions that occurred between 2000 and 2016 in the United States. The complete dataset consists of 82,935,981 court records from formal eviction records in 48 states and the District of Columbia. It is the most comprehensive dataset of evictions in the United States." The author uses a difference-in-differences matched case model to compare eviction rates and eviction filings before and after the passage of just cause eviction ordinances. Treatment/control cities include East Palo Alto (Just Cause Eviction Ordinance Passed in 2010) / Ashland, Imperial Beach, Lawndale, Marina, Seaside; Glendale (2002) / Chula Vista; Oakland (2003) / Long Beach; and San Diego (2004) / San Jose. Control cities were matched to treatment cities by mean population, mean poverty, mean percent renter occupied, mean median gross rent, mean median household income, mean median property value, and mean rent burden from 2000-2016. Results suggest that "there is a statistically significant ( $p < 0.01$ ), negative difference between eviction rates before and after the passage of just cause eviction ordinances in the four treatment cities compared with the difference in eviction rates in the same period in matched control cities." Specifically, there is a -0.808% "difference between eviction rates before and after the passage of just cause eviction ordinances in the treatment cities, as compared to the difference in eviction rates in matched control cities before and after the passage of just cause eviction ordinances in treatment cities. Given that the eviction rates in treatment and matched control cities range from 0.07 to 4.32 percent, the magnitude of this difference is remarkable." Additionally, "The difference between eviction filing rates before and after the passage of just cause eviction ordinances in the treatment cities, compared to the difference in filing rates in matched control cities during the same time period is also statistically significant ( $p < 0.01$ ), but of a smaller magnitude, -0.780 percentage points." However, analysis of the overall trend shows "no significant drop in eviction rates in the treatment cities after the passage of the just cause eviction ordinance, except in the case of Glendale, nor do the trends among treatment and control cities change dramatically." Study limitations related to data include differences between the Eviction Lab's data and that of local organizations that have gathered data on evictions; and informal evictions are not accounted for in the dataset or the analysis. The Eviction Lab estimates that informal evictions are more common than court-ordered evictions.

**3. Cookson T. , Diddams M. , Maykovich X., et al. Losing Home: The Human Cost of Eviction in Seattle.Seattle, WA: Seattle Women's Commission; King County Bar Association's Housing Justice Project; September 2018 2018.**

This report authored by the Seattle Women's Commission (SWC) and the King County Bar Association's Housing Justice Project (HJP) analyzes eviction causes, process, and outcomes in Seattle to determine how eviction contributes to the homelessness crisis, which has disproportionately impacted marginalized communities (e.g., women, people of color, and people with low-incomes). It "investigates how current policies and the practices of courts, landlords, attorneys, and other private actors facilitate the mass eviction of low-income tenants in Seattle." Additionally, "it assesses eviction factors like the amount of unpaid rent that trigger evictions, how much debt tenants accumulate as a result of eviction rulings, how evictions affect tenant and family health, and where tenants go after eviction." Authors identified 1,218 unlawful detainer cases filed against residential households, affecting a total of 1,473 tenants, within Seattle city limits in 2017 and gathered data related to demographics, reasons for eviction, financial costs, and tenant experiences. Results of the analysis showed: women were more likely to be evicted over small amounts of money (e.g., of single-tenant household cases where a tenant owed \$100.00 or less, 81.0% were women); "51.7% of tenants in eviction filings were people of color; 31.2% were Black tenants, experiencing eviction at a rate 4.5 times what would be expected based on their demographics in Seattle"; "86.5% of eviction filings were for nonpayment of rent and of these, 52.3% were for one month or less in rent"; "Tenants face steep financial costs resulting from eviction: the median court judgment was \$3,129.73, including rent owed, nonrent charges, and legal costs"; "Tenants were required to pay attorney's fees (90.6% of cases with a median charge of \$416.19) and court costs (92.2% of cases with a median charge of \$358.98) in the majority of cases"; and From the court records, 23.4% of tenants with legal counsel remained housed, compared to 14.6% without counsel", among others.

**4. University of Washington. The State of Evictions: Results from the University of Washington Evictions Project. 2019; Available at: <https://evictions.study/washington/>. Accessed 2 March 2021, 2021.**

Formed in the Summer of 2018, University of Washington's Eviction Project aim was "to measure and analyze the issue of evictions using court records, census data, and housing market trends across the state." Evictions are defined as "the count of unlawful detainer court records in the State of Washington." Researchers combine advance data science techniques with demographic, urban sociology, and economic theory to understand how rent, changing neighborhoods, homelessness, and evictions related to housing insecurity. Results are presented online as a living document to inform the public and policymakers and provide tools to address the issue of affordable housing and homelessness.

**5. Engrossed Substitute Senate Bill 5600, An Act Relating to residential tenant protections, Chapter 356, Laws of 2019 Revised Code of Washington(2019).**

Among other provisions, this Washington State law extended the pay or vacate period from 3 days to 14 days.

**6. Just cause eviction, Auburn Municipal Codes.**

Section 5.23.070 of the Auburn Municipal Code details the city's just cause eviction ordinance.

**7. Just cause eviction, Burien Municipal Code(2021).**

Section 5.63.070 within Burien's Chapter on rental housing policy prohibits landlords from evicting or attempting to evict any tenant unless they can prove in a court of law that just cause exists.

**8. Federal Way Good Cause Eviction Ordinance, Federal Way Revised Code(2019).**

Title 20 Citizen Initiatives Chapter 20.05 details the city's Good Cause Eviction Ordinance, which was approved by voters at the November 2019 election.

**9. Duties of owners, Ordinance Seattle, Washington - Municipal Code.**

Title 22 Building and Construction Codes, Subtitle II - Housing Code, Chapter 22.206 Habitable Buildings, Subchapter VI - Duties of Owners and Tenants, 22.206.160 Duties of Owners Section C details Seattle's Just Cause Eviction Ordinance.

**10. Senate Bill Report SB 5160. Senate Committee on Housing & Local Government; 2021.**

This Senate Bill Report from the Senate Committee on Housing & Local Government describes the First Substitute Bill and relevant background information.

**11. Centers for Disease Control and Prevention. Order Under section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2 Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. In: Services USDoHaH, ed. Atlanta, GA2021.**

This Order from the Director of the Centers for Disease Control and Prevention extends the temporary halt in residential evictions in the U.S. for failure to pay rent during the period of the Order in an effort to limit the spread of COVID-19 and protect public health.

**12. Prevention Centers for Disease Control and. Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19. In: Services DtHaH, ed. Vol 85. Washington, D.C. : Federal Register; 2020:55292-55297.**

This Order from the CDC was effective September 4, 2020 through December 31, 2020. "Under this Order, a landlord, owner of a residential property, or other person [3] with a legal right to pursue eviction or possessory action, shall not evict any covered person from any residential property in any jurisdiction to which this Order applies during the effective period of the Order. [...] This Order is a temporary eviction moratorium to prevent the further spread of COVID-19. This Order does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract."

**13. Prevention Centers for Disease Control and. HHS/CDC Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 | Frequently Asked Questions. Atlanta, GA: Centers for Disease Control and Prevention.**

This guidance document summarizes the views of the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services (HHS), U.S. Department of Housing and Urban Development (HUD), and U.S. Department of Justice (DOJ) on frequently asked questions related to the CDC Order, *Temporary Halt in Residential Evictions to Prevent*

*the Further Spread of COVID-19*, 85 Fed. Reg. 55, 292 (Sept. 4, 2020), which temporarily halts residential evictions for nonpayment. It defines “eviction” as “any action by a landlord, owner of a residential property, or other person with a legal right to pursue eviction or a possessory action, to remove or cause the removal of a covered person from a residential property.” A “covered person” refers to a tenant, lessee, or resident of a residential property” who provides the property owner a “declaration under penalty of perjury that: 1) The individual has used best efforts to obtain all available government assistance for rent or housing; 2) The individual either (i) expects to earn no more than \$99,000 in annual income for Calendar Year 2020-2021 (or no more than \$198,000 if filing a joint tax return), (ii) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act; 3) the individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses; 4) The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and 5) Eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.” The document describes how a covered person can provide documentation; explains that unpaid rent and any resulting fees, penalties, or interest is still ultimately owed to the landlord when the Order is lifted; directs people to rental assistance options; and outlines the public health rationale for temporarily halting evictions.

**14. Leifheit K.M., Linton S.L., Raifman J., et al. Expiring eviction moratoriums and COVID-19 incidence and mortality. Pending peer review.**

In this article pending peer-review for publication, Leifheit et al. presented findings from a natural experiment evaluating whether lifting the moratorium on evictions impacts COVID-19 incidence and mortality. In March 2020, CDC issued a national order to temporarily halt evictions during the COVID-19 pandemic and 43 states and the District of Columbia instituted a moratorium. During the Summer 2020, 27 states lifted their statewide eviction moratorium. Leifheit et al. evaluated daily, state-level counts of confirmed COVID-19 cases and deaths in states that lifted the eviction moratorium compared to states that did not. They found that the incidence of COVID-19 “was [statistically] significantly increased in states that lifted their moratoriums starting 10 weeks after lifting, with 1.6 times the incidence...of states that maintained their moratoriums.” Additionally, “COVID-19 mortality was [statistically] significantly increased after seven weeks, with 1.6 times higher mortality” compared to states that did not lift their moratoriums. These differences increased over time, and after 16 weeks the incidence of COVID-19 was 2.1 times higher and mortality was 5.4 times higher than in states that did not lift their moratorium. The authors noted, “although increases in mortality reached statistical significance earlier than increases in incidence, this appears to be an artifact of less precision in our incidence estimates, rather than a true lag in incidence.” Overall, the authors estimated that lifting statewide moratoriums over the course of the study period (March to September 2020) resulted in over 433,000 cases of COVID-19 and 10,700 excess deaths from COVID-19.

**15. AN ACT Relating to addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to state rental assistance programs. Kuderer, trans. *Revised Code of Washington*. Vol 2021 Regular Session. 67th Legislature ed2021.**

The text of Substitute Senate Bill 5160 is available on the Washington State Legislature's website.

**16. Vasquez-Vera H., Palencia L., Magna I., et al. The threat of home eviction and its effects on health through the equity lens: A systematic review. *Soc Sci Med*. 2017;175:199-208.**

Vasquez-Vera et. al. conducted a systematic review of 47 articles published through March 2016 to determine the impacts of threat of eviction on health outcomes. The majority of studies (77%) occurred in the U.S. Specifically, they evaluated the threat of eviction (i.e. mortgage or rent arrears, foreclosure, eviction) on mental health, physical health, and health-related behaviors. The study authors noted, “of all scenarios that can be described as housing insecurity, risk of losing one’s dwelling or being evicted is one of the most important.” Overall, they found a “general consensus that individuals under threat of eviction present negative health outcomes, both mental (e.g. depression, anxiety, psychological distress, and suicides) and physical (poor self-reported health, high blood pressure and child maltreatment).” One study stated that, “threat of eviction can directly affect health in two ways: through psychological changes resulting in poor mental health, and by adopting unhealthy habits that constitute risk factors for several diseases.” They found that being evicted is related to higher risk of depression and anxiety, psychological distress, and death by suicide. Individuals who experienced eviction were also at greater risk for substance use (e.g. alcohol, tobacco, other drugs) and food insecurity.

Additionally, “some qualitative studies reported that [threats of eviction] are experienced by individuals as a personal failure and as a concealable stigma, leading to feelings of insecurity, embarrassment, isolation, and having a lack of control of key aspects of daily living.” They noted that these feelings can lead to anxiety, depression, and suicide ideation. The studies also revealed inequities by sex, age, race/ethnicity, geography, level of education, employment status, and socioeconomic status. The review notes that these populations experience worse health outcomes and “one of [the] mediating factors is housing.” Eviction had a strong impact on mental and physical health for women compared to men. However, men who experienced eviction were at greater risk of alcohol dependence and drinking compared to women. Risk of death by suicide “among people nearing retirement was twice that among those aged 3-45 years.” Studies also showed that Black individuals experience significantly worse mental health outcomes than white individuals experiencing eviction. Five studies evaluating whether living in areas with higher rates of evictions and foreclosures impacted health outcomes found, “significant associations with health outcomes such as high blood pressure, depressive symptoms, and higher frequencies of mentally unhealthy days. This is relevant because the threat of eviction is not only an individual-level risk factor, but also a contextual-level determinant of health” impacting “the wider community through various mechanisms, including declining local property values, degradation of the neighbourhood environment, changes in safety levels, changes in retail and built environments, and other factors yet to be explored (spillover effects).”

17. **Hoke M. K., Boen C. E. The health impacts of eviction: Evidence from the national longitudinal study of adolescent to adult health. *Soc Sci Med.* 2021;273:113742.**

Hoke and Boen conducted a longitudinal study of the health impacts of eviction for young adults. Using nationally-representative data from the 1994-2008 National Longitudinal Study of Adolescent to Adult Health, the authors evaluated the impacts of eviction on depression and self-rated health over time. Approximately 1.6% of young adults reported experiencing eviction. Overall, the authors found a positive association between eviction history and depressive risk, such that young adults who experienced eviction had statistically significantly more depressive symptoms than young adults who were not evicted. This relationship persisted over time and “the longitudinal associations between changes in eviction and changes in depressive risk persisted after adjusting for other markers of household and neighborhood socioeconomic conditions as well as measures of housing and financial insecurity, which would suggest that eviction serves as a particular salient health risk among young adults.” The authors also found a strong positive association between eviction history and self-reported health, and individuals experiencing eviction were more likely to report poor or fair health compared to those that did not experience eviction. In addition, individuals with low-incomes and individuals of color are more likely to experience eviction and resulting depressive symptoms. Black young adults were disproportionately more likely to have experienced eviction and “while Black young people comprised approximately 12 percent of the full sample, they represented approximately 23 percent of those who reported being evicted.” The study also found that “evictions may serve as both a cause and consequence of economic insecurity and a source of population-level socioeconomic health inequality.” The authors found that psychosocial stress may mediate the relationship between eviction and depressive symptoms and self-reported health. The authors summarize literature identifying three primary pathways between eviction and health, including 1) psychosocial stress; 2) environmental exposures related to substandard housing; and 3) increased disease exposure. The authors state that the threat or loss of housing due to eviction can “lead to increased rumination, hopelessness, anxiety, depression, and risk of suicide. This stress can be compounded by the experience of social stigma associated with eviction and housing loss.” Stigma can increase mental health impacts, as well as result in disrupted sleep quality, hormonal changes, and reduced immune function. Increased environmental exposures results from increased “likelihood of being exposure to substandard housing or becoming homeless” as a result of eviction. In the third pathway, “eviction can directly increase one’s exposure to infectious disease risks. Upon experiencing eviction, individuals and families may seek shelter in crowded, unsafe situations. This can include homeless shelters, doubling up (moving in with friends or family), or seeking alternative accommodations in one’s vehicle or on the street. Any of these options can lead to increased exposure to those infectious diseases that continue to disproportionately affect homeless populations such as HIV, Hepatitis B, Hepatitis C, and tuberculosis” as well as COVID-19. The authors also cited background research showing that housing instability has been linked to mental health outcomes (i.e. depression, anxiety, stress, psychological health, mental health strain, suicide ideation, and death by suicide), substance use (i.e. alcohol use, drug use, high-risk behaviors like syringe sharing) and general and physical health outcomes (i.e. poor self-reported health, high blood pressure, weight gain, chronic health concerns [e.g. diabetes]), and death (i.e. cardiovascular disease-related mortality, all-cause mortality). Housing instability has also been associated with negative health outcomes in children (i.e. physical abuse, hospitalization, poor diet, high cortisol levels). While eviction is included in the definition of housing instability, studies “generally support the idea of forced

housing loss as a unique stressor that affects physical and physiological functioning." Eviction has been associated with increased rates of sexually transmitted infections, increased viral load in individuals with HIV, low birthweight, infant mortality, food insecurity, medication use, sleep disturbances, and worse chronic disease outcomes.

**18. Desmond M. Unaffordable America: Poverty, housing, and eviction. *Fast Focus*. Vol 22. Madison, WI: Institute for Research on Poverty, University of Wisconsin-Madison; 2015.**

Desmond provides an overview of the crisis faced by low-income families "in finding and maintaining affordable housing." He describes trends that have contributed to the current situation: "rising housing costs, stagnant or falling incomes among the poor, and a shortfall of federal housing assistance." Low-income single mothers with children, particularly African Americans, are at greatest risk of eviction. Desmond cites evidence that "From 2001 to 2010, median rents increased by roughly 21[%] in Midwestern and Western regions" in 2015 U.S. dollars. In 2013, 67% of low-income renters did not benefit from federal housing programs. At the same time, 1 in 8 low-income renting families in the U.S. could not pay all of their rent, and a similar number thought it was likely they would be evicted soon. A study of Milwaukee area renters (2009-2011) found "neighborhoods with a greater proportion of children have more evictions, even after controlling for their poverty rate, racial composition, percentage of female-headed households, and a number of other factors. Eviction is the leading cause of homelessness, particularly among families with children. "Residential instability often brings about other forms of instability—in families, schools, communities—compromising the life chances of adults and children." Furthermore, involuntary displacement is linked to substandard housing conditions, which can negatively affect children's health. Evidence also indicates that "experiencing an eviction is associated with over a third of a standard deviation increase in neighborhood poverty and crime rates, relative to voluntary moves." Another consequence of eviction can be job loss due to time required and stress induced by an eviction (e.g., missed work, mistakes on the job). Eviction can also result in a longer commute that can increase the likelihood of tardiness and absenteeism. The Milwaukee Area Renters study found that "workers who involuntarily lost their housing were roughly 20 percent more likely subsequently lose their jobs, compared to similar workers who did not." He also cites evidence that eviction can negatively impact health (e.g., maternal depression).

**19. Healthy People 2020: Housing Instability. 2020; Available at: <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-health/interventions-resources/housing-instability>. Accessed 3/4/2020.**

Healthy People 2020 recognizes housing instability as a key social determinant of health. Housing instability linked to cost of housing, substandard housing, and forced evictions "may negatively affect physical health and make it harder to access health care." Healthy People 2020 states that there is no standard definition of housing instability and that it "encompasses a number of challenges, such as having trouble paying rent, overcrowding, moving frequently, staying with relatives, or spending the bulk of household income on housing." They note, "households are considered to be cost burdened if they spend more than 30% of their income on housing and severely cost burdened if they spend than 50% of their income on housing." Households with low-incomes and households of color are at higher risk of being cost burdened. Approximately 83% of households with an annual income less than \$15,000 were cost burdened.

Black and Hispanic households were twice as likely to be cost burdened compared to white households. Cost burdened households are also more likely to experience eviction and forced moves. Healthy People 2020 noted that, “research has shown that renters who are forced to move are more likely to relocate to poorer and higher-crime neighborhoods compared to those who move voluntarily. Evictions may be especially traumatizing to residents due to short relocation notices.” Children who experience housing instability are more likely to have chronic health conditions, poor physical health, and lack access to health insurance. Healthy People 2020 also acknowledges that “homelessness is housing deprivation in its most severe form.” It is well-documented that individuals who experience homelessness have worse health outcomes than their housed peers, including higher rates of chronic disease, mental health concerns, and premature death.

**20. Tsai J., Jones N., Szymkowiak D., et al. Longitudinal study of the housing and mental health outcomes of tenants appearing in eviction court. *Social Psychiatry and Psychiatric Epidemiology*. 2020.**

Tsai et al. conducted a longitudinal study of tenants over 18 years of age who appeared in eviction court from March 2017 to October 2018 in New Haven, Connecticut and had been issued a “notice to quit” due to non-payment of rent or a lease violation. The purpose of the study was to determine the impact of eviction on mental health outcomes. They recruited 121 tenants and collected information about their housing status, mental health, and psychosocial status at baseline (appearance in eviction court) and at 1, 3, 6, and 9 months following their appearance in court. Housing status and previous history of evictions were assessed. Mental health status and psychosocial status was assessed using validated survey instruments. The authors cited previous research that “mental health and psychosocial problems can be both causes and consequences of eviction” and noted that individuals with severe mental illness are often evicted for their disability status. The authors stated, “the course and long-term outcomes of people who face eviction are unclear and so research is needed.” At baseline, the majority of individuals appearing in eviction court were female (74%), Black (59%), aged 18-49 years (69%), never married (59%), with high school or some education (76%), and with an annual income less than \$15,000 (55%). Additionally, about 28% were unemployed, 19% were disabled, 23% had ever been incarcerated, and 4% were military Veterans. About 42% of individuals had ever appeared in eviction court, with about 28% having experienced a previous eviction. Forty-four percent had ever experienced homelessness. At 1 month after eviction court, only 4.4% had lost their case and were evicted and only 3% had won their case and did not have to move. The majority of cases were referred to some type of mediation/stipulation process, with 48% of cases having to move. Overall, 54% of individuals who appeared in eviction court were forced to relocate and “these participants experienced significantly greater housing instability over time than those who did not have to move, underscoring the influence of the housing eviction process on housing stability for at least 9 months afterwards for those who had to move.” The authors stated that, “participants experienced significantly fewer days housed in their own place and more days homeless or unstably housed over time, from baseline to 3, 6, and 9 months.” And, “after eviction court, many participants experienced increased homelessness and housing instability over time. In fact, participants reported that they were either homeless or unstably housed over one-fifth of the time after eviction court.” The study also found that “one-third of participants screened positive for major depressive disorder and over one-third screened positive for PTSD and/or generalized anxiety disorder at baseline; while these rates did decrease

over time, many participants continued to report problems (15–19% screened positive for at least one of these disorders at 9 months).” Seventeen percent of participants reported suicide ideation at baseline and “evictions have [been] found to be a precipitating factor for suicide.” Individuals reported ongoing mental health problems over time, but only 17-22% sought mental health treatment and only 1-11% sought substance use treatment over time. They found that, “compared to participants who did not have to move, participants who did have to move experienced significantly greater increases in days unstably housed from baseline to 1 and 3 months, and decrease in number of days they spent in their own place during those time periods. There were no significant changes in mental health symptoms or utilization of mental health or substance [use] treatment services between groups over time.” The authors state that this suggests, “participants are already very distressed with high rates of mental health problems during presentation to eviction court.” Lastly, approximately 67% of participants had an eviction recorded in their public record and “an eviction record is public and can negatively affect future applications for rental housing as many landlords are reluctant to rent to applicants with eviction records.” The authors noted that study findings may not be generalizable to individuals who are evicted, but do not appear in eviction court.

**21. Hazekamp C., Yousuf S., Day K., et al. Eviction and Pediatric Health Outcomes in Chicago. *Journal of Community Health*. 2020;45:891-899.**

Hazekamp et al. evaluated the impact of eviction on pediatric health outcomes in Chicago. They used data from Chicago Department of Public Health, the Eviction Lab, and the American Community Survey. The authors noted, “the presence of children in a household...poses a greater risk for eviction than race or gender” such that “there is a .002 increase in the probability of being evicted for each child in a [household].” Single mothers and households with low - incomes are at higher risk of eviction. Therefore, they controlled for sex, household income, educational attainment, marital status, and race/ethnicity. They stated that “previous research has shown that eviction disproportionately affects low-income neighborhoods and contributes to the cyclic nature of poverty.” Overall, they found that both eviction filing rates and eviction rates were statistically significant predictors of very low birth weight and infant mortality. They found that households “in census tracts with higher rates of evictions and eviction filings also experience a significantly higher [very low birth weight] percentage and [infant mortality] rate, however, causality cannot be concluded from this analysis. Data showed that eviction rate, eviction filing rates, [infant mortality] and [very low birth weight] were all clustered in the most underserved communities of Chicago...these neighborhoods are predominantly comprised of Black and Hispanic populations...”

**22. Hunter L.A., Bagal III G.R., Battle J., et al. Intersecting Injustice: A National Call to Action, Addressing LGBTQ Poverty and Economic Justice for All. Social Justice Sexuality Project, Graduate Center, City University of New York;2018.**

This report discusses economic inequities experienced by the LGBTQ community. Among other inequities, individuals who identify as LGBTQ are disproportionately more likely to experience housing instability and homelessness. The report notes that, “exiting housing instability may be particularly difficult for LGBTQ people, who lack nondiscrimination protections in housing in many states” though public housing is prohibiting from discriminating on the basis of sex (including sexual orientation and gender identity).

**23. Hepburn P., Louis R., Desmond M. Racial and Gender Disparities among Evicted Americans. *Sociological Science*. 2020;7:649-662.**

Hepburn et al. evaluated court records of eviction cases filed between 2012 and 2016 against 4.1 million individuals in 39 states. Since demographic information is not always available through court records, they used algorithms to predict the probability of each individual's sex and race/ethnicity. Their findings "represent the most comprehensive investigation to date of racial and [sex] disparities among evicted renters in the [U.S.]." Overall, they found that Black renters had the highest rates of eviction and were statistically significantly more likely to be evicted than white renters. Blacks made up 19.9% of all adult renters, but 32.7% of evictions. This differed by geography. For example, King County, Washington had the greatest disparity, with Blacks making up 9% of all adult renters and 28.2% of evictions. Black and Latinx renters were also more likely to experience serial eviction filings at the same address. Female renters were also more likely to be evicted than male renters. Overall, 15.9% more female renters were evicted than male renters. The authors found that, "across all renters, the median ratio of female eviction rates to male eviction rates...[indicated] that the risk of eviction was two percent higher for women than for men." Disparities by sex were greatest for Black women (4% higher risk of eviction than Black men) and Latinx women (9% higher risk of eviction than Latinx men).

**24. Desmond Matthew, Gershenson Carl. Housing and Employment Insecurity among the Working Poor. *Social Problems*. 2016;63(1):46-67.**

In this study Desmond and Gershenson investigate whether low-income workers who were involuntarily removed from their homes (i.e., by eviction, landlord foreclosure, or housing condemnation) subsequently experienced an involuntary dismissal from their jobs. Authors hypothesized that eviction "temporarily diminishes the ability of many low-wage workers to perform at their jobs" due to two important contextual points. First, many low-wage workers' jobs do not offer paid leave, advanced scheduling notice, or many protections from termination, which make it difficult to respond to life disruptions without it affecting workplace performance. Second, involuntary displacement from housing is also a drawn-out process that can involve multiple court appearances followed by a period of homelessness or temporary shelter, during which time "workers are expected to perform adequately in an environment that leaves little room for error. Researchers used data from the *Milwaukee Areas Renters Study* (MARS) and applied "matching techniques as well as discrete hazard models to novel survey data of low-income Milwaukee renters". Results showed forced removal to be "a strong and robust predictor of job loss." Specifically, "matching models show the likelihood of experiencing job loss to be between 11[%] and 22[%] higher for workers who experienced a preceding forced move." Authors also ran models in the reverse to determine the effect of job loss on housing loss. While results were also statistically significant, they were only 1/10th of the estimated size of the effect of housing loss on job loss. Therefore, "the weight of the evidence suggests that the disruptive effects of housing loss on job loss are considerably greater than the reverse." This is the first study to identify housing insecurity as an important source of employment insecurity among low-income workers.

**25. Coalition National Low Income Housing. The Gap A Shortage of Affordable Homes. Washington, DC2020.**

The National Low Income Housing Coalition (NLIHC) is an advocacy organization “dedicated to achieving socially just public policy that ensure people with the lowest incomes in the United States have affordable and decent housing.” It conducts an annual report examining the American Community Survey to determine the availability of rental homes affordable to households with extremely low-income (i.e., those with incomes at or below the federal poverty line or 30% of the area median income, whichever is greater). This March 2020 report found that renters with extremely low incomes comprise 25% of all renter households and 8% of all U.S. households. Nationally, they estimate there are 36 affordable and available homes for every 100 extremely low-income renter households. Seventy-one percent of the country’s extremely low-income renter households spend more than half of their income on rent and utilities. “Extremely low-income renters are more likely than other renters to be seniors or people with disabilities. Forty-six percent of extremely low-income renter households are seniors or disabled, and another 44% are in the labor force, in school, or single-adult caregivers.” Additionally, evidence shows people of color are more likely than white people to be extremely low-income renters. Where 6% of white non-Hispanic households have extremely low-income, 22% of Black households, 17% of American Indian or Alaska Native households, 15% of Hispanic households, and 10% of Asian households have extremely low-income). The report provides additional context as to the historical and current policies that have led to the current gap in affordable housing.

**26. U.S. Census Bureau. Household Pulse Survey Data Tables. Household Pulse Survey (COVID-19) 2021; Available at: <https://www.census.gov/programs-surveys/household-pulse-survey/data.html#phase3>.** Accessed 6 March 2021, 2021.

The U.S. Census Bureau launched the Household Pulse Survey, a 20-minute online survey, to study how the coronavirus (COVID-19) pandemic is impacting households across the country from a social and economic perspective. "The survey asks questions about how education, employment, food security, health, housing, social security benefits, household spending, consumer spending associated with stimulus payments, intention to receive a COVID-19 vaccination, and transportation have been affected by the ongoing crisis." Data collection for Phase 3 of the Survey began on October 28, 2020 and ran until December 21, 2020 and then resumed on January 6, 2021 and will run through March 1, 2021. Links provided on the webpage allow users to access downloadable tables in XLS for each release period. Data collection for Phase 2 of the Household Pulse Survey ran from August 19, 2020 through October 26, 2020, and Phase 1 data collection ran from April 23, 2020 through July 21, 2020. Analysts reviewed Washington data from the most recent week (Week 24) of Phase 3 data collection. Data presented are from the Housing Table 1.b Last Month's Payment Status for Renter-Occupied Housing Units, by Select Characteristics: Washington. U.S. Census Bureau Household Pulse Survey, Week 24. February 3-15, 2021.

**27. City of Seattle. Just Cause Eviction Ordinance. Available at: <https://www.seattle.gov/rentinginseattle/renters/moving-out/just-cause-eviction-ordinance>.** Accessed 6 March 2021, 2021.

This Mayor of Seattle City Webpage provides and overview of the Just Cause Eviction Ordinance and details the 16 causes a landlord is allowed to use to end a tenant's month-by-month rental agreement.

**28. Taylor L.A. Housing and Health: An Overview of the Literature. *Health Affairs.* 2018.**

In this Health Policy Brief, Taylor states that, "there is strong evidence characterizing housing's relationship to health" and "housing is one of the best-researched social determinants of health." There are four primary pathways from housing to health, including housing stability, safety and quality of housing, housing affordability, and neighborhoods. Overall, individuals who experience housing instability are more likely to experience worse health outcomes compared to their stably housed peers.

**29. The Henderson Center for Social Justice Berkeley Law. Equal opportunity: The Evidence- a summary of key ideas , current research, and relevant information for those who aim to promote and protect equal opportunity. University of California Berkeley;2012.**

University of California Berkeley's Henderson Center for Social Justice provided an overview and history of equal opportunity efforts in the U.S. They use the term "equal opportunity" to include both affirmative action and equal opportunity efforts. Affirmative action and equal opportunity programs began as a result of the Kennedy Administration's Executive Order 10925, which required government contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." This report summarizes information related to contracting, education, wealth, homeownership, and other factors. It stated that "overall, people of color rate their health status lower than Whites ([non-Hispanic]). The life expectancy at birth for African Americans is five years less than for Whites...In general, people of color report less access to health care and poorer quality health care than Whites ([non-Hispanic])." The report found that, "although the effect of [state affirmative action] bans are complicated to assess, there is a recurring pattern of decreased diversity." The report presents some research on Washington State. For contracting, transportation contracts awarded to minority-owned and women-owned businesses increased under affirmative action and decreased sharply after I-200 passed in 1998. Similarly, applications and enrollment by people of color decreased at University of Washington, and to a lesser degree at other public universities. For public employment, the authors note that, "in Washington, the diversity of state employees before and after the passage of the anti-equal opportunity Initiative 200 in 1998 has not been tracked." They noted that Washington State began tracking this information in 2006, and that the current state workforce is similar in diversity to the private sector, though people of color were slightly less represented.

**30. Poel A. Health of Washington State Report: Mortality and Life Expectancy. Data Update 2015. Washington State Department of Health;2015.**

Poel presents Washington state data on mortality and life expectancy. The data show that age-adjusted death rates were higher in Washington census tracks with higher poverty rates. The state data also show that American Indian/Alaska Natives, Native Hawaiian/Other Pacific Islanders, and black residents had the highest age-adjusted death rate and shortest life expectancy at birth compared to other groups in the state. Children 1-4 and 5-14 experience the lowest mortality rates, with no difference between sexes. However, in each of the remaining age groups, death rates among men are higher than death rates for women, including among those aged 85 or older.

**31. Kemple Angela. Health of Washington State Report: Coronary Heart Disease.Tumwater, Washington: Washington State Department of Health; 17 February 2016 2016.**

Kemple presents data from Washington regarding coronary heart disease in the state. Washington data from the Behavioral Risk Factor Surveillance System (BRFSS) from 2012-2014 combined, age-adjusted coronary heart disease death rates were 1.7 times higher for Washington residents in census tracts where less than 15% of the population were college graduates compared to rates in census tracts where 45% or more of the population were college graduates. Further, BRFSS data also show that age-adjusted diabetes prevalence is highest among Native Hawaiians and Other Pacific Islanders, American Indian/Alaska Native, and Blacks. The numbers and rates of coronary heart disease deaths in Washington increase with age. In each age group, men have higher rates than women

**32. Health Washington State Department of. 2018 Washington State Health Assessment. March 2018 2018.**

The *State Health Assessment* provides an overview of health and well-being of Washington residents. It outlines the changing population trends --increasing in number, becoming more racially and ethnically diverse, and aging. It also discusses disparate health outcomes experienced by various populations within Washington.

**33. Prather Cynthia, Fuller Taleria R., Marshall Khiya J., et al. The Impact of Racism on the Sexual and Reproductive Health of African American Women. *Journal of Womens Health (Larchmt)*. 2016;25(7):664-671.**

Prather et al. use the socioecological model to describe racism and its effect on African American women's sexual and reproductive health. Authors examine the historical context of racism (e.g., medical experimentation) as well as institutional racism (society), personally mediated racism (neighborhood/community), and internalized racism (family/interpersonal supports and individual). Authors concluded, "[i]n both historical and contemporary contexts, race-based mistreatment has been shown to place African American women at increased risk for HIV/STIs, pregnancy-related complications, and early mortality."

**34. Eichelberger Kacey Y., Doll Kemi, Ekpo Geraldine E., et al. Black Lives Matter: Claiming a Space for Evidence-Based Outrage in Obstetrics and Gynecology. *American Journal of Public Health*. 2016;106(10):1771-1772.**

This AJPH perspective provides an overview of why authors believe the phrase "Black Lives Matter" should inform obstetric and gynecological care.

**35. Kemple Angela. Health of Washington State Report: Stroke.Tumwater, Washington: Washington State Department of Health;2016.**

Kemple presents data from Washington regarding stroke in the state. Washington data from the Behavioral Risk Factor Surveillance System (BRFSS) from 2012-2014 show that among adults, the percentage of persons with stroke increased as household income decreased. This relationship was also true for education. Further, BRFSS data also show that age-adjusted diabetes prevalence is highest among those who are black and American Indian/Alaska Native. The rate for Native Hawaiian and other Pacific Islander residents is also high (81 deaths per 100,000 people), but subject to greater random variation than rates for other groups because of

small numbers. Men ages 45–74 have higher stroke death rates than women, and women ages 85 and older have higher stroke death rates than men.

**36. Health of Washington State: Mental Health. Washington State Department of Health;2008.**

Washington Behavioral Risk Factor Surveillance System (BRFSS) data from 2004-2006 indicate that American Indians/Alaska Natives and non-Hispanic Black individuals reported significantly higher rates of poor mental health compared to other groups. These relationships persisted after adjusting for additional factors such as age, income, and education. Washington BRFSS data also show an association between lower annual household income and poor mental health, a relationship that was also shown with education. It is well understood that mental health is also closely related to other areas such as employment opportunities, physical health, and substance abuse. This report also highlights a Washington State study from 2002 that reveal that 16% of individuals in the state who were receiving publicly funded mental health services had at least one felony conviction, a rate over twice that of the general population.

**37. Christensen Trevor, Weisser Justin. Health of Washington State Report: Tobacco Use. Washington State Department of Health;2015.**

Christensen et al. report Washington state Behavioral Risk Factor Surveillance System (BRFSS) data from 2012 to 2014 indicate that prevalence of smoking decreases as income and levels of education increase. Further, American Indians and Alaska Natives (AI/AN) and Native Hawaiian/Other Pacific Islander populations have significantly higher smoking rates than white, black, Hispanic, and Asian populations.

**38. Kemple Angela. Health of Washington State Report: Diabetes. Washington State Department of Health;2016.**

Kemple presents data from Washington regarding diabetes in the state. Washington data from the Behavioral Risk Factor Surveillance System (BRFSS) from 2012-2014 show that among adults, the percentage of persons with diabetes increased as household income decreased. This relationship was also true for education. Further, BRFSS data also show that age-adjusted diabetes prevalence is highest among those who are Hispanic, American Indian/Alaska Native, and black.

**39. VanEenwyk J. Health of Washington State Report: Socioeconomic Position in Washington. Washington State Department of Health;2016.**

VanEenwyk presents data about socioeconomic position in Washington State including differences within the state as well as statewide differences compared to national data. Data indicate that compared to the United States as a whole, fewer Washington residents are living in poverty and a higher percentage of residents ages 25 and older have college degrees. However, these economic resources are not evenly distributed among all Washington residents. Females in Washington were more likely to be living in poverty than males and were also more likely to have lower wages. Further, American Indian and Alaska Native, Hispanic, and black residents had higher percentages of living in poverty and lower median household incomes compared to other groups. Data also indicated that counties in eastern Washington were more likely to have high poverty rates and high rates of unemployment than counties in western Washington.

**40. Ellings Amy. Health of Washington State Report: Obesity and Overweight. Washington State Department of Health;2015.**

Ellings reports Washington state Behavioral Risk Factor Surveillance System (BRFSS) data from 2002-2014, which shows that obesity rates are the highest among low income families and that as income increases, rates of obesity decrease. Further, individuals that graduated college or attended some college had lower rates of obesity than those who had a high school education or less. Black, American Indian and Alaska Native, and Hispanic Washington residents had higher rates of obesity even after accounting for gender, income, education, and age.

**41. Health of Washington State Report: Mental Health.Tumwater, Washington: Washington State Department of Health;2007.**

This document presents data from Washington regarding poor mental health in the state. Washington data from the Behavioral Risk Factor Surveillance System (BRFSS) 2004-2006 show that among adults, the percentage of adults who report 14 or more days of poor mental health in the previous month increased as household income decreased. The relationship of mental health and education is similar to that of mental health and income. American Indians and Alaska Natives reported significantly higher rates of poor mental health (19% ±4%) than other racial and ethnic groups.

**42. Quality Agency for Healthcare Research and. 2016 National Healthcare Quality and Disparities Report.Rockville, MD: U.S. Department of Health and Human Services;2017.**

The National Healthcare Quality and Disparities Report is mandated by Congress and has been published every year since 2003. The intent of the report is to summarize the quality of healthcare received by people in the United States, and to identify disparities in care and access to care by priority populations. It evaluates quality of healthcare in six core areas: person-centered care, patient safety, healthy living, effective treatment, care coordination, and care affordability. The report uses four main measures for access to care: having health insurance, having a usual source of care, encountering difficulties when seeking care, and receiving care as soon as wanted. Over time, the report has found disparities in access to care based on race and ethnicity, socioeconomic status, age, sex, disability status, sexual orientation, gender identity, and residential location. The 2016 report concluded that, while disparities in health insurance status decreased since 2014, about 70% of care affordability measures have not changed since 2010 and disparities in care persisted for poor and uninsured populations in all priority areas. The report stated, "poor people experienced worse access to care compared with high income people for all access measures except one" and "more than half of measures show that poor and low-income households have worse care than high-income households." Further, the report concluded that "significant disparities continue for poor people compared with high-income people who report they were unable to get or were delayed in getting need medical care due to financial or insurance reasons."

**43. Centers for Disease Control and Prevention. Behavioral Risk Factor Surveillance System Prevalence And Trends Data: Washington-2014. 2014; Available at: <http://apps.nccd.cdc.gov/brfss/page.asp?cat=XX&yr=2014&state=WA#XX>. Accessed August 16, 2016.**

Behavioral Risk Factor Surveillance System (BRFSS) 2014 data from Washington state show significant correlations between lower income and a number of health indicators including:

worse overall self-reported health, depression, asthma, arthritis, stroke, oral health, tobacco use, women's health indicators, health screening rates, physical activity, and diabetes.

**44. Serafin M. Health of Washington State Report: Self-reported Health Status. Data Update 2016. Washington State Department of Health;2016.**

Serafin presents data from Washington state on self-reported health status. The data show that after accounting for age, education, race and ethnicity, household income was a strong predictor of self-reported health status. Health status varied by race and ethnicity, with close to 20% of Native Hawaiian/Other Pacific Islander reporting fair or poor health.

**45. Spencer N., Thanh T. M., Louise S. Low income/socio-economic status in early childhood and physical health in later childhood/adolescence: a systematic review. *Maternal and child health journal*. 2013;17(3):424-431.**

Spencer et al. conducted a meta-analysis of studies examining the relationship between low socioeconomic status in the first five years of life and physical health outcomes in later childhood and adolescence. Nine studies met the researchers' strict inclusion criteria. The studies indicated significant associations between early childhood low-income status and a number of adverse health outcomes including: activity-limiting illness, parent-reported poor health status, acute and recurrent infections, increasing body mass index (BMI), dental caries, and higher rates of hospitalization.

**46. Bamberger J. . Individual State Agency Fiscal Note SSB 5160 Landlord-tenant relations. Olympia, WA: Washington State Office of Civil Legal Aid; 2021.**

This Office of Civil Legal Aid (OCLA) fiscal note outlines the agency's assumptions, actions, and costs associated with the implementation of SSB 5160. Sections 9 and 10 of the bill establish a right to counsel for indigent tenants and direct OCLA to contract with attorneys and agencies to represent tenants eligible for a court-appointed attorney.

**47. Administration NYCHR.Universal Access to Legal Services | A Report on Year Three of Implementation in New York City.New York, New York: Office of Civil Justice;2020.**

In 2017, New York City passed Local Law 136 of 2017, also known as the right-to-counsel or Universal Access law, which tasked the Office of Civil Justice (OCJ) of the New York City Human Resources Administration (HRA) with fully implementing the law by 2022. This report assessed year three of implementation. OCJ reported "38% of tenants who appeared in Housing Court for eviction cases in the first half of FY2020 were represented by attorneys in court, up from roughly 32% at the end of FY2019, with representation rates for tenants increasing in every borough. These results reflect a substantial increase in the availability of legal representation for New York City tenants compared to 2013, when the citywide representation rate was 1% as reported by the State Office of Court Administration."

**48. Counsel National Coalition for a Civil Right to. Effectiveness of right to counsel for tenants facing eviction. 2021.**

This document from the National Coalition for a Civil Right to Counsel lists a variety of studies that have studied the affects of tenant access to legal counsel on results of eviction cases.

**49. Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law [press release]. San Francisco, California: City of San Francisco Supervisor's Office, 24 February 2020 2020.**

This press release from the City of San Francisco's Supervisor Dean Preston announced that since the city implemented the Tenant Right to Counsel program "eviction rates are down, and more than 700 San Francisco households who faced eviction in the [previous] six months were able to stay in their homes." Supervisor Preston authored the 2018 ballot measure establishing the universal right for all San Francisco tenants facing eviction to receive free legal counsel. The Mayor's Office of Housing and Community Development released data on how the right to counsel had performed to date. From 2018 to 2019, the city saw a 10% decrease in eviction case filings, and for cases that are filed, fewer result in tenants' losing their housing. Of the two-thirds of tenants receiving full scope representation in their eviction cases, 67% were able to stay in their homes. Eighty-five percent of those represented under had extremely low or low incomes. The city also found that the right to counsel helped stop the displacement of African American renters: 80% of African American tenants who received an eviction notice and received legal aid through the program ended up staying in their homes.