

EVICTIONS IN NEBRASKA DURING COVID-19

BACKGROUND

Evictions are a fact of life for some of the most marginalized and vulnerable Nebraskans. From 2016 to 2019, the state averaged more than 8,600 eviction filings and 6,200 evictions—that is roughly 17 evictions per day across the state. During 2020 as the COVID-19 pandemic took hold, evictions received attention as an urgent policy issue. At the beginning of the pandemic, the federal government, and many states—including Nebraska—took steps to prevent evictions through a patchwork of laws with varying levels of protections for people at risk. This legislation recognized the challenges associated with displacing people from their homes during a time when they were supposed to be social distancing or had fallen on hard times due to the economic effects of the pandemic. However, because each of the moratoriums required tenants to both know about and proactively avail themselves of these protections, eviction filings did not cease entirely. Furthermore, as the pandemic wore on and moratoriums expired, continued protections for renters waned. Eviction courts in Douglas and Lancaster counties stayed open even as all other civil proceedings were rescheduled because of a resurgence in local COVID-19 cases at the end of 2020.

This report tracks eviction trends in Nebraska during the COVID-19 pandemic. We focus on (1) evictions trends in 2020 compared to recent years, and (2) data on legal representation and potentially unlawful evictions.

The aim of this report is to provide a clearer picture about evictions in our community during COVID-19 for the public and policymakers, and to provide context for new and ongoing policy debates about evictions and housing justice at the local and state level. Important policy questions are right now being posed by community advocates and

KEY FINDINGS

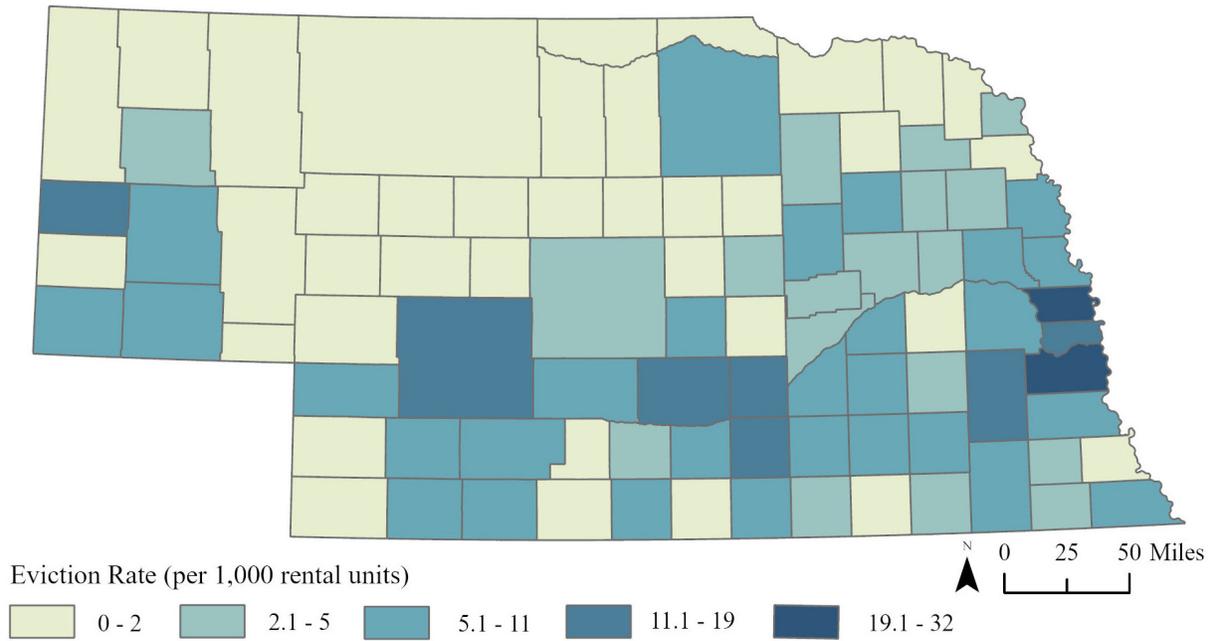
- Eviction filings and evictions in Nebraska decreased by 44.6 percent in 2020 compared to the average for the prior four years—likely due to the state and federal laws limiting evictions (called “moratoriums.”) This decrease might also suggest a significant number of “pent-up” evictions that may come after the lapse of federal moratoriums.
- The state moratorium on evictions during the start of the COVID-19 pandemic reduced evictions significantly, but eviction filings were nearly back to normal in December—just after the worst month of the pandemic, November.
- Less than 5 percent of renters had legal representation during 2020, amid a complicated patchwork of potential legal protections. Our research team identified at least 60 potentially unlawful evictions that took place on properties that may have been protected by the federal moratorium.

policymakers: (1) Should people being evicted have the right-to-counsel? (2) Who has the authority to issue an eviction moratorium? (3) Is eviction court fair, and if not, how can we make it fairer?

These questions were important before COVID-19, and are particularly acute now as we grapple with the realization that more of our neighbors were closer to homelessness than we were prepared for, and what it means that we could not protect them through this crisis.

WHY EVICTION MATTERS

Evictions have harmful impacts on individuals, families, and communities—even without the context of a global health pandemic.



Map 1. Eviction rates across Nebraska during 2020

An eviction means the loss of stable housing—but more importantly, a home. For children, it could mean a change of school. Neighborhoods with high numbers of evictions may lack the social stability found in healthy communities.

When a person is evicted, they become homeless. There are social, economic, and moral consequences of this action that ripple far beyond the strictly market argument used to justify our current eviction process. The loss of a home is a destabilizing event that often requires a vast network of services and emergency assistance to intervene after the fact. Our community is already paying for the consequences of each eviction through growing housing inequality.

Amid a pandemic, the impacts of eviction are felt even more acutely. At a time when people are supposed to be “sheltering in place”, an eviction may force someone to “double up” and live with friends or family. It could also lead someone to seek services at a homeless shelter or other transitional housing that could expose people to the virus. A study released in December found [COVID-19 cases increased in states that lifted eviction moratoriums](#), turning each individual eviction case into a potential public health crisis. The various moratoria helped protect our community to an extent, but the insistence that evictions and eviction proceedings continue as much as possible should concern all of us.

Each eviction matters, because each person matters.

EVICTON TRENDS DURING COVID-19 2020 COMPARED TO PAST YEARS

Our analysis of court data shows that eviction filings and evictions were down in 2020 across Nebraska:

- In an average year from 2016-2019, there were more than 6,286 evictions in the state. In 2020, there were 3,482—a 44.6 percent decrease. While that may seem encouraging, there likely exists many “pent-up” evictions that may take place following the lifting of federal moratoria or the continued economic damage caused by the pandemic. Further, there has been significant focus on evictions by non-profit groups and other organizations that may have been able to prevent evictions through rental assistance or legal aid.
- 77 percent of evictions in Nebraska occurred in Douglas or Lancaster counties from 2016-2019, and those counties accounted for 74 percent of evictions in Nebraska in 2020. Map 1 shows eviction rates per 1,000 rental units across the state.
- 56.7 percent of eviction cases filed in 2020 resulted in an eviction, compared to 72.4 percent in a normal year. Cases that are filed can still result in a forced move if tenants settle or come to an agreement to move without an eviction order taking place.

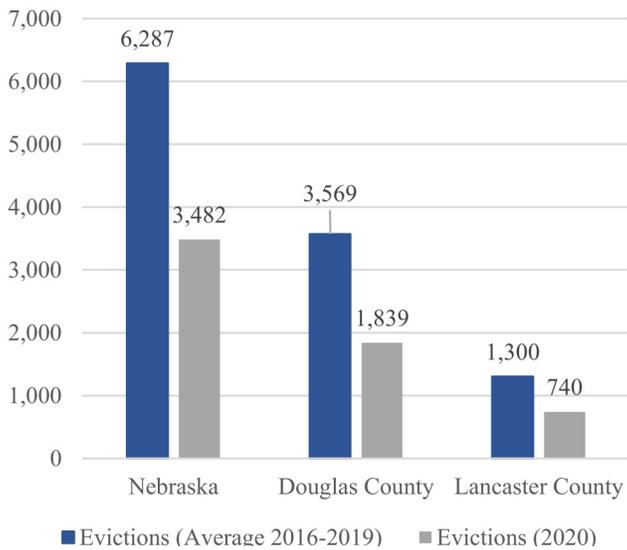


Figure 1. Evictions in Nebraska, Douglas County, Lancaster County, 2020 compared to 2016-2019

MONTHLY EVICTION TRENDS: HOW MORATORIUMS IMPACTED EVICTIONS IN NEBRASKA

For federal, state, and local policymakers, it is important to understand how the moratoriums impacted eviction filing trends across the state.

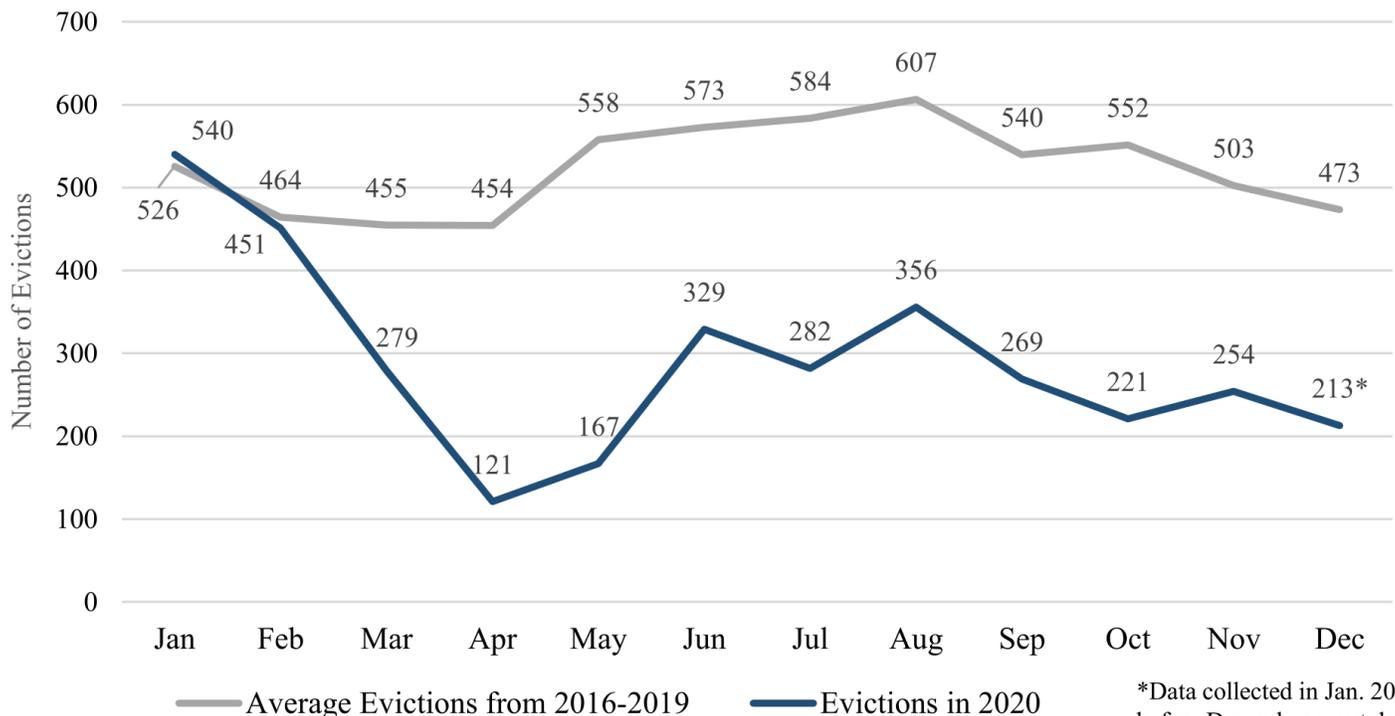


Figure 2. Monthly eviction trends in Nebraska, 2020 compared to 2016-2019

- The following figures show that monthly case filings and evictions plummeted in April, following Governor Pete Ricketts' moratorium on evictions due to nonpayment through May 31, 2020. In June, evictions nearly doubled May's figures, even though the federal CARES Act moratorium covered evictions on certain properties until July 24.
- In August, the CARES Act moratorium expired and evictions reached their highest point of the pandemic. A revised Centers for Disease Control eviction moratorium went into effect in early September. [Other researchers](#) have documented a spike in evictions and eviction filings during this period between two moratoriums—especially in places without local protections for tenants.
- Figure 3 shows that by the end of December 2020, eviction filings were only down by 18 percent from the average of the preceding four years—while COVID-19 cases were near their late-November peak. During the state moratorium in April 2020, evictions were down by 67 percent, but COVID-19 cases were a small fraction of what they were in December.

*Data collected in Jan. 2021 before December court dates

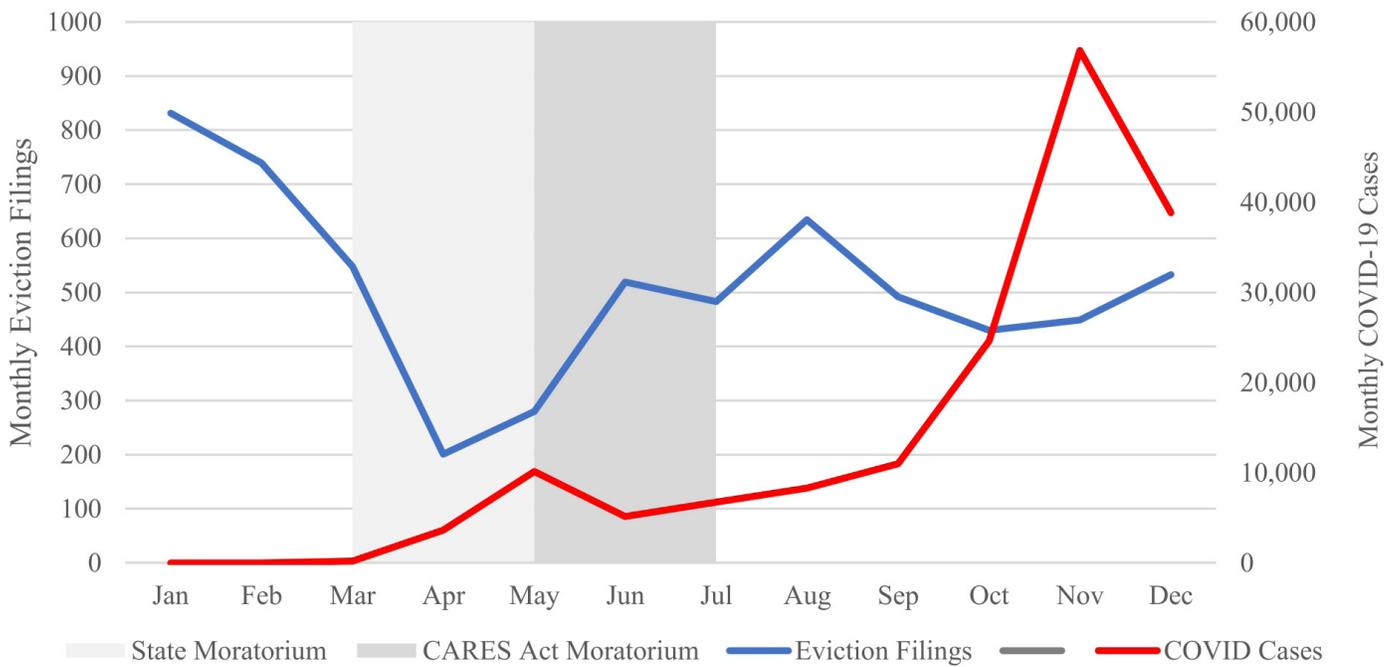


Figure 3. COVID-19 cases and eviction filings in Nebraska.

LEGAL REPRESENTATION

One aspect of the uneven playing field for tenants facing eviction is a lack of legal representation. While those who are accused of a criminal act are provided a court-appointed attorney, people facing eviction have little help navigating the court system. This is especially troubling during the pandemic, when it is up to tenants to understand the complicated patchwork of federal and state moratoria. Further, [past research](#) has shown that evictions are overrepresented in low-income and racially segregated neighborhoods that may have less access to the Internet and more households with limited English proficiency. These are all potential barriers to mounting a legal defense in court.

Overall, only 1.66 percent of defendants in eviction cases had listed legal representation from 2016 to 2019, on average. There was an uptick in legal representation across the state in 2020, likely due to efforts by organizations such as the Legal Aid of Nebraska. Still, just 4.43 percent of all defendants on eviction filings had legal representation in 2020. In our analysis of unlawful evictions below, 100 percent of landlords had legal representation.

We also found that cases with legal representation were more likely to be dismissed than cases without legal representation. This trend was more pronounced in 2016-2019 where 45.99 percent of cases with defendant legal representation were dismissed, compared to just 27.24 percent of cases without legal representation.

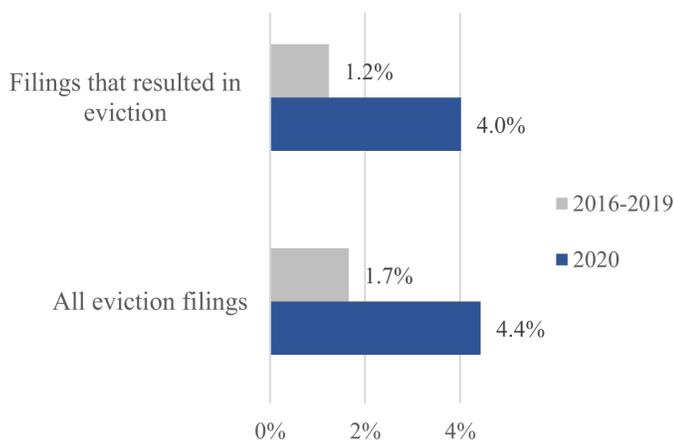


Figure 4. Percent of eviction cases with legal representation

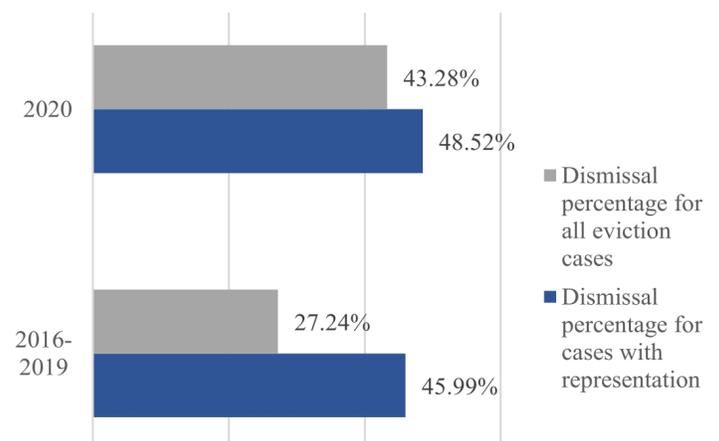


Figure 5. Dismissal rate of cases with and without legal representation

UNLAWFUL EVICTIONS

One problem with the lack of legal representation during the pandemic is that renters may have a hard time knowing if their properties are covered by legal protections. To investigate this further, we analyzed all eviction filings during the federal CARES Act moratorium which was in place from March 27, 2020 to July 24, 2020. During this time, renters could not be evicted for nonpayment of rent if their property was protected by the moratorium. The law also mandated that covered properties must provide tenants a 30-day notice of intention to evict—meaning it was unlawful to begin eviction proceedings until August 24. These rules applied to properties that had federally-backed mortgages or were part of other federal grant programs. However, it was difficult for renters to know if their properties were protected. Some online publications such as [ProPublica](#) developed databases that renters could search to see if their houses were protected.

Otherwise, there are online databases—such as those maintained by Freddie Mac and Fannie Mae—that renters could search.

Our research team searched more than 1,500 addresses listed on Nebraska eviction filings during the CARES Act moratorium in these databases to determine how many evictions took place at protected properties. Then, we analyzed the details of each case to determine whether the evictions were for nonpayment of rent. Evictions for reasons other than nonpayment were not protected under the CARES Act.

- In all, our research team identified 136 eviction filings in Nebraska for nonpayment during the

CARES Act moratorium in properties that may have been protected. Roughly 43 percent of those filings (60 cases) resulted in an eviction that may have been unlawful. However, as stated before, simply filing an eviction can result in a negotiated move—even if the case was dismissed.

- The average amount of rent owed in potentially unlawful evictions was \$1,488. The maximum amount owed was \$13,261, and the minimum rent owed that resulted in an unlawful eviction was \$194. The potentially unlawful evictions were enforced over a total of \$104,371 in unpaid rent among cases that included that information.
- We identified potentially unlawful evictions in nine counties across the state. Douglas County led the state with at least 36 potentially unlawful evictions, followed by Buffalo (6), Sarpy (6), and Lancaster (4) counties. Our research team had more resources available for searching Douglas County—including checking detailed property records through the assessor’s office, which may partially account for the higher number in Douglas.

In sum, these findings show (1) how eviction trends changed in Nebraska during 2020, and (2) how the pandemic amplified issues of representation and fairness in eviction court. We hope this data is useful to policymakers and advocates in Nebraska, especially as eviction-related policy changes are considered during the 107th Legislature. The COVID-19 pandemic continues to impact our state’s public health and well-being—and stable housing will play an important role in our state’s recovery.

To learn more about evictions during the pandemic in Douglas County, visit [this interactive map](#) compiled by Together.

ABOUT THE RESEARCH TEAM

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The team would like to thank Thea Pflum for assistance in coding evictions.

This report was partially funded by the Quick Response Research Award at the Natural Hazards Center at University of Colorado-Boulder. The Quick Response Research Award Program is based on work supported by the National Science Foundation (NSF Award #1635593). Any opinions, findings, conclusions, or recommendations expressed in this material are those of the authors and do not necessarily reflect the views of the NSF or Natural Hazards Center.

ABOUT THE SOCIAL SCIENCE DATA LAB

The Social Science Data lab at Creighton University aims to provide research and data services to non-profit and advocacy groups. The SSDL involves faculty from the Department of Cultural and Social Studies, which spans many topic areas and social research methods. To learn more visit www.socialsciencedatalab.com