




# TINY CASE STUDIES:

## PANDEMIC RECOVERY FUNDS SUPPORT EVICTION PREVENTION IN COBB COUNTY, GEORGIA

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 **To help prevent millions of unnecessary evictions brought on by the health and economic impacts of COVID-19, Congress launched the Emergency Rental Assistance Program (ERA)**<sup>1</sup> with a total of \$46.5 billion, enabling state and local governments, courts, legal aid programs, and other social service providers to team up and help Americans unable to pay rent or utilities to stay housed.

 **The American Rescue Plan Act (ARPA) also included the \$350 billion in emergency funding known as the Coronavirus State and Local Fiscal Recovery Funds (FRF)**.<sup>2</sup> This infusion of resources has been used for an array of local priorities including, in some jurisdictions, additional funding for housing-related programs that sometimes included court partners.

 **Tapping locally-administered ERA and FRF funding, the Cobb County, Georgia Magistrate Court**<sup>3</sup> worked quickly to help launch the County's ERA Program, expanding court staff and working with rental assistance organizations, legal aid programs, and other service providers to ensure landlords and tenants get information and help securing available aid.

***"We recognized that the court's role is to provide a fair and impartial forum for dispute resolution. We are not advocates. But we couldn't sit on the sidelines and let this rental assistance money go to waste when it's a win-win solution for both parties in our courts."***

*-Chief Magistrate Judge Brendan F. Murphy, Cobb County, Georgia*

### Pandemic Response Funds Used to Help Prevent Evictions

When courthouse doors closed around the country in March 2020, courts adopted an array of responses to continue serving the public. The economic fallout of COVID-19 included an increase in tenants, peaking at over 15 million, unable to keep up with rental payments putting them at risk of eviction.<sup>4</sup> In some jurisdictions, the courts' involvement in helping to triage the devastating impact evictions have on tenants, landlords, and the broader community, combined with the infusion of federal funds, accelerated the judicial branch's adoption of rule changes, program innovations, and new community partnerships.

Even before the pandemic, state and local governments regularly receive federal funds to advance public policies and programs, much of which they pass through to local organizations. Many opportunities to financially support legal assistance and court innovations flow from states' powers to administer these federal pass-through funds.<sup>5</sup> Responding to the pandemic, Congress passed the March 27, 2020 Coronavirus Aid, Relief, and Economic Security Act; December 27, 2020 Omnibus Consolidated Appropriations Act; and March 11, 2021 American Rescue Plan Act (ARPA), providing unprecedented financial relief including pass-through funds for new programs, as well as supplemental funds to existing state-administered grant programs.

These included ERA1 and ERA2, totaling \$46.5 billion to states, U.S. territories, local governments, and (in the case of ERA1) Indian tribes, to assist households unable to pay rent or utilities. Grantees use the funds for assistance to eligible households through existing or newly-created rental assistance programs.<sup>6</sup>

The \$350 billion appropriated for the State and Local Fiscal Recovery Fund (FRF) is ARPA's largest and most flexible source of funds to help states, counties, cities, and tribal governments to cover increased expenditures, replenish lost revenue, and mitigate economic harm from the COVID-19 pandemic. Treasury also made clear grantees could use funds for legal aid and court-based eviction prevention or eviction diversion programs, and to address COVID-related court backlogs.<sup>7</sup>

*The U.S. Department of the Treasury strongly encouraged ERA grantees to take steps to prevent evictions by collaborating with, among others, "judges, magistrates, court clerks, and other relevant court officials about the availability of" ERA programs and housing stability services, as well as to work with eviction courts and to engage providers of legal services and other housing stability services.*

## Cobb County Magistrate Court Plays Central Role in ERA Program

Prior to 2020, Cobb County's 800,000 residents experienced approximately 20,000 eviction filings per year. Knowing that number could increase with the pandemic's ongoing financial impact on communities, Chief Magistrate Judge Brendan F. Murphy sprang into action. "We knew those most at risk for eviction in the community — the people on our court's docket. So, we reached out right away to those making decisions about how rental assistance would be disbursed. We wanted to help make sure the means were quickly connected with the needs."

He proactively got the ball rolling with phone calls to County Commissioners, the local legal aid program, and nonprofit organizations that provide housing assistance and related wraparound services to the County's low-income communities. The Magistrate Court and its partners then tapped locally-administered ERA and FRF funds to join forces and get emergency rental assistance to community members in need.<sup>9</sup>

As Judge Murphy explained at the [July 21, 2021 Second White House Eviction Prevention Convening](#), he knew the courts had to "think differently" about their role in resolving disputes and managing the court's backlog which would also aid Congress' intent of keeping people housed and making landlords whole.<sup>10</sup> That recognition prompted a series of no- and low-cost court-led innovations including:

- ▶ Court-hosted [information sessions](#) by the ERA service providers at the courthouse;<sup>11</sup>
- ▶ Additional time on the court calendar for parties to apply for and follow up on assistance; and
- ▶ [New language in court documents](#) about rental assistance and legal resources when landlords file lawsuits and notice of an eviction action is formally served on the tenant.<sup>12</sup>

Judge Murphy also knew it was crucial to secure rental assistance in the courthouse during eviction hearings so he found space for the multiple nonprofit service providers on the building's 4th floor. He ensured that the county's memorandum of understanding<sup>13</sup> with the providers required that they work out of the courthouse on a rotating basis, so that judges could send parties up the elevator to staff who would accept applications, answer questions, help prepare necessary documents, and increase chances of an agreement when parties are eligible for rental assistance — with everyone accountable and available to the judge.

While the court made these changes with its own resources, Judge Murphy knew success depended on securing additional funding. Fortunately, he also knew courts were eligible for federal pass-through funds like ERA. That first application and subsequent award included costs for a temporary Judicial Program Coordinator<sup>14</sup> to administer the court-based elements of the ERA Program and support mediation efforts, and for part-time judge hours to help manage the COVID-related eviction caseload. He next applied successfully for nearly \$1.8 million through December 31, 2024 in local FRF funding for additional part-time judges to help handle the extra hearings typically required when parties seek rental assistance, and expanded the coordinator's responsibilities to include planning, developing, and implementing additional housing stability programming including with the local legal aid organization. The coordinator now also supervises the FRF-funded clerks and coordinates with outside agency representatives, volunteers, and service providers.<sup>15</sup>

### **Magistrate Court Also Supports Free Legal Aid**

*Contributing to the Court's role in advancing a wraparound response to fairness and equity for self-represented litigants, Chief Judge Murphy also supported efforts to secure nearly \$700,000 of the County's ERA2 allocation for Cobb Legal Aid's Housing Stability Law Project to provide free legal aid in eviction proceedings and increase education and awareness of Georgia's eviction laws through Community Eviction Clinics.<sup>16</sup> The MOU requires staffing both a part-time Answer Clinic in the Magistrate Court Clerk's office to help tenants, and an Eviction Clinic at the Courthouse to provide advice and in some cases representation in eviction cases and other cases impacting housing stability.<sup>17</sup>*



Cobb County became a nationally recognized leader in efficiently and effectively disbursing emergency rental assistance. Much credit for its success getting the more than \$30 million in ERA funds to residents in crisis, goes to its court-based programs. While many jurisdictions around the country had a difficult time reaching people who most needed rental assistance, Cobb County managed to meet and exceed all federal deadlines by embedding programs in the courthouse — the last stop before eviction — an accomplishment that qualified them for an additional allocation of ERA funds and increased housing stability for its residents.

***"These emergency funds have been provided by the policy-making and executing branches of government to ensure housing and economic stability for tenants and landlords during a global pandemic. Courts can play a critical role as the safety net for the safety net to make sure our communities have access to what has been approved. While remaining fair and impartial, judges can bring parties together with these resources to make sure that even if they haven't heard of the program, even if they haven't had an opportunity to apply, they will have a chance at the very last minute before an eviction case is heard."***

*-Chief Magistrate Judge Brendan F. Murphy, Cobb County, Georgia*

## Tips and Lessons Learned from Cobb County

- ▶ **Get to the decision-making table and explain the court's central role among all the stakeholders working to keep people housed.** For some court leaders, participating in inter-branch policy efforts, forming partnerships with nonprofits, or securing funds beyond annual appropriations may be outside their comfort zone. Courts should recognize their key role in a larger ecosystem and begin to engage.
- ▶ **Convene the relevant stakeholders early on.** Soon after the pandemic hit, Judge Murphy reached out to people and institutions beyond the judiciary — County Commissioners, service providers, legal aid and landlord attorneys — essential to the collective COVID-19 response. Those early conversations kept the courts at the table for designing the county's emergency rental assistance program and securing funds to launch and sustain the effort.
- ▶ **Get ERA to eligible tenants and landlords before a landlord files for eviction.** Support efforts — like information and outreach about services and assistance — that help landlords and tenants mutually resolve their matter before it escalates to litigation. When a case does get filed, make space available in the courthouse for ERA applications and mediation to increase the chance that renters stay housed and landlords are made whole.
- ▶ **Continued communication among the stakeholders is crucial.** So long as judges remain neutral — carrying out their statutory duties without favor—frequent communication among all stakeholders (such as nonprofit rental assistance providers, legal aid programs, court staff, and county administrators) at a high level allows everyone to better effectuate their respective role. Providers iterate their programs and processes, courts manage their ever-increasing dockets, and policymakers achieve the goal of maximizing housing stability in the community. Clear and continual communication between the parallel tracks of the court and the service providers is imperative.

## Endnotes

1. U.S. Department of the Treasury (n.d.), *Emergency Rental Assistance Program*. Available at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>
2. U.S. Department of the Treasury (n.d.), *Coronavirus State and Local Fiscal Recovery Funds*. Available at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>
3. Cobb County Magistrate Court (n.d.), *Magistrate Court: COVID-19 Updates*. Available at <https://www.cobbcounty.org/courts/magistrate-court/magistrate-court-covid-19-updates>
4. Aspen Institute (July 2021), *With Federal Moratorium Expiring, 15 Million People at Risk of Eviction*. Available at <https://www.aspeninstitute.org/publications/with-federal-moratorium-expiring-15-million-people-at-risk-of-eviction/>
5. For a more complete list of federal block, formula, and open-end reimbursement funds potentially available to courts, see: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0022/28507/Grants-matrix.pdf](https://www.ncsc.org/_data/assets/pdf_file/0022/28507/Grants-matrix.pdf) and the companion Tiny Chat 3: Federal Pass-Through Funding at <https://www.ncsc.org/newsroom/public-health-emergency/tiny-chats>.
6. ERA 1: Consolidated Appropriations Act 2021, H.R. 133 §501, 116th Cong. (2021). <https://home.treasury.gov/system/files/136/era-1-program-statute-section-501.pdf>; and ERA 2: American Rescue Plan Act of 2021, H.R. 1319 §3201, 117th Congress. <https://home.treasury.gov/system/files/136/era-2-program-statute-section-3201.pdf>.
7. Coronavirus State and Local Fiscal Recovery funds, 31 CRF Part 235 (2021), <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>. Note that grantees must obligate their FRF dollars by December 31, 2024, and spend by December 31, 2026.
8. U.S. Department of the Treasury (Aug. 2021), *Emergency Rental Assistance Frequently Asked Questions*. Available at <https://home.treasury.gov/system/files/136/ERA-FAQ-8-25-2021.pdf>. See FAQ 36. Note that ERA2 funding is available until September 30, 2025.
9. ERA1, ERA2, and FRF included separate funding streams to state and certain local jurisdictions. The programs launched in Cobb County tapped local funds.
10. The White House (July 22, 2021), *Second White House Eviction Prevention Convening* [video]. Available at <https://www.youtube.com/watch?v=AedcPrpqpUY&t=5015s> (Beginning at 1:21). See also, The White House (July 21, 2021), *Readout of the Second White House Eviction Prevention Convening*. Available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/21/readout-of-the-second-white-house-eviction-prevention-convening/>
11. Cobb County Courier (Jan. 23, 2022), *Brendan Murphy to Conduct Rental Assistance Information Session*. Available at <https://cobbcountycourier.com/2020/06/rental-assistance-information-session/>
12. Cobb County Emergency Rental Assistance Flyer (2021). Available at: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0026/75806/CobbERA\\_flyer\\_2021.pdf](https://www.ncsc.org/_data/assets/pdf_file/0026/75806/CobbERA_flyer_2021.pdf)
13. Memorandum of Understanding template (2021). [https://www.ncsc.org/\\_data/assets/pdf\\_file/0028/75808/MOU\\_revised\\_ERA1.pdf](https://www.ncsc.org/_data/assets/pdf_file/0028/75808/MOU_revised_ERA1.pdf)
14. For more information about the Coordinator position, see Agenda Item No. 26, Memorandum from Lisa Cupid to Dr. Jackie R. McMorris, County Manager, February 23, 2021. Available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0024/75804/agenda\\_item\\_ERA1.pdf](https://www.ncsc.org/_data/assets/pdf_file/0024/75804/agenda_item_ERA1.pdf)
15. *Id.*
16. Agenda Item No. 29, Memorandum from Judge Murphy to Dr. Jackie R. McMorris, County Manager, July 27, 2021. Available at [https://www.ncsc.org/\\_data/assets/pdf\\_file/0025/75805/agenda\\_item\\_legal\\_aid.pdf](https://www.ncsc.org/_data/assets/pdf_file/0025/75805/agenda_item_legal_aid.pdf)
17. Memorandum of Understanding between Cobb County and Atlanta Legal Aid Society (2021). Available at: [https://www.ncsc.org/\\_data/assets/pdf\\_file/0027/75807/MOU\\_legal\\_aid.pdf](https://www.ncsc.org/_data/assets/pdf_file/0027/75807/MOU_legal_aid.pdf)