

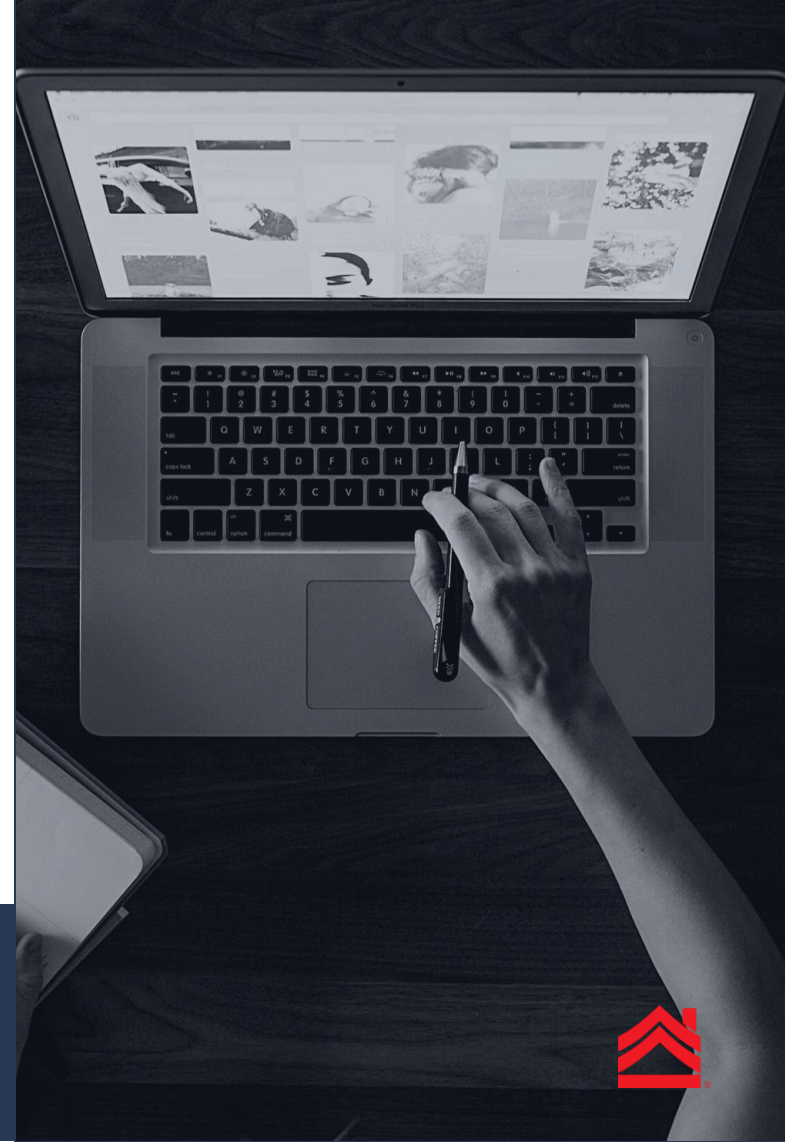
NATIONAL COALITION FOR HOMELESS VETERANS

2020 NCHV ANNUAL CONFERENCE

Virtual Edition



LI 4: COVID, VETERAN HOMELESSNESS, AND THE LAW



COVID, Veteran homelessness, and the law



Panelists:

Sara Sommarstrom
Vetlaw Director
MACV

James Heaton
Supervising Attorney
Mission United



Outline

- Speaker Introductions
- SSVF Changes and the Law
- How to Connect to Legal Services
- Evictions in the time of COVID
- Unemployment Compensation Issues
- VA Debt Collection Changes

Presenters

Mission United - James Heaton

- Single-county SSVF grantee
- Legal Aid based program (3 attorneys, 2 support staff, and pro bono project)
- Provides a variety of civil legal services within the scope of SSVF program and internal Legal Aid and pro bono referrals for all civil legal issues outside of housing stability.

MN Assistance Council for Veterans - Sara Sommarstrom

- Statewide SSVF grantee
 - In-house legal program (2 attys, 2 support staff)
 - Provides advice and counsel to any former servicemember but representation limited by income guidelines and connection to housing stability
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SSVF and Legal Services

The Coronavirus pandemic has resulted in significant changes for those engaged in ending veteran homelessness and created a renewed focus on the importance of legal partnerships to identify legal defenses to illegal evictions and prepare for the termination of eviction protections on local, state, and federal levels.



Sample Ways Veterans Can Receive Legal Services

How are Veterans Receiving Services?

- Directly in-house at Legal Aid/Pro Bono Programs
- External Legal Aid and Pro Bono Programs
- Legal Clinics
- Public Defenders
- Bar Associations
- Veteran Treatment Courts
- Law School Clinics

What Services do they get?

- Referrals
- Legal Check-Up
- Brief Advice
- Brief Services
- Limited Scope Representation
- Full Representation




Legal Aid and Public Defense Programs

Civil Legal Aid Programs

- Only work in civil legal matters
- Income and priority guidelines
 - 125% Federal Poverty Guidelines
 - Higher income allowances for seniors (sometimes)
- May have further restrictions based on funding resources
- May serve area based on geography, legal issue, or a combination of factors

Public Defense

- Only work with defendants in criminal law cases
 - Income and priority guidelines
 - Variety of ways to connect; practices differ between jurisdictions
 - Request representation in court
 - Call local public defender's office
 - Federal Public Defenders for criminal cases in Federal Court
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Finding Attorneys: Pro Bono Programs

- Bar Associations
 - Law School Clinical Programs
 - Law Firm Pro Bono Programs
 - Corporate Counsel
 - Medical-Legal Partnerships (MLPs)
 - Social Services (e.g. Shelters, Domestic Violence programs, etc.)
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Directory of Legal Programs for Veterans can be found at:

www.statesidelegal.org

Resources also available through ABA Commission on Homelessness and Poverty:

www.americanbar.org/homeless

Eviction Moratoria

There have been two major actions on the federal level designed to prevent evictions: the CARES Act restrictions (exp. 7/24) and the more recent CDC Order (exp. 12/31). In addition, your local government or state may also have implemented protections that may impact your clients. Generally speaking, the current CDC Order only applies when there are not more protective restrictions in place on the local/state level.

It's important to understand *who* the protections apply to and *what actions* they prevent.

- Differs by state/locality.
- Unlikely to cover those not in a landlord/tenant relationship (i.e. GPD, Hotels)

Eviction Moratoria

Location	Nonpayment Evictions?	Terminate Leases?	Other Exceptions?	Legal Basis and Timeline
Florida	No	Yes, for expiration or violation.	Yes: <ul style="list-style-type: none"> • Not adversely effected by COVID • Violation occurred pre-moratoria • Array of non-payment issues 	Governor's Executive Order 20-211 October 1, 2020
MN	No	No, unless related to exception for relatives.	Yes: <ul style="list-style-type: none"> • Crime • Property damage • Serious threat to residents/staff • Pre-moratoria eviction order • Relative exception 	Based on Governor's Peacetime Emergency Powers Currently set to expire 10/12/20 Extended on 30-day basis
Federal	No*	Yes	Yes, see above, generally + additional violations.	CDC Order exp.12/31/20

Federal Eviction Protections



CARES Act Protections

- Provided eviction moratorium for tenants in “covered properties,” which included properties with Federally backed mortgages, LIHTC properties, public housing and Section 8 programs.
- Covered non-payment of rent only.
- Expired on July 24th but 30 day notice requirement is still in place?
- Originally prevented issuance of late fees.

CDC Order

- Protects “covered persons” from residential evictions.
- Tenant must submit a declaration to landlord affirming that they have complied with the CDC requirements.
- Prevents evictions from being filed in applicable States.
- Holds landlords criminally liable for violating CDC order.
- Does not prevent charging of late fees.

Unemployment Compensation

CARES Act Unemployment Assistance – Federal Pandemic Unemployment Compensation (FPUC) ran from March 29, 2020 through July 25, 2020 and provided \$600 weekly supplemental payments in addition to State’s unemployment benefits.

Additional benefits are currently available through FEMA’s Lost Wages Assistance Program in the amount of \$300 in addition to State’s benefits. States must opt into the program by September 1, 2020. Funds available retroactively from August 1, 2020 through December 27, 2020 or until the \$44 billion is depleted.



VA Debt Collection and COVID issues



- VA has suspended collection of *new* debts and the Dept. of Treasury has suspended collecting all VA debts through 2020. (Note: SSA-TOP debts are not longer exempt as of 9/21/2020)
- VHA is not *billing* medical copays through at least the end of the year – but they are still accruing!
- Vets can still request financial hardship assistance to manage current copay and debt obligations through the DMC.
- There are some delays in processing VA claims or receiving benefits associated with COVID.
- Delayed C&P exams in areas with high COVID outbreaks when in-person exam is required.



Thank You!

Q&A

