EVICTIONS: St. Joseph County, Indiana. 2016 and 2020

Summary

1. Over the 2000 to 2016 period there was a remarkable shift in St. Joseph County's and the major city of South Bend's eviction rates beginning in 2014. Compared with other Indiana cities of similar size (≥ 100,000) or proximate location, no similar pattern was detected for the change in eviction rates seen in South Bend between 2014 and 2015.
2. By 2016, the eviction rate in St. Joseph County was reported to be 5.1 percent based on 1,766 evictions, while the rate in South Bend was 6.7 percent with 1,142 evictions. Compared with the national rate of 2.87, the eviction rate in South Bend was 2.9 times higher.
3. From 2016 to 2020, there was a dramatic decrease in the number of eviction filings in St. Joseph County Small Claims Courts. In 2020, only 448 evictions were filed compared with a figure nearly six and one-half times that number (2,886) in 2016 - a nearly 85 percent decline. The share of total small claims cases for evictions declined from 23 percent in 2016 to 6.1 percent in 2020.
4. Beginning in January 2021, claims made in the County's Superior Courts for eviction started to climb. Through the end of October 2021, there were 1,286 evictions decided or pending. By the end of 2021, the number of county eviction could return to upper levels seen in the 2017-2019 years.
5. Monthly Superior Court filings as a percent of total filings as well as eviction filings were nearly flat in 2016; in 2020 and 2021 monthly filings varied considerably, from highs in January 2020 of 150 to lows in the lower teens to a return to a high in October 2021 of 181.
6. Based on 349 eviction filings in Superior Court #1 In 2016, it is estimated that 30.7 percent of court orders resulted in the eviction of the defendant, 2.3 percent were in favor of the defendant, and two-thirds (67.0%) were dismissed. By 2020, with over 16% of cases pending, 34 percent resulted in evictions of the tenant, 6.4 percent in favor of the defendant (tenant), and nearly 60 percent were dismissed.
7. Among Court #1 evictions in 2016, two-thirds were dismissed with or without prejudice. Among the two-thirds, six out of ten plaintiffs retained the property. In short, about 40 percent of this Court's eviction cases resulted in the property reverting to the landlord.
8. Fines and fees were exacted in less than one-quarter of cases in 2016, nearly all in favor of the landlord, at an average of $2,318. By 2020, slightly over 20 percent of cases included fines and fees that averaged$2,848.
9. In 2016, about 21 percent of defendants listed Mishawaka Zip Code addresses while the remainder lived in South Bend. By 2020, that proportion was nearly the same.
10. Nearly 3o percent of eviction parties failed to appear in court in 2016, and about six in ten of those were defendants. By 2020, 46 percent did not appear, and nearly three-quarters of those were defendants.
11. Despite small claims courts not requiring legal counsel, the vast majority of those using lawyers and law firms represented the class of plaintiffs. For one of the eight Superior Courts in the County in 2016, one-half of plaintiffs were represented by counsel the other half was pro se. For 2020, the mix was 30/70. Just two defendants hired lawyers to represent them.

12. Higher eviction rates by Zip Codes appear to correlate with lower vaccination rates in the County. Black renters are more likely to be evicted (see following) and are also less likely to be vaccinated.
13. Black renters have accounted for 22.6 percent of all adult renters but 35.6 percent of eviction filing defendants. White renters, on the other hand, made up nearly two-thirds of renters but just 49 percent of eviction defendants.
14. Disparities in eviction rates were greatest for Black women renters - 46.7% higher for Black women than Black men. Among white renters, there was a smaller gap in total evictions by gender.
15. Disparities in both filing and eviction rates of cases brought to the courts between 2012 and 2016 indicate that Blacks received the highest rates of eviction filings and eviction judgments with rates 2.1 times higher than White renters. Black female renters were just slightly more likely to experience a filing for eviction compared with White females (8.7%) and had smaller differences for eviction judgments (9.4%).
16. Indiana fares poorly on an "Eviction Scorecard" that measures the state's responses to a set of critical but non-exhaustive measures on evictions during the pandemic. On a five-point scale, the State managed a score of 1.15 for an overall 1-star rating.
17. It is estimated that 13.7 percent of renting households in St. Joseph County currently owe $2,975 each on average of back rent. Based on the number of rental units in the County in 2019, about (13.7% x 32,607 =) 4,467 units representing 10,140 persons will be at risk of eviction after the expiration of the moratorium.

Author: John R. Hagen, PhD
South Bend, Indiana
October 2021.
Email: **j**r_hagen@sbcglobal.net

Introduction

Legal claims for eviction by property owners against their renters in St. Joseph County, Indiana, are made in small claims courts. Small claims cases are a type of civil case in which the amount the plaintiff wishes to recover is $8,000 or less. Bringing a small claims lawsuit does not require hiring a lawyer.

In a 2018 report, the eviction rate in South Bend, Indiana, was reported to be three times the national average.[1] Some factors were cited but little research has been conducted to shed light on the issue.

Background

In 2018, a team of researchers, students, and website architects published the first-ever dataset of evictions in America, going back to 2000 based on tens of millions of records.[2] Their report had determined that South Bend, Indiana, with 1,142 evictions in 2016 and an eviction rate of 6.71 per 100 renter homes, ranked 18th among large (100,000 or more) cities in the U.S. In Indiana, South Bend was outranked by Fort Wayne (7.39%) and Indianapolis (7.27%) in that year[3] but the city's eviction rate was publicized as a rate three times the national average.[4] In an ABC News affiliate report, several factors were proffered to account for the high rate, including lack of affordable housing; weak tenants' rights, and questionable rental practices.[5]

Trends in County Evictions

The Eviction Lab report for Indiana indicated an eviction rate of 4.1 percent with 31,767 evictions in 2016. For St. Joseph County the rate was reported to be 5.1 percent based on 1,766 evictions, while the rate in South Bend reached 6.7 percent for 1,142 evictions[6] (Table 1). Compared with the national rate of 2.87, South Bend's rate was 2.87 times the national rate of 2.34.

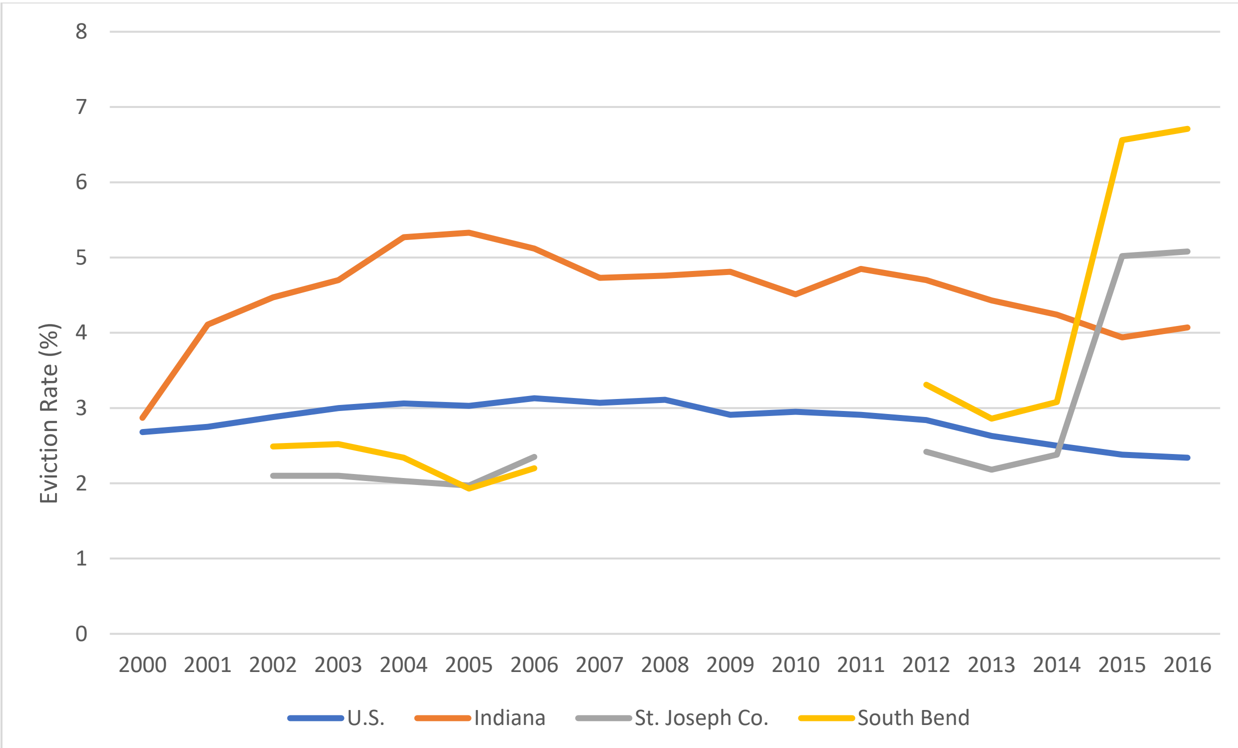
A line chart illustrating the trend in the eviction rate for the population groups in Table 1 from 2000 to 2016 shows a remarkable shift for the County and the city beginning in 2014 (Figure A). Compared with other Indiana cities of similar size (≥ 100,000) or proximate location, no similar pattern was detected for the change in eviction rates between 2014 and 2015.

Table 1. Eviction Statistics. Indiana, St. Joseph County, and South Bend. 2016

	INDIANA	St. Joseph Co.	South Bend
Evictions Per Day	86.8	4.83	3.12
Eviction Rate (%)*	4.1%	5.1%	6.7%
Evictions	31,767	1,766	1,142
Eviction Filing Rate (%)	8.5%	9.1%	11.3%
Eviction Filings	66,544	3,164	1,930
Census Demographics			
Poverty Rate	11.1%	13.3%	22.8%
Population	6,568,645	267,246	100,590
% Renter Homes	31.0%	31.5%	41.4%
Median Gross Rent	$745	$719	$703
Median Property Value	$124,200	$114,800	$81,500
Rent Burden	29.8%	29.9%	32.7%
Median Household Income	$49,255	$45,471	$34,523
% White	80.5%	74.4%	54.2%
% African American	9.1%	12.8%	26.8%
% Hispanic/Latinx	6.4%	8.0%	13.8%
% American Indian and Alaska Native	0.2%	0.3%	0.3%
% Asian	1.8%	2.0%	1.4%
% Native Hawaiian or Pacific Islander	0.0%	0.1%	0.1%
% Multiple Races	1.9%	2.5%	3.3%
% Other Race	0.1%	0.1%	0.1%

Source: Eviction Lab.
https://evictionlab.org/map/#/2016?geography=states&bounds=-154.646,-12.897,-47.886,68.007&type=er&locations=18,-86.292,39.907 (Accessed Feb 2021)
*Eviction rate (%) = number of evictions/number of rental units x 100

Figure A. Eviction Rates for Indiana, St. Joseph County, South Bend and the U.S. 2000-2016
Source: Eviction Lab[7]



Small Claims Court Eviction Searches

Findings from research into Small Claims Court filings in St. Joseph County were captured through an examination of individual eviction cases searches in 2016 and 2020. From the database in the case search maintained by the Indiana Supreme Court, 2,886 cases were identified as “small claims eviction” case types in the County’s eight Superior Courts.[8] (This represented about 91 percent of the cases filed counted by the Princeton Eviction Lab).[9]

From 2016 to 2020, there was a dramatic decrease in the number of eviction filings in St. Joseph County Small Claims Courts. In 2020, only 448 evictions were filed compared with a figure nearly six and one-half times that number (2,886) in 2016 - a nearly 85 percent decline (Table 2). The share of total small claims cases that were evictions declined from 23 percent in 2016 to 6.1 percent in 2020.

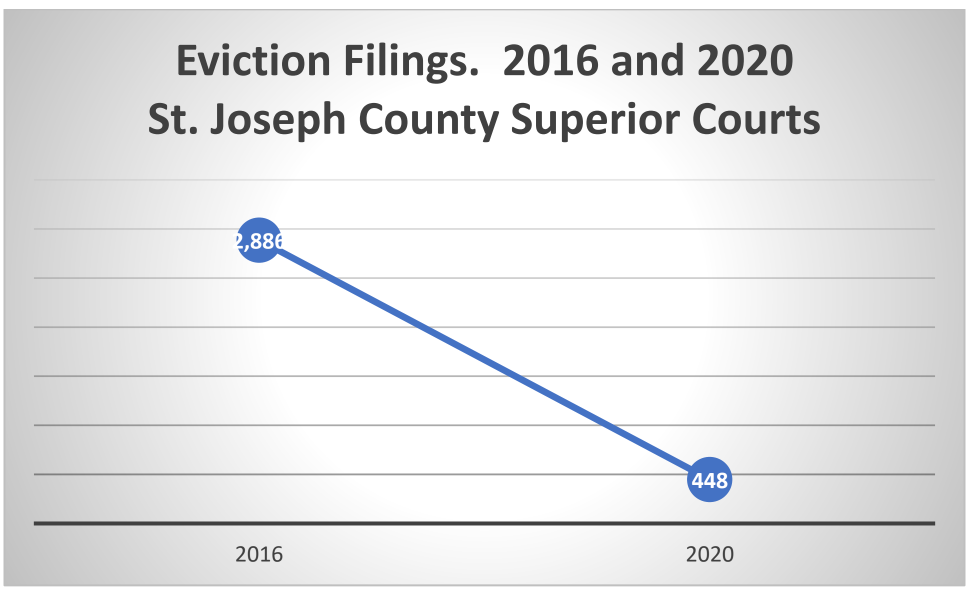
Courts 3 and 5 show a larger proportion of eviction filings while Court 8 shows a lesser proportion than the average. Court number 1 appears closest to the mean filing change.

Table 2. Eviction Filings. St. Joseph County.
2016 and 2020 and Percent Change.

Superior Court #	2016	2020	Percent Change
1	348	56	-83.9
2	348	53	-84.8
3	350	40	-88.6
4	333	54	-83.8
5	484	62	-87.2
6	345	59	-82.9
7	334	60	-82.0
8	344	64	-81.4
ALL	**2,886**	**448**	**-84.5**

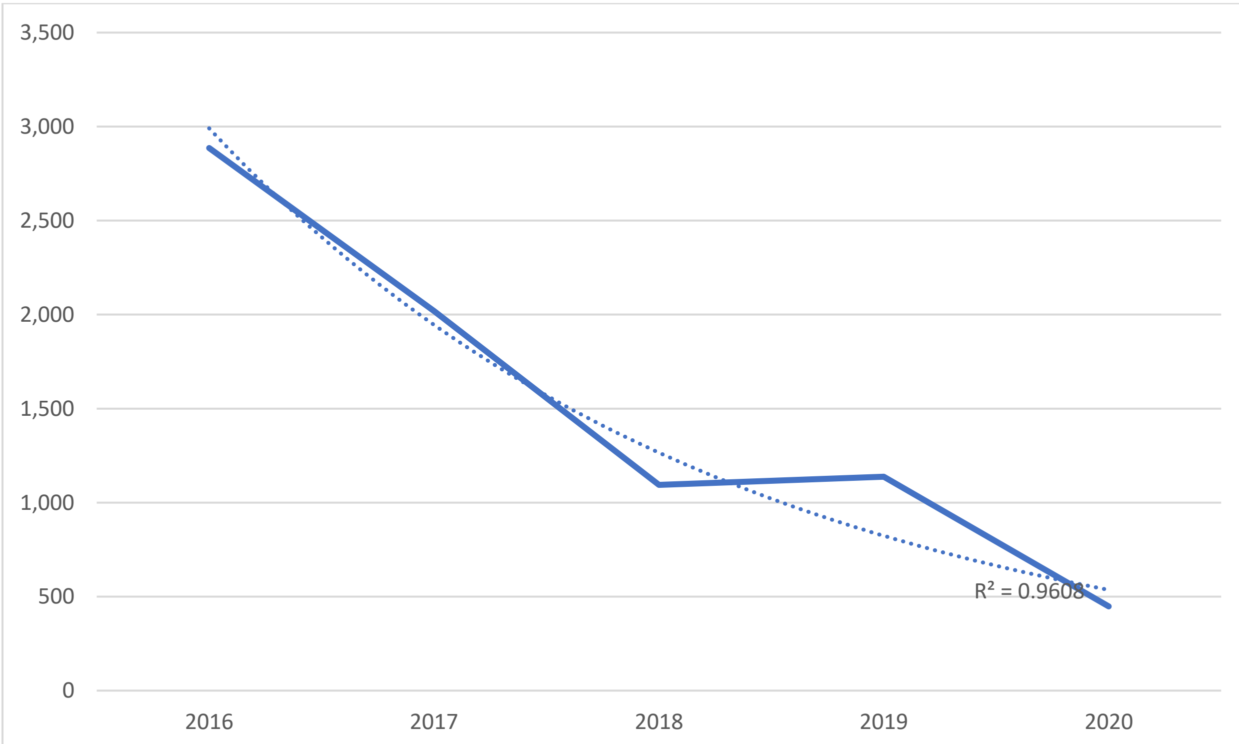
Source: Indiana Supreme Court Public Access.
https://public.courts.in.gov/mycase/#/vw/Search

Figure B. Eviction Filings for St. Joseph County. 2016 and 2020



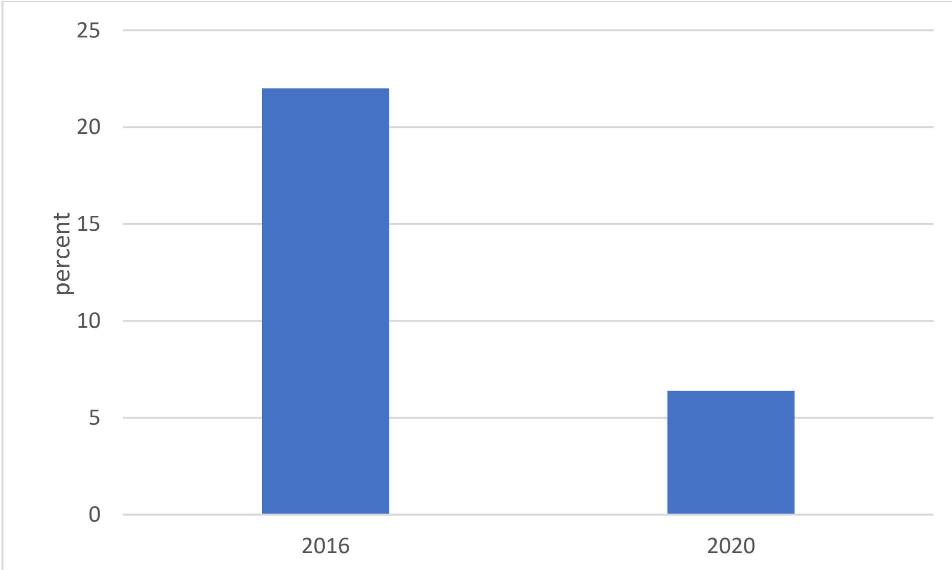
With just two data points for 2016 and 2020, Figure B indicates a completely (declining) linear trend for eviction filings in the County. When interim data are included, an exponential curve appears to fit the data quite accurately ($R^2 = 0.9608$) (Figure C).

Figure C. Total Eviction Filings. St. Joseph County Superior Courts, 2016-2020



Based on Court #1 for the 890 evictions filed over five years, not only did the number decline from year to year, but the proportion of total small claims filings attributed to evictions declined as well. Between 2016 and 2020, evictions as a percent of total small claims court filings declined from 22 percent to just 6.4 percent – figures that match the overall picture in the County (Figure D)

Figure D: Eviction Filings as a Share of Total Small Claims Filings. St. Joseph County, 2016 and 20202



Total filings in all St. Joseph County Superior Small Claims Courts declined from 12,548 in 2016 to 7,359 in 2020 - a 41.4% drop. Total eviction filings declined 84.5%.

Monthly filings as a percent of total filings varied, with January and February 2020 higher and the remaining lower or about the same as in 2016 (Figure E). A similar picture emerges for eviction filings, although the percent for January is more dramatically higher in 2020 compared with 2016. (Figure F). This suggests anticipation of a lifting of the moratorium on evictions by the CDC beginning in the second quarter of 2020. That deadline was extended, however (see below).

Figure E. Percent Monthly Total Filings. St. Joseph County Small Claims Courts, 2016-2020.

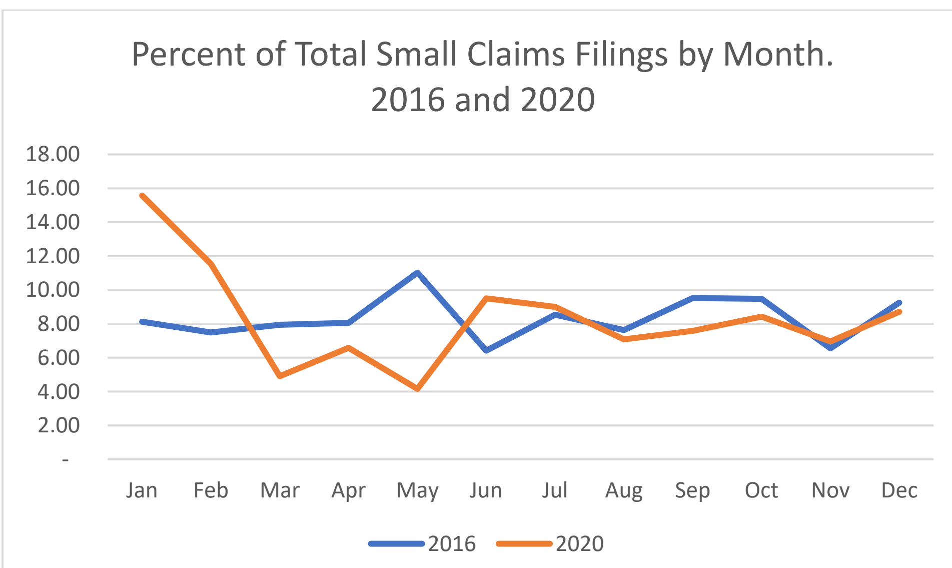
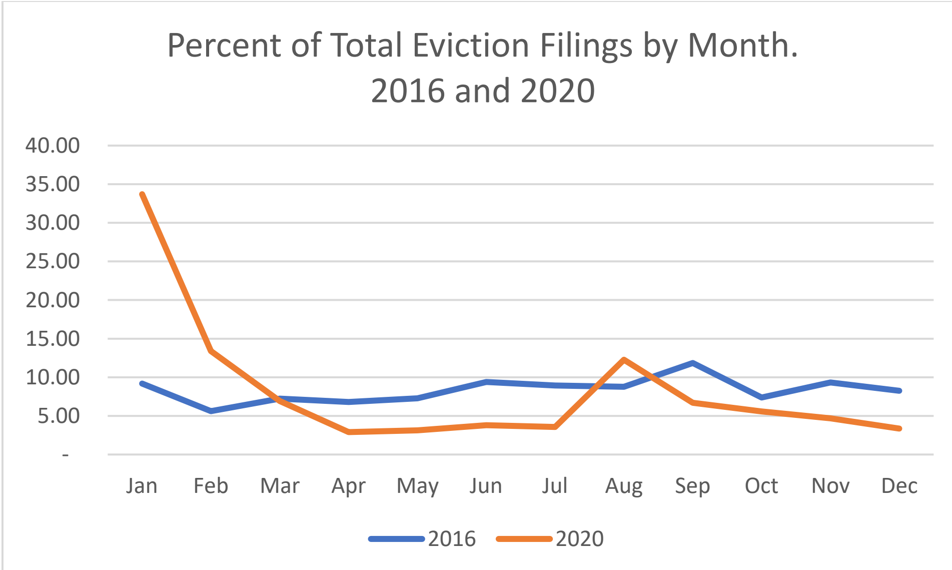


Figure F. Percent Monthly Eviction Filings. St. Joseph County Small Claims Courts, 2016-2020.



Activity in One Superior Court

In 2016, with 349 eviction filings in Superior Court #1, it is estimated that 30.7 percent of court orders resulted in the eviction of the defendant, 2.3 percent were in favor of the defendant, and two-thirds (67.0%) were dismissed. By 2020, with over one in five cases pending, 28.6 were evictions, 5.4 percent in favor of the defendant, and nearly 45 percent were dismissed. Excluding pending cases, among the remaining 44, 36.4 percent would be findings for the landlord (plaintiff), 6.8 percent for the defendant, and the remaining 57 percent dismissed.

Figure G. Court Order by Recipient. Superior Court #1, St. Joseph County, 2016

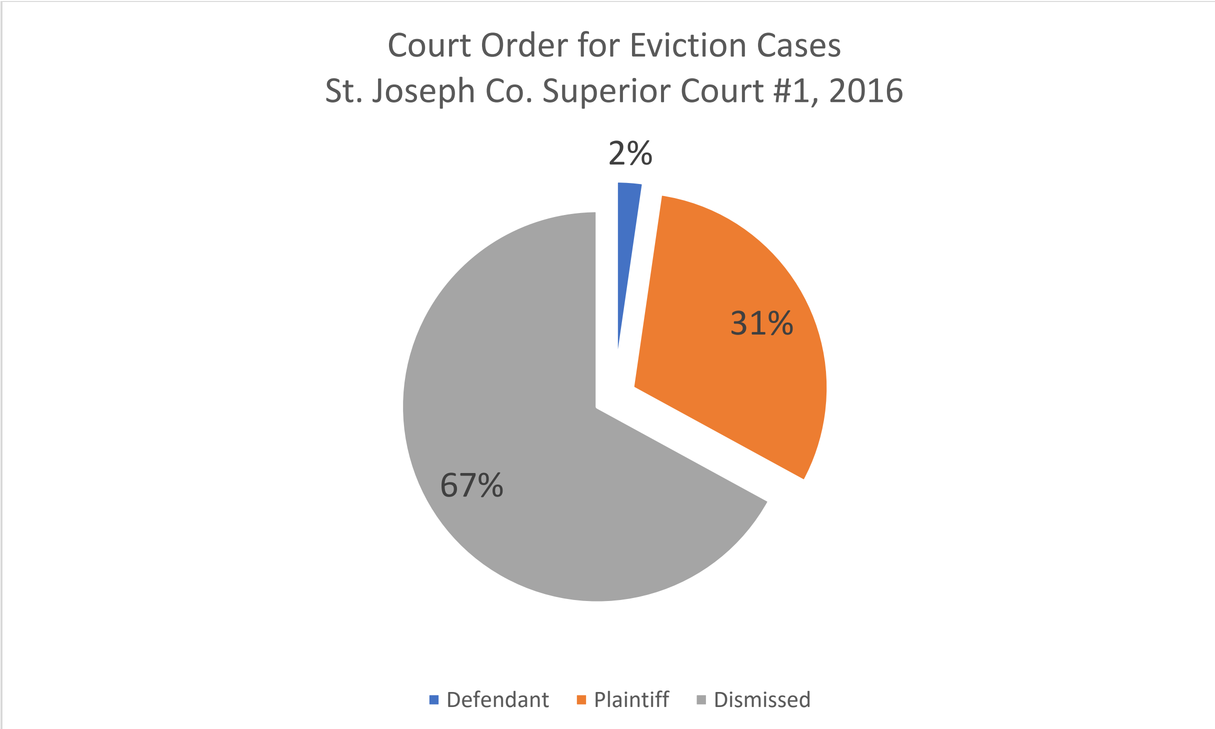


Table 3. Order/Judgment for Eviction Filings. St. Joseph County Small Claims Court #1, 2016 and 2020

Outcome	2016		2020	
Order for	**Number**	**Percent**	**Number**	**Percent**
Defendant	8	2.3	3	5.4
Plaintiff	107	30.7	16	28.6
Dismissed	234	67.0	28	50.0
Pending	0	0.0	9	16.1
TOTAL	349	100.0	56	100.0

Recall that evictions cited by the Eviction Lab in Table 1 represented 56 percent of total eviction filings. The data in Table 3 – for only one court – showed a rate of 31 percent. By 2020, Superior Court #1 registered under 30 percent as indicated by the order of the Court in favor of the plaintiff, or, landlord. Excluding pending cases, the percentage increases to 36.4.[10]

While eviction cases are filed to evict the tenant, judgments in favor of the plaintiff do not necessarily result in possession by the plaintiff. For example, an eviction may be sought for failure to comply with the lease agreement; if compliance is assured, the case may be dismissed and the defendant can maintain occupancy. Many eviction cases are dismissed, typically without prejudice.[11] In 2016, 233 out of 349 cases were dismissed, 184 of which were labeled "dismissed without prejudice."

Who Maintains Possession?

Among the 349 eviction filings in Court #1 for 2016, 234 were dismissed or dismissed with or without prejudice. And among the 234 dismissed, 60 or one quarter involved properties that were ultimately granted to the plaintiff. All totaled, for 2016 in one County superior court, 141 out of 349 (40.4%) eviction cases resulted in the property reverting to the landlord.

In 2020, among the (56 - 9) 47 judgments rendered by Court #1, 3 were in favor of defendants, 16 for plaintiffs, and the remainder were dismissed. Among the nearly 60 percent dismissed, final property settlement was indicated for one filing each for defendant and plaintiff. The disposition of property for the remainder was not indicated.

In some cases, one might assume that the property reverted to the plaintiff when, for example, the defendant failed to appear and simply walked away from the situation. On other hand, a case could have been dismissed because the parties came to some agreement. In all cases where a fine or penalty was assessed, the property was awarded to the plaintiff.

Penalties and Fees

For all 349 cases in 2016, penalties and fees amounted to $194,713 and were incurred by less than one-quarter of cases in Court #1 in 2016. Cases ruled in favor of the plaintiff totaled $194,534, or 99.9 percent of the total. The average fee was $2,318, while the median was $1,621.

Table 4. Total, Average, and Median Fees/Penalties Awarded by Party.
St. Joseph County Court #1, 2016.

	Both	Defendant	Plaintiff
Count	84	1	83
Total Fees/Penalties	$194,713	$179	$194,534
Average	2,318	179	2,344
Median	1,621	179	1,621

Residence Location for Defendants.

For addresses of the defendants listed covering 23 different Zip Codes, 90 percent were in 10 Zip Codes – two in Mishawaka (46545 and 46544) and eight in South Bend. (Note that the address listed for the defendant may not always be the address of eviction.)

Table 5a. Zip Code Addresses of Defendants. St. Joseph County Small Claims Court #1, 2016.

ZIPCODE	Count	Percent
46545	57	16.3
46628	51	14.6
46614	37	10.6
46615	29	8.3
46601	28	8.0
46619	27	7.7
46613	26	7.4

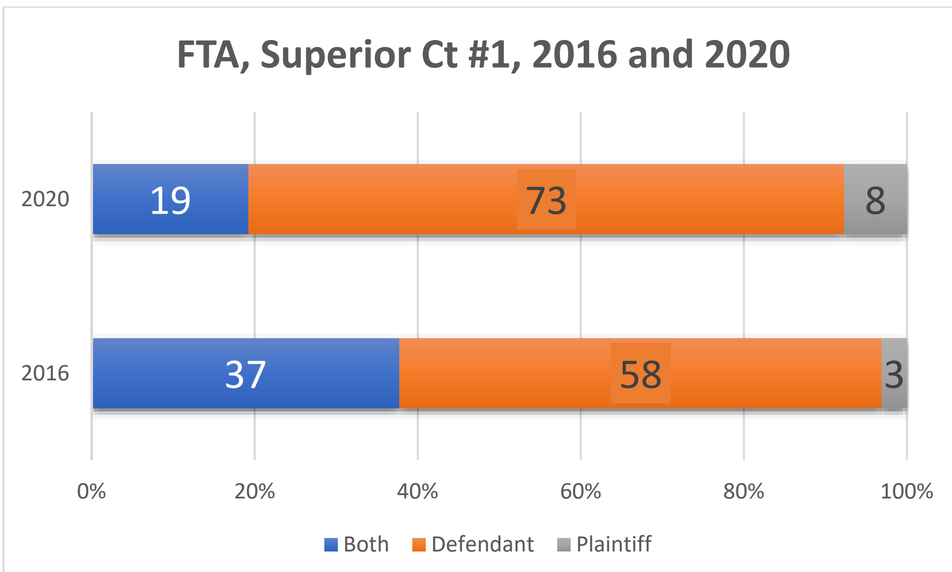
46637	26	7.4
46544	19	5.4
46617	16	4.6
Remainder	33	9.5
ALL	349	100.0

Failure to Appear (FTA) in Court

Ninety-eight out of 349 parties (28%) failed to appear for their court case in 2016. Among the 98, 58 were listed as defendants, three plaintiffs, and, in 37 instances, both parties were missing.

For 2020, in 26 out of 56 cases (46.4%), one or both parties failed to appear. Among the 26 that did not appear, 19 or nearly three out of four were defendants.

Figure H. Failure to Appear by Party. Superior Court #1, St. Joseph County, 2016

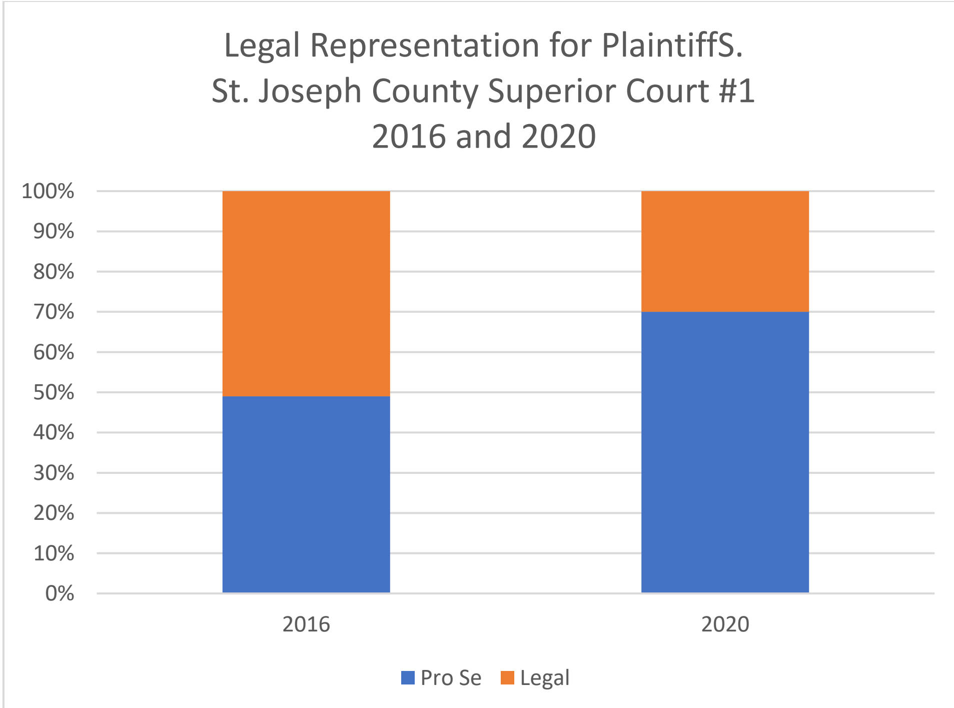


Legal Representation

In criminal prosecution cases, defendants have a right to legal representation. Such a right was confirmed in Miranda v. Arizona by the Supreme Court in 1966. But in most U.S. courts, persons facing eviction are not accorded such representation, despite the life-altering effects of losing one's housing.[12] The 'trade-off' to not having a lawyer is not having to pay for one.

Two defendants were represented by counsel in 2016 and 2020 compared with 172 and 16 plaintiffs respectively. The remainder of plaintiffs did not retain a lawyer and appeared legally on behalf of themselves (*pro se*) (Figure I)

Figure I. Legal Representation for Plaintiffs. Superior Ct #1, 2016 and 2020



Zip Code locations of the plaintiffs are more often the addresses of the plaintiff's legal representation. For 2016, over 31 percent were located in Mishawaka offices and another 7.3 percent in Granger locations.   For 2020, 22.6 percent were in Mishawaka while the proportion in Granger dropped to 3.8 percent. Often, the office location is given as the address of legal counsel.

Table 5b. Zip Code Addresses of Plaintiffs. St. Joseph County Small Claims Court #1, 2016.

Zip Code	Number	Percent	Cumulative
46545	67	19.4	19.4
46601	66	19.1	38.4
46615	36	10.4	48.8
46544	25	7.2	56.1
46530	23	6.6	62.7
46613	22	6.4	69.1
46614	20	5.8	74.9
46628	16	4.6	79.5
46637	13	3.8	83.2
46617	11	3.2	86.4
46619	9	2.6	89.0
46546	6	1.7	90.8
Remainder	32	9.3	100.0
ALL	346	100.0	

Location of Defendants

For Court #1, the changes in the Zip Code location of defendants (presumably, the address from which the eviction occurred)

Table 6. Zip Code Addresses of Defendants. St. Joseph County Small Claims Court #1, 2016 and 2020.

ZIPCODE	Pct 2016	Pct 2020
46545	16.3	10.7
46628	14.6	12.5
46614	10.6	7.1
46615	8.3	8.9
46601	8.0	12.5
46619	7.7	3.6
46613	7.4	8.9
46637	7.4	7.1
46544	5.4	12.5
46617	4.6	3.6
Remainder	9.5	12.5
ALL	100.0	100.0
Count	349	56

Current Eviction Activity (2021) in County Superior Courts

Beginning in January 2021, claims made in the County's Superior Courts for eviction started to climb. By the end of October 2021, there were 1,286 evictions decided or pending (Figure J). By the end of 2021, the number of county evictions appears to project to upper levels seen in the 2017-2019 years (Figure K includes the polynomial trend line that fits the data better than other methods. R^2 closer to 1.0 is best).

Figure J. Number of Eviction Filings. St. Joseph County Superior Courts,

Jan 2016 through Dec 2020 and January through October 2021.

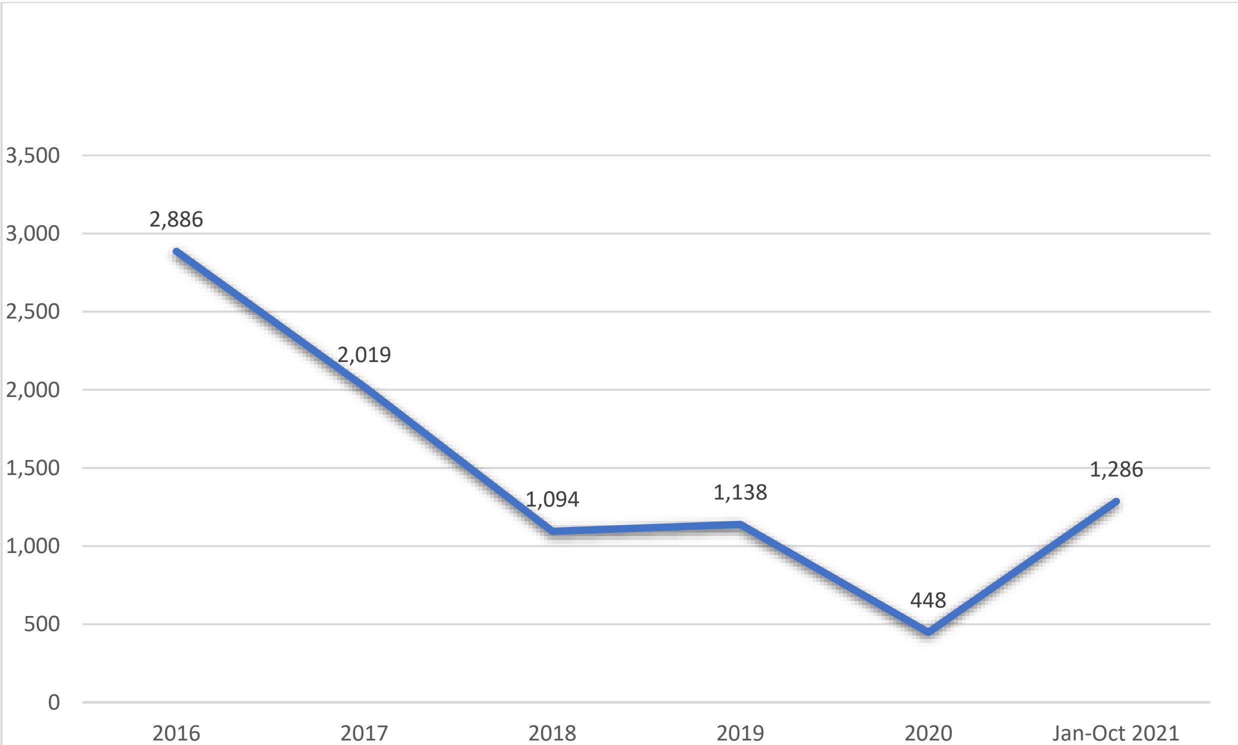
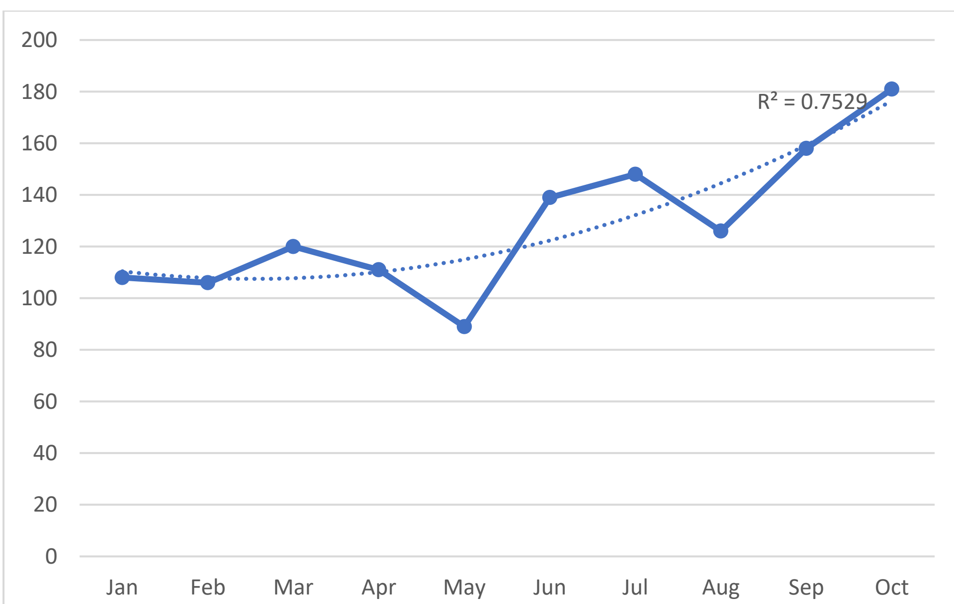


Figure K. Eviction Filings Jan-Oct 2021 with Trend Line.



Demographics of Eviction: Racial and gender disparities among evicted renters

Racial Disparities. Are Black and Hispanic renters evicted at higher rates than their white counterparts?[13] The Eviction Lab studied these questions and determined that for counties with available data –

- Black individuals made up 19.9% of all adult renters but 32.7% of all eviction filing defendants. In short, one in every five adult renters in our sample was Black, yet one in every three eviction filings was served to a Black renter.
- Whites made up over half the population of adult renters (51.5%) but received only 42.7% of eviction filings.
- Eviction Lab researchers conclude ". . . that there were just under 40 Black renters for every 100 white renters in these counties. Yet for every 100 eviction filings to white renters, we estimated that there were nearly 80 eviction filings to Black renters.[14]

Table 7 illustrates the disparity in St. Joseph County where Black renters account for 22.6 percent of all adult renters but 35.6 percent of eviction filing defendants. White renters, on the other hand, made up nearly three-quarters of renters but just half of the eviction defendants.

Table 7. The proportion of Renters vs. Eviction Defendants by Race. St. Joseph County.[15]

	Number	Percent
RENTER POPULATION	46,624	100.0
FILING POPULATION*	2,937	100.0
BLACK		
Renters	12,229	22.6
Filings	1,043	35.5
WHITE		
Renters	34,395	73.8
Filings	1,443	49.1

* Adjusted for serial eviction filings.
Source "Racial and Gender Disparities among Evicted Americans," Sociological Science December 16, 2020. 10.15195/v7a27. Supplementary data. https://sociologicalscience.com/download/vol-7/december/SocSci_v7_649to662.pdf

Gender Disparities. Are women renters evicted at higher rates than men? About differences by sex, the Eviction Lab study found . . .

- Across the 1,195 counties, it was predicted that 341,756 women were evicted annually, approximately 16% more than the 294,908 evicted men.
    - The absolute and relative disparities in total evictions were greatest for Black renters: 113,415 women evicted compared to 83,182 men (36.3% more Black women than Black men).
    - Among white renters, there was a smaller gap in total evictions by gender: 153,954 women relative to 142,934 men (7.7% more white women than white men).[16]

Based on estimates calculated by the Eviction Lab, for St. Joseph County's demographic variables,

- disparities in eviction rates were greatest for Black women renters: 415 evictions Black women renters evicted compared to 283 for Black men (46.7% higher for Black women than Black men).
- Among white renters, there was a smaller gap in total evictions by gender: 516 women vs 490 for men (Table 8)

Table 8. The proportion of Renters vs. Eviction Defendants by Gender. St. Joseph County.[17]

	Black Renters		White Renters		All Races	
Gender	**Number**	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Female	415	59	516	51	1,111	55
Male	283	41	490	49	912	45
Both	698	100	1,006	100	2,023	100

Source: See previous table citation.

These data, expressed on a rate basis of 1,000 renters to standardize comparisons, are illustrated in Table 9. Disparities in both filing (adjusted) and eviction rates of cases brought to the courts between 2012 and 2016 show that Blacks received the highest rates of eviction filings and eviction judgments with rates 2.1 times higher than White renters. Black female renters were just slightly more likely to experience a filing for eviction compared with White females (8.7%) and smaller differences for eviction judgments (9.4%). (Table 9)

Table 9. Estimated Filing and Eviction Rates per 1,000 Renters by Gender and Race. St. Joseph County, IN 2012-2016.

	BLACK	WHITE	RATIO Black-to-White
Female			
Filings adj	84.7	40.5	2.1
Eviction	59.3	28.0	2.1
Male			
Filings adj	77.9	41.7	1.9
Eviction	54.2	30.7	1.8
TOTAL			
Filings adj	85.3	42.0	2.0
Eviction	59.9	29.9	2.0

Source: "Racial and Gender Disparities among Evicted Americans," Sociological Science December 16, 2020. 10.15195/v7a27. Supplementary data. https://sociologicalscience.com/download/vol-7/december/SocSci_v7_649to662.pdf

Public Health Issues: Vaccination Rates

Research by staff at the Eviction Lab indicates that neighborhoods with the highest filing eviction rates have the lowest level of COVID-19 vaccination rates. According to their report, "We found a pattern of higher eviction filing rates in neighborhoods with lower vaccination rates in every jurisdiction for which we were able to locate data. COVID-19 vaccines do not seem to be reaching those in high-eviction neighborhoods. Our findings suggest that those most at risk of being evicted are still at high risk of contracting and passing the virus."[18]

A rather limited analysis of 2016 Zip Code data (Table 5a) and vaccination rates as of 2021 from the State Health Department shows a significant correlation between the eviction filing rates and vaccination rates by Zip Code at the 0.008 level. With a one-tailed test, we predict that higher eviction filing rates correlate with lower vaccination rates (since the correlation is negative).

Figure L. Correlation between Eviction Filing and Vaccination Rates. St. Joseph County.

Correlations				
			Vaccs	**Evict**
Spearman's rho	**Vaccs**	**Correlation Coefficient**	1.000	-.733(**)
		Sig. (1-tailed)	.	.008
		N	10	10
	Evict	**Correlation Coefficient**	-.733(**)	1.000
		Sig. (1-tailed)	.008	.
		N	10	10
** Correlation is significant at the 0.01 level (1-tailed).				

Housing Instability and COVID-19 Infections.

According to AHRQ News,

> "Expired eviction moratoriums and homelessness were associated with increased COVID-19 infections, according to research partially funded by AHRQ. In one study, published in the ***American Journal of Epidemiology***, researchers found that expired eviction moratoriums were associated with doubling of COVID-19 incidence and a fivefold increase in COVID-19 mortality 16 weeks after moratoriums lapsed. Another study published in ***Open Forum Infectious Diseases*** concluded that people experiencing homelessness with COVID-19 had a 30 percent higher risk of death than the general population. In a third study, published in the ***American Journal of Preventive Medicine***, researchers found that most U.S. adults supported policies aimed at increasing housing stability during the COVID-19 pandemic, including extending moratoriums on evictions and foreclosures."[19]

The Indiana Scorecard in its Response to Eviction.[20]

To evaluate state responses, the Eviction Lab and Columbia Law School developed a scorecard for each state into a set of critical but non-exhaustive measures included in and left out of, state-level pandemic responses related to eviction and housing.

Measures were weighted by category areas, with two categories having the heaviest weights, namely: "Initiation" (weight of 40%)—the first steps in the eviction process; and "Tenancy Preservation Measures" (weight of 20%), a variety of actions that support families during and following the COVID-19 crisis.

For each area and subarea, several measures apply (weights are included in parentheses):

The eviction process includes:

- *Initiation of Eviction* (40%)
  - No notice to quit (20%)
  - No filing if the tenant has COVID-19 hardship (30%)
  - No filing for non-payment (30%)
  - No filing, except emergencies (20%)
- *Court Process* (15%)
  - Hearings suspended (40%)
  - Judgments of possession stayed (20%)
  - Deadlines extended or tolled (10%)
  - Eviction records sealed (30%)
- *Enforcement of the order of eviction* (15%)
  - No removal if the tenant has COVID-19 hardship (30%)
  - No removal for nonpayment (40%)
  - No removal except for emergencies (30%)
- *Short-term supports* (10%)
  - Moratorium extends past emergency declaration (25%)
  - No utility disconnection
  - Free utility reconnection
  - Grace period to pay rent (12.5%)
  - No report to the credit bureau (12.5%)
  - Foreclosure moratorium (50%)
- *Tenancy Preservation Measures* (20%)
  - No late fees
  - No rent raises
  - Housing stabilization
  - Legal counsel for tenants

See appendix for more description. An abstract is illustrated in Table 10 below.

Table 10. EVICTION PROCESS SCORECARD Source: https://evictionlab.org/covid-policy-scorecard/in/

	MEASURE	INDIANA SCORE
Initiation (40%)	**Notice to Quit.**	**In Indiana, landlords need not issue notices to tenants.**
	No filing if the tenant has COVID-19-related hardship.	**In Indiana, landlords may evict tenants that have experienced hardship due to the pandemic**
	No filing for nonpayment of rent.	**In Indiana, Landlords may evict for non-payment of rent.**
	No eviction filing, except emergencies.	**In Indiana, landlords can still file to evict for non-emergency reasons.**
	CARES certification required (combined with COVID hardship)	**Orders do not require landlords to certify that a dwelling is not covered by the CARES Act eviction moratorium before filing to evict.**
Court Process (15%)	**Hearings suspended**	**In Indiana, eviction hearings "can continue to be held, although local courts have discretion to stay them."**
	Judgments of possession stayed	**In Indiana, new eviction orders can continue to be issued, though local courts have the discretion to stay eviction proceedings.**
	Deadlines extended or tolled.	**In Indiana, there is no statewide order uniformly tolling court deadlines.**
	Eviction records sealed	**In Indiana, eviction case records are not sealed.**
Enforcement (15%)	**No removal if the tenant has COVID-19 hardship**	**Law enforcement in Indiana could still enforce an order to remove a tenant who has experienced financial hardship due to the pandemic.**
	No removal of tenant for nonpayment of rent.	**Law enforcement in Indiana could still remove tenants from homes for non-payment of rent.**

	No removal of the tenant, except emergencies.	Law enforcement in Indiana could still remove tenants to enforce non-emergency eviction orders.

Short-Term Supports (10%)	Moratorium extends past emergency declaration.	In Indiana, current orders do not extend protections beyond the state of emergency
	No utility disconnection.	In Indiana, by executive order, utility providers could not disconnect gas, electric, telecommunications, broadband, water, or wastewater service due to nonpayment through November 1st. The order has since expired.
	Free utility reconnection.	In Indiana, it is not clear if utilities are required to reconnect services previously disconnected before the pandemic without a fee.
	Grace period to pay rent.	In Indiana, tenants do not have a grace period to pay rental debt accrued during the pandemic
	No report to the credit bureau.	In Indiana, landlords may report missed or late rental payments to credit bureaus.
	Foreclosure moratorium.	In Indiana, foreclosure actions and proceedings may not be initiated.

Tenancy Preservation Measures (20%)	No late fees	Landlords could still charge late fees.
	No rent raises	Landlords may raise rents when renewing leases during the pandemic.
	Housing stabilization	Rental assistance was available during the 2020 state eviction moratorium
	Legal counsel for tenants	Legal counsel is not guaranteed for tenants facing eviction.

Score = 1.15/5.0. 1 - star

Except for *No utility disconnects, Foreclosure moratorium,* and *Housing Stabilization,* Indiana complied with few of the Eviction Lab measures or recommendations. The State received a score of 1.15 out of 5.0.

Table 11. Moratoria in Response to COVID-19

	Time				
Authority	**From**	**To**	**Tenants**	**Landlords**	**Enforcement**
FEDERAL	Applies to federally-related properties				
CARES ACT	27-Mar-20	24-Jul-20	Tenants could not be forced to vacate.	Could not file eviction notices until August 23, 2020	No penalties for non-compliance
CDC	4-Sep-20	31-Jul-21	Tenants who meet income and other eligibility criteria	Prohibits eviction for non-payment of rent and related fees.	Potential penalties for landlords and/or perjury for tenants
INDIANA	6-Mar-20	26-Aug-21			

The National Picture and Eviction Moratoria

Nationally, between March 15 and December 31, 2020, eviction filings were 65% below the historical average in the sites tracked by the Eviction Lab.[21] The researchers note that "this reduction in filings is a result of eviction moratoria at the local, state, and federal levels, as well as CARES Act stimulus payments, supportive measures like rental assistance, expanded unemployment benefits, and court closures [that] created effective halts on all eviction proceedings."

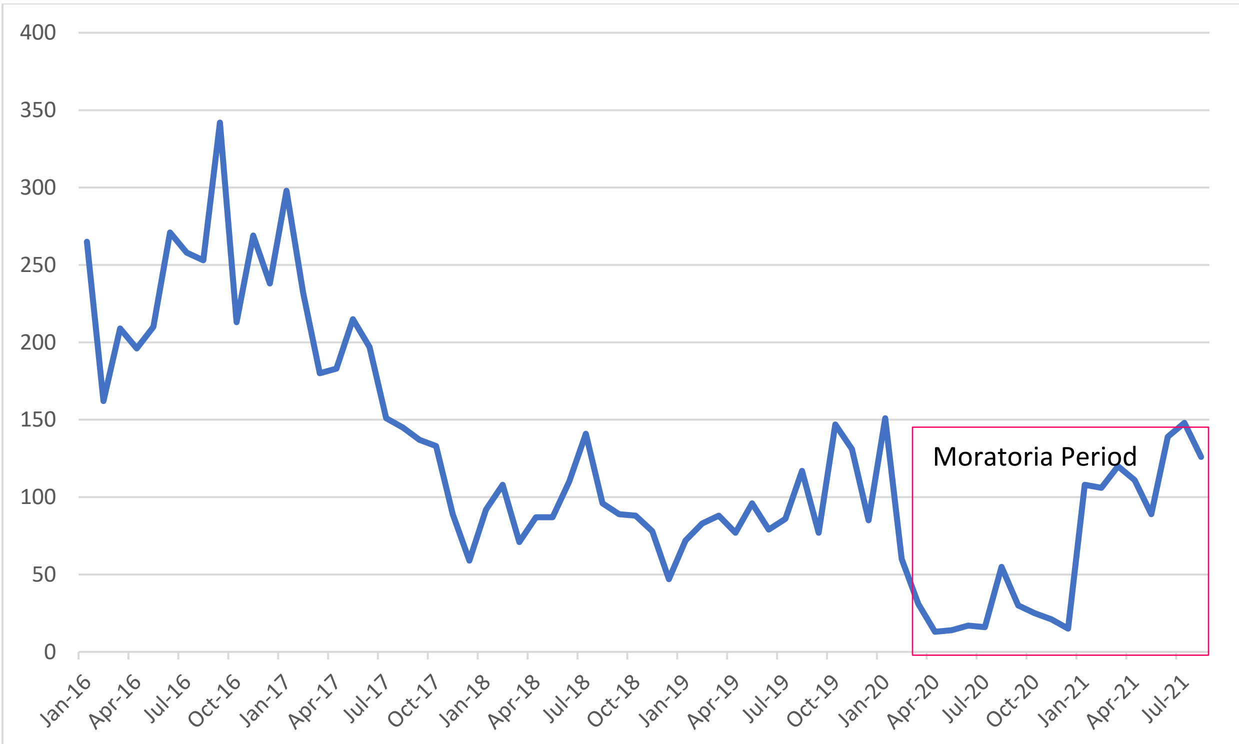
When federal moratoria were not in effect, eviction filings were high. See Figures E and F for St. Joseph County. "This increase suggests that many landlords were acutely aware of moratoria and ready to file for eviction as soon as was permitted."

Moratoria cut filings in many cities, states, or local jurisdictions. ". . . new eviction filings were at or below 12.6% of historical average while their moratoria were in place. By contrast, cities that allowed cases to be filed but suspended hearings were less successful in reducing new eviction filings."

Interpretation and implementation of the CDC eviction moratorium varied widely across jurisdictions - from a low of 34.6% eviction filings in Philadelphia compared with its historical average to a high of 91.1% in Jacksonville, FL. In South Bend, eviction filings were just 54.5% of historical averages during the CDC eviction moratorium.

While fewer cases than normal were filed from March 15 onward, the demographic characteristics of those facing eviction did not change. Black and Latinx renters—particularly female renters—are disproportionately at risk of being filed against for eviction and being evicted. Eviction filings after March 15, 2020, targeted the same communities and individuals who were at risk of eviction before the pandemic. Notably, Black renters received a disproportionate share of all eviction filings. Black renters made up 22.8% of all renters in ETS sites but received 35.2% of filings between March 15 and December 31.

Figure M. Eviction Filings by Month. St. Joseph County, Jan 2016 - Aug 2021



What is supposed to happen after the moratoria? To safeguard tenants who will no longer enjoy the protection of federal law governing evictions and to offer guidance to tenants, landlords, and courts during the pandemic State and federal housing protections have been in place since early in the COVID-19 pandemic to help keep people in their homes during this public health crisis. These provisions have impacted landlords, tenants, and courts in many ways.

A Landlord/Tenant Task Force was created to guide landlords, renters, attorneys, and courts when eviction cases resume in Indiana. Their 10-page report provides information about eviction cases and includes relevant forms and resources.[22]

Some estimates on the number of future evictions and rent debt

A July 28 article in the *New York Times* provided estimates of the number and average amount of rent due at the end of the moratorium on evictions.[23] For the U.S. as a whole, approximately 14.7 percent of renting households owe an average of $3,800 in rent. In St. Joseph County, 13.7 percent of renting households owe $2,975 each on average of back rent.[24] Based on the number of rental units in the County in 2019, about (13.7% x 32,607 =) 4,467 units representing 10,140 persons will be at risk of eviction.[25]

More than 4,300 households in St. Joseph County are estimated to be behind on rent, according to Census data analyzed by National Equity Atlas, a research group at the University of Southern California.

Analysts estimate the total debt to be $10,492,128, or about $2,437 per household, based on data as of July 5, 2021.[26]

Finally, estimates taken over July 2021 to August 2 by Surgo Ventures indicate that St. Joseph County's rental arrears debt totaled $11.64 million owed by 4,174 households or $2,817 per rental household.[27]

APPENDIX. Scorecard Measures.

Initiation of Eviction

For the "Initiation of Eviction," there are four measures:

- "*Notice to tenants* (20%). In most states, a landlord must serve a tenant with a "notice to quit" before filing for eviction. A state has achieved this measure if landlords are prohibited from initiating the eviction process by serving notices to quit during a public health emergency.

In Indiana, landlords need not issue notices to tenants to quit the premise before filing for an eviction.[28]

- *No filing if the tenant has COVID-19-related hardship* (30%). A state has achieved the measure if landlords are prohibited from filing to evict tenants who are experiencing financial hardship due to COVID-19, such as health conditions or job loss, or if courts are not accepting these filings. Note that orders that limit filing prohibitions to cases where tenants are financially affected by COVID-19 or the response to the pandemic leave many tenants unprotected. We include these orders, which do not protect all tenants from eviction, on our scorecard because it provides an affirmative defense to eviction and preserves housing for some tenants.

In Indiana, landlords are not required to certify that a dwelling is not covered by the CARES Act eviction moratorium. They may evict tenants that have experienced hardship due to the pandemic, and, in general, may file to evict for non-emergency reasons.[29]

- *No filing for nonpayment of rent* (30%). A state has achieved the measure if landlords are prohibited from filing to evict tenants for nonpayment of rent during the public health emergency, or if courts are not accepting these filings.

In Indiana, Landlords may evict for non-payment of rent.

- *No eviction filing, except emergencies* (20%). A state has achieved the measure if landlords are prohibited from filing eviction cases for any non-emergency reason, or if courts are only accepting emergency landlord-tenant cases. Emergency cases during the pandemic typically include when a person poses a substantial risk of harm to another person or the property or where there are serious code violations, among others.

In Indiana, landlords can still file to evict for non-emergency reasons.

The Court Process (15%)

The *Court Process* includes four measures:

- *Hearings suspended*. A state has achieved this measure if eviction hearings are suspended in the state. This can take a variety of forms, including suspending all non-essential civil proceedings and preventing court workers from taking actions that would lead to an eviction. Notably, a state has not achieved this measure if cases are permitted to proceed remotely via phone or video conferencing and the state has not issued further guidance on whether eviction cases should proceed.

In Indiana, eviction hearings "can continue to be held, although local courts have discretion to stay them."

- *Judgments of possession stayed*. A state has achieved this measure if the court has stayed eviction judgments (which temporarily prohibits law enforcement from carrying out the eviction order) or if the court is not issuing eviction orders at this time.

In Indiana, new eviction orders can continue to be issued, though local courts have the discretion to stay eviction proceedings.

- *Deadlines extended or tolled*. This measure refers to requirements for how quickly people need to respond or submit materials at various stages in the course of an eviction. A state has achieved this measure if court deadlines are extended or tolled.

In Indiana, "there is no statewide order uniformly tolling court deadlines. However, local trial courts are authorized to exercise their discretion as to whether to toll civil proceedings until August 14."

- *Eviction records sealed*. Sealing court eviction records during the pandemic would prevent the negative repercussions of an eviction judgment, such as difficulty finding future housing. A state has achieved this measure if a state-required record sealing before or during the pandemic.

In Indiana, eviction case records are not sealed.

Enforcement of Eviction Order (15%)

This category refers to the final stage of eviction, when a sheriff or other law enforcement officer enforces the court's writ of possession, or order of eviction, by ensuring that the tenant and the tenant's belongings are removed from the property.

There are three measures:

- *No removal if the tenant has COVID-19 hardship (30%)*. A state has achieved this measure if law enforcement is prohibited from removing a tenant whose eviction judgment was the result of COVID-19-related hardship

Law enforcement in Indiana could still enforce an order to remove a tenant who has experienced financial hardship due to the pandemic.

- *No removal of tenant for nonpayment of rent*. A state has achieved this measure if law enforcement is prohibited from removing a tenant whose eviction judgment was the result of nonpayment of rent.

Law enforcement in Indiana could still remove tenants from homes to enforce non-emergency eviction orders.

- *No removal of the tenant, except emergencies*. A state has achieved this measure if law enforcement is prohibited from removing a tenant for any non-emergency reason.

Law enforcement in Indiana could still enforce an order of eviction for nonpayment of rent during the pandemic.

Short-Term Supports:

This category refers to measures that, in the short term, will provide support to help tenants remain in their homes.

In the Short-Term Supports category, there are six measures:

- *Moratorium extends past emergency declaration*. A state has achieved this measure if one or more of the statewide measures will remain in effect for a period of time after the emergency declaration ends. This extension would give tenants more time to get back on their feet and would help prevent a wave of evictions when the immediate COVID-19 pandemic is contained.

In Indiana, current orders do not extend protections beyond the state of emergency.

- *No utility disconnection*. Tenants must have basic utilities like electricity and water to safely shelter in place. A state has achieved this measure if its regulatory body—often a public utilities commission—has issued a binding order that prohibits utilities from disconnecting service for reason of nonpayment, or if an executive or legislative order prohibits disconnecting service for reason of nonpayment. *Because not every state's regulatory body has the authority to issue a binding order that applies to all utility companies in the state, this measure is not included in the state's five-star rating.*

In Indiana, by executive order, utility providers could not disconnect gas, electric, telecommunications, broadband, water, or wastewater service due to nonpayment through November 1st. The order has since expired.[30]

- *Free utility reconnection*. In some areas where shutoffs are banned, residents whose service was disconnected before the pandemic began must still pay a fee or resolve existing past-due bills to have the water, electricity, or gas turned back on. A state has achieved this measure if utility companies are banned from disconnecting service and are required to restore service, or make all "reasonable efforts" to restore service, without charge to the tenant. *Because not every state's regulatory body has the authority to issue a binding order that applies to all utility companies in the state, this measure is not included in the state's five-star rating.*

In Indiana, it is not clear if utilities are required to reconnect services previously disconnected before the pandemic.

- *Grace period to pay rent.* A state has achieved this measure if it requires landlords to allow tenants extra time to pay rent. A state has also achieved this measure if it mandates landlords offer tenants a payment plan that gives additional time to pay rent or the ability to pay rent in installments, for example, according to their income over a course of multiple months.

In Indiana, tenants do not have a grace period to pay rental debt accrued during the pandemic

- *No report to the credit bureau.* If missed rental payments during the crisis are reported to credit bureaus, this could damage the credit of tenants who were financially affected by the COVID-19 crisis. A state has achieved this measure if it prohibits landlords from reporting past-due rent or missed rental payments to credit bureaus.

In Indiana, landlords may report missed or late rental payments to credit bureaus.

- *Foreclosure moratorium.* A state has achieved this measure if the state has halted one or more parts of the foreclosure process.

In Indiana, foreclosure actions and proceedings may not be initiated.

Tenancy Preservation Measures

This category refers to measures that provide longer-term relief to tenants, helping to keep tenants in safe, decent housing after the COVID-19 pandemic is contained.

In the Tenancy Preservation Measures category, there are four measures:

- *No late fees.* Charging late fees could make it harder for tenants to catch up on rent owed after the crisis ends. A state has achieved this measure if landlords cannot charge late fees or convenience fees for rent paid after the due date or paid in multiple installments during the pandemic.

In Indiana, landlords can collect late fees.

- *No rent raises.* A state has achieved this measure if landlords cannot increase the rental amount during the COVID-19 crisis.

In Indiana, landlords may raise the rent when renewing leases.

- *Housing stabilization.* When eviction moratoriums begin to expire, many tenants will have accrued significant amounts of rental debt over the course of the pandemic, owing to widespread unemployment, work slowdowns, and shelter-at-home guidelines. A state has achieved this measure if it has passed any measure to increase housing or reduce or cancel tenants' debt. Possible measures include: creating rental assistance programs or subsidies, paying tenants' past-due rent, freezing rent, detaching rental debt from tenancy, or canceling rental debts.

In Indiana, the Governor has announced that $25 million in CARES Acts funds will be available to eligible households who are struggling to pay rent during the pandemic.

- *Legal counsel for tenants.* With widespread confusion about what protections are and are not available to tenants, it is important that tenants have access to legal counsel when facing eviction. A state has achieved this measure if it guarantees free legal counsel to tenants in eviction cases.

In Indiana, there is no guaranteed legal counsel to tenants facing eviction.[31]

END NOTES

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[1] Eviction Lab. https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en (accessed Feb 21).
[2] Matthew Desmond, Ashley Gromis, Lavar Edmonds, James Hendrickson, Katie Krywokulski, Lillian Leung, and Adam Porton. *Eviction Lab National Database: Version 1.0*. Princeton: Princeton University, 2018, www.evictionlab.org.
[3] https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en (Accessed Feb 2021)
[4] See Eviction Lab graph: https://evictionlab.org/map/#/2016?geography=cities&bounds=-87.591,41.307,-85.09,42.226&type=er&locations=1871000,-86.279,41.679
[5] https://www.abc57.com/news/abc57-investigates-south-bend-eviction-rate-3-times-the-national-average- (Accessed Feb 2021).
[6] The data collected by the EvictionLab is described as follows:
"The data we collected is comprised of formal eviction records from 48 states and the District of Columbia. Eviction records include information related to an eviction court case, such as defendant and plaintiff names, the defendant's address, monetary judgment information, and an outcome for the case. We combined these records with demographic information from the Census to paint a better picture of the areas in which these evictions are happening.
"The Eviction Lab has also collected state reported, county-level statistics on landlord-tenant cases filed from 27 states, New York City, and the District of Columbia. This includes two of the states where we are missing individual-level eviction records – North and South Dakota. Together, these statistics represent all the known information on the number of evictions filed in counties and made publically-available (sic) by municipalities."
This may not have exhausted all the sources of eviction data, however. According to the Lab, " Evictions can happen outside of the courtroom, as when landlords pay renters to leave or execute illegal lockouts. There is some evidence that "informal evictions" are more common than "formal", court-ordered evictions. Informal evictions are not captured in our dataset. Moreover, while we have tried to collect every recorded court-ordered eviction case, going back to 2000, some records were unavailable. Some courts seal eviction cases; others have not archived data; still others make recording eviction cases time-consuming and difficult." The Eviction Lab, "Methods FAQ," https://evictionlab.org/methods/#all-evictions
[7] Data for 2000-2001 and 2007-2011 are not available.
[8] Indiana Courts use the Odyssey case management system. See: https://public.courts.in.gov/mycase/#/vw/Search. The search covers non-confidential cases. The Eviction Lab program used data collected by the Legal Services Corporation. See: https://www.lsc.gov/.
[9] According to the Princeton Eviction Lab, eviction data is accumulated over millions of records related to eviction. The Eviction Lab directly collected court records from 12 states. "But many states either did not centralize their eviction data or were unwilling to release this information. Accordingly, the Eviction Lab then purchased more comprehensive datasets of public eviction records from two companies: LexisNexis Risk Solutions and American Information Research Services Inc. The Lab also collected state reported, county-level statistics on landlord-tenant cases filed from 27 states, New York City, and the District of Columbia. This information was collected either from online reports or by contacting state judiciaries directly."
[10] Not all outcomes in favor of the plaintiff may be the eviction of the defendant. Case descriptions may not always be clear, but it is possible that some cases in favor of the plaintiff could include meeting the obligation of restitution but not resulting in eviction.
[11] While a case that is dismissed *with prejudice* is dismissed permanently, one that is dismissed *without prejudice* is dismissed only temporarily and may be refiled.
[12] Eviction is not the only case where defendants never see a lawyer or receive legal advice. Other grounds include loss of parental rights; foreclosure; danger from abusive spouses and domestic partners; in guardianship cases, the loss of control over property, and even liberty; and, in child-support cases, defendants may be

incarcerated, without recourse to legal assistance. See: Editorial Board, “You can lose your kids, home and freedom without ever seeing a lawyer. It’s a profound injustice.” *Washington Post,* February 26, 2021.

[13] Information on court filings in Indiana do not contain gender or racial descriptions of the parties. The EvictionLab describes their process to determine the values of those variables (see following footnote).

[14] Hepburn, Peter, Renee Louis, Matthew Desmond, “Racial and Gender Disparities among Evicted Americans,” Sociological Science December 16, 2020. 10.15195/v7.a27. https://sociologicalscience.com/download/vol-7/december/SocSci_v7_649to662.pdf

[15] See Supplementary Data, Hepburn, Peter, Renee Louis, Matthew Desmond *op cit* (2020).

[16] Hepburn, Peter, Renee Louis, Matthew Desmond *op cit* (2020). https://evictionlab.org/demographics-of-eviction/

[17] See Supplementary Data, Hepburn, Peter, Renee Louis, Matthew Desmond *op cit* (2020).

[18] Olivia Jin, Emily Lemmerman, Peter Hepburn, and Matthew Desmond, EvictionLab Updates. June 11, 2021. https://evictionlab.org/filing-and-vaccination-rates/

[19] AHRQ News Now, September 7, 2021 Issue #779**.** AHRQ.gov. See references at: https://pubmed.ncbi.nlm.nih.gov/34309643/;https://pubmed.ncbi.nlm.nih.gov/34291120/, and https://pubmed.ncbi.nlm.nih.gov/34272137/

[20] Emily A. Benfer, Anne Kat Alexander, Alieza Durana, Robert Koehler, and Matthew Desmond. COVID-19 Housing Policy Scorecard. Princeton: Princeton University, 2020, https://evictionlab.org/covid-policy-scorecard/. (Accessed February 2021); for scorecard on Indiana, see: https://evictionlab.org/covid-policy-scorecard/in/

[21] Peter Hepburn, Renee Louis, Joe Fish, Emily Lemmerman, Anne Kat Alexander, Timothy A. Thomas, Robert Koehler, Emily Benfer, and Matthew Desmond. U.S. Eviction Filing Patterns in 2020. The Eviction Lab. https://evictionlab.org/us-eviction-filing-patterns-2020/ (Accessed April 2021).

[22] Landlord Tenant Task Force Report. https://www.in.gov/courts/covid/housing/

[23] A few states and cities have chosen to extend the deadline for evictions beyond the end of July. See the EvictionLab report, https://evictionlab.org/covid-eviction-policies/

[24] Sema K. Sgaier and Aaron Dibner-Dunlap, “How many people are at risk of losing their homes in your neighborhood?” July 28, 2021. *New York Times*. https://www.nytimes.com/2021/07/28/opinion/covid-eviction-moratorium.html. Accessed August 2021. Estimates by Surgo Ventures are for 5 July 2021.

[25] U.S. Census Bureau, 2019 American Community Survey 1-year estimates. https://data.census.gov/cedsci/table?g=0500000US18141&d=ACS%201-Year%20Estimates%20Data%20Profiles&tid=ACSDP1Y2019.DP04&hidePreview=true

[26] “Rent Debt in America,” National Equity Atlas. https://nationalequityatlas.org/rent-debt

[27] https://precisionforcovid.org/rental_arrears. Accessed September 2021.

[28] See Indiana scorecard from EvictionLab here: https://evictionlab.org/covid-policy-scorecard/in/ (accessed Feb 2021)

[29] The state of Indiana implemented an eviction moratorium that ran from March 19 to August 14. Courts in St. Joseph County (South Bend) have been accepting new eviction filings and processing cases since that moratorium lifted.

[30] Through March 15, 2021, there is a moratorium on utility shutoffs, if a customer qualifies for public assistance. See: https://evictionlab.org/covid-eviction-policies/ (accessed Feb 2021).

[31] The Landlord and Tenant Settlement Conference Program provides the help of a ‘facilitator’ to reach a settlement before an eviction case is filed or to facilitate an agreement if a case has already been filed. The program is free to both parties; it does not provide financial assistance. (https://www.in.gov/courts/selfservice/facilitate/). In St. Joseph County, a number of organizations offer legal aid assistance, including: Volunteer Lawyer Network, Inc. (volunteerinc@sbcglobal.net); Indiana Legal Services; and the Notre Dame Legal Clinic.