

Housing is a Human Right

Judith Fox, Notre Dame Law School

Universal Declaration of Human Rights

- Article 25 1. **Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family**, including food, clothing, **housing** and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

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Emergency Rental Assistance Program

LANDLORD ALERT!

NEW Requirements have been added to the Landlord Attestation.
See **Landlord Resources** for more details!

St. Joseph County's Emergency Rental Assistance (ERA) is designed to decrease evictions, increase housing stability, and prevent homelessness by helping tenants whose income has been negatively impacted by COVID-19 with rent and utility payments.

ERA can provide eligible tenants with twelve (12) up to fifteen (15) months, for housing stability, of rental assistance. Utility assistance may also be provided to qualifying applicants for past due utilities (electric, gas, water, sewer, and trash) and home energy (fuel oil, wood, coal, pellets, and propane) expenses.

The St. Joseph County Emergency Rental Assistance (ERA)

EMERGENCY RENTAL ASSISTANCE PROGRAM

**ST. JOSEPH COUNTY**
ESTABLISHED 1830

Priority Status

 Enable Google Translate

A large red speech bubble graphic with a tail pointing towards the bottom left. The word "ELIGIBILITY" is written in white, bold, uppercase letters inside the bubble.

ELIGIBILITY

- Resident of St. Joseph County
- Name appears on a rental lease
- Income less than 80% median household income for county
- Housing instability or risk of homelessness due to covid

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**Additional
Requirements:
At least one of the
following**

- A member of the household has received unemployment benefits since April 1, 2020
- The applicant's household has experienced a reduction in household income due to an involuntary job layoff, reduced work hours, or reduced pay
- The applicant's household incurred significant costs or experienced a financial hardship due to COVID-19

Where to apply

	Required		Process
Need additional assistance applying for ERA? Contact agencies below for potential walk-in and appointment hours or phone support.			
St. Vincent de Paul Society 520 Crescent Ave. South Bend, IN 46617 Phone: 574-234-6000 Web: https://www.svdpsb.org		Catholic Charities of the Diocese of Fort Wayne-South Bend, Inc. 1817 Miami Street, South Bend, IN 46613 Phone: 574-234-3111 Web: https://www.ccfwsb.org	
REAL Services, Inc. 1151 S. Michigan St. South Bend, IN 46601 Phone: 574-284-2061 Web: https://realservices.org Email: rentalassist@realservices.org		United Religious Community of St. Joseph County 501 N. Main Street, South Bend, IN 46601 Phone: 574-282-2397 x 2 Web: https://www.urcsjc.org/ Email: urcsjc@gmail.com	
Indiana Parenting Institute of St. Joseph County 215 W. Madison St. South Bend, IN 46601 Phone: 574-404-6170 Web: https://ipi-sjc.org/		St. Joseph County, ERA Program 227 W. Jefferson Blvd. 2nd Floor, South Bend, IN 46601 Phone: 574-800-6242 Email: sjcera@sjcindiana.com	
enFocus (Processing Team for St. Joseph County) 635 S. Lafayette Blvd. # 123L, South Bend, IN 46601 www.sbenfocus.org Phone: (574) 400-5721			

Indiana Landlord and Tenant Settlement Conference Program

- Free service
- Request mediation with landlord or tenant
- Before or after filing
- <https://www.in.gov/courts/selfservice/facilitate/>

A red speech bubble graphic with a tail pointing towards the bottom left. Inside the bubble, the text "CDC Moratorium" is written in white. The background of the slide features faint, curved, concentric lines in the top left and bottom right corners.

CDC Moratorium

- Expires October 3, 2021
- Must file a declaration with landlord
- https://www.cdc.gov/coronavirus/2019-ncov/communication/EvictionProtectDeclare_508.pdf



Eviction Protection Declaration

The Centers for Disease Control and Prevention (CDC) has issued an order that may protect you from being evicted or removed from where you are living. **This means that you may be able to stay at the place where you live through October 3, 2021, if you qualify.**

How to use this form

1. See if you qualify for eviction protection under the CDC order. If you'd like help from an expert, contact the US Department of Housing and Urban Development (HUD) at (800) 569-4287 or go to <https://www.hudexchange.info/programs/housing-counseling/rental-eviction/> to get contact information for a local housing counselor.
2. Sign the declaration that you qualify, on the next page.
3. Give the signed declaration page to the individual or company you rent from (for example, building management, landlord, etc.). Keep a picture or copy for your records and call your expert back if there's a problem.

If your landlord violates the CDC order, they could be subject to criminal penalties, including fines or a term of imprisonment.

1. Do I qualify?

If you can check at least one box in each column, you qualify.

Column A

- ☐ I received a stimulus check (Economic Impact Payment) in 2020 or 2021
- ☐ I was not required to report any income to the IRS in 2020
- ☐ I am receiving **any** of the following benefits:
 - Supplemental Nutrition Assistance Program (SNAP)
 - Temporary Assistance for Needy Families (TANF)
 - Supplemental Security Income (SSI)
 - Supplemental Security Disability Income (SSDI)
- ☐ In 2020 or 2021, I earned (or expect to earn) **less than** \$99,000 as an individual or **less than** \$198,000 as a joint filer

None of the above — You do not qualify.

AND

Column B

I cannot pay my full rent or make a full housing payment because:

- ☐ My household income has gone down substantially
- ☐ I have been laid off from work
- ☐ My work hours or wages have been cut
- ☐ I have extraordinary out-of-pocket medical expenses¹

None of the above — You do not qualify.

You checked at least one item in each column? Your income level qualifies.

[Check the first box on the next page]

¹Defined as 7.5% or more of my adjusted gross income for the year

2. My Declaration that I qualify

By checking the boxes below, I declare that each statement is true.

- ☐ My income level qualifies for the reasons explained above.
- ☐ I live in a U.S. county experiencing substantial or high² rates of community transmission levels of SARS-CoV-2.
- ☐ I have done my best to make timely partial payments that are as close as possible to the full payment and to get government assistance in making my rent or housing payments.³
- ☐ If I were evicted, I have no other available housing options, so I would:
 - Probably become homeless, **or**
 - Have to move to a homeless shelter, **or**
 - Have to move in with others who live in close quarters.
- ☐ I understand that after I sign:
 - Unless I come to an agreement with my landlord, I am still responsible for rent, back rent, and any fees, penalties or interest under my lease.
 - I must still follow the conditions of my lease.
 - Unless I come to an agreement with my landlord, if I fail to make my required payments, I could be evicted when this temporary halt of evictions ends.
 - I can still be evicted for reasons other than not paying rent or not making a housing payment.

I sign this declaration⁴ under penalty of perjury. That means I promise that the statements above are the truth and that I understand that I can be criminally punished for lying.

You sign here:

X _____ Date: _____

3. Give this signed page to the individual or company you rent from.

ATTN LANDLORDS: Thank you for your compliance. If you violate the CDC's Eviction Order, you and/or your business may be subject to criminal penalties, including fines and a term of imprisonment.

Troubleshooting tools for tenants

Find emergency rental financial assistance

Call (800) 569-4287 to find a listing for local HUD-approved housing counselors

Report problems with debt collection

Submit a complaint to CFPB cfpb.gov/complaint

Report discrimination

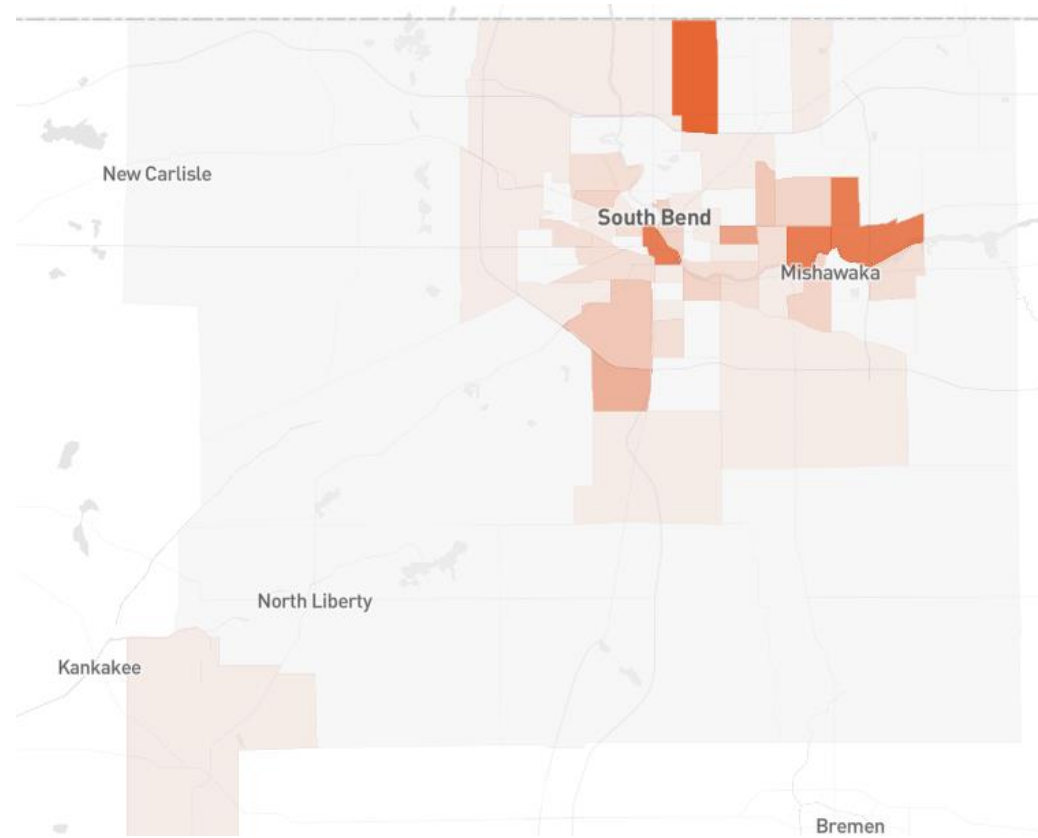
Submit a complaint. Call HUD at (800) 669-9777

² See COVID-19 Integrated County View: <https://covid.cdc.gov/covid-data-tracker/#county-view/>

³ Calling a local expert is the best way to figure out all the help that is available to you. Find a listing for a local HUD-approved housing counselor by calling (800) 569-4287.

⁴ If you have already signed an eviction moratorium declaration, you do not need to submit another one.

Where eviction
filed in last 4
weeks



Eviction lab; <https://evictionlab.org/eviction-tracking/south-bend-in/>

What needs to
be done?

HOW INDIANA COURTS CAN PREVENT EVICTIONS

RESPONDING TO A LOOMING PUBLIC
HEALTH AND ECONOMIC CRISIS



A REPORT FROM:
HEALTH AND HUMAN RIGHTS CLINIC, INDIANA
UNIVERSITY MCKINNEY SCHOOL OF LAW
THE INDIANA JUSTICE PROJECT
NOTRE DAME CLINICAL LAW CENTER

Summary of Report

- **Mandate Faciliation pre-filing**
- **Clearer notices for hearing**
- **Restrict access to eviction court filings**
- **Limited use of eviction court records**
- **Right to counsel in eviction proceedings**
- **Limitation on eviction court requests-expand defenses**
- **Eviction diversion programs**
- **Supporting research on evictions**

The Notice

ST JOSEPH SUPERIOR COURT
SMALL CLAIMS DIVISION – SOUTH BEND
ST JOSEPH COUNTY, STATE OF INDIANA
112 S. LAFAYETTE BLVD., SOUTH BEND, IN 46601

NOTICE OF CLAIM

Plaintiff
1609 Trust
106 Truman Ave #6220
Street Address
Craner IN 46530
City, State & Zip Code
Telephone
MBCapco@gmail.com
Email
Plaintiff's Attorney
Street Address
City, State & Zip Code
Telephone
Email

CAUSE NO:
[REDACTED]
Defendant
[REDACTED]
Street Address
[REDACTED]
City, State & Zip Code
South Bend IN 46601
Telephone
[REDACTED]
Email
[REDACTED]

Plaintiff(s) ask judgment against the Defendant(s) in the sum of \$ 8000 plus court costs. The basis of the claim being asserted is as follows: Violation of lease

IF THE CLAIM IS ON ACCOUNT, AN ITEMIZED STATEMENT IS ATTACHED. IF THE CLAIM ARISES OUT OF A WRITTEN CONTRACT (INCLUDING A LEASE), A COPY IS ATTACHED. If a notice to quit or notice of eviction was delivered to a tenant in a landlord/tenant case, a copy of the notice is attached.
To the best of my knowledge, I sign under the penalties of perjury that the Defendant(s) is/are NOT now serving in the armed forces of the United States. I also affirm under the penalties of perjury that the Defendant(s) does not have a legal disability.

Plaintiff or Attorney

*All parties must provide the clerk with a new telephone number and address if their contact information changes.

ORDER OF THE COURT

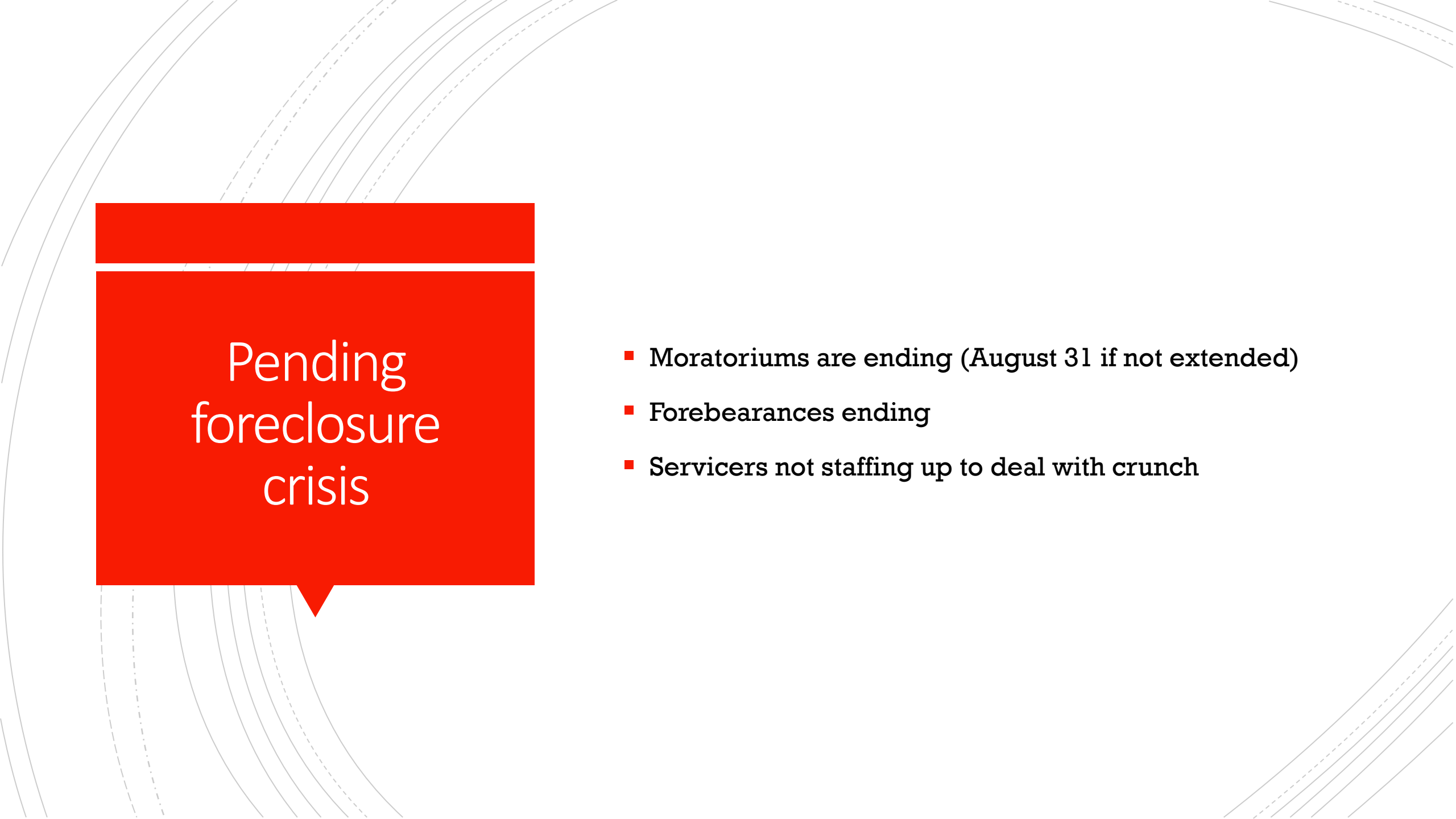
This claim has been filed against you. You are to appear on this claim AUG 12 2021 at 9:30 a.m. at the above location. You may appear in person (pro se) or by an attorney. If a Defendant is a corporation or partnership, different rules may apply (See reverse side). Bring any witnesses and all documents you have which concern this claim. If you do not appear, a default judgment may be entered against you. If you appear and dispute the claim, a date will be set for a contested trial. Even if you do not dispute a claim, you may appear on this date to set up a payment plan, if you wish. You have a right to demand a jury trial. You must demand a jury trial by filing a written affidavit identifying the questions of fact in dispute and that the request is made in good faith not later than ten (10) days of receiving this notice. If the Court grants your request, you must pay the required fee within ten (10) days. Failure to make a timely request, or to pay the fee timely, constitutes a waiver of the right to a jury trial. Once a request for a jury trial is granted, it cannot be withdrawn without the consent of the other party.

Rita L. Glenn/

Clerk

IMPORTANT INFORMATION IS CONTAINED ON THE BACK OF THIS DOCUMENT
YOU MUST CONTACT THIS COURT 24 HOURS BEFORE YOUR HEARING TO VERIFY DATE AND TIME

Updated 2018-01-20

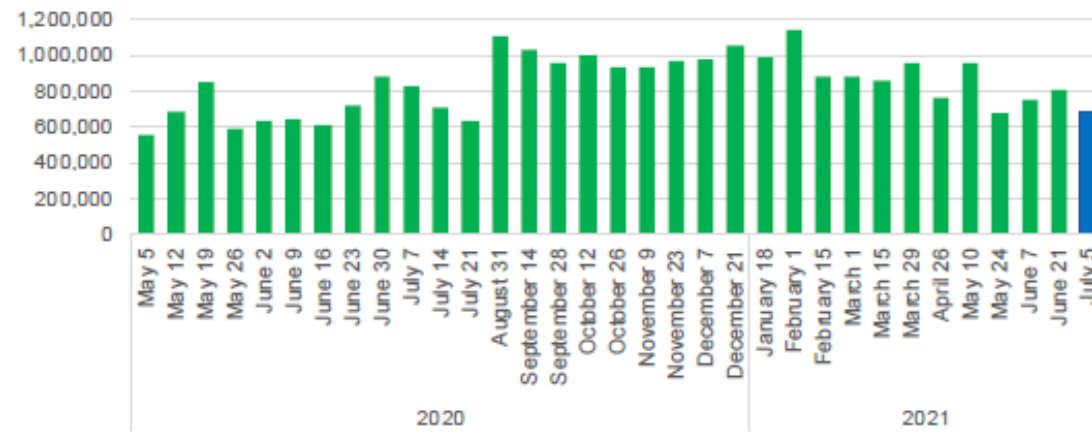
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Pending foreclosure crisis

- **Moratoriums are ending (August 31 if not extended)**
- **Forebearances ending**
- **Servicers not staffing up to deal with crunch**

Older
homeowners
(65+) especially
vulnerable

Trends in the number of older adults who are behind on mortgage payments

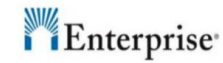


Source: CFPB compilation of data from the Census Bureau Household Pulse Survey Table 1a for all weeks, available at census.gov/programs-surveys/household-pulse-survey/data.html. Note: The totals reflect the number of older adults, not mortgages or housing units. Multiple older adults may live in the same housing unit.

Homewoners Assistance Fund Program

- Supposed to be available in August, but no word yet
- Apply through the state of Indiana (when available)

Neighborhood Home Investment Act HR2143; S98



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Other action
needed

- Increase number of housing vouchers
- Source of income discrimination