

CHARLOTTE-
MECKLENBURG

EVICCTIONS

Part 1:

An Introduction to
Evictions in Charlotte-
Mecklenburg

Released September 2017

PREPARED FOR

The Housing Advisory Board of
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The Housing Advisory Board of Charlotte-Mecklenburg (HAB), formerly known as the Charlotte-Mecklenburg Coalition for Housing, is a volunteer appointed board charged with educating, advocating, engaging and partnering with community stakeholders to end and prevent homelessness and ensure a sufficient supply of affordable housing throughout the community. Members are appointed by the Mayor, City Council and the Mecklenburg Board of County Commissioners. HAB looks to national best practices and local research to make its recommendations to community stakeholders and providers, and advocates and advises on a strategic level to reduce homelessness and increase affordable housing. In addition, HAB is responsible for the governance of the Continuum of Care in Charlotte-Mecklenburg, which carries out activities as specified in 24 CFR part 578.5(b) of the Federal Register of the U.S. Department of Housing and Urban Development.

The UNC Charlotte Urban Institute is a nonpartisan, applied research and community outreach center at UNC Charlotte. Founded in 1969, it provides services including technical assistance and training in operations and data management; public opinion surveys; and research and analysis around economic, environmental, and social issues affecting the Charlotte region.

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About

The 2017 Housing Instability & Homelessness Report Series is a collection of local reports designed to better equip our community to make data-informed decisions around housing instability and homelessness. Utilizing local data and research, these reports are designed to provide informative and actionable research to providers, funders, public officials and the media as well as the general population.

The Housing Advisory Board of Charlotte-Mecklenburg outlined three key reporting areas that, together, comprise the 2017 series of reports for community stakeholders. The three areas include:

1. POINT-IN-TIME COUNT

An annual snapshot of the population experiencing homelessness in Mecklenburg County. This local report is similar to the national report on Point-in-Time Count numbers, and provides descriptive information about both the sheltered and unsheltered population experiencing homelessness on one night in January and the capacity of the system to shelter and house them.

2. HOUSING INSTABILITY

An annual report focusing on the characteristics and impact of housing instability in the community. During the 2017 reporting cycle, this report will be divided up into several reports that focus on various aspects of evictions within Mecklenburg County.

3. SPOTLIGHT

An annual focus on a trend or specific population within housing instability and homelessness. During the 2017 reporting cycle, this report will focus on the intersection of housing and schools.

The 2017 reporting cycle is completed by the UNC Charlotte Urban Institute. Mecklenburg County Community Support Services provides funding for the report series.

Key Definitions

Complaint in summary ejectment

A legal form that a landlord must complete in order to attempt to formally evict a tenant and regain possession of the premises or unit.

Cost burdened

Describes when a household spends more than 30% of their gross income on rent and utilities. If a household spends more than 50% of their gross income on rent and utilities, they are considered extremely cost burdened.

Fair market rent

According to 24 CFR 5.100, Fair Market Rent (FMR) is the rent that would be required to be paid in a particular housing market in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. The FMR includes utilities (except telephone). The U.S. Department of Housing and Urban Development establishes separate FMRs for dwelling units of varying sizes (number of bedrooms).

Fiscal year

This report provides data based on the North Carolina Court System's fiscal year, which is July 1 to June 30.

Formal eviction

The legal process through which a landlord seeks to regain possession of a leased premises by concluding a tenant's right to occupy the premises.

Forced move

A move that is involuntary and may be due to a formal eviction, informal eviction, property foreclosure, property condemnation, or other reason that is not within the tenant's choosing.

Hold over

When a tenant stays in the premises or unit after the lease terminates.

Homeownership rate

The number of owner-occupied units as a percentage of all occupied housing units.

Informal eviction

A process of eviction that happens outside of the court system. It could consist of a landlord telling a tenant they must move or a landlord paying a tenant to move.

Judgment in summary ejectment

The small claims court magistrate or district court judge completes this legal form with their judgment in the summary ejectment case.

Rental lease

A written or oral contract between a landlord and tenant that grants the tenant the right to reside at a premises for a specified period of time and under specific conditions, typically in exchange for an agreed upon periodic payment.

Renter-occupied

A renter-occupied unit is a rental unit that is not vacant, but is occupied by a tenant.

Tenure

Refers to whether a unit is owner-occupied or renter-occupied.

VCAP

The online civil case processing system for the North Carolina Court System, which provides data on summary ejectment case filings and results.

Writ of possession for real property

A form completed by a landlord to remove a tenant from a premises 10 days after a judgment has been granted in favor of the landlord. The form is submitted to the Clerk of Court who provides it to the Mecklenburg County Sheriff's Office to implement. The Sheriff's Office will allow the landlord to padlock and secure the premises.

Introduction

In Mecklenburg County, North Carolina, thousands of residents are evicted each year. Evictions can take place formally through the court system and informally outside of the court system. Evictions can have a negative impact on a household's housing stability and well-being. In some cases, evictions may lead to homelessness—especially for families with young children.ⁱ In 2016, it is estimated that 2.7 million renters faced evictions in the United States.ⁱⁱ In North Carolina, 162,355 households were at risk of formal eviction through the legal system in FY2015/2016.ⁱⁱⁱ Inability to pay rent is one of the primary reasons that tenants are at risk for eviction.^{iv} While the number of households that were actually evicted is smaller than the number who are at risk, it is an indicator of housing instability. Another indicator of housing instability is cost burden—how many households spend more than 30% of their income on housing. It is estimated that almost 80,000 households in Mecklenburg County spent more than a third of their income on housing in 2015. Of those households, an estimated 38,442 renter households were extremely cost burdened, spending more than half of their gross income on rent.

Residents experiencing housing instability may live in a cycle where evictions are intertwined with poverty and a lack of quality affordable housing options. In the book *Evicted: Poverty and Profit in the American City*, Princeton professor Matthew Desmond comments that eviction is both a cause and condition of poverty.^v Households living in poverty may not be able to afford rent and as a result, are evicted. The eviction may then result in the perpetuation of their poverty—when a household is evicted it may lose many of its possessions, can lead to job loss, and can result in an eviction record that serves as a barrier to qualifying for an affordable and decent apartment or housing assistance.^{vi}

Data and research concerning evictions are limited. Evictions have been increasingly studied in recent years through analysis of court records and qualitative interviews with tenants who experienced evictions. While formal evictions are important to understand, they are an underrepresentation of all tenants experiencing evictions. Matthew Desmond's ethnographic research and analysis of renter data collected in Milwaukee are some of the most comprehensive studies of both formal and informal evictions. While specific to Milwaukee, these studies provide unique insight into evictions. Other recent research studies on evictions have focused on interviews with tenants, analysis of court records, and mapping court records to examine geographic patterns. However, no study has examined evictions in Mecklenburg County.

Inspired by Matthew Desmond's book *Evicted: Poverty and Profit in the American City*, the Housing Advisory Board of Charlotte-Mecklenburg chose to focus this report on the topic of evictions in an effort to better understand the issue locally. The Housing Advisory Board addresses the continuum from housing to homelessness, and evictions play an important role at the intersection of housing stability, housing instability and homelessness.

Evictions in Charlotte-Mecklenburg Part 1 is the first in a series that will examine evictions in Mecklenburg County, North Carolina. The report lays the groundwork for understanding evictions in Mecklenburg County and presents aggregate data on formal evictions that take place through the court system. Many tenants may face eviction outside of the formal court system. Subsequent reports will dig deeper into court data and examine spatial distributions of evictions as well as provide an in-depth one-month snapshot of people who received an eviction notice in Mecklenburg-County.

Key Findings

Evictions

EVICTION

An action to **force** a tenant with a written or oral lease to move from the premises where they reside.

Formal eviction

Legal process in which a landlord seeks to regain possession of a leased premises by concluding a tenant's right to occupy the premises, as a result of the tenant violating terms of the lease agreement, holding over after the expiration of the lease, or engaging in criminal activity.

Informal eviction

Tenant is forced to move from their premises through methods other than the legal process (e.g. increasing rent substantially, landlord telling tenant they should/must leave, deferring maintenance, etc.).

Legal reasons a landlord can evict a tenant

01

The defendant failed to pay the rent due by a specified date and the landlord made demand for the rent and waited the 10-day grace period before filing the complaint. *This is typically the reason cited if it is an oral lease or the lease does not specify terms for forfeiture.*

02

The lease period ended on a specified date and the defendant is holding over after the end of the lease period. *This is typically the reason cited if it is a week-to-week or month to month lease.*

03

The defendant breached the condition of the lease for which re-entry is specified. *This is typically selected if there is a written lease and the tenant did not pay their rent.*

04

Criminal activity or other activity has occurred in violation of G.S. 42-63. *This statute allows for the eviction of the specific person accused of the criminal activity—the court will decide whether all members of the household will be evicted as well.*

Legal protections of tenants

Retaliatory evictions	Domestic violence	Implied warranty of habitability	Fair housing
Landlords cannot evict a tenant for requesting repairs from the landlord, notifying a government agency about code or law violations in the premises, becoming involved with a tenants' rights group, or exercising any of their legal rights under the lease, state law, or federal law.	Landlords are not allowed to refuse to rent or renew a lease, terminate a lease, or otherwise retaliate against a tenant due to being a victim or survivor of domestic violence, sexual assault or stalking. Tenants experiencing domestic violence are also allowed certain rights such as changing of locks.	Landlords are required to maintain the leased premises as fit and habitable, regardless of what the lease provides.	Current tenants and prospective tenants are protected from being discriminated against because of race, color, religion, sex, national origin, handicapping condition, or familial status. Sexual orientation and source of income are not protected in North Carolina.

Key Findings

Context



Disparities in evictions exist



Low-income black women are disproportionately impacted by evictions



Families with children are more likely to be evicted



Evictions have multiple impacts



Evictions have ripple effects and can cause or increase instability in other aspects of a person's life



Evictions impact the individual, the family, and the neighborhood



More households are renting



38,157
Increase in renter-occupied units from 2010 to 2015



44%
of all housing units in Mecklenburg County were renter-occupied in 2015 compared to 39% in 2010



Many renters are cost burdened



79,252
renter households are cost burdened, an increase of 12,462 since 2010



45%
of renter households were cost burdened in Mecklenburg County in 2015



Wages are not keeping pace with rental costs




96 hours
Hours of work per week needed at minimum wage to afford a 2-bedroom unit at fair market rent





11%
From 2010 to 2015, median rent increased approximately 11% while median household income changed little

Key Findings

Court data

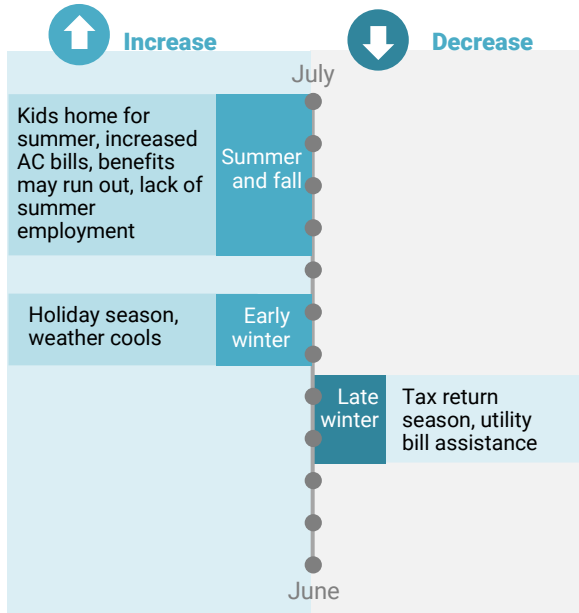
 **28,471**
Summary ejectments filed in Mecklenburg County in FY2015/2016

 **2,373**
Average number of summary ejectments filed per month in Mecklenburg County in FY2015/2016

 **17,640**
Summary ejectments complaints granted in whole or part in Mecklenburg County in FY2015/2016 (61% of all summary ejectment complaints)

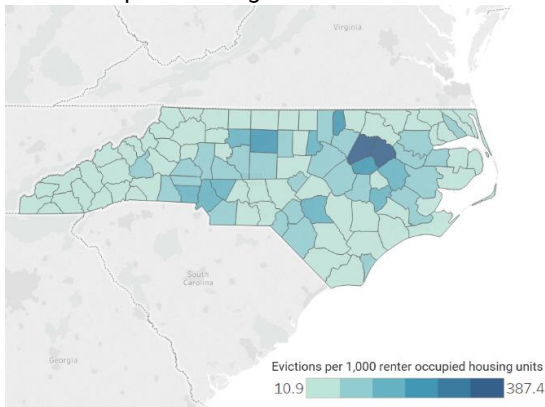
 **10,556**
Writs of possession received by the Sheriff's Office to go with landlord to secure and padlock units in FY2014/2015 (33% of all summary ejectment notices)

Summary ejectment case filings **increase** and **decrease** during certain months

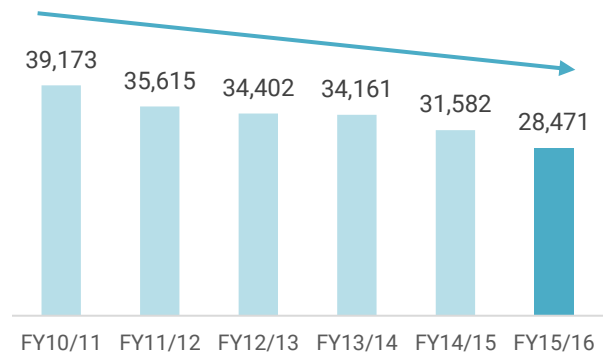


9th in North Carolina

For summary ejectment case filings per 1,000 renter-occupied housing units



Summary ejectment cases filed in Mecklenburg County **decreased** from FY2010/2011 to FY2015/2016*



*It is not possible to know whether the decrease is due to the economy starting to recover after the great recession, increased screening of tenants, an increase in informal evictions, or another reason.

Defining Evictions

What are evictions

An eviction is an action taken by a landlord to force a tenant with a written or oral lease to move from the premises where they reside. Evictions can be both formal and informal. Formal evictions are a legal process through which landlords¹ attempt to regain possession of a premises from a tenant. Informal evictions do not take place through the court system and refer to landlord-initiated forced moves,^{vii} such as a landlord telling the tenant they must leave or paying the tenant to move. Tenants may also be forced to move if the landlord defaults on their mortgage, increases rents substantially, or defers maintenance on the unit.^{viii} One study estimates that informal evictions in Milwaukee² comprised 48% of all forced moves (formal and informal).^{ix} Other reasons for forced moves may include the property going into foreclosure, the property being condemned, or being demolished for redevelopment.^x

Legal reasons a landlord can evict a tenant

With regard to formal evictions, there are four reasons³ listed on the North Carolina Complaint in Summary Ejectment form⁴ for why a landlord can attempt to evict a tenant with whom they have an oral or written lease:

- **The defendant (tenant) failed to pay the rent due by a specific date and the plaintiff (landlord) made demand for the rent and waited the 10-day grace period before filing the complaint.** In this case, the landlord must prove all three conditions (prove failure to pay rent, prove that they made a demand for rent, and prove that the demand was made 10 days before filing the complaint).
- **The lease period ended on a specific date and the defendant is holding over after the end of the lease period.** This reason is frequently selected by landlords with week-to-week or month to month leases in situations where the tenant is remaining on the premises after the lease expired. In this case, the landlord must prove that proper notice was given to the tenant that the lease ended. Landlords however, may include language in leases that significantly reduce the time period required for notifying a tenant.
- **The defendant breached the condition of the lease for which re-entry is specified.** This reason is most frequently selected by landlords with written leases in cases where there is nonpayment of rent or another reason that violates the lease.
- **Criminal activity or other activity has occurred in violation of G.S. §42-63.** This action can be taken if the tenant is current on rental payments but there has been criminal activity or another activity that violates G.S. 42-63. Under this provision, it is possible to evict a specific person or the entire household.

EVICTION

When a tenant with a written or oral lease is **forced** to move from the premises where they reside

Formal

Legal process in which a landlord seeks to regain possession of a leased premises by concluding a tenant's right to occupy the premises

Informal

Tenant is forced to move from their premises through methods other than the legal process

¹ The term "landlord" is sometimes referred to as the "provider" or "property owner." For consistency, this report will use the term "landlord."

² No data on informal evictions are available for Mecklenburg County. At the time of this study, Milwaukee was the only known place where informal evictions were studied in depth.

³ If a tenant is in federally subsidized housing, there may be additional procedural rights entitled to the tenant.

⁴ The "Complaint in Summary Ejectment" form is the legal document the landlord completes to attempt to evict the tenant.

Legal protections of tenants

There are several legal protections in place at the federal and state level to safeguard tenant rights. Many tenants facing eviction are not aware of these protections or do not have legal representation. These protections are explained by Fillette and Sturgill in *Mecklenburg County Bar Continuing Legal Education Landlords' and Tenants; Rights and Responsibilities in Residential Tenancies*.^{xi}

- **Retaliatory evictions.** Tenants are protected against retaliatory evictions under G.S. §42-37.1 et seq. Specifically, tenants are protected from an eviction in response to the tenant requesting repairs from the landlord, notifying a government agency about code or law violations in the unit or premises, and becoming involved with a tenants' rights group. The tenant is also protected against being evicted for reasons that are within a tenant's legal rights under the lease or state and federal law. The tenant can raise the retaliatory eviction defense in court if one of the conditions listed above occurred less than 12 months prior to the eviction filing and the action is part of the reason they are being evicted—it does not have to be the sole reason. In this case, the landlord must then prove that the nonpayment of rent or other lease violation is the sole reason for eviction. The landlord may also be able to evict the tenant if the tenant stays in the unit after the lease expired, the repair was primarily due to the “willful or negligent” conduct of the tenant, the tenant must be displaced to complete code repairs, the tenant was notified to quit the premises prior to the protected activity, or the landlord is seeking to evict the tenant so as to use the unit for their own residence, demolish it, or take it off the market.^{xii}
- **Domestic violence.** Tenants who are victims and survivors of domestic violence are protected under N.C.G.S. §42-42.2 et seq. This statute protects a victim and survivor of domestic violence so that a landlord is not allowed to refuse to rent to them, refuse to renew a lease, terminate the lease, or otherwise retaliate against the tenant due to experiencing domestic violence, sexual assault or stalking. Under this statute, the tenant has additional rights surrounding the changing of locks and early termination of lease.
- **Implied warranty of habitability.** Under N.C.G.S. §42-38 et seq., landlords are required to maintain the premises so that they are fit and habitable for human habitation while leased. Section 11-45(e) of Charlotte City Code specifies thirteen serious code violations that would result in the classification of a premises as “imminently dangerous”.^{xiii}
- **Fair housing.** There are fair housing acts at the state and federal level that protect tenants. The State Fair Housing Act N.C. Gen. Stat. §41A-1 and Federal Fair Housing Act protect tenants from being discriminated against because of race, color, religion, sex, national origin, handicapping condition, or familial status.^{xiv} Sexual orientation and source of income are not protected.

Who is impacted by evictions

There is limited literature on the topic of evictions. The vast majority of literature is produced using data from the Milwaukee Area Renters Study, which contains survey data on Milwaukee renters. As such, much of the research cited throughout this section is from Milwaukee.

The majority of renters experience an eviction due to non-payment of rent. Non-payment of rent can be for a variety of reasons, including an unanticipated life event, underemployment, an unexpected change in income, increased or long-term expenses, an increase in utility bills, a decrease in work hours, unemployment, lack of budgeting, or general lack of housing affordability.

Race, Ethnicity and Gender

As Desmond states in his book, *Evicted: Poverty and Profit in the American City*, “poor black men are locked up while poor black women are locked out.” Women living in majority black neighborhoods face the highest rates of eviction, followed closely by women living in majority Hispanic neighborhoods. Among renters in Milwaukee, one in twelve Hispanic women report having been evicted one or more times in their adult life.^{xv}

In a study of evictions in Milwaukee, it was found that women living in poor black neighborhoods represent 30% of evictions, yet only 9.6% of Milwaukee's population.^{xvi} Women living in poor black neighborhoods in Milwaukee were evicted more often than men and nine times more often than women from poor white neighborhoods.^{xvii} Black women tend to make less money than black males, have more expenses (especially

if a single mother), and may require larger units because of children.^{xviii} Women in poor black neighborhoods⁵ in Milwaukee also tend to be the person listed on the lease. One factor is that women in these neighborhoods tend to work in the formal economy compared to men, some of whom may have criminal records and higher unemployment rates that prevent them from qualifying for a rental unit.^{xix} Landlords generally require documentation of income and do not approve many rental applicants with criminal records. A gender gap in formal evictions still exists when the gender of all household members is examined (not just who is on the lease.)^{xx}

One study found that Latinos are discriminated against in evictions in Milwaukee. When controlling for a variety of factors (gender, age, marital status, presence of children, criminal record, socioeconomic status, and income), Latino tenants in Milwaukee were twice as likely to be evicted if they lived in a predominantly white neighborhood or if their landlord was non-Latino.^{xxi}

While poor black women disproportionately experience evictions and Latinos may face discrimination in evictions, one study in Milwaukee found that being black, Latino, or female did not make you more likely to experience an eviction compared to others.^{xxii} One factor influencing this is neighborhood segregation. According to Desmond, “if the racial and economic composition of a landlord’s tenant base remains stable, then what fluctuates is family composition and size.”^{xxiii}

Family composition

Families with children are more likely to be evicted and evictions are more prevalent in neighborhoods with a high number of children. One study examined court, survey, and neighborhood data from Milwaukee to better understand neighborhood characteristics associated with evictions. The study found a higher number of evictions in neighborhoods with higher percentages of children, even when controlling for neighborhood racial composition, poverty, female-headed households, vacancy rates and a number of other key factors.^{xxiv}

The same study found that in court, families with children are more likely to receive an eviction judgment, even when controlling for the amount of money owed, race, and single-mother households (although those factors may play a factor in the front end about why someone is served an eviction notice). This increased likelihood is more a reflection of the discretion of the landlord to work with a tenant than the decision of the court official, who typically defers to the landlord on whether to work with a tenant or evict them.^{xxv}

While the presence of children plays a role, the number of children matters as well. Families with a larger number of children are more likely to be evicted. A study by Desmond and Gershenson (2016) found that in Milwaukee, if a renter has two children, they have a 11.7% chance of being evicted compared to a 9.5% chance for a renter with one child and a 7.3% chance for a household with no children.^{xxvi} This reflects landlord discretion in the matter of evictions—landlords have the ability to be flexible with late or unpaid rent and have discretion for who they choose to evict.^{xxvii} Large families tend to be met with inflexibility by the landlord because a high number of children can potentially be a source of noise, cause property damage, attract police (particularly in predominantly black communities), and draw attention from child welfare services. If a property is deemed unfit for children to inhabit, the landlords will most likely be liable for repairing the property, which can be very expensive. These risks make landlords less inclined to offer housing to families with children.^{xxviii} Large families with children can also increase the risk of damage to the property, so when large families miss their rent payment, they are more likely to be served with an eviction notice. There has been a history of discrimination against families with children in the rental market. Prior to the Fair Housing Amendments Act of 1988, housing discrimination against families with children was not prohibited. While families with children are now protected, in 2009 one fifth of all filed discrimination complaints in the U.S. were because of family status, and this is likely an undercount due to many families not being aware of their housing discrimination protections.^{xxix}

Domestic Violence

Tenants, in general, may also face evictions due to domestic violence. The presence of an abusive partner in households where the woman is the sole leaseholder can lead to the woman and her children being evicted.^{xxx} In many individual cities, including Charlotte, nuisance laws were adjusted to forbid landlords from putting out families and individuals because of domestic violence calls.^{xxxi} In Charlotte-Mecklenburg, it is illegal for a

⁵ This refers to a census block group where two-thirds of the residents are black.

landlord to refuse to rent to or to evict a family where a member is a victim or survivor of domestic violence. However, if the tenant falls behind on rent, the landlord may have grounds to evict the person, claiming that the reason for evicting them is non-payment of rent, when a history of domestic violence may be the underlying reason. If the tenant can prove that their history of experiencing domestic violence is part of the reason for the eviction, then the judge may rule in favor of the tenant.

Other factors

Other predictors of eviction include employment and rental history. If a renter becomes unemployed, they may be two times more likely to be evicted.^{xxxii} Those with shorter rental histories and histories of evictions are also more likely to be evicted than those with longer rental histories and without a recent eviction record.^{xxxiii} The risk of eviction decreases as time since the last eviction increases. At the neighborhood level, Desmond and Gershenson found that crime and eviction rates in a neighborhood are significant indicators of evictions.^{xxxiv} Crime rates and evictions are less cause and effect but interrelated—an increase in violent crime can lead to an uptick in evictions in the corresponding neighborhood, while an uptick in evictions can bring about more violent crime.

Impact of Evictions

Evictions do not just impact an individual—they also have a wide reaching impact on families and the communities surrounding them. Evictions are associated with increased rental instability, loss of possessions, moving to a worse neighborhood, moving into substandard housing, homelessness, increasing risk of job loss, exclusion from certain housing programs, disruption to a child’s education, a reduction in the “collective efficacy and civic empowerment” of a neighborhood, anxiety, depression, and an increase in the demand for social services.^{xxxv}

- **Increased housing instability.** Evictions cause a household to experience increased residential instability.^{xxxvi} This housing instability has ripple effects and can cause or increase instability in other aspects of a person’s life.^{xxxvii} Much of the literature on the subject points to two major concerns for households experiencing instability: 1) strains on physical and mental health and 2) the development and school achievement of children. Literature points to housing instability having a negative impact on the development and academic achievement of children who are unstably housed.^{xxxviii} High rates of student mobility at a school can impact not just the students who are moving but the students who remain as well.^{xxxix} When a household has to leave a neighborhood it also impacts the social cohesion of the community and can result in a household moving away from their social support system.^{xl} Another study found that over 50% of children who had experienced homelessness by age five had moved more than three times during their lifetime.^{xli} Frequent moves can provide an array of developmental and school attainment challenges for children, including emotional and anger issues, chronic absence from school, social disconnect from peers, and high dropout rates.^{xlii} Literature shows that housing instability and crowding can impact mental health, physical health, familial relationships, and social relationships.^{xliii} For household members that are adults or older children, housing instability “has been associated with mental health concerns, substance abuse, increased behavior problems, poor school performance, and increased risk of teen pregnancy.”^{xliv}
- **Loss of possessions.** When a tenant is forced to move from their premises, they may not have the financial means to move their possessions or a place to put them. In some circumstances the tenant may be able to secure a storage unit, however if they are unable to maintain payments on the storage unit, they are at risk of losing their possessions. See the “Formal Eviction Process in Mecklenburg County” section of this report for more details.
- **Difficulty finding new housing.** When a family is forced to move, they may unexpectedly and quickly have to find new housing that they can afford—something that can be difficult to do with an eviction record and in an area with a shortage of affordable rental housing. Another barrier to obtaining new housing is that some landlords may require increased security deposits for applicants with an eviction history. Even a single eviction can severely limit a household’s ability to find suitable and affordable housing.^{xlv} While an eviction does not show up on credit reports, if there is a money judgment for the unpaid portion of rent it can show up on the tenant’s credit report for seven years from the filing date.^{xlvi} There are also companies that compile eviction filings so that landlords can run rental history checks. These companies may compile only eviction filings and not the number of judgements for possession. As a result, a person who has never been formally evicted, but has received eviction notices may appear as having an eviction

record. An eviction history may impact a person's ability to qualify for another rental unit, as landlords typically check these rental histories before accepting tenants and will reject households with recent evictions.^{xlvii}

- **Substandard housing conditions.** When families that experience a forced move relocate, they are more likely to move to neighborhoods with higher crime rates and higher poverty.^{xlviii} A 2015 study by Desmond and Shollenberger found that “experiencing a forced move is associated with more than one-third of a standard deviation increase in both neighborhood poverty and crime rates, relative to voluntary moves.”^{xlix} Households that were forced to move are also more likely to experience long-term housing problems related to the quality of the housing compared to those who did not experience a forced move.^l
- **Homelessness.** In some circumstances, an eviction may lead to a household becoming literally homeless (sleeping in an emergency shelter or transitional housing). These resources for families experiencing homelessness may be at capacity and are unable to serve every family experiencing homelessness. A household may also be forced to live in a hotel/motel or doubled up with family or friends as a result of an eviction.^{li} Doubling up can lead to overcrowding and place the leaseholder at risk of eviction for having unauthorized people living in their unit.
- **Job loss.** A 2016 study of renters in Milwaukee by Desmond and Gershenson found that workers who were forced to move were roughly 11 to 22% more likely to subsequently lose their jobs, compared to similar workers who did not. The study found that “undergoing a forced move can consume renters’ time and cause them to miss work; consume their thoughts and cause them to make mistakes on the job; overwhelm them with stress and cause them to act unprofessionally in the office; result in their relocation farther away from their worksite and increase their likelihood of tardiness and absenteeism; and lead to homelessness, relationship dissolution, and other severe consequences.” The study found that the increased risk of job loss affected both workers who had previously been stably and unstably employed prior to their forced move.^{lii}
- **Mental health.** Evictions cause more than just financial impairments; the emotional and social stresses that accompany evictions have been studied closely. Low-income urban mothers and children are the subjects of Desmond and Kimbro’s 2013 “Evicting Children” study, as they are disproportionately impacted by evictions. The study found that “compared to those not evicted, mothers who were evicted in the previous year experienced more material hardship, were more likely to suffer from depression, reported worse health for themselves and their children, and reported more parenting stress. Some evidence suggests that at least two years after their eviction, mothers still experienced significantly higher rates of material hardship and depression than peers.”^{liii} There was some evidence that suggested that the impact of the eviction decreases as the time since the eviction increases.

Formal Eviction Process in Mecklenburg County

This section provides an overview of the formal eviction process through the Mecklenburg County court system. This summary is meant to be a high-level overview and does not provide all the legal details. There are many nuances to these cases and specific laws that may be applicable in certain circumstances.⁶ For more information on such legal details, please see G.S. §42 and *Mecklenburg County Bar Continuing Legal Education Landlords' and Tenants' Rights and Responsibilities in Residential Tenancies*.^{liv}

Complaint in summary ejectment. When a landlord attempts to formally evict their tenant and regain possession of the premises, they must complete a complaint in summary ejectment form. The complaint in summary ejectment form is a legal document detailing why the landlord wants to evict the tenant. The landlord will list the leaseholder's name and may also include "all occupants" so that the eviction judgment covers everyone in the premises. The cost to file the complaint in summary ejectment is \$96, a fee that is typically passed on to the tenant if the judgment is in favor of the landlord.

Magistrate summons. The tenant can be initially served with the complaint and magistrate summons by certified mail or by the Sheriff's Office.⁷ The magistrate summons provides the date, time, and location of the hearing. The landlord is required to pay a fee of \$30 per defendant that is served by the Sheriff.^{lv} The County Clerk's office provides the summons to the Mecklenburg County Sheriff's Office. The Sheriff's office will first mail the complaint and summons to the tenant. The Sheriff will also serve the tenant within five days of issuance and at least two days prior to the court date⁸ by either handing the tenant the notice or posting the notice on their door. It is estimated that approximately 90% of notices are posted on a tenant's door. The Sheriff will notify the Clerk of Court of whether or not they were able to serve the tenant. If the landlord chooses to serve the tenant via certified or registered mail, then they are required to complete an Affidavit of Service of Process by Certified or Registered Mail upon receipt by the postal office that the tenant received the notice. One last option is for the landlord to serve the tenant by "publication." This option should only be used if the landlord does not know the current address or location of the tenant.

CONTEXT

After receiving the summons, it is possible that the tenant will move on their own to avoid the formal eviction on their record, pay the rent and late fees, or come to an agreement with the landlord. In these cases, the complaint can be returned at the request of the plaintiff. However, once the landlord submits the complaint in summary ejectment form for breach of the lease, they are not required to accept an offer of payment from a tenant who tries to pay the late rent owed.

Small claims court. The court date for small claims court⁹ is typically within 7 to 12 days after the complaint in summary ejectment is filed.^{lvi} In some cases, a landlord may also file a complaint against the tenant for money owed, in which case the tenant would have two court dates and two judgments.^{lvii} There are up to three small claims courtrooms that run concurrently. Each courtroom has a 9am and 10am docket. At the beginning of the 9am and 10am court times, the Magistrate will call the names of all parties on the docket. If the tenant is not present for the calling of their name or does not acknowledge that they are present, then the Magistrate can still enter into a judgment for possession to evict the tenant. Less than half the tenants on the court docket will typically appear in court.

⁶ For example, in the case of a property being sold or a property foreclosure, there are specific tenant rights.

⁷ If the landlord is attempting to file for back rent, then the tenant must be served personally by the Sheriff's Office.

⁸ The 5-day period excludes weekends and legal holidays, the 2 days prior to the set court date excludes legal holidays.

⁹ Typically, the cases are filed with the magistrate, but in certain circumstances they may be filed directly with the district or superior court.

At the hearing, the landlord and tenant go before a Magistrate; the landlord will have the opportunity to prove their complaint and the tenant(s) will have the opportunity to contest the eviction. Reasons a tenant may contest the eviction could include improper notice of eviction, not owing a rent claim, or claim it is a retaliatory eviction, such as a tenant being evicted after complaining about property conditions.

CONTEXT

Tenants may not go to court for a variety of reasons, including not being able to find child care, unable to take off work, confusion about the process, or feeling that it would not make a difference.^{lviii} Hearing dates may create a situation where tenants have to choose between missing work to attend the hearing or miss court and keep their job. Some tenants are not aware of the potential benefits of showing up for their court hearing. If they attend, they have the ability to contest the eviction. When a tenant does appear in court, a landlord may be willing to make an agreement with the tenant—including allowing extra time to move out or agreeing for the tenant to remain on the property and make up rent and late payments. Landlords may also opt to work with the tenant because they could lose another month's rent if the tenant is granted an appeal.^{lix}

Tenants do not typically have legal representation, whereas landlords typically have the resources for legal representation. In Milwaukee, it is estimated that approximately 85-95% of landlords have legal representation and 90% of tenants do not.^{lx, lxi} Tenants are not entitled to a lawyer and for indigents, there is no constitutional right to counsel in civil matters. In Mecklenburg County, Legal Aid of North Carolina is the primary organization that will provide representation to people experiencing eviction, but can only represent approximately 400 tenants per year.^{lxii} There is evidence that legal representation makes a difference, although legal aid to the poor has decreased in the past several years. In the South Bronx, a program that provided legal representation to families facing eviction prevented eviction in 86% of cases. By preventing these evictions it is estimated that this program saved the city more than \$700,000 in estimated shelter costs, yet only cost around \$450,000. Additionally, with legal representation, it would mean that a tenant would not have to be present in the hearing and would instead be able to go to work or provide childcare while their case is being heard. One unintended consequence of an increase in legal representation might mean an increase in informal evictions.^{lxiii}

Appeal. If the judgment goes in favor of the landlord, the tenant has 10 days to file for an appeal. If a tenant files the appeal, a new court date will be set in District Court. The tenant is allowed to stay on the premises during the appeal process but must pay rent.

CONTEXT

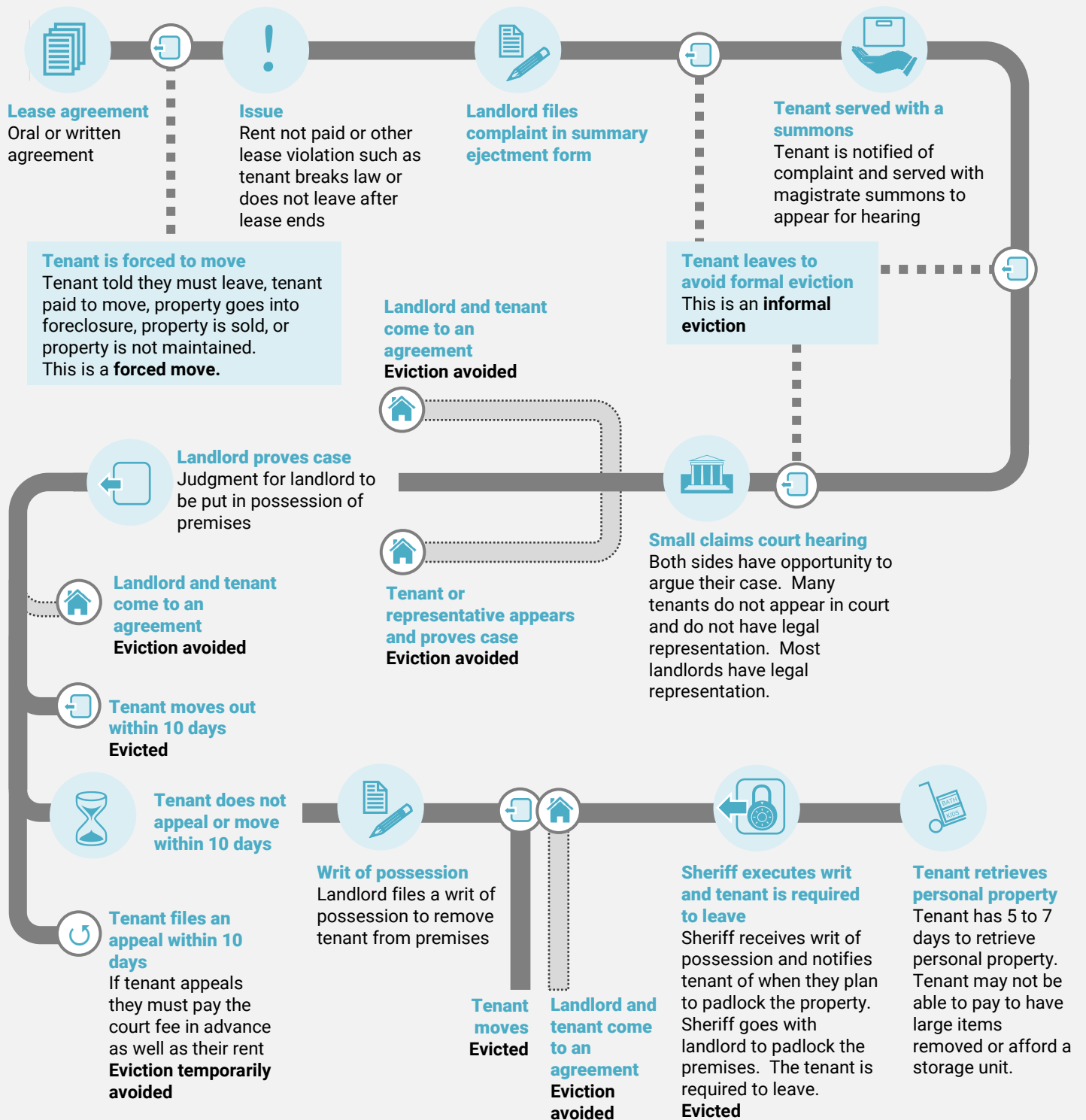
Not all tenants know that they have this right.

Writ of possession for real property. At the end of the ten-day period, if no appeal is filed, if the appeal fails, if the tenant has not moved out on their own, or if the landlord and tenant have not come to an agreement for the tenant to stay, then the landlord can have the eviction enforced by filing a writ of possession. The writ of possession directs the Sheriff's office to enforce the court order by accompanying the landlord to remove the tenant and padlock and secure the premises. The Clerk of Court will notify the Sheriff's Office of the writ of possession and the Sheriff will execute the writ of possession within 7 days. The Sheriff will notify the tenant via first class mail with the date and window of time when the landlord and Sheriff will come to complete the eviction. On the date of the eviction, the tenant and all other occupants have to leave the property. The Sheriff will go to the property with the landlord and ensure that all occupants have left, and then the landlord will either change the locks or padlock the unit. To re-enter the property to obtain their possessions the tenant must coordinate with the landlord. The tenant has seven days to do so, although if the total of their items is less than \$500, then they have five days. If the tenant has not removed their items after the five or seven day period, the landlord may sell or dispose of their items as they see fit. If the landlord sells the items, the tenant has the ability to request any surplus proceeds within seven days of the sale.

CONTEXT

Tenants may not have the funds to hire a moving company for their larger items or a place to put all their belongings. For households that are able to obtain a storage unit, they may lose all their possessions if they are unable to keep up payments on the unit.

Diagram 1. Eviction Process in Mecklenburg County



Summary Ejectments

There is no source of data in Mecklenburg County or at the national level that encompasses all formal and informal evictions. Formal evictions can be measured through summary ejectment case filings, while informal evictions are difficult to measure without talking directly to tenants. The numbers in this section reflect only formal evictions, and as such, are an underrepresentation of the number of people who experience evictions.

When a landlord seeks to formally evict their tenant and regain control of the leased premises, they file a complaint in summary ejectment in small claims court, although some cases may eventually be appealed and elevated to the District court or are filed directly with the district or superior court.

Data on summary ejectment case filings in North Carolina are available through the North Carolina Court System, which reports on Civil Case Processing System (VCAP) load activity reports for district court, superior court, small claims, estates, and special proceedings.^{ixiv} The VCAP data provide the aggregate number of summary ejectment cases filed in each fiscal year (July 1 to June 30) by county, case type, month, outcome and court type.¹⁰ Because the VCAP data provide the number of all summary ejectment case filings these data do not reflect unique individuals. As a result, the data include individuals who have had multiple complaints in summary ejectment filed. Another source of data for understanding formal evictions are data from the Mecklenburg County Sheriff's Office (the Sheriff's Office) on summary ejectment postings (serving the tenant) and writs of possession to padlock the unit and remove the tenant.¹¹

Summary ejectment case filings indicate an attempt to evict a tenant, but do not mean that a tenant will definitely be evicted. The court determines whether to issue the eviction. At various points in the process, a landlord and tenant may come to an agreement that allows the tenant to stay. The tenant may also move on their own before the hearing, which would be an informal eviction. In these cases, the landlord can voluntarily dismiss the complaint.¹²

One of the future reports in this series will provide a one-month descriptive snapshot of actual summary ejectment case files that were scanned at the court. Additional information on the geographic distribution of evictions, rent amounts, money owed, detailed judgment information and whether a tenant is a Section 8 or public housing tenant will be included in the analysis.



28,471

Summary ejectments filed in FY15/16



103

Summary
ejectments filed
per day on
average in
FY2015/2016



2,373

Summary
ejectments filed
per month on
average in
FY2015/2016



17,640

Summary ejectments granted in whole or part in FY2015/2016



31,719

Summary ejectments received by the Sheriff's Office in FY2014/2015



10,556

Summary ejectment case filings received by the Sheriff's office that resulted in a writ of possession in FY2014/2015

¹⁰ Individual level data are not available without paying a fee and are limited in the details provided.

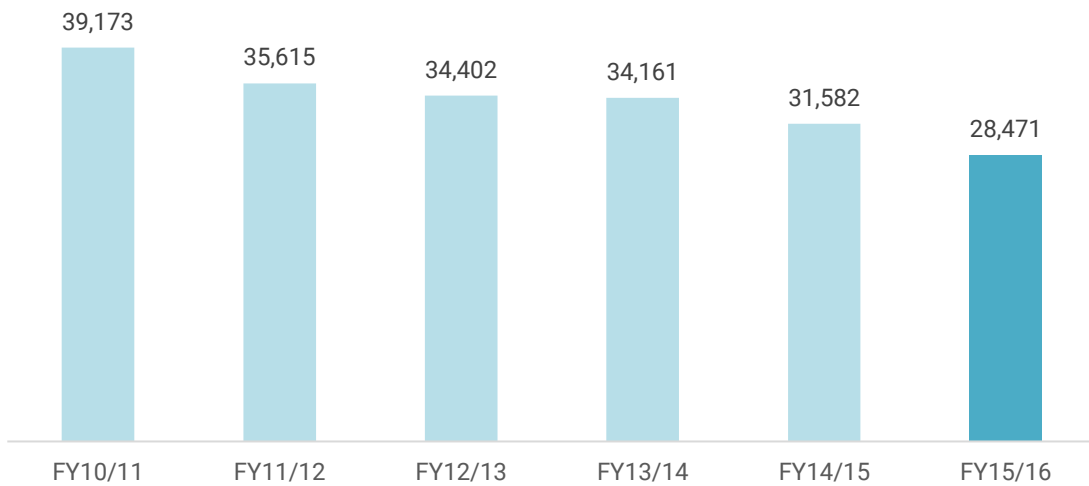
¹¹ The data from the VCAP system are available from FY2010/2011 to FY2015/2016 and data from the Sheriff's Office are available from FY2000/2001 to FY2014/2015.

¹² While the complaint may be cancelled, the complaint in summary ejectment may still show up in a tenant's rental screening.

In FY2015/2016, there were 28,471 summary ejectment cases filed in small claims court. Summary ejectment case filings represented 61% of all cases filed with the magistrate in FY2015/2016.¹³ On average, 2,373 summary ejectment cases were filed per month in FY2015/2016—this equates to approximately 103 summary ejectment cases filed per day.¹⁴ With the great recession ending around 2009, summary ejectment case filings have decreased 27% from FY2010/2011 to FY2015/2016.¹⁵ This decrease could also coincide with changes in the number of informal evictions or changes in tenant screening practices, but it is not possible to know for sure.

Summary Ejectment Cases Filed in Mecklenburg County Small Claims Court

FY10/11 - FY15/16



Source: UNC Charlotte Urban Institute analysis of VCAP Data

CONTEXT

Factors surrounding the number of eviction filings in Mecklenburg County include:

- Rent and income:** The median gross rent increased approximately 11% (from \$897 in 2010 to \$992 in 2015)¹⁶ while the median household income increased 0.3% (from \$56,716 in 2010 to \$56,883 in 2015). Among renter-occupied households, median household income increased approximately 13.4% from \$34,098 in 2010 to \$38,675 in 2015. This increase is likely due in part to higher income households entering or remaining in the rental market.^{lxv}
- More households are renting:** From 2010 to 2015, the number of renter-occupied units increased by approximately 38,157 and the share of renter-occupied units increased from 39% of all occupied housing units to 44%. The rental vacancy rate also decreased from an estimated 8.7 in 2010 to 5.7 in 2015.^{lxvi}
- Number of cost-burdened renters decreased:** The share of cost burdened renters decreased slightly from 49% in 2010 to 45% in 2015, however the number of cost burdened renters increased by 12,462. In Mecklenburg County in 2015 there were 79,252 households spending 30% or more of their gross income on rent. Of those households, 38,442 households were spending more than half of their gross income on housing.^{lxvii}

¹³ See appendix for data on district and superior court.

¹⁴ Based on an average of 23 working days per month

¹⁵ Data are not available prior to FY10/11

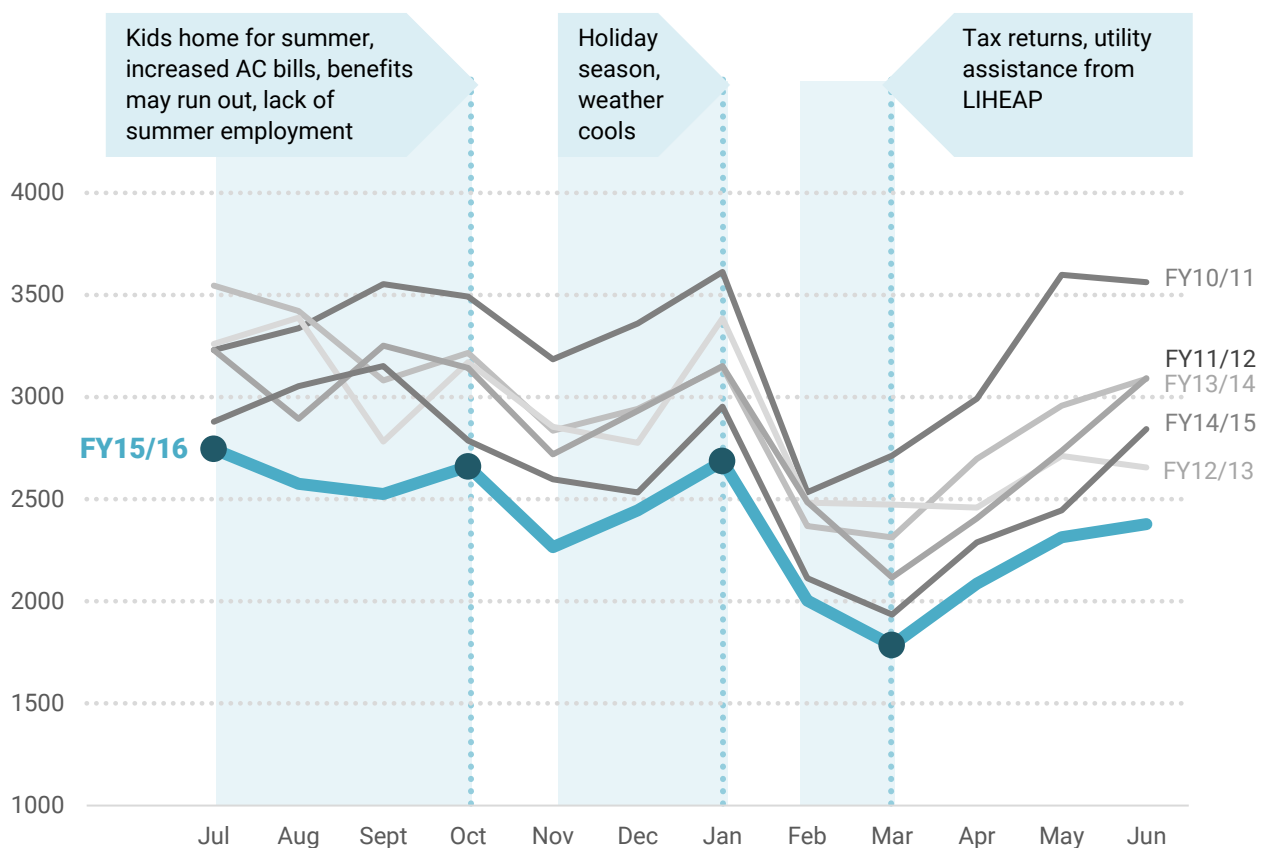
¹⁶ All dollar amounts are in \$2015 to adjust for inflation

Seasonal trends

The VCAP data show seasonal fluctuations in summary ejection case filings in Mecklenburg County. In FY2015/2016 the number of summary ejection case filings peaks in July (2,745), October (2,660 case filings), and January (2,686 cases filed).

In an effort to provide context to the eviction filing peaks and dips in certain seasons, interviews were conducted with agencies that serve clients facing eviction. These interviews provide some suggested reasons for the seasonality of evictions, however they do not encompass all reasons a household may experience homelessness and each household's situation is unique. Based on these interviews, it was suggested that the summer and fall increase is possibly related to children who are out of school for the summer, which can increase food expenses, electricity, and childcare costs. It may also require a parent to alter their work schedule to be home with their children. There are also households who may not have summer employment. During this time of year air conditioning bills can increase, especially in units with poor insulation and families may forego paying their gas bill. Once the temperature drops in the fall and winter, a family may be forced to choose between paying their gas bill to turn on the heat or pay their rent. This is not unique to Charlotte. Nationally, nearly one in five poor renting families receive utility disconnection notices due to missing payments. Evictions in Milwaukee also spike in the fall when families pay their utility bills.^{lxviii} The next peak in filings in Mecklenburg County is in January after the holiday season. The decreases in February and March are likely related to tax return season, when families receive their tax return and can pay late rent or past due balances on their rent and utilities. In February, households may also receive energy assistance through the U.S. Department of Health and Human Services' Low Income Home Energy Assistance (LIHEAP) program, which assists with home energy bills.

Summary Ejection Case Filings in Mecklenburg County Magistrate Court
FY2010/2011 to 2015/2016



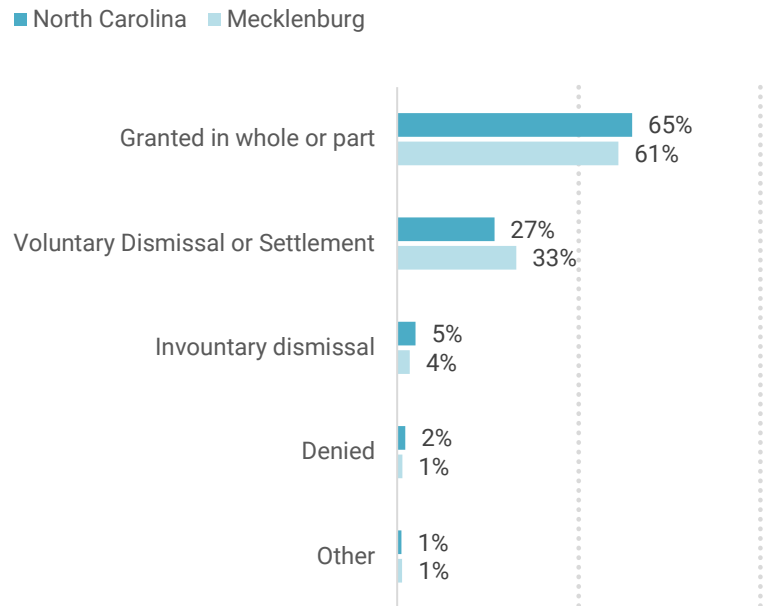
Source: UNC Charlotte Urban Institute analysis of VCAP Data

Summary Ejectment Case Results

The VCAP data also provide information on the outcomes or judgments of the cases. Of the summary ejectment cases filed in Mecklenburg County in 2015/2016, 61% were granted in whole or part to the plaintiff (the landlord) and 33% were voluntarily dismissed or settled. A case might be voluntarily dismissed or settled if the landlord received the required payment so they can dismiss the complaint. Involuntary dismissals accounted for 4% of all case results. An involuntary dismissal is similar to a denial, but refers to the rule of civil procedure where the court dismisses the complaint (rather than it being granted in favor of the defendant or being voluntarily dismissed by the plaintiff). Examples of situations where an involuntary dismissal would take place include: the landlord does not appear, if a landlord attempts to evict someone who is not on the lease, the court determines that they did not have jurisdiction, or the landlord is missing a required item for proof. Only 1% of cases were denied by the Magistrate, in which a plaintiff failed to prove their case. Across the state, 65% of cases were granted in whole or part to the plaintiff, 27% were voluntarily dismissed or settled and 2% of cases were denied.

The Sheriff's Office data can be used to understand historical trends. The Sheriff's Office data show complaints in summary ejectments received by the Sheriff's Office from the Clerk of Court for posting (serving the tenant). These include complaints in summary ejectments in the small claims court, district court, and superior court. The writ of possession data from the Sheriff's Office show the number of addresses for which the Sheriff's Office received a writ of possession from the Clerk of Court to go with the landlord to padlock and remove the tenants. Not all writs of possession are executed. The writ may be returned at the request of the plaintiff because the tenant paid rent, they came to an agreement, the tenant moved, or the tenant received social services support to stay in their home. However, all properties where a clerk initially issued a writ of

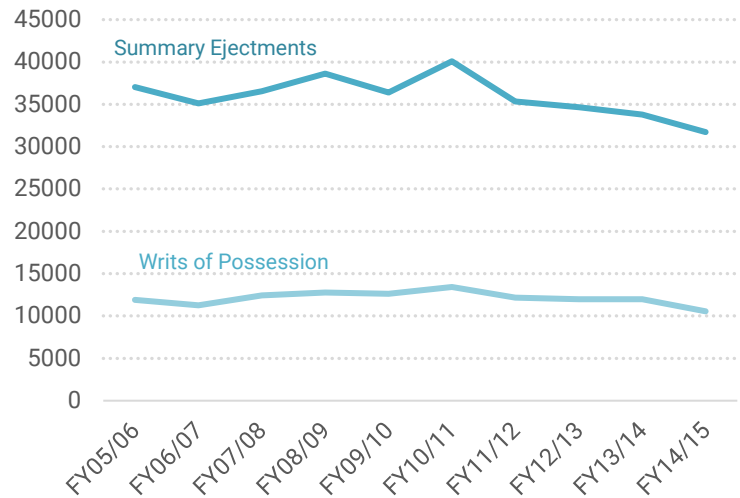
Summary Ejectment Case Results FY2015/2016



Source: UNC Charlotte Urban Institute analysis of VCAP Data

Note: "Other" category includes the following case results: paid before judgment, pending order, suspended action soldiers and sailors act, abandoned/withdrawn/moot, stayed system entered, closed, and recorded.

Summary Ejectments and Writs of Possession Mecklenburg County Sheriff's Office FY2005/2006 to FY2014/2015



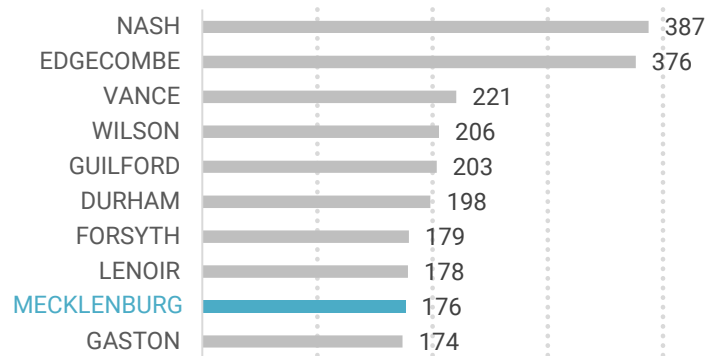
Source: UNC Charlotte Urban Institute analysis of Mecklenburg County Sheriff's Office data

possession are included in these data. The writ of possession data are important because they reflect tenants who did not move out on their own during the 10 day waiting period or file an appeal. These families may not have moved because they lacked the means to do so or were unable to find another affordable and decent unit. Overall, the number of summary ejectments received by the Sheriff's Office has decreased since FY2005/2006. The number of ejectments peaked in 2010 in the years following the recession, but have since decreased. There was an increase in the number of summary ejectments in FY2010/2011, but writs of possession did not increase at the same rate. In FY2014/2015 there were 31,719 summary ejectments received by the Sheriff's Office, of which 10,556 (33%) ended up with a writ of possession. Summary ejectment case filings might not result in a writ of possession if a tenant moves out on their own, the Court rules in favor of the tenant or dismisses the case, the tenant and landlord come to an agreement, or the tenant is able to pay the rent due (either by their own means or due to social services supports).

Mecklenburg County compared to the State

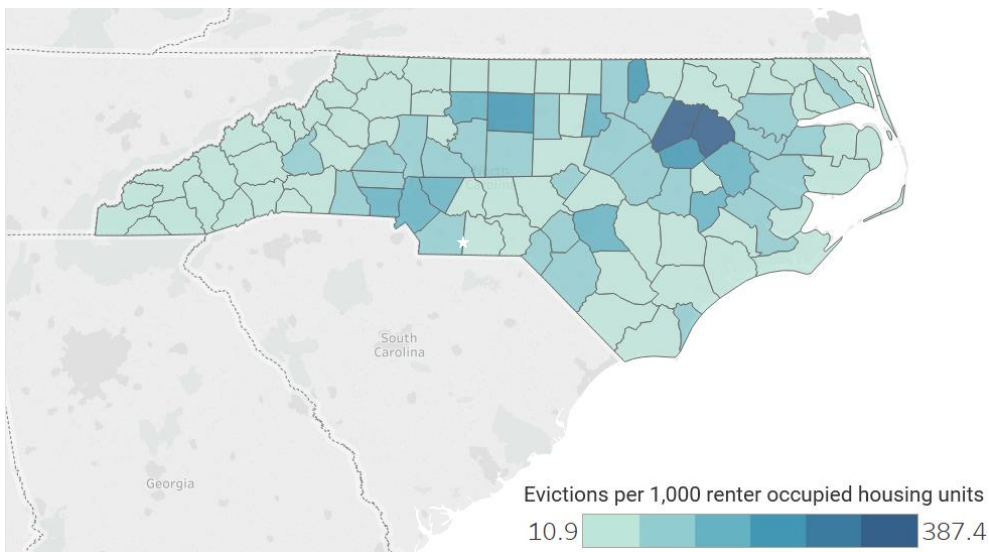
Across the state, Mecklenburg County had the highest number of summary ejectment cases filed in small claims court in FY2015/2016 (28,471), followed by Guilford (16,390) and Wake (15,971). However, Mecklenburg County ranks 9th for the number of summary ejectment cases filed per 1,000 renter-occupied units.^{lxix} In Mecklenburg County, there were 176 summary ejectment cases filed for every 1,000 renter-occupied units and 27 summary ejectment cases filed per 1,000 residents. This roughly represents one eviction for every 5.7 renter-occupied units or 37 people. One caveat is that the number of cases filed may reflect multiple filings associated with one rental unit or person.

Top 10 North Carolina Counties for Evictions per 1,000 rental households FY2015/2016



Source: UNC Charlotte Urban Institute analysis of VCAP Data and 2011-2015 American Community Survey 5-year estimates

Evictions per 1,000 renter-occupied housing units FY2015/2016



Source: UNC Charlotte Urban Institute analysis of VCAP Data and 2011-2015 American Community Survey 5-year estimates

Conclusion

This first report lays the groundwork for understanding evictions, including the process of evictions and the impact of evictions on Mecklenburg County residents. In FY2015/2016 there were 28,471 households at risk of formal eviction (an average of 103 each day) and in 2015, there were over 79,000 renter households spending more than 30% of their income on housing. While the number of formal evictions in Mecklenburg County has decreased since FY2010/2011, the impact remains the same and challenges still exist for low-income renters.

As part of this study, interviews were conducted with organizations that serve households that are currently or have experienced an eviction, as well as organizations that represent landlords in Mecklenburg County. These organizations provided suggestions to improve the system for landlords and tenants. Several themes emerged from these discussions.

1. **Education on legal rights and responsibilities.** Tenants should be made more aware of their legal rights and responsibilities during the formal and informal eviction process. Increased supports for legal representation of tenants in the court system could also be beneficial, as the legal system can be difficult to navigate. Landlords should also be provided with additional training on their legal rights and responsibilities when attempting to evict a tenant.
2. **Reduce the impact of evictions on tenants.** Work should be done to reduce the impact of eviction on tenants. An example of a potential opportunity includes expunging an eviction record if the case went in favor of the tenant or did not result in an eviction, so that an attempted eviction does not negatively impact the tenant's ability to obtain housing in the future.
3. **Provide long-term case management.** Long-term case management services could help to support tenants in many aspects of life including responsible tenant practices, financial literacy, employment, etc.
4. **Increase affordable housing options and income.** The primary reason for eviction is non-payment of rent. Solutions could include the expansion of affordable housing and pathways to increased income and overall housing stability.

The next reports in this series will dig deeper into a one-month snapshot of data from individual level summary ejection documents in Mecklenburg County as well as data on writs of possession from the Mecklenburg County Sheriff's Office.

Appendix

Additional data

Summary Ejectment Case Filing Outcomes in Mecklenburg County and North Carolina FY2015/2016

	NC	Mecklenburg	NC	Mecklenburg
Granted in whole or part	105,630	17,640	65%	61%
Voluntary Dismissal or Settlement	43,742	9,502	27%	33%
Involuntary dismissal	8,303	1,016	5%	4%
Denied	3,670	413	2%	1%
Other	1,985	404	1%	1%
Recorded	261	220	0%	1%
Closed	1,035	183	1%	1%
Stayed System Entered	7	1	0%	0%
Paid before judgment	0	0	0%	0%
Pending order	0	0	0%	0%
Suspended Action Soldiers and Sailors Act	0	0	0%	0%
Abandoned, withdrawn, or moot	682	0	0.42%	0%

Source: UNC Charlotte Urban Institute analysis of VCAP data

Summary Ejectment Case Filing Outcomes in Mecklenburg County by Court Type (Magistrate, District, Superior) FY2011/2012 to FY2015/2016

	FY15/16	FY14/15	FY13/14	FY12/13	FY11/12	FY10/11
Magistrate (CVM)	28,471	31,582	34,161	34,402	35,615	39,173
District (CVD)	740	733	622	588	484	453
Superior (CVS)	3	0	3	2	2	1

Source: UNC Charlotte Urban Institute analysis of VCAP data

Note: If a case is appealed, it may be counted both within the CVM and CVD case filings

Top 10 Counties by evictions per renter-occupied units, FY2015/2016

	County	Evictions per renter-occupied units	Total number of cases filed
1	NASH	0.39	5,067
2	EDGECOMBE	0.38	3,176
3	VANCE	0.22	1,363
4	WILSON	0.21	2,629
5	GUILFORD	0.20	16,390
6	DURHAM	0.20	10,646
7	FORSYTH	0.18	9,739
8	LENOIR	0.18	1,651
9	MECKLENBURG	0.18	28,471
10	GASTON	0.17	4,612

Eviction data source: North Carolina Court System's VCAP data

Renter-occupied units source: U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates, Table B25003

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