



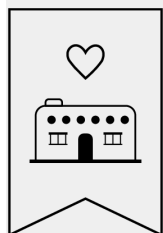
APRIL 2021 - Part II

# EVICCTIONS IN THE COVID-19 ERA:

*Successes and limitations of moratoria to keep people housed and healthy in Santa Fe*

# Evictions in the COVID-19 Era:

## Successes and limitations of moratoria to keep people housed and healthy in Santa Fe



*This research brief is the second in a series of three examining the health impacts of the escalating eviction crisis in Santa Fe.*

*In the [first brief](#), we described Santa Fe's housing insecurity problem before COVID-19, and the experiences of residents during the pandemic. In this brief, we elucidate the extent to which evictions have impacted Santa Fe renter households in 2020 with a comparative analysis of eviction filings data from prior years.*

*The final brief in this series will present solutions for local officials to keep families housed by strengthening moratoria and tenant protections.*

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## Moratoria and rental relief were effective stopgap measures; mitigating a large-scale eviction crisis requires further action

As we surpass one year since the onset of the COVID-19 pandemic, residents across New Mexico are still struggling to stay housed. As of March 15, 2021, 43% of New Mexicans report that it's very likely or somewhat likely that they'll have to leave their home due to eviction in the next two months.<sup>1</sup> In Santa Fe, the leisure/hospitality industry, which is the second largest source of employment, is still disproportionately impacted by job loss.<sup>2-4</sup>

In our [first research brief of this series](#), we described Santa Fe's housing insecurity crisis, which predates the COVID-19 pandemic.<sup>5</sup> Existing pressures on the housing market continue to impact housing security for renters. These include Santa Fe's historically high land costs, limited labor pools, underdeveloped infrastructure, and complicated and time-consuming land use regulations and zoning, which amplify the economic impact from pandemic-related shutdowns. Now, new pressures on the housing market and affordability are coming to light: remote workers from out of state are flocking to Santa Fe, pricing local residents out of their homes amid the ongoing public health crisis.<sup>6</sup>

While local and state eviction moratoria are currently still intact, they lack strong or comprehensive protections to guarantee that all renters will remain housed and healthy, particularly with climbing debt from back rent. The federal eviction moratorium — recently extended until June 30, 2021 — provides temporary relief, but does not prevent evictions in the near future.<sup>7</sup> Further, the lack of a clear end date for the local and state moratoria means that residents are left in limbo. None of the moratoria are fully holding up their promise of keeping families housed — evictions have continued throughout the pandemic.

Santa Fe city officials are committed to protecting residents from eviction and are drawing on research to inform their next steps. Last fall, the City of Santa Fe Economic Relief Fund distributed almost \$3.6 million in federal emergency cash assistance directly to residents.<sup>8</sup> Most of the recipients had experienced a reduction in wages, or had lost employment altogether and weren't eligible for state or federal support. More than 75% used the funds to pay for housing and utilities. But residents will soon need more robust and substantial relief: 74% have incurred debt during the pandemic.<sup>9</sup>

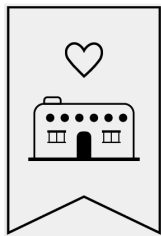
In this brief, we reveal the reality of the eviction crisis in Santa Fe using new public records data on eviction filings, which were obtained through the New Mexico Administrative Office of the Courts. We compare trends in 2020 eviction filings to prior years and explore how



the major causes of eviction filings have changed over time. Finally, we describe disparities in eviction filings at the census tract level, looking closely at the Hopewell/Mann and Airport Road Corridor neighborhoods of Santa Fe. These communities have experienced disproportionate housing insecurity, including displacement, gentrification, and rising cost of rent.

In the forthcoming third brief, partners will outline solutions local officials can implement to keep Santa Feans healthy and housed beyond recovery — with a specific focus on policies that are effective and sustainable to ensure families have access to affordable and quality housing now and for generations to come.

**A preliminary list of recommendations that can be acted upon immediately in conjunction with this second report include:**



- **Extend Santa Fe's eviction moratorium** and implement a phased lifting plan with resources designated to vulnerable communities
- **Implement landlord licensing through a city ordinance** so that registration fees are collected, properties are subject to health and safety codes, and landlords and tenants are educated about their rights and responsibilities under the New Mexico Uniform Owner Resident Relations Act (UORRA)
- **Shift eviction moratorium enforcement** from law enforcement to building-code inspectors to ensure immediate and appropriate enforcement
- **Institutionalize direct cash assistance for renters** using the City's Eviction Prevention Fund as a model to keep renters financially afloat
- **Fund Eviction Prevention/Tenants Rights hotline and outreach** by partnering with local nonprofits that are already engaged in renter's rights work
- **Provide mediation services through city funding** to address landlord/tenant disputes preceding legal eviction filing
- **Forgive city-owned water-utility debt**

## Eviction moratoria don't eliminate eviction filings — families are still being evicted

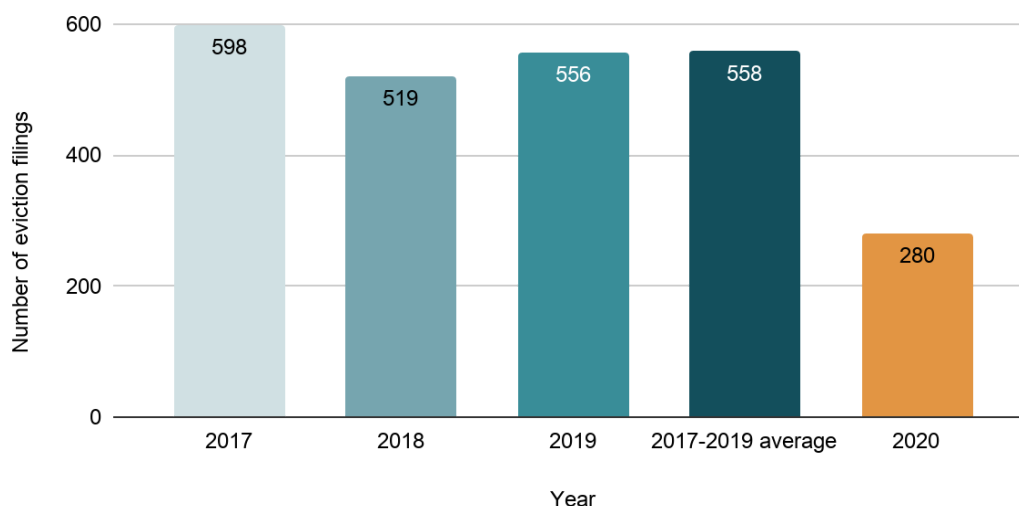
Between 2017 and 2019, landlords filed an average of 558 evictions per year (see Figure 1). In 2020, this number was cut in half: landlords filed 280 eviction claims. At first glance, these findings appear promising. However, given that the intention of the moratoria was to keep residents housed, any number of eviction filings is a public health threat and indicates that many families are experiencing the mental and physical harms of eviction, which we described in the first brief.<sup>5</sup> Further, we know that many families remain unaccounted for in these data due to informal rental agreements, and common instances in which the threat of eviction by a landlord is enough to force families out of their homes. Appendix A describes data collection methodology and recommendations for state agencies to improve access to public data.

*“When my landlord started threatening to kick me out that week because I’d fallen behind on rent, I called the Chainbreaker Eviction Protection Hotline. They explained my rights and how the court process works. But since I was never given a written eviction notice, just verbal threats, I’m still worried that I’ll come home one day and the locks will be changed. I don’t even have a copy of my lease.”*

*— An essential food-service worker  
from the Airport Road Corridor neighborhood*

**Figure 1. Eviction filings by year, 2017-2020**

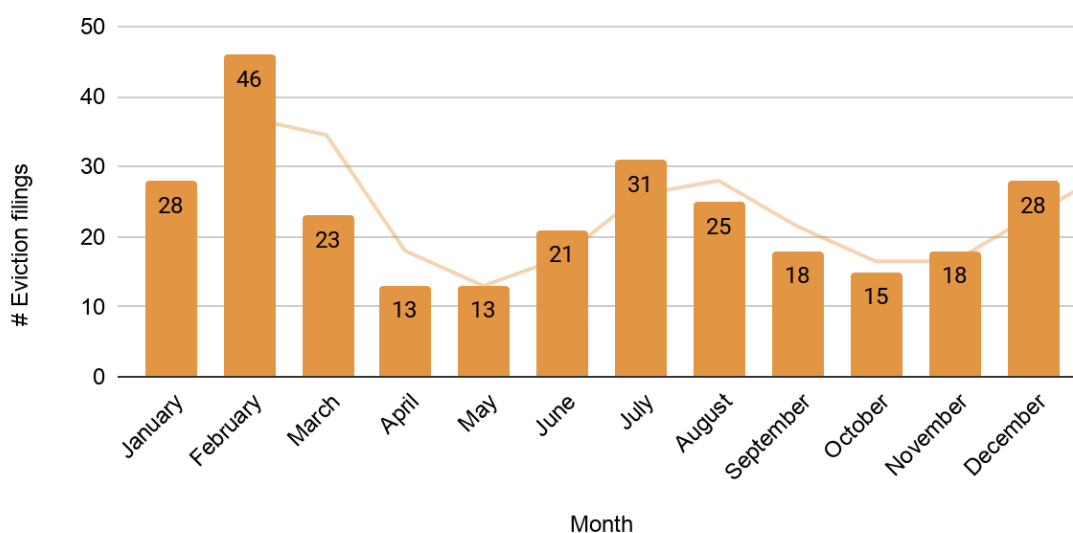
Source: New Mexico Administrative Office of the Courts



The eviction moratoria appear effective at reducing eviction filings, as observed in the immediate dip in eviction filings in March and September 2020, when moratoria were first enacted (see Figure 2). In 2020, eviction filings rose within one to two months of moratoria enactments, indicating that these policies were only somewhat effective and that some landlords still found avenues to file eviction claims, even with policies in place (see Figure 3). We don't perceive dip trends in prior years that might imply seasonal or other causes (see Figure 4), indicating that the eviction moratoria are likely the reason for the fluctuation in 2020.

**Figure 2. Eviction filings by month, 2020**

Source: New Mexico Administrative Office of the Courts



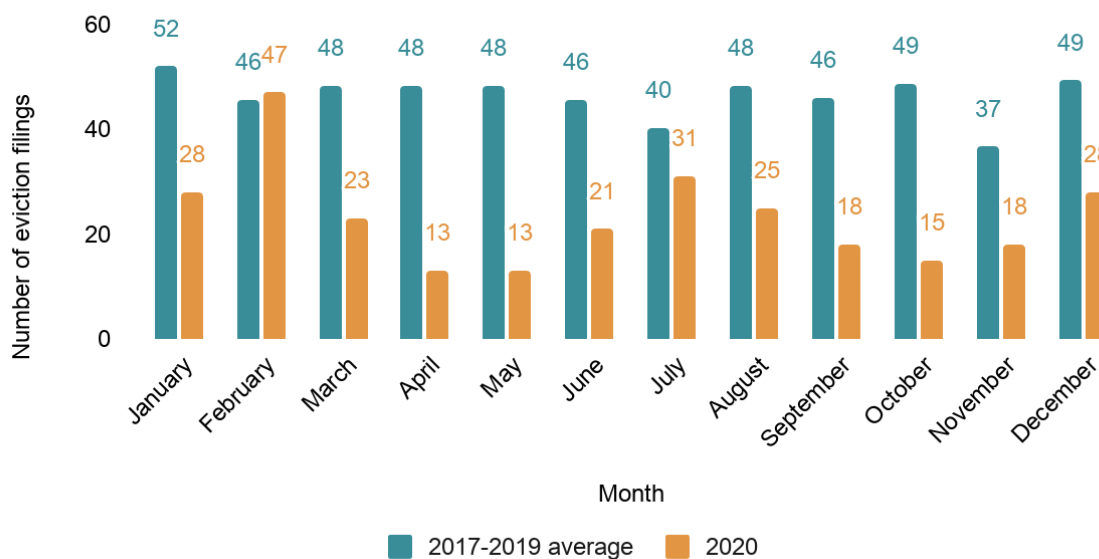
**Figure 3. Eviction moratorium milestones**





**Figure 4. Monthly Eviction Filings, 2017-2019 vs. 2020**

Source: New Mexico Administrative Office of the Courts



## Shifts in filing trends point to gaps in eviction moratoria

Eviction moratoria at local, state, and federal levels are not strong enough to ensure families remain housed during the pandemic, for several reasons described in our first brief.<sup>5</sup> Notably, these policies still enable landlords to file eviction claims, and only *pause* eviction for “non-payment of rent.” That means landlords can continue to evict residents for a host of other reasons. In the following analysis, we explore how leading causes of eviction filings have changed over time, and what these trends indicate.

*“When I received a three-day eviction notice for non-payment of rent, I called Chainbreaker, which gave me information about the city order. I talked to my landlord about it and explained that landlords in Santa Fe couldn’t even threaten an eviction. About a week later, I received a 30-day eviction notice to terminate the lease. This kind of eviction wasn’t stopped by the order, so me and my family had to look for a new place to rent.”*

*— A single mother of two school-aged children  
from the Hopewell/Mann neighborhood*

In the three years prior to the COVID-19 pandemic, “non-payment of rent” was the leading cause of eviction filings on average (see Figure 5 below and Appendix B, Table 1, for a glossary of terms defining causes of eviction filing). In 2020, “non-payment of rent” was again the leading cause, indicating that Santa Fe’s renters have been struggling to make rent for years (see Figure 6). However, there was a shift in 2020 as the number of eviction filings citing “non payment of rent” was reduced by over 20% — at 63% compared to 84% in the three years prior.

Notably, claims related to “landlord tenant restitution” increased sevenfold and claims for “debt and money due” increased almost three times in 2020. “Landlord tenant (resident) claims” (those filed by the tenant) dropped almost sixfold, likely indicating that residents are desperate to hold on to their tenancy and endure living conditions they may not have otherwise during pre-pandemic times.

*“My landlord and I had been dealing with a leaky roof even when the pandemic started. Then I lost my job and fell behind on rent — meanwhile, my landlord was struggling to afford and make the necessary repairs. I can’t afford to move, but now I’m worried about mold. What if I have to move anyway?”*

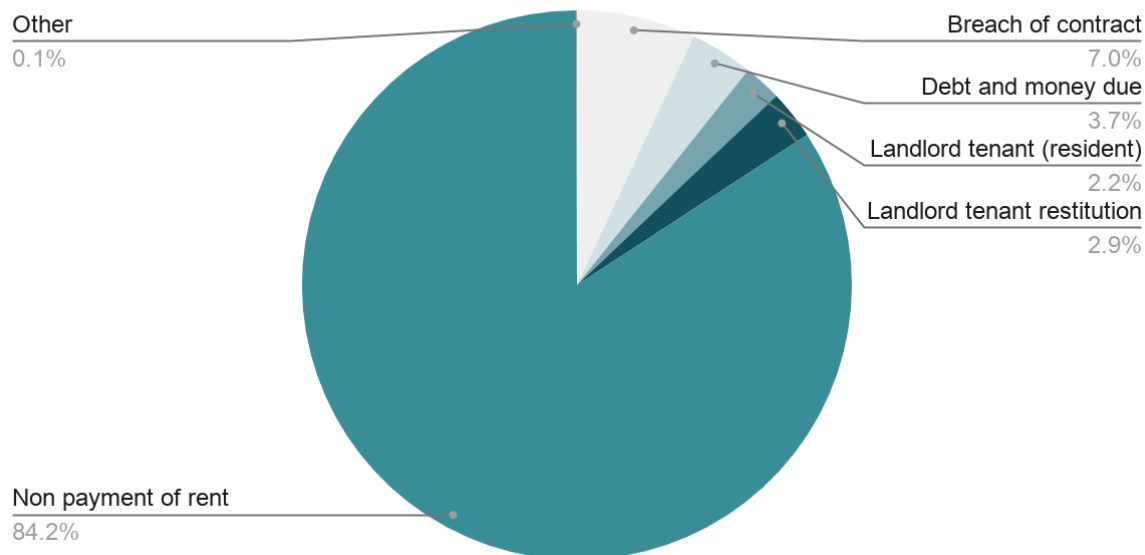
*— An elderly tenant from the Airport Road Corridor neighborhood*

Housing advocates share that because landlords aren’t able to evict tenants for “non-payment of rent,” many are exploring other justifications to file eviction claims. A landlord can still evict a tenant because the tenant owes money other than rent, such as utilities or shared services, or simply because the landlord has chosen not to renew an expiring lease.



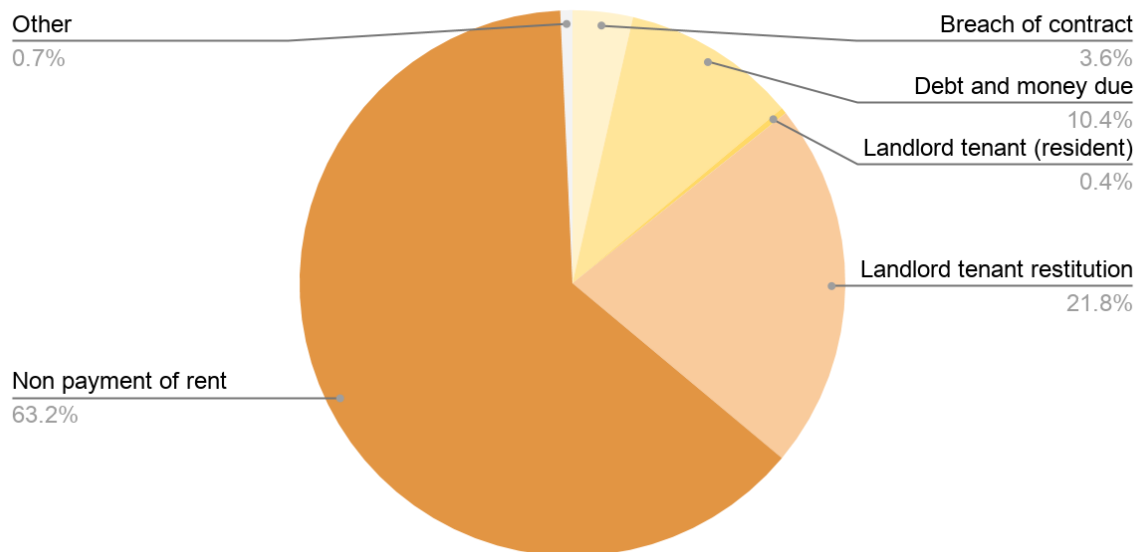
**Figure 5. Major causes of eviction filings, 2017-2019 (average)**

Source: New Mexico Administrative Office of the Courts



**Figure 6. Major causes of eviction filings, 2020**

Source: New Mexico Administrative Office of the Courts





## Neighborhoods already struggling with housing insecurity were hit the hardest by eviction filings in 2020

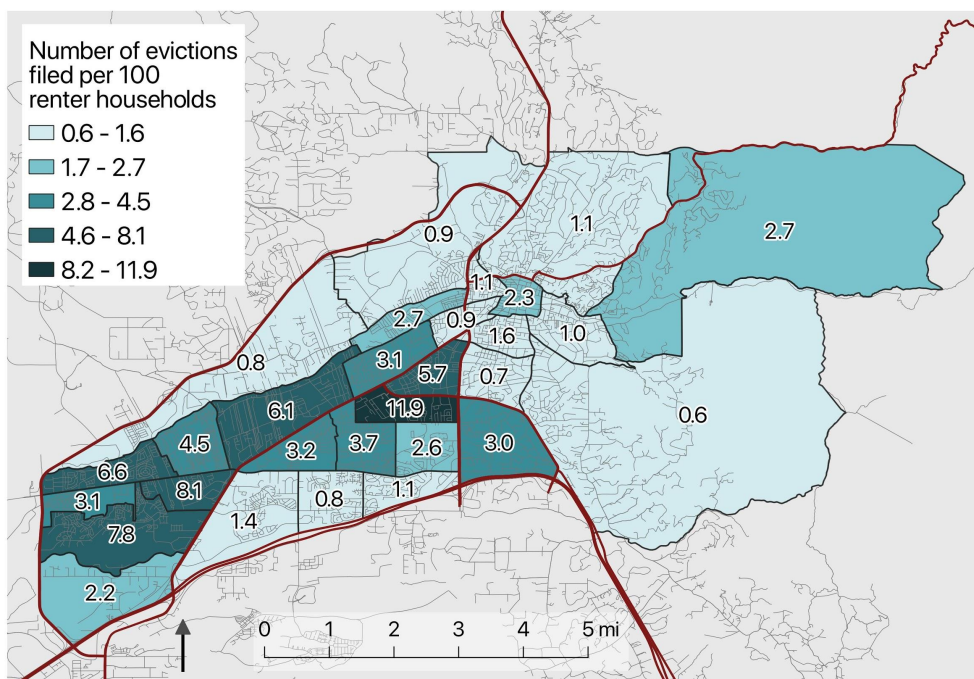
Between 2017 and 2019, households in the area encompassing the Midtown Campus experienced Santa Fe's highest rate of eviction filings, at an average of 11.9 per 100 renter households (see Figure 6). The adjacent Hopewell/Mann neighborhood experienced a rate of eviction filing of 5.7 per 100 renter households. Additional census tracts in that area and in the Airport Road Corridor neighborhoods experienced rates of eviction filing ranging from 3–8 per 100 renter households.

While the citywide rate of eviction filings decreased overall in 2020 (see Figure 1), residents in these same neighborhoods still experienced a greater rate of eviction filings than residents in surrounding communities (see Figure 7). Seven census tracts are represented in the top ten tracts to experience an eviction filing claim in both analyses (2017–2019 and 2020).

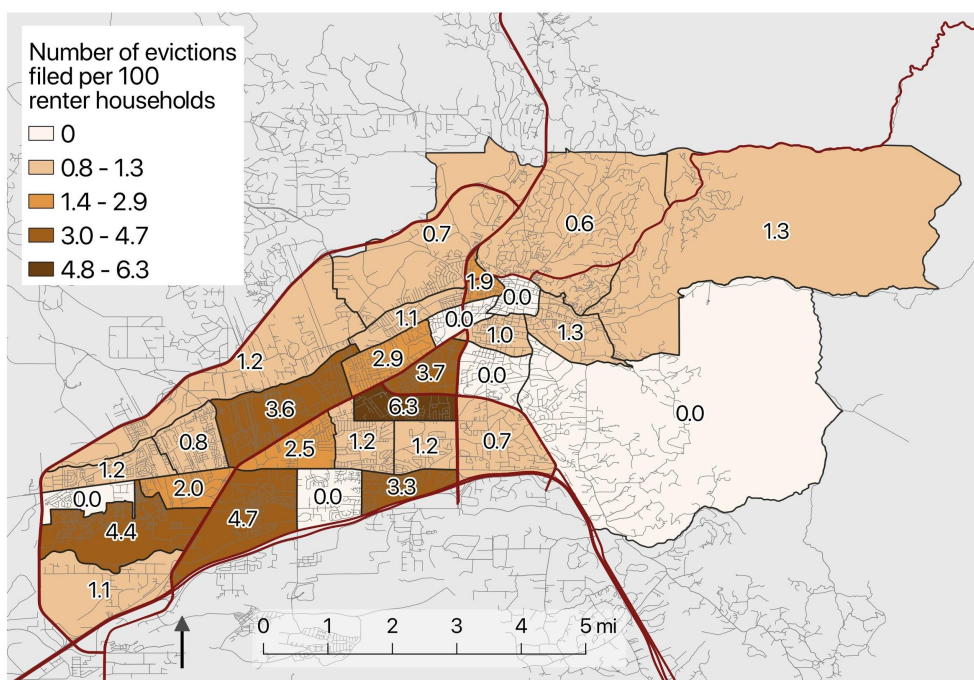
Figures 7 and 8 illustrate how evictions in Santa Fe have perpetuated racial and economic inequities, prior to and during the COVID-19 pandemic. Most of the households at greatest risk of eviction in 2017–2019 and 2020 identify as Latino and low-income (Appendix C, Table 2). For example, while 55% of Santa Fe residents identify as Latino, neighborhoods with high rates of eviction filings are disproportionately home to Latino communities, averaging 59–89% Latino residents. Additionally, most census tracts that experienced eviction risk in 2017–2019 and 2020 have a median household income of \$32K–\$56K. This is lower than Santa Fe's median household income level of \$58K.<sup>10</sup>

A reference map of the census tracts for the areas highlighted in the maps above is included in Appendix D, Figure 9. The corresponding table (Appendix C, Table 2) includes key demographic and social indicator information for tracts with the highest eviction filing rates, including Hopewell/Mann, the Midtown Campus, and several tracts in the Airport Road Corridor.

**Figure 7. Rate of eviction filings by census tract, 2017–2019 average**



**Figure 8. Rate of eviction filings by census tract, 2020**



## Residents also face evictions risks due to gaps in moratoria enforcement

Many community members who live at the margins of stable housing, such as those in neighborhoods with high eviction filing rates, are living under informal rent agreements, which aren't permitted by state law. In the absence of a formal rent agreement, tenants are at risk of health and safety code violations, as well as illegal evictions — meaning that landlords can actually bypass the eviction moratoria, rendering the moratoria impossible to enforce in these circumstances. While there hasn't been an initiative to collect quantitative data to elucidate the extent of unregulated, unreported, and illegal rental situations in Santa Fe, Chainbreaker Collective has growing clarity on the severity of the problem from tenants who have called the Eviction Protection Hotline.

Another layer of vulnerability for these residents is the mechanism of moratoria enforcement. Since Santa Fe's moratorium is an emergency executive order, enforcement is handled as a criminal offense and must be dealt with through the police department, which historically hasn't dealt with housing violations and doesn't have the training to do so. Police involvement can sometimes escalate rather than defuse tensions between landlords and tenants. As a result, most tenants are reluctant to pursue this method of moratoria enforcement, which makes residents even more vulnerable to experiencing eviction.

## Housing insecurity is often accompanied by other risks to health, including increased risk of COVID-19

In our first brief, we predicted that communities that face rent cost burden are at greater risk of eviction during the pandemic. That prediction has unfortunately materialized, as reflected in the 2020 eviction filings data. Profiles of the Hopewell/Mann and Airport Road Corridor neighborhoods indicate that households in these neighborhoods have long experienced community disinvestment, gentrification, and displacement.<sup>11</sup> Additionally, these communities lack access to essential resources like walkable green spaces, fully connected bike trails, public transit lines, access to fresh food and groceries, community centers, and adequate community-based employment options.<sup>11</sup>

Research shows that evictions put people at risk of contracting COVID-19 because families are forced to double or triple up with other families to afford rent. Evictions also lead to



entire families becoming homeless, increasing the risk of contracting COVID-19 as people are unable to socially distance in shelters or to safely shelter in place.<sup>12,13</sup>

New Mexico State Department of Health data illustrate that COVID-19 cases are indeed concentrated in areas with high rates of eviction filings. For example, the 87507 zip code, covering much of the Airport Road Corridor, experienced the highest number of cases, with 4,821 positive COVID-19 cases. Additionally, the 87505 zip code, including the Hopewell/Mann neighborhood, experienced the second-highest number of cases in the city, with 1,539 cases.<sup>14,15</sup>



*Community members in Santa Fe gather to learn about tenant rights and the eviction process*

## The data — and families' direct experiences — tell a concerning story

Data from the New Mexico Courts offer a compelling glimpse of Santa Fe renters' eviction experiences during the COVID-19 public health crisis:

- The eviction moratoria helped reduce — but did not eliminate — eviction filings in Santa Fe. The effects of the policies often wore off after time, as we can see an initial dip in filings, but then a resurgence in the number of eviction filings soon after the policies went into effect.
- Eviction claims for “nonpayment of rent” decreased in 2020 compared to prior years, while the number of eviction claims filed for other reasons increased drastically.
- Eviction filings are happening in neighborhoods with a high degree of housing and economic insecurity, making matters worse for those communities. Predominantly Latino neighborhoods that experienced disproportionate eviction filings in prior years continued to do so through the pandemic.

### **However, the data only show a small fraction of a much more problematic reality:**

- The actual scale of evictions is likely higher: many families are forced to leave their homes before landlords begin the legal eviction filing process. These data also do not account for evictions from informal rental agreements, which, as with all rental agreements in Santa Fe, are not regulated or tracked by the city.
- Gaps in moratoria leave open the possibility of evictions for reasons not covered in the current policies. Tenants who have called Chainbreaker's Eviction Protection hotline confirm that landlords are threatening families with eviction on dubious grounds.
- Enforcing the moratoria is difficult. Criminal enforcement is the primary mechanism for enforcing the city level moratorium, which involves the police department and presents challenges for community members, as well as law-enforcement officers.
- Evictions are just one form of housing insecurity and health inequity that many of Santa Fe's most vulnerable neighborhoods experience. They're also facing gentrification, inadequate neighborhood resources, and disproportionate COVID-19 infection.<sup>5,11</sup>

Hundreds of families were in duress about their living situation in 2020 and will continue to be in 2021. For many residents, such as those living in the Hopewell/Mann neighborhood, the neighborhood including the Midtown Campus, and the Airport Road Corridor neighborhoods, these experiences aren't new. Local and state policymakers can prevent these harms for all Santa Feans by taking immediate and sustainable action to ensure housing security. In Brief 3, we will present solutions that can address these issues in the short and long term.





## Acknowledgments

This research brief is a collaboration between Human Impact Partners (HIP) and Chainbreaker Collective.



**Human Impact Partners (HIP)** transforms the field of public health to center equity and build collective power with social justice movements.



**Chainbreaker Collective** is a membership-based economic and environmental justice organization that works to expand access to affordable transportation and sustainable communities for working people in Santa Fe, NM. Chainbreaker has over 700 dues paying members in Santa Fe, the bulk of whom are residents of neighborhoods experiencing disinvestment and vulnerable to gentrification and eviction.

## Contributors and Sponsors

Sukhdip Purewal Boparai, MPH, Human Impact Partners

Lili Farhang, MPH, Human Impact Partners

Jamie Sarfeh, Human Impact Partners

Cathy Garcia, Chainbreaker Collective

Tomás Rivera, Chainbreaker Collective

Alexandra Ladd, Director, City of Santa Fe Office of Affordable Housing

Serge Martinez, Professor, University of New Mexico School of Law

Elizabeth Elia, Assistant Professor, University of New Mexico School of Law

Jessica Espinoza-Jensen, Grants and Capacity Building Strategist, New Mexico Health Equity Partnership

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*The views and opinions expressed in the brief are not necessarily those of the sponsors. Additionally, the current brief may not reflect the most current status of national, state, and local eviction moratorium orders or the evolving scale of evictions experienced by Santa Fe residents.*

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## Appendix A

### I. Explanation of methodology for use of dataset

Data on evictions filed in New Mexico from 2017 through 2020 was provided by the New Mexico Administrative Office of the Courts. We restricted the data to cases that met the following criteria:

- Case type is recorded as landlord-tenant
- Party type is defendant
- Defendant address is in the City of Santa Fe

We then restricted the data to unique case numbers. When multiple people live in one home, they may all be listed as parties in a single case, so using unique case numbers prevented duplication of cases. There could be multiple evictions per household if a landlord filed an eviction against a tenant more than once within a year.

We used the service [Geocodio](#) to geocode defendant's addresses, and mapped all eviction filings at addresses located inside the Santa Fe Urban Area. Geocodio provides the census tract location of each address. We defined the Urban Area based on 29 census tracts, following the definition used by the [City of Santa Fe's Long Range Planning Division](#) in their *Santa Fe Trends* community profiles. (The City of Santa Fe also includes one partial census tract, 102.04, which we excluded because its population is very small and adding a partial tract would have added significant complexity to the analysis.)

We used 2010 census tract geographies, as data is not yet available for 2020 tract geographies. The numbers of the 2010 census tracts making up the Santa Fe Urban Area are: 1.01, 2, 3, 4, 5, 6, 7, 8, 9, 10.01, 10.02, 11.02, 11.03, 11.05, 11.06, 11.07, 12.02, 12.03, 12.04, 12.05, 13.01, 13.02, 13.03, 13.04, 103.14, 103.15, 103.16, 104, and 105. Some addresses were incomplete or were located outside the Santa Fe Urban Area, and so we excluded those from the map.

2017-2019 eviction filings are averaged within each census tract. We calculated the eviction filing rate by dividing the total number of eviction filings in a census by the number of renter households as reported in the 2015-2019 American Community Survey 5-year estimates.

### II. Accessible data on eviction filings is necessary to address the



## disproportionate impacts that communities of color face

In September 2020, a partner in this report at the University of New Mexico School of Law filed a request with the New Mexico Courts to access public records data on eviction filings. We received the data three months later, in December 2020, which impacted our desire to move quickly to analyze and present this information in a timely way to local decision makers. We also came to learn that this data was limited and missing three months of data for the 2020 period. We eventually were able to access a complete dataset in February 2021 through a different source and began analysis immediately.

Agencies should be collecting and reporting this public data in a way that is prompt and complete, and should include information about race/ethnicity and other key demographic factors often associated with housing insecurity, including cost of rent, household income, number of children in the home, single parent household, and disability status. This will help policymakers enact policy change and prioritize resources for vulnerable communities. Most importantly, we can ensure that those decisions address the disproportionate impacts of housing insecurity affecting communities of color and low-income communities in Santa Fe.

In addition to data that could be collected by state courts, local governments could also develop data collection systems that shed more light on the status of health and safety code compliance, records of rental agreements, and trends in rental rates.

## Appendix B

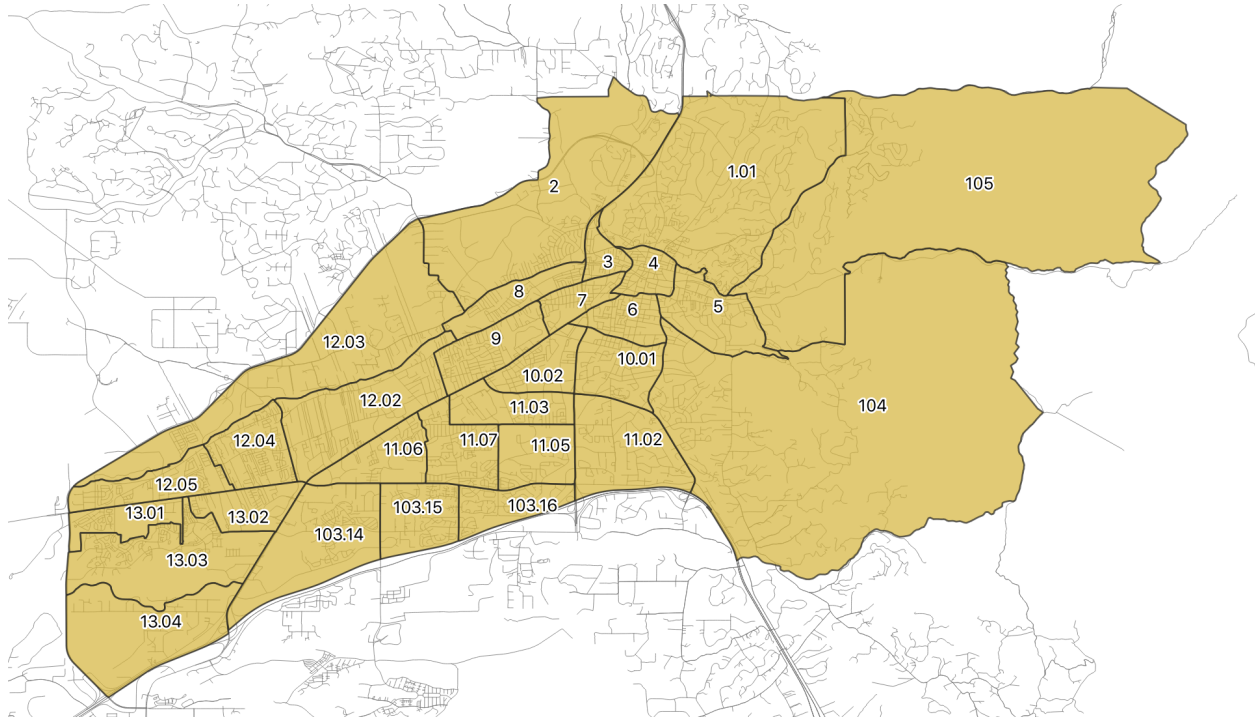
Table 1. Explanation of terms used in landlord-tenant filings in New Mexico

Type of Filing	What it means
Breach of contract	Tenant violated a rule or regulation in the rental agreement (e.g., excess occupancy, property use or damage, pet violation)
Debt and money due (non-rent)	Tenant owes debt to landlord for expenses other than rent (e.g., association fees, shared utilities)
Landlord tenant (resident)	Tenant initiates legal action against the landlord (e.g., landlord breached contract, landlord failed to return deposit)
Landlord tenant restitution	Either party seeks to claim occupancy of the dwelling (e.g., landlord terminates agreement with no stated cause; tenant seeks to remedy wrongful, “self-help” eviction by landlord)
Non payment of rent	Tenant owes rent to landlord
Other damages	Either party seeks financial compensation (e.g., Tenant for diminution of services, discrimination, or civil rights violations; Landlord for property damage outside ‘normal wear-and-tear’)

## Appendix C

Figure 9. Census tracts in Santa Fe

Source: American Community Survey 2019 5-year estimates



## Appendix D

### Table 2

Table 2. Top 10 census tracts with highest rate of eviction filings, 2020 and 2017-2019

Census tract	2020 eviction filing rate/100	2017-2019 avg eviction filing rate/100	% Difference	% Hispanic	Median household income (2019 ACS data)	% Below poverty line (2019 ACS data)
<i>Santa Fe</i>	1.50	3.04	-50.7%	55%	\$57,972	13.5%
11.03 Midtown Campus	6.3	11.9	-47.1%	51%	\$56,050	16.9%
103.14 Cerrillos Rd./Gov. Miles Rd.	4.7	1.4	+235.7%	59%	\$69,118	7.6%
13.03 Tierra Contenta	4.4	7.8	-43.6%	65%	\$61,534	8.7%
10.02 Hopewell/Mann	3.7	5.7	-35.1%	60%	\$34,019	21.4%
12.02 Siler Rd./Rufina St.	3.7 3.6	6.1	-39.3%	81%	\$32,153	14.1%
103.16 Zia Rd./St. Francis Dr.	3.3	1.1	+200.0%	35%	\$97,788	7.2%
9 Casa Alegre	2.87	3.15	-8.9%	55%	\$62,135	13.7%
11.06 Camino Carlos Rey/Cerrillos Rd./Rodeo Rd.	2.49	3.17	-21.5%	68%	\$46,594	26.6%
13.02 Airport Rd./Jaguar	2	8.1	-75.3%	73%	\$48,421	16.6%

Dr./Cerrillos Rd.						
11.07 Rodeo Rd. Yucca St.	1.24	3.71	-66.6%	60%	\$58,676	7.6%
12.05 Airport Rd./South Meadows Rd./Hwy. 599	1.2	6.6	-81.8%	88%	\$47,257	17.5%

Data sources: ACS 2019 5-year estimates, New Mexico Administrative Office of the Courts (2021)