

November 11, 2020

Sent via email to Governor Reeves at governor@govreeves.ms.gov

The Honorable Tate Reeves, Governor
State of Mississippi
550 High St.
Sillers Building, 19th Floor
Jackson, Mississippi 39201

RE: Expiration of Mississippi's State Moratorium on Evictions and Foreclosures

Dear Governor Reeves:

The NAACP Legal Defense and Educational Fund, Inc. (LDF) writes on behalf of the thousands of Black individuals and families in Mississippi, many of whom are struggling to survive in the midst of the COVID-19 pandemic and the tremendous unrest that has engulfed this nation. We write to strongly urge you to institute a statewide moratorium on foreclosures and evictions.

The COVID-19 pandemic has led to unprecedented crises and loss throughout the country. Recent reports indicate that there have been over 9.6 million confirmed cases of COVID-19 in the United States and more than 234,000 deaths.¹ The country faces not only a public health crisis, but also an economic crisis comparable only to the Great Depression in severity.² According to the U.S. Department of Labor, 28 million workers are currently receiving unemployment benefits, or are awaiting approval.³ Further, the COVID pandemic is disproportionately impacting the Black community.⁴ The Centers for Disease Control and Prevention (“CDC”) reports that, while Black people are only 12.7 percent of the U.S. population, we constitute 28 percent of all U.S.

¹ *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES (last visited Nov. 5, 2020 5:00 PM) <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

² Nelson D. Schwartz, Ben Casselman and Ella Koeze, *How Bad Is Unemployment? ‘Literally Off the Charts’*, N.Y. TIMES (May 8, 2020), <https://www.nytimes.com/interactive/2020/05/08/business/economy/april-jobs-report.html>.

³ Heidi Shierholz, *With millions of workers receiving unemployment benefits and no end in sight for the COVID-19 pandemic, Congress must act*, ECON. POL’Y INS’T (Oct. 1, 2020).

⁴ Edwin Ross & Sinduja Rangarajan, *COVID-19 Has Infected and Killed Black People at Alarming Rates. This Data Proves It.*, MOTHER JONES (Apr. 17, 2020), <https://www.motherjones.com/coronavirus-updates/2020/04/covid-19-has-infected-and-killed-black-people-at-alarming-rates-this-data-proves-it/>.

coronavirus deaths.⁵ Nationwide, Black Americans are 3.4 times more likely to have died from COVID-19 than white Americans.⁶ Black people are also experiencing disproportionate economic loss. In September 2020, the U.S. Bureau of Labor Statistics reported a 7.0 percent unemployment rate for white workers, compared to 12.1 percent for Black workers.⁷

The situation in Mississippi is similarly bleak. The state recorded the highest single-day death toll since the start of the pandemic in August and currently averages 665 new cases per day.⁸ It also has one of the highest numbers of COVID-19 infected children per capita.⁹ Notably, Black people are 37.8 percent of the state population – the largest of any state – but represent 41 percent of COVID deaths.¹⁰ As of October 15, 2020, the mortality rate for Black Mississippians was 127 deaths per 100,000, compared to 85.3 deaths per 100,000 for white Mississippians.¹¹

Black Mississippians have long faced historical economic inequality. For instance, the poverty rate for Black Mississippians was 31 percent in 2018, but only 12 percent for white Mississippians.¹² These disparities hold true during the current economic crisis. In the first quarter of 2020, the Black state unemployment rate was 9.1 percent, but only 3.4 percent for whites.¹³ By

⁵ *Provisional Death Counts for Coronavirus Disease (COVID-19): Data Updates by Select Demographic and Geographic Characteristics*, National Center for Health Statistics, Centers for Disease Control and Prevention, (last updated August 19, 2020, last visited Nov. 5, 2020) https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/.

⁶ *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RESEARCH LAB (last updated Sept. 16, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>.

⁷ U.S. Bureau of Labor Stat., Econ. News Release, Table A-2 Employment status of the civilian population by race, sex and age (last modified Aug. 7, 2020), https://www.bls.gov/news.release/empsit.t02.htm#cps_empsit_a02.f.1

⁸ Mississippi Coronavirus Map and Case Count, N.Y. TIMES (last updated Nov. 5, 2020 12:09 PM), <https://www.nytimes.com/interactive/2020/us/mississippi-coronavirus-cases.html#cases>.

⁹ Children and COVID-19: State Data Report, AMERICAN ACADEMY OF PEDIATRICS & CHILDREN'S HOSPITAL ASSOC. (July 2020), <https://downloads.aap.org/AAP/PDF/AAP%20and%20CHA%20-%20Children%20and%20COVID-19%20State%20Data%20Report%207.30.20%20FINAL.pdf>

¹⁰ Mississippi COVID-19 Cases, MS DEP'T OF HEALTH, (last updated Oct. 12, 2020) <https://msdh.ms.gov/msdhsite/static/14,21882,420,873.html> *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RESEARCH LAB (last updated Sept. 16, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>.

¹¹ *The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S.*, APM RESEARCH LAB (last updated Oct. 15, 2020), <https://www.apmresearchlab.org/covid/deaths-by-race>.

¹² POVERTY RATE BY RACE/ETHNICITY, KAISER FAMILY FOUNDATION, available at <https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

¹³ State Unemployment by race and ethnicity, ECON. POL'Y INST., (last updated Aug. 2020), <https://www.epi.org/indicators/state-unemployment-race-ethnicity/>.

the second quarter of 2020, the unemployment rate grew exponentially for Black workers to 16 percent, and 9.7 percent for whites.¹⁴

As the COVID-19 pandemic endures nationwide, elected officials at all levels of government—federal, state and local— must continue working to create a unified and concerted response to ensure the health, economic stability and wellbeing of all Americans. This must include leveraging gubernatorial power to prevent an eviction crisis that would drastically increase housing instability and homelessness.

Evictions and Racial Disparities

As the pandemic continues, a foreclosure and eviction crisis looms, which severely threatens the ability of Mississippians to maintain their homes and safely endure the pandemic. Currently, nearly 60 percent of renter households in Mississippi are at risk of eviction, making it the third most housing insecure state in the United States.¹⁵ The U.S. Census Bureau reported that from July 16-21, over 90,000 Black Mississippians were unable to cover their month's rent and about 103,000 had little or no confidence in their ability in meeting obligations for the rent in August.¹⁶ Similarly, more than 42,000 Black Mississippians were unable meet their mortgage payment obligations during the same period and about 61,000 had little or no confidence in their ability to make a payment in August.¹⁷ The potential for an eviction and foreclosure crisis is no longer hypothetical; indeed, the crisis has begun.

Swift gubernatorial action is critical to protecting the most vulnerable communities from the trauma and devastation associated with losing your home and from the health risks exacted by COVID-19. Guidance from the CDC encourages individuals to stay at home and refrain from communal activities.¹⁸ Frequent handwashing has also been recommended from the earliest days of the pandemic.¹⁹ Allowing evictions and foreclosures to proceed will impede the ability of

¹⁴ *Id.*

¹⁵ Anna Wolfe, *Over half of Mississippi renters could face eviction during pandemic without protections from Congress*, MS TODAY (Aug. 13, 2020), <https://mississippitoday.org/2020/08/13/over-half-of-mississippi-renters-could-face- eviction-during-pandemic-without-help-from-congress/#:~:text=BY%20ANNA%20WOLFE%20%7C%20AUGUST%202013,%2D19%20pandemic%2C%20researchers%20estimated.>

¹⁶ U.S. Census Bureau, Household Pulse Survey July 16-21, (July 29, 2020), <https://www.census.gov/data/tables/2020/demo/hhp/hhp12.html>.

¹⁷ *Id.*

¹⁸ Coronavirus Disease 2019 (COVID-19), Centers for Disease Control & Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

¹⁹ *Id.*

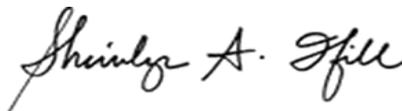
individuals and families to adhere to CDC guidance and, thus, will also contribute to community spread and increased infection and death rates.. To help address this issue, LDF urges you to:

- Protect Mississippians from court-mandated evictions by adopting a statewide moratorium on foreclosures and evictions until at least March 30, 2021;
- Adopt consideration of financial hardship as a result of COVID-19 in developing payment arrangements to address arrearages resulting from the eviction and foreclosure moratorium;
- Issue guidance protecting renters from illegal “informal evictions,” clearly establishing accountability for landlords that intimidate tenants, throw out renters belongings, change locks, turn off power, or procure individuals or services that employ lethal force²⁰ to remove people from homes; and
- Institute a state moratorium on utility (water and electricity) shut-offs during the pandemic and require the restoration of service for customers previously disconnected, and implore local governments to pass local ordinances to prohibit utility shut-offs.

Adopting these common-sense humanitarian measures is critical to ensure the protection, health and safety of vulnerable Mississippians facing financial hardship during this pandemic.

The long-term economic instability caused by COVID-19 will disproportionately affect Black Mississippians unless you undertake immediate and substantive protective measures. We encourage you to exercise both your leadership and emergency powers to protect the life, health and safety of Mississippians during this dangerous pandemic, and especially the thousands of Black lives at risk. We welcome the opportunity to talk with you about the critical importance of undertaking these measures.

Sincerely



Sherrilyn Ifill
President and Director-Counsel
NAACP Legal Defense and Educational Fund, Inc.

²⁰ House Financial Services Committee, Hearing on The Rent is Still Due: America’s Renters, COVID-19, and an Unprecedented Evictions Crisis, 116th Cong. (2020) (Statement of Cashauna Hill), <https://www.congress.gov/116/meeting/house/110774/witnesses/HHRG-116-BA04-Wstate-HillC-20200610.pdf>.