HOUSING INSECURITY:

A survey of tenants in Elizabeth,



Make the Road New Jersey

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Housing Insecurity in Elizabeth, Passaic and Perth Amboy, NJ

A Survey of Tenants in Three Major New Jersey Cities

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Introduction

New Jersey faces an affordable housing crisis that has reached unprecedented levels. The crisis predates COVID-19, but its severity and size have only been exacerbated by the pandemic's impact on the state's economy and social fabric. The soaring cost of housing has an outsized impact on renters. Across New Jersey, rents have increased rapidly -- by more than 30% over the past year, according to one study. Nationwide, New Jersey ranks the seventh most expensive state for renters. In the first part of 2022, landlords filed about 58,000 new eviction cases, according to the Office of the Administrator of the Courts of New Jersey. A recent study found that despite billions in rental assistance, an estimated 200,957 New Jersey households remain at risk of eviction during 2022.

Low-income renters of color shoulder the worst of the housing crisis. Of the renters in New Jersey that are currently vulnerable to eviction, nearly 38,000 are extremely low-income households earning less than 30% of AMI.⁴ Renters in New Jersey are disproportionately people of color. Racist practices and policies like red-lining and restrictive covenants have excluded Black, Latinx and other people from homeownership. 5 The racial wealth gap in New Jersey is so significant that even before the pandemic, Black and Latinx New Jerseyans were three times more likely to live in poverty than their white neighbors and about half as likely to own a home. 6 Real estate acquisitions by large corporate landlords, predatory investment, and housing speculation routinely target low-income Black and Latinx communities, leading to eviction, exorbitant rent raises, and habitability issues. This housing speculation prices Black and Latinx renters out, as these neighborhoods seeing signs of gentrification experience more speculation than whiter and more affluent neighborhoods. The pandemic has only exacerbated this wealth gap. Before vaccines became readily available, Black and Latinx New Jerseyans' hospitalization and mortality rates were twice as high as their white counterparts, and they had the highest job loss. More than half of Black and Latinx residents surveyed in New Jersey in a recent poll reported that it was "very difficult" to find affordable rentals. 9 In short, a shortage of affordable housing, skyrocketing rents, coupled with the racial wealth gap in New Jersey has disproportionately impacted people of color.

Immigrant New Jerseyans have been particularly hard hit by the housing crisis. Because many were barred from receiving federal COVID-19 relief and state unemployment benefits, a disproportionate share of immigrant New Jerseyans are vulnerable to losing their housing due to the economic impacts of COVID-19. A 2020 survey of 225 immigrant New Jerseyans shows that out of more than two hundred and twenty-five respondents, one in four owed at least 4

months of rent or mortgage payments. 81.1% were concerned they would not be able to pay the next month's rent. ¹⁰ While New Jersey's rental assistance programs were available to individuals regardless of immigration status, persistent fears over public charge, language barriers, technological challenges, and informal rental situations meant that many immigrant New Jerseyans faced significant obstacles to applying for aid. There was also simply not enough aid to go around. While New Jersey was able to help more than 67,000 households with federal rental assistance as of March 2022, a state rental assistance program that opened in July 2022 received more than 86,000 applicants and was only able to give funds to about 4,000 households. ¹¹

This study examines the experience of the housing crisis in three New Jersey cities with majority non-white and/or foreign born, low-income and majority renter populations: Elizabeth, Passaic and Perth Amboy. Each city is experiencing an affordability crisis: the average rent is unaffordable to the median city resident. Based on an extensive survey and in-depth interviews with nearly 400 low-income tenants of color and immigrant tenants in these cities, the study shows the extreme hardship and severity of the housing crisis as experienced by immigrant renters of color. After analysis of the survey responses, we provide a series of policy recommendations for how our state and local governments can respond to the mounting housing insecurity.

Background on the Three Cities

Surveys were conducted in Elizabeth, Passaic and Perth Amboy: cities where the population is majority tenants, working-class and people of color.

Elizabeth

Elizabeth's housing stock is approximately 74.1% renter occupied.¹³ The city's population is 86.9% people of color and the median annual household income is about \$50,000 with 15% of families living in poverty.¹⁴ In Union County where Elizabeth is located, a two-bedroom apartment at fair market rate in 2022 was \$1,479 per month.¹⁵ To be affordable, a household would need to earn \$59,160 per year, which is more than the \$50,000 annual median income in Elizabeth.¹⁶

Perth Amboy

In Perth Amboy, 69.1% of the population is renters; 85.2% of residents of the city are people of color and the median household income is approximately \$54,000 with 19.7% of families living in poverty. In Middlesex County where Perth Amboy is located, a two-bedroom apartment at fair market rate in 2022 was \$1,851 per month; this meant that one needed to work 110 hours per week at minimum wage to afford the average rent on a two bedroom apartment in Middlesex County; this is equivalent to an annual income of \$74,040 -- twenty-thousand dollars more than the median household income in Perth Amboy. In Perth Amboy.

Passaic

Passaic City has one of the highest renter populations in the state, with 78.4% of residents renting apartments. The median household income is \$44,779 with more than 27% of families living in poverty. 84.4% of residents are people of color. ¹⁹ The fair market rate for a two-bedroom apartment in 2022 in Passaic County is approximately \$1,736 per month. An

MARIA G., PERTH AMBOY

Maria G. has lived in Perth Amboy for 20 years in the same apartment. She is disabled and lives on a fixed income. To make rent, she has four roommates in a two-bedroom apartment. Two years ago, the landlord sold the building to a new owner. Since then, she has not been able to obtain repairs. Four months ago, her ceiling caved in when a pipe burst in the apartment directly above hers. There is mold growing and spreading in the apartment because of the leak. Her landlord has refused to repair the ceiling. When she told the landlord she would withhold rent because he had not made the necessary repairs, he threatened to evict her and told her that if she was no longer living there, he could "get \$4,000 a month for this apartment, not \$1450." Maria has made a complaint to the city to ask for an inspection. She suffers from anxiety and high blood pressure and was hospitalized recently due to the stress.



Figure 1: Maria G. in her apartment in Perth Amboy

individual would need to work 103 hours per week at minimum wage to afford the average rent in Passaic County. ²⁰ As stated above, the median annual household income in Passaic was about \$44,779, but one needed an annual income of \$69,440 to render the average apartment "affordable" in Passaic County. ²¹

Methodology

The survey of tenants was conducted between May and September 2022. The survey was administered mainly through door-to-door outreach in each of the cities, and in community meetings held at Make the Road New Jersey's community centers and virtual meeting spaces. Most of the surveys were administered by Make the Road New Jersey's community outreach workers through one on one, in person interviews. The survey was also available online in English and Spanish. There were 397 complete responses from participants who identified as renters living in Elizabeth, Passaic or Perth Amboy. All respondents are immigrants and/or identify as people of color. All respondents lived in census tracts with median household income of less than \$54,771/year, based on American Community Survey 5-Year Estimates data from 2020.²²

Findings

1. <u>Tenants Are Struggling to Pay for Rising Rents and are Likely Forgoing Basic Expenses to Cover Rent</u>

Across the three cities where the survey was conducted, a significant number of renters reported they were struggling to pay for the increasing cost of rent. The cost of rent was also making it difficult for renters to pay for other basic needs: renters reported they are currently struggling to pay for basic expenses like food. Additionally, a significant number of respondents stated that they had either lost employment or wages during the pandemic,

which has led to increased economic hardship. Across the three cities, most renters surveyed reported their landlords were increasing the rent at least every year.

The data shows that in New Jersey's most tenant-rich cities, renters are faced with impossible decisions - whether to pay for this month's rent, or to put food on the table for their families. Loss of wages, inflation and rent increases are creating a crisis for renters, with between one third to more than one half struggling to pay for rent. Tenants surveyed in the three cities reported higher levels of insecurity related to paying rent and paying for food than other statewide polls. A 2020 U.S Census Bureau Household Pulse Survey found 27.8% of adults across all of New Jersey missed last month's rent or mortgage payment, or have slight or no confidence that their household can pay next month's rent or mortgage on time and 7.9% of all New Jerseyans asserted they were living with food scarcity. ²³ Our study finds 35-53% face difficulty paying for rent and 25-38% are experiencing food insecurity.

In Elizabeth:

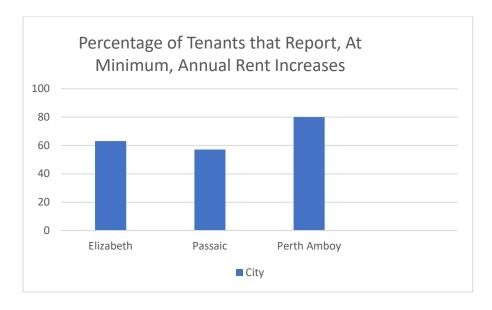
- 59.52% of respondents reported they faced difficulties paying for rent
- 42.86% lost employment or wages
- 38.10% have had difficulty paying for food

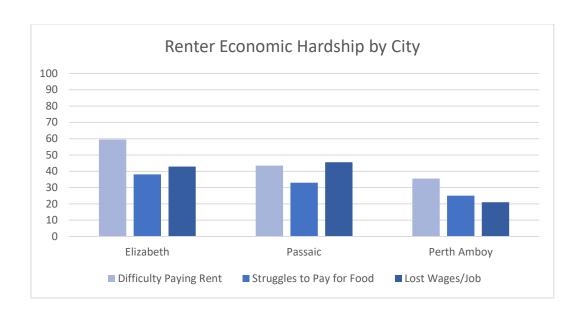
In Passaic:

- 43.48% faced difficulties paying for rent
- 45.59% lost employment or wages
- One in three respondents reported difficulty paying for food

In Perth Amboy:

- 35.56% reported difficulties paying for rent
- Over 1 out of every 5 respondents reported lost employment or wages
- Over 1 out of every 4 respondents reported trouble paying for food

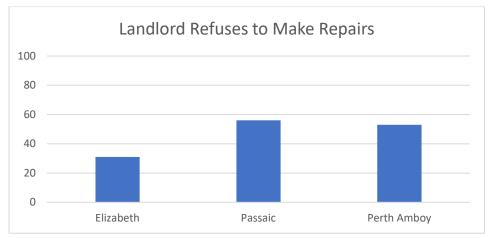




2. <u>Tenants Are Living in Dangerous, Life-Threatening Housing Conditions, Cannot Get</u> <u>Adequate Repairs and Fear Retaliation from their Landlords</u>

A significant number of respondents report ongoing habitability issues, including living in unsafe and dangerous conditions. **Overall, one in every five respondents reported that their housing conditions were unsafe, unhealthy or dangerous.** In Elizabeth, 17.46% lived in unsafe or unhealthy housing conditions. In Passaic, <u>more than a third of all respondents</u> reported they felt unsafe in their housing and in Perth Amboy, 11.11%.

Of further concern, of the tenants that reported they were living in unsafe or dangerous conditions, more than half reported that their landlord had refused to make repairs in Perth Amboy and Passaic, and 31% in Elizabeth reported they could not get their landlord to make repairs. ²⁴ A troubling 7% of respondents across the cities reported that they had experienced harassment or bullying from their landlord.



3. Rent Relief Programs Do Not Reach Tenants who Need Them Most

Despite a high level of housing and economic insecurity, a shockingly low number of tenants surveyed were able to receive or even apply for rent relief. Most renters surveyed never applied for rental assistance. And of those who did apply, an even smaller number were approved for aid. This mirrors overall statewide numbers, where programs have reached only a small percentage of the applicants and tracks national studies of rent relief, where only 1/3 of

LAURA M., PERTH AMBOY

"During the pandemic, I lost my job. I am a single mom with six kids and I didn't qualify for unemployment or most other aid. It was a really difficult time for me. I fell behind on rent. I applied for rental assistance from the state of New Jersey and fortunately I received aid. I believe my landlords got more than 10,000 in payments and continue to receive more payments. But the landlords still tell me that I owe more than \$8.800. The landlord came to my door and yelled at me in front of my kids. I get messages and threats from the landlord - he tells me that I need to leave or I will be evicted. The conditions in the apartment are terrible. There are cockroaches and mice and a big hole in the floor. I fear for my health and my kids' health. I am very worried - the landlord wants to evict me, but I don't know where I will go with my kids. We can't afford the rent anywhere



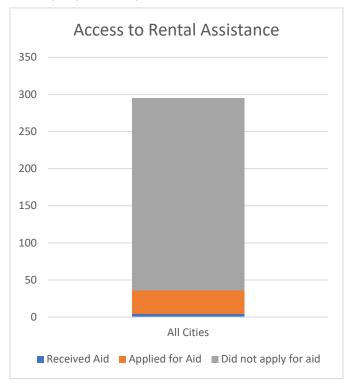
Figure 2: Laura enters her apartment

Across the three cities, only 32 respondents reported that they had applied for aid: 8 in Elizabeth, 17 in Passaic and only 7 in Perth Amboy. 259 respondents reported that they did not apply for aid. Of those that did apply, only 9 received aid.

Black renters and 17-19% Latinx renters received aid. 25

Renters that were behind on rent reported barriers to receiving government assistance: 55% of respondents in Elizabeth that were behind on paying rent said they experienced barriers to receiving government assistance. In Passaic, of respondents that were behind on paying rent, 35.2% said they faced barriers to receiving government aid.²⁶

It is not surprising then, that among renters that reported they were behind in rent, their debt levels were extremely high: in Elizabeth and Perth Amboy, renters behind on rent reported an average debt between \$1,001 - \$1,500, and in Passaic, \$1,501 - \$2,000.



Recommendations

1. Elizabeth, Passaic and Perth Amboy should strengthen and expand rent control laws and institute rent freezes

Banessa Q., Elizabeth, NJ

"I live in a two-family home. The landlord lives in the other apartment in the same house. This past year, he raised the rent by \$500. I work taking care of children and I couldn't afford the increase. I went to the city to see if this was an illegal increase, but they told me that because I live in a two-family home and it is owner occupied, my apartment is not covered by rent control. Now I have had to take on another job and tenant to be able to pay the rent. I started to look for another apartment, but the rent is so high everywhere else that I couldn't leave. I know I'm not the only person this is happening to when I speak with friends and family, they also worry about how they will be able to pay the rent."

To protect tenants, Elizabeth, Passaic and Perth Amboy should strengthen current municipal rent control laws to provide more robust protections to a larger swath of tenants and institute a rent freeze to ensure tenants are protected as we emerge from the pandemic and experience unprecedented inflation that has disproportionately impacted low income people of color.²⁷ Rent control laws can help preserve the affordable housing stock in each of the cities and protect low income tenants, regardless of

immigration status or eligibility for government subsidized affordable housing. Elizabeth's rent control laws expire at the end of 2022, and currently Perth Amboy is considering amendments to its law.

In addition to instituting rent freezes across the board so that tenants have instant relief, municipalities should expand rent control provisions. Cities can increase penalties for landlords that do not register their buildings to ensure that more

Alba M., Passaic City

"I live in a very old building with my young children. The landlord doesn't take out the garbage regularly and so we get rats in the building. In the winter they hide in the walls and sometimes my kids see dead rats in the hallways. The smell is terrible. There are holes in the wall, but our landlord only gives us sponges to block the holes. He hasn't fixed them. At night, I can't sleep because I hear rats and squirrels in the walls. I have asked the landlord to make repairs and to take care of the rat infestation, but he doesn't speak Spanish and doesn't respond to me."

buildings are registered with the city and thus subject to rent control guidelines. Prohibiting vacancy decontrol by mandating

that the cap on annual rent increases applies to new renters will ward off displacement. In fact, while rent control has been found to be effective in limiting rent increases and promoting neighborhood stability, without limiting vacancy decontrol, these gains can be eroded.²⁸ Cities should mandate unanimous approval of all tenants before landlords may convert their buildings into cooperatives or condominium units and should mandate that buildings must first be free of all violations of state and local health safety codes prior to approving any rent increases or fees (Passaic and Newark's rent control ordinances provide for this).

2. Expand Conditions Enforcement to Address Severe Habitability Concerns

In addition to facing skyrocketing rents and a worsening financial outlook, a plurality of tenants across the three cities reported dangerously unsafe conditions *and* barriers to obtaining

the repairs that they need. Renters in each city also experienced harassment and bullying at the hands of their landlord, meaning they may be afraid of coming forward to ask for repairs. In response, each city should take steps to increase enforcement of conditions. This includes increasing investments in city health and housing inspectors to ensure tenants with complaints can receive a swift response. Each city should track tenant complaints by building and create punitive measures for landlords that have multiple code and habitability violations. In addition, city Rent Leveling Boards can send out their own inspectors when complaints of poor living conditions have been made against a landlord. Tenants should be able to submit proof of these poor conditions to the board on their own. This reduces reliance on municipal inspectors. Alternatively, if the evidence indicates that the owner failed to maintain required services, code enforcement can issue a written order that directs the owner to restore services and reduce the rent for the apartment. The order will stay in effect until the owner applies to the board and receives a Rent Restoration Order that finds that services have been restored.

3. Reopen Rent Relief Programs and Remove Barriers for Renters of Color and Immigrant Renters

This study shows that low-income tenants of color in three of New Jersey's most tenant rich cities with high poverty rates face serious barriers to accessing billions of dollars in rental relief programs in New Jersey. Many of these tenants have also lost their jobs and are immigrants or workers in the cash economy that were barred from federal COVID relief programs like the stimulus or unemployment insurance and are thus in dire economic straits. While some rent relief programs are available to low-income renters regardless of immigration status, historic barriers to obtaining government assistance, including fears of public charge, informal rental arrangements, technological challenges, and language barriers prevent immigrant and low-income communities of color from accessing the life sustaining aid they need.

New Jersey and local governments should take steps to both increase and replenish funds for aid so that more renters can apply for aid and take steps to streamline access. Current rent relief programs in New Jersey have been exhausted. But the need persists: earlier this year, New Jersey reopened the State Rental Assistance Program portal and received roughly 86,000 applications over the course of just a few weeks. Of those 86,000 applicants, only 4,000 households were selected to receive funding. ²⁹ By one analysis, in 2022 the lowest income households will owe collectively total arrearages of approximately \$500 million. ³⁰

To address the vast need, New Jersey should appropriate additional federal American Rescue Plan relief funds to expand the rent assistance programs at the state, county and local level to meet the needs of tenants. The state -- and municipalities like Elizabeth, Passaic and Perth Amboy -- should take additional steps to streamline rental relief programs by creating proactive tenant outreach programs that target low-income communities of color and immigrant communities. The Department of Community Affairs has made concerted efforts to improve the process, simplify requirements, and reach communities with the most need. However, more work remains. State and local governments should continue to work to remove

barriers to entry including for individuals that do not have formal leases, do not have reliable access to technology, and do not have Social Security Numbers. Further, the state and local

Carolina D., Elizabeth, NJ

"I got sick and couldn't keep working, so I lost my job. Because I no longer had income, I stopped paying rent and quickly fell behind. The landlord has a rule that if you are late with rent, you have to pay a \$25 fine. And if you don't pay the rent, you get sent to court to be evicted. I owed a lot of money, more than \$3,825. I was afraid of going to court because of my immigration status. So I went to the landlord's office and asked for a payment plan. He agreed and said I had to pay back what I owed, plus his lawyers' fees. I borrowed money and scraped together enough to be able to pay him back. But the next month, when I went to pay rent, the landlord refused to accept my payment. He told me that he was still going to evict me because I owed even more money. He said if I didn't want to go to court I had to pay him another \$3,825 immediately. I couldn't find a lawyer to take my case, so now I am in eviction proceedings at the court and I don't know how I am going to stay in my apartment."

governments should provide transparency as it relates to the approval of applications and mechanisms for rapid redress for individuals who have applied for aid but whose landlords refuse to accept the aid.

4. Right to Counsel

Our survey shows that low-income tenants of color are increasingly unable to keep up with high rent and are at risk of eviction. They are also unable to obtain necessary repairs to dangerous living conditions and some fear retaliation from their landlords. Without legal representation, tenants face long odds to fight their eviction cases, gain repairs and stay in their homes. Nationwide, only 3 percent of renters have access to legal representation, compared to 81 percent of landlords on average.³¹ In the more than dozen states and municipalities including Newark, NJ - that have implemented universal representation pilots, tenants dramatically increased their chances of staying at home. In New York City, under the current right to counsel law, more than 84% of tenants have been able to stay in their homes.³² In Cleveland, more than 93% have been able to avoid eviction with support from the right to counsel program.³³ Right to counsel in eviction cases is also cost effective for municipalities: New York City saved \$320 million by offering legal counsel in eviction cases for low-income renters, by

mitigating the number of people entering homelessness and by preserving thousands of affordable rental homes.³⁴

In New Jersey, Newark has joined more than a dozen cities across the country by launching a right to counsel program for tenants facing eviction. The pilot, launched in 2019, connects low-income tenants to pro bono counsel.³⁵ Now Jersey City is considering a similar program.³⁶

Elizabeth, Passaic and Perth Amboy should join Newark's ranks and implement a municipal right to counsel program so low-income tenants have access to pro bono counsel in eviction and other housing related cases. The New Jersey state legislature should also pass A1552/S2177, with proper amendments to ensure the program is adequately funded, to provide free and universal legal representation to low-income tenants in eviction proceedings.

Conclusion

Amid a growing housing affordability crisis, and in the wake of the COVID-19 pandemic's devastating impact on immigrant and working-class communities of color, New Jersey needs a visionary housing policy that will protect families from displacement and keep them safe. Cities with high shares of renters can show leadership by taking immediate steps to protect the affordable housing stock for all residents, regardless of immigration status, and for tenants of color. Municipalities and the state can also increase rental assistance programs and streamline applications so that the individuals most in need - who are too often left behind - can have access. These actions will put our cities and our state on a path towards greater racial, economic, and gender equity.

About

Make the Road New Jersey builds the power of immigrant and working-class communities to achieve dignity and respect through community organizing, legal and support services, policy innovation and transformative education.

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