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A Virus's Effects: Coughs, Chills and Sometimes a Forgiving Spirit

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Rent collections are being delayed. Water restored. Jailhouse doors are swinging open.

The coronavirus, for all its devastation, is spreading a spirit of forgiveness across America and softening the country's often uncompromising lock-'em-up ways.

Dozens of states and localities have suspended evictions and utility shut-offs. The \$2 trillion stimulus bill that passed the Senate this week included provisions to halt evictions in some federally funded housing, defer federal student loan payments interest-free and stop collections on those who are in default. Law enforcement officials in numerous jurisdictions are refusing to send people accused of low-level offenses to jail or releasing some who are already locked up.

The efforts at leniency have bipartisan backing, with the biggest debate over just how long the generosity ought to extend. Those who have long been fighting for tenant rights or criminal justice reform all of a sudden see their views in the mainstream and argue that this is not forgiveness, but justice. Law-and-order and small-government types shudder to think of the consequences if the current mood is longstanding.

"We're winning stuff that last week sounded radical," said Tara Raghuvier, a tenant rights advocate in Kansas City, Mo. "We have to start demanding more."

The calculation for public officials may be as much about practicality as good will.

How can they ask people to stay at a distance, yet pack them into crowded jail cells? How can they demand that residents hunker down at home and maintain good hygiene, yet shut off their water and kick them out of their residences?

Frank White, the executive of Jackson County, which includes Kansas City, said halting evictions during the virus outbreak was the moral thing to do.

"It doesn't take a genius to figure out that people on the streets at a time like this is not safe for the public," he said.

The story of one Kansas City man shows why many policymakers say this is a particularly bad time for people to be left high and dry.

Once the tube was removed from his lungs, once he could breathe on his own again, once he knew he would survive the failing heart and collapsed lung that hospitalized him for weeks, Kevin Payne headed home with much trepidation.

His landlords had asked him months earlier to vacate his apartment in Midtown Kansas City because they wanted to renovate it. He hoped they would hold off because of health issues that had hospitalized him for weeks. Yet he arrived home on this day in late February to find an eviction notice on his door.

He was forced to move out the following week, and days later the Centers for Disease Control and Prevention urged people at least 60 years old to stay in their homes because of the risk of the novel coronavirus.

The few belongings that Mr. Payne and Ms. O'Brien were able to take with them. Credit... Christopher Smith for The New York Times

Without his thousand-square-foot apartment as a safe haven, Mr. Payne wondered how this was supposed to work. He was 60 years old, in poor health, squeezing into a hotel room with his girlfriend, also in fragile health. They needed to eat healthy but were fearful of going to the grocery store, or anywhere else, for risk of exposure to the virus.

"We're just scared to death," he said.

Mr. Payne and his girlfriend have not left the small hotel room they now call home since checking in on March 9. Groceries, delivered to them by members of K.C. Tenants, a tenant advocacy group, are piled on a small kitchenette in the room, which is a far cry from the two-bedroom unit they shared on a quiet residential street.

They are both on disability and can probably afford the \$1,500-a-month hotel room for another month, Mr. Payne said, but it is impossible to know what comes next.

Though he always paid his \$505 rent on time, his landlords said in an email to The New York Times that he was a hoarder who allowed his unit to devolve into unsanitary conditions. They needed to evict him for his health and safety and that of his neighbors. He got 60 days' notice and a month's free rent. The court approved the eviction in early February, weeks before anyone realized how the coronavirus would grip the country.

Since then, eviction court proceedings have been suspended statewide in 27 states, and numerous local jurisdictions have acted to do so on their own, according to a list compiled by Emily A. Benfer, a visiting law professor at Columbia Law School. But only 13 states have banned the enforcement of evictions statewide, addressing an important loophole.

Six days after the presiding judge in Jackson County issued an order that suspended most court proceedings, a court deputy showed up at an older woman's home on March 18 to evict her. It turned out that while the judge's order prevented pending cases from proceeding, it did not stop cases that already had been decided.

Ms. Raghuvver, the director of K.C. Tenants, spoke by phone with the deputy enforcing the eviction, and he told her, "The judge has signed off on the eviction, and we need to proceed with it," according to a recording of the conversation provided by Ms. Raghuvver.

In a subsequent phone conversation, a supervisor at the court told Ms. Raghuvver that it was “business as usual” and he had six deputies out who were each executing several evictions.

After a public outcry, the presiding judge, David M. Byrn, issued an order the next day halting eviction enforcement in Jackson County.

Still, housing advocates say governmental officials need to go a step further and provide rental subsidies so tenants do not fall too far behind on their payments.

“The thing that scares me probably more than anything right now is just the incredible onslaught of evictions that may be waiting for poor and working-class people on the other end of these moratoria,” Ms. Raghuvver said.

The Senate’s stimulus package is not as forgiving as many liberal activists would like to see. There is no student loan debt cancellation, rental assistance for tenants in private housing, utility protections or unemployment and cash benefits for undocumented immigrants.

The question, for some, is where does amnesty end? Landlords have bills to pay, too. Utility companies cannot pump power and water into homes for free. And some law enforcement officials worry that without consequences, lawbreakers may feel emboldened to do as they please.

Clark Neily, the vice president of criminal justice at the Cato Institute, a libertarian policy research group, said he was all for reducing the jail population because he believed way too many people were locked up to begin with. He was not so sure, however, about the feasibility of long-term forgiveness for nonpayment of rent and utilities.

“If you create a situation where people know someone else will pay their rent and they can’t be thrown out of their apartment, they become less disciplined,” he said.

Policymakers on the left say they hope this moment of reprieve for those living on the edge will prompt the country to reconsider how it does things in the first place. Perhaps, they say, people might see that crime does not spike when low-level offenders are not incarcerated, or that there are ways to deal with someone behind on rent that benefits everybody.

“This is an opportunity for us to dissect some of these policies to ensure that they’re right,” said Danyelle Solomon, the vice president of race and ethnicity at the Center for American Progress, a liberal think tank. “And not only right, but that they’re equitable.”