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COVID-19 Tenant Organizing Toolkit

Autonomous Tenants Union

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March 2020

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– Rent Strikes and Organizing Guide

Please note that the authors of this guide are not lawyers and this is not legal advice, except for any individual resource noted as produced by a legal aid organization. We are speaking from our experiences as organizers and tenants ourselves.

V. Organizing tools

NOTE: It is important throughout this process to get all communication between you and your landlord in writing.

Templates

- First outreach note from you to other tenants
- Letter requesting rent delay/suspension
- Rent Reduction Letter
Note: To *legally* reduce rent under the RLTO, this letter must be sent 14 days before rent is due, and you must list a percentage of the rent you want to reduce for each issue. It can't be more than 50% of your total rent.
- Laundry Letter

From TANC

- “We Got Your Back” Pledge. (link)
- Assortment of alternative sample letters. (link)
- Letter barring realtor/inspections/walkthroughs/etc during pandemic (link)

Chicago-based resources:

- ATU's Tactics Zine
- Chicago Rent Freeze: Discussion and Resources
A Facebook Group to discuss the organizing process with other Chicago tenants
- From Uptown People's Law Center
 - Evictions KYR Guide

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- Certain tenants cannot pay rent during the COVID-19 crisis;
- Tenants who cannot pay are asking for rent suspension due to COVID-19 crisis;
- If the landlord retaliates, the tenants council is prepared to defend their colleagues;
- The *maximum* tactic on the table is a rent strike, though other actions may be taken.

Why we recommend this plan:

- It automatically gives you some legal protection against retaliation by forming a tenants council;
- It produces solidarity with those who cannot/will not pay without asking immediate action;
- It forces the landlord to go on the record about their position in this difficult time;
- It opens up new possible actions later on, and puts tenants in a better position for the long term.”

Other Issues to Organize Around

Even if you don’t feel confident you and your neighbors can act collectively around paying rent before April 1, there are other issues to organize around that might create the possibility for bigger commitments later.

For example, you and your neighbors can form a tenant union and demand the landlord extend tenants’ leases, install doorbells to make deliveries easier, make laundry free for the remainder of the crisis, or bar them from having realtors, inspectors or leasing agents hold walkthroughs during the pandemic. **Even small, coordinated actions show your landlord that you’re organized and help to build trust among your neighbors.**

3. **If necessary, schedule a meeting to vote on next steps.** Although in-person meetings are not a good idea, tenants can still meet using Zoom, Google Hangouts or a conference call. Make sure to check in with the other tenants to make sure you choose a medium that they are comfortable with.
4. **Have the meeting.** Remind everyone the day before and the day of the meeting. Do it both en masse **and** individually. You want as many tenants as possible to be involved.

Meeting tips:

- Have a simple agenda.
- Have someone facilitate the meeting. Their job is to keep conversation on topic, include all participants in discussion and make sure every task has someone assigned to it.
- Have someone take notes. Their job is to write down at least the most important points, any decisions, and who commits to doing what. These help with knowing what happened as you move forward and with keeping people in the loop who missed a meeting.

TANC's "Got Your Back Pledge" AKA "Strike Pledge"

"The basic idea: You plus any number of other tenants can't or won't pay rent. You get your fellow tenants to sign onto a "Got Your Back Pledge" letter that is then sent to the landlord. The letter notifies that landlord of the following:

- There is now an established tenants council;
- All issues relevant to COVID will take place through the tenant council, as a collective, rather than as individuals;

The Autonomous Tenants Union (ATU) is an all-volunteer organization committed to organizing for housing justice from below and to the left. As an independent collective based in Chicago, we strategize together to defend and enforce our right to dignified housing. We believe that housing is a human right not a commodity! We fight for an end to all evictions, and for community control of housing through the building of popular power.

I. Where we are

We are in the middle of a public health catastrophe, during which everyone's sole focus should be protecting themselves and their communities. But instead, many are worrying about rent. Chicagoans face layoffs and loss of income as workplaces around the country shutter to limit COVID-19's spread, and one missed paycheck can mean a choice between groceries or rent, with a looming potential for homelessness.

Unstable housing is exacerbating this crisis. If tenants know that missing rent could result in eviction proceedings, they'll be more likely to go to work with symptoms and risk getting others sick. Tenants forced to move face a higher risk of spreading and/or contracting the virus, along with difficulty securing new housing, renting moving trucks, hiring movers, or finding volunteers to help. It is our responsibility to protect each other. In the absence of compassionate leadership from our government, we must organize together to ensure our basic needs are met.

What we have going for us:

1. **No one wants to pay rent. Many of us can't.** A landlord's financial power comes from their ability to collect rent. If a large enough number of tenants are unwilling – or in this case, unable – to pay rent, they gain some leverage over their landlord by depriving them of that income. There is an unfair stereotype that tenants who

can't pay rent are lazy or troublesome — this is untrue even in the best of times, but in times like this, the reality is that landlords across the country will find themselves without their monthly rent collection regardless of what we as tenants do.

2. **None of this is your fault. Others are in the same boat.** In times of stress, hearing from others going through the same thing as you can be immensely reassuring. Our society tends to keep people in an unnatural state of isolation, but when you start talking to your neighbors you'll probably find them relieved to share their experiences and hear they're not alone. If that desire to connect to neighbors can be harnessed and organized, it will make a powerful force against the privileges landlords are granted in our legal system.
3. **The courts are delayed.** Like in many places across the country, the Cook County Court has temporarily suspended the execution of evictions orders and all but entirely closed court proceedings until April 13 (this can change). Since court proceedings are almost entirely closed, if you fall behind on April rent and your landlord moves to evict you, they cannot begin court proceedings until the moratorium is over. Since eviction cases can last weeks if not months, **you can be confident that even if you are unable to pay April rent you will not be physically evicted from your home for a couple months, or maybe even longer — and there are plenty of ways to fight the eviction in the meantime.**

1. **Assess your situation.** Will you be able to pay rent on April 1st? Do you already know any of your neighbors? If so, reach out to them first. Are any of them unlikely to be able pay? This information will help you as you contact other people in your building.
2. **Get contact information from your neighbors.** Go door to door in your building, making sure to stand six feet back when your neighbor answers. If no one answers, you can also leave a note introducing yourself and sharing your contact information — here are templates you can use. When meeting someone for the first time, introduce yourself and ask questions to understand how they've been affected by the crisis. You should be open about your rent situation, but try to let them do most of the talking.

If they share your concerns, introduce the idea of acting collectively as a building. **No matter how the conversation goes, be sure to get their contact information.** If someone speaks a language you don't speak, find a friend who does, or let ATU know and we may be able to help.

1. **Set up a group communication channel.** This can be a group text, email thread, WhatsApp, a Facebook group, or whatever tenants are most comfortable with. If the group is multilingual, commit to translating the most important points for monolingual speakers. Google Translate is a good resource for quick translation.
2. **Check in with neighbors directly.** As much as you can, call and text people individually to check on how they are doing and encourage them to participate. Talk to them about what they want, need, and have to offer others. Organizing is relationship building toward collective action. Try to share this work with other tenants.

- You will have a court case on your record. The only way to get it off your record is to have it “sealed,” and this must be done through a settlement and agreement between you, the landlord, and the judge. It is possible to do, but *not a guarantee*. A court case on your record can make it more challenging, but not impossible, to find a new apartment.
- Good lawyers that are free or low cost are difficult to come by. ATU and other orgs may be able to help refer you to lawyers, but we can’t count on there being enough lawyers, let alone enough good ones.
- If you can’t pay the rent, the landlord has the legal advantage.

REMEMBER: No matter if your objective is to reach an agreement before or during court, you can’t stop organizing. Organizing starts by talking to your neighbors.

IV. How to talk to your neighbors

Whether we are experiencing a public health crisis or not, the first step of tenant organizing is always talking to your neighbors. The best way to protect yourself and your neighbors against retaliation from your landlord in the future is to **form a tenants union as soon as possible**. We know from experience that we are always stronger together, and if tenants band together we are able to get huge concessions from landlords.

Note: Remember to wash your hands before and after leaving your unit, maintain six feet of distance when talking, and don’t leave your unit if you feel sick. Learn more about COVID-19 prevention here.

II. What happens when you don’t pay rent

Although some may try, it is illegal for a landlord to lock you out. The only person that can physically evict you is a sheriff, and the sheriff needs a court order! Read about what a lockout is here.

A landlord following the process correctly will serve you a “5 day notice” the day after rent is due or after any grace period they allow you. If you don’t pay the full amount in 5 days, the landlord can enter an eviction lawsuit against (remember, Cook County court filings are still open so they can *open* an eviction case against you, but they will not be able to pursue it until the moratorium is lifted).

You may feel a lot of stress when you get this notice. Just remember this is the beginning of the process. BUT, if you can negotiate an agreement before the landlord enters a lawsuit, you should make every effort to do that. This will save you the headache of having to go to court and find a lawyer.

Court process

- The full Eviction Court process, from the filing to the Sheriff changing your locks, can take anywhere between 2–8 months. You can take steps to lengthen it. The landlord cannot accept rent during the full court process, or they have to start over.
- Court dates are typically scheduled at least two weeks after the filing of the lawsuit, sometimes more. The order from the Chief Judge will probably delay this timeline.
- A Sheriff will come to your door to serve you court papers (the summons to court, court date, and the lawsuit’s complaint). Don’t freak out if they come knocking forcefully, they’re just there to serve you papers, not evict you! If they can’t put the court papers in your hand, they

have to reschedule another court date another 2 weeks out, and try to re-serve you.

- At your first court date, you can show up yourself and ask for a continuance to find an attorney, typically getting another week.
- After this, we highly recommend you get a lawyer (ATU and other orgs may be able to help). The court process will likely come to a conclusion much sooner if you don't have a lawyer. If you have a lawyer, the process could go on for months more.
- You can also, on your own, file for a Jury Demand & usually get a Fee Waiver, typically getting another 3 weeks (more resources will be provided here soon).
- The court process ends in an "Order of Possession" which the landlord can take to the Sheriff to officially evict you. The Sheriff's job is to remove you from your home and change the locks. By organizing with your neighbors and support networks to reach an agreement with the landlord, you can better ensure that you won't get to this point in the process.

III. Strategy

Our power is in our numbers! Whether your demands revolve around staying in your apartment, or getting more time to move, your strategy should be to **negotiate a written agreement with the landlord by acting collectively (organizing)** with your neighbors and support networks. You can fight to reach an agreement before the landlord files an eviction lawsuit, or during the lawsuit. Organizing will get the best results in either case.

Reaching an agreement before a lawsuit

Advantages

- You will not have to go to court and will not have a court case on your record or credit history.
- You will not have to deal with the pressures and stresses of the court process, finding a lawyer, etc.

Risks

- Not as immediately costly to the landlord.
- All your leverage must come from organizing with your neighbors and/or with community groups if you want to obtain the best results.
- You will have to organize on a shorter timeline.

Reaching an agreement during a lawsuit

Advantages

- Many court cases result in some kind of settlement, especially if you have a lawyer.
- It is costly for the landlord and can drag out several months, creating an incentive to settle.
- You have the right to a jury trial, which landlords do not want.
- Many eviction cases that are for non-payment of rent result in settlements that give some time to move and/or some rent forgiven, *but this is not a guarantee.*

Risks