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SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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November 9, 2021

Mr. Stephen Siegel
Chief Executive Officer & President
The Siegel Group
3790 Paradise Road, Suite 250
Las Vegas, NV 89169

Dear Mr. Siegel:

I am writing to obtain your compliance with document and information requests the Select Subcommittee on the Coronavirus Crisis sent to the Siegel Group more than three months ago. On July 19, 2021, the Select Subcommittee initiated an investigation into the eviction practices of certain corporate landlords during the coronavirus pandemic, seeking to assess their compliance with pandemic eviction moratoria and federally funded rental assistance programs. The Siegel Group has failed to produce key documents and information necessary for the Select Subcommittee to complete its investigation. The Select Subcommittee expects the Siegel Group to fully respond to all of its document and information requests. Should you fail to do so, the Select Subcommittee may be forced to consider alternative measures to obtain your compliance.

The Select Subcommittee's July 19 letter raised concerns that the Siegel Group was one of a number of large corporate landlords that had aggressively filed to evict tenants during the pandemic despite the existence of eviction moratoria and the availability of billions of dollars in rental assistance funds. Publicly available information suggested that the Siegel Group had not significantly decreased its rate of filing for evictions from pre-pandemic levels despite the Centers for Disease Control and Prevention (CDC) eviction moratorium, and that the company appeared to be pretextually characterizing eviction claims as "no cause" to evade the moratorium's prohibition on many evictions for nonpayment. The letter also noted that reports and court records raised questions about whether the company monitored tenants' mail to challenge their CDC moratorium declarations and whether the company complied with rental assistance program requirements protecting tenants from eviction following the distribution of rental assistance.¹ Those questions remain unanswered.

¹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Stephen Siegel, Chief Executive Officer & President, The Siegel Group (July 19, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-07-19.Clyburn%20to%20Siegel%20Group%20re%20Pandemic%20Evictions.pdf>).

The Siegel Group’s failure to fully respond to the Select Subcommittee is deeply concerning. Despite repeated conversations with Select Subcommittee staff, the Siegel Group has not meaningfully responded to the Select Subcommittee’s document and information requests, citing inappropriate privilege assertions and its own insufficient recordkeeping practices. Troublingly, the Siegel Group maintains that it cannot identify how many tenants it filed to evict during the pandemic because that information is held at “the property level.”² The company has provided the Select Subcommittee with only basic information concerning its eviction filings for a subset of properties and for a single month period.³ The Siegel Group has also failed to produce records indicating the total number of tenants it has moved to evict during the pandemic, the number of tenants it moved to evict within 120 days of receiving rental assistance, and other records documenting the company’s eviction practices during the pandemic. The Siegel Group’s failure to respond in a meaningful fashion suggests that the company does not adequately monitor weighty legal proceedings that can lead to families losing their homes, as it fails even to maintain accessible records reflecting its recent legal actions. Further, the Siegel Group’s purported inability to produce basic information about the number of tenants it has moved to evict during the pandemic raises broader concerns about the accuracy of representations the company has made to the Select Subcommittee about its eviction practices.

The Siegel Group’s blanket assertion that all responsive directives, guidance, and communications concerning pandemic eviction moratoria and rental assistance programs are privileged is also unacceptable. The implausibly sweeping nature of this privilege claim suggests it is a pretext to avoid fully complying with the Select Subcommittee’s requests.

The Select Subcommittee also has specific concerns about the accuracy of the Siegel Group’s responses to certain information requests related to the company’s compliance with eviction moratoria and rental assistance program eviction protections. First, the Siegel Group’s initial response to the Select Subcommittee’s July 19 letter stated that “to the best of the Siegel Group’s knowledge” the company had not monitored or collected information about tenants’ personal mail for the purposes of challenging CDC moratorium declarations, and that the company only challenged CDC declarations when there was “good cause” to do so.⁴ The company’s own

² Letter from Outside Counsel, The Siegel Group, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Aug. 27, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.08.27%20Siegel%20Group%20Response%20Letter.pdf>); Letter from Outside Counsel, The Siegel Group, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Siegel%20Group.20211022.Response%20to%20Claflin-McGrath%2020210930%20Email%20re%20Production%20Request.pdf>).

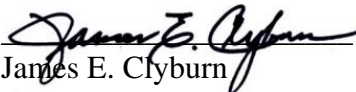
³ Letter from Outside Counsel, The Siegel Group, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Oct. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Siegel%20Group.20211022.Response%20to%20Claflin-McGrath%2020210930%20Email%20re%20Production%20Request.pdf>).

⁴ Letter from Outside Counsel, The Siegel Group, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Aug. 27, 2021) (online at

court filings call the accuracy of these representations into question. In one case, the Siegel Group challenged a tenant's CDC declaration by citing social security benefits received "at the Property."⁵ In another case, the Siegel Group filed an affidavit in court that attached over a dozen pictures of envelopes and packages addressed to a tenant in support of the company's challenge to the tenant's CDC declaration on grounds that the tenant had sufficient funds to pay rent.⁶ Second, the Siegel Group's recent letter defended the company's heavy reliance on eviction filings despite the availability of pandemic rental assistance programs by asserting that "the tenants must themselves *affirmatively apply* for rental assistance – the Siegel Group cannot do it for them."⁷ But that statement is inaccurate. In many states and localities, landlords are able to submit rental assistance applications on their tenants' behalf, including in Arizona where the Siegel Group stated that its evictions are partly attributable to tenants' failure to navigate the rental assistance application process.⁸ These representations raise questions about the accuracy and completeness of the Siegel Group's previous responses to the Select Subcommittee's requests, and underscore the urgent need for the Siegel Group to immediately and fully cooperate with all of the Select Subcommittee's requests.

The Select Subcommittee expects the Siegel Group to fully respond to its July 19 requests by no later than November 23, 2021. Should you fail to do so, the Select Subcommittee will be forced to consider alternative measures to obtain your compliance with these requests.

Sincerely,


James E. Clyburn
Chairman

cc: The Honorable Steve Scalise, Ranking Member

<https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.08.27%20Siegel%20Group%20Response%20Letter.pdf>).

⁵ Landlord's Request to Challenge Tenant's Covered Person Declaration, *YO ELEVEN LLC v. Lazarus*, Case No. 20E014665 (Justice Ct. Las Vegas, NV, filed Mar. 4, 2021).

⁶ In the same filing, the Siegel Group's affiant attested that "on information and belief" the tenant had not applied for rental assistance, without providing other factual support. Landlord Affidavit, *Seventh Street Reno Holdings LLC v. Ray*, Case No. REV2021-000632 (Justice Ct. Reno, filed May 14, 2021).

⁷ Letter from Outside Counsel, The Siegel Group, to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (Aug. 27, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.08.27%20Siegel%20Group%20Response%20Letter.pdf>).

⁸ See *Landlord Application on Behalf of Tenant*, Maricopa County Human Services Department (online at www.maricopa.gov/DocumentCenter/View/67485/Landlord-Application-on-Behalf-of-Tenant) (accessed Nov. 4, 2021).