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State and Local Eviction Prevention Actions

Residential evictions are costly for everyone—including residents, property owners, and communities. Many evictions for nonpayment of rent could be prevented by giving renters the time and resources they may need to catch up on rent. Most laws governing the relationships between landlords and tenants are set at the local or state level, including those that determine how and for what reasons landlords can legally evict their tenants. The strength of tenant legal protections and other state and local policies can, in turn, influence the rate of eviction filings and the consequences of those filings. This *Policy & Practice* reviews the literature on effective state and local policies that can reduce eviction filings and highlights policies and programs that state and local governments can implement to prevent evictions and improve housing stability for at-risk families.

Research Insights

The Eviction Lab estimates that over the past decade, landlords filed an average of 3.6 million evictions each year in the United States.¹ Eviction filings are concentrated among Black renters, women, and families with children.² In fact, one study found that one in seven children in major U.S. cities in the late 1990s were evicted at least once before turning 15 years old.³ The most frequent cause for eviction filings is the nonpayment of rent among families with precarious and unstable incomes.⁴

When they occur, evictions have lasting and detrimental impacts on families and children. Evictions impact the housing stability, physical and mental health, employment stability, education, and exposure

to environmental hazards of the families who survive them.⁵ Evictions have substantial costs not only to the evicted household but to society. Research shows that eviction orders increase the likelihood of homelessness and hospital visits, reduce earnings, increase financial insecurity, and increase use of public benefits and services—all of which can cost cities millions of dollars every year.⁶

In many places, it is easy for landlords to file evictions because the process to repossess the housing unit is quick. As a result, landlords may not have strong incentives to negotiate with tenants before filing for eviction.⁷ Research finds that higher filing fees and longer process timelines incentivize landlords to negotiate payment plans with tenants and give them more time to pay back rent. In areas where filing an eviction is costly, landlords file an eviction as a last resort after attempting to collect missed payments using other methods. In areas where filing an eviction is less costly, landlords may file an eviction several times against the same household to collect arrears and not necessarily with the intention to evict the tenant.⁸ As fees increase, landlords are less likely to file an eviction in the court system but more likely to pursue an informal eviction.⁹ Informal evictions occur outside the court system, for example, by offering cash to vacate,¹⁰ changing the unit's lock, removing the renter's belongings without a legal issuance, turning off utilities, removing entrance doors, or taking other steps to prevent tenants from accessing the unit. Research also shows that providing a notice to tenants before filing an eviction in the court system for

nonpayment of rent can also serve as a deterrent for landlords to file evictions.¹¹

Eviction diversion programs and legal assistance have also proven effective in helping households avoid an eviction filing or judgment.¹² Most landlords have legal representation in eviction court, and most tenants do not; this power imbalance leaves tenants more vulnerable to detrimental consequences in court proceedings. The U.S. Department of Justice Attorney General, Secretary of the Department of Housing and Urban Development (HUD), and Secretary of the Department of the Treasury have encouraged state and local courts to develop eviction diversion programs to mediate disputes between landlords and tenants before filing an eviction.¹³ Research shows that right-to-counsel and other mediation programs reduce evictions and improve outcomes for tenants. For example, Michigan reports that 12 percent of all eviction cases received extensive services, such as attorneys negotiating settlements, and 97 percent of those cases avoided eviction.¹⁴

Innovative Policies and Practices

State and local governments have implemented a range of policies and programs to prevent eviction. The most successful programs pair protections with resources—for example, eviction moratoria paired with emergency rental assistance (ERA), increasing filing fees, or increasing access to legal assistance. This section highlights program components that can effectively increase housing stability, reduce eviction filings, and avoid high costs for communities associated with evictions.

Require “good cause” for eviction. Without good cause protections, landlords can file eviction notices against tenants even when tenants are in good standing and have not violated the terms of their leases. To remedy this dilemma, laws requiring “good cause” for eviction (sometimes referred to as “just cause” or “for cause”) specify reasons a landlord can legally evict a tenant or choose not to renew a lease. Five states and several cities have enacted various forms of good cause protections, which typically (1) define the legal grounds for eviction; (2) place limits on rent increases; and (3) enhance written notice

requirements.¹⁵ One study found that local good cause ordinances in four California cities reduced eviction filing rates and completed evictions.¹⁶

Provide universal access to legal services. When tenants are represented by counsel, they are less likely to receive judgments against them. As of October 2023, 17 cities, four states, and one county have enacted the right to counsel for tenants facing eviction.¹⁷ For example, in 2017, New York City adopted the nation’s first law providing access to free legal assistance for low-income tenants facing eviction, based in part on research showing that providing such assistance would save the city millions of dollars.¹⁸ Eligible tenants have a household income at or below 200 percent of the poverty guidelines.¹⁹ New York reported that about 42,000 households received legal assistance, and attorneys represented six out of ten tenants who appeared in court in fiscal year 2022.²⁰

Increase remote and in-person access to courtrooms. Many tenants also experience barriers to accessing and understanding court proceedings because of inadequate language access, inaccessible procedures for people with disabilities, and lack of child or eldercare limiting their capacity to attend court. Tenants who can appear in court are less likely to be evicted. During the pandemic, courts allowed defendants to appear in court virtually via phone or videoconferencing to reduce the spread of COVID-19. This measure also improved accessibility for low-income tenants to attend their court hearings. In 2023, the state of Colorado introduced a bill allowing parties in residential eviction cases to appear remotely and e-file their case documents online.²¹ This measure aims to decrease the number of evictions by default judgment. In 2022, the state of Arizona adopted a similar law that gives any party in an eviction case the option of attending by phone or video.²² Another measure to increase accessibility to court hearings is to provide transportation assistance to tenants with eviction cases so they can appear in person. The Pinellas Eviction Diversion Program (PEDP) in Florida partnered with local organizations to provide transportation to court, among other services.²³

Identify at-risk households using data. Jurisdictions can use data forecasting to identify tenants at risk of eviction to strengthen housing policies and programs. One example of how this process works in practice includes informing allocation formulas for better distribution of financial aid. A study used data forecasting to predict tenants at risk of eviction in Dallas County to improve the efficiency and accuracy of resource allocation of ERA and eviction diversion programs.²⁴ Jurisdictions can also use data to identify tenants vulnerable to landlord harassment. New York Public Engagement uses machine learning to identify vulnerable tenants to educate them about their rights and landlord harassment when landlords want to circumvent rent-stabilization laws by illegally forcing them out.²⁵

Share data across sectors. In many places, the local government operates housing stability programs, and the court system oversees the adjudication process around eviction proceedings. To overcome the disconnect between systems, the city of Memphis and Shelby County in Tennessee joined the local court to share data identifying neighborhoods with increased eviction activity to conduct targeted outreach to both tenants and landlords. The program fosters relationships with large apartment complexes and engages tenants on the premises.²⁶

Offer financial assistance. As the Treasury's ERA program showed, financial assistance is an incredibly powerful tool to help families avoid evictions. When the federal assistance winds down, local governments can commit their own funds and use what they have learned from ERA to inform the outreach and delivery of continued financial or rental assistance programs. In Massachusetts, the Residential Assistance for Families in Transition (RAFT) program—established in 2013 and later known as Emergency Housing Payment Assistance (EHPA—incorporated additional funding streams from the ERA to expand the program during the pandemic and now offers up to \$7,000 in financial assistance per household during 12 months to Massachusetts tenants facing eviction, foreclosure, or loss of utilities). RAFT/EHPA can cover utilities, moving costs, or overdue rent. Eligible households have incomes at or below 50 percent of the Area

Median Income and do not need to have legal immigration status. In fiscal year 2022, the RAFT/EHPA program distributed \$162.5 million to more than 18,000 households, helping them keep their utilities on and/or stay housed.²⁷

Provide housing navigation. Housing navigators connect tenants to supportive services and engage clients upon entering the homelessness system and until after obtaining housing. Housing navigators assist with eliminating barriers to obtaining housing, such as criminal records, credit scores, and previous eviction judgments. Housing navigators develop partnerships with landlords, community organizations, and housing professionals.²⁸ Some eviction diversion programs, like the PEDP in Pinellas County, Florida, partnered with local philanthropic organizations to provide housing navigators and housing navigation transportation.²⁹ In 2023, New Jersey implemented an eviction diversion and intervention program providing housing navigators, relocation, and rapid rehousing support, among other comprehensive services, to low-income renters at risk of eviction.³⁰

Connecting to the U.S. Department of Housing and Urban Development's Efforts

As of mid-2023, the ERA program made more than 12 million payments, enabling households to catch up on back rent. This program, combined with federal, state, and local eviction moratoria and diversion programs, reduced eviction filing rates significantly and prevented a rise in homelessness during the pandemic.³¹ The Biden Administration also published a first-of-its-kind *Blueprint for a Renter Bill of Rights* in January 2023, which contained principles for fairness in the rental market and dozens of agency actions to advance those principles.³² HUD commitments included making the 30-day notice for advanced notification of lease termination due to nonpayment of rent permanent,³³ providing \$10 million for tenant outreach and education via the Section 514 Notice of Funding Opportunity,³⁴ and launching the eviction protection grant program to provide legal assistance to households facing eviction, which has served nearly 25,000 households to date.³⁵

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