



SERIES: PREVENTING HOUSING INSTABILITY
Fact Sheet

Eviction Diversion and Prevention Programs

The Basic Concept: Early Intervention

Eviction is costly and damaging for all parties involved. For tenants, “[e]viction is a cause, not just a condition, of poverty,”¹ precipitating a “spiral of financial instability” that culminates in decades of poor health and economic hardship.² For communities, evictions break down communal bonds and burden the court system with crowded dockets and administrative costs. For landlords, evictions come with surprising costs. Despite these deleterious effects, eviction filings have become a routine part of the collections process for landlords, who frequently leverage the threat of eviction to coerce tenants to move or pay.³ This is particularly problematic in states where barriers to filing are already relatively low.⁴

Eviction diversion programs provide point-of-crisis services to help landlords and tenants resolve their issues without resorting to eviction, typically by intervening before the case is filed, before the hearing, or before the eviction is executed and the tenant is removed from their home.⁵ These programs are premised on the idea that early intervention can effectively meet the needs of all parties: “the landlord gets paid, the tenant gets housing, and public health gets protected.”⁶

- **Landlords:** Studies have shown that it is often less expensive to support tenants than to evict them. Although rent court procedures are often inexpensive, evicting a tenant cuts off rental income, monopolizes a landlord’s time, and imposes administrative costs—including court and legal fees, unit cleanup and inspections, advertising and turnover, and the various costs of vetting a new tenant. Some estimates place the sum of these expenses at upwards of \$10,000.⁷ While these costs may be justifiable in a severe case, studies have suggested that the average tenant facing eviction is only \$1,000 to \$2,000 behind on rent.⁸
- **Tenants:** Eviction diversion programs are very effective at helping tenants stay in their homes. Anywhere from 67% to upwards of 90% of tenants who receive early assistance avoid eviction.⁹ Boston’s Court Intervention Project began to offer a package of financial, legal, and counseling services to low-income public housing tenants in 2010.¹⁰ Across the first three years of the program’s operation, 96% of tenants who participated remained housed one year later.
- **Communities:** Early intervention programs reduce eviction filing and eviction execution rates. When the Syracuse Housing Authority partnered with two community organizations to offer pre-filing support services, covered properties saw a 75% reduction in eviction filings between 2017 and 2018.¹¹ This

alleviates crowded rent court dockets and has a strong downstream impact on housing instability and homelessness.¹²

Case Study: Kalamazoo, Michigan

In 2010, the City of Kalamazoo adopted an innovative [Eviction Diversion Program](#) in partnership with the Department of Housing and Urban Development (“HUD”), a local tenant screening service, and the local trial court. The program combines rental assistance with pretrial mediation services to support tenants with below-median income.¹³ Landlords are required to include a brochure describing the program with any eviction summons and to grant preemptive consent to mediation. In the first five years of this program, Kalamazoo saw a 50% decrease in executed evictions and a 9% decline in homelessness.¹⁴ This program has been widely celebrated and is now emulated by other jurisdictions around the country.¹⁵

Policy Options: Models of Eviction Diversion and Prevention

Every jurisdiction with a diversion program has a unique approach to eviction prevention, but the general concept is similar. Successful programs involve robust collaborations between governments and community organizations to provide emergency rental assistance services. Tenants are given an opportunity to connect with these services and take part in the program before their eviction case goes to trial—such as through information pamphlets or pre-trial settlement conferences. Tenants who complete the program are often guaranteed the dismissal of any case filed against them, and the expungement of their record. The services offered fall into four patterns: (1) extended notice requirements and tenant education programs; (2) funds allocated for emergency rental assistance and forgiveness; (3) eviction mediation programs; (4) collaborative housing court models.

Pre-Filing Notice and Tenant Education

Advance notice periods are a simple but potent intervention that give tenants in crisis the opportunity to fix the problem themselves before the worst consequences emerge. Today, 42 out of 50 states impose some form of notice period before filing an eviction case based on a tenant’s failure to pay rent.¹⁶ However, many of these states only provide three days’ advance notice, and these grace periods are little use for tenants who do not have a working knowledge of their options to avoid eviction.¹⁷ Tenant education programs “level the playing field” by providing “material and professional support” to tenants who are not routine or sophisticated players.¹⁸ These programs can take multiple forms, ranging from training on renter rights and responsibilities, to social services and free legal advice, to pamphlets and tenant handbooks. The most effective tenant education programs provide information close to the point of crisis by modifying the eviction court summons or including a pamphlet with the eviction filing notice.

Case Studies

<p>Boston, Massachusetts Several Boston housing courts partner with local volunteer organizations to offer Lawyer For The Day programs, providing</p>	<p>Cincinnati, Ohio A cross-disciplinary team redesigned the summons used in eviction cases to include contact information for free consultation</p>	<p>Tucson, Arizona Beginning June 2019, Tucson has offered Tenant Education Workshops that provide low-income residents with information concerning their rights and</p>
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tenants day-of-trial advice and assistance. ¹⁹	services, Legal Aid, rental assistance, and help hotlines. ²⁰	responsibilities, and the eviction process. ²¹
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Emergency Rent Assistance and Forgiveness

In some cases, directly subsidizing tenants who are at risk of eviction can be a viable solution, providing a lifeline to vulnerable individuals who are facing an acute financial crisis. Extreme rental deficits are the exception, not the rule. In ordinary circumstances, the average tenant facing eviction owes between \$1,000 and \$2,000 in rent.²² [The Eviction Lab](#), at Princeton University, found that the median rent owed by tenants facing eviction in 22 states between 2014 and 2016 was just \$1,253, including court costs.²³ In these same states, about 30% of eviction judgments were granted against tenants who owed less than their area’s median monthly rent. In North Carolina, more than 40% of filings occurred in cases in which tenants were less than one month behind. And in Richmond, with the nation’s second highest eviction rate in 2016, the median amount owed was merely \$686.²⁴ These figures demonstrate that a small subsidy can be enough to sustain most tenants and avoid the worst health and economic impacts of eviction.

High levels of demand and inconsistent funding frequently prove challenging for these programs. Rental assistance requires year-to-year support, and demand for housing relief routinely exceeds supply.²⁵ This problem is exacerbated by unpredictable emergencies and market fluctuations. When Houston, Texas, passed a [\\$15-million-dollar COVID-19 rental relief](#) program in May 2020, the funds ran out in only 90 minutes.²⁶ Political support and startup funding can also be an obstacle. Due to a lack of public funding, the Eviction Diversion Program established in Durham County, North Carolina, was only able to reach about 50 of 900 tenants who faced eviction each month during its pilot year.²⁷ Comparatively, when programs are well-funded and successful, decisionmakers may be incentivized to reaffirm or expand their initial grants. The city of Boston, Massachusetts, partnered with [HomeStart](#) to offer rental assistance in 2010.²⁸ Among tenants served by the pilot program, 97% remained in their apartments one year later, and 95% after two years had passed. Moreover, the Boston Housing Authority (“BHA”) found an 84% savings between the cost of maintaining these tenancies (\$1,570/tenant) and the cost of eviction (\$10,021/tenant). These figures convinced BHA to expand its investments in the program.

Where funding is limited, jurisdictions are encouraged to calibrate access to emergency funds to serve the tenants with the greatest need, and the greatest opportunity to recover. Although broader coverage is always ideal, and a provider is encouraged to serve as many tenants as possible, it is best practice to prioritize the applicants with the greatest need. Many jurisdictions have achieved this by limiting access to individuals with incomes below the area median or the poverty line.²⁹ For example, the celebrated program in Kalamazoo disburses funds to tenant-applicants making less than 40% of the median area income.³⁰ Others require parties to pay a percentage of the rent up front³¹ or limit the total amount of rent that can be subsidized.³² Virginia’s statewide pilot program requires participating tenants to pay 25% of their overdue rent upfront, and allows individuals to access relief funds only once every twelve months.³³

Eviction Mediation Programs

Many jurisdictions have capitalized on the popularity of Alternative Dispute Resolution (ADR) services by creating opportunities for landlords and tenants to mediate before trial, or even before filing. These programs “avoid potential eviction judgments by facilitating mutually beneficial agreements between tenants and landlords.”³⁴ Mediation programs are extremely popular: The District Court in Baltimore, Maryland, ran [a mediation pilot program](#) for six months in 2016. Among tenants and landlords given the option to mediate, 85%

participated and 81% reached a satisfactory settlement.³⁵ Landlords often find the costs of mediation substantially lower than the cumulative costs of eviction.³⁶

Mediation is a consent-based process that can only function when both parties agree to negotiate. Mediation also comes with some risk, as the lack of formal procedures could exacerbate existing power dynamics and inequalities between tenants and landlords.³⁷ Eviction mediation programs should balance these considerations. Courts can create opportunities for negotiation by expanding the grace periods between notice, filing, and eviction,³⁸ and by partnering with community services or placing the burden on landlords to request mediation.³⁹ Jurisdictions have also found success by empowering their housing courts to refer parties to mediation or to suspend or delay the eviction process.⁴⁰ Additionally, guaranteed dismissal and expungement of eviction records, partial rent subsidies, and oversight by professional mediators may streamline the risks associated with the mediation process and incentivize both parties to participate.⁴¹

Case Studies

<p>Philadelphia, Pennsylvania The Good Shepherd Mediation Program, a Philadelphia nonprofit, has offered landlord-tenant dispute resolution services since 1985. A city ordinance passed during the pandemic requires mandatory pre-filing mediation for tenants with COVID-related hardships.</p>	<p>Texas The Supreme Court of Texas established an Eviction Diversion Program by emergency order during the COVID-19 pandemic. Landlords and tenants must agree to participate. If an agreement is reached, the case is dismissed, and all records are sealed.⁴²</p>
<p>Jackson County, Michigan Jackson County offers mediation in partnership with Southeastern Dispute Resolution Services, the Michigan Department of Health, and other entities.⁴³ When tenants receive an eviction complaint, they may check a box requesting day-of-trial mediation before their case is heard.</p>	<p>Palo Alto, California The Human Rights Commission of the City of Palo Alto administers a Mandatory Response Program in partnership with Project Sentinel. Under city ordinance, if either party requests mediation, the other party must attend a settlement conference.⁴⁴</p>

Collaborative Housing Courts

As an alternative to mediation programs, jurisdictions may adjust the rent court process to integrate support services into the rent court process and encourage a more collaborative approach to case management.⁴⁵ The concept of a collaborative housing court encourages “collaborative, holistic models of resolving disputes, especially with the local public housing authority,”⁴⁶ by encouraging a “problem-solving judiciary integrated with personalized programs and support services.”⁴⁷ Transition to a collaborative housing court would require adjustments to traditional rent court procedures that emphasize support over adjudication:

- Assign judges to manage the landlord-tenant docket.
- Educate judges about the public health and equity consequences of eviction.
- Grant courts additional discretion to control the pace of an eviction case.
- Authorize courts to refer parties to community support services.
- Enable judicial supervision through case management plans and status conferences.

Case Studies

Charleston, South Carolina

The [Charleston Housing Court Pilot Project](#) assigns a dedicated group of three magistrates to handle eviction cases. These judges work with tenants to schedule housing court hearings to connect tenants to community services.

New York City, New York

The Red Hook Justice Community Center offers collaborative approaches to criminal justice and housing issues in collaboration with the local housing authority.⁴⁸

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¹ MATTHEW DESMOND, *EVICTED: POVERTY AND PROFIT IN THE AMERICAN CITY* 293 (2016).

² Kristin Ginger, *Eviction Filings Hurt Tenants, Even If They Win*, SHELTERFORCE (Jul. 30, 2018), <https://shelterforce.org/2018/07/30/eviction-filings-hurt-tenants-even-if-they-win/>.

³ Lillian Leung et al., *Serial Eviction Filings: How Landlords Use the Courts to Collect Rent*, EVICTION LAB (Sep. 15, 2020), <https://evictionlab.org/serial-eviction-filings/>.

⁴ *Id.*

⁵ Cynthia Witman Daley, *Achieving Housing Stability with Eviction Diversion Programs: A Guide to Best Practices During COVID and Beyond*, REGIONAL HOUS. LEGAL SERVS. 3 (Nov. 2020), <https://rhls.org/wp-content/uploads/Achieving-Housing-Stability-with-Eviction-Diversion-Programs-during-COVID-and-Beyond.pdf>.

⁶ *City of Richmond Eviction Diversion Program*, CITY OF RICHMOND, <https://www.rvaevictions.org/info> (last visited May 4, 2021).

⁷ *E.g.*, Daley, *supra* note 5, at 2, 5, 10.

⁸ *E.g.*, *Addressing Evictions in Richmond*, CENTRAL VA. LEGAL AID SOC. <http://www.richmondgov.com/PressSecretaryMayor/robocopy/documents/AddressingEvictionRVA.pdf> (last visited April 4, 2021); Peter Beck, *Eviction in Vermont: A Closer Look*, VT. LEGAL AID (Jan. 2019), <https://www.vtlegalaid.org/sites/default/files/Eviction-Report-VLA-3.18.19-web.pdf>.

⁹ Brian G Gilmore, *"Everybody Loves the Landlord": Evictions and the Coming Prevention Revolution*, 41 MITCHELL HAMLINE L.J. PUB. POL'Y & PRAC. 201, 229 (2020) (referencing the Durham County Eviction Diversion Program); MAYOR'S TASKFORCE ON EVICTION PREVENTION AND RESPONSE, REPORT AND RECOMMENDATIONS 29 (Jun. 2018), <https://www.phila.gov/hhs/PDF/Mayors%20Task%20Force%20on%20Eviction%20Prevention%20and%20Response-Report.pdf> (referencing programs in New York and Boston) [hereinafter Philadelphia Report].

¹⁰ Philadelphia Report, *supra* note 9, at 29.

¹¹ *Bringing Stability to Renters in Syracuse: Reducing Evictions*, INNOVATION TEAM (Apr. 17, 2019), <https://www.innovatesyracuse.com/blog/housingstability2>; Eviction Innovations, *Eviction Prevention in Syracuse, NY*,

- evictioninnovation.org (Jan. 26, 2020), <https://evictioninnovation.org/2020/01/26/prevention-syracuse/> (further observing that the Syracuse Housing Authority program saved approximately \$167,500 in eviction-related costs).
- ¹² Gilmore, *supra* note 9, at 229; see also *Eviction Diversion Program Defers Trauma of Homelessness*, SUBSTANCE ABUSE AND MENTAL HEALTH ADMIN. (last updated Jul. 31, 2019), <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/eviction-diversion-program>.
- ¹³ *Kalamazoo, MI, HPRP-Funded Prevention Program*, <https://www.huduser.gov/portal/sites/default/files/pdf/HPRP-Case-Study-Kalamazoo-MI.pdf> (last visited April 3, 2021).
- ¹⁴ Deborah Thompson Eisenberg et al., *The Role of Mediation in an Integrated System of Eviction Prevention*, 2 Md. B.J. 112, 113 (2020).
- ¹⁵ E.g., *Eviction Diversion: Pilot Program Aims to Keep Tenants in Their Homes*, CITYPULSE (Sep. 19, 2012, 12:00 am), <https://lansingcitypulse.com/stories/eviction-diversion,8519>.
- ¹⁶ *State Laws on Termination for Nonpayment of Rent*, NOLO.COM (last updated Dec. 10, 2020), <https://www.nolo.com/legal-encyclopedia/state-laws-on-termination-for-nonpayment-of-rent.html>. Among these states, West Virginia has the harshest approach to eviction, offering a tenant no notice and no opportunity to cure once the case has been filed. *Id.*
- ¹⁷ Philadelphia Report, *supra* note 9, at 15–16.
- ¹⁸ *Id.*; Miles Howard, *Shelterforce: Making Eviction Diversion Meaningful in Massachusetts*, METRO HOUSING BOSTON (Dec. 29, 2020), https://www.metrohousingboston.org/making-eviction-diversion-meaningful-in-massachusetts_/.
- ¹⁹ Dina E. Fein, *Lawyer-For-A-Day Program Manual*, Mass.gov 1–2, 7, <https://www.mass.gov/doc/housing-court-lawyer-for-the-day-program-manual/download> (last visited Mar. 31, 2021).
- ²⁰ Eviction Innovations, *Eviction Summons Redesign in Cincinnati, OH*, evictioninnovation.org (Jan. 28, 2020), <https://evictioninnovation.org/2020/01/28/summons-cincinnati/>.
- ²¹ *Unlocking Change: About the RENT Project*, TUCSON RENT PROJ., <http://tucsonrentproject.org/tenant-education-resources> (last visited April 4, 2021).
- ²² See *supra* note 8 and accompanying text.
- ²³ Emily Badger, *Many Renters Who Face Eviction Owe Less Than \$600*, N.Y. TIMES (Dec. 13, 2019), <https://www.nytimes.com/2019/12/12/upshot/eviction-prevention-solutions-government.html>.
- ²⁴ Emily Badger & Quoc Trung Bui, *In 83 Million Eviction Records, a Sweeping and Intimate New Look at Housing in America*, N.Y. TIMES (Apr. 7, 2018), <https://www.nytimes.com/interactive/2018/04/07/upshot/millions-of-eviction-records-a-sweeping-new-look-at-housing-in-america.html>.
- ²⁵ E.g., Sara Freund, *83,000 Chicagoans Applied for Emergency Housing Assistance. Only 2,000 Will Get Help.*, CURBED CHI. (Apr. 7, 2020, 2:34 pm CDT), <https://chicago.curbed.com/2020/4/7/21212392/chicago-housingassistance-rent-mortgage-payments>.
- ²⁶ Michelle Homer & Doug Delony, *All Funds for Houston Rental Assistance Program are Already Gone and Site is Now Closed*, KHOU11 (last updated May 13, 2020, 7:04 PM CDT), <https://www.khou.com/article/news/health/coronavirus/rental-assistance-for-houstonians-deadline/285-55a97aa7-a7ce-46ef-91e0-44574bc1adb9>.
- ²⁷ Max Blau, *It Does Something to Your Soul When Everyone Losing Their Homes Looks Like You*, POLITICO MAGAZINE (May 24, 2018), <https://www.politico.com/magazine/story/2018/05/24/what-works-next-durham-evictions-218416/>.
- ²⁸ E.g., Daley, *supra* note 5, at 4–5; Linda Wood-Boyle, *Facing Eviction: Homelessness Prevention for Low-Income Tenant Households*, Fed. Reserve Bank of Boston (Dec. 1, 2014), <https://www.bostonfed.org/publications/communities-and-banking/2015/winter/facing-eviction-homelessness-prevention-for-low-income-tenant-households.aspx>.
- ²⁹ E.g., *City of Richmond Eviction Diversion Program: Program Eligibility*, CITY OF RICHMOND (last visited Apr. 4, 2021), <https://www.rvaevictions.org>; *Prevent Evictions Related to COVID-19*, PINELLAS EVICTION DIVERSION PROGRAM (last visited Apr. 4, 2021) <https://pinellasevictiondiversion.org/>.
- ³⁰ *Kalamazoo, MI, HPRP-Funded Prevention Program*, <https://www.huduser.gov/portal/sites/default/files/pdf/HPRP-Case-Study-Kalamazoo-MI.pdf> (last visited April 3, 2021).
- ³¹ E.g., Eviction Innovations, *Eviction Diversion Program in Richmond, VA*, evictioninnovation.org (Jan. 26, 2020), <https://evictioninnovation.org/2020/01/26/diversion-richmond/> (requiring tenants to pay 25% of the amount due up front).
- ³² E.g., *How Does the Eviction Diversion Program Work?*, Texas Judicial Branch (last visited Apr. 4, 2021), <https://www.txcourts.gov/programs-services/eviction-diversion-program> (providing a maximum of twelve months' back rent and three months' prospective).
- ³³ Va. Code Ann. § 55.1-1260 et seq. (2019).
- ³⁴ *Eviction Diversion Program Featured at Daley Center Open House*, LAWYERS' CTTEE. FOR BETTER HOUS. (Nov. 12, 2018), <https://lcbh.org/news/eviction-diversion-program-featured-daley-center-open-house>.
- ³⁵ District Court of Maryland ADR Office, *Mediation in Rent Court*, Maryland Courts (last visited Apr. 4, 2021), <https://mdcourts.gov/district/adr/home/rentcourt>.
- ³⁶ Casey Schwab, *Landlord Tenant Mediation: A Modern Approach to Tenant Issues*, Avail (Sep. 16, 2019), <https://www.avail.co/education/articles/landlord-tenant-mediation-a-modern-approach-to-tenant-issues>

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- ³⁷ See generally Rebecca Hare, *Mitigating Power Imbalance in Eviction Mediation: A Model for Minnesota*, 38 L. & INEQ. 135 (2020).
- ³⁸ *Twenty-Seventh Emergency Order Regarding COVID-19 State of Disaster*, 609 S.W.3d 138, 139 (Tex. 2020).
- ³⁹ See Brian Bieretz et al., *Getting Landlords and Tenants to Talk: The Use of Mediation in Eviction*, URBAN INSTITUTE 13–15 (Apr. 2020), https://www.urban.org/sites/default/files/publication/101991/getting-landlords-and-tenants-to-talk_3.pdf (discussing importance of awareness, access before filing, and community relationships); e.g., Philadelphia Emergency Housing Protection Act, 9 Philadelphia Code § 9-802 (2020) (requiring landlords to affirmatively request mediation during grace period).
- ⁴⁰ E.g., Eviction Innovations, *Eviction Diversion Program in Jackson County, MI*, [evictioninnovation.org](https://evictioninnovation.org/2020/05/27/diversion-jackson-co/) (May 27, 2020).
- ⁴¹ See Texas Judicial Branch, *supra* note 32, at 139.
- ⁴² *Id.*
- ⁴³ *Preventing Homelessness and Preserving Stability*, United Way of Jackson County (Mar. 28, 2017), <http://uwjackson.org/preventing-homelessness-and-preserving-stability/>.
- ⁴⁴ Palo Alto Mediation Mandatory Response Program, 9 Palo Alto Code Ch. 9.72 (2002).
- ⁴⁵ Leya Elias & Michelle Hull, *Problem-Solving Housing Courts*, Justice Innovation, <https://justiceinnovation.law.stanford.edu/courses/design-for-justice-eviction/problem-solving-housing-courts/> (last visited Apr. 4, 2021).
- ⁴⁶ Daniel C. Vock, *In Unconventional Courtroom, a Little Respect Goes a Long Way*, GOVERNING (Mar. 2017), <https://www.governing.com/topics/public-justice-safety/gov-red-hook-brooklyn-justice-center.html>.
- ⁴⁷ See Elias & Hull, *supra* note 44.
- ⁴⁸ See Vock, *supra* note 45.