

**Designing for Housing Stability:
Best Practices for Court-Based and
Court-Adjacent Eviction Prevention
and/or Diversion Programs**

ACKNOWLEDGEMENTS

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About the Dispute Systems Design Clinic

Founded in 2006, the [Harvard Negotiation & Mediation Clinical Program](#) (“HNMCP”) focuses on cutting edge work in dispute systems design, negotiation, mediation, and facilitation. We train Harvard Law School students in the theory and practice of dispute systems design; serve clients by building their capacity for effective conflict management and successful negotiation; and serve the dispute resolution field by producing practice-informed scholarship, creating innovative teaching pedagogy, and inspiring and building a community of problem-solving law school graduates.

Students in our Dispute Systems Design Clinic provide clients with high-quality analysis and practical dispute management strategies in a wide range of contexts. Working closely with our faculty, our students engage in dispute systems evaluation; conflict analysis; facilitated dialogue; strategic negotiation advice; consensus building efforts; dispute systems design; stakeholder assessment; mediation; and curriculum development and delivery. Our clients include U.S.-based and international non-profit organizations, government agencies, community groups, and private companies.

About the American Bar Association

The ABA is the largest voluntary professional association in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public. The mission of the ABA is to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional excellence, and respect for the law.

The Task Force on Legal Needs Arising from the Coronavirus (COVID-19) Pandemic was created to assess the civil and criminal legal needs resulting from the pandemic, to make recommendations to address those needs, to promote collaboration across the legal system, and to mobilize pro bono resources in support of pandemic-related legal services.

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EXECUTIVE SUMMARY

Our goal was to understand what eviction prevention and/or diversion programs in the United States can help reduce filings and evictions and enhance housing stability. Our research reveals:

- a. Stakeholders have multiple non-competing metrics of success for achieving the goal of “eviction prevention.” Notably, both **landlords and tenants** include **“housing stability”** among their metrics of success.
- b. Stakeholders revealed widespread buy-in for eviction prevention efforts, likely amplified by the financial and political pressures of the COVID-19 pandemic. Among landlords surveyed, **>70%** would be inclined to address issues of tenant non-payment outside of court.
- c. Eviction prevention and/or diversion efforts are widespread, especially outside of formal state and county designations. This suggests that informal relationships, networks, and resources are in place to easily formalize and expand eviction prevention programs. Of the **eviction prevention and/or diversion programs surveyed**, the majority reported that they provide **full or limited legal representation; a legal hotline or helpdesk; tenant rights and/or education programs; rental or cash assistance; and pre- or post-filing mediation services to parties.**

These findings helped us develop a checklist of considerations for any eviction prevention and/or diversion program, regardless of the jurisdictional, judicial, and administrative characteristics.

- a. Who will be involved in the design, implementation, and support of the program?
 - i. **Design: Tenants and landlords**, or users of the program, should be included, among others, in its design.
 - ii. **Implementation: Multisectoral coalitions** of experts in the parties’ human needs, legal needs, and financial needs should work in concert to implement eviction prevention and/or diversion programs. Interviewees likened the most successful of these multisectoral collaborations to **“a three-legged stool”** made up of:
 - Supportive services, social work, and/or or non-legal advocacy;
 - Legal services, landlords’ legal representatives, and/or mediation; and
 - Government agencies, lenders, and/or funding bodies.
 - iii. **Support: Judicial and legislative decision-makers** should champion and formalize eviction prevention and/or diversion programs to ensure ongoing use and support, for example through legislation and court orders.
- b. What services, resources, and processes will the program include?

Holistic programs that employ a variety of resources, services, and processes are more likely to provide parties with both substantive justice and procedural fairness. These should include some combination of **at least two of the following: rental or cash assistance; access to legal representation; quality mediation; and self-help resources.**

- i. **Rental or Cash Assistance:** **81%** of property owners surveyed reported being less likely to pursue eviction if their tenant had access to **rental or cash assistance**.
 - ii. **Access to Legal Representation:** Over **56%** of interviewees cited “**full or partial legal representation**” or “**access to legal services**” as their number one recommendation for eviction prevention. Among property owners surveyed, roughly **53%** shared that they would be more likely to participate in a mediation with a tenant if the tenant had access to legal representation.
 - iii. **Quality Mediation:** Of the eviction diversion programs surveyed, **>64%** shared that either pre- or post-filing mediation is available to parties experiencing housing instability in their jurisdiction, making it the most common intervention represented in our data. Stakeholders across groups universally supported **pre-filing mediation, paired with rental assistance, facilitated by mediators employing a trauma sensitive approach**.
 - iv. **Self-Help Resources and Supportive Services:** Of the eviction prevention and/or diversion programs surveyed, **>81%** report that tenant rights and/or education programs are featured as a part of their program, while **>70%** provide non-legal advocacy. Of the property owners surveyed, **>66%** said they would be more likely to address non-payment or late payment of rent outside of court if tenants had access to **education programs, financial counseling, or non-legal advocacy**. The same was true of supportive services, with support at **>72%**.
- c. At what point in the eviction process will this intervention take place?
- Upstream interventions**, especially those that occur pre-filing, most efficiently divert cases away from court and connect parties to resources. In over **92%** of eviction diversion programs identified, courts refer parties to resources prior to, or immediately after, an eviction filing. Of the property owners surveyed, **>46%** expressed a preference for a **pre-filing intervention**; and **>71%** support programs that occur **post-filing** but pre-hearing.
- d. How will the program center its users (tenants and landlords)?
- i. **Agency.** Eviction diversion programs should maximize each party’s agency and minimize the risks of engagement/consequences of non-engagement.
 - ii. **Privacy and Record Management.** Only **>37%** of eviction prevention and/or diversion programs surveyed have access to **record sealing**, and only **>30%** provide **credit protection services**. Use of these practices would provide important mechanisms for empowering tenants after an outcome has been reached.
 - iii. **Feedback and Program Evaluation.** Tracking **data, feedback** and the **sustainability of outcomes** can help tenants prevent future lapses in payment by connecting them directly to executive branch or supportive services.

These learnings showcase how court-based and court-adjacent efforts can effectively coordinate services, promote housing stability, and prevent and divert evictions.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	1
EXECUTIVE SUMMARY	1
Glossary	5
I. Problem Statement: Crisis and Response through Eviction Prevention and/or Diversion Programs	7
II. Mapping the Landscape of the Eviction Crisis	8
III. Findings: Eviction prevention and/or diversion efforts are supported and widespread, even as stakeholders hold multiple views and employ varying approaches. 12	
a. Despite having multiple metrics for “success” in eviction prevention and/or diversion efforts, stakeholders’ definitions do not fundamentally conflict.	12
b. There appears to be buy-in for eviction prevention efforts across stakeholder groups – possibly amplified by the pressures of the COVID-19 pandemic.	16
c. Informal eviction prevention efforts are widespread, suggesting that the relationships and infrastructure is in place to easily expand, fund, and formalize these efforts into state and county-led programs.	18
IV. Best Practices for Eviction Prevention and/or Diversion Programs	20
a. Who will be involved in the design, implementation, and support of the program? 21	
i. Design: Include Tenants and Landlords.....	21
ii. Implementation: Multisectoral Coalitions.....	23
iii. Support: Judicial and Legislative Decision-Makers.....	24
b. What resources, services, or processes will the program include?	25
i. Rental or Cash Assistance	26
ii. Access to Legal Representation	27
iii. Quality Mediation	30
iv. Self-Help Resources and Supportive Services.....	33
c. When in the eviction process will the intervention take place?	35
d. How will the program center its users (tenants and landlords) throughout its operation?	37
i. Agency.	37
ii. Privacy and Record Management.	38
iii. Feedback and Program Evaluation.....	39
V. Moving forward	39

Glossary

Court Based. Services or resources are offered by court personnel (i.e., help desk and court mediators) or on-site at the courthouse (i.e., volunteer mediators, clinic law students, and/or lawyer for the day programs). Party participation may be *either* voluntary or mandated. These include services initiated by the court offered in conjunction with state or local government agencies or nonprofit organizations.

Court Adjacent. External services or resources to which parties are referred by the court, in which party participation may be *either* voluntary or mandated. These include services offered or coordinated by state or local government agencies, law school clinics, or nonprofit organizations that provide multifaceted supports to parties.

Eviction Prevention and/or Diversion. Formal programs or informally coordinated efforts across various service providers (including state or local governments, nonprofit organizations, law school clinics or courts) that aim to prevent evictions and/or increase housing stability through some *combination* of the following services, resources, or processes:

- Full or limited legal representation
- Pre-filing and/or post-filing mediation/conciliation
- Rental or cash assistance
- Relocation assistance
- Credit protection services
- Sealing or expunging eviction records
- Non-legal tenant advocacy
- Community housing court
- Legal hotline or helpdesk
- Tenant rights and/or education programs

This project also includes in its analysis *individual* service providers whose work, in effect, prevents eviction. Notably, although many eviction prevention and/or diversion efforts included in our research were initiated or formalized during the COVID-19 pandemic, we also engaged individuals or coalitions of service and/or resource providers whose work predates 2020.

Dispute Systems Design. Dispute Systems Design (“DSD”) is the applied art and science of designing processes to prevent, manage, and resolve streams of disputes or conflict. The overarching goal of DSD is to deliver justice. Per [Amsler, Martinez, and Smith](#), DSD employs the following as guiding principles:

- Create a system that is fair and just.
- Consider efficiency for the institution and participants.
- Engage stakeholders—including users—in design and implementation.
- Consider and seek prevention.
- Provide multiple and appropriate interest-based and rights-based process options.
- Ensure users flexibility in choice and sequence of process options.
- Match the design to the available resources.

- Train and educate system providers, users, and other stakeholders.
- Make the system accountable through transparency and evaluation, with appropriate concern for privacy, to improve it continuously.

Stakeholders. The [immediate parties to a dispute](#) (herein tenants and landlords), as well as other individuals, organizations, and entities that are directly or indirectly affected by the question presented. DSD centers representative stakeholders in the design, implementation, and assessment of a dispute system.

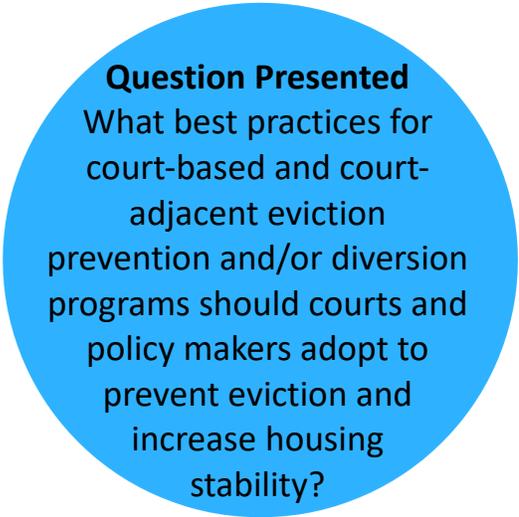
I. Problem Statement: Crisis and Response through Eviction Prevention and/or Diversion Programs

The [housing crisis](#) in the United States pre-dates COVID-19: between 2000 and 2016, [61 million eviction cases were filed in the United States](#), averaging [3.6 million evictions annually](#). In 2016, [seven evictions were filed every minute](#). On average, these eviction judgment amounts are for non-payment of [one or two months' rent](#) and involve [less than \\$600 in rental debt](#). Notably, eviction disproportionately affects [Black and Latinx households](#), with Black and Latinx women facing higher rates of eviction than men in these groups. This data does not capture informal or illegal evictions which are estimated to occur at [double the rate of legal filings](#).

The COVID-19 pandemic has raised the stakes for renters and property owners alike. The COVID-19 pandemic precipitated devastating job loss, unprecedented unemployment rates, and severe economic hardship, with heightened rates among Black and Latinx renters. As of October 2020, researchers at [Columbia University](#) estimated that an additional 8 million U.S. residents had [fallen into poverty](#) on top of the [38.1 million people living in poverty in 2018](#). Moreover, it is [widely demonstrated](#) that evictions lead to detrimental health outcomes for evicted children and adults. Rental collection rates are also [down for small scale landlords](#), with [property owners of color](#) have been disproportionately affected. Roughly 50% of all rental units in the United States are owned by individual landlords, with “mom-and-pop” landlords owning approximately [77% of small building units](#). Our research endeavored to capture the attitudes of stakeholders from this group.

Given this landscape, federal, state, and local governments enacted eviction moratoria as a strategy for mitigating the spread of COVID-19 as well as ensuring people remained housed during the pandemic. These moratoria reduced eviction filing rates below typical levels in 2020; between March 15 and December 31, [eviction filings were 65% below historical average](#) in the sites tracked by the Eviction Lab at Princeton University. Today, the vast majority of state-level eviction moratoria have expired or been lifted, and the federal moratorium, set by the Centers for Disease Control (CDC), is due to expire on June 30, 2021 or may be terminated sooner due to federal rulings.

As eviction mitigation strategies expire, eviction filings climb. A study found that the pace at which eviction claims were filed in late 2020 exceeded historical averages and [that amounts claimed in eviction cases rose dramatically](#) as the state moratoria neared expiration. The same is true now. As of May 7, 2021, an estimated [10.7 million renters](#), or 15% of all adult renters, were estimated to be significantly behind on rent and would be at risk of eviction when the CDC moratorium expires. The likelihood of being in arrearages increases to >20% for Latinx renters (20%), Black renters (22%), and Asian renters (22%). Further, evictions are likely concentrated among certain neighborhoods and communities, [as studies show](#) that every year a handful of the same



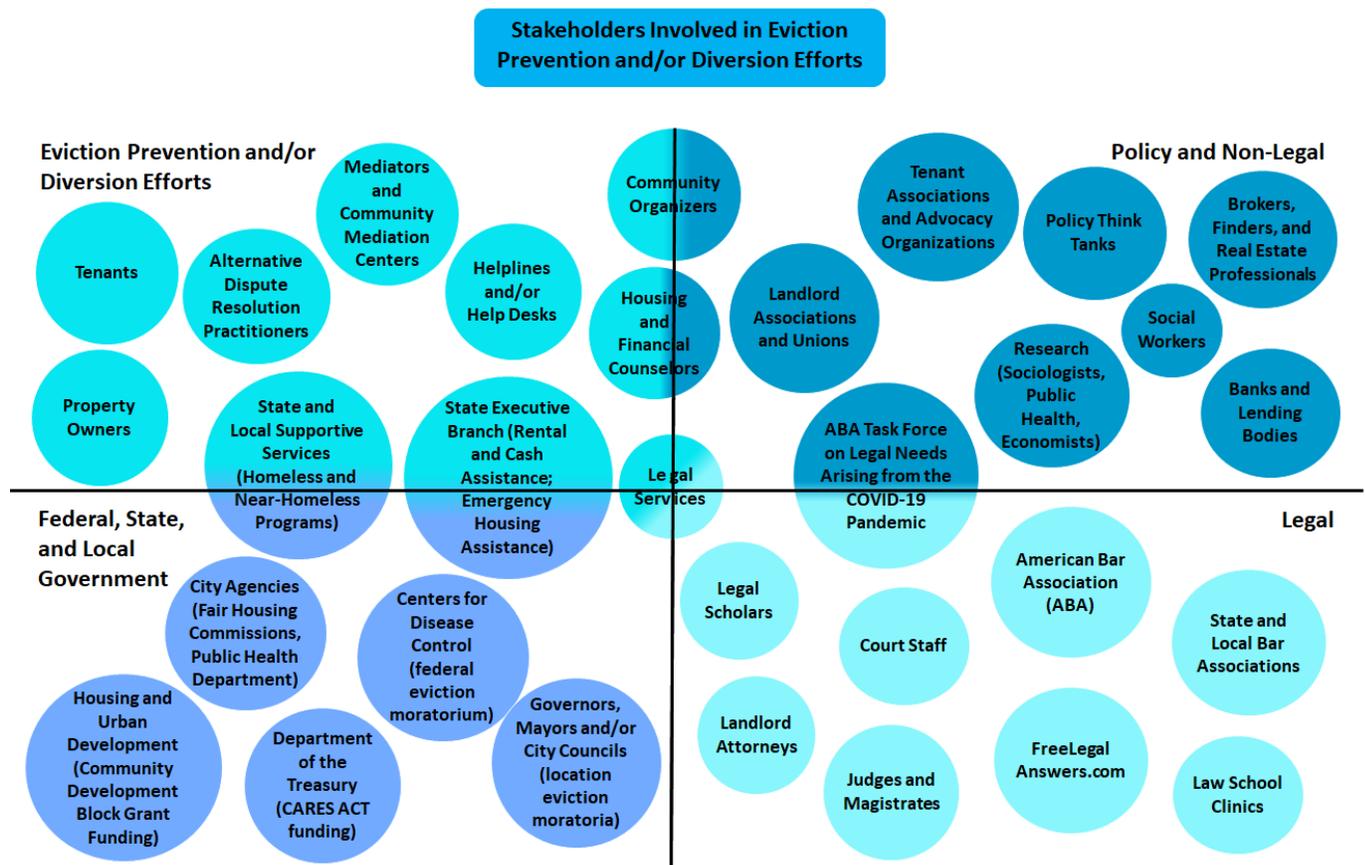
Question Presented
What best practices for court-based and court-adjacent eviction prevention and/or diversion programs should courts and policy makers adopt to prevent eviction and increase housing stability?

buildings produce outsized proportions of evictions in a city. The consequences of these concentrated mass evictions [are likely to widen](#) both racial and socioeconomic disparities in health. These factors create an urgent need for states and local governments to respond to this crisis through additional eviction mitigation strategies.

The goal of this project was to survey eviction prevention and/or diversion programs across the United States, in order to understand *what* programmatic features or interventions have been successful in reducing filings and evictions, and enhancing housing stability, and *why* they have experienced success in their jurisdictions. This research bears in mind this deepening crisis as well as the myriad approaches policymakers, advocates, and communities have proposed to mitigate harms to renters and property owners alike, as well as [communities as a whole](#).

II. Mapping the Landscape of the Eviction Crisis

This research followed best practices of Dispute Systems Design (“DSD”) in conducting our assessment. In this process of analysis, the researcher identifies a variety of stakeholders relevant to the question presented; employs both quantitative and qualitative research methods to identify the needs, goals, and challenges of stakeholders; analyzes the collected data for key themes and findings; and prepares a report with design recommendations for how the issue motivating the assessment may be addressed at a systemic level.



Harvard Law School Dispute Systems Design Clinic, 2021

For this project, we identified stakeholders who would have relevant information about existing court-connected and court-adjacent eviction prevention and/or diversion programs and their efficacy. These stakeholders are depicted in the diagram above. Please note that the colors used in the diagram reflect the fact that many stakeholders have a foot in multiple domains; the sizes of the bubbles have no meaning.

With court-based and court-connected interventions to the mounting eviction crisis as the central question motivating this research, we identified individuals and institutions from four main groups: (1) those that provide services supporting **eviction prevention and/or diversion**; (2) those from within the **policy and non-legal** landscape; (3) decision-makers and funding bodies from within **federal, state, and local government**; and (4) those from within the **legal system**.

Among these groups, we prioritized stakeholders that would help us understand the landscape and relative efficacy of existing court-connected and court-adjacent eviction prevention and/or diversion efforts. We thus engaged individuals, groups, and institutions that design eviction prevention and/or diversion efforts; provide services or resources with the intention of increasing housing stability; or act as decision-makers in the implementation of or referral to eviction prevention and/or diversion efforts. These include property owners and landlord associations; tenant advocates; community organizers; court administrators including magistrates and judges; local and state government officials; and mediators and other alternative dispute resolution professionals, among others. Notably, parties to an eviction dispute, and tenants in particular, should be centered in the design of these interventions. For more on stakeholder engagement in program design, see Section IV.a.

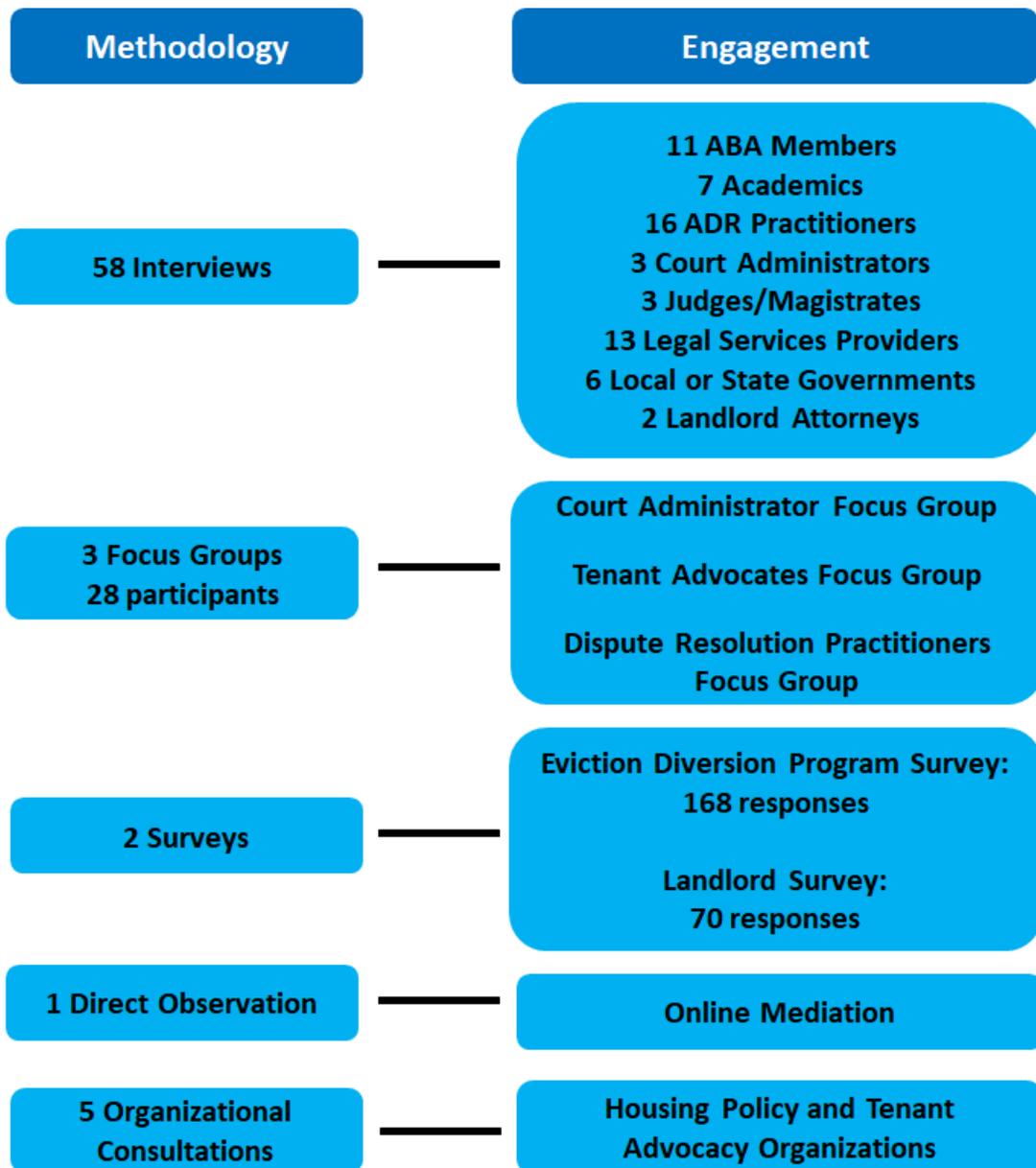


Harvard Law School Dispute Systems Design Clinic, 2021

The map above (also available online [here](#)) represents the locations of various stakeholders engaged in this research. The locations of eviction diversion and/or prevention efforts engaged through interviews and focus groups are represented by red pins. Individual pins do not reflect

the quantity of stakeholders engaged in a particular location. As such, it is possible that a single pin may represent multiple eviction diversion programs across an entire state, or multiple property owners in a single city, for example.

To reach stakeholders, this research employed a mixed-methods approach, including qualitative interviews, focus groups, surveys, and direct observation. The purpose was to engage a subset of the wide variety of stakeholders whose work impacts or is impacted by the design and implementation of court-connected and court-adjacent eviction prevention and/or diversion programs. In a 12-week project, with the support of two part-time students, we were able to engage a total of 328 stakeholders. These figures suggest a massive amount of interest in this project and indicate that this issue is ripe for further exploration and study.



Harvard Law School Dispute Systems Design Clinic, 2021

This project is intended to highlight the data and themes that fell within the limited scope of the project, collected over a 3-month time frame. An empirical or econometric approach would be required to thoroughly understand the quantitative impact on housing stability by different eviction prevention and/or diversion interventions. We hope this report will encourage other organizations to do this additional research to help prioritize where to invest efforts among the best practices discussed herein.

The results of this research may have been limited and/or affected by the following:

- Because this research was conducted with a trauma-sensitive approach in mind, we chose not to speak directly with tenants presently facing the risk of eviction. This decision was made with awareness that our work, as researchers external to individual communities, could possibly contribute to the already traumatic experience of eviction. We were also unable to compensate them for their time, which is best practice in research with low-income populations. We did, however, engage tenant advocates via a focus group and through interviews.
- This work treats "landlords" and "property owners" as a single stakeholder group which does not account for the differences between corporate landlords and other small-scale landlords. Further, our survey was designed to study residential evictions and not business or commercial evictions. Participation in the study was anonymous. Notably, >44% individuals represented by our survey results own between 5-20 rental units, and >32% own between 20-99 units. Of landlords surveyed, >71% had experience evicting a tenant. The leading reported cause of evictions filed among this group was for non-payment of rent (>35%). Further study would be necessary to differentiate between the attitudes and policy priorities between commercial and residential landlords, and the corporate and small-scale landlord groups therein.
- This work treats community organizers, non-legal tenant advocates, and housing lawyers, as a single stakeholder group referred to as "tenant advocates." Given this project's broad scope, they were so grouped due to their proximity to tenants. Further study would be necessary to differentiate within and between each of these tenant-adjacent groups.
- In surveying eviction prevention and/or diversion programs, >77% of participants reported working for organizations external to courts, including those that provide services connected to, referred to by, or available on-site at, a court. This leaves underrepresented in these survey results court administrators and staff.
- Participation in the surveys and interviews was voluntary, resulting in a self-selected population of respondents. Moreover, all qualitative questions on the surveys were optional, while quantitative responses were not.
- The surveys did not collect demographic data for participants. As such, bias, implicit or explicit, has not been accounted for in the analysis.
- The surveys were only available electronically, which may have excluded individuals without access to technology. Interviews and focus groups were conducted remotely, which limited our ability to interview stakeholders to those who had access to phone or videoconferencing.

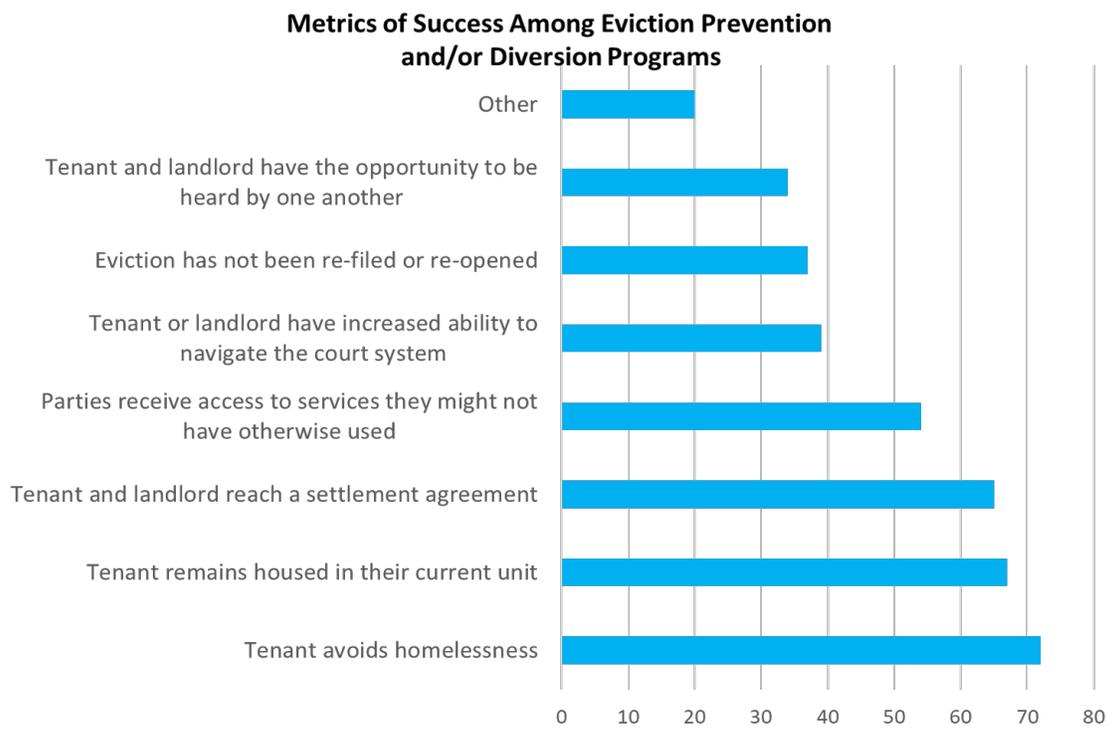
III. Findings: Eviction prevention and/or diversion efforts are supported and widespread, even as stakeholders hold multiple views and employ varying approaches.

This project’s primary purpose is to identify the best practices among eviction prevention and/or diversion efforts nationwide. Our research reveals that:

- a. Stakeholders have multiple metrics of success for achieving the shared goal of “eviction prevention.” Notably, landlords and tenants both include “housing stability” in their definitions of success.
- b. Stakeholders revealed widespread buy-in for eviction prevention efforts, likely amplified by the financial and political pressures of the COVID-19 pandemic.
- c. Eviction prevention and/or diversion efforts are widespread, especially outside of formal state and county designations. This suggests that informal relationships, networks, and resources are in place to easily formalize and expand eviction prevention programs.

a. Despite having multiple metrics for “success” in eviction prevention and/or diversion efforts, stakeholders’ definitions do not fundamentally conflict.

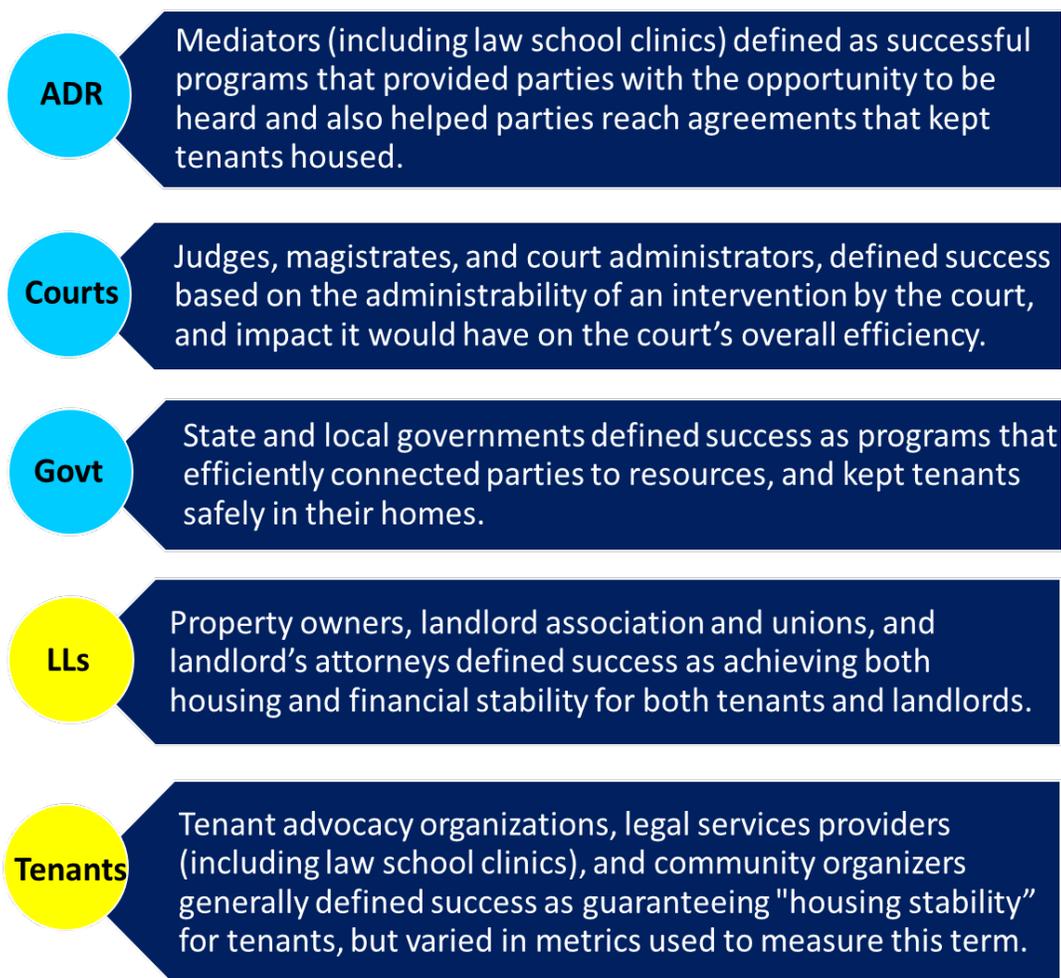
In order to identify the best practices among eviction prevention and/or diversion efforts nationwide, we first set out to identify how stakeholders define “success.” We then sought to identify the metrics for success used by stakeholders involved in the design, implementation, administration, or use of these services and resources.



Harvard Law School Dispute Systems Design Clinic, 2021

To that end, we designed a survey administered to stakeholders working towards eviction prevention and/or diversion, which included— legal services providers, mediators, court personnel, and non-legal advocates. Stakeholders offered different definitions of “success.” In survey responses, stakeholders defined success as those interventions in which a “tenant avoids homelessness,” a “tenant remains housed in their current unit,” and/or the “landlord and tenant reach settlement agreement.” This range of definitions – from substantive to procedural, from long-term to short-term – is also reflected in our qualitative research across various stakeholder groups.

Definitions of Success by Stakeholder Group



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In our interviews, we identified that many stakeholders define success in substantive terms, such as guaranteeing the repayment of rental debt. For others, success may include an element of procedural fairness, meaning that parties have the opportunity to be heard by each other or by a decision-maker. Beyond these distinctions, stakeholders also identified short-term and long-term goals that could help measure the success of an eviction prevention effort. Short term goals often related to a tenant’s immediate safety: this could include one week or one month of guaranteed

habitable housing. These same stakeholders also recognized longer-term goals as including legislation that guaranteed rental assistance to landlords, or a full year of housing stability for a tenant. The graphic above distills in general terms some of the varied definitions of “success” as defined by the stakeholders engaged, with examples from our qualitative research below.

Alternative Dispute Resolution (ADR) practitioners, mediators, and community mediation centers tended to define success two ways: procedurally and substantively. This group stressed procedural justice in defining a successful program, stating that any successful eviction prevention and/or diversion program should provide both parties with an opportunity to be heard by one another that may not be otherwise afforded to them in court. In substantive terms, a program was often defined by mediators as successful if the parties were able to reach a negotiated agreement, including but not limited to a payment plan or relocation plan (“dignified move out”).

Judges, magistrates, and court administrators generally defined success based on the administrability of an intervention by the court, and the impact it would have on the court’s efficiency. In terms of administrability, a program is defined as successful if court staff have clarity on *how* the program operates, as well as *access* to any resources necessary in order to automatically divert cases prior to hearing. This stakeholder group also stressed efficiency, stating that a program should reduce a judge’s overall caseload, and in so doing, create for judges and magistrates sufficient time and consideration for cases that do appear before them. Stakeholders from this group also emphasized procedural “neutrality,” stating that “a successful eviction intervention or diversion program supports the maintenance of equitable and fair process.”

State and local governments, including agencies, recognized the need for these programs to efficiently connect parties, and especially tenants, to resources and services

ADR

“Success is procedural fairness, as well as keeping families in a house.”

“Success is knowing that we are reaching everybody, so that there aren’t tenants and small landlords struggling to know where to get resources. Success is leveling the playing field to access to resources.”

Courts

“The resources [for eviction prevention] are always changing. What do I need to know in order to make sure the cases that should be diverted, *are?*”

“I don’t know how we’ll get through the number of [eviction] cases coming our way. Anything to help manage the monsoon [of cases], we’ll do.”

Government

“A safe place to live is a basic human need. [Landlords and tenants] are two very different sides ... We need to help them [landlords] see that eviction, housing instability, and possible homelessness are public safety issues. “

“A lack of coordination across stakeholders in and outside of government agencies can slow parties’ access to resources. ... [Without this we are] creating headaches for ourselves in the future.”

that have an overall impact on public health and safety. Furthermore, successful programs were those in which the various governmental and non-governmental actors and institutions were aligned in their purpose and coordinated their efforts.

Property owners, landlord association and unions, and landlords' attorneys tended to define a successful program as one that helped achieve both housing and financial stability for both tenants and landlords, with an emphasis on landlords with few properties, or those living in the same building as their tenants.

Tenant-aligned stakeholders, including tenant advocacy organizations, legal services providers, and community organizers generally defined success as programs that provided tenants with “housing stability.” This term itself held several different meanings across stakeholders. Some stressed the short-term goal of avoiding eviction for a tenant from their current housing. This might include even one additional month of guaranteed housing in their current unit. For other stakeholders, “housing stability” referred to a longer-term goal of keeping a tenant in safe and habitable housing for six or more months, even if that housing differed from their current place of residence. Finally, other stakeholders defined “housing stability” as a policy project that would require legislators to recognize and support housing as a human right. Notably, it was not uncommon for stakeholders in this group to include more than one of these approaches – short-term, long-term, and policy – in their definition of success.

Despite these multiple definitions of success, certain stakeholder groups align, or at least do not conflict, in their goals. Perhaps most notably, tenant-aligned stakeholders and landlord-aligned stakeholders all name “housing stability” as a key metric of success. It is worth noting that this term, which stakeholders across these groups used interchangeably with the term “homelessness prevention,” may hold different meanings for different stakeholders. For example, some tenant-aligned stakeholders used this term to refer to “keeping a roof over a renter’s head” while some property owners used this term to refer to the stability of the rental market.

Property Owners

“It’s horrible for someone to lose their home because the pandemic has made it impossible for them to pay rent, however that doesn’t mean that society’s answer is that they get to stay for free, forever ... If [small landlords] only had a one [delinquent tenant] at a time, it may be [workable]. But if it’s everyone, all at once, that’s a different kind of thing. ... Everyone is suffering, and everyone wants a reliable roof over their head and money in their bank account.”

Tenants

"Even if the same outcome [of eviction] is just one month later, but I kept that person in their house just one month longer... I'd rather take that one month because at least they [tenants] got at least one more month of a shot."
"Getting a tenant a week longer in their unit, or even a month longer, may not actually be the best solution for them. When [we] are looking at diversion, it is not necessarily to prevent the eviction, but it is to buy time for the tenant to make an informed decision about where and how to find long-term stable, safe, and habitable housing."

Many judges and magistrates, as well as mediators, included procedural fairness in their definitions of success, highlighting the opportunity for both parties to participate in a “fair” and “neutral” process, and be heard by a third party. Notably, mediators often raised the potential of non-judicial processes to repair landlord-tenant relationships and lead to material outcomes. Finally, local and state government agencies as well as eviction diversion programs (of which tenant-aligned stakeholders and mediators are a part) both highlighted the importance of efficient and coordinated efforts to help parties reach resources and resolution. Notably, these stakeholders highlighted the importance of financial resources to solve the problem of arrearages.

“While both landlords and tenants both want housing stability, it is hard to use that common ground to settle a case where there is a year of back rent unpaid.”
- Mediator

Read together, stakeholder definitions of success may differ, but do not theoretically compete with one another in a fully resourced system. However, as stakeholders have pointed out, in the public sector environment where non-profits, government, the judiciary, and the legislature are not fully resourced, turf wars can, and often do, emerge. Government institutions have systemically suffered from a lack of public trust which can impact public use. The sheer volume of court dockets and pressure on the social service system can erode the morale of the people in charge of administration, contributing to subterfuge and conflict.

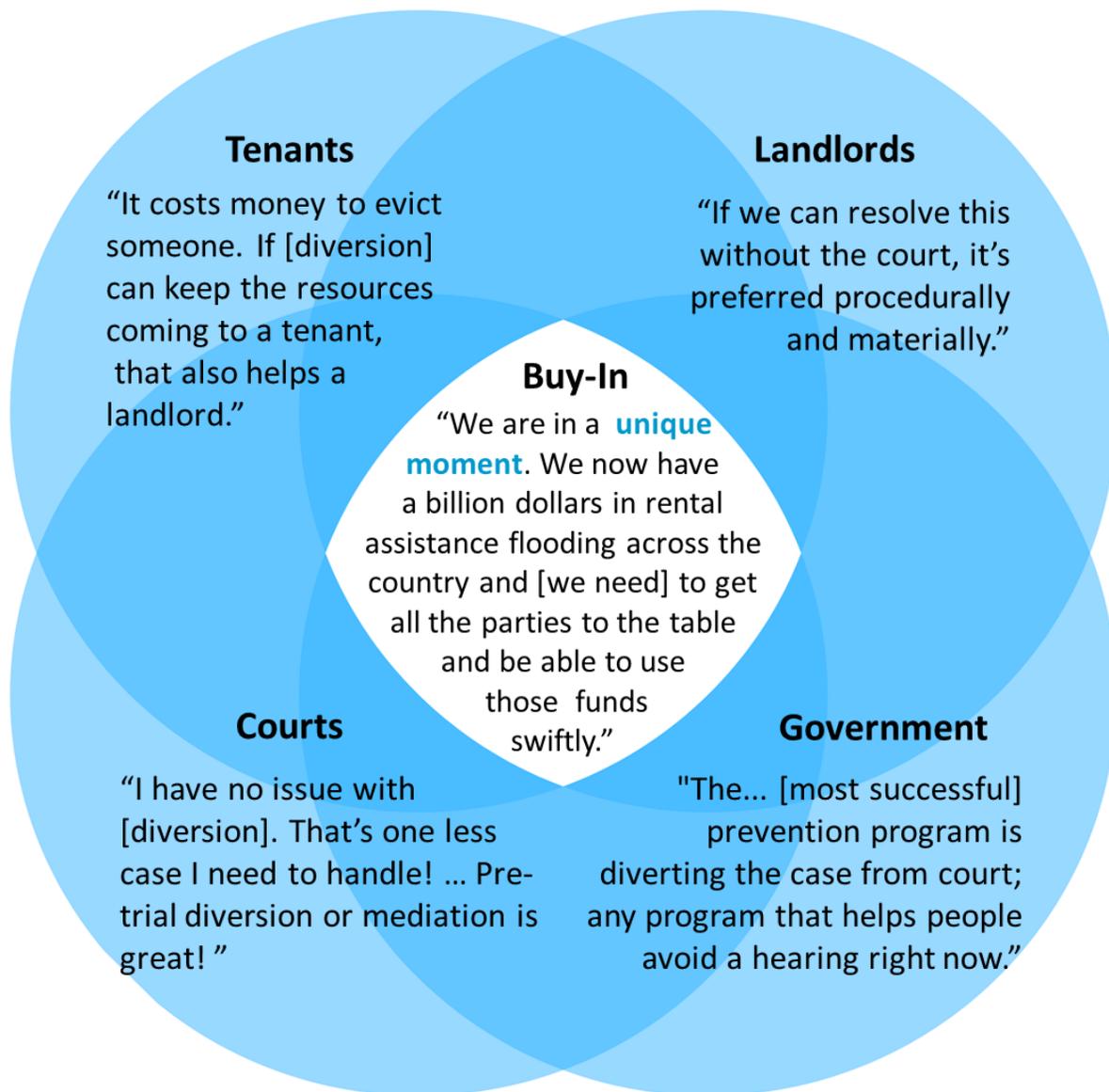
“It can be challenging to collaborate with the same organizations with whom you compete for grant funding. It can be challenging to let go of or overcome a sense of competition. It's helpful to have an organization that doesn't provide direct services to serve as convener /facilitator of the collaborative effort.”
- Eviction Diversion Program

These dynamics may contribute to a sense of competition between stakeholders, especially government agencies, community organizations, and other public entities. The goals of this project — reducing eviction filings and increasing housing stability — can be accomplished in tandem with the above metrics of intervention success, including procedural fairness, efficiency, and financial stability for parties.

b. There appears to be buy-in for eviction prevention efforts across stakeholder groups – possibly amplified by the pressures of the COVID-19 pandemic.

All stakeholder groups indicated buy-in for eviction prevention and/or diversion efforts that met their definition(s) of success. Stakeholders whose work already contributes to eviction prevention and/or diversion efforts believe in their ability to keep tenants in their homes; studies show that anywhere from 67% to upwards of 90% of tenants who receive early assistance can avoid eviction. For these stakeholders, including legal services providers, mediators, and local government agencies, it was not a question of whether these programs should be invested in, but rather which ones, and how. Survey participants suggested that eviction prevention and/or diversion programs may owe their success to a variety of factors, including early intervention in the eviction process, financial assistance to reach agreements, legal representation to reach agreements, communal outreach and training sessions to increase knowledge of programs, right to counsel, free walk-in clinics to provide full or partial pro bono attorney legal representation,

and combinations of legal aid, mediation, and access to housing counselors. Stakeholders also noted the urgency created by the unique realities of the COVID-19 pandemic, and the need to invest in these programs quickly.



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Notably, among the **property owners** surveyed, >70% stated they would be inclined to address issues of tenant non-payment or late payment outside of court. Though very few had participated in mediation as a means for settling an eviction, a majority of participants believed it was preferable to pursuing legal action: >69% believed that mediation is more time and cost efficient than pursuing legal action because it saves them attorney’s fees, filing fees, sheriff’s fees, and transition costs. In fact, >76% of property owners surveyed estimated that evicting a tenant cost them between \$1,000-\$5,000, not including arrearages or cut offs in rental income. We found no notable variation in the level of buy-in across jurisdictions. This calculus is

supported through external data: [some estimates](#) suggest that landlords spend upwards of \$10,000 on evicting one tenant. Together, this data suggests a high level of openness to participate in eviction prevention and/or diversion programs.

The financial and political pressures of the COVID-19 pandemic may also contribute to this increased level of buy-in. Over **87%** of eviction diversion programs surveyed shared that in their jurisdiction, the use of eviction interventions or diversion programs had increased during the course of the COVID-19 pandemic. Landlords – especially among the [77% who own small building units](#) – may also be more open to participating in eviction prevention and/or diversion programs than in the past. Research from [Harvard’s Joint Center for Housing Studies](#) shows that the COVID-19 pandemic has contributed to a high level of financial stress amongst small landlords, which is directly linked to the housing and financial stress of their tenants.



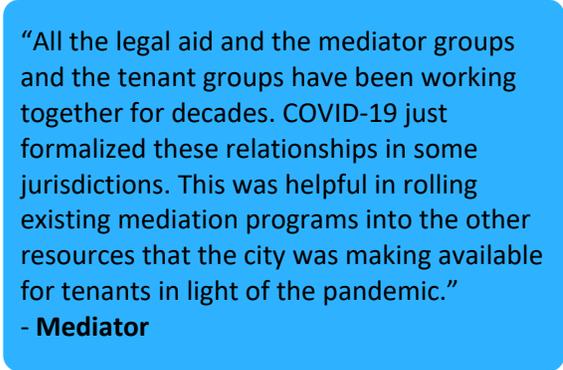
70% of property owners surveyed stated they would be inclined to address issues of tenant non-payment outside of court.

As we *begin* to emerge from the COVID-19 pandemic, stakeholders and secondary research demonstrate that the moment is particularly ripe to address these stakeholder needs by designing eviction prevention and/or diversion programs that reduce filings and evictions and enhance housing stability.

c. Informal eviction prevention efforts are widespread, suggesting that the relationships and infrastructure is in place to easily expand, fund, and formalize these efforts into state and county-led programs.

Per the [Urban Institute’s analysis](#), there are 47 formally designated eviction prevention and/or diversion programs that “are focused on preventing evictions for renters who are at risk of eviction because of nonpayment of rent and that were either created or modified to respond to COVID19–related financial hardship” and are “run by state and local governments or non-profit organizations.”

Through surveys and interviews, our research identified numerous formally designated court-based and court-connected eviction diversion programs. Many of these programs received specialized funding, support, or guidance by the state. In addition, our research found a substantial number of *informal* eviction prevention efforts – those that have no designation or coordination with the state, but work, in effect, to prevent eviction. This suggests a much higher number of jurisdictions that are well positioned to expand or transform their eviction prevention efforts into formal eviction diversion programs with proper investment and guidance from the state.



“All the legal aid and the mediator groups and the tenant groups have been working together for decades. COVID-19 just formalized these relationships in some jurisdictions. This was helpful in rolling existing mediation programs into the other resources that the city was making available for tenants in light of the pandemic.”
- Mediator

The informal eviction prevention efforts identified included actors and organizations who provide or employ one or more of the following practices with the intention of preventing and/or diverting eviction cases from court; promoting housing stability; and/or alleviating the administrative burden of mounting eviction cases on the courts. These practices include:

- alternative dispute resolution (including negotiation, conciliation or mediation between tenant and landlord);
- full or partial legal assistance to one or more parties;
- housing counseling and nonlegal housing placement advocacy for tenants;
- financial counseling to tenants;
- rental, cash, or other forms of financial assistance for one or more parties;
- eviction record sealing; and
- organizing and education/outreach to tenants.

Of the eviction prevention and/or diversion efforts and programs we surveyed, the majority reported that they provide full or limited legal representation; a legal hotline or helpdesk; tenant rights and/or education programs; rental or cash assistance; and pre- or post-filing mediation services to parties.

Each of these services, resources, or processes is usually provided by a distinct organization or entity. A formal court-adjacent eviction diversion program, for example, might coordinate between mediation, legal services, law school clinics, and emergency financial assistance providers in order to increase their accessibility to and use by parties who meet certain eligibility criteria. These entities may or may not have had pre-existing relationships prior to the COVID-19 pandemic, despite the fact that the use of their services can be greatly impacted by one another (e.g., a tenant advocacy group’s referral to a legal services provider; a court’s notice of eviction includes an advertisement for a court-based mediation program staffed by external volunteers; a state’s a legal help desk’s relationship with a local school of social work).

“What was great about the mortgage foreclosure diversion program[s] is that it was all partners; it grew out of the court... it was city agencies, housing counselors, legal aid, and the legal representatives for the mortgage company. In some jurisdictions, these people still all work together, informally, even if they don’t have programs designed for eviction [diversion].” - **Government**

As such, in jurisdictions without formally designated eviction prevention and/or diversion programs, these individual service and/or resource providers may, in effect, contribute to eviction prevention through informal collaboration or information-sharing with other complementary or wrap-around service providers. For example, a community mediation center in a jurisdiction without a formal eviction prevention and/or diversion program initiated an informal collaboration between local legal services organizations, rental assistance providers, and community mediation centers. They shared, “we gather with them every week to help [broaden the menu of] services for parties. But for other counties, it [can take] them a while to figure out who they need to be partnering with. This has been hard for some counties.”

Under a more expansive definition, eviction prevention efforts appear to be widespread and geographically diverse. Formalizing the information-sharing and institutional relationships

between these efforts by the state could result in higher levels of funding, coordination, and direction of these groups, and a greater effectiveness in reducing evictions.

IV. Best Practices for Eviction Prevention and/or Diversion Programs

Our analysis produced the above findings: eviction prevention efforts are informal and ubiquitous; they enjoy broad support by various stakeholders; and they can be defined by multiple metrics of success. These findings helped us develop a checklist of considerations for any eviction prevention and/or diversion program.

The regulatory landscape governing landlord-tenant relationships is [highly idiosyncratic](#), with states varying, sometimes dramatically, in the procedures and [timelines](#) for initiating and carrying out a legal eviction. The decision-making of individual judges, as well as the highly variable administrative court rules under which they operate, may also impact the eviction process across jurisdictions, and contribute to whether a party is more or less likely to be referred to and use an eviction prevention and/or diversion program.

Despite these jurisdictional, judicial, and administrative idiosyncrasies, our analysis produced a checklist of considerations that any eviction prevention and/or diversion programs should take into account in its design, implementation, and operation.

These include:

- a. Who will be involved in the design, implementation, and support of the program?
- b. What services, resources, and processes will the program include?
- c. At what point in the eviction process will this intervention take place?
- d. How will the program center its users (tenants and landlords)?

These questions are an accumulation of lessons from the national research conducted as well as the principles of Dispute Systems Design and should be adapted by the readers to local contexts. As Kathryn Howell writes, “[one size fits none](#).” Notably, these considerations are not chronological, and can be interpreted and implemented independently.



Eviction Prevention and/or Diversion Program Checklist

- Who:** Who will be involved in the design, implementation, and support of the program?
- What:** What services, resources, and/or processes, will the program include?
- When:** At what point in the eviction process will this intervention take place?
- How:** How will the program center its users (tenants and landlords)?

a. Who will be involved in the design, implementation, and support of the program?

Programs should be designed with input from tenants and landlords; implemented by coalitions of intersectoral actors; and championed by judicial and legislative decision-makers.

The first consideration is *who* should be involved in the design, implementation, and support of a program. Almost all eviction prevention and/or diversion programs seem to be multisectoral collaborations: >92% of programs surveyed indicated that the courts in their jurisdictions refer parties to local organizations and/or agencies for resources and services. As such, these programs must draw upon a wide array of actors with a broad range of expertise. These actors can be organized sequentially, though their involvement may vary across programs:

- i. **Design: Tenants and landlords**, or users of the program, should be included, among others, in its design.
- ii. **Implementation: Multisectoral coalitions** of legal services providers, mediators, government agencies, law school clinics, and court administrators should be involved in the program’s implementation.
- iii. **Support:** Judicial and legislative **decision-makers** should champion and help formalize eviction diversion programs to ensure ongoing use and support.

i. Design: Include Tenants and Landlords

Effective programs engage users of the program – tenants and landlords – in their design. This suggests “[bottom-up sensitivity, rather than control by “top-down” actors](#)” – otherwise put, decision-makers and designers should take their cues from the communities that are intended to benefit from an intervention. Specifically, individuals with marginalized identities, [who make up the majority of low-income tenant populations](#), should be invited to participate throughout the design phase of establishing a program. Those who are invited should receive some tutelage on the laws and regulations prior to being involved so that they can actively participate in these conversations.

"Success should be based on listening to the community, specifically listening to folks who are most in need, and using that input to inform program and policy decisions. [They should tell us] what the need is, what we should be doing, how we should be doing, how we can do it better. We need to make sure that informs the policy. “
- **Government**

One example of this principle in action would be to conduct a stakeholder assessment of community members, tenants, and organizers to identify the needs of the renting community prior to designing an eviction prevention and/or diversion program. Another would be to include renters and tenant advocates in the decision-making bodies – alongside landlords’ attorneys, state government officials, judges, court clerks, legal aid providers, and mediators – that co-create eviction prevention and/or diversion programs.

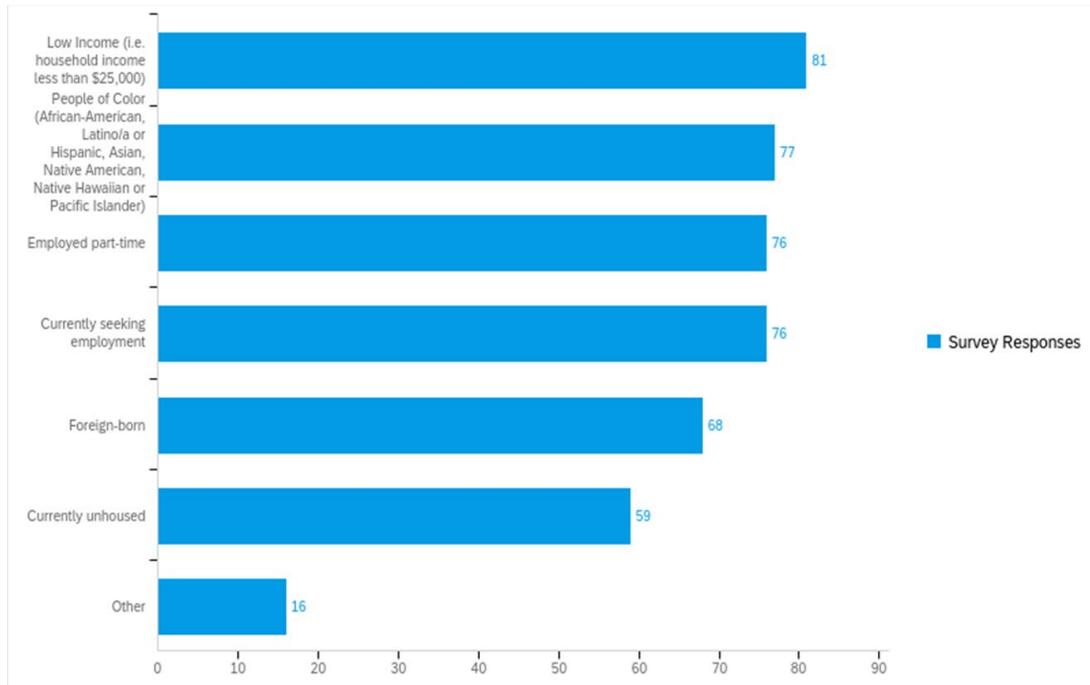
Even though stakeholders across groups seem to share an interest in consulting tenants and property owners in the design of a program, not all do so. Of the eviction prevention and/or diversion programs surveyed, >52% reported consulting individuals facing housing stability

“Diversion programs must be culturally appropriate and respond to unique community needs. ... Programs must also meet the needs of geographically hard-to-serve communities such as families in remote rural areas.”
 - Tenant Advocate

during the design phase. For some groups, this consultation included focus groups, stakeholder assessments, door-to-door interviewing, community outreach events, storytelling, or collaborating with tenant organizers. This may be due in part to the fact that, as one participant shared, many of these “program[s] [were] put together on the fly during a pandemic.” Some service providers were themselves not engaged during the design phase; one survey respondent shared, this program “was not designed by us, we just carry out the city’s orders.”

Despite some community consultation during the design phase, very few eviction prevention and/or diversion programs reported tailoring the operation of their program(s) to the demographics of the communities they serve. As seen above, the leading demographics served by these programs include individuals who are low income; people of color; and employed part-time, among others. When asked whether and how these demographics are considered in the implementation of eviction prevention programs, one survey participant, representative of many, said, “they are not, but should be!” Others pointed to their program’s “open door” policy for providing resources and services to all parties who seek their support, regardless of background.

Demographics Served by Eviction Prevention and/or Diversion Programs



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ii. Implementation: Multisectoral Coalitions

In implementing an eviction prevention and/or diversion program, it is best practice to identify and engage as many relevant stakeholders as possible. This helps ensure that all significant interests are taken into account, thus increasing the program’s legitimacy, and making it more likely to garner credibility and produce durable outcomes. Per [Smith and Martinez](#), dysfunction can often be attributed to failure to adequately involve the interests of key stakeholder groups.

Eviction prevention and/or diversion programs require buy-in, expertise, and bandwidth from a variety of stakeholders across multiple sectors. Notably, these [coalitions](#) should employ local and expert knowledge in an intentional and coordinated fashion. In fact, Kathryn Howell of the [RVA Eviction Lab](#) writes that it is through collaboration that “[disparate stakeholders can navigate complex processes and create avenues to negotiate and advocate \[to prevent eviction and preserve affordable housing.\]](#)”

“A successful eviction intervention or diversion program is defined as providing a “three-legged stool of resources to maintain housing stability. [Our program] provides parties access to rental assistance, early resolution services, and legal aid – and we can’t do one without the other.”

- **Mediator**

Interviewees likened the most successful of these multisectoral collaborations to “a three-legged stool” made up of service providers who, working in concert, could holistically address party needs. These include individuals or organizations from:

- Supportive services, social work, and/or or non-legal advocacy;
- Legal services, landlords’ legal representatives, and/or mediation; and
- Government agencies, lenders, and/or funding bodies.

When working in concert, one or more stakeholders from each of these groups can effectively address each party’s human needs, legal needs, and financial needs.

“Diversion programs should provide holistic support to tenants. The most successful diversion programs are collaborative and offer wraparound services to tenants including case coordinators ... emergency rental assistance ... social services ... and relocation services.”

- **Tenant Advocate**

Formally designated eviction prevention programs that receive state or county-led financial and directional support report being unable to “do one without the other,” meaning multiple stakeholders coordinate eviction prevention efforts. Other stakeholders generally recognized the interdependent nature of individual eviction prevention efforts, and yet, as stated earlier in Section III.c., often operate without the formal designation, funding, or coordination that can help make eviction prevention programs more effective.

Formalization and coordination across these multisectoral groups would be particularly helpful in light of the rapidly evolving regulatory and legal landscape of housing law during the COVID-19 pandemic. Because stakeholders have been required to respond to and adjust their eviction prevention offerings with agility, design experts recommend a third-party act as a convener

tasked with coordinating across groups. To identify this convenor, it may be helpful to employ a [reputable third party without direct interests in the disputes or the parties involved, and who is highly qualified across the range of issues that may arise in an eviction dispute](#). Potential facilitators could include the following: Dispute Systems Designers, collaborative governance consultants, clinical law school programs, public sector organizational design or training departments, dispute resolution centers.

"Because of the collaboration from the beginning, we've been able to have discussions with the county staff, including the judge and local attorneys.... And adjusting to that and evolving [is important] Even to this day, we're implementing new programs, adjusting to the changes with moratoria, with local assistance programs.... It's ever-evolving - it's every week, every day. "
- **Eviction Diversion Program**

[Aligning metrics of success](#) across multisectoral coalitions is also critical to ensuring eviction prevention success. As explored throughout this report, the eviction process is rife with systemic and interpersonal power imbalances. Without alignment across stakeholders, their uncoordinated efforts may "[create\[\] a perfect storm for inequality of power and access](#)," and further reify the current harms experienced by tenants.

iii. Support: Judicial and Legislative Decision-Makers

Courts are critical partners in the support and success of eviction prevention and/or diversion programs. Judicial stakeholders shared that, as a matter of policy, judges and magistrates cannot weigh in publicly on the efficacy of or preferences between specific program features. As such, judges and magistrates did not report being included as designers of eviction prevention and/or diversion programs.

However, courts act as the primary source of referrals for court-connected and court-adjacent programs. Given the idiosyncrasy of the court rules that govern the eviction process across jurisdictions, engaging the buy-in of a judicial champion is essential to a program's use. For example, a pre-filing program's use may be impacted by whether a court requires property owners to engage in a non-adjudicative process, such as mediation, prior to filing a case. A post-filing program's use hinges largely on whether a judge refers cases to resources available on-site at the courthouse, or whether and how they instruct parties about their option to use same-day mediation services.

"It is helpful to have a court-based or judicial champion. Usually, this person needs to be high level, and might not be an active judge. Then, you need to get buy in from a frontline judge -- the person who will help put into action a program. "
- **Court Administrator**

"Politics definitely plays a role in getting these [eviction diversion] programs funded. For example, [two politicians in a state with a robust eviction diversion program] ... are in the same party and so they were able to use their relationship to grow and invest in the program. Political pairings tend to work best when the champions are members of the same party." - **Court Administrator**

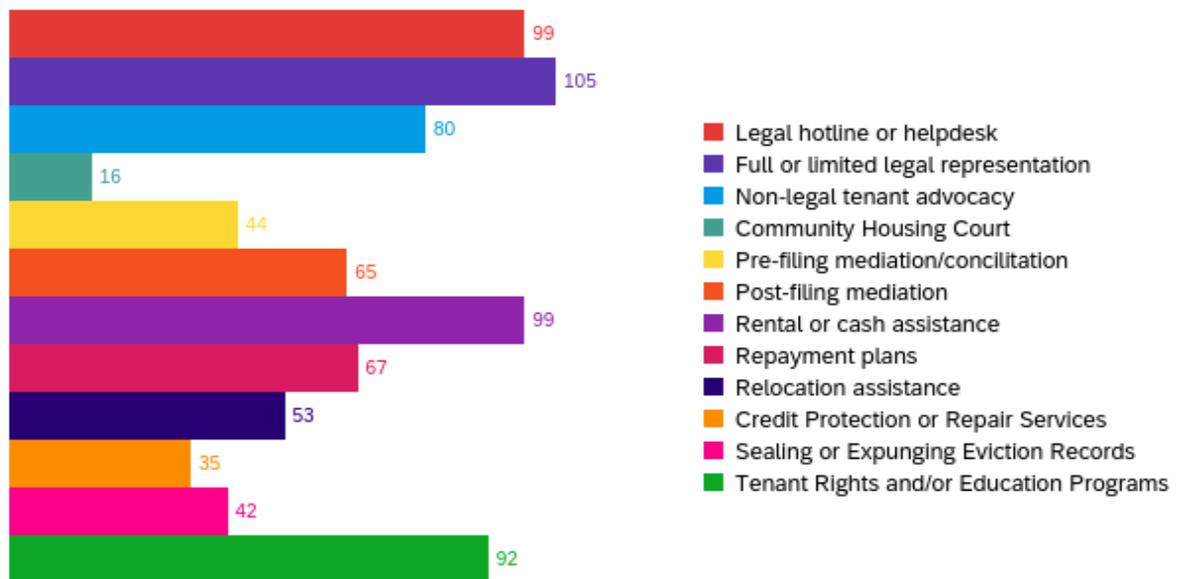
In centralized states—those in which the state supreme court has administrative authority and budgetary authority—identifying a judicial champion is critical to ensuring adherence to and investment in eviction prevention and/or diversion efforts. In de-centralized jurisdictions where the state supreme court has administrative authority but no budgetary authority, cultivating political champions and partnerships, is important, as it is the legislators that will likely decide whether funds are expanded or distributed for rental assistance, or other program funding.

b. What resources, services, or processes will the program include?

Holistic programs that employ a variety of resources, services, and processes are more likely to provide parties with both substantive justice and procedural fairness.

Another consideration is what programmatic features should be included in an eviction prevention and/or diversion program. To borrow a phrase from the report of the Columbia Accident Investigation Board, “[complex systems almost always fail in complex ways.](#)” The same can be said about the eviction crisis: the experiences of individuals facing eviction represent failures across several complex and broken systems. As a result, eviction interventions should respond holistically to parties’ complex needs.

Features of Eviction Prevention and/or Diversion Programs



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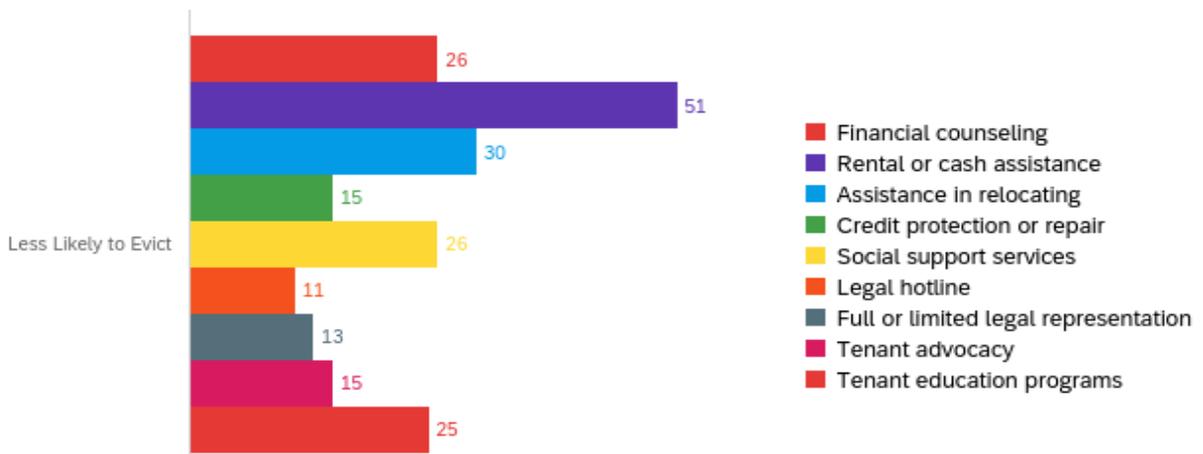
Effective eviction prevention and/or diversion programs should be designed to be not only flexible in the timing of the process (Section IV.c.) [but also provide multiple process options to parties](#), and ensure parties flexibility in the choice and sequence of their use. These should include interventions that help parties achieve substantive justice and experience procedural fairness.

Of the Eviction Prevention and/or Diversion Programs surveyed, the most common programmatic features across 168 survey participants included:

- i. **Rental or Cash Assistance**
- ii. **Access to Legal Representation**
- iii. **Quality Mediation**
- iv. **Self-Help Resources and Supportive Services**

As such, while the exact blend of program features may depend on demographics, resource availability, and legal and regulatory landscape of a jurisdiction, a holistic program should consider employing *at least two* of the above interventions, among others tailored for the community which the program serves.

Features that Make Property Owners Less Likely to Evict



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i. **Rental or Cash Assistance**

Non-payment of rent is a leading cause of eviction. A tenant's lack of capital threatens their own housing stability as well as the property owner's financial stability. As such, correcting unequal access to capital can help curb eviction's role in causing and exacerbating poverty, and support these respective stakeholders in their shared goals of housing and financial stability.

"Rent relief has been key to tackling enormous arrearages due to the pandemic and moratorium."
- **Tenant Advocate**

To the extent possible, effective eviction prevention and/or diversion efforts should aim to empower parties as equal contributors and decision-makers to the process of resolving the eviction dispute. Rental or cash assistance can help correct the asymmetry in resources across tenant and landlord and empowers tenants as active agents in the bargaining process. These funds may cover arrearages, as well as such costs as moving expenses, security deposits, future rent, utilities, and the cost of a transitional stay in a hotel or motel when a family has been displaced.

Rental assistance enjoys overwhelming support across stakeholder groups, including tenant advocates, government agencies, court administrators, and mediators. In fact, most stakeholders across these groups suggested that rental assistance is a necessary but insufficient condition of

“Funding is key.... You can have all the eviction diversion programs in the world... but if you don't have a substantial source of rental assistance, ... if there's nothing to provide to a tenant and they're still not working, [the parties] won't be able to work it out.” - **Government**

any eviction prevention program. Without a change in their access to capital, tenants have little leverage in negotiating a settlement. As one tenant advocate shared, rental assistance provides “something to incentivize [the landlord] drop the case” as opposed to “negotiating with empty hands and empty pockets.” However, stakeholders involved in eviction diversion programs also universally agreed that rental assistance acts best as a complement to other interventions and services which can holistically address the root causes of a tenant’s housing instability.

There also appears to be buy-in from property owners for this intervention as well. Of the property owners surveyed, **80%** had experienced an increase in late or delinquent rental payments in the last 12 months, making them candidates to engage in some form of eviction or eviction diversion process in the future. These property owners also suggested an increased likelihood to participate in mediation or settle eviction disputes outside of court if tenants had access to services that would improve their ability to negotiate. Of most statistical significance is the presence of cash or rental assistance in encouraging landlord participation in prevention strategies, with over **81%** of property owners surveyed saying they would be less likely to pursue eviction if their tenant had access to cash or rental assistance.

Different forms of rental assistance come with different eligibility requirements and policies governing fund dispersal. For example, the Biden-Harris Administration has allocated a total of [\\$46.5 billion under the American Rescue Plan](#) to fund emergency rental assistance. These funds come with several policies aimed at directly aiding renters including the requirement that programs [offer rental assistance directly to renters if landlords choose not to participate](#). Policies may [differ for regionally or locally provided rental assistance](#), with some local jurisdictions allowing landlords to apply directly for locally funded rental assistance in their tenant’s name, with tenant consent. Any program must balance considerations of equity, self-determination, and resource constraints in designing how tenants will access rental or cash assistance intervention.

ii. Access to Legal Representation

DSD best practice suggests that any eviction prevention program should be designed to provide access to [rights-based](#) processes, such as legal representation, alongside [low-cost interest-based processes](#), such as mediation. See Section IV.b.iii. The need to include rights-based interventions in diversion efforts is particularly pronounced in eviction cases. The majority of tenants facing eviction are *pro se*; it is estimated that fewer than [3% of tenants have access to counsel, compared to 81% of property owners](#).

“Even after the judge ruled, the tenant still did not understand what was going on, or that they needed to move out.”
- **Landlord**

“I have seen people leave the court room with a judgment in hand and unsure of what to do next.”
- **Legal Services**

However, when tenants are represented, it is more likely that they remain housed. Overall, [86% of New York City tenants](#) who are represented by counsel remain in their home. In San Francisco, [67% of tenants](#) receiving full representation stayed in their homes. These figures suggest that access to legal representation is particularly successful in reducing evictions.

However, legal representation can provide more than just outcomes. On a procedural level, access to legal representation can help parties achieve [interactional and informational justice](#): quality interpersonal treatment through client counseling, and access to information regarding the complex procedures of housing law. Legal services providers and property owners alike highlighted the role attorneys can play in informing parties on the implications of a judgment, for example.

A wide variety of stakeholders supported this intervention. More than **56%** of interviewees cited “full or partial legal representation” or “access to legal services” as their number one recommendation for eviction prevention. It is also the second most common feature of eviction prevention programs surveyed, with **>62%** of survey participants stating that full or partial legal representation is available to parties experiencing housing instability in their jurisdiction.

Stakeholders from local government also suggested that full or partial legal representation can save city and state governments money and help court processes run more efficiently. [Several studies](#) support this, citing reduced homeless shelter costs as well as affordable housing cost savings. Right to counsel measures for tenants in eviction proceedings have been enacted in nine cities and three states to date, all showing success in reducing evictions: [New York City](#), [San Francisco](#), [Newark](#), [Cleveland](#), [Philadelphia](#), [Boulder](#), [Baltimore](#), [Seattle](#), [Louisville](#), [Washington State](#), [Maryland](#), and [Connecticut](#). Several more jurisdictions are [piloting programs or have legislation pending](#).

“I feel about right to counsel [in eviction cases] the way I feel about democracy: it’s the worst except compared to everything else.”
- Legal Services

Notably, access to full or partial legal representation may also promote participation by property owners in non-adjudicative processes. Of the property owners surveyed, roughly **53%** shared that they would be more likely to participate in a mediation with a tenant if the tenant had access to legal representation. Notably, of this same group, **44%** of property owners were also more likely to file an eviction if a tenant had access to legal representation.

In designing access to legal representation as a programmatic feature of an eviction prevention and/or diversion program, a program should consider the extent to which it has [adequate resources to operate](#). This may help a program engage the following questions:

- **Full or partial legal representation?**

What is the nature of the legal representation being made available?

Legal representation may consist of full or [partial](#) representation, which [may include](#) brief counsel and advice, preparation of forms, assisted negotiation, or same-day trial preparation. This decision may be guided, in part, by understanding a jurisdiction’s

resource availability: partial legal representation or unbundled legal services were reported by stakeholders to be less burdensome on legal services providers than full representation. However, tenants fare better in court when they have access to full legal representation.

[Studies have debated](#) the effectiveness of partial representation in improving housing stability for tenants facing eviction. The [Boston Bar Association Task Force on the Civil Right to Counsel](#) found that even partial representation can help tenants in retaining possession, having rent waived, and receiving monetary awards. However, [a study](#) found that partial legal representation *alone* did not substantially affect the outcomes of tenants when compared to those who self-represented. Finally, a study of tenants facing eviction in a state district court in Massachusetts found that those who received [full legal representation fared significantly better](#) than those who received only partial assistance.

- **Representation for both parties?**

Will legal representation be made available only to tenants, or both tenants and otherwise unrepresented landlords?

According to [two main](#) studies on this issue, between **51%** and **75%** of tenants without legal representation lost their eviction case in courts. Stakeholders in favor of full or partial legal representation agree widely that tenants should receive priority for these services in the case of resource constraints. Stakeholders concerned with equality had diverging views on the question of whether landlords unrepresented by counsel should also receive access to these services, with some suggesting that legal representation, as well as other resources, should be made available in a symmetrical fashion to all parties.

“I can be more successful in keeping my client housed when the process begins in pre-filing mediation. Not only does it prevent the permanent harm an eviction record creates, but it also rebuilds relationship [between landlord and tenant]. Mediation, legal counsel, and rental assistance are the idea wrap around intervention.”

- Tenant Advocate

For example, two eviction diversion programs in the same jurisdiction approach this issue differently. One [only provides tenants with legal counsel](#), who then negotiate directly with landlords to resolve the case. Another makes legal representation available to [both tenants and landlords](#), and automatically continues a case for two weeks so that attorneys assigned to either party can negotiate and/or guide cases to resolution or mediation.

- **Relationship to other interventions?**

How will access to counsel intersect with other eviction prevention efforts?

Stakeholders across groups stressed the urgency of expanding a right to counsel as a means for [“all people, regardless of their circumstances or background, \[to\] have access to safe and stable housing.”](#) However, many stakeholders acknowledged the significant political barriers burdening this effort and recognized the need to pair this intervention with others, including rental assistance and/or mediation.

While not all these questions will be equally important or complex for every program, each should be considered to help a program maximize its impact in reducing evictions.

Having access to legal representation can promote eviction prevention and housing stability; improve the tenant experience in the eviction process; and holds the potential to save government costs long-term.

iii. Quality Mediation

Interests-based processes, including mediation, can provide parties with "process control" or "[the opportunity for meaningful participation in determining the outcome of the procedure \(whatever it may ultimately be\) and the opportunity for full self-expression.](#)" Parties should, to the extent possible, have choice in the design of the process and participate meaningfully in the decision of outcomes.

"As mediators, [we need to] understand that the power differential in this relationship is important. Landlords have the power of law and contract behind them. Tenants are often powerless, especially if the law is not supporting their interests. Predatory housing providers often taking advantage of these differences, and profit from evictions, [saying] "they are crazy", "they are the problem", "I just want them out." ... Sometimes there are practices that are not legal."

- Mediator

Many programs currently offer mediation at the pre-filing, post-filing, or post-judgement phase. Of the programs surveyed, >64% shared that mediation is available to parties experiencing housing instability in their jurisdiction, making it the leading intervention represented in our data.

To the extent that the goal is preserving tenancy and increasing housing stability, there is no indication that mediation as a standalone intervention achieves that goal. Mediation can instead serve as a helpful adjunct with other interventions. Mediation can promote procedural justice, facilitate access to resources, and encourage relational repair.

However, the lack of formal procedures can also risk [exacerbating existing unequal power dynamics](#) between tenants and landlords. In order to deliver on its highest promises, mediation should be of [high quality](#). This may include making specific training available to mediators on trauma sensitive approaches; the inequities relating to eviction; and the [relevant legal rights and information](#) that may impact a party's ability to make informed and non-coerced decisions. Mediators may also consider whether and how different [techniques](#) or [models](#) should be adapted for this case type.

"Trauma is a real tangible issue in eviction matters in a way that is different from other case types. The processes we use to deal with eviction need to be trauma-informed."

- Mediator

The legal procedure for evictions has been described as a "[state-sanctioned collection process for landlords](#)" in which "voiceless and powerless" tenants are turned into "[chastened debtors, giving](#)

[landlords additional leverage to deter them from complaining about a code violation or mistreatment.](#)” As such, in states without a guaranteed right to legal representation, mediation is sometimes a party’s first opportunity to be heard by a representative of the legal process or by the other party. In fact, some mediators described their value to parties as “translators” between the parties with one mediator sharing, “our mediators often have to guide people, through active listening, to help them identify their own needs – something they [pro se parties] won’t get with a judge.”

“Where mediators are involved in diversion programs, they should be trained by tenants’ rights attorneys or other organizations on the inequities related to eviction, tenant trauma, and the consequences of housing instability. In addition, diversion programs must address language access and other potential barriers to effective eviction prevention strategies.”
- **Tenant Advocate**

Mediation, especially at an early stage in the eviction process, can also promote access to resources and justice. In many jurisdictions, pre-filing mediation acts as a site of referral to external resources and information-sharing for parties, which may help minimize the need to engage further along the eviction path or empower individuals with resources and information if they do so. See Section IV.c.

Finally, mediation also presents an opportunity for relational repair not available through traditional court proceedings. Professor Barbara Bezek’s work [notes the silencing impact](#) of court processes on tenants “human stor[ies] which [are] not given legal credence.” She characterized the court’s silencing of tenant’s personal stories as the result of a “rule-oriented” rather than the “relation-oriented” account of disputes available through mediation.

“I had a landlord forgive \$18,000 in back rent in a case last week. That came about due to deep listening and a sharing of each parties pain.”
- **Mediator**

Studies show some support for the relational benefit of the mediation process; depending on the mediation program, [5% to 43%](#) of litigants report that the process helped them improve their relationship with the other parties. This relational improvement can translate into substantive outcomes. Preliminary data anonymously self-reported from various court-adjacent eviction mediation programs suggest that reciprocity can breed generosity from landlords and settle cases in sometimes surprising ways.

In designing mediation as a programmatic feature of an eviction prevention and/or diversion program, a program should consider the following questions:

- **Timing?**

At what point in the eviction process will the mediation take place?

Our research showed that the further along in the eviction process mediation is used, the higher the risks it can pose to tenants by reducing their bargaining power, raising their costs, and exposing them to the risks of an eviction filing on record. See more at Section IV.b.iii. Thus, mediation should occur **pre-filing**, or as far upstream as possible.

- **Relationship to other interventions?**

How will mediation intersect with other eviction prevention efforts?

Holistic programs should [provide multiple options to parties](#), and ensure parties flexibility in the choice and sequence of their use. Parties across groups universally acknowledged that **mediation should be paired with rental assistance** without which parties have limited ability to negotiate. In the absence of rental assistance, tenants lacking financial resources have little to no bargaining power and are limited in their ability to fully participate in the process.

“The eviction [prevention and / or diversion] programs work superbly when paired with mediation and rental assistance.”
- **Eviction Diversion Program**

Mediators [acknowledged](#) that engaging mediation “when the tenant is on the brink of homelessness and lacks legal counsel is fraught with fairness concerns and process dangers.” As such, stakeholders across groups agreed that access to legal representation during mediation was of benefit to tenants. Tenant advocates promoted the right to counsel as early in the process as possible, including during pre-filing mediation. One tenant advocate shared, “with counsel, [mediators] can trust that the full scope of the interests of the parties, not merely the collection of rent, will receive attention, and they can design agreements that provide mechanisms for enforcement of promises made by both sides.” In lieu of legal counsel, [some eviction diversion programs](#) pair tenants with non-profit housing counselors who assist them during mediation, helping them come to informed and sustainable agreements. Notably, these housing counselors can also help connect tenants to resources including rental assistance.

“When housing counselors/tenant advocates participate in the mediation process, and when rental assistance and city government works together with mediation services, it is most successful.”
- **Eviction Diversion Program**

Many mediators shared that mediation should “never be a substitute for legal representation and is not *the* solution to the access to justice problem.” Some also stressed the importance of symmetry in terms of representation, suggesting that ideally, both parties should be pro se, or both parties should have access to counsel. In the instance where only tenant has access to counsel, these mediators acknowledged that the incentives for landlords to settle in pre-filing mediation (e.g., saving on attorney’s fees, filings fees, sheriffs fees, and transition costs) may be reduced, introducing a possible incentive to file suit. Notably, although appointment of counsel for tenants makes a notable difference in eviction outcomes in court, [representation for landlords does not](#).

- **Online Dispute Resolution?**

How should online tools be used for mediation in eviction cases?

Over the past 12 months, some jurisdictions have employed [Online Dispute Resolution \(ODR\)](#) tools, ranging from mediation via videoconference to negotiations supported by [artificial intelligence AI](#). While these tools hold great potential, technologists, mediators, and tenant advocates agree that ODR, if used, must be clearly defined to all users and administrators, and must be symmetrically accessed by parties (i.e., all parties have

the same ability to access the same tool). The inequities and power imbalances that permeate all parts of the eviction process are reflected in online dispute resolution processes. [The Brennan Center for Justice at the New York University School of Law](#) suggests that communities that are more likely to be “harmed by our justice system are less likely to have access to the high-quality technology that’s needed to use some of these tools.” As such, any online process should account for the digital divide present in the community it serves.

Having access to mediation can promote relationship repair between landlord and tenant; facilitate case settlement, particularly if paired with other interventions; and provide parties a kind of procedural justice otherwise unavailable to them in traditional court proceedings.

iv. Self-Help Resources and Supportive Services

Programs should aim to [empower parties as equal contributors and decision-makers](#) to the process of resolving the eviction dispute. One way to do so is by centering the [education of parties on the system in which they operate](#), as well as their empowerment to navigate and use available resources and options. Not only does greater party empowerment result in greater substantive outcomes – fewer evictions and greater housing stability – but also shifts toward empowerment and recognition are conducive to [positive post conflict relationships between parties](#).

“With [self-help resources] ... litigants are more empowered to seek redress for whatever they want, if it is appropriate under the law. Ultimately, self-help resources help them realize that they have options, inform them about those options, and empower them make better decisions for themselves.”
- **Legal Services**

Of the **70%** of low-income Americans with civil legal problems, [only 20% seek legal counsel or representation](#). Self-represented tenants are likely to experience [disruptive displacement in 93%](#) of eviction proceedings. [Self-help resources](#) refer to the continuum unassisted (asynchronous) or assisted (live or in-person) services and resources made available to parties who do not have access to legal representation. Unassisted services may include web tools, law libraries, videos, or PowerPoints. These tools are often accessed remotely and should be designed with language and learning accessibility in mind.

“For everyone who won't get the right to counsel, or full legal representation for their case, they still need all these other resources too. For example, if we are advocating for increased resources for tenants, we also need to build out the online resources, in plain language, in multiple languages, with good visuals.” - **Eviction Diversion Program**

Assisted self-help may include neutral court navigators, non-neutral lay legal advocates, community education, community outreach, and workshops. These tools may be accessed on-site at the courthouse, or in-person in the community. Research shows that [local access to a physical location](#) contributes to greater success in use.

In the context of eviction proceedings, self-help resources should include tenant education resources; non-legal services such as housing counseling and financial counseling; and [court navigation assistance](#), including help desks and help lines, among others. These non-legal resources can empower the structurally disadvantaged party by connecting tenants to referrals and legal and procedural information **early** in the eviction process. See Section IV.c.

"We've found it's been really helpful to have a human in court [e.g., navigator, tenant advocate, social worker] who is not a member of the court or an attorney or a landlord [for parties] to talk to and have a low-stakes exchange of information with."

- **Eviction Diversion Program**

More specifically, these housing [navigators](#), counselors, case managers, and/or other court staff can assist tenants in applying for emergency rental assistance and other critical resources, and in some cases, even help prepare for and navigate the mediation process, helping mediators screen out cases that may be inappropriate for the process. These non-legal personnel can also provide important referrals to supportive services. As evictions resume, mental health crises are predicted to spike.

In a [2020 study of mental health outcomes in eviction court](#), **39%** of tenants had generalized anxiety disorder, **37%** had PTSD, **33%** had major depressive disorder, and **17%** reported suicidal ideation. Housing navigators, counselors, case managers, and/or other court staff can assist tenants in assessing critical social services such as mental health services, domestic violence organizations, and benefits applications.

Social services support crisis intervention and, importantly, longer term housing stability for families. These resources can also help tenants – especially those without access to legal counsel – informedly navigate, participate, and self-advocate throughout the eviction process. The provision of self-help resources seems to be a feature of many eviction prevention and/or diversion programs. Of the programs surveyed, **>81%** report that tenant rights and/or education programs are featured as a part of their program, while **>70%** provide non-legal advocacy.

[Property owners](#) also acknowledged the “uneven power dynamics between landlords and tenants” that permeate eviction disputes, making these disputes particularly difficult. As such, property owners supported making self-help resources available to tenants. Of those surveyed, **>66%** said they would be more likely to address non-payment or late payment of rent outside of court if tenants had access to education programs or financial counseling. The same was true for credit protection (**>61%**), and social support services (**>72%**). Read together, these stakeholders share buy-in for holistic eviction prevention and/or

“There is a gross power imbalance between landlords and tenants. When tenants fall behind on their rent, they are worried about putting a foot wrong [with the landlord and that they may comprise themselves]. Tenants are in a position where they are nervous that they might be threatened or be forced to sign something they don't want to. But 80-90% landlords tell me that they really want their tenant to stay in the dwelling, and have access any aid they need, and gosh! I wish they would talk to me.”

- **Government**

diversion programs that prioritize access to information and resources that empower tenants before entering the dispute resolution process.

“The most effective diversion programs don’t wait until the landlord and tenant are in court; at that point, the tenant’s increased vulnerability and the landlord’s financial investment in the eviction impair an effective resolution. ... In order to secure long-term housing stability and prevent unnecessary costs or uncertainty to either side, a diversion program should have four elements: (1) early intervention at the pre-filing stage; (2) mediation, to help the parties reach a mutually beneficial resolution; (3) rental assistance given that the vast majority of evictions are about nonpayment of rent; and (4) a right to counsel for tenants, which will help ensure that the agreement reached during mediation is equitable and contains reasonable obligations that both sides will have the ability to carry out.”

In summary, holistic programs provide parties multiple points of access to services and resources throughout the eviction process.

Best practice indicates that these should include rental or cash assistance as a necessary condition; access to legal representation early in the process; high quality pre-filing mediation paired with other interventions; and self-help resources designed with accessibility in mind.

C. When in the eviction process will the intervention take place?

Upstream interventions more efficiently divert cases away from court and connect parties to resources.

Our research reveals eviction prevention and/or diversion program are being implemented at multiple stages in the eviction process. Upstream interventions include those that occur before the landlord files with the court. Other interventions may occur after the landlord has filed, but before the hearing has taken place. Finally, downstream interventions occur post-filing or post-judgment, and are often referred to or mandated by the judge as a part of the hearing or upon the re-opening of the case.

Effective eviction prevention and/or diversion programs should seek to prevent, manage, and resolve eviction disputes. Housing stability cannot be achieved at a mass scale through court judgments alone: current over-reliance on court adjudication as the central means for eviction disputes has resulted in a growing eviction rate under which [protective laws](#) are rarely enforced.

For example, data from several studies demonstrate that landlords win default judgments in a majority of eviction cases. In many jurisdictions, a ruling in favor of the landlord is the most common outcome of an eviction hearing. In a review of court data from [Shelby County, Tennessee](#) from 2016-2019, landlords prevailed in their eviction cases 80% of the time. Only [1.3% of the cases resulted in a clear ruling for the tenant](#). As such, eviction prevention and/or diversion programs that prioritize **upstream efforts** can avoid the negative impacts of a court process.

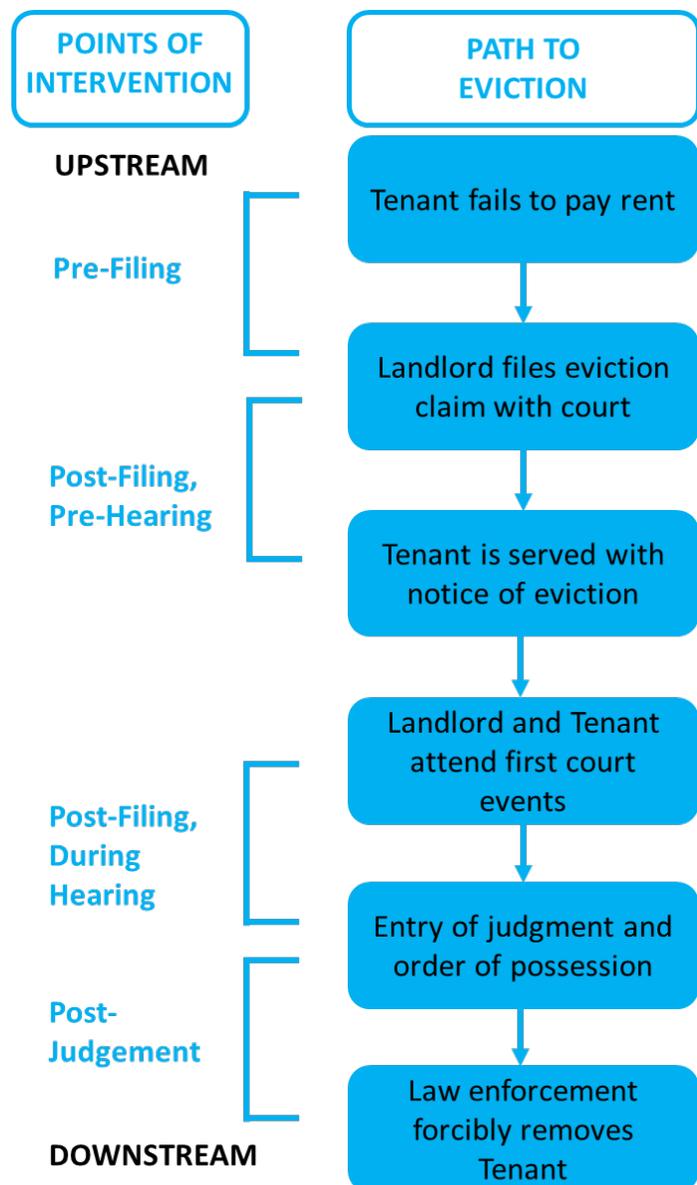
Notably, some jurisdictions have adopted general standing orders [requiring parties to participate in eviction diversion prior to filing](#); this can include requiring landlords to apply for rental

assistance on behalf of and with the consent of the tenant, and waiting 45 days. Post-filing eviction diversion programs often follow a similar process, delaying the hearing for up to [60-90 days](#) in order to grant time for parties to access resources and participate.

Specifically, **pre-filing** court-connected and court-adjacent eviction prevention and/or diversion efforts have the greatest potential to connect stakeholders to resources, services, and processes that empower them to resolve or more effectively manage their dispute. These include interventions to which parties are referred by the court or those which the parties may engage on-site at the court *prior* to an eviction filing. Examples include those explored in Section IV.b., among others: access to rental, cash, or other forms of financial assistance; pre-filing mediation or conciliation; legal counseling or legal representation; and facilitated access to wrap-around services including community outreach, housing counseling, and supportive services, among others.

Pre-filing eviction prevention practices have the benefit of lessening the administrative burden on judges and magistrates by diverting cases away from court dockets; if parties do not resolve their dispute through non-adjudicative means, they arrive to court with greater understanding access to information and resources with which to navigate the court process. However, court-connected and court-adjacent pre-filing eviction prevention practices do create the additional burden on court administrators to actively refer parties seeking to file a claim to external service providers or organizations. This burden may be alleviated through automatic online case diversion in jurisdictions that employ e-filing.

Stakeholders across groups favored eviction prevention and/or diversion programs that took place at the pre-filing stage as well. Among participants in our eviction diversion program survey: **>70%** prefer eviction prevention and/or diversion programs that occur prior to being filed with the court. Support jumps to **>88%** when including programs that occur post-filing but prior to the hearing. Landlords shared this preference. Among participations in our property



owners survey, >46% expressed a preference for a pre-filing intervention. Support jumps to >71% when including programs that occur post-filing but prior to the hearing. Moreover, >53% of landlords believed that a pre-filing intervention, specifically mediation, was more efficient to pursuing an eviction in court.

“Pre-filing intervention, whether it’s mediation, conciliation, counseling or advice, rental assistance, all work better before anyone ends up in court. And, access to as many of those services as possible in addition to them being available earlier is of utmost importance to address housing instability.”
- **Eviction Diversion Program**

In summary, while pre-filing interventions are preferred and have a higher likelihood of connecting parties to resources, a well-designed program is not limited by a moment in time, or a stage of filing. Best practice is the program that allows participants multiple access points to problem solving approaches throughout the process. For more, see holistic programs in Section II.b., above.

d. How will the program center its users (tenants and landlords) throughout its operation?

Wherever possible, programs should seek to maximize party agency; protect party privacy and legal records; and collect feedback and long-term impact measurements.

Any eviction prevention and/or diversion effort should aim to empower and equip all parties; protect party privacy in both the short-term and long-term, through confidential record management; and adapt its design based on feedback, impact, and program evaluation.

i. Agency.

Non-coercion is a core value of dispute system design. Any eviction prevention and/or diversion program should seek to empower parties by maximizing each party’s agency and minimizing the risks of engagement/consequences of non-engagement. These values can guide any of the aforementioned program features, including rental assistance, legal representation, mediation, and self-help resources; see Section IV.b.

The landlord is the initiator of the eviction process and thus has agency and ultimate decision-making authority in terms of whether and how the case is resolved prior to a hearing.

Agency is also important for tenants, who rarely enter the eviction process with autonomy of decision-making due to unequal bargaining power inherent to the eviction system and the gravity of potential housing loss. When asked to define success in an eviction prevention and/or diversion program, many tenant advocates across legal services and community organizations said, “I cannot define success. Only the client [tenant] can define success.” As

“Whether a tenant chooses to engage a ... eviction diversion program should be their choice, and that choice, either way, should remain confidential. It should not be shared with the judge, because otherwise it can be weaponized against the already disadvantaged tenant.”
- **Legal Services**

such, a lawyer working with a tenant should defer to them as to the outcome of their engagement, which may include settling the case or proceeding to litigation.

It is important to balance the value of party agency along with concerns for [efficiency, both of which are](#) important fairness considerations in all dispute resolution procedures. To avoid lengthy wait times between interventions, programs may consider voluntary opt-out processes which [presumptively refer parties](#) to resources and services, and provide them with the opportunity to opt-out of participation. Further, to preserve agency and non-coercion, court-based eviction diversion programs should avoid defaulting parties for not or using interventions. For example, a tenant [should not lose their right](#) to proceed with litigation if they do not appear in [mediation](#). Local conditions will predict what will best preserve tenant agency, and will determine how to best uplift tenant agency.

"One of the big driving factors in creating a mandatory pre [filing mediation program] is to prevent the landlord from filing."

- Government

Where rental assistance requires that landlords participate in the tenant's application for rental assistance, they are in effect gatekeepers who could decline to cooperate and prevent tenants from taking advantage of a resource intended to give them more agency. As a result, it is critical that where rental assistance is available, it should be mandatory that tenants and landlords apply for funding before initiating the eviction process.

ii. Privacy and Record Management.

Confidentiality and privacy are strong values in the ethics of dispute system design. Any eviction prevention and/or diversion programs should "[take all reasonable steps to protect the level of confidentiality agreed to by the parties.](#)" As such, whether a party has participated in a pre-hearing eviction prevention and/or diversion program – be it mandatory or voluntary – should not be made public. Participation in a program would only be made known to the court if and when the case had been settled, in the event of a post-filing intervention.

Stakeholders expressed fear that whether a party participated in a program or not may be held against them by the judge in ruling on the case.

Effective programs should also be designed to avoid "[systematically discriminat\[ing\] against or harming particular individuals.](#)" The mere filing of evictions may lead to [blacklisting](#) or closing parties off

"Record sealing! If it's a post filing program, this needs to be made available. A filing shouldn't be a scarlet E that you carry forever. There should be automatic sealing. I like the elegance of the way [] does it; they get conditional agreement from the parties to do it. "

- Court

"If mediation fails, then and only then, should people be allowed to file a complaint. ... [Parties should] not need to show that they came to a resolution, but instead that a conversation between landlord and tenant has happened at all. They should need show the judge that they at least went through the process. And then, the judge should bring up the possibility of mediation throughout the case. You also need somebody -- whether its court staff, attorneys, or law student, somebody! -- to explain to tenants what is going on. Otherwise, they can get left in the dark." - Legal Services

from future housing opportunities. As such, eviction prevention and/or diversion programs should consider including post-filing features such as record-sealing and/or credit protection to limit the power of eviction filings over a tenant’s financial and housing future. Only >37% of eviction prevention and/or diversion programs surveyed have access to record sealing, and only >30% provide credit protection services. Use of these practices would provide important mechanisms for empowering tenants after an outcome has been reached.

iii. Feedback and Program Evaluation.

One of the key elements of success in dispute system design is the ability of a process to [adjust and change](#). In the same way that users of the program should be centered in its design, they too should be centered in its continued evaluation, adaptation, and iteration. Effective dispute systems are accountable through [transparency and evaluation](#), to improve it continuously. Feedback collected should mirror the makeup of the program; for example, a holistic program offering parties an array of resources, services, and processes should collect feedback on the user experience across all of them.

“I don’t have the bandwidth to track outcomes, but someone should! We need to keep parties involved in our program evaluation so we can understand the impact these services have on them and their housing.”

- Eviction Diversion Program

However, it is not only procedural satisfaction and rates of settlement that should be captured. Outcomes should be measured for their longevity: for example, one program engages with tenants on a 6-month basis for one year after their participation to gauge the impact of their intervention towards housing stability.

“Did the case get reset? Was it dismissed? Was it a default judgment...? Or did it go in favor of the tenant? Or was there some other outcome like a jury request?... [Those questions have] been really challenging for us to get good, consistent data on from the county.... Each of the JPs [Justices of the Peace] operate as their own little fiefdom. They have their own way of coding; they don’t necessarily capture the way that we observe things happening in court.”

- Government

Tracking data and the sustainability of outcomes can help tenants prevent future lapses in payment by connecting them directly to executive branch or supportive services. However, it is of the utmost importance that this is administered with the appropriate concern for privacy.

The aforementioned norms of (i) agency / non-coercion and (ii) privacy / record management do not challenge this norm of feedback-driven program design and adaptation. The administration of court-connected and court-adjacent programs may be coordinated by external or third party convenors. These actors could, and should, maintain external records for program evaluation and impact measurement purposes.

V. Moving forward

High eviction filing rates have long been a fixture of American housing policy; in 2019, the [Federal Reserve Survey of Household and Economic Decisionmaking](#) found that 37% of adults

were one \$400 emergency away from poverty. The COVID-19 pandemic shone a spotlight on the procedural and material challenges tenants face during an economic hardship.

Learnings from the eviction prevention and/or diversion programs across the country showcase how court and court-adjacent efforts can effectively coordinate services, promote housing stability, and prevent and divert evictions. These programs, even when designed to be upstream, are a relatively late stage intervention to the systemic factors that created their need.

“Housing is a human right. [A successful diversion program] is one that sees that homelessness as a violation of that human right. The question of whether a tenant stays or moves to another apartment is irrelevant, as long as that tenant has access to another dwelling where they have rights. Success in this country is going to be the recognition of and implementation of laws and procedures that recognize housing is a human right.” - **Legal Services**

[Wage stagnation](#), [a dearth of affordable housing stock](#), and [widespread job loss](#) are issues that the court alone cannot fix – in fact, these contributing factors to the housing crisis are cause for legislation and exploration beyond the scope of this report. However, communities across the country are exploring ways to address housing shortages and housing quality, and insufficient income, through policies including:

- Creating “just cause” eviction protections, including an end of lease term, to ensure greater housing stability;
- Prohibiting source of income discrimination for tenants;
- Enacting federal protections to ensure survivors of domestic violence, dating violence, sexual assault, or stalking have access to safe, accessible homes and the ability to contact law enforcement and leave unsafe housing situations without risking possible homelessness;
- Banning credit reporting agencies and courts from including eviction-related information (both filings and court decisions) that occurred during the pandemic;
- Prohibiting evictions of tenants currently paying rent because of unpaid arrearages they acquired during COVID-19 pandemic (i.e., "non-evictable debt"); and
- Supporting legislative efforts for universal basic income, increased affordable housing, and automatic record sealing.

Any of the eviction prevention and/or diversion practices highlighted in this report should be paired with a broader legislative project that seeks to support [housing as a human right](#).