



RESEARCH REPORT

Preventing and Mitigating Evictions after the COVID-19 Crisis

Principles and Practices for Rental Housing Owners

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Preventing and Mitigating Evictions after the COVID-19 Crisis

Eviction has profound and long-lasting impacts on renters and their families, affecting finances,¹ physical and mental health,² and community stability.³ The negative impacts are more heavily concentrated on Black households and female-headed households, both of which are overrepresented in eviction filings (Hepburn, Louis, and Desmond 2020). Although the costs of an eviction are largely borne by the affected household, property owners and operators also have a financial interest in tenant stability, because eviction increases the costs of turnover and vacant units and is unlikely to help a landlord recoup rent.

The COVID-19 crisis and the ensuing economic impacts led owners to reevaluate many standard rental practices that may inadvertently increase the likelihood of eviction. Throughout the pandemic, rental owners and operators—especially those with mission-aligned goals—implemented policies and practices to identify struggling renters and provide them with the support or flexibility needed to remain stably housed.⁴ For many mission-aligned owners and operators, that meant building on existing stabilizing practices to encourage renter stability and maintain financial solvency. This included assisting renters in their application for federal emergency assistance dollars, connecting residents with a wide range of services, and allowing flexibility in rental payments.

Although many best practices for tenant stability may benefit both owners and tenants, owners and property management staff also often face hard choices as they seek to maintain the financial stability of their property. Owners who seek to create and maintain quality, affordable rental housing often operate on small financial margins, and they must collect a certain amount of rent to remain solvent, maintain the source of affordability, and maintain the physical upkeep of the property. If they are foreclosed upon, the property may lose its affordable status and all their residents could potentially lose their homes or face housing cost burden. Further, owners may have difficulty obtaining favorable lending terms in the future to build new, affordable housing.

Postpandemic, mission-driven rental housing owners are facing new financial stresses, high staff turnover, higher costs across the board, and sometimes new spikes in rent delinquency. At the same time, the pandemic made clear to owners and operators the importance of housing stability as an integral component of a person's health, well-being, and financial stability, as well as the mutually beneficial nature of these aspects for owners, operators, and renters. As property owners often hold

more power in the renter-tenant relationship,⁵ the pandemic demonstrated that owners/operators have the ability to change policies and practices, and that giving tenants more control over their stability does not necessarily come at the expense of the bottom line. Rather, innovative practices implemented during the pandemic showed that preventing evictions can increase profitability.

In the wake of the immediate COVID-19 crisis, owners must determine what the “new normal” will be for practices related to tenant stability and service provision, particularly what the right balance is for resources dedicated to supporting residents and how to fund those supports. Many mission-driven owners have both a financial and a mission-focused interest in seeking alternatives to eviction, but options are limited. At this critical juncture, there is a need to identify a series of principles and promising practices to help guide owners and operators as they seek financial stability while also limiting the occurrence and enduring negative impact of eviction.

Overview of the Working Group

To fill this gap, the Urban Institute and Enterprise Community Partners with the support of Stewards of Affordable Housing for the Future (SAHF) and Housing Partnership Network (HPN) convened a group of mission-aligned owners and operators of rental properties to better understand the landscape of practices that they adopted to reduce the occurrence and impacts of eviction. In addition to Enterprise, SAHF and HPN, the following organizations engaged in the working group:

- Mission-driven owners and operators:
 - » National Housing Trust
 - » National Church Residences
 - » The NHP Foundation
 - » Preservation of Affordable Housing
 - » CommonBond
 - » The Community Builders
 - » Community Housing Partners
 - » Comunidad Partners
 - » Winn Companies
 - » WC Smith

- Member organizations:
 - » National Council of State Housing Agencies (NCSHA)

- » National Association of Housing and Redevelopment Officials (NAHRO)
- » NeighborWorks America
- » Council of Large Public Housing Authorities (CLPHA)
- » Local Initiatives Support Corporation (LISC)

We define mission-driven rental housing owners as those with clear goals for positive social good and supporting the well-being of residents, through the provision of affordable, high-quality housing that promotes stability to achieve that goal. This broadly includes stakeholders who own and/or operate properties that provide below-market rental prices by working with subsidy programs or offering unsubsidized affordable housing. In a sense, these are stakeholders that are upholding affordability as a primary focus of their company purpose. The goal of mission-driven housing often requires that owners and operators offer robust practices and services that help renters lease-up and remain stably housed, even when renters themselves are cost burdened.

The goal of the working group was to help inform a set of practices that rental owners or operators can use to encourage and maintain tenant stability whenever possible. Specifically, this meant reducing the incidence of eviction in cases of nonpayment or late payment and mitigating its effects when eviction must occur.

First, Urban Institute researchers created a landscape scan that aimed to collect innovative and effective policies and rental operation practices geared toward eviction reduction and mitigation. This landscape scan provided a basis for conversation, allowing participants to react to the practices cited.

Second, participants engaged in six monthly discussions around eviction prevention practices focused on multiple junctures of the rental relationship, from before lease-up through moveout. Working group members were asked to respond to these practices, highlight practices that were not included in the landscape scan, and discuss their feasibility and impact. To augment these discussions, working group members responded to an informal survey that provided feedback on practices. Through discussions and meetings, the group aimed to develop a menu of practical, feasible, and impactful practices. The resulting framework outlines those practices and the potential benefits and challenges of their implementation. This document provides broader guidance on the overarching principles landlords can aim to adhere to as a way to reduce eviction and mitigate the negative impacts of eviction. As a next step, we will release more detailed toolkits for specific actors (such as owners, property managers, or investors) on implementation, including examples of similar work, and ways to measure impact.

Overview of the Framework

Here, we present a framework of principles and practices as a starting point for action for owners and property managers interested in strengthening tenant stability. Working-group members stated that they felt the potential options available to them narrowed as eviction became more likely. For example, after an eviction filing, owners had many fewer options to help stabilize tenants than they had after a late payment. For that reason, owners valued and found impact in reducing evictions through preventative activities, such as establishing and fostering positive engagements early in the tenancy process. The framework reflects these findings and focuses on principles and practices that could help create a solid foundation for the owner-landlord relationship and create a safety net in advance of any tenancy issues, such as nonpayment of rent or another lease violation.

In addition to the conversations through the working group, we consulted external advocates, legal sources, and housing experts. The framework represents a set of current promising practices developed with mission-informed stakeholders, advocates and experts, and a field scan of literature.

Five Principles for Strengthening Tenant Stability and Eviction Prevention

1. Remove barriers for tenants in their housing search and use transparent processes when establishing tenancy.
2. Use clear, accessible, and equitable communication through all stages of tenancy.
3. Proactively connect tenants to resources and encourage communities of support, to help tenants stay stable throughout their tenancy.
4. Allow flexibility in terms, processes, and payments for renters to reduce the likelihood of eviction.
5. Commit to procedures that prioritize eviction diversion in the case of nonpayment or late payment.

Practices that Support the Five Principles

For each principle listed above, related practices can support owners in achieving these outcomes. In this section we provide information about promising practices uncovered through a landscape scan and in conversation with the working group.

TABLE 1

Eviction Prevention Practices for Further Exploration

Use transparent processes when establishing tenancy	Use clear, accessible, and equitable communication through all stages of tenancy	Proactively connect tenants to resources	Allow flexibility in terms, processes, and payments	Commit to procedures that prioritize eviction diversion in the case of nonpayment or late payment
<ul style="list-style-type: none"> ▪ Review tenant screening practices periodically using best practices to minimize harm ▪ Provide clear and transparent leases ▪ Educate tenants about terms of residency ▪ Implement just-cause eviction and standard operating procedures 	<ul style="list-style-type: none"> ▪ Employ frequent and proactive communication among owners, managers, and tenants ▪ Use culturally appropriate and inclusive communication ▪ Use trauma-informed methods of communication 	<ul style="list-style-type: none"> ▪ Proactively connect tenants to resources ▪ Support strong tenant communities 	<ul style="list-style-type: none"> ▪ Provide sufficient filing notice ▪ Allow lease modifications ▪ Consider using payment plans, waiving late fees, and reducing arrears 	<ul style="list-style-type: none"> ▪ Engage in mediation ▪ Offer mutual rescission

Understanding Benefits and Trade-Offs

We recognize that many of these practices entail either benefits or trade-offs for owners and operators, who face varying levels of challenges with financing, capacity to implement them, or a policy landscape that may accelerate or inhibit certain practices. For each practice below, we discuss the feasibility of implementation and challenges that may hinder the ability or willingness of owners and operators to enact a practice. Although barriers may vary for individual owners or operators, we identify barriers for the average owner or operator as understood through conversations in the working group. In the section below, we discuss the specific practices and their benefits and trade-offs for owners and operators to consider.

Principle 1: Remove Barriers for Tenants in Their Housing Search and Use Transparent Processes when Establishing Tenancy

Even in the early stages of a new tenant relationship, owners and operators have an opportunity to implement practices that can lay the groundwork to prevent evictions. For example, staff could ensure the accuracy and relevancy of data used for screening new tenants; the terms of a lease may be crafted to create more equitable outcomes; and owners can educate their future tenant about their tenancy. These actions can reduce the burden of entry and produce more stability for renters, while protecting owners and operators.

TABLE 2

Implementation Considerations by Practice

Practice	Potential benefits	Implementation challenges
Review tenant screening practices	Moving beyond deficit-based screening practices can remove unnecessary barriers to housing for qualified tenants	Third-party screening services may not disclose data sources used and their data limitations Multistate actors may need to self-educate about data limitations in different jurisdictions, especially around criminal and eviction history
Provide clear and transparent leases	Tenants are more likely to comply with lease terms they understand	This practice requires reevaluation of lease documents and may be staff intensive at the front end, which in the current staffing situation is challenging
Educate tenants about terms of residency	Owner and tenant communication about lease terms, resources, and rights can build trust and help tenants proactively reach out before challenges arise	This practice may be staff intensive, which in the current staffing situation is challenging
Implement just-cause eviction policies and standard operating procedures	Proactively implementing just cause procedures prevents tenant removal for arbitrary, retaliatory, or discriminatory reasons and standardizes procedures for owners and operators	This practice requires staff training and reevaluation of standard processes and associated changes to paperwork, communication practices, etc.

Practices

REVIEW TENANT SCREENING PRACTICES

Rental property owners and operators often conduct background checks on tenants that include financial checks using credit reports, tenant screening reports, and criminal background checks. Research shows that operators weigh eviction history as the most important indicator in their decision to lease a unit and that screening criteria are currently tightening.⁶ Many owners rely on similar third-party companies, such as Yardi, for screening reports, which have default settings for background criteria.

However, tenant screening reports on eviction history can be misleading for many reasons.⁷ First, the data are unreliable. Third-party screening data rely on eviction filings that do not specify the outcome of an eviction case (Porton, Gromis, and Desmond 2020). In cities like Chicago and the District of Columbia, a review of court data reveals that fewer than 50 percent of eviction filings result in a judgment on the merits against the tenant (Housing Action Illinois and Lawyers' Committee for Better Housing 2018; National Center for State Courts, n.d.). However, many screening reports don't distinguish between an eviction filing, a default judgment, and a judgment on the merits. As such, eviction filing data include cases where landlords incorrectly or inappropriately filed an eviction or where the renter was not found at fault. Second, the eviction file itself may be inaccurately linked to the specific prospective renter because filings are not based on unique identifiers, such as Social Security numbers. As such, individuals may inaccurately have an eviction filing linked to their name. Finally, because most eviction filings are for nonpayment, a subsidized or affordable unit may not pose the same challenges to affordability that a higher rent posed, making past evictions less relevant for an affordable unit.

Beyond the data challenges, many standard background checks that landlords routinely use rely on data that go back many years and may provide an unreasonable burden to the potential renter. For example, the evidence that there is a link between a tenants' past eviction history and current or ongoing ability to adhere to rental expectations is mixed and often ignores that tenants with prior evictions are forced to into rental submarkets with higher overall eviction rates (Desmond and Gershenson 2016; Lake and Tupper 2021). Similarly, credit score information may also not provide a clear or accurate picture of a potential tenant's financial status. Nearly one in three adults with a credit record have a debt in collections on their credit report.⁸ These scores are also racialized and derived from a long history of housing discrimination and do not reflect a history of timely rent payments (Rice and Swesnik 2014).

Finally, criminal history data, although more accurate than eviction data, has no documented evidence for relevance to rental behavior and ability to fulfill the terms of a lease. The limited

relationship between criminal history and renter success has led some states and localities, including Chicago, Berkeley, Seattle, Detroit, New Jersey, Washington, DC, and New York to limit the use of criminal history in tenant screening by requiring the housing provider to make a direct link between the criminal history and rentership, reduce look-back periods, and/or limit what can be evaluated in tenant screening. In a 2019 study, most offenses had no relationship with housing outcomes, and the small number of offenses that were correlated with any negative housing outcome included fraud, assault, and property offense and only increased the risk of negative housing outcomes by 3 to 9 percent (Warren 2019). Although several states and cities have started to pass consumer rights legislation to combat the issues with screening tenants, there are clear challenges in current screening practices.⁹ To ameliorate these challenges, owners can review their tenant screening practices at routine intervals to ensure that they are fair, equitable, and linked to housing outcomes. As research and legal requirements evolve, it is critical to both ensure alignment with fair housing and to capture up-to-date information on the relevance of historic screening. This has the added benefit of mitigating the harms of previous evictions on a tenant's future rental prospects. In a best-case scenario, an owner or operator should change their screening criteria to limit the intrusion of inaccurate or biased data that may lead to the reproduction of harm to renters.

- **Learn about all the data used in the screening report and the potential limitations of the data.** Focus on the accuracy of the data being employed and reduce the reliance on unreliable data. Both researchers and property management companies are working to try and identify which components of applicant background are most critical for upholding a renter-landlord agreement. So far, very little evidence indicates that most records of a felony or a past eviction filing are relevant to future performance. Yet initial studies have also found that those records are heavily relied upon as owners/operators make decisions (So 2022).
- **Provide uniform, written screening criteria.** This can ensure a transparent process for applicants and encourage transparency in the review process, so applicants understand their chances of being accepted.
- **Change screening criteria to only include relevant factors that are not deficit based.** Owners and operators should routinely evaluate both the data used for tenant screening, the criteria for exclusion, and the relevant look-back periods, especially owners and operators that work across states and localities where laws may vary. Most of the criteria currently used in tenant screening have no evidentiary basis in housing or safety outcomes; rather, they merely serve as a deficit-based screening tool. Where available, operators and owners could consider positive information, such as history of on-time rental payment or repayment from past landlords.

- **Notify tenants and allow for appeals.** At minimum, if a credit score, financial report, crime report, or eviction record information is a factor in lease-up decisionmaking, operators could notify renters of these factors and provide prospective tenants an opportunity to correct inaccurate information.¹⁰ Owners and operators can use an appeals process that allows prospective residents to amend their files and include mitigating circumstances. This has the added value of increasing the pool of eligible tenants for a specific unit.

PROVIDE TRANSPARENCY IN LEASES

Residential leases are often long, complex, and inflexible, especially in subsidized housing programs. Residents often do not have the legal expertise to negotiate their lease at the outset of their rentership. Similarly, renters often do not have easy access to their lease after moving in, which may make staying true to terms of the agreement more difficult.

To increase transparency in lease terms and create a more equitable balance between renter and landlord, owners and operators can create shorter, clearer leases. This includes drafting lease terms and other communications in [plain language](#) and providing translated copies for non-English speaking tenants. Clearly written and consistently followed policies can also reduce the possibility or perception of fair housing violations or arbitrary enforcement.

Owners and operators can also provide clarity and transparency about lease agreements. Much like loan term disclosure forms in mortgage transactions, clarity and transparency in lease terms can help level the field between owners, operators, and renters.¹¹ As an example, the Pennsylvania Housing Finance Agency recently reformed their LIHTC lease to make it simpler, including a cover letter that outlines all the important terms. Research is also under way to develop a model lease based on aggregated lease agreements (Hoffman and Strezhnev 2022).

PROVIDE EDUCATION AND OUTREACH ABOUT TERMS OF RESIDENCY

In addition to clarifying leases themselves, owners and operators can also include education about general tenancy, such as fair housing rights, reasonable accommodations, and other available resources. Helpful information can include rental payment terms, timelines, and expectations from management and information about how these agreements are enforced. In Boston, for example, WinnCompanies offers a walk-through of a Housing Stability Notice with tenants yearly. This notice includes information on rent payment amount, methods of payment and schedule, staff contact info, and external rental assistance and other services to ensure tenants are aware of all lease terms and resources available to help when challenges arise.¹²

IMPLEMENT JUST-CAUSE EVICTION POLICIES AND STANDARD OPERATING PROCEDURES

Implementing “just-cause” or “good-cause” eviction rules limits the number of reasons that a tenant can be evicted and creates standard procedures for owner actions. This prevents tenant removal for arbitrary, retaliatory, or discriminatory reasons. Owners and operators can also create standard protocols for their internal operations when a resident falls behind on rent, outlining both internal and engagement steps with residents.

For properties not already covered by a just-cause requirement through state or local legislation or as part of subsidy requirements, owners and operators can implement policies in their properties that outline specific situations when an eviction filing would move forward (repeat nonpayment or lease violation, criminal activity on the property that endangers other residents, etc.) to prevent unfair evictions perpetrated by property staff.¹³ Owners should also implement a set of actions that property management staff are expected to follow (whether these are in-house or a third-party property management service) after nonpayment of rent. Steps that owner will take should be made clear to residents upon the start of tenancy and reiterated in resident communications (Barkley, McMiller, and Hood 2015). Clearly written and consistently followed policies can also reduce the possibility or perception of a fair housing violation or arbitrary enforcement.

Implementation Considerations

The barriers to increase clarity and education in lease-up are low, though they may require additional staff time. Increasing staff time may be difficult for certain owners and operators given that property management staff are often overwhelmed with their day-to-day responsibilities and experience high staff turnover. As such, implementation of more clarity around screening practices, education, and just-cause policies would likely require the design and holding of frequent trainings and communications to staff members.

Many owners and operators may be hesitant to stray too far from traditional screening and communication methods, both due to workload and risk aversion. Understandably, owners need reliable ways to evaluate risk. For this reason, transparency about data quality used in the third-party tenant screening reports and their limitations are incredibly important. Policymakers have a role to play in ensuring that the data used in such reports are as reliable and accurate as possible, and that certain types of information do not stay on a resident’s record indefinitely. Along these lines, many jurisdictions (such as [Illinois](#), Indiana, California, and the District of Columbia) have expanded authority to seal

eviction records. The scope of record sealing varies, but most statutes distinguish between judgments on the merits and dismissals/defaults. Tenant screening reports should do the same.¹⁴

Principle 2: Use Clear, Accessible, and Equitable Communication through All Stages of Tenancy

Owners can take steps before their tenants fall behind on rent to mitigate their risk of eviction. For example, building strong relationships with a tenant provides a foundation for options when a moment of crisis arrives and can have ancillary benefits beyond eviction prevention.

TABLE 3

Implementation Considerations for Practices

Practice	Potential benefits	Implementation challenges
Employ frequent and proactive communication among owners, property managers, and tenants	Frequent communication can build trust between owners and tenants and facilitate proactive information about potential challenges	This practice may require additional staff training or time, which in the current staffing situation may be challenging
Use accessible and inclusive communication	Crafting accessible messages through various channels and mediums can result in increased and more equitable tenant engagement	This practice may require additional costs for community partner engagement and/or staff time and training, and the cost of providing translations and access to translators
Use trauma-informed communication	Recognizing the impact of trauma on individuals and tenant communities may build trust and increase overall levels of communication and tenant responsiveness	This practice may require additional costs for staff training and/or consultation

Practices

EMPLOY FREQUENT AND PROACTIVE COMMUNICATION AMONG OWNERS, PROPERTY MANAGERS, AND TENANTS

Landlords and property managers with large numbers of tenants may struggle to communicate effectively with renters; however regular contact is needed to build trusting relationships. Maintaining good communication requires managers to foster communication through channels that are most effective for residents and requires them to understand variation in preferences for communication. Owners and operators can proactively share both their commitment to helping renters retain housing

and the various options and resources available if renters fall behind on their payments. Open lines of communication can also create a better customer experience and encourage renter retention.

An important example is clear and early communication about expected rent increases. Providing early notice allows a tenant to plan for the increase and, if necessary, make plans to leave the unit voluntarily to find lower-price housing. This avoids the mark of an eviction filing as tenants search for a new home. Ideally, owners would provide clear guidelines around the process for rent increases, as well as the allowable size of a rental increase, such as a percentage of the existing rent or a measure of inflation or consumer spending, such as the consumer [rice index, in the lease terms.

- **Communicate frequently through resident-preferred channels.** Communication strategies can include daily informal communication between property management staff and residents or weekly or monthly meetings (Barkley, McMiller, and Hood 2015). Technology has enabled property managers to build more open lines of communication, with options for tenant preferences. Some property management software allows managers to send emails and text messages or automate calls as a way to help streamline and encourage communication.
- Open avenues for communication can also provide owners and operators with a way to discuss lease violations rather than relying solely on formal notices or filings (Collins et al. 2021). For example, if a tenant misses a payment, staff or other trusted intermediaries, can proactively reach out to remind them of the grace period and resources they can access if they need help making their payment, including any options for rental and/or utilities assistance. For one program, these reminders typically lead households to contact to staff to discuss their options.¹⁵
- **Ensure residents have access to their most updated lease agreement.** Although renters may have signed a lease agreement, they may not have the specific terms at hand later on. Property managers can provide renters with access to their leases on an online platform or routinely provide renters with copies of leases, especially at key times.

USE ACCESSIBLE AND INCLUSIVE METHODS OF COMMUNICATION

A key component of communication is ensuring that renters understand the messages being communicated and that they can easily respond, and [all owners and operators receiving federal funding are obligated to comply with nondiscrimination and accessibility laws, including in communication with tenants](#). Owners and operators must consider a variety of factors to craft communication that effectively reaches target residents, including [culturally sensitive](#) communication that reflects residents' cultural context and background. Owners and their staff may face challenges crafting messages that are legible to residents in their primary languages or to those with physical or cognitive disabilities without the training or knowledge to do so.

Generally, messages should be simple and direct to increase comprehension across all parties. Messages can also be tailored to specific resident needs by proactively identifying the needs of residents with disabilities. Language should also be inclusive, which may require translation and interpretation services for residents. Often, community-based organizations are most knowledgeable about linguistic and cultural characteristics of a neighborhood and residents' specific needs. Local community-based organizations are important eviction prevention partners.

USE TRAUMA-INFORMED METHODS OF COMMUNICATION

For residents in public or subsidized housing, low-income tenants, and people who have experienced housing instability, research suggests that the legacy of and ongoing experiences with structural inequities like racism, sexism, displacement and disinvestment, and cultural erasure all create or exacerbate personal and community trauma (Falkenburger, Arena, and Wolin 2018). Employing a focus on trauma allows for more connected relationships and stronger trust between landlords and tenants.¹⁶

Trauma-informed communication entails an understanding of the impact of trauma on emotional, physical, and mental health and on behaviors and aims to limit retraumatization through practice. These types of communication are generally survivor focused and emphasize a person's strength and their choices, often inviting residents to collaborate on solutions. Trauma-informed care requires that staff be trained in ways to recognize the signs and symptoms of trauma and respond with policies and practices that help deescalate chaos and stress, build social cohesion, and foster community resiliency.

Organizations can create a trauma-informed care practice policy statement that identifies how they will provide services to tenants with such needs. Similarly, owners/operators can engage frontline staff to design these methods of communication, such as by forming a frontline staff workgroup or soliciting staff feedback on policy or procedures, before implementing changes and training staff. Properties can also bring trauma-informed care on site or as consultants to support all facets of the tenant relationship, from early communication about house rules to conversations about missed payments. A trauma-informed approach can be used as a holistic approach to the relationship between operators and renters more broadly in all tenant communication.

Implementation Considerations

The barriers to inclusive and frequent communication are structurally low, in that they do not require policy or programmatic changes, but they entail significant investments in staff time. Building trust through communication would require more time spent training property managers in communication

strategies, such as trauma-informed care and culturally appropriate communication, and it may require bringing additional staff on board or obtaining support from resident services coordinators or resource providers. This may be particularly taxing in the current economic landscape, when staff are already overstretched and hiring new employees is difficult.

Additional staff time and staff resources, or the hiring and engagement of third-party service providers, also bring a financial cost for which there are few sustainable sources of funding. The costs of bringing interpreters, translators, or trauma-informed communication supports would likely pose a financial challenge for owners with tight margins and require additional grant money or other discretionary funding.

Principle 3: Proactively Connect Tenants to Resources and Encourage Communities of Support, to Help Tenants Stay Stable throughout Their Tenancy

As many owners and operators learned during the pandemic, external partnerships with service providers and community organizations are key to stabilizing renters and providing better outcomes for all parties.

TABLE 4

Implementation Considerations for Practices

Practice	Potential benefits	Implementation challenges
Connect tenants to social services and community resources	Proactive connections with services like rental, food, and legal assistance, health care, and financial counseling can prevent the circumstances that lead to lease violations	This practice may require additional cost and staffing time, particularly in recruiting community partners and developing referrals
Cultivate strong tenant communities through tenant associations or unions	Tenants with strong social ties and access to community resources may be more likely to remain stably housed	This practice may require additional cost and staffing time

Practices

PROACTIVELY CONNECT TENANTS TO RESOURCES

Studies of programs that started during the pandemic show that comprehensive supportive services, particularly programs where landlords and service providers cooperate to offer comprehensive services to renters, are helpful in avoiding evictions (Treskon et al. 2021; Fox 2020). Continued access to comprehensive services even as the public health emergency winds down will remain important for maintaining resident stability.

Operators play an important role in referring tenants to social services to help them get back on track. Examples of services include financial counseling and assistance, health care, food assistance, rental assistance, housing counseling, legal assistance, and eviction prevention programs. These services can improve a person's financial situation so that they can pay rent, and such services may help improve other conditions that could lead to a lease violation (Balzarini and Boyd 2020).

Owners and operators can also proactively partner with third parties to provide information, support, and training directly to tenants, including information on fair housing law, their rights as renters, and opportunities for financial assistance to help clear past-due balances and encourage stability. At the point of serving an eviction notice, such information may be required by state or local law. One method is to have a local nonprofit organization with ties to the community, like those involved in financial assistance or free legal counseling, on retainer or available on an ad hoc basis to help residents at risk of nonpayment or who have missed a payment. This would require the resident to sign a disclosure notification at the beginning of tenancy to release information to the nonprofit organization when needed. Such an arrangement could alleviate capacity constraints on property management staff while providing residents the option to engage with an organization they may trust more to make connections to services.

CULTIVATE STRONG TENANT COMMUNITIES

Owners and operators can provide opportunities for tenants to connect with one another and build support networks by allowing or encouraging tenant gatherings as well as more formal structures, such as tenants' associations. Providing a forum or space for residents to raise concerns about the property or other issues also supports strong owner, operator, and tenant relationships.¹⁷ As an example, some owners have instituted resident leader trainings to facilitate a stronger tenant community.

As discussed in the introduction, tenants and owners have an unbalanced power relationship. Individual tenants have few rights and ways to compel landlords to improve housing conditions or fix

harmful practices. Organizing can help rebalance power and allow residents to take collective action to influence decisions. This can create strong social structures that address individual and local challenges. For example, tenant organizations can focus on local neighborhood issues or provide support to individuals within their tenant community. A strong sense of community can help retain tenants, and tenants can help each other when one of them falls behind on rent (Collins et al. 2021).

Implementation Considerations

Property management staff and resident services staff were similar in many ways to other frontline responders during the pandemic. Even when the health risks were high, staff continued working in person, and property management needs only increased given new cleaning protocols, greater tenant case management needs, and other new concerns and responsibilities.¹⁸ Owners and operators are now experiencing higher staff turnover, likely because of burn out and challenges with hiring, which many companies currently face.

The practices above take additional staff time and knowledge, which can be in short supply as the crisis winds down. For example, connecting residents to services requires property managers, owners, and operators to proactively build relationships with external organizations to create a system of services and referrals (Collins et al. 2021). One helpful solution is to create a tiered intervention system to help owners prioritize their limited staff and financial resources.¹⁹ Tiered interventions are often used in public health and other social service fields and provide a foundation of universal supports to all households; individualized but less intensive supports to households with special needs; and more resource-intensive supports, such as case management, to households with the greatest needs.²⁰ Owners could use a tiered system to encourage early engagement with case management and referral to services for residents with early warning signs of potential nonpayment and to offer opportunities to build community for all households.

Ultimately, connecting residents to social supports also requires a robust local landscape of social supports and flexible funds for rental or emergency assistance. This requires policymakers on the ground to invest in these programs. Often, these programs can help prevent eviction and ultimately reduce costs to the locality as a whole.

Principle 4: Allow Flexibility in Terms, Processes, and Payments for Renters to Reduce the Likelihood of Eviction

A rental housing owner who has implemented practices to proactively monitor their residents' risk of nonpayment and regularly engages with residents may be able to identify and help prevent a nonpayment issue before it occurs. One small but meaningful way that owners can do this is to offer modifications to terms, processes, and payments when a resident experiences hardship. Although these changes may not prevent nonpayment from occurring, they may soften the blow, allowing the resident the flexibility to repay arrears.

TABLE 5

Implementation Considerations for Practices

Practice	Potential benefits	Implementation challenges
Provide sufficient notice of violation and intent to file	Provides tenants with the time to obtain resources to address underlying lease violations	
Allow lease modifications	Reduces the likelihood of tenant instability and filings over small amounts, and allows flexibility when economic situations may change	This practice may require administrative updates to the property's model lease and it may not be financially feasible for the owner and/or may be limited by fair housing regulation

Practices

PROVIDE SUFFICIENT NOTICE OF VIOLATION AND INTENT TO FILE

Prefiling notices make renters aware of lease violations and typically give them between 3 and 30 days to rectify the issue before an eviction is filed, regardless of type of violation. Owners and operators have options to expand or extend a notice period and can implement a policy to provide notices with more time to slow the eviction process and provide tenants with an opportunity to fix the triggering condition. To ensure that this process is adhered to, owners and operators can require documentation of notice delivery that requires a signature or other proof of delivery to the tenant.²¹

Often prefiling notices are written by lawyers and are intended to reduce liability for the owner. For residents who don't speak English or residents with disabilities, these notices are not written in accessible mediums or plain language. Given the importance of these documents, owners can offer interpretation services or the possibility to make an appointment with property management staff to

discuss the issue. Within the notice, it is also possible to include information about rental assistance and contact information for local legal support. If the owner has already partnered with a local community-based organization to provide services to residents and obtained consent at the onset of tenancy, this may be the time to engage the community-based organization to contact the residents and offer similar services.

ALLOW LEASE MODIFICATIONS

Incorporating standard allowances for lease modifications, especially during household emergencies, can produce an outcome that is favorable for both tenants and owners. The opportunity and option to amend or modify leases to include details, such as mutual rescission (which we discuss later) or modifying guest policies to allow for caregivers, should itself be included as part of lease-up information and reiterated at standard intervals. Examples are available of leases that include flexible provisions that protect against common challenges faced by tenants, including providing for procedures such as mediation. This practice benefits both tenants and owners by reducing the frequency of lease violations, potentially reducing the likelihood of missed payments, and reducing the need for an eviction.

- **Remove unnecessary fees and penalties.** The eviction process is not only costly for the renter: it can also often be costly for the owner, potentially exceeding the costs left behind by the renter. The cost of the eviction to the owner is often thousands of dollars between legal fees, turn costs, and lost revenue. Before the onset of the pandemic, the majority of renter with arrears owed less than \$600.²² Although the amount of arrears owed during the pandemic appeared to increase, many landlords still evict for low dollar amounts. The cost of an eviction filing for a resident is high: it costs on average \$180 in fines and fees, which increases housing costs substantially, especially for renters with lower incomes (Leung, Hepburn, and Desmond.

Both eviction filing and the punitive fees associated with delayed payment penalize residents and add additional financial burdens when many are already cost-burdened. Often, late payment may be related to operational challenges, such as a payday not aligning with the date for rental payment. In circumstances such as these, the most cost-burdened residents feel the brunt of punitive fees. Late-payment fees should be uniformly reduced or included only in unique circumstances.

Implementation Considerations

Allowing lease modifications can increase uncertainty for owners, but employing such strategies before or just after a nonpayment incident can help the resident get back on their feet or prevent an eviction filing. Many of these practices require little extra capacity from owners because they are modifications to processes that most owners already employ. However, some owners may be constrained in their ability to reduce arrears or the amount of future rent based on the financial situation of the property. There is also a tension between creating transparency and predictability for tenants on steps taken after a lease violation and nonpayment with the need to retain flexibility to respond to tenant's individual circumstances.

Principle 5: Commit to Procedures that Prioritize Eviction Diversion in the Case of Nonpayment or Late Payment

Even after an eviction is filed, there is still an opportunity to reach more favorable outcomes for owners and their tenants. At this stage, interventions can focus on using mediation options to meet a more mutually favorable outcome or a voluntary lease rescission to avoid an eviction and the implications that this record can have on future housing options.

TABLE 6

Implementation Considerations for Practices

Practice	Potential benefits	Implementation challenges
Engage in mediation	Can serve as a final opportunity to communicate about resources available to address the underlying violation, and if the tenant does decide to move, mediation can facilitate a less destabilizing transition	This practice may require availability of mediation options in the local court system and may increase legal costs and staffing constraints
Offer mutual rescission	Avoids a filing and subsequent costs to tenants in their housing search Potentially reduces court and legal costs for owners	

Practices

ENGAGE IN MEDIATION

Mediation or alternative dispute resolution can be a beneficial option for owners, operators, and tenants alike. Mediation can help alleviate landlord-tenant disputes and, if mediation leads to a compromise, it may cost less than eviction for both landlords and tenants. Through the mediation process, owners and tenants can uncover helpful methods for repairing the relationship and alleviating lease violations, such as instituting a repayment plan or developing a schedule for addressing needed repairs (Bieretz, Burrowes, and Bramhall 2020). Even if the tenant decides to move at the end of the mediation process, this move is often less destabilizing than one precipitated by eviction. For example, owners can offer options like mutual rescission (discussed next) and sufficient time for their tenant to find new housing.

Either as part of mediation or outside of a formal negotiation process, owners can adopt clear but flexible practices that favor stability. For example, although most jurisdictions do not require housing providers to accept back rent after the eviction notice period has expired, housing providers can adopt standardized policies of accepting rent at any point in the eviction process and/or offer the option for payment plans or engaging mediators to help negotiate payment plans.²³ Owners can work with renters to develop a plan to make up missed payments, including leading or supporting tenants in applying for rental assistance. Many property owners already began these practices during the pandemic. However, the quality and equity of repayment plans vary widely, and evidence has yet to indicate how these plans performed or impacted residents and landlords during the pandemic. It is a practice that will be important to follow as it evolves following the pandemic.

OFFER MUTUAL RESCISSION AND EARLY LEASE TERMINATION

Tenants may have extenuating financial or other circumstances that force them to leave their apartments before their lease is up. Early lease termination allows renters to break these agreements without owing thousands in future rent payments or facing an eviction record. These rights are especially important for tenants who are no longer safe in their current living environment because of domestic violence or other hazards. In the past two years, rental prices have increased in most markets across the country and moving is costly, requiring security deposits, up-front rent payments, and moving fees. Although this practice avoids an eviction filing as part of the resident's record, it may still lead to housing instability or even homelessness if the resident cannot find a new unit they can afford.

Implementation Considerations

Unfortunately, whether owners have a venue for mediation often depends on the policies and procedures of their local court system. Although owners could mediate without the court, the resident may view the process as biased, and it can be time consuming and expensive for owners to access these services. Even in jurisdictions with mediation options available, successful negotiation works best when both parties have legal representation, and residents are much less likely to have the option of representation in civil matters.

Mediation services can also be both difficult to find and costly to use. Although some local nonprofit organizations can provide mediation services at low costs, this may still provide a financial burden to owners and operators. Landlords have also indicated that during the mediation process, at times renters may stop communicating, which may make mediation ineffective.

As mentioned, repayment plans have not yet been fully vetted in the wake of the COVID-19 crisis, and some owners and operators are skeptical that such plans can work to reduce debt, particularly for cost-burdened households and households with very large rental arrears.

Conclusion and Policy Recommendations

Given our robust engagement of owners and property managers in the development of this framework, we believe it has the potential to support resident stability, but more rigorous evidence is needed to establish connections between these practices and short- and long-term housing stability. For that reason, these practices are offered as ideas with potential. Each owner will need to evaluate the environment in which they operate, their resident pool, and their current practices to determine which of the practices may be right for them.

We also know that addressing evictions is not just about owner willingness to effectively implement practices. Policy and programmatic changes implemented at the federal, state, and local levels are needed to ensure that these practices are available and sustainable to all willing owners and operators. Here, we provide recommendations for a variety of policymakers and stakeholders at every level. Given the critical role of both funding and programmatic guidance, these recommendations are particularly critical for organizations like the US Department of Housing and Urban Development, Fannie Mae and Freddie Mac, state housing finance agencies, and other organizations involved in funding, managing, and coordinating housing programs.

Create New Funding Options for Robust Tenant Supports

Owners would benefit from more options for discretionary dollars to support services of all types for their residents. This is especially important for owners who offer subsidized and affordable housing options because their properties are typically constrained financially and may not have a financial line item dedicated to robust resident services. Before conservatorship, government-sponsored enterprises offered a grant program to support services in affordable rental housing. Creating more grant programs to support the extra staff training and time to implement many of these supportive practices would be beneficial as the pandemic ends and owners lose the benefits of rental assistance and forbearance terms.

Another reason that many owners have such tight finances is the perennially short supply of subsidy for affordable housing. This results in state and local governments using their limited supply of LIHTC or bond capacity to try to support as many developments as possible and reach the lowest-income tenants. The result is often no extra buffer for service provision, or the additional capacity required for many of these practices. More federal subsidy for affordable housing, especially to the lowest income renters, would help alleviate this issue.

Investors of rental housing also could play a role in incentivizing eviction prevention by supporting some of the tenant services that improve tenant well-being and stability and being more flexible in how they support and fund resident services. For example, as a condition of financing, investors could ask owners and operators about their practices that support housing stability and invest only in owners who employ such practices. Investors, including the federal government, could also allow more flexibility in reserve requirements, make more funding available for up-front investments of services or allow discounted returns for projects that provide more robust services.

Align Cross-Sector Resources

Policymakers should look across sectors to align people and resources that benefit from increased stability. Focusing on the health, justice, and educational sectors, there may be flexible funds that can be tapped to proactively support housing stability for people prior to eviction. Given the critical role that stable housing plays in health-, education-, and justice-related outcomes, greater alignment between these sectors may help create better outcomes. Although some state and local programs are already working effectively across siloes, these efforts can be expanded and standardized to encourage housing stability broadly.

Provide Regulatory Guardrails and Local Support

Many practices that likely have a direct role in tenant stability, such as rent setting, annual rent increases and the number and type of fees assessed by unit are already regulated for the owners and operators who rent under subsidy programs. Regulatory guardrails in the private market could help alleviate pressure for renters.

For all owners, federal and state guidance on what factors in tenant screening are salient to future tenancy would help. For example, credit scores, while not a perfect indicator, have at least been tested to ensure that they are predictive of future mortgage payment behavior. Providing clearer guidance or a measurable standard to owners and operators would help reduce barriers to more equitable leasing practices, especially in tight housing markets.

Finally, during the pandemic, some localities created incentives for owners willing to engage in resident-stabilizing practices. For example, Tulsa created the Gold Star Landlord Program. Local owners sign up for the program to receive several incentives from the city, including assistance in assessing resources, prioritized application to emergency rental assistance and utility assistance program, and incentives through the Affordable Housing Trust Fund.²⁴ In return, owners agree to requirements, such as participating in Tulsa's Early Settlement Mediation Program before evicting tenants (except in cases of criminal activity). Such local incentive programs can be especially effective in places that have lax eviction rules and little political interest in regulating the rental market.

Notes

- ¹ For examples, see Desmond (2012) and Desmond and Gershenson (2016).
- ² For examples, see Jowers et al. (2021), Hoke and Boen (2021), and Hatch and Yun (2020).
- ³ For more information, see Deena, Gershenson, and Desmond (2016); and Governor’s Task Force on Housing (2018).
- ⁴ Megan Gallagher and Mica O’Brien, “How Can Landlords Support Their Tenants during COVID-19?” *Housing Matters*, October 28, 2020, <https://housingmatters.urban.org/articles/how-can-landlords-support-their-tenants-during-covid-19>.
- ⁵ Lease terms are more likely to reflect and protect an owner’s interests, and owners have more bargaining power in negotiations. Although regulatory frameworks differ by state and locality, owners and operators are also more likely to hold the power to impact the renter’s current stability and future ability to secure a stable home by filing an eviction, especially in states and localities without robust tenant protections, and are more likely to have legal representation in those proceedings. In most regions, renters have substantially less power in a negotiation with an owner or operator, even those who are not providing safe or decent housing, or otherwise meeting their lease agreements. Code enforcement is uneven, and in many circumstances tenants don’t have an affirmative pathway to get habitability or conditions issues addressed. This places more emphasis on the actions and policies of landlords to creating systems that do not unnecessarily cause harm to renters
- ⁶ Jung Hyun Choi, Laurie Goodman, and Daniel Pang, “The Real Rental Housing Crisis Is on the Horizon,” *Urban Wire* (blog), Urban Institute, March 11, 2022, <https://www.urban.org/urban-wire/real-rental-housing-crisis-horizon>.
- ⁷ See Lauren Kirchner, “The Obscure Yet Powerful Tenant-Screening Industry Is Finally Getting Some Scrutiny,” *The Markup*, January 11, 2021, <https://themarkup.org/locked-out/2021/01/11/the-obscure-yet-powerful-tenant-screening-industry-is-finally-getting-some-scrutiny>; and Panfil, Zainulbhai, and Robustelli (2021).
- ⁸ See Alexander Carther, Kassandra Martinchek, Breno Braga, Signe-Mary McKernan, and Caleb Quakenbush, “Debt in America: An Interactive Map,” last updated June 23, 2022, Urban Institute, https://apps.urban.org/features/debt-interactive-map/?type=overall&variable=pct_debt_collections.
- ⁹ For examples, see Lake and Tupper (2021) and “Renters’ Access Act: Tenant screening guidelines,” City of Philadelphia, October 13, 2021, <https://www.phila.gov/documents/renters-access-act-tenant-screening-guidelines/>.
- ¹⁰ “Using Consumer Reports: What Landlords Need to Know,” FTC. gov, last updated October 2016, <https://www.ftc.gov/tips-advice/business-center/guidance/using-consumer-reports-what-landlords-need-know>.
- ¹¹ “What is a HUD-1 Settlement Statement?,” Consumer Financial Protection Bureau, September 4, 2020, <https://www.consumerfinance.gov/ask-cfpb/what-is-a-hud-1-settlement-statement-en-178/>
- ¹² Shelby R. King, “How One of Boston’s Top Evictors Changed Its Ways,” *Shelterforce*, December 3, 2021, https://shelterforce.org/2021/12/03/how-one-of-bostons-top-evictors-changed-its-ways/?utm_source=sfweekly&utm_medium=email&utm_campaign=120621
- ¹³ “Just Cause Eviction Policies,” *Local Housing Solutions*, accessed March 10, 2022, <https://localhousingsolutions.org/housing-policy-library/just-cause-eviction-policies/>
- ¹⁴ Code of the District of Columbia, “42-3505.10. Tenant Screening,” <https://code.dccouncil.gov/us/dc/council/code/sections/42-3505.10>

- ¹⁵ King, “How One of Boston’s Top Evictors Changed Its Ways”; Massachusetts’ Housing Stability Program,” WinnCompanies.
- ¹⁶ “Designing Trauma Resilient Communities,” Preservation of Affordable Housing, accessed January 5, 2023, <https://resilientcommunities.poah.org/>.
- ¹⁷ “NMHC Eviction Mitigation Principles,” July 27, 2021, National Multifamily Housing Council, <https://www.nmhc.org/industry-topics/affordable-housing/evictions/nmhc-eviction-mitigation-principles/>
- ¹⁸ Mica O’Brien and Megan Gallagher, “Tiered Supports Offer Landlords a Cost-Effective Way to Help Vulnerable Tenants during the COVID-19 Pandemic,” *Housing Matters*, January 27, 2021, <https://housingmatters.urban.org/articles/tiered-supports-offer-landlords-cost-effective-way-help-vulnerable-tenants-during-covid-19>.
- ¹⁹ Gallagher and O’Brien, “How Can Landlords Support Their Tenants during COVID-19?”
- ²⁰ O’Brien and Gallagher, “Tiered Supports Offer Landlords a Cost-Effective Way to Help Vulnerable Tenants during the COVID-19 Pandemic.”
- ²¹ “Deterring Serial Eviction Filing,” The Network for Public Health Law,
- ²² Emily Badger, “Many Renters Who Face Eviction Owe Less Than \$600,” *New York Times*, December 12, 2019, <https://www.nytimes.com/2019/12/12/upshot/eviction-prevention-solutions-government.html>.
- ²³ Badger, “Many Renters Who Face Eviction Owe Less Than \$600.”
- ²⁴ “Gold Star Landlord Program,” PartnerTulsa, accessed December 13, 2022, <https://partnertulsa.org/doing-business/resources-for-landlords-homebuilders/gold-star-landlord-program/>.

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