

Background

Rental households, especially those with extremely low income and disabilities, are particularly vulnerable to homelessness if they are evicted. When households are evicted, they not only lose their housing stability, but they may also forfeit security deposits and incur recorded debt and a negative rental history. This affects not only the individual responsible for violating lease conditions, but also other household members. Communities can balance rental requirements and responsible property management with efforts to prevent homelessness by partnering with tenants, landlords, and service providers. These partnerships can ensure vulnerable households are provided with the support they need to successfully maintain housing.

Nationally landlords either have been or are still under a [wide variety of federal, state, and local moratoriums](#) on evictions, late fees, and penalties related to nonpayment of rent. As those moratoriums are lifted or expire, communities should anticipate a rising demand for eviction prevention assistance as the COVID-19 outbreak continues and unemployment remains high. There is also a wide variety of federal, state, and local legal protections for renters regarding applications, deposits, habitability standards, security, privacy, evictions, and retaliation. While communities develop and implement [strategies for eviction prevention](#), they should also invest in renter protections for Continuum of Care (CoC) and Emergency Solutions Grants (ESG) program participants, as well as the general public. This document addresses strategies to reduce evictions and exits from housing programs and includes a community profiles of Chicago's Rentervention program.

Evictions and Termination of Assistance

CoC and ESG recipients and subrecipients providing rental assistance and permanent housing for homeless persons with high housing barriers must exercise judgment, examining all extenuating circumstances to determine whether violations are serious enough to warrant termination, so that a project participant's assistance is terminated only in the most severe cases. The termination of assistance is different from eviction. A participant may move to a different property or identify other temporary housing to avoid being evicted or having all assistance terminated. All efforts should be taken to avoid terminating participants from housing programs, particularly during the COVID-19 crisis, in which the health and safety for program participants and staff should be of utmost importance.¹ Communities should consider the following planning steps and actions to reduce evictions and terminations of assistance from CoC and ESG projects:

- Center their programs around [housing retention](#) models, including use of [guidelines for rent collection](#), [rent repayment plans](#), and [housing retention conferences](#) held between property managers, service providers, and tenants. Tools for [renters](#) and [landlords](#).
- Include an eviction plan policy in providers' rental assistance or housing assistance payment agreements with landlords. This policy could require communication with providers regarding lease violations, conflict resolution and mediation, anti-retaliation policies, and written notice to the provider prior to filing eviction actions.
- Special considerations should be made for agencies which provide both [property management and services](#). Property management policies and procedures should support the underlying mission of the project and, by coordinating responses with supportive services staff, tenants can access services and assistance to correct lease violations.

¹ Section 4024 of the CARES Act prohibits landlords from evicting people served in the CoC and ESG programs for nonpayment of rent or other charges or fees for nonpayment of rent between March 27, 2020 through July 24, 2020. These [FAQs and an accompanying flyer](#) provide questions and answers and more information for CoC and ESG recipients. Further guidance for Public Housing Agencies (PHAs) and landlords is available [here](#).

- Providers should prioritize communication with assisted tenants and their landlords regarding any changes to operations resulting from the COVID-19 outbreak, especially those affecting timely rent payments. Providers should also consider potential changes to participants' income, and the need to recertify or adjust the percentage or amount of rent program participants must pay. ESG and CoC recipients should ensure all providers are aware of available waivers that may impact re-evaluations, income certification, and rent payment standards.²
- Avoid implementing policies that place a burden on persons accessing and maintaining their housing.
- Adopt or ensure adherence to a [trauma-informed approach](#) that takes into account the four Rs: Realization, Recognize, Respond, and Resist.
- Providers should seek ways to support participants by reviewing leasing violations and developing solutions with tenants and landlords that preempt evictions and ensure participants remain housed.
- If a participant eviction cannot be prevented, communities should consider leveraging processes like case conferencing to provide quick solutions, such as transfers to alternate housing programs or agencies, or establishing connections with providers who can help resolve factors causing the eviction (e.g. on-site substance abuse or violence).
- If a provider is unable to continue working with the participant using a trauma-informed approach, a program transfer rather than termination would be the appropriate action to take.
- Recipients of ESG and CoC Program funds have flexibility to design their projects to appropriately meet the needs of program participants. Recipients should specify rules that must be followed and prohibited actions within a project. Any policies developed must be applied equally to all program participants.
- If all options have been explored (e.g., relocation to other housing) and termination is deemed appropriate, termination must be carried out in compliance with the formal process developed by the recipient that recognizes the due process of the law. Recipients may resume assistance to a participant whose assistance has been terminated.³

Please note that not every project can accommodate every household. The CoC and ESG recipients should have policies documented in their written policies and procedures for these circumstances. CoCs and ESG recipients have the flexibility to require that complaints from a project participant be addressed first by the provider before they escalate for further investigation. The processes associated with filing a complaint about an agency providing CoC or ESG funded services should be outlined in policies and procedures.⁴

Renter Protection Community Profile – Rentervention

A new system in Chicago prioritizes renter protections and tenant education services with the option of financial assistance if needed. The [Lawyers' Committee for Better Housing](#) (LCBH) has a robust eviction prevention approach that combines legal staff, social workers, and technology to assist tenants both before and after an eviction has been filed.

LCBH partners with All Chicago, Chicago's Continuum of Care, to distribute homelessness prevention funds through their Court-based Emergency Rental Assistance (CERA) program. CERA's goals are to alleviate court evictions, provide relief for landlords, and keep people stably housed. The program staffs an eviction prevention desk outside the housing courtrooms. Judges can recommend tenants and landlords stop by the desk and determine whether the matter can be resolved short of a final judgment of eviction. Many times, the eviction prevention funds will make a landlord whole and the case can be dismissed. LCBH is one of 11 partners with All Chicago that distributes homeless prevention funding.

LCBH, with support from the [Lawyers Trust Fund](#), also developed [Rentervention.com](#), a free tool for Chicago renters who have questions about their rights regarding eviction, security deposits, and repairs needed in their homes. LTF and LCBH created this tool to address needs for the high numbers of tenants unable to afford or find

² See CPD memos published March 31 and April 22

³ The necessary actions related to participant termination are outlined in the [CoC Program interim rule](#) at section 578.91 and in the [ESG Program interim rule](#) at section 576.402.

⁴ Community examples are available [here](#) and [here](#).

representation in eviction court. Studies of eviction court filings by LCBH found that only 11% of tenants were represented by attorneys in court, while landlords were represented 79% of the time.⁵

Rentervention has an introductory video and a chatbot named “Renny,” available by text or online, to provide tenants brief advice while screening them for extended representation. Renny can walk renters through options on questions about repairs, deposits, and evictions, as well as create and send letters to landlords by regular or certified mail, and connect to a virtual clinic where a lawyer will follow up on the case. If an individual has an eviction notice, Renny can look up the case in the court database and give guidance to the individual based on the information in the court docket.

Renny can assess, assign, and triage cases remotely, helping to ensure the continuity of services for those hardest-hit by the pandemic. From mid-March to the end of May, Renny had 6,800 chats with renters, many of those asking questions about eviction moratoria. COVID-19 has heightened the importance of reforms, like having a right to counsel in eviction court. Attorneys are necessary to ensure cases improperly filed during continuing moratorium are dismissed rather than allowed to proceed. Attorneys are even more important to tenants who may be protected under the CARES Act, because determining whether a market rate tenancy is covered by the Act will in many cases require discovery and/or subpoenas, neither of which unrepresented renters are typically equipped to handle.

LCBH recently launched “Conversations with an Attorney,” a video series where LCBH lawyers and the Rentervention team inform viewers about their housing rights and how to address specific problems or topics during the COVID-19 crisis. In addition to Rentervention, LCBH has an eviction focused site which has research and data on evictions, and an on-line [evictions portal](#) that shows how evictions are impacting Chicago renters by community areas or wards.

Index of Referenced Resources

- [Best Practices Manual: Integrating Property Management and Services in Supportive Housing](#)
- [Chicago Evictions Data Dashboard](#)
- [Concept of Trauma and Guidance for a Trauma-Informed Approach](#)
- [COVID-19 Eviction Moratoria by State, Commonwealth, and Territory](#)
- [Housing First Assessment Tool](#)
- [Housing First Checklist](#)
- [Housing Retention: A Proactive Approach to Resolving Homelessness](#)
- [How Does the Federal CARES Act Eviction Moratorium Impact the ESG and CoC Programs? FAQs and Flyer](#)
- [Lawyers’ Committee for Better Housing](#)
- [Lawyers Trust Fund of Illinois](#)
- [Rentervention](#)
- [Sample Rent Repayment Pledge](#)
- [Sample Housing Retention Conference Guidelines and Policy](#)
- [SNAPS in Focus: Why Housing First](#)

⁵ <https://eviction.lcbh.org/reports/legal-aid-attorneys-make-the-difference>