

How Assistance Programs Can Partner with the Courts to Stop Evictions

August 2022

In this brief, we profile the critical role of partnerships among community-based assistance programs and the court system to prevent and reduce evictions.

These relatively easy-to-implement methods were used in Pennsylvania to coordinate the distribution of Emergency Rental Assistance programs (ERAP) with the courts to assist households at risk of eviction.

We recommend ways to expand these partnerships. While this brief focuses on ways that ERAP coordinated with the courts, these types of partnerships are not exclusive to ERAP and could be replicated by any type of agency providing other types of assistance to those at risk of or already in the eviction process.

Introduction

We are at an important juncture as we approach the end of 2022.

The Emergency Rental Assistance Program (ERAP), funded by coronavirus response bills that passed Congress in 2020 and 2021, made available an unprecedented amount of funding to Pennsylvania communities for rental assistance, utility assistance, and housing stability services.

ERAP has been a crucial safety net during the pandemic, helping low-income tenants remain in their homes and making landlords financially whole. Assistance from ERAP (which totaled more than \$722 million through April 2022 in Pennsylvania)¹ was an important driving factor, along with eviction moratoria, that kept eviction filings historically low during 2021.^{2,3}

¹ ERAP spending data are available from the U.S. Treasury, accessible through <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>

² For research on the effects of ERAP, see Whitney Airgood-Obrycki, “The Short-Term Benefits of Rental Assistance”, <https://www.jchs.harvard.edu/research-areas/working-papers/short-term-benefits-emergency-rental-assistance>

³ For more on PA eviction filings during 2021, see the Housing Alliance’s report, “Revealing Opportunities and Challenges: An Analysis of Eviction Filings in Pennsylvania”, <https://housingalliancepa.org/eviction-data-report/>

But with eviction filings more recently rising to pre-pandemic levels in most PA counties, the need for assistance to address evictions continues to be critical. In many communities, ERAP resources are also dwindling or expended due to the great need for rental assistance. For all programs, close collaboration with the courts can help prioritize remaining resources as well as speed up assistance to those at the greatest risk of eviction.

The U.S. Treasury, which oversees the program at the federal level, has strongly encouraged local programs to “to develop partnerships with courts in their jurisdiction ... to help prevent evictions and develop eviction diversion programs.”⁴

Partnership with the courts allows rental assistance not only to directly address eviction risk, but also supports better outreach to the community, thereby increasing the likelihood that tenants and landlords will apply for and receive rental assistance before an eviction case is filed and completed.

Below, we highlight some of the promising practices we have observed in Emergency Rental Assistance programs across Pennsylvania, which will be relevant not only to the current ERAP program but also to other assistance programs that will be implemented in the future.

⁴ <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/faqs/faqs-by-category#eviction>

Methods of Collaborating with the Courts

Outreach About Assistance Programs

Erie County

Magisterial District Judges (MDJs), who hear eviction cases, inform all landlords who have filed an eviction case about ERAP, encouraging them to pursue rental assistance rather than proceeding with an eviction action. Some judges also required landlords to apply for ERAP if their eviction filings were based on monetary reasons.

Delaware County

The President Judge of the county's judicial system has required all MDJs to prominently display posters about ERAP in court facilities, make available ERAP flyers at transaction windows where eviction filings are made, provide these flyers to landlords and their attorneys when they file cases, and required ERAP flyers to be included in any documents served to parties in eviction cases.

Making informational materials prominently available in court facilities and through court processes to make rental assistance and other programs known to tenants and landlords already engaged in the eviction process

What is the impact?

Information at the court increases the visibility of the rental assistance being made available, specifically for participants in the eviction process (landlords as well as tenants) and the program. Early visibility also increases the chance of rental assistance reaching the parties before an eviction occurs.

Methods of Collaborating with the Courts

Data Sharing

Allegheny County

Court staff have access to an internal data tool that allows them to query detailed ERAP application information when they need it, which facilitates continuance of eviction cases to allow necessary time for ERAP payments to be made. The courts also share eviction case information with ERAP, which allows speedier processing of cases with eviction filings.

The Allegheny County DHS, which oversees the county's ERAP program, also has staff present at the courts on days where eviction cases are heard, which enables a tight coordination on-site between the courts and services including ERAP. Coordination is present during appeals of eviction cases as well, where a special countywide Housing Court allows for more efficient information sharing between ERAP and the judge overseeing appealed cases. An ERAP staffer is present at the Housing Court twice a week to be immediately available to the Court, landlords, and tenants to ensure timely payment and expediting of cases.

Sharing data with the court system on ERAP application status and eviction filings

What is the impact?

Information sharing helps judges to issue continuances (i.e., re-schedule the hearing and delay judgment) so that the application has more time to be processed before the eviction action resumes.

Data shared by courts with ERAP administrators allows ERAP to better target applicants with pending eviction cases so that the assistance can be sped up in time to prevent the eviction from proceeding.

Methods of Collaborating with the Courts

Locating Services On Site at the Court

Philadelphia

An ordinance passed by City Council requires landlords to participate in the city's Eviction Diversion Program before filing an eviction case (additionally, before Philadelphia's ERAP closed to new applications, landlords were also required to apply for ERAP). The Eviction Diversion Program includes assistance from a housing counselor who can advise tenants, as well as a mediation process where landlords and tenants can meet before a neutral mediator to reach a mediation agreement, preempting an eviction filing. Philadelphia's ERAP works hand-in-hand with the Eviction Diversion Program to prioritize applications submitted through the program, inform housing counselors working with the program, and to provide the rental assistance that can support effective mediation agreements.

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Addressing evictions by leveraging rental assistance with comprehensive eviction diversion programs

What is the impact?

Eviction diversion programs address evictions through a holistic approach marrying legal representation, mediation, social services, and rental assistance. Such programs can help rental assistance go further by providing a direct link to the parties and helping address any underlying issues behind the eviction filing.

Montgomery County

The Eviction Prevention and Intervention Coalition (EPIC) provides legal assistance and social services support, connecting tenants to resources and negotiating with landlords in order to divert eviction cases. Montgomery County's Emergency Rental Assistance program is administered by several community-based organizations, including Legal Aid of Southeastern Pennsylvania and the Pottstown Cluster of Religious Communities, which also acts as the social service provider for EPIC. This connection, which continues a collaboration between local groups that existed before the pandemic, allows for close coordination between ERAP assistance and EPIC's eviction diversion work.

Chester County

The Eviction Prevention Court (EPC) is a court-based program administered by the Friends Association. EPC prevents eviction filings from turning into evictions by reaching out to tenants who have been filed against before the court hearing, providing legal assistance at court, and by coordinating with the court. The Friends Association is also one of the organizations that administer ERAP in Chester County, which makes available ERAP funding directly to address rental assistance for tenants who are assisted through the diversion program. (To learn more, see the Housing Alliance's detailed [case study of EPC.](#))

Looking Towards the Future

We have several recommendations based on input from a variety of stakeholders including tenants, landlords, judges, and community-based organizations. These lessons learned, though derived from ERAP, will be relevant to any assistance program with the same goal of helping tenants keep their homes while making landlords financially whole.

First, ease and speed of processing applications for financial and other types of assistance will be crucial. Time is a critical resource during the eviction process, and continuances of eviction hearings have been an important strategy for eviction diversion efforts, highlighting the importance of using the flexibilities allowed by federal ERAP guidance to minimize the time where the tenant is at risk of receiving an eviction order.

Second, we have seen that when rental assistance and other types of assistance are tightly coupled with comprehensive eviction diversion programs, the results have been very significant. For example, eviction cases in courts where Chester County's Eviction Prevention Court has been active are around twice more likely to be withdrawn or settled, compared to both outcomes in the same courts before the start of the program and to other courts in the county.⁵ Assistance programs are important stakeholders, and could be more directly involved in eviction diversion efforts in their communities by advocating for the creation of eviction diversion programs and by funding the creation and operation of these programs (which is now allowed by Treasury guidelines without individual verification of participant eligibility, using ERA 2 funds).⁶

Finally, we saw that while the majority of Emergency Rental Assistance programs shared data with the courts, it was less common for the courts to share data with ERAP (for details, please see the appendix below). Many Emergency Rental Assistance programs prioritize applications from households with pending eviction cases. Frictionless sharing of eviction case information from the courts to ERAP and assistance programs would greatly assist the effort to target resources to those households with pending eviction cases by speeding up the time it takes to process their application and provide them with assistance.

⁵ For more detail, please see the Housing Alliance's case study of the EPC program, <https://housingalliancepa.org/resources/partnering-with-the-courts-eviction-prevention-court-in-chester-county/>

⁶ See U.S. Treasury FAQs, p. 3, as revised July 6, 2022.

Acknowledgments

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Appendix A

PA Emergency Rental Assistance Programs Are Engaging with the Courts

Through a survey conducted between April and July of 2022, the Housing Alliance of Pennsylvania asked administrators of Emergency Rental Assistance Programs in Pennsylvania whether there had been coordination between their programs and the local courts that hear eviction cases. A total of 24 programs submitted responses, including 16 of the 18 large programs serving populous counties that received ERAP funding directly from the U.S. Treasury (all counties in PA also received indirect ERAP funding that passed through PA's Department of Human Services). The responses to this survey question are summarized in Figure 1 below.

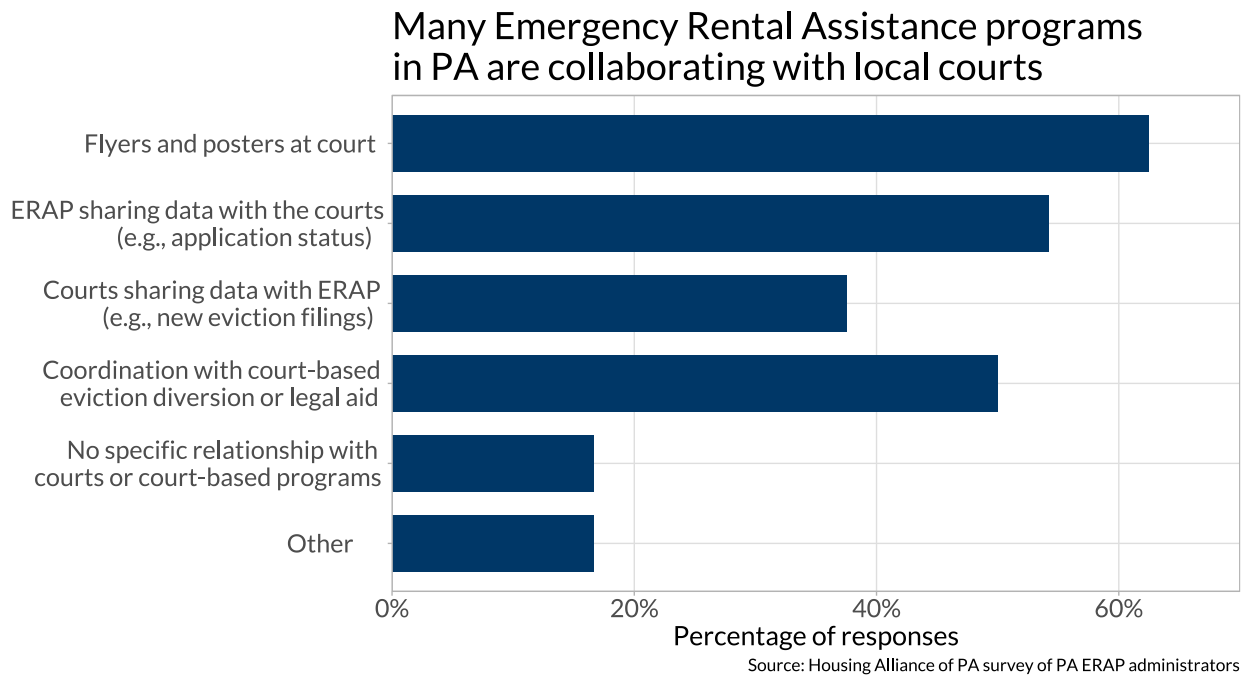


Fig. 1. Responses from ERAP administrators to the question: "What kind of coordination, if any, has there been between your program and the courts (select all that apply)?"

We found that the vast majority of programs (20 out of 24 programs who responded, or 83%) were coordinating with their local courts in at least one way, with only 4 (or 17% of respondents) reporting no specific relationship with courts or court-based programs.

The most common method of coordination reported was providing local courts with flyers and posters about ERAP at court facilities, with 15 programs (63%) reporting this type of coordination. Nearly as common, however, were more extensive collaborations. Data sharing from ERAP to the courts, for example sharing applicants' application status with judges hearing eviction cases, was identified by 13 programs, or 54% of respondents. Somewhat fewer respondents reported data sharing in the other direction, from the courts to ERAP, for example sharing a list of new eviction filings (9 programs, or 38%). Half of the programs in our sample reported coordinating with court-based eviction diversion programs or with legal aid (12 programs, or 50%). A few programs reported other methods of coordination, including direct outreach to local judges as well as directly funding eviction diversion programs.

We also found that most programs are engaging with courts and court-based services in more than one way. Of our 24 respondents, 67% reported more than one area of coordination with the courts, with 21% reporting at least four areas of coordination (i.e., posters at court, data sharing to and from the courts, as well as coordination with eviction diversion or legal aid).

These results indicate that many Emergency Rental Assistance programs working in PA (including a majority of the largest programs) are actively collaborating with courts and court-based services in their work, with many programs working through multiple channels.



The Housing Alliance is a statewide coalition working to provide leadership and a common voice for policies, practices, and resources to ensure that all Pennsylvanians, especially those with low incomes, have access to safe, decent, and affordable homes.

We promote common-sense solutions to balance PA's housing market and increase the supply of safe, decent homes for low income people.
