



A Collaborative Framework for Eviction Prevention in DC

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Executive Summary

The DC Eviction Prevention Co-Leaders Group was established after the June 2021 White House Eviction Prevention Summit, which included a local breakout session for DC officials, advocates, and stakeholders.¹ The impetus of the summit and formation of the Co-Leaders Group was to strengthen eviction prevention efforts and expedite the disbursement of federal emergency rental assistance (ERA) funds. Even though the Stronger Together by Assisting You (STAY DC) program has since disbursed the total amount of available ERA funding, the Co-Leaders Group has continued to meet weekly to discuss and collaborate on ongoing eviction and displacement prevention efforts in DC.

The Co-Leaders Group recognizes the systemic disconnect between DC's high cost of housing and low-wage job opportunities coupled with insufficient safety net programs. We know that a long history of structural racism, including deliberate policies and practices that prevented Black people and others from building and maintaining wealth in DC, has led to housing instability, homelessness, and eviction—all of which disproportionately affect people of color and people with low incomes. We also recognize that the eviction prevention efforts discussed in this framework, while important, are limited in their ability to address the larger housing affordability crisis and to prevent displacement. The high cost of housing in DC relative to what many people can afford to pay requires a long-term commitment to increase affordable housing and economic opportunities in DC alongside the approach presented in this eviction prevention framework.

The DC Eviction Prevention Co-Leaders Group believes that cross-sector collaboration among legal services providers, housing counselors, District government agencies, the DC Superior Court, philanthropic organizations, tenant organizers, housing providers, tenants, advocates, and community-based organizations is crucial to preventing eviction, displacement, and homelessness. The overall goal of the Co-Leaders Group is to **establish a cross-sector collaborative approach to prevent eviction and displacement of tenants in DC with low incomes and stabilize their housing for the future**. This framework is designed to ensure that:

- tenants will be educated about their rights under DC law and the services and public benefits available;

- tenants at risk of eviction will be connected to housing counselors, case managers, legal services providers, and social workers, as well as housing organizers for building-wide issues such as poor living conditions and displacement;
- tenants at risk of eviction for nonpayment of rent will have access to emergency rental assistance and other financial support, including public benefits, tax assistance, and employment enhancement services;
- tenants with vouchers or other housing subsidies will be able to retain them; and
- tenants facing or at risk of eviction will have access to legal services for evictions and other housing-related and economic security issues.

Evictions in DC

Landlords can only evict DC tenants for “just cause” or “good cause,” which includes nonpayment of rent.² In fact, most DC eviction filings (93 percent of filings from 2014 to 2018) take place because a tenant is alleged to have fallen behind on their rent payments (McCabe and Rosen 2020). Tenants also have the right to redeem in DC, which means that they can pay back what they owe to stop the eviction in nonpayment of rent cases. The right to redeem is why emergency rental assistance is key to preventing evictions.

Nevertheless, evictions are inequitable in terms of both process and outcomes. Decades of policies that restricted the jobs to which Black people had access, stripped families of their wealth, and prevented them from obtaining home loans have led to stark inequities in income and housing along racial lines. Black people in DC are more likely to be renters, face an eviction filing, and ultimately be physically evicted from their homes.³

Although tenants have more rights in DC than tenants in most other jurisdictions in the United States, there remains an inherent power imbalance in the landlord-tenant relationship. This is particularly true in DC’s high-cost rental market, where safe, affordable housing is scarce for tenants with low incomes or those who are legally undocumented and fear retaliation. Landlords typically have legal representation in court and can better navigate the complex eviction process, which can be difficult for tenants to understand. Furthermore, eviction and the threat of eviction lead to immense

trauma for tenants and their families, likely negatively affecting their mental and physical health (Hugo et al. 2017).

DC's eviction moratorium expired in September 2021, after the DC Council implemented legislation phasing out tenant protections instituted during the pandemic.⁴ Eviction filings have continued to steadily increase from the beginning of 2022, with a peak of 407 filings the last week of September. Judgments, writs, and scheduled evictions increased substantially starting in July 2022; 76 judgments were entered the week of July 18. With fewer eviction protections and the end of STAY DC assistance—combined with high inflation, increased rent prices, stagnant wages, and the ongoing pandemic—eviction filings, judgments, writs, and scheduled evictions will likely continue to increase.

The Collaborative Framework

Since June 2021, the Co-Leaders Group has met weekly to jointly problem solve, coordinate, and improve efforts to prevent evictions in DC. Collaborative action has been the main focus of the Co-Leaders Group, and this framework documents what the group and many other stakeholders have undertaken over the past 18 months. The framework also states the group's goals in key areas of eviction prevention, actions that the Co-Leaders and others are taking in each of these areas, and opportunities to further strengthen eviction prevention efforts. The framework key action areas are as follows:

- **Outreach to tenants.** Tenants will be given information to help them understand their rights and obtain appropriate resources to remain stably housed.
- **Access to emergency financial resources.** Tenants will be able to receive funds that help them with short-term financial shortfalls.
- **Access to eviction defense.** Tenants will have access to legal advice and representation both before and during the eviction process.
- **Court processes.** The eviction process at the DC Superior Court will be structured appropriately for different cases, and tenants will have access to supportive services such as mediation and housing counseling as part of court procedures.

- **Access to broader housing supports.** Tenants will receive support in retaining housing subsidies, finding stable housing, and addressing broader housing conditions and challenges.
- **Access to community resources.** Tenants will receive assistance with obtaining nonhousing supports that can help them remain in stable and safe housing.
- **Data to support effective collaboration and tracking results.** The Co-Leaders Group and other entities working to prevent evictions will engage in robust data sharing that can drive improved collaboration and better outcomes for tenants.

The evidence of the harmful effects of evictions on tenants is clear. The housing instability caused and made worse by evictions increases the risk of homelessness and hurts the health, education, and well-being of families with children.⁵ Increased homelessness from evictions leads to higher costs to the District for emergency shelter (Spellman et al. 2010); medical services, particularly the use of emergency departments (Linkin, Brya, and Chandler 2008); and other social services (Flaming, Toros, and Burns 2015). And evictions are not equitable, disproportionately affecting Black renters in DC. In many cases, evictions are not a desirable outcome for landlords either, resulting in loss of rent and the time and expenses of the eviction process.

The goal of the Co-Leaders Group and this framework is to prevent avoidable evictions. The experience of the past 18 months has shown that a combination of stronger policies and collaborative action can successfully reduce evictions. Yet despite the progress that has been made with current approaches and strategies, a fundamental cause of evictions is the high cost of housing in DC relative to what many people can afford. Simply put, the rent is too high for too many.⁶ Emergency rental assistance, access to a lawyer and housing counselor, and other interventions discussed in this framework can have a significant impact for many tenants who face temporary challenges, but they cannot solve the underlying problem of the exorbitantly high cost of housing in DC.

The Co-Leaders Group realizes that this eviction prevention framework is only a starting point for the work that must be done to eliminate the harm that evictions cause in the District of Columbia. It is our hope that this framework can serve as a blueprint for deeper collaboration and concerted action to increase public and private resources, strengthen policies, and change systems to eliminate preventable evictions and, in the long term, improve housing stability in DC.

A Collaborative Framework for Eviction Prevention in DC

The DC Eviction Prevention Co-Leaders Group was established after the June 2021 White House Eviction Prevention Summit, which highlighted best practices in eviction prevention and convened local breakout sessions, including one for DC officials, advocates, and stakeholders (see box 1 for Co-Leaders Group membership).⁷ The impetus of the summit and formation of the Co-Leaders Group was to strengthen eviction prevention efforts and expedite the disbursement of federal emergency rental assistance (ERA) funds with the expiration of the Centers for Disease Control and Prevention (CDC) eviction moratorium. Even though the Stronger Together by Assisting You (STAY DC) program has since disbursed the total amount of available ERA funding, the Co-Leaders Group has continued to meet weekly to discuss and collaborate on ongoing eviction and displacement prevention efforts in DC.

BOX 1

Members of the DC Eviction Prevention Co-Leaders Group

The Co-Leaders Group currently comprises members from Housing Counseling Services, Inc. (HCS); Bread for the City; the DC Superior Court; and the DC Department of Housing and Community Development (DHCD), DC Department of Human Services (DHS), DC Office of the Deputy Mayor for Planning and Economic Development (DMPED), and DC Office of the Tenant Advocate (OTA). The group is convened and facilitated by the DC Bar Foundation, Greater Washington Community Foundation, and Urban Institute. Staff from the Legal Aid Society of DC and Neighborhood Legal Services Program were also key members and contributors to the group in the past. The Co-Leaders Group also engages with other key partners and stakeholders, such as by convening a larger working group for monthly updates on eviction prevention practices and policies in DC and providing learning opportunities through presentations from local and national guest speakers.

The Co-Leaders Group has built a foundation of trust and strengthened the relationships among key nonprofit, philanthropic, and government leaders. Results of the ongoing collaboration include the presence of housing counselors in courtrooms, improved processes for rental assistance and eviction diversion, creation of a last-mile payment system to ensure tenants are not evicted for small remaining balances left after government assistance has been received, improved communication with US Marshals, additional federal rental assistance, and increased community outreach and door-to-door canvassing to reach tenants at risk of eviction.

The Co-Leaders Group recognizes the systemic disconnect between DC's high cost of housing and low-wage job opportunities coupled with insufficient safety net programs. We know that a long history of structural racism, including deliberate policies and practices that prevented Black people and others from building and maintaining wealth in DC, has led to housing instability, homelessness, and eviction—all of which disproportionately affect people of color and people with low incomes. We also recognize that the eviction prevention efforts discussed in this framework, while important, are limited in their ability to address the larger housing affordability crisis and to prevent displacement. The high cost of housing in DC relative to what many people can afford to pay requires a long-term commitment to increase affordable housing and economic opportunities in DC alongside the approach presented in this eviction prevention framework.

Overall Goal and Approach

The DC Eviction Prevention Co-Leaders Group believes that cross-sector collaboration among legal services providers, housing counselors, District government agencies, the DC Superior Court, philanthropic organizations, tenant organizers, housing providers, tenants, advocates, and community-based organizations is crucial to preventing eviction, displacement, and homelessness. The overall goal of the Co-Leaders Group is to **establish a cross-sector collaborative approach to prevent eviction and displacement of tenants in DC with low incomes and stabilize their housing for the future.**

The Co-Leaders Group has committed to frequent communication and weekly meetings to share information and problem solve for immediate and long-term solutions. Over the past 18 months, members have strengthened their organizations' capacity to collaborate and share data, resources, and tools. Looking ahead, our priority is to continue to strengthen this joint approach to reach more tenants and housing providers, create more efficient practices, and establish long-term housing solutions for tenants with low incomes in DC.

This framework is a product of the Co-Leaders Group's collaborative efforts to prevent evictions in DC. The efforts described below are designed to ensure the following:

- Tenants will be educated about their rights under DC law and the services and public benefits available.
- Tenants at risk of eviction will be connected with housing counselors, case managers, legal services providers, and social workers. Tenants will also be connected to housing organizers for building-wide issues such as poor living conditions and displacement.
- Tenants at risk of eviction for nonpayment of rent will have access to emergency rental assistance and other financial support, including public benefits, tax assistance, and employment enhancement services.
- Tenants with vouchers or other housing subsidies will be able to retain them.
- Tenants facing or at risk of eviction will have access to legal services for evictions and other housing-related and economic security issues.

This brief begins with a description of the eviction process and summary of tenants' rights in DC and then provides a collaborative eviction prevention framework for DC policymakers, service providers, and residents that was developed with the guidance of the Co-Leaders Group and informed by interviews with other community-based organizations, government agencies, and legal services

providers. This framework is organized into seven areas of cross-sector collaboration and points of contact with tenants: 1) outreach to tenants; 2) access to emergency financial resources; 3) access to eviction defense; 4) court processes; 5) access to broader housing supports; 6) access to community resources; and 7) data to support effective collaboration. Within each section, we provide examples of current efforts and potential areas to improve eviction prevention in DC.

Eviction Process in DC

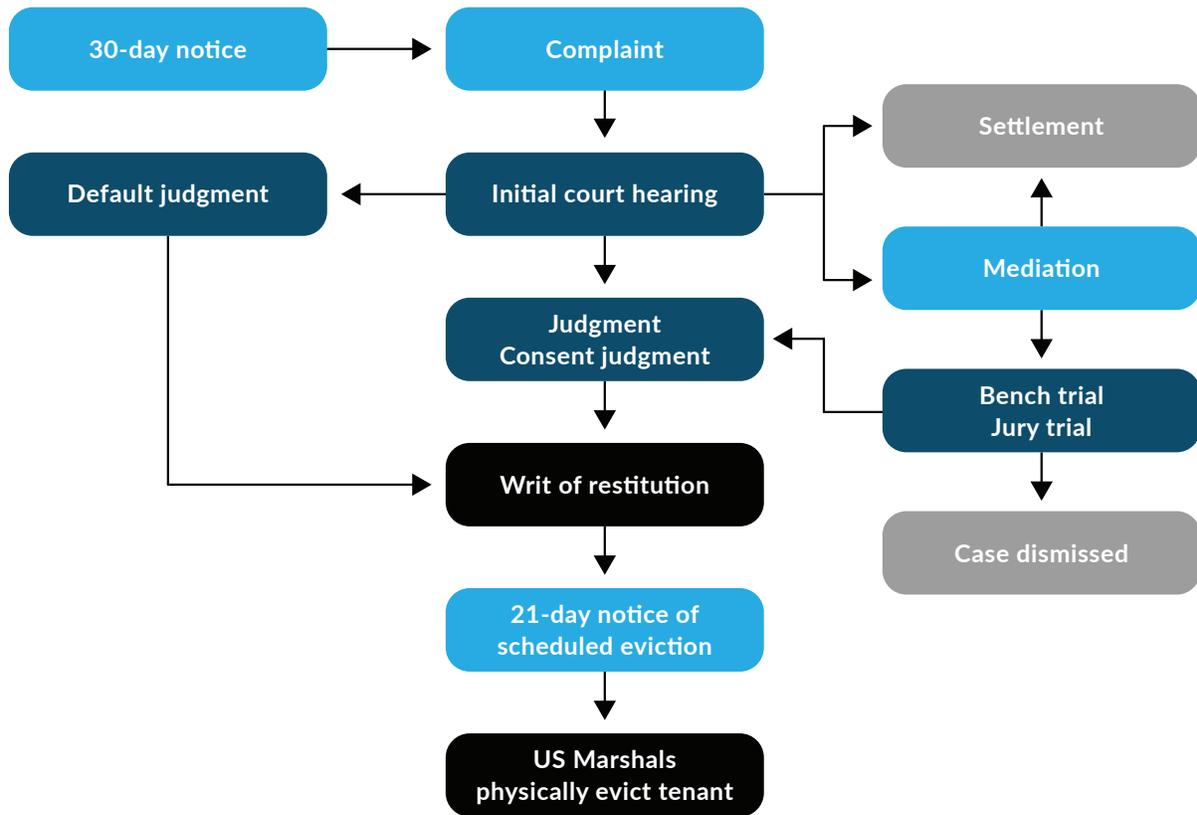
This section describes the DC eviction process, which is important for understanding the key points of intervention for preventing evictions. Although preventing avoidable evictions remains our focus and the ultimate goal of this framework, strong tenants' rights in DC (compared with those of other jurisdictions) help protect many renters from eviction. Most notably, landlords can only evict tenants for certain reasons—known as “just cause” or “good cause” evictions—which include nonpayment of rent. In fact, most DC eviction filings (93 percent of filings from 2014 to 2018) take place because a tenant is alleged to have fallen behind on their rent payments (McCabe and Rosen 2020). Tenants also have the right to redeem in DC, which means that they can pay back what they owe to stop the eviction in nonpayment of rent cases. The right to redeem is why emergency rental assistance is key to preventing evictions.

Additionally, landlords are required to give tenants at least 30 days' notice before filing an eviction in court (unless the tenant is a squatter or the landlord alleges criminal activity), go through the court and before a judge to evict a tenant, and give at least 21 days' notice to the tenant if the court orders a physical eviction. Other tenants' rights in DC that help people stay in their homes include: landlords cannot file for an eviction if tenants owe less than \$600, late fees cannot be more than 5 percent of the tenant's portion of the rent, leases automatically go month to month after the initial term is over, tenants do not have to sign a new lease to stay, and oral tenancies are recognized.

The main steps in DC's eviction process are shown in figure 1. The Landlord and Tenant Branch of the Civil Division of the DC Superior Court is responsible for hearing all eviction cases in DC. The legal process of evicting someone in DC starts with tenants receiving a 30-day notice advising them that a landlord intends to sue them for nonpayment of rent or for violation of the lease. In the notice, landlords are required to include information on the Landlord Tenant Legal Assistance Network and the Office of the Tenant Advocate (OTA), which assist tenants facing eviction.⁸ After the 30-day notice expires, tenants may be served with a complaint that also has Landlord Tenant Legal Assistance

Network information. The first court hearing usually happens 60 to 90 days after a complaint is served.

FIGURE 1
The DC Eviction Process



Source: Authors' analysis of the eviction process in DC.

After the initial hearing, the eviction case can go in multiple directions. The presiding judge could reset the case for a further initial hearing, such as when tenants need to apply for the DC's local emergency rental assistance program (ERAP) or connect with an attorney. The landlord and tenant could also settle the case. For example, if a tenant with a nonpayment of rent case receives an ERAP payment for most of the amount owed and sets up an affordable payment plan for the balance, the parties would file a settlement agreement with the court. If the tenant does not comply (i.e., does not pay the monthly payment plan amounts), the landlord can request that a judgment be entered against the tenant. If the tenant does not appear in the initial hearing, a default judgment may be filed against them. If the tenant admits the allegation (e.g., they did not pay the rent due) a consent judgment may be entered.

The landlord and tenant could also sign a consent judgment agreement, wherein the judgment is entered and put on hold to allow the tenant to make payments. If the tenant does not make the payments, the landlord files to lift the stay and the tenant automatically receives a judgment.

An eviction case could also go to bench trial if the tenant files an answer, wherein the tenant asks for an opportunity to explain why they do not owe rent or did not violate their lease to the court, or to a jury trial if the tenant files a jury demand. A bench trial is in front of a sitting judge and can conclude in a few months; a jury trial takes longer, potentially up to a year, and includes mediation or discovery.

Starting in 2022, the court adopted a new practice of scheduling a mediation session between the tenant and landlord before the trial. Previously, mediation would be held on the same day as the trial, giving no time for a tenant to prepare for court if the mediation was unsuccessful.

A judgment means the landlord proved their case against the tenant, such as by proving the tenant owes an amount of rent for nonpayment cases. Once a judgment is entered for a nonpayment of rent case, the landlord informs the court and the tenant of the redemption amount—also called the “Trans-Lux” amount—which is the amount due by a specified date to redeem tenancy. The Trans-Lux increases as each month passes without payment. Court and writ fees are included in the Trans-Lux amount, but late fees are not. ERAP providers should know the full Trans-Lux amount and ensure the payment happens on time and meets the amount. If the payment cannot cover the full Trans-Lux amount, the tenant may be able to negotiate a settlement with a repayment plan.

If the tenant does not pay the full amount for nonpayment of rent cases or tenants received judgments against them for other violations, the court issues a writ of restitution—a document that gives the US Marshals Service the authority to perform a physical eviction. The eviction is scheduled, and the landlord must give tenants at least 21 days’ notice. On the scheduled date, the Marshals change the lock on the tenant’s home. Because of DC’s right to redeem, in most cases, tenants can pay the amount owed to the landlord at any time for nonpayment cases, including when the Marshals arrive to complete the eviction.⁹ Evictions are scheduled on weekdays and cannot be performed if there is a chance of precipitation or if the temperature falls below 32 degrees.

Eviction prevention can occur both before and after a case is filed with the court. To reduce displacement, eviction prevention aims to reduce negative outcomes at all stages throughout the eviction process—the filing of eviction cases, default judgments when tenants do not appear or participate in their cases, tenants lacking access to counsel, the entry of judgments and writs against tenants, and actual evictions of tenants.

Evictions and Equity

Evictions are not equitable as either a process or an outcome. Decades of policies that restricted the jobs to which Black people had access, stripped families of their wealth, and prevented them from obtaining home loans have led to stark inequities in income and housing along racial lines. Black people in DC are more likely to be renters, face an eviction filing, and ultimately be physically evicted from their homes. McCabe and Rosen (2020) found that although Black residents made up 92 percent of the population in Ward 8 and only 13 percent in Ward 2, about 25 out of every 100 renter households in Ward 8 had an eviction filed against them in 2018 compared with only 3 in 100 renter households in Ward 2, and tenants in Ward 8 were physically evicted from their homes at rates 13 times higher than in Ward 2.

Although tenants have more rights in DC than tenants in most other jurisdictions in the United States, there remains an inherent power imbalance in the landlord-tenant relationship. This is particularly true in DC's high-cost rental market, where safe, affordable housing is scarce for tenants with low incomes or those who are legally undocumented and fear retaliation. There is also an information and resources imbalance. Landlords typically have legal representation in court and can better navigate the complex eviction process, which can be difficult for tenants to understand (Fleming-Klink, McCabe, and Rosen 2023). Tenant advocates and the DC Superior Court have worked to improve court notification processes for eviction filings and the availability of legal assistance, but the reality is that most tenants do not have a lawyer or a housing counselor to help them navigate the system and negotiate settlement agreements.

The Bowser administration and the DC Council substantially increased the budget for ERAP in FY 2022 and FY 2023, but there are still households that cannot afford their rent, are unable to access assistance, or owe more than ERAP regulations allow to be paid, meaning they will ultimately be physically evicted or self-evict.¹⁰ Residents with housing subsidies who fall behind on their rent are at risk of losing both their home and their subsidy. And we know that there are not enough vouchers or public housing units to serve all DC residents who need housing assistance.

Furthermore, eviction and the threat of eviction can cause immense trauma for tenants and their families, likely negatively affecting their mental and physical health (Hugo et al. 2017). In addition, the various eviction notices and points of contact from community-based organizations, legal services providers, the court, and other organizations can be overwhelming for people facing eviction. Although providing adequate services to prevent eviction is important, we recognize that people may

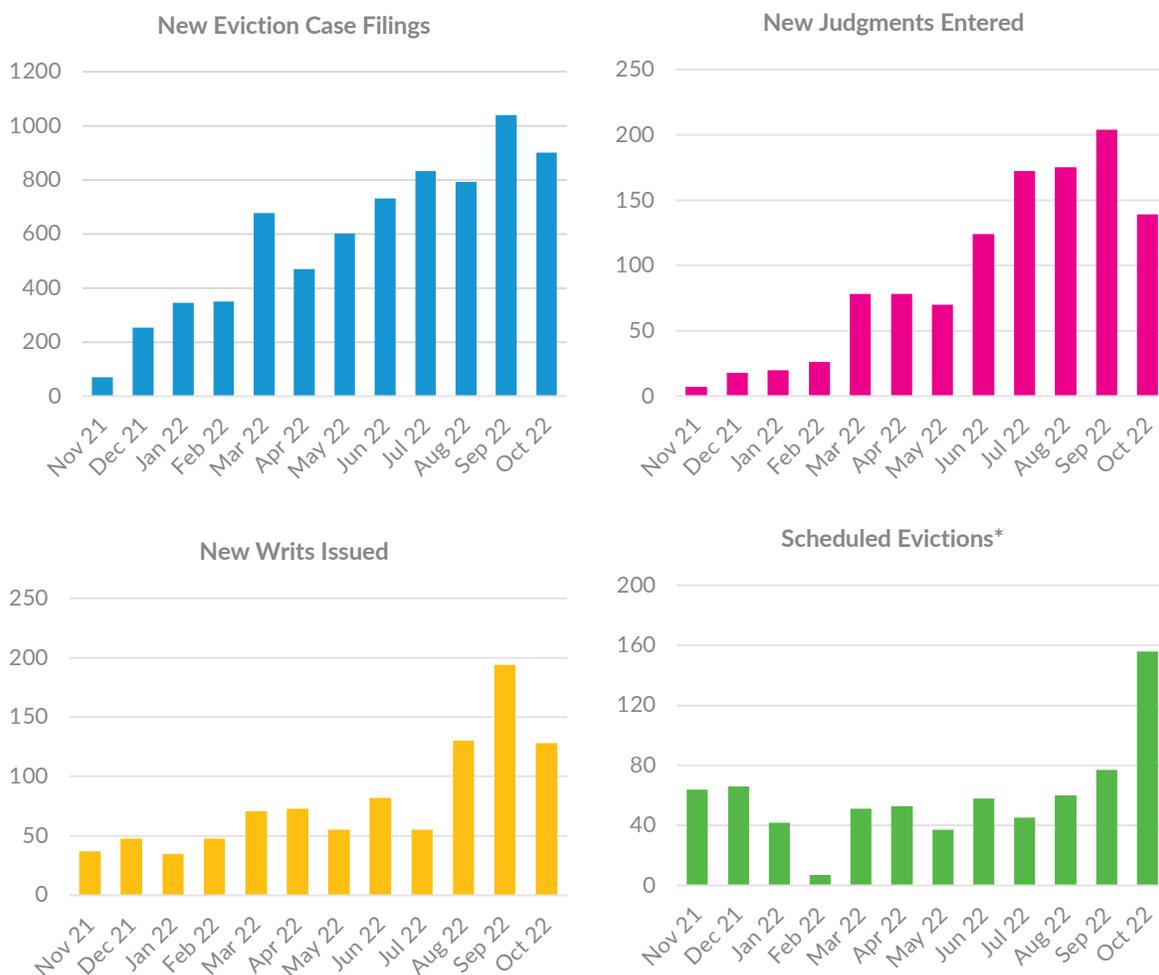
experience trauma from multiple organizations making outreach attempts and with having to share their challenges with several organizations.

Collaboration does not solve all these problems, but it can help elevate the efforts that are serving tenants well and identify which are not. It can increase the efficacy of the limited resources that are available and help reduce the burden on tenants. The conversations and connections made each week through the Co-Leaders Group to ensure timely delivery of rental assistance, housing counseling, and legal support have stopped families from being evicted. More collaboration can increase our ability as a city to move from efforts to divert evictions after they are filed to proactive outreach to tenants and partnerships with landlords before evictions are filed in court.

Current Trends in Evictions in DC

Under DC's Coronavirus Omnibus Emergency Amendment Act of 2020, the DC government paused evictions for nonpayment of rent and lease violation evictions for district residents. DC's eviction moratorium expired in September 2021, after the DC Council implemented legislation phasing out tenant protections instituted during the pandemic.¹¹ The following chart shows new eviction cases filed, judgments entered, writs issued, and evictions scheduled each month from November 2021 to October 2022. Eviction filings have continued to steadily increase from the beginning of 2022, with a peak of 407 filings in the last week of September. Judgments, writs, and scheduled evictions increased substantially starting in July 2022; 76 judgments were entered the week of July 18. With fewer eviction protections and the end of STAY DC assistance—combined with high inflation, increased rent prices, stagnant wages, and the ongoing pandemic—eviction filings, judgments, writs, and scheduled evictions will likely continue to increase.

FIGURE 2
New Eviction Case Filings, Judgments, Writs, and Scheduled Evictions
 November 2021 to October 2022



Source: Authors’ analysis of DC Superior Court records and scheduled evictions by the US Marshals Service by the Civil Legal Counsel Projects Program.

* Scheduled evictions may be duplicated.

The Collaborative Framework

This section describes a framework for collaboration on eviction prevention developed by the Co-Leaders Group. Since the White House Summit on eviction prevention that convened in June 2021, the Co-Leaders Group has met weekly to jointly problem solve, coordinate, and improve efforts to prevent evictions in DC. Collaborative action has been the main focus of the Co-Leaders Group, and this framework documents what the group and many other stakeholders have undertaken over the

past 18 months. The framework also states the group’s goals in key areas of eviction prevention, actions that the Co-Leaders and others are taking in each of these areas, and opportunities to further strengthen eviction prevention efforts. The framework key action areas are as follows:

- **Outreach to tenants.** Tenants will be given information to help them understand their rights and obtain appropriate resources to remain stably housed.
- **Access to emergency financial resources.** Tenants will be able to receive funds that help them with short-term financial shortfalls.
- **Access to eviction defense.** Tenants will have access to legal advice and representation both before and during the eviction process.
- **Court processes.** The eviction process at the DC Superior Court will be structured appropriately for different cases, and tenants will have access to supportive services such as mediation and housing counseling as part of court procedures.
- **Access to broader housing supports.** Tenants will receive support in retaining housing subsidies, finding stable housing, and addressing broader housing conditions and challenges.
- **Access to community resources.** Tenants will receive assistance with obtaining nonhousing supports that can help them remain in stable and safe housing.
- **Data to support effective collaboration and tracking results.** The Co-Leaders Group and other entities working to prevent evictions will engage in robust data sharing that can drive improved collaboration and better outcomes for tenants.

Outreach to Tenants

Goal: Tenants will be given information about the services available to them—including emergency rental assistance, housing counseling, and legal defense—and receive education about their rights as tenants.

Although DC has strong tenant protection laws and just cause evictions, tenants who are unaware of these protections are more vulnerable to unscrupulous or illegal tactics to pressure them to self-evict. They also may not be aware of what financial assistance is available, who qualifies for that assistance, or what organizations can help them apply for assistance and navigate the court process. Many organizations in DC conduct outreach and provide education to tenants. Legal services providers, housing counselors, canvassers, organizers, housing providers, OTA, and the DC Superior

Courts collaborate to reach out to tenants at risk of eviction and direct them to financial, legal, and other resources. Housing counselors are also working with housing providers to help them direct assistance to tenants.

Current efforts include the following:

- Housing counseling organizations, community-based organizations, and legal services providers regularly hold in-person “pop-ups” at buildings to provide individual and building-wide tenant services and conduct virtual tenants’ rights and resources webinars.
- Community-based organizations funded by the DC Department of Housing and Community Development (DHCD) provide extensive outreach, education, and counseling to tenants on financial literacy, tenants’ rights, rental housing search, fair housing, and accessing affordable housing opportunities.
- OTA provides educational webinars and articles on various topics on its website along with articles and information on ERAP. The office has an educational institute that conducts educational workshops and classes in a variety of contexts to inform DC tenants about their rights and other rental housing concerns.
- Community-based organizations provide tenants’ rights trainings for specific groups, including Spanish speakers and seniors.
- The Civil Legal Counsel Projects Program (CLCPP) received additional funding through the Access to Justice grants in FY 2022 to expand and better coordinate their outreach and canvassing efforts with nonprofit partners (box 2).
- Housing Counseling Services, Inc. (HCS), CLCPP providers, and tenant canvassers work in close collaboration to conduct outreach on rental assistance through mailings, phone calls, in-person visits, and know-your-rights sessions.
- OTA sends a mailing with information on the scheduled eviction date, an explanation of the “eviction with dignity” law, and ERAP information to all tenants on the scheduled evictions list received from the US Marshals Service.
- HCS conducts housing provider and tenant counseling to help resolve disputes or problems between housing providers and tenants both before and after an eviction is filed, including negotiating affordable payment plans.
- Community-based organizations and legal services providers conduct outreach and education on public benefits, referring residents to ERAP providers, case managers, and social workers.

BOX 2

The Civil Legal Counsel Projects Program (CLCPP)

The DC Council established the CLCPP through the Expanding Access to Justice Amendment Act of 2017. The legislation designates the DC Bar Foundation to administer this grant program.

Grants are awarded exclusively to DC legal services organizations that provide legal representation to tenants with low incomes facing actual or anticipated eviction proceedings in DC. Current CLCPP grantees are Bread for the City, the DC Bar Pro Bono Center, the Legal Aid Society of the District of Columbia, Legal Counsel for the Elderly, the Neighborhood Legal Services Program, and Rising for Justice.

Since the pandemic began, attorneys with CLCPP grantees have been regularly meeting with housing organizers and other tenant advocates to strategize collectively about issues affecting tenants with low incomes in DC. Attorneys share information about the evolving legal landscape affecting DC tenants, and advocates share critical information gathered from their work organizing and supporting that same population. This collaboration has led to real-time interventions, such as a citywide canvassing operation that was quickly organized in the fall of 2021 in response to the resumption of eviction court hearings. That canvassing operation then grew into a full eviction prevention project—a collaboration with the CLCPP grantees and five community-based organizations, funded by the DC Bar Foundation in 2022 through Access to Justice grants—to conduct extensive outreach to tenants threatened with eviction.

Potential areas for strengthening include the following:

- Increase the number of pop-ups at buildings to increase tenants' awareness of their rights and provide more assistance and case management on site.
- Include education on public benefits issues in housing-related outreach and education efforts.
- Expand the scope and focus of tenant canvassers working with CLCPP providers. Currently, they are largely focused on eviction and other housing rights but have limited capacity to provide support on other issues.
- Increase funding, including public funding, for community-based organizations to expand their capacity to conduct outreach and education.

- Provide more education services, trainings, and outreach to engage more housing providers before they file against delinquent tenants.
- Build a coalition of tenant organizations and tenant associations to amplify tenants' voices in policy discussions.

Access to Emergency Financial Resources

Goal: Tenants at risk of eviction for nonpayment of rent will have access to emergency rental assistance and other financial support, including public benefits, tax assistance, and employment enhancement services.

Most landlords in DC file eviction cases because of nonpayment of rent (McCabe and Rosen 2020). Accordingly, emergency financial resources for tenants are critical to preventing the filing of eviction cases or the physical eviction of tenants after a landlord files a case. The locally funded emergency rental assistance program (ERAP),¹² administered by the DC Department of Human Services (DHS), is the primary source of emergency financial resources for tenants who are behind on their rent, though there are also several small programs targeted toward specific populations (see box 3 for information on the federally funded STAY DC program, which operated in 2021). Most tenants apply for ERAP funds online, and six community-based organizations work with them to complete applications. These organizations also review and make decisions on the applications and issue payments to landlords.¹³ In order to receive ERAP, tenants must be at least 30 days delinquent, not have received ERAP in the last 12 months, have incomes that do not exceed 40 percent of the area median income, and provide proof of DC residency and a photo ID. Landlords must provide a rent ledger and other required documents to receive payments.¹⁴

BOX 3

Stronger Together by Assisting You (STAY DC)

STAY DC was DC's program to disburse federal emergency rental assistance (ERA) program funds from the US Department of Treasury, authorized in the Consolidated Appropriations Act of 2021 and American Rescue Plan Act of 2021.¹⁵ The federal ERA regulations were designed to pay back rent or utilities owed due to circumstances such as job or income loss related to the pandemic. Tenants with incomes of up to 80 percent of the area median income were eligible to apply. Payments were generally made to landlords but could be made to tenants if landlords were not cooperating.

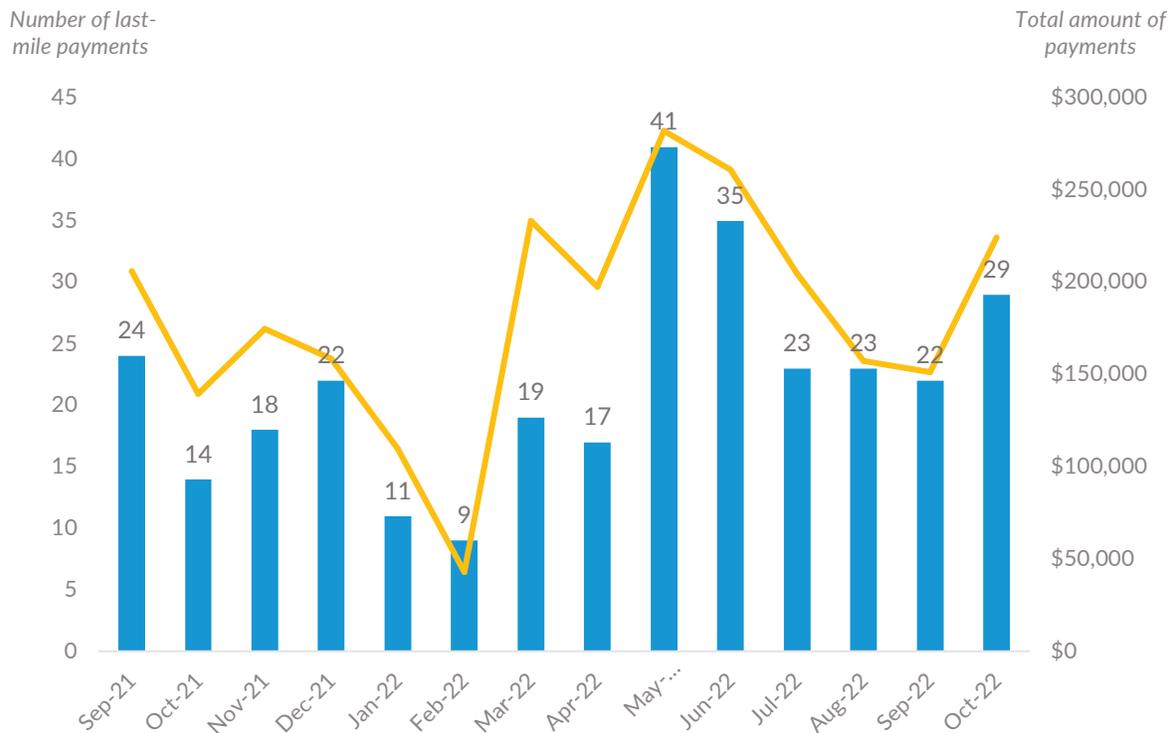
In total, DC received an initial allocation of \$352 million and an additional reallocation of \$39.9 million in funds. The DC government provided rental and utility assistance to almost 60,000 approved applications representing 37,000 unique households, with 87 percent of tenants having incomes below 30 percent of the area median. The STAY DC program portal closed on October 27, 2021, and once the remaining applications in the portal were reviewed and paid out, ERA funding—including reallocations from other jurisdictions—was directed to and administered through ERAP.

Source: DC Department of Human Services.

DHS, ERAP providers, housing counselors, case managers, housing providers, and legal services providers work collaboratively to support ERAP applications; ensure prompt ERAP payments to landlords; and help tenants in crisis develop viable budgets, negotiate affordable payments, and access other financial resources to reduce court filings and evictions. ERAP funding has been critical to stopping scheduled evictions over the past year. However, if not closely tracked, landlords may proceed with an eviction—even if they received rental assistance payments—if they did not receive the full Trans-Lux amount. By working closely together, DHS, HCS, and the court were able to establish a last-mile payment process to ensure payment of the Trans-Lux amount and avoided 283 scheduled evictions between October 2021 and October 2022 through the provision of \$2.3 million in assistance in the form of rent payments, court fees, and legal fees (figure 3).

FIGURE 3

Number and Amount of Last-Mile Payments to Stop Scheduled Evictions



Source: DC Department of Human Services.

Notes: Number of unique households receiving ERAP payments with scheduled evictions. Payments cover rental assistance, court fees, and legal fees.

Current efforts include the following:

- Six community-based organizations—HCS, Catholic Charities–Southeast Family Center, United Planning Organization, Greater Washington Urban League, Salvation Army, and the Community Partnership for the Prevention of Homelessness—assist tenants with DC’s ERAP applications. In FY 2022, the DC government disbursed \$36 million for rental and utility assistance through ERAP, and another \$43 million is budgeted for rental assistance in FY 2023.
- ERAP providers offer light case management to tenants who apply for ERAP aimed at connecting residents with community services and financial literacy programs.
- ERAP providers, legal services providers, and community-based organizations conduct outreach and make referrals to one another for assistance with ERAP and other benefits, including Temporary Assistance for Needy Families (TANF), Medicaid, the Supplemental

Nutrition Assistance Program (SNAP), DC Health Care Alliance, and DC's program for at-home care. They work with DHS, the US Social Security Administration, and the DC Health Care Finance Agency to solve benefits issues.

- Community-based organizations and legal services providers help tenants complete applications and access these resources.
- Some community-based organizations—including Bread for the City, Legal Counsel for the Elderly, and the Latino Economic Development Center—have small internal flexible funds for one-time needs such as work equipment, rent costs, and other emergency expenses.
- The Federal Emergency Management Agency Emergency Food and Shelter Program provides grants for limited rental assistance that is distributed through several community-based organizations in DC.¹⁶
- HCS, Operation Renewed Hope, and Friendship Place provide temporary financial assistance, legal support, health navigation and housing case management to homeless veterans and veterans at risk of homelessness through grants from the Supportive Services for Veteran Families Program funded by the US Department of Veteran Affairs.¹⁷ Emergency rental assistance and shallow rental subsidies are available to eligible veterans.
- HCS administers housing programs for people living with HIV/AIDS, offering financial assistance, transitional housing, tenant-based rental assistance, and case management through grants from the DC Department of Health. The Ryan White Emergency Financial Assistance Program and the Housing Opportunities for People with AIDS Short-Term Rental, Mortgage, and Utility Program offer emergency rental assistance.
- HCS participates in eviction-related court hearings to conduct intake for tenants seeking rental assistance and provides the court with status updates on tenants' applications.
- HCS and DHS coordinate to provide last-mile payments from ERAP that cover all arrears and court fees to ensure physical evictions are stopped when possible.
- ERAP providers help people with technology and language needs complete their online ERAP applications, either through the call center or in person.

Potential areas for strengthening include the following:

- Allow multiple ERAP applications per household each year and implement a dollar-amount ceiling. These changes may encourage tenants to seek support earlier. ERAP legislation allows for these changes, but current ERAP regulations limit tenants to one application in a 12-

month period, which can create an incentive to wait to apply so that a larger balance of rent owed is covered. Tenants who were stabilized once with ERAP funding may still get evicted if they fall behind a second time.

- Increase funding for ERAP. With high inflation, government agencies and community-based organizations anticipate that the current level of funding is inadequate to address the expected demand for rental assistance in the coming years.¹⁸
- Stabilize ERAP funding from year to year. Because of the high demand for ERAP, the number of ERAP applications consistently exceeds the capacity of provider organizations to meet demand in a timely manner. By stabilizing a realistic ERAP budget at the outset of each fiscal year, ERAP providers would be better equipped to provide the necessary staffing and other resources to meet the expected demand.
- Increase transparency around the amount of money left in the ERAP budget. DHS is in the process of finalizing a public-facing dashboard that shows total applications received, approved, and denied, as well as the program's budget status.
- Increase funding for housing counseling and case management. Because the majority of potential evictions result from financial insecurity, it is vital that tenants can easily access counseling and case management to support financial literacy, budgeting, housing search, and access to a full range of resources focused on short- and long-term housing stability. While case management may not be a requirement of ERAP approval, it is a critical aspect of short- and long-term housing security.
- Integrate landlord access into the ERAP portal so landlords can more effectively support their tenants' ERAP applications with documents necessary for processing. This access would allow landlords to upload ledgers, leases, payment plans, and payment documents to support prompt ERAP approvals.
- Improve communication and coordination between DHS and the DC Housing Authority (DCHA) for tenants who apply for ERAP.
- Make public and easily accessible a list of all DC emergency rental assistance programs, shallow subsidy programs, voucher programs, and transitional housing programs to divert tenants from eviction by ensuring easier access to assistance. This list should be managed and updated regularly.
- Increase funding and implementation of housing subsidies and vouchers, the DC Flex program, and cash transfer or guaranteed income programs for tenants who cannot afford

market rate rents, including people on fixed incomes or those who work in low-wage jobs.¹⁹ This approach would be more impactful, cost effective, and offer more stability to tenants and housing providers rather than relying on residents using ERAP as an annual subsidy. ERAP was designed to offer rental assistance for tenants facing a temporary emergency, not to offer solutions to tenants who need ongoing rental assistance due to the high cost of housing.

- Provide regular training and updates to landlords, management companies, attorneys, and others about ERAP requirements and procedures to support better partnerships and engagement.
- Encourage and support strengthened partnerships between housing counselors, legal services providers, canvassers, ERAP providers, and housing providers to help delinquent tenants access ERAP financial assistance, legal supports and housing counseling immediately when faced with a rental emergency.

Access to Eviction Defense

Goal: Tenants at risk of eviction or who have been sued in court for eviction based on any grounds (including but not limited to nonpayment of rent) will have access to eviction defense legal services to prevent their eviction.

Tenants who have access to counsel early in the eviction process are more likely to maintain their housing. Pro bono legal services providers are available to give free help to income-eligible tenants who have been sued in court. Legal services providers try to reach tenants at the earliest stage of the eviction process as possible and continue to work with tenants as their cases progress. They also give information to individuals who are navigating the legal system themselves.

Current efforts include the following:

- CLCPP providers offer advice, brief services, limited representation, and extended representation to tenants. Pre-court legal services may include contesting unaffordable rent increases, requesting reasonable accommodations based on disability to resolve alleged lease violations, and negotiating disputes outside the court process.
- CLCPP providers receive applications for services through the Landlord Tenant Legal Assistance Network, a centralized intake system accessible via phone, online, and at the courthouse.

- CLCPP providers and community-based organizations engage in tenant outreach and education to share information about eviction and tenants' rights and make direct referrals to legal services attorneys for eviction-related services.
- CLCPP providers request and track data on pre-court notices served on tenants, new case filings, upcoming hearings, new judgments, and new writs. CLCPP providers then distribute this data to community-based organizations. (See the data section below.)
- Legal services providers and the Landlord Tenant Resource Center (run by the DC Bar Pro Bono Center) provide self-help materials and legal information through intake, online platforms, and know-your-rights events.
- Tenants' rights workshops are provided by legal services providers, housing counseling agencies, and others to ensure that tenants have the opportunity to understand their rights before facing a crisis and to offer resources.
- DC legal services providers and law firms collaborate on the Housing Right to Counsel Project, which aims to dramatically reduce evictions among people living in subsidized housing by increasing their access to pro bono representation.²⁰

Potential areas for strengthening include the following:

- Create referral networks for legal services providers and tenant organizers to connect with landlords who see the value of early intervention, providing referred tenants with support and access to services to avoid eviction.
- Increase structural and financial support for legal services providers to increase the number of tenants served. Relative to their public sector peers, nonprofit legal services providers are often underpaid and overworked due to lack of adequate staff and funding, meaning that they only have the capacity to serve a fraction of tenants in need.
- Create a network to refer tenants to other support services, including those focused on employment, economic security, and mental health.
- Establish data sharing between the rent administrator²¹ and legal services providers for pre-court notices alleging grounds for eviction other than nonpayment of rent.
- Create self-help materials to assist tenants who cannot access representation.
- Create technology supports for tenants who do not have access to computers to apply for benefits.

- Add capacity for both tenants' rights workshops and provision of legal services.

Court Processes

Goals: Landlords and tenants jointly benefit from an accessible, consistent, and fair court process that encourages early resolution and diversion of disputes; leverages resources to remove cases and the threat of eviction as early in the process as possible; and provides a legal process tailored to the needs of each case. The court will work to enhance fairness and accessibility and avoid unnecessary evictions by developing a pretrial diversion program, enforcing legal requirements, encouraging early mediation, facilitating access to legal and financial resources, developing case management tracks specific to the litigation and diversion needs of each type of case, enhancing the accessibility of court hearings, and guaranteeing language access.

DC residents with low and moderate incomes face significant obstacles navigating the Landlord and Tenant Court. Court processes and rules can be confusing, which can lead to negative outcomes for tenants. This is especially true for people with disabilities, survivors of violence, and people with limited literacy. A recent report from the National Center for State Courts highlighted many of these issues and provided recommendations for improvements, including scheduling mediation sessions on separate days from the trials and continuing to include a housing counselor in all court hearings (National Center for State Courts 2021).

To respond to these challenges, the DC Superior Court currently provides physical and online access to legal services providers, housing counseling, rental assistance, and government services. The court ensures enforcement of new legal requirements through updated forms and rules, new case management practices, clear guidance to and training of judges and clerks' office staff on current requirements, and the use of standardized colloquies²² by judges. The DC Superior Court also encourages diversion of eviction cases by providing pretrial mediation involving a neutral mediator. These mediation sessions are now conducted before, and separate from, the trial date in all cases. Finally, the court maintains a robust data sharing system with all relevant partners to help inform collaboration and improve outcomes.

As a future enhancement, the DC Superior Court will aim to individually tailor the process available in each eviction case, eschewing a one-size-fits-all approach in favor of case management tracks for all types of Landlord and Tenant Branch cases. Currently, tenants can choose between a jury trial or a trial before a judge; otherwise, all cases proceed on the same scheduling tracks, whether they are cases ripe for resolution once financial assistance has been obtained or complex litigation matters

likely headed to trial. As described in more detail below, the court will add additional tracks in the future so that the legal process in each case better reflects the nature of the litigation and better serves the needs of the parties. The court is also developing a new eviction diversion program that will include a separate dedicated website, assistance to tenants from court navigators and case facilitators, and the individualized case tracking described above; more information about the plans for this program is forthcoming.

Current efforts include the following:

- The court has made on-site space available to legal services providers to provide same-day or close-in-time assistance to tenants.
- During all eviction hearings, housing counselors monitor individual cases and offer services, including financial assistance and referrals to legal services providers as needed. The court announces the presence of housing counselors at the start of each court session.
- The court reviews all eviction case filings to ensure compliance with prefiling notice, service, and documentation at the time of filing requirements and reviews all writs to ensure compliance with basic business license requirements.
- The court uses automated processes in its case management system and individual review of closed cases to ensure that those eligible for automatic sealing are sealed on schedule.
- The court has incorporated mandatory pretrial mediation with a neutral mediator into the bench and jury trial case management tracks for all eviction cases.
- The court tries to reduce wait times by staggering hearings and other court appearances in blocks of time (block scheduling).
- The court continues to hear the vast majority of cases remotely and provides off-site locations across the district for litigants to join remote proceedings.
- The court convenes the Landlord Tenant Working Group at least once a month to consider practical problems and solutions and to share information with stakeholders.
- The court ensures language access by providing certified court interpreters whenever necessary.
- The court operates a separate housing conditions calendar in which tenants can file separate actions regarding the conditions in their homes and obtain necessary injunctive relief.

Potential areas for strengthening include the following:

- Improve processes to reduce wait times. While the court limits the number of cases during a particular court session through block scheduling to allow sufficient time for consideration of each case, parties can sometimes wait for more than an hour to have their case called.
- Update rules to require the plaintiff to provide both a telephone number and email address for the defendant at the time of filing to facilitate communication.
- Provide training for court navigators on available resources both inside and outside of the courthouse. Training could also help with language access and help ensure that tenants are in the correct virtual courtroom.
- Improve communications with parties and attorneys. Improvements could include text alerts or emails for upcoming hearing dates where possible.
- Review Landlord and Tenant Branch forms to improve readability.
- Revise court judgment and settlement form agreements to ensure options for both landlord and tenant remedies are included as part of an integrated form.
- Periodically review and update court rules through the Landlord and Tenant Rules Advisory Committee. Reviews should include forms that require rules amendments to be updated.
- Implement recommendations from the National Center for State Courts' review of the Landlord and Tenant Branch.
- Establish a data sharing agreement between the court and DC government agencies (DHS, OTA, and DMPED), community-based organizations providing housing counseling and rental assistance, and legal services providers to identify eviction cases early on and provide coordinated legal and financial assistance. This should include data on upcoming mediations with unrepresented tenants. (See the data section below.)
- Use a rules-based process for continuance of initial hearings without requiring a court appearance when the landlord or tenant requests additional time to connect with services. Provide easy access to housing inspections by working with the Department of Buildings through a real-time scheduling system in hearings.
- Provide information to unrepresented parties (both small landlords and tenants) about available services through the court summons and complaint, the initial hearing notice, other hearing notices, and the court's website.

- Ensure that the judges presiding over eviction cases and staff in the clerk’s office and courtrooms have sufficient knowledge about such services to make appropriate referrals in individual cases.
- Ensure consistency and the development of judicial expertise so that in the Landlord and Tenant Branch cases are handled consistently. Because of the high number of judicial vacancies, the court has assigned several magistrate judges to staff the Landlord and Tenant Branch. If parties do not wish to consent to a magistrate, they may request that an associate judge hear their case. Regardless of the type of judge hearing the case, all eviction proceedings should be handled in a consistent manner following the appropriate court processes and rules.
- Develop case management tracks in court specific to the litigation and diversion needs of each type of eviction case. Currently, tenants can choose between a jury trial or a trial before a judge. Proposed additional case management tracks include the following, with either party being able to select a higher-level track:
 - » **Early mediation:** Prompt access to mediation before a case moves forward, with the right reserved to select a different track if the case does not settle. Cases would be scheduled for a mediation date and status hearing for the case to move forward (to be canceled if the case settles). An option for mediation before the initial hearing could be added with appropriate safeguards for unrepresented parties.
 - » **Bench trial without discovery:** This track would offer a bench trial²³ with mediation but without discovery.²⁴ Cases would be scheduled for mediation and a bench trial. To ensure efficiency and promote trial date certainty, parties would select a trial date at the time the scheduling order is entered, with an option to select a pretrial status hearing where appropriate.
 - » **Bench trial with discovery:** This track would offer a bench trial with mediation and discovery. Cases would be scheduled for discovery, mediation, a pretrial status hearing (if the case does not settle), and a bench trial. The standard scheduling order should allow sufficient time for discovery to be completed before mediation. To ensure efficiency and promote trial date certainty, parties would select a trial date at the time the scheduling order is entered.
 - » **Jury trial:** This track would offer a jury trial with mediation and discovery, similar to the current jury trial track. Cases would be scheduled for discovery, mediation, a post-mediation status hearing, a pretrial conference, a pretrial status hearing, and a jury trial.

The standard scheduling order should allow sufficient time for discovery to be completed before mediation.

Access to Broader Housing Supports

Goal: Tenants with vouchers or housing subsidies will be able to retain them; tenants will connect with housing counseling and case management to establish housing plans; and tenants will have access to legal services and other supports to address concerns with housing conditions, discrimination, retaliation, and displacement. Service providers and community-based organizations can also assist tenants with the Tenant Opportunity to Purchase Act (TOPA) process and elevate their voices in policy discussions.

Beyond emergency rental assistance and legal assistance during an eviction, there are many more housing issues for which increased collaboration to support tenants with low incomes can help reduce evictions and displacement. Tenants with housing subsidies such as vouchers, public housing, or property with project-based assistance are also vulnerable to eviction when they face financial emergencies or losses of income. McCabe and Rosen (2020) found that 23 percent of filings for eviction in 2018 were for tenants with housing subsidies of some kind. Some of these filings may be avoidable if tenants recertify for their subsidy with their new lower incomes. DCHA, legal services providers, and outreach organizations can support tenants to recertify in a timely manner.

Rental housing counselors not only help tenants apply for rental assistance but also work with tenants to review their household budgets and develop affordable short- and long-term housing plans. Legal services providers, housing counselors, organizers, DC government agencies, and housing providers also provide support to tenants for housing issues beyond nonpayment of rent—including poor living conditions, housing accessibility, discrimination, lease violations, and displacement due to sale—to ensure tenants have the resources necessary for stable housing.

Current efforts include the following:

- DCHA sends recertification reminders three months ahead of time by placing letters under tenants' doors. Individual DCHA property managers have direct communication with tenants.
- Community-based organizations assist DCHA tenants with subsidy recertification.
- HCS provides housing counseling to tenants through virtual workshops on financial literacy, rental housing search, and inclusionary zoning.

- Housing counselors and housing case managers work with tenants individually to develop short- and long-term housing and budget plans based upon a full analysis of household opportunities and barriers. This analysis identifies what resources are needed, including legal resources, emergency rental assistance, health services, and child care resources. Counselors and case managers continue to support the tenant until their housing is stabilized.
- HCS and housing providers work together to provide pre-filing eviction counseling and assistance to tenants who have fallen behind on rent, including negotiating affordable payment plans.
- Community-based organizations and legal services providers advocate for better housing conditions. They try to connect with housing providers first, then the Department of Buildings for inspections, and then make referrals to attorneys for conditions court. If these measures fail, they may help tenants organize a rent strike.
- Community-based organizations conduct tenant organizing on TOPA in buildings that are for sale and in buildings that are experiencing poor conditions, high rent increases, or other displacement pressures. These groups conduct outreach, training, and technical assistance for TOPA in buildings with a high number of tenants with low incomes. The organizations refer the tenants to attorneys if they believe illegal activity is occurring.
- Legal services providers offer advice, brief services, limited representation, and extended representation as appropriate. Affordable housing preservation cases include tenants exercising their right under the TOPA, fighting large rent increases in rent-controlled buildings, and preventing termination of site-based subsidies.
- Community-based organizations such as Empower DC, Stomp Out Slumlords, and ONE DC organize tenants to prevent displacement, understand their rights, and amplify tenants' voices in political action and policy advocacy.

Potential areas for strengthening include the following:

- Increased funding for legal services providers to meet the needs of people in eviction proceedings and other housing challenges.
- Increased funding and resources for housing counselors and case managers to support tenants throughout their period of housing instability.
- Facilitated access to a safe and secure place for tenants to store important documents to facilitate recertification (e.g., a digital data locker²⁵) and applications for assistance.

- Improved communication efforts and support for tenants with housing subsidies with limited access to technology. More resources invested in outreach to tenants who need to recertify to encourage their cooperation in the process.
- The ability for housing providers, including DCHA, to forgive and/or abate tenants' rent with documentation of substandard conditions.
- Sufficient staff and funding for DCHA to ensure recertification is processed in a timely manner. Where tenants are unable to complete this process without more support, and where they have case managers through other programs, DCHA should fund efforts for community-based organizations to support tenants in the recertification process.

Access to Community Resources

Goal: Tenants with low incomes at risk of eviction or displacement will be connected with other community resources and services to help them remain in safe and stable housing, including services to address income and employment needs and address physical and mental health.

Although most of this framework focuses on interventions in the housing or legal system to prevent evictions, the ability to keep up with rent and remain stably housed is also tied to tenants' incomes, employment, and physical and mental health. Legal services providers, housing counselors, organizers, housing providers, DC government agencies, and other service providers work together to ensure that tenants have access to effective services to address their needs. These can include supporting the ability of people to age in place, obtain better employment, and improve their physical and mental health.

It would not be possible to make a comprehensive list of all resources and supports that government agencies and community-based organizations provide to DC residents. The summary of current efforts below is not meant to be exhaustive, but rather to highlight significant areas of activity that are most relevant to eviction prevention.

Current efforts include the following:

- Legal services providers and community-based organizations provide limited and short-term case management services such as housing counseling and connection to disability, unemployment, and similar services if applicants are facing long-term financial issues. They also refer applicants to DHS's service centers to receive support to apply for or address issues with public benefits.

- Community-based organizations and housing counselors connect tenants with resources that help with behavioral health issues that may affect housing, including deep cleaning and therapy intervention for hoarding.
- Legal services providers, including the CLCPP providers and other organizations such as the Washington Lawyers' Committee for Civil Rights and Urban Affairs, conduct outreach and education on economic security issues.
- CLCPP providers have each hired a new staff person whose job duties include connecting tenants with other services that will help them remain stably housed.
- Other nonprofit community-based organizations also provide outreach and education on income supports such as SNAP and TANF.
- ERAP providers and housing counselors refer applicants to the Department of Behavioral Health for mental health crisis support.
- DMPED's Strong Families, Strong Futures DC is a direct cash transfer pilot program operated by Martha's Table.²⁶ The program, which began in spring 2022, gives 132 new or expecting mothers in Wards 5, 7, and 8 \$900 per month for one year.

Potential areas for strengthening include the following:

- Connect outreach for other community resources with housing-related outreach and expand outreach capacity. Tenant canvassers currently working with CLCPP providers to conduct outreach and education are largely focused on eviction and other housing rights. They are poised to expand the scope and focus of their efforts, but their current capacity is limited.
- Increase guaranteed income programs for DC residents. The THRIVE East of the River guaranteed income program disbursed \$5,500 to 590 families who needed financial support during the pandemic, mostly in Ward 8. An evaluation²⁷ of the program found that nearly 90 percent of participants spent a portion of their payment on housing.

Data to Support Effective Collaboration and Tracking of Results

Goal: DHS, community-based organizations, legal services providers, and the DC Superior Court will engage in robust data sharing to coordinate tenant outreach and education, connect tenants with necessary resources, and track the results of eviction prevention efforts.

With limited emergency financial resources and the urgent need to resolve rental delinquencies for both landlords and tenants, sharing data can help local organizations and district agencies collaborate more effectively, use resources more efficiently, and improve outcomes for tenants. Additionally, the Co-Leaders Group recognizes that having clear and public outcomes is vital for ensuring transparency and accountability for eviction prevention strategies and actions, including those that have been outlined in this framework. The Co-Leaders Group supports the use of the following two outcomes to set goals for DC's eviction prevention efforts as well as the subsequent indicators for regular tracking and reporting to gauge progress:

1. fewer eviction filings by nonpayment of rent cases and other case types; and
2. fewer tenants who are physically evicted.

The group's goal is to reduce the number of eviction filings and physical evictions without reducing the number of households with low incomes and people of color in DC. Although displacement is difficult to measure, we will track the following indicators to monitor whether people have the opportunity to remain stably housed in DC:

1. households with low incomes;
2. people of color; and
3. affordable housing units.

The DC government should also track the following outputs to monitor the reach of programs and services provided by cross-sector stakeholders:

1. tenants who receive outreach and information;
2. tenants in the judicial process accessing legal services;
3. tenants who applied for and received ERAP assistance to fully resolve emergencies;
4. tenants who receive housing counseling, case management, and social work support; and
5. tenants who participate in mediation services before court trials.

To begin improving data sharing and tracking results, the Co-Leaders Group launched a data subcommittee in September 2022. Though these efforts are still nascent, the subcommittee has already made progress to increase access to DC Superior Court data for more agencies and improve the machine readability of the data. The data subcommittee members have prioritized protecting

tenants' privacy, obtaining tenants' consent as needed, and ensuring that data shared from the court are destroyed as required by the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022.²⁸ Currently, the US Marshals Service and the DC Superior Court share data with OTA and legal services providers to support tenant outreach efforts and to connect tenants at risk of eviction with resources that they need to stay stably housed. The CLCPP providers also share data with canvassers to conduct outreach and monitor their own effectiveness as part of the evaluation of that program.

Current efforts include the following:

- The DC Superior Court shares data on new eviction case filings, judgments entered, and writs issued with the CLCPP and HCS.
- The US Marshals Service shares data on scheduled and executed evictions with OTA and the DC Superior Court.
- OTA shares detailed data on tenants with scheduled evictions with the CLCPP and HCS and more limited data with the public.²⁹
- DHS and HCS share data on tenants receiving rental assistance with DC Superior Court with staff present at court.
- Legal services providers in the CLCPP share ad hoc knowledge about building-wide concerns with DHS and ERAP providers.

Potential areas for strengthening include the following:

- The DC Superior Court and DHS plan to negotiate a data sharing agreement that would provide DHS and ERAP providers with access to information on case filings and court outcomes for ERAP applicants. The court would also have access to information on ERAP applications to inform its eviction diversion program.
- HCS tracks and shares information with DHS if their team stops an eviction and reports last-mile payments.
- HCS and DHS coordinate with the CLCPP and DC Jobs with Justice, which share data with canvassers about tenants who have an open ERAP application and could benefit from in-person outreach to move the application forward.

- DHCD’s rent administrator could share data on pre-court notices for tenants with other lease violations with HCS and the CLCPP so they can conduct outreach and help tenants understand their rights and what types of legal assistance are available.

Conclusion

The evidence of the harmful effects of evictions on tenants is clear. The housing instability caused and made worse by evictions increases the risk of homelessness and hurts the health, education, and well-being of families with children.³⁰ Increased homelessness from evictions leads to higher costs to the DC government for emergency shelter (Spellman et al. 2010); medical services, particularly the use of emergency departments (Linkin, Brya, and Chandler 2008); and other social services (Flaming, Toros, and Burns 2015). And evictions are not equitable, disproportionately affecting Black renters in DC. In many cases, evictions are not a desirable outcome for landlords either, resulting in loss of rent and the time and expenses of the eviction process.

The goal of the Co-Leaders Group and this framework is to prevent avoidable evictions. The experience of the past 18 months has shown that a combination of stronger policies and collaborative action can successfully reduce evictions. Unfortunately, some of these policy measures were temporary, and evictions are now increasing. However, the Co-Leaders Group remains hopeful that they will not reach the number of cases seen before the pandemic.

Yet despite the progress that has been made with current approaches and strategies, a fundamental cause of evictions is the high cost of housing in DC relative to what many people can afford to pay. Simply put, the rent is too high for too many.³¹ Emergency rental assistance, access to a lawyer or housing counselor, and other interventions discussed in this framework can have a significant impact on many tenants who face temporary challenges, but they cannot solve the underlying problem of the exorbitantly high cost of housing in DC. For this reason, the Co-Leaders Group recognizes that there are DC tenants, particularly workers with low wages and people on fixed incomes, for whom existing solutions are inadequate to prevent eviction or displacement. Therefore, in addition to the efforts discussed in this framework, the Co-Leaders Group is committed to seeking solutions that will better meet the needs of all tenants in DC, including those who face unaffordable rents.

The Co-Leaders Group also recognizes that there are several populations in DC who face additional challenges to remaining stably housed, and these groups may need stronger protections against eviction. These populations include:

- tenants whose housing providers are pressuring them to vacate their units, including by refusal to improve housing conditions;
- tenants with physical and mental health disabilities;
- tenants facing discrimination; and
- tenants who are undocumented.

The Co-Leaders Group realizes that this eviction prevention framework is only a starting point for the work that must be done to eliminate the harm that evictions cause in the District of Columbia. It is our hope that this framework can serve as a blueprint for deeper collaboration and concerted action to increase public and private resources, strengthen policies, and change systems to eliminate preventable evictions and, in the long term, improve housing stability in DC.

Appendix A. Organizations Mentioned in This Framework

Below, we provide descriptions of the organizations in the DC Eviction Prevention Co-Leaders Group:

- **Housing Counseling Services, Inc.:** A nonprofit organization founded in 1972 to provide comprehensive housing counseling, training, advocacy, technical assistance, and housing opportunities for low- and moderate-income home buyers, homeowners, and tenants to help them achieve successful living in healthy, safe, and affordable homes.
- **Office of the Tenant Advocate:** A DC government office providing technical advice and other legal services to tenants regarding disputes with landlords. The office educates and informs the tenant community about tenants' rights and rental housing matters; advocates for the rights and interests of district renters in legislative, regulatory, and judicial contexts; and provides financial assistance to displaced tenants for certain emergency housing and tenant relocation expenses.
- **DC Department of Human Services:** The mission of the DC Department of Human Services is to empower every district resident to reach their full potential by providing meaningful connections to work opportunities, economic assistance, and supportive services.
- **DC Department of Housing and Community Development:** The mission of the Department of Housing and Community Development is to create and preserve opportunities for affordable housing and economic development and to revitalize underserved communities in the District of Columbia.
- **DC Office of the Deputy Mayor for Planning and Economic Development:** This office assists the mayor in the coordination, planning, supervision, and execution of economic development efforts in the District of Columbia with the goals of creating and preserving affordable housing, creating jobs, and increasing tax revenue. The office pursues policies and programs that create strong neighborhoods, expand and diversify the local economy, and provide residents with pathways to the middle class.
- **DC Superior Court:** Congress established the Superior Court of the District of Columbia as the trial court of general jurisdiction for DC in 1970. The court consists of a chief judge and 49 associate judges. It is assisted by 24 magistrate judges as well as retired judges who have been recommended and approved as senior judges.

- **Bread for the City:** The mission of Bread for the City is to help DC residents with low incomes develop their power to determine the future of their own communities. Bread for the City provides food, clothing, medical care, and legal and social services to reduce the burden of poverty. The organization seeks justice through community organizing and public advocacy and works to uproot racism, a major cause of poverty. Bread for the City is committed to treating clients with the dignity and respect that all people deserve.
- **Legal Aid Society of the District of Columbia:** Legal Aid was created in 1932 with the goal of making justice real—in individual and systemic ways—for people living in poverty in the District of Columbia. Legal Aid staff were key contributors in the past to the Co-Leaders Group.
- **Neighborhood Legal Services Program:** In partnership with its clients and community stakeholders, Neighborhood Legal Services Program helps DC residents, families and communities eliminate barriers to overcoming poverty and securing justice. Using all available legal and other advocacy tools, Neighborhood Legal Services Program enables underserved DC residents to make their voices heard in the courts and other forums where their rights and protections are at stake; secure fair and lasting solutions to their problems; and attain their individual, family, and community goals. Neighborhood Legal Services Program staff were key contributors in the past to the Co-Leaders group.

The following groups convened and facilitated the DC Eviction Prevention Co-Leaders Group:

- **Urban Institute:** The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people’s lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Urban’s work inspires effective decisions that advance fairness and enhance the well-being of people and places.
- **The Greater Washington Community Foundation:** The Greater Washington Community Foundation ignites the power of philanthropy, leads for community impact, and responds to critical community needs. For five decades, the Community Foundation has connected caring donors with nonprofits creating lasting change in DC, Montgomery County, Northern Virginia, and Prince George’s County. The Partnership to End Homelessness in DC, led by the Community Foundation, is the first-of-its-kind initiative in the district to bring together the public and private sectors to ensure that homelessness is rare, brief, and nonrecurring. The

partnership works to increase the supply of deeply affordable (0–30 median family income) housing, leverage and align public and private resources, strengthen policies, help more people obtain and maintain stable housing, and ultimately end homelessness in DC.

- **DC Bar Foundation:** The DC Bar Foundation is the leading funder of civil legal aid in DC. It is committed to the vision that all residents of the district have equal access to justice, regardless of their income. The DC Bar Foundation’s mission is to fund, support, and improve legal representation of people who are financially disenfranchised or who are otherwise underserved in DC.

Finally, the following organizations met with us to discuss their current eviction prevention programs and thoughts on strengthening eviction prevention in DC.

- **Legal Counsel for the Elderly:** For more than 45 years, Legal Counsel for the Elderly has championed the dignity and rights of DC elders by providing free legal and social work services to those in need. The organization’s work addresses the most important aspects of an older adult’s life, including housing, economic security, self-determination, and health and safety. Legal Counsel for the Elderly’s work affects the lives of nearly 10,000 people annually, and includes advocating for citywide reforms in laws, regulations, and long-term care facilities.
- **Latino Economic Development Center:** The Latino Economic Development Center equips Latinos and other underserved communities with the skills and financial tools to create a better future for their families and communities. Participants in the organization’s programs learn how to build their long-term financial security by buying and staying in their homes, taking control of decisions affecting their apartment buildings, and starting or expanding their small businesses. The entire DC-MD-VA region and Puerto Rico is stronger when all families have the power to achieve financial independence and join with their neighbors to improve their communities.
- **Empower DC:** A DC nonprofit whose mission is to enhance, improve and promote the self-advocacy of DC residents with low and moderate incomes in order to bring about sustained improvements in their quality of life. Empower DC accomplishes its mission through grassroots organizing and trainings, leadership development, and community education. It is a citywide, multi-issue, membership-based community organizing project. Empower DC builds campaigns to address key issues that directly affect its members.
- **Apartment and Office Building Association of Metropolitan Washington:** Founded in 1974, the Apartment and Office Building Association of Metropolitan Washington is the leading

membership organization representing commercial office building and multifamily residential real estate in the DC area. With seven lobbyists and two utility lawyers on staff, the organization's nonpartisan government affairs activities in DC, Maryland, and Virginia provide members with substantial savings in utilities, property taxes and other regulatory fees that enhance value to owners, tenants and residents.

- **District of Columbia Housing Authority:** An independent government agency whose mission is to provide affordable housing to households with extremely low to moderate incomes.

Notes

- ¹ The White House, “Readout of the White House Eviction Prevention Summit,” News release, June 30, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/30/readout-of-the-white-house-eviction-prevention-summit/>.
- ² Other just causes for eviction include a lease violation, an illegal act on the property, so that the current owner or a future owner can personally use and occupy the unit, so that renovations can be performed that cannot be carried out safely or reasonably with the unit occupied, so that substantial rehabilitation may be done in a rent-stabilized unit, so that the property can be immediately demolished, so that any housing use of the unit can be discontinued, to convert the unit to a condominium or cooperative, or where the unit is a drug haven.
- ³ For a more detailed exploration of policies that have stripped wealth from DC’s Black residents, see Kijakazi et al. 2016.
- ⁴ Ally Schweitzer, “D.C. Council Will Phase Out The City’s Eviction Moratorium,” NPR, July 14, 2021, <https://www.npr.org/local/305/2021/07/14/1015788269/d-c-council-will-phase-out-the-city-s-eviction-moratorium>.
- ⁵ Emily A. Benfer, “U.S. Eviction Policy is Harming Children: The Case for Sustainable Eviction Prevention to Promote Health Equity,” Harvard Law Bill of Health (blog), November 2, 2022, <https://blog.petrieflom.law.harvard.edu/2022/11/02/pandemic-eviction-policy-children/>; Victor P. Haley, “The Impact of Eviction on Student Displacement: An Atlanta Case Study,” 2020, <https://smartech.gatech.edu/handle/1853/62919>; Rob Collinson and Davin Kristopher Reed, “The Effects of Evictions on Low-Income Households,” December 2018, https://www.law.nyu.edu/sites/default/files/upload_documents/evictions_collinson_reed.pdf.
- ⁶ Margery Austin Turner, Leah Hendey, Maya Brennan, Peter A. Tatian, Kathryn Reynolds, Aaron Shroyer, Sarah Stochak, Martha Fedorowicz, Steven Martin, and Yipeng Su, “Meeting the Washington Region’s Future Housing Needs,” Urban–Greater DC, September 4, 2019, <https://greaterdc.urban.org/publication/meeting-washington-regions-future-housing-needs>.
- ⁷ The White House, “Readout of the White House Eviction Prevention Summit.”
- ⁸ “D.C. Law 24-115. Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022,” Council of the District of Columbia, <https://code.dccouncil.gov/us/dc/council/laws/24-115>.
- ⁹ Some cases are nonredeemable. This may occur when the tenant is being sued for something other than nonpayment of rent (e.g., failure to recertify, habitual late payment of rent, making too much noise, having a pet that is prohibited by the lease, etc.) or when a tenant waives the right to redeem in a settlement agreement. The latter usually happens in the context of an agreement by the tenant to move out by a certain date in exchange for the landlord waiving past debt.
- ¹⁰ A self-eviction is when a household chooses to leave (or thinks they need to leave) before formal evictions procedures are completed.
- ¹¹ Schweitzer, “D.C. Council Will Phase Out The City’s Eviction Moratorium.”
- ¹² “ERAP: Frequently Asked Questions,” DC Department of Human Services, accessed January 2023, <https://erap.dhs.dc.gov/FAQs>.
- ¹³ ERAP providers include Housing Counseling Services, Inc., Catholic Charities–The Southeast Family Center, the Salvation Army, Community Partnership for the Prevention of Homelessness (TCP) at Virginia Williams Family Resource Center, United Planning Organization, and Greater Washington Urban League. Tenants can also call the ERAP call center or apply in person, and providers will help them input the applications into the online portal.

- ¹⁴ “ERAP: Frequently Asked Questions,” DC Department of Human Services.
- ¹⁵ “Emergency Rental Assistance Program,” DC Department of Human Services, accessed January 2023, <https://erap.dhs.dc.gov/About>.
- ¹⁶ “Emergency Food and Shelter National Board Program,” United Way Worldwide, accessed January 2023, <https://www.efsp.unitedway.org/efsp/website/index.cfm>.
- ¹⁷ “Supportive Services for Veteran Families,” US Department of Veterans Affairs, accessed January 2023, <https://www.va.gov/homeless/ssvf/index.html>.
- ¹⁸ For example, the DC Fiscal Policy Institute estimated that \$200 million was needed in FY 2023 to meet the ongoing surge in demand for rental assistance among DC residents. See Eliana Golding, “Major Housing Production Investments in FY 2023 Budget Fall Short of Holistic, Anti-Displacement Strategy,” DC Fiscal Policy Institute, June 23, 2022, <https://www.dcfpi.org/all/major-housing-production-investments-in-fy-2023-budget-fall-short-of-holistic-anti-displacement-strategy/>.
- ¹⁹ For more information on DC Flex, a shallow subsidy program, see Josh Leopold, Mychal Cohen, Maria Alva, Nat Mammo, and Sam Quinney, “DC’s Flexible Rent Subsidy Program Shows Promising Early Results,” Urban—Greater DC, March 25, 2021, <https://greaterdc.urban.org/blog/dcs-flexible-rent-subsidy-program-shows-promising-early-results>.
- ²⁰ “Housing Right to Counsel Project,” DC Bar, accessed January 2023, <https://www.dcb.org/pro-bono/what-we-do/housing-right-to-counsel-project>.
- ²¹ Duties of the Rent Administrator, Council of the District of Columbia, accessed January 2023, <https://code.dccouncil.gov/us/dc/council/code/sections/42-3502.04>.
- ²² Colloquies are formal dialogues between judges and parties.
- ²³ A bench trial “refers to the type of trial that does not involve a jury but is conducted by the judge alone.” See “Court Trial,” Legal Information Institute, accessed January 2023, https://www.law.cornell.edu/wex/court_trial#:~:text=A%20court%20trial%2C%20or%20a,case%20and%20applies%20the%20law.
- ²⁴ Discovery is “the formal process of exchanging information between the parties about the witnesses and evidence they will present at trial.” See “How Courts Work,” American Bar Association, November 28, 2021, https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/discovery/.
- ²⁵ Donte Kirby, “Baltimore City pilots digital data locker for people experiencing homelessness,” Technically, March 12, 2021, <https://technical.ly/baltimore/2021/03/12/digital-data-locker-homeless/>.
- ²⁶ “Strong Families, Strong Futures,” Martha’s Table, accessed January 2023, <https://marthatable.org/sfsf/>.
- ²⁷ Mary Bogle, Emily Bramhall, Olivia Fiol, Peace Gwam, Elaine Maag, Eleanor Noble, Peter A. Tatian, Timothy Triplett, and Fay Walker, “An Evaluation of THRIVE East of the River,” Urban—Greater DC, February 24, 2022, <https://greaterdc.urban.org/publication/evaluation-thrive-east-river>.
- ²⁸ “D.C. Law 24-115. Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022,” Council of the District of Columbia.
- ²⁹ “Scheduled Evictions,” DC Office of the Tenant Advocate, accessed January 2023, <https://ota.dc.gov/page/scheduled-evictions>.
- ³⁰ Benfer, “U.S. Eviction Policy is Harming Children: The Case for Sustainable Eviction Prevention to Promote Health Equity”; Haley, “The Impact of Eviction on Student Displacement: An Atlanta Case Study”; Collinson and Reed, “The Effects of Evictions on Low-Income Households.”
- ³¹ Turner et al., “Meeting the Washington Region’s Future Housing Needs.”

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