

EVICTION PREVENTION AND PROCESS

PUBLIC HOUSING AND THE HOUSING CHOICE VOUCHER PROGRAM

Public housing and housing choice vouchers provide housing that is safe, stable, and affordable to over 3 million low-income households. These programs are the foundation of the affordable housing market, and in many communities, public housing authorities (PHAs) are the largest affordable housing provider. **As landlords, PHAs strive to provide long-term housing stability and work with residents to maintain their housing assistance, while balancing the health and safety needs of neighbors and the community. Evictions from public housing are rare and considered a last resort.**

Eviction Prevention

PHAs do not take evictions lightly and dedicate resources and staff time to preventing them. PHAs recognize the consequence of eviction for very low-income residents who cannot afford market rate housing and will most often seek an informal resolution before initiating eviction proceedings. Many PHAs have developed eviction prevention models to support residents who are behind on rent or at risk of eviction.

Non-payment of rent, for example, is often informally remedied by the PHA and resident after establishing an affordable repayment plan. Eviction prevention strategies provide an opportunity for PHA staff to better understand what circumstances are contributing to the resident's failure to pay rent, and to connect the resident with additional supports and services.

PHAs also seek to avoid eviction because it is expensive, burdensome for staff, time consuming, and increases unit turnover and vacancy costs.

Evictions are a rare last resort when a resident does not engage with staff to pay overdue rent or when a resident's behavior threatens the health and safety of other residents.

PHAs work closely with residents at-risk of eviction and will often work with case managers to determine if the resident would be better served by a different type of community, such as supportive housing with wraparound services. Many PHAs work with local non-profit organizations to identify alternative housing options for at-risk residents.

Evictions Process

If a tenant fails to meet the terms of their lease agreement and efforts to address the issue informally are unsuccessful, the PHA or landlord will serve the tenant with a notice specifying the lease violation and amount of time allowed to resolve the issue. If the violation is not resolved and the landlord chooses to initiate an *eviction filing*, the matter becomes a legal proceeding.

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If the tenant still does not address the violation and a judge rules that an eviction can proceed, the tenant receives an *eviction judgment* and is required to vacate the unit within a certain timeframe. In the case of non-payment, residents have an opportunity throughout this time to pay overdue rent to end the eviction process before a judgement is granted.

Public Housing Evictions

In public housing, PHAs must follow local laws and HUD regulations that govern the eviction process. HUD regulations require public housing residents to receive unique tenant protections not available to those renting in the private rental market. For example, most PHA residents facing eviction may request a grievance hearing, in which an impartial grievance officer hired by the PHA conducts a hearing with both parties to determine if there is sufficient evidence to evict.

Housing Choice Voucher Program Evictions

For voucher holders, the eviction process resembles proceedings for any tenant in a private market rate rental unit. Evictions are initiated by the landlord, typically without notifying the PHA in the proceedings. However, there is substantial variation across PHAs in their level of involvement with landlord-tenant issues, including non-payment. Some PHAs will offer landlord-tenant mediation or refer tenants to external mediation. The degree to which PHA staff intervene is dependent on staff capacity to provide eviction prevention services.

An eviction from a landlord under the Housing Choice Voucher program does not necessarily result in termination of housing assistance. It is possible for a vouchered tenant to be evicted from a unit by the landlord but not lose their housing assistance, as lease violations and violations of the tenant's responsibilities under the HCV agreement are separate obligations. Some PHAs will consider the nature of the lease violation in their determination of whether to terminate assistance.

Causes of Eviction

While non-payment is the primary reason for eviction from public housing and the voucher program, additional causes include criminal activity and administrative violations, such as misreporting the household information that determines eligibility for housing assistance.

Non-payment can often be remedied through formal or informal eviction prevention services, but other offenses require PHAs to consider their obligations to protect the health and safety of the community. When needed, PHAs will also work with supportive service and behavioral health partners to determine whether a resident facing eviction is able to safely maintain their current housing.