



Issue Brief

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How to Develop an Eviction Prevention Plan in Affordable, Supportive, and Integrated Housing for Property Owners and their Partners

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Evictions have a negative, costly and traumatic impact on tenants, owners, property managers, service providers and communities alike. Typically, eviction prevention is introduced as a component of supportive housing to reverse the housing instability plaguing vulnerable populations. Moreover, if the goal is to create housing to help vulnerable people access and maintain housing, eviction should be the last resort. Equally important, many owners and property managers who do both supportive and affordable housing, understand that preventing evictions for tenants is also key to successfully operating their property. In the supportive housing environment, housing and service providers approach evictions with the goal of working together across all parties to proactively alleviate potential lease violations and only pursue eviction as a last resort. Many of the same principles of eviction prevention in supportive housing can be applied to affordable housing.

Recognizing the importance of preventing evictions to reduce the impact of eviction on low-income households, IHCDA added a scoring element in the 2020-2021 Qualified Action Plan (QAP). The QAP guides properties for implementing management practices in which eviction

EVICTION PREVENTION COMPONENTS

1. Eviction Prevention Philosophy
2. Resident Engagement Approaches
3. Community Partnerships Connecting Households to Resources
4. Roles and Responsibilities of Property Management Staff and Services Staff and Identify Mechanisms for Coordination and Communication
5. Tenant Knowledge of Roles and Responsibilities
6. Housing Retention Plans
7. Strategies for Mitigating and Responding to Common Lease Violations
8. Eviction Protocols

is a last resort, and committing to report on eviction activities in annual compliance reporting. This scoring category will be in the 2022 QAP and is intended to remain in the QAP indefinitely. While the QAP mandates that developments submitting applications under the Housing First Set-Aside are required to adopt an Eviction Prevention strategy, the additional scoring incentive expands this best practice to the broader affordable housing applicant pool. [Click here](#) to access the ***IHCDA 2020-2021 QAP***.

Each of the core components of eviction prevention should be in any eviction prevention plan. The components are listed here and then described to the left.

Develop Your Eviction Prevention Philosophy: Eviction prevention starts with a philosophy that everyone involved, including the owner, property manager, service providers and tenants, have the desire for tenants to be successful in their housing. Equally significant is recognizing that the legal eviction process is costly to the property owner involving legal, security, turnover of units, marketing and new tenant screening.

- Engage resource providers and stakeholders, including tenants, in dialogue to inform and design the eviction prevention philosophy and plan.

Develop Resident Engagement Approaches: Adopting practices that include trauma informed care, de-escalation techniques, strengths-based approaches, and good customer service is particularly useful in avoiding lease violations and practicing an eviction prevention approach.

- Tenancy sustaining services are a key part of eviction prevention and include life skills, linkages to education and employment training, and connections to primary, mental, and behavioral health services.
- Property managers and service providers should receive training to implement harm reduction protocols based on the reality that alcohol and substance use can lead to many types of lease violations. Other best practice trainings for property management may include motivational interviewing, active listening, and conflict resolution.
- Peer specialists bring lived expertise that can be effective in reaching tenants at risk of losing their housing for building trust, sharing information, and supporting the tenant in resolution of issues.

Develop Community Partnerships Connecting Households to Resources: Tenancy sustaining services must be a key part of eviction prevention. In supportive housing, property management and service providers develop intentional partnerships. There may be supportive service offices or a resident coordinator position on-site who helps to navigate and build relationships with service partners.

- In affordable, 100% supportive housing or integrated (affordable and supportive housing) there are relationships established through Memorandums of Understanding (MOUs). A strong MOU will outline the types of services, roles and responsibilities, communication protocols, and accountability for outcomes.
- Resources may include rental and utility expense assistance, housing counseling, legal representation, and landlord/tenant guides or handbooks.

Delineate the Roles and Responsibilities of Property Management Staff and Services Staff and Identify Mechanisms for Coordination and Communication: A key component in eviction prevention strategies is to have clearly delineated roles between property management and services while simultaneously identifying how these two parties work together to mitigate or avoid evictions. These roles can be outlined in more detail in an MOU, but an overview should be provided in the eviction prevention plan. Develop tenant “release of information” forms for communication between services staff and property management staff. The “release of information” form should be limited to only sharing information required to help a tenant maintain their housing.

- Property managers and owners have a responsibility to maintain the property, screen tenants, adhere to local, state and federal laws, collect rent, ensure fiscal soundness, and ensure the safety and security of the broader tenant community, as well as be a good neighbor in the community.
- Tenants are responsible for adhering to lease terms, which generally relate to payment of rent in a timely manner, maintenance of the housing unit in good condition, and to conduct themselves, their household members and guests in a manner that respects the tenancy of neighbors.
- Service providers and case managers provide intermediary support to both tenant and property management to identify concerns, explain requirements and mediate solutions when issues arise. Maintaining tenant's privacy while advocating is an important element in the role of the case manager.
- Regular communications and meetings between the case manager or service provider and property management are a valuable vehicle to identify tenant lease compliance concerns and identify the role or person best able to respond to the concern successfully. Maintenance and other staff can be resources to identify tenancy issues before they escalate to a lease violation.

Help the Tenant Understand their Rights and Responsibilities as a Leaseholder: Eviction prevention is often viewed as a series of steps that occur after multiple lease violations occur. However, preventing evictions starts as soon as people move into housing by assisting tenants in understanding their rights and responsibilities as a leaseholder and what they can expect from the property manager or landlord. Although much of the focus may be on the tenant and their responsibilities, there should be equal focus given to what the tenant should expect from the services, property management and maintenance staff.

- The lease defines terms related to payment of rent, utilities, late fees, maintenance of the unit, and ending a lease early.
- When an inspection or entry into a unit is necessary, the landlord is required to provide prior notice related to date, time, and purpose.
- Review procedures for repairs both emergency and regular maintenance. This review may also include who to contact in an emergency and when a 911 call is appropriate.
- Property owners cannot lock out a tenant or change locks, remove doors, or cut off utility services.
- Tenants are responsible for guests' behaviors and compliance with lease terms.
- Tenant handbooks, move-in orientation, regular meetings, and welcome kits are good resources to start the tenancy off on a good foundation. Continuing lease education at intervals throughout the lease term will help a tenant gain a solid understanding of the lease terms.

Develop Housing Retention Plans: If a tenant has struggled in the past to maintain housing, a housing retention plan is a good opportunity for the service provider to share with the tenant the goals, actions and benefits of a housing retention plan. If the tenant is interested, the housing retention plan should be developed by the service provider in collaboration with the tenant and

can identify areas of strength that a tenant can build on as they navigate residing in a new unit. Developing and reviewing a housing retention plan is also an opportune time to review the lease.

- Confirm with the tenant their goals to maintaining housing. Work with tenant to incorporate specific steps or actions to take in specific situations or scenarios.
- Address areas that may result in a warning or a written lease violation. Common areas include not paying rent or utilities, not maintaining the unit, or having overnight guests that either stay beyond what is allowed, or guests whose actions disturb neighbors.
- If needed, the service provider can help coach the tenant in navigating the property manager/tenant relationship.
- If applicable, inform and assist the tenant on reasonable accommodation procedures to address potential lease violations that may be related to tenant disability challenges.
- Identify family or friends that may provide support to a tenant that is facing an eviction.

Develop Strategies for Common Lease Violations: Eviction prevention is a range of strategies that help tenants remain housed. Since people in crisis may feel overwhelmed by the situation, eviction prevention services must help them recover a sense of control and empowerment to proactively overcome challenges. The property manager and service provider should consistently show respect for the tenants' strengths and highlight progress made. Crisis resolution should focus on personal safety and de-escalating the situation. Some clients may only need advice about how to address a tenancy situation. An explanation of tenant rights and responsibilities may resolve a conflict that otherwise would escalate into an eviction. For other, more entrenched or challenging situations, tenants may require more coaching and support from the service provider and the property manager.

- An important strategy for eviction prevention is to focus on lease violations and not behavior. For example, substance use is not a lease violation; however, it can lead to behaviors that violate the lease. The property manager should focus on the lease violation while supportive services staff assist the tenant in addressing issues that lead to behaviors that resulted in the lease violations.
- Design an assessment tool to identify potential risk factors or activities that may lead to lease violations and eviction; i.e. job or benefits loss or reduction, pattern of late payments, previous evictions or frequent moves, changes in household composition, lack of response to communications, or missed appointments. While not intended to be used as barriers to leasing, awareness of these factors can help property managers and service providers work with tenants in advance of a crisis or backlog of rental payments.
- Include information in rent notices about safety net supports such as unemployment benefits, tax credits, refunds, financial assistance, and connections to resources.
- Steps to resolve common lease violations:
 - *Non-payment of rent:* Work with the tenant to determine the cause for non-payment. It could be lack of resources, other crisis intervention, or they may have a complaint regarding the unit condition. Each reason can generate steps to resolution such as a payment plan, referral to other resources including financial budgeting, a representative payee, or a review of unit condition concerns.

- *Guests and noise levels:* Investigate the complaint and if justified, utilize verbal warnings for complaints from neighbors. If the behaviors continue, the property manager should work with the service provider to help the tenant to understand the seriousness of the violation that is putting their housing at risk, support the tenant to set limitations or gain the tools to better manage the circumstances they struggle to control. Follow-up with the tenant to solidify their confidence and success.
- *Poor upkeep of unit:* Assist tenants to document damage or repairs needed in a unit. Review with tenants their housekeeping strategies, and consequences of causing damage to the housing unit. Investigate flexible subsidy resources that may be available to complete repairs, and/or create a repayment plan with the help of service provider.

Develop Eviction Protocols: The process for implementing an eviction should be detailed in the Property Management or Operating Plan and referenced in the Eviction Prevention Plan. Pursuit of an eviction should require approvals by executive staff of the organizations involved. The tenant should have the opportunity to meet with the executive staff and have an advocate or case manager accompany them. Evictions should be the remedy of last resort after all avenues have been exhausted to help the tenant maintain their housing.

- A detailed appeals process, including template forms, documentation requirements and possible resolutions should be part of the eviction protocols.
- Some properties utilize an evictions prevention committee that reviews protocols followed prior to decisions to proceed with the legal eviction. This review should include details of lease violations as well as documentation of all steps taken to resolve the violations.
- Make sure your protocols incorporate knowledge of local court system, bar association, mediation or arbitration avenues, and legal aid eviction prevention programs, and comply with all mandatory legal requirements and notices. It is important to also ensure your protocols comply with all Fair Housing, VAWA, and related nondiscrimination requirements.
- Consider eviction alternatives that are less damaging for the tenant's future housing options such as cash for keys, lease termination, or the nonrenewal of an expiring lease.
- Make supportive services available to residents such as child care, financial and legal assistance prior to and on the day of eviction proceedings.