Understanding Eviction and How Libraries Can Help

November 18, 2021
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Agenda

• Overview of Eviction Landscape
• Phases of Eviction
• Eviction Prevention: Rental Assistance
• Tour of LSC Eviction Laws database
• Q&A
Poll Questions

▪ Go to poll tool: https://pollev.com/oclc

▪ Question #1:

  How frequently are you getting eviction questions at your library?

▪ Question #2:

  How prepared do you feel to respond to eviction questions?
Public costs of eviction are far-reaching

- Communities of color disproportionately experience eviction.
- After eviction:
  - More difficult to find housing, apply for credit, borrow money
  - People are separated from jobs, schools, neighbors
  - Mental and physical health diminish
The role of libraries

- People feel comfortable walking into a library

New York Public Library Steps by Zack Lee on Flickr CC BY-NC-ND 2.0
This is reference work

Engage and enhance the information seeking skills you have
Evictions in Your Community:
• Moratoria?
• Right to counsel?

Photo by Matt Moloney on Unsplash
Eviction Data in Your Area

https://www.lsctracker.org/summary

WebJunction’s Job Aid for using LSC's Eviction Tracker

21 States

884 Total counties

612,354 Eviction Filings since March 16, 2020
Creating Pathways to Civil Legal Justice

Training in four courses:

Course 1: The Justice Gap and the US Legal System
Course 2: Civil Legal Issues and Resources to Address Them
Course 3: Finding and Partnering with Legal Service Providers
Course 4: Conducting a Legal Reference Interview

https://oc.lc/civil-legal-course
Eviction Resources for Libraries

WebJunction | 13 November 2021

Housing insecurity is widespread, in part due to pandemic impacts of months of unemployment and related financial stresses. The civil legal process of eviction is complex, confounding to renters and landlords alike. Those experiencing eviction can have difficulty finding safe and decent housing options, become separated from families, jobs, and schools; and face poor health outcomes. (Cost of Eviction Summary Report) The effects of eviction can be far-reaching and long-lasting.

Libraries are well positioned to provide access to legal information—particularly helpful during the early phases of the eviction process. By leveraging their reference skills and partnering with law libraries and legal aid services, library staff can help patrons understand their options and navigate legal services. As part of the initiative Access to Civil Legal Justice (AC LJ), OCLC’s WebJunction is partnering with the Legal Services Corporation to collect these resources that focus on strengthening library staff’s ability to respond to eviction questions with confidence.

Upcoming Events

November 18 webinar: Understanding Eviction and How Libraries Can Help

Join this webinar to understand the current state of the eviction crisis, recognize the basic stages of the process, and discuss options for preventing evictions through rental assistance. With presenters Kristel Wong, Financial Analyst, Consumer Financial Protection Bureau and Rent Content Lead, Federal Housing Help Portal, and Deb Hamilton, Strategic Services Librarian, Mesa Pea Library District (CO).

Key Resources

Five Phases of Eviction

While the details of the eviction process are determined by state, county or local laws, the general phases of eviction are consistent. This document provides an excellent overview, with particular attention to the earlier phases when eviction is more preventable. For background information on the eviction process in the courts, see LSC briefs: A Common Story: The Eviction Process in Shelby County, TN and Do the Right Thing: Evictions Trends in Fifteen States and Federal Jurisdictions.

Glossary of Eviction Terms

The Glossary of Eviction Terms defines key terms in the eviction process in plain English.

CPR Resources: Renting Patrons with Rental Assistance

This job aid on CPR Resources for library staff assisting patrons (with renters and landlords) who are inquiry about or applying for rental assistance through the federal Emergency Rental Assistance (ERA) program.

Finding Local Information

Housing and Eviction Resources

These national organizations provide search tools to identify local resources related to housing and eviction.

CFPB Consumer Financial Protection Bureau: Find rental assistance programs in your area

Search for the state, county, and/or city program(s) that apply to the renters or landlord's community.

HUD HAI Department of Housing and Urban Development

Housing Counseling

Call the interactive voice system or search for a local housing counseling agency to get free or low-cost advice on buying a home, renting, default, foreclosure avoidance, credit issues or reverse mortgages.

Rental Assistance

Find rental assistance in your state.

Legal Aid:

Provide a search tool by state to locate community agency that are working to preserve affordable housing, prevent evictions, and reduce family homelessness.

If you cannot find any program in your area, call 2-1-1 or your local housing authority for assistance.

Housing Help for Special Populations

USA.gov Housing Tips

Find housing resources targeted to certain audience groups including seniors and Native Americans.

VA Assistance to Help Avoid Eviction

Special focus in support for veterans struggling to pay rent, utilities, or other housing costs. Also find free Legal Clinics near you on the VA Office of General Counsel’s website.

Legal Assistance

LawHelp.org

Find free legal aid programs by state, most state legal aid agencies will have resources addressing housing and evictions.

American Bar Association

City and state search tools to find free legal aid or lawyer referrals. Connect the self-help center or the desk at your local court; state will have navigators programs in a referral desk and widely welcome the library’s assistance in getting accurate eviction information into people’s hands.

Eviction and Moratoria Statistics

Legal Services Corporation (LSC) Eviction Tracker

Provides access to multi-year trend data on evictions and related information for 1100 counties in 22 states across the United States. Use the LSC Eviction Tracker Job Aid to explore trends in your area.

Eviction Lab Tracker

Tracks weekly eviction filings data since March 2020 for 8 states and 31 cities.

WebJunction’s Eviction Resources

oc.lc/eviction-resources
Phases of Eviction

Deborah Hamilton
Strategic Services Librarian – Law Collection
Pikes Peak Library District
Thank you to publisher, ABC-CLIO!

Order today

Promo Code for 20% discount:
Q42120
(expires 12/31/21)
Phases of Eviction

Overview of the Formal Legal Eviction Process

Notice  Filing  Hearing  Judgment  Eviction

* The legal process of eviction varies greatly by location; this exhibit provides an overview of the key stages of the process.

Notice

- Posted or delivered
- Gives reason
- Timeline for response
- Best if situation can be resolved at this stage
Filing

- Once filed with the court, the eviction will now be on the person’s rental history
- Hearing date gets set
- Tenant may be able to file an answer
The Importance of Prevention

- Once an eviction is filed it generally moves quickly through the courts
- Providing information on laws and rights can help prevent evictions
- Providing access to legal assistance is key
The Importance of Communication

- Good Landlord Tenant communication can be key to avoiding an eviction filing
- Other options outside of the judicial system – i.e., mutual recission of lease
Hearing

- Important to show up
- Results in ruling or trial
- Legal assistance will let tenants know what type of defenses are possible
Judgement

- Happens either at initial hearing or trial
- If the landlord wins, the tenant will receive orders (writ of restitution) to leave property by a certain date
- Tenant may be able to appeal, but this can be difficult and expensive
Eviction

- If tenant does not leave, landlord can file writ of possession to have tenant removed
- Executed by the sheriff’s office
- States handle how the personal property is dealt with differently
Information on Eviction Process and Rights

- State laws will cover Eviction
- May go through County or District Court
- Generally, you will have a section on Property that will cover the Landlord Tenant relationship
- Then there will be laws that cover the legal process of eviction
- See if your court has self help resources for forms and information on the process
Role of libraries

- Understanding legal information v. legal advice
- Legal Reference Interview
- Referrals
- Finding basic information on forms and processes
- Providing access to technology and information literacy instruction
Legal Reference Interview - Purpose

- To help the patron navigate resources and understand the research process that will lead them to binding primary authority

- To avoid giving legal advice and to not interpret legal sources for the patron
Legal Reference Interview - Process

1. Determine what patron is asking for – Subject Matter
2. Determine jurisdiction
3. Determine a list of key words for searching
4. Assist patron in navigating resources to locate relevant authority
Unauthorized Practice of Law

- Avoid by providing information, not advice or interpretation
- Illegal in all 50 states
Legal Information v. Legal Advice

**Information**
- Direct patrons to where they can find forms and instructions for forms
- Suggest resources; locate an item or law using a citation
- Legal definitions; Procedural definitions
- Cites of statutes, court rules, and ordinances
- Options
- General referrals

**Advice**
- Recommend a specific legal form; fill out a form; draft legal documents for a patron
- Tell the patron this is the law he is looking for without him providing a citation
- Legal interpretations; Procedural advice
- Research of statutes, court rules, and ordinances
- Opinions
- Subjective or biased referrals
Access Annotation Tools

1. Mouse over slide to find **long pill menu** at far left
2. Select **squiggle icon** to open annotation tool panel
3. Go to **square** icon for submenu
4. Select **check mark**
5. Click on slide **to practice**
Practice – Advice or Information?
Check the appropriate box.

Locating and directing the patron to the online tenants’ rights document that covers the location where the patron lives.

Advice

Information
Practice – Advice or Information?
Check the appropriate box.

Telling the patron that it looks like the landlord is not adhering to the rights spelled out in the document.

Advice

Information
Referrals

- Legal Services Providers – Legal Services Corporation, Bar Associations, Law Schools, Other Service Providers
- Lawhelp.org
- Self-Help Services at your courthouse
- Nonprofits that work with housing issues
Do What you are Already Doing

- Community partnerships
- Providing access to technology
- Providing access to information
Resources to Fight a Housing Insecurity Crisis
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This document was used in support of a live discussion. As such, it does not necessarily express the entirety of that discussion nor the relative emphasis of topics therein.
Housing insecurity remains a critical challenge

- An **estimated 7 million tenant households** are behind on their rent.
- Black and Hispanic families are **twice as likely** to report being behind on their housing payments than white families.
- We have very little time to prevent millions from losing their homes to avoidable eviction or avoidable foreclosure.
Renters are 35% of all U.S. households

Source: 2019 American Community Survey Data – USAFacts.org
Low-income households are most likely to rent

Percentage of Households Renting Their Homes

- **Low income**: 69%
- **Moderate income**: 47%
- **Middle income**: 29%
- **High income**: 23%

Source: Federal Reserve Bank of New York
Housing insecurity among renters, by race

Not caught up on rent:
- White: 11%
- Hispanic or Latino: 17%
- Black: 27%
- Asian: 19%

Eviction likely in next 2 months (of those behind on rent):
- White: 43%
- Hispanic or Latino: 52%
- Black: 47%
- Asian: 16%

Source: CFPB analysis of Census Household Pulse Survey, Week 39 (September 29 – October 11)
Federal emergency rental assistance (ERA)

- $45+ billion in two phases (ERA1, ERA2)
- Distributed by local programs
- Most take landlord applications, fewer for tenants
- Money can be used for unpaid rent, utilities
- Money may also cover future rent or moving costs
- Payments usually go directly to landlords and utility companies
Housing Portal: Rental Assistance Finder

[Image of rental assistance finder tool]

consumerfinance.gov/renthelp
consumerfinance.gov/ayudarenta
Housing Portal: Resources for Renters

Step-by-step instructions to help renters:

- Avoid eviction
- Get rental assistance
- Talk about repayment
- Know their rights
- Find help

consumerfinance.gov/renterhelp
Small landlords own more than half of all rental units in the U.S.

Black and Hispanic landlords are more financially vulnerable

Source: Avail survey.
Note: N = 2,225 landlords.
Help for landlords

The COVID-19 pandemic has caused money struggles for both renters and landlords. You’re an important part of the rental economy. If your rental income has fallen, you can take advantage of options to keep you in control of your property and your financial situation.

Know your options

- Recover past rent - apply for rental assistance
- Stay in control by working through all your options
- Explore forbearance to pause your mortgage payments

consumerfinance.gov/landlordhelp
Other COVID-19 Resources

Protecting your finances during the coronavirus pandemic

The CFPB is committed to providing consumers with up-to-date information and resources to protect and manage their finances during this difficult time.

Resources to help you make financial decisions

- **Mortgage and housing assistance**
  If you're concerned about how to pay your mortgage or rent, we have information on what to do now, and what your options are for mortgage and rental relief.
  
  Learn about mortgage and housing assistance

- **Managing your finances**
  We have resources to help you protect and manage your finances if you are facing financial difficulties as a result of the pandemic.
  
  See resources to help manage your finances

- **Student loans**

- **Avoiding scams**

FEDERAL CORONAVIRUS RESOURCES

White House Coronavirus Task Force

Information about COVID-19 from the White House Coronavirus Task Force in conjunction with CDC, HHS, and other agency stakeholders.

Visit coronavirus.gov

Centers for Disease Control and Prevention

The latest public health and safety information for United States consumers and the medical and health provider community on COVID-19.

Visit the CDC COVID-19 page

consumerfinance.gov/coronavirus
Use our digital toolkit

Provides shareable content, graphics, and resources

▪ Sample emails and social media posts
▪ Videos and social media images
▪ Emergency Rental Assistance specific resources, including:
  □ Handouts, emails, videos, social media posts and images

consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/housing-insecurity-media-toolkit/
Stay connected so we can share new resources

• **Stay connected with updates**
  - Sign up for e-mails so you can share the latest updates from CFPB

• **Give us feedback!**
  - Let us know what works and what does not

• **Let us know about other opportunities to get the word out**
  - If you know of other organizations who may be interested in joining the effort, let us know
Drilling down into your state’s laws

Missouri

1. Is there a state/territory law regulating residential evictions?
   - YES

2. Does the law specify the type(s) of landlord(s) regulated?
   - YES

   2.1. What type(s) of landlord(s) does state/territory eviction law explicitly regulate?
   - Residential landlords generally
   - Mobile/manufactured home landlords

   2.2. Does the jurisdiction have separate legal provisions for different types of landlords?
   - YES

3. Does the law directly regulate the amount a landlord can charge as a fee for late rent?
   - NO

4. For what cause may a landlord evict a tenant?
   - Nonpayment of rent
   - Breach
   - Criminal activity
   - Remaining on property after expiration of lease
   - Endangering property
   - Endangering another person

5. Does the law require that landlords have a just cause to terminate a tenancy at the end of a lease term?
   - NO

6. For which cause must a landlord accept a tenant’s attempt to cure?
   - Nonpayment of rent

7. What remedies are available to a tenant who is unlawfully evicted?
Local Dataset
Thank you to our Partners!
Final thoughts

- Learner Guide for this webinar (doc)
- WebJunction courses - https://oc.lc/civil-legal-course
- Libraries and Eviction: Continuing the Conversation
  December 8, 12 Pacific / 3 Eastern
- Eviction Resource page: https://oc.lc/eviction-resources
Thank you!

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