



# Understanding Eviction and How Libraries Can Help

November 18, 2021

# Presenters

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District



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Consumer  
Financial  
Protection Bureau

# Agenda

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

# Poll Questions

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- 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

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- 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





# This is reference work

Engage and enhance the  
information seeking  
skills you have



Photo: Suzzallo reference desk by [Jay Mann](#) on [Flickr](#) CC BY-NC-ND 2.0



## Evictions in Your Community:

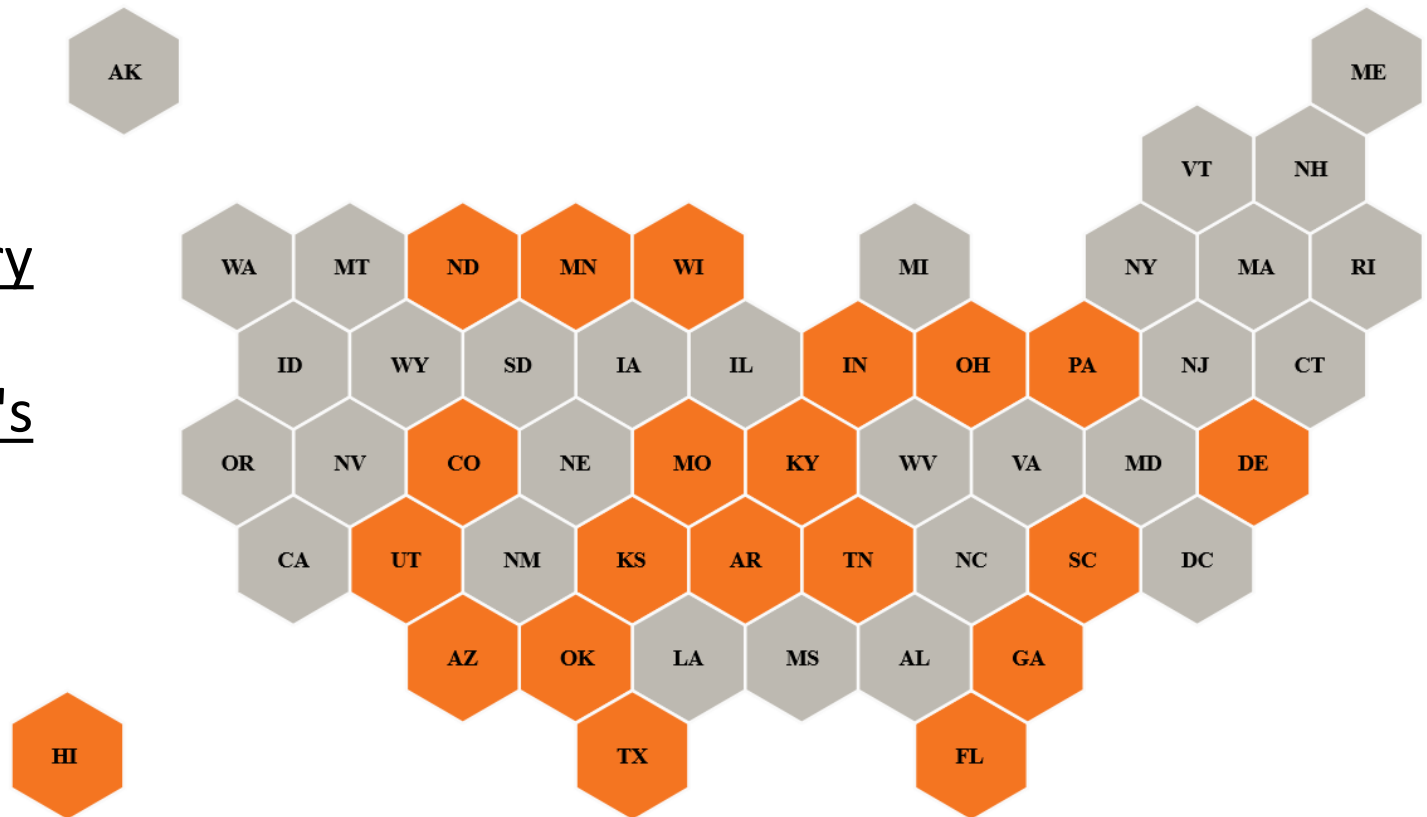
- Moratoria?
- Right to counsel?



# 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

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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>

# WebJunction's Eviction Resources

## Eviction Resources for Libraries

WebJunction / 12 November 2021

Housing insecurity is widespread, in part due to pandemic impacts of months of unemployment and related financial issues. The civil legal process of eviction is complex, confusing 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 [Improving Access to Civil Legal Justice](#) initiative, 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.

### Courses: Creating Pathways to Civil Legal Justice

If legal reference is new to you, WebJunction offers a series of four self-paced courses that will strengthen your knowledge and ability to help identify when there is a civil legal issue at play and how to direct library users to relevant, helpful information and services. These courses, developed as part of the Access to Civil Legal Justice initiative, are foundational for providing reference on eviction issues.



Enroll now

### 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 **Kristin Wong**, Financial Analyst, Consumer Financial Protection Bureau and Rent Content Lead, Federal Housing Help Portal; and **Deb Hamilton**, Strategic Services Librarian, Pikes Peak 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 [On the Brink of Eviction: Trends in Filings under State and Federal Moratoria](#).

#### [Glossary of Eviction Terms](#)

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

#### [CFPB Resources: Helping Patrons with Rental Assistance](#)

This job aid on CFPB resources is for library staff assisting patrons (both renters and landlords) who are inquiring 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 tribe program(s) that applies to the renter's or landlord's community.

[HUD \(U.S. Department of Housing and Urban Development\)](#)

#### [Housing Counselors](#)

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.

#### [Just Shelter](#)

Provides a search tool by state to locate community agencies that are working to preserve affordable housing, prevent eviction, 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 Help](#)

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

#### [VA Assistance to Help Avoid Eviction](#)

Special focus on 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 eviction

#### [American Bar Association](#)

City and state search tools to find free legal aid or lawyer referrals. Contact the self-help office or the clerk at your local court; some will have navigator programs or a referral desk and will likely welcome the library's assistance in getting accurate evictions information into people's hands.

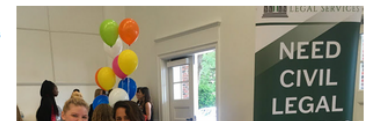
### Eviction and Moratoria Statistics

#### [Legal Services Corporation \(LSC\) Eviction Tracker](#)

Provides access to multi-year trend data on evictions filings and related information for 900 counties in 22 states across the United States. Use the [LSC Eviction Tracker Job Aide](#) to explore trends in your area.

#### [Eviction Lab Tracker](#)

Tracks weekly eviction filing data since March 2020 for 6 states and 31 cities



[oc.lc/eviction-resources](https://oc.lc/eviction-resources)



# Phases of Eviction

Deborah Hamilton

Strategic Services Librarian – Law Collection

Pikes Peak Library District



# Helping Library Users — WITH — Legal Questions



Practical Advice for Research,  
Programming, and Outreach

Deborah A. Hamilton

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Q42120  
(expires 12/31/21)**

# Phases of Eviction

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## Overview of the Formal Legal Eviction Process\*

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

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<https://www.webjunction.org/news/webjunction/five-phases-of-eviction.html>

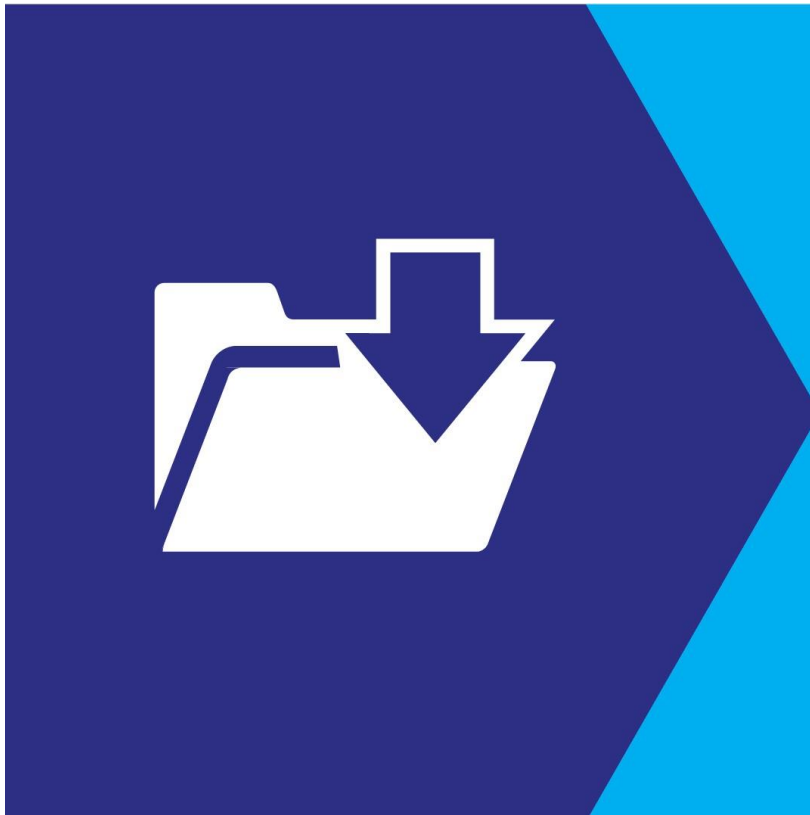


# Notice

- 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



Image from Microsoft PowerPoint for Office 365.



# The Importance of Communication



Image from Microsoft PowerPoint for Office 365.

- 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



Image from Microsoft PowerPoint for Office 365.

- 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



Image from Microsoft PowerPoint for Office 365.

# 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



Image from Microsoft PowerPoint for Office 365.

# Legal Reference Interview - Process

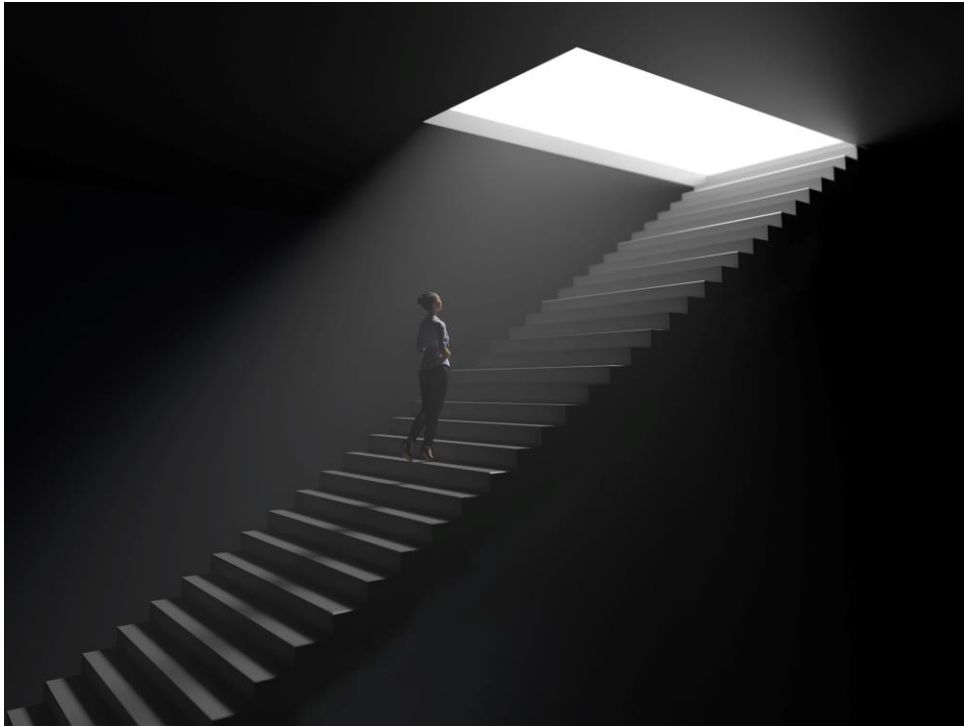


Image from Microsoft PowerPoint for Office 365.

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



Image from Microsoft PowerPoint for Office 365.

- Avoid by providing information not advice or interpretation
- Illegal in all 50 states

# Legal Information v. Legal Advice

## Information

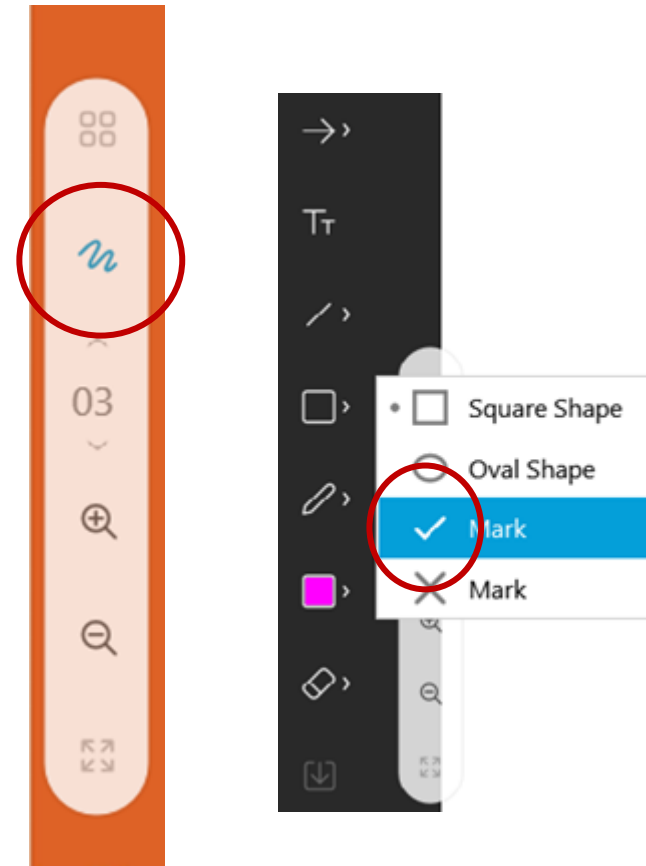
- Direct patrons to where they can find forms and instructions for forms
- Suggest resources; locate an item or law using a citation
- Legal definitions; Procedural definitions
- Cites of statutes, court rules, and ordinances
- Options
- General referrals

## 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



Image from Microsoft PowerPoint for Office 365.

# Do What you are Already Doing

- Community partnerships
- Providing access to technology
- Providing access to information



Image from Microsoft PowerPoint for Office 365.

# Resources to Fight a Housing Insecurity Crisis



Consumer Financial  
Protection Bureau

*This presentation is being made by a Consumer Financial Protection Bureau representative on behalf of the Bureau. It does not constitute legal interpretation, guidance, or advice of the Consumer Financial Protection Bureau. Any opinions or views stated by the presenter are the presenter's own and may not represent the Bureau's views.*

*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.*



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# Housing insecurity remains a critical challenge

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- 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

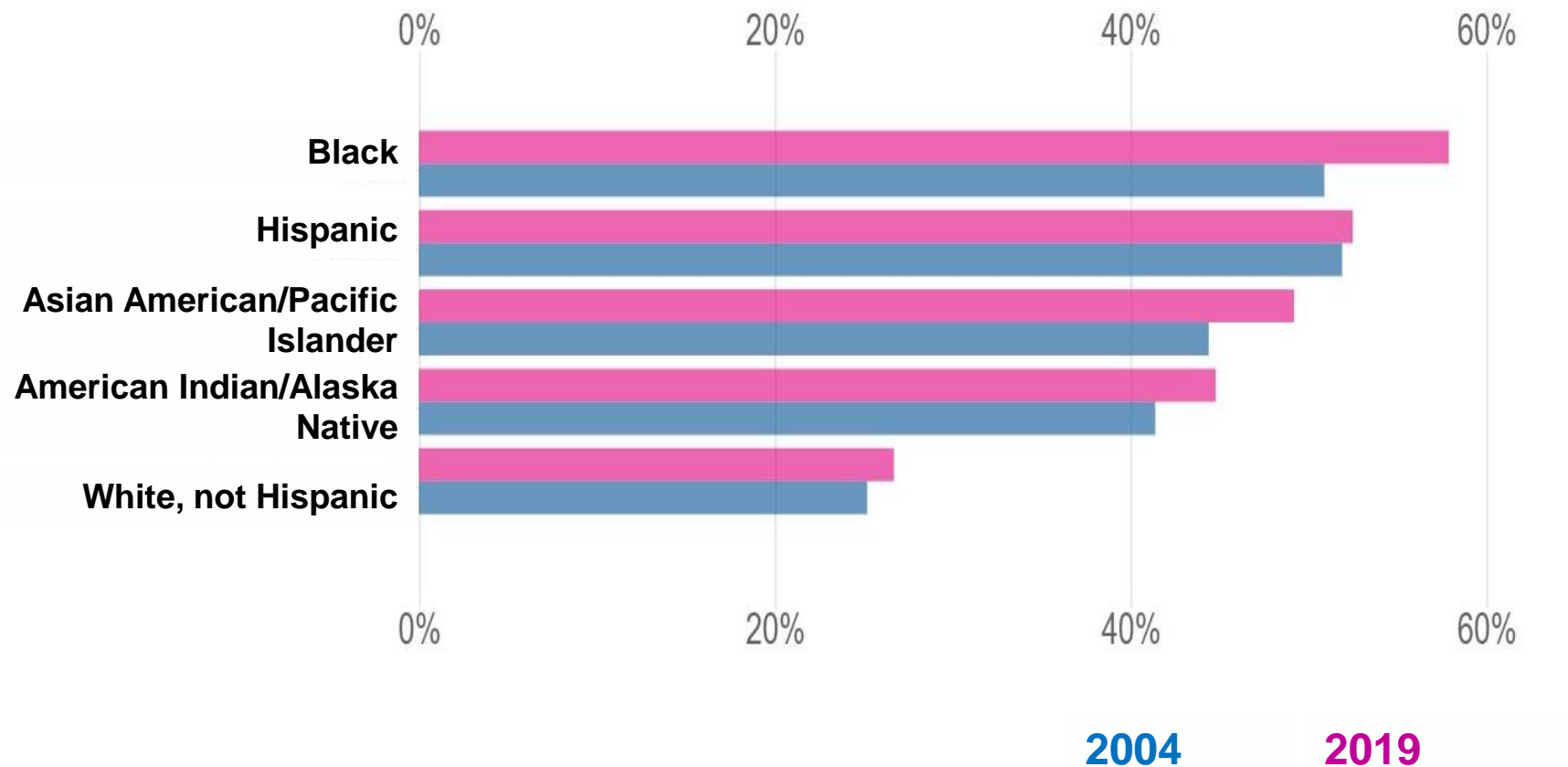


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# Renters are 35% of all U.S. households

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Protection Bureau

2004

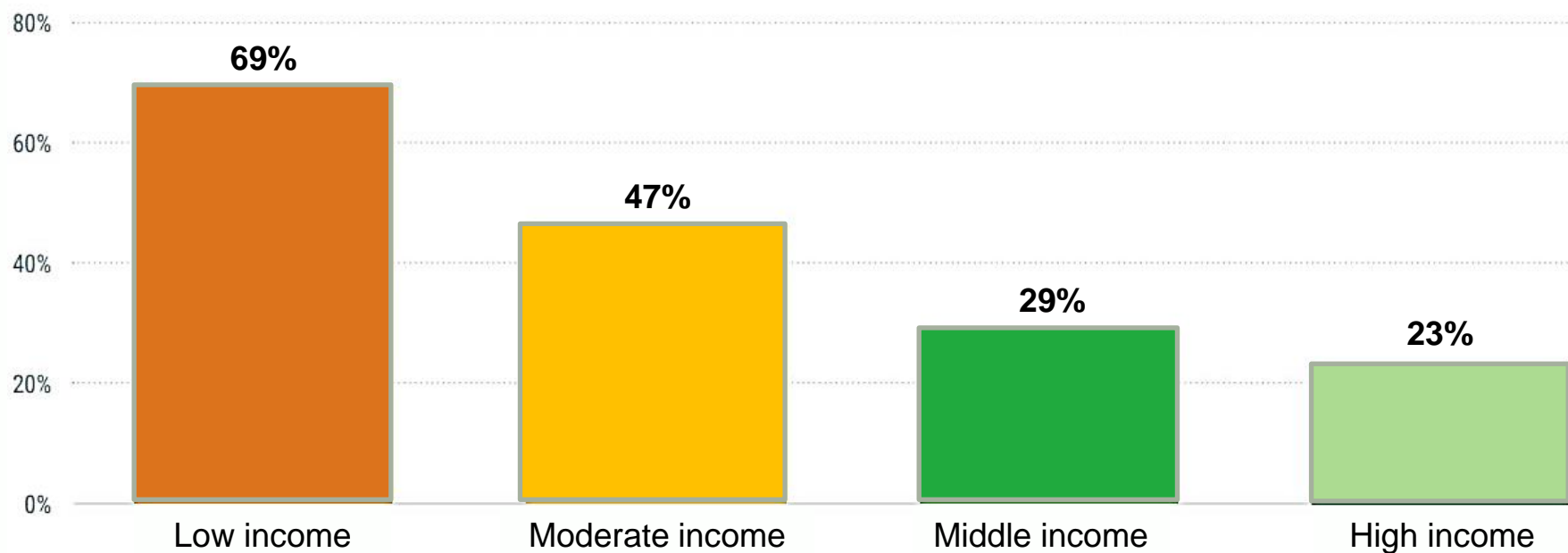
2019

Source: 2019 American Community Survey Data –  
USAFacts.org

# Low-income households are most likely to rent

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Percentage of Households Renting Their Homes

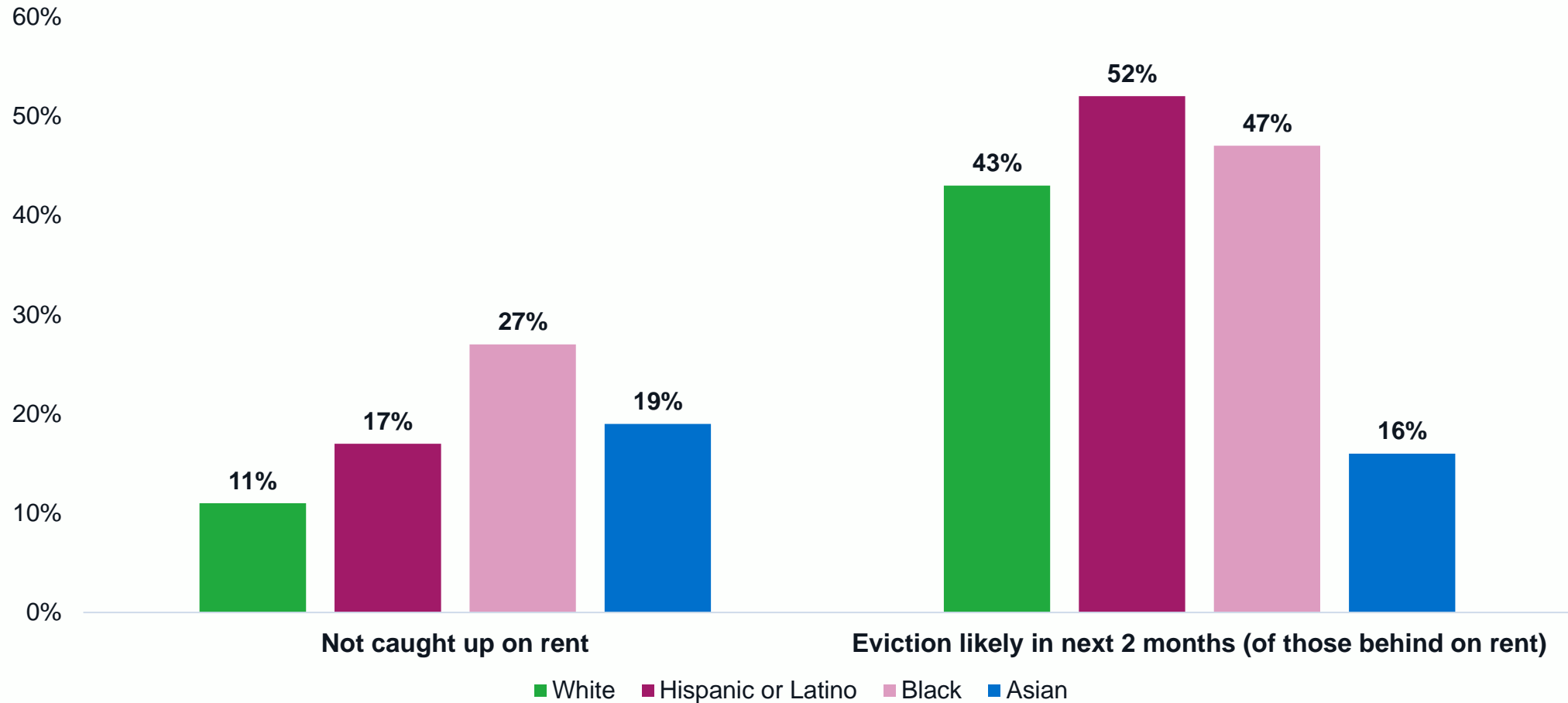


Source: Federal Reserve Bank of New York



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# Housing insecurity among renters, by race



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Protection Bureau

Source: CFPB analysis of Census Household Pulse Survey,  
Week 39 (September 29 – October 11)

# Federal emergency rental assistance (ERA)

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- \$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

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### Find rental assistance programs

For your state or territory

Colorado x | v

Narrow results by county (optional)

If your county is not listed below, you may still qualify for other programs.

Select your county | v

My county is not listed

Adams County

Arapahoe County

Douglas County

Jefferson County

Weld County

✓ Showing 6 rental assistance programs that match your search



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[consumerfinance.gov/renthelp](https://consumerfinance.gov/renthelp)  
[consumerfinance.gov/ayudarenta](https://consumerfinance.gov/ayudarenta)



# Housing Portal: Resources for Renters

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## Step-by-step instructions to help renters:

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

### Help for renters

[Español](#) | [繁體中文](#) | [Tiếng Việt](#) | [한국어](#) | [Tagalog](#) | [العربية](#)

If you're having trouble making rent payments as a result of the coronavirus pandemic, you're not alone.

Federal, state, and local governments are offering help with housing expenses and avoiding eviction. Find out what this means for you, and what you can do.

SHARE & PRINT



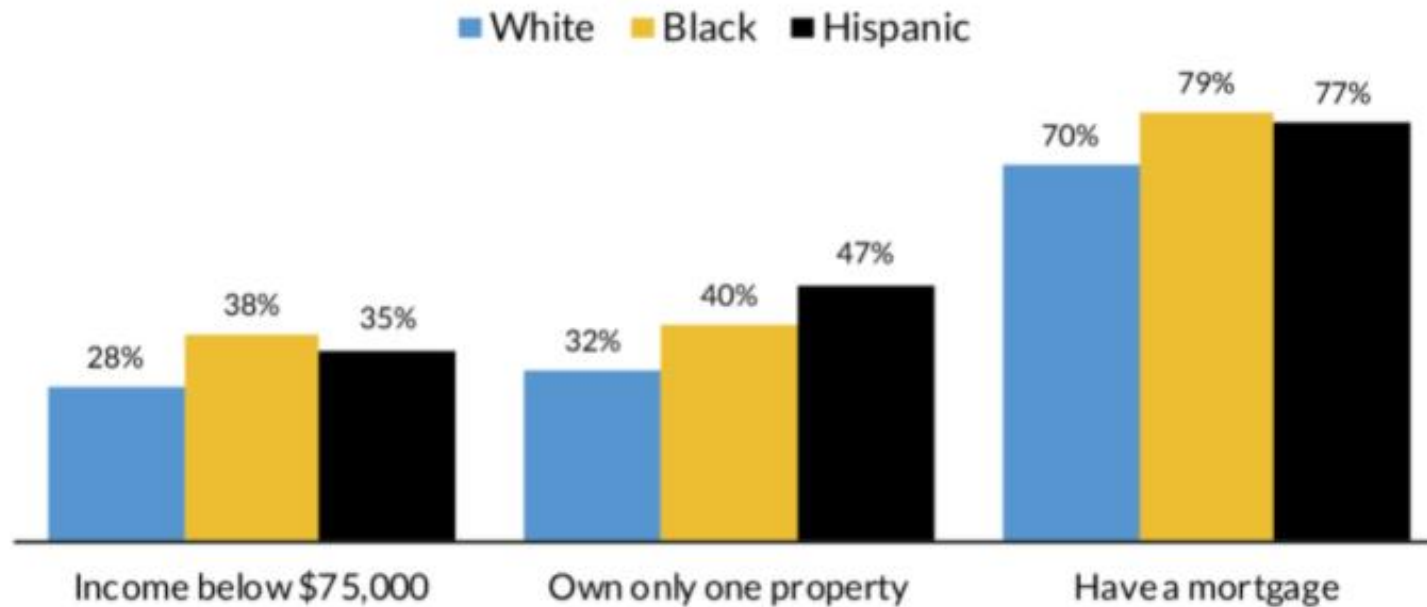
#### Action Steps

- [Take action to avoid eviction](#)
- [Get help paying rent and utilities](#)
- [Talk to your landlord about a payment agreement](#)
- [Find out if you have more protections](#)
- [Talk to a professional](#)

# Small landlords own more than half of all rental units in the U.S.

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## Black and Hispanic landlords are more financially vulnerable



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

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# Housing Portal: Resources for Landlords

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## 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 back rent - apply for rental assistance](#)
- [Stay in control by working through all your options](#)
- [Explore forbearance to pause your mortgage payments](#)



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[consumerfinance.gov/landlordhelp](https://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.



[Español](#) | [中文](#) | [Tiếng Việt](#) | [한국어](#) | [Tagalog](#)

## 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](#)



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[consumerfinance.gov/coronavirus](https://consumerfinance.gov/coronavirus)

# Use our digital toolkit

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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

## How to use this toolkit

You can insert the content pieces below into newsletters, blogs, email blasts, and social media posts to help get the word out about these resources. **When sharing this content, please indicate that it was sourced from the Consumer Financial Protection Bureau.**

If you have any questions about these materials or how to use them, please contact [CFPBPress@cfpb.gov](mailto:CFPBPress@cfpb.gov).



## Content Templates

Use this template to draft blogs, newsletters, email blasts and social media posts to spread the word about these resources with the people you serve.

[Download all content templates](#) 

# Stay connected so we can share new resources

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- **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



# Eviction Laws Database

LSC

America's Partner  
for Equal Justice

LEGAL SERVICES CORPORATION

I am a Grantee

About

Grants

Initiatives

Our Impact

Media

Events

Filter

Explore

Reset

MAP

PROFILES

HELP

SHARE

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

Yes

No

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

Yes

No

2.1. What type(s) of landlord(s) does state/territory eviction law explicitly regulate?

Residential landlords generally

Corporate landlords

Landlords with minimal rental properties

Mobile/manufactured home landlords

Floating home landlords

# 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

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# 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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