

EVICTION PREVENTION AND DIVERSION

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Summary

Housing courts have long been viewed as places of last resort. They are often overcrowded and under-resourced and have come to be defined by their shortcomings and systemic power imbalances. Conventional wisdom suggests that by the time a landlord-tenant dispute ends up in court, it is too late to change its trajectory. But what if, instead, housing court was not something that happened to tenants, but a place that worked with them? This is the idea behind court-based eviction diversion—repositioning the courthouse as a place where landlords and tenants in crisis can connect with resources to help resolve disputes and find a path towards housing and financial stability.

Housing instability does not begin or end in state courts, but they are the institutions charged with authorizing evictions. However, not every housing dispute has to become an eviction case, and not every eviction case has to result in an eviction order. In 2021, NCSC's Eviction Diversion Initiative (EDI) was launched with the goal of testing this concept and helping courts create permanent, transformative change by implementing court-based eviction diversion programs. Twenty-four courts were selected to receive grant funding and technical assistance and to participate in a multi-jurisdictional evaluation. This article summarizes the lessons learned from this effort along with the impacts and outcomes of this work.

Eviction Diversion Guiding Principles

While the mechanics of each eviction diversion program are different, the idea is the same—reimagining the court process as an opportunity to strategically provide landlords and tenants with resources and alternatives to eviction. Each EDI site was guided by the following

principles, modified from the [Guiding Principles for Civil Diversion Programs](https://perma.cc/3E4K-YDVG) (<https://perma.cc/3E4K-YDVG>) and adopted by the Conference of Chief Justices and Conference of State Court Administrators in 2024:

- 1. Courts should implement eviction diversion programs that offer alternative pathways for litigants to resolve disputes outside of litigation, and they should adopt rules and process changes to support program operations.**

Impartiality does not mean inaction. Courts must retain their neutrality as landlord-tenant disputes move through the formal court process, but they can still be active and engaged partners in addressing and mitigating housing and financial insecurity for both landlords and tenants. Each EDI program is operated by, or in partnership with, a state or local court system. While most programs operate during the life cycle of a pending case, some EDI sites have taken an even broader approach, using the authority of the court to connect landlords and tenants with resources before a case is filed or after a final disposition is entered.

Courts may adopt rules and procedural changes that support the effective operations of eviction diversion programs by modifying how they schedule, manage, and provide notice about their eviction dockets. None of these changes preclude courts from ruling on disputed cases that move forward through the formal court process, but they can create an environment where litigants are presented with additional options and resources.

- 2. Housing disputes do not begin or end in court, and effective diversion programs require collaboration with a broad range of community partners to meet the legal and non-legal needs of landlords and tenants.**

Court-based eviction diversion programs are not direct service programs; they do not fund legal aid organizations, pay mediators, or provide rental assistance. Instead, these programs are designed to build capacity and deepen connections to existing community resources and services. Each diversion

program offers structured connections to both legal and non-legal service providers at different points in time throughout the eviction process.

A holistic combination of legal and non-legal services is more impactful than any one intervention in isolation. Legal resources—legal information, legal advice, and legal representation—are critical in helping litigants navigate the court process, identify and raise defenses, and advocate for themselves. However, tenants at risk of eviction often have coexisting non-legal needs that may be a contributing factor or result of the housing instability. The most effective programs will provide connection to wraparound services to address interconnected needs related to education, employment, healthcare, public benefits, food security, and more.

3. Diversion programs should have clearly defined points of access and address litigant needs through timely and efficient referrals.

Courts should work with their partners to determine when and how litigants will access a diversion program. Programs may be open to all litigants, or they may have limited eligibility based on factors including the nature and timing of the case, the income of the parties, or the capacity of the service providers. They may be opt-in programs (where litigants request to participate) or opt-out programs (where judges or court staff screen and refer cases into the program).

Given the short timeframes that govern most eviction cases, litigants are not well positioned to navigate the patchwork of existing community resources in search of help. To bridge this gap, each EDI program serves as a point of connection between the court and the service provider community by creating referral networks that can function within the compressed eviction timeline and working with litigants to access resources. This removes the burden on landlords and tenants to independently seek out and apply for services by closing information gaps and, when possible, integrating services directly into the court process.

4. Courts should collect and share data on their diversion programs and adjust as necessary to meet the evolving needs of the community.

Program data is critical to understand if and how an eviction diversion program is working and to better understand and address litigant needs. By collecting structured data beyond that typically captured in a case management system, courts and other partners will be better able to establish and maintain strong and effective diversion programs.

5. Diversion programs are stronger when courts simultaneously focus on improving processes and user experiences.

Eviction diversion programs work best within well-functioning court systems. Courts should take proactive steps to improve court procedures that can create a more user-centered experience for all litigants. No matter what trajectory a case takes once it enters the court system, housing courts should strive to be accessible and inclusive for all court users.

Eviction Diversion Program Design

A successful court-based eviction diversion program requires three key elements:

Time: Eviction cases move notoriously quickly, but eviction diversion does not happen instantaneously. It is often a multi-staged process that takes time and involves careful coordination between the court, the legal community, and the referral network of service providers. Courts may need to adjust how eviction cases are scheduled to allow enough time for a diversion program to work.

Information: Diversion programs cannot work if landlords and tenants do not understand how or why they should use them. Housing courts often struggle with low tenant appearance rates, and courts must be proactive in addressing this challenge through improved communications, community engagement strategies, and self-help materials.

Resources: Even landlords and tenants who are highly motivated to work together will often need help resolving a dispute. Each diversion program should establish a coordinated referral network that effectively

leverages the existing legal, financial, and social service providers in the community.

Court-based eviction diversion programs may focus on resolving issues before a case has been filed (pre-filing), after a case has been filed (post-filing), or during the initial court date (in-court).

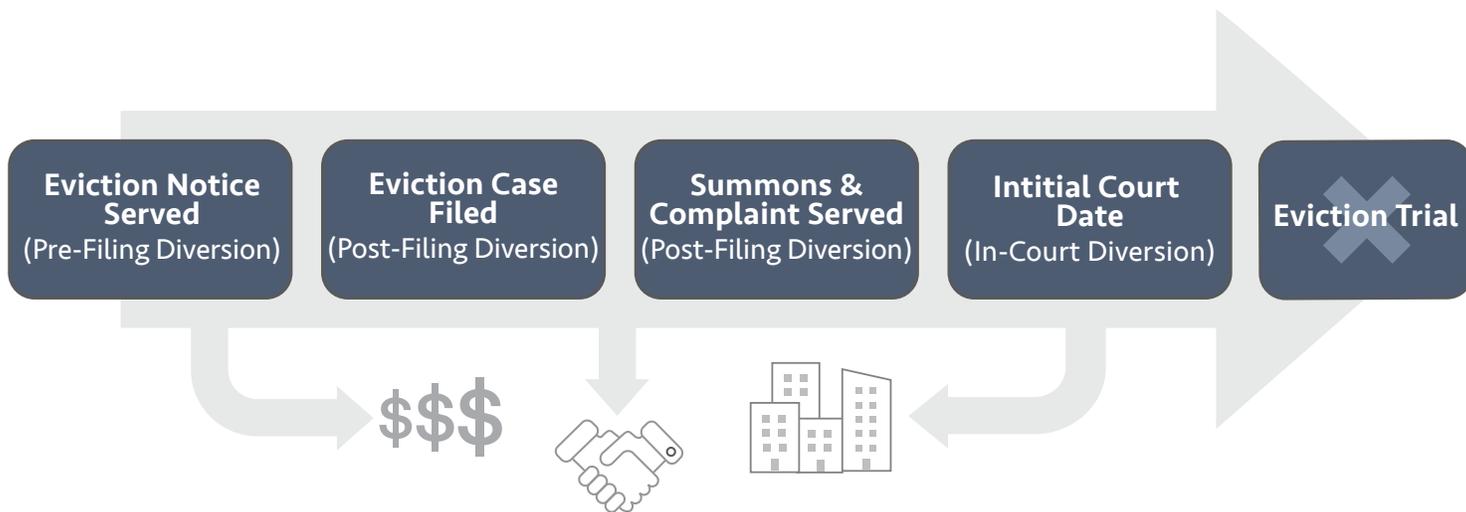
Each program model is centered on the idea of building an “offramp” to divert cases at a certain stage of the eviction process (see the image below). Some programs have also built in post-judgment support, for individuals who have been evicted or have agreed to a voluntary move, to help families in transition avoid the most severe, long-term consequences of displacement. Many diversion programs offer multiple points of entry, encouraging early intervention where possible, but also building safeguards into later stages of the court process.

Eviction Diversion Outcomes and Impacts

The initial findings laid out in the 2024 EDI Interim Report shows the enormous potential for eviction diversion programs to reduce the number of evictions, increase engagement with stabilizing resources, and improve the housing court experience. The following trends observed across the EDI sites highlight the many benefits to both the court and community:

- **Fewer Eviction Judgments:** Tenants are more likely to resolve their landlord-tenant disputes without receiving an eviction order. Across the EDI cohort, 89% of cases that worked with a diversion program were resolved without an eviction judgment. Instead, cases were voluntarily dismissed by the landlord or settled by agreement.
- **Improved Appearance Rates:** Tenants are more likely to show up at court and to avoid default judgments.
- **More Sealed Eviction Records:** More tenants have their past eviction records erased or restricted from public view, allowing them to move forward without the stigma of eviction.
- **Stronger Connections to Resources:** Landlords have more alternatives to costly litigation and, where available, easier access to rental assistance dollars. Tenants can more easily access resources to resolve housing problems (including legal aid, mediation, and financial assistance) and to address other interrelated needs (including financial counseling, social services, housing navigation, job training, and more).
- **Higher Levels of Trust and Confidence in the Justice System:** Litigants are more likely to report a positive experience with the court system and to get help reaching their housing stability goals.

The EDI sites have demonstrated that it is never too early or too late to intervene in a case: upstream



interventions can prevent the current eviction while downstream support can avoid the next one. When courts and service providers work together, they increase their collective capacity to serve their communities. The lessons learned and shared through EDI should inspire other housing courts across the country to consider how they too can become a part of this transformation.

For More Information

For more information and data on eviction diversion programs, read the full report at ncsc.org/eviction. The National Center for State Courts has also compiled national best practices and examples and created supplemental resources to support courts in designing and implementing eviction diversion programs and making related court improvements.

Visit ncsc.org/a2j to learn more.