

Eviction Court Reforms: Providing Better Access to the Courts

The following strategies, implemented by courts from across the country, are designed to increase access to the courts for litigants, lawyers, and service providers. Reducing barriers can also reduce default rates.

| <i>The Problem</i> | <i>The Solution</i> | <i>Real World Examples</i> |
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| Evictions are often scheduled on short notice and may conflict with litigants' work, childcare, or other daytime obligations. | Offering weekend or evening hours can ease the burden on litigants who would otherwise struggle to rearrange schedules on short notice. | Sacramento, California offers evening court dates to better accommodate litigants. |
| High-volume "cattle calls" can require litigants and lawyers to wait for hours at a time for only a few minutes before a judge and can overwhelm court resources. | Scheduling cases in smaller batches can prevent long wait times and prevent judges and court staff from being overwhelmed. | Cook County, Illinois caps the number of eviction cases that can be scheduled each hour. |
| Costly and time-consuming travel to the courthouse may deter litigants from attending court. | Offering remote court appearances for initial court dates and status hearings can increase participation rates. If remote appearances are required for everyone, courts should offer support for litigants who do not have access to technology at home. | Washington, DC continues to hear evictions remotely and has created community access points for litigants who need technical support. |
| Overwhelmed litigants struggle to navigate courthouses and courtroom procedures without assistance. | Adding navigators, case managers, facilitators, or other staff can help make court more welcoming and accessible and alleviate the burden on judges and clerks to answer procedural questions from litigants. | New York City and Hinds County, Mississippi use court navigators to provide support to self-represented litigants including procedural information and help completing court forms. |
| Initial court date is often the trial date, preventing the parties from having enough time to negotiate, mediate, or apply for rental assistance or other supportive services. | Adding a pre-trial court date can build in time for the parties to explore alternatives to eviction and access additional resources. | New Jersey's Landlord Tenant Legal Specialists are specialized eviction court staff who screen cases for defenses and facilitate negotiated agreements. |

Not all housing problems require judicial involvement, and some litigants may prefer to resolve their case outside of a formal court setting.

Developing pre-court resolution programs can offer landlords and tenants a faster path to resolution and preserve limited court resources for the cases that require the most attention.

[Miami, Florida](#) launched an online case resolution tool that can be accessed before court.

In [Washington State](#), landlords most offer to mediate with tenants before filing a case.

Eviction Court Reforms: Incorporating Holistic Referrals and Partnerships

The following strategies, implemented by courts from across the country, focus on integrating legal and social services directly into the eviction process and creating more points of connection to local service providers through better coordination, communication, and information-sharing.

| <i>The Problem</i> | <i>The Solution</i> | <i>Real World Examples</i> |
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| Legal issues are isolated in a vacuum making it challenging to reach sustainable, long-term solutions and perpetuating the cycle of housing instability. | Embracing a holistic approach that recognizes that legal problems generally begin and end outside of court and may require non-legal interventions to be fully addressed. | Kalamazoo County, Michigan brings social service agencies, health providers, and other organizations together at its community housing clinics. |
| Tenants shoulder the responsibility of finding, navigating, and accessing resources, often with immediate deadlines looming over them. | By assuming a proactive role in facilitating referrals, or even bringing service providers directly into the court setting, courts can create additional access points to critically important services and lessen the burden on litigants to find their own help during a time of crisis. | Monroe County, Indiana offers legal aid and screening for public benefits on-site during court. |
| The overwhelming majority of tenants show up to court without a lawyer, while landlords are more likely than not to have legal representation. | Including information about legal aid and other resources along with the Summons and Complaint makes it easier for tenants to access legal services before court. | All eviction complaints in Texas must include information about legal aid in both English and Spanish. |
| Many tenants are evicted for relatively modest amounts leading to instability and expenses for both landlords and tenants. ¹ | Coordinating with state and local rental and cash assistance programs can stabilize renters and provide financial relief to landlords. Explore which programs are currently operating in your jurisdiction, including those that do not rely solely on ERA funding. | Cook County, Illinois and Ramsey County, Minnesota offered targeted connections to state and local rental assistance programs, even before ERA funds became available. |

¹ <https://eviction.lcbh.org/reports/forced-out-for-less-than-2500>

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| <p>Litigants often turn to other community partners when they have a legal problem, rather than to the court system.</p> | <p>Creating points of connection in trusted community settings where litigants can easily access legal services and court information can help bridge the gap between courts and communities.</p> | <p>The Minnesota Legal Kiosk project has established kiosks across the state in partnership with government agencies, community partners, and courts.</p> |
| <p>Rental assistance can help tenants to fix the immediate problem, but may not help them prepare for the future.</p> | <p>Partnering with agencies that can counsel tenants about financial management, healthy relationships with landlords, and long-term housing and financial stability can help to move past the current housing problem and to break the cycle of eviction.</p> | <p>Monroe County, New York pairs rental assistance with financial counseling to promote long-term stability for tenants.</p> <p>Nashville, Tennessee focuses on long-term stability through a six-month program that creates a path to homeownership.</p> |
| <p>Courts and service providers don't always share data and information which can lead to delays and duplication for litigants.</p> | <p>Changing rules and statutes can allow courts to share information, even if it would otherwise be confidential. Data-sharing with rental assistance provider, social service providers, and legal aid organizations can make diversion programs more impactful and effective.</p> | <p>Washington, DC court rules permit the sharing of sealed eviction records with the Department of Human Services.</p> <p>Cook County, IL provides remote access to eviction court and rental assistance records to authorized program partners.</p> |
| <p>Legal aid and pro bono programs do not have the capacity to offer legal assistance to all litigants who need it, leaving most tenants in eviction court without counsel.</p> | <p>By authorizing more lawyers and other legal professionals to provide legal services and expanding the use of limited scope or unbundled legal services, rule and regulatory changes can increase the capacity of the legal community.</p> | <p>The Delaware Supreme Court adopted a rule allowing non-lawyer representation for tenants in some circumstances.</p> <p>The Illinois Supreme Court has adopted rules allowing law students, out-of-state attorneys, and retired attorneys to take on pro bono banners.</p> |

Eviction Court Reforms: Improving Communications Between Courts and Litigants

The following strategies, implemented by courts from across the country, focus on improving written and other communications between the court and the parties to enhance litigants’ ability to fully understand and effectively participate in the eviction process. Improved forms, self-help resources, and other communications can also alleviate the burden on judges and clerks to answer litigant questions and explain the steps in the eviction process.

| <i>The Problem</i> | <i>The Solution</i> | <i>Real World Examples</i> |
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| Legal jargon can be confusing and alienating for court patrons. | Using plain language in written and oral communications can help court patrons to better understand and act on information. | Illinois changed the “Forcible Entry & Detainer Act” to the “Eviction Act.” |
| Chronically high default rates may lead to eviction judgements even when tenants have a defense or an available alternative to eviction. | Integrating modern technology - like text messaging, chatbots, or email – can be effective at letting litigants know when (and how) to participate in court proceedings. | Indiana Courts and Boston Housing Court offer text messaging reminders for upcoming court dates. Arizona Judicial Branch and the Mississippi Center for Justice use chatbots to share information. |
| Overreliance on written text can overwhelm litigants and create barriers for people with limited English proficiency, low literacy skills, or certain disabilities. | Supplementing text with images, infographics, and other visual depictions of important information can increase understanding among court users. | A legal aid organization in Texas used a flowchart to help tenants visualize the impact of the eviction moratorium. |
| Parties may enter into one-sided agreements without fully understanding the terms, especially if they are not clearly written down in plain language. | Adding standardized, plain language forms for settlement agreements can improve the parties’ understanding of the terms of the agreement. | Illinois created a suite of agreed order forms to assist litigants in settling their cases. |

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| <p>Summonses, complaints, and other eviction forms are often written in technical language and poorly designed, making it challenging for litigants to understand and respond.</p> | <p>Redesigning common forms and self-help materials to be more usable can benefit both lawyers and litigants.</p> | <p>Hamilton County, Ohio redesigned its eviction summons to be easier to understand.</p> <p>Cook County, Illinois created an eviction checklist for landlords.</p> |
| <p>Tenants often arrive in court without a clear understanding of the allegations against them.</p> | <p>Requiring landlords to include basic documentation with the eviction complaint can help tenants to be better prepared when they arrive in court and can help them get better advice and information from legal aid and self-help partners.</p> | <p>Illinois Supreme Court Rule 139 requires landlords to include a copy of the eviction notice and relevant lease provisions with the eviction complaint and summons.</p> |