

A Tiny Chat Companion: After the CDC Moratorium

- (1) Examples of state supreme courts relaxing rules of practice to allow for increased *pro bono* to assist with evictions.

Virginia Supreme Court Order:

http://www.vacourts.gov/news/items/covid/2021_0811_scv_order_authorizing_temporary_provision_of_pro_bono_legal_services_by_foreign_attorneys.pdf

New Jersey Supreme Court Order:

<https://njcourts.gov/notices/2020/n200507d.pdf?c=is9>

Map to where housing legal aid organizations are available across the country:

<https://www.ncsc.org/newsroom/public-health-emergency/implementation-lab/eviction-resources/resources-for-attorneys>

- (2) Eviction Diversion Diagnostic Tool: www.ncsc.org/evictiondiversion
- (3) U.S. Treasury Guidance allowing Emergency Rental Assistance (ERA) funds to be used to support court-based eviction diversion, mediation, and civil legal aid services.

August 25, 2021: <https://home.treasury.gov/system/files/136/ERA-FAQ-8-25-2021.pdf>

The most relevant passages are as follows (underlying added):

23. ERA1 and ERA2 both allow for up to 10 percent of the funds received by a grantee to be used for certain housing stability services. What are some examples of these services?

ERA1 and ERA2 have different requirements for housing stability services.

Under ERA1, these funds may be used to provide eligible households with case management and other services related to the COVID-19 outbreak, as defined by the Secretary, intended to help keep households stably housed.

Under ERA2, these services do not have to be related to the COVID-19 outbreak. For purposes of ERA1 and ERA2, housing stability services include those that enable eligible households to maintain or obtain housing. Such services may include, among other things, eviction prevention

and eviction diversion programs; mediation between landlords and tenants; housing counseling; fair housing counseling; housing navigators or promotoras that help households access ERA programs or find housing; case management related to housing stability; housing-related services for survivors of domestic abuse or human trafficking; legal services or attorney's fees related to eviction proceedings and maintaining housing stability; and specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing.

Grantees using ERA funds for housing stability services must maintain records regarding such services and the amount of funds provided to them.

36. What steps can ERA grantees take to prevent evictions for nonpayment of rent?

Treasury strongly encourages grantees to develop partnerships with courts in their jurisdiction that adjudicate evictions for nonpayment of rent to help prevent evictions and develop eviction diversion programs. For example, grantees should consider: (1) providing information to judges, magistrates, court clerks, and other relevant court officials about the availability of assistance under ERA programs and housing stability services; (2) working with eviction courts to provide information about assistance under ERA programs to tenants and landlords as early in the adjudication process as possible; and (3) engaging providers of legal services and other housing stability services to assist households against which an eviction action for nonpayment of rent has been filed.

(4) Courts can educate landlords and tenants about the availability of rental assistance.

Two examples of innovative court outreach strategies are:

Cobb County, GA magistrate court co-locates rental assistance application services during weekly eviction call: <https://www.cobbcounty.org/courts/magistrate-court/magistrate-court-covid-19-updates>

Arizona Department of Economic Security's Emergency Rental Assistance Program: <https://housing.az.gov/general-public/rental-assistance-resources-eviction-prevention>

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