

REIMAGINING HOUSING COURT:

# A Framework for Court-Based Eviction Diversion

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INTERIM REPORT 2024



**EVICTON  
DIVERSION**  
INITIATIVE | **NCSC**







# **EVICTIION DIVERSION**

INITIATIVE | **NCSC**

# ACKNOWLEDGMENTS

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We want to express our deepest gratitude to the judges, clerks, court administrators, community partners, and especially to the eviction diversion program staff who have worked tirelessly to reinvent housing court as a place of hope for people in crisis. We also thank the team at Stout Risius Ross LLC for their support of the EDI program evaluation.

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*\*This list of EDI grant-funded program staff was accurate as of September 26, 2024. Individuals with an asterisk next to their name are previous EDI grant-funded staff members who left their positions prior to September 26, 2024.*





*The grant-funded EDI program staff gathered in December 2022 in Chicago, IL, for an in-person meeting.*

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# EXECUTIVE SUMMARY

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**O**n an ordinary Monday, after spending the weekend sleeping on subway trains, a man showed up at the Brooklyn Housing Court looking for help after being evicted. The courthouse is an imposing and labyrinthian building, but he made his way to a small office tucked away in the back of the clerk's office on the second floor that houses the eviction diversion program. The program staff, initially planning to share information about food banks and public shower facilities, soon realized that he had been improperly evicted due to an administrative error with his housing subsidy. After a day of phone calls and meetings with administrative agencies, the landlord's attorney, and the property management company, he left court with his subsidy reinstated, his housing restored, and even a reduced fare transit pass to ride the subway home.

This story is remarkable in part because it begins where too many housing court stories end, with an eviction. Even more extraordinary is that stories like this are becoming increasingly common as housing courts start to consider these questions: What would it look like if a tenant at risk of eviction could visit a courthouse and leave with a new apartment? A new job? Money to pay their back rent and a financial plan to pay next month's rent too?

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 question that the National Center for State Courts' (NCSC) Eviction Diversion Initiative (EDI) set out to answer in collaboration with a network of 24 state and local courts.

The jurisdictions participating in EDI have worked to reposition 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. This level of creativity and collaboration is critical at a moment where evictions have reached crisis levels in the United States, with over 3.5 million families facing eviction each year.<sup>1</sup> Each eviction case has the potential not just to disrupt a family's housing, but also its ability to access and maintain employment, education, and financial security with disproportionately destabilizing effects on Black and African American communities, women, and children.<sup>2</sup> Many landlords struggle with costly and time-consuming eviction proceedings that threaten their ability to make mortgage payments and maintain their properties. The ripple effects of eviction reach far beyond the impacted households and can destabilize entire communities.

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. Even when cases do result in a tenant moving out, whether voluntary or involuntary, courts can reduce the disruption and trauma to the family by facilitating connections to resources. This idea—preventing evictions when possible and minimizing their harm when not—is the goal shared by each EDI site.

With generous financial support from the Wells Fargo Foundation and the Bank of America Foundation and technical assistance from NCSC, each EDI site designed and launched a court-based eviction diversion program that, working within the existing statutory framework and with existing community service providers, uses the formal court process to connect landlords and tenants with the time, information, and resources to resolve housing disputes in a less harmful way.

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1 <https://perma.cc/CA75-5ANW>

2 <https://perma.cc/Y67A-NFRM>



In designing their programs, each site has embraced the following ideas, adapted from the CCJ/COSCA Guiding Principles on Civil Diversion<sup>3</sup>:



- 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.
- 2**  
Effective diversion programs require collaboration with a broad range of community partners to meet the legal and non-legal needs of landlords and tenants.
- 3**  
Diversion programs should have clearly defined points of access and address litigant needs through timely and efficient referrals.
- 4**  
Courts should collect and share data on their diversion programs and adjust as necessary to meet the evolving needs of the community.
- 5**  
Diversion programs are stronger when courts simultaneously focus on improving processes and user experiences.

Each participating court also engaged in a robust data collection process as part of their participation in EDI. This data set has guided the development of the programs by providing a more nuanced understanding of the demographics, circumstances, goals, and needs of litigants in housing court. The data underscores the many different goals and motivations that tenants and landlords bring to court and the importance of building multi-faceted programs that can meet these varied needs. A combination of legal, financial, and social services is more effective than any one resource in isolation.

Each diversion program offers structured connections to both legal and non-legal service providers at different points in time throughout the eviction process. Landlords and tenants who are summoned to court can meet with eviction diversion program staff, learn about different options, and receive tailored referrals and warm handoffs to a range of different service providers. The data collected through EDI shows the enormous potential of this problem-solving approach to change the trajectory of eviction cases.



**Across the EDI cohort, 89% of the cases that engaged with a diversion program resulted in a settlement agreement or voluntary dismissal, meaning the case was resolved without an eviction judgment against the tenant.**

3 <https://perma.cc/UW7W-VEBN>

## Benefits of Eviction Diversion Programs

The following trends observed across the EDI sites highlight some of the other benefits to the court and community:

### FEWER EVICTION JUDGMENTS

Tenants are more likely to resolve their landlord-tenant disputes without receiving an eviction order. The overwhelming majority of eviction cases that worked with a diversion program, 89%, 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.

While courts must remain impartial, they do not need to be inactive. As the EDI sites have demonstrated, housing courts can retain their neutrality while simultaneously engaging in eviction diversion work and improving court procedures. These courts are diverse by every available metric: community demographics, geographic region, court structure, docket size and frequency, role and function of the judicial officer, statutory timeframe, available resources, and governing landlord-tenant laws. However, each has found a way to work within their court and community to design an effective model of eviction diversion.

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. Each program is meaningful proof that the harmful effects of eviction can be avoided or mitigated when landlords and tenants have additional time, information, and resources to resolve their housing disputes. 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.

# HISTORY AND BACKGROUND

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## Program Overview

**E**viictions have reached crisis levels in the United States. Over 3.5 million eviction cases are filed each year in state courts, and the number continues to rise in much of the country.<sup>4</sup> Each eviction has the potential to disrupt not only a family's housing, but also the employment, education, financial security, and health of the family members with disproportionate effects on communities of color.<sup>5</sup> Many landlords also struggle with costly and time-consuming eviction proceedings that threaten their ability to make mortgage payments and maintain their properties. The ripple effects of an eviction reach far beyond the impacted household and can destabilize entire communities.

While the eviction process does not begin in court, that is where the outcome is determined. Housing courts have become notorious for churning through high numbers of cases at lightning speeds, especially as they struggle with inadequate funding and staffing levels to handle their steadily growing docket sizes. Tenants facing eviction often fail to appear in court, and even when they do show up, they rarely have legal assistance or the necessary resources to navigate the complex court procedures.

During the COVID-19 pandemic, the combination of increased federal funding for emergency rental assistance and housing stability services along with eviction moratoria and other tenant protections created new

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4 <https://perma.cc/U65F-7YJT>

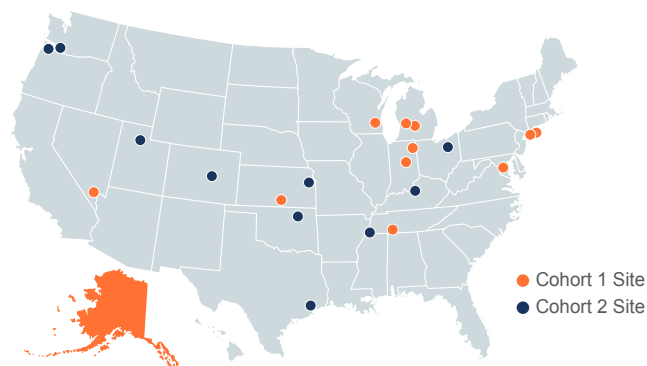
5 <https://perma.cc/Y67A-NFRM>

opportunities for courts to emphasize problem-solving through strategic connections to rental assistance, mediation, and legal assistance.<sup>6</sup> These changes demonstrated the potential for courts to serve as resource hubs and the many ways they could engage with community partners. The pandemic-era responses also underscored the level of investment and innovation necessary to change the fundamental nature of housing courts.

The National Center for State Courts (NCSC), with generous financial support from the Wells Fargo Foundation and the Bank of America Foundation, saw an opportunity to build on this momentum and support a new model of housing court. Rather than reverting to the old way of managing eviction dockets, courts could adapt and institutionalize new programs and partnerships that would better prepare them to meet community needs.

In early 2021, NCSC's Eviction Diversion Initiative (EDI) was launched with the goal of helping courts create permanent, transformative change by implementing court-based eviction diversion programs and making related court improvements. Through a competitive application process, NCSC selected 13 courts to join the inaugural EDI cohort in June 2021. In early 2023, NCSC opened another round of applications and selected an additional 11 courts to create a second cohort of grantees. The 24 participating sites received grant funding for program staff to oversee the eviction diversion work in their courts. They also received technical assistance and peer-learning opportunities to support them in designing, implementing, and evaluating their eviction diversion programs. The grant period served as a proof-of-concept demonstration and gave each site time to secure funds to continue the diversion program moving forward.

## Eviction Diversion Initiative Grantees



### FIRST COHORT

- Alaska Court System (Statewide)
- Allen County Superior Court (Fort Wayne)
- Brooklyn Housing Court
- District of Columbia Superior Court
- Hamilton County General Sessions Court (Chattanooga)
- Kansas 18<sup>th</sup> Judicial District (Wichita)
- Las Vegas Justice Court
- Lawrence Township Small Claims Court (Indianapolis)
- Michigan 54-A District Court (Lansing)
- Michigan 61<sup>st</sup> District Court (Grand Rapids)
- Milwaukee County Circuit Court
- Suffolk County Court, First District (Ronkonkoma)
- Suffolk County Court, Sixth District (Patchogue)

### SECOND COHORT

- Akron Municipal Court
- Clark County Superior Court (Vancouver)
- Clatsop County Circuit Court (Astoria)
- Colorado 4<sup>th</sup> Judicial District (Colorado Springs)
- Douglas County Court (Lawrence)
- Harris County Justice of the Peace, Precinct 1-Place 2 (Houston)
- Harris County Justice of the Peace, Precinct 2-Place 2 (Pasadena)
- Jefferson County District Court (Louisville)
- Shelby County General Sessions Court (Memphis)
- Tulsa County District Court
- Utah 3<sup>rd</sup> District Court (Salt Lake City)

6 See, for example, <https://perma.cc/9Y78-ZB48>.



## Participating Jurisdictions

The 24 sites selected to participate in EDI span 17 states and the District of Columbia. They vary greatly by geography, population, size, governing law, court structure, and the available resources in the community. In each jurisdiction, the process and timing for eviction cases looks different, as do the pleading requirements for landlords and the potential defenses available to tenants. What unites them all, however, is a shared commitment to pursuing creative, innovative, data-driven, and community-centered improvements to their housing courts.

Eviction diversion programs can be successful in any court, regardless of size or structure. The Brooklyn Housing Court and the Las Vegas Justice Court (the largest participating EDI sites) each see over 30,000 eviction filings a year. By contrast, the Clatsop County Circuit Court in Astoria, Oregon, handles an average of 200 eviction cases a year.

Likewise, eviction diversion programs can cover large geographic areas, such as the Alaska Court System's statewide eviction program, or can focus on a narrowly defined community, such as the Lawrence Township Small Claims Court, one of nine small claims courts in the greater Indianapolis area. The principles and elements of eviction diversion, outlined below, are intentionally flexible and can be adapted to meet the needs of any court or community and to work within a variety of statutory frameworks and court procedures.

Across EDI sites, the size and structure of the eviction docket also varies. In smaller sites, the eviction docket may happen once a week

in front of a single judicial officer. In larger sites, eviction dockets may be scheduled daily, sometimes in multiple courtrooms at once. Depending on the jurisdiction, cases may be heard by judges, commissioners, magistrates, pro tem judges, or justices of the peace. By statute or by custom, cases may typically be resolved in a single day or over a series of scheduled court dates. Additionally, about half of the EDI jurisdictions operate virtual or hybrid eviction dockets, while the rest operate fully in-person eviction dockets. These factors may influence the program design and staffing model for each EDI site, but none of them change the underlying approach to the work.

Lastly, the early champions of eviction diversion vary across the EDI sites. Applications were submitted by judicial officers, clerks, court managers, self-help centers, and state court administrative offices. Each site has worked to cultivate broad support for the program across the court and larger community, but the initial impetus can come from many different stakeholders. Similarly, as the grant-funded pilot programs transition into permanently funded programs, additional financial support may come from public and private sources. EDI jurisdictions have successfully secured long-term funding to continue operating their programs, from every level of government as well as from private philanthropic partners. There is no one right way to structure an eviction diversion program; many different models can be successful, particularly if they incorporate the key elements and guiding principles laid out below.

# A NEW MODEL FOR HOUSING COURTS

*A tenant works with the Eviction Resolution Program Manager at the Sedwick County Courthouse in Wichita, KS.*

**H**ousing courts are often viewed as places of last resort. Conventional wisdom suggests that by the time a landlord-tenant dispute ends up in court, it is simply too late for most interventions to have an impact. Court-based eviction diversion programs challenge this notion by repositioning the courthouse as a place where landlords and tenants in crisis can connect with resources to resolve disputes and stabilize their housing and financial situations. By using the court process as a hub for sharing information and making connections, eviction diversion programs can positively shape the experiences and outcomes of litigants.

Court-based eviction diversion programs do not provide direct services or advocate for substantive changes to the law; rather, they adapt to work within the statutory landscape and community of service providers as it exists.

Though these programs vary greatly in design and structure to reflect the diverse courts and communities in which they operate, they are all built around the same idea: using the formal court process as an opportunity to provide landlords and tenants with the time, information, and resources necessary to resolve a housing dispute in the least harmful way.



## Eviction Diversion Program Elements

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.<sup>7</sup>

### INFORMATION



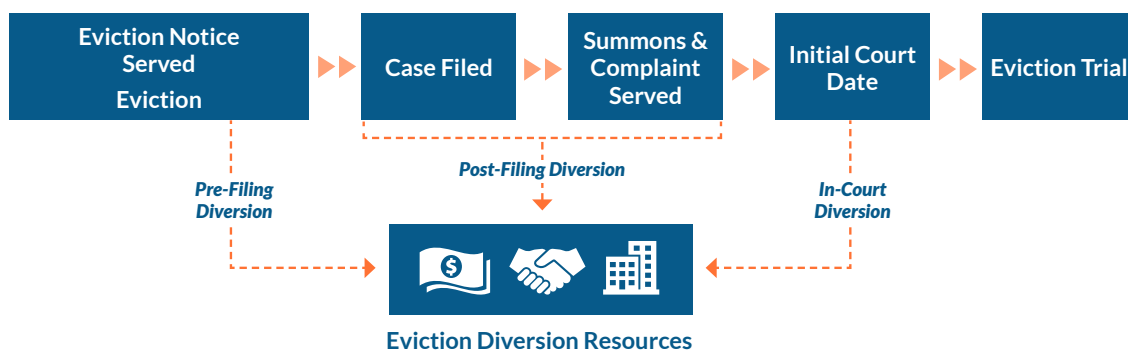
Diversion programs cannot work if landlords and tenants do not understand how or why they should use them. Housing courts often struggle with low tenant appearance rates, and courts must address this challenge through improved communications and engagement strategies.<sup>8</sup>

### 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. Courts should think expansively about engaging partners who can help litigants address both the immediate legal problem and other interconnected needs.<sup>9</sup>

As the diagram below shows, 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. 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. The chart on the next page lists each EDI site and the entry points to the diversion program in that jurisdiction.



7 For more information on the timing of eviction diversion programs, see <https://perma.cc/RW32-85X7>.

8 For more information on communications and outreach strategies for eviction diversion programs, see <https://perma.cc/2685-W82Y>.

9 For more information on eviction diversion resource networks, see <https://perma.cc/222P-WHFZ>.

## EDI Site Program Model Summary Chart

EDI Jurisdiction	Location	Timing of Diversion Program			
		Pre-Filing	Post-Filing	In-Court	Post-Judgment
Akron Municipal Court	Akron, OH	X	X	X	X
Alaska Court System	Statewide	X	X	X	
Allen County Superior Court	Fort Wayne, IN			X	
Brooklyn Housing Court	Brooklyn, NY			X	X
Clark County Superior Court	Vancouver, WA		X	X	X
Clatsop County Circuit Court	Astoria, OR			X	
Colorado Fourth Judicial District Court	Colorado Springs, CO		X	X	X
District of Columbia Superior Court	Washington, DC		X		
Douglas County Court	Lawrence, KS	X	X	X	
Hamilton County General Sessions Court	Chattanooga, TN		X	X	
Harris County Justice of the Peace Precinct 1, Place 2 and Precinct 2, Place 2	Houston, TX		X	X	
Jefferson County District Court	Louisville, KY	X	X	X	
Kansas 18 <sup>th</sup> Judicial District	Wichita, KS	X	X	X	
Las Vegas Justice Court	Las Vegas, NV		X		
Lawrence Township Small Claims	Indianapolis, IN			X	X
Michigan 54-A District Court	Lansing, MI	X	X	X	X
Michigan 61 <sup>st</sup> District Court	Grand Rapids, MI		X	X	
Milwaukee County Court	Milwaukee, WI	X	X	X	X
Shelby County General Sessions Court	Memphis, TN			X	
Suffolk County District Court, Districts 5 & 6	Long Island, NY		X	X	
Tulsa County District Court	Tulsa, OK	X	X	X	X
Utah 3 <sup>rd</sup> District Court	Salt Lake City, UT		X		

# 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. Throughout the iterative process of designing, implementing, and adapting a diversion program, each EDI site has been steered by the following principles, modified from the [Guiding Principles for Civil Diversion Programs](#) adopted by the Conference of Chief Justices and Conference of State Court Administrators:<sup>10</sup>



**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 procedural changes preclude courts from ruling on disputed cases that move forward through the formal court process, but they create an environment where litigants are presented with additional options and resources.



**“The courtroom must be a place of fairness and impartial application of the law, but it can also be *a place of innovation and collaboration.*”**

- Hon. Alexander McVeagh, Hamilton County General Sessions Court

<sup>10</sup> <https://perma.cc/3E4K-YDVG>





**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.**

EDI 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. Courts cannot operate eviction diversion programs in a vacuum; they must form collaborative partnerships with both legal and non-legal service providers in their community.

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, and a holistic combination of legal, social, and financial services is more impactful than any one intervention in isolation. Diversion programs are stronger when they can address both the immediate legal issue (above the waterline) and the underlying needs that may be a direct cause or result of housing instability (below the waterline). Diversion programs must also be aware of and responsive to the needs of landlords, particularly self-represented landlords, who often face additional challenges in navigating complicated legal procedures.

## Eviction Diversion Holistic Referral Networks

### Resolving Immediate Crises

Legal Aid & Pro Bono Organizations

Mediation & Dispute Resolution Programs

Rental Assistance Providers

### Preventing Future Crises

Housing Counseling & Education

Financial Counseling & Empowerment

Supportive Services





**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. Many EDI sites share information, data, and physical or virtual space with service providers to make the referral process easier.



**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.

As a requirement of the EDI grant, each participating site agreed to collect intake and outcome data from litigants working with diversion programs. The data collection process allows each site to better understand the demographics, circumstances, needs, and goals of litigants in their community and to effectively triage and refer cases to different service providers. Findings from this data are discussed below in Sections IV and V of this report.



**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 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.

Each EDI site has taken steps to make the court experience a better one for all litigants. Not every case can be diverted from eviction, but in every situation, courts can make the experience easier and more compassionate. Program staff have worked to create welcoming spaces and more easily navigable court procedures, while also addressing common barriers, such as transportation and childcare needs, that may keep litigants from participating in court. Several examples from EDI sites are provided on the next page.



**A tenant works with a social worker to apply for rental assistance through the Las Vegas Justice Court's eviction diversion program.**

# Making Court Easier to Access

## **COLORADO 4<sup>TH</sup> JUDICIAL DISTRICT**

A non-profit partner provides free, drop-in childcare at the courthouse for litigants.

## **TULSA DISTRICT COURT**

The eviction diversion program partners with local transit agencies to offer free bus passes and rideshare codes for litigants to travel to court.

## **JEFFERSON COUNTY DISTRICT COURT**

The court offers hybrid court proceedings that allow litigants flexibility to appear either in-person or remotely.

## **LAS VEGAS JUSTICE COURT**

The eviction diversion program offers expanded morning and evening hours and flexible, online rescheduling for intake appointments.

## **CLARK COUNTY COURT**

The eviction diversion program sends phone and text message reminders with information about attending court, contacting legal aid, and requesting an interpreter or disability accommodation.

## **CLATSOP COUNTY**

Public access kiosks, staffed by clerks, that litigants can use to access remote court proceedings and mediation sessions.





## Making Court Easier to Navigate

### ***MICHIGAN 54-A DISTRICT COURT***

The eviction diversion office uses trauma-informed design principles to create a comfortable space for landlords and tenants.

### ***MILWAUKEE COUNTY COURT***

The self-help and eviction diversion office has a children's play area to create a welcoming space for families.

### ***LAWRENCE TOWNSHIP SMALL CLAIMS COURT***

The court schedules a separate docket for cases filed by self-represented landlords and caps the number of cases set per hour so the judge and diversion program staff can spend more time with each case.

### ***SEDGWICK COUNTY DISTRICT COURT***

Tenants leave court with a next steps document to walk them through the action items they need to complete.



# DESIGNING EFFECTIVE EVICTION DIVERSION PROGRAMS

*EDI program staff engaged in a user-centered design workshop in February 2024 in Houston, TX.*

**A**s the guiding principles emphasize, court-based eviction diversion programs are most effective when they aim to address legal disputes holistically through coordinated, data-driven, and timely referrals to community resources. Landlords and tenants are first brought to court because of the looming eviction, but that immediate threat is often the direct result of other coexisting legal and non-legal problems. A family may be sued for eviction because they missed a rent payment, but the missed rent payment may be the direct result of a lost job, a reduction in public benefits, or a wage garnishment. Resolving the immediate legal crisis is

the top priority, but longer-term sustainability often requires taking a bigger picture view.

To be most effective, diversion programs must collect and study data to understand who comes to housing court, the circumstances that brought them there, and their goals for moving past the current housing problem. With this information, programs will be able to successfully connect litigants with the resources that they need to resolve the housing dispute and to address other needs that can help stabilize their situation. The data collected from EDI sites and shared below illustrates the impact of data-driven program design.

## Data Collection Process

Each EDI jurisdiction collects and reports data using a common set of questions developed in partnership with NCSC and Stout Risius Ross,

LLC (Stout), the outside program evaluator.<sup>11</sup> While each site made modest changes to work within the timing and structure of its diversion program, most

<sup>11</sup> Each EDI site reports de-identified program data on a monthly basis to the program evaluators as a condition of the grant. NCSC and Stout are in possession of the data set used for the program analysis in section IV and V of this report. While the data set is not publicly available, future publications will provide more findings and insights from the program data.

of the data fields remained consistent across all EDI sites.<sup>12</sup> At the time of writing, EDI sites had collected data from over 7,000 litigants. While the exact number of questions varies, most sites collect between 60 and 80 data fields. A complete list of the intake and outcome questions is included in Appendix A.

None of the data fields were mandatory, and litigants always had the option to skip questions or to opt out of the data collection completely.

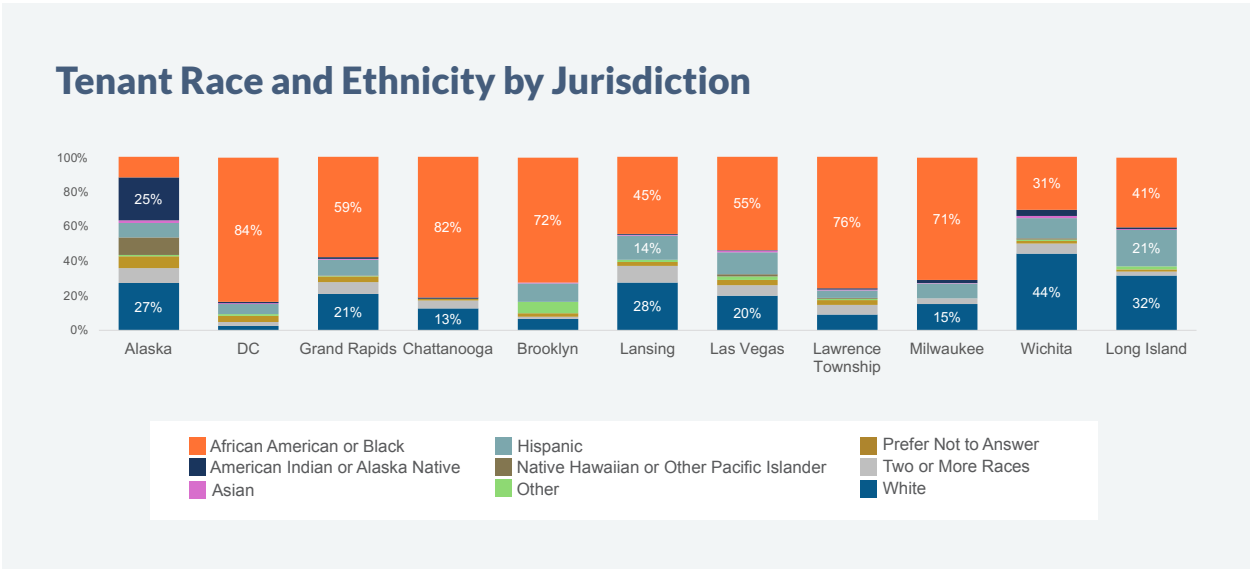
This flexibility was crucial to ensure that data collection would not disrupt the primary focus of the eviction diversion program—connecting litigants with information and resources—or retraumatize litigants unnecessarily. The information collected was used by program staff to respond to the specific circumstances or needs of litigants and was also aggregated to identify broader trends within individual courts and across the entire EDI cohort.

## Demographic Overview

The more than 7,000 litigants who completed the EDI intake surveys represented only a small fraction of the millions of families who face eviction every year in the United States. However, certain trends observed in EDI data largely track with national statistics. While housing instability cuts across all demographic groups and geographic regions, its harm does not fall equally; research by the Eviction Lab shows that

the outsized impact of eviction falls on Black or African American communities.<sup>13</sup>

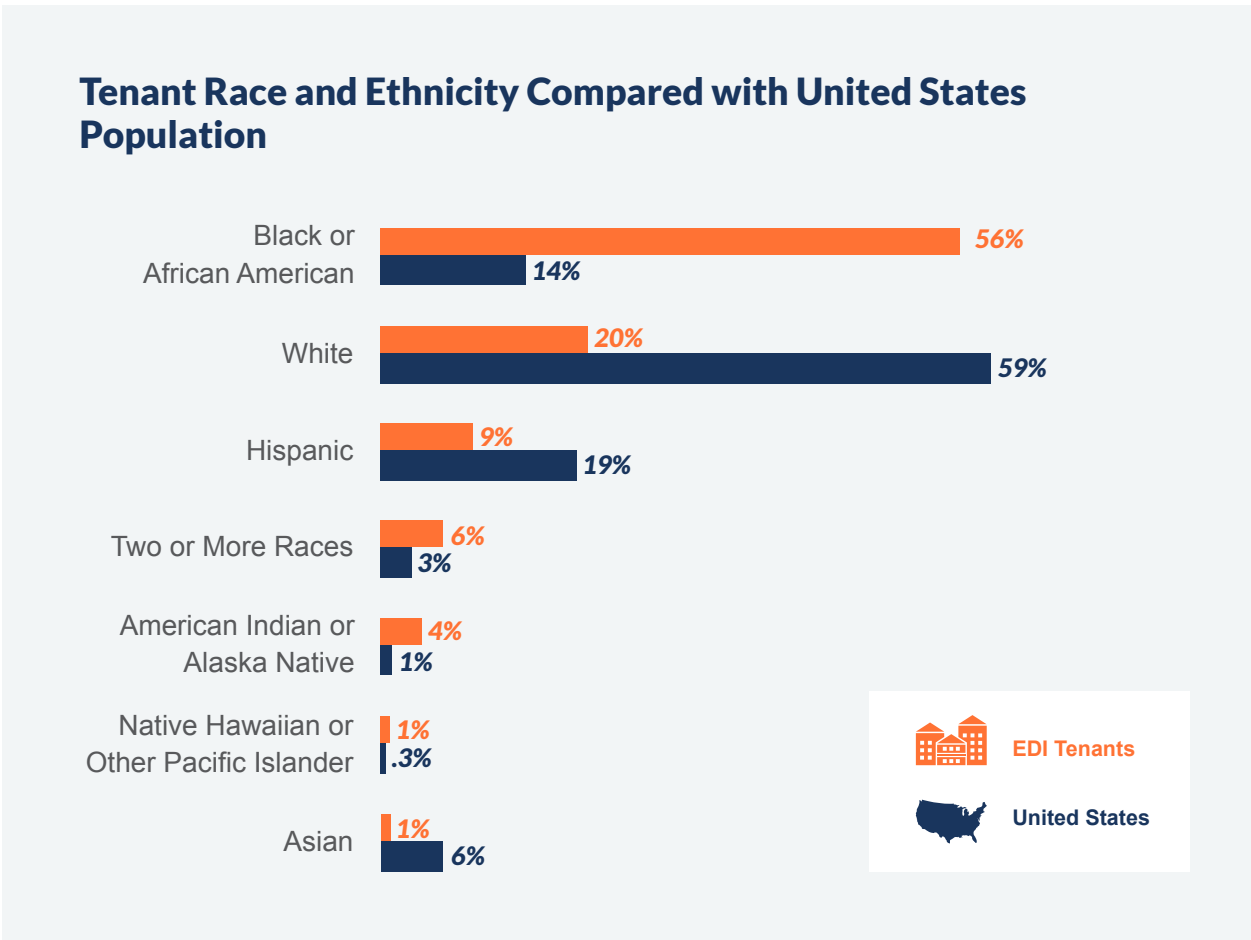
While there was significant variation by jurisdiction, approximately 80% of the overall numbers of tenants working with EDI programs identified as non-White. In all but four EDI sites, the majority of tenants identified as African American or Black.



12 Each EDI site was able to tailor the data-collection process for their program. Some sites use electronic intake forms completed directly by the litigant, while other sites had program staff interview litigants and record their data. In each site, custom data collection tools were created to enable collection and storage of the data within the court system data environment, but outside the primary case management system of the court.

13 <https://perma.cc/L3X7-ZF8T>

The graph below compares United States<sup>14</sup> race/ethnicity data with tenant demographics across all EDI sites:



EDI program data also indicates that the risk of eviction impacts a disproportionately high number of women. In every EDI site, the overwhelming majority of tenants were women, with the exact percentage ranging from 62% to 82% by jurisdiction. In total, 72% of tenants identified as female, while 27% identified as male. Tenants in eviction diversion programs were also more likely to identify as LGBTQ+ (9%) than the national average (7%<sup>15</sup>).

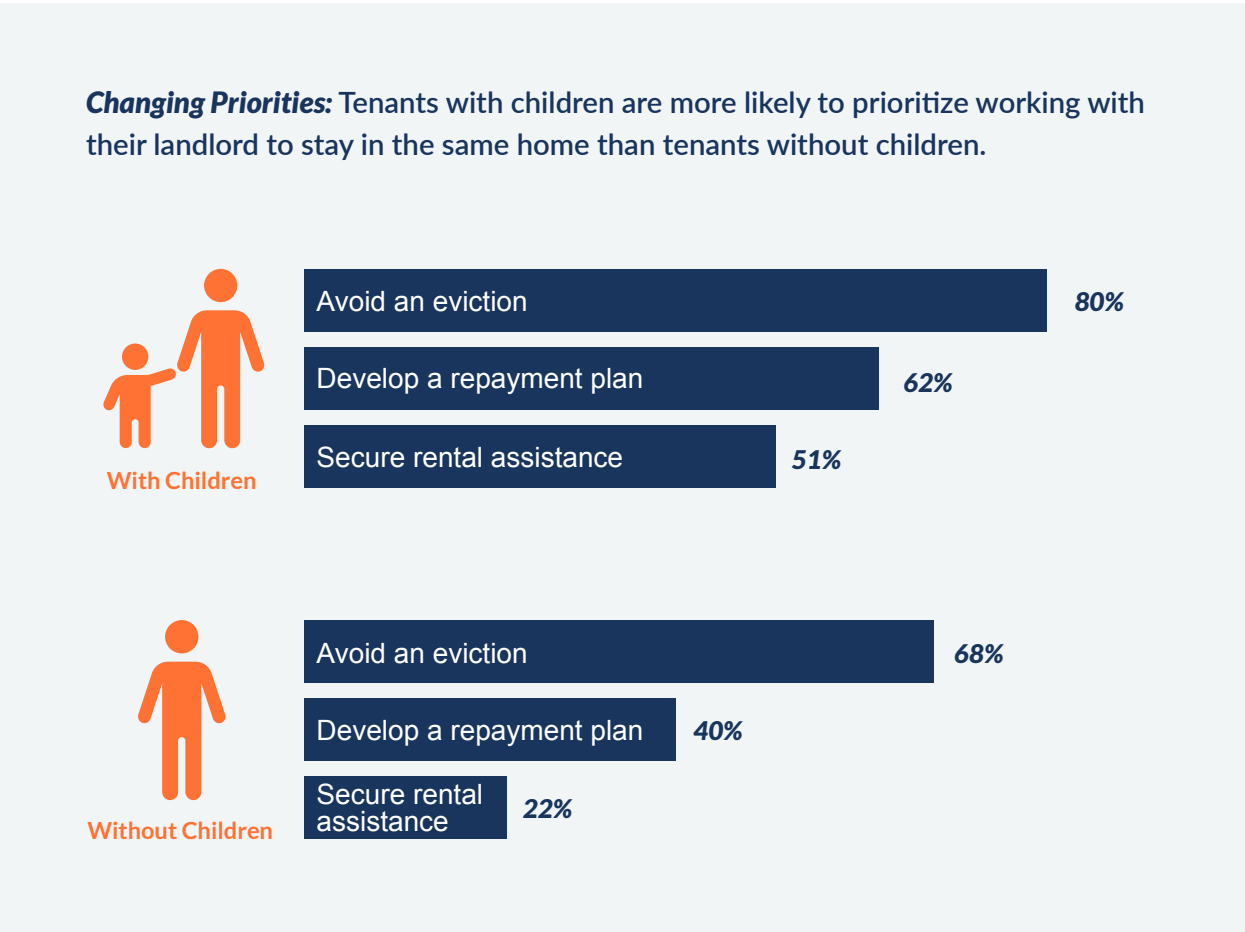
14 Based on United States Census Population Estimates as of July 1, 2023. The United States total is greater than 100% because people identifying as Hispanic may also identify as any race.

15 <https://perma.cc/K5KF-G58Y>

# Understanding Litigant Needs and Goals

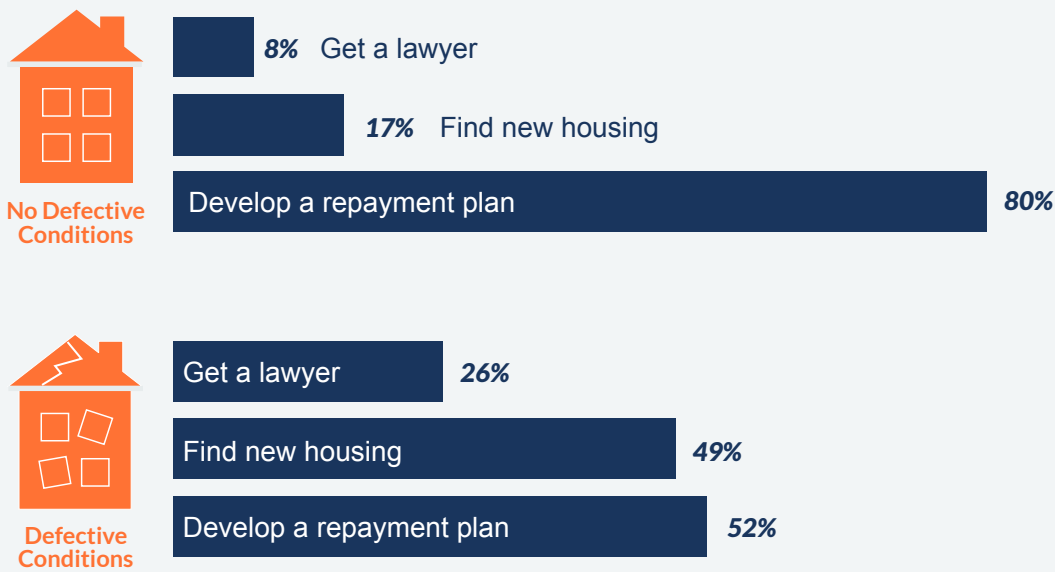
Beyond demographic diversity, EDI program data also underscores the important point that landlords and tenants are not monolithic groups, but individuals with many different priorities and needs. Landlords may have different motivations for filing an eviction case, and tenants may have different priorities when deciding how to respond. To be effective, eviction diversion programs cannot adopt a one-size-fits-all model; they must be adaptable to meet the differing needs and goals of landlords and tenants. Eviction diversion programs should offer different resources, interventions, and referrals that can be tailored to the individual.

Not every tenant has the goal of staying in their current home. Many tenants want to relocate but need additional time or support to secure new housing and make a moveout plan. Many different factors can influence whether a tenant’s primary housing goal is to stay in their current home or to move to a new one. For example, families with children often seek to minimize the risk of a child experiencing housing instability or displacement. The table below shows how the primary goals for tenants with children in the home differ from tenants without children.



On the other hand, tenants who reported defective conditions in the home were more likely to want to move into new housing or to get help from a lawyer with fixing the defective conditions. They were less likely to have the goal of working out a repayment plan with their landlord to stay in the current home.

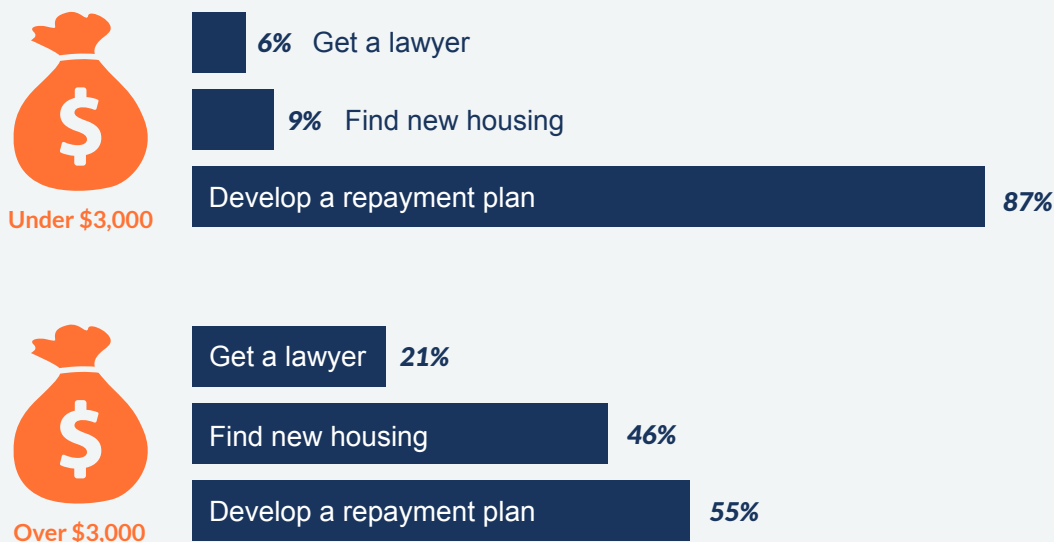
**Changing Priorities:** Tenants with defective conditions in their home are more likely to want assistance from a lawyer or to move to new housing than tenants without defective conditions.



Similarly, tenants who owed more than \$3,000 in back rent were more likely to have the goal of finding new housing or getting a lawyer than tenants who owed a smaller amount of back rent. Tenants whose only dispute was a relatively small amount of money were more likely to want to resolve the issue with their landlord and stay in their current home without involving a lawyer.



**Changing Priorities:** Tenants who owe over \$3000 in back rent are more likely to look for new housing or to seek assistance from a lawyer than tenants who owe less than \$3000.



Housing affordability is also a significant factor for many tenants in determining their housing stability goals. Housing affordability remains a significant challenge in both large, urban jurisdictions and small, rural ones as rent increases continue to outpace wage growth. A recent report from Harvard University's Joint Center for Housing Studies found that between 2001 and 2022, median rent in the United States increased by 21%, while median wages adjusted for inflation only increased by 2%.<sup>16</sup> The affordability gap has grown in recent years as rents have risen at even faster rates; between 2019 and 2023, on average, household rents increased by over 30%.<sup>17</sup>

No part of the country is immune from the challenges of rising rents and insufficient affordable housing. In 2024, for the first time, data showed that over half of all rental households in the United States were rent-burdened, meaning that 30% or more of household income goes towards rent.<sup>18</sup> Across EDI sites, tenants spend an average of 48% of their monthly income on rent, well over the

<sup>16</sup> <https://perma.cc/9JAP-TMGU>

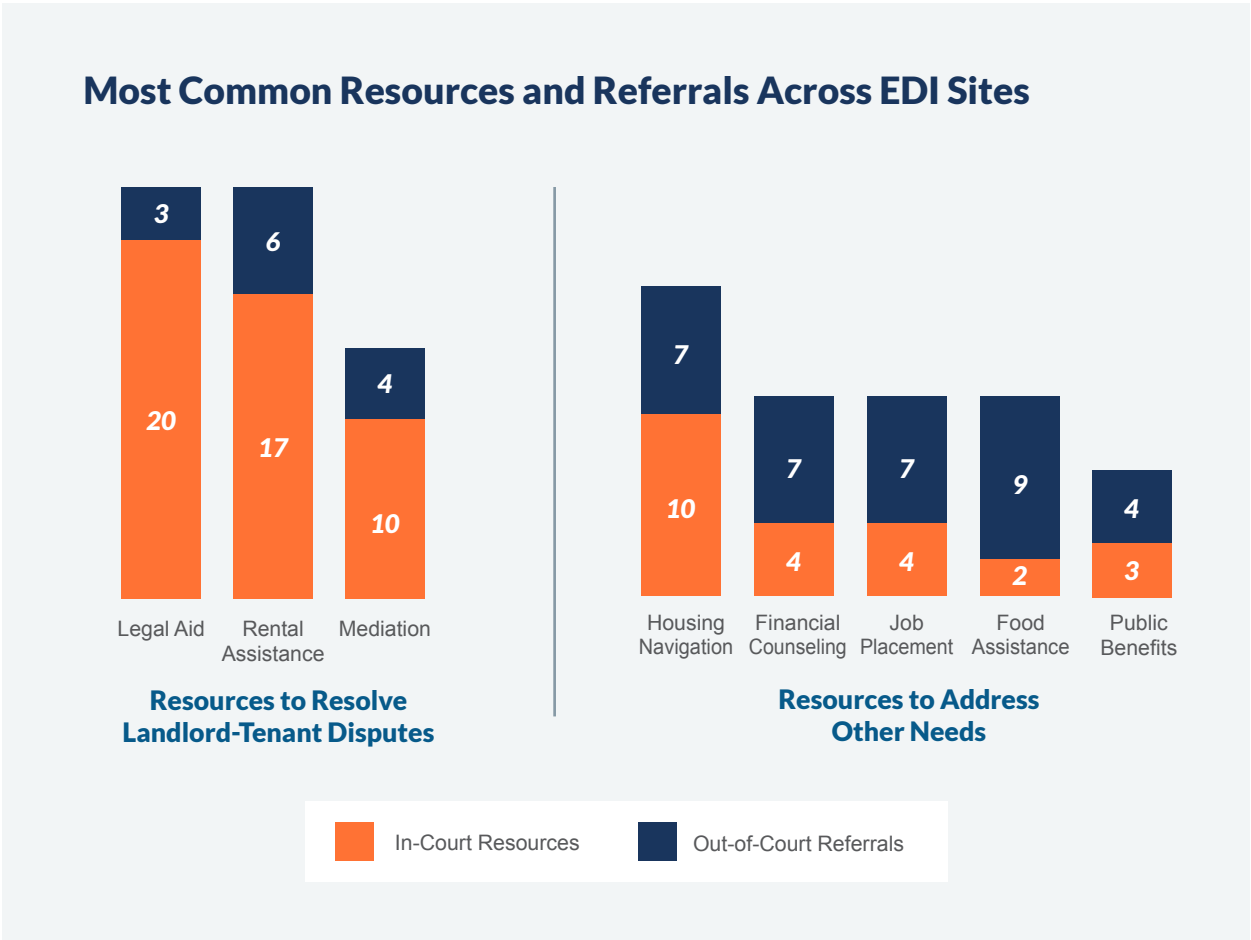
<sup>17</sup> <https://perma.cc/MJ8Y-3P7R>

<sup>18</sup> <https://perma.cc/8HQY-UF32>

30% figure. Tenants in four jurisdictions were, on average, “severely cost-burdened”, spending more than 50% of their household income on housing.<sup>19</sup> Against this backdrop, many tenants working with EDI programs simply can no longer afford the apartment that they live in, another factor in determining a tenant’s housing stability goals and resource needs.

## Addressing Litigant Needs and Goals

To successfully move forward from a housing dispute, litigants often need a combination of resources to address both the immediate legal issue and any co-existing needs that pose barriers to long-term stability. As the guiding principles underscore, this requires looking at both the legal and non-legal resources available in a community. The chart below shows the most common resources that litigants can access through EDI programs both to resolve the immediate legal crisis and to help prevent future ones.



19 The four jurisdictions are Washington, DC; Lansing, MI; Las Vegas, NV; and Suffolk County, NY.

20 For more information on designing eviction mediation programs, see <https://perma.cc/3K6U-TLHM>.

## Resolving the Immediate Legal Crisis

Each EDI program has a direct referral partnership with at least one—if not all three—of the following types of programs:



### LEGAL ASSISTANCE

Legal services, which may range from same-day brief advice to full representation at trial, can help tenants identify possible defenses and raise them in court.



### FINANCIAL ASSISTANCE

Rental assistance, moving assistance, and landlord mitigation funds can help tenants recover from temporary economic disruptions and provide financial security for landlords.



### MEDIATION/SETTLEMENT ASSISTANCE

Mediation programs connect paid or volunteer mediators with landlords and tenants to help identify common ground and craft mutually agreeable settlement terms. In jurisdictions without formal mediation programs, diversion program staff or other volunteers may provide informal settlement assistance to landlords and tenants.<sup>20</sup>

While most jurisdictions already had community resources in place, the diversion program staff have been effective at increasing timely access to these services. Diversion programs create a more streamlined process for sharing information, referring litigants to programs, and coordinating with judges and court staff to work within the timing and structure of housing court.

Diversion programs can also provide systemwide support to service providers to increase their ability to work with litigants. The capacity of legal aid, mediation, and rental assistance programs varies greatly by site, but in no jurisdiction is there enough to meet the enormous need. Each EDI site works closely with these partners to refine eligibility criteria and referral procedures to match litigants with the right services.



A tenant works with the EDI Court Navigator at the Lawrence Township Small Claims Court.

When a diversion program has multiple partners, the program staff and direct service providers work together to develop a coordinated triage and referral process that ensures cases are directed to the most appropriate resource. For example, some jurisdictions prioritize mediation referrals for certain case types, such as those involving self-represented landlords, smaller dollar amount non-payment cases, or personal relationships between landlords and tenants. Legal service referrals may be prioritized for more complicated cases, such as those involving subsidized housing, larger sums of money, or multiple legal issues. Eviction diversion program staff play a crucial role in connecting and coordinating among the service providers, litigants, and the court.

## Preventing the Next Crisis

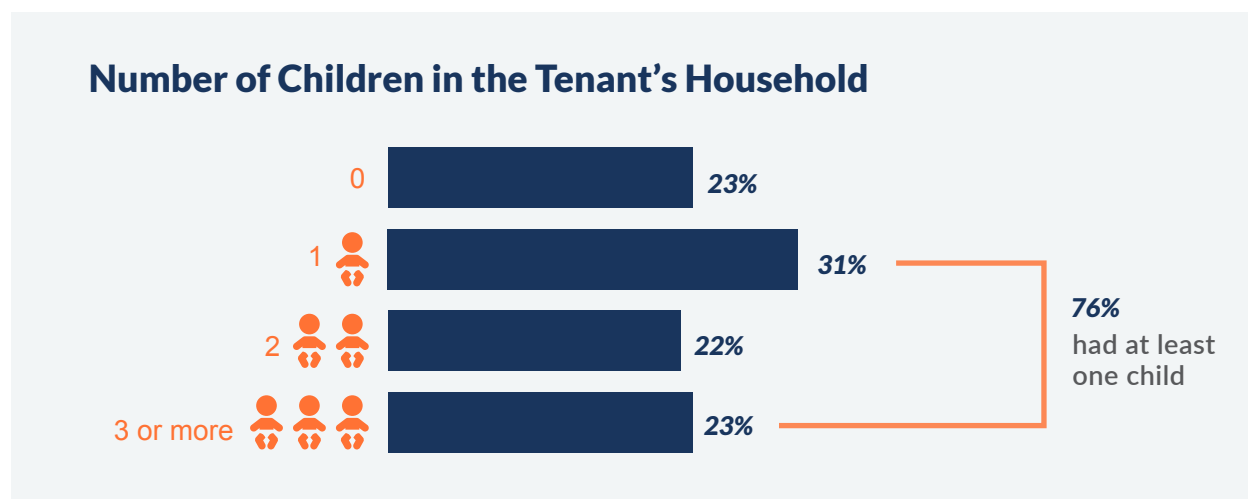
While every EDI site partners with some combination of legal aid, rental assistance, and mediation services to help tenants resolve the immediate legal problem, the longer-term impact often happens in the connections to wraparound services. The section below demonstrates how EDI jurisdictions have used program data to better understand and address holistic needs, particularly for families with young children, disabilities, and employment needs. These are only three examples, and not an exhaustive list of the many different wraparound services and supports that may be available through court-based eviction diversion programs.

### Helping Families with Young Children

Nationally, most evictions are filed against families with young children in the home. Young children are not named in eviction complaints, but they are the single largest group at risk of eviction each year.<sup>21</sup> Across households working with EDI programs, 76% had at least one child, and most had more than one child in the home.

Tenants who identified as female and African American or Black were the most likely to have a child in the household. The demographics of tenants engaging with EDI programs track with national trends that consistently identify single African American or Black mothers as one of the largest demographic groups impacted by eviction.<sup>22</sup>

Caught up in eviction through no fault of their own, children often struggle to simultaneously navigate disruptions to their housing and their education as their families move through the court process. Understanding the unique risks and needs of this population, many EDI sites have forged relationships with their local school districts to help families at risk of eviction access educational support services including transportation, tutoring, and other resources.



21 <https://perma.cc/JLD2-9VRT>

22 See, for example, <https://perma.cc/X5EF-PVFP> and <https://perma.cc/2YDS-6X6Q>.

## EVICTON DIVERSION



### Helping Children Stay in School During Transition

#### **THE PROBLEM**

Mr. B fell behind on rent due to unexpected medical expenses for his son, who was living with a physical disability that limited his mobility, and was sued for eviction. The family wanted to move but were worried about how their son, who used a motorized wheelchair, would get to school from the new home, which was no longer within walking distance.

#### **THE SOLUTION**

The EDI program staff contacted the school district on behalf of the family and, within one day, had arranged for a van to pick up Mr. B's son to attend school. In a follow-up conversation, Mr. B wrote, "I don't know what we would have done without you, and I am so grateful for you stepping in to get us the support we needed from the school."



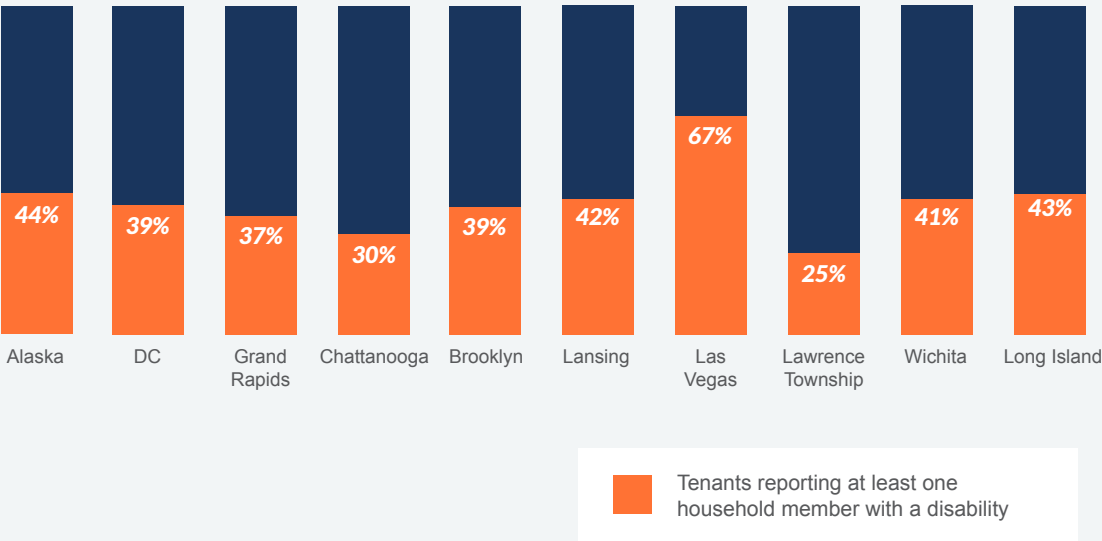
Helping Tenants with Disabilities

In each EDI site, a significant portion of tenants working with the diversion program reported that at least one household member had a physical or mental disability. Nationally, 26% of households report at least one person with a disability. Across the cohort, 40% of tenants working with diversion programs indicated that they, or a household member, had a physical or mental disability. The graph below shows the breakdown by jurisdiction, where orange bars represent the percentage of tenants reporting at least one household member with a disability.<sup>23</sup>

Tenants with physical or mental disabilities often encounter additional challenges accessing court proceedings or applying for community resources. Two of the highest volume EDI sites, Las Vegas Justice Court and Brooklyn Housing Court, chose to prioritize serving tenants with disabilities and elderly tenants after seeing the unique challenges experienced by this population in finding and maintaining housing. In other EDI sites, program staff are equipped to help litigants request disability accommodations to participate in their court proceedings. They can also help litigants with disabilities learn about and connect with resources in the community.

Presence of Physical or Mental Disability in Tenant’s Household

% of EDI Cases By Jurisdiction



23 The Las Vegas Just Court’s eviction diversion program prioritizes services for individuals receiving Social Security Disability Insurance. This is reflected in their data, which shows the highest percentage of tenants with disabilities served of any EDI site.

**EVICTON  
DIVERSION**



## **Helping Tenants with Disabilities Stay in their Homes**

### **THE PROBLEM**

Mr. K, a landlord in Lansing, MI, had a tenant who needed a ramp to access his home and couldn't afford the construction costs. Mr. K had worked with the 54A District Court's eviction diversion program before and reached out to see if the program could help.

### **THE SOLUTION**

The EDI program staff connected Mr. K with a local non-profit organization that handles accessibility projects at little to no cost for income-eligible households. The non-profit was able to build the ramp for free so the tenant could stay in his home.

## Helping Tenants Achieve Financial Stability

With rents rising faster than wages across the country, more and more families are struggling to pay their rent, even while working full-time.<sup>24</sup> Most tenants who engaged with EDI programs (61%) reported working either part-time or full-time, challenging a common misconception that eviction only impacts people who are unemployed. Of tenants who were not currently working, 62% indicated they were seeking employment.<sup>25</sup> Many tenants not seeking work were retired or unable to work due to disability or other personal circumstances. In addition, approximately 68% of tenants indicated that their household income had recently decreased, the majority of which was due to job loss or reduced work hours.

Understanding that access to employment is vital to long-term housing and financial stability, many EDI programs have cultivated partnerships with job training and other

employment programs. EDI program staff in Harris County, TX invite job placement agencies to set up tables at the courthouse during the eviction docket to share information about job opportunities and training programs. In Grand Rapids, MI, the diversion program partnered with community organizations to host a series of resume and interview workshops leading up to a community job fair. In Lansing, MI, landlords and tenants who work with the diversion program can sign up to receive updates about employment opportunities in the community.



<sup>24</sup> <https://perma.cc/62HX-ZXTC>

<sup>25</sup> Tenants who were not currently working but were seeking employment represented approximately 25% of total tenants. Tenants who were not currently working and were not seeking employment were approximately 15% of total tenants.



**EVICTON  
DIVERSION**



## **Helping Tenants Access Employment Opportunities**

### **THE PROBLEM**


Mr. R lost his job and ended up in eviction court in Houston, TX. Although he was able to work with a legal aid attorney, Mr. R still received an eviction judgment and was ordered to move out. The EDI program staff reached out after the eviction was entered to see if he needed any help transitioning to new housing or accessing resources.

### **THE SOLUTION**

The EDI program staff identified employment as the top priority and connected Mr. R with a local small business owner who was hiring. Within days, Mr. R had a new job and steady income. He reached out to the EDI program staff to let them know he would be able to afford a new apartment and to thank them for the assistance. In his own words, “[You] helped me a lot. It means a lot that you follow up with me. I never really had [people] check up on me.”

# OUTCOMES AND IMPACTS

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*A tenant in Lawrence Township, IN, poses with the EDI Court Navigator after setting up a payment plan to preserve her housing through the eviction diversion program.*

**W**hile each eviction diversion program is different, they all strive to achieve the same outcome—to prevent evictions when possible, and to mitigate their harm when not. The quantitative and qualitative data collected through the Eviction Diversion Initiative shows the tremendous potential for court-based eviction diversion programs to accomplish this goal. Diversion programs alone cannot solve housing instability or offset rent increases, inadequate affordable housing supplies, or insufficient funding for legal services. However, they can build the collective capacity of a community to respond to housing instability by leveraging the unique position of the court as a connective hub.

The following trends can be seen across EDI sites and are discussed in more detail below:

- **Decreasing Eviction Judgements:** Fewer filed cases go to trial and result in an eviction judgment, reducing the overall burden on courts and preventing the most harmful outcomes for landlords and tenants.
- **Improving Appearance Rates:** Tenants are more likely to show up at court and to avoid default judgments.
- **Sealing 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.
- **Strengthening Connections to Resources:** Landlords have more alternatives to costly litigation and, where available, easier access to rental assistance funds. Tenants can more easily access resources to resolve housing problems and address their other interrelated needs.
- **Rebuilding Trust and Confidence in the Justice System:** Litigants are more likely to report a positive experience with the court system and to get help achieving their housing stability goals.



## Decreasing Eviction Judgments

Court-based eviction diversion programs have successfully demonstrated that there are many ways to change the trajectory of a landlord-tenant dispute, even after a case has been filed. Across the EDI cohort, only 6% of cases that engaged with eviction diversion programs ultimately went to trial. Approximately 25% of cases were dismissed by the landlord, while most of the cases (64%) resulted in a settlement agreement. Settlement agreements include those negotiated directly by the tenant, through a legal aid attorney, or through a referral to a mediation/settlement assistance program.

- In the **Clatsop County Circuit Court**, all cases are referred to mediation before going before a judge. In the first five months of the program, every case referred to mediation was resolved through settlement (70%) or dismissal (30%). Not a single mediated case resulted in the entry of an eviction judgment.<sup>26</sup>
- In the **Las Vegas Justice Court**, all cases that are referred to eviction diversion are scheduled for an appointment with a social worker to apply for rental assistance and get screened for other benefits before they are set for hearing in front a judge. In the first eight months of the diversion program, \$2,477,690 of rental assistance funding was distributed resulting in 78.5% of the eviction cases being dismissed or denied.<sup>27</sup>
- The **Allen County Superior Court** requires all landlords and tenants to attend an initial meeting with the eviction diversion program. Cases are only scheduled for a court date in front of a judge if the parties are unable to resolve the dispute with the support of onsite legal aid, rental assistance, and social services at the diversion meeting. Since the program was launched, only 6% of filed cases moved forward to trial.<sup>28</sup>
- In the **Lawrence Township Small Claims Court**, tenants are offered the chance to meet with a legal aid attorney or to work with the EDI settlement assistance program before they see a judge.<sup>29</sup> Landlords and tenants also have access to housing and resource navigation at the courthouse. In the first year of the eviction diversion program, 90% of the filed eviction cases were dismissed.

### ACROSS THE EDI COHORT...

**64%**

of cases resulted  
in a settlement  
agreement

**25%**

of cases were  
dismissed

**ONLY 6%**

of cases  
went to trial

<sup>26</sup> Program data provided by the Clatsop County Circuit covers the time from the program launch in April 2024 through August 2024.

<sup>27</sup> Program data provided by the Las Vegas Justice Court covers the time from the program launch in December 2023 through August 2024. Of the 1,222 cases that went through eviction diversion, 647 resulted in a voluntary dismissal and 292 resulted in a denial. A judgment for the Plaintiff was granted in 283 cases.

<sup>28</sup> Program data provided by the Allen County Superior Court covers the time from January 2024 through May 2024.

<sup>29</sup> <https://perma.cc/Q43E-CU92>



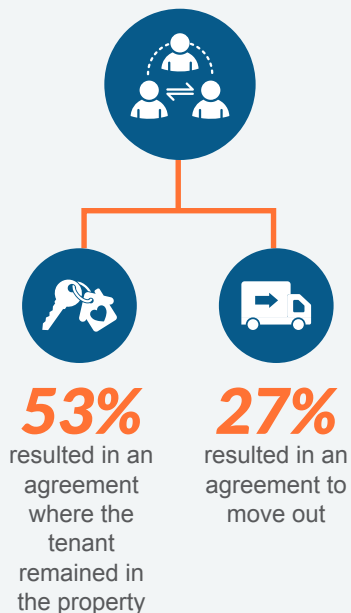
Staff and volunteers with the eviction diversion program in Louisville, KY, after helping a tenant secure and relocate to new housing.

Settlement agreements typically fall into one of two categories; the tenant stays in the property (usually while agreeing to pay back all or a portion of the rental arrears) or the tenant agrees to vacate the property by a certain date (often in exchange for having the case dismissed or sealed). Of the cases that were resolved through an EDI mediation or settlement assistance program, 53% resulted in an agreement where the tenant remained in the property, while 27% resulted in an agreement to move out.<sup>30</sup>

Tenants who agree to move out of their home may be at risk of significant disruption if they must move without enough time to secure new housing and fully prepare for the transition. However, tenants who resolve cases through an eviction diversion program may avoid this outcome by negotiating additional time to move out and by receiving connections to housing navigation and other resources.

Many EDI programs offer transition support that may include helping tenants search for new housing, develop a budget, or access discounted moving or storage services. The image above shows a group of volunteers in Louisville who helped an EDI tenant who had recently suffered a stroke move and store her belongings for free so she could leave her apartment without an eviction judgment. The EDI program staff also helped her locate and secure new housing.

### Case Resolution Through EDI Mediation or Settlement Assistance Program



<sup>30</sup> These numbers include cases that were fully resolved through an EDI mediation or settlement assistance program before September 11, 2024 in the following sites: Alaska Court System, Kansas 18<sup>th</sup> Judicial District, DC Superior Court, Hamilton County General Sessions Court, Lawrence Township Small Claims Court, Clatsop County Circuit Court, and CO 4<sup>th</sup> Judicial District. Of the cases referred to an EDI mediation or settlement assistance program, 50% were fully resolved and 33% were partially resolved, reducing the number of issues to be adjudicated in court.

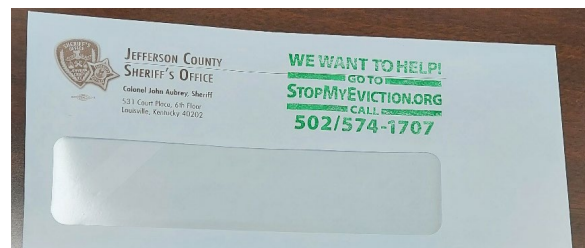
## Improving Appearance Rates

Housing courts often see very low appearance rates from tenants—50% default rates are not uncommon—and EDI sites have worked proactively to change the negative perception of housing court and to convey to tenants the benefits of coming to court and participating in their case.<sup>31</sup> To tackle default rates directly, many EDI sites have revamped their court forms so tenants can more easily understand and act on them.<sup>32</sup> Several sites have also supplemented paper communications with text messaging and email reminder systems. Collectively, these improvements to the substance and methods of court communication can help increase appearance rates by making it easier for tenants to understand and engage with the court process, and by extension, the diversion program.

Beyond communications related to a pending court case, EDI program staff have also engaged directly with the communities they serve. Rather than waiting for landlords and tenants to come to court, program staff host workshops at libraries and community centers, set up booths at street fairs, and participate in different working groups to build visibility in the community and deepen their ties to community partners. For example, the DC Courts ran an outreach campaign to display ads at Metro stations and bus stops in areas with high eviction filing rates (see image below).

EDI sites reported higher levels of tenant engagement as their diversion programs and court improvements were put into place. The following examples underscore the impact that diversion programs and court improvements can have on tenant engagement:

- In the [Las Vegas Justice Court](#), the number of tenants filing the required Tenant Answer doubled from less than 25% to over 50% after the diversion program was implemented. The “no show” rate for eviction diversion intake appointments dropped from 60% to under 15% after the court implemented text messaging reminders and a system for tenants to easily reschedule appointments online.<sup>33</sup>
- The **Jefferson County District Court** in Louisville, KY adopted many outreach and engagement strategies to reach tenants before and during court and has seen the default rate drop to below 10%. Strategies include stamping envelopes with information about resources (see image below), operating a hybrid docket that allows litigants to appear virtually or in-person, and making phone calls to tenants directly from the bench if they are not present in court.



31 For more resources on improving appearance rates, visit <https://perma.cc/T9HN-CAVK>.

32 For more resources on improving court forms, visit <https://perma.cc/426X-QBZ5>.

33 Program data provided by the Las Vegas Justice Court covers the time from the adoption of the court order establishing the eviction diversion program in December 2022 through August 2024. For more information about the Las Vegas Justice Court's eviction diversion program, see [https://www.ncsc.org/\\_data/assets/pdf\\_file/0017/93221/Las-Vegas-Justice-Court-Case-Study-1.pdf](https://www.ncsc.org/_data/assets/pdf_file/0017/93221/Las-Vegas-Justice-Court-Case-Study-1.pdf).

## Sealing Eviction Records

Eviction diversion programs can also support tenants who have been evicted by helping them recover from the harm of the eviction. In jurisdictions where state law allows for records to be sealed, EDI sites adopted policies and practices to make it easier for tenants to take advantage of this protection. EDI jurisdictions have developed new forms, established sealing clinics, and worked with housing providers to maximize the impact of eviction sealing laws. In jurisdictions where there is no statutory mechanism for sealing



Pro bono volunteers working with tenants to seal their previous eviction records at a community clinic co-sponsored by the Lawrence Township Small Claims Court's eviction diversion program.

records, some EDI courts have taken action to limit the availability of eviction records by restricting digital access to records or removing names from public records, consistent with state law.

- The [Lawrence Township Small Claims Court](#) program coordinates quarterly eviction sealing workshops in different community locations in partnership with legal aid organizations, the bar foundation, and other community-based partners. Over 1,000 petitions to seal have been prepared at the clinics. The image above shows tenants getting help at an eviction sealing clinic in September 2024.
- The **Milwaukee County Circuit Court** program partnered with the Court and Clerk to create a suite of forms, court rules, and self-help materials to assist tenants in requesting record sealing. The EDI program also partners with the self-help center to staff weekly eviction sealing clinics at the courthouse.
- The [Alaska Court System](#) adopted a statewide rule limiting access to eviction records for cases that are resolved without a negative judgment against the tenant.<sup>34</sup> While there is no statutory authority to seal records, the rule authorizes eviction records to be removed from the court's online database. This substantially limits the public's ability to view eviction records, as they are only available if requested in-person at the courthouse.

34 To view the court order establishing the eviction diversion program, see <https://perma.cc/D4EM-5ENG>. For more information on the Alaska Court System's eviction diversion program, see <https://perma.cc/7YRN-C9T2>.



## Strengthening Connections to Resources

Each EDI site has worked to remove the barriers that often prevent landlords and tenants from getting the help they need to resolve their housing problems. Some litigants are unaware of available resources, others are overwhelmed or may not know where to start, while still others feel resigned to a particular outcome. Additionally, tenants often report frustration after contacting service providers and never hearing back or facing repeated rejection. Service providers are often flooded with requests they don't have the capacity to handle placing a burden on their intake staff.

To address these common challenges, EDI sites function as bridges between the court and the service providers. EDI program staff work to ensure that they have accurate and comprehensive information about available services, intake procedures, eligibility criteria, and timing so they can avoid sending litigants down a dead end or setting them up for the frustrating process of being declined services. In every EDI site, at least one service provider (legal aid, mediation, or rental assistance) is available during the eviction docket, either physically or virtually, to meet with litigants. For other services, including wraparound support, program staff can facilitate warm referrals or provide detailed information about how to contact the organization and what to expect when doing so.

The following examples show the impact of creating streamlined opportunities to access legal and non-legal service providers during court:

- Two **Harris County Justice of the Peace Courts** operate eviction diversion programs that include partnerships with legal aid, financial counseling, and employment programs. The eviction diversion program staff contact tenants before court to connect them with legal aid and to provide referrals to wraparound services. Since the program launched, the rate of tenants represented in court by legal aid attorneys has increased from 3.27% to 11.45%, with even more tenants receiving brief legal advice during or before court.<sup>35</sup>
- The **Michigan 54-A District Court** in Lansing, MI forged a relationship with the Office of Financial Empowerment (OFE) that allows the eviction diversion staff to schedule appointments for tenants who would benefit from financial counseling. OFE reported that referrals from the court's eviction diversion program had the highest show-up rate of any



A sign at a courthouse in Lawrence Township, IN directs tenants to free resources available through the eviction diversion program.

<sup>35</sup> Program data provided by Harris County Justice of the Peace Court Precinct 1-Place 2 covers the period from the program launch in November 2023 through August 2024.



of their referral partners. Six months after the conclusion of the eviction case, 76% of the tenants referred to the financial counseling program were still stably housed.

- The **Brooklyn Housing Court** saw that over 70% of the tenants referred to the eviction diversion program were sued for eviction because of an administrative issue with their housing subsidy. The eviction diversion staff developed working relationships with the housing subsidy administrators to better assist tenants in navigating the bureaucratic process. With this support, most tenants were able to resolve their issues and stay in their homes. In total, 40% of cases referred to diversion were dismissed and another 46% resulted in a settlement agreement; only 6% resulted in an eviction judgment.
- The **Alaska Court System** operates a pre-filing eviction diversion program that offers direct access to rental assistance funding that is not otherwise available. From January through September 2024, 171 families were able to access mediation and over \$385,000 in rental assistance to resolve their housing disputes outside of court.<sup>36</sup>
- The **Tulsa District Court**'s eviction diversion program operates out of a local food bank and social service hub to provide easy connections to a range of resources including public benefits screening, rental assistance, legal assistance, housing navigation, and more. The eviction docket was moved from the central, downtown courthouse into another building immediately next to the social service center.



An eviction diversion program staff member works with a tenant at the Brooklyn Housing Court.



The eviction diversion program in Tulsa, OK borrows space from the local food pantry to allow landlords and tenants to more easily connect with social services.

<sup>36</sup> Program data provided by the Alaska Court System covers the period of time from January 1, 2024 through October 4, 2024. For more information on the Alaska Court System's eviction diversion, program, see <https://perma.cc/7YRN-C9T2>.

## Rebuilding Trust and Confidence in the Justice System

Eviction diversion programs can help improve the litigant experience by changing the culture of housing courts. At a time when trust and confidence in the court system is declining, eviction diversion programs can help reestablish the important role of courts in resolving community disputes. In the 2023 State of the State Courts Survey, only 60% of respondents reported having some or high confidence in state courts.<sup>37</sup> Tenants working with eviction diversion programs, however, reported higher levels of satisfaction across several different metrics. These numbers were consistently high, regardless of the outcome of the case.



A tenant meets with the Eviction Resource Coordinator at Harris County Justice of the Peace, Precinct 1-Place 2.



**91%**

felt that they were treated with respect by court staff



**84%**

understood what they needed to do to resolve their case



**78%**

of litigants felt that the court process was neutral and fair



**77%**

found that staff were helpful in explaining court procedures and sharing resources



**76%**

reported that the diversion program helped them reach a better outcome

37 <https://perma.cc/G8DD-GZ7N>

# CONCLUSION

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*The Eviction Diversion Facilitator in Lansing, MI  
meets with a local landlord.*

Courts alone cannot solve housing instability, but they can be key partners in this work. Every eviction story starts out differently, but they ultimately converge in state courts. These courts can change the trajectory of housing disputes through eviction diversion programs and partnerships, while still maintaining their neutrality and independence. The work of the 24 sites participating in the NCSC Eviction Diversion Initiative show the many ways courts can engage in this work and leverage their unique position to bridge the distance between the court, community members, and service providers. When housing courts focus more on building connections and solving problems than on processing cases, an eviction filing can become the beginning of a housing stability story, rather than the end of one.



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*“For the very first time in my life, I do not feel like I have to carry the weight of the world all by myself, and I am so very grateful for you and for my judge yesterday who told me about this program.”*

- A tenant in Colorado Springs, CO



*“Without the eviction diversion facilitator, I wouldn’t have understood what was going on with my tenant. I appreciated being able to get the information, and what I learned will help me work better with other tenants.”*

- A landlord in Lansing, MI

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[ncsc.org/edi](https://ncsc.org/edi)