



# Eviction Diversion Initiative

## October 12, 2020



- Eviction Diversion Roadmap
- New or Expanded Programs
  - Public Media Campaign
  - Housing Consumer Education Centers (HCECs)
  - Residential Assistance for Families in Transition (RAFT)
  - Legal Representation and Related Services in Eviction Cases
  - Community Mediation
  - Tenancy Preservation Program (TPP)
  - Rapid Rehousing/Post Eviction Diversion
- Funding
- Implementation and Timing
- Appendix

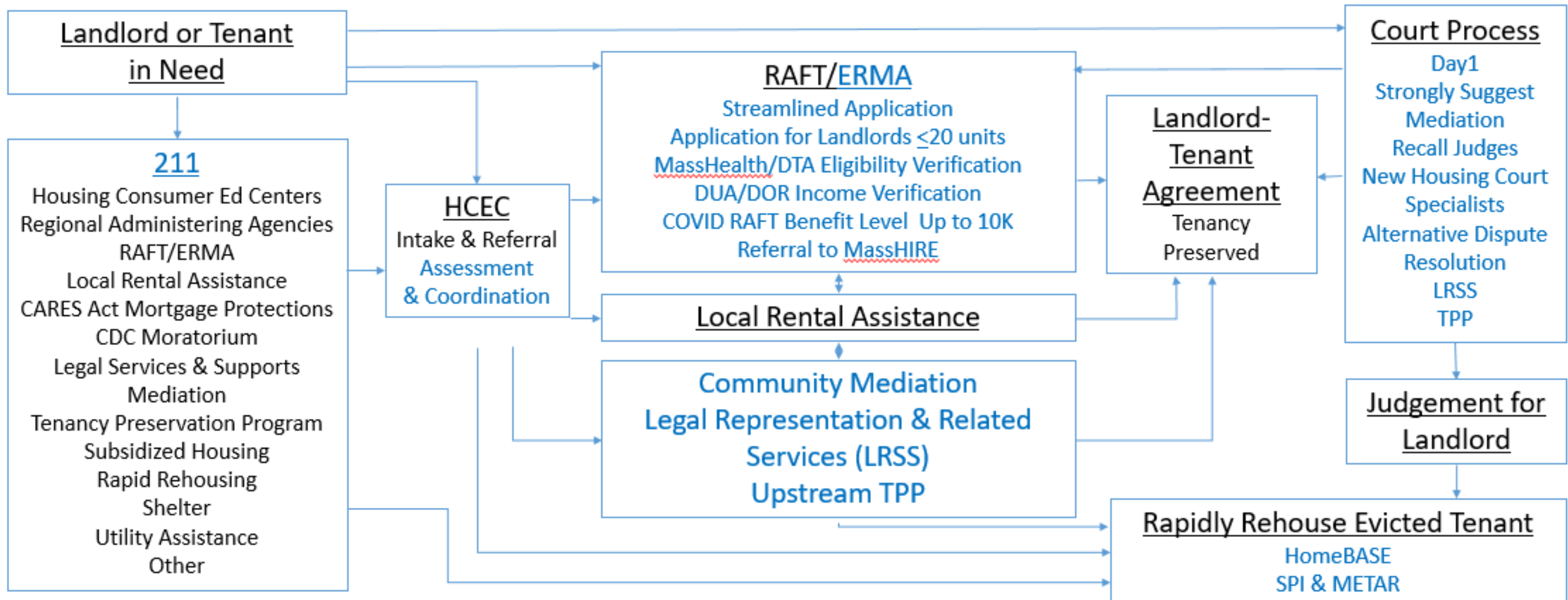
# Eviction Diversion Road Map

## Multiple Interventions from Pre-Filing to Post-Eviction



### Public Info Campaign: 211, Social Media, Webinars, Information Resource Sheets

Courts & Court Service Centers, Legislators, Other State Agencies, Family Resource Centers, Municipal Offices, Housing Agencies, Legal Services, Social Service Orgs, Community Action Agencies, CDCs, CHAPA, MMA, Landlord Orgs, Shelters, RPAs, Community Based Orgs, Faith Based Orgs, Community Health Centers



Blue denotes new or expanded initiative

10/10/2020

# Eviction Diversion Public Media Campaign

## New



- DHCD is launching a public information campaign to inform tenants, landlords and homeowners about available rental/mortgage assistance. There is a new webpage: [www.mass.gov/CovidHousingHelp](http://www.mass.gov/CovidHousingHelp)
- DHCD is contracting with Mass211 to be the central point of contact for all COVID housing related questions.
- As of October 13<sup>th</sup>, Mass211 will be the phone number on [www.mass.gov/CovidHousingHelp](http://www.mass.gov/CovidHousingHelp), on the courts' website, and included in all notices about evictions.
  - Easy to remember
  - Organization whose sole mission is to answer the phone, talk to people in crisis, and refer them to the right resources
  - On-demand language assistance
  - Able to provide a broader range of referrals if the caller has needs in addition to housing
- Flyers, social media posts, and a Rent and Mortgage Explainer video that can be embedded in social media will be shared with partners and interested organizations to leverage their networks to get critical information out:
  - Available in multiple languages
  - Reminds renters and owners that the moratorium does not relieve tenants of their duty to pay rent
  - Informs homeowners of their mortgage options
  - Points people to resources available to prevent as many evictions/foreclosures as possible

# Housing Consumer Education Centers (HCECs) Expansion



	Current Program	Expansion
Program Description	Nine contracted HCECs assist renters, homeowners, landlords, homeless/at risk populations in crisis. After intake, they refer clients to RAFT/ ERMA, HomeBASE, Voucher application, Shelter, other local programs and services.	Add “Special Housing Counselor” function at each HCEC to help those who need more than just a referral or a RAFT payment.
Service Level	Intake, Information, & Referral	Coordination, tracking & light case management
Population Served	General Public	Households are facing complex COVID-related situation where RAFT alone will not fix the issue. Need to layer in Mediation, Social Services, and/or Legal support.
Outcome	~66,000 intakes & referrals per year	~3,300 households receive higher HCEC service

# Residential Assistance for Families in Transition (RAFT) Expansion



	Current Program	Expansion
Program Description	<p>RAFT provides up to \$4K in assistance with rent, mortgage, utilities, moving costs</p> <ul style="list-style-type: none"> <li>Administered by 11 regional agencies</li> <li>Payments go directly to landlord, mortgage servicer, or vendor</li> </ul>	<ul style="list-style-type: none"> <li>Administrative reforms to speed processing: <ul style="list-style-type: none"> <li>Small Landlords (&lt;20 units) can submit application with tenant consent</li> <li>Referral to MassHIRE upon application</li> </ul> </li> <li>New COVID RAFT expanded benefit level up to \$10K when tenancy preserved for 6 months, see slide 9</li> </ul>
When Accessed	<ul style="list-style-type: none"> <li>Regular RAFT: Court Summons</li> <li>Upstream RAFT: Notice of Arrears/Rent owed</li> </ul>	<ul style="list-style-type: none"> <li>COVID RAFT: Same as Upstream RAFT</li> </ul>
Population Served	<ul style="list-style-type: none"> <li>Household income must be <math>\leq</math> 50% of Area Median Income (AMI) or 60% AMI if experiencing Domestic Violence</li> <li>50% of funds to likely EA eligible</li> <li>50% of funds targeted to 30% AMI</li> </ul>	<ul style="list-style-type: none"> <li>COVID RAFT: Same as Current Program, but must have housing emergency that is related to COVID-19</li> <li>30% of supp targeted to 30% AMI</li> </ul>
Outcome	<ul style="list-style-type: none"> <li>5,250 households served</li> </ul>	<ul style="list-style-type: none"> <li>14,000 additional households receive COVID RAFT</li> </ul>

# RAFT New Policy

## Expanded COVID RAFT Benefit Level \$4K to \$10K



Terms	Existing Upstream RAFT	RAA Facilitated COVID RAFT	Mediated COVID RAFT
Benefit Level	Up to \$4,000	\$4,001 to \$10,000	Up to \$10,000
Tenant Eligibility	50% AMI (60% AMI for Domestic Violence) & Notice of Arrears		
Tenant Commitment	Must demonstrate can afford all forward rent	Pays <u>at least 30% of income</u> to forward rent	Court or Community Mediator determines
Landlord Commitment	<ul style="list-style-type: none"> <li>Cannot file for eviction for any month covered by the RAFT payment</li> </ul>	<ul style="list-style-type: none"> <li>Cannot file for eviction for <u>at least 6 months from first RAFT payment OR until June 2021 if school-aged children in household, whichever date is later.</u></li> <li>If the tenant fails to meet the rent obligation stated in the agreement the landlord can file for eviction.</li> <li>May need to forgive arrears or forward rent</li> </ul>	
Preservation Requirement	Stability for the foreseeable future	Stability for 6 months required or until June 2021	

# Community Mediation Pre-Court New Program in Development



	New Program
Program Description	<ul style="list-style-type: none"><li>• Working with partners to provide state-qualified, court-approved community mediation centers to mediate remotely via video/telephone</li><li>• Available in all regions of state</li><li>• Full-time housing mediation staff coordinators to provide screening, case management, data collection, mediator supervision and communication with referral/resource agencies, such as HCECs, RAAs, Legal Services &amp; Courts</li></ul>
When Accessed	<ul style="list-style-type: none"><li>• Pre-court diversion (upstream: post-NTQ/pre-filing)</li><li>• Pre-hearing diversion (after eviction filing, before initial hearing date)</li><li>• Hearing date diversion (diversion at initial court status date)</li></ul>
Population Served	Any Renter or Landlord unable to resolve situation with RAFT/HCEC/RAA assistance alone
Outcome	4,000-5,000 cases resolved Pre-Court through Mediation



# Legal Representation and Related Services In Eviction Cases

## New Program in Development



	New Program
Program Description	<ul style="list-style-type: none"> <li>Working with partners to develop a program for statewide deployment of legal representation and related services, delivered through volunteer lawyers and Legal Assistance programs to support income eligible landlords and tenants upstream and through the Court process</li> <li>Non Lawyer Services:               <ul style="list-style-type: none"> <li>Screening and referral upstream and during Court</li> <li>Prepare Answer to complaint &amp; coordinate with HCEC &amp; RAA on RAFT</li> <li>Support attorneys in preparation for mediation or hearing</li> </ul> </li> <li>Attorney Services:               <ul style="list-style-type: none"> <li>Representation and negotiation during mediation</li> <li>Staffing Lawyer for the Day program in Housing Court</li> <li>Representation in Court trial</li> </ul> </li> </ul>
When Accessed	<ul style="list-style-type: none"> <li>Pre-court diversion (upstream: post-NTQ/pre-filing)</li> <li>Pre-hearing diversion (after eviction filing, before initial hearing date)</li> <li>Hearing date diversion (diversion at initial court status date)</li> </ul>
Population Served	Tenant or Landlord with Household income <200% Federal Poverty Level
Outcome	~20,000 clients served Upstream and in Court

# Upstream Tenancy Preservation Program (TPP) Expansion



	Current Program	Expansion
Program Description	Six contracted TPP providers, each assigned to a Housing Court territory, provide case management & act as 3 <sup>rd</sup> party negotiators to preserve tenancies or rapidly rehouse households where eviction is related to a household member's disability	Same as Current Program but expanded to serve broader population of EA eligible and frail elders
Service Level	Heavy Case Management & Neutral 3 <sup>rd</sup> Party Negotiation with Landlord & Tenant	Medium Case Management & Neutral 3 <sup>rd</sup> Party Negotiation with Landlord & Tenant
Engagement Period	9 months on average	4 months
Population Served	Line Item limits to Households where a member has a disability	Households not necessarily impacted by disability but still needing support to preserve their tenancy
Outcome	600 households served each fiscal year with 94% success rate	1,800 additional households

# HomeBASE & Rapid Rehousing Programs for Post-Eviction Diversion from Shelter Expansion



	Current Program	Expansion
Program (s) Description	<ul style="list-style-type: none"> <li><u>HomeBASE</u>: Provides up to \$10K per household for housing costs to divert from EA once determined eligible or exit EA shelter into stable housing</li> <li><u>Strategic Prevention Initiative (SPI)</u>: Provides up to \$3K per household for housing and other expenses to divert from EA <u>before</u> determined eligible. Currently piloted in Boston and Brockton</li> </ul>	<ul style="list-style-type: none"> <li><u>HomeBASE</u>: Same as Current Program.</li> <li><u>Strategic Prevention Initiative (SPI)</u>: Same as Current Program. Would expand to Worcester, Lawrence, &amp; Springfield.</li> <li><u>METAR</u>: New/Repeat of short-term Hurricane Maria Diversion program. Provides up to \$10K per household for housing and other expenses to divert from EA <u>before</u> determined eligible.</li> </ul>
Outcome	<ul style="list-style-type: none"> <li>3,300 households diverted each fiscal year</li> </ul>	<ul style="list-style-type: none"> <li>Additional 2,200 households diverted</li> </ul>

# Eviction Diversion Initiative Budget (FY21)



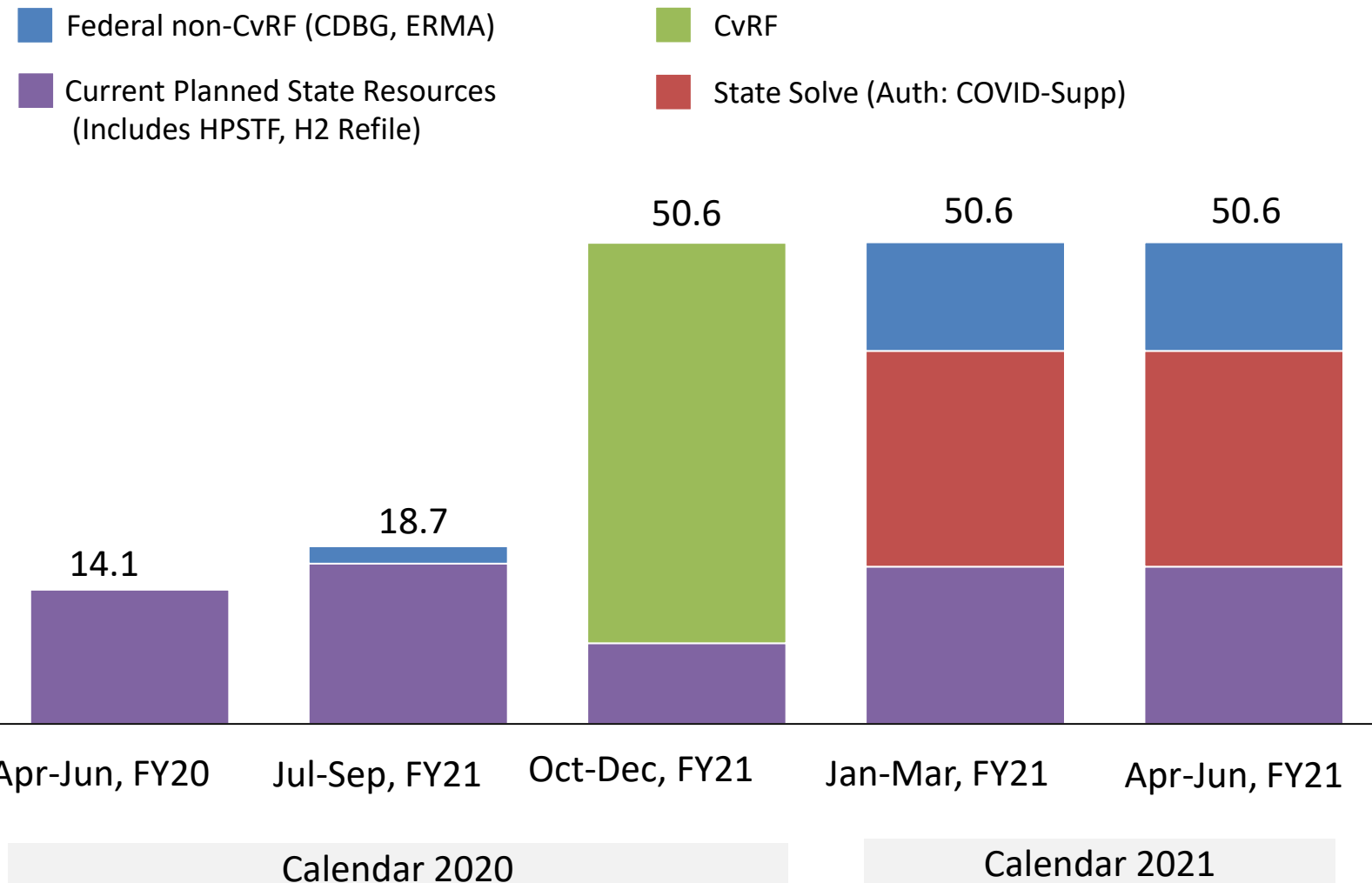
Program	Summary
Housing Consumer Education Centers	\$6.5 million for Housing Consumer Education Centers (HCECs), the “front door” for those facing a housing emergency
Residential Assistance for Families in Transition	\$100 million commitment this fiscal year to expand the capacity of the Residential Assistance for Families in Transition (RAFT) program to provide relief to renters and landlords impacted by COVID-19
Tenancy Preservation Program	\$3.8 million for the Tenancy Preservation Program (TPP), to provide case management support and to act as a neutral party to help tenants and landlords come to agreement
Legal Representation and Related Services	\$12.3 million to provide tenants and landlords with access to legal representation and related services prior to and during the eviction process, as well as community mediation services to help tenants and landlords resolve cases outside of court.
HomeBASE and Rapid Rehousing	\$48.7 million to HomeBASE and other rapid rehousing programs for when tenants are evicted and are at risk of homelessness.
<b>Total</b>	<b>\$171 million</b>

# Sources: Commitment and potential spending (assumes fully scaled-up)



## Sources of potential spending on fully scaled programs by quarter

\$USD



## Spending per period

\$USD Millions

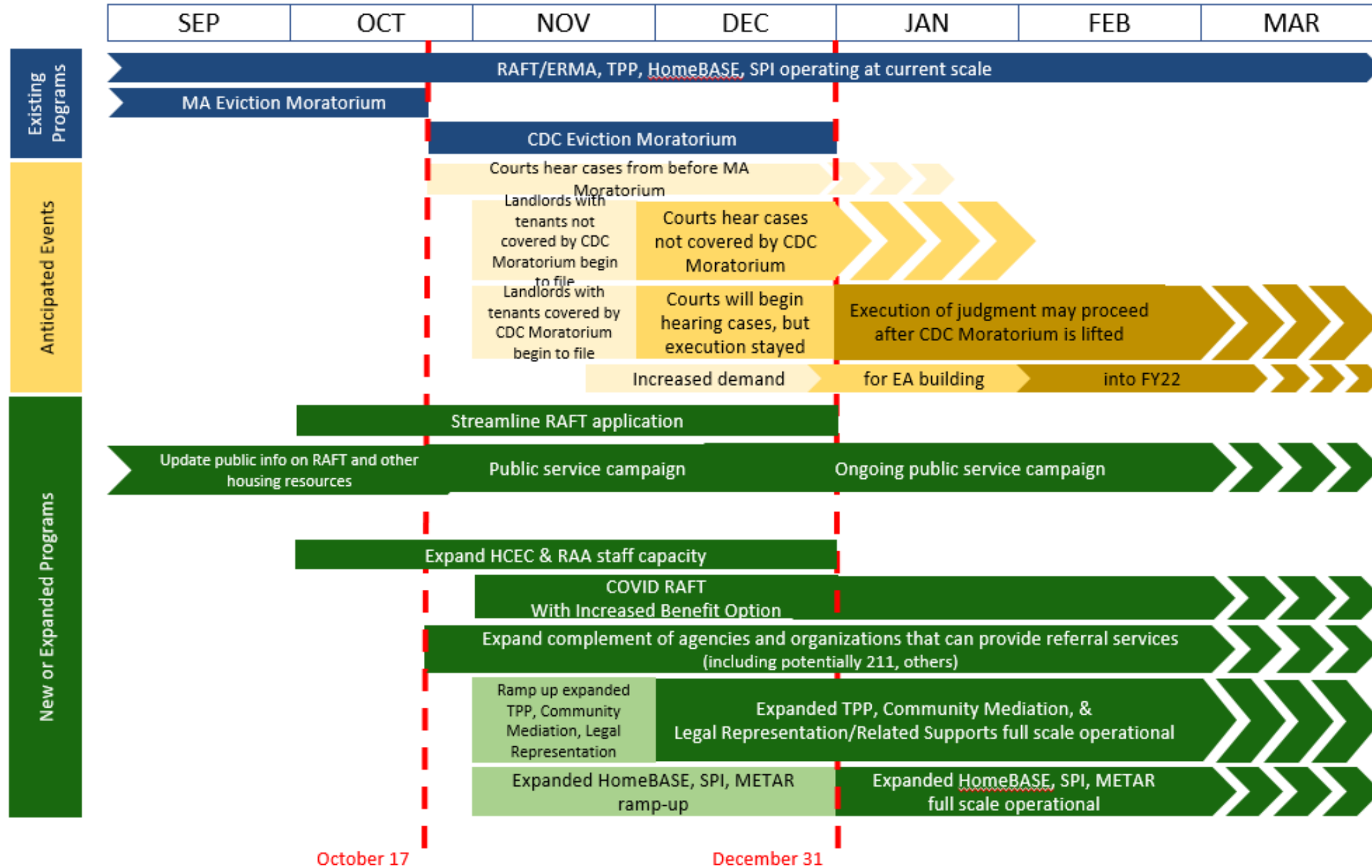
### FY21 Potential Spending (\$M)

Source	Q1	Q2	Q3	Q4	Total FY21
Current Planned	16.9	8.5	16.4	16.4	58.2
CvRF		42.2			42.2
State Solve			22.7	22.7	45.5
Federal non-CvRF	1.8		11.4	11.4	24.7
<b>Total</b>	<b>18.7</b>	<b>50.6</b>	<b>50.6</b>	<b>50.6</b>	<b>170.8</b>

### Key Takeaways

- Oct to Jun (Gross) \$151.8 million
- FY21 New Commitment (State + Federal) \$112.3 million
- FY21 New Commitment (State only) \$87.7 million

# Anticipated Timeline with Intervention



October 17

December 31

# Eviction Diversion

## Seven Stages of Interventions: Upstream & Court Process



Light blue text = court intervention  
 Black text = administration intervention

	1 Pre Filing	2 Filing	3 Post Filing / Pre Court	4 1st Day in Court	5 Post Day 1 in Court, Pre-Trial	6 Trial	7 Post Eviction
Existing Interventions	Information / Service Coord. 	<ul style="list-style-type: none"> <li>Multiple entities referring tenants to Housing Consumer Ed Center (HCECs) or Regional Administering Agencies (RAAs)</li> <li>Upstream Tenancy Preservation Program (TPP)</li> </ul>					
	Financial support 	<ul style="list-style-type: none"> <li>Residential Assistance For Families in Transition (RAFT) and Emergency Rental and Mortgage Assistance (ERMA)</li> <li>Local Rental Assistance</li> </ul>					<ul style="list-style-type: none"> <li>Rapid Rehousing (SPI, HomeBASE)</li> </ul>
	Pre-Court & Court Processes 			<ul style="list-style-type: none"> <li>Legal services and court service centers support prep for court</li> </ul>	<ul style="list-style-type: none"> <li>Housing Court Specialists<sup>1</sup></li> <li>Referral to TPP<sup>1</sup></li> <li>Lawyer for the Day (LFD)<sup>1</sup></li> </ul>		
Planned New or Expanded Interventions	Information / Service Coord. 	<ul style="list-style-type: none"> <li>Information campaign with 211 as a new front door</li> <li>Expand HCEC capacity to coordinate across new programs and track outcomes</li> <li>Expand Upstream TPP</li> </ul>					
	Financial support 	<ul style="list-style-type: none"> <li>Enhanced benefit level for COVID RAFT</li> <li>Landlords with &lt;20 units option to apply directly to RAFT/ERMA</li> </ul>					<ul style="list-style-type: none"> <li>Expand Rapid Rehousing programs (SPI, HomeBASE, new METAR)</li> </ul>
	Pre-Court & Court Processes 	<ul style="list-style-type: none"> <li>Community mediation</li> <li>Legal Representation &amp; Related Services</li> </ul>	<ul style="list-style-type: none"> <li>Referrals to resources in court documents</li> </ul>		<ul style="list-style-type: none"> <li>Alternative Dispute Resolution (ADR) in District Court &amp; Expand Housing Court Specialists</li> <li>Recall Judges</li> </ul>		
			<ul style="list-style-type: none"> <li>Require landlords to certify if tenant has given certification as per CDC order</li> </ul>				

# Term Legend



- **MA Moratorium** – [Suspends](#) most residential and small business evictions from April 20, 2020 – October 17, 2020, though does not relieve tenants/homeowners of obligation to pay rent or make mortgage payments.
- **CDC Moratorium** – [Action](#) by federal Centers for Disease Control and Prevention providing for a “Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19,” effective September 4, 2020 through December 31, 2020. Applies to households making under \$99,000/year, or \$198,000 if filing jointly, barring eviction if the household is making best efforts to pay, has sought rental assistance, and an eviction would otherwise render them homeless or “doubled-up”, and tenant gives declaration in CDC form to landlord.
- **RAFT/ERMA** – [Residential Assistance for Families in Transition \(RAFT\)](#) and Emergency Rent and Mortgage Assistance (ERMA, new for FY21) programs provide short-term financial assistance to low (RAFT) and moderate (ERMA) income households who are facing a housing crisis and may soon become homeless.
- **TPP** – [Tenancy Preservation Program](#) (TPP) is a homelessness prevention program. TPP works with tenants, including families with children with disabilities, facing eviction as a result of lease violations related to a disability (including mental illness) and connects those families with other resources, including but not limited to RAFT. TPP functions as a neutral party to the landlord and tenant. In consultation with the Housing Court Department, TPP works with the property owner and tenant to determine whether the disability can be reasonably accommodated and the tenancy preserved.
- **HomeBASE** - [HomeBASE](#) is the Commonwealth’s rapid re-housing benefit, offering up to \$10,000 and stabilization case management services to secure stable housing. HomeBASE is offered both to Emergency Assistance-eligible households at the shelter system’s “front door” to divert EA-eligible families to safe alternatives to shelter, as well as a tool to help families exit shelter.
- **SPI** – The Strategic Prevention Initiative (SPI) program offers families that may soon be EA eligible – but are not yet deemed eligible (e.g., not yet homeless but have been told they must leave current housing) – financial assistance to secure safe housing. This pilot program currently operates out of DHCD’s Boston and Brockton (now-remote) field offices.
- **METAR** – Following Hurricane Maria, the Massachusetts Emergency Temporary Assistance Reserve (METAR) provided funds to families, individuals and couples, for up to a 12-month period to assist with moving expenses, rent, and first or last month rent or security deposit while households transition from shelter into more suitable housing. These funds are transitional support and cannot be used for rent in state-aided housing. DHCD is proposing a METAR-like program to support households in transition in the context of COVID-19.
- **Community Mediation** – Neutral third party helps tenants and landlords reach a mutually agreeable settlement *before* a court filing. Court-based mediation also exists, but generally after a filing. Additional community mediation programs would beneficially assist District Court, which has contracted short-term court-based mediation services.
- **Legal Representation and Related Services**– A considerable advocacy push among local governments (inc. Boston) and tenant advocates is to expand access to legal representation for tenants facing eviction. Counsel has been shown to reduce the probability of eviction. Related non-lawyer supports also important to serving the most people.
- **Emergency Assistance (EA)** – Massachusetts is the only “right to shelter” state in the country, where families (not individuals) meeting certain eligibility requirements have a statutory right to [homeless shelter](#). Eligibility is determined solely by DHCD, though shelters are operated by ~50 non-profits statewide. The EA system has approximately 3600 units and annual spending is \$178M.





# APPENDIX

# Pre-COVID Case baseline for court eviction cases and volumes

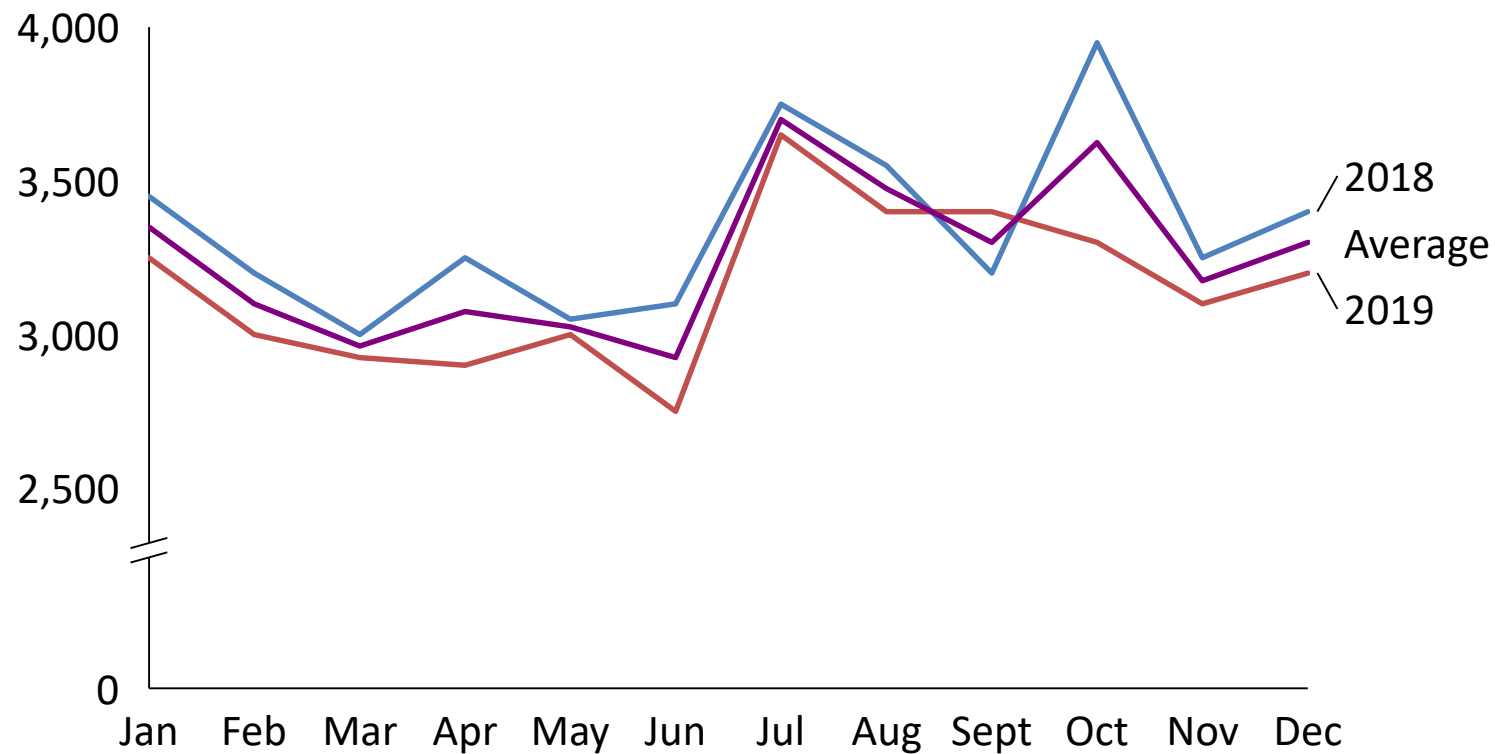


## Case Volume

Case volumes averaged ~3,250 per month pre-COVID across all courts and case types

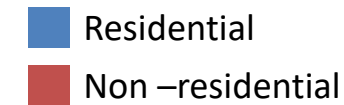
### Eviction case filings across all courts by month, 2018-2019

# of summary process filings



## Case Types

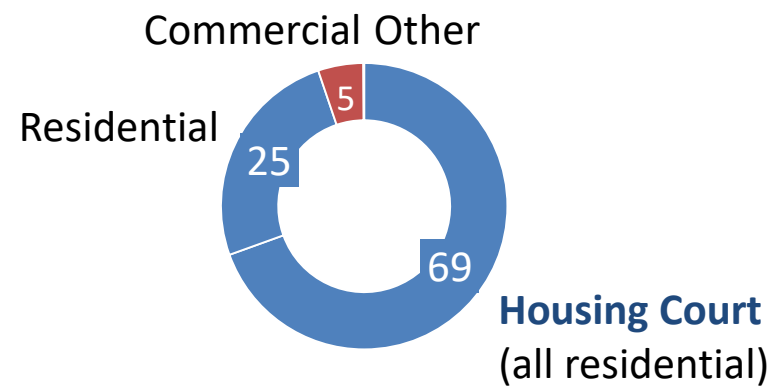
The majority of evictions were for residential properties (95%) and non-payment of rent (between 65%-84%)



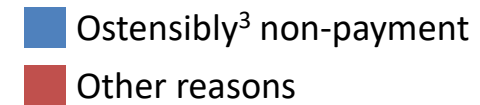
### Types of cases

% of filings<sup>1</sup>

#### Boston/District Courts

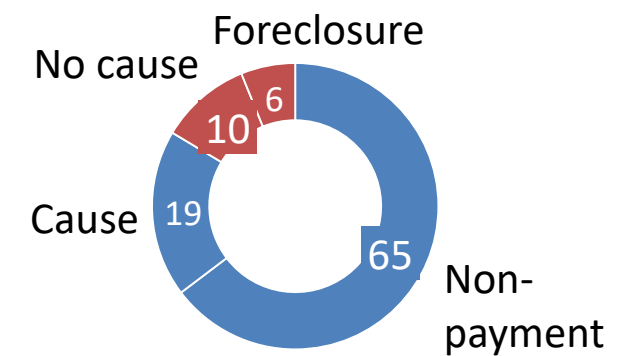


1. Based on data on pending cases across all courts as of Q1 2020. Assumes this is representative of all cases.



### Reasons for eviction – housing court

% of filings<sup>2</sup>



2. Based on data on pending cases in Housing court as of Q1 2020.

3. Some for-cause evictions may be because of non-payment of rent (breakdown not available)

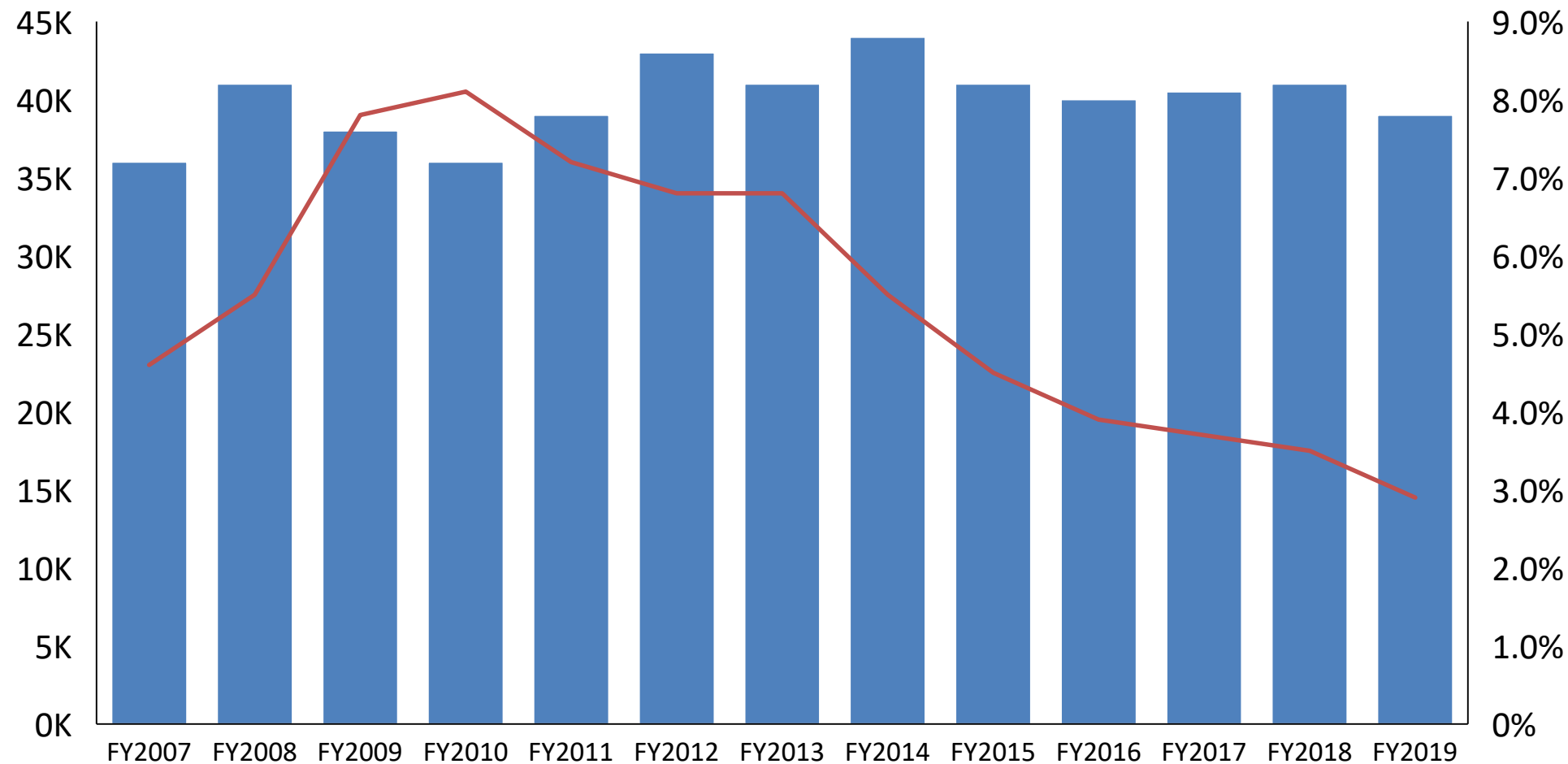
# Historically, high unemployment has not led to dramatic increases in eviction filings



## Historical eviction filings and unemployment rate by fiscal year

Case filings and % unemployment

Eviction case filings



— Unemployment rate  
■ Eviction filings

Unemployment Rate



During the Great Recession, the court did not record a dramatic increase in eviction filings

Generally, eviction filings have remained fairly consistent (between 35-45k per year) since FY 2007

In the past, eviction filings appear roughly inversely correlated with unemployment. This may be due to a stronger economy putting upward pressure on rents or other factors (entry of foreclosed homeowners into the rental market, etc.)

There is a possibility that this crisis may be different, e.g., concentration of impact in employment sectors with low-income workers, more immediate economic effects, and a higher pre-crisis rental burden

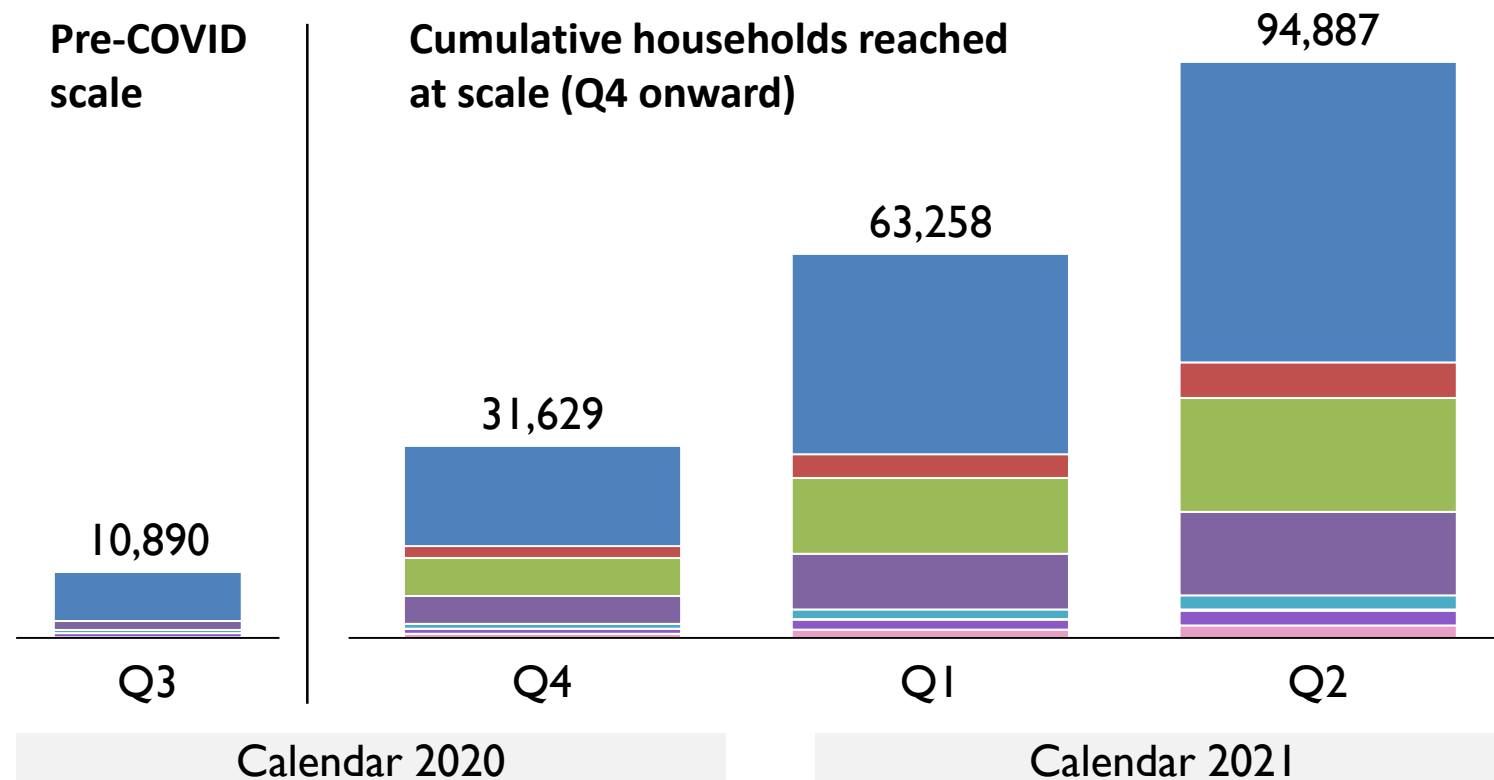
SOURCE: MA Trial Courts



# Number of Household's Reached: Assumes fully scaled-up

## Cumulative households reached by scaled programs by quarter, # of households

- Housing Consumer Education Centers
- Community Mediation
- Legal Representation & Related Supports
- Residential Assistance for Families in Transition (RAFT)
- Tenancy Preservation Program
- Strategic Prevention Initiative
- HomeBASE
- Rapid Rehousing



## Change in households by program # of Households

Program	Q3 (Pre-COVID Scale)	Q4 (Fully Scaled)	% increase
Housing Consumer Education Centers	8,100	16,500	104%
Community Mediation	0	1,950	n/a
Legal Representation & Related Supports	0	6,249	n/a
Residential Assistance for Families in Transition (RAFT)	1,470	4,584	212%
Tenancy Preservation Program	507	786	55%
Strategic Prevention Initiative	12	63	425%
HomeBASE	666	807	21%
Rapid Rehousing	135	690	411%
<b>All programs</b>	<b>10,890</b>	<b>31,629</b>	<b>190%</b>

Note: Actual unique households reached will be less; households have multiple touchpoints