

7.7 Eviction

PURPOSE

The purpose of this policy is to establish guidelines for eviction prevention and protocols within Continuum of Care (CoC) Housing Programs participating in the Coordinated Entry System (CES). The policy ensures that eviction is treated as a last resort, in alignment with the Housing First model set forth by HUD, and provides clear procedures for addressing potential eviction situations. The goal is to support clients in maintaining stable housing through proactive communication, case conferencing, and the use of appropriate intervention strategies.

FORMS

There are no forms related or required for this Policy

POLICY

All CoC Housing Programs have agreed to participate in CES and follow the Housing First model set forth by HUD. Anytime an eviction is being considered, it is recommended that the program communicate any issues with the CE facilitator case conference in weekly meeting to tackle barriers and find solutions. The goal of this process is to help programs best assist their clients in maintaining their housing. Eviction should always be the last resort abiding by Housing First Principles. These eviction protocols discuss eviction prevention, eviction due to non-payment of rent, behavioral issues, criminal activity, abandonment, hospitalization, or incarceration and a suggested plan of action programs should take before any client is evicted.

Eviction Prevention Strategies

CoC Housing Program staff should make every effort to prevent clients from being evicted unless extreme situations such as violence or criminal activities prevent mediation from being conducted safely. Program staff should use techniques such as motivational interviewing, trauma-informed care approaches, and establishing strong client-staff communication practices to work with clients who are violating their lease or having behavioral issues within the program. It is important to note that just because a client has

a lease violation, that does not automatically mean that a client must be evicted. Programs should uphold every strategy possible to work with a client to understand why violations may be occurring and create a plan to help link clients with additional resources or services that can help address any unmet needs. Before an eviction outside of extreme violence or criminal activities occurs, programs should contact the CES facilitator for additional resources or support. Case conferencing during the routine CES meetings is also used to help program staff collaborate on strategies and techniques for preventing lease violations and evictions.

Eviction Due to Non-Payment of Rent

Participants with income have the option to pay on their own or have a payee. If they fail to pay for more than one month after the designated due date, they should agree to have a payee assigned. Failure to cooperate with the payee application process, thereby not paying rent per the lease agreement and housing contract is considered a lease violation, and the program has the right to provide warnings and eviction protocol.

Programs should use an internal protocol to address nonpayment, including verbal warnings; a housing retention agreement and contract signed by the client; case notes and supportive documentation of scheduled client meetings regarding the issue and who was in attendance; and any progress surrounding income, budgeting, payee set up, etc.

Eviction Due to Abandonment, Hospitalization, or Incarceration

If a client willingly walks away from their unit, lets the housing program know they aren't coming back, or hasn't been seen or heard from for more than 30 days, they are eligible for program eviction as a matter of abandonment. When a program knows that a client has not been heard from before the 30 days mark the program should contact the CE facilitator so that CE partners and outreach workers can attempt to make contact with the client to prevent abandonment evictions.

If a client has been hospitalized for more than 90 days, they are required to be terminated from the program per HUD regulations. If the program knows that their client is hospitalized or incarcerated, it is not considered abandonment. In this instance, 90 days must pass before the client is eligible to be evicted versus the 30-day abandonment rule mentioned above.

Eviction Due to Criminal Activity

If a client commits a criminal offense on the property in which they reside, or the crime has an immediate connection to the property or other residents on the property, they may be eligible for immediate eviction without case management attempts at mediation.

If a client commits a criminal offense away from the individual's residence and property, it is not an immediate eviction due to criminal activity. These activities are not considered direct program violations or documentable behavioral issues. Unless the individual is convicted of a crime and incarcerated, their right to remain housed within the program remains.

Eviction Due to Violence

If a client is violent with a program staff member or another tenant, the safety of all involved should be the highest priority. The client should meet with directors and case managers to discuss behavioral improvement plans and action steps to prevent an occurrence from happening again. An internal incident report, supportive documentation, and policies around behavior expectations should be included.

Depending on the program's policies, its staff, and the extent of the violence, programs have a right to decide if eviction is the best course of action.

KEY TAKE AWAYS

- **Eviction as a Last Resort:** CoC Housing Programs must treat eviction as a final measure, only after all other strategies have been exhausted. Programs are encouraged to work closely with the CES facilitator and use weekly case conferences to address and resolve issues before considering eviction.
- **Eviction Prevention Strategies:** Programs should utilize motivational interviewing, trauma-informed care, and strong communication practices to prevent lease violations from escalating to eviction. Programs must explore all possible solutions, including linking clients to additional resources and services, before initiating eviction procedures.
- **Eviction Due to Non-Payment of Rent:** Clients who fail to pay rent for more than one month should be offered the option of a payee. Non-cooperation with the payee process can lead to eviction, but only after internal protocols, such as verbal warnings and housing retention agreements, have been followed.

- **Eviction Due to Abandonment, Hospitalization, or Incarceration:** Clients who abandon their units or who are hospitalized for more than 90 days may be subject to eviction. Programs should notify the CES facilitator if they are unable to contact a client to prevent abandonment. For clients incarcerated or hospitalized for extended periods, the 90-day rule applies before eviction can be considered.
- **Eviction Due to Criminal Activity:** Immediate eviction is permissible if a client commits a criminal offense on the property or in direct connection with it. Criminal activities off-property do not automatically lead to eviction unless the client is convicted and incarcerated.
- **Eviction Due to Violence:** If a client engages in violent behavior towards staff or other tenants, safety is the top priority. Programs must document incidents and consider behavioral improvement plans. Depending on the severity and program policies, eviction may be considered, but only after assessing all factors involved.

This policy reinforces the commitment to maintaining housing stability for clients, ensuring that eviction is approached thoughtfully and in compliance with Housing First principles.