



Preventing Eviction Filings

Piloting a Pre-filing Eviction-Prevention Clinic

Mychal Cohen and Eleanor Noble

May 2020

In 2018, the Ramsey County Housing Court in St. Paul, Minnesota, implemented a unique clinic to help tenants avoid evictions. The clinic housed several service providers, including legal services, mediators, and housing case managers, in the courthouse to support tenants. After the clinic provided much-needed assistance to renters for a year, a local nonprofit, the Family Housing Fund, began to consider the value of providing assistance earlier and preventing renters from receiving an eviction filing in the first place. This idea was the basis of the Family Housing Fund's application to the Nittoli Fellowship at the Urban Institute, a partnership bringing together researchers and social service practitioners.

This partnership led to an idea for a pre-filing eviction clinic. It would take the same service partnerships housed at the court and provide them at crisis clinics hosted by the multiservice nonprofit Neighborhood House. The Urban Institute supported this pilot by evaluating and documenting its design, its implementation, and the lessons learned. In this brief, we examine the nation's current eviction crisis, the design and implementation of the Ramsey County Pre-filing Eviction Clinic, and takeaways from the pilot.

Background on the Eviction Crisis

Eviction-prevention efforts have garnered increased national and local interest across the country. Recent proposed legislation, such as the Eviction Crisis Act introduced to Congress at the end of 2019 (which would create a national emergency assistance fund), emphasizes the need to proactively prevent evictions.¹

The current COVID-19 pandemic and the stay-at-home orders around the nation are bringing the dangers of housing instability and evictions into stark view. Minnesota decisionmakers are increasingly

recognizing the negative impacts of housing instability, particularly as the pandemic drives a surge in unemployment—Minnesota Governor Tim Walz announced an emergency order on March 23, 2020, to suspend evictions.² Although this moratorium is temporary, it highlights the growing housing precarity many Minnesota renters face.

Even before the pandemic, thousands of renters in Minneapolis–St. Paul were already on the brink of housing instability. In 2016, nearly half of all renter households in the Twin Cities were housing-cost burdened (defined as paying more than 30 percent of their income in rent) and 8,976 evictions were filed in Hennepin and Ramsey County.³ Further, these eviction numbers exclude countless informal evictions, which can be mutual agreements to terminate a lease or stem from coercive or illegal landlord pressure. Although no formal data are available on the frequency of these kinds of evictions, studies in Milwaukee and North Minneapolis suggest that informal evictions are common among low-income housing (Desmond, Gershenson, and Kiviat 2015; Lewis et al. 2019).

Whether formal or informal, eviction has a devastating impact on renters, with the loss of a home often being the first of many compounding challenges. The ethnographic research in Matthew Desmond's book *Evicted* shows eviction's mutually reinforcing relationship with economic instability (Desmond 2016a). A lack of income, the loss of a job, or a denial of benefits all make rent payments more difficult. Nearly 255,000 additional Minnesotans have filed for unemployment insurance since March 16, and a \$100 million relief package for unemployed renters was proposed but did not receive the necessary votes in the past legislative session.⁴ Hundreds of thousands of Minnesotans face severe financial strain without a timely or sufficient safety net, meaning potential mass evictions and displacement throughout the state could have lasting negative impacts for the most vulnerable workers and renters.

Moreover, evictions (even in cases where a resident does not receive a formal eviction judgement) severely damage a renter's prospects for future housing. Many landlords screen potential tenants, and an eviction filing is often a disqualifying factor. A study of screening agencies and landlords in the Twin Cities conducted by Housing Link found that nearly two-thirds of the property owners who responded cited prior eviction history as one of the most important elements of a screening report (Housing Link 2004).

The compounding negative effects disproportionately impact Black women (Desmond 2012), households with children (Desmond 2016b) and Latinx households living in majority-white neighborhoods (Greenberg, Gershenson, and Desmond 2016). Similarly, data from past recessions suggest that the incomes of Black and Brown households are more vulnerable to the economic shocks brought on by the COVID-19 pandemic (Solomon and Hamilton 2020). Combating overt and structural racial discrimination is a critical part of crisis response.

Evidence for Eviction Response

Given the severity of the eviction problem, there is a surprising dearth of evidence on what works for preventing evictions. A substantial base of evidence supports tackling housing affordability and access

overall. A wealth of research exists on the strengths and weaknesses of housing vouchers for reducing housing burden or on the use of permanent supportive housing to combat homelessness (Turner et al. 2019), though eviction filings still occur even with the increased housing stability these programs provide (Buron, Levy, and Gallagher 2007). But research on how to effectively stop eviction judgements or prevent housing-unstable tenants from having evictions filed is less prominent.

Some local jurisdictions have implemented right-to-counsel legislation that ensures tenants have representation when they appear in court. Such aid programs equip tenants to defend against eviction or negotiate more favorable agreements. A 1996 study of a civil legal aid program in New York City found that the program had prevented the evictions of over 6,000 tenants that year (Boston Bar Association 2012). Full representation of tenants has been shown to reduce negative eviction judgements, and even partial legal support has been shown to provide better settlement agreement outcomes (Abel and Vignola 2010).

Studies of mediation as a technique for preventing negative eviction outcomes have been limited. In mediation, an agreement is sought between landlord and tenant through a guided conversation facilitated by a mediator. A smaller descriptive study suggested that mediation has a limited effect on lower-income tenants' ability to achieve their desired outcome in negotiations (Baird 2004). In interviews with mediators, researchers found that housing mediators believed that intervening earlier in the process likely led to better outcomes (Bieretz and Burrows 2020).

Although court-based eviction prevention clinics have proliferated over recent years, there is limited research on their impact. Descriptive outcomes suggest a reduction in negative eviction judgements for the tenant and an increase in negotiated settlements.⁵ Reviews of eviction-prevention tools focus on the importance of early intervention, direct outreach, and multiple complimentary services. (Acacia Consulting & Research 2005; Distasio and McCullough 2016).

Getting Upstream: Why Pre-filing Services Matter

As evidenced, much of the response to evictions focuses on increasing housing access and affordability or helping tenants navigate the eviction process after a filing. This focus on reducing negative outcomes after an eviction is filed is a necessary but insufficient response. Although eviction judgements are at levels comparable to the peak of the foreclosure crisis (with an estimated 900,000 judgements a year), this excludes the estimated 2.4 million renters who experience filings without a formal judgement—a result that is often considered a win for the tenant.⁶ But even if a renter wins their case, the process is costly, can be incredibly damaging to future housing prospects, and can potentially lead to worse landlord-tenant relationships and living conditions (Garboden and Rosen 2019). Like evictions themselves, the costs of eviction filings are not evenly distributed. Filings affect Black women renters at twice the rate of all white renters (Beiers et al. 2020).

The eviction process is costly even before a tenant is formally evicted. Courts may charge landlords filing fees and court fees, which are often passed through to the tenant, along with any other filing costs. Even if tenants win or settle their case, expunging the filing from their record can incur an additional fee.⁷

Even if a tenant manages to effectively settle or avoid a formal eviction, the landlord-tenant dispute, along with the defendant’s personal data, is still recorded. As mentioned, tenant rental history data is regularly purchased by landlords during the first stage of the tenant screening process (Purser 2014). These data contain information about tenant credit history, criminal background, and available records of landlord-tenant legal disputes. This effectively excludes tenants who have experienced a filing from the formal market, creating an additional barrier to them finding stable housing.

Although most tenants no longer live in the home where a filing occurred, a study in North Minneapolis found that about 30 percent of tenants in the study still did (Lewis et al. 2019). Of this 30 percent, nearly a third had experienced multiple filings from the same landlord as a form of landlord retaliation (Lewis et al. 2019). Because of the record of the filing, housing choices for the tenants were extremely limited: 94 percent of interviewees stated that their residence was not their first housing choice or that they had no other choice besides homelessness (Lewis et al. 2019). Source of income discrimination adds another layer of difficulty in finding alternate housing (Tighe, Hatch, and Mead 2017). A single filing, no matter the tenant outcome, can often lead to a cycle of increasingly negative rental history that bars tenants from accessing safe and quality rental housing in the formal market.

Many eviction diversion programs try to intervene “upstream”— before the filing process begins. Housing court data on the reasons for eviction make it difficult to determine the root causes of frequent filings. More than three-quarters of available housing court records in the US in 2017 cited nonpayment of rent as the reason for filing.⁸ This trend holds true in Ramsey County as well: a study of eviction filings in St. Paul found that 75 percent of cases cited nonpayment of rent as the sole cause (Hare 2018). These data lead pre-filing diversion programs to prioritize methods like financial coaching and cash assistance. But focusing solely on eviction records can obscure other dynamics driving filing rates. In North Minneapolis, interviews with 47 tenants explored the proximate causes of nonpayment. Tenants cited job loss and decreased income, disputes over landlord mismanagement, and domestic violence or health crises (Lewis et al. 2019). Pre-filing interventions should address these compounding root issues that lead to nonpayment of rent. Accessing a suite of services often requires renters to make several stops and work with several service providers, exacerbating the time costs associated with housing instability. Thus, preventing eviction filings and improving long-term stability likely requires several interventions in addition to solving the immediate financial crisis. Next, we’ll discuss the Ramsey County Pre-filing Eviction Prevention Clinic, analyze its design and implementation, and provide lessons learned about how to structure an early response to evictions.

Designing and Implementing an Early Eviction Response in Ramsey County

Officials and service providers in Ramsey County have developed innovative eviction-prevention interventions over the past two years. The first intervention was developed in the Minnesota Second Judicial District Housing Court in 2018 and eventually became the model for the pre-filing eviction-prevention pilot. At the court, Chief Judge John Guthmann convenes a working group of court workers

and service providers who staff a clinic two mornings a week during housing court. The agencies participating in the working group are Southern Minnesota Regional Legal Services, the Volunteer Lawyers Network, the Dispute Resolution Center, the Family Housing Fund, Neighborhood House, Ramsey County Financial Assistance Services (i.e., Emergency Assistance), and the Ramsey County Court Administration. The court clinic operates within the Ramsey County Housing Court and provides services to tenants and some landlords as they arrive for their hearings. The clinic allows participants pro-bono access to housing navigation, financial aid, and legal counsel, as well as mediation services in the same space.

BOX 1

Services Available in the Court and Pre-filing Eviction-Prevention Clinics

- **Emergency housing funds.** Emergency financial assistance helps tenants put together funds to avoid eviction. Often, a renter's immediate need is to cover the cost of rent. Renters may incur more than one month of past-due rent before a filing, and sources of financial assistance often have restrictions on the amount of aid that can be provided to one tenant. Neighborhood House clinic workers and county officials can help by bundling emergency resources to solve a tenant's financial crisis. Staff can help tenants understand and move through bureaucratic rules and processes that govern access to emergency housing resources.
- **Legal services.** Legal services are offered to help tenants understand the housing court process, potential legal defenses, and their rights as tenants. Such aid programs equip tenants to provide defenses against eviction or negotiate more favorable agreements. Estimates from the Massachusetts Legal Assistance Corporation (MLAC) show that legal aid by MLAC-funded programs delayed eviction for 1,624 households.^a Although the Ramsey County Housing Court Clinic provides legal consultation and some limited representation rather than full representation, even partial legal support has been shown to reduce eviction judgments and provide better settlement agreement outcomes (Boston Bar Association 2012).
- **Mediation.** Mediation services help tenants repair relationships with landlords and negotiate mutually beneficial agreements. Mediation allows tenants and landlords to address issues that may be underlying an eviction action and address them in structured discussion (Bieretz and Burrows 2020). Mediators act as neutral facilitators of conversation to move both parties toward mutually beneficial solutions. The presence of other supports, such as emergency financial assistance and legal aid, allows tenants to participate in mediation from a more informed and supported position. Mediation is a low-cost support that allows tenants to identify and address longer-term conflict with their landlord.

^a "Civil Legal Aid Yields Economic Benefits to Clients and to the Commonwealth: Some Benefits from FY12 Advocacy," Massachusetts Legal Assistance Corporation, accessed May 8, 2020.

Tenants who have hearings are able to access each of these services in turn. The services in court are often mutually reinforcing. For instance, a tenant may have secured funds for past-due rent before entering into mediation with their landlord, affording them a more secure position to negotiate. Tenants are also able to receive in-person handoffs between service providers because they are all present in

one space, so one service provider may direct the tenant to another with specific questions or next steps. Providers said this coordination and connection between services is one of the major benefits of the clinic.

Although the court clinic has not been formally evaluated, the statistical changes in outcomes at the court are striking: an 18 percent reduction in eviction judgements and a doubling of the number of expungements. Rates of negotiated settlements have also increased,⁹ and although data on these settlements do not exist, the presence of both legal counsel and neutral mediators suggests that tenants are better informed about their potential options during a negotiation. Since the clinic began, members have also discussed opportunities to move these interventions further upstream to yield additional benefits for tenants at risk of an eviction filing.

Conceptualization and Design of the Pre-filing Pilot

When Ellen Sahli of the Family Housing Fund initially framed her idea for her fellowship with the Urban Institute, it was to preempt evictions and reduce filings. The Urban Institute research team conducted an initial discovery, discussing with Ellen and other experts at Urban how to prevent eviction filings and increase housing stability. The research team observed the Ramsey County Housing Court Clinic to gain a better understanding of how housing court operated. Court proceedings revealed some of the challenges facing tenants during the eviction process. Most courts do not provide representation (Stout Risius Ross 2018), and the valid legal defenses against eviction can be very unclear for tenants, even in a specialty court where the judicial referee specializes in eviction law. The research team also met with the service providers, court administrators, and government officials involved in the clinic. The providers at the court clinic discussed the value of having other services in the building and the importance of directly engaging tenants.

The research team used this initial observation to focus on mediation as a testable early eviction-prevention method. The team began constructing a plan to offer and promote mediation as a potential means for mending friction between tenants and landlords before a filing occurred. The team envisioned creating a mediation program and conducting targeted outreach to connect tenants and landlords to an alternative means, not involving the justice system, of reaching agreements. Disruptions in the mediation landscape, including the departure of the mediator involved in the court clinic, led to a reimagining of the design.

The team then looked to the descriptive outputs from the court clinic and decided to replicate the clinic's model with a setting and time frame that would allow renters to access multiple services to help prevent their housing crisis from escalating. The key elements of the court clinic that the team wanted to move upstream were (1) the ease of access for tenants, (2) colocated services, and (3) services targeting different types of crises. Moving the services upstream introduced several potential challenges, namely the location. The court provided a convenient setting for such a clinic: tenants and landlords were both present, service providers had a natural place to set up, and an immediate, well-defined crisis (a looming eviction judgement) existed to avert. An early intervention would need to use a

different setting that is accessible for tenants and connected to service provision. The research team engaged Neighborhood House to leverage their expertise as the navigators for the court clinic.

Implementing the Pre-filing Pilot

Neighborhood House offered a natural partner to begin fleshing out the pre-filing clinic. As a multiservice community organization and court clinic partner, their staff is experienced in the type of colocated service provision that the pre-filing clinic would use. Further, the organization had preexisting connections with communities and physical sites that community members were already familiar with: Neighborhood House holds crisis clinics twice a week (Mondays and Wednesdays) as drop-in centers for residents in need. These would serve as the basis of the pre-filing clinic pilot. The Wednesday clinic would be changed to hold the colocated services from the court clinic; the Monday clinic would continue to operate as usual for comparison. Neighborhood House's navigators would also greet new arrivals to the pilot clinic, review their necessary paperwork, and facilitate their flow through the clinic.

BOX 2

Providers in the Court and Pre-filing Clinic

Neighborhood House: They serve as the initial contacts in the court clinic and pre-filing clinic. Neighborhood House is a multiservice agency that provides housing, food, clothing, and other resources to community members. Navigators at the pre-filing clinic serve an expanded role in guiding participants through the various services offered. In both settings, one of their key tasks is to bundle multiple sources of funding together to help solve renter's immediate financial crisis. They helped coordinate with Emergency Assistance and provided assistance through the Family Homeless Prevention and Assistance Program.

Emergency Assistance: Workers from the Ramsey County Financial Assistance Services provide emergency funds through the Temporary Assistance for Needy Families program. They work closely with Neighborhood House case managers, who often are coordinating multiple sources of funding to meet participants' financial needs.

Southern Minnesota Regional Legal Services: In the court clinic, lawyers provide tenants with information on their rights as renters and guidance on how to make their legal case in front of a judge. They may also provide insight into negotiated settlements. With the pre-filing pilot, legal assistance providers focused less on court proceedings and more on tenants' rights. They also provided staff from their economic justice unit, which helped tenants access benefits that might help increase their long-term stability.

Dispute Resolution Center: Mediators at the court provided a neutral setting for negotiations between the landlord and tenant. Although neutral, they try to recognize the power imbalances in these mediated conversations. At the pre-filing clinic, the fact that landlords were not present was a significant barrier. The mediator focused more on making participants aware of mediation services, what those services could help with, and general strategies for having effective conversations with landlords.

Note: Additional partners in the court not listed here.

Once the location and structure of the clinic were established, the research team set out to engage the other partners from the court clinic to participate in the pre-filing clinic pilot. Introducing a new setting for colocated services required additional staff and resources from the participating organizations. Family Housing Fund served as a critical convener and funder of the court clinic. They were able to explain the benefit to at-risk tenants of moving services upstream, and they were able to engage the Dispute Resolution Center, Southern Minnesota Regional Legal Services, and the Emergency Assistance team from Ramsey County to participate. The long-standing relationship that had been built between partners through their work on the court clinic helped facilitate the rapid replication of these services in a pre-filing community-based format. Once the partners were on board, the research team facilitated calls and in-person meetings to discuss the nature of the clinic, the structure of the research, and any hurdles that might arise.

Those initial conversations highlighted several potential barriers, some of which the team was able to resolve and others that are ongoing questions about this sort of early multiservice eviction prevention. In the court clinic, each partner had access to the court's system, including documentation about an eviction case and their client's status. But like many court systems, the Ramsey County court restricts record access to those physically present, meaning service providers at the new pilot clinic had limited access. Providers had to rely more heavily on information sharing between themselves. This necessitated developing an information sharing protocol, that informed and asked consent from participants to allow the providers to share client details internally.

Moving away from the court also introduced a challenge for the mediation element of the clinic. At the court, the landlord or the landlord's representative or counsel is present. This allows the conflict to be negotiated and an agreement to be made on site. But the pre-filing clinic was set up for tenants to receive support, and landlords did not necessarily have an incentive to come to the table before filing. Even if they did, the presence of landlords might discourage tenants from showing up or accessing needed services. Ultimately, the clinic did not conduct outreach to landlords. The mediation services on site were largely focused on referrals, information, and advice.

Finally, in interviews, providers discussed the nature of early interventions. In the court clinic, participants are focused directly on evictions, so the services are crafted to address that crisis. In the pre-filing clinic, many participants are facing several simultaneous crises that are equally important. Providers mentioned that they struggled to get follow-up on non-crisis interventions (such as access to benefits). The pressure of interlocking forms of instability made it hard to focus on solutions to issues that had not reached a crisis point.

Evaluating the Pilot

Participant selection into the evaluation was based on a convenience sample of households seeking assistance through Neighborhood House. Households sought services through either advance inquiries to a hotline or an in-person drop-in during the clinic. To reduce bias, households that called into the hotline were simply assigned to the next scheduled clinic. The limitations of a convenience sample mean that we are unable to make generalizable assumptions about the full population of housing-unstable renters. There are likely several sources of bias in terms of participants in the Neighborhood House

Pilot. Neighborhood House may have a specific clientele that varies in some substantial way from the full population of housing-unstable renters, or households that seek out services may have certain characteristics that distinguish them from the general population (e.g., less vulnerable households might seek out other resources such as family members or loans rather than attend crisis clinics).

The clinic collected data on participants' self-reported personal characteristics, income, housing status, employment status, and education level. Neighborhood House also collected data on which services clients met with during the clinic, though the nature of the clinic made collecting this data more difficult than anticipated. These data were originally meant to be matched to data from Ramsey County Housing Court records. The research team was unable to receive this data from the court in time for this brief; we hope a future paper or blog post will be able to provide court outcomes related to the pilot. We hope to use those data to understand how effective early intervention can prevent eviction filings, correlations between household characteristics and filings, and whether any descriptive differences existed between the Wednesday collocated service clinic and Neighborhood House's usual Monday clinic.

Although our main source of quantitative data on participant outcomes was unavailable when drafting this brief, the participant-level data provides insight into the people who received services in the pilot. These data can also help us understand some of the intersecting characteristics that were most common in this population.

Further, the process of developing and implementing the pilot surfaced a number of takeaways that can help inform eviction-prevention efforts. The research team also conducted interviews with service providers at the clinic to better understand how the early-intervention clinic differed from the court-based clinic, how the new setting improved or limited service provisions, and service providers' impressions about the value to participants. Future evaluations of early-intervention work should capture participants' perspectives as well.

We recommend following up with both the court and clients from the study in six-month intervals through the end of their authorized permission period to identify whether families have eviction actions much later and whether families have moved (whether voluntarily or not). This could be done through ongoing data sharing with the court and through a survey to clients (Neighborhood House already conducts follow-up surveys, but more dedicated staff time to follow-ups might increase response rates).

Lessons Learned about Early Eviction Intervention

The process evaluation, participant data, and stakeholder interviews of the Ramsey County Pre-filing Eviction Clinic can tell us a great deal about how to structure early eviction interventions. The process by which the research team and clinic partners developed and implemented the pilot can help similar projects identify roadblocks, challenges, and opportunities early in the process. The service provider interviews provided valuable insight into how the move from in-court to pre-filing clinics challenged their service provision and what worked for this setting.

Who Participated in the Pre-filing Eviction Clinic?

In total, 227 participants received services through the crisis clinic during the period of study, with 69 coming during the clinic as usual and 156 coming during the colocated services clinic.¹⁰

TABLE 1
Demographic and Household Characteristics of Participants

Demographics	Normal crisis clinic (control group)	Pilot colocated services group	Total
Age range			
< 19	~4	~4	~4
19-26	10	20	30
26-35	26	51	77
35-55	28	68	96
55 <	~4	16	~16
Race			
Black	40	82	122
White	~4	20	~20
Asian	~4	~4	5
Indigenous	~4	~4	~4
Latinx	~4	6	~6
Multiracial or other race	~4	12	~12
NA	21	30	51
Ethnicity			
Latinx/Hispanic	~4	13	~13
Non-Latinx/Hispanic	45	113	158
Gender			
Female	60	131	191
Male	8	25	33
Family type			
Multiple adults, no children	~4	~4	~4
Single parent, female	36	75	111
Single parent, male	~4	~4	~4
Single person	17	36	53
Two adults, no children	~4	~4	~4
Two-parent household	~4	17	~17
Education			
Below high school and/or literacy problems	12	43	55
High school diploma/GED/adequate education or training	51	106	157
Currently enrolled in education/training needed to become employable	~4	~4	~4
Unknown	~4	5	~5
Income range			
< \$500	~4	7	~7
\$500-1000	17	22	39
\$1000-1500	~4	26	~26
\$1500 <	10	23	33

Source: Neighborhood House participant data from the pre-filing eviction clinic.

Note: NA = not available. Counts are suppressed where there were fewer than four participants.

Most participants were ages 26 to 55. Black households represented 54 percent of participants in the program, with smaller percentages of white (11 percent) and Latinx households (7 percent). The gender¹ and family type breakdowns align with much of the research on the eviction crisis: a majority of the participants were women, and most of the households were single parents. (Desmond 2014).

The clinic was targeted to households that were at risk of eviction or facing a housing instability crisis but who had not yet received an eviction filing. Data from the court system would be necessary to confirm whether the intervention occurred before a filing or if a filing occurred at all. However, the summary data from Neighborhood House indicates a majority of the participants indicated that they were at risk of eviction.

TABLE 2
Reported Housing Status for Pre-filing Eviction Clinic Participants

Housing situation	Total
Homeless or threatened with eviction	139
In transitional, temporary or substandard housing; and/or current rent/mortgage payment is unaffordable	38
In stable housing that is safe but only marginally adequate	8
Household is safe and adequate	33
NA	9

Source: Neighborhood House participant data from the pre-filing eviction clinic.

Note: NA = not available.

Of the participants in the clinic, 61 percent reported facing homelessness or being threatened with eviction, and 17 percent indicated their current housing situation was unsafe. Participants in safe, adequate, and affordable housing may have been facing eviction pressures as well.

The Racial and Gender Dynamics of Evictions Should Be Addressed in Early Intervention Work

The eviction crisis disproportionately affects women of color, particularly Black women. In Milwaukee, 30 percent of the evictions were of women in majority-Black neighborhoods, despite Black women representing 9.6 percent of the city’s population (Desmond 2012). Research on housing instability and evictions in Minnesota reveal similarly disproportionate outcomes and highlight the interlocking forms of oppression that Black mothers face in the housing market (Lewis et al. 2019). Early eviction prevention must be culturally competent and aware that the disparities in who arrives in crisis are not a reflection of personal failings but rather of structural inequities.

It is well documented that Black people have lower levels of savings, lower salaries, and more economic instability than white people at similar income and class levels (Hardy 2017). This puts Black people at greater risk of the most common cause of eviction, nonpayment of rent. Further, Black

¹ The data were limited to binary gender categories.

women’s status as familial caretakers places them at a greater risk of eviction justifications, such as overcrowding (Desmond and Valdez 2013). Acts of familial service such as taking in family members (who themselves might have been evicted), housing family members who have been subject to the scourge of racialized policing, or taking over child care responsibilities for extended family members are all activities that fall disproportionately on Black women (Strom et al. 1993). These acts of altruism and community support are often also punished through a greater risk of housing instability.

These disparities in who faces housing instability through unaffordable rents and the threat of eviction is replicated in the data from the pre-filing clinic.

TABLE 3
Race and Gender of Clinic Participants

Race	Female	Male
Black	112	11
White	16	8
Asian	~4	~4
Indigenous	~4	~4
Latinx	5	2
Multiracial or other race	9	~4
NA	44	7

Source: Neighborhood House participant data from the pre-filing eviction clinic.

Note: NA = not available.

Black (including African and African American) households constituted 55 percent of the participants in the pre-filing clinic, and households headed by Black women with children constituted 27 percent of the participants. It is important to contextualize these data as the effects of long-term systemic racism rather than as individual failings. The racism that surrounds policing and public benefits makes Black women particularly vulnerable to being evicted or excluded from subsidized housing (Ocen 2011). These represent disproportionate percentages relative to the overall racial dynamics of poverty in Ramsey County, where Black people constitute 26 percent of the people with incomes below the federal poverty level.¹¹

Early eviction interventions should understand this dynamic exists for a large number of potential clients. In many service sectors, Black women have worse outcomes (even when controlling for income) and face negative expectations among service providers (Hoffman et al. 2016). A focus on culturally competent service provision is a must for early eviction prevention efforts. Reducing barriers to access, such as by providing flexible service provision, child care availability, and the capacity to physically meet clients where they are, is important. Pre-filing eviction prevention work should acknowledge and struggle against structural oppression in addition to meeting participants’ immediate material needs.

Residents Face Many Interlocking Barriers to Stability

Residents at risk of eviction face multiple challenges, and early eviction-prevention services can help address these barriers. Although nonpayment of rent is almost always the main cause of housing

instability, solving the immediate crisis alone is not a sufficient long-term strategy. Underlying a tenant's nonpayment of rent may be income instability, unclaimed benefits (because of a disability, for example), conflict with landlords or other tenants, or many other contributing causes. Research shows that these other forms of instability have a cyclical relationship with housing instability. To prevent recurring housing instability, early interventions must seek to address a resident's needs holistically.

Although the pre-filing clinic provided income and benefits supports, general poverty alleviation was outside of the scope of the intervention. But more predictable access to general emergency supports may reduce the stigma and depth of owed rent. According to a report by Homeline, tenants facing eviction in St. Paul owed on average over two months of rent (Hare 2018).

Data from the clinic make clear that simply being employed is not enough to prevent housing instability. Of the participants in the clinic, 41 percent were employed full time. Of those working full time who reported their income, 41 percent made less than \$1,500 a month. For these workers, preventing an eviction may also be a means of preserving their job. Research on the relationship between evictions and employment suggests the two have a mutually reinforcing relationship: facing an eviction can put your employment in greater risk and vice versa (Desmond and Kimbro 2015). In this way, early eviction-prevention programs may also be a source of greater employment stability.

Many of the pre-filing clinic participants were either working part time or seasonally (23 percent) or were unemployed or underemployed because of a disability (26 percent). Part of the suite of supports included in the pre-filing clinic were legal counsel workers focused on both housing and benefits access. Residents with accessibility needs, those working multiple jobs, and those juggling part-time work and unpaid household labor may have limited time to access benefits or may be unaware of benefits they are eligible for. The supports available through the clinic were designed to connect participants to such general resources in hopes of ameliorating longer-term income instability in addition to their immediate eviction crisis.

Understanding the economic precarity of many tenants who are facing housing instability, early eviction interventions should attempt to provide holistic services to support economic stability alongside housing supports. The pre-filing clinic also illustrated the potential barriers to housing this income support work faces within a crisis setting. Housing crises create psychological and time constraints, and housing-unstable residents are more likely to have precarious employment. Housing clinics will need to balance these resident constraints with the potential value of collocating income and benefits supports.

Tenants Facing a Crisis Can Struggle with Additional Services

The pre-filing clinic was designed to help meet the many needs that at-risk renters face. The colocated services were meant to allow participants to address several layers of their housing crisis. However, limitations on renters' time may reduce the accessibility of these services. People facing housing instability and economic poverty are often also facing time poverty (Engler 2010). Accessing emergency financial services, seeking aid for complex legal processes, and showing up to court all carry significant

time costs. For people living at the margins, time is at a premium, and rationing out that time is critical to maintaining their households. A person visiting the clinic before work, for example, runs the risk of being late for their job, something low-wage positions are less likely to have flexibility around. The time deficit then leads to increased instability and risk of job loss (Desmond and Gershenson 2016).

Further, people facing a crisis are likely to also experience tunneling, or a focus on the immediate crisis (Mullainathan and Shafir 2013). This reaction to stress is a coping mechanism for dealing with the multiple crises that often accompany poverty, and it makes responding to longer-term problems more difficult. Several service providers noted that some tenants were unable to see the additional services available even though they would likely be able to benefit from them. Tenants may simply only have enough time to ensure that the housing case managers and Emergency Assistance workers can meet their immediate rent needs. The clinic was designed to move participants through the process efficiently while still meeting their needs, but at times, the additional time required to see more than one or two providers was too great. Some providers suggested that such colocated services could be offered on a more flexible schedule (e.g., once in the morning and once at night or on weekends as well) to ensure renters' different schedules could be accommodated. Another way to alleviate the time burden could be to conduct more up-front participant screening. Because the Wednesday pilot clinic utilized Neighborhood House's preexisting intake line, renters were likely unaware of the services being offered. More detailed outreach and intake might help renters make informed decisions about which services they may need and how much time to allot for the clinic.

Collocated Services Can Reduce the Logistical Burden of Eviction Prevention

Although tenants at risk of eviction have constraints on their ability to access a suite of services, the right combination of colocated services can help reduce these constraints. Accessing the services needed to address crises in multiple realms can often carry a significant time burden. Tenants may need to seek out several service providers in the community while connecting with different government agencies. Lewis and colleagues (2019) highlight the administrative hurdles tenants facing eviction often experience. Although improving and streamlining the administration of benefits can help, households are still required to identify, apply for, and navigate access to those services.

Creating a one-stop shop for multiple services can help reduce this logistical burden. Having agency representatives present from service providers can greatly streamline access to services and benefits. It can also get these benefits out to tenants more quickly. Several service providers at the clinic said they appreciated being able to send a tenant directly to government workers in Emergency Assistance at the clinic rather than referring them to a separate location.

One potential improvement noted by service providers would be to expand providers' authority to make decisions. Renters facing a housing crisis often need to access several streams of money and may also be facing income instability. Having providers and government workers able to authorize or make independent decisions about multiple sources of money can increase the crisis clinic's efficiency. If an official can make an immediate decision about funding or income sources rather than referring the renter out, it saves the renter an additional trip or point of connection.

The pre-filing eviction clinic pilot was constructed to recreate the services available at the court clinic. Though the research team anticipated some of the challenges associated with the change in timeline and setting, some of these issues continued through service provision. Providing mediation, a critical part of the court clinic, proved challenging during the pre-filing clinic. Because the pre-filing clinic did not reach out to landlords and tenants often faced time constraints, service providers could only inform tenants about the availability of mediation services and explain how mediation might help them address underlying conflict with their landlord.

The challenges in integrating mediation into the clinic highlight the need to better understand which interventions can help reduce eviction filings and which settings best allow for the provision of those services. For instance, because of lessons learned from the clinic, Neighborhood House has discussed bringing in mediators to share skills or teach classes on negotiating with landlords. This format may also lead to a better understanding and awareness among tenants of mediation as a potential intervention. Further, for some tenants, the moment of crisis is a time when they are unlikely to try and alleviate larger sources of instability. For these tenants, other services, such as navigating access to benefits (including disability benefits or Supplemental Security Income) would best be provided in a separate setting after the immediate crisis is solved. Early-intervention clinics, such as the Ramsey County Pre-filing Eviction Clinic, may be excellent hubs to inform tenants about the availability of such assistance and to facilitate the provision of these services after the immediate crisis.

Conclusion

The pre-filing eviction-prevention pilot provides insight into early eviction response. The lessons learned from the pilot are even more urgent in the wake of the COVID-19 pandemic. States, cities, and localities have paused evictions during the emergency,¹² but as many cities grapple with the economic fallout from social distancing measures and stay-at-home orders taking place across the nation, many renters will face a crisis once the country's many eviction moratoriums end. The lessons from this pilot can help inform the efforts that will commence in many communities to prevent evictions of the most vulnerable residents. Although the virus affects everyone, structural racism means that the people most at risk of experiencing serious health complications, of being labeled an essential worker at a low wage, and of facing unemployment are also at greatest risk of housing instability (Garg et al. 2020). Early interventions can help prevent a surge of eviction crises after the moratoriums end. The descriptive data from the clinic make clear that such interventions should be targeted to populations already at the highest risk of housing instability, particularly Black and Brown households and single-parent households.

As early eviction-prevention efforts become more common, it is important they navigate the tension between many critical services that address different forms of instability and participants' capacity to access these services. The pre-filing eviction-prevention pilot was able to launch quickly because of preexisting connections between service providers and Neighborhood House's existing client outreach. Future iterations of these types of clinics should consider anticipating participant needs by beginning outreach early in the process. Engaging participants on the most useful settings and

services could help tailor the structure of the clinic, the providers available in the clinic, and its time and location.

Stakeholders involved in the pre-filing clinic emphasized that collaborative efforts can provide more organized and efficient services to at-risk renters. The early, colocated services model for eviction prevention is a promising way to help renters facing the costs, fear, and harm associated with evictions and eviction filings.

Notes

- ¹ Ellen Sahli and Maya Brennan, “Four Lessons from Minnesota Can Inform the Eviction Crisis Debate,” *Urban Wire* (blog), December 16, 2019.
- ² Danny Spewak, “Gov. Walz Orders a Halt on Evictions during COVID-19 Pandemic,” *KARE 11 news*, March 23, 2020.
- ³ “Evicted: Twin Cities,” Minnesota Housing Partnership, accessed May 8, 2020, <http://www.mhponline.org/images/stories/docs/research/Desmond-one-pager-final.pdf>.
- ⁴ Peter Callaghan, “Why the Minnesota Legislature couldn’t get a deal done on rental assistance. Or affordable housing.” *MinnPost*. May 20, 2020.
- ⁵ Sahli and Brennan, “Four Lessons from Minnesota Can Inform the Eviction Crisis Debate.”
- ⁶ “National Estimates: Evictions in America,” Eviction Lab at Princeton University, May 11, 2018, <https://evictionlab.org/national-estimates/>.
- ⁷ “District Court Fees,” Minnesota Judicial Branch, accessed March 31, 2020, <http://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx>.
- ⁸ Jennifer Rudden, “Main Reasons for Eviction Threats in the U.S. 2017,” *Statista*, November 22, 2018.
- ⁹ Sahli and Brennan, “Four Lessons from Minnesota Can Inform the Eviction Crisis Debate.”
- ¹⁰ Two participants were listed as receiving services on a Friday.
- ¹¹ American Community Survey 2014–18.
- ¹² “Eviction and Foreclosure Moratoriums,” National Low Income Housing Coalition, last updated April 20, 2020, <https://nlihc.org/eviction-and-foreclosure-moratoriums>.

References

- Abel, Laura K., and Susan Vignola. 2010. “Economic and Other Benefits Associated with the Provision of Civil Legal Aid.” *Seattle Journal for Social Justice* 9 (1): 139–67.
- Acacia Consulting & Research. 2005. *Cost Effectiveness of Eviction Prevention Programs*. Ottawa, Ontario: Canada Mortgage and Housing Corporation.
- Baird, Patricia A. 2004. “Analysis of Landlord/Tenant Mediation & Disparate Impact Towards Low-Income People.” Master’s diss., University of Michigan-Flint.
- Beiers, Sophie, Sandra Park, Linda Morris, and ACLU Analytics. 2020. *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color*. New York: ACLU.
- Bieretz, Brian, and Kimberly Burrows. 2020. “Getting Landlords and Tenants to Talk: The Use of Mediation in Eviction.” Washington, DC: Urban Institute.

- Boston Bar Association (Boston Bar Association Task Force on the Civil Right to Counsel). 2012. *The Importance of Representation in Eviction Cases and Homelessness Prevention*. Boston: Boston Bar Association.
- Buron, Larry, Diane K. Levy, and Megan Gallagher. 2007. "Housing Choice Vouchers: How HOPE VI Families Fared in the Private Market." Washington, DC: Urban Institute.
- Desmond, Matthew. 2014. "Poor Black Women Are Evicted at Alarming Rates, Setting Off a Chain of Hardship." Chicago: MacArthur Foundation.
- Desmond, Matthew. 2016a. *Evicted: Poverty and Profit in the American City*. Farmington Hills, MI: Thorndike Press.
- . 2016b. "Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors." *Social Science Research* 62: 362–77.
- . 2012. *Eviction and the Reproduction of Urban Poverty* *American Journal of Sociology* 118 (1): 88–133.
- Desmond, Matthew, and Carl Gershenson. 2016. *Housing and Employment Insecurity among the Working poor*. *Social Problems* 63 (1): 46–67.
- Desmond, Matthew, Carl Gershenson, and Barbara Kiviat. 2015. "Forced Relocation and Residential Instability among Urban Renters." *Social Service Review* 89 (2): 227–62.
- Desmond, Matthew, and Nicol Valdez. 2013. "Unpolicing the Urban Poor: Consequences of Third-Party Policing for Inner-City Women." *American sociological review* 78(1): 117–41.
- Desmond, Matthew, and Rachel Tolbert Kimbro. 2015. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces* 94 (1): 295–324.
- Distasio, Jino, and Scott McCullough. 2016. *Eviction Prevention: Toolkit of Promising Practices*. Winnipeg, Canada: University of Winnipeg, Institute of Urban Studies.
- Engler, Russell. 2010. *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal about When Counsel is Most Needed*. *Fordham Urban Law Journal* 37 (1): 37–92.
- Garboden, Philip M.E., and Eva Rosen. 2019. The Threat of Eviction: How Landlords Shape a Contingent Tenure. *City & Community* 18 (2): 638–61.
- Garg, Shikha, Lindsay Kim, Michael Whitaker, Alissa O'Halloran, Charisse Cummings, Rachel Holstein, Mila Prill, et al. 2020. "Hospitalization Rates and Characteristics of Patients Hospitalized with Laboratory-Confirmed Coronavirus Disease 2019—COVID-NET, 14 States, March 1–30, 2020." *Morbidity and Mortality Weekly Report* 69 (15): 458–64.
- Greenberg, Deena, Carl Gershenson, and Matthew Desmond. 2016. "Discrimination in Evictions: Empirical Evidence and Legal Challenges." *Harvard Civil Rights-Civil Liberties Law Review* 51: 115–58.
- Hardy, Bradley L. 2017. "Income Instability and the Response of the Safety Net." *Contemporary Economic Policy* 35 (2): 312–30.
- Hare, Rebecca. 2018. *Evictions in Saint Paul*. KNCBR Report 1442. Minneapolis: University of Minnesota, Center for Urban and Regional Affairs.
- Hoffman, Kelly M., Sophie Trawalter, Jordan R. Axt, and M. Norman Oliver. 2016. "Racial Bias in Pain Assessment and Treatment Recommendations, and False Beliefs about Biological Differences between Blacks and Whites." *Proceedings of the National Academy of Sciences* 113 (16): 4296–301.
- Housing Link. 2004. "Tenant Screening Agencies in the Twin Cities: An Overview of Tenant Screening Practices and Their Impact on Renters." Minneapolis, MN: Housing Link.
- Kleysteuber, Rudy. 2007. "Tenant Screening Thirty Years Later: A Statutory Proposal to Protect Public Records." *Yale Law Journal* 116 (6): 1344–89.
- Lewis, Brittany, Molly Calhoun, Cynthia Matthias, Kya Conception, Thalya Reyes, Carolyn Szczepanski, Gabriela Norton, Eleanor Noble, and Giselle Tisdale. 2019. "The Illusion of Choice: Evictions and Profit in North Minneapolis." Minneapolis: University of Minnesota, Center for Urban and Regional Affairs.
- Mullainathan, Sendhil, and Eldar Shafir. 2013. *Scarcity: Why Having Too Little Means So Much*. New York: Times Books.

- Ocen, Priscilla A. 2011. "The New Racially Restrictive Covenant: Race, Welfare, and the Policing of Black Women in Subsidized Housing." *UCLA Law Review* 59: 1540–82.
- Purser, Gretchen. 2014. The Circle of Dispossession: Evicting the Urban Poor in Baltimore. *Critical Sociology* 42 (3): 1–23.
- Stout Risius Ross. 2018. *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants*. Philadelphia: Philadelphia Bar Association's Civil Gideon and Access to Justice Task Force.
- Solomon, Danyelle, and Darrick Hamilton. 2020. "The Coronavirus Pandemic and the Racial Wealth Gap." Washington, DC: Center for American Progress.
- Strom, Robert, Pat Collinsworth, Shirley Strom, and Dianne Griswold. 1993. "Strengths and Needs of Black Grandparents." *International Journal of Aging and Human Development* 36(4): 255–68.
- Tighe, J. Rosie, Megan E. Hatch, and Joseph Mead. 2017. "Source of Income Discrimination and Fair Housing Policy." *Journal of Planning Literature* 32 (1): 3–15.
- Turner, Margery Austin, Solomon Greene, Corianne Payton Scally, Kathryn Reynolds, and Jung Hyun Choi. 2019. *What Would It Take to Ensure Quality Affordable Housing for All in Communities of Opportunity?* Washington, DC: Urban Institute.

About the Authors

Mychal Cohen is a research analyst in the Metropolitan Housing and Communities Policy Center at the Urban Institute. His work focuses on affordable housing, neighborhood initiatives, and community development. Before joining Urban, Cohen was a policy and development associate at the National Housing Trust, where his work focused on state and local preservation of affordable housing, especially through the Low-Income Housing Tax Credit. Cohen holds a BA in government from the University of Virginia and an MPP from Georgetown University.

Eleanor Noble is a research assistant in the Metropolitan Housing and Communities Policy Center. Her research interests include housing affordability, evictions, and zoning and land use. Her past projects have examined the landscape of landlords in North Minneapolis and public transit use and perception by transgender and gender nonconforming riders. Noble graduated from Macalester College with a BA in geography, a minor in data science, and a concentration in urban studies.

Acknowledgments

This brief was funded by the Rockefeller Foundation’s Janice Nittoli Practitioner Fellowship. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute’s funding principles is available at urban.org/fundingprinciples.

We would like to thank the Ellen Sahli and Colleen Ebinger of the Family Housing Fund, whose partnership throughout the Nittoli Fellowship was essential to the development of this brief, and to the partners in the pre-filing eviction-prevention clinic, whose hard work and dedication to preventing evictions made this research possible.



500 L’Enfant Plaza SW
Washington, DC 20024

www.urban.org

ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people’s lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Copyright © May 2020. Urban Institute. Permission is granted for reproduction of this file, with attribution to the Urban Institute.