



# Eviction Diversion Initiative

DHCD Presentation to MAPC

November 9, 2020

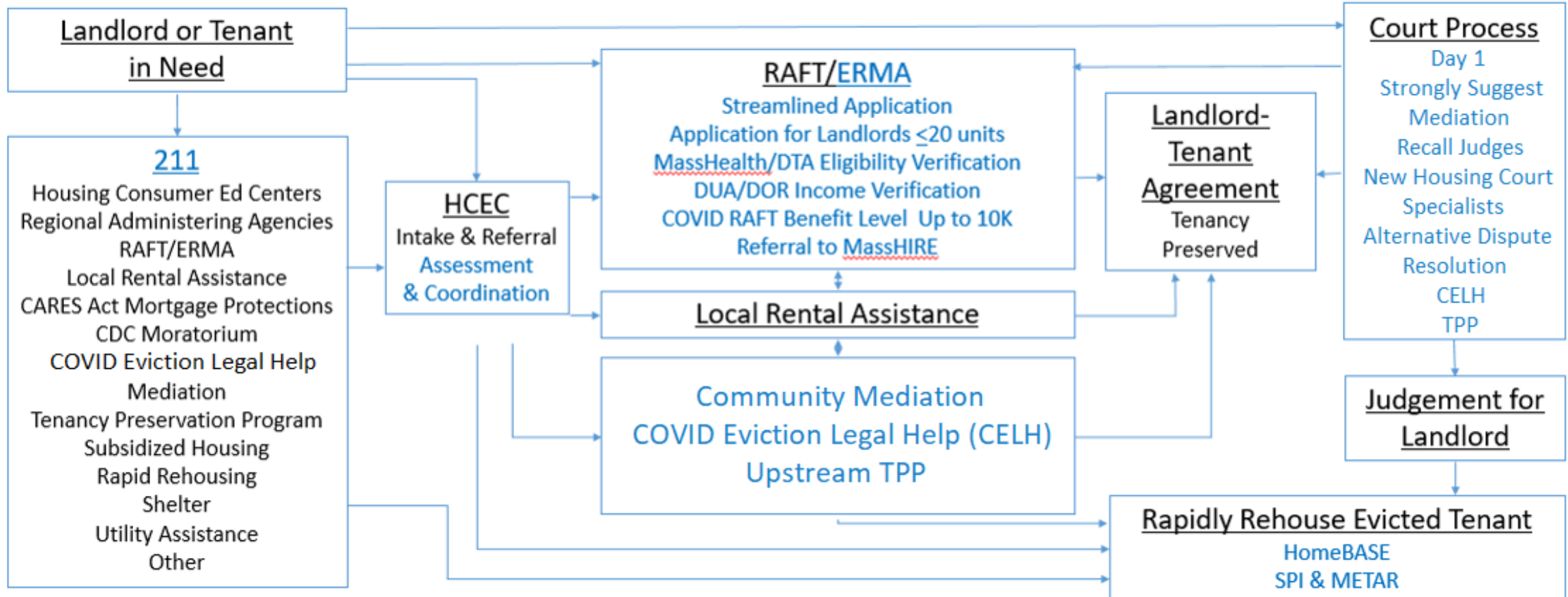
# Eviction Diversion Initiative Roadmap

## 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



- DHCD new webpage: [www.mass.gov/CovidHousingHelp](http://www.mass.gov/CovidHousingHelp)
  - Basic info on how to access resources, particularly the two state rental assistance programs RAFT (Residential Assistance for Families in Transition) and ERMA (Emergency Rental and Mortgage Assistance)
  - FAQs on what to do if facing a housing emergency, whether a homeowner, landlord, or tenant
- Resource page to download materials: <https://www.mass.gov/lists/eviction-diversion-initiative-public-information-campaign-materials>
  - Informational flyers translated into seven (7) languages.
  - Social Media content and samples translated into seven (7) languages.
  - An information video in English and Spanish.
  - Additional FAQ documents and information for residents regarding a Notice to Quit.
- Mass211 call service center is responding COVID housing related questions and make referrals
  - Live language assistance in Spanish and Haitian Creole at some hours and on demand translation services for up to 150 languages.
- Public facing signage through MassDOT Highway Division and MBTA



# Mass 211: Call volume October 12 to November 1, 2020

Total # of calls

**13,470**

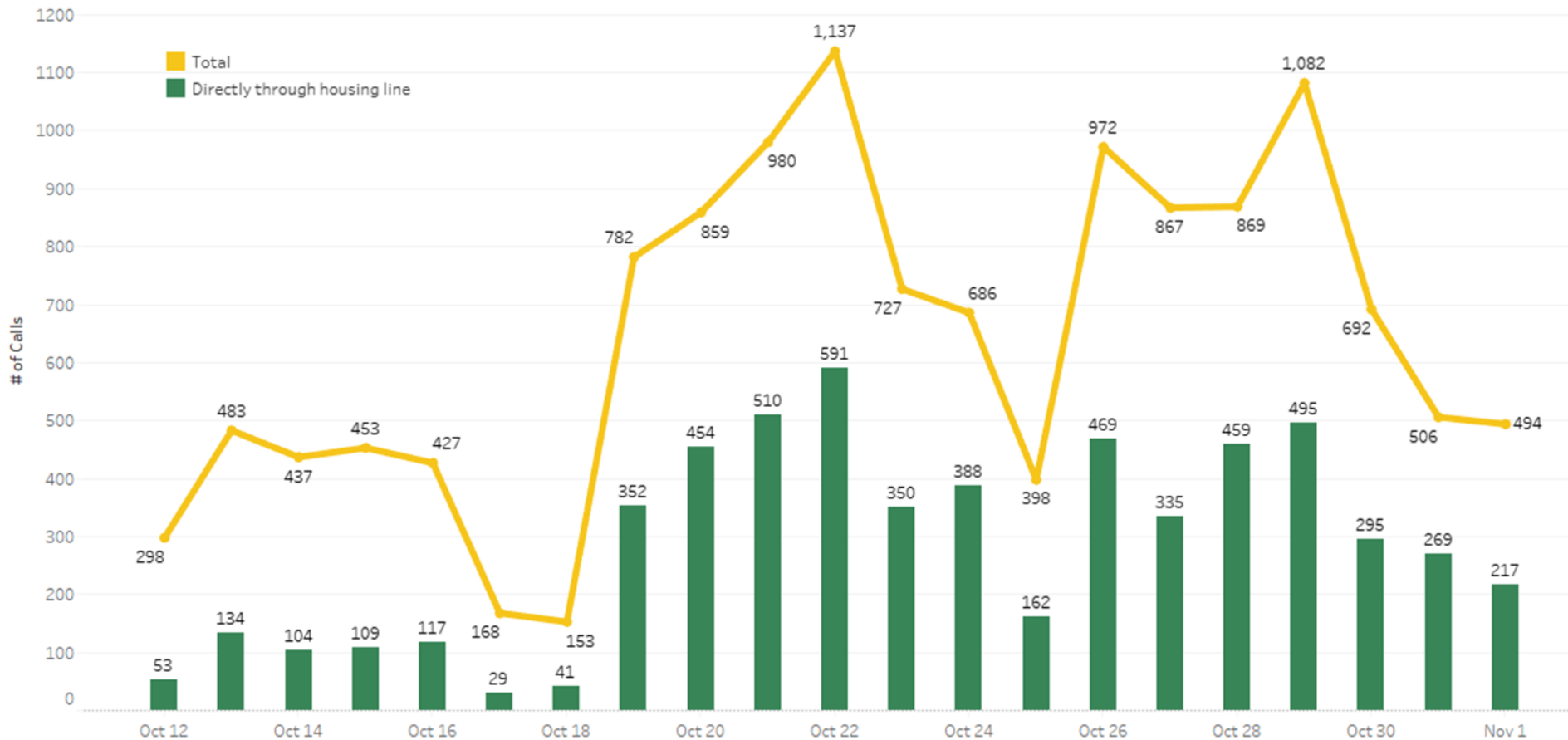
Total # of calls directly from the housing line

**5,933**

Total percentage of calls directly from the housing line

**44.0%**

Daily Distribution of Calls

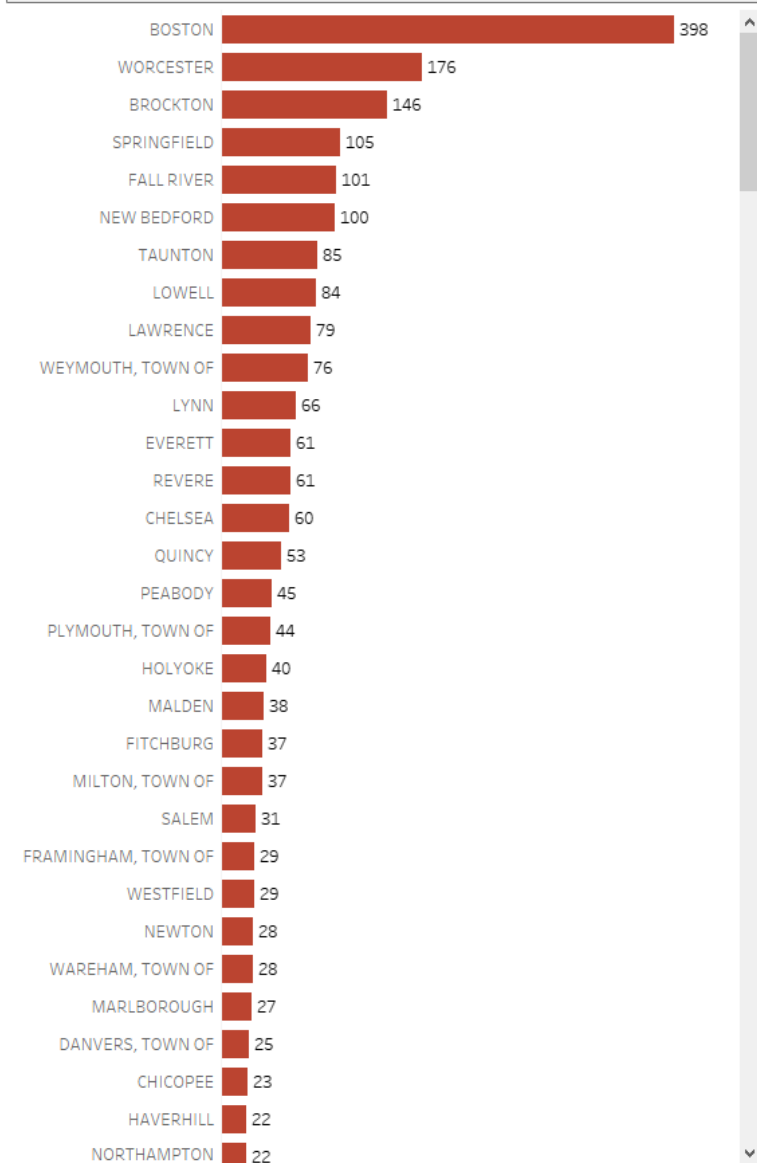


- 2,539 callers (Green Bar) selected “housing” as reason for calling between Monday 10/26 to Sunday 11/1.
- There was a slight decrease in 211 total call volume from the previous week.

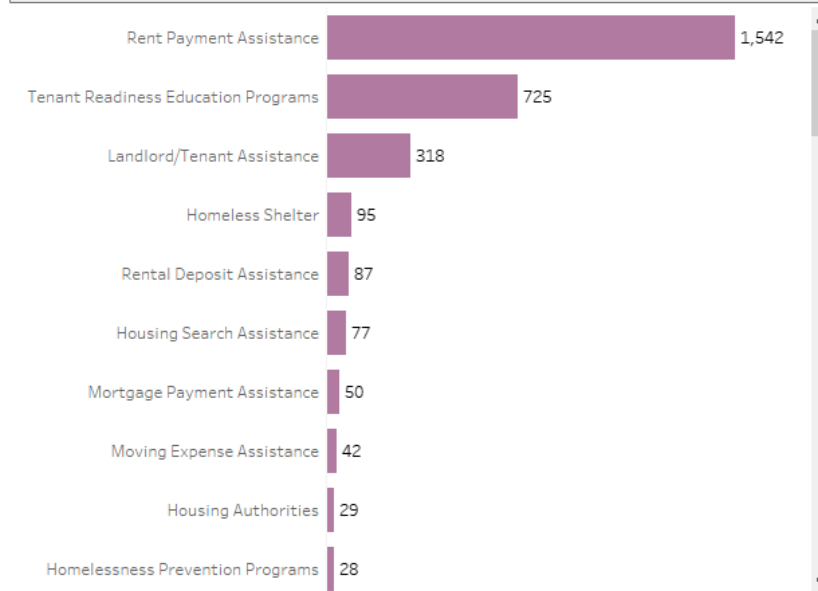


# Mass 211: Locations & reasons for calling – Oct 26 to Nov 1

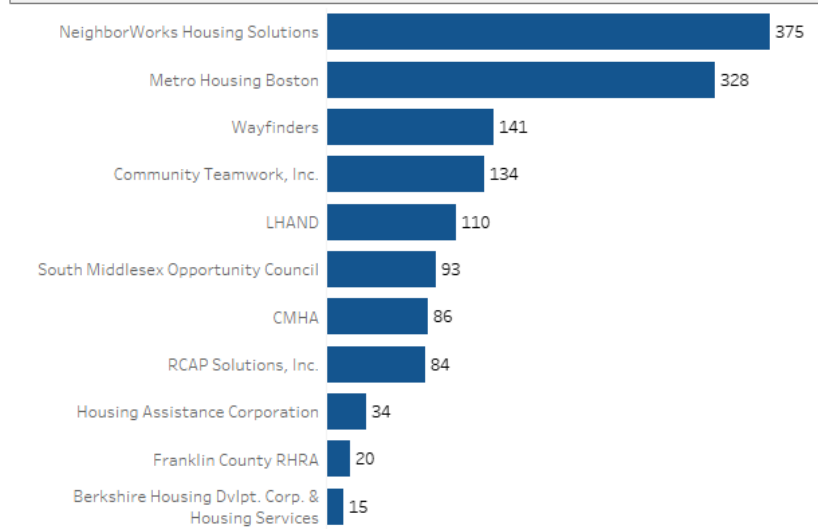
Locations of callers who asked about housing



Housing issues that arose on calls



Agencies where callers were referred



- The greatest number of 211 calls related to “housing” originated from Boston, followed by Worcester & Brockton
- The vast majority of the “housing” calls have to do with renter issues:
  - 51% for Rent Payment Assistance
  - 24% for Tenant Readiness Education
  - 10% for Landlord/Tenant Assistance

# Housing Consumer Education Centers (HCECs) Expansion Fully Staffed & Operational in December



	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 Service Coordinator” 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	~22,800 additional intakes & referrals ~2,000 households receive higher HCEC service

# Residential Assistance for Families in Transition (RAFT) Expansion Fully Staffed and Operational in December



	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 or through June 2021, if school-aged children in household</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 served</li> </ul>

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

## New Benefit Available as of October 19, 2020



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</u> <b>OR</b> <u>through June 2021 if school-aged children</u> in household, whichever date is later.</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 Staffed & Operational mid-November



	New Program
Program Description	<ul style="list-style-type: none"> <li>• Mass. Office of Public Collaboration to oversee a network of 12 state-qualified, court-approved community mediation centers (CMCs) to mediate remotely (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> <li>• Expanded pool of mediators to receive training &amp; support specific to housing mediation</li> <li>• 7 CMCs to begin accepting referrals from HCECs/RAAs on 11/2/2020</li> <li>• All 12 CMCs ready to begin accepting referrals from HCECs/RAAs on 11/16/2020</li> </ul>
When Accessed	<ul style="list-style-type: none"> <li>• Pre-court diversion (upstream: post-NTQ/pre-filing – referral by HCEC/RAA)</li> <li>• Pre-hearing diversion (after eviction filing, before initial hearing date - referral by HCEC/RAA)</li> <li>• Hearing date diversion (diversion at initial court status date – referral by court)</li> </ul>
Population Served	Any Renter or Landlord unable to resolve situation with RAFT/HCEC/RAA assistance alone
Outcome	~3,000-4,000 cases resolved Pre-Court through Mediation

# COVID Eviction Legal Help

## New Program Staffed & Operational end of December



	New Program
Program Description	<ul style="list-style-type: none"> <li>Working with partners Mass. Legal Assistance Corporation, Mass. Law Reform Institute and Volunteer Lawyers Project to develop a program for statewide deployment of legal representation and related services, delivered through volunteer lawyers and six regional legal aid organizations to support income eligible landlords and tenants upstream and through the Court process</li> <li>Paralegal &amp; Related 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 programs 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	~9,000-14,000 clients served Upstream and in Court

# Upstream Tenancy Preservation Program (TPP) Expansion Staffed & Operational mid-December



	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	~900 additional households

# HomeBASE & Rapid Rehousing Programs for Post-Eviction Diversion from Shelter Expansion Staffed & Operational in December



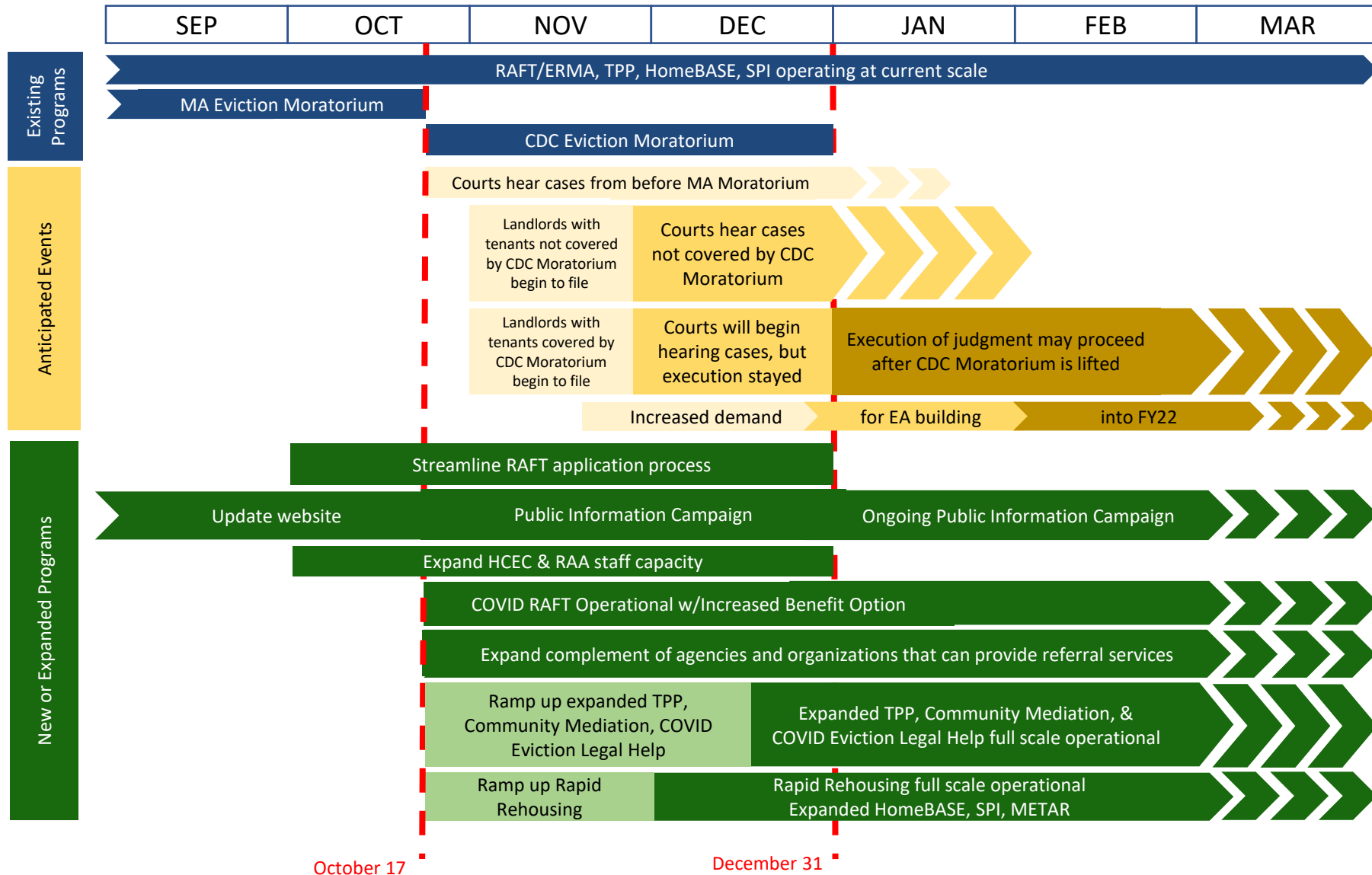
	Current Program	Expansion
<p>Program (s) Description</p>	<ul style="list-style-type: none"> <li>• <u>HomeBASE</u>: Provides up to \$10K per household for housing costs to divert from EA once determined eligible or exit EA shelter into stable housing</li> <li>• <u>Strategic Prevention Initiative (SPI)</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. 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>
<p>Outcome</p>	<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
Community Mediation	\$1.2 million for network of 12 community mediation centers to work with tenants and landlords before and during court process
COVID Eviction Legal Help	\$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.
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 tenants and landlords
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>

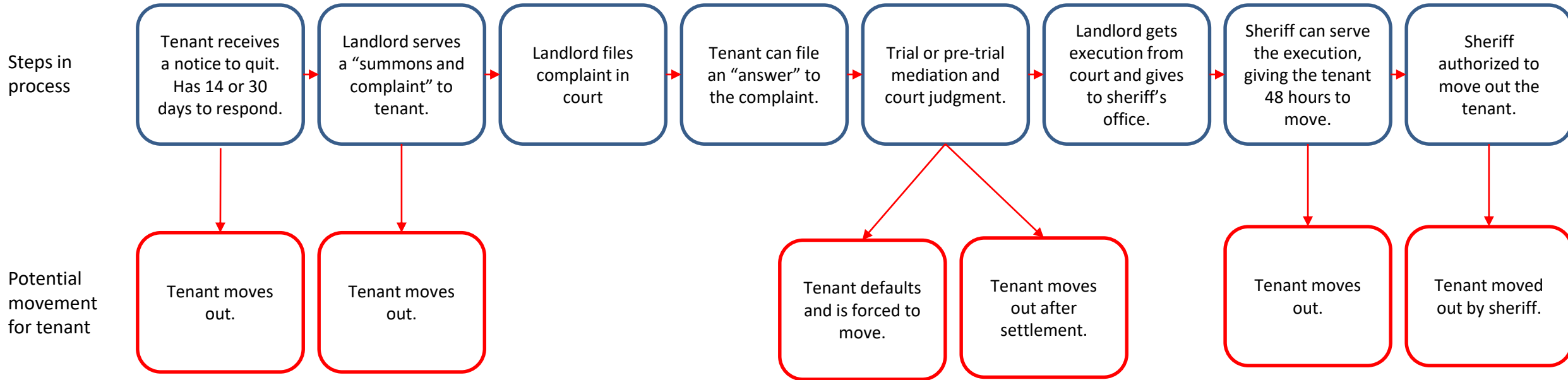
# Anticipated Timeline with Intervention





# APPENDIX

# Formal Eviction Process



This diagram displays the formal eviction process and does not display situations where a tenant retains their existing housing. Additional notes:

- Landlord files with court 7-30 days after summons and complaint served on tenant.
- Pre-COVID: per court data, median time to disposition was 20 days, longest was 126 days.
- Post-COVID: due to backlog, remote hearings & shift to two-stage process (status day, then hearing), median time to disposition likely to be longer.

Source: Adapted from "EVICTIONS IN BOSTON: The Disproportionate Effects of Forced Moves on Communities of Color." City Life/Vida Urbana, 2020





Through December, the CDC moratorium will prevent evictions for non-payment for qualified tenants who submit a written declaration to their landlord. Courts will accept filings and process cases, and may enter judgments, but will not issue an order of execution (the court order that allows a landlord to evict a tenant) until after the expiration of the CDC order. Protection is limited to households who meet certain income and vulnerability criteria.

A household must meet ALL of these criteria, not just one:

1. Household incomes up to <\$99,000 for calendar year 2020 (<\$198,000 if filing a joint tax return), or were not required to report any income to the IRS in 2019, or received a Federal CARES Act Stimulus check.
2. Household is unable to pay the full rent due to substantial loss of income, paid work or wages, a lay-off, or extraordinary out-of-pocket medical expenses. (An “extraordinary” medical expense is any unreimbursed medical expense likely to exceed 7.5% of adjusted gross income for the year.)
3. If evicted, household would likely become homeless, need to move into a homeless shelters or have to double-up with others in a crowded situation, because they have no other available housing options.
4. Household has tried to obtain available government assistance to pay rent.
5. Household is making best effort to pay as much partial rent, on time, as possible, taking into account other basic expenses.

Declaration may be found at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

# Federal and State Protections for Homeowners/Borrowers



- Federal CARES Act Foreclosure and Eviction Restrictions & Forbearance Requirements:
  - 1-4 unit homes with federally-backed mortgages: two 180-day forbearance options (360 days total) with unpaid arrearage in many cases deferred until end of loan term. About 70% of 1-4 family homes qualify for these protections. The CARES Act moratorium on certain foreclosures and evictions expired in July.
    - After restrictions on evictions expired in July, the CARES Act required landlords to provide the tenant with a 30-day notice to vacate prior to eviction.<sup>1</sup>
    - Fannie/Freddie (FHFA), FHA (HUD), USDA and VA have extended the foreclosure moratorium for certain single-family, federally-backed mortgages. Foreclosures may not commence until after 12/31/20.
  - 5+ unit homes with federally-backed mortgages: up to three 30-day forbearance periods available (90 days total) - must request initial forbearance & extensions by 12/31/20 . Owners may not evict tenants during forbearance, and the owner must provide the tenant with a 30-day notice to vacate.<sup>2</sup>
- The Division of Banks took steps early on to engage with and provide guidance to state-chartered financial institutions, mortgage lenders, and mortgage loan servicers.
  - Guidance fully expects institutions and lenders to provide relief to adversely impacted borrowers:
    - 60-day foreclosure postponement and forbearance;
    - 60-day waiver of late payment and online payment fees;
    - Refraining from reporting late payments to credit agencies for 60 days;
    - Offering additional 60-day grace period for trial loan modifications;
    - Proactive outreach and communication to borrowers about assistance.
  - Additionally, DOB will accept all homeowner requests to ask lenders for an additional 60-day stay of foreclosure once an auction date has been set.

# 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.