EVICTION

NMHC/NAA Viewpoint

Evictions are time-consuming and expensive but are the only legal remedy to remove a resident who has breached the lease. Given the complex nature of housing policies at the state and local level, Congress should not apply a one-size-fits-all approach. The appropriate federal role in evictions is leveraging federal dollars to help at-risk residents avoid eviction in the first place.

Our nation is facing a growing housing affordability crisis impacting Americans at all income levels. This has led federal, state and local policymakers to explore reform of various housing policies including eviction laws. Recent proposals to regulate evictions or limit related data from being included in consumer screening reports reveal a misunderstanding of the true nature of the problem. They also ignore the myriad state and local policies that govern the eviction process.

Evictions are a troubling experience for all parties involved. Private, public and non-profit rental housing providers engage in the eviction process as their only legal remedy to remove a resident who has breached the lease, lawfully regain possession of their property and maintain the safety, peaceful enjoyment and successful operation of their communities. While most eviction complaints are premised on non-payment of rent, other causes include lease violations and criminal activity. This process is particularly important for small property owners who rely on consistent, reliable rental payments to meet their financial obligations. Property owners often seek to mitigate evictions, most often by working with affected residents on payment plans and connecting them with social services.

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Research conducted by Eviction Lab has raised this important issue. However, limitations in the Eviction Lab data paint an incomplete picture of the eviction process. Out of nearly 39 million total cases cited in Eviction Lab data 38 percent are missing key information about what happened after eviction cases were filed and even adjudicated. Eviction “judgements” – labeled as “evictions” by Eviction Lab – are not actual physical evictions. Instead judgements often result in interventions where renters enter payment plans or otherwise fully satisfy payment obligations, allowing them to remain in their homes. Despite large numbers of eviction lawsuits filed every year; most are resolved in this manner without removal of the resident.

Efforts to restrict the use of eviction history data during the resident application process could have unintended consequences that hurt the very population policymakers are trying to serve. Housing providers generally consider several factors—including rental, criminal and financial history—to comprehensively evaluate potential residents and mitigate financial and security risks to apartment communities and their residents. Limiting access to this information could necessitate alternative risk mitigation strategies, disproportionately harming low-income renters.

There are effective ways to tackle housing affordability challenges and assist low-income renters. The apartment industry supports federal policy that helps remove local barriers to increasing the supply of housing, reform of and increased funding for Housing Choice Voucher Programs, emergency financial assistance and loan programs to address short-term rent payment disruptions and voluntary mediation or court-deferment programs. We are committed to working together with policymakers to address housing costs and help people maintain safe, secure and affordable homes.