

Proposal: Eviction Reduction in Arlington County

Arlington County's Tenant-Landlord Commission (TLC), a citizen advisory group tasked with improving relations between tenants and landlords and advising the County Board on related policies and programs, has been working with the Department of Human Services (DHS) and the Department of Community Planning, Housing and Development (CPHD) to develop proposed actions to reduce the number of evictions within the County. Specifically, we've examined policies related to the General District Court in an attempt to reduce evictions and increase the fairness of Virginia's legal process. This proposal outlines two potential actions for the Court's consideration which may better align existing resources with those facing eviction.

According to records maintained by the Arlington County Sheriff's Office, there were 1,443 evictions received in 2017, an average of 120 per month. Of the evictions received, 57% of them (817) resulted in an eviction. Although Arlington County has significantly less evictions than other jurisdiction in the commonwealth, we believe that this number is still too high. Through Arlington's Continuum of Care (CoC), the County and nonprofit service providers provide resources to prevent evictions (i.e., emergency financial assistance, rental assistance, free legal aid, information about tenant rights, etc.) but some tenants still slip through the cracks. These proposed actions may help align the existing CoC services with the tenants interacting with the General District Court to ensure that tenants most in need of these services have access to them. We look forward to discussing the possible implementation of these proposed actions with the General District Court.

1) Eviction Diversion Pilot Program

Proposal: The General District Court may adopt the Eviction Diversion Pilot Program in Arlington County. We believe that participating in this new state program can create more flexibility for tenants facing eviction and allow more time to provide back payment of rent to landlords through a court-ordered payment plan. If the Court were to participate in the program, they would adopt the uniform court forms for the payment agreement between the landlord and tenant established by the Executive Secretary of the Supreme Court of Virginia and refer eligible tenants to the program upon their request during the first docket call. Once a tenant enters into the program, the Court would provide for a continuance of the case on the docket to allow for full payment under the plan. The tenant is responsible for paying 25% of the amount due on the unlawful detainer at the first docket call with an additional 25% being due the 5th of each month until the remainder is paid.

Background: [S.B. 1450](#) and [H.B. 2655](#) passed during the 2018 General Assembly Session, established a pilot eviction diversion program in the Cities of Richmond, Danville, Hampton, and Petersburg to allow tenants that meet strict criteria to enter a court-administered payment program. The legislation also outlines the parameters to which other locally adopted eviction diversion programs must adhere. Both bills become effective July 1, 2020 and expire on July 1, 2023.

The purpose of the program is to reduce the number of evictions of low-income tenants by directing eligible tenants to participate in the Pilot Program after the court determines eligibility

to enter into a payment plan in order to return to good standing on rental payments. Further, the bills have been designed to collect and remit data regarding the program's performance to the Virginia Housing Commission for the evaluation of the Program's effectiveness and potential benefits and costs.

2) Strategic Scheduling of Unlawful Detainers/Writs of Eviction

Proposal: The General District Court may adopt one or more uniform days during which to consider the first docket call after issuance of a writ of eviction. Adopting one or more uniform days for the first docket call will allow nonprofit and government organizations to better match their services with tenants facing eviction. Currently, these organizations have trouble serving tenants during the first docket call who have not reached out directly for help. It has not been cost effective to station resources at the courthouse because the schedule for first docket calls varies each week. Organizations like DHS and Legal Services of Northern Virginia can make better use of their limited resources if they can screen all tenants facing eviction during the same day or days.

Background: Fairfax County's General District Court hears unlawful detainers, landlord/tenant, and small claims cases exclusively on Fridays. The other courts within Northern Virginia have adopted similar practices. Implementing specific days for unlawful detainer hearings makes scheduling more predictable and allows county governments and nonprofit organizations like Legal Services of Northern Virginia to send resources to the courthouse to actively educate low-income tenants on their rights as well as offer access to public assistance programs funded by the County and other organizations. Consolidating the first docket calls for eviction cases allows government and nonprofit organizations to station scarce resources at the courthouse to address the needs of those facing eviction more effectively.

3) Eviction Prevention Information

Proposal: The General District Court may adopt a policy to affix (staple) a one-page eviction prevention information sheet to the Summons for Unlawful Detainer/Writ of Eviction delivered to Arlington residents facing eviction. Having the clerk of the court attach a one-page sheet to the summons could be a simple way to disseminate critically important information to residents about existing eviction prevention resources provided by the County or nonprofit organizations. DHS would be responsible for providing an updated copy of the eviction prevention information sheet to the clerk of the court for dissemination.

Background: Richmond, as part of its Eviction Diversion Pilot Program, has incorporated having the clerk of the court staple an information sheet about the eviction diversion program to the Summons for Unlawful Detainer/Writ of Eviction distributed by landlords or the sheriff. Arlington, which has more eviction prevention resources available to residents than Richmond, can adopt a similar practice with information about all eviction prevention resources to ensure that tenants have this critical information as soon as possible.