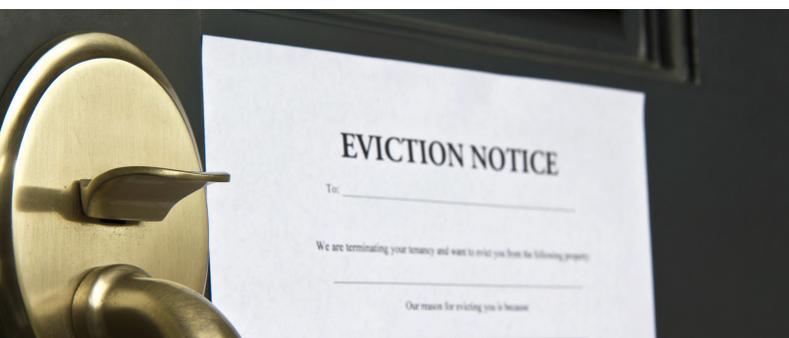


Evictions in Virginia: Alarming facts, promising ideas and proposed solutions

IN 2017, RENOWNED POVERTY EXPERT Professor Matthew Desmond founded Eviction Lab to “collect national data on eviction and to address fundamental questions about residential instability, forced moves, and poverty in America.” When Eviction Lab’s data came out in the spring of 2018, Virginians were alarmed to learn that:

- Five of the ten large cities with the highest eviction rates in the country are right here in the Old Dominion. In 2016, those five cities had an average eviction rate of 9.7%.
- Three of the five mid-size cities with the highest eviction rates in the country are also in Virginia. In 2016, those three cities had an average eviction rate of 16.1%.
- Virginia overall had an eviction rate of 5.12% in 2016, more than twice the national average.



Faced with these embarrassing statistics, the Virginia Housing Commission formed a special work group to consider how to lower the state’s eviction rate. One of the work group’s members, Martin Wegbreit, the Litigation Director at the Central Virginia Legal Aid Society in Richmond, had been studying eviction diversion programs in other states. He asked the Commission to consider how an eviction diversion program might help reduce evictions.

Wegbreit looked at the programs in Durham, North Carolina and Lansing, Michigan, which provide legal and financial assistance to tenants facing eviction. The Michigan program refers tenants to Michigan State University’s College of Law Housing Clinic, and the Durham program refers tenants to the local legal services program. Both programs provide free legal assistance to low-income tenants. Furthermore, because most tenants facing eviction have experienced a temporary loss of income, the Lansing and Durham programs recognize and address the need to provide short term financial assistance.

In an interview with *City Pulse* (a Lansing area weekly newspaper), director of the Ingham County Department of Human Services, SuAlyn Holbrook noted that the eviction diversion program “is for those who have run into some kind of hardship but have been good tenants. They’ve hit a bump in the road and now they just need some assistance to get back on board.”

This approach has been successful. A 2017 evaluation of Lansing’s eviction diversion program found that it reduced eviction rates by more than twelve percent.

The Virginia Housing Commission also recognized the need to assist those tenants who are unable to pay their rent because of an unforeseen expense, such as a bill for a necessary car repair or an emergency medical cost. The Commission endorsed legislation to create four pilot eviction diversion programs in Danville, Hampton, Petersburg and Richmond. The General Assembly embraced the promise of these pilot programs. As of the writing of this article, the bill establishing these pilot programs (SB 1450) has passed both the House and Senate unanimously and is awaiting the Governor’s signature.

The proposed Virginia legislation has very specific requirements. To qualify, a tenant must pay 25% of the rent owed on the first court date, and then must pay the balance owed in three equal installments over the following three months. In addition, qualifying tenants have to remain current in their ongoing rent. If they miss a payment, the landlord has to simply notify the court in order to get a judgment for the unpaid amount and the right to evict the tenant. A copy of the notice sent to the court must also be sent to the tenant, and if in fact the tenant has paid all the rent as required, he or she can file an affidavit to that effect to stop the judgment in favor of the landlord from being entered.

If passed, the four pilot programs will be in effect from July 2020 until July 2023, unless the General Assembly decides to extend or make them permanent. The legislature could also decide to make the eviction diversion program established by this year’s legislation statewide. In the meantime, localities across the state are free to establish eviction diversion programs.

Richmond is planning on doing exactly that. The city is poised to implement an eviction diversion program in the summer of 2019, a full year before the state mandated program would become effective. Richmond’s program would differ in two significant ways from the proposed pilot programs. First, it would be voluntary. Both the tenant and landlord would have to choose to participate. The pilot program poised to begin in 2020 would require participation of the parties if the tenant met the basic requirements. Second, the Richmond program is likely to come with financial assistance for the tenants. This session’s eviction diversion legislation does not come with eviction prevention funding, nor does it mention the option for localities to provide such funding. However, it does not prohibit a locality from establishing an eviction prevention fund to be used in conjunction with the eviction diversion program.

Anyone concerned with lowering eviction rates in the Commonwealth should perhaps keep their eyes on Richmond in the next few years; it may be the only place in Virginia that pairs a financial assistance program for tenants at risk of eviction with the structure of the state mandated provisions for the pilot eviction diversion programs. According to Wegbreit, “If the Richmond Eviction Diversion Program is properly funded and staffed, it will change the narrative from Richmond being among the national leaders in evictions to it being the leader in eviction reduction.” 

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