The federal government took several steps to keep low-income families sheltered in safe, secure and affordable housing and to prevent homelessness resulting from the COVID-19 pandemic. Those steps included establishing emergency rental assistance and an eviction moratorium. The federal eviction moratorium is scheduled to expire on July 31, and millions of low-income Americans will subsequently be facing housing insecurity and/or homelessness.

After the moratorium ends, public housing authorities will take every step available to prevent evictions and will work with residents to maintain their housing assistance, while also balancing the health and safety needs of neighbors and the community. Public housing and Housing Choice Vouchers (HCVs) provide safe, stable, and affordable housing to over 3 million low-income households nationally. These programs are the foundation of the affordable housing market, and in many communities, public housing authorities (PHAs) are the largest affordable housing provider.

**While PHAs are committed to ensuring that evictions are rare and a last resort, they must follow local, state, and federal laws and HUD regulations that govern the eviction process.**

**[Insert the local and state laws that your PHA must follow]**

**CDC EVICTION MORATORIUM**

The COVID-19 pandemic created unprecedented challenges for PHAs to quickly adjust their internal policies and procedures in response to the global public health pandemic. The CARES Act implemented an eviction moratorium that began on March 27, 2020, requiring PHAs to halt all public housing evictions, except for evictions due to:

* residents engaging in criminal activity while on the premises;
* threatening the health or safety of other residents;
* damaging or posing an immediate and significant risk of damage to property;
* violating any applicable building code, health ordinance, or similar regulation relating to health and safety; or
* violating any other contractual obligation of a tenant’s lease, other than the timely payment of rent or similar housing-related payment (including nonpayment or late payment of any fees, penalties, or interest)

However, as the pandemic continued, so too did the federal eviction moratorium order issued by the Centers for Disease Control and Prevention (CDC), first through March 31, then June 30 and then July 31, 2021. The CDC has indicated the current moratorium will not be extended beyond July 31, 2021.

To assist PHAs and owners with planning for the expiration of the CDC eviction moratorium, HUD issued an updated Eviction Preventions and Stability Toolkit. The updated toolkit includes 10 attachments with links to a PHA best practices guide, a tenant brochure with tips to avoid eviction, an HCV landlord flyer to encourage engagement with tenants before the CDC eviction moratorium expires, repayment agreement guidance and examples, and needs assessment tools, and HUD’s Emergency Rental Assistance Program FAQs.

**EMERGENCY RENTAL ASSISTANCE PROGRAM**

Congress created the Emergency Rental Assistance Program in December 2020 to be administered by the U.S. Department of the Treasury. The program provides rental assistance to households experiencing financial and housing instability due to the effects of the COVID-19 pandemic. The program’s intent is to limit housing displacement and prevent eviction of eligible households by primarily covering the cost of accrued rental arrears, current rental payments, and utility expenses. The funds are provided directly to states, U.S. territories, and local governments, where grantees use the funds to provide assistance to eligible households through existing or newly created rental assistance programs. PHAs have often been leaders of this program, administering ERA to all eligible households – including federally assisted households – in their communities.

**EVICTION PREVENTION BASICS**

**PHAs do not take evictions lightly and dedicate resources and staff time to preventing them.** PHAs recognize the consequences of eviction for very low-income residents who cannot afford market-rate housing and will most often seek an informal resolution before initiating eviction proceedings. Many PHAs have developed eviction prevention models to support residents who are behind on rent or at risk of eviction.

Non-payment of rent, for example, is often informally remedied by the PHA and resident after establishing an affordable repayment plan. Eviction prevention strategies provide an opportunity for PHA staff to better understand what circumstances are contributing to the resident’s failure to pay rent~~,~~ and to connect the resident with additional supports and services.

PHAs also seek to avoid eviction because it is expensive, burdensome for staff, time consuming, and increases unit turnover and vacancy costs. Evictions are a rare last resort when a resident does not engage with staff to pay overdue rent or when a resident’s behavior threatens the health and safety of other residents.

PHAs work closely with residents at risk of eviction and will often work with case managers to determine if the resident would be better served by a different type of community, such as supportive housing with wraparound services. Many PHAs work with local non-profit organizations to identify alternative housing options for at-risk residents.

**CAUSES OF EVICTION**

While non-payment is the primary reason for eviction from public housing and the voucher program, additional causes include criminal activity and administrative violations, such as misreporting the household information that determines eligibility for housing assistance.

Non-payment can often be remedied through formal or informal eviction prevention services, but other offenses require PHAs to consider their obligations to protect the health and safety of the community. When needed, PHAs will also work with supportive service and behavioral health partners to determine whether a resident facing eviction is able to safely maintain their current housing.

**EVICTIONS PROCESS**

If a tenant fails to meet the terms of their lease agreement and efforts to address the issue informally are unsuccessful, the PHA or landlord will serve the tenant with a notice specifying the lease violation and amount of time allowed to resolve the issue. If the violation is not resolved and the landlord chooses to initiate an *eviction filing*, the matter becomes a legal proceeding*.*

If the tenant still does not address the violation and a judge rules that an eviction can proceed, the tenant receives an *eviction judgment* and is required to vacate the unit within a certain timeframe. In the case of non-payment, residents have an opportunity throughout this time to pay overdue rent to end the eviction process before a judgement is granted.

**PUBLIC HOUSING EVICTIONS**

In public housing, PHAs must follow local, state, and federal laws and HUD regulations that govern the eviction process. HUD regulations require public housing residents to receive unique tenant protections not available to those renting in the private rental market*.*For example, most PHA residents facing eviction may request a grievance hearing, in which an impartial grievance officer hired by the PHA conducts a hearing with both parties to determine if there is sufficient evidence to evict.

**HOUSING CHOICE VOUCHER PROGRAM EVICTIONS**

For voucher holders, the eviction process resembles proceedings for any tenant in a private market-rate rental unit. Evictions are initiated by the landlord, typically without notifying the PHA in the proceedings. However, there is substantial variation across PHAs in their level of involvement with landlord-tenant issues, including non-payment. Some PHAs will offer landlord-tenant mediation or refer tenants to external mediation. The degree to which PHA staff intervene is dependent on staff capacity to provide eviction prevention services.

An eviction from a landlord under the Housing Choice Voucher program does not necessarily result in termination of housing assistance.It is possible for a vouchered tenant to be evicted from a unit by the landlord, but not lose their housing assistance, as lease violations and violations of the tenant’s responsibilities under the HCV agreement are separate obligations. Some PHAs will consider the nature of the lease violation in their determination of whether to terminate assistance.