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### Eviction: A story of displacement

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# **EVICTION: A STORY OF DISPLACEMENT**

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## **INTRODUCTION:**

About one-third of the US household population (that is, 47.6 million households) lives in rented housing (Tokarz, Stragand, Geigerman, & Smith, 2020). Among the housing disputes that occur between tenants and landlords – such as evictions, finances, housing conditions, landlord-tenant relationship, discrimination, etc. (McGillis, 1979), the removal of tenants from their property – that is, their displacement – by landlords through evictions poses one of the greatest threats to housing stability. Over time, an increasing number of households lost their rented homes through eviction (Brennan, 2020; Hoke & Boen, 2021, February 2). In response to this situation, eviction discussions in the housing literature have heavily focused on the consequences of evictions for renters and much less so on the landlords' view of eviction, e.g., as a means of protecting their housing investment (Ebner & Press, 2020). The prevalence and high stakes of eviction elevate the importance of examining this phenomenon and gaining an understanding by reviewing the eviction literature. Such a review can prove instructive although limited in applicability due to the incompleteness and largely descriptive or observational nature of eviction-related data (Hartman & Robinson, 2003; Hoke & Boen, 2021).

## **HISTORY OF LANDLORD-TENANT LAWS**

The right to housing is not enshrined in US constitutional law (Hartman & Robinson, 2003). Before the 1960s, matters dealing with rental housing and the landlord-tenant relationship were largely governed by common law principles, which provided that the tenant could gain possession of premises upon agreement with the owner/landlord in exchange for the payment of rent to the latter and care for the premises (Hartman & Robinson, 2003). From the 1960s on, landlord-tenant laws evolved, specifying and expanding the legal rights and responsibilities of both tenants and landlords to varying degrees depending upon state and local laws. Massachusetts landlord-tenant law has been considered among the most robust in the nation. Unlike, say, Milwaukee and other midsize cities, Boston, along with New York City, was considered to have robust tenant protection laws, i.e., “a stalwart tradition of tenant unionizing[,] an economically-diverse rental population[, and] tooth[y] tenant protections” (Greenberg, Gershenson, & Desmond, 2016, p. 123). Subsequent decades moderated expectations for a positive impact on housing conditions from landlord-tenant law reform. By the 1980s, the changes in landlord-tenant law in Massachusetts and elsewhere did not lead to improved housing for all: “Empirical studies in Boston, Chicago, Detroit, and San Francisco, as well as observations of activity in Kansas City and St. Louis, have noted a disappointing, harsh, but observable reality: landlord-tenant law reform, as administered by the courts, has not improved the housing conditions of low- and moderate-income tenants” (Salsich & Fitzgerald, 1986, p. 793).

## **Landlord-tenant laws in Massachusetts:**

According to information provided by the Massachusetts government to the public (see the government website for the Office of Consumer Affairs and Business Regulation), current<sup>1</sup> state landlord-tenant law provides, among other things, that tenants are responsible for paying rent and complying with the conditions of their rental lease should there be one. They have a right to premises that are safe and habitable, the breach of which right authorizes the tenant to withhold rent under specified circumstances. Tenants are also protected against discrimination – based upon their race, religion, ethnicity, age, marital status, disability, etc. – against retaliation for the exercise of their legal rights, and against the landlord’s unreasonable entry onto the premises. In turn, landlord responsibilities include ensuring and maintaining the safety and habitability of the rented premises, refraining from shutting down utilities or rendering the premises uninhabitable except for repairs or emergencies, and screening prospective tenants. Landlords have the right to receive punctual rent payments, to raise the amount of rent under specified conditions, to get tenant compliance with the tenancy agreement, to enter the premises for stated reasons, and to evict the tenant under stipulated circumstances, including violation of the terms of the tenancy.

Common housing disputes between landlord and tenant involve evictions, security deposits, and problematic housing conditions such as pervasive vermin and garbage, leaks from windows and roofs, defective locks, and inadequate heating (McGillis, 1979, January, citing a 1977 study of low-income Boston residents). Most of the disputes regarding housing conditions are not brought to court: “Despite the severity of these conditions, the survey found that many housing problems were not viewed as legal problems by the respondents even though legal solutions were potentially available” (McGillis, 1979, January, p. 245). Evictions, however, are usually addressed by the court. Rent arrearage is the most common reason for eviction. With respect to Massachusetts evictions, only a small minority of residential evictions were for reasons other than non-payment of rent (Massachusetts Trial Court, Department of Research and Planning, 2021, June 13).

Eviction is the removal of the occupant of rented premises by the property owner or landlord (Greenberg et al., 2016). The tenant’s removal may be accomplished either through formal or informal means. Formal evictions are effectuated through specified court procedures (Greenberg et al., 2016). The Massachusetts eviction process, for example, is regulated by state law, and the tenant’s removal is subject to a court order (see Office of Consumer Affairs and Business Regulation, 2021, Tenant rights). Typical grounds for a landlord’s request for an eviction order, which are also applicable to Massachusetts evictions, include the tenant’s non-payment of rent, lease violation, premise damage, illegal use of premises, denial of landlord’s reasonable access to premises, non-renewal of lease, etc. (Hartman & Robinson, 2003; Office of Consumer Affairs and Business Regulation, 2021, Tenants guide). Massachusetts tenants may contest their eviction by articulating affirmative defenses and counterclaims in a document – that is, their Answer – responsive to the landlord’s Summary Process and Complaint, which may include claims that the landlord retaliated against the tenant’s exercise of legal rights, discriminated against the tenant, failed to properly comply with the eviction procedure, infringed upon the covenant of quiet enjoyment, or violated the warranty of habitability, the security deposit law, or the consumer protection law (Office of Consumer Affairs and Business Regulation, 2021, Tenants guide). Although defenses that are omitted from the tenant’s Answer are officially excluded from consideration

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<sup>1</sup> In this paper, allusions to the present or to current situations do not apply to events or circumstances occurring after the completion of this paper in September 2021.

in the Massachusetts court process, one community mediation center case coordinator, who deals with housing cases, reported that for summary process cases, “courts are much more permissive and typically they will allow the defendant (the tenant) to assert their defenses and counterclaims at any point during the process, which may trigger a continuance for the landlord to respond.”<sup>2</sup> Informal evictions, which occur outside the purview of the court, may run the gamut from the landlord’s refusal to continue renting the premises to the tenant to constructive evictions, where premises are rendered uninhabitable, to illegal evictions, which involve violations of the law (Brennan, 2020; Greenberg et al., 2016).

### **FREQUENCY OF EVICTIONS:**

The threat to housing stability posed by evictions has grown over the last 20 years. Between 2000 and 2016, 61 million eviction cases were filed, and executed evictions increased by more than 70%, climbing from around one-half million (i.e., 518,873) in 2000 to nearly 900,000 (i.e., 898,497) evicted households in 2016 (Benfer, Robinson, Butler,... & Neumann, 2020, August 7, citing Princeton University Eviction Laboratory; Hoke & Boen, 2021, February, 2; Tokarz et al., 2020). By 2019, annual court eviction filings put more than two million renter households at risk of losing their homes through court evictions alone (Tokarz et al., 2020). In Massachusetts, 17,029 court orders for the execution of residential evictions, or 45% of the 37,956 residential eviction cases filed, were issued during 2019 (Massachusetts Trial Court, Department of Research and Planning, 2021, June 13)

The impact of the Coronavirus Disease 2019 (COVID-19) pandemic on the economy and governmental attempts to mitigate that impact affected the frequency of eviction case filings and evictions during the pandemic period of March 2020 to the present – July 2021.

COVID-19 is a world-wide affliction that was recognized as a pandemic by the World Health Organization (WHO) on March 11, 2020 (Cucinotta & Vanelli, 2021, March 19). The disease wreaked havoc globally on people’s lives and livelihoods and thus on public health and on the economy of the US, including Massachusetts. Between January 21, 2020 and June 10, 2021, 33,246,578 people across the nation became ill and 596,059 died from COVID-19 (CDC, COVID data Tracker, 2021, June 11). In Massachusetts, 708,459 COVID cases and 17,922 COVID-related deaths were reported during the same period (CDC data tracker, 2021, June 11). COVID’s impact on people’s lives combined with the public health measures taken to contain the spread of the disease – such as constraints on in-person interactions – depressed economic activity. The three sectors hit hardest by the pandemic in terms of job loss were leisure and hospitality, education and services, and government (Congressional Research Service, 2021, May 20). Unemployment climbed during the pandemic. Job loss was greatest among Blacks, Hispanics/Latinx, younger workers, and workers with less education. Across the US, the unemployment rate of 3.5% in February 2020 (pre-pandemic) rose precipitously to 14.8% in April 2020 (early pandemic period) and finally declined to 6.1% by the following April (later pandemic period), a rate that was still higher than the unemployment rate from pre-pandemic times. Massachusetts unemployment numbers mirrored national trends, rising to 16.4% in April 2020 from a pre-pandemic low of 2.8% and then dropping to 6.5% by April 2021 (Congressional Research Service, 2021, May 20; Department of Unemployment Assistance; Lisinski, 2020, November 20).

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<sup>2</sup> March 22, 2021 email exchange.

The majority of eviction filings were brought for non-payment of rent (Bieretz, Burrowes, & Bramhall, 2020, April; Hare, 2020, January). Massachusetts eviction filings were no exception. The eviction data presented by the state for the last few years are accompanied by the reminder that rent arrears accounted for a large majority of evictions: “For the Boston Municipal and District Courts, executions include a small proportion of eviction cases based on grounds other than non-payment of rent.” Indeed, as of June 13, 2021, 2,454 residential evictions were issued since October 18, 2020 for nonpayment of rent (Massachusetts Trial Court, Department of Research and Planning, 2021, June 13). As in Massachusetts, the shortfall in rent payments throughout the country may be attributed to renters’ low incomes and a dearth of affordable housing. Nationally, close to half of US renters (47.4% or 20.5 million households) in 2017 paid more than 30% of their income on rent, almost one-fourth (10.8 million households) paid at least 70% on rented housing and such “high levels of burden underscore the difficulty for households with the lowest incomes to find housing in the private market” (Veal & Spader, 2018, December 7). Similarly, housing in Massachusetts is expensive, affordable housing is scarce, and, as a result, “high housing costs in Massachusetts place significant financial pressure on the state’s residents, and a lack of affordable housing .... is of special concern for the state’s extremely low-income (ELI) renter households,” 79% of whom were rent-burdened in 2016 (Chiumenti, 2019, p.3). “Renters with low incomes are more severely cost-burdened and thus are at greater risk of eviction than other renters...” (Trescon, Greene, Fiore, & Junod, 2021, April, p. 2). Other factors that may heighten the risk of eviction include family size, gender, race/ethnicity, behavior and health issues (Tsai & Huang, 2019). Large households, particularly those with children, increased eviction risk in the US, though not in other western countries like Canada, the United Kingdom, and the Netherlands. Behaviors related to substance abuse were associated with eviction risk as were health problems, both physical and mental (Tsai & Huang, 2019, citing studies). People of color faced a higher risk of eviction than Whites (Greenberg et al., 2016). The combined factors of gender and race/ethnicity were also found to elevate the risk of eviction. Black and Latinx renters, and Black and Latinx women renters in particular, were disproportionately subjected to eviction filings and evictions, and even during the pandemic when eviction filings were lower than usual, “Black and female renters received a disproportionate share of these filings” (Hepburn, Fish, Lemmerman, ... & Desmond, 2021, April 27, citing studies).

Despite the widespread financial harm caused by the pandemic – which was reflected in the rise in unemployment – government actions to address and recover from the pandemic helped prevent rates for eviction filings and evictions from climbing like unemployment rates during the pandemic (Rios, 2021, May 5). Despite opposition from landlord groups decrying the infringement of their control over their property, eviction moratoriums were imposed at various government levels (Arnold, 2021, March 29.). A national eviction moratorium (slated to end by July 31, 2021), instituted in September 2020 by the U.S. Centers for Disease Control and Prevention to prevent the spread of the coronavirus by preserving tenants’ housing, halted evictions for nonpayment of rent (Arnold, 2021, March 29; Cowin, Martin, & Stevens, 2020; Housing Community & Development, 2021, April 14). Massachusetts’ suspension of evictions, effective in April 2020, encompassed all evictions, not just those for rent arrears. In addition to moratoriums, the federal government invested heavily in vaccine development and pumped nearly \$4 trillion of financial assistance into the economy, including expanded unemployment insurance payments and \$50 billion in rental assistance (Mass.gov. About COVID-19, 2021; Wu & Zarracina, 2021). Financial support was also distributed by various state and local governments. When Massachusetts’s eviction moratorium was allowed to expire in October 2020, the

state set up its Eviction Diversion Initiative, a \$171 million program for promoting housing stability (Lisinski, 2021, April 16). Moreover, in Massachusetts, legislation was enacted that sought to suppress evictions during the pandemic by linking judicial actions on residential evictions to the federal CDC eviction moratorium through July 30, 2021: "Courts will accept [residential eviction] 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."<sup>3</sup> The impact of these government measures was to depress eviction rates during the pandemic. On average, 3.7 million eviction filings were recorded annually before pandemic times (Fish, Lemmerman, Louis, & Hepburn, 2020, December 15). For example, eviction case filings in a sample of five states that imposed eviction moratoriums at some point (i.e., Connecticut, Delaware, Indiana, Minnesota, and Missouri) decreased by 43% from a total of 150,112 during 2016 to 85,535 during the 15 months of the pandemic (from March 15, 2020 to June 5, 2021) (Dewitt, 2020, June 17; Eviction Lab, 2021, June 6). In a separate analysis that was based on data from five state court systems, twenty-six county court systems and one municipal court, the number of eviction filings declined by 65% during the initial nine-plus months of the pandemic – that is, from March 15 to December 31 of 2020 – compared to typical numbers from past years (Hepburn et al., 2021, April 27). As for Massachusetts, its residential eviction filings and executions in 2016 were roughly similar to those in 2019 (Dewitt, 2020, June 17; Massachusetts Trial Court, Department of Research and Planning, 2021, June 13). There were 37,121 eviction filings and 15,708 executions in 2016 compared to 37,596 filings and 17,209 eviction executions in 2019. However, during the following year, i.e., in 2020, which encompassed the onset of the pandemic and associated governmental reactions, Massachusetts residential eviction filings and executions decreased markedly from 2019 – by 59% to 15,353 filings and by 73% to 4,655 evictions. Over these years, a large majority of Massachusetts evictions were for nonpayment of rent (Massachusetts Trial Court, Department of Research and Planning, 2021, June 13).

The recent pandemic-related decline in eviction filings and executions is expected to be temporary. The current outlook for post-pandemic rental housing stability across the nation, including Massachusetts, is gloomy. According to May 2021 news reports, the US Census Bureau calculated that approximately seven million US residents still owed rent money (Arnold, 2021, May 5). As the course of the pandemic wanes, vaccinations against COVID-19 proceed, pandemic-related restrictions ease, and government financial assistance and eviction moratoriums end, evictions are expected to surge (Tokarz et al., 2020, 243-244).

### **CONSEQUENCES OF EVICTION BEFORE & DURING COVID:**

Evictions are costly. Although evictions exact a toll on both landlord and tenant, the burden of loss falls most heavily on tenants. Indeed, the adverse consequences of eviction permeate the lives of tenants. Admittedly, both tenant and landlord incur direct expenses from court evictions. Between court fees, charges for implementing the eviction, lost rent revenue, and other eviction-related expenses such as finding a new tenant, an eviction – at least those in the Boston area – can cost private landlords an estimated \$6,000 and housing authorities about \$10,000 (Bieretz et al., 2020, citing Desmond & Gershenson, 2016; Brennan, 2020). Tenants on the losing side of the eviction case may have to not only pay for rent arrears and the landlord's court costs, but also for the cost of moving and of retrieving or

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<sup>3</sup> See information retrieved July 20, 2021, from <https://www.mass.gov/info-details/covid-19-eviction-information>

replacing left-behind possessions (Bieretz et al., 2020). Nonetheless, the price of eviction for the tenant does not end there but persists to the detriment of the tenant's opportunities for housing, health, finances, social situation, and uninterrupted education for their children (Hartman & Robinson, 2003; Tsai & Huang, 2019).

Eviction tends to restrict the tenant's subsequent housing opportunities. The eviction judgment, even the filing of the eviction case, is registered in the court records of a number of jurisdictions (e.g., in Michigan and Minnesota), where they endure irrespective of the outcome of the eviction case (Ebner & Press, 2020; Trescon et al., 2021). This record becomes part of the tenant's rental history and may be held against the tenant as they search for new housing and which "... effectively excludes tenants who have experienced a filing from the formal market, creating an additional barrier to them finding stable housing" (Trescon et al., 2021, p. 5). Similarly, the mere filing of an eviction case in Massachusetts establishes a record that, without regard for fault or end-result, may prejudice the tenant's search for new housing. In 2013, access to Massachusetts eviction records became easier when records were placed online by the Massachusetts Trial Court purportedly to facilitate parties' management of their case, but "the unintended consequence is that the information is being used as a free and unregulated tenant screening service" (Pass the HOMES Act).

In the event that evicted renters find housing despite their negative rental history and the dearth of affordable housing, the housing conditions are likely to be substandard, located in neighborhoods of lower socioeconomic status or with higher crime rates and which expose occupants to internal and external pollutants that put health and safety at risk (Brennan, 2020). Other evicted renters may become homeless: "Tenant evictions are a significant cause of homelessness" (Brennan, 2020; Hartman & Robinson, 2003; Holl, Van Den Dries & Wolf, 2016, p. 532). A case in point would be the more than one-third of families staying at a New York City homeless shelter who were there because of eviction (Brennan, 2020). Evictions also burden state coffers owing to state assistance for the homeless. In Massachusetts, as of 2010, emergency accommodations and services for the evicted homeless cost an average of \$26,620 per case (Tsai & Huang, 2019, citing Culhane & Byrne, 2010).

Tenants may face greater financial hardship after eviction. Job loss is more likely for evicted tenants (Brennan, 2020, citing studies in Milwaukee and North Dakota; Trescon et al., 2021, April). As a result, the tenant's living situation may become even more insecure since landlords tend to be more troubled about unemployment than about temporary financial difficulties (e.g., a health crisis) due to the greater uncertainty surrounding the tenant's financial future (Greenberg et al., 2016).

Evictions have also been associated (nature of association unknown) with declines in tenant health, whether physical or mental (Brennan, 2020; Greenberg et al., 2016; Hartman & Robinson, 2003). In a study of symptoms of depression in young adults who were evicted compared to those who had not been evicted, symptoms were significantly more frequent in the evicted group ( $p=0.003$ ). Moreover, social stress proved to be a mediating factor in 18% of the associations between eviction and depression symptoms (Hoke & Boen, 2021 February 26). Housing instability has also been linked to anxiety, higher suicide risk, depression, high blood pressure, lowered diabetes control, chronic illness, among other health issues (Hoke & Boen, 2021, February 26, citing studies). The host of problems associated with eviction has led some researchers to conclude that "...the overwhelming nature of being forcibly removed from one's home makes eviction a particularly salient stressor in the lives of a growing number of American households. Given that eviction exposes households and individuals to a host of

psychosocial, socioeconomic, and physical risks, eviction represents a growing threat to population health in the US” (Hoke & Boen, 2021, February 26, pp. 3-4).

#### **THE DISPARATE IMPACT OF EVICTION ON POPULATION GROUPS:**

Renters engaged in disputes with their landlord tend to be a diverse lot. Consider the typical docket of the Boston Housing Court, where defendants in the court’s 8,000 annual cases represent “a wide range of incomes and demographic characteristics” (McGillis, 1979, January, p. 246). Nevertheless, minorities and lower-income individuals constitute a disproportionate share of renters (Hartman & Robinson, 2003, citing incomplete data). Despite the diversity of tenant disputants considered as a whole, the burden of eviction falls most heavily on minorities, women, and the economically disadvantaged (Bieretz et al., 2020, April; Hartman & Robinson, 2003). The role of discrimination to explain the disparate impact of eviction on certain population groups is unclear (Greenberg et al., 2016). When the stated reason for the eviction demand is facially neutral and the exercise of discretion by the landlord to act on that reason is permissible, detecting the operation of discriminatory intent becomes extremely difficult. Moreover, research into the relationship, if any, between discrimination and eviction has been scant (Greenberg et al., 2016). Yet, a showing of statistical evidence that a “policy or practice has a greater impact on protected class members than others,” could support a colorable claim of disparate impact (Baird, 2004, p. 43). It is widely recognized that certain population groups have been disproportionately subjected to evictions and the threat of eviction.

Lower-income renter households, including those of Black and Latinx renters, have been disproportionately subjected to evictions (Bieretz et al, 2020, April). In various cities, 80% of tenants facing eviction have been people of color (Greenberg et al., 2016). In addition, eviction filing rates tended to be higher for Black and Latinx women than for Whites and men (Trescon et al., 2021, April, citing Hepburn, Louis, & Desmond, 2020). A study into the eviction risk of renters in Milwaukee found that the risk of eviction was elevated for Hispanic renters living in majority White neighborhoods and that Hispanics’ eviction risk was greater when their landlords were non-Hispanic. In fact, “Hispanic renters who regularly missed rent payments and lived in predominantly white neighborhoods were almost twice as likely as other habitual late-rent payers to be evicted (38% versus 21%)” (Greenberg et al., 2016, p. 144). Whether other minority renters living in non-minority areas of other cities face a higher risk of eviction remains an open question. Nonetheless, the impact of the intersection of race and neighborhood composition on evictions for Milwaukee’s Hispanic renters may be instructive for other mid-size US cities with landlord-tenant laws comparable to those in Milwaukee (Greenberg et al., 2016). The data supporting the disparate impact of eviction led one researcher to conclude that the “evidence of higher eviction risks for Black women, households with children, and Latinx households living in majority-white neighborhoods indicate that direct and/or structural racial discrimination are also root causes of evictions” (Brennan, 2020, 49).

Minorities continued to be disproportionately impacted by the pandemic with respect to their health, financial circumstances, and eviction risk. The rates of COVID infection, hospitalization, and death were higher for Black/African American, Hispanic/Latinx, and American Indian or Alaska Native people (CDC, 2021, June 17). Blacks and Hispanics were among those workers most heavily impacted by unemployment during the pandemic (Congressional Research Service, 2021, May 20). From March to September 2020, Black and Latinx renters were more likely to be notified about an eviction filing or



eviction than were White renters (Trescon et al., 2021, April, citing Cunningham, Hariharan, & Fiol, 2021). A study of the association between eviction filings and Boston neighborhoods during the first year of the pandemic (from February 28, 2020 to February 28, 2021) found that, on average, eviction filing rates for census tracts with a majority of Black renters was 3.8 times greater than for tracts with majorities of White renters (Walker, 2021). The totality of the pandemic statistics led some researchers to conclude that the impact of COVID was greatest for victims of structural racism: “structural racism means that the people most at risk of experiencing serious health complications, of being labeled an essential worker at a low wage, and of facing unemployment are also at greatest risk of housing instability” (Cohen & Noble, 2020, May 16, citing Garg et al., 2020).

### **INTERVENTIONS THAT SEEK TO TACKLE THE PROBLEM OF EVICTION:**

The task of achieving housing stability for the long-term requires dealing with the root causes of evictions, including the shortage of affordable housing, financial hardship, reduced job opportunities, inadequate legal rights for renters, among others (Brennan, 2020; Greenberg et al., 2016). Remediation of these root causes calls for increasing the supply of affordable housing, dismantling direct and systemic racism, expanding gainful employment, extending and reinforcing renters’ rights, and so on, all of which require policy changes and on-going investments of time, energy, and social capital on the part of government and communities. Meanwhile, the housing crisis associated with evictions demands immediate interventions (Brennan, 2020). Current efforts to decrease the frequency and impact of evictions include efforts to establish more tenant protections as well as to assist in forestalling evictions by providing financial advice and aid, legal representation and expertise, and diversion programs like mediation, etc. No one of these interventions completely resolves the complex problem of eviction.

#### **Expungement or sealing of court eviction records:**

State action regarding regulation of access to court eviction records has the potential for immediate application along with a sustained impact on eviction reduction (Brennan, 2020; Ebner & Press, 2020; Hare, 2020). Since landlords prefer responsible and financially reliable tenants, the presence of an eviction or eviction filing in a tenant’s rental history may be held against a prospective tenant in search of housing (Brennan, 2020; Ebner & Press, 2020; Hare, 2020; Pass the HOMES Act.; MassLandlords.net, 2021, July). Accordingly, public access to court eviction records has been limited by statute in several jurisdictions (Hare, 2020). Thus, California restricts disclosure of housing records involving tenants “who redeemed, prevailed, or settled their [housing] cases” (Hare, 2020, p. 151). Minnesota tenants may request expungement of their eviction by the court even when the eviction is warranted (Ebner & Press, 2020). The Minnesota experience, however, demonstrates that tenant awareness of the availability of expungement in jurisdictions that allow expungement is low until measures are taken to inform tenants about their right to restrict access to their court record. When mediation agreement forms used by a county court mediation program were changed to incorporate options for an expedited expungement, “*in every mediated case*, the landlord and the tenant discuss expungement,” and expungements increased by 25% (Ebner & Press, 2020, p. 105, emphasis in original; Trescon et al., 2021). In Massachusetts, court eviction records are open to the public through traditional and electronic means.

Advocates, like those in non-expungement/sealing states like Florida and Massachusetts, support adoption of a tenant’s right to expunge or seal their court eviction records in order to protect

tenants from being blacklisted by landlords from housing (Trescon et al., 2021). During the current legislative session in Massachusetts – that is, the 192<sup>nd</sup> General Court – two bills were presented, SB.921 and HB.1808, which provided for the sealing of court eviction records. Supporters of these bills urge that “eviction records should only be online, publicly available or reported by a tenant screening company when a landlord wins on the merits or a tenant breaks an agreement and is evicted by a constable. If an eviction case is not the fault of the tenant, is dismissed, or ends with a tenant satisfying an agreement, these records should not be made public” (Pass the HOMES Act). Landlord opposition to eviction record sealing, though, is propelled by the usefulness of screening prospective tenants (MassLandlords.net, 2021, July).

The extent to which the availability of the expungement or sealing of court records improves tenant’s ability to find housing or contributes to the mitigation of eviction’s damaging impact is unclear. Besides applying only to one type of eviction, this expungement/sealing arrangement would probably not prevent the creation of informal tenant blacklists by landlords. Consider: before on-line posting of Massachusetts court records was instituted, landlords routinely shared eviction information about tenants among themselves (MassLandlords.net, 2021, July).

#### **Legal representation of parties in landlord-tenant cases:**

The evidence for success in protecting the legal rights of parties in housing disputes is strongest for legal representation. Attorney representation is an important determinant in the outcome of litigation or adjudication. Nonetheless, the right to an attorney is not constitutionally required for civil matters, including eviction proceedings (Hartman & Robinson, 2003). Generally, in eviction cases, 90% of landlords have legal representation while only 10% of tenants do (Bieretz et al., 2020). Massachusetts residential eviction cases exemplify this disparity in legal representation. Between October 2020 and June 2021: 16.1% of 20,894 plaintiffs in eviction cases were pro se while 93.8% of 26,971 defendants were pro se (Cohen & Noble, 2020, May; Massachusetts Trial Court, Department of Research and Planning, 2021, June 13). Unequal access to legal representation creates a power imbalance between parties which favors landlords (Bieretz et al., 2020). In April 2021, Washington became the first state to grant indigent tenants a right to counsel in eviction proceedings (Weiss, 2021, April 26). Tenant right-to-counsel laws are under consideration by several other states, including Massachusetts. Massachusetts bills HB 1436 and SB 874, if passed, would provide the right-to-counsel to tenants throughout the state. Cities with tenant right-to-counsel laws include San Francisco, whose “No Eviction without Representation Act” became effective in 2019 (Eviction Defense Collaborative).

As a result of the effectiveness of legal representation in housing disputes, outcomes for tenants experiencing the eviction process are better when they have such representation (Bieretz et al, 2020). A review of 1,502 summary process cases at three Massachusetts district courts revealed that landlords obtained executions in 75% of adjudicated cases and 52.7% of mediated cases while tenants represented by attorneys prevented executions in 62.7% of cases. Moreover, problems with housing conditions were raised by all represented tenants whereas a majority of mediating tenants failed to raise such problems (Kurtzberg & Henikoff, 1997). In New York City, evictions dropped “more than five times faster” in zip codes served by a legal aid program whose attorneys represented renters in eviction cases compared to zip codes where the program did not operate (Trescon et al., 2021, p. 3).

Indeed, “several studies demonstrate that access to legal services may improve outcomes in housing cases” (Greenberg et al., 2016, p. 138). Thus, in a randomized Massachusetts District Court study, tenant defendants who were fully represented by an attorney were less likely to lose possession of their housing and more likely to receive larger amounts of money than were tenants who had limited attorney representation (Greenberg et al., 2016). A Boston eviction study revealed that twice as many fully represented tenants (two-thirds) than unrepresented tenants (one-third) were allowed to remain in their homes (Bieretz et al, 2020, citing Boston Bar Association Task Force on the Civil Right to Counsel 2012). A New York City study showed that representation by volunteer attorneys led tenants to receive significantly fewer eviction warrants than did unrepresented tenants ( $p < 0.001$ ) (Holl et al., 2016). Finally, a comparison study of housing case outcomes for four groups of tenants facing eviction – those mediating tenants who had received prior training in affirmative defenses, for the mediating tenants without affirmative defense training, for tenants whose cases went directly before a judge, and for tenants who had legal representation – showed that represented tenants had the best outcomes: the lowest eviction rate and the highest rates for dismissals, abatements, and adjournments (Baird, 2004). Despite the evidence of its effectiveness in protecting party rights, the shortage of affordable or free legal services limits reliance on attorney representation for reducing evictions (Greenberg et al., 2016).

#### **Providing financial counseling:**

According to a United Kingdom study, receipt of debt advice by tenants was associated with decreases in the amount of rent they owed (Holl et al., 2016, citing a United Kingdom study). Whereas rent arrears belonging to tenants decreased substantially (by 37%) following referral for debt advice, the arrears of unadvised tenants increased (by 14%) (Holl et al., 2016). The long-term consequences of receiving financial advice on managing debt and on preventing evictions, however, were unavailable.

#### **Providing financial assistance:**

Financial assistance to renters and landlords may be especially useful to avert eviction when the housing dispute involves unpaid rent. Consider the government’s response to the pandemic’s actual impact on the economy and potential impact on the frequency of evictions. Recognizing the stress on the economy and the straitened financial situation of people which were caused by the pandemic, federal funds were provided to states to mitigate the pandemic crisis. However, the roll-out of this financial aid was slow. In some states, less than 5% of federal funds were distributed as of June 2021 (Fessler, 2021, June 24). The \$46 billion in rental aid approved by Congress in December 2020 and March 2021 reached relatively few landlords and tenants so far due to complications with program operations in various regions of the country, landlord non-participation, unavailable technology, documentation requirements, among other challenges. And “the longer it takes to distribute the money, the more landlords suffer destabilizing losses, and tenants risk eviction” (DeParle, 2021, May 4). The size of the eviction problem according to current estimates may be indicated by the seven million renters, disproportionately people of color and low-income households, who owe back rent (Fessler, 2021, June 24). Massachusetts is a case in point. Despite the \$93.4 million in assistance to 24,901 households, including renters, landlords, and vulnerable homeowners, during the first third of 2021, close to \$800 million in federal housing funding remained unspent as of June 2021 (Linski, 2021, June 4). This financial aid was expected to lessen the implementation of evictions when eviction moratoriums terminate.

Financial aid is important to reducing evictions in the short term by at least postponing evictions if not eliminating them altogether. Consider the situation where renters facing homelessness due to a financial crisis obtained interest-free five-year loans to cover rent payments from a homeless prevention program in New Jersey (Holl et al., 2016). Out of the 4,300 households served in 1989, 69% avoided eviction and 31% received help with finding affordable housing. Information about the long-term avoidance of eviction or repayment of the loans was not provided (Holl et al., 2016). Yet, financial assistance is limited as a sustainable remedy for evictions, limited by the complex logistics of fund distribution, the intermittent availability of funding, conditional access to funding – including eligibility requirements, and application deadlines – among other complications, etc. (see Rios, 2021, May 5).

### **Mediation services:**

Mediation offers an alternative to the courts for the resolution of housing disputes. Mediation is a voluntary, discussion-based dispute resolution process, assisted by a trained, neutral third party – the mediator – in which party disputants are the decision-makers (Bieretz et al., 2020; Ebel, 1979). The mediation of landlord-tenant disputes typically involves party discussion of concerns related to the rental housing situation and the examination of alternative ways to achieve a mutually acceptable resolution of their concerns (Bieretz et al., 2020; Ebel, 1979). Unfettered by the protocols and delays of the judicial system, mediation offers flexibility about the problems to be addressed as well as the solutions for the problems (McGillis, 1979, January). Accordingly, problems that elude the attention of the judicial system – such as relationship and communication difficulties between tenant and landlord that may underlie the housing dispute or complaints about housing conditions that may be viewed as undeserving of legal attention – can be addressed through mediation. Parties may jointly devise solutions that suit their needs (McGillis, 1979, January). Thus, parties may gain time for repairs to be made, obtain financial resources, or find substitute housing. Eviction costs and the stigma of eviction may be avoided through a deal to lower rental debt in exchange for vacating the premises (Bieretz et al., 2020; Ebel, 1979). Moreover, if mediation is provided before eviction disputes reach the court, court eviction record records and their potentially deleterious effect on tenants' subsequent efforts to obtain housing can be avoided.

Statutorily-mandated pre-filing mediation has been proposed not only to obtain these mediation advantages but also to increase participation in mediation and thereby increase access to these advantages. As one supporter observed, “according to the research on mediations in housing courts, court pressure on litigants to engage in mediation results in significantly more agreements...,” thereby reducing court evictions (Tokarz et al., 2020, p. 266). Concern that mandating mediation may undermine the voluntariness of mediation participation (Bieretz et al., 2020, April) may be alleviated in part by including the opportunity for parties to opt out of mediation and by evidence that parties generally report no pressure (Eisenkraft, 2019, June). In any event, the potential value of housing mediation to avert homelessness led Massachusetts to set up a housing mediation program (the Housing Mediation Program) as part of its eviction diversion initiative to minimize the threat to housing stability posed by the pandemic (Housing and Community Development, 2021, April 14).

The focus of mediation on attaining mutuality of dispute settlement – an objective typically irrelevant to legal proceedings – remains a priority even in the mediation of eviction disputes: “Because eviction is so rampant, and its effects so acute, there is an understandable pull towards the tenant, but for the mediation program to be appropriate, one needs to be aware of the legitimate rights of the landlord as well” (Ebner & Press, 2020, pp. 117-118). Thus, the Housing Mediation Program in the Massachusetts Eviction Diversion Initiative promotes benefits that both tenants and landlords can get by mediating. Tenants can be helped to “work out if arrears can be paid off and how and allow [the tenant] to stabilize [the] tenancy ... [and] work out other issues related to [the] tenancy,” and landlords may be helped to “resolve a case of rent arrears more quickly and reduce costs associated with an eviction” (Housing Community & Development, 2021, April 14).

Published evidence of the effectiveness of mediation in reducing evictions consists mostly of publicly available observational data from a few programs. Thus, a New Jersey program which provided mediation services to judge-referred tenancy cases reported close to a 90% settlement rate with 69% compliance though no details were supplied about the substance of the settlements (Holl et al., 2016). A 50% agreement rate in mediated eviction cases that averted 46 evictions was achieved by a Connecticut program that offered loans and mediation services to renters facing eviction for rent arrears (Holl et al., 2016). As of January 2021, mediation of eviction cases conducted through a Philadelphia eviction diversion program led to agreements in 92% of mediated cases that enabled nearly 70% of tenant defendants to remain in their home (Trescon et al., 2021). Evidence that mediation may be more advantageous to tenants than are court proceedings was suggested by the 2018 mediation results of a St. Louis, MO mediation project. This project achieved case dismissal and no eviction record for tenants in 53% of its successfully mediated landlord-tenant cases compared to the 92% of cases that were won by landlords at trial, 40% of which resulted in evictions (Tokarz et al., 2020).

***The power imbalance problem in mediation:*** Mediation has been criticized for its focus on process at the expense of substance and its consequent inattention to the legal rights of parties, a disregard that may deprive parties, who are unaware of the legal protections available to them, of the opportunity to claim their rights (Kurtzberg & Henikoff, 1997). This shortcoming is exacerbated in mediation when there is a power imbalance between parties. The principles of neutrality and self-determination which animate mediation require even-handedness and impartiality from mediators and respect for the autonomy of parties in decision-making – qualities that may hinder rectification of the power imbalance by the mediator. The power differential between parties is particularly relevant in landlord-tenant disputes, even those that arise in jurisdictions like Massachusetts that have laws protecting tenant rights (Kurtzberg & Henikoff, 1997).

Landlord-tenant disputes are often beset by a power imbalance between parties that tends to disadvantage tenants despite statutory renter protections (Kurtzberg & Henikoff, 1997). The power difference is particularly acute in eviction disputes. Tenants facing eviction tend to be lower-income, unaware of their housing rights, and lacking in legal representation. Landlords, by contrast, usually have greater financial resources, court experience, and access to expert assistance than do tenants. An example of the manner in which this power differential plays out in court to the advantage of landlords is furnished by a year’s worth of summary process cases in four Massachusetts district courts (Kurtzberg & Henikoff, 1997, citing results from 1995). A large majority of 72% of renters in the cases failed to

defend themselves against eviction by neglecting to complete an Answer detailing their defenses and counterclaims. Adjudication of summary process cases resulted in landlords regaining possession of the premises 97% of the time and avoiding liability for rent abatements in 96% of the cases in which counterclaims were raised or for repairs of sanitary code violations in 100% of cases. In effect, “while housing law is pro-tenant, its application often favors the landlord...” (Kurtzberg & Henikoff, 1997, p. 115), which also forms the context for housing mediation. From the perspective of one mediator-researcher, the history of housing mediation “has been problematic owing primarily to the power imbalance created by housing laws. As a result, mediation didn’t have much to offer—the landlords held all the cards” (Ebner & Press, 2020, p. 94).

The need to redress the power imbalance between landlord and tenant is critical for effectively mediating landlord-tenant disputes, particularly those involving eviction. The power differential between parties interferes with the social dynamics between landlord and tenant parties during mediation thereby diminishing the effectiveness of mediation in helping to end the deleterious consequences of evictions: “... the power imbalance between landlords and tenants creates obstacles to full participation in mediation. Mediation will only perpetuate the social ills of eviction if it cannot overcome this power imbalance” (Hare, 2020, January, p. 137).

Strategies for controlling a party’s dominance during mediation are part of the trained mediator’s skill set (Kurtzberg & Henikoff, 1997). Besides choosing a more neutral setting for the mediation session, the mediator may ensure that each party gets to speak and be heard, may interrupt intimidation tactics, check that decisions are made freely without coercion or threat, promote the exchange of information, arrange caucuses with parties, and ultimately break off mediation when the power imbalance outstrips the mediator’s ability to manage it (Hare, 2020, January; Kurtzberg & Henikoff, 1997). A power differential that arises from discrepancies in parties’ level of relevant knowledge calls on the mediator to exercise an additional strategy, one that addresses party’s need for access to information, such as information about legal matters, which may be required for informed consent. In the case of eviction disputes, “when done properly, mediation can adequately address power imbalances in most cases by making sure that parties are *aware* of their rights and are therefore able to make informed choices about if, when, and how to assert them” (Kurtzberg & Henikoff, 1997, p. 24, emphasis in original). In practice, though, the “proper” way to assure party awareness of legal matters in mediation is uncertain and beset by controversy.

***Addressing the power imbalance in mediation caused by disparity in parties’ legal knowledge:***

Two options for conveying information about legal matters arise in the context of mediation – providing legal information and providing legal advice (Kurtzberg & Henikoff, 1997). Dispensing legal information could involve, for example, mentioning that laws applicable to the dispute exist. Offering legal advice, on the other hand, would encompass interpreting the laws and explaining their application to the dispute. “Although on a theoretical level these two concepts may be distinguishable, in practice the line between them is very gray” (Kurtzberg & Henikoff, 1997, p. 83). Mediation programs differ in the way information about legal matters is shared by the mediator with parties in landlord-tenant disputes. Researchers Kurtzberg and Henikoff examined the reported mediated outcomes from Massachusetts mediation programs, which illustrated the different approaches to dealing with legal issues in landlord-tenant mediation. Their examples of programs that offered some form of legal information did not

include programs, if any exist, that dispensed legal advice during the mediation of landlord-tenant disputes or of summary process cases (Kurtzberg & Henikoff, 1997).

The policy at programs like a Cambridge-based program which provided facilitative mediation services was to suggest that parties consult with legal experts should a legal issue arise during mediation and otherwise to eschew dealing with legal matters. The recently established Massachusetts Housing Mediation Program has followed suit, informing the public that its “mediators do not provide legal advice or tell people what to do but they can refer people for additional advice or information if needed” (Housing and Community Development, 2021). The outcomes of mediation services from these programs were not reviewed by Kurtzberg and Henikoff.

Other mediation programs undertook to supply parties with written materials containing legal information – an authoritative legal resource or neutral manual – upon party request and with no added explanation from mediators. The outcomes of mediation of landlord-tenant cases by a Boston South Shore mediation program that adopted the neutral manual approach was roughly comparable to those of adjudicated cases in Hingham and Plymouth District Courts. Landlords were given possession of the premises in all the cases, whether adjudicated or settled through mediation. Rent abatements and repairs were not ordered by the court in any of the adjudicated cases, and landlords prevailed on the counterclaims that were raised in 14.5% of the cases. In contrast, a small minority (10.8% of 93 cases) of the mediated settlements generated by the program with a neutral manual option included some conditional concessions to tenants, namely, the return of premises to the tenant upon certain conditions or reductions in the amount of unpaid rent owed if housing conditions were problematic or if the tenant moved out. As for executions of evictions, they were more frequent (at 75%) in the adjudicated cases than in the mediated cases (at 52.7%). Overall, most mediated agreements produced by the program favored landlords and included terms providing for the tenant’s departure from the premises (Kurtzberg & Henikoff, 1997).

Mediator descriptions of the procedural rules governing eviction were a feature of the array of services provided by a Northampton program to parties in landlord-tenant cases, which also included mediation of summary process or eviction cases, counseling for tenants at risk of eviction, the opportunity for both tenants and landlords to learn about legal rights before mediation in counseling, and assistance in finding housing for tenants facing homelessness (Kurtzberg & Henikoff, 1997). Adjudication of summary process cases in the Northampton District Court granted possession of premises to landlords in 97.7% of cases, found for landlords in 88.6% of the counterclaims raised by tenants in 21.2% of cases, and issued no orders for landlord repairs. Although possession was granted to landlords in 100% of the 64 cases settled through mediation, 41.2% of the settlements specified conditions under which the tenants could remain on the premise, unpaid rents were reduced in 23.5% of the agreements because of tenant’s counterclaims or agreement to leave, and landlord repairs were stipulated in 9.8% of mediated agreements. Consequently, while the trend of mediation agreements advancing landlord interests was maintained, tenants were a bit better served by mediation from the Northampton program (Kurtzberg & Henikoff, 1997).

The perception of mediator neutrality may come under siege with the mere mention of housing law since so much of landlord-tenant law tends to provide protection for tenant rights. “An individual

faced with unfavorable law may feel that the mediator has purposely introduced information which only helps the other side's arguments" (Kurtzberg & Henikoff, 1997, p. 83). Providing legal assistance and information independently of and prior to mediation has been proposed as a way to circumvent the appearance of favoritism towards tenants. The effectiveness of such a maneuver is unclear.

Support in favor of providing legal advice to tenants facing eviction prior to mediation was suggested by the account of a mediator practitioner-researcher, who cited the increased willingness of landlords to offer deals and negotiate with tenants as a result, in part, of the tenant's acquisition of legal advice from a Minnesota court project before proceeding to mediation with the landlord (Ebner & Press, 2020). Nevertheless, this anecdotal account regarding the effectiveness of pre-mediation legal instruction was not supported by findings from a randomized study that examined the impact of providing training (or information) about affirmative defenses to tenant parties participating in the mediation of Michigan eviction cases (Baird, 2004). The 103 eviction cases in the study involved tenant defendants who were mostly low-income (68% with incomes of \$12,000 or less), minority (65% Black, 2.9% Hispanic, 32% White), female (79.6%), with children (79.6%), and who were facing eviction largely because of unpaid rent (99 cases) and infrequently on account of lease violations (4 cases). Tenants, all pro se, were randomly assigned to training in affirmative defenses prior to mediation (tenants in 50 cases received training) or to mediation absent such training (tenants in 53 cases were untrained). Landlords tended to be experienced in court procedures. The outcomes of mediation that was preceded by training were compared to those of mediation without such training. The rates for eviction, dismissal, abatement, and adjournment (time for repairs by the landlord) that resulted from mediation with trained tenants were not meaningfully different from the rates for untrained mediating tenants. Moreover, third-party observations of the mediation sessions involving trained tenants as well as survey responses from these tenants indicated that the majority of the trained tenants failed to assert an affirmative defense during mediation. Further comparisons were drawn between mediation outcomes and the outcomes of directly appearing before a judge and of having legal representation.<sup>4</sup> The resulting study data showed that tenants with legal representation fared best, achieving the lowest eviction rate and the highest rates for dismissals, abatements, and adjournments compared to the rates for tenants who mediated and for tenants who directly appeared before a judge (Baird, 2004).

### **Amalgamating services to optimize utilization of services from eviction intervention programs:**

The complexity of the eviction problem coupled with the multiple needs of the renter population at risk of eviction may help explain why none of the reviewed short-term eviction interventions proved to be a panacea for the problem of eviction even though many demonstrated limited evidence of some efficacy in reducing evictions. In view of these factors, programs have been established that pursue a coordinated, multi-pronged approach to tackling eviction cases, namely by providing multiple services that have a track record of contributing to the resolution of eviction issues to some extent. A national scan of programs offering an array of eviction services – such as alternative dispute resolution, legal assistance, housing counseling, financial advice, financial assistance, housing advocacy – uncovered the existence of 47 programs that provided at least two types of services, usually alternative dispute resolution such as mediation, financial support, or legal assistance (Trescon et al., 2021, April). Interviews with personnel of these comprehensive programs highlighted the importance of

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<sup>4</sup> It is unclear how tenants appearing before a judge and those with legal representation were selected.



a comprehensive approach to addressing renters' needs – by, for example, providing financial counseling or social services, gaining the cooperation of landlords, offering financial assistance to resolve the immediate problem of rent arrears, and by centering “equity in program design and outreach” in response to the disproportionate presence of housing instability and eviction risk among communities of color (Trescon et al., 2021, April, p. 20). An integrated, holistic approach to providing different types of eviction prevention interventions under the umbrella of one program at a single site is considered to hold out the promise of “more organized and efficient services to at-risk renters” (Cohen & Noble, 2020, May, p. 6).

The difficulties of achieving success in handling eviction issues even with a multifaceted approach is illustrated by the experiences of a neighborhood-based eviction prevention program in Minnesota (Cohen & Noble, 2020, May). Modeled on an eviction prevention project in a Minnesota county housing court, which offered legal services, financial assistance, and mediation to tenants appearing in court to deal with eviction, the neighborhood-based program offered a similar array of services but changed the venue, timing, and population to be served. Services were available from the neighborhood program in a non-court setting before evictions were filed to tenants potentially at risk of eviction or housing instability. The county court program reportedly succeeded in producing 18% fewer eviction judgments, 25% more expungements “and an increase in settlement rates” (Cohen & Noble, 2020, May, p. 6; Trescon et al., 2021). The case was otherwise for the neighborhood program. The convenience of contacting parties already present in court was lost in the switch to a non-court site and to a pre-filing approach, and shortfalls in the neighborhood program’s outreach to landlords along with competing time demands on tenants deterred party participation in mediation (Cohen & Noble, 2020, May).

### **Tackling the inequities of eviction:**

The inequities inherent in the eviction system, manifested by eviction’s disparate impact on communities of color, women with children, and low-income people, present eviction intervention programs with a challenge. By limiting interventions to assistance for averting individual instances of eviction and disregarding the problem of the eviction as a whole, interventions like mediation get criticized for enabling an unjust system. Pointing to “the current ills of eviction stemming from deeply rooted systemic evils and injustices,” one practitioner-theorist critic worried “that mediation will be used as a band-aid, or a fig leaf, enabling courts and legislatures to *avoid* systemic change. If they can point to the use of mediation and say, “We are addressing the problem and managing the caseload, so we don’t need systemic change in eviction” then we [mediators] are propping up a system that should not be allowed to perpetuate” (Ebner & Press, 2020, p. 100, emphasis in original). Doing away with the injustice of eviction requires the deliberate incorporation of the pursuit of equity into the eviction intervention program: “all parties involved in creating, managing, and supporting eviction prevention and diversion programs need to center equity in program design and outreach” (Trescon et al., 2021, p. 20).

Various initiatives that eviction intervention programs can undertake to uproot the inequities of the eviction system have been proposed. With respect to interventions that deal with individual instances of evictions, such as mediation, programs can detach their services from the eviction

framework by assisting individuals before eviction is ever initiated (Ebner & Press, 2020). Additionally, the potential for eviction can be eliminated by ensuring that parties have convenient access to multiple services that address the full range of renter needs while respecting the rights of the landlord. The effectiveness of these initiatives would be evaluated in terms of their impact on the lives of the people receiving services and not just on program productivity (Ebner & Press, 2020).

Steps may be taken to make sure that the recipients of program services include those segments of the population disproportionately harmed by eviction. Mindful of the disproportionate representation of communities of color in evictions, initiatives were designed by various eviction prevention programs to provide information about available assistance with housing issues and evictions to those most at risk of housing instability (Trescon, et al., 2021). For example, a Florida program established working relationships with organizations directed by persons of color and respected by members of the community served, delivered information through door-to-door canvassing and at neighborhood social hubs, e.g., at barber shops. A Texas program publicized its services on its website in five languages and sought out Spanish-language media coverage (Trescon, et al., 2021). An eviction prevention program, created by a Massachusetts legal aid organization, provides guidance in five languages on how to defend against a court eviction in a 'self-guided online interview' (Greater Boston Legal Services, 2021).

In order to promote changes in the root causes of eviction, programs are encouraged to add advocacy to their portfolio of activities – an addition that should be kept separate from services like those from mediators which require neutrality (Ebner & Press, 2020). Proposed systemic changes to be sought include expansion of the safety net, rent regulation, improved employment opportunities, adoption of the right to attorney representation for evictions, removing the stigma of eviction and eviction filings, greater access to consistent and stable financial resources, and reserving a portion of new residential construction for affordable housing (Benfer et al., 2020, August 7). If pursued, the extent to which the above actions and their ilk contribute to the undoing of eviction's inequities would have to be methodically evaluated.

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