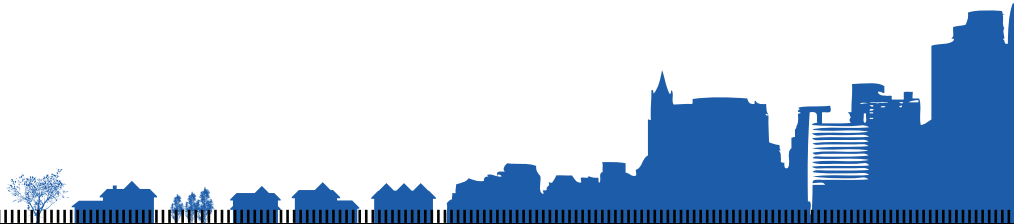


# Report to Congress on the Feasibility of Creating a National Evictions Database



**PD&R**





# Report to Congress on the Feasibility of Creating a National Evictions Database

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Office of Policy Development & Research

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## Executive Summary

The Joint Explanatory Statement and the House Committee Report supporting the 2021 Appropriations Act directed the Department of Housing and Urban Development (HUD) to study the feasibility of creating an evictions database, including collecting information on three types of evictions:

- Formal court-ordered evictions,
- Extra-legal evictions, and
- Administrative evictions.<sup>1</sup>

The House Committee Report also requested that HUD examine strategies for collecting data on the characteristics of tenants and landlords involved in the eviction process and providing recommendations for statistical analyses of the data collected.<sup>2</sup> House Committee Report H.R. 116-452 contained a similar request for a feasibility study.<sup>3</sup> This feasibility assessment responds to both requests.

The report reflects research by staff from HUD's Office of Policy Development and Research (PD&R) into the three types of evictions, including what data sources are available for each eviction type and how researchers and other stakeholders have sought to collect and analyze data related to evictions. PD&R staff also consulted with approximately a dozen key stakeholders to learn about the challenges of and opportunities for collecting data on eviction. The result is a report that provides background on the need for an eviction database (Chapter 1), a detailed discussion of lessons learned to date from efforts to collect data on court-ordered, extra-legal, and administrative evictions, including evictions of HUD-assisted households (Chapter 2), and a set of potential approaches for how HUD could move forward to build a national dataset on evictions, assuming additional federal funding and action from Congress (Chapter 3).

In summary, the report describes a multi-pronged approach for:

- 1) Supporting states<sup>4</sup> in submitting records to HUD on court-ordered evictions in a way that guarantees the protection of privacy and legal rights of tenants and landlords, using standardized definitions to avoid misinterpretation of the data. To complement this action, Congress should consider additional funding for technical assistance and capacity building grants, along with language requiring (to the extent feasible) states to comply with this data collection effort.
- 2) Enhancing existing Census Bureau surveys, or developing a new survey, to track the prevalence and characteristics of evictions that occur outside of the formal court system.
- 3) Improving HUD's data collection on evictions from HUD administrated subsidized affordable housing programs.

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<sup>1</sup> "Administrative evictions" refers to an option available to public housing agencies in certain jurisdictions to evict Public Housing residents via administrative action (and without a court determination) if such action is permitted by local law and after a due process administrative hearing. HUD believes that most evictions from HUD's Public Housing program, and all evictions from its other programs, occur through the court system.

<sup>2</sup> US Congress, House, *Consolidated Appropriations Act, 2021*. HR 133. 116<sup>th</sup> Cong., 1<sup>st</sup> sess., introduced in House January 3<sup>rd</sup>, 2019. <https://www.congress.gov/bill/116th-congress/house-bill/133>.; U.S. Congress, Conference Committees, *Joint Explanatory Statement on H.R. 133*, 116<sup>th</sup> Cong. 2nd sess., introduced to Congressional Record on December 21, 2020. <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-L.pdf>.

<sup>3</sup> US Congress, House, Committee on Appropriations, *Departments of Transportation and Housing and Urban Development and Related Agencies Appropriations Bill, 2021*, 116<sup>th</sup> Cong., 2nd sess., July 16, 2020, H. Rep. 116-452, <https://www.congress.gov/116/crpt/hrpt452/CRPT-116hrpt452.pdf>.

<sup>4</sup> This report uses "States" to refer to both States and U.S. Territories throughout the report.

## Context: Why do we need a national eviction database?

Underlying the proposals presented in this report is the recognition that national collection and analysis of data on eviction is an important part of HUD's mission of creating strong, sustainable, inclusive communities and quality affordable homes for all. Eviction affects approximately 3.7 million households annually, is most common among low-income communities and people of color, and carries severely negative consequences for the physical and mental health, employment, and housing stability of the families who experience it. Under the Fair Housing Act of 1968, as amended ("Fair Housing Act"), and other federal, state, and local antidiscrimination laws, landlords may not legally evict tenants because of their protected characteristics, but some do, creating a need for fair housing and civil rights enforcement.<sup>5</sup> Evictions are also expensive for landlords and burdensome for the court system. Thus, there are many sound reasons for the government to track the prevalence of evictions nationwide and use the data over time to evaluate the effectiveness of policy interventions such as eviction diversion programs, which seek to address rent arrearages and landlord and tenant disputes before an eviction filing or judgment.

In response to the heightened risk of eviction resulting from the COVID-19 pandemic and associated economic disruption, federal, state, and local agencies have taken action to make emergency rental assistance and eviction legal services available to households at risk. For example:

- The Treasury Department has provided approximately \$46 billion to states, U.S. territories, local governments, Indian tribes or Tribally Designated Housing Entities, and the Department of Hawaiian Home Lands to aid eligible households through existing or newly created rental assistance programs. Through August 2021, state and local recipients of the Treasury Department's Emergency Rental Assistance Program funds had provided approximately \$7.2 billion in assistance to households for rent, overdue rent payments, and utilities.<sup>6</sup> In addition, as of October 2020, states and local jurisdictions had allocated nearly \$4 billion toward emergency rental assistance, largely from funds appropriated to HUD from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.<sup>7</sup>
- The Justice Department has encouraged state and local courts to develop eviction diversion programs that will benefit family, landlords, tenants, and courts.<sup>8</sup>
- The Attorney General, the Secretary of HUD, and the Secretary of the Treasury wrote a letter to chief justices, state court administrators, and others encouraging them to take certain actions to keep families in their homes, including the use of available funds to invest in eviction diversion strategies and enhance tenant access to legal representation.<sup>9</sup>
- The Consumer Financial Protection Bureau created the Rental Assistance Finder to help connect renters and landlords to emergency rental assistance and local housing counselors to advise on the application process.<sup>10</sup>

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<sup>5</sup> See HUD, *Know Your Fair Housing Rights When You Are Facing Eviction*; *Tiny Chat 59: Fair Housing on Vimeo* (Assistant Attorney General Kristen Clarke and HUD Acting Assistant Secretary Jeanine Worden chat with National Center for State Courts (NCSC) about the Fair Housing Act in state courts).

<sup>6</sup> August ERA Report, available at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program>.

<sup>7</sup> Reina et al., 2021.

<sup>8</sup> A letter and a blog post from the Associate Attorney General point to actions that courts can take: <https://www.justice.gov/asg/page/file/1405886/download> and <https://www.justice.gov/opa/blog/how-state-courts-can-prevent-housing-and-eviction-crisis>.

<sup>9</sup> The letter is available at <https://home.treasury.gov/news/press-releases/jy0336>.

<sup>10</sup> See <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/find-help-with-rent-and-utilities/>

- HUD has produced guidance for public housing agencies, owners of subsidized properties, and tenants on strategies to avoid eviction and in July 2021 launched the \$20 million Eviction Protection Grant Program to support experienced legal service providers in providing legal assistance at no cost to low-income tenants at risk of or subject to eviction.<sup>11</sup>

At present, there is no single, national source of data on the prevalence, geographic distribution, and characteristics of court-ordered, extra-legal, and administrative evictions. The lack of comparable data available nationwide hampers the ability of federal, state, and local governments, as well as non-governmental agencies, to track the prevalence of evictions and to target resources effectively for eviction prevention and diversion activities. Collection and analysis of data on evictions by the federal government could help address the information gap and facilitate better allocation of resources.

## Proposed Approach to Building an Eviction Database

Exhibit ES-1 outlines the approach to building a national eviction database that will permit analysis of trends in eviction rates by geographic area and over time, of characteristics of people affected by eviction, and of the effectiveness of eviction diversion and prevention efforts. The database will collect data from three main sources corresponding to the three main eviction types. The proposal for court-ordered evictions is to obtain local court data from states. For extra-legal evictions, the proposal is to build eviction questions into an existing national survey or create a new national survey. For administrative and court-ordered evictions from HUD’s rental assistance programs, the proposal is to modify HUD’s tenant-level data collection.

### Exhibit ES-1. Summary of Proposed Approach

Court-ordered evictions	Extra-legal evictions	Administrative and court-ordered evictions from HUD rental assistance programs
<ul style="list-style-type: none"> <li>•Capacity-building grants to states to develop state systems to collect and transmit court records</li> <li>•Pilot to identify how HUD can best support state needs</li> <li>•Research grants to improve data linkages and evaluate eviction prevention efforts</li> </ul>	<ul style="list-style-type: none"> <li>•National survey of eviction experiences</li> <li>•New module of existing survey or new standalone housing instability survey</li> <li>•Ensure sample size and survey design will allow for disaggregated estimates of use for policy</li> </ul>	<ul style="list-style-type: none"> <li>•Enhanced tenant-level data collection from HUD's major rental assistance programs</li> <li>•Requires IT investments and technical assistance funds</li> <li>•Future consideration of data collection from tribal housing programs and non-HUD programs</li> </ul>

## Collecting Data on Court-ordered Evictions

This report finds that collection of court records related to evictions is complex and time consuming due to the fragmented nature of the court system and the lack of standardization in court records. Researchers working with publicly accessible court records on eviction spend countless hours cleaning, de-duplicating, and “scraping” court records to obtain comparable and reliable information on eviction

<sup>11</sup> See [https://www.hud.gov/rent\\_relief](https://www.hud.gov/rent_relief) and [https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/fundingopps/fy21\\_evictiongrantprogram](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps/fy21_evictiongrantprogram)

filings and judgments, often only for specific cities. Some states and localities seal eviction records entirely so that no identifying information on the plaintiff and defendant is available, even for third party vendors that researchers rely upon to obtain eviction records. Some jurisdictions do not even maintain electronic records, making compilation extremely challenging. Some jurisdictions are unable to disaggregate eviction cases from other civil cases and may need to change state laws to modify their court system and its processes to be able to track eviction cases.

Even where they are available, court records on eviction cases typically contain no information on the plaintiff and defendant other than name and address. Thus, determining the demographic characteristics of tenants requires either inference based on address or from linking to other data sources, both of which present challenges. The absence of accurate demographic data hinders the ability of researchers, advocates, and policymakers to draw accurate conclusions regarding the fair housing and civil rights impacts of evictions, such as how and to what extent evictions relate to tenants' protected statuses, such as race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status (including adoption and pregnancy), and disability. Documenting populations disproportionately at risk of eviction allows those groups to better understand and address long-standing disparities in access to stable housing.

Contending with all these challenges, the Eviction Lab at Princeton University has assembled the most comprehensive source of data on court-ordered evictions to date. The Eviction Lab has aggregated and geocoded approximately 83 million eviction court records filed between 2000 and 2016, allowing for the comparison of eviction rates among different levels of geography. Assembling, analyzing, and presenting these data has cost approximately \$5.3 million in staff, data, and information technology costs. The Eviction Lab obtains publicly available records directly from states and court systems as feasible but has found that, in many parts of the country, collecting the records directly is too time consuming and costly to be worthwhile. As a result, Eviction Lab relies heavily on third party aggregators of court records. Contracting with third-party aggregators to obtain court records from diffuse court systems is practical, but not ideal, because the records are not complete and the aggregators typically collect the data to sell to landlords for tenant screening purposes, presenting a potential ethical concern.

The Eviction Lab's data collection efforts have made an important contribution to society in bringing attention to the eviction crisis and galvanizing federal, state, and local action to prevent evictions. This report proposes an evolution of the Eviction Lab's data collection methods toward a standardized collection of court-ordered eviction records directly reported from states, territories, and tribal governments to HUD. Stakeholders argue that this more substantial federal data collection effort, backed by long-term Congressional funding and mandates, provides an important opportunity for more comprehensive data collection that does not rely on third party aggregators and can work toward full national coverage of all court systems.

For example, New America recently sponsored a report on the gaps in eviction data that resulted in eight recommendations for creating local and national eviction data systems that would collect data directly from jurisdictions. The recommendations were co-developed and co-signed by major research and housing organizations including the Eviction Lab.<sup>12</sup> The research conducted for this report has led HUD to propose a similar approach, in which the federal government incentivizes and supports states (and territories) to collect standardized and comprehensive data on court-ordered evictions directly from their

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<sup>12</sup> Panfil et al., 2021. The recommendations are summarized here: [https://d1y8sb8igg2f8e.cloudfront.net/documents/Recommendations\\_for\\_Creating\\_National\\_and\\_Local\\_Eviction\\_Data\\_Systems.pdf](https://d1y8sb8igg2f8e.cloudfront.net/documents/Recommendations_for_Creating_National_and_Local_Eviction_Data_Systems.pdf)

courts.<sup>13</sup> The states can use the data to inform their own approaches to eviction diversion and can transmit the data to HUD to create a national database. HUD would create a dataset that protects tenant and landlord privacy but gives the public access to de-identified data and makes case-level data available to qualified researchers for statistical analysis.

HUD's proposal is to administer two main grant programs—capacity-building grants to states and research grants. Together, the grant programs would help states build capacity for collecting systematic court records on evictions to feed into a national dataset, while also continuing to advance critical local research efforts. Additional stakeholder engagement and analysis by HUD staff will help determine the specific funding needed to build states' capacity to contribute to a national database. Additionally, many states will likely need to reform their court systems to comply with national data reporting standards. Thus, HUD's proposal for capacity-building grants to states starts with a pilot program to begin to build state capacity while also learning about how the federal government could most effectively incentivize states (or mandate through additional Congressional action) to make the reforms to their court systems and/or data collection methods needed to build the federal dataset.

### Capacity-building Grants to States

HUD has identified two major barriers to assembling state and national datasets on evictions (described in detail in Chapter 2): 1) inability to disaggregate eviction cases from the larger pool of civil cases, and 2) lack of standardized electronic records that can be compiled across court systems. Many states will need to make changes to both their court systems (in some cases requiring new legislation) and their information technology infrastructure to provide data for a national dataset. But each state will have a different set of challenges to collecting its data, and HUD needs to work collaboratively and flexibly with each state to support them in addressing those challenges. Without additional legislation from Congress, HUD cannot compel states to undertake this work.<sup>14</sup> However, HUD could provide funding (if Congress appropriates additional funding), data standards, and technical assistance to incentivize and facilitate state and local efforts. This grant program would enable states to build capacity to systematically track eviction cases and provide data for a national dataset, while informing HUD of the level and type of resources the federal government could provide to incentivize this work nationwide.

HUD could begin with a pilot—for example, \$25 million across 5 to 10 states for 36 months. At the end of the pilot, HUD will have made progress toward collecting data directly from courts, while garnering needed information to develop a proposal for a grant program (or potentially another approach) that makes effective and efficient use of federal dollars. During the pilot, HUD would also work with the grantees to develop effective data standards and procedures to track eviction cases across a range of jurisdiction types.

Another type of grant that could complement the capacity-building grants to states is grants to states for eviction diversion programs and/or legal services. There is substantial evidence that eviction diversion

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<sup>13</sup> In this report, the term “states” comprises the 50 states plus the District of Columbia along with the US territories of American Samoa, Guam, the Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. HUD has not yet considered how data collection from tribal courts on eviction cases could be done. Learning more about tribal courts, how eviction cases are adjudicated in Indian country, and what types of data collection might be feasible is an important next step for the feasibility assessment.

<sup>14</sup> Potential language compelling states to collect and submit court records to HUD is contained in the proposed *Eviction Crisis Act of 2021*, which would require the Attorney General of each state to submit data annually on all court ordered eviction cases in the state. See [https://www.bennet.senate.gov/public/\\_cache/files/2/f/2fac2718-81f0-4be6-8081-39e15e3a5c56/4F358E286BBCD54872E7BD77B3E7D3BB.mir21936.pdf](https://www.bennet.senate.gov/public/_cache/files/2/f/2fac2718-81f0-4be6-8081-39e15e3a5c56/4F358E286BBCD54872E7BD77B3E7D3BB.mir21936.pdf)



programs can be effective in addressing landlord and tenant disputes before they get to court and that legal services can help tenants avoid eviction. Further, educating tenants and landlords about their legal rights and responsibilities under federal, state, and local fair housing laws, such as the Fair Housing Act, can be an important component of eviction diversion programs. Investment in eviction diversion programs or legal services could also spur investment in data collection related to eviction, as states and other stakeholders would want to track the results of those efforts. This report does not propose separate grants for eviction diversion or legal services but supports the continued funding of HUD's 2021 [Eviction Legal Services Program](#). The authors of this report also support the proposal in the proposed Eviction Crisis Act of 2021 to fund such grants through the Bureau of Justice Assistance to states and local jurisdictions to support "landlord-tenant focused community courts that offer a process with social service representatives who are available to assist tenants."<sup>15</sup>

### Research Grants

Additionally, HUD proposes to award two types of research grants. The first type of grant would support research to *explore the feasibility of linking eviction records to Census Bureau and administrative databases*. HUD would award grants to research entities to obtain court records on selected states and link tenants' Personally Identifiable Information (PII) to administrative datasets collected for participation in state and federal benefits programs or to Census Bureau data. The purpose of linking eviction records to administrative datasets is twofold: 1) to identify the characteristics of households experiencing eviction, and 2) to further the understanding of services accessed by (or potentially available to) households facing evictions. Appropriately sized grants might be \$250,000 - \$500,000 per research entity over a 36-month period.

The second type of grant would support research to *evaluate the impact of policies and programs aimed at preventing eviction and mitigating its long-lasting consequences*. HUD would award grants to research entities to study local policies that effectively prevent eviction. Topics for analysis could include tenants' rights policies such as rent control and limits on late fees, record sealing, early lease termination, and redemption rights, among other tenant protections. These studies could also analyze the impact of local court processes, for example, the cost of filing evictions, the length of the eviction process, the existence of mediation hearings, and the definition of just cause eviction. Studies could also consider the effect of eviction diversion and prevention programs, the availability of legal services (including whether there is a state or local right to counsel in eviction proceedings), and the impact of enforcement of federal, state, and local fair housing and civil rights laws. Through these studies, HUD would assess which policies and programs are the most effective in preventing eviction and deterring eviction filing. HUD could develop a guide of effective policies and programs that prevent eviction which states could implement to provide housing stability for low-income households. Appropriately sized grants might be \$250,000 - \$500,000 per research entity over a 36-month period.

In addition to funding for the grant programs, HUD would need additional appropriations to build out and maintain a national database. HUD anticipates that building internal infrastructure to collect, store, analyze, and share eviction data could require \$5 million in initial funding over 36 months.

HUD would also request to Congress that the national evictions database be exempted from the Freedom of Information Act (FOIA) to prevent HUD from releasing information on tenants with eviction records. This exemption would allow HUD to request that states include sealed records in their data transmittals.

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<sup>15</sup> See *Eviction Crisis Act of 2021*, cited above.

## Collecting Data on Extra-legal Evictions

A national survey of eviction is the only option to collect information on extra-legal evictions. This survey can collect data on all types of evictions and the demographics of those facing evictions, such as their protected characteristics under the Fair Housing Act, i.e., race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status (including adoption and pregnancy), and disability. A longitudinal survey could track people after they are evicted to provide insights in the long-term consequences of eviction. Nevertheless, a survey of eviction would be complicated and expensive. The sample size for such a survey would need to be significantly larger than the American Housing Survey (AHS) to allow for estimates at the county level and would be based on households rather than housing units. Additionally, a survey of eviction would require an oversample of respondents who may be hard to reach, such as individuals who are unstably housed (e.g., following an eviction) or unauthorized immigrants. This survey would need to employ targeted methods to sample and elicit responses from this hard-to-reach population. Any survey of eviction would need to protect the PII of its respondents.

The survey could be accomplished through additions to an existing survey, such as the American Community Survey (ACS), the Current Population Survey (CPS), the American Housing Survey (AHS), or through a new survey. Adding to an existing survey has the advantage of an established sample and methodology, but new questions would increase respondent burden and some existing surveys do not have the sample size to permit estimates at a geographic level lower than state or major metropolitan areas. A new survey would likely be more expensive but would allow for greater flexibility to capture this hard-to-reach population and could permit data collection on a broader set of indicators related to housing instability, a topic that is of great policy interest and goes beyond evictions.

Any survey of eviction would be complex enough that using the expertise of the U.S. Census Bureau will be beneficial, though surveys conducted by private entities have some advantages. Further work is needed to determine the feasibility of adding to an existing survey versus the cost of a new survey efforts.

## Collecting Data on Evictions from HUD-assisted Housing (including Administrative Evictions)

With time and additional resources, it is feasible for HUD to modify its main administrative data collection systems to collect better information on evictions from its largest rental assistance programs—Public Housing, Housing Choice Vouchers, and Project-Based Rental Assistance. Most evictions from these programs must take place through the court system, although public housing agencies (PHAs) have a limited option to evict public housing families via administrative action (outside the court system) only if local law permits and if they follow certain procedures, identified in HUD regulations, to ensure that tenants receive due process. PHAs and owners of HUD-assisted multifamily properties have access to information on eviction filings and evictions that they could report into HUD's Public and Indian Housing Information Center (PIC) system (or its successor system under development) and HUD's Tenant Rental Assistance Certification System (TRACS).

This report proposes additional fields that could potentially be added to PIC and TRACS as part of a broader data collection effort on the reasons for leaving HUD assistance and to permit HUD to track different types of evictions from its major rental assistance programs. Adding fields to PIC and TRACS would require Paperwork Reduction Act Clearance and funding to pay for modifications to HUD's data systems, training for PHAs and owners on the new requirements, and HUD staff time to monitor compliance and ensure accurate data. Funding would also be needed to modify HUD's Enterprise Income Verification (EIV), which uses data from PIC and TRACS. More work is needed to determine the cost

and feasibility of these activities. The report recommends that HUD pilot any major new data collection related to evictions or information for reasons for leaving HUD assisted housing with a sample of PHAs and owners to ensure that the data collection is feasible, will yield quality data, and would not have unforeseen adverse effects on program operations or landlord participation.

## Next Steps

The research and limited stakeholder engagement conducted for this report helped HUD develop a strong set of initial proposals. However, much work remains to be done to refine and complete these proposals. In all cases, a critical step is broader stakeholder engagement on the proposals introduced in this report, along with discussions of other ways HUD and/or other federal agencies could best support state and local efforts to track and analyze evictions. Support from court systems, in particular, is vital to the feasibility of the proposed collection of court records by states and subsequent transmittal to HUD.

It would take time to build broad support and identify a path forward that both serves federal goals and aligns with the interests of states, courts, tribal governments, and a broad set of stakeholders. The President's 2022 Budget included resources for HUD's Office of PD&R to conduct the systematic stakeholder engagement, including engagement with Congress, needed to finalize the proposals and develop accurate cost estimates and implementation plans.

In addition to broad stakeholder engagement on all of the proposals in the report, HUD also has specific follow-up steps for each type of eviction data collection activity.

Key next steps for court-ordered evictions include:

- Discussion of the feasibility, benefits, and costs of the proposed actions with state and local court systems, Tribal courts and tribal representatives, landlords and affordable housing providers, tenants, HUD-funded state and/or local Fair Housing Assistance Program (FHAP) agencies, and HUD-funded state and/or local private Fair Housing Initiatives Program (FHIP) organizations.
- Discussion of the feasibility, benefits, and costs of the proposed actions with the Department of Justice and other federal agencies that could play a role in data collection.
- Engagement with legal services providers, FHAP agencies, and FHIP organizations, tenant advocacy organizations, and tenants to ensure that the proposed action steps do not inadvertently harm eviction diversion and prevention efforts.
- Collaboration with existing projects assembling national datasets, such as the Eviction Lab and LSC's Eviction Study, so as not to duplicate work.
- Discussion with Congress about options for requiring states to provide eviction data and for exempting HUD's database from FOIA.

Key steps for extra-legal evictions include:

- Discussions with the Census Bureau about options for adding eviction questions to existing survey efforts or creating a new survey focused on eviction and housing instability.
- Refining estimates of needed sample size to achieve reliable estimates, required data collection approaches, and associated costs.

Key steps for evictions of HUD-assisted households:

- Discussion of the feasibility, benefits, and costs of the proposed actions with PHAs, owners of HUD-assisted multifamily properties, and landlords participating in the Housing Choice Voucher program.

- Consideration of options for collecting data on evictions from Low-Income Housing Tax Credit (LIHTC) financed housing.
- Discussions with Tribally Designated Entities (TDHEs) regarding collecting data on evictions from federally-funded housing on tribal lands.

HUD looks forward to further discussion with and input from Congress on the points raised and ideas proposed in this study.

# Chapter 1. Introduction

The Joint Explanatory Statement and the House Committee Report supporting the 2021 Appropriations Act directed the Department of Housing and Urban Development (HUD) to study the feasibility of creating an evictions database, including collecting information on different types of evictions (administrative, court-ordered, and extra-legal), the characteristics of tenants and landlords, and providing recommendations for statistical analyses of the data collected.<sup>16</sup> House Committee Report H.R. 116-452 contained a similar request for a feasibility study.<sup>17</sup> The current feasibility assessment responds to both requests.

This assessment is the second of two Congressional reports that HUD has produced related to collecting and analyzing data on evictions. Within HUD, the Office of Policy Development and Research (PD&R) is the lead author for both reports. The first report, responding to House Report 116-106 and House Report 116-452, focused on paths that HUD could take to collect better data on evictions from federally-assisted properties. HUD provided this report to Congress in March 2021.<sup>18</sup> This second report is much broader, addressing the feasibility of collecting data on the prevalence of eviction among all renters, not just those receiving HUD assistance, and on analyzing the characteristics of the tenants and landlords involved in eviction.

This report discusses the work researchers and advocates have conducted to date to assemble and analyze evictions data and presents options for how HUD could support that work to provide a more complete set of data for analysis. The remainder of this introduction provides context for the feasibility study, including background on the causes, prevalence, characteristics, and consequences of evictions, as well as a more detailed discussion of the proposed legislation informing Congress's request for this feasibility study. The introduction also discusses the work that HUD has conducted to date for the feasibility study and outlines the content of the rest of the report.

## 1.1 Causes, Prevalence, and Consequences of Eviction

One of the root causes of eviction is a lack of affordable housing, particularly for low-income households. In the United States, more than two in three low-income renters spend more than 30 percent of their income on housing costs, including more than 10 million households who spend more than 50 percent of their income on housing costs. According to HUD's *Worst Case Housing Needs: 2021 Report to Congress*, there is a significant shortage of affordable housing, with only 62 affordable housing units available for every 100 very low-income households as of 2019.<sup>19</sup> In the absence of affordable housing,

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<sup>16</sup> US Congress, House, *Consolidated Appropriations Act, 2021*. HR 133. 116<sup>th</sup> Cong., 1<sup>st</sup> sess., introduced in House January 3<sup>rd</sup>, 2019. <https://www.congress.gov/bill/116th-congress/house-bill/133>; U.S. Congress, Conference Committees, *Joint Explanatory Statement on H.R. 133*, 116<sup>th</sup> Cong. 2<sup>nd</sup> sess., introduced to Congressional Record on December 21, 2020. <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-L.pdf>.

<sup>17</sup> US Congress, House, Committee on Appropriations, *Departments of Transportation and Housing and Urban Development and Related Agencies Appropriations Bill, 2021*, 116<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 16, 2020, H. Rep. 116-452, <https://www.congress.gov/116/crpt/hrpt452/CRPT-116hrpt452.pdf>.

<sup>18</sup> HUD's mandate for the first report was to "explore what it would take to collect, analyze, and make publicly available data on evictions from all of its Federally-assisted housing properties, including tenant characteristics such as the age, gender, race, and ethnicity of all tenants residing on the property." US Congress, House, Committee on Appropriations, *Departments of Transportation and Housing and Urban Development and Related Agencies Appropriations Bill, 2020*, 116<sup>th</sup> Cong., 1<sup>st</sup> sess., June 6, 2019, H. Rep. 116-106, 88, <https://www.congress.gov/116/crpt/hrpt106/CRPT-116hrpt106.pdf>.

<sup>19</sup> HUD PD&R. 2021. *Worst Case Housing Needs: 2021 Report to Congress*. Washington DC: Government Printing Office. <https://www.huduser.gov/portal/publications/Worst-Case-Housing-Needs-2021.html>.

low-income renter households may forgo other necessities, such as food, utilities, or medical care to make rent payments, which is unsustainable.<sup>20</sup> Each year, millions of families experience eviction because of not being able to pay rent.<sup>21</sup>

Research is increasingly clear on the characteristics of tenants most at risk of eviction and the negative effects of evictions. Low-income renter households headed by Black women and households with children experience evictions at disproportionately high rates, implicating fair housing and civil rights concerns.<sup>22</sup> Moreover, evictions have significant, negative effects on the housing stability, physical and mental health, and socioeconomic outcomes of individuals and families.<sup>23</sup> The rest of this section defines the types of evictions, summarizes available data on the prevalence of evictions, and reviews research literature on which households are most likely to experience eviction and how eviction affects them.

## What is Eviction?

Eviction is a broad term that captures a variety of processes and means by which landlords remove tenants from their rental properties. There are multiple definitions of eviction. Some researchers have defined eviction as the point at which the tenant is removed from the premises, while others have included eviction filings that may or may not result in the tenant moving out, in their definition of eviction.<sup>24</sup> In its September 2020 order to temporarily halt residential evictions to prevent the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) defined eviction as “any action by a landlord, owner of a residential property, or other person with a legal right to pursue eviction or a possessory action, to remove or cause the removal of a covered person from a residential property. This does not include foreclosure on a home mortgage.”<sup>25</sup> Merriam-Webster defines eviction as “the dispossession of a tenant of leased property by force or especially by legal process.”<sup>26</sup> Some researchers have used a broader definition of eviction, defined as “any [tenant’s] involuntary move [from their home] that is a consequence of a landlord-generated change or threat of change in the conditions of occupancy of a housing unit.”<sup>27</sup> This definition considers the precarity of renters and the negative consequences of forced displacement for individual, families, and communities.<sup>28</sup>

Researchers, policymakers, and advocates have identified various types of eviction. The Congressional mandate for this feasibility assessment refers to three types of eviction: court-ordered, extra-legal, and administrative:

- **Court-ordered evictions** (also called formal or lawful evictions) include all eviction actions that take place through the legal system. The term covers both eviction filings and court-ordered eviction rulings. Court-ordered evictions may be “just-cause” or “no-fault.” In a just-cause eviction, the landlord’s claim is that the tenant has violated the lease in some way, for example by failing to pay rent or damaging the unit. In a no-fault (or, no-cause) eviction, there is no claim of wrongdoing on the part of the tenant, but the landlord chooses not to renew the lease or terminates the lease because of

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<sup>20</sup> Bullinger and Fong, 2020

<sup>21</sup> Eviction Lab Maps and Data, <https://evictionlab.org/map/#/2016?geography=states&type=er>

<sup>22</sup> Desmond, 2012; Desmond and Kimbro, 2015; Desmond et al., 2013; García-Cobián Richter et al., 2021; Greenberg, Gershenson, and Desmond, 2016

<sup>23</sup> Bradford and Bradford, 2020; Collinson and Reed, 2018; Himmelstein and Gracie, 2021

<sup>24</sup> For a good discussion of the challenges of defining and measuring evictions, see Nelson et al., 2021

<sup>25</sup> See <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19#footnote-3-p55292>.

<sup>26</sup> <https://www.merriam-webster.com/legal/eviction>.

<sup>27</sup> Hartman and Robinson, 2003, p. 466

<sup>28</sup> Keating, 2003; Nelson et al., 2021

other issues such as code violations, conversion of the property to a condominium, or need for the owner to occupy the unit.<sup>29</sup> In some states and localities, no-fault evictions do not have to be processed through the legal system, hence no-fault evictions may fall into the categories of “court-ordered” or “extra-legal” (i.e., outside the legal system) evictions depending on whether they take place in the legal system.

- **Extra-legal** (also called illegal, unlawful, informal, or self- evictions) refer to the measures that landlords take outside of the court system to evict or forcibly remove tenants. Extra-legal evictions do not leave a formal record. There are many ways a landlord can compel or entice a tenant to move without going to court, including threatening the tenant, changing the locks, shutting off the utilities, or paying the tenant a sum of money to move out.<sup>30</sup> A common scenario is one in which the landlord tells the tenant to leave and/or compels them to leave, for example by changing the locks or shutting off utilities, without going through the court system. These evictions may violate federal, state, or local fair housing or civil rights laws, if a landlord harasses or evicts a tenant because of their protected characteristics, e.g., race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status (including adoption and pregnancy), or disability.
- **Administrative evictions** refer to an option available only to PHAs to evict Public Housing residents via administrative action (and without a court determination), in accordance with HUD regulations, if such action is permitted by local law and after a due process administrative hearing. HUD believes that most evictions from Public Housing are court-ordered evictions, not administrative evictions.

## What Causes Eviction?

Nationwide, the most common cause for evictions is nonpayment of rent.<sup>31</sup> Often the amount of unpaid rent that causes an eviction filing is just a fraction of the rent paid over a year. Recent analysis of court records assembled by the Eviction Lab at Princeton University found that half of all the eviction cases filed in Cincinnati between April and August 2020 involved debts of \$1,200 or less.<sup>32</sup> In Houston, over the same period, half of all cases involved \$1,411 or less in unpaid rent and in Phoenix, half of all cases involved less than \$1,643.<sup>33</sup> Similarly, a study of eviction filings in Washington, DC between 2014 and 2018 found that the average tenant receiving an eviction filing owed about \$1,207 at the time the eviction was filed.<sup>34</sup>

Previous studies have found that most landlords file evictions to collect arrears of rent, not to displace tenants.<sup>35</sup> Landlords see evictions as costly and time consuming, and thus only use evictions as a last resort. Landlords commonly have mortgages and other costs associated with their properties; their goal is

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<sup>29</sup> Nelson et al., 2021

<sup>30</sup> Desmond and Shollenberger, 2015

<sup>31</sup> For example, Rosen and McCabe (2020) found that about 93 percent of the eviction filings from 2014 to 2018 in Washington, DC were for non-payment of rent. However, in some communities, “no-cause” evictions are more common (Aiello et al., 2018). Also, landlords may use nonpayment of rent as a legal basis for evicting tenants they view as problematic for other reasons (Preston and Reina, 2021). See also Lewis et al., 2021

<sup>32</sup> The Eviction Lab was founded in 2017 by Mathew Desmond at Princeton University. The lab provides data, analysis and mapping tools that tracks evictions over time and generates reports about the eviction epidemic. <https://evictionlab.org/>

<sup>33</sup> Louis, Durana, and Hepburn, 2020

<sup>34</sup> Rosen and McCabe, 2020

<sup>35</sup> Balzarini and Boyd, 2020; Bullinger and Fong, 2020; Garboden and Rosen, 2019; Raymond et al., 2018; Shiffer-Sebba, 2020

to keep a unit continuously rented to maintain incoming cash flow. Ultimately, landlords will try to preserve the physical condition of their units and minimize their losses. To avoid long vacancies that affect the profitability of the unit, landlords will often set up payment plans to help their tenants catch up with rent, refer them to community services, or accept cleaning and maintenance services in lieu of partial rent payments.<sup>36</sup>

When landlords find their tenants to be difficult, non-communicative, or when landlords feel they have exhausted all their resources to resolve issues with a tenant, they may file for eviction or force tenants to leave the rental unit by threatening them with an eviction filing, offering a buyout, changing locks, or shutting off utilities, regardless of whether such practices are legal.<sup>37</sup>

Major local factors affecting the likelihood a landlord will file for eviction include the cost of the filing fee, the expected duration of the proceeding, and the tenant's access to eviction defense.<sup>38</sup> A common alternative to filing for eviction is to offer "cash for keys", in which landlords forfeit the arrears and provide cash to the tenant to vacate the unit. Landlords may prefer to buyout tenants to prevent additional costs when they fear tenants will damage the unit in retaliation. For small-scale landlords, cash for keys may be a less costly and quicker alternative to filing an eviction in the courts.<sup>39</sup>

In some localities, calling an emergency number to request help may constitute grounds for evicting tenants. Since the 1980s, municipalities have enacted nuisance ordinances or property provisions to make landlords responsible for "excessive" calls to emergency numbers, such as 9-1-1, in their properties. The definition of "nuisance" varies vastly among cities, but in some places, landlords can have their rental licenses revoked for too many nuisance violations.<sup>40</sup> Nuisance ordinances may be discriminatory on the basis of race, sex, disability, and other protected characteristics, and can encourage landlords to evict tenants they would otherwise want to keep, including survivors of domestic violence or families with children.

## How Prevalent is Eviction?

### *Prevalence of court-ordered evictions*

There is no national survey or data source that fully captures the magnitude of court-ordered evictions in the United States. The most comprehensive source of data on court-ordered evictions is the Eviction Lab at Princeton University. The Eviction Lab estimates that in 2016, 3.7 million eviction cases were filed in the United States, affecting more than 8 percent of renter households.<sup>41</sup> About one-fourth of the households served eviction notices in 2016 (about 2 percent of all renter households) were evicted from their homes.<sup>42</sup>

The rates of eviction filings and eviction judgments vary substantially across the country. The eviction filing rate is calculated by the number of evictions filed in an area, divided by the number of renter-occupied households in that area. The eviction judgment rate, or eviction rate, is the number of eviction judgments in which renters were ordered to leave, per 100 renter households in an area. Exhibit 1-1 shows the areas with the highest eviction rates in 2016 according to the Eviction Lab. Variance in eviction filing

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<sup>36</sup> Balzarini and Boyd, 2020; Desmond, 2012; Garboden and Rosen, 2019; Immergluck et al., 2020

<sup>37</sup> Desmond and Shollenberger, 2015

<sup>38</sup> Nelson et al., 2021

<sup>39</sup> Balzarini and Boyd, 2020; Garboden and Rosen, 2019

<sup>40</sup> Moran-McCabe, Gutman, and Buris, 2018

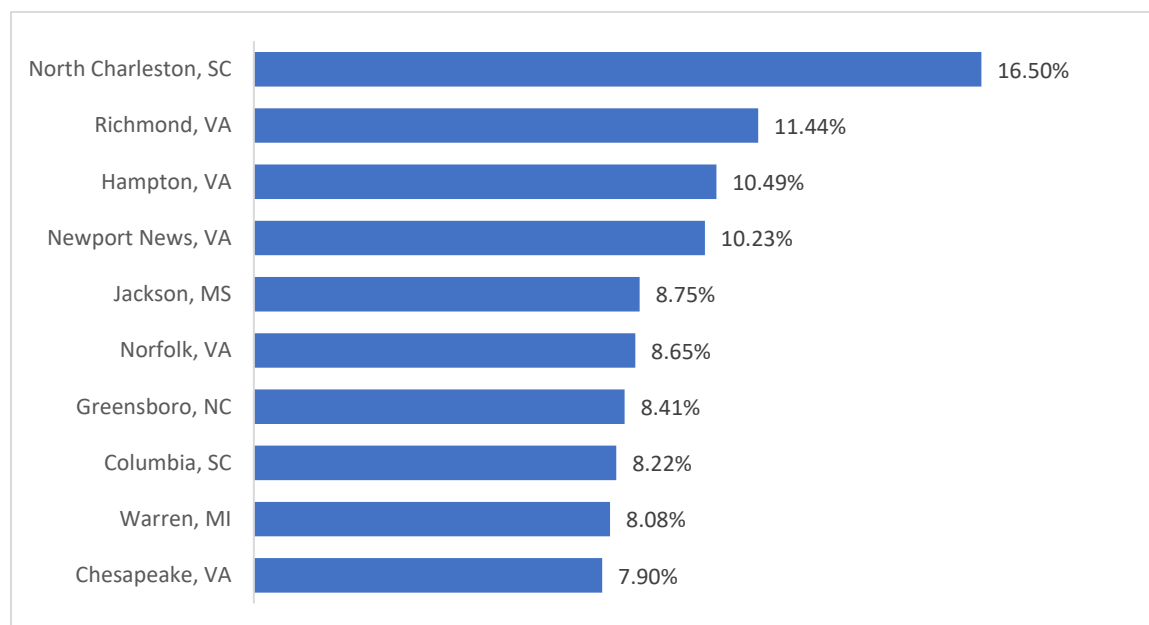
<sup>41</sup> Desmond, 2020

<sup>42</sup> Himmelstein and Desmond, 2021



and judgment rates across the country result from substantial differences in state and local eviction laws and procedures, as well as varying levels of poverty and housing affordability.<sup>43</sup>

### Exhibit 1-1. Areas with the Highest Rates of Court-ordered Evictions in 2016



Source: Eviction Lab, Top Evicting Large Cities in the United States, 2016.

#### *Prevalence of extra-legal evictions*

Extra-legal or informal evictions are more difficult to measure, as there is no formal record of them. The most frequently cited data source for extra-legal evictions is the Milwaukee Area Renters Study (MARS), a survey of 1,100 renters between 2009 and 2011. This study found that 48 percent of all forced moves were informal evictions, not processed through courts. Another 24 percent of forced moves were formal (court-ordered) evictions, 23 percent were caused by landlord foreclosure, and 5 percent by building condemnation. The MARS findings suggest that extra-legal evictions may be twice as common as court-ordered evictions.<sup>44</sup>

#### *Prevalence of evictions from HUD-assisted properties*

At present, HUD's administrative data systems do not collect data on evictions from HUD's rental assistance programs, whether administrative or court-ordered.<sup>45</sup> Records of grievance hearings and other proceedings related to administrative evictions in Public Housing are stored locally by Public Housing Agencies (PHAs), and HUD maintains the authority to request such information, if necessary, for program oversight. Further, researchers have begun to study the prevalence of eviction court filings among tenants living in HUD-subsidized properties. For example, researchers from the University of Pennsylvania and the University of California, Los Angeles (UCLA) matched the property address in eviction court records to the addresses of subsidized properties maintained in the National Housing Preservation Database to analyze the *relative* prevalence of eviction filings and judgments for tenants living in subsidized and unsubsidized housing in Philadelphia. The study found that tenants in public housing and project-based rental assistance had lower rates of eviction filings than those renting in private

<sup>43</sup> Nelson et al., 2021; Gromis, 2019

<sup>44</sup> Desmond, 2015

<sup>45</sup> Chapter 2 discusses the data HUD collects related to evictions of HUD-assisted renter households.

market properties of similar type and neighborhoods. However, the authors did not find that eviction filing in Low-Income Housing Tax Credit (LIHTC) properties was significantly different than in market-rate properties.<sup>46</sup>

### *Evictions and the COVID-19 Pandemic*

There is reason to believe that the economic disruption, recessionary contraction, and employment losses caused by the COVID-19 pandemic have put a very large number of families at risk of eviction. Data collected through the U.S. Census Bureau's Household Pulse Survey suggest that for the two-week period of August 18 through August 30, 2021, 6.4 million renter households (14.2 percent of all renter households) were behind on rent payments.<sup>47</sup> Of those, 3.0 million households reported they were "very likely" or "somewhat likely" to be evicted within the next two months. Exhibit 1-2 shows trends in the number of renter households behind on rent payments and expecting eviction between April 2020 and August 2021. Numbers reached a peak in December 2020 and January 2021, when more than 4 million households reported they were very or somewhat likely to be evicted in the next two months.

A variety of federal, state, and local moratoria on residential evictions were instituted in response to the pandemic.<sup>48</sup> These moratoria likely substantially reduced the number of evictions that would have otherwise occurred as renters and landlords experienced economic hardship. A recent analysis by the Eviction Lab found that between March and December 2020, eviction filings were 65 percent below the previous historical average, translating to 1.55 million fewer eviction cases.<sup>49</sup> This study also found that filings rose significantly when federal moratoria were not in effect and that state and local moratoria also reduced filings. At the writing of this report, most of the emergency moratoria have expired or are set to expire in coming months, placing millions of households at risk of eviction. The Centers for Disease Control and Prevention's (CDC) [Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19](#), which prevents landlords nationwide from evicting tenants meeting certain criteria, expired on July 31, 2021<sup>50</sup> On August 4, the CDC issued a new order extending the moratorium through October 3, 2021 for counties experiencing substantial and high levels of COVID-19 transmission.<sup>51</sup> The CDC estimates that more than 80 percent of US counties meet the criteria for the extended moratorium as of August 2021.<sup>52</sup> A federal district court had previously struck down the moratorium nationwide but stayed its decision while the case was appealed. On August 26, the Supreme Court lifted the stay, allowing the lower court's ruling to take effect. As a result, the CDC moratorium is enjoined nationwide and cannot be enforced.<sup>53</sup>

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<sup>46</sup> Preston and Reina, 2021

<sup>47</sup> HUD analysis of the U.S. Census Bureau, Week 34 Household Pulse Survey: July 21 – August 2, 2021. The Pulse Survey data are available at: <https://www.census.gov/programs-surveys/household-pulse-survey/data.html>. HUD's analysis translates the Pulse Survey data reported on individuals into households.

<sup>48</sup> Lists of federal, state, and local eviction policies are available from The Eviction Lab and NOLO.com. The National Low Income Housing Coalition also maintains a tracker of eviction prevention actions by state.

<sup>49</sup> Hepburn et al., 2021

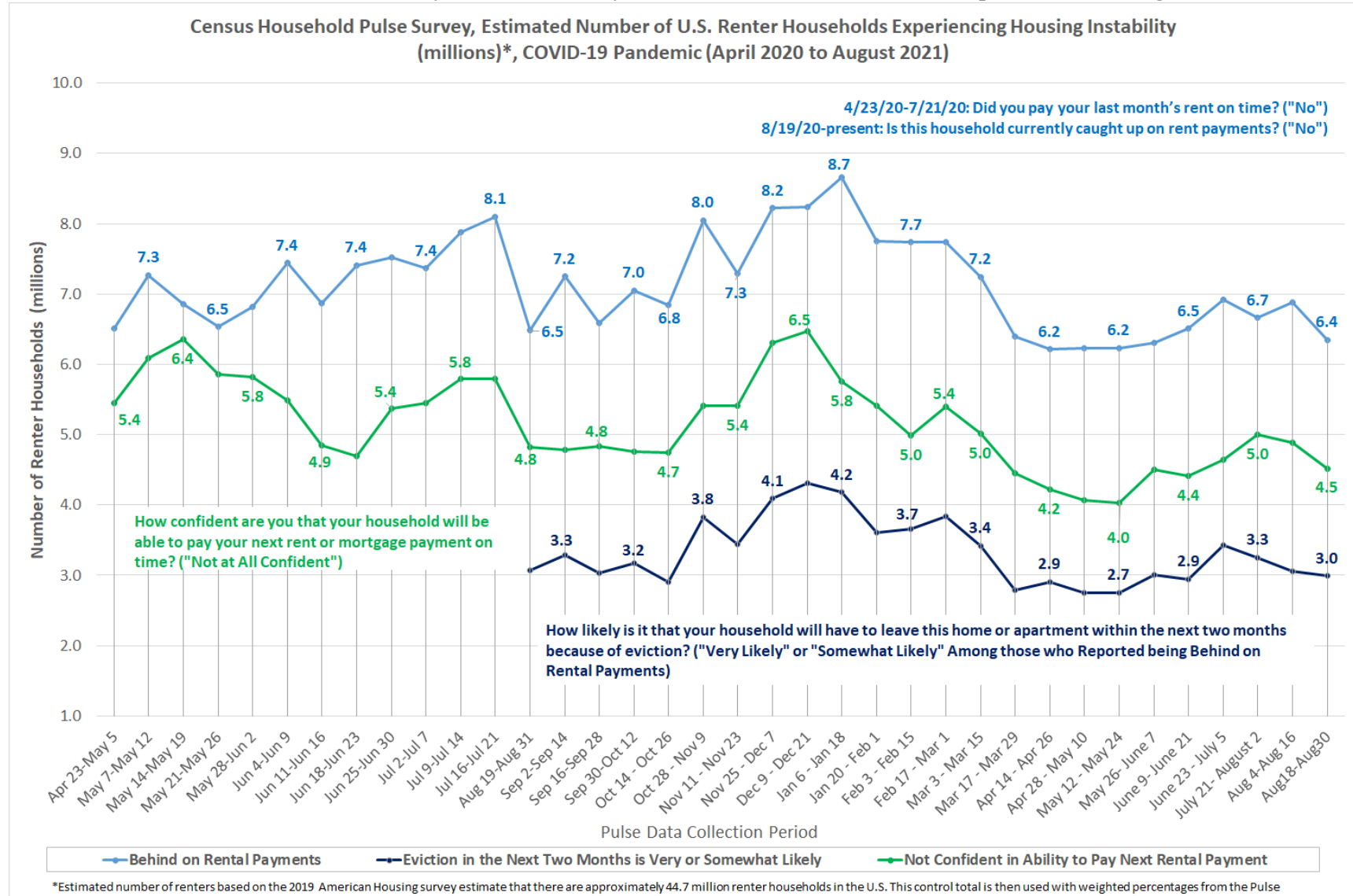
<sup>50</sup> For the original moratorium notice, see <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>. For the moratorium extension order, see <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>. For the latest updates see <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>.

<sup>51</sup> See <https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>.

<sup>52</sup> See <https://covid.cdc.gov/covid-data-tracker/#county-view> for the number of counties with "substantial" and "high" rates of COVID-19 transmission.

<sup>53</sup> *Ala. Ass'n of Realtors v. U.S. Dep't of Health & Human Servs.*, No. 21A23 (Aug. 26, 2020) (per curiam), [https://www.supremecourt.gov/opinions/20pdf/21a23\\_ap6c.pdf](https://www.supremecourt.gov/opinions/20pdf/21a23_ap6c.pdf).

**Exhibit 1-2. Census Household Pulse Survey Data on Rent Payments and Likelihood of Eviction, April 23, 2020 – August 30, 2021**



Source: HUD analysis of Census Household Pulse Survey Date, September 2021.

## What are the Characteristics of Households who Experience Eviction?

Characteristics of households subjected to eviction are difficult to track, as court records are often incomplete or do not collect demographic or household information. Characteristics of households being evicted are usually reported by researchers studying local areas. To identify the characteristics of households undergoing eviction, researchers have either linked the defendant's personal information listed on court records to various government administrative datasets, predicted the characteristics of people being evicted through statistical modeling using information listed on the court records and aggregated census data, or collected primary data through interviews.

Studies have found that mothers of color are disproportionately impacted by evictions. Households with rent burdens (paying more than 30 percent of their income on rent), households living in distressed neighborhoods, and households with previous eviction records are at higher risk of being evicted. Key studies of Milwaukee, Cleveland, Philadelphia, and King County (WA) provide a pattern of who is getting evicted and suggest that eviction often has systemic discriminatory effects on people because of their race, national origin, sex, and familial status, among other legally protected characteristics.

Matthew Desmond's (2012) study of evictions in Milwaukee found that majority-Black neighborhoods have significantly higher eviction rates than other neighborhoods.<sup>54</sup> Black and Latinx tenants were evicted 2.5 and 1.8 times more than White men and women, and Black women and women with children were more likely to have an eviction filing against them compared to other groups. Desmond argues that while "incarceration has become typical in the lives of men from impoverished black neighborhoods, eviction has become typical in the lives of women from these neighborhoods."<sup>55</sup>

A study of evictions in Cleveland by Francisca García-Cobián Richter and colleagues (2021) found that the typical tenant to receive an eviction filing is a Black female head of household with two children living in a highly distressed neighborhood, as measured by the 2013 Area Deprivation Index.<sup>56</sup> The study also found that almost half of the eviction filings (43 percent) end in an eviction judgement and that evictions filed by a public housing entity or nonprofit have a lower likelihood of culminating into an eviction judgement relative to a filing by a private entity. Having a filing in the previous year and having more than three children were found to increase the odds of receiving an eviction order. About one fourth (24 percent) of heads of household with an eviction had an eviction filing the previous year.

Studies of evictions in Philadelphia by Preston and Reina (2021) and in King County by Thomas (2017) found that eviction rates are higher in the poorest and most disadvantaged neighborhoods.<sup>57</sup> In King County, households with rent burden faced double the odds of eviction. Evicted low-income households contributed upwards of 90 percent of their income to rent. Housing stability for these households is easily threatened by any loss of income or unexpected expenses.<sup>58</sup>

## What are the Characteristics of Evicting Landlords?

Characteristics of landlords initiating evictions are difficult to trace because court records often exclude the plaintiff's demographic information or corporate affiliation. To analyze the characteristics of landlords initiating an eviction, some researchers have interviewed landlords, while others have extracted the plaintiff's information listed on the court records to categorize them by size—large and small

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<sup>54</sup> Desmond, 2012

<sup>55</sup> Desmond, 2012

<sup>56</sup> García-Cobián Richter et al., 2021

<sup>57</sup> Preston and Reina, 2021; Thomas, 2017

<sup>58</sup> Thomas, 2017

landlords—and type of housing, e.g., private/nonprofit, assisted/unassisted. Characteristics of evictor landlords are usually reported by researchers studying defined geographical areas.

At present, there is not a clear evidence base for which types of landlords are most likely to evict tenants. There is some evidence that large-scale landlords evict at a higher rate than small landlords, and that a small number of large-scale landlords are often responsible for a large share of a city's evictions.<sup>59</sup> There is also some evidence that tenants in public and assisted housing and in nonprofit developments have lower rates of eviction and take longer to evict than tenants on the private market.<sup>60</sup> However, rates of eviction may vary by housing program type. Preston and Reina (2021) found that tenants in LIHTC properties in Philadelphia where subsidies expire are more vulnerable to eviction filing than are their counterparts in other subsidy programs.<sup>61</sup>

Studies of eviction filings have found that landlords may file for eviction multiple times on the same household within a short span of time. Analyzing more than eight million eviction court records from 28 states, Leung et al. (2020) found that almost one in three households with eviction filings in 2014 were filed against more than once from the same address.<sup>62</sup> In their study of evictions in Washington, DC, Rosen and McCabe (2020) found that among households with an eviction filing in 2018, nearly 60 percent had at least one additional filing against them at some other point between 2014 and 2018.<sup>63</sup> In states where the legal environment allows for the filing of evictions with minimal transaction costs, landlords may use serial eviction filing to collect arrears rather than amending the initial eviction complaint.<sup>64</sup> Serial evictions are also associated with corporate landlords and the use of automated property management tools.<sup>65</sup>

### What are the Consequences of Eviction for Tenants?

Evictions have devastating consequences for individuals, families, and communities. Evictions negatively impact a tenant's physical and mental health, their housing and financial stability, and their social outcomes.

Previous research has linked evictions with an individual's increased likelihood of developing respiratory conditions, high blood pressure, coronary heart disease, and sexually transmitted infections. Evictees are more likely to suffer physical and/or sexual assault, as well as pre-term pregnancies. Children of those evicted were found to have increased risk of low birthweight, developing chronic disease in adulthood, and decreased life expectancy. Overall, evictees have a higher mortality rate than those who do not experience eviction.<sup>66</sup>

In addition to physical health effects, evictions have been associated with increased anxiety, difficulty sleeping, parenting stress, depression, substance abuse, addiction, and suicide.<sup>67</sup> Evictions have also been tied to higher accidental drug and alcohol mortality in urban areas, suggesting that evictions have

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<sup>59</sup> Raymond et al 2018; Rosen and McCabe, 2020; Rutan and Desmond, 2021; Seymour and Akers. 2020

<sup>60</sup> García-Cobián Richter et al., 2021; Preston and Reina, 2021

<sup>61</sup> Preston and Reina, 2021

<sup>62</sup> Leung, Hepburn, and Desmond, 2020

<sup>63</sup> Rosen and McCabe, 2020

<sup>64</sup> Garboden and Rosen, 2019; Leung et al., 2020

<sup>65</sup> Immergluck et al., 2020; Raymond et al., 2018; Leung et al., 2020

<sup>66</sup> Benfer et al., 2021

<sup>67</sup> Fullilove, 2005; Babajide et al., 2016; Hatch and Yun, 2020; Damon et al., 2019; Fowler, et al., 2015; Serby et al., 2006; Desmond and Kimbro 2015

contributed to the phenomenon of “deaths of despair,” which are deaths plausibly associated with adverse economic conditions such as excessive drinking and opioid abuse.<sup>68</sup>

Eviction can lead to employment instability. Low-wage workers who undergo a forced move experience high levels of anxiety and stress that may result in low job performance, absenteeism, and tardiness. In Milwaukee, the likelihood of experiencing a job loss after a preceding forced move was found to be between 11 and 22 percentage points higher than for workers who were not forced to move.<sup>69</sup>

Evictions contribute to housing instability.<sup>70</sup> People who have been evicted have an increased likelihood of experiencing homelessness and residential mobility.<sup>71</sup> Eviction notices negatively impact credit scores and rental history, which in turn can restrict renters’ access to affordable housing and eligibility for housing assistance.<sup>72</sup> Even when households do not have an eviction judgment against them or are not removed from their homes, a record of eviction filings creates a negative rental history that makes landlords less willing to rent to them.<sup>73</sup>

Eviction increases the risk of relocating to a neighborhood with worse social conditions, worsening historic patterns of racial segregation. Eviction forces families and individuals to move reactively and on short notice.<sup>74</sup> Consequently, those evicted often end up in neighborhoods with higher poverty and crime rates compared to people who move voluntarily.<sup>75</sup> Evictions also cause families to accept substandard housing conditions; dissatisfaction with these lower living conditions often leads to another move.<sup>76</sup>

When a family receives an eviction notice, they may decrease their spending on food, healthcare, and other necessities to pay for arrears.<sup>77</sup> Households that are susceptible to eviction are likely to participate in safety net programs such as the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families (TANF).<sup>78</sup>

Children are particularly vulnerable to the negative effects of eviction.<sup>79</sup> About one in seven children in large cities experienced at least one eviction by age 15. That proportion increases to more than one in four children for those born into deep poverty.<sup>80</sup> Eviction, and housing instability more broadly, disrupts children’s social and emotional well-being.<sup>81</sup> García-Cobián Richter et al. (2021) found that children in households with an eviction judgement had a higher share of absent days at school than children without an eviction order. For children in middle school and high school, the share of absent days was 2.3 percentage points higher compared to children in households without an eviction move-out order.

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<sup>68</sup> Bradford and Bradford, 2020

<sup>69</sup> Desmond and Gershenson, 2016

<sup>70</sup> Housing instability has no standard definition. It is sometimes defined as having difficulty paying rent, spending more than 50% of household income on housing, having frequent moves, living in overcrowded conditions, or doubling up with friends and relatives. See HHS, 2020 and Kushel et al., 2006

<sup>71</sup> Balzarini and Boyd, 2020; García-Cobián Richter et al., 2021; Burt, 2001

<sup>72</sup> For example, the regulations for the Housing Choice Voucher program state that public housing agencies may deny assistance to a family if a family member has been evicted from federally assisted housing in the last five years (24 C.F.R. § 982.552). See Balzarini and Boyd, 2020; Teresa and Howell, 2020

<sup>73</sup> Leung et al., 2020

<sup>74</sup> Balzarini and Boyd, 2020; Benfer et al., 2021; García-Cobián Richter et al., 2021

<sup>75</sup> DeLuca, Wood, and Rosenblatt, 2019; Desmond and Shollenberger, 2015

<sup>76</sup> Desmond and Shollenberger, 2015

<sup>77</sup> Bullinger and Fong, 2020

<sup>78</sup> Humphries et al., 2019

<sup>79</sup> Desmond et al., 2013

<sup>80</sup> Lundberg and Donnelly, 2019

<sup>81</sup> Sandstrom and Huerta, 2013

Children in evicted households experience chronic school absence, missing almost 30 percent of all days two years after the filing.<sup>82</sup>

Evictions are also related to exposure to environmental hazards. In Cleveland, children in households with an eviction filing had a lower frequency of lead testing and higher blood lead levels—almost double the levels of children born during the same period.<sup>83</sup> These children also have twice the blood lead level of all children born during the same period. The pressure toward sub-standard housing caused by evictions also increases children’s exposure to mold, pests, and poor ventilation, all of which can result in chronic health issues later in life.

Finally, a family experiencing eviction may be reported to social work agencies as housing instability may be seen as child neglect. A recent study of eviction filings in Connecticut found that eviction filing rates and eviction rates are associated with an increase of reports of child maltreatment. For every additional eviction filing per 100 occupied housing units, reports of child mistreatment increased by 2 percent.<sup>84</sup>

### Eviction and Long-term Housing Instability

*“Eviction can be the equivalent of a prison record. Evictions carry a stigma. Many landlords will not rent to persons who have been evicted, and an eviction can also ban a person from affordable housing programs. Tenants who are evicted often lost not only their homes but these possessions as well, stripping them of the few assets they had. Once evicted, tenants often find themselves forced to move from one undesirable situation to another.”* (Desmond, 2014, emphasis added)

*“[T]he phenomenon of the scarlet E is so harmful and damaging. An eviction is a legal record, that no matter the outcome of the case, even if a tenant wins, is still searchable for a long period of time. It haunts that tenant when they’re trying to put their life back together, and it pushes them to the outskirts of the rental market because landlords will screen out tenants who have an eviction on their record. Even public housing authorities will often screen them out. And again, it may just be for that small amount of rent owed and was solely for the reminder that your rent was due.”* (Interview with Emily Benfer in Axel-Lute and Duong, 2021, emphasis added)

## What Actions can Prevent Eviction or Mitigate its Effects?

As discussed, evictions have very serious negative consequences for the adults and children who experience them. Landlords also generally prefer to have long-term, stable tenants and to avoid taking eviction action if possible. Fortunately, there is a growing body of evidence pointing to short- and long-term actions that local, state, and federal service providers can take to prevent eviction or mitigate its effects. Options that can be implemented reasonably quickly are eviction diversion and/or prevention programs. Using the definition from the 2021 report [Designing for Housing Stability](#), eviction diversion and prevention programs are typically coordinated efforts involving different service providers in a state or community, including government entities, nonprofit organizations, law school clinics, and courts. These programs typically feature some combination of the following services, resources, and processes, with the most common components indicated in bold:

- **Full or limited legal representation**
- **Pre-filing and/or post-filing mediation/conciliation**

<sup>82</sup> García-Cobián Richter et al., 2021

<sup>83</sup> García-Cobián Richter et al., 2021

<sup>84</sup> Bullinger and Fong, 2020

- **Rental or cash assistance**
- Relocation assistance
- Credit protection services
- Sealing or expunging eviction records
- Non-legal tenant advocacy
- Community housing court
- **Legal hotline or helpdesk**
- **Tenant rights and/or education programs.**<sup>85</sup>

The Justice Department has encouraged state and local courts to develop eviction diversion programs that will benefit family, landlords, tenants, and courts.<sup>86</sup> Also, the Attorney General, the Secretary of HUD, and the Secretary of the Treasury wrote a letter to chief justices, state court administrators, and others encouraging them to take certain actions to keep families in their homes, including the use of available funds to invest in eviction diversion strategies and enhance tenant access to legal representation.<sup>87</sup>

Several research studies conducted by Stout, an investment bank and advisory firm, have documented the costs and benefits of eviction legal services, concluding that such programs provide a net benefit.<sup>88</sup> In addition, stakeholder engagement conducted for the 2021 Designing for Housing Stability report found strong support among landlords for interventions, such as rental or cash assistance, that help tenants and landlords resolve rent arrears before going to court. For example, more than 70 percent of the landlords surveyed for the report said they would be inclined to address issues of tenant non-payment outside of court.<sup>89</sup>

Increasing the federal government’s capacity to track the incidence of eviction and the communities hardest hit, via an evictions database or other data collection mechanisms described in this report, can be an important part of the solution. Having better data on where evictions are more common, the types of households most likely to be evicted, and changes over time in the prevalence of eviction can improve the allocation of federal resources of legal services and rental assistance, support fair housing and civil rights enforcement, and help Congress track the impact of their investments.

In the longer-term, reducing the incidence of eviction and mitigating its effects will require continued and increased investment in making rental housing affordable and available to more people. It will also require creating a permanent rental assistance safety net to help families remain stably housed (and landlords get paid) when there are disruptions to their household income. As Emily Benfer, a national expert on eviction diversion, put it in a March 2021 interview:

“Even if Congress allocates all of the funds that are critical in this moment to prevent the current crisis, that’s not going to be enough to address the underlying affordable housing crisis. Coming into this pandemic, we had stagnant wages for decades. The lowest-income wage-[earner]s actually lost 5 percent of their income. We had stagnant wages for the middle class. We had

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<sup>85</sup> Pantín Parrish, 2020. See also Regional Housing Services, 2020; Treskon et al., 2021; and Benfer et al., 2020

<sup>86</sup> A letter and a blog post from the Associate Attorney General point to actions that courts can take: <https://www.justice.gov/asg/page/file/1405886/download> and <https://www.justice.gov/opa/blog/how-state-courts-can-prevent-housing-and-eviction-crisis>.

<sup>87</sup> The letter is available at <https://home.treasury.gov/news/press-releases/jy0336>.

<sup>88</sup> See the series of studies under the heading “Stout Cost-Benefit Studies” at <https://www.stout.com/en/services/transformation-change-consulting/eviction-right-to-counsel-resources>. See also Schultheis and Rooney, 2019

<sup>89</sup> Pantín Parrish, 2021



rising rents with few states with rent caps, and we had a dearth of investment on the part of the federal government into affordable housing. And we also lost four million affordable housing units in the decade leading into the pandemic. So, unless we have a commitment to addressing those root causes and actually investing in communities [that] entered the pandemic in a deficit, we will not address the looming harm that we are on the brink of seeing in the future.” (Benfer interview in Axel-Lute and Duong, 2021.)

## 1.2 Background on the Eviction Database Feasibility Study

Reflecting the growing awareness of the prevalence of evictions, the detrimental effects of evictions for families and individuals, and the consequent importance of tracking evictions, Congress has proposed several pieces of legislation to increase data collection and analysis related to evictions. These bills provide important context for the current feasibility study for a national eviction database.

### *S. 3030 - Eviction Crisis Act*

On December 12, 2019, Senator Michael Bennet (D-CO) introduced the *Eviction Crisis Act of 2019* to the Committee on Banking, Housing, and Urban Affairs.<sup>90</sup> The bill’s goals were to improve data and analysis on evictions, reduce preventable evictions, mitigate eviction-related consequences, and improve information on tenant screening reports. In June 2021, the bill was reintroduced as the *Eviction Crisis Act of 2021* (see description below).

### *H.R. 7743 – We Need Eviction Data Now Act of 2020*

On July 23, 2020, Representative Rosa L. DeLauro (D-CT) introduced the *We Need Eviction Data Now Act of 2020* to the House Committee on Financial Services. The bill used similar language to the Senate bill S.3030.

### *S. 2182 – Eviction Crisis Act of 2021*

In June 2021, Senators Rob Portman- (R-OH), Michael Bennet (D-CO), Sherrod Brown (D-OH), and Todd Young (R-IN) introduced the *Eviction Crisis Act of 2021*.<sup>91</sup> The stated purpose of the bill is to improve data and analysis on evictions, reduce preventable evictions and mitigate eviction-related consequences, and improve information on tenant screening reports.

To improve data and analysis on evictions, the bill would require HUD to establish and maintain an eviction database that would include information on court-ordered evictions, administrative evictions, and extra-legal evictions. HUD would establish guidelines for the submission of data by each state’s Attorney General, including standardization of terms and definitions and the establishment of a technological solution that would provide a single point of entry for data submission. Personally Identifiable Information (PII) collected would be confidential and protected. The database would be accessible to researchers and a research data center would be established to support analysis of the data. The data collected should include the following:

- Name of the tenants, address of residential property, type of housing, household size, number of children in the household, whether the household is recipient of subsidized housing.
- Name of the landlord, name of the attorney, whether the landlord had legal representation, amount of arrears, and cost of evicting.

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<sup>90</sup> U.S. Congress, Senate, *Eviction Crisis Act of 2019*, S.3030, 116th Cong., introduced to Senate 12/12/2019, <https://www.congress.gov/bill/116th-congress/senate-bill/3030>.

<sup>91</sup> U.S. Congress, Senate, *Eviction Crisis Act of 2021*, S.3030, 117th Cong., introduced to Senate 06/23/2021, <https://www.congress.gov/bill/117th-congress/senate-bill/2182>.

- Date on which the tenant was served with a notice to quit, date of initial court filing, reason for the eviction petition, and whether the eviction was a result of the enforcement of a local ordinance.
- Final resolution, whether the initial hearing resulted in a default judgment, dismissal, consent agreement, settlement, or trial.
- Date of final disposition, amount owed to either party, and overall outcome of the case.
- Whether the tenant had legal representation and type of legal representation.
- Whether either party had appeared in a landlord-tenant court for an eviction proceeding within the past 2 years, 1 year, or 6 months.
- Data at the case level and in aggregated form.
- The status of a tenant following an eviction.

Additionally, the bill proposes that HUD would award grants to local governments and nonprofit organizations to set up programs to collect data on extra-legal evictions, establish an advisory committee on eviction research, and establish a competitive grant to fund crisis assistance programs to prevent extremely low-income households from experiencing housing instability.

The bill also proposes to amend the Fair Credit Reporting Act to require consumer reporting agencies to provide the consumer with a copy of the report when the report is used to screen tenants applying for rental housing and requests the Comptroller General of the United States to conduct a comprehensive qualitative and quantitative study of evictions over the past 30 years.

#### *2021 Appropriations Committee Language*

As noted at the beginning of this chapter, this feasibility study responds directly to language in two Committee Reports submitted with the 2021 Appropriations Act.

- The Joint Explanatory Statement and the House Committee Report supporting the 2021 Appropriations Act directed HUD to study the feasibility of creating an evictions database:
 

“HUD shall submit to the House and Senate Committees on Appropriations within 270 days of enactment of this Act an examination of the possibility of incorporating information on the following: the defendant and other affected persons in the evicted household; the plaintiffs; the source of federal rental assistance, if any; procedural and aggregate data on the court-ordered or administrative eviction case; data on executed evictions and the housing status of a tenant following a court-ordered or administrative eviction; and individual and aggregate level data on all extra-legal evictions. This study shall include recommendations for statistical analysis relating to such a database, including what additional data may be considered for collection in order to understand eviction trends by race, gender, disability status, ethnicity, and age, consistent with the protected classes under the Fair Housing Act of 1968 (Public Law 90- 284).”<sup>92</sup>
- House Committee Report H.R. 116-452 includes a similar request for:
 

“The Committee directs the Department to explore what it would take to collect, analyze, and make publicly available data on evictions from all of its Federally-assisted housing properties, including classes protected under the Fair Housing Act, and report to the House and Senate Committees on Appropriations on its findings not later than 120 days after enactment of this

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<sup>92</sup> U.S. Congress, House, *Joint Explanatory Statement*, see: <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-L.pdf>. Note that age is not a protected class under the Fair Housing Act and familial status is.

Act... The committee recommends up to \$22,000,000 for new and continuing studies demonstration evaluations, including... [A] feasibility study to explore how to collect different local policies related to evictions and a statistical effort relating to the creation of an evictions database, including how information is collected, consistent with civil rights protections, to understand eviction trends by classes protected under the Fair Housing Act.”<sup>93</sup>

In March 2021, HUD submitted to Congress a report responding to language in House Report 116-106 (2020 Appropriations Act) that directed the Department “to explore what it would take to collect, analyze, and make publicly available data on evictions from all of its Federally-assisted housing properties, including tenant characteristics such as the age, gender, race, and ethnicity of all tenants residing on the property, and report on its findings within 120 days of enactment of this Act.”<sup>94</sup>

### 1.3 Activities Informing the Feasibility Study

The current feasibility study draws on research and analysis conducted for the March 2021 report for the discussion of administrative evictions. In addition, in preparing the current feasibility report, HUD conducted the following activities:

- Literature review to understand the causes and consequences of eviction, the characteristics of households subjected to eviction, and policies and programs aimed at preventing eviction.
- Desk research on how eviction records are collected and reported by the court systems and on existing efforts to collect information on evictions via survey.
- Consultation with HUD program offices.
- Discussions with researchers and other stakeholders to learn about previous efforts to collect and analyze data on evictions. HUD is very grateful for the time and input these stakeholders provided in this phase of the feasibility study. Stakeholders consulted include representatives from the following organizations:
  - Eviction Lab at Princeton University (<https://evictionlab.org/>)
  - The Evictions Study, University of California at Berkeley and University of Washington (<https://evictions.study/>)
  - U.S. Census Bureau (<https://www.census.gov>)
  - Shimberg Center at the University of Florida (<http://www.shimberg.ufl.edu/>)
  - Legal Services Corporation (<https://www.lsc.gov/>)
  - National Center for State Courts (<https://www.ncsc.org/>)
  - Consumer Data Industry Association (<https://www.cdiaonline.org/>)
  - Connecticut Judicial Branch Superior Court (<https://jud.ct.gov/>)
  - District Court of Maryland (<https://www.courts.state.md.us/district>)

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<sup>93</sup> U.S. Congress, House, Committee of the Whole House on the State of the Union, *Departments of Transportation, and Housing and Urban Development, and Related Agencies Appropriations Bill, 2021*, 116th Cong., 2nd sess., 2020, H. Rep. 116-452, <https://www.congress.gov/116/crpt/hrpt452/CRPT-116hrpt452.pdf>.

<sup>94</sup> See US Congress, House, Committee on Appropriations, *Departments of Transportation and Housing and Urban Development and Related Agencies Appropriations Bill, 2020*, 116th Cong., 1st sess., June 6, 2019, H. Rep. 116-106, 88, <https://www.congress.gov/116/crpt/hrpt106/CRPT-116hrpt106.pdf>.

As noted in the report's concluding chapter, additional work remains to be done to fully explore the feasibility and cost of this report's proposed approaches. Most important is comprehensive stakeholder engagement to discuss and refine the approaches.

## 1.4 Outline of the Report Contents

This report is organized into four chapters, including this Introduction.

- **Chapter 2** discusses the efforts of researchers and state agencies to date to collect and analyze evictions data, considering court-ordered evictions, evictions from HUD-assisted housing (including administrative evictions), and extra-legal evictions. The chapter draws out the lessons from these efforts applicable to a national data collection and analysis effort managed by the federal government.
- **Chapter 3** considers what would be appropriate policy goals for a federal government data collection and analysis effort and presents options that Congress could pursue, considering court-ordered evictions, extra-legal evictions, and evictions from HUD-assisted housing. The chapter includes considerations of cost and time to implement for each proposed action to the extent possible at this time, noting that additional feasibility work remains to be done. The chapter also discusses the actions that Congress could take to facilitate the proposed actions.
- **Chapter 4** summarizes the findings of the feasibility study and discusses additional steps required to lay the groundwork for a national evictions data collection and analysis effort.

Appendix A provides supplemental information referenced in the report. The References section provides full citations for the research studies and other resources reviewed for the report.

## Chapter 2. Lessons Learned from Data Collection to Date

Over the past decade, researchers as well as state and local government agencies in diverse communities across the country have sought to collect and analyze data on evictions. Understanding what has been done thus far and digesting the lessons learned from those efforts, is essential to assessing the feasibility of a federal data collection and analysis effort. This chapter reviews how researchers and others have attempted to collect and analyze data on the three types of evictions introduced in Chapter 1: court-ordered, extra-legal, and administrative. The goal is not to review all studies and efforts, but to present the major methodologies that have been used and to consider the respective advantages and disadvantages of each methodological approach for a federal effort.

### 2.1 Court-Ordered Evictions

Court-ordered evictions, also called lawful or formal evictions, include all eviction actions that take place through the legal system. The term covers both eviction filings and judgments.

The legal eviction process varies among cities, states, and districts, making it difficult to summarize, quantify, or compare eviction patterns across different jurisdictions. Many communities have also instituted eviction diversion or eviction prevention programs (see text box) that aim to help landlords and tenants reach agreement before the landlord files for eviction or before the court renders an eviction judgment.<sup>95</sup>

#### Eviction Diversion and Prevention Programs

Many localities have implemented (or are in the process of developing) eviction diversion programs to help landlords and tenants reach agreement before the landlord files for eviction in the courts. Eviction diversion programs can be court-based or community-based and typically provide a range of coordinated services aimed at preventing eviction and increasing housing stability. Eviction diversion programs commonly combine tenant legal representation with rental assistance and are often supported by legislation or a court order diverting cases away from eviction court.

The legal eviction process usually involves five steps (Exhibit A-1 provides an example of the general progression of eviction cases in courts):

- 1) The landlord gives the tenant a Notice of Eviction.
- 2) The landlord files a Summons and Complaint in the court system.
- 3) The tenant receives the eviction court Notice and must answer the Complaint within a certain number of days.
- 4) The court initiates eviction proceedings.
- 5) The court issues a judgement.

If the tenant does not respond to the Complaint (Step 3), the court issues a Default Judgement, usually in favor of the landlord. When the tenant answers the complaint, a judge may a) issue a judgement, b) schedule a hearing, or c) schedule a mediation hearing. During the hearing, the plaintiff and the defendant may appear, with or without legal representation.<sup>96</sup> Frequently, when both the plaintiff and the defendant appear to their scheduled hearing, the judge asks them to step aside and negotiate an agreement at that

<sup>95</sup> See discussion in Chapter 2. For further summaries, see Pantín Parrish, 2021 and Hammer and Martin 2021.

<sup>96</sup> Tenants are far less likely than landlords to have legal representation and face greater difficulties than landlords in attending court. See Schultheis and Rooney, 2019.

moment. In such cases, tenants may enter into an agreement without having knowledge of the law. If the judge orders a mediation hearing, however, both parties meet with a housing mediator to reach a settlement.

Following the hearing, the judge issues a judgment, which could be used to establish terms of payment, to garnish wages, and/or to vacate the rental unit. In cases when the outcome is in favor of the landlord and the tenant is to pay for the arrears, it is expected that the landlord files a Satisfaction of Judgement once the tenant completes the payment. However, many times, landlords do not file a Satisfaction of Judgement. In cases when the judge orders the tenant to vacate the unit, the landlord obtains a Writ of Possession that is used by local law enforcement to forcibly remove a tenant from their home.

At any step in the eviction process, the landlord can dismiss the eviction case, or the tenant may leave the unit. Often, when a tenant leaves the property, the landlord fails to file the dismissal, which means that the eviction remains on the tenant's credit history. In cases when the judge issues a judgement for the collection of arrears, the collection may be added to the tenant's credit history by credit bureau agencies. In some states and localities, eviction records may be sealed or expunged after a certain period of time.

Some states have legal right of redemption, which means that landlords must accept any rent amount offered by the tenant toward the arrears and the eviction stops once the arrears are paid in full. In states where there is no legal right of redemption, landlords can accept or reject payment for back rent and continue with the eviction proceeding.<sup>97</sup>

The forms used in the eviction process may vary from jurisdiction to jurisdiction. Case parties complete the forms to the best of their knowledge, but these forms often are incomplete with many fields left blank. When landlords do not know the names of tenants, they enter "Jane Doe" or "John Doe", and the Judgement is issued accordingly. Landlords may list the names of minors as defendants of the case. Property managers often enter the name of the company managing the property or the company owing the property as the plaintiff. When landlords are represented by attorneys, the case may list the attorney as the plaintiff.

Jurisdictions that digitize their court records may create a database with basic case information such as: case type, court location, property address, disposition date, disposition, judge or magistrate, and party and appearance information. Exhibit 2-1 provides examples of the types of information that may be contained in different types of documents produced over the course of an eviction case.

Tenants' demographic characteristics such as age, race, ethnicity, gender, immigration status (of the head of household), household size, household income, household type, and housing type are not collected routinely by courts. However, information on household characteristics could conceivably be collected during mediation—in states where mediation is offered—or by legal services providers, in states where their congress mandates the collection of such data and tenants have representation. The collection of household characteristics would allow stakeholders to identify disparities in eviction filings and judgements among vulnerable groups. In many cases, such characteristics may further implicate tenants' rights under federal, state, or local fair housing or civil rights laws, and tenants may have actionable claims under such laws. In such cases, tenants may opt to learn more about their rights from HUD and/or state and/or local FHAP agencies or FHIP organizations, or they may even choose to file a fair housing complaint with HUD or a FHAP agency.

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<sup>97</sup> Nelson et al., 2021; Raymond et al., 2018

**Exhibit 2-1. Examples of Eviction Proceeding Documents and Information They May Contain**

<b>Case Information Contained in the Document</b>	<b>Notice to Quit Possession</b>	<b>Summons</b>	<b>Complaint</b>	<b>Motion for Default</b>	<b>Execution for Possession</b>	<b>Answer</b>	<b>Stipulated Agreement</b>	<b>Judgement</b>
Docket or Case Number				•	•		•	•
Name of Case				•			•	•
Number of tenants		•						
Name of Tenants and Occupants	•	•	•	•	•	•		•
Address of premises, including apartment number	•		•		•			•
Quit end date	•		•					
Number of plaintiffs		•						
Name of Landlord	•	•		•	•	•		
Address of person signing	•			•	•	•		
Name(s) of person(s) served	•							
Address at which service was made	•							
Service date					•			
Fees	•				•			
Address of court		•		•	•	•		
Town/City	•	•	•					
Name and address of attorney		•		•	•			
Rent amount			•					
Arrears amount			•					
Military Service Affidavit				•				
Date of Judgement					•			
Ordered or agreed move out date					•		•	
Marshal date signed					•			
Facts showing the court that the plaintiff has no legal right to evict						•		
Settlement payments							•	
Names of parties agreeing to settlement							•	
Name of mediator							•	
Name of Judge								•

Source: Connecticut's Landlord's Guide to Eviction Process

Eviction cases are filed according to the court structure in each state. The Court Statistics Project (CSP), which aggregates state caseload data, organizes states' trial courts into three categories to make caseloads comparable at the national level: 1) singled-tiered, 2) general jurisdiction, and 3) limited jurisdiction.<sup>98</sup> Single-tiered state courts, also referred to as unified courts, process all case types in a single trial court. CSP identifies 12 states or territories as having unified courts: California, the District of Columbia, Guam, Illinois, Iowa, Minnesota, Puerto Rico, the Northern Mariana Islands, Vermont, Idaho, Maine, and Missouri. Exhibit A-2 in appendix A provides a graphical depiction of how cases are organized in a unified court system (California). The remaining states divide their court systems into a two-tiered structure with at least one type of general jurisdiction court and one type of limited jurisdiction court. Exhibit A-3 in appendix A provides a graphical depiction of how cases are organized in a state with both general and limited jurisdiction courts (Texas). Eighteen states have limited jurisdiction courts with exclusive jurisdiction over case types typically heard in general jurisdiction courts. States with unified court systems would be more apt to track evictions if eviction cases are heard in the same tier.

Cases are filed according to the state court's case type designations. CSP organizes cases into a three-level hierarchy. The first level is the broadest, consisting of civil, domestic relations, criminal, juvenile, and traffic, as well as other violation cases. The second level are sub-categories; for example, felony cases are a sub-category of criminal cases. The third level is the case type which is the most precise descriptor of the case. States that have a case type for residential evictions would be more apt at tracking them. States may be able to report on the number of civil cases or the number of small claims cases, but they may not be able to separate out the number of landlord-tenant cases or the number of housing eviction cases when they do not have eviction as a case type. CSP aggregates caseload statistics of civil cases for 44 states or territories. However, only 29 states report their caseloads on landlord-tenant matters, and only 26 of these report on landlord-tenant unlawful detainers (evictions).

Some jurisdictions provide electronic filing for all cases in all courts, while some only provide electronic filing for certain court tiers, and others provide electronic filing only for specific case types. Jurisdictions that provide electronic filing may maintain an electronic database of court records. Jurisdictions that do not provide electronic filing, however, may not digitize their court records and may not have an electronic database. States that have centralized electronic filing, case management, and docket software would be more apt to record and report data on evictions. Forty-two states and three territories maintain digitized, searchable records. For some of these states or territories, however, the browsable systems only contain supreme court cases, criminal cases, or only cover certain courts or counties. A few states offer web tools to report court record statistics. For example, Massachusetts developed a dashboard tool that reports on court statistics, including evictions, and Utah provides downloadable reports that include evictions data. Robustelli and colleagues (2020) found that 1 in 3 counties in the U.S. do not have publicly available eviction data, including many counties with large renter populations.<sup>99</sup>

Initiatives by states or territories to create an evictions database would begin with:

- 1) Unifying their court systems to hear eviction cases in one tier, or alternatively creating a housing court to hear eviction cases.

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<sup>98</sup> CSP is a project of the National Center for State Courts (NCSC). CSP collects and publishes state court caseload data from the courts of the fifty states, the District of Columbia, Puerto Rico, Northern Mariana Islands, and Guam. See <https://www.courtstatistics.org/court-statistics>.

<sup>99</sup> Robustelli et al., 2020



- 2) Designating a case type to evictions cases. For example, some states designate evictions as “housing court summary process” and other states use “landlord-tenant unlawful detainer” to refer to eviction cases.
- 3) Providing a unified electronic filing system that would allow courts to create their case-level database.

A few states that maintain a court record database with basic information for each case also store all documents submitted for each case in Portable Document Format (PDF). While the database contains such information as case type, court location, property address, disposition date, disposition, judge or magistrate, and party and appearance information, the PDFs of each court document may include additional information pertaining to the case such as monthly rent, reason for eviction, tenant’s response, amount in arrears, settlement payments, and move-out date.

There is limited knowledge on eviction cases in Tribal Courts or in indigenous reservations. There are approximately 400 tribal justice systems throughout America. Most states have limited or no jurisdiction over the activities of indigenous peoples and tribes in reservations.<sup>100</sup> Indigenous communities often resolve disputes informally and/or traditionally, with or without direct court intervention. Tribal courts use many of the same laws that apply in state courts to resolve cases such as divorce, child custody, housing eviction cases, and consumer collection matters. Mass residential evictions have been recorded in reservations. For example, news outlets reported that in Yakama Nation (WA), 350 to 500 tribal members were evicted from 60 tribal-owned residences across the 1.2-million-acre reservation for violating lease agreements between 2016 and 2017.<sup>101</sup>

In addition to limitations regarding completeness of court records, quality of eviction data also presents a major challenge. Eviction rates can be overestimated due to two types of issues common in eviction court records: ambiguous records and duplicate records. Ambiguous records do not clearly identify the result of the case; whether the case was adjudicated, ended in an eviction, or the judgment favored the defendant. Duplicate records could be the result of serial filing or a court clerk mistake. Duplicate cases resulting from court record-keeping mistakes are simple errors that inflate the prevalence of evictions. Serial cases are used by landlords to obtain payment for arrears; rather than amend the initial complaint filed in court, a landlord may opt to file multiple complaints separately. Serial cases are not errors—as they represent multiple actual filings on the same unit—but they can inflate the prevalence of evictions (particularly when comparing across jurisdictions) and distort the tenant’s eviction history.

Porton et al. (2020) found that the rate of ambiguous and duplicated court records vastly varied among states. In a sample of 12 states, Connecticut had the lowest rate, a rate of 7.4 percent. South Carolina had the highest rate, a rate of 46.6 percent—almost half of their court records were ambiguous or duplicated. In Pennsylvania, 31 percent of total cases were serial cases, and 35.5 percent of these cases stated that an eviction judgment was made despite the tenant never having been evicted from their home. Removing ambiguous and duplicate evictions reduces the estimated prevalence of eviction but could also underestimate the number of households displaced. In South Carolina, the adjusted eviction rate is 11.5 percent, 46 percent lower than its unadjusted eviction rate of 21.3 percent. On average, adjusting for court record ambiguous and duplicated cases reduces the annual state eviction rate by 14 percent. Porton et al. (2020) also found that tenants obtaining legal representation decreased the rate of serial cases; in three

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<sup>100</sup> Generally, states have no jurisdiction over the activities of Indians and tribes in Indian country. Public Law 280 (PL 280) created an exception to this rule in certain states. The U.S. Congress gave these states criminal jurisdiction over all offenses involving Native Americans on tribal lands. The effect of PL 280 is that in some areas state and tribal courts share jurisdiction. For more information see: Gardner and Melton, 2004.

<sup>101</sup> Ferolito and Rosbach, 2016; Dake, 2017

states, the odds were reduced by between 65 and 70 percent. The same study observed that the number of serial cases increased in winter, perhaps as landlords were reluctant to carry out evictions in the winter when the rental market may be tighter, or it may reflect tenants' efforts to make rent payments or negotiate with landlords during colder weather. To provide accurate estimates of evictions, state courts would have to conduct audits of court records to verify the accuracy of the data and deduplicate cases.

Another limitation in compiling court records is the sealing of records. Tenants named in eviction cases will have their names linked to eviction records, which are publicly available, regardless of the reason for the eviction filing or the ultimate resolution of the case. In jurisdictions with an electronic docket, once the landlord files, the case is searchable on the clerk of court's online docket.<sup>102</sup> Tenant-screening companies obtain court records and sell them to prospective landlords who may deny housing to tenants with eviction records (see text box on third party aggregators). The records maintained by tenant-screening companies often negatively affect evictees' ability to find future housing. For example, as Black mothers are disproportionately impacted by eviction filings, such "tenant blacklists" can harm Black mothers' ability to find safe, decent, healthy, and affordable housing following an eviction<sup>103</sup> and may violate the Fair Housing Act. In response, some states have passed legislation to seal eviction records to prevent landlords from denying access to low-income tenants.<sup>104</sup> As shown in exhibit 2-2, 16 states have passed or are introducing legislation to seal some eviction records or limit their dissemination.<sup>105</sup>

#### **Third party aggregators of court records**

As more courts digitize their records, it is increasingly possible for private companies to collect court records and make them available for purchase. These companies compile tenant-screening data by purchasing data from credit reporting agencies (CRAs) and contracting vendors who obtain records from the courts in person, request bulk records, or obtain publicly available data through web scraping of online court dockets. In the case of the CRAs, the collection of evictions data is often based on debt collection judgments. The largest corporate vendors are LexisNexis, CoreLogic, TransUnion, Equifax, and Experian. Other companies that sell court records are legal research platforms. Prominent examples of these firms include Westlaw, Casetext, Unicourt, and Premonition AI. These records, available for purchase, are often incomplete as they do not include all courts in all states and territories and contain many duplicates. Few companies include records from tribal courts.

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<sup>102</sup> Gold, 2016

<sup>103</sup> Aiello et al., 2018

<sup>104</sup> Gold, 2016

<sup>105</sup> Benfer et al., 2020a

**Exhibit 2-2. States with Current or Proposed Legislature to Seal Evictions or Limit Their Dissemination**

State	Sealed Eviction Court Records Disposition
California	California courts seal eviction case records when the action is denied, the case is dismissed, or parties stipulate to sealing.
Colorado	Colorado passed a bill to seal eviction records in 2020
Connecticut	Connecticut introduced legislation to seal pending eviction cases in 2021. The bill makes it a discriminatory housing practice for landlords to refuse to rent to prospective tenants, and consumer reporting agencies to recommend against renting to that person, based on that person’s past or pending summary process action that is sealed under the bill.
Florida	Florida’s state House of Representatives passed legislation to seal some records.
Illinois	Many eviction cases in Illinois, including all cases from the 2019 pandemic that were filed due to financial hardship, will be sealed under a new law.
Massachusetts	Massachusetts has pending legislation related to sealing of records.
Minnesota	Minnesota courts remove eviction case records from publicly accessible databases and have the discretion to expunge eviction records upon motion by the tenant. Foreclosure eviction records are sealed.
Nevada	Nevada courts seal eviction case records when the action is denied, or the case dismissed and have discretion in other cases.
New Jersey	New Jersey has previously introduced legislation regarding sealing of records. There is pending legislation sealing records of those evicted during the COVID emergency.
Ohio	Cleveland Housing Court seals eviction records in certain circumstances. Ohio has pending legislation to seal eviction records.
Oregon	Oregon courts will grant a motion to seal the eviction case record when the tenant complies with stipulation agreement or when judgment was given in tenant's favor, among other reasons.
Pennsylvania	Pennsylvania has pending legislation to seal eviction records.
Rhode Island	Rhode Island has pending legislation to seal eviction records.
Washington	Eviction case records are not sealed in Washington; however, Washington courts may order limited dissemination.
Washington, DC	Eviction case records are sealed in Washington, D.C. 30 days (if the tenant prevails) or 3 years (if the landlord prevails) after the hearing. Tenants can also petition to have cases sealed earlier in certain circumstances.
Wisconsin	In Wisconsin, when an eviction action was denied or dismissed, it is removed from public display every two years.

## National and Local Efforts to Collect and Analyze Data on Court-ordered Evictions

The following is a description of several major projects that have sought to collect and analyze data on evictions using court records. The projects discussed are the Eviction Lab, the Anti-Eviction Mapping Project, the Legal Services Corporation (LSC) Eviction Study, The Evictions Study (University of California Berkeley and University of Washington), The Urban Displacement Project (UDP) at the University of California Berkeley, and the Florida Housing Data Clearinghouse.

### *The Eviction Lab*

The Eviction Lab at Princeton University is directed by Mathew Desmond and is the most comprehensive database of evictions in the US. The Eviction Lab has aggregated approximately 83 million eviction court records filed between 2000 and 2016. The Eviction Lab geocoded eviction records allowing for the comparison of eviction rates among different levels of geography.

Initially, the Eviction Lab contacted court clerks in all 50 states requesting court records and, depending on the capability of each clerk, the compilation process took from one to ten months. Later, the Eviction Lab collected eviction records in bulk from 13 states where bulk data retrieval is available. The Eviction Lab also purchased public records from LexisNexis Risk Solutions and American Information Research Services Inc. (AIRS). The LexisNexis purchase provided records on 48 states from 1970 to 2017 and AIRS provided records on 6 states from 1988 to 2018. After the Eviction Lab removed duplicates and blank records, 77 percent of the records in the database came from LexisNexis (see exhibit 2-3).<sup>106</sup> Additionally, the Eviction Lab also obtained annual county-level data on landlord-tenant cases from 27 states, New York City, and the District of Columbia. The Eviction Lab database contains names and addresses of the parties, dismissals, eviction judgements, and ordered payments (exhibit 2-4).

**Exhibit 2-3. Eviction Lab Cleaned Records by Data Source (2000-2016)**

Data Source	Number of Records	Percentage
LexisNexis	63,677,688	76.8%
State Court Data	10,895,619	13.1%
AIRS	8,362,674	10.1%
<b>Total</b>	<b>82,935,981</b>	<b>100%</b>

Source: Desmond et al. 2018a.

**Exhibit 2-4. Data Collected by the Eviction Lab**

Data	Details
Name of Defendant(s)	Appears in court record
Name of Plaintiff(s)	Appears in court record
Federal Assistance status	Obtained by matching records to HUD Administrative data
Case details	From the court record: date filed, final judgement, payment amount. Requested from counties: filing costs.

Source: Interview with Eviction Lab researchers, March 2021.

<sup>106</sup> As described by Eviction Lab, LexisNexis gathers federal and state court dockets and documents, which are available via request and purchase. When a jurisdiction has these materials online, LexisNexis scrapes the data. When a jurisdiction does not have this information online, LexisNexis sends ‘runners’ to gather the information directly. The data comes in a range of formats (e.g., excel, PDFs).

In preparing its 2000-2016 dataset, the Eviction Lab obtained PDF court records and converted them into comma-separated values (CSV) files to be read by a machine learning program. The Eviction Lab used text-analysis to flag residential eviction cases and extract the case information to output into a database. To standardize data, the Eviction Lab extracted the court information and mapped it to their county of service either by using a list provided by LexisNexis or by using the address of the courthouse. The Eviction Lab produced estimates at the county level and, where available, at the state level. The Eviction Lab lacked sufficient individual-level records in Alaska, Arkansas, North Dakota, South Dakota, and Pennsylvania, supplementing their estimates with state reported counts of landlord-tenant data. For records lacking a date, the earliest date in the case was used when aggregating data by year. Overturned or vacated judgements were not counted as evictions.

The Eviction Lab identified and grouped 5,461,151 serial cases—cases listing the same landlord and the same tenant in the same address but with a different case number. Serial cases were counted as separate filings and thereby all accounted in the total number of filings for the jurisdiction. In serial cases, the most recent judgement was recorded as the outcome. For example, if the last judgement resulted in eviction, the eviction was counted as a single eviction for the whole set of serial cases. However, if the most recent judgment resulted in dismissal, no eviction was recorded for the series.

Exhibit 2-5 provides an overview of the Eviction Lab’s cleaning and validating phases. The Eviction Lab imputed missing data after adjusting, cleaning, and verifying the data. Eviction Lab aggregated annual eviction counts in census block groups, census tracts, counties, census places, states, and nationally across the United States using 2010 census boundaries.

**Exhibit 2-5. Tasks Eviction Lab Undertakes in Cleaning Court Records**

Phase	Activities
Phase 1: Manual cleaning for geocoding by ESRI software	Remove commercial cases, Remove duplicates, Clean dates, Clean names and addresses.
Phase 2: Run program to standardize data	Standardize defendants’ names, Assign defendant ID, Tag serial filings, Identify the last case among serial filings and mark final case outcomes.
Phase 3: Validation	Compile and standardize court data from state and county courts, Merge and compare court and LexisNexis data, Mark areas exceeding the acceptable threshold of difference

Source: Interview with Eviction Lab July 2021

*Anti-Eviction Mapping Project*

The Anti-Eviction Mapping Project (AEMP) is a partnership between housing advocates and researchers who use data analysis and digital storytelling to report on dispossession (foreclosure and eviction trends) in the three counties in the San Francisco Bay Area. As an example, the AEMP served almost 5,000 people in San Francisco through their eviction defense program in 2016. The AEMP is a community partnership tracking displacement and anti-displacement policies using multiple quantitative and

qualitative data sources.<sup>107</sup> The Anti-Eviction Mapping Project captures narratives of people affected by displacement and their efforts to resist it. AEMP also creates data visualizations and reports on serial evictors. In addition, The Anti-Eviction Mapping Project, in partnership with housing organizations in New York City, reports on the Right to Counsel, the fight against evictions in New York City, and compiles a list of serial evictors in the city.

### *LSC Eviction Study*

The 2020 Commerce, Justice, Science, and Related Agencies Appropriations Bill appropriated funding for Legal Services Corporation (LSC) to analyze areas with high rates of unmet legal needs in eviction cases considering variations in local laws. In addition, the appropriations committee requested LSC to explore opportunities to increase access to eviction-related legal aid through LSC's Pro Bono Innovation Fund.

LSC launched a study to explore the effects of variation in evictions laws and legal services on the prevalence of court-ordered evictions. The study will 1) create a national database on eviction laws and procedures, 2) compile eviction court records through web scraping and machine learning, and 3) obtain additional data through focus groups, in-depth interviews, and national surveys. The eviction study will be completed in December 2021.

LSC partnered with Temple University's Center for Public Health Law Research to build the [LSC Evictions Law Database](#). The project team reviewed secondary sources such as Westlaw Next, LexisNexis, and state websites to track jurisdictions with laws regulating evictions. The Evictions Law Database has two components: the State/Territory Dataset and the Local Dataset. The State/Territory Dataset is presented as an interactive mapping tool that tracks statutes, regulations, and court rules for all 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, and Palau. It is the first public dataset to date to include information on eviction in U.S. Territories. The state database can be downloaded in Excel format. The Local Dataset is presented as an interactive mapping tool that provides information on eviction-related statutes, regulations, and court rules for 30 jurisdictions across the US. The jurisdictions were selected to represent demographic, socioeconomic, and legal differences across the country. The Local Dataset can also be downloaded in Excel format.

LSC has also developed the [Eviction Tracker](#), a web tool that provides counts of eviction filings and trend data since 2020. The LSC team uses web scraping techniques to extract and compile eviction filing records available online. As of July 2021, the Tracker has compiled evictions filings data from 17 states and 436 counties, including more than 340,000 eviction filings since March 2020. LSC has received a grant from the Ford Foundation to expand the tracker to all 50 states.

### *The Evictions Study (University of California Berkeley and University of Washington)*

The Evictions Study, led by Dr. Tim Thomas, was a collaboration between the University of California Berkeley and the University of Washington. The study was funded by a partnership of research universities, data science institutes, and philanthropic organizations. The study developed a website to publish its study findings faster and influence policymakers about the lack of affordable housing and homelessness in the state of Washington. Dr. Thomas testified in favor of SB 5600 in Washington, which

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<sup>107</sup> Data compiled by the Anti-Eviction Mapping Project includes the following: unlawful detainer (eviction) data obtained through record requests; foreclosure data obtained through Property Radar; Oakland Rent Board data; property ownership data obtained through the Assessor's Office; oral history and narrative video work conducted by community partners; survey data on racialized displacement and urban change; crowdsourced community power and assets maps; American Community data; and Section 8 income limits.

introduced a series of amendments to procedures for notifying tenants of rent increases, evictions, and building demolition.

The Evictions Study analysis used data from court records, the Census Bureau, Fair Market Rents from HUD, Point-in-Time Counts of sheltered and unsheltered people experiencing homelessness, and data from the Bureau of Labor Statistics. The study collected summary tables from the state superior court and case level records for selected counties from 2004 to 2017. The study team used web scraping to obtain case records. Files in PDF and tagged image file (TIF) format were converted into images and later into text files to be read by text analysis platforms. Through text analysis, the team extracted case numbers, the names of all parties involved (defendants, plaintiffs, and attorneys), case resolution of the eviction, and judgment amounts. The team geocoded the addresses listed in the court records and estimated the sex and race of the defendants based on their name and racial composition of the neighborhood where they lived. The Evictions Study also collected a sample of 9,349 scheduled evictions provided by the Baltimore City Sheriff's Department from January 2018 to July 2019.

The Evictions Study is an important study that has influenced housing policy in the state of Washington. The study used a Bayesian prediction model to assign sex and race to tenants in eviction cases.<sup>108</sup> The data used in the study is limited to the availability of eviction records accessible in county court websites.

#### *Urban Displacement Project*

The Urban Displacement Project (UDP) at the University of California Berkeley, conducts applied research to describe the nature of gentrification and displacement, as well as policies that support more equitable development. The project has partnered with The University of Toronto, University of California-Los Angeles, Portland State University, and New York University's Center for Urban Science and Progress to map displacement and gentrification in San Francisco, Los Angeles, New York, and Portland. The project developed a mapping tool to analyze displacement in each area of study. The project also created a mapping tool which provides information on anti-displacement policies and strategies in the areas of study. The project uses secondary data sources including data from the Census Bureau, and other sources such as the California Housing Partnership Corporation (CHPC) database, the Federal Reserve Bank of New York Consumer Credit Panel/Equifax (CCP) data, and Zillow property data, among other secondary sources.

UPD is currently working on the Housing Precarity Risk Model (HPRM) to identify a neighborhood's resilience level to economic and environmental shocks by measuring the risk of eviction, displacement, unemployment, and pandemic pre-existing conditions. The goal of the project is to provide state and local governments with a tool to target resources to vulnerable groups.

#### *Florida Housing Data Clearinghouse*

The Florida Housing Data Clearinghouse is a dataset produced by the Shimberg Center for Housing Studies at the University of Florida. The purpose of the Clearinghouse is to provide "public access to data about housing needs and supply, subsidized rental housing, and household demographics in Florida

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<sup>108</sup> Imai and Khanna (2016) wrote a program in R, a language and environment for statistical computing and graphics, that predicts individual race/ethnicity using surname, geolocation, and other attributes, such as gender and age. The program analyzes the frequency of surnames within census tract data. Thomas (2017) explains, "For example, a person with the last name Jackson, a common Black surname, living in a high-Black neighborhood would have a higher likelihood of being Black. Whereas the same name found in a high-White neighborhood would have a lower probability of being Black. Neighborhood racial composition is defined by 2010 census tracts. Using this method, all 7,065 individuals were assigned a probabilistic race."

communities.”<sup>109</sup> In 2021, in response to the pandemic, the Center added a set of COVID-19 workforce and housing indicators to the Clearinghouse. These indicators include counts of eviction and foreclosure filings from Florida county and circuit courts across the state. Records are updated quarterly, and users can view monthly eviction and foreclosure totals by county.

The Center obtains the eviction and foreclosure court records from the Florida County Clerks and Comptrollers (FCCC), which has a mandate to compile and provide statistical data for the state. The FCCC collects public records from 61 of 67 counties in Florida. The records include the case type (eviction or foreclosure), case number, parties’ names and addresses, county, city, zip code, filing date, closing date, and disposition code.

The data is in CSV format and the center’s data analyst cleans the data using PostgreSQL. Shimberg Center researchers separate residential records from commercial records using the cover sheet that accompanies each record, a labor-intensive process. To date, the Clearinghouse has compiled approximately 120,000 clean records. Shimberg Center researchers validate the data in the Clearinghouse by comparing their counts to aggregate data published by the Office of State Court Administrators. If the counts provided by the FCCC for a given county do not match those produced by the Office of State Court Administrators, the Clearinghouse will not provide county-level estimates for that county.

## Lessons Learned from Efforts to Collect and Analyze Court Records on Evictions

Research centers have collected eviction data to raise awareness regarding the prevalence of evictions and the long-lasting negative impacts that they have on individuals, families, and communities. These studies have influenced policymakers and legislators to enact tenant protections intended to mitigate the effects of displacement.

### *Impediments to Collecting and Analyzing Court Records on Evictions*

Researchers’ attempts to create databases of court-ordered evictions data rely on the accessibility of public records. There are three main impediments to collecting data on evictions: 1) whether jurisdictions’ court system allows for the disaggregation of eviction cases, 2) whether jurisdictions have a system to digitize records or offer electronic filing, 3) whether eviction records are publicly available or are sealed to protect tenants.

The first impediment to collecting court records on eviction cases is that not all courts file eviction cases under a specific designation that can be disaggregated from other civil cases. Across certain jurisdictions, evictions may be filed as civil cases, small claims cases, or as landlord-tenant cases; such jurisdictions are unable to disaggregate evictions and count them separately from the rest of the civil cases. Other jurisdictions have a unique designation code for evictions. Usually, these records are referred to as unlawful detainers or summary process and, in these courts, evictions can be counted separately. In jurisdictions where evictions are not disaggregated, researchers collect all civil cases and employ machine learning to read and disaggregate eviction records.

The second impediment is that not all courts have electronic filing or a system to digitize records. Some jurisdictions have developed or acquired a docket and case management system that allows them to provide counts on the number of filings by case type. These courts publish their filing counts and make their records accessible through their websites. However, not all jurisdictions digitize their records or have not expanded their efforts to include eviction records. While some courts have electronic systems that allows them to export their databases, other courts have manual data entry systems that lack a

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<sup>109</sup> The Clearinghouse is accessible at <http://flhousingdata.shimberg.ufl.edu/>.



shareability feature and do not allow for bulk filing. Researchers obtain court paper records directly from each jurisdiction or use machine learning to web scrape eviction data from court records published in court websites.

A third impediment is the practice of sealing eviction records. Third-party companies compile eviction records and sell them to landlords to screen out prospective tenants. As discussed previously in Section 2.1, some jurisdictions have chosen to seal eviction records to prevent these records from later being used to deny decent and safe homes to low-income tenants. Researchers do not include sealed records in their studies and as such their eviction counts may be underestimated.

In addition to challenges in collecting eviction court records, there are also challenges in analyzing those records. Many court records are not in a format that can be easily read by machine learning programs. Often, researchers employ machine learning techniques to create tabular databases required for statistical analyses. These machine learning techniques may be very complex, as these programs must read a large volume of data with a great variety of data formats and terminology due to the lack of data standardization across all jurisdictions. As shown in exhibit 2-5 above, Eviction Lab goes through at least three phases of cleaning and standardization processes to be able to analyze the data.

Another challenge in tracking evictions is achieving accuracy in eviction records, which requires deduplicating serial filer cases and verifying that an eviction judgement indeed resulted in the tenant leaving the unit. In some instances, the tenant negotiates a settlement with the landlord that allows the tenant to remain in the unit despite the eviction judgement. Another challenge is determining the number of eviction judgements from the number of eviction filings. Eviction judgments are stated in the stipulation or judgement orders, which in some jurisdictions are not reported in online docket systems.

Another major challenge to analyzing who is being evicted and who is doing the evicting is the limited information contained in court records on defendants and plaintiffs. When landlords file an eviction in court, they are only required to enter the name of the defendant as they know it—they may enter Jane or John Doe if they do not know the name—and the address of the unit they want to repossess. The plaintiff's field can be filled with the landlord's name, the property name, property management company, or with an attorney's name. Although some court forms ask for household characteristics, often these fields are left blank.

#### *Approaches to Analyzing the Characteristics of Households Subject to Eviction*

Researchers have attempted to assess the demographic characteristics of households subjected to eviction using four methodologies: 1) conducting surveys, 2) linking court records to administrative datasets, 3) predicting defendant's race and sex using the names listed in the court records, and 4) assigning demographic characteristics to tenants based on the neighborhood characteristics of their address.

An example of a major research survey to ascertain evictee demographics is the Milwaukee Area Renters Study (MARS), an in-person survey of 1,086 renter households in Milwaukee. The survey instrument comprised more than 250 questions related to housing, poverty, and urban life. The survey was conducted from 2009 to 2011 and remains one of the most cited studies assessing the sociodemographic characteristics of households experiencing eviction. The survey was funded by the MacArthur Foundation.

An example of linking court records to administrative datasets is García-Cobián Richter et al.'s (2021) efforts to match tenants' names and addresses to monthly administrative records of public assistance. Researchers accessed a local integrated data system containing Medicaid, TANF, and SNAP records and matched these records to names and addresses of defendants listed in the eviction records. Defendant's

addresses were matched within six months of the initial filing. Matching to the integrated data system provided the birth dates and race of the household's adults and children participating in program assistance. Once researchers obtained the name, address, date of birth, and race of defendants, they matched this information to local homeless data systems and school records. The study had a 47.4 percent matching rate and a 52.6 percent unmatched rate. Unmatched records may consist of households who were not participating in program assistance during the 6 months preceding the initial filing.

Thomas (2017) estimated the sex of the defendants by cross-referencing the first name of defendants with Social Security Administration (SSA) Name Registry information from 1932 to 2012, census data, and Facebook. The study assigned 91 percent of the defendants as female or male using the SSA Registry; the remaining 9 percent of the defendant's names were manually searched in Facebook and the average sex among the first 10 results was assigned to the searched name. This technique was used previously by Blevins and Mullen (2015) and Desmond (2012). The final rate of records assigned to a sex identity was 98 percent. Thomas predicted the race of the defendants using their last name and the data on the racial composition of the census tract of the defendant's address. This method uses Bayesian prediction modeling developed by Imai and Khanna (2016). The model estimates the probability of defendants' race using their last name and the racial composition of the 2010 census tract. The study assigned race to 100 percent of the defendants' sample analyzed in the study.

Raymond et al. (2018) used parcel-level eviction records and imputed tenant characteristics using census block group data of the defendants' addresses. Tenant characteristics imputed included: household income, race, gender, education, and rents. This technique is commonly used in public health research.

### *Approaches to Analyzing the Characteristics of Landlords Filing Evictions*

The characteristics of landlords who evict are difficult to assess as court records do not identify the characteristics of landlords filing evictions. The plaintiff's name may be filled with the landlords' name, the management property's name, or with the attorney's name. Typically, court documents do not request additional information on the landlord or the property. To determine the characteristics of landlords, researchers have done one or more of the following:

- Conducted interviews with landlords.
- Obtained local court records, retrieved the name of the plaintiff listed in the court records, and assigned it to a category—for example, public housing, nonprofit or government, corporate, and first-last name.
- Obtained court records and retrieved the defendant's address from the court records and match it to HUD assisted properties' addresses.
- Obtained a local cross-sectional parcel-level eviction dataset for single-family homes and matched these records to tax assessors and deeds data.

## 2.2 Extra-legal Evictions

Extra-legal evictions are those that take place outside of the court system or in a PHA administrative procedure. It is critical to capture data on this type of eviction,<sup>110</sup> given the prevalence of extra-legal evictions, which have been estimated to be twice as common as formal, court-ordered evictions. Yet, extra-legal evictions do not leave behind a formal record that can be gathered into a database. Previous research has attempted to capture extra-legal eviction experiences via a survey design.

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<sup>110</sup> Desmond and Shollenberger, 2015; Flowers, 2016

## National and Local Efforts to Collect and Analyze Data on Evictions via Survey

MARS, led by Matthew Desmond, was one of the first methodological examinations of eviction in a major urban city. MARS included interviews with 1,100 Milwaukee tenants between 2009 and 2011. The study had more than 250 respondent-friendly questions that were designed to impose a low-level respondent burden while still capturing a range of eviction and forced move experiences.<sup>111</sup> MARS substantially increased the understanding of eviction and provided the best-known estimate of the prevalence of extra-legal evictions relative to court-ordered evictions.

MARS's questions on evictions and forced moves have been adapted by other surveys collecting information on the topic. One such survey was the American Housing Survey (AHS). The AHS, which is funded by HUD and conducted by the Census Bureau, is the most comprehensive source of data on U.S. housing conditions. Exhibit A-4 in appendix A includes the list of eviction-related questions added to the AHS. In 2017, the AHS included a module on eviction as part of a larger focus on housing insecurity.<sup>112</sup> The Census Bureau consulted with Matthew Desmond to incorporate eviction questions from MARS into this new module, thereby making the AHS the first national-level survey on the prevalence of evictions and other types of forced moves. While the AHS is conducted every two years, the eviction module has not been repeated and the data has not been released due to data quality concerns. The July 2021 issue of *Cityscape*, a triannual publication by HUD's Office of Policy Development and Research, includes three articles examining the eviction module in the AHS and addresses concerns about the eviction module as a resource for estimating the scale of annual involuntary evictions. The findings of these articles are reflected in the discussion of "lessons learned" below.

Other national surveys have attempted to capture eviction prevalence nationwide. The Census Bureau, in collaboration with multiple federal agencies, planned and deployed the [Household Pulse Survey](#). The Household Pulse Survey was designed to collect data quickly and efficiently on household experiences during the 2020 coronavirus pandemic. Starting in August 2020, the Pulse survey asked renter individuals aged 18 and over "How likely is it that your household will have to leave this home or apartment within the next two months because of eviction?" The responses provided up-to-date information on renter households who were at risk of eviction throughout the COVID-19 pandemic. The survey did not, however, capture whether people who reported being at risk of being evicted received an eviction filing or were still evicted if they accessed any federal or state resources to try to avoid eviction.<sup>113</sup>

The impacts of eviction on one's health and wellbeing are well documented. Recognizing this connection, national surveys on health and social wellbeing have included questions on eviction. Examples include the [National Longitudinal Study of Adolescent to Adult Health](#), the [Fragile Families and Child Wellbeing Study](#), and the [Panel Study of Income Dynamics](#). These surveys ask questions along the lines of "were you evicted from your home or apartment for not paying the rent or mortgage?" or "why did you move?" with "was evicted" as a response option. In these surveys, eviction is typically not explicitly defined or limited to eviction resulting from nonpayment of rent.

Local surveys have demonstrated the capability to capture the eviction experiences of city residents. An example is the [Poverty Tracker](#), a longitudinal study of poverty and well-being in New York City. The study follows a representative sample of adults for up to four years and collects data on income, material hardship, health problems, and economic security and well-being. In 2017, the survey included questions

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<sup>111</sup> Desmond, 2016; Desmond, 2016b; Flowers, 2016

<sup>112</sup> Watson and Carter, 2020

<sup>113</sup> Future versions of the Household Pulse Survey are expected to ask renters who report being behind on rent whether they have applied for emergency assistance.

on moves in the previous 12 months and the reasons for these moves. The estimates of formal evictions in New York City based on Poverty Tracker data aligned well with administrative records.<sup>114</sup>

## Lessons Learned from Surveys on Extra-legal Evictions

In the absence of a formal record, the primary way to capture data on extra-legal evictions for a *representative* sample of households is through a large-scale national survey. Previous attempts to capture evictions data via surveys dramatically increased knowledge of eviction experiences in the U.S. and demonstrated the need to collect more information on evictions. These surveys also revealed that poor survey design can increase the risk of undercounting evictions.<sup>115</sup> To avoid this pitfall, a survey of eviction experiences must do the following:

### *(1) Have a large sample size to capture the geographic areas of interest*

Eviction is a local phenomenon that is directly influenced by local, state, and national policy. Thus, a survey of eviction must not only provide national and state estimates, but it must also provide estimates at the county level. This is difficult as eviction is a low-probability event. Both a large sample size and oversampling of populations at-risk of eviction are needed to detect the occurrence of an eviction. If an area does not have a sufficiently large and representative sample, the estimate will be of lesser quality and/or present a disclosure risk.

The 2017 AHS sample size was 84,879 housing units. However, 2,052 of these units were found to be ineligible because these units either no longer existed or did not meet the AHS definition of a housing unit. Nonetheless, the lowest levels of geography captured in the AHS sample are a few states and 25 metropolitan areas. The Current Population Survey Annual Social and Economic Supplement (CPS ASEC)<sup>116</sup> sample provides reliable estimates for the nation, states, and 12 metropolitan areas using a sample of 75,000 households. The American Community Survey (ACS), which provides reliable estimates for most Census tracts and subdivisions of counties, has a nationwide sample of about 3.5 million households per year. Therefore, a national survey of eviction will need to have a sample larger than the AHS but potentially not as large as the ACS.<sup>117</sup> Of note, however, is that neither survey specifically oversamples populations that are at-risk of eviction.

Because eviction is a rare event, having a large sample size is not enough to produce reliable estimates. While the AHS sample is derived from all occupied and vacant residential housing units, the universe of AHS sampled units that received the 2017 eviction module was limited to renter-occupied units where the respondent moved from another renter-occupied unit within the past two years, thus only about 8,600 households nationally were eligible to receive the eviction module. From this sample, about 450 informal eviction events and about 80 formal eviction events were captured nationally. This limited universe and the relative infrequency of eviction meant that the AHS did not capture enough eviction occurrences to

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<sup>114</sup> Collyer and Bushman-Copp, 2019; Collyer et al., 2021

<sup>115</sup> Gromis, 2021; Collyer et al., 2021

<sup>116</sup> The CPS ASEC is the source of timely official national estimates of poverty levels and rates and of widely used measures of income.

<sup>117</sup> The Household Pulse Survey has about 70,000-80,000 respondents each week. The sample design of the Household Pulse Survey does allow for estimates at the state level and for the 15 largest MSAs. However, these estimates have a large amount of variability—margins of error of 7 to 28 percent for states and 7 to 20 percent for the MSAs. The variability would only increase by making estimates by subpopulation and a large variability would reduce the usability of the estimates to track eviction.

produce reliable estimates. In fact, only half of the top Metropolitan Statistical Areas had eviction estimates that could be released.<sup>118</sup>

One reason for the lack of eviction estimates from the AHS was the limited number of respondents with eviction experiences in a given geographical area. For example, in some MSAs, only a few of sampled participants—well below the threshold to create reliable estimate—reported an eviction. When the number of sampled responses is too low to produce reliable estimates within a geographical area, the Census Bureau suppresses the estimate. Suppression protects against identity/attribute disclosure by replacing responses or records with a code which identifies those records or responses to have been suppressed.<sup>119</sup>

A larger sample size would increase the likelihood of capturing a larger number of eviction occurrences needed to produce reliable estimates *within the sample* and would reduce the need for data suppression. A larger sample size would also improve the quality of eviction estimates for populations and for geographies of interest (national, state, and county). However, a larger sample size would increase the cost of administering the survey. A larger sample size could be achieved through strategic oversampling of populations at-risk of eviction. This oversampling would help increase the odds of capturing an eviction event while maintaining representativeness.

*(2) Plan for a large training and non-response follow-up process to capture hard-to-reach populations.*

The populations that experience eviction at the highest rates—e.g., low-income households of color—also tend to be the hardest to reach in surveys. In fact, many households who face eviction may also experience frequent moves and potentially experience bouts of homelessness. The design of a survey of eviction must take this into account to avoid undercounting and nonresponse bias.<sup>120</sup> This involves establishing a non-response follow-up process and comprehensive interviewer training to ensure a high rate of completed interviews in the sample.

Studies have noted the importance of interview training on survey participation and for mitigating potential interviewer effects.<sup>121</sup> MARS demonstrated the value of careful interviewer training for surveys focusing on eviction. The eight interviewers in MARS were recruited, trained, certified, and supervised by the University of Wisconsin Survey Center. Interviewers were extensively trained on the MARS content and how to best connect with these hard-to-reach populations. For example, MARS interviewers were trained to identify themselves quickly to alleviate tenant fears that the interviewer was sent by a landlord or was an officer from child protection services. MARS also provided incentives in the form of mailings with a few dollars inside or goody bags of treats left behind if an interviewer could not reach the tenant on a visit that day. Using these strategies, MARS was able to achieve a high response rate of over 80 percent. Such training also helped to address potential concerns about interviewer effects—distortion in responses to interview questions due to different social styles, personality of interviewers, and/or how questions were asked.<sup>122</sup> This comprehensive training was possible due to the small size of the survey and the small number of interviewers.

The AHS could not replicate the same training and non-response follow-up approach due to its much larger size and challenges with having respondent incentives approved for large federal surveys. The AHS involves more than a thousand different interviewers who receive general training in data collection across several AHS topics. AHS interviewers are not specifically trained to work with eviction and

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<sup>118</sup> Gromis and Desmond, 2021

<sup>119</sup> U.S. Census Bureau, 2020

<sup>120</sup> Peytchev, 2013

<sup>121</sup> O'Brien et al., 2002; Schaeffer et al., 2020

<sup>122</sup> Bucholtz, 2021; Desmond, 2016b

housing insecurity topics or best practices to use when dealing primarily with households who may have experienced eviction and/or housing insecurity. The Census Bureau did not change its standard AHS outreach approach for the eviction module and thus did not offer monetary or in-kind incentives.

The comprehensive nonresponse follow-up and training used by MARS would increase the costs of a national survey of eviction. Yet, investment in these components may be critical to achieve strong response rates among the target population.

*(3) Feature questions that are cognitively tested to ensure that respondents report all forced moves*

Eviction is a complex event that is defined and experienced differently by various stakeholders. Eviction definitions range from the moment a tenant is put out by a sheriff, when an eviction court ruling is handed down, or even when a tenant’s involuntary move occurs following a landlord-generated change or threat of change. Therefore, asking questions with a narrow definition of eviction or only asking about arrears may not fully capture extra-legal evictions. (See text box on the case of Rose and Tim.)

**The Complexities of Asking People About Eviction: The Case of Rose and Tim**

In their article on involuntary displacement, which draws on the MARS survey, Matthew Desmond and Tracey Shollenberger write about the case of Rose and Tim, illustrating the challenges of surveying people about eviction:

“Rose and Tim were forced to leave their mobile home after Tim sustained a back injury at work. Rose and Tim did not go to court but were undeniably evicted. (Their names appear in the civil court records.) Nonetheless, they do not see it this way. ‘When you say “*eviction*,”” Rose explained, ‘I think of the sheriffs coming and throwing you out and changing your locks, and Eagle Movers tosses your stuff on the curb. That’s an eviction. We were *not* evicted.’ If Rose and Tim were asked during a survey, ‘Have you ever been evicted?,’ they would have answered no. Accordingly, surveys that have posed this question underestimate considerably the number of families who experience eviction.”

(Desmond and Shollenberger, 2015)

The MARS survey design was heavily influenced by the ethnographic work conducted by Matthew Desmond and was able to capture different types of moves—i.e., forced, responsive, and voluntary— while still attempting to avoid creating high respondent burden. By asking a series of nested questions, the MARS survey found that about five percent of forced moves were due to building condemnation and neglect, which tenants did not view as an eviction. These types of displacement could not have been captured with one or two questions about eviction.

With help from Matthew Desmond, the AHS created a classification system for eviction responses. Responses were classified as either forced, responsive, or voluntary moves. Forced moves were further classified into one of five subcategories: formal eviction, informal eviction, condemnation, foreclosure, or missed rent payment. Responsive moves involved non-mutually exclusive reasons: raised rent, dangerous neighborhood, and lack of repairs. Voluntary moves were any move that is not forced or responsive. The New York City Poverty Tracker survey included a “select all that apply” option to the reason for moving question. The question inquiring about a tenant’s reason for moving also included an open-ended “other” response option.

The experiences with MARS and AHS should inform the development of any new survey of eviction. As previously mentioned, HUD could adapt and cognitively test MARS and AHS questions for a future, larger survey on housing instability and eviction. HUD would meet with stakeholders to understand

which forced moves would be of interest and which would be outside the scope of this survey. Moreover, the training described in Lesson 2 would help interviewers better address respondent concerns and questions and would increase a response rate among this hard-to-reach population.

*(4) Ask for the eviction experience of everyone in a household*

Eviction happens to individuals, families, and households. A household consists of all people who occupy a particular housing unit as their usual residence, or who live there at the time of the interview and have no usual residence elsewhere. More than one family or several non-related individuals may occupy one housing unit. Thus, unlike the AHS, the sampling frame or survey design of a survey of eviction should be based on those household members facing an eviction rather than on the housing unit.

While adapting the MARS questions, the AHS chose to limit who received the eviction questions to reduce respondent burden. Only households where the respondent themselves had both moved in the past two years and was a renter at their prior residence were eligible to respond to the eviction questions. Moreover, the AHS only asked questions regarding the respondent's last move and not about other previous moves. Furthermore, it did not include changes in household composition resulting from housing displacement or other forced moves during the period covered in the survey. Thus, evictions and forced moves were not captured in the sampled housing unit, which impacted the AHS' effort to collect representative data on evictions.<sup>123</sup>

In contrast, the MARS survey collected information on every place a respondent lived for at least 20 days in the last two years. Poverty Tracker, a longitudinal survey of poverty and well-being in New York City, follows a representative sample of *adults*, not housing units like the AHS. This approach allowed both surveys to capture a representative sample of eviction experiences.

Although, a survey of eviction should focus on the household as the primary unit of analysis, the eviction history should be recorded for all members of the household, especially considering that court-ordered evictions are issued individually for all members of the household and tenant screening is conducted for every individual. Nonetheless, the respondent might not know the eviction history of everyone in the household and surveying all household members may pose a great challenge. Recording all household members' eviction history could increase respondent burden that may yield a higher non-response rate and increased costs as more follow-ups would be needed.

*(5) Include questions on both formal and extra-legal evictions*

Another relative strength of a survey of eviction would be to collect information on a representative sample of formal evictions. Including questions about formal evictions in the survey will be beneficial for three reasons. First, this survey would provide representative estimates of formal evictions in areas where collecting complete and accurate court records is currently difficult. Secondly, HUD would be able to gather vital demographic information on people evicted through the court system, which is currently not collected. Collecting demographic and socioeconomic characteristics would then be used to provide estimates of subpopulations facing eviction. Such data could also support fair housing and civil rights enforcement efforts. Finally, asking about both formal and extra-legal evictions would allow for comparisons regarding the long-term effects of anti-eviction policies concerning the different types of eviction.

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<sup>123</sup> While asking everyone in the household about their eviction experiences would increase the representativeness of the data, eviction remains a rare event for a national household survey. While about 8,600 housing units were asked the eviction module, only about 1,000 housing units nationally had members that could have experienced an eviction in the past two years.

Unfortunately, including both types of eviction would increase respondent burden, as more questions would be required. The previous recommendation on cognitive testing would help streamline all questions required to fully capture the intricacies of eviction.

*(6) Have a mixed-mode survey instrument*

In-person interviews are costly due to the high level of labor and training needed. Web-based interviews would help reduce these costs by allowing respondents to self-respond at a time most convenient to them. However, relying only on a web-based instrument may not be feasible if the population of interest may not have reliable access to a computer and internet. A web-based approach would also need to ensure that the survey instrument is accessible to individuals with disabilities, most notably people using assistive technologies such as screen reading software. A telephone-based instrument would alleviate some costs associated with an in-person interview and issues of internet access associated with a web-based interview. A downside of telephone interviews is that interviews would only be conducted during the hours of operation of the call center, which might not align with a respondent's own availability.

A mixed-mode process combining in-person and remote interview methods would allow for multiple respondents in the same household to answer to the survey—see Lessons 2 and 4. It may also help reduce non-response follow up if a household could complete the survey when its most convenient to them rather than waiting for an interviewer to meet with them. Moreover, a mixed-mode process would also help increase the sample size and provide better estimates—see Lesson 1.

*(7) Capture pertinent demographic information*

The MARS survey highlighted the racial and gender bias of eviction experiences—particularly for black women. Without MARS, it would have been extremely difficult to identify which groups are disproportionately impacted by eviction by relying only on information collected through court records, because court records do not collect any demographic information, e.g., race, ethnicity, and sex.

Linking court records to administrative data to obtain demographic information of people subject to eviction may pose a challenge. This process may be difficult as it would require obtaining access to several local databases that may not contain all the names that appear in court records. Unless all names appearing in court records may be confidently linked to administrative datasets, a national survey may be the most reliable source of eviction experiences broken down by demographic groups.

Researchers at the Eviction Lab have worked with the Census Bureau to explore whether data linkages between census data and court records could be possible. The Census Bureau has only been able to access data compiled by Eviction Lab. The first and most important step the Census Bureau has taken to assess the capacity to link court records to census survey data has been to assign a unique person-address combination key to every name and address in court records.<sup>124</sup> Assigning unique person keys has proven to be difficult as court records only contain names and addresses and no other identifying information such as social security number or date of birth. The Census Bureau found that their success rate in assigning unique person keys varies by state. At the writing of this report, Census Bureau researchers were still exploring the magnitude of and reasons for the variation.

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<sup>124</sup> The assignment of address keys relies on the Census' Master Address File (MAF). The assignment of person keys relies on the Census Bureau's Numident file that has name, social security number, sex, and other demographic information. More information the Census Bureau's linkage programs can be found at <https://www.census.gov/library/working-papers/2014/adrm/carra-wp-2014-11.html> and [https://www2.census.gov/geo/pdfs/education/Uhl\\_CAS\\_2011.pdf](https://www2.census.gov/geo/pdfs/education/Uhl_CAS_2011.pdf).



Without a unique person key, it is extremely difficult to reliably link to other datasets and attach demographic data such as sex, race, age, and household characteristics. However, a new survey would both directly collect respondents' demographic data and detailed information on their eviction experiences. Most importantly, the survey could collect enough identifiable respondent information required to link to other sources of data that could provide additional information not collected in this eviction survey, while also minimizing respondent burden by asking fewer questions.

## 2.3 Evictions from HUD's Rental Assistance Programs

Evictions of households living in HUD-subsidized properties or receiving a HUD rental subsidy are not a separate category of evictions. Program regulations for two of HUD's three largest rental assistance programs require *all* eviction actions against assisted tenants to be taken through the court system. This report considers research and data available on evictions from HUD's rental assistance programs separately from court-ordered evictions in general because understanding the incidence of administrative evictions, which is a concept that applies only to the Public Housing program, was specifically mandated by the 2021 Consolidated Appropriations Act. Because administrative evictions are thought to be a small subset of evictions from HUD's rental assistance programs, we do not address administrative evictions as a stand-alone category. Instead, we discuss evictions from HUD's rental assistance programs broadly and cover administrative evictions as a subset of evictions from Public Housing.

The discussion in this section focuses on the three main HUD rental assistance programs: the Housing Choice Voucher (HCV) program, Public Housing, and HUD-subsidized multifamily housing programs, the largest of which is the Project-Based Rental Assistance (PBRA) program. Together, these programs serve about 4.6 million households – the majority of HUD-assisted renters.<sup>125</sup> Another major source of affordable rental housing is the LIHTC program. HUD does not administer the LIHTC program, but many low-income households who live in LIHTC units receive some form of federal rental assistance, mainly through the HCV program.

This section then reviews how researchers have tried to assess the extent of evictions among households participating in these programs.

### Eviction from HUD's Rental Assistance Programs

The following briefly discusses the meaning of eviction in the context of the Housing Choice Voucher, Public Housing, and multifamily housing programs.

#### *Housing Choice Voucher*

The HCV program is HUD's largest rental assistance program, assisting about 2.3 million households each year.<sup>126</sup> The HCV program is administered locally by more than 2,000 public housing agencies (PHAs). In the HCV program, the tenant rents housing on the private market with the assistance of a voucher. The tenant pays 30 to 40 percent of their income toward rent and the PHA pays the difference,

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<sup>125</sup> The current analysis does not consider rental assistance that may be provided through HUD's HOME, CDBG, or Indian Housing programs, or rental assistance programs administered by other federal agencies such as the U.S. Department of Agriculture's Rural Housing Service. The current analysis also does not consider evictions of homeowners that may result from foreclosures.

<sup>126</sup> About 15 percent of HCV participants are assisted through project-based vouchers (PBVs), in which the PHA uses its tenant-based voucher funding to allocate project-based units to a project. This report does not explicitly discuss PBVs in this report, but the recommended changes to HUD data collection would also apply to PBVs.

up to a specific payment standard, directly to the landlord. The landlord enters into a contract with the PHA—the Housing Assistance Payment (HAP) Contract—and separately signs a lease with the tenant.

The HCV Tenancy Addendum is part of the HAP contract, and the tenant lease specifies the circumstances under which the landlord may evict the tenant.<sup>127</sup> Before terminating tenancy, the landlord must give the tenant written notice of their intention to evict and list the reasons for the termination. The landlord must provide this notice to the tenant before starting any eviction process or as part of any eviction notice required by state or local law. The landlord can only evict a tenant from the unit through a court action. The landlord must give the PHA a copy of any eviction notice sent to the tenant.<sup>128</sup>

There are also circumstances under which a PHA must or may terminate assistance to the tenant.<sup>129</sup> One of the circumstances under which a PHA must terminate assistance is when the owner evicts the tenant for serious violation of the lease. If a PHA terminates assistance to the tenant, the PHA must provide the tenant an opportunity to have an informal hearing with the PHA.<sup>130</sup> The informal hearing is an opportunity to consider whether the PHA decisions relating to the tenant are in accordance with the law, HUD regulations, and PHA policies. The PHA’s administrative plan must state the PHA procedures for conducting informal hearings. At their own expense, the tenant may be represented by a lawyer or other representative at the informal hearing. The PHA must provide a copy of the hearing decision to the tenant.

### *Public Housing*

Approximately 880,000 households are currently assisted by the Public Housing program in low-rent housing developments owned and operated by PHAs and pay rent to the PHA. The PHA is the landlord and enters into a lease with the assisted household. The lease must state the procedures the PHA and tenant will follow to terminate the tenancy.<sup>131</sup>

As with HUD’s other rental assistance programs, the Public Housing regulations specify the circumstances under which a PHA must or may terminate tenancy for serious violations of the terms of the lease, being over the program’s income limit, or other good cause.<sup>132</sup> Before terminating tenancy, the PHA must provide a Notice of Lease Termination to the tenant and may also provide Notice to Vacate if required under state or local law.<sup>133</sup>

A PHA may only evict a tenant from a Public Housing unit in one of two ways: (1) by bringing court action or (2) by bringing an administrative action, in accordance with HUD regulations, if the law of the jurisdiction permits eviction by administrative action, after a due process in an administrative hearing and without a previous court determination of the rights and liabilities of the parties. To evict without bringing a court action, the PHA must offer the tenant a hearing conducted by the PHA’s designated hearing officer in accordance with the PHA’s grievance procedure.<sup>134</sup> The purpose of the hearing is to give the tenant an opportunity to dispute the PHA’s action. The hearing officer must prepare a written decision on

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<sup>127</sup> The Tenancy Addendum is available at: <https://www.hud.gov/sites/dfiles/OCHCO/documents/52641A.pdf>.

<sup>128</sup> This requirement is in section 8(f) of the HAP contract (<https://www.hud.gov/sites/documents/52641.PDF>) and 24 CFR §982.310. Section (e)(2) of 24 CFR §982.310 defines an eviction notice as “a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action.”

<sup>129</sup> The regulations for PHA termination of assistance can be found at 24 CFR § 982.552.

<sup>130</sup> The regulations on informal hearings can be found at 24 CFR § 982.555.

<sup>131</sup> See 24 CFR § 966.4 - Lease requirements.

<sup>132</sup> See 24 CFR 5.218(c) and 24 CFR sections 880.607, 882.511, 884.216, 886.128, 886.328, 891.430, 891.630 and 891.770.

<sup>133</sup> See 24 CFR § 966.4 - Lease requirements.

<sup>134</sup> See 24 CFR § 966.4 - Lease requirements.

the hearing and provide a copy to the tenant and to the PHA.<sup>135</sup> The PHA must retain a copy of the decision in the tenant's archive and maintain a log of all hearing officer decisions.<sup>136</sup> Although these records exist at the PHA level, and HUD has the authority to request such records for program oversight, HUD has not to date sought to track the number of administrative evictions or grievance hearings related to evictions.<sup>137</sup>

### *Multifamily Housing Programs*

HUD multifamily housing programs provide subsidized financing, direct loans and capital advances, project-based rental assistance, and specially targeted programs such as the Section 202 Supportive Housing for the Elderly, Section 811 Supportive Housing for Persons with Disabilities, and Section 202/811 Mixed-Finance programs. In these programs, HUD enters into contracts directly with owners of multifamily properties, which may be either public agencies or private owners. The majority of tenants assisted through HUD's multifamily programs are assisted through the PBRA program, which serves 1.2 million households. In PBRA, HUD pays subsidies to the owners on behalf of tenants to keep the amount that tenants pay for rent affordable and owners sign leases with tenants.

As with the HCV and Public Housing programs, multifamily program regulations require the owner to terminate the tenancy in some circumstances and permit the owner to terminate the tenancy for lease violations and other good cause.<sup>138</sup> Termination of tenancy procedure requires an owner to provide the family with written notice advising of the violation and the date the family must vacate the unit. Further, the notice provides an opportunity for the tenant to appeal the stated violation.

Eviction in the court system is used by owners to compel the family to leave the unit if the date identified in the termination of tenancy notice is not met. Eviction is defined as the dispossession of the family from the dwelling unit pursuant to state or local court action and is only possible after written notice that tenancy will be terminated has been provided. In initiating an eviction, the landlord can rely only upon those grounds cited in the termination notice. In some cases, landlords file for eviction concurrent with the notice to terminate tenancy due to the time needed for a court hearing. As with the HCV program, the owner can only evict a tenant through a court action.

### **Administrative Data HUD Currently Collects Related to Evictions**

There are three main systems that HUD uses to collect and store individual and household level data on the households served through its rental assistance programs: Public and Indian Housing Information Center (PIC), Tenant Rental Assistance Certification System (TRACS), and Enterprise Income Verification (EIV). None of these systems currently collect sufficient data to allow HUD to measure and analyze administrative evictions or evictions that take place through the court system in assisted properties. However, each data system collects some information related to move-outs, as described below.

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<sup>135</sup> 24 CFR § 966.57(a).

<sup>136</sup> 24 CFR § 966.57(a).

<sup>137</sup> HUD's Office of Public and Indian Housing believes that most evictions from Public Housing take place through court action and that the use of the administrative action is rare.

<sup>138</sup> See 24 CFR 5.218(c) and 24 CFR sections 880.607, 882.511, 884.216, 886.128, 886.328, 891.430, 891.630 and 891.770.

### *PIC*

HUD currently uses the PIC system to collect data from PHAs on the characteristics of tenants served, the transactions between PHAs and tenants, and the type and amount of subsidy provided.<sup>139</sup> PIC services the HCV and Public Housing programs.

At the writing of this report, PHAs submit information for every household assisted through the HCV and Public Housing programs to PIC via the forms HUD-50058 or HUD-50058 MTW.<sup>140</sup> The 50058 form collects a range of demographic and income information about assisted households. However, the information it collects (and is stored in PIC) is of limited utility for purposes of assessing administrative evictions. The 50058 form has a field to indicate if a tenant ends their participation in HCV or Public Housing. However, the form does not collect any information on the reasons for ending participation, which could include termination of assistance by the PHA, eviction from the unit, or voluntary choice by the tenant, among other reasons.<sup>141</sup>

### *TRACS*

To receive an assistance payment on behalf of a household living in a unit assisted by one of HUD's multifamily housing programs, the largest of which is PBRA, an owner must submit information about the household via TRACS. Owners submit information approximately monthly for each assisted household. Form HUD-50059<sup>142</sup> specifies the information owners must provide to TRACS, including each household member's age, gender, race, and ethnicity. When the status of a household changes, the change is reflected in the owner's monthly submission.

With respect to evictions, the form HUD-50059 mentions eviction only with respect to Section F, "Allowances & Rent Calculations." Specifically, if a tenant has failed to sign the form HUD-50059 and the reason is that there is an eviction in progress, an owner is instructed to enter a numeral 6 ("eviction in progress") in field 118 ("extenuating circumstances code").

Owners report move-outs from HUD-assisted units in TRACS in accordance with form HUD-50059-A. "Eviction" is not currently among the codes available to owners to describe the reason for a move-out. For owner-initiated move-outs, the two options currently are: (1) owner initiated for nonpayment of rent and (2) owner initiated—other. Owner initiated move-outs could capture evictions but may also be used in scenarios where an owner has not yet filed for an eviction proceeding.

### *EIV*

EIV is an online system designed to reduce administrative and subsidy payment errors. EIV presents data from the Social Security Administration and other federal data systems that is relevant to income verification and tenant eligibility determinations. PHAs, property owners, and HUD use the data in EIV to assist with eligibility determinations and income verifications for Public Housing, HCV, and PBRA, as well as other multifamily housing programs.

For HCV and Public Housing, EIV has a "Debts Owed and Terminations" module that identifies tenants who owe(d) money to a PHA or who were terminated from HCV or public housing under adverse

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<sup>139</sup> HUD is developing an upgrade to the PIC system that will be called PIH Information Center Next Generation, or PIC-NG.

<sup>140</sup> Form HUD-50058 is located at: <https://www.hud.gov/sites/documents/50058.PDF>. Form HUD-50058 MTW is located at: <https://www.hud.gov/sites/dfiles/OCHCO/documents/50058MTW.PDF>.

<sup>141</sup> As discussed in Chapter 3, HUD is planning to implement a new version of the HUD-50058 MTW report for select agencies and that new version includes an option for identifying whether a household ended participation because of eviction.

<sup>142</sup> Form HUD-50059 located at: <https://www.hud.gov/sites/documents/50059.PDF>

circumstances. EIV receives information from the PIC system on households with an “end of participation” status. Since 2010, HUD has required PHAs to review the data on those households with an end of participation status and mark the reason(s) for the end of participation if it was due to one or more of 12 adverse circumstances indicated on the form.<sup>143</sup> If the PHA selects any of the 12 reasons, it means that the PHA has terminated assistance to the household for cause. One of the circumstances the PHA can select is that the family was evicted.

Given the limitations in the current data available related to evictions in HUD’s administrative data systems, Chapter 4 discusses the feasibility of modifying these systems to collect additional data.

## Lessons Learned from Studies of Evictions Among HUD-Assisted Renters

In recent years researchers have sought to understand the prevalence of evictions among households receiving federal housing assistance and the extent to which the receipt of different types of assistance is a protective factor against evictions.<sup>144</sup> This is a challenging task because HUD does not currently collect data on eviction filings or judgments among households living in subsidized housing projects or receiving federal rental assistance. The following recent studies illustrate the data collection and analysis approaches researchers have used in the absence of systematic administrative data on evictions in such programs.

- **Linkage of Subsidized Housing Development Addresses to Court Records in Select Cities.** Two separate teams of researchers have recently linked the addresses on eviction records to the addresses of project-based subsidized housing units available from HUD administrative records and/or the National Housing Preservation Database. This type of linkage based on address is possible because in project-based subsidy programs, the housing subsidy is attached to the unit for long periods of time (or permanently) and does not move with the tenant. Thus, if there is an eviction at a subsidized property address, one can assume that it affected a federally-assisted household. In one of the studies, Austin Harrison and colleagues (2020) linked eviction data in the Atlanta metropolitan data to the addresses of subsidized housing properties, including Public Housing, PBRA, and LIHTC units.<sup>145</sup> Harrison and colleagues found that senior, subsidized multifamily properties had substantially lower eviction rates than market-rate properties, while non-senior subsidized buildings did not have different eviction rates than their market-rate counterparts. The other study, by Gregory Preston and Vincent Reina (2021), linked more than nine years of eviction records in Philadelphia to the addresses of subsidized properties.<sup>146</sup> Preston and Reina found that Public Housing and PBRA properties were associated with a lower incidence of eviction filing, whereas the results for the LIHTC properties were not conclusive.
- **Linkage of National Sample of Court Records to Public Housing Address Data.** Researchers from the Eviction Lab are working on a study linking more than 350,000 records of evictions filed between 2000 and 2016 to the addresses of Public Housing units owned by more than 1,300 public housing agencies. The eviction records come from the Eviction Lab’s dataset and were primarily purchased from Lexis-Nexis risk solutions. HUD provided the researchers with the list of Public Housing unit and building addresses and their associated PHAs. The study, not yet

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<sup>143</sup> See slide 55 on HUD’s EIV training for the list of adverse circumstances:

[https://www.hud.gov/sites/dfiles/PIH/documents/2020\\_EIV\\_Training\\_Presentation.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/2020_EIV_Training_Presentation.pdf)

<sup>144</sup> To our knowledge, researchers have not tried to measure the prevalence of administrative evictions from Public Housing.

<sup>145</sup> Harrison et al., 2020

<sup>146</sup> Preston and Reina, 2021

published, is expected to provide an estimated national eviction filing rate for the Public Housing program nationwide and a comparison of filing rates for Public Housing units and private-market rental units in the same area.

- **Analysis of Survey Data on Housing Assistance Receipt and Eviction Experiences.** Ian Lundberg and colleagues (2019) recently analyzed data from the Fragile Families and Child Wellbeing Study to assess whether receiving federal housing assistance reduces the probability that a family will be evicted from their home in the six years after first receiving the assistance.<sup>147</sup> The researchers used self-reported survey data on the receipt of housing assistance and the experience of having been evicted collected from about 1,300 parents in cities across the US participating in the Fragile Families and Child Wellbeing Study.<sup>148</sup> Lundberg and colleagues concluded that federal housing assistance, particularly public housing, protects families from eviction.

These studies suggest that, absent any additional steps by HUD to collect data on evictions in assisted housing programs, researchers have been able to analyze trends in eviction rates for programs where there is subsidy attached to the property and in places where eviction records are both available and contain the address of the unit where the eviction is taking place. Linkage by address alone is not a simple process, but it has been possible. What these analyses leave out is HUD's largest rental assistance program, the Housing Choice Voucher (HCV) program, in which the subsidy is (in most cases) attached to the household and not the unit. To study eviction rates among HCV-assisted households, with currently available administrative data, researchers would need to match the tenant-level data (name and address) available from HUD administrative data (see discussion of "PIC" below) to the name and address of the defendant on the court record, making sure that the tenant was in receipt of assistance before eviction proceedings began to identify whether the eviction was filed while the family was still receiving HCV assistance or after the PHA had terminated the assistance.

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<sup>147</sup> Lundberg et al., 2019

<sup>148</sup> More information on the Fragile Families and Child Wellbeing Study can be found at: <https://fragilefamilies.princeton.edu/about>.

## Chapter 3. Paths Forward for Federal Collection and Analysis of Data on Evictions

At present, there is no single, national source of data on the prevalence, geographic distribution, and characteristics of court-ordered, extra-legal, and administrative evictions. As discussed in Chapter 2, the Eviction Lab collects and maintains data on court-ordered evictions nationwide, however, these data are not available for all states and localities, do not include evictions that take place outside of the court system, and do not include tenant characteristics. The lack of comparable data available nationwide hampers the ability of federal, state, and local governments, as well as non-governmental agencies, to track the eviction crisis and target resources to eviction prevention and eviction diversion activities. Collection and analysis of data on evictions by the federal government could help address the information gap and facilitate better allocation of resources and enforcement of federal, state, and local fair housing and civil rights laws. This effort must guarantee the protection of the privacy and legal rights of tenants and landlords, must use standardized definitions to avoid misinterpretation of the data resulting in over or underestimating the prevalence of evictions, and should provide timely evidence on which to base policy decisions.

This chapter begins by discussing the goals of a federal evictions data collection and analysis effort and potential pitfalls to avoid. Next, the chapter discusses the potential paths forward that eventually would result in creating a national eviction database and survey of eviction. The goal is not to provide definitive solutions and costs, or to commit to a specific course of action, but to present what could be possible and the resources it might take to get there.

### 3.1 Policy Goals and Considerations

A primary goal for a federal data collection and analysis effort of evictions is to enable federal, state, and local governments to target eviction-related resources to the places and populations with the greatest level of need. These resources include legal and other supportive services aimed at eviction prevention or diversion, with the goal of helping tenants resolve rent arrearages and landlords receive the rent to which they are entitled before an eviction filing or judgment. Federal data collection and analysis could also help target rental assistance and other resources aimed at addressing future housing instability among households who have been evicted. A related goal is to enable federal, state, and local governments to measure the effectiveness of legal, programmatic, and policy actions taken to reduce evictions and address housing instability.<sup>149</sup>

To meet these goals, the data collection would need to facilitate the following types of statistical analyses:

- Analysis of the prevalence of evictions at different levels of geography (e.g., nationally, by state, and by county).
- Analysis of changes in eviction prevalence over time (e.g., annually, or semi-annually).

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<sup>149</sup> Another possible policy goal is to facilitate enforcement of the Fair Housing Act with respect to evictions. This report only includes this goal to the extent that such data would be used by HUD for statistical purposes, e.g., to formulate guidance and make cases for discriminatory effects liability under the Fair Housing Act and other statutes HUD enforces.

- Analysis of the prevalence of evictions by household and landlord characteristics to better target or deliver resources (e.g., for families with children, renters with limited English proficiency, renters with disabilities, or renters in large multifamily properties).

There are also some pitfalls that a federal data collection and analysis effort must take steps to avoid. One of HUD’s Departmental goals is to “increase production of and access to affordable housing, improve neighborhood choice, and address and fortify Fair Housing tools, practices, and policies.” HUD’s leadership of a federal data collection and analysis effort related to evictions must not jeopardize progress toward that goal. Specifically, the data collection and analysis effort should avoid doing any of the following:

- **Disclose personally identifying information** on households subject to eviction or landlords initiating eviction actions. Such disclosure could violate individuals’ right to privacy and could place survivors of intimate partner violence at risk.
- **Discourage landlords and owners from participating** in federal housing assistance programs. PHAs, landlords, and property owners play a critical role in providing affordable housing to the households that HUD assists through its rental assistance programs. The statutes and regulations governing HUD’s programs give PHAs, landlords, and owners the right to evict tenants under certain circumstances and the federal collection or analysis of data on evictions should not jeopardize those rights or be perceived as jeopardizing those rights.
- **Provide inaccurate or incomplete data** that could lead to misleading results and ineffective or inefficient policy. This federal effort would have to standardize eviction definitions and related terminology to avoid, for example, under-estimating the prevalence of evictions in a particular area of the country. This could lead to that particular area receiving a lower share of federal eviction prevention resources relative to other areas with similar needs. An underestimate by the federal government could also derail grassroots eviction prevention efforts in localities where political leaders do not see eviction as a problem in their jurisdictions. A federal dataset that does not comprehensively represent a common type of eviction—such as extra-legal evictions—could also result in inequitable decisions around policy interventions or the allocation of resources.
- **Have a chilling effect on local research and advocacy efforts.** Local research and advocacy will continue to be central in building an evidence base on evictions and eviction prevention. Local research will continue to provide the detailed information on eviction costs and experiences that can only come from in-depth, focused studies. A federal data collection and analysis effort should encourage and facilitate complementary local data collection and analysis, not crowd it out.

Given the overall policy goals of a federal eviction data collection and analysis effort and the pitfalls to avoid, the following are some considerations for the information to be collected and for the functionality of a federal dataset.

#### *Collect Data on Court-ordered and Informal Evictions*

Given estimates that extra-legal evictions are at least as common as court-ordered evictions and likely have many of the same devastating effects on families, data collection must consider extra-legal evictions as well as those processed through the court system. As described further in this report, the data collection mechanisms are likely to be completely different for each type of eviction and comparing the two data types will likely require thorough thought and consideration. Nonetheless, investment in capturing both



types of eviction, even when it would require two separate data collection methodologies, is important as some places and populations are differentially affected by extra-legal evictions.

#### *Aim for National Representation but Do Not Sacrifice Quality*

A federal data collection effort must attempt to collect data from all parts of the country. However, the collection of court records and data on extra-legal evictions is incredibly complex, time consuming, and costly. In practice, collecting data from all parts of the country may not be currently feasible. The major differences in how eviction cases are treated by different local court systems and in eviction filing practices add another layer of complexity, which can produce misleading comparisons across jurisdictions if insufficient care is taken to document those differences and standardize data. Given these considerations, data collection efforts should work incrementally toward national representation, focus on creating mechanisms for collecting consistent and comparable data systems across jurisdictions, and prioritize areas of the country with the highest rates of eviction and/or highest rates of housing instability.

#### *Create a Public Dataset with Maps and Key Statistics and Restricted Use Data Set for Use by Qualified Researchers*

The website and dataset developed by the Eviction Lab provides a good example of a user interface that provides policy-relevant maps and statistics based on a detailed database that can be used for in-depth analysis. This two-tiered approach should also be considered for any federal dataset, as there is great value in having key maps and aggregated statistics readily available to the public and policymakers. Initially, the project would aim to collect the number of evictions filed and eviction judgments in each state and would incentivize jurisdictions to collect more detailed case-level information that would be of benefit to the research community and to evidence-based policymaking. As more jurisdictions provide electronic filing for eviction cases and build their own eviction databases, the project would aim to collect digitized court records. As it would not be feasible for the federal government to analyze all collected eviction data itself, qualified researchers would need to have access to the data to be able to test and validate its quality and to conduct in-depth statistical analyses. However, the owner of the data set will have to develop and implement strict protocols to ensure that individuals' privacy is not violated through the sharing of data for research purposes.

#### *Invest in Data Linkage to Permit Analysis of Tenant Characteristics*

Court eviction records often contain little more than the tenant's name and address. Nevertheless, it is of great policy importance to understand the socioeconomic and demographic characteristics of people subject to eviction. As described in Chapter 2, reliably attaching these characteristics via data linkage is difficult. Data collection via survey allows for direct collection of both socioeconomic and demographic characteristics, as well as details regarding eviction experiences. However, a survey relies on respondents' self-reporting of eviction and the quality of resulting estimates might be problematic if the sample is not large enough, especially for smaller geographies. At the local level, researchers have sought to estimate the demographic characteristics of households subject to eviction through local surveys, linking names and addresses listed in court records to program assistance, and by assigning household characteristics based on neighborhood characteristics using census data. Greater investment in data linkages across public benefit programs may be a more promising avenue for understanding the characteristics of affected households. Such investment will help understand the housing experiences of those recent federal programs as many households subject to eviction will have received federal government assistance or benefits during the pandemic.

#### *Ensure that the Solutions Identified Receive Sufficient Support to be Implemented as Planned*

A new federal data collection and analysis effort related to evictions will require substantial appropriations from Congress to cover new costs and staffing needs. While the proposals presented in this

report vary in terms of cost, each would require a substantial investment of taxpayer dollars over many years. HUD’s current appropriations are not sufficient to cover this work.

## 3.2 Potential Paths to Developing a National Database

Based on the rationale of a national eviction database and lessons learned from previous work on evictions, this section provides potential paths to accomplish the goal of developing a national eviction database. The paths discussed here are not meant to be the final or only actions or to provide definitive cost estimates. Rather, they provide options for consideration. Broader stakeholder engagement on the proposals followed by detailed cost analysis is needed to finalize the approach. The discussion of potential approaches is organized by type of eviction: court-ordered, extra-legal, and evictions from HUD-assisted housing (including administrative evictions).

### Potential Approach to Collecting Data on Court Ordered Evictions

The Eviction Lab is the most comprehensive source of national eviction rates and, as such, the federal effort should consider leveraging the infrastructure and knowledge base the Eviction Lab has built and replicating their methodology going forward. The main advantage of this approach would be to take advantage of the Eviction Lab’s substantial investment—estimated at more than \$5.3 million since 2016 in staff, data, and information technology costs—in developing an efficient approach to collecting court records, cleaning and standardizing the records, and presenting the data in a user-friendly and policy-relevant interface. However, Congressional investment in a federal dataset presents an opportunity to improve upon the critical foundation the Eviction Lab has created and to make enhancements. In particular, there is an opportunity to expand upon the Eviction Lab’s data coverage, which relies on accessible records and therefore misses some states and counties. It may also be preferable for the federal government to invest in direct data collection from states (as described below) so as not to have to purchase court records from third-party aggregators, as Eviction Lab has done. Purchasing data compiled by third-party aggregators could present an ethical concern for HUD, as these companies generally make their profit by selling the data to landlords for tenant screening purposes.

New America sponsored a report similar to this feasibility study that analyzed gaps in eviction data and performed stakeholder engagement on potential actions.<sup>150</sup> The effort resulted in eight recommendations for creating local and national eviction data systems, co-developed and co-signed by major research and housing organizations including the Eviction Lab.<sup>151</sup> Exhibit 3-1 shows the eight recommendations. The researchers and stakeholders recommend improving the data infrastructure by streamlining and standardizing data collection of evictions. These signatory organizations recommend the federal government provide funding, set data standards, and offer technical assistance to jurisdictions (defined as states, counties, or cities) to develop local eviction databases whose data could be aggregated into a national database. The national database would be publicly accessible through an analytical tool that displays eviction data at the city or county, state, and national levels. Ideally, the national database would link to other datasets to house demographic, socio-economic, and neighborhood characteristics.

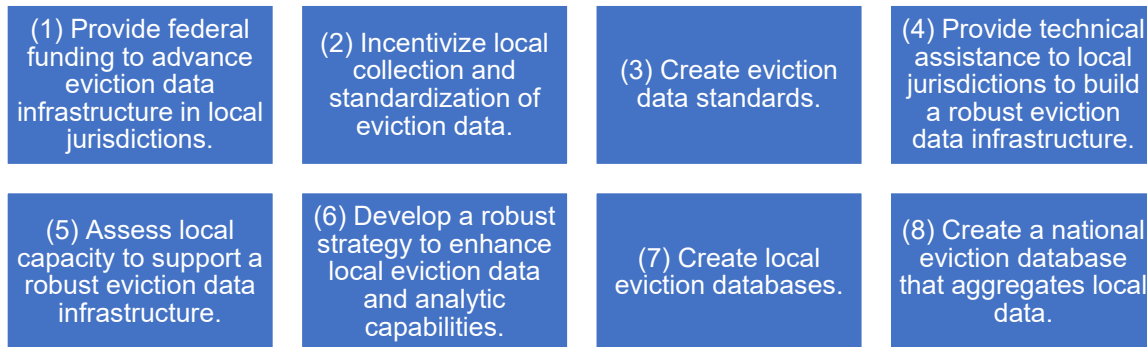
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<sup>150</sup> Panfil et al., 2021

<sup>151</sup> The recommendations are summarized here:

[https://d1y8sb8jgg2f8e.cloudfront.net/documents/Recommendations\\_for\\_Creating\\_National\\_and\\_Local\\_Eviction\\_Data\\_Systems.pdf](https://d1y8sb8jgg2f8e.cloudfront.net/documents/Recommendations_for_Creating_National_and_Local_Eviction_Data_Systems.pdf)

### Exhibit 3-1. Recommendations for Creating National and Local Eviction Data Systems from New America Study



After reviewing lessons learned from previous efforts collecting eviction data, described in Chapter 2, and reviewing stakeholders’ recommendations for a federal effort to compile and publish data on evictions, this report provides paths forward to build and maintain a national data system on evictions. Similar to the recommendations developed through the New America effort, *the main path to collect complete data for the entire US and its Territories is to support data infrastructure at the local level*. With regular congressional funding and the participation of states and localities, such a federal effort would eventually result in a national database that would provide stakeholders with a comprehensive source of data to measure eviction trends accurately across the nation. The federal effort would also result in local datasets that would enable state and local governments, as well as non-governmental organizations, to develop and implement their own evidence-based policies to address eviction. The federal effort would also be an opportunity to collect richer data for comprehensive analyses of the causes, characteristics, and consequences of eviction.

Previous efforts in collecting court records have been limited by the accessibility of public records. Accordingly, the initial step in creating a national database is to support states in creating their own state-wide evictions databases. This effort will require several approaches depending on each jurisdiction’s capacity to track evictions in their areas. HUD’s proposed approach to collecting data on court-ordered evictions is for Congress to fund capacity-building grants aimed at building each state’s capacity to track evictions and make data easily accessible to stakeholders.. Together, the two grant programs would help states build capacity for collecting systematic court records on evictions to feed into a national dataset, while continuing to advance critical local research efforts..

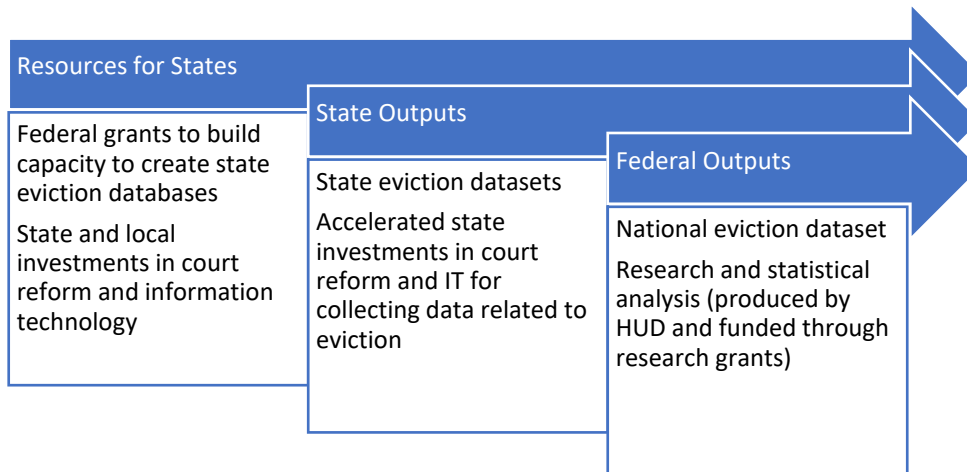
The level of funding and other resources needed to help states build capacity to contribute to a national database is not known at this time, but it could potentially require a very large commitment of time and federal funds, as well as potential state legislation, court reforms, and information technology investments that are largely outside the purview of HUD. There may also be need for Congressional legislation compelling states to undertake this work.<sup>152</sup> HUD’s proposal for capacity-building grants to states starts with a pilot program to begin to build state capacity while also learning about how the federal government could most effectively incentivize states to make the reforms to their court systems and/or data collection methods needed to build the federal dataset. The vision is that the federal grants would support and

<sup>152</sup> Potential language compelling states to collect and submit court records to HUD is contained in the proposed *Eviction Crisis Act of 2021*, which would require the Attorney General of each state to submit data annually on all court ordered eviction cases in the state. See [https://www.bennet.senate.gov/public/\\_cache/files/2/f/2fac2718-81f0-4be6-8081-39e15e3a5c56/4F358E286BBCD54872E7BD77B3E7D3BB.mir21936.pdf](https://www.bennet.senate.gov/public/_cache/files/2/f/2fac2718-81f0-4be6-8081-39e15e3a5c56/4F358E286BBCD54872E7BD77B3E7D3BB.mir21936.pdf)

accelerate existing state investments in court reform and information technology, as well as encouraging other states to make these investments. Likewise, the federal grants for research would complement HUD’s internal analysis of eviction data and existing efforts to address the eviction crisis.

Exhibit 3-2 shows the relationship between the grants, the state databases, and the federal database. Descriptions of the three proposed grant programs follow the exhibit.

**Exhibit 3-2. Overview of Proposed Grants, Databases, and Relationships**



*Capacity-building Grants to States*

HUD would award capacity-building grants via a competitive program to support and incentivize states to create their own evictions databases. States would apply for these grants by submitting a formal needs assessment and proposal for collaboration with HUD and relevant stakeholders. These applications would outline the necessary funding required to develop an evictions database in their state, list all matching funds, and provide a detailed request for federal funds. Depending on the needs of each state, these grants could be used to request technical assistance to navigate state laws and procedures required to unify court systems so that eviction cases could be filed separately from other civil cases and/or purchasing, developing, or enhancing docket management software and electronic filing systems. State eviction databases should: 1) collect standardized data on court-ordered evictions in the entire state, including case number or case name, plaintiff’s name, defendant’s name, addresses, dates, and judgement, 2) be exportable in a tabular format, and, if possible, 3) store digitized court records that could be later shared with stakeholders for research and analysis in a manner that does not compromise data privacy.

HUD could begin with a pilot—for example, \$25 million across 5 to 10 states or territories for 36 months. At the end of the pilot, HUD would be better positioned to develop guidance on effective data standards and procedures to track eviction cases across an entire state, with the intent of later sharing this model with other states.

Each state will have a different set of challenges to collecting and/or modifying its data, and HUD would need to work collaboratively and flexibly with states to support them address those challenges. HUD does not have authority to compel states to undertake this work, especially since these may require modification to state laws and court systems, but could provide funding, data standards, and technical assistance to incentivize and facilitate state and local efforts. This grant program would enable states to build capacity to systematically track eviction cases and provide data for a national dataset, while informing HUD of the level and type of resources the federal government could provide to incentivize this work nationwide.

Another type of grant that could be complementary to the capacity-building grants to states is grants to states for eviction diversion programs. There is substantial evidence that eviction diversion programs can be effective in addressing landlord and tenant disputes before they get to court and that legal services can help tenants avoid eviction. Investment in eviction diversion programs could also spur investment in data collection related to eviction as states and other stakeholders would want to track the results of those efforts. This report does not propose separate grants for eviction diversion but supports the continued funding of HUD's 2021 [Eviction Legal Services Program](#). The authors of this report also support the proposal in the proposed Eviction Crisis Act of 2021 to fund such grants through the Bureau of Justice Assistance to states and local jurisdictions to support "landlord-tenant focused community courts that offer a process with social service representatives who are available to assist tenants."<sup>153</sup>

### *Research Grants*

Additionally, HUD proposes to award two types of competitive research grants:

- Grants to explore the feasibility of linking eviction records to Census Bureau and administrative databases.
- Grants to evaluate the impact of policies and programs aimed at preventing eviction and mitigating its long-lasting consequences.

The first grant program would fund research entities to obtain court records from selected states and link tenants' PII to local administrative datasets. The purpose of linking eviction records to administrative datasets is twofold: 1) to identify the characteristics of households subjected to eviction in rural and urban areas, and 2) to further the understanding of services available to households facing evictions.

Administrative datasets could include program participation databases such as participation in Supplemental Nutrition Assistance Programs (SNAP), Temporary Assistance for Needy Families (TANF), Unemployment insurance, Emergency assistance, Housing assistance, Medicaid, Homeless Management Information System (HMIS), school records, and any other relevant program participation database. Through studies facilitated by these grant activities, HUD could assess the impact of program participation in preventing and mitigating the effects of eviction. The findings of these studies would also provide insights on follow-up following an eviction. Additionally, these studies could explore linking eviction court records to Census Bureau databases to statistically analyze the characteristics of households facing eviction. Any linkage of court records to Census Bureau data will be for statistical purposes only. Appropriately sized grants might be \$250,000 - \$500,000 per research entity over a 36-month period.

The second grant program would fund research entities to study local policies that effectively prevent eviction. Topics for analysis could include tenants' rights policies such as rent control, limits on late fees, record sealing, early lease termination, and redemption rights, among other tenant protections. These studies could also analyze the impact of local court processes. Possible areas within court processes for analysis would include the cost of filing evictions, the length of the eviction process, the existence of mediation hearings, and the definition of just cause eviction, as well as eviction diversion and prevention programs. Through these studies, HUD would assess which policies and programs are the most effective in preventing eviction and deterring eviction filing. HUD could then develop a guide of effective policies and programs that prevent eviction which states could implement to provide housing stability to their low-income households. Appropriately sized grants might be \$250,000 - \$500,000 per research entity over a 36-month period.

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<sup>153</sup> See *Eviction Crisis Act of 2021*, cited above.

### *Funding for HUD to develop a data system application to receive data from all states and territories*

HUD would need additional appropriations to build the necessary, internal infrastructure to maintain the national database. HUD anticipates that building the internal infrastructure to collect, store, analyze, and share eviction data could require \$5 million in initial funding over 36 months. HUD would request to Congress that this database would be exempted from the Freedom of Information Act (FOIA) to prevent HUD from releasing PII of tenants with eviction records. This exemption would allow HUD to request that states include sealed records in their data transmittals.<sup>154</sup>

HUD would develop a web tool for stakeholders to analyze deidentified data compiled in the national database. The tool would allow users to map eviction rates by geography, study the characteristics of households subjected to eviction, assess which anti-eviction policies and programs are available in each jurisdiction, and determine the characteristics of neighborhoods with high eviction rates. Stakeholders would be able to track eviction trends at different geographic levels. The web tool would allow users to download deidentified and suppressed data for further analysis. Initially, HUD would conduct a pilot of five selected states to compile annual counts of eviction filings and judgments at different levels of geography. Through this pilot, HUD would develop a guide to standardize eviction data for states to implement when transmitting data to HUD. HUD would also develop a guide to protect tenants' PII throughout the entire process of data transmission, as well as procedures for receiving, cleaning, verifying, imputing, deidentifying, analyzing, and sharing court records.

## Potential Approach to Collecting Data on Extra-legal Evictions

Capturing representative data on extra-legal evictions will require a large-scale, and reoccurring survey.<sup>155</sup> Such a survey of eviction is not a small undertaking. It will require expertise in conducting large surveys with hard-to-reach populations, infrastructure to ensure secure data access to researchers, and procedures to protect PII and promote the use of data linking to other sources. Based on this, there are two clear paths forward in conducting this survey: 1) partnering with the US Census Bureau or 2) contracting a private vendor.

### *The Census Bureau Path*

HUD currently sponsors the Census Bureau to administer a range of surveys with housing-related questions, including the AHS, the ACS, and the CPS. Working with the Census Bureau on a survey of eviction, which could be part of a broader survey on housing instability or new questions for an existing survey, would be a natural extension of this partnership. The Census Bureau also meets and exceeds the above requirements for expertise and data security, with some caveats.

Experience: In the federal statistical realm, there is no other agency with the experience, institutional knowledge, and technical expertise in planning and producing data from large, national surveys. The Census Bureau also has the existing infrastructure required for such a large and complex survey. The range of existing Census surveys will allow HUD to fully explore whether a new survey is truly needed or whether an eviction module could be added to a current survey, which would save costs and time.

Access: Private data from an eviction survey conducted by the Census Bureau would be accessed in a Federal Statistical Research Data Center (FSRDC). FSRDCs are secure Census Bureau facilities located

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<sup>154</sup> FOIA (5 U.S.C. 552) gives individuals a statutory right to submit a written request for access to certain records maintained by the federal government. Exemption 3 of FOIA (5 U.S.C. 552(b)(3)) protects information exempted from release by statute.

<sup>155</sup> We explored an additional option to request/require housing counseling, social service, and legal services agencies collect and share data. We concluded that this would not yield complete data and would be most effective if done as part of a grant program so wouldn't necessarily reduce overall cost.

throughout the US that provide access to restricted-use microdata for statistical purposes to authorized individuals.<sup>156</sup> Persons wishing to conduct research at an FSRDC must submit a research proposal to the Census Bureau. Furthermore, following project approval, all researchers must apply for and obtain Special Sworn Status (SSS). Obtaining SSS requires investigation, including finger printing and background checks, as well as the completion of several trainings. This existing process for thoroughly approving researchers to access protected data makes having the Census Bureau conduct a survey and maintaining the data appealing.

The process described above restricts who may access the data. Acquiring SSS can take several months and costs a few thousand dollars. There are also additional financial costs if a researcher is not affiliated with an FSRDC location (e.g., universities). Furthermore, project approval limits the type of work that may be done using the data. Proposals must demonstrate that the research is likely to provide one or more Title 13 benefits to the Census Bureau. A research project must demonstrate that its purpose is predominantly to benefit Census Bureau programs and/or increasing the utility of Title 13.<sup>157</sup> Not all research that fits under the goals of the eviction database meets the Title 13 criteria.

### **Title 13, U.S. Code**

Title 13 provides the following protections to individuals and businesses:

- It is against the law to disclose or publish any private information that identifies an individual or business such as names, addresses, Social Security Numbers, and telephone numbers.
- The Census Bureau collects information to produce statistics. Personal information cannot be used against respondents by any government agency or court.
- Every person with access to Census data is sworn for life to protect this information and understands that the penalties for violating this law are applicable for a lifetime.
- Anyone who violates this law will face severe penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both.

PII Protection: The eviction database must not under any circumstance disclose any PII on households subject to eviction. The Census Bureau has significant experience protecting the PII of its survey respondents and associated administrative data. The Census Bureau is required by law to protect the confidentiality of data collected under its authorizing legislation, Title 13, U.S. Code.<sup>158</sup> Title 13 subjects those with SSS to incarceration of up to five years and/or fines of up to \$250,000 if they, knowingly or inadvertently, disclose confidential information on individuals, households, or businesses. All SSS individuals must take annual trainings in proper data stewardship and on the use and protection of data. Any data that falls under Title 13 can only be used for statistical purposes. Thus, the survey responses cannot be used to enforce individual Fair Housing Act cases but statistics derived from the survey can inform Fair Housing Act enforcement activities.

The Census Bureau also has strong disclosure avoidance procedures.<sup>159</sup> All output from projects in FSRDCs must undergo and pass disclosure review. This applies even for data that are collected under the sponsorship of other agencies. These procedures limit what information may be released. Of particular concern, estimates made on census internal use files to geographic areas smaller than the least-populous

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<sup>156</sup> <https://www.census.gov/about/adrm/fsrdc/about.html>

<sup>157</sup> A list of these criteria can be found at [https://www.census.gov/content/dam/Census/programs-surveys/center-for-economic-studies/Research\\_Proposal\\_Guidelines.pdf](https://www.census.gov/content/dam/Census/programs-surveys/center-for-economic-studies/Research_Proposal_Guidelines.pdf)

<sup>158</sup> [https://www.census.gov/history/www/reference/privacy\\_confidentiality/title\\_13\\_us\\_code.html](https://www.census.gov/history/www/reference/privacy_confidentiality/title_13_us_code.html)

<sup>159</sup> [https://www.census.gov/content/dam/Census/library/working-papers/2020/demo/disclosure\\_avoidance\\_and\\_the\\_census\\_brief.pdf](https://www.census.gov/content/dam/Census/library/working-papers/2020/demo/disclosure_avoidance_and_the_census_brief.pdf)

state (Wyoming) are not allowed unless an official exemption is granted. This restriction may present a challenge for collecting certain information needed to meet the goals of an eviction database as described above.

Linking: Linking to other data (e.g., court records, other surveys, and/or program data) will increase the utility of a survey of eviction for policymakers and researchers. The Census Bureau both manages and maintains access to a wide range of survey and program data within their infrastructure and from their experience linking data. The Census Bureau also has an internal program to attach person and address level keys that aid in data linking. Working through the Census Bureau would also allow the eviction survey to be linked to or used in conjunction with other Census Bureau internal use files. The cost to have data processed with an existing interagency agreement is around \$19,000, which includes data ingestion, attaching keys, and project management.

Need for Further Discussion: Based on the above, HUD will need to engage in additional conversations with the Census Bureau to move forward with an Interagency Agreement (IAA) that would administer a survey of eviction.

- The Census Bureau and HUD will need to find the best channel for a survey of eviction: either a new survey or a module in an existing survey. This would require balancing the overall cost of the survey and respondent burden with the scope of the data collection and the type of geographic estimates that the data would permit. A new survey would allow for the greatest flexibility to collect rich data related to evictions and housing instability more broadly. Eviction is part of a broader system of housing insecurity that manifests in other ways, such as living in overcrowded conditions or experiencing bouts of homelessness. A new survey could explore other manifestations of housing insecurity and long-term effects of eviction (in a longitudinal, person-based survey). Starting up a new survey with the sample size and mixed method approach needed to effectively capture experiences with eviction would be the costliest option regarding budget and staffing. As an alternative, several existing Census Bureau surveys might have a design that fits the needs for a survey of eviction—such as the CPS or the ACS. While this option is less costly, it would increase respondent burden for these existing surveys.<sup>160</sup> Collecting high-quality data on extra-legal evictions would require adding a series of questions or an entire module focused on eviction. Thus, the scope of eviction questions would need to be limited, ensuring that such changes would not impact response rates. Extensive field tests that would take time and resources would need to occur. Additionally, the ACS is the only Census demographic survey that allows for county level estimates. The ACS also has the most restrictions on which questions can be added to the survey—a process that could take up to five years without guaranteed success.<sup>161</sup>
- HUD and the Census Bureau will need to agree beforehand on the type and level of disclosure avoidance procedures needed to protect PII and the lowest level of geography that will be allowed.

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<sup>160</sup> Increasing respondent burden is a constant worry for household sample surveys due to declining response rates since the late 1990s.

<sup>161</sup> The extensive process to request, evaluate, and test questions on the ACS is the result of the survey being required by law. Addresses selected for the ACS are legally obligated to answer all the question under Title 18 U.S.C Section 3571 and Section 3559, which amends Title 13 U.S.C. Section 221.



- The Census Bureau and HUD will need to discuss what types of projects the data should be made available for within the FSRDC and/or increase HUD's role in approving projects using the eviction survey data.

Overall Cost: The cost for the Census Bureau to conduct a stand-alone national eviction study ultimately depends on the final survey design (e.g., sample design and size, instruments, and training/materials) and the level of required post-processing. The AHS is the largest HUD sponsored survey, and the 2023 AHS is estimated to cost \$69,000,000. This estimate includes costs from training and field work to data processing. The cost of a survey of eviction would be higher than the AHS due to the specific needs for this survey, for example: a larger and more targeted sample, multimode instrument, larger non-response follow up, and other enhancements discussed in Section 2.2. The ACS, which is the only Census survey that provides reliable estimates for most counties has an estimated annual cost of \$227,000,000. The cost to add an eviction module to the ACS is not known at this time. It would depend on extent of question testing and evaluation and the level of additional effort needed to conduct the survey with the new questions/module.

#### *The Private Vendor Path*

Another option is to contract out the survey of eviction to a private, external vendor. This option might address some concerns raised with a Census Bureau administered survey, but it would require additional planning and administrative work for HUD and would not necessarily be more cost effective.

Experience: There are private vendors that conduct reliable, large-scale surveys. These surveys include the General Social Survey conducted by the National Opinion Research Center (NORC) at the University of Chicago, opinion polling conducted by Pew Research and Gallup, and the longitudinal Panel Study of Income Dynamics (PSID) household survey conducted by the Survey Research Center at the University of Michigan. Such organizations have extensive experience designing and conducting surveys to meet the needs of the sponsoring agency.

Access: There is no substitute for the FSRDC network to access private survey data collected outside of the federal system. One option is for HUD to partner with FSRDCs themselves to allow access to the survey data collected by a contracted organization. By doing this, HUD would have the ability to approve projects themselves and charge minimal fees to access the database to cover cost of database maintenance.<sup>162</sup> Another option for data access outside of FSRDCs is a remote data enclave that can be incorporated into the contract for conducting a survey of eviction. For example, the University of Michigan has set up a virtual data enclave that researchers use to have secure remote access to private PSID data. Like the Census Bureau, they also require a research plan and approval from the Institutional Review Board (IRB) or other similar ethics review institution. Without an affiliation with a university that has a strong ethics review board, access to survey microdata could be costly to a researcher.

PII Protection: Unlike with surveys conducted by a federal agency, there is no federal statute that protects survey data collected by non-governmental entities. If HUD owned the resulting survey data, these data would be subjected to FOIA, putting at risk the PII of respondents. HUD would need to ensure that the survey data would be protected from disclosure and FOIA requests and define consequences if a disclosure is made. HUD would also need to ensure that sampled respondents both know and trust that their private information would not be disclosed.

Linking: Even without officially partnering with FSRDCs, HUD should be prepared for external researchers to request eviction data to be transferred and made available within FSRDCs for the purpose

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<sup>162</sup> <https://www.census.gov/about/adrm/fsrdc/about/fsrdc-network-fees.html>

of linkages with Census Bureau data. A file processed by the Census Bureau may cost around \$28,000, which covers legal clearance, data ingestion, attaching keys, and project management. Any data processed by Census automatically falls under Title 13. Thus, any output from the survey data must follow the same disclosure guidance and these data may only be used for statistical purposes.

Need for Further Discussion: Based on the above, HUD would need to take additional steps to ensure the necessary criteria are met if contemplating contracting out a survey of eviction to a private vendor.

- HUD would need to ensure any contract includes addressing how projects and researchers will be screened and approved.
- HUD would need to ensure that safe and reliable access to private survey data is still possible with a non-governmental entity.
- HUD would need to create its own disclosure avoidance guidance and review processes for output based on the eviction survey.
- The contract terms and provisions would clearly state that HUD owns the resulting data. Because such data would be subject to FOIA request, HUD must work with Congress to ensure that proper FOIA Exemption 3 language is included in any bill mandating the collection of eviction data by the federal government.

Overall Cost: Like the cost of a Census Bureau-run survey, the cost of having a private vendor conduct a survey of eviction depends on a range of survey design decisions. The Behavioral Risk Factor Surveillance System (BRFSS) collects state health data continuously throughout the year. BRFSS involves in-house and telephone interviews with more than 400,000 respondents and the estimated annual program funding in the BRFSS grant is \$70,500,000. While the sample is larger than the AHS, BRFSS only allows for estimates in select counties where the sample is at least of 500 respondents. For other work, HUD analysts have found that a survey with a private vendor can cost half million to \$1 million per every 2,000 cases.<sup>163</sup>

## Potential Approach to Collecting Data on Evictions from HUD-assisted Housing (including Administrative Evictions)

The most efficient way to improve understanding of the prevalence of evictions among HUD-assisted households is for HUD to collect data on eviction filings and judgments by adding to or modifying the fields in its PIC, TRACS, and EIV systems (or successor systems). HUD could use these data to track the incidence of evictions from its rental assistance programs over time and to identify any patterns of evictions by program or household characteristic. As described in Chapter 1, PHAs, landlords, and owners have the right to take eviction action against assisted households under certain circumstances and following program regulations and state and local law. Collecting data on evictions would not jeopardize these rights but would permit HUD to better understand the incidence of different types of eviction and would contribute to HUD's longstanding interest in understanding the outcomes of households that leave HUD's rental assistance programs. As described below, data collected could provide more detailed information on the reasons for termination from a program and/or eviction from the unit, as well as other reasons for leaving the program such as no longer needing housing assistance, purchasing a home, or moving in with a partner.

An advantage of collecting data through PIC and TRACS (versus matching lists of assisted tenants to court records) is that such data collection would allow HUD to differentiate easily between eviction

filings (or notices) and actual evictions. Data collection through PIC and TRACS would also allow HUD to analyze the demographic and socioeconomic characteristics of households subject to eviction, as these systems already collect a wide range of descriptive data on assisted households.

Adding fields to PIC, TRACS, and EIV (or successor systems) would require resources for IT modifications by HUD, PHAs, and owners, resources for training and technical assistance, and Paperwork Reduction Act (PRA) clearance. More work is needed to determine the cost and feasibility of these activities. An important consideration is the potential impact on PHAs, owners, and landlords. HUD will need to be careful to ensure that additional data collection related to evictions does not result in a targeted review of owners/landlords or disincentivize them from participating in the programs or exercising their rights to manage their properties effectively.

How HUD could collect evictions data through PIC and TRACS (or successor systems) is described below. An alternative approach that does not require new data collection is to identify HUD-assisted tenants in court records by matching the name and address information in the court records (filings or judgments) to the names and addresses in HUD's administrative data systems. This could potentially be done by HUD staff if HUD also maintained a database of court records, or by qualified external researchers who requested access to individual level HUD administrative data via a data license or data use agreement. The major drawback to this approach is that it requires complete court records to be collected—ideally records of eviction judgments as well as filings. (The substantial challenges of collecting, cleaning, and standardizing court records are discussed elsewhere in this report.) For the HCV program, an added challenge is that a particular housing unit (as indicated by the address) might not continuously be occupied by a person receiving HCV assistance, so the researcher could not assume the address is always “HUD-assisted”. Instead, the researcher would need to pay careful attention to the name of the tenant and the timeframe in which the tenant receives HCV assistance in matching to the court record.

#### *Adding fields to TRACS related to evictions from HUD-assisted multifamily housing*

As discussed in Chapter 2, there are two ways that owners of HUD-assisted multifamily housing may remove a family from their unit. The first is termination of tenancy and the second is eviction through court action. Eviction is used by owners to compel the family to leave the unit if the date identified in the termination of tenancy notice is not met. Owners enter tenant-level data into TRACS throughout the year.

HUD could make modifications to its TRACS system to collect data on terminations of tenancy and evictions from HUD-assisted multifamily housing. Specifically, HUD could explore modifying codes in the existing monthly activity transmission (MAT) 40 Move Out Record in TRACS or add a new MAT field for this purpose. For example, HUD could modify the system to require data entries related to termination actions, such as the date the notice to terminate tenancy was issued, the date the tenant is required to vacate, and the violation(s) causing the notice to terminate tenancy. There could also be required entries related to eviction actions, such as whether there was an eviction filing associated with the notice to terminate tenancy, whether there was an eviction judgment, the date of the judgment, and whether the judgment resulted in an eviction. Exhibit 3-3 presents possible new and modified fields. HUD may want to add these fields as part of a broader effort to collect more detailed data on the reasons that households leave HUD-assisted multifamily housing.

Adding to or modifying TRACS data fields would require Paperwork Reduction Act (PRA) Clearance and funding to pay for modifications to HUD's and owners' data systems, training for owners on the new requirements, and HUD staff time to monitor compliance and ensure accurate data. These activities represent a significant investment of HUD resources. Before pursuing this approach for all owners of

HUD-assisted multifamily properties it would be prudent for HUD to pilot the approach with a sample of 10-15 owners over a 24-month period. Once TRACS is updated with new fields to track evictions, HUD would need funding to modify the EIV system to receive data from the new fields.

**Exhibit 3-3. Possible Fields Related to Evictions that Could be Added to TRACS**

Field	Possible Response Categories
Notice to Terminate Tenancy Issued	Date (MM/DD/YYYY)
Date to Vacate Unit	Date (MM/DD/YYYY)
Violation Causing Notice to Terminate Tenancy	<ol style="list-style-type: none"> <li>1. Failure to Provide Social Security Number</li> <li>2. Lifetime Sex Offender</li> <li>3. Material Noncompliance with the Lease Agreement</li> <li>4. Material failure to carry out obligations under any state Landlord and Tenant Act</li> <li>5. Drug related criminal activity engaged in on or near the premises by a tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant’s control</li> <li>6. Illegal use of a drug by a household member</li> <li>7. Pattern of use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other tenants</li> <li>8. Criminal activity by a tenant, any member of the tenant’s household, a guest, or another person under the tenant’s control</li> <li>9. Tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that in the case of the state of New Jersey, is a high misdemeanor</li> <li>10. Tenant is violating a condition of probation or parole under federal or state law</li> <li>11. A household’s member’s abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents</li> <li>12. Other good cause which includes, but is not limited to, the tenant’s refusal to accept changes to the lease agreement (these terminations may only be effective at the end of a lease term).</li> </ol>
Was there an eviction filing?	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>
Was there an eviction judgment?	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>
Did the judgment result in an eviction?	<ol style="list-style-type: none"> <li>3. Yes</li> <li>4. No</li> </ol>
Date of Judgment	Date (MM/DD/YYYY)

Note: TRACS already collects the date of move-out and demographic information on the household.

*Adding fields to PIC related to evictions from Public Housing and HCV*

At the writing of this report, HUD is in the process of replacing PIC with a new, upgraded system called PIH Information Center Next Generation, or PIC-NG. This major upgrade effort provides an important opportunity for HUD to modify its tenant data collection for the HCV and Public Housing programs and to add new fields related to end of participation like those discussed above for TRACS. Altering the fields

in the existing PIC system is not feasible, as PIC is outdated, unstable, and in need of myriad costly repairs and improvements.

HUD expects that the up to 100 PHAs that will participate in the Moving to Work demonstration expansion (MTW Expansion) will be the first to transition to PIC-NG. HUD has developed a new version of the form HUD-50058 that specifies the information these PHAs will report to PIC-NG. The new form is called the HUD-50058-MTW Expansion Family Report.<sup>164</sup> The HUD-50058-MTW Expansion form includes a more detailed list of end of participation reasons, in field 2w. One of the response options is “Evicted by landlord.” HUD’s intention is to use the new form first for the MTW Expansion PHAs and then to roll it out to all PHAs. So, HUD will likely have somewhat better data on the incidence of evictions from Public Housing and HCV in the near future, without substantial additional investment.

However, there are opportunities for HUD to improve data collection on evictions (as one of several possible reasons for leaving Public Housing and HCV) through additional modifications to the data collected through PIC-NG. For example, HUD could add reasons such as “evicted for nonpayment of rent,” “evicted for other lease violation,” and “left the unit after receiving a notice of eviction,” to field 2w in the HUD-50058-MTW Expansion form and use those fields for all PHAs (beyond those in MTW). Alternatively, HUD could create new fields that collect information along the lines of that presented in Exhibit 3-3 above. PHAs ought to be able to report accurately on the incidence of both eviction filings and actual evictions among residents of Public Housing and among HCV-assisted households. If HUD were to collect data on evictions, collecting information on filings as well as actual evictions would be important as filings alone could overstate the rate of eviction and actual evictions alone could understate the number of households subject to eviction filings, which can have negative effects on a household’s rental history even if the household does not get evicted. In the Public Housing program, the PHA is the landlord, and thus will know when they evict a tenant through court action or administrative action. They will also know if a tenant leaves a Public Housing unit after receiving an eviction notice but before completing the hearing process and receiving an eviction judgment. For the HCV program, participating landlords are required through the terms of their HAP contracts with the PHA to notify the tenant of any court action to evict and provide a copy of that notice to the PHA at the same time. Landlords must also notify the PHA when they terminate the lease and when they learn a tenant moves out.

It may be preferable to collect eviction-related data in its own field(s) rather than as a subset of end of participation. For example, an eviction notice provided to a tenant may not result in an end of participation or a termination but is worth collecting as the eviction filing can stay on the tenant’s credit record. Also, there may be cases in the HCV program where the landlord evicts the household from the unit, but the PHA determines that the household may continue to participate in the program and thus the tenant’s participation does not end.

Adding new fields to PIC-NG would require PRA Clearance and funding to pay for modifications to HUD’s and PHAs’ data systems, training for PHAs on the new requirements, and HUD staff time to monitor PHA compliance. HUD may need to incentivize PHAs to enforce the requirement that landlords in the HCV program send them copies of eviction notices given to tenants. Given that PHAs already have a high-level of administrative burden, there may be a need for additional administrative funding to ensure that PHAs provide the new data consistently and accurately. Furthermore, as discussed in the context of TRACS, it would be prudent for HUD to pilot new fields with a sample of PHAs before implementing

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<sup>164</sup> The form is available here: <https://www.hud.gov/sites/dfiles/OCHCO/documents/50058MTWExpansion.pdf>. At the writing of this report, the form has not yet been implemented.

such a large-scale change to its administrative data collection. Once PIC is updated with new fields to track evictions, HUD would need funding to modify the EIV system to receive data from the new fields.

## Chapter 4. Conclusion

The research and stakeholder engagement conducted for this preliminary feasibility study has made clear several key facts:

- Eviction is a life-changing event for the families that experience it, with a myriad of negative repercussions on health and future housing stability.
- Eviction affects many renters, with more than 3 million eviction action cases filed in the courts each year and an equal or greater number of evictions occurring outside the court system. As national, state, and local eviction moratoria put in place in response to the pandemic come to an end, the number of households facing eviction may exceed 10 million.
- Eviction disproportionately affects renters who are people of color, women, people with children, and other protected class groups under fair housing and civil rights laws.
- Targeted legal services and eviction diversion programs are effective at helping tenants and landlords avoid eviction court and/or at mitigating the worst effects of an eviction filing. Greater investment in affordable housing and emergency rental assistance is needed to address the root cause of the eviction crisis.
- States, localities, and federal agencies need tools to identify the areas and populations most in need of eviction prevention and diversion services and to track the effectiveness of their interventions over time. Data on the prevalence and change over time of evictions is also critical to inform state and local courts' policies and procedures.
- There are numerous important efforts ongoing to collect and statistically analyze data on evictions. These efforts are being led by university-based researchers and by state and local court systems interested in better understanding and addressing the crisis. The Eviction Lab's work in assembling court records and creating mapping and data sharing tools has played a pivotal role in bringing national attention to evictions. LSC's Eviction Tracker also aims to collect and analyze court records on a national scale. In addition, more localized research efforts (including some conducted by researchers at the Eviction Lab) exist which analyze court records in more detail, link court records to other datasets, and conduct household surveys to document extra-legal evictions. These multiple local research efforts have substantially expanded the knowledge base in the past few years on topics such as the characteristics of households subject to eviction, the characteristics of landlords initiating eviction action, and the role of subsidized housing in protecting families from eviction.
- Collecting, assembling, and correctly interpreting court records across multiple court jurisdictions is enormously complex and time consuming. Collecting data on extra-legal evictions on a national scale is arguably even harder because there is no formal record. Accurately describing the characteristics of households and landlords involved in eviction is highly challenging because of the minimal level of information typically provided in eviction case records, which lack sufficient PII to easily enable linkages to other sources of data.

- The localized nature of eviction law, court records, and housing market dynamics suggest that there will always be an important role for local research efforts. Local research efforts typically draw on a richer array of data sources and fully acknowledge the local factors shaping their findings, making them well suited to inform local policy change and advocacy work. However, the scale of the eviction crisis is such that federal intervention is also needed. Federal investment in affordable housing supply and long-term rental assistance, as well as emergency rental assistance and eviction legal services, is critical. Furthermore, the federal government may also play a role in collecting and analyzing data to inform the most efficient and effective allocation of federal resources. Finally, the federal government may also encourage state and local efforts to track evictions and help fill the major gap in our understanding the prevalence of evictions that take place outside the court system.

This study has identified several actions that might be feasible and beneficial for HUD to undertake, with Congressional support, to help increase the availability of data and research related to evictions:

1. Providing grant funds, data standards, and technical assistance to help states to work with their state and local court systems to develop more systematic collection and storage of eviction records, with the long-term goal of creating a robust national evictions database while achieving the short-term benefit of helping states and localities better understand and address eviction trends in their communities.
2. Funding a national survey (or modification to an existing survey) to collect data from a representative number of households on experiences with eviction and housing insecurity, on household characteristics (including protected characteristics under fair housing laws), and on factors affecting housing stability.
3. Funding research on important topics related to evictions while states develop their capacity to contribute court records to a national dataset and the national survey is being developed.
4. Working with Congress to ensure that the proper federal protections are in place to protect the privacy and confidentiality of individuals whose data are collected.
5. Working with public housing agencies, owners, and landlords, as well as other federal agencies such as the USDA, to incorporate data collection related to evictions into the routine administrative data collection for federally assisted rental programs.

HUD needs to take several important steps to refine and fill out these proposals. One critical step is broader stakeholder engagement on the proposals introduced in this report along with discussions of other ways HUD and/or other federal agencies could best support state and local efforts to track, analyze, and address evictions. Support from court systems, in particular, is vital to the feasibility of the proposed collection of court records by states and subsequent transmittal to HUD.

It would take time to build broad support and identify a path forward that both serves federal goals and aligns with the interests of states, courts, tribal governments, and a broad set of stakeholders. The President's 2022 Budget included resources for HUD's Office of PD&R to conduct the systematic stakeholder engagement, including engagement with Congress, needed to finalize the proposals and develop accurate cost estimates and implementation plans.



In addition to broad stakeholder engagement on all of the proposals in the report, HUD also has specific follow-up steps for each type of eviction data collection activity.

Key next steps for court-ordered evictions include:

- Discussion of the feasibility, benefits, and costs of the proposed actions with state and local court systems, Tribal courts and tribal representatives, landlords and affordable housing providers, tenants, HUD-funded state and/or local Fair Housing Assistance Program (FHAP) agencies, and HUD-funded state and/or local private Fair Housing Initiatives Program (FHIP) organizations.
- Discussion of the feasibility, benefits, and costs of the proposed actions with the Department of Justice and other federal agencies that could play a role in data collection.
- Engagement with legal services providers, FHAP agencies, FHIP organizations, tenant advocacy organizations, and tenants to ensure that the proposed action steps do not inadvertently harm eviction diversion and prevention efforts.
- Collaboration with existing projects assembling national datasets, such as the Eviction Lab and LSC's Eviction Study, so as not to duplicate work.
- Discussion with Congress about options for requiring states to provide eviction data and for exempting HUD's database from FOIA.

Key steps for extra-legal evictions include:

- Discussions with the Census Bureau about options for adding eviction questions to existing survey efforts or creating a new survey focused on eviction and housing instability.
- Refining estimates of needed sample size to achieve reliable estimates, required data collection approaches, and associated costs.

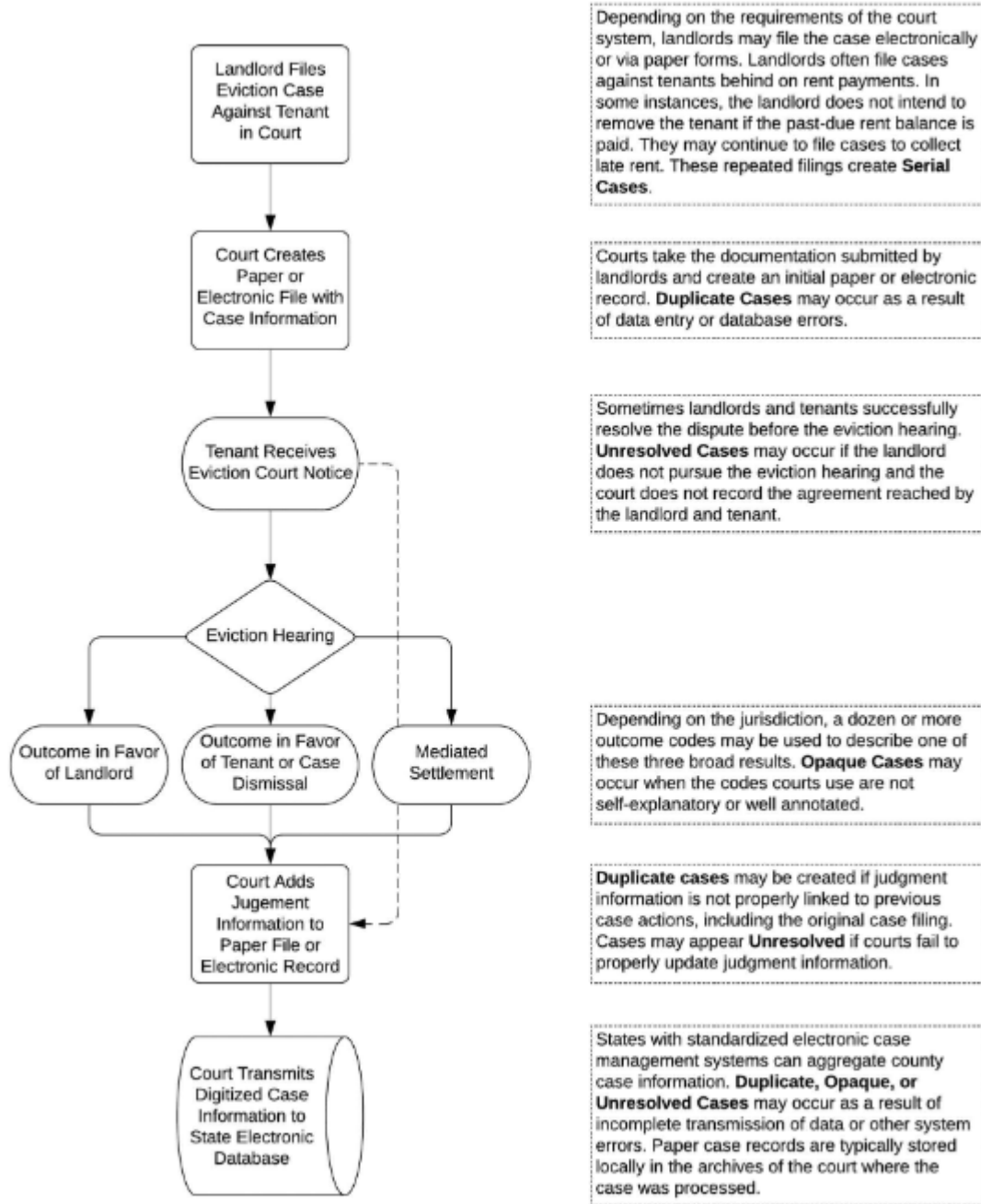
Key steps for evictions of HUD-assisted households:

- Discussion of the feasibility, benefits, and costs of the proposed actions with PHAs, owners of HUD-assisted multifamily properties, and landlords participating in the Housing Choice Voucher program.
- Consideration of options for collecting data on evictions from LIHTC-financed housing.
- Discussions with Tribally Designated Housing Entities (TDHEs) regarding collecting data on evictions from federally-funded housing on tribal lands.

HUD looks forward to further discussion with and input from Congress on the points raised and ideas proposed in this study.

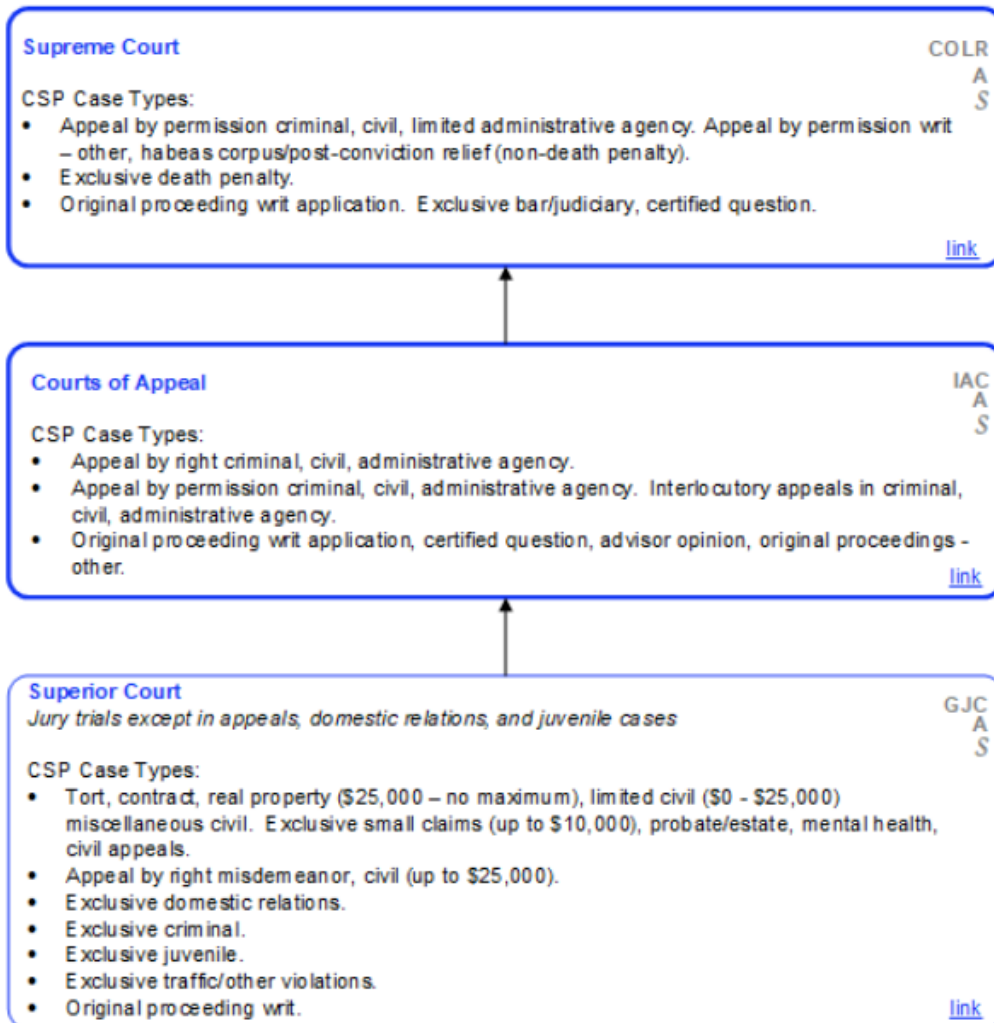
# Appendix A. Supplementary Exhibits

Exhibit A-1. Example of The General Progression of Eviction Cases in Courts



Source: Porton et al., 2020

**Exhibit A-2. Example of Unified Court (California)**

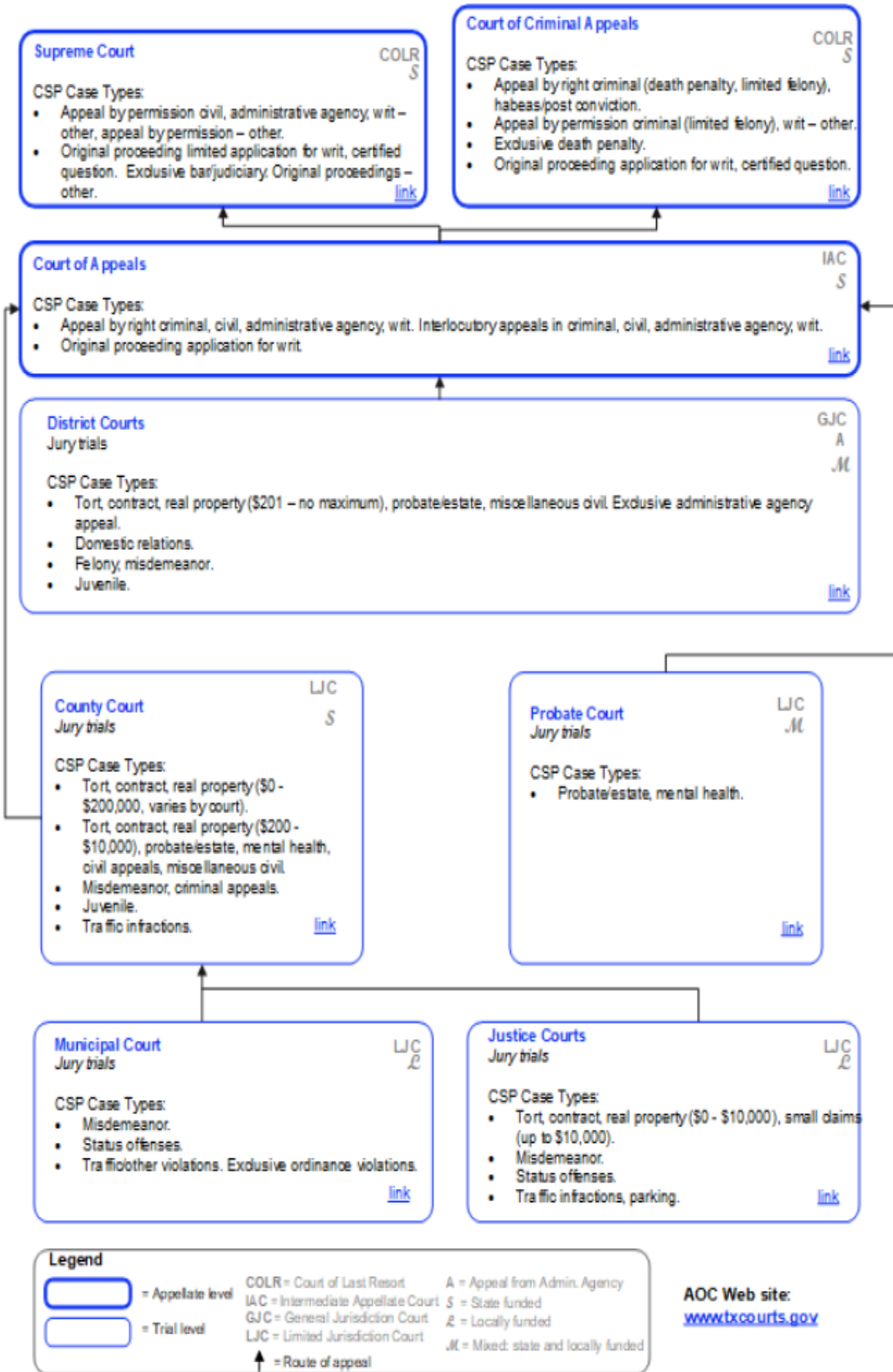


AOC Web site: [www.courts.ca.gov](http://www.courts.ca.gov)



Source: CSP, [https://www.courtstatistics.org/state\\_court\\_structure\\_charts](https://www.courtstatistics.org/state_court_structure_charts)

**Exhibit A-3. Example of Both General Jurisdiction and Limited Jurisdiction (TX)**



Source: CSP, [https://www.courtstatistics.org/state\\_court\\_structure\\_charts](https://www.courtstatistics.org/state_court_structure_charts)

#### **Exhibit A-4. AHS Eviction Module Questions**

The 2017 AHS Eviction module included the following questions and possible responses to these questions. These questions were only asked to respondents who themselves reported moving within the previous two years, and who reported being a renter at their previous residence.

An eviction is when your landlord forces you to move. Were you, or a person you were staying with (in your previous home), evicted? (Field representatives can also read as necessary: A landlord Not renewing the lease should Not be counted as an eviction.)

1. Yes
2. No

An eviction goes on your record if the landlord carried out an eviction order against you in small claims court and a commissioner or judge ruled in your landlord's favor. This can happen even if you do not show up for court. Did this eviction go on your record?

1. Yes
2. No

Were you, or a person you were staying with, evicted because you or they fell behind in rent?

1. Yes
2. No

Did you, or a person you were staying with, receive an eviction notice while living at this place?

1. Yes
2. No

Did you, or a person you were staying with, receive an eviction notice because you or they didn't make a rent payment?

1. Yes
2. No

After you received the eviction notice did you, or a person you were staying with, go to court?

1. Yes
2. No

When you went to court were you, or a person you were staying with, ordered to move?

1. Yes
2. No

(After you received the eviction notice,) did you or a person you were staying with move away from this place before going to court?

1. Yes
2. No

Did you, or a person you were staying with, work something out with your landlord?

1. Yes
2. No

Did you move away from this place because your landlord told you, or a person you were staying with, to leave?

1. Yes
2. No

Did you move away from this place because you, or a person you were staying with, missed a rent payment and thought that if you didn't move you would be evicted?

1. Yes
2. No

Did you move away from this place because the city condemned the property and forced you to leave?

1. Yes
2. No

Did you move away from this place because the landlord raised the rent?

1. Yes
2. No

Did you move away from this place because the neighborhood was dangerous?

1. Yes
2. No

Did you move away from this place because the landlord did not make repairs?

1. Yes
2. No

Did you move away from this place because the landlord went into foreclosure?

1. Yes
2. No

At the time you moved, were you or the people you were staying with caught up with the rent at this place?

1. Yes
2. No

Did your child have to switch schools because of the move?

1. Yes
2. No

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