



Collaborating with Courts on Emergency Rental Assistance and Eviction Prevention Programs

The court plays a pivotal role during formal evictions. Once a landlord decides to file a lawsuit against a tenant, the court is the main contact with both parties. It defines the process for how parties bring claims, tell their story, work out a resolution, or proceed toward a forcible set-out with a court order. The court also can give both tenants and landlords guidance about available services to help prevent an eviction and reduce housing instability.

This worksheet provides guidance on initiating conversations with court personnel about emergency rental assistance (ERA) programs. It can be used by ERA providers seeking to expand awareness of available services among court staff and judges. It can also serve as a resource when foraging a specific partnership with courts to provide more holistic and preventive services.

This resource was developed by the [National League of Cities](#) and the [Stanford Legal Design Lab](#) based on partnerships with the five city participants of the [Emergency Rental Assistance Technical Assistance Program](#). Additional resources for local governments implementing or refining an ERA program can be found at nlc.org/resource/emergency-rental-assistance-toolkit.

Establishing Connections with the Court

Courts and court staff can play a crucial role in eviction prevention efforts because they have a direct line to both parties involved in an eviction case. People working in the courts are well positioned to make sure tenants and landlords are aware of emergency rental assistance and other programs available to them. Court personnel also can ensure that procedures are in place to reduce housing instability and ensure equitable and fair outcomes for all parties.

Establishing a working relationship with the relevant court starts with conducting research to identify the right people to speak to and ensuring that the city's messaging is in sync with the court's priorities. Next, cities and their partners can begin reaching out to judicial leadership or court staff with information about available assistance and other local eviction prevention services. It can also be helpful to share national standards on due process in eviction court cases and how other courts in the region are operating. This informational outreach, in turn, can lead to deeper conversations about ongoing partnerships and coordination opportunities aimed at reducing housing instability.

Finding the Right Contacts

Begin by researching the people within the court system who are involved in eviction and housing, as well as personnel who set the broader policy of the court. The latter group can include those with influence over the adoption of new court pilot programs, court funding decisions, and procedural or courthouse changes that could result in tenants and landlords accessing helpful assistance and programs.

Begin with online research through the court website to identify the appropriate contacts for each of these roles. Partners who regularly interact with the court, such as local legal aid groups or landlord attorneys, may also have helpful insight into who would be open to talking about eviction prevention.

Key contacts in the courts (local and statewide) could include:

◆ **Local judge, magistrate, or judicial officer**

People in this role may have different titles, such as judge or magistrate, depending on the jurisdiction. This person will have influence over what happens in an eviction hearing, but they may also be able to influence other policies and partnerships. Some courts have a single judicial officer assigned to eviction proceedings. Other courts may have a rotating set of officers who do not necessarily work on evictions regularly.

◆ **Court executive officer and administrator**

Members of the court staff who oversee core operations and know details about funding, data, courthouse spaces, and partnership possibilities.

◆ **Judicial clerks**

Judicial clerks assist the judicial officer in managing cases; they likely will have strong insights into current judicial processes and behind-the-scenes operations.

◆ **Court clerks**

Court clerks are front-line staff who interact with landlords and tenants; a head clerk may oversee other clerks.

◆ **Self-help center director**

Some courts have special, public-facing centers that help people with court filings and navigating their case. The center director is typically an attorney who will have extensive experience working with community members on a range of legal challenges.

◆ **Statewide access to justice commissioners**

Many states have strategy groups or commissioners focused on improving access to justice, including through court reforms. These commissioners may have insights into local court dynamics as well as connections to statewide leaders who can encourage local change.

◆ **State supreme court justices**

Each state court system has a supreme court with a chief justice and associate justices. Justices can set policy and encourage changes among local courts.

Once these roles are identified, explore who may be interested in eviction prevention issues, access to justice, or court innovations. People serving in each of these roles can contribute in varying and important ways to forge strong, cooperative relationships between the court and ERA providers or the local eviction prevention network.

Speaking the Court's Language

ERA and eviction prevention service providers should be familiar with how an eviction lawsuit works in the local court system. Having a basic understanding of the local process, timeline and requirements can help cities and their partners create stronger working partnerships with courts and clarify opportunities for process improvements.

ERA and eviction prevention service providers should consider the following questions:

◆ **What’s the proper terminology?**

What is eviction called in your jurisdiction? Is it “unlawful detainer”? “Forcible entry and detainer”? Something else? Make sure you know the local terminology, as well as the acronyms that courts might use (e.g., UDs or FEDs).

◆ **What is the basic court process and timeline for eviction?**

What is required of landlords filing for eviction? Do tenants have to file a formal answer in order to get a hearing? Is a hearing scheduled automatically when the plaintiff files? Do tenants have a “right to cure” by paying back rent before a case is heard? How long does each step take?

◆ **What programs exist for tenants?**

Does the court have programs aimed at helping self-represented litigants or improving access to justice? (E.g., self-help centers, court navigators, justice advocates or collaborative courts). Programs currently operating in other legal areas might be easily adapted to eviction cases as well.

With these questions answered, reach out to court leaders to have a conversation about what is happening with housing and eviction in the region.

Sending the Right Message

In preparation for an introductory conversation with court leaders, consider what messages and framing will resonate. Effective messages are rooted in court values and priorities such as:

◆ **Neutrality**

The court must not have bias toward one side over another (e.g., defendants over plaintiffs). The more the team can present its work as neutral and mutually beneficial for tenants and landlords, the more likely courts will be willing to partner.

◆ **Following precedent**

Court leaders often want to understand how other courts have approached similar eviction prevention efforts. It can be easier to engage in work already underway and uncontroversial in other jurisdictions, especially neighboring or similar jurisdictions.

◆ **Efficiency**

Many courts are overwhelmed with lengthy dockets, overpacked calendars and rising costs for adequate staffing. Identify ways that ERA or eviction prevention can promote more efficiency in the court system — for example, by resolving cases before they go to trial, or even prior to a filing.

Different courts will bring different values and perspectives to the conversation. Some judicial officers or state supreme court justices may be eager to embrace court innovations or to pursue partnerships and strategies that can improve social outcomes for community members. Check with colleagues who work frequently with the court, or read statements, remarks or opinion pieces authored by judges. This individualized research can help you tailor outreach to the values that motivate key court leaders and staff.

Sharing Materials

After the initial outreach, consider sharing helpful information and ideas with the court. For example, after an introductory call with court staff, you may want to share more reference points and substantive reading about how other courts have engaged in new pilots, procedural reforms, or data collaborations to promote emergency rental assistance or eviction prevention. Relevant resources to share might include:

- ◆ [10 Guidelines for Residential Eviction Law](#) (American Bar Association)
The ABA adopted 10 key points for how due process should be protected during an eviction lawsuit as a formal resolution in February 2022. The ABA urges all federal, state, local, territorial, and tribal legislative, and other governmental bodies to implement the ABA 10 Guidelines for Residential Eviction Laws.
- ◆ [Letter from Associate Attorney General Gupta](#) (Department of Justice, June 2021)
This advisory letter urges courts across the country to engage in eviction prevention work, especially as a result of COVID-19 hardships. It gives specific examples of what courts can do, with citations to specific examples.
- ◆ [Readout of Attorney General Merrick B. Garland and Associate Attorney General Vanita Gupta's Meeting with State Chief Justices](#) (Department of Justice, August 2021)
This is a description of a meeting held between Attorney General Merrick Garland, Associate Attorney General Vanita Gupta, and over 35 Chief Justices of state supreme courts for discussion of the eviction crisis. It demonstrates the Attorney General's support of the Associate Attorney General's letter outlining steps that state courts could take to raise awareness of emergency rental assistance and to implement eviction diversion strategies in their jurisdictions.
- ◆ [Eviction Innovations](#) (Stanford Legal Design Lab)
This online repository of case studies has examples of policies, technology, services, and communication changes that courts have made to advance eviction prevention.

◆ [Opinion Piece: “It Should Take More than 10 Minutes to Evict Someone”](#)

(New York Times, January 2022)

This piece by two leading justices with different political backgrounds, Anne Blackburne-Rigsby (chief judge of the District of Columbia Court of Appeals) and Nathan Hecht (chief justice of the Supreme Court of Texas) lays out the benefits of diversion and prevention programs in court.

Understanding the Court Landscape

Once a relationship with the court has been established, ERA providers should seek to find out more about the eviction status quo. How do evictions currently operate in the courts, what is the eviction rate, and what are the outcomes? The goal is to understand opportunities for new court-based interventions to reduce evictions and how court data can inform the work of the local eviction prevention network.

During conversations with court contacts, try to get a better sense of the legal process, what happens inside the courtroom and the impact in the community. Ask for data on case volumes and outcomes and any other information that will help assess how the local court operates relative to other courts and national standards for due process. These conversations can also cover informal standards and what really happens behind the scenes when it comes to settlements, courtroom practices, services offered and frequently involved litigators.

Accessing Court Data on Eviction Rates and Outcomes

ERA program staff can request that the court share data reports from its case management system (CMS). Depending on how the CMS is structured, the court may not easily be able to delineate eviction cases from other kinds of cases. Try to work with the court to get as much specific information on evictions as possible, including:

- ◆ How many cases were filed each month for the past several years? What trends are notable?
- ◆ Who are the most frequent defendants (based on zip code or other data)?
- ◆ Who are the most frequent plaintiffs?
- ◆ What types of evictions are being filed? (E.g., for non-payment of rent, other lease violations, or other reasons)
- ◆ What is the average amount of rent that is being sued over in non-payment cases?

- ◆ How often are parties represented by an attorney?
- ◆ What is the default rate for defendants who do not respond to the lawsuit by filing an answer or appearing at the hearing?
- ◆ What are the rates of the ultimate case outcomes, including judgment for plaintiff, judgment for defendant, default judgement for plaintiff, or settlement?

After exported reports have been received, it may be necessary to ask for a meeting to go through the data. There will likely be missing fields, shorthand entries, or other issues that require clarification. The bottom line: make sure you have enough information to understand what is happening in court-based eviction cases.

If the court is willing, cities and their partners should pursue ongoing data connections or a formal data-sharing agreement. This could include periodic sharing of case data, which would allow for analysis and tracking of trends over time. Or, if automated data exchange is possible, it could be possible to see if people on the court docket are also in an ERA queue, and ERA providers can proactively connect with tenants as cases are filed. The initial data exchanges are a good blueprint for a more regular, ongoing exchange of data and information.

Assessing Courtroom and Judicial Process in Practice

ERA program staff should also request to observe eviction cases at in-person or virtual hearings. These are public hearings, so anyone can be present in the courtroom, but it may build goodwill to inform court contacts that someone will be observing. Talk to lawyers and advocates in the courtroom about the trends they see and during hearings, be sure to note:

- ◆ What are the dynamics inside the court room?
- ◆ How long does a court case last?
- ◆ How are tenants and landlords being informed of assistance that is available?
- ◆ Where do mediations and settlements happen?
- ◆ What is typically done to review settlement agreements?
- ◆ What kinds of settlements are being reached?

Comparing Local Processes to National Eviction Law Standards

Consider inviting court contacts with whom you have established relationships to review how local eviction laws and policies compare to national standards, such as those defined in 2022 [by the American Bar Association](#) or in 2021 [by Associate Attorney General Gupta](#).

Frame this meeting as a collaborative strategy session rather than an audit. Working alongside court staff, go through the national standards one-by-one and ask: *How does this compare to what is happening in our region? If there's a difference, why does it exist? And what can happen to bring local processes more in line with the standards?*

This standards-oriented meeting can help set a local agenda and forge agreement on promising practices that can be brought into the local courts. Look for specific case studies of initiatives that other courts have piloted to improve their compliance with standards; this can help direct court partners to concrete next steps.

Collaborating with the Court

Another conversation to have with court personnel is about initiating new partnerships or pilot programs. This conversation can build on the prior ones, focusing on agenda points that have already been identified for improving coordination and access to services. The question at the heart of this conversation is: *What are some feasible ways the courts could participate in and facilitate ERA and eviction prevention efforts?*

Explore Procedural Reforms and Court-Based Prevention Initiatives

Ideas for new pilots, changes to court procedure, courthouse improvements, or new prevention programs may already have come up in earlier conversations. These conversations are a chance to go the next step in exploring exciting ideas for changes or interventions, while bringing a wider group into the discussion about what courts might be doing.

Draw on the case studies, national best practices and prior identification of problem areas to develop a list of possible procedural shifts or court-based innovations to pursue. Initial ideas to consider are included here.

Examples of Court Reforms and Partnerships

- ◆ Establishing a formal court-based eviction diversion program
- ◆ Texting reminders to litigants (e.g., to improve attendance rates to hearings)
- ◆ Redesigning court summons to be more user-friendly
- ◆ Including information about emergency rental assistance and available legal assistance in court packets served to tenant litigants
- ◆ Placing benefit counselors or housing navigators inside the housing court
- ◆ Requiring settlement conferences before a hearing takes place
- ◆ Establishing data sharing agreement and procedure between the court and ERA providers
- ◆ Establishing a judicial protocol to issue a motion staying cases for which there is an active emergency rental assistance application awaiting decision
- ◆ Developing hearing protocols to help litigants avoid default judgments (e.g., by calling tenants who have not arrived at the courthouse, or maintaining an online appearance option)



TIP: If the court seems open to establishing an eviction diversion program, use the [National Center for State Courts diagnostic tool](#) to structure a conversation about how such a program might be implemented locally. This tool walks through strategic questions that can help identify if a light, medium, or full version of a diversion program would be a good fit for the court.

Court staff can filter through ideas from around the country to identify the most feasible innovations or programs. It might be useful to engage more access to justice leaders in these conversations as well — including members of a statewide Access to Justice Commission — to identify if there are other resources that could support a local court pilot around eviction prevention.

Organize a Design Workshop or Brainstorm

One way to identify possible partnership projects with the court is to convene a design workshop. ERA service providers, court leaders (including staff and officers who have not been a part of your conversations to date), advocates, service providers, community members, and even past litigants can be convened to explore what kinds of court-based initiatives would be impactful and feasible.

Provide participants in the workshop with data and information about the current state of eviction cases, how the region's laws compare with national standards, and key frustrations and opportunities that have already been identified. With that shared understanding established, stakeholders could spend the first half of the workshop in small, mixed groups to reflect further on the *status quo* and pathways to more effective eviction prevention. Questions to consider include:

- ◆ What is going wrong?
- ◆ What is going well?
- ◆ What are the key opportunities for strengthening the process?
- ◆ What are the risks to be aware of?

Based on the themes that arise, facilitators can next align the group around specific prompts aimed at identifying possible solutions. For example:

- ◆ How do we increase the likelihood that tenants are equal participants in court?
- ◆ How might we divert potential lawsuits away from the court and to mutual resolution?
- ◆ How do we build ongoing relationships between courts and other agencies that can improve social outcomes and institutional efficiency?
- ◆ How might we increase due process for both sides in an eviction case, so that landlords and tenants feel they have a respectful, transparent, and fair experience in the court system?

The second half of the workshop should be used for brainstorming, idea selection and aligning on next steps. Consider the many ways the court and the broader set of housing actors in the region could improve the process and bring added services to tenants and landlords.

The facilitator should set up a brainstorming environment to encourage creativity. The facilitator should encourage teams to think about new services, policies, products and organizational changes that are not bound by resource constraints or present-day limitations.

This can mean using sticky notes; dividing into smaller groups that bring people from different teams together; and encouraging participants to focus on generating lots of ideas using prompts such as, *“What if you had a billion dollars?”* or *“What if politics and bureaucracy didn’t matter?”*

The resulting list of ideas can then be filtered down and adapted. Some of the “pie in the sky” ideas might spark thinking around more realistic alternatives. Consider whether any of the “wish list” items can be adapted or scaled back. Encourage the group to end by aligning around a handful of ideas that are impactful yet feasible, establish clear next steps, and identify point people to carry each idea forward. Notes from the session and the final recommendations should be compiled and shared with court leadership and throughout the local eviction prevention network.

Continued Partnership and Coordination

With possible innovations and procedural changes identified, ERA providers and other members of the local eviction prevention network should explore how they can best collaborate with and support the court to move new initiatives forward.

This might mean establishing more formal partnerships, service referrals, or data exchanges between local government agencies and the court. Or it could mean supporting the court in its own internal procedural, courthouse, or technology reforms.

Regardless of the specific path forward, cities and ERA program staff should seek to sustain and strengthen established relationships within the court through consistent communication and coordination. These ongoing conversations and check-ins will help the court become an active member in local eviction prevention work, while broadening the reach and impact of promising new initiatives.

Suggested Resources

[Eviction Laws Database](#)

(Legal Services Corporation)

This online repository has a state-by-state guide of formal eviction laws. Please note that local laws in a city or county may differ, and laws that are formally on the books may be applied differently in practice. Regardless, this resource can help a team see how its eviction laws compare to those in other jurisdictions.

[10 Guidelines for Residential Eviction Law](#)

(American Bar Association)

The ABA adopted 10 key points for how due process should be protected during an eviction lawsuit, as a formal resolution in February 2022. The ABA urges all federal, state, local, territorial, and tribal legislative, and other governmental bodies to implement the ABA 10 Guidelines for Residential Eviction Laws.

[White House and Department of Justice Actions on Eviction Prevention](#)

(White House)

This page collects the statements, initiatives, and meetings that the Department of Justice and the White House have issued around eviction prevention and housing stability. It includes many recommendations from national legal leaders for courts and lawyers to engage in eviction protection work.

[Tiny Chat Series with Guidance to Courts on Evictions](#)

(National Center for State Courts)

This is a series of short videos with court leaders across the country discussing specific ways courts can engage in eviction prevention work.

[Listen > Learn > Lead: A Guide to Improving Court Services through User-Centered Design](#)

(Institute for the Advancement of the American Legal System)

This practical guide walks court leadership or their partners through the process of using a design workshop to get many stakeholders' input into an agenda for reform.