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# ABA-Harvard report outlines best practices to reduce evictions, increase housing stability

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CHICAGO, June 23, 2021 – With the COVID-19 pandemic contributing to a national surge in evictions, the American Bar Association has teamed up with the Harvard Negotiation & Mediation Clinical Program to identify nationwide best practices to divert eviction filings and enhance housing stability.

The comprehensive 40-page report, [“Designing for Housing Stability: Best Practices for Court-Based and Court-Adjacent Eviction Prevention and/or Diversion Programs,”](#) provides a checklist of considerations for effectively designing eviction prevention and diversion programs, regardless of the jurisdictional, judicial and administrative characteristics. The report was coordinated through the [Eviction Committee](#) of the ABA Task Force on Legal Needs Arising from the Coronavirus (COVID-19) Pandemic.

Through surveys and interviews, project researchers looked at factors leading to housing stability, including how landlords, tenants, service providers, courts and governmental entities defined success. While some had multiple metrics, both landlords and tenants cited housing stability among their immediate goals. Some defined success as providing guaranteed repayment of rental debt. Others identified procedures allowing for all parties to get a fair hearing. The research showed widespread buy-in for eviction prevention efforts, with more than 70% of the landlords inclined to address issues of tenant nonpayment outside of court.

The research also determined that some of the best diversion programs incorporated full or limited legal representation; a legal hotline or help desk; tenant rights and/or education programs; rental or cash assistance; and pre- or post-filing mediation services to parties.

“The United States is facing a severe eviction crisis that threatens the livelihood of landlords and renters and may strain our legal system beyond capacity,” ABA President Patricia Lee Refo said. “Lawyers and legal systems are critical to preventing eviction and helping parties take full advantage of the \$46 billion in rental assistance. The ABA/Harvard report offers a road map to ensure access to justice and eviction prevention during this unprecedented humanitarian crisis.”

The researchers found that the best programs showcase how court and court-adjacent efforts can effectively coordinate services, promote housing stability and prevent and divert evictions. However, the report cautions that these amount to relatively late-stage intervention to the underlying factors, such as wage stagnation and a shortage of affordable housing, that created the need for intervention.

“With the expiration of the CDC moratorium just days away, millions of families across the country are facing eviction and at heightened risk of the COVID-19 infection and death it causes,” said Emily Benfer, chair of the ABA Eviction Committee. “Eviction diversion programs are critical to preventing severe and long-lasting harm to adults and children nationwide. ‘Designing for Housing Stability’ is an outstanding resource for securing housing stability and protecting the health and well-being of communities across the country.”

The study team secured information from more than 320 diverse stakeholders who were surveyed on how courts and communities designed interventions that help prevent and divert evictions.

“Our research shows that investment in eviction diversion is both urgent and

widely supported,” said Deanna Pantín Parrish, clinical instructor and lecturer on law at the Harvard program and author of the report. “Informal efforts are widespread, suggesting that the networks and resources are in place to easily formalize and expand eviction prevention programs across the United States.”

The report noted that the views represent the opinions of the authors and have not been approved by the ABA House of Delegates or the ABA Board of Governors and, accordingly, should not be construed as representing the position of the association or any of its entities.

About the collaborators:

[Harvard Negotiation & Mediation Clinical Program](#) focuses on cutting edge work in dispute systems design, negotiation, mediation and facilitation, training Harvard Law School students in various aspects of dispute systems design and serving clients by building their capacity for effective conflict management and successful negotiation. Students in its Dispute Systems Design Clinic provide clients with high-quality analysis and practical dispute management strategies in a wide range of contexts.

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