

HOUSING RETENTION FRAMEWORK

Evictions are an avoidable cause of return to homelessness for individuals who have recently exited homelessness. Many evictions can be avoided and oftentimes result from situations in which neither staff nor tenant are equipped with the skills necessary to create practical, mutually-beneficial solutions to problems. Evictions not only put individuals and families at risk of homelessness; they damage community interests and waste significant public resources. Programs and residents will benefit from careful attention to the framework; especially intervention by professional neutrals with experience resolving housing conflicts.

The framework details three key areas: (1) **Staff Coordination and Tenant Education**; (2) **Rent and Payment Protocols**; and (3) **Lease Compliance**.

STAFF COORDINATION AND TENANT EDUCATION

STAFF OVERSIGHT AND ACCOUNTABILITY

Housing retention is best achieved when an organization develops a tailored approach to ensure best practices and compliance with this housing retention framework. Targeted trainings can better equip staff to manage conflicts between participants, their neighbors, and management.

Consider a staff training regimen that includes broad topics such as population-specific services, property management, housing retention, disabilities/reasonable accommodations, and effective communication. Emphasize de-escalation, problem-solving, and mental health/substance use disorder management.

Your CoC can help link your operations with experts to implement policies that emphasize the autonomy, respect, and privacy of residents above all else, and de-emphasize strict tenant policies and arbitrary rules and enforcement that only diminish trust within a community.

CONTRACTOR OVERSIGHT

A number of evictions arise from issues with contractors inexperienced in interacting with residents; especially those with special needs. Programs should plan ahead to have support services staff on-hand to ensure appropriate discourse between contractors and residents.

TENANT EDUCATION AND ORIENTATION

Organizational structures can appear nebulous to residents. Tenants who suffer from memory loss and symptomatic disorganization are an opportunity for programs to design highly-effective reminder-based structures for disclosure of community policies and procedures.

Consider how you will orient residents to your management structure, and emphasize the key points of contact for the participant's concerns you can anticipate. Tenants and property managers alike will benefit from training to create, nourish, and manage the tenant-landlord relationship. Focus critically on how best to communicate within the relationship, and build in access to external resources when things go wrong.

WELLNESS CHECKS

Wellness checks are carried out when a tenant has not been seen for at least 72 hours, by reference to a review of daily wellness logs completed by front desk staff. Electronic entry and tracking can make the need for wellness checks easier to identify for staff. Conduct wellness checks with two staff members: one support services staff, and one property management.

INCIDENT REPORTS

Incident reports often appear inherently punitive when introduced to an already-tense situation. Staff should emphasize their use for routine information-gathering, rather than the initiation of a punitive process.

COORDINATION STRUCTURE/PLAN

Effective coordination between property management and services staff includes detailed updates on recent interactions with participants and ongoing mitigation efforts. On-site management and services staff should check in daily, and meet at least weekly to review resident and community concerns. Supervisors should check in at least weekly, and meet formally at least monthly. Issues for coverage should always include rental arrears, lease violations, building maintenance, policy changes, and new staff hires.

GRIEVANCE PROCEDURES AND APPROPRIATE DISPUTE RESOLUTION

Grievance hearings are sometimes necessary, but they are an adversarial process that tends to harden conflict and further divide participants. Mediation should be encouraged before moving to a grievance posture. Leases should contain provisions that encourage non-adversarial mechanisms. Residents and managers should be familiar with mediation resources, and encouraged to employ them at the first sign of conflict.

Too many tenants subject to unlawful detainers are unaware that a grievance procedure existed. Programs should consider mandating grievance procedures prior to eviction. Grievance procedures for both management and services should be consistent. Consider how your organization will make clear to residents the recourse available when they have an issue. Who will educate incoming and current tenants on mediation and grievance filing procedures?

MEDIATION AND CONFLICT INTERVENTION BY NEUTRAL PROFESSIONALS

Mediation includes a variety of techniques including informal communication coaching, detached situational analysis, and negotiation consultations, in addition to formal meetings guided by a neutral. Mediation is distinguished from all other forms of dispute resolution in being voluntary, confidential, and the participants determine the outcome. It can be used at any point in a dispute, but experts agree the earlier mediation is deployed, the more value it delivers. Consider a procedural approach that mandates internal, and then external mediation prior to legal action.

EVICITION ACCOUNTABILITY

Eviction notices are the last resort. Supportive housing providers with the lowest eviction rates notably require their organization's executive director (or equivalent) to sign off on evictions. This ensures that every station along a chain of command has been made aware of the circumstances leading up to an eviction. Further, it represents the procedural attempts at every possible juncture have been taken to avoid the household's displacement. Consider incorporating a requirement that an executive staff member be required to sign all enforceable legal actions that can disrupt housing retention.

RENT AND PAYMENT PROTOCOLS

INFORMATION ACCURACY AND AVAILABILITY

Consider common area signage and published reminders of rental due dates and procedures. Publications should make rental due dates, and past-due dates abundantly clear at top. Include a brief, understandable outline of procedures that follow non-payment. Balance information with brevity to promote residents' understanding of these procedures without turning the task into a burden.

Prompt, constructive communication about rent payment issues is essential to avoid the eviction path. Tenants should be encouraged to notify landlords/property managers in advance if they anticipate a problem in rent payment.

RESPONDING TO NON-PAYMENT

Eviction should never be the first consequence for rental issues. Program and property managers should expect to notify and involve support services staff well prior to serving eviction notices for rental arrears. Please consider your organization's plan for coordinating actions following late- or non-payment of rent.

Instate a rapid response to missed rental payments. Rather than waiting months to address a missed payment, support services should engage the resident as soon as possible, and refer to outside agencies that can help. Consider how your agency's detailed procedure for rental arrears can remain consistent with housing retention policies from informal notice to supportive engagement to mediation, all before any legal proceeding.

TEMPORARY ABSENCE OF HOUSEHOLD MEMBERS

Albeit unexpected, a temporary absence from the unit does not excuse a household member's income from calculation of rent. Support services staff should have protocols in place to avail themselves to tenants who will experience absences as a result of hospitalization or other extended off-site treatment.

TENANTS' VOICES

Soliciting and incorporating residents' insights is crucial to creating an environment wherein residents can make mistakes, and yet confidently resolve them, without losing their housing. Constructive bonds between staff and residents builds trust, and equips residents to seek support before problems spiral out of control.

How might your organization incorporate residents' voices into management and services procedures? Poor money management, medical bills, loan sharking, loss of income, and tenants' deliberate withholding are just a few common reasons for missed payments. Ensuring adequate time for consideration of mitigating factors prior to enforceable and demanding legal actions is crucial to housing retention efforts, and aggregated data can advise the community's best practices to avert housing loss. Recording dates, frequency, and reasons for missed payments will help our community as a whole to target the root causes of housing instability.

LEASE COMPLIANCE

EARLY INTERVENTION BY PROFESSIONAL NEUTRALS

Whether due to rent payment, lease violations, inter-resident conflict, nuisances or hoarding, engage mediated assistance at the earliest opportunity – before comply or quit notices are generated. It will save staff time and related expenses, de-escalate tensions, and substantially reduce the likelihood of eviction.

Consider how your organization will implement effective procedures to avoid, or else mitigate, the health and safety concerns that invariably stem from complex cases. Where possible, an internal assessment and crisis team is invaluable. Crisis teams should prioritize the tenant's needs over the program staff's problems.

FOLLOW-UP PROTOCOLS FOR LEASE VIOLATIONS

Clients are sometimes evicted for violating rules of which they are unaware. For example, some tenants face eviction for inviting a guest whom the tenant is unaware has been blacklisted from a building. A tight collaborative relationship between property management and service providers will enable property management staff to anticipate a tenant's needs and where to refer for mitigation.

Consider your procedures detailing how program management is to follow-up with a tenant accused of a lease violation. At very least, this entails a meeting between management and the tenant, but a

subsequent or simultaneous meeting that includes services staff may further enrich the conversation and increase the likelihood of housing retention.

NUISANCE AND COMMUNITY DISTURBANCES

Suspected nuisances and disruptive behaviors should require internal incident reports, with copies sent to support services staff as early as possible. Ongoing and significant disruptive behaviors should be included as agenda items in staff meetings. Legal action should be reserved only for those tenants who continuously disrupt the quiet enjoyment of a community.

A transparent and concise procedure should include a uniform checklist of alternative courses of action prior to legal proceeding (e.g. anger management, substance treatment, healthcare, money management) to ensure that eviction notices and unlawful detainers are treated only as a last resort.

RESPONSE PROTOCOLS FOR HOUSEKEEPING CONCERNS

Organizations should have plans in place to address tenants with housekeeping problems giving cause to health and safety code violations. Consider incorporating periodic non-intrusive check-ins with participants, and programmatic inclusion of support services staff along with outside providers such as Adult Protective Services (APS) and In-Home Supportive Services (IHSS).

Notify APS as soon as possible to allay time constraints required for cleaning services. Understanding a program's rights and responsibilities to contact APS is crucial if staff have reason to believe an elderly or disabled tenant is at risk of eviction.

PREVENTION AND MITIGATION FOR HOARDING CASES

Residents with hoarding habits are inherently reclusive. Train your staff and tenants to cooperate in recognizing the signs of hoarding early. Follow proven steps to resolve hoarding before it spirals out of control.