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FACT SHEET: Bennet's Plan to Tackle the Eviction Crisis

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Colorado U.S. Senator Michael Bennet today put forward a series of proposals to address the eviction crisis afflicting Colorado and the country. His plan is designed to: 1) better understand the contours and causes of the eviction crisis; 2) reduce preventable evictions; and 3) limit the human and taxpayer consequences of eviction when it occurs.

Following additional consultation with Coloradans and national experts, Bennet will introduce legislation in the coming weeks to implement this plan to curb evictions. In the months that follow, he will introduce additional, comprehensive housing affordability legislation to address the supply and demand issues that are driving the lack of affordable housing for Americans at all income levels.

Eviction Crisis Background

Since 1970, the national median rent has increased by 70% in real terms, significantly outpacing wage growth for the middle class and working families. The result is an affordable housing crisis that has crippled the economic security of millions of individuals and families, while placing enormous costs on society. In 2016, 2.3 million eviction filings were made in courthouses across the United States—a rate of four every minute. That same year, one in 50 renters was evicted from his or her home.

In Colorado, five cities rank in the nation's 100 "Top Evicting Areas" by eviction rate (i.e. the number of evictions per 100 renters): Aurora (ranked #33, with a 5.52% eviction rate), Thornton (#48, 4.64%), Colorado Springs (#64, 4.19%), Westminster (#93, 3.16%), and Lakewood (#94, 3.15%). In Denver eviction cases, 90% of landlords are represented by lawyers, compared to just 2% of tenants—consistent with nationwide trends.

The costs and consequences of this crisis do not only fall on those evicted but also on the nation's health care system, courts, schools, and local governments. The top 5% of hospital users consume 50% of health care costs, and these "super-users" often come from unstable living conditions. Eviction commonly leads to job loss for adults as well as extended absences and mid-year changes in schools for children. Local governments bear the cost of paying to shelter evicted families, when they could save money by instead providing tenants with legal representation; one [study](#) found that New York City could save \$320 million simply by providing counsel to low-income tenants.

Bennet's Eviction Plan

Improve Data and Analysis on Evictions

To better understand the contours and causes of the eviction crisis, the Bennet plan would:

- **Create a National Database to Standardize Data and Track Evictions:** The federal government should work with state and local governments to create a national database of evictions. As part of the Bennet plan, the Department of Housing and Urban Development (HUD) would provide states with a technological tool to streamline and standardize the reporting of eviction data from court filings to a centralized database. Aggregate data could then be made public to allow elected officials, researchers, advocates, and other interested parties to access and analyze trends in an effort to better understand the scope and scale of the problem. Well-established social service and legal aid agencies could also be approved to access individualized data to facilitate providing critical and timely support for tenants, with appropriate safeguards to protect vulnerable populations.
- **Increase Funding to Study Evictions:** The plan would allocate \$5 million to a comprehensive qualitative and quantitative study by the GAO to aggregate what data is already available on the trends in evictions over the past 30 years; analyze the connection between local landlord-tenant laws and these trends; and assess contributory factors and whether they differ in urban, suburban, and rural areas.

Reduce Preventable Evictions and Mitigate Eviction's Consequences

To reduce preventable evictions and mitigate the consequences of eviction on families and society, the Bennet plan would co-invest in state and local government programs and support expanded legal representation for tenants to keep people in their homes, or, when evictions occur, keep individuals and families connected to vital services.

Reducing Preventable Evictions

By co-investing in state and local government programs, the plan would:

- **Encourage State and Local Governments to Utilize Community Courts:** Community courts offer tenants and landlords a mediation-based process, with social service representatives present. The courts are able to negotiate outcomes in which the tenant agrees to conditions, such as rehabilitation after a relapse, and the landlord agrees to a payment plan. The Bennet plan would establish a competitive grant program for states to create or expand landlord-tenant focused community courts, so both parties avoid the high cost of eviction.

- **Establish an Emergency Assistance Innovation Fund:** The Bennet plan would establish a competitive grant program with matching funds from local governments and philanthropies for cities, local housing authorities, and nonprofits to create emergency assistance programs for eviction-vulnerable tenants. These programs could allow vulnerable tenants to apply for a one-time, low-interest loan or grant to avoid eviction by covering utility payments, overdue rental payments, late fees, and court fees. As a condition of the loan, tenants would receive financial counseling services.

By supporting increased legal representation for tenants, the plan would:

- **Increase Funding for the Legal Services Corporation (LSC):** The Legal Services Corporation is an effective public-private partnership that provides critical legal services to low-income Americans. Currently, only a small fraction of the need for legal services for tenants is met. Bennet’s plan would substantially increase funding for LSC.
- **Expand Eviction Clinics at Law Schools Nationwide:** Landlord-tenant clinics at law schools provide much-needed legal services to vulnerable tenants. The Bennet plan would establish a competitive grant program to encourage law schools to create these clinics and to support expanding the number of people served by existing clinics.
- **Establish a “Civil Defender” Program for Law Students:** The Bennet plan would support the establishment of civil defender programs at law schools, through which law students would spend their third year plus an additional year working with an eviction-focused legal services organization. In return for participation, students would receive a stipend to cover all or part of tuition, room, and board in their third year and additional support the next year. Students would have the chance to reduce debt and gain practical work experience while earning their law degree.

Mitigating Eviction’s Consequences

The above proposals to prevent evictions also would help limit the human damage to individuals and the cost to taxpayers in cases where eviction is unavoidable.

When families or individuals are evicted, they often do not have enough time to find new housing and end up in unstable living situations. This does long-term harm to their ability to get back on their feet. At a critical time when families are most in need of lifelines, eviction can cause a discontinuity in vital support, such as interruptions in Medicaid or nutrition assistance for children. These costs fall not only on the families affected, but also on taxpayers who have to deal with the downstream consequences. To address this, the Bennet plan would:

- **Smooth the Transition to a New Start for Tenants:** In addition to preventing evictions, expanded use of community courts and mediation would ensure a smoother transition to new housing or continuity of social services if families are not able to stay in their existing home.

- **Connect Social Service Agencies with Tenants:** As described above, well-established social service and legal aid agencies could be approved for access to the evictions database. With appropriate privacy safeguards to protect vulnerable populations, social services agencies could directly connect with tenants to ensure that the eviction does not lead to other harmful consequences and disruptions.
- **Provide One-Time Support to Get Tenants Back on Their Feet:** The allowable uses of the one-time loan and grant programs supported by the Emergency Assistance Innovation Fund would include support for families facing eviction to find new housing or stay connected to work, helping them avoid falling off the edge in the event of an eviction.
- **Increase Legal Representation for Tenants:** As described above, the Bennet plan would support increased legal representation, which will allow for tenants' attorneys to negotiate better terms with landlords for a transition to a stable living situation, including: 1) a longer period of time before tenants are evicted so they can find a new place to live; 2) keeping the black mark of an eviction off tenants' records so it does not follow them for years; 3) reducing payments owed if the landlord has also failed to meet the terms of the lease or other legal or financial obligations to the tenant.