

America, we have an eviction problem. According to Eviction Lab, a new online database of nationwide eviction statistics, landlords file more than 2 million evictions, on average, in our country’s courts every year. Not every one of these filings results in an actual eviction, but nearly 1 million per year do.

“To put these numbers into perspective,” reads an Eviction Lab blog post, “at the peak of the financial crisis in 2010, estimates suggest slightly over 1 million foreclosures were completed nationally. By comparison, we see almost a million evictions against tenants every single year.”



Chart 1: From 2000 to 2016, the U.S. has had an annual average of more than 2 million eviction filings and nearly 1 million actual evictions. Source: Eviction Lab.

At Legal Aid, fighting evictions has long been one of our top case priorities, and there is never a lack of cases. It’s no wonder, since North Carolina’s rates of eviction filings and actual evictions—13% and 5%, respectively—are nearly double the national rates, according to Eviction Lab. (State court data suggests that Eviction Lab’s numbers are actually an undercount.)

Why so many evictions? Simple: People don’t have enough money to pay rent. In North Carolina, where the poverty rate is consistently above 10% and there isn’t nearly enough subsidized housing to go around, renters are spending an increasingly larger share of their income on rent. In short, renting is simply becoming unaffordable.

For those who come up short on the first of the month, state law offers little wiggle room. Landlords who evict tenants for nonpayment of rent are usually well within their legal rights to do so, and the law provides for a speedy eviction process. After a landlord demands a missed rent payment, the tenant has only 10 days to come up with the money or leave voluntarily. Once those 10 days are up, the landlord can file an eviction complaint in court, unless the lease provides for a longer period.

If the landlord wins at the eviction hearing—usually a safe bet, in part because landlords often have legal counsel and tenants almost always don’t—tenants have only about two weeks to gather their belongings and clear out. Tenants can appeal to buy more time, but most don’t know that.

Once final, an eviction is much more than a temporary inconvenience. Even one eviction can cause short- and long-term domestic and financial chaos. Evictions

can lead to the loss of critical housing subsidies (see page 9), and they are a permanent stain on a renter’s credit report that makes it much harder to rent in the future. They uproot people from their community connections and neighborhood supports; they can also disrupt children’s schooling and inflict emotional trauma. The ripple effect has lots of ripples.

So, what are tenants to do? That’s where Durham’s Eviction Diversion Program comes in.

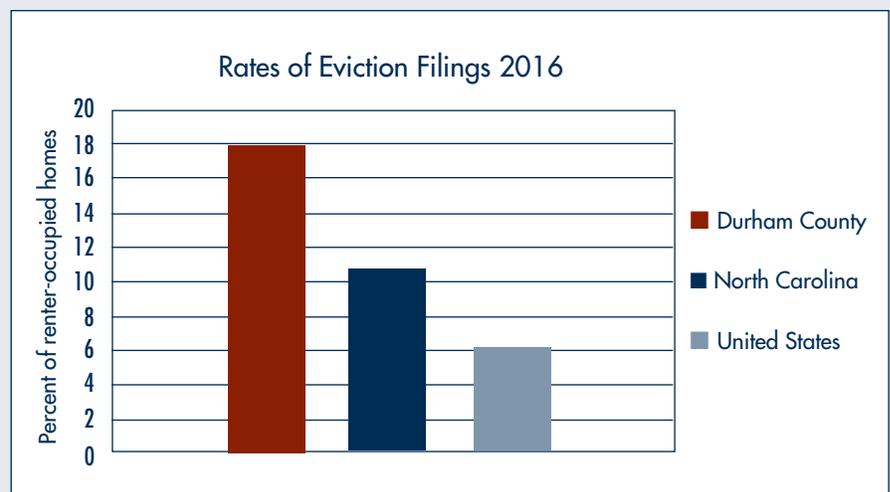


Chart 2: Durham County’s eviction rate is more than double the national rate and nearly double the state rate. Source: Eviction Lab.

Durham County is one of the hotspots of the eviction crisis in North Carolina. Since 2010, it has had either the highest or second-highest annual rate of eviction filings of North Carolina’s 10 most populous counties. That made it a logical testing ground for the state’s first collaborative eviction-fighting initiative.

Launched in 2017, the Eviction Diversion Program is a partnership between Legal Aid of North Carolina’s Durham office, Duke Law’s Civil Justice Clinic, the Durham County Department of Social Services (DSS), and the courts. Contributing to the collaboration are the City of Durham, which is funding a much-needed infusion of new Legal Aid lawyers; the Law Offices of James Scott Farrin, which funds a full-time program attorney at Duke Law; and the North Carolina Bar Foundation, which has also provided funding.

No longer forced to fight an eviction alone, tenants now learn that help is available at the start of the process. When tenants receive their court summons from the sheriff’s office, which tells them the date of their eviction hearing, they also receive a program flyer instructing them to call DSS for help.

At DSS, a caseworker determines tenants’ eligibility for emergency rental assistance and refers them to Legal Aid. We screen them to see if they meet our financial

eligibility guidelines, which they almost always do. If they don’t, we send them to Duke Law.

Whether tenants land at Duke Law or stay with Legal Aid, the primary goal of their attorney is the same: to keep them in their current home with a clean rental record. Program attorneys accomplish this by working out payment plans with landlords, for whom evictions are also disruptive and expensive, or in some cases, by raising legal defenses or claims that the tenant has against the landlord.

In cases where program attorneys can’t keep tenants in their current home, the program negotiates with the landlord to convert an eviction into a voluntary move-out agreement, which keeps the tenant’s record clean. When all else fails and eviction is inevitable, the program seeks to delay the process to give tenants more time to find other housing and make arrangements for their belongings.

At current staffing levels, the program represents about 50 tenants a month. That’s a drop in the bucket, considering the roughly 900 evictions filed in Durham every month, but the program has helped its clients avoid eviction judgments 80% of the time and kept two-thirds of tenants in their homes. That’s a good batting average, and the program’s success is attracting attention and support.

Durham’s new mayor, Steve Schewel, has voiced support for the program, and the city council has followed suit by awarding \$200,000 to fund two new program attorneys and one paralegal, doubling the program’s capacity.

There’s still a long way to go in the effort to bring down Durham’s eviction numbers, but the program’s early success is a great sign that we’re off to a good start.

Learn More

- Eviction Lab, North Carolina data. Get the stats for North Carolina at the state, county, and city levels: data-downloads.evictionlab.org.
- “It Does Something to Your Soul When Everyone Losing Their Homes Looks Like You.” *Politico Magazine* profile of Eviction Diversion Program attorney Jesse McCoy: politico.com.
- “A New Program Is Shedding Light on Why Durham County Has Such a Huge Eviction Problem.” *Indy Week* feature on the Eviction Diversion Program: indyweek.com.
- “Civil Justice Clinic develops pilot program to help stem Durham’s tide of evictions.” Duke Law article on the genesis of the program: law.duke.edu.



The Anti-Eviction Advocates

Clockwise from top, left: Peter Gilbert, staff attorney in Legal Aid’s Durham office, helped design and launch the program and handles some cases; Brent Ducharme is Legal Aid’s full-time program attorney; Jesse McCoy, a former Legal Aid lawyer, is Duke’s full-time program attorney; Charles R. Holton, director of Duke Law’s Civil Justice Clinic, runs the Eviction Diversion Program on the Duke side.