'Rather than ruin someone's life with an eviction, divert them out of the system': Effort afoot to help those who are behind in rent stay in their home

By MICHAEL O'CONNOR Richmond Times-Dispatch
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Jeannea Anderson fell behind on rent and faced the possibility of eviction. Richmond and state leaders are looking into a program to let someone like Anderson work with her landlord and stay in her home.

SHELBY LUM/TIMES-DISPATCH
State and local leaders are exploring a new program to help more people who are behind on rent in cities across Virginia stay in their homes after a scathing national report showed the commonwealth has some of the highest eviction rates in the country.

Richmond Mayor Levar Stoney has been involved in preliminary talks about bringing the initiative, known as an eviction diversion program, to the city, according to Martin Wegbreit, the Central Virginia Legal Aid Society’s director of litigation.

“They are supportive and enthusiastic about it,” Wegbreit said of the mayor’s office, adding the discussions themselves are a sign of progress. “I think this is a big step.”

Osita Iroegbu, a senior policy adviser for Stoney, said the mayor is committed to working collaboratively to address the eviction problem that displaces and traumatizes individuals, children and families in Richmond.

“We are currently engaging in conversations with stakeholders about what eviction diversion programs and similar initiatives look like in other jurisdictions and what opportunities we may have to partner with others to strengthen current efforts and create innovative and holistic solutions,” she said. “We know that a local fix is not enough and that this issue must be addressed on multiple fronts, as it stems largely from longstanding, inequitable state housing laws and policies that continue to disenfranchise tenants and need to be changed.”

Wegbreit said he has met with the mayor and heard from some local landlords and judges who expressed interest in the initiative, which would staff eviction proceedings with a pro bono, third-party lawyer who could serve as a mediator between renters and
landlords who agree to participate. A judge ultimately would have to refer the case to the program.

“Rather than ruin someone’s life with an eviction, divert them out of the system,” said Wegbreit, adding that having an eviction is a barrier to tenants’ ability to find a place willing to rent to them.

Similar programs are in place in Durham, N.C., and Kalamazoo, Mich.

Talks for a new way to ensure stable housing across the state gained new urgency in the wake of a study that showed half of the 10 U.S. cities with the highest eviction rates are in Virginia. The study, conducted by Princeton University’s Eviction Lab, identified Richmond as having the second-highest eviction rate in the country, with Hampton, Newport News, Norfolk and Chesapeake also ranking in the top 10.

In Richmond, the landlord for 1 in 9 renter households was given the legal right to evict, according to the study. The figure was 1 in 25 in Milwaukee.

Wegbreit, who sits on a state panel tasked with searching for solutions to eviction issues after the study published, said he was meeting on Friday with a senior policy adviser in the office of Lt. Gov. Justin Fairfax to discuss the eviction diversion concept. A spokesperson for Fairfax said evictions are a critical issue and that Fairfax’s office is studying it.

Wegbreit said he met with Iroegbu in April after news of Richmond’s rate of evictions went national in a New York Times story about the study, and then met this month with Stoney and Iroegbu about eviction diversion programs.

Possible alternatives to eviction could include creating a payment plan for what the tenant owes or giving the tenant more time to pay.

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Wegbreit said that similarly to the way jail diversion programs sometimes cater to first-time offenders, an eviction diversion program would have specifications for the kinds of cases that get referred to the program. Such considerations could be limits on the rent owed or how frequently a tenant has been referred to the program, Wegbreit said.

Participation in the eviction diversion program would have to be agreed to by the landlord, Wegbreit said. There are no state codes that could be used to enforce such programs in Virginia, he said.

Kalamazoo’s program has been around for about eight years and has been a boon to the community, said Michelle Davis, executive director for the nonprofit Housing Resources Inc., which helps tenants with the eviction diversion program alongside other local agencies. Out of the thousands of evictions that have been filed for in Kalamazoo, Davis said, Housing Resources Inc. has helped divert 412 of them, 201 of which involved families with children.

“It only works when a landlord and a tenant agree,” Davis said of eviction diversion. “The trickiest part is getting people to think way ahead of the game.”

Davis said the best-case scenario is for a landlord and a tenant to work out an agreement before they get in front of a judge. She said information about Kalamazoo’s eviction diversion program is attached to eviction notices that get sent out, and sometimes a judge will remind tenants and landlords about the program in court.

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In Richmond’s private sector there is support for an eviction diversion program, in part because informal negotiations are already happening between landlords and tenants.
Tom Papa, the president of Fountainhead Properties in Richmond, said he couldn’t imagine any landlord or developer being against establishing an eviction diversion program.

“I don’t know of any good property management group that wouldn’t already be highly incentivized to make arrangements to collect rent and keep the tenant in place,” Papa said. “I don’t want to have a community of haves and have-nots, and I don’t like the impact [evictions have] on families.”

Asked about eviction diversion programs, Virginia Realtors spokeswoman Robin Spensieri said in a statement that the real estate group looks forward to working with any locality on programs that will reduce evictions and get rid of predatory landlords. A representative for Virginia Realtors sits on the state’s eviction panel.

Laura Lafayette, CEO of the Richmond Association of Realtors and the Central Virginia Regional Multiple Listing Service, said local talk of a Richmond eviction diversion program represents progress on the issue. Lafayette is the chairwoman for the state’s eviction panel, which she hopes can come up with solutions that cut across party lines.

“I think there’s a difference between unanimity and consensus,” Lafayette said of the state eviction panel’s task. “Our goal as a working group is to work toward consensus on a number of items that we believe would reduce the number of evictions that respect the rights of landlords and respects rights of tenants.”

Now that Stoney has expressed support, Wegbreit said, the next step is to get buy-in from judges. He said a stakeholders group is in the works that can talk over the eviction diversion program with judges, some of whom have expressed interest.

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