

Title: 1.6.1 Eviction Policies

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Reviewed By: CE Ad Hoc Committee

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Approved By:

Date Approved:

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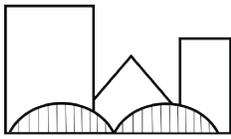
All programs have agreed to participate in Coordinated Entry and follow the Housing First model set forth by HUD. Anytime an eviction is being considered, it is recommended that the program communicate any issues with the CE Lead Agency case conference in the bi-weekly meeting and participate in the supportive CoC workgroups and CoC committees in order to tackle barriers and find solutions. The goal of this process is to help programs best assist their clients in maintaining their housing. Eviction should always be the last resort abiding by Housing First Principles. These eviction protocols discuss eviction prevention, eviction due to non-payment of rent, behavioral issues, criminal activity, abandonment, hospitalization, or incarceration and a suggested plan of action programs should take before any client is evicted.

### *Eviction Prevention Strategies*

Program staff should make every effort to prevent clients from being evicted unless extreme situations such as violence or criminal activities prevent mediation from being conducted safely. Program staff should use techniques such as motivational interviewing, trauma-informed care approaches, and establishing strong client-staff communication practices to work with a client who is violating their lease or having behavioral issues within the program. It is important to note that just because a client has a lease violation, that does not automatically mean that a client has to be evicted. Programs should uphold every strategy possible to work with a client to understand why violations may be occurring and create a plan to help link clients with additional resources or services that can help address any unmet needs. Before an eviction outside of extreme violence or criminal activities occurs, programs should contact the CE Lead Agency for additional resources or support. Case conferencing during the bi-weekly housing prioritization meetings is also used to help program staff collaborate on strategies and techniques for preventing lease violations and evictions.

### *Eviction Due to Non-Payment of Rent*

Individuals with income have the option to pay on their own or have a payee. If they fail to pay for more than one month after the designated due date, they should agree to have a payee assigned. Failure to cooperate with the payee application process,



thereby not paying rent per the lease agreement and housing contract is considered a lease violation, and the program has the right to provide warnings and eviction protocol.

Programs should use an internal protocol to address nonpayment, including verbal warnings; a housing retention agreement and contract signed by the client; case notes and supportive documentation of scheduled client meetings regarding the issue and who was in attendance; and any progress surrounding income, budgeting, payee set up, etc.

### *Eviction Due to Abandonment, Hospitalization, or Incarceration*

If a client willingly walks away from their unit, lets the housing program know they aren't coming back, or hasn't been seen or heard from for more than 30 days, they are eligible for program eviction as a matter of abandonment<sup>1</sup>. If a program has not heard from a client after three weeks, the program should contact the CE Lead Agency so that CE partners and outreach workers can attempt to make contact with the client to prevent abandonment evictions before the 30-day mark.

If a client has been hospitalized or incarcerated for more than 90 days, they are required to be terminated from the program per HUD regulations. If the program knows that their client is hospitalized or incarcerated, it is not considered abandonment. In this instance, 90 days must pass before the client is eligible to be evicted versus the 30-day abandonment rule mentioned above.

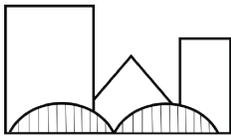
### *Eviction Due to Criminal Activity*

If a client commits a criminal offense on the property in which they reside, or the crime has an immediate connection to the property or other residents on the property, they may be eligible for immediate eviction without case management attempts at mediation.

If a client commits a criminal offense away from the individual's residence and property, it is not an immediate eviction due to criminal activity. These activities are not considered direct program violations or documentable behavioral issues. Unless the individual is convicted of a crime and incarcerated, their right to remain housed within the program remains.

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<sup>1</sup> Title 24 CFR 578. (2013). *Subpart f- program requirements*. Retrieved from:  
[https://files.hudexchange.info/resources/documents/CoCProgramInterimRule\\_FormattedVersion.pdf](https://files.hudexchange.info/resources/documents/CoCProgramInterimRule_FormattedVersion.pdf)



### *Eviction Due to Violence*

If a client is violent with a program staff member or another tenant, the safety of all involved should be the highest priority. The client should meet with directors and case managers to discuss behavioral improvement plans and action steps to prevent an occurrence from happening again. An internal incident report, supportive documentation, and policies around behavior expectations should be included.

Depending on the program's policies, its staff, and the extent of the violence, programs have a right to decide if eviction is the best course of action.