

**COVID-19 Housing Stability Task Force**  
**Access to Justice Working Group & Rental Assistance Working Group**

**The Need for Tenant-Landlord Facilitated Conversations**

The key to preventing avoidable evictions is conversations – conversations that take place between tenants and landlords before tenants fall very far behind on their rent and landlords issue them Notices to Vacate. Too often, rent and utility assistance is offered to households at imminent threat of eviction or once the eviction process has already started. However, by that time, the landlord/tenant relationship is too broken and the time to evict is too close for meaningful discussion, negotiation, and favorable resolution to happen. Consequently, both the landlord and the tenant lose, even if an acceptable payment plan could have been negotiated had they talked earlier in the process.

Tenants frequently avoid talking to their landlords when they are unable to pay rent – or simply leave when they receive a Notice to Vacate thinking they have no other options. Yet, many landlords would be willing to accept reduced rents rather than go through the eviction process and face the possibility of no rent for an extended period of time. This lack of communication thus unfortunately results in unnecessary eviction filings and in a higher volume of tenants reaching housing insecurity.

However, research suggests that **direct, frequent, and improved communication between landlords and tenants would benefit both parties.**

In a series of ten focus groups for both landlords and tenants conducted by Connective in late July, these prevailing major themes emerged:

- Landlords and tenants are both empathetic of each other’s situation: landlords understand tenants are in a tough spot and tenants understand the same for landlords
- Some tenants fear potential repercussions. Others are in this situation for the first time and don’t know how to navigate it.
- Many of the landlords expressed that they want tenants to be proactive, wanting the tenants to make the “first move”.
- Both groups see bringing in third party legal counsel as a last resort defense. Landlords are often willing to make concessions if it makes financial sense in the long term, and tenants struggle to ask for concessions beyond requesting payment plans and waiving late fees.

These local findings are supported by national case studies that found multiple benefits on getting to tenants and landlords early in the conflict process, including saving both parties unnecessary legal expenses. With these insights, the Housing Stabilization Task Force convened a group of local practitioners to pose this question – “How do we help landlords & tenants have mutually beneficial conversations?” The group took a critical look at how rental assistance currently happens at local agencies, before developing the proposed sequence of new/additional services that build upon the core strengths of rental assistance agencies and their existing relationships with tenants and landlords.

The following pilot project concept presents an opportunity to lessen the threat of eviction by implementing an upstream intervention of “Facilitated Conversations between Landlords and Tenants”.

<b>Tenant-Landlord Facilitation Project Concept</b>	
Concept	Pilot project to introduce facilitated conversations between landlords and tenants by community based organizations (CBOs). This CBO supported facilitation <sup>1</sup> would intervene with tenants earlier in the timeline before tenants have fallen far behind on rent, upstream from a potential eviction. Our anticipated outcome is that through earlier intervention, we can assist both landlord and tenant with the goal of maintaining stable housing for the tenant and stable income for the property owner.
Goals	<ul style="list-style-type: none"> <li>• Reduce the number evictions filed in the pilot target areas served by participating CBO's</li> <li>• Increase the capacity of direct assistance CBO's to facilitate "early stage" agreements between tenants and their landlords, thereby reducing the number of Notice to Vacate and Eviction filings.</li> <li>• Reduce the overwhelming burden on local legal aid staff, thereby increasing their capacity for representations that need legal assistance the most.</li> <li>• Assist up to 500 families from the most vulnerable census tracts within Harris County to assure racial equity.</li> </ul>
Project Activities	<ul style="list-style-type: none"> <li>• <b>Facilitation Interventions:</b> The pilot will explore three levels of facilitated conversations. The ultimate goal for each level is an agreement between landlord and tenant. The agreement may be a payment plan, a reduction in fees, a renegotiation of the lease, or an agreed upon time for the tenant to vacate the property without a legal eviction process. Facilitated intervention will be offered if: (1) a tenant or a landlord reports concerns to the CBO about inability to pay or collect rent, (2) a tenant or a landlord contacting the CBO for direct assistance. <ul style="list-style-type: none"> <li>○ Level 1 (coaching): Facilitator educates tenant about the importance of reaching out to their landlord and discusses with the tenant how to approach their landlord with options or how to request a facilitated resolution. <ul style="list-style-type: none"> <li>▪ As the first step, the facilitator will inquire if the tenant has attempted to speak with the landlord.</li> <li>▪ If not, the facilitator will coach the tenant how to have the conversation. Tenants will practice through multiple scenarios in preparation to communicate with their landlord.</li> </ul> </li> <li>○ Level 2 (facilitated conversation): Facilitator calls the landlord while tenant is present and requests a facilitated conversation. If the landlord accepts, the facilitator will hold (and model) the conversation between</li> </ul> </li> </ul>

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<sup>1</sup> Facilitation requires the involvement of a third party who can help the communication process between tenant and landlord. According to Texas Civil Practice and Remedies Code, a court appointed "mediator" needs to have participated in 40 hours of mediation training. To avoid any potential confusion, we will use the term "facilitator" as a 3<sup>rd</sup> party that will try and gain a mutually agreeable solution as we describe below. Currently the Dispute Resolution Center (DRC) offers free, community-based mediation services.

	<p>the two parties. In an ideal scenario, the facilitated conversation will result in a negotiated agreement that the landlord/tenant will sign.</p> <ul style="list-style-type: none"> <li>○ Level 3 (negotiation). Facilitator has conversations with the tenant and landlord privately and independently. Facilitator attempts to get an agreement that both parties feel comfortable with. <ul style="list-style-type: none"> <li>▪ If an agreement is reached, the facilitator will work on an agreement that the landlord/tenant will sign.</li> <li>▪ If both parties can't reach an agreement the facilitator will move to an assisted internal or external referral.</li> </ul> </li> <li>● <b>Rent Assistance as part of the facilitated conversation resolution:</b> <ul style="list-style-type: none"> <li>○ Ideally, facilitation would be accompanied by access to rental assistance funding that can be used by facilitators to bridge the financial gap that may exist between the landlord and the tenant.</li> <li>○ Through the tenant-landlord facilitation process, rent assistance is used to pay rent forward with written guarantee that the landlord will not issue a Notice to Vacate or eviction for a determined amount of time.</li> <li>○ We propose using a common funding pool that would be administered by one organization but all facilitators in the network would be able to access.</li> </ul> </li> <li>● <b>Rehousing Assistance as part of the facilitated conversation resolution:</b> <ul style="list-style-type: none"> <li>○ Should tenant need to find less expensive housing for the future, the facilitator will negotiate a no-eviction termination of a lease and connect with the agency that will assist the tenant with rehousing options.</li> <li>○ We are still identifying an agency to provide this rehousing assistance.</li> </ul> </li> <li>● <b>Assisted Referrals:</b> There may be other reasons for eviction that will need other type of assistance beyond a facilitated conversation. This might include the need for a legal mediation, law enforcement intervention, and the official eviction process. When all available interventions fail, the facilitator will make a warm referral to the appropriate supports which might include legal, financial or rehousing assistance.</li> <li>● <b>Additional Program Supports:</b> <ul style="list-style-type: none"> <li>○ Training and Technical Assistance: Pilot staff will go through expert-led trainings on conflict resolution by the Dispute Resolution Center, and on Texas tenant-landlord law and eviction procedures by the Houston Volunteer Lawyers. *Facilitators cannot and will not provide legal advice. <ul style="list-style-type: none"> <li>▪ Ongoing technical assistance from these organizations will be available as needed during the pilot duration.</li> <li>▪ If successful, pilot facilitators will support the training of additional facilitators hosted by a network of local CBO's.</li> </ul> </li> </ul> </li> </ul>
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Pilot Project Outcomes	<ul style="list-style-type: none"><li>○ Reduced number of evictions filed</li><li>○ Cost burdened tenants will have an additional option when struggling to pay rent</li><li>○ Reduced burden on service providers that will now be able to continue to focus on tenants facing eviction</li><li>○ Improved referral strategy for direct assistance providers to focus on the most critical cases</li><li>○ Increased housing stability for tenants and improved tenant-landlord relationships</li></ul>
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