

Partnering with the Courts: Eviction Prevention Court – Chester County

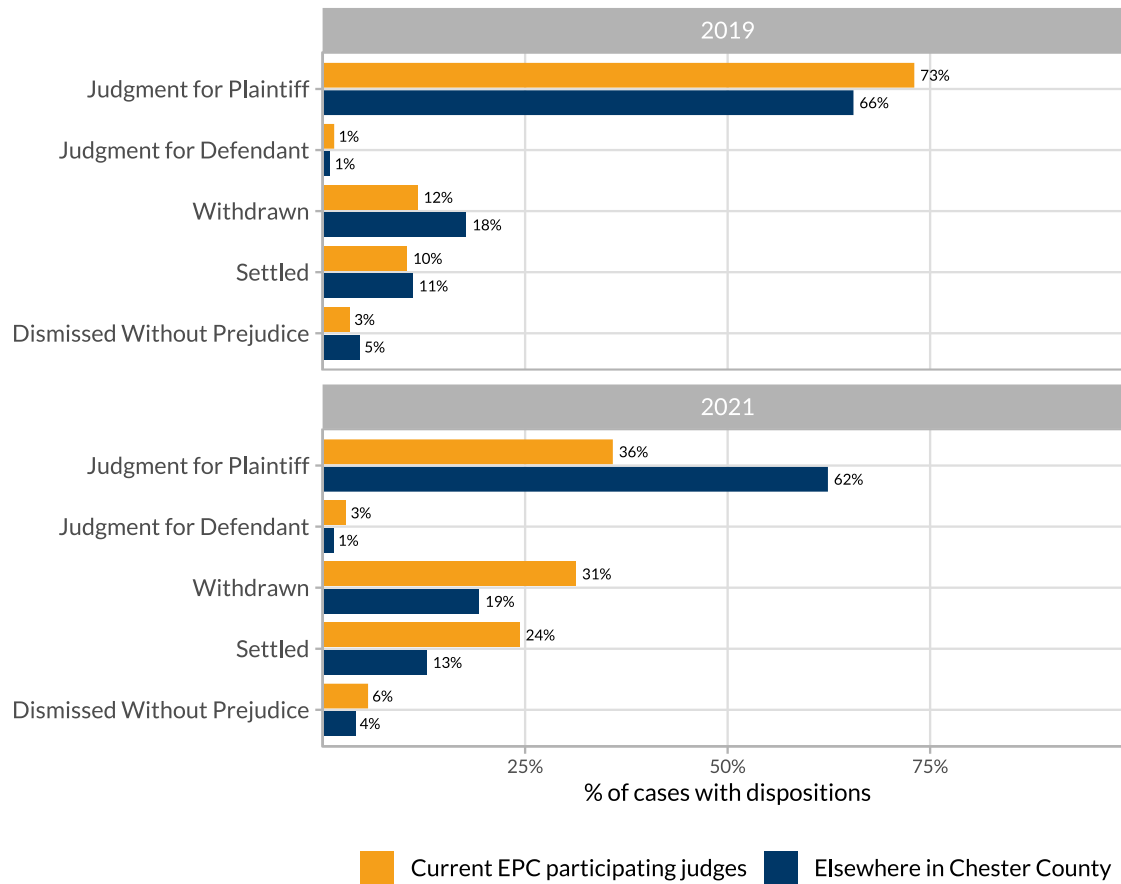
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In this case study, we highlight how the Eviction Prevention Court in Chester County, Pennsylvania, reduced evictions in communities with high rates of eviction filings. We also detail how the program was created and discuss important considerations for other communities exploring similar court-based eviction prevention programs.

The Friends Association of Care and Protection for Children (Friends Association) launched the Eviction Prevention Court in Chester County, Pennsylvania, in September 2020. It is a program in partnership with three of Chester County's Magisterial District Judges (MDJs), who hear eviction cases. It provides rental assistance along with supportive services and/or legal representation to tenants who appear before the court for an eviction filing. The courts participating in the program cover communities with comparatively high numbers of eviction filings. The program is voluntary for all involved.

Prior to the Eviction Prevention Court, the majority of eviction hearings in Chester County were ruled in favor of the landlord (plaintiff). In 2021, a dramatic difference emerged in cases filed in the courts participating in the Eviction Prevention Court compared to other courts in Chester County. **In the three courts participating in the Eviction Prevention Court, the proportion of cases withdrawn by the landlord increased from 12% in 2019 to 31% in 2021. Furthermore, the proportion of cases where the landlord and tenant reached a settlement increased from 10% in 2019 to 24% in 2021.** In comparison, dispositions for eviction cases in courts not in the program changed little from 2019.

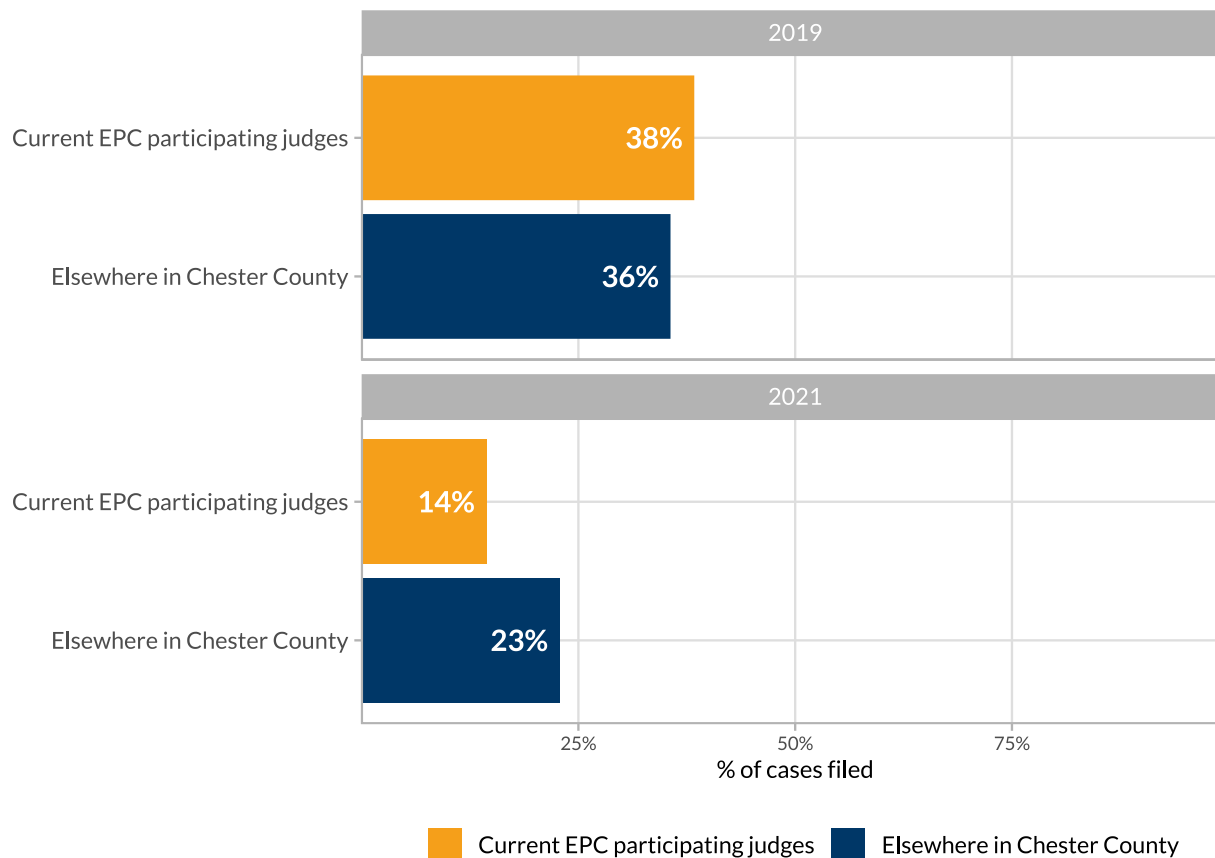
Figure 1: Disposition Status of Eviction Cases in Chester County (2019 and 2021)



Source: AOPC

Even if a judge rules for the landlord in an eviction case, a legal eviction cannot take place until after the judge issues an order of possession upon a petition from the landlord. The percentage of cases where an order of possession was issued also differs between courts participating in EPC compared to other Chester County courts. **In 2019, nearly 40% of cases resulted in an order of possession, for courts across the county. However, in 2021, only 14% of cases in EPC participating courts resulted in an order of possession, compared to 23% in other Chester County courts.**

Figure 2: Order of Possessions Issued for Eviction Cases in Chester County (2019 and 2021)



Source: AOPC
 For 2021 cases, data do not include orders of possession issued in 2022

Summary of the Eviction Prevention Court

The [Friends Association](#) launched the [Eviction Prevention Court](#) in Chester County, Pennsylvania, in September 2020. It is a program in partnership with three of Chester County’s Magisterial District Judges (MDJs). It provides rental assistance along with supportive services and/or legal representation to tenants who appear before the court for an eviction filing.

At the time of the program’s launch, three Magisterial District Judges agreed to participate:

- Honorable Jeffrey Valocchi – Downingtown
- Honorable Gregory Hines – Coatesville
- Honorable Grover Koon – Coatesville

Due to the efforts of the Eviction Prevention Court program, cases are reaching agreement before hearings, the stress of appearing in court is avoided, and landlords are seeking assistance from the program before they file an eviction complaint. As of November 2021, the Eviction Prevention Court helped 115 households. Of those households, 86 percent maintained their housing and 14 percent had their eviction delayed and were assisted with relocation.¹

The Friends Association intentionally chose to pilot the Eviction Prevention Court in courts with high numbers of eviction filings. In 2021, federal protections including the CDC eviction moratorium, the Emergency Rental Assistance program, and the expanded child tax credit reduced eviction filings and helped prevent evictions. The number of evictions filed in Chester County decreased due to these broad protections. However, in the courts participating in the Eviction Prevention Court, the share of eviction filings in their courts decreased. The proportion of evictions filed in Chester County in the participating courts declined from 31% in 2019 to 26% in 2021.

Figure 3: Eviction Filings in Chester County, PA (2019 & 2021)

| Year | All Eviction Filings in Chester County | Eviction Filings in Eviction Prevention Court | Proportion of County Filings in Eviction Prevention Court |
|------|--|---|---|
| 2019 | 2,459 | 769 | 31% |
| 2021 | 1,695 | 438 | 26% |

Source: Administrative Office of Pennsylvania Courts, Electronic Data Request

How it Started

A Confluence of Legal Experts, Court Insiders and the Pandemic

The pandemic brought to light an immediate community need. The Friends Association discussed its ideas to prevent evictions with board members, stakeholders, and legal experts. Consulted experts included a board member who was also the County Clerk of Courts and a Court of Common Pleas judge who was a former Magisterial District Judge. Staff also spoke to individuals involved in nearby court-based eviction diversion programs in Montgomery County and Philadelphia. Through these conversations, the Friends Association was able to obtain the knowledge of how to develop a pilot program within the court system and cultivate champions for the program.

¹ The Friends Association. Courting the Courts: Partnering to Prevent Evictions. Presented December 2, 2021 at the Homes Within Reach conference.

The county's President Judge must approve changes within the courts, even for what may appear to be simple pilot programs. The relationships and champions the Friends Association cultivated for the program, both within the court system and with organizations that worked with the courts, were crucial to getting the pilot program approved. With regard to where to pilot the Eviction Prevention Court, one of its judicial champions identified potential judges who may be interested.

Building Relationships Takes Time

The Friends Association was intentional in its relationship building. They focused on building relationships with the courts and with county organizations that would be involved in working with tenants at risk of eviction. Building a strong relationship with court staff was critical for the success of the program, and it took time. The Friends Association hired a court coordinator to forge relationships with the court staff, and established an understanding of roles and responsibilities of all partners with the courts.

The Friends Association built and strengthened their relationships with the United Way for program funding and referrals, legal services for more complex eviction cases, and Emergency Rental Assistance administrators for rental assistance. To streamline communication, the court coordinator requested one point of contact with all partner organizations.

In September 2020, the program started in the court of an experienced judge, the Honorable Jeffrey Valocchi, who was willing to take on the pilot program. Judge Valocchi's court in Downingtown, PA, was also the court with the highest number of eviction filings in Chester County.

Expanding the Program

With the success of the program in Judge Valocchi's court, they were ready to expand. With CARES funding and championing of the program by Judge Valocchi, two more judges in Coatesville, the Honorable Gregory Hines and the Honorable Grover Koon, joined the program in January 2021.

To facilitate the effectiveness of the Eviction Prevention Court program, all three judges agreed to move their landlord-tenant cases to one day each week, a different day for each judge. This allowed the Friends Association staff to be present in all three courts and allowed the legal and supportive services staff to have a regular and consistent schedule within the program.

Dedicated Staff for the Program

The Friends Association hired a court coordinator specifically to build relationships with the courts for this program. The court coordinator also performs intake and works

directly with a contract attorney and an intern. The Friends Association found that the relationship between the court coordinator and the attorney was very important so that all staff involved are well informed as to the facts of the cases and which cases may be eligible for the Emergency Rental Assistance Program.

The staff have a file for each client, including intake, paperwork for the rental assistance applications, and other documents that may be required for the hearing. The court coordinator, attorney, and intern all attend the eviction hearing days together in each court.

Funding the Eviction Prevention Court

Funding the First Year of the Program

The Friends Association raised funds specifically for this program. They approached the United Way, leveraged their long-term relationship with the Genuardi Family Foundation, applied to the County Commissioners' non-profit resiliency grant program, and were granted \$100,000 in CARES funding for the program. They also received funding from the Vanguard Hometown Grants program, the Chester County Bar Foundation, the Fox Chase Charitable Foundation, and the Chester County Fund for Women and Girls.

Partnering with the Emergency Rental Assistance Program

When the federally funded Emergency Rental Assistance Program (ERAP) came along in early 2021, the program changed its funding model. Most factors that qualified tenants for the Eviction Prevention Court also qualified them for ERAP. However, even though tenants were obtaining funds from ERAP, landlords were not withdrawing their eviction complaints. In order to address this issue, the Friends Association figured out a way to pay landlords on the day of the hearing so that the landlords would withdraw the eviction complaint that day.

For tenants participating in the program without technological capabilities, the court coordinator sits with them to complete their rental assistance applications. The court coordinator also lets the judges know which tenants who had eviction complaints against them were accessing ERAP, even if they were not participating in the Eviction Prevention Court.

Working with Tenants

Getting Information Early and Meeting All Parties Before the Hearing

When the program first started in Judge Valocchi's court, information about the Eviction Prevention Court was mailed out with the complaint notice. It included contact

information for the program, how to reach them before the hearing, information on ERAP, and a requirement for both the tenant and landlord to provide their phone numbers.

At this time, however, the information about the program is not mailed out with the complaint notice in any of the courts in the program. Through a weekly right-to-know request, the court coordinator receives a list of the eviction hearings before the hearing date. They contact the tenants to introduce them to the program, and if the tenant wishes to participate, they try to complete all intake before the hearing. Contacting the tenants includes going door-to-door, as phone numbers are not included on the complaint notices.

The contract attorney consults with the tenants, lets them know the law and their rights, and provides them guidance on how to present their defense to the judge. As the program has evolved and more landlords are aware of it, the attorney is trying to establish agreements between tenants and landlords before the hearing.

Working with Landlords

We are Here to Help You Too

After speaking with the tenant, the court coordinator introduces themselves to the landlord. At these introductions, they let the landlord know that the tenant will have legal representation at the hearing and try to forge a relationship with the landlord. The court coordinator lets landlords know that the Eviction Prevention Court will be helping them get paid and that it is not meant to be adversarial.

The earlier rental assistance program authorized by the CARES Act during the latter half of 2020 was very restrictive. Some landlords took a financial loss participating in the program because of limits on how much rental assistance could be provided. Part of the education in working with the landlords since was to clarify the differences between the prior CARES Rent Relief Program and the far less restrictive ERAP, which can pay landlords rent in full for several months.

Preventing Future Eviction Filings

The Friends Association is asking landlords with whom they have existing relationships to reach out to the Eviction Prevention Court before filing an eviction complaint. The landlords have been responsive, and are reaching out to the program for assistance for their tenants. If a tenant is unresponsive, Friends Association staff will go out to meet the tenant. In this way, EPC has also helped to head off eviction cases from being filed in the first place, which also saves landlords added cost and time of paying eviction filing fees, readying the unit for a new tenant, and finding a new tenant.

Day of the Hearing

Before their hearing, most tenants have gone through intake. The court coordinator, attorney, and intern attend court together on the days of the eviction hearings. They try to complete all paperwork in advance of the hearing, automating as much of the process as they can.

Paperwork completed in advance of the hearing includes:

1. Entry of Appearance (requirement of attorney))
2. Continuance Request
3. Settlement Agreement

The participating courts have also provided space in their conference rooms for the Friends Association to complete any remaining paperwork, meet with the tenants, and negotiate agreements between the tenants and landlords. The attorney tracks the outcomes of the Eviction Prevention Court cases and scans them into electronic files.

Keeping the Program Going

The Eviction Prevention Court is a Voluntary Program

The Eviction Prevention Court is a pilot program and is not a court ordered program. Participating judges can choose to leave the program at will. Therefore, the Friends Association is very mindful of respecting the judges' time and being responsive to court feedback. For instance, one Judge requested that 60-day continuances be worked out with the landlords to provide tenants more time to resolve their issues; they were returning to court too soon with issues not resolved.

Each judge's courtroom operates a little differently, and the staff adapt within the process of each courtroom. With multiple parties involved in the Eviction Prevention Court, clear and constant communication on each case, respect, and responsiveness are essential to keeping the program running.

The program is also voluntary for the tenants. They do not have to participate, and if they do, the landlords can refuse to work toward a settlement. An important aspect of the program is making sure that all parties reach mutually beneficial solutions.

What They Discovered

Landlord-Tenant Dynamics

As the Eviction Prevention Court expanded from Downingtown to Coatesville, it found a different composition of the landlord and tenant populations. In Downingtown, large apartment complexes made most of the eviction filings. Therefore, the Eviction Prevention Court was dealing with a few landlords who each filed many evictions. This was easier to handle compared to Coatesville, where most of the filings were made by smaller, usually single property owner landlords. This created a different environment in which the Eviction Prevention Court worked.

Need for Adaptability

Judges have their own processes, which means the program has had to adapt in each courtroom. Even in one county, each court operates a little differently.

The Importance of Relationships

The success of the program hinges on the strength of the relationships formed. Forming those relationships with the court staff, judges, clerks, and landlords takes a lot of work. To help motivate those working on the Eviction Prevention Court during the pandemic, they focus on the core of the program: they are assisting human beings and human beings are staying in their homes.

Acknowledgments

Thank you to Jennifer Lopez, Ava King, Loreen Kemps and Jess Zaccarelli for sharing with us, in detail, the work of the Eviction Prevention Court.

Eviction Data Analysis

In Chester County (and most of Pennsylvania), eviction complaints are filed in magisterial district courts with magisterial district judges hearing the eviction case. The Housing Alliance analyzed eviction filings in Chester County courts using data obtained from the Administrative Office of the Pennsylvania Courts through an [electronic data request](#). Individual eviction cases can be searched on the Unified Judicial System of Pennsylvania [Web Portal](#). We compared the eviction filings in the courts of the three participating magisterial district judges to the other magisterial district courts in Chester County. We examined filings from 2019, before the program began, to filings in 2021, the data available to us at the time of this case study's release. For more on eviction data in Chester County and elsewhere in Pennsylvania, please see our full [eviction data report](#).



The Housing Alliance is a statewide coalition working to provide leadership and a common voice for policies, practices, and resources to ensure that all Pennsylvanians, especially those with low incomes, have access to safe, decent, and affordable homes.

We promote common-sense solutions to balance PA's housing market and increase the supply of safe, decent homes for low income people.
