Commentary: Using Eviction Court Records to Inform Local Policy

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Introduction

Landlord-tenant court records provide an enormously useful source of administrative data, allowing researchers, activists, and policymakers insight into the prevalence, causes, and consequences of housing instability among renters. The three articles collected here describe ways in which these data can be accessed and analyzed to inform local decisionmaking. This brief commentary reflects on the contributions that each makes and describes other ways such data can, and should, be harnessed to shape policymaking—housing-related and otherwise.

To begin, however, it is worth acknowledging and celebrating enormous strides that have been made both in recognizing eviction as a meaningful social and policy problem and accessing data about its prevalence—two processes imbricated deeply with one another. The Anti-Eviction Mapping Project began its work in San Francisco in 2013. The Eviction Lab launched its national map of eviction rates in 2018. During the COVID-19 pandemic, research and advocacy organizations nationwide began collecting eviction records from local courts, most notably the Legal Services Corporation, through their Civil Court Data Initiative.

Largely thanks to these efforts, we now know far more about eviction in America. In a typical year in the 2010s, 2.7 million renter households including 7.6 million people—2.9 million of them children, a disproportionate number of them African-American—faced an eviction case in this country (Graetz et al., 2023; Gromis et al., 2022). Most of these cases are brought to court due to nonpayment of rent, and few tenants have lawyers (Deluca and Rosen, 2022; Ellen et al., 2021). Two decades ago, Hartman and Robinson (2003), noting how little we knew about the prevalence of eviction, wrote that "the existence of numerical information in itself permits and encourages the media, policymakers, public officials, researchers, and the general public to pay attention to a problem that is now well beneath the surface" (489). Over the last decade, we have moved closer to seeing the problem, rendering it much harder to ignore.

Fighting Crime or Punishing the Poor?

In their article, "Analyzing the Effect of Crime-Free Housing Policies on Completed Evictions using Spatial-First Differences," Griswold and colleagues offer compelling evidence that implementing crime-free housing policies is associated with increased evictions. Using data from four jurisdictions in California, they show that census block groups with crime-free certified rental units have higher rates of executed evictions than otherwise equivalent spaces. Differences are both statistically and practically significant; they estimate an average 24.9-percent increase in evictions in such block groups and show similar effects across jurisdictions.

The article contributes to a growing body of evidence detailing the harms caused by third-party policing generally and crime-free housing policies in particular (Archer, 2019; Prochaska, 2023; Werth, 2013), including with respect to eviction (Desmond and Valdez, 2012; Kroeger and La Mattina, 2020). Such policies extend the reach of the carceral state, recruiting landlords to surveil and punish tenants construed as deviant (Cullen, 2022; Wacquant, 2009). Unlike nuisance ordinances applied city- or neighborhood-wide, crime-free housing policies depend on landlords opting in. The authors show that selection is nonrandom: certain landlords in certain neighborhoods—particularly low-income neighborhoods with more non-White residents and renters—are more likely to participate. The net effect is further destabilization of already marginalized communities.

The authors argue that their results undercut claims about the cost efficiencies of crime-free housing policies because evictions cost money to execute, and these cases entail meaningful downstream costs (e.g., more funding for homeless shelters). An even more direct case to be made against such policies is that landlords who file more eviction cases see significantly higher rates of assault, burglaries, robberies, and theft at their properties (Gomory and Desmond, 2023). By destabilizing tenancies, increasing mobility, and undermining collective efficacy, crime-free housing policies may not only increase evictions but also intensify violent crime within neighborhoods (Semenza et al., 2022). Although the moral, financial, and legal arguments against such policies are increasingly clear, highlighting their direct criminogenic potential is important.

Low-Hanging Fruit: Subsidized Housing Policy Reform

Are residents of subsidized housing protected from the threat of eviction? Judging by Ellen and colleagues' article, "Eviction Practices in Subsidized Housing: Evidence from New York State," the answer to that question depends on location, subsidy type, and how one measures eviction risk. Drawing on data from across New York State, the authors demonstrate strikingly high eviction filing rates from public housing, although they also show that a very small number of such filings result in issued eviction warrants. Filing rates from other subsidized developments—whether funded through Section 8, Low-Income Housing Tax Credit, or other programs—are lower than those observed in public housing but more likely to lead to an eviction warrant.

For at least two reasons, the question of subsidized housing's effect on eviction has attracted considerable recent attention (Gromis, Hendrickson, and Desmond, 2022; Harrison et al., 2021; Leung et al., 2023; Lundberg et al., 2021; Preston and Reina, 2021). First, it speaks to a basic

premise: many people get evicted because they cannot pay rent. These programs may allow residents to manage expenses and stay housed stably by reducing housing cost burden. Ellen and colleagues' findings clearly indicate this not to be the case. The extraordinarily high eviction filing rates documented in public housing—where rents can rise and fall with resident income—demonstrate the limits of reducing housing cost burden alone. According to the U.S. Department of Housing and Urban Development (HUD) Picture of Subsidized Households, the average household living in public housing in New York State in 2016 (the start of the study period) had an annual income of $22,816, less than a quarter of local median household income (HUD, 2022). Even when paying only a few hundred dollars a month in rent, a family will struggle to make ends meet on that sum, especially in a place as expensive as New York City. We should consider how supplemental income programs can facilitate housing stability and might pair effectively with housing subsidies.

The second reason subsidy programs have attracted scholarly attention is because they represent a space where it may be possible to make broad-stroke changes affecting a relatively large population. Although state and local governments set most eviction regulations, housing subsidy programs leave open an avenue for meaningful federal reform. Ellen and colleagues' findings suggest several areas for improvement. First, HUD should move to reduce the number of eviction cases filed by public housing authorities. As is clear from their article and other recent research, public housing authorities routinely turn to serial eviction filing to facilitate rent collection, rarely seeing cases through to removal. Even if such a strategy were effective—Leung and colleagues (2023) find no evidence that it is—that does not mean it is the only or best option available. HUD should actively describe and promote alternatives and, as Ellen and colleagues argue, reconsider the possibility of rent forgiveness. Second, HUD should collect additional data on evictions from federally assisted housing, a possibility that the Department has already begun to explore (Office of Policy Development and Research, 2021a). Especially with improved transparency, such data could allow local policymakers to channel resources to programs and developers with a proven track record of improving residential stability.

As with other recent research on eviction and subsidized housing, Ellen and colleagues are unable to examine the effects of housing choice vouchers, by far the largest of the deep subsidy programs (Schwartz, 2021: 8). Voucher use is concentrated heavily in a set of neighborhoods that also see high eviction rates (Rosen, 2020). Future research should work to establish whether recipient landlords are more or less likely to bring eviction cases than nonrecipients.

New Means of Accessing Data

The two preceding articles relied on structured eviction data—data already in a machine-readable, spreadsheet-type format. In their contribution, "Toward a National Eviction Data Collection Strategy using Natural Language Processing," Thomas and colleagues describe a set of tools that allow for creating such structured data. Specifically, they detail a natural language processing approach where scanned images of court documents can be converted to text and then mined for relevant data. Using court records from four counties in Washington State, the authors demonstrate how such tools can be employed and validated.

A great deal of data exists about eviction cases that we are not systematically collecting. Thomas and colleagues frame their contribution as allowing us to study places where scanned documents may be available but structured data are not. However, the potential of natural language processing technologies extends beyond that: These tools offer the hope of extracting considerably more information that courts collect in various documents but do not systematically record in databases.

Still, natural language processing technologies have restrictions. As the authors note, such tools do not work with handwritten records, thus limiting their value. Even when records are readable, data processing is time-intensive and error-prone and requires significant validation. Those problems are by no means unique to natural language processing technologies (Porton, Gromis, and Desmond, 2021), and the possibility of rapid improvements in the development of local large language models may facilitate this approach in the not-so-distant future. However, it is hard to imagine local policymakers, few of whom possess significant technical capacity, taking advantage of such tools. Therefore, it remains imperative that we push for the creation and distribution of more and higher-quality structured datasets (New America, 2023; Office of Policy Development and Research, 2021b).

Further Applications: Proven and Potential Uses of Eviction Records

How else can eviction records be used to drive local insights? Existing research points to a number of avenues with immediate policy implications.

One of the simplest questions that a local policymaker should be able to answer using court data is, "Where are evictions happening?" Previous research highlights the extreme geographic concentration of eviction cases within a relatively small number of neighborhoods and even buildings (Teresa and Howell, 2021). In Tucson, Arizona, the same 295 buildings were consistently responsible for two-thirds of all evictions every year between 2004 and 2013 (Rutan and Desmond, 2021). Over the last year, two in every five eviction cases filed in Memphis, Tennessee, originated from just 100 buildings (Hepburn et al., 2023). When working to target rental assistance, legal aid, or re-housing services—or directing tax enforcement or building inspections—it pays to know exactly where people are being evicted.

Court data can also allow policymakers to understand better how the eviction process is being used by local landlords and, as such, to tailor responses. For example, in some areas—particularly in places where the court process is cheap, fast, and easy (Leung, Hepburn, and Desmond, 2021)—landlords file repeated, serial eviction cases against the same tenants at the same units (Garboden and Rosen, 2019; Immergluck et al., 2019). An eviction diversion or right-to-counsel program may be better suited to a jurisdiction where a large portion of cases are seen through to removal, while regulations to slow the eviction process or raise eviction filing fees might be more appropriate in areas with high serial eviction filing rates.

As Griswold and colleagues' article makes clear, these data do not pertain only to housing policy. Eviction has far-reaching consequences for renters' employment and financial well-being

(Collinson et al., 2023), their health and access to insurance (Hatch and Yun, 2021; Schwartz et al., 2022a), and their children (Graetz et al., 2023; Schwartz et al., 2022b). These data can inform decisions around health care, policing, social services, and schools.

However, it is also important to recognize the limits of these data. Court data will always leave hidden events that occur outside of the courts. An unknown number of renters face informal and illegal evictions each year, and attempts to measure these events using surveys have seen mixed success (Gromis and Desmond, 2021). Even within the courts, the exact outcome of cases is often difficult to ascertain (Nelson et al., 2021; Summers, 2023). Still, for local leaders interested in addressing housing instability and its repercussions, access to and careful analysis of these sorts of administrative court data can be invaluable.

Acknowledgments

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