

HousingWorks Austin

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Eviction Prevention Plans





HousingWorks
AUSTIN

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What Are Eviction Prevention Plans?

City of Austin
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Eviction Prevention Plans are proactive planning strategies within a larger eviction prevention framework with the aim of reducing the number of evictions or the impact of an eviction or removal on tenants.

Eviction Prevention Plans are drafted and put in place by a property owners and managers before leasing to guide management practices in dealing with non-payment of rent or other lease violation issues as they arise, providing individualized support and flexibility to tenants, and treating the formal eviction process as a last resort.

Within a larger eviction prevention framework, such plans are often combined with rental or financial assistance, case management, and other forms of support to for maximum impact.

Housing Impact on Tenants

- housing instability and reduced access
- long-term family financial insecurity resulting from low credit-scores and other factors
- lower educational scores and graduation rates among students
- negative effects on physical and mental health and wellbeing of households
- long-term housing instability for having an eviction filing, regardless of ruling

Financial Impact on Property Owners and Landlords

- lost rent due to vacancies or unpaid rent
- legal fees

Economic Impact on Public Sector

- increased demand for emergency and social safety net programs
- Increased economic instability for households leading to external effects

Eviction Prevention Versus Diversion

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Eviction Prevention

Eviction prevention strategies are proactive and implemented before any lawsuit is filed.

The aim of eviction prevention strategies is to maintain housing stability and access for households in the long and short-term by averting a tenant's entry into the legal eviction process.

Examples include legal services for negotiated settlements, financial support, counseling, and mediation.

Eviction Diversion

Eviction diversion strategies are implemented after a lawsuit has been filed.

The aim of eviction diversion strategies is to maintain housing stability by avoiding formal evictions through voluntary dismissal or mitigating the negative impacts of an eviction.

Examples include legal representation in court, mandated mediation, negotiated settlements, and financial assistance.

Eviction Prevention Framework Context

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EVICTION PREVENTION FRAMEWORK

Housing Stabilized

Housing Progressively De-Stabilizes

**Optimal
Support**

**Early
Intervention**

**Critical
Support**

**Critical
Outcome**

**Dire
Situation**



Eviction Prevention

Proactive strategies,
including Eviction
Prevention Plans.

e.g., Indiana & Chicago

Eviction Diversion

Strategies implemented
after eviction has been
filed.

e.g., Philadelphia

- **Incentive Program:** Tying Eviction Prevention Plan requirements to affordable housing subsidy or tax exemption programs.
- **Tenant Centered:** Focused on ensuring that administrative burdens on tenants are minimized. This includes providing the ability to implement tailored plans that are tenant and situation specific.
- **Landlord Partnership:** Dependent on good landlord partnerships and good faith efforts by all parties.
- **Early Intervention:** Critical to intervene early to ensure that any problems are manageable and that the tenant has sufficient time to address issues.
- **Eviction as a Last Resort:** Rather than relying on filing an eviction to start communication with tenants, strategies rely on other forms of communication and negotiation to start off the process.

- **Clarity and Information Sharing:** Eviction prevention plans and strategies must be clear and easy to implement. The roles and responsibilities of owners, management, and tenants need to be clearly articulated along with defined policies and procedures.
- **Compliance and Monitoring:** It is critical to monitor for compliance, ensuring that the landlord meets the standards and spirit of the requirements.
- **Additional Resources:** Case management, mediation, and financial resources may be necessary to ensure that Eviction Prevention Plans and strategies are effective and achieve desired outcomes. It may be necessary to structure assistance in a way that it stabilizes tenants in the long-term, while minimizing frequent use or abuse of such programs.

Indiana

Developers utilizing Eviction Prevention Plans in their LIHTC application process, receive additional points. Plans are required for those applying under the housing first funding set-aside.

“must address how the property will implement management practices that utilize eviction only as a last resort and must describe strategies that will be taken with tenants on an individualized basis to attempt to prevent evictions when issues arise.”

Chicago

Developers applying for LIHTC or local Multi-Family Housing Financial Assistance funding for a project with Permanent Supportive Housing (PSH) must provide an Eviction Prevention Plan. All developments are required to have at least 5% PSH.

“for PSH developments, developers are obligated to develop and implement an eviction prevention plan in order to reduce evictions and their impact.”

Philadelphia

Eviction Diversion Program (EDP) provides tenants and landlords an opportunity to resolve issues while avoiding a drawn-out court process. Local regulations require all landlords to engage in “good faith participation” in the program before filing

EDP applications are assigned to a pathway which may include mediation, direct negotiation, and/or financial assistance depending on a variety of factors, including the amount of back rent owed. Not every EDP case is assigned to mediation

Indiana EPP Sample Requirements

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- Eviction prevention philosophy
- Resident engagement approaches
- Community partnerships connecting households to resources
- Roles and responsibilities of property management staff and services staff and identify mechanisms for coordination and communication
- Tenant knowledge of roles and responsibilities
- Housing retention plans (individualized for the specific needs and circumstances of a tenant)
- Strategies for mitigating and responding to common lease violations
- Eviction protocols (describes policies and procedures followed during a formal eviction process, the appeal process for a tenant, and any steps that may be pursued as part of an informal eviction process, such as mediation).

Preliminary Recommendations

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Explore opportunities for Austin Housing to:

- incentivize prevention plans for local funding, partnerships, or approval for affordable housing;
- develop readily-available resources for developers and property managers, such as a sample Eviction Prevention Plan, eviction protocol, and individualized housing retention plan;
- study the eviction prevention strategies utilized by affordable housing providers in Austin to create a comprehensive set of resources that are aligned with existing practices;
- fund tenant support resources such as rental assistance within an eviction prevention framework aimed at long-term stabilization;

Preliminary Recommendations

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- create and finance mediation and case management support for tenants and landlords;
- review the effectiveness of the eviction prevention plans with property managers and tenant advocates each year during their affordability period; and
- provide peer-led, cohort-based continuing education for landlords and property managers to foster a sense of community-oriented collaboration and to prevent knowledge-loss.

All implementation must include coordination with City staff, housing providers and developers, property managers, tenant advocates, and tenant support organizations.