

# Texas Eviction Diversion Program Overview



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Due to the financial fallout of the COVID-19 pandemic, many Texans struggled to pay rent. Housing and legal experts expected evictions to surge in the months following the pandemic's onset. Texas courts also anticipated a significant increase in evictions, particularly at the end of the Center for Disease Control's (CDC) eviction moratorium, which would have resulted in judges struggling to handle backlogged eviction cases.

Responding to the concerns of rising eviction cases, the Texas Department of Housing and Community Affairs (TDHCA), the Office of the Texas Governor, the Supreme Court of Texas and the Texas Office of Court Administration collaborated to create the Texas Eviction Diversion Program (TEDP). TEDP was added as part of the Texas Rent Relief (TRR) Program.

Through TEDP, TDHCA reserved 10% of available Texas Rent Relief funds to help low-income tenants facing eviction remain in their homes, and provide landlords with an alternative to eviction. The TEDP program launched in February 2021 and closed in the summer of 2023.

By design, TEDP did the following:

- Allowed courts to pause eviction cases while tenants and landlords applied for rental assistance.
- Provided training to court administrators about how tenants and landlords could access available rental assistance.
- Made lump-sum payments to participating landlords for past-due rent and late fees so tenants could remain in their homes.
- Kept evictions off tenants' records by making eviction case records confidential.

## BY THE NUMBERS



**1st** statewide eviction diversion program in Texas.



**25,000+** renter households received more than **\$243 million** in assistance, had their evictions stopped and had their court records made confidential.



**800** Texas Justices of the Peace (JPs) implemented TEDP at eviction hearings.

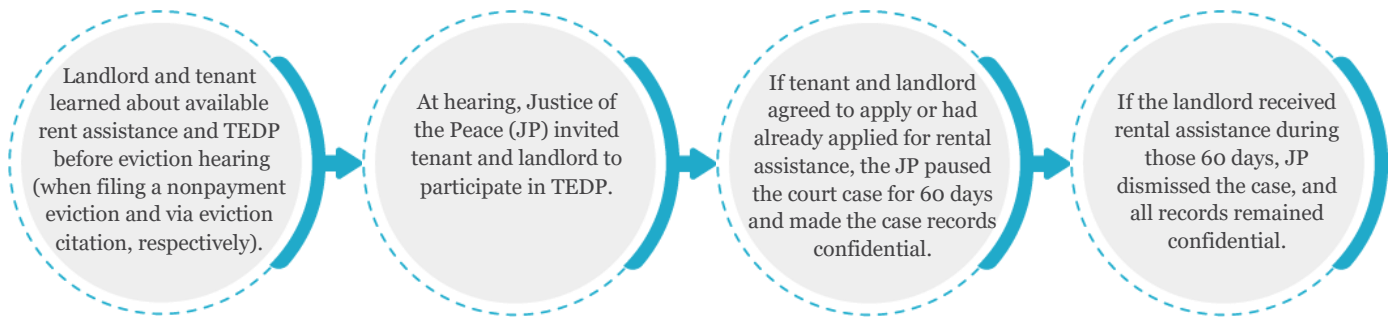


**254** County Court (Appeal) Judges implemented TEDP at eviction appeal hearings.



**55,000+** renter households received legal aid assistance through Texas Access to Justice Foundation (TAJF) awards.

## HOW TEDP WORKED



## CONTEXT AND HISTORY

The Supreme Court of Texas officially established the court component of the Texas Eviction Diversion Program (TEDP) through the September 25, 2020 [Twenty-Seventh Emergency Order Regarding the COVID-19 State of Disaster](#). The Supreme Court of Texas extended the life of the program via subsequent emergency orders through June 30, 2023, which directed eviction and eviction appeal courts on how to implement TEDP. As of January 2024, all TEDP emergency orders are available on [the court's TEDP website](#).

From October 2020 through February 2021, TDHCA administered a TEDP pilot program using \$3.3 million in Community Service Block Grant funds from the U.S. Department of Health and Human Services. Funding helped 380 households in eight Texas communities avoid eviction and stay housed with up to six months of rental assistance. Feedback from participating tenants, landlords, subrecipients and other organizations informed the development of the statewide Texas Eviction Diversion Program (TEDP) that launched February 15, 2021.

## PROGRAM EVOLUTION

TDHCA, the Texas Office of Court Administration, the Supreme Court of Texas and many stakeholders collaborated to make ongoing improvements to TEDP. Those improvements included:

- Expanded protections and program eligibility for tenants who applied to any available local rental assistance program (i.e., city or county programs), and not just TRR.
- Expanded TEDP protections for tenants who filed eviction appeals with the county courts.
- Allowed legal aid or volunteer legal services representatives in the eviction courts and eviction appeals courts (in person or remotely) to provide information, advice, intake, referral or other assistance to tenants.
- Through the Housing Stability Services (HSS) Program, TDHCA has allocated more than \$209.8 million of ERA funds to local communities and non-profits to keep Texans housed and prevent homelessness. Through December 2023, 98,746 households have been assisted by HSS-funded organizations.

- Of the total ERA HSS funds, \$44.5 million has been allocated to legal aid organizations to provide eviction prevention and other housing stability related legal services. So far, 39,328 households have received free legal assistance, including representation in eviction court, legal counsel, and mediation services.
- Through local partners, HSS has also assisted 32,941 households with free legal counsel to prevent eviction and address fair housing violations. The HSS Program is estimated to continue through July 2025.

TDHCA also made the following changes to make Texas Rent Relief more effective at stopping evictions:

#### **Prioritization**

- Prioritized the processing of TEDP applications (when the parties had an active eviction case in court), which meant processing TEDP applications an average of 22 days faster than other applications, from submission to payment.
- Allowed applications to be updated and prioritized if a tenant was sued for eviction while waiting for assistance.

#### **No Income Documentation**

- Waived income documentation requirements for renters with an eviction court docket number.

#### **De-incentivized Evictions**

- Expanded assistance provided by TRR to include past-due rent at a tenant's previous residence, as long as no formal eviction judgment or writ of possession was issued.

#### **Maximizing Eviction Protection Period**

- Maximized the amount of rent provided to include current and future months, protecting tenants from future eviction for up to three months, giving tenants time to obtain stable income and pay rent without further assistance.

#### **Supporting Tenants Appealing Eviction**

- Tenants who received direct TRR payment could use funds to make rent payments to the justice court or county court registry for eviction appeals.

#### **Legal Aid Direct Outreach to Renters**

- More than 22,000 tenants facing eviction expressed interest in legal assistance when completing their application. TRR shared this information with legal aid service providers, who then conducted direct outreach to many TRR applicants.

#### **Eviction Education and Resources**

- Posted guidance related to evictions and trained call center representatives on how to help applicants prevent eviction and access legal aid services.

## LEGAL AID SERVICES PROVIDED

With the \$44.5 million in Housing Stability Services funding TDHCA provided to the Texas Access to Justice Foundation, legal aid organizations across the state have provided a wide range of services to help keep Texans housed during the pandemic, including:

### Advocating for Clients in Eviction Court

- Legal aid attorneys have helped to dismiss eviction cases and make them confidential, defended against improper eviction suits or improper Notices to Vacate, and allowed tenants more time to move out of their unit prior to eviction judgment.

### Working with Landlords

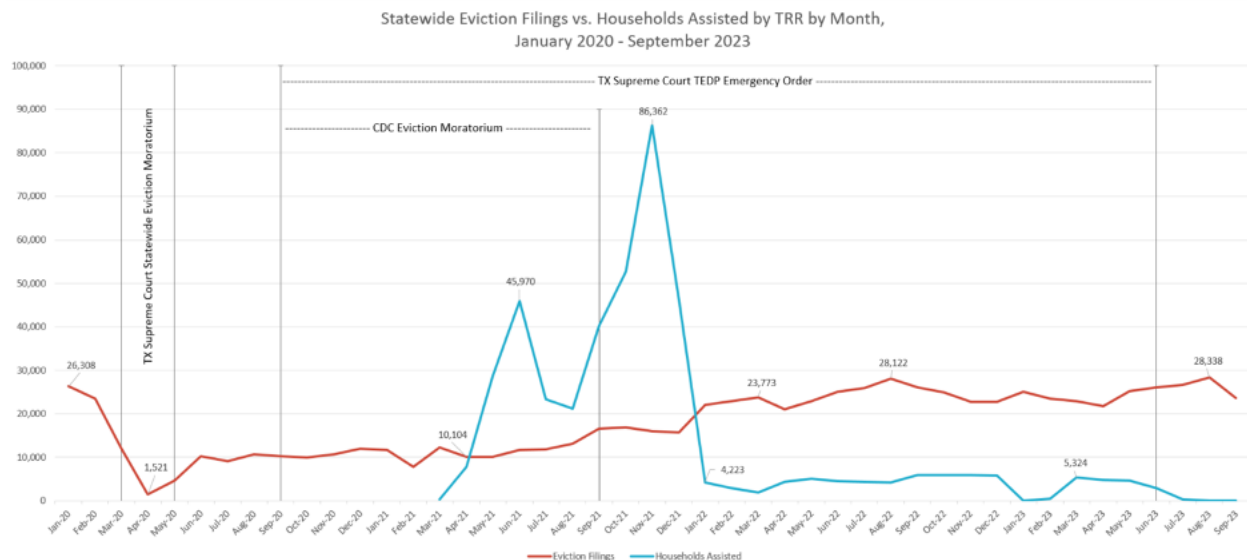
- Legal aid attorneys have negotiated with landlords on behalf of tenants, encouraging landlords to accept rental assistance or enter into payment plans with tenants, forgive some of their tenants' debt, ensure tenants are not overcharged for rent or other fees they owe, terminate a lease without negatively affecting their tenants' records or develop move-out agreements.

### Appealing an Eviction Determination

- Legal aid attorneys have supported tenants as they appealed an eviction judgment, representing the tenants in court and helping them use TRR or other assistance funds to pay into the court registry (a requirement in the appeals process for nonpayment rent evictions).

## PROGRAM IMPACT TIMELINE

During the pandemic, the TRR and TEDP programs, along with many local and county level rental assistance programs, helped to keep Texans housed and keep Texas eviction rates at or below their pre-pandemic levels.



2020

JANUARY

There were close to 27,000 eviction filings in Texas in January 2020, just prior to the COVID-19 pandemic. This was an increased rate of eviction filings compared to 2019, when there was an average of approximately 22,600 eviction filings statewide per month.

APRIL

The Supreme Court of Texas enacted a statewide eviction moratorium from March 19, 2020 to May 18, 2020. In April 2020, statewide eviction filings decreased to 1,521 –the lowest number of eviction filings in recent history.

JUNE

Evictions began to increase and remained around 10,000 filings per month from June 2020 through February 2021.

SEPTEMBER

The CDC national eviction moratorium began, contributing to lower numbers for eviction filings.

2021

FEBRUARY

Texas Eviction Diversion Program and Texas Rent Relief Program launched.

SEPTEMBER

Despite national and local predictions of a sharp increase in eviction filings when the CDC eviction moratorium ended, evictions in Texas remained at approximately the same level as during the moratorium.

NOVEMBER

The TRR program reached its peak of assistance provided, assisting nearly 90,000 households in November 2021 alone.

2022-  
2023

While TRR, TEDP, and some local rental assistance programs continued to assist Texas families at a smaller scale throughout 2022 and 2023, evictions increased to pre-pandemic levels in 2022.