



**Durham CAN**  
**(Congregations, Associations and Neighborhoods)**  
732 Ninth Street, #604, Durham, NC 27705  
(919) 627-1769 [www.DurhamCAN.org](http://www.DurhamCAN.org)

---

Date: Monday, January 18, 2021

To: Mr. Daniel C. Hudgins, Chairperson  
Durham Housing Authority Board of Commissioners  
330 E. Main St., Durham, NC 27701

Subject: Changes to DHA Eviction Filing Policies and Practices

In 2019, the year prior to the pandemic, there were 867 eviction filings by the Durham Housing Authority (DHA). Eviction filings have serious consequences for residents. Even if a judgment is not rendered against the resident, the eviction filing shows up in the individual's public record for seven years. This documented history can have a detrimental effect on DHA's imperative that residents "move in, move up, and move out" of public housing. Landlords, employers, and financial institutions search these public records to make decisions about whether to rent, employ, insure, and/or loan money to individuals. In addition to the complex negative impact on individuals and families, evictions are costly to DHA, taxpayers, and the City of Durham.

In August of 2019, the Durham Housing Authority announced actions aimed at decreasing evictions. There were some excellent interventions suggested in this announcement, but a major determinant concerning "time to filing" was not addressed. Proposed changes in the process were described at the DHA Board meeting in December of 2019, which would extend the court filing time from the 11th to the 22nd day after the rent was due. The practice of filing for non-payment after 21 days was continued until the COVID-19 pandemic closed the courts. Additionally, in these proposed changes, there was no mention of responsibility on the part of DHA property managers to meet with residents prior to filing to confirm whether residents qualify for a hardship waiver, rent relief or protection from eviction under the CARES Act, CDC, court-ordered and state-ordered moratoriums; or ensure the filing is not due to an error on the part of DHA .

In their [recently released report](#), the City of Durham's Racial Equity Task Force recommended the development and implementation of new eviction policies by DHA. As the eviction moratorium is scheduled to end soon, this is an excellent time to revise eviction policy. Specifically, we ask that DHA: (1) change the policy on the "time of filing" to extend the court filing date to at least 90 days after the rent is due; and (2) require direct and documented communication between the property manager and resident prior to filing an eviction notice. Increasing the time before filing will allow for recently proposed eviction interventions to take place and will decrease the long-term harm for some residents as well as lower overall evictions which many elected leaders -- including our Mayor -- have repeatedly referred to publicly as "a crisis."

We found that the Housing Authority of Winston-Salem, which has a similar demographic profile and percent of payment received as DHA, does not file *any* court action until after 90 days. At 30 days of non-payment, property managers meet with the resident to discuss their payment situation. At 60 days, a rent conference is scheduled by the property manager to develop a promissory agreement by the resident for repayment. Their policy requires communication between the property manager and resident with the primary responsibility on the property manager.

We strongly urge the Operations Committee of the DHA Board to research, consider, and implement these changes to the eviction policy prior to your February Board meeting. We also request a copy of DHA's current eviction policy which is not publicly available nor included in DHA lease agreements that we have reviewed. We request feedback from the Chairperson of this committee concerning actions taken.

Sincerely,

Durham Congregations, Associations and Neighborhoods