



Judicial Council of Georgia Standing Committee on Access to Justice Meeting

May 1st, 2024

12:00 p.m. – 1:30 p.m.

Topic: A2J Quarterly Committee Meeting

Time: May 1, 2024 12:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

[https://georgiacourts-
gov.zoom.us/j/86152380258?pwd=myTaShMh7a4sZH2sqhDst176QyTVFA.1](https://georgiacourts.gov.zoom.us/j/86152380258?pwd=myTaShMh7a4sZH2sqhDst176QyTVFA.1)

Meeting ID: 861 5238 0258

Passcode: 999967

Meeting Starts @ 12 noon

Welcome and Introductions – Judge Sara Doyle - 10 mins

Written Reports- Summary of February 14th, 2024

SAVE THE DATES – Upcoming Events

Equal Justice Conference in Detroit, MI: May 9-11th

Next meeting Dates: August 14th at the AOC Ratley Conference Room, & November 20th

A2J Committee Project and Community Updates

- I. Carl Vinson Study Update** – Judge Tabitha Ponder -7 mins
- II. SRL Forms Working Group Update (Legitimation, and Custody)** – Judge Latisha Dear Jackson - 7 mins
- III. Landlord Tenant Forms Update** – Judge Cassandra Kirk – 5 Mins
- IV. Law Library Project Update** – Nancy Long – 10 mins
- V. GSU Eviction Process Study** – Michelle Barclay – 10 mins
- VI. Old Business**
 - Fundraiser Event in Dougherty County
 - Records Restriction Clinics in Dalton and Moultrie
- VII. New Business**
 - Feedback on New A2J Website: [Judicial Council Standing Committee on Access to Justice – Georgia Judicial Gateway \(georgiacourts.gov\)](https://www.georgiacourts.gov)

Meeting Expected end time 1:20-1:30pm



Joint Access to Justice Committee Meeting

Wednesday, February 14th, 2024

12:00 p.m. – 2:00 p.m.

Nathan Deal Judicial Center

Judicial Conference Room

330 Capitol Avenue S.E. Atlanta, Georgia 30334

Conference Call Information

https://georgiacourts-gov.zoom.us/rec/share/wlUqafX_sc4kG5DonA2CXpJVFUwdul0Zlw-UbLMH0XL2fOGsO5DBuST0Du0tHIV6.hltJ_QYAMPI14yuS

Passcode: Vf&h#@J9

In-Person Attendees: Chief Justice Michael Boggs, Justice Verda Colvin, US Judge Catherine Salinas, Judge Belinda Edwards, Tracy Johnson, Judge Bill Hamrick, Judge Maureen Wood, Judge Keith Galligan, Mazie Lynn Guertin, Karlise Grier, Bill Adams, Mike Monahan, Hannah Towns, Cami Fowler, Josh Becker, Richmond Wrinkle, Judge Ryan Hope, Brittanie Browning, Amy Dever, Damon Elmore, Rita Sheffey, Michael Lucas, Tomieka Daniel, Mitzy Sharp Futro, Steven Gottlieb, Gerry Weber, Jamie Rush, Rachel Barnhard, Alexandra Eichenbaum, Deborah Chapman, Corey Hirokawa, Kareema Lewis, Soo Jo, Holly Lynde, David Tanner, Judge Tabitha Ponder, Noelle Lagueux-Alvarez, Michelle Barclay

Online Attendees: Judge Shawn Rhodes, Judge Cynthia Adams, Judge Clarence Cuthpert, Sharri Edenfield, Judge Jana Edmondson-Cooper, Crystal McElrath, Phil Sandick, Judge Latisha Dear Jackson, Vicky Kimbrell, William Simmons, Judge Larry Mims, Andrew Zoll, Kimber Meridan, Anne Kirkhope, Sarah Babcock, Lashawn Murphy, Sarah Anderson, Nancy Long, Cynthia Clanton

Welcome and Introductions

Justice Colvin called the meeting to order and welcomed the audience. Introductions were made for in-person attendees. Michelle Barclay followed the welcome and gave the audience an overview of the recent study conducted by Carl Vinson Institute of Government. This report was done to assess legal innovations across the US and evaluate the only state funded Family Law Information Center (FLIC) in the Appalachian Circuit. Michelle turned the podium over to Holly Lynde from Carl Vinson.

Presentation of Carl Vinson Report: Civil Access to Justice

Holly Lynde presented the report titled *Civil Access to Justice* to the committee. From this study, innovative ideas were proposed to help mitigate civil access to justice needs in Georgia. Some suggestions include developing evaluation frameworks for access to justice programming and collecting longitudinal data to inform policy, using non-attorney navigators for routine legal issues, creating an incentive program for pro bono work, etc.

Also, this report revealed efficiencies realized through the FLIC in North Georgia. \$48,568 in state and county funding efficiencies were realized by the court when the FLIC assisted with self-represented litigants, and over half --\$26,550 or 55%--was state funding. These numbers appear conservative due to lack of needed data to quantify efficiencies outside the courtroom. Overall, 91% of the efficiencies realized occurred in the courtroom, and 9% occurred in the court clerk's office.

Open Discussion

Following the slideshow presentation by Carl Vinson, the floor was opened for a discussion facilitated by Justice Colvin and Michelle Barclay.

- **Discussion on Self-Help Resources:** Points were made from a GAWL representative on analyzing self-help resources for inmates. Justice Colvin reassured her that our current concentration of analysis is the civil arena with hope to interpose into the criminal section. The A2J committee continues to upload self-help resources and forms for pro se litigants on their website.
- **Discussion on data collection from the report:** Many questions were asked about the data collection and savings on court time. The current methodology being used to quantify that number stems from Richard Zorza, but the best practice to measure that is, a time and motion study. Mike Monohan mentioned the need of sharing data across the entities represented and using it to define concepts within the access to justice arena.
- **Chief Justice Boggs speaks to the audience:** Chief Justice Michael Boggs verbally expressed his appreciation to the leaders in the room for attending. The Chief recited some of the initiatives the high court has taken up, and what they are considering in collaboration with the State Bar. Provisional licensure is one idea where both entities can implement. The Chief left the audience with two perspectives to ponder over to include, "what are best practices? What makes a difference? What moves the needle? What are the financials? Where will the funding come from?" The Chief also spoke on a new proposal with Carl Vinson to create a performance measurement model for validity and accuracy of our self-help centers/FLICs.
- **Discussion on State-Wide Approach:** Justice Colvin asked about pro bono work and legal aid hotlines that are available for pro se litigants who have questions about a legal issue. Chief Justice Boggs mentioned generative AI its potential value for civil access to justice. Tracy Johnson spoke about the need for a statewide coordinated effort or a central office where free legal answers, hotlines operate and connect the legal professionals with the people. Sarah Babcock made a comment on the people who have legal issues but are not counted in the data collection. Karlise Grier suggested creating statewide training modules to help educate people on the

different operating systems being used in our courts and substantive areas of the law within our state.

- **Discussion on Incentivizing Pro Bono work with CLE credit:** Pros & cons were stated about incentivizing pro bono work with CLE credit hours and how it would be properly measured. Judge Maureen Wood mentioned leveraging young lawyers and law students with potential student loan repayment or class credit for their services. The Chief suggested adding a February bar for the new lawyers as another incentive. Many other ideas and suggestions were made regarding virtual hearings, repository for data points, and conducting procedural/subject matter training for CLE credit.

Closing Remarks

Justice Colvin presented a recap of the many talking points made to include the virtual hearings resolution, expansion of law students' scope of practice, and incentivizing CLE credit.

Meeting Adjourned at 2:00 p.m.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 3

In Support of Clear Policies for Virtual and Remote Hearings Post-Pandemic

WHEREAS, at their 2020 Annual Meeting, the Conference of Chief Justices and the Conference of State Court Administrators adopted Resolution 1, which sets forth six principles to guide technological changes for post-pandemic court technology; and

WHEREAS, at their 2021 Annual Meeting, the Conference of Chief Justices and the Conference of State Court Administrators adopted Resolution 2, urging courts to apply the guiding principles for court technology to remote and virtual hearings and support technological innovations to facilitate access to justice, so that all court users obtain the help they need and are treated fairly and with dignity; and

WHEREAS, during the COVID-19 pandemic, technology has been a vital tool to enable courts to maintain operations and has been an important learning opportunity for courts; and

WHEREAS, the ability to participate in remote and virtual hearings through videoconferencing or telephonic appearances may bring benefits to attorneys, parties, and self-represented litigants, including saving time and resources; and

WHEREAS, some courts have ceased using remote and virtual hearings in some or all cases, thereby requiring court users, the public, and court employees to return to the courthouse in person to complete court hearings; and

WHEREAS, preliminary data suggests that appearance rates at court hearings are higher when litigants can appear remotely or virtually; and

WHEREAS, the public's ability to observe court proceedings online may enhance public understanding of, and confidence in, the fairness and impartiality of courts and judges; and

WHEREAS, the use of technology, and its possible expansion to include hybrid hearings, also raises critical questions about litigants' rights and their access to justice, and what courts and other stakeholders can do to mitigate any potential harms; and

WHEREAS, even as courts transition towards more in-person court operations, courts should not stop the usage or adoption of technology for court operations, including the filing of court documents, jury selection, and remote and virtual hearings; and

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators recognize that courts should continue to leverage technology to ensure litigant access to procedural and legal information and court services, and to make appearances possible and safe via remote and virtual means when practicable; and

WHEREAS, some jurisdictions have already established policies governing how remote and virtual hearings are to be conducted going forward;

NOW, THEREFORE, BE IT RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge their members to adopt policies at the state level regarding the use of remote and virtual hearings to ensure the continued use of remote hearings where appropriate and to ensure consistency, fairness, and safety in the conduct of remote hearings.

In developing these policies, we urge courts to:

1. Assess what technology platforms are best suited to the needs of the court and users
2. Ensure that all court users are able to participate in remote and virtual hearings regardless of access to equipment, broadband or comfort with technology;
3. Determine whether there are categories of hearings that are better suited to remote and virtual formats, while continuing to think creatively about how to expand the use of remote and virtual hearings to other case types;
4. Ensure that language access resources and accommodations under the Americans with Disabilities Act are provided to litigants in remote and virtual proceedings;
5. Draft these remote hearing policies in plain language and share them widely so that court users, the public, and court employees understand what is permissible;
6. Collect data and user feedback about remote and virtual hearings; and
7. Assess remote hearing policies regularly and adjust these policies as needed.

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators urge the National Center for State Courts to engage in rigorous evaluation of innovative efforts, provide guidance, develop best practices, and share resources on the continued use of remote and virtual hearings; and

BE IT FURTHER RESOLVED, that the Conference of Chief Justices and the Conference of State Court Administrators offer leadership and encourage, where appropriate, collaborations with federal, state, and local government agencies and legislative bodies, private funders, and other civil justice system partners to support and provide financial resources to increase broadband and address other solutions that reduce the barriers to technology access.



User Name: Deonte Mayfield

Date and Time: Tuesday, April 30, 2024 1:33:00PM EDT

Job Number: 223181291

Document (1)

1. [O.C.G.A. § 15-18-22](#)

Client/Matter: -None-

O.C.G.A. § 15-18-22

Current with Chapters 354 through 408, with the exception of Chapters 391 and 396, of the 2024 Regular Session of the General Assembly. The Statutes do not reflect possible future codification directives from the Revisor of Statutes pursuant to Code Section 28-9-5. Additionally, the Statutes may be affected by prior or subsequent legislative enactment, revision, or executive action.

***Official Code of Georgia Annotated > TITLE 15 Courts (Chs. 1 — 25) > CHAPTER 18
Prosecuting Attorneys (Arts. 1 — 5) > Article 1 General Provisions (§§ 15-18-1 — 15-18-32)***

15-18-22. Use of third-year law students and law school staff instructors as legal assistants in criminal proceedings.

(a) This Code section shall be known and may be cited as “The Law School Public Prosecutor Act of 1970.”

(b) With the increasing docket in criminal matters, it is in the public interest to provide legal assistance to district attorneys and, in connection therewith, to utilize the services of third-year law students and staff instructors in criminal proceedings as a form of legal intern training which will promote the efficiency of criminal proceedings.

(c) As used in this Code section, the term:

(1) “Criminal proceeding” means any investigation, grand jury, trial, or other legal proceeding by which a person’s liability for a crime is investigated or determined, commencing with the investigation, return of an indictment, or filing of the accusation and including the final disposition of the case.

(2) “District attorney” means any district attorney of this state, the Attorney General, the director of the Prosecuting Attorneys’ Council of the State of Georgia, or any solicitor-general or solicitor of a state, municipal, or recorder’s court or any assistants of such officers.

(3) “Law school” means a law school within or outside this state which is approved by the American Bar Association or which is authorized to operate under [Code Section 20-3-250.8](#) or which was chartered and began operation in this state prior to February 10, 1937, and continued in operation in this state on July 1, 1970.

(4) “Staff instructor” means a full-time professional staff instructor of a law school in this state who has been admitted to the bar of another state but who has not yet been admitted to the bar of this state.

(5) “Third-year law student” means a student regularly enrolled and in good standing in a law school within or outside this state who has satisfactorily completed at least two-thirds of the requirements for the first professional degree in law (J.D. or its equivalent) in not less than four semesters or six quarters of residence.

(d) An authorized third-year law student or staff instructor, when under the supervision of a district attorney, may assist in criminal proceedings within this state as if admitted and licensed to practice law in this state except that all indictments, presentments, pleadings, and other entries of record must be signed by a district attorney or by his duly appointed assistant and that, in the conduct of a grand jury investigation, trial, or other criminal proceeding, a district attorney or his duly appointed assistant must be physically present.

(e) A third-year law student or staff instructor may be authorized to assist a district attorney in such form and manner as the judge of the superior court may prescribe, taking care that the requirements of this Code section and the good moral character of the third-year student or staff instructor are properly certified by the

O.C.G.A. § 15-18-22

dean of the law school. Before entering an order authorizing him to assist the district attorney, the judge shall further require of the student or instructor an oath similar to the oath required by a district attorney.

(f) As to each third-year law student or staff instructor authorized to assist a district attorney, there shall be kept on file in the office of the clerk of the superior court in the county where such authority is to be exercised the dean's certificate, the student's and instructor's oaths, and the judge's order as contemplated under subsection (e) of this Code section. The authority to assist a district attorney as allowed under this Code section shall extend for no longer than 18 months. If during this period any change occurs in the status of the student or instructor at the law school in which he or she was enrolled or employed, that is, if the student ceases his or her enrollment, is suspended, or is expelled or if the instructor ceases his or her employment or is released by the school, any such authority shall terminate and be revoked.

(g) Any third-year law student or staff instructor authorized to assist a district attorney under this Code section is not required to possess the qualifications for election or appointment to the office of district attorney or assistant district attorney as defined in [Code Section 15-18-3](#).

History

Code 1933, § 9-401.2, enacted by Ga. L. 1970, p. 336, § 2; Ga. L. 1978, p. 1949, § 1; Ga. L. 1990, p. 8, § 15; Ga. L. 1990, p. 1166, § 1; Ga. L. 1994, p. 313, §§ 1, 2; Ga. L. 1996, p. 748, § 4; Ga. L. 1997, p. 1319, § 14.

Annotations

JUDICIAL DECISIONS

Physical presence of district attorney not required. —

Existing statutory framework constitutes an express authorization for a district attorney to delegate to the district attorney's assistants the performance of such of the district attorney's prosecutorial duties as the law formerly required that the district attorney personally perform; accordingly, any former requirement that a district attorney's "direction and control" of a prosecution be evinced by the district attorney's physical presence is now obviated. *State v. Cook*, 172 Ga. App. 433, 323 S.E.2d 634, 1984 Ga. App. LEXIS 2539 (1984).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Student assistants not admitted and licensed in general sense. —

Statement that the student may assist the district attorney "as if admitted and licensed" necessarily implies that the student has not actually been admitted and licensed; the fact that there are strict rules governing what a student prosecutor may and may not do makes it clear that, while the student is practicing law in the sense that the student is performing acts that a layman is not authorized to perform, the student has not thereby been admitted and licensed to practice law in a general sense. 1976 Op. Att'y Gen. No. 76-28.

Third-year practice does not affect eligibility for district attorney. —

Third-year law student who serves as a legal assistant to a district attorney pursuant to former Code 1933, § 9-401.2 (see now [O.C.G.A. § 15-18-22](#)) does not thereby become "duly admitted and licensed to practice law in the superior courts" for the purposes of determining eligibility to the office of district attorney under former Code 1933, § 24-2901 (see now [O.C.G.A. § 15-18-3](#)). 1976 Op. Att'y Gen. No. 76-28.

Research References & Practice Aids

Cross references.

Regulation of practice of law generally, [§ 15-19-50](#) et seq.

Law school legal aid agencies, [§ 15-20-1](#) et seq.

Third-year law students, *Ga. Sup. Ct., Rules 91* — 96.

Law reviews.

For article, “See One, Do One, Teach One: Dissecting the Use of Medical Education’s Signature Pedagogy in the Law School Curriculum,” see [26 Ga. St. U.L. Rev. 361 \(2010\)](#).

For annual survey on wills, trusts, guardianships, and fiduciary administration, see [65 Mercer L. Rev. 295 \(2013\)](#).

For article, “Class Warfare: The Disappearance of Low-Income Litigants from the Civil Docket,” see [65 Emory L.J. 1531 \(2016\)](#).

RESEARCH REFERENCES

ALR.

Propriety and effect of law students acting as counsel in court suit, 3 A.L.R.4th 358.

Hierarchy Notes:

[O.C.G.A. Title 15](#)

[O.C.G.A. Title 15, Ch. 18](#)

[O.C.G.A. Title 15, Ch. 18, Art. 1](#)

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User Name: Deonte Mayfield

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Document (1)

1. [Ga. Sup. Ct. 91](#)

Client/Matter: -None-

Ga. Sup. Ct., Rules 91:

Search Type: Natural Language

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Content Type
Statutes and Legislation

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-None-

Ga. Sup. Ct. 91

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

**GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV.
Student Practice Rule**

Rule 91. [Effective until January 1, 2026] Purpose.

The purpose of this Rule is to recognize and support experiential learning opportunities that currently exist for law students in Georgia and to broaden the potential range of such opportunities, thereby expanding access to justice through the work of properly qualified and supervised law students who are permitted, as if admitted and licensed to practice law, to represent and appear on behalf of units of government and persons unable to afford legal services. By expanding the range of work that law students may do as if admitted to practice, this Rule does not, however, address nor intend in any way to restrict the wide variety of activities in which law students currently assist lawyers in their practice of law, including both law school educational programs and traditional work as law clerks.

Annotations

Notes

Editor's notes. —This rule was adopted effective August 15, 2015, superseding former Rule 91.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

Georgia State Court Rules
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1. [Ga. Sup. Ct. 92](#)

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Ga. Sup. Ct., Rules 91:

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Content Type
Statutes and Legislation

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Ga. Sup. Ct. 92

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

**GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV.
Student Practice Rule**

Rule 92. [Effective until January 1, 2026] Activities permitted by a registered law student.

An eligible law student registered for student practice pursuant to this Rule, when under the supervision of a member of the State Bar of Georgia, may, as if admitted and licensed to practice law in Georgia, advise, prepare legal instruments, appear before courts and administrative agencies and otherwise take action on behalf of:

- (1) any state, local, or other government unit or agency;
- (2) any person who is unable financially to pay for the legal services of an attorney; or
- (3) any non-profit organization the purpose of which is to assist low or moderate income persons.

When a registered law student appears before a court or agency, the judge or presiding officer has authority to prescribe the form and manner by which such student may participate in proceedings. A registered law student may neither ask for nor receive any compensation or remuneration of any kind from any client for whom the student renders services; but this shall not prevent the student from receiving compensation, or a scholarship, stipend or other remuneration from a law school, governmental entity, or other non-profit agency in acknowledgment of the services the student is performing. Nothing in this Rule prohibits a supervising attorney, or organization employing such supervising attorney, from applying for, charging, or collecting a fee relating to activities of the registered law student authorized by this Rule that the attorney or organization otherwise may properly apply for, charge, or collect. Communications between the client of a supervising attorney and a registered law student shall be privileged to the same extent as communications protected by attorney-client privilege and work product doctrine and protected as confidential under the Georgia Rules of Professional Conduct, and the presence of a registered law student during communications between the supervising attorney and the client shall not waive any otherwise applicable evidentiary privilege or duty of confidentiality.

Nothing contained in this Rule shall affect the right of any person who is not admitted to practice law to do anything that he or she might lawfully do prior to the adoption of this Rule nor the right of lawyers to use assistants in their practice as permitted by the Georgia Rules of Professional Conduct.

Annotations

Notes

Editor's notes. —This rule was adopted effective August 15, 2015, superseding former Rule 92.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

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User Name: Deonte Mayfield

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Document (1)

1. [Ga. Sup. Ct. 96](#)

Client/Matter: -None-

Ga. Sup. Ct., Rules 91:

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Content Type
Statutes and Legislation

Narrowed by
-None-

Ga. Sup. Ct. 96

The rules incorporate all state and federal rule changes received by the publisher through April 17, 2024, for state and federal courts.

GA - Georgia State & Federal Court Rules > Rules of the Supreme Court of Georgia > XV. Student Practice Rule

Rule 96. [Effective until January 1, 2026] Appearance and argument before the Georgia Supreme Court.

Law students authorized to practice under the Student Practice Rules, see Rules 91-96, or the Law School Graduate Rules, see Rules 97-103, may co-author briefs, indicating their status on the signature line. A law student participating in a clinical program at a Georgia law school may be authorized to make oral argument if the supervising attorney of the program files a motion to authorize the law student to argue and includes in the motion the name of the student seeking to argue, the extent of the attorney supervision to prepare the student for argument, and a statement that the supervising attorney will be personally present and prepared to supplement any oral statement made by the student. The Court must give specific approval for the law student's participation in the argument. Law students and recent law school graduates are not eligible to present oral argument based on their participation in legal training programs organized in the offices of governments and non-profit organizations.

Annotations

Notes

Editor's notes. —The former rule was deleted effective August 15, 2015.

This rule was added effective September 9, 2019.

This rule shall be effective as to cases that docket on or after December 2, 2019.

This rule was amended effective January 1, 2024. For the version of this rule effective January 1, 2024, see the second version of this rule.

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Georgia Eviction Policy:

A Comparative Analysis of Southern States

Alex Macdonald, Ciarra Malone, Myah Palmer, Freya Sargent

PMAP 8900: Advanced Projects for Public and Nonprofit Organizations

May 2024

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Introduction

Evictions are highly stressful life events with long-term social, economic, and health consequences (Goplerud & Pollack, 2021). They can make it significantly more difficult to secure future housing and increase an individual's likelihood of becoming unhoused. In the United States, approximately 3.6 million eviction cases are filed by landlords every year, on average (Garnham et al, 2022). During the COVID-19 pandemic, tenant protections, including the eviction moratorium and emergency rental assistance, created a lull in filings across the country. However, the expiration of these programs, combined with rising housing costs and a shortage of affordable housing, has caused filings to return to or even surpass pre-pandemic levels in many areas (Casey & Rico, 2023).

Similar to national trends, eviction filings in the metro Atlanta area have been at record levels since 2020. In 2023, the five-county region inclusive of Atlanta recorded 144,325 eviction filings, nearly double the filings from 2020 when a moratorium was enacted in the wake of COVID-19 (Atlanta Regional Commission et al., 2023). Although total filings in 2023 were 3% lower than annual filings in 2019, the post-COVID peak represents backlogs from the moratorium and housing conditions broadly. Rents in Atlanta have increased by over 20% since 2020 (Kanell, 2023), and apartment vacancy rates, although climbing, are around 10% (Shields Bearn, 2024).

Several notable sources, including the National Conference of State Legislatures, the American Bar Association (2022), and The Urban Institute (2023), published reports emphasizing key principles and practices for preventing and mitigating spikes in evictions resulting from COVID-19. All three organizations were motivated by the current eviction crisis, the profoundly negative and lasting effects of evictions, and a desire to decrease the number of evictions while making the process more humane for those who experience eviction. They recommend measures such as flexibility in filing notices, greater transparency in the eviction process and operating procedures, and the implementation of eviction diversion procedures. Notably, The White House has commended states like Michigan for their Long-Term Court-Based Eviction Diversion, which prioritizes ensuring legal representation for tenants and conducting pre-trial convenings to enhance

tenant awareness (2022). These and other best practices provide a valuable framework for crafting effective solutions and policies to safeguard and prevent undue hardships for both tenants and landlords.

Purpose

The purpose of this project is to document best practices for resolving eviction cases fairly for tenants and landlords. This research focuses on state-level laws, policies, and practices that impact evictions and explores options for addressing their inefficiencies and harms. It culminates in a scorecard that assesses Georgia and eight other southern states against recommended laws and practices and ends with a discussion of opportunities for increasing access to justice in Georgia's eviction process.

Data & Methods

Myah Palmer, candidate for Master of Criminal Justice, and Alex Macdonald, Ciarra Malone, and Freya Sargent, candidates for Master of Public Policy, conducted research for this project between January and April 2024. The process included collecting data and background information to describe current eviction practices and trends in Metro Atlanta, covering Clayton, Cobb, Dekalb, Fulton, and Gwinnett counties. The group then carried out a literature review to identify best practices for state eviction policy and to inform the design of a scorecard, followed by a legislative review to assess eviction laws in Georgia and eight southern states against the scorecard criteria. Finally, the group conducted a set of stakeholder interviews to consult with experts on the scorecard criteria and gain insights into eviction practices in Georgia.

Eviction Filing Data

Statewide data on eviction filings is unavailable in the state of Georgia. Therefore, in consultation with the client, we collected data for five counties in Metro Atlanta to demonstrate the impact of Georgia's eviction policy on filings in the state. We use data from the Atlanta Region Eviction Tracker, a joint project between the Atlanta Regional Commission, the Federal Reserve Bank of Atlanta, and Georgia Tech. Filing data on the site is captured from the magistrate courts' case

record search sites for Clayton, Cobb, DeKalb, Fulton, and Gwinnett counties. Weekly and monthly data on filings is available for January 2019 through December 2023.

To describe eviction filing trends from 2019 to 2023 in the five counties, we compiled monthly data into annual totals. Additionally, we developed a new variable to make useful comparisons between counties. The "eviction rate" variable was created using the number of filings in each county by year from the Atlanta Region Eviction Tracker and the number of renter-occupied households in each county by year from the American Community Survey (ACS) one-year estimate. Given the federal eviction moratorium in 2020 and 2021, we did not calculate a rate for these years. Furthermore, at the time of analysis, the 2023 ACS one-year estimate was not available, so we applied the number of renter-occupied households by county in 2022 to calculate the eviction rate for 2023.

Legislative and Literature Reviews

We conducted a literature review to identify best practices for state eviction policy and inform the development of our scorecard. This included online search engine and library research for academic, government, legal, and advocacy resources on U.S. eviction. Key search terms included "eviction policy best practices" and "eviction prevention policy research." Ultimately, this led us to two key sources for our scorecard: The American Bar Association's 10 Guidelines for Residential Eviction Laws (American Bar Association, 2022) and the National Council of State Legislators' Report on State Legislatures' Role in Improving Eviction (Stevens, 2023).

Alongside our literature review, we also conducted a legislative review of the state law guiding eviction in Georgia and other southern states. Our comparison states included Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, which border and share historical, economic, and demographic characteristics with Georgia. Search terms included "[state] eviction policy" and "eviction process [state]." Sources included state code, legal aid and advocacy group resources, and materials designed to assist tenants, such as state landlord-tenant handbooks.

Stakeholder Interviews

We spoke with stakeholders who file, process, or adjudicate evictions to gain clarity on Georgia eviction law and procedures beyond our own research. We started by interviewing Attorney Rich Merritt from Atlanta Legal Aid. Mr. Merritt works on Cobb County's Housing Stability Project, which helps families avoid losing their homes by providing small monetary assistance and wrap-around services for landlords and tenants to avoid eviction (Cobb County, 2023). Mr. Merritt serves low-income clients, providing eviction defense information in dispossessory proceedings and offering an answer clinic at the Cobb County Courthouse. For additional perspectives from attorneys who counsel tenants on eviction matters, we reached out to Pierce Sietz and Crystal Redd from the Atlanta Volunteer Lawyers Foundation but could not schedule an interview within the timeline of the project.

We also interviewed three magistrate judges, two from metro Atlanta counties and one from a rural county in Georgia. We first spoke with Magistrate Judge Tabitha Ponder of Cobb County. Ms. Ponder is the founder and managing attorney of the Ponder Law Group, as well as the Staff Attorney for the Georgia Judicial Council's Access to Justice Committee (Cobb County, n.d.). Additionally, we interviewed Magistrate Judge Victoria Johnson of Dougherty County. Ms. Johnson is the former Assistant District Attorney in Dougherty and served as the Project Manager for the Domestic Violence Unit (Dougherty County Georgia, n.d.). Furthermore, we met with Chief Magistrate Judge Brendan Murphy and toured the Cobb County Magistrate Court. Mr. Murphy oversees all judicial and administrative functions of the Magistrate Court, including a staff of 75 (Cobb County, n.d.).

Lastly, we spoke with Margaret Stagmeier from Star-C, a nonprofit that provides affordable apartment residents with wrap-around programs that address social determinants of health (Star-C, n.d.). Ms. Stagmeier has owned and managed over 3,000 affordable apartment units in Metro Atlanta and secured \$2 million from the City of Atlanta to administer eviction diversion assistance starting in 2023.

The team created an interview protocol with questions generated from our research, with variations depending on the expertise of the individual. We requested feedback on our scorecard criteria and advice for refining our standards. We also asked clarifying questions to ensure our understanding of the eviction process in Georgia was accurate. Finally, we asked about the kinds of reforms needed to significantly decrease eviction rates and improve the process for both landlords and tenants (see Appendix A1 for a sample list of questions asked during the interviews).

Scorecard

We used the American Bar Association's 10 Guidelines for Residential Eviction Laws and the Evictions Proceedings Report by the National Council of State Legislators to build a scorecard for evaluating states' adoption of residential eviction laws and practices that these sources claim reduce harm to tenants and landlords. The ABA's guidelines serve as a resource for legal professionals, offering practical advice and best practices for assisting clients facing eviction proceedings. The ABA issued the guidelines to advocate for policy changes at the local, state, or federal level to address the root causes of the eviction crisis and to enact reforms that protect vulnerable tenants. The NCSL's report introduces how state eviction processes operate, how they are shaped by statute, and opportunities for state legislatures to make eviction-related civil court processes more humane.

The scorecard includes four macro categories: (1) Pre-eviction Protections, (2) Eviction Filing & Process, (3) Access to Counsel, and (4) Post-Judgment. These categories have one or more criteria within them, as shown in Figure 1: (1) Tenant pre-eviction protections & notices, (2) eviction filing, (3) fair hearing process, (4) pre-litigation diversion & mediation programs, (5) right to redemption, (6) access to preparation resources, (7) access to counsel & legal aid services, (8) the appeal process, and (9) privacy and post-eviction protections.

Figure 1. Scoring Categories and Criteria for Evaluating State Eviction Laws & Policy

Pre-Eviction Protections								
Eviction Filing & Process					Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
✓ Grace periods for rent payment ✓ Caps on late fees ✓ Notice requirements for eviction filing ✓ Notice requirements for rent increases	✓ Number of days tenants can answer the eviction orders	✓ Hearings are guaranteed ✓ Tenants have the right to be heard ✓ Tenants have the right to discovery	✓ State-provided eviction mediation program ✓ State-funded rental assistance program	✓ Tenants can redeem tenancy through full payment of rent owed at any time before a judgment	✓ Online information and resources ✓ Tenant-landlord hotline ✓ Summons requirement to include tenant resources	✓ Right to counsel ✓ Legal aid at the local level ✓ Statewide legal aid services	✓ Right to appeal ✓ Fees/bonds required to exercise the right to appeal ✓ Fee/bond waivers available ✓ Number of days tenants can file an appeal	✓ Options for record sealing
● 0-1 practice ● 2-3 practices ● 4 practices	● 1-10 days ● 11-30 days ● >30 days	● 0-1 practice ● 2 practices ● 3 practices	● No programs ● 1 program ● 2 programs	● No option ● Before answer ● Before hearing	● 0-1 resource ● 2 resources ● 3 resources	● No access ● Local services ● Statewide services	● Only right to appeal ● Appeal time of 10-30 days ● Appeal time >30 days or fee/ bond waiver	● No option ● Option before hearing ● Option post-judgement

Each state received a grade of low, medium, or high on each of the nine criteria on the following basis. For the first category and criteria, tenant protections and pre-eviction notices, we considered whether states offer grace periods for rent payment, caps on late fees, notice requirements for eviction filing, and notice requirements for rent increases. States that meet one or none of these factors score low, states that meet two to three of these factors score medium, and states that meet all four factors score high.

The second category of the scorecard covers the eviction filing process and includes four criteria. The first criterion, eviction filing, is the time states provide to tenants to answer the eviction orders. States with no explicit time provided for tenants to answer eviction orders score low, states that provide tenants with one to ten days score medium, and states that provide tenants with 11 to 30 days score high. The second criterion, fair hearing process, considers whether hearings are guaranteed, whether tenants have the right to be heard, and whether tenants have the right to discovery. States that meet one or none of these factors score low, states that meet two of these factors score medium, and states that meet all three factors score high. For the third criterion, pre-litigation diversion and mediation programs, we evaluated the availability of eviction mediation programs and rental assistance programs at the state level. States that provided neither score low, states that provided one score medium, and states that provided both score high. The final criterion in this category, right to redemption, considers whether tenants can redeem tenancy through full payment of rent owed at any time before a judgment. States with no such opportunity score low, states with the opportunity for redemption at any point before the tenant is required to respond to the summons score medium, and states with the opportunity for redemption any time before the decision score high.

The third scorecard category is access to legal counsel and includes two criteria. We evaluated access to preparation resources, based on whether states offer online information and

resources, a tenant-landlord hotline, or require that the summons include tenant resources. States that meet one or none of these factors score low, states that meet two of these factors score medium, and states that meet all three factors score high. For the second criterion, access to counsel & legal aid services, we considered whether states have a right to counsel, statewide legal aid services available, or funding provided for legal aid at the local level. States with no access to counsel or legal aid score low, states with state funding for legal aid at the local level score medium, and states with statewide access to counsel score high.

The final category of the scorecard includes two criteria that evaluate opportunities for tenants to appeal an eviction decision or seal eviction filings post-judgement. For the appeal process, we identified whether the right to appeal is available, whether tenants must pay fees or bonds to exercise the right to appeal, whether fee or bond waivers are available, and how much time is provided to tenants to file an appeal. States that only guarantee the right to appeal score low, states that guarantee the right to appeal within ten or more days score medium, and states that guarantee the right to appeal within 30 days or more and made fee or bond waivers available to tenants score high. The final criterion, post-eviction protections, is based on the availability of record-sealing measures. States with no statute governing eviction records score low, states with record sealing during the hearing process score medium, and states with post-judgment record sealing score high.

Findings

This section presents findings from our research. It begins with background information covering the consequences of evictions, a brief overview of the eviction process in Georgia, and a discussion of recent eviction filing trends in the Metro area. We then examine best practices in residential eviction policy and end with a review of state eviction policy in the southern states.

Background

Consequences of Eviction

The literature suggests that evictions produce downstream problems for tenants—inequity, public health, education, employment, and housing stability—areas of interest for state legislatures. Black Americans, women, and children are all more likely to be impacted by eviction compared to other demographic groups. In a study that looked at eviction records from 2012 to 2016 in 38 states, Hepburn et al. (2020) found that the eviction filing rate for Black renters was 6%, nearly double that of white renters. The same authors also found that women are 2% more likely to be evicted than men and experience 16% more evictions relative to men every year. Graetz et al. (2023) linked data from eviction records with U.S. Census Bureau data to find that between 2007 and 2016, adult renters with at least one child were twice as likely as adult renters without children to experience an eviction filing. The researchers also found that childhood is the most common age to experience an eviction in the United States.

Eviction is associated with adverse public health, educational, and employment outcomes. Research indicates eviction heightens mortality risk. Graetz et al. (2024) found that eviction filings are associated with a 19% increase in mortality risk, while judgments are associated with a 40% increase in mortality risk. Eviction is also associated with decreased school attendance among children (Urban et al., 2019) and poor performance relative to peers on math, vocabulary, and memory tests (Schwartz et al., 2022). Furthermore, there is also a connection between housing instability and job loss—workers who experienced a forced move are between 11 and 22 percentage points more likely to be laid off than workers who did not (Desmond & Gershenson, 2016).

Another consequence of eviction, compounding the public health, educational, and employment outcomes discussed above, is that it makes it harder for families to obtain future housing due to the barriers that come with an eviction on one's record. Landlords often rely on tenant screening companies to vet prospective tenants (Freedman, 2024). Tenant screening companies (a billion-dollar industry as of 2020) use data scraped from court dockets and algorithms to provide landlords with tenant history and recommendations on prospective tenants. The data these companies use for eviction history are often incomplete and may lack the outcome of the

case, such that landlords may treat a case decided in the tenant's favor as one decided against them (Freedman, 2024). Additionally, these algorithms do not consider how long ago the case was and sometimes even rely on decades-old data, making it difficult for tenants to escape the consequences of eviction, even as time goes on.

Given the barriers to accessing housing, households that experience eviction are more likely to be unhoused, and those that secure housing are more likely to move to units at the bottom of the market (Goplerud & Pollack, 2021). These are likely "downward" moves to neighborhoods with higher crime and poverty rates (Graetz et al., 2024) and may transcend county lines. In this manner, eviction is more than a local issue. Eviction is, therefore, a state issue, given its damaging outcomes from forcing many families to neighboring communities and raising costs for public services funded by the state, including public health, education, and employment.

Eviction Laws & Process in Georgia

Evictions in Georgia are governed by the Official Code of Georgia (O.C.G.A.) within the title for property and chapter designated for landlord and tenant contracts (§44-7-50). "Dispossession" or eviction can proceed when a tenant "holds possession" of a landlord's property beyond the term of a lease through nonpayment of rent. The legal eviction process includes five stages—filing, service, answer, hearing, and judgment (R. Merritt, personal communication, March 6, 2024). The process starts with the landlord filing a dispossessory affidavit, after which the sheriff or designee serves the tenant a court summons. The tenant is then provided with a period to answer the court summons, and a hearing is held in which both parties are expected to participate. In some localities the landlord and tenant may be able to negotiate an agreement the day of the hearing; otherwise a judge hears both parties' claims. A judgment is issued, and in the case of it being in favor of the landlord, the process ends with the sheriff or designee "setting out" a tenant after a writ of possession is issued for the property.

An important dynamic for eviction proceedings in Georgia is the state's court structure and jurisdiction for serving eviction summons and writs of possession. Georgia's court system is

organized into three levels: limited jurisdiction, general jurisdiction, and appellate (Administrative Office of the Courts, 2007). The limited jurisdiction courts, including State, Juvenile, Probate, Magistrate, and Municipal Courts, hear traffic, misdemeanor, and civil cases. The general jurisdiction courts, including Superior Courts, hear felony offenses, divorce cases, and civil cases, particularly when they involve corporations. The appellate courts, including the Supreme Court of Georgia review cases already tried in the other two levels of court to determine if errors were made in the previous trial that could have altered the outcome of the case. A landlord can file for an eviction at any level of the court system (B. Murphy, personal communication, April 5, 2024). However, most eviction cases in Georgia are filed in the Magistrate Court. Georgia has a distributed court system, with most of the funding coming from the county and many of the implementation decisions happening in each individual court, creating a high level of variation across the state.

Parties involved in the eviction process include the landlord or "Plaintiff," the tenant or "Defendant," and the judge. Additionally, the Court Clerk plays a vital role in administering and recording eviction proceedings, as does the sheriff in summoning the tenant to court and ultimately ensuring a safe removal of the tenant from the premises if required. Depending on the court and the individual lawsuit, attorneys may be involved through representation of either party, although landlords are more likely to have attorneys than tenants. Volunteers from local organizations may also be involved through initiatives such as answer clinics at the courthouse.

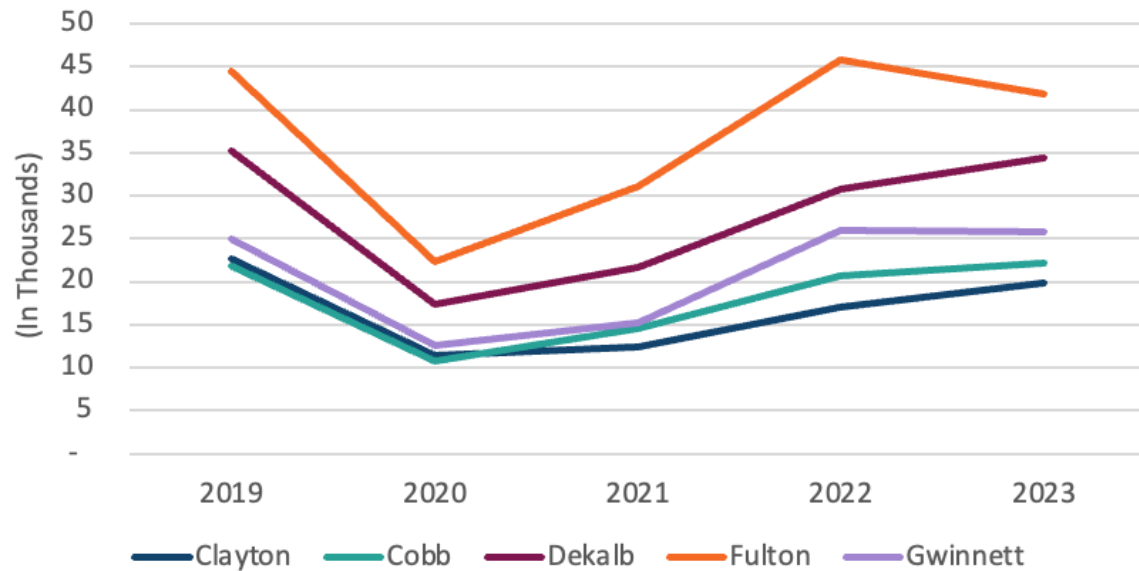
Local initiatives focus on helping tenants avoid evictions, as well as increasing equity and dignity during the eviction process. Star-C is a Metro Atlanta nonprofit that provides affordable apartment community residents with wrap-around educational, wellness, and food security programs, as well as rental assistance (M. Stagmeier, personal communication, March 29, 2024). These early interventions can be important avenues for eviction prevention. The Cobb County Magistrate Court has implemented a variety of innovations, including but not limited to running a pilot diversion program and no longer issuing writs to evict automatically after judgments in favor of the landlord. Cobb County stopped issuing automatic writs of possession because, among other

reasons, parties may not respond if they settle out of court. Issuing a writ of possession after default or final judgment in favor of the landlord without understanding the situation could negatively impact the Defendant, even if the issue was resolved among the parties.

Cobb County's 90-day housing stability program is a locally funded \$1 million pilot modeled after Georgia's drug courts, offering both case management and rental assistance to those who face eviction. The program has a court appointed case manager who refers individuals and families to local nonprofits who can provide rental assistance, financial literacy, job placement, access to a food pantry, and more. Additionally, Cobb, Gwinnett, and Clayton County Magistrate Courts run mediation programs, a voluntary option for tenants and landlords seeking to resolve the issue among themselves (B. Murphy, K. Hammer Blum, K. Wright Hill, personal communication, March 28, 2024) before a formal hearing and judgment.

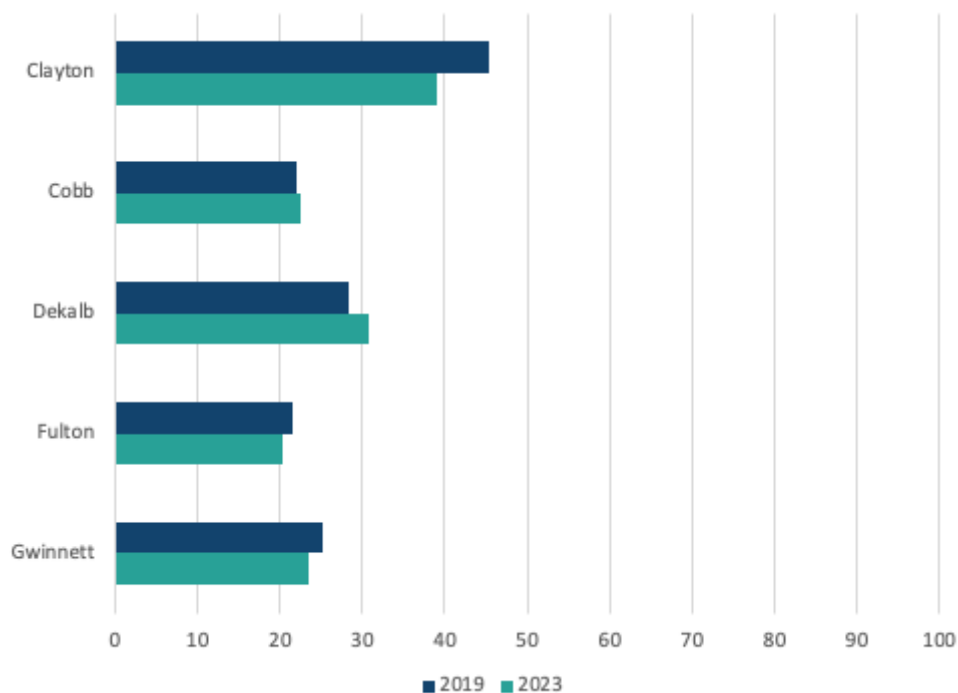
Eviction Filing Trends in Metro Atlanta

Between 2019 and 2023, the number of evictions filed in five Metro Atlanta counties decreased during COVID but have returned to pre-pandemic levels, as shown in Figure 2. Eviction filings decreased by approximately 50% in Clayton, Cobb, Dekalb, Fulton, and Gwinnett counties from 2019 to 2020 with the onset of the pandemic and the federal eviction moratorium, which lasted until 2021 in Georgia. Filings surged with the end of the moratorium, increasing from 2020 by between 75% for Clayton County to 106% for Cobb County by 2023. With that, as noted by Atlanta-area Chief Magistrate Judges at the Atlanta Regional Eviction Court Updates webinar hosted by Star-C, filing numbers more or less returned to pre-pandemic levels by 2023 (B. Murphy, K. Hammer Blum, K. Wright Hill, personal communication, March 28, 2024).

Figure 2. Number of Eviction Filings (In Thousands) by Metro Atlanta County, 2019-2023.

Source: Atlanta Region Eviction Tracker

In 2019, there were 25.8 eviction filings for every 100 renter-occupied households in the 5-county metro Atlanta region (see Appendix Table B2). In 2023, that number was 25.0, suggesting that the overall eviction rate for the region had indeed returned to the pre-pandemic level. Figure 3 depicts the eviction filing rates in 2019 compared to the latest year available, 2023.

Figure 3. Number of Evictions per 100 Renter Households by Metro Atlanta County

Sources: Atlanta Region Eviction Tracker and ACS 2019 and 2022 (1-Year Estimates). Author's Calculations.

Clayton County had the highest eviction filing rate for each year in this period of all metro counties. In 2023, there were 38.9 evictions filed for every 100 renter households in the county, which was lower than the 2019 rate of 45.4, but still the highest of all counties. In comparison, Dekalb County's filing rate was the next highest, at 30.8 per 100 renter households in 2023. This represented an increase from Dekalb's pre-pandemic filing rate. Additionally, both Fulton and Gwinnett County's 2023 filing rates were slightly below 2019 levels, while Cobb's was nearly the same. These rates roughly follow the percentage of renter households that spend more than 30% of their income on rent and thus, housing cost-burdened (see Appendix Table B3). In 2022, 47.5% of renter households were cost-burdened in Fulton County, the lowest percentage of the Metro counties, while 58.1% were cost-burdened in Clayton County, the highest percentage of the Metro counties.

Our analysis shows that in 2023, there were *at least* 20 evictions filed for every 100 renter households in each Metro county. However, these findings do not account for serial filings, in which landlords file for eviction multiple times against the same tenant. Research by Immergluck et al. (2020). Their analysis, which looked at filing rates at the building level for multifamily properties, found that the annual average filing rate by building in 2016 was 28 filings per 100 rental units, but the average non-serial eviction rate (which just reflects the first filing against a tenant, not subsequent filings) was 16 non-serial findings per 100 rental units. Therefore, it is important to note that the eviction filing rates discussed above are likely reflective of the high incidence of serial filings in Metro Atlanta.

Best Practices in Residential Eviction Policy

To better understand the fairness of Georgia's eviction process, we developed a system for analyzing eviction laws and practices on a national scale. In addition to first documenting the grounds for eviction in each state, four categories were devised to summarize eviction policies nationally: Pre-eviction protections, eviction filing and process, access to counsel, and post-

judgment. These categories were determined using The American Bar Association's 10 Guidelines for Residential Eviction Laws (American Bar Association, 2022) and the National Council of State Legislators' Report on State Legislatures' Role in Improving Eviction (Stevens, 2023). (A review of these sources is provided in the Methods section.)

Grounds for Eviction

Evictions are commonly justified by reasons such as nonpayment of rent, a material breach of the lease agreement, and criminal activity on the premises, as well as property damage, waste, nuisance, and violations of statutory tenant duties (Stevens, 2023). While most U.S. states do not allow for a landlord to terminate a tenancy without first giving notice of the breach and providing an opportunity to correct the problem, the guidelines for breach of lease and notification vary among states (American Bar Association, 2022). An eviction policy that provides tenants with the chance to address minor lease violations instead of risking the loss of their housing fosters greater housing stability (American Bar Association, 2022).

Pre-eviction Protections

Measures to regulate late fees, establish minimum waiting periods, and ensure meaningful notifications for tenants before eviction proceedings emerge as critical steps toward a fairer and more compassionate eviction process (Stevens, 2023). In Tennessee, for example, there is a 10% cap on late fees with a five-day grace period (Stevens, 2023). Promoting security by allowing tenants the opportunity to rectify minor lease violations, rather than facing the risk of losing their housing, is recommended. This approach is in line with the right to housing, a fundamental component outlined in the United Nations High Commissioner for Human Rights' "The Right to Adequate Housing Fact Sheet," which the American Bar Association (ABA) has consistently recognized and endorsed (American Bar Association, 2022).

Eviction Filings and Process

Eviction laws and procedures, predominantly governed by state statutes, exhibit variations in levels of protection across states (Stevens, 2023). For example, states may offer eviction diversion and mediation programs to resolve disputes outside the formal court system, thereby lessening the

burden on both tenants and landlords (Stevens, 2023). In select states like Georgia, if a tenant does not respond to an eviction summons, it can lead to a default judgment favoring the landlord, granting them the power to evict the tenant even if the legal circumstances favor the tenant (Stevens, 2023). The ABA guidelines suggest that tenants should have the chance to present their case in a hearing before facing eviction in court (American Bar Association, 2022). While hearings are a standard part of eviction processes across all states, not all aspects of due process, such as the right to be heard and to discovery, are consistently enforced (American Bar Association, 2022). Additionally, mediation in eviction cases can offer tenants an opportunity to rectify their tenancy, potentially allowing them to resolve outstanding rent issues. In some states, tenants can avoid eviction by submitting payment for overdue rent before the eviction order is carried out (Stevens, 2023). For instance, Michigan mandates partial payment of past-due rent to halt an eviction order, whereas Nevada requires full payment of past-due rent (Stevens, 2023).

Access to Counsel

The American Bar Association recognizes the intricate and progressively high-stakes character of eviction proceedings, noting that tenants' ability to defend themselves in such cases is often unrealistic (American Bar Association, 2022). Regrettably, often legal assistance aimed at guiding tenants through this process is inadequate, considering the thorough investigation and preparation needed for many tenant defenses (American Bar Association, 2022). States such as Washington have implemented programs offering legal representation for low-income tenants, ensuring they have equitable access to essential information for their defense (Stevens, 2023). This access to counsel proves especially impactful when tenants face landlords with robust legal representation (Stevens, 2023). Legal counsel is most needed during eviction hearing proceedings to safeguard tenants' rights and provide a fair legal defense (American Bar Association, 2022).

Post-Judgement

Court practices after a judgment is made in an eviction case can ease negative impacts on tenants through the right to appeal and record sealing options. As with all cases involving litigants,

tenants should have the chance to appeal judgments. However, tenants are frequently hindered during the appeals process by bond requirements (American Bar Association, 2022). These requirements may require tenants to pay amounts accrued before judgment (often still in dispute) (American Bar Association, 2022) or, like in Georgia, mandate a bond to pursue the appeal even if the tenant no longer resides there (Stevens, 2023). In contrast, some jurisdictions have started to seal eviction records to mitigate potential adverse effects for tenants seeking rental housing (American Bar Association, 2022). This practice is crucial because having an eviction filing on record can lead to the rejection of future rental housing applications (American Bar Association, 2022). Consequently, courts have implemented procedures to seal the names of eviction defendants either until the landlord succeeds in a final judgment or upon the tenant demonstrating good cause (American Bar Association, 2022).

Scorecard for Southern States

This section scores each state against the best practices in residential eviction policy described above. Within each category, states are evaluated as having low, medium, or high adherence to the best practices. (For a review of scoring practices, see the Data and Methods section).

Alabama

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Low	Medium	Low	Low	Medium	Low	Low	Low	Low

In Alabama, landlords can seek to evict tenants for the following reasons: (1) The tenant provided false information on their application or lease; (2) The lease is over; (3) The tenant breaks a provision of the lease, such as failure to pay rent or damage to the property; (4) The tenant possesses illegal drugs, fires a gun (except in self-defense), or assaults someone on the property; and

(5) The tenant has been gone for two weeks or longer without notice (Alabama Arise, 2020).

Alabama state law does not provide grace periods for late rent or caps on late fees (Alabama Uniform Residential Landlord and Tenant Act, 2006). Additionally, landlords are not required by statute to give tenants notice of rent increases.

To initiate the eviction process, landlords must make a written request to the tenant, asking that they leave the unit, and specify the reason for their request (Alabama Arise, 2020). Tenants have seven days to address the problem raised by the landlord, such as paying rent owed, to halt the eviction process. If the tenant does not address the problem, the landlord can file for an eviction in court. Tenants have seven days to file an answer with the court from the day they receive the summons, and if they fail to answer, the judge issues a default judgment in favor of the landlord. If the tenant does answer within seven days, a hearing is held, in which two issues are considered by the judge: (1) Whether the landlord gave the tenant proper notice before filing for an eviction in court and (2) Whether the tenant paid the rent they owed or fixed the problem (Legal Services Alabama, n.d.). Other defenses are not available to tenants in eviction hearings, such as the landlord's failure to maintain the property or whether the landlord's actions are discriminatory. Additionally, there is no meaningful right to discovery in Alabama in eviction cases. The Alabama Rules of Civil Procedure provide for 30 days to answer requests for discovery, making discovery impractical given the timeline of the eviction process (2023).

Once the judge issues a decision, the losing party has seven days to appeal (Office of the Circuit Clerk Jackson County Alabama n.d.). Upon appeal, the judge issues an appeal bond, based on past rent due and accruing rent, that must be paid by the tenant in order to pause the eviction. After seven days with no appeal, the landlord can file a writ of restitution to regain possession of the property.

The State of Alabama has limited resources for tenants to guide them through the eviction process—the Alabama Tenants' Handbook is a collaboration between nonprofit organizations (Alabama Arise, 2020). Furthermore, there is no right-to-counsel guarantee for tenants facing

eviction in the state (Whites-Koditscheck, 2021) or pathway for tenants to clear or expunge an eviction from their record. Additionally, the standardized summons form does not include resources for tenants, nor does it provide meaningful instructions on how to navigate the eviction process (Alabama Administrative Office of the Courts, n.d.). As of 2022, court-ordered mediation services are available to landlords and tenants with an eviction dispute pending in court (Alabama Center for Dispute Resolution, n.d.). Tenants and landlords can be referred to the program, administered by the Alabama Center for Dispute Resolution (through a grant jointly funded by the Alabama Civil Justice Foundation, the Alabama Law Foundation, and the Alabama Access to Justice Commission), by the judge presiding over their case. Still, this program is offered on a case-by-case basis at the discretion of the presiding judge, and whether it will receive sustained, long-term funding is unclear.

Florida

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
<i>Low</i>	<i>Medium</i>	<i>High</i>	<i>Medium</i>	<i>Low</i>	<i>Medium</i>	<i>Medium</i>	<i>Low</i>	<i>Low</i>

In Florida, a landlord may file for eviction for the following reasons: (1) nonpayment of rent as stipulated in the lease; (2) any violation of the lease, including causing damage to the property, abusing pets, or causing disturbances; (3) when the lease term expires and the landlord declines to renew or extend the lease; (4) engaging in illegal activities on the premises, including drug-related offenses or criminal behavior; and (5) staying on the property after the lease has expired without permission (Bay Area Legal Services, n.d.).

In Florida, landlords must give written notice to tenants before beginning the eviction process. This notice must include the reason for the eviction as well as a deadline for the tenant to resolve the matter. Depending on the type of lease agreement and the reason for eviction, different

notice periods apply (Florida Department of Agriculture and Consumer Services, n.d.). The landlord may then file an eviction complaint with the county court in the area where the property is located if the tenant refuses to make the necessary repairs or leave the premises within the allotted time. The tenant receives a summons from the court informing them of the eviction procedure and the hearing date. In Florida, while tenants have the right to hire an attorney to represent them in eviction proceedings, they are not provided with a state-funded right to counsel if they cannot afford one. This lack of guaranteed legal representation can be challenging for tenants facing eviction, especially those with limited financial resources. After a judgment is made in an eviction case, the process for enforcing that judgment varies. In Florida, like in many states, there are procedures for executing the eviction, such as obtaining a writ of possession from the court and having law enforcement carry out the eviction. The fairness and efficiency of these post-judgment practices can impact the overall fairness of the eviction process. If Florida's post-judgment practices are generally perceived as balanced and fair, it could contribute to the state being rated as "medium" in terms of eviction practices. Both the landlord and the renter have the chance to argue their case in front of the judge at the hearing. The judge's decision is based on Florida landlord-tenant regulations, considering the testimony and facts presented by both parties. A writ of possession, allowing the landlord to reclaim possession of the property, is issued by the court if the landlord wins the case. The renter is presented with the writ of possession by the sheriff's office, along with a deadline for their voluntary departure from the property. Post judgment does not exist(The Florida Senate, n.d.).

The sheriff's office forcibly removes the tenant and their belongings from the premises if they refuse to leave after the writ of possession has been delivered. According to Florida law, both landlords and tenants have specific rights and obligations during the eviction process. The "medium" rating suggests that while Florida's eviction process may not be as challenging for tenants as in some

states, there are still areas where improvements could be made to enhance fairness and access to justice, particularly regarding access to legal counsel for tenants facing eviction.

Georgia

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Medium	Low	Medium	Low	Medium	Low	Low	Low	Low

In Georgia, landlords can pursue eviction for the following reasons: (1) nonpayment of rent; (2) lease violations; and (3) failure to vacate after the lease ends (Georgia Legal Aid, 2018). There is no statewide requirement for landlords to provide notice of rent increases, giving landlords flexibility to increase as desired. When initiating eviction proceedings, landlords must issue a demand for possession, which can be either verbal or in writing, without any specific language requirements (Georgia Department of Community Affairs, 2021). After this demand, landlords can file a dispossessory affidavit with the court, starting the formal eviction process (Georgia Department of Community Affairs, 2021).

Once served with the dispossessory affidavit, tenants have seven days to file an answer with the court, including any counterclaims against the landlord (Georgia Department of Community Affairs, 2021). Failure to respond within this period may lead to a default judgment in favor of the landlord. During a hearing, tenants can present valid defenses such as constructive eviction, failure to follow statutory rules for eviction, or breach of implied warranty of habitability.

Tenants in Georgia have the option of using a "Tender Defense," where they can avoid eviction by paying all rent owed plus court costs within seven days of receiving the summons (Georgia Department of Community Affairs, 2021). Landlords are required to accept this defense once per twelve-month period. However, there are no state-level diversion, mediation, or rental

assistance programs in Georgia, leaving tenants and landlords with limited resources during the eviction process.

After a court decision, the losing party has seven days to appeal (Georgia Legal Aid, 2018). If the landlord prevails and the tenant wishes to appeal, they must pay all sums found by the trial court to be due for rent, as well as future rent, into the court registry (Georgia Department of Community Affairs, 2021). Tenants who cannot afford to pay the cost to appeal can ask the court to waive the fee by filing a "pauper's affidavit." Tenants cannot appeal if the case ended in a default judgment against them. The *Georgia Landlord Tenant Handbook*, provided by the Department of Community Affairs, offers an accessible overview of the eviction process and tenant rights within the state, serving as a valuable resource for those navigating the eviction process in Georgia (Georgia Department of Community Affairs, 2021). There are no clear pathways for tenants to seal or expunge an eviction from their record.

Louisiana

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Low	Low	Medium	Low	Low	Low	Low	Low	Low

In Louisiana, tenants have the option to waive eviction notice requirements by (1) signing a written waiver in the lease document or (2) allowing landlords to proceed with eviction without prior notice in case of lease violations (LA CCP § 4701). The state's eviction laws define legal causes broadly, encompassing reasons such as failure to pay rent, lease violations, or any other lawful grounds for termination. If a tenant does not vacate within five working days of receiving notice, the landlord can file a Rule for Possession.

Eviction hearings in Louisiana typically take place at least three days after the service of summons, providing both landlord and tenant an opportunity to present their cases to the judge (LA

CCP § 4732). If the judgment favors the landlord, the tenant is required to move out, and the landlord regains possession of the property. Following an eviction judgment, tenants have 24 hours to vacate the unit to avoid forced removal by the sheriff (LA CCP § 4733). Failure to comply or appeal within this timeframe results in the immediate issuance of a Warrant of Possession.

Tenants have the right to suspend an eviction judgment by appealing the case, but they must file a written answer with the court within 24 hours, presenting an affirmative defense and a bond payment (LA CCP § 4735). There are no bond waivers available for those who cannot pay. For those in need of legal assistance during eviction proceedings, free civil legal aid services are available across 22 parishes in southeast Louisiana, sponsored by state and city governments (Southeast Louisiana Legal Services, n.d.). There are no clear pathways for tenants to seal or expunge an eviction from their record.

Mississippi

Pre-Eviction Protections	Eviction Filing & Process				Access to Legal Services		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Medium	Low	Medium	Low	High	Low	Low	Medium	Low

In Mississippi, the eviction process typically commences when a tenant fails to pay rent as per the rental agreement (Mississippi Center for Legal Services, 2009). Landlords can terminate the lease by providing a written notice of 3 days for nonpayment. In cases of a lease breach, the rental agreement terminates 30 days after receiving the written notice. It is essential to note that a valid eviction notice in Mississippi must be delivered through certified mail with a return receipt, handed personally to the tenant, or given to someone over the age of 13 residing in the tenant's household—slipping a notice under the door is not sufficient. Under Mississippi law, landlords can undertake "self-help" evictions, which involve removing tenants without court involvement, but only

if two conditions are met: (1) the written lease explicitly grants this right to the landlord, and (2) the eviction can be executed without causing a breach of the peace (The University of Mississippi School of Law Legal Clinic, n.d.).

Should a tenant pay all owed rent before the court judgment, the landlord is prohibited from proceeding with the eviction (Mississippi Center for Legal Services, 2009). The landlord is also required to accept full rent payment before a court order for eviction is issued. In situations where a tenant has requested repairs that were not completed, they may be entitled to a reasonable offset of rent. Conversely, if the tenant has undertaken repairs after a request, they are entitled to an offset in the landlord's action for rent. However, this offset will not halt the eviction unless the amount owed by the landlord for repairs surpasses the amount of rent owed.

A landlord must obtain a court order before evicting a tenant (Mississippi Center for Legal Services, 2009). This process involves the landlord initiating legal proceedings by serving the tenant with a summons and complaint. The landlord is not permitted to serve these legal documents personally. The summons indicates the court appearance details, while the complaint outlines the landlord's demands. Failure to attend the hearing may result in a default judgment, potentially leading to an eviction order and financial obligations outlined in the complaint.

During the hearing, the judge will decide whether to grant the landlord possession of the premises (Higgins et al., 2022). Once a judgment of possession is granted to the landlord, the tenant is typically ordered to vacate the premises within seven days unless the court determines a different period due to an emergency or other compelling circumstances.

A Notice of Appeal must be submitted within specific time frames: within 30 days after the entry of the judgment or order being appealed, within 14 days after the filing of the notice of appeal by another party, or within 30 days after the entry of the order denying certain post-trial motions (State of Mississippi Judiciary, n.d.). The tenant must also pay a bond and there are no bond waivers available for those who cannot pay. There also are no clear pathways for tenants to seal or expunge an eviction from their record.

North Carolina

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Medium	Medium	High	Low	High	Low	Low	Medium	Low

In North Carolina, landlords can seek to evict tenants for the following reasons: (1) The tenant did not pay rent; (2) The lease has ended, but the tenant has not moved out; (3) The tenant has violated a condition of the lease; or (4) Criminal activity has occurred for which the tenant can be held responsible. Landlords shall not force tenants out of their homes without going to court, for instance, by changing the locks, turning off utilities, or removing the doors (North Carolina Judicial Branch, n.d.). There is a 5-day grace period for rent payments, after which landlords may charge a late fee as long as the fee is no more than \$15 or 5% of the rental payment, whichever is greater (N.C. Gen. Stat. § 42-46, 2023). There are no requirements for landlords to provide tenants notice of rent increase.

The method of initiating the eviction process depends on the reason the landlord wants to evict the tenant. If it is due to nonpayment of rent, the landlord must give a 10-day notice to pay before filing for an eviction (N.C. Gen. Stat. § 42-3). If the tenant is a holdover and does not move out by the specified date at the end of the lease term, the landlord can proceed with the eviction without further notice (N.C. Gen. Stat. § 42-26). If a tenant violates an explicit condition of the lease, the landlord is not required to provide any notice or provide an opportunity to cure the lease violation before filing for an eviction (N.C. Gen. Stat. § 42-27). Tenants have seven days to file an answer with the court from the day they receive the summons, and if they fail to answer, the judge issues a default judgment in favor of the landlord (N.C. Gen. Stat. § 42-30). If the tenant does answer within seven days, a hearing is held, in which both parties present their legal arguments and supporting evidence.

A tenant has the right to be heard with the following defenses: (1) retaliatory eviction; (2) discrimination; (3) landlord failed to repair problems with the home; (4) waiver; (5) domestic violence; (6) disability; (7) notice; (8) amount of rent claimed is wrong; (9) wrongful conviction; (10) tenant offered the rent on time but the landlord refused it; and (11) the tenant did not violate the lease (Legal Aid of North Carolina, n.d.). Discovery is permitted in cases filed in or appealed to District Court (N.C. Gen. Stat. § 42-70). The tenant must initiate discovery during the time to file an answer and counterclaim. The landlord must initiate discovery within 20 days of services of an answer or counterclaim filed by a defendant. Responses to discovery requests must be completed within 20 days. Tenants have the right to redeem their tenancy for nonpayment of rent at any point before a judgment by paying all rent owed and the cost of the court action. There are no state-level diversion, mediation, or rental assistance programs.

After a decision is issued, the losing party has ten days to appeal. If the tenant is the losing party, the landlord must wait ten days to file a writ of possession to give the tenant time to appeal. There is a \$150 appeal filing fee. If the filer is unable to pay, they can ask to be found "indigent," which means they are not required to advance the court costs (Legal Aid of North Carolina, n.d.). The State of North Carolina has limited eviction resources made available to tenants and landlords. North Carolina Legal Aid runs a Housing Helpline at 1-877-201-6426 that is available to anyone across the state who wants to connect with a team of housing lawyers, paralegals, and outreach workers (Legal Aid of North Carolina, n.d.). There is no right-to-counsel guarantee for tenants facing eviction in the state or pathway for tenants to seal or expunge an eviction from their record (North Carolina Judicial Branch, n.d.).

South Carolina

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
Medium	Medium	Medium	Low	Medium	Low	Low	Low	Low

In South Carolina, landlords can evict tenants for the following reasons: (1) Failure to pay rent; (2) Violation of terms of the rental agreement; (3) Failure to maintain the dwelling in a healthy and safe manner; (4) Abandonment of the unit by the tenant; and (5) When the lease term ends (South Carolina Bar, n.d.). State law requires a five-day grace period for late rent but is silent on caps on late fees (South Carolina Residential Landlord and Tenant Act, 1986). Additionally, landlords are not required to provide notice to tenants when increasing rent.

To initiate the eviction process in nonpayment of rent cases, the landlord must give the tenant five-days written notice before they can file for eviction unless the lease specifically says that the landlord does not have to give the tenant written notice or the landlord has already given the tenant notice within the past year (South Carolina Legal Services, 2023). The tenant can halt the eviction process by paying back the rent they owe. For other violations of the rental agreement, the landlord must give the tenant 14 days written notice and can file for eviction in court if the issue is not fixed within those two weeks.

After the landlord files for eviction, the tenant is served with an eviction paper called the "Rule to Show Cause" (South Carolina Appleseed Justice Center, n.d.(b)). From the time they are served, the tenant has ten days to answer by filing with the court. If the tenant fails to answer, a default judgment is entered against them. If the tenant does answer, a hearing occurs. Failure of the landlord to maintain a livable unit qualifies as a valid defense at the hearing, provided that the tenant gave the landlord 14 days' notice that they would be withholding rent if emergency repairs were not made in that time (South Carolina Residential Landlord and Tenant Act, 1986).

Furthermore, there is no meaningful right to discovery for eviction cases, as the South Carolina Rules of Civil Procedure provide 30 days to answer requests for discovery, which does not line up with the timeline of the eviction process (2024). After the hearing, if the judge rules against the tenant, they issue a "Writ of Ejectment" within five days (South Carolina Appleseed Justice Center, n.d.(b)). Tenants must leave within 24 hours of being served with the writ. Tenants who wish to stay in the unit can appeal a decision if they do so within five days and pay the appeal bond and owed rent. Tenants who do not wish to stay may file an appeal within 30 days of the decision (South Carolina Appleseed Justice Center, n.d.(b)).

There does not appear to be a state-sponsored website offering tenants access to eviction preparation resources, and the standardized state summons form does not list resources to help tenants navigate the process (South Carolina Appleseed Justice Center, n.d.(a)). Additionally, South Carolina does not have a statewide eviction diversion or mediation program. Furthermore, there is not currently a statewide right-to-counsel program for eviction proceedings, but in 2023, a bill was introduced in the House to provide for one (South Carolina General Assembly, 2023). In 2019, the South Carolina Supreme Court ordered the establishment of the Charleston County Housing Court in response to the recommendation of the South Carolina Access to Justice Commission (South Carolina Judicial Branch, 2023). The order created a pilot project with a special eviction docket on specific days in three Magistrate Courts in Charleston County, designed to connect tenants facing eviction with volunteer attorneys. In January 2023, the South Carolina Supreme Court authorized the expansion of the project to all counties in South Carolina (South Carolina Judicial Branch, 2023). However, state funding for legal aid is unavailable, and it is up to counties or individual magistrate courts to adopt the program. Although a 2021 bill was introduced in the House to establish a record sealing process for eviction records, there is currently no way for tenants to seal or expunge an eviction in South Carolina (South Carolina General Assembly, 2021).

Tennessee

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
Tenant Protections	Eviction Filing	Fair Hearing Process	Pre-Hearing Programs	Right to Redemption	Access to Preparation Resources	Free Access to Legal Services	Appeal Process	Post-Eviction Protections
Low	Medium	Low	Low	Low	Medium	Low	Medium	Low

Tenants in Tennessee may be subject to eviction for the following reasons: (1) violation of the lease, such as nonpayment of rent or damage to the property; (2) termination of the lease, for which the landlord has no intention of renewing it; (3) illegal activity by the tenant, such as drug possession or criminal activity on the premises; and (4) prolonged absence from the property without notice to the landlord (Tennessee Administrative Office of the Courts, n.d.). The Uniform Residential Landlord and Tenant Act gives landlords the authority to forgo a tenant's right to a 14-day notice of eviction for failure to pay rent in counties with a population of 75,000 or more.

To start the eviction process, landlords must provide the tenant with a written notice outlining the reasons for eviction, including a deadline to either fix the problem or leave the property. Depending on the reason and the terms of the lease agreement, the notice period can be between three and thirty days (Tennessee Administrative Office of the Courts, n.d.).

The landlord may file an eviction case, commonly known as a detainer warrant, with the General Sessions Court in the county where the property is located if the tenant disregards the notice after the allotted time has passed (Tennessee Administrative Office of the Courts, n.d.). The tenant will receive a summons from the court informing them of the eviction process and the hearing date after the lawsuit is filed. Tenants are given a short window of time, usually one week, to reply to the summons and appear in court.

The judge will consider the arguments made by the landlord and the renter during the court proceeding. The judge will evaluate if the tenant has any legal defenses against eviction, whether the landlord's claims are supported, and whether the landlord gave the tenant the required notice (Tennessee Administrative Office of the Courts, n.d.). If the landlord wins in court, a writ of possession will be granted, enabling police to evict the tenant from the premises if they decline to leave on their own volition. Before law enforcement becomes involved, the renter might be offered a brief window of time, usually 24 to 72 hours, to leave the property. The losing party may file an appeal within a set period following the court's ruling, usually ten days. To prevent the eviction while the appeal is pending, the tenant who decides to file an appeal may need to pay a bond or offer other types of security.

In Tennessee, tenants facing eviction have limited access to resources. Tenants do not have a statewide right to counsel; however, some communities provide resources or legal help through charitable groups. Tenant-landlord issues can also be settled out of court by using mediation services (Tennessee Administrative Office of the Courts, n.d.). As for options to suppress or seal eviction filings or judgments, tenants in Tennessee do not have a formal procedure to remove eviction records from their rental history.

Texas

Pre-Eviction Protections	Eviction Filing & Process				Access to Counsel		Post-Judgement	
<i>Tenant Protections</i>	<i>Eviction Filing</i>	<i>Fair Hearing Process</i>	<i>Pre-Hearing Programs</i>	<i>Right to Redemption</i>	<i>Access to Preparation Resources</i>	<i>Free Access to Legal Services</i>	<i>Appeal Process</i>	<i>Post-Eviction Protections</i>
<i>Medium</i>	<i>High</i>	<i>Medium</i>	<i>Low</i>	<i>High</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>	<i>Low</i>

In Texas, landlords can seek to evict tenants for the following reasons: (1) not paying rent; (2) end of lease or no lease; or (3) violation of the lease. There is a two-day grace period for rent

payments (Tex. Prop. Code § 92.019). A landlord may not collect a late fee for failing to pay any portion of the tenant's rent unless: (1) a notice of the fee is included in the lease; (2) any portion of the tenant's rent is unpaid two days after it is due; (3) the fee is not more than 12 percent of the monthly rent if the structure contains not more than four units or 10 percent if the structure contains more than four units, or unless the lease specifies otherwise. There are no requirements for landlords to provide tenants notice of rent increase.

To initiate the eviction process, landlords must provide a written notice to vacate and provide tenants a minimum of three days to move out unless the lease specifies otherwise (Tex. Prop. Code § 24.005). The landlord is not obligated to provide an opportunity for the tenant to cure the reason for eviction. Tenants have between ten to 21 days to file an answer with the court, depending on when the trial date is set, from the day they receive the summons (Texas State Law Library, n.d.). If they fail to answer, the judge may issue a default judgment in favor of the landlord (Tex. Prop. Code § 24.0051). If the tenant does answer on time, a hearing is held where both parties present their arguments and supporting evidence. A tenant has the right to be heard with the following defenses: (1) retaliatory eviction; (2) failure to follow statutory rules for eviction; (3) breach of implied warranty of habitability; or (4) failure to mitigate damages (Hulse, 2023). Landlords and tenants both technically have the right to discovery, however, it is not on a compatible timeline with the eviction process (Texas Rules of Civil Procedure, 2020). There are no state-level diversion, mediation, or rental assistance programs.

After a decision is issued, the losing party has five days to appeal the decision (Tex. Prop. Code § 24.0052). If the tenant is the losing party, the landlord must wait five days to file a writ of possession to give the tenant time to appeal. The judge also issues an appeal bond to be paid by the tenant to stop the eviction, based on the past rent due and accruing rent. If the filer cannot afford the bond, they may file an Affidavit of Inability to Pay to get the bond waived.

The State of Texas provides limited resources for tenants and landlords undergoing an eviction process. The Texas State Law Library hosts a legal research guide online that provides

information about landlord and tenant law, and resources such as template forms, legal hotlines, and legal aid organizations. There is no right-to-counsel for tenants facing eviction in the state, no statewide rental assistance programs, mediation programs, or any pathways for tenants to seal or expunge an eviction from their record.

Summary

This section provides a summary of Georgia's performance against the recommended practices in comparison to its peer states in evaluating eviction law and policy. When comparing Georgia (GA) to other southern states (AL, FL, MS, TN, SC, NC, TX, LA) across the major categories, it is important to note that states have few areas of high adherence to best practices. Overall, states perform best in the eviction filings and process category and worst in the post-judgment category.

As shown in Figure 4, within the pre-eviction protection and notices category, Georgia is "middling," similar to Mississippi, North Carolina, South Carolina, and Texas. Alabama, Florida, Louisiana, and Tennessee consistently have low adherence to best practices. Overall, no states score highly in this category.

Within the eviction filings and process category, Georgia scores at the low end of most of its peers, similar to Alabama, but slightly above Louisiana. While no state scores highly across all criteria in this category, several states meet at least one recommended best practice. For instance, Mississippi adheres to the best practice for right to redemption. Furthermore, Texas and North Carolina meet two recommended practices under this category. Texas adheres to the recommended timeframe provided to tenants to answer eviction orders, while North Carolina meets the best practices for a fair hearing process. Both score highly on the right to redemption criterion. States perform best in the eviction filings and process category relative to the other categories, yet overall, they still score medium or low on most criteria.

Georgia scores low on both criteria within the access to counsel or legal aid category, similar to the majority of states, including Alabama, South Carolina, and Texas. Only Florida and Tennessee received medium scores in this category. No state scores highly in this category.

Finally, within the post-judgment category, Georgia scores low on both criteria. In this regard, Georgia is similar to most of its peers, including Florida, Louisiana, and Texas. Mississippi, North Carolina, and Texas receive medium scores for the appeal process, but all states score low on privacy and post-eviction protections. In fact, privacy and post-eviction protections is the only criterion for which no state receives at least a medium score.

Figure 4: Scorecard Summary of Georgia Versus Eight Southern States

CATEGORY	Evaluation Criteria	GA	AL	FL	LA	MS	NC	SC	TN	TX
Pre-Eviction Protection & Notices	<i>Tenant Protections</i>									
Eviction Filings & Process	<i>Eviction Filing</i>									
	<i>Fair Hearing Process</i>									
	<i>Pre-Hearing Programs</i>									
	<i>Right to Redemption</i>									
Access to Counsel	<i>Access to Preparation Resources</i>									
	<i>Free Access to Legal Services</i>									
Post-Judgement	<i>Appeal Process</i>									
	<i>Post-Eviction Protections</i>									

Opportunities

Based on the criteria reviewed in the scorecard, Georgia has numerous opportunities to improve access to justice in the eviction process through state law or policy. These include providing additional time for tenants to respond to filings; expanding the availability of pre-litigation diversion and mediation programs; increasing access to preparation resources and legal aid services; providing

tenants with more time to time to appeal and offering waivers for appeal bonds; and establishing accessible pathways to post-judgment record sealing options.

Georgia may look to areas where comparison states adhere to best practices as models for improving access to justice. For instance, Texas provides tenants between ten and 21 days to file an answer with the court after receiving a summons (Texas State Law Library, n.d.), whereas the answer period in Georgia is only seven days (Georgia Department of Community Affairs, 2021). Additionally, tenants in North Carolina may redeem their tenancy at any point before a judgment is issued by paying all rent owed and the cost of the court action (N.C. Gen. Stat. § 42-70), while in Georgia, tenants may only redeem tenancy by paying rent owed within seven days of receiving the summons (Georgia Department of Community Affairs, 2021). Therefore, while our scorecard demonstrates that states' adherence to best practices is limited overall, a few states do perform highly in select areas, highlighting opportunities to expand access to justice in Georgia.

In addition to other states' policies, Georgia may also look to adopt innovative local practices among some of its counties at the state level. Through our interviews, we found that Cobb County is a leader in the state in this regard. For one, Cobb offers an answer clinic through Atlanta Legal Aid that is housed in the magistrate courthouse. Tenants threatened with eviction can come to the answer clinic to seek legal advice free of charge (R. Merritt, personal communication, March 6, 2024). Expanding this practice throughout Georgia so that tenants facing eviction statewide can receive expert advice on their case could go a long way towards educating tenants on their rights and responsibilities. Secondly, Cobb County also established a 90-day pilot housing stability program in 2023, modeled after Georgia's drug courts, that provides participating tenants rental assistance and case management (B. Murphy, personal communication, April 5, 2024). The state may look to the successes and challenges of this pilot program in establishing opportunities for diversion statewide. Lastly, Cobb County judges no longer issue automatic writs for possession when a case is

decided in favor of the landlord. Instead, judges wait to issue the writ until it is requested from the landlord (B. Murphy, personal communication, April 5, 2024). Parties may not respond if they reach an agreement outside of court, so this practice ensures that such tenants are not evicted unnecessarily. This practice has the potential to save the sheriff resources and advance fairness in the eviction process if adopted statewide.

Finally, the experts we interviewed highlighted a number of opportunities for Georgia to improve access to justice in the eviction process. A few themes from these conversations included funding, summons information, and pre-filing diversion. For one, an expert noted that magistrate courts are funded at the county level (outside of justices' salaries), which presents a challenge to universal standards across the state. Another pointed out that local eviction prevention programs are typically funded with grant money, which often is not sustainable or long-term. Therefore, the stakeholders we interviewed suggested that state funding directed to legal aid and diversion/mediation programs is an opportunity to expand access to justice. Secondly, we heard from multiple experts that most tenants do not answer summons. This presents an opportunity to encourage responses through methods such as text reminders to tenants, listing tenant resources on the summons itself, and making response forms more accessible. Lastly, several experts suggested that pre-filing mediation and diversion programs would be transformational since, post-filing, it is often too late for landlords and tenants to come to an agreement.

Limitations

There are several limitations to our study. First, although we undertook a state analysis of eviction policy in Georgia, we only had access to eviction filing data from the Metro Atlanta counties of Cobb, Clayton, DeKalb, Fulton, and Gwinnett. As a result, the trends in eviction filing discussed in this report are not generalizable to the remainder of the state. Second, with the exception of Judge Johnson, all stakeholders interviewed for this project are based in Metro Atlanta. Therefore, we may

have overlooked perspectives on policy and possible innovations from practitioners in parts of the state other than Metro Atlanta and Dougherty County. Third, we did not consult with legal experts from comparison states to verify our interpretations of state code and practice. As a result, the measurement validity of our state findings may be limited. Lastly, eviction is a complex process, with significant variation in its practice by county and even by judge. Scorecards as a method of analysis allow us to make useful comparisons on a number of different measures, but by necessity, simplify variation and nuance both within and across states. Therefore, this may limit the content validity of our findings.

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Appendices

Appendix A. Interview Questions

A1. Sample Interview Questions

Having looked through the elements checklist, are we missing anything obvious for opportunities in the evictions process to minimize harm for both tenants and landlords?

What needs to be done to provide adequate access to counsel? We are aware that some jurisdictions offer access to counsel through "Answer Clinics" or have legal aid services in their counties. Should all counties offer these services? Should the state provide resources to incentivize the creation of answer clinics throughout the state?

Something we are grappling with is what constitutes adequate information and resources when tenants do not have a right to counsel. In the absence of counsel, are there other resources that you believe can serve tenants well as they navigate the process? For example, do you think the Georgia Landlord-Tenant Handbook is adequate and getting to the people who need it?

Is there a standard on what constitutes fair time periods from beginning to end of the eviction process? For example, how much time is given to a tenant to respond to the court summons. We understand tenants are given 7 days in Georgia. How do we assess whether that's a fair amount of time?

Do you have thoughts on lease nonrenewal as a basis for landlords to discriminate against tenants?

How much do you think the practice of opening default judgements could improve fairness in evictions?

Appendix B. Eviction Filing Trends

Table B1. Number of Eviction Filings in Metro Atlanta Counties, 2019-2023

	2019	2020	2021	2022	2023
Clayton	22,599	11,379	12,393	17,010	19,913
Cobb	21,778	10,804	14,605	20,713	22,240
Dekalb	35,276	17,454	21,741	30,773	34,416
Fulton	44,437	22,393	31,149	45,819	41,868
Gwinnett	25,028	12,640	15,251	25,988	25,888
Total	149,118	74,670	95,139	140,303	144,325

Source: Atlanta Region Eviction Tracker

Table B2. Number of Renter Occupied Households in Metro Atlanta Counties, 2019 and 2022

	2019	2022
Clayton	49,767	51,126
Cobb	98,449	99,243
Dekalb	124,849	111,649
Fulton	205,947	206,452
Gwinnett	99,764	110,019
Total	578,776	578,489

Source: ACS 2019 and 2022 (1-Year Estimates)

Table B3. Number of Eviction Filings Per 100 Renter Households and Percentage of Renter-Occupied Households Spending More than 30% of Household Income on Gross Rent by Metro Atlanta County

	Number of Eviction Filings Per 100 Renter Households			% of Renter-Burdened Households
	2019	2022	2023	2022
Clayton	45.4	33.3	39.0	58.1
Cobb	22.1	20.9	22.4	49.6
Dekalb	28.3	27.6	30.8	54.7
Fulton	21.6	22.2	20.3	47.5
Gwinnett	25.1	23.6	23.5	57.6
Total	25.8	24.3	25.0	52.1

Sources: Atlanta Region Eviction Tracker and ACS 2019 and 2022 (1-Year Estimates). Author's Calculations. ACS 2022 (1-Year Estimates). Author's Calculation

Appendix C. Scorecard Rationale

Table C1. Scorecard Rationale for Pre-eviction Protections & Notices

	GA	AL	SC	FL	TN	NC	TX	MS	LA
Pre-eviction Protections & Notices									
Are there grace periods for rent payment?	No	No	5 days	No	No	Yes	Yes	Yes	No
Are there caps on late fees for tenants?	No	No	No	No	No	Yes	Yes	No	No
Are notice requirements in place for eviction filing?	Yes	7 days	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Are there notice requirements for rent increase?	Yes	No	No	No	No	No	No	Yes	No

Table C2. Scorecard Rationale for Eviction Filings & Process

	GA	AL	SC	FL	TN	NC	TX	MS	LA
Eviction Filings & Process									
Is there a specific timeframe provided for tenants to respond to eviction orders?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Is there a guaranteed hearing for tenants facing eviction?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Do tenants have the right to be heard in eviction proceedings?	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Do tenants have the right to discovery in eviction proceedings?	No	No	No	Yes	No	Yes	No	No	No
Are eviction mediation programs available at the state level?	No	No	No	No	No	No	No	No	No
Are there rent payment programs available for tenants?	No	No	No	Yes	No	No	No	No	No
Is there an opportunity for tenants to redeem their tenancy?	Yes	Yes	Yes	No	No	Yes	No	Yes	No

