Standards and criteria for “Dignified Eviction & Departure”

Global HLP AOR

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The eviction or departure of a tenant /occupant should only occur in exceptional circumstances, and where “no feasible alternative” exists. These exceptional circumstances include:

- The landlord / landowner is unwilling to renew a lease agreement once its term has expired (provided sufficient notice for non-renewal is provided, in writing).
- The landlord / landowner is unwilling to find an amicable solution AND/OR a formal legal defense has failed, has no legal grounds, or is not desired by the tenant. (Eviction)
- The tenant /occupant wishes to leave their current situation following a threat of eviction. (Departure under duress)

In the event of an eviction, humanitarian actors should advocate for the following standards to be respected by all parties. Humanitarian actors should also assist parties to address needs that fall within their mission and capacity, and should refer parties to other service providers for any actions that are outside of their mission and capacities.

**Standard 1: Evictions and departures should not render households homeless.**

**Criteria 1.1** Tenants /occupants are clearly informed of their eviction, and are given a “reasonable notice” for departure so that they have the time to find an alternative housing solution.

- According to the typical practice formal evictions courts, a “reasonable notice” is the period between the conclusion of the eviction lawsuit and the issuance of an enforcement order. This may be immediately enforced, or take weeks, depending on the administrative procedures.
- For ‘informal’ evictions and departures, humanitarian actors may need to negotiate a period of reasonable notice with the landlords / landowners – this period of reasonable notice should be determined by the tenant – and ideally fall between 15 days to one month.

**Criteria 1.2** Appropriate measures should be taken to ensure that adequate alternative shelter is made available to those unable to provide for themselves.

- Ideally, the tenants should find alternate housing for themselves so that their new lodgings suit their own preferences and needs – they can be provided with coaching on how to negotiate fair agreements and adequate housing.
- Once they have settled into their new location, these cases might be eligible for some type of shelter assistance (including, but not limited to Cash for Rent) to help stabilize them.
- If access to jobs and work permits is an obstacle for their secure tenure in the future, humanitarian actors should work with the tenants to find durable solutions, where possible.
**Standard 2**: Evictions and departures should nor render individuals vulnerable to the violation of their human rights.

**Criteria 2.1**: The process of departure from the property maintains the dignity and safety of all parties.

- Departures should take place in the daytime, ideally in good weather.
- The landlord/landowner and neighbors do not harass the former tenants.¹
- The former tenant’s personal effects and identification documents are neither damaged nor confiscated – the confiscation of property is generally not a legitimate nor legal form of debt collection.
- If there are young children, elderly, persons with physical/mental disabilities among the evictees, transportation to their new home is provided.

**Criteria 2.2**: Leading up to and after the change in residence, tenants are assisted (based on their expressed needs) to:

- Support tenants (through coaching/counseling) to negotiate a new and fair lease agreement (and/or understand their rights and responsibilities under their new lease).
- Change their civil documentation if this is tied to their place of residence / a specific address.
- Referral other essential services in their new area of residence (health, psychosocial services, education etc.)
- Defend against threats of forced relocation or detention related to the collection of outstanding debts.
- Change their children’s school registration.

**Chronology of standards and criteria**

In terms of the chronology of an eviction, different criteria should be prioritized at different phases.

**Pre-eviction:**

- If a period of ‘reasonable notice’ for dignified eviction has not been agreed upon between the landlord and tenant, qualified case workers may need to assist the tenant in negotiating for this extra time.
- Evictees are provided with emergency cash to cover the first month of rent in their new residence.
- Evictees are provided coaching by the qualified case worker team on how to negotiate for rent and clear lease agreements for their new residence. They can also be provided with a lease agreement template which they can use to negotiate.
- Qualified case workers may also need to advocate for the return of confiscated personal effects and identification documents, and/or provide the landlords with the information that such confiscations are illegal.

¹ If there is a risk of harassment, send a qualified legal professional to monitor the situation – their presence may serve as a deterrent to harassment.
• If possible, negotiate with the landlords to permit departures should take place in the daytime, ideally in good weather.

**Day of the eviction:**

• If there is a risk of violence or harassment of the tenants on the day of the eviction, humanitarian actors should attempt to invite a respected third party from the community to monitor the situation. If this is not possible, humanitarian actors should send a qualified legal representative to monitor the situation – and act as a deterrent.

• If there are young children, elderly, persons with physical/mental disabilities among the evictees, transportation to their new home is provided.

**Post-Eviction:**

• Shelter team evaluates their eligibility for further shelter assistance.
• Change their identity card registration.
• Provide information on access to other essential services in their new area of residence (health, psychosocial services, education etc.)
• Defend against threats of forced relocation or detention related to the collection of outstanding debts.
• Change their children’s school registration.

**On-going:**

• When relevant, tenants are assisted in finding jobs/obtaining legal work permits to ensure that they are able to pay for their future household needs.