

# Public Good Tools for Eviction and Foreclosure Data

## FAQ on Data Collection

This FAQ document lays out the typical eviction and foreclosure process and provides tips about where to look for this data, and what types of data to request. It has been compiled based on New America and DataKind's experience gathering eviction and foreclosure data across approximately 15 different cities and counties. Note that evictions and foreclosures vary by jurisdiction, and processes and terminology may vary in your jurisdiction.

### Evictions

#### **Question 1: How does the eviction process typically work?**

Formal evictions typically start when a landlord files an eviction claim in court. In an eviction case, the landlord is usually the plaintiff and the tenant is the defendant. After a certain number of days or weeks, the eviction case is heard and the judge rules for the landlord or tenant (or may refer the case to mediation). If the judge rules in favor of the landlord, he/she issues a "judgment in favor of the plaintiff". At this point, the tenant has a certain amount of time to move out, and if they do not then local law enforcement comes to the property to remove them.

#### **Question 2: Who typically generates the eviction data I will need?**

Most evictions run through **county courts**, though in some counties, evictions run through small claims courts or other specialized courts. Generally, the court generates the data you'll need.

#### **Question 3: Where are the best places to look for this data?**

In no particular order, here is a list of the most likely places to find court eviction data:

- County Court
  - The Court Public Information Officer
  - The Clerk of Courts
  - The Court Website (some courts have searchable dockets online)
- County or City GIS Office
- County or City Open Data portal
- Court databases like LexisNexis or Westlaw
- Private company court data aggregators - [Premonition](#) and [AIRS](#) are two examples of for-profit companies that scrape court records and compile eviction data. Costs for the data usually vary with the number of eviction records, so costs may be minimal, particularly for smaller cities and counties. This may be an option if you are otherwise unable to locate the data needed.
- The private vendors who manages your court's case management system

#### **Question 4: What data should I request?**

Ideally you should request 'all *eviction filings* and all *eviction judgments*' during the time period you'd like to look at. *Eviction filings* signify the beginning of the process, when an eviction action is filed by the landlord, whereas *eviction judgments* are actual decisions, and those in favor of the landlord likely result in an eviction.

For each eviction filing and/or eviction judgment, at minimum request:

1. Date
2. Defendant address (or any other geographic locator for the property in question, for example a parcel number)

Additional fields that could be helpful:

1. Plaintiff name (if you'd like to analyze which landlords are evicting the most)
2. Whether Plaintiff and/or Defendant had legal representation
3. Amount in controversy / amount of back rent owed

Some county courts collect significant amounts of information - you can take a look at the court docket to see if there are other fields that your county court collects, and that you feel may be useful.

Conversely, if your court cannot provide information on individual cases, you can ask for "weekly counts" or "monthly counts" of eviction filings or judgments. This data won't allow you to understand where evictions and foreclosures are happening, but it will show you overall eviction rates and allow you to see if they are rising or falling.

#### **Question 5: What are the easiest formats to work with?**

In the next week, we will share our 'ideal' data template that lists the different fields of data needed for the tool to be useful. We will also provide our ideal data format. For analysis purposes, it's best to receive all data in a spreadsheet or database format.

# Foreclosures

## Question 1: How does the foreclosure process typically work?

Foreclosure actions begin when a homeowner defaults on their mortgage. The homeowner typically has a period of time to become current on their mortgage; if they are able to become current, the foreclosure action is dismissed, and if they are not, then the property is sold at an auction. In 'judicial foreclosure' states, the lender files a lawsuit with the county court to initiate a foreclosure action, and if the homeowner isn't able to pay back their debt, then the court enters a judgment in favor of the bank and the property goes to an auction. In 'non-judicial foreclosure' states, the foreclosure process is completed outside of court, but with a similar end result: if the homeowner is unable to pay back the debt, the property goes to an auction. Auctions are typically conducted by the local sheriff's office.

## Question 2: Who typically generates the foreclosure data we need?

In 'judicial foreclosure' states, **courts** generate the final judgment ordering that a home go to auction. The actual document generated by the court may be called a "foreclosure judgment" or "judgment in favor of Plaintiff" and may also be accompanied by a "notice of sale". Some courts also supply a "certificate of sale" after a property has gone through an auction.

In both judicial foreclosure and non-judicial foreclosure states, the party who conducts the auction (usually the **Sheriff's Office** or analogous local law enforcement office) will have data related to the auction sale. For example, many Sheriff's Offices maintain lists of properties going to auction, "notice of foreclosure" documents, and also a database of "trustee's deed" or "sheriff's deed" documents indicating the sale has occurred. In judicial foreclosure states, the **court** will sometimes capture the auction sale, through a "certificate of sale" or some other document.

## Question 3: Where are the best places to look for this data?

In no particular order, here is a list of the most likely places to find court foreclosure data:

- County Court (for judicial foreclosure states)
  - The Court Public Information Officer
  - The Clerk of Courts
  - The Court Website (some courts have searchable dockets online)
- Sheriff's Office
- County or City GIS Office
- County or City Open Data portal or similar
- Treasurer's Office
- Court databases like LexisNexis or Westlaw
- Private company data aggregators - [Attom](#), [CoreLogic](#) and [Premonition](#) are two examples of for-profit companies that compile foreclosure data from court and other records. Costs for the data usually vary with the number of foreclosure records, so costs

may be minimal, particularly for smaller cities and counties. This may be an option to consider if you are otherwise unable to locate the data needed.

#### **Question 4: What data should I ask for?**

Ideally you should request all *foreclosure sales / foreclosure judgments / trustees deeds / sheriff's deeds* during the time period you'd like to look at.

**\*\*As a note - foreclosure processes and documents vary significantly from place to place. Your best approach is to speak with the court or sheriff's office, explain the data you are hoping to access (the point in time at which the homeowner loses possession of a property is auctioned) and allow them to advise which document best captures that point in time.**

For each foreclosure sale, at minimum request:

3. Date (this can be date of the judgment, or date of the actual auction, which is usually 30-45 days later)
4. Property address (or any other geographic locator for the property in question, for example a parcel number)

Additional fields that could be helpful:

4. Defendant name (if you'd like to analyze serial evictor landlords)
5. Defendant address (if you'd like to see whether landlords are local or out of state)
6. Whether Plaintiff and/or Defendant had legal representation
7. Amount in controversy / amount of back mortgage owed

Some county courts and sheriff's offices collect significant amounts of information - you can take a look at the court docket to see if there are other fields that your county court collects, and that you feel may be useful

Conversely, if your court or sheriff's office cannot provide information on individual cases, you can ask for "weekly counts" or "monthly counts" of foreclosure sales. This data won't allow you to create maps, but it will show you overall foreclosure rates and allow you to see if they are rising or falling.

#### **Question 5: What are the easiest formats to work with?**

In the next week, we will share our 'ideal' data template that lists the different fields of data needed for the tool to be useful. We will also provide our ideal data format. For analysis purposes, it's best to receive all data in a spreadsheet or database format.