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LEGAL SUPPORT FOR RENTERS

HOW A RIGHT TO COUNSEL CAN
IMPROVE RENTERS' HEALTH





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CityHealth's 2.0 Policy Package

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Affordable
Housing Trusts



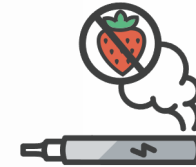
Complete Streets



Earned Sick Leave



Eco-Friendly
Purchasing



Flavored Tobacco
Restrictions



Greenspace



Healthy Food
Purchasing



Healthy Rental
Housing



Legal Support for
Renters



High-Quality,
Accessible Pre-K



Safer Alcohol
Sales



Smoke-Free Indoor
Air

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Legal Support for Renters

Agenda



I. Framing the Challenge

II. Legal Support for Renters Policies

**LSR = Legal Support for Renters*

**RTC = Right to Counsel*

Where We Are Today

Eviction crisis

- 3.6 million filings (avg. pre-pandemic year)
- Disproportionate impact on communities of color
- Pandemic protections coming to a close

Representation gap and the current state of free legal services

- About 3% of tenants are represented in eviction proceedings, compared to 81% of landlords (nationwide, without RTC)
- Existing LSC funded legal services providers can't address 71% of the legal issues brought to them per year

Evictions: A Public Health Issue

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- Evictions on their own, and as a cause of homelessness, are linked to various **adverse effects on mental and physical health**
- Loss of possessions can impact **access to critical medications and medical devices**
- **Impact on children** is severe: more depressive symptoms
- Evictions, and expiration of COVID-19 related tenant protections (i.e., moratoria), linked to **higher infection rates and death**

Evictions: A Racial Equity Issue



Deeply entrenched racism and intentional race-based discrimination in housing policy and practice have had long-lasting and continuing impacts on housing realities for communities of color.

- Although Black individuals <20% of all adult renters in studied areas, they were ~33% of all eviction defendants.
- Black female renters 2x likelier to face eviction than white tenants.

What is a Legal Support for Renters Policy?



An enactment in law, funded by the state, county, or local government, that **ensures all eligible tenants facing eviction**, or equivalent proceeding, **a right to a lawyer** (“right to counsel”).

**Differ from pilot projects and increased funding for representation*

Primary Benefits of LSR

- Effective in changing eviction outcomes: **keep people housed & promote long-term housing stability**
- Mitigate secondary impacts of eviction and promote public health
- Help to close **health & racial disparities**

Tenant Representation is Effective



Represented tenants:

- Avoid **disruptive displacement** over 90% of the time
- More likely to **avoid homelessness** and the use of homeless shelters
- More likely to **remain in their homes**
- More likely to have a **clear eviction record**
- Have **more time and money to vacate** when desired or necessary

Why Tenants Need Representation



- Assert applicable **substantive and procedural legal defenses** (nearly impossible to do without counsel)
- Raise and negotiate solutions for conditions issues
- Negotiate **increased time, decreased costs, and clean eviction record**
- Apply and obtain social services supports (rental assistance, housing search services, etc.)

LSR Policies are Cost-Effective



- **NYC:** Estimated net cost savings to the city of **\$320M** by implementing RTC
- **Baltimore:** Every **\$1 invested** in RTC in Baltimore City = cost savings or value of those services estimated to be at least **\$6.24** (recognized by Baltimore City and Maryland)
- **Philadelphia:** Investment of about \$3.5M = avoid annual costs of approximately **\$45.2M**
- **Cleveland:** For 1 year of RTC implementation, it was estimated that Cleveland and Cuyahoga County likely **avoided between \$1.8-\$1.9M in total safety net costs** and that the city and county “retained approximately **\$2.5-\$2.8 million in federal funding** and economic value.

Critical Considerations

Provide
representation
to all tenants
facing eviction


Aim for
enhanced
coverage

Include an
evaluative and
public
reporting
requirement

CityHealth Medal Criteria

MEDAL CATEGORY

LEGAL SUPPORT FOR RENTERS

	<ul style="list-style-type: none">✓ City has a legal support policy that provides legal representation for all eligible tenants.*✓ Policy includes limited coverage.**
	<ul style="list-style-type: none">✓ City has a legal support policy that provides legal representation for all eligible tenants.*✓ Policy includes both limited coverage and enhanced coverage.***✓ Policy requires evaluation.
	<ul style="list-style-type: none">✓ City has a legal support policy that provides legal representation for all eligible tenants.*✓ Policy includes both limited coverage and enhanced coverage.***✓ Policy requires evaluation.✓ Policy requires evaluation and reporting.

* Eligible tenants varies by medal.

•Bronze: The policy must cover any tenant with at least one child making no more than 125% of the federal poverty level.

•Silver: The policy must cover any tenant making no more than 200% of the federal poverty level OR the policy provides a flexible standard of indigence encouraging broad applicability and vests providers with discretion to determine indigence.

•Gold: The policy must cover all tenants.

**“Limited coverage” means that the right to counsel extends to court-based eviction proceedings only.

***“Enhanced coverage” refers to a program where the right to counsel extends to related proceedings, such as terminations of a rental subsidy that occurs in the administrative context (as such terminations end the tenant’s ability to pay for the unit and thus are functionally an eviction) or affirmative litigation to enforce certain housing laws, such as anti-discrimination laws.

Case Study: New York City



First city to enact an LSR Policy in 2017

- **Income eligibility – 200% of FPL**

2021 Evaluation:

- **Every tenant with a calendared eviction case** had access to right to counsel services
- Last Q of 2021: over **71% of tenants were represented** compared to 1% in 2013
- **84% of households** that were represented in an eviction case were able to remain in their homes

Recent study (RTC between 2016 and 2019): “Legal **representation greatly improved the outcomes among tenants** who received services due to the program.” The authors found **large reductions** in the probability of a judgment with possession, the probability of a warrant issuance, and ultimate eviction.

Case Study: Cleveland



- Enacted LSR policy in 2019
- Eligibility for representation is limited to tenants whose income is 100% or less of FPL and occupy a dwelling with at least 1 child
- 2021 Independent Evaluation:
 - 93% of clients avoided an eviction judgment or an involuntary move
 - 92% of clients who sought more time to move received it
 - 97% of clients seeking monetary relief received it
 - Of clients who found that rental assistance was available and sought it: 83% received it

Case Study: San Francisco



- Enacted LSR policy in 2019
 - Ballot initiative
 - **First universal right to counsel = no income-eligibility** for tenants to receive services
 - Applies in eviction cases and administrative cases
- Between March and December 2021:
 - **59% of fully represented tenants** remained in their homes
 - Of the 30% of fully represented tenants that had to vacate the unit, about **70% obtained an agreement to leave that provided sufficient time and money** to do so

Download the report at
cityhealth.org





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