



The Right to Counsel in Housing Cases: The View from Other Jurisdictions

By John Pollock
Coordinator, Nat'l Coalition for a Civil Right to Counsel
3/20/19

Right to counsel legislation

San Francisco (2018)



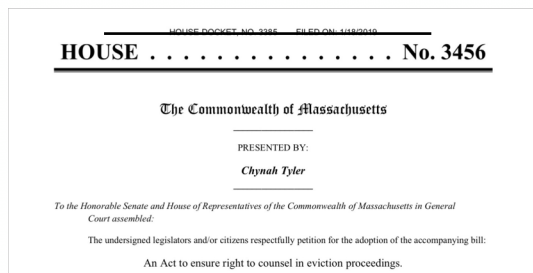
- Purpose: Right to counsel when facing eviction
- Accomplished by: ballot initiative
- Scope: Limited to evictions
- Eligibility: all tenants; no income limit
- Status: passed by 12-point margin in June 2018

Newark NJ (2018)



- **Purpose:** Right to counsel when facing eviction
- **Accomplished by:** emergency legislation
- **Scope:** Limited to evictions
- **Eligibility:** 200% or below federal poverty level
- **Status:** passed in Dec 2018, but not funded yet

Massachusetts (H1537 / H3456 / S913) (2019)



Massachusetts (H1537 / H3456 / S913) (2019)

- **Scope:** Indigent plaintiffs and defendants in evictions
- **Eligibility:** 125% of poverty level, eligible for public benefits, or unable to pay for atty without losing "necessities of life"
- **Responsible for compensation:** state

Potential Cost Savings for MA Bill

- 45,000 evictions in 2012. Fewer than 6% of tenants represented
- Costs of homelessness: shelters, public health care system, foster care, policing, lowered earning potential for homeless youth
- For every \$1 spent, \$2.69 saved on "costs associated with the provision of other state services, such as emergency shelter, health care, foster care, and law enforcement."

Source: Boston Bar Association Statewide Task Force to Expand Civil Legal Aid in Massachusetts, *Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts* (October 2014)

Massachusetts
Right to Counsel
Coalition

HOME WHY SUPPORTERS YOUR STORY EVENTS STATE BILLS NATIONAL ARTICLES

Massachusetts
Right to Counsel Coalition

A Campaign for Justice in Evictions

Connecticut

General Assembly

Substitute Bill No. 426

February Session, 2016

* SB00426JUD 032216 *

AN ACT CREATING A TASK FORCE TO IMPROVE ACCESS TO LEGAL COUNSEL IN CIVIL MATTERS.


Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) (a) There is established a task force to study the nature, extent and consequences of unmet legal needs of state residents in civil matters. The task force shall examine, on a state-wide basis, the impact that the lack of access to legal counsel in civil matters is having on the ability of state residents to secure essential human needs.

Connecticut

ConnecticutLawTribune

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'Civil Gideon' Task Force Would Be an Important First Step

The Connecticut Law Tribune

April 27, 2016

Connecticut



Judiciary Committee
Connecticut General Assembly

Report of the Task Force to Improve Access to Legal Counsel in Civil Matters

LEGISLATIVE RECOMMENDATIONS

We have identified a series of recommendations to the General Assembly that will enable our State and its residents to improve our fiscal and social well-being consistent with the financial burden these recommendations would entail. They are:

1. Establish a statutory right to civil counsel in three crucial areas where the fiscal and social cost of likely injustice significantly outweighs the fiscal cost of civil counsel:
 - a. Retaining orders under General Statutes § 46b-15;
 - b. Child custody and detained removal (deportation) proceedings;
 - c. Eviction of residential tenants.

Connecticut

Time to confront Connecticut's eviction crisis - with lawyers

By SARAH FREE
HARTFORD COURANT | FEB 10, 2019



A Baltimore man holds a sign at the camp while city workers remove material left at a homeless encampment. (Sayed Hoss, Baltimore Sun)

Connecticut

General Assembly
January Session, 2019

Proposed Bill No. 652
LCO No. 3197

Referred to Committee on JUDICIARY

Introduced by:
SEN. FLEXER, 26th Dist.

AN ACT PROVIDING LEGAL COUNSEL TO ELIGIBLE TENANTS IN A SUMMARY PROCESS MATTER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 That chapter 832 of the general statutes be amended to provide that
2 a tenant who is a defendant in a summary process matter and whose
3 total yearly earnings are less than fifty thousand dollars shall have
4 legal counsel appointed to represent such tenant during the pendency
5 of the summary process matter.

Statement of Purpose:
To provide legal counsel to certain eligible tenants in a summary process matter.

Minnesota

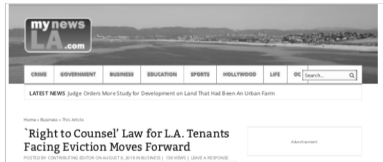
A bill for an act
relating to housing; providing for a right to counsel in certain public housing
eviction actions; proposing coding for new law in Minnesota Statutes, chapter
504B.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[504B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH
OF LEASE EVICTION ACTIONS.**

Phased-in RTC

Los Angeles



- City Housing Committee recommends studying RTC feasibility
- Phase 1: \$10 million for 10,000 tenants (nearly 55,000 evictions filed per year)
- 11% of homeless cite eviction as cause

Cleveland

SCENE & HEARD

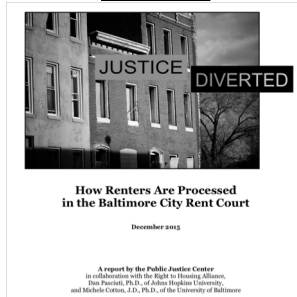
Cleveland City Council Will Pursue Housing Justice, Free Lawyers for Evicted Tenants in 2019

Posted By Sam Allard on Wed, Nov 28, 2018 at 3:04 pm

Cleveland City Council could begin a multi-phase program which would provide free legal representation for tenants facing eviction as early as 2019, councilmen Tony Brancatelli and Kevin Kelley said at the City Club of Cleveland Wednesday.

Studies

Baltimore

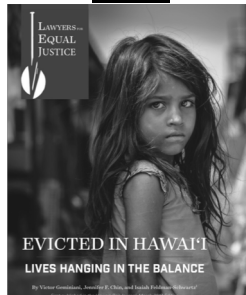


Baltimore

Report (based on case review, tenant surveys, interviews) examined:

- How summary process works
- Demographics of those coming to housing court
- Info given to tenants / tenant bewilderment
- Lack of sufficient judicial review of complaints
- Insufficient notice
- Reasons why tenants default
- Difficulty with escrowing
- Experience of those with counsel

Hawaii



Hawaii

- Study conducted in 3 periods over course of 8 years analyzed:
 - Disparity in LL/T representation (70% vs. 4%)
 - Default rate (50%)
 - Financial, social, and procedural costs of evictions

Cincinnati

"You are being asked to leave the premises": A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017

Elaina Johns-Wolfe, M.A.
Department of Sociology
University of Cincinnati



Cincinnati

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NEWS > INSIDER

I-Team: What nearly 50,000 eviction filings in four years have done to Hamilton County

'It's worse than we thought'

Posted: 5:00 AM, Jun 21, 2018 Updated: 5:16 AM, Jun 24, 2018

By: Lucy May, Craig Cheatham

Seattle



New Report Details Seattle's Eviction Trends

Analysis of 2017 county records and interviews show that nearly 90 percent of evicted tenants experienced homelessness

Pilots

Need A Lawyer To Fight An Eviction? A New D.C. Program Provides One For Free

The committee has set aside \$4.5 million for a pilot program that offers low-income residents a lawyer free of charge for eviction proceedings in the city's landlord-tenant court. Last year, the court handled 33,000 eviction cases.

The bill creating the pilot program was first introduced last year by Council member Kenyan McDuffie (D-Ward 5), but despite a public hearing and support from the majority of the Council, it did not receive a vote before the end of last year's session. He re-introduced the bill in January, but also worked with Council member Charles Allen (D-Ward 6), who chairs the Judiciary Committee, to find money in the city's 2018 budget to implement the program starting in October.

D.C. “Expanding Access to Justice Act” (2017)

- **Scope:** Limited to evictions (was broader in early drafts)
- **Eligibility:** 200% of poverty
- **Services provided:** mixture of full scope, brief services, limited scope funded by Bar Foundation
- **Other:** not “right to counsel”; services provided until funding (~\$4 million annually) runs out

Hennepin County, MN



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Mid-Minnesota Legal Aid
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Volunteer Lawyers Network
(612) 752-6647
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Legal Representation in Evictions - Comparative Study
Limited Services Data Included

This project seeks to determine whether legal representation for tenants in the Fourth Judicial District Housing Court provides meaningful benefits in housing stability. With help from two Hennepin County departments—the Center for Innovation and Excellence and the Office of Housing Stability—and many volunteers, Mid-Minnesota Legal Aid and Volunteer Lawyers Network examined eviction cases filed in Hennepin County between January 1 and June 30, 2018 to determine the effect of legal representation for tenants on housing stability. This study examines the extent to which representation helps tenants keep their homes or obtain sufficient transition periods to move, maintain clear eviction records, avoid forced moves by sheriff deputies, and avoid the use of emergency shelters.

Hennepin County, MN

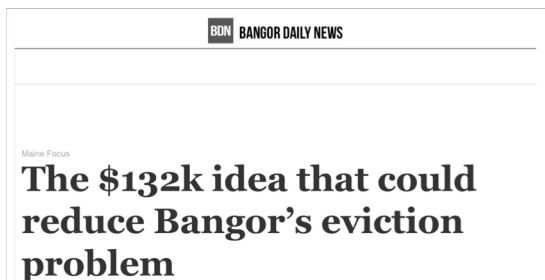
- \$100,000/year in public county funds (Hennepin County), \$275,000/year in private foundation (Pohlad Family Foundation)
- Pilot found represented tenants were:
 - Twice as likely to stay in their homes;
 - Received twice as long to move if necessary;
 - Were 4x less likely to use homeless shelter.

Washington State

- 2019 pilots bill to study atty representation in eviction cases
- Would appropriate \$750,000
- Would provide attys for 750 unlawful detainer cases, then compare to 750 cases w/no representation

Local funds

Bangor, ME



Bangor, ME

If Bangor wanted the same percentage of tenants to have legal representation in eviction cases as landlords, it would cost about \$132,000 per year for Pine Tree Legal to provide it. That's based on 2016 eviction filings recorded by the Eviction Lab, which tracks cases by city, and Pine Tree Legal's anticipated compensation for attorney time.

To guarantee counsel in 75 percent of cases in Bangor District Court, which also handles evictions beyond city limits, it would cost about \$349,000 per year. For Penobscot County, it would cost about \$405,000, and for the state as a whole it would cost about \$2.6 million. Those totals are based on fiscal year 2018 eviction caseloads recorded by Maine's judicial branch, which tracks cases by court.

Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 160988)

RESOLUTION

Authorizing the Committee on Licenses and Inspections and the Committee on Public Health and Human Services to conduct hearings concerning the impact of eviction and substandard housing on the health and wellbeing of low-income renters, and examining solutions that would improve the safety and stability of rental housing, including the right to counsel.

Philadelphia



Policy Brief:
Evictions in Philadelphia

Prepared by REINVESTMENT FUND
Published JANUARY 2017

Philadelphia

newsworks

MARCH 24, 2017 | 5:43 PM EDT

Op-ed: Philly should relieve eviction crisis by funding legal representation for low-income tenants

CBS Philly

49°

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Lawyers Could Ease Philadelphia 'Eviction Crisis,' Council Members Hear

March 20, 2017 5:43 PM By Pat Leahy

Philadelphia

PHILADELPHIA MAKES HISTORIC INVESTMENT TO AID LOW-INCOME RENTERS FACING EVICTION

[PHILADELPHIA MAKES HISTORIC INVESTMENT TO AID LOW-INCOME RENTERS FACING EVICTION](#) by Phil Council / June 29, 2017

Philadelphia Makes Historic Investment to Aid Low-Income Renters Facing Eviction

\$500,000 in new funding puts Philadelphia at the forefront of national movement for right to counsel

PHILADELPHIA—Today, city leaders announced an historic investment in legal assistance for low-income renters who face eviction. The \$500,000 in new funding, which Council passed unanimously this spring, will nearly double legal and supportive services for such renters, many of whom are threatened with losing their homes simply for standing up for their right to safe, quality, and habitable housing.

Philadelphia

Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants

October 30, 2018

Prepared for the Philadelphia Bar Association's Civil Gideon and Access to Justice Task Force

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Philadelphia

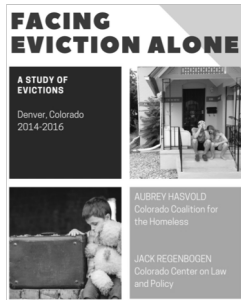
News

Philadelphia City Council Proposes Low-Income Tenant Legal Defense Fund

The new fund follows a bar association report estimating significant cost savings by providing access to counsel to low-income tenants facing eviction.

By Steve Lubetkin March 07, 2019 at 04:00 AM

Denver



Denver

Report (based on electronic search of court records) examined:

- Frequency of tenant representation (1-3%)
- Examination of "stipulated agreements"
- Effect of representation: 68% dispossession rate w/o counsel, near 0% w/counsel
- Amount of rent sought by LL (~\$200 on average)
- Effect of evictions on communities of color

Denver



Denver / Colorado: \$750k fund

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN EVICTION LEGAL DEFENSE FUND,

102 AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the eviction legal defense fund (fund). The state court administrator will award grants from the fund to qualifying nonprofit organizations (organizations) that provide legal advice, counseling, and representation for, and on behalf of, indigent clients who are experiencing an eviction or are at immediate risk of an eviction. The bill lists permissible uses of grant money awarded from the fund.

Durham, North Carolina

DURHAM COUNTY

Durham eviction crisis: What the city's going to spend on it

BY DAWN BAUMGARTNER VAUGHAN
dvaughan@heraldsun.com

May 31, 2018 06:09 PM

DURHAM — With 900 eviction filings every month in Durham, city leaders have declared a "crisis."

A pilot Durham Eviction Diversion Program was started last year by the Duke Law School Civil Justice Clinic and Legal Aid of North Carolina, but they need money. After a vote on Thursday, they'll be getting some from the city, but not as much as they wanted.

The City Council voted to provide \$200,000 for two lawyers and a paralegal. The money will help the program serve twice as many clients.
