



Connecticut's Eviction Crisis and the Right to Counsel Movement

**September 15, 2020
10:00 a.m. – 11:00 a.m.**

**CT Bar Association
Webinar**

CT Bar Institute Inc.

CT: 1.0 CLE Credit (Ethics)
NY: 1.0 CLE Credit (D&I)

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Lawyers' Principles of Professionalism

As a lawyer I must strive to make our system of justice work fairly and efficiently. In order to carry out that responsibility, not only will I comply with the letter and spirit of the disciplinary standards applicable to all lawyers, but I will also conduct myself in accordance with the following Principles of Professionalism when dealing with my client, opposing parties, their counsel, the courts and the general public.

Civility and courtesy are the hallmarks of professionalism and should not be equated with weakness;

I will endeavor to be courteous and civil, both in oral and in written communications;

I will not knowingly make statements of fact or of law that are untrue;

I will agree to reasonable requests for extensions of time or for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;

I will refrain from causing unreasonable delays;

I will endeavor to consult with opposing counsel before scheduling depositions and meetings and before rescheduling hearings, and I will cooperate with opposing counsel when scheduling changes are requested;

When scheduled hearings or depositions have to be canceled, I will notify opposing counsel, and if appropriate, the court (or other tribunal) as early as possible;

Before dates for hearings or trials are set, or if that is not feasible, immediately after such dates have been set, I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the court (or other tribunal) and opposing counsel of any likely problem in that regard;

I will refrain from utilizing litigation or any other course of conduct to harass the opposing party;

I will refrain from engaging in excessive and abusive discovery, and I will comply with all reasonable discovery requests;

In depositions and other proceedings, and in negotiations, I will conduct myself with dignity, avoid making groundless objections and refrain from engaging in acts of rudeness or disrespect;

I will not serve motions and pleadings on the other party or counsel at such time or in such manner as will unfairly limit the other party's opportunity to respond;

In business transactions I will not quarrel over matters of form or style, but will concentrate on matters of substance and content;

I will be a vigorous and zealous advocate on behalf of my client, while recognizing, as an officer of the court, that excessive zeal may be detrimental to my client's interests as well as to the proper functioning of our system of justice;

While I must consider my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation;

Where consistent with my client's interests, I will communicate with opposing counsel in an effort to avoid litigation and to resolve litigation that has actually commenced;

I will withdraw voluntarily claims or defense when it becomes apparent that they do not have merit or are superfluous;

I will not file frivolous motions;

I will make every effort to agree with other counsel, as early as possible, on a voluntary exchange of information and on a plan for discovery;

I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleadings and discovery requests;

In civil matters, I will stipulate to facts as to which there is no genuine dispute;

I will endeavor to be punctual in attending court hearings, conferences, meetings and depositions;

I will at all times be candid with the court and its personnel;

I will remember that, in addition to commitment to my client's cause, my responsibilities as a lawyer include a devotion to the public good;

I will endeavor to keep myself current in the areas in which I practice and when necessary, will associate with, or refer my client to, counsel knowledgeable in another field of practice;

I will be mindful of the fact that, as a member of a self-regulating profession, it is incumbent on me to report violations by fellow lawyers as required by the Rules of Professional Conduct;

I will be mindful of the need to protect the image of the legal profession in the eyes of the public and will be so guided when considering methods and content of advertising;

I will be mindful that the law is a learned profession and that among its desirable goals are devotion to public service, improvement of administration of justice, and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance;

I will endeavor to ensure that all persons, regardless of race, age, gender, disability, national origin, religion, sexual orientation, color, or creed receive fair and equal treatment under the law, and will always conduct myself in such a way as to promote equality and justice for all.

It is understood that nothing in these Principles shall be deemed to supersede, supplement or in any way amend the Rules of Professional Conduct, alter existing standards of conduct against which lawyer conduct might be judged or become a basis for the imposition of civil liability of any kind.

--Adopted by the Connecticut Bar Association House of Delegates on June 6, 1994

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Connecticut's Eviction Crisis and the Right to Counsel Movement Agenda

Welcome and Introductions: Cecil (3 minutes)

Connecticut's Eviction Crisis by the Numbers: Cecil (5-7 minutes)

The Community Perspective: Hartford's Eviction Crisis, Inequities and the Impact on Community: Rev. AJ Johnson (10-15 minutes)

Housing is Healthcare, Housing is Justice: COVID-19, Racial Injustice and the National Eviction Crisis: Emily Benfer (10-15 minutes)

Civil Gideon and the Eviction Crisis: The Impact of Investing in Access to Justice for Tenants Facing Eviction: John Pollock (10-15 minutes)

Q&A: (Chat, throughout, 5-10 minutes at close).

Faculty Biographies

Emily A. Benfer, Wake Forest University School of Law

Emily A. Benfer is a visiting professor of law and the director of the Health Justice Clinic at Wake Forest School of Law. As a well-known authority in the field of health and housing justice, Benfer is recognized for a myriad of social justice and scholarly accomplishments, and a commitment to preparing the next generation of advocates. Her clinic practice and research focus on the intersection of social determinants of health, racial inequity, and poverty with an emphasis on housing, as well as community-based approaches to access to justice and health equity, such as medical-legal partnership. Professor Benfer has testified before Congress and appeared in numerous media outlets on these topics. Currently, Professor Benfer is the Chair of the American Bar Association's COVID-19 Task Force Committee on Eviction and co-creator of the COVID-19 Housing Policy Scorecard with the Eviction Lab at Princeton University. She is the principal investigator in a study of nationwide COVID-19 eviction moratoriums and housing policies.

Prior to joining the faculty, Professor Benfer founded and directed the Health Justice Advocacy Clinic at Columbia Law School where she taught law and public health students. In addition, Benfer was a Visiting Distinguished Scholar and Senior Fellow at Yale Law School Solomon Center for Health Law & Policy. Between 2010-2017, Professor Benfer served as a Clinical Professor of Law at Loyola University Chicago School of Law and Loyola University Chicago Stritch School of Medicine Department of Public Health where she founded and directed the Health Justice Project, a fully integrated medical-legal partnership at Erie Family Health Center in which providers, lawyers, and law students collaborated to resolve the social determinants of poor health for patients related to housing, public benefits, immigration and other areas of law. The Health Justice Project received the CLEA Award for Excellence in a Public Interest Project for Benfer's leadership in an interprofessional advocacy campaign to protect the four million children in federally assisted housing nationwide from lead poisoning. In addition, the Health Justice Project received the Outstanding Medical-Legal Partnership Award from the National Center for Medical-Legal Partnership.

Before founding the Health Justice Project, Professor Benfer served as a teaching fellow and supervising attorney in the Federal Legislation & Administrative Clinic at Georgetown Law Center. She served as a legislative lawyer in numerous successful policy efforts including, the ADA Amendments Act; education assistance for homeless children and youth in Washington, DC; amendments to the Illinois definition of lead poisoning and the U.S. Department of Housing and Urban Development's Lead Safe Housing Rule. She has engaged in direct representation, class action litigation, grassroots organizing, creative advocacy strategies, and federal and state policy reform in multiple areas of public interest law, including homelessness, lead poisoning prevention, special education, housing, health, environmental justice, disability, and public benefits at non-profit organizations and a public interest law firm. She served as an Equal Justice Works Fellow and a Peace Corps volunteer.

She was named a Legal Freedom Fighter by Rocket Matter and one of Chicago's Top 40 Lawyers Under 40 by the National Law Journal. She has received numerous commendations for her commitment to health equity and social justice, including the American Public Health Association David P. Rall Award for Advocacy, Health Innovator Award, and the inaugural Schweitzer Leadership Award. Benfer earned her LLM from Georgetown Law Center and JD from Indiana University Robert H. McKinney School of Law. She received a Certificate in Social Justice and a Certificate in Nonprofit Leadership and Development from Loyola University Chicago.

AJ Johnson, Urban Hope Refuge Church

Reverend AJ Johnson is a community organizer with the Center for Leadership and Justice in Hartford, Connecticut. In addition to organizing, Rev. Johnson pastors Urban Hope Refuge Church in the North End of Hartford, where his father pastored for 24 years.

Rev. Johnson has been active in many social justice movements in Hartford, serving as a key leader in the No More Slumlords and Fight for 15 Campaigns. Rev. Johnson's advocacy efforts have empowered tenant leaders in Hartford to fight for and obtain significant victories in addressing deplorable living conditions in federally-subsidized housing complexes, obtaining much-needed revisions to Hartford's municipal housing code, and advocating for tenants' rights at the local, state, and federal level.

Rev. Johnson has been recognized for his impactful leadership with the CBA Citizen for the Law Award, and the Hartford Business Journal's 40 under 40 Award, among other honors.

Rev. Johnson has a master's degree in organizational management and leadership and a bachelor's degree in religious studies and education.

John Pollock, National Coalition for a Civil Right to Counsel

John Pollock is a Staff Attorney for the Public Justice Center who has served for the past ten years as the Coordinator of the National Coalition for the Civil Right to Counsel (NCCRC). The NCCRC works to establish the right to counsel for low-income individuals in civil cases involving basic human needs such as child custody, housing, safety, and public benefits. He is the recipient of the 2018 Innovations Award from the National Legal Aid and Defender Association (NLADA). Previously, John worked for the Central Alabama Fair Housing Center and the Southern Poverty Law Center. He graduated from Northeastern University School of Law. He is the author of many law review articles, including *The Case Against Case-By-Case: Courts Identifying Categorical Rights to Counsel in Basic Human Needs Civil Cases*, 61 Drake L.J. 763 (Spring 2013) and *It's Not Triage if the Patient Bleeds Out*, 161 U. Penn. L.R. 40 (2012).

Cecil J. Thomas, CBA Vice-President, Greater Hartford Legal Aid

Cecil J. Thomas is an attorney at Greater Hartford Legal Aid, Inc., where he has represented thousands of low-income clients, predominantly in housing matters, since 2006. He has led appellate and class action litigation resulting in significant victories on behalf of low-income Connecticut residents.

Beginning in July of 2020, Cecil is the Vice President of the Connecticut Bar Association, having previously served 4 years as co-chair of the CBA's Diversity and Inclusion Committee. He serves as Vice-Chair of the CBA's Pro Bono Committee, and in 2016, served on the Connecticut General Assembly's Task Force to Improve Access to Legal Counsel in Civil Matters.

Cecil is president of the UConn Law School Alumni Association, past president of the South Asian Bar Association of Connecticut and a member of its Advisory Council, a member of the Connecticut Law Tribune Editorial Board, a James W. Cooper Fellow of the Connecticut Bar Foundation, and a Fellow of the American Bar Foundation.

Cecil received the Connecticut Supreme Court Law Day Award in 2008, the Hartford County Bar Association's Judge Maxwell Heiman Memorial Award in 2013, and the New Leader in the Law Award from the Connecticut Law Tribune in 2014. In 2019, he was included in the UCONN Law School "Gallery of Pioneers" photo exhibit, recognizing alumni "who have broken through barriers and/or have emerged as leaders in public, business or philanthropic life."

Cecil received his Juris Doctor from the University of Connecticut School of Law. He graduated *cum laude* from Brandeis University with a Master of Arts in American History, and a Bachelor of Arts in Politics and History, with honors.



Connecticut's Eviction Crisis and the Right to Counsel Movement

CONNECTICUT LEGAL CONFERENCE

SEPTEMBER 15, 2020

“Eviction is a cause, not just a condition, of poverty.”

“The home is the wellspring of personhood. It is where our identity takes root and blossoms, where as children, we imagine, play, and question, and as adolescents, we retreat and try. As we grow older, we hope to settle into a place to raise a family or pursue work. When we try to understand ourselves, we often begin by considering the kind of home in which we were raised.”

“[I]t is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.”

MATTHEW DESMOND, POVERTY AND PROFIT IN THE AMERICAN CITY (2016)

Welcome and Introduction



Emily A. Benfer
Professor of Law
Director, Health Justice Clinic
Wake Forest School of Law



Rev. AJ Johnson
Community Organizer
Center for Leadership and
Justice
Senior Pastor,
Urban Hope Refuge Church



John Pollock
Coordinator
National Coalition for
the Civil Right to
Counsel



Cecil J. Thomas
President-elect
Connecticut Bar
Association
Greater Hartford
Legal Aid, Inc.

Connecticut's Eviction Crisis: (Pre-Pandemic)

- One-third of Connecticut households rent their homes.
- Rental costs in Connecticut are the 9th highest in the nation, with a modest two-bedroom apartment costing \$1,321.00 in monthly rent. A minimum wage-earning household would need to work 101 hours a week for this rental obligation to be considered affordable.
- According to pre-pandemic statistics, nearly 120,000 Connecticut households spend over half their income on rental housing costs (rent and utilities).

Sources: *Housing in CT 2020*, Partnership for Strong Communities (February 2020)

<https://www.pschohousing.org/news/housing-homelessness-connecticut-2020>; *Out of Reach 2019: Connecticut*, National Low Income Housing Coalition (2019) <https://reports.nlihc.org/oor/Connecticut>

Connecticut's Eviction Crisis: (Pre-Pandemic)

- Over 20,000 eviction cases are filed in Connecticut each year.
- The median disposition time for eviction cases, from all Connecticut housing courts, is 29 days.
- More than 34% of eviction cases result in judgment by default.

Source: *Report to the General Assembly*, Citizens Advisory Council on Housing Matters, January 9, 2019 (retrieved on May 18, 2020)

https://www.ct.gov/cachm/lib/cachm/2019_BIENNIAL_REPORT_with_appendices.pdf

Connecticut's Eviction Crisis (Pre-Pandemic)

- Four of Connecticut's major municipalities are among the top-100 evicting cities in the country: Waterbury (22nd); Hartford (29th); Bridgeport (39th); and New Haven (69th).
- In just these four cities alone 6,531 households face eviction every year, or 17.89 households per day.
- Numerous studies have shown that tenants who are represented receive far better legal outcomes than those who are unrepresented.
- “Across the county, roughly 90 percent of landlords are represented by counsel, while 90 percent of tenants are not. Simply having a lawyer increases the odds of being able to stay in one's home. When tenants represent themselves in New York City, they are evicted in nearly 50 percent of cases. With a lawyer, they win 90 percent of the time.”

Sources: “Eviction Rankings,” The Eviction Lab (2016)

<https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en> (retrieved on May 18, 2020); “Every Year, Millions Try to Navigate US courts Without a Lawyer.” Salon (October 1, 2017) https://www.salon.com/2017/09/30/every-year-millions-try-to-navigate-us-courts-without-a-lawyer_partner/ (retrieved on May 18, 2020)

Connecticut's Eviction Crisis (Covid-19 Impact)

- Unemployment levels during the COVID-19 civil preparedness and public health emergency are among the highest they have been in U.S. history, with 13.7% of Connecticut's civilian labor force filing regular and continuing unemployment compensation claims as of June 25, 2020.
- The Aspen Institute estimates that between 154,000 and 203,000 households are at risk of eviction as a result of the pandemic (33-45%).
- Stout Risius Ross, a global advisory firm, estimates similar impact for Connecticut:

Est. Rental Households Unable to Pay Rent and at Risk of Eviction	Est. Shortfall of Rent	Renter Households Unable to Pay Rent and at Risk of Eviction as a % of Total Renter Households	Est. Potential Total Eviction Filings Over Next 4 Months
203,000	\$256,000,000	45.49%	137,000

A Visual Guide to Unemployment Benefit Claims, The Tax Foundation, June 25, 2020 (retrieved on September 10, 2020) <https://taxfoundation.org/unemployment-insurance-claims/> ; *The COVID-19 Eviction Crisis: An Estimated 30-40 Million People in America are at Risk* (August 7, 2020) <https://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk/> ; *Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction* (Stout Risius Ross, July 2020) <https://app.powerbi.com/view?r=eyJrIjoiNzRhYjg2NzAtMGE1MC00NmNjLTllOTMtYjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGEY2RhZGE2MSIsImMiOiN9>

Connecticut's Eviction Crisis

“Typical yet damaging, for the consequences of eviction are many and severe: eviction often increases material hardship, decreases residential security, and brings about prolonged periods of homelessness; it can result in job loss, split up families, and drive people to depression and, in extreme cases, even to suicide; and it decreases one’s chances of securing decent and affordable housing, of escaping disadvantaged neighborhoods, and of benefiting from affordable housing programs. In inner-city neighborhoods, it is women who disproportionately face eviction’s fallout.”

Desmond, et al., *Eviction and the Reproduction of Urban Poverty*, American Journal of Sociology (2012)

The Impact of Evictions in Hartford: Fighting for Change



Housing is Healthcare, Housing is Justice

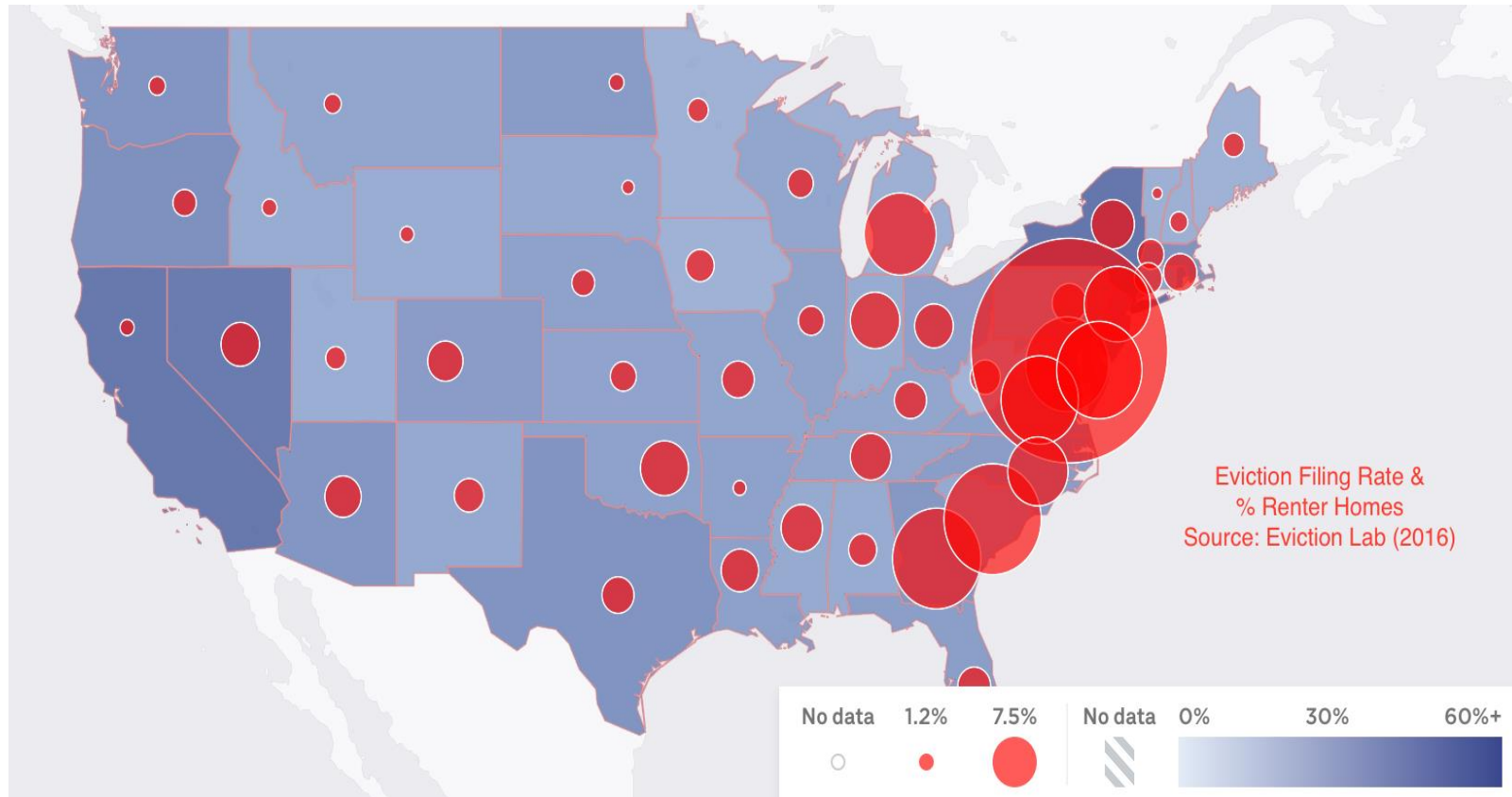
COVID-19, Racial Injustice & the National Eviction Crisis

September 15, 2020

Emily A. Benfer

Visiting Professor of Law
Wake Forest School of Law School
benfere@wfu.edu

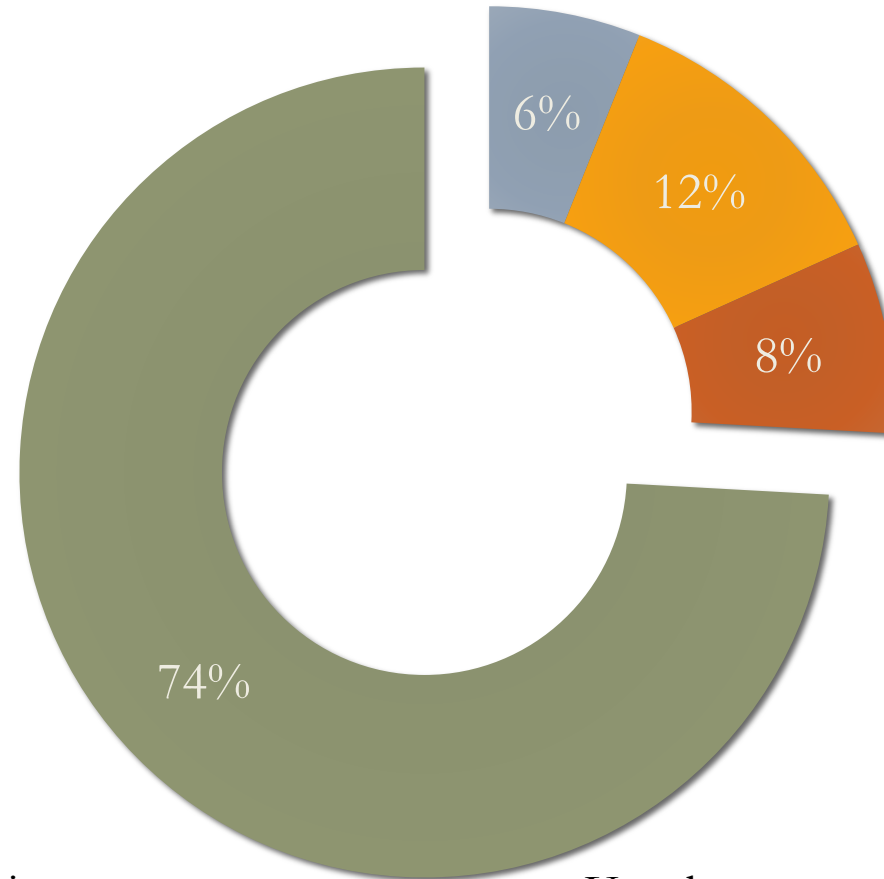
The Pre-Pandemic Housing Crisis



- **20.5 million rent burdened families** pre-COVID-19
- Loss of **4 million** affordable housing units between 2010-2020
- **7 evictions filed every minute** in 2016 (3.7 million total), when unemployment rate was 4.7%

*Statistic Sources: Joint Center for Housing Studies at Harvard University;
Eviction Lab at Princeton University*

Three-Fourths of Renting Families below the Poverty Line Receive No Housing Assistance



Source: American Housing Survey, 2015

Public housing

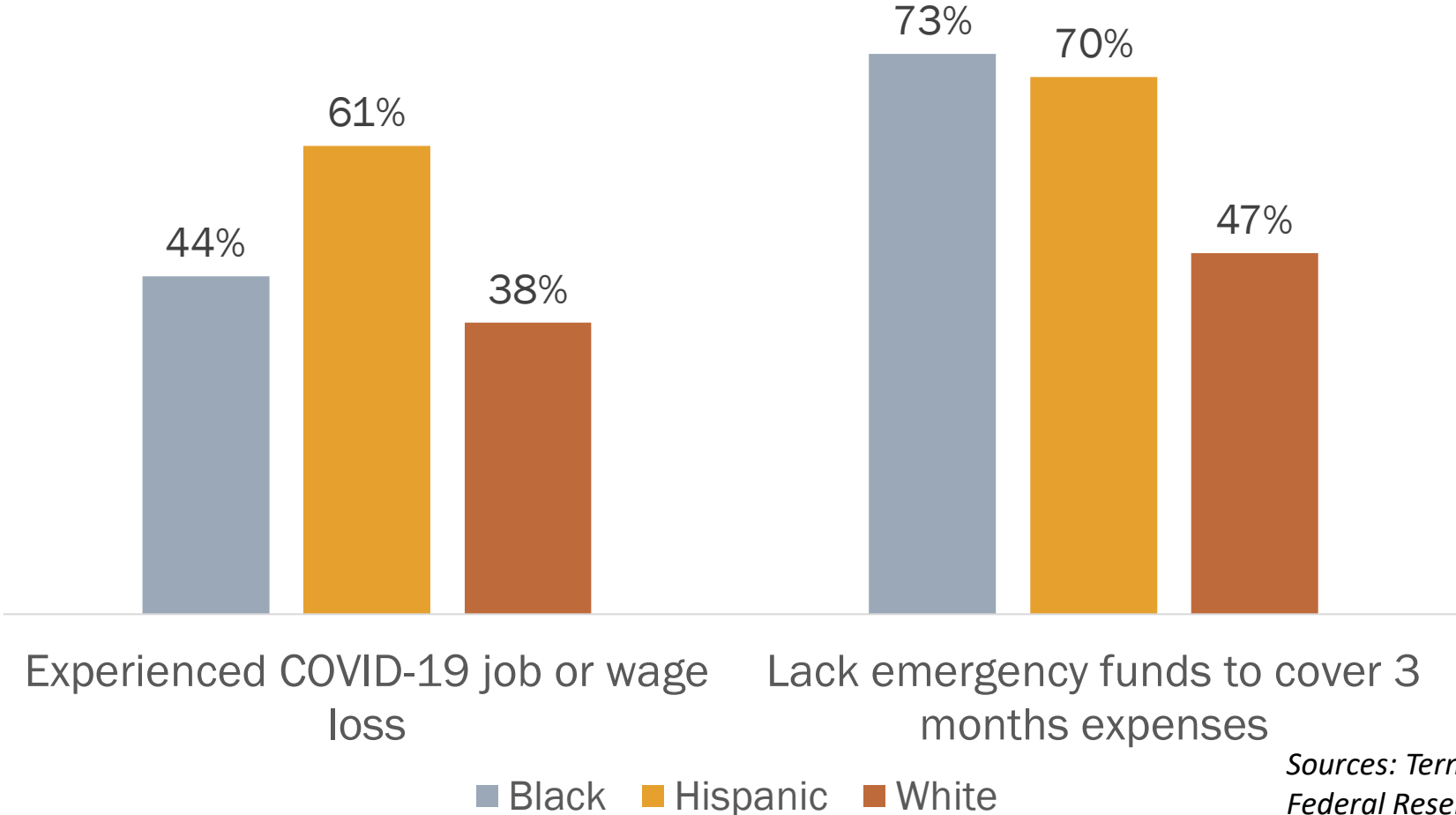
Voucher

Privately owned subsidized housing

No government rental assistance

COVID-19 Job & Wage Loss

- **An estimated 50 million renters** live in households that suffered COVID-19 related job or income loss (**40% of job loss** occurred in low-income households).



Sources: *Turner Center at UC Berkeley; Federal Reserve, The Pew Research Center*

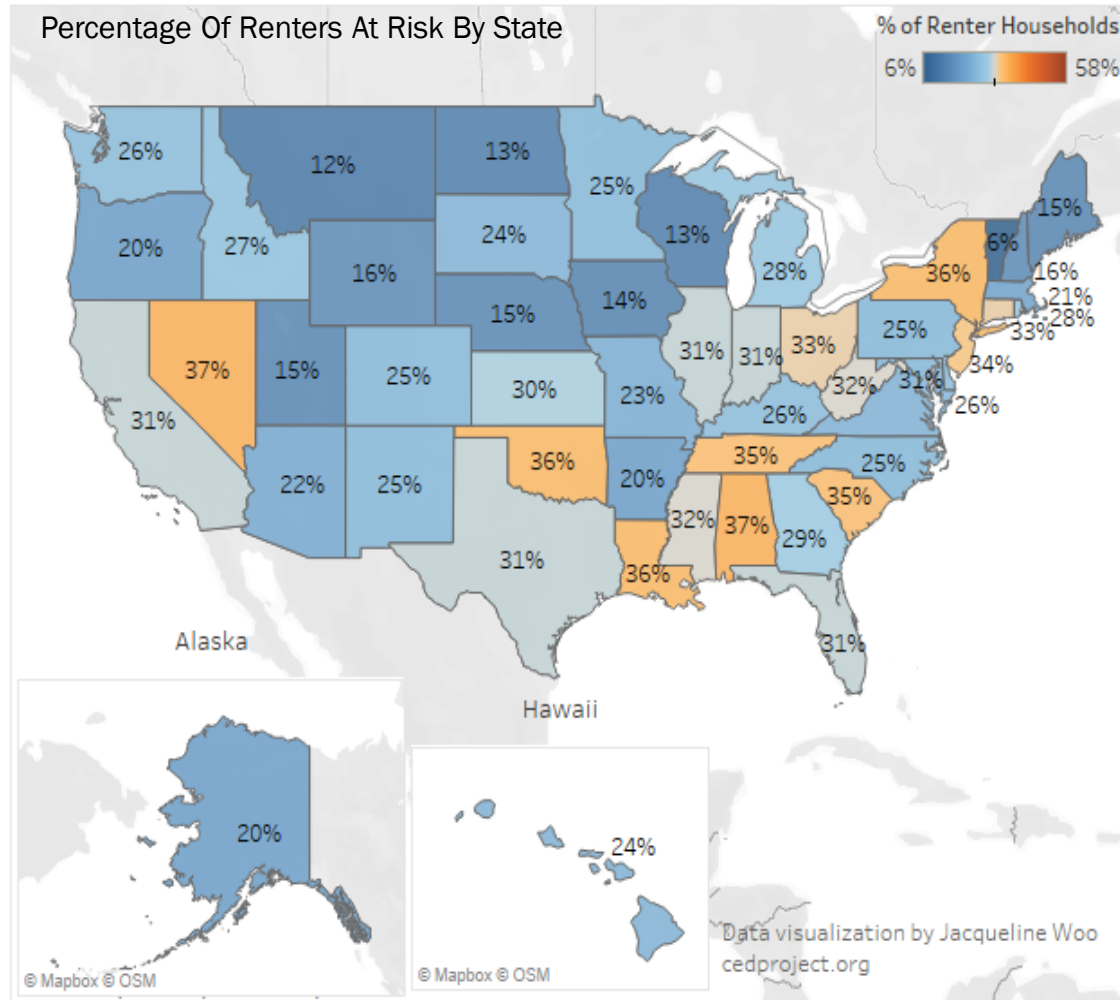
Families are Paying the Rent with their Futures

- **92% increase in daily rental assistance** requests from this time in 2019.
- **2000% increase in food pantry** requests in some states.
- **30 million Americans** do not have enough food.
- **31% increase in credit card** to pay rent in April, and an additional 20% increase in May.
- **31.6% of renters** have slight or no confidence in their ability to pay rent.

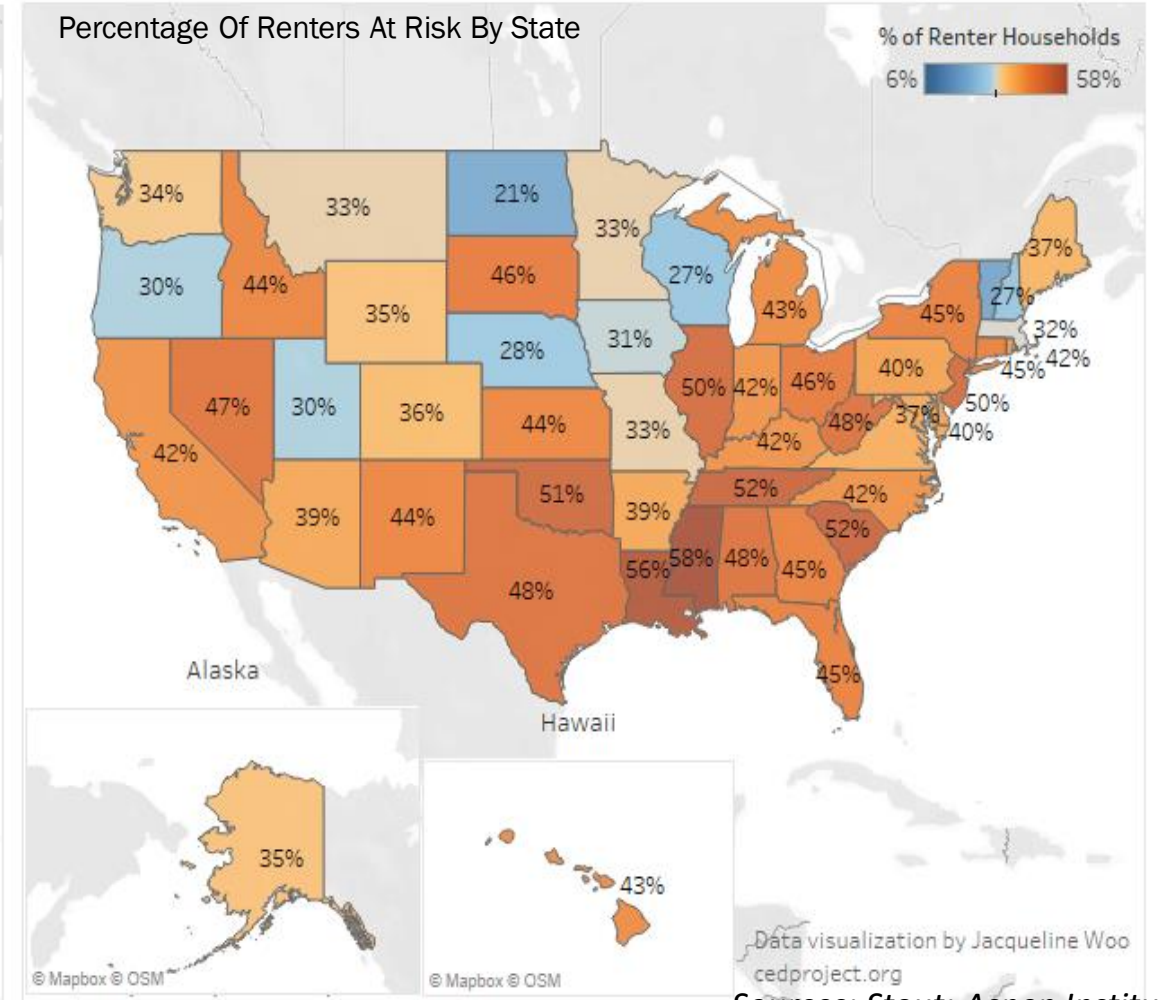
Sources: Terner Center at UC Berkeley; Federal Reserve, Washington University Health Communication Research Laboratory, Zego, U.S. Census Bureau

Estimated Households at Risk of Eviction

At least 29% of US Renters at Risk of Eviction...



...Up to 43% of US Renters at Risk of Eviction



Sources: Stout; Aspen Institute

Eviction Tracking in 17 Cities

In the 17 cities we track,
landlords have filed for

43,526

evictions

during the pandemic.



They filed for

3,030

evictions

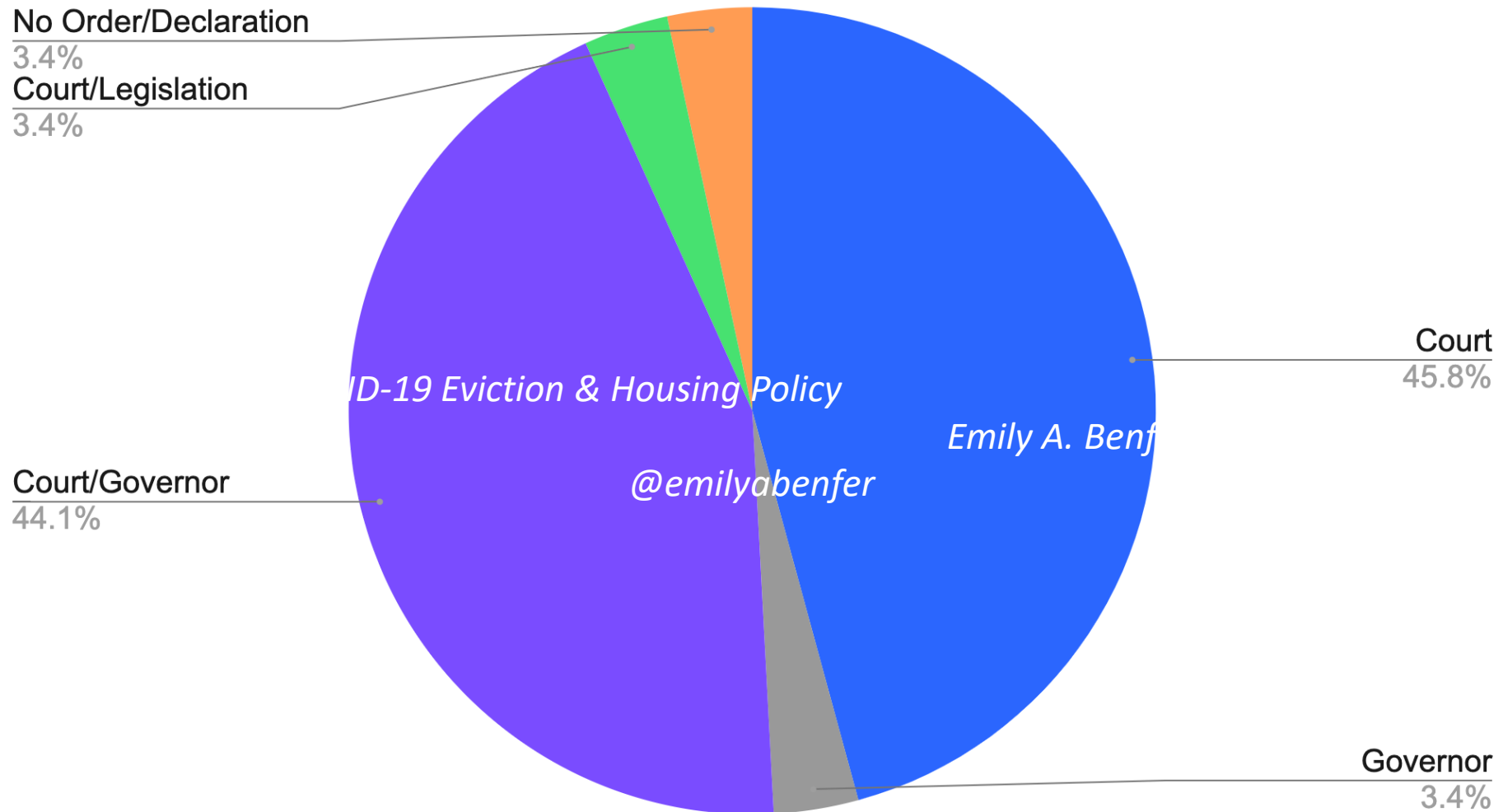
last week.

Data current as of August 29, 2020

The COVID-19 pandemic has deepened America's housing crisis. The nation's most severe public health emergency in a century may cause large spikes in eviction and homelessness. In response, we have created the Eviction Tracking System to monitor weekly updates on the number of eviction cases being filed across the United States. Scroll down to view full reports on the cities in which we are operating, and to learn more about the project.

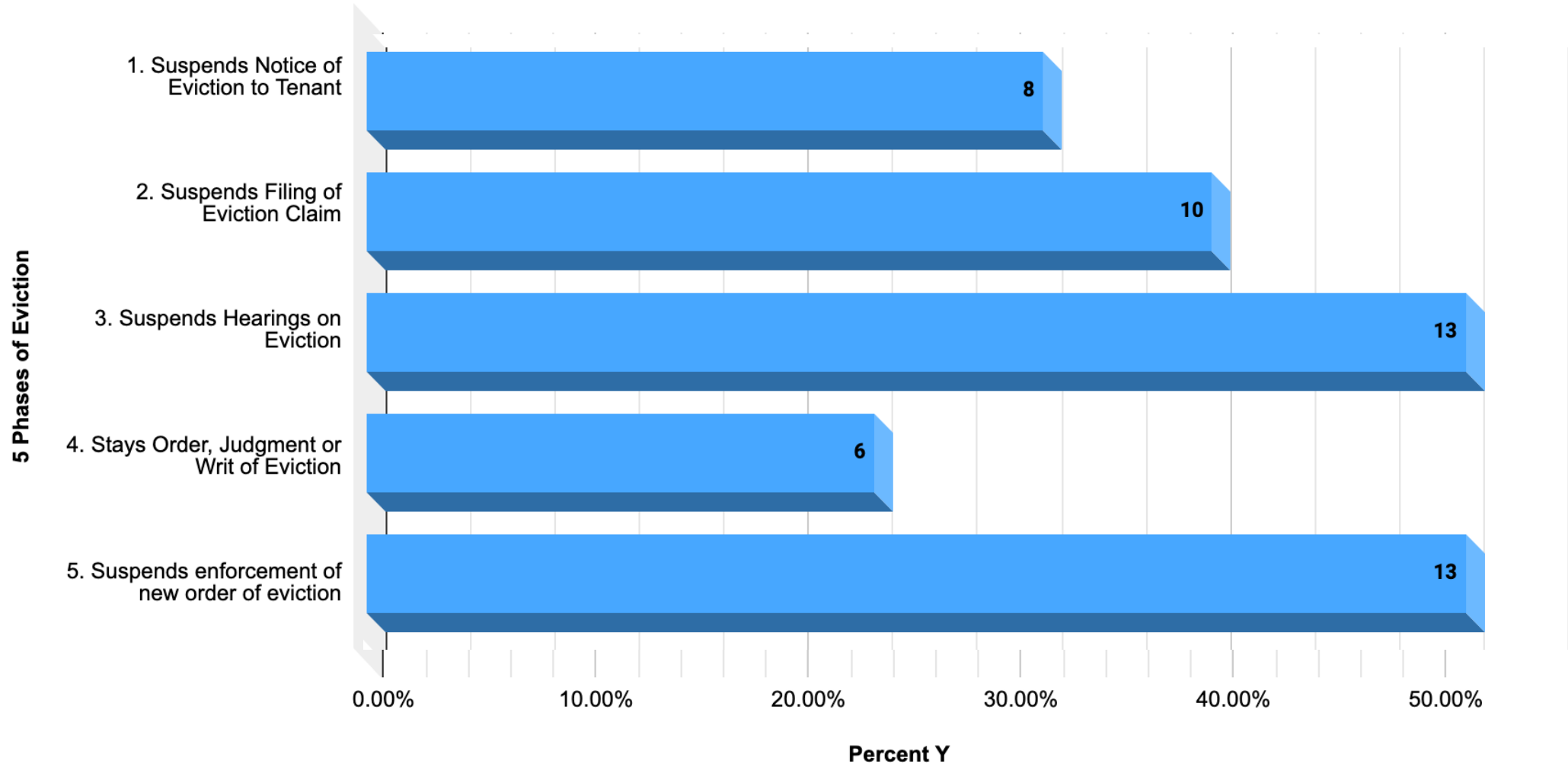
Source of COVID-19 Eviction Moratoria by Actor

Source: bit.ly/COVID19EvictionFreezeUS



Moratoria by Stages of Eviction

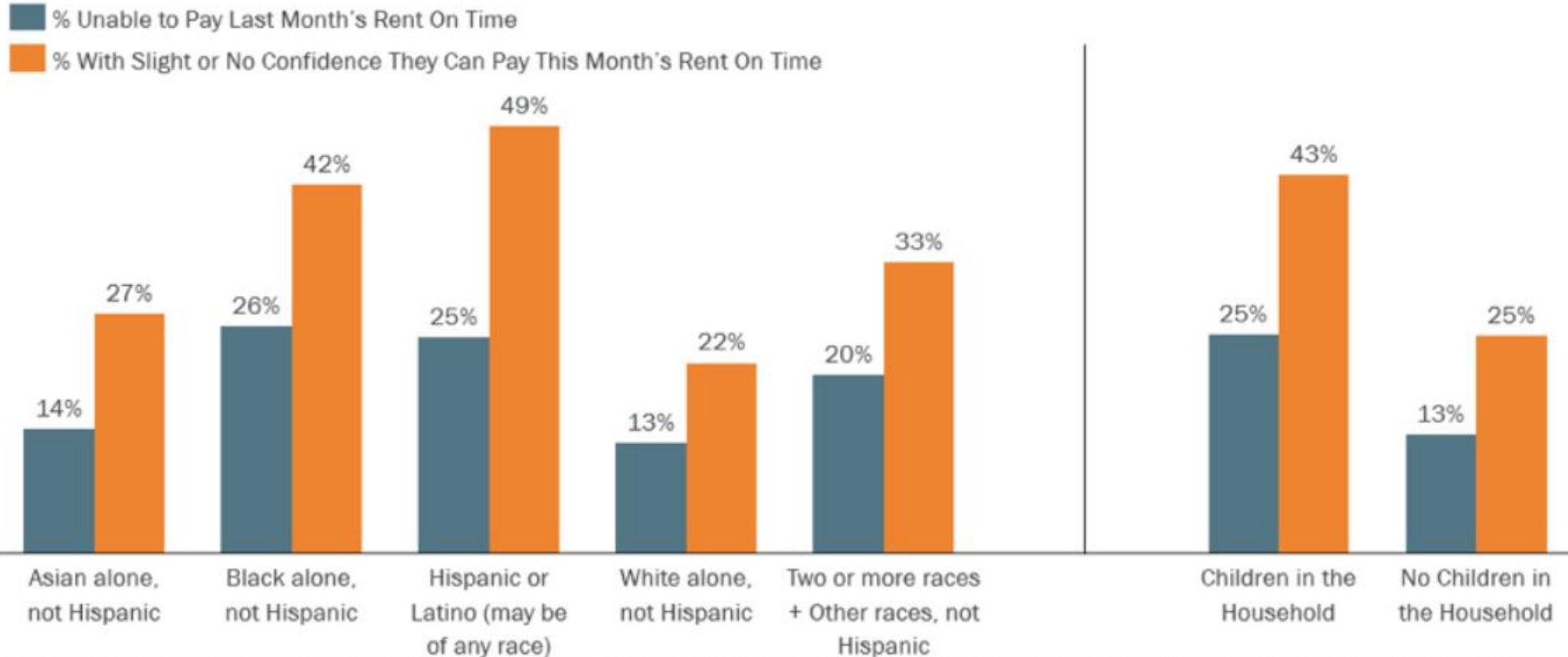
Source: bit.ly/COVID19EvictionFreezeUS



EVICTON RISK DISPROPORTIONATELY IMPACTS BLACK AND LATINX RENTERS, AND RENTERS WITH CHILDREN

Housing Insecurity, by Hispanic Origin and Race

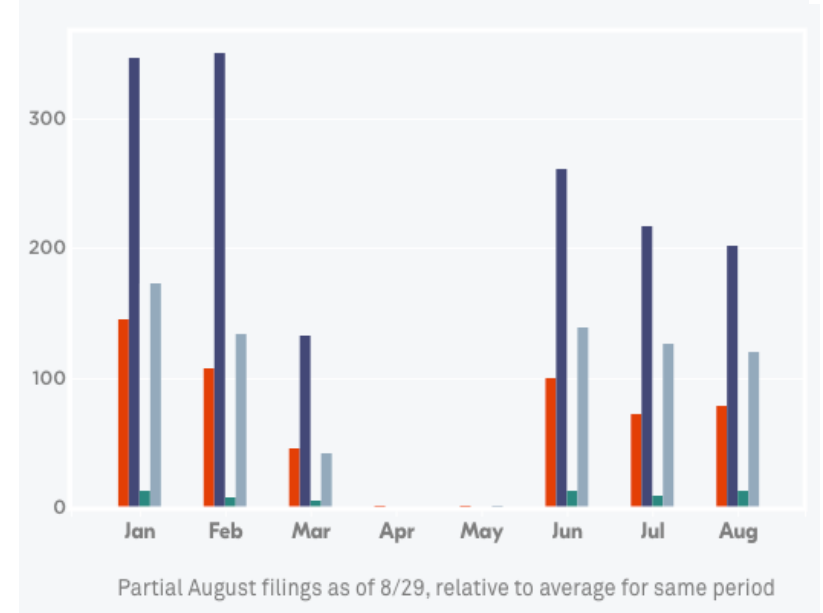
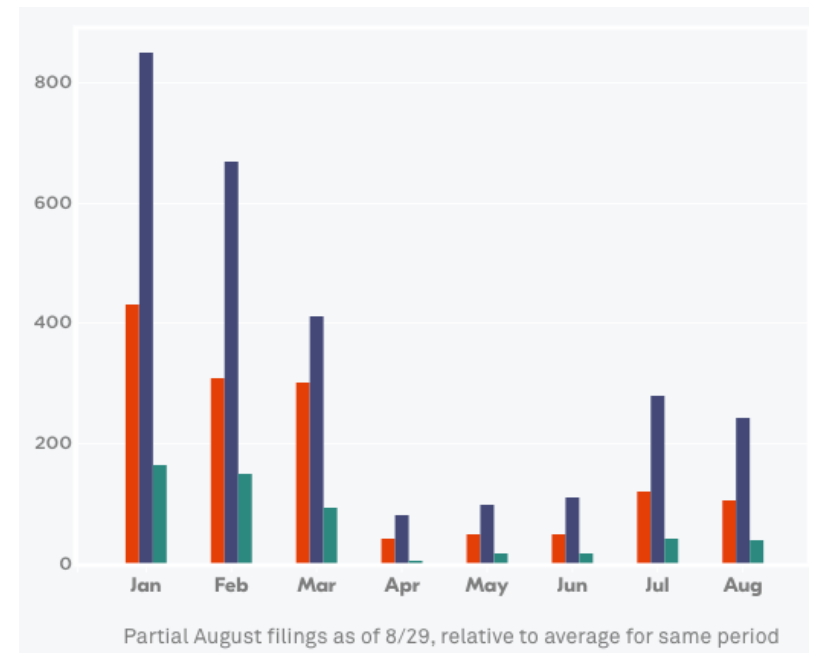
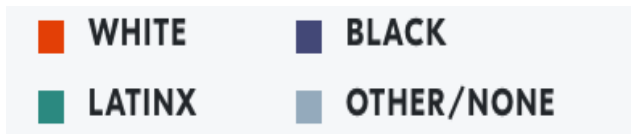
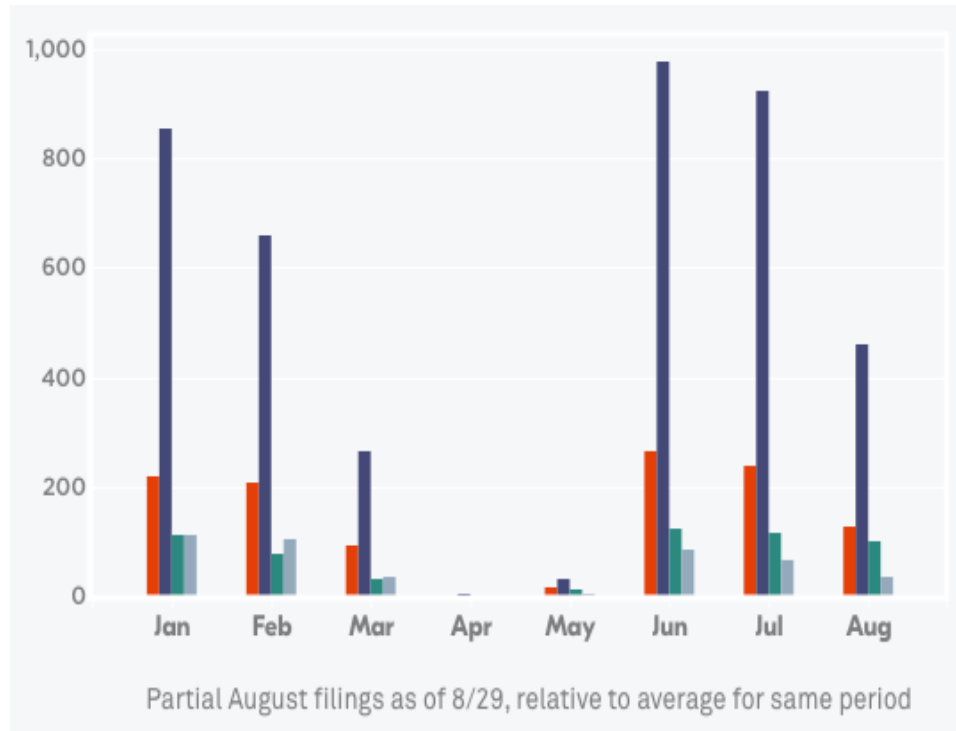
Housing Insecurity, by Family Type



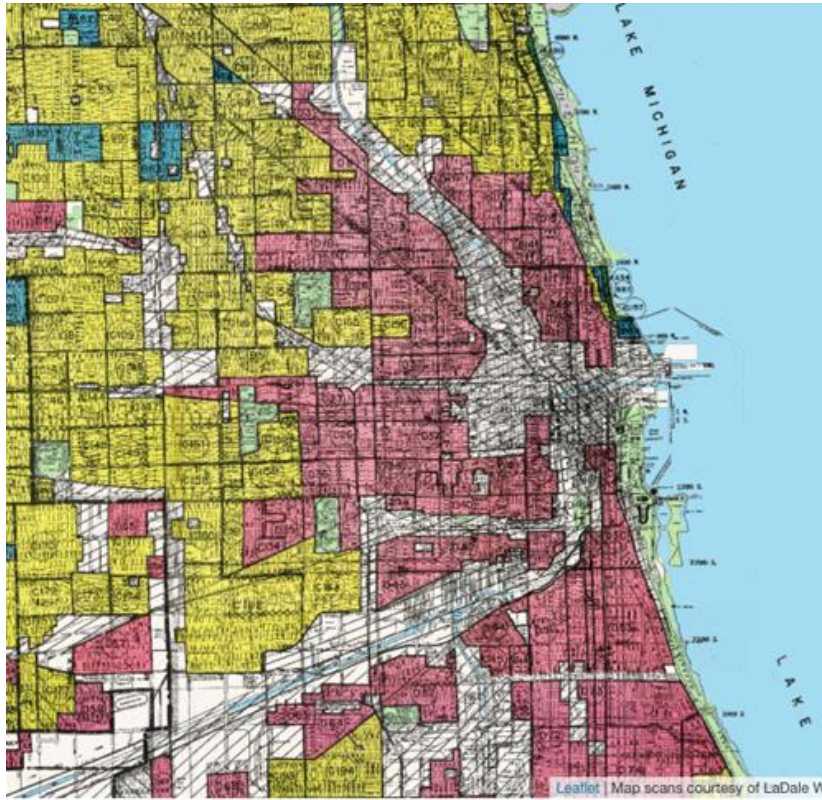
Source: Census Bureau Household Pulse Survey, Week 12 Tables 1b and 2b. The Census Bureau defines a household as housing insecure if they have slight or no confidence in their ability to pay next month's rent on time or did not pay this month's rent on time.

Housing Justice is Racial Justice

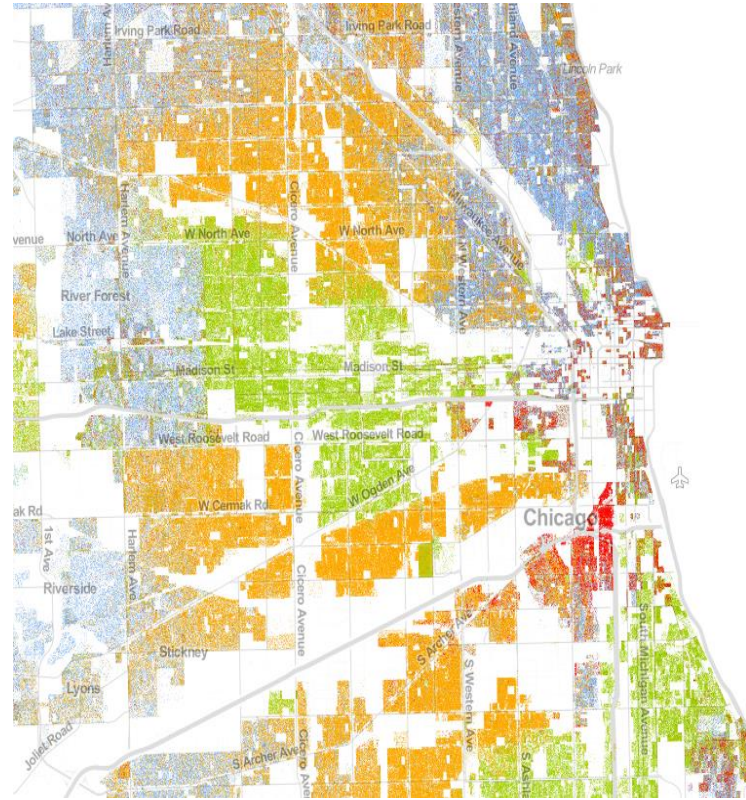
COVID-19 Eviction Filing Rate by Race



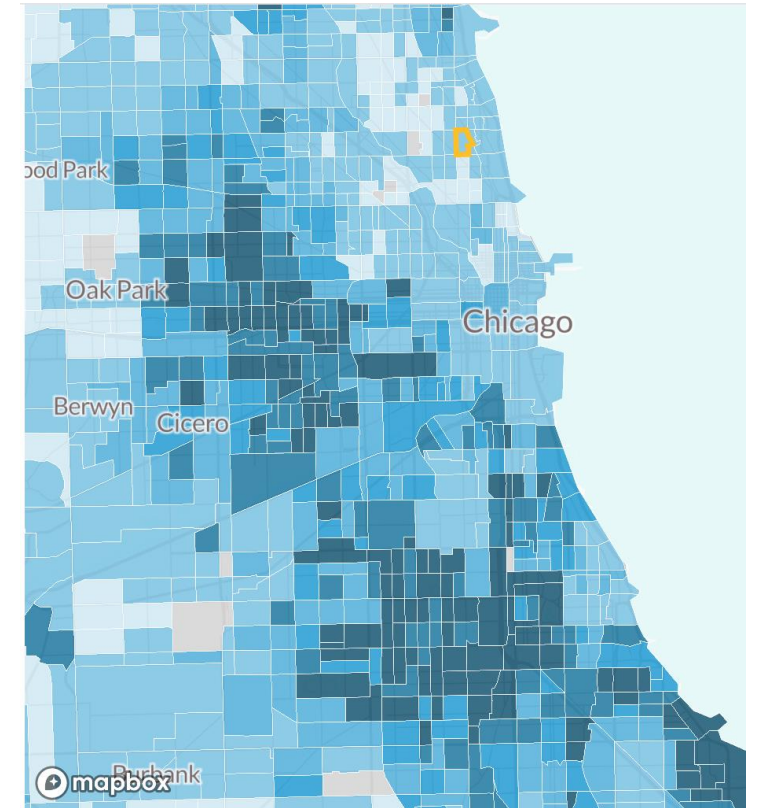
Racial Injustice & the Eviction Crisis



Home Owners' Loan Corporation
"Residential Security Map," Chicago, IL
(1935)



Racial Demographics, Chicago, IL
(2010),
University of Virginia
Green: African American
Orange: Latino
Blue: White
Red: Asian



COVID-19 Rental Assistance Need 2020
Urban Institute

Housing Justice is Healthcare

Consequences of Eviction

Financial and Well-Being

Failing credit scores

Downward move

Unemployment

Residential instability

Homelessness

Academic decline

Inability to access social services

Health Outcomes

Respiratory diseases,

Increased mortality,

Depression,

Suicidal ideation,

Early drug use, and

Increased teen pregnancy

Adverse childhood experience

Sources: Eviction Lab; Desmond & Gershenson (2016), Desmond & Kimbro (2015); Vasquez-Vera, et. al (2017)

NCCRC

National Coalition for a
Civil Right to Counsel



The Civil Right to Counsel Movement:
Before and After COVID-19

Importance of CRTA

- Basic human needs at stake
- Difference that full representation makes in outcomes
- Providing equity and faith in proceedings where other side is represented
- Financial benefits of providing counsel
- Absence of counsel has spillover effect on strained indigent defense system
- Disproportionate impact on communities of color

**Race and civil cases:
who historically has been
disproportionately affected
by lack of counsel?**

Baltimore

RIGHT TO COUNSEL HELPS DISMANTLE SEGREGATION AND DISPLACEMENT

Report by Dr. Timothy Thomas at evictions.study finds:

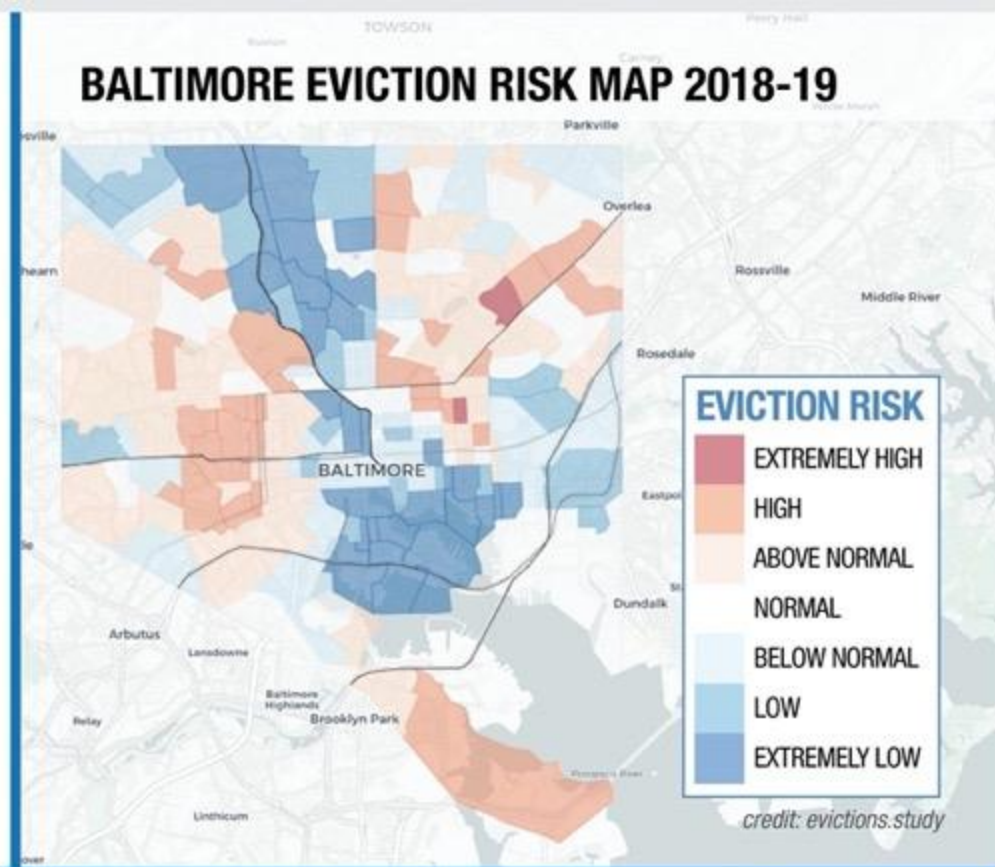
The number of evictions of Black Women is

**296%
MORE** OR **3.9x
HIGHER**

than the evictions of white men

Racial disparity makes eviction a **civil rights issue** linked to the legacy of segregation and housing practices directed against persons of color.

BALTIMORE EVICTION RISK MAP 2018-19



Source: Tim Thomas, *Baltimore Eviction Map*,
<https://evictions.study/maryland/report/baltimore.html>

**What was happening prior
to COVID-19 to move right
to counsel forward?**

THE WALL STREET JOURNAL.

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<https://www.wsj.com/articles/as-rents-rise-cities-strengthen-tenants-ability-to-fight-eviction-11577361601>

U.S.

As Rents Rise, Cities Strengthen Tenants' Ability to Fight Eviction

A half-dozen cities across the U.S. promise the right to an attorney, a costly response to increasing homelessness



Is Tenants' Right to Counsel On Its Way to Becoming Standard Practice?

JARED BREY DECEMBER 10, 2019



MOST POPULAR

A Tale of Two Community Reinvestment Act Proposals

Eviction RTC enactments

Year	Jurisdiction	Parameters
2017	NYC	200% or below of FPL, some admin proceedings (RTC 2.0: subsidy terminations)
2018	SF	No income limit; admin proceedings
2018	Newark	200% or below of FPL
2019	Cleveland	Families with children at 100% or below of FPL
2019	Philadelphia	200% or below of FPL; admin proceedings and subsidy terminations; appeals; affirmative code violations

Eviction RTC bills pending before COVID-19

Jurisdiction	Parameters
Boulder CO	No income limit; subsidy terminations and admin proceedings
Connecticut	Families making \$50k or less
Los Angeles	Eviction prevention services; ongoing case management; eviction defense for those at 200% or below of FPL. \$12 million allocated so far.
Massachusetts	200% or below of FPL, on public benefits, or unable to pay without losing “necessities of life”
Minnesota	Public housing tenants facing eviction for breach of lease
Santa Monica	Still in development

Other cities that were working on RTC before COVID-19

- Baltimore
- Charleston SC
- Chicago
- Cincinnati
- Columbus
- Detroit
- Fresno CA
- Kansas City
- Seattle
- Toledo

Eviction RTC federal bills

Member of Congress	Scope
Rep. DeLauro (D-CT)	\$125 million for eviction fund. Priority to jurisdictions with RTC. Also data collection
Rep. Ocasio-Cortez (D-NY)	\$6.5 billion for eviction fund going to states/cities providing RTC
Reps. Clyburn (D-SC) and Price (D-NC)	Fund for state-based eviction rep pilots, with preference to states/cities providing RTC
Sen. Merkeley (D-OR)	Eviction fund going to states/cities providing RTC

Presidential candidate platforms

Numerous candidates called for federal funding of state/city RTC in evictions:

- Warren
- Sanders
- Klobuchar
- Castro
- Booker
- O'Rourke

The rise of RTC organizing




NYC's eviction RTC success

- Overall, 84% of tenants who are represented by counsel are remaining in their homes.
- Since 2013:
 - Representation has risen from 1% to 38%;
 - Evictions have dropped 41%, including 15% drop in 2019 alone;
 - Eviction filings have dropped by 30%, including 20% drop in 2019 alone;
 - Default judgments have dropped 34%;
 - Requests by tenants to bring their cases back to the Housing Court calendar on an emergency basis in order to dispute a judgment, request additional time, or raise legal issues previously not addressed have dropped by 38%.

NYC's eviction RTC success

New York Law Journal

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Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say

San Francisco's eviction RTC success

- Filing rate decreased by 10% from 2018 to 2019;
- For 2/3 of tenants receiving full-scope representation, 67% are able to stay in their homes;
- Despite lack of an income limit, 85% of those receiving counsel are extremely low or low income, 9% are moderate income, and 6% are just above moderate income.

Massachusetts data on effectiveness of eviction rep

Comparison of Limited-Assistance Studies			
	MA District Court	MA Housing Court	CA County Court
Retaining Possession of Unit	66% of full rep group, compared to 33% of limited assistance group	33% of the full rep group, compared to 36% of the limited assistance group	55% of full rep group, compared to 18% of limited assistance group and 14% of no aid group
Amount of Rent Tenants Saved	Full rep group saved average of 9.4 months of rent, compared to 1.9 months for limited assistance group	Full rep group saved average of 1.8 months of rent, compared to 1.6 months for limited assistance group	In full rep group, LL paid T 55% of time, compared to 0% for limited assistance group and 2% for no aid group
Amount Tenants Ordered to Paid to LLs	Full rep group paid \$0 to LLs on average, compared to \$617 for limited assistance group	Full rep group paid \$903 to LLs on average, compared to \$486 for limited assistance group	Full rep group paid LLs 0% of time, compared to 71% for limited assistance group (where 51% paid more than max liability) and 61% of time for no aid group (where 55% paid more than max liability)
Where Possession Lost, Days to Move	Studied, but study authors could not come to a conclusion*	Full rep group given 113 days on average, compared to 82 days for limited assistance group	Full rep group given 97 days on average, compared to 54 days for limited assistance group and 47 days for no aid group

COVID-19:
where are we now?

Massive spike in certain civil areas, but little new funding

Los Angeles Times

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OPINION



Op-Ed: How the COVID-19 pandemic has created dire legal problems for the poor

The COVID-19 pandemic has made these grim predicaments much worse. With so many more people out of work, many more are confronting cascades of legal problems. Executive directors of legal services organizations around the country [have described](#) the deluge of desperate pleas for help — from victims of [domestic violence](#), which is spiking severely; from [tenants fighting landlords](#) despite emergency rules that prohibit evictions; and countless people trying desperately to [get healthcare](#) that they are entitled to.

Yet the [House's \\$3-trillion pandemic relief package](#) contains only \$50 million of [emergency aid for the Legal Services Corp.](#), the nonprofit organization created and funded by Congress to deliver federal money to agencies that provide free legal representation for low-income Americans.

Evictions: more complex, more illegal



CORONAVIRUS BRIEF

YOUR QUESTIONS ANSWERED

FINDING HOPE

ENTERTAIN YOURSELF



NEWSLETTER

U.S. • COVID-19

Renters Are Being Forced From Their Homes Despite Eviction Moratoriums Meant to Protect Them

Evictions: more complex, more illegal

VICE NEWS

Landlords Can't Evict Their Tenants, So They're Shutting Off Utilities and Threatening Them Instead

"I'm certain they're aware it's illegal, and I'm certain they don't care."



LAS VEGAS
REVIEW-JOURNAL

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Some landlords still locking out tenants amid Nevada eviction freeze

Evictions: more complex, more illegal

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CORONAVIRUS



Despite Federal Ban, Landlords Are Still Moving to Evict People During the Pandemic



ProPublica found landlords in at least four states have violated the ban, which was put in place by the CARES Act but has no clear enforcement mechanism.



Legal complexities during eviction moratoria that increase need for tenant representation

- Mess of federal, state, and local moratoria that constantly change and that are issued by gov's or courts or both
- CDC moratorium is complex: scope is unclear and declaration has a lot of ambiguity
- State moratoria are complex: some stop filings, some allow filings but not hearings, some allow hearings but not executions, etc.
- Some moratoria require proof of "COVID-19 connection" (will be true of some post-moratoria laws too)

After the eviction moratoria expire

The New York Times

The Coronavirus Outbreak >

LIVE

Latest Updates

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An 'Avalanche of Evictions' Could Be Bearing Down on America's Renters

The economic downturn is shaping up to be particularly devastating for renters, who are more likely to be lower-income and work hourly jobs cut during the pandemic.

**The system wasn't meeting the
demand before,
but now...**

| POLICY

Coronavirus could overwhelm legal help for America's poor

Already short on resources, civil legal aid groups now face unprecedented crunch

The cost of an attorney for civil matters is often out of reach even for those who are comfortably in the middle class, according to the National Center for Access to Justice at Fordham Law School. In New York, there are fewer than three civil legal aid lawyers for every 10,000 people who live under 200 percent of the federal poverty guidelines, the center's Justice Index data shows. That level is \$25,520 a year for one person and \$52,400 for a family of four in 2020.

But that's more attorneys than every other state and far above the national average. COVID-19 hot spots such as California, Texas, Florida, Colorado, Louisiana and Ohio have fewer than one legal aid lawyer for every 20,000 people in poverty.

Opinion

Coronavirus will overwhelm our civil legal-aid system

April 14, 2020 at 1:52 pm



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'Not Our Best Days': The Fiscal Crisis Coming For Legal Aid

By [Jack Karp](#)

Legal Aid Attorneys Fear Another Drop In IOLTA

Legal services organizations worry national IOLTA revenue is set to drop again since the Fed cut interest rates to stave off some of the economic impact of the coronavirus.

ACCESS
To JUSTICE
LAW360



Source: "IOLTA Handbook" American Bar Association Commission on Interest in Lawyers' Trust Accounts

The RTC movement risers to the crisis

Baltimore eviction RTC cost/benefit report: more critical than ever in light of lost city/state revenue



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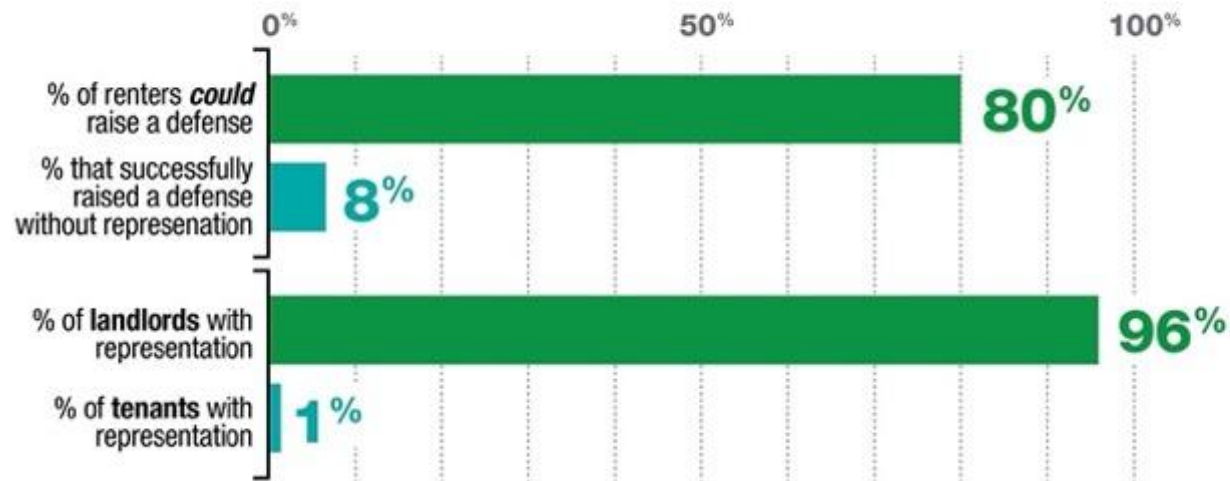
Providing lawyers to Baltimore tenants facing eviction could pay for itself | COMMENTARY

By BALTIMORE SUN EDITORIAL BOARD
BALTIMORE SUN | MAY 19, 2020 | 4:21 PM



Baltimore eviction RTC cost/benefit report

REPRESENTATION MATTERS



*Legal counsel holds landlords accountable to comply with new laws around COVID to **protect renters.***

RTC as part of the package of reforms

Our Homes, Our Health

[Take Action](#)[Eviction Moratorium](#)[Cancel Rent](#)[Contact Us](#)

(PolicyLink, Homes for All)

Protect Against Future Displacement

- ✓ **Include Rent Cancellation and a Rent Freeze.** Moratoriums must be paired with protections that prevent tenants from eventually being pushed out by unaffordable rents or obligations to pay back rent, during the pandemic and its economic fallout. Enact a rent freeze to ban rent increases; mandate full rent cancellation to exempt tenants from owing back rent; and ensure a right to lease renewal. Small and nonprofit landlords facing financial hardship as a result can be eligible for mortgage forgiveness.
- ✓ **Set an Open Duration and Payback Period.** Moratoriums should be in place both through the emergency period, for a minimum of 90 days, and through the recovery period. After the moratorium period, any tenants who owe back rent should not be evicted for late payment or failure to pay past due rent.
- ✓ **Provide Credit Score and Debt Forgiveness.** Suspend credit reporting. Include debt forgiveness for homeowners, and small or nonprofit landlords who can demonstrate financial hardship.
- ✓ **Expand Permanent Tenant Protections.** This includes right to counsel, just cause, and low-fault eviction protections alongside moratoriums. Expunge eviction records.

Highlighting the due process concerns for restarted court processes (which make case for RTC)

- Remote hearings: access issues (lack of right tech, no broadband), technical difficulties, access to interpreters, confusion about whether to show up in person vs. remotely, effective access for people with disabilities, difficulty sharing documents
- In-person hearings: health risks for immunocompromised litigants (esp. given high volume), courts defaulting people for appearing w/o masks
- Mediation: proposed as solution? Results w/o counsel (esp. that lasts beyond mediation?)
- Illegal evictions: non-compliance with CARES Act or state/local provisions that may still prevent evictions for certain situations (like COVID-19 loss)

Advocacy around using federal stimulus dollars for legal representation

- CDBG-CV
- Coronavirus Relief Fund
- Additional LSC funds

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“Eviction is a cause, not just a condition, of poverty.”

“The home is the wellspring of personhood. It is where our identity takes root and blossoms, where as children, we imagine, play, and question, and as adolescents, we retreat and try. As we grow older, we hope to settle into a place to raise a family or pursue work. When we try to understand ourselves, we often begin by considering the kind of home in which we were raised.”

“[I]t is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.”

MATTHEW DESMOND, POVERTY AND PROFIT IN THE AMERICAN CITY (2016)