

# **The Estimated Cost of an Eviction Right to Counsel Outside of New York City**

Prepared for: New York Right to Counsel Coalition

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## Section I-Stout Profile and Qualifications

1. Stout Risius Ross, LLC (Stout) is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout’s professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.
2. Under the direction of Neil Steinkamp, who leads Stout’s Transformative Change Consulting practice, Stout is a recognized leader in the civil legal services community and offers the following services:
  - Economic impact assessments and policy research for civil legal services initiatives
  - Strategy consulting and action plan development for issues relating to access to justice
  - Non-profit budget development, review, and recommendations
  - Cost-benefit and impact analyses for non-profit initiatives and activities
  - Data-driven program evaluation and implementation
  - Dispute consulting and damages analyses for low-income individuals.
3. Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments. Mr. Steinkamp also has premier experiencing with housing related issues, including eviction. He has authored numerous economic impact studies on providing low-income tenants with attorneys in eviction proceedings, one of which assisted in the passing of New York City’s historic right to counsel law. Mr. Steinkamp also currently serves as the court-appointed Independent Data Analyst in *Baez v. New York City Housing Authority* overseeing NYCHA’s compliance with the timely remediation of mold and leak work orders.
4. Neil has served as a consultant to the New York Permanent Commission on Access to Justice (the Permanent Commission) for the last 6 years. The Permanent Commission is chaired by Helaine Barnett and its membership is comprised of New York Legal services organizations, law firms, members of the judiciary and other stakeholders. In his consulting capacity, Neil has worked with the Permanent Commission to develop

strategies and recommendations to improve access to justice across the state. Most recently, Neil has worked with the Permanent Commission to launch an innovative survey of court users and to develop recommendations to address the digital divide that arises with the use of virtual or remote court proceedings.<sup>1</sup> Neil also provides remarks at Chief Judge Janet DiFiore’s annual hearing on the impact of civil legal services in New York. His remarks have often discussed the economic impact of civil legal services in New York, as well as other strategies and recommendations developed by the Permanent Commission.

5. In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimates of how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, The New York Times, The Washington Post, CNBC, Reuters, Forbes, Politico, and Bloomberg, and was referenced in the Centers for Disease Control and Prevention September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an [Eviction Right to Counsel Resource Center](#) which includes Stout’s eviction cost-benefit analyses as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation. In September 2020, Stout published a report for the National Council of State Housing Agencies (NCSHA) estimating of current and expected rental shortfall and potential evictions in the United States at that time.
6. Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, and strategic action planning. Neil is currently serving as the evaluator of Cleveland’s Right to Counsel, Milwaukee’s Right to Counsel, and Connecticut’s Right to Counsel. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations or government agencies in New York City, Philadelphia, Los Angeles, Baltimore, Delaware, and Detroit. Following the release of Stout’s reports in New York City, Philadelphia, and Baltimore, eviction right to counsel legislation was enacted. Stout has also prepared return on investment and other analyses for Los Angeles, Newark, Pennsylvania, and New York (outside New York City). In these engagements, Stout worked closely with funders/potential funders, legal services organizations, landlords, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, and impacted residents.

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<sup>1</sup> <https://ww2.nycourts.gov/accesstojusticecommission/annual.shtml>

## Section II-Executive Summary



**\$144-\$200 million** – The estimated cost of providing an eviction right to counsel in New York (outside New York City) at full implementation, after a multi-year phase-in process.

**46,600** – The estimated number of additional tenant households who would receive legal representation each year at full implementation, after a multi-year phase-in process.

**Net Positive Fiscal Impact Expected** – Based on available research and analyses from NYC and other jurisdictions it is reasonable to expect that the cost of an eviction right to counsel ONYC would be more than offset by cost savings and economic impacts New York would recognize from the housing stability the eviction right to counsel would achieve for New Yorkers.

7. Stout was engaged by the New York Right to Counsel Coalition to perform an analysis of the cost associated with an eviction right to counsel for tenants in eviction proceedings in New York (outside New York City – hereinafter referred to as ONYC). The costs of fully and sustainably funding New York City’s eviction right to counsel should be added to Stout’s estimates herein to estimate the cost of eviction right to counsel statewide (both New York City and ONYC).
8. [The Cost of an Eviction Right to Counsel](#). We estimate the cost of a fully implemented right to counsel ONYC to be approximately \$144 million to \$200 million annually, after a multi-year phase-in process. This includes personnel costs for the hiring of staff attorneys (for eviction defense as well as affirmative litigation), supervisors, paralegals, case managers

or social workers,<sup>2</sup> intake specialists, case processing paralegals, program administration and outreach personnel. This estimate also includes costs for facilities, technology, equipment, training, outreach and other costs necessary to provide representation under an eviction right to counsel. Our analysis estimates that, at full implementation, after a multi-year phase-in process, providers of eviction defense ONYC would represent over 46,600 additional tenant households annually through an eviction right to counsel, resulting in a cost per case of approximately \$3,095 to \$4,289 for those cases for which representation is provided.

9. **Eviction Disproportionately Impacts Black and Brown Households.** Research from across the country has demonstrated how racist housing policies and practices have contributed to and continue to exacerbate inequities in health, education, employment, wealth, and housing. Housing inequities, in particular, have been studied at length in a variety of jurisdictions. Home ownership rates among Black and brown households are consistently lower than white homeownership rates, and eviction rates among Black and brown renter households are consistently higher than eviction rates of white renter households. In many jurisdictions, Black female-headed renter households disproportionately experience eviction filings and eviction compared not only to brown and white households but also Black male-headed renter households. Section IV of this report further details the disproportionate impact eviction has on Black and brown households, including in New York.
10. **Benefits of an Eviction Right to Counsel.** The benefits associated with providing right to counsel for tenants facing eviction would likely be significant and far greater than the costs of providing representation. Section IV of this report documents the extensive research supporting the many fiscal benefits associated with providing legal representation for tenants facing eviction by reducing the stress and trauma associated with being sued for eviction, enforcing tenants' rights, remedying defective conditions, reducing the impact of housing displacement, and many other impacts reducing the need for a social services response to people facing crisis and reducing the personal economic impact to tenants. However, at this time, Stout has not measured the specific economic benefits that could be reasonably expected from a right to counsel for eviction cases ONYC.

Stout has estimated the economic benefits that could be reasonably expected in several other jurisdictions across the United States. Stout has consistently found that the economic benefits that could be reasonably expected from an eviction right to counsel are

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<sup>2</sup> This could include a variety of necessary support positions for lawyers and tenants, including social workers, housing navigators, or others who can assist residents with their housing or other needs.

far greater than the costs of providing representation. In the jurisdictions Stout has analyzed, most were estimated to potentially realize cost savings of between \$3 and \$6 per dollar invested in a right to counsel. State and local government can recognize significant cost savings associated with the housing stability and avoided disruptive displacement enabled by successful legal representation. For example, Stout estimated that in Baltimore the city may realize cost savings of \$3.06 and the state of Maryland could recognize cost savings of \$6.24 (Baltimore City plus Maryland), from the same investment in legal representation for low-income tenants facing eviction.

In particular, significant cost savings are typically related to emergency shelter costs, transitional housing and re-housing costs, emergency healthcare and other costs associated with homelessness, foster care costs, and impacts to the education system. The cost savings realized will vary by jurisdiction due to the significant differences in funding sources (e.g., state vs. local), the social safety net responses available to people experiencing housing instability, and the cost of providing representation, which can vary even within a state. For this reason, as ascertain specific cost savings quantifications must be customized for each jurisdiction.

11. Additional benefits of having representation during eviction proceedings have been well documented (quantitatively and qualitatively) by numerous studies throughout the country. While the benefits are vast, they include, at a minimum:

Impacts of an Eviction Right to Counsel Creating Benefits to Tenants as well as State and Local Government

- Decreased impact on physical and mental health of people in eviction proceedings and a reduction in excess mortality;
- Decreased negative impact on children, including their health, education, and potential future earnings;
- Increased family and community stability that can arise from avoiding disruptive displacement;
- Increased trust in the justice system and civic engagement;
- Decreased education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness;
- Decreased cost of providing public benefits when jobs are lost due to eviction or the eviction process;
- Decreased additional costs associated with homelessness;
- A reduction, over time, of the number of eviction cases filed resulting in improved use of court resources; and

- The positive effects of stabilized employment and the economic and tax benefits to the state associated with consumer spending.

#### Additional Benefits to Tenants

- Decreased impact associated with unmeritorious eviction cases brought against tenants;
- More favorable outcomes for tenants, including decreased displacement;
- Decreased negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher;
- Decreased negative impact on tenants' economic and mental health due to employment disruption and loss of income, childcare costs, transportation costs and other costs arising when tenants are sued for eviction; and
- Improved preservation of financial and personal assets.

12. **Benefits of an Eviction Right to Counsel to Courts.** When tenants are represented, landlords are less likely to bring unmeritorious claims. Since New York City's increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 40 percent decrease in residential evictions.<sup>3</sup> From 2018 to 2019 alone, residential evictions in New York City decreased 15 percent.<sup>4</sup> Over the four-year period of 2014 to 2017, an estimated 70,000 New York City tenants have retained possession of their homes.<sup>5</sup> Early indicators from New York City's implementation of Eviction Right to Counsel show that fewer orders to show cause to stay evictions and for post-eviction relief are being filed, indicating that better outcomes are being achieved under Right to Counsel. Judge Jean Schneider, the citywide supervising judge of the New York City Housing Court, has stated that there have not been any major problems with backlog or efficiency issues in the first year.<sup>6</sup> In fact, she testified in 2018 at a hearing on New York State civil legal services that as a result of Right to Counsel implementation "our court is improving by leaps and bounds."<sup>7</sup> At the same hearing, Judge Anthony Cannataro, the administrative judge of the civil courts in New York City, explained that judges have spent less time explaining housing rights and court processes to represented tenants who, without Right

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<sup>3</sup> "Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide." Office of the Mayor. February 24, 2020

<sup>4</sup> Ibid.

<sup>5</sup> "NYC Office of Civil Justice Annual Report and Strategic Plan." New York City Office of Civil Justice. 2017.

<sup>6</sup> Clark, Dan M. "Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say." New York Law Journal. September 24, 2018.

<sup>7</sup> Ibid.

to Counsel, will likely have previously been unrepresented.<sup>8</sup> Lastly, as to efficiency, there is an increased likelihood that cases can be resolved out of court. While there were initial concerns that increased representation would slow court procedures, early observations from the implementation and expansion of Right to Counsel in New York City have indicated that significant benefits are being observed by the judiciary through improved motion practice, judicial experience, pre-trial resolution, and rulings providing increased clarity for landlord and tenant advocates.

13. **Efforts to Pass Eviction Right to Counsel Legislation.** For tenants facing eviction in cities across the country, having legal representation is often the difference between retaining housing and homelessness.<sup>9</sup> There are civil legal services providers and pro bono attorneys who often assist low-income tenants in eviction cases, but they are limited and constrained by a lack of resources and funding which results in only a small fraction of tenants obtaining representation; this constraint often does not exist for landlords.
14. With needs as important as housing, employment, family stability, education, and health at stake, many legal and community-based advocates seek a civil right to legal counsel, including in housing court.<sup>10</sup> They advocate that a right to counsel, like the right that exists in criminal proceedings in the U.S., would ensure due process of law and fairness in an area of vital interest to tenants, their families, and society.<sup>11</sup> Both international and national organizations as well as state and local governments have made commitments to ensuring equal access to the law and legal services when necessary.
15. Jurisdictions throughout the country have taken steps to provide the right to counsel or access to legal information to tenants facing eviction.
  - States that have passed legislation creating an eviction right to counsel include:
    - Washington
    - Connecticut
    - Maryland
  - Cities that have passed legislation creating an eviction right to counsel include:
    - New York City

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<sup>8</sup> Ibid.

<sup>9</sup> Brey, Jared. "How Cities Are Trying to Level the Playing Field for Tenants Facing Eviction." Spotlight on Poverty and Opportunity. October 18, 2017.

<sup>10</sup> Frankel, Martin, et al. "The impact of legal counsel on outcomes for poor tenants in New York City's housing court: results of a randomized experiment." Law and Society Review. 2001.

<sup>11</sup> Ibid.

- San Francisco
  - Newark
  - Philadelphia
  - Cleveland
  - Baltimore
  - Boulder
  - Denver
  - Toledo
  - Minneapolis
  - Louisville
  - Seattle
  - Kansas City
- Lawmakers in numerous additional states and cities are considering eviction right to counsel legislation including, but not limited to:
    - New York
    - New Jersey
    - Delaware
    - Massachusetts
    - South Carolina
    - Nebraska
    - Indiana
    - Minnesota
    - Hawaii
    - Milwaukee
    - Denver
16. Additional information about the advocacy and timelines associated with the eviction right to counsel in these jurisdictions can be found in Appendix A.
17. The impact of the COVID-19 pandemic also highlights the importance of right to counsel in eviction cases. As a result of the pandemic, tenants have and will become more economically and financially disadvantaged, more likely to miss one or more rent payments, and more likely to experience increasing pressure from landlords, who may also be experiencing economic and financial pressures of their own. In these circumstances, it is critically important for tenants to remain in their homes or be connected to services that can assist with finding alternative safe, stable housing – both of which can be achieved by representation through a right to counsel. In the face of impending financial challenges for

municipalities affected by the economic consequences of the pandemic, an investment in eviction right to counsel is fiscally prudent and will result in significant cost savings relative to the extraordinary costs that would be incurred to support New York residents left to endure the trauma of the eviction process without the assistance of a lawyer. Further, attorneys will be able to provide tenants with assistance in navigating complex rental assistance applications and systems.

## Section III-Estimated Cost of Eviction Right to Counsel ONYC



18. Using data from the Unified Court System of New York, the experience and expertise of eviction representation providers and tenant advocates and organizers ONYC, feedback from the experience of eviction representation providers in New York City, publicly available research, studies, and data, Stout estimated the cost of providing eviction right to counsel ONYC.
19. It is important to note that the estimates herein are based on information and feedback from many organizations across New York. As such, the expected and actual personnel costs, staffing models, overhead expenses, and other costs will likely vary for each individual organization.
20. To estimate the cost of providing an eviction right counsel to tenants in New York, a variety of factors must be considered – the annual number of residential filings, the rate of tenant eviction due to default (i.e., not appearing at the scheduled court date), the rate at which tenants accept the offer of free legal representation, the number of hours required to effectively represent a tenant, and the cost of an attorney (e.g., salary, benefits, office supplies, technology, and other overhead) and supporting staff. Stout collaborated with providers of eviction representation in New York and other stakeholders to develop a deeper understanding of the possible costs of an eviction right to counsel and to incorporate their expertise and experience in the calculations.
21. **Eviction Filings.** Based on data from the Unified Court System of New York, Stout estimates that there were approximately 82,781 eviction case filings ONYC in 2019. For purposes of this analysis, Stout used the 2019 eviction filing estimate as a reasonable baseline from which to measure the costs of an eviction right to counsel ONYC. The significant impact and disruption to court operations caused by the COVID-19 pandemic, including court closures, the local, state and federal eviction moratoriums and unprecedented rental assistance funding, has created a significant amount to uncertainty regarding the number of eviction filings that could be expected during the remainder of 2022 and make the eviction filings of 2020 and 2021 unreliable as indicators of potential eviction filings in future years. Stout expects that in coming years the effects of the disruption from and response to the COVID-19 pandemic will dissipate significantly. For this reason, Stout believes that using the 2019 eviction filings as a baseline for its estimation is reasonable and appropriate.
22. If an eviction right to counsel were fully implemented ONYC, using a multi-year phase-in process, the annual number of filings would reasonably be expected to decrease, as has been observed in New York City and San Francisco – two jurisdictions that have

implemented a right to counsel for tenants facing eviction.<sup>12</sup> Since New York City's increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 40% decrease in residential evictions. Evictions have declined by more than 30% in zip codes with a right to counsel since implementation of the right to counsel in New York City.<sup>13</sup> In San Francisco, there was a 10% decrease in total eviction filings from 2018 to 2019.

23. Stout estimated that ONYC could experience an annual decrease in filings of approximately 5% per year. Accounting for this annual expected decrease in filings, Stout estimated that at full implementation a reasonable expectation would be that approximately 67,426 eviction cases would be filed ONYC.
24. **Eligibility.** Stout's analysis of the cost of an eviction right to counsel ONYC does not consider income or demographic eligibility criteria. That is, it estimates the cost for an eviction right to counsel that would be eligible to any tenant facing eviction ONYC.
25. **Tenant Appearances.** In recent years, approximately 42% of tenants with eviction filings against them ONYC do not appear for their court hearing and lose their cases for not appearing. In 2019, there were a total of 27,145 eviction non-commercial cases for courts ONYC in the Disposed status. Of those, 10,254 (37.8%) had a Judgment Type of Default, Failure to Answer, Failure to Appear or Inquest. Each of those Judgment Types indicate that the case was closed for reasons related to the tenant's failure to appear for an eviction hearing. It is important to note that this can happen for many reasons – including, but not limited to, improper service of the eviction notice, unmet language needs of the tenant, and other reasons that may cause the tenant to move upon receipt of the court papers. As such, an eviction right to counsel can also assist in resolving these issues and ensure the merits of eviction cases can be heard and the cases can be effectively resolved based on those merits.
26. Expanding the time horizon to 2017-2019 changes this proportion to 37%. From 2015-2019 the proportion was also 37%. Stout applied the 37% percent rate as reflecting the percentage of cases where tenants would not be expected to appear.
27. With funding dedicated to community outreach and public awareness campaigns to ensure that tenants know about and can use their right to counsel, default rates can be reduced. Stout included in its ONYC eviction right to counsel cost estimate a line-item expense for community outreach (and related personnel costs). Stout incorporated an expected annual

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<sup>12</sup> "Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law." February 24, 2020. & "New York City Residential Eviction Filings Decline." NYU Furman Center. November 18, 2019.

<sup>13</sup> Universal Access to Legal Services: A Report on Year Two of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

3 percentage point decline in the rate of missed court dates as a result of this investment in outreach and community organizing. As discussed above, New York City has experienced a 34% decline in its default rate since increased funding for eviction representation<sup>14</sup>. At full implementation, Stout estimates the no appearance rate in ONYC could decline to 25%. There are many factors that can impact changes to the default or no appearance rate. It is reasonable to expect that the many and significant differences in court processes, court locations, access to technology, rural locations and other factors would result in the ONYC change to the default rate to be different than that experienced by New York City. In addition, New York City is a single, very unique housing market with an implemented eviction right to counsel. As such, Stout has estimated that a reasonable expectation for a decline in the default rate ONYC is approximately 32% over 5 years (declining from 37% to 25%).

28. **Independent Resolution Without Legal Representation.** We estimate that approximately 5% of tenants will resolve the eviction case with the landlord independently and without legal representation. These cases may involve simple non-payment of rent issues, without other substantive defenses, that are cured by the tenant or for which payment and relocation plans are independently negotiated out-of-court between the landlord and tenant. As such resolutions are reached out of court and may be difficult to identify in court docket records, we have relied on the experience and expertise of legal services providers ONYC to guide this input. It is also important to note that in an eviction right to counsel, attorneys can also provide brief advice and information for the tenants, attorneys can draft out-of-court settlements, review agreements or settlement offers and ensure the tenant is fairly resolving the case with the landlord.
29. **Accepting Representation.** We estimate that approximately 97% percent of tenants who appear would accept free legal representation at full implementation. Tenants may have reasons for declining the availability of legal representation. They may not think there is a benefit to having legal representation, they may not trust the legal profession, or they may simply feel they can represent themselves. With dedicated funding to community organizing and outreach, we expect the percentage of tenants that accept free legal counsel to be closer to 100%.<sup>15</sup>
30. Therefore, Stout's cost calculation for an eviction right to counsel includes only cases where the tenant appears in court and accepts free legal representation – approximately 46,600 cases annually (in addition to those served currently) at full implementation.

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<sup>14</sup> Ibid.

<sup>15</sup> The expected representation acceptance rate was developed based on the experience and expertise of ONYC eviction defense providers and housing advocates as well as discussions Stout has had with housing advocates in other jurisdictions.

31. **Incremental Cost of an Eviction Right to Counsel.** Stout estimates that providing legal representation to these additional 46,600 tenant households (beyond those served by current funding ONYC) would cost approximately \$144 million and \$200 million annually, after a multi-year phase-in process.
32. **Hours Required Per Case.** To estimate the number of staff lawyers (and other staff) required to represent 46,600 tenant households annually, Stout estimated the number of hours required to provide effective representation and the number of hours available from staff attorneys annually to provide representation. Based on discussions with legal representation providers ONYC, and Stout’s work analyzing eviction data from around the country, Stout estimated that a trained, supervised legal services staff attorney could be expected to provide 1,100 to 1,280 hours annually toward client representation in eviction cases if the eviction right to counsel were implemented. This number of hours is derived from a reasonable work week for legal services staff attorneys, with reductions applied for holidays, sick days, vacation days, internal meetings, and administrative tasks. It is important to note that while staff attorneys may be able to work more hours each year, doing so will increase the risk and costs associated with staff turnover and training. Stout expects that 1,100 to 1,280 hours of client service hours annually provides a reasonable staff utilization while not creating undue stresses and burdens on staff attorneys already absorbing the trauma of the eviction process and unsafe housing conditions through their client representation.
33. Based on discussions with eviction legal representation providers ONYC, and Stout’s work analyzing eviction data from around the country, Stout estimated that, on average, a legal services staff attorney could provide effective eviction representation in between 17 and 20 hours per case, on average. The wide variety of case and client circumstances can create significant variation in this estimate for any individual case. In addition, the number of hours per case may vary significantly from other jurisdictions depending on various factors such as, but not limited to, local laws and court processes.
34. In developing this estimate, Stout reviewed data from numerous legal services providers ONYC for 2019 and 2020. A reasonable expectation of the time required to provide effective representation in eviction cases should be informed by the prior experience of legal services organizations (including pre-pandemic), the ways in which the distribution of cases and client circumstances may differ in an eviction right to counsel (as compared to a resource-limited legal services intake process), and the time required to assist clients with virtual hearings / technology, and rental assistance applications (when available). Stout considered all of these factors when reviewing the data from legal services providers and in our discussions with those organizations.

35. Based on these inputs, Stout estimates that each trained, supervised staff attorney could be reasonably expected to provide representation in between 55 and 75 cases. Stout then applied this number of cases per year to the number of cases for which representation is expected to estimate the number of staff attorneys that would be required during each year of implementation. As detailed below, Stout then applied staffing ratios and annual staff salary and benefits estimates to determine the personnel costs associated with the eviction right to counsel ONYC.
36. **Staffing Costs.** Of the estimated \$144 million and \$200 million annual cost to fully implement eviction right to counsel ONYC, after a multi-year phase-in process, approximately \$131 million to \$182 million would be for direct personnel costs to hire approximately:
- 619 to 840 staff attorneys
  - 20 affirmative litigation attorneys
  - 88 to 168 supervising attorneys
  - 206 to 280 paralegals
  - 26 to 35 paralegal supervisors
  - 77 to 105 case managers or social workers<sup>16</sup>
  - 10 to 13 case manager supervisors
  - 36 to 49 intake specialists
  - 112 to 155 program administration staff (accounting, HR, IT, etc.)
  - 45 outreach staff
  - 15 outreach staff supervisors
37. The annual salary and benefits of this staff is based discussions with eviction legal representation providers ONYC and includes an annual cost of living adjustment of 4 percent. The staffing ratios used in these calculations are also based on feedback from eviction legal representation providers ONYC, as well as Stout’s experience analyzing eviction data across the U.S. These ratios may vary from the current experience of eviction legal representation providers ONYC. An eviction right to counsel provides the

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<sup>16</sup> This could include a variety of necessary support positions for lawyers and tenants, including social workers, housing navigators, or others who can assist residents with their housing or other needs.

opportunity for eviction legal representation providers to more consistently have dedicated staff working exclusively on eviction representation. This can provide efficiencies over time, opportunities to identify specialties for certain complex circumstances, the development of tools to address common challenges or inefficiencies and other opportunities to maximize impact through effective and efficient staffing.

38. However, it is also important to appreciate the challenges of administering an eviction right to counsel program. The nature of the work is stressful, draining and often traumatic for staff. In addition, traditional salaries paid for legal services staff attorneys are below market rates offered by many private law firms. Further, the market for new and experienced staff and supervising attorneys may require that salaries and related personnel costs be re-evaluated over time to ensure adequate and stable staffing of the eviction right to counsel. Further, the occurrence of staff departures can cause case loads to be re-assigned to other staff. This can require that additional staff are hired in order to accommodate potential disruption from unexpected departures or absences.
39. The staffing ratios used in Stout's calculations are:
  - 5 to 7 staff attorneys for every 1 supervising attorney
  - 3 staff attorneys for every 1 paralegal
  - 8 paralegals for every 1 paralegal supervisor
  - 8 staff attorneys for every 1 case manager / social worker
  - 8 case managers / social workers for every 1 case manager / social worker supervisor
  - 17 staff attorneys for every 1 intake specialist (944 to 1,280 annual intakes per person)
  - 1 outreach staff supervisor for every 3 outreach staff
40. The remaining estimated costs would be for non-personnel costs necessary for service delivery including, but not limited to, facilities costs, utilities, technology and equipment, training, community organizing and communications, and program evaluation. At full implementation, the total of these costs are expected to be approximately 10% of the total personnel costs and 9% of the total program costs.
  - **Costs Associated with Physical Space:** Even recognizing the potential to leverage remote work capabilities, the number of staff people that any of the eviction legal representation providers would need to hire will necessarily require additional physical space. Stout estimates that each additional staff attorney or supervising attorney would require 150 square feet of additional office space (on average) and that each paralegal, case manager or intake specialist would require (on average) 90 square feet of additional office space. Based on feedback from the eviction legal representation providers ONYC, we estimated an average cost per square feet of

- \$18 (including utilities). Stout recognizes that this cost may vary significantly across that state but expects that \$18 per square foot is a reasonable average to incorporate in this estimate. At full implementation, Stout's estimates indicate that a total of approximately 137,000 to 192,000 square feet of office space may be necessary for eviction legal representation providers across the state.
- **Costs Associated with Community Outreach and Organizing:** Sustained community outreach and tenant organizing will be necessary for the successful implementation of an eviction right to counsel ONYC. These activities can assist in raising community awareness of the eviction right to counsel, providing information about the steps tenants need to take, and demonstrating the impact legal representation can have for tenants facing eviction. Sustained outreach will need to be conducted at both a statewide and local level. Local outreach will be necessary to effectively communicate with at-risk tenants who may not trust statewide government-led outreach, experience barriers to communication, or do not have access to communication channels used for statewide outreach. Stout has included costs associated with staffing for local outreach ONYC and costs associated with postage, printing, graphic design and tenant outreach. At full implementation Stout has included approximately \$1.7 million for annual outreach costs (other than personnel, described above).
    - In total, we estimate that the cost of dedicated outreach and tenant organizing personnel (described above), facilities and operational costs is approximately \$6 million per year, in addition to \$1.7 million per year for annual outreach costs described above.<sup>17</sup>
    - This estimate of annual costs should be considered a minimum for what may be necessary to effectively and sustainably ensure organizers are integrated into the eviction right to counsel ONYC. During the course of a multi-year phase-in it will be important to incorporate feedback from tenant organizers regarding their experiences across New York to ensure the necessary organizer staffing and other costs are appropriately included in the funding for the eviction right to counsel.
  - Stout understands that additional outreach costs will be necessary for a statewide or ONYC government-led marketing and public awareness campaign to raise awareness about the eviction right to counsel. This may include but would not be limited to a statewide hotline for renters to call, the development and placement

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<sup>17</sup> We estimate that an additional one-time cost of approximately \$2 million may be necessary to develop and launch this tenant organizing and outreach effort ONYC.

of materials such as posters and other informational aids, social media campaigns, radio and TV ad placements, etc.

- Other Costs: Additional costs included in Stout's estimate include:

- Ancillary Employee Costs

- Furniture and Equipment
- IT Equipment
- Training
- Recruitment Costs
- Retention / Employee Goodwill

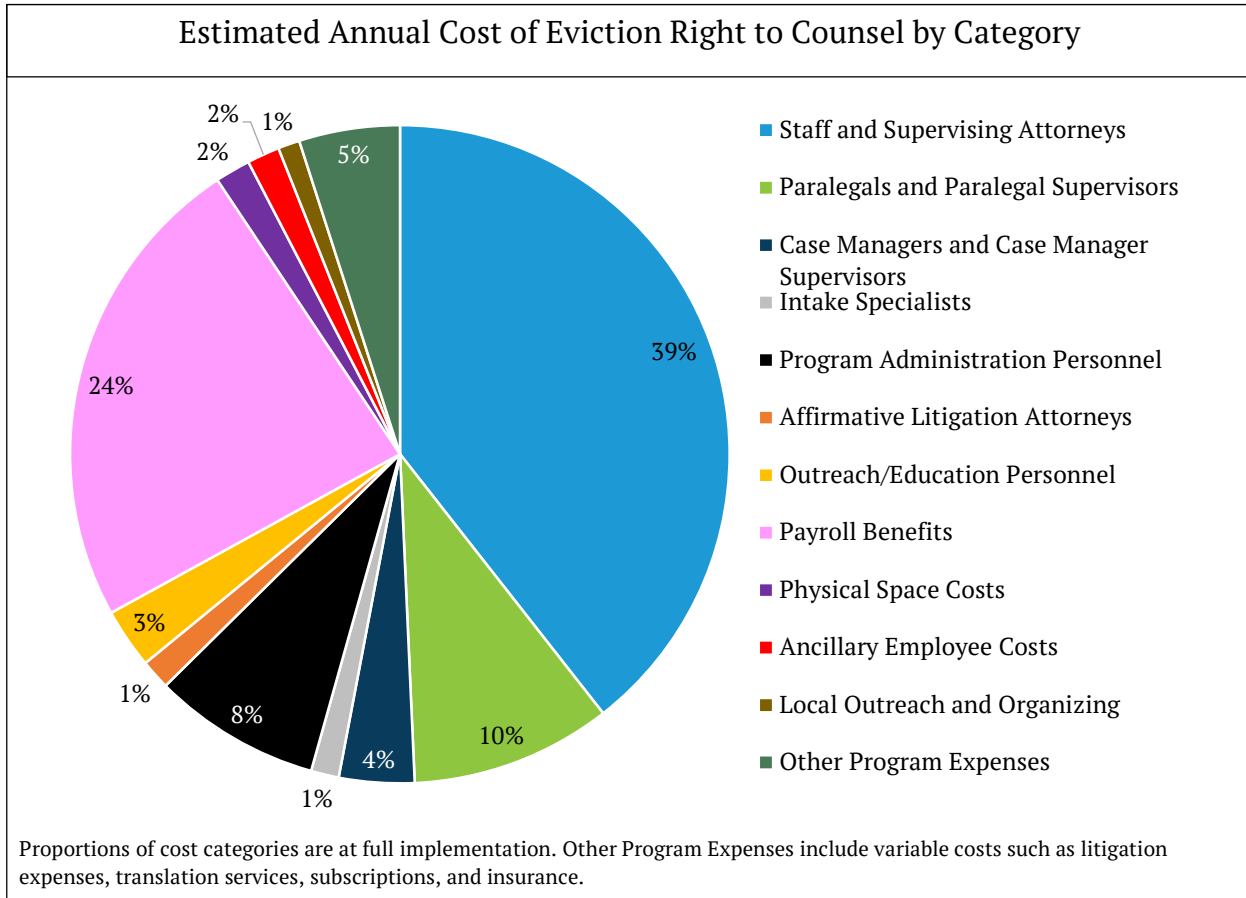
- Other Program Expenses

- Litigation Expense
- Translation Services
- Meetings and Transportation
- Library and Online Research
- Office Operations
- External Consultants
- Telecommunications
- Dues, Registrations and Licenses
- Professional Services
- Program Evaluation
- Insurance

41. ONYC eviction legal representation providers reviewed and confirmed Stout's estimates for each of these costs based on their experience and expertise delivering eviction legal representation services ONYC. For non-personnel costs, Stout and ONYC eviction legal representation providers used the costs of their current operations as benchmarks. Stout categorized costs as fixed or variable, with variable costs fluctuating based on the number of staff attorneys, staff and other attorneys, total staff, or number of cases based on the nature of each cost.



42. Based on these calculations, Stout estimates total annual non-personnel costs at full implementation, after a multi-year phase-in process, of approximately \$13.5 million to \$18.3 million.



43. At a total annual cost of approximately \$144 million to \$200 million, after a multi-year phase-in process, providing right to eviction counsel to approximately 46,600 tenants ONYC equates to approximately \$3,095 to \$4,289 per case for which representation is provided.

44. Stout’s cost estimates do not include the personnel or other costs associated with the state’s administration of the eviction right to counsel.

# Section IV-Research Demonstrating the Fiscal Benefits of an Eviction Right to Counsel ONYC

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## Impacts and Related Costs of Evictions to Jurisdictions

45. Stout reviewed numerous studies and the results of programs where representation was provided to tenants. Stout's research focused on: (1) the costs of eviction as they related to states, cities, counties, and municipalities and (2) the benefits associated with providing representation to tenants in eviction proceedings.
46. The impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. While many of these impacts are unquantifiable but nevertheless important, clear costs of disruptive displacement do exist. This section details these costs to provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by the jurisdiction.
47. **Eviction Disproportionately Impact Black and Brown Households.** Research from across the country has demonstrated how racist housing policies and practices have contributed to and continue to exacerbate inequities in health, education, employment, wealth, and housing. Housing inequities, in particular, have been studied at length in a variety of jurisdictions. As demonstrated by the research described below, eviction rates among black and brown renter households are consistently higher than eviction rates of white renter households. In many jurisdictions, black female-headed renter households disproportionately experience eviction filings and eviction compared not only to brown and white households but also black male-headed renter households.
48. Research from jurisdictions around the country related to the intersection of race and eviction is detailed as follows:
  - In Massachusetts, Black tenants face eviction more than twice as often as white tenants, even though Black tenants are only 11 percent of the renting population.<sup>18</sup> Black women are at a particularly high risk of experiencing eviction – nearly 2.5 times as often as white women despite their much smaller share of the population.<sup>19</sup> The racial disparities are so drastic in Boston that, similar to Virginia, the share of Black renters in the community is a greater predictor of the eviction filing rate than poverty.<sup>20</sup> Even though only 18 percent of Boston's rental market is located within majority Black neighborhoods, approximately 37 percent of evictions filings against tenants in market-rate units are in these

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<sup>18</sup> Brief of Amici Curiae Matthew Desmond, American Civil Liberties Union, William Berman, Justin Steil, and David Robinson Regarding The Disproportionate Adverse Effect of Eviction on Black Families.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

neighborhoods.<sup>21</sup> The consequences of eviction are also worse for Black renters, who face discrimination in the rental market not only because they disproportionately appear in eviction case databases but also because of racial bias (conscious and unconscious) that result in them being told about and shown less than half of the apartments that equally qualified white renters are seeking.<sup>22</sup> Black market-rate renters were able to visit only 48 percent of the apartments they sought, compared to 80 percent of white market-rate renters.<sup>23</sup>

- An analysis conducted by the Association for Neighborhood and Housing Development (ANHD) found that evictions filed in New York during the pandemic were disproportionately filed in zip codes where the majority of the population was people of color.<sup>24</sup> From March 23, 2020 to January 7, 2022, there were 5.2 evictions filed per 100 renter households in zip codes where more than 50% of residents were people of color compared to 2.5 evictions filed per 100 renter households in zip codes where more than 50% of residents were white.<sup>25</sup> In March 2021, ANHD found that eviction filing rates in zip codes with the highest COVID-19 death rates, also predominantly communities of color, were nearly four times higher than eviction filing rates in zip codes impacted least by COVID-19.<sup>26</sup> People of color constitute approximately 86% of New Yorkers who are behind on their rent but only approximately 44% of the general population.<sup>27</sup>
- A statewide analysis in Michigan confirmed the findings of studies within cities and metropolitan areas: higher eviction filing rates are associated with Black neighborhoods, single-mother households, and the presence of children.<sup>28</sup>
- Of all tenants served by Michigan’s Eviction Diversion Program (EDP), approximately 53 percent were Black while 14 percent of Michigan’s population is Black.<sup>29</sup> This suggests that evictions disproportionately effect Black households, which is consistent with national research on the intersection of race and eviction.

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Block, Lucy. “New York’s Pandemic Rent Crisis.” Association for Neighborhood and Housing Development. January 2022.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Goodspeed, Robert et al. “Michigan Evictions: Trends, Data Sources, and Neighborhood Determinants.” University of Michigan Poverty Solutions. May 2020.

<sup>29</sup> Benton, Elizabeth et al. “Reducing Michigan’s Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

- In Virginia, approximately 60 percent of majority Black neighborhoods have an annual eviction rate above 10 percent, which is four times the national average, even when controlling for poverty and income.<sup>30</sup> In the city of Richmond, researchers found that for every 10 percent increase in the Black share of the population, the eviction rate increases by more than one percent. However, if the white population increases at the same rate, the eviction rate decreases by approximately one percent.<sup>31</sup> That is, as the share of the Black population increases, the eviction rate increases.
- In Washington, particularly King and Pierce counties, Black adults make up a disproportionate number of eviction filings relative to their share of the population.<sup>32</sup> Compared to eviction rates of white renters, Black adults are evicted 5.5 times more often than white adults in King County and 6.8 times more often in Pierce County.<sup>33</sup> Latinx adults are evicted approximately twice as often than white renters in King County and 1.4 times as often in Pierce County.<sup>34</sup>
- In California, compared to non-Hispanic white renters, Black and Latinx renters are 2 to 2.5 times more likely to experience housing hardships.<sup>35</sup>
- Black-headed households in Baltimore experienced the highest eviction rate, which was nearly 3 times higher than the white eviction rate.<sup>36</sup> Approximately 7 percent of all Black male headed households and approximately 5 percent of all Black female headed households were evicted.<sup>37</sup> These rates are 51 percent and 11 percent higher, respectively, than white male-headed households and white female-headed household eviction rates.<sup>38</sup>
- In Philadelphia, landlords are more than twice as likely to file an eviction against Black renters than white renters, a rate that is disproportionate to the share of Black renters.<sup>39</sup> According to an analysis of 2018-2019 residential eviction filings, the annual eviction filing rate against Black Philadelphia renters was approximately 9 percent while the eviction filing rate against white Philadelphia

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<sup>30</sup> McCoy, Terrance. “Eviction isn’t just about poverty. It’s also about race – and Virginia proves it.” The Washington Post. November 10, 2018.

<sup>31</sup> Ibid.

<sup>32</sup> Eckart, Kim. “Study reveals gender, racial disparities in evictions.” University of Washington. February 2020.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ong, Paul. “Systemic Racial Inequality and the COVID-19 Renter Crisis. August 2020.

<sup>36</sup> Thomas, Tim et al. “Baltimore Eviction Map.” May 2020.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Bond, Michaelle. “Black city renters’ eviction rate higher.” Reinvestment Fund.

renters was approximately 3 percent.<sup>40</sup> Although Black Philadelphians make up approximately 45 percent of the city’s renters, they make up 66 percent of eviction filings.<sup>41</sup>

- In Washington, DC, evictions are disproportionately filed and executed in Wards 7 and 8, which have the largest share of Black residents and the highest poverty rates in the District.<sup>42</sup> By contrast, Wards 2 and 3 have the lowest filing rates, lowest poverty rates, and smallest share of Black residents.<sup>43</sup>
- Court monitors reported on the race and gender of tenants in eviction court in Orleans Parish, Louisiana. While 59 percent of Orleans Parish is Black, approximately 82 percent of tenants facing eviction were Black, with 57 percent of eviction proceedings being brought against Black women.<sup>44</sup>
- In Kansas City, Missouri, race was found to be the most important factor in predicting whether someone would be evicted.<sup>45</sup>
- The majority Black neighborhoods in Hamilton County (Cincinnati, Ohio) are also the ones with the highest eviction filing rates, while neighborhoods with few Black residents experience few evictions.<sup>46</sup> Controlling for poverty rates and housing cost burden, for every 1 percent increase in Black residents, eviction filing rates increase by more than 8 percent.<sup>47</sup>
- In Cleveland, all of the top ten census tracts with the highest eviction filings from 2000 to 2016 are majority Black communities.<sup>48</sup>

49. **Eviction is a Leading Cause of Homelessness.** While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness.

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> McCabe, Brian and Rosen, Eva. “Eviction in Washington DC: Racial and Geographic Disparities in Housing Instability.” Georgetown University. 2020.

<sup>43</sup> Ibid.

<sup>44</sup> “Unequal Burden, Unequal Risk: Households Headed by Black Women Experience Highest Rates of Eviction.” Neighborhood Sustainability Initiative. N.d.

<sup>45</sup> “Eviction in Kansas City: An Analysis of 2017 Eviction Filings in Jackson County, MO.” Kansas City Eviction Project. N.d.

<sup>46</sup> Johns-Wolfe, Elaina. “You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio 2014-2017.” University of Cincinnati. June 2018.

<sup>47</sup> Ibid.

<sup>48</sup> Walker, Fay. “Eviction in Cleveland.” RPubS. February 2019.

50. A 2018 study of shelter use in New York City indicated that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately 3 percent for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by 5 percentage points, or about 36 days.<sup>49</sup> The researchers concluded that because the estimated effects of eviction persist long-term, avoiding eviction does not simply delay a period of homelessness, it leads to lasting differences in the probability of experiencing homelessness.<sup>50</sup> The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.<sup>51</sup>
51. Based on a control group analysis, a 2013 evaluation of the Homebase Community Prevention Program (the Abt Study) in New York City found that 18.2 percent of families with children who were at risk of homelessness applied for shelter, and 14.5 percent entered family shelter.<sup>52</sup> These metrics compare to Homebase case managers' expectations at program enrollment, which were that 25 percent of families with children who were at risk of homelessness would "definitely" enter shelter and for an additional 25 percent shelter entry was "very likely."<sup>53</sup> The Abt Study was an evaluation of the Homebase Community Prevention Program which included an analysis of households' use of homeless shelters and services. The Homebase program is a network of neighborhood-based homelessness prevention centers located in New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5 percent compared to 8 percent. Evaluators had access to individual-level administrative data from certain systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. The evaluators did not have

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<sup>49</sup> Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018.

<sup>50</sup> Ibid.

<sup>51</sup> "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

<sup>52</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

<sup>53</sup> Ibid.

access to data about single adults, adult families, and shelters outside of New York City. Evaluators used the individual-level data and a linear probability model to assess the likelihood of shelter entry. The evaluators indicated that limitations of the Study included only analyzing data from shelters operated by the Department of Homeless Services, the impact of “one shot” assistance among the studied population and limiting the study population to families with at least one child and pregnant women.

52. Robin Hood, a New York City-based non-profit organization that provides funding to, and evaluation metrics for more than 200 programs in New York City, estimates without any intervention, approximately 25 percent of those at risk of experiencing homelessness would enter shelter.<sup>54</sup> Robin Hood’s estimate, like the Abt Study case managers’, is based on the experiences and expectations of staff working with low-income families experiencing housing instability.
53. A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40 percent of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for shelter, as the reason for experiencing homelessness.<sup>55</sup> This factor was identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11 percent of unsheltered adults.<sup>56</sup> A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, revealed that 11 percent of families in San Francisco homeless shelters identified evictions (legal and illegal) as a cause of their homelessness.<sup>57</sup> The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50 percent – much higher than 11 percent – when considering the intermediate living arrangements made with friends and family before the families who have been evicted access the shelter system.<sup>58</sup> The 50 percent estimate is supported by the survey of families experiencing homelessness, in which 45 percent of respondents indicated that the cause of their homelessness was being asked to move out.<sup>59</sup> Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36 percent of its population was living with friends or relatives before experiencing homelessness.<sup>60</sup>

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<sup>54</sup> [https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website\\_Sept-2014.pdf](https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf)

<sup>55</sup> Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

<sup>56</sup> Ibid.

<sup>57</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.



54. A 2011 study of people experiencing homelessness in Harris and Fort Bend counties (Houston area), Texas found that approximately 30 percent of people experiencing homelessness identified eviction (either by a family member or a landlord) as a cause for their homelessness.<sup>61</sup>
55. The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state’s shelter system to determine that 45 percent of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.<sup>62</sup>
56. Similar statistics were observed in Hawaii where 56 percent of families experiencing homelessness cite inability to afford rent as the reason for their experiencing homelessness.<sup>63</sup> An additional 18 percent of families cited eviction specifically, as the reason for their experiencing homelessness.<sup>64</sup>
57. In Seattle, a survey of tenants who were evicted revealed that nearly 38 percent were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.<sup>65</sup> Only 12.5 percent of evicted respondents secured another apartment to move into.<sup>66</sup>
58. Detroit’s 2021 point-in-time homeless count revealed that there were 1,293 people experiencing homelessness who were sheltered, decrease of approximately 14 percent from 2020.<sup>67</sup> Detroit did not conduct a point-in-time count of people experiencing homelessness who were unsheltered in 2021.<sup>68</sup> According to the 2019 State of Homelessness Annual report authored by Homelessness Action Network of Detroit, Black families are disproportionately experiencing homelessness in Detroit.<sup>69</sup>
59. In 2019, Black Detroit families with children represented approximately 79 percent of people experiencing poverty but 97 percent of people experiencing homelessness.<sup>70</sup> White

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<sup>61</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>62</sup> “Regional Networks to End Homelessness Pilot Final Evaluation Report.” Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

<sup>63</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010.

<sup>64</sup> Ibid.

<sup>65</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>66</sup> Ibid.

<sup>67</sup> “2021 Detroit CoC Point-in-Time Count.” Homeless Action Network of Detroit. 2021.

<sup>68</sup> Ibid.

<sup>69</sup> “Annual Report for the Detroit Continuum of Care 2019 State of Homelessness.” Homeless Action Network of Detroit. 2019.

<sup>70</sup> Ibid.

Detroit families with children represented approximately 14 percent of people experiencing poverty but only 2 percent of people experiencing homelessness.<sup>71</sup> This demonstrates a racial disparity in families with children experiencing homelessness that cannot be attributed to poverty alone. While the reasons people experience homelessness are multifaceted, a primary reason is eviction.

60. Researchers studying the typology of family homelessness (the Culhane Study) found that approximately 80 percent of families experiencing homelessness stay in emergency shelter for brief periods, exit shelter, and do not return.<sup>72</sup> The remaining 20 percent of families experiencing homelessness stay for long periods, and a small but noteworthy portion of families experiencing homelessness cycle in and out of shelter repeatedly.<sup>73</sup>
61. Data from California’s Continuums of Care indicated significant racial disparities among people who have accessed homeless services.<sup>74</sup> California’s population is approximately 6 percent Black, but Black or African Americans represent 31 percent of people accessing homeless services.<sup>75</sup> The data also indicated that 41 percent of people accessing homeless services reported a disabling condition, 17 percent reported experiencing domestic violence, and 22 percent were under the age of 18 – all factors that influence length of shelter stay, according to the Culhane Study.<sup>76</sup> A study of administrative data from the homeless shelter systems in New York City and Philadelphia found demographic differences among people experiencing homelessness, which contribute to differences in length of stay in shelters and could inform program planning.<sup>77</sup> The significant concentration of non-white people and those experiencing mental health challenges within the shelter system is consistent with the characteristics of people experiencing the eviction process. The researchers’ recommendation that targeted preventive and resettlement assistance, transitional housing and residential treatment, and supported housing and long-term care programs further indicates the incredibly costly housing responses needed to support people experiencing homelessness as a result of disruptive displacement.

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<sup>71</sup> Ibid.

<sup>72</sup> Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” *Housing Policy Debate*. May 2007.

<sup>73</sup> Ibid.

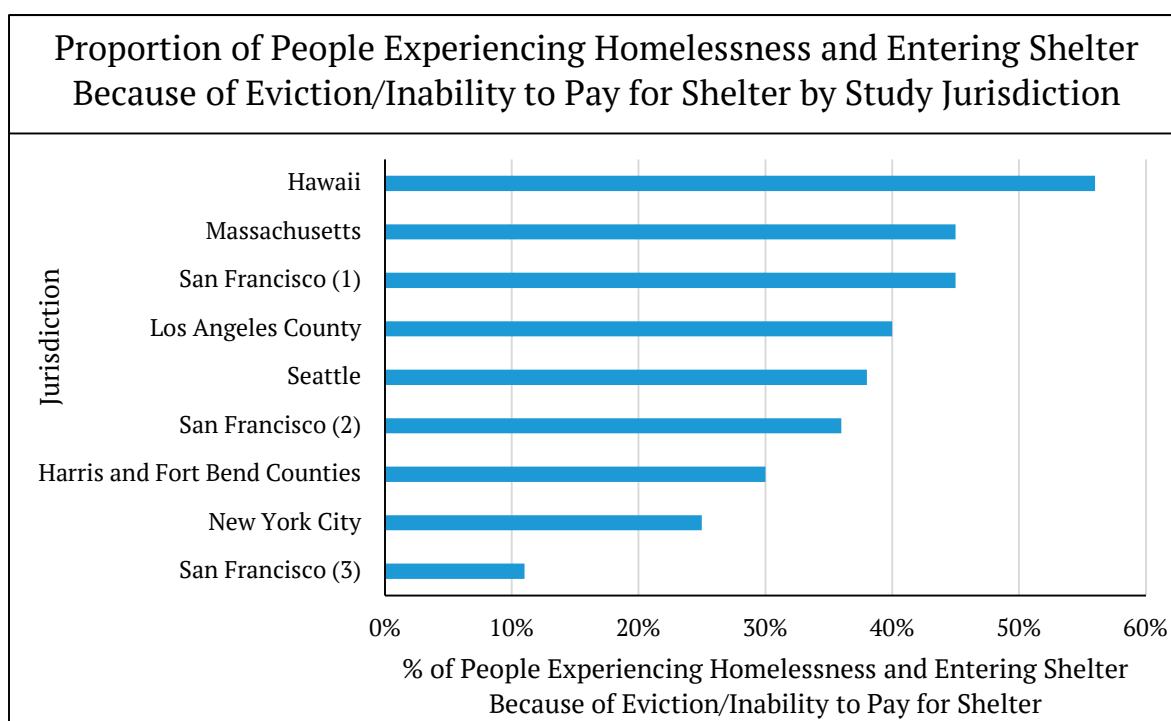
<sup>74</sup> “Demographics of People Who Were Served.” State of California Business, Consumer Services and Housing Agency. 2020.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

<sup>77</sup> Kuhn, Randall and Culhane, Dennis. “Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data.” *American Journal of Community Psychology*. April 1998.

62. Figure 1 below shows the percentage of people reporting that they are experiencing homelessness and entering shelter because of eviction/inability to pay for shelter by jurisdiction. These shelter entry metrics (i.e., the proportion of people at shelter connecting their entry to eviction/inability to pay for shelter) are not the same as the proportion of people experiencing eviction who enter shelter, but are informative about the role eviction has as a pathway to homelessness and shelter entry.



**Figure 1**

63. It is also worth noting that not everyone who experiences disruptive displacement will also experience homelessness. However, not experiencing homelessness does not eliminate the social costs of disruptive displacement as these households will likely experience other trauma(s) related to disruptive displacement. These social costs and traumas may include, but are not related to, needing to staying with family/friends until alternative affordable housing can be secured, experiencing challenges with securing alternative housing because of an eviction record, commuting longer distances to work because of where alternative affordable housing is available, disruptions to child school attendance and education, difficulty securing new child care providers, mental health trauma, and needing to make difficult financial decisions about basic needs (e.g., paying back rent owed or purchasing a medically necessary prescription).

64. [Evictions Connection to Homelessness Causes Fiscal Costs for Shelter and Other Supports.](#) New York provides a variety of housing social safety net responses to people experiencing homelessness, one of which is emergency shelter. Throughout the state, there are

emergency shelters for both single individuals and families experiencing homelessness. The statewide average annual cost to New York to provide emergency shelter for a single individual experiencing homelessness is approximately \$47,000, and the statewide average annual cost to New York to provide emergency shelter for families experiencing homelessness is approximate \$81,700.<sup>78</sup>

65. The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, etc.) that is \$9,372 greater per year than an individual who has stable housing.<sup>79</sup> Each time a family experiencing homelessness enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.<sup>80</sup> Data from the HomeStart Program in Massachusetts indicates that the cost to prevent an eviction, negotiate back-rent owed, and provide a family with stabilization services is approximately \$2,000 (compared to the emergency shelter cost of \$26,620 per year).<sup>81</sup>
66. The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per person experiencing homelessness on law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.<sup>82</sup>
67. The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing / legal, jail, transportation, emergency medical services and drug and alcohol treatment.<sup>83</sup> In contrast, providing people experiencing homelessness with permanent housing and case managers would cost approximately \$10,000 per person annually.<sup>84</sup>
68. By way of comparison, MaineHousing, the state agency providing public and private housing to low- and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland area and \$18,949 statewide.<sup>85</sup> The services contemplated in the average annual cost were

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<sup>78</sup> Routhier, Giselle. "State of the Homeless 2019." Coalition for the Homeless. 2019.

<sup>79</sup> Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

<sup>80</sup> Ibid.

<sup>81</sup> Eviction Prevention. HomeStart.org.

<sup>82</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

<sup>83</sup> Crossgrove Fry, Vanessa. "Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho." City of Boise. N.d.

<sup>84</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

<sup>85</sup> Acquisto, Alex and Rhoda, Erin. "The \$132k idea that could reduce Bangor's eviction problem." Bangor Daily News. September 24, 2018.

associated with: physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.<sup>86</sup>

69. Data from HAND indicated that annual cost of a unit of permanent supportive housing in Detroit ranges from \$16,540 to \$18,740, and the annual cost of a unit of rapid re-housing in Detroit ranges from \$17,516 to \$18,616.<sup>87</sup> These estimated costs for permanent supportive housing and rapid re-housing include the cost of housing as well as costs related to services people receive and administrative functions. The most recent cost data available for transitional housing in Detroit is from 2013 and ranges from \$15,902 to \$23,287 annually per unit.<sup>88</sup>
70. Investing in eviction prevention helps a community save valuable resources by preventing homelessness before it starts.<sup>89</sup> A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.<sup>90</sup> For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.<sup>91</sup>
71. [Eviction Can Also Lead to Costs Associated with Unsheltered Populations.](#) In addition to costs related to sheltering people who are experiencing homelessness, jurisdictions bear significant costs related to people who are experiencing unsheltered homelessness. A person is experiencing unsheltered homelessness if they are living somewhere not meant for human habitation (e.g., tents, cars, recreational vehicles without electricity or sanitation connections, sidewalks, abandoned buildings, and other public spaces).<sup>92</sup> In 2019, the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development commissioned a study of the costs to four cities (Chicago, Houston, San Jose, and Tacoma) that were working to reduce encampments used by people experiencing unsheltered homelessness and providing services to people experiencing unsheltered homelessness.<sup>93</sup> The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year.<sup>94</sup> The overall annual cost to the

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Holland, Gale. "Study find L.A. County saves money by housing sick homeless people." Los Angeles Times. December 4, 2017.

<sup>91</sup> Ibid.

<sup>92</sup> Dunton, Lauren et al. "Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost." U.S. Department of Housing and Urban Development, Office of Policy Development and Research. February 2020.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

cities ranged from approximately \$3.4 million (Houston) to approximately \$8.6 million (San Jose).<sup>95</sup> Figure 2 below shows these costs.

	Total spending on encampment activities, FY 2019	Unsheltered homeless population, 2019 <sup>1</sup>	Cost per unsheltered homeless person, 2019
Chicago	\$ 3,572,000	1,260	\$2,835
Houston	\$ 3,393,000	1,614	\$2,102
Tacoma	\$ 3,905,000	629	\$6,208
San Jose	\$ 8,557,000	7,922	\$1,080

<sup>1</sup> The unsheltered homeless population for Chicago is for the city, whereas the numbers for Houston, San Jose, and Tacoma include the surrounding counties (Harris, Santa Clara, and Pierce Counties).

Source: City cost data; 2019 CoC Point-in-Time data, HUD

**Figure 2**

72. Costs incurred by local fire and police departments and emergency medical services were not included, but they can be the largest expenses for cities.<sup>96</sup> These quantifiable costs are not the only costs to cities with responses to the unsheltered population. Providing services takes significant resource-intensive coordination among a variety of stakeholders. For example, the study indicated the following agencies / service providers were involved in responding to people experiencing unsheltered homelessness: sanitation / solid waste / environmental services; homeless services providers offering assistance with case management, medical and mental health services, substance abuse services, food assistance, and financial assistance; departments of public health; departments of transportation; airport authorities; parks departments; public utility companies; fire departments; city management departments; outreach teams; and police departments.<sup>97</sup>
73. In April 2021, a group of people experiencing unsheltered homelessness living in a Hart Plaza encampment in Detroit were removed due to “unsafe conditions.”<sup>98</sup> Detroit City Council approved a \$2.9 million project to repair the “unsafe conditions,” which consisted of installing electrical wiring and underground draining.<sup>99</sup> City officials moved people living in the Hart Plaza encampment to hotel rooms for the duration of the project.<sup>100</sup> According to representatives from a community group providing toiletry and food to people living in the encampment, as many as 50 people had been seen living in Hart Plaza.<sup>101</sup>

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Oliver, Joey. “Homeless Encampment Moved, Repairs Begin At Detroit’s Hart Plaza.” The Patch. April 26, 2021.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

74. **Eviction Can Cause Employment and Housing Instability.** Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where their family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.<sup>102</sup> The period before an eviction may be characterized by disputes with a landlord or stressful encounters with the court system.<sup>103</sup> These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.<sup>104</sup> After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a landlord willing to rent to them may increase the time it takes to secure new housing.<sup>105</sup> Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.<sup>106</sup> A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.<sup>107</sup> A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20 percent more likely to subsequently lose their jobs compared to similar workers who did not.<sup>108</sup> Approximately 42 percent of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.<sup>109</sup> The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.<sup>110</sup>
75. Eviction not only adversely affects unemployed and employed tenants' job prospects but also their earnings and the potential future earnings of children. A study of eviction filings from 2007 to 2016 in New York City sought to assess whether evictions contributed substantially to poverty by analyzing the effect of evictions on earnings and

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<sup>102</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>103</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> *Ibid.*

<sup>108</sup> Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

<sup>109</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>110</sup> *Ibid.*

employment.<sup>111</sup> Eviction filing data was linked to Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other New York City-specific benefits data.<sup>112</sup> The researchers found that eviction was associated with between \$1,000 and \$3,000 reduction in total earnings in the one to two years post-filing.<sup>113</sup> Robin Hood estimates a child's average future earnings could decrease by 22 percent if the child experienced juvenile delinquency, which can be associated with the disruption to families from eviction.<sup>114</sup> When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that forced moves can perpetuate generational poverty and further evictions.<sup>115</sup> In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts – potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

76. **Eviction Can Impair Tenants' Ability to Re-Rent and Harm Credit Scores.** Tenants with an eviction case brought against them may have the case on their record whether they are ultimately evicted or not. This information is easily accessible, free, and used by landlords and tenant screening companies to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.<sup>116</sup> Data aggregation companies are now creating “screening packages” that landlords can use to select their tenants.<sup>117</sup> These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated the “it is the policy of 99 percent of our [landlord] customers

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<sup>111</sup> Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. <https://www.robinhood.org/what-we-do/metrics/>

<sup>115</sup> Lundberg, Ian and Donnelly, Louis. “A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities.” Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

<sup>116</sup> Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

<sup>117</sup> Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.



in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is.”<sup>118</sup>

77. In cities where there is a right to counsel, the number of eviction filings has declined, indicating that a right to counsel can also reduce the harmful effects of being exposed to the eviction process regardless of case outcomes. Many landlords and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their jobs, have limited or no options for child care, and lack grocery stores.<sup>119</sup>
78. A University of North Carolina Greensboro study found that 45 percent of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.<sup>120</sup> Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause revocation of Section 8 vouchers or render the tenant ineligible for future federal housing assistance.<sup>121</sup>
79. Landlords often view a potential tenant’s credit score as a key factor in determining whether they want to rent to the potential tenant. A low credit score caused by a past eviction can make it exceedingly difficult for renters to obtain suitable housing.<sup>122</sup> A tenant who was interviewed in the University of North Carolina Greensboro study stated, “it

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<sup>118</sup> Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” *The Yale Law Journal*. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” *The New York Times*. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of landlords’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

<sup>119</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>120</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” *The University of North Carolina Greensboro Center for Housing and Community Studies*. N.d.

<sup>121</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>122</sup> An eviction itself is not reported to credit bureaus even if the landlord is successful in court, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the landlord sent the delinquency to a collection agency. While there is not a set timeframe for when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that landlords use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

[eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away.”<sup>123</sup> Damage to a renter’s credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.<sup>124</sup> Another tenant from the University of North Carolina Greensboro study stated, “I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don’t even care to do any kind of record check.”<sup>125</sup>

80. In Milwaukee, tenants who experienced an involuntary move were 25 percent more likely to have long-term housing instability compared to other low-income tenants.<sup>126</sup> A 2018 survey of tenants who had been evicted in Seattle found that 80 percent of survey respondents were denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.<sup>127</sup>
81. As the federal eviction moratorium and other pandemic-related rental protections are coming to an end, the Consumer Financial Protection Bureau released an Enforcement compliance bulletin reminding landlords, consumer reporting agencies, and others of their obligations to accurately report rental and eviction information.<sup>128</sup> Without a lawyer, it may be challenging for tenants to dispute inaccurate rental and eviction information they find on their credit reports.
82. [Eviction Can Also Arise from Unpaid Utility Bills and Property Taxes](#). Non-payment of utilities and property taxes can both result in eviction and the loss of housing vouchers.<sup>129</sup>
83. A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.<sup>130</sup> After an income disruption (i.e., job loss, health emergency, unexpected expenses), financially insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted

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<sup>123</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>124</sup> [https://www.investopedia.com/terms/c/credit\\_score.asp](https://www.investopedia.com/terms/c/credit_score.asp).

<sup>125</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>126</sup> Desmond, Matthew. “Evicted: Poverty and Profit in the American City.” 2016.

<sup>127</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>128</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021.

<sup>129</sup> Ibid.

<sup>130</sup> Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

than financially secure households.<sup>131</sup> In 2011, the average electric bill in Houston, Texas was found to be more than \$200 per month during the summer, making utility payments a barrier to maintaining housing for low-income renters.<sup>132</sup> Furthermore, some rental assistance programs in Houston calculate a “utility allowance,” which often do not fully cover true utility costs, leaving tenants at risk of eviction if utility bills are unpaid.<sup>133</sup> Missed rent payments (including utilities) can also result in landlords missing property tax payments, which are a primary source of revenue for local governments.<sup>134</sup>

84. **Eviction is Connected to Physical Health Impacts.** A significant body of research has documented the connection between health and housing. Substandard housing conditions are associated with a variety of health conditions, such as respiratory infections, asthma, and lead poisoning.<sup>135</sup>
85. Housing instability can affect the health of family members of all ages.<sup>136</sup> Researchers at Boston Medical Center found that caregivers of young children in unstable low-income housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of depression. Children aged four and under in these families had almost a 20 percent higher risk of hospitalization, and more 25 percent higher risk of developmental delays.<sup>137</sup> Another study of caregivers to children found that, of more than 22,000 families served by medical centers over a six-year study period, approximately 34 percent had at least one of the following adverse housing circumstances: 27 percent had been behind on rent; 12 percent had experienced homelessness; and 8 percent had moved at least twice in the previous 12 months.<sup>138</sup> A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.<sup>139</sup> A study of nearly 10,000 mothers in five U.S. cities found that prenatal homelessness was associated with a higher likelihood of low

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<sup>131</sup> Ibid.

<sup>132</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>133</sup> Ibid.

<sup>134</sup> Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

<sup>135</sup> Krieger, James and Higgins, Donna. “Housing and Health: Time Again for Public Health Action.” American Journal of Public Health. 2002.

<sup>136</sup> Butera, Candace. “The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids.” Pacific Standard. January 23, 2018.

<sup>137</sup> Ibid.

<sup>138</sup> Sandel, Megan, et al. “Unstable Housing and Caregiver and Child Health in Renter Families.”

<sup>139</sup> Sandel, Megan, et al. “Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children.” The American Academy of Pediatrics. September 2018.

birth weight and preterm delivery.<sup>140</sup> Researchers from Harvard and Princeton (in conjunction with the Public Health Institute of Basel, Switzerland) had similar findings in their study of eviction filings: experiencing an eviction filing during pregnancy was associated with an increased risk of low birth weight and premature birth.<sup>141,142</sup> Furthermore, Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes generally experienced by the Black population.<sup>143</sup>

86. A 2016 Canadian study found that eviction specifically is associated with increased odds of having detectable viral loads among people living with HIV and increased rates of illicit drug use and relapse.<sup>144</sup>
87. Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.<sup>145</sup> Researchers at Boston Medical Center and Children’s Hospital found that homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.<sup>146</sup> Living in a distressed neighborhood can negatively influence a family’s well-being.<sup>147</sup> Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.<sup>148</sup> The primary health outcome found to be related to housing is respiratory health, which is measured by the presence of respiratory disease or by lung function.<sup>149</sup> Housing conditions that are respiratory health factors include cold temperatures, humidity, and ventilation – all of which contribute to the growth of mold, fungi, and other microorganisms.<sup>150</sup> Living

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<sup>140</sup> Cutts, Diana B. et al. “Homelessness During Pregnancy: A Unique, Time-Dependent Risk Factor of Birth Outcomes.” *Maternal and Child Health Journal*. November 2014.

<sup>141</sup> Khadka, Aayush, et al. “In utero exposure to threat of evictions and preterm birth: Evidence from the United States.” *Health Services Research*. 2020.

<sup>142</sup> Himmelstein, Gracie and Desmond, Matthew. “Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016.” *JAMA Pediatrics*. March 2021.

<sup>143</sup> Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” *Rewire.News*. April 12, 2018.

<sup>144</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021. Referencing Kennedy, Mary Clare et al. “Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs.” *AIDS Behavior*. February 2016.

<sup>145</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>146</sup> “Not Safe at Home: How America’s Housing Crisis Threatens the Health of Its Children.” The Doc4Kids Project, Boston Medical Center and Children’s Hospital. 1998.

<sup>147</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>148</sup> *Ibid.*

<sup>149</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>150</sup> *Ibid.*

in these conditions can result in wheezing, aches and pains, gastrointestinal issues, headaches, and fever.<sup>151</sup> Data from the Third National Health and Nutrition Examination Survey estimated that housing environments exacerbate the effects of asthma in 40 percent of children.<sup>152</sup> While mold is often a cause of asthma, it is also a food source for dust mites, which are a known allergen.<sup>153</sup> In addition to causing respiratory health issues, exposure to lead can have irreversible health impacts. Because lead is more prevalent in older and substandard housing, lead poisoning must also be viewed as a manifestation of the affordable housing crisis.<sup>154</sup> According to the Centers for Disease Control and Prevention, children who live in households at or below the federal poverty level and those living in housing built before 1978 are at the greatest risk of exposure.<sup>155</sup> Children of color are also at a higher risk of lead exposure attributable in significant part to the longstanding effects racist housing policies including redlining, which have exacerbated other historical inequities in accessing safe and healthy housing.<sup>156</sup> Even at low levels of exposure, lead causes brain and nervous system damage including: impaired growth, hyperactivity, reduced attention span, intellectual and developmental disabilities, hearing loss, insomnia, and behavioral issues.<sup>157</sup> Researchers from Harvard recently studied the connection between eviction and lead poisoning by analyzing data from the national Fragile Families & Child Wellbeing Study. Children evicted in their first year of life were predicted to have approximately a 10 percent likelihood of being diagnosed with lead poisoning by age 3 compared to approximately a 5 percent likelihood if they were not evicted.<sup>158</sup> Future evictions were shown to exacerbate this disparity. Between ages 3 and 5, children evicted in both the first and third years of life were predicted to have an 11 percent likelihood of being newly diagnosed with lead poisoning compared to a 2 percent likelihood if they were never evicted.<sup>159</sup>

88. Although already well-documented, the COVID-19 pandemic has created further evidence of the connection between housing and health. Housing instability undermines crucial infection prevention strategies deployed throughout the pandemic, exacerbating the health consequences of eviction.<sup>160</sup> Research has shown that eviction and displacement are

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<sup>151</sup> Ibid.

<sup>152</sup> Sandel, Megan and Desmond, Matthew. "Investing in Housing for Health Improves Both Mission and Margin." *The Journal of the American Medical Association*. 2017.

<sup>153</sup> Shaw, Mary. "Housing and Public Health." Department of Social Medicine, University of Bristol. October 2003.

<sup>154</sup> "Lead." National Center for Healthy Housing. N.d.

<sup>155</sup> "Childhood Lead Poisoning Prevention." Centers for Disease Control and Prevention. November 2020.

<sup>156</sup> Ibid.

<sup>157</sup> "Lead." National Center for Healthy Housing. N.d.

<sup>158</sup> Schwartz, Gabriel. "Cycles of Disadvantage: Eviction and Children's Health in the United States." Harvard University. 2020.

<sup>159</sup> Ibid.

<sup>160</sup> "Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic." Robert Wood Johnson Foundation. April 2021.

associated with increased COVID-19 infection and mortality rates.<sup>161</sup> Eviction and displacement lead to overcrowding, doubling up, and homelessness, which all increase contact with other people and make social distancing challenging.<sup>162</sup> While most people who experience eviction do not immediately enter shelter and instead double up with friends and family, these living arrangements increase the likelihood of exposure to COVID-19 and are compounded by members of these households who are often working essential jobs with a higher risk of exposure.<sup>163</sup> Research has demonstrated that eviction and housing instability are associated with a variety of comorbidities – increased incidence of high blood pressure, heart disease, respiratory illnesses, sexually transmitted infections, and drug use.<sup>164</sup> These comorbidities, in combination with the inability to socially distance, puts people who have been evicted or who are experiencing housing instability at increased risk of contracting, spreading, and dying from COVID-19.<sup>165</sup> Figure 3 shows the link between eviction and housing instability and COVID-19 transmission and mortality.

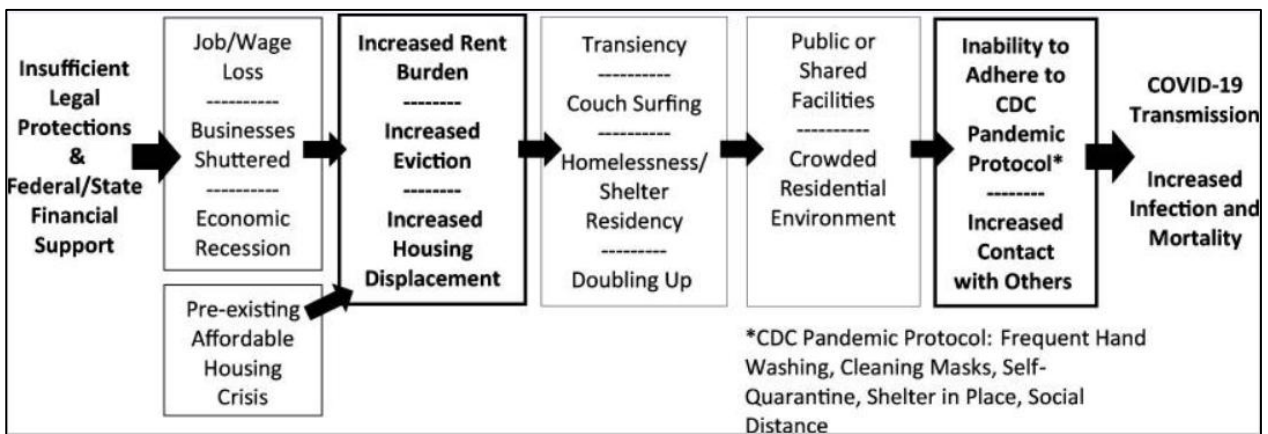


Figure 3

89. **Eviction is Connected to Mental Health Impacts.** An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, “science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts.”<sup>166</sup>

<sup>161</sup> Nande, Anjalika et al. “The effect of eviction moratoria on the transmission of SARS-CoV-2.” medRxiv. November 2020.

<sup>162</sup> Benfer, Emily et al. “Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy.” Journal of Urban Health. January 2021.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

Professor Daniel Taylor also stated that this “toxic stress” affects many of the body’s critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.<sup>167</sup> Furthermore, major life stressors have been found to increase rates of domestic violence.<sup>168</sup> According to a nationwide survey of domestic violence shelters and programs, approximately 41 percent of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.<sup>169</sup> In Seattle, approximately 38 percent of survey respondents who had experienced eviction reported feeling stressed, 8 percent experienced increased or new depression, anxiety, or insomnia, and 5 percent developed a heart condition they believed to be connected to their housing instability.<sup>170</sup> Among respondents who had school-age children, approximately 56 percent indicated that their children’s health suffered “very much” as a result of eviction, and approximately 33 percent indicated that their children’s health suffered “somewhat” for a total of 89 percent of respondents’ children experiencing a negative health impact because of eviction.<sup>171</sup> A recent study in Cleveland by Case Western University found that approximately 21 percent of interviewed tenants facing eviction self-reported that they were experiencing poor health.<sup>172</sup> Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.<sup>173</sup>

90. A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their children, including increased depression and parental stress.<sup>174</sup> These effects were persistent. Two years after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.<sup>175</sup> In a study of the effects of forced dislocation in Boston’s West End, approximately 46 percent of women and 38 percent of men expressed feelings of grief or other depressive reactions when asked

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<sup>167</sup> Ibid.

<sup>168</sup> Makepeace, J. “Life Events Stress and Courtship Violence.” *Family Relations*. January 1983.

<sup>169</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. Referencing “Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services.” National Network to End Domestic Violence. 2009.

<sup>170</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>171</sup> Ibid.

<sup>172</sup> “The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction.” Center on Urban Poverty and Community Development, Case Western University. October 2019.

<sup>173</sup> Ibid.

<sup>174</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

<sup>175</sup> Ibid.

how they felt about their displacement.<sup>176</sup> A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.<sup>177</sup> Approximately two-thirds of interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.<sup>178</sup> Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.<sup>179</sup> Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.<sup>180</sup>

91. As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid recipients in New Jersey found that health care spending for Medicaid recipients who were experiencing homelessness were between 10 and 27 percent higher than Medicaid recipients who were stably housed, all else equal.<sup>181</sup> The 10 to 27 percent increase in Medicaid spending for individuals experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75 percent is attributed to inpatient hospital and emergency department services.<sup>182</sup> A study in Michigan found that Medicaid spending for adults experiencing homelessness was 78 percent higher than the statewide average and 26 percent higher for children experiencing homelessness than the statewide average.<sup>183</sup>
92. The connection between housing stability and a household's mental and physical health is evident. Safe, habitable homes are important, especially in times of crisis when mental and physical health issues may become exacerbated. During the COVID-19 pandemic, numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.<sup>184</sup> Researchers from the University of California, Los Angeles' Ziman Center for Real Estate found that renters reported better mental health as the eviction moratoriums progressed, particularly the

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<sup>176</sup> Fried, Marc. "Grieving for a Lost Home: Psychological Costs of Relocation." The MIT Press. 1966.

<sup>177</sup> Babajide, Rilwan, et. al. "Effects of Eviction on Individuals and Communities in Middlesex County." The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Cantor, Joel C. et al. "Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services." The Milbank Quarterly. January 22, 2020.

<sup>182</sup> Ibid.

<sup>183</sup> Spellman, Brooke, et. al. "Costs Associated With First-Time Homelessness for Families and Individuals." U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

<sup>184</sup> Parker, Will. "Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions." The Wall Street Journal. March 22, 2020.



mental health of Black renters.<sup>185</sup> Each additional week that eviction moratoriums were in place, the share of Black renter households who reported “feeling anxious” decreased by approximately 2 percent.<sup>186</sup>

93. **Eviction Can be a Cause of Suicide.** In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.<sup>187</sup> Researchers identified 929 eviction- or foreclosure-related suicides,<sup>188</sup> which accounted for 1 to 2 percent of all suicides and 10 percent to 16 percent of all financial-related suicides from 2005 to 2010.<sup>189</sup> In 2005, prior to the 2009 housing crisis, there were 58 eviction-related suicides.<sup>190</sup> At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62 percent from 2005.<sup>191</sup> These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.<sup>192</sup> After the housing crisis, eviction-related suicides began to return to pre-crisis levels. Approximately 79 percent of suicides occurred before the actual loss of housing, and 39 percent of people taking their lives had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.<sup>193</sup> A 2012 analysis of online court record archives that linked court records to suicide deaths found that in an urban county, nearly a third of suicide victims had recent court involvement – twice the proportion of the control group.<sup>194</sup> Foreclosure was associated with a threefold increase in the risk of suicide.<sup>195</sup>
94. Researchers in Seattle seeking to examine the most extreme consequences of eviction conducted a detailed review of 1,218 eviction cases in Seattle, finding four individuals with eviction cases who died by suicide.<sup>196</sup> In a Middlesex County, Connecticut report, a tenant

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<sup>185</sup> An, Xudong et al. “More Than Shelter: The Effects of Rental Eviction Moratoria on Household Well-Being.” SSRN. July 2021.

<sup>186</sup> Ibid.

<sup>187</sup> Fowler, Katherine A. et al. “Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010.” American Journal of Public Health. February 2015.

<sup>188</sup> This research was conducted in 16 states using the National Violent Death Reporting System.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Cook, Thomas Bradley and Davis, Mark. “Assessing Legal Strains and Risk of Suicide Using Archived Court Data.” Center for Health Disparities Research & Education. August 2012.

<sup>195</sup> Ibid.

<sup>196</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

experiencing eviction had shared with the interviewer that she “ended up having a breakdown, and I ended up in the hospital and I had a suicide attempt.”<sup>197</sup>

95. **Eviction Can Cause Excess Mortality.** According to The National Health Care for the Homeless Council, people experiencing homelessness have higher rates of illness and die, on average, 12 years sooner than the general population.<sup>198</sup> A 7-year study of people experiencing homelessness in New York City who were living in emergency shelter found that their age-adjusted mortality rate was 4 times higher than the general population.<sup>199</sup>
96. A 19-year study by researchers at Wayne State University of Medicine compared the health status of older adults in Detroit to older adults in Michigan outside of Detroit. The analysis, titled Dying Before Their Time (DBTT), found that older adults living in Detroit die at twice the rate of those living in Michigan outside of Detroit.<sup>200</sup> The researchers identified social determinants of health as a major cause of excess death in Detroit.<sup>201</sup> Social determinants of health, one being housing, influence between 60 percent and 70 percent of individual and community wellbeing.<sup>202</sup> The health conditions detailed in paragraphs 147-151, particularly chronic diseases (e.g., hypertension, heart disease, diabetes), are known contributors to early death. Twenty-one percent of Detroiters suffer from asthma, 13 percent suffer from diabetes, and 11 percent suffer from cardiovascular disease – all preventable diseases.<sup>203</sup> Detroit also has a maternal mortality rate 3 times higher than the national average.<sup>204</sup>
97. **Eviction Impacts the Education of Children.** When families are evicted, children experience a variety of disruptions that can negatively impact their education and behavior. When children succeed in school, it is often indicative of their needs being met in other areas of their lives.<sup>205</sup>
98. The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the

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<sup>197</sup> Babajide, Rilwan et al. “Effects of Eviction on Individuals and Communities in Middlesex County.” The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

<sup>198</sup> “Homelessness & Health: What’s the Connection?” National Health Care for the Homeless Council. February 2019.

<sup>199</sup> Barrow, Susan M and Struening, Elmer L. “Mortality Among Homeless Shelter Residents in New York City.” American Journal of Public Health. April 1999.

<sup>200</sup> Smitherman, Herbert C, MD, MPH, FACP, et al. “Dying Before Their Time III 19-Year (1999-2017) Comparative Analysis of Excess Mortality in Detroit (PSA 1-A). Wayne State School of Medicine. July 2020.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> “Long-term approaches in Detroit, US.” Impact on Urban Health. April 2021.

<sup>204</sup> Ibid.

<sup>205</sup> “State of the Detroit Child 2010.” Data Driven Detroit. 2010.

preceding 18 months) are half as likely to be proficient in reading as their stable peers.<sup>206</sup> A study of third grade students who frequently changed schools found that students without stable housing were approximately twice as likely to perform below grade level in math compared to stably housed students.<sup>207</sup> Not only do unstably housed students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50 percent.<sup>208</sup> In Seattle, approximately 88 percent of survey respondents with school-aged children reported their children's school performance suffered "very much" because of the eviction the family experienced, and approximately 86 percent of respondents reported their children had to move schools after the eviction.<sup>209</sup>

99. In Atlanta, an ongoing program embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.<sup>210</sup> As a result of this program, the enrollment turnover rate decreased by 25 to 51 percent in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.<sup>211</sup>
100. During the 2018-2019 school year, approximately 62 percent of students in Detroit Public Schools Community District (DPSCD) were chronically absent, missing 10 percent or more of school days.<sup>212</sup> Throughout Michigan, approximately 20 percent of students were chronically absent.<sup>213</sup> Researchers at Wayne State College of Education found that Detroit has the highest chronic absenteeism rate in the country, and researchers at the University of Michigan Youth Policy Lab identified low family income and unstable housing as

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<sup>206</sup> Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing Rumberger, Russell. "The Causes and Consequences of Student Mobility." Journal of Negro Education. 2003.

<sup>207</sup> Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing "Elementary School Children: Many Change Schools Frequently, Harming Their Education." United States General Accounting Office Report. 1994.

<sup>208</sup> Ibid. And Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing Rumberger, 1993.

<sup>209</sup> Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>210</sup> Starnes, Ashleigh and King, Katie. "Standing with Our Neighbors Featured on CBS This Morning." Atlanta Volunteer Lawyers Foundation. March 23, 2018.

<sup>211</sup> Ibid.

<sup>212</sup> Singer, Jeremy and Winchell Lenhoff, Sarah. "Attendance Throughout the Seasons in the Detroit Public Schools Community District." Wayne State College of Education, Detroit Education Research Partnership. 2020.

<sup>213</sup> Ibid.

contributing factors.<sup>214,215</sup> Students experiencing homelessness are also chronically absent. During the 2016-2017 school year, approximately 40 percent of students were chronically absent and were chronically absent more than two-and-a-half times more frequently than students who were housed and more than four times as often as higher income students.<sup>216</sup>

101. Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children’s Environmental Health, to ascertain certain characteristics of children born to approximately 500 mothers.<sup>217</sup> Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.<sup>218</sup>
102. **Eviction Causes Family Instability Causing Responses from Child Welfare and Foster Care Systems.** Poverty, housing instability, and child welfare/foster care system involvement are connected. Low-income children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.<sup>219</sup> Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.<sup>220</sup> According to U.S. Department of Health and Human Services, approximately 10 percent of children are removed from their homes because of housing issues.<sup>221</sup> With an average annual cost for out-of-home care of \$18,000 per child, the federal government is expected to spend \$972 million on foster care.<sup>222</sup> In contrast, providing housing and in-home services through the Family First Prevention Services Act to keep families together would cost an estimated \$276 million, an annual cost savings of \$696 million.<sup>223</sup> California spends approximately \$167 million

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<sup>214</sup> Singer, Jeremy et al. “Detroit’s Uniquely Challenging Context for Student Attendance.” Wayne State College of Education. 2019.

<sup>215</sup> Jacob, Brian and Lovett, Kelly. “Chronic Absenteeism: An Old Problem in Search of New Answers.” University of Michigan Youth Policy Lab. March 2019.

<sup>216</sup> Ibid.

<sup>217</sup> “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

<sup>218</sup> Ibid.

<sup>219</sup> Ibid.

<sup>220</sup> “Keeping Families Together.” New Mexico Appleseed. 2013.

<sup>221</sup> “The AFCARS Report.” U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>222</sup> Letter from Ruth White of the National Center for Housing & Child Welfare to Assistant Secretary Chang of the U.S. Department of Health & Human Services. March 2021. Referencing NCHCW Cost Analysis 2021.

<sup>223</sup> Ibid.

annually in federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily available when parents are eligible for reunification.<sup>224</sup> This family separation is a lesser-known consequence of the affordable housing crisis throughout the country and in Detroit. Furthermore, with a significant lack of safe affordable housing, children aging out of foster care often experience homelessness upon leaving foster care. A survey of former Wayne County foster care youth found that 47 percent of respondents experienced one or more episodes of homelessness before age 20, and 23 percent experienced homelessness immediately upon leaving foster care.<sup>225</sup>

103. In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19 percent of their children were placed in foster care compared to 8 percent of low-income, housed children in Worcester.<sup>226</sup> Findings from a similar survey of families experiencing homelessness in New York City indicated that 35 percent of families had an open child welfare case and 20 percent had one or more children in foster care.<sup>227</sup> A study of approximately 23,000 mothers living in Philadelphia found that approximately 37 percent of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9 percent of mothers living in low-income neighborhoods and 4 percent of other mothers.<sup>228</sup> The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness than for mothers who have neither experienced homelessness nor are in the lowest 20 percent bracket of income.<sup>229</sup> Children born into families that have experienced homelessness were placed into foster care in approximately 62 percent of cases compared to approximately 40 percent of cases involving low-income families.<sup>230</sup>
104. During fiscal year 2019, approximately 19 percent of children in foster care in Michigan entered foster care due to inadequate housing.<sup>231</sup>
105. Researchers at Case Western Reserve University in Cleveland, Ohio examined the effects of entry into foster care on children's well-being and future opportunity. The researchers

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<sup>224</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>225</sup> "A place to call home." Wellspring Lutheran Services. N.d.

<sup>226</sup> Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." *American Journal of Public Health*. 1997.

<sup>227</sup> Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

<sup>228</sup> Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." *Journal of Sociology and Social Welfare*. 2003.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Child Trends Michigan.

found that of the students in foster care systems, more than 57 percent were chronically absent at school (i.e., having missed more than 10 percent of the days enrolled).<sup>232</sup> Additionally, nearly 80 percent of students involved in both foster care and the juvenile system were cited as being chronically absent.<sup>233</sup> Nine percent of students that had been in foster care had used homelessness services, and 14 percent of students that were involved in foster care and the juvenile system had used homelessness services.<sup>234</sup> Lastly, the researchers found that, of students involved with the foster care and juvenile systems who began ninth grade, only 23 percent were still enrolled during twelfth grade compared to 58 percent of non-system involved students.<sup>235</sup> These factors indicate that students removed from their families are more often absent in school, drop out of school prior to completion, or use homelessness services.

106. A first of its kind study in Sweden recently examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately 4 percent of evicted children were removed from their families compared to 0.3 percent of non-evicted children.<sup>236</sup> An American study, using a nationally representative longitudinal data set, explored the prevalence of housing inadequate housing among families under investigation by child welfare services agencies.<sup>237</sup> Findings indicated that inadequate housing contributed to 16 percent of child removals among families under investigation by child protective services.<sup>238</sup>
107. The Administration for Children and Families, a division of the U.S. Department of Health and Human Services, issued in January 2021 an Information Memorandum (IM) highlighting the importance of civil legal services in advancing child and family well-being, addressing social determinants of health, and enhancing community resiliency.<sup>239</sup> The IM cites housing, access to adequate housing, habitability, and eviction as civil legal issues that, if left unresolved, can become a major impediment to keeping families together.<sup>240</sup>
108. **Eviction Causes Community Instability.** Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale,

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<sup>232</sup> Coulton, Claudia et al. “Policy Research Brief: Effects of Foster Care and Juvenile Justice Involvement on Early Adult Outcomes: A Study of Cleveland’s Youth.” Case Western Reserve University. N.d.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> Berg, Lisa. “Evicted children and subsequent placement in out-of-home care: A cohort study.” Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

<sup>237</sup> Fowler, PJ, et. al. “Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample.” American Journal of Community Psychology. 2013.

<sup>238</sup> Ibid.

<sup>239</sup> ACYF-CB-IM-21-02.

<sup>240</sup> Ibid.

the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.<sup>241</sup> More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and security because they cannot afford to pay for these services independently. These informal support networks develop over time, particularly in communities with no or minimal social safety nets.<sup>242</sup> However, these informal support networks are fragile, and when people are displaced from their communities, the networks are more likely to become strained.<sup>243</sup>

109. The lack of formal social safety net supports is then further exacerbated because the informal support networks that were once there are gone because people providing those supports have been displaced.<sup>244</sup> Thus, people living in these communities can become more susceptible to crises.<sup>245</sup> Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.<sup>246</sup>
110. [Eviction Right to Counsel Can Improve the Court System](#). Unrepresented tenants increase the administrative burden on courts that would not exist if the tenant were represented. Unrepresented tenants likely to be uninformed about the applicable law and court procedures, which poses significant demands on court staff and court resources.<sup>247</sup> For example, when asked what types of resources they used, unrepresented tenants responded with “consultation of court staff” as one of their top three resources.<sup>248</sup> The researcher who administered the survey stated that incomplete or illegible court filings from unrepresented tenants make it difficult for judges to determine what relief is being sought or if the claim has a legally cognizable basis.<sup>249</sup> Additionally, the pervasive challenge of tenants failing to appear for scheduled hearings causes uncertainty for the court staff about the number of cases to schedule on any given docket, leading to unnecessary delays for other cases in the court’s caseload.<sup>250</sup> Unmeritorious cases filed by landlords or landlord

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<sup>241</sup> Blumgart, Jake. “To reduce unfair evictions tenants need lawyers.” Plan Philly. March 16, 2017

<sup>242</sup> Mah, Julie. “Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions.” Housing Policy Debate. 2020.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.

<sup>246</sup> Johns-Wolfe, Elaina. “You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017.” The Cincinnati Project. June 2018. Referencing Desmond, Matthew. “Community in Crisis: Understanding Housing Insecurity.” Northern Kentucky University. 2018.

<sup>247</sup> Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” The Justice System Journal. 2003.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

counsel, who expect the tenant to be unrepresented, also administratively burden the court system. Over a three-month period in Tulsa, Oklahoma, more than 500 companies with invalid limited liability company status filed evictions, despite lacking capacity to bring suit in Oklahoma, thus filling docket space with baseless cases and using court resources to process them.<sup>251</sup>

## Benefits of Providing Representation Through a Right to Counsel

111. **More Favorable Outcomes for Tenants.** The United States Supreme Court decision in *Gideon v. Wainwright* established that the Fourteenth Amendment to the Constitution creates a right for indigent criminal defendants to be represented by counsel. Although this decision explicitly applies in criminal cases, the consequences of an eviction to the tenant can be similarly severe, debilitating, and harmful. Studies from around the country have assessed the significant impact of tenant representation in eviction cases.

- Michigan – In response to the pandemic, Michigan launched a statewide Eviction Diversion Program (EDP) from July-December 2020. The EDP dramatically increased the number of tenants receiving legal assistance and representation.<sup>252</sup> When extensive legal services were provided to tenants, they avoided eviction 97 percent of the time.<sup>253</sup>
- Los Angeles, California – The Sargent Shriver Civil Counsel Act established pilot projects to provide representation to low-income litigants in certain civil case types, including evictions.<sup>254</sup> For tenants who received full representation, “95 percent faced an opposing party with legal representation and 1 percent did not (this information was missing or unclear for 4 percent of clients).”<sup>255</sup> Lawyers representing tenants achieved favorable outcomes for their clients in 89 percent of cases, including 22 percent remaining in their homes; 71 percent having their move-out date adjusted; 79 percent having back rent reduced or waived; 45 percent retaining their housing subsidy; 86 percent having their case sealed from public view; and 54 percent having their credit protected.<sup>256</sup>

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<sup>251</sup> “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” The University of Tulsa College of Law. January 13, 2021.

<sup>252</sup> Benton, Elizabeth et al. “Reducing Michigan Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

<sup>253</sup> Ibid.

<sup>254</sup> Jarvis, Kelly L. et al. “Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects.” NPC Research. July 2017.

<sup>255</sup> Ibid.

<sup>256</sup> Ibid.



- New York City – Researchers conducted a randomized trial in New York City Housing Court where tenants were randomly selected to receive attorney advice or representation or be told that no attorney was available to assist them at that time.<sup>257</sup> Both groups of tenants were followed through to the conclusion of their cases. Tenants who were represented by attorneys were more than four times more likely to retain possession of their apartments than similar tenants who were not represented.<sup>258</sup> A 2011 study of an eviction defense program in the South Bronx found that attorneys prevented an eviction judgment for approximately 86 percent of their clients.<sup>259</sup> The program also addressed other long-term client challenges and was able to prevent shelter entry for approximately 94 percent of clients.<sup>260</sup> In August 2017, New York City Mayor Bill de Blasio signed into law landmark legislation that guarantees low-income tenants access to counsel in eviction proceedings. A 2021 report on the first year of implementation in New York City stated that 84 percent of tenants represented through New York City’s Right to Counsel Law remained in their homes.<sup>261</sup> From 2018 to 2019 residential evictions decreased 15 percent in New York City, and since the City’s increased investment in eviction defense in 2013, residential evictions have decreased 40 percent.<sup>262</sup>
- San Francisco, California – Represented tenants were able to remain in their homes in 67 percent of cases.<sup>263</sup>
- Philadelphia, Pennsylvania – Stout found that 78 percent of unrepresented tenants experience case outcomes that have a high likelihood of disruptive displacement.<sup>264</sup> When tenants are represented, they avoid disruptive displacement 95 percent of the time.<sup>265</sup>

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<sup>257</sup> Sandefur, Rebecca L. "The Impact of Counsel: An Analysis of Empirical Evidence," *Seattle Journal for Social Justice*: Vol. 9: Issue 1, Article 3, p. 78. 2010.

<sup>258</sup> Ibid.

<sup>259</sup> "Housing Help Program Homelessness Prevention Pilot Final Report." Seedco. June 2010

<sup>260</sup> Ibid.

<sup>261</sup> *Universal Access to Legal Services: A Report on Year One of Implementation in New York City.* Office of Civil Justice, New York City Human Resources Administration. Fall 2021.

<sup>262</sup> "Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide." Office of the Mayor. February 24, 2020.

<sup>263</sup> Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

<sup>264</sup> "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

<sup>265</sup> Ibid.

- Hennepin County, Minnesota – Represented tenants win or settle their cases 96 percent of the time, and settlements made by represented tenants are significantly better than settlements made by unrepresented tenants.<sup>266</sup> Represented tenants are nearly twice as likely to remain in their homes.<sup>267</sup> If represented tenants agree to move, they are given twice as much time to do so, and nearly 80 percent of represented tenants do not have an eviction record as a result of the case compared to only 6 percent of unrepresented tenants.<sup>268</sup>
- Boston, Massachusetts – Represented tenants fared twice as well in terms of remaining in their homes and almost five times as well in terms of rent waived and monetary awards compared to unrepresented tenants.<sup>269</sup> Represented tenants also created a lesser strain on the court system than those who were unrepresented.<sup>270</sup> Data from the HomeStart Program in the Greater Boston Area indicates that 95 percent of clients assisted by the program with their eviction case had not been evicted in the following four years.<sup>271</sup>
- Seattle, Washington – Represented tenants were approximately twice as likely to remain in their homes as unrepresented tenants.<sup>272</sup>
- Chicago, Illinois – Represented tenants had their cases resolved in their favor approximately 58 percent of the time compared to 33 percent of the time for unrepresented tenants.<sup>273</sup> Represented tenants were also more than twice as likely to have their cases dismissed, and when tenants were represented, the rate of landlord summary possession awards decreased from approximately 84 percent to approximately 39 percent.<sup>274</sup>

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<sup>266</sup> Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d.

<sup>267</sup> Ibid.

<sup>268</sup> Ibid.

<sup>269</sup> “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

<sup>270</sup> Ibid.

<sup>271</sup> Eviction Prevention. HomeStart.org.

<sup>272</sup> Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>273</sup> Dukmasova, Maya. “New data reveals impact of being lawyerless in Chicago eviction court.” Reader. September 14, 2017.

<sup>274</sup> Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d. Referencing Birnbaum, Julian. “Chicago’s Eviction Court: A Tenants’ Court of No Resort.” Urban Law Annual. 1979.

- Denver, Colorado – Approximately 79 percent of unrepresented tenants are displaced due to an eviction.<sup>275</sup> In sharp contrast, represented tenants experience displacement in only 10 to 20 percent of cases, depending on whether the housing is public or private.<sup>276</sup>
- Jackson County (Kansas City), Missouri – Approximately 72 percent of unrepresented tenants had eviction judgments or monetary damages entered against them compared to 56 percent of represented tenants.<sup>277</sup>
- Columbus, Ohio – The Legal services Society of Columbus provided representation to tenants through its Tenant Advocacy Project (TAP).<sup>278</sup> One percent of TAP-represented tenants received a judgment against them compared to approximately 54 percent of non-TAP cases.<sup>279</sup> Approximately 40 percent of TAP-represented tenants negotiated an agreed upon judgment compared to approximately 15 percent of non-TAP cases.<sup>280</sup> TAP-represented tenants who negotiated agreements to remain in their homes more than twice as often as non-TAP cases, and TAP-represented tenants successfully negotiated an agreement to move and avoided an eviction judgment more than seven times as often as non-TAP cases.<sup>281</sup> An organization in Franklin County (Columbus, Ohio) providing eviction mediation services reported that during 2019, approximately 84 percent of tenants at risk of being evicted were able to avoid disruptive displacement as a result of their services.<sup>282</sup> Furthermore, the organization followed up with clients served one year later and found that 94 percent of them had maintained stable housing, and 87 percent had no subsequent eviction filed against them.<sup>283</sup>
- Tulsa, Oklahoma – A 2021 study by the University of Tulsa found that 79 percent of unrepresented tenants had judgments against them compared to 43 percent of represented tenants.<sup>284</sup> Representation also impacted whether landlords received

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<sup>275</sup> Hasvold, Aubrey and Regenbogen, Jack. “Facing Eviction Alone: A Study of Evictions, Denver, Colorado 2014-2016.” Colorado Coalition for the Homeless and Colorado Center on Law and Policy. N.d.

<sup>276</sup> Ibid.

<sup>277</sup> “Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County.” Kansas City Eviction Project. January 24, 2018.

<sup>278</sup> “The Legal services Society of Columbus: Tenant Advocacy Project Evaluation.” Thoughtwell. 2018.

<sup>279</sup> Ibid.

<sup>280</sup> Ibid.

<sup>281</sup> Ibid.

<sup>282</sup> Community Mediation Services of Central Ohio. Housing Stability/Homeless Prevention Mediation Program Activity Report. 2019.

<sup>283</sup> Ibid.

<sup>284</sup> “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” The University of Tulsa College of Law. January 13, 2021.

money judgments and the amount of the money judgments. Unrepresented tenants were nearly twice as likely to receive a money judgment than represented tenants, and money judgments against represented tenants were on average \$800 lower than those against represented tenants.<sup>285</sup>

- Washington, DC – A recent analysis demonstrated the Housing Right to Counsel Project clients who were represented were 5 times less likely to receive an order allowing Marshals to schedule an eviction and 3.5 times more likely to enter settlement agreements.<sup>286</sup>
- Cleveland, Ohio – Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel found that for cases closed between January 1, 2021 and December 31, 2021, Cleveland Legal services attorneys were able to achieve the following outcomes for clients with these respective goals<sup>287</sup>:
  - Prevented eviction judgment or involuntary move – 93%
  - Secured rental assistance – 83%
  - Secured time to move (30 days or more) – 92%
  - Mitigated damages – 94%
  - Secured monetary relief – 97%
- Nebraska – A recent report indicated that the Nebraska Bar Association’s tenant representation pro bono project in two counties reduced the immediate eviction rate from 90% to 2%.<sup>288</sup>

112. Disparities in outcomes, while perhaps the most concrete difference between represented and unrepresented tenants, are not the only challenge tenants face in court. A San Francisco Housing Court study observed how landlords’ attorneys can gain the upper hand even when the law does not support their case.<sup>289</sup> Repeat players gain advantages from their developed expertise and knowledge including specialized knowledge of substantive areas of the law, experience with court procedures, and familiarity with opposing counsel and decision-makers.<sup>290</sup> However, when tenants are represented, these power dynamics are more balanced. There are also ways that representation can create positive outcomes beyond “winning” a contested case. An attorney can help limit the collateral damage of

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<sup>285</sup> Ibid.

<sup>286</sup> “Housing Right to Counsel Project.” DC Bar Pro Bono Center. N.d.

<sup>287</sup> Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel can be found [here](#).

<sup>288</sup> Johnson, Anton. “A Lawyer in Your Corner: The Tenant Assistance Project, Nebraska’s New Tool to Fight Evictions.” The Reader. December 2021.

<sup>289</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>290</sup> Ibid.

being evicted.<sup>291</sup> The tenant, with attorney assistance, could attempt to settle the case with the landlord without proceeding to trial and negotiating extra time before moving.<sup>292</sup> The appearance of an attorney for either party has been shown to increase settlement rates from 7 percent if neither party was represented to 26 percent if the defendant was represented and 38 percent if the plaintiff was represented.<sup>293</sup> Additionally, an attorney might also help the tenant reach a settlement that involves vacating the apartment without an adverse judgment that would affect the tenant's ability to re-rent.<sup>294</sup>

113. **Fewer Tenants Lose by Default.** When tenants do not file an answer or attend court for their scheduled hearing, a default judgment is often entered in favor of the landlord if the landlord or landlord counsel is present.<sup>295</sup> That is, tenants automatically lose if they do not attend their hearing and the landlord or the landlord's attorney/agent does attend the hearing. In many jurisdictions, even where it is possible, it is difficult at best to reopen cases that tenants have lost by default, and the specialized knowledge of an attorney is usually required. There are numerous reasons a tenant may lose by default, such as: (1) confusion and intimidation about the legal process; (2) the tenant has already vacated the apartment; (3) the tenant acknowledges that rent is owed and does not believe going to court will change the situation; (4) the tenant does not realize there may be valid defenses to raise; and (5) the tenant cannot miss work to attend court without jeopardizing employment. Additionally, if tenants default because they do not know their rights, they could lose the opportunity to reopen their cases even if they have meritorious defenses.
114. In its analysis of evictions in Philadelphia, Stout found that tenants who were represented were 90 percent less likely to lose by default than unrepresented tenants.<sup>296</sup> Unrepresented tenants lost by default in approximately 58 percent of cases in Philadelphia.<sup>297</sup> Similar default rates have been observed throughout the country. In Jackson County (Kansas City), Missouri approximately 70 percent of tenants lost by default.<sup>298</sup> In Hawaii, half of all eviction cases result in a default judgment in favor of the landlord.<sup>299</sup> In Seattle, tenants

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<sup>291</sup> Ibid.

<sup>292</sup> Ibid.

<sup>293</sup> Hannaford-Agor, Paula and Mott, Nicole. "Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations." *The Justice System Journal*. 2003.

<sup>294</sup> Ibid.

<sup>295</sup> See footnote 64 for more information on Stout's consideration of default judgments.

<sup>296</sup> "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

<sup>297</sup> Ibid.

<sup>298</sup> "Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County." Kansas City Eviction Project. January 24, 2018.

<sup>299</sup> Geminiani, Victor et al. "Evicted in Hawaii: Lives Hanging in the Balance." *Lawyers for Equal Justice*. N.d.

lose by default in approximately 48 percent of cases.<sup>300</sup> In a study of evictions in Greensboro, North Carolina, more than 75 percent of tenants did not attend their hearing, losing by default.<sup>301</sup> As observed in Philadelphia, having representation significantly reduces the likelihood that a tenant loses by default. Even if the tenant is unable to attend the hearing, counsel can attend on the tenant's behalf, often mitigating the consequences of losing the case by default. Evidence from New York City indicates that when tenants are represented, the number of default judgments decreases.<sup>302</sup> Since the introduction of the right to counsel program, default judgments have decreased approximately 34 percent in New York City from 35,130 in 2016 to 23,146 in 2019.<sup>303</sup>

115. **Connection to Other Services and Improved Housing Transitions.** Representation in an eviction case can be important not only for navigating the legal system, but also for providing tenants access to emotional, psychological, and economic assistance from other service providers.<sup>304</sup> Civil legal services attorneys and pro bono attorneys are often aware of additional resources within a community and can help tenants navigate these systems, which can be challenging for someone who is inexperienced with them. These tenant attorneys can connect tenants to emergency rent assistance programs and refer them to mental health providers or other social services they may need.<sup>305</sup> Representation can also achieve an outcome that maximizes the tenant's chances of either staying in his or her home or finding another suitable place to live without disrupting, or working toward minimized disruption of, their well-being or family stability.<sup>306</sup> According to a Chicago-Kent College of Law study, represented tenants experienced a clear advantage as their cases progressed through the court system even if the landlord prevailed.<sup>307</sup> Even where the ultimate disposition was the same – eviction – legal representation allowed tenants more time to secure alternative housing and avoid losing their personal belongings.<sup>308</sup> Additionally, if tenants do require additional time to find alternative, suitable living arrangements, lawyers can often negotiate that additional time for the tenant to do so. In

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<sup>300</sup> "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>301</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>302</sup> New York City Council Hearing Testimony provided by Chief Administrative Judge of New York City Civil Court, Hon. Anthony Cannataro. February 24, 2020.

<sup>303</sup> Ibid.

<sup>304</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>305</sup> Savitch-Lew, Abigail. "City Tackles Toll-Out of Right to Counsel in Housing Court." City Limits. January 17, 2018.

<sup>306</sup> Ibid.

<sup>307</sup> "No Time for Justice: A Study of Chicago's Eviction Court." Chicago-Kent College of Law Class of 2004 Honors Scholar. December 2003.

<sup>308</sup> Ibid.

its analysis of evictions in Philadelphia, Stout found that, on average, represented tenants had approximately 50 days to vacate their apartments when they agreed to do so compared to 35 days for unrepresented tenants.<sup>309</sup> A study of evictions filed in San Mateo County, California found that represented tenants were granted approximately twice as long to find alternative housing than unrepresented tenants.<sup>310</sup> Approximately 71 percent of a sample of tenants represented through California’s Sargent Shriver Civil Counsel Act who were surveyed one year after their cases closed reported living in a new rental unit compared to approximately 43 percent of tenants who were not represented through the Sargent Shriver Civil Counsel Act.<sup>311</sup> This suggests represented tenants had higher rates of reasonable settlement agreements that supported housing stability.<sup>312</sup>

116. Connections to other housing services are particularly relevant now as rental assistance is available for qualifying tenants. The application process to apply for and receive rental assistance can be complex and burdensome. Being connected to and having assistance throughout the rental assistance application process can benefit both tenants and landlords, as tenants are able to remain in their homes and landlords are able to receive rental assistance dollars.
117. **Court Efficiency Gains.** Results from the San Francisco Right to Civil Counsel Pilot Program indicated that when tenants are represented cases move through the legal processes more efficiently than when tenants are unrepresented. The average number of days from filing the complaint to a judgment entered by the clerk decreased from 37 to 31.<sup>313</sup> The average number of days from filing the complaint to a negotiated settlement decreased from 72 to 62.<sup>314</sup> The average number of days from the filing of the complaint to the entry of a court judgment decreased from 128 to 105, and the average number of days from filing the complaint to dismissal of the action decreased from 90 to 58.<sup>315</sup> Cases closing times are independent of the time a tenant has to move. When tenants are represented, the courts can close cases faster and tenants can secure more time to move.
118. **Trusting the Justice System and Exercising of Rights.** Evaluations of providing counsel are often focused on the outcome for the litigant. However, tenants are also more apt to accept

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<sup>309</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

<sup>310</sup> Steinberg, Jessica K. “In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services.” Georgetown Journal on Poverty Law and Policy. 2011.

<sup>311</sup> “Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects.” The Shriver Civil Counsel Act Implementation Committee. July 2017.

<sup>312</sup> Ibid.

<sup>313</sup> Sandefur, Rebecca L. “The Impact of Counsel: An Analysis of Empirical Evidence,” Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

<sup>314</sup> Ibid.

<sup>315</sup> Ibid.

adverse court decisions if they perceive that the law and court procedures were followed.<sup>316</sup> Whether court personnel treated the litigant fairly, whether the litigant was able to state his or her side of the story, and whether the decisions were based on facts are additional factors that increase whether tenants trust that the justice system can provide justice for them.<sup>317</sup> The importance of providing legal representation is not limited to advocating in the best interest of the litigant, but also encompasses providing them with the assurance that someone is on their side and providing greater confidence in the justice system.<sup>318</sup> A right to counsel also ensures a tenant is exercising their rights to the fullest extent. This will be increasingly important as the national eviction moratorium and other pandemic-related tenant protections expire. For example, landlords and consumer financial reporting agencies have an obligation, according to the Consumer Financial Protection Bureau, to accurately report rental and eviction information.<sup>319</sup>

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<sup>316</sup> Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

<sup>317</sup> *Ibid.*

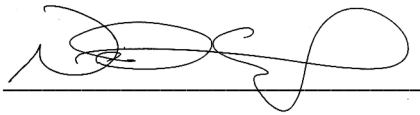
<sup>318</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>319</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021



### Assumptions and Limiting Conditions

120. Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.
121. Stout's review, research, and analysis was conducted on an independent basis. No one who worked on this engagement has any known material interest in the outcome of the analysis.



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Neil Steinkamp  
Managing Director  
Stout Risius Ross, LLC

# Appendix A

## Eviction Right to Counsel Advocacy & Timelines

1. **New York.** July 2017: New York City became the first U.S. city to pass legislation guaranteeing a right to counsel for tenants in eviction proceedings.<sup>320</sup> The legislation was spurred by strong grassroots movements by tenant organizers and advocates. Stout’s cost-benefit analysis, completed prior to passage of the legislation, concluded that the legislation could save New York City \$320 million annually.<sup>321</sup> April 2019: City council members introduced bills to expand the income eligibility for the right to counsel and fund tenant organizing.<sup>322</sup> November 2019: The New York City Office of Civil Justice, the office responsible for overseeing the implementation of right to counsel, reported that since the right was enacted, 84 percent of represented tenants have remained in their homes.<sup>323</sup> Additionally, evictions have declined by more than 30 percent in the zip codes with a right to counsel since implementation of the right to counsel.<sup>324</sup> February 2020: Two committees of the New York City Council heard eight hours of testimony from tenants, organizers, community organizations, legal services providers, government agencies, and housing court judges regarding the impact that right to counsel has had in New York City. Testimony also included support for the two pending bills – one for increasing the income eligibility and one for funding tenant organizing.<sup>325</sup> April 2021: City Council passed a bill that accelerates implementation of right to counsel and requires the Office of Civil Justice to “work with community organizations to engage and educate tenants of their rights in housing court, including but not limited to hosting know your rights trainings and other workshops for tenants, distributing written information to tenants, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and any other activity to engage, educate or inform tenants about their rights in housing court.”<sup>326</sup> September 2021: Statewide eviction right to counsel legislation was introduced in the Albany County Legislature.<sup>327</sup>
2. **California.** June 2018: San Francisco became the second city to guarantee a right to counsel for tenants in evictions cases through a ballot referendum. San Francisco Mayor London Breed subsequently earmarked \$1.9 million for fiscal year 2018-2019 and \$3.9 million for

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<sup>320</sup> Capps, Kriston. “New York City Guarantees a Lawyer to Every Resident Facing Eviction.” City Lab. August 14, 2017.

<sup>321</sup> “The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A.” Stout Risius Ross. March 16, 2016.

<sup>322</sup> Mironova, Oksana. “NYC Right to Counsel: First year results and potential for expansion.” Community Service Society. March 25, 2019.

<sup>323</sup> Universal Access to Legal Services: A Report on Year Two of Implementation in New York City.” Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

<sup>324</sup> Ibid.

<sup>325</sup> Gonen, Yoav. “Eviction Drop Fuels Push to Expand Free Housing Help for Low-Income NYC Tenants.” The City. February 24, 2020.

<sup>326</sup> Intro 1529.

<sup>327</sup> Lucas, Dave. “Right to Counsel Legislation Introduced in Albany County.” WAMC Northeast Public Radio. September 20, 2021.

fiscal year 2019-2020 to implement the new law.<sup>328</sup> July 2018: Advocates in Concord released a report discussing housing affordability challenges, hazardous conditions, and tenants’ persistent fear of eviction. The report recommended a citywide right to counsel law.<sup>329</sup> Another tenant advocacy group in the area released a report calling for a statewide right to counsel bill, noting the increasing number of tenants facing eviction and the rapid pace of eviction proceedings.<sup>330</sup> June 2019: Pro bono law firm, Public Counsel, and the University of California Los Angeles release a report advocating for reforms to landlord-tenant law, including establishing a right to counsel as a tenant protection.<sup>331</sup> September 2019: Los Angeles County Board of Supervisors passed motions to advance several tenant protection measures, including an eviction defense program for low-income households facing eviction.<sup>332</sup> Initial proposed funding included \$2 million for startup costs and \$12.5 million for implementation annually.<sup>333</sup> December 2019: Santa Monica took steps toward becoming the sixth city to establish a right to counsel for tenants facing eviction.<sup>334</sup> Los Angeles City Council voted to add \$9 million to its eviction defense fund, increasing the fund to \$23.5 million for eviction defense.<sup>335</sup> February 2020: Data was released showing that eviction filings in San Francisco declined by 10 percent, and that 67 percent of those receiving full-scope representation have been able to stay in their homes.<sup>336</sup> April 2021: Assembly Bill 1487 passed California’s Assembly Judiciary Committee. The bill would establish a statewide eviction defense program for low-income renters.<sup>337</sup> The author of the bill, Assemblyman Jesse Gabriel, estimated that the bill would have a return on investment of \$4 for every dollar invested (400 percent), which includes costs savings related to shelters and health care.<sup>338</sup>

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<sup>328</sup> Waxmann, Laura. “Tenant advocacy groups set to received funding under ‘Right to Counsel’ program.” San Francisco Examiner. November 28, 2018.

<sup>329</sup> “The Housing Crisis Hits Home in Concord.” 2018.

<sup>330</sup> Inglis, Aimee and Preston, Dean. “California Evictions are Fast and Frequent.” Tenants Together. May 2018.

<sup>331</sup> Bonett, Gregory et al. “How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Resist Displacement in Los Angeles County.” Public Counsel and UCLA School of Law. June 2019.

<sup>332</sup> Wenzke, Marissa and Burch, Wendy. “L.A. County Supervisors Vote 5-0 for Permanent Rent Control Measure Affecting 100,000 Tenants in Unincorporated Areas.” KTLA5. September 2019.

<sup>333</sup> Motion by Supervisors Sheila Kuehl and Mark Ridley-Thomas. “Implementing Eviction Defense and Prevention Services in Los Angeles County.” September 10, 2019.

<sup>334</sup> Pauker, Madeleine. “Universal legal representation for renters would cost up to \$1 million.” Santa Monica Daily Press. December 17, 2019.

<sup>335</sup> National Coalition for a Civil Right to Counsel. [http://civilrighttocounsel.org/major\\_developments/1273](http://civilrighttocounsel.org/major_developments/1273)

<sup>336</sup> Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

<sup>337</sup> Symon, Evan. “California Eviction Defense Program for Vulnerable Renters Bill Passes in Committee.” California Globe. April 2021.

<sup>338</sup> Ibid.

3. **New Jersey.** In December 2018, Newark City Council passed a bill guaranteeing a right to counsel in eviction cases.<sup>339</sup> In its first four months of existence, the newly-created Office of Tenant Legal Services “took on 140 cases, yielding results that have helped more than 350 residents avoid homelessness.”<sup>340</sup>
4. **Ohio.** In September 2019, Cleveland’s city council passed legislation to provide a right to counsel for tenants who have incomes at or below 100 percent of the federal poverty guidelines and who have at least one child.<sup>341</sup> During the first six months following enactment: approximately 93 percent of represented tenants seeking to avoid an eviction or involuntary move were able to do so; approximately 83 percent of represented tenants seeking more time to move (30 days or more) were able to achieve this outcome; and approximately 89 percent of represented tenants seeking to mitigate their damages were able to do so.<sup>342</sup> In September 2021, Toledo City Council enacted an eviction right to counsel ordinance for tenants facing eviction with incomes at or below 200 percent of the federal poverty guidelines.<sup>343</sup>
5. **Pennsylvania.** June 2017: Philadelphia City Council allocated \$500,000 to expand legal representation for tenants facing eviction.<sup>344</sup> November 2018: Stout released a cost-benefit analysis of right to counsel legislation in Philadelphia, finding that such a law would save the City of Philadelphia \$45.2 million annually.<sup>345</sup> May 2019: Philadelphia City Council members introduced a bill to establish an ordinance for a right to counsel in eviction proceedings.<sup>346</sup> November 2019: Philadelphia City Council passed right to counsel legislation for tenants facing eviction, becoming the fifth U.S. city to do so.<sup>347</sup> April 2021: The Municipal Court of Philadelphia (where landlord-tenant and eviction cases are heard) ordered that for 45 days, landlords are required to apply to the city’s rental assistance program and must enroll in the Eviction Diversion Program (i.e., pre-filing mediation) before filing an eviction with the court for non-payment of rent.<sup>348</sup> January 2022:

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<sup>339</sup> Brey, Jared. “Tenants’ Right to Counsel on the Move, Next Stop Newark.” Next City. January 10, 2019.

<sup>340</sup> “7 strategies for reducing the number of evictions in your community.” Bloomberg Cities. February 26, 2020.

<sup>341</sup> Hlavaty, Kaylyn. “Legislation passes to protect children in homes facing eviction by providing free legal help for low-income tenants.” News 5 Cleveland. October 1, 2019.

<sup>342</sup> Annual Report to Cleveland City Council. Right to Counsel Free Eviction Help. January 2021.

<sup>343</sup> “Toledo City Council approves tenants’ right-to-counsel bill.” The Blade. September 2021.

<sup>344</sup> Blumgart, Jake. “Philadelphia sets aside \$500,000 to help renters fight eviction.” WHYY. June 29, 2017.

<sup>345</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

<sup>346</sup> Blumgart, Jake. “Philly renters guaranteed lawyers in eviction court under new City Council bill.” WHYY. May 9, 2019.

<sup>347</sup> D’Onofrio, Michael. “Philly City Council passes right to counsel bill for low-income tenants.” Pennsylvania Capital-Star. November 18, 2019.

<sup>348</sup> “Philly may have just revolutionized evictions.” The Philadelphia Inquirer. April 2021.

Philadelphia launched its eviction right to counsel program in two zip codes in Philadelphia with plans to expand to four more zip codes by July 2022.<sup>349</sup>

6. **Colorado.** November 2020: Voters in Boulder approved a ballot initiative establishing a right to counsel for tenants facing eviction regardless of income.<sup>350</sup> April 2021: A group of tenant advocates filed a ballot initiative to fund a right to counsel for Denver renters facing eviction, and two city councilmembers plan to introduce a similar proposal via the local legislative process.<sup>351</sup>
7. **Washington.** January 2021: SB 5160 was introduced and would guarantee counsel for indigent tenants facing eviction statewide, if passed. The bill has a flexible definition of “indigent,” and the Office of Civil Legal services would receive the funds necessary to provide counsel.<sup>352</sup> March 2021: Seattle enacts a right to counsel for low-income tenants facing eviction.<sup>353</sup> April 2021: Washington became the first state to enact a right to counsel statewide. The legislation provides representation to tenants who receive public assistance or who have incomes of 200 percent or less of the federal poverty level.<sup>354</sup> July 2021: Washington State Office of Civil Legal services published its right to counsel implementation plan.<sup>355</sup> Washington’s right to counsel must be fully implemented no later than April 22, 2022.
8. **Maryland.** December 2020: The City of Baltimore enacts an eviction right to counsel for low-income tenants. January 2021: A group of Maryland legislators introduced a legislative package that includes a right to counsel for tenants facing eviction and underscores the need for tenant outreach and tenants’ rights education.<sup>356</sup> May 2021: Statewide right to counsel legislation was passed in Maryland’s House and Senate and became law on May 30, 2021.<sup>357</sup> January 2022: The Maryland Access to Counsel in Evictions Task Force released a

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<sup>349</sup> Rushing, Ellie. “Low-income tenants facing eviction can now get free legal representation in 2 Philly zip codes.” The Philadelphia Inquirer. January 2022.

<sup>350</sup> Ordinance 8412.

<sup>351</sup> Karlik, Michael. “Group files ballot initiative for eviction defense, while council works on own proposal.” Colorado Politics. March 28, 2021.

<sup>352</sup> Washington Senate Bill 5160.

<sup>353</sup> CB 120007.

<sup>354</sup> SB 5160.

<sup>355</sup> “Right to Counsel for Indigent Tenants: Implementation Plan.” Washington State Office of Civil Legal Aid. July 2021.

<sup>356</sup> Maryland House Bill 18 and Maryland Senate Bill 154.

<sup>357</sup> Weill-Greenberg, Elizabeth. “Maryland Could Be the First State to Provide Lawyers for Tenants Facing Eviction.” The Appeal. April 16, 2021.

report of recommendations and findings related to Maryland’s statewide eviction right to counsel legislation.<sup>358</sup>

9. **Connecticut.** In May 2021, Connecticut became the third state to enact a right to counsel for low-income tenants facing eviction. The legislation provides representation to tenants who have household incomes at or below 80 percent of the state median income adjusted for family size or who receive public assistance.<sup>359</sup> January 2022: Connecticut launched the first phase of its statewide eviction right to counsel program in 14 zip codes that represent 25 percent of eviction filings across the state.<sup>360</sup>
10. **Milwaukee.** In June 2021, the Milwaukee County Board of Supervisors passed a resolution establishing a right to counsel for tenants facing eviction regardless of income.<sup>361</sup>
11. **Kansas City.** In December 2021, city council for Kansas City, Missouri passed an ordinance establishing a right to counsel for tenants facing eviction regardless of income.<sup>362</sup>
12. **Delaware.** In May 2021, SB 101 was introduced in Delaware. The bill would provide a statewide right to counsel for tenants facing eviction with household incomes of 200 percent or less of the federal poverty level.<sup>363</sup>
13. **Massachusetts.** January 2017: The mayor of Boston announces a five-bill package that will be submitted to the state legislature to assist with tenant displacement.<sup>364</sup> One of the bills would require a court-appointed attorney to represent low-income tenants in eviction proceedings.<sup>365</sup> January 2019: Throughout 2019, various bills were introduced to the Massachusetts State Legislature proposing a statewide right to counsel in eviction proceedings, creating a public task force, and promoting homelessness prevention.<sup>366</sup> July 2019: The Massachusetts Joint Judiciary Committee held a public hearing on the eviction

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<sup>358</sup> “Report of the Access to Counsel in Evictions Task Force.” Maryland Access to Justice Commission in partnership with the Maryland Attorney General. January 2022.

<sup>359</sup> House Bill No. 6531.

<sup>360</sup> Banks, Julie Martin. “Right to Counsel Launch to Help Fight Evictions.” CT News Junkie. January 2022.

<sup>361</sup> Cahill, Margaret. “Milwaukee County Board passes right to counsel in eviction cases, renaming of Lindbergh Park.” Milwaukee Journal Sentinel. June 24, 2021.

<sup>362</sup> Rivas, Rebecca. “Kansas City residents will soon have the right to an attorney in eviction proceedings.” Kansas Reflector. December 2021.

<sup>363</sup> Delaware SB 101.

<sup>364</sup> Chakrabarti, Meghna and Bruzek, Alison. “Mayor Walsh Unveils Package of Anti-Displacement Bills.” WBUR. January 13, 2017.

<sup>365</sup> Ibid.

<sup>366</sup> McKim, Jenifer and Serrano, Alejandro. “As rents soar in Boston, low-income tenants try to stave off eviction.” Boston Globe. February 19, 2019.

right to counsel bills.<sup>367</sup> November 2019: The Massachusetts Right to Counsel Coalition drafted and refiled three right to counsel bills for consideration by the Judiciary Committee in the 2019-2020 session.

14. [South Carolina](#). January 2021: HB 3072 was introduced and would guarantee counsel for indigent tenants facing eviction.<sup>368</sup>
15. [Nebraska](#). January 2021: LB 419 was introduced and would require the appointment of counsel in eviction proceedings.<sup>369</sup>
16. [Indiana](#). January 2021: SB 350 was introduced and would establish a right to counsel for indigent tenants during possessory actions.<sup>370</sup>
17. [Minnesota](#). March 2019: Legislation establishing a right to counsel for public housing tenants facing eviction due to a breach of lease was introduced in the Minnesota Legislature.<sup>371</sup>
18. [Kentucky](#). March 2021: A group of Louisville City Council members filed a right to counsel ordinance for low-income families facing eviction.<sup>372</sup> April 2021: Louisville City Council voted to enact a right to counsel for low-income families with children who are facing eviction.<sup>373</sup>

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<sup>367</sup> Schoenberg, Shira. “Tenants in eviction cases get powerful Beacon Hill ally in Boston Mayor Marty Walsh.” MassLive. July 17, 2019.

<sup>368</sup> South Carolina House Bill 3072.

<sup>369</sup> Nebraska Legislative Bill 419.

<sup>370</sup> Indiana Senate Bill 350

<sup>371</sup> 2019 Bill Text MN H.B. 2593.

<sup>372</sup> Yarmuth, Aaron. “Right to Counsel Is The Right Move for Louisville.” LEO Weekly. March 31, 2021.

<sup>373</sup> Loosemore, Bailey. “Louisville approves free legal services for low-income families facing eviction.” Louisville Courier Journal. April 22, 2021.