

Evictions are landlord-initiated moves to expel tenants from their homes. Evictions are a leading cause of homelessness.<sup>1</sup> Tenants often do not know their legal rights and often do not have legal representation in eviction hearings.<sup>2</sup> Further, many landlords will refuse to rent to prospective tenants who have eviction filings on their records, regardless of whether a judgment was actually filed by a court or if a court ruled in the tenant's favor.<sup>3</sup> When they do have access to legal representation, tenants are more likely to remain housed and have their children stay in school. Legal representation can also help ensure landlords redress unlawful unsanitary housing conditions that pose health risks, (O'Sullivan, 2012), or help prospective tenants seal old eviction case records to prevent future barriers to housing.

Page 1 of this research brief provides research highlights; pages 2-3 a narrative overview; page 4 two featured federal resources; page 5 other helpful resources; page 6 endnotes; and pages 7-20 summaries of the curated studies. All endnotes are to sources not included in our summaries section.

## RESEARCH HIGHLIGHTS:

- “For every dollar Baltimore City spends on providing free representation to eligible tenants through a right to counsel, it may reduce its current social safety net response to disruptive displacement caused by eviction by at least \$3.06. ... Stout estimates the annual cost of disruptive displacement and potential costs avoided as a result of a right to counsel in Baltimore City eviction cases that accrue to Baltimore City and Maryland to be approximately \$35.6 million annually, which would result in a dollar value of a right to counsel for every dollar invested of at least \$6.24 for Baltimore City and Maryland combined” (Stout Risius Ross, 2020).
- “Fully represented tenants win or settle their cases 96% of the time. Clients receiving limited representation win or settle their cases 83% of the time. These figures compare with just 62% of tenants without any representation.” Tenants with full representation were twice as likely to stay in their homes or got twice as much time to move, left court without an eviction record, and were four times less likely to use homeless shelters (Grundman & Kruger, 2018)
- “Stout’s analysis finds that when tenants are unrepresented, they face case outcomes that can result in disruptive displacement 78 percent of the time. When they are represented, lawyers assist tenants in resolving the matter without this kind of disruptive displacement 95 percent of the time” (Stout Risius Ross, 2018).
- An analysis of the Shriver Housing Pilot Projects found that “clients [with full representation] were significantly less likely to end their cases by default (8%) than were self-represented defendants (26%)” and “had, on average, 85 days to move, versus 74 days among self-represented defendants ... and were ordered to pay holdover damages (26% vs. 11%, respectively), landlord attorney fees (28% vs. 18%), and other costs (33% vs. 15%)” (NPC Research, 2017).
- Harvard researchers found that for individuals with representation, “approximately two-thirds of treated-group occupants retained possession of their housing units at the end of summary eviction proceedings, as compared with about one-third of control group occupants” who did not have representation (Greiner et al., 2012).
- “The Homelessness Prevention Program in Erie county originally planned to do outreach, education and landlord/tenant mediation providing legal assistance when necessary. During the court of implementation, this program found that the need for legal advice and representation was more extensive than originally believed. For this reason, the program now provides legal services to many of its clients along with the originally proposed community education activities” (O’Sullivan, 2012).

## NARRATIVE OVERVIEW RE: IMPROVING HOUSING OUTCOMES

According to the National Low Income Housing Coalition (NLIHC), the United States currently has a nationwide shortage of 7 million affordable and available rental homes. Approximately 47 percent of renters (or about 20.5 million households) are “rent burdened” and pay more than 30 percent of their total income toward housing expenses. Even more striking, a quarter of all renters (about 10.7 million households) pay more than half their income toward housing expenses.<sup>4</sup> Rent burdened households are often financially insecure in other ways – nearly two-thirds report savings of under \$400.<sup>5</sup> As explained by the National Law Center on Homelessness & Poverty, this lack of affordable housing increases instability for low-income renters and leads to increased risk of eviction.<sup>6</sup>

Evictions are landlord-initiated moves to expel tenants from their home and most often occur because a tenant cannot pay rent. Though the true annual incidence of eviction filings and evictions in the U.S. is unknown, Eviction Lab estimates that 1 in 17 renter households face eviction filings and 1 in 40 lose their housing each year.<sup>7</sup> Eviction has many collateral consequences: families often lose their possessions and move to communities with less expensive, lower quality housing; children often have to switch schools, uprooting ties to the community; and heads of households often lose their jobs, resulting in increased financial strain.<sup>8</sup> As Matthew Desmond, Pulitzer Prize winning author of *Evicted: Poverty and Profit in the American City*, said in an interview with NPR, “Eviction isn’t just a condition of poverty; it’s a cause of poverty. Eviction is a direct cause of homelessness, but it also is a cause of residential instability, school instability [and] community instability.”<sup>9</sup>

Studies show that evictions have a disproportionate impact on communities of color as part of a long history of segregation in housing and employment markets. Politico reports that Black and Latinx people are twice as likely to be renters as white people: While nearly three-quarters of white people are homeowners, under half of Black and Latinx individuals own homes.<sup>10</sup> A study out of the University of Washington Evictions Project also found that Black and Latinx households had consistently low incomes, and Black women were evicted at nearly four times the rate of white men.<sup>11</sup> In June 2020, nearly half of Black/Latinx renters were unable to make rent, compared to 25 percent of white renters.<sup>12</sup>

As ethnographic studies have shown, eviction is a cause of homelessness.<sup>13</sup> A report from the New York State Department of Social Services agrees.<sup>14</sup> It finds that one-sixth of homeless shelter requestors report that they are there because of an eviction. Further, 98 percent of homeless shelter requestors had once been primary tenants, demonstrating a history of being evicted. Notably, even if a filing does not result in court judgment, prospective renters often face challenges securing affordable housing or obtaining subsidized housing vouchers because of the presence of old evictions on their records.<sup>15</sup>

Those who face being evicted often live in crumbling housing stock. For example, the Public Justice Center partnered with the Right to Housing Alliance to study the experiences and outcomes of renters in eviction cases in Baltimore.<sup>16</sup> They found that nearly 80 percent of tenants who appeared in court experienced serious housing defects and over 70 percent notified their landlord of them. Further, almost half of landlords submitted invalid registration and credentials and 80 percent provided incorrect or outdated mandatory lead risk reduction compliance. Legal aid attorneys can help tenants remain housed, clear old eviction records, and ensure landlords redress unlawfully unsanitary conditions.

## DATA AND STUDIES SHOW LEGAL AID HELPS:

Tenants often do not know their legal rights. As the Judicial Council of California writes, “Eviction is one of the most urgent civil law issues for low-income individuals and families” (NPC Research, 2017). Tenants often lack legal representation, while landlords often have counsel.<sup>17</sup> For example, in DC, of the 33,000 evictions cases filed yearly, less than 10 percent of tenants have legal representation during a hearing, compared to over 90 percent of landlords.<sup>18</sup> When tenants have counsel they are more likely to remain housed, ultimately reducing bouts of homelessness. Researchers found in New York City that 51 percent of tenants without legal representation lost their homes, compared to 31.8 percent of tenants with legal representation (Frankel et al., 2001). Similarly, in an analysis by Stout Risius Ross (2020), researchers found that tenants without legal representation in Baltimore City likely experienced disruptive displacement in approximately 93 percent of eviction proceedings. When tenants had legal representation, Stout found that they avoided the high likelihood of disruptive displacement in 92 percent of cases. Having access to legal help can also improve housing conditions, reducing allergen exposure and hospital visits (O’Sullivan, 2012).

In one study, researchers tracked pilot projects that provided assistance to low-income individuals on housing matters (NPC Research, 2017). They found that tenants were more likely to remain in their homes, receive more days to move, have a higher settlement rate with balanced representation, and a lower trial rate when they have full representation. Harvard researchers make similar findings (Greiner et al., 2012). They found that two-thirds of those who received an offer of full representation remained in their homes, in comparison to one-third who did not have such representation. For those who received full representation, they received payments or rent waivers for an average of 9.4 months per case, compared to 1.9 months for those without legal representation.

Studies have debated the effectiveness of limited representation in improving outcomes for those facing eviction. The Boston Bar Association found that even limited representation helps tenants in retaining possession and having rent waived and receiving monetary awards (Boston Bar Association, 2012). George Washington law professor Jessica Steinberg found, by contrast, that unbundled or limited legal representation did not substantially affect the outcomes of tenants when compared to those who self-represented (Steinberg, 2011). However, she finds that when tenants had full representation, they experienced significantly better outcomes than those without attorney representation.

Three recent cost-benefit analyses by Stout Risius Ross identified significant savings for cities who could implement a right to counsel in matters relating to eviction, foreclosure, and ejection. Stout (2020) found that a \$5.7 million investment in a right to counsel in Baltimore City may result in approximately \$17.5 million in costs avoided annually. For Baltimore City and Maryland combined, Stout estimates that every dollar spent on free representation would result in a cost savings of \$6.24. Similarly, in New York City, Stout (2016) found that the right to housing counsel would save \$320 annually.

Since this study was published, New York City became the first city in the U.S. to implement Right to Counsel and reported that over 100,000 tenants facing eviction and housing challenges received legal services in 2019, compared to just under 13,000 in 2013 (New York City Office of Civil Justice, 2020). NYC’s Right to Counsel law also resulted in 38 percent of tenants being represented by attorneys in Housing Court in 2019, compared to just 1 percent in 2013. Citywide, residential evictions in 2019 declined by over 40 percent compared to 2013, and 84 percent of households represented in court by lawyers were able to remain in their homes.

Another study by Stout (2018) found that a providing legal representation to tenants would save Philadelphia \$45.2 million annually and prevent disruptive displacement 95 percent of the time, compared to the resulting incidence of disruptive displacement 78 percent of the time when tenants do

not have legal representation. In November 2019, the City of Philadelphia joined New York City, Newark, Cleveland, and San Francisco in passing legislation to guarantee access to free legal representation for low-income residents facing eviction.<sup>19</sup>

## FEATURED FEDERAL RESOURCES:

### **U.S. Interagency Council on Homelessness, *Engaging Legal Services in Community Efforts to Prevent and End Homelessness***

This USICH brief describes how working with legal services providers can contribute to communities' efforts to prevent and end homelessness. It identifies that people at risk of or experiencing homelessness often face legal issues that can create roadblocks to accessing or maintaining safe and stable housing, employment and income supports, health care services, and other opportunities that can help them stabilize and achieve their goals. It has three sections – how legal services can remove individual barriers to permanent housing and supportive services, how legal service providers can assist in removing systemic barriers to housing and supportive services, and how community providers can integrate legal services into their efforts to prevent and end homelessness.

#### **Highlights:**

- “Homelessness assistance programs and other housing and services providers should work with legal services providers to ensure that individuals and families experiencing or at risk of homelessness are assessed for a range of potential legal needs and referred to appropriate legal services providers” (p. 1).
- “Civil legal services can play a role helping people experiencing homelessness reduce barriers to employment, housing, benefits, and other obstacles for individuals with a criminal history. Coordination between case management providers and civil legal attorneys is critical in order to facilitate the identification of legal issues when they arise and help vulnerable populations secure basic necessities such as healthcare, housing, government benefits, employment, and educational services. Homelessness service providers might consider retaining legal counsel to serve on staff and provide legal services” (p. 9).
- “In order for people experiencing homelessness to quickly get back on a path to stability and self-sufficiency that will advance their economic opportunity, they need access to the tools that will reduce the legal barriers they face. Legal services providers can play an essential role in removing such barriers to permanent housing and supportive services, helping to further accelerate progress toward preventing and ending homelessness in this country” (p. 10).

**Access this resource at:** U.S. Interagency Council on Homelessness, *Engaging Legal Services in Community Efforts to Prevent and End Homelessness* (February 15, 2017), available at <https://www.usich.gov/tools-for-action/engaging-legal-services-in-community-efforts-to-prevent-and-end-homelessness/>

### **U.S. Interagency Council on Homelessness, *Ten Strategies to End Veteran Homelessness***

This USICH brief explains how coordinating with legal service organizations to solve legal needs is one of ten recommended strategies to end veteran homelessness. It reads:

“Veterans experiencing homelessness often have unmet legal needs. Civil legal services attorneys are essential partners in removing barriers to housing and employment by preventing avoidable evictions, navigating outstanding warrants, expunging criminal records, and securing targeted and mainstream benefits. Legal services attorneys can also engage in systemic advocacy (to the degree allowable by law) to promote Housing First practices among public housing authorities and housing assistance programs. Your community should ensure that homelessness assistance programs coordinate with legal services organization to address individual and systemic legal needs” (p. 5).

**Access this resource at:** U.S. Interagency Council on Homelessness, *Ten Strategies to End Veteran Homelessness* (June 2, 2016), available at <https://www.usich.gov/tools-for-action/10-strategies-to-end-veteran-homelessness/>

## HELPFUL RESOURCES:

- The Justice in Government Project (JGP) and National Legal Aid & Defenders Association (NLADA) published a [newsletter](#) summarizing the research and resources related to how civil legal aid assists people facing housing instability and eviction.<sup>20</sup>
- The Eviction Lab has an [interactive map](#) of evictions, [rankings](#) of states' eviction policies, and [spreadsheets](#) of eviction data.<sup>21</sup>
- The U.S. Interagency Council on Homelessness has [homeless statistics](#) by state and year.<sup>22</sup>
- The National Coalition for a Civil Right to Counsel's (NCCRC) maintains a [comprehensive bibliography](#)<sup>23</sup> containing every law review article, study, report, paper, news story, and media piece they are aware of, sorted by subject. The collection of pieces on [housing](#)<sup>24</sup> includes over 150 entries related to evictions and foreclosures.
- The National Law Center on Homelessness & Poverty (NLCHP) has a [collection of publications](#) on key issues involving homelessness in the U.S., including legal manuals on [maintaining homeless children's access to education](#) and fighting laws [criminalizing homelessness](#), [know-your-rights materials](#) for families on education rights, and [reports](#) containing recommendations for improving housing security among vulnerable populations, an annual [State Index on Youth Homelessness](#), and information on the criminalization of homelessness, which can quickly compound legal issues. NLCHP also coordinates [Project LEARN](#), a group of attorneys working on homeless students' access to education.<sup>25</sup>
- Dr. Tim Thomas, with others from the University of Washington, examined court records and Sheriff warrants to identify disparities in evicted renters, with the purpose of "[expanding] public and scholarly knowledge by identifying the prevalence and drivers of evictions in under-studied regions, providing evidence-based research for policy reform." Explore the website [here](#), including an [interactive map of Baltimore findings](#), the latest [news and media on evictions and policy](#) in Washington State, and a 2019 [Washington State report](#).
- Legal Services Corporation has collected client success stories [here](#).<sup>26</sup>
- For more information about civil legal aid messaging, communications, and story-telling, go to the [Voices for Civil Justice](#) and [All Rise for Civil Justice](#) websites.<sup>27</sup>
- For a more comprehensive repository of legal aid related research, go to the National Legal Aid & Defender Association's [LegalAidResearch](#) website.<sup>28</sup>

## Endnotes

- <sup>1</sup> Maureen Crane & Anthony Warnes, *Evictions and Prolonged Homelessness*, 5 Housing Studies 757 (2000), available at <https://www.tandfonline.com/doi/abs/10.1080/02673030050134592>; Matthew Desmond, *Evicted: Poverty and Profit in the American City* (2016).
- <sup>2</sup> Public Justice Center, *Justice Diverted: How Renters Are Processed in the Baltimore City Rent Court*, (2015), available at [http://www.publicjustice.org/uploads/file/pdf/JUSTICE\\_DIVERTED\\_PJC\\_DEC15.pdf](http://www.publicjustice.org/uploads/file/pdf/JUSTICE_DIVERTED_PJC_DEC15.pdf)
- <sup>3</sup> Kristin Ginger, *Eviction Filings Hurt Tenants, Even If They Win*, available at <https://shelterforce.org/2018/07/30/eviction-filings-hurt-tenants-even-if-they-win/>
- <sup>4</sup> The Joint Center for Housing Studies of Harvard University, *The State of the Nation's Housing 2019* (June 2019), [https://www.jchs.harvard.edu/sites/default/files/Harvard\\_JCHS\\_State\\_of\\_the\\_Nations\\_Housing\\_2019.pdf](https://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2019.pdf)
- <sup>5</sup> The Pew Charitable Trusts, *American Families Face a Growing Rent Burden* (April 2018), available at <https://www.pewtrusts.org/en/research-and-analysis/reports/2018/04/american-families-face-a-growing-rent-burden>
- <sup>6</sup> National Law Center on Homelessness & Poverty, *Protect Tenants, Prevent Homelessness* (May 2018), available at <https://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>
- <sup>7</sup> Eviction Lab, *National Estimates: Eviction in America* (May 2018), available at <https://evictionlab.org/national-estimates/>
- <sup>8</sup> *Supra* note 4.
- <sup>9</sup> Terry Gross, *First-Ever Evictions Database Shows: 'We're in the Middle of a Housing Crisis'*, NPR, (April 12, 2018), available at <https://www.npr.org/2018/04/12/601783346/first-ever-evictions-database-shows-were-in-the-middle-of-a-housing-crisis>
- <sup>10</sup> Katy O'Donnell, *'Black community braces for next threat: Mass evictions'*, Politico (June 12, 2020), available at <https://www.politico.com/news/2020/06/12/mass-evictions-314699>
- <sup>11</sup> Timothy A. Thomas et al., *The State of Evictions: Results from the University of Washington Evictions Project*, (2019), available at <https://evictions.study/washington/>
- <sup>12</sup> Solomon Greene and Alanna McCargo, *'New Data Suggest COVID-19 is Widening Housing Disparities by Race and Income'*, Urban Institute (May 29, 2020), available at <https://www.urban.org/urban-wire/new-data-suggest-covid-19-widening-housing-disparities-race-and-income>
- <sup>13</sup> *Supra* note 1.
- <sup>14</sup> New York State Department of Social Services, *The Homelessness Prevention Program outcomes and effectiveness*, Office of Program Planning and Office of Shelter and Supported Housing Programs (1990), available at <http://legalaidresearch.org/wp-content/uploads/NYS-Dept-social-services-Homelessness-Prevention-program-1990.pdf>
- <sup>15</sup> *Supra* note 3.
- <sup>16</sup> *Supra* note 2.
- <sup>17</sup> *Supra* note 2.
- <sup>18</sup> Charles Allen et al., *Low-Income Tenants in D.C. May Soon Get Legal Help*, Washington Post (May 18, 2017), available at [https://www.washingtonpost.com/blogs/all-opinions-are-local/wp/2017/05/18/low-income-tenants-in-d-c-may-soon-get-legal-help/?utm\\_term=.afbbb6f57078](https://www.washingtonpost.com/blogs/all-opinions-are-local/wp/2017/05/18/low-income-tenants-in-d-c-may-soon-get-legal-help/?utm_term=.afbbb6f57078)
- <sup>19</sup> City of Philadelphia City Counsel, Bill No. 19038601, available at <https://phila.legistar.com/LegislationDetail.aspx?ID=3943568&GUID=EC5846F5-CECE-414F-A9F4-CA2F49D698B1&Options=ID%7CText%7C&Search=tenants&FullText=1>
- <sup>20</sup> <https://mailchi.mp/43ee1bcf3e0b/justresearchjune2020>
- <sup>21</sup> Map: <https://evictionlab.org/map/#/2016?geography=states>; Rankings: <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&lang=en>; Spreadsheets: <https://evictionlab.org/get-the-data/>
- <sup>22</sup> [https://www.usich.gov/tools-for-action/map/#fn\[\]=1500&fn\[\]=2900&fn\[\]=6100&fn\[\]=10100&fn\[\]=14100](https://www.usich.gov/tools-for-action/map/#fn[]=1500&fn[]=2900&fn[]=6100&fn[]=10100&fn[]=14100)
- <sup>23</sup> [http://civilrighttocounsel.org/resources/bibliography/comprehensive\\_bibliography](http://civilrighttocounsel.org/resources/bibliography/comprehensive_bibliography)
- <sup>24</sup> <http://civilrighttocounsel.org/bibliography/sections/152>
- <sup>25</sup> Publications, <https://nlchp.org/publications/>; legal manuals on maintaining access to education, <https://nlchp.org/wp-content/uploads/2018/10/NoBarriers.pdf>; legal manuals on the criminalization of homelessness, <https://nlchp.org/wp-content/uploads/2018/10/Housing-Not-Handcuffs-Litigation-Manual.pdf>; know-your-rights materials for families on education rights, <https://nlchp.org/wp-content/uploads/2019/02/mvtoolkitifederal2019.pdf>; reports with recommendations for improving housing security, <https://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>; annual State Index on Youth Homelessness, <https://nlchp.org/2019-state-index-on-youth-homelessness/>; information on the criminalization of homelessness, <https://nlchp.org/housing-not-handcuffs-2019/>; For more information on Project LEARN, email [brian@nlchp.org](mailto:brian@nlchp.org)
- <sup>26</sup> <https://www.lsc.gov/what-legal-aid/client-success-stories>
- <sup>27</sup> See <https://voicesforciviljustice.org/> and <https://www.allriseforciviljustice.org/>
- <sup>28</sup> <https://legalaidresearch.org>

# SUMMARIES OF KEY STUDIES

1. Stout Risius Ross, *The Economic Impact of an Eviction Right to Counsel in Baltimore City*, Prepared for Public Justice Center (May 8, 2020), available at <http://bmorerentersunited.org/rtc/stoutreport/>

Stout Risius Ross, a global advisory firm, conducted a cost-benefit analysis of implementing a right to counsel for low-income tenants in eviction proceedings in Baltimore City and Maryland. It found that for every dollar Baltimore City spends on providing free representation to tenants through a right to counsel, it may reduce costs to the social safety net associated with disruptive displacement by \$3.06. For Baltimore City and Maryland combined, every dollar invested would result in \$6.24 in costs avoided. Stout also found that approximately 99 percent of tenants in case filings from the District Court of Maryland appeared without an attorney, while just 4 percent of landlords were not represented by counsel. Self-represented tenants were likely to experience disruptive displacement in 93 percent of eviction proceedings, compared to 8 percent when tenants were represented by counsel.

## **Methodology:**

Using data from approximately 900 cases provided by Maryland Legal Aid, Public Justice Center, Disability Rights Maryland, Homeless Persons Representation Project, and Pro Bono Resource Center of Maryland, Stout Risius Ross conducted a cost-benefit analysis of implementing a right to counsel for low-income tenants in eviction proceedings in Baltimore City and Maryland. Stout also analyzed a sample of eviction case filings from the District Court of Maryland in Baltimore City to determine how likely self-represented tenants were to experience disruptive displacement compared to tenants who had attorney representation.

## **Highlights:**

- “With an annual investment of approximately \$5.7 million in a right to counsel, Baltimore City may reduce the current cost of disruptive displacement caused by eviction or avoid costs related to disruptive displacement estimated to be approximately \$17.5 million annually. For every dollar Baltimore City spends on providing free representation to eligible tenants through a right to counsel, it may reduce its current social safety net response to disruptive displacement caused by eviction by at least \$3.06” (p. 8).
- “Stout estimates the annual cost of disruptive displacement and potential costs avoided as a result of a right to counsel in Baltimore City eviction cases that accrue to Baltimore City and Maryland to be approximately \$35.6 million annually, which would result in a dollar value of a right to counsel for every dollar invested of at least \$6.24 for Baltimore City and Maryland combined” (p. 8).
- “Because of the relatively low cost of filing an eviction in Baltimore City (between \$30 and \$56) and the absence of a Notice to Quit requirement, many landlords in Baltimore City use eviction filings as a rent collection mechanism. Stout’s analysis of eviction filings in Baltimore City found that approximately 84 percent of filings indicated that one month’s rent was due at the time of the filing, signaling that most landlords are filing evictions as soon as tenants miss a payment” (p. 10).
- “Stout analyzed a sample of eviction case filings from the District Court of Maryland in Baltimore City. Stout’s analysis showed that approximately 99 percent of tenants were unrepresented, and four percent of landlords were unrepresented. Stout found that the unrepresented tenants are likely experiencing disruptive displacement in approximately 93 percent of eviction proceedings. Stout analyzed case information from five civil legal aid providers in Baltimore City who represent tenants in eviction proceedings and found that when tenants are represented, they can avoid the high likelihood of disruptive displacement in 92 percent of cases” (p. 10-11).

- Stout compared the number of households that could avoid the high likelihood of disruptive displacement if a right to counsel were implemented to the number of households that are currently avoiding the high likelihood of disruptive displacement (i.e., without a right to counsel). It estimated that while 617 households currently avoid the high likelihood of disruptive displacement annually, approximately 6,394 households would likely experience a reduced chance of disruptive displacement annually if a right to counsel were implemented (p. 11).
- Stout also acknowledges that implementing a right to counsel and improving housing stability for tenants would also result in benefits that cannot be quantified. For example, other costs avoided may include those associated with education, juvenile justice, and child welfare; fewer evictions would reduce the number of tenants that experience negative impacts on their credit score and subsequent inability to re-rent or loss of subsidized housing vouchers; fewer jobs lost due to eviction or the eviction process; reduced costs to the justice system, including those related to incarceration due to homelessness; and the reduction, over time, of the number of eviction cases filed in Baltimore City and Maryland (p. 12).

2. [New York City's Office of Civil Justice, 2019 Annual Report \(2020\), available at https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_Annual\\_Report\\_2019.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2019.pdf)

NYC's Office of Civil Justice (OCJ) publishes an annual report on the right to counsel for NYC tenants. In 2017, NYC became the first city in the United States to enact a law to guarantee legal assistance to all low-income tenants facing eviction in Housing Court and in public housing termination of tenant proceedings. This report is the fourth detailing NYC's implementation and expansion of the law and found that more NYC tenants received legal services than ever before. 38 percent of tenants appearing in Housing Court were represented by attorneys in 2019 (compared to 1 percent in 2013), and residential evictions have declined by over 40 percent compared to 2013, including a 15 percent drop in 2019 alone. In addition, 84 percent of households represented by lawyers in Housing Court were able to remain in their homes.

**Methodology:**

This fourth annual report was prepared by the Office of Civil Justice, New York City Human Resources Administration. It provides insights into the work of OCJ in establishing, enhancing, and evaluating civil legal services in NYC.

**Highlights:**

- "In the first half of FY2020, 38% of tenants appearing in Housing Court for eviction cases were represented by attorneys, exponentially greater than the representation rate for tenants of only 1% in 2013. In neighborhoods selected for targeted legal services access in the first phases of Universal Access implementation, the legal representation rate was 67%" (p. 8).
- "Citywide, residential evictions in 2019 declined by over 40% compared to 2013, including a 15% drop in the last year alone. There have been substantial reductions in the number of evictions realized in each of the five boroughs since 2013" (p. 8).
- "Nonpayment and holdover eviction proceedings, which had already dropped 12% between 2013 and 2018, further declined by more than 20% in 2019 alone. In all, eviction cases filed in New York City Housing Court fell by over 30% between 2013 and 2019. Emergency orders to show cause fell by over 78,000 – a sharp decline of over 38% - between 2014 and 2019" (p. 8).
- "For the second year in a row, in Housing Court eviction cases resolved by OCJ-funded legal services providers, 84% of households represented in court by lawyers were able to remain in their homes and preserve their tenancies" (p. 9).
- "Since the introduction of a right to counsel program, default judgments in the Housing Court have dropped from 35,130 in 2016 to 23,146 in 2019, a 34% decrease. This is in conjunction with a rise in the number of substantive motions, such as motions to dismiss or summary judgment

motions. These statistics demonstrate a shift from a focus on procedural mishaps to substantive legal issues” (p. 28).

3. Stout Risius Ross, *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants*, Prepared for the Philadelphia Bar Association’s Civil Gideon and Access to Justice Task Force (Nov. 13, 2018), available at <https://legalaidresearchnlada.files.wordpress.com/2020/01/philadelphia-evictions-report.pdf>

Stout Risius Ross, a global advisory firm, conducted a cost benefit analysis of providing counsel to tenants unable to afford representation in Philadelphia. They found that lack of tenant representation results in disruptive displacement of the tenant 78 percent of the time, whereas lawyer assistance in resolving the matter prevents disruptive displacement 95 percent of the time. They also found that the city would avoid \$45.2 million in costs annually by providing representation, while the total cost to provide representation is just \$3.5 million. For every dollar that Philadelphia spends on providing representation, it receives a benefit of \$12.74.

**Methodology:**

Stout Risius Ross analyzed docket data to see the impact representation has on the outcome of an eviction case and if attorneys prevent future displacement or disruption caused by an eviction. They analyzed the distribution of outcomes, the incremental impact of representation, and a repeat case analysis.

**Highlights:**

- “Stout’s analysis finds that when tenants are unrepresented, they face case outcomes that can result in disruptive displacement 78 percent of the time. When they are represented, lawyers assist tenants in resolving the matter without this kind of disruptive displacement 95 percent of the time.”
- “Stout’s estimate of \$45.2 million in annual costs that could be avoided by the City of Philadelphia is likely significantly understated. Included in the calculation are benefits of eviction prevention that are quantifiable and reasonably reliable with available data. However, if residents experienced more stable housing, the City would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout’s calculations” (p. 8).
- “Across the City and especially in gentrifying neighborhoods, affordable housing stock has been steadily declining. Between 2000 and 2014, Philadelphia lost one out of every five rental units with monthly gross rent of \$750 or less” (p. 13).
- “Thousands of Philadelphia tenants rarely file a legal claim when they are illegally locked out of their homes or faced with life-threatening habitability conditions that violate state and local law, because they either perceive that the legal system will not serve them, or they simply fail to recognize they have a right to a legal action” (p. 14).
- “Tenants who were represented not only appeared in court more frequently, but they also received a judgment in their favor more frequently. ... When a judgment was entered, tenants with representation were approximately twice as likely to satisfy the judgment as tenants without representation” (p. 16-17).
- “From 2007 to 2016, landlords were represented in approximately 80 percent of cases, and tenants were represented in approximately seven percent of cases. For cases with ongoing rent of \$600 or less, landlords were represented in approximately 78 percent of cases, and tenants were represented in approximately six percent of cases” (p. 17).

4. Luke Grundman & Muria Kruger, *Legal Representation in Evictions – Comparative Study* (2018), available at <https://www.minnpost.com/wp-content/uploads/2018/11/2018-Eviction-Representation-Results-Study-with-logos.pdf>

Staff and volunteers Minnesota's Hennepin County Center for Innovation and Excellence, the Office of Housing Stability, and the Mid-Minnesota Legal Aid and Volunteer Lawyers Network examined whether legal representation helps tenants keep their homes, obtain apt time to move, maintain clear eviction records, avoid writs of restitution (forced moves by sheriff deputies), and avoid moving into emergency shelters. They found that tenants who were represented won or settled their cases 96 percent of the time, whereas those who were not represented only won or settled 62 percent of the time. Settlements for tenants with representation were often more ideal: they were twice as likely to stay in their homes or got twice as much time to move, left court without an eviction record (80 percent), and were four times less likely to use homeless shelters.

**Methodology:**

The researchers randomly selected eleven court eviction calendar days in the Housing Court of the Fourth Judicial District between January 1, 2018 and June 30, 2018. The entire eviction dockets from these days were downloaded from the court records system. After six to eight weeks, volunteers reviewed the resulting 274 court records and analyzed outcome data.

**Highlights:**

- “This study shows significant gains in housing stability for tenants who have lawyers representing them in Housing Court. The study shows that the best results are obtained through full representation, and that significant gains are also seen when clients receive limited representation.” (p. 1)
- “Fully represented tenants win or settle their cases 96% of the time. Client receiving limited representation win or settle their cases 83% of the time. These figures compare with just 62% of tenants without any representation.” (p. 1)
- “More than two-thirds of tenants without representation could not keep their home. Represented tenants were much more likely to remain in their homes, at an increase of as much as 28%.” (p. 7)
- “... represented tenants fared much better than unrepresented tenants in the length of moveout agreements. Fully-represented tenants receive an average (and a median) of twice the number of days before a moveout becomes effective than unrepresented tenants.” (p. 8)
- “... with respect to avoiding the issuance of a writ, represented tenants fare significantly better. Unrepresented tenants are between four and five times more likely to have a writ issued than fully represented tenants.” (p. 8)
- “Very few unrepresented tenants leave court with a clear eviction record. Between 73-78% of fully represented tenants do. Failure to remove the record of an eviction filing leaves a detrimental mark on even successful unrepresented tenants, making it more difficult for them to find stable, safe and healthy housing going forward.” (p. 9)
- “Of the 100 families represented in the first six months of 2018, we can estimate writ issuance reduction of between 60 – 72 families and translate that to reduced shelter use in a range between 33 – 39.6 families. At that rate, and again using the cost estimates listed above, representation may save between \$211,827 and \$231,084 annually.” (p. 10)

5. Office of Civil Justice, New York City Human Resources Administration, *Universal Access to Legal Services: A Report on Year One of Implementation in New York City* (fall 2018), available at <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>

In August of 2017, Mayor Bill de Blasio of New York City signed into law Intro 214-b, which made the City of New York the first in the United States to formally commit to making legal service available to tenants facing eviction lawsuits. This report details the outcomes of the law in its first year of implementation. As of June 30, 2018, 246,369 New York City residents received free legal advice, assistance, and/or representation in their eviction cases. In 2018, 30 percent of tenants received legal representation and an additional 4 percent received free legal advice or assistance. In contrast, just 1 percent of tenants facing eviction had representation. Of those who received full legal representation in 2018, 84 percent of tenants were able to remain in their residences.

**Methodology:**

Data on the rate of legal representation among NYC households and individual tenants was gathered from the New York State Office of Court Administration and the Office of Civil Justice (OCJ). OCJ compared the proportion of tenants who did and did not receive free legal services for fiscal years 2014 through 2018.

**Highlights:**

- "... As access to legal services for New York City tenants has increased, evictions across the city have decreased. As of calendar year 2017, residential evictions by City marshals had declined by approximately 27% as compared to calendar year 2013, a period during which New York City substantially increased funding for legal services for low-income tenants." (p. 3)
- "In the last quarter of FY 2018, 30% of tenants who appeared in eviction cases in Housing Court citywide were represented by counsel, and an additional 4% of such tenants received legal advice or other assistance through OCJ's tenant legal services programs, meaning that, citywide, an estimated 34% of tenants appearing Housing Court for eviction cases" (p. 4)
- "In the overwhelming majority of cases resolved in FY 2018, OCJ legal services providers obtained outcomes that enabled their clients to remain in their residence. Specifically, tenants were allowed to remain in their homes in 84% of cases citywide, and were legally required to leave in 16% of cases." (p. 19)
- "Outcome rates varied across the city, with tenants in Manhattan (93%), The Bronx (90%) and Brooklyn (83%) remaining in their residences at higher rates than in Queens and Staten Island (both 67%)." (p. 19)

6. Colorado Center on Law & Policy, *Facing Eviction Alone: A Study of Evictions in Denver 2014-2016* (December 2017), available at <https://cclponline.org/resource/facing-eviction-alone/>

Aubrey Hasvold and Jack Regenbogen from the Colorado Center on Law & Policy reviewed Denver County eviction cases between 2014 and 2016. They found that tenants were only represented in 1 to three percent of cases, whereas landlords were represented by counsel in every case. Tenants who were not represented lost their cases between 42 and 68 percent of the time. Many landlords in the cases filed evictions for small amounts of unpaid rent, the median amount being \$226.

**Methodology:**

The researchers pulled information from a court records database maintained by Denver County Court. They selected and analyzed cases where Denver Housing Authority or the five private housing property managers in the area were plaintiffs. Information for each case indicated which parties had representation, the outcome, whether the court ordered a writ of restitution, any monetary amount in

dispute, if the tenants submitted responses to the eviction complaint, and the tenant's residential address.

**Highlights:**

- “In the cases reviewed individually, only a handful of tenants had the assistance of an attorney. In 2014, in the DHA cases, defendants had legal representation in only 9 out of 294 cases, a 3 percent rate of legal representation. In 2015, DHA tenants had counsel in only 7 of 297 cases, for a 2 percent rate of representation. And in 2016, the tenant was represented in 9 of 269 cases, for a 3 percent representation rate. The average rate of representation was 3 percent.” (p. 6)
- “In contrast, in every case for each year, both Denver Housing Authority and the private property managers had the assistance of a lawyer, a 100 percent rate of legal representation.” (p. 6)
- In 2014, 149 of 285 cases filed by DHA where tenants were not represented resulted in dispossession (52 percent). In 2015, 121 of 290 (42 percent), and in 2016, 88 of 260 (34 percent) resulted in dispossession. (p. 6)
- “Many of these cases also resulted in a court ordering a writ of restitution, which authorized the sheriff's physical displacement of the tenants. While tenants may lose their homes without a writ of restitution, these orders often result in their displacement with less notice and more inconvenience.” (p. 6)
- “Without the assistance of counsel, it is likely that some tenants were unaware of their right to or did not know how to submit answers (formal legal responses) to a landlord's eviction complaint.” (p. 7)

7. NPC Research, *Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects*, Submitted to Judicial Council of California (July 2017), available at <http://www.courts.ca.gov/documents/Shriver-Housing-2017.pdf>

In fall 2011, ten pilot projects, six of which were focused on housing, received funding under the Sargent Shriver Civil Counsel Act, which was to provide legal representation to low-income individuals. Shriver services were targeted for individuals at 200 percent or below the federal poverty line and facing an adversary with legal representation. The median income for Shriver housing clients was \$980. Shriver services included full representation, unbundled services, and court-based services and innovations. In the first five years of the program, they served 20,000 litigants. More than half received full representation, with the rest receiving unbundled assistance. Of those who received full representation, 96 percent faced a landlord who had counsel.

NPC Research found that tenants were more likely to remain in their homes, receive more days to move, have a higher settlement rate, and a lower trial rate when they have full representation. Representation also enabled a large majority to be resolved by settlement, reducing the number of cases that went to trial.

**Methodology:**

In these three pilot projects, litigants were randomly assigned full representation or no representation. Researchers then compared the two groups' participation in the court system (through the number of answers filed, number of default judgements, and whether affirmative defenses were raised), court efficiency, and case events and outcomes.

**Highlights:**

- “Across all six pilot projects, 92% of Shriver clients spent more than 30% of their monthly household income on rent, and 73% spent 50% or more. Most commonly, Shriver clients were being evicted for alleged non-payment of rent, and the average amount demanded on the eviction notice was \$1,810, highlighting the financial vulnerability of many families” (p. ii).

- “Tenants’ access to justice depends on their ability to successfully file a written response to the unlawful detainer complaint within a short timeframe. Inability to do so usually results in a default, landlords regaining possession of the property after a forced eviction, and defendants never presenting their side of the case. Historically, in unlawful detainer cases, defaults are very common. Across all six pilot projects, an answer (or other response) was successfully filed in approximately 94% of cases that received representation by a Shriver attorney. The random assignment study of three projects showed that significantly more full representation cases filed an answer/response (91%) than did comparison cases (73%)” (p. iii).
- “The random assignment study found that Shriver full representation clients were significantly less likely to end their cases by default (8%) than were self-represented defendants (26%)” (p. iii).
- “Random assignment study results showed that the settlement rate with balanced representation is significantly higher (67%) and the trial rate lower (3%), than what occurs when the tenant is self-represented (34% and 14%, respectively)” (p. iii).
- “Across all six pilot projects, cases with full representation ended with a formal eviction (i.e., the court issued a judgment against the tenant, and the tenant had to vacate) roughly 6% of the time” (p. iv).
- “Tenants with full representation had, on average, 85 days to move, versus 74 days among self-represented defendants” (p. iv).
- “Across all six pilot projects, among those cases in which tenants had to move as part of a settlement, the terms of the agreement also included: a reduction in or waiver of the backowed rent to be paid by the tenant (65% of cases), the unlawful detainer action masked from the public record (74%), the case not reported to credit agencies (53%), and a neutral rental reference from the landlord (39%)” (p. iv).
- “Fewer Shriver-represented tenants were ordered to pay holdover damages (26% vs. 11%, respectively), landlord attorney fees (28% vs. 18%), and other costs (33% vs. 15%)” (p. iv).

8. Stout Risius Ross, *The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings under Intro 214-A*, Prepared for Pro Bono Legal Services Committee of the New York City Bar Association (March 16, 2016), available at [https://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](https://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf)

Stout Risius Ross, a global advisory firm, conducted a cost benefit analysis of Intro 214-A, legislation that creates a right to counsel in eviction, foreclosure, and ejection proceedings. The firm found that with the implementation of Intro 214-A, the city would have a net savings of \$320 million annually. They found that there is a 77 percent reduction in evictions when individuals have access to legal counsel. Using this, they calculate the associated costs and benefits of providing individuals at 200 percent of the poverty line. Benefits include reduced shelter costs, reduced homelessness, and improved affordable housing.

#### **Methodology:**

Stout Risius Ross used a similar methodology to two other cost-benefit analyses on the same program. They considered the number of cases heard in housing court of individuals 200 percent of the federal poverty line. They then determined the average cost of legal counseling per case, the case coordinator, and other associated costs. They determined the benefits of reduced shelter costs, benefit of affordable housing cost savings, and benefit of unsheltered homeless cost savings.

#### **Highlights:**

- “There is a 77% reduction in evictions when legal counsel assists in the defense compared to those without legal counsel. This reduction of evictions was obtained from a randomized

experiment operated by the Legal Aid Society and the Association of the Bar of New York City. In this experiment, it was found that when legal counsel assisted in the defense of evictions, warrants of evictions were issued in 10% of the cases compared to 44% without legal counsel” (p. 8).

- “47% of sheltered families, 6,802, entered shelters as a result of eviction. ... Based on SRR’s calculation that 6,802 families enter shelter due to eviction along with the \$43,222/family cost, it is estimated that the City spends approximately \$294 million annually sheltering homeless families as a result of eviction” (p. 17).
- “Going forward, it is estimated that 3,414 units of affordable housing will be preserved from providing legal counsel in eviction defense. ... Preserving these units results in savings of over \$1.3 billion annually in costs to replace these units under the Housing Plan, of which \$259 million will be saved directly by the City annually through the term of the Housing Plan.” (p. 20).
- “With legal counsel reducing evictions by 77%, it is estimated that 277 individuals experiencing unsheltered homelessness could be avoided. At a cost of \$31,000 per unsheltered homeless individual, a cost savings of nearly \$9 million is estimated” (p. 22).

9. John and Terry Levin Center for Public Service and Public Interest at the Stanford Law School, *San Francisco Right to Civil Counsel Pilot Program Documentation Report (2014)*, available at <https://sfbos.org/sites/default/files/FileCenter/Documents/49157-San%20Francisco%20Right%20to%20Civil%20Counsel%20Pilot%20Program%20Documentation%20Report.pdf>

Between October 2012 and September 2013, the Justice & Diversity Center (JDC) of the Bar Association of San Francisco implemented the Right to Civil Counsel Pilot Project, which provided full-scope representation in 117 eviction cases. Its Housing Negotiation Project, in comparison, provided limited-scope representation in 692 cases. This study compares the results from these two projects. JDC found that tenants were more likely to stay in their homes and avoid homelessness when they received full-scope representation (62.9 percent) compared to when they received limited-scope representation (27.4 percent). The researchers also identified significant potential savings with providing representation compared to the cost of sheltering tenants who are homeless.

#### **Methodology:**

This study used outcome data from eviction cases, as reported by pro bono volunteers at the closure of each case. Pro bono volunteers report the outcomes of cases to JDC staff, who then coded the results as favorable or unfavorable. Outcome data from cases which received limited-scope representation was compared to that of cases with full-scope representation. The researchers also conducted supplemental informational interviews with JDC staff and pro bono volunteers.

#### **Highlights:**

- “A comparison of the outcomes recorded by JDC of full-scope and limited-scope cases during the Project Term shows that tenants are more likely to stay in their homes when provided full-scope representation.” (p. 2)
- “It is clear from our observations of the full-scope cases and discussions with full-scope pro bono attorneys that providing full-scope representation increases the likelihood that a tenant will be able to stay in their home.” (p. 3)
- “The cost of sheltering those tenants [who received representation] each night would be \$30/night/sheltered individual or family, resulting in a cost savings of \$18,270 each night those tenants would have been sheltered. For illustrative purposes only, we can estimate that the potential cost savings to the City from providing representation to these 609 tenants was \$1,096,200, given that the average shelter stay for individuals in San Francisco is estimated to be 60 days.” (p. 2)

- “The assistance of law firms can be pivotal in making it possible for not only low income tenants, but also middle class tenants to stay in their homes. All of the pro bono attorneys we interviewed felt that without a lawyer, their clients would not have prevailed and would have been evicted or forced to move out under far less favorable terms.” (p. 22)

10. Boston Bar Association, *The Importance of Representation in Eviction Cases and Homelessness Prevention: A Report on the BBA Civil Right to Counsel Housing Pilots* (2012), available at <http://www.bostonbar.org/docs/default-document-library/bba-crtc-final-3-1-12.pdf>

The Boston Bar Association tracked the outcomes for two pilot programs in Massachusetts that provided free legal representation to low-income tenants facing evictions. In Quincy, MA, two-thirds of tenants who received full representation stayed in their homes, compared to one-third without representation. In Northeast MA, this pilot program provided both limited representation to tenants. They found that there wasn't a measurable difference between the groups; however, in Northeast, the percentage of those who remained housed was higher than the state average, showing how even limited legal representation can benefit tenants.

#### **Methodology:**

This study was a randomized control trial, where the “offer of representation” was the independent variable and the dependent variable was the outcome in eviction cases.

#### **Highlights:**

- “Assistance from lawyers is essential to helping tenants preserve their housing and avoid the potential for homelessness, including all of the far-reaching tangible and intangible costs to tenants and society generally that are associated with homelessness” (p. 3).
- “Although civil legal aid reaches some indigent clients in eviction cases, the shortage of available counsel for the poor, and the dramatic extent of unmet legal needs, have been widely documented. Massachusetts studies show that landlords are represented by lawyers in more than two-thirds of summary process eviction cases, but only 6 to 10% of tenants are represented” (p. 3).
- “Compared with the control group, tenants in the Quincy treated group fared, on average, twice as well in terms of retaining possession, and almost five times as well in terms of rent waived and monetary awards. Another critical finding of the study was that tenants who had full representation in Quincy created a lesser drain on the court system than those who were not offered full representation” (p. 15).
- “Members of the treated group in Quincy again fared far better than those in the control group. While tenants in the Quincy control group received financial benefits equivalent to an average of two months’ rent, those in the treated group received almost five times as much –the equivalent of nine-and-a-half months of rent” (p. 15). Over 90 percent of the landlords in Quincy were represented.
- “With regard to tenants receiving damage awards [in Quincy], tenants in the treated group received a total of \$306,415 as opposed to \$72,723 in the control group to date” (p. 16).

11. D. James Greiner, et al., *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 Harv. L. Rev. 901 (2012), available at [http://harvardlawreview.org/wp-content/uploads/pdfs/vol126\\_%20greiner\\_wolos\\_pattanayak\\_hennessy.pdf](http://harvardlawreview.org/wp-content/uploads/pdfs/vol126_%20greiner_wolos_pattanayak_hennessy.pdf)

Harvard researchers conducted a randomized controlled trial in a Massachusetts District Court comparing how effective full representation in comparison to “unbundled,” or limited legal assistance.

They found that tenants facing eviction who were offered full representation were significantly more likely to remain housed than those who received no such offer. They had two groups: the treatment group, who received an offer of full representation from a legal aid group, and the control group, who received no such offer but were given unbundled assistance in the form of how-to sessions.

They found that two-thirds of those who received an offer of full representation remained in their homes, in comparison to one-third who did not have such representation. Further, for those who received full representation, they received payments or rent waivers for an average of 9.4 months per case, compared to 1.9 months for the control group. While the treated cases took longer to reach judgement, there was no increase in court burden as measured by the number of party motions or judicial rulings.

#### **Methodology:**

This study was a randomized control trial, where the control group received limited legal assistance and the treatment group received an offer of full representation (most accepted).

#### **Highlights:**

- “Approximately two-thirds of treated-group occupants retained possession of their housing units at the end of summary eviction proceedings, as compared with about one-third of control group occupants” (p. 908).
- “In cases involving nonpayment of rent or serious monetary counterclaims, the net financial effect of the litigation was such that those in the treated group were not obligated to pay an average net of 9.4 months of rent per case (relative to what the evictor alleged to be due), while the corresponding figure for control group occupants was 1.9 months of rent” (p. 908).

12. Mary M. O’Sullivan et al., *Environmental Improvements Brought by Legal Interventions in the Homes of Poorly Controlled Inner-City Adult Asthmatic Patients: A Proof-of-Concept Study*, 49 J. of Asthma. 911 (2012), available at <https://www.ncbi.nlm.nih.gov/pubmed/23020301>

O’Sullivan and colleagues, who work as doctors or teach medicine, studied the charts of adults with poorly controlled asthma despite receiving medical therapy. Those patients had reported allergen exposures such as mold, cockroaches, mice or rats, and dust. They received legal assistance to make landlords fix leaks, exterminate pests, or provide a different apartment. They found that after the legal intervention, the patients’ asthma improved.

#### **Methodology:**

The researchers tracked 12 patients who had poorly controlled asthma at 9-12 months pre-intervention and 6-12 months post-intervention. They looked at peak expiratory flow rate, asthma severity class, medications needed, emergency department visits, hospitalizations, and requirement for systemic steroids.

#### **Highlights:**

- “The number of ED (emergency department) visits and hospital admission declined from 22 ED visits and 11 admissions to 2 ED visits and 1 admission (91% reduction), respectively” (p. 911).
- “Of the 11 patients requiring systemic steroids, only three required these post-intervention. All patients had reductions in the dose and/or number of medications” (p. 911).
- “During post-intervention, 11 (91.7%) patients dropped [two or more] classes in asthma severity” (p. 911).
- “Medical-legal collaboration is highly effective in improving the control of inner-city asthmatics by effecting improvements in the domestic environment” (p. 911).

13. Jessica K. Steinberg, *In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services*, 18 *Geo. J. on Poverty L. & Policy* 433 (2011), available at [https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2112&context=faculty\\_publications](https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2112&context=faculty_publications)

Steinberg, a professor at George Washington University Law School, tested the effect of legal representation on eviction cases. She compared almost 100 tenants who were facing eviction in a California court who received unbundled representation through Legal Aid Society of San Mateo County to 300 tenants who received no assistance, and to 20 tenants who received full representation through Stanford’s Community Law Clinic. She found that receiving full representation increased the likelihood that individuals remained housed and that unbundled representation did not secure more actual relief than pro se litigants, both at statistically significant levels.

**Methodology:**

This study compares two forms of unbundled aid on 96 case outcomes of low-income tenants facing eviction against tenants who received no legal assistance and tenants who received full representation in a single California trial court.

**Highlights:**

- “While the unbundled aid provided did afford initial access to the justice system for low-income litigants, both by preventing default judgment and helping the unrepresented formulate valid defenses, the findings of this study suggest that unbundling did not secure more actual relief for its client population than unassisted pro se tenants in the same jurisdiction achieved without ever consulting a lawyer” (p. 457).
- For tenants facing eviction who had no legal aid, they remained in their homes 14 percent of the time. For those who received unbundled legal assistance, they remained in their homes 18 percent of the time. For those who received full representation, they remained in their homes 55 percent of the time (p. 483).
  - The large differential outcome between those who received full representation in comparison to tenants who received no legal aid and unbundled legal aid, was statistically significant at the  $p < 0.001$  (p. 484).
- When tenants lost possession, the days for the tenant to move out was different between the three legal offers. For those who had no legal aid, they had an average of 47 days to move out; for those with unbundled legal aid, 55 days; and for those with full representation, an average of 97 days.
  - The difference between full representation and the other two groups was significant at the  $p = 0.004$  (p. 485).
- There was also a significant difference between the exchange of money between parties, as summarized in the below table (p. 485):

**TABLE 3. EXCHANGE OF MONEY BETWEEN THE PARTIES**

	Tenant pays landlord	Landlord pays tenant	Neither party makes a payment
No Legal Aid	61%	2%	37%
Unbundled Legal Aid	71%	0%	29%
Full Representation N 137	0%	55%	45%

14. Martin Frankel et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 L. & Soc'y. Rev. 419 (2001), available at <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=194269>

University researchers conducted a randomized experimental evaluation of tenants facing evictions in New York City's Housing Court. They found that 51 percent of tenants without legal representation lost their homes, compared to 31.8 percent of tenants with legal representation through the Pro Bono Project. There were also similar, statistically significant differences showing that legal representation decreased the chances of a warrant of eviction being issued, default of failure of tenant to appear, and increased the likelihood there would be a stipulation requiring rent abatement or repairs.

**Methodology:**

This was a randomized control trial where the control group received no representation and the treatment group received representation. Participants were recruited from those waiting in line at the Clerk's Office of Manhattan Housing Court.

**Highlights:**

- “The results suggest that a program of legal assistance for low-income tenants would not increase significantly the number of appearances in court, although it would increase the number of days to final judgement. The program [legal representation] may enhance the efficiency of adjudication by reducing the number of motions filed, particularly post-judgement motions” (p. 419).
- “Low income tenants with legal representation experience significantly more beneficial outcomes than their counterparts who do not have legal representation, independent of the merits of the case” (p. 420).
- At the  $p=0.001$  level, the judgement against the tenant for those with representation occurred 31.8 percent of the time, compared to 52 percent for those with no representation (p. 426).
- At the  $p=0.001$  level, a warrant of eviction was issues against the tenant with representation 24.1 percent of the time, compared to 43.5 percent for those with no representation (p. 426).
- At the  $p<0.001$  level, a stipulation requiring rent abatement was required for 18.8 percent of tenants with representation, compared to 3.2 percent of those without (p. 426).
- On average, it took 29.16 more days for tenants from answer to final judgement for those with representation at  $p=0.026$  (p. 427).
- At  $p=0.001$ , 12.8 percent of tenants with representation filed one or more post-judgement motions, compared to 29 percent of those without (p. 427).

15. Barbara Bezdek, *Silence in the Court: Participation and Subordination of Poor Tenants' Voices in Legal Process* (1992), available at <https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1742&context=hlr>

Students from the University of Maryland Law School's Legal Theory and Practice program observed hearings, collected information from court files, and conducted exit interviews with tenants in 1990 to understand the relationship between individual interactions, self-representation, and case outcomes in the formal structure and operation of Baltimore's rent court. The data collected suggests that judicial preference for landlord claims, silencing (non-appearance, disappearance, and non-speech) of unrepresented tenants, and interpretation by judges of tenants' speech styles as “powerless” results in non-neutral courtrooms and poor outcomes for tenants.

## **Methodology:**

Beginning in the spring of 1990, students from the University of Maryland Law School's Legal Theory and Practice program observed 399 court cases, conducted 106 exit interviews with tenants, and used systematic sampling to collect data from every 20<sup>th</sup> court file. In their observations, the students recorded the tenants' and landlords' presence in court, race and gender of tenants, representatives' appearances, claims and defenses raised by both parties, their production of evidence, the judge's explanations to parties, and case outcomes. The interviews and court file analysis collected information on sample points such as demographic information, case details, pre- and post-hearing expectations, knowledge of remedies available to tenants, and representation by attorney or agent.

## **Highlights:**

- "The subject of this Article is poor people who go to court on their own, without lawyers. Baltimore's rent court is one in which lawyers do not practice. Thus, there is almost never an effective translator available in the process to assist the tenant in conveying her legally pertinent story, to aid the judge in hearing it, to translate statements made between the two, or to stop the judge when s/he mishears or fails to hear" (p. 538).
- "Tenants appeared almost always as defendants, and generally lost. While the study's structure did not permit follow-up of particular cases, the aggregate figures for tenant relief are shocking. Not a single order to the landlord to repair was observed in the sample. Abatement of rent to reflect housing violations was ordered in just 1.75% of all cases in the Observation Study" (p. 553-554).
- "Landlords prevailed outright in 67% of the cases observed. Tenants obtained judgment and were excused of claims for rent and possession in just 3.5% of all cases" (p. 554)
- "In short, landlords avoided the imposition of rent abatement or damages for impaired habitability in 98.25% of all cases. The Court Record Survey also confirms that 84.7% of the judgments were entered on the defendant's default" (p. 554).
- "In the great majority of cases, the monetary stakes are small. Tenants are usually sued when there is but a single month's rent due. Economic considerations prevent attorneys from waiting around for two-minute, 'two-bit' cases, thus appearances through nonattorney agents solves this problem cheaply. Landlord agents' specialization, experience, and familiarity with procedure and personnel, more than the limited law ever invoked, render them effective representatives for property owners" (p. 555).
- "Tenants made some sort of claim against the landlord in 21% of the cases in which tenants appeared, which represents only 12.5% of all the observed cases. Sixty percent of tenant claims were based on the property's condition. Yet the aggregate outcomes of tenants' claiming was dismal, since tenants received favorable judgments in under 4% of the cases. By contrast, tenants sought to defend against the claimed rent in 63% of the cases in which tenants appeared (37.8% of all observed cases)" (p. 559).
- "Two-thirds of the respondents told interviewers there were unsafe conditions in their homes. Women, particularly black women, were more likely to remain silent before the judge, even when they disagreed with the landlord's claim (or, at least, were most likely to report as much in the interviews). In all the race-gender groups, 50 to 67% agreed as to the rent claimed. Twenty-six of the 106 interview respondents reported their disagreement. All but four of this group reported that they made their disagreement known to the judge. All of the four who did voice their disagreement were women" (p. 560-561).
- "Tenants reported bringing evidence to show the judge in 31% of the 106 cases reported in interviews. From our observations, landlords brought rent records even less often than did tenants, in 25 of 399 cases, or 6% of all the cases. In only 66 of the observed cases, or 16.5%, did landlords produce any evidence" (p. 562).
- "In our observed cases, landlords were represented 2.5% of the time while tenants had representation in 3.7%. ... The interview data identified three tenants who were assisted by

counsel and six others assisted by friends or relatives. In none of these cases did the landlord obtain a favorable judgment on that day. ... The fact that the tenants who were assisted by non-lawyer friends or relatives achieved more success than the average tenant invites the speculation that qualities other than legal representation may account for some tenants' persistence in court" (p. 562-563).

- "A short stay in Baltimore's rent court shows that the 'powerless' speech style predominates in tenants' usage when speaking with the judge. It coincides in aggregate with tenants' low success rate in Maryland's most-used court" (p. 585).
- "The burdens of stylistic powerlessness fall most heavily on women, minorities, the poor, and undereducated, with a disproportionate number of women and blacks in America being poor, undereducated, and relegated to the margins of economic and political power" (p. 585).