

Detroit Eviction Right to Counsel Summit

In support of establishing a right to counsel for low-income tenants in Detroit

March 12, 2019

Convened by:



Detroit Eviction Right to Counsel Summit

Ford Motor Company – Gold Sponsor Comments



Detroit Eviction Right to Counsel Summit

United Community Housing Coalition (UCHC) – Gold Sponsor Comments



United Community
Housing Coalition



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Detroit Eviction Right to Counsel Summit

Welcoming Remarks

Hon. Bridget McCormack, Chief Justice, Michigan Supreme Court



Detroit Eviction Right to Counsel Summit

Keynote Speaker

Stephen Henderson, NPR Host of “Detroit Today”



Detroit Eviction Right to Counsel Summit

Client Panel

Moderator: Ted Phillips, Executive Director, UCHC



Break (10:30 - 10:40am)

Sponsored by:



Corporate/Foundation

Moderator: Heidi Naasko, Pro Bono & Diversity Counsel, Dykema

Panelists:

- ***Derric Scott, Ford Motor Company***
- ***Jennifer Bentley, Michigan State Bar Foundation***
- ***Terry Whitfield, Skillman Foundation***
- ***Clarinda Harrison, United Way for Southeastern Michigan***



Legal Aid Providers/Pro Bono

Moderator: Dante Stella, Member, Dykema

Panelists:

- ***Joon Sung, Lakeshore Legal Aid***
- ***Ted Phillips, United Community Housing Coalition***
- ***Marilyn Mullane, Michigan Legal Services***
- ***Heidi Naasko, Dykema***
- ***Brian Gilmore, Housing Clinic, Michigan State College of Law***



Lunch (12:25 – 1:15pm)

Sponsored by:



Detroit Eviction Right to Counsel Summit

City of Detroit

Moderator: John Pollock, Coordinator, National Coalition for a Civil Right to Counsel

Panelists:

- *Arthur Jemison, Chief of Services and Infrastructure for Detroit*
- *Councilwoman Mary Sheffield, Detroit City Council Pro Tem*
- *Brian White, Chief of Staff, Office of Councilwoman Mary Sheffield*
- *Meghan Takashima, Housing and Revitalization Department of Detroit*
- *Arthur Rushin, Supervising Inspector, City of Detroit BSEED, Property Maintenance Division*

Detroit Eviction Right to Counsel Summit

Courts

Moderator: Jim Schaafsma, Michigan Poverty Law Program

Panelists:

- ***Hon. Nancy Blount, Chief Judge, 36th District Court***
- ***Hon. Cylenthia LaToye Miller, Judge, 36th District Court***
- ***Josh Akers, Ph.D., Assistant Professor of Geography and Urban & Regional Studies, University of Michigan-Dearborn***
- ***Tera Jackson-Davis, J.D., Director Civil Division, 36th District Court***



Upstream Eviction Pressures

Detroit Right to Counsel Summit 2019

Joshua Akers

Assistant Professor of Geography and Urban and Regional Studies

University of Michigan-Dearborn



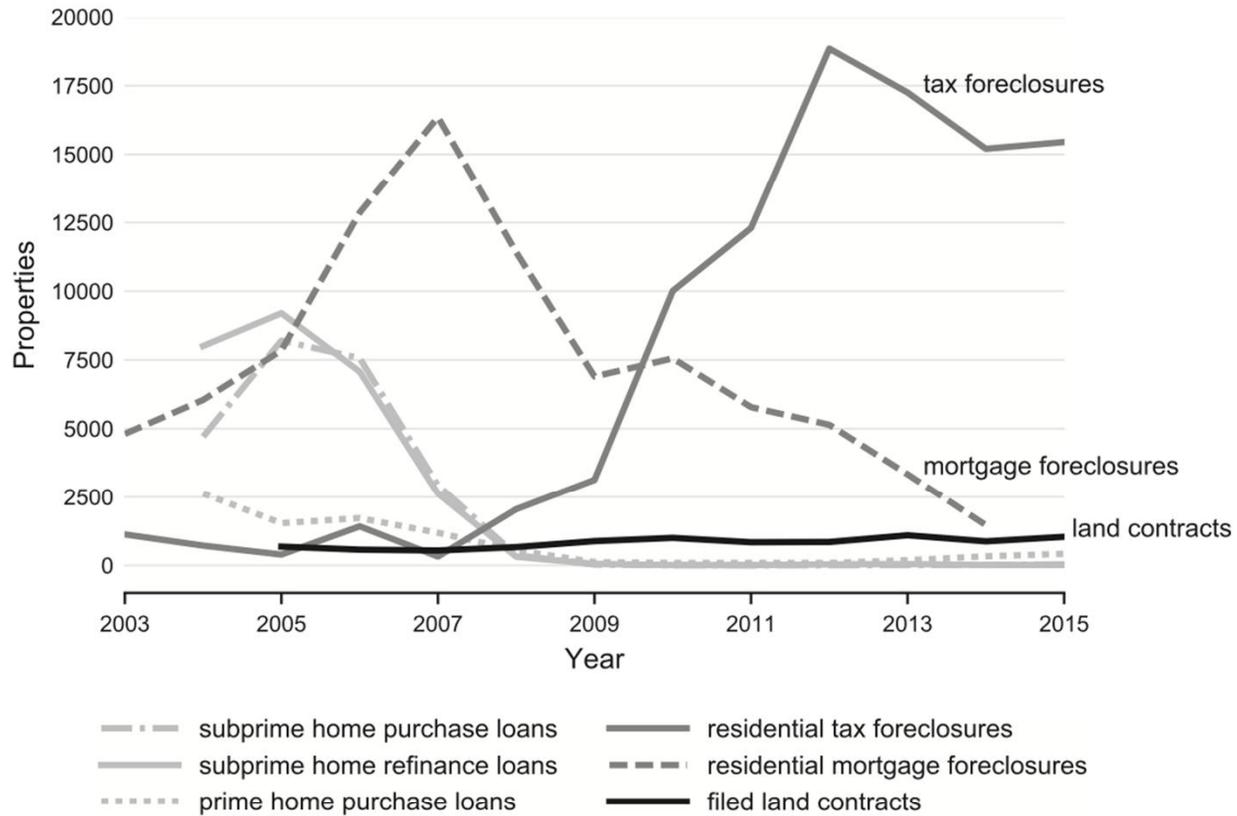


Fig. 1. Residential mortgage lending, foreclosures, and land contracts, Detroit 2003–2015.

Sources: City of Detroit (2014), CoreLogic (2014), Data Driven Detroit (2016), Federal Financial Institutions Examination Council (2004–2015), Wayne County Register of Deeds (2016), Wayne County Treasurer (2016).

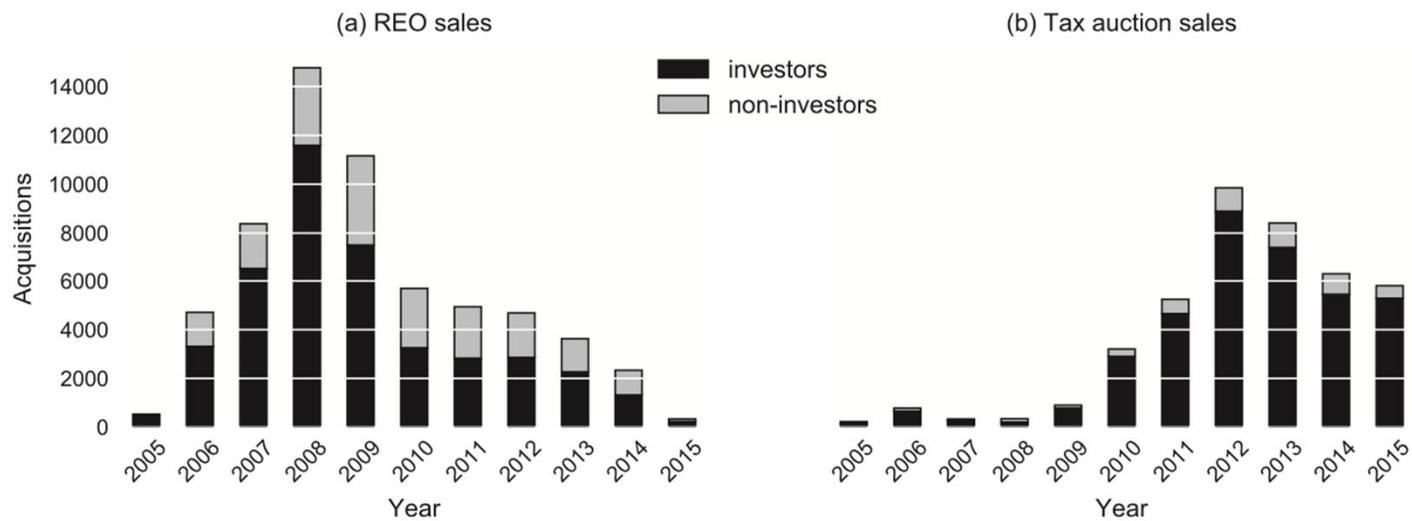


Fig. 2. Investor and non-investor acquisitions of residential mortgage and tax foreclosures, Detroit 2005–2015. Sources: City of Detroit (2014), RealtyTrac (2015), Wayne County Treasurer (2016).

Table 1

REO and tax auction sales by buyer category, Detroit.

Sources: City of Detroit (2014), CoreLogic (2010), Wayne County Register of Deeds (2014), Wayne County Treasurer (2016).

Buyer type	REO sales (2005–2013)		Tax auction (2005–2015)	
	Properties	% of sales	Properties	% of sales
Investors	41,903	69	39,876	88
Large investors ^a	9,875	16	18,155	40
Medium investors ^b	8,878	15	12,880	28
Small investors ^c	22,340	37	8,841	19
Individuals ^d	18,802	31	3,842	8
Government and non-profit entities	597	1	1,729	4
Total	60,492	100	45,447	100

Note: Figures for residential properties with structures alone.

^a Buyers who purchased 50 or more properties.

^b Buyers who purchased 10–49 properties.

^c Buyers meeting any one of the following criteria: purchased 2–9 properties; purchased single property but name contains corporate identifier, e.g., “LLC”; purchased single property that was resold within 365 days (REO sales only).

^d Buyers meeting none of the criteria for identifying investors, but also excluding names likely belonging to government and non-profit entities.



Table 1
Contract seller acquisitions by source, 2008–2016.

	Fannie	Freddie	HUD	Other REO	Other [†]	Total	Med. Price (\$)	States	Counties
Apollo	6.7%	1.6%	3.3%	19.0%	69.4%	758	54,050	30	180
Battery	10.2%	2.5%	20.6%	21.2%	45.5%	773	30,500	20	194
Harbour	86.4%	0.9%	1.2%	3.1%	8.5%	6,750	8,139	41	947
HomeSolutions	72.9%	0.0%	0.0%	11.8%	15.3%	914	1,587	23	111
Stonecrest	4.2%	0.0%	0.0%	56.1%	39.7%	7,581	5,500	49	1,006
Thor	3.9%	0.1%	0.2%	16.2%	79.6%	1,888	1,243	30	174
Vision	37.4%	6.5%	6.2%	34.3%	15.7%	6,752	10,505	48	1,368

Notes: Excludes transfers from one alias of a given entity to another alias of that same entity, e.g., “Harbour Portfolio” to “Harbour High Yield Fund.”

Source: CoreLogic (2017b)

[†] “Other” includes REOs purchased through intermediaries and wholesalers.

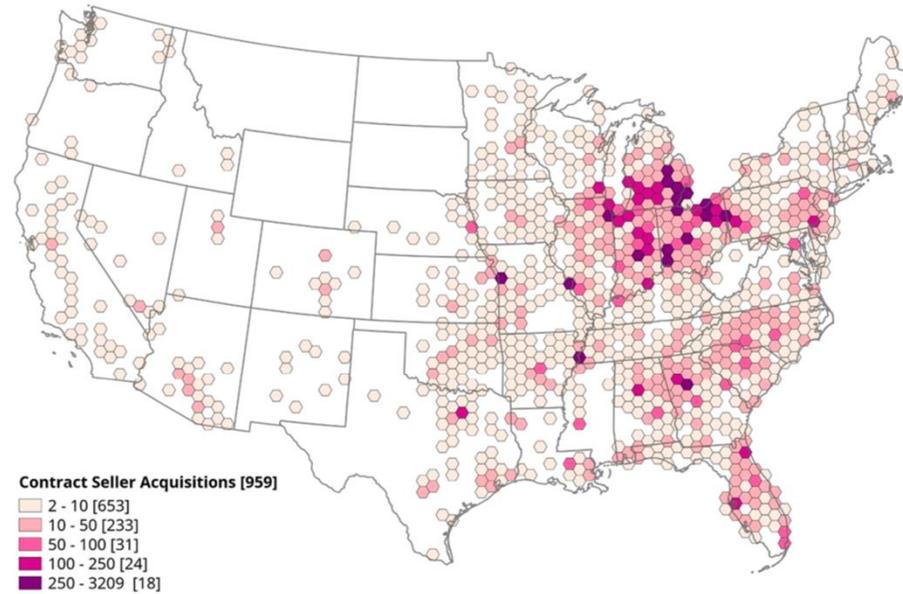


Fig. 1. Acquisitions by national land contract sellers 2007–2016. Notes: Numbers indicate feature count. Includes properties purchased by entities listed in Table 1. Excludes hexagons containing just one property.

Source: CoreLogic (2017b).

Table 6

Ratio of landlord-tenant actions (2009–2016) to total number of properties acquired by 12 largest known contract sellers (2005–2015), Detroit.

Sources: th District Court (2016), RealtyTrac (2015), Wayne County Treasurer (2016).

Contract seller	Distinct LT actions		Distinct properties linked to LT actions		Acquisitions
	Count	Ratio	Count	Ratio	
Detroit Property Exchange	1,160	1.49	483	0.62	777
Mohamad Bazzi	281	0.63	168	0.38	447
Home Solutions Properties	213	0.67	118	0.37	316
Ernest Karr	569	0.58	344	0.35	989
BenjiGates	510	0.60	298	0.35	849
Innovative Property Solutions	392	0.66	185	0.31	598
Urban Development Solutions	344	0.91	99	0.26	378
Detroit Progress	286	0.35	195	0.24	806
Vision Property Management	80	0.30	60	0.23	263
Tomasi	440	0.36	215	0.18	1,226
Harbour Portfolio	96	0.20	78	0.16	487
Go Invest Wisely	57	0.19	30	0.10	294
Contract sellers total	4,428	0.60	2,273	0.31	7,430
All homes sold out of REO or at tax auction	41,310	0.51	20,086	0.25	80,793

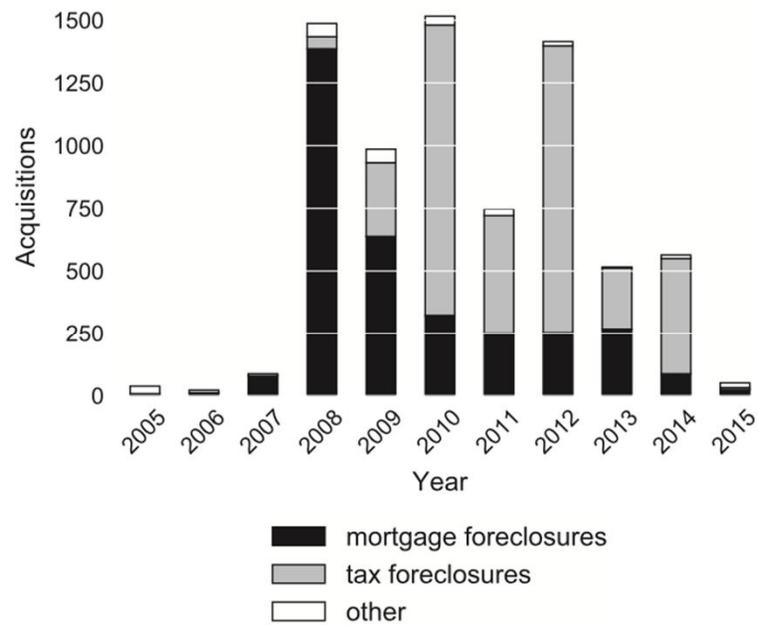


Fig. 3. Acquisitions of mortgage and tax foreclosures by 12 largest contract sellers, Detroit 2005–2015.

Sources: RealtyTrac (2015), Wayne County Treasurer (2016).

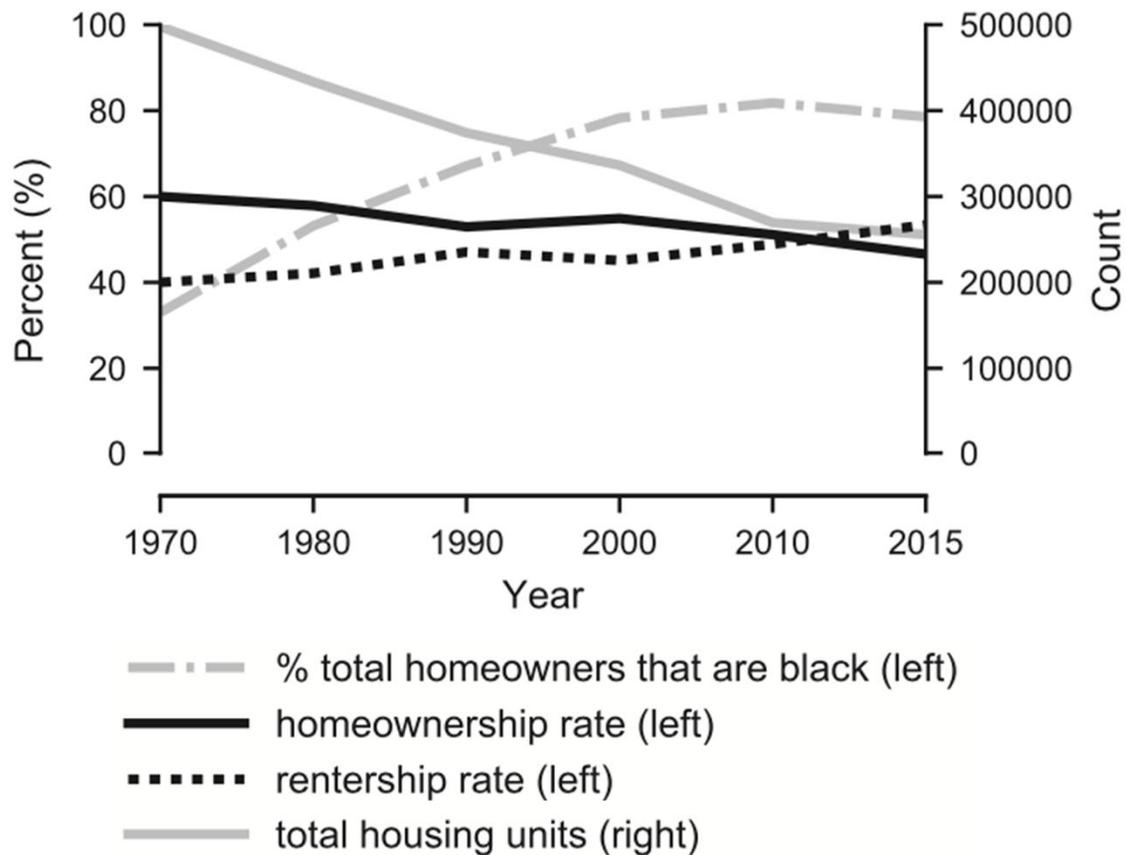


Fig. 4. Homeownership, tenancy, black households as a share of total owner households, and housing units, Detroit 1970–2015.

Sources: US Bureau of the Census (1970, 1980, 1990, 2000, 2010, 2015).

- Tax Foreclosure remains primary pipeline for new acquisitions by bulk owners
 - Rules on who can buy property are rarely enforced
- Landlords and speculators are not following basic rules – enforcement is the exception
 - Certificate of compliance
 - Blight and Nuisance
 - Registration
 - Forfeiture rather than Landlord Tenant in contract cases
 - Neglect
- Status quo
 - Destabilization of neighborhoods
 - Destabilization of families
 - Barriers to opportunity
 - Increased blight
 - Outmigration

Detroit Eviction Right to Counsel Summit

New York City/Insights from Other Jurisdictions

Moderator: Neil Steinkamp, Managing Director, Stout Risius Ross

Panelists:

- ***Andrew Scherer, NYC Right to Counsel Coalition***
- ***Jordan Dressler, Coordinator, NYC Office of Civil Justice***
- ***John Pollock, National Coalition for a Civil Right to Counsel***
- ***Hazel Remesch, Cleveland Legal Aid Society***



Detroit Eviction Right to Counsel Summit

Andrew Scherer, New York Law School

Background

- Affiliations: New York Law School, former Executive Director of Legal Services NYC, academics, and activism
- Began career as staff attorney in eviction defense and developed belief in the importance of a right to counsel

Development of NYC Right to Counsel Campaign

- Early efforts/history
 - CASA and the Bronx Housing Court Study
 - Introduction of legislation and formation of the Coalition
-

Detroit Eviction Right to Counsel Summit

Andrew Scherer, New York Law School

Policy Arguments and Importance of a Right v. Only Funding

- Fundamental fairness
 - Cause of homelessness
 - Preservation of affordable housing and stabilizing communities undergoing gentrification
 - A right shifts power to the beneficiary
 - Confers dignity and respect; fosters equality and stability; changes culture and expectations
 - Long-term, transformative potential
-

Detroit Eviction Right to Counsel Summit

Andrew Scherer, New York Law School

The Right to Counsel Campaign and Legislation

- Tenant and community organizing, building support, growing the Coalition
 - Political allies and obstacles
 - Tools – public events, demonstrations, hearings, cost-benefit analysis
 - 5-year phase in by zip code
 - Costs up to \$155 million annually, but savings are far in excess
 - RTC 2.0
 - Implementation considerations and initial impacts observed
-

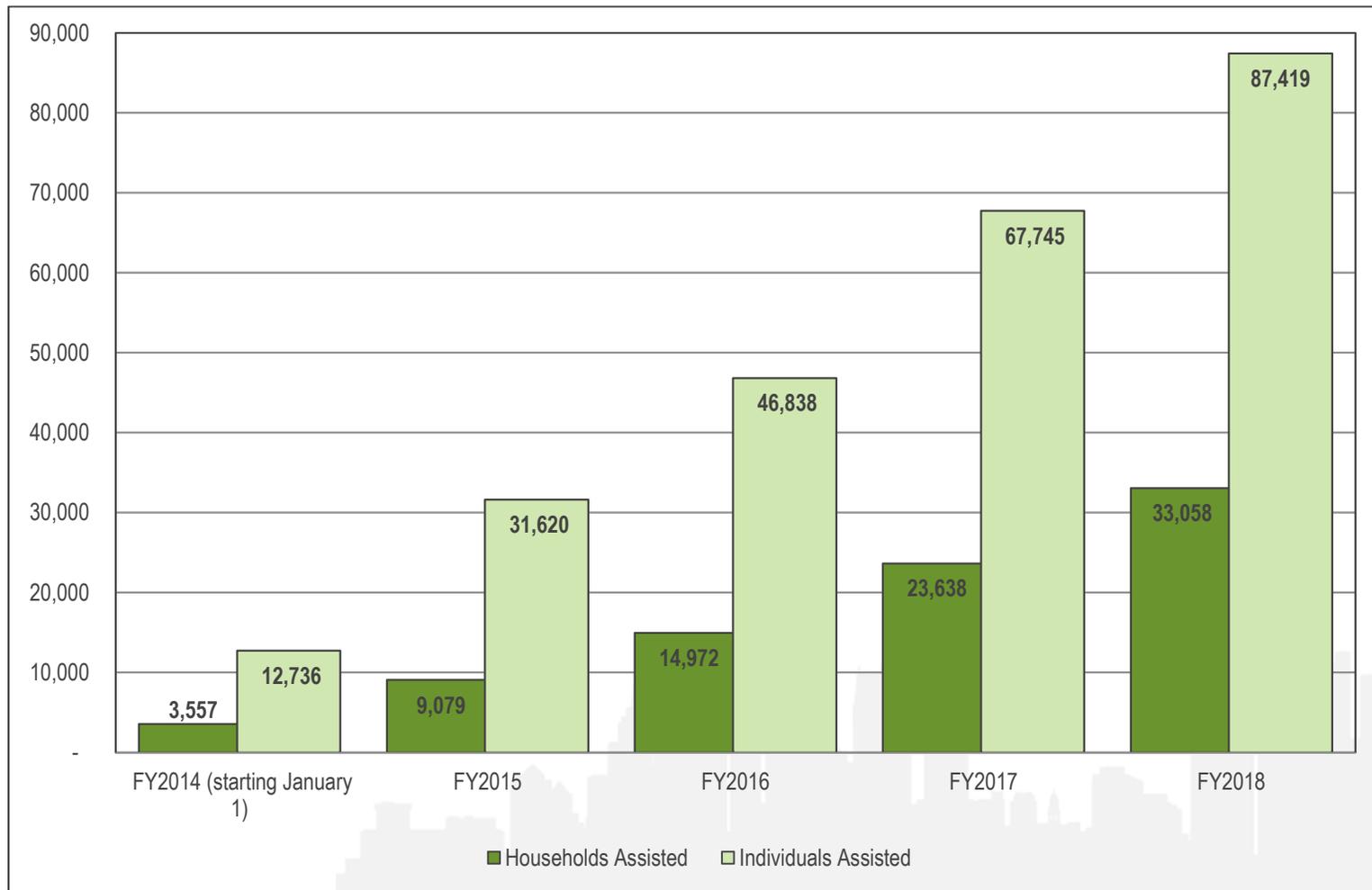
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New York City's Office of Civil Justice

- Established in 2015 through amendment to the New York City Charter
- Tasked with:
 - Development and oversight of City-funded civil legal services programs
 - Contract negotiation and management
 - Inter- and intra-agency coordination
 - Part of NYC Human Resources Administration
 - Ongoing reporting and performance analysis

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City-Funded Legal Services for Tenants at New York City's OCJ



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Eviction Defense for All: NYC's Universal Access (UA) Initiative

- Universal Access law was enacted in August 2017
- Provides access to **legal services** for *every* tenant facing eviction in NYC Housing Court and NYCHA public housing termination proceedings
 - Tenants with an annual gross household income at or below 200% FPL will have access to **full legal representation**
 - Tenants with an annual gross household income above 200% FPL will have access to **brief legal assistance**, which is individualized legal assistance provided in a single consultation
- Implemented over a five-year phase-in period, to be fully implemented by 2022
- Services provided by **over a dozen** nonprofit legal organizations citywide

Eviction Defense for All: NYC's Universal Access (UA) Initiative

- “ZIP-by-ZIP” approach – partnership with the court system
- Making connections to legal services in the courtroom and in the community
- Encouraging results so far:
 - ✓ 37% reduction in evictions since 2013
 - ✓ 30% of tenants in court represented by counsel – up from 1%
 - ✓ 56% of tenants in target neighborhoods represented by counsel
 - ✓ Tenants retain their homes in 84% of resolved cases
 - ✓ Fewer cases filed; fewer emergency motions; more substantive litigation

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

John Pollock, Coordinator, National Coalition for a Civil Right to Counsel



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Right to Counsel Legislation



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San Francisco (2018)



SAN FRANCISCO

NEWS

SF voters guarantee lawyers for evicted tenants

Proposition F passes with more than 55 percent of the vote

By **Adam Brinklow** | Jun 7, 2018, 8:27am PDT

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

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Newark, NJ (2018)



Tenants' Right to Counsel on the Move, Next Stop Newark



BY JARED BREY | JANUARY 10, 2019



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

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Massachusetts (H1537 / H3456 / S913) (2019)

HOUSE DOCKET, NO. 3385 FILED ON: 1/18/2019

HOUSE No. 3456

The Commonwealth of Massachusetts

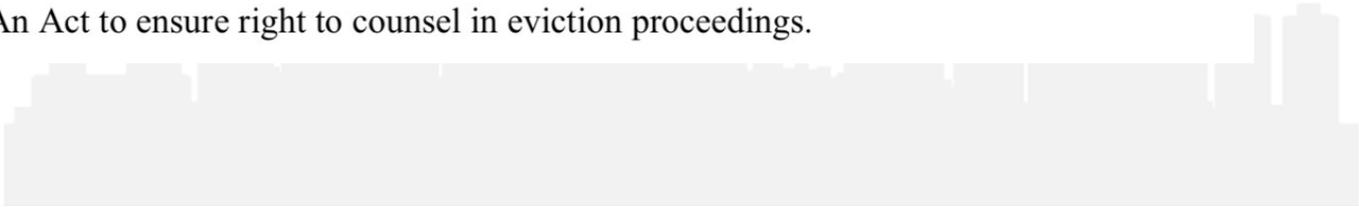
PRESENTED BY:

Chynah Tyler

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure right to counsel in eviction proceedings.



Massachusetts (H1537 / H3456 / S913) (2019)

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

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Potential Cost Savings for MA Bill

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

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

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Connecticut



**Judiciary Committee
Connecticut General Assembly**

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

LEGISLATIVE RECOMMENDATIONS

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

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

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Connecticut

Time to confront Connecticut's eviction crisis - with lawyers

By SARAH FREE
HARTFORD COURANT | FEB 10, 2019



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

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Connecticut

General Assembly

January Session, 2019

Proposed Bill No. 652

LCO No. 3197



Referred to Committee on JUDICIARY

Introduced by:
SEN. FLEXER, 29th Dist.

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

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

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

Statement of Purpose:

To provide legal counsel to certain eligible tenants in a summary process matter.

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Minnesota

A bill for an act

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

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

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



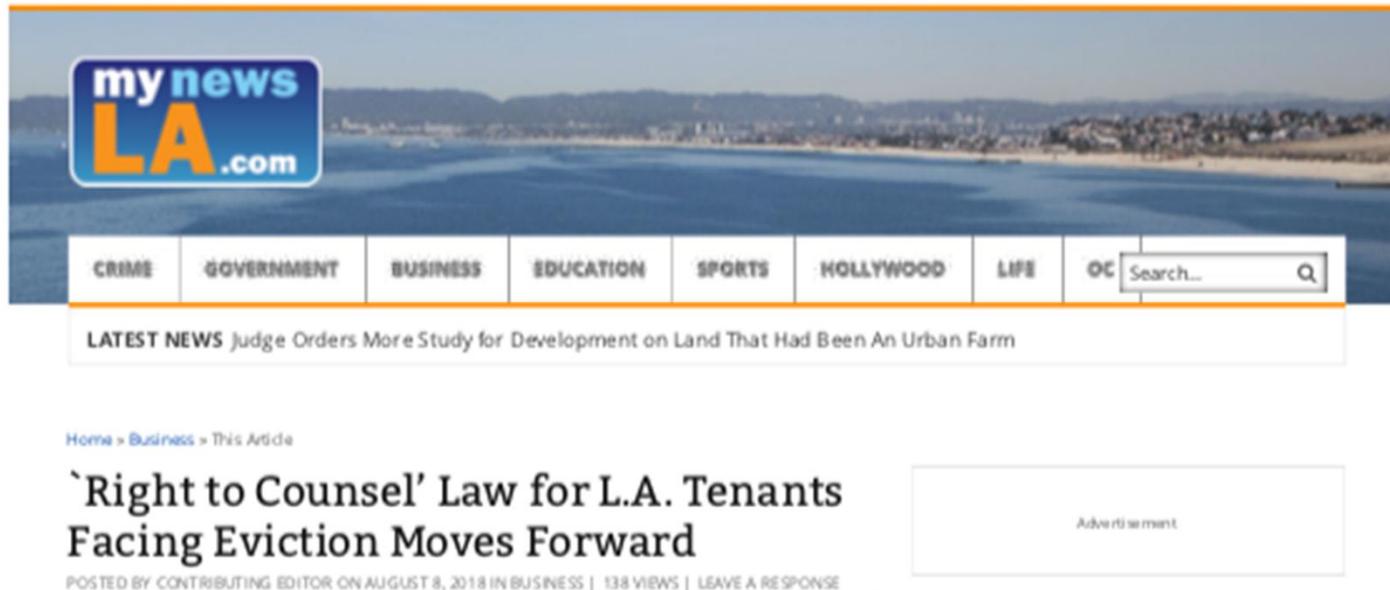
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Phased-in RTC



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Los Angeles



my news
LA.com

CRIME GOVERNMENT BUSINESS EDUCATION SPORTS HOLLYWOOD LIFE OC Search...

LATEST NEWS Judge Orders More Study for Development on Land That Had Been An Urban Farm

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'Right to Counsel' Law for L.A. Tenants Facing Eviction Moves Forward

POSTED BY CONTRIBUTING EDITOR ON AUGUST 8, 2018 IN BUSINESS | 138 VIEWS | LEAVE A RESPONSE

Advertisement

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

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Cleveland

SCENE & HEARD

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

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

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

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Studies



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Baltimore



How Renters Are Processed in the Baltimore City Rent Court

December 2015

A report by the Public Justice Center
in collaboration with the Right to Housing Alliance,
Dan Pasciuti, Ph.D., of Johns Hopkins University,
and Michele Cotton, J.D., Ph.D., of the University of Baltimore

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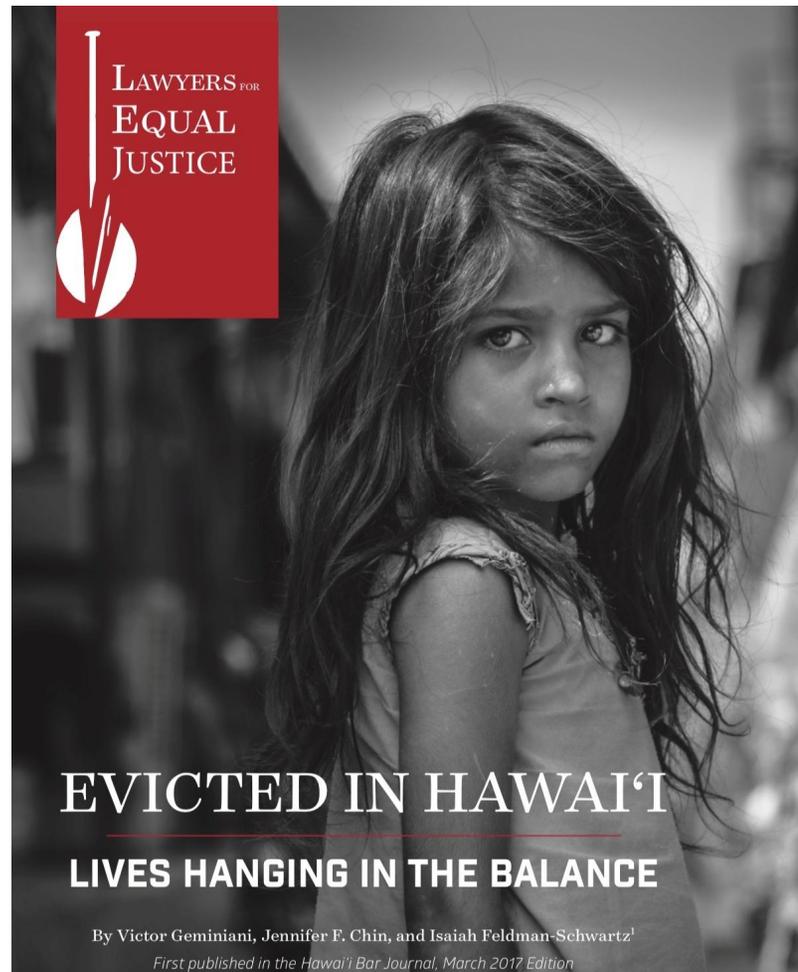
Baltimore

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

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

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Hawaii



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Hawaii

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



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Cincinnati

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

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



JUNE 2018

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Cincinnati



The image shows the top navigation bar of the WCPO Cincinnati website. On the left, there is a search icon. In the center, the WCPO Cincinnati logo is displayed, featuring a stylized '9' in red and yellow. To the right of the logo, the text 'WCPO CINCINNATI' is visible. Below the logo, a horizontal menu contains several items: 'Weather' with a cloud icon and '46°', 'Traffic', 'Move Up Cincinnati', 'I-Team', 'Sports', 'Don't Waste Your Money', and 'Contests'.

NEWS > **INSIDER**



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

'It's worse than we thought'

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

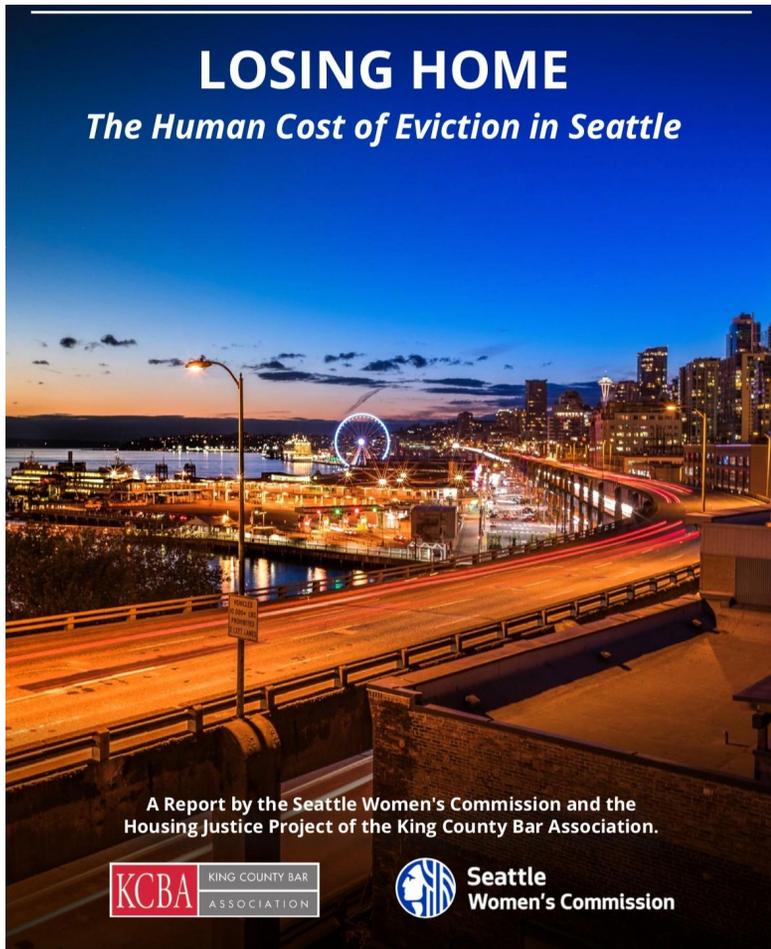


By: Lucy May , Craig Cheatham



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Seattle



New Report Details Seattle's Eviction Trends

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

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Pilots



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Pilots

WAMU, MAY 18

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

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

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

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

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

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Hennepin County, MN



Luke Grundman
Mid-Minnesota Legal Aid
(612) 746-3640
lgrundman@mylegalaid.org



Muria Kruger
Volunteer Lawyers Network
(612) 752-6647
curia@vlnmn.org

Legal Representation in Evictions - Comparative Study *Limited Services Data Included*

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

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Hennepin County, MN

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

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Washington State

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

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Local Funds



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Bangor, ME

BDN BANGOR DAILY NEWS

Maine Focus

The \$132k idea that could reduce Bangor's eviction problem



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Bangor, ME

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

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

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Philadelphia



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

(Resolution No. 160988)

RESOLUTION

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

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Philadelphia



REINVESTMENT
FUND

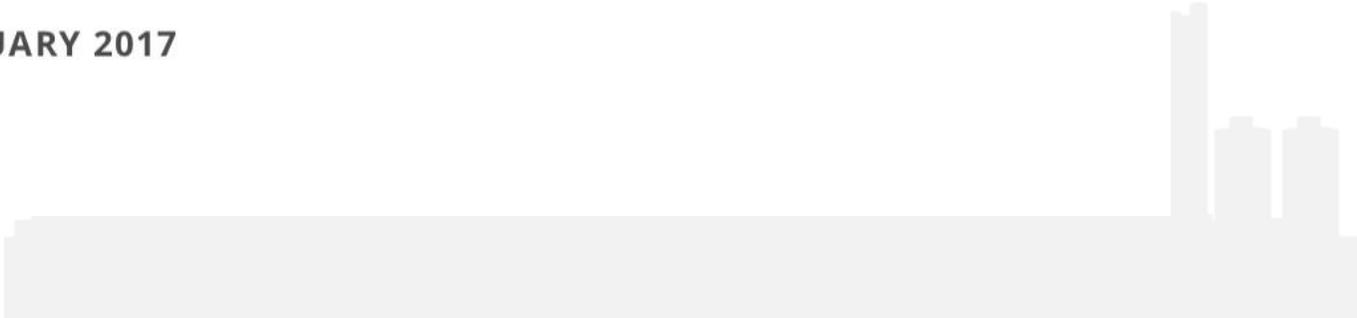


Policy Brief:

Evictions in Philadelphia

Prepared by **REINVESTMENT FUND**

Published **JANUARY 2017**



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Philadelphia

newsworks

MARCH 24, 2017 | SPEAK EASY

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

CBS Philly

49°



HOME

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

March 20, 2017 5:43 PM By Pat Loeb

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Philadelphia

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

In [Uncategorized \(http://phlcouncil.com/category/uncategorized/\)](http://phlcouncil.com/category/uncategorized/) by PHL Council / June 29, 2017

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

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

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



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Philadelphia

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

October 30, 2018

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



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Philadelphia

News

Philadelphia City Council Proposes Low-Income Tenant Legal Defense Fund

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

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



Detroit Eviction Right to Counsel Summit

Denver

FACING EVICTION ALONE

A STUDY OF EVICTIONS

Denver, Colorado
2014-2016



AUBREY HASVOLD
Colorado Coalition for
the Homeless

JACK REGENBOGEN
Colorado Center on Law
and Policy



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Denver

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

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

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Denver

POLITICS > DENVER POLITICS

Denver council members pool leftover office budgets to provide lawyers for some renters facing eviction

Nearly \$124,000 donated by officials will help launch pilot program that Mayor Hancock has resisted



RJ Sangosti, The Denver Post

Tim Wortman packs up his belongings after being evicted from the garage apartment where he was living in the Westwood neighborhood in Denver on Jan. 24, 2017.

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Denver / Colorado: \$750k Fund

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN EVICTION LEGAL DEFENSE FUND,**
102 **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

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

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

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Durham, North Carolina

DURHAM COUNTY

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

BY DAWN BAUMGARTNER VAUGHAN
dvaughan@heraldsun.com

May 31, 2018 06:09 PM

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

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

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

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Housing Justice Alliance: Cleveland's Path to a Right to Counsel

- An average **9,000 evictions** are filed every year.
 - In 2017, just 1% -2% of tenants facing eviction were represented by an attorney.
 - Estimated 70-80% landlords in housing court are represented by an attorney.
 - 30% had a previous eviction filing, 76% of tenants facing eviction are African American women and 45% of the households facing eviction have children under the age of 18.
 - More than half of all tenants do not show up in court for their eviction hearing.
 - When tenants are represented by attorneys, eviction is avoided over 90% of the time.
-

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Housing Justice Alliance: Cleveland's Path to a Right to Counsel

- **Preliminary Phase:** (Sisters of Charity Foundation of Cleveland– Innovation Mission Fellowship)
 - Research
 - Created an advisory committee
 - Site visits to New York and Washington D.C.
 - Eviction sealing advocacy
 - Advocacy with City Council
 - Study with Case Western Reserve University – “Estimating the Downstream Costs of Evictions on Homelessness and Human Services”
 - Fundraising

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Housing Justice Alliance: Cleveland's Path to a Right to Counsel

- **Phase 1 (mid-2019 through 2023)**

Increase legal representation	Eviction Diversion	Community Outreach	Evaluation
<ul style="list-style-type: none">• From 2% to 10%• Implemented by Legal Aid• No merit screen• Full legal representation• Volunteer lawyers	<ul style="list-style-type: none">• Rent assistance for non payment of rent cases• Partnership organizations	<ul style="list-style-type: none">• Notice with summons• Help Desk at Housing Court• Continued advocacy with City Council	<ul style="list-style-type: none">• Independent evaluator

Break (3:15 – 3:25pm)

Sponsored by:



Detroit Eviction Data and the Costs and Benefits of Providing Counsel to Low-Income Tenants

Neil Steinkamp, Managing Director, Stout Risius Ross



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Neil Steinkamp - Biography

- Managing Director at Stout
- Born and raised in Michigan
- Michigan State University Graduate
- Worked in Stout's Detroit-area office for 10 years
- Established Stout's Pro Bono Practice in the Detroit area
- Authored the NYC eviction right to counsel cost-benefit study that assisted in the passing of landmark legislation that provides counsel to low-income tenants facing eviction
- Now working with several other cities around the country

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Detroit's Eviction Crisis – The Numbers

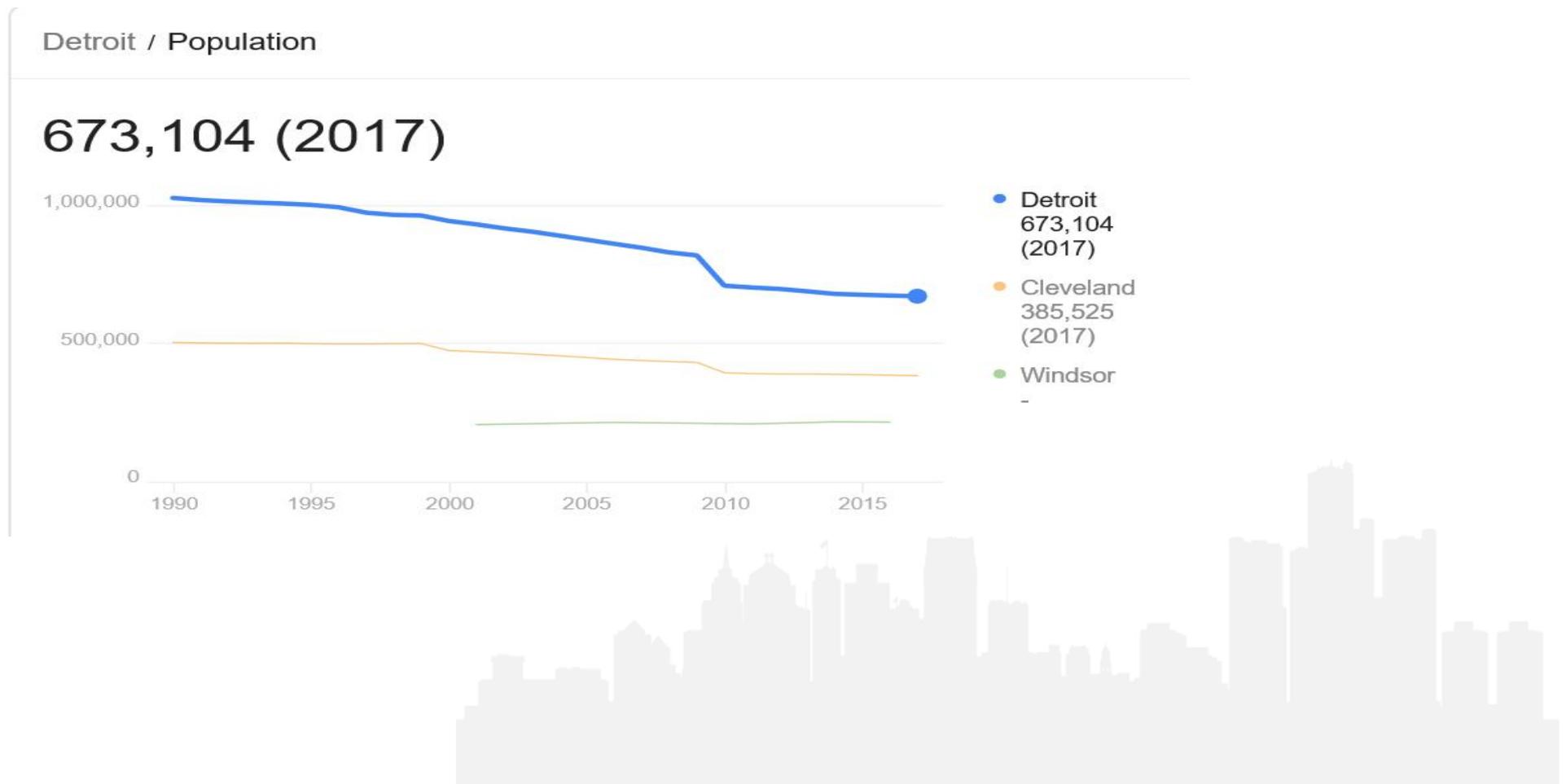
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Detroit's Eviction Crisis – The Numbers

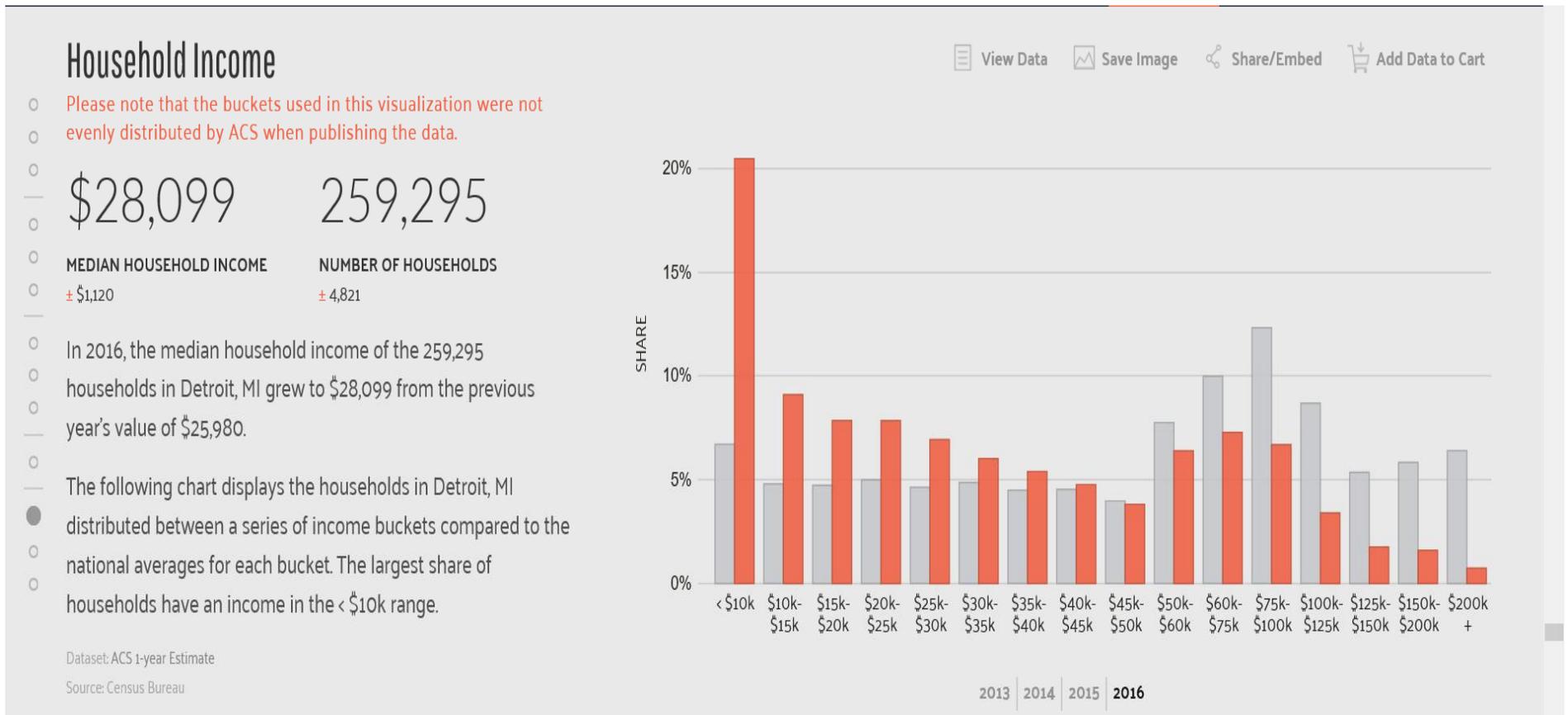
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Detroit's Eviction Crisis – The Numbers

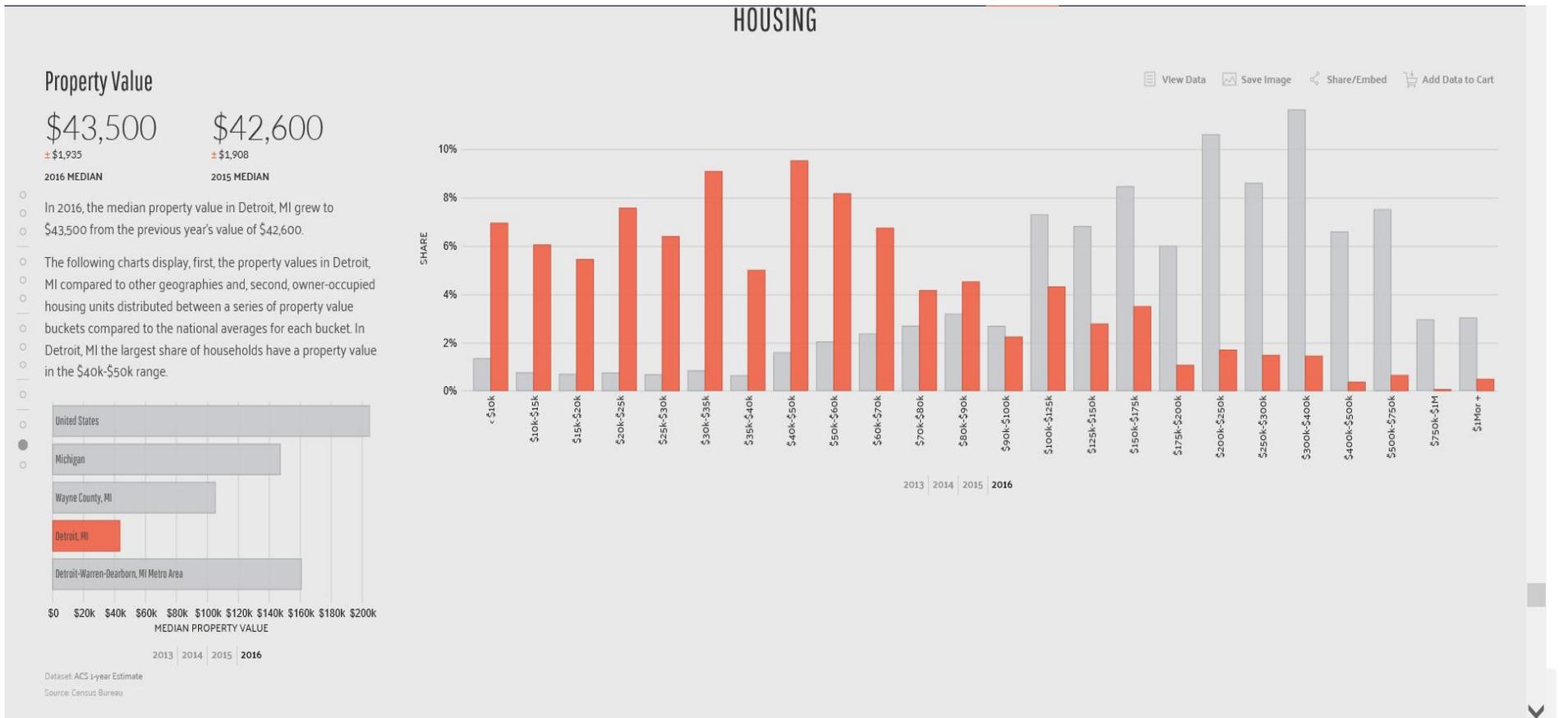
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Detroit's Eviction Crisis – The Numbers

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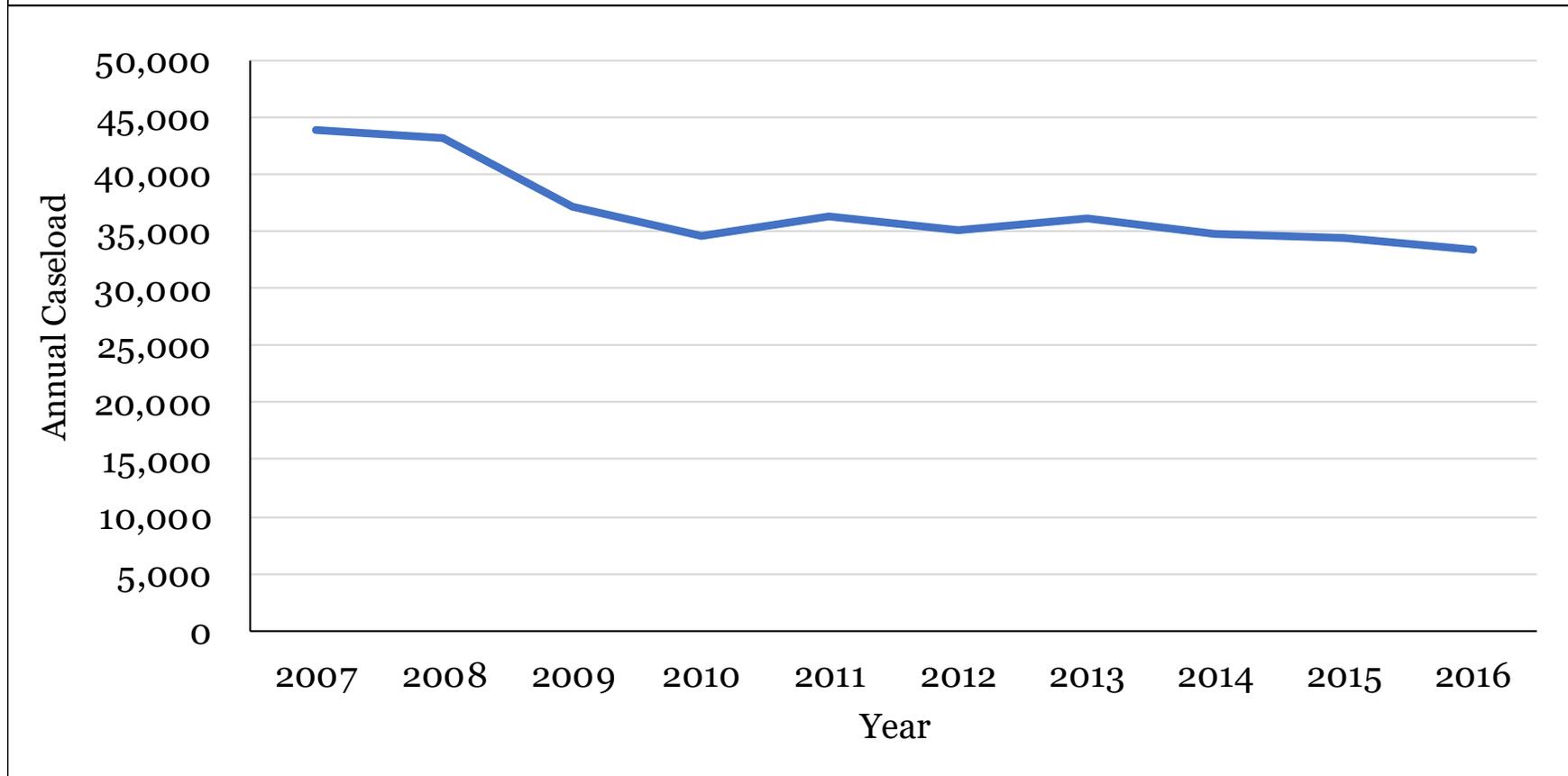


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Detroit's Eviction Crisis – The Numbers

Annual 36th District Court Landlord-Tenant Caseload for the 10-Year Period 2007-2016

Based on Annual Caseload Reports Published by Michigan Courts



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Detroit's Eviction Crisis – The Numbers

- There were just more than 30,000 eviction cases filed in 2017
- Data from the court docket and information from Detroit-area providers indicates that tenants were represented in 1,348 of these cases (4.4%) - (29,514 cases where the tenant was not represented)
- Plaintiffs were represented in 25,597 of these cases (83%)



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Detroit's Eviction Crisis – The Numbers

- 89 different lawyers appeared to represent tenants in 2017
 - Of those, 75 lawyers represented 5 or fewer tenants
- There were 5 lawyers who represented more than 100 tenants each in 2017
 - These 5 lawyers represented 72% of the total tenants that were represented in 2017
- Nearly 90% of all tenants that were represented, were represented by just 10 lawyers



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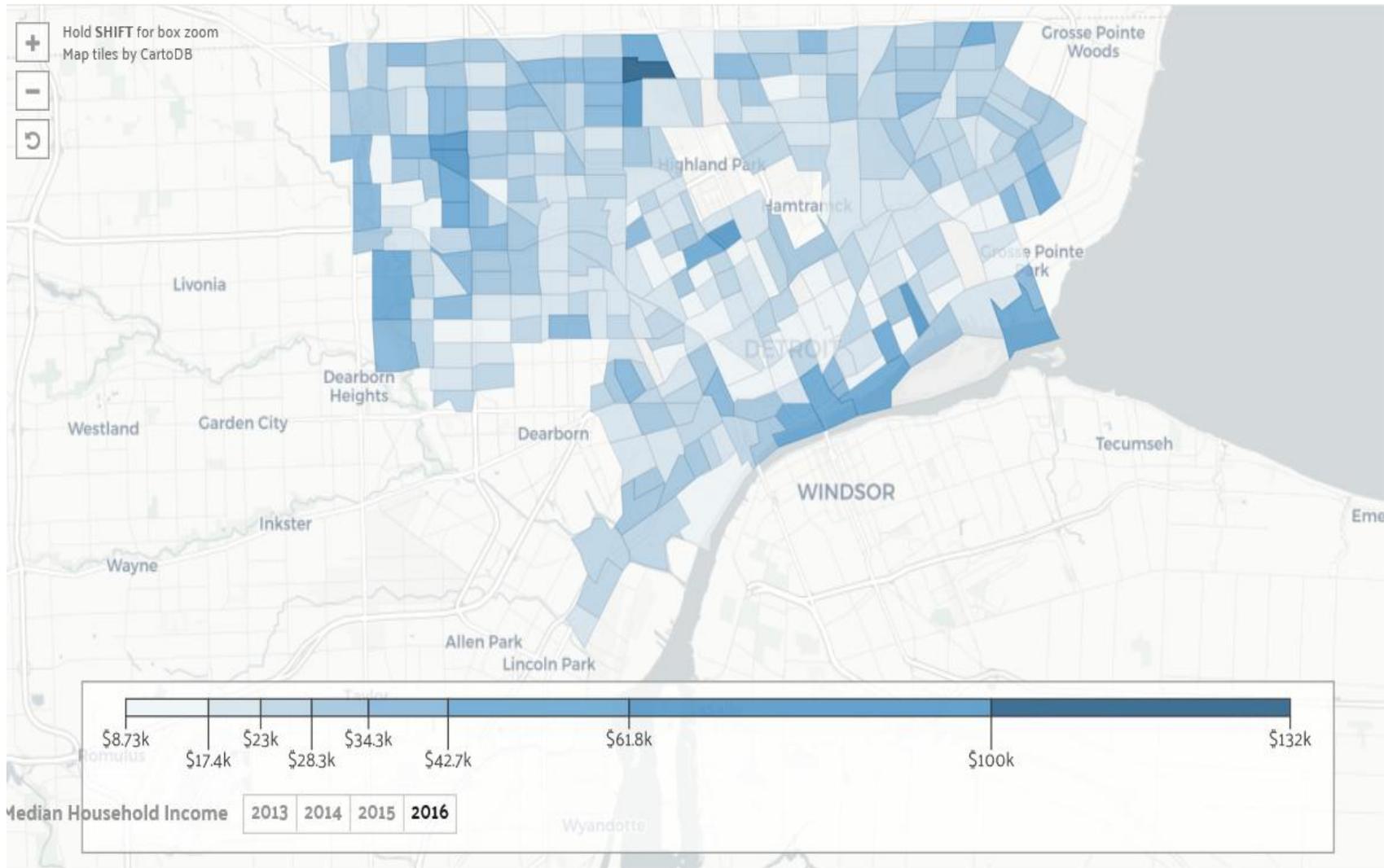
Mapping Detroit's Eviction Crisis

- Evictions in 2017 cases were filed for tenants in approximately 110 different zip codes
- Over 50% of the total evictions cases were for tenants in only 8 zip codes
- Nearly 80% of the total eviction cases were for tenants in 15 zip codes



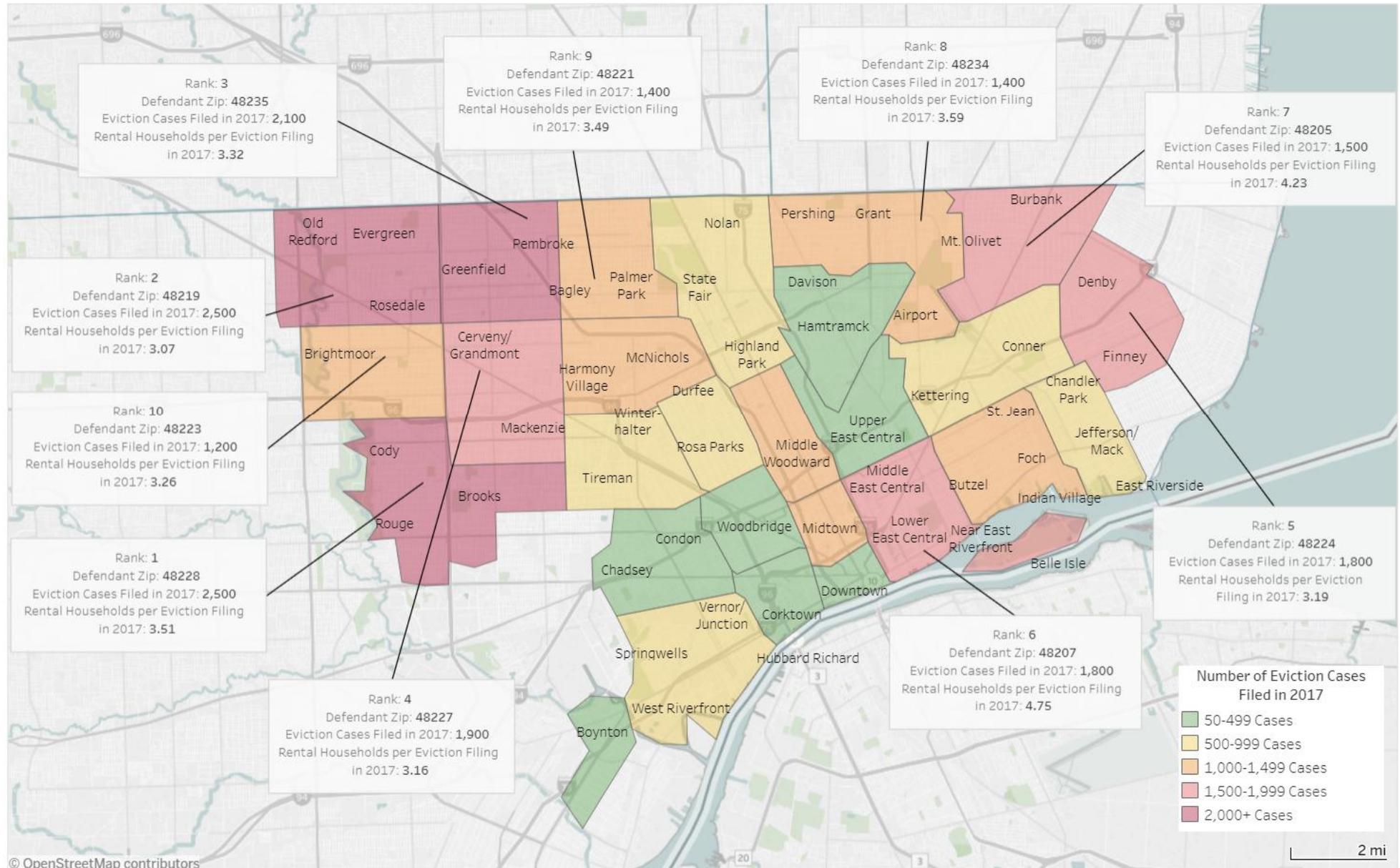
Detroit Eviction Right to Counsel Summit

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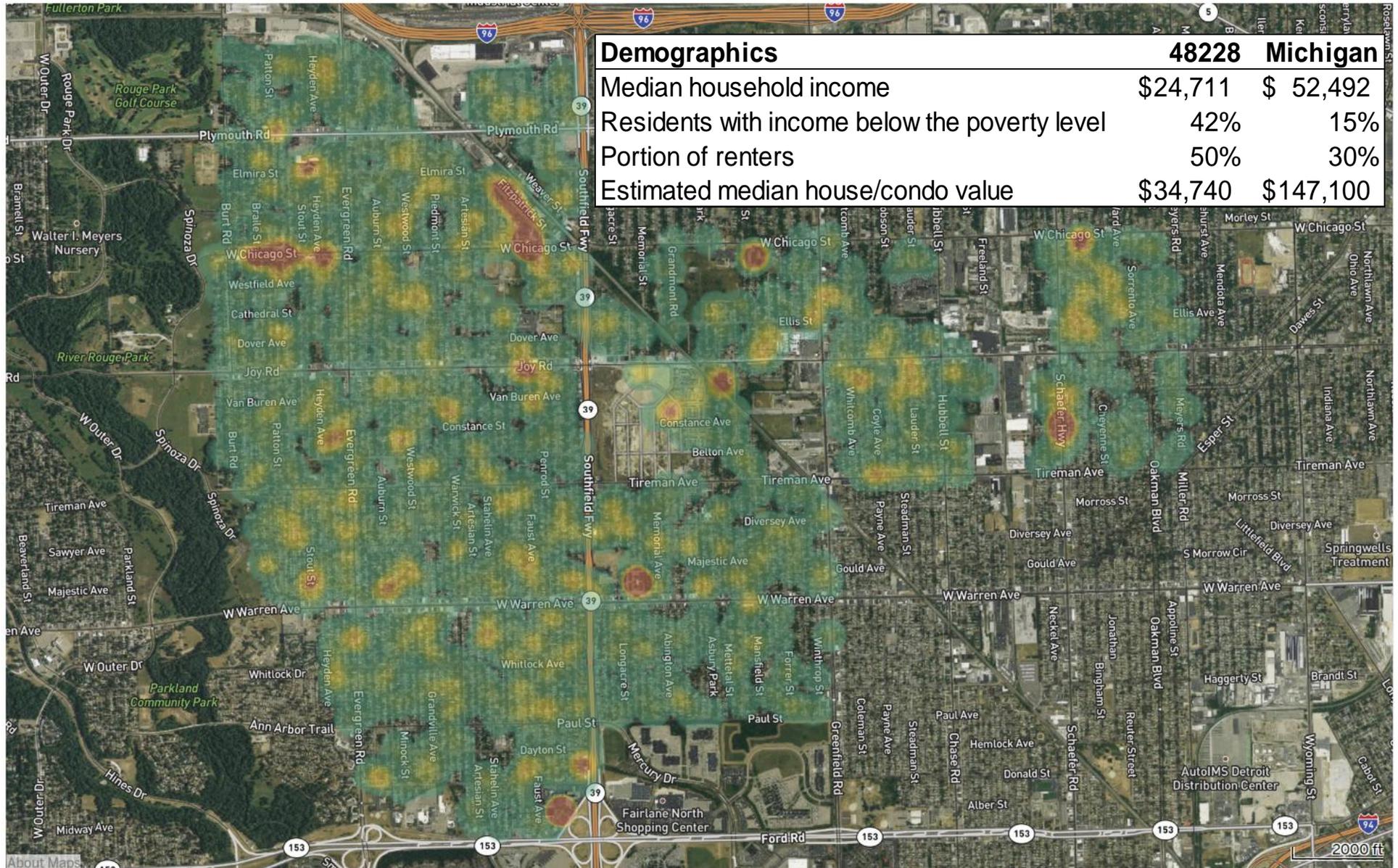
Number of Eviction Cases Filed in 2017 by Defendant Zip Code for the City of Detroit



© OpenStreetMap contributors

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Detroit Evictions Zip Code 48228 Details: Case Density Satellite



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Detroit's Eviction Crisis – The Numbers

- For all of the cases where a case outcome was recorded (excluding cases filed in 2017 that were not closed in 2017) regardless of whether the tenant was represented:
 - 46% of the cases had a judgment by default
 - 29% of the cases had a judgment by consent entered
 - 22% were dismissed
 - 3% had a judgment without jury entered



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Detroit's Eviction Crisis – The Numbers

- Tenant Outcomes – When Tenant is **Not** Represented and Plaintiff **is** Represented
 - 78% of cases are for non-payment of rent
 - 15% of cases are for termination of tenancy
 - 4% of cases are for money judgment
 - In cases of non-payment of rent, when the tenant is not represented
 - 47% of cases had a judgment by default
 - 28% of cases had a judgment by consent
 - 24% of cases were dismissed
 - 1% of cases had a judgment without jury entered
- 75% of cases without tenant representation are likely to result in significant risk of disruptive displacement to the tenant

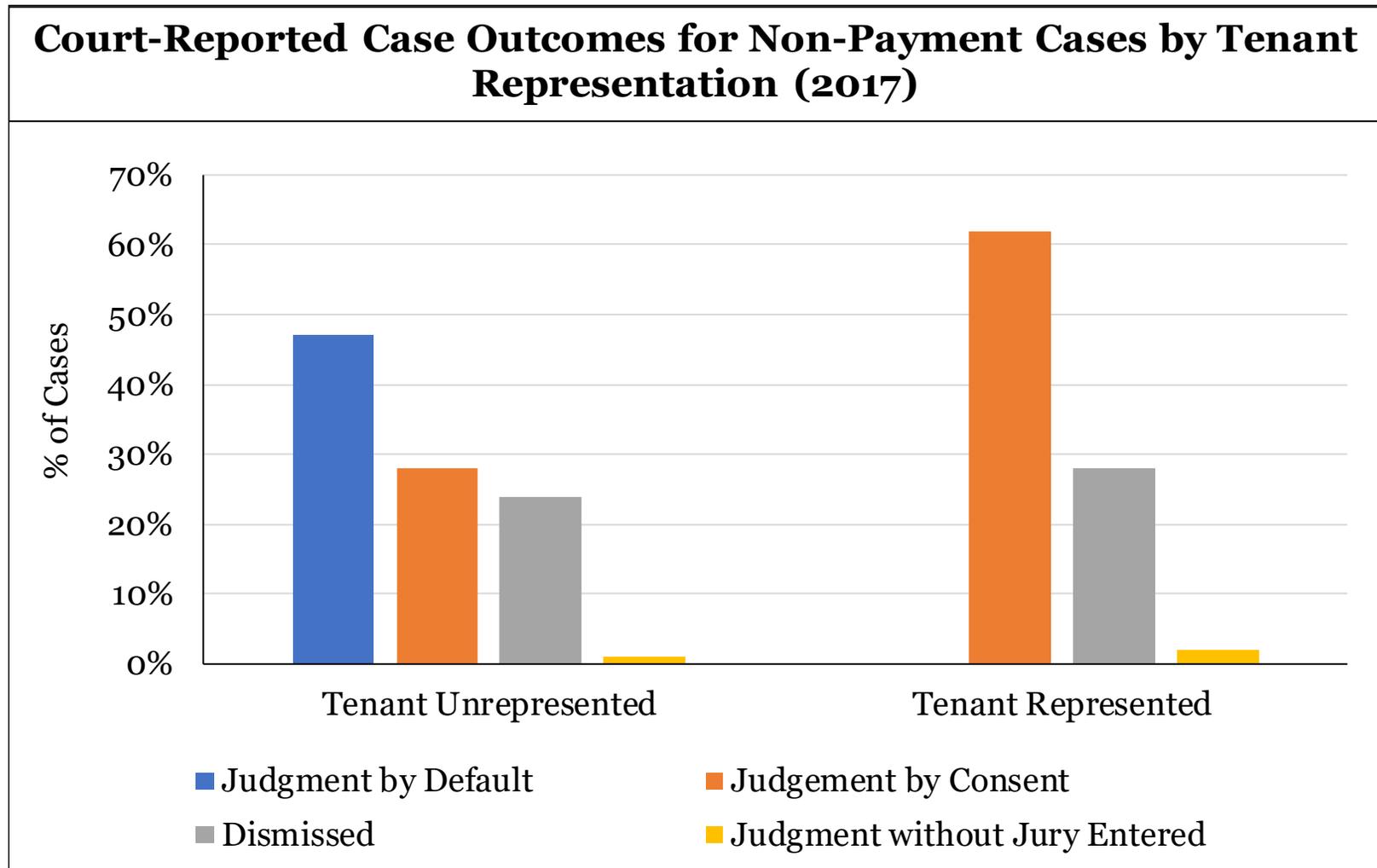
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Detroit's Eviction Crisis – The Numbers

- Tenant Outcomes – When Tenant **is** Represented and Plaintiff **is** Represented
 - 62% of cases are for non-payment of rent
 - 29% of cases are for termination of tenancy
 - 5% of cases are for money judgment
 - In cases of non-payment of rent, when the tenant is represented
 - 62% of cases had a judgment by consent
 - 28% of cases were dismissed
 - 2% of cases had a judgment without jury entered
- 92% of cases with tenant representation are likely to result in the risk of disruptive displacement to the tenant being mitigated or avoided

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Detroit's Eviction Crisis – The Numbers



The Effectiveness of an Eviction Right to Counsel

Do lawyers make an impact in avoiding “disruptive displacement”? In **Philadelphia** we found:

- Focus is on “disruptive displacement” instead of “winning” and “losing”
- Without a lawyer, at least 78% of tenants are disruptively displaced
- With a lawyer, only 5% of tenants are disruptively displaced



The Effectiveness of an Eviction Right to Counsel

Findings from eviction representation studies around the country are similar to Stout's:

- New York City: “In Housing Court eviction cases resolved by OCJ’s legal services providers, **84% of households represented in court by lawyers were able to remain in their homes**, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability.” – *Universal Access to Legal Services: A Report on Year One of Implementation in New York City*
- According to New York City’s Department of Social Services, the actual eviction rate dropped by 14 percent in 2018, and has fallen 37 percent since de Blasio took office in 2014 – even with only a small percentage of zip codes currently qualifying for free representation for low income tenants.

The Effectiveness of an Eviction Right to Counsel

- Minnesota: “**Fully represented tenants win or settle their cases 96% of the time**, clients receiving limited/brief services win or settles 83% of the time, and those without any legal services win or settle only 62% of the time. The settlements made by fully represented tenants are significantly better. **Represented tenants are almost twice as likely to stay in their homes.**” – *Legal Representation in Evictions – Comparative Study (Mid-Minnesota Legal Aid and Volunteer Lawyers Network)*



The Effectiveness of an Eviction Right to Counsel

- Columbus: “In a random sample of cases from 2016 and 2017, eviction judgments were issued against the tenant at hearing in 58.6% and 53.5% of cases, respectively, When tenants were assisted by TAP, outcomes dramatically changed. **Only 1.1% of cases resulted in a judgment against the tenant at a hearing in TAP cases.** Tenants assisted by TAP negotiated agreements to stay in the property 240% more often than 2017 tenants not assisted by TAP. TAP tenants successfully negotiated an agreement to move and avoid eviction judgment 745% more often than 2017 tenants not assisted by TAP.” – *Legal Aid Society of Columbus: Tenancy Advocacy Project*



Detroit Eviction Right to Counsel Summit

Benefits of Providing an Eviction Right to Counsel

Benefits that Cities and Communities Experience From Increased Stability Resulting from Counsel in Eviction Cases:

- Avoided shelter costs
- Avoided inpatient hospital, mental health and emergency room costs
- Avoid policing costs and improved use of emergency responder resources
- Avoidance of court processing costs and improved use of court staff time
- Community, family, and job stability
- Improved living conditions for tenants
- Preservation of affordable housing
- Exercising of tenants' rights
- Improved educational outcomes for children

Benefits of Providing an Eviction Right to Counsel

Studies From Around the Country Demonstrate the Impact of Eviction and the Costs Incurred:

- A 2018 study of homelessness in Chicago found that for the subset of families that accessed Continuum of Care services while experiencing literal homelessness after applying for homeless prevention funds and facing a court eviction case, 71% experienced literal homelessness within a year of their eviction case.
- A 2017 survey in Santa Cruz County, California found that 14% of its homeless population cited eviction as the primary cause of their homelessness.

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Benefits of Providing an Eviction Right to Counsel

Studies From Around the Country Demonstrate the Impact of Eviction and the Costs Incurred:

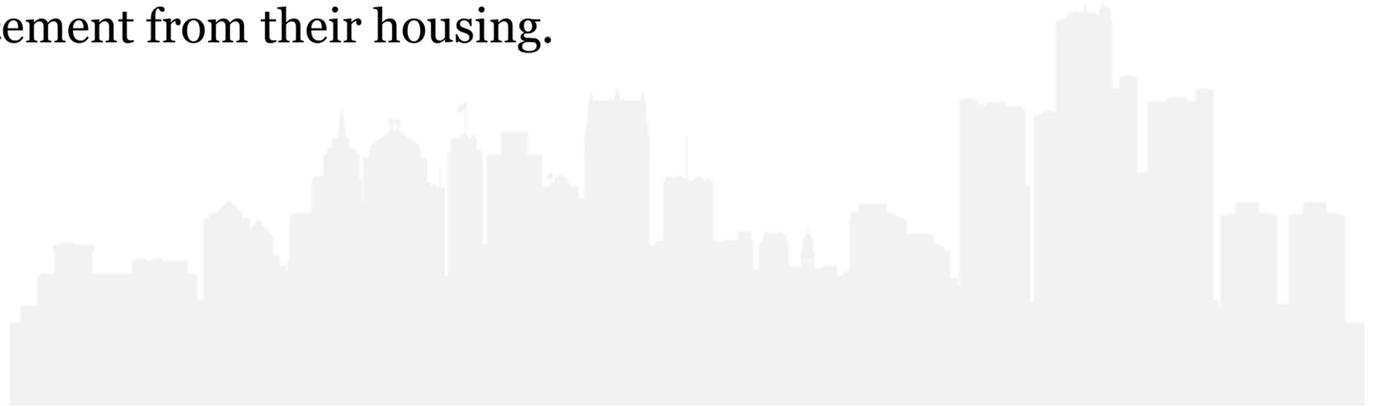
- A 2017 report by the Institute of for Children, Poverty, and Homelessness found that eviction is the second leading cause of homelessness in New York City among families with children, as many as 33% of families citing eviction as the reason for their homelessness in parts of the city.
- In 2012, the Boston Bar Association Task Force on the Civil Right to Counsel cited a 2011 report that 45% of households that enter the Massachusetts shelters gave eviction as the reason they were homeless or at risk of homelessness.

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Benefits of Providing an Eviction Right to Counsel

Studies From Around the Country Demonstrate the Impact of Eviction and the Costs Incurred:

- A 2010 report by Seedco found that 47% of families in New York City's homeless shelters experienced eviction five years before shelter entry
- A 2001 national study found that nearly two out of five people experiencing homelessness who use homeless assistance programs came to be homeless through involuntary displacement from their housing.



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Benefits of Providing an Eviction Right to Counsel

Studies From Around the Country Demonstrate the Impact of Eviction and the Costs Incurred:

- In New York City, the administrative judge of the civil courts has observed that judges in New York City Housing Court have spent less time explaining housing rights and court processes to represented tenants who, without Universal Access, may have previously gone unrepresented. Early observations from the implementation and expansion of Universal Access have indicated 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.

Benefits of Providing an Eviction Right to Counsel

Studies From Around the Country Demonstrate the Impact of Eviction and the Costs Incurred:

- Regarding children's educational outcomes as well as family and community stability, one low-performing school in Atlanta deduced its turnover rate (i.e., children changing schools) by more than **one third** by embedding a tenants-rights lawyer in school to help parents. School staff have access to a tool that helps parents find affordable housing – including the rent and availability of units in real time – within the school attendance zone.

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Benefits of Providing an Eviction Right to Counsel

Source: <https://avlf.org/programs/standing-with-our-neighbors/>

“This place-based program seeks to overhaul the typical legal services model in favor of something more accessible and equitable. This program partners Atlanta Volunteer Lawyers Foundation with schools and other community allies to focus AVLF’s volunteer resources on improving living conditions and housing stability in low-income neighborhoods – all to improve resident health, reduce school enrollment turnover, and enhance student attendance and performance. ***All of our program staff is embedded within neighborhoods to stop housing instability early and work as a first responder when problems do arise.***

By managing the immediate housing needs of students, we are able to stabilize a family. ***And when you stabilize a family, you stabilize a school, not to mention the whole community.*** [Emphasis Added]

In its first year, Standing with Our Neighbors™ contributed to a

36% reduction in annual enrollment turnover

at Thomasville Heights Elementary School.



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Benefits of Providing an Eviction Right to Counsel

The economic and social benefits of providing an eviction right to counsel in Detroit could reduce costs incurred by the city of Detroit and the projected magnitude of additional investment needed, such as:

- \$5 million in homeless outreach annually
- Emergency shelter costs, rapid re-housing costs, and emergency rental assistance
- Policing costs related to squatting and criminalizing homelessness
- Costs associated with building and preserving affordable housing
- Costs associated with education instability
- Costs associated with employment instability
- Costs associated with physical and mental health care emergency services

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The City's Commitment to Affordable Housing

The City of Detroit has demonstrated its commitment to creating and preserving affordable housing:

- “We must ensure that rising housing costs are met with the creation of new affordable housing, and that investment in key neighborhoods includes preservation of existing affordable housing.”
- “In September 2017, the City further committed to mixed-income development through approval of an ordinance requiring new multifamily housing developments receiving direct public monetary support to include affordably priced units.”
- “The Detroit Housing Commission and the City will create new rental assistance for extremely low-income households (30% AMI).”

Source: “Multifamily Affordable Housing Strategy.” City of Detroit. 2018.

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The City's Commitment to Affordable Housing

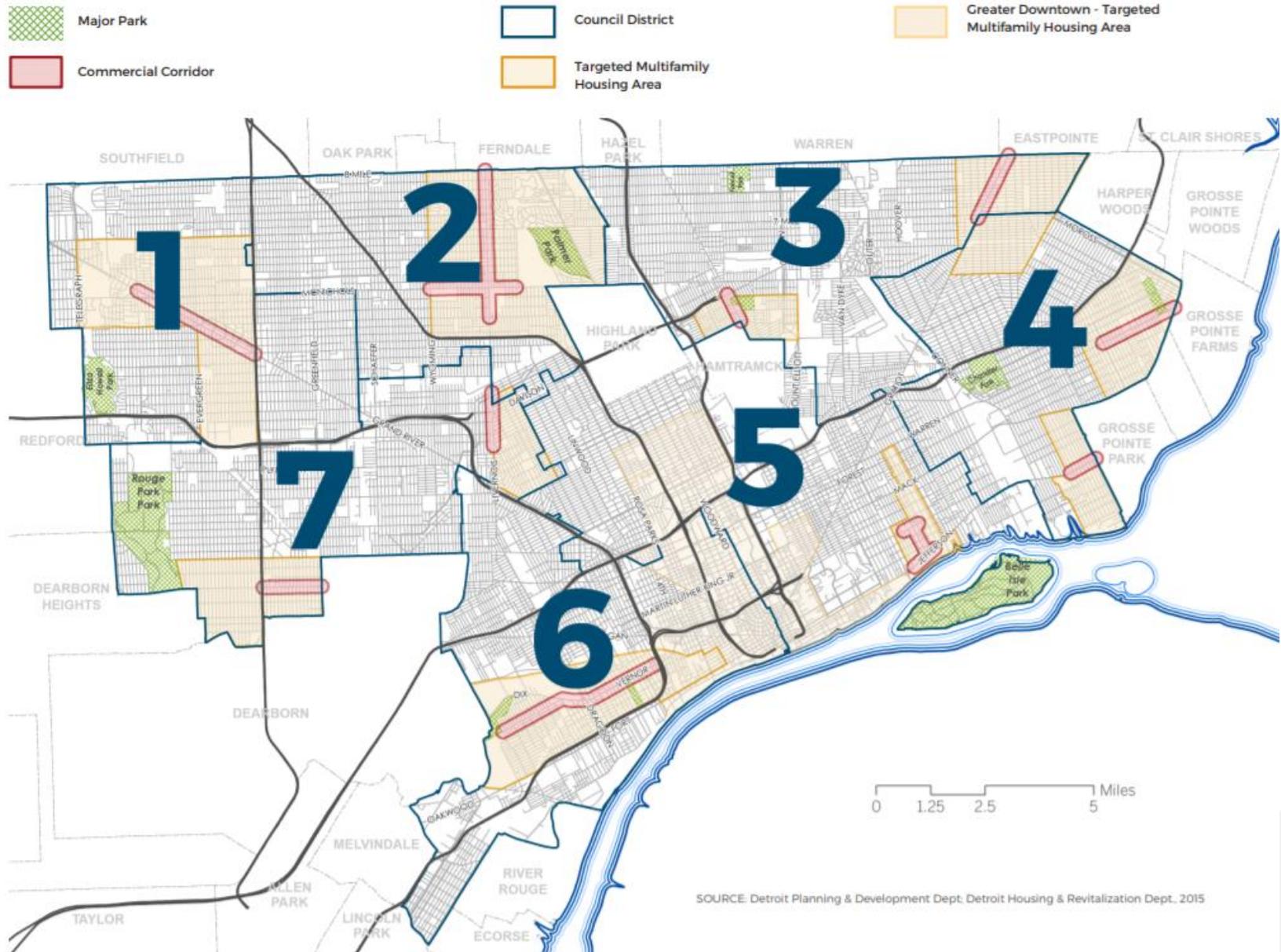
The City of Detroit's affordable housing goals, tools, and implementation strategies:

- “Preserve 10,000 units of affordable multifamily housing by 2023.”
- “Produce 2,000 units of new affordable multifamily housing by 2023.”
- “Creative the Affordable Housing Leverage Fund to provide low-cost financing and gap funding to property owners and developers.”
- “Revise and publish consistent set of criteria for awarding tax incentives.”
- “Create a system to track development projects that have received incentives.”
- “Address chronic homelessness in Detroit.”
- “Ensure the sustainable operations of regulated affordable housing.”

Source: “Multifamily Affordable Housing Strategy.” City of Detroit. 2018.

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Figure 1: Targeted Multifamily Housing Areas



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Detroit Rent and Rental Housing Statistics

- “In 2017, 57% of Detroit renters paid more than 30% of their household income on housing costs, more than the national average of 52%.” (Multifamily Affordable Housing Strategy.” City of Detroit. 2018.)
- “In 2014, 64% of extremely low-income renter housing (approximately one-third of Detroit’s residents) were “severely cost burdened,” paying more than 50% of their household income on housing costs.” (Multifamily Affordable Housing Strategy.” City of Detroit. 2018.)
- “As of early [January], only 10 percent – or 537 of 5,281 known rental properties – had a city clearance to legally operate in six zip codes the effort began first targeting.” (“Detroit push fails to boost rental inspections. The Detroit News. January 14, 2019.)
- “Wayne County is still the epicenter for foreclosures in Michigan with a rate of 1 of every 2016 units receiving a foreclosure notice in September 2011.” (“The costs of that ‘\$500 house’ in Detroit.” November 2011.)

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Costs of Providing an Eviction Right to Counsel

What is the cost of providing representation to low income tenants?

- In **Philadelphia**, we estimated that effective assistance could be provided, on average, with 6 hours of lawyer time per case. We estimated the per case cost would be approximately \$800.
- According to a September 2018 analysis providing representation for all tenants in **Maine** would cost approximately \$2.6 million. After adjusting for salary differences and other cost of living adjustments, the cost to provide counsel contemplated in this analysis is comparable to the cost quantified for Philadelphia.

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Costs of Providing an Eviction Right to Counsel

What is the cost of providing representation to low income tenants?

- In **Detroit**, we estimate that a trained, effective lawyer could represent approximately 175 tenants per year. If the average cost of a qualified, salaried lawyer is \$70,000 (including benefits), the estimated per case cost would be approximately \$400.
- Additional costs could relate to tenant outreach, attorney supervision, data and reporting, and program evaluations.



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Costs of Providing an Eviction Right to Counsel

How many lawyers would be necessary in Detroit?

- In **Detroit**, we estimate that there are approximately 30,000 unrepresented tenants facing eviction each year. We estimate that 90% of these tenants are unable to afford a lawyer to represent them. A study has shown that approximately 58% of tenants in housing court have incomes of 30% AMI (125% FPL) and approximately 91% of tenants in housing court have incomes of 80% AMI (250% FPL).
- At \$400 per case, providing representation to all low-income tenants, excluding unrepresented tenants expected to default, at approximately 125% of the FPL may require approximately \$3.7 million in funding.
- Additional costs could relate to tenant outreach, attorney supervision, data and reporting, and program evaluations.

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Strategic Implementation Considerations

Ongoing work of the Eviction Prevention Steering Committee and the Housing Security Working Group, in consultation with various interested constituencies

“Strategic, advanced thinking by providers, together with the jurisdiction, about how to design and implement the program and about what internal and external supports providers will need is important to ensure that the provider community is equipped to meet the program’s demands and to provide quality legal representation for tenants.”

- *Implementing New York City’s Universal Access to Counsel Program: Lessons for Other Jurisdictions*, NYU Furman Center, December 2018

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Strategic Implementation Considerations

Implementation considerations

- Strategic and collaborative system designing
 - Government officials/agencies
 - Providers
 - Courts
 - Law schools
 - Social services
 - Other community stakeholders



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Strategic Implementation Considerations

- Strategies for pipeline building/recruiting and retaining qualified attorneys
- Phased implementation
 - Important for data gathering, monitoring, court capacity, and continual refinement
 - Enables ongoing evaluation within a collaborative environment to maximize the benefit to clients, identify best practices, and gain efficiencies



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Stout Eviction Right to Counsel Resources Site

<https://info.stout.com/evictions>



Cost-Benefit and Impact Studies

- New York City Stout Report - The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A
- Philadelphia Stout Report - Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants
- Universal Access to Legal Services: A Report on Year One of Implementation in New York City
- Social Impact Measurement of CommonBond's Eviction Prevention Activities
- Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel
- The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment
- San Francisco Right to Counsel Pilot Program Documentation Report
- The Impact of Counsel: An Analysis of Empirical Evidence

General Housing and Homelessness

- Removing Housing Barriers to Women's Workforce Participation
- Ending Family Homelessness Report: Understanding the Scale and Needs of Families Experiencing Homelessness in Chicago
- Unaffordable America: Poverty, Housing, and Eviction
- In 'Game-Changer,' Hawaii Given Approval to use Medicaid Dollars to Help Chronically Homeless
- A Gendered Perspective on the Right to Housing in the United States
- Measuring Resident Health Outcomes in Affordable Housing
- Missing School, Missing a Home: The Link Between Chronic Absenteeism, Economic Instability and Homelessness in Michigan
- The High Health Toll of SF's Relentless Rent Increases
- Atlanta Persuaded Landlords to Rent to Homeless People. Can it Work in Seattle?
- America's Rental Housing: Evolving Markets and Needs

MESSAGE*

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Closing Remarks

Ted Phillips, Executive Director, UCHC

