

The Economic Impact of an Eviction Right to Counsel in Baltimore City

Prepared for: The Public Justice Center

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ACKNOWLEDGEMENT

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Section I

Stout Profile and Qualifications

1. Stout Risius Ross, LLC (“Stout”) is a premier global advisory firm that specializes in Investment Banking, Valuation Advisory, Dispute Consulting, Management Consulting, and Transaction Opinions. In addition to these services, Stout’s professionals have expertise in strategy consulting involving a variety of socio-economic issues, including issues of or related to access to justice and the needs of low-income individuals and at-risk communities.
2. Under the direction of Neil Steinkamp, who leads Stout’s Transformative Change Consulting practice, Stout is a recognized leader in the civil legal aid community and offers the following services:
 - Economic impact assessments and policy research for civil legal aid initiatives;
 - Strategy consulting and action plan development for issues relating to access to justice;
 - Non-profit budget development, review, and recommendations;
 - Cost-benefit and impact analyses for non-profit initiatives and activities;
 - Data-driven program evaluation and implementation; and
 - Dispute consulting and damages analyses for low-income individuals.
3. Neil Steinkamp is a Managing Director at Stout in the firm’s New York City office. He has extensive experience providing a broad range of strategic, business, and financial advice to business and community leaders and their advisors.
4. Mr. Steinkamp has more than 15 years of experience covering many industries and matter types resulting in a comprehensive understanding of the application of strategic assessment, risk analysis, financial consulting, and other complex analyses. His work has involved complex problem solving involving large-scale industry and social issues. In certain matters, he has provided testimony during bench and jury trials, domestic and international arbitration, as well during city council hearings. He has also assisted parties in a variety of complex resolutions involving settlement negotiations, mediation, and facilitation.

Section II

Executive Summary

624% - For every dollar invested in a right to counsel for low-income tenants facing eviction in Baltimore City, there is a cost savings or value of those services estimated to be at least \$6.24 that would be recognized by Baltimore City and Maryland.

306% - For every dollar invested in a right to counsel for low-income tenants facing eviction in Baltimore City, there is a cost savings or value of those services estimated to be at least \$3.06 that would be recognized by Baltimore City alone.

5. Stout was engaged by the Public Justice Center to perform an analysis of the cost and benefits associated with a right to counsel for low-income tenants in eviction proceedings in Baltimore City and the benefits that Baltimore City (as well as Maryland) may realize by enacting such a right.
6. **Key Finding.** 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.¹ 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. Considering that many social safety net responses to disruptive displacement are partially funded by the state of Maryland, Maryland may also reduce a portion of its spending related to disruptive displacement caused by eviction. 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.
7. **Housing and Eviction Trends – National and Baltimore City.** Throughout the country, renters – especially low-income renters – have experienced increasing housing costs while their incomes have remained stagnant. According to the most recent American Housing Survey, approximately 2.7 million renter households were unable to pay all or part of their

¹ Stout uses the phrase “disruptive displacement” to include circumstances where a tenant may not have had an executed eviction warrant against them, but the tenant has likely experienced some level of life disruption due to the eviction filing and the eviction process.

rent within the three months preceding the survey.² Unsurprisingly, rental affordability issues are most problematic for the lowest wage earners, for whom there is a significant shortage of affordable housing. According to the most recent American Housing Survey, approximately 26,000 renter households (seven percent of all renter households) in the Baltimore metropolitan area were unable to pay all or part of their rent within the three months preceding the survey.³ Unsurprisingly, the inability to pay all or part of the rent varies based on household income. In Baltimore City, approximately 57 percent of renter households are housing cost burdened, paying more than 30 percent of their income on housing, and 33 percent of Baltimore City renters spend 50 percent of their income on housing, making these households severely housing cost burdened.⁴ With a significant portion of renter household income earmarked for housing costs, a minor reduction of income or an unexpected expense could jeopardize the ability to pay rent, increasing the likelihood of eviction.

8. The impact of the COVID-19 pandemic also highlights the importance of a right to counsel, perhaps particularly in Baltimore City based on how eviction filings are used as a rent collection mechanism (as described further herein). As a result of the pandemic, low-income tenants will likely become more economically and financially disadvantaged, more likely to miss a rent payment, and more likely to experience increasing pressure from landlords, who may also be experiencing economic and financial pressures of their own. In these circumstances, it is critically important for low-income tenants to remain in their homes or be connected to services that can assist with finding alternative safe, stable housing – both of which can be achieved by free representation through a right to counsel. In the face of impending financial challenges for municipalities impacted by the economic consequences of the pandemic, an investment in a right to counsel is fiscally prudent and will result in significant cost savings relative to the extraordinary costs that will be incurred to support low-income Baltimore City residents left to endure the trauma of the eviction process without the assistance of a lawyer.
9. **The Eviction Right to Counsel Movement.** For tenants facing eviction in cities across the country, having legal representation is often the difference between keeping their home or becoming homeless.⁵ New York City, San Francisco, Newark, Cleveland, and Philadelphia

² American Housing Survey. U.S. Census Bureau. 2017.

³ Ibid.

⁴ Garboden, Philip M.E. “The Double Crisis: A Statistical Report on Rental Housing Costs and Affordability in Baltimore City, 2000-2013.” The Abell Foundation. May 2016.

⁵ Brey, Jared. “How Cities Are Trying to Level the Playing Field for Tenants Facing Eviction.” Spotlight on Poverty and Opportunity. October 18, 2017.

have all passed legislation guaranteeing counsel to tenants. Each right to counsel in these jurisdictions is customized to meet local needs and target certain populations (e.g., people living in public housing, households with children). Numerous other cities across the country are considering similar right to counsel legislation.

10. **Benefits of an Eviction Right to Counsel.** The benefits of having a right to counsel in eviction proceedings have been well documented by studies throughout the country. While the benefits are vast, they include, at a minimum:
 - More favorable outcomes for tenants;
 - Decreased likelihood of shelter entry or living unsheltered;
 - Increased housing stability and ability to re-rent, if necessary;
 - Decreased impact on employment, credit score, and eviction record;
 - Decreased impact on physical and mental health of people in eviction proceedings;
 - Decreased negative impact on children, including their health, education, and potential future earnings;
 - Increased family and community stability;
 - Decreased impact on law enforcement; and
 - Increased trust in the justice system and civic engagement.
11. **Stout's Analysis of Eviction Filings in Baltimore City.** In Baltimore, there are approximately 140,000 annual eviction filings and 125,000 rental units – an eviction filing rate of more than 100 percent.⁶ That is, every year in Baltimore City, there are more evictions filed than there are rental units, indicating that a portion of renters are receiving multiple eviction filings each year. Because 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.
12. 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 landlord were unrepresented. Stout found that unrepresented tenants are likely experiencing disruptive displacement in approximately

⁶ Garboden, Philip ME, et al. "Serial Filing: How Landlords Use the Threat of Eviction." City and Community. April 2019.

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.⁷

13. **The Estimated Incremental Impact of a Right to Counsel.** To estimate the incremental impact of a right to counsel in Baltimore City, Stout compared the number of households that could avoid the high likelihood of disruptive displacement if a right to counsel were implemented and compared it to the number of households that are currently avoiding the high likelihood of disruptive displacement (i.e., without a right to counsel). Stout estimates that 6,394 households annually would likely avoid the high likelihood of disruptive displacement if a right to counsel were implemented compared to approximately 617 households currently avoiding the high likelihood of disruptive displacement each year for an incremental impact of 5,777 tenants avoiding the high likelihood of disruptive displacement.
14. **The Cost of a Right to Counsel.** Providers of eviction defense in Baltimore City estimate the cost of fully implementing a right to counsel in Baltimore City to be approximately \$5.7 million annually. This cost includes approximately \$4.5 million in personnel costs for the hiring of staff attorneys, supervisors, and paralegals to represent and support the representation of tenants who would be eligible for free representation through a right to counsel. The remaining \$1.2 million is for service delivery and operations of a right to counsel, including rent, utilities, technology, equipment, training, and evaluation/data collection. Providers of eviction defense in Baltimore City expect to represent approximately 7,000 tenants annually through a right to counsel, resulting in a cost per case of approximately \$821 for those cases for which representation is provided.
15. **The Cost of Disruptive Displacement and Potential Costs Avoided as a Result of a Right to Counsel.** With an annual investment of approximately \$5.7 million by Baltimore City, it may reduce the current cost of disruptive displacement caused by eviction or avoid costs related to disruptive displacement that are estimated to be approximately \$17.5 million to Baltimore City annually if a right to counsel were enacted.⁸ Additional cost reductions or costs avoided would likely be realized by the state of Maryland if Baltimore City were to enact a right to counsel. Together, Baltimore City and Maryland may realize a \$35.6 million

⁷ Stout received data from Maryland Legal Aid, Public Justice Center, Disability Rights Maryland, Homeless Persons Representation Project, and Pro Bono Resource Center of Maryland, which included information for approximately 900 cases.

⁸ The quantification of the estimated \$17.5 million is described in detail throughout Section V.

benefit related to a right to counsel in Baltimore City, resulting in a dollar value of a right to counsel between \$3.06 (Baltimore City) and \$6.24 (Baltimore City plus Maryland), at a minimum. Stout quantified potential benefits or costs avoided related to emergency shelter, temporary housing programs, mental/physical health institution housing, school funding, transportation for students experiencing homelessness, health care, and foster care. Baltimore City and Maryland may also realize value in keeping tenants who are currently living in affordable housing units in those units.

16. Stout's estimate of the annual cost of disruptive displacement or potential costs avoided as a result of a right to counsel may be significantly understated. Included in the calculation are benefits of a right to counsel that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, Baltimore City would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout's calculations. The costs that would be avoided and benefits that would be enjoyed by Baltimore City include, but are not limited to:
 - The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness;
 - The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher;
 - The cost of providing public benefits when jobs are lost due to eviction or the eviction process;
 - Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs;
 - The cost of family, community, and neighborhood instability;
 - Preservation of financial and personal assets⁹;
 - The costs to Baltimore City of enforcing rent laws and regulations that could be avoided; and
 - A reduction, over time, of the number of eviction cases filed resulting in improved use of Baltimore City and Maryland court resources.

⁹ When low-income tenants are evicted, it can have a significant detrimental financial impact in the form of moving expenses, loss of personal belongings, loss of security deposit, court fees, and fines from landlords. Low-income tenants already possess few financial assets, but when they are evicted these will likely be fully depleted, making their situation even more challenging. For example, if after being evicted, a low-income tenant needs a repair to his or her vehicle that is used for transportation to work and childcare, the financial assets that may have been available to pay for the repair may have been used for the expenses described above.

Section III

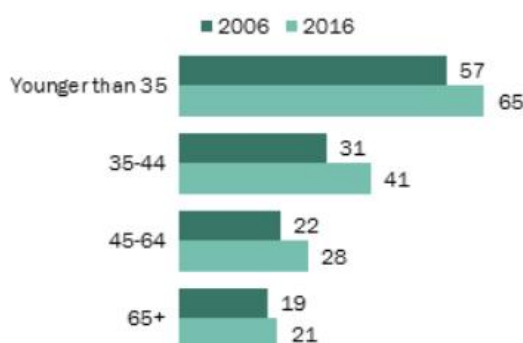
Housing and Eviction Trends

National Housing and Eviction Trends

17. A decade after the Great Recession and the bursting of the housing bubble in 2009, more Americans are now living in rental housing than has been reported since 1965.¹⁰ Between 2006 and 2016, the percentage of renters in the United States increased from 31 percent to 36 percent.¹¹ Young adults, Blacks, Hispanics, and household with lower levels of education have historically been more likely to rent than others, and while rental rates have increased among these groups over the past 10 years, rental rates have also increased among groups that have historically been less likely to rent – Whites and middle-aged adults.¹² Figures 1, 2, and 3 illustrate the increases in rental rates for different demographic groups.

About two-thirds of households headed by young adults are rentals

% of household heads who rent their home, by householder's age



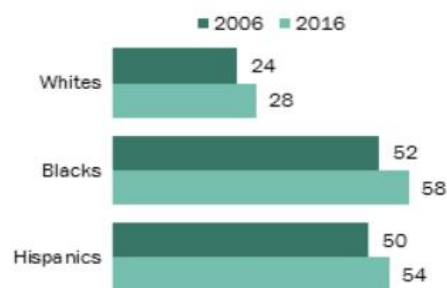
Note: Based on revised estimates.
Source: Pew Research Center analysis of Census Bureau estimates of housing inventory.

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Figure 1

Share of renting households increased for whites, blacks and Hispanics since 2006

% of household heads who rent their home, by householder's race/ethnicity



Note: Whites include only single-race non-Hispanics. Blacks include both the Hispanic and non-Hispanic components of the single-race black population. Hispanics are of any race. Annual rates calculated based on an average of quarterly rates.
Source: Pew Research Center analysis of Census Bureau estimates of homeownership rates.

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Figure 2

¹⁰ Cilluffo, Anthony et al. "More U.S. households are renting than at any point in 50 years." Pew Research Center. July 19, 2017.

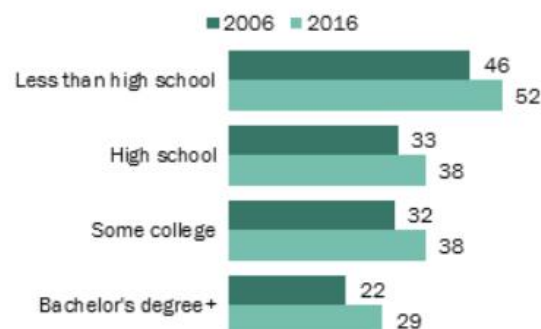
¹¹ "Share of Renters Rise in Each of the 50 Largest U.S. Cities." Zillow. August 8, 2018.

¹² Cilluffo, Anthony et al. "More U.S. households are renting than at any point in 50 years." Pew Research Center. July 19, 2017.

18. As shown in Figure 1, generational trends have contributed to the increased number of renters. Millennials, and more recently, Generation X and Baby Boomers are renting instead of owning. These generations are also choosing to live in urban areas, where renting is most common, more frequently than in the past.¹³ Approximately 82 percent of the U.S. population is currently living in urban areas compared to 64 percent in 1950.¹⁴ By 2050, approximately 90 percent of the U.S. population is expected to be living in urban areas.¹⁵
19. In 2017, the average renter's household income was approximately \$39,000 – the same as 16 years ago after adjusting for inflation – while median rental housing costs (i.e., rent and utilities) increased nearly 11 percent after adjusting for inflation.¹⁶ Figure 4 illustrates this trend.

Households of all education levels are now more likely to rent their home

% of household heads who rent their home, by householder's educational attainment



Note: "High school" refers to those who have attained a high school diploma or its equivalent, such as a General Education Development (GED) certificate. "Some college" refers to those with an associate degree and those who attended college but did not earn a degree. Based only on those not living in group quarters. Source: Pew Research Center analysis of 2006 and 2016 Current Population Survey Annual Social and Economic Supplement (IPUMS).

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Figure 3

¹³ Westcott, Lucy. "More Americans Moving to Cities, Reversing the Suburban Exodus." The Atlantic. March 27, 2014.

¹⁴ "U.S. Cities Factsheet." University of Michigan Center for Sustainable Systems. Referencing the United Nations World Urbanization Prospects. 2018.

¹⁵ Ibid.

¹⁶ Mazzara, Alicia. "Census: Renters' Incomes Still Lagging Behind Housing Costs." Center on Budget and Policy Priorities. September 13, 2018.

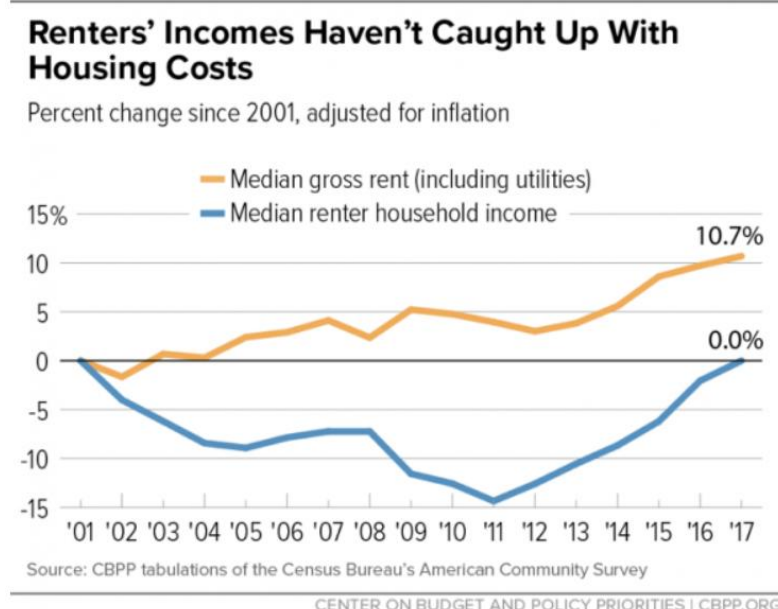


Figure 4

20. Median renter household income decreased significantly during the recessions that began in 2001 and 2007 before increasing again in 2012, approximately two years after the Great Recession ended.¹⁷ Renter household income levels did not fully recover from the recessions until 2017, when renter household income returned to 2001 levels.¹⁸ In 2017, the median renter household income increased two percent, but a portion of the income increase reflects an increase in the number of high-income households switching from owning to renting rather than household income increases for low- and moderate-income renter households alone.¹⁹ Throughout the U.S. there is growing concern regarding rental affordability as income remains stagnant among low- and moderate-income renter households.
21. Unsurprisingly, rental affordability issues are most problematic for the lowest wage earners. Of the nation's 43.3 million renter households, approximately 11 million have extremely low incomes (i.e., having household income at or below the Federal Poverty Level or 30 percent of area median income "AMI," whichever is higher).²⁰ Assuming housing costs should be no more than 30 percent of household income ("the accepted standard" for housing affordability that evolved from the United States National Housing

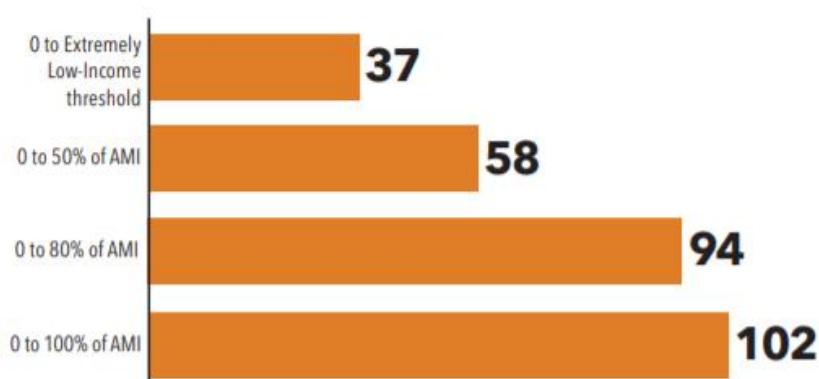
¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ "The Gap: A Shortage of Affordable Homes." National Low Income Housing Coalition. March 2019.

Act of 1937²¹), only 7.4 million rental homes are affordable to extremely low-income renters. This results in a shortage of 3.6 million affordable rental homes across the country.²² The relative supply of affordable and available rental units increases as incomes increase.²³ For every 100 extremely low-income renter households, only 37 rental units are affordable and available.²⁴ Fifty-eight affordable and available rental units exist for every 100 low-income renter households, and 94 exist for every 100 middle-income households.²⁵ For every 100 renter households earning 100 percent of the AMI, there are 102 affordable and available rental units.²⁶ Figure 5 depicts these metrics.



Source: NLIHC tabulations of 2017 ACS PUMS data. AMI = Area Median Income

Figure 5

22. The gap between the demand for and supply of rental units, increasing rents, stagnated minimum wage-based incomes, and insufficient government assistance – only 25 percent of eligible households receive federal rental assistance²⁷ – has created not only an affordable housing crisis throughout the country but also an eviction crisis. The eviction crisis is compounded by a lack of representation for tenants, low filing fees (i.e., it is inexpensive to file an eviction case), insufficient inspection laws and processes, and unenforced fines.
23. According to the most recent American Housing Survey, approximately 2.7 million renter households were unable to pay all or part of their rent within the three months preceding

²¹ Schwartz, M. and Wilson, E. “Who Can Afford to Live in a Home?: A look at data from the 2006 American Community Survey”. US Census Bureau. N.d.

²² “The Gap: A Shortage of Affordable Homes.” National Low Income Housing Coalition. March 2019.

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Fischer, Will. “Research Shows Housing Vouchers Reduce Hardship and Provide Platform for Long-Term Gains Among Children.” Center on Budget and Policy Priorities. October 7, 2015.

the survey.²⁸ The same survey indicated that approximately 800,000 renter households were threatened with an eviction filing²⁹, and approximately 160,000 renter households received a court ordered eviction notice³⁰.³¹ More than seven percent of all renters indicated that it was either “very likely” or “somewhat likely” that they would need to leave their apartment due to an eviction within the two months following the survey.³² When asked where they would live in the event of an eviction, approximately 32 percent (14.2 million) of all renters responded that they would move in with family or friends, and approximately three percent (1.3 million) responded that they would enter shelter.³³ While there are limitations to these metrics (e.g., illegal or “out-of-court” evictions, no national evictions database, underreporting of threatened evictions for fear of retaliation), they can serve as a starting point for understanding the national eviction landscape.

Baltimore City Housing and Eviction Trends

24. Like much of the country, Baltimore City renters struggle with stagnant incomes and increasing rents.³⁴ Figure 6 shows the percentage change in renter income as it relates to the percentage change in median rent in Baltimore City.³⁵

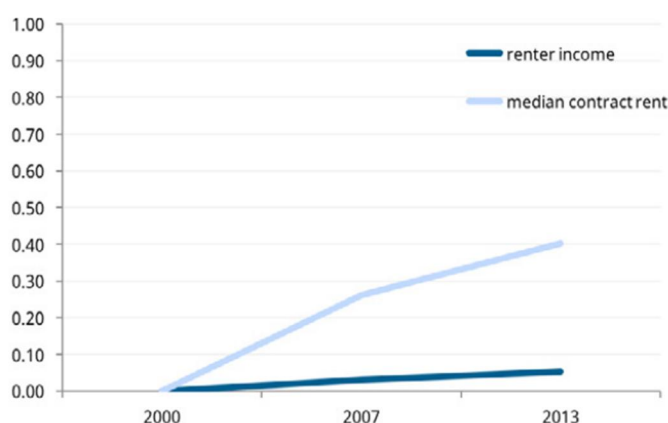


Figure 6

²⁸ American Housing Survey. U.S. Census Bureau. 2017.

²⁹ The American Housing Survey question used to collect this data point was, “Have you been threatened with eviction in the last 3 months?” Source: The AHS Codebook located at [census.gov/data-tools/demo/codebook/ahs](https://www.census.gov/data-tools/demo/codebook/ahs).

³⁰ The American Housing Survey question used to collect this data point was, “Have you received an eviction notice from a court?” Source: The AHS Codebook located at [census.gov/data-tools/demo/codebook/ahs](https://www.census.gov/data-tools/demo/codebook/ahs).

³¹ American Housing Survey. U.S. Census Bureau. 2017.

³² Ibid.

³³ Ibid.

³⁴ Garboden, Philip M.E. “The Double Crisis: A Statistical Report on Rental Housing Costs and Affordability in Baltimore City, 2000-2013.” The Abell Foundation. May 2016.

³⁵ Ibid.

25. In Baltimore, approximately 57 percent of renter households are housing cost burdened, paying more than 30 percent of their income on housing.³⁶ Furthermore, approximately 33 percent of all renters in Baltimore spend 50 percent of their income on housing, making these households severely housing cost burdened.³⁷ Housing cost burden in Baltimore appears to have increased significantly in the last 10 years during which the number of housing cost burdened middle-income households increased from approximately 1,800 to more than 7,500 – nearly a 425 percent increase.³⁸ Racial disparity in housing cost burden for Baltimore City renters is stark: approximately 59 percent of Black renters and approximately 58 percent of Hispanic renters are housing cost burdened compared to 47 percent of White and Asian renters.³⁹ Based on data from the 2013 American Community Survey, Baltimore has the fifth highest percentage of housing cost burdened households of the top 25 largest cities in the United States behind only Detroit, Los Angeles, Philadelphia, and Memphis.⁴⁰ The 2013 American Community Survey also revealed that renters in the Baltimore metropolitan area had the second highest percentage of renters threatened with eviction in the country.⁴¹

Eviction Filings as a Rent Collection Mechanism

26. Research regarding the eviction process in Baltimore highlights the disparity between the number of annual eviction filings and the number of executed evictions (i.e., instances where the sheriff removes a tenant from their home).⁴² In Baltimore, there are approximately 140,000 annual eviction filings and 125,000 rental units – an eviction filing rate of more than 100 percent.⁴³ The significant filing rate in Baltimore City is likely attributable to Maryland, unlike many other states, permitting landlords to file an eviction without first sending a Notice to Quit to the tenant and providing the tenant with some number of days to rectify the issue. Of the 150,000 annual eviction filings, approximately 6,500 result in an executed eviction – an executed eviction rate of approximately four percent.⁴⁴ While it is difficult to imagine the spectrum of circumstances for the remaining

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Asante-Muhammad, Dedrick. “The Racial Wealth Divide in Baltimore.” Racial Wealth Divide Initiative. January 2017.

⁴⁰ Garboden, Philip M.E. “The Double Crisis: A Statistical Report on Rental Housing Costs and Affordability in Baltimore City, 2000-2013.” The Abell Foundation. May 2016.

⁴¹ “Justice Diverted How Renters Are Processed in the Baltimore City Rent Court.” Public Justice Center. December 2015. Referencing the American Community Survey. 2013.

⁴² “Justice Diverted How Renters Are Processed in the Baltimore City Rent Court.” Public Justice Center. December 2015.

⁴³ Garboden, Philip ME, et al. “Serial Filing: How Landlords Use the Threat of Eviction.” City and Community. April 2019.

⁴⁴ Ibid.

96 percent of filings where an eviction was not executed, it is reasonable to expect that a portion of these tenants are experiencing situations where landlords are using eviction filings to collect rent.⁴⁵ That is, landlords may continuously file evictions against the same tenants with the intent of collecting rent, not removing them from their homes.⁴⁶ Because Maryland permits landlords to file an eviction without notifying the tenant, the landlord's burden for filing is very low.⁴⁷

27. In jurisdictions like Baltimore demographically and economically, eviction filing rates are significantly lower. Memphis, Tennessee and Atlanta, Georgia, both of which have population sizes, poverty rates, percentage of renters, median gross rents, rent burdens, and racial compositions comparable to Baltimore City, the eviction filing rate is approximately 17 percent.⁴⁸ That is, in Memphis and Atlanta, there are approximately 17 eviction filings for every 100 renter households. In Baltimore City, there are approximately 115 eviction filings for every 100 renter households. The substantial difference in the eviction filing rate between Baltimore and the comparable jurisdictions of Memphis and Atlanta, combined with Baltimore's lack of pre-filing notice and low cost of filing indicate that eviction filings are being used as a rent collection mechanism in Baltimore City.
28. Filing an eviction in Baltimore City costs between \$30 and \$56 depending on the type of case.⁴⁹ The filing begins a legal process designed to compel tenants to pay back-rent owed by leveraging the power imbalance between landlords and tenants.⁵⁰ Through the repeated eviction filings, many landlords charge and collect late fees (an additional revenue stream), even from tenants who are expected to pay the back-rent owed.⁵¹

Housing Conditions

29. A yearlong 2017 investigation by the Baltimore Sun found that housing court judges routinely failed to hold landlords accountable for uninhabitable properties being rented to tenants.⁵² The most complaints regarding housing conditions were filed against the Housing Authority of Baltimore City, which owns and manages more than 9,000 public

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ "Justice Diverted How Renters Are Processed in the Baltimore City Rent Court." Public Justice Center. December 2015.

⁴⁸ Data compiled by The Eviction Lab at evictionlab.org.

⁴⁹ "Cost Schedule." District Court of Maryland.

⁵⁰ Garboden, Philip ME, et al. "Serial Filing: How Landlords Use the Threat of Eviction." City and Community. April 2019.

⁵¹ Ibid.

⁵² Donovan, Doug and Marbella, Jean. "Dismissed: Tenants Lose, Landlords Win in Baltimore's Rent Court." The Baltimore Sun. April 26, 2017.

housing units.⁵³ An analysis of more than 5,500 complaints filed by Baltimore tenants between 2010 and 2016 revealed that judges favored landlords even when inspectors found and reported code violations such as leaking roofs, insect and rodent infestation, and lead paint.⁵⁴ Approximately 60 percent of housing conditions complaints filed by Baltimore tenants were verified by housing inspectors, and approximately 33 percent of code violations found by inspectors were classified as threats to life, health, and safety – the standard that permits judges to open a rent escrow account.⁵⁵ However, the analysis found that judges authorized rent payments into these accounts less than half as frequently as they could have.⁵⁶ In cases where escrow accounts were established and inspectors found dwellings to be illegal or uninhabitable, judges awarded 89 percent of escrowed rent to landlords.⁵⁷

30. Baltimore City requires all residential rental units to pass an inspection to obtain a rental license.⁵⁸ Prior to 2018, this requirement applied only to approximately 6,000 multi-family properties with three or more units.⁵⁹ However, most of Baltimore’s code violations for mold, rodents, and lack of heat were found in one and two unit properties, which constitute approximately half of the City’s rental market.⁶⁰ For its 2015 report, *Justice Diverted: How Renters are Processed in the Baltimore City Rent Court*, Public Justice Center surveyed tenants in housing court regarding their rental unit conditions. The survey revealed that 78 percent of respondents reported at least one threat to their health or safety in their current home at the time of the survey.⁶¹ Of tenants reporting existing conditions threatening their health or safety, approximately 72 percent notified their landlords of the conditions issues before their trial dates.⁶² Figure 7 shows the top 10 housing defects reported by tenants in Baltimore City housing court.⁶³

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Donovan, Doug. “New Baltimore law requiring all rental properties to be inspected aimed at improving conditions.” *Baltimore Sun*. January 21, 2018.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ “Justice Diverted How Renters Are Processed in the Baltimore City Rent Court.” Public Justice Center. December 2015.

⁶² Ibid.

⁶³ Ibid.

Housing Defect	All months	April-Aug	Oct-Mar
1. Insect or rodent infestation	58.25%	60.77%	52.34%
2. Peeling or flaking paint	41.08%	44.20%	36.45%
3. Plumbing leaks	37.04%	41.44%	29.91%
4. Mold	36.03%	38.67%	31.78%
5. Broken window/door	35.35%	37.57%	29.91%
6. Roof leaks	28.96%	27.62%	31.78%
7. Faulty electrical	27.61%	30.39%	22.43%
8. No heat/hot water	21.21%	18.78%	23.36%
9. Flooding	19.87%	19.89%	19.63%
10. Broken stove, oven, fridge	19.53%	20.99%	16.82%

Figure 7

Stout's Analysis of Eviction Filings in Baltimore City

31. According to data reported by the District Court of Maryland, there were 110,833 landlord-tenant cases filed in 2019, excluding cases filed in December. Using estimates from prior years, it is reasonable to expect that if filing data were available for December, the total annual filings for 2019 would be approximately 132,000.⁶⁴ Figure 8 shows the annual number of landlord-tenant filings as reported by the District Court of Maryland.

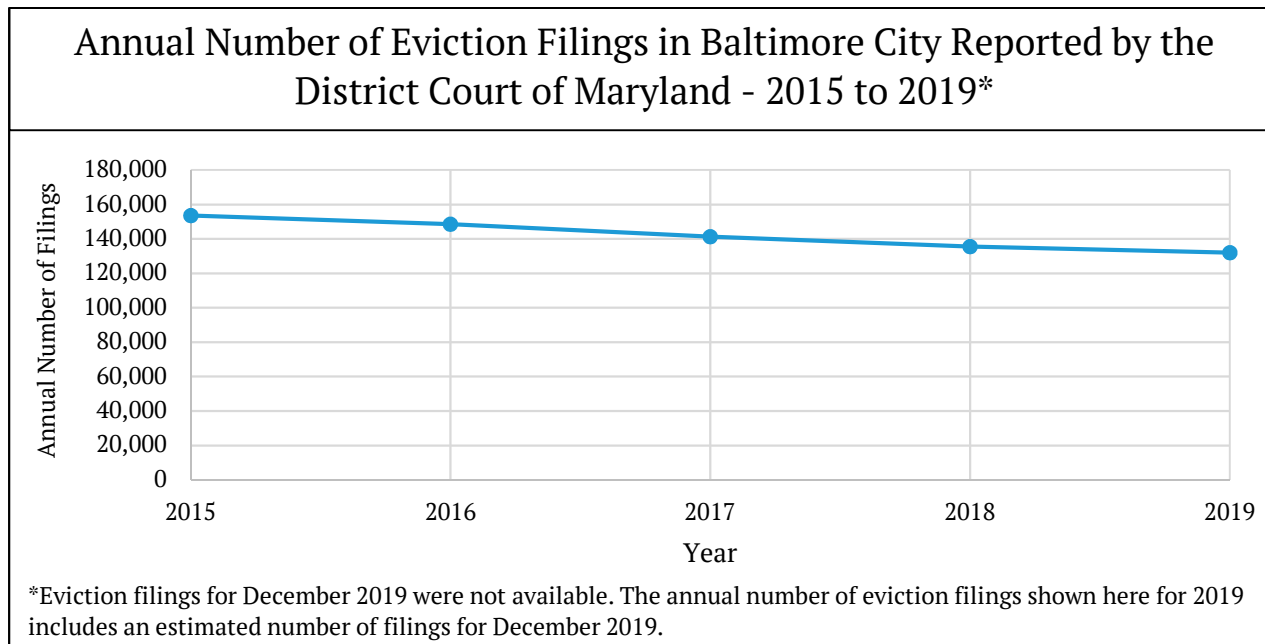


Figure 8

⁶⁴ Data reported by the District Court of Maryland found at <https://www.mdcourts.gov/district/about#stats>

32. The annual number of eviction filings is helpful to understand general case filing trends, but more granular information about each eviction filing gives an in-depth view about specific eviction filings characteristics. Data for eviction filings in Baltimore City are not available electronically. To gather additional detail about individual eviction filings in Baltimore City, Stout visited the District Court of Maryland in Baltimore City to scan a representative sample of rent cases (i.e., cases filed for the non-payment of rent). The representative sample included approximately 400 cases based on a 95 percent confidence interval and a five percent margin of error. Stout developed a case selection methodology for reasonably assuring that the sample was representative of rent cases filed throughout 2019.
33. Stout's analysis of the representative sample revealed that approximately 99 percent of tenants were unrepresented, and approximately 96 percent of landlords were represented. For the 96 percent of landlords who were represented, approximately 78 were represented by an agent and approximately 22 percent were represented by attorneys. The 10 most frequent landlord agents or attorneys were counsel in approximately 70 percent of the sample cases, with the two most frequent providing representation in nearly 30 percent of cases. For complaints where subsidized tenancy information was available, an estimated 12 percent of cases were filed against tenants with subsidized tenancies.
34. Eviction complaint forms in Baltimore City have a field where landlords enter the amount of ongoing monthly rent paid by the tenant. Approximately 85 percent of the same cases were filed against tenants with ongoing monthly rents of greater than \$600, with 29 percent filed against tenants with ongoing monthly rents of greater than \$1,000. Additionally, 84 percent of filings indicated that one month's rent was due at the time of the filing. Figure 9 shows the ongoing monthly rent paid by tenants for whom a complaint for the non-payment of rent was filed against in increments of \$100.

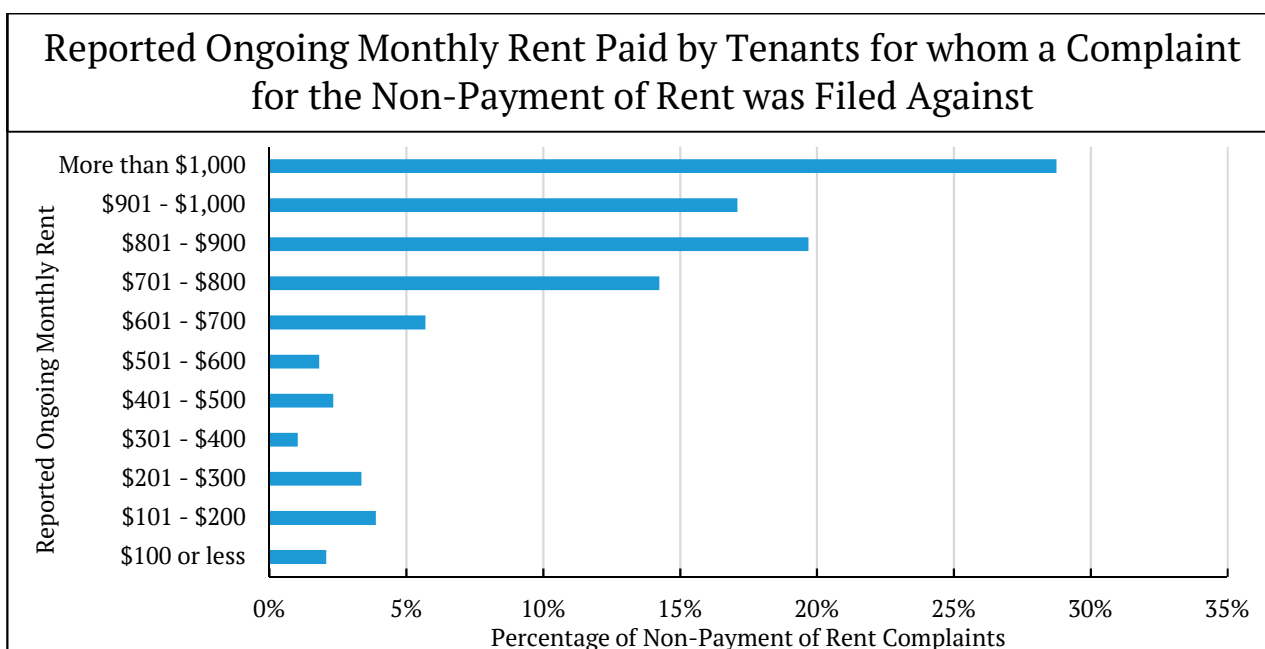


Figure 9

35. In addition to the ongoing monthly rent, the complaints also have a field where landlords enter the total amount they are seeking from the tenant. Approximately 82 percent of the sample rent cases were filed seeking more than \$700 from tenants, with 44 percent seeking more than \$1,000. Figure 10 shows the amount sought by landlords in non-payment of rent cases in increments of \$100.

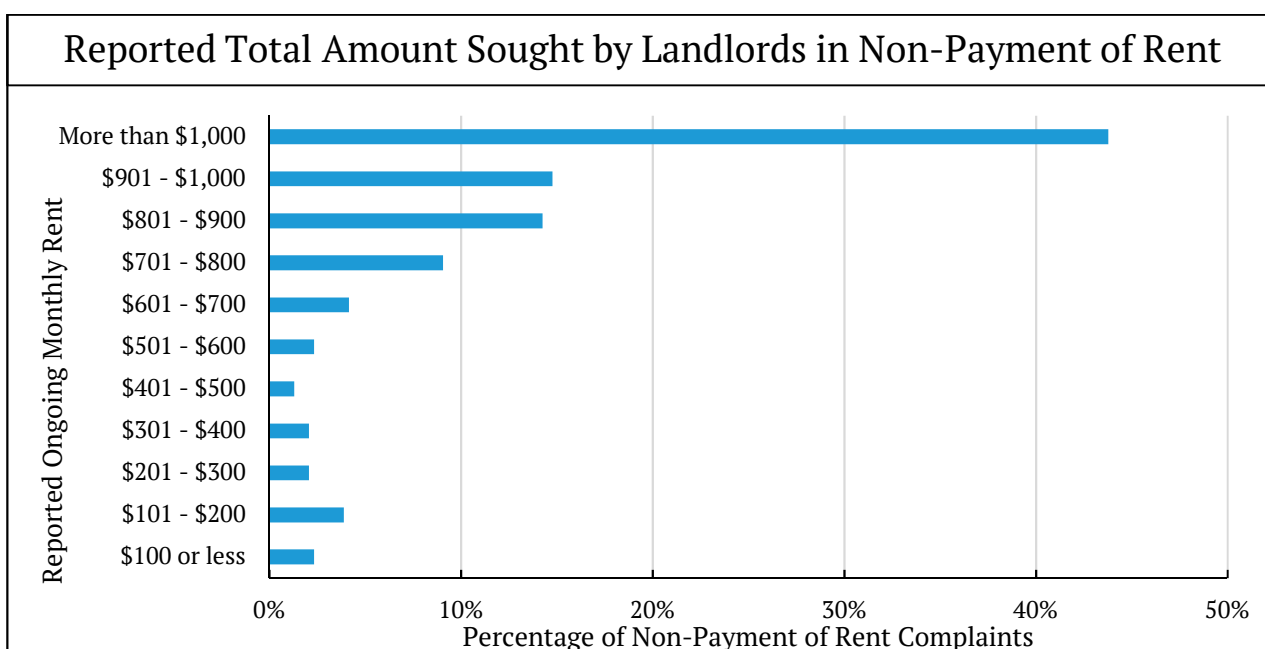


Figure 10

36. Stout analyzed the court assigned case dispositions and found that in non-payment of rent cases where the tenant is unrepresented:

- Approximately 63 percent of cases resulted in a default judgment for the landlord;
- Approximately 29 percent of cases resulted in a voluntary dismissal by the landlord;
- Approximately four percent of cases resulted in a judgment in favor of the landlord by consent;
- Approximately two percent of cases resulted in a dismissal because no party appeared; and
- Approximately one percent of cases resulted in other dispositions.

37. Figure 11 shows this distribution of court assigned case dispositions and includes a description of which case dispositions constitute the one percent of other dispositions.

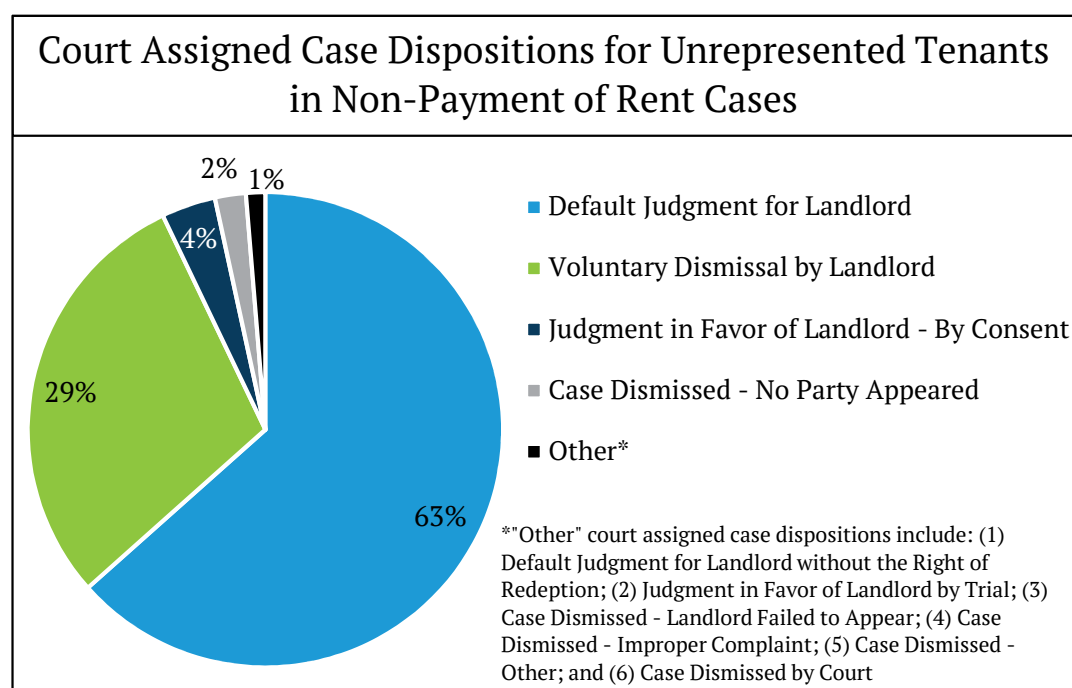


Figure 11

38. Stout's analysis of court assigned case dispositions for unrepresented tenants indicated that 93 percent of unrepresented tenants had a high likelihood of experiencing disruptive displacement through the eviction process. Stout uses the phrase "disruptive displacement" to capture outcomes of cases beyond "winning" and "losing." For example, there may be circumstances where tenants did not have a formal eviction warrant executed against them and therefore were not displaced but have still experienced disruption in their lives because of the eviction filing, like entering a judgment by consent with unrealistic payment terms resulting in additional financial strain. Additionally, there may

be circumstances were a tenant loses possession of the apartment but was granted an extra 14 days to vacate the apartment. In this situation, disruptive displacement may have been avoided because of the additional time to find alternative, suitable housing.

39. Representation disparities and the impact of representation on the outcome of cases have been observed throughout the country. Recognizing this imbalance and seeking to create a fairer civil justice system, intergovernmental organizations like the United Nations and advocates in major U.S. cities are generating awareness of the issue and increasingly providing lawyers to tenants unable to afford one in eviction proceedings.

Section IV

Research Findings

The Eviction Right to Counsel Movement

“Establishing publicly funded legal services for low-income families in housing court would be a cost-effective measure that would prevent homelessness, decrease evictions, and give poor families a fair shake.” – Matthew Desmond, *Evicted: Poverty and Profit in the American City*

40. For tenants facing eviction in cities across the country, having legal representation is often the difference between housing and homelessness.⁶⁵ There are civil legal services providers and pro bono attorneys who often assist low-income tenants in eviction cases, but they are limited and constrained by a lack of resources and funding that do not often exist for landlords’ counsel.
41. With needs as important as housing, employment and family stability, education, health at stake, many legal and community-based advocates for the low-income population argue for a civil right to legal counsel, including in housing court.⁶⁶ They argue that a right to counsel, like the right that exists in criminal proceedings, would ensure due process of law and procedural fairness in an area of vital interest to tenants, their families, and society.⁶⁷ Both international and national organizations as well as state and local governments have made commitments to ensuring equal access to the law and legal aid when necessary.
42. In 2012 the United Nations General Assembly crafted *The Declaration of the High-level Meeting on the Rule of Law* which states:

“the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights, and in this regard, we commit to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promote access to justice for all, including legal aid.”
43. The American Bar Association (ABA) formally called for a right to counsel in eviction cases more than 10 years ago. ABA Resolution 112A, which was approved unanimously in 2006, reads:

“RESOLVED, That the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial

⁶⁵ Brey, Jared. “How Cities Are Trying to Level the Playing Field for Tenants Facing Eviction.” Spotlight on Poverty and Opportunity. October 18, 2017.

⁶⁶ Frankel, Martin, et al. “The impact of legal counsel on outcomes for poor tenants in New York City’s housing court: results of a randomized experiment.” Law and Society Review. 2001.

⁶⁷ Ibid.

proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction.”

44. At the 2015 annual Conference of Chief Judges and Conference of State Court Administrators, both groups unanimously passed Resolution 5, *Reaffirming the Commitment to Meaningful Access to Justice for All*, which:

“supports the aspirational goal of 100 percent access to effective assistance for essential civil legal needs and urges their members to provide leadership in achieving that goal and to work with their Access to Justice Commission or other such entities to develop a strategic plan with realistic and measurable outcomes... and urges the National Center for State Courts and other national organizations to develop tools and provide assistance to states in achieving the goal of 100 percent access through a continuum of meaningful and appropriate services.”

45. Federal legislation, *The Eviction Prevention Act*, was introduced in the House of Representatives by Congresswoman Rosa DeLauro of Connecticut in December 2019.⁶⁸ The *Eviction Prevention Act* would allow the United States Attorney General to authorize grants to states, cities, and counties to provide representation to tenants with incomes lower than 125 percent of the Federal Poverty Level.⁶⁹ Jurisdictions establishing a right to counsel would receive preference for additional funding.⁷⁰ The bill also authorizes the Attorney General to collect eviction data and requires the Government Accountability Office to report to Congress the cost savings related to providing representation in eviction cases.⁷¹ Also introduced in December 2019 was bipartisan federal legislation cosponsored by senators from Colorado and Ohio.⁷² The *Eviction Crisis Act of 2019* would create a standardized national database for evictions, establish an Emergency Assistance Fund to provide short-term financial assistance and housing stability services to tenants experiencing eviction, and require consumer reporting agencies to provide tenants with their screening reports when they are requested during a rental application process so that tenants can contest or correct inaccurate or incomplete information in the reports.⁷³ Congresswoman Alexandria Ocasio-Cortez introduced a bill, the Place to Prosper Act, specifically calling for a right to counsel for tenants in eviction proceedings, among other

⁶⁸ “DeLauro Introduces Eviction Prevention Act.” United States Representative Rosa DeLauro Representing the Third District of Connecticut. December 4, 2019.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² “Senators Introduce Eviction Crisis Act.” National Housing and Rehabilitation Association. December 18, 2019.

⁷³ Ibid.

changes to make housing more equitable.⁷⁴ Representative James Clyburn introduced the Legal Assistance to Prevent Evictions Act of 2020, which would provide federal grant money to jurisdictions expanding eviction representation, with priority given to jurisdictions that have implemented a right to counsel for tenants facing eviction.⁷⁵ Senator Jeff Merkley introduced the Making Affordable Housing Opportunities More Equitable Act, which also provides federal funding for jurisdictions enacting a right to counsel.⁷⁶

46. Jurisdictions throughout the country have taken steps to provide the right to counsel or access to legal information to tenants facing eviction. These jurisdictions are highlighted in blue in Figure 12 and discussed in greater detail below.

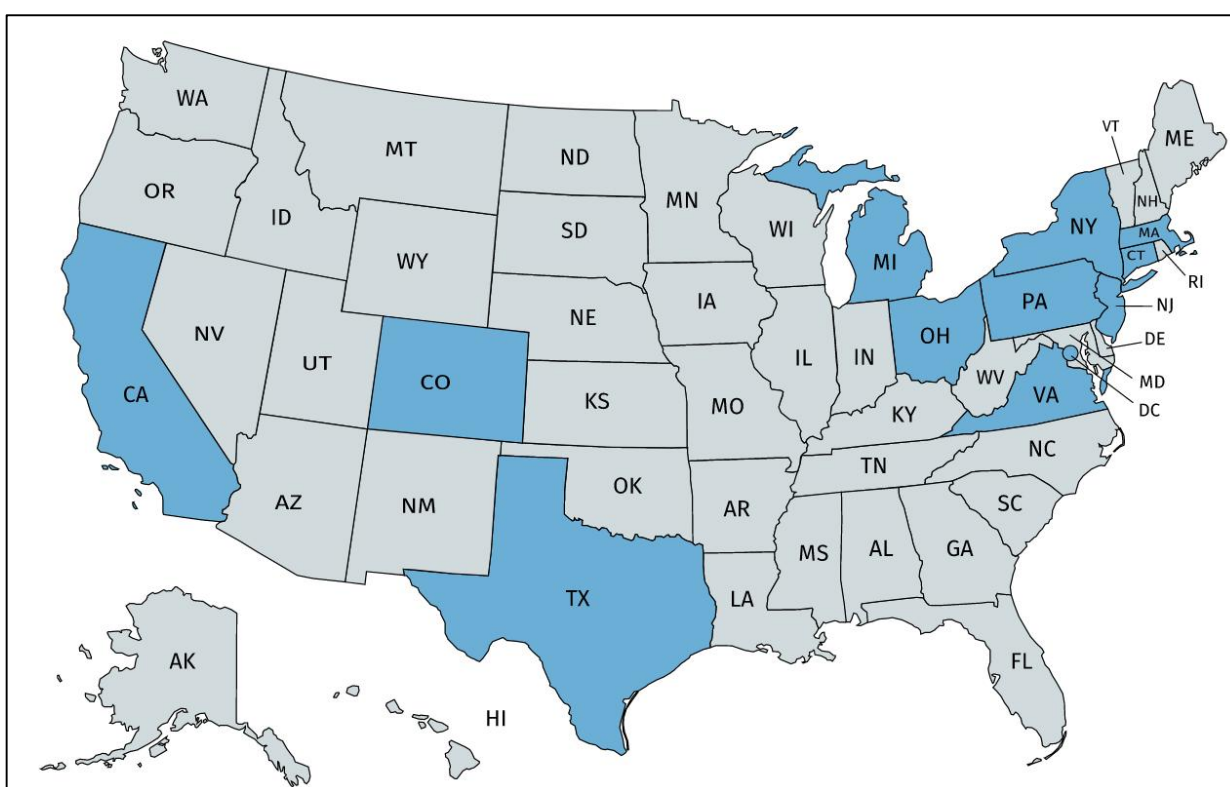


Figure 12

47. **New York.** July 2017: New York City becomes the first U.S. city to pass legislation guaranteeing a right to counsel for tenants in eviction proceedings.⁷⁷ The legislation was

⁷⁴ HR 5072

⁷⁵ HB 5884.

⁷⁶ S. 2452.

⁷⁷ Capps, Kriston. "New York City Guarantees a Lawyer to Every Resident Facing Eviction." City Lab. August 14, 2017.

spurred by strong grassroots movements by tenant organizers and advocates. Stout's cost-benefit analysis, which contributed to the legislation, found that the legislation would save New York City \$320 million annually.⁷⁸ April 2019: City council members introduce bills to expand the income eligibility for the right to counsel and fund tenant organizing.⁷⁹ November 2019: The New York City Office of Civil Justice, the agency responsible for overseeing the implementation of right to counsel, reported that since the right was enacted, 84 percent of represented tenants have remained in their homes.⁸⁰ Additionally, the eviction rate has declined by more than 30 percent in the zip codes with a right to counsel since implementation of the right to counsel began.⁸¹ February 2020: Two committees of the New York City Council heard eight hours of testimony from tenants, organizers, community organizations, legal aid providers, government agencies, and housing court judges regarding the impact that right to counsel has had in New York City. Testimony also included support for the two pending bills – one for increasing the income eligibility and one for funding tenant organizing.⁸²

48. **California.** June 2018: San Francisco becomes the second city to guarantee a right to counsel for tenants in evictions cases through a ballot referendum. San Francisco Mayor London Breed subsequently earmarked \$1.9 million for fiscal year 2018-2019 and \$3.9 million for fiscal year 2019-2020 to implement the new law.⁸³ During fiscal year 2018-2019, approximately 1,600 evictions were filed in San Francisco.⁸⁴ July 2018: Advocates in Concord released a report discussing housing affordability challenges, hazardous conditions, and tenants' persistent fear of eviction. The report recommended a citywide right to counsel law.⁸⁵ Another tenant advocacy group in the area released a report calling for a statewide right to counsel bill, noting the increasing number of tenants facing eviction and the rapid pace of eviction proceedings.⁸⁶ June 2019: Pro bono law firm, Public Counsel, and the University of California Los Angeles release a report advocating for reforms to landlord-tenant law, including establishing a right to counsel as a tenant

⁷⁸ "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A." Stout Risius Ross. March 16, 2016.

⁷⁹ Mironova, Oksana. "NYC Right to Counsel: First year results and potential for expansion." Community Service Society. March 25, 2019.

⁸⁰ Universal Access to Legal Services: A Report on Year Two of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

⁸¹ Ibid.

⁸² Gonen, Yoav. "Eviction Drop Fuels Push to Expand Free Housing Help for Low-Income NYC Tenants." The City. February 24, 2020.

⁸³ Waxmann, Laura. "Tenant advocacy groups set to receive funding under 'Right to Counsel' program." San Francisco Examiner. November 28, 2018.

⁸⁴ Brinklow, Adam. "Eviction notices in SF drop once again." Curbed. April 2, 2019.

⁸⁵ "The Housing Crisis Hits Home in Concord." 2018.

⁸⁶ Inglis, Aimee and Preston, Dean. "California Evictions are Fast and Frequent." Tenants Together. May 2018.

protection.⁸⁷ September 2019: Los Angeles County Board of Supervisors passes motions to advance several tenant protection measures, including an eviction defense program for low-income households facing eviction.⁸⁸ Initial proposed funding includes \$2 million for startup costs and \$12.5 million for implementation annually.⁸⁹ December 2019: Santa Monica takes steps toward becoming the sixth city to establish a right to counsel for tenants facing eviction.⁹⁰ Los Angeles City Council voted to add \$9 million to its eviction defense fund, increasing the fund to \$23.5 million for eviction defense.⁹¹ February 2020: Data is released showing that eviction filings in San Francisco declined by 10 percent, and that 67 percent of those receiving full-scope representation have been able to stay in their homes.⁹²

49. **New Jersey.** In December 2018, Newark City Council passed a bill guaranteeing a right to counsel in eviction cases.⁹³ In its first four months of existence, the newly-created Office of Tenant Legal Services “took on 140 cases, yielding results that have helped more than 350 residents avoid homelessness.”⁹⁴
50. **Ohio.** In September 2019, Cleveland’s city council passed legislation to provide a right to counsel for tenants who have incomes at or below 100 percent of the federal poverty guidelines and who have at least one child.⁹⁵
51. **Pennsylvania.** June 2017: Philadelphia city council allocates \$500,000 to expand legal representation for tenants facing eviction.⁹⁶ November 2018: Stout releases a cost-benefit analysis of right to counsel legislation in Philadelphia, finding that such a law would save the City of Philadelphia \$45.2 million annually.⁹⁷ May 2019: City council members

⁸⁷ Bonett, Gregory et al. “How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Resist Displacement in Los Angeles County.” Public Counsel and UCLA School of Law. June 2019.

⁸⁸ Wenzke, Marissa and Burch, Wendy. “L.A. County Supervisors Vote 5-0 for Permanent Rent Control Measure Affecting 100,000 Tenants in Unincorporated Areas.” KTLA5. September 2019.

⁸⁹ Motion by Supervisors Sheila Kuehl and Mark Ridley-Thomas. “Implementing Eviction Defense and Prevention Services in Los Angeles County.” September 10, 2019.

⁹⁰ Pauker, Madeleine. “Universal legal representation for renters would cost up to \$1 million.” Santa Monica Daily Press. December 17, 2019.

⁹¹ National Coalition for a Civil Right to Counsel. http://civilrighttocounsel.org/major_developments/1273

⁹² Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

⁹³ Brey, Jared. “Tenants’ Right to Counsel on the Move, Next Stop Newark.” Next City. January 10, 2019.

⁹⁴ “7 strategies for reducing the number of evictions in your community.” Bloomberg Cities. February 26, 2020.

⁹⁵ Hlavaty, Kaylyn. “Legislation passes to protect children in homes facing eviction by providing free legal help for low-income tenants.” News 5 Cleveland. October 1, 2019.

⁹⁶ Blumgart, Jake. “Philadelphia sets aside \$500,000 to help renters fight eviction.” WHYY. June 29, 2017.

⁹⁷ “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

introduce a bill to establish an ordinance for a right to counsel in eviction proceedings.⁹⁸ November 2019: Philadelphia City Council passes right to counsel legislation for tenants facing eviction, becoming the fifth U.S. city to do so.⁹⁹

52. **Massachusetts.** January 2017: The mayor of Boston announces a five-bill package that will be submitted to the state legislature to assist with tenant displacement.¹⁰⁰ One of the bills would require a court-appointed attorney to represent low-income tenants in eviction proceedings.¹⁰¹ January 2019: Throughout 2019, various bills were introduced to the Massachusetts State Legislature proposing a statewide right to counsel in eviction proceedings, creating a public task force, and promoting homelessness prevention.¹⁰² July 2019: The Massachusetts Joint Judiciary Committee held a public hearing on the eviction right to counsel bills.¹⁰³ November 2019: The Massachusetts Right to Counsel Coalition drafted and refiled three right to counsel bills for consideration by the Judiciary Committee in the 2019-2020 session.
53. **Minnesota.** In March 2019, legislation establishing a right to counsel for public housing tenants facing eviction due to a breach of lease was introduced in the Minnesota Legislature.¹⁰⁴
54. **Connecticut.** In 2019, Senate Bill 652 emerged from Connecticut that would create a statewide right to counsel for tenants making less than \$50,000. This bill stemmed from the work of a task force created in 2016 to explore a right to counsel in civil cases.¹⁰⁵
55. **Texas.** In August 2019, San Antonio City Council earmarked funding for a tenant representation pilot.¹⁰⁶
56. **Virginia.** In July 2019, in response to data from the Eviction Lab showing that Richmond has one of the highest eviction rates in the country, Equal Justice Works launched its

⁹⁸ Blumgart, Jake. “Philly renters guaranteed lawyers in eviction court under new City Council bill.” WHYY. May 9, 2019.

⁹⁹ D’Onofrio, Michael. “Philly City Council passes right to counsel bill for low-income tenants.” Pennsylvania Capital-Star. November 18, 2019.

¹⁰⁰ Chakrabarti, Meghna and Bruzek, Alison. “Mayor Walsh Unveils Package of Anti-Displacement Bills.” WBUR. January 13, 2017.

¹⁰¹ Ibid.

¹⁰² McKim, Jenifer and Serrano, Alejandro. “As rents soar in Boston, low-income tenants try to stave off eviction.” Boston Globe. February 19, 2019.

¹⁰³ Schoenberg, Shira. “Tenants in eviction cases get powerful Beacon Hill ally in Boston Mayor Marty Walsh.” MassLive. July 17, 2019.

¹⁰⁴ 2019 Bill Text MN H.B. 2593.

¹⁰⁵ National Coalition for a Civil Right to Counsel. http://civilrighttocounsel.org/major_developments/1367

¹⁰⁶ “Right to Counsel Pilot receives funding through 2020 Budget to aid renters facing eviction.” City of San Antonio. August 30, 2019.

provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by the jurisdiction.

61. **Homelessness – Shelter Entry and the Likelihood of Disruptive Displacement.** While homelessness may not always be experienced immediately following an eviction, eviction is a leading cause of homelessness. Baltimore’s 2019 point-in-time count of people experiencing homelessness asked respondents what the primary cause(s) of their homelessness were. Twenty-two percent of people experiencing homelessness indicated that eviction was the primary cause of their current homelessness.¹¹⁰ Only “kicked out by family/friends” (31 percent) and “lost job/employment” (25 percent) were cited more frequently.¹¹¹ A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40 percent of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for shelter, as the reason for experiencing homelessness.¹¹² This factor was identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11 percent of unsheltered adults.¹¹³ A 2018 study of shelter use in New York City suggests that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately three percent for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by five percentage points, or about 36 days.¹¹⁴ The researchers concluded that because the estimated effects persist long-term, avoiding eviction does not simply delay a period of homelessness, it leads to lasting differences in the probability of experiencing homelessness.¹¹⁵ A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, stated that 11 percent of families in San Francisco homeless shelters identified evictions (legal and illegal) as a reason for experiencing homelessness.¹¹⁶ The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50 percent – much higher than 11 percent – when considering the intermediate living arrangements made with friends and family before the

¹¹⁰ Baltimore City Continuum of Care 2019 Point in Time County Report. The Journey Home. N.d.

¹¹¹ Ibid.

¹¹² Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

¹¹³ Ibid.

¹¹⁴ Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018.

¹¹⁵ Ibid.

¹¹⁶ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

families who have been evicted access the shelter system.¹¹⁷ The 50 percent estimate is supported by the survey of families experiencing homelessness, in which 45 percent of respondents stated that the cause of their homelessness was being asked to move out.¹¹⁸ Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36 percent of its population was living with friends or relatives before experiencing homelessness.¹¹⁹ The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state's shelter system to determine that 45 percent of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.¹²⁰ Similar statistics were observed in Hawai'i where 56 percent of families experiencing homelessness cite inability to afford rent as the reason for their experiencing homelessness.¹²¹ An additional 18 percent of families cited eviction specifically, as the reason for their experiencing homelessness.¹²² In Seattle, a survey of tenants who were evicted revealed that nearly 38 percent were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.¹²³ Only 12.5 percent of evicted respondents secured another apartment to move into.¹²⁴ The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.¹²⁵ Robin Hood, a New York City-based non-profit organization that provides funding to more than 200 programs in New York City, estimates that 25 percent of tenants who are evicted enter homeless shelters.¹²⁶

62. **Homelessness – Shelter and Other Support Costs.** In Baltimore City, an emergency shelter bed costs \$30 per night per person.¹²⁷ At an average length of stay of 113 days in emergency shelter, emergency shelter costs are approximately \$3,400 per person in emergency shelter.¹²⁸ Baltimore's per night per person cost of \$30 is comparable to costs

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.

¹²⁰ "Regional Networks to End Homelessness Pilot Final Evaluation Report." Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

¹²¹ "Homeless Service Utilization Report." Center on Family at the University of Hawai'i and the Homeless Programs Office of the Hawai'i State Department of Human Services. 2010.

¹²² Ibid.

¹²³ "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

¹²⁴ Ibid.

¹²⁵ "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

¹²⁶ <https://www.robinhood.org/what-we-do/metrics/>

¹²⁷ Zaleski, Andrew. "As Baltimore Bulldozes Tents, Questions of Housing Displaced Homeless Emerge." Next City. March 14, 2013.

¹²⁸ "MOHS Report to the Board – June 2019."

observed in other comparable jurisdictions. While per night per person costs are important to consider, there are often additional costs incurred in support of people experiencing homelessness. The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, incarceration, etc.) that is \$9,372 greater per year than an individual who has stable housing.¹²⁹ Each time a homeless family enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.¹³⁰ The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per homeless person related to law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.¹³¹ The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing / legal, jail, transportation, emergency medical services and drug and alcohol treatment.¹³² In contrast, providing homeless individuals with permanent housing and case managers would cost approximately \$10,000 per person annually.¹³³ By way of comparison, MaineHousing, the state agency providing public and private housing to low and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland area and \$18,949 statewide.¹³⁴ The services contemplated in the average annual cost were associated with: physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.¹³⁵ Investing in eviction prevention helps a community save valuable resources by stopping homelessness before it starts.¹³⁶ A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.¹³⁷ For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.¹³⁸

63. **Employment and Housing Instability.** Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew

¹²⁹ Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

¹³⁰ Ibid.

¹³¹ Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

¹³² Crossgrove Fry, Vanessa. "Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho." City of Boise. N.d.

¹³³ Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

¹³⁴ Acquisto, Alex and Rhoda, Erin. "The \$132k idea that could reduce Bangor's eviction problem." Bangor Daily News. September 24, 2018.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Holland, Gale. "Study find L.A. County saves money by housing sick homeless people." Los Angeles Times. December 4, 2017.

¹³⁸ Ibid.

Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where his or her family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.¹³⁹ The period before an eviction may be characterized by disputes with a landlord or stressful encounters with the court system.¹⁴⁰ These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.¹⁴¹ After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a landlord willing to rent to them may increase the time it takes to secure new housing.¹⁴² Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.¹⁴³ A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.¹⁴⁴ A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20 percent more likely to subsequently lose their jobs compared to similar workers who did not.¹⁴⁵ Approximately 42 percent of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.¹⁴⁶ The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.¹⁴⁷

64. Eviction not only adversely affects unemployed and employed tenants' job prospects but also the potential future earnings of children. Robin Hood estimates a child's average future earnings could decrease by 22 percent if the child experienced juvenile delinquency, which can be associated with the disruption to families from eviction.¹⁴⁸ When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that

¹³⁹ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

¹⁴⁰ Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

¹⁴⁶ Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

¹⁴⁷ Ibid.

¹⁴⁸ <https://www.robinhood.org/what-we-do/metrics/>

forced moves can perpetuate generational poverty and further evictions.¹⁴⁹ In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts – potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

65. **Ability to Re-Rent and Credit Score.** Tenants with an eviction case brought against them may have the case on their record whether they are ultimately evicted or not. Because of open record laws in many states, this information is easily accessible, free, and used to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.¹⁵⁰ Data aggregation companies are now creating “screening packages” that landlords can use to select their tenants.¹⁵¹ These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated the “it is the policy of 99 percent of our [landlord] customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is...”.¹⁵² In cities where there is a right to counsel, the number of eviction filings has declined, indicating that a right to counsel can reduce the harmful effects of being exposed to the eviction process regardless of case outcomes. Many landlords and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their

¹⁴⁹ Lundberg, Ian and Donnelly, Louis. “A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities.” Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

¹⁵⁰ Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

¹⁵¹ Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.

¹⁵² Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” The Yale Law Journal. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” The New York Times. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of landlords’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

jobs, have limited or no options for child care, and lack grocery stores.¹⁵³ A University of North Carolina Greensboro study found that 45 percent of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.¹⁵⁴ Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause revocation of Section 8 vouchers or render the tenant ineligible for future federal housing assistance.¹⁵⁵ Landlords often view a potential tenant's credit score as a key factor in determining whether they want to rent to the potential tenant or not. A low credit score brought about by a past eviction can make it difficult for renters to obtain suitable housing.¹⁵⁶ A tenant who was interviewed in the University of North Carolina Greensboro study stated, "it [eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away."¹⁵⁷ Damage to a renter's credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.¹⁵⁸ Another tenant from the University of North Carolina Greensboro study stated, "I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don't even care to do any kind of record check."¹⁵⁹ In Milwaukee, tenants who experienced an involuntary move were 25 percent more likely to have long-term housing instability compared to other low-income tenants.¹⁶⁰ A 2018 survey of tenants who had been evicted in Seattle found that 80 percent of survey respondents were

¹⁵³ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

¹⁵⁴ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

¹⁵⁵ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

¹⁵⁶ An eviction itself is not reported to credit bureaus even if the landlord is successful in court, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the landlord sent the delinquency to a collection agency. While there is not a set timeframe for when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that landlords use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

¹⁵⁷ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

¹⁵⁸ https://www.investopedia.com/terms/c/credit_score.asp.

¹⁵⁹ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

¹⁶⁰ Desmond, Matthew. "Evicted: Poverty and Profit in the American City." 2016.

denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.¹⁶¹

66. **Unpaid Utility Bills and Property Taxes.** A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.¹⁶² After an income disruption (i.e., job loss, health emergency, unexpected expenses), financial insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted than financially secure households.¹⁶³ Additionally, missed rent payments can result in landlords missing property tax payments, which are a primary source of revenue for local governments.¹⁶⁴
67. **Health Impacts – Mental and Physical.** There is a growing body of research documenting the impact of housing instability on health. Researchers at Boston Medical Center have found that housing instability can affect the mental and physical health of family members of all ages.¹⁶⁵ Their study revealed that caregivers of young children in low-income unstable housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of depression. Children aged four and under in these families had almost a 20 percent higher risk of hospitalization, and more 25 percent higher risk of developmental delays.¹⁶⁶ A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.¹⁶⁷ Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes experienced by the general Black population.¹⁶⁸
68. Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.¹⁶⁹ Researchers at Boston Medical Center and Children’s Hospital found that

¹⁶¹ “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

¹⁶² Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

¹⁶⁵ Butera, Candace. “The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids.” Pacific Standard. January 23, 2018.

¹⁶⁶ Ibid.

¹⁶⁷ Sandel, Megan, et. al. “Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children.” The American Academy of Pediatrics. September 2018.

¹⁶⁸ Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” Rewire.News. April 12, 2018.

¹⁶⁹ Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.¹⁷⁰ Living in a distressed neighborhood can negatively influence a family's wellbeing.¹⁷¹ Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.¹⁷² Data from the Third National Health and Nutrition Examination Survey estimated that 40 percent of children living with asthma are so because of their housing environments.¹⁷³ An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, "science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts."¹⁷⁴ The Associate Professor also stated that this "toxic stress" affects many of the body's critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.¹⁷⁵ Furthermore, major life stressors have been found to increase rates of domestic violence.¹⁷⁶ According to a nationwide survey of domestic violence shelters and programs, approximately 41 percent of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.¹⁷⁷ In Seattle, approximately 38 percent of survey respondents who had experienced eviction reported feeling stressed, eight percent experienced increased or new depression, anxiety, or insomnia, and five percent developed a heart condition they believed to be connected to their housing instability.¹⁷⁸ Among respondents who had school-age children, approximately 56 percent indicated that their children's health suffered "very much" as a result of eviction, and approximately 33 percent indicated that their children's health suffered "somewhat" for a total of 89 percent of respondents' children experiencing a negative health impact because

¹⁷⁰ "Not Safe at Home: How America's Housing Crisis Threatens the Health of Its Children." The Doc4Kids Project, Boston Medical Center and Children's Hospital. 1998.

¹⁷¹ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

¹⁷² Ibid.

¹⁷³ Sandel, Megan and Desmond, Matthew. "Investing in Housing for Health Improves Both Mission and Margin." The Journal of the American Medical Association. 2017.

¹⁷⁴ Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

¹⁷⁵ Ibid.

¹⁷⁶ Makepeace, J. "Life Events Stress and Courtship Violence." Family Relations. January 1983.

¹⁷⁷ "Homeless Service Utilization Report." Center on Family at the University of Hawai'i and the Homeless Programs Office of the Hawai'i State Department of Human Services. 2010. Referencing "Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services." National Network to End Domestic Violence. 2009.

¹⁷⁸ "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

of eviction.¹⁷⁹ A recent study by Case Western University found that approximately 21 percent of interviewed tenants facing eviction self-reported that they were experiencing poor health.¹⁸⁰ Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.¹⁸¹

69. A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their children, including increased depression and parental stress.¹⁸² These effects were persistent. Two years after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.¹⁸³ In a study of the effects of forced dislocation in Boston's West End, approximately 46 percent of women and 38 percent of men expressed feelings of grief or other depressive reactions when asked how they felt about their displacement.¹⁸⁴ A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.¹⁸⁵ Approximately two-thirds of interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.¹⁸⁶ Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.¹⁸⁷ Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.¹⁸⁸
70. As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid beneficiaries in New Jersey found that health care spending for Medicaid beneficiaries who were experiencing homelessness were between 10 and 27 percent higher than Medicaid

¹⁷⁹ Ibid.

¹⁸⁰ "The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction." Center on Urban Poverty and Community Development, Case Western University. October 2019.

¹⁸¹ Ibid.

¹⁸² Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

¹⁸³ Ibid.

¹⁸⁴ Fried, Marc. "Grieving for a Lost Home: Psychological Costs of Relocation." The MIT Press. 1966.

¹⁸⁵ Babajide, Rilwan, et. al. "Effects of Eviction on Individuals and Communities in Middlesex County." The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

¹⁸⁶ Ibid.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

beneficiaries who were stably housed, all else equal.¹⁸⁹ The 10 to 27 percent increase in Medicaid spending for beneficiaries experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75 percent is attributed to inpatient hospital and emergency department services.¹⁹⁰ A study of cohort families in Michigan found that Medicaid spending for adults experiencing homelessness were 78 percent higher than the statewide average and 26 percent higher for children experiencing homelessness than the statewide average.¹⁹¹

71. According to data received from the Maryland Hospital Association, the average charge per patient for inpatient hospital care is approximately \$37,200 for patients not experiencing homelessness in Baltimore.¹⁹² For patients experiencing homelessness, the average charge per patient for inpatient hospital care is approximately \$37,900.¹⁹³ The average length of stay for inpatient hospital care is approximately nine days for patients not experiencing homelessness and approximately 15 days for patients experiencing homelessness – a length of stay 66 percent longer than patients not experiencing homelessness.¹⁹⁴ The average charge per patient for emergency department care in Baltimore for patients not experiencing homelessness is approximately \$2,100.¹⁹⁵ For patients experiencing homelessness, the average charge per patient for emergency department care in Baltimore is approximately \$7,600 – more than 3.5 times the cost for patients not experiencing homelessness.¹⁹⁶
72. The connection between housing stability and a household’s mental and physical health are evident. Having a safe, habitable home can provide solace, especially in times of crisis when mental and physical health issues may become exacerbated. During the global pandemic of Novel Coronavirus (COVID-19), numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.¹⁹⁷

¹⁸⁹ Cantor, Joel C. et al. “Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services.” *The Milbank Quarterly*. January 22, 2020.

¹⁹⁰ *Ibid.*

¹⁹¹ Spellman, Brooke, et. al. “Costs Associated With First-Time Homelessness for Families and Individuals.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

¹⁹² Data received by Stout from the Maryland Hospital Association using ICD-10 code Z49.0.

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ Parker, Will. “Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions.” *The Wall Street Journal*. March 22, 2020.

73. **Suicide.** In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.¹⁹⁸ Researchers identified 929 eviction- or foreclosure-related suicides, which accounted for one to two percent of all suicides and 10 percent to 16 percent of all financial-related suicides from 2005 to 2010.¹⁹⁹ In 2005, prior to the “housing bubble” bursting, there were 58 eviction-related suicides.²⁰⁰ At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62 percent from 2005.²⁰¹ These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.²⁰² After the housing crisis, eviction-related suicides began to revert to pre-crisis levels. Approximately 79 percent of suicides occurred before the actual loss of housing, and 39 percent of people completing suicide had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.²⁰³
74. Researchers in Seattle seeking to examine the most extreme consequences of eviction conducted a detailed review of 1,218 eviction cases in Seattle, finding four individuals with eviction cases died by suicide.²⁰⁴ In a Middlesex County, Connecticut report, a tenant experiencing eviction had shared with the interviewer that she “ended up having a breakdown, and I ended up in the hospital and I had a suicide attempt.”²⁰⁵
75. **Impacts on Children.** When families are evicted, children experience a variety of disruptions that can negatively impact their education and behavior. Data from The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the preceding 18 months) are half as likely to be proficient in reading as their stable peers.²⁰⁶

¹⁹⁸ Fowler, Katherine A. et al. “Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010.” American Journal of Public Health. February 2015.

¹⁹⁹ Ibid.

²⁰⁰ Ibid.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

²⁰⁵ Babajide, Rilwan et al. “Effects of Eviction on Individuals and Communities in Middlesex County.” The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

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

A study of third grade students who frequently changed schools found that mobile students were approximately twice as likely to perform below grade level in math compared to non-mobile students.²⁰⁷ Not only do mobile students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50 percent.²⁰⁸ In Seattle, approximately 88 percent of survey respondents with school-aged children reported their children’s school performance suffered “very much” because of the eviction the family experienced, and approximately 86 percent of respondents reported their children had to move schools after the eviction.²⁰⁹ Figure 13 from the Kansas City Eviction Project Study of Student Mobility, Evictions, and Achievement shows a negative correlation between the test scores of third graders and the portion of students experiencing an eviction. That is, as the portion of students experiencing an eviction increases, test scores decrease.²¹⁰

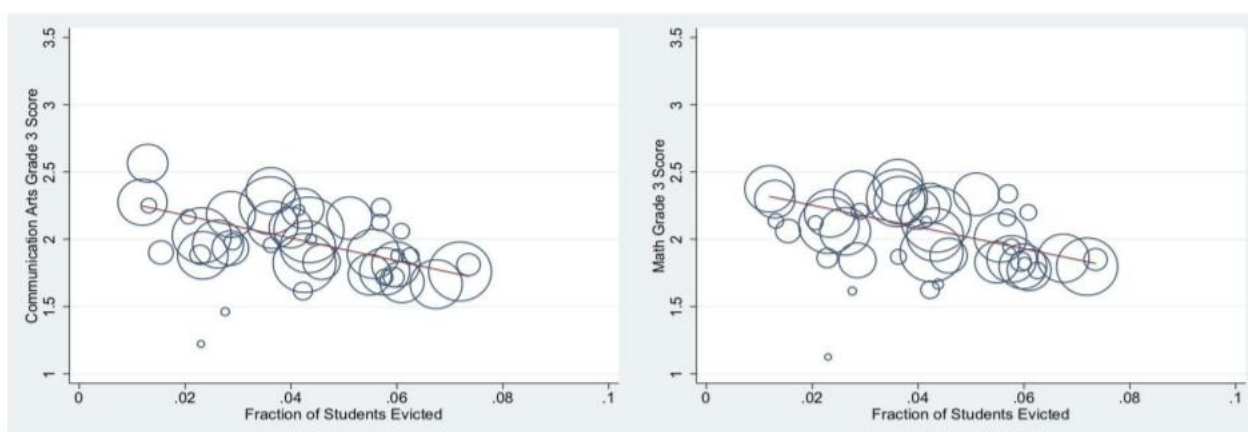


Figure 13

76. A University of Michigan study of the role of housing instability in school attendance found that 40 percent of students experiencing homelessness were chronically absent (i.e., missing 10 percent or more of school days) in the 2016-2017 school year.²¹¹ Students experiencing homelessness were chronically absent more than two-and-a-half times more

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

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

²⁰⁹ Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

²¹⁰ “Student Mobility, Evictions, and Achievement.” Kansas City Eviction Project. January 24, 2018.

²¹¹ Erb-Downward, Jennifer and Watt, Payton. “Missing School, Missing A Home: The Link Between Chronic Absenteeism, Economic Instability and Homelessness in Michigan.” University of Michigan Poverty Solutions. November 2018.

frequently than students who were housed and more than four times as often as higher income students.²¹² In Atlanta, there is an ongoing program that embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.²¹³ As a result of the program, the enrollment turnover rate decreased by 25 to 51 percent in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.²¹⁴

77. Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children’s Environmental Health, to ascertain certain characteristics of children born to approximately 500 mothers.²¹⁵ Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.²¹⁶
78. **Family Instability – Child Welfare and Foster Care Systems.** Poverty, housing instability, and child welfare/foster care system involvement are connected. Low-income children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.²¹⁷ Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.²¹⁸ According to U.S. Department of Health and Human Services, approximately 10 percent of children are removed from their homes because of housing issues.²¹⁹ California spends approximately \$167 million annually in federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily available when parents are eligible for reunification.²²⁰ This family separation is a lesser-known consequence of the affordable housing crisis throughout the country and in

²¹² Ibid.

²¹³ Starnes, Ashleigh and King, Katie. “Standing with Our Neighbors Featured on CBS This Morning.” Atlanta Volunteer Lawyers Foundation. March 23, 2018.

²¹⁴ Ibid.

²¹⁵ “Housing Instability Is Linked to Adverse Childhood Behavior.” Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. “Impact of Housing Instability on Child Behavior at Age 7 Years.” International Public Health Journal. July 1, 2018.

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ “Keeping Families Together.” New Mexico Appleseed. 2013.

²¹⁹ “The AFCARS Report.” U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

²²⁰ Ibid.

Baltimore. During fiscal year 2019, approximately two percent of foster care entries in Baltimore involved children who were experiencing homelessness, and nearly 10 percent of foster care entries in Baltimore involved children whose families were experiencing housing instability.²²¹

79. In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19 percent of their children were placed in foster care compared to 8 percent of low-income, housed children in Worcester.²²² Findings from a similar survey of families experiencing homelessness in New York City indicated that 35 percent of families had an open child welfare case and 20 percent had one or more children in foster care.²²³ A study of approximately 23,000 mothers living in Philadelphia found that approximately 37 percent of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9 percent of mothers living in low-income neighborhoods and 4 percent of other mothers.²²⁴ The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness compared to mothers who have neither experienced homelessness nor are in the lowest 20 percent bracket of income.²²⁵ Children born into families that have experienced homelessness were placed into foster care in approximately 62 percent of cases compared to approximately 40 percent of cases involving low-income families.²²⁶
80. A first of its kind study in Sweden recently examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately four percent of evicted children were placed in foster care compared to 0.3 percent of non-evicted children.²²⁷ An American study, using a nationally representative longitudinal data set, explored the prevalence of housing inadequate housing among families under investigation by child welfare services agencies.²²⁸ Findings

²²¹ According to data provided to PJC by the Maryland Department of Human Services, Social Services Administration.

²²² Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." *American Journal of Public Health*. 1997.

²²³ Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

²²⁴ Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." *Journal of Sociology and Social Welfare*. 2003.

²²⁵ Ibid.

²²⁶ Ibid.

²²⁷ Berg, Lisa. "Evicted children and subsequent placement in out-of-home care: A cohort study." Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

²²⁸ Fowler, PJ, et. al. "Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample." *American Journal of Community Psychology*. 2013.

indicated that inadequate housing contributed to 16 percent of foster care placements among families under investigation by child protective services.²²⁹

81. Physical and psychological aggression toward children has also been connected to housing instability.²³⁰ Mothers experiencing homelessness and mothers living “doubled-up” (i.e., with family and/or friends) reported higher levels of physically aggressive behaviors toward a child compared to other low-income, housed mothers – 29 percent, 18 percent, and 13 percent, respectively.²³¹ Approximately 39 percent of mothers experiencing homelessness or mothers living “doubled-up” reported psychologically aggressive behaviors toward a child compared to 22 percent of other low-income, housed mothers.²³² Mothers who had experienced homelessness were approximately twice as likely to engage in a physical aggression toward a child compared to other low-income, housed mothers.²³³
82. **Community Instability.** Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale, the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.²³⁴ More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and security because they cannot afford to pay for these services independently. Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.²³⁵
83. **Burden on Court System.** Unrepresented tenants increase the administrative burden on courts that would not exist if the tenant was represented. Unrepresented tenants are not necessarily informed about the applicable law and court procedures, which poses significant demands on court staff and court resources.²³⁶ For example, when asked what types of resources they used, unrepresented tenants responded with “consultation of court

²²⁹ Ibid.

²³⁰ Park, Jung Min et al. “Physical and Psychological Aggression towards a Child among Homeless, Doubled-up, and Other Low-Income Families.” *Journal of Social Service Research*. March 31, 2015.

²³¹ Ibid. The federal government includes people living in “doubled up” environments in its definition of homeless.

²³² Ibid.

²³³ Ibid.

²³⁴ Blumgart, Jake. “To reduce unfair evictions tenants need lawyers.” *Plan Philly*. March 16, 2017

²³⁵ Johns-Wolfe, Elaina. “You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017.” *The Cincinnati Project*. June 2018. Referencing Desmond, Matthew. “Community in Crisis: Understanding Housing Insecurity.” *Northern Kentucky University*. 2018.

²³⁶ Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

staff” as one of their top three resources, according to a survey of unrepresented tenants.²³⁷ The researcher who administered the survey stated that incomplete or illegible court filings make it difficult for judges to determine what relief the litigant is requesting or if the claim has a legally cognizable basis.²³⁸ Additionally, the pervasive problem of tenants failing to appear for scheduled hearings causes uncertainty for the court staff about the number of cases to schedule on any given docket, leading to unnecessary delays for other cases in the court’s caseload.²³⁹

Benefits of Providing Representation Through a Right to Counsel

“Even where tenants may not be able to stay in their units, there are many things attorneys do to help tenants avoid disruptive displacement. Attorneys may be able to keep the eviction off the tenants’ records such that the tenants can apply for new housing more successfully, increase the amount of time tenants have to relocate, reduce or eliminate any rent arrearages, or help tenants apply for subsidized housing. In other words, lawyers can arrange a soft landing in so many ways.” – John Pollock, coordinator of the National Coalition for a Civil Right to Counsel

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

- Los Angeles, California – The Sargent Shriver Civil Counsel Act established pilot projects to provide representation to low-income litigants in certain civil case types, one of which was unlawful detainers.²⁴⁰ For clients who received full representation, “95 percent faced an opposing party with legal representation and one percent did not (this information was missing or unclear for four percent of clients).”²⁴¹ Lawyers representing tenants achieved favorable outcomes for their clients in 89 percent of cases, including 22 percent remaining in their homes; 71 percent having their move-out date adjusted; 79 percent having back rent reduced or waived; 45 percent retaining their housing subsidy; 86 percent having their case sealed from public view; and 54 percent having their credit protected.²⁴²

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Ibid.

²⁴⁰ Jarvis, Kelly L. et al. “Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects.” NPC Research. July 2017.

²⁴¹ Ibid.

²⁴² Ibid.

- New York City – Researchers conducted a randomized trial in New York City Housing Court where tenants were randomly selected to receive attorney advice or representation or be told that no attorney was available to assist them at that time.²⁴³ Both groups of tenants, those provided attorneys and those told assistance was not available, were followed through to the conclusion of their cases. The randomized trial found that tenants who were represented by attorneys were more than 4.4 times more likely to retain possession of their apartments than similar tenants who were not represented.²⁴⁴ A 2011 study of an eviction defense program in the South Bronx found that attorneys prevented an eviction judgment for approximately 86 percent of clients.²⁴⁵ The program also addressed other long-term client challenges and was able to prevent shelter entry for approximately 94 percent of clients.²⁴⁶ In August 2017, New York City Mayor Bill de Blasio signed into law landmark legislation that guarantees low-income tenants access to counsel in eviction proceedings. A 2018 report on the first year of implementation in New York City stated that 84 percent of tenants represented through New York City’s Universal Access Law remained in their homes.²⁴⁷ From 2018 to 2019 residential evictions decreased 15 percent in New York City, and since the City’s increased investment in eviction defense in 2013, residential evictions have decreased 40 percent.²⁴⁸
- San Francisco, California – Represented tenants were able to remain in their homes in 67 percent of cases.²⁴⁹
- Philadelphia, Pennsylvania – Stout found that 78 percent of unrepresented tenants experience case outcomes that have a high likelihood of disruptive displacement.²⁵⁰ When tenants are represented, they avoid disruptive displacement 95 percent of the time.²⁵¹

²⁴³ Sandefur, Rebecca L. "The Impact of Counsel: An Analysis of Empirical Evidence," Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

²⁴⁴ Ibid.

²⁴⁵ "Housing Help Program Homelessness Prevention Pilot Final Report." Seedco. June 2010

²⁴⁶ Ibid.

²⁴⁷ Universal Access to Legal Services: A Report on Year One of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2018.

²⁴⁸ "Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide." Office of the Mayor. February 24, 2020.

²⁴⁹ Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

²⁵⁰ "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

²⁵¹ Ibid.

- Hennepin County, Minnesota – Represented tenants win or settle their cases 96 percent of the time, and settlements made by represented tenants are significantly better than settlements made by unrepresented tenants.²⁵² Represented tenants are nearly twice as likely to remain in their homes.²⁵³ If represented tenants agree to move, they are given twice as much time to do so, and nearly 80 percent of represented tenants do not have an eviction record as a result of the case compared to only six percent of unrepresented tenants.²⁵⁴
- Boston, Massachusetts – Represented tenants fared, on average, twice as well in terms of remaining in their homes and almost five times as well in terms of rent waived and monetary awards than unrepresented tenants.²⁵⁵ Represented tenants also created a lesser strain on the court system than those who were unrepresented.²⁵⁶
- Seattle, Washington – Represented tenants were approximately twice as likely to remain in their homes as unrepresented tenants.²⁵⁷
- Chicago, Illinois – Represented tenants had their cases resolved in their favor approximately 58 percent of the time compared to 33 percent of the time for unrepresented tenants.²⁵⁸ Represented tenants were also more than twice as likely to have their cases dismissed, and when tenants were represented, the rate of landlord summary possession awards decreased from approximately 84 percent to approximately 39 percent.²⁵⁹

²⁵² Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

²⁵⁶ Ibid.

²⁵⁷ Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

²⁵⁸ Dukmasova, Maya. “New data reveals impact of being lawyerless in Chicago eviction court.” Reader. September 14, 2017.

²⁵⁹ Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d. Referencing Birnbaum, Julian. “Chicago’s Eviction Court: A Tenants’ Court of No Resort.” Urban Law Annual. 1979.

- Denver, Colorado – Approximately 79 percent of unrepresented tenants are displaced due to an eviction.²⁶⁰ Represented tenants avoid displacement in 80 to 90 percent of cases, depending on whether the housing is public or private.²⁶¹
- Jackson County (Kansas City), Missouri – Approximately 72 percent of unrepresented tenants had eviction judgments or monetary damages entered against them compared to 56 percent of represented tenants.²⁶²
- Columbus, Ohio – The Legal Aid Society of Columbus provided representation to tenants through its Tenant Advocacy Project (TAP).²⁶³ One percent of TAP-represented tenants received a judgment against them compared to approximately 54 percent of non-TAP cases.²⁶⁴ Approximately 40 percent of TAP-represented tenants negotiated an agreed upon judgment compared to approximately 15 percent of non-TAP cases.²⁶⁵ TAP-represented tenants who negotiated agreements to remain in their homes more than twice as often as non-TAP cases, and TAP-represented tenants successfully negotiated an agreement to move and avoided an eviction judgment more than seven times as often as non-TAP cases.²⁶⁶

85. Disparities in outcomes, while perhaps the most concrete difference between represented and unrepresented tenants, are not the only challenge tenants face in court. A San Francisco Housing Court study observed how landlords’ attorneys can gain the upper hand even when the law does not support their case.²⁶⁷ Repeat players gain advantages from their developed expertise and knowledge including specialized knowledge of substantive areas of the law, experience with court procedures, and familiarity with opposing counsel and decision-makers.²⁶⁸ However, when tenants are represented, these power dynamics are more balanced. There are also ways that representation can create positive outcomes beyond “winning” a case. An attorney can help limit the collateral damage of being evicted.²⁶⁹ Attorneys can assist with filing a continuance, which would effectively stay the

²⁶⁰ Hasvold, Aubrey and Regenbogen, Jack. “Facing Eviction Alone: A Study of Evictions, Denver, Colorado 2014-2016.” Colorado Coalition for the Homeless and Colorado Center on Law and Policy. N.d.

²⁶¹ Ibid.

²⁶² “Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County.” Kansas City Eviction Project. January 24, 2018.

²⁶³ “The Legal Aid Society of Columbus: Tenant Advocacy Project Evaluation.” Thoughtwell. 2018.

²⁶⁴ Ibid.

²⁶⁵ Ibid.

²⁶⁶ Ibid.

²⁶⁷ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

judgment until a trial date and allow the tenant time to find a new living space.²⁷⁰ The tenant, with attorney assistance, could attempt to settle the case with the landlord without proceeding to trial.²⁷¹ The appearance of an attorney for either party has been shown to increase settlement rates from seven percent if neither party was represented to 26 percent if the defendant was represented and 38 percent if the plaintiff was represented.²⁷² Additionally, an attorney might also help the tenant vacate the apartment without an adverse judgment impact the tenant's credit score and ability to re-rent.²⁷³

86. **Fewer Tenants Lose by Default.** When tenants do not file an answer or attend court for their scheduled hearing a default judgment is often entered in favor of the landlord if the landlord or landlord counsel is present.²⁷⁴ That is, tenants automatically lose if they do not attend their hearing and the landlord or the landlord's attorney/agent does attend the hearing. In many jurisdictions, it is cumbersome to reopen cases that tenants have lost by default, and the specialized knowledge of an attorney is usually required. There are numerous reasons a tenant may lose by default, such as: (1) confusion and intimidation about the legal process; (2) the tenant has already vacated the apartment; (3) the tenant acknowledges that rent is owed and does not believe going to court will change the situation; (4) the tenant does not realize there may be valid defenses to raise; and (5) the tenant cannot miss work to attend court without jeopardizing employment. Additionally, if tenants do not know their rights, they could lose the opportunity to reopen their cases even if they have meritorious defenses.
87. In its analysis of evictions in Philadelphia, Stout found that tenants who were represented were 90 percent less likely to lose by default than unrepresented tenants.²⁷⁵ Unrepresented tenants lost by default in approximately 58 percent of cases in Philadelphia.²⁷⁶ Similar default rates have been observed throughout the country. In Jackson County (Kansas City), Missouri approximately 70 percent of tenants lost by default.²⁷⁷ In Hawai'i, half of all eviction cases result in a default judgment in favor of the landlord.²⁷⁸ In Seattle, tenants

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Hannaford-Agor, Paula and Mott, Nicole. "Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations." *The Justice System Journal*. 2003.

²⁷³ Ibid.

²⁷⁴ See footnote 64 for more information on Stout's consideration of default judgments.

²⁷⁵ "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

²⁷⁶ Ibid.

²⁷⁷ "Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County." Kansas City Eviction Project. January 24, 2018.

²⁷⁸ Geminiani, Victor et al. "Evicted in Hawai'i: Lives Hanging in the Balance." *Lawyers for Equal Justice*. N.d.

lose by default in approximately 48 percent of cases.²⁷⁹ In a study of evictions in Greensboro, North Carolina, more than 75 percent of tenants did not attend their hearing, losing by default.²⁸⁰ As observed in Philadelphia, having representation significantly reduces the likelihood that a tenant loses by default. Even if the tenant is unable to attend the hearing, counsel can attend on the tenant's behalf, completely mitigating the consequences of losing the case by default. Evidence from New York City indicates that when tenants are represented, the number of default judgments decreases.²⁸¹ Since the introduction of the right to counsel program, default judgments have decreased approximately 34 percent in New York City from 35,130 in 2016 to 23,146 in 2019.²⁸²

88. **Connection to Other Services and Improved Housing Transitions.** Representation in an eviction case can be important not only for navigating the legal system, but also for providing tenants access to emotional, psychological, and economic assistance from other service providers.²⁸³ Civil legal services attorneys and pro bono attorneys are often aware of additional resources within a community from which the tenant could benefit and can help tenants navigate these systems, which can be challenging for someone who is inexperienced with them. These attorneys can connect tenants to emergency rent assistance programs and refer them to mental health providers or other social services they may need.²⁸⁴ Representation can also achieve an outcome that maximizes the tenant's chances of either staying in his or her home or finding another suitable place to live without disrupting, or working toward minimized disruption of, their well-being or family stability.²⁸⁵ According to a Chicago-Kent College of Law study, represented tenants experienced a clear advantage as their cases progressed through the court system even if the landlord prevailed.²⁸⁶ Represented tenants received continuances in 32 percent of cases compared to 13 percent of unrepresented tenants.²⁸⁷ Although the disposition was the same – eviction – legal representation allowed tenants more time to secure alternative

²⁷⁹ “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

²⁸⁰ Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

²⁸¹ New York City Council Hearing Testimony provided by Chief Administrative Judge of New York City Civil Court, Hon. Anthony Cannataro. February 24, 2020.

²⁸² Ibid.

²⁸³ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

²⁸⁴ Savitch-Lew, Abigail. “City Tackles Toll-Out of Right to Counsel in Housing Court.” City Limits. January 17, 2018.

²⁸⁵ Ibid.

²⁸⁶ “No Time for Justice: A Study of Chicago’s Eviction Court.” Chicago-Kent College of Law Class of 2004 Honors Scholar. December 2003.

²⁸⁷ Ibid.

housing and avoid losing their personal belongings.²⁸⁸ Interestingly, while the length of time between filing the complaint and a tenant being evicted from his apartment is longer for represented tenants, once represented tenants were ordered out of their apartments, the average time to move was 12.6 days, 2.2 days shorter than unrepresented tenants.²⁸⁹ This indicates that because of representation, tenants had the opportunity to find suitable living arrangements and to prepare better for leaving the premises, and thus did not require additional time to move. However, if tenants do require additional time to find alternative, suitable living arrangements, lawyers can often negotiate additional time for the tenant to do so. In its analysis of evictions in Philadelphia, Stout found that, on average, represented tenants had approximately 50 days to vacate their apartments when they agreed to do so compared to 35 days for unrepresented tenants.²⁹⁰ A study of evictions filed in San Mateo County, California found that represented tenants were granted approximately twice as long to find affordable, alternative housing than unrepresented tenants.²⁹¹ Approximately 71 percent of a sample of tenants represented through California's Sargent Shriver Civil Counsel Act who were surveyed one year after their cases closed reported living in a new rental unit compared to approximately 43 percent of tenants who were not represented through the Sargent Shriver Civil Counsel Act.²⁹² This suggests represented tenants had higher rates of reasonable settlement agreements that supported housing stability.²⁹³

89. **Court Efficiency Gains.** Results from the San Francisco Right to Civil Counsel Pilot Program indicated that when tenants are represented cases move through the legal processes more efficiently than when tenants are unrepresented. The average number of days from filing the complaint to a judgment entered by the clerk decreased from 37 to 31.²⁹⁴ The average number of days from filing the complaint to a negotiated settlement decreased from 72 to 62.²⁹⁵ The average number of days from the filing of the complaint to the entry of a court judgment decreased from 128 to 105, and the average number of days from filing the complaint to dismissal of the action decreased from 90 to 58.²⁹⁶ When tenants are represented, landlords are less likely to bring unmeritorious claims, thus

²⁸⁸ Ibid.

²⁸⁹ Ibid.

²⁹⁰ "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

²⁹¹ Steinberg, Jessica K. "In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services." Georgetown Journal on Poverty Law and Policy. 2011.

²⁹² "Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects." The Shriver Civil Counsel Act Implementation Committee. July 2017.

²⁹³ Ibid.

²⁹⁴ Sandefur, Rebecca L. "The Impact of Counsel: An Analysis of Empirical Evidence," Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

²⁹⁵ Ibid.

²⁹⁶ Ibid.

leading to a more efficient court process, a better use of court resources, and the expectation that the number of eviction cases will decrease over time. Since New York City's increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 40 percent decrease in residential evictions.²⁹⁷ From 2018 to 2019 alone, residential evictions in New York City decreased 15 percent.²⁹⁸ Over the four-year period of 2014 to 2017, an estimated 70,000 New York City tenants have retained possession of their homes.²⁹⁹ Early indicators from New York City's implementation of Universal Access suggest that when eviction proceedings are filed and both sides are represented, time-consuming motion practice related to non-dispositive issues is reduced. Additionally, fewer orders to show cause to stay evictions and for post-eviction relief are being filed, indicating that better outcomes are being achieved under Universal Access. Judge Jean Schneider, the citywide supervising judge of the New York City Housing Court, has stated that the Court will continue to monitor any backlog or issues with efficiency as Universal Access continues to be phased in, but there have not been any major problems in the first year.³⁰⁰ In fact, she testified earlier this year at a hearing on New York State civil legal services that as a result of Universal Access implementation "our court is improving by leaps and bounds."³⁰¹ At the same hearing, Judge Anthony Cannataro, the administrative judge of the civil courts in New York City, explained that judges have spent less time explaining housing rights and court processes to represented tenants who, without Universal Access, may have previously gone to court unrepresented.³⁰² Lastly, as to efficiency, there is an increased likelihood that cases can be resolved out of court and before the first hearing when counsel is involved. While there were initial concerns regarding the potential for increased representation to slow court procedure, early observations from the implementation and expansion of Universal Access in New York City have indicated that significant benefits are being observed by the judiciary through improved motion practice, judicial experience, pre-trial resolution, and rulings providing increased clarity for landlord and tenant advocates.

90. **Trusting the Justice System and Exercising of Rights.** Evaluations of providing counsel are often focused on the outcome for the litigant. However, tenants are more apt to accept court decisions if they perceive that the law and court procedures were followed even if the

²⁹⁷ "Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide." Office of the Mayor. February 24, 2020

²⁹⁸ Ibid.

²⁹⁹ "NYC Office of Civil Justice Annual Report and Strategic Plan." New York City Office of Civil Justice. 2017.

³⁰⁰ Clark, Dan M. "Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say." New York Law Journal. September 24, 2018.

³⁰¹ Ibid.

³⁰² Ibid.

tenant does not “win” their case.³⁰³ Whether court personnel treated the litigant fairly, whether the litigant was able to state his or her side of the story, and whether the decisions were based on facts are additional factors that increase whether tenants trust that the justice system can provide justice for them.³⁰⁴ The importance of providing legal representation is not limited to advocating in the best interest of the litigant, but also encompasses providing him or her with the peace of mind that someone is on their side and providing greater confidence in the justice system.³⁰⁵

³⁰³ Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

³⁰⁴ *Ibid.*

³⁰⁵ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

Section V

Estimated Cost and Impact of Right to Counsel and the Cost of Disruptive Displacement to Baltimore City

91. Using the sample of cases from the District Court of Maryland in Baltimore City, data from Baltimore City eviction defense providers and other stakeholders, publicly available research, studies, and data, Stout estimated: (1) the cost of providing a right to counsel in Baltimore City; (2) the impact of a right to counsel in Baltimore City; and (3) the cost of eviction to Baltimore City and potential cost savings to Baltimore City if a right to counsel were implemented. Stout used Baltimore specific data when it was available. When it was not available, Stout used data from other reasonably comparable jurisdictions.

The Estimated Cost of a Right to Counsel in Baltimore City

92. To estimate the cost of providing a right to counsel to tenants in Baltimore City, a variety of factors must be considered – the annual number of filings, the eviction filing rate, tenant eligibility for free legal representation, the rate of tenant eviction due to default (not appearing at the scheduled court date), the rate at which eligible tenants accept the offer of free legal representation, the number of hours required to effectively represent a tenant, and the cost of an attorney (e.g., salary, benefits, office supplies, technology, and other overhead). Stout collaborated with the providers of eviction defense in Baltimore City, and other stakeholders, to develop a deeper understanding of the possible costs of a right to counsel and to incorporate their expertise and experience in the calculations. Stout conducted an analysis of non-payment of rent cases and an analysis of breach of lease, tenant holdover, and subsidy termination cases to estimate the total cost of a right to counsel for tenants facing any of these case types.
93. **Non-payment of Rent Cases.** As discussed in paragraphs 25-27, the non-payment of rent cases in Baltimore City are unique in that they are often used as a rent collection mechanism. That is, landlords in Baltimore City will file non-payment of rent cases as soon as rent is late to enforce collection, most tenants will pay and retain possession of the apartment, and there is no further legal action taken by the landlord. This practice results in an eviction filing rate of more than 100 percent in Baltimore City – more eviction filings every year than there are rental units, which is unique.
94. To accurately estimate the cost of providing a right to counsel, an adjusted eviction filing rate must be developed to estimate the number of filings that are not simply rent collection by the landlord without substantive efforts to resolve the issue with the tenant first. That is, the adjusted eviction filing rate is used to estimate the number of non-payment of rent filings excluding those likely being used as a rent collection mechanism. The filings that are likely being used as a rent collection mechanism are excluded because these are situations where tenants pay the rent owed in response to the filing and retain possession

of their apartments, according to Baltimore City eviction defense providers, and therefore would likely not benefit from representation since there are not matters of law at issue.

95. Based on data from the District Court of Maryland, there were approximately 132,000 non-payment of rent filings in Baltimore City in 2019. If a right to counsel were fully implemented in Baltimore City, the annual number of non-payment of rent filings would be expected to decrease, as has been observed in New York City and San Francisco – two jurisdictions that have implemented a right to counsel.³⁰⁶ Stout estimated that Baltimore City could experience an annual decrease in filings of between three and four percent. Accounting for this annual expected decrease in filings, Stout estimated that at full implementation, which would be phased in over five years, a reasonable expectation would be that approximately 113,000 non-payment of rent cases would be filed in Baltimore City.
96. In Baltimore City, an estimated 83 percent of cases are likely situations where landlords are filing to collect rent (sometimes for the same unit multiple times each year, including monthly), and tenants pay the rent owed, meaning that 17 percent of cases are likely situations where landlords are not using filings as rent collection mechanism and tenant subsequently paying the rent owed (i.e., the estimated eviction filing rate). Stout developed this estimate with input from eviction defense providers in Baltimore City and using publicly available eviction data for jurisdictions comparable to Baltimore City. For example, Memphis, Tennessee and Atlanta, Georgia have similar demographics and housing characteristics as Baltimore City.³⁰⁷ The eviction filing rates (the total number of filings each year as a proportion of total rental units) in Memphis and Atlanta are 16 percent and 18 percent, respectively, for an average eviction filing rate of approximately 17 percent.³⁰⁸ Because of the comparability of Memphis and Atlanta to Baltimore City, a reasonable estimate of the filing rate in Baltimore City is 17 percent rather than the current eviction filing rate, which is more than 100 percent.
97. The estimated 17 percent eviction filing rate can be used to estimate the number of filings in Baltimore City that are not instances of landlords using filings to collect rent and tenants subsequently paying the rent. Therefore, of the estimated 113,000 annual non-payment of rent cases filed in Baltimore City, approximately 19,200 are likely cases where the tenant

³⁰⁶ “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

³⁰⁷ According to U.S. Census Bureau data, Memphis and Atlanta have the following demographics and housing characteristics that are similar to Baltimore City: total population, poverty rates, racial compositions, portion of renter occupied units, median gross rents, and rent burden rates.

³⁰⁸ Data compiled by The Eviction Lab at evictionlab.org.

is not paying the landlord after the landlord files the case. These 19,200 cases would likely benefit from representation through a right to counsel. Although Stout did not estimate the costs and benefits associated with the 83 percent of filings in Baltimore City that are simply rent collection, it should be noted that there may be benefits associated with fewer filings as a result of a right to counsel and individuals and families facing regular rent collection by Baltimore City landlords – including a reduced impact on tenants’ rental histories and credit reports, making it easier for tenants to lease housing in the future. There are also benefits related to judicial economy. At present, the court system is processing and maintaining information for a significant volume (tens of thousands) of cases that are simply rent collection efforts that could be resolved without court involvement.

98. As with other civil legal services in Maryland, it is Stout’s understanding that eligibility for free legal representation under a right to counsel would be determined by a tenant’s income. Stout calculated the cost of a right to counsel for tenants with household incomes at or below 50 percent of Maryland’s statewide median income, which is the current income eligibility criteria set by Maryland Legal Services Corporation.³⁰⁹ Providers of eviction defense in Baltimore City estimate that approximately 80 percent of their current clients have household incomes at or below 50 percent of Maryland’s statewide median income. As such, of the 19,200 tenants that would likely benefit from representation, approximately 15,400 would be income eligible for free legal representation under a right to counsel.
99. Stout excluded from its estimated cost of a right to counsel cases where tenants lose by default due to the significant logistical challenges associated with locating these tenants prior to their scheduled hearing. Even if outreach to these tenants were successful, they may have already moved out of their homes, they may feel that there is no reason to litigate the eviction, they may not believe there is a reason to preserve an already poor credit profile, or they may have other reasons to not respond to an eviction filing. Excluding cases where the tenant loses by default, approximately 7,500 non-payment of rent cases in Baltimore City would be income eligible for free legal representation.
100. Of the approximately 7,500 non-payment of rent cases in Baltimore City that would be income eligible for free legal representation, eviction defense providers in Baltimore City expect that approximately 88 percent would accept the offer of free representation. In addition, tenants may have reasons for declining the offer of representation. They may not think there is a benefit to having representation, they may not trust the legal profession, or they may simply feel they can represent themselves. Therefore, Stout’s cost calculation

³⁰⁹ “Client Income Eligibility Guidelines.” Maryland Legal Services Corporation.

for a right to counsel includes only non-default cases where the tenant is income eligible and accepts the offer of representation – approximately 6,600 cases. Based on data from five Baltimore City eviction defense providers, approximately 700 tenants are already receiving free representation through their organizations, leaving approximately 5,900 tenants with non-payment of rent filings who are likely to not have defaulted, are income eligible, who would accept the offer of representation, and who are not already represented by a Baltimore City eviction defense provider each year.³¹⁰ While non-payment of rent cases are 99 percent of eviction cases in Baltimore City, there will be approximately 1,300 breach of lease, tenant holdover, and subsidy termination cases where tenants need representation too.

101. **Breach of Lease, Tenant Holdover, and Subsidy Termination Cases.** The process to estimate the number of tenants who would be income eligible and accept representation in these types of cases is like the process followed for non-payment of rent cases. If a right to counsel were fully implemented in Baltimore City, there would be an estimated 1,300 annual breach of lease or tenant holdover cases filed.³¹¹ Of these 1,300 tenants, an estimated 80 percent are expected to be income eligible based on Maryland Legal Services Corporation eligibility guidelines. Eviction defense providers in Baltimore City estimate that 700 annual subsidy termination cases would be income eligible for free legal representation under a right to counsel. After adjusting for cases lost by default, the portion of tenants accepting representation, and tenants already represented by a Baltimore City eviction defense provider, an estimated 1,000 tenants in breach of lease, tenant holdover, or subsidy termination cases would likely need representation through a right to counsel.
102. **Total Cases and Total Cost of a Right to Counsel.** If a right to counsel were fully implemented, there would be approximately 6,900 tenants receiving free representation – approximately 5,900 in non-payment of rent cases and approximately 1,000 in breach of lease, tenant holdover, and subsidy termination cases. Stout estimates that providing representation to these 6,900 tenants would cost approximately \$5.7 million annually.

³¹⁰ Stout's analysis assumes that current funding sources for eviction representation will commit to continuing indefinitely and that the current providers of eviction defense for low-income tenants in Baltimore City will commit to continuing their eviction representation at the same level with their current funding.

³¹¹ Based on data received from Maryland Volunteer Lawyers Service Client Legal Utility Engine (CLUE) database, which Stout adjusted annually for a decrease in the number of filings and a decrease in the default rate. These decreases are reasonable to expect if a right to counsel were implemented because fewer landlords would be filing eviction cases and fewer tenants would default because they are represented.

103. Of the estimated \$5.7 million cost to fully implement a right to counsel in Baltimore City, approximately \$4.5 million would be for direct personnel costs to hire approximately 40 attorneys, supervisors, and paralegals. The remaining estimated \$1.2 million would be for non-personnel costs for service delivery including rent, utilities, equipment, training, community organizing, and program evaluation. Baltimore City eviction defense providers estimated each of these costs. For direct personnel costs, Baltimore City eviction defense providers estimated the average salary of a civil legal aid housing staff attorney, supervising attorney, and paralegal and fringe benefits as a percentage of their salaries.³¹² For non-personnel costs, Baltimore City eviction defense providers used the costs of their current operations as benchmarks. At a total cost of approximately \$5.7 million, providing a right to counsel to approximately 6,900 eligible tenants in Baltimore City equates to approximately \$821 per case for which representation is provided. Figure 14 shows the estimated cost of a right to counsel by cost category.

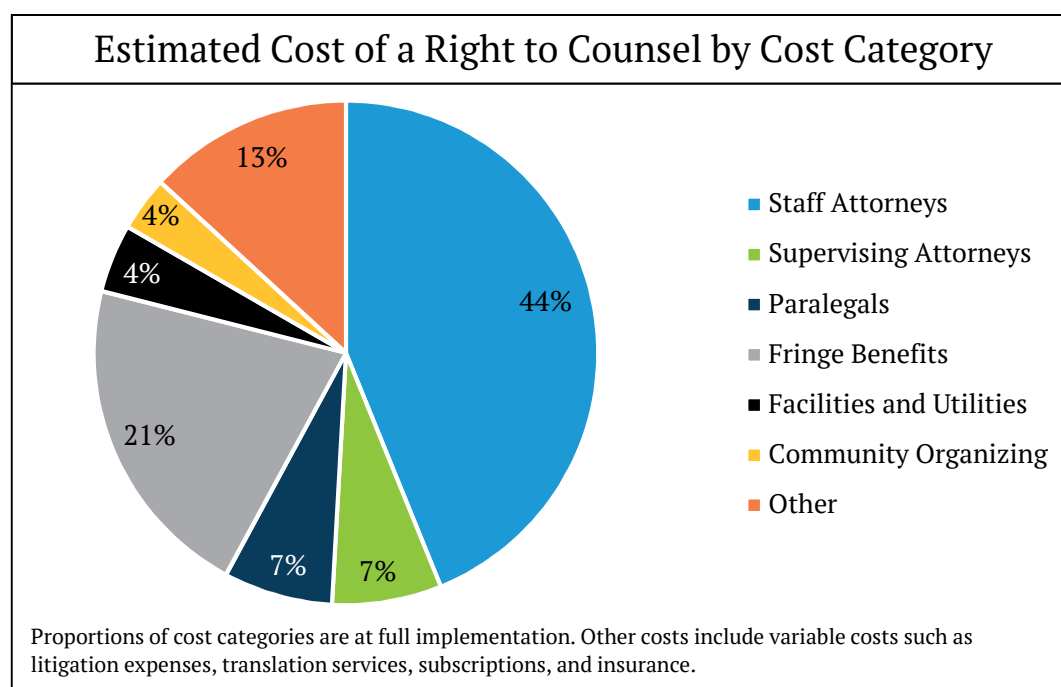


Figure 14

³¹² Stout and the Baltimore City eviction defense providers used the Maryland Legal Services Corporation 2019 Grantee Salary and Benefits Survey to calculate average salaries and fringe benefits for each position.

The Estimated Impact of a Right to Counsel in Baltimore City

104. Stout analyzed a sample of eviction filings in the District Court of Maryland in Baltimore City to estimate how many income eligible tenants have a high likelihood of avoiding disruptive displacement if right to counsel were not implemented (i.e., an estimate of the current number of income eligible tenants with a high likelihood of avoiding disruptive displacement). This is the first step in determining the incremental impact of a right to counsel.
105. In Baltimore City, there are an estimated 8,900 tenants whose landlords are not using eviction filings as a rent collection mechanism, are not losing their cases by default, and who would be income eligible for a right to counsel.³¹³ Stout's analysis of sample cases indicated that approximately 99 percent of these tenants are currently unrepresented, and approximately seven percent of unrepresented tenants are avoiding the high likelihood of disruptive displacement.³¹⁴ Using these metrics, Stout estimates that approximately 600 unrepresented tenants in Baltimore City are currently avoiding the high likelihood of disruptive displacement.
106. If a right to counsel were fully implemented in Baltimore City, an estimated 6,900 tenants would be eligible for representation and would accept the offer of representation. Based on Stout's analysis of Baltimore City eviction defense providers' case outcome data, represented tenants avoid the high likelihood of disruptive displacement in 92 percent of cases (approximately 6,300 tenants). Figure 15 shows the difference in likelihood of disruptive displacement based on whether a tenant is represented or unrepresented.

³¹³ Based on Stout's analysis of sample eviction cases filed in the District Court of Maryland in Baltimore City supplemented by the experiences of eviction defense providers in Baltimore City.

³¹⁴ Stout used the court-assigned case dispositions and input from Baltimore City eviction defense providers to interpret which court-assigned case dispositions likely indicated that a tenant would experience some level of disruptive displacement. While it is impossible to precisely measure the likelihood of an unrepresented tenant experiencing disruptive displacement from case data, the 99 percent metric is consistent with disruptive displacement estimates in other jurisdictions, making it a reasonable estimate for Baltimore City.

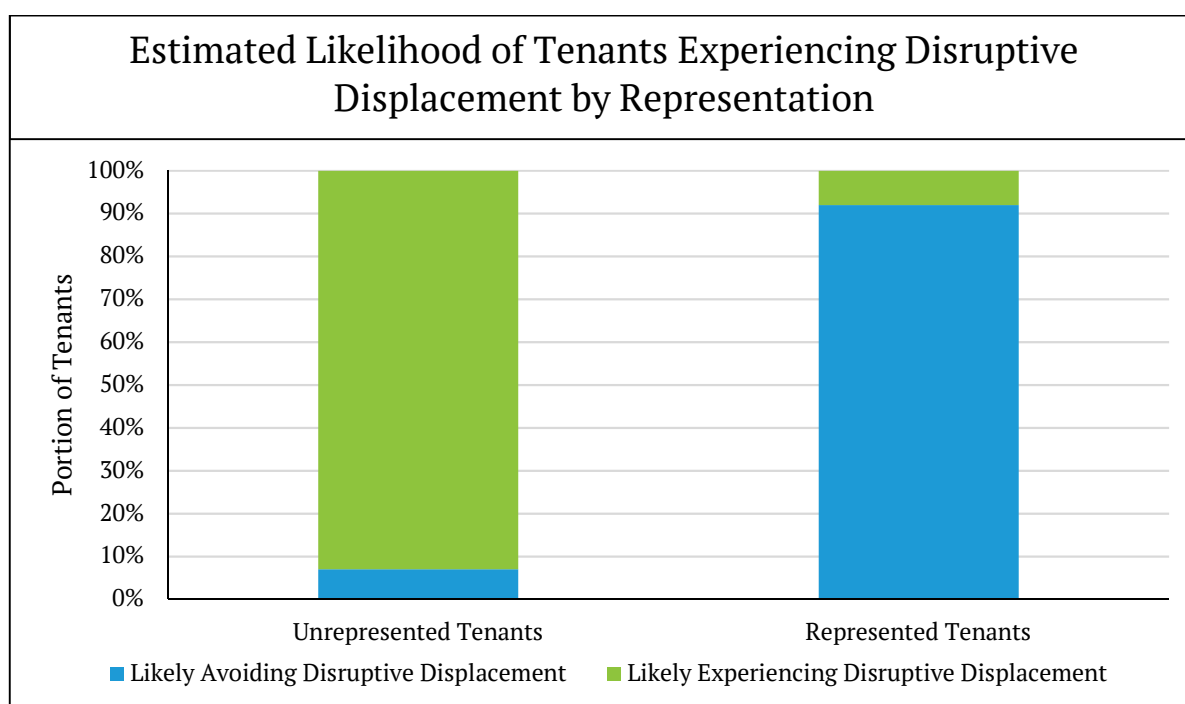


Figure 15

107. Comparing the approximately 6,300 represented tenants avoiding the high likelihood of disruptive displacement to the approximately 600 unrepresented tenants avoiding the high likelihood of disruptive displacement results in an estimated 5,800 incremental tenants that would avoid the high likelihood of disruptive displacement and the potential for the negative impacts of disruptive displacement if a right to counsel were implemented in Baltimore City.³¹⁵ Based on the average household size of three people for Baltimore City, Stout estimates that 17,300 people in Baltimore City are likely to avoid the high likelihood of disruptive displacement through a right to counsel annually.³¹⁶
108. The impact of a right to counsel and the number of income eligible households and people avoiding the likelihood of disruptive displacement could be higher or lower based on the facts of any individual case. How a right to counsel is implemented and communicated to tenants as well as how supportive policymakers and the judiciary are of a right to counsel can also affect the impact. In some cases, tenants may experience disruptive displacement

³¹⁵ The exact number of incremental tenants avoiding the high likelihood of disruptive displacement is 5,777. The calculation in this paragraph is rounded to the nearest hundred for presentation purposes. Stout uses the exact 5,777 for its cost of eviction calculations for accuracy purposes.

³¹⁶ U.S. Census Bureau. American Community Survey 5-Year Estimates. 2018.

with or without a right to counsel. However, a right to counsel can ensure tenants' rights are exercised, favorable judgment terms are negotiated, and enough time is given to tenants if they need to find new living arrangements. The benefit of a right to counsel in these circumstances is less disruption to tenants' lives and therefore fewer social safety net costs to Baltimore City.

The Cost of Disruptive Displacement to Baltimore City, Potential Baltimore City Cost Savings Realized, and the Dollar Value of a Right to Counsel in Baltimore City

109. See **Exhibit A** for a summary of the costs of disruptive displacement in Baltimore City, potential Baltimore City cost savings realized, and the estimated dollar value of a right to counsel in Baltimore City.

Estimated Annual Emergency Shelter and Housing Program Costs Related to Eviction

110. Baltimore City has four primary types of housing for people experiencing homelessness: (1) emergency shelter; (2) rapid re-housing; (3) transitional housing; and (4) permanent supportive housing.³¹⁷ The annual total costs per person/household for these programs ranges from \$3,390 to \$32,400. Stout used the annual total costs per person/household to estimate the per day cost of each program, applied the per day cost of each to program to the estimated duration of stay (in days) for each program, and calculated the estimated per person/household annual cost of each program based on the cost per day and the estimated duration of stay. Stout's estimated annual cost per person/household based on the estimated cost per day and estimated duration of stay for each program is:

- Emergency shelter - \$3,390
- Rapid re-housing - \$6,301
- Transitional housing - \$32,400
- Permanent supportive housing - \$25,317

111. See **Exhibit B.1** for details related to these calculations.

112. **Emergency Shelter Costs Related to Disruptive Displacement.** Stout estimates that 5,777 income eligible households in the Baltimore City have a high likelihood of avoiding disruptive displacement if a right to counsel were implemented. Without a right to counsel, approximately 25 percent of these income eligible households would have had a high

³¹⁷ "MOHS Report to the Board – June 2019."

likelihood of entering emergency shelter.³¹⁸ Using this metric, Stout estimates that 1,444 income eligible households in Baltimore City with a high likelihood of avoiding disruptive displacement because of a right to counsel would have likely entered emergency shelter but for a right to counsel. Stout estimated that the emergency shelter cost per household living in emergency shelter to be \$3,390 (see Exhibit B.1). Applying this estimated emergency shelter cost per household with a high likelihood of entering emergency shelter without a right to counsel, Stout estimates that the approximately \$4.9 million of emergency shelter costs are likely related to disruptive displacement caused by eviction. See **Exhibit B.2**.

- Lack of Right to Shelter. Like nearly every other U.S. jurisdiction, residents of Baltimore City do not have a formal, legislated right to shelter. Very few jurisdictions in the U.S. guarantee their most vulnerable a place to sleep. For example, New York City has an unconditional right to shelter while Massachusetts and Washington, D.C. have a right to shelter based on cold weather temperatures. While Stout uses Robinhood's estimate of approximately 25 percent of disruptively displaced households entering shelter, there are numerous studies in jurisdictions without a right to shelter that demonstrate a similar significant need for a social safety net response to housing instability. Emergency shelter costs are one form of a social safety net response to the desperate need for shelter, even in jurisdictions without a right to shelter and jurisdictions with people experiencing homelessness who are living unsheltered. Emergency shelter costs provide a proxy for costs jurisdictions bear (or are willing to bear) in response to severe housing instability. Furthermore, the incremental nature of shelter beds (i.e., the number of shelter beds increasing as the number of people experiencing homelessness increases) does not restrict the application of these costs to the households that are experiencing disruptive displacement because the costs may manifest in other ways, particularly if households are unable to enter emergency shelter and must use other Baltimore City services to achieve housing stability. Regardless of actual emergency shelter entry by households experiencing disruptive displacement, emergency shelter costs can be a proxy for the other costs necessary to achieve housing stability for these households. Thus, the \$4.9 million estimated cost of providing emergency shelter to people experiencing homelessness as a result of disruptive displacement is not a direct cost saving to

³¹⁸ Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City, estimates that 25 percent of evicted tenants enter homeless shelters. See additional support for this metric in paragraph 60.

Baltimore City. Rather, the estimated \$4.9 million represents a cost avoidance related to homelessness because of disruptive displacement, which will include some cost savings to Baltimore City from decreased shelter use.

113. **Temporary Housing Program Costs Related to Disruptive Displacement.** According to data from the Mayor’s Office of Human Services (MOHS) in Baltimore City, there are a variety of “exits” for people experiencing homelessness who are living in emergency shelter, one of them being temporary housing.³¹⁹ Stout estimates that of the 1,444 income eligible households that would have likely experienced disruptive displacement and entered emergency shelter without a right to counsel, approximately 58 percent would have exited emergency shelter for a temporary housing program.³²⁰ At an estimated of \$6,301 per household entering temporary housing programs, approximately \$5.3 million in temporary housing program costs are likely related to disruptive displacement caused by eviction. See **Exhibit B.2**.
114. As a point of comparison, the MOHS budget indicates that approximately \$10.8 million is spent annually on temporary housing programs.³²¹ Of this \$10.8 million, approximately \$8.8 million is from General Funds, approximately \$1.9 million is from the state of Maryland, and approximately \$200,000 is from the federal government.³²² Delineating funding streams by activity is not possible with the publicly available budget information. However, it is clear that the activities in the budget are for programs serving people experiencing homelessness or housing instability, making it reasonable to expect that a portion of these expenditures are incurred in response to circumstances arising from the eviction process. Stout’s estimated cost of temporary housing programs related to disruptive displacement of \$5.3 million (approximately 50 percent of MOHS budget for temporary housing programs) is reasonable given that research indicates that between 25 percent and 40 percent of shelter entry is related to eviction. Like emergency shelter, the estimated \$5.3 million represents a cost avoidance related to disruptive displacement.
115. **Mental/Physical Health Institution Housing Costs Related to Disruptive Displacement.** MOHS also tracks exits from emergency shelter to mental/physical health institutions. Approximately seven percent of people experiencing homelessness who enter emergency

³¹⁹ “MOHS Report to the Board – June 2019.”

³²⁰ Ibid. Stout estimated the 58 percent exit to temporary housing metric using data from the MOHS Report to the Board – June 2019. When data was able to be collected, approximately 58 percent of exits from emergency shelter were to temporary housing.

³²¹ Board of Estimates Recommendations, Agency Detail Volume II. City of Baltimore. Fiscal Year 2020.

³²² Ibid.

shelter in Baltimore City exit emergency shelter for placement at mental/physical health institutions.³²³ The average length of stay at a mental/physical health institution is nine days, and the cost per day is approximately \$485. Approximately \$440,000 in mental/physical health institution costs are likely related to disruptive displacement caused by eviction in Baltimore City. See **Exhibit B.2**.

116. **Total Emergency Shelter, Temporary Housing, and Mental/Physical Health Institution Housing Costs Related to Disruptive Displacement.** Stout estimates that disruptive displacement caused by eviction likely costs Baltimore City a total of approximately \$10.6 million annually. Approximately \$4.9 million is related to emergency shelter, approximately \$5.3 million is related to temporary housing programs for people experiencing homelessness exiting emergency shelter, and approximately \$440,000 is related to mental/physical health institutions for people experiencing homelessness exiting emergency shelter. See **Exhibit B.2**. Figure 16 shows the estimated annual housing program costs related to people experiencing homelessness as a result of disruptive displacement.

³²³ Stout estimated the seven percent exit to mental/physical health institution metric using data from the MOHS Report to the Board – June 2019. When data was able to be collected, approximately seven percent of exits from emergency shelter were to mental/physical health institutions.

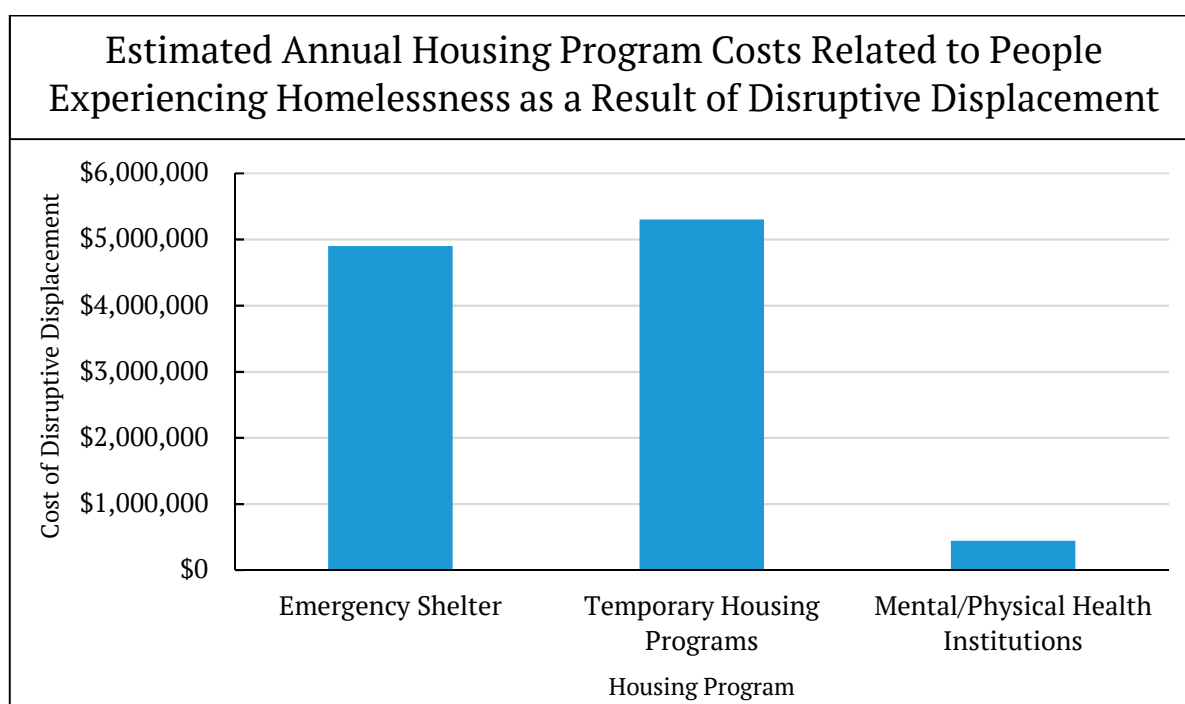


Figure 16

117. MOHS has a variety of other exits from emergency shelter categorized in its report, such as temporary reunification, permanent reunification, subsidized housing, and non-subsidized housing. While there are likely additional costs of disruptive displacement caused by eviction for these exit categories as well, Stout could not reasonably quantify them. Stout’s estimation of approximately \$10.6 million in total emergency shelter, temporary housing, and mental/physical institution costs is likely understated because of this.

Estimated Annual State-Provided Foundation Program Funding for Baltimore City Public Schools Lost as a Result of Chronic Absences of Students Experiencing Homelessness as a Result of Disruptive Displacement

118. Like cities throughout the country, Baltimore finances its public schools through a combination of state and local funds complemented by federal grants. For Baltimore City Public Schools (BCPS), most of the funding is provided by the state of Maryland through three mechanisms, one being the Foundation Program.³²⁴ A primary input in the formula

³²⁴ Checovich, Laura. “Funding Formulas and Revenue Streams: A Primer on Public School Finance in Maryland.” Maryland Equity Project, University of Maryland. September 2016.

used to determine state funding through the Foundation Program is student attendance on September 30th.³²⁵ Research has shown that students experiencing housing instability are more likely to be absent from school than stably housed students, suggesting that students who may be experiencing disruptive displacement as a result of eviction are more likely to be absent on September 30th, when attendance figures for state funding are calculated, potentially resulting in decreased school funding from the state of Maryland.

119. According to estimates from the BCPS officials, there are 1,382 students in BCPS who are experiencing homelessness and considered to be chronically absent, missing more than 10 percent of school days in a school year.³²⁶ Approximately 25 percent of these students are likely experiencing homelessness due to disruptive displacement.³²⁷ Applying the 25 percent metric to the population of 1,382 students who are experiencing homelessness and considered to be chronically absent from school results in an estimated 346 students in BCPS who may be chronically absent because of disruptive displacement. Of these 346 students, Stout estimates that 92 percent of their households would avoid the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City, reducing the students' likelihood of experiencing homelessness and chronic absences.³²⁸ Calculations by the Maryland State Department of Education indicate Foundation Program funding of \$7,244 per student.³²⁹ Stout estimates that BCPS may be losing state-provided Foundation Program funding of approximately \$2.3 million as a result of chronic school absences of students experiencing homelessness as a result of disruptive displacement. See **Exhibit C**.

Estimated Annual Transportation Costs Avoided Related to Students Experiencing Homelessness in Baltimore City Public Schools

120. To minimize the educational disruption of a student experiencing homelessness or housing instability, the federal government enacted the McKinney-Vento Act in 1987. The federal legislation gives students experiencing homelessness the right to continue attending their school of origin (i.e., the school that the student attended when stably housed) regardless of where they are living while experiencing homelessness or housing

³²⁵ Data provided to Stout by Baltimore City Public Schools.

³²⁶ Data provided to Stout by Baltimore City Public Schools.

³²⁷ Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City, estimates that 25 percent of evicted tenants enter homeless shelters. See additional support for this metric in paragraph 60.

³²⁸ See paragraph 103 for details on Stout's estimate of 92 percent of households avoiding the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City.

³²⁹ Calculation by Maryland State Department of Education for Major State Aid Programs for Fiscal Year 2020.

instability.³³⁰ Transportation to and from student's school of origin is both logistically and financially the responsibility of the local educational agency.³³¹ Using local government general funds is often necessary for local educational agencies to comply with the McKinney-Vento Act transportation mandate.³³²

121. Data provided to Stout by BCPS indicates that \$10.6 million of local general funds are spent by Baltimore City on transportation mandated by the McKinney-Vento Act for students experiencing homelessness in BCPS. BCPS also provided to Stout data indicating that in school year 2018-2019, there were 1,197 students experiencing homelessness with school transportation needs. Dividing \$10.6 million in general funds by 1,197 students results in an estimated transportation cost of \$8,855 per student experiencing homelessness with school transportation needs. Approximately 25 percent of these students are likely experiencing homelessness due to disruptive displacement.³³³ Applying the 25 percent metric to the population of 1,197 students who are experiencing homelessness with school transportation needs results in an estimated 299 students in BCPS experiencing homelessness due to disruptive displacement. Of these 299 students, Stout estimates that 92 percent of their households would avoid the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City, reducing the students' likelihood of experiencing homelessness and needing transportation.³³⁴ At an estimated per student school transportation cost of \$8,855, approximately \$2.4 million of the \$10.6 million in local general funds is related to transporting students experiencing homelessness in BCPS as a result of disruptive displacement. This \$2.4 million expense may be avoided if right to counsel were implemented in Baltimore City. See **Exhibit D**.

Estimated Annual Additional Medicaid Spending Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement

122. Stout quantified Medicaid spending on health care by Baltimore City and the state of Maryland that may be avoided if right to counsel were implemented in Baltimore City. The two categories of care that could reasonably be quantified are in-patient care and

³³⁰ "McKinney-Vento Law Into Practice Brief Series, Transporting Children and Youth Experiencing Homelessness." National Center for Homeless Education. August 2017.

³³¹ Ibid.

³³² Ibid.

³³³ Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City, estimates that 25 percent of evicted tenants enter homeless shelters. See additional support for this metric in paragraph 60.

³³⁴ See paragraph 106 for details on Stout's estimate of 92 percent of households avoiding the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City.

emergency room care. Because Medicaid is funded by state governments and to a lesser degree, local governments, Stout quantified separately the Medicaid spending that may be avoided Baltimore City and Maryland.

123. **Baltimore City.** Stout estimates that 17,331 individuals in Baltimore City would avoid the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City. Of the 17,331 individuals that would avoid the high likelihood of disruptive displacement, approximately 25 percent would have likely experienced homelessness as a result of disruptive displacement.³³⁵ Applying the 25 percent metric to the population of 17,331 individuals that would avoid the high likelihood of disruptive displacement if a right to counsel were implemented results in approximately 4,333 individuals that would have likely experienced homelessness as a result of disruptive displacement. Of these 4,333 individuals that would have likely experienced homelessness, approximately 23 percent would have likely utilized in-patient care, and approximately 32 percent would have utilized emergency room care, resulting in 997 and 1,386 individuals experiencing homelessness utilizing in-patient care and emergency room care, respectively.³³⁶ Research indicates that individuals experiencing homelessness utilize in-patient care and emergency room care more frequently than people who are not experiencing homelessness.³³⁷ But for experiencing homelessness, only an estimated 20 percent of individuals experiencing homelessness would have utilized in-patient care, and only an estimated 25 percent would have utilized emergency room care.³³⁸ That is, approximately 80 percent of people experiencing homelessness and utilizing in-patient care are utilizing this type of care solely because of their experiencing homelessness. For emergency room care, this metric is 75 percent. Furthermore, approximately 84 percent of people experiencing homelessness and utilizing either type of care would be enrolled in Medicaid.³³⁹ According to data provided by the Maryland Hospital Association, the average cost of in-patient care and emergency room care per individual experiencing homelessness

³³⁵ Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City, estimates that 25 percent of evicted tenants enter homeless shelters. See additional support for this metric in paragraph 60.

³³⁶ Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." *The Journal of the American Medical Association*. January 10, 2001.

³³⁷ Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." *The Journal of the American Medical Association*. January 10, 2001. & Kushel, Margot, et. al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." *The American Journal of Public Health*. May 2002.

³³⁸ *Ibid.*

³³⁹ DiPietro, Barbara et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." *The Kaiser Commission on Medicaid and the Underinsured*. November 2014.

is \$37,906 and \$7,602, respectively. Applying per individual costs to the portion of individuals who are experiencing homelessness as a result of disruptive displacement and would have utilized each type of care and are enrolled in Medicaid and then adjusting for non-federal and local portions of Medicaid expenditures results in an estimated cost savings to Baltimore City of approximately \$1.6 million for in-patient care and approximately \$414,000 in emergency room care.³⁴⁰ The total estimated Medicaid cost savings to Baltimore City is approximately \$2 million. See **Exhibit E.1**.

124. **State of Maryland.** Stout used the same methodology for estimating Medicaid cost savings to the state of Maryland as it did for Baltimore City. Since Baltimore City funds 16 percent of the non-federal portion of Medicaid, which is 39 percent, the state of Maryland funds the remaining 84 percent. Applying these adjustments results in an estimated cost savings to Maryland of approximately \$8.3 million for in-patient care and approximately \$2.2 million in emergency room care. The total estimated Medicaid cost savings to the state of Maryland is approximately \$10.5 million. See **Exhibit E.2**.
125. **Total Estimated Medicaid Cost Savings.** Stout estimates Baltimore City may save approximately \$1.6 million in Medicaid costs associated with in-patient care and approximately \$414,000 in emergency room care for a total of approximately \$2 million if a right to counsel were implemented. Maryland may save approximately \$8.3 million in Medicaid costs associated with in-patient care and approximately \$2.2 million in emergency room care for a total of approximately \$10.5 million. Combining savings for each jurisdiction results in an estimated \$12.5 million in Medicaid savings. Figure 17 shows the estimated Medicaid cost savings by type and by jurisdiction.

³⁴⁰ Stout's calculation incorporates a utilization rate for in-patient and emergency room care based on the utilization rate of these services by people experiencing homelessness. While the starting populations for these calculations are the same, the utilization rates for people experiencing homelessness vary based on the type of care.

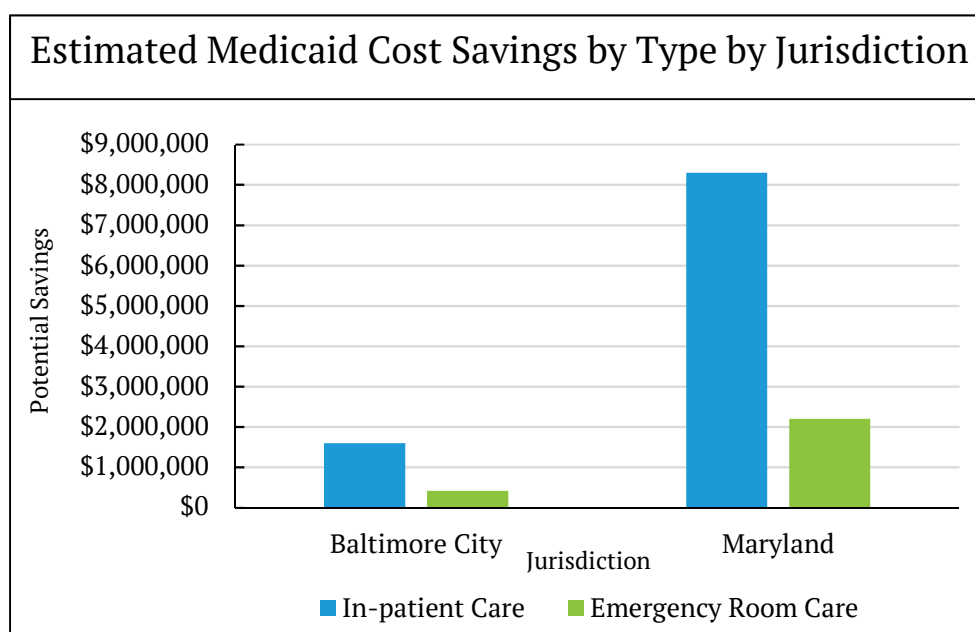


Figure 17

Estimated Annual Foster Care Boarding and Administrative Costs Avoided

126. Stout quantified potential foster care boarding and administrative costs avoided by Baltimore City and the state of Maryland related to children who may be placed in foster care if their household experiences disruptive displacement.
127. **Baltimore City.** Stout estimates that 5,777 households in Baltimore City would avoid the high likelihood of disruptive displacement if a right to counsel were implemented in Baltimore City. An estimated 62 percent of households experiencing an eviction filing have children, and the average number of children per household with children is two, which leaves 7,163 children at risk of entering foster care due to disruptive displacement experienced by their household.^{341,342} Approximately 4 percent of children from evicted families are placed in foster care and are likely living in foster care for at least one year.^{343,344} Based on data from the Maryland Interagency Rates Committee and the Maryland Department of Human Services, Stout estimated that the weighted average annual foster

³⁴¹ Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

³⁴² U.S. Census. Average Number of Children per Family and per Family with Children by State. 2004.

³⁴³ Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18. 2018.

³⁴⁴ Estimated duration of stay provided by local expert on foster care in Baltimore City.

care boarding cost per child is approximately \$29,351. Approximately one percent of foster care boarding costs are paid by Baltimore City.³⁴⁵ Using these metrics, Stout estimates that Baltimore City may save approximately \$84,000 in foster care boarding costs related to children whose households avoided the high likelihood of disruptive displacement. Stout used the same inputs to estimate the potential administrative cost savings related to foster care as a result of disruptive displacement in Baltimore City. Baltimore City may realize foster care administrative cost savings of approximately \$19,000 annually if a right to counsel were implemented.³⁴⁶ Stout estimates that Baltimore City may save approximately \$103,000 annually in foster care board and administrative costs if a right to counsel were implemented. See **Exhibit F.1**.

128. **State of Maryland.** Stout used the same methodology for estimating foster care boarding cost savings to the state of Maryland as it did for Baltimore City. Maryland funds approximately 74 percent of foster care boarding costs.³⁴⁷ If a right to counsel were implemented in Baltimore City, Maryland may save approximately \$6.2 million in foster care boarding costs and approximately \$1.4 million in administrative costs (a total of approximately \$7.6 million) related to children whose households avoided the high likelihood of disruptive displacement.³⁴⁸ See **Exhibit F.2**.
129. **Total Estimated Foster Care Boarding Cost Savings.** Stout estimates Baltimore City and Maryland may save approximately \$103,000 and \$7.6 million, respectively, in foster care boarding costs and administrative costs associated with children whose households avoided the high likelihood of disruptive displacement through a right to counsel. Combining savings for each jurisdiction results in an estimated \$7.7 million in foster care boarding and administrative cost savings. Figure 18 shows the estimated foster care boarding and administrative cost savings by jurisdiction.

³⁴⁵ "Child Welfare Agency Spending in Maryland." Child Trends. December 2018.

³⁴⁶ 45 CFR Section 1356.60 – Fiscal Requirements (Title IV-E) provides guidance as to which types of costs may be categorized as administrative. However, administrative expenses are often disputed because there is an ambiguous dividing line between allowable administrative expenses and ineligible services, like counseling, which often happens simultaneously with allowable administrative expenses. As such, there is uncertainty as to which specific costs are categorized as administrative.

³⁴⁷ "Child Welfare Agency Spending in Maryland." Child Trends. December 2018.

³⁴⁸ As a point of comparison, Maryland spending on foster care each year totals approximately \$361 million, according to "Child Welfare Agency Spending in Maryland." Child Trends.

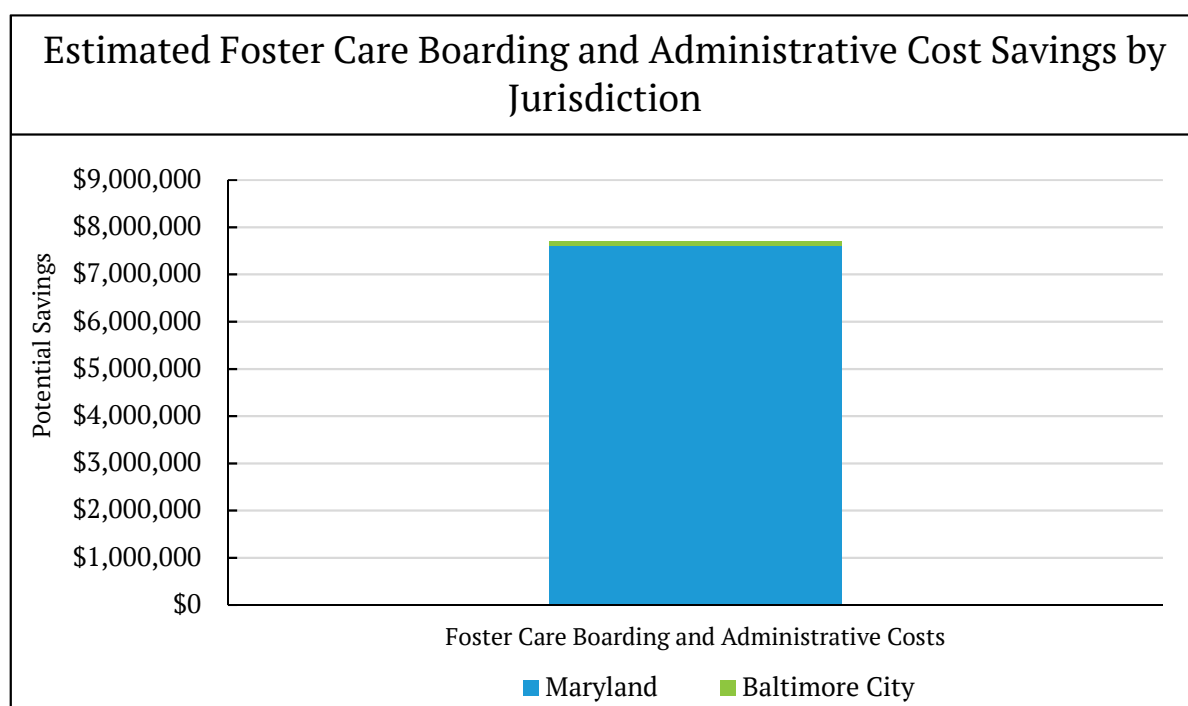


Figure 18

130. The potential cost savings related to foster care for Baltimore City and Maryland are likely significantly understated. Stout’s quantifications related to foster care are only related to boarding and administrative expenses. There are many additional services offered to children who are living in foster care that accompany foster care. The cost of social workers, case managers, maintenance payments, clothing, and monitoring the well-being of children placed with families, for example, are not included in Stout’s analyses as reliable, publicly available data to estimate these costs was limited. There may also be cost savings related to children who are living in foster care for reasons not related to housing but who cannot return home because their family is facing a housing instability issue that could be addressed by a right to counsel.

The Preservation of Affordable Housing

131. Approximately 35,000 families are on waiting lists for subsidized housing in Baltimore City, evidence of the significant demand for affordable housing in Baltimore City.³⁴⁹ Given the demand for affordable housing, Baltimore City has demonstrated a commitment to

³⁴⁹ Garboden, Philip M.E. “The Double Crisis: A Statistical Report on Rental Housing Costs and Affordability in Baltimore City, 2000-2013.” The Abell Foundation. May 2016.

building affordable housing units through numerous programs, such as the Low Income Housing Tax Credits, the HOME Partnership Program, Baltimore City G.O. Bonds, and the State of Maryland Rental Housing Production Program.³⁵⁰ The average annual costs associated with these programs are shown in Figure 19.

Source of Funding for New Affordable Units	Average Annual Cost
Low Income Housing Tax Credits	\$25 million
HOME Partnership Program	\$3.3 million
Baltimore City G.O. Bonds	\$3 million
Maryland Rental Housing Production Program	\$2 million
Total	\$33.3 million

Figure 19

132. In addition to the annual average spending of \$33.3 million to build new affordable housing units, approximately \$156 million in federal funding is spent administering the Section 8 Housing Choice Voucher Program annually.³⁵¹ Over the past 10 years, Baltimore City has added approximately 250 new long-term affordable housing units each year.³⁵² Using the average annual cost associated with building these new affordable units of \$33.3 million, the estimated cost to build a new unit of affordable housing is approximately \$133,000.

133. If a right to counsel can keep tenants who are in affordable housing units or subsidized units, Baltimore City may not need to build as many affordable units each year. The current planned investments in building affordable housing units by Baltimore City fall far short of the need. As such, the expected investments in building affordable housing units may not change if a right to counsel could keep tenants who are currently living in affordable housing units. However, if a right to counsel does prevent tenants from being evicted from affordable housing units, there is certainly value provided to Baltimore City by providing a mechanism to alleviate the ongoing erosion of affordable housing stock during a time when Baltimore City is investing in new affordable units to address the crisis.

Conclusion

134. Stout quantified the estimated costs of disruptive displacement in Baltimore City, potential Baltimore City cost savings realized, and the estimated dollar value of a right to

³⁵⁰ Annual Expenditures for Affordable Rental Housing in Baltimore City. Baltimore City Department of Housing and Community Development.

³⁵¹ Ibid.

³⁵² Ibid.

counsel in Baltimore City. Fully implementing a right to counsel in Baltimore City would cost approximately \$5.7 million. The cost of disruptive displacement and potential cost savings from a right to counsel in Baltimore City are approximately \$17.5 million: \$10.6 million in emergency shelter, temporary housing, and mental/physical health institution costs; \$2.3 million in lost public school funding; \$2.4 million in school transportation for students experiencing homelessness; \$2 million in Medicaid spending for physical health care; and \$103,000 in foster care boarding and administrative costs. These costs of disruptive displacement and potential Baltimore City cost savings realized, when compared to the cost of implementing a right to counsel, yield a dollar value of a right to counsel of approximately \$3.06. It is important to note that this estimate does not include the significant value contributed to Baltimore City through the preservation of affordable housing or the variety of other unquantifiable benefits of enacting a right to counsel such as, employment stability, community stability, better educational outcomes for children, fewer law enforcement interactions with people experiencing homelessness because of disruptive displacement, and the more efficient use of court resources. Figure 20 shows the portion of total estimated quantifiable annual costs of disruptive displacement and potential quantifiable costs avoided as a result of a right to counsel for Baltimore City.

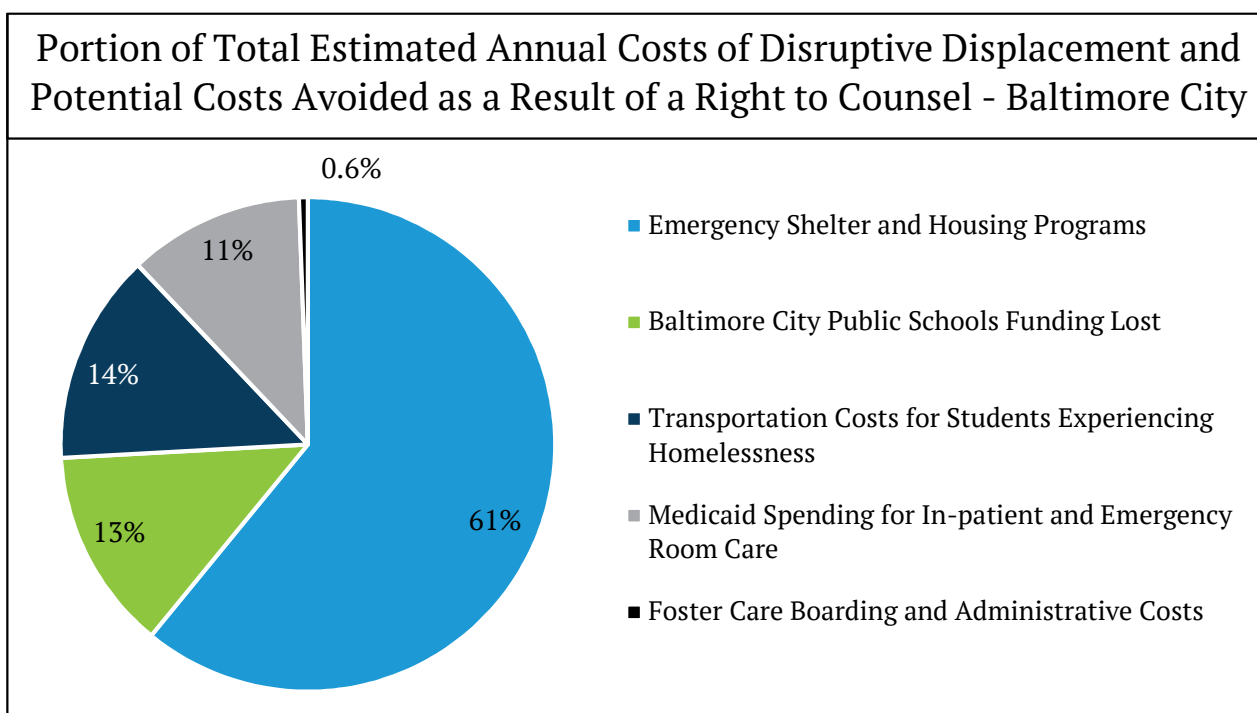


Figure 20

135. The state of Maryland also may recognize financial benefits from a right to counsel in Baltimore City. Stout estimates that Maryland is spending an additional \$10.5 million annually on health care costs for people experiencing homelessness because of disruptive displacement and approximately \$7.6 million on foster care boarding costs for children who cannot return home due to housing instability for a total of \$18.1 million. Considering the cost of disruptive displacement and potential costs avoided for Baltimore City and Maryland of approximately \$35.6 million (\$17.5 million for Baltimore City and \$18.1 million for Maryland), the estimated dollar value of a right to counsel is approximately \$6.24. Figure 21 shows the portion of total estimated quantifiable annual costs of disruptive displacement and potential quantifiable costs avoided as a result of a right to counsel for Baltimore City and Maryland. Figure 22 shows the comparative cost of a right to counsel to the estimated annual cost of disruptive displacement and potential costs avoided for each jurisdiction.

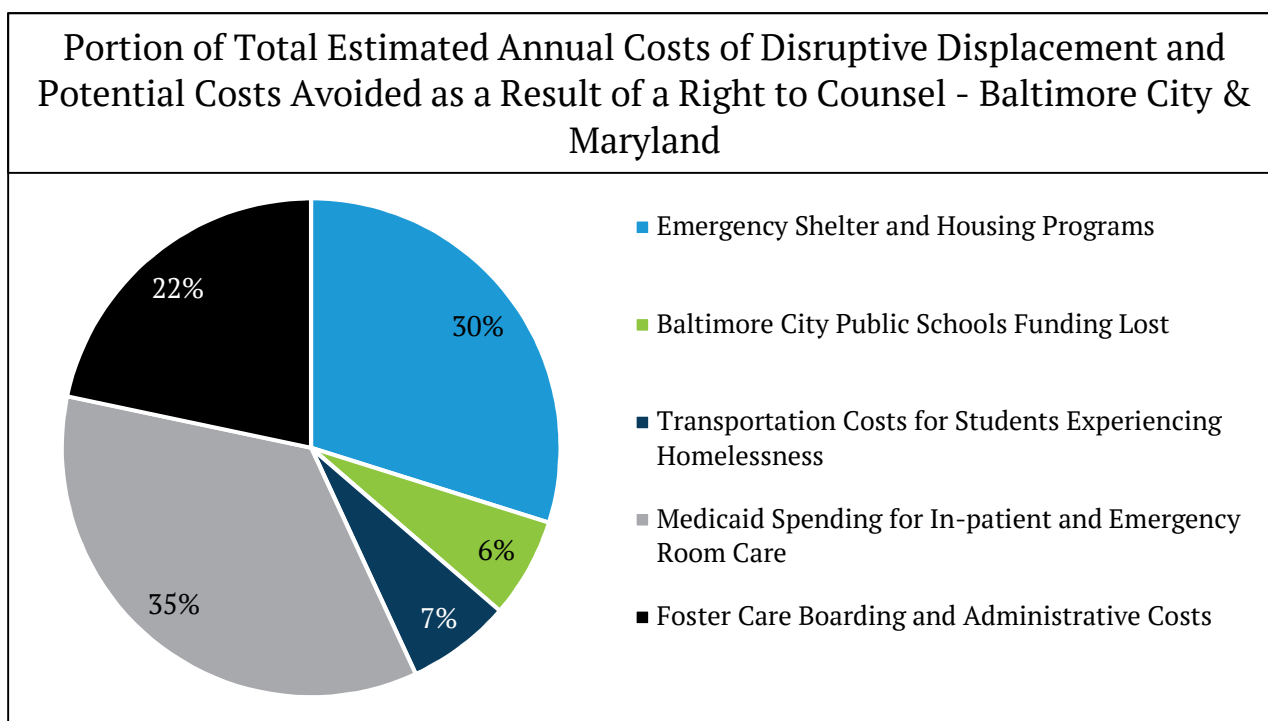


Figure 21

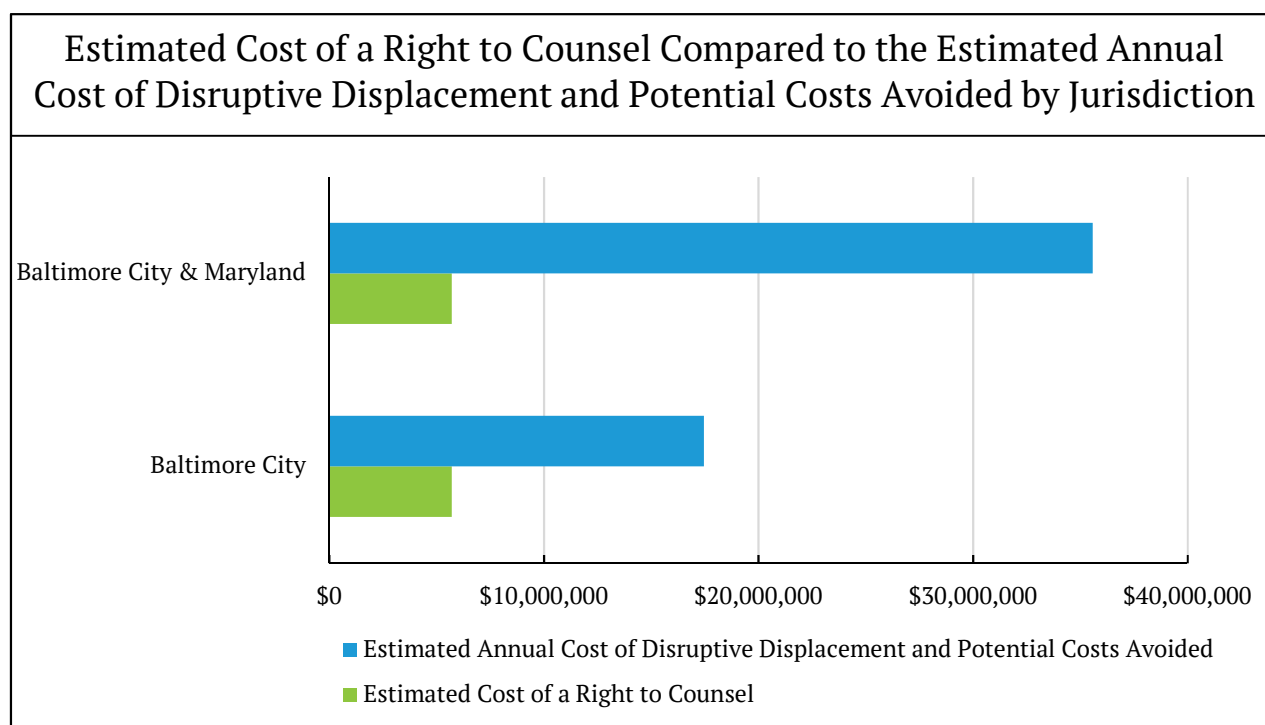


Figure 22

136. Stout's estimates of the cost of disruptive displacement and potential cost savings for Baltimore City and Maryland are likely significantly understated. Included in the calculation are benefits of a right to counsel that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, Baltimore City and Maryland would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout's calculations. The costs that would be avoided and benefits that would be enjoyed include, but are not limited to:

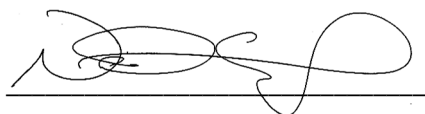
- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness;
- The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher;
- The cost of providing public benefits when jobs are lost due to eviction or the eviction process;
- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs;
- The cost of family, community, and neighborhood instability;

- Preservation of financial assets and personal belongings³⁵³;
- The costs to Baltimore City of enforcing rent laws and regulations that could be avoided; and
- A reduction, over time, of the number of eviction cases filed resulting in improved use of Baltimore City and Maryland court resources.

Assumptions and Limiting Conditions

137. Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.

138. Stout's review, research, and analysis was conducted on an independent basis. No one who worked on this engagement has any known material interest in the outcome of the analysis.



Neil Steinkamp
Managing Director
Stout Risius Ross, LLC

³⁵³ When low-income tenants are evicted, it can have a significant detrimental financial impact in the form of moving expenses, loss of personal belongings, loss of security deposit, court fees, and fines from landlords. Low-income tenants already possess few financial assets, but when they are evicted these will likely be fully depleted, making their situation even more challenging. For example, if after being evicted, a low-income tenant needs a repair to his or her vehicle that is used for transportation to work and childcare, the financial assets that may have been available to pay for the repair may have been used for the expenses described above.

Exhibit A

Summary of the Cost of Eviction, Potential Cost Savings, and the Dollar Value of a Right to Counsel

The Economic Impact of an Eviction Right to Counsel in Baltimore City
Exhibit A - Summary of the Cost of Eviction, Potential Cost Savings, and the Dollar Value of a Right to Counsel

	Baltimore City	Maryland	Total	Detailed Calculation
1 Estimated Annual Emergency Shelter and Housing Program Costs as a Result of Disruptive Displacement [a]	\$10,615,735	N/A	\$10,615,735	Exhibits B.1 and B.2
2 Estimated State-Provided Foundational Program Funding for Baltimore City Public Schools Lost	\$2,302,578	N/A	\$2,302,578	Exhibit C
3 Estimated Annual Transportation Costs Avoided Related to Students Experiencing Homelessness in Baltimore City Public Schools	\$2,438,000	N/A	\$2,438,000	Exhibit D
4 Estimated Annual Additional Medicaid Spending by Baltimore City Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement	\$1,998,342	\$10,491,298	\$12,489,640	Exhibit E.1 and E.2
5 Estimated Annual Foster Care Boarding and Administrative Costs Paid by Baltimore City as a Result of Disruptive Displacement	\$103,229	\$7,638,969	\$7,742,198	Exhibit F.1 and F.2
6 Total Estimated Annual Costs of Disruptive Displacement and Potential Costs Avoided as a Result of a Right to Counsel	\$17,457,885	\$18,130,266	\$35,588,151	
7 Total Estimated Cost to Baltimore City to Provide a Right to Counsel to Eligible Tenants	\$5,704,841		\$5,704,841	
8 Estimated Dollar Value of a Right to Counsel	\$3.06		\$6.24	
[a] A portion of the estimated \$10.6 million cost of disruptive displacement in Baltimore City related to annual emergency shelter and housing program costs is likely paid by Maryland. However, publicly available data through the Mayor's Office of Human Services budget does not provide the level of detail needed to separate the cost between Baltimore City and Maryland. For presentation purposes, the total \$10.6 million is shown as attributable to Baltimore City.				

Exhibit B.1

Estimated Annual Emergency Shelter and Housing Program Costs

The Economic Impact of an Eviction Right to Counsel in Baltimore City
Exhibit B.1 - Estimated Annual Emergency Shelter and Housing Program Costs

		Estimated Annual	Estimated Cost	Estimated	Estimated Total Cost Based on
Housing Program		Cost	per Day [e]	Duration of Stay (in Days) [f]	Estimated Cost per Day and Estimated Duration of Stay (in Days)
1	Emergency Shelter [a]	\$10,950	\$30	113	\$3,390
2	Rapid Re-Housing [b]	\$11,500	\$32	200	\$6,301
3	Transitional Housing [c]	\$32,400	\$89	405	\$35,951
4	Permanent Supportive Housing [d]	\$25,317	\$69	2,008	\$139,244
<p>[a] Estimated annual cost of Emergency Shelter is calculated by multiplying \$30 per day by 365 days.</p> <p>[b] Estimated annual cost of Rapid Re-Housing is the average of the \$10,000 and \$13,000 cost reported by the Mayoral Workgroup on Homelessness at "Mayoral Workgroup on Homelessness Executive Summary." City of Baltimore.</p> <p>[c] Estimated annual cost of Transitional Housing is calculated by multiplying \$2,700 per month by 12 months. The \$2,700 per month cost is reported in "Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families." U.S. Department of Housing and Urban Development. October 2016.</p> <p>[d] Estimated annual cost of Permanent Supportive Housing is an estimate from a similarly situated United States city as reported in Leopold, Josh and Gold, Amanda. "The Costs and Potential Savings of Supportive Housing for Child Welfare-Involved Families." Urban Institute. May 2019.</p> <p>[e] Estimated cost per day for Emergency Shelter as reported in Zaleski, Andrew. "As Baltimore Bulldozes Tents, Questions of Housing Displaced Homeless Emerge." Next City. March 14, 2013. Estimated cost per day for other housing programs is calculated based on the estimated annual cost and a 365-day year.</p> <p>[f]" MOHS Report to the Board." June 2019.</p>					

Exhibit B.2

Estimated Annual Emergency Shelter, Temporary Housing, and Mental/Physical Health Institution Housing Program Costs Related to Disruptive Displacement Caused by Eviction

The Economic Impact of an Eviction Right to Counsel in Baltimore City
Exhibit B.2 – Estimated Annual Emergency Shelter, Temporary Housing, and Mental/Physical Health Institution Housing Program Costs Related to Disruptive Displacement Caused by Eviction

Annual Emergency Shelter Costs Related to Disruptive Displacement Caused by Eviction	
1 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement because of a Right to Counsel [a]	5,777
2 Estimated Portion of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter But For a Right to Counsel [b]	25%
3 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter But For a Right to Counsel	1,444
4 Estimated Annual Emergency Shelter Cost per Household Living in Emergency Shelter [c]	\$3,390
5 Total Estimated Annual Emergency Shelter Costs Related to Disruptive Displacement Caused by Eviction	\$4,896,008
Annual Temporary Housing Program Costs Related to Disruptive Displacement Caused by Eviction	
6 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter But For a Right to Counsel	1,444
7 Estimated Portion of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter and Exited Emergency Shelter for a Temporary Housing Program But For a Right to Counsel [d]	58%
8 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter and Exited Emergency Shelter for a Temporary Housing Program But For a Right to Counsel	838
9 Estimated Annual Cost of Temporary Housing Programs per Household [e]	\$6,301
10 Total Estimated Temporary Housing Program Costs Related to Disruptive Displacement Caused by Eviction	\$5,278,437
Annual Mental/Physical Health Institution Housing Costs Related to Disruptive Displacement Caused by Eviction	
11 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter But For Right to Counsel	1,444
12 Estimated Portion of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter and Exited Emergency Shelter for a Mental/Physical Health Institution Program But For a Right to Counsel [f]	7%
13 Estimated Number of Income Eligible Households with a High Likelihood of Avoiding Disruptive Displacement that Would Have Likely Entered Emergency Shelter and Exited Emergency Shelter for a Mental/Physical Health Institution But For a Right to Counsel	101
14 Average Length of Stay at Mental/Physical Health Institution (in Days) [g]	9
15 Average Cost per Day of Mental/Physical Health Institution [h]	\$485
16 Total Estimated Mental/Physical Health Institution Housing Costs Related to Disruptive Displacement Caused by Eviction	\$441,291
17 Total Estimated Annual Emergency Shelter, Temporary Housing, and Mental/Physical Health Institution Housing Costs Related to Disruptive Displacement Caused by Eviction	\$10,615,735
<p>[a] Stout’s calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of right to counsel.</p> <p>[b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf. Further supported by metrics cited in paragraph 60 of the report.</p> <p>[c] See Line 1 of Exhibit B.1.</p> <p>[d] MOHS Report to the Board - June 2019. Stout estimated the 58 percent exit to temporary housing metric using data from the MOHS Report to the Board – June 2019. When data was able to be collected, approximately 58 percent of exits from emergency shelter were to temporary housing.</p> <p>[e] See Line 2 of Exhibit B.1. Stout is using the cost of Rapid Re-housing programs as a proxy for temporary housing program costs. Cities with a Continuum of Care Program often use Rapid Re-housing while assisting with finding permanent housing for people experiencing homelessness, making it an interim, temporary living arrangement and a reasonably proxy for temporary housing costs.</p> <p>[f] MOHS Report to the Board - June 2019. Stout estimated the seven percent exit to mental/physical health institution metric using data from the MOHS Report to the Board – June 2019. When data was able to be collected, approximately seven percent of exits from emergency shelter were to mental/physical health institutions.</p> <p>[g] Lee, Sungkyu, Ph.D., et al. “Length of Inpatient Stay of Persons with Serious Mental Illness: Effects of Hospital and Regional Characteristics.” Psychiatric Services. September 1, 2012. Stout used the finding in this study that the length of stay was between 7 and 10 days, taking the average of 7 days and 10 days results in Stout’s estimate of a 9 day length of stay.</p>	

Exhibit C

Estimated State-Provided Foundation Program Funding for Baltimore City Public Schools Lost as a Result of Chronic Absences of Students Experiencing Homelessness as a Result of Disruptive Displacement

Exhibit C - Estimated State-Provided Foundation Program Funding for Baltimore City Public Schools Lost as a Result of Chronic Absences of Students Experiencing Homelessness as a Result of Disruptive Displacement

[a] Data provided to Stout by Baltimore City Public Schools.
 [b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf. Further supported by metrics cited in paragraph 60 of the report.
 [c] Estimated by Stout using case information from five civil legal aid providers in Baltimore City who represent tenants in eviction proceedings.
 [d] Calculation by Maryland State Department of Education for Major State Aid Programs for Fiscal Year 2020.

Exhibit D

Estimated Annual Transportation Costs Avoided Related to Students Experiencing Homelessness in Baltimore City Public Schools

The Economic Impact of an Eviction Right to Counsel in Baltimore City

Exhibit D - Estimated Annual Transportation Costs Avoided Related to Students Experiencing Homelessness in Baltimore City Public Schools

1	Reported Transportation Cost Associated with Students Experiencing Homelessness in Baltimore City Public Schools [a]	\$10,600,000
2	Students Experiencing Homelessness in Baltimore City Public Schools with Transportation Needs [a]	1,197
3	Annual Estimated Transportation Cost per Student Experiencing Homelessness in Baltimore City Public Schools with Transportation Needs	\$8,855
4	Students Experiencing Homelessness in Baltimore City Public Schools with Transportation Needs [a]	1,197
5	Estimated Portion of Students Experiencing Homelessness as a Result of Disruptive Displacement [b]	25%
6	Annual Estimated Number of Students Experiencing Homelessness in Baltimore City Public Schools with Transportation Needs Due to Disruptive Displacement	299
7	Estimated Portion of Students Who Would Have Avoided the High Likelihood of Disruptive Displacement if a Right to Counsel Were Implemented [c]	92%
8	Annual Estimated Transportation Cost per Student Experiencing Homelessness in Baltimore City Public Schools with Transportation Needs	\$8,855
9	Estimated Annual Transportation Costs Avoided Related to Students Experiencing Homelessness in Baltimore City Public Schools	\$2,438,000

[a] Data provided to Stout by Baltimore City Public Schools.

[b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf. Further supported by metrics cited in paragraph 60 of the report.

[c] Estimated by Stout using case information from five civil legal aid providers in Baltimore City who represent tenants in eviction proceedings.

Exhibits E.1 and E.2

**Estimated Annual Additional Medicaid
Spending by Baltimore City and Maryland
Related to Individuals Experiencing
Homelessness as a Result of Disruptive
Displacement**

Exhibit E.1 - Estimated Annual Additional Medicaid Spending by Baltimore City Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement

[a] Stout's estimation of individuals experiencing homelessness as a result of disruptive displacement.

[b] Estimated by Robin Hood. https://robinhood.org-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf. Further supported by metrics cited in paragraph 60 of the report.

[c] Kushel, Margot, et al. "Factors Associated With the Health Care Utilization of Homeless Persons." *The Journal of the American Medical Association*, January 10, 2001.

[d] Kushel, Margot, et al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." *The American Journal of Public Health*, May 2002.

[e] DiPietro, Barbara et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." *The Kaiser Commission on Medicaid and the Uninsured*, November 2014.

[f] Baltimore City data received by Stout from the Maryland Hospital Association using ICD-10 code Z49.0.

[g] "Federal and State Share of Medicaid Spending." Kaiser Family Foundation. Referencing Urban Institute estimates based on data from CMS (Form 64), as of August 2019.

[h] "Medicaid Financing States' Increased Reliance on Funds from Health Care Providers and Local Governments Warrants Improved CMS Data Collection." *United States Government Accountability Office*, July 2014.

Exhibit E.2 - Estimated Annual Additional Medicaid Spending by the State of Maryland Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement

[a] Stout's estimation of individuals experiencing homelessness as a result of disruptive displacement.
[b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf. Further supported by metrics cited in paragraph 60 of the report.
[c] Kushel, Margot, et al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001.
[d] Kushel, Margot, et al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." The American Journal of Public Health. May 2002.
[e] DiPietro, Barbara et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." The Kaiser Commission on Medicaid and the Underserved. November 2014.
[f] Baltimore City data received by Stout from the Maryland Hospital Association using ICD-10 code Z49.0.
[g] "Federal and State Share of Medicaid Spending." Kaiser Family Foundation. Referencing Urban Institute estimates based on data from CMS (Form 64), as of August 2019.

Exhibit F.1 and F.2

**Estimated Annual Foster Care Boarding
and Administrative Costs Avoided by
Baltimore City and Maryland as a Result of
Disruptive Displacement**

The Economic Impact of an Eviction Right to Counsel in Baltimore City

Exhibit F.1 - Estimated Annual Foster Care Boarding and Administrative Costs Avoided by Baltimore City as a Result of Disruptive Displacement

Cost Type	Income Eligible Households Likely to Avoid the High Likelihood of Experiencing Disruptive Displacement	Estimated Portion of Households Experiencing an Eviction Filing with Children [b]	Estimated Number of Households Experiencing an Eviction Filing with Children	Average Number of Children per Household [c]	Portion of Children from Evicted Families Placed in Foster Care [d]	Estimated Cost per Child per Year [e]	Estimated Portion of Foster Care Costs Paid by the City [f]	Estimated Annual Foster Care Boarding Costs Paid by Baltimore City as a Result of Disruptive Displacement
	[a]							
1 Estimated Annual Foster Care Boarding Expenditures	5,777	62%	3,582	2	4%	\$29,351	1%	\$84,103
2 Estimated Annual Administrative Cost	5,777	62%	3,582	2	4%	\$6,675	1%	\$19,126
3 Total								\$103,229

[a] Stout's estimation of income eligible households likely to avoid the high likelihood of experiencing disruptive displacement as a result of a right to counsel.

[b] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[c] U.S. Census. Average Number of Children per Family and per Family with Children by State. 2004.

[d] Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18. 2018.

[e] Stout calculated the weighted average annual foster care boarding cost per child based on type of foster care (Regular, Intermediate, Public Treatment, Private Treatment, and Emergency Care). Sources for this calculation include: "Fiscal Year 2018 Interagency Rates Committee Provider Rates." Maryland Department of Education.; "Guidelines for Foster Care Board Rate and Expenditures." Maryland Department of Human Services. July 1, 2019.; and "Casey Child Welfare Financing Survey: Family Foster Care Provider Classifications and Rates, Maryland Profile." Child Trends. N.d. Stout used the annual administrative cost estimate presented in Zill, Nicholas. "Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption." Adoption Advocate, National Council for Adoption. May 2011.

[f] "Child Welfare Agency Spending in Maryland" Child Trends. December 2018.

The Economic Impact of an Eviction Right to Counsel in Baltimore City

Exhibit F.2 - Estimated Annual Foster Care Boarding and Administrative Costs Avoided by the State of Maryland as a Result of Disruptive Displacement

Cost Type	Income Eligible Households Likely to Avoid the High Likelihood of Experiencing Disruptive Displacement	Estimated Portion of Households Experiencing an Eviction Filing with Children [b]	Estimated Number of Households Experiencing an Eviction Filing with Children	Average Number of Children per Household [c]	Portion of Children from Evicted Families Placed in Foster Care [d]	Weighted Average Foster Care Boarding Cost per Child per Year [e]	Estimated Portion of Foster Care Costs Paid by the State of Maryland [f]	Estimated Annual Foster Care Boarding Costs Paid by Maryland as a Result of Disruptive Displacement
	[a]							
1 Estimated Annual Foster Care Boarding Expenditures	5,777	62%	3,582	2	4%	\$29,351	74%	\$6,223,608
2 Estimated Annual Administrative Cost	5,777	62%	3,582	2	4%	\$6,675	74%	\$1,415,360
3 Total								\$7,638,969

[a] Stout's estimation of income eligible households likely to avoid the high likelihood of experiencing disruptive displacement as a result of a right to counsel.

[b] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[c] U.S. Census. Average Number of Children per Family and per Family with Children by State. 2004.

[d] Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18. 2018.

[e] Stout calculated the weighted average annual foster care boarding cost per child based on type of foster care (Regular, Intermediate, Public Treatment, Private Treatment, and Emergency Care). Sources for this calculation include: "Fiscal Year 2018 Interagency Rates Committee Provider Rates." Maryland Department of Education.; "Guidelines for Foster Care Board Rate and Expenditures." Maryland Department of Human Services. July 1, 2019.; and "Casey Child Welfare Financing Survey: Family Foster Care Provider Classifications and Rates, Maryland Profile." Child Trends. N.d. Stout used the annual administrative cost estimate presented in Zill, Nicholas. "Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption." Adoption Advocate, National Council for Adoption. May 2011.

[f] "Child Welfare Agency Spending in Maryland" Child Trends. December 2018.