

NCCRC

National Coalition for a
Civil Right to Counsel



The Right to Counsel in Civil Cases: A Component of Race Equity in the Courts

Jan. 30, 2020

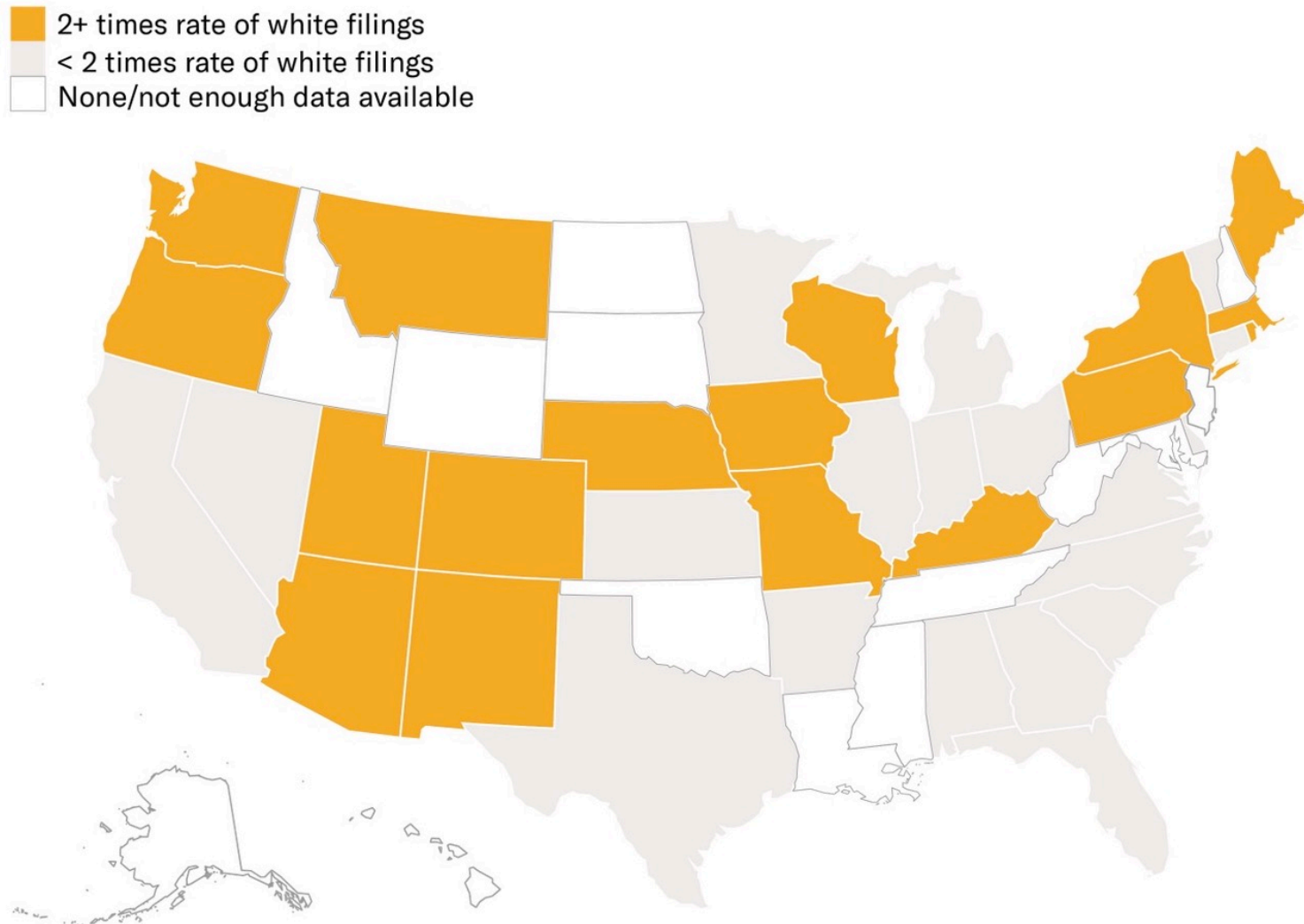
What is typically part of the conversation about evictions and the right to counsel?

- Scope of homelessness crisis
- General displacement statistics
- Eviction filing rate
- Eviction execution rate
- Cost of providing counsel
- Downstream costs of not providing counsel (health, child custody, school success, employment, etc.)

What is missing?

- Race equity analysis

BLACK FEMALE RENTERS WERE FILED AGAINST FOR EVICTION AT DOUBLE THE RATE OF WHITE RENTERS OR HIGHER IN 17 OF 36 STATES



Data source: The Eviction Lab. Counties without data² were excluded from the analysis. States where all counties were excluded or where the sum of all counties' Black populations were less than 1%, are shown in white with a grey border. Five states: Delaware, Georgia, South Carolina, and Vermont filed white tenants for eviction at slightly higher rates than Black women. Ratios were rounded to the nearest tenth.

Chicago

Majority Race (over 50% of total population)	Number of Community Areas		Eviction Filing Rate (filings per 100 rental units)		% of Cases Ending in Eviction Orders	
	2010	2017	2010	2017	2010	2017
White	20	19	2.5%	1.4%	55%	53%
Black	30	28	6.6%	6.2%	62%	60%
Latinx	16	17	3.0%	2.7%	61%	62%
Citywide	77	77	4.1%	3.1%	60%	59%

Most troubling, we found landlords filed for evictions at substantially higher rates in majority Black Community Areas than in other parts of the city. In 2010, 16 of the 19 (84%) Community Areas with filing rates over 50% of the citywide rate of 4.1% were majority Black areas. In 2017, it rose to 23 of 25 (92%) areas when the citywide rate was much lower at 3.1%.

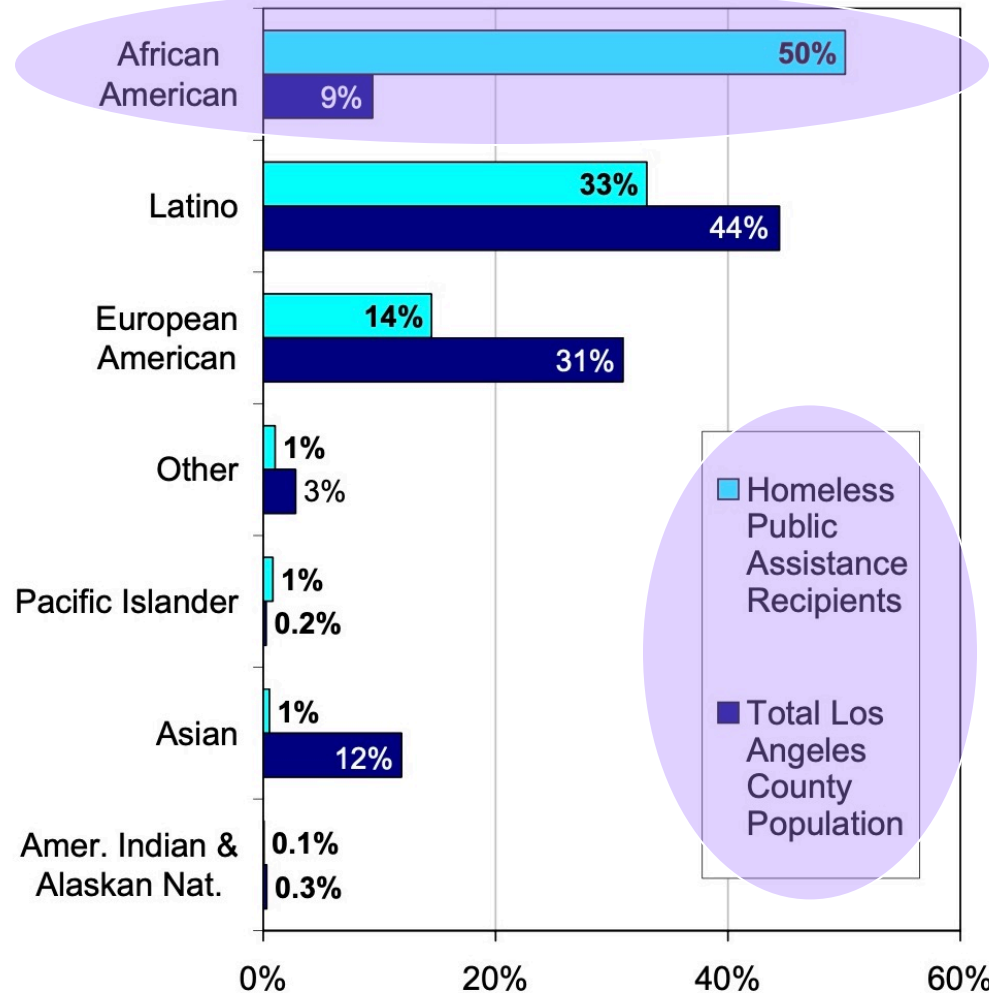
Source: LCBH, *Opening the Door on Chicago Evictions*

LA County

Figure 20

Ethnicity of the Homeless Residents

Data for homeless public assistance recipients in 2002 and the total LA County population from the 2000 Census



Eviction RTC enactments

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

Eviction RTC pending bills

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

Other cities working on RTC

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

Eviction RTC federal bills

Member of Congress	Scope
Rep. DeLauro (D-CT)	\$125 million for eviction fund. Priority to jurisdictions with RTC. Also data collection
Rep. Ocasio-Cortez (D-NY)	\$6.5 billion for eviction fund going to states/cities providing RTC

Campaigns and organizing



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WHY SUPPORT NEWR?

**THERE IS AN EVICTION EPIDEMIC IN BOULDER.
HELP STOP EVICTION IN BOULDER.
GET INVOLVED TODAY.**

Campaigns and organizing

Growing List of Supporters for a Right to Counsel in Massachusetts

Handout of Supporters

- Action, Inc.
- AIDS Action/Fenway Health
- Alliance of Cambridge Tenants
- Allston/Brighton Community Development Corporation
- Arise for Social Justice
- Beacon Communities
- Beacon Residential Management
- Berkshire County Regional Housing Authority
- Black Economic Justice Institute
- Boston Bar Association

Research on impact of counsel

State	Subject area	Funding source
California	Custody/DV, evictions, probate guardianship	Court fee increase
D.C.	Evictions	D.C. gov' t
Massachusetts	Evictions	1 st round: foundations 2 nd round: AG
Minnesota (Hennepin County)	Evictions	Legal aid and volunteer lawyers project
San Francisco	Evictions	City gov' t

District of Columbia

Tenants w/o counsel:

- 2x likely to be found in breach of lease;
- 3x more likely to be subjected to writ of possession;
- 7x more likely to wind up with consent judgment (less favorable than a settlement agreement)

Hennepin County, MN

Pilot found represented tenants:

- Were twice as likely to stay in their homes;
- Received twice as long to move if necessary;
- Were 4x less likely to use homeless shelter.

Massachusetts

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