Federal funding to support a right to counsel for tenants facing eviction

April 13, 2021
Today’s speakers

**Michigan**: Jim Schaafsma, Michigan Poverty Law Program

**Rhode Island**: Jennifer Wood, Rhode Island Center for Justice

**Cleveland**: Hazel Remesch, Legal Aid Society of Cleveland

**Long Beach CA**: Barbara Schultz, Legal Aid Foundation of Los Angeles

**Santa Ana CA**: Ugochi Nicholson, Public Law Center
Eviction RTC justifications

• What’s potentially at stake in evictions: all basic human needs (shelter, mental/physical health, employment, child custody, school, etc.)

• Massive imbalance of power: 90%/10%

• Race equity

• Legal complexity

• Studies demonstrating impact of counsel
The movement today


- **Pending in 2021**: Connecticut*, Indiana, Maryland**, Massachusetts, Minnesota*, Nebraska*, South Carolina, Washington State**

- **Expected or possible introductions in 2021**: Delaware, Denver, New York State


* = has had hearing  
** = near passage
Success stories

• NYC: 86% of represented remained in their homes; filings down 30%

• San Francisco: 67% of represented tenants remained in their homes; filings down 10% in one year

• Cleveland: 93% of represented tenants avoiding eviction or involuntary move
Funding opportunity: CARES Act

- Three pots:
  - **Coronavirus Relief Fund (CRF)**: can be used until Dec 2021. Covers necessary expenditures incurred due to Covid between 3/1/20 and 12/31/21. Non-exclusive list of eligible expenditures includes “Any other COVID–19-related expenses reasonably necessary to the function of government.”
  - **Community Development Block Grant (CDBG-CV)**: used for communities to address short/medium-term housing needs of people experiencing housing instability/homelessness. Complex deadlines, and legal services is allowable use (see chart for both).
  - **Emergency Solutions Grants (ESG-CV)**: used by communities to meet needs of people experiencing homelessness and very low-income households. Can be used until Sept. 30, 2022

- **Lots of unspent CARES Act money left** (in part due to original Dec 2020 deadline)

- **Over 25 jurisdictions (some state, some county, some city)** have used CRF, ESG, and/or CDBG-CV for legal services.
**Funding opportunity: ERAP 1 and ERAP 2**

- **ERAP 1:**
  - Created in Consolidated Appropriations Act of 2021
  - $25 billion in rental assistance to cities/states, of which 10% can be used for “housing stability services” for “eligible households”
  - “housing stability services” defined to include “attorney’s fees related to eviction proceedings” for ERAP-eligible households
  - No state received less than $200 million
  - Money can be used until Sept. 30, 2022

- **ERAP 2**
  - Created in American Rescue Plan Act of 2021 (ARP)
  - $21.55 billion in rent rental assistance to cities/states, of which 10% can be used for “housing stability services”. **Unlike ERAP 1, does not say it is limited to “eligible households”**.
  - If 75% of ERAP 2 funds used by Oct 1, 2022, remaining 25% can be spent on “affordable rental housing and eviction prevention purposes”.
  - No state received less than $152 million
  - Money can be spent until Sept 2025 or 2027 (unclear)
Funding opportunity: Fiscal Recovery Fund

- $350 billion, including $195 billion for states and $130 billion for units of local government

- Super broad usage allowed: “respond to COVID-19 or its negative economic impacts through assistance to households, small businesses, and nonprofits, or aid to impacted industries.”

- Money can be used until Dec. 31, 2024.
Questions?

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Legal services as a piece of an emergency rental assistance program – the Michigan experience

The 2020 CRF EDP Rental Assistance program
($52M for rental assistance; $4M for legal assistance)

Michigan Supreme Court Administrative Order 2020-17
Legal services as a piece of an emergency rental assistance program – the Michigan experience

● EDP-funded legal aid staff assisted with 15,234 eviction cases, 32% of the eviction cases filed during that time.

● Among the 11,044 completed cases, 54% involved the attorney providing extensive service (e.g. negotiating settlements, providing representation in the case), while 46% were limited to providing the tenants advice on the legal process and how to represent themselves.

● In the cases where legal aid provided extensive services, 97% of tenants avoided eviction.

• “Legal Services - Eviction Diversion Program Case Totals, 7-1-2020 thru 12-31-2020” provided by Jennifer Bentley, Michigan State Bar Foundation.
Legal Services as a piece of an emergency rental assistance program – the Michigan experience

2021

• 2.3M ESG funding for legal assistance

• ERAP CERA Program
  ($600M for rental assistance; $7M for legal assistance)

• Positive outcomes

• Challenges
Long Beach

Brief Background on city of Long Beach

- 500,000 residents
- One of the most diverse cities in the nation
- Part-time City Council
- Often overshadowed by City and County of LA

LB People’s Budget Coalition

- Budget advocacy grew out of our work with LB Language Access Coalition
- Grew into the People’s Budget Coalition
  - Focus on divesting/defunding the police
  - Focus on reinvesting those funds in uses that promote community health and safety, such as housing, immigration, language justice, youth development, etc.
- Members: Advancement Project California, Democratic Socialists of America - Long Beach chapter, Educated Men with Meaningful Messages, Khmer Girls in Action, Legal Aid Foundation of Los Angeles, Long Beach Coalition for Good Jobs and a Healthy Community, Long Beach Forward, Long Beach Gray Panthers, Long Beach Immigrant Rights Coalition, Long Beach Residents Empowered, United Cambodian Community, Youth Leadership Institute
$30 million in rental assistance.

$900,000 in additional funds for the LB Right to Counsel (RTC) Program.
  - This builds on the $250K we won in last year’s People’s Budget Campaign, for the current FY 21.

$1 million to create 3 new “Housing Navigation Positions” in the City. No such positions currently exist.
  - This will help tenants with the very complex laws and new rights we have worked on and won locally, regionally, state-wide and at the federal level.

$1 million to create the first Community Land Trust in LB.

$3 million in down payment assistance.

$500,000 in additional funds for interpretation to make the City’s meetings accessible.

$300,000 in additional funds to the LB Justice Fund
  - This is in addition to the $300,000 in structural, annual, funding for the Justice Fund.
  - This is a deportation defense fund.

$2 million for Universal Basic Income (UBI)

$500,000 in direct financial assistance to immigrant residents
  - This is in addition to the UBI.