

BEYOND THE COURTROOM:

Tenant Right to Counsel's Broader Impact



NCCRC
National Coalition for a
Civil Right to Counsel





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NEWS

04/16/2024: The NCCRC celebrates Fair Housing Month >>
 04/05/2024: Appellate court finds withdrawal of mother's attorney violated fundamental fairness >>
 03/20/2024: Lawsuit challenging failure to appoint lawyers for foreclosed NY homeowners settles >>

See More >

“If you cannot afford an attorney, one will be appointed for you.”
UNLESS you're losing your children, or your home, or your health care, or...

INTERACTIVE MAP



Our interactive map allows you to see recent activity, established rights to counsel, NCCRC involvement, and NCCRC presence by state.

SEE THE MAP >>

The NCCRC today

- **600+ participants & partners across 45 states** (legal services providers, private bar, organizers, ATJCs, state/local officials, NGOs, etc.)
- **State + locally driven**
- **Incremental approach**
- **Current focus areas:** eviction, DV, guardianship, child custody
- **Approaches:** litigation, legislation, social science research, public awareness

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INTRO TO TENANT RIGHT TO COUNSEL

“The effort to mandate a renter’s access to legal representation when facing housing displacement appears to be losing no steam in 2022.” - National Apartment Association

a right to counsel for tenants

THE MOVEMENT IS GROWING

Watch on YouTube

Check out our 3-minute video celebrating the victories and leaders of the tenant right to counsel movement!

LEARNING FROM THE VICTORIES

Prior to 2017, no jurisdiction in the country provided a right to counsel for tenants facing eviction. But as we closed out 2021, there were 3 states and 13 cities with such a right, a testament to the incredible work of tenant organizers, legal services programs, community-based organizations, and others. And the movement is only picking up steam. 2022 promises to be another huge year, with activity in regions all over the country. But before that work begins, we invited speakers from across the country to the bulk of an event on the importance and impact of these victories that have



Agenda

- Right to counsel for tenants overview
- Panel discussion

Ending at 2:50pm ET / 11:50am PT

Panel

Pablo Estupiñan | Director, LA RTC Campaign at Strategic Actions for a Just Economy

Thomas Freeman | Staff Attorney, Greater Hartford Legal Aid

John Pollock | Coordinator, NCCRC

Ora Prochovnick | Director of Litigation and Policy, Eviction Defense Collaborative

What is a right to counsel?

- **Government** commitment / established in the law
- **Publicly funded**
- Ensures attorney for all **eligible litigants**
- **Full representation** (*not triage)

Basic human needs cases: shelter, sustenance, health, safety, child custody, & more as defined locally (but *NOT* all civil cases). **ABA Resolution 112A** provided guidance.

Low-income litigants (exceptions: mental health, evictions, children)

CRTC justifications

- Basic human needs at stake (civil cases not less important than criminal cases)
- Effectiveness of representation
- Financial benefits of providing counsel
- Providing equity and faith in proceedings where other side is represented:
 - Overall: $\frac{3}{4}$ of all civil cases have at least one unrepresented party
 - Evictions representation rate: LLs 81%, tenants 3%
 - Race equity
- Change in behavior of system actors
- Increasing tenant power

Right to Counsel Justifications

Avoiding unnecessary costs

national eviction cost projection

The total cost of eviction for [The United States](#) is **\$315,528,616,180**. This includes the following costs:

- Cost of providing emergency shelter = **\$134,761,200,000**
- Cost of providing inpatient medical care = **\$74,604,131,700**
- Cost of providing emergency room care = **\$47,883,673,600**
- Cost of providing child welfare services = **\$4,781,784,960**
- Cost of juvenile delinquency = **\$53,497,825,920**

We calculated this based on the following data you entered:

# Evictions	28,000,000 households			
Household size	2.63 persons per household (HH)			
Shelter costs	% needing shelter 25%	Cost of one stay \$40	# of days stayed per year 183	
Inpatient Medical Costs	Usage rate 23%	Cost of one visit \$2,517	# of visits per year 7	
Emergency Room Costs	Usage rate 32%	Cost of one visit \$2,032	# of visits per year 4	
Child Welfare Costs	Total spent \$29,886,155,998	% locality pays 100%	% caused by "inadequate housing" 16%	
Child Delinquency Costs	% HH w/children 48%	# of children 1.86	% committing 44%	Cost of one act \$19,455

[University of Arizona Cost of Eviction Calculator](#) (relying on data from [Amherst Capital](#))

RTC Key Area

Tenants Facing Eviction

Estimated cost savings data: Baltimore



The Economic Impact of an Eviction Right to Counsel in Baltimore City (Stout, 2020)

RTC Key Area

Tenants Facing Eviction



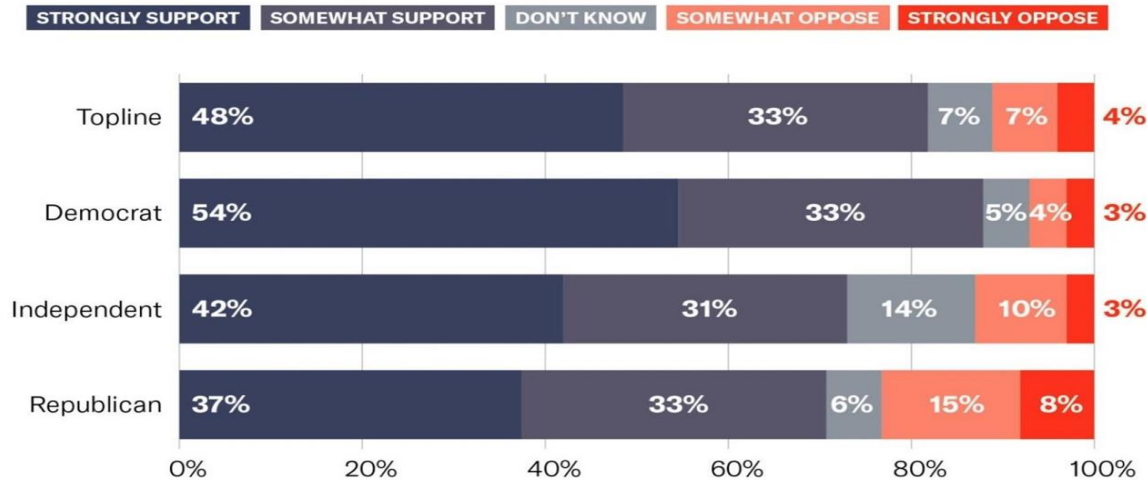
2017	2018	2019	2020	2021	2022 / 2023
New York City, NY	San Francisco, CA Newark, NJ	<ul style="list-style-type: none"> ● Cleveland, OH ● Philadelphia, PA 	<ul style="list-style-type: none"> ● Boulder, CO ● Baltimore, MD 	<ul style="list-style-type: none"> ● Seattle, WA ● Minneapolis, MN ● Louisville, KY ● Toledo, OH ● Denver, CO ● Kansas City, MO ● Washington ● Connecticut ● Maryland 	<ul style="list-style-type: none"> ● New Orleans, LA ● Detroit, MI ● Jersey City ● St. Louis ● Westchester County NY ● Minnesota

RTC Key Area Tenants Facing Eviction

Public support

Polling data (February 2021)

Would you support or oppose establishing a right to legal counsel, meaning someone will always be represented by a lawyer, during eviction proceedings?



DATA FOR **PROGRESS**

[The Appeal, Poll: Across Dozens of U.S. Metros, Voters Want Bold Mayoral Action \(2021\)](#)

RTC Key Area

Tenants Facing Eviction

Metrics from RTC jurisdictions

San Francisco

- o Filing rate decreased by 10% from 2018 to 2019*
- o ~60% of tenants w/full rep able to stay in homes*

NYC

- o 84% of represented tenants remain in their homes**
- o Filings down 30% b/n) 2013-2019***
- o Defaults down 34% b/n 2013-2019***

RTC Key Area Tenants Facing Eviction

Metrics from RTC jurisdictions

BOULDER*

63% avoided eviction (26% increase)

KANSAS CITY**

In Jackson County, pre-RTC eviction rate was 99% and in first 3 months of RTC it's < 20%

CLEVELAND***

- 93% avoided eviction or involuntary move; and 83% seeking additional time to move got it
- Of 21% of clients unaware of rental assistance at time they contacted Legal Aid, ~98% wanted rental assistance and Legal Aid helped 81% of those clients obtain it
- 92% of clients who wanted addt'l time to move, and 97% who sought monetary relief, were able to get it. (NOTE: 42% did not want to remain in home)



RTC Key Area

Tenants Facing Eviction

Sampling of other cities/states exploring eviction RTC*

- Chattanooga
- Cincinnati
- Clark County NV
- Fresno
- Houston
- Nashville
- New Jersey
- Omaha
- Pennsylvania
- Pittsburgh
- Portland OR
- San Jose
- Santa Monica
- South Carolina
- Tulsa
- Virginia