



Building Support for a Civil Right to Counsel by Anchoring Your Case in Racial Justice

A Playbook for Justice Seekers Everywhere



“Justice is a journey; it is not a destination. When we can look across our nation and all of us have what we need to survive and thrive, with dignity and protection for a set of unalienable human rights, living without fear of violence or harm, acknowledging the truth of our shared history – that’s when we know we are getting closer to the thing called ‘justice.’”

–Tiffany Manuel in CaseMade! 10 Powerful Leadership Principles that Win Hearts, Change Minds, and Grow Impact

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We Have an Opportunity Right Now to Get Closer to Justice

No matter how you come to this issue, you know guaranteeing people a lawyer in deeply important civil cases, like eviction, is a stepping stone to a more just country. One where everyone has a strong foundation from which to contribute their gifts and strengths back to their families, communities, and the nation.

And you are likely here because you see the opportunity of this moment. Across the country, you see tenants organizing. You see legal systems engaging in hard conversations about the real meaning of justice. You see jurisdictions taking seriously the bottom-line and human costs of evictions and searching for another way. And as a result, you see a growing number of communities successfully passing right to counsel laws.

You feel the momentum building, but you also know we have a long way to go. We need to get many more wins in many more places. Plus, we need to fully fund and implement the wins we've already gotten to prove a right to counsel is indeed on the path to a more just world for everyone.

To make a fully functioning right to counsel a reality in every community, we must have a much bigger bench of supporters and advocates on our side. But some of the people we need are being held back by deep-seated and often unconscious biases around race. Others, who live the everyday realities of racism, won't join a movement that ignores race. And many are worried about unintended consequences of addressing race in our current political environment.

Having thoughtful, strategic conversations about race and racism is the only way for us to win. But they are deeply uncomfortable for lots of people. This playbook gives you a framework and sample language you can use as you navigate those critical conversations, so we can all get closer to justice.

A large, realistic-looking elephant is standing in a room with a wooden floor and a window in the background. The elephant's trunk is visible on the left side of the frame. The lighting is warm, suggesting sunlight coming through the window.

LET'S BE CLEAR

The single most important thing we can do right now to win a right to counsel, and other critical stepping stones on our path to a more just future, is to thoughtfully address the elephant in the room: Race.

When we are able to thoughtfully address how race and racism shape our history, how we think, and the decisions we make today, we:

- Deepen the bonds of trust in our existing multiracial coalitions;
- Invite new racial justice champions to our work;
- Grow the number of community members who are willing to show up for our causes;
- Model and seed more thoughtful conversations across our entire communities;
- Neutralize voices of opposition and hate;
- Acknowledge and redress the harmful impacts of racism in our housing system;
- Address imbalances of power — not only between landlords and tenants but also across racial groups;
- Create space and willingness for systemic solutions; and
- Open the possibility for peace and thriving for everyone — no exceptions.

There are no magic words. But there is thoughtful strategy.

To build long-term support for the system changes, like a right to counsel, that we need to achieve justice, we need an intentional approach to conversations about race. We must:

1

Understand how racism continues to shape the narratives and systems that govern our lives today

2

Describe the just future we are striving for together and determine who we need to achieve it

3

Assess where our stakeholders and potential champions are on the runway to racial justice and thoughtfully move them down it

A photograph of a man with a beard and dreadlocks lifting a young child with curly hair into the air. The man is wearing a blue t-shirt and has tattoos on his arms. The child is wearing a light blue shirt and dark shorts. They are outdoors, possibly on a porch or deck, with a white railing visible. The background is a bright, slightly overcast sky.

The Values Reflected in this Guide

The work to establish a right to counsel, and the larger movement for racial justice, is happening in communities across the United States. That means many different kinds of people with many different backgrounds working in many different social and cultural contexts are reading this guide. We don't expect everyone to agree with everything here, but we hope we can all agree that:

- We will only get to a thriving future if we acknowledge and redress the legacy of racial oppression that continues to undermine the success of so many.
- We all have the ability to learn and grow in our journey toward racial healing.
- We all deserve to be recognized and celebrated for our strengths and gifts.
- We all want to be a hero in the story of our country's better future.

1

Understanding How We Got Here and Why We're Stuck



WE WANT WHITE
TENANTS IN OUR
WHITE COMMUNITY



Our movement can only succeed when we understand the racialized history that perpetuates systemic injustice and the engrained mindsets that keep us trapped here.



Those who cannot remember the past are condemned to repeat it.

Unfortunately, in the United States, for a variety of reasons, our racialized history hasn't been taught nearly enough in our schools, communities, houses of worship, or other places. That means most Americans have very little context about how much of our history is rooted in the oppression and unfair treatment of people on the basis of their race, and how dominant narratives of racial difference have been baked into our housing and legal systems.

Unless we understand that history ourselves, and begin to discuss it with others, we will never be able to reimagine our system of laws, policies, and practices to redress and repair the harms our history has caused. And we will never get closer to the just future we know is critical to all of our success.



Justice should start — but can't end — with conversations about race.

Racism is at the heart of most injustices, so it makes sense to center it in the discussion of housing justice. At the same time, we know oppression manifests itself in many other ways.

We can and should link racism to other oppressions in our conversations about right to counsel. The good news is that we can use the same framework outlined on the pages that follow (what we call *the racial justice runway*) to bring these other root causes into housing conversations — and we can do so without undermining the essential racial context.

So, what do we need to understand?

To build broader support for a right to counsel and other system changes that move us closer to justice, we must understand how racism has shaped and continues to mediate access to housing and legal representation in our communities. At the same time, we need to look within our movement at how historical and current power imbalances between predominantly white lawyers and community organizers of color affect our success.

You don't need to be an expert, but some topics you should investigate include:

- The legacy of redlining and racial segregation
- Modern-day segregationist strategies, like gated communities
- The racialized nature of summary eviction proceedings
- Contract buying
- Racially restrictive covenants
- Racial steering
- Blockbusting
- Exclusionary zoning policies
- Racist lending practices, like subprime mortgage lending, predatory loans and disparate access to government backed loans
- Discriminatory foreclosures and evictions
- Low-fault evictions and summary judgements
- Crime-free leases
- Check-box requirements on rental applications
- Homelessness and its criminalization
- Criminalization of gentrifying neighborhoods / displacement
- Unequal school resources dependent on property taxes
- Appraisal bias and devaluation of black homes
- Property tax devaluation of black and brown neighborhoods
- Disinvestment in public housing
- Environmental racism
- Government supported speculation in low-income neighborhoods
- Urban renewal programs

That may sound like a lot – but we've all got to keep learning. Turn the page for resources to get you started!

Some Resources to Advance Your Learning Journey

- [*The Color of Law: A Forgotten History of How Our Government Segregated America*](#) (book)
- ["The Case Against Summary Eviction Proceedings: Process as Racism and Oppression"](#) (journal article)
- ["Right to counsel is just as much a racial justice issue as a housing policy issue"](#) (op-ed)
- ["The Disproportionate Burden of Eviction on Black Women"](#) (report)
- ["27 Ways Racism and White Supremacy Impact Housing"](#) (article)
- [The Redress Movement - Vocabulary](#) (web page)
- ["An Equity Lens on Eviction Prevention: Housing Justice Work that gets to structural inequalities"](#) (article)
- ["Racial and Gender Disparities Among Evicted Americans"](#) (study)
- ["Dismantling the Narratives That Constrain Public Support for Fair Housing: the Urgent Need to Reframe the Public Conversation to Build Public Will"](#) (abstract)
- ["How Thousands of Black Farmers Were Forced Off Their Land"](#) (article)



Narratives of Racial Difference Keep the Doors of Change Closed

Hundreds of years of racialized decision-making affect everything about how our systems operate. And those systems are held in place by deeply engrained and often unconscious mindsets among the general public and the stakeholders we need to join us. We must understand, name, and begin to systematically dismantle those mindsets if we are to win a right to counsel and other system changes on the road to justice.



Pervasive Race-Based Narratives

DOMINANT NARRATIVE	WHAT IT SOUNDS LIKE IN RIGHT TO COUNSEL CONVERSATIONS
Individual Responsibility	<i>"It's not my responsibility to pay for somebody else's housing mess. I've worked hard to put myself through school, save money, and get a home. And I didn't need some government handout to get this. If you want to keep your home, pay for it and follow the rules."</i>
Deservedness and Choices	<i>"Some people just don't make good choices. People should just pay their rent. If people facing evictions are innocent, it shouldn't take fancy lawyers to convince a judge to let them stay. People who get evicted just made some bad choices."</i>
Mobility	<i>"Sometimes, it's just time to move. If you can't make it here, then you should just move somewhere else. There's plenty of housing in other parts of the state."</i>
Racial Bias	<i>"Some groups just want handouts. They don't want to work. That's why they are in the situation they are in."</i>
Tax Dollars Are Being Wasted	<i>"We pay all these taxes and it just gets wasted giving people handouts. Nothing ever gets fixed. Why should I give any of my money to the government to pay lawyers and expect them to solve our eviction problems."</i>
The Free Market Rules	<i>"The government shouldn't be interfering in the free market. It's just supply and demand. The housing market will take care of itself eventually."</i>
Housing Programs Are Unfair	<i>"It's not fair that some people just get housing handed to them. No one handed me a place to live!"</i>
Being Evicted Is a Choice	<i>"If people don't want to get evicted, why do so many of them not even bother to show up for court? Their priorities are all wrong."</i>

Harmful Narratives Specific to Right to Counsel

DOMINANT NARRATIVE	WHAT IT SOUNDS LIKE IN RIGHT TO COUNSEL CONVERSATIONS
Scarcity of Public Resources and Zero-Sum Thinking	<p><i>“Is RTC the best use of limited funds to address homelessness and housing insecurity?”</i></p> <p><i>“Government should just fund better rental assistance so fewer people would end up in eviction court and we wouldn't need to have more lawyers in court.”</i></p> <p><i>“Establishing right to counsel is an inefficient and antiquated way to address the power imbalance between landlords and renters. We should do this with other, stronger mechanisms. We need more than lawyers.”</i></p>
Civil Issues Do Not Need the Guarantee of Legal Representation	<p><i>“This is a civil issue, why should we get involved?”</i></p>
Scarcity of Capacity	<p><i>“This is not a realistic way to address evictions because we don't have enough lawyers to handle all the people who need it.”</i></p>
If We Offer It, More Will Come	<p><i>“If we give people free lawyers, they'll abuse it and constantly flood the court with frivolous claims.”</i></p>
Bad Developers, Not Bad Landlords	<p><i>“The housing crisis is fueled by developers, not bad landlords. Focus on changing the business model of developers – that's what's making housing more expensive for everyone and leading to more evictions.”</i></p>
Right to Counsel is the Option of Least Resort	<p><i>“Support for right to counsel is only palatable for landlords/policymakers because they get to avoid just cause evictions, longer notice periods, or rent control.”</i></p>
We Need More Than Right to Counsel to Address Racial Injustice in Housing	<p><i>“Right to counsel doesn't do enough to address racial discrimination in renting a home. There are more impactful ways to get closer to racial equity than this.”</i></p>
No More Taxes	<p><i>“This is only a slippery slope for getting us to pay more taxes for public housing.”</i></p>
Right to Counsel Will Make it Tougher for Landlords	<p><i>“What about the poor ‘mom and pop’ landlords? They can't stay in business if people don't pay the rent. Tenants who don't pay have to get out.”</i></p>

Seeding Different Narratives Open New Doors of Support

Leaders across the housing justice space have told us that there are narratives we need to start hearing more widely to know that we are making progress.

Replacing existing dominant narratives with these will take time and skill — and cannot succeed without an explicit acknowledgement of race.



The Narratives We Need to Emerge in Public Dialogue

THE NARRATIVE WE NEED	WHAT IT MIGHT SOUND LIKE
Everyone deserves a home	<i>“Everyone deserves a place where they can shut the door and have a safe respite from the outside world. That’s what I want. That’s what my neighbors and friends want. It’s a no-brainer that everyone wants that. We need laws to make that a reality for everyone. No exceptions!”</i>
Housing is a human right	<i>“A safe place to call home is what we owe to each other as humans.”</i>
We have to solve for the power imbalance in eviction proceedings	<i>“In the U.S., tenants have attorneys in about 3% percent of eviction cases, while landlords have attorneys in 82% of cases. That imbalance almost guarantees that tenants will not get treated fairly. RTC changes that.”</i>
Evictions aren’t necessary	<i>“We should never let the number of evictions increase this way. We’ve got all the tools we need to solve this problem, and amazing people across our community leading our progress. Let’s throw our support behind them and get it done!”</i>
Right to counsel is cheaper and more effective than eviction	<i>“Most cities find that they save money when they implement right to counsel laws and they are more effective at resolving landlord/tenant disputes.”</i>
We have to stop the practice of illegal evictions	<i>“Landlords illegally evict tenants all the time. It’s unfair to tenants and has devastating consequences for all of us in our community.”</i>
We solve the eviction problem by fixing our housing and court systems	<i>“The housing and court systems in this country are too hard to navigate! How is anyone supposed to figure them out on their own? It’s no wonder so many people wind up without a place to live. We fix that, we fix homelessness.”</i>
Eviction is a symptom of a judicial system that doesn’t work for us	<i>“It’s a shame that we only help people with legal representation if they are accused of criminal activities, not for trying to hold onto their homes and keep their families together.”</i>
We have a moral responsibility to address the root causes of eviction – racism and greed	<i>“Eviction doesn’t exist in a vacuum. It’s caused by structural racism and a capitalist economy that is extractive and greedy. The result for far too many has been perpetual hardship, lack of access to what people need to thrive and generational trauma. We have to deal with that!”</i>
To build the future, we must repair the past	<i>“Our systems were designed from the beginning to harm black and indigenous people. To move forward and get to the future we all want, we must acknowledge and repair that harm.”</i>

Capitalizing on the Moment

Fortunately, recent shifts in how everyday Americans view the precarity of housing and the ability of the legal system to deliver justice give us an unprecedented opportunity to engage a wider number of people in the systems changes we need. We must engage them thoughtfully and strategically, before the moment passes us by.



2

Sharing our Vision of Justice and Who We Need to Achieve It





Our movement can only succeed if we are able to paint a compelling picture of the just future we envision and invite the broadest universe of people we need to achieve it with us.

Before we can get to specific language and ideas, we have to listen carefully to the ways that everyday people talk about the just world they want to see – both the big issues and the small wins that make life worth living.

You might find that people talk about their aspirations for the future like this.

We need to mirror this kind of language back when we talk about a right to counsel.

Eviction courts go out of business because there aren't enough filings to keep them busy.

Homelessness is eradicated and nobody is made to fight for the place they call home.

Families facing housing insecurity or evictions get treated respectfully, with resources they need.

Enough resources exist so that families are not constantly running to make ends meet. They get time and space to just be.

Enough financial security and affordable homes, so that people have the space to dream.

All of our children have roofs over their heads and places to play.

Our children are well-rested, well-fed and eagerly participating in school.

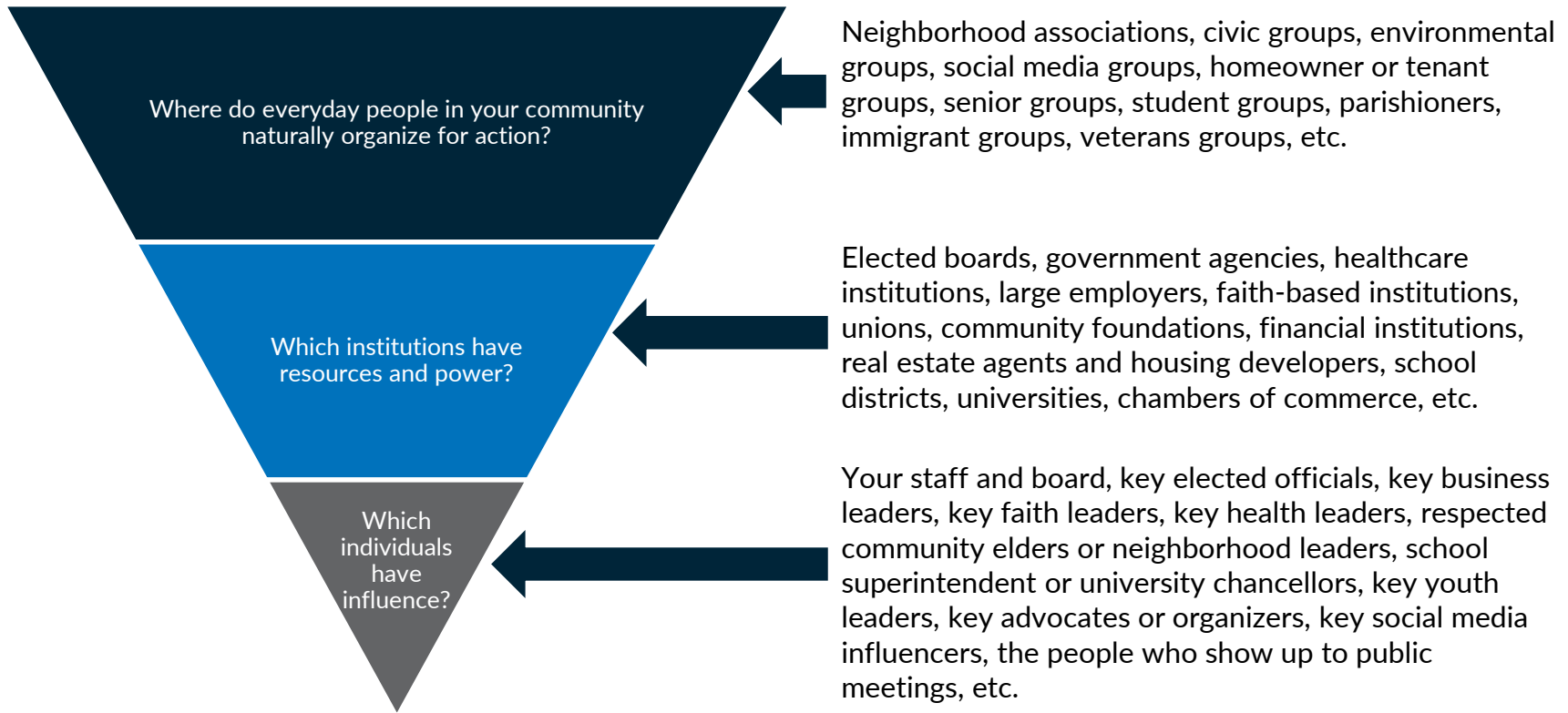
School recitals are full of everyone's caregivers – grandmas, neighbors, aunts, uncles, fathers and mother, and more.

Families can get the health care they need whenever they need it. They have the opportunity to thrive and stay healthy.

To achieve a right to counsel, and our broader vision of justice, we need many champions. Look across your community. Where is the power and organizing energy already?

What to look for

Places to look



The order in which we activate champions matters as we build a solid, trustworthy foundation for our justice coalition. Who can help you start to build that foundation?

As you plan your local coalition building strategy, these questions might help:

- Who can help us think through how racism and racial bias have shaped our local housing and court systems and the deep structural work to repair the damage this has caused?
- Who locally can help us figure out how we want to talk about our history as part of our work toward a right to counsel and beyond?
- Who locally can help us build and expand an organizing strategy that is focused both on dismantling current systems and reconfiguring them in ways that honor the ultimate goal of racial justice?
- Who locally can help us organize around proactive solutions to housing insecurity, homelessness, and eviction so that we can move beyond the crisis-response model of right to counsel?
- Who can help us decentralize decision-making in our community so more residents from all walks of life are invited to and included in decisions?



3

Assessing and Encouraging People's Move Toward Justice





Now that we know who we need to activate, we must assess where they are on the runway to justice and thoughtfully move them down it.



As you prepare for the important work ahead, remember:

Every audience is different. Imagine you're teaching literature to students who have vastly different reading levels. For the class to succeed, you need to have some sense of everyone's starting point and then tailor your teaching accordingly. The same is true for our conversations about race. Before you walk into any room – including and especially your own coalition spaces – think about who will be in it and where you need to start the conversation. In some rooms, going straight into a conversation about race will backfire on you. In others, you'll lose the room if you *don't*. Be intentional about your approach.

Create opportunities for a learning journey. Race-based discrimination in America is built on a history that is not often taught and not well understood. Like learning to speak a new language or play a musical instrument, it takes time for those who genuinely want to learn to build up their competency. Despite the urgency we feel to make change now, we need to provide opportunities for our future allies to learn and allow time for their practice to evolve.

Avoid getting stuck on labels. The words we use to label the power imbalances we are trying to fix can be some of our biggest impediments to success. That's because labels have so many different cultural contexts across the country and it's impossible to navigate them all. Rather than getting distracted by labels, name them and move on. For example:

People of color haven't had the same access to resources or opportunities to own homes, rent apartments, find shelter, or keep their homes in our community. Some may call that "unfair," some may call it "discriminatory," and some might say it's straight up "racist." We may not all agree on what to call it, but let's agree not to take it into our shared future! We're creating a future where everybody thrives, and that requires that we redress and remove the things that are dividing us.

Building Momentum on the Racial Justice Runway



4

Prepare for
lift-off

Achieve Racial Justice

Build support to redress the harm of racialized policies and create abundant opportunities for thriving

3

Increase
your
acceleration

Support Racial Equity

Strengthen support for solutions that advance racial equity

2

Begin your
taxi

Recognize Racial Power Imbalances

Build a shared understanding of the way historical and present-day racism affect access to power and opportunity

1

Pull away
from the
gate

Name the Elephant in the Room: Race

Introduce race in conversations about the decisions we are making for our future

See it in practice, starting on page 33.

① ✈️ Name the Elephant in the Room: Race ✈️

Introduce race in conversations about the decisions we are making for our future

Who needs to hear this: People you are trying to engage who may be reluctant or opposed to having any substantive conversations about race, even though they may be interested in the solving some of the challenges in your community.

Your task: Start slowly naming race in conversations you're having about your community. You don't need to be direct — in fact, in many situations it's better to be indirect at first. You just need to start introducing race as a consideration in the wide range of issues that need to be addressed to get to a better future.

Why do this: Our worldview develops like a protective shell around our brains through years of repetition and reinforcement. Information that challenges that worldview has little chance of getting through unless it is introduced slowly and repeatedly.

What it sounds like:

- *I think we all deserve a decent place to live, no matter what job you've got, your race, your age, or how you identify. That's what a right to counsel would help us to achieve.*
- *I read an interesting news article about housing here in our town. I was really surprised to learn how much race has been a factor in how our neighborhoods were created and how segregated they are today. A right to counsel would help us address the legacy of that.*
- *No matter where we come from, our background, race, or economic status, we all deserve a home in a thriving community — no exceptions! But without a right to counsel in this city, too many of us are denied that basic necessity.*

How to know when to head further down the runway: Listen to people you have been talking to. When you start to hear them comfortably name race in their own conversations, it's time to move forward.

What happens if you encounter resistance: It's inevitable that some people won't welcome a conversation about race. **Keep naming it anyway.** Remember, most movements begin with early adopters who recognize the need for change and help bring others along. This is your opportunity to find those key champions — and identify the likely opposition.

②



Acknowledge Racial Power Imbalances



Build a shared understanding of the way racism affects access to power and opportunity

Who needs to hear this: People who are able to comfortably name race as a factor in community outcomes but who lack an understanding of the specific ways that our policies and systems have created the racial power imbalances that weaken our communities today.

Your task: To deepen people's understanding of specific harmful policies and practices — like redlining, credit scoring, appraisal biases, and block busting — that have stripped power from Black and brown people, including within the right to counsel movement itself.

Why do this: This context is critical for people to see that addressing racism is the *only* way to solve the larger structural problems in housing — and other systems — that weaken every region.

What it sounds like: *We have the most amazing mix of cultures in our community. Bodegas next to bagel shops next to southern barbecue. Even though we love the strength of our diverse cultural offerings, our housing remains terribly racially and economically divided. Because of redlining, evictions and other forms of racial discrimination, you still have a better chance at getting a great apartment or a fair home appraisal here if you are wealthy and white. To keep this community strong and honor the parts of it that make us wonderfully diverse, we can't just reserve housing stability for the privileged few. We all deserve a home in a community that allows us to thrive. That's why so many of us are acknowledging the importance of a right to counsel for tenants facing eviction and bringing new champions to this movement.*

How to know when to head farther down the runway: Listen to the conversations around you. When you start to hear people speak about racial power imbalances in housing with more thoughtful language about the ways that policies and community practices have undermined some residents, it's time to push down on the throttle and start building speed.

What happens if you encounter resistance: Over the last 20 years, scholars from many disciplines have documented the evidence of our racist housing history. Avoid the trap of debating facts and focus your attention on the stakeholders who are energized at the possibility of getting to a more just future.

3



Support Racial Equity



Strengthen support for solutions that advance racial equity

Who needs to hear this: People who understand the context of how racism is embedded in the systems that shape the future of our communities and are looking for answers.

Your task: To equip people with a range of credible solutions, like a right to counsel, that deserve our consideration and investments because they have the power to drive more equitable housing and racial outcomes in our community. The solutions we propose must leverage our strengths as a community, improve our systems, and have benefits for everybody who lives here.

Why do it: Too many of our efforts to make change stop after we have built awareness of the problem. We assume that people can naturally connect the dots to the solutions. But systems problems are too hard for most people to wrap their heads around. We need to empower people with the array of solutions that exist and show how communities are already full of everyday heroes, leaders, and pioneers who can achieve them.

What it sounds like: *We often talk about the long history of unjust housing policies and practices that have undermined the success of many of us and our neighbors, particularly our black and brown neighbors – policies like redlining, income discrimination, unfair evictions, appraisal bias, and more. While we acknowledge this history, let's also remember the ways in which everyday people in this community throughout our history have worked to challenge unfair racial practices in housing and bring about changes that improved housing opportunities for all of us. We can and must keep this work going, through solutions that we know work. Like providing legal representation to tenants in eviction cases. In place in more than 22 jurisdictions today, right to counsel policies advance us on our path to a more equitable future.*

How to know when to head further down the runway: Listen to the conversations around you. When you start to hear people emerge as champions for a right to counsel and other specific policies that increase housing stability of families at risk of eviction, it's time to get ready for lift off!

What happens if you encounter resistance: Because systems are so hard to understand, most people can't see how a systems solution could possibly benefit them. Continue to build your evidence that the entire community will benefit when systems built on racism are reimaged.

4

Achieve Racial Justice

Build support to redress racialized policies and create abundant opportunities for thriving

Who needs to hear this: People who understand the harms of racist housing systems and have become champions of remediation policies like right to counsel that rewire those systems for fairer processes and outcomes.

Your task: To equip people to think more concretely about redressing the trauma that racist policies like eviction cause and the necessary work to heal that trauma so we can chart a different course in our community that liberates us in our future.

Why do it: To truly arrive at peace and justice in our communities and our nation, we must strengthen long-term support for the work to achieve racial healing.

What it sounds like: *We've cured acute diseases, expanded access to health care, legalized marriage for all kinds of couples – all while building the most prosperous economy in the world. Yet, much of that national prosperity has come at the expense of people of color, in particular dispossessing Black and brown communities from access to land, stable housing, and the most stable form of wealth: homeownership. Evictions are one of the most violent legacies of our racist history, and damage everyone in our communities with their reverberations. A national right to counsel is a small down payment on the bigger goal of accountability and healing that we need to achieve the peaceful future we all want. Right to counsel cannot take the place of deep structural work we need to do to ensure fairness and racial justice in this community, but it goes a long way to put us on that pathway.*

How to know when you're ready for lift off: Listen to the people around you. When you start to hear their willingness to take responsibility for the harms of the past, to redress those harms, and to get on the pathway toward racial healing, you have what you need for a wide range of housing justice-oriented policies. There will still be lots of organizing necessary to galvanize consensus about how to best implement justice-based policies, but the broader racial understanding on which progress is possible has been established.

Deploying the Full Racial Justice Runway – An Example

Last week, I was fortunate to be at our Mayor’s annual “State of the City” speech. He talked with pride about our economic prospects for the future, new innovations he hoped to bring to city governance, and the incredible diversity we have here. While he and I may not agree about many things, we agree that the racial and economic diversity we have in our neighborhoods is one of our strengths. That diversity continues to bring jobs, new businesses, commerce, nightlife, and vibrancy to our lives. It is one of the things that is attracting so many newcomers from across the country to seek homes here and what many of us choose to take pride in.

Name
Race

Unfortunately, it is also the thing that is being undermined by a housing system that continues to work better for those who are wealthy or white, than if you work an average 9-to-5 job or are Black or brown.

Our city is not unlike most others across the nation. We have a well-documented history of racial discrimination in housing (via practices like redlining) that resulted in racially and economically dividing our entire city. And, as much as we would like to believe we’ve conquered discrimination, practices like appraisal bias, disparities in home mortgages, violations of fair housing laws by landlords, and the lack of legal representation for tenants during eviction proceedings all continue to widen the racial wealth gap here. That means the promise of a better life is being kept out of reach for too many.

Name
Racial
Power
Imbalance

Some would say that’s *unfair*, some would say that’s *discrimination* at play, and others would simply say that it’s *racist and was designed* from the beginning to exclude the people who need it most. Whatever you call it, let’s not take it into our future. If we’re serious about removing the barriers that are keeping people trapped, then we have to commit to a housing system that works for everybody. Right to counsel laws are one example of something that is already working in more than [number] of communities across the country. If we enacted one here, [number] of our neighbors would be able to stay firmly a part of our schools, houses of worship, workplaces, and community groups.

Name
Racial
Equity

[Explain here what a right to counsel is and what is being proposed locally.]

Let our community be another proof point in the growing movement to provide a right to counsel. Right to counsel gives us an opportunity to reflect our diversity as a strength, improve housing stability, and redesign our systems so that they work to remove unfair racial barriers. Preventing eviction and ending homelessness by enacting right to counsel is both an opportunity to redress racial discrimination as well as address exclusionary housing policies of the past, by making a down payment on our future. No one-stop policy or investment of resources can solve these challenges overnight, but we’ll get a lot closer to rebuilding our housing system in the service of those who need it most, when we enact and fully fund the right to counsel. Join us! Learn more, advocate, and help us make more progress faster!

Name
Racial
Justice

Using the Racial Justice Runway – A Long Form Example

Our community has always been a place where people are intentional about being good neighbors. No community is perfect, but on a clear day, it's not hard to spot people from all walks of life and from all racial and economic backgrounds, working together, playing together, and living together. This is the kind of community where young families settle to raise children, where small businesses thrive, and world-class schools are the norm.

But our community is changing as a growing number of families find it harder to hold onto their homes. Far too few people in this community get to experience the joys of owning a new home, or renting a new apartment in a thriving community, or getting a home appraised fairly when they want to sell their existing home, or being fully represented by legal counsel when there are discrepancies with landlords. Exclusionary housing policies and racism are major drivers of what's keeping people in our community from experiencing those joys. From redlining to appraisal biases to discrimination in rent to lack of access to legal representation in eviction cases, these exclusionary policies mean not everyone gets to participate in the housing prosperity of this community.

Rising homelessness, housing instability, and evictions are making it more difficult for the people who love this community to stay here. To ensure the future we want for this community, we must have tools in place, like establishing a right to counsel in housing cases, that give a lifeline to many families struggling to stay rooted here.

Who benefits from helping people stay stably housed and rooted to the fabric of our community? We all do!

- Hospitals, grocery stores, banks, and other local employers who need to ensure a strong workforce
- Parents who need childcare, lounges that need bands, coffee shops that need baristas, and galleries that need art
- Congregations that need their faithful and civic groups that need volunteers
- Black and Latino families who have historically been redlined out of housing opportunities and discriminated against for decades
- Friends who need their peers with whom they can learn and grow
- Grandkids who need their grandparents and college students who want to come home

Now more than ever, we need more abundant housing options for a wide range of people all over this community to help us keep them stably housed. For example, we need better housing options for seniors who want to age in place as well as those living on fixed incomes. We need better options for families wanting to move from being renters to homeowners but seeing few affordable homes available. We need better options for people transitioning from homelessness or shelters to supportive housing. We need better options for families who have been served eviction notices, have been offered no alternative housing, and have no form of legal representation in court proceedings. We need better options so that tenants can negotiate the terms of their rentals fairly and on equal terms with landlords. And we need better fair housing enforcement so that housing discrimination, in whatever form it presents itself – race, gender, form of income, disability status, and all others – does not keep people from finding great places to live.

Name
Race

Name
Racial
Power
Imbalance

Name
Racial
Equity

In a nutshell, we need better, more abundant housing for everybody – but especially for families struggling to make ends meet and for those who have historically not benefitted from the opportunities that housing can bring because of racial discrimination. And while we may not be able to meet all of those needs today, the future of our community needs us to keep making progress where we can. Solving for the lack of legal counsel in eviction proceedings is one of the smartest investments we can make. It helps us keep families stay stably housed and rooted to the fabric of our community as well as saves us the devastating social costs of evictions.

Evictions devastate individual lives, families, and entire communities but they don't have to devastate ours. Decades of research shows that tenants facing eviction who have lawyers are far more likely to remain in their homes. But where such relief is not possible, represented tenants more often avoid evictions on their records, get more time to move, receive reduced or eliminated rent judgments, and avoid forced displacement when compared to tenants without lawyers.

The research also shows that the costs associated with evictions, such as building and running homeless shelters and providing emergency medical care, are more expensive for cities and states than the costs of representation. The stakes for tenants in eviction proceedings, of course, could not be higher. With very little affordable housing available in most places in the United States, when tenants face eviction, they not only risk losing their homes, they also risk the very ability to have a home. Finally, and perhaps most critically, representation helps build tenant power individually and community wide, as it helps tenants see their rights as real and enforceable while also empowering them to exercise those rights with less fear of retaliation by the landlord.

Because of shows like *Law and Order*, most people know the warning that “if you cannot afford a lawyer, one will be provided to you.” But they may not realize the warning only applies to criminal cases, due to federal law embedded in the *Constitution* that requires the government to provide free lawyers to low-income defendants. There is no similar federal constitutional right for civil cases, even those cases – like those involving evictions – impact basic human needs. Instead, states and cities decide whether to extend the right to counsel either through legislation or a court decision relying on the state's constitution. Until 2017, no jurisdiction provided a right to counsel for tenants facing eviction, leaving most of the tenants involved in the 3.6 million eviction filings filed each year to go it alone. Without a right to counsel, representation in eviction cases is greatly imbalanced: on average, only 3% of tenants are represented nationwide, compared to 81% of landlords.

Recognizing all of this, tenants, community organizers, legal services programs, and other advocates across the country began fighting for the right to counsel. The combination of early victories plus a pandemic that put close to 40 million families at risk of eviction further drove the movement. As a result, three states (Connecticut, Maryland, and Washington) and 15 cities (New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder, Baltimore, Seattle, Louisville, Denver, Toledo, Minneapolis, Kansas City, New Orleans, and Detroit) have enacted a right to counsel for tenants facing eviction in the last five years. In some places, all tenants are eligible, while other jurisdictions have eligibility requirements, such as income limits or having children.

In many communities like ours across the country, the movement to enact right to counsel laws has signaled a seismic shift not only in addressing the rising number of evictions but also in organizing people to take their power back and begin to correct the imbalance of power playing out in our housing courts. Our goal is to establish a right to counsel with funding this spring, plan the implementation this summer, and begin offering legal representation this fall. Join us in advocating for the right to counsel in our community.



LET'S BE CLEAR

There will never be a day when EVERYONE in your community will be ready for takeoff, but that's not the goal. All we need is a strong cadre of people who are working strategically and in alignment to accomplish extraordinary things.

RIGHT TO COUNSEL:
A VICTORY FOR TENANTS

Enhancing Our Practice





No matter who you are, conversations about race can be challenging. The only way to get more comfortable is to start small and adapt as you listen to the people around you.

Let's start with the places race is already coming up.

Many of you are introducing race in some of your conversations already:

- **When you talk about data.** Some of you are already talking about racial differences in things like evictions, housing cost burden, access to legal counsel, or filing judgements. Keep lifting up data, and make sure you are using it to show the positive benefits of a right to counsel for the entire community.
- **When you share — and make space for others to share — personal stories.** Many organizers and advocates tell stories about how their racial or ethnic backgrounds too often affected the support they received from housing systems. Continue to create space for storytelling, and make sure lawyers and other stakeholders are also talking about the moments they observed racial power dynamics and how it affected them.
- **When you train community organizers on a right to counsel.** Some of you are exploring the legacy of racism in your recruitment and training of advocates and organizers. Keep doing that, and make sure you are also training them to introduce those topics thoughtfully to policymakers and other stakeholders as well.

Using Data Effectively to Lift Up Race and Racism

Advocates often have data at their fingertips that show the consequences of racist policies on black and brown families: disparities in eviction filings, legal representation, or housing instability more generally. Unfortunately, problem-focused data often backfires in the public conversation, further entrenching the biases we are trying to upend and making it more difficult to build support for solutions. Instead, we need to be introducing and talking about data that supports our case that a right to counsel and other justice-oriented policies benefit everyone.

Instead of this negative framing...	Try this positive framing...
[Number of] black families who are evicted in our community every year.	When a right to counsel is enacted and fully funded in our community, [number of] families of color that are integral to our communities will avoid evictions, homelessness, bad housing records, bad credit, etc.
[Number of] black children who are forced to change schools because of eviction in our community every year.	When a right to counsel is enacted and fully funded in our community, [number of] children of color will be able to save connections to their teachers, friends, sports teams and social activities, making the whole community richer.
[Number of] black families who are displaced through eviction from gentrifying communities every year.	When a right to counsel is enacted and fully funded in our community, [number of] black families will continue to make our communities vibrant and strong and reap the benefits of new investments in the community infrastructure.
Evictions cost our communities thousands of dollars each year.	When a right to counsel is enacted and fully funded, many of our public systems will work better for all of us because we are bringing down the number of evictions: our child welfare system can focus on the most urgent needs instead of housing instability, our law enforcement can focus on public safety instead of evictions, our hospitals can focus on public health needs instead of addressing homelessness, etc.
Some see right to counsel as an untested solution and don't want to spend the {number of} dollars we need to implement it here. That's a mistake.	Let's not miss the opportunity to join the [number of] communities across the country that have already enacted right to council protections and begun their journey to a more just future. We deserve to see more people in our city thrive.

Centering Lived Experience As You Lift Up Race and Racism



So many of us notice the impact of racism around us. We have to tell and make space for all those stories!

In our advocacy, we are getting much better at centering the experiences of people who have been harmed by our systems because of their race. Those experiences help us reimagine and redesign our systems in ways that get at real solutions. It's not yet universal practice, but we're getting there.

To increase our impact, let's recognize that many people witness and are affected by those experiences.

Whether you are a lawyer in eviction court, a neighbor of someone victimized by eviction, or a community member that has noticed the damage done when neighborhoods lose their diversity, almost everyone in this country has a story to tell about the effect of housing systems that harm people of color.

The more we speak up and invite all kinds of people to tell all their different kinds of stories – without judgement – the more champions we'll have.

We need to get radically inclusive to build the support we need to scale our solutions!

Training Advocates on the Racial Justice Runway

As part of recruiting people for direct action, many right to counsel advocates are exploring race, racism, and even white supremacy in their internal advocacy trainings. That's important! But many of those conversations stop in the training room because there is some reticence about how they will affect our ability to win.

Our trainings need to provide advocates with the tools and skills to have thoughtful conversations about race in their organizing. This runway is part of that training. That also means:

- Reinforcing the importance of naming the elephant in the room: race.
- Equipping them with some understanding of the racialized historical context on our housing systems and ways to explore further on their own.
- Ensuring that they have some knowledge of the range of solutions that are being tested and deployed across the country.

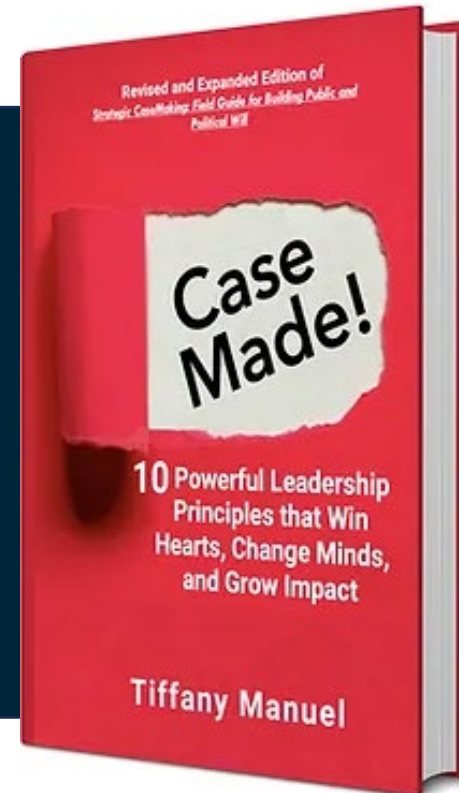
Let's be even more intentional about training our organizers to deploy the racial justice runway in their own work.



Want to go further? We know you do.

This resource can help you better incorporate the principles of Strategic CaseMaking™ and to think through how the racial justice runway can be incorporated into the way you bring new champions to your efforts.

Take some time to review the principles in *Case Made!*
10 Powerful Leadership Principles that Win Hearts, Change Minds, and Grow Impact.



Our Sincerest Thanks



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We are grateful to all the right to counsel advocates across the country who took the time to meet with us and share perspectives that informed this playbook. By listening to you talk about your shared hopes and dreams, we learned how to make a path to a better, more just future together.

About Us

TheCaseMade was founded by social scientist Dr. Tiffany Manuel in 2019.

Our mission is to transform communities around the world by training leaders to build public will for reimagining and rebuilding systems with justice at the center.

We work across sectors like housing, health, education, economic development, and climate to help leaders learn the principles of Strategic CaseMaking™ and use them as tools for activating more people behind the cause of justice.

We provide leadership training, peer learning, research, and consulting to partners that include national philanthropies, state advocacy organizations, community coalitions, resident groups, and local governments, among others.

Learn more at TheCaseMade.com.



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Want to build your Strategic CaseMaking skills? Send a note to TalktoUs@TheCaseMade.com to find out about opportunities to learn and practice.

