

TENANT RIGHT TO COUNSEL: **AN ESSENTIAL PROTECTION FOR PN-3 FAMILIES**

Background

When tenants’ basic human need for housing is threatened by eviction, a right to counsel provides them the legal help that is essential for *avoiding unjust outcomes and systemic disempowerment*.

In the United States, there is **no federal constitutional right to an attorney in civil cases** like there is for criminal cases, meaning states and cities must act to protect their residents. So whether a person has a *right to counsel* in a specific civil case depends on *where they are in the United States, the subject area at issue, and whether they are a member of the covered population*. **While every state has [one or more laws guaranteeing counsel in certain civil cases](#), it is a thin patchwork**, which results in **most people (such as 96% of tenants historically)** facing the loss of their basic human needs without legal help.

The national movement for a right to counsel in civil cases, of which TRTC is a part, is changing this reality, subject area by subject area, locality by locality, and state by state.

Evictions are particularly threatening to families with children. In 2023, the Eviction Lab published [research](#) showing that of the approximately 7.6 million people who faced eviction each year between 2007 and 2016:

Children face the highest risk of eviction. <i>“Over 10% of all children below age five living in rental housing were threatened with eviction annually, and 5.7% were evicted.”</i>	Households with children face the highest eviction risk. <i>“Over half (52.2%) of households that were filed against had a child present.”</i>	Black adults with children face a disproportionate risk of eviction. <i>“Annual eviction filing rates among Black adults living with kids surpass 25%, well over double the risk faced by members of any other group.”</i>
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Evictions have been linked to [harming](#) child development and overall health. A [NYC study](#) found children in evicted households are “53 percent more likely to have any mental health claim, 53 percent more likely to have therapy claims, and 83 percent more likely to have claims for psychiatric medications. The effects are strongest among children without prior mental health claims.” And during pregnancy evictions have been linked to [lower birth weight and premature births](#). **A TRTC is a proven response that [improves health outcomes](#) on many fronts (including [birth outcomes](#)), even for tenants who wish to or must relocate.**

FREQUENTLY ASKED QUESTIONS

What is a Tenant Right to Counsel (TRTC)?

A [tenant right to counsel](#) (TRTC) is a law guaranteeing that all **eligible** tenants facing eviction (and in some cases, other legal matters that can lead to eviction, like termination of a housing subsidy) will receive **full representation** by a lawyer **paid for by the government**.

- Any eligibility criteria are objective (*ex: income, age, presence of children in the household*) and not left to the discretion of a judge or legal aid provider (like “the tenant has a meritorious case”)
- Full representation means an attorney-client relationship where the attorney works to get the best outcome, not just provide advice.
- [27 jurisdictions](#) have a TRTC policy (5 states, 20 cities, 2 counties).

Which Places Have a TRTC Policy Targeted at Households with Children?

Eligible household must have at least one child

[Cleveland, OH](#) (2019)

[Columbus, OH](#) (2024)

Families with children prioritized

[Bozeman, MT](#) (2025)

TRTC AS A GAME CHANGER

TRTC Increases Representation Rates.

On average, [only 4% of tenants are represented nationally in jurisdictions without a TRTC, compared to 84% of landlords](#). But with TRTC in place, far more tenants are represented. For example, in Detroit, 95% of the eligible population (anyone at or below 200% of the federal poverty level) who seek a lawyer are getting one.

Far More Represented Tenants Stay in their Homes and Avoid Disruptive Displacement.

In Louisville, [1,515 children](#) avoided homelessness through TRTC, while [2024 data](#) from the program shows that 97% “either avoided [eviction] or delayed their eviction with enough time to find alternative housing.” In [Maryland](#), 88% of tenants who wanted to stay in their home were able to do so (and notably, 36% of clients indicated they would be homeless if displaced). And [for TRTC programs on average](#), over 90% represented tenants avoid disruptive displacement, such as a forced removal by a sheriff.

Represented Tenants Achieve Their Other Goals.	TRTC helps clients achieve goals other than housing stability: • More time to vacate: 88% of represented families in Cleveland who sought 30 or more days to move were able to obtain that time. • Better financial outcomes: Maryland families served by the TRTC program in 2024 received more than \$110,000 in housing judgments and avoided more than \$745,000 in direct costs. • Clean Record: In Boulder, families represented by the TRTC program received an eviction on their record only 4% of the time, compared to 42% of unrepresented tenants. • Orders for unit repairs: 40% of represented Detroit families who identified a repair issue in 2025 secured a court order for repairs. • Preservation of housing subsidies: 87% of represented Detroit families with a housing subsidy in 2025 preserved that subsidy.
TRTC Transforms the Landscape for City/State Governments, Tenant Communities, and the Courts.	Cost savings to jurisdictions: Studies of enacted TRTC programs have consistently found that these programs save more than they cost due to the avoided consequences of eviction (homelessness, emergency health care, foster care, etc.) In Maryland, the program saved an estimated \$46 million, while in Connecticut the figure was \$36.6 million. Tenant base building and power building to achieve broader housing justice goals: The advocates responsible for the first-ever-in-the-nation TRTC in NYC have written about how TRTC “opens the door to new organizing tactics and strategies, and creates opportunities for tenants, organizers, and attorneys to navigate relationships and share knowledge and history, all in the service of building the tenants’ rights movement.” Alteration of the entire eviction apparatus: a groundbreaking 2025 study of numerous TRTC programs found that the programs: • eliminated tenants’ “nightmare treasure hunt for legal representation” with streamlined TRTC administration and messaging; • altered judge behavior by causing judges to treat tenants with dignity and respect, act with less bias, and give tenants time to find a lawyer; • increased the courts’ awareness of the need to enforce tenants’ rights under local and state law, and act to settle ambiguous areas of law; • helped legal aid to identify systemic issues with either particular landlords or the courts and then seek reform; • caused more local pushes for greater legislative action, such as “just cause” laws and increased affordable housing.
RESOURCES	

<u>Eviction Right to Counsel: A Comprehensive Guide</u>, <i>National Coalition for a Civil Right to Counsel</i> Online guidebook for advancing and implementing TRTC.	<u>A Descriptive Analysis of Tenant Right to Counsel Law and Praxis 2017–2024</u>, <i>Benfer, E. A., et al., Housing Policy Debate, 35(3), 470–495 (2025)</i> Study of TRTC systemic impacts, implementation successes, & challenges.	<u>Tenant Right-to-Counsel and Adverse Birth Outcomes in New York, New York</u>, <i>Leifheit, K. M., et al., JAMA Pediatr. 2024 178(12):1337-1344 (2024)</i> Study looking at birth outcomes in zip codes implementing TRTC in NYC.
<u>Beyond the Courtroom (Recording)</u>, <i>National Coalition for a Civil Right to Counsel</i> Webinar exploring systemic impacts of TRTC with advocates and organizers from NYC, Connecticut, and San Francisco.	<u>Building Support for a Civil Right to Counsel by Anchoring Your Case in Racial Justice: A Playbook for Justice Seekers Everywhere</u>, <i>TheCaseMade, NCCRC, and NYLS Wilf Impact Center for Public Interest Law (2024)</i> Resource on how TRTC campaigns can most effectively center race equity.	<u>Advancing Racial and Health Justice through a Right to Counsel for Tenants: A Primer for the Public Health Field</u>, <i>ChangeLab Solutions, Human Impact Partners, NCCRC, PolicyLink, Results for America</i> Resource on why and how to center TRTC in health equity messaging.
<u>Guaranteed Right to Counsel in Eviction Proceedings: A Promising Policy to Improve Child Outcomes</u>, <i>Peabody College of Education and Human Development, Vanderbilt University (2026)</i> Policy brief on right to counsel policies and PN-3 families.	<u>Tenant Right To Counsel And Health: Pathways And Possibilities</u>, <i>Keene, D., et al., SSM - Qualitative Research in Health (2024)</i> Qualitative study of the impact of TRTC in Connecticut on individual and broader public health.	CityHealth 2.0 Policy Package <u>Legal Support for Renters</u> In collaboration with the NCCRC, this Policy Package includes metrics to evaluate the 75 cities in CityHealth’s cohort on their TRTC policy (<i>called Legal Support for Renters</i>).

WHAT IS THE NATIONAL COALITION FOR A CIVIL RIGHT TO COUNSEL (NCCRC)?

The [Public Justice Center](#) (PJC), based in Baltimore, pursues systemic change to build a just society. The PJC advances the civil right to counsel nationally through the [National Coalition for a Civil Right to Counsel](#) (NCCRC). For over 20 years, the NCCRC has worked to ensure individuals have a right to effective counsel when facing the loss of their basic human needs in the civil legal system, thus advancing collective power in pursuit of systemic change. The NCCRC has been involved in all 27 successful TRTC enactments to date, and we are currently supporting TRTC efforts in over 60 other cities, counties, and states.