

# Right to Counsel for Tenants: An Innovative Solution for Preventing Homelessness & Displacement

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# ABOUT COMMUNITY LEGAL SERVICES

Approximately 11,700 clients were represented by CLS in the past year. CLS assists clients when they face the threat of losing their homes, incomes, health care, and even their families. CLS attorneys and other staff provide a full range of legal services, from individual representation to administrative advocacy to class action litigation, as well as community education and social work. CLS is nationally recognized as a model legal services program.

CLS's **Housing Unit** represents over 3,000 private, public, and subsidized housing tenants in matters involving eviction, illegal lockouts, and substandard housing. The unit also uses systems advocacy and litigation to address issues ranging from lead paint elimination, to federal housing policy changes, to tenant eviction laws.



# DRIVERS & IMPACTS OF EVICTION

**Eviction is a leading cause of homelessness and housing instability in Philadelphia.** Philadelphia's eviction rate is four times higher than the foreclosure rate, impacting nearly 1 in 14 Philly renters.

Tens of thousands of Philadelphians live in substandard housing and face above-average rates of childhood lead poisoning as well as asthma-triggering mold and vermin infestations.

The Philadelphians most impacted by eviction are women and children, seniors, Black people and people of color, and people living with disabilities.

Evictions propel families into a downward spiral of poverty; it's commonplace for residents with eviction histories to be denied future housing and for heads of household to lose stable employment.

Evictions hurt children's academic achievement and school attendance. It makes children 2x as likely to enter foster care.

Eviction negatively impacts physical and mental health by fracturing continuity of care and management of chronic health issues.



# WHAT IS RIGHT TO COUNSEL?

- 81% of landlords are represented by an attorney, while only 8% of tenants are represented. Unlike in criminal cases, defendants in civil cases, such as with eviction complaints, are not guaranteed legal representation.
- A majority of eviction cases are based on a rent dispute; however, the tenant may be withholding rent due to unaddressed repair issues, or the landlord may not be compliant with licenses and certifications. In many cases, landlords are taking subsidized housing tenants to court for portions of rent they do not owe.
- An advocate can help a tenant assert their rights under these circumstances or, where a tenant owes back rent, can help negotiate affordable payment agreements or reasonable time for a tenant to move into more affordable housing. Tenants are more likely to pay back affordable agreements on schedule, are able to get health-harming repair issues remediated, and are able to transition into more affordable or habitable housing without facing periods of homelessness or having to access shelters.
- In recent years, there has been a growing understanding that legal representation is is cost effective and one of the best measures to prevent evictions, housing instability, and homelessness. Right to counsel guarantees that any tenant who needs the assistance of a lawyer on their eviction case can have one.



# GROWING NATIONAL MOVEMENT

- Several cities have invested in right to counsel efforts. In 2017, New York City was the first municipality to pass right to counsel legislation. Since then, other cities have followed suit: San Francisco, CA enacted right to counsel in June of 2018, and Newark, NJ in December of 2018. Several other localities have expanded eviction prevention initiatives, but do not yet have right to counsel.
- The Year 1 findings on New York City's right to counsel efforts show that 84% of tenants represented in court were able to stay in their homes. Since New York has increased investments in legal services for eviction prevention, there has been a 27% decline in the number of evictions.



# RECENT LOCAL RESPONSE

- In 2017, the City and legal services agencies partnered to create PEPP, an innovative initiative to assist tenants facing eviction through **legal representation, court assistance, financial counseling, a live hotline, a walk-in help center and educational materials.** Philadelphia Eviction Prevention Project is a collaboration across six organizations: Community Legal Services, Clarifi, Legal Clinic for the Disabled, SeniorLAW Center, TURN, and Philadelphia VIP.
- Preliminary findings demonstrate that tenants who saw a PEPP advocate are more likely to show up to their court date, win their case, and enter into agreements with their landlord than tenants who did not.
- PEPP meets only a fraction of the need. Investing in legal services and a right to counsel for tenants is cost effective and one of the best measures to prevent evictions, housing instability, and homelessness.
- With an investment of \$3.5 million, an at-scale right to counsel initiative could assist over 4,000 low-income tenants, making it one of the major anti-displacement efforts in the City.

