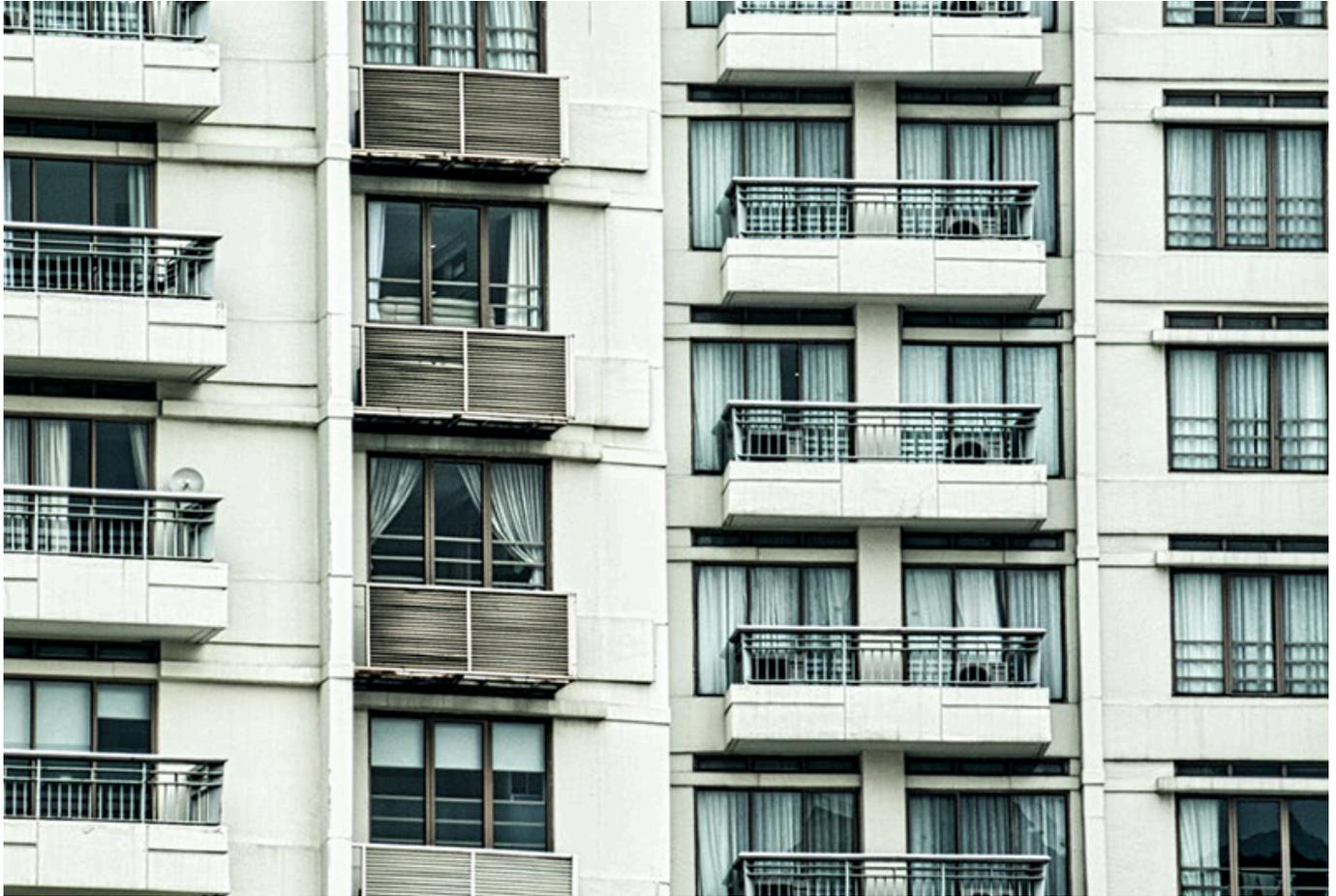


Legal assistance for at-risk renters

Overview

Legal assistance for at-risk renters is provided by legal service organizations that, in some cases, are supported by local jurisdictions, among other funders.



Legal assistance organizations provide legal advice and representation to tenants who are facing eviction or dealing with other serious housing issues, such as landlord harassment, fair housing discrimination, or failure to address maintenance issues that pose a safety or sanitation issue. These organizations can also help tenants understand their rights and responsibilities so they can be well-informed and successfully advocate for themselves when reviewing a lease, requesting necessary maintenance, and in other situations. Some jurisdictions are debating whether to create a right to counsel or to make a commitment to fund counsel for all low-income tenants facing eviction, which could mean a very large expansion of existing local levels of funding for this type of legal assistance.

Approach

Localities interested in helping at-risk tenants can provide funding to organizations that provide legal services for free to low-income renters. Legal service organizations may address a range of housing-related matters, but eviction prevention is often a primary focus. Assistance may come in the form of free representation, counseling or assistance via a hotline or drop-in center, and resource guides provided by legal rights organizations.

Another way in which the approach to legal services provision can vary is based on the level of services provided. Some programs only provide full representation, believing that full representation is the most effective and responsible way to serve clients. To help a larger number of eligible tenants, programs may instead choose to provide less intensive services, such as legal advice or help with a portion of a case (unbundled legal services).

In light of growing concerns about displacement, a number of jurisdictions are considering funding expanded access to counsel (i.e., making a commitment to fund legal services) or creating a right to counsel (i.e., creating a legal right to counsel). In 2014, New York City passed a Universal Access to Counsel law that will provide funding for attorneys for all tenants whose incomes are below 200 percent of the federal poverty line and who are facing eviction in housing court. Programs that create a right to counsel or provide access to counsel for a large number of tenants facing eviction will help level the playing field in eviction proceedings, where landlords are usually represented by counsel because they can afford it where low-income tenants cannot. These programs may also result in cost savings for localities if, for example, they prevent entry into homeless shelters or use of other social services. But, programs like Universal Access to Counsel come with large price tags—the estimated price tag for serving 400,000 clients a year for New York City will be \$155 million once the program is fully implemented.^[1]

Coverage

Localities may choose to fund services provided citywide or for residents of a particular set of neighborhoods or zip codes. Localities may target or limit services to neighborhoods with high rates of evictions or neighborhoods that are more likely than others to have residents entering homeless shelters.

Program coverage may also be limited to certain types of cases. Tenants can face a range of legal issues related to their housing. But, providing legal representation is expensive. Jurisdictions may need or want to define what kinds of housing matters they will provide legal services to address.

Eligibility

Legal services programs typically serve low-income tenants and will screen perspective clients for income and asset eligibility.

Programs also typically screen and accept clients based on the merits of their cases, targeting limited resources to situations where counsel can make the most difference in the outcome. If there was funding for lawyers for all income-eligible tenants facing eviction (under a right to counsel or an expanded legal services initiative), screening the merits of cases would no longer be necessary.

Examples

- San Francisco [provides funding to legal services and community organizations](#) that assist renters facing eviction or who are having problems with their landlords. Also, San Francisco will [vote](#) on a ballot initiative in June 2018 that would establish a right to counsel in all eviction cases.
- Through the [National Coalition for a Civil Right to Counsel](#), Newark, New Jersey is the third city to enact right to counsel for tenants facing evictions in June 2019. \$400,000 has initially been allocated for the right to counsel.
- New York City [recently committed](#) to pay for legal representation in housing court for all tenants who are facing wrongful eviction and have incomes below 200% of the poverty line.
- Los Angeles lists development of a tenants' "Right to Counsel" ordinance as a strategy it intends to pursue in its recently released Assessment of Fair Housing: Goals and Strategies Section. See [here](#), p. 12, for more information.
- In 2017, [Washington D.C.](#) and [Philadelphia](#) funded expanded access to counsel in eviction cases.
- [Implementing New York City's Universal Access to Counsel Program: Lessons for Other Jurisdictions](#), NYU Furman Center, December 2018 – In 2017, New York City enacted the first legislation in the country providing legal representation for all income-eligible tenants facing eviction. NYU Furman Center researchers closely observed the UAC program's launch, conducting scores of interviews with key stakeholders including tenants, judges, legal services lawyers, landlords' attorneys, tenant advocates and organizers, and court personnel.

Related resources

- [The National Coalition for a Civil Right to Counsel](#) is a coalition of groups that advocates for "a right to counsel for low-income people in civil cases that involve basic human needs such as shelter, safety, sustenance, health, and child custody." Its website provides resources and tracks legislative developments across the

country.

- [The Right to Counsel NYC Coalition](#) advocated for the Universal Access to Counsel bill in New York City and is monitoring implementation of the law.
- This paper describes a number of local policies aimed at preserving affordable housing and preventing tenant displacement as neighborhoods gentrify, including legal assistance for tenants. Jessica Yager, Luke Herrine, and Nadia Mian. [*Gentrification Response: A Survey of Strategies to Maintain Neighborhood Economic Diversity*](#), NYU Furman Center, October 2016.
- In Pennsylvania, the Philadelphia Bar Association began [a pilot program](#) to provide free legal services to low-income tenants in specific zip codes. [The 2017 report](#) calculates that approximately 3,196 additional tenants could have avoided disruptive displacement arising from eviction if they had been represented.
- [Mayor de Blasio Signs Legislation to Provide Low-Income New Yorkers with Access to Counsel for Wrongful Evictions](#), Aug. 11, 2017, _

See also:

[Rent regulation](#)

[“Just cause” eviction policies](#)

[Protection from condo conversions](#)