

NCCRC
National Coalition for a
Civil Right to Counsel



NATIONAL LOW INCOME
HOUSING COALITION

nhlp

NATIONAL
HOUSING LAW
PROJECT

Federal funding to support a
right to counsel for tenants facing eviction

April 13, 2021

Today's speakers

Michigan: Jim Schaafsma, Michigan Poverty Law Program

Rhode Island: Jennifer Wood, Rhode Island Center for Justice

Cleveland: Hazel Remesch, Legal Aid Society of Cleveland

Long Beach CA: Barbara Schultz, Legal Aid Foundation of Los Angeles

Santa Ana CA: Ugochi Nicholson, Public Law Center

Eviction RTC justifications

- What's potentially at stake in evictions: all basic human needs (shelter, mental/physical health, employment, child custody, school, etc.)
- Massive imbalance of power: 90%/10%
- Race equity
- Legal complexity
- Studies demonstrating impact of counsel

The movement today

- Enacted: NYC (2017), San Francisco (2018), Newark NJ (2018), Cleveland (2019), Philadelphia (2019), Boulder (2020), Baltimore (2020), Seattle (2021)
- Pending in 2021: Connecticut*, Indiana, Maryland**, Massachusetts, Minnesota*, Nebraska*, South Carolina, Washington State**
- Expected or possible introductions in 2021: Delaware, Denver, New York State
- Federal: 2019-2020 bills by Reps. Clyburn/Price, DeLauro, Ocasio-Cortez, and Pressley, and Sens. Merkeley and Harris

* = *has had hearing*

** = *near passage*

Success stories

- NYC: 86% of represented remained in their homes; filings down 30%
- San Francisco: 67% of represented tenants remained in their homes; filings down 10% in one year
- Cleveland: 93% of represented tenants avoiding eviction or involuntary move

Funding opportunity: CARES Act

- Three pots:
 - Coronavirus Relief Fund (CRF): can be used until Dec 2021. Covers necessary expenditures incurred due to Covid between 3/1/20 and 12/31/21. Non-exclusive list of eligible expenditures includes “Any other COVID–19-related expenses reasonably necessary to the function of government.”
 - Community Development Block Grant (CDBG-CV): used for communities to address short/medium-term housing needs of people experiencing housing instability/homelessness. Complex deadlines, and legal services is allowable use (see chart for both).
 - Emergency Solutions Grants (ESG-CV): used by communities to meet needs of people experiencing homelessness and very low-income households. Can be used until Sept. 30, 2022
- **Lots of unspent CARES Act money left** (in part due to original Dec 2020 deadline)
- **Over 25 jurisdictions (some state, some county, some city) have used CRF, ESG, and/or CDBG-CV for legal services.**

Funding opportunity: ERAP 1 and ERAP 2

- ERAP 1:
 - Created in Consolidated Appropriations Act of 2021
 - \$25 billion in rental assistance to cities/states, of which 10% can be used for “housing stability services” for “eligible households”
 - “housing stability services” defined to include “attorney’s fees related to eviction proceedings” for ERAP-eligible households
 - No state received less than \$200 million
 - Money can be used until Sept. 30, 2022
- ERAP 2
 - Created in American Rescue Plan Act of 2021 (ARP)
 - \$21.55 billion in rent rental assistance to cities/states, of which 10% can be used for “housing stability services”. **Unlike ERAP 1, does not say it is limited to “eligible households”.**
 - If 75% of ERAP 2 funds used by Oct 1, 2022, remaining 25% can be spent on “affordable rental housing and eviction prevention purposes”.
 - No state received less than \$152 million
 - Money can be spent until Sept 2025 or 2027 (unclear)

Funding opportunity: Fiscal Recovery Fund

- \$350 billion, including \$195 billion for states and \$130 billion for units of local government
- Super broad usage allowed: “respond to COVID-19 or its negative economic impacts through assistance to households, small businesses, and nonprofits, or aid to impacted industries.”
- Money can be used until Dec. 31, 2024.

Questions?

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Legal services as a piece of an emergency rental assistance program – the Michigan experience

The 2020 CRF EDP Rental Assistance program
(\$52M for rental assistance; \$4M for legal assistance)

Michigan Supreme Court [Administrative Order 2020-17](#)

Legal services as a piece of an emergency rental assistance program – the Michigan experience

- EDP-funded legal aid staff assisted with 15,234 eviction cases, 32% of the eviction cases filed during that time.
 - Among the 11,044 completed cases, 54% involved the attorney providing extensive service (e.g. negotiating settlements, providing representation in the case), while 46% were limited to providing the tenants advice on the legal process and how to represent themselves.
 - In the cases where legal aid provided extensive services, 97% of tenants avoided eviction.
- “Legal Services - Eviction Diversion Program Case Totals, 7-1-2020 thru 12-31-2020” provided by Jennifer Bentley, Michigan State Bar Foundation.

Legal Services as a piece of an emergency rental assistance program – the Michigan experience

2021

- 2.3M ESG funding for legal assistance
- ERAP CERA Program
(\$600M for rental assistance; \$7M for legal assistance)
- Positive outcomes
- Challenges

Long Beach

Brief Background on city of Long Beach

- 500,000 residents
- One of the most diverse cities in the nation
- Part-time City Council
- Often overshadowed by City and County of LA

LB People's Budget Coalition

- Budget advocacy grew out of our work with LB Language Access Coalition
- Grew into the People's Budget Coalition
 - Focus on divesting/defunding the police
 - Focus on reinvesting those funds in uses that promote community health and safety, such as housing, immigration, language justice, youth development, etc.
- Members: Advancement Project California, Democratic Socialists of America - Long Beach chapter, Educated Men with Meaningful Messages, Khmer Girls in Action, Legal Aid Foundation of Los Angeles, Long Beach Coalition for Good Jobs and a Healthy Community, Long Beach Forward, Long Beach Gray Panthers, Long Beach Immigrant Rights Coalition, Long Beach Residents Empowered, United Cambodian Community, Youth Leadership Institute

Long Beach

- **\$30 million in rental assistance.**
- **\$900,000 in additional funds for the LB Right to Counsel (RTC) Program.**
 - **This builds on the \$250K we won in last year's People's Budget Campaign, for the current FY 21.**
- **\$1 million to create 3 new "Housing Navigation Positions" in the City. No such positions currently exist.**
 - This will help tenants with the very complex laws and new rights we have worked on and won locally, regionally, state-wide and at the federal level.
- **\$1 million to create the first Community Land Trust in LB.**
- **\$3 million in down payment assistance.**
- **\$500,000 in additional funds for interpretation to make the City's meetings accessible.**
- **\$300,000 in additional funds to the LB Justice Fund**
 - This is in addition to the \$300,000 in structural, annual, funding for the Justice Fund.
 - This is a deportation defense fund.
- **\$2 million for Universal Basic Income (UBI)**
- **\$500,000 in direct financial assistance to immigrant residents**
 - This is in addition to the UBI.