

# Right to Counsel for People Facing Eviction: A Growing National Movement

For more about what is happening around the country see the National Coalition for a Civil Right to Counsel at [www.civilrighttocounsel.org](http://www.civilrighttocounsel.org)

<h2>San Francisco</h2> <p>Six years ago, San Francisco passed a city ordinance declaring its intention to be a <i>Right to Civil Counsel City</i>. The City also funded a pilot project which found that representation would save the City over \$1 million a year.</p> <p>In June 2018, by a vote of 56% to 44%, San Francisco voters passed a ballot initiative providing a right to counsel for evictions regardless of income within 30 days after a tenant receives an eviction notice or a lawsuit seeking eviction. It also required the San Francisco Office of Housing and Community Development to implement a right to counsel program.</p> <p>The Mayor has set aside \$1.9 million for FY2018-19 and \$3.9 million for FY 2019-2020, with full implementation planned by July 2019. 11 organizations will provide the services.</p>	<h2>New York City</h2> <p>In 2014, NYC invested \$60 million in eviction defense and found in a 2-year period that representation of tenants increased from 1% to 27% and that evictions went down by 24%.</p> <p>In 2017, NYC passed a city ordinance creating the first right to counsel in eviction cases in the country. Tenants facing eviction in housing court or in certain administrative hearings have a right to counsel if their income is less than 200% of the federal poverty guidelines. If a tenant is over income, they have the right to legal consultation or an advice session. Legislation was filed in 2018 to increase the income limit to 400%.</p> <p>The City allocated \$93 million in new funds and specified that the funds must go to nonprofit providers. Implementation will happen in stages over a 5-year period.</p> <p>In 2018, the City released a report finding that in the first year, 84% of represented tenants remained in their homes.</p>	<h2>Newark, New Jersey</h2> <p>In August 2018, Newark Mayor Baraka introduced a bill to provide a right to counsel for tenants in evictions. In December, 2018 the Newark City Council passed a Right to Counsel ordinance.</p> <h2>Los Angeles, California</h2> <p>In August 2018, the Los Angeles City Council's Housing Committee recommended that the city explore a right to counsel ordinance to guarantee tenants access to the information and representation they need when faced with landlord harassment, eviction or other issues. A motion has been filed in LA that would appropriate \$10 million for 10,000 tenants as Phase I of a right to counsel.</p> <h2>Denver</h2> <p>In January 2018, Denver committed \$132,000 with matching funding from Colorado Legal Services for an eviction defense pilot program. Representation is provided for tenants with incomes below 200% of the federal poverty guidelines and to seniors regardless of income.</p>	<h2>Connecticut</h2> <p>In 2019, a bill was filed in the state legislature to guarantee a right to counsel statewide for tenants making less than \$50,000 who are in an eviction proceeding.</p> <h2>Cleveland, Ohio</h2> <p>In 2017, the Sisters of Charity Foundation funded a fellowship for an attorney with Legal Aid Services of Cleveland to explore a right to counsel in housing court. The City Council President announced the intent to implement Phase 1 of a right to counsel in 2019.</p> <h2>Philadelphia</h2> <p>In June 2017, the Philadelphia City Council allocated \$500,000 (later increased to \$850,000) in new funding for legal and supportive services for tenants facing eviction.</p> <p>In November 2018, report commissioned by Philadelphia Bar Association finds that the city could save \$45.2 million each year with an annual investment of \$3.5 million in services for low-income renters.</p>	<h2>Washington DC</h2> <p>In 2015, Washington DC began a Housing Right to Counsel Project. The project is focused on subsidized housing. Tenants' eligibility is restricted to 200% of federal poverty guidelines.</p> <p>Cases are randomly selected. Approximately 1 out of 4 subsidized tenants facing eviction receives a letter from the court explaining the project and the guarantee of representation. Representation is provided by legal aid and 14 law firms.</p> <p>Data from 2015-18 shows that tenants with representation had <u>fewer</u> defaults, <u>fewer</u> judgments for possession, <u>fewer</u> court ordered evictions, and <u>fewer</u> breached agreements.</p> <p>The Project was originally funded at \$310,000. In 2017, the <i>Expanding Access to Justice Act</i> increased funding to approximately \$4.5 million.</p> <p>March 12, 2019</p>
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92% of tenants facing eviction in Housing Court were unrepresented in Fiscal Year 2018

Source: Massachusetts Trial Court

## Imbalance of Representation in Massachusetts Eviction Cases



There were a total of 29,684 eviction cases in Housing Court statewide in FY18. 70% of landlords were represented and only 7.6% of tenants were represented.