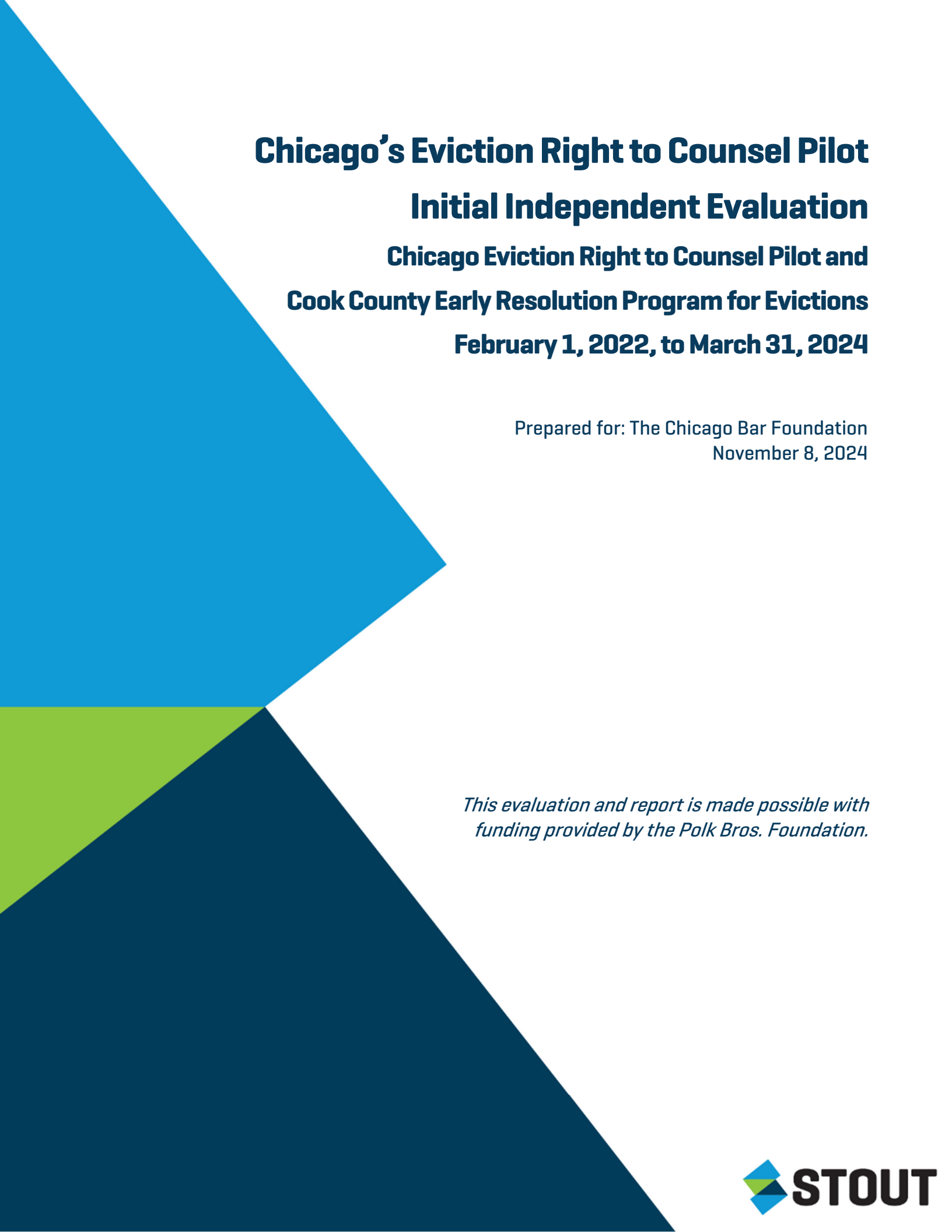




Chicago's Eviction Right to Counsel Pilot Initial Independent Evaluation

Chicago Eviction Right to Counsel Pilot and Cook County Early Resolution Program for Evictions February 1, 2022, to March 31, 2024

Prepared for: The Chicago Bar Foundation
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Section I – Executive Summary

The City of Chicago Right to Counsel pilot¹ (“RTC Program” or “RTC”) works hand-in-hand with the Early Resolution Program in the Circuit Court of Cook County (“ERP”) to form a unique and innovative model (together referred to as “ERP+RTC model” or “ERP+RTC” throughout this report) intended to ensure all unrepresented tenants are able to access high-quality legal assistance in eviction cases based on the circumstances faced by the tenant.

Stout was retained by the Chicago Bar Foundation (“CBF”) in 2022 to evaluate, in partnership with the City of Chicago and with the support from the Polk Bros. Foundation, and already had been retained to evaluate ERP by the CBF and Cook County in 2021.² Over the past 2 years, Stout has performed a thorough evaluation of RTC and the combined ERP + RTC model, and the findings of that evaluation are laid out in detail in the body of this report.³

Stout’s key findings of the evaluation are set out in more detail in this report and include:

- The ERP+RTC model provides a spectrum of services that improves access to justice.
- ERP+RTC provides a spectrum of services based on the unique needs of clients.
- RTC often assists with complex housing disputes.
- The ERP+RTC model, with sufficient funding, can be a cost-effective approach to helping promote housing stability for vulnerable tenants by seeking to provide the level of services commensurate with the needs of the client.
- For every \$1 spent on RTC, Chicago likely realized between at least \$2.75 and \$3.35 in fiscal benefits between February 2022 and March 2024.

Stout also provides a series of recommendations on page 73 including:

- Integrate ERP and RTC into one program to improve efficiency and effectiveness.
- Refine the referral process.
- Develop forums for regular tenant and landlord feedback.
- Evaluate opportunities for eviction filing prevention.
- Explore opportunities for sustainable, low-barrier rent assistance.

¹ The funding allocated for the pilot program by the City of Chicago was not intended to and was not able to provide representation to every tenant who needed extensive services. The funding was for a 3-year pilot program.

² See Appendix B for Stout’s Scope of Work.

³ Analyses, metrics, and data visualizations throughout this report may reference different periods. The difference in periods is the result of when Stout began receiving stable data from legal services organizations providing ERP+RTC services as well as the period for which data was made available to Stout from the court.

Background on the ERP + RTC Model

ERP was developed in the immediate aftermath of the pandemic as part of the broader Cook County Legal Aid for Housing and Debt (“CCLAHD”) program (cookcountylegalaid.org), an innovative partnership between Cook County, the City of Chicago, the Circuit Court of Cook County, The Chicago Bar Foundation, and many other legal aid, community, and government partners. Through ERP, with the active partnership of the Circuit Court, the eviction court process has been modified so that on the first court date, all unrepresented tenants get the opportunity to meet with a case manager from the Center for Conflict Resolution (“CCR”). The case manager then connects the tenant to a legal aid attorney and, where applicable, the case manager also connects the tenant to rental assistance and mediation. An additional 2 to 4 weeks is built into the court process for the ERP phase, during which ERP legal aid partners provide advice and brief services⁴ that may include negotiation with the landlord, with a goal of reaching a fair resolution at the outset of the case. The ERP phase of the court process and all ERP services are available virtually by Zoom, which has significantly increased tenant participation in their cases. ERP (and RTC) is supported by a central legal hotline operated by CARPLS (a legal aid provider) that educates people about the process and their rights, connects unrepresented people who have not connected through court with the applicable legal aid partner, and provides brief legal advice to those who have not yet been connected as needed. CARPLS serves as an important entry point into the spectrum of services offered in ERP+RTC as well as a legal services provider itself and referral mechanism. Tenants and landlords can also contact any of the ERP+RTC partner organizations directly in advance of their hearing.

The RTC Program seeks to ensure that tenants with meritorious defenses or acute vulnerabilities (as determined by the staff of the legal aid providers) have access to full representation when they are unable to resolve their cases with the services available to all unrepresented tenants through ERP. The extended services available to this group of tenants through the RTC Program assists them in exercising their rights and avoiding eviction and disruptive displacement, when possible. The RTC Program also has a community component that leverages lawyers and activists to provide legal services to eligible clients. The RTC Program has assisted clients in achieving their housing stability goals and asserting their rights, assisted vulnerable clients experiencing complex housing disputes, and has likely created significant fiscal benefits for the City of Chicago.

This unique and innovative model, including the Right to Counsel pilot, was made possible because of the extraordinary commitment of the City, the County, the Circuit Court, and the

⁴ Advice and brief services often include attorneys negotiating (or preparing a client to negotiate) with their landlord, assisting clients in understanding the eviction process and potential consequences of certain actions, drafting letters or motions on behalf of clients, preparing or assisting clients in preparing documents or forms, etc. Extensive services often include representation by an attorney in court or more substantial assistance from an attorney beyond advice and brief services.

other partner organizations and individuals involved in its design, development, and implementation.

Important Context While Reviewing This Report

Throughout this report, we present metrics for clients of ERP⁵ and RTC, combined and separately. While these programs are currently funded separately, have separate reporting obligations to their funders, and cover different regions of Cook County (with significant overlap), they are intended to be, and should be considered (and evaluated), as one program. The RTC Program serves ERP tenant clients in need of extensive services within the spectrum of services provided by ERP+RTC. It is also important to note that the RTC Program serves residents who called one of the legal services providers directly and/or who were referred to the RTC Program by CARPLS.⁶

This independent evaluation provides information intended to demonstrate the development of these innovative programs, the circumstances of the clients served, and the impact of the services provided. Through the course of the evaluation, Stout also identified opportunities for further program refinement and enhancement and offers those in the form of recommendations (see Section VIII).

It is important to note that the evaluation of human-centered programs involving parties experiencing trauma is an inherently imperfect exercise. While the courts and providers involved in these programs have made a significant commitment to data collection, such data will always have imperfections and will never fully capture the nuances of the circumstances of each client or the many ways in which the legal services provided may have been impactful for the client. The analyses provided herein are intended to provide information about the potential impact of these services but should not be considered exhaustive due to the many forms of impact individuals may experience that have not been documented or quantified.

It is also important to appreciate that the implementation of ERP+RTC over the last two years has occurred amidst a variety of economic and labor market challenges including significant inflation, elevated interest rates impacting households with low incomes, a tight rental housing market, ongoing impacts from the COVID-19 pandemic, and increased demand for workers, including lawyers. While the implementation of ERP institutionalized continuances and, thus, extended the time tenants (and their lawyers) have to prepare for litigation and reduced the impact of other eviction ecosystem factors, resources, and services available to tenants prior to court are much more limited.

⁵ ERP also assists litigants in consumer debt matters. For purposes of this report, Stout is only analyzing / considering data for ERP tenant clients.

⁶ CARPLS designed the CCLAHD hotline and staffs the hotline with attorneys who provide legal advice and referrals (when necessary) to partner organizations for more extensive services.

Key Findings – ERP+RTC Model Data Analysis

Stout's analyses of ERP+RTC data sets and court docket data indicate that ERP+RTC has improved access to justice, highlighted the disproportionate impact of eviction on communities of color and women, and provided a spectrum of services based on the unique needs of clients.

ERP + RTC Improves Access to Justice

In calendar years 2022 and 2023, there were approximately 28,000 and 28,500 eviction filings in Cook County, respectively. An estimated 20%⁷ of tenants did not appear for their hearing (i.e., they lost their case by default judgment for the landlord), and an estimated 22,400 and 22,800 tenants appeared for their hearings in calendar years 2022 and 2023, respectively. Since January 2022 (through March 2024), approximately 17,700 tenants have been assisted through ERP. Since January 2022 (through March 2024), approximately 1,560 tenants have been provided services through the eviction RTC Program.⁸ Using this group of tenants receiving in-court legal assistance from ERP legal aid lawyers as the measure, Stout preliminarily estimates a tenant assistance rate of approximately 27% of all eviction filings and approximately 60% of those tenants who did not lose their case by default or resolve their case before the first hearing during calendar years 2022 and 2023 (which may be impacted by the backlog of cases that developed post-pandemic and as the program went through initial phases of implementation and staffing).⁹ Stout estimates that a scaled, sustainable ERP+RTC could result in a tenant assistance rate closer to 90%. That is, Stout estimates that 90% of tenants who do not resolve their case independently before the first hearing and appear for their hearing could be assisted by ERP+RTC, particularly when pandemic backlogs are reduced and ERP+RTC programs are able to more quickly connect with, and serve, clients.

While not included in the analysis above, which is limited to legal aid services performed by ERP staff attorneys, nearly 20,000 tenants have also been served by ERP attorneys who staff the CCLAHD hotline (designed, operated, and staffed by CARPLS), trained mediators, and by ERP

⁷ The 20% non-appearance rate is significantly lower than pre-pandemic estimates. Cook County legal aid providers indicated that the institutionalization of virtual hearings and changes to court processes have been factors contributing to the decrease. See page 26 for additional details.

⁸ LCBH provided Stout with data on 1,255 closed RTC cases that LCBH had opened from January 2022 through March 2024. Of these 1,255 cases, Stout excluded 161 of these cases for data collection concerns. Also included in the 161 cases are 21 cases with unique identification numbers that occur twice in the data set. LCBH indicated these are cases where the client experienced a second eviction filing. For purposes of the analyses in this evaluation report, Stout has not included the data for these 161 cases (including the 21 cases for which the tenant experienced a second eviction filing). Stout and LCBH are continuing to review these 21 cases to refine any related metrics or analyses.

⁹ Factors such as the percentage of cases that resolve independently (without assistance in court from ERP or RTC legal aid lawyers), which often resolve with the assistance of the ERP hotline or ERP case managers, will impact the percentage of tenants receiving an eviction summons or complaint who receive services in the ERP or RTC programs.

case managers who connect clients to rental assistance, all of which are valuable and integral components of the ERP program to best serve tenants in need.

ERP+RTC Provides Access to Justice for Communities of Color and Women, who are Disproportionately Impacted by Eviction Filings

ERP and RTC clients disproportionately identify as female and Black or African American compared to Cook County and Chicago's overall population. Approximately 71% of RTC clients (and approximately 65% of ERP tenant clients) identified as female compared to approximately 51% of Cook County residents and 49% of Chicago residents.¹⁰ Approximately 73% of RTC clients (and approximately 67% of ERP tenant clients) identified as Black or African American compared to approximately 24% of Cook County residents and 29% of Chicago residents.¹¹

ERP+RTC Provides a Spectrum of Services Based on the Unique Needs of Clients

Approximately 93% of ERP tenant clients received a form of brief services through ERP, including approximately 65% of whom received "Brief Service – Legal Consultation/Advice Only," 21% of which received "Brief Service – Legal Consultation/Advice and Settlement Negotiations" and approximately 2% of which received "Brief Service – Legal Consultation/Advice and Document Preparation." It is important to acknowledge that 35% of ERP clients received more than simple Legal Consultation / Advice Only (which is considered "Brief Services" in certain jurisdictions outside Chicago). In Stout's experience, certain levels of service in ERP would be considered "Extensive Services" in some jurisdictions.

Tenants served by RTC receive more extensive services, scaled to the needs of the client and their case circumstances. This often involved extensive assistance with settlement negotiations, asserting legal defenses, developing counterclaims, and navigating complex disputes with the landlord. In certain instances, this may have also involved filing a notice of appearance and representing the client at a hearing or trial.

Based on data collected by ERP providers, approximately 1,258 ERP tenant clients were referred for extensive services between February 2022 and March 2024 (512 by providers other than Legal Aid Chicago and LCBH).¹² LCBH provided RTC services to 1,125 private housing clients and Legal Aid Chicago provided RTC services to 435 subsidized housing clients between January

¹⁰ United States Census Bureau. Population Estimates, July 1, 2023.

¹¹ Ibid.

¹² A portion of clients referred for extensive services, by providers other than Legal Aid Chicago and LCBH, may have their cases re-evaluated and may not receive extensive services. Instead, these clients may receive limited representation or other assistance based on the case and client circumstances.

2022 and March 2024.¹³ In total, the 1,560 RTC clients represent approximately 9% of all ERP tenant clients.¹⁴ As noted above, throughout the course of its implementation to date, and during this evaluation, there were instances when RTC providers were unable to serve all clients that may have benefited from extensive services. In particular, *certain* (but not all) ERP tenant clients who received legal consultation and advice as well as settlement negotiation assistance (approximately 18% of ERP tenant clients) may have benefited from extensive services but were unable to access those services due to capacity limitations among RTC providers. This is an important consideration both as context for the metrics and analyses contained herein (which reflect analyses for those clients who were actually able to access extensive services in RTC), as well as for the measurement of potential costs associated with the sustainable funding of the ERP+RTC model (as described in Section VII – which contemplates that 15% - 25% of clients would receive extensive services with sufficient funding).

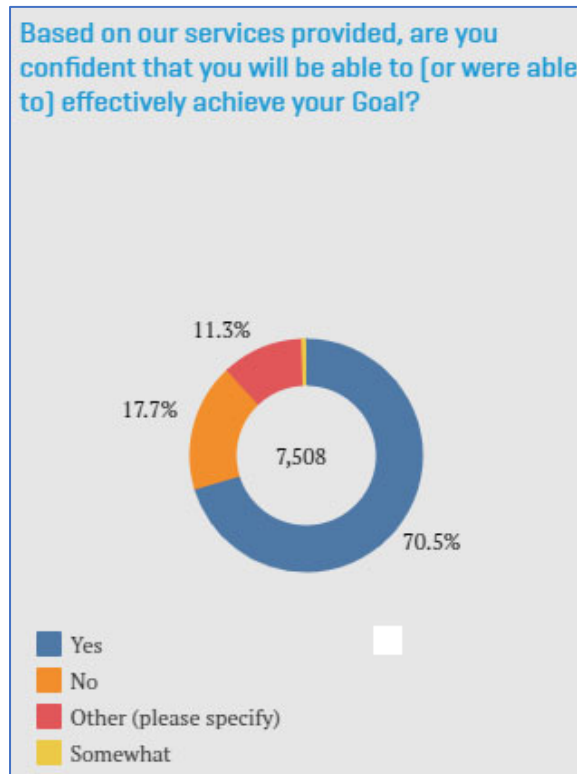
As illustrated in **Figure 1** below, approximately 71% of all ERP tenant clients reported they were confident they would be able to (or were able to) achieve their goal after receiving services from an ERP attorney.¹⁵

¹³ LCBH also assisted a small number of subsidized housing clients, and Legal Aid Chicago assisted a small number of private housing clients. Stout understands from Legal Aid Chicago that its private housing clients can be experiencing other vulnerabilities such as domestic violence.

¹⁴ The difference between the 1,560 RTC clients served by Legal Aid Chicago and LCBH and the 1,258 clients referred for extensive services is explained by clients who received extensive services but were not clients of ERP (i.e., they may have connected with RTC directly).

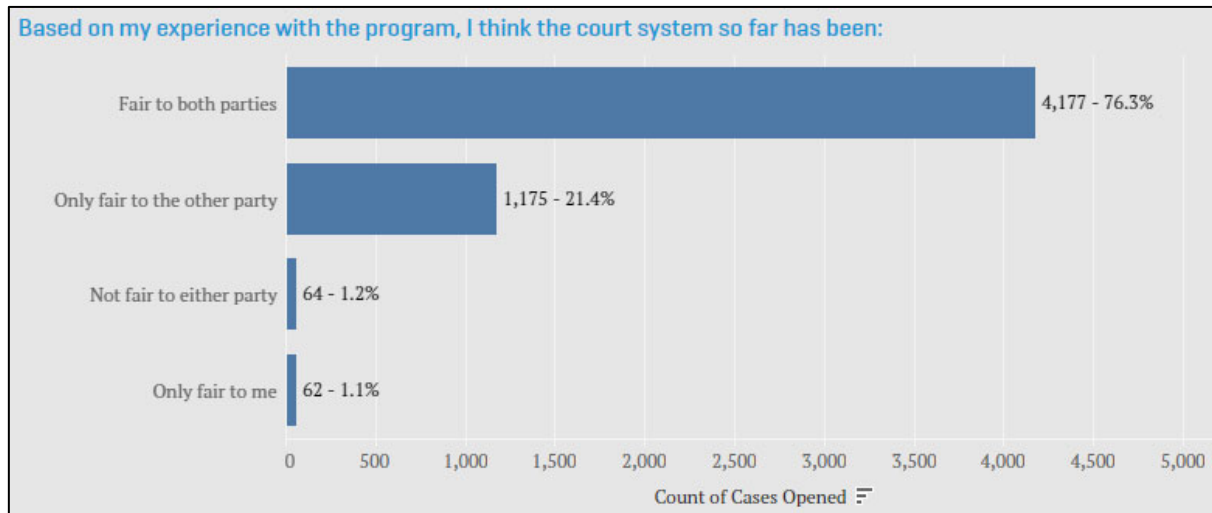
¹⁵ A further independent evaluation of ERP is forthcoming including an analysis of a post-service client survey to assist in understanding whether ERP tenant clients were able to achieve their case goals.

Figure 1 – ERP Cases



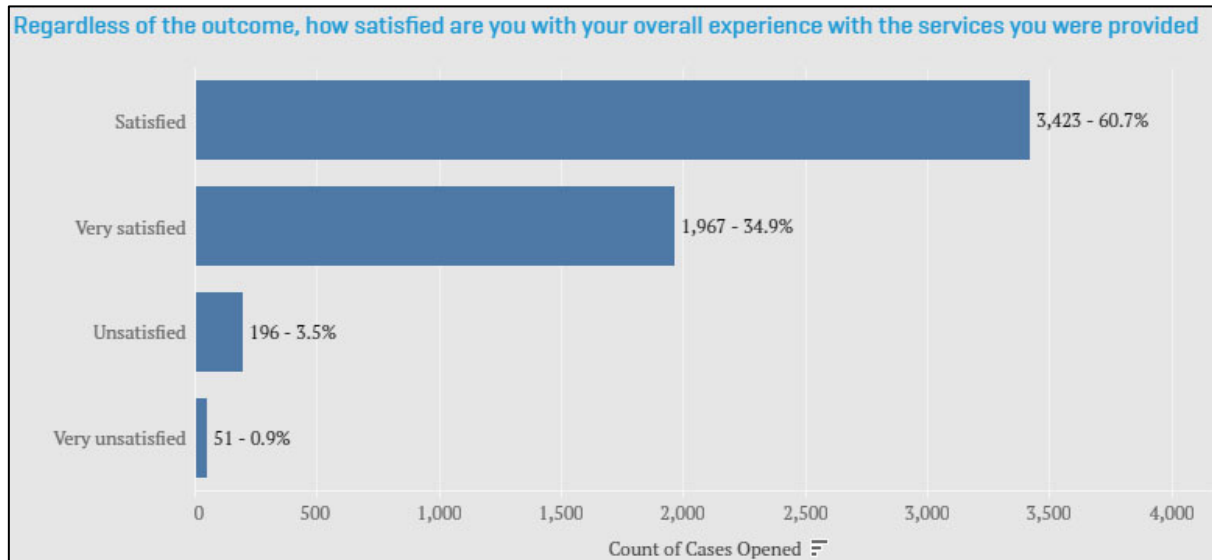
As illustrated in **Figure 2** below, approximately 76% of all ERP tenant clients reported that the court system has been fair to both parties based on their experience with the ERP Program. Conversely, approximately 23% of ERP tenant clients reported the court system only being fair to one party and approximately 1% reported the court system not being fair to either party.

Figure 2



As shown in **Figure 3** below, approximately 96% of all ERP tenant clients reported being satisfied or very satisfied with the services received throughout the ERP Program, while only approximately 4% reported varying degrees of dissatisfaction with their overall experience.

Figure 3



RTC Assists Clients in Achieving Their Housing Stability Goals¹⁶

Approximately 78% of RTC clients living in private market housing and approximately 71% of RTC clients living in subsidized housing indicated their goal for the case was to “Avoid a Formal Eviction.” Approximately 92% of RTC clients living in private market housing with this goal achieved this, and approximately 95% of RTC clients living in subsidized housing with this goal achieved it.

Approximately 50% of both private housing and subsidized housing clients had a reported goal of “Stay in the Unit”, of which approximately 58% and 62% of private housing clients and subsidized housing clients, respectively, with that goal, were able to achieve it with the assistance of services provided in the RTC Program. Of those who did not achieve the goal, approximately 43% of private housing clients received at least 30 days to find alternative housing, limiting the likelihood of a disruptive displacement to their lives.¹⁷

Approximately 37% of private housing clients and 26% of subsidized housing clients had a reported goal of “Leave the Unit”, of which 89% and 67% of private housing clients and subsidized housing clients, respectively, with that goal, were able to achieve it with the assistance of services provided in the RTC Program.¹⁸ Furthermore, approximately 45% of private housing clients and 74% of subsidized housing clients, with a reported goal of “Leave the Unit”, received at least 30 days to find alternative housing, limiting the likelihood of a disruptive displacement to their lives.

RTC Often Assists with Complex Housing Disputes

Approximately 43% of RTC clients indicated the presence of defective conditions in their home and may have been able to present such conditions as a defense in their eviction case.¹⁹ Of clients who indicated the presence of defective conditions in their home, approximately 19%

¹⁶ Throughout the Executive Summary and certain other sections of this report, the primary metrics are derived from data received from CARPLS, Legal Aid Chicago and the Law Center Better Housing. Beyond Legal Aid also provides extensive services as part of the RTC Program but has adopted a less comprehensive data collection model. See Section IV for supplemental information and analysis from the data provided by Beyond Legal Aid.

¹⁷ Client circumstances vary, and some clients may require more than 30 days to find alternative housing.

¹⁸ In situations where a tenant has received an eviction filing but is seeking to move, there can still be case complexities (e.g., disputes about the amount of back rent owed, needing to negotiate a reasonable amount of time to move, issues with the landlord’s ledger, etc.) where legal representation could be helpful to the tenant.

¹⁹ Legal services providers indicated that the percentage of clients indicating there were defective conditions in their home is likely understated as data collection related to defective conditions was generally only collected for clients where the defective conditions were a potential defense.

stated their reason for non-payment of rent was that they were withholding rent due to defective conditions.²⁰

Tenants in both the ERP and RTC Programs experienced complex cases and personal circumstances, though this was more common in RTC cases. RTC clients more frequently indicated they or someone in their household had a disability, would experience unsheltered homelessness, had a household income of less than \$25,000, had at least 1 child in the household, and were currently working. Approximately 60% of ERP tenant clients indicated they owed back rent of more than \$4,000 compared to approximately 45% of RTC clients. ERP tenant clients more frequently owing higher amounts of back rent but less frequently having other case complexities may be indicative of ERP tenant clients less frequently experiencing significant issues beyond the non-payment of rent.

Key Findings – ERP+RTC Design, Potential Economic Benefits, and Sustainable Cost Considerations

Stout is working with jurisdictions across the country that are developing, implementing, and/or evaluating eviction diversion, access to counsel or right to counsel programs. The ERP+RTC model is unique among the programs we have observed for several reasons:

- It is the only program we have observed that has worked with the court to develop a comprehensive, scaled, sustainable process for using technology (e.g., Zoom) to conduct initial hearings and efficiently connect court users to legal assistance through the use of Zoom waiting rooms and direct, immediate referral to a legal services organization. With other court process changes, this has likely contributed to a significant reduction in tenant defaults and ensures a more effective and efficient connection to legal assistance.
- It is the only program we have observed that includes a component (ERP) that is accessible to both plaintiffs *and* defendants in eviction cases who are not able to afford legal assistance.
- It is one of the few programs we have observed that was designed and implemented in collaboration with the court to ensure the court process can be aligned with the operation of ERP+RTC.
- It is the only program we have observed that is intended to provide the level of service necessary based on the reasonable goals of the client, the capabilities of the client, and the circumstances of the case – from brief advice and information to extensive legal representation and litigation.

²⁰ See Section III for data related to clients experiencing defective conditions.

Taken in combination, these factors present the opportunity for a comprehensive, scaled approach to serving the needs of court users in need of legal assistance, particularly for traditionally high-volume case types, such as eviction.

Through collaborative design, informed by involved community stakeholders, ERP+RTC offers a new model for sustainable assistance for all who are using the court system but unable to afford a lawyer to assist them. The court's role and support in design and implementation is an instrumental part of the sustainability of the program and the impact it is having – ensuring that the court process and judicial training are aligned with available legal assistance for both tenants and landlords to create a unified process to resolve these matters as efficiently and effectively as possible. Notable among these collaborative design elements, as mentioned above, is the commitment to virtual hearings, which reduces barriers to participating in the justice system for those with limited means and increases appearance rates (reducing default rates).²¹ In combination, the collaborative design and implementation process, support from the courts, and commitment to sustainable, cost-effective implementation has created a first-of-its-kind model that is intended to ensure that participation in the justice system is maximized and that those who are participating are able to access the legal assistance and connection to available community programs that are needed for the circumstances they face.

In every jurisdiction where Stout has evaluated an eviction right to counsel, access to counsel, or representation program²², the lawyers conduct an initial interview and determine what actions (level of service) will be necessary to help the client achieve their goals based on vulnerability, merit, and other factors. Stout has consistently observed that approximately 25% - 35% of clients (tenants who are eligible, seek, and are able to access legal services, typically in jurisdictions with in-person hearing requirements) receive advice and counsel or brief services in these other jurisdictions. Eviction right to counsel attorneys in these jurisdictions have shared with Stout that when clients receive this level of service, it is not because of capacity constraints but rather because advice and counsel or brief services are the most appropriate level of service for the client given the facts and posture of their case.

In these jurisdictions, this occurs as part of each program's standard intake and service delivery process at the discretion of the lawyers skilled in assessing these circumstances and knowledgeable of their ethical obligations under the law. In Chicago, this has been incorporated as a specific part of the program design, although in Chicago, approximately 93% of ERP tenants received some form of brief service (e.g., Brief Service – Advice Only or Brief Service – Settlement Negotiations), as contrasted with the 25-35% (described above) of cases who receive

²¹ Stout received feedback from legal services providers that some tenants have challenges using technology and understanding virtual court processes and procedures. Data collected through ERP indicates that approximately 6.3% of ERP tenant clients did not have the technology necessary to participate in a virtual hearing and approximately 9.9% of ERP tenant clients indicated they were not comfortable participating in a virtual hearing.

²² These jurisdictions include Cleveland, Connecticut, Davidson County (Nashville), Milwaukee, Oklahoma and Tulsa.

brief services (based on the local definition of brief services, which is often narrower) in RTC jurisdictions Stout has evaluated. Approximately 7% of ERP tenant clients could not be contacted, disengaged from the process, or denied service. It is important to note that while these levels of service are commonly referred to as “Brief Service”, in some instances the service can include significant time and effort to assist the client in accessing rental assistance, negotiating with the counterparty, and reviewing documents. Additionally, clients can receive assistance through the CCLAHD hotline (designed, operated, and staffed by CARPLS), mediation (facilitated through CCR), and case managers who serve as a connection to rent assistance. It is also important to note, as further described below, that the proportion of ERP tenant clients that received extensive services (or conversely, the proportion that received brief services) reflects capacity limitations associated with the available funding during the pilot. Stout expects that with adequate funding 15% - 25% of ERP tenant clients would receive extensive services.

Potential Economic Benefits of RTC

Using data collected by Legal Aid Chicago and LCBH, Stout estimated Legal Aid Chicago and LCBH assisted in avoiding disruptive displacement for between approximately 78% and 92% of private market housing clients and 74% and 93% of public and subsidized market housing clients. Stout estimated that Chicago likely realized potential economic benefits of between at least approximately \$10.6 million to \$12.9 million between January 2022 and March 2024, as a result of RTC. The City of Chicago Departments of Housing and Planning & Development allocated approximately \$3.85 million for the RTC pilot, this includes approximately \$2.2 million in funding through June 2023 and 75% of the approximately \$2.2 million allocated for July 2023 through June 2024. Thus, for every \$1 spent on RTC, Chicago likely realized between at least \$2.75 and \$3.35 in fiscal benefits.

Estimated Sustainable Cost of ERP+RTC

As noted above, it is important to appreciate that the RTC Program was designed and funded as a pilot. Throughout the course of its implementation to date, and during this evaluation, there were instances when RTC providers were unable to serve all clients that may have benefited from extensive services. In particular, certain ERP tenant clients who received legal consultation and advice, as well as settlement negotiation assistance (approximately 18% of ERP tenant clients), may have benefited from extensive services but were unable to access those services due to capacity limitations among RTC providers. This is an important consideration for the measurement of potential costs associated with the sustainable funding of the ERP+RTC model, including the expectation that many more residents would be served in a fully-implemented and sustainably-funded RTC. As further described in Section VII, Stout’s estimate of the sustainable cost of funding for the ERP+RTC model contemplates that 15% - 25% of clients would receive extensive services with sufficient funding. Stout’s estimate of the sustainable cost of funding for ERP+RTC is not specific to any individual legal services provider,

and the actual cost and staffing for each legal services provider may differ from the inputs used in Stout's analysis.

Stout estimates a total annual cost (for the provision of legal services, excluding costs associated with the call center, outreach, etc.) as follows:

- The cost of providing ERP+RTC to approximately 9,914 tenants in Chicago is between \$12.5 million and \$19 million.²³
- The cost of providing ERP+RTC to 22,032 tenants statewide in Illinois (including Chicago) is between \$27 million and \$39.3 million.
- For tenants only requiring ERP assistance, the estimated cost per case is \$750 in both Chicago and downstate Illinois. The estimated cost per ERP case can vary by the circumstances of the case and by the services provided by staff attorneys. When staff attorneys only provide brief advice, which may only take one hour, the estimated cost per ERP case could be significantly less.
- For tenants requiring representation through RTC, the estimated cost per case is \$4,200 in Chicago and \$3,600 in downstate Illinois. The estimated weighted average cost per ERP+RTC case is between \$1,300 and \$1,900 in Chicago and between \$1,200 and \$1,700 in downstate Illinois.

Summary of Recommendations

During the evaluation, Stout engaged with numerous stakeholders to gather qualitative information and recommendations regarding the implementation of the ERP+RTC model and how it may be improved through iterative, adaptive implementation (see Sections V and VIII).

Based on feedback from these stakeholders, and other elements of this evaluation, as well as Stout's experience evaluating eviction diversion and right to counsel programs across the country, there may be opportunities to refine and enhance ERP+RTC. Supplementary funding may be necessary to implement certain of these recommendations.

The current funding (two sources) and differences in scope (Cook County and Chicago) creates a disjointed structure that may lead to inefficiency and complications that compromise the ability to achieve the potential of the ERP+RTC model. A single, unified program would be easier to administer, communicate, and implement. The implementation of such complex,

²³ This calculation includes considerations for eligibility, cases where the tenant loses by default, cases that are resolved independently before the first hearing, and the percentage of tenants who seek and accept the offer of free legal assistance or representation.

comprehensive models involving a broad and diverse range of circumstances for both landlords and tenants, typically requires continual assessment and adaptation.

In many jurisdictions implementing an eviction right to counsel or other programs responding to housing instability and eviction, local stakeholders often consider both refinements to their programs based on the results of initial implementation as well as complementary services as they learn more about the prevalence of certain needs in the community. This includes programs such as pre-filing eviction resolution, comprehensive low-barrier rental assistance, educational resources, investment in tools and technology to effectively assist people throughout the eviction process, integrating non-lawyers, and other programs.

There are also opportunities to refine the intake and referral processes and monitor the backlog for ERP+RTC to minimize the amount of time necessary to effectively resolve client matters. ERP and RTC partners report that there are ongoing discussions with the court and other stakeholders to continue to assess opportunities to refine ERP+RTC.

Section I – Introduction

Features of the Eviction Process and Disruptive Displacement

In Cook County, like other jurisdictions, eviction court is a summary proceeding that moves quickly, though ERP has made important changes to the process that add extra time for tenants to connect to assistance and seek to resolve their case before it moves forward. Summary proceedings are proceedings “conducted without formalities...for the speedy disposition of a matter”.²⁴ The expedited nature of summary eviction proceedings draws from the belief that the legal issues in evictions are not complicated because there were not housing codes, subsidies, or rent regulations in the late 18th and early 19th centuries when summary eviction proceedings began in the United States.²⁵ Additionally, summary proceedings reflect the historical imbalance of power between landlords and tenants when these relationships were mostly a result of feudal or land-based housing norms.²⁶ The expedited nature of this process poses challenges for tenants seeking to exercise their legal rights, particularly given the complexities of modern rental housing laws and processes. For example, a tenant may raise the defective conditions present in their rental unit as a reason why rent has been withheld by the tenant. However, in Chicago a judge cannot order repairs to the tenant’s home in a summary proceeding. Rather, the tenant must bring an affirmative case against the landlord to compel a landlord to repair a defective condition.

Further complicating matters for tenants, the amount of notice (the time between when the tenant is notified that an eviction filing is going to be brought against them and when they are actually served with the eviction filing) in Illinois depends on the reason alleged by the landlord for the eviction. For example, if the reason alleged by the landlord for eviction is “non-payment of rent”, the landlord must provide 5 days’ notice to the tenant before filing for eviction. However, most buildings in Chicago fall under the Chicago Residential Landlord and Tenant Ordinance (“RLTO”), which requires different amounts of notice for non-renewals depending on how long the tenant has occupied the unit. Generally, notices for the non-payment of rent in Chicago are 5 days. For example, a landlord must provide 30 days’ notice to a tenant that has occupied a unit for less than six months and 60 days’ notice to a tenant that has occupied a unit for six months to three years. The RLTO also includes notice provisions that provide longer times for non-cause issues. The short eviction notice period in Illinois may not allow tenants the opportunity to find alternative safe and stable housing and may cause periods of

²⁴ “Summary proceeding.” Merriam-Webster.com. 2022.

²⁵ Scherer, Andrew. “The Case Against Summary Eviction Proceedings: Process as Racism and Oppression.” Seton Hall Law Review, Vol. 53:1. November 2022.

²⁶ Ibid.

homelessness. Further, short notice periods may disrupt a tenant's employment, childcare and other elements of their life when there is an immediate need vacate the property.

Throughout this report, and the analyses presented within it, Stout uses the phrase “disruptive displacement” to capture outcomes of cases and the impact of the eviction process on tenants beyond “winning” and “losing” and “evicted” or “not evicted.” For example, there may be circumstances where tenants did not have a formal eviction writ of restitution executed against them and therefore were not displaced but still have experienced disruption in their lives because of just the eviction filing and/or eviction proceeding. There may also be circumstances where a tenant needs to move but having access to legal counsel and being represented by a lawyer during the eviction proceeding minimizes the disruption that the move may have had on the tenant's household. Stout has found the phrase “disruptive displacement” to be helpful in demonstrating the variety of circumstances tenants experience and the impact of counsel in assisting with navigating a complex, high-stakes legal proceeding. Local advocates may use alternative terminology to describe the outcomes of cases and the impacts to tenants.

Overview of CCLAHD and ERP Program for Evictions

The Circuit Court of Cook County, Illinois, instituted ERP on November 23, 2020, which is a pilot program provided through CCLAHD. ERP offers free limited legal assistance²⁷ and mediation and connects tenants to community support resources such as rental assistance, thereby increasing the likelihood of an early agreement or resolution in these cases. ERP is available to the following Cook County residents, without any income eligibility criteria:

- An unrepresented renter who is under threat of eviction;
- An unrepresented landlord seeking to evict a renter;
- An unrepresented debtor who is being sued for unpaid debt; and
- An unrepresented creditor suing for consumer debt.

Further, the Circuit Court of Cook County played an important role in development of ERP. Specifically, the Circuit Court of Cook County collaborated with bar associations, representatives from legal aid and the government, and community partners. The collaborative approach taken by the court enabled multiple stakeholders to have open and innovative conversations that were instrumental in designing the ERP.

Overview of the Chicago RTC Program

On April 4, 2022, the Chicago DOH announced the RTC Program, a three-year pilot program. The RTC Program was developed to “provide legal representation at no cost to eligible low-income tenants at risk of or subject to eviction or lockout in Chicago.” The intention of

²⁷ The ERP providers offer brief services, advice and legal information, settlement negotiation services, and mediation services to clients, and can refer ERP tenant clients to full legal representation when appropriate.

ERP+RTC is to "right size" the delivery of legal assistance. In other words, while the programs are currently separately funded and defined, the shared goal is to understand all clients' needs and circumstances and provide the level of legal assistance consistent with the resources necessary to help clients achieve their goals, within the limitations of the legal framework available to them and without having to make those determinations in an environment that is resource-constrained by the providers of legal assistance.

For the RTC Program, LCBH and Legal Aid Chicago provide "full- and limited-scope legal representation" to eligible clients, while Beyond Legal Aid ("BLA"), a community-based legal aid organization that unites lawyers and activists to help underserved communities and offers workshops and hotline services, will use its network of community-located, community-operated, and community-directed legal aid programs to provide legal services to eligible clients.

Tenants must meet all four of the following criteria to be eligible for the RTC Program:

- Have an income less than or equal to 80% of the area median income based on household size;
- Be a tenant currently residing in a property intended for residential use in Chicago;
- Be part of a household in which one or more individuals have experienced a reduction of household income, incurred significant costs, or experienced other financial hardship during or due, directly or indirectly, to the coronavirus pandemic; and
- Be part of a household where one or more individuals can demonstrate a risk of experiencing homelessness or housing instability.

Also, the RTC Program provides the following services:

- Client intake for low-income Chicagoans at risk of eviction;
- Evaluation of potential tenants' eligibility for receiving RTC services, tracking those determinations and outcomes, and coordinating with the CCLAHD program to ensure as much as possible those most in need achieve a fair outcome in their case;
- Full-scale eviction defense services, in court or out of court;
- Assistance to tenants to avoid or reduce the negative impacts of a potential eviction; and
- Regular reporting on activities.

The RTC Program was developed to continue the City of Chicago's efforts to "keep residents safely housed and ensure their right to affordable housing opportunities throughout all 77 communities and across all 50 wards." The RTC Program is an extension of ERP, whereby clients within ERP that are eligible can be referred to (or otherwise connect with) LCBH, Legal Aid Chicago, or BLA for full- or limited-scope legal representation.

Program Design Considerations

The intention of the ERP+RTC model is to "right size" the delivery of legal information so that the level of legal support provided is appropriate for the client's needs and circumstances. An individual using the ERP Program will be referred for extended representation should their specific needs and circumstances require that. As such, it is crucial for staff attorneys to be trained and aware of the resources available to their clients. Furthermore, the effective implementation of the ERP and RTC data collection requires that the providers collect consistent and relevant information related to the client's background, case information, client goals, and other information. Without such information, an evaluation of the ERP and RTC Programs would not be reasonably feasible.

One of the challenges of the current design of RTC is the multiple steps involved in connecting clients to the program that is able to assist them. The development of new models of civil access to justice often requires refinement after initial implementation to adjust for unanticipated effects. Currently, when an unrepresented tenant or landlord appear (virtually) at the initial eviction hearing, they are offered (by the court) the opportunity to connect with a lawyer. If they accept this offer (which we understand nearly all unrepresented tenants and landlords do) they are asked to wait in a virtual waiting room until a brief intake can be done to collect information so that an attorney can contact them. A minimum 2-week continuance is granted to allow time for the client and attorney to connect. If this connection happens, a further intake interview is completed to assess the circumstances of the client. Based on that assessment, a plan may be developed to seek early resolution of the case. However, in certain instances, legal counsel for the client may request a further continuance from the court to enable time to meet with the client (if they have not yet been able to sufficiently connect) or to gather and review documents. If, during the course of these client interactions, the attorney for the client assesses the circumstances and recommends that the client requires extensive services, the client will be referred to CARPLS for further assessment. If this connection happens, CARPLS will assess client vulnerability and merit to determine whether extensive services are necessary. If so, the client will be referred electronically to Legal Aid Chicago or LCBH for extensive services (this step is not necessary for clients who were already being served by Legal Aid Chicago or LCBH). The multiple steps of this process each present the potential for clients to become discouraged and disengage. In addition, the complications of the process create additional challenges and potential burden for the client, while also creating inefficiency in the delivery of the services the client needs, and the potential for delay in the resolution of the matter. As recommended below, it may be prudent to undertake a review of the process of connecting clients to legal services and developing a process designed for efficient and effective resolution based on the circumstances faced by the client.

A Spectrum of Services for a Spectrum of Circumstances

In several jurisdictions with eviction right to counsel or eviction prevention/diversion programs, Stout has engaged with rental property owners, their counsel, and rental property managers who have indicated support for programs that ensure tenants have access to legal representation. Many of the attorneys representing rental property owners we interviewed indicated their preference for working with a legal aid attorney rather than an unrepresented tenant and described the efficiencies in doing so. Rental property owners, their counsel, and rental property managers in Cleveland, Connecticut, Davidson County (Nashville), and Milwaukee described mediation and eviction diversion as essential components of eviction right to counsel ecosystems in that they are mechanisms for reserving the adversarial litigation process for the cases that most need it, which is beneficial for both rental property owners and tenants. There have also been discussions throughout the rental property owner and legal aid communities regarding the need for education and training programs for both rental property owners and tenants. The education and training programs could be designed to ensure both parties know their rights, obligations, and responsibilities and raise awareness about available community resources when issues arise. Education and training programs for rental property owners, particularly ones related to managing a rental business, can minimize the financial precarity that can result in business practices that increase the risk of housing instability for tenants.²⁸

It is also important to appreciate, as discussed further below, that clients receiving extensive services overwhelmingly have complex personal and case characteristics that take time to resolve. Cases without such complications will typically not require longer times to resolve. Thus, rental property owners who are maintaining their properties, using written lease agreements, and applying business practices that emphasize clear communication and assistive services for tenants are less likely to experience eviction processes that require significant time to resolve.

Overview of Report Sections

The remainder of the report will be broken into the following sections:

- Section II: Overview of Eviction Filing Data and Practices in Cook County
- Section III: ERP and RTC Client Data
- Section IV: RTC Client Goals, Outcomes, and Impacts
- Section V: Qualitative Feedback from Local Stakeholders, Including Landlords and Their Counsel
- Section VI: Preliminary Estimate of Fiscal Impacts
- Section VII: Preliminary Estimate of Scaled, Sustainable Program Costs
- Section VIII: Recommendations

²⁸ Grief, Meredith. "Collateral Damages, Landlords and the Urban Housing Crisis." The American Sociological Association's Rose Series in Sociology. 2022.

Section II – Overview of Eviction Filing Data and Practices in Cook County

Rental Housing Market Challenges

The cost of housing in Chicago and Cook County is also a challenge for many tenants, particularly those with lower incomes. Apartments.com explains that, as of March 2024, “the average rent in Chicago is \$1,799 per month,” 20% higher than the national average rent, making Chicago one of the most expensive cities in the United States. According to a recent analysis by Housing Action Illinois and the National Low Income Housing Coalition, more than three-quarters (76%) of Chicago’s extremely low-income renters are severely cost-burdened, paying more than 50% of their income for housing.

As discussed later in this section, after the expiration of federally funded emergency rental assistance programs put in place in the immediate aftermath of the pandemic, there are very limited external sources of rental assistance available to tenants prior to court. In addition, not all tenants qualify or are able to apply for this assistance in a timely fashion, which may cause a tenant to become behind on payments or stop payments completely. During the COVID-19 pandemic, many individuals either could not work or lost their employment, resulting in the need for additional resources to pay ongoing expenses, including rent. Once a tenant is in court, ERP+RTC attorneys often can still use Court-based Rental Assistance to resolve eviction cases through negotiated agreements or to exercise pay-to-stay (in Chicago and most of suburban Cook County), resulting in tenants staying in their homes and avoiding housing disruption.

The amount of back rent claimed in eviction cases in Chicago and Cook County post-pandemic has evolved through post-moratorium periods, periods of accessible rental assistance, periods of rising rents, and subsequent periods with fewer significant impacts from the pandemic but also less rental assistance. This has resulted in an evolving assessment of the issues presented by tenants and landlords, their goals, and their ability to achieve those goals with the assistance of counsel.

Eviction Filings in Cook County

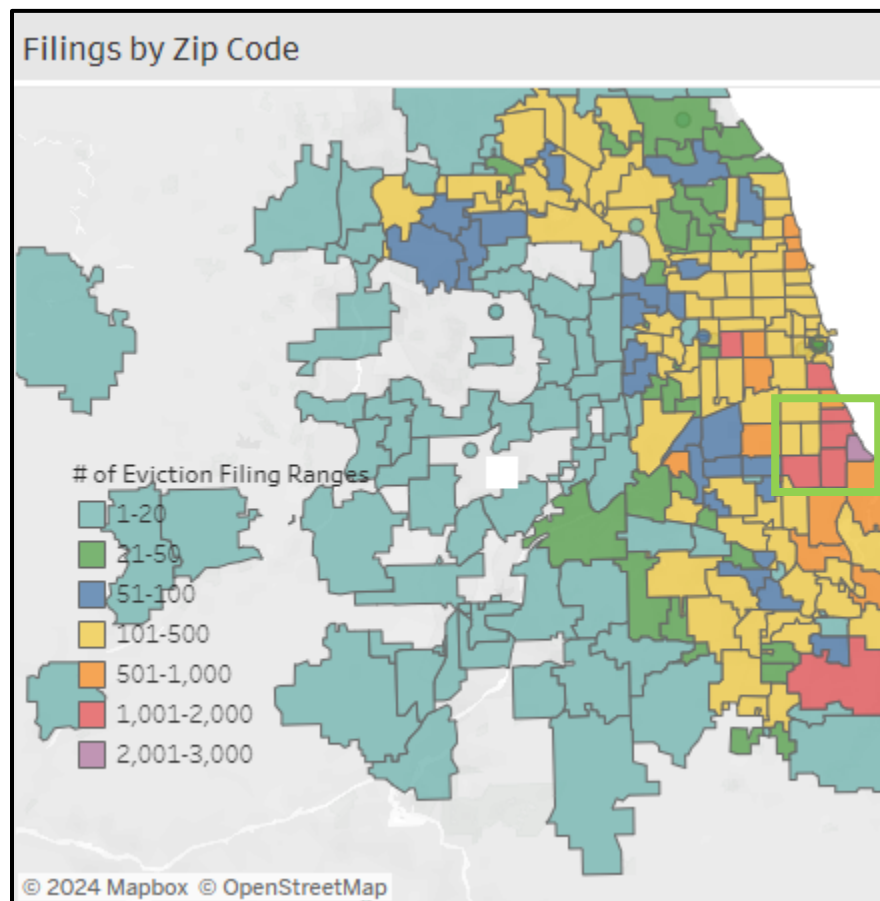
The number of residential eviction filings during the pandemic (April 2020 to April 2021) significantly decreased, primarily due to the eviction restrictions implemented during the COVID-19 pandemic.²⁹ In 2018 and 2019, there were approximately 29,400 and 29,300 annual eviction filings in Cook County, respectively. In 2022 and 2023, there were approximately 29,000 and 29,100 eviction filings in Cook County, respectively. The number of eviction filings

²⁹ <https://eviction.lcbh.org/reports/eviction-tracking-monthly>

in Cook County decreased approximately 1% from pre-pandemic (2018 and 2019) to post-pandemic (2022 and 2023).

As shown in **Figure 4**, a significant percentage of the eviction filings from January 2022 to December 2023 related to properties in the zip codes representing the south side community areas of Chicago.³⁰ For example, zip codes 60615 (Hyde Park), 60637 (Woodlawn), 60620 (Auburn Gresham), 60619 (Chatham), and 60649 (South Shore) represented approximately 20% of the eviction filings in Cook County in calendar years 2022 and 2023.

Figure 4



Based on the court data Stout received, the court issued a default judgment against the tenant in 6,422 (or 22.9%) and 4,606 (or 16.2%) cases in calendar years 2022 and 2023, respectively.³¹

³⁰ Based on conversations with the court, we understand that there are instances where the address on the eviction filing cannot be verified. In these instances, the court reports one of two zip codes (60601 or 60602), which is the zip code of the courthouse.

³¹ Stout acknowledges the challenges associated with and the significant interpretation that is required when analyzing court docket data in any jurisdiction. Local court processes and practices impact what data is available

Stout met with representatives from the court to ensure it was understanding and interpreting the eviction docket data reasonably. Representatives from the court shared that prior to the pandemic, the estimated annual percentage of cases where there was a default judgment against the tenant was likely 40% to 50% (consistent with Stout’s observations of eviction default rates across the country). Stout understands that several factors have influenced the rate at which the Court enters a default judgment in Cook County:

- **Deferring Default to 2nd Hearing:** Stout understands that prior to the implementation of ERP, the first court date was a trial date and if the tenant missed the first court date, the court would enter a default judgment. ERP provides that the court will not enter a default judgment on the first court date and will continue the case for two weeks if the tenant does not appear on the first court date. If the tenant appears on the second court date, the case is continued for another two weeks under ERP.
- **Vacating Default Judgments:** In addition to the delay in entering default judgments, the ERP Administrative Order states after default judgments are entered, timely motions to vacate default orders will be granted. Based on discussions with the legal aid providers, Stout understands that this language in the order was an attempt to lower the standard for vacating default judgments (i.e., not requiring a showing of good cause for missing the court date or a meritorious defense).
- **Virtual Hearings:** Court representatives indicated that virtual hearings (which significantly reduce the burden and complexity of attending an eviction hearing³²) were a contributing factor in the significant decrease in the percentage of cases with default judgments against tenants.
- **Outreach:** Stout understands that there has been an increase in outreach to tenants in landlord-tenant proceedings since the pandemic with an emphasis on providing information to tenants related to rental assistance and encouraging tenants to go to court to access additional resources.

Tenant-Landlord Eviction Assistance Programs

Significant elements of the eviction process in Cook County and Chicago were revised in response to the COVID-19 pandemic through collaboration among City and County government, the court, Chicago Bar Foundation, and legal aid organizations in Cook County. All defendants in eviction proceedings who received a summons receive the phone number for the CCLAHD hotline staffed by CARPLS where residents may receive legal advice, referrals to

for analysis and how that data can be interpreted. For example, representatives from Cook County Circuit Court shared that clerks may record in the docket instances of tenants losing their case by default as Judgment for Possession or Default Judgment. Additionally, a tenant in Cook County can attend their hearing without entering an appearance, which can impact analyses estimating the frequency with which tenants appear for their case.

³² “How Courts Embraced Technology, Met the Pandemic Challenge, and Revolutionized Their Operations.” Pew Charitable Trusts. December 2021.

rent assistance, and a screening for additional services, including ERP and RTC. The court centralized eviction intakes, added a new early resolution period to the start of the court process, made this initial phase of cases remote proceedings that are accessible by Zoom throughout the County, and added case management staff as well as legal aid lawyers and mediators. These changes provide all unrepresented Cook County tenants and landlords who appear at their initial hearing (conducted virtually) an opportunity to consult with an attorney and, if appropriate, receive more extensive brief services including settlement negotiation and document drafting.

Furthermore, both Cook County and the Chicago DOH implemented an emergency rental assistance program. As of February 28, 2022, there were 17,407 approved applications, of which 438 were for tenants assisted through ERP.³³ The emergency rental assistance program closed on May 1, 2023 and is no longer accepting applications from tenants facing eviction.³⁴ The court-based assistance for both the City of Chicago and Cook County was transitioned to the Illinois Housing Development Authority, which services the Illinois Court-Based Rental Assistance Program (“CBRAP”).³⁵ The CBRAP provides funding to Illinois tenants and landlords across Illinois facing eviction. Applicants meeting the eligibility requirements (as of June 2024) could qualify for up to \$10,000 to cover “up to 15 months of past-due rent and two months of future rent payments to prevent eviction”.³⁶

Legal aid providers have indicated that tenants are often not aware of legal protections that may be relevant for their circumstances. In response, legal aid providers have significantly increased community legal education since the pandemic through the use of tools such as Rentervention.com and with the engagement of various community partners.

Before the RTC Program was implemented, a tenant facing eviction in Chicago generally at most was getting brief services from a legal aid organization, and most often unable to access full representation and extensive services from a legal aid or pro bono lawyer. The nature of the brief services may not have provided tenants the ability to raise viable defenses and conduct the work necessary to resolve complex issues for particularly vulnerable tenants. The implementation of the RTC Program gives a tenant the ability to receive extended legal representation, including a professional assessment of viable defenses.

³³ <https://www.chicago.gov/city/en/depts/doh/provdrs/renters/svcs/emergency-rental-assistance-program.html>

³⁴ <https://www.chicago.gov/city/en/depts/doh/provdrs/renters/svcs/emergency-rental-assistance-program.html>

³⁵ <https://www.ihda.org/about-ihda/cbrap/>

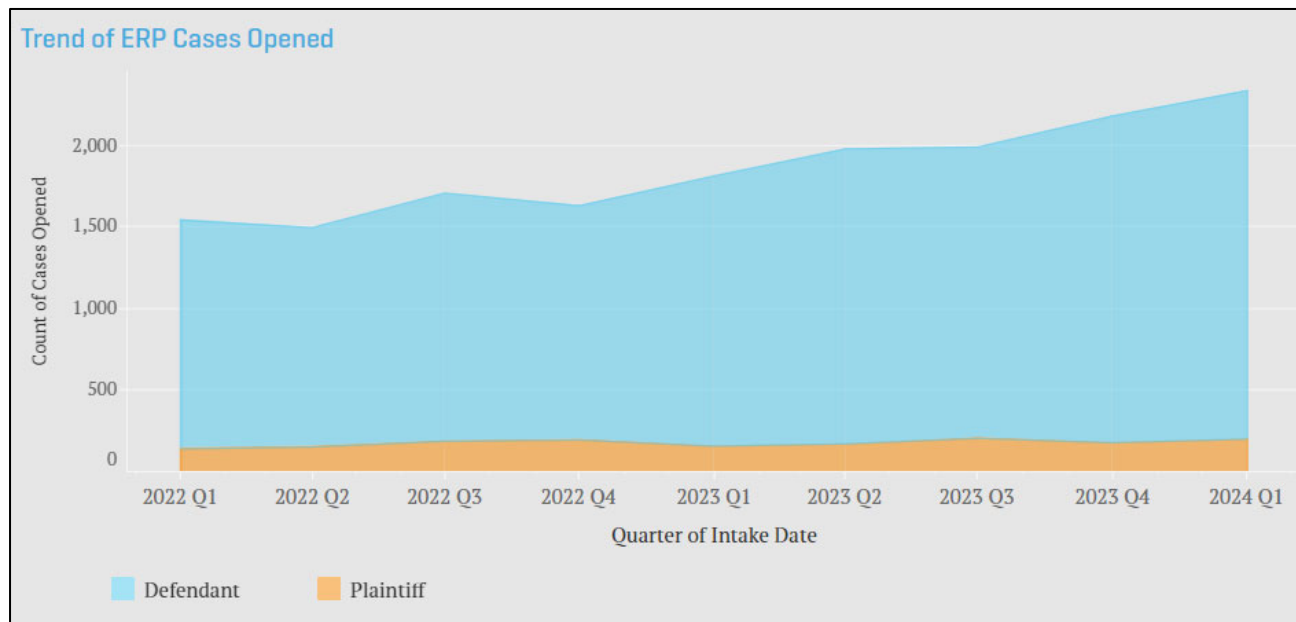
³⁶ <https://www.ihda.org/about-ihda/cbrap/>

Section III – ERP and RTC Client Data

ERP Tenant Client Data

As illustrated in **Figure 5** below, the number of ERP eviction cases opened on behalf of defendants (i.e., typically tenants) steadily increased from February 2022 to March 2024.³⁷ The number of ERP eviction cases opened on behalf of plaintiffs (i.e., typically landlords) remained relatively consistent.

Figure 5



As shown by the dark green shades on the map in **Figure 6** below, ERP eviction cases were concentrated in and around the south side of the City of Chicago. Specifically, and also shown in **Figure 7** below, four of the top five zip codes represent neighborhoods on the south side of Cook County, including South Shore (60649), Chatham (60619), Auburn/Gresham (60620), and Woodlawn (60637). The geographic distribution of ERP cases is highly correlated to the eviction filing data presented above. For example, the majority of eviction filings and ERP cases are related to housing located in zip codes along the southern border of Chicago (as seen in the red box in **Figure 7** below).

³⁷ This period reflects the time during which Stout was receiving stable data from ERP+RTC legal services providers.

Figure 6

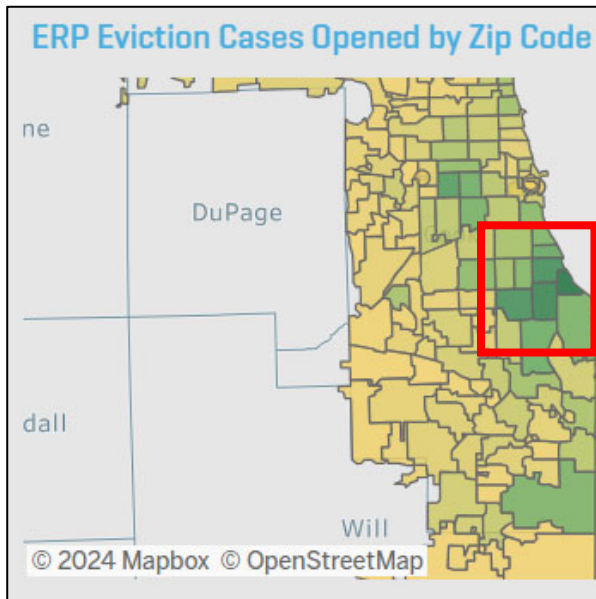
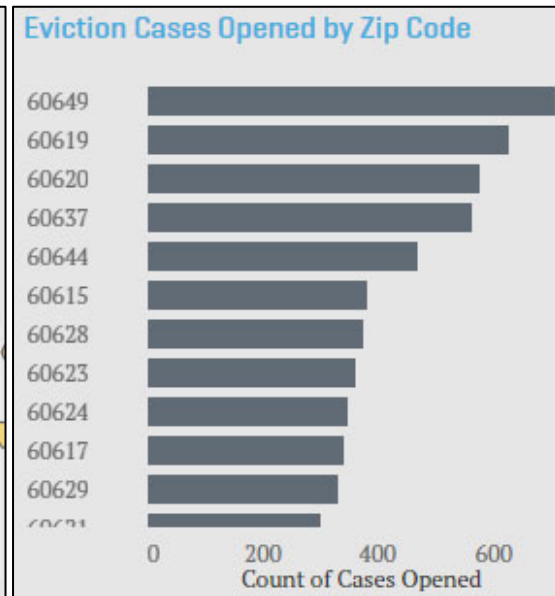


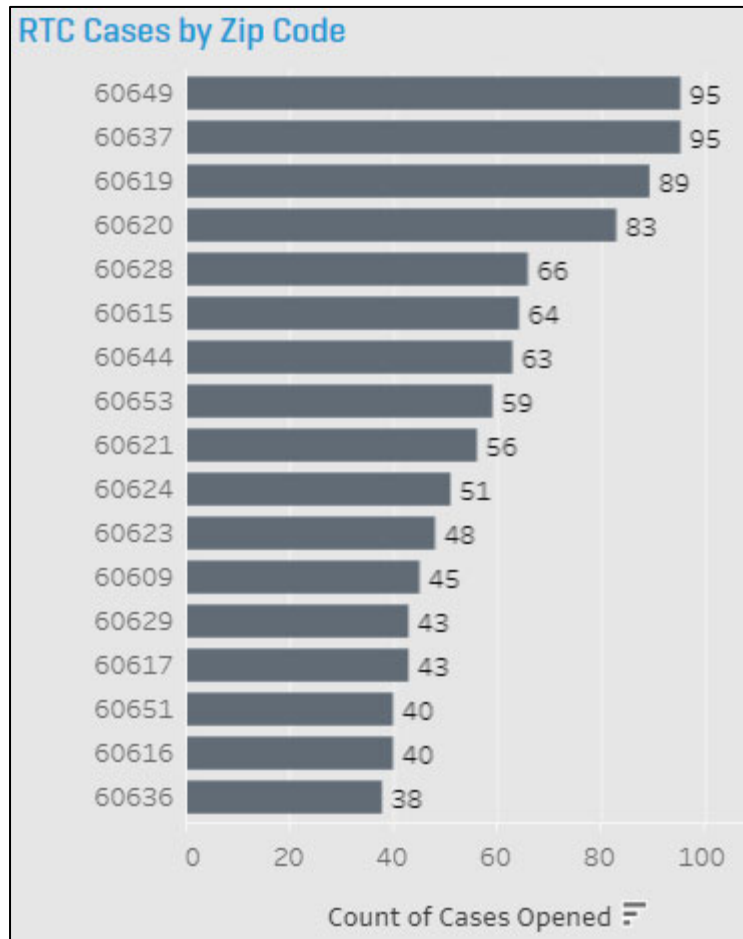
Figure 7³⁸



As indicated in **Figure 8** below, similar to the ERP data shown in **Figure 6** above, four of the five top zip codes in the RTC data represent neighborhoods on the south side of Cook County, including South Shore (60649), Woodlawn (60637), Chatham (60619), and Auburn/Gresham (60620).

³⁸ This chart is displaying the 12 zip codes with the largest number of opened ERP eviction cases.

Figure 8



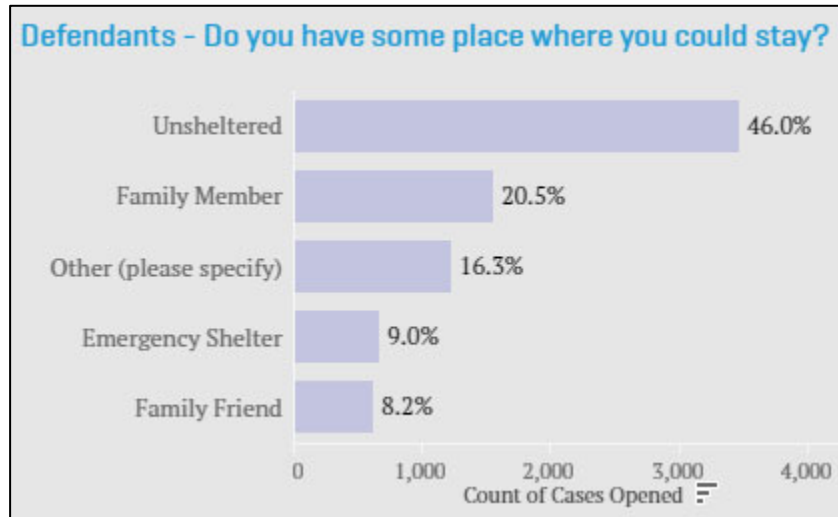
Approximately 93% of ERP eviction cases (both plaintiff and defendant) received brief services involving advice only, settlement negotiations, and/or document preparation as the most extensive level of service.³⁹ Approximately 4% of ERP eviction cases were denied due to various reasons such as the client being outside of Cook County, the client already had representation, a conflict of interest exists, etc. Less than 3% of cases were abandoned or had incomplete service due to various reasons such as the inability of the legal organization and the client to connect, the issue had already been resolved, etc. That is, all (100%) of ERP clients (both plaintiff and defendant) who met ERP eligibility requirements and remained engaged with ERP providers received brief services or other assistance but not extensive services.

When ERP tenant clients were asked if they had somewhere else to stay, approximately 46% reported that they would be unsheltered, approximately 29% indicated they could stay with a

³⁹ The 93% of ERP tenant clients receiving some form of a brief service includes those that were referred for extended representation.

family member or family friend, and approximately 9% reported they would have to go to an emergency shelter (**Figure 9**).⁴⁰

Figure 9



When ERP tenant clients were asked if they were unable to achieve their goal(s) what would happen, approximately 41% reported that they would have added stress or health concerns, approximately 18% indicated unsheltered homelessness, and approximately 9% reported there would be disruption to their child's education.

RTC Client Data

The number of monthly RTC cases opened increased from 1 case in March 2022 to 139 RTC cases in February 2024 (see **Figure 10**).⁴¹

⁴⁰ Responses included in "Other (please specify)" primarily include but are not limited to: new apartment, hotel/motel, nursing home, and unsure.

⁴¹ This period reflects the time during which Stout was receiving stable data from Legal Aid Chicago and LCBH related to RTC clients.

Figure 10

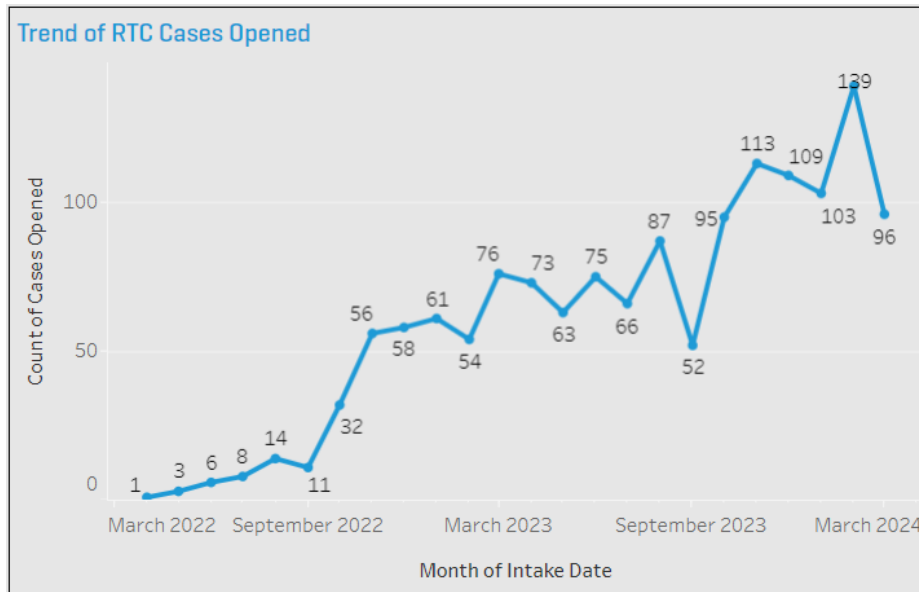


Figure 11 shows the distribution of RTC clients by age at the time of intake. In approximately 58% of RTC cases, the RTC client was between the ages of 30 and 49 years old. The least reported age range was between 18 and 21 years old, accounting for approximately 1% of RTC cases, followed by individuals over the age of 60, accounting for approximately 11% of RTC cases.

Figure 11

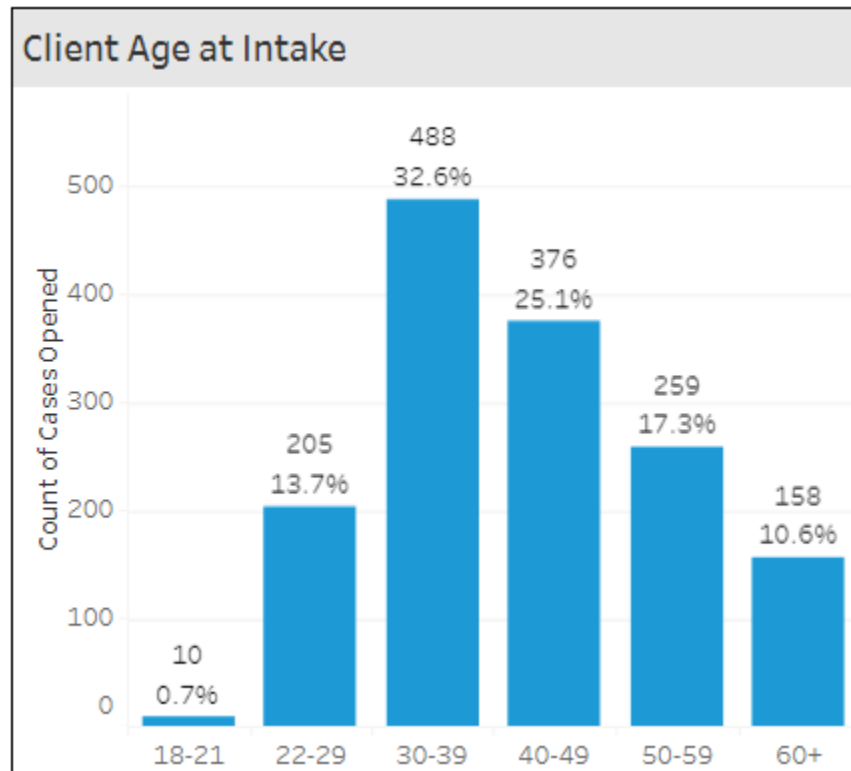
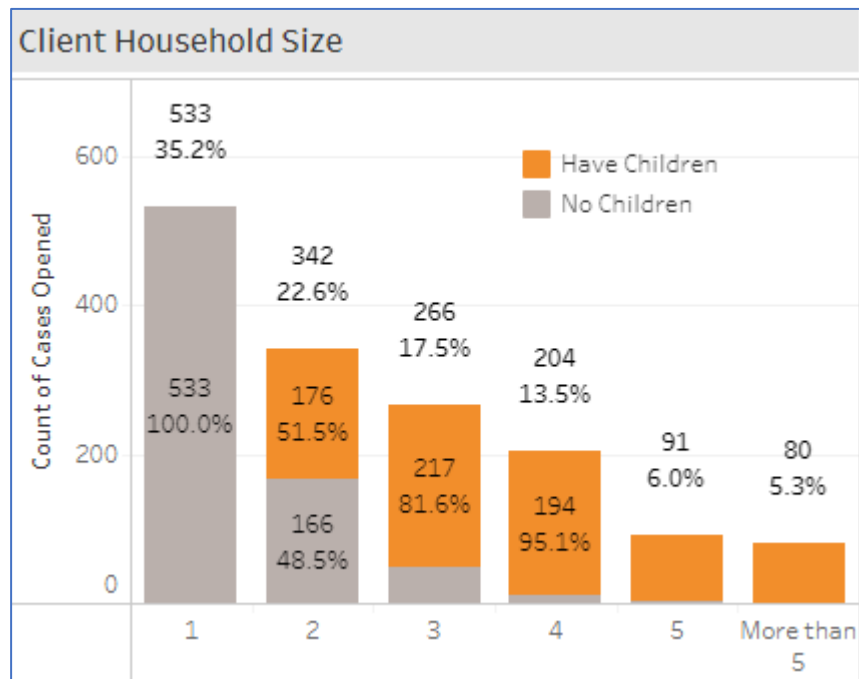


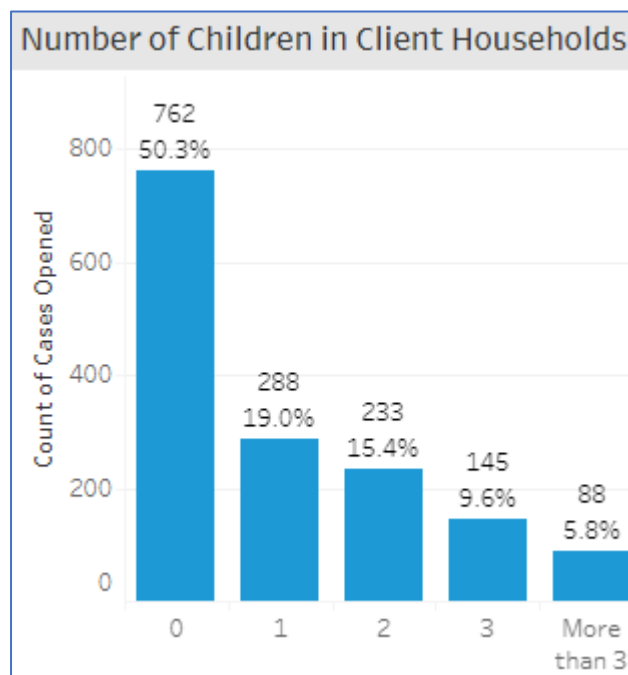
Figure 12 shows the number of individuals, both adults and children, occupying the rental property. In approximately 35% of RTC cases, the household had 1 adult.

Figure 12



In addition to the number of household occupants, RTC clients were asked how many individuals occupying the rental property were under the age of 18. As shown in **Figure 13**, approximately half of RTC clients reported no children occupied the rental property.

Figure 13



RTC clients were asked if any of the individuals, both adults and children, occupying the rental property had a disability. As shown in **Figure 14** below, approximately 77% of RTC clients reported no individuals with disabilities in the household.

Figure 14

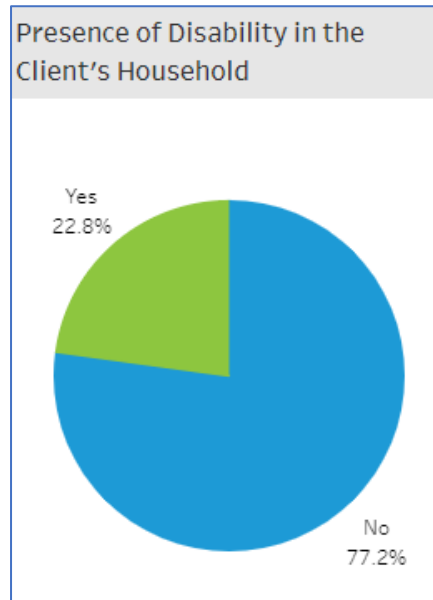
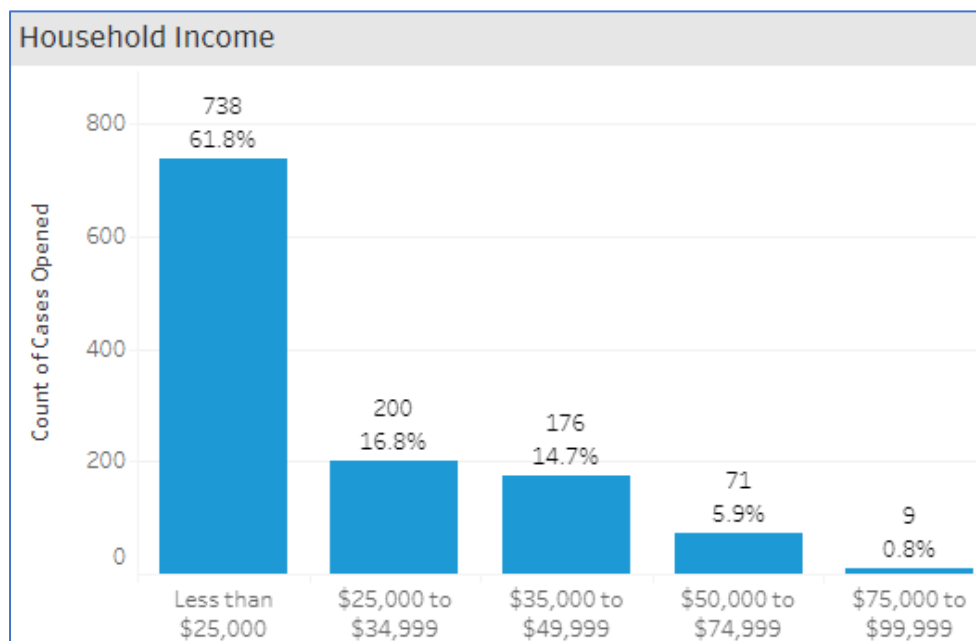


Figure 15 shows the distribution of RTC cases by household income. A majority of clients reported a household income of less than \$25,000.

Figure 15



RTC clients were asked about their current employment status at the time of receiving services. **Figure 16** shows the distribution of the reported employment status, of which nearly half of RTC clients reported having full-time employment. Of those who reported full-time employment, approximately 25% reported income less than \$25,000, approximately 62% reported income between \$25,000 and \$49,999, approximately 12% reported income between \$50,000 and \$74,999, and approximately 1% reported income between \$75,000 and \$99,999. Based on conversations with the legal aid providers, it is our understanding that “Other” generally reflects individuals who were unemployed at the time of survey.

Figure 16

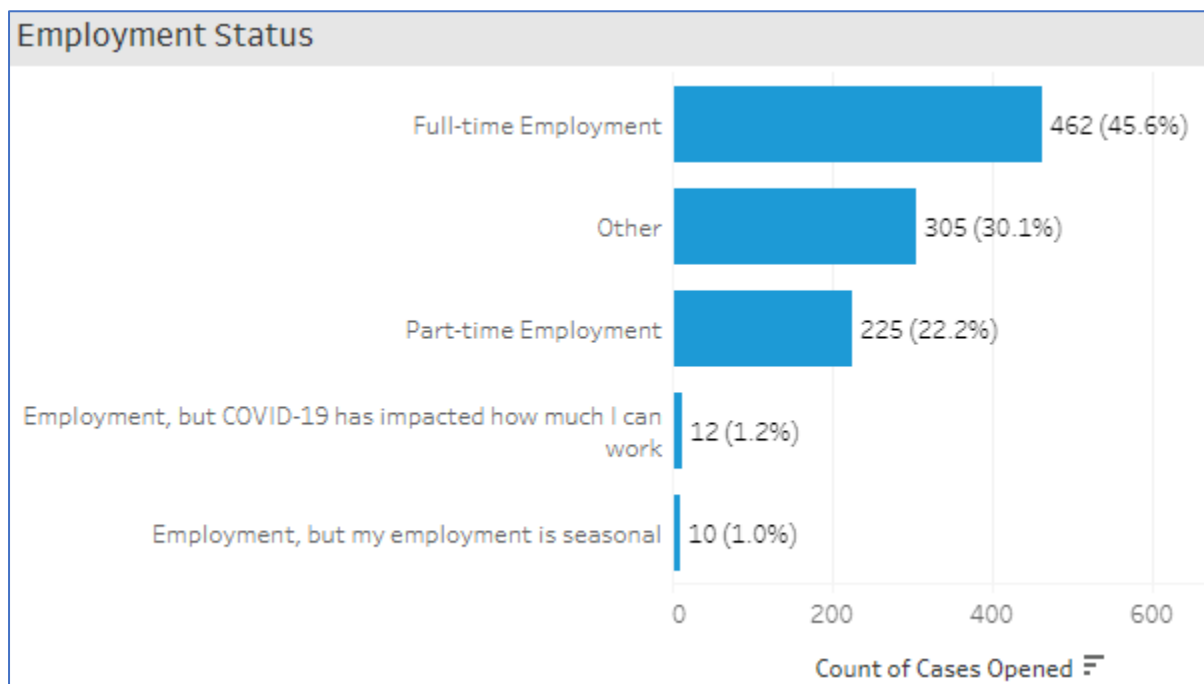


Figure 17 and **Figure 18** below reflect the type of lease and lease terms. Most RTC clients had a written lease (75%) whereas approximately 25% of RTC clients had an oral lease. Approximately 60% of RTC clients had a one-year lease and approximately 30% had a month-to-month lease.

Figure 17

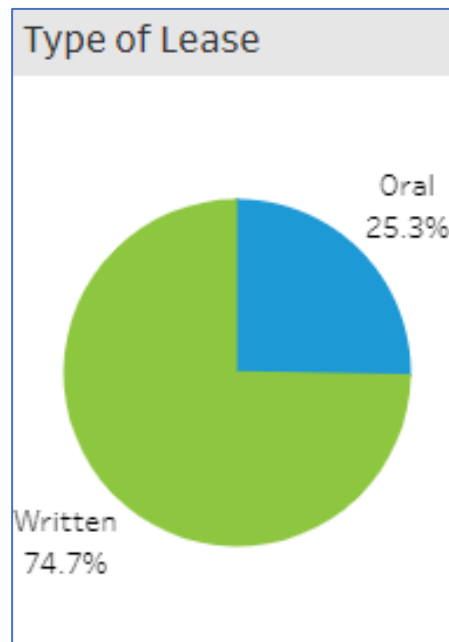
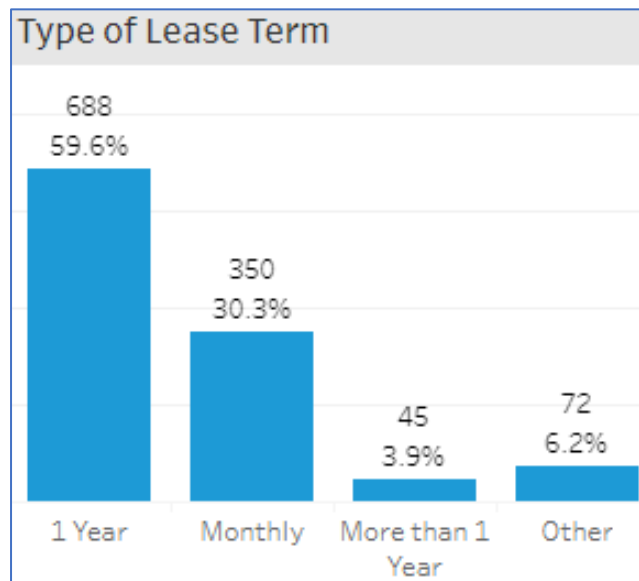
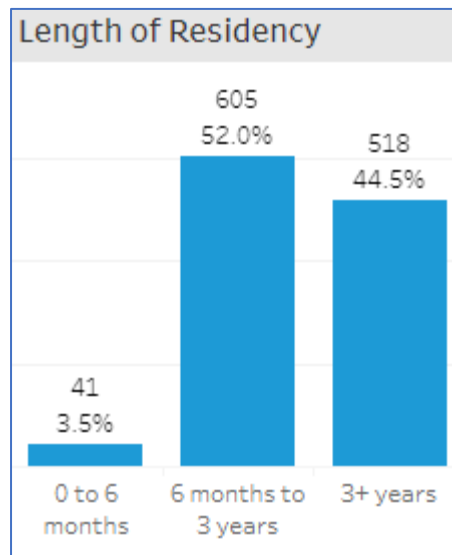


Figure 18



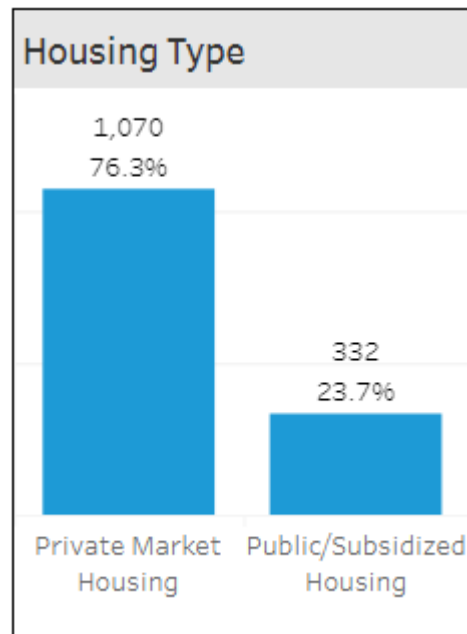
As illustrated in **Figure 19** below, approximately 45% of RTC clients reported a length of residency of three years or more, whereas approximately 4% had been living in their home for less than six months.

Figure 19



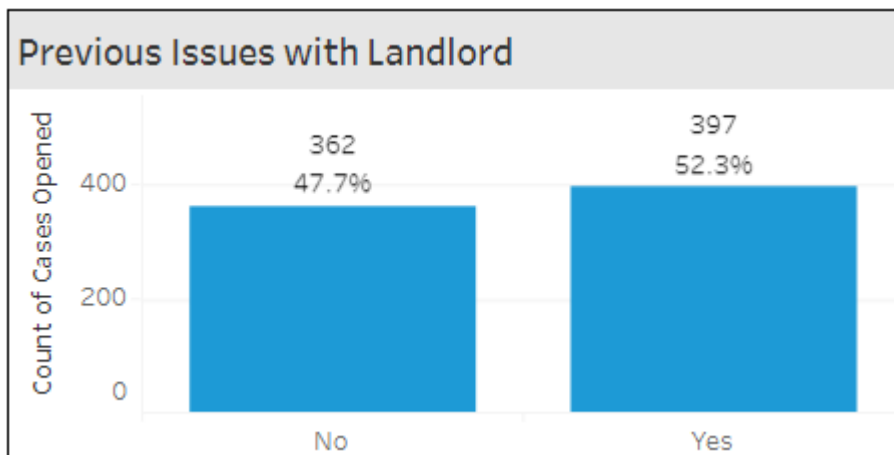
Approximately 76% of RTC clients were living in private housing and 24% were living in public or subsidized housing (including CHA). **Figure 20** shows the distribution of the housing types for RTC clients.

Figure 20



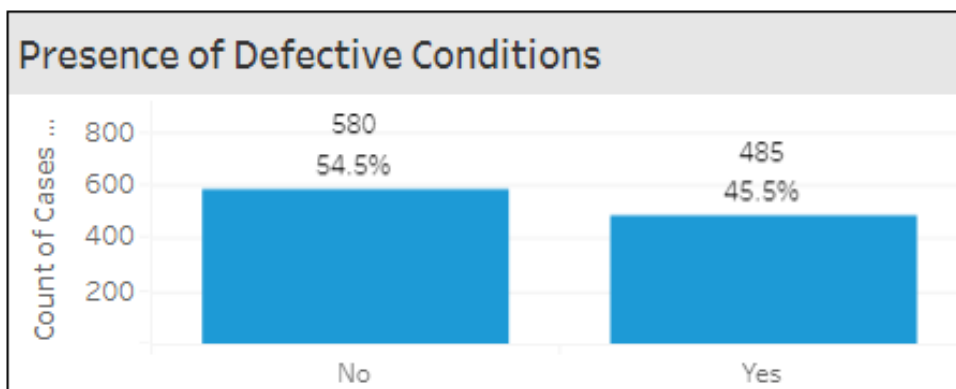
Of the RTC clients who lived in private housing, approximately 52% had experienced previous issues with their landlord as shown in **Figure 21** below.

Figure 21



Of the approximately 76% of RTC clients who lived in private housing, approximately 46% reported defective conditions in their home, as shown in **Figure 22** below.⁴²

Figure 22



While Legal Aid Chicago and LCBH collected data about the prevalence of defective housing conditions RTC clients were facing, these providers, and others, indicated that housing court is not an effective forum for the resolution of housing conditions issues.⁴³ Stout understands that tenants can raise habitability concerns as an affirmative defense to non-payment of rent, but

⁴² After conversations with Legal Aid Chicago and LCBH, we determined that the interview options for the defective conditions should be expanded and refined. The refinement included adding dropdown options for the defective conditions question, which was implemented in August 2023. Since September 2023, of the RTC clients who reported defective conditions, approximately 42% reported issues with pests, including bed bugs, approximately 42% reported environmental hazards (e.g., lead, mold, etc.), and approximately 20% reported no heat or insufficient heat.

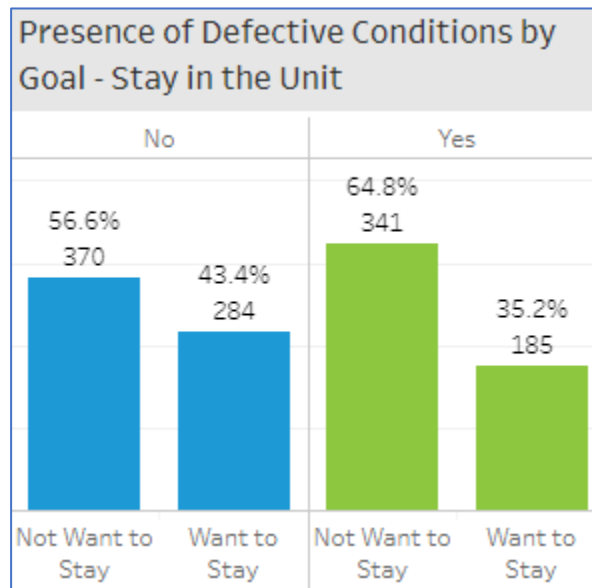
⁴³ Defective conditions were likely significantly under-reported as data collection regarding defective conditions was often limited to when habitability concerns could be raised as a legal defense.

raising this defense often requires representation from an attorney. However, as Stout has found in jurisdictions throughout the country, there is a significant intersection between eviction and defective housing conditions. Households with low incomes who are unable to pay their rent or involved in disputes with their landlord are often living in homes that have various defective conditions that can be unsafe for residents.

Figure 23 below illustrates the distribution of RTC clients who did and did not report the presence of defective conditions in their rental unit and whether or not the client’s goal was to stay in the rental unit or not. Of the 654 RTC clients who did not have a presence of defective conditions in their unit, 370 RTC clients (or 57%) did not want to stay in the unit. Further, of the 526 RTC clients who did have a presence of defective conditions, 341 RTC clients (or 65%) did not want to stay in the unit. These answers are similarly distributed regardless of gender.

However, this distribution of responses varies when considering race/ethnicity. Specifically, of the RTC clients who identified as Black or African American and did not have the presence of defective conditions in their unit, 54% reported their goal was to stay in the unit while 46% did not want to stay in the unit.

Figure 23



ERP and RTC Program Comparisons

General Client Demographics

The Chicago ERP or RTC client is most often a Black or Hispanic female who is between 25 and 49 years old. She speaks English, is not currently working or is working part-time, has household income less than \$25,000, and is living in a household with one to three other people, of whom

at least one is a child. She is seeking assistance from the RTC Program to prevent an eviction judgment or an involuntary move. She wants to stay in her home, but if her household had to move, she does not know where they would go, and they would likely experience homelessness – either living on the street/unsheltered or in an emergency shelter.

Figure 24 shows the distribution of ERP and RTC cases by race/ethnicity, respectively.⁴⁴ In both datasets, over 50% of eviction cases were opened on behalf of individuals who identified as Black or African American and over 10% by individuals who identified as Hispanic or Latino. According to data from the Census Bureau, the three largest distributions of race/ethnicity in Cook County identified as approximately 41% White, approximately 26% Hispanic/Latino, and approximately 24% Black/African American.⁴⁵

Figure 24

Distribution of Race/Ethnicity Reported in ERP and RTC Eviction Cases		
Response	ERP	RTC
Black or African American	67.1%	72.9%
Hispanic or Latino	14.5%	10.4%
White	10.8%	7.0%
Other	5.6%	9.0%
Asian or Pacific Islander	1.6%	0.4%
American Indian or Alaska Native	0.4%	0.2%
Total	100.0%	100.0%

Figure 25 shows the distribution of ERP and RTC cases by gender. In both datasets, a majority of eviction cases are opened on behalf of individuals who identify as a woman. Specifically, approximately 65% and approximately 71% of ERP and RTC clients, respectively, identify as a woman.

⁴⁴ The percentages included in this figure do not include the BLA data.

⁴⁵ <https://www.census.gov/quickfacts/fact/table/cookcountyillinois,IL/PST045218>

Figure 25

Distribution of Gender Reported in ERP and RTC Eviction Cases		
Response	ERP	RTC
Woman	64.5%	71.1%
Man	35.3%	28.3%
Transgender	0.0%	0.5%
Prefer Not to Answer	0.1%	0.0%
Other	0.1%	0.2%
Total	100.0%	100.0%

Back-Rent Owed

Most ERP and RTC clients owed between \$2,000 and \$10,000 in back rent. RTC clients typically owed less in back rent than ERP tenant clients. Approximately 25% of RTC clients owed less than \$2,000 in back rent compared to approximately 13% of ERP tenant clients. Additionally, approximately 11% of RTC clients owed more than \$10,000 in back rent compared to approximately 21% of ERP tenant clients. ERP tenant clients from earlier in the program owed more back rent compared to more recent ERP tenant clients. For ERP eviction cases opened before 2023, approximately 54% of clients owed more than \$5,000 in back rent compared to 45% of clients in ERP eviction cases opened in 2024. Conversely, for RTC cases opened before 2023, approximately 33% of clients owed more than \$5,000 in back rent compared to 37% of clients in RTC cases opened in 2024.⁴⁶

Eligible Tenant Representation Rate and Assisted Rate

As previously discussed, all unrepresented tenants facing eviction in Cook County are eligible for brief services through the ERP Program. Based on the facts and circumstances of the case, and a professional assessment by the attorneys involved, the case may be referred for further evaluation and extensive services through the RTC Program.

Stout understands that the legal aid providers assess the level of services needed for the client and make a determination as to whether the appropriate level of service is limited representation/brief services through ERP or extensive services through RTC. We understand that there is not currently adequate capacity to serve everyone who would benefit from

⁴⁶ Legal Aid Chicago and LCBH indicated that higher percentage of RTC cases opened in 2024 compared to 2023 with clients owing more than \$5,000 in back rent could be the result of assisting more subsidized housing clients.

extensive services. This is an important consideration for the measurement of potential costs associated with the sustainable funding of the ERP+RTC model, including the expectation that many more residents would be served in a fully-implemented and sustainably-funded RTC. As further described in Section VII, Stout's estimate of the sustainable cost of funding for the ERP+RTC model contemplates that 15% - 25% of clients would receive extensive services with sufficient funding. Stout's estimate of the sustainable cost of funding for ERP+RTC is not specific to any individual legal services provider, and the actual cost and staffing for each legal services provider may differ from the inputs used in Stout's analysis.

Based on our assessment of the data, we understand that the assisted rate (the proportion of tenants who received assistance in the eviction process) has increased since the implementation of the ERP and RTC Programs. According to LCBH's May 2019 Opening the Door on Chicago Evictions, 11% of tenants had attorneys (private or legal aid) compared to 79% of landlords in eviction cases from 2010 to 2017.⁴⁷ We understand that very few tenants would have received brief services or advice and limited scope representation prior to the implementation of the ERP and RTC programs. Based on the information collected by legal aid providers for the ERP and RTC Programs, we estimate that of the approximately 54,000 county-wide eviction filings from February 2022 to December 2023, approximately 17,141 tenants (or 32%) received brief services through ERP, including brief services provided by the CCLAHD hotline (operated by CARPLS), and approximately 1,118 tenants in Chicago (or approximately 4% of Chicago residents with an eviction filing) received RTC services through the RTC Program.

⁴⁷ <https://eviction.lcbh.org/sites/default/files/reports/chicago-evictions-3-attorney-represenation.pdf>

Section IV – RTC Goals, Outcomes, and Impacts

Outcomes of Receiving RTC Services

During the ERP intake/interview process, the clients were asked what their goals for the case were. Stout’s evaluation of RTC is centered on client goals that were achieved or not achieved and are working with CBF to develop a survey to understand whether the goals of ERP tenant clients are being achieved.

Stout’s assessment of goal achievement is based on the data collected and we understand and appreciate that these metrics can be interpreted and perceived differently. The assessment of goal achievement should be interpreted and understood to represent an assessment of how often a client in the RTC Program is able to achieve the reported goal and is not meant to assess the quality of effort or contribution of the legal aid providers. There are many circumstances outside the control of the legal aid providers that may prevent the client from achieving their goal, despite the best efforts of their lawyer.⁴⁸ This is particularly true when we again appreciate that RTC clients overwhelmingly have complex cases and face particular vulnerabilities. Furthermore, we appreciate that the evaluation of goal achievement is imperfect for many reasons (some of which are discussed below); however, Stout believes that the information and data collected by the legal aid providers, combined with qualitative feedback and independent research provides a reasonable foundation from which to assess the overall program and identify areas where further support would be helpful.

The assessment of the goal “Leave the Unit” is particularly relevant when understanding the imperfect nature of the assessment of goal achievement. While **Figure 27** provides the achievement rate for the goal “Leave the Unit”, the achievement rate includes clients that indicated “Leave the Unit” as their goal but that did not ultimately leave the unit as the attorney was able to work with the client and landlord to develop a resolution that resulted in the client staying in their current home. Discussions with the legal aid providers indicated that while the clients that stayed in the unit did not “Leave the Unit”, the legal aid provider assisted the tenant in being able to stay in the unit and may have provided the tenant more time to find alternative housing should the tenant still choose to leave the unit.

Furthermore, the goal “Secure Additional Time to Move” is based on the information from the legal aid providers as to the amount of time a client received to find alternative housing. Discussions with the legal aid providers indicated that the recording of how much additional

⁴⁸ Additionally, a client may identify a goal before any legal information is shared with the attorney. Stout learned from legal services providers that there are also instances where a client’s goal may have changed, but the change is not reflected in their case management system.

time was secured for the client is subjective and depends on whether the amount of time recorded includes time related to 1) technical dismissals and/or 2) the time a tenant is able to remain in their home while litigation progresses or does the amount of time recorded only include the time agreed to with the opposing party during negotiations and settlement discussions.

Understanding that the goal achievement rates are imperfect and need to be considered in concert with the qualitative feedback, Stout undertook a process to identify the data that most closely aligned with assessing the achievement of specific goals.

Figure 26 provides the distribution of goals among the private housing and subsidized housing RTC clients.

Figure 26

Distribution of Goals		
	Private Housing	Subsidized Housing
Avoid a Formal Eviction	78%	71%
Stay in the Unit	48%	49%
Leave the Unit	37%	26%
Secure Rental Assistance	50%	26%
Secure Additional Time to Move	25%	13%

Figure 27 provides the goal achievement rate for private housing clients and subsidized housing clients.

Figure 27

Goal Achievement		
	Private Housing	Subsidized Housing
Avoid a Formal Eviction	92%	95%
Stay in the Unit	58%	62%
Leave the Unit	89%	67%
Secure Rental Assistance	34%	33%
Secure Additional Time to Move	38%	50%

Of the clients that did not achieve the stated goal of “Stay in the Unit”, approximately 43% of private housing clients received at least 30 days to find alternative housing. Furthermore, for

the clients that did not achieve the stated goal of “Leave the Unit”, the staff attorneys were able to either negotiate or obtain a ruling that allowed the client to stay in the current unit, which provided the client with more time to find alternative housing.

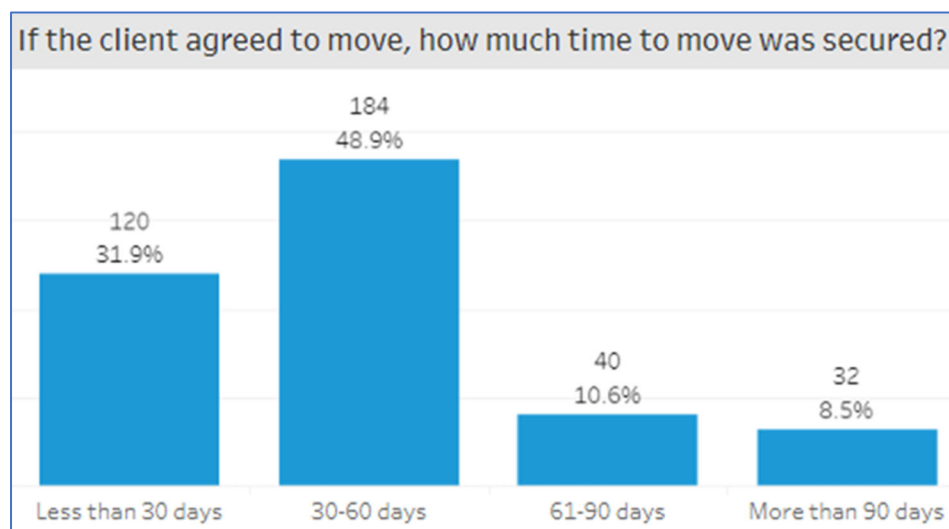
Not only did 89% of private housing clients and 67% of subsidized housing clients achieve the stated goal of “Leave the Unit”, but the staff attorneys also negotiated a settlement or obtained a judgment that provided approximately 45% of private housing tenants and 74% of subsidized housing tenants at least 30 days to find alternative housing.

The achievement rate for securing rental assistance is expected given the lack or limited nature of emergency rental assistance in Chicago, as previously discussed. Further, for the clients that reported a goal of “Secure Rental Assistance”, 65% of the clients that achieved the goal indicated that they had applied for rental assistance during the intake with the legal aid provider; whereas only 46% of the clients that did not achieve the goal indicated that they had applied for rental assistance during the intake with the legal aid provider.

Approximately 29% of the private housing clients that did not achieve the stated goal of “Secure Additional Time to Move”, the staff attorneys either negotiated a settlement or obtained a judgment whereby the client was able to stay in the unit, which allowed the client more time to find alternative housing.

As shown in **Figure 28**, for those clients who agreed to move, the staff attorneys were generally able to secure less than 60 days for the client to move. The legal aid providers were able to secure more than 60 days to find alternative housing for approximately 19% of the clients who agreed to move.

Figure 28



Again, the ability to achieve goals such as avoiding a formal eviction, staying in one’s home, securing rental assistance, and securing additional time to move will be impacted by many

factors outside the control of the tenant’s attorney – such as, whether the tenant can move by a certain date, rental assistance availability and eligibility, the willingness of the landlord to allow the tenant to stay in the home, the relationship between the tenant and the landlord, the merit of any defenses and other facts in the case, and the willingness of the landlord to allow additional time to move (and the ability of the client to pay rent during that period).

These rates of goal achievement serve to demonstrate the impact of tenant representation in complex RTC cases. However, they also demonstrate the need for supplemental resources that would enable the lawyers assisting these clients to be more successful in achieving these goals. For example, the availability of low-barrier, efficient rental assistance could significantly improve the ability to assist clients seeking to stay in their home or seeking to secure additional time to move.

Supplemental Outcomes for RTC Clients with Subsidized Housing

Legal Aid Chicago provided additional information related to outcomes associated with RTC clients. The additional information provided by Legal Aid Chicago reflected that 168 cases (or approximately 50% of cases where the client received extended representation services) resulted in a dismissal of the rent claim. The rent claimed in these cases totaled approximately \$1.15 million.

Based on data Stout received from Legal Aid Chicago for the RTC Program, Legal Aid Chicago assisted 229 clients (approximately 87% of its RTC clients) in either retaining or obtaining subsidized housing during its representation of the client. Furthermore, Legal Aid Chicago assisted 217 clients (approximately 80% of its RTC clients) in achieving monthly savings totaling approximately \$202,000 per month in subsidy payments.

Beyond Legal Aid Data

BLA provided data for 156 clients accepted for RTC services (149 with a reported intake date ranging from December 2022 to March 2024), as shown in **Figure 29**.

Figure 29

Cases Opened by Month		
	No. of Cases	% of Total
December 2022	21	14.1%
January 2023	4	2.7%
February 2023	5	3.4%
March 2023	5	3.4%
April 2023	5	3.4%
May 2023	8	5.4%
June 2023	15	10.1%
July 2023	21	14.1%
August 2023	15	10.1%
September 2023	12	8.1%
October 2023	11	7.4%
November 2023	9	6.0%
December 2023	5	3.4%
January 2024	4	2.7%
February 2024	5	3.4%
March 2024	4	2.7%
Total	149	100.0%

The BLA data reflected a different distribution of clients based on race. As shown in **Figure 30**, more than 70% of the BLA clients identified as “White” and approximately 27% identified as “Black/African American.” Many of the community organizations providing RTC services in coordination with BLA have historically assisted predominantly Hispanic communities, including with immigration matters. Because Hispanic is an ethnic identity instead of a racial identity, many of BLA’s clients identified as White when asked about their race because Hispanic was not an option.

Figure 30

Client Race		
	No. of Cases	% of Total
White	111	71.2%
Black/African American	42	26.9%
Native American/ Pacific Islander	1	0.6%
Asian	1	0.6%
Middle Eastern	1	0.6%
Total	156	100.0%

The BLA data is relatively consistent with the data from the other RTC legal aid providers in terms of gender. As shown in **Figure 31**, approximately 57% of BLA’s clients identified as “Female” and approximately 40% identified as “Male.”

Figure 31

Client Gender		
	No. of Cases	% of Total
Female	89	57.1%
Male	62	39.7%
Non-Conforming	3	1.9%
Not Reported	2	1.3%
Total	156	100.0%

The BLA data did not report the dollar amount of household income but did provide an indication as to the household income as a percentage of the “Area Median Income”. The distribution of household income as a percentage of the “Area Median Income”, as shown in **Figure 32**, appears to be consistent with the distribution of household income included in the data from the other legal aid providers.

Figure 32

Client Household Income as Percentage of Area Median Income		
	No. of Cases	% of Total
0%	48	31.6%
0.1%-25%	51	33.6%
25.1%-50%	31	20.4%
>50%	22	14.5%
Total	152	100.0%

The BLA data indicated that approximately 85% of clients reported no disability, consistent with the data from the other legal aid providers.

The figures below summarize the distribution of client goals, consequences of unachieved goals, and reasons for non-payment in the BLA data.

As shown in **Figure 33**, the most reported goal of BLA clients was “Stay in the Unit”, followed by “Secure Additional Time to Move”, and “Avoid a Formal Eviction” only representing approximately 14% of the population. The distribution of client goals for BLA clients is different than the distribution of client goals for RTC clients serviced by Legal Aid Chicago and LCBH.

Figure 33

Client Goals		
	No. of Cases	% of Total
Stay in the unit	33	21.6%
Secure additional time to move	29	19.0%
Other (please specify)	26	17.0%
Avoid a formal eviction	21	13.7%
Remedy defective conditions	14	9.2%
Mitigate damages / amounts owed	11	7.2%
Leave the unit	9	5.9%
Recover security deposit	7	4.6%
Secure rental assistance	3	2.0%
Total	153	100.0%

As shown in **Figure 34**, approximately 50% of BLA clients reported that they would experience unsheltered homelessness if the reported goal was not achieved.

Figure 34

Unachieved Goal Consequences		
	No. of Cases	% of Total
Unsheltered Homelessness	74	49.7%
Added stress or health concerns	50	33.6%
Secure other private rental housing in Cook County	22	14.8%
Disruption to Child Education	1	0.7%
Move in with friends or family	1	0.7%
Secure public housing in Cook County	1	0.7%
Total	149	100.0%

As shown in **Figure 35**, the most common response explaining the reason for non-payment of rent was “Loss of Job / Insufficient Income”, “Tenant Disagrees that Rent is Owed”, and “Defective Conditions in the Unit”, which accounted for approximately 63% of the responses.

Figure 35

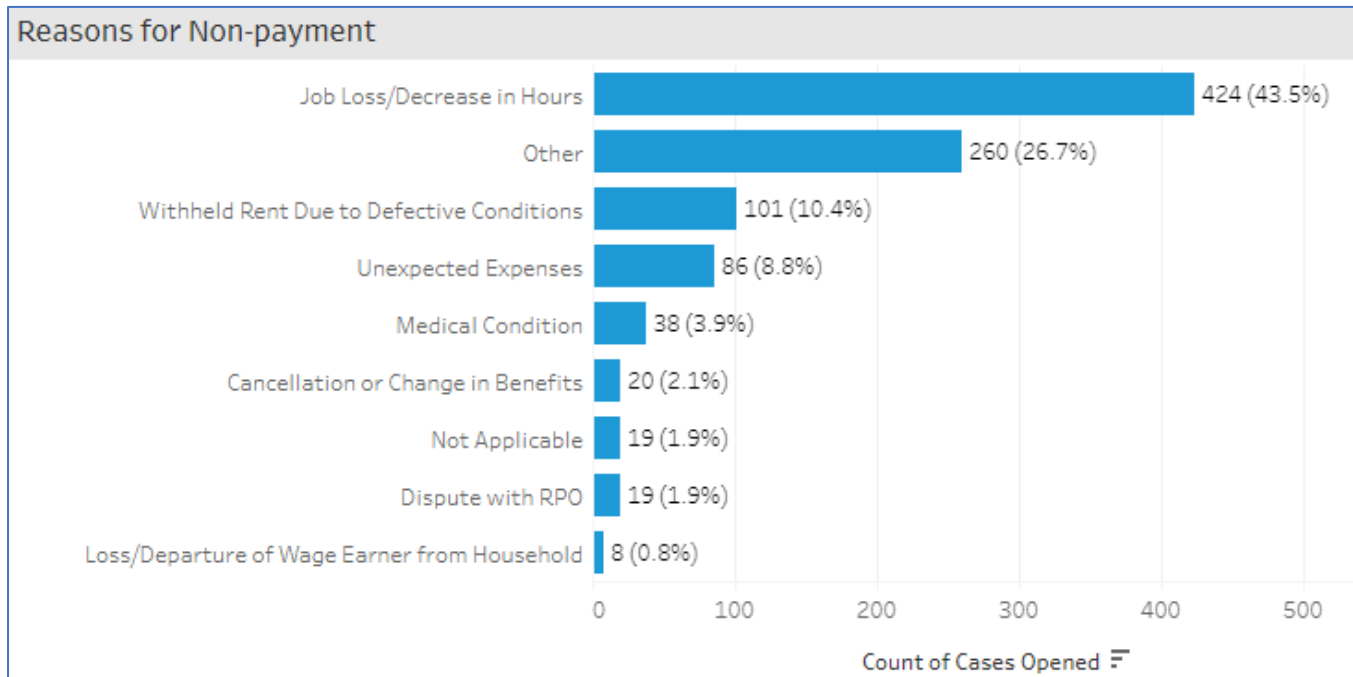
Reasons for Non-payment of Rent		
	No. of Cases	% of Total
Loss of Job / Insufficient Income	45	36.0%
Tenant Disagrees that Rent is Owed	18	14.4%
Defective Conditions in the Unit	16	12.8%
Other	9	7.2%
Unexpected Expenses	8	6.4%
Withheld Due to Alleged Harm by Landlord	8	6.4%
Decreased Work Due to COVID19	5	4.0%
Landlord Refusal to Accept Rent	5	4.0%
Unable to Pay Due to Rent Increase	3	2.4%
Tenant Labor as Rent	3	2.4%
Cancellation or Change in Benefits	3	2.4%
Tenant Confusion Related to Lease Terms	2	1.6%
Total	125	100.0%

Many of the RTC clients served by BLA community partners do not have written leases with their landlord and typically have very low household income (if any income at all). This combination, and other circumstances, can create a sense of fear, skepticism and confusion in rental relationship and the eviction process. Trusted community organizations can be helpful in bridging these concerns to ensure tenants are able to assert their rights and avoid disruptive displacement, when possible.

As shown in **Figure 36** below, the most reported reason for non-payment is due to employment (i.e. loss of job or decreased hours). The third most reported reason for non-payment is the tenant withholding rent due to the presence of defective conditions in the unit.⁴⁹

⁴⁹ “Other” responses include but are not limited to issues with benefits being sent to wrong address, disagreements related to fees, unawareness of rent increases, landlord refused to accept rent, issues with online payment systems, and rent recertification issues.

Figure 36



CCR Mediation Data

As previously discussed, CCR provides mediation services during the ERP process for those cases where mediation services are expected to resolve the issue(s).⁵⁰ While CCR does not report data to Stout monthly, we did receive data related to mediations from CCR covering May 2023 to April 2024. Between May 2023 and April 2024, CCR held 352 mediation sessions (i.e., 352 cases as each mediation session represents one case), resulting in 149 full or partial agreements. In other words, CCR held mediations for approximately 4% of ERP cases opened between May 2023 and April 2024 and obtained a full or partial agreement for approximately 42% of those cases.

⁵⁰ Stout understands that represented landlords generally do not participate in CCR mediation.

Further, **Figure 37** summarizing the intersection of satisfaction by the parties and case outcome.

Figure 37

Satisfaction by Case Outcome					
	Very Satisfied	Satisfied	No Opinion	Dissatisfied	Very Dissatisfied
Agreement	70%	24%	5%	6%	3%
Agreement (Move-Out)	67%	32%	0%	0%	1%
Agreement (Pay & Stay)	71%	29%	0%	0%	0%
Partial Agreement	78%	22%	0%	0%	0%
No Agreement	40%	35%	6%	12%	7%

It is noteworthy that even when the mediation services did not result in an agreement, 75% of the parties reported being either “very satisfied” or “satisfied” with the services provided.

Furthermore, 91% of parties reported as being “very satisfied” or “satisfied” in that the mediator understood what was important to them and 99% of parties reported being “very satisfied” or “satisfied” in that the mediator treated the party with respect.

Section V – Qualitative Feedback from Local Stakeholders, Including Landlords and Their Counsel

Throughout 2023 and early 2024, Stout engaged with a variety of Chicago and Cook County stakeholders with experience and expertise with the local rental housing and eviction ecosystem or serving clients or residents who may have interacted with the eviction ecosystem. The purpose of these meetings was to learn from local stakeholders who have different perspectives and experiences with the eviction process or who have observed the impact of evictions on Chicago and Cook County residents and rental property owners. Stout met with:

- Civil legal services organizations;
- Landlords and their counsel;
- Representatives from the court system;
- Representatives from the Continuum of Care
- Representatives from the foster care or child protective services system who assist children experiencing homelessness;
- Tenant organizers and community-based organizations;
- Administrators of rental assistance programs; and
- Health care professionals providing services to people experiencing homelessness or housing instability.

The stakeholders shared their unique perspectives, and many discussed the importance of assistance for tenants both during and before the eviction process and the importance of complementary programs, such as sustainable rent assistance. Social services providers and non-profit organizations shared examples of consequences that can be required and experienced after a household is displaced, which included emergency shelter, stays in hotels or motels or living unsheltered, physical and mental health care, and the perpetuation of generational poverty. Several stakeholders in County and City government shared the significant capacity constraints within the emergency shelter and housing social safety net systems as a result of an increase in migrants arriving in the Chicago area. Stakeholders assisting families and children experiencing homelessness described increases in sheltered and unsheltered homelessness among children since the pandemic. Tenant organizers and community-based organizations underscored the importance of tenant outreach, communication, and education on housing rights as well as roles and responsibilities of rental property owners and tenants. Additionally, through Stout's regular interactions with ERP+RTC attorneys, the attorneys shared the experiences of their clients, which are incorporated throughout the evaluation report.

In 2023, civil legal services organizations and representatives from the court system communicated that the volume of cases can be challenging and can lead to staff turnover. Stout understands that since this time, Cook County and the Chicago Bar Foundation, in coordination with the legal services organizations, have sought to increase staffing to limit the potential for unreasonable caseloads, ensure case backlogs decrease, and maximize the potential for early resolution based on the client's circumstances.

Stout was connected to 16 rental property owners / rental property owner counsel in Chicago and Cook County and conducted one-on-one interviews as well as one focus group. The purpose of engaging this stakeholder group was to seek feedback and understand the eviction process from the rental property owner / counsel perspective, discuss challenges with and opportunities for ERP / RTC refinement, and to understand better the impact of eviction on rental property owners.

All rental property owners in Chicago and Cook County that Stout engaged with communicated frustration with how long the eviction process is taking in Cook County, including the frequency with which there are multiple continuances granted and the related additional time associated with continuances. However, it is also important to appreciate that rental property owners / their counsel often request continuances that the court considers and sometimes grants. Several rental property owners indicated that prior to ERP, they would be able to have a court date scheduled within 2 weeks of filing an eviction complaint, and now court dates are being scheduled 45 to 60 days after filing. Stout understands from legal services providers that as of July 2024, court dates are generally being scheduled 6 weeks after filing and that the longer durations between filing and hearing were more prevalent when the court was processing post-moratorium cases.

They also shared that because eviction cases can require several months to resolve, they are implementing more robust requirements to minimize their risk of loss and likelihood that they will need to file an eviction, such as requiring higher security deposit amounts, increasing income requirements, requiring proof of prior and current employment, conducting more robust background checks and reference checks, as well as reviewing credit and criminal records. Rental property owners also indicated that they may be more likely to serve notice and file evictions sooner with the expectation that the eviction process will require several months. This feedback was echoed by an attorney who represents rental property owners in Chicago who indicated that their clients used to "take chances" on tenants and try to work with them for 3 to 4 months before providing notice and filing an eviction. They indicated that several of their clients are now providing notice and filing an eviction when tenants are only 1 month behind. While all rental property owners were frustrated by the length of the eviction process, many were supportive of tenants having counsel and appreciated that attorneys can be valuable in assisting tenants in navigating a complex legal system.

Section VI – Preliminary Estimate of Potential Fiscal Impacts

The impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. While many of these impacts are not yet quantifiable, clear fiscal costs or economic impacts of disruptive displacement do exist. This section details preliminary estimates of the fiscal impact that RTC is likely having on publicly funded systems in Chicago⁵¹. These preliminary estimates of fiscal impacts provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken in Chicago.

Preliminary Estimates of Fiscal Impacts

Stout relied on the client interview data from Legal Aid Chicago and LCBH to develop these estimates. Client circumstances and case characteristics often vary. Because of this variation, not all interview questions are applicable to all RTC clients and, therefore, are not asked to all clients. RTC staff exercise discretion during the interview process. There may be interview questions not asked based on a client's lived experiences, comfort level with certain topics, and/or having to recount traumatic experiences. A primary data element for Stout's preliminary fiscal impact calculations is how clients answered the interview question, "If you have to move, where could your household stay?" Answers to this question inform the degree to which clients would need assistance from publicly funded social safety net systems in Chicago and the likelihood of other fiscal impacts.

Using data collected by Legal Aid Chicago and LCBH, Stout estimated Legal Aid Chicago and LCBH assisted in avoiding disruptive displacement for between approximately 78% and 92% of private market housing clients and 74% and 93% of public and subsidized market housing clients. Stout uses the phrase "disruptive displacement" to capture outcomes of cases beyond "winning" and "losing." For example, there may be circumstances where tenants did not have a formal eviction order issued against them and, therefore, were not displaced. However, they have still experienced disruption in their lives because of the landlord-tenant filing, such as entering a negotiated settlement with unrealistic payment terms, resulting in additional financial strain. Additionally, there may be circumstances where a tenant loses possession of their home but is granted extra time to vacate. In this situation, disruptive displacement may have been avoided because of the additional time to find alternative, suitable housing.

Stout estimated that Chicago likely realized potential economic benefits of between at least approximately \$10.6 million to \$12.9 million between February 2022 and March 2024, as a result

⁵¹ The eviction right to counsel pilot is only for City of Chicago residents.

of RTC. The City of Chicago Departments of Housing and Planning & Development allocated approximately \$3.85 million for the RTC pilot, this includes approximately \$2.2 million in funding through June 2023 and 75% of the approximately \$2.2 million allocated for July 2023 through June 2024. Thus, for every \$1 spent on RTC, Chicago likely realized between at least \$2.75 and \$3.35 in fiscal benefits. For research demonstrating the non-quantifiable impacts of eviction and the impact of eviction intervention services see **Appendix L**.

In its evaluations and cost-benefit analyses (pre- and post-legislation) of eviction right to counsel programs throughout the country, Stout has found the estimated dollar value of a right to counsel generally ranges from \$2.76 to \$4.80. As discussed in detail below, the estimated quantifiable fiscal benefits in Chicago between February 2022 and March 2024 were related to:

- Decreased need for housing social safety net responses to homelessness - \$7 million - \$8.4 million
- Decreased Medicaid spending on health care - \$1.3 million - \$1.7 million
- Decreased out-migration - \$710,000 - \$900,000
- Increased educational attainment of children - \$430,000 - \$540,000
- Decreased societal costs of crime - \$370,000 - \$460,000
- Increased employment stability - \$360,000 - \$460,000
- Retained school funding for children in Chicago schools - \$220,000 - \$280,000
- Decreased cost of criminalizing homelessness - \$140,000 - \$180,000

Estimated Temporary Housing and Social Services Fiscal Impacts

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness.⁵² There were 6,139 people experiencing homelessness in Chicago in 2023, an increase of approximately 14% compared to 2022.⁵³

Stout estimates that between 522 and 616 households living in private market housing and between 146 and 184 households in public or subsidized housing in Chicago avoided disruptive displacement and remained in Chicago from February 2022 through March 2024 because of the services provided in the eviction RTC.

Stout estimated the proportion of clients who would require temporary housing and social safety net response if they experienced disruptive displacement by analyzing client answers to the interview question, “If you have to move, where could your household stay?” Clients who answered “Emergency Shelter” or “Unsheltered” would likely have required a temporary housing or social safety net response but for RTC. Clients living in private market housing

⁵² Arenas, Ivan, et. Al. “Black Homelessness in Illinois: Structural Drivers of Inequality.” Institute for Research on Race and Public Policy, University of Illinois Chicago. March 2024. states that “...eviction filings pose a major risk to becoming unhoused.”

⁵³ City of Chicago 2023 Point-in-Time Count & Survey of People Experiencing Homelessness.

indicated one of these two responses in 63% of closed cases, and clients living in public or subsidized housing indicated one of these two responses in 76% of closed cases.

While the proportion of RTC clients who would likely have experienced homelessness but for RTC is higher than what Stout has observed in other eviction right counsel programs it has evaluated,⁵⁴ the design of ERP and RTC results in the clients who receive representation having more substantive legal issues, case complexities, and severe consequences if their goals are not achieved. RTC clients living in subsidized housing are at particularly acute risk of experiencing homelessness if forced to move, as indicated by the difference in responses above.

Based on publicly available data from the City of Chicago Homeless Services and 2023 US Department of Housing and Urban Development Continuum of Care funding, the estimated annual cost to provide a temporary housing and social services response for these client households in Chicago would have been approximately \$11,500 per household if Legal Aid Chicago or LCBH were unable to avoid disruptive displacement for these clients. Applying the estimated \$11,500 per household cost to the between 440 and 528 households, who would likely have required a housing social safety net response but for the RTC, results in a fiscal impact of between \$5.1 million and \$6.1 million for Chicago.

A portion of the households that would have required a housing social safety net response would have also likely required a second housing social safety net response. According to data from July through September 2023 Chicago Continuum of Care Systems Goals, an estimated 38% of households that exit temporary housing or shelter return to homelessness.⁵⁵ Applying the 38% metric to the between 440 and 548 households that would have experienced homelessness results in between 167 and 200 households experiencing homelessness a second time and requiring a subsequent housing social safety net program. At an estimated cost of \$11,500 per household per year for housing social safety net programs, the cost of between 167 and 201 households requiring a second housing social safety net program would be between \$1.9 million and \$2.3 million to Chicago.

The total estimated fiscal impact to Chicago related to people avoiding experiencing homelessness and requiring a housing social safety net response as a result of the RTC is between \$7 million and \$8.4 million.

⁵⁴ Data from Stout's evaluations of eviction right to counsel programs in Connecticut, Cleveland, Nashville, and Milwaukee, indicates that between 15% and 30% of clients indicated they would experience homelessness in some form if they were forced to move.

⁵⁵ Chicago Continuum of Care Systems Goals July - September 2023 Update. 38% of exits from the Continuum of Care were to homelessness.

Estimated Additional Medicaid Spending

A significant body of research has documented the connection between health and housing,⁵⁶ and recent research has examined the connection between eviction filing rates and mortality rates.⁵⁷ People experiencing homelessness, including those experiencing homelessness because of eviction or disruptive displacement, often utilize in-patient and emergency room care more frequently than people who are stably housed. Stout found in its independent evaluation of Cook County's (Chicago) Early Resolution Program approximately 41% of clients facing eviction indicated that if they were not able to effectively resolve their case, they would likely experience increased stress and health concerns.

Of the 2,012 to 2,529 individuals Stout estimated avoided disruptive displacement from February 2022 through March 2024, approximately 66% indicated they would experience homelessness in some form if they were not able to achieve their housing goals. This would result in between approximately 1,300 and 1,700 individuals experiencing homelessness in some form (not necessarily requiring a housing safety net response) in Chicago but for the RTC. Using utilization rates of in-patient and emergency room care for people experiencing homelessness, average cost data, Medicaid enrollment, and the estimated portion of Medicaid funded by Chicago, Stout estimates that Chicago saved between approximately \$1.3 million and \$1.7 million in additional Medicaid costs as a result of the RTC.

Retained Economic Value by Minimizing Out-Migration

In its evaluations of eviction right to counsel programs in Cleveland, Milwaukee, Connecticut, and Oklahoma, Stout has observed that approximately 3% of clients indicate they will move out of their jurisdiction. Applying this to the between 662 and 831 households that avoided disruptive displacement, results in between 20 and 25 households staying in Chicago as a result of RTC. Using this metric and an estimated \$12,000 in economic value (e.g., federal funding, state and local tax revenue, dollars spent in state and local economies) per person,⁵⁸ Stout

⁵⁶ See Smith, Patrick, et al. "Eviction from rental housing and its links to health: A scoping review." *Health & Place*. March 2024. Increased exposure to eviction is associated with worse mental health, increased anxiety, more hospital and emergency department visits, child development risk, and premature birth.

⁵⁷ Rao, Shreya et al. "Association of US County-Level Eviction Rates and All-Cause Mortality." *National Library of Medicine*. November 2022. The researchers analyzed 2016 eviction data for nearly 700 counties and found that eviction rates were significantly associated with all-cause mortality with the strongest associations observed in counties with the highest proportion of Black and female residents. All-cause mortality increased by approximately 9 deaths per 100,000 residents for every 1% increase in eviction rates.

⁵⁸ Estimated by Stout using data from: (1) Aguilar, Louis. "Detroit population continues to decline, according to Census estimate." *Bridge Michigan*. May 2020. (2) "State and Local Expenditures." *Urban Institute*. 2018. Referencing State & Local Government Finance Data Query System and Data from U.S. Census Bureau, Annual Survey of State and Local Government Finances, Volume 4. 2020. (3) Present value of investments that cities and states have been willing to make to attract new residents.

estimates that Chicago has likely retained between \$710,000 and \$900,000 in economic value from February 2022 through March 2024.

Estimated Cost Savings Related to Increased Educational Attainment

School-aged children who experience homelessness face significant mental and physical health challenges that prevent students from focusing on their education.⁵⁹ These challenges can result in students experiencing homelessness becoming chronically absent from school.⁶⁰ After just one year of chronic absenteeism, students are significantly less likely to complete high school.⁶¹

Research has demonstrated that not completing high school has a significant impact on an individual's future income.⁶² Additionally, the relationship between higher levels of education and lower likelihood of welfare program utilization has also been identified.⁶³ Graduation from high school and college has been shown to significantly decrease the likelihood of the future need for cash and housing assistance,⁶⁴ applying for and utilizing Supplemental Nutrition Assistance Program benefits,⁶⁵ and being enrolled in Medicaid.⁶⁶

Stout estimated the annual reduction in social safety net spending due to increased educational attainment resulting from RTC increasing housing stability of children in Chicago. Stout estimated that increased educational attainment due to RTC results in approximately \$9,000 less in social safety net spending per person.⁶⁷ Applying this to the between 48 and 60 children who likely would have not completed high school but for RTC results in between \$430,000 and \$540,000 in reduced social safety net spending in Chicago annually.

⁵⁹ Bishop, Joseph. "Our Children Can't Wait: The Urgency of Reinventing Education Policy in America"

⁶⁰ "Chronic Absenteeism Among Students Experiencing Homelessness in America." National Center for Homeless Education. 2022.

⁶¹ "Research Brief: Chronic Absenteeism." University of Utah, Utah Education Policy Center. 2012.

⁶² Tamborini, et al. "Education and Lifetime Earnings in the United States." Demography. 2016.

⁶³ Cliff, Aiden. "The Relationship Between Education and Welfare Dependency." The Brown Journal of Philosophy, Politics & Economics.

⁶⁴ Waldfogel, J, et al. "Public Assistance Programs: How Much Could be Saved with Improved Education?" Working Paper for Education Symposium, Teacher's College, Columbia University. 2005.

⁶⁵ Rank, M and Hirschl, T. "The Likelihood of Using Food Stamps During the Adult Years." Journal of Nutrition and Behavior. 2005.

⁶⁶ Muennig, P. "Health Returns to Educational Interventions." Columbia University. 2005.

⁶⁷ Stout estimated per household social safety net benefits expenditures for individuals who do not complete high school in Chicago using per household state and federal welfare expenditures by level of educational attainment.

Estimated Annual Cost-of-Crime Fiscal Impacts

Research has demonstrated how higher rates of eviction correspond to higher rates of vehicle theft and forced entry.⁶⁸ Fewer evictions were shown to result in a decrease in “rough sleep crimes” where the primary motivation is accessing shelter.⁶⁹ Legal Aid Chicago and LCBH achieved clients’ goals in between 74% and 93% of cases, resulting in between 642 and 806 households avoiding disruptive displacement and remaining in Chicago. Using these findings, Stout estimates that Chicago avoided between 52 and 65 forcible entries and between 10 and 12 motor vehicle thefts from February 2022 through March 2024 as a result of RTC.

There is considerable research estimating the criminal justice and government cost of crime, from which dollar value impacts of crime have been developed. The most recent research has found that the cost of a vehicle theft is approximately \$3,867 (approximately \$5,700 in 2024 dollars), and the societal cost of a burglary is approximately \$4,127 (\$6,000 in 2024 dollars).⁷⁰ Applying these estimated societal costs of crime to the forcible entries and vehicle thefts avoided as a result of RTC results in an estimated fiscal impact of between \$370,000 and \$460,000 to Chicago.⁷¹

Estimated Cost Savings Related to Employment Stability

Research has demonstrated the impact of eviction on employment stability, particularly the increased likelihood of a person experiencing job loss after being evicted. Using this research, Stout estimated approximately 15% of RTC clients would have likely experienced job loss because of disruptive displacement caused by eviction.⁷² Applying this to the 642 and 806 households that avoided disruptive displacement and remained in Chicago, results in between 96 and 123 households that would have likely experienced job loss. When the head-of-household experiences job loss and no or reduced income, they could become eligible for social safety net.

Stout estimated that the average low-income household whose head-of-household experiences unemployment due to disruptive displacement receives approximately \$3,740 in social safety

⁶⁸ Falcone, Stefano. "Forcing Out, Breaking In: Do Evictions Increase Crime." July 2022. See also Semenza, D. C., Stansfield, R., Grosholz, J. M., & Link, N. W. "Eviction and Crime: A Neighborhood Analysis in Philadelphia." *Crime & Delinquency*. August 2022.

⁶⁹ Ibid. See Table B.1.

⁷⁰ McCollister KE, French MT, Fang H. The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation. *Drug Alcohol Depend*. April 2010. Table 3, Criminal Justice System Cost. Stout used the Bureau of Labor Statistics Consumer Price Index Inflation Calculator to adjust the dollar amounts to 2023 dollars. <https://data.bls.gov/cgi-bin/cpicalc.pl>.

⁷¹ Current research only calculates the cost of burglary, however for a crime to be considered a burglary, there must be forcible entry. Federal Bureau of Investigation. Uniform Crime Report, Burglary.

⁷² Estimated using Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

net benefits during the period of unemployment.⁷³ This results in between \$360,000 and \$460,000 in social safety net cost savings to Chicago as a result of RTC.

Estimated Federal and State Funding Retained for Chicago Public Schools

Chicago Public Schools reported more than 17,000 students experienced homelessness in the 2022-2023 school year. Because Chicago Public Schools are allocated federal and state funding based on the number of students enrolled, when students leave Chicago, funding is lost.

Of the between 662 and 831 RTC households who avoided disruptive displacement from February 2022 through March 2024, Stout estimates 3% would have migrated out of Chicago as a result of disruptive displacement but for RTC.⁷⁴ Applying the 3% metric to the between 662 and 831 households results in an estimated 13 and 16 RTC households that would likely move outside of Chicago if they were disruptively displaced. Approximately 64% of RTC households have children, and on average there are 2 children per household, resulting in between 26 and 32 children who would have likely migrated out of Chicago if they experienced disruptive displacement.

Chicago Public Schools receives approximately \$2,000 in federal funding and \$6,600 in state funding per student enrolled.⁷⁵ The between 26 and 32 children who would have likely migrated out of Chicago because of disruptive displacement would have resulted in between \$220,000 and \$280,000 of lost federal and state funding for Chicago Public Schools.

Estimated Fiscal Impact of Criminalizing Homelessness

Individuals experiencing homelessness are more likely to interact with police, be fined for quality-of-life crimes, and be arrested relative to housed individuals.⁷⁶ A study on homelessness in Minnesota found that 12% of adults experiencing homelessness had been incarcerated within the past year.⁷⁷ A similar study conducted in New York City found that 23% of emergency shelter

⁷³ Stout estimated per household social safety net benefits expenditure due to unemployment in Chicago using per household state and federal welfare expenditures. Not every individual will be approved for every social safety net benefit program and eligibility for programs vary.

⁷⁴ Stout found in its independent evaluations of Cleveland, Oklahoma, and Connecticut's eviction right to counsel programs that approximately 3% of households indicated they would have to leave their jurisdiction if they experienced disruptive displacement.

⁷⁵ Estimated using data from Summary of Public Elementary-Secondary School System Finances by State for Fiscal Year 2021 compiled by the United States Census Bureau.

⁷⁶ Speigman, Richard, Green, Rex S. "Homeless and Non-Homeless Arrestees: Distinctions in Prevalence and in Sociodemographic, Drug Use, and Arrest Characteristics Across DUF Sites." National Institute of Justice. 1999. See also Herring, Chris. "Complaint-Oriented Policing: Regulating Homelessness in Public Space." American Sociological Association. 2019; Bailey, Madeline, Crew, Erica, Reeve, Madz. "No Access to Justice: Breaking the Cycle of Homelessness and Jail." Vera Institute of Justice. 2020; Zakrisson, Tanya, Hamel, Paul, Hwang, Stephen. "Homeless People's Trust and Interactions with Police and Paramedics." Journal of Urban Health. 2004.

⁷⁷ "Overview of Homelessness in Minnesota 2006." Wilder Research. 2007.

residents had been incarcerated within the past 2 years.⁷⁸ Stout used the 12% metric identified in the Minnesota study, given that it is on an annual basis, to estimate that approximately 12% of individuals who would have experienced homelessness would have also experienced incarceration but for RTC. Between 753 and 947 adults indicated they would experience homelessness if they experienced disruptive displacement, applying the 12% who would have experienced homelessness and incarceration results in between 90 and 114 individuals who would have been incarcerated but for RTC.

The average length of a jail-stay in Chicago in 2019 was approximately 12 days.⁷⁹ The cost of 1 night in jail in Chicago is approximately \$130.⁸⁰ Applying these metrics to the between 90 and 112 estimated individuals who would have experienced homelessness and incarceration but for RTC results in estimated cost savings of between \$140,000 and \$180,000 to Chicago.

Stout's estimate of potential annual fiscal impacts to Chicago is likely significantly understated. Included in Stout's calculations are fiscal impacts of RTC that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, Chicago would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout's calculations. These fiscal impacts and benefits include, but are not limited to:

- Juvenile justice costs and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants' credit score and ability to re-rent
- Certain additional costs associated with homelessness, such as additional law enforcement costs
- The cost of family, community, and neighborhood instability
- Preservation of financial assets and personal belongings
- A reduction, over time, of the number of eviction cases filed resulting in improved use of the Cook County court resources.

Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.

⁷⁸ Metraux, Stephen, Caterina, Roman, Cho, Richard. "Incarceration and Homelessness." US Department of Veterans Affairs. 2008.

⁷⁹ 2020 Annual Projection Planning Report: Criminal Justice Reporting. Metropolitan Government of Nashville and Chicago.

⁸⁰ Mitchel, Chip. "The Cook County Jail Population Has Shrunk Dramatically, But Costs Have Not. Why?" WBEZ Chicago. February 7, 2024.

Statewide Implementation

While Stout calculated the fiscal impact and return on investment of RTC for Chicago only, it would be reasonable to expect a similar ratio of fiscal benefits in Illinois (outside of Chicago). Additional social safety net responses to disruptive displacement may be funded by other counties or the State of Illinois. For example, Stout's cost-benefit analysis of a right to counsel in Baltimore quantified potential cost savings to Baltimore and Maryland. Stout's estimated return per dollar invested to Baltimore in a right to counsel in Baltimore was at least \$3.06, and the return per dollar invested to Maryland was at least \$3.18 for a total return per dollar invested of at least \$6.24.⁸¹

⁸¹ "The Economic Impact of an Eviction Right to Counsel in Baltimore City." Stout Risius Ross. May 2020.

Section VII – Preliminary Estimate of Scaled, Sustainable Program Costs

Using data from the courts, the experience and expertise of eviction representation providers in Chicago, publicly available research, studies, and Stout’s experience estimating the cost of eviction representation programs throughout the country, Stout estimated the cost of providing ERP and eviction right to counsel services in Chicago for a fully scaled and sustainable program. In addition, Stout prepared an estimate of the potential cost of a statewide ERP and eviction right to counsel in Illinois.

It is important to note that the estimates herein are based on information and feedback from legal services organizations across Illinois. As such, the expected and actual personnel costs, staffing models, overhead expenses, and other costs will likely vary for each individual organization.

To estimate the cost of providing these services in Illinois, a variety of factors must be considered - the annual number of residential eviction filings, the rate of tenant eviction due to default (i.e., not appearing at the scheduled court date), the rate at which tenants accept the offer of free legal representation, the number of hours required to effectively provide services to a tenant, and the cost of an attorney (e.g., salary, benefits, office supplies, technology, and other overhead and infrastructure) and supporting staff. Stout collaborated with providers of eviction representation in Illinois to develop a deeper understanding of the possible costs and to incorporate their expertise and experience in the calculations.

Eviction Filings. Based on data from the Courts, Stout estimates that there were approximately 27,000 and 60,000 eviction case filings in Cook County and statewide in 2023, respectively. For purposes of this analysis, Stout used the 2023 eviction filing estimate as a reasonable baseline from which to measure the costs. Because ERP would be available county-wide and RTC would be available only for Chicago residents, Stout used the portion of Cook County eviction filings that are within the City of Chicago to estimate the number of Chicago tenants who would likely receive RTC services.⁸²

Eligibility. Stout's analysis of the cost of ERP+RTC in Cook County (RTC only for Chicago residents only) and Illinois does not consider income or demographic eligibility criteria. That is, it estimates the cost for an eviction right to counsel that would be eligible to any unrepresented tenant facing eviction in Illinois. However, it is important to note that Stout typically expects that over 90% of tenants facing eviction have a household income at or below

⁸² Based on data provided by the court, Stout estimates that approximately 56% (approximately 15,000) of eviction filings in 2023 in Cook County were in the City of Chicago.

400% of the Federal Poverty Level and that a significant majority are at or below 200% of the Federal Poverty Level.

Tenant Appearances. As described above, since the implementation of virtual proceedings and virtual connections to legal services organizations, waiting until the 2nd hearing to issue a default judgment and broad community outreach and stakeholder engagement, approximately 20% of tenants with eviction filings against them in Chicago do not appear for their court hearing and lose their cases for not appearing.

Independent Resolution Without Legal Representation. We preliminarily estimate that approximately 40% of tenants will resolve their case with the landlord independently and without legal representation before the first hearing date.⁸³ These cases may involve simple non-payment of rent issues, without other substantive defenses, that are cured by the tenant or for which payment and relocation plans are independently negotiated out-of-court between the landlord and tenant. Cases with these types of resolutions generally have dispositions indicating the case was dismissed or withdrawn. However, cases can be dismissed and withdrawn for a variety of reasons (e.g., insufficient service, improper notice, the tenant has already vacated, etc.) making it challenging to identify what portion of dismissed or withdrawn cases were for reasons related to independent resolutions.

Accepting Connection to ERP. Tenants may have reasons for declining the availability of legal assistance. They may not think there is a benefit to having legal representation, they may not trust the legal profession, or they may simply feel they can represent themselves. We estimate that approximately 75% percent of tenants accept free legal assistance and are able to continue the process with the legal services provider.⁸⁴ The estimated 75% tenant acceptance rate contemplates a scaled, sustained ERP+RTC that is sufficiently staffed and has the ability to connect tenants to legal services providers efficiently with minimal delay. Stout and CBF understand and appreciate that the current iteration of ERP+RTC, due to capacity constraints and post-pandemic caseloads, has resulted in a portion of tenants who accept the offer of free legal assistance not receiving assistance.

Approximately 304 ERP tenant clients or approximately 3% of potential ERP tenant clients did not receive services. This includes clients who could not be reached/contacted, cases that

⁸³ Stout's estimate of approximately 40% of cases resolving independently before the first hearing (and therefore before a tenant would have the opportunity to connect with ERP+RTC) is based on its analyses of court docket data throughout the country and feedback from representatives from the Clerk of the Circuit Court of Cook County's Office. Representatives from the court provided qualitative feedback that the preliminary, directional estimate could differ based on the plaintiff type and whether the tenant is from the City of Chicago or suburban Cook County.

⁸⁴ The estimated 75% tenant acceptance rate includes considerations for a portion of tenants who may disengage with legal services providers, are unable to be reached (i.e., abandon service), and who may receive effective assistance earlier in the process from case managers based on the circumstance the client is experiencing.

resolved themselves, clients who refused services, and clients who secured alternate resources. Of these clients, 161 (approximately 2%) of ERP tenant clients could not be reached after connecting with ERP.

Therefore, Stout's cost calculation for ERP+RTC includes only cases where the tenant appears and accepts free legal assistance - approximately 9,914 cases in Chicago (including 365 subsidized or public housing cases and 9,550 private market housing cases) and 22,032 cases in Illinois (including 811 subsidized or public housing cases and 21,221 private market housing cases) annually with a fully scaled and sustainable program.

Cost of ERP and Eviction Right to Counsel. Stout estimates that providing legal assistance and representation to these 9,914 and 22,032 tenant households would cost between \$12.5 million and \$19 million and between \$27 million and \$39.3 million annually, respectively (as described below). Note that this cost is for the services provided by the legal services organization and would not include costs associated with outreach (including an inbound call center) and evaluation. Stout's estimate of the sustainable cost of funding for ERP+RTC is not specific to any individual legal services provider, and the actual cost and staffing for each legal services provider may differ. Additionally, Stout's estimate is not based on the actual costs of ERP+RTC but rather the expected costs associated with creating a fully implemented, sustainable ERP+RTC.

Hours Required Per Case. To estimate the number of staff lawyers (and other staff) required to represent 9,914 or 22,032 client households annually, Stout estimated the number of hours required to provide effective assistance and the number of hours available from staff attorneys annually to provide assistance. Based on discussions with legal assistance providers in Chicago and Illinois, and Stout's work analyzing eviction data from around the country, Stout estimated that a trained, supervised legal services staff attorney could be expected to provide 1,100 to 1,350 hours annually toward client representation in eviction cases. This number of hours is derived from a reasonable work week for legal services staff attorneys, with reductions applied for holidays, sick days, vacation days, internal meetings, and administrative tasks. It is important to note that while staff attorneys may be able to work more hours each year, doing so will increase the risk and costs associated with staff turnover and training. Stout expects that 1,100 to 1,350 hours of client service hours annually provides a reasonable staff utilization while not creating undue stresses and burdens on staff attorneys already absorbing the trauma of the eviction process and unsafe housing conditions through their client representation.

Based on discussions with eviction legal representation providers in Illinois, and Stout's work analyzing eviction data from around the country, Stout estimated that, on average, a legal services staff attorney could provide effective eviction representation in between 15 and 20 hours per case, on average, for private housing cases and 20 to 27 hours for cases involving public housing, subsidized housing or housing vouchers. The wide variety of case and client circumstances can create significant variation in this estimate for any individual case. In

addition, the number of hours per case may vary significantly from other jurisdictions depending on various factors such as, but not limited to, local laws and court processes.

Stout also estimated that a legal services staff attorney could reasonably spend 4 to 6 hours on each ERP tenant client case. There is a spectrum of complexities and circumstances for ERP cases that impact the number of hours staff attorneys spend on each ERP case. There are some cases for which there is only brief advice/information provided (67% of ERP cases), and those may only require a single call with the tenant, which may only take one hour. These cases could cost significantly less than the average cost per ERP case. Other ERP cases may require staff attorneys to provide legal consultation as well as participate in settlement negotiations (18% of ERP cases) or prepare documentation (2% of ERP cases). These cases are fewer in number but can require more hours of assistance.

A reasonable expectation of the time required to provide effective representation in eviction cases should be informed by the prior experience of legal services organizations (including pre-pandemic), the ways in which the distribution of cases and client circumstances may differ in an eviction right to counsel (as compared to a resource-limited legal services intake process), and the time required to assist clients with virtual hearings / technology, and rental assistance applications (when available). Stout considered all of these factors when reviewing the data from legal services providers and in our discussions with those organizations.

Based on these inputs, Stout estimates that each trained, supervised staff attorney could be reasonably expected to provide representation in between 75 and 85 cases for private housing cases or 50 to 55 cases for public housing, subsidized housing or housing vouchers. Stout then applied this number of cases per year to the number of cases for which representation is expected to estimate the number of staff attorneys that would be required during each year of implementation. As detailed below, Stout then applied staffing ratios and annual staff salary and benefits estimates to determine the personnel costs associated with the ERP and eviction right to counsel in Illinois.

Staffing Costs. Of the between \$12.5 million and \$19 million and between \$27 million and \$39.3 million annual cost (for the provision of legal services, excluding costs associated with the call center, outreach, etc.) to fully implement ERP and eviction right to counsel in Chicago and Illinois (including Chicago), including the following estimated direct personnel:

Position	Chicago-Low	Illinois (including Chicago)-Low	Chicago-High	Illinois (including Chicago)-High
Staff Attorneys	53	109	83	166
Supervising Attorneys	12	24	14	31
Paralegals	13	25	15	31
Social Workers	8	16	9	21

The staffing ratios used in these calculations are also based on feedback from eviction legal assistance providers in Illinois, as well as Stout's experience analyzing eviction data across the United States. These ratios may vary from the current experience of eviction legal representation providers. An ERP and eviction right to counsel program provides the opportunity for eviction legal representation providers to more consistently have dedicated staff working exclusively on eviction assistance and representation. This can provide efficiencies over time, opportunities to identify specialties for certain complex circumstances, the development of tools to address common challenges or inefficiencies, and other opportunities to maximize impact through effective and efficient staffing.

However, it is also important to appreciate the challenges of administering an ERP and eviction right to counsel program. The nature of the work is stressful, draining, and often traumatic for staff. In addition, traditional salaries paid for legal services staff attorneys are below market rates offered by many private law firms. Further, the market for new and experienced staff and supervising attorneys may require that salaries and related personnel costs be re-evaluated over time to ensure adequate and stable staffing of the eviction right to counsel. Further, the occurrence of staff departures can cause caseloads to be reassigned to other staff. This can require that additional staff are hired in order to accommodate potential disruption from unexpected departures or absences.

The staffing ratios used in Stout's calculations for RTC are:

Staffing Ratios of Other Staff to Staff Attorneys	Chicago Public/ Subsidized Housing	Chicago Private Market Housing	Downstate Illinois
To 1 Supervising Attorney	5	5	5
To 1 Paralegal	3	5	5
To 1 Social Worker	3.5	5	5

The remaining estimated costs would be for non-personnel costs necessary for service delivery including, but not limited to, facilities costs, utilities, technology and equipment, training, community organizing and communications, and program evaluation. The estimated of fully implementing ERP+RTC is intended to include all costs necessary for a sustainable program, including allocated overhead (i.e., non-personnel costs necessary for service delivery).⁸⁵ At full implementation, the total of these costs are expected to be approximately 30% of the total program costs. Additional costs included in Stout's estimate include:

⁸⁵ In the legal services sector, legal services organizations are not often funded for infrastructure and organizational functions that are essential for the delivery services, which can cause financial challenges for these organizations. Stout's estimate of the cost to sustainably fund programs such as ERP+RTC is intended to avoid these circumstances.

- Executive and Support Staffing (IT, HR, Grants and Contracts, Program Directors, etc.)
- Ancillary Employee Costs
- Furniture and Equipment
- IT Equipment
- Training
- Recruitment Costs
- Retention / Employee Goodwill
- Other Program Expenses
- Litigation Expense
- Translation Services
- Meetings and Transportation
- Library and Online Research
- Office Operations
- External Consultants
- Telecommunications
- Dues, Registrations and Licenses
- Professional Services
- Insurance

Costs Associated with Community Outreach and Organizing: Sustained community outreach and tenant organizing will be necessary for the successful implementation of an ERP and eviction right to counsel in Illinois. These activities can assist in raising community awareness of the eviction right to counsel, providing information about the steps tenants need to take, and demonstrating the impact legal representation can have for tenants facing eviction. Sustained outreach will need to be conducted at both a statewide and local level. Local outreach will be necessary in order to effectively communicate with at-risk tenants who may not trust statewide outreach, experience barriers to communication, or do not have access to communication channels used for statewide outreach. Stout has included costs associated with staffing for local outreach in Illinois and costs associated with postage, printing, graphic design and tenant outreach. At this time, Stout has not included these costs in its estimated cost of implementation.

Stout understands that additional outreach costs will be necessary for a statewide marketing and public awareness campaign to raise awareness about the ERP and eviction right to counsel. This may include but would not be limited to a statewide hotline for renters to call, the development and placement of materials such as posters and other informational aids, social media campaigns, radio and TV ad placements, etc.

Conclusion: Illinois eviction legal assistance and representation providers reviewed and confirmed Stout's estimates for these costs based on their experience and expertise in delivering eviction legal assistance and representation services.

At a total annual cost of approximately between \$12.5 million and \$19 million and between \$27 million and \$39.3 (for the provision of legal services, excluding costs associated with the call center, outreach, etc.), providing ERP and eviction right to counsel to approximately 9,914 tenants in Chicago and 22,032 tenants in Illinois, respectively. For tenants only requiring ERP assistance, the estimated cost per case is between \$750 and \$1,200 in both Chicago and downstate Illinois. For tenants requiring representation through RTC, the estimated cost per case is \$4,200 in Chicago and \$3,600 in downstate Illinois.⁸⁶ The weighted average cost per ERP+RTC case is between \$1,300 and \$1,900 in Chicago and between \$1,200 and \$1,700 in downstate Illinois.

Stout's cost estimates do not include the personnel or other costs associated with any government administration of an ERP and eviction right to counsel.

⁸⁶ Based on Chicago right to counsel program costs, the cost per case for private market tenants is between \$3,445 and \$3,527, and the cost per case for public housing, subsidized housing or housing vouchers is between \$6,090 and \$6,243.

Section VIII – Recommendations for 2024 / 2025

Based on the evaluation findings detailed herein, and its experience evaluating eviction right to counsel, eviction diversion, and eviction prevention programs around the country, Stout recommends the following:

- **One Program** – The current funding (two sources) and differences in scope (Cook County and Chicago) creates a disjointed structure that may lead to inefficiency and complications that compromise the ability to achieve the potential of the Program. A single, unified Program may be easier to administer, communicate, and implement.
- **Refine the Referral Process** – Conduct a process evaluation to identify ways in which clients can be connected to the resources that will assist them such that the organizations can most efficiently and effectively resolve the matter. This design review should limit the number of steps required for the client and should avoid the necessity of subsequent referral (all providers should be capable of completing a robust case assessment and providing the level of service required).
- **Monitor the Backlog** – Regularly evaluate processes and resources to monitor the volume of cases to prevent a recurrence of a backlog that developed in the early period of implementation. This will ensure a more effective and efficient resolution is possible for clients entering the Program now. In June 2024, there was a targeted effort to eliminate the backlog, and further vigilance will be necessary to ensure it does not build back up.
- **Regular Tenant and Landlord Feedback** – Support the development of processes and forums for regular feedback from tenants and landlords involved in the eviction process. This could include the formation of advisory councils or working groups including a diverse group of tenants and rental property owners (and their counsel) who can advise the CBF, Courts, County, and City regarding elements of the implementation of ERP and RTC that may benefit from further review or refinement. CBF and the Programs should consider collaborating with tenant groups already established through other organizing activities in Illinois.
 - It may also be helpful to create an informal advisory council with participation from a broad range of stakeholder groups, such as public libraries, the education and health care systems, community-based organizations, and representatives from the Continuum of Care and social safety net programs who frequently interact with people experiencing eviction and/or housing instability.

- **Invest in Technology** – In addition to the need for adequate personnel to assist any tenants in need of extensive services, continue to invest in technology that may create efficiencies for the providers or may streamline the process of ensuring tenants are able to access the information assistance that is needed based on their circumstances. Rentervention, a generative AI innovation developed and launched by LCBH, is an example of how technology can assist both the program and the clients. In addition, CARPLS has made significant investments in tools, technology, and data processes designed to facilitate coordination amongst the providers and also enable thousands of tenants the ability to access a lawyer for information and referral.
- **Measure Time** – Perform segmented data analysis to identify how long ERP and RTC cases require to resolve, the reasons why (attributable to actions taken by both parties and the court), and where there are opportunities to reach an effective resolution more efficiently. Maintain dashboards to track how long cases have been opened to provide opportunities for continuous dialogue.
- **Housing Navigators** – Consider the ways in which trained housing navigators, case managers or other non-lawyer staff may be able to assist clients (under the supervision of legal services staff) in elements of the case that may not require legal expertise. This may include assisting with rental assistance, assisting in completing certain forms, assisting with assessments of household budget and payment plans, and identifying other housing options. The effective and efficient use of these roles could reduce the burden on staff attorneys, maximizing the impact of their legal knowledge while also potentially reducing costs and creating pathways to early resolution.
- **Eviction Filing Prevention** – Evaluate opportunities to develop partnerships designed to prevent the filing of evictions. This may involve landlords reaching out to the Program prior to filing an eviction to connect the tenant with a lawyer or other resource that may be able to effectively assess the circumstances and reach a resolution without an eviction filing being required.
- **Sustainable, Low-Barrier Rental Assistance** – Collaborate with County, City, and State representatives as well as landlord and advocate representatives to develop an efficient and effective means of providing rental assistance while minimizing the requirements to access such funds.
- **Continued Data Collection** - Maintain a commitment to timely, accurate data collection throughout the duration of a case. Use available tools and dashboards to monitor data collection and ensure client interview information is complete whenever possible, and cases are promptly closed. Capturing as much data as possible (mindful of minimizing impact to the client) during the interview, and recording that information promptly, can create a comprehensive view of what clients are experiencing and how the Programs are responding to those circumstances. Prompt case closure will be important to having

current, reasonably accurate data throughout the year to inform Program operations and activities.

- **Post-Service Surveys** - Consider mechanisms for collecting client feedback at different intervals post-representation. Client feedback post-representation may provide insights into external challenges clients are experiencing that contribute to ongoing housing insecurity for ERP+RTC clients.
- **Educational Resources** - Gather information regarding the services and educational resources available for tenants and rental property owners that are being used to educate them about the eviction process, how it can be avoided, and how it can be navigated. Based on these resources and qualitative feedback from rental property owners and tenants, develop comprehensive plans for effective outreach and education for rental property owners and tenants.

Appendix A – Stout’s Profile and Qualifications

Stout is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout’s professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.

Stout’s Transformative Change Consulting Practice is a recognized national leader in the civil legal services community and offers the following services:

- Economic impact assessments and policy research for civil legal services initiatives
- Cost-benefit and impact analyses for non-profit initiatives and activities
- Data-driven program evaluation and implementation
- Organizing and facilitating stakeholder listening sessions, focus groups, and interviews
- Strategy consulting and action plan development for issues relating to access to justice
- Non-profit budget development, review, and recommendations.

In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimated how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, The New York Times, The Washington Post, CNBC, Reuters, Forbes, Politico, and Bloomberg, and was referenced in the Centers for Disease Control and Prevention (CDC) September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an [Eviction Right to Counsel Resource Center](#) which includes Stout’s eviction cost-benefit analyses as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation.

Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, development of sustainable cost estimates, and strategic action planning. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations government agencies in Baltimore, Broward County, Chattanooga, Delaware, Detroit, Los Angeles County and City, Miami-Dade County, Newark, New York City, New York (outside of New York City), Pennsylvania, Philadelphia, and South Carolina and is currently conducting eviction-related analyses in Atlanta, Chicago, Dayton, Los Angeles County, Nashville, and Oklahoma and Tulsa Counties. Following the release of Stout’s reports in Baltimore, Delaware, Detroit, New York City, and Philadelphia, eviction right to counsel legislation was enacted.

An important workflow within each of these engagements was to develop a cost estimate for the amount of funding required to sustainably implement or expand eviction right to counsel programs. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, the courts, rental property owners, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.

Stout also serves as the independent evaluator of the National Center for State Court's (NCSC) Eviction Diversion Initiative (EDI). The court-based EDI includes 22 distinct jurisdictions that vary in size, court process, program design, and data collection sophistication. Stout has effectively worked with each jurisdiction to create data collection tools that meet their local needs and will enable the NCSC to evaluate the impact of the program using a data-informed approach to program implementation across the 22 jurisdictions.

Stout was engaged by a recipient of the National Low Income Housing Coalition's "ERASE" (End Rental Arrears to Stop Evictions) grant to assist it in estimating what financial commitment would be required to sustain emergency rental assistance. Stout completed a similar analysis in Maryland in December 2023. In Stout's pre- and post-legislation evaluations (Maryland, Cleveland, Milwaukee, Connecticut, Nashville, Oklahoma, Chicago), Stout is or will be collecting data to determine how frequently tenants seeking legal representation have already applied for emergency rental assistance, what the amount of back-rent owed was, whether they were approved, what amount of assistance they received, and whether the rental property owners accepted the funds.

In addition to Stout's deep experience and expertise related to eviction right to counsel, access to counsel, diversion, prevention, and rent assistance programs, Stout also has significant experience consulting on eviction ecosystem elements, such as mediation (pre- and post-filing) coordinated / centralized intake, screening and referral mechanisms, and reasonable attorney caseloads.

In 2023, Stout was engaged to undertake an independent third-party assessment of a statewide eviction defense screening line. The purpose of Stout's engagement was to assess the activities of the statewide screening line to evaluate the scope of activities, data collection and data strategy, reporting, and efficiency of referral to legal aid organizations. Stout conducted in-person and virtual observations and interviews with screening line staff as well as legal aid provider staff. Stout also requested and analyzed various data to assess data collection and reporting capabilities and opportunities. In many of Stout's evaluation engagements for eviction right to counsel programs, local and statewide call centers or screening lines are active participants in the evaluation process.

In 2022, Stout completed a statewide efficiency and effectiveness analysis of Michigan's intake and referral systems/processes for residents with low incomes who had civil legal needs. This project involved a system-wide analysis and process mapping to understand how efficiently and

effectively Michigan residents were receiving the assistance they were seeking or were referred to an organization that could assist them. Stout interviewed stakeholders throughout the state to learn from their experiences and inform Stout's recommendations and report.

In 2018, Stout was engaged by one of the largest non-profit law firms in the country to develop a probability-weighted activity-based model for estimating a reasonable caseload for attorneys representing tenants in landlord-tenant proceedings. In addition to developing a quantitative model, Stout worked closely with attorneys representing tenants to seek their feedback and incorporate their qualitative experiences into the quantitative model.

In 2023, Stout was appointed to a working group by then-acting Chief Judge Anthony Cannataro to assist with developing guidelines for the time required for attorneys to effectively and efficiently represent tenants in accordance with New York City's Eviction Right to Counsel legislation. This included a combination of iterative quantitative and qualitative information and research regarding the steps required for effective representation of tenants, the frequency of certain activities, the range of expected time required for each activity, practical limitations and barriers to greater efficiency, and consideration of organizational culture and staffing that served as the basis for recommendations by the working group.

Appendix B – Scope of Work

Previous ERP Program Evaluation

In October 2021, Stout was engaged by CBF, with funding from the Pew Charitable Trusts, to evaluate the ERP Program. As detailed below, Stout created a phased work plan for this assessment and submitted an evaluation report for the ERP Program on December 1, 2022.⁸⁷ The ERP Program evaluation report included several findings including the difficulty in collecting outcome data for brief services. The ERP Program data collection included a question as to the client’s confidence in achieving their stated goal based on the services provided in an attempt to overcome the limitations on the ability to collect outcome data when the client relationship ended before final resolution of the matter. Furthermore, in that evaluation Stout recommended the development and implementation of a client follow-up survey to evaluate whether client goals were achieved. We understand this survey is currently in development.

The ERP Program evaluation report also identified an opportunity for the CBF and ERP providers to work together to understand the sustainable capacity necessary to promptly provide services to ERP tenant clients and seek adequate funding. This RTC Program evaluation report includes information related to the costs to fully implement ERP and RTC services in Chicago and statewide.

Finally, the ERP Program evaluation report identified a unique opportunity to integrate data collected from through the ERP Program with data collected from the RTC Program. This RTC Program evaluation report includes analyses that incorporates information from both the ERP Program and RTC Program.

Eviction RTC Evaluation

In June 2022, Stout was engaged by CBF, on behalf of the Polk Family Foundation, to collect and analyze data related to the RTC Program to identify the impact of the program. Stout’s engagement included:

- developing a data collection strategy, collecting supplemental data from the providers for RTC cases;
- collaborating with providers to implement best practices and discuss challenges;
- assessing the fiscal impact of the RTC Program;
- creating a data visualization platform;
- implementing ongoing information sharing and feedback with the providers;
- analyzing the impact of the RTC Program;

⁸⁷ <https://www.stout.com/-/media/pdf/evictions/cook-county-erp-report-2022-12-01.pdf>

- analyzing the cost of the RTC Program and the cost of implementing RTC services in Chicago and statewide; and
- and provide a report detailing the results of the identified key performance metrics as well as a summary of the outcomes from each phase of the evaluation process, including community impact and economic outcomes of the RTC Program.

To begin this work, Stout first gained an understanding of the Chicago eviction environment through research, data collection and discussion with Legal Aid Chicago and LCBH. Stout conducted research about Chicago's eviction landscape, as well as other social and economic factors, in addition to collecting demographic data from Legal Aid Chicago and LCBH. Data collected included, but was not limited to, client demographic information (e.g., race/ethnicity, gender, education income, etc.), client employment (e.g., currently working part-time or full-time, seeking employment, etc.), housing conditions (i.e., whether there are defective conditions and if so, what are they and how were they communicated to the landlord), reasons for non-payment (i.e., rent withheld due to defective conditions, employment disruption, unexpected expenses, etc.), prior eviction experience, and outreach (e.g., how the client heard about legal aid / RTC, etc.).

With the data collected from Legal Aid Chicago and LCBH, Stout developed a comprehensive library of data visualizations in Tableau, accessible to CBF, Legal Aid Chicago, and LCBH, complimenting the extensive data visualization library developed for the ERP Program. In addition to data collection, Stout met with Legal Aid Chicago and LCBH to understand feedback from their client representation, staffing, program costs, and data interpretation guidance.

Appendix C – Select Data Visualizations [ERP - Plaintiffs]

Chicago Early Resolution Program

Eviction Data Analysis

OF ORGANIZA-
TIONS

7



OF CLIENTS

16,380



FROM

2/1/2022

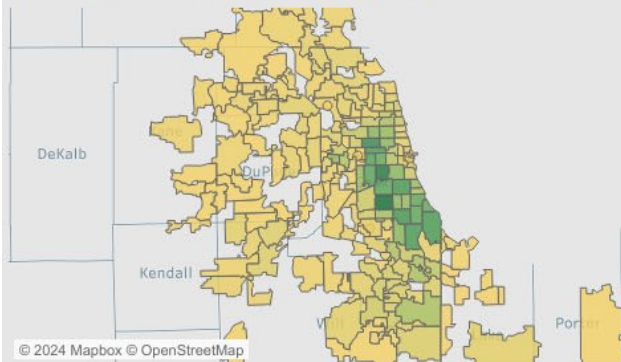
TO

3/31/2024

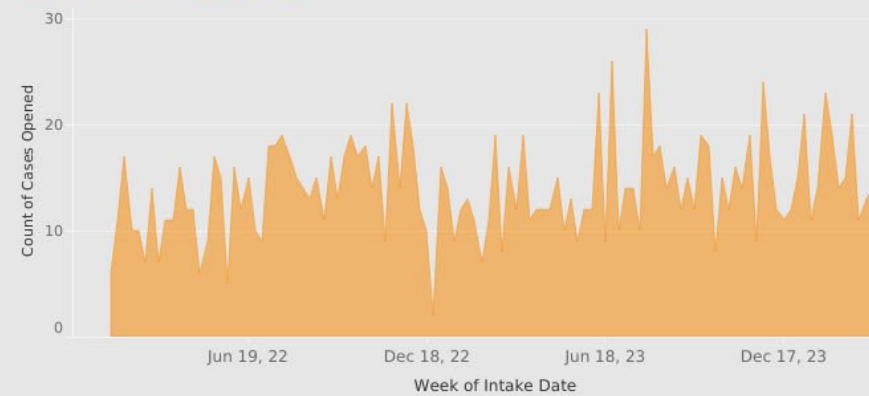


Chicago Early Resolution Program Eviction Data Overview

ERP Eviction Cases Opened by Zip Code



Trend of ERP Cases Opened



Intake Date
2/1/2022 to 3/31/2..
and Null values

Organization
All Programs

Plaintiff or Defenda..
Plaintiff

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

City
All

Final Level of Servi..
All

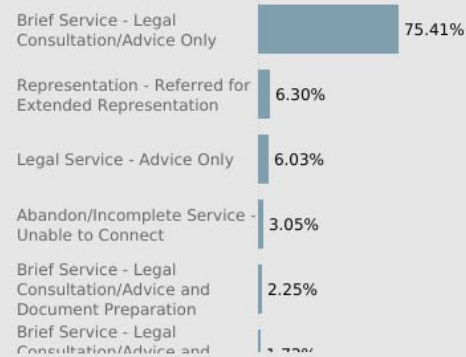
All Programs

Case Status

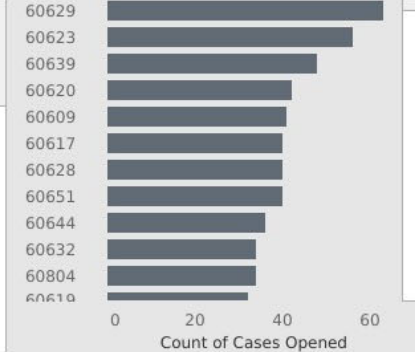


Plaintiff

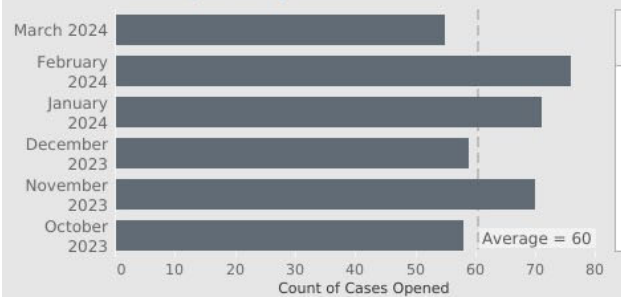
Eviction Filing by Level of Services



Eviction Cases Opened by Zip Code



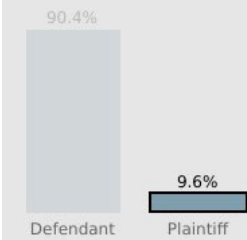
Eviction Cases Opened by Month



Chicago Early Resolution Program Eviction Data Client Characteristics

All blank, nulls, and "not specified" data fields are excluded from this metrics.

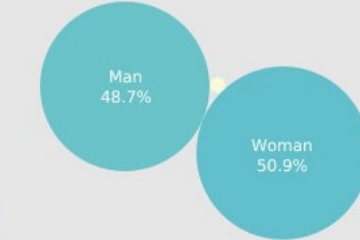
Defendant v. Plaintiff



Disability



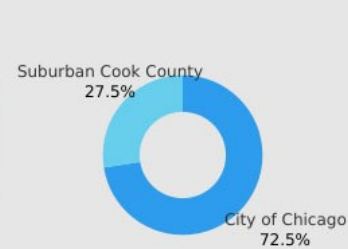
Gender



Number of Occupants



Residence

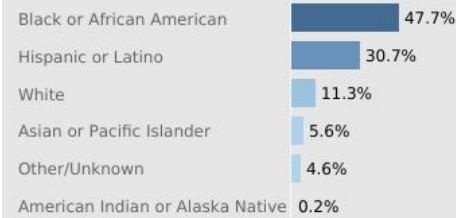


Intake Date
2/1/2022 to 3/31/2022
and Null values

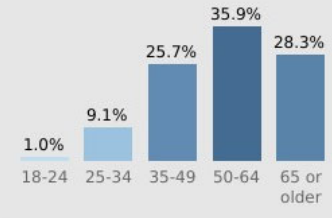
Organization
All Programs

Final Level of Service
All

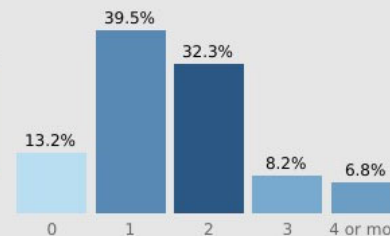
Ethnicity



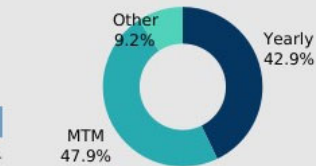
Client Age



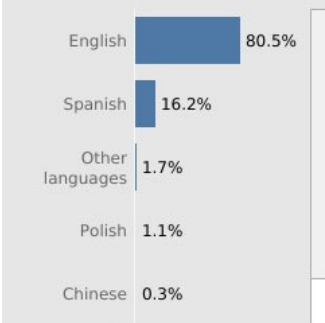
Number of Occupants Under 18



Tenancy Type



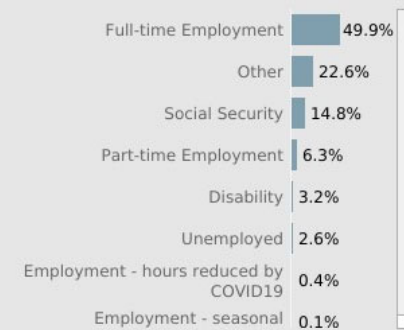
Language



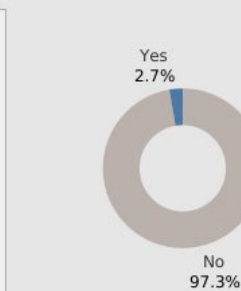
Household Income



Currently Employed



Veteran

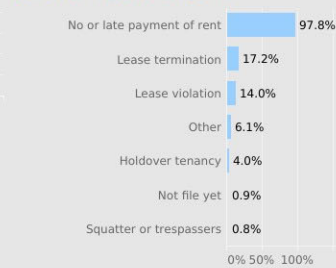


Chicago Early Resolution Program Eviction Data General - Plaintiff

Plaintiff Eviction Cases by Month



Grounds Alleged in Complaint



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All Programs

Plaintiff or Defendant
Plaintiff

Household Income
All

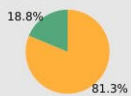
Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

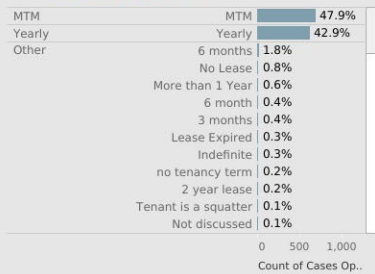
Were you aware of the Program before today?



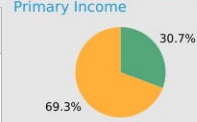
Have you discussed this matter with any other legal aid provider?



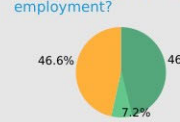
What is the tenancy term?



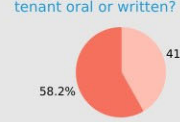
Plaintiff Rental Income as Primary Income



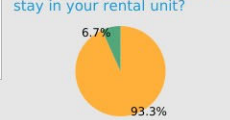
Do you have additional employment?



Is the contract with the tenant oral or written?



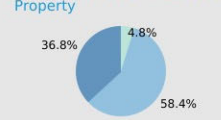
Do you wish for the tenant to stay in your rental unit?



Has the tenant already vacated the property?



Length of Tenant Stay in the Property



Yes

No

Additional employment?

Yes: Full-time

Yes: Part-time

No

Lease oral or written?

Oral

Written

Length of stay in Property

0 to 6 months

6 months to 3 years

3+ years

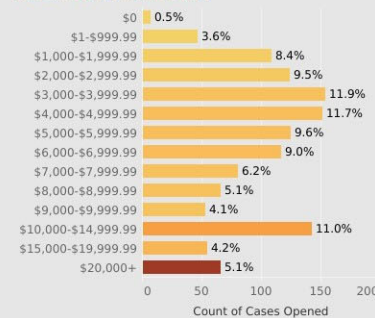
Amount of back rent ow..

\$0 12M

of Eviction Cases Ope..

1 478

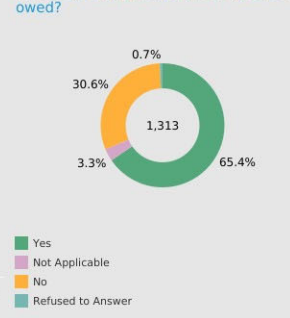
Amount of Back Rent Owed



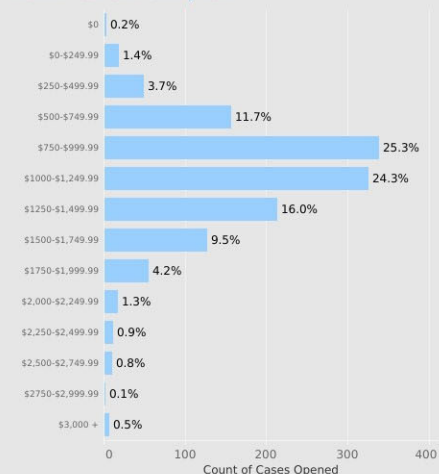
Total Amount of Owed



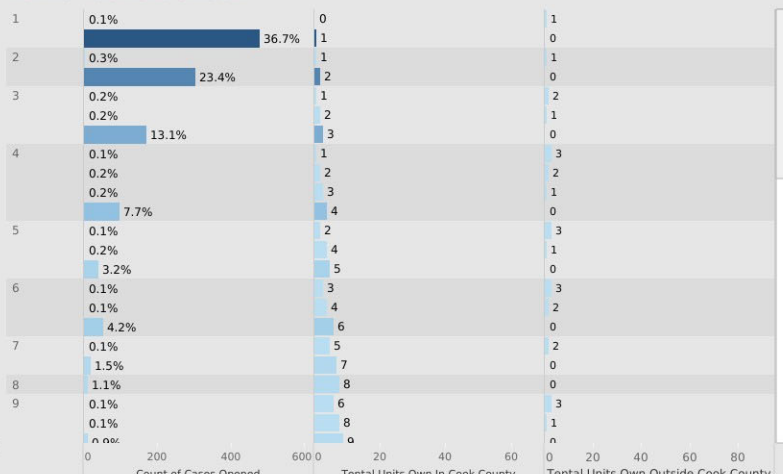
Will you accept a discount to the total owed?



Plaintiff - Current Monthly Rent

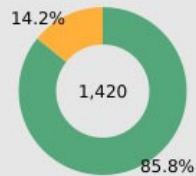


Plaintiffs - Total Rental Units Own

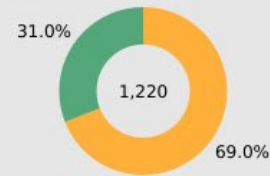


Chicago Early Resolution Program Eviction Data Rental Assistance

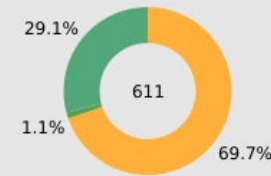
Are you aware of Rental Assistance Available?



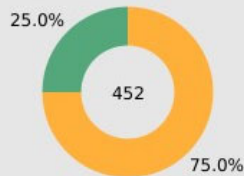
Did the tenant apply for Rental Assistance?



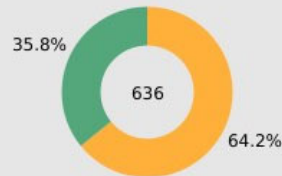
Was the Tenant Approved for Rental Assistance?



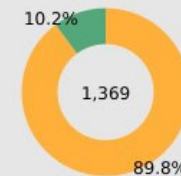
Amount provided by Rental Assistance sufficient?



Did the landlord accept the Rental Assistance?



Plaintiffs - Have you used the ERP for other eviction cases?



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All Programs

Plaintiff or Defendant
Plaintiff

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

Amount of Back rent Ow...
All

Client Goal
All

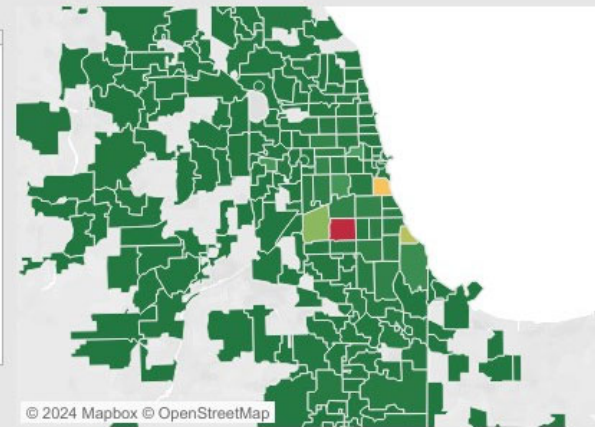
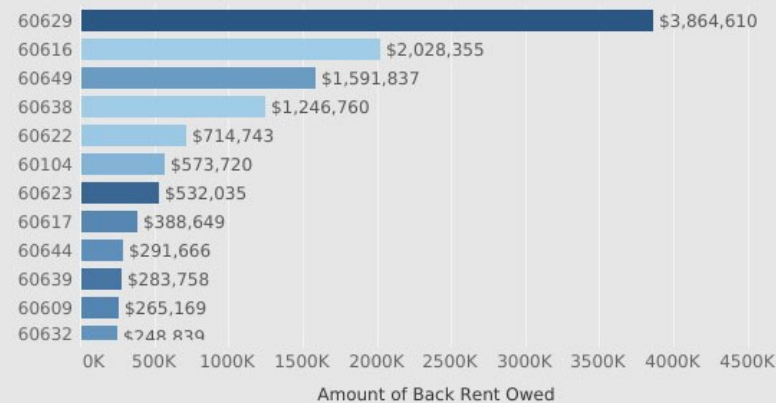
Yes
No

of Eviction Cases Ope...
1 63

Amount of Back Rent O...
\$0 \$3,864,610

Total amount of back rent owed by Zip Code

Hover over to highlight



Chicago Early Resolution Program Eviction Data

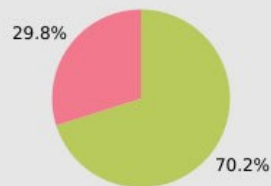
Remote Proceedings and Procedural Justice

This analysis only applies to closed cases.

Do you have technology to participate in a virtual hearing?

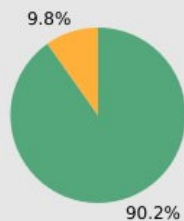


Was your court experience better or worse than your expectations?



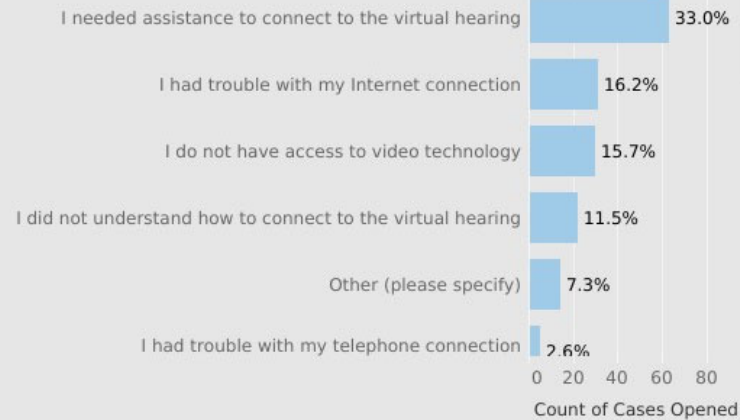
■ Better ■ Worse

Are you comfortable participating in a virtual hearing?



■ Yes ■ No

What, if any, problems did you experience with your virtual proceeding?



What could have been done to improve your court experience?



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All Programs

Plaintiff or Defendant
Plaintiff

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

Disability
All

Appendix D – Select Data Visualizations [ERP – Defendants]

Chicago Early Resolution Program

Eviction Data Analysis

OF ORGANIZA-
TIONS

7



OF CLIENTS

16,380



FROM

2/1/2022

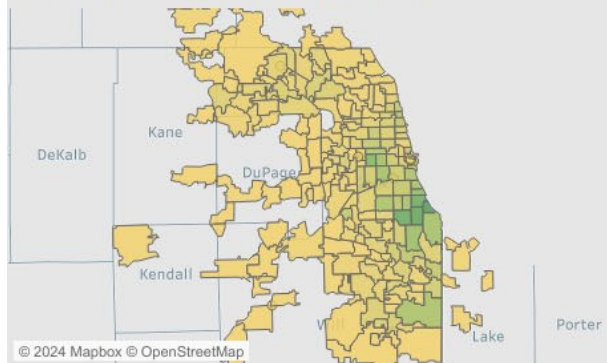
TO

3/31/2024

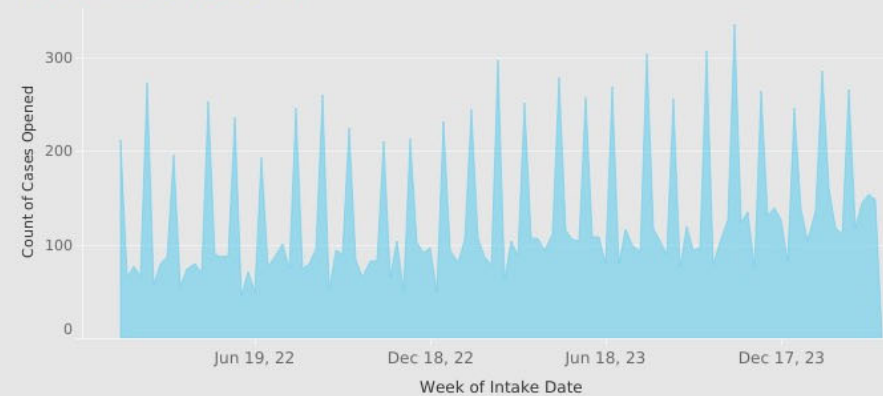


Chicago Early Resolution Program Eviction Data Overview

ERP Eviction Cases Opened by Zip Code



Trend of ERP Cases Opened



Intake Date
2/1/2022 to 3/31/2023
and Null values

Organization
All Programs

Plaintiff or Defenda..
Defendant

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

City
All

Final Level of Servi..
All

All Programs

Case Status

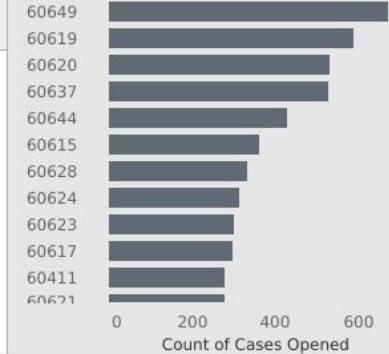


Defendant

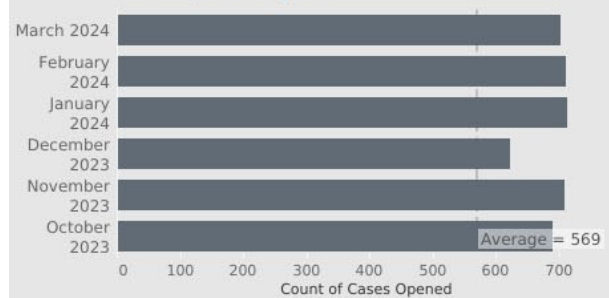
Eviction Filing by Level of Services



Eviction Cases Opened by Zip Code



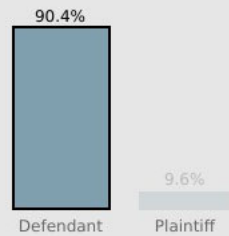
Eviction Cases Opened by Month



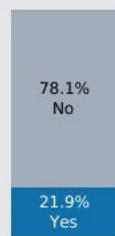
Chicago Early Resolution Program Eviction Data Client Characteristics

All blank, nulls, and "not specified" data fields are excluded from this metrics.

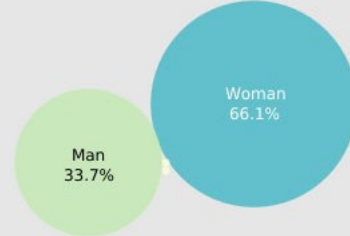
Defendant v. Plaintiff



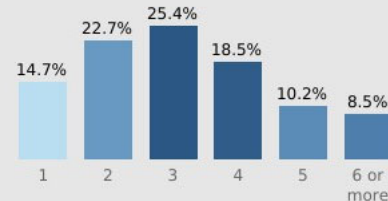
Disability



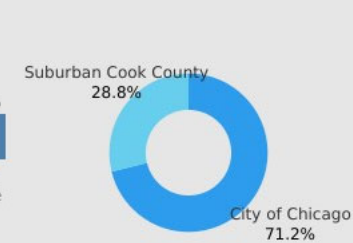
Gender



Number of Occupants



Residence



Intake Date
2/1/2022 to 3/31/2022
and Null values

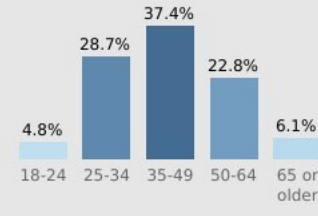
Organization
All Programs

Final Level of Service
All

Ethnicity



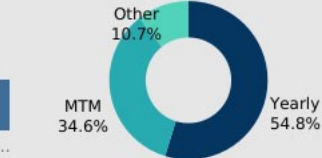
Client Age



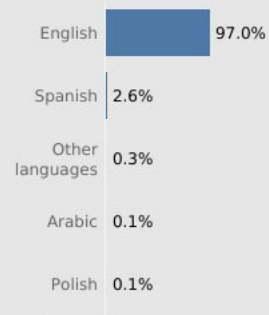
Number of Occupants Under 18



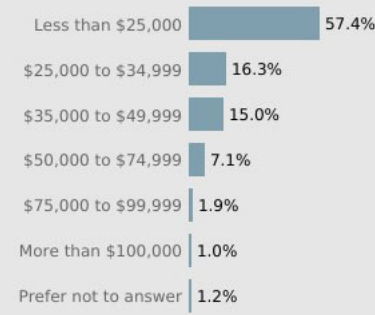
Tenancy Type



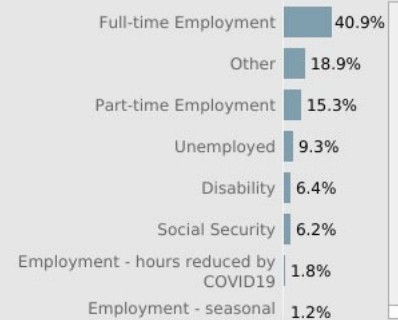
Language



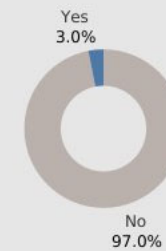
Household Income



Currently Employed



Veteran

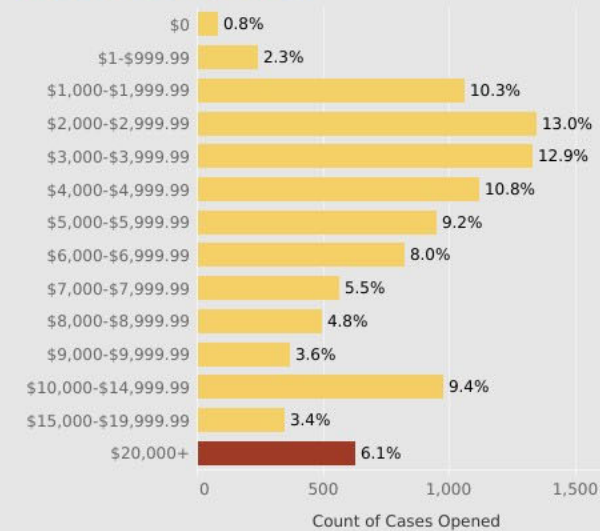


Chicago Early Resolution Program Eviction Data General - Defendant

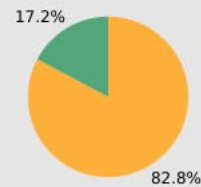
Defendant Eviction Cases by Month



Amount of Back Rent Owed



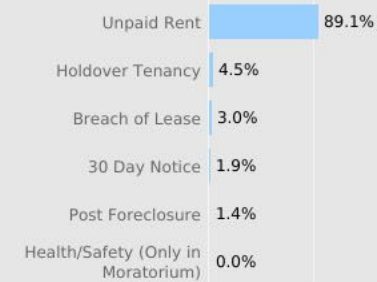
Were you aware of the Program before today?



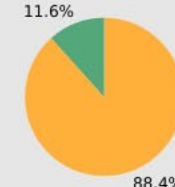
Defendant - Have you already vacated the property?



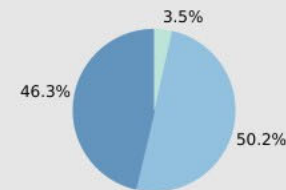
Grounds Alleged in Complaint



Have you discussed this matter with any other legal aid provider?



Length of Stay in the Property



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All Programs

Plaintiff or Defendant
Defendant

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

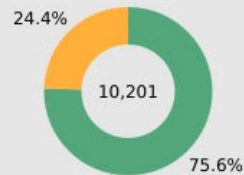
No
Yes

0 to 6 months
6 months to 3 years
3+ years

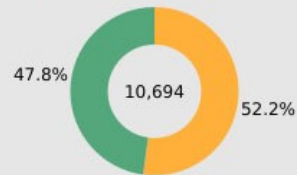
Amount of back rent ow..
\$0 635M

Chicago Early Resolution Program Eviction Data Rental Assistance

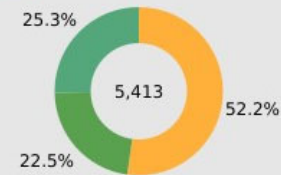
Are you aware of Rental Assistance Available?



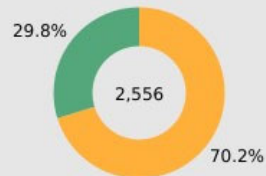
Did the tenant apply for Rental Assistance?



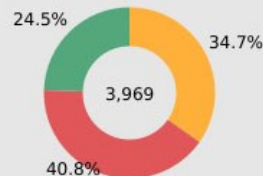
Was the Tenant Approved for Rental Assistance?



Amount provided by Rental Assistance sufficient?

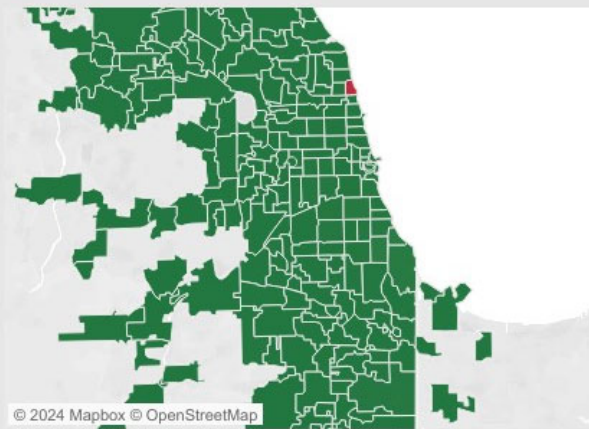
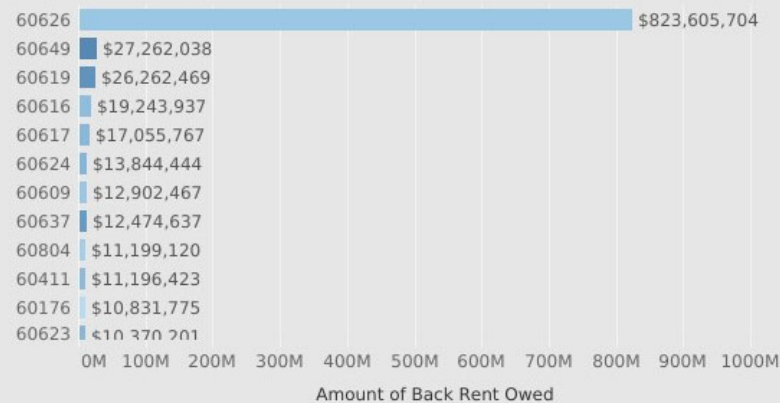


Did the landlord accept the Rental Assistance?



Plaintiffs - Have you used the ERP for other eviction cases?

Total amount of back rent owed by Zip Code
Hover over to highlight



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All Programs

Plaintiff or Defendant
Defendant

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

Amount of Back rent Ow..
All

Client Goal
All

Yes
No

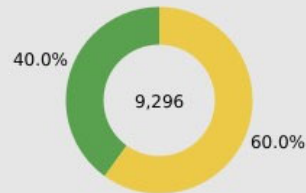
of Eviction Cases Ope..
1 1,097

Amount of Back Rent O..
\$0 824M

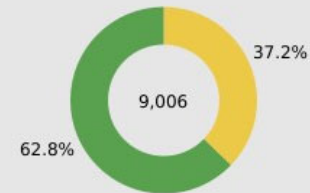
Chicago Early Resolution Program Eviction Data

Defendant Rental Affordability

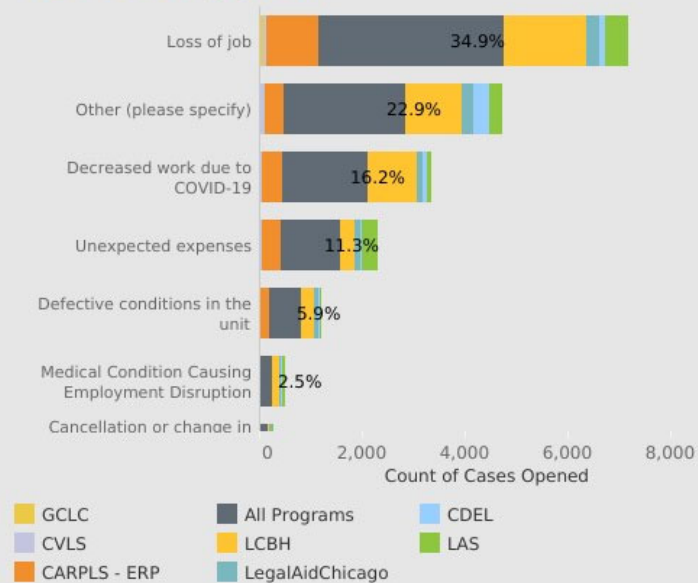
If you are unable to pay all of the past due rent now, do you already have a plan to repay the past due rent in the months ahead?



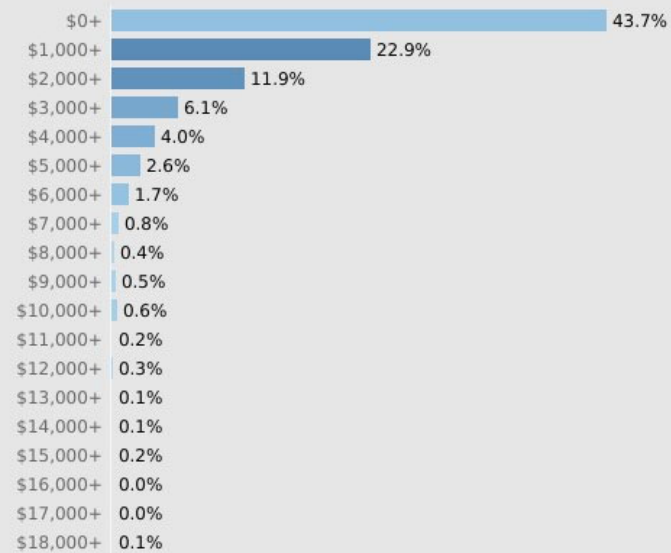
If you are willing to enter into a new one-year lease at this property, are you confident that you will also be able to pay the rent going forward?



What led to Non-payment?



Do you have the ability to pay anything toward the past due rent? If not all how much of?



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All

Plaintiff or Defendant
Defendant

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

Legend:
No (Yellow)
Yes (Green)

Amount of rent
\$32,500 3M

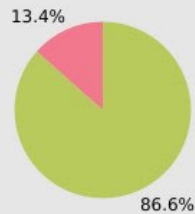
Chicago Early Resolution Program Eviction Data Remote Proceedings and Procedural Justice

This analysis only applies to closed cases.

Do you have technology to participate in a virtual hearing?

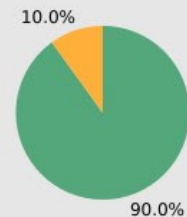


Was your court experience better or worse than your expectations?



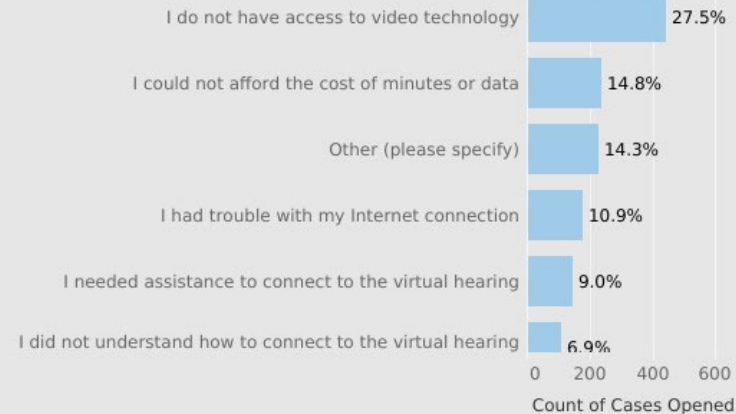
■ Better ■ Worse

Are you comfortable participating in a virtual hearing?

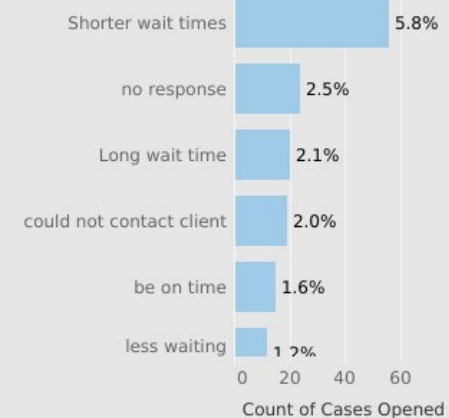


■ Yes ■ No

What, if any, problems did you experience with your virtual proceeding?



What could have been done to improve your court experience?



Intake Date
2/1/2022 to 3/31/2024
and Null values

Organization
All

Plaintiff or Defendant
Defendant

Household Income
All

Race/Ethnicity
All

Gender
All

Number of Children
All

Final Level of Service
All

Disability
All

Appendix E – Select Data Visualizations (RTC)

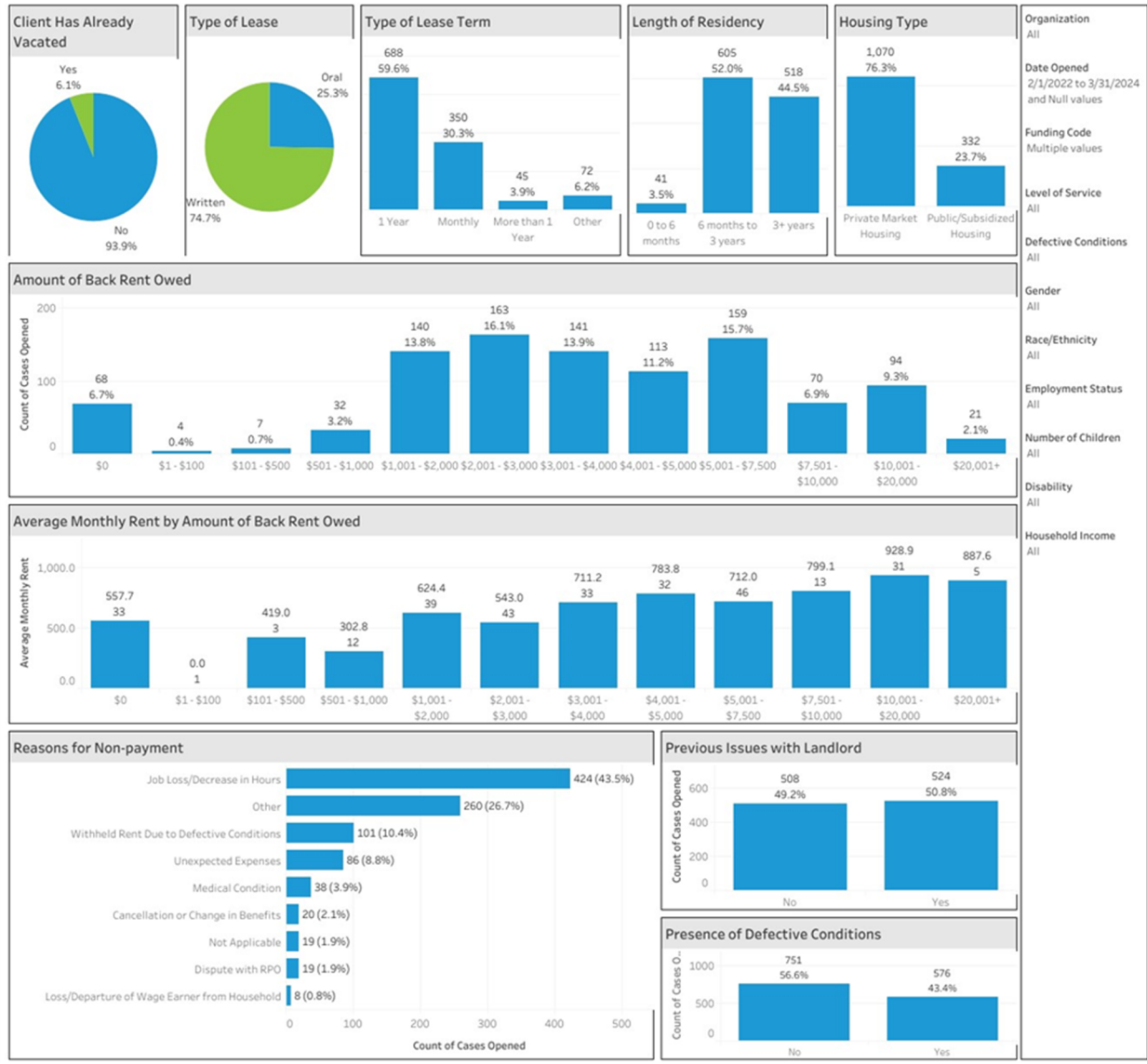
Chicago Eviction Right to Counsel Pilot Program Data Analysis - LCBH and LAC

Client Characteristics



Chicago Eviction Right to Counsel Pilot Program Data Analysis - LCBH and LAC

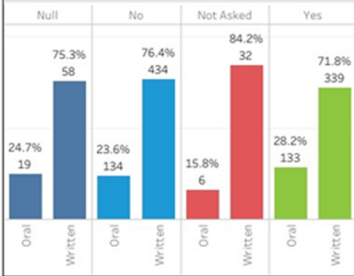
Housing Characteristics



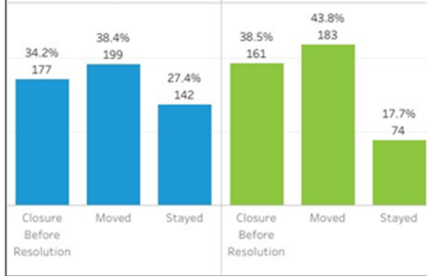
Chicago Eviction Right to Counsel Pilot Program Data Analysis - LCBH and LAC

Bivariate Defective Conditions

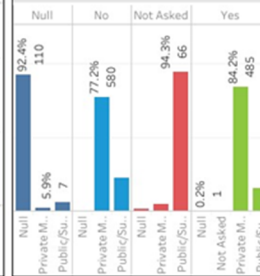
Presence of Defective Conditions by Contract Type



Presence of Defective Conditions by Client Stayed or Moved



Presence of Defective Conditions by Housing Type



Organization
All

Date Opened
2/1/2022 to 3/31/2024
and Null values

Funding Code
Multiple values

Level of Service
All

Defective Conditions
All

Gender
All

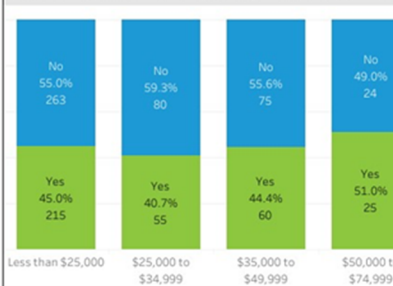
Race/Ethnicity
All

Employment Status
All

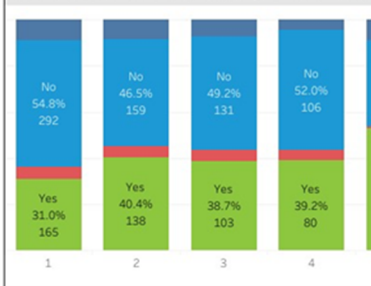
Have Children
All

Defective Conditions
Null
No
Not Asked

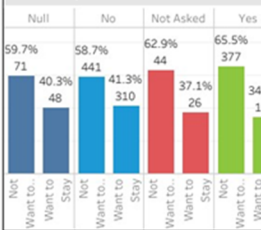
Presence of Defective Conditions by Household Income



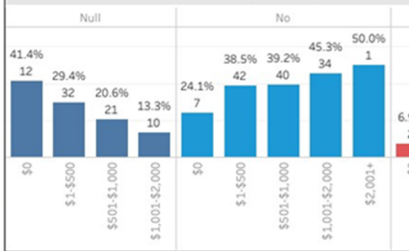
Presence of Defective Conditions by Household Size



Presence of Defective Conditions by Goal - Stay in the Unit



Presence of Defective Conditions by Monthly Rent Range



Appendix F – Data Elements Collected by the Programs [ERP]

Organization

Matter/Case ID#

CCLAHD Eviction or Consumer Debt

Calculated ERP ID

Date Opened

Date Closed

Intake Date

CCLAHD Closing Date

Case Disposition

Disabled

Gender

CCLAHD Race/Ethnicity

CCLAHD Race/Ethnicity Multiselect

CCLAHD Language Preference

CCLAHD Language Preference Other

CCLAHD Employment Status

CCLAHD Household Income

Number of People 18 and Over

Number of People under 18

City

Zip Code

CCLAHD Were you aware of the Program before today?

CCLAHD - If yes, how did you learn about it?

CCLAHD Have you discussed this matter with any other legal aid provider?

CCLAHD Which legal aid provider?

CCLAHD Plaintiff or Defendant

CCLAHD Eviction - Landlord / Tenant

CCLAHD Eviction - What is your goal(s) for resolving this matter?

CCLAHD Other Goal

CCLAHD Eviction - If you are unable to achieve that goal(s), what would happen?

CCLAHD Other Alternative

CCLAHD Eviction - If no, how much time do you believe you need in order to find other safe, stable and affordable housing?

CCLAHD Eviction Case Background Defendants - What is the amount of back rent owed

CCLAHD Eviction Case Background Defendants - How long have you been in your current home?

CCLAHD Eviction Case Background Defendants - Have you already vacated the property?

CCLAHD Eviction Case Background Defendants - Is the contract oral or written?

CCLAHD Eviction Case Background Defendants - What is the tenancy term?

CCLAHD Eviction Case Background Defendants - What is the tenancy term if Other?

CCLAHD Eviction Case Background Defendants - What is your current monthly rent?

CCLAHD Eviction Case Background Defendants - What are the grounds alleged in the eviction complaint?

CCLAHD Eviction Case Background Defendants - Are you aware that there is some rental assistance available?

CCLAHD Eviction Case Background Defendants - Did the tenant apply for rent assistance?

CCLAHD Eviction Case Background Defendants - Was the tenant approved?

CCLAHD Eviction Case Background Defendants - If yes, was the amount provided sufficient?

CCLAHD Eviction Case Background Defendants - Did the landlord accept the rental assistance

CCLAHD Eviction Case Background Defendants - Do you have some place where you could stay?

CCLAHD Eviction Case Background Defendants - Other Place to Stay?

CCLAHD Eviction Case Background Defendants - What lead to you not being able to pay rent?

CCLAHD Eviction Case Background Defendants - Other reasons to not able to pay rent?

CCLAHD Eviction Case Background Defendants - Do you have the ability to pay anything toward the past due rent? If not all how much of?

CCLAHD Eviction Case Background Defendants - If you are unable to pay all of the past due rent now, do you already have a plan to repay the past due rent in the months ahead?

CCLAHD Eviction Case Background Defendants - If you are willing to enter into a new one-year lease at this property, are you confident that you will also be able to pay the rent going forward?

CCLAHD Eviction Case Background Plaintiffs - What are the grounds alleged in the eviction complaint?

CCLAHD Eviction Case Background Plaintiffs - What is the amount of back rent owed?

CCLAHD Eviction Case Background Plaintiffs - Do you wish for the tenant to stay in your rental unit?

CCLAHD Eviction Case Background Plaintiffs - What is the total amount owed?

CCLAHD Eviction Case Background Plaintiffs - Are you willing to accept a discount to that amount?

CCLAHD Eviction Case Background Plaintiffs - If no, how much time are you willing to provide the tenant to relocate?

CCLAHD Eviction Case Background Plaintiffs - How long has the tenant been in the current home?

CCLAHD Eviction Case Background Plaintiffs - Has the tenant already vacated the property?

CCLAHD Eviction Case Background Plaintiffs - Is the contract with the tenant oral or written?

CCLAHD Eviction Case Background Plaintiffs - What is the tenancy term?

CCLAHD Eviction Case Background Plaintiffs - What is the tenancy term if Other?

CCLAHD Eviction Case Background Plaintiffs - What is the current monthly rent?

CCLAHD Eviction Case Background Plaintiffs - Are you aware that there is some rental assistance available?

CCLAHD Eviction Case Background Plaintiffs - Did the tenant apply for rent assistance?

CCLAHD Eviction Case Background Plaintiffs - Was the tenant approved?

CCLAHD Eviction Case Background Plaintiffs - If yes, was the amount provided sufficient?

CCLAHD Eviction Case Background Plaintiffs - Will you accept the rental assistance?

CCLAHD Eviction Case Background Plaintiffs - Have you used the ERP for other eviction cases?

CCLAHD Eviction Case Background Plaintiffs - Is rental income from property ownership your primary source of income?

CCLAHD Eviction Case Background Plaintiffs - Do you have additional employment?

CCLAHD Eviction Case Background Plaintiffs - How many rental units do you own in Cook County?

CCLAHD Eviction Case Background Plaintiffs - How many rental units do you own outside Cook County?

CCLAHD - Do you have technology to participate in a virtual hearing?

CCLAHD - What, if any, problems did you experience with your virtual proceeding?

CCLAHD - Other problems with virtual proceeding

CCLAHD - Are you comfortable participating in a virtual hearing?

CCLAHD - Was your court experience better or worse than your expectations?

CCLAHD - What could have been done to improve your court experience?

CCLAHD Level of Service

CCLAHD - Outcome/Resolution

CCLAHD - Based on our services provided, are you confident that you will be able to (or were able to) effectively achieve your goal?

CCLAHD - Other confident thoughts

CCLAHD - Without our services provided, what would you have done in response to this matter?

CCLAHD - Do you believe you would have been able to achieve your goal without our services?

Current Age

Age at Intake

CCLAHD - Based on my experience with the program, I think the court system so far has been:

CCLAHD - Regardless of the outcome, how satisfied are you with your overall experience with the services you were provided?

CCLAHD - Case referred for extended representation - meets ERP extended representation criteria.

Veteran

District

Appendix G – Data Elements Collected by the Programs [RTC]

Funding Code

Is Plaintiff / Landlord Represented?

Have you ever had previous issues with your landlord / property management?

What were the previous issues with your landlord / property management?

Do you live in public or subsidized housing or receive a voucher for your housing?

Have you had a previous evictions filed against you in the last 3 years?

Was the previous eviction filed in the past 12 months?

Are there any defective conditions in your home?

What are the major defective conditions?

Which conditions problems were resolved?

Close Reason

Final Disposition

Stayed or Moved

If back rent claimed was reduced, by what amount was it reduced?

Reasons back rent was waived/reduced

If the tenant obtained a financial settlement (money paid to client), what was the amount?

If the client agreed to move, how much time to move was secured?

Connected to resources

Appendix H – RTC Client [Tenant] Examples

Chloe's Story – The Importance of Pay to Stay [CW: Domestic Abuse]

After sleeping in hospital beds, surrounded by beeping monitors and busy nurses, Chloe was relieved to return to her new apartment and heal with her newborn. Before being hospitalized, Chloe had bounced between her car, shelters, and hotels after leaving an emotionally and physically abusive relative's home to protect her three children.

"I was pregnant with my fourth at the time, and we lost our housing, everything, all in one day," she said.

In the weeks that followed, Chloe worked tirelessly to find better housing for her family, which she secured in April 2023. Finally moved in, she became aware of the significant toll the situation had taken on her body, further complicating her already stressful pregnancy.

"I had lost 30 pounds and I ended up going into premature labor at home," she said. "I was rushed to the hospital for an emergency c-section."

Little did she know, Chloe's landlord, whom she had an amicable relationship with, filed an eviction against her during her hospital stay, despite knowing her situation.

"I was stabilized, I healed up, and I found a job, but I still ended up facing eviction," Chloe said.

Chloe applied for emergency rental assistance to cover the back rent she owed, but her landlord refused to participate.

"I wanted to stay here. I just needed to bridge that gap until I was able to start working consistently. Then, I would continue working and paying my rent on my own," she said.

Unsure of the next steps, Chloe connected with LCBH through the Early Resolution Program on her first court date. There, she learned she could "pay to stay" through the Chicago Residential Landlord Tenant Ordinance. This "tenant only path," means renters can pay back rent at any point before trial and requires that the court dismiss the eviction action, a right RTC partners LCBH and Legal Aid Chicago fought to continue in 2023.

"My attorney explained everything that was going on and made sure that I fully understood my options," Chloe said. "She was very informative, very helpful and very kind."

LCBH obtained a “pay to stay” check from the Illinois Housing Development Authority and delivered it to her landlord. The landlord had no choice whether to accept and was compelled to dismiss the case, allowing Chloe and her family to stay in their home.

“Without that boost, like I don't know if we would've been able to be here. Now, a lot of stress has been lifted, and we can finally have a break knowing we have somewhere stable to live,” she said.

Every pay to stay check paid to the landlord results in the eviction case being permanently dismissed. Most tenants would not be able to enforce this if Right to Counsel did not exist.

John's Story

John, a graduate student, was wrapping up his spring semester when his autoimmune disorder flared up and he was hospitalized for two weeks. When he got sick again and was rushed to the hospital in an ambulance, he missed his rent payment a second time, and his landlord accused him of not maintaining the property because his expired groceries produced a smell.

“I had my rent on auto pay and was never late before. I hadn't had any problems with the building before, but the building management turned over and the newer manager didn't care,” John said.

John successfully applied for disability and was waiting for his first check to cover his back rent, when his landlord filed an eviction against him. Determined to stabilize his housing, John connected with LCBH through the Early Resolution Program on his first court date.

“I didn't know how eviction laws worked, and I knew that they're heavily in favor of landlords. In ERP, I was told LCBH was a strong organization for tenant's rights,” he said.

LCBH Staff Attorney Caitlin Kelly took John's case on for extended representation through the Right to Counsel Pilot Program. During one of their early calls, John explained to Caitlin that he wanted to move out of his Near North Side apartment, he just needed more than 30 days to do so.

With that in mind, they worked together to negotiate a move-out agreement with his landlord. His landlord agreed to extend the move-out to 90 days and dismiss and seal his eviction. The additional 60 days allowed John to secure new housing, while finishing his semester and starting his new job. Without an eviction on his record, he was able to find housing that met his needs.

“I felt like I won the lottery when you guys called me back and said that you were agreeing to take my case because I felt so lost. I just can't thank you enough for taking my case,” John said.

Today, John is still living and working in Chicago. With Caitlin's support, he feels empowered to advocate for himself and his housing needs in the future.

"Caitlin was an incredible attorney throughout the entire process. She was extremely responsive, and I don't know what I would've done without her," John said. "I had the ability to pay my rent shortly after they filed the eviction, and I had the wherewithal to communicate with my building, but I didn't know how to navigate the legal process and she really helped me through that."

Order Vacated and Rental Assistance Secured

Representation of a vulnerable client with a non-payment eviction case where the landlord would not cooperate with and/or accept rental assistance. The client had a chronic life threatening illness and was faced with a default eviction order. The legal aid provider assisted in getting the order vacated and advocated with rental assistance to get the application processed (without landlord cooperation and with other communication challenges). The client was accepted into a lifesaving medical program and, without housing stability, there was no way that the client could take care of their health. The legal aid provider helped with the rental assistance application and negotiated an agreement with the landlord to continue the case to process rental assistance. The case was dismissed and sealed.

For-Cause Eviction

The legal aid provider represented a tenant who was disabled and being evicted for the alleged behavior, making noise and being threatening, of a guest. During the legal aid provider's representation, it was learned that the "guest" knew other individuals in the building and that client had actually escorted the person away from the building before any of the offending conduct. It was determined that this person was not the client's guest and the client was assumed to be guilty by association. The legal aid provider conducted discovery, which confirmed that the "guest" was not associated with the client and the client sought help against this person by calling the police on a prior occasion. The legal aid provider represented the client in a bench trial, which resulted in a successful outcome for the client.

Appendix I – ERP Providers

The ERP brought together various legal aid organizations (collectively referred to as “legal aid” or “ERP providers”) to offer assistance to litigants in these cases, as detailed below:

- **Coordinated Advice & Referral Program for Legal Services (“CARPLS”)**: CARPLS offers free legal aid to Cook County residents, through both a hotline as well as several court help desks. CARPLS’ involvement in the ERP includes providing brief legal advice, assistance with document preparation, and help with negotiating settlements to ERP tenant clients. CARPLS also operates the CCLAHD hotline that provides brief advice and electronic referrals to ERP and RTC, and a general legal aid hotline that refers clients to the legal aid programs best suited for them.
- **Center for Conflict Resolution (“CCR”)**: CCR works with individuals, communities, Courts, and other institutions to resolve legal conflict through mediation services. CCR handles case management for the ERP and provides the case managers in Zoom court. CCR also provides mediation when ERP tenant clients are referred to them by the Court, CARPLS, or by other legal aid providers.
- The below legal aid ERP partners all provide free legal advice, brief services, assistance with document preparation, and help with settlement negotiation to ERP tenant clients as appropriate.
 - **Center for Disability and Elder Law (“CDEL”)**: CDEL provides free legal aid services within Cook County to low-income seniors and people with disabilities, focusing on issues such as financial/housing stability, estate planning, divorce, and adult guardianship.
 - **Chicago Volunteer Legal Services (“CVLS”)**: CVLS provides free legal aid to low-income residents of Cook County, aiding with cases that can include adoption, divorce, foreclosure, landlord disputes, immigration, wills, and more.
 - **Greater Chicago Legal Clinic (“GCLC”)**: GCLC offers a variety of programs and services to meet the legal needs of underserved individuals and families in Greater Chicago, including services related to divorce, domestic violence, and other family issues as well as economic and housing stability.
 - **Legal Aid Society of Metropolitan Family Services (“LAS”)**: LAS provides legal representation and assistance related to domestic violence, family

law, consumer and housing issues, elder abuse and financial exploitation, human trafficking, and victims of crime. Specifically related to housing, LAS represents clients who are facing eviction from buildings with subsidized rents and from privately-owned buildings.

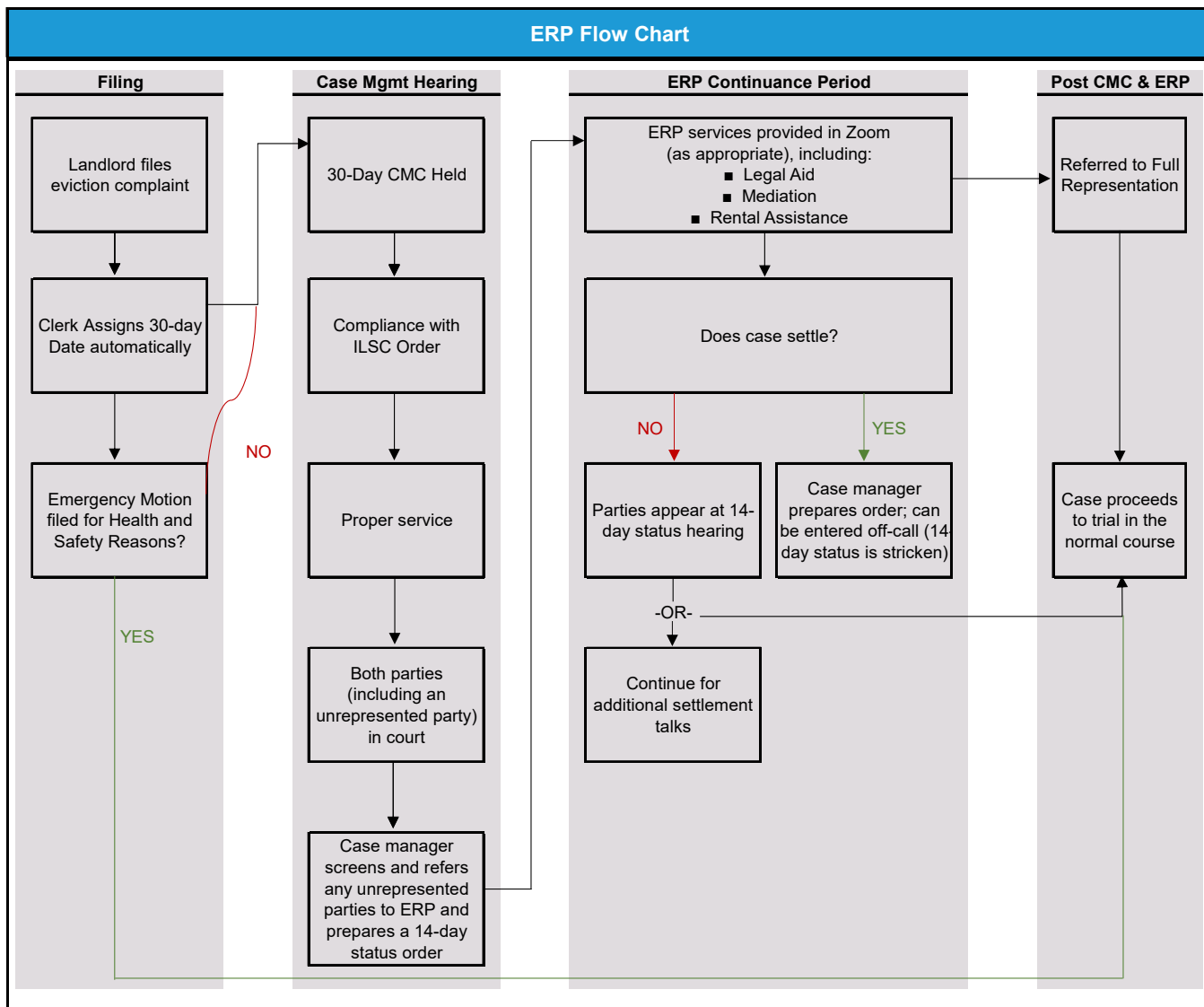
- **Law Center for Better Housing** (“LCBH”)⁸⁸: LCBH provides free legal assistance for renters to help them solve serious housing issues such as eviction, dangerous living conditions, and housing discrimination.
- **Legal Aid Chicago**: Legal Aid Chicago provides free civil legal services to people living in poverty in Cook County in areas as varied as eviction and foreclosure defense, protecting survivors of domestic violence, sexual assault, and human trafficking, public benefits, employment and wage claims, records relief, education and family law, bankruptcy and consumer fraud, and protections for seniors and persons with disabilities. !

⁸⁸ Previously known as Lawyer’s Committee for Better Housing.

Appendix J – Program Ecosystem and Tenant Journey

As shown in **Figure 1**, if an unrepresented party appears in court, a case manager screens and refers the party to ERP and prepares a 14-day status order. The 14-day continuance period was designed to provide the parties the opportunity to negotiate and potentially settle the case without using further court-based resources. During the continuance period, the ERP providers perform an intake on the unrepresented party and determine to either provide ERP services, including legal aid assistance, mediation services, rental assistance, etc., or refer the case for full representation. The parties eligible for the RTC Program are those who proceeded through the ERP process, were referred for extended representation (i.e., limited scope or full legal representation), and met the RTC Program's eligibility requirements.

Figure 1⁸⁹



When a legal aid provider providing services to a client within the ERP Program refers the client for RTC services, the client information is generally processed and assessed by CARPLS to determine eligibility for RTC services.⁹⁰ If and when the client is deemed to be eligible for such services, CARPLS will electronically refer the client to the appropriate legal aid provider as discussed below.

⁸⁹ If the case does not settle or if the characteristics of the case are too complex for brief services, the ERP Provider and/or case manager can refer the client to full representation if appropriate.

⁹⁰ CARPLS also assesses cases from Providers other than Legal Aid Chicago and LCBH.

The RTC cases that involve public housing, housing subsidies or vouchers are generally referred to Legal Aid Chicago, while the RTC cases involving private housing are generally referred to LCBH. In certain instances, other providers of legal aid may choose to provide full representation services to ERP tenant clients using other funding available to the program. Such cases would not be referred to LCBH or Legal Aid Chicago and are not included in the analyses herein.

Appendix K – Data Collection

Data Collection - ERP

To understand who was accessing the ERP Program, the circumstances each client was facing, the goals each client had, and the ability of the ERP Program to provide effective assistance through brief services, Stout needed assistance from the legal aid providers to collect a wide variety of consistent data elements in a structured format. Because the ERP Program is supported by multiple legal aid organizations, it was important to develop a consistent list of interview questions/data elements for all ERP providers to use when interviewing their clients and recording case information and outcomes.

While developing the list of interview questions/data elements, the legal aid organizations needed to balance the various information that could be collected, with the practical realities of the time it takes to collect such information (a burden to both clients and staff), particularly in the context of brief services. We also understood that data collection and the evaluation of that data would have limitations. In particular, the legal aid providers could only collect so much information with the limited duration and client interaction of the brief services. The ERP tenant clients were not required to provide answers to every question, and the data collected is not always a perfect indicator of impact or effectiveness. These limitations are especially true in the context of brief services where the legal aid provider does not always have the opportunity to talk to the client at or after the resolution of the case (and post-service surveys were not implemented during our data collection). However, the limitations of the data collection and the data itself does not render the data meaningless but requires context and appreciation for the limitations and interpretation.

Creating a comprehensive dataset to evaluate the ERP required Stout to collaborate with the legal aid providers. See **Appendix F** for a comprehensive list of the eviction interview questions posed to ERP tenant clients, when possible.⁹¹ Our process to facilitate cross-organization data collection and presentation included the following:

- **Initial Meetings to Share the Concept and Promise of Extensive Structured Data Collection:** We had several meetings and discussions with CBF and Pew regarding the development of data elements for ERP providers to collect, collecting the data from the ERP providers monthly, structuring and analyzing the

⁹¹ All questions posed to ERP tenant clients were optional given ERP tenant clients may have experienced trauma, felt uncomfortable answering, and so forth.

data, and developing a data visualization platform analyzing certain metrics, trends and characteristics of the Program.

- **Evaluating Challenges and Opportunities:** As part of these meetings and discussions, it was important to acknowledge the potential challenges of extensive data collection. We understood that coordination and collaboration among the ERP providers would be required to develop consensus as to the questions being asked and data elements being collected as well as obtaining that collected data in a consistent format from all ERP providers. The process of developing that consistency would include an iterative discussion and review with the ERP providers, including providing the ERP providers with extracts of data that seemed inconsistent or incomplete. We also understood that it would be possible to have different ERP providers and even different staff within an ERP provider that interpreted a question or data element differently than others. To overcome that challenge, we held various meetings with the ERP providers to discuss the questions/data elements to ensure a consistent interpretation of the questions/data elements.
- **Gathering List of Interview Questions Already Being Asked by ERP Providers:** We requested a list of questions/data elements that were already being collected by the ERP providers. We built a matrix to identify similar questions/data elements being collected by the ERP providers.
- **Developed an extensive list of supplemental interview questions:** Based on our understanding of the questions/data elements already being collected by the ERP providers, we developed an extensive list of potential questions/data elements that could be beneficial in assessing the successes and challenges of the ERP.
- **Gathered feedback on supplemental questions from CBF and Pew:** This preliminary list of questions/data elements was provided to CBF and Pew for an initial review. We held various meetings and discussions with CBF and Pew to gather feedback and recommendations related to the preliminary list of questions/data elements. We revised and refined this list based on their feedback and recommendations.
- **Shared the interview questions with the ERP Providers (including CARPLS and CCR) to gather additional feedback:** After revising and refining the preliminary list of data elements, we provided the list to the ERP providers. We then held various meetings and discussions with CBF, Pew, and the ERP providers to gather additional feedback and recommendations. One of the primary concerns expressed by the ERP providers was the quantity of additional questions/data elements, particularly given the nature of providing brief services with limited

time to interact with the client. Based on the feedback and recommendations from the ERP providers, we revised and refined the list of questions/data elements. The revised and refined list was shared with CBF, Pew, and the ERP providers and was approved by all parties.

- **CBF worked with Legal Server⁹² to develop a module and monthly reporting that could be utilized by the ERP Providers:** After reaching consensus on the questions/data elements, CBF worked with Legal Server to develop a module that would be accessible to the ERP providers through each of the organization's Legal Server application. Additionally, we worked with Legal Server to develop a monthly report that would allow the ERP Providers to download the relevant data elements on a cumulative basis (dating back to January 1, 2022) each month.
- **ERP Providers implemented the Legal Server module and began submitting monthly reports to Stout in February 2022 (which included data from January 2022):** After the Legal Server module and monthly reporting templates were implemented, we worked with the ERP providers to provide access to Stout's secure file transfer site, which we use to securely store the monthly reports submitted by the ERP providers. We provided the ERP providers with a manual that explained how to set up their ShareFile account and upload the relevant monthly reports. The ERP providers began submitting the monthly reports in February, which contained January case data.

Stout continues to have conversations with the legal aid providers to discuss data gathering and data integrity.

Data Collection - RTC

After the RTC Program was implemented, Stout, along with the CBF, Legal Aid Chicago, and LCBH began conversations to expand the ERP Program survey to include additional survey questions for clients receiving RTC services. Throughout the process of implementing the new data elements, the Programs were highly engaged and participatory. The engagement and dedication shown by the Programs is critical for developing a data-oriented approach to the evaluation of the RTC and ERP Programs. See **Appendix G** for a comprehensive list of the eviction interview questions posed to RTC clients.

⁹² Legal Server is a leader in technology solutions for those who provide legal assistance to low income and vulnerable populations.

Stout received the first submission of RTC data in December 2022 from LCBH, which reported on all RTC cases closed in 2022, and in April 2023 from Legal Aid Chicago, which reported on all RTC cases closed since the start of the RTC Program.

The data collected by the Programs has proven to be of significant value in understanding the impact of the RTC and ERP Programs. However, Stout did identify various pieces of missing data in Legal Aid Chicago's RTC submissions and have been working with Legal Aid Chicago to rectify the issues moving forward. Some of the missing data (e.g., information related to goal achievement) has a significant impact on our ability to evaluate the RTC Program. Based on our conversations, we expect these data limitations to be corrected moving forward, which will provide more complete data for the evaluation of the RTC Program.

Appendix L – Research Demonstrating the Impacts of Eviction and Eviction Intervention Services

Impacts and Related Costs of Evictions to Jurisdictions

Stout reviewed numerous studies and the results of programs where representation was provided to tenants facing eviction. Stout's research focused on: (1) the fiscal impacts of eviction to states, cities, counties, and municipalities and (2) the fiscal and other benefits associated with providing representation to tenants in eviction proceedings.

The fiscal impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. Many of these impacts are unquantifiable but nevertheless important, clear costs of disruptive displacement do exist.

This section details the societal and social safety net costs of eviction to provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by the jurisdiction.

Eviction Disproportionately Impacts Black and Hispanic Households

Research from across the country has demonstrated how inequitable housing policies and practices have contributed to and continue to exacerbate inequities in health, education, employment, wealth, and housing. Housing inequities, in particular, have been studied at length in a variety of jurisdictions. Home ownership rates among Black and Hispanic households are consistently lower than White homeownership rates, and eviction rates among Black and Hispanic renter households are consistently higher than eviction rates of White renter households. In many jurisdictions, Black female-headed renter households disproportionately experience eviction filings and eviction compared not only to Hispanic and White households but also Black male-headed renter households.

Research from jurisdictions around the country related to the intersection of race and eviction includes, but is not limited to:

- In its evaluations of eviction right to counsel programs in several other jurisdictions, Stout has found that between approximately 50% and 70% eviction right to counsel clients seeking representation are Black.

- A 2020 study of eviction filings in 39 states found Black renters to account for approximately 33% of all eviction filings while only making up approximately 20% of adult renters in the 39 states studied.⁹³
- A statewide analysis in Michigan confirmed the findings of studies within cities and metropolitan areas: higher eviction filing rates are associated with Black neighborhoods, single-mother households, and the presence of children.⁹⁴
- Of all tenants served by Michigan’s Eviction Diversion Program (EDP), approximately 53% were Black while 14% of Michigan’s population is Black.⁹⁵ This suggests that evictions disproportionately effect Black households, which is consistent with national research on the intersection of race and eviction.
- In Virginia, approximately 60% of majority Black neighborhoods have an annual eviction rate above 10%, which is four times the national average, even when controlling for poverty and income.⁹⁶ In the city of Richmond, researchers found that for every 10% increase in the Black share of the population, the eviction rate increases by more than 1%. However, if the White population increases at the same rate, the eviction rate decreases by approximately 1%.⁹⁷ That is, as the share of the Black population increases, the eviction rate increases.
- In Massachusetts, Black tenants face eviction more than twice as often as White tenants, even though Black tenants are only 11% of the renting population.⁹⁸ Black women are at a particularly high risk of experiencing eviction – nearly 2.5 times as often as White women despite their much smaller share of the population.⁹⁹ The racial disparities are so drastic in Boston that, similar to Virginia, the share of Black renters in the

⁹³ “No Eviction Without Representation Evictions’ Disproportionate Harms and the Promise of Right to Counsel.” ACLU and NCCRC. Referencing Hepburn, Peter et al. “Racial and Gender Disparities Among Evicted Americans.” Sociological Science. 2020.

⁹⁴ Goodspeed, Robert et al. “Michigan Evictions: Trends, Data Sources, and Neighborhood Determinants.” University of Michigan Poverty Solutions. May 2020.

⁹⁵ Benton, Elizabeth et al. “Reducing Michigan’s Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

⁹⁶ McCoy, Terrance. “Eviction isn’t just about poverty. It’s also about race – and Virginia proves it.” The Washington Post. November 10, 2018.

⁹⁷ Ibid.

⁹⁸ Brief of Amici Curiae Matthew Desmond, American Civil Liberties Union, William Berman, Justin Steil, and David Robinson Regarding The Disproportionate Adverse Effect of Eviction on Black Families.

⁹⁹ Ibid.

community is a greater predictor of the eviction filing rate than poverty.¹⁰⁰ Even though only 18% of Boston's rental market is located within majority Black neighborhoods, approximately 37% of evictions filings against tenants in market-rate units are in these neighborhoods.¹⁰¹ The consequences of eviction are also worse for Black renters, who face discrimination in the rental market not only because they disproportionately appear in eviction case databases but also because of racial bias (conscious and unconscious) that result in them being told about and shown less than half of the apartments that equally qualified White renters are seeking.¹⁰² Black market-rate renters were able to visit only 48% of the apartments they sought, compared to 80% of White market-rate renters.¹⁰³

- In Washington, particularly King and Pierce counties, Black adults make up a disproportionate number of eviction filings relative to their share of the population.¹⁰⁴ Compared to eviction rates of White renters, Black adults are evicted 5.5 times more often than White adults in King County and 6.8 times more often in Pierce County.¹⁰⁵ Latinx adults are evicted approximately twice as often than White renters in King County and 1.4 times as often in Pierce County.¹⁰⁶
- In California, compared to non-Hispanic White renters, Black and Latinx renters are 2 to 2.5 times more likely to experience housing hardships.¹⁰⁷
- Households headed by Black adults in Baltimore experienced the highest eviction rate, which was nearly 3 times higher than the White eviction rate.¹⁰⁸ Approximately 7% of all Black male headed households and approximately 5% of all Black female headed households were evicted.¹⁰⁹ These rates are 51% and 11% higher, respectively, than White male headed household eviction rates.¹¹⁰

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ Eckart, Kim. "Study reveals gender, racial disparities in evictions." University of Washington. February 2020.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ong, Paul. "Systemic Racial Inequality and the COVID-19 Renter Crisis. August 2020.

¹⁰⁸ Thomas, Tim et al. "Baltimore Eviction Map." May 2020.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

- In Philadelphia, rental property owners are more than twice as likely to file an eviction against Black renters than White renters, a rate that is disproportionate to the share of Black renters.¹¹¹ According to an analysis of 2018-2019 residential eviction filings, the annual eviction filing rate against Black Philadelphia renters was approximately 9% while the eviction filing rate against White Philadelphia renters was approximately 3%.¹¹² Although Black Philadelphians make up approximately 45% of the city's renters, they make up 66% of eviction filings.¹¹³
- In Washington, DC, evictions are disproportionately filed and executed in Wards 7 and 8, which have the largest share of Black residents and the highest poverty rates in the District.¹¹⁴ By contrast, Wards 2 and 3 have the lowest filing rates, lowest poverty rates, and smallest share of Black residents.¹¹⁵
- Court monitors reported on the race and gender of tenants in eviction court in Orleans Parish, Louisiana. While 59% of Orleans Parish is Black, approximately 82% of tenants facing eviction were Black, with 57% of eviction proceedings being brought against Black women.¹¹⁶
- In Kansas City, Missouri, race was found to be the most important factor in predicting whether someone would be evicted.¹¹⁷
- The majority Black neighborhoods in Hamilton County (Cincinnati, Ohio) are also the ones with the highest eviction filing rates, while neighborhoods with few Black residents experience few evictions.¹¹⁸ Controlling for poverty rates and housing cost burden, for every 1% increase in Black residents, eviction filing rates increase by more than 8%.¹¹⁹

¹¹¹ Bond, Michaelle. "Black city renters' eviction rate higher." Reinvestment Fund.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ McCabe, Brian and Rosen, Eva. "Eviction in Washington DC: Racial and Geographic Disparities in Housing Instability." Georgetown University. 2020.

¹¹⁵ Ibid.

¹¹⁶ "Unequal Burden, Unequal Risk: Households Headed by Black Women Experience Highest Rates of Eviction." Neighborhood Sustainability Initiative. N.d.

¹¹⁷ "Eviction in Kansas City: An Analysis of 2017 Eviction Filings in Jackson County, MO." Kansas City Eviction Project. N.d.

¹¹⁸ Johns-Wolfe, Elaina. "You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio 2014-2017." University of Cincinnati. June 2018.

¹¹⁹ Ibid.

- In Cleveland, all the top ten census tracts with the highest eviction filings from 2000 to 2016 are majority Black communities.¹²⁰ An article examining eviction filings in 2022 in Cleveland by zip code and eviction right to counsel client zip codes found a correlation between the location of eviction filings, eviction right to counsel clients, and the city's historically redlined neighborhoods.¹²¹
- Across the country, 54% of Black renters and 52% of Hispanic renters spend more than 30% of their income on rent compared to 42% of White renters.¹²² Black and Hispanic households are particularly harmed by housing cost burden because they are more likely to have low incomes and more likely to be renters.¹²³ When renter households with low incomes experience a financial hardship (e.g., loss of employment, medical emergency, illness or death of primary income earner, expensive car repair, or other unforeseen expenses), they can quickly be at risk of eviction and homelessness due to lack of income and / or insufficient savings.¹²⁴
- An analysis conducted by the Association for Neighborhood and Housing Development (ANHD) found that evictions filed in New York during the pandemic were disproportionately filed in zip codes where the majority of the population was people of color.¹²⁵ From March 23, 2020 to January 7, 2022, there were 5.2 evictions filed per 100 renter households in zip codes where more than 50% of residents were people of color compared to 2.5 evictions filed per 100 renter households in zip codes where more than 50% of residents were White.¹²⁶ In March 2021, ANHD found that eviction filing rates in zip codes with the highest COVID-19 death rates, also predominantly communities of color, were nearly four times higher than eviction filing rates in zip codes impacted least by COVID-19.¹²⁷ People of

¹²⁰ Walker, Fay. "Eviction in Cleveland." RPubS. February 2019.

¹²¹ Kramer, Gabriel. "High eviction areas in Cleveland echo the city's history of redlining." Ideastream Public Media. March 2023.

¹²² "Understanding and Addressing Racial and Ethnic Disparities in Housing." Bipartisan Policy Center and J. Ronald Terwilliger Center for Housing Policy. December 2021.

¹²³ Ibid.

¹²⁴ Ibid.

¹²⁵ Block, Lucy. "New York's Pandemic Rent Crisis." Association for Neighborhood and Housing Development. January 2022.

¹²⁶ Ibid.

¹²⁷ Ibid.

color constitute approximately 86% of New Yorkers who are behind on their rent but only approximately 44% of the general population.¹²⁸

Eviction is a Leading Cause of Homelessness

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness.

In Cleveland, an eviction right to counsel jurisdiction, eviction right to counsel clients are represented by Cleveland Legal Aid. During Cleveland Legal Aid's intake interview, clients are asked where their household would stay if they were evicted. Stout analyzed responses to this question as an element of its 2021 independent evaluation of Cleveland's eviction right to counsel and found that approximately 5% of clients indicated they would need to enter emergency shelter if they were evicted.¹²⁹ Approximately 23% of clients indicated they would need to "double up" with friends/family, approximately 6% indicated they would live unsheltered, and approximately 60% indicated they did not know where they would go, suggesting they do not have a plan for where they would find alternative housing and may experience sheltered or unsheltered homelessness.

A 2011 study of people experiencing homelessness in Harris and Fort Bend counties (Houston area), Texas found that approximately 30% of people experiencing homelessness identified eviction (either by a family member or a rental property owner) as a cause for their homelessness.¹³⁰

The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state's shelter system to determine that 45% of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.¹³¹

Similar statistics were observed in Hawaii where 56% of families experiencing homelessness cite inability to afford rent as the reason for their experiencing

¹²⁸ Ibid.

¹²⁹ "Cleveland Eviction Right to Counsel Annual Independent Evaluation." Stout Risius Ross. January 31, 2022.

¹³⁰ "Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties." Coalition for the Homeless Houston/Harris County. 2011.

¹³¹ "Regional Networks to End Homelessness Pilot Final Evaluation Report." Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

homelessness.¹³² An additional 18% of families cited eviction specifically, as the reason for their experiencing homelessness.¹³³

In Seattle, a survey of tenants who were evicted revealed that nearly 38% were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.¹³⁴ Only 12.5% of evicted respondents secured another apartment to move into.¹³⁵

Researchers at the University of Delaware matched data from the statewide homelessness services network to eviction filings in Delaware and found that 21% of people experiencing homelessness in their study group received an eviction filing in the previous 2 years.¹³⁶

A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40% of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for shelter, as the reason for experiencing homelessness.¹³⁷ These factors (unemployment and lack of money) were identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11% of unsheltered adults.¹³⁸

A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, revealed that 11% of families in San Francisco homeless shelters identified evictions (legal and illegal) as a cause of their homelessness.¹³⁹ The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50%—much higher than 11%—when considering the intermediate living arrangements made with friends and family before the families who have been evicted access the shelter system.¹⁴⁰ The 50% estimate is supported by the survey of families experiencing homelessness, in which 45% of

¹³² “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010.

¹³³ Ibid.

¹³⁴ “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

¹³⁵ Ibid.

¹³⁶ Metraux, Stephen PhD et al. “Prior Evictions Among People Experiencing Homelessness in Delaware.” Delaware Academy of Medicine/Delaware Public Health Association. August 2022.

¹³⁷ Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

¹³⁸ Ibid.

¹³⁹ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

¹⁴⁰ Ibid.

respondents indicated that the cause of their homelessness was being asked to move out.¹⁴¹ Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36% of its population was living with friends or relatives before experiencing homelessness.¹⁴²

A 2018 study of shelter use in New York City indicated that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately 3% for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by 5 percentage points, or about 36 days.¹⁴³ The researchers concluded that because the estimated effects of eviction persist long-term, avoiding eviction does not simply delay a period of homelessness, it leads to lasting differences in the probability of experiencing homelessness.¹⁴⁴ The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.¹⁴⁵

Based on a control group analysis, a 2013 evaluation of the Homebase Community Prevention Program (the Abt Study) in New York City found that 18.2% of families with children who were at risk of homelessness applied for shelter, and 14.5% entered family shelter.¹⁴⁶ These metrics compare to Homebase case managers' expectations at program enrollment, which were that 25% of families with children who were at risk of homelessness would "definitely" enter shelter and for an additional 25% shelter entry was "very likely."¹⁴⁷ The Abt Study was an evaluation of the Homebase Community Prevention Program which included an analysis of households' use of homeless shelters and services. The Homebase program is a network of neighborhood-based homelessness prevention centers located in New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the

¹⁴¹ Ibid.

¹⁴² Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.

¹⁴³ Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018.

¹⁴⁴ Ibid.

¹⁴⁵ "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

¹⁴⁶ Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

¹⁴⁷ Ibid.

treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5 % compared to 8%. Evaluators had access to individual-level administrative data from certain systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children’s Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. The evaluators did not have access to data about single adults, adult families, and shelters outside of New York City. Evaluators used the individual-level data and a linear probability model to assess the likelihood of shelter entry. The evaluators indicated that limitations of the Study included only analyzing data from shelters operated by the Department of Homeless Services, the impact of “one shot” assistance among the studied population and limiting the study population to families with at least one child and pregnant women.

Robin Hood, a New York City-based non-profit organization that provides funding to, and evaluation metrics for more than 200 programs in New York City, estimates without any intervention, approximately 25% of those at risk of experiencing homelessness would enter shelter.¹⁴⁸ Robin Hood’s estimate, like the Abt Study case managers’, is based on the experiences and expectations of staff working with low-income families experiencing housing instability.

Researchers studying the typology of family homelessness (the Culhane Study) found that approximately 80% of families experiencing homelessness stay in emergency shelter for brief periods, exit shelter, and do not return.¹⁴⁹ The remaining 20% of families experiencing homelessness stay for long periods, and a small but noteworthy portion of families experiencing homelessness cycle in and out of shelter repeatedly.¹⁵⁰ Families cycling in and out of shelter have the highest rates of intensive behavioral health treatment, placement of children in foster care, disability, and unemployment.¹⁵¹ The differences between families that have short shelter stays compared to families with longer shelter stays were identified as: family composition (e.g., larger, older, Black);

¹⁴⁸ https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf

¹⁴⁹ Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” *Housing Policy Debate*. May 2007.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

predicament (e.g., experiencing domestic violence, pregnancy / newborn status); and resources at exit (e.g., housing subsidy).¹⁵²

Data from California's Continuums of Care indicated significant racial disparities among people who have accessed homeless services.¹⁵³ California's population is approximately 6% Black, but Black or African Americans represent 31% of people accessing homeless services.¹⁵⁴ The data also indicated that 41% of people accessing homeless services reported a disabling condition, 17% reported experiencing domestic violence, and 22% were under the age of 18 – all factors that influence length of shelter stay, according to the Culhane Study.¹⁵⁵

A study of administrative data from the homeless shelter systems in New York City and Philadelphia found demographic differences among people experiencing homelessness, which contribute to differences in length of stay in shelters and could inform program planning.¹⁵⁶ The significant concentration of non-White people and those experiencing mental health challenges within the shelter system is consistent with the characteristics of people experiencing the eviction process. The researchers' recommendation that targeted preventive and resettlement assistance, transitional housing and residential treatment, and supported housing and long-term care programs further indicates the incredibly costly housing responses needed to support people experiencing homelessness as a result of disruptive displacement.

Figure 1 shows the percentage of people reporting that they are experiencing homelessness and entering shelter because of eviction/inability to pay for shelter by jurisdiction. These shelter entry metrics (i.e., the proportion of people at shelter connecting their entry to eviction/inability to pay for shelter) are not the same as the proportion of people experiencing eviction who enter shelter but are informative about the role eviction has as a pathway to homelessness and shelter entry.

¹⁵² Ibid.

¹⁵³ "Demographics of People Who Were Served." State of California Business, Consumer Services and Housing Agency. 2020.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Kuhn, Randall and Culhane, Dennis. "Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data." *American Journal of Community Psychology*. April 1998.

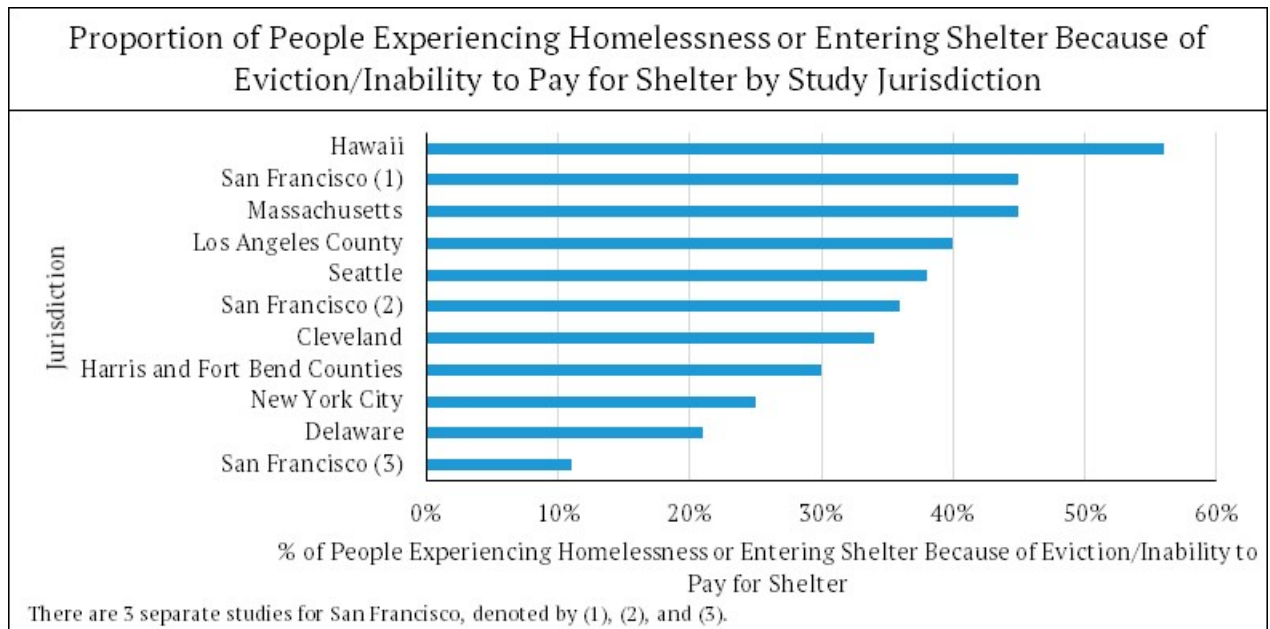


Figure 1

The Continuum of Care in Arlington, Virginia reported in its 2021 – 2022 annual report that it served more than 1,000 people in fiscal year 2021 – 2022 and, “the number likely would have been significantly higher if not for eviction prevention efforts totaling \$20 million in state, federal, and local funding that helped more than 3,400 households during the COVID-19 pandemic.”¹⁵⁷

It is also worth noting that not everyone who experiences disruptive displacement will also experience homelessness. However, not experiencing homelessness does not eliminate the social costs of disruptive displacement as these households will likely experience other trauma(s) related to disruptive displacement. That is, there are social costs to eviction even for households that do not experience homelessness as a result of their eviction. These social costs and traumas may include, but are not related to, needing to staying with family/friends until alternative affordable housing can be secured, experiencing challenges with securing alternative housing because of an eviction record, commuting longer distances to work because of where alternative affordable housing is available, disruptions to child school attendance and education, difficulty securing new child care providers, mental health trauma, and needing to make difficult financial decisions about basic needs (e.g., paying back rent owed or purchasing a medically necessary prescription).

¹⁵⁷ “2022 Report on Homelessness Charts Progress, Challenges.” Arlington, Virginia Continuum of Care. April 2023.

Eviction's Connection to Homelessness Causes Fiscal Costs for Shelter Systems and Other Supports

The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, incarceration, etc.) that is \$9,372 greater per year than an individual who has stable housing.¹⁵⁸ Each time a family experiencing homelessness enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.¹⁵⁹ Data from the HomeStart Program in Massachusetts indicates that the cost to prevent an eviction, negotiate back-rent owed, and provide a family with stabilization services is approximately \$2,000 (compared to the emergency shelter cost of \$26,620 per year).¹⁶⁰

The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per person experiencing homelessness on law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.¹⁶¹

The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing/legal, jail, transportation, emergency medical services and drug and alcohol treatment.¹⁶² In contrast, providing people experiencing homelessness with permanent housing and case managers would cost approximately \$10,000 per person annually.¹⁶³

By way of comparison, MaineHousing, the state agency providing public and private housing to low- and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland area and \$18,949 statewide.¹⁶⁴ The services contemplated in the average annual

¹⁵⁸ Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

¹⁵⁹ Ibid.

¹⁶⁰ Eviction Prevention. HomeStart.org.

¹⁶¹ Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

¹⁶² Crossgrove Fry, Vanessa. "Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho." City of Boise. N.d.

¹⁶³ Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

¹⁶⁴ Acquisto, Alex and Rhoda, Erin. "The \$132k idea that could reduce Bangor's eviction problem." Bangor Daily News. September 24, 2018.

cost were associated with: physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.¹⁶⁵

Investing in eviction prevention helps a community save valuable resources by preventing homelessness before it starts.¹⁶⁶ A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.¹⁶⁷ For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.¹⁶⁸ In New York, data shows that individuals with severe mental disabilities placed in supportive housing resulted in less use of public services such as shelters, hospitalizations, and incarcerations, and thus a \$16,281 cost reduction per individual.¹⁶⁹

A 2023 study of homelessness in San Joaquin County, California indicates that homelessness has an estimated negative economic impact of at least \$130 million, which translates to approximately \$60,000 per person experiencing homelessness.¹⁷⁰ This estimate includes costs related to fire and ambulance responses, emergency room and in patient health care, law enforcement and the judicial system, clearing encampments, emergency shelter, and private-sector costs to address property damage.¹⁷¹

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Holland, Gale. "Study find L.A. County saves money by housing sick homeless people." Los Angeles Times. December 4, 2017.

¹⁶⁸ Ibid.

¹⁶⁹ Culhane, Dennis P. et al. "Public Service Reductions Associated with Placement of Homeless Persons with Severe Mental Illness in Supportive Housing." University of Pennsylvania. January 2002.

¹⁷⁰ Wyatt, Dennis. "Homeless: \$130M Burden on SJ County Economy." Manteca / Ripon Bulletin. April 2023.

¹⁷¹ Ibid.

Eviction Can Lead to Costs Associated with Unsheltered Populations

In addition to costs related to sheltering people who are experiencing homelessness, jurisdictions bear significant costs related to people who are experiencing unsheltered homelessness. A person is experiencing unsheltered homelessness if they are living somewhere not meant for human habitation (e.g., tents, cars, recreational vehicles without electricity or sanitation connections, sidewalks, abandoned buildings, and other public spaces).¹⁷² In 2019, the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development commissioned a study of the costs to four cities (Chicago, Houston, San Jose, and Tacoma) that were working to reduce encampments used by people experiencing unsheltered homelessness and providing services to people experiencing unsheltered homelessness.¹⁷³ The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year.¹⁷⁴ The overall annual cost to the cities ranged from approximately \$3.4 million (Houston) to approximately \$8.6 million (San Jose).¹⁷⁵ Figure 2 shows these costs.

	Total spending on encampment activities, FY 2019	Unsheltered homeless population, 2019	Cost per unsheltered homeless person, 2019
Chicago	\$ 3,572,000	1,260	\$2,835
Houston	\$ 3,393,000	1,614	\$2,102
Tacoma	\$ 3,905,000	629	\$6,208
San Jose	\$ 8,557,000	7,922	\$1,080

¹ The unsheltered homeless population for Chicago is for the city, whereas the numbers for Houston, San Jose, and Tacoma include the surrounding counties (Harris, Santa Clara, and Pierce Counties).

Source: City cost data; 2019 CoC Point-in-Time data, HUD

Figure 2

Costs incurred by local fire and police departments and emergency medical services were not included, but they can be the largest expenses for cities.¹⁷⁶ These quantifiable costs are not the only costs to cities with responses to the unsheltered population. Providing services takes significant resource-intensive coordination among a variety of stakeholders. For example, the study indicated the following agencies/service providers were involved in responding to people experiencing unsheltered homelessness: sanitation/solid waste/environmental services; homeless services providers offering

¹⁷² Dunton, Lauren et al. “Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. February 2020.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

assistance with case management, medical and mental health services, substance abuse services, food assistance, and financial assistance; departments of public health; departments of transportation; airport authorities; parks departments; public utility companies; fire departments; city management departments; outreach teams; and police departments.¹⁷⁷

Stout is collecting data in its eviction right to counsel program evaluations in other jurisdictions to understand more fully where people believe they will go if they were evicted and has found that between approximately 10% and 20% eviction right to counsel clients seeking representation indicate they will likely live unsheltered if they were evicted.

Eviction Can Cause Employment and Housing Instability

Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where their family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.¹⁷⁸ The period before an eviction may be characterized by disputes with a rental property owner or stressful encounters with the court system.¹⁷⁹ These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.¹⁸⁰ After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a rental property owner willing to rent to them may increase the time it takes to secure new housing.¹⁸¹ Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.¹⁸² A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.¹⁸³

¹⁷⁷ Ibid.

¹⁷⁸ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

¹⁷⁹ Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Ibid.

A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20% more likely to subsequently lose their jobs compared to similar workers who did not.¹⁸⁴ Approximately 42% of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.¹⁸⁵ The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.¹⁸⁶

Eviction not only adversely affects unemployed and employed tenants' job prospects but also their earnings and the potential future earnings of children. A study of eviction filings from 2007 to 2016 in New York City sought to assess whether evictions contributed substantially to poverty by analyzing the effect of evictions on earnings and employment.¹⁸⁷ Eviction filing data was linked to Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other New York City-specific benefits data.¹⁸⁸ The researchers found that eviction was associated with between \$1,000 and \$3,000 reduction in total earnings in the one to two years post-filing.¹⁸⁹ Robin Hood estimates a child's average future earnings could decrease by 22% if the child experienced juvenile delinquency, which can be associated with the disruption to families from eviction.¹⁹⁰ When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that forced moves can perpetuate generational poverty and further evictions.¹⁹¹ In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts –

¹⁸⁴ Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

¹⁸⁵ Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

¹⁸⁶ Ibid.

¹⁸⁷ Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018. And Collinson, Robert et al. "Eviction and Poverty in American Cities." National Bureau of Economic Research. August 2022.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. <https://www.robinhood.org/what-we-do/metrics/>

¹⁹¹ Lundberg, Ian and Donnelly, Louis. "A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities." Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

Eviction Can Impair Tenants' Ability to Re-Rent and Harm Credit Scores

Tenants with an eviction case brought against may have the case on their record whether they are ultimately evicted or not. This information is easily accessible, free, and used by rental property owners and tenant screening companies to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.¹⁹² Data aggregation companies are now creating “screening packages” that rental property owners can use to select their tenants.¹⁹³ These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated, “it is the policy of 99% of our [landlord] customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is.”¹⁹⁴ In cities where there is a right to counsel, the number of eviction filings has declined, indicating that a right to counsel can also reduce the harmful effects of being exposed to the eviction process regardless of case outcomes. Many rental property owners and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their jobs, have limited or no options for child care, and lack grocery stores.¹⁹⁵ A University of North Carolina Greensboro study found that 45% of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.¹⁹⁶

¹⁹² Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

¹⁹³ Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.

¹⁹⁴ Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” The Yale Law Journal. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” The New York Times. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of rental property owners’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

¹⁹⁵ Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

¹⁹⁶ Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause a housing authority to terminate the tenant's Section 8 voucher or render the tenant ineligible for future federal housing assistance.¹⁹⁷ Rental property owners often view a potential tenant's credit score as a key factor in determining whether they want to rent to the potential tenant. A low credit score caused by a past eviction can make it exceedingly difficult for renters to obtain suitable housing.¹⁹⁸ A tenant who was interviewed in the University of North Carolina Greensboro study stated, "it [eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away."¹⁹⁹ Damage to a renter's credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.²⁰⁰ Another tenant from the University of North Carolina Greensboro study stated, "I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don't even care to do any kind of record check."²⁰¹ In Milwaukee, tenants who experienced an involuntary move were 25% more likely to have long-term housing instability compared to other low-income tenants.²⁰² A 2018 survey of tenants who had been evicted in Seattle found that 80% of survey respondents were denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.²⁰³

The Consumer Financial Protection Bureau released an Enforcement compliance bulletin reminding rental property owners, consumer reporting agencies, and others of

¹⁹⁷ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

¹⁹⁸ An eviction itself is not reported to credit bureaus even if the rental property owner is successful in court, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the rental property owner sent the delinquency to a collection agency. While there is not a set timeframe for when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that rental property owners use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

¹⁹⁹ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

²⁰⁰ https://www.investopedia.com/terms/c/credit_score.asp.

²⁰¹ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

²⁰² Desmond, Matthew. "Evicted: Poverty and Profit in the American City." 2016.

²⁰³ "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

their obligations to accurately report rental and eviction information.²⁰⁴ Without a lawyer, it may be challenging for tenants to dispute inaccurate rental and eviction information they find on their credit reports. Having accurate credit reports is particularly relevant in the current economic climate of increasing rents and low vacancy rates. Stout has learned through its eviction right to counsel evaluations in other jurisdictions that rental property owners often use past eviction filings, regardless of the outcome of the case or the circumstances involved, as a leading indicator of risk.

Eviction Can Arise from Unpaid Utility Bills

Non-payment of utilities can result in eviction and the loss of housing vouchers.²⁰⁵ A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.²⁰⁶ After an income disruption (i.e., job loss, health emergency, unexpected expenses), financially insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted than financially secure households.²⁰⁷ In 2011, the average electric bill in Houston, Texas was found to be more than \$200 per month during the summer, making utility payments a barrier to maintaining housing for low-income renters.²⁰⁸ Furthermore, some rental assistance programs in Houston calculate a “utility allowance,” which often do not fully cover true utility costs, leaving tenants at risk of eviction if utility bills are unpaid.²⁰⁹

Eviction Can Increase Costs Associated with Law Enforcement and Incarceration

Jurisdictions throughout the country have laws prohibiting people experiencing homelessness from sitting, sleeping, or resting in public spaces, living in vehicles, and asking for money.²¹⁰ In many cities, these offenses are punishable by fines or arrest. The National Law Center on Homelessness and Poverty analyzed the city codes of nearly 200 urban and rural cities in 2019.²¹¹ Approximately 72% of the cities analyzed had at least one law prohibiting camping in public, approximately 51% had at least one law

²⁰⁴ “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021.

²⁰⁵ Ibid.

²⁰⁶ Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

²⁰⁷ Ibid.

²⁰⁸ “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

²⁰⁹ Ibid.

²¹⁰ Dholakia, Nazish. “How The U.S. Criminalizes Homelessness.” Forbes. January 2022.

²¹¹ “Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities.” National Law Center on Homelessness & Poverty. December 2019.

restricting sleeping in public, and approximately 50% of cities had one or more laws restricting living in vehicles.²¹²

The Hamilton County Community Bail fund analyzed booking records from the Silverdale Detention Center for the period August 2022 through January 2023. The analysis found that 8.4% (697) of people who were arrested during this period were experiencing homelessness or they gave a hotel, emergency shelter, or homeless service provider as their address.²¹³

When behaviors often associated with homelessness are criminalized, the costs to police departments or other government agencies may be higher than expected. An analysis of a 2013 ordinance in Chico, California that prohibited individuals from sitting or lying down in public spaces (i.e., homelessness) found that the cost to law enforcement for having to enforce this ordinance may have been twice as much as originally estimated.²¹⁴ The Sheriff's office spent approximately \$74.1 million in fiscal year 2014-2015 on arrest-related costs of booking and jailing people experiencing homelessness, in addition to connecting them with faith- and community-based services aimed toward reintegration into the community.²¹⁵

According to estimates from the University of Denver, “just six Colorado cities spent a minimum of five million dollars enforcement fourteen anti-homeless ordinances over a five-year period.”²¹⁶ For context, Colorado's 76 largest cities have 351 anti-homeless ordinances, indicating the costs represented above are underestimated.²¹⁷ In 2016, Salt Lake City spent \$13.6 million on homeless services, of which 75% was on police resources.²¹⁸ Between 2009 and 2013, Seattle spent \$2.3 million to enforce only 16% of city's criminalization ordinances, which also often disproportionately impact people experiencing homelessness.²¹⁹

²¹² Ibid.

²¹³ Fairburn, Avery. “Examining Jail Data.” Hamilton County Community Bail Fund. 2023.

²¹⁴ Wilking, Jennifer, et al. “Understanding the Implications of Punitive Approach to Homelessness: A Local Case Study.” Poverty & Public Policy. June 2018.

²¹⁵ Ibid.

²¹⁶ Adcock, Rachel, A. et al. “Too High A Price: What Criminalizing Homelessness Costs Colorado.” University of Denver Sturm College of Law, Homeless Advocacy Policy Project.

²¹⁷ Ibid.

²¹⁸ “A limited Review of Sources of Funding and Expenditures for Homeless Initiatives.” Report to the Utah Legislature by the Office of Legislative Auditor General. October 2017.

²¹⁹ Howard, Joshua and Tran, David. “At What Cost: The Minimum Cost of Criminalizing Homelessness in Seattle and Spokane.” Seattle University School of Law. May 2015.

In 2013, HUD identified Central Florida as having the most people experiencing chronic homelessness among similarly sized communities.²²⁰ An analysis of 107 individuals experiencing chronic homelessness in 3 central Florida counties found that the “average annual cost to be homeless and cycling in and out of incarceration, emergency rooms, and inpatient hospitalizations was \$31,065 per person per year.”²²¹ The corresponding 10-year cost for the cohort studied across the 3 counties was more than \$33 million.²²² According to the California Policy Lab, people experiencing unsheltered homelessness between 2015 and 2017 reported an average of 21 contacts with police in the “last six months”, while individuals experiencing sheltered homelessness reported 2 contacts during the same period.²²³

Eviction is Connected to Physical Health Impacts

A significant body of research has documented the connection between health and housing. Substandard housing conditions are associated with a variety of health conditions, such as respiratory infections, asthma, and lead poisoning.²²⁴

An analysis of the 2015 American Housing Survey data, which included specific questions on asthma and asthma triggers in the home, indicated that: (1) households with children are more likely to have at least one child with asthma when they also report exposure to smoke, mold, and leaks in their home; (2) renters with children are more likely to have asthma triggers in their homes than owners; and (3) households receiving rental subsidies (e.g., vouchers, rental assistance, or living in public housing) have higher exposure to indoor asthma triggers than other low-income renters not receiving rental subsidies and are more likely to have at least one child with asthma.²²⁵

Like asthma, housing instability can affect the health of family members of all ages.²²⁶ Researchers at Boston Medical Center found that caregivers of young children in unstable low-income housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of

²²⁰ “The Cost of Long-Term Homelessness in Central Florida: The Current Crisis and the Economic Impact of Providing Sustainable Housing Solutions.” Shinn, Gregory A. 2014.

²²¹ Ibid.

²²² Ibid.

²²³ “Five Charts That Explain the Homelessness-Jail Cycle – and How to Break It.” www.urban.org. September 2016.

²²⁴ Krieger, James and Higgins, Donna. “Housing and Health: Time Again for Public Health Action.” American Journal of Public Health. 2002.

²²⁵ Ganesh, Bhargavi et al. “The Relationship between Housing and Asthma among School-Age Children.” Urban Institute. October 2017.

²²⁶ Butera, Candace. “The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids.” Pacific Standard. January 23, 2018.

depression. Children aged four and under in these families had almost a 20% higher risk of hospitalization, and more 25% higher risk of developmental delays.²²⁷ Another study of caregivers to children found that, of more than 22,000 families served by medical centers over a six-year study period, approximately 34% had at least one of the following adverse housing circumstances: 27% had been behind on rent; 12% had experienced homelessness; and 8% had moved at least twice in the previous 12 months.²²⁸ A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.²²⁹ A study of nearly 10,000 mothers in five U.S. cities found that prenatal homelessness was associated with a higher likelihood of low birth weight and preterm delivery.²³⁰ Researchers from Harvard and Princeton (in conjunction with the Public Health Institute of Basel, Switzerland) had similar findings in their study of eviction filings: experiencing an eviction filing during pregnancy was associated with an increased risk of low birth weight and premature birth.^{231,232} Furthermore, Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes generally experienced by the Black population.²³³

A recent study published by the American Academy of Pediatrics explored the impact of formal and informal evictions on households with children and their caregivers.²³⁴ The study describes correlations between households experiencing eviction and:

- Increased likelihood of the caregivers and children experiencing worse health outcomes
- Increased developmental risks among children
- Increased hospital admission among children

²²⁷ Ibid.

²²⁸ Sandel, Megan, et al. “Unstable Housing and Caregiver and Child Health in Renter Families.”

²²⁹ Sandel, Megan, et al. “Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children.” The American Academy of Pediatrics. September 2018.

²³⁰ Cutts, Diana B. et al. “Homelessness During Pregnancy: A Unique, Time-Dependent Risk Factor of Birth Outcomes.” Maternal and Child Health Journal. November 2014.

²³¹ Khadka, Aayush, et al. “In utero exposure to threat of evictions and preterm birth: Evidence from the United States.” Health Services Research. 2020.

²³² Himmelstein, Gracie and Desmond, Matthew. “Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016.” JAMA Pediatrics. March 2021.

²³³ Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” Rewire.News. April 12, 2018.

²³⁴ Cutts, Diana B. MD. et al. “Eviction and Household Health and Hardships in Families with Very Young Children.” American Academy of Pediatrics. October 2022.

- Increased likelihood of the household experiencing food insecurity and inability to afford utilities, healthcare, and childcare.²³⁵

A 2020 analysis using data from the National Longitudinal Study of Adolescent to Adult Health, found that evictions have short- and medium-term negative impacts on multiple health measures including poor general health and mental health concerns, even years after experiencing an eviction.²³⁶

A 2022 study of a medical-legal partnership in Greater Cincinnati, Ohio found that when lawyers addressed health-related social needs of children, the hospitalization rate for the children decreased approximately 38% following the year of legal assistance compared to children who did not receive legal assistance.²³⁷ Lawyers working within the medical-legal partnership assisted with representing households with children in eviction proceedings, compelling the remediation of substandard rental housing conditions, appealing public benefits denials, and resolving issues with schools about disability accommodations.²³⁸ A 2014 study of mold prevalence in Detroit homes found that the age of the home and mold contamination were positively correlated (i.e., older homes had higher rates of mold contamination).²³⁹ Asthmatic children in Detroit were living in homes with higher than average mold contamination rates than non-Detroit homes.²⁴⁰ According to a Michigan Department of Health and Human Services report, the prevalence of asthma among Detroit adults is 29% higher than Michigan residents outside of Detroit, and the hospitalization rate for people with asthma in Detroit is 3 times higher than Michigan residents outside of Detroit.²⁴¹

A 2016 Canadian study found that eviction specifically is associated with increased odds of having detectable viral loads among people living with HIV and increased rates of illicit drug use and relapse.²⁴²

²³⁵ Ibid.

²³⁶ Hatch, Megan E. et al. "Losing Your Home Is Bad for Your Health: Short-and Medium-Term Health Effects of Eviction on Young Adults." Housing Policy Debate. October 2022.

²³⁷ Beck, Andrew F. et al. "Reductions in Hospitalizations Among Children Referred to a Primary Care-Based Medical-Legal Partnership." Health Affairs. March 2022.

²³⁸ Ibid.

²³⁹ Vesper, Stephen et al. "Use of Medicaid and housing data may help target areas of high asthma prevalence." Journal of Asthma. 2017.

²⁴⁰ Ibid.

²⁴¹ DeGuire, Peter et al. "Detroit: The Current Status of the Asthma Burden." Michigan Department of Health and Human Services Bureau of Disease Control, Prevention and Epidemiology. March 2016.

²⁴² "Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic." Robert Wood Johnson Foundation. April 2021. Referencing Kennedy, Mary Clare et al. "Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs." AIDS Behavior. February 2016.

Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.²⁴³ Researchers at Boston Medical Center and Children’s Hospital found that homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.²⁴⁴ Living in a distressed neighborhood can negatively influence a family’s well-being.²⁴⁵ Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.²⁴⁶ The primary health outcome found to be related to housing is respiratory health, which is measured by the presence of respiratory disease or by lung function.²⁴⁷ Housing conditions that are respiratory health factors include cold temperatures, humidity, and ventilation – all of which contribute to the growth of mold, fungi, and other microorganisms.²⁴⁸ Living in these conditions can result in wheezing, aches and pains, gastrointestinal issues, headaches, and fever.²⁴⁹ Data from the Third National Health and Nutrition Examination Survey estimated that housing environments exacerbate the effects of asthma in 40% of children.²⁵⁰

Researchers in Boston analyzed 10 years of tenant complaints to the city regarding mold, pest infestation, and other substandard housing conditions. After adjusting for income and other neighborhood characteristics, they found tenant race was a significantly associated with the incidences of housing conditions that trigger asthma.²⁵¹ For every 10% decrease in the proportion of White residents in a neighborhood, the incidence of housing conditions that trigger asthma increased by approximately 3 reports per 1,000 residents.²⁵² Not only were incidence of asthma triggers higher in low-income, racially diverse neighborhoods, but response times by the city to these complaints were longer.²⁵³ In neighborhoods with the lowest proportions of White residents, the response time to

²⁴³ Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

²⁴⁴ “Not Safe at Home: How America’s Housing Crisis Threatens the Health of Its Children.” The Doc4Kids Project, Boston Medical Center and Children’s Hospital. 1998.

²⁴⁵ Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” *Social Forces*. February 24, 2015.

²⁴⁶ *Ibid.*

²⁴⁷ Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

²⁴⁸ *Ibid.*

²⁴⁹ *Ibid.*

²⁵⁰ Sandel, Megan and Desmond, Matthew. “Investing in Housing for Health Improves Both Mission and Margin.” *The Journal of the American Medical Association*. 2017.

²⁵¹ Lemire, Evan et al. “Unequal Housing Conditions and Code Enforcement Contribute to Asthma Disparities in Boston, Massachusetts.” *Health Affairs*. April 2022.

²⁵² *Ibid.*

²⁵³ *Ibid.*

complaints was 17% (3.5 days) slower than the median response in neighborhoods with the highest proportions of White residents.²⁵⁴ Complaints in neighborhoods with the lowest proportions of White residents were also approximately 14% more likely of being flagged as overdue for a response and approximately 54% less likely to have been repaired than complaints in neighborhoods with the highest proportions of White residents.²⁵⁵

While mold is often a cause of asthma, it is also a food source for dust mites, which are a known allergen.²⁵⁶ In addition to causing respiratory health issues, exposure to lead can have irreversible health impacts. Because lead is more prevalent in older and substandard housing, lead poisoning must also be viewed as a manifestation of the affordable housing crisis.²⁵⁷ According to the Centers for Disease Control and Prevention, children who live in households at or below the federal poverty level and those living in housing built before 1978 are at the greatest risk of exposure.²⁵⁸ Children of color are also at a higher risk of lead exposure attributable in significant part to the longstanding effects racist housing policies including redlining, which have exacerbated other historical inequities in accessing safe and healthy housing.²⁵⁹ Even at low levels of exposure, lead causes brain and nervous system damage including: impaired growth, hyperactivity, reduced attention span, intellectual and developmental disabilities, hearing loss, insomnia, and behavioral issues.²⁶⁰ Researchers from Harvard recently studied the connection between eviction and lead poisoning by analyzing data from the national Fragile Families & Child Wellbeing Study. Children evicted in their first year of life were predicted to have approximately a 10% likelihood of being diagnosed with lead poisoning by age 3 compared to approximately a 5% likelihood if they were not evicted.²⁶¹ Future evictions were shown to exacerbate this disparity. Between ages 3 and 5, children evicted in both the first and third years of life were predicted to have an 11% likelihood of being newly diagnosed with lead poisoning compared to a 2% likelihood if they were never evicted.²⁶²

²⁵⁴ Ibid.

²⁵⁵ Ibid.

²⁵⁶ Shaw, Mary. "Housing and Public Health." Department of Social Medicine, University of Bristol. October 2003.

²⁵⁷ "Lead." National Center for Healthy Housing. N.d.

²⁵⁸ "Childhood Lead Poisoning Prevention." Centers for Disease Control and Prevention. November 2020.

²⁵⁹ Ibid.

²⁶⁰ "Lead." National Center for Healthy Housing. N.d.

²⁶¹ Schwartz, Gabriel. "Cycles of Disadvantage: Eviction and Children's Health in the United States." Harvard University. 2020.

²⁶² Ibid.

Although already well-documented, the COVID-19 pandemic has created further evidence of the connection between housing and health. Housing instability undermines crucial infection prevention strategies deployed throughout the pandemic, exacerbating the health consequences of eviction.²⁶³ Research has shown that eviction and displacement are associated with increased COVID-19 infection and mortality rates.²⁶⁴ Eviction and displacement lead to overcrowding, doubling up, and homelessness, which all increase contact with other people and make social distancing challenging.²⁶⁵ While most people who experience eviction do not immediately enter shelter and instead double up with friends and family, these living arrangements increase the likelihood of exposure to COVID-19 and are compounded by members of these households who are often working essential jobs with a higher risk of exposure.²⁶⁶ Research has demonstrated that eviction and housing instability are associated with a variety of comorbidities – increased incidence of high blood pressure, heart disease, respiratory illnesses, sexually transmitted infections, and drug use.²⁶⁷ These comorbidities, in combination with the inability to socially distance, puts people who have been evicted or who are experiencing housing instability at increased risk of contracting, spreading, and dying from COVID-19.²⁶⁸

Although the pandemic has moved into a phase with less intensive responses (e.g., social distancing, business and school closures, mask mandates, eviction moratoria), renters with low incomes may still be at increased risk of contracting COVID-19, which can have severe consequences, such as eviction arising from employment loss or a reduction in hours. These impacts will likely persist as will the associated disruptions so long as COVID-19 remains highly transmissible and capable of significant impacts to health.

In addition to the significant impact that eviction has on health outcomes, there is also evidence that a lack of access to health care can lead to evictions. For example, data from California showed that after the state expanded Medicaid coverage following the Affordable Care Act, there were 22 fewer evictions for every 1,000 new Medicaid enrollees.²⁶⁹ California's Medicaid expansion led to a 2.9 percentage-point decrease in

²⁶³ "Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic." Robert Wood Johnson Foundation. April 2021.

²⁶⁴ Nande, Anjalika et al. "The effect of eviction moratoria on the transmission of SARS-CoV-2." medRxiv. November 2020.

²⁶⁵ Benfer, Emily et al. "Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy." Journal of Urban Health. January 2021.

²⁶⁶ Ibid.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Allen, Heidi L. et al. "Can Medicaid Expansion Prevent Housing Evictions?" Health Affairs. September 2019.

eviction rates.²⁷⁰ The authors of the study indicate, “Medicaid not only is an important part of the health care safety net but also may be considered a key strategy for addressing poverty-related housing instability.”²⁷¹ Figure 3 shows the estimated number of monthly evictions in California counties that expanded Medicaid coverage relative to counties that did not expand coverage by time period relative to expansion (e.g., 13-18 months before expansion, 6-11 months after expansion).

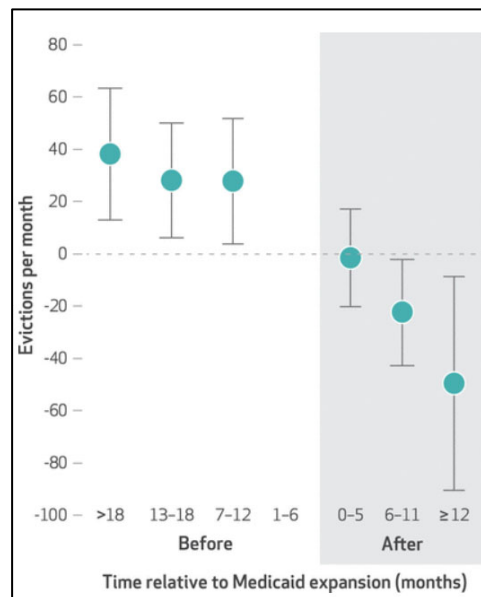


Figure 3

Eviction is Connected to Mental Health Impacts

An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, “science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts.”²⁷² Professor Daniel Taylor also stated that this “toxic stress” affects many of the body’s critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.²⁷³ Furthermore, major life stressors have been found to increase rates of domestic violence.²⁷⁴ According to a nationwide survey of domestic violence shelters and

²⁷⁰ Ibid.

²⁷¹ Ibid.

²⁷² Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

²⁷³ Ibid.

²⁷⁴ Makepeace, J. “Life Events Stress and Courtship Violence.” Family Relations. January 1983.

programs, approximately 41% of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.²⁷⁵ In Seattle, approximately 38% of survey respondents who had experienced eviction reported feeling stressed, 8% experienced increased or new depression, anxiety, or insomnia, and 5% developed a heart condition they believed to be connected to their housing instability.²⁷⁶ Among respondents who had school-age children, approximately 56% indicated that their children's health suffered "very much" as a result of eviction, and approximately 33% indicated that their children's health suffered "somewhat" for a total of 89% of respondents' children experiencing a negative health impact because of eviction.²⁷⁷ A recent study in Cleveland by Case Western University found that approximately 21% of interviewed tenants facing eviction self-reported that they were experiencing poor health.²⁷⁸ Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.²⁷⁹

A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their children, including increased depression and parental stress.²⁸⁰ These effects were persistent. Two years after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.²⁸¹ In a study of the effects of forced dislocation in Boston's West End, approximately 46% of women and 38% of men expressed feelings of grief or other depressive reactions when asked how they felt about their displacement.²⁸² A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.²⁸³ Approximately two-thirds of

²⁷⁵ "Homeless Service Utilization Report." Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. Referencing "Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services." National Network to End Domestic Violence. 2009.

²⁷⁶ "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

²⁷⁷ Ibid.

²⁷⁸ "The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction." Center on Urban Poverty and Community Development, Case Western University. October 2019.

²⁷⁹ Ibid.

²⁸⁰ Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." Social Forces. February 24, 2015.

²⁸¹ Ibid.

²⁸² Fried, Marc. "Grieving for a Lost Home: Psychological Costs of Relocation." The MIT Press. 1966.

²⁸³ Babajide, Rilwan, et. al. "Effects of Eviction on Individuals and Communities in Middlesex County." The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.²⁸⁴ Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.²⁸⁵ Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.²⁸⁶

As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid recipients in New Jersey found that health care spending for Medicaid recipients who were experiencing homelessness were between 10% and 27% higher than Medicaid recipients who were stably housed, all else equal.²⁸⁷ The 10 to 27% increase in Medicaid spending for individuals experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75% is attributed to inpatient hospital and emergency department services.²⁸⁸ A study in Michigan found that Medicaid spending for adults experiencing homelessness was 78% higher than the statewide average and 26% higher for children experiencing homelessness than the statewide average.²⁸⁹

The American Journal of Preventive Medicine recently published a research article examining the intersection of eviction and health care utilization / access in New York City. Over a 6-month period, Medicaid enrollees who were evicted made 32% fewer prescription fills, 40% fewer ambulatory care visits, and 22% more acute care visits.²⁹⁰ A 2016 study of more than 1,600 Medicaid enrollees found that when these enrollees lived in affordable housing, overall health care expenditures decreased by 12% and emergency department visits decreased by 18%.²⁹¹

The connection between housing stability and a household's mental and physical health is evident. Safe, habitable homes are important, especially in times of crisis when mental and physical health issues may become exacerbated. During the COVID-19 pandemic,

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid.

²⁸⁷ Cantor, Joel C. et al. "Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services." *The Milbank Quarterly*. January 22, 2020.

²⁸⁸ Ibid.

²⁸⁹ Spellman, Brooke, et. al. "Costs Associated With First-Time Homelessness for Families and Individuals." U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

²⁹⁰ Schwartz, Gabriel L. et al. "Eviction, Healthcare Utilization, and Disenrollment Among New York City Medicaid Patients." *American Journal of Preventive Medicine*. 2022.

²⁹¹ "Health in Housing: Exploring the Intersection between Housing and Health Care." Center for Outcomes Research and Education and Enterprise Community Partners, Inc. February 2016.

numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.²⁹² Researchers from the University of California, Los Angeles' Ziman Center for Real Estate found that renters reported better mental health as the eviction moratoriums progressed, particularly the mental health of Black renters.²⁹³ Each additional week that eviction moratoriums were in place, the share of Black renter households who reported "feeling anxious" decreased by approximately 2%.²⁹⁴

An analysis of data from the United States Census Bureau's Household Pulse Survey found higher prevalence of depression, anxiety, and prescription medication use among survey respondents who self-reported as being more likely to face eviction.²⁹⁵ The prevalence of depression among respondents who were "at-risk of eviction" was approximately 59% compared to approximately 37% of respondents "not at risk of eviction".²⁹⁶ A researcher from the University of Iowa found that there were short-term mental health benefits on renters as a result of eviction moratoriums in 43 states and Washington, D.C. during the COVID-19 pandemic.²⁹⁷ These benefits included fewer days not in good mental health in the past 30 days and a lower likelihood of frequent mental distress, defined as 14 or more days not in good mental health in the last 30 days.²⁹⁸

In 7 states that indicate homelessness on hospital discharge records, approximately 22% of patients who were experiencing homelessness and were admitted for in-patient care, were admitted for mental health issues.²⁹⁹ In contrast, mental health issues were the reason for in-patient care in approximately 7% of individuals who were admitted and who were not experiencing homelessness.³⁰⁰ Approximately 74% of in-patient care for people experiencing homelessness began in the emergency department, compared to approximately 52% of individuals who were not experiencing homelessness.³⁰¹

²⁹² Parker, Will. "Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions." *The Wall Street Journal*. March 22, 2020.

²⁹³ An, Xudong et al. "More Than Shelter: The Effects of Rental Eviction Moratoria on Household Well-Being." SSRN. July 2021.

²⁹⁴ Ibid.

²⁹⁵ Achary, Binod, et al. "The risk of eviction and the mental health outcomes among the US adults." Elsevier. October 2022.

²⁹⁶ Ibid.

²⁹⁷ Ali, Abdinasir K. et al. "State Eviction Moratoriums During the COVID-19 Pandemic Were Associated With Improved Mental Health Among People Who Rent". *Health Affairs*. November 2022.

²⁹⁸ Ibid.

²⁹⁹ Karaca, Zeynal, et al. "Characteristics of Homeless and Non-Homeless Individuals Using Inpatient and Emergency Department Services, 2008". *Healthcare Cost and Utilization Project, Statistical Brief #152*.

³⁰⁰ Ibid.

³⁰¹ Ibid.

In San Diego County, California, more than 10,300 people were treated for schizophrenia, bipolar disorder or major depression, and of them, approximately 15% were experiencing homelessness.³⁰² The 15% of people who were experiencing homelessness used more in-patient and emergency-type services and fewer outpatient services than those not experiencing homelessness.³⁰³ Similarly, a study in San Francisco found that people experiencing homelessness accounted for approximately 30% of psychiatric emergency service episodes and were also more likely to revisit and reuse emergency services.³⁰⁴

Eviction Can Cause Suicide

In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.³⁰⁵ Researchers identified 929 eviction- or foreclosure-related suicides, which accounted for 1% to 2% of all suicides and 10% to 16% of all financial-related suicides from 2005 to 2010.³⁰⁶ In 2005, prior to the 2009 housing crisis, there were 58 eviction-related suicides.³⁰⁷ At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62% from 2005.³⁰⁸ These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.³⁰⁹ After the housing crisis, eviction-related suicides began to return to pre-crisis levels. Approximately 79% of suicides occurred before the actual loss of housing, and 39% of people taking their lives had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.³¹⁰ A 2012 analysis of online court record archives that linked court records to suicide deaths found that in an urban county, nearly a third of suicide victims had recent court involvement –

³⁰² Folsom, David P. et al. "Prevalence and Risk Factors for Homelessness and Utilization of Mental Health Services Among 10,340 Patients with Serious Mental Illness in a Large Public Mental Health System." *The American Journal of Psychiatry*. February 2005.

³⁰³ Ibid

³⁰⁴ McNiel, Dale E. et.al. *Psychiatric Emergency Service Use and Homelessness, Mental Disorder and Violence*. Psychiatric Services. June 2005.

³⁰⁵ Fowler, Katherine A. et al. "Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010." *American Journal of Public Health*. February 2015.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

³¹⁰ Ibid.

twice the proportion of the control group.³¹¹ Foreclosure was associated with a threefold increase in the risk of suicide.³¹²

Homelessness can also impact suicide risk. According to a survey of 196 adult women experiencing homelessness in Canada, the prevalence of any mental health disorder was approximately 63%, and the prevalence of moderate to high suicide risk was 22%, substantially higher than that of the general Canadian population.³¹³

Eviction Can Cause Excess Mortality

According to The National Health Care for the Homeless Council, people experiencing homelessness have higher rates of illness and die, on average, 12 years sooner than the general population.³¹⁴ A 7-year study of people experiencing homelessness in New York City who were living in emergency shelter found that their age-adjusted mortality rate was 4 times higher than the general population.³¹⁵

The National Health Care for the Homeless Council (the Council) conducted a literature review of studies related to premature death among people experiencing homelessness. Several studies reviewed by the Council indicated increased rates of premature death in “zones of mortality” which were characterized by high poverty rates, concentrations of people experiencing homelessness, emergency shelters, and substandard housing conditions.³¹⁶

A 19-year study by researchers at Wayne State University of Medicine compared the health status of older adults in Detroit to older adults in Michigan outside of Detroit. The analysis, titled *Dying Before Their Time*, found that older adults living in Detroit die at twice the rate of those living in Michigan outside of Detroit.³¹⁷ The researchers identified social determinants of health as a major cause of excess death in Detroit.³¹⁸ Social

³¹¹ Cook, Thomas Bradley and Davis, Mark. “Assessing Legal Strains and Risk of Suicide Using Archived Court Data.” Center for Health Disparities Research & Education. August 2012.

³¹² Ibid.

³¹³ Strehlau, Verena, et al. “Mental Health, Concurrent Disorders, and Health Care Utilization in Homeless Women.” *Journal of Psychiatric Practice*. September 2012.

³¹⁴ “Homelessness & Health: What’s the Connection?” National Health Care for the Homeless Council. February 2019.

³¹⁵ Barrow, Susan M and Struening, Elmer L. “Mortality Among Homeless Shelter Residents in New York City.” *American Journal of Public Health*. April 1999.

³¹⁶ O’Connell, James J. “Premature Mortality in Homeless Populations: A Review of the Literature.” National Health Care for the Homeless Council. December 2005.

³¹⁷ Smitherman, Herbert C, MD, MPH, FACP, et al. “Dying Before Their Time III 19-Year (1999-2017) Comparative Analysis of Excess Mortality in Detroit (PSA 1-A). Wayne State School of Medicine. July 2020.

³¹⁸ Ibid.

determinants of health, one being housing, influence between 60% and 70% of individual and community wellbeing.³¹⁹

In 2024, a study published by the Journal of the American Medical Association found that renters who received an eviction filing during the first two years of the Covid-19 pandemic had a mortality rate 2.6 times greater than the general population.³²⁰ Additionally, the researchers found that even before the Covid-19 pandemic, renters who received an eviction filing had a mortality rate 1.4 times greater than the general population.³²¹ Researchers have proposed that the financial strain of eviction leads to chronic stress that increases health risks and excess mortality.³²² Along with eviction, rising rents have also been found to contribute to excess mortality in the United States.³²³ Households may be forced to live in units with defective conditions that negatively impact their health or they cannot spend as much on health and well-being due to spending more of their income on rent.³²⁴

Eviction Impacts the Education of Children

When families are evicted or forced to move, children experience a variety of disruptions that can negatively impact their education and behavior. When children succeed in school, it is often indicative of their needs being met in other areas of their lives.³²⁵ When students miss school, academic achievement can be negatively impacted. Students who are chronically absent during early elementary grades are less likely to be reading proficiently by third grade and more likely to not graduate.³²⁶ These challenges are also experienced by children who change schools frequently due to housing instability or homelessness.³²⁷

The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the

³¹⁹ Ibid.

³²⁰ Graetz N, Hepburn P, Gershenson C, et al. “Examining Excess Mortality Associated With the COVID-19 Pandemic for Renters Threatened With Eviction.” JAMA. February 2024.

³²¹ Ibid.

³²² Tsai J. “Expected and Possible Unexpected Consequences of Ending the Eviction Moratorium.” Lancet Reg Health Am. October 2021.

³²³ Graetz N, Gershenson C, Desmond M. “Rising Rents and Evictions Linked to Premature Death.” The Eviction Lab. December 2023.

³²⁴ Ibid.

³²⁵ “State of the Detroit Child 2010.” Data Driven Detroit. 2010.

³²⁶ “How Chronic Absenteeism Affects Student Achievement.” Edmentum. 2021.

³²⁷ “A Place to Call Home: The Case for Increased Federal Investments in Affordable Housing.” National Low Income Housing Coalition. 2015.

preceding 18 months) are half as likely to be proficient in reading as their stable peers.³²⁸ A study of third grade students who frequently changed schools found that students without stable housing were approximately twice as likely to perform below grade level in math compared to stably housed students.³²⁹ Not only do unstably housed students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50%.³³⁰ In Seattle, approximately 88% of survey respondents with school-aged children reported their children's school performance suffered "very much" because of the eviction the family experienced, and approximately 86% of respondents reported their children had to move schools after the eviction.³³¹

According to the Government Accountability Office, approximately 13% of all children in the United States experience 4 or more school changes by the time they reach high school.³³² Children attending under-resourced schools are disproportionately represented in this analysis. Furthermore, multiple unplanned school changes are associated with a higher risk of not completing high school. The relationship between eviction and education can reinforce current patterns of poverty and disadvantage. A study of Boston Housing Court data between 2014 and 2017 found that evictions are more likely in neighborhoods with a higher share of Black renters and a lower average educational attainment.³³³ These intersections are important because the level of education an individual obtains has a direct impact on earnings. For example, based on an American Community Survey Report from the United States Census Bureau, approximately 68% of people with a Doctorate degree are employed full-time, year-round, compared to 38% of people who do not have a high school diploma.³³⁴ The same report estimates that lifetime earnings of White males with a professional degree are at least 230% more than White males who did not finish high school. Similarly, Black males

³²⁸ Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing Rumberger, Russell. "The Causes and Consequences of Student Mobility." Journal of Negro Education. 2003.

³²⁹ Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing "Elementary School Children: Many Change Schools Frequently, Harming Their Education." United States General Accounting Office Report. 1994.

³³⁰ Ibid. And Isaacs, Julia and Lovell, Phillip. "The Impact of the Mortgage Crisis on Children and Their Education." First Focus. May 1, 2008., citing Rumberger, 1993.

³³¹ Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

³³² Pearce Haley Jr., Victor. "The Impact of Eviction on Student Displacement: An Atlanta Case Study."

³³³ Robinson, David. "Eviction Dynamics in Market-Rate Multifamily Rental Housing." Housing Policy Debate. December 2020.

³³⁴ Julian, Tiffany and Kominski, Robert. "Education and Synthetic Work-Life Earnings Estimates." US Census Bureau. 2011.

with a professional degree have lifetime earnings that are 240% higher than Black males who did not finish high school.³³⁵

A longitudinal study of students in Chicago found that 2 or more school moves may decrease the probability of completing high school by 50%.³³⁶ A study using data from the National Longitudinal Study of Youth identified the correlation shown in Figure 4 between the number of schools attended and the percent of students who did not complete high school.³³⁷

Number of High Schools	Number of Youth	Percent Dropout
1	1,933	8.1%
2	559	19.1%
3	204	25.9%
4	40	28.3%
5	12	29.5%
6	2	100.0%
7	1	100.0%
Total	2,751	11.9%

Figure 4

In Atlanta, an ongoing program embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.³³⁸ As a result of this program, the enrollment turnover rate decreased by 25% to 51% in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.³³⁹

Researchers at University of Michigan Poverty Solutions recently linked economic and housing instability to higher rates of disciplinary action for students. Students who were housed but low-income were suspended nearly 3 times as frequently as housed students

³³⁵ Ibid.

³³⁶ Ou, Suh-Ruu and Reynolds Arthur J. "Predicators of Educational Attainment in the Chicago Longitudinal Study." *School Psychology Quarterly*. 2008.

³³⁷ Gasper, Joseph, et al. "Switching Schools: Reconsidering the Relationship Between School Mobility and High School Dropout." *American Educational Research Journal*. June 2012.

³³⁸ Starnes, Ashleigh and King, Katie. "Standing with Our Neighbors Featured on CBS This Morning." Atlanta Volunteer Lawyers Foundation. March 23, 2018.

³³⁹ Ibid.

who were not low-income (11% v. 4%).³⁴⁰ Students experiencing homelessness were disciplined at an even higher rate (16%).³⁴¹

Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children's Environmental Health, to ascertain certain characteristics of children born to approximately 500 mothers.³⁴² Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.³⁴³

Eviction Causes Family Instability Causing Responses from Child Welfare and Foster Care Systems

Children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.³⁴⁴ Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.³⁴⁵ According to U.S. Department of Health and Human Services, approximately 10% of children are removed from their homes because of housing issues.³⁴⁶ With an average annual cost for out-of-home care of \$18,000 per child, the federal government is expected to spend \$972 million on foster care.³⁴⁷ In contrast, providing housing and in-home services through the Family First Prevention Services Act to keep families together would cost an estimated \$276 million, an annual cost savings of \$696 million.³⁴⁸ California spends approximately \$167 million annually in

³⁴⁰ Erb-Downward, Jennifer and Blakeslee, Michael. "Recognizing Trauma: Why School Discipline Reform Needs to Consider Student Homelessness." University of Michigan Poverty Solutions. May 2021.

³⁴¹ Ibid.

³⁴² "Housing Instability Is Linked to Adverse Childhood Behavior." Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. "Impact of Housing Instability on Child Behavior at Age 7 Years." International Public Health Journal. July 1, 2018.

³⁴³ Ibid.

³⁴⁴ "Housing Instability Is Linked to Adverse Childhood Behavior." Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. "Impact of Housing Instability on Child Behavior at Age 7 Years." International Public Health Journal. July 1, 2018.

³⁴⁵ "Keeping Families Together." New Mexico Appleseed. 2013.

³⁴⁶ "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

³⁴⁷ Letter from Ruth White of the National Center for Housing & Child Welfare to Assistant Secretary Chang of the U.S. Department of Health & Human Services. March 2021. Referencing NCHCW Cost Analysis 2021.

³⁴⁸ Ibid.

federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily available when parents are eligible for reunification.³⁴⁹

In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19% of their children were placed in foster care compared to 8% of low-income, housed children in Worcester.³⁵⁰ Findings from a similar survey of families experiencing homelessness in New York City indicated that 35% of families had an open child welfare case and 20% had one or more children in foster care.³⁵¹ A study of approximately 23,000 mothers living in Philadelphia found that approximately 37% of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9% of mothers living in low-income neighborhoods and 4% of other mothers.³⁵² The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness than for mothers who have neither experienced homelessness nor are in the lowest 20% bracket of income.³⁵³ Children born into families that have experienced homelessness were placed into foster care in approximately 62% of cases compared to approximately 40% of cases involving low-income families.³⁵⁴

Researchers at Case Western Reserve University in Cleveland, Ohio examined the effects of entry into foster care on children's well-being and future opportunity. The researchers found that of the students in foster care systems, more than 57% were chronically absent at school (i.e., having missed more than 10% of the days enrolled).³⁵⁵ Additionally, nearly 80% of students involved in both foster care and the juvenile system were cited as being chronically absent.³⁵⁶ Nine percent of students that had been in foster care had used homelessness services, and 14% of students that were involved in foster care and the juvenile system had used homelessness services.³⁵⁷ Lastly, the researchers found that, of students involved with the foster care and juvenile systems who began ninth grade, only

³⁴⁹ "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

³⁵⁰ Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." *American Journal of Public Health*. 1997.

³⁵¹ Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

³⁵² Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." *Journal of Sociology and Social Welfare*. 2003.

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ Coulton, Claudia et al. "Policy Research Brief: Effects of Foster Care and Juvenile Justice Involvement on Early Adult Outcomes: A Study of Cleveland's Youth." Case Western Reserve University. N.d.

³⁵⁶ Ibid.

³⁵⁷ Ibid.

23% were still enrolled during twelfth grade compared to 58% of non-system involved students.³⁵⁸ These factors indicate that students removed from their families are more often absent in school, drop out of school prior to completion, or use homelessness services.

A first of its kind study in Sweden examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately 4% of evicted children were removed from their families compared to 0.3% of non-evicted children.³⁵⁹ An American study, using a nationally representative longitudinal data set, explored the prevalence of inadequate housing among families under investigation by child welfare services agencies.³⁶⁰ Findings indicated that inadequate housing contributed to 16% of child removals among families under investigation by child protective services.³⁶¹

Families experiencing homelessness and living in emergency shelter can be under scrutiny by shelter staff, who are mandated reporters for child welfare services.³⁶² Parenting behaviors that would be unobserved if the family was not living in emergency are often reported to child protective services if there is slight suspicion that the behavior is endangering the child.³⁶³ Studies also suggest that housing problems (including eviction, doubling-up, homelessness) are more commonly observed in families where children have been removed from the home than in families where involvement by child services includes observation while the children still live at home.³⁶⁴

The Administration for Children and Families, a division of the U.S. Department of Health and Human Services, issued in January 2021 an Information Memorandum (IM) highlighting the importance of civil legal services in advancing child and family well-being, addressing social determinants of health, and enhancing community resiliency.³⁶⁵ The IM cites housing, access to adequate housing, habitability, and eviction as civil legal issues that, if left unresolved, can become a major impediment to keeping families together.³⁶⁶

³⁵⁸ Ibid.

³⁵⁹ Berg, Lisa. "Evicted children and subsequent placement in out-of-home care: A cohort study." Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

³⁶⁰ Fowler, PJ, et. al. "Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample." American Journal of Community Psychology. 2013.

³⁶¹ Ibid.

³⁶² Dworsky, Amy. "Families at the Nexus of Housing and Child Welfare." November 2014.

³⁶³ Ibid.

³⁶⁴ Ibid.

³⁶⁵ ACYF-CB-IM-21-02.

³⁶⁶ Ibid.

Eviction Causes Community Instability

Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale, the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.³⁶⁷ More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and security because they cannot afford to pay for these services independently. These informal support networks develop over time, particularly in communities with no or minimal social safety nets.³⁶⁸ However, these informal support networks are fragile, and when people are displaced from their communities, the networks are more likely to become strained.³⁶⁹

The lack of formal social safety net supports is then further exacerbated because the informal support networks that were once there are gone because people providing those supports have been displaced.³⁷⁰ Thus, people living in these communities can become more susceptible to crises.³⁷¹ Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.³⁷²

Community instability can also manifest due to the association between eviction and interaction with the criminal system. A 2018 first of its kind study analyzed data from the national Fragile Families and Child Wellbeing Study and estimated that mothers who have been evicted are more than twice as likely than mothers who have never been evicted to be involved with the criminal system.³⁷³ This finding is consistent with other studies of housing instability, homelessness, criminal behavior, and incarceration.

³⁶⁷ Blumgart, Jake. "To reduce unfair evictions tenants need lawyers." Plan Philly. March 16, 2017

³⁶⁸ Mah, Julie. "Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions." Housing Policy Debate. 2020.

³⁶⁹ Ibid.

³⁷⁰ Ibid.

³⁷¹ Ibid.

³⁷² Johns-Wolfe, Elaina. "You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017." The Cincinnati Project. June 2018. Referencing Desmond, Matthew. "Community in Crisis: Understanding Housing Insecurity." Northern Kentucky University. 2018.

³⁷³ Gottlieb, Aaron and Moose, Jessica W. "The Effect of Eviction on Maternal Criminal Justice Involvement." SAGE. 2018.

Researchers at Cornell University found that communities in New York State with higher eviction rates are less cohesive and more susceptible to social disorganization and crime.³⁷⁴ The research team linked data from the national “Social Capital Atlas” which publishes measures of economic connectedness and social cohesion to statewide eviction filing data.³⁷⁵ Figure 5 (from their report) shows that New York zip codes with high eviction filing rates tend to have lower levels of social cohesiveness.

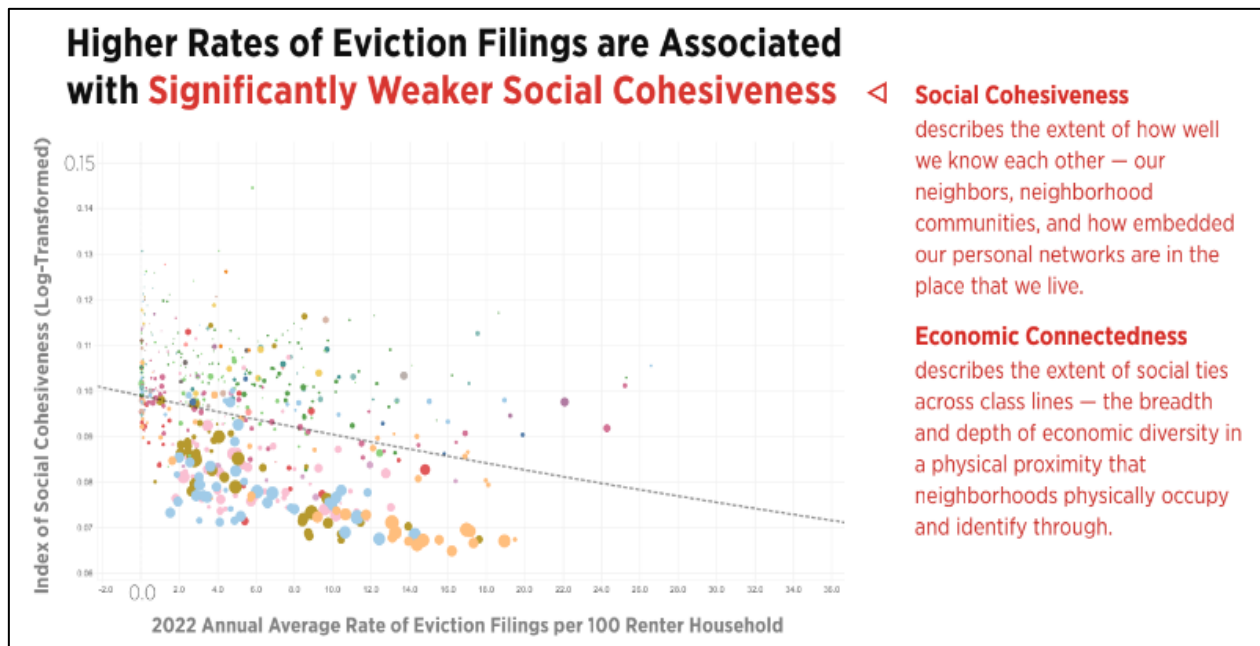


Figure 5

Connected, stable, engaged communities are often capable of developing mechanisms to ensure their community is safe.³⁷⁶ Because eviction can weaken social ties, it can also inhibit a community’s ability to keep itself safe.³⁷⁷ Researchers studying the impact of eviction on crime in Boston and Philadelphia found increases in neighborhood-level violent crime were positively correlated with higher eviction filing rates even after controlling for external variables generally associated with spatial patterns of crime.³⁷⁸ In Philadelphia, a one standard deviation increase in eviction rates resulted in a 3%

³⁷⁴ Weaver, Russell. “No Shelter, No Safety.” Cornell University and ILR Buffalo Co-Lab. March 2023.

³⁷⁵ Ibid.

³⁷⁶ Weaver, Russell. “Exploring the elements of social capital: Leverage points and creative measurement strategies for community building and program evaluation.” National Civic Review. 2018.

³⁷⁷ Weaver, Russell. “No Shelter, No Safety.” Cornell University and ILR Buffalo Co-Lab. March 2023.

³⁷⁸ Kirk, Eileen. “Untangling Eviction, Disadvantage, Race, and Social Processes: Neighborhood Factors.” Sage Journals. 2022. And Semenza, Daniel C., et al. “Eviction and Crime: A Neighborhood Analysis in Philadelphia.” Crime & Delinquency. 2022.

increase in homicides, a 2% increase in robbery, and a 2% increase in burglary after controlling for measures of economic disadvantage and residential mobility.³⁷⁹

Benefits of Providing Representation Through Access to Counsel

Access to Counsel Can Improve the Court System

Unrepresented tenants increase the administrative burden on courts that would not exist if the tenant were represented. Unrepresented tenants are likely to be uninformed about the applicable law and court procedures, which poses significant demands on court staff and court resources.³⁸⁰ For example, when asked what types of resources they used, unrepresented tenants responded with “consultation of court staff” as one of their top three resources.³⁸¹ The researcher who administered the survey stated that incomplete or illegible court filings from unrepresented tenants make it difficult for judges to determine what relief is being sought or if the claim has a legally cognizable basis.³⁸² Additionally, the pervasive challenge of tenants failing to appear for scheduled hearings causes uncertainty for the court staff about the number of cases to schedule on any given docket, leading to unnecessary delays for other cases in the court’s caseload.³⁸³ Unmeritorious cases filed by rental property owners or rental property owner counsel, who expect the tenant to be unrepresented, also administratively burden the court system. Over a three-month period in Tulsa, Oklahoma, more than 500 companies with invalid limited liability company status filed evictions, despite lacking capacity to bring suit in Oklahoma, thus filling docket space with baseless cases and using court resources to process them.³⁸⁴

More Effective Resolution of Eviction Cases Reducing Disruptive Displacement of Tenants

The United States Supreme Court decision in *Gideon v. Wainwright* established that the Fourteenth Amendment to the Constitution creates a right for indigent criminal defendants to be represented by counsel. Although this decision explicitly applies in criminal cases, the consequences of an eviction to the tenant can be similarly severe,

³⁷⁹ Semenza, Daniel C., et al. “Eviction and Crime: A Neighborhood Analysis in Philadelphia.” *Crime & Delinquency*. 2022.

³⁸⁰ Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ *Ibid.*

³⁸⁴ “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” *The University of Tulsa College of Law*. January 13, 2021.

debilitating, and harmful. Studies from around the country have assessed the significant impact of tenant representation in eviction cases.

- Cleveland, Ohio – Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel found that for cases closed between January 1, 2021 and December 31, 2021, Cleveland Legal services attorneys were able to achieve the following outcomes for clients with these respective goals³⁸⁵:
 - Prevented eviction judgment or involuntary move – 93%
 - Secured rental assistance – 83%
 - Secured time to move (30 days or more) – 92%
 - Mitigated damages – 94%
 - Secured monetary relief – 97%
- New York City – Researchers conducted a randomized trial in New York City Housing Court where tenants were randomly selected to receive attorney advice or representation or be told that no attorney was available to assist them at that time.³⁸⁶ Both groups of tenants were followed through to the conclusion of their cases. Tenants who were represented by attorneys were more than four times more likely to retain possession of their apartments than similar tenants who were not represented.³⁸⁷ A 2011 study of an eviction defense program in the South Bronx found that attorneys prevented an eviction judgment for approximately 86% of their clients.³⁸⁸ The program also addressed other long-term client challenges and was able to prevent shelter entry for approximately 94% of clients.³⁸⁹ In August 2017, New York City Mayor Bill de Blasio signed into law landmark legislation that guarantees low-income tenants access to counsel in eviction proceedings. A 2021 report on the first year of implementation in New York City stated that 84% of tenants represented through New York City’s Right to Counsel Law remained in their homes.³⁹⁰ From 2018 to 2019 residential evictions decreased 15% in New York City, and since the City’s

³⁸⁵ Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel can be found [here](#).

³⁸⁶ Sandefur, Rebecca L. "The Impact of Counsel: An Analysis of Empirical Evidence," Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

³⁸⁷ Ibid.

³⁸⁸ "Housing Help Program Homelessness Prevention Pilot Final Report." Seedco. June 2010

³⁸⁹ Ibid.

³⁹⁰ Universal Access to Legal Services: A Report on Year One of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2021.

increased investment in eviction defense in 2013, residential evictions have decreased 40%.³⁹¹

- San Francisco, California – Represented tenants were able to remain in their homes in 59% of cases.³⁹² Of the 30% who did not remain in their home, approximately 70% received favorable settlement terms such as additional time to move.³⁹³
- Boulder, Colorado – Eviction was prevented in approximately 77% ($n=88$) of cases in the City of Boulder in 2021.³⁹⁴
- Kansas City, Missouri – Prior to the pandemic, 99% of eviction cases filed in Jackson County resulted in evictions, and initial data from the eviction right to counsel program indicates having a lawyer and rental assistance decreases the eviction rate to less than 20%.³⁹⁵ Approximately 72% of unrepresented tenants had eviction judgments or monetary damages entered against them compared to 56% of represented tenants.³⁹⁶ Since the launch of Kansas City’s eviction right to counsel, attorneys have assisted in 1,200 cases and 771 have been resolved.³⁹⁷ Of the resolved cases, approximately 92% of tenants avoided eviction.³⁹⁸
- Philadelphia, Pennsylvania – Stout found that 78% of unrepresented tenants experience case outcomes that have a high likelihood of disruptive displacement.³⁹⁹ When tenants are represented, they avoid disruptive displacement 95% of the time.⁴⁰⁰
- Hennepin County, Minnesota – Represented tenants win or settle their cases 96% of the time, and settlements made by represented tenants are

³⁹¹ “Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide.” Office of the Mayor. February 24, 2020.

³⁹² Eviction Defense Collaborative. Tenant Right to Counsel Data – Outcomes March 2021 through December 2021.

³⁹³ Ibid.

³⁹⁴ City of Boulder 2021 Eviction Prevention and Rental Assistance Services Annual Report.

³⁹⁵ “Kansas City program helping residents stay housed New Right to Counsel program providing strong voice for tenants facing eviction.” City of KCMO News Releases. September 2022.

³⁹⁶ “Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County.” Kansas City Eviction Project. January 24, 2018.

³⁹⁷ Calacal, Celisa, “Kansas City prevented hundreds of evictions by providing attorneys. Now the program is growing.” KCUR. March 2023.

³⁹⁸ Ibid.

³⁹⁹ “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

⁴⁰⁰ Ibid.

significantly better than settlements made by unrepresented tenants.⁴⁰¹ Represented tenants are nearly twice as likely to remain in their homes.⁴⁰² If represented tenants agree to move, they are given twice as much time to do so, and nearly 80% of represented tenants do not have an eviction record as a result of the case compared to only 6% of unrepresented tenants.⁴⁰³

- Boston, Massachusetts – Represented tenants fared twice as well in terms of remaining in their homes and almost five times as well in terms of rent waived and monetary awards compared to unrepresented tenants.⁴⁰⁴ Represented tenants also created a lesser strain on the court system than those who were unrepresented.⁴⁰⁵ Data from the HomeStart Program in the Greater Boston Area indicates that 95% of clients assisted by the program with their eviction case had not been evicted in the following four years.⁴⁰⁶
- Seattle, Washington – Represented tenants were approximately twice as likely to remain in their homes as unrepresented tenants.⁴⁰⁷
- Chicago, Illinois – Represented tenants had their cases resolved in their favor approximately 58% of the time compared to 33% of the time for unrepresented tenants.⁴⁰⁸ Represented tenants were also more than twice as likely to have their cases dismissed, and when tenants were represented, the rate of rental property owner summary possession awards decreased from approximately 84% to approximately 39%.⁴⁰⁹
- Denver, Colorado – Approximately 79% of unrepresented tenants are displaced due to an eviction.⁴¹⁰ In sharp contrast, represented tenants

⁴⁰¹ Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d.

⁴⁰² Ibid.

⁴⁰³ Ibid.

⁴⁰⁴ “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

⁴⁰⁵ Ibid.

⁴⁰⁶ Eviction Prevention. HomeStart.org.

⁴⁰⁷ Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

⁴⁰⁸ Dukmasova, Maya. “New data reveals impact of being lawyerless in Chicago eviction court.” Reader. September 14, 2017.

⁴⁰⁹ Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d. Referencing Birnbaum, Julian. “Chicago’s Eviction Court: A Tenants’ Court of No Resort.” Urban Law Annual. 1979.

⁴¹⁰ Hasvold, Aubrey and Regenbogen, Jack. “Facing Eviction Alone: A Study of Evictions, Denver, Colorado 2014-2016.” Colorado Coalition for the Homeless and Colorado Center on Law and Policy. N.d.

experience displacement in only 10% to 20% of cases, depending on whether the housing is public or private.⁴¹¹

- Columbus, Ohio – The Legal Services Society of Columbus provided representation to tenants through its Tenant Advocacy Project (TAP).⁴¹² One percent of TAP-represented tenants received a judgment against them compared to approximately 54% of non-TAP cases.⁴¹³ Approximately 40% of TAP-represented tenants negotiated an agreed upon judgment compared to approximately 15% of non-TAP cases.⁴¹⁴ TAP-represented tenants who negotiated agreements to remain in their homes more than twice as often as non-TAP cases, and TAP-represented tenants successfully negotiated an agreement to move and avoided an eviction judgment more than seven times as often as non-TAP cases.⁴¹⁵ An organization in Franklin County (Columbus, Ohio) providing eviction mediation services reported that during 2019, approximately 84% of tenants at risk of being evicted were able to avoid disruptive displacement as a result of their services.⁴¹⁶ Furthermore, the organization followed up with clients served one year later and found that 94% of them had maintained stable housing, and 87% had no subsequent eviction filed against them.⁴¹⁷
- Tulsa, Oklahoma – A 2021 study by the University of Tulsa found that 79% of unrepresented tenants had judgments against them compared to 43% of represented tenants.⁴¹⁸ Representation also impacted whether rental property owners received money judgments and the amount of the money judgments. Unrepresented tenants were nearly twice as likely to receive a money judgment than represented tenants, and money judgments against represented tenants were on average \$800 lower than those against represented tenants.⁴¹⁹

⁴¹¹ Ibid.

⁴¹² “The Legal services Society of Columbus: Tenant Advocacy Project Evaluation.” Thoughtwell. 2018.

⁴¹³ Ibid.

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

⁴¹⁶ Community Mediation Services of Central Ohio. Housing Stability/Homeless Prevention Mediation Program Activity Report. 2019.

⁴¹⁷ Ibid.

⁴¹⁸ “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” The University of Tulsa College of Law. January 13, 2021.

⁴¹⁹ Ibid.

- Washington, DC – A recent analysis demonstrated the Housing Right to Counsel Project clients who were represented were 5 times less likely to receive an order allowing Marshals to schedule an eviction and 3.5 times more likely to enter settlement agreements.⁴²⁰
- Nebraska – A recent report indicated that the Nebraska Bar Association’s tenant representation pro bono project in two counties reduced the immediate eviction rate from 90% to 2%.⁴²¹
- Michigan – In response to the pandemic, Michigan launched a statewide Eviction Diversion Program (EDP) from July-December 2020. The EDP dramatically increased the number of tenants receiving legal assistance and representation.⁴²² When extensive legal services were provided to tenants, they avoided eviction 97% of the time.⁴²³
- Los Angeles, California – The Sargent Shriver Civil Counsel Act established pilot projects to provide representation to low-income litigants in certain civil case types, including evictions.⁴²⁴ For tenants who received full representation, “95% faced an opposing party with legal representation and 1% did not (this information was missing or unclear for 4% of clients).”⁴²⁵ Lawyers representing tenants achieved favorable outcomes for their clients in 89% of cases, including 22% remaining in their homes; 71% having their move-out date adjusted; 79% having back rent reduced or waived; 45% retaining their housing subsidy; 86% having their case sealed from public view; and 54% having their credit protected.⁴²⁶

Disparities in outcomes, while perhaps the most concrete difference between represented and unrepresented tenants, are not the only challenge tenants face in court. A San Francisco Housing Court study observed how rental property owners’ attorneys can gain the upper hand even when the law does not support their case.⁴²⁷ Repeat players

⁴²⁰ “Housing Right to Counsel Project.” DC Bar Pro Bono Center. N.d.

⁴²¹ Johnson, Anton. “A Lawyer in Your Corner: The Tenant Assistance Project, Nebraska’s New Tool to Fight Evictions.” The Reader. December 2021.

⁴²² Benton, Elizabeth et al. “Reducing Michigan Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

⁴²³ Ibid.

⁴²⁴ Jarvis, Kelly L. et al. “Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects.” NPC Research. July 2017.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

gain advantages from their developed expertise and knowledge including specialized knowledge of substantive areas of the law, experience with court procedures, and familiarity with opposing counsel and decision-makers.⁴²⁸ However, when tenants are represented, these power dynamics are more balanced. There are also ways that representation can create positive outcomes beyond “winning” a contested case. An attorney can help limit the collateral damage of being evicted.⁴²⁹ The tenant, with attorney assistance, could attempt to settle the case with the rental property owner without proceeding to trial and negotiating extra time before moving.⁴³⁰ The appearance of an attorney for either party has been shown to increase settlement rates from 7% if neither party was represented to 26% if the defendant was represented and 38% if the plaintiff was represented.⁴³¹ Additionally, an attorney might also help the tenant reach a settlement that involves vacating the apartment without an adverse judgment that would affect the tenant’s ability to re-rent.⁴³²

Fewer Tenants Lose by Default

In many jurisdictions, when tenants do not appear in court following an eviction filing, the court will enter a default judgment against the tenant. That is, tenants automatically lose. In many jurisdictions, even where it is possible, it is difficult to reopen cases that tenants have lost by default, and the specialized knowledge of an attorney is usually required. There are numerous reasons a tenant may lose by default, such as: (1) confusion and intimidation about the legal process; (2) the tenant has already vacated the apartment; (3) the tenant acknowledges that rent is owed and does not believe going to court will change the situation; (4) the tenant does not realize there may be valid defenses to raise; (5) the tenant cannot miss work to attend court without jeopardizing employment; or (6) the tenant did not receive the notice. Additionally, if the tenant defaults because of inaction from not knowing their rights, they could lose the opportunity to reopen their cases even if they have meritorious defenses.

In its analysis of evictions in Philadelphia, Stout found that tenants who were represented were 90% less likely to lose by default than unrepresented tenants.⁴³³ Unrepresented tenants lost by default in approximately 58% of cases in Philadelphia.⁴³⁴

⁴²⁸ Ibid.

⁴²⁹ Ibid.

⁴³⁰ Ibid.

⁴³¹ Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” The Justice System Journal. 2003.

⁴³² Ibid.

⁴³³ “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

⁴³⁴ Ibid.

Similar default rates have been observed throughout the country. In Jackson County (Kansas City), Missouri approximately 70% of tenants lost by default.⁴³⁵ In Hawaii, half of all eviction cases result in a default judgment in favor of the rental property owner.⁴³⁶ In Seattle, tenants lose by default in approximately 48% of cases.⁴³⁷ In a study of evictions in Greensboro, North Carolina, more than 75% of tenants did not attend their hearing, losing by default.⁴³⁸ As observed in Philadelphia, having representation significantly reduces the likelihood that a tenant loses by default. Even if the tenant is unable to attend the hearing, counsel can attend on the tenant's behalf, often mitigating the consequences of losing the case by default. Evidence from New York City indicates that when tenants are represented, the number of default judgments decreases.⁴³⁹ Since the introduction of the right to counsel program, default judgments have decreased approximately 34% in New York City from 35,130 in 2016 to 23,146 in 2019.⁴⁴⁰

Connection to Other Services and Improved Housing Transitions

Representation in an eviction case can be important not only for navigating the legal system, but also for connecting tenants to other housing services such as emergency rental assistance and housing search services. The application process to apply for and receive rental assistance can be complex and burdensome for both tenants and rental property owners. Applicants who often did not receive help or who needed assistance navigating the emergency rental assistance application process were renters who did not have access to the internet or technology and those whose primary language was not English.⁴⁴¹ An analysis by the Urban Institute found that among renters who were aware of rental assistance, approximately 57% did not apply because of complicated eligibility requirements or difficulty preparing and filing required documents.⁴⁴² Stout found in its evaluation of Cleveland's eviction right to counsel that approximately 79% of right to

⁴³⁵ "Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County." Kansas City Eviction Project. January 24, 2018.

⁴³⁶ Geminiani, Victor et al. "Evicted in Hawaii: Lives Hanging in the Balance." Lawyers for Equal Justice. N.d.

⁴³⁷ "Losing Home: The Human Cost of Eviction in Seattle." The Seattle Women's Commission and the Housing Justice Project of the King County Bar Association. September 2018.

⁴³⁸ Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

⁴³⁹ New York City Council Hearing Testimony provided by Chief Administrative Judge of New York City Civil Court, Hon. Anthony Cannataro. February 24, 2020.

⁴⁴⁰ Ibid.

⁴⁴¹ Bolt, Chris. "Challenges Persist for New York Tenants, Despite End to Emergency Rental Assistance Program." December 2021.

⁴⁴² Choi, Jung Hyun. "With Just a Month Left of the Eviction Moratorium, Many Mom-and-Pop Landlords and Tenants Are Still Unaware of Federal Rental Assistance." Urban Institute. June 2021.

counsel clients were aware that emergency rental assistance was available.⁴⁴³ Of the 21% of right to counsel clients in Cleveland who were not aware of rental assistance, approximately 98% had the goal of securing rental assistance (in addition to other goals), and Cleveland Legal Aid achieved this goal for 81% of them.⁴⁴⁴ Being connected to and having assistance throughout the rental assistance application process can benefit both tenants and rental property owners, as tenants are able to remain in their homes and rental property owners are able to receive rental assistance dollars.

Additionally, civil legal services attorneys and pro bono attorneys are often aware of additional resources within a community, such as those providing services related to the emotional, mental, psychological, and economic needs of tenants.⁴⁴⁵ Attorneys can help tenants navigate these systems, which can be challenging for someone who is inexperienced with them. Representation can also achieve an outcome that maximizes the tenant's chances of either staying in his or her home or finding another suitable place to live without disrupting, or working toward minimized disruption of, their well-being or family stability.⁴⁴⁶ According to a Chicago-Kent College of Law study, represented tenants experienced a clear advantage as their cases progressed through the court system even if the rental property owner prevailed.⁴⁴⁷ Even where the ultimate disposition was the same – eviction – legal representation allowed tenants more time to secure alternative housing and avoid losing their personal belongings.⁴⁴⁸ Additionally, if tenants do require additional time to find alternative, suitable living arrangements, lawyers can often negotiate that additional time for the tenant to do so. In its analysis of evictions in Philadelphia, Stout found that, on average, represented tenants had approximately 50 days to vacate their apartments when they agreed to do so compared to 35 days for unrepresented tenants.⁴⁴⁹ A study of evictions filed in San Mateo County, California found that represented tenants were granted approximately twice as long to find alternative housing than unrepresented tenants.⁴⁵⁰ Approximately 71% of a sample of tenants represented through California's Sargent Shriver Civil Counsel Act who were

⁴⁴³ "Cleveland Eviction Right to Counsel Annual Independent Evaluation January 1 to December 31, 2021." Stout. January 2022.

⁴⁴⁴ Ibid.

⁴⁴⁵ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

⁴⁴⁶ Ibid.

⁴⁴⁷ "No Time for Justice: A Study of Chicago's Eviction Court." Chicago-Kent College of Law Class of 2004 Honors Scholar. December 2003.

⁴⁴⁸ Ibid.

⁴⁴⁹ "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

⁴⁵⁰ Steinberg, Jessica K. "In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services." Georgetown Journal on Poverty Law and Policy. 2011.

surveyed one year after their cases closed reported living in a new rental unit compared to approximately 43% of tenants who were not represented through the Sargent Shriver Civil Counsel Act.⁴⁵¹ This suggests represented tenants had higher rates of reasonable settlement agreements that supported housing stability.⁴⁵²

Courts and Rental Property Owners Can Realize Efficiency Gains

Eviction right to counsel programs and legislation can increase the efficiency with which courts operates, depending on how the program or legislation is implemented. The courts also play an important role in how eviction right to counsel is implemented and can effectuate efficiency gains through its practices and procedures surrounding eviction right to counsel. Results from the San Francisco Right to Civil Counsel Pilot Program indicated that when tenants are represented cases move through the legal processes more efficiently than when tenants are unrepresented. The average number of days from filing the complaint to a judgment entered by the clerk decreased from 37 to 31.⁴⁵³ The average number of days from filing the complaint to a negotiated settlement decreased from 72 to 62.⁴⁵⁴ The average number of days from the filing of the complaint to the entry of a court judgment decreased from 128 to 105, and the average number of days from filing the complaint to dismissal of the action decreased from 90 to 58.⁴⁵⁵ Cases closing times are independent of the time a tenant has to move.

When tenants are represented, rental property owners are less likely to bring unmeritorious claims, thus leading to a more efficient court process, a better use of court resources, and the expectation that the number of eviction cases will decrease over time. Since New York City's increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 41% decrease in residential evictions.⁴⁵⁶ From 2018 to 2019 alone, residential evictions in New York City decreased 15%.⁴⁵⁷ Over the four-year period of 2014 to 2017, an estimated 70,000 New York City tenants have retained possession of their homes.⁴⁵⁸ Early indicators from New York City's implementation of Right to Counsel suggest that when eviction proceedings are filed and

⁴⁵¹ "Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects." The Shriver Civil Counsel Act Implementation Committee. July 2017.

⁴⁵² Ibid.

⁴⁵³ Sandefur, Rebecca L. "The Impact of Counsel: An Analysis of Empirical Evidence," Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Universal Access to Legal Services: A Report on Year One of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2021.

⁴⁵⁷ Ibid.

⁴⁵⁸ "NYC Office of Civil Justice Annual Report and Strategic Plan." New York City Office of Civil Justice. 2017.

both sides are represented, resource intensive motion practice related to non-dispositive issues is reduced. Additionally, fewer orders to show cause to stay evictions and for post-eviction relief are being filed, indicating that better outcomes are being achieved under Right to Counsel. Judge Jean Schneider, the citywide supervising judge of the New York City Housing Court, has stated that there have not been any major problems with backlog or efficiency issues in the first year.⁴⁵⁹ In fact, she testified in 2018 at a hearing on New York State civil legal services that as a result of Right to Counsel implementation “our court is improving by leaps and bounds.”⁴⁶⁰ At the same hearing, Judge Anthony Cannataro, the administrative judge of the civil courts in New York City, explained that judges have spent less time explaining housing rights and court processes to represented tenants who, without Right to Counsel, will likely have previously been unrepresented.⁴⁶¹ Lastly, as to efficiency, there is an increased likelihood that cases can be resolved out of court and before the first hearing when counsel is involved. While there were initial concerns that increased representation would slow court procedures, early observations from the implementation and expansion of Right to Counsel in New York City have indicated that significant benefits are being observed by the judiciary through improved motion practice, judicial experience, pre-trial resolution, and rulings providing increased clarity for rental property owner and tenant advocates. After right to counsel projects in select Massachusetts courts, a judge expressed that the project changed the culture of the court.⁴⁶² The judge specifically mentioned that the right to counsel project “raised the bar” as to what the parties should expect and “[kept] everyone honest,” in the sense that it was clear that sound legal work would be required.⁴⁶³ When asked whether the project should be replicated elsewhere, the judge responded that there was no question that he would recommend the project to other courts.⁴⁶⁴

When the rental property owner is represented and not the tenant, there is an imbalance of power and tenants often lack the understanding of the eviction process and related legal consequences. While initially expressing concerns or anxiety regarding eviction right to counsel, housing court judges and rental property owners in jurisdictions that have implemented eviction right to counsel legislation have later expressed their preference to be interacting with tenant lawyers rather than unrepresented (pro se) tenants. They have noted that when tenants are represented, out of court resolutions are

⁴⁵⁹ Clark, Dan M. “Increasing Tenants’ Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say.” *New York Law Journal*. September 24, 2018.

⁴⁶⁰ *Ibid.*

⁴⁶¹ *Ibid.*

⁴⁶² “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

⁴⁶³ *Ibid.*

⁴⁶⁴ *Ibid.*

more likely, less time is spent by judges explaining rights and court processes to tenants, the resolutions are more fair, more robust law is created through motion practice and judicial opinions, agreements are more likely to be upheld, tenants are more likely to be connected to supportive services and benefits, and rental property owners are more likely to receive amounts due and owing without costly collection efforts.

In January 2022, the Real Estate Board of New York (REBNY), which represents commercial and residential property owners, managers, investors, brokers, salespeople, and other stakeholders active in New York City real estate, testified in support of statewide eviction right to counsel legislation.⁴⁶⁵ REBNY stated, “...to stabilize New Yorkers and keep them housed, the Senate should consider enacting a statewide right to counsel program, with sufficient funding to hire legal services attorneys. The most recent evaluation of New York City’s right to counsel program showed that 84% of represented tenants were able to stay in their homes as a result of this program enacted in 2013. For this reason, REBNY was proud to support an expansion of New York City’s right to counsel program in 2020. If executed correctly at the state level with adequate funding, right to counsel could prove equally as successful at the state level.”⁴⁶⁶

In 2021 and 2023, some of the largest rental property owners and rental property managers in Massachusetts submitted joint letters to the governor in support of dedicating funding for a statewide access to counsel program.⁴⁶⁷ The letters indicate:

- “We urge you to seize this opportunity to invest in long-term housing stability reform through a statewide right to counsel.”
- “As property owners, [we] urge you to include \$7 million in your FY24 budget for an Access to Counsel Program... we have joined together as some of the largest property managers and property owners in Massachusetts to call for access to counsel for tenants and owner occupants. Legal help and access to the right resources at the right time can prevent families from homelessness, prevent illegal or unnecessary evictions, prevent displacement, and create a pathway to housing stability that will strengthen all of our communities for the future.”

⁴⁶⁵ “The Real Estate Board of New York to The New York State Senate Standing Committees on Housing and Judiciary on S3082, Good Cause Evictions.” REBNY Testimony. January 2022.

⁴⁶⁶ Ibid.

⁴⁶⁷ “In Support of Passage and Funding of an Act promoting housing stability and homelessness prevention in Massachusetts.” October 2021. And “Access to Counsel Program for Evictions Dedicated Line Item FY23 Budget Request of \$7 million.” February 2023.

Trusting the Justice System and Exercising of Rights

Evaluations of providing counsel are often focused on the outcome for the litigant. However, tenants are also more apt to accept adverse court decisions if they perceive that the law and court procedures were followed.⁴⁶⁸ Whether court personnel treated the litigant fairly, whether the litigant was able to state his or her side of the story, and whether the decisions were based on facts are additional factors that increase whether tenants trust that the justice system can provide justice for them.⁴⁶⁹ The importance of providing legal representation is not limited to advocating in the best interest of the litigant, but also encompasses providing them with the assurance that someone is on their side and providing greater confidence in the justice system.⁴⁷⁰ A right to counsel also ensures a tenant is exercising their rights to the fullest extent. For example, rental property owners and consumer financial reporting agencies have an obligation, according to the Consumer Financial Protection Bureau, to accurately report rental and eviction information.⁴⁷¹ Lawyers can notify tenants of this obligation and assist them with disputing and correcting inaccurate eviction information found on their credit reports.

⁴⁶⁸ Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

⁴⁶⁹ *Ibid.*

⁴⁷⁰ San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

⁴⁷¹ “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021