

Legal assistance to prevent evictions

What is it?

For low-income renters facing the possibility of eviction, having legal representation can mean the difference between staying in their homes and being forced out. Eviction rates **drop** from 90 percent to about 50 percent when a tenant has legal representation. While the United States Constitution provides that all individuals facing criminal charges have a right to counsel, no such right exists in civil cases, including eviction cases. It is often the nature of such hearings that poor tenants are left to represent themselves against landlords represented by teams of attorneys. When confronted with such a lopsided legal proceeding, many tenants, unaware of their legal rights and options, are displaced from their homes.

By providing legal assistance to low-income renters facing eviction, cities can intervene to help stabilize households at a crucial moment — evictions increase individuals and families **vulnerability to homelessness**, resulting in negative consequences for their health, education, and economic mobility. In Philadelphia, from 2010 to 2015, eviction rates in census tracts where more than 80 percent of the population was Black were **more than three times higher** than the eviction rates in predominately White areas.

Preventing evictions is also a key strategy to maintain neighborhood stability in housing markets where unscrupulous landlords may be tempted to use the threat of eviction as a tool to remove rent-protected households. It can also save cities a lot of money. A **cost-benefit analysis** of legal counsel for renters in New York City found that a renter's right-to-counsel program would cost about \$200 million per year, but would save the city \$320 million in costs related to housing displaced families in the homeless shelter system, the preservation of rent-regulated affordable housing, and unsheltered homelessness.

In addition to the PolicyLink resources listed on the right, see [Public Counsel](#) and [New Destiny Housing](#) for additional resources on legal assistance to prevent eviction.

Who implements it?

Elected and appointed city officials can dedicate public funds to supporting legal representation for individuals vulnerable to displacement.

Business leaders can devote philanthropic support to public and nonprofit programs that provide pro bono legal representation for low-income individuals.

Law firms can dedicate pro bono attorney resources toward legal representation for vulnerable households including tenants threatened with eviction.

Community-based organizations and other advocates can urge city and county officials to dedicate resources to ensuring legal representation to vulnerable households.

Key considerations

The strongest legal assistance policies guarantee a right to counsel for low-income residents facing eviction or displacement through dedicated public funding. Cities seeking to implement policies guaranteeing legal representation for low-income tenants must consider a range of related legal and practical issues.

Building public will: Advocates and officials should consider conducting a cost-benefit analysis to measure the overall economic, budgetary, and logistical effects of guaranteeing tenants' right to counsel. These analyses can help elected officials and the general public understand the benefits of such a program. In the long term, implementing a policy guaranteeing renters' right to counsel may produce significant public savings.

Data analysis: Local leaders should take steps to understand the scale of eviction proceedings in their city — how many eviction proceedings are scheduled each day, how often tenants are represented, and how likely they are to win their cases. In 2012, only 1 percent of New York City tenants facing eviction were represented by lawyers, compared with 90 percent of landlords.

Funding: Extending legal protections to civil cases for low-income residents facing displacement requires dedicated funding, which can come from existing or new legal defense and/or housing affordability trust funds.

Encouraging effective pro bono legal services: Some legal costs could be offset by engaging pro bono representation from large law firms. Not all attorneys are experts in protecting tenant rights, however, and pro bono attorneys should undergo basic [training](#) to familiarize themselves with eviction defense and relevant housing laws.

Where is it working?

In the United States, legal protections afforded to low-income households tend to be patchwork efforts supported by nonprofit legal aid groups, pro bono attorneys who volunteer their time, and even law students.

In 2017, [New York City](#) Mayor Bill de Blasio and City Council Speaker Melissa Mark-Viverito announced that the city would become the first in the nation to provide legal assistance to all low-income tenants facing eviction, a decision that advocates celebrated as a tool for resisting gentrification, reducing unjust evictions, and supporting tenants' rights to organize. In 2014, a \$62 million pilot program in the city prevented nearly 5,000 evictions that year, resulting in the city's lowest eviction rate in a decade. To cover the costs of the new program, the city's eviction legal aid spending will increase by \$93 million, over the course of five years.

In [San Francisco](#), the Eviction Defense Collaborative provides pro bono assistance to tenants facing legal proceedings brought by their landlords. The San Francisco Tenants Union provides volunteer advice and support at a regular drop-in clinic, but, like many groups, does not provide legal representation in court.