



NLIHC's HoUSed Campaign for  
Long-Term Housing Solutions

June 6, 2022

# Agenda



## **Welcome & Updates**

- Diane Yentel, NLIHC

## **Guest Speaker**

- Chair Maxine Waters, US House of Representatives

## **Right to Counsel's Impact on Preventing Evictions**

- Sandra Park, ACLU, & Maria Roumiantseva, NCCRC

## **ERASE Project Updates**

- Sophie Siebach-Glover, NLIHC
- Erin Kemple, Connecticut Fair Housing Center

## **Field Updates**

- Shakti Robbins-Cubas, New York Housing Conference
- Francisca Blanc, Utah Housing Coalition

## **Reconciliation & FY23 Updates**

- Sarah Saadian, NLIHC

## **Next Steps**

# Welcome & Updates

**Diane Yentel**

*President & CEO*

National Low Income Housing Coalition

[dyentel@nlihc.org](mailto:dyentel@nlihc.org)

Guest Speaker

**Representative Maxine Waters**

*Chair*

*House Financial Services Committee*

*US House of Representatives*

# Right to Counsel's Impact on Preventing Evictions

**Sandra Park**

*Senior Attorney, Women's Rights Project*

ACLU

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**Maria Roumiantseva**

*Associate Coordinator*

National Coalition for a Civil Right to Counsel

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# Right to Counsel in Eviction Cases: ACLU/NCCRC Report



ACLU RESEARCH BRIEF

## No Eviction Without Representation

Evictions' Disproportionate Harms and the Promise of Right to Counsel

American families face a long-brewing eviction crisis that has reached historic proportions. For 40 years, median rents have grown more than six times faster than median wages, and more than 23 times faster than the wages of low-wage workers.<sup>1</sup> Combined with large-scale divestment from public and subsidized housing programs, these macroeconomic factors have resulted in approximately half of all renters being rent-burdened (spending at least 30% of their income on rent) and a quarter being severely rent-burdened (spending at least 50% of their income on rent).<sup>2</sup> When this burden becomes too much, tenants often fall behind, and landlords force them from their homes using a mixture of informal, illegal, and court-involved evictions. Nonpayment of rent is the cause of 80% of the 3.6 million eviction filings processed by U.S. courts in a typical year.<sup>3</sup> Data from the U.S. Census Bureau's 2022 Pulse survey indicates that 20% of renting households are currently behind in their payments.<sup>4</sup>

The first national study of evictions, released in late 2020, provided the clearest profile of American evictions.<sup>5</sup> Drawing on data from 39 states that covered 38% of all renter households and included more than 4 million eviction records, the study tracked both eviction filings (a filing is a landlord's court petition seeking removal of tenants) and

eviction warrants (a warrant is issued following a court ruling in favor of the landlord and authorizes the removal of the household). Both filings and evictions were astoundingly common; nationwide, "one in 25 renters was threatened with eviction every year, and one in 40 was evicted."<sup>6</sup>

Absent intervention, evictions function as an extreme kind of "disruptive displacement," forcing people out of their homes and, in doing so, completely upending their lives in the short- and long-term. Eviction can disrupt children's education, result in job loss, damage physical and mental health, and, make it difficult to find a new home to rent.<sup>7</sup> Short-term and long-term homelessness are all-too-frequent outcomes of eviction.

The harms of eviction fall disproportionately on Black and Latinx people, especially women and children. According to a 2020 study, Black individuals account for 32.7% of all eviction filing defendants, despite only making up 19.9% of all adult renters in the counties addressed by the study.<sup>8</sup> Landlords target renters with children to such an extent that simply having children in the household is equivalent, as a trigger for eviction, to falling four months behind in rent.<sup>9</sup>

### Presenters:

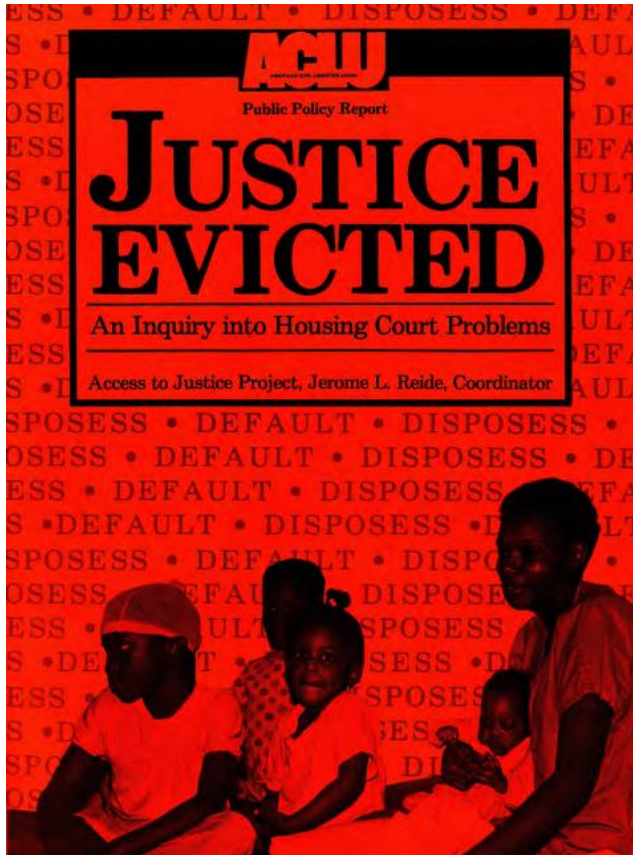
**Sandra Park** | she/her

Senior Staff Attorney  
ACLU Women's Rights Project

**Maria Roumiantseva** | she/her

Associate Coordinator  
National Coalition for a Civil Right to Counsel

# Background



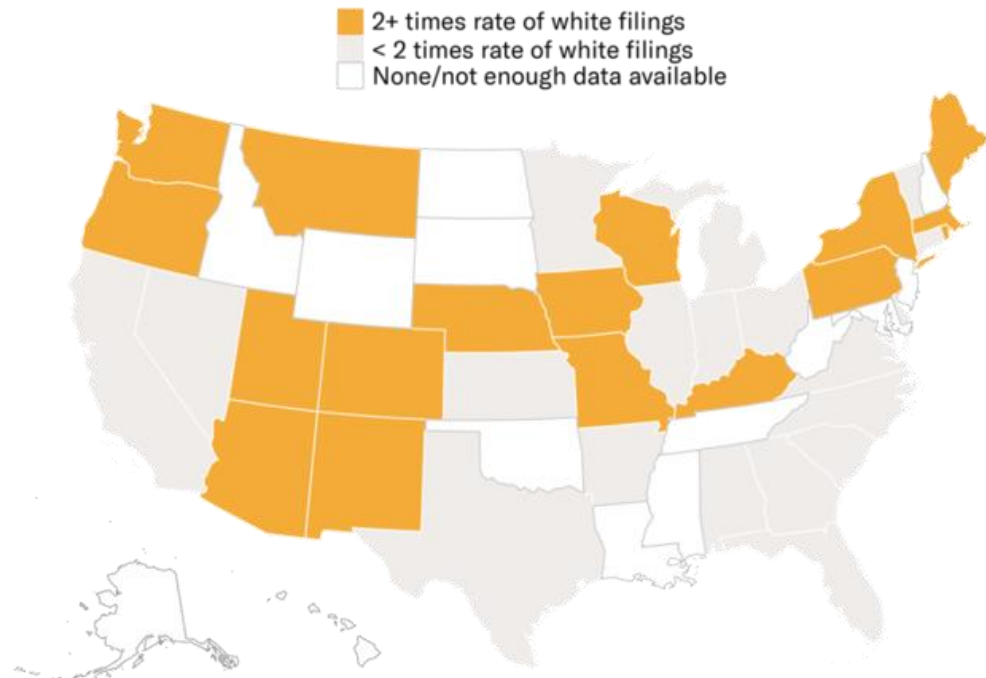
## ACLU, Justice Evicted: An Inquiry into Housing Court Problems (1987)

<https://www.aclu.org/report/justice-evicted-inquiry-housing-court-problems>



# Black women renters had evictions filed against them at double the rate of white renters or higher in 17 of 36 states.

Data Analysis by the ACLU Data Analytics Department, with data from the Eviction Lab



## 3 States and 15 Cities have enacted RTC

Many of the successes are due to tenant rights organizing

- RTCNYC: <https://www.righttocounselnyc.org/> (Documentary, RTC Toolkit)

### States:

- Washington
- Maryland
- Connecticut

### Cities:

- Baltimore, MD
- Boulder, CO
- Cleveland, OH
- Denver, CO
- Detroit, MI
- Kansas City, MO
- Louisville, KY
- Minneapolis, MN
- New Orleans, LA
- New York City, NY
- Newark, NJ
- Philadelphia, PA
- San Francisco, CA
- Seattle, WA
- Toledo, OH

# Research Brief

ACLU

NCCRC  
National Center for  
Civil Rights Counsel



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the Promise of Right to Counsel

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# Overview

## Highlight and analyze empirical evidence to support advocacy:

- Documenting the broad, long-lasting harms of eviction
- Identifying right to counsel in eviction cases as a race and gender issue
- Providing evidence for and examples of benefits of right to counsel

## Target audiences:

- State and local housing justice advocates
- Municipal, county, & state gov officials who could support RTC
- Federal policymakers who could provide funds for RTC

# Methodology

## Searched for research on:

1. **Impacts of eviction (economic, children, health, civic)**

*28 sources*

1. **Race and gender disparities**

*7 sources*

1. **Impact of right to counsel/access to counsel efforts**

*14 sources*

**49 total sources included**

## Criteria for inclusion:

- Empirical research studies - quantitative, qualitative, mixed method, systematic reviews
- U.S. populations and systems - local, state, and/or national samples

# Key Findings: Harms of Eviction

# Harms of Eviction

- **Cycle of Poverty**
- **Impact on Children**
- **Health Impacts**
- **Impact on Civil Engagement**
- **Disproportionate Impact on Black and Latinx Women and Children**

# Impact of Tenant Representation

- **Rates of eviction significantly lower for represented tenants (compared to unrepresented tenants) and providing representation is a cost-effective measure.**
  - **California:** *Sargent Shriver Pilot Programs*
  - **Minnesota:** *Hennepin County Housing Court Project*
  - **NYC** (1<sup>st</sup> city to enact RTC): *Universal Access to Counsel Program*
  - **Cleveland:** *Right to Counsel Program*



# Conclusions & Recommendations

Eviction is a gender justice issue. It is a racial justice issue. It is an economic justice issue. It is a children's rights issue. And it is a civil liberties issue.

# Conclusions from the Research

- Evictions often result in numerous and long-lasting damaging consequences. Black and Latinx women and children are most harmed.
- Tenants who were legally represented faced starkly different outcomes than unrepresented tenants—far less likely to receive an eviction judgement and less likely to suffer the collateral consequences of eviction records.
- Providing legal representation to tenants can help to balance out the disparity in representation between landlords and tenants, and is cost-effective.

# Recommendations

## **The Federal government should:**

- Fully fund efforts to establish and implement the right to counsel for tenants at the state and local level.
- Increase awareness among localities and states about the portions of Emergency Rental Assistance Program and Fiscal Recovery Fund dollars available for legal services, and work to make these funding sources permanent.

## **State governments should:**

- Enact and implement a right to counsel in their jurisdictions.
- Support research and evaluation that assesses longer-term outcomes and identifies best practices of right to counsel efforts.

# Q&A

**NCCRC** tracks and supports RTC efforts across the country  
([www.civilrighttocounsel.org](http://www.civilrighttocounsel.org))

**ACLU** and many of its state affiliates support and engage in  
state and local advocacy

# End Rental Arrears to Stop Evictions (ERASE) Updates

**Sophie Siebach-Glover**

*Research Specialist*

National Low Income Housing Coalition

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NATIONAL LOW INCOME  
HOUSING COALITION

## New Report

# Balancing Act: An Analysis of Remaining ERA Funds, Reallocation, and Outstanding Need

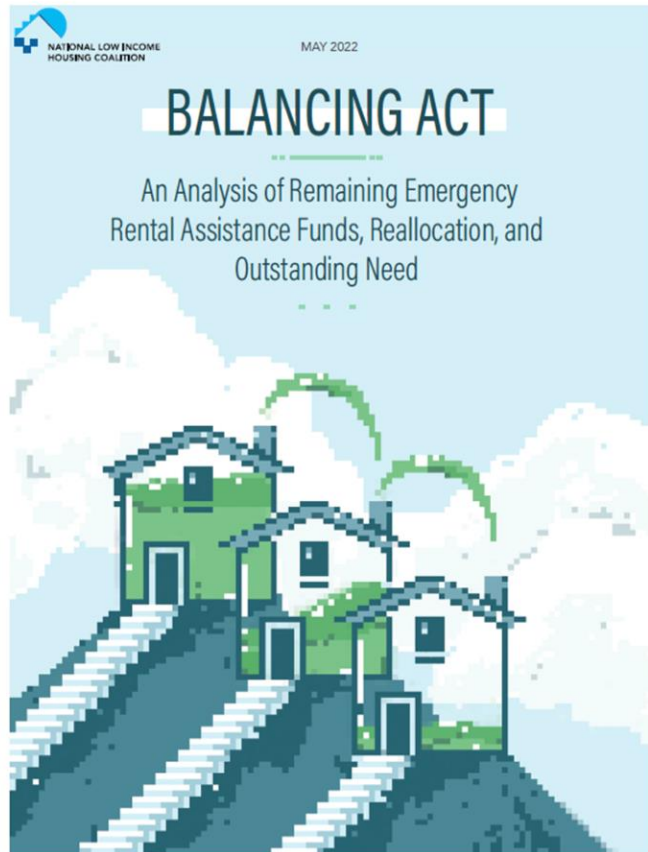
June 6, 2022

**Sophie Siebach-Glover** (she/her)

*Research Specialist*

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# Overview



SOPHIE SIEBACH-GLOVER Research Specialist  
NEETU NAIR Research Analyst  
ANDREW AURAND Vice President for Research  
SARAH GALLAGHER ERASE Senior Project Director

1

Spending trends & projections

2

Need estimates

3

ERA1 & ERA2 reallocation

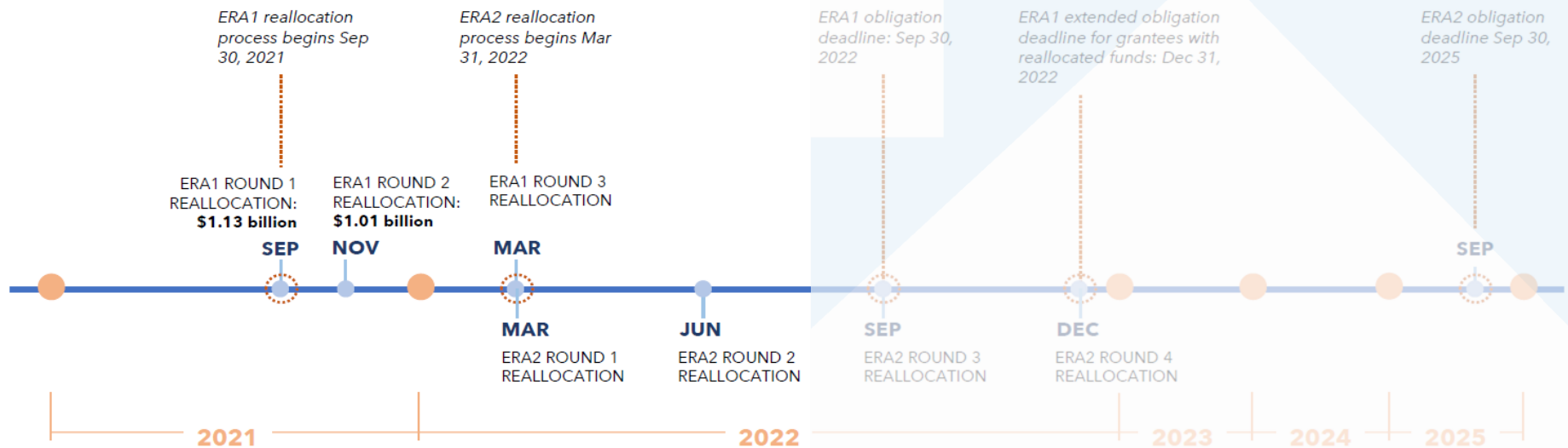
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Recommendations

# What has happened so far

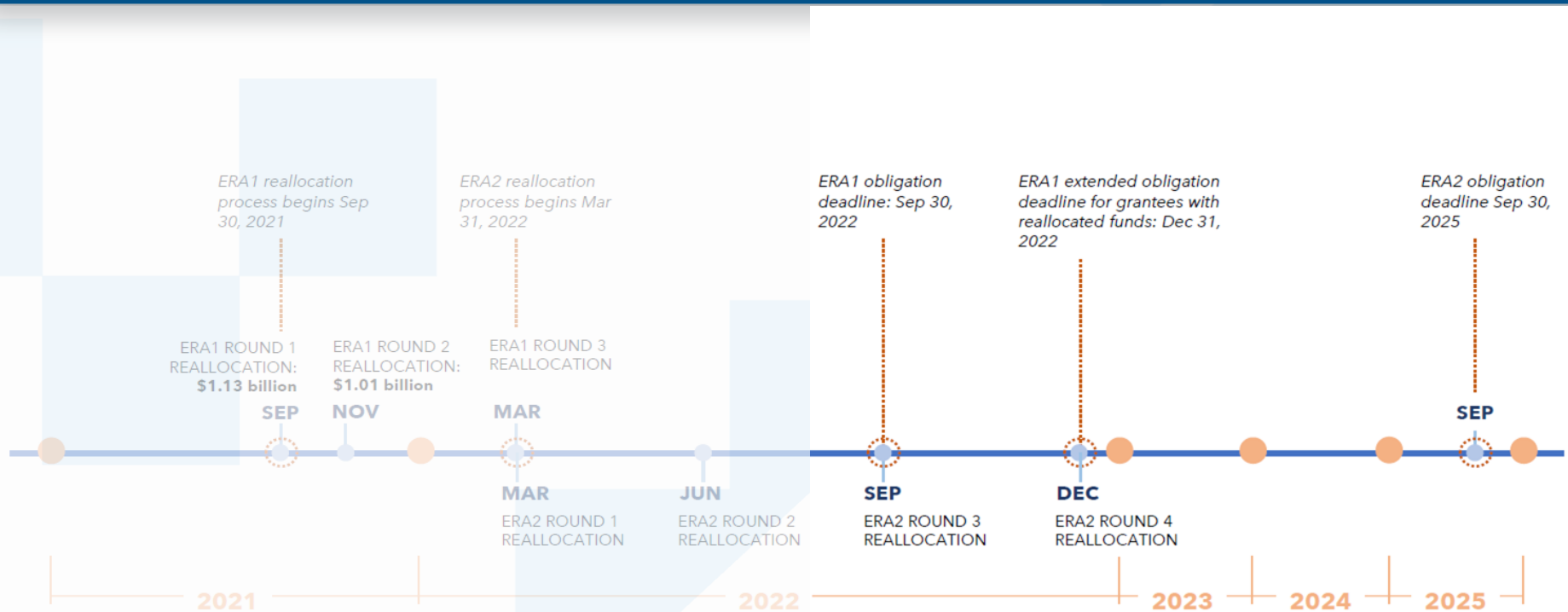


NATIONAL LOW INCOME  
HOUSING COALITION





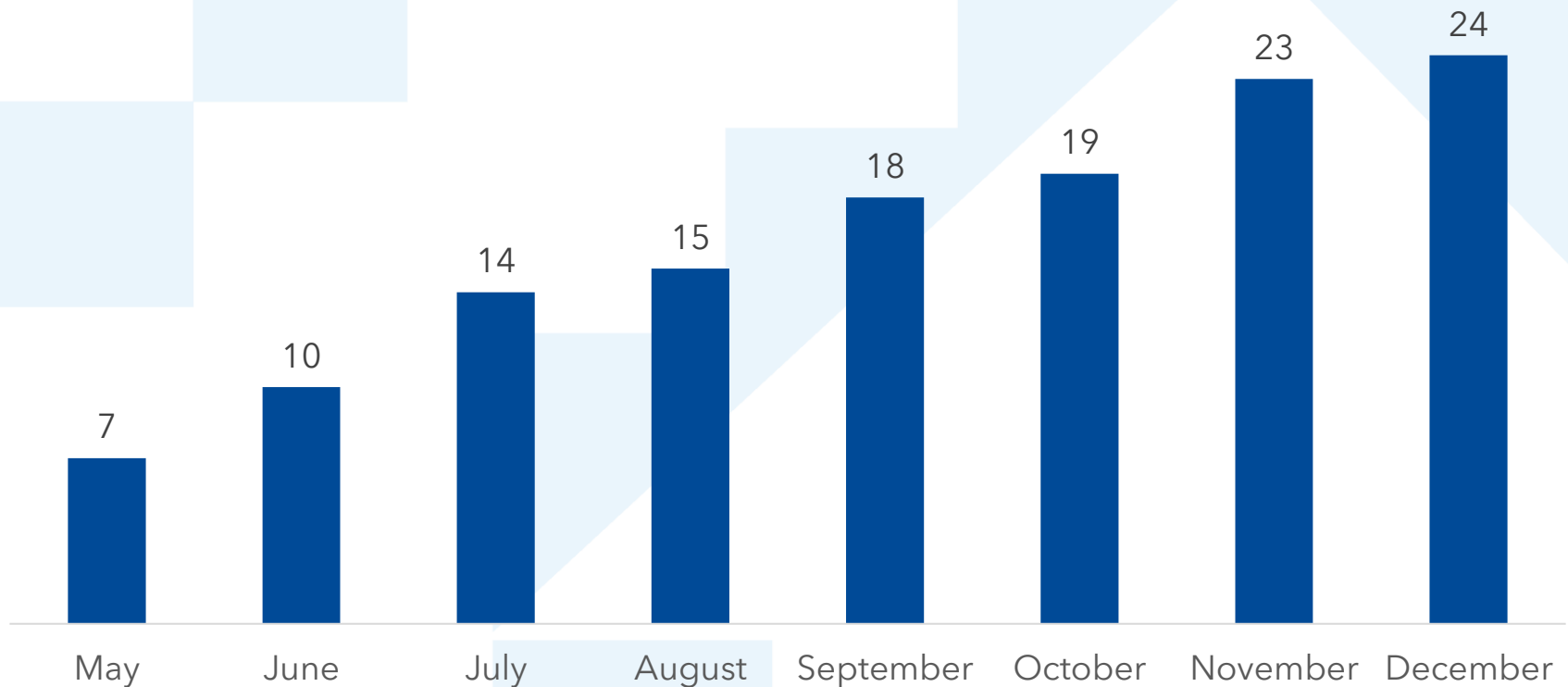
# Approaching deadlines



# Finding #1: Nearly 50% of state grantees could exhaust ERA1 & ERA2 funds by end of year

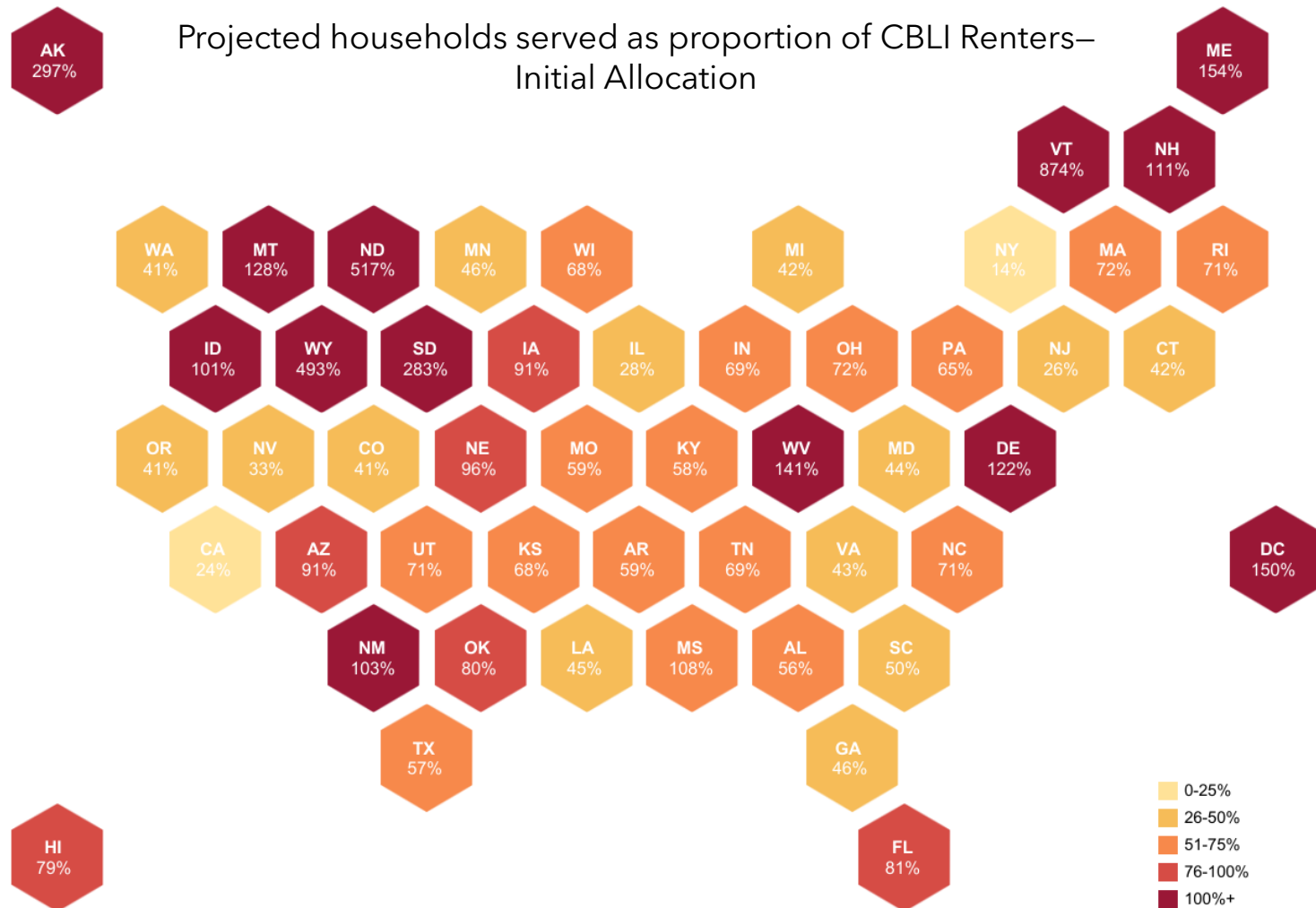


Cumulative number of state grantees that could exhaust ERA1 & ERA2 funds in 2022 without receiving reallocated funds



For the purposes of this analysis, DC is considered a state grantee.

# Finding #2: There are disparities between states' allocated ERA funds & cost-burdened, low-income (CBLI) renters



# Finding #3: There are disparities between remaining ERA funds and outstanding need



| State          | Remaining ERA Funds Per Renter Household Behind on Rent |
|----------------|---|
| New York       | \$1,372   |
| California     | \$1,643   |
| Texas          | \$1,886   |
| North Carolina | \$1,901   |
| New Jersey     | \$1,921   |
| Wyoming        | \$19,367  |
| South Dakota   | \$19,744  |
| Idaho          | \$22,500  |
| Montana        | \$22,890  |
| Vermont        | \$39,800  |

\*Based on March 2022 Monthly Compliance Report & Census Household Pulse Survey Weeks 42-44. Includes all grantees within a state.

# Finding #4: Reallocation cannot fully address the disparity, but still important



Estimated ERA funds that may be reallocated:  
\$4.1 billion-\$5.1 billion

CA, IL, NJ, NY, and TX each need over \$1 billion to serve estimated renter households behind on rent

Reallocation adjusted some disparity between state grantee and local grantees

# Recommendations



| ERA Grantees  | Treasury  | Congress   |
|---|---|--|
| <p>1) Use other federal funds to extend ERA programs</p> <ul style="list-style-type: none"><li>• CDBG-CV</li><li>• SLFRF</li></ul> <p><a href="#">NLIHC report</a> on using federal resources to extend ERA</p> | <p>1) Prioritize grantees with large numbers of unserved CBLI renters to receive reallocated funds</p> <p>2) Increase reallocation transparency</p> <p>3) Limit use of ERA2 funds for other affordable housing purposes</p> | <p>1) Enact Eviction Crisis Act</p> <p>2) Enact long-term housing solutions</p> <ul style="list-style-type: none"><li>• \$25 b to expand rental assistance</li><li>• \$65 b to preserve public housing</li><li>• \$15 b for national HTF</li></ul> |

# Recommendations



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# Recommendations



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**For more details, access the report at:**

<https://bit.ly/3PJ3Ewg>.

**For questions about the brief or methodology, please contact:**

Sophie Siebach-Glover at [ssiebach-glover@nlihc.org](mailto:ssiebach-glover@nlihc.org)

**For more research on ERA implementation go to:**

<https://nlihc.org/resource-hub>.

# End Rental Arrears to Stop Evictions (ERASE) Updates

**Erin Kemple**

*Executive Director*

Connecticut Fair Housing Center

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# Field Updates

**Shakti Robbins-Cubas**

*Housing Policy Analyst*

New York Housing Conference

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# NEW YORK **HOUSING**CONFERENCE

**New York City Housing Tracker:  
Every Neighborhood Must Do Its Part To Solve  
the Affordable Housing Crisis**

[TRACKER.THENYHC.ORG](https://TRACKER.THENYHC.ORG)

 [@theNYHC](https://twitter.com/theNYHC)

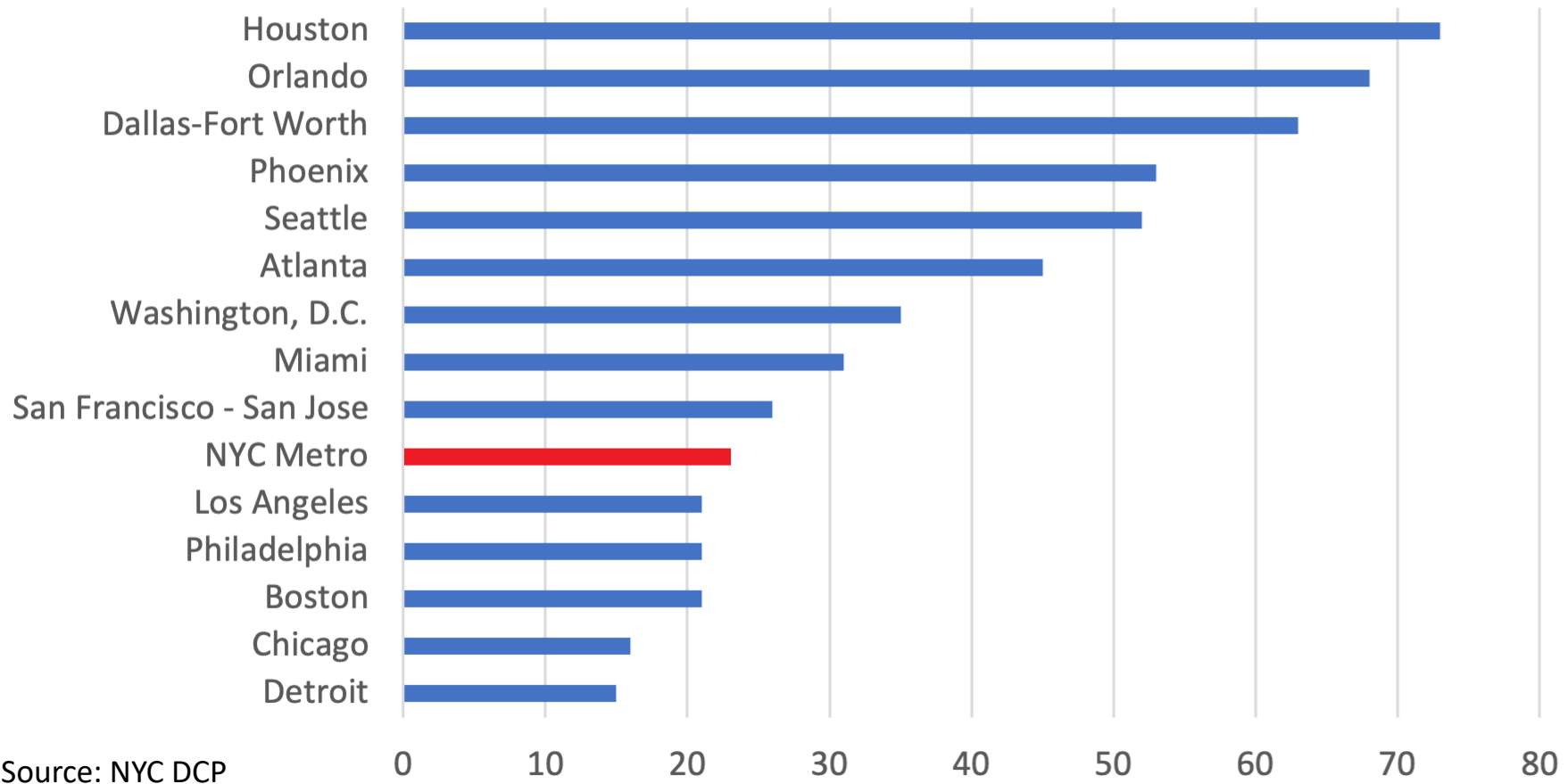
## Tracking Affordable Housing Construction in NYC

The NYC Housing Tracker shows affordable housing production in each City Council District under Mayor de Blasio's Housing New York Plan (2014-2021) and will be updated as production begins under Mayor Eric Adams

The accompanying report analyzes this data and chronicles decades of policy decisions that impacted where new affordable units are built and whether they meet the needs of New Yorkers

# We Are Not Building Enough Housing

New Housing Units Permitted per 1,000 Residents per Year  
(2011 - 2020 Average) in the 15 largest U.S. Metros

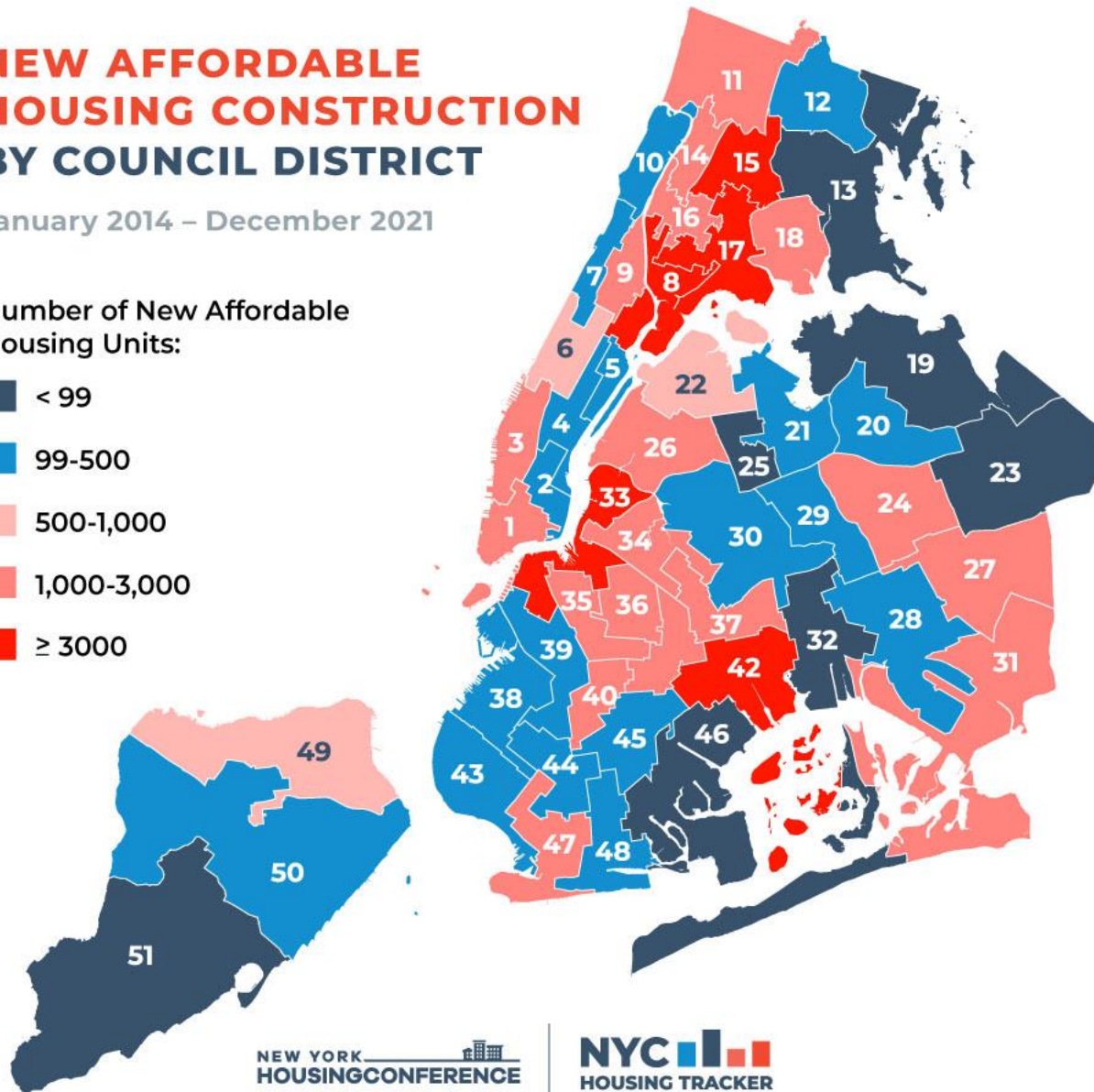


Source: NYC DCP

# NEW AFFORDABLE HOUSING CONSTRUCTION BY COUNCIL DISTRICT

January 2014 – December 2021

Number of New Affordable Housing Units:



NEW YORK  
HOUSING CONFERENCE

NYC  
HOUSING TRACKER

# Every Neighborhood Must Do Their Part to Fight the Housing Crisis

We are not sharing affordable housing production equitably across the city

- 67,255 new affordable units were produced over 8 years during the last housing plan
- The 10 districts with the most affordable housing construction produced more than 38,000 units
- The 10 districts with the least affordable housing construction produced only 740 units



## Profile of a High-Affordable Housing Producing District

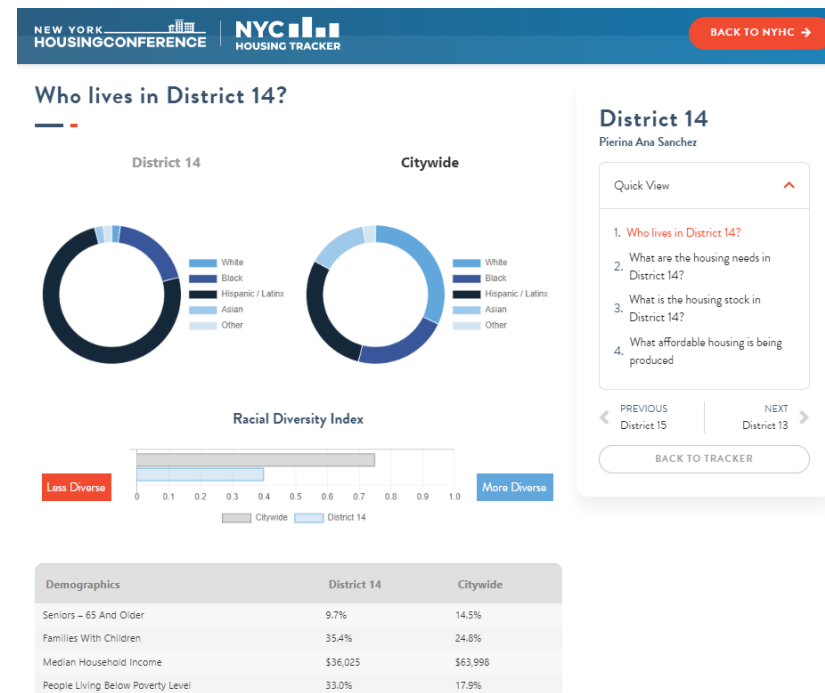
1. High density, low-land costs with underutilized and city-owned land
2. High density, fast-growing neighborhoods, utilizing tax incentives and mandatory inclusionary housing
3. Predominantly Black and Latinx neighborhoods and lower median incomes

## Low Affordable Housing Producing Districts

- Lower density with strict limits on what can be built
- Fewer vacant and industrial or manufacturing zoned land area with little publicly-owned sites.
- Limited HPD programs for building smaller buildings in less dense neighborhoods,
- Greater share of white residents and higher median incomes

# The New York City Tracker Is An Advocacy Tool

View detailed data for each City Council District on affordable housing production and preservation, housing needs, demographics, and existing stock



# Field Updates

**Francisca Blanc**

*Assistant Executive Director*

Utah Housing Coalition

[fblanc@utahhousing.org](mailto:fblanc@utahhousing.org)

# Reconciliation & FY23 Updates

**Sarah Saadian**

*Senior Vice President of Public Policy &  
Field Organizing*

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# Next Steps

**Diane Yentel**

*President & CEO*

National Low Income Housing Coalition

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## Resources

NLIHC's HoUSed Campaign  
([nlihc.org/housed](http://nlihc.org/housed)): Campaign  
Updates