

## The Movement to Secure Right to Counsel in Housing<sup>1</sup>

‘It is hard to argue that housing is not a fundamental human need. Decent, affordable housing should be a basic right for everybody in this country. The reason is simple: without stable shelter, everything else falls apart.’

- Matthew Desmond, *Evicted: Poverty and Profit in the American City*

Around the country, a movement to secure the right to counsel in eviction cases seeks to redress the imbalance of power between tenants and landlords in housing court. Having the assistance of a lawyer in housing court can mean the difference between staying in one’s home or losing it. [One study](#) found that two-thirds of tenants who had an attorney were able to stay in their homes, compared with a third of tenants who represented themselves in housing court. Yet, in jurisdictions across the U.S., the majority of tenants face evictions without a lawyer, while the vast majority of landlords, [85 to 90 percent in some housing courts](#), are represented.

Over the past few years there has been action at the local level, and increasingly at the state level, towards implementing the right to counsel in eviction cases. Recent action has occurred against the backdrop of COVID-19; at a time where many low-income renters were unable to work and faced the threat of being evicted during a global pandemic. To aid tenants during this time and prevent the spread of COVID-19, the federal government announced a [temporary halt in evictions](#) for missed rent payments (although some families [continued to be evicted](#) during the pandemic). However, with the [national federal eviction moratorium](#) now [expiring](#) on July 31, 2021 and roughly [4.1 million](#) renters not current on rent or mortgage payments, eviction or foreclosure in the next two months is a possibility for millions of Americans. Housing court will soon be filled with tenants trying to plead their case, many without legal representation by an attorney.

The work that began in many jurisdictions pre-pandemic to secure a right to counsel in housing cases has taken on greater urgency. Realizing the large increase in homelessness that this could lead to, both cities and states have done combinations of passing legislation, passing ballot measures, enacting city ordinances, and creating pilot programs to give more tenants access to counsel when their home is at stake.

Even before the pandemic and the greater need for a right to counsel, pro bono attorneys have been and continue to be leaders in eviction defense cases. They have been the backbone of pilot programs that in many cases have eventually led to fully funded right to counsel programs. This paper will discuss the work that has been done by showcasing cities and states that have embraced right to counsel, as well as cities that have implemented right to counsel pilot programs.

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<sup>1</sup> This is the third edition of this Pro Bono Institute paper, and was last updated on July 1, 2021. For the most current updates on the status of the right to counsel in housing, please visit the National Coalition for a Civil Right to Counsel’s status map at <http://civilrighttocounsel.org/map>.

## Right to Counsel Cities

Seven cities have pioneered the right to counsel in housing in the United States, securing government-funded representation for tenants in eviction cases: New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder, and Louisville.

### *New York City, NY*

In August 2017, New York City culminated a decades-long campaign to become the first city in the country to guarantee a right to counsel in eviction cases. The fight began with a 1989 class action [litigation](#). Although the case was ultimately dismissed on procedural grounds, advocates, including [Professor Andrew Scherer](#), the lead counsel in the class action, continued to litigate on behalf of tenants' rights and to lobby for a right to counsel in housing matters.

Progress was slow until recent years. According to a New York City Office of Justice [report](#), as of 2013, only one percent of [tenants](#) facing an eviction case in New York were represented by counsel. That year, the New Settlement Apartments' Community Action for Safe Apartments (CASA) and the Community Development Project at the Urban Justice Center issued a [report](#) that supported the need for housing reform, including a right to counsel, in Bronx Housing Court. On the heels of this report, in 2014, the New York City Council introduced local legislation to create a right to counsel in housing eviction matters. The [Right to Counsel NYC Coalition](#) was also formed in 2014, in recognition of the need to bring together advocates, tenants, academics, and legal services providers to establish a right to counsel for tenants facing eviction.

In 2016, these efforts led to a ten-fold [increase](#) in the city's funding of legal aid for direct representation of tenants in eviction cases from Fiscal Year (FY) 2013 to FY 2017. That same year, the New York City Bar Association's Pro Bono and Legal Services Committee presented the city with a [cost-benefit analysis](#) of a right to counsel in eviction proceedings, prepared pro bono by Stout Risius Ross. This analysis estimated that providing counsel to residents seeking to remain in their homes would result in cost-savings of \$320 million for the city. The high costs of shelters and services for unsheltered homeless residents far outweighed the cost of city-funded legal representation.

On August 11, 2017, the city passed Intro 214-B, providing that at the end of five years, all income-eligible tenants (residents whose income is 200 percent of the federal poverty level or less) would be [guaranteed](#) legal representation in eviction cases. The program had a five-year roll-out [plan](#), where the city offered services to income-eligible residents in select zip codes, to expand to include the entire city [by 2022](#). In [May 2021](#), that deadline was moved up and tenants throughout the city are now eligible.

The [NYC Human Resources Administration's Office of Civil Justice](#) coordinated the free legal representation through partnerships with contracted nonprofit legal services organizations. As of 2020, [40 percent of New York City tenants](#) were represented by an attorney in Housing Court. The NYC Office of Civil Justice revealed in its [2020 report](#) that as of June 30, 2020, over 450,000 New Yorkers had received full representation or assistance in eviction cases since the start of the right to counsel program. Eighty-six percent of represented tenants in housing courts

were permitted to stay in their homes, and 98 percent of tenants represented in administrative termination of tenancy proceedings were allowed to stay. 2020 posed new challenges to eviction cases with the emergence of the COVID-19 pandemic, increasing housing insecurity and perpetuating a national housing crisis. The right to counsel program adapted its services to assist with housing issues in addition to eviction, including harassment, disrepair, and other misconduct by landlords.

From the start, advocates in New York pushed for legislation that would guarantee tenants a right to counsel, supported by government-funded legal aid. Pro bono attorneys played a key role in drafting a citywide right-to-counsel law and in researching legal questions for the right to counsel Coalition, such as whether the locality had the legal authority to implement a right to counsel without infringing on the authority of the courts or the state.

### ***San Francisco, CA***

In San Francisco, the fight for a right to counsel began with a pilot pro bono program that culminated in a change in the city's law. In March 2012, San Francisco passed an ordinance authorizing a one-year Right to Civil Counsel [Pilot Program](#) for residents within 200 percent of the federal poverty level with cases involving a basic human need such as housing, safety, or child custody. The Justice & Diversity Center (JDC) of the Bar Association of San Francisco received a contract to implement the Right to Civil Counsel Pilot Project from October 2012 to September 2013, engaging pro bono attorneys to provide full-scope representation for tenants in the pilot project.

As a result of the pro bono project, the JDC concluded that providing full-scope representation increases the likelihood that tenants will remain in their home, as compared to tenants with no representation, and the city agreed to continue [funding](#) nonprofit organizations to connect pro bono attorneys to tenants in need of counsel.

In 2018, a coalition of tenant groups, neighborhood leaders, and advocates called the [San Francisco Right to Counsel Committee](#) filed the "No Eviction Without Representation" [ballot initiative](#), also known as Proposition F, to guarantee a right to counsel for all tenants in eviction cases. On June 5, 2018, the ballot initiative [passed](#), creating a right to counsel with no income-eligibility threshold. In November 2018, the mayor of San Francisco [announced](#) that the city would allocate \$5.8 million to provide free counsel for tenants in eviction proceedings through FY 2020, with the funds to be split among 11 legal services and partner organizations. Through the program's implementation, [JDC's Homeless Advocacy Project](#) would continue to offer pro bono volunteers opportunities to help clients fight eviction proceedings and to assist homeless individuals with securing federal disability benefits, among other services. Some have [questioned](#) during the rollout whether the city should provide free representation to higher-income tenants.

The [Eviction Defense Collaborative](#) (EDC) was awarded the Lead Agency role in the design and implementation of San Francisco Right to Counsel. Low-income tenants come to EDC for intake of their cases, and EDC refers qualifying tenants to a nonprofit legal services organization to represent them.

On February 24, 2020, City Supervisor Dean Preston reported in a [hearing](#) on the success of San Francisco’s right to counsel program to date, including a 10 percent decrease in eviction case filings from 2018-2019. Of the two-thirds of tenants receiving *full scope* representation, 67 percent were able to stay in their homes. Moreover, 80 percent of African-American tenants who received an eviction notice and received *any* help through the program ultimately stayed in their homes. Even though the program does not have an income limit, 85 percent of the services were allocated to tenants in the low- or extremely low-income categories.

The pandemic’s impact and the lack of funding for representation, however, threaten the core principle of a right to counsel in housing. During the pandemic, the city of San Francisco increased its investment in securing the right to counsel by \$750,000; the budget for FY2020 to FY2021 is [\\$10.5 million](#). Even with this funding, as of June 2021, the program is overburdened and EDC said it would [have to triage clients](#), offering full-scope legal representation from one of the 10 non-profits contracted to provide services, to only the most vulnerable tenants (*e.g.*, elderly residents, parents, people with language barriers or health challenges, and tenants who live in subsidized housing or were previously homeless). Other tenants will receive coaching from an attorney but will have to proceed in court without counsel.

### *Newark, NJ*

Newark was the third city to legislate a right to counsel for low-income tenants in housing cases. In a city where 78 percent of its 300,000 residents are tenants and 90 percent of tenants facing eviction lack legal representation, Newark [announced](#) in May 2018 an initiative to provide legal representation to income-eligible tenants facing eviction with an initial focus on seniors, the disabled, and undocumented residents. Three months later, the City Council [approved](#) an ordinance to create a nonprofit to provide this legal representation, although the ordinance does not provide funding or details about the nonprofit.

Pro bono attorneys were instrumental in supporting these efforts. In Newark, the law firm McCarter & English\* [announced](#) a partnership with the city in July 2018 to fill the housing need by creating a pro bono program to represent tenants in housing court. The firm created a fellowship to hire an attorney to lead a pro bono program. Law firm attorneys would take on pro bono engagements while partnering with legal services organizations to represent low-income tenants in eviction proceedings.

As the city government negotiated the parameters of the right to counsel, pro bono attorneys stepped up to help with direct representation. The pro bono representation may provide key data points showing that providing representation keeps more tenants in their homes, similar to the pro bono Pilot Project in San Francisco.

In June 2019, Newark officially [rolled out](#) its pro bono pilot program for low-income tenants facing eviction, inviting tenants to apply for pro bono counsel through the [Office of Tenant Legal Services](#) (OTLS). OTLS provides direct legal services and contracts with legal services entities to provide representation to low-income tenants facing eviction.

During the pandemic, Newark has been described as the “[epicenter](#)” of a potential eviction crisis. In the county that includes Newark there are more than 14,000 eviction cases pending, delayed due to the emergency order halting evictions during the pandemic, and thousands more are anticipated. This demand will test the resources of OTLS, and more broadly across New Jersey there will be a need for pro bono attorneys to volunteer. In a [2021 Report of the Judiciary Special Committee on Landlord Tenant](#), the Committee recommended that the court “provide and support opportunities for attorneys willing to provide pro bono representation in landlord tenant matters.”

### ***Cleveland, OH***

In [Cleveland Housing Court](#), landlords file approximately 10,000 eviction cases annually and have legal counsel in 75 percent of cases, compared to only one to two percent of tenants who have counsel. To address this disparity, Cleveland introduced legislation in August 2019 to create a right to counsel for low-income tenants in eviction proceedings. The legislation, [signed into law](#) on October 1, 2019, focused on low-income tenants with children, finding that it violated their basic human rights to be evicted without receiving legal representation.

The [passage](#) of the right to counsel grew from The Legal Aid Society of Cleveland’s [Housing Justice Alliance](#), which formed an advisory committee to explore the issue. The Legal Aid Society [reported](#) that the United Way of Greater Cleveland would work with the Cleveland City Council on the program, and would contract with The Legal Aid Society of Cleveland to provide the legal services. Legal Aid would provide legal representation through its staff attorneys as well as subcontracted entities and pro bono attorneys, and other subcontractors. The legislation, effective June 30, 2020, provided counsel to tenant households with at least one child, who are at or below 100 percent of the federal poverty guidelines.

The January 2021 [report](#) on the initial six months of Cleveland’s right to counsel program highlighted that 93 percent of those represented were able to avoid eviction during the first six months of Cleveland’s right to counsel program. Additionally, 83 percent of Cleveland’s right to counsel clients who sought additional time to move were granted that time, and 89 percent of those seeking to alleviate damages were able to do so. The report also noted that a majority of the evictions involved Black female-headed households with minor children, and that, as in other cities, a wave of eviction cases is anticipated due to the pandemic.

### ***Philadelphia, PA***

Philadelphia has more [evictions](#) per household than any city with a similar population size. Approximately 24,000 eviction [actions](#) are filed per year in the city and 81 percent of landlords have legal counsel while only eight percent of tenants are represented. Pro bono counsel have taken on individual representation in eviction defense as well as working on reforms to Philadelphia Municipal Court Procedures and conducting research on other issues relating to the right to counsel in housing.

In January 2018, the mayor [launched](#) the Philadelphia Eviction Prevention Project with a budget of \$500,000 for a tenant helpline, website, information and connections to legal services, direct

legal representation of tenants, outreach, and financial counseling. A team of legal services organizations led by Community Legal Services (CLS) implemented the Project. As a result, the Landlord Tenant Help Center at the Philadelphia Municipal Court increased the hours it was [open](#) to conduct intakes for tenants; the pro bono Lawyer of the Day program offered brief advice to pro se tenants; a court [navigator](#) helped to direct litigants through the court process or to the Lawyer of the Day program; and CLS staffed a [hotline](#) to answer questions, do emergency call backs, or make referrals.

In addition to the eviction protection program, Philadelphia [launched](#), in September 2017, an Eviction Task Force that made [recommendations](#) to the mayor in June 2018, including expanding access to legal representation for low-income tenants. Philadelphia also commissioned a pro bono cost-benefit [study](#) of the right to counsel by Stout Risius Ross, similar to the critical report that Stout prepared in New York City. This report, released in November 2018, concluded that with an annual investment of approximately \$3.5 million, the City could provide legal assistance to all tenants unable to afford representation, avoiding \$45.2 million in annual costs to the City for expenses like shelters, hospital visits, and mental health services. In other words, for every dollar Philadelphia spends on providing legal representation to low-income tenants, the return on investment would be more than \$12.

In November 2019, the Philadelphia City Council [unanimously passed a bill](#) granting a right to counsel to low-income tenants. The mayor signed [the bill](#) into law. The bill states that the right to counsel will be phased in and provides for legal representation by nonprofit legal services to any tenants in Philadelphia who meet the income guidelines: an annual gross income of less than \$24,980 for an individual and less than \$51,500 for a family of four. The funds to hire counsel come from the Low-Income Tenant Legal Defense Fund, which started in 2017 with \$500,000 and had \$2.1 million as of November 2019, including [\\$1.5 million in city funding](#) for FY2020. For FY2021, the mayor's [budget](#) only allocated \$931,000 to the project, which was less than half of what it received in 2019. The budget for FY2022 [increased funding for programs to prevent evictions to \\$3 million](#).

### ***Boulder, CO***

In Boulder, over [1,000 tenants](#) each year face the threat of eviction. Only [two percent](#) of Boulder tenants have legal representation when challenging evictions, despite the widespread representation of landlords in the city.

To combat this housing crisis and its growth during the COVID-19 pandemic, Boulder voters passed No Eviction Without Representation ([NEWR](#)), making Boulder the [sixth city](#) to legislate a guaranteed right to counsel for tenants. The program funds will come from proceeds from a new [\\$75 fee](#) placed on Boulder landlords, and is expected to cost \$1.9 million annually to implement. The [approved legislation](#) requiring the implementation of a right to counsel program must be put into place by November 2021.

### ***Louisville, KY***

According to the [Eviction Lab](#), in 2016 Louisville had double the eviction rate of the national average, 4.8 percent compared to 2.3 percent, and almost double the eviction filing rate: 10.4 percent to 6.1 percent. In certain parts of Louisville the eviction rate is much higher. In the north-central section of Russell, which has a predominant population of Black renters, the [eviction rate](#) is 8.5 percent.

Even during the pandemic, evictions did not stop in Louisville. Although the national moratorium on evictions prevented renters from being evicted for not paying rent, Louisville landlords continued to evict tenants for other reasons, including violations and expired leases. Between August and December of 2020, 1,298 evictions were [ruled](#) in favor of the landlord in Jefferson County District Court.

In March 2021, Louisville Metro Council members introduced a proposal for a Right to Counsel program based on similar work in other [cities](#), such as Cleveland and Philadelphia. In April 2021, the Council voted to enact the program and passed the new [city ordinance](#) that gave tenants a right to counsel in eviction cases. With \$400,000 in federal [funding](#) from the American Rescue Plan Act, the program is running for a year and then will be reevaluated. Providers, such as Legal Aid Society or other non-profit organizations, aid in providing lawyers to renters. The program ensures that counsel will be [provided](#) in eviction cases for tenants who have at least one child and an annual gross income that is below 125 percent of the federal poverty line.

## **Right to Counsel States**

So far, three states--Washington, Maryland, and Connecticut--have passed statewide laws that guarantee counsel to low income tenants in eviction cases.

### ***Washington***

On April 22, 2021, Washington passed [Senate Bill 5160](#) and became the first state to establish a statewide right to counsel for those who are receiving public assistance or for those who have incomes at or below 125 percent of the federal poverty level. The right to counsel was only one section of a larger bill to aid tenants as the state moratorium on evictions [expired](#). Based on the University of Washington Eviction Project, only eight percent of Washington tenants in 2017 were able to access [representation](#) in eviction proceedings. SB 5160 positively impacts the lives of many tenants who face eviction, as a [Seattle](#) study found that defendants who had access to counsel were twice as likely to stay in their homes.

The Office of Civil Legal Aid ([OCLA](#)), established by the Washington Legislature in 2005, is responsible for the implementation of legal representation services as well as the administration of program funds, as the state must pay the costs of such legal representation [services](#). The program is estimated to cost \$11.4 million in the first year with OCLA requiring the hire of an additional 58 [lawyers](#) to assist Washington residents when the eviction moratorium is lifted.

### ***Maryland***

On May 30, 2021, Maryland became the [second](#) state to guarantee the right to counsel to qualifying tenants during eviction cases. Right to counsel work in Maryland began in Baltimore:

a city with one of the most extreme housing crises in the United States. With about [140,000 annual eviction cases](#), the city of Baltimore has an eviction rate that is 2.5 times the national average. Despite the fact that only [one](#) percent of renters have representation in eviction cases, landlords are universally represented, with 96 percent of them appearing with counsel in these cases. The Baltimore City Council has since unanimously passed a [bill](#) guaranteeing the right to counsel for tenants facing eviction that is estimated to save the city up to \$35.6 [million](#) in preventing evictions and averting residents from falling into homelessness.

On the statewide level, Maryland [House Bill 18](#) provides access to counsel in eviction cases for tenants whose household [income](#) is less than 50 percent of the state's median. The right to counsel program will be administered by Maryland Legal Service Corporation (MLSC) and funded through money appropriated in the state budget, interest on lawyer trust [accounts](#), and surcharges on certain court filing fees.

### ***Connecticut***

On June 3, 2021, Connecticut [House Bill 06531](#) passed through the House and Senate and has been sent to the governor, who is likely to sign the bill into law. Efforts to provide counsel in civil cases began in Connecticut in 2016 when a legislative Task Force was formed to explore the kinds of civil cases where the benefits of providing counsel outweighs the costs to the state. With three Connecticut cities being on the [list](#) of the top 50 eviction rates in the nation and four being in the top 100 cities, the Task Force found that defense in residential evictions was a top [priority](#) for the state.

The pandemic also served as a driving force to push for new legislation and protections for renters in Connecticut. During the winter months of the pandemic (December, 2020; January, 2021; February, 2021) less than five percent of tenants facing eviction in Connecticut were able to have an attorney in housing court, while over 80 percent of landlords were [represented](#).

Once HB 06531 is signed by the governor, tenants with household incomes at or below 80 percent of the state median income or tenants who are receiving certain types of public assistance will have [access](#) to counsel in eviction cases.

### **Cities with Pilot Projects**

Other cities around the country have introduced programs that rely on a combination of city-funded support and pro bono representation to serve low-income tenants and provide counsel to meet the needs of underserved individuals.

### ***Washington, D.C.***

In Washington, D.C., the imbalance between landlords and tenants is stark, with 95 percent of landlords [represented by counsel](#), compared to 90 to 95 percent of tenants unrepresented. In 2015, law firms and legal services organizations, including Legal Aid Society of the District of Columbia, Bread for the City, Legal Counsel for the Elderly, the D.C. Bar Pro Bono Center, Sidley Austin\*, DLA Piper\*, Jenner & Block\*, and Hogan Lovells\*, created a pro bono [pilot](#) project that organized volunteer attorneys to provide legal representation to tenants in eviction

cases involving subsidized housing. The pilot received over \$300,000 in initial funding through the D.C. Bar Foundation, with monies appropriated by the D.C. City Council.

In 2017, a [bill](#) was introduced to provide a right to counsel in civil cases whenever fundamental human needs, including housing (as well as preservation of liberty, safety, family integrity, health care, nutrition, education, income, and meaningful opportunity to obtain employment) are at stake. The bill provided for a Civil Right to Counsel Innovation Fund to pay for legal services in such proceedings. In July 2017, the D.C. Council [approved](#) \$4.5 million for the bill, with \$3.9 million in ongoing appropriations and \$600,000 for 2017, to fund a [Civil Legal Counsel Grants Program](#) administered by the DC Bar Foundation and awarded to legal aid organizations that provide representation to low-income D.C. tenants in eviction proceedings. The DC Bar Foundation awarded the initial round of grants on January 1, 2018, and [awarded](#) a second round in mid-June 2018 for providing eviction defense services from July 1, 2018 through December 31, 2019.

Pro bono lawyers continue working to help tenants fight evictions through a number of avenues, including the housing right to counsel [project](#), which works with subsidized housing tenants; the advocacy and justice [clinic](#), in which pro bono attorneys can take on housing matters while mentored by an expert housing attorney; and the landlord tenant [resource center](#), where attorneys or firms can make a regular commitment to provide same-day legal information to pro se parties with landlord tenant cases in the courthouse while being managed by an expert housing attorney.

In D.C., six legal services organizations established a [Landlord-Tenant Legal Assistance Network \(LTLAN\)](#) to have a single phone line for tenants facing eviction. While the collaboration originally anticipated establishing a new system for in-person intake and referral at the court, as a result of the pandemic and court closures, LTLAN established new procedures to handle remote representations, improving service delivery for low-income tenants in the city.

### ***Minneapolis, MN***

In Minneapolis, there are more than 3000 court-ordered [evictions](#) per year and an estimated 3000 more that occur from landlords sending “notices to vacate” and many tenants voluntarily complying because they do not know their rights. Some neighborhoods in the city have unusually high eviction rates, with up to 48 percent of households in [North Minneapolis](#) receiving an eviction filing in a three-year period. Tenants are represented by counsel in approximately [10 percent](#) of eviction cases but those represented tenants have a far higher likelihood of winning or settling their eviction cases and clearing evictions from their records.

To address this imbalance, Minneapolis [launched](#) a pro bono eviction defense program. In November 2018, the mayor announced the “More Representation Minneapolis” initiative, a partnership of the Volunteer Lawyers Network, Mid-Minnesota Legal Aid, and at least a dozen law firms that have committed to taking eviction defense cases pro bono. The initiative’s immediate goal was to increase tenant representation in eviction cases by 20 percent with the help of pro bono attorneys. The mayor also proposed allocating \$150,000 in 2019 for a pilot project for city-funded counsel to represent low-income tenants facing eviction. Within approximately nine months, pro bono representation through the More Representation

Minneapolis initiative increased the percentage of [represented](#) tenants in eviction proceedings by about 20 percent.

The capacity of this program will be tested with anticipated [wave of evictions](#) in Minneapolis, and council members have introduced a Right to Counsel ordinance to help low-income families access an attorney.

### ***Los Angeles, CA***

In Los Angeles County, almost [43,000 families](#) are evicted from their homes annually, according to the Right to Counsel Los Angeles Coalition, which is advocating for a right to counsel for low-income tenants. A right to counsel ordinance was first [introduced](#) on June 22, 2018, but has not yet passed. In [May 2019](#), the Los Angeles City Council requested \$2 million to launch a right-to-counsel initiative. In September, the [Los Angeles](#) County Board of Supervisors passed a motion for a pilot program for eviction defense and prevention services in Los Angeles County for FY 2019-20, for households with an income at or below 80 percent of the Area Median Income. The program would include full-scope representation as well as eviction assistance centers in courthouses and other services, and would be phased in to focus first on the most vulnerable communities.

The Board recommended allocating \$2 million in funds to start up the phased-in program, and recommended \$12.5 million annually to operate the program. As of September 2020, the county of Los Angeles has allocated [\\$8.7 million](#) for tenant representation, and the city of Los Angeles has set aside \$10 million.

### ***Rochester, NY***

In August 2020, the city of Rochester established a [\\$1 million](#) right to counsel program for low-income tenants facing eviction. Rochester's new right to counsel [program](#) allows for \$460,000 of federal COVID-19 pandemic relief funds to be allocated for tenant representation. The program was started by a coalition of nonprofit legal services organizations, including Legal Services of Monroe County, the Legal Aid Society of Rochester, and Legal Assistance of Western New York. This pilot program was set to run until June 30, 2021, but with \$3.5 million in additional funding allocated to cities in upstate New York to help tenants in need of legal assistance, the Tenant Defense Project is [likely to continue](#).

### ***Houston, TX***

The pandemic pushed Houston into a housing crisis like many other cities across the nation. In response, Lone Star Legal Aid partnered with Harris County and the city of Houston to implement a pilot program defending tenants' right to counsel called the [Eviction Right to Counsel Project](#). The program is also assisted by groups of pro bono attorneys and other eviction defenders, including Houston Volunteer Lawyers, South Texas College of Law, Thurgood Marshall School of Law's Earl Car Institute, and the University of Houston Law Center. Beginning in September 2020, the Eviction Right to Counsel Project provides anyone who

qualifies under Lone Star Legal Aid’s guidelines to receive full representation and legal services in eviction cases.

### ***Santa Monica, CA***

In April 2021, the Santa Monica City Attorney’s Office [partnered](#) with the non-profit law firm Legal Aid Foundation of Los Angeles (LAFLA) to launch Santa Monica’s pilot Right to Counsel project. Tenants in Santa Monica will have access to an attorney in eviction cases if their household income is at or below 80 percent of the county’s median income. The pilot project is expected to [cost](#) \$1 million per year and intends to help tenants as they combat a wave of evictions that are likely to occur when the last of the eviction moratoriums expire.

### **Conclusion**

The cities spotlighted here are just some of the locations around the country where the right to counsel movement is flourishing. For example, [Detroit](#) held the Detroit Eviction Right to Counsel [Summit](#) in March 2019 to advocate for a right to counsel for low-income tenants. In addition, movements for statewide right to counsel continue to grow. In October 2020, the governor of Massachusetts announced a statewide pilot [program](#) guaranteeing the right to counsel for all tenants, providing more than \$8 million for full representation of tenants, \$100 million in rental assistance, and more than \$48 million for rehousing of evicted tenants. [Nebraska](#), [South Carolina](#), [New Jersey](#), [New York](#), [Massachusetts](#), and [Minnesota](#) are also following this lead and examining the issue of the right to counsel in housing matters, proposing statewide bills addressing the issue. More information is available from the [National Coalition for a Civil Right to Counsel](#) and its coordinator, [John Pollock](#).

It could be years or even decades before the [paradigm shifts](#) to guarantee the right to counsel in housing across the United States. If the vanguard of this movement is any indication, pro bono attorneys will play a critical role in these efforts, providing representation to tenants facing eviction, drafting legislation to secure the right, researching legal questions to support the community advocates, and piloting programs to provide pro bono legal representation.

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