



The Eviction Crisis

A Solution Through the American
Recovery Plan Act



Overview


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The CDC's eviction moratorium

- **The moratorium has had a substantial effect.**
 - 1.55 million fewer eviction cases were filed nationwide in 2020.
 - In Florida, over 45,000 evictions were filed during the pandemic.
 - Expires July 1st



Florida Department of Children and Families Secretary Chad Poppell listens to Gov. Ron DeSantis during a discussion regarding mental health at the downtown Tampa Firefighter Museum on Friday, Dec. 11, 2020. [IVY CEBALLO | Times]

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- **When the eviction moratorium expires July 1st**
 - Loss of protections
 - Cases averted might be filed
 - eviction cases that were averted in 2020 may be filed, and with significant amounts of back rent due
 - Challenge distributing \$50 billion in funds
 - delays are due to the fact that states are figuring out how to distribute an unprecedented amount of money.



Facing eviction without a lawyer

Applying the merits of Gideon to
civil eviction cases




Facing eviction without a lawyer

- An estimated 90 percent of landlords have legal representation, while only 10 percent of tenants do
 - Lawyers on both sides ensure that the process is fair
- Evictions are part of a broader lack of civil legal representation
 - litigants in civil matters do not have the same guarantee of legal representation—even when something as vital as their housing is on the line.



How does an eviction affect someone's life?

- Renting after an eviction
- Homelessness
- Mental Health
- Worse outcomes for children



Immediate solution built into the American Rescue Plan Act

9. What types of services are eligible as responses to the negative economic impacts of the pandemic?

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; **counseling and legal aid to prevent eviction or homelessness**; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.



Emergency Rental Assistance Program (ERA)

23. The Act allows for up to 10 percent of the funds received by a grantee to be used for housing stability services related to the COVID-19 outbreak intended to keep households stably housed. What are some examples of these services?

Housing stability services related to the COVID-19 outbreak include those that enable eligible households to maintain or obtain housing. Such services may include housing counseling, fair housing counseling, case management related to housing stability, housing related services for survivors of domestic abuse or human trafficking, attorney's fees related to eviction proceedings, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing. Grantees using ERA funds for housing stability services must maintain records regarding such services and the amount of funds provided to them.



Our Proposal: Creation of Tenants' Right to Counsel Ordinance in Eviction Cases in Lake Worth Beach


Using funds from the American Rescue Plan Act, that fit within the guidance of the federal government, our proposal would:

- Establish access to an attorney as a *right* in eviction cases
- Guarantee legal representation by not-for-profit legal service providers with expertise in housing law
- Cover residential tenants who make up to 80% of AMI in all types of rental housing
- Cover all evictions and all eviction-related cases
- Fund outreach




Benefits

1. Prevent as many evictions as possible when the COVID-19 eviction moratorium is lifted
2. Increase the likelihood that a tenant will stay housed
3. Increase the likelihood a landlord will get paid
4. Reduce the downstream costs of homelessness to residents, service providers, and the city



Why do we need money to go to lawyers instead of going to rental assistance?

1. Rental assistance AND legal services are both essential tools in preventing displacement and potentially keeping people housed.
2. Once the legal process of eviction has been initiated by a landlord, tenants need resources, including legal representation, to navigate the legal process.
3. Rental assistance does not guarantee that a landlord will not still pursue an eviction.
4. There is no law that requires the landlord to accept rental assistance.



Cities and States that have implemented Right to Counsel

<u>Cities</u>	<u>Cities</u>	<u>States</u>
New York City	Denver	Washington
San Francisco	Baltimore	Connecticut
Newark, N.J.	Louisville	Maryland
Cleveland	Seattle	
Philadelphia	Rochester, N.Y.	
Boulder, CO		