

Tenants' Right to Counsel

Creation of city-funded tenants' right to counsel in eviction cases in Lake Worth Beach through the American Rescue Plan.

Eviction



Eviction causes a family to lose their home. They often are also expelled from their community and their children have to switch schools. Families regularly lose their possessions, too, which are piled on the sidewalk or placed in storage, only to be reclaimed after paying a fee. A legal eviction comes with a court record, which can prevent families from relocating to decent housing in a safe neighborhood, because many landlords screen for recent evictions. Studies also show that eviction causes job loss, as the stressful and drawn-out process of being forcibly expelled from a home causes people to make mistakes at work and lose their job. Eviction also has been shown to affect people's mental health: one study found that

mothers who experienced eviction reported higher rates of depression two years after their move. The evidence strongly indicates that eviction is not just a condition of poverty, it is a cause of it.¹

¹ <https://evictionlab.org/why-eviction-matters/#eviction-impact>

Imbalanced Court

When it comes to evictions, tenants are set up to fail. In eviction lawsuits nationwide, an estimated **90 percent of landlords** have legal representation, while only **10 percent of tenants** do. Without representation, the majority of tenants lose their cases and are ultimately evicted.

One Solution: Tenants' Right to Counsel (RTC)

The American Rescue Plan Act, signed by President Biden, allows for funds over the next four years to be spent on nonprofits such as legal aid. A sliver of this money will provide free legal representation for residents of Lake Worth Beach in eviction cases.

Proposal

Right to counsel legislation represents a meaningful step towards reducing evictions and housing instability.

Even before the pandemic, across the country, cities that implemented right to counsel legislation have seen a substantial reduction in evictions. Now, in the face of an eviction crisis, the American Rescue Plan allows up to 10 percent of the funds to be spent to “enable eligible households to maintain or obtain housing ... [such as] attorney’s fees related to eviction proceedings.”

Using funds from the American Rescue Plan, 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, including administrative hearings
- Fund outreach

For more information visit [LWtenants.org](https://lwtenants.org)