

# / Housing Justice Program

## NATIONAL NEEDS ASSESSMENT 2023

### Introduction

Launched in 2019, the Equal Justice Works [Housing Justice Program](#) trains and mobilizes lawyers, community organizers, and law students to advance the rights of tenants and build momentum to achieve systems-level reforms. The lawyers and organizers spend two years working with established nonprofit organizations as Fellows. They provide representation to tenants who would otherwise face legal proceedings alone, engage in high impact litigation, conduct education and outreach in the community, mobilize tenants to demand systemic change, and advocate for policies and practices that protect and advance the rights of tenants. Law students support these activities in the summer, building skills for future careers in public service.

In May 2023 Equal Justice Works conducted a legal needs assessment with the objective of understanding the capacity of community-based organizations to meet the legal needs of low-income communities affected by evictions and involuntary displacement across the country. The information provided in this needs assessment will help to inform strategic expansion of the Housing Justice Program (HJP) to different jurisdictions across the country. The Needs Assessment was distributed through SurveyMonkey to more than 300 partners nationally and 92 unique organizations submitted responses.

This report provides a summary analysis of the collected data based on the number of responses submitted for each question.

### Key Highlights

- **75% of respondents** are at legal services organizations. Other respondents are from universities, social services organizations, and shelters.
- **76% of respondents** indicated that their service area **does not** have adequate access to free or affordable legal services related to housing stability.
- **93% of legal services respondents** indicated that their organization **does not** have the capacity to serve all eligible individuals seeking services for housing and eviction related issues.<sup>1</sup>

---

<sup>1</sup> n = 74

- **93% of legal services organizations and eligible respondents** are interested in and have the capacity to host an Equal Justice Works HJP Attorney Fellow.<sup>2</sup>
- **80% of respondents** are interested in and have the capacity to host an Equal Justice Works HJP Organizer Fellow.<sup>3</sup>
- **87% of respondents** are interested in hosting an Equal Justice Works HJP summer law student.<sup>4</sup>

## Contents

<b>Respondent Overview</b> .....	<b>3</b>
Geography.....	3
Organization Type.....	3
<b>Housing Services</b> .....	<b>5</b>
Emergency rental assistance.....	6
Eviction Right to Counsel .....	7
<b>Attorneys &amp; Capacity</b> .....	<b>9</b>
Meeting Demand .....	9
Recruitment & Retention of Housing Attorneys.....	10
Legal Technology.....	11
<b>Organizers &amp; Advocacy</b> .....	<b>12</b>
<b>Opportunities for Equal Justice Works</b> .....	<b>13</b>
Interest from Potential Host Organizations.....	13
Building a Pipeline of Dedicated Housing Attorneys .....	13
Technology.....	13

---

<sup>2</sup> n = 68, excludes organizations ineligible to host attorney Fellows

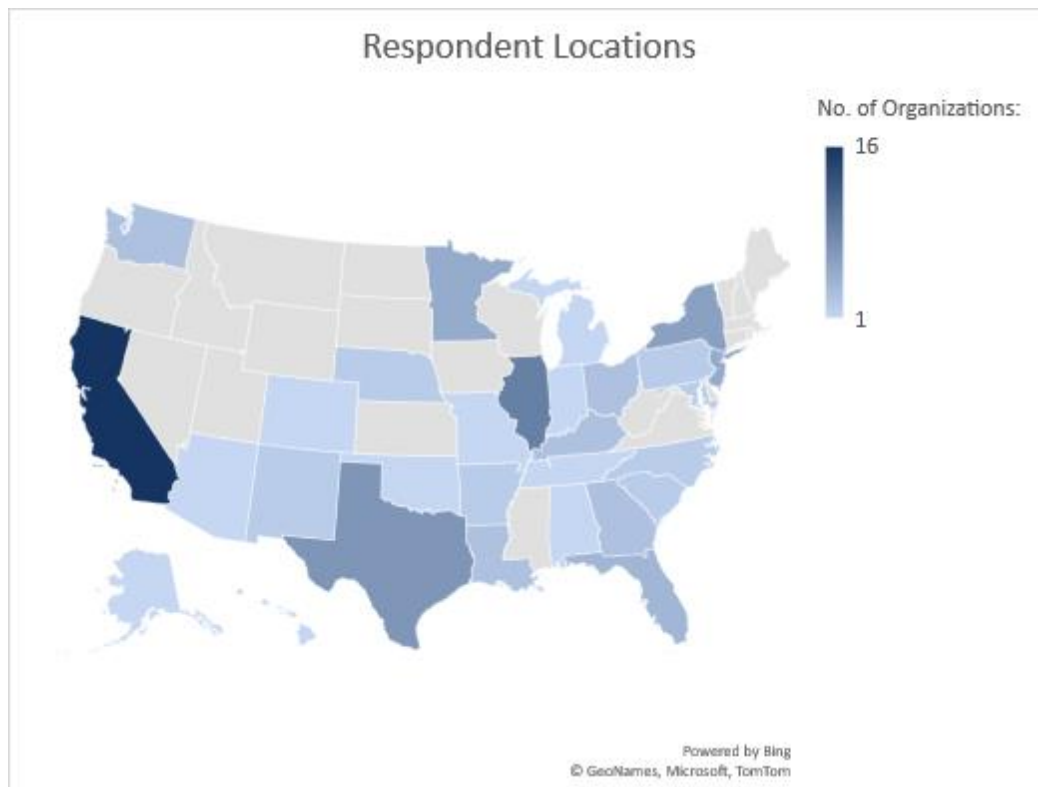
<sup>3</sup> n = 79

<sup>4</sup> n = 79

## Respondent Overview

### Geography

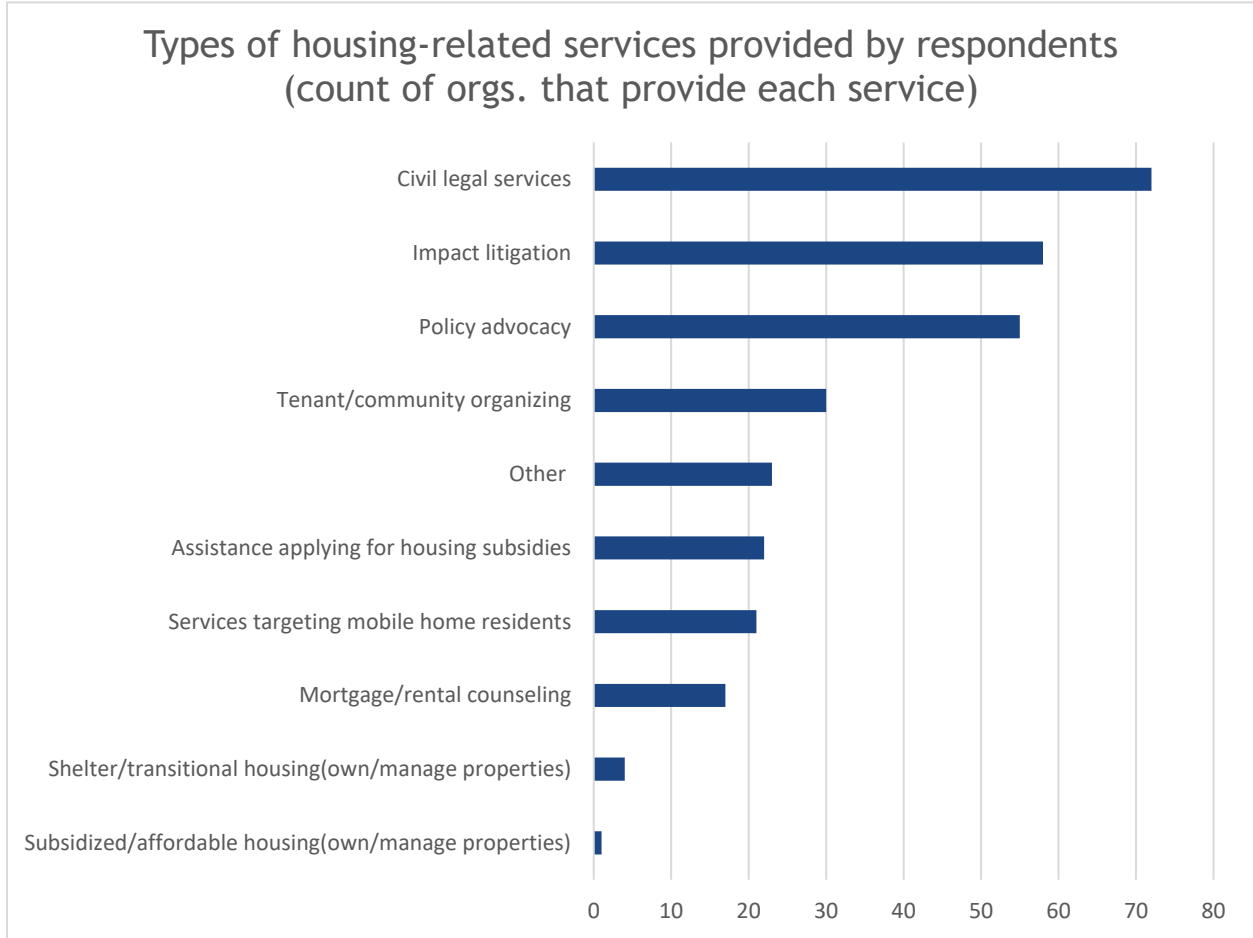
Ninety-two unique organizations submitted responses to the needs assessment survey from across 29 states and the District of Columbia. Respondents are concentrated in California (16 organizations), Illinois (9 organizations), Texas (7 organizations), New York (6 organizations), Minnesota (5 organizations), and New Jersey (5 organizations).



### Organization Type

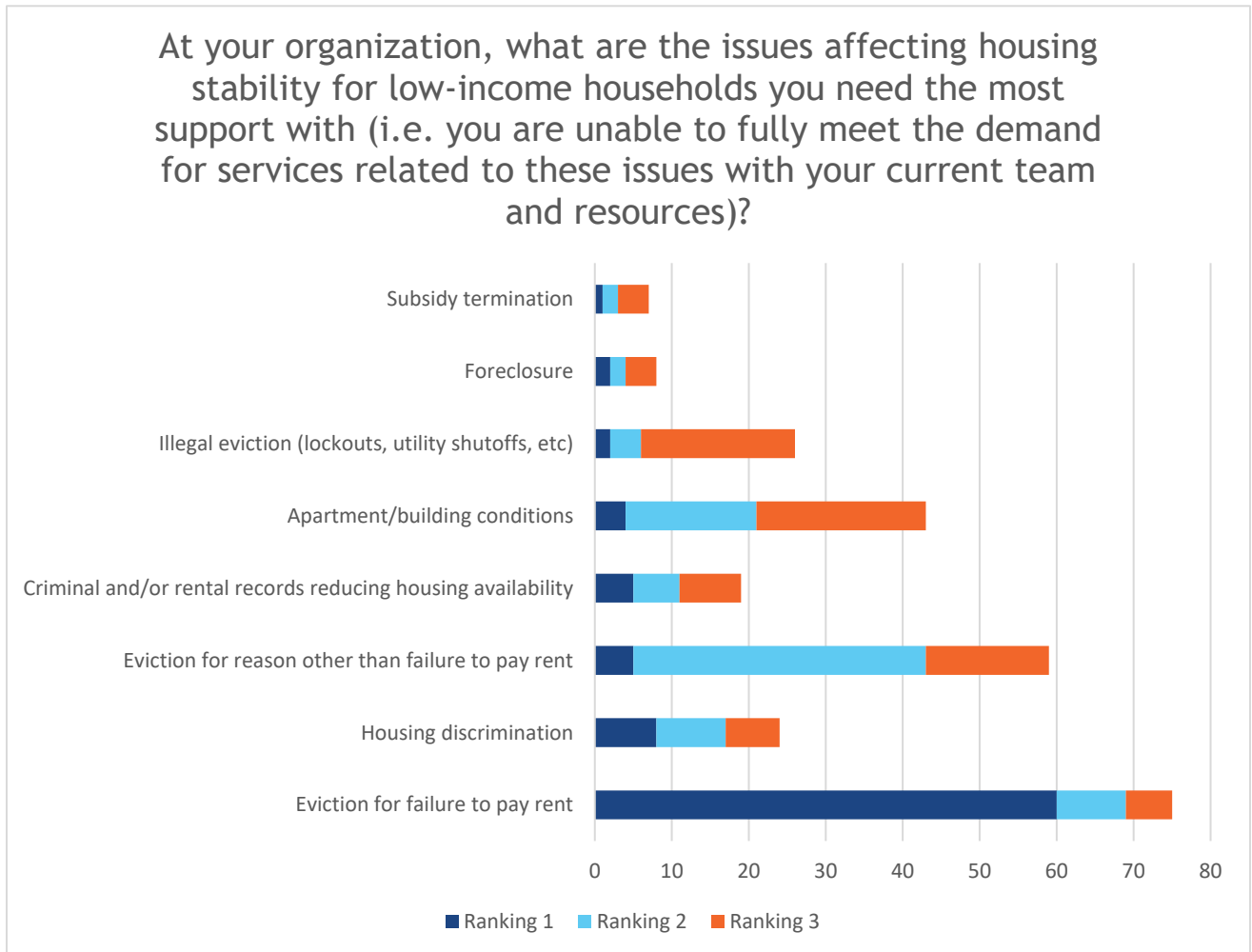
While 75% of respondents are legal services organizations, 8% are universities or colleges, 2% are research institutions, 11% are social services organizations, and 14% are other organizations like advocacy organizations, local government, a labor federation, and a HUD approved counseling center.

The respondents provide a variety of housing-related services in addition to civil legal services. After legal assistance, the top activities performed by respondents are impact litigation, policy advocacy, tenant organizing, and assistance applying for housing subsidies.

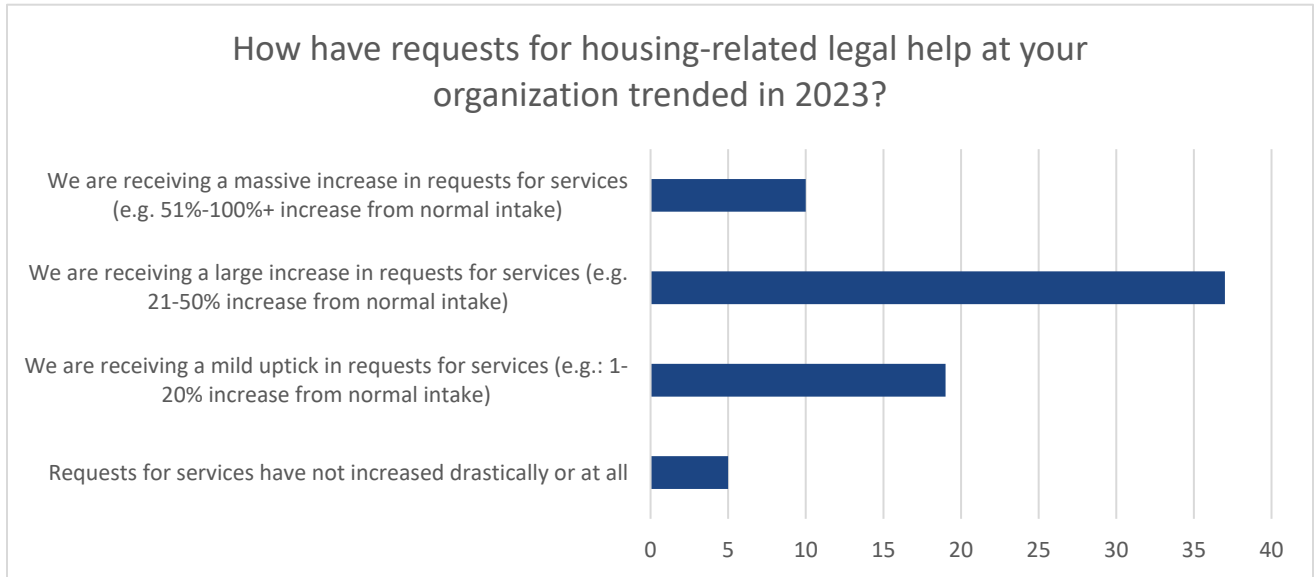


## Housing Services

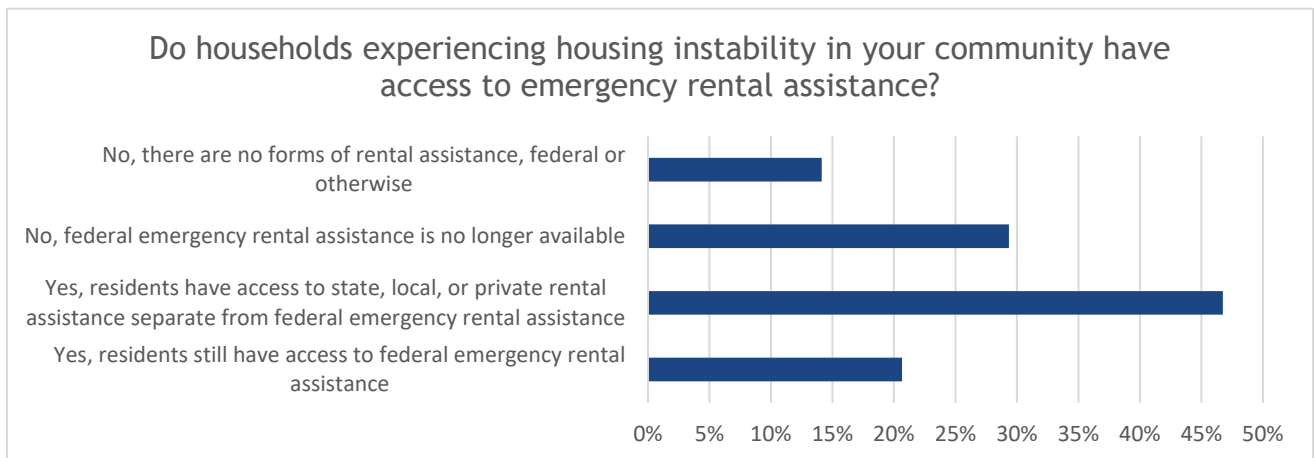
The respondents were asked to rank the top three issues affecting housing stability for low-income households which they are unable to adequately address. “Eviction for failure to pay rent”, “housing discrimination”, “rental records reducing housing availability”, and “eviction for reason other than failure to pay rent” are the top issues based on demand.



We also asked how housing related requests trended so far in 2023. **Forty-five percent of respondents indicated that they are receiving a large increase in requests for services (21-50% increase from normal intake)**, 23% indicated that there has been only a mild uptick in requests for services (1-20% increase from normal intake), and **12% reported a massive increase in requests for services (51%-100%+ increase from normal intake)**.<sup>5</sup>



### Emergency rental assistance

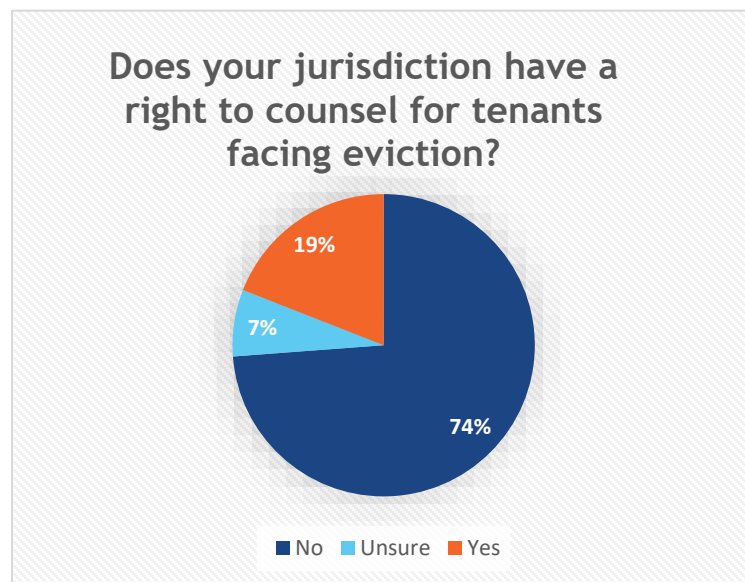


<sup>5</sup> n = 87

Only 6% of legal services respondents reported no notable increase in requests for housing-related services. This finding is consistent with our expectations, as pandemic-era protections have expired and Emergency Rental Assistance (ERA) has been depleted. Eviction Lab [reports](#) that eviction filings were close to pre-pandemic levels in 2022. As eviction filings rise, most tenants no longer have access to federal emergency rental relief: only 21% of respondents reported that residents still have access to ERA funds. Simultaneously, increasing rent prices and record-breaking inflation further [undermined housing stability](#) for low-income renters in 2022.

### Eviction Right to Counsel

In the wake of pandemic, a growing number of jurisdictions are adopting forms of a right to counsel in evictions cases to address the growing number of households at risk of eviction. There is a significant power imbalance in civil eviction cases when it comes to attorney representation: based on [existing studies](#), only 3% of tenants have representation in court, compared to 81% of landlords. Thus, a right to counsel in eviction cases can help close the justice gap by mandating free representation for low-income tenants.



Only seventeen respondents reported that their jurisdiction has a right to counsel in eviction cases. The chart below shows the status of eviction right to counsel in the top nine states served by respondents. Most of the responses submitted were from states listed in the chart below who indicated interest in hosting Equal Justice Works HJP Fellows.

State	# of organizations/respondents	Right to Counsel Status <sup>6</sup>
California	16	2018: San Francisco 2021: RTC Pilot Program in Santa Monica
Florida	5	No RTC
Illinois	10	No RTC
Louisiana	4	2022: New Orleans, LA
Minnesota	4	2023: Statewide
New York	7	2023: New York City, Westchester County
New Jersey	5	2018: Newark, NJ 2021: RTC Pilot Program in Mercer County, Essex County, and Atlantic County
North Carolina	4	No RTC
Texas	7	County Courts: Discretionary appointment of counsel

<sup>6</sup> [Interactive Map](#) | [Civil Right to Counsel](#) | [NCCRC](#)

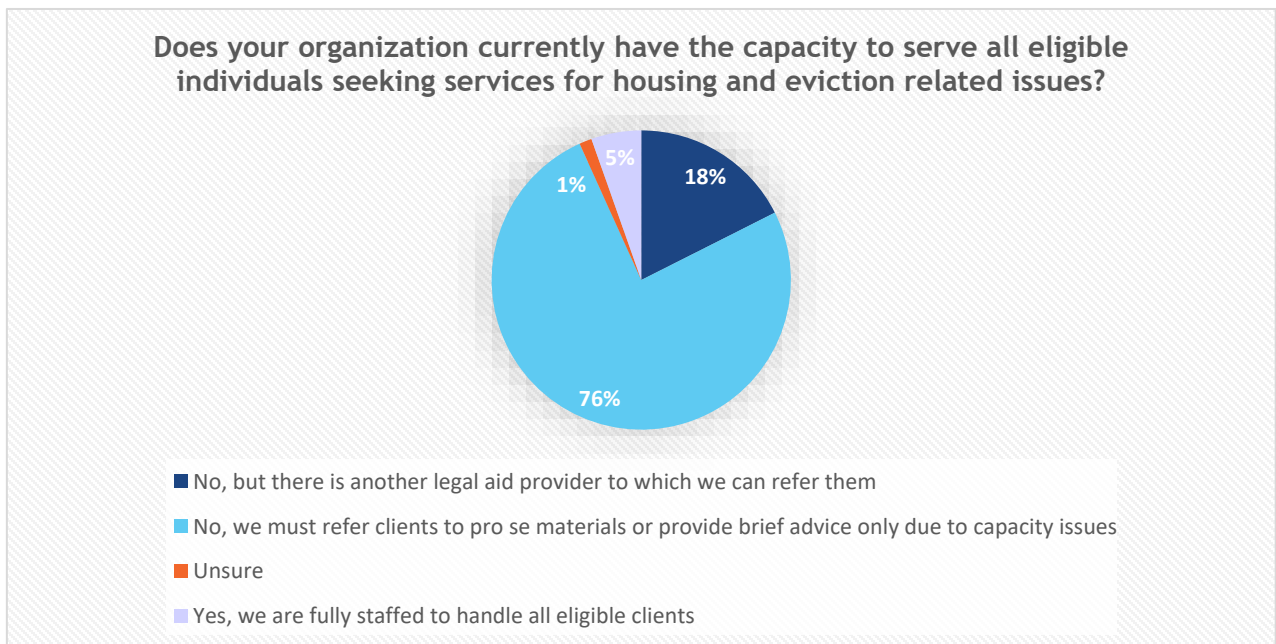
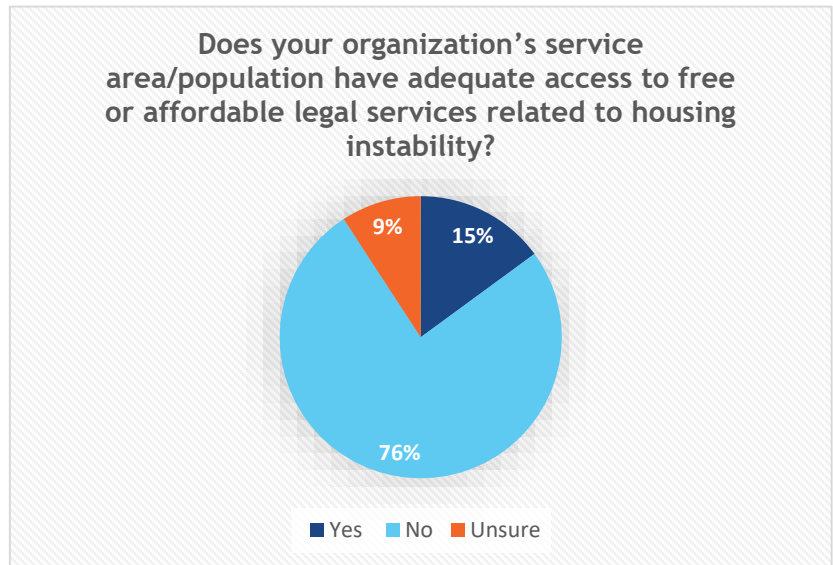
## Attorneys & Capacity

### Meeting Demand

Even in jurisdictions with a statutorily guaranteed eviction right to counsel, tenants may not be able to secure timely legal assistance if there are insufficient attorneys to meet the need.

**Seventy-six percent of the responding organizations indicated that their service area does not have adequate access to free or**

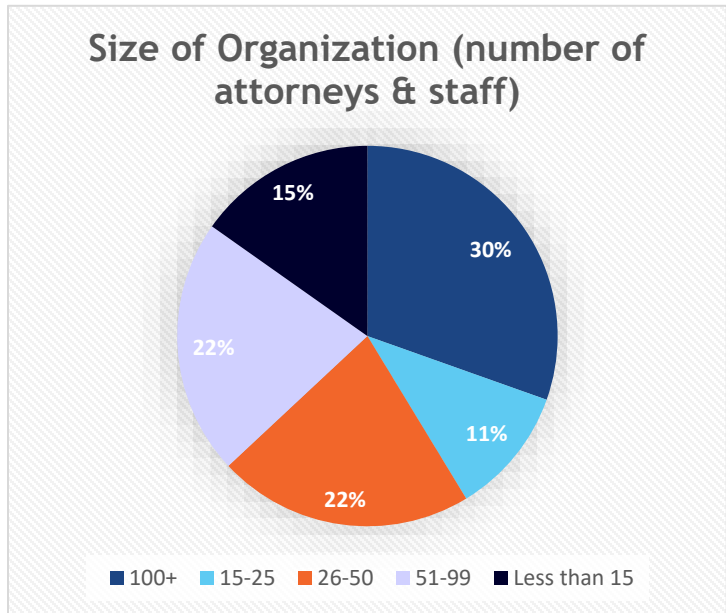
**affordable legal services related to housing instability.<sup>7</sup>** The vast majority of respondents do not have the capacity to serve all eligible individuals seeking representation for evictions from their organizations. **Ninety-three percent of legal services organizations report that they must refer some eligible clients to other providers, pro se materials, or provide limited-scope service only to meet the need in their service area.<sup>8</sup>**



<sup>7</sup> n = 87

<sup>8</sup> n = 74

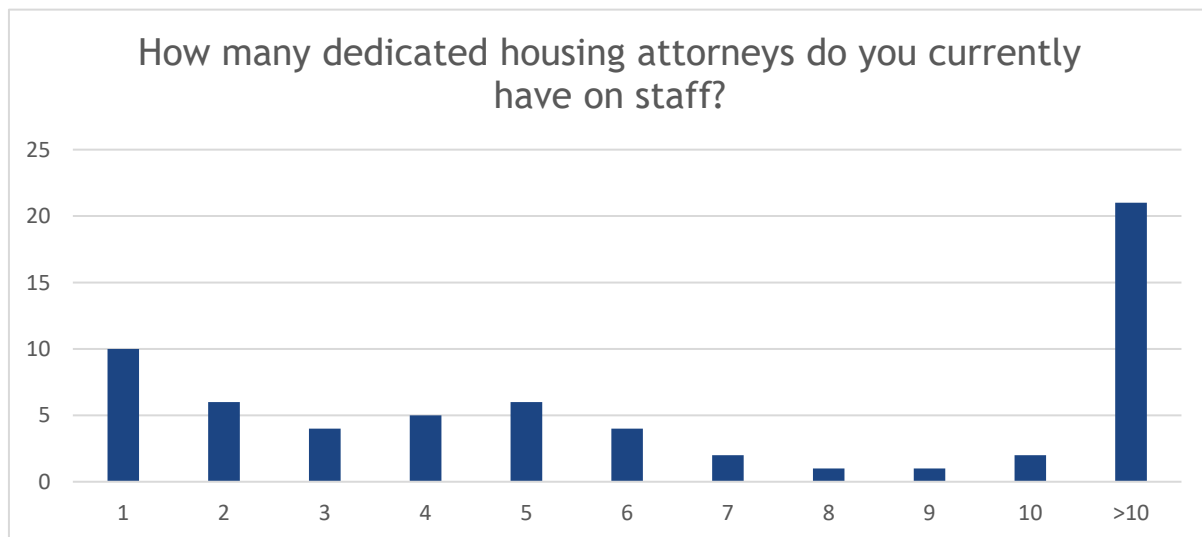
Respondents provided illustrative comments related to capacity issues at their organizations. One legal services organization in Minnesota explained they can only provide brief advice due to extremely high client volume and long response time. A tenant organization in New York refers clients to the local Legal Aid Society, but they only have one attorney. Another legal services organization in California has 300 attorneys on staff. However, there are no staff attorneys currently focused on eviction cases.



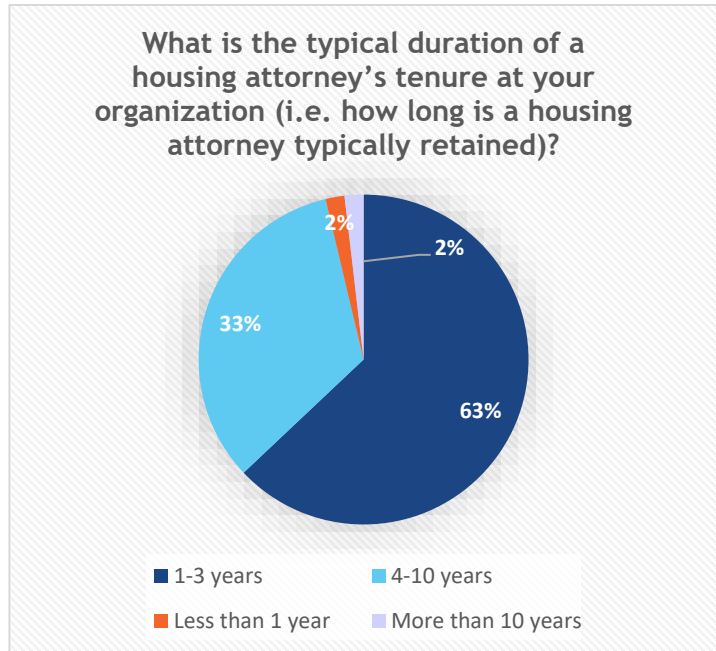
Acknowledging this problem, they are now seeking to hire more attorneys to specifically focus on housing advocacy.

#### Recruitment & Retention of Housing Attorneys

Most legal services organizations have only one dedicated housing attorney. Only 21 respondents report having more than 10 housing attorneys. These housing attorneys maintain a caseload between five and 60 cases and may take on as many as 1,000 cases a year.

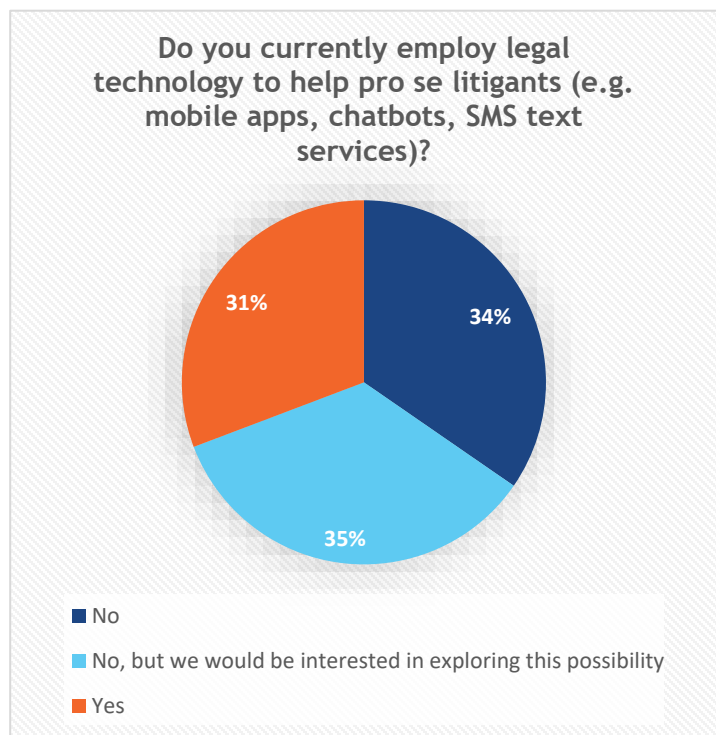


To manage the caseloads, most respondents have sought to increase the number of housing attorneys on staff since the pandemic. Seventy-five percent of respondents note an increase in the number of full-time housing attorney positions at their organizations since 2020.<sup>9</sup> However, recruitment and retention are a challenge for some organizations. Thirty-five percent of respondents reported it typically takes 4-6 months to recruit a housing attorney and 10% reported it takes 7-9 months.<sup>10</sup> Once hired, respondents indicated housing attorneys only typically stay for 1-3 years.



### Legal Technology

To address the gap between the need for housing-related legal services and the capacity to provide representation, 31% of respondents employ legal technology such as mobile apps, chatbots, and SMS services to assist pro se litigants. Thirty-five percent of respondents indicated an interest in using legal technology in the future. One legal aid organization in Michigan stated their intention to develop their own technology. An organization in Tennessee helped create a statewide renter defender bot for a local legal services organization.

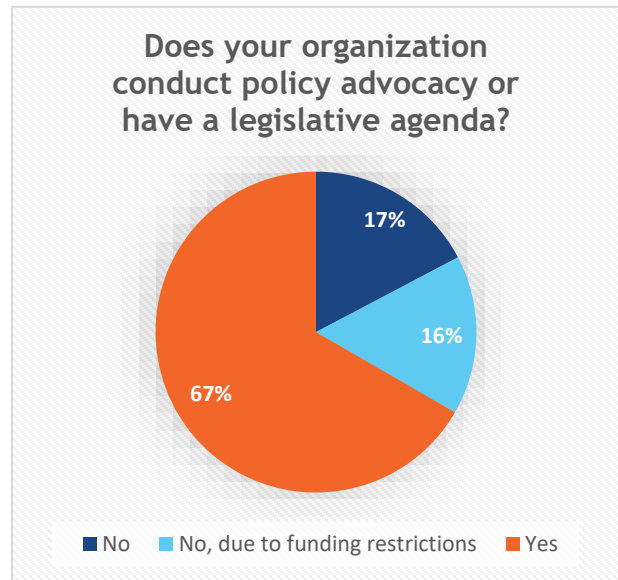
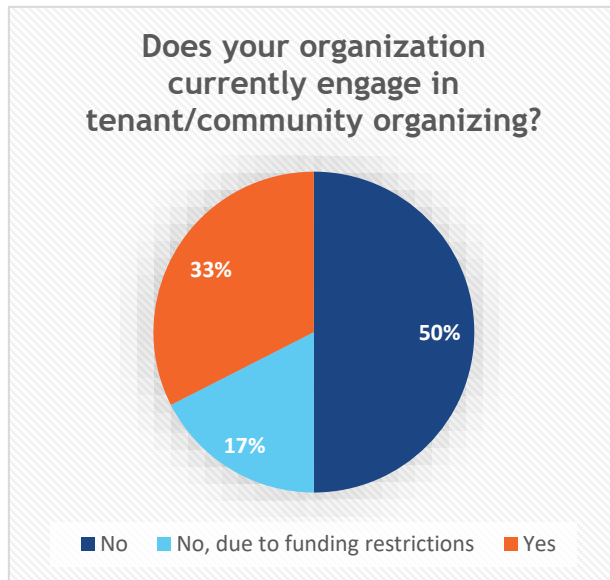


<sup>9</sup> n = 65

<sup>10</sup> n = 62

## Organizers & Advocacy

The Housing Justice Program mobilizes attorneys and community organizers to work collaboratively to provide free civil legal assistance to low-income tenants. Community organizers play a critical role in connecting community members with legal services and advocating for tenant protections. Based on the responses displayed below, 33% of organizations currently engage in tenant/community organizing and 67% participate in policy advocacy.<sup>11</sup>



Of the organizations with a legislative agenda, the most common policies advocated for are right to counsel, just cause protections, and emergency rental assistance. Other policies respondents raised are eviction expungement and record sealing, land use, pay to stay, banning source of income discrimination, court-based eviction diversion, reform of appeal bond requirement, protection against junk fees, winter eviction moratorium, tenant opportunity to purchase, right to tenant union, clean hands eviction, and comprehensive housing plans.

---

<sup>11</sup> n = 81

## Opportunities for Equal Justice Works

### Interest from Potential Host Organizations

In the survey we asked organizations about housing needs within their communities. Based on the results, it is evident that there is a significant need for support advancing housing justice for low-income households through Equal Justice Works Housing Justice Program. Placing HJP attorneys and organizers can help increase the capacity of these organizations to effectively serve their communities. Sixty-three respondents have expressed their interest in hosting Equal Justice Works HJP Attorney Fellows and Organizer Fellows, and 69 organizations expressed interest in hosting Equal Justice Works HJP law student Fellows.

### Building a Pipeline of Dedicated Housing Attorneys

Thirty-five percent of respondents reported it typically takes 4-6 months to recruit a housing attorney and 10% reported it takes 7-9 months. Once hired, respondents indicated housing attorneys typically only stay for 1-3 years. Additional responses expanding on recruitment indicated that hiring challenges vary depending on location and experience required for the position.

Equal Justice Works can support the pipeline by:

- Recruiting Fellows from our membership network of more than 180 accredited law schools.
- Leveraging the expertise of our network of more than 2,500 fellowship alumni.
- Fostering commitment to public interest law and housing law.
- Supporting new supervising attorneys.

### Technology

To address the gap between the need for housing-related legal services and the capacity to provide representation, 31% of respondents employ legal technology such as mobile apps, chatbots, and SMS services to assist pro se litigants. By teaming up with Equal Justice Works alumni at Access to Justice labs, HJP can expand and improve legal technology employed by host organizations.

If you or your organization are interested in lending support to expand the Housing Justice Program to meet the community needs highlighted in this report, please contact us at [housingjustice@equaljusticeworks.org](mailto:housingjustice@equaljusticeworks.org).