

# **The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**

December 1, 2022

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# Section I-Stout Profile and Qualifications

1. Stout Risius Ross, LLC (Stout) is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout’s professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.
2. Under the direction of Neil Steinkamp, who leads Stout’s Transformative Change Consulting practice, Stout is a recognized leader in the civil legal services community and offers the following services:
  - Economic impact assessments and policy research for civil legal services initiatives
  - Strategy consulting and action plan development for issues relating to access to justice
  - Non-profit budget development, review, and recommendations
  - Cost-benefit and impact analyses for non-profit initiatives and activities
  - Data-driven program evaluation and implementation
  - Dispute consulting and damages analyses for low-income individuals.
3. Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments. Mr. Steinkamp also has premier experiencing with housing related issues, including eviction. He has authored numerous economic impact studies on providing low-income tenants with attorneys in eviction proceedings, one of which assisted in the passing of New York City’s historic right to counsel law. Mr. Steinkamp also currently serves as the court-appointed Independent Data Analyst in *Baez v. New York City Housing Authority* overseeing NYCHA’s compliance with the timely remediation of mold and leak work orders.
4. In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimates of how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, The New York Times, The Washington Post, CNBC, Reuters, Forbes, Politico, and Bloomberg, and was referenced in the Centers for

Disease Control and Prevention September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an [Eviction Right to Counsel Resource Center](#) which includes Stout's eviction cost-benefit analyses as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation.

5. Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, and strategic action planning. Neil is currently serving as the evaluator of eviction right to counsels in Cleveland, Milwaukee, Connecticut, and Maryland. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations or government agencies in Baltimore, Delaware, Detroit, Newark, Pennsylvania, New York City, Philadelphia, Los Angeles, and New York (outside of New York City) and is currently conducting eviction-related analyses in Chicago and Atlanta. Following the release of Stout's reports in Baltimore, New York City, Philadelphia, and Detroit eviction right to counsel legislation was enacted. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, rental property owners, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.

## Section II-Executive Summary

292% - The estimated economic benefits of an eviction right to counsel for tenants in South Carolina is 292% greater than the estimated costs of providing representation. For every dollar invested in an eviction right to counsel for tenants facing eviction in South Carolina, Stout conservatively estimates an economic benefit to South Carolina of at least \$2.92. Significant additional cost savings are likely to be recognized by cities and counties throughout South Carolina without any incremental investment.

6. Stout was engaged by the American Civil Liberties Union of South Carolina (ACLU-SC) to analyze the cost and benefits associated with an eviction right to counsel for income-eligible tenants in eviction proceedings in South Carolina and the cost savings that South Carolina may realize by enacting such a right.

#### *Key Findings*

7. With an annual investment of approximately \$7.2 million in an eviction right to counsel, South Carolina may recognize economic benefits of at least an estimated \$21 million. For every dollar South Carolina invests in providing free representation to eligible tenants through an eviction right to counsel, the state may reduce social safety net responses to disruptive displacement<sup>1</sup> or realize additional economic value of at least \$2.92.
8. Additional social safety net responses to disruptive displacement may be funded by cities and/or counties throughout South Carolina. Stout did not quantify these cost savings, but there would certainly be city and/or county social safety net cost savings if an eviction right to counsel were implemented in South Carolina. These city and/or county social safety net cost savings would be realized without additional investment and would be in addition to the amounts calculated herein. For example, Stout's cost-benefit analysis of an eviction right to counsel in Baltimore quantified potential cost savings to Baltimore and Maryland. Stout's estimated return per dollar invested to Baltimore in an eviction right to counsel in Baltimore was at least \$3.06, and the return per dollar invested to Maryland was at least \$3.18 for a total return per dollar invested of at least \$6.24. The return per dollar invested in Baltimore is comparable to Stout's estimated return per dollar invested in South Carolina. Given the comparability of returns on investment, it would be reasonable to

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<sup>1</sup> Stout uses the phrase "disruptive displacement" to capture outcomes of cases beyond "winning" and "losing." For example, there may be circumstances where tenants did not have a formal eviction warrant executed against them and therefore were not displaced but still have experienced disruption in their lives because of the eviction filing.

expect that cities and/or counties in South Carolina that fund social safety net responses to disruptive displacement would realize a similar return per dollar invested.

9. The impact of the pandemic also highlights the importance of an eviction right to counsel, perhaps particularly in South Carolina based on its high eviction filing rate (described herein). As a result of the pandemic, tenants with low incomes have and will become more economically and financially disadvantaged, more likely to miss one or more rent payments, and more likely to experience increasing pressure from rental property owners, who may also be experiencing economic and financial pressures of their own. In these circumstances, it is critically important for tenants with low incomes to remain in their homes or be connected to services that can assist with finding alternative safe, stable housing – both of which can be achieved by representation through an eviction right to counsel. In the face of pandemic-induced financial challenges for municipalities, an investment in an eviction right to counsel is fiscally prudent and will result in significant cost savings relative to the extraordinary costs that would be incurred to support South Carolina residents left to endure the trauma of the eviction process without the assistance of an attorney. Further, attorneys will be able to provide tenants with assistance in navigating complex rental assistance applications and systems. That is, an eviction right to counsel will likely improve the success of rental assistance programs in South Carolina.

#### *The Cost of an Eviction Right to Counsel*

10. Stout estimates the cost of a fully implemented eviction right to counsel in South Carolina to be approximately \$7.2 million annually. This includes personnel costs for the hiring of staff attorneys, supervising attorneys, paralegals, case managers, intake specialists, program administration, and outreach staff. This estimate also includes costs for facilities, technology, equipment, training, outreach, and other costs necessary to provide representation under an eviction right to counsel. Stout's analysis estimates that, at full implementation, approximately 6,500 income eligible<sup>2</sup> tenant households would be represented annually through an eviction right to counsel, resulting in a cost per case of approximately \$1,100 for those cases for which representation is provided. Stout's cost calculation for an eviction right to counsel includes only non-pay-and-stay, non-default cases where the tenant is income eligible and accepts the offer of representation.

#### *The Fiscal Benefits of an Eviction Right to Counsel*

11. With an annual investment of approximately \$7.2 million by South Carolina, the state could expect to receive a fiscal benefit of at least \$21 million annually. The fiscal benefits

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<sup>2</sup> Stakeholders in South Carolina determined income eligibility to be 125% of the Federal Poverty Guidelines.

are associated related to housing social safety net programs, health care, foster care, unemployment benefits, and retained federal funding for South Carolina public schools.

12. **Stout’s estimate of the annual fiscal benefits is likely significantly understated.** Included in the calculation are benefits of an eviction right to counsel that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, South Carolina would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout’s calculations. The costs that would be avoided and benefits that would be enjoyed by South Carolina (statewide and in individual cities/counties) include, but are not limited to:

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants’ credit score, ability to re-rent, and the potential loss of a subsidized housing voucher
- The cost of mental health care
- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- The cost of family, community, and neighborhood instability
- Preservation of financial and personal assets
- A reduction, over time, of the number of eviction cases filed resulting in improved use of South Carolina court resources.

#### *Efforts to Pass Eviction Right to Counsel Legislation*

13. For tenants facing eviction in cities across the country, having legal representation is often the difference between retaining housing and homelessness.<sup>3</sup> There are civil legal services providers and pro bono attorneys who often assist in eviction cases, but they are limited and constrained by a lack of resources and funding which results in only a small fraction of tenants obtaining representation; this constraint often does not exist for rental property owners.

14. With needs as important as housing, employment, family stability, education, and health at stake, many legal and community-based advocates seek a civil right to legal counsel,

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<sup>3</sup> Brey, Jared. “How Cities Are Trying to Level the Playing Field for Tenants Facing Eviction.” Spotlight on Poverty and Opportunity. October 18, 2017.

including in evictions.<sup>4</sup> They advocate that a right to counsel, like the right that exists in criminal proceedings in the United States, would ensure due process of law and fairness in an area of vital interest to tenants, their families, and society.<sup>5</sup> Both international and national organizations as well as state and local governments have made commitments to ensuring equal access to the law and legal services when necessary. Eighteen jurisdictions across the country – 3 states and 15 cities/counties have enacted eviction right to counsel legislation. Additional information about the advocacy and timelines associated with the eviction right to counsel legislation in these jurisdictions can be found in **Appendix A**.

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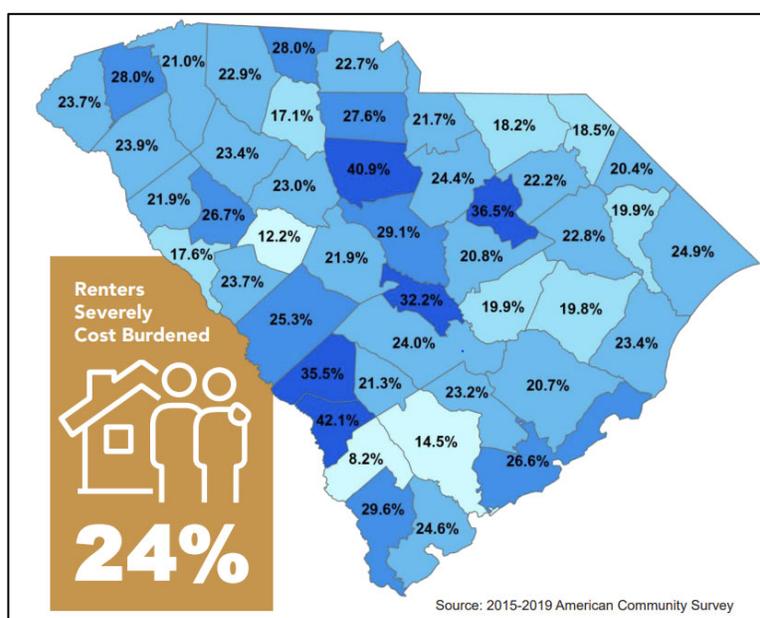
<sup>4</sup> Frankel, Martin, et al. “The impact of legal counsel on outcomes for poor tenants in New York City’s housing court: results of a randomized experiment.” *Law and Society Review*. 2001.

<sup>5</sup> *Ibid*.

## Section III-South Carolina Housing and Eviction Trends

*Affordable and Available Rental Housing in South Carolina*

15. In South Carolina, nearly one quarter of renters experience severe cost burden, spending more than half their gross income on rent.<sup>6</sup> Figure 1 shows the percentage of severely cost burdened renters by county. Across the state, approximately 142,000 households are severely cost burdened with approximately 18,000 living in Richland County. It is important to note that severe cost burden is prevalent in both urban and rural areas of South Carolina.



**Figure 1**

16. Two factors contributing to the housing crisis in South Carolina are affordability and availability of rental housing. In 87% (40 out of 46) of counties, South Carolina renters do not earn enough to afford a two-bedroom apartment.<sup>7</sup> To afford a two-bedroom apartment without paying more than 30% of their gross income in rent, South Carolina renters must earn \$17.30 per hour while the statewide average hourly rate is \$13.52.<sup>8</sup> South Carolina is 1 of 5 states that have not adopted a state minimum wage and therefore use the federal minimum wage of \$7.25.<sup>9</sup> The number of available rental units at affordable monthly rates (i.e., not exceeding 30% of gross income) is significantly constrained in South Carolina, particularly for renters with the lowest of incomes. Figure 2 shows the number of affordable and available rental units per 100 households in South Carolina at different income levels.<sup>10</sup> Unsurprisingly, there are more available housing units for households earning at least 80%

<sup>6</sup> “South Carolina Housing Needs Assessment.” SC Housing. 2021.

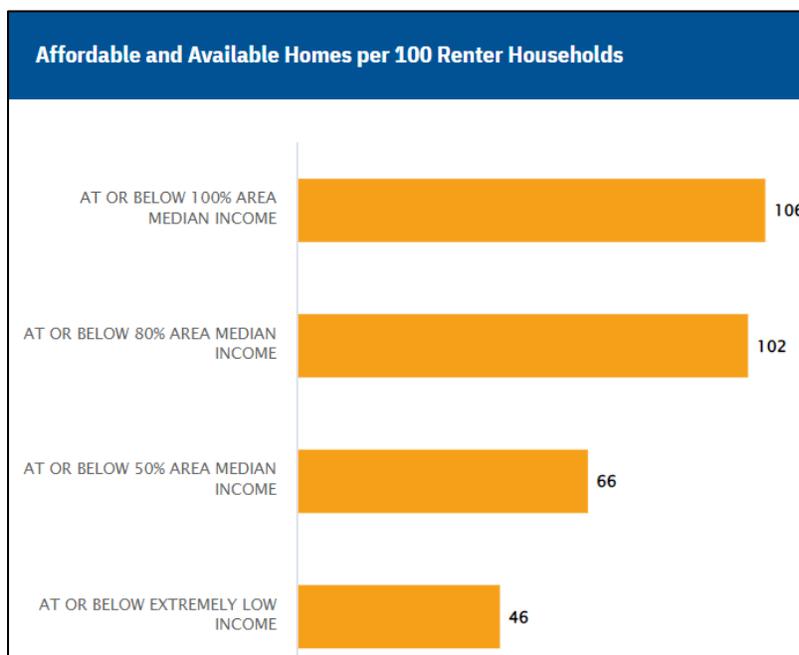
<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> “State Minimum Wages.” National Conference of State Legislatures. August 2022.

<sup>10</sup> <https://nlihc.org/gap/state/sc> using American Community Survey (ACS) and ACS Public Use Microdata Sample (PUMS).

of the area median income (AMI) compared to households earning 50% or less of the AMI. Figure 2 shows a small surplus of available housing units for households earning 80% of the AMI or less (102 units per 100 renter households) and for households earning 100% of the AMI (106 units per 100 renter households).



**Figure 2**

17. Renter households with incomes at or below extremely low income (0%-30% of AMI) have access to the fewest affordable and available rental units. The gap in affordable and available rental units exists in both the private market and across public housing/properties with federal affordability restrictions. While there are more than 72,000 subsidized housing units in South Carolina, this represents only 20% of the stock needed to provide affordable housing to South Carolina renters with low incomes.<sup>11</sup>
18. In addition to renter households experiencing cost burden and navigating a tight affordable housing rental market, they may find that the only available affordable housing has substandard conditions. Stout’s research and experiences in other jurisdictions indicate that living in substandard housing conditions can lead to eviction filings against tenants, specifically when the tenant attempts to withhold rent in an effort to compel the rental property owner to make repairs.
19. Every year, the United States Department of Housing and Urban Development (HUD) receives customized tabulations of American Community Survey (ACS) data and American Housing Survey data (AHS) from the United States Census Bureau. The datasets are used

<sup>11</sup> “South Carolina Housing Needs Assessment.” SC Housing. 2021.

by HUD to demonstrate the substandard living conditions, particularly those experienced by renter households with low incomes who are cost burdened.<sup>12</sup>

20. HUD defines households as having a “housing problem” if it experiences any of the following: (1) housing unit lacks complete kitchen facilities; (2) housing unit lacks complete plumbing facilities; (3) household is overcrowded (more than 1 person per room); or (4) household is cost burdened.<sup>13</sup> HUD’s definition for “severe housing problem” is the same as its definition for “housing problem” except the household is severely cost burdened.<sup>14</sup> Stout analyzed the 2015-2019 datasets used by HUD and found that approximately 45% of renter households in South Carolina have a “housing problem,” and 25% have a “severe housing problem.”

### *South Carolina’s Eviction Process*

21. South Carolina’s eviction process for non-payment of rent begins when the rental property owner notifies the tenant that they are late paying rent. Rental property owners are required to give tenants 5 days’ notice (i.e., notice period) before filing the eviction.<sup>15</sup> However, state law allows for the bypassing of the notice period if there is language in the lease indicating there is no notice period for the non-payment of rent.<sup>16</sup> After the 5-day notice period, the rental property owner can file an eviction at the local Magistrate Court for \$40, which is one of the lowest eviction filing fees in the country.<sup>17</sup>
22. Upon receiving the eviction complaint, the tenant has 10 days to respond.<sup>18</sup> If the tenant does not respond, a default judgment is entered against the tenant (i.e., “Finding for Plaintiff” disposition or “Default Judgment” disposition), and the rental property owner can request a writ of ejectment and proceed with removing the tenant from the unit.<sup>19</sup> In South Carolina, a significant number of eviction filings are settled or dismissed within the 10-day period tenants have to respond to the eviction filing.<sup>20</sup> The cases that are settled or dismissed before a hearing are often situations where the tenant pays the rental property owner the rent they owe, and the rental property owner stops pursuing the case (i.e., “pay

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<sup>12</sup> “Consolidated Planning/CHAS Data based on 2015-2019 ACS 5-year Estimates.” Office of Policy Development and Research. United States Department of Housing and Urban Development. September 9, 2022.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Magnuson, Ethan. “The Eviction Landscape in South Carolina.” University of South Carolina Scholar Commons, Senior Theses. Spring 2021.

<sup>16</sup> Ibid.

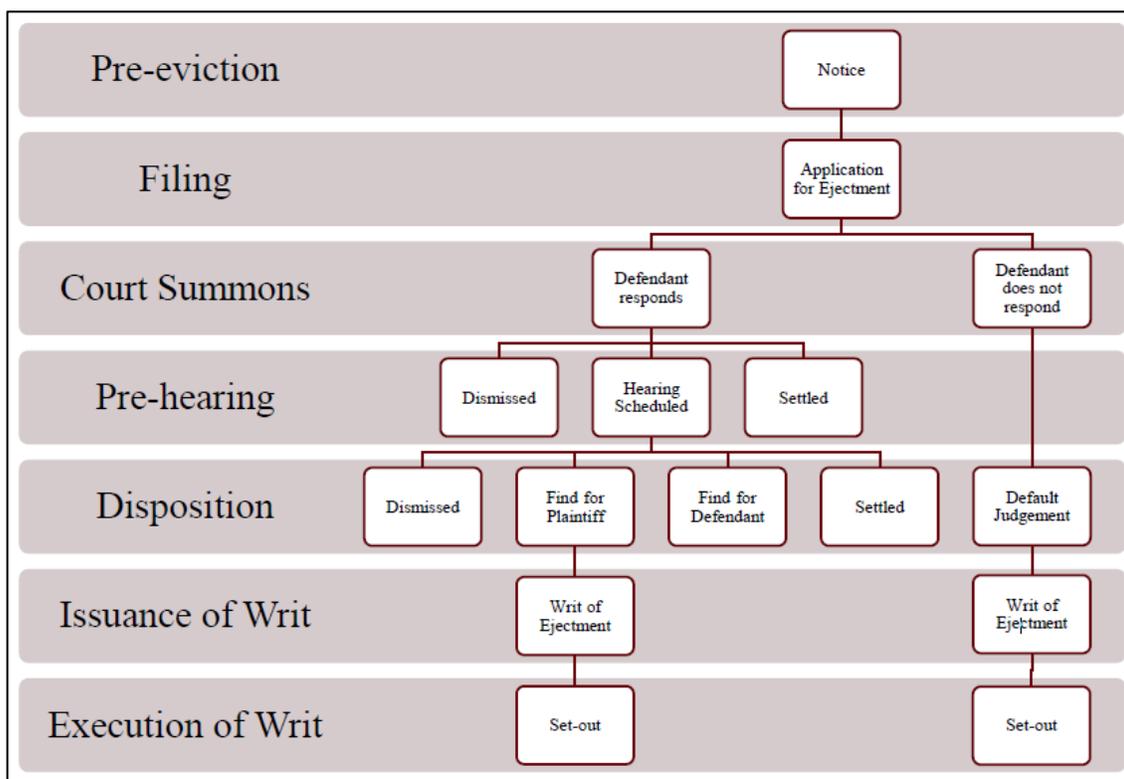
<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> The low eviction filing fee along with other landlord-tenant laws in South Carolina likely contribute to the significant number of settled or dismissed cases. See Leung, Lillian et al. “Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement.” Social Forces. 2021.

and stay”).<sup>21</sup> If both parties appear at the hearing, a judge will hear the case and rule either in favor of the rental property owner (i.e., “Finding for Plaintiff” dispositions) or the tenant (i.e., “Finding for Defendant”). When a Finding for Plaintiff disposition is entered, the rental property owner generally requests and is issued a Writ of Ejectment. The Writ of Ejectment can be executed, and the tenant can be removed from the unit by the sheriff.<sup>22</sup> Figure 3 depicts a simplified version of the eviction process in South Carolina.<sup>23</sup>



**Figure 3**

*Stout’s Analysis of South Carolina Eviction Filings*

23. Stout received data (“court docket data”) from South Carolina Court Administration for evictions filed between 2017 and 2021. Throughout this engagement, Stout sought feedback from local South Carolina eviction experts on how to interpret the data received from South Carolina Court Administration. These experts included members from the academic community studying evictions in South Carolina, civil legal aid providers, and representatives from the court system. The experts described the lack of uniform data

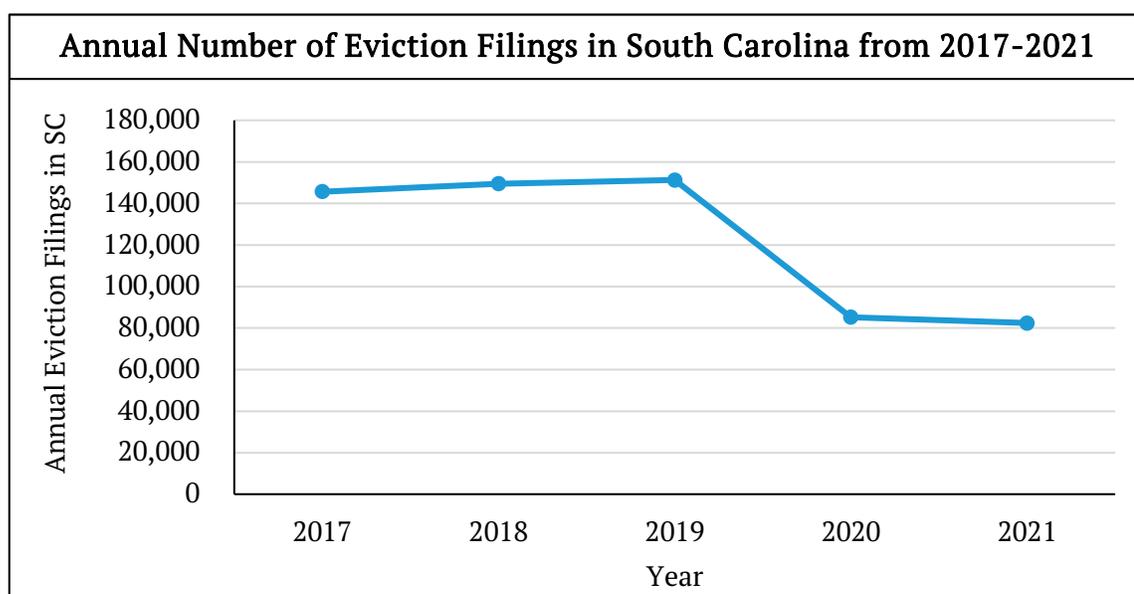
<sup>21</sup> Magnuson, Ethan. “The Eviction Landscape in South Carolina.” University of South Carolina Scholar Commons, Senior Theses. Spring 2021. And confirmed via conversations with a Charleston County judge and court clerk.

<sup>22</sup> Magnuson, Ethan. “The Eviction Landscape in South Carolina.” University of South Carolina Scholar Commons, Senior Theses. Spring 2021.

<sup>23</sup> Ibid.

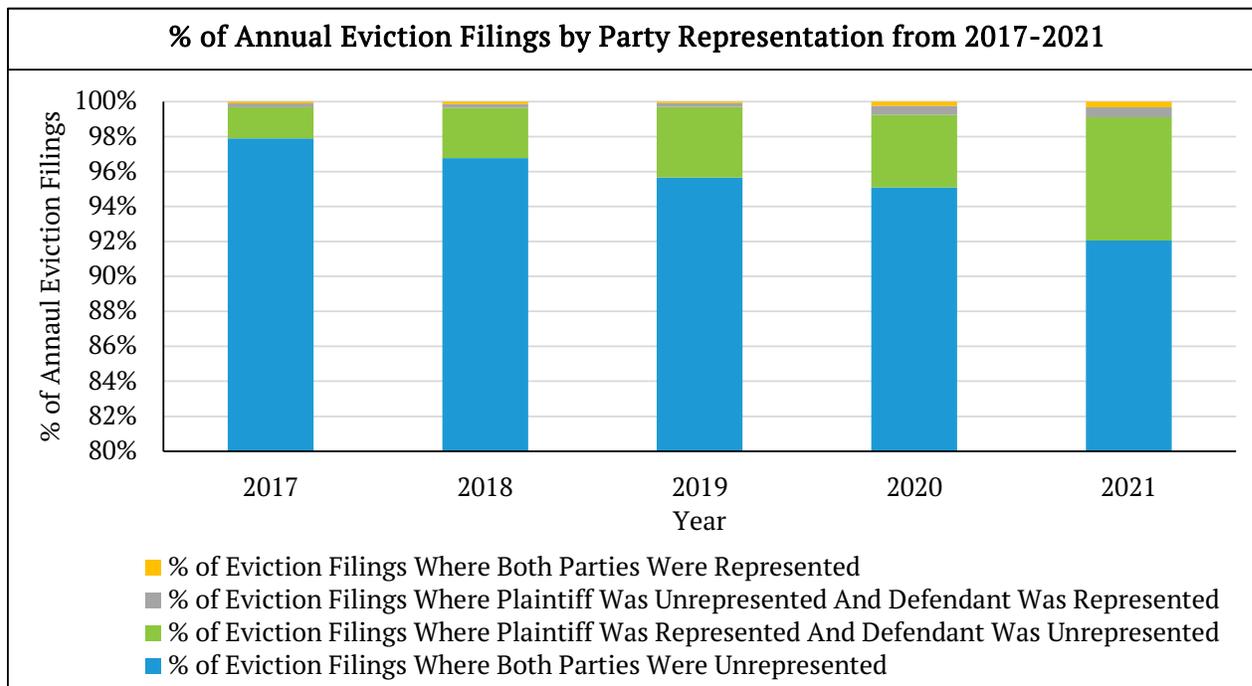
collection, data definitions, and use of case dispositions. Despite these limitations, Stout believed there was value in analyzing the court docket data as it was the best available data at the time of Stout’s engagement.

24. Figure 4 shows the annual number of eviction filings in South Carolina, according to the court docket data. From 2017-2019, the number of eviction filings in South Carolina was consistent with between approximately 146,000 eviction filings in 2017 and approximately 151,000 eviction filings in 2019. The significant decrease in eviction filings in 2020 and 2021 is related to eviction moratoria and a variety of pandemic-era eviction prevention policies and practices.



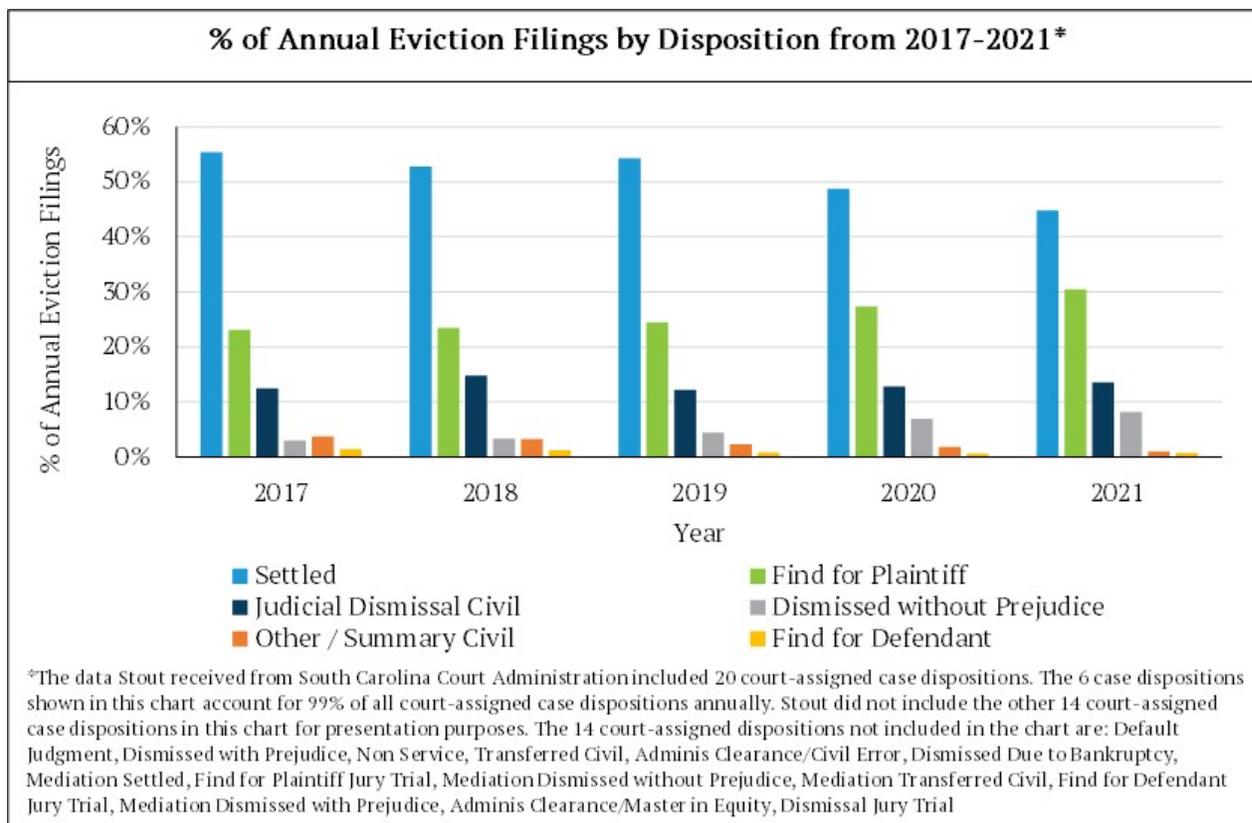
**Figure 4**

25. The annual number of eviction filings is helpful for understanding the volume of eviction filings in South Carolina, but more detailed information about each eviction filing gives an in-depth view about specific eviction filing characteristics. Stout’s analyses of more detailed court docket data included: (1) percentage of annual eviction filings by party representation; (2) percentage of annual eviction filings case disposition; (3) top 10 cities with the most eviction filings.
26. From 2017-2021, the annual percentage of eviction filings where both parties were unrepresented was between 92% and 98%. Stout learned from local eviction experts that the significant percentage of eviction filings where both parties are unrepresented is likely the result of tenants paying and staying. As the percentage of annual eviction filings where both parties were unrepresented decreased, the percentage of annual eviction filings where the plaintiff was represented and the defendant was unrepresented increased. These trends are shown in Figure 5.



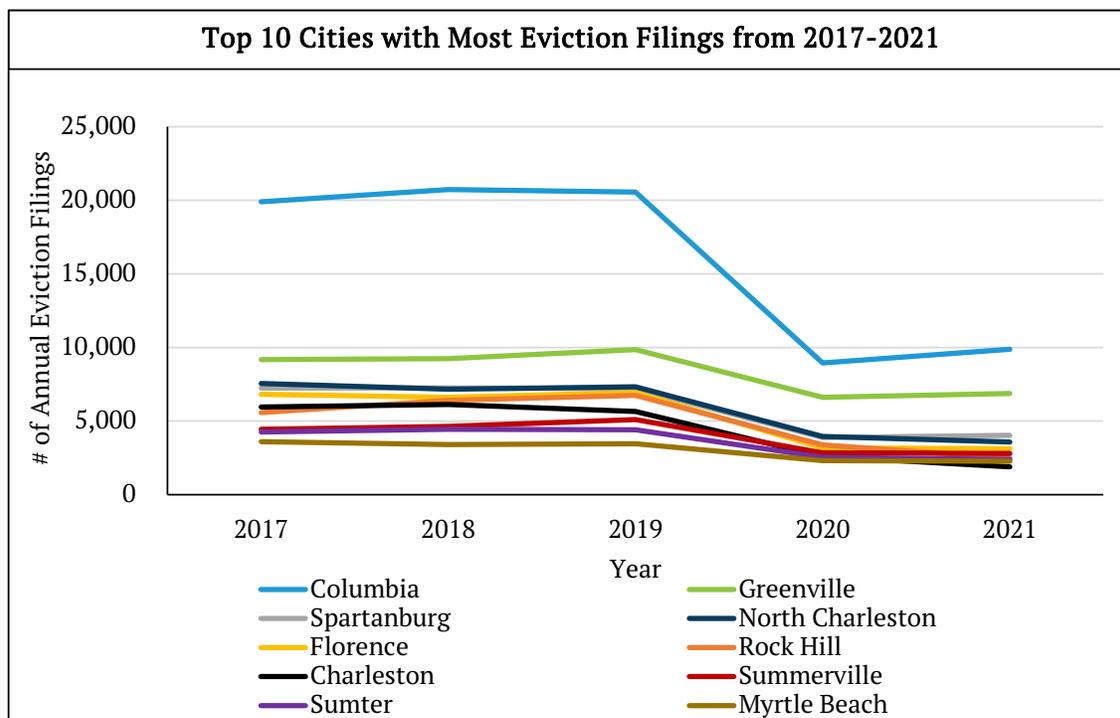
**Figure 5**

27. The most frequent court-assigned case disposition was Settled. From 2017-2021, the annual percentage of eviction filings with a court-assigned disposition of Settled was between 45% and 55%. Stout learned from local eviction experts in South Carolina that a court-assigned case disposition of Settled is a likely indicator that a tenant has paid the back rent owed to the rental property owner and the rental property owner has stopped pursuing the eviction (i.e., “pay-and-stay”), or the tenant has vacated and the rental property owner stopped pursuing the eviction. The second most frequent court-assigned case disposition was Find for Plaintiff, which was the court-assigned case disposition in 23%-30% of the annual eviction filings. The local eviction experts indicated this court-assigned case disposition is often for cases where the plaintiff appears at the scheduled hearing, the defendant does not appear, and the case is decided in favor of the plaintiff. The percentage of annual eviction filings by disposition for cases filed from 2017-2021 is shown in Figure 6.



**Figure 6**

28. Columbia is the city with the most eviction filings in South Carolina, followed by Greenville. Each of the top 10 cities with the most eviction filings in South Carolina experienced year-over-year decreases in the number of eviction filings from 2019 to 2021. Between 2021 and 2022, seven of the top 10 cities with the most eviction filings continued to experience year-over-year decreases in the number of eviction filings while Columbia, Greenville, and Spartanburg – the 3 cities with the most eviction filings – experienced increases in the number of evictions. Figure 7 shows these trends.



**Figure 7**

29. Stout’s analyses of the court docket data, when combined with the experiences and knowledge of local South Carolina eviction experts, informed Stout’s cost-benefit calculations. The court docket data and local experts provided insights related to the number of evictions filed statewide, the frequency with which parties are represented in eviction cases, the court-assigned case dispositions most frequently entered (and how to interpret them), and the cities with the most eviction filings.

## Section IV-Research Demonstrating the Impacts of Eviction and an Eviction Right to Counsel

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*Impacts and Related Costs of Evictions to Jurisdictions*

30. Stout reviewed numerous studies and the results of programs where representation was provided to tenants facing eviction. Stout's research focused on: (1) the fiscal impacts of eviction to states, cities, counties, and municipalities and (2) the fiscal and other benefits associated with providing representation to tenants in eviction proceedings.
31. The fiscal impacts and costs of eviction to states, cities, counties, and municipalities are significant and multi-dimensional. Substantial reporting has documented the negative impact that evictions have on individuals, families, businesses, and communities. Many of these impacts are unquantifiable but nevertheless important, clear costs of disruptive displacement do exist.
32. Stout has estimated the economic benefits that could be reasonably expected in several other jurisdictions across the United States and has consistently found that the economic benefits that could be reasonably expected from an eviction right to counsel are far greater than the costs of providing representation. In the jurisdictions Stout has analyzed, most were estimated to potentially realize cost savings of between \$3 and \$6 per dollar invested in an eviction right to counsel. State and local government can recognize significant cost savings associated with housing stability and avoided disruptive displacement enabled by successful legal representation. For example, Stout estimated that in Baltimore the city may realize cost savings of \$3.06 and the state of Maryland could recognize cost savings of \$6.24 (Baltimore City plus Maryland), from the same investment in legal representation for low-income tenants facing eviction. Significant fiscal impacts are typically related to:
  - Decreased spending related to emergency shelter, transitional housing, rapid re-housing, permanent supportive housing, and other re-housing services
  - Decreased spending related to emergency and inpatient healthcare for people experiencing homelessness
  - Decreased spending related to foster care/child welfare responses when children experience homelessness
  - Decreased funding for local school districts whose funding formula relies on consistent student attendance
  - Increased costs to local school districts that rely on general funds to provide transportation to schools of origin for students experiencing homelessness under the federal McKinney-Vento Act.
33. The cost savings and fiscal impacts realized will vary by jurisdiction due to the significant differences in funding sources (e.g., state vs. local), the social safety net responses available to people experiencing housing instability, and the cost of providing representation. For this reason, cost saving quantifications must be customized for each jurisdiction.

34. Additional benefits of representation during eviction proceedings have been well documented in numerous studies throughout the country. While the benefits are vast, they include, at a minimum:

- More effective resolution of eviction cases, including decreased rates of disruptive displacement of tenants
- Improved access to rental assistance programs and other forms of assistance
- Decreased impact on physical and mental health of people in eviction proceedings and a reduction in excess mortality
- Decreased negative impact on children, including their health, education, and potential future earnings
- Increased family and community stability
- Increased trust in the justice system and civic engagement
- Decreased education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The positive effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- Decreased negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher
- Decreased cost of providing public benefits when jobs are lost due to eviction or the eviction process
- Decreased additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- Improved preservation of financial and personal assets
- A reduction, over time, of the number of eviction cases filed resulting in improved use of South Carolina court resources.

35. This section details the societal and social safety net costs of eviction to provide insight into how representation in eviction cases could mitigate these costs or assist in redirecting the funds to other efforts undertaken by the jurisdiction.

#### Eviction Disproportionately Impact Black and Hispanic Households

36. Research from across the country has demonstrated how inequitable housing policies and practices have contributed to and continue to exacerbate inequities in health, education, employment, wealth, and housing. Housing inequities, in particular, have been studied at length in a variety of jurisdictions. Home ownership rates among Black and Hispanic households are consistently lower than White homeownership rates, and eviction rates among Black and Hispanic renter households are consistently higher than eviction rates of White renter households. In many jurisdictions, Black female-headed renter households disproportionately experience eviction filings and eviction compared not only to Hispanic and White households but also Black male-headed renter households.

37. Research from jurisdictions around the country related to the intersection of race and eviction includes, but is not limited to:

- In its evaluations of eviction right to counsel programs in several other jurisdictions, Stout has found that between approximately 50% and 70% eviction right to counsel clients seeking representation are Black.
- A 2020 study of eviction filings in 39 states found Black renters to account for approximately 33% of all eviction filings while only making up approximately 20% of adult renters in the 39 states studied.<sup>24</sup>
- A statewide analysis in Michigan confirmed the findings of studies within cities and metropolitan areas: higher eviction filing rates are associated with Black neighborhoods, single-mother households, and the presence of children.<sup>25</sup>
- Of all tenants served by Michigan’s Eviction Diversion Program (EDP), approximately 53% were Black while 14% of Michigan’s population is Black.<sup>26</sup> This suggests that evictions disproportionately effect Black households, which is consistent with national research on the intersection of race and eviction.
- In Virginia, approximately 60% of majority Black neighborhoods have an annual eviction rate above 10%, which is four times the national average, even when controlling for poverty and income.<sup>27</sup> In the city of Richmond, researchers found that for every 10% increase in the Black share of the population, the eviction rate increases by more than 1%. However, if the White population increases at the same rate, the eviction rate decreases by approximately 1%.<sup>28</sup> That is, as the share of the Black population increases, the eviction rate increases.
- In Massachusetts, Black tenants face eviction more than twice as often as White tenants, even though Black tenants are only 11% of the renting population.<sup>29</sup> Black women are at a particularly high risk of experiencing eviction – nearly 2.5 times as often as White women despite their much smaller share of the population.<sup>30</sup>

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<sup>24</sup> “No Eviction Without Representation Evictions’ Disproportionate Harms and the Promise of Right to Counsel.” ACLU and NCCRC. Referencing Hepburn, Peter et al. “Racial and Gender Disparities Among Evicted Americans.” *Sociological Science*. 2020.

<sup>25</sup> Goodspeed, Robert et al. “Michigan Evictions: Trends, Data Sources, and Neighborhood Determinants.” University of Michigan Poverty Solutions. May 2020.

<sup>26</sup> Benton, Elizabeth et al. “Reducing Michigan’s Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

<sup>27</sup> McCoy, Terrance. “Eviction isn’t just about poverty. It’s also about race – and Virginia proves it.” *The Washington Post*. November 10, 2018.

<sup>28</sup> *Ibid.*

<sup>29</sup> Brief of Amici Curiae Matthew Desmond, American Civil Liberties Union, William Berman, Justin Steil, and David Robinson Regarding The Disproportionate Adverse Effect of Eviction on Black Families.

<sup>30</sup> *Ibid.*

The racial disparities are so drastic in Boston that, similar to Virginia, the share of Black renters in the community is a greater predictor of the eviction filing rate than poverty.<sup>31</sup> Even though only 18% of Boston’s rental market is located within majority Black neighborhoods, approximately 37% of evictions filings against tenants in market-rate units are in these neighborhoods.<sup>32</sup> The consequences of eviction are also worse for Black renters, who face discrimination in the rental market not only because they disproportionately appear in eviction case databases but also because of racial bias (conscious and unconscious) that result in them being told about and shown less than half of the apartments that equally qualified White renters are seeking.<sup>33</sup> Black market-rate renters were able to visit only 48% of the apartments they sought, compared to 80% of White market-rate renters.<sup>34</sup>

- In Washington, particularly King and Pierce counties, Black adults make up a disproportionate number of eviction filings relative to their share of the population.<sup>35</sup> Compared to eviction rates of White renters, Black adults are evicted 5.5 times more often than White adults in King County and 6.8 times more often in Pierce County.<sup>36</sup> Latinx adults are evicted approximately twice as often than White renters in King County and 1.4 times as often in Pierce County.<sup>37</sup>
- In California, compared to non-Hispanic White renters, Black and Latinx renters are 2 to 2.5 times more likely to experience housing hardships.<sup>38</sup>
- Households headed by Black adults in Baltimore experienced the highest eviction rate, which was nearly 3 times higher than the White eviction rate.<sup>39</sup> Approximately 7% of all Black male headed households and approximately 5% of all Black female headed households were evicted.<sup>40</sup> These rates are 51% and 11% higher, respectively, than White male headed household eviction rates.<sup>41</sup>
- In Philadelphia, rental property owners are more than twice as likely to file an eviction against Black renters than White renters, a rate that is disproportionate to the share of Black renters.<sup>42</sup> According to an analysis of 2018-2019 residential

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Eckart, Kim. “Study reveals gender, racial disparities in evictions.” University of Washington. February 2020.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ong, Paul. “Systemic Racial Inequality and the COVID-19 Renter Crisis. August 2020.

<sup>39</sup> Thomas, Tim et al. “Baltimore Eviction Map.” May 2020.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Bond, Michaelle. “Black city renters’ eviction rate higher.” Reinvestment Fund.

- eviction filings, the annual eviction filing rate against Black Philadelphia renters was approximately 9% while the eviction filing rate against White Philadelphia renters was approximately 3%.<sup>43</sup> Although Black Philadelphians make up approximately 45% of the city's renters, they make up 66% of eviction filings.<sup>44</sup>
- In Washington, DC, evictions are disproportionately filed and executed in Wards 7 and 8, which have the largest share of Black residents and the highest poverty rates in the District.<sup>45</sup> By contrast, Wards 2 and 3 have the lowest filing rates, lowest poverty rates, and smallest share of Black residents.<sup>46</sup>
  - Court monitors reported on the race and gender of tenants in eviction court in Orleans Parish, Louisiana. While 59% of Orleans Parish is Black, approximately 82% of tenants facing eviction were Black, with 57% of eviction proceedings being brought against Black women.<sup>47</sup>
  - In Kansas City, Missouri, race was found to be the most important factor in predicting whether someone would be evicted.<sup>48</sup>
  - The majority Black neighborhoods in Hamilton County (Cincinnati, Ohio) are also the ones with the highest eviction filing rates, while neighborhoods with few Black residents experience few evictions.<sup>49</sup> Controlling for poverty rates and housing cost burden, for every 1% increase in Black residents, eviction filing rates increase by more than 8%.<sup>50</sup>
  - In Cleveland, all the top ten census tracts with the highest eviction filings from 2000 to 2016 are majority Black communities.<sup>51</sup>
  - Across the country, 54% of Black renters and 52% of Hispanic renters spend more than 30% of their income on rent compared to 42% of White renters.<sup>52</sup> Black and Hispanic households are particularly harmed by housing cost burden because they

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> McCabe, Brian and Rosen, Eva. "Eviction in Washington DC: Racial and Geographic Disparities in Housing Instability." Georgetown University. 2020.

<sup>46</sup> Ibid.

<sup>47</sup> "Unequal Burden, Unequal Risk: Households Headed by Black Women Experience Highest Rates of Eviction." Neighborhood Sustainability Initiative. N.d.

<sup>48</sup> "Eviction in Kansas City: An Analysis of 2017 Eviction Filings in Jackson County, MO." Kansas City Eviction Project. N.d.

<sup>49</sup> Johns-Wolfe, Elaina. "You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio 2014-2017." University of Cincinnati. June 2018.

<sup>50</sup> Ibid.

<sup>51</sup> Walker, Fay. "Eviction in Cleveland." RPubS. February 2019.

<sup>52</sup> "Understanding and Addressing Racial and Ethnic Disparities in Housing." Bipartisan Policy Center and J. Ronald Terwilliger Center for Housing Policy. December 2021.

are more likely to have low incomes and more likely to be renters.<sup>53</sup> When renter households with low incomes experience a financial hardship (e.g., loss of employment, medical emergency, illness or death of primary income earner, expensive car repair, or other unforeseen expenses), they can quickly be at risk of eviction and homelessness due to lack of income and / or insufficient savings.<sup>54</sup>

- An analysis conducted by the Association for Neighborhood and Housing Development (ANHD) found that evictions filed in New York during the pandemic were disproportionately filed in zip codes where the majority of the population was people of color.<sup>55</sup> From March 23, 2020 to January 7, 2022, there were 5.2 evictions filed per 100 renter households in zip codes where more than 50% of residents were people of color compared to 2.5 evictions filed per 100 renter households in zip codes where more than 50% of residents were White.<sup>56</sup> In March 2021, ANHD found that eviction filing rates in zip codes with the highest COVID-19 death rates, also predominantly communities of color, were nearly four times higher than eviction filing rates in zip codes impacted least by COVID-19.<sup>57</sup> People of color constitute approximately 86% of New Yorkers who are behind on their rent but only approximately 44% of the general population.<sup>58</sup>

### Eviction is a Leading Cause of Homelessness

38. While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. The South Carolina Interagency Council on Homelessness reported nearly that 10,969 people received homeless services in fiscal year 2019-2020.<sup>59</sup> When the federal eviction moratorium ended in August 2021, housing social safety net programs across South Carolina experienced an increase in residents seeking their services.<sup>60</sup> The Chief Executive Officer of Homeless No More in Columbia described the increased need as:

“Normally we will see 10 phone calls a day from families who are at risk of homelessness. In the past 10 days, we are now at 20 to 30 phone calls each day from families who have received notice of evictions and will be homeless in the next 24 to 48 hours.”<sup>61</sup>

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<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Block, Lucy. “New York’s Pandemic Rent Crisis.” Association for Neighborhood and Housing Development. January 2022.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> “South Carolina State of Homelessness Report.” South Carolina Interagency Council on Homelessness. 2021.

<sup>60</sup> Mintzer, Adam. “SC homeless shelter seeing ‘tsunami’ of people in need after eviction moratorium ends.” WTOC11. October 2021.

<sup>61</sup> Ibid.

39. In Cleveland, an eviction right to counsel jurisdiction, eviction right to counsel clients are represented by Cleveland Legal Aid. During Cleveland Legal Aid’s intake interview, clients are asked where their household would stay if they were evicted. Stout analyzed responses to this question as an element of its 2021 independent evaluation of Cleveland’s eviction right to counsel and found that approximately 5% of clients indicated they would need to enter emergency shelter if they were evicted.<sup>62</sup> Approximately 23% of clients indicated they would need to “double up” with friends/family, approximately 6% indicated they would live unsheltered, and approximately 60% indicated they did not know where they would go, suggesting they do not have a plan for where they would find alternative housing and may experience sheltered or unsheltered homelessness.
40. A 2011 study of people experiencing homelessness in Harris and Fort Bend counties (Houston area), Texas found that approximately 30% of people experiencing homelessness identified eviction (either by a family member or a rental property owner) as a cause for their homelessness.<sup>63</sup>
41. The Massachusetts Interagency Council on Housing and Homelessness analyzed a variety of reports generated by the state’s shelter system to determine that 45% of people experiencing homelessness or who are at risk of experiencing homelessness cite eviction as the reason for their housing instability.<sup>64</sup>
42. Similar statistics were observed in Hawaii where 56% of families experiencing homelessness cite inability to afford rent as the reason for their experiencing homelessness.<sup>65</sup> An additional 18% of families cited eviction specifically, as the reason for their experiencing homelessness.<sup>66</sup>
43. In Seattle, a survey of tenants who were evicted revealed that nearly 38% were living unsheltered and half were living in a shelter, transitional housing, or with family and friends.<sup>67</sup> Only 12.5% of evicted respondents secured another apartment to move into.<sup>68</sup>

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<sup>62</sup> “Cleveland Eviction Right to Counsel Annual Independent Evaluation.” Stout Risius Ross. January 31, 2022.

<sup>63</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>64</sup> “Regional Networks to End Homelessness Pilot Final Evaluation Report.” Massachusetts Interagency Council on Housing and Homelessness. February 15, 2011.

<sup>65</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010.

<sup>66</sup> Ibid.

<sup>67</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>68</sup> Ibid.

44. Researchers at the University of Delaware matched data from the statewide homelessness services network to eviction filings in Delaware and found that 21% of people experiencing homelessness in their study group received an eviction filing in the previous 2 years.<sup>69</sup>
45. A 2018 study of homelessness in Los Angeles County, citing surveys conducted as part of recent homeless counts, stated that 40% of unsheltered adults cited unemployment and lack of money, which encompassed inability to pay for shelter, as the reason for experiencing homelessness.<sup>70</sup> These factors (unemployment and lack of money) were identified more than twice as often any other factor, and eviction or foreclosure was specifically identified as the primary reason for homelessness by 11% of unsheltered adults.<sup>71</sup>
46. A 2014 San Francisco study of an eviction defense pilot program, citing a recent survey of families experiencing homelessness, revealed that 11% of families in San Francisco homeless shelters identified evictions (legal and illegal) as a cause of their homelessness.<sup>72</sup> The Housing and Homeless Division Family and Prevention Services Program Manager in San Francisco has stated that the number of families experiencing homelessness as a result of an eviction is potentially over 50%— much higher than 11% — when considering the intermediate living arrangements made with friends and family before the families who have been evicted access the shelter system.<sup>73</sup> The 50% estimate is supported by the survey of families experiencing homelessness, in which 45% of respondents indicated that the cause of their homelessness was being asked to move out.<sup>74</sup> Furthermore, a 2013 demographics report of adult shelters in San Francisco found that 36% of its population was living with friends or relatives before experiencing homelessness.<sup>75</sup>
47. A 2018 study of shelter use in New York City indicated that evictions: (1) increase the probability of applying for shelter by 14 percentage points compared to a baseline probability of approximately 3% for households not experiencing an eviction; and (2) increase the number of days spent in shelter during the two years after an eviction filing by 5 percentage points, or about 36 days.<sup>76</sup> The researchers concluded that because the estimated effects of eviction persist long-term, avoiding eviction does not simply delay a

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<sup>69</sup> Metraux, Stephen PhD et al. “Prior Evictions Among People Experiencing Homelessness in Delaware.” Delaware Academy of Medicine/Delaware Public Health Association. August 2022.

<sup>70</sup> Flaming, Daniel et al. “Escape Routes: Meta-Analysis of Homelessness in L.A.” Economic Roundtable. April 2018.

<sup>71</sup> Ibid.

<sup>72</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid, citing 2013 Demographics Report – San Francisco Single Adult Shelters.

<sup>76</sup> Collinson, Robert and Reed, Davin. “The Effects of Evictions on Low-Income Households.” New York University Law. December 2018.

period of homelessness, it leads to lasting differences in the probability of experiencing homelessness.<sup>77</sup> The New York City Department of Homeless Services found that eviction was the most common reason for families entering city shelters between 2002 and 2012.<sup>78</sup>

48. Based on a control group analysis, a 2013 evaluation of the Homebase Community Prevention Program (the Abt Study) in New York City found that 18.2% of families with children who were at risk of homelessness applied for shelter, and 14.5% entered family shelter.<sup>79</sup> These metrics compare to Homebase case managers' expectations at program enrollment, which were that 25% of families with children who were at risk of homelessness would "definitely" enter shelter and for an additional 25% shelter entry was "very likely."<sup>80</sup> The Abt Study was an evaluation of the Homebase Community Prevention Program which included an analysis of households' use of homeless shelters and services. The Homebase program is a network of neighborhood-based homelessness prevention centers located in New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5 % compared to 8%. Evaluators had access to individual-level administrative data from certain systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. The evaluators did not have access to data about single adults, adult families, and shelters outside of New York City. Evaluators used the individual-level data and a linear probability model to assess the likelihood of shelter entry. The evaluators indicated that limitations of the Study included only analyzing data from shelters operated by the Department of Homeless Services, the impact of "one shot" assistance among the studied population and limiting the study population to families with at least one child and pregnant women.
49. Robin Hood, a New York City-based non-profit organization that provides funding to, and evaluation metrics for more than 200 programs in New York City, estimates without any

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<sup>77</sup> Ibid.

<sup>78</sup> "The Rising Number of Homeless Families in NYC, 2002-2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in and Where They Came From." New York City Independent Budget Office. 2014.

<sup>79</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

<sup>80</sup> Ibid.

intervention, approximately 25% of those at risk of experiencing homelessness would enter shelter.<sup>81</sup> Robin Hood’s estimate, like the Abt Study case managers’, is based on the experiences and expectations of staff working with low-income families experiencing housing instability.

50. Researchers studying the typology of family homelessness (the Culhane Study) found that approximately 80% of families experiencing homelessness stay in emergency shelter for brief periods, exit shelter, and do not return.<sup>82</sup> The remaining 20% of families experiencing homelessness stay for long periods, and a small but noteworthy portion of families experiencing homelessness cycle in and out of shelter repeatedly.<sup>83</sup> Families cycling in and out of shelter have the highest rates of intensive behavioral health treatment, placement of children in foster care, disability, and unemployment.<sup>84</sup> The differences between families that have short shelter stays compared to families with longer shelter stays were identified as: family composition (e.g., larger, older, Black); predicament (e.g., experiencing domestic violence, pregnancy / newborn status); and resources at exit (e.g., housing subsidy).<sup>85</sup>
51. Data from California’s Continuums of Care indicated significant racial disparities among people who have accessed homeless services.<sup>86</sup> California’s population is approximately 6% Black, but Black or African Americans represent 31% of people accessing homeless services.<sup>87</sup> The data also indicated that 41% of people accessing homeless services reported a disabling condition, 17% reported experiencing domestic violence, and 22% were under the age of 18 – all factors that influence length of shelter stay, according to the Culhane Study.<sup>88</sup> A study of administrative data from the homeless shelter systems in New York City and Philadelphia found demographic differences among people experiencing homelessness, which contribute to differences in length of stay in shelters and could inform program planning.<sup>89</sup> The significant concentration of non-White people and those experiencing mental health challenges within the shelter system is consistent with the characteristics of people experiencing the eviction process. The researchers’ recommendation that targeted preventive and resettlement assistance, transitional

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<sup>81</sup> [https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website\\_Sept-2014.pdf](https://www.robinhood.org/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf)

<sup>82</sup> Culhane, Dennis et al. “Testing a Typology of Family Homelessness Based on Patterns of Public Shelter Utilization in Four U.S. Jurisdictions: Implications for Policy and Program Planning.” *Housing Policy Debate*. May 2007.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> “Demographics of People Who Were Served.” State of California Business, Consumer Services and Housing Agency. 2020.

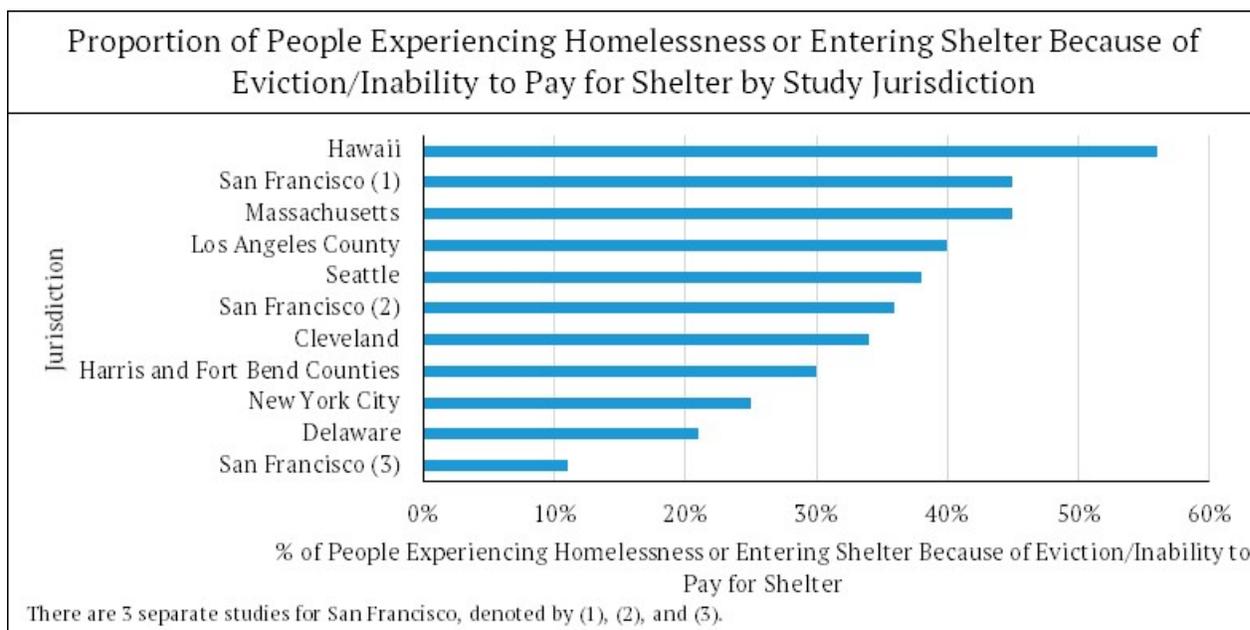
<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> Kuhn, Randall and Culhane, Dennis. “Applying Cluster Analysis to Test a Typology of Homelessness by Pattern of Shelter Utilization: Results from the Analysis of Administrative Data.” *American Journal of Community Psychology*. April 1998.

housing and residential treatment, and supported housing and long-term care programs further indicates the incredibly costly housing responses needed to support people experiencing homelessness as a result of disruptive displacement.

52. Figure 8 shows the percentage of people reporting that they are experiencing homelessness and entering shelter because of eviction/inability to pay for shelter by jurisdiction. These shelter entry metrics (i.e., the proportion of people at shelter connecting their entry to eviction/inability to pay for shelter) are not the same as the proportion of people experiencing eviction who enter shelter but are informative about the role eviction has as a pathway to homelessness and shelter entry.



**Figure 8**

53. It is also worth noting that not everyone who experiences disruptive displacement will also experience homelessness. However, not experiencing homelessness does not eliminate the social costs of disruptive displacement as these households will likely experience other trauma(s) related to disruptive displacement. That is, there are social costs to eviction even for households that do not experience homelessness as a result of their eviction. These social costs and traumas may include, but are not related to, needing to staying with family/friends until alternative affordable housing can be secured, experiencing challenges with securing alternative housing because of an eviction record, commuting longer distances to work because of where alternative affordable housing is available, disruptions to child school attendance and education, difficulty securing new child care providers, mental health trauma, and needing to make difficult financial decisions about basic needs (e.g., paying back rent owed or purchasing a medically necessary prescription).

## Evictions Connection to Homelessness Causes Fiscal Costs for Shelter Systems and Other Supports

54. South Carolina provides a variety of housing social safety net responses to people experiencing homelessness, such as emergency shelter and rapid re-housing. Throughout the state, there are emergency shelters for both single individuals and families experiencing homelessness. The average annual cost to South Carolina to provide emergency shelter to a household experiencing homelessness was approximately \$19,300 in 2021, and the average annual cost to South Carolina to provide rapid re-housing to a household was approximately \$9,100 in 2021.<sup>90</sup>
55. The Massachusetts Housing and Shelter Alliance estimates that a homeless individual residing in Massachusetts creates an additional cost burden for state-supported services (shelter, emergency room visits, incarceration, etc.) that is \$9,372 greater per year than an individual who has stable housing.<sup>91</sup> Each time a family experiencing homelessness enters a state-run emergency shelter, the cost to the state is estimated at \$26,620.<sup>92</sup> Data from the HomeStart Program in Massachusetts indicates that the cost to prevent an eviction, negotiate back-rent owed, and provide a family with stabilization services is approximately \$2,000 (compared to the emergency shelter cost of \$26,620 per year).<sup>93</sup>
56. The Central Florida Commission on Homelessness has reported that the region spends \$31,000 per year per person experiencing homelessness on law enforcement, jail, emergency room, and hospitalization for medical and psychiatric issues.<sup>94</sup>
57. The City of Boise, Idaho reported that costs associated with chronic homelessness are \$53,000 per person experiencing homelessness annually including day shelters, overnight shelters, policing / legal, jail, transportation, emergency medical services and drug and alcohol treatment.<sup>95</sup> In contrast, providing people experiencing homelessness with permanent housing and case managers would cost approximately \$10,000 per person annually.<sup>96</sup>
58. By way of comparison, MaineHousing, the state agency providing public and private housing to low- and moderate-income tenants in Maine, found that the average annual cost of services per person experiencing homelessness to be \$26,986 in the greater Portland

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<sup>90</sup> Routhier, Giselle. "State of the Homeless 2019." Coalition for the Homeless. 2019.

<sup>91</sup> Wood-Boyle, Linda. "Facing Eviction: Homelessness Prevention for Low-Income Tenant Households." Federal Reserve Bank of Boston. December 1, 2014.

<sup>92</sup> Ibid.

<sup>93</sup> Eviction Prevention. HomeStart.org.

<sup>94</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

<sup>95</sup> Crossgrove Fry, Vanessa. "Reducing Chronic Homeless via Pay for Success, A Feasibility Report for Ada County, Idaho." City of Boise. N.d.

<sup>96</sup> Santich, Kate. "Cost of homelessness in Central Florida? \$31k per person." Orlando Sentinel. May 21, 2014.

area and \$18,949 statewide.<sup>97</sup> The services contemplated in the average annual cost were associated with: physical and mental health, emergency room use, ambulance use, incarceration, and law enforcement.<sup>98</sup>

59. Investing in eviction prevention helps a community save valuable resources by preventing homelessness before it starts.<sup>99</sup> A three-year study by RAND Corporation found that providing housing for very sick individuals experiencing homelessness saved taxpayers thousands of dollars by reducing hospitalization and emergency room visits.<sup>100</sup> For every dollar invested in the program, the Los Angeles County government saved \$1.20 in health care and social service costs.<sup>101</sup>

#### Eviction Can Lead to Costs Associated with Unsheltered Populations

60. In addition to costs related to sheltering people who are experiencing homelessness, jurisdictions bear significant costs related to people who are experiencing unsheltered homelessness. A person is experiencing unsheltered homelessness if they are living somewhere not meant for human habitation (e.g., tents, cars, recreational vehicles without electricity or sanitation connections, sidewalks, abandoned buildings, and other public spaces).<sup>102</sup> In 2019, the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development commissioned a study of the costs to four cities (Chicago, Houston, San Jose, and Tacoma) that were working to reduce encampments used by people experiencing unsheltered homelessness and providing services to people experiencing unsheltered homelessness.<sup>103</sup> The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year.<sup>104</sup> The overall annual cost to the cities ranged from approximately \$3.4 million (Houston) to approximately \$8.6 million (San Jose).<sup>105</sup> Figure 9 shows these costs.

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<sup>97</sup> Acquisto, Alex and Rhoda, Erin. “The \$132k idea that could reduce Bangor’s eviction problem.” Bangor Daily News. September 24, 2018.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Holland, Gale. “Study find L.A. County saves money by housing sick homeless people.” Los Angeles Times. December 4, 2017.

<sup>101</sup> Ibid.

<sup>102</sup> Dunton, Lauren et al. “Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost.” U.S. Department of Housing and Urban Development, Office of Policy Development and Research. February 2020.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

	Total spending on encampment activities, FY 2019	Unsheltered homeless population, 2019 <sup>1</sup>	Cost per unsheltered homeless person, 2019
Chicago	\$ 3,572,000	1,260	\$2,835
Houston	\$ 3,393,000	1,614	\$2,102
Tacoma	\$ 3,905,000	629	\$6,208
San Jose	\$ 8,557,000	7,922	\$1,080

<sup>1</sup> The unsheltered homeless population for Chicago is for the city, whereas the numbers for Houston, San Jose, and Tacoma include the surrounding counties (Harris, Santa Clara, and Pierce Counties).

Source: City cost data; 2019 CoC Point-in-Time data, HUD

**Figure 9**

61. Costs incurred by local fire and police departments and emergency medical services were not included, but they can be the largest expenses for cities.<sup>106</sup> These quantifiable costs are not the only costs to cities with responses to the unsheltered population. Providing services takes significant resource-intensive coordination among a variety of stakeholders. For example, the study indicated the following agencies/service providers were involved in responding to people experiencing unsheltered homelessness: sanitation/solid waste/environmental services; homeless services providers offering assistance with case management, medical and mental health services, substance abuse services, food assistance, and financial assistance; departments of public health; departments of transportation; airport authorities; parks departments; public utility companies; fire departments; city management departments; outreach teams; and police departments.<sup>107</sup>
62. Stout is collecting data in its eviction right to counsel program evaluations in other jurisdictions to understand more fully where people believe they will go if they were evicted and has found that between approximately 10% and 20% eviction right to counsel clients seeking representation indicate they will likely live unsheltered if they were evicted.

### Eviction Can Cause Employment and Housing Instability

63. Eviction can lead to job loss making it more difficult to find housing, further burdening an already struggling family. Matthew Desmond, author of *Evicted: Poverty and Profit in the American City*, describes how job loss and eviction can be interconnected. When an evicted tenant does not know where their family will sleep the next night, maintaining steady employment is unlikely. If the evicted tenant is unemployed, securing housing after being evicted may take precedence over securing a job. If the evicted tenant is employed, the instability created by eviction often affects work performance and may lead to absenteeism, causing job loss.<sup>108</sup> The period before an eviction may be characterized by

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

disputes with a rental property owner or stressful encounters with the court system.<sup>109</sup> These stressors can cause workers to make mistakes as they are preoccupied with non-work matters.<sup>110</sup> After an eviction, workers may need to miss work to search for new housing, and because they now have an eviction record, finding a rental property owner willing to rent to them may increase the time it takes to secure new housing.<sup>111</sup> Workers may need to live farther from their jobs, increasing the likelihood of tardiness and absenteeism.<sup>112</sup> A recent Harvard University study suggests the likelihood of being laid off to be 11 to 22 percentage points higher for workers who experienced an eviction or other involuntary move compared to workers who did not.<sup>113</sup>

64. A similar analysis in Wisconsin, the Milwaukee Area Renters Study, found that workers who involuntarily lost their housing were approximately 20% more likely to subsequently lose their jobs compared to similar workers who did not.<sup>114</sup> Approximately 42% of respondents in the Milwaukee Area Renters Study who lost their job in the two years prior to the study also experienced an involuntary move.<sup>115</sup> The impact of job loss and eviction disproportionately affects Black people who face significant discrimination in both the housing and labor markets.<sup>116</sup>
65. Eviction not only adversely affects unemployed and employed tenants' job prospects but also their earnings and the potential future earnings of children. A study of eviction filings from 2007 to 2016 in New York City sought to assess whether evictions contributed substantially to poverty by analyzing the effect of evictions on earnings and employment.<sup>117</sup> Eviction filing data was linked to Medicaid, Temporary Assistance for Needy Families, Supplemental Nutrition Assistance Program, and other New York City-specific benefits data.<sup>118</sup> The researchers found that eviction was associated with between \$1,000 and \$3,000 reduction in total earnings in the one to two years post-filing.<sup>119</sup> Robin Hood estimates a child's average future earnings could decrease by 22% if the child

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<sup>109</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Desmond, Matthew. "Unaffordable America: Poverty, housing, and eviction." Institute for Research on Poverty. March 2015.

<sup>115</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>116</sup> Ibid.

<sup>117</sup> Collinson, Robert and Reed, Davin. "The Effects of Evictions on Low-Income Households." New York University Law. December 2018. And Collinson, Robert et al. "Eviction and Poverty in American Cities." National Bureau of Economic Research. August 2022.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

experienced juvenile delinquency, which can be associated with the disruption to families from eviction.<sup>120</sup> When families and children earn less (now or in future periods) the associated financial strains can result in various costs to the cities and communities in which they live. Research has shown that forced moves can perpetuate generational poverty and further evictions.<sup>121</sup> In addition, the reduction in earning capacity for these families can increase the demand on various social services provided by these cities and communities. Further, cities lose the economic benefit of these wages, including the economic stimulus of community spending and potential tax revenue. These impacts – potential earning capacity, generational poverty, and other economic consequences – are long-term and incredibly challenging to reverse.

### Eviction Can Impair Tenants' Ability to Re-Rent and Harm Credit Scores

66. Tenants with an eviction case brought against may have the case on their record whether they are ultimately evicted or not. This information is easily accessible, free, and used by rental property owners and tenant screening companies to create tenant blacklists, making it difficult for tenants with eviction records to re-rent and exacerbating housing discrimination.<sup>122</sup> Data aggregation companies are now creating “screening packages” that rental property owners can use to select their tenants.<sup>123</sup> These packages often include a full credit report, background check, and an eviction history report. Using data and technology to streamline and automate the screening process will only exacerbate the impact of eviction on tenants. One data aggregation company stated, “it is the policy of 99% of our [landlord] customers in New York to flat out reject anybody with a landlord-tenant record, no matter what the reason is and no matter what the outcome is.”<sup>124</sup> In cities where there is a right to counsel, the number of eviction filings has declined, indicating

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<sup>120</sup> Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. <https://www.robinhood.org/what-we-do/metrics/>

<sup>121</sup> Lundberg, Ian and Donnelly, Louis. “A Research Note on the Prevalence of Housing Eviction among Children Born in U.S. Cities.” Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Research on Child Wellbeing. 2019.

<sup>122</sup> Desmond, Matthew. “Unaffordable America: Poverty, housing, and eviction.” Institute for Research on Poverty. March 2015.

<sup>123</sup> Greene, Kimberly. “Online screening process gives landlords peace of mind.” Mortgage Professional America. November 12, 2019.

<sup>124</sup> Kleysteuber, Rudy. “Tenant Screening Thirty Years Later: A Statutory Proposal To Protect Public Records.” The Yale Law Journal. 2007. Referencing Rogers, Teri Karush. “Only the Strongest Survive.” The New York Times. November 26, 2006 (quoting Jake Harrington, founder of On-Site.com). While the inclination to reject tenant applicants regardless of the outcome of their prior eviction case might appear to nullify the impact of providing representation, system representation may cause a deterrent effect in terms of rental property owners’ decisions of whether to file an eviction in the first place. New York City and San Francisco, which are the only cities where a right to counsel has existed long enough to have data, have both experienced significant declines in their respective eviction filing rates. See: “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

that a right to counsel can also reduce the harmful effects of being exposed to the eviction process regardless of case outcomes. Many rental property owners and public housing authorities will not rent to tenants who have been recently evicted. Therefore, renters with an eviction on their record will often be forced to find housing in less desirable neighborhoods that lack adequate access to public transportation, are farther from their jobs, have limited or no options for child care, and lack grocery stores.<sup>125</sup> A University of North Carolina Greensboro study found that 45% of tenants who were evicted had difficulty obtaining decent, affordable housing after their evictions.<sup>126</sup> Additionally, evictions can have a detrimental impact on tenants receiving federal housing assistance, such as Section 8 vouchers. In some cases, court-ordered evictions may cause a housing authority to terminate the tenant's Section 8 voucher or render the tenant ineligible for future federal housing assistance.<sup>127</sup> Rental property owners often view a potential tenant's credit score as a key factor in determining whether they want to rent to the potential tenant. A low credit score caused by a past eviction can make it exceedingly difficult for renters to obtain suitable housing.<sup>128</sup> A tenant who was interviewed in the University of North Carolina Greensboro study stated, "it [eviction] affected my credit and it is hard to get an apartment...three landlords have turned me away."<sup>129</sup> Damage to a renter's credit score from an eviction can also make other necessities more expensive since credit scores are often considered to determine the size of initial deposit to purchase a cell phone, cable and internet, and other basic utilities.<sup>130</sup> Another tenant from the University of North Carolina Greensboro study stated, "I have applied for at least three different places and was turned down because of the recent eviction. The only people I can rent from now are slumlords who neglect their properties. The ones that don't even care to do any kind of record check."<sup>131</sup> In Milwaukee, tenants who experienced an involuntary move were 25% more

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<sup>125</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>126</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>127</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>128</sup> An eviction itself is not reported to credit bureaus even if the rental property owner is successful in court, although money judgments are reported. The effects of the eviction may appear on a credit report if the tenant failed to pay rent and the rental property owner sent the delinquency to a collection agency. While there is not a set timeframe for when this information appears on a credit report, the item is treated like any other delinquent debt. It will remain there for seven years from the date of delinquency, even if it is paid off. There are also screening reports that rental property owners use that report eviction data, criminal records, etc. See <https://aaacreditguide.com/eviction-credit-report/>.

<sup>129</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>130</sup> [https://www.investopedia.com/terms/c/credit\\_score.asp](https://www.investopedia.com/terms/c/credit_score.asp).

<sup>131</sup> Sills, Stephen J. et al. "Greensboro's Eviction Crisis." The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

likely to have long-term housing instability compared to other low-income tenants.<sup>132</sup> A 2018 survey of tenants who had been evicted in Seattle found that 80% of survey respondents were denied access to new housing because of a previous eviction, and one-third of respondents were not able to re-rent because of a monetary judgment from a previous eviction.<sup>133</sup>

67. The Consumer Financial Protection Bureau released an Enforcement compliance bulletin reminding rental property owners, consumer reporting agencies, and others of their obligations to accurately report rental and eviction information.<sup>134</sup> Without a lawyer, it may be challenging for tenants to dispute inaccurate rental and eviction information they find on their credit reports. Having accurate credit reports is particularly relevant in the current economic climate of increasing rents and low vacancy rates. Stout has learned through its eviction right to counsel evaluations in other jurisdictions that rental property owners often use past eviction filings, regardless of the outcome of the case or the circumstances involved, as a leading indicator of risk.

#### Eviction Can Arise from Unpaid Utility Bills

68. Non-payment of utilities can result in eviction and the loss of housing vouchers.<sup>135</sup> A recent study of the costs of eviction in Seattle connected income instability and having unpaid utility or property tax bills to possible eviction.<sup>136</sup> After an income disruption (i.e., job loss, health emergency, unexpected expenses), financially insecure households are three times more likely to miss a utility payment and 14 times more likely to be evicted than financially secure households.<sup>137</sup> In 2011, the average electric bill in Houston, Texas was found to be more than \$200 per month during the summer, making utility payments a barrier to maintaining housing for low-income renters.<sup>138</sup> Furthermore, some rental assistance programs in Houston calculate a “utility allowance,” which often do not fully cover true utility costs, leaving tenants at risk of eviction if utility bills are unpaid.<sup>139</sup>

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<sup>132</sup> Desmond, Matthew. “Evicted: Poverty and Profit in the American City.” 2016.

<sup>133</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>134</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021.

<sup>135</sup> Ibid.

<sup>136</sup> Elliot, Diana and Kalish, Emma. “The Cost of Eviction and Unpaid Bills of Financially Insecure Families for City Budget.” Urban Institute. January 2017.

<sup>137</sup> Ibid.

<sup>138</sup> “Capacity and Gaps in the Homeless Residential and Service System, Harris and Fort Bend Counties.” Coalition for the Homeless Houston/Harris County. 2011.

<sup>139</sup> Ibid.

## Eviction is Connected to Physical Health Impacts

69. A significant body of research has documented the connection between health and housing. Substandard housing conditions are associated with a variety of health conditions, such as respiratory infections, asthma, and lead poisoning.<sup>140</sup>
70. An analysis of the 2015 American Housing Survey data, which included specific questions on asthma and asthma triggers in the home, indicated that: (1) households with children are more likely to have at least one child with asthma when they also report exposure to smoke, mold, and leaks in their home; (2) renters with children are more likely to have asthma triggers in their homes than owners; and (3) households receiving rental subsidies (e.g., vouchers, rental assistance, or living in public housing) have higher exposure to indoor asthma triggers than other low-income renters not receiving rental subsidies and are more likely to have at least one child with asthma.<sup>141</sup>
71. Like asthma, housing instability can affect the health of family members of all ages.<sup>142</sup> Researchers at Boston Medical Center found that caregivers of young children in unstable low-income housing are two times more likely than those in stable housing to be in fair or poor health, and almost three times more likely to report symptoms of depression. Children aged four and under in these families had almost a 20% higher risk of hospitalization, and more 25% higher risk of developmental delays.<sup>143</sup> Another study of caregivers to children found that, of more than 22,000 families served by medical centers over a six-year study period, approximately 34% had at least one of the following adverse housing circumstances: 27% had been behind on rent; 12% had experienced homelessness; and 8% had moved at least twice in the previous 12 months.<sup>144</sup> A recent study published by the American Academy of Pediatrics examining the effects of homelessness on pediatric health found that the stress of both prenatal and postnatal homelessness was associated with increased negative health outcomes compared to children who never experienced homelessness.<sup>145</sup> A study of nearly 10,000 mothers in five U.S. cities found that prenatal homelessness was associated with a higher likelihood of low birth weight and preterm delivery.<sup>146</sup> Researchers from Harvard and Princeton (in conjunction with the Public Health

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<sup>140</sup> Krieger, James and Higgins, Donna. "Housing and Health: Time Again for Public Health Action." *American Journal of Public Health*. 2002.

<sup>141</sup> Ganesh, Bhargavi et al. "The Relationship between Housing and Asthma among School-Age Children." Urban Institute. October 2017.

<sup>142</sup> Butera, Candace. "The Burden of a Late Rent Check Can Harm the Health of Both Parents and Kids." *Pacific Standard*. January 23, 2018.

<sup>143</sup> *Ibid.*

<sup>144</sup> Sandel, Megan, et al. "Unstable Housing and Caregiver and Child Health in Renter Families."

<sup>145</sup> Sandel, Megan, et al. "Timing and Duration of Pre- and Postnatal Homelessness and the Health of Young Children." *The American Academy of Pediatrics*. September 2018.

<sup>146</sup> Cutts, Diana B. et al. "Homelessness During Pregnancy: A Unique, Time-Dependent Risk Factor of Birth Outcomes." *Maternal and Child Health Journal*. November 2014.

Institute of Basel, Switzerland) had similar findings in their study of eviction filings: experiencing an eviction filing during pregnancy was associated with an increased risk of low birth weight and premature birth.<sup>147,148</sup> Furthermore, Black mothers who are experiencing homelessness have worse birth outcomes than other mothers who are experiencing homelessness – a reflection of the disparate health outcomes generally experienced by the Black population.<sup>149</sup>

72. A recent study published by the American Academy of Pediatrics explored the impact of formal and informal evictions on households with children and their caregivers.<sup>150</sup> The study describes correlations between households experiencing eviction and:

- Increased likelihood of the caregivers and children experiencing worse health outcomes
- Increased developmental risks among children
- Increased hospital admission among children
- Increased likelihood of the household experiencing food insecurity and inability to afford utilities, healthcare, and childcare.<sup>151</sup>

73. A 2022 study of a medical-legal partnership in Greater Cincinnati, Ohio found that when lawyers addressed health-related social needs of children, the hospitalization rate for the children decreased approximately 38% following the year of legal assistance compared to children who did not receive legal assistance.<sup>152</sup> Lawyers working within the medical-legal partnership assisted with representing households with children in eviction proceedings, compelling the remediation of substandard rental housing conditions, appealing public benefits denials, and resolving issues with schools about disability accommodations.<sup>153</sup> A 2014 study of mold prevalence in Detroit homes found that the age of the home and mold contamination were positively correlated (i.e., older homes had higher rates of mold contamination).<sup>154</sup> Asthmatic children in Detroit were living in homes with higher than

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<sup>147</sup> Khadka, Aayush, et al. “In utero exposure to threat of evictions and preterm birth: Evidence from the United States.” Health Services Research. 2020.

<sup>148</sup> Himmelstein, Gracie and Desmond, Matthew. “Association of Eviction With Adverse Birth Outcomes Among Women in Georgia, 2000 to 2016.” JAMA Pediatrics. March 2021.

<sup>149</sup> Gay Dawes, Elizabeth. “Housing Instability Is an Important (Yet Overlooked) Factor in the Maternal Health Crisis.” Rewire.News. April 12, 2018.

<sup>150</sup> Cutts, Diana B. MD. et al. “Eviction and Household Health and Hardships in Families with Very Young Children.” American Academy of Pediatrics. October 2022.

<sup>151</sup> Ibid.

<sup>152</sup> Beck, Andrew F. et al. “Reductions in Hospitalizations Among Children Referred to a Primary Care-Based Medical-Legal Partnership.” Health Affairs. March 2022.

<sup>153</sup> Ibid.

<sup>154</sup> Vesper, Stephen et al. “Use of Medicaid and housing data may help target areas of high asthma prevalence.” Journal of Asthma. 2017.

average mold contamination rates than non-Detroit homes.<sup>155</sup> According to a Michigan Department of Health and Human Services report, the prevalence of asthma among Detroit adults is 29% higher than Michigan residents outside of Detroit, and the hospitalization rate for people with asthma in Detroit is 3 times higher than Michigan residents outside of Detroit.<sup>156</sup>

74. A 2016 Canadian study found that eviction specifically is associated with increased odds of having detectable viral loads among people living with HIV and increased rates of illicit drug use and relapse.<sup>157</sup>
75. Families who are evicted often relocate to neighborhoods with higher levels of poverty and violent crime.<sup>158</sup> Researchers at Boston Medical Center and Children’s Hospital found that homes with vermin infestation, mold, inadequate heating, lead, and in violent areas were connected to increased prevalence of respiratory disease, injuries, and lead poisoning in children.<sup>159</sup> Living in a distressed neighborhood can negatively influence a family’s well-being.<sup>160</sup> Moreover, families experiencing eviction who are desperate to find housing often accept substandard living conditions that can bring about significant health problems.<sup>161</sup> The primary health outcome found to be related to housing is respiratory health, which is measured by the presence of respiratory disease or by lung function.<sup>162</sup> Housing conditions that are respiratory health factors include cold temperatures, humidity, and ventilation – all of which contribute to the growth of mold, fungi, and other microorganisms.<sup>163</sup> Living in these conditions can result in wheezing, aches and pains, gastrointestinal issues, headaches, and fever.<sup>164</sup> Data from the Third National Health and Nutrition Examination Survey estimated that housing environments exacerbate the effects of asthma in 40% of children.<sup>165</sup>

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<sup>155</sup> Ibid.

<sup>156</sup> DeGuire, Peter et al. “Detroit: The Current Status of the Asthma Burden.” Michigan Department of Health and Human Services Bureau of Disease Control, Prevention and Epidemiology. March 2016.

<sup>157</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021. Referencing Kennedy, Mary Clare et al. “Residential Eviction and Risk of Detectable Plasma HIV-1 RNA Viral Load Among HIV-Positive People Who Use Drugs.” AIDS Behavior. February 2016.

<sup>158</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

<sup>159</sup> “Not Safe at Home: How America’s Housing Crisis Threatens the Health of Its Children.” The Doc4Kids Project, Boston Medical Center and Children’s Hospital. 1998.

<sup>160</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. “Eviction’s Fallout: Housing, Hardship, and Health.” Social Forces. February 24, 2015.

<sup>161</sup> Ibid.

<sup>162</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Sandel, Megan and Desmond, Matthew. “Investing in Housing for Health Improves Both Mission and Margin.” The Journal of the American Medical Association. 2017.

76. Researchers in Boston analyzed 10 years of tenant complaints to the city regarding mold, pest infestation, and other substandard housing conditions. After adjusting for income and other neighborhood characteristics, they found tenant race was a significantly associated with the incidences of housing conditions that trigger asthma.<sup>166</sup> For every 10% decrease in the proportion of White residents in a neighborhood, the incidence of housing conditions that trigger asthma increased by approximately 3 reports per 1,000 residents.<sup>167</sup> Not only were incidence of asthma triggers higher in low-income, racially diverse neighborhoods, but response times by the city to these complaints were longer.<sup>168</sup> In neighborhoods with the lowest proportions of White residents, the response time to complaints was 17% (3.5 days) slower than the median response in neighborhoods with the highest proportions of White residents.<sup>169</sup> Complaints in neighborhoods with the lowest proportions of White residents were also approximately 14% more likely of being flagged as overdue for a response and approximately 54% less likely to have been repaired than complaints in neighborhoods with the highest proportions of White residents.<sup>170</sup>
77. While mold is often a cause of asthma, it is also a food source for dust mites, which are a known allergen.<sup>171</sup> In addition to causing respiratory health issues, exposure to lead can have irreversible health impacts. Because lead is more prevalent in older and substandard housing, lead poisoning must also be viewed as a manifestation of the affordable housing crisis.<sup>172</sup> According to the Centers for Disease Control and Prevention, children who live in households at or below the federal poverty level and those living in housing built before 1978 are at the greatest risk of exposure.<sup>173</sup> Children of color are also at a higher risk of lead exposure attributable in significant part to the longstanding effects racist housing policies including redlining, which have exacerbated other historical inequities in accessing safe and healthy housing.<sup>174</sup> Even at low levels of exposure, lead causes brain and nervous system damage including: impaired growth, hyperactivity, reduced attention span, intellectual and developmental disabilities, hearing loss, insomnia, and behavioral issues.<sup>175</sup> Researchers from Harvard recently studied the connection between eviction and lead poisoning by analyzing data from the national Fragile Families & Child Wellbeing Study. Children evicted in their first year of life were predicted to have approximately a 10% likelihood of being diagnosed with lead poisoning by age 3 compared to approximately

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<sup>166</sup> Lemire, Evan et al. “Unequal Housing Conditions and Code Enforcement Contribute to Asthma Disparities in Boston, Massachusetts.” Health Affairs. April 2022.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Shaw, Mary. “Housing and Public Health.” Department of Social Medicine, University of Bristol. October 2003.

<sup>172</sup> “Lead.” National Center for Healthy Housing. N.d.

<sup>173</sup> “Childhood Lead Poisoning Prevention.” Centers for Disease Control and Prevention. November 2020.

<sup>174</sup> Ibid.

<sup>175</sup> “Lead.” National Center for Healthy Housing. N.d.

a 5% likelihood if they were not evicted.<sup>176</sup> Future evictions were shown to exacerbate this disparity. Between ages 3 and 5, children evicted in both the first and third years of life were predicted to have an 11% likelihood of being newly diagnosed with lead poisoning compared to a 2% likelihood if they were never evicted.<sup>177</sup>

78. Although already well-documented, the COVID-19 pandemic has created further evidence of the connection between housing and health. Housing instability undermines crucial infection prevention strategies deployed throughout the pandemic, exacerbating the health consequences of eviction.<sup>178</sup> Research has shown that eviction and displacement are associated with increased COVID-19 infection and mortality rates.<sup>179</sup> Eviction and displacement lead to overcrowding, doubling up, and homelessness, which all increase contact with other people and make social distancing challenging.<sup>180</sup> While most people who experience eviction do not immediately enter shelter and instead double up with friends and family, these living arrangements increase the likelihood of exposure to COVID-19 and are compounded by members of these households who are often working essential jobs with a higher risk of exposure.<sup>181</sup> Research has demonstrated that eviction and housing instability are associated with a variety of comorbidities – increased incidence of high blood pressure, heart disease, respiratory illnesses, sexually transmitted infections, and drug use.<sup>182</sup> These comorbidities, in combination with the inability to socially distance, puts people who have been evicted or who are experiencing housing instability at increased risk of contracting, spreading, and dying from COVID-19.<sup>183</sup>
79. Although the pandemic has moved into a phase with less intensive responses (e.g., social distancing, business and school closures, mask mandates, eviction moratoria), renters with low incomes may still be at increased risk of contracting COVID-19, which can have severe consequences, such as eviction arising from employment loss or a reduction in hours. These impacts will likely persist as will the associated disruptions so long as COVID-19 remains highly transmissible and capable of significant impacts to health.

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<sup>176</sup> Schwartz, Gabriel. “Cycles of Disadvantage: Eviction and Children’s Health in the United States.” Harvard University. 2020.

<sup>177</sup> Ibid.

<sup>178</sup> “Eviction and Health: A Vicious Cycle Exacerbated by a Pandemic.” Robert Wood Johnson Foundation. April 2021.

<sup>179</sup> Nande, Anjalika et al. “The effect of eviction moratoria on the transmission of SARS-CoV-2.” medRxiv. November 2020.

<sup>180</sup> Benfer, Emily et al. “Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy.” *Journal of Urban Health*. January 2021.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

## Eviction is Connected to Mental Health Impacts

80. An Associate Professor of Pediatrics at Drexel University College of Medicine testified at a Philadelphia City Council hearing that, “science has shown that children who live in stressful environments, such as substandard housing, the threat of eviction, homelessness and poverty, have changes in their neurological system that affects their ability to learn, to focus, and to resolve conflicts.”<sup>184</sup> Professor Daniel Taylor also stated that this “toxic stress” affects many of the body’s critical organ systems resulting in an increased prevalence of behavioral issues, diabetes, weight issues, and cardiovascular disease.<sup>185</sup> Furthermore, major life stressors have been found to increase rates of domestic violence.<sup>186</sup> According to a nationwide survey of domestic violence shelters and programs, approximately 41% of respondents indicated evictions and home foreclosures as a driver of increased demand for domestic violence services.<sup>187</sup> In Seattle, approximately 38% of survey respondents who had experienced eviction reported feeling stressed, 8% experienced increased or new depression, anxiety, or insomnia, and 5% developed a heart condition they believed to be connected to their housing instability.<sup>188</sup> Among respondents who had school-age children, approximately 56% indicated that their children’s health suffered “very much” as a result of eviction, and approximately 33% indicated that their children’s health suffered “somewhat” for a total of 89% of respondents’ children experiencing a negative health impact because of eviction.<sup>189</sup> A recent study in Cleveland by Case Western University found that approximately 21% of interviewed tenants facing eviction self-reported that they were experiencing poor health.<sup>190</sup> Forty-five percent of interviewed tenants reported that they had been mentally or emotionally impacted by the eviction process and that their children were also mentally or emotionally impacted.<sup>191</sup>
81. A survey of approximately 2,700 low-income mothers from 20 cities across the country who experienced an eviction consistently reported worse health for themselves and their

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<sup>184</sup> Taylor, Daniel R. Testimony Presented to City Council Committee on Licenses and Inspections and the Committee on Public Health and Human Services Regarding Resolution 160988. March 20, 2017.

<sup>185</sup> Ibid.

<sup>186</sup> Makepeace, J. “Life Events Stress and Courtship Violence.” *Family Relations*. January 1983.

<sup>187</sup> “Homeless Service Utilization Report.” Center on Family at the University of Hawaii and the Homeless Programs Office of the Hawaii State Department of Human Services. 2010. Referencing “Domestic Violence Counts 2009: A 24-Hour Census of Domestic Violence Shelters and Services.” National Network to End Domestic Violence. 2009.

<sup>188</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>189</sup> Ibid.

<sup>190</sup> “The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction.” Center on Urban Poverty and Community Development, Case Western University. October 2019.

<sup>191</sup> Ibid.

children, including increased depression and parental stress.<sup>192</sup> These effects were persistent. Two years after experiencing eviction, mothers still had higher rates of material hardship and depression than mothers who had not experienced eviction.<sup>193</sup> In a study of the effects of forced dislocation in Boston's West End, approximately 46% of women and 38% of men expressed feelings of grief or other depressive reactions when asked how they felt about their displacement.<sup>194</sup> A study on the effects of eviction in Middlesex County, Connecticut included interviews with individuals who had experienced an eviction. In almost every case, interviewees expressed that their eviction negatively impacted their physical and mental health.<sup>195</sup> Approximately two-thirds of interviewees reported feeling more anxious, depressed, or hopeless during the eviction process.<sup>196</sup> Individuals who had previously struggled with mental health issues reported that the stress from the eviction exacerbated their conditions with three interviewees reporting hospitalization for mental health issues following their evictions.<sup>197</sup> Inadequate sleep, malnourishment, physical pain, and increased use of drugs and alcohol were also cited by the interviewees.<sup>198</sup>

82. As with many of the negative impacts of eviction, both physical and mental health issues can be long-term, difficult to reverse, and extremely costly to treat. A study of Medicaid recipients in New Jersey found that health care spending for Medicaid recipients who were experiencing homelessness were between 10% and 27% higher than Medicaid recipients who were stably housed, all else equal.<sup>199</sup> The 10 to 27% increase in Medicaid spending for individuals experiencing homelessness equates to an additional \$1,362 to \$5,727, of which at least 75% is attributed to inpatient hospital and emergency department services.<sup>200</sup> A study in Michigan found that Medicaid spending for adults experiencing homelessness was 78% higher than the statewide average and 26% higher for children experiencing homelessness than the statewide average.<sup>201</sup>
83. The American Journal of Preventive Medicine recently published a research article examining the intersection of eviction and health care utilization / access in New York City. Over a 6-month period, Medicaid enrollees who were evicted made 32% fewer prescription

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<sup>192</sup> Desmond, Matthew and Tolbert Kimbro, Rachel. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces*. February 24, 2015.

<sup>193</sup> Ibid.

<sup>194</sup> Fried, Marc. "Grieving for a Lost Home: Psychological Costs of Relocation." The MIT Press. 1966.

<sup>195</sup> Babajide, Rilwan, et. al. "Effects of Eviction on Individuals and Communities in Middlesex County." The Middlesex County Coalition on Housing and Homelessness. May 12, 2016.

<sup>196</sup> Ibid.

<sup>197</sup> Ibid.

<sup>198</sup> Ibid.

<sup>199</sup> Cantor, Joel C. et al. "Medicaid Utilization and Spending among Homeless Adults in New Jersey: Implications for Medicaid-Funded Tenancy Support Services." *The Milbank Quarterly*. January 22, 2020.

<sup>200</sup> Ibid.

<sup>201</sup> Spellman, Brooke, et. al. "Costs Associated With First-Time Homelessness for Families and Individuals." U.S. Department of Housing and Urban Development, Office of Policy Development and Research. March 2010.

fills, 40% fewer ambulatory care visits, and 22% more acute care visits.<sup>202</sup> A 2016 study of more than 1,600 Medicaid enrollees found that when these enrollees lived in affordable housing, overall health care expenditures decreased by 12% and emergency department visits decreased by 18%.<sup>203</sup>

84. The connection between housing stability and a household's mental and physical health is evident. Safe, habitable homes are important, especially in times of crisis when mental and physical health issues may become exacerbated. During the COVID-19 pandemic, numerous cities and states throughout the country instituted eviction moratoriums, recognizing the crucial role housing plays in public health and safety.<sup>204</sup> Researchers from the University of California, Los Angeles' Ziman Center for Real Estate found that renters reported better mental health as the eviction moratoriums progressed, particularly the mental health of Black renters.<sup>205</sup> Each additional week that eviction moratoriums were in place, the share of Black renter households who reported "feeling anxious" decreased by approximately 2%.<sup>206</sup>

#### Eviction Can be a Cause of Suicide

85. In 2015, the American Journal of Public Health published the first comprehensive study of housing instability as a risk factor for suicide.<sup>207</sup> Researchers identified 929 eviction- or foreclosure-related suicides, which accounted for 1% to 2% of all suicides and 10% to 16% of all financial-related suicides from 2005 to 2010.<sup>208</sup> In 2005, prior to the 2009 housing crisis, there were 58 eviction-related suicides.<sup>209</sup> At the peak of the housing crisis in 2009, there were 94 eviction-related suicides, an increase of 62% from 2005.<sup>210</sup> These statistically significant increases were observed by researchers relative to the frequency of all other suicides during the same period and relative to suicides associated with general financial hardships, suggesting that the increase in eviction- or foreclosure-related suicides was not only a part of a general increase in the number of suicides.<sup>211</sup> After the housing crisis,

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<sup>202</sup> Schwartz, Gabriel L. et al. "Eviction, Healthcare Utilization, and Disenrollment Among New York City Medicaid Patients." American Journal of Preventive Medicine. 2022.

<sup>203</sup> "Health in Housing: Exploring the Intersection between Housing and Health Care." Center for Outcomes Research and Education and Enterprise Community Partners, Inc. February 2016.

<sup>204</sup> Parker, Will. "Coronavirus Outbreak Pushed Local Governments to Freeze Home Evictions." The Wall Street Journal. March 22, 2020.

<sup>205</sup> An, Xudong et al. "More Than Shelter: The Effects of Rental Eviction Moratoria on Household Well-Being." SSRN. July 2021.

<sup>206</sup> Ibid.

<sup>207</sup> Fowler, Katherine A. et al. "Increase in Suicides Associated With Home Eviction and Foreclosure During the US Housing Crisis: Findings From 16 National Violent Death Reporting System States, 2005-2010." American Journal of Public Health. February 2015.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid.

eviction-related suicides began to return to pre-crisis levels. Approximately 79% of suicides occurred before the actual loss of housing, and 39% of people taking their lives had experienced an eviction- or foreclosure-related crisis (e.g., eviction notice, court hearing, vacate date) within two weeks of the suicide.<sup>212</sup> A 2012 analysis of online court record archives that linked court records to suicide deaths found that in an urban county, nearly a third of suicide victims had recent court involvement – twice the proportion of the control group.<sup>213</sup> Foreclosure was associated with a threefold increase in the risk of suicide.<sup>214</sup>

### Eviction Can Cause Excess Mortality

86. According to The National Health Care for the Homeless Council, people experiencing homelessness have higher rates of illness and die, on average, 12 years sooner than the general population.<sup>215</sup> A 7-year study of people experiencing homelessness in New York City who were living in emergency shelter found that their age-adjusted mortality rate was 4 times higher than the general population.<sup>216</sup>
87. The National Health Care for the Homeless Council (the Council) conducted a literature review of studies related to premature death among people experiencing homelessness. Several studies reviewed by the Council indicated increased rates of premature death in “zones of mortality” which were characterized by high poverty rates, concentrations of people experiencing homelessness, emergency shelters, and substandard housing conditions.<sup>217</sup>
88. A 19-year study by researchers at Wayne State University of Medicine compared the health status of older adults in Detroit to older adults in Michigan outside of Detroit. The analysis, titled *Dying Before Their Time*, found that older adults living in Detroit die at twice the rate of those living in Michigan outside of Detroit.<sup>218</sup> The researchers identified social determinants of health as a major cause of excess death in Detroit.<sup>219</sup> Social determinants

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<sup>212</sup> Ibid.

<sup>213</sup> Cook, Thomas Bradley and Davis, Mark. “Assessing Legal Strains and Risk of Suicide Using Archived Court Data.” Center for Health Disparities Research & Education. August 2012.

<sup>214</sup> Ibid.

<sup>215</sup> “Homelessness & Health: What’s the Connection?” National Health Care for the Homeless Council. February 2019.

<sup>216</sup> Barrow, Susan M and Struening, Elmer L. “Mortality Among Homeless Shelter Residents in New York City.” *American Journal of Public Health*. April 1999.

<sup>217</sup> O’Connell, James J. “Premature Mortality in Homeless Populations: A Review of the Literature.” National Health Care for the Homeless Council. December 2005.

<sup>218</sup> Smitherman, Herbert C, MD, MPH, FACP, et al. “Dying Before Their Time III 19-Year (1999-2017) Comparative Analysis of Excess Mortality in Detroit (PSA 1-A). Wayne State School of Medicine. July 2020.

<sup>219</sup> Ibid.

of health, one being housing, influence between 60% and 70% of individual and community wellbeing.<sup>220</sup>

### Eviction Impacts the Education of Children

89. When families are evicted, children experience a variety of disruptions that can negatively impact their education and behavior. When children succeed in school, it is often indicative of their needs being met in other areas of their lives.<sup>221</sup>
90. The National Assessment of Education Progress, known as “the Nation’s Report Card,” suggests that children who frequently change schools (i.e., more than twice in the preceding 18 months) are half as likely to be proficient in reading as their stable peers.<sup>222</sup> A study of third grade students who frequently changed schools found that students without stable housing were approximately twice as likely to perform below grade level in math compared to stably housed students.<sup>223</sup> Not only do unstably housed students perform worse in reading and math than their stable peers, they are also nearly three times more likely to repeat a grade, and the likelihood that they will graduate is reduced by more than 50%.<sup>224</sup> In Seattle, approximately 88% of survey respondents with school-aged children reported their children’s school performance suffered “very much” because of the eviction the family experienced, and approximately 86% of respondents reported their children had to move schools after the eviction.<sup>225</sup>
91. In Atlanta, an ongoing program embeds housing attorneys and community advocates in high schools in neighborhoods where many residents are experiencing housing instability.<sup>226</sup> As a result of this program, the enrollment turnover rate decreased by 25% to 51% in certain schools, and attorneys stopped 20 evictions and assisted with 81 other housing-related cases.<sup>227</sup>

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<sup>220</sup> Ibid.

<sup>221</sup> “State of the Detroit Child 2010.” Data Driven Detroit. 2010.

<sup>222</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, Russell. “The Causes and Consequences of Student Mobility.” Journal of Negro Education. 2003.

<sup>223</sup> Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing “Elementary School Children: Many Change Schools Frequently, Harming Their Education.” United States General Accounting Office Report. 1994.

<sup>224</sup> Ibid. And Isaacs, Julia and Lovell, Phillip. “The Impact of the Mortgage Crisis on Children and Their Education.” First Focus. May 1, 2008., citing Rumberger, 1993.

<sup>225</sup> Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>226</sup> Starnes, Ashleigh and King, Katie. “Standing with Our Neighbors Featured on CBS This Morning.” Atlanta Volunteer Lawyers Foundation. March 23, 2018.

<sup>227</sup> Ibid.

92. During the 2019-2020 school year, approximately 8% of students in South Carolina were chronically absent, missing 10% or more of school days.<sup>228</sup> Approximately 24% of students experiencing homelessness in South Carolina are chronically absent.<sup>229</sup> Figure 10 shows the chronic absenteeism rate in South Carolina for 2016 through 2020.

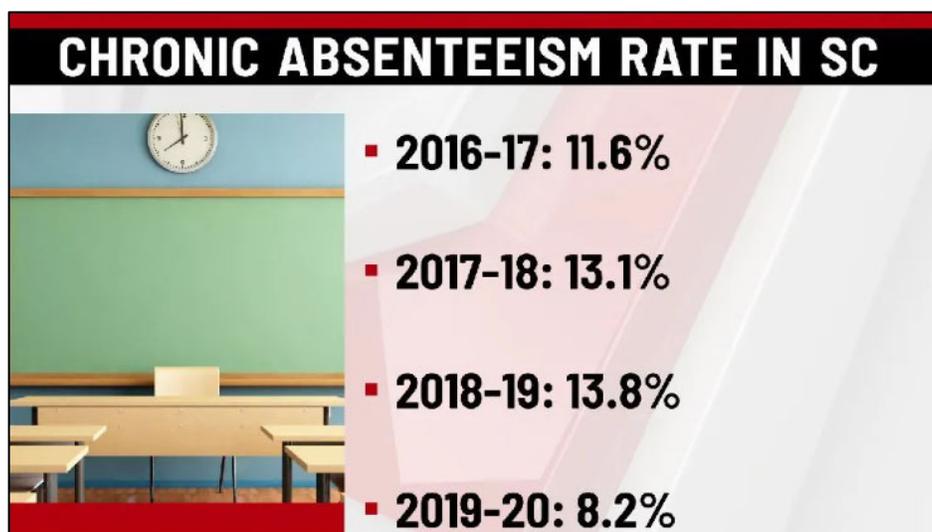


Figure 10

93. When students miss school, academic achievement can be negatively impacted. Students who are chronically absent during early elementary grades are less likely to be reading proficiently by third grade and more likely to not graduate.<sup>230</sup> These challenges are also experienced by children who change schools frequently due to housing instability or homelessness.<sup>231</sup>
94. Researchers at University of Michigan Poverty Solutions recently linked economic and housing instability to higher rates of disciplinary action for students. Students who were housed but low-income were suspended nearly 3 times as frequently as housed students who were low-income (11% v. 4%).<sup>232</sup> Students experiencing homelessness were disciplined at an even higher rate (16%).<sup>233</sup>
95. Children who frequently move are also more likely to experience behavioral issues. Researchers analyzed survey data from the Mothers and Newborns Study, a longitudinal birth cohort maintained by the Columbia Center for Children’s Environmental Health, to

<sup>228</sup> Raven, Jason. “Working to reduce chronic absenteeism in South Carolina schools.” WSPA. September 2021.

<sup>229</sup> Ibid.

<sup>230</sup> “How Chronic Absenteeism Affects Student Achievement.” Edmentum. 2021.

<sup>231</sup> “A Place to Call Home: The Case for Increased Federal Investments in Affordable Housing.” National Low Income Housing Coalition. 2015.

<sup>232</sup> Erb-Downward, Jennifer and Blakeslee, Michael. “Recognizing Trauma: Why School Discipline Reform Needs to Consider Student Homelessness.” University of Michigan Poverty Solutions. May 2021.

<sup>233</sup> Ibid.

ascertain certain characteristics of children born to approximately 500 mothers.<sup>234</sup> Researchers found that children who experienced housing instability were approximately twice as likely to have thought-related behavioral issues and were approximately one-and-a-half times more likely to have attention-related behavioral health issues than children who were stably housed.<sup>235</sup>

### Eviction Causes Family Instability Causing Responses from Child Welfare and Foster Care Systems

96. Poverty, housing instability, and child welfare/foster care system involvement are connected. Child Trends, a leading research organization focused on improving the lives of children, analyzes state and federal data related to foster care. Child Trends' analyses indicate during federal fiscal year 2020 (October 1 through September 30), approximately 4% of children in foster care in South Carolina entered foster care due to inadequate housing.<sup>236</sup>
97. Children of parents who are experiencing homelessness are four times more likely to become involved with the child welfare system than low-income, stably housed children.<sup>237</sup> Homelessness not only increases the likelihood that a child will be placed in foster care, but also creates barriers to family reunification once a child is placed in foster care or with other family members.<sup>238</sup> According to U.S. Department of Health and Human Services, approximately 10% of children are removed from their homes because of housing issues.<sup>239</sup> With an average annual cost for out-of-home care of \$18,000 per child, the federal government is expected to spend \$972 million on foster care.<sup>240</sup> In contrast, providing housing and in-home services through the Family First Prevention Services Act to keep families together would cost an estimated \$276 million, an annual cost savings of \$696 million.<sup>241</sup> California spends approximately \$167 million annually in federal funds on foster care and services for children separated because of housing instability, but the state could save approximately \$72 million if it could use those funds to ensure housing was readily

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<sup>234</sup> "Housing Instability Is Linked to Adverse Childhood Behavior." Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. "Impact of Housing Instability on Child Behavior at Age 7 Years." International Public Health Journal. July 1, 2018.

<sup>235</sup> Ibid.

<sup>236</sup> Child Trends South Carolina.

<sup>237</sup> "Housing Instability Is Linked to Adverse Childhood Behavior." Urban Institute. May 8, 2019. Referencing Gaylord, Abigail et al. "Impact of Housing Instability on Child Behavior at Age 7 Years." International Public Health Journal. July 1, 2018.

<sup>238</sup> "Keeping Families Together." New Mexico Appleseed. 2013.

<sup>239</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>240</sup> Letter from Ruth White of the National Center for Housing & Child Welfare to Assistant Secretary Chang of the U.S. Department of Health & Human Services. March 2021. Referencing NCHCW Cost Analysis 2021.

<sup>241</sup> Ibid.

available when parents are eligible for reunification.<sup>242</sup> This family separation is a lesser-known consequence of the affordable housing crisis throughout the country and in South Carolina.

98. In a survey of 77 families living in Worcester, Massachusetts shelters, approximately 19% of their children were placed in foster care compared to 8% of low-income, housed children in Worcester.<sup>243</sup> Findings from a similar survey of families experiencing homelessness in New York City indicated that 35% of families had an open child welfare case and 20% had one or more children in foster care.<sup>244</sup> A study of approximately 23,000 mothers living in Philadelphia found that approximately 37% of mothers experiencing homelessness became involved with child welfare services within the first five years of a child's birth compared to approximately 9% of mothers living in low-income neighborhoods and 4% of other mothers.<sup>245</sup> The risk of child welfare services involvement at birth is nearly seven times higher for mothers who have ever experienced homelessness than for mothers who have neither experienced homelessness nor are in the lowest 20% bracket of income.<sup>246</sup> Children born into families that have experienced homelessness were placed into foster care in approximately 62% of cases compared to approximately 40% of cases involving low-income families.<sup>247</sup>
99. Researchers at Case Western Reserve University in Cleveland, Ohio examined the effects of entry into foster care on children's well-being and future opportunity. The researchers found that of the students in foster care systems, more than 57% were chronically absent at school (i.e., having missed more than 10% of the days enrolled).<sup>248</sup> Additionally, nearly 80% of students involved in both foster care and the juvenile system were cited as being chronically absent.<sup>249</sup> Nine percent of students that had been in foster care had used homelessness services, and 14% of students that were involved in foster care and the juvenile system had used homelessness services.<sup>250</sup> Lastly, the researchers found that, of students involved with the foster care and juvenile systems who began ninth grade, only 23% were still enrolled during twelfth grade compared to 58% of non-system involved

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<sup>242</sup> "The AFCARS Report." U.S. Department of Health and Human Services, Administration for Children and Families. October 20, 2017.

<sup>243</sup> Bassuk, E.L., et al. "Homelessness in Female Headed Families: Childhood and Adult Risk and Protective Factors." *American Journal of Public Health*. 1997.

<sup>244</sup> Nunez, R.D. "Hopes, Dreams, and Promise: The Future of Homeless Children in America." Institute for Children and Poverty, Homes for the Homeless Inc. 1994.

<sup>245</sup> Culhane, Jennifer, et. al. "Prevalence of Child Welfare Services Involvement among Homeless and Low-Income Mothers: A Five-year Birth Cohort Study." *Journal of Sociology and Social Welfare*. 2003.

<sup>246</sup> *Ibid.*

<sup>247</sup> *Ibid.*

<sup>248</sup> Coulton, Claudia et al. "Policy Research Brief: Effects of Foster Care and Juvenile Justice Involvement on Early Adult Outcomes: A Study of Cleveland's Youth." Case Western Reserve University. N.d.

<sup>249</sup> *Ibid.*

<sup>250</sup> *Ibid.*

students.<sup>251</sup> These factors indicate that students removed from their families are more often absent in school, drop out of school prior to completion, or use homelessness services.

100. A first of its kind study in Sweden examined to what extent children from evicted households were separated from their families and placed in foster care. The study found that approximately 4% of evicted children were removed from their families compared to 0.3% of non-evicted children.<sup>252</sup> An American study, using a nationally representative longitudinal data set, explored the prevalence of inadequate housing among families under investigation by child welfare services agencies.<sup>253</sup> Findings indicated that inadequate housing contributed to 16% of child removals among families under investigation by child protective services.<sup>254</sup>
101. The Administration for Children and Families, a division of the U.S. Department of Health and Human Services, issued in January 2021 an Information Memorandum (IM) highlighting the importance of civil legal services in advancing child and family well-being, addressing social determinants of health, and enhancing community resiliency.<sup>255</sup> The IM cites housing, access to adequate housing, habitability, and eviction as civil legal issues that, if left unresolved, can become a major impediment to keeping families together.<sup>256</sup>

#### Eviction Causes Community Instability

102. Researchers have investigated how high eviction rates unravel the social fabric of communities. When evictions take place on a large scale, the effects are felt beyond the family being evicted; a social problem that destabilizes communities occurs.<sup>257</sup> More than middle- and upper-income households, low-income households rely heavily on their neighbors. For example, individuals in low-income communities depend on each other for childcare, elder care, transportation, and security because they cannot afford to pay for these services independently. These informal support networks develop over time, particularly in communities with no or minimal social safety nets.<sup>258</sup> However, these

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<sup>251</sup> Ibid.

<sup>252</sup> Berg, Lisa. "Evicted children and subsequent placement in out-of-home care: A cohort study." Centre for Health Equity Studies, Department of Public Health Sciences, Stockholm University. April 18, 2018.

<sup>253</sup> Fowler, PJ, et. al. "Inadequate housing among families under investigation for child abuse and neglect: prevalence from a national probability sample." American Journal of Community Psychology. 2013.

<sup>254</sup> Ibid.

<sup>255</sup> ACYF-CB-IM-21-02.

<sup>256</sup> Ibid.

<sup>257</sup> Blumgart, Jake. "To reduce unfair evictions tenants need lawyers." Plan Philly. March 16, 2017

<sup>258</sup> Mah, Julie. "Gentrification-Induced Displacement in Detroit, Michigan: An Analysis of Evictions." Housing Policy Debate. 2020.

informal support networks are fragile, and when people are displaced from their communities, the networks are more likely to become strained.<sup>259</sup>

103. The lack of formal social safety net supports is then further exacerbated because the informal support networks that were once there are gone because people providing those supports have been displaced.<sup>260</sup> Thus, people living in these communities can become more susceptible to crises.<sup>261</sup> Matthew Desmond has indicated through his work that eviction can account for high residential instability rates in neighborhoods with high levels of poverty, holding all other factors equal.<sup>262</sup>

104. Community instability can also manifest due to the association between eviction and interaction with the criminal system. A 2018 first of its kind study analyzed data from the national Fragile Families and Child Wellbeing Study and estimated that mothers who have been evicted are more than twice as likely than mothers who have never been evicted to be involved with the criminal system.<sup>263</sup> This finding is consistent with other studies of housing instability, homelessness, criminal behavior, and incarceration.

#### *Benefits of Providing Representation Through an Eviction Right to Counsel*

#### *Eviction Right to Counsel Can Improve the Court System*

105. Unrepresented tenants increase the administrative burden on courts that would not exist if the tenant were represented. Unrepresented tenants are likely to be uninformed about the applicable law and court procedures, which poses significant demands on court staff and court resources.<sup>264</sup> For example, when asked what types of resources they used, unrepresented tenants responded with “consultation of court staff” as one of their top three resources.<sup>265</sup> The researcher who administered the survey stated that incomplete or illegible court filings from unrepresented tenants make it difficult for judges to determine what relief is being sought or if the claim has a legally cognizable basis.<sup>266</sup> Additionally, the pervasive challenge of tenants failing to appear for scheduled hearings causes uncertainty for the court staff about the number of cases to schedule on any given docket, leading to

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<sup>259</sup> Ibid.

<sup>260</sup> Ibid.

<sup>261</sup> Ibid.

<sup>262</sup> Johns-Wolfe, Elaina. “You are being asked to leave the premises: A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017.” The Cincinnati Project. June 2018. Referencing Desmond, Matthew. “Community in Crisis: Understanding Housing Insecurity.” Northern Kentucky University. 2018.

<sup>263</sup> Gottlieb, Aaron and Moose, Jessica W. “The Effect of Eviction on Maternal Criminal Justice Involvement.” SAGE. 2018.

<sup>264</sup> Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” The Justice System Journal. 2003.

<sup>265</sup> Ibid.

<sup>266</sup> Ibid.

unnecessary delays for other cases in the court’s caseload.<sup>267</sup> Unmeritorious cases filed by rental property owners or rental property owner counsel, who expect the tenant to be unrepresented, also administratively burden the court system. Over a three-month period in Tulsa, Oklahoma, more than 500 companies with invalid limited liability company status filed evictions, despite lacking capacity to bring suit in Oklahoma, thus filling docket space with baseless cases and using court resources to process them.<sup>268</sup>

### More Effective Resolution of Eviction Cases Reducing Disruptive Displacement of Tenants

106. The United States Supreme Court decision in *Gideon v. Wainwright* established that the Fourteenth Amendment to the Constitution creates a right for indigent criminal defendants to be represented by counsel. Although this decision explicitly applies in criminal cases, the consequences of an eviction to the tenant can be similarly severe, debilitating, and harmful. Studies from around the country have assessed the significant impact of tenant representation in eviction cases.

- Cleveland, Ohio – Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel found that for cases closed between January 1, 2021 and December 31, 2021, Cleveland Legal services attorneys were able to achieve the following outcomes for clients with these respective goals<sup>269</sup>:
  - Prevented eviction judgment or involuntary move – 93%
  - Secured rental assistance – 83%
  - Secured time to move (30 days or more) – 92%
  - Mitigated damages – 94%
  - Secured monetary relief – 97%
- New York City – Researchers conducted a randomized trial in New York City Housing Court where tenants were randomly selected to receive attorney advice or representation or be told that no attorney was available to assist them at that time.<sup>270</sup> Both groups of tenants were followed through to the conclusion of their cases. Tenants who were represented by attorneys were more than four times more likely to retain possession of their apartments than similar tenants who were not represented.<sup>271</sup> A 2011 study of an eviction defense program in the South Bronx found that attorneys prevented an eviction judgment for approximately

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<sup>267</sup> Ibid.

<sup>268</sup> “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” The University of Tulsa College of Law. January 13, 2021.

<sup>269</sup> Stout’s independent evaluation of Cleveland’s Eviction Right to Counsel can be found [here](#).

<sup>270</sup> Sandefur, Rebecca L. “The Impact of Counsel: An Analysis of Empirical Evidence,” Seattle Journal for Social Justice: Vol. 9: Issue 1, Article 3, p. 78. 2010.

<sup>271</sup> Ibid.

86% of their clients.<sup>272</sup> The program also addressed other long-term client challenges and was able to prevent shelter entry for approximately 94% of clients.<sup>273</sup> In August 2017, New York City Mayor Bill de Blasio signed into law landmark legislation that guarantees low-income tenants access to counsel in eviction proceedings. A 2021 report on the first year of implementation in New York City stated that 84% of tenants represented through New York City’s Right to Counsel Law remained in their homes.<sup>274</sup> From 2018 to 2019 residential evictions decreased 15% in New York City, and since the City’s increased investment in eviction defense in 2013, residential evictions have decreased 40%.<sup>275</sup>

- San Francisco, California – Represented tenants were able to remain in their homes in 59% of cases.<sup>276</sup> Of the 30% who did not remain in their home, approximately 70% received favorable settlement terms such as additional time to move.<sup>277</sup>
- Boulder, Colorado – Eviction was prevented in approximately 77% ( $n=88$ ) of cases in the City of Boulder in 2021.<sup>278</sup>
- Kansas City, Missouri – Prior to the pandemic, 99% of eviction cases filed in Jackson County resulted in evictions, and initial data from the Eviction Right to Counsel Program indicates having a lawyer and rental assistance decreases the eviction rate to less than 20%.<sup>279</sup> Approximately 72% of unrepresented tenants had eviction judgments or monetary damages entered against them compared to 56% of represented tenants.<sup>280</sup>
- Philadelphia, Pennsylvania – Stout found that 78% of unrepresented tenants experience case outcomes that have a high likelihood of disruptive

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<sup>272</sup> “Housing Help Program Homelessness Prevention Pilot Final Report.” Seedco. June 2010

<sup>273</sup> Ibid.

<sup>274</sup> Universal Access to Legal Services: A Report on Year One of Implementation in New York City.” Office of Civil Justice, New York City Human Resources Administration. Fall 2021.

<sup>275</sup> “Amid Nationwide Increases, Mayor de Blasio Announces Record-Breaking 41 Percent Decrease in Evictions Citywide.” Office of the Mayor. February 24, 2020.

<sup>276</sup> Eviction Defense Collaborative. Tenant Right to Counsel Data – Outcomes March 2021 through December 2021.

<sup>277</sup> Ibid.

<sup>278</sup> City of Boulder 2021 Eviction Prevention and Rental Assistance Services Annual Report.

<sup>279</sup> “Kansas City program helping residents stay housed New Right to Counsel program providing strong voice for tenants facing eviction.” City of KCMO News Releases. September 2022.

<sup>280</sup> “Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County.” Kansas City Eviction Project. January 24, 2018.

displacement.<sup>281</sup> When tenants are represented, they avoid disruptive displacement 95% of the time.<sup>282</sup>

- Hennepin County, Minnesota – Represented tenants win or settle their cases 96% of the time, and settlements made by represented tenants are significantly better than settlements made by unrepresented tenants.<sup>283</sup> Represented tenants are nearly twice as likely to remain in their homes.<sup>284</sup> If represented tenants agree to move, they are given twice as much time to do so, and nearly 80% of represented tenants do not have an eviction record as a result of the case compared to only 6% of unrepresented tenants.<sup>285</sup>
- Boston, Massachusetts – Represented tenants fared twice as well in terms of remaining in their homes and almost five times as well in terms of rent waived and monetary awards compared to unrepresented tenants.<sup>286</sup> Represented tenants also created a lesser strain on the court system than those who were unrepresented.<sup>287</sup> Data from the HomeStart Program in the Greater Boston Area indicates that 95% of clients assisted by the program with their eviction case had not been evicted in the following four years.<sup>288</sup>
- Seattle, Washington – Represented tenants were approximately twice as likely to remain in their homes as unrepresented tenants.<sup>289</sup>
- Chicago, Illinois – Represented tenants had their cases resolved in their favor approximately 58% of the time compared to 33% of the time for unrepresented tenants.<sup>290</sup> Represented tenants were also more than twice as likely to have their cases dismissed, and when tenants were represented, the rate of rental property

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<sup>281</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

<sup>282</sup> Ibid.

<sup>283</sup> Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d.

<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

<sup>287</sup> Ibid.

<sup>288</sup> Eviction Prevention. HomeStart.org.

<sup>289</sup> Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>290</sup> Dukmasova, Maya. “New data reveals impact of being lawyerless in Chicago eviction court.” Reader. September 14, 2017.

owner summary possession awards decreased from approximately 84% to approximately 39%.<sup>291</sup>

- Denver, Colorado – Approximately 79% of unrepresented tenants are displaced due to an eviction.<sup>292</sup> In sharp contrast, represented tenants experience displacement in only 10% to 20% of cases, depending on whether the housing is public or private.<sup>293</sup>
- Columbus, Ohio – The Legal services Society of Columbus provided representation to tenants through its Tenant Advocacy Project (TAP).<sup>294</sup> One percent of TAP-represented tenants received a judgment against them compared to approximately 54% of non-TAP cases.<sup>295</sup> Approximately 40% of TAP-represented tenants negotiated an agreed upon judgment compared to approximately 15% of non-TAP cases.<sup>296</sup> TAP-represented tenants who negotiated agreements to remain in their homes more than twice as often as non-TAP cases, and TAP-represented tenants successfully negotiated an agreement to move and avoided an eviction judgment more than seven times as often as non-TAP cases.<sup>297</sup> An organization in Franklin County (Columbus, Ohio) providing eviction mediation services reported that during 2019, approximately 84% of tenants at risk of being evicted were able to avoid disruptive displacement as a result of their services.<sup>298</sup> Furthermore, the organization followed up with clients served one year later and found that 94% of them had maintained stable housing, and 87% had no subsequent eviction filed against them.<sup>299</sup>
- Tulsa, Oklahoma – A 2021 study by the University of Tulsa found that 79% of unrepresented tenants had judgments against them compared to 43% of represented tenants.<sup>300</sup> Representation also impacted whether rental property owners received money judgments and the amount of the money judgments.

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<sup>291</sup> Grundman, Luke and Kruger, Muria. “Legal Representation in Evictions – Comparative Study.” N.d. Referencing Birnbaum, Julian. “Chicago’s Eviction Court: A Tenants’ Court of No Resort.” Urban Law Annual. 1979.

<sup>292</sup> Hasvold, Aubrey and Regenbogen, Jack. “Facing Eviction Alone: A Study of Evictions, Denver, Colorado 2014-2016.” Colorado Coalition for the Homeless and Colorado Center on Law and Policy. N.d.

<sup>293</sup> Ibid.

<sup>294</sup> “The Legal services Society of Columbus: Tenant Advocacy Project Evaluation.” Thoughtwell. 2018.

<sup>295</sup> Ibid.

<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Community Mediation Services of Central Ohio. Housing Stability/Homeless Prevention Mediation Program Activity Report. 2019.

<sup>299</sup> Ibid.

<sup>300</sup> “Leveling the Playing Field: Legal, Economic and Policy Considerations in Establishing an Access to Counsel Program for Tulsa’s Eviction Docket.” The University of Tulsa College of Law. January 13, 2021.

Unrepresented tenants were nearly twice as likely to receive a money judgment than represented tenants, and money judgments against represented tenants were on average \$800 lower than those against represented tenants.<sup>301</sup>

- Washington, DC – A recent analysis demonstrated the Housing Right to Counsel Project clients who were represented were 5 times less likely to receive an order allowing Marshals to schedule an eviction and 3.5 times more likely to enter settlement agreements.<sup>302</sup>
- Nebraska – A recent report indicated that the Nebraska Bar Association’s tenant representation pro bono project in two counties reduced the immediate eviction rate from 90% to 2%.<sup>303</sup>
- Michigan – In response to the pandemic, Michigan launched a statewide Eviction Diversion Program (EDP) from July-December 2020. The EDP dramatically increased the number of tenants receiving legal assistance and representation.<sup>304</sup> When extensive legal services were provided to tenants, they avoided eviction 97% of the time.<sup>305</sup>
- Los Angeles, California – The Sargent Shriver Civil Counsel Act established pilot projects to provide representation to low-income litigants in certain civil case types, including evictions.<sup>306</sup> For tenants who received full representation, “95% faced an opposing party with legal representation and 1% did not (this information was missing or unclear for 4% of clients).”<sup>307</sup> Lawyers representing tenants achieved favorable outcomes for their clients in 89% of cases, including 22% remaining in their homes; 71% having their move-out date adjusted; 79% having back rent reduced or waived; 45% retaining their housing subsidy; 86% having their case sealed from public view; and 54% having their credit protected.<sup>308</sup>

107. Disparities in outcomes, while perhaps the most concrete difference between represented and unrepresented tenants, are not the only challenge tenants face in court. A San Francisco Housing Court study observed how rental property owners’ attorneys can gain

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<sup>301</sup> Ibid.

<sup>302</sup> “Housing Right to Counsel Project.” DC Bar Pro Bono Center. N.d.

<sup>303</sup> Johnson, Anton. “A Lawyer in Your Corner: The Tenant Assistance Project, Nebraska’s New Tool to Fight Evictions.” The Reader. December 2021.

<sup>304</sup> Benton, Elizabeth et al. “Reducing Michigan Evictions: The Pandemic and Beyond.” University of Michigan Poverty Solutions. June 2021.

<sup>305</sup> Ibid.

<sup>306</sup> Jarvis, Kelly L. et al. “Evaluation of the Sargent Shriver Civil Counsel Act (AB590) Housing Pilot Projects.” NPC Research. July 2017.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

the upper hand even when the law does not support their case.<sup>309</sup> Repeat players gain advantages from their developed expertise and knowledge including specialized knowledge of substantive areas of the law, experience with court procedures, and familiarity with opposing counsel and decision-makers.<sup>310</sup> However, when tenants are represented, these power dynamics are more balanced. There are also ways that representation can create positive outcomes beyond “winning” a contested case. An attorney can help limit the collateral damage of being evicted.<sup>311</sup> The tenant, with attorney assistance, could attempt to settle the case with the rental property owner without proceeding to trial and negotiating extra time before moving.<sup>312</sup> The appearance of an attorney for either party has been shown to increase settlement rates from 7% if neither party was represented to 26% if the defendant was represented and 38% if the plaintiff was represented.<sup>313</sup> Additionally, an attorney might also help the tenant reach a settlement that involves vacating the apartment without an adverse judgment that would affect the tenant’s ability to re-rent.<sup>314</sup>

### Fewer Tenants Lose by Default

108. In South Carolina, when tenants do not respond to an eviction filing, the court will enter a default eviction judgment against the tenant. That is, tenants automatically lose if they do not request a hearing or file an answer with the court within 10 days of receiving the eviction complaint. The court may also enter a default eviction judgment if a hearing is scheduled, and the tenant does not appear at the scheduled time. In many jurisdictions, even where it is possible, it is difficult to reopen cases that tenants have lost by default, and the specialized knowledge of an attorney is usually required. There are numerous reasons a tenant may lose by default, such as: (1) confusion and intimidation about the legal process; (2) the tenant has already vacated the apartment; (3) the tenant acknowledges that rent is owed and does not believe going to court will change the situation; (4) the tenant does not realize there may be valid defenses to raise; (5) the tenant cannot miss work to attend court without jeopardizing employment; or (6) the tenant did not receive the notice. Additionally, if the tenant defaults because of inaction from not knowing their rights, they could lose the opportunity to reopen their cases even if they have meritorious defenses.

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<sup>309</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>310</sup> *Ibid.*

<sup>311</sup> *Ibid.*

<sup>312</sup> *Ibid.*

<sup>313</sup> Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

<sup>314</sup> *Ibid.*

109. In its analysis of evictions in Philadelphia, Stout found that tenants who were represented were 90% less likely to lose by default than unrepresented tenants.<sup>315</sup> Unrepresented tenants lost by default in approximately 58% of cases in Philadelphia.<sup>316</sup> Similar default rates have been observed throughout the country. In Jackson County (Kansas City), Missouri approximately 70% of tenants lost by default.<sup>317</sup> In Hawaii, half of all eviction cases result in a default judgment in favor of the rental property owner.<sup>318</sup> In Seattle, tenants lose by default in approximately 48% of cases.<sup>319</sup> In a study of evictions in Greensboro, North Carolina, more than 75% of tenants did not attend their hearing, losing by default.<sup>320</sup> As observed in Philadelphia, having representation significantly reduces the likelihood that a tenant loses by default. Even if the tenant is unable to attend the hearing, counsel can attend on the tenant’s behalf, often mitigating the consequences of losing the case by default. Evidence from New York City indicates that when tenants are represented, the number of default judgments decreases.<sup>321</sup> Since the introduction of the right to counsel program, default judgments have decreased approximately 34% in New York City from 35,130 in 2016 to 23,146 in 2019.<sup>322</sup>

#### Connection to Other Services and Improved Housing Transitions

110. Representation in an eviction case can be important not only for navigating the legal system, but also for connecting tenants to other housing services such as emergency rental assistance and housing search services. The application process to apply for and receive rental assistance can be complex and burdensome for both tenants and rental property owners. Applicants who often did not receive help or who needed assistance navigating the emergency rental assistance application process were renters who did not have access to the internet or technology and those whose primary language was not English.<sup>323</sup> An analysis by the Urban Institute found that among renters who were aware of rental assistance, approximately 57% did not apply because of complicated eligibility

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<sup>315</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

<sup>316</sup> Ibid.

<sup>317</sup> “Evictions in the Courts: An Analysis of 106,000 Cases from 2006-2016 in Jackson County.” Kansas City Eviction Project. January 24, 2018.

<sup>318</sup> Geminiani, Victor et al. “Evicted in Hawaii: Lives Hanging in the Balance.” Lawyers for Equal Justice. N.d.

<sup>319</sup> “Losing Home: The Human Cost of Eviction in Seattle.” The Seattle Women’s Commission and the Housing Justice Project of the King County Bar Association. September 2018.

<sup>320</sup> Sills, Stephen J. et al. “Greensboro’s Eviction Crisis.” The University of North Carolina Greensboro Center for Housing and Community Studies. N.d.

<sup>321</sup> New York City Council Hearing Testimony provided by Chief Administrative Judge of New York City Civil Court, Hon. Anthony Cannataro. February 24, 2020.

<sup>322</sup> Ibid.

<sup>323</sup> Bolt, Chris. “Challenges Persist for New York Tenants, Despite End to Emergency Rental Assistance Program.” December 2021.

requirements or difficulty preparing and filing required documents.<sup>324</sup> Stout found in its evaluation of Cleveland’s eviction right to counsel that approximately 79% of right to counsel clients were aware that emergency rental assistance was available.<sup>325</sup> Of the 21% of right to counsel clients in Cleveland who were not aware of rental assistance, approximately 98% had the goal of securing rental assistance (in addition to other goals), and Cleveland Legal Aid achieved this goal for 81% of them.<sup>326</sup> Being connected to and having assistance throughout the rental assistance application process can benefit both tenants and rental property owners, as tenants are able to remain in their homes and rental property owners are able to receive rental assistance dollars.

111. Additionally, civil legal services attorneys and pro bono attorneys are often aware of additional resources within a community, such as those providing services related to the emotional, mental, psychological, and economic needs of tenants.<sup>327</sup> Attorneys can help tenants navigate these systems, which can be challenging for someone who is inexperienced with them. Representation can also achieve an outcome that maximizes the tenant’s chances of either staying in his or her home or finding another suitable place to live without disrupting, or working toward minimized disruption of, their well-being or family stability.<sup>328</sup> According to a Chicago-Kent College of Law study, represented tenants experienced a clear advantage as their cases progressed through the court system even if the rental property owner prevailed.<sup>329</sup> Even where the ultimate disposition was the same – eviction – legal representation allowed tenants more time to secure alternative housing and avoid losing their personal belongings.<sup>330</sup> Additionally, if tenants do require additional time to find alternative, suitable living arrangements, lawyers can often negotiate that additional time for the tenant to do so. In its analysis of evictions in Philadelphia, Stout found that, on average, represented tenants had approximately 50 days to vacate their apartments when they agreed to do so compared to 35 days for unrepresented tenants.<sup>331</sup> A study of evictions filed in San Mateo County, California found that represented tenants were granted approximately twice as long to find alternative housing than unrepresented

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<sup>324</sup> Choi, Jung Hyun. “With Just a Month Left of the Eviction Moratorium, Many Mom-and-Pop Landlords and Tenants Are Still Unaware of Federal Rental Assistance.” Urban Institute. June 2021.

<sup>325</sup> “Cleveland Eviction Right to Counsel Annual Independent Evaluation January 1 to December 31, 2021.” Stout. January 2022.

<sup>326</sup> *Ibid.*

<sup>327</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>328</sup> *Ibid.*

<sup>329</sup> “No Time for Justice: A Study of Chicago’s Eviction Court.” Chicago-Kent College of Law Class of 2004 Honors Scholar. December 2003.

<sup>330</sup> *Ibid.*

<sup>331</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

tenants.<sup>332</sup> Approximately 71% of a sample of tenants represented through California’s Sargent Shriver Civil Counsel Act who were surveyed one year after their cases closed reported living in a new rental unit compared to approximately 43% of tenants who were not represented through the Sargent Shriver Civil Counsel Act.<sup>333</sup> This suggests represented tenants had higher rates of reasonable settlement agreements that supported housing stability.<sup>334</sup>

### Courts and Rental Property Owners Can Realize Efficiency Gains

112. Eviction right to counsel programs and legislation can increase the efficiency with which courts operates, depending on how the program or legislation is implemented. The courts also play an important role in how eviction right to counsel is implemented and can effectuate efficiency gains through its practices and procedures surrounding eviction right to counsel. Results from the San Francisco Right to Civil Counsel Pilot Program indicated that when tenants are represented cases move through the legal processes more efficiently than when tenants are unrepresented. The average number of days from filing the complaint to a judgment entered by the clerk decreased from 37 to 31.<sup>335</sup> The average number of days from filing the complaint to a negotiated settlement decreased from 72 to 62.<sup>336</sup> The average number of days from the filing of the complaint to the entry of a court judgment decreased from 128 to 105, and the average number of days from filing the complaint to dismissal of the action decreased from 90 to 58.<sup>337</sup> Cases closing times are independent of the time a tenant has to move.
113. When tenants are represented, rental property owners are less likely to bring unmeritorious claims, thus leading to a more efficient court process, a better use of court resources, and the expectation that the number of eviction cases will decrease over time. Since New York City’s increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 41% decrease in residential evictions.<sup>338</sup> From 2018 to 2019 alone, residential evictions in New York City decreased 15%.<sup>339</sup> Over the four-year period of 2014 to 2017, an estimated 70,000 New York City tenants have retained

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<sup>332</sup> Steinberg, Jessica K. “In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services.” *Georgetown Journal on Poverty Law and Policy*. 2011.

<sup>333</sup> “Findings and Recommendations from the Sargent Shriver Civil Counsel Pilot Projects.” The Shriver Civil Counsel Act Implementation Committee. July 2017.

<sup>334</sup> *Ibid.*

<sup>335</sup> Sandefur, Rebecca L. “The Impact of Counsel: An Analysis of Empirical Evidence,” *Seattle Journal for Social Justice*: Vol. 9: Issue 1, Article 3, p. 78. 2010.

<sup>336</sup> *Ibid.*

<sup>337</sup> *Ibid.*

<sup>338</sup> *Universal Access to Legal Services: A Report on Year One of Implementation in New York City.* Office of Civil Justice, New York City Human Resources Administration. Fall 2021.

<sup>339</sup> *Ibid.*

possession of their homes.<sup>340</sup> Early indicators from New York City’s implementation of Right to Counsel suggest that when eviction proceedings are filed and both sides are represented, resource intensive motion practice related to non-dispositive issues is reduced. Additionally, fewer orders to show cause to stay evictions and for post-eviction relief are being filed, indicating that better outcomes are being achieved under Right to Counsel. Judge Jean Schneider, the citywide supervising judge of the New York City Housing Court, has stated that there have not been any major problems with backlog or efficiency issues in the first year.<sup>341</sup> In fact, she testified in 2018 at a hearing on New York State civil legal services that as a result of Right to Counsel implementation “our court is improving by leaps and bounds.”<sup>342</sup> At the same hearing, Judge Anthony Cannataro, the administrative judge of the civil courts in New York City, explained that judges have spent less time explaining housing rights and court processes to represented tenants who, without Right to Counsel, will likely have previously been unrepresented.<sup>343</sup> Lastly, as to efficiency, there is an increased likelihood that cases can be resolved out of court and before the first hearing when counsel is involved. While there were initial concerns that increased representation would slow court procedures, early observations from the implementation and expansion of Right to Counsel in New York City have indicated that significant benefits are being observed by the judiciary through improved motion practice, judicial experience, pre-trial resolution, and rulings providing increased clarity for rental property owner and tenant advocates. After right to counsel projects in select Massachusetts courts, a judge expressed that the project changed the culture of the court.<sup>344</sup> The judge specifically mentioned that the right to counsel project “raised the bar” as to what the parties should expect and “[kept] everyone honest,” in the sense that it was clear that sound legal work would be required.<sup>345</sup> When asked whether the project should be replicated elsewhere, the judge responded that there was no question that he would recommend the project to other courts.<sup>346</sup>

114. When the rental property owner is represented and not the tenant, there is an imbalance of power and tenants often lack the understanding of the eviction process and related legal consequences. While initially expressing concerns or anxiety regarding eviction right to counsel, housing court judges and rental property owners in jurisdictions that have implemented eviction right to counsel legislation have later expressed their preference to be interacting with tenant lawyers rather than unrepresented (pro se) tenants. They have

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<sup>340</sup> “NYC Office of Civil Justice Annual Report and Strategic Plan.” New York City Office of Civil Justice. 2017.

<sup>341</sup> Clark, Dan M. “Increasing Tenants’ Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say.” *New York Law Journal*. September 24, 2018.

<sup>342</sup> *Ibid.*

<sup>343</sup> *Ibid.*

<sup>344</sup> “The Importance of Representation in Eviction Cases and Homelessness Prevention.” Boston Bar Association Task Force of the Civil Right to Counsel. March 2012.

<sup>345</sup> *Ibid.*

<sup>346</sup> *Ibid.*

noted that when tenants are represented, out of court resolutions are more likely, less time is spent by judges explaining rights and court processes to tenants, the resolutions are more fair, more robust law is created through motion practice and judicial opinions, agreements are more likely to be upheld, tenants are more likely to be connected to supportive services and benefits, and rental property owners are more likely to receive amounts due and owing without costly collection efforts. In January 2022, the Real Estate Board of New York (REBNY), which represents commercial and residential property owners, managers, investors, brokers, salespeople, and other stakeholders active in New York City real estate, testified in support of statewide eviction right to counsel legislation.<sup>347</sup> REBNY stated, “...to stabilize New Yorkers and keep them housed, the Senate should consider enacting a statewide right to counsel program, with sufficient funding to hire legal services attorneys. The most recent evaluation of New York City’s right to counsel program showed that 84% of represented tenants were able to stay in their homes as a result of this program enacted in 2013. For this reason, REBNY was proud to support an expansion of New York City’s right to counsel program in 2020. If executed correctly at the state level with adequate funding, right to counsel could prove equally as successful at the state level.”<sup>348</sup>

### Trusting the Justice System and Exercising of Rights

115. Evaluations of providing counsel are often focused on the outcome for the litigant. However, tenants are also more apt to accept adverse court decisions if they perceive that the law and court procedures were followed.<sup>349</sup> Whether court personnel treated the litigant fairly, whether the litigant was able to state his or her side of the story, and whether the decisions were based on facts are additional factors that increase whether tenants trust that the justice system can provide justice for them.<sup>350</sup> The importance of providing legal representation is not limited to advocating in the best interest of the litigant, but also encompasses providing them with the assurance that someone is on their side and providing greater confidence in the justice system.<sup>351</sup> A right to counsel also ensures a tenant is exercising their rights to the fullest extent. For example, rental property owners and consumer financial reporting agencies have an obligation, according to the Consumer Financial Protection Bureau, to accurately report rental and eviction information.<sup>352</sup>

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<sup>347</sup> “The Real Estate Board of New York to The New York State Senate Standing Committees on Housing and Judiciary on S3082, Good Cause Evictions.” REBNY Testimony. January 2022.

<sup>348</sup> Ibid.

<sup>349</sup> Hannaford-Agor, Paula and Mott, Nicole. “Research on Self-Represented Litigation: Preliminary Results and Methodological Considerations.” *The Justice System Journal*. 2003.

<sup>350</sup> Ibid.

<sup>351</sup> San Francisco Right to Civil Counsel Pilot Program Documentation Report. John and Terry Levin Center for Public Service and Public Interest, Stanford Law School. May 2014.

<sup>352</sup> “As Federal Eviction Protections Come to an End, CFPB Warns Landlords and Consumer Reporting Agencies to Report Rental Information Accurately.” Consumer Financial Protection Bureau. July 2021

Lawyers can notify tenants of this obligation and assist them with disputing and correcting inaccurate eviction information found on their credit reports.

# Section V-Estimated Cost of Eviction Right to Counsel in South Carolina

117. Using data provided by South Carolina Court Administration, the experience and expertise of South Carolina civil legal aid organizations, and publicly available research and data, Stout estimated the cost of providing an eviction right to counsel in South Carolina.
118. To estimate the cost of providing an eviction right counsel to tenants in South Carolina, a variety of factors must be considered, including but not limited to – the expected annual number of eviction filings, the rate of tenant eviction due to default (i.e., not requesting a hearing or appearing at the scheduled court date), the rate at which tenants are aware of and accept the offer of free legal representation, the average number of hours required to effectively represent a tenant, and the cost of attorneys (e.g., salary, benefits, office supplies, technology, and other overhead) and supporting staff. Stout worked closely with civil legal aid organizations throughout South Carolina to develop a deeper understanding of the possible costs of an eviction right to counsel and to incorporate their expertise and experience in the calculations.

*Eviction Filings and Eviction Filing Rate in South Carolina*

119. Based on data received from South Carolina Court Administration, there were approximately 151,000 eviction filings in South Carolina in 2019. For purposes of this analysis, Stout used the 2019 eviction filing estimate as a reasonable baseline from which to measure the costs of an eviction right to counsel in South Carolina. The significant impact and disruption to court operations caused by the COVID-19 pandemic – including court closures, the local, state, and federal eviction moratoriums, and unprecedented rental assistance funding – has created uncertainty regarding the number of eviction filings that could be expected during the remainder of 2022 and makes the eviction filings of 2020 and 2021 unreliable as indicators of potential eviction filings in future years. Stout expects that in coming years, the effects of the disruption from and response to the COVID-19 pandemic will dissipate significantly. For this reason, Stout believes that using the 2019 eviction filings as a baseline for its estimation is reasonable and appropriate.
120. The eviction filing rate in South Carolina is significantly higher than other comparable states with similar eviction processes and filing fees. Figure 11 shows key data points related to filing fees, the eviction process, and population demographics for jurisdictions comparable to South Carolina.

Jurisdiction	Is the tenant required to respond to the eviction action before the hearing?	Does the tenant forfeit the right to an eviction hearing by failing to respond?	What is the result of the case when the tenant fails to respond?	Minimum notice period for non-payment of rent action	Eviction filing fee	Eviction filing rate	Poverty rate	Median gross rent
South Carolina	Yes	Yes	Default judgment for landlord	5 days	\$40	25%	12%	\$868
Nevada	Yes	Yes	Default judgment for landlord	7 days	\$56	7%	10%	\$1,100
West Virginia	Yes	Yes	Default judgment for landlord	No notice required	\$30	5%	13%	\$711
Wisconsin	Yes	Yes	Default judgment for landlord	5, 14, or 30 days	\$22	4%	8%	\$837

Sources: LSC Eviction Laws Database, Eviction Lab, U.S. Census.

**Figure 11**

121. Stout learned through its conversations with local eviction experts in South Carolina that the high eviction filing rate (approximately 23% in South Carolina compared to approximately 4%-7% in comparable jurisdictions) is likely the result of the low eviction filing fee being a low barrier for rental property to file evictions and use the filing as a rent collection mechanism. Further evidence of this is the lack of party representation identified during Stout’s analysis of eviction filings in South Carolina. In approximately 96% of eviction filings in South Carolina in 2019, neither the rental property owner nor the tenant was represented. In jurisdictions where Stout has analyzed eviction filing data, both parties are unrepresented in approximately 5%-15% of eviction filings. Stout also had several conversations with court representatives and a magistrate in Charleston who confirmed that few eviction cases they observe have any party representation. They indicated that the reason for this is that tenants often pay the rental property owner the back rent owed prior to the hearing and stay in their unit, which renders the need for a hearing moot (i.e., “pay-and-stay cases”).
122. To accurately estimate the cost of an eviction right to counsel in South Carolina, an adjusted eviction filing rate was calculated. The adjusted eviction filing rate considers the use of eviction filings as a rent collection mechanism and the significant number of tenants who pay-and-stay. For purposes of Stout’s cost-benefit analysis, it is crucial that the costs and benefits be calculated for the population of South Carolina tenants who are likely to be experiencing substantive legal issues and seek representation. It is important to also appreciate that a portion of tenants who are currently paying-and-staying could benefit from legal representation through an eviction right to counsel. These tenants may have valid defenses, may dispute the amount of back rent the rental property owner alleges is owed, or may need legal assistance navigating the process for properly documenting essential services they paid for and for which they are seeking to deduct from their rent if the rental property owner failed to provide the essential services.
123. As previously shown in Figure 11, jurisdictions with similar eviction processes and filing fees as South Carolina have eviction filing rates between approximately 4% and 7%. Stout used this eviction filing rate range as an initial benchmark for South Carolina’s adjusted eviction filing rate. The adjusted eviction filing rate is necessary because the costs and benefits of an eviction right to counsel in South Carolina should only include the cost and benefits of providing representation to tenants who seek representation. Although a portion of tenants who pay-and-stay may be experiencing issues with which an attorney could assist, their paying-and-staying could be interpreted as an indication they are not seeking representation. Stout is not suggesting tenants who pay-and-stay could not benefit from legal representation, however, there is not currently an indication or reasonable methodology to estimate the portion that would seek representation.
124. Stout also used feedback from local experts including civil legal aid organizations throughout South Carolina, members of the academic community studying evictions in

South Carolina, and a judge presiding over eviction hearings in Charleston County, as well as its analyses of eviction filing data in South Carolina to estimate the adjusted eviction filing rate in South Carolina. Local experts described the eviction process timeline in South Carolina as:

- Day 0: the rental property owner gives the tenant 5 days' notice they are going to file an eviction
- Day 5: the rental property owner files an eviction complaint
- Days 6-15: the tenant has 10 days to respond to the eviction complaint
- Days 16-30: a hearing is scheduled.

125. Given the high eviction filing rate in South Carolina and the significant number of tenants who pay-and-stay or vacate, Stout analyzed 2019 eviction filings by disposition and by case duration (i.e., number of days between when the case was filed and when the case was disposed) to estimate the percentage of eviction filings in South Carolina that are likely situations where the tenant pays-and-stays or vacates. Stout's hypothesis was: shorter case durations for cases with dispositions of "Settled" or "Dismissed" are likely an indicator of the tenant paying-and-staying or vacating, particularly for cases with case durations between 0 and 30 days. In Stout's experience analyzing court docket data throughout the country, cases with longer durations are more likely to be cases with substantive legal issues (i.e., issues other than non-payment of rent) or disputes of fact between the rental property owner and tenant and have both parties represented. Stout estimates between 68% and 83% of eviction filings in South Carolina are likely situations where the tenant pays-and-stays, a primary contributor to South Carolina's high eviction filing rate.

126. There are an estimated 588,000 renter-occupied units in South Carolina,<sup>353</sup> and in 2019 there were approximately 151,000 eviction filings in South Carolina, resulting in an estimated eviction filing rate of approximately 26% (consistent with the 2018 eviction filing rate range of 21%-26% published by Eviction Lab). However, as local experts in South Carolina indicated, and consistent with Stout's findings, a significant portion of the 151,000 eviction filings are situations where the tenant pays-and-stays or vacates and therefore should be excluded from Stout's analyses of costs and benefits of an eviction right to counsel. Applying Stout's estimate of approximately 68%-83% of eviction filings in South Carolina being situations where the tenant pays-and-stays or vacates to the approximately 151,000 eviction filings in South Carolina in 2019 results in an estimated 26,000-48,000 eviction filings in 2019 that were not pay-and-stay or vacate. Dividing the 26,000 and 48,000 estimated non-pay-and-stay eviction filings by the estimated 588,000

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<sup>353</sup> "Occupied Housing Unit Values and Vacancy Rates by County 2015-2019." South Carolina Revenue and Fiscal Affairs Office. Referencing U.S. Census Bureau American Community Survey 5-Year Estimates, Tables DP-04.

renter-occupied units yields an adjusted eviction filing rate of 4%-8%. Figure 12 shows this calculation.

<b>Non-Adjusted Eviction Filing Rate</b>	
Estimated number of renter occupied units in SC	588,000
Total eviction filings in 2019	151,000
Estimated eviction filing rate in 2019	26%

<b>Stout's Adjusted Eviction Filing Rate Estimate</b>	
Estimated number of renter occupied units in SC	588,000
Total eviction filings in 2019	151,000
Estimated eviction filings in 2019 - pay-and-stay	68% - 83%
Estimated non-pay-and-stay eviction filings in 2019	26,000 - 48,000
Estimated adjusted eviction filing rate in 2019	4% - 8%

**Figure 12**

127. Stout’s estimated adjusted eviction filing rate of 4%-8% is consistent with the eviction filing rates in jurisdictions comparable to South Carolina (see Figure 11 and paragraphs 120-123), which are 4%-7%. Stout believes 6% (the median and average of 4%-8%) is a reasonable adjusted eviction filing rate for South Carolina based on its analysis of eviction filing dispositions and case durations in South Carolina and the eviction filing rate range for jurisdictions with similar filing fees, eviction processes, and demographics. Applying the adjusted 6% estimated eviction filing rate to the estimated 588,000 renter-occupied units in South Carolina results in approximately 35,000 non-pay-and-stay eviction filings in South Carolina in 2019.

128. If an eviction right to counsel were fully implemented in South Carolina, the annual number of filings would reasonably be expected to decrease, as has been observed in New York City and San Francisco – two jurisdictions that have implemented a right to counsel for tenants facing eviction.<sup>354</sup> As previously discussed, New York City and San Francisco are the only jurisdictions that passed and implemented an eviction right to counsel before the pandemic and that have had eviction right to counsel implemented for a period long enough to see its impact on eviction filings and the default rate. Since New York City’s increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 40% decrease in residential evictions. Evictions have declined by more than 30% in zip codes with a right to counsel since implementation of the right to

<sup>354</sup> “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

counsel in New York City.<sup>355</sup> In San Francisco, there was a 10% decrease in total eviction filings from 2018 to 2019.<sup>356</sup>

129. Stout estimated that South Carolina could experience an annual decrease in non-pay-and-stay eviction filings of approximately 5% per year. Accounting for this annual expected decrease in filings, Stout estimated that at full implementation, there would be approximately 29,000 eviction filings in South Carolina where the tenant likely does not pay-and-stay – approximately 6,000 fewer non-pay-and-stay filings than estimated in 2019.

### *Eligibility*

130. As with other civil legal services in South Carolina, it is Stout’s understanding that eligibility for free legal representation under an eviction right to counsel would be determined by a tenant’s income. Stout estimated the cost of an eviction right to counsel in South Carolina for tenants facing eviction with household incomes at or below 125% of the Federal Poverty Level (FPL) adjusted for household size, which is consistent with the income eligibility requirements of Legal Services Corporation-funded organizations. At this income eligibility level, Stout estimated that approximately 58% of tenants with an eviction filing in the County would be income eligible.<sup>357</sup> Applying the 58% estimate to the estimated 29,000 non-pay-and-stay eviction filings expected at full implementation on an eviction right to counsel results in approximately 17,000 tenants who would be income eligible for an eviction right to counsel in South Carolina.

131. As an eviction right to counsel is implemented and capacity at civil legal aid providers is expanded through additional hiring, eligibility requirements could be re-evaluated to assist more tenants facing eviction. Studies supporting this estimate are detailed in the following paragraph.

132. A study by the New York City City-wide Task Force on Housing Court found that 50%-60% of tenants who are in housing court have household incomes that would qualify them for

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<sup>355</sup> Universal Access to Legal Services: A Report on Year Two of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

<sup>356</sup> "Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law." February 24, 2020.

<sup>357</sup> Stout developed this independent estimate using publicly available research and reports relating to the incomes of tenants experiencing eviction and tenants appearing in housing courts across the country. See: "Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel." Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993. Krenichyn, Kira and Shaefer-McDaniel, Nicole. "Results From Three Surveys in New York City Housing Courts." Center for Human Environments, Graduate Center of the City University of New York. 2007. Desmond, Matthew. "Who gets evicted? Assessing individual, neighborhood, and network factors." Social Science Research. 2016. "ALICE Research Methodology." United for ALICE. 2020.

free civil legal services.<sup>358</sup> However, an estimated 69% tenants who are in housing court are unlikely able to afford representation and would benefit from free legal representation.<sup>359</sup> A 2007 study by researchers at the Graduate Center of the City University of New York found that 44% of tenants in housing court had annual household incomes of less than \$15,000, and 24% had annual household incomes between \$15,000 and \$24,000, indicating that approximately 68% of tenants would likely be eligible for free legal representation.<sup>360</sup> The Milwaukee Area Renters Study (MARS) was a survey administered via in-person interviews to approximately 1,100 renter households about their experiences as renters related to eviction, housing instability, and poverty. MARS respondents had an average household income of approximately \$30,000, which was equivalent to approximately 175% of the FPL at the time of the study.<sup>361</sup>

#### *Default Rate and Expected Number of Non-Default Cases Eligible for and Accepting Representation*

133. Based on its analysis of South Carolina eviction filing data and the experience and expertise of local stakeholders, Stout estimated that approximately 66% of tenants in South Carolina with eviction filings against them (who do not pay-and-stay) do not appear for their court hearing and lose their cases for not appearing (i.e., default).<sup>362</sup>
134. With effective community outreach, default or non-appearance rates can be reduced. Stout included in its cost estimate a line-item expense for community outreach (and related personnel costs). Stout incorporated an expected annual 2 percentage point decline in the tenant default rate as a result of this investment in outreach. As discussed previously, New York City has experienced a 34% cumulative decline (from 2016-2019) in its default rate since increased funding for eviction representation.<sup>363</sup> At full implementation, Stout estimates the non-pay-and-stay default rate in South Carolina could decline to 58% and approximately 7,000 tenants who did not pay-and-stay and who did not lose their case by default would be eligible for an eviction right to counsel in South Carolina.
135. Of the estimated 7,000 tenants who did not pay-and-stay or default and are income eligible, we estimate that 93% would be aware of and accept the offer of free legal

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<sup>358</sup> “Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel.” Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993.

<sup>359</sup> *Ibid.*

<sup>360</sup> Krenichyn, Kira and Shaefer-McDaniel, Nicole. “Results From Three Surveys in New York City Housing Courts.” Center for Human Environments, Graduate Center of the City University of New York. 2007.

<sup>361</sup> Desmond, Matthew. “Who gets evicted? Assessing individual, neighborhood, and network factors.” Social Science Research. 2016.

<sup>362</sup> This estimate applies only to the number of eviction filings estimated not to be pay-and-stays.

<sup>363</sup> “Office of Civil Justice Annual Report.” NYC Human Resources Administration. 2019.

representation at full implementation of an eviction right to counsel.<sup>364</sup> Tenants may have reasons for declining the offer of representation. They may not think there is a benefit to having representation, they may not trust the legal profession, or they may simply feel they can represent themselves. Therefore, Stout’s cost calculation for an eviction right to counsel includes only non-pay-and-stay, non-default cases where the tenant is income eligible and accepts the offer of representation – approximately 6,500 cases.<sup>365</sup>

#### *Total Cases and Cost of an Eviction Right to Counsel in South Carolina*

136. If an eviction right to counsel were fully implemented in South Carolina, Stout estimates there would be approximately 6,500 tenant households receiving free legal representation.<sup>366</sup> Stout estimates that providing free legal representation to these 6,500 tenant households would cost approximately \$7.2 million annually.
137. Of the estimated \$7.2 million annual cost of a fully implemented eviction right to counsel in South Carolina, approximately \$6.1 million would be for direct personnel costs to hire (statewide) approximately 46 staff attorneys, 9 supervising attorneys, 15 paralegals, 4 case managers, 3 intake specialists, 2 program administrators, and 4 outreach staff. The remaining estimated costs would be for non-personnel costs necessary for service delivery including, but not limited to, facilities costs, utilities, technology and equipment, training, community outreach and education, and program evaluation.
138. South Carolina civil legal aid providers reviewed and confirmed Stout’s estimates for each of these costs based on their experience and expertise delivering eviction defense and prevention services. For direct personnel costs, Stout and South Carolina civil legal aid providers estimated the average salary of a civil legal aid housing staff attorney, supervising attorney, paralegal, case manager, intake specialist, program administrator, and outreach staff as well as fringe benefits as a percentage of their salaries. For non-personnel costs, Stout and South Carolina eviction defense providers used the costs of their current operations as benchmarks. At a total cost of approximately \$7.2 million, providing

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<sup>364</sup> The expected representation acceptance rate was developed based on the experience and expertise of South Carolina civil legal aid providers and housing advocates as well as discussions Stout has had with housing advocates in other jurisdictions.

<sup>365</sup> These 6,500 cases represent 39% of eligible tenants facing eviction. Given the availability of rental assistance, eviction prevention programs, and increased outreach through the pandemic, it is possible that more tenants seek representation in the future. The combination of resources available and awareness of them over the past 3 years may create an increased awareness of future services, and therefore, it is possible that more eligible tenants seek representation that would have previously.

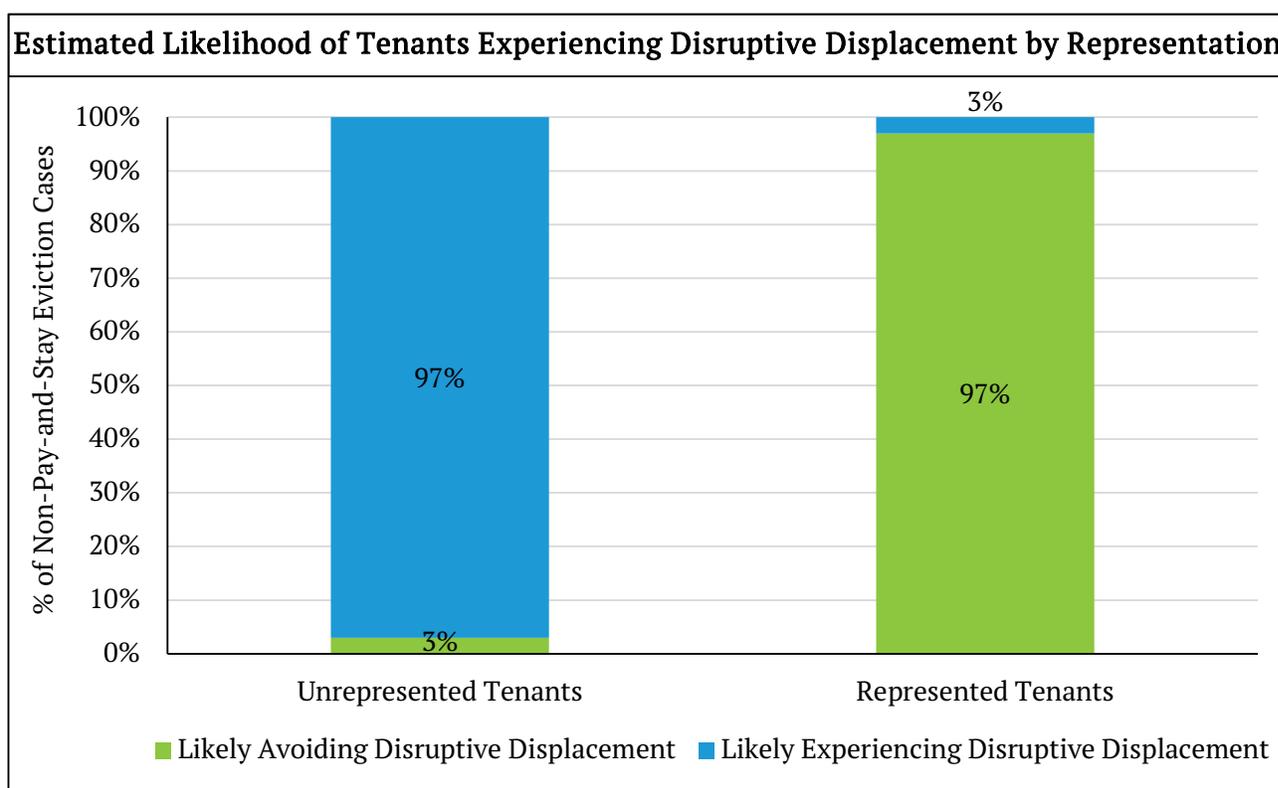
<sup>366</sup> Stout has learned through its eviction work throughout the country that there are often clients who are eligible for an eviction right to counsel but an appropriate level of assistance may be limited representation, brief services, advice and counsel, legal information, assistance with negotiations, etc. For purposes of Stout’s report, “full legal representation” refers to in-court representation by an attorney as well as other levels of assistance provided by attorneys.

an eviction right to counsel to approximately 6,500 eligible tenants in South Carolina equates to approximately \$1,100 per case for which representation is provided.

# Section VI-Estimated Incremental Impact and Fiscal Benefits of an Eviction Right to Counsel in South Carolina

*Estimated Incremental Number of Tenants Avoiding Disruptive Displacement*

139. Stout analyzed eviction filings in South Carolina filed in 2019 to estimate how many income-eligible tenants would have a high likelihood of avoiding disruptive displacement if right to counsel were implemented. If a right to counsel were fully implemented in South Carolina, an estimated 6,500 tenant households would be eligible for representation and would likely accept the offer of representation each year. Based on Stout’s analysis court-assigned case dispositions and the feedback and experience of local South Carolina eviction experts, represented tenant households avoid the high likelihood of disruptive displacement in an estimated 97% cases<sup>367</sup> (approximately 6,300 tenant households), and unrepresented tenant households that do not pay-and-stay avoid disruptive displacement in an estimated 3% percent of cases (approximately 200 tenant households). Figure 13 shows the difference in likelihood of disruptive displacement based on whether a tenant household is represented or unrepresented.



**Figure 13**

140. Comparing the approximately 6,300 represented tenants avoiding the high likelihood of disruptive displacement to the approximately 200 unrepresented tenants avoiding the high likelihood of disruptive displacement results in an estimated 6,100 additional tenants that

<sup>367</sup> This metric is based on Stout’s analysis of outcome data provided by South Carolina civil legal aid organizations representing tenants in eviction proceedings.

would avoid the high likelihood of disruptive displacement and the potential for the negative impacts of disruptive displacement if a right to counsel were implemented in South Carolina. Based on the average household size of 3 people in South Carolina, Stout estimates that annually 18,300 people in South Carolina are likely to avoid the high likelihood of disruptive displacement each year through a right to counsel.<sup>368</sup>

141. The impact of an eviction right to counsel and the number of income eligible households and people avoiding the likelihood of disruptive displacement could be higher or lower based on the facts of any individual case. How an eviction right to counsel is implemented and communicated to tenants as well as how supportive policymakers and the judiciary are of an eviction right to counsel can also affect the impact. In some cases, tenants may experience disruptive displacement with or without an eviction right to counsel. However, an eviction right to counsel can ensure tenants' rights are exercised, favorable judgment terms are negotiated, and enough time is given to tenants if they need to find new living arrangements. The benefit of an eviction right to counsel in these circumstances is less disruption to tenants' lives and therefore fewer social safety net costs to South Carolina.

#### *Estimated Cost Savings and Economic Benefits of an Eviction Right to Counsel in South Carolina*

142. See **Exhibit A** for a summary of the estimated annual cost savings and economic benefits to South Carolina and the return per dollar invested in a right to counsel.

#### *Estimated Annual Housing Social Safety Net Costs Related to Disruptive Displacement*

143. South Carolina's primary housing interventions for people experiencing homelessness include emergency shelter and rapid re-housing. Because eviction has been linked to homelessness, avoiding disruptive displacement through a right to counsel will likely reduce costs associated with these housing social safety net responses. When people experience homelessness, research has shown that a portion of them will experience homelessness again even after exiting a housing program, as is true in South Carolina. Stout estimated the average annual housing social safety net cost savings to South Carolina for initial interaction with the housing social safety related to disruptive displacement and the first subsequent reentry to these systems.
144. Stout estimates that 5,917 households in South Carolina have a high likelihood of avoiding disruptive displacement and will remain residents of South Carolina if an eviction right to counsel were implemented.<sup>369</sup> Without an eviction right to counsel, approximately 14.5% of these households will likely enter emergency shelter.<sup>370</sup> The eviction process (for some

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<sup>368</sup> U.S. Census Bureau. American Community Survey 5-Year Estimates. 2018.

<sup>369</sup> See paragraphs 162-163 for details on estimated households that would have migrated out of South Carolina but for a right to counsel.

<sup>370</sup> Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013. See paragraph 48. The Abt Study was an evaluation of the Homebase Community Prevention Program on

people but not all) creates a degree of housing instability that requires costly intervention to return people to stable housing. Cities and states have demonstrated their dedication to returning people to stable housing through the variety of housing programs/interventions that are funded and for which the cities and states incur the costs. Stout's estimate of shelter entry as a result of disruptive displacement is a directional estimate based on the quantitative data available and qualitative feedback from legal aid providers and other stakeholders. Applying the findings of the Abt study and giving consideration to the experience and feedback of legal aid providers and housing case managers, for purposes of this analysis, Stout conservatively estimates that while 18.2% of households experiencing the eviction process may apply for shelter, 14.5% of households experiencing the eviction process are likely to enter emergency shelter. The expectation of case managers in the Abt Study and Robin Hood staff working directly with low-income populations at risk homelessness was that 25% would experience homelessness absent an intervention to assist with housing stability. Actual shelter entry as a result of disruptive displacement is contingent on a variety of different factors and is challenging to precisely estimate with the data currently available. Using this metric, Stout estimated that 858 households receiving assistance from an eviction right to counsel in South Carolina will likely experience homelessness and need to access a housing social safety net program but for a right to counsel.

145. According to data from One80 Place, there are two primary housing social safety net programs for people experiencing homelessness: emergency shelter and rapid re-housing. Stout used annual cost data provided by One80 Place to calculate the average annual cost of housing social safety net programs in South Carolina to be approximately \$14,200 per household. Because there are many ways that individuals experience homelessness, particularly after an eviction when re-renting can be challenging, there are a variety of possible outcomes. For a portion of individuals and households, there may be short shelter stays, attempts to move in with family or friends, and re-entry into shelter. Others may experience longer shelter stays or rapid re-housing. Each of these scenarios has different

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households' use of homeless shelters and services. The Homebase program was a network of neighborhood-based homelessness prevention centers located in high-need neighborhoods of New York City. Homebase was designed to prevent homelessness and to prevent repeated stays in shelter. One of the research questions to be answered by the evaluation was: does Homebase affect the rate of shelter use (nights in shelter)? The evaluation population, as agreed upon with the New York City Department of Homeless Services, was 295 families with at least one child – 150 in the treatment group, and 145 in the control group. The evaluation indicated that over the evaluation period of 27 months (September 2010 to December 2012) a statistically significant difference the likelihood of spending at least one night in shelter between the treatment and control groups – 14.5% compared to 8%. Evaluators had access to individual-level administrative data from systems operated by three New York City social services agencies (the Department of Homeless Services, the Administration for Children's Services, and the Human Resources Administration) and the New York State Department of Labor. This individual-level data was matched with Homebase data based on social security number, name, date of birth, and gender. Evaluators then used this data and a linear probability model to assess the likelihood of shelter entry.

(but significant) cost implications. Stout focused on the average annual cost of emergency shelter and rapid re-housing because these social safety net responses are likely necessary for people experiencing homelessness and likely incurred by South Carolina over time.

146. Applying the average annual cost of housing social safety net programs in South Carolina of approximately \$14,200 per household to the 858 households in South Carolina that will likely experience homelessness and need to access a housing social safety net program but for a right to counsel results in a cost of approximately \$12.2 million to South Carolina. A portion of the 858 households that required a housing social safety net response will likely need a second housing social safety net response. According to data provided by One80 Place, an estimated 21% of households that exit homelessness will return to homelessness. Applying the 21% metric to the 858 households that experienced homelessness results in 180 households experiencing homelessness a second time and requiring a subsequent housing social safety net program. At an average cost of \$14,200 per household per year for housing social safety net programs, the cost of 180 households requiring a second housing social safety net program will be approximately \$2.6 million.
147. The total estimated annual cost to South Carolina related to people experiencing homelessness because of disruptive displacement who will require a housing social safety net program and who will exit homelessness but subsequently return to homelessness is \$14.8 million – an estimated \$12.2 million related to the first housing social safety net response and an estimated \$2.6 million related to the second housing social safety net response.
  - Lack of Right to Shelter. Like nearly every other United States jurisdiction, residents of South Carolina do not have a formal, legislated right to shelter. Very few jurisdictions in the United States guarantee people experiencing homelessness an indoor place to sleep. For example, New York City and Milwaukee County have an unconditional right to shelter while Massachusetts and Washington, D.C. have a right to shelter based on cold weather temperatures. There are numerous studies in jurisdictions without a right to shelter that demonstrate a similar significant need for a social safety net response to housing instability. Emergency shelter costs are one form of a social safety net response to the desperate need for shelter, even in jurisdictions without a right to shelter and jurisdictions with people experiencing homelessness who are living unsheltered. Emergency shelter costs provide a proxy for costs jurisdictions bear (or are willing to bear) in response to severe housing instability. Furthermore, the incremental nature of shelter beds (i.e., the number of shelter beds increasing as the number of people experiencing homelessness increases) does not restrict the application of these costs to the households that are experiencing disruptive displacement because the costs may manifest in other ways, particularly if households are unable to enter emergency shelter and must use other South Carolina services to

achieve housing stability. Regardless of actual emergency shelter entry by households experiencing disruptive displacement, housing social safety net program costs can be a proxy for the other costs necessary to achieve housing stability for these households. Thus, the \$14.8 million cost of providing housing social safety net programs to people experiencing disruptive displacement is not a direct cost saving to South Carolina. Rather, the \$14.8 million represents a cost avoidance related to homelessness because of disruptive displacement, which will include some cost savings to South Carolina from decreased use of housing social safety net programs.

148. See **Exhibit B** for Stout's detailed calculation of estimated annual cost savings related to housing social safety net responses in South Carolina.

#### [Estimated Annual Additional Medicaid Spending by South Carolina Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement](#)

149. Stout quantified Medicaid spending on health care by South Carolina that may be avoided if a right to counsel were implemented in South Carolina. The two categories of care that could reasonably be quantified are in-patient care and emergency room care.

150. Stout estimates that 17,751 individuals in South Carolina will avoid the high likelihood of disruptive displacement and will remain residents of South Carolina if a right to counsel were implemented. Of the 17,751 individuals that will avoid the high likelihood of disruptive displacement and remain in South Carolina, approximately 25% will likely experience homelessness as a result of disruptive displacement.<sup>371</sup> Stout uses the 25% metric instead of the 14.5% metric from the Abt Study as a reasonable proxy for experiencing homelessness. The Abt Study metric reflects entering shelter, which a subset of people experiencing homelessness will do. Stout uses the 25% metric for people experiencing homelessness to capture instances of homelessness where people do not enter shelter but are nonetheless experiencing homelessness.

151. Applying the 25% metric to the population of 17,751 individuals results in approximately 4,438 individuals that will experience homelessness as a result of disruptive displacement. Of these 4,438 individuals that will likely experience homelessness, Stout estimates that approximately 23% will likely utilize in-patient care, and approximately 32% will utilize emergency room care, resulting in 1,021 and 1,420 individuals experiencing homelessness utilizing in-patient care and emergency room care, respectively.<sup>372</sup>

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<sup>371</sup> Robin Hood is a New York City based non-profit organization that provides funding to more than 200 programs across New York City. See paragraph 130.

<sup>372</sup> Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001.

152. Research indicates that individuals experiencing homelessness utilize in-patient care and emergency room care more frequently than people who are not experiencing homelessness.<sup>373</sup> Approximately 80% of people experiencing homelessness and accessing in-patient care are utilizing this type of care solely because of their experiencing homelessness.<sup>374</sup> For emergency room care, this metric is 75%. Furthermore, approximately 84% of people experiencing homelessness and utilizing either type of care will be enrolled in Medicaid.<sup>375</sup>
153. Research indicates that the average cost to treat people experiencing homelessness in in-patient care and the emergency room is approximately \$5,600 per person and \$18,500 per person, respectively.<sup>376</sup> Applying individual costs to the portion of individuals who will experience homelessness as a result of disruptive displacement, will utilize each type of care, and will be enrolled in Medicaid and then adjusting for the state portion of Medicaid expenditures results in an estimated cost savings to South Carolina of approximately \$900,000 for in-patient care and approximately \$3.8 million in emergency room care.<sup>377</sup> The total estimated Medicaid cost savings to South Carolina will be approximately \$4.7 million. See **Exhibit C**.

#### Estimated Annual Out-of-Home Foster Care Cost Savings

154. Stout quantified potential out-of-home foster care costs avoided by South Carolina related to children who may be placed in out-of-home foster care if their household experiences disruptive displacement.
155. Stout estimates that 5,917 households in South Carolina will avoid the high likelihood of disruptive displacement and remain in South Carolina if an eviction right to counsel were implemented. An estimated 62% of households experiencing an eviction filing have

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<sup>373</sup> Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001. & Kushel, Margot, et. al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." The American Journal of Public Health. May 2002.

<sup>374</sup> Ibid.

<sup>375</sup> DiPietro, Barbara et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." The Kaiser Commission on Medicaid and the Underinsured. November 2014.

<sup>376</sup> Salit, Sharon, et al. "Hospitalization costs associated with homelessness in New York City." National Library of Medicine. 1998. And "The Cost of Homelessness Facts." Green Doors. N.d.

<sup>377</sup> Stout's calculation incorporates a utilization rate for in-patient and emergency room care based on the utilization rate of these services by people experiencing homelessness. While the starting populations for these calculations are the same, the utilization rates for people experiencing homelessness vary based on the type of care. The state portion of Medicaid expenditures is 23% based on "Federal and State Share of Medicaid Spending." Kaiser Family Foundation. Referencing Urban Institute estimates based on data from CMS (Form 64), as of FY 2021.

children, and the average number of children per household with children is 2.<sup>378</sup> Approximately 4% of children from evicted families are placed in foster care and are likely living in foster care for at least one year.<sup>379</sup> In South Carolina, this means that an estimated 293 children from evicted families are placed in foster care each year. As of March 2022, there were more than 3,900 children in foster care in South Carolina.<sup>380</sup>

156. Based on cost data published by the South Carolina Department of Social Services, Stout estimated an average annual per child in out-of-home care cost of \$8,424. Applying the \$8,424 annual per child out-of-home care cost to the estimated 293 children in South Carolina who will enter foster care each year because of eviction results in a total cost of approximately \$2.5 million. Of the estimated \$2.4 million in annual out-of-home foster care cost in South Carolina for children living in foster care because of eviction, approximately 39% is funded by the state. Stout estimated that South Carolina may avoid approximately \$960,000 annually related to out-of-home foster care placements due to disruptive displacement if an eviction right to counsel were implemented. See **Exhibit D**.
157. The potential cost savings related to out-of-home foster care placements for South Carolina are likely significantly understated. There are many additional services offered to children who are living in foster care that accompany foster care. The cost of social workers, case managers, maintenance payments, clothing, and monitoring the well-being of children placed with families, for example, are not included in Stout's analyses as reliable, publicly available data to estimate these costs was limited. There may also be cost savings related to children who are living in foster care for reasons not related to housing but who cannot return home because their family is facing a housing instability issue that could be addressed by an eviction right to counsel.

#### Estimated Annual Unemployment Benefits Cost Savings

158. Stout quantified spending on unemployment benefits by South Carolina that may be avoided if an eviction right to counsel were implemented in South Carolina. As described above, Stout estimates that 5,917 households in South Carolina have a high likelihood of avoiding disruptive displacement and will remain residents of South Carolina if an eviction right to counsel were implemented. Of the 5,917 estimated households that will avoid the high likelihood of disruptive displacement and remain in South Carolina, an estimated 6%

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<sup>378</sup> Desmond, Matthew et al. "Evicting Children." Social Forces. 2013. And "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

<sup>379</sup> Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 18, 2018.

<sup>380</sup> Hagwood, Kayland. "SC foster families needed desperately as some children wait for homes in county offices." News19. March 2022. Referencing data published by South Carolina State Department of Social Services.

would likely experience job loss regardless of eviction.<sup>381</sup> Applying the 6% metric to the 5,917 households results in an estimated 348 households that would likely experience job loss regardless of eviction.

159. Research has demonstrated the impact of eviction on employment stability, particularly the increased likelihood of a person experiencing job loss after being evicted.<sup>382</sup> Of the 5,917 estimated households that will avoid the high likelihood of disruptive displacement and remain in South Carolina, Stout estimates approximately 21% would likely experience job loss because of disruptive displacement caused by eviction, resulting in an estimated 1,251 households experiencing job loss and an incremental 902 households (1,251 households minus 348 households) experiencing job loss solely because of disruptive displacement caused by eviction.
160. Of households experiencing job loss in South Carolina, an estimated 15% apply for and receive unemployment benefits, and the average weekly unemployment benefits payment in South Carolina is approximately \$277.<sup>383</sup> People receive unemployment benefits for a median of 9 weeks.<sup>384</sup> Applying these metrics to the estimated 902 incremental number of households avoiding disruptive displacement and job loss because of an eviction right to counsel in South Carolina results in an estimated \$300,000 in annual unemployment benefits savings for South Carolina. See **Exhibit E**.

#### [Estimated Annual Federal Funding Lost Funding for South Carolina Public Schools Due to Migration out of South Carolina](#)

161. Stout quantified potential federal funding lost for South Carolina public schools due to student migration out of South Carolina because of disruptive displacement.
162. Stout estimates that 6,100 households in South Carolina will avoid the high likelihood of disruptive displacement if an eviction right to counsel were implemented in South Carolina. Of these 6,100 households, Stout estimates 3% will migrate out of South Carolina as a result of disruptive displacement.<sup>385</sup> Applying the 3% metric to the 6,100 households results in an estimated 183 South Carolina households that would likely move outside of

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<sup>381</sup> Estimated by Stout using initial unemployment claims in South Carolina in 2021 published by the Federal Reserve Bank of St. Louis as a percentage of South Carolina's total workforce published by the United States Bureau of Labor Statistics.

<sup>382</sup> Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

<sup>383</sup> "Unemployment Compensation in South Carolina: An Insight." July 31, 2021. And Data dashboard published by South Carolina Department of Employment and Workforce as of August 20, 2022.

<sup>384</sup> Estimated using Table A-12 Unemployed Persons by Duration of Unemployment published by the United States Bureau of Labor Statistics (March-July 2022).

<sup>385</sup> Based on Stout's findings in its independent evaluations of Cleveland's and Connecticut's eviction right to counsel programs.

the state if they were evicted. Research indicates approximately 62% of households receiving an eviction filing have children, and there are approximately 2 children per household,<sup>386</sup> resulting in an estimated 227 children who would have likely migrated out of South Carolina if they were evicted.

163. South Carolina receives from the federal government approximately \$1,133 per student in school funding.<sup>387</sup> Applying this funding estimate to the 227 children who would have likely migrated out of South Carolina if they were evicted results in approximately \$260,000 in federal funding lost for South Carolina public schools due to migration out of South Carolina. See **Exhibit F**.

164. South Carolina may also recognize cost savings related to complying with the McKinney-Vento Act. To minimize the educational disruption of a student experiencing homelessness or housing instability, the federal government enacted the McKinney-Vento Act in 1987. The federal legislation gives students experiencing homelessness the right to continue attending their school of origin (i.e., the school that the student attended when stably housed) regardless of where they are living while experiencing homelessness or housing instability.<sup>388</sup> Transportation to and from student's school of origin is both logistically and financially the responsibility of the local educational agency.<sup>389</sup> Using state and local government general funds is often necessary for school districts to comply with the McKinney-Vento Act transportation mandate.<sup>390</sup> Stout could not quantify potential cost savings related to McKinney-Vento Act compliance due to lack of data. However, if fewer students experienced homelessness due to disruptive displacement, it would be reasonable to expect that South Carolina would realize cost savings by no longer needing to transport a portion of students experiencing homelessness to and from their schools of origin. Because Stout could not quantify this cost savings or other cost savings related to reducing the number of students experiencing homelessness, the cost savings and economic benefits related to South Carolina publicly funded schools are understated.

### The Preservation of Affordable Housing

165. Cities throughout South Carolina are addressing the affordable housing crisis by building new affordable units. Examples of these new construction projects include but are not limited to:

- Charleston

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<sup>386</sup> Desmond, Matthew et al. "Evicting Children." Social Forces. 2013. And "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

<sup>387</sup> Calculated using U.S. Census Fiscal Year 2018 Annual Survey of School System Finances.

<sup>388</sup> "McKinney-Vento Law Into Practice Brief Series, Transporting Children and Youth Experiencing Homelessness." National Center for Homeless Education. August 2017.

<sup>389</sup> Ibid.

<sup>390</sup> Ibid.

- Bulls Creek Apartments – an apartment complex containing 62 new affordable units for households with incomes up to 60% of the area median income with a total cost of approximately \$20 million (an implied cost per unit of approximately \$323,000).<sup>391</sup>
- Henry P. Archer School – a redevelopment project to convert a vacant school building into 89 new affordable units for seniors with a total cost of approximately \$42 million (an implied cost per unit of approximately \$472,000).<sup>392</sup>
- The Lowline – a development containing 55 new affordable units for households with incomes up to 80% of the area median income with a total cost of approximately \$22 million (an implied cost per unit of approximately \$400,000).<sup>393</sup>
- Columbia
  - Haven at Palmer Point – an apartment complex containing 150 new affordable units for seniors with a total cost of approximately \$31 million (an implied cost per unit of approximately \$207,000).<sup>394</sup>
  - Oaks at St. Anna’s Park – a development containing a total of 285 new affordable units for seniors and families with a total cost of approximately \$58 million (an implied cost per unit of approximately \$204,000).<sup>395</sup>
  - Allen Benedict Court – a development containing 363 units for seniors and families with a total cost of approximately \$88 million (an implied cost per unit of approximately \$242,000).<sup>396</sup>
- Greenville
  - Southernside Senior I & II – a development containing 147 new affordable units for seniors with a total cost of approximately \$47 million (an implied cost per unit of approximately \$320,000).<sup>397</sup>
  - Oscar Apartments – a development containing 39 new affordable housing units for households with incomes at 50% to 100% of the area median income with a total cost of approximately \$9 million (an implied cost per unit of approximately \$231,000).<sup>398</sup>

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<sup>391</sup> Phillips, Patrick. “Charleston cuts ribbon on new affordable housing complex in West Ashley.” Live 5 WCSC. August 2022.

<sup>392</sup> Renaud, Tim. “Nearly 100 affordable housing units coming to Charleston’s east side.” News 2. June 2022.

<sup>393</sup> Quinlan, Lauren. “City of Charleston set to review design of \$22M affordable housing project.” Live 5 WCSC. April 2022.

<sup>394</sup> Columbia Housing CH Cares. “Vision 2030.” <https://www.columbiahousing.org/vision-2030>

<sup>395</sup> Ibid

<sup>396</sup> Ibid.

<sup>397</sup> McMillian, Mike. “Greenville City Council hears updates on affordable housing near Unity Park.” Greenville Journal. September 2022.

<sup>398</sup> Ibid.

- Lighthouse Unity Park – a development containing 189 new affordable housing units for households with incomes at 50% to 100% of the area median income with a total cost of approximately \$70 million (an implied cost per unit of approximately \$370,000).<sup>399</sup>
- Pickens County
  - The Gateway at Cross Creek – a development containing 168 new affordable housing units for households with incomes of up to 60% of the area median income with a total cost of approximately \$40 million (an implied cost per unit of approximately \$238,000).<sup>400</sup>

166. If an eviction right to counsel can keep tenants who are currently living in affordable housing units or subsidized units in those units, South Carolina may not need to build as many affordable units each year. The current planned investments in building affordable housing units in South Carolina fall far short of the need. As such, the expected investments in building affordable housing units may not change if an eviction right to counsel could keep tenants who are currently living in affordable housing units. However, if an eviction right to counsel does prevent tenants from being evicted from affordable housing units, there is certainly value to South Carolina in providing a mechanism to alleviate the ongoing erosion of affordable housing stock during a time when South Carolina is investing in new affordable units to address the crisis.

### *Conclusion*

167. Stout quantified the estimated potential annual cost savings and economic benefits to South Carolina and the estimated return per dollar invested in an eviction right to counsel. Fully implementing an eviction right to counsel in South Carolina would cost approximately \$7.2 million. The estimated potential annual cost savings and economic benefits to South Carolina from a right to counsel in eviction proceedings is approximately \$21 million (see Figure 14 for cost savings and economic benefit proportions by type):

- \$14.8 million in estimated cost savings for housing social safety net responses for residents remaining in South Carolina
- \$4.7 million in Medicaid cost savings related to physical health care for residents remaining in South Carolina
- \$960,000 in out-of-home foster care savings for residents remaining in South Carolina
- \$300,000 in unemployment benefits related to job loss because of disruptive displacement for residents remaining in South Carolina

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<sup>399</sup> Ibid.

<sup>400</sup> “Monarch Private Capital Finances New Affordable Housing Development in South Carolina.” Monarch Private Capital. August 2022.

- \$260,000 in additional federal funding for South Carolina public schools related to retaining South Carolina residents.

168. These estimated potential annual cost savings and economic benefits to South Carolina are 292% greater than the cost of implementing an eviction right to counsel. That is, for every dollar invested in an eviction right to counsel, Stout conservatively estimates a cost savings or economic benefit to South Carolina of at least \$2.92.

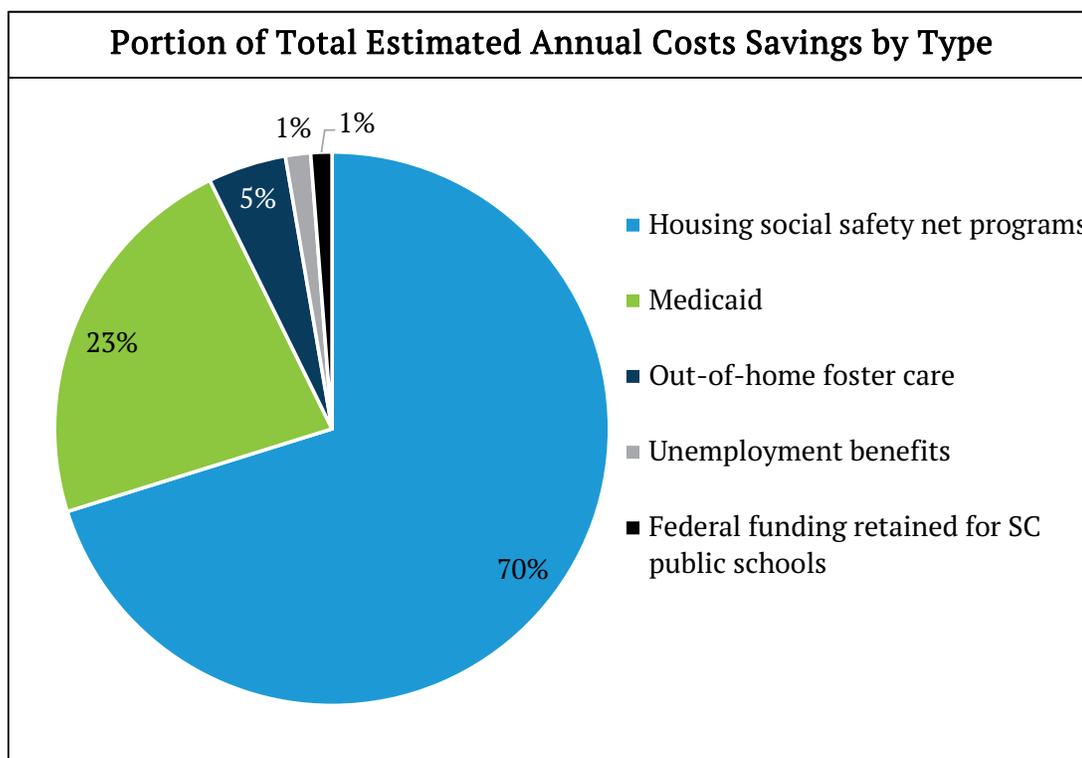


Figure 14

169. Stout’s estimate of potential annual cost savings to South Carolina is likely significantly understated. Included in Stout’s calculations are cost savings of an eviction right to counsel that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, South Carolina would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout’s calculations. The costs that would be avoided and benefits that would be enjoyed include, but are not limited to:

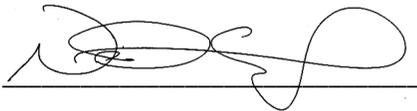
- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
- The negative impact of eviction on tenants’ credit score and ability to re-rent

- Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
- The cost of family, community, and neighborhood instability
- Preservation of financial assets and personal belongings
- A reduction, over time, of the number of eviction cases filed resulting in improved use of the South Carolina court resources.

### Assumptions and Limiting Conditions

170. Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.

171. Stout's review, research, and analysis was conducted on an independent basis. No Stout employee who worked on this engagement has any known material interest in the outcome of the analysis.



Neil Steinkamp  
Managing Director  
Stout Risius Ross, LLC

# Appendix A – Eviction Right to Counsel Advocacy & Timelines

1. **California.** June 2018: **San Francisco** became the second city to guarantee a right to counsel for tenants in evictions cases through a ballot referendum. San Francisco Mayor London Breed subsequently earmarked \$1.9 million for fiscal year 2018-2019 and \$3.9 million for fiscal year 2019-2020 to implement the new law.<sup>401</sup> July 2018: Advocates in **Concord** released a report discussing housing affordability challenges, hazardous conditions, and tenants' persistent fear of eviction. The report recommended a citywide right to counsel law.<sup>402</sup> Another tenant advocacy group in the area released a report calling for a statewide right to counsel bill, noting the increasing number of tenants facing eviction and the rapid pace of eviction proceedings.<sup>403</sup> June 2019: Pro bono law firm, Public Counsel, and the University of California Los Angeles release a report advocating for reforms to landlord-tenant law, including establishing a right to counsel as a tenant protection.<sup>404</sup> September 2019: **Los Angeles County** Board of Supervisors passed motions to advance several tenant protection measures, including an eviction defense program for low-income households facing eviction.<sup>405</sup> Initial proposed funding included \$2 million for startup costs and \$12.5 million for implementation annually.<sup>406</sup> December 2019: **Santa Monica** took steps toward becoming the sixth city to establish a right to counsel for tenants facing eviction.<sup>407</sup> **Los Angeles City Council** voted to add \$9 million to its eviction defense fund, increasing the fund to \$23.5 million for eviction defense.<sup>408</sup> February 2020: Data was released showing that eviction filings in San Francisco declined by 10%, and that 67% of those receiving full-scope representation have been able to stay in their homes.<sup>409</sup> April 2021: Assembly Bill 1487 passed California's Assembly Judiciary Committee. The bill would establish a statewide eviction defense program for low-income renters.<sup>410</sup> The author of the bill, Assemblyman Jesse Gabriel, estimated that the bill would have a return on investment

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<sup>401</sup> Waxmann, Laura. "Tenant advocacy groups set to received funding under 'Right to Counsel' program." San Francisco Examiner. November 28, 2018.

<sup>402</sup> "The Housing Crisis Hits Home in Concord." 2018.

<sup>403</sup> Inglis, Aimee and Preston, Dean. "California Evictions are Fast and Frequent." Tenants Together. May 2018.

<sup>404</sup> Bonett, Gregory et al. "How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Resist Displacement in Los Angeles County." Public Counsel and UCLA School of Law. June 2019.

<sup>405</sup> Wenzke, Marissa and Burch, Wendy. "L.A. County Supervisors Vote 5-0 for Permanent Rent Control Measure Affecting 100,000 Tenants in Unincorporated Areas." KTLA5. September 2019.

<sup>406</sup> Motion by Supervisors Sheila Kuehl and Mark Ridley-Thomas. "Implementing Eviction Defense and Prevention Services in Los Angeles County." September 10, 2019.

<sup>407</sup> Pauker, Madeleine. "Universal legal representation for renters would cost up to \$1 million." Santa Monica Daily Press. December 17, 2019.

<sup>408</sup> National Coalition for a Civil Right to Counsel. [http://civilrighttocounsel.org/major\\_developments/1273](http://civilrighttocounsel.org/major_developments/1273)

<sup>409</sup> Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

<sup>410</sup> Symon, Evan. "California Eviction Defense Program for Vulnerable Renters Bill Passes in Committee." California Globe. April 2021.

of \$4 for every dollar invested (400%), which includes costs savings related to shelters and health care.<sup>411</sup>

2. **Colorado.** November 2020: Voters in **Boulder** approved a ballot initiative establishing a right to counsel for tenants facing eviction regardless of income.<sup>412</sup> April 2021: A group of tenant advocates filed a ballot initiative to fund a right to counsel for Denver renters facing eviction, and two city councilmembers plan to introduce a similar proposal via the local legislative process.<sup>413</sup>
3. **Connecticut.** In May 2021, **Connecticut** became the third state to enact a right to counsel for low-income tenants facing eviction. The legislation provides representation to tenants who have household incomes at or below 80% of the state median income adjusted for family size or who receive public assistance.<sup>414</sup> January 2022: Connecticut launched the first phase of its statewide eviction right to counsel program in 14 zip codes that represent 25% of eviction filings across the state.<sup>415</sup>
4. **Florida.** In April 2022, **St. Petersburg** City Council’s Youth and Family Services Subcommittee began exploring increasing representation rates among tenants facing eviction with an eye toward enacting an eviction right to counsel.<sup>416</sup>
5. **Indiana.** In January 2021, SB 350 was introduced and would establish a right to counsel for indigent tenants during possessory actions.<sup>417</sup>
6. **Kentucky.** In March 2021, A group of **Louisville** City Council members filed a right to counsel ordinance for low-income families facing eviction.<sup>418</sup> April 2021: Louisville City Council voted to enact a right to counsel for low-income families with children who are facing eviction.<sup>419</sup>
7. **Louisiana.** In May 2022, **New Orleans** City Council unanimously approved an ordinance providing a right to counsel to all tenants, regardless of income, facing eviction,

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<sup>411</sup> Ibid.

<sup>412</sup> Ordinance 8412.

<sup>413</sup> Karlik, Michael. “Group files ballot initiative for eviction defense, while council works on own proposal.” Colorado Politics. March 28, 2021.

<sup>414</sup> House Bill No. 6531.

<sup>415</sup> Banks, Julie Martin. “Right to Counsel Launch to Help Fight Evictions.” CT News Junkie. January 2022.

<sup>416</sup> “St. Pete Weights Right to Counsel for Tenants Facing Eviction.” National Coalition for a Civil Right to Counsel. April 2022.

<sup>417</sup> Indiana Senate Bill 350

<sup>418</sup> Yarmuth, Aaron. “Right to Counsel Is The Right Move for Louisville.” LEO Weekly. March 31, 2021.

<sup>419</sup> Loosemore, Bailey. “Louisville approves free legal services for low-income families facing eviction.” Louisville Courier Journal. April 22, 2021.

termination of a housing subsidy, or seeking injunctive relief related to an illegal eviction.<sup>420</sup>

8. **Maryland.** December 2020: The City of **Baltimore** enacts an eviction right to counsel for low-income tenants. January 2021: A group of **Maryland** legislators introduced a legislative package that includes a right to counsel for tenants facing eviction and underscores the need for tenant outreach and tenants' rights education.<sup>421</sup> May 2021: Statewide right to counsel legislation was passed in Maryland's House and Senate and became law on May 30, 2021.<sup>422</sup> January 2022: The Maryland Access to Counsel in Evictions Task Force released a report of recommendations and findings related to Maryland's statewide eviction right to counsel legislation.<sup>423</sup>
9. **Massachusetts.** In January 2017, the mayor of **Boston** announces a five-bill package that will be submitted to the state legislature to assist with tenant displacement.<sup>424</sup> One of the bills would require a court-appointed attorney to represent low-income tenants in eviction proceedings.<sup>425</sup> January 2019: Throughout 2019, various bills were introduced to the Massachusetts State Legislature proposing a statewide right to counsel in eviction proceedings, creating a public task force, and promoting homelessness prevention.<sup>426</sup> July 2019: The Massachusetts Joint Judiciary Committee held a public hearing on the eviction right to counsel bills.<sup>427</sup> November 2019: The Massachusetts Right to Counsel Coalition drafted and refiled three right to counsel bills for consideration by the Judiciary Committee in the 2019-2020 session.
10. **Michigan.** In May 2022, **Detroit** City Council enacted an ordinance guaranteeing counsel for tenants with incomes at or below 200% of the federal poverty level who are facing eviction or mortgage and property tax foreclosures.<sup>428</sup>

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<sup>420</sup> [https://cityofno.granicus.com/MetaViewer.php?view\\_id=&event\\_id=23299&meta\\_id=581807](https://cityofno.granicus.com/MetaViewer.php?view_id=&event_id=23299&meta_id=581807)

<sup>421</sup> Maryland House Bill 18 and Maryland Senate Bill 154.

<sup>422</sup> Weill-Greenberg, Elizabeth. "Maryland Could Be the First State to Provide Lawyers for Tenants Facing Eviction." *The Appeal*. April 16, 2021.

<sup>423</sup> "Report of the Access to Counsel in Evictions Task Force." Maryland Access to Justice Commission in partnership with the Maryland Attorney General. January 2022.

<sup>424</sup> Chakrabarti, Meghna and Bruzek, Alison. "Mayor Walsh Unveils Package of Anti-Displacement Bills." *WBUR*. January 13, 2017.

<sup>425</sup> *Ibid.*

<sup>426</sup> McKim, Jenifer and Serrano, Alejandro. "As rents soar in Boston, low-income tenants try to stave off eviction." *Boston Globe*. February 19, 2019.

<sup>427</sup> Schoenberg, Shira. "Tenants in eviction cases get powerful Beacon Hill ally in Boston Mayor Marty Walsh." *MassLive*. July 17, 2019.

<sup>428</sup> Rahal, Sarah. "Detroit City Council approves 'Right to Counsel' for renters facing eviction." *The Detroit News*. May 2022.

11. **Minnesota.** In March 2019, legislation establishing a right to counsel for public housing tenants facing eviction due to a breach of lease was introduced in the Minnesota Legislature.<sup>429</sup>
12. **Missouri.** In December 2021, city council for **Kansas City**, Missouri passed an ordinance establishing a right to counsel for tenants facing eviction regardless of income.<sup>430</sup>
13. **Nebraska.** In January 2021, LB 419 was introduced and would require the appointment of counsel in eviction proceedings.<sup>431</sup>
14. **New Jersey.** In December 2018, **Newark** City Council passed a bill guaranteeing a right to counsel in eviction cases.<sup>432</sup> In its first four months of existence, the newly-created Office of Tenant Legal Services “took on 140 cases, yielding results that have helped more than 350 residents avoid homelessness.”<sup>433</sup>
15. **New York.** July 2017: **New York City** became the first U.S. city to pass legislation guaranteeing a right to counsel for tenants in eviction proceedings.<sup>434</sup> The legislation was spurred by strong grassroots movements by tenant organizers and advocates. Stout’s cost-benefit analysis, completed prior to passage of the legislation, concluded that the legislation could save New York City \$320 million annually.<sup>435</sup> April 2019: City council members introduced bills to expand the income eligibility for the right to counsel and fund tenant organizing.<sup>436</sup> November 2019: The New York City Office of Civil Justice, the office responsible for overseeing the implementation of right to counsel, reported that since the right was enacted, 84% of represented tenants have remained in their homes.<sup>437</sup> Additionally, evictions have declined by more than 30% in the zip codes with a right to counsel since implementation of the right to counsel.<sup>438</sup> February 2020: Two committees of the New York City Council heard eight hours of testimony from tenants, organizers, community organizations, legal services providers, government agencies, and housing court judges regarding the impact that right to counsel has had in New York City.

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<sup>429</sup> 2019 Bill Text MN H.B. 2593.

<sup>430</sup> Rivas, Rebecca. “Kansas City residents will soon have the right to an attorney in eviction proceedings.” Kansas Reflector. December 2021.

<sup>431</sup> Nebraska Legislative Bill 419.

<sup>432</sup> Brey, Jared. “Tenants’ Right to Counsel on the Move, Next Stop Newark.” Next City. January 10, 2019.

<sup>433</sup> “7 strategies for reducing the number of evictions in your community.” Bloomberg Cities. February 26, 2020.

<sup>434</sup> Capps, Kriston. “New York City Guarantees a Lawyer to Every Resident Facing Eviction.” City Lab. August 14, 2017.

<sup>435</sup> “The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A.” Stout Risius Ross. March 16, 2016.

<sup>436</sup> Mironova, Oksana. “NYC Right to Counsel: First year results and potential for expansion.” Community Service Society. March 25, 2019.

<sup>437</sup> Universal Access to Legal Services: A Report on Year Two of Implementation in New York City.” Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

<sup>438</sup> Ibid.

Testimony also included support for the two pending bills – one for increasing the income eligibility and one for funding tenant organizing.<sup>439</sup> April 2021: City Council passed a bill that accelerates implementation of right to counsel and requires the Office of Civil Justice to “work with community organizations to engage and educate tenants of their rights in housing court, including but not limited to hosting know your rights trainings and other workshops for tenants, distributing written information to tenants, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and any other activity to engage, educate or inform tenants about their rights in housing court.”<sup>440</sup> September 2021: Statewide eviction right to counsel legislation was introduced in the Albany County Legislature.<sup>441</sup>

16. **Ohio.** In September 2019, **Cleveland’s** city council passed legislation to provide a right to counsel for tenants who have incomes at or below 100% of the federal poverty guidelines and who have at least one child.<sup>442</sup> During the first six months following enactment: approximately 93% of represented tenants seeking to avoid an eviction or involuntary move were able to do so; approximately 83% of represented tenants seeking more time to move (30 days or more) were able to achieve this outcome; and approximately 89% of represented tenants seeking to mitigate their damages were able to do so.<sup>443</sup> In September 2021, **Toledo** City Council enacted an eviction right to counsel ordinance for tenants facing eviction with incomes at or below 200% of the federal poverty guidelines.<sup>444</sup>
17. **Pennsylvania.** June 2017: **Philadelphia** City Council allocated \$500,000 to expand legal representation for tenants facing eviction.<sup>445</sup> November 2018: Stout released a cost-benefit analysis of right to counsel legislation in Philadelphia, finding that such a law would save the City of Philadelphia \$45.2 million annually.<sup>446</sup> May 2019: Philadelphia City Council members introduced a bill to establish an ordinance for a right to counsel in eviction proceedings.<sup>447</sup> November 2019: Philadelphia City Council passed right to counsel

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<sup>439</sup> Gonen, Yoav. “Eviction Drop Fuels Push to Expand Free Housing Help for Low-Income NYC Tenants.” The City. February 24, 2020.

<sup>440</sup> Intro 1529.

<sup>441</sup> Lucas, Dave. “Right to Counsel Legislation Introduced in Albany County.” WAMC Northeast Public Radio. September 20, 2021.

<sup>442</sup> Hlavaty, Kaylyn. “Legislation passes to protect children in homes facing eviction by providing free legal help for low-income tenants.” News 5 Cleveland. October 1, 2019.

<sup>443</sup> Annual Report to Cleveland City Council. Right to Counsel Free Eviction Help. January 2021.

<sup>444</sup> “Toledo City Council approves tenants’ right-to-counsel bill.” The Blade. September 2021.

<sup>445</sup> Blumgart, Jake. “Philadelphia sets aside \$500,000 to help renters fight eviction.” WHYY. June 29, 2017.

<sup>446</sup> “Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants.” Stout Risius Ross. November 13, 2018.

<sup>447</sup> Blumgart, Jake. “Philly renters guaranteed lawyers in eviction court under new City Council bill.” WHYY. May 9, 2019.

legislation for tenants facing eviction, becoming the fifth U.S. city to do so.<sup>448</sup> April 2021: The Municipal Court of Philadelphia (where landlord-tenant and eviction cases are heard) ordered that for 45 days, rental property owners are required to apply to the city’s rental assistance program and must enroll in the Eviction Diversion Program (i.e., pre-filing mediation) before filing an eviction with the court for non-payment of rent.<sup>449</sup> January 2022: Philadelphia launched its eviction right to counsel program in two zip codes in Philadelphia with plans to expand to four more zip codes by July 2022.<sup>450</sup>

18. **Washington.** January 2021: SB 5160 was introduced and would guarantee counsel for indigent tenants facing eviction statewide, if passed. The bill has a flexible definition of “indigent,” and the Office of Civil Legal services would receive the funds necessary to provide counsel.<sup>451</sup> March 2021: **Seattle** enacts a right to counsel for low-income tenants facing eviction.<sup>452</sup> April 2021: **Washington** became the first state to enact a right to counsel statewide. The legislation provides representation to tenants who receive public assistance or who have incomes of 200% or less of the federal poverty level.<sup>453</sup> July 2021: Washington State Office of Civil Legal services published its right to counsel implementation plan.<sup>454</sup> Washington’s right to counsel must be fully implemented no later than April 22, 2022.
19. **Wisconsin.** In June 2021, the **Milwaukee** County Board of Supervisors passed a resolution establishing a right to counsel for tenants facing eviction regardless of income.<sup>455</sup>

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<sup>448</sup> D’Onofrio, Michael. “Philly City Council passes right to counsel bill for low-income tenants.” Pennsylvania Capital-Star. November 18, 2019.

<sup>449</sup> “Philly may have just revolutionized evictions.” The Philadelphia Inquirer. April 2021.

<sup>450</sup> Rushing, Ellie. “Low-income tenants facing eviction can now get free legal representation in 2 Philly zip codes.” The Philadelphia Inquirer. January 2022.

<sup>451</sup> Washington Senate Bill 5160.

<sup>452</sup> CB 120007.

<sup>453</sup> SB 5160.

<sup>454</sup> “Right to Counsel for Indigent Tenants: Implementation Plan.” Washington State Office of Civil Legal Aid. July 2021.

<sup>455</sup> Cahill, Margaret. “Milwaukee County Board passes right to counsel in eviction cases, renaming of Lindbergh Park.” Milwaukee Journal Sentinel. June 24, 2021.

# Exhibit A – Summary of the Estimated Annual Cost Savings and Economic Benefits to South Carolina

**The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**  
**Exhibit A - Summary of the Estimated Annual Cost Savings and Economic Benefits to South Carolina**

	<u>Costs (Rounded)</u>	<u>Exhibit</u>
1 Estimated annual cost savings related to housing social safety net responses to homelessness	\$14,800,000	B
2 Estimated annual Medicaid cost savings	\$4,700,000	C
3 Estimated annual out-of-home foster care cost savings	\$960,000	D
4 Estimated annual unemployment benefit cost savings	\$300,000	E
5 Estimated annual federal funding retained for South Carolina public schools	\$260,000	F
6 Total estimated economic benefits realized by South Carolina if an eviction right to counsel were implemented	<b>\$21,000,000</b>	
7 Total estimated cost to South Carolina to provide an eviction right to counsel to eligible tenants	<b>\$7,200,000</b>	
8 Estimated economic benefit to South Carolina per dollar invested in a right to counsel	<b>\$2.92</b>	

# Exhibit B – Estimated Annual Cost Savings Related to First and Second Housing Social Safety Net Responses Due to Disruptive Displacement

**The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**

**Exhibit B - Estimated Annual Cost Savings Related to First and Second Housing Social Safety Net Responses Due to Disruptive Displacement**

<b>Estimated Annual Housing Social Safety Net Cost - First Use of Housing Social Safety Net</b>		
1	Estimated number of households with a high likelihood of avoiding disruptive displacement because of a right to counsel [a]	5,917
2	Estimated portion of households that would have likely required a housing social safety net response but for a right to counsel [b]	14.5%
3	Estimated number of households that would have likely required a housing social safety net response but for a right to counsel	858
4	Estimated average annual per household cost of a housing social safety net response [c]	\$14,200
5	<b>Estimated annual cost to provide housing to households that would have likely avoided disruptive displacement because of a right to counsel</b>	<b>\$12,200,000</b>
<b>Estimated Annual Housing Social Safety Net Cost - Second Use of Housing Social Safety Net</b>		
6	Estimated number of households that would have likely required a housing social safety net response but for a right to counsel	858
7	Estimated portion of households that would have required a second housing social safety net response but for a right to counsel [c]	21%
8	Estimated number of households that would have required a second housing social safety net response but for a right to counsel	180
9	Estimated average annual per household cost of a housing social safety net response [c]	\$14,200
10	<b>Estimated annual cost to provide subsequent housing to households that would have likely avoided disruptive displacement because of a right to counsel</b>	<b>\$2,600,000</b>
11	<b>Total estimated cost of first and second housing social safety net responses to households that would have likely avoided disruptive displacement because of a a right to counsel</b>	<b>\$14,800,000</b>

[a] Stout's calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of right to counsel and that would have not migrated out of South Carolina.

[b] Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

[c] Calculated using internal reports prepared by One80 Place and shared with Stout.

# Exhibit C – Estimated Annual Additional Medicaid Spending by South Carolina Related to Individuals Experiencing Homelessness Due to Disruptive Displacement

The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina

Exhibit C - Estimated Annual Additional Medicaid Spending by South Carolina Related to Individuals Experiencing Homelessness Due to Disruptive Displacement

Cost Type	Individuals Avoiding the High Likelihood of Disruptive Displacement [a]	Portion of Individuals Experiencing Homelessness Due to Disruptive Displacement [b]	Individuals Experiencing Homelessness as a Result of Disruptive Displacement	Utilization Rate by People Experiencing Homelessness [c]	Individuals Experiencing Homelessness as a Result of Disruptive Displacement Utilizing Healthcare Services	Portion of Individuals Experiencing Homelessness as a Result of Disruptive Displacement Utilizing Healthcare Services But For Experiencing Homelessness [c,d]	Portion of Individuals Experiencing Homelessness as a Result of Disruptive Displacement Enrolled in Medicaid [e]	Average Cost per Individual Experiencing Homelessness [f,g]	Estimated Annual Additional Health Care Cost Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement	Portion of Medicaid Expenditures funded by South Carolina [h]	Estimated Annual Additional Medicaid Spending by South Carolina Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement (rounded)
1 In-patient Care	17,751	25%	4,438	23%	1,021	80%	84%	\$5,600	\$3,841,032	23%	\$900,000
2 Emergency Room Care	17,751	25%	4,438	32%	1,420	75%	84%	\$18,500	\$16,551,032	23%	\$3,800,000
<b>5 Total (rounded)</b>											<b>\$4,700,000</b>

[a] Stout's calculation of the estimated number of income individuals with a high likelihood of avoiding disruptive displacement as a result of right to counsel in South Carolina.

[b] Estimated by Robin Hood. [https://robinhoodorg-production.s5.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website\\_Sept-2014.pdf](https://robinhoodorg-production.s5.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf). See also paragraphs 38-53 of the report.

[c] Kushel, Margot, et al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001.

[d] Kushel, Margot, et al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." The American Journal of Public Health. May 2002.

[e] DiPietro, Barbara, et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." The Kaiser Commission on Medicaid and the Underinsured. November 2014.

[f] Salit, Sharon, et al. "Hospitalization costs associated with homelessness in New York City." National Library of Medicine. 1998. Average cost of \$3,000 adjusted for inflation.

[g] "The Cost of Homelessness Facts." Green Doors. N.d.

[h] "Federal and State Share of Medicaid Spending." Kaiser Family Foundation. Referencing Urban Institute estimates based on data from CMS (Form 64), as of FY 2021.

## Exhibit D – Estimated Annual Out-of-Home Foster Care Cost Savings

**The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**  
**Exhibit D - Estimated Annual Out-of-Home Foster Care Cost Savings**

1	Income eligible households likely to avoid the high likelihood of experiencing disruptive displacement [a]	5,917
2	Estimated portion of households experiencing an eviction filing with children [b]	62%
3	Estimated number of households experiencing an eviction filing with children	3,669
4	Average number of children per household [c]	2
5	Portion of children from evicted families placed in foster care [d]	4%
6	Estimated number of children from evicted families placed in foster care in South Carolina	293
7	Estimated annual out-of-home foster care cost per child in foster care in South Carolina [e]	\$8,424
8	Estimated annual out-of-home foster care cost in South Carolina for children living in foster care because of disruptive displacement	\$2,472,302
9	Portion of foster care funding paid for by South Carolina [f]	39%
10	<b>Estimated annual out-of-home foster care cost savings (rounded)</b>	<b>\$960,000</b>

[a] Stout's calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of right to counsel and that would have not migrated out of South Carolina.

[b] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[c] "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

[d] Berg, Lisa and Brannstrom, Lars. "Evicted children and subsequent placement in out-of-home care: a cohort study." Public Library of Science. April 2018.

[e] Estimated using monthly foster care rates published by South Carolina Department of Social Services (DSS). DSS pays a monthly rate of \$619-\$764 per child living in foster care, depending on the age of the child. Stout calculated an average monthly cost of foster care of \$702 per child and an average annual cost of \$8,424 per child (\$702 per month for 12 months). Research on the length of stay in foster care in South Carolina supports an average length of stay of at least 12 months.

[f] "Child Welfare Agency Spending in South Carolina." Child Trends. March 2021.

# Exhibit E – Estimated Annual Unemployment Benefits Cost Savings

**The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**  
**Exhibit E - Estimated Annual Unemployment Benefits Cost Savings**

1	Estimated number of households likely to avoid the high likelihood of experiencing disruptive displacement [a]	5,917
2	Estimated percentage of households that would have likely experienced job loss regardless of eviction [b]	6%
3	Estimated number of households that would have likely experienced job loss regardless of eviction	348
4	Estimated number of households likely to avoid the high likelihood of experiencing disruptive displacement [a]	5,917
5	Estimated average percentage of households that experience job loss because of disruptive displacement [c]	21%
6	Estimated number of households that would have likely experienced job loss because of disruptive displacement	1,251
7	Incremental number of households that avoided disruptive displacement and job loss	902
8	Estimated percentage of people who apply for and receive unemployment benefits [d]	15%
9	Average weekly unemployment benefits payment in South Carolina [e]	\$277
10	Median number of weeks of employment [f]	9
11	<b>Estimated unemployment benefits paid by South Carolina to households experiencing job loss because of disruptive displacement (rounded)</b>	<b>\$300,000</b>

[a] Stout's calculation of the estimated number of income individuals with a high likelihood of avoiding disruptive displacement as a result of right to counsel in South Carolina.  
 [b] Estimated using initial unemployment claims in South Carolina in 2021 published by Federal Reserve Bank of St. Louis as a percentage of South Carolina's total workforce published by the United States Bureau of Labor Statistics.  
 [c] Estimated using Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.  
 [d] "Unemployment Compensation in South Carolina: An Insight." July 31, 2021.  
 [e] Data dashboard published by South Carolina Department of Employment and Workforce as of August 20, 2022.  
 [f] Estimated using Table A-12 Unemployed Persons by Duration of Unemployment published by the United States Bureau of Labor Statistics (March-July 2022).

# Exhibit F – Estimated Annual Federal Funding Lost for South Carolina Public Schools Due to Migration out of South Carolina

**The Estimated Economic Impact of an Eviction Right to Counsel in South Carolina**

**Exhibit F - Estimated Annual Federal Funding Lost for South Carolina Public Schools Due to Migration out of South Carolina**

1	Estimated number of households likely to avoid the high likelihood of experiencing disruptive displacement [a]	6,100
2	Estimated portion of households experiencing an eviction filing who indicate they would need to move outside of the state if they were evicted [b]	3%
3	Estimated number of households experiencing an eviction filing who would likely move outside of the state if they were evicted	183
4	Estimated portion of households experiencing an eviction filing with children [c]	62%
5	Estimated number of households experiencing an eviction filing with children	113
6	Average number of children per household [d]	2
7	Estimated number of children who would like move outside of the state if their household were evicted	227
8	Per pupil federal funding received by South Carolina for public schools [e]	\$1,133
9	<b>Estimated federal funding lost for South Carolina public schools due to student migration out of South Carolina because of disruptive displacement</b>	<b>\$260,000</b>

[a] Stout's calculation of the estimated number of households with a high likelihood of avoiding disruptive displacement if an eviction right to counsel were implemented in South Carolina.

[b] Based on Stout's findings in its independent evaluations of Cleveland's and Connecticut's eviction right to counsel programs

[c] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[d] "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

[e] Calculated using U.S. Census Fiscal Year 2018 Annual Survey of School System Finances.