
D.C. LANDLORD TENANT COURT-BASED LEGAL SERVICES PROJECT

Project Overview

The Landlord Tenant Court-Based Legal Services Project is a joint project of Bread for the City and The Legal Aid Society of the District of Columbia, started in 2007 and made possible with generous financial support from the D.C. Bar Foundation. The Project locates attorneys at the courthouse in order to address the overwhelming need for legal representation of tenants facing eviction in the Landlord and Tenant Branch of D.C. Superior Court. The Project has three primary goals: (1) to increase representation of tenants in housing-related matters, particularly eviction actions filed by landlords in the Landlord and Tenant Branch, (2) to reduce barriers to access to representation, and (3) to increase the ability of legal services providers to respond to emerging trends and address systemic issues. For the past decade, the Project has been – and continues to be – an integral part of the Landlord and Tenant Branch’s operations. Members of our client community have come to rely on the Project’s courthouse office, which is staffed five days a week by Project attorneys, for convenient, easy access to high-quality representation and assistance.

Though we serve hundreds of individuals each year, the overwhelming majority of tenants who appear before the Landlord and Tenant Branch still remain unrepresented in potentially life-changing matters. As low-income D.C. residents face increasing instability due to D.C.’s affordable housing crisis, the services provided through this Project - which can help a tenant avoid eviction or get critical repairs made, and ultimately help individuals and families remain in affordable housing – is needed more now than ever.

Fiscal Year 2016-2017 (May 1, 2016-April 30, 2017)

During fiscal year 2016-2017, Bread and Legal Aid reported the following outcomes:

- With total funding of \$615,000, the Project is staffed by the equivalent of 7.66 full-time attorneys.
- With this funding, the Project represented 625 families, primarily defending against eviction cases. (Project attorneys also handled a small number of other housing cases.)
- Approximately two-thirds of clients served live in Wards 7 and 8, underserved areas with the highest concentrations of poverty in the District.
- Representations closed during this time period resulted in countable financial benefits totaling \$960,300 for our clients.
- Project attorneys also referred 51 cases for pro bono representation, conducted outreach events reaching 177 community members, and provided training to 236 other professionals working with tenants.

Client Stories

The following stories come from clients represented by Legal Aid with cases closed during the 2016-2017 fiscal year. Names have been changed or shortened to preserve confidentiality.

Ms. Blossom, a resident of Ward 8 with two young children, came to Legal Aid's courthouse office on her first court date. She had never had a lawyer before.

She lives in a site-based subsidized property, so her landlord is responsible for calculating her rent, which is supposed to be based on her income. Ms. Blossom works as a nurse's assistant. Her hours and wages are sporadic, and so calculating her annual income based on just a couple of pay stubs had led to her landlord setting her rent too high. She had repeatedly reported the variable nature of her wages to the landlord, but the landlord continued to fail to calculate her rent in accordance with federal law and program rules.

Ms. Blossom was sued for non-payment of rent after her hours decreased so much that her tenant portion of the rent should have been zero. The landlord refused to recalculate the rent and sued her for non-payment of rent even though she clearly was unable to pay a tenant portion calculated based on her previous wages.

With a lawyer by her side, things changed. The landlord agreed to recalculate Ms. Blossom's rent in accordance with the law.

Without even requiring Ms. Blossom to return to court again, the landlord (after much advocacy from Legal Aid) recalculated Ms. Blossom's rent retroactively, agreeing that Ms. Blossom's rent should be \$0 each month and that Ms. Blossom owed the landlord nothing.

The case against Ms. Blossom was dismissed with prejudice, and Ms. Blossom was able to continue living in her subsidized apartment. Because Ms. Blossom's subsidy is tied to her apartment, if she had been required to move or been evicted, she would have lost her subsidy and faced likely homelessness with her two young children. This case was life-changing for the Blossom family.

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Desiree Johnson, a 50-year-old resident of Ward 4, met Legal Aid through the Landlord Tenant courthouse office. She lives alone in Petworth, a rapidly gentrifying neighborhood in Northwest D.C. She fell a couple months behind in rent because she was trying to help her sister pay medical bills and her only income came from her Social Security Disability Insurance (SSDI). Ms. Johnson wanted to pay back the rent she owed, but she also wanted the landlord to actually make promised repairs, including providing her with working heat.

Ms. Johnson has Multiple Sclerosis and was visibly in pain during her initial interview with Legal Aid. Understandably, she did not want to have to come back to court multiple times to litigate her case, but instead wanted help negotiating a settlement agreement that day.

After much back and forth, Legal Aid was able to negotiate an 18-month payment plan, a short timeline for urgent repairs, such as the heat, and a longer timeline for cosmetic repairs and regular upkeep. Additionally, Legal Aid was able to negotiate for Ms. Johnson's rent to be paid into the court registry, so that she had the leverage necessary to ensure that the landlord made the agreed-upon repairs.

Had Ms. Johnson not connected with Legal Aid's courthouse office the day she came to court, a judgement for eviction and \$2,471 would likely have been entered against her. Thanks to Legal Aid, Ms. Johnson was able to avoid multiple, likely difficult, subsequent trips to the courthouse, and was able to find relief in knowing that she would be able to stay in her home.

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Tina Wilson, a 32-year-old tenant living in public housing with her two sisters, was sued by her landlord and faced eviction for non-payment of rent. Her landlord claimed she owed approximately \$4,200. Ms. Wilson, however, knew that she had, in fact, paid her rent. She had even kept all her receipts, but her landlord refused to review them with her. On her court date, Ms. Wilson was referred to Legal Aid and met with attorneys working there as part of the Landlord Tenant Court-Based Legal Services Project.

Upon meeting with Ms. Wilson, Legal Aid attorneys found that not only did Ms. Wilson appear to have paid all her rent, but her unit had been subject to numerous housing violations since the time she moved in, such that it was highly likely she had in fact overpaid her rent. Among other problems, she had bedbug and mice infestations, mold in the bathroom, holes in the wall, and windows that either would not open or would not close. There was no ventilation in her bathroom, and the roof leaked into her unit. She had repeatedly reported these conditions to her landlord, but nothing had happened since the time she moved in 2014. Now, in addition to living in such deplorable conditions, she faced eviction—despite the fact she had paid her rent.

Fortunately, thanks to Legal Aid, things soon turned in Ms. Wilson's favor. Legal Aid was able to develop an evidentiary record, including subpoenaing records from Ms. Wilson's money order provider which proved her unaccounted for rent payments had been cashed. An inspection of Ms. Wilson's unit was also done and her housing problems were documented on the record. As a result, not only did the records show Ms. Wilson was caught up in rent, but that the landlord might have to pay her a significant amount of money because of their failure to address the housing conditions.

When confronted with this information, the landlord agreed to settle the case. As part of this settlement, Ms. Wilson was given a rent credit and promised that all her housing conditions—over thirty in all—would be rectified within sixty days of the agreement. In short, Ms. Wilson went from being faced with eviction to finally getting her problems addressed—with a rent credit to boot. Ms. Wilson was extremely grateful for Legal Aid's help, which was only possible because of the Landlord Tenant Court-Based Legal Services Project.

D.C. HOUSING RIGHT TO COUNSEL PROJECT

Project Overview

The Housing Right to Counsel Project is a joint project of Bread for the City, Legal Aid Society of the District of Columbia, and Legal Counsel for the Elderly, in collaboration with the D.C. Bar Pro Bono Center. All four organizations are participants in the D.C. Right to Housing Initiative, a collaboration of legal services providers working together for nearly four years now to address the lack of safe, affordable housing for D.C.'s low-income residents through an ambitious, multi-faceted, and coordinated strategy. A critical component of this overall strategy is reducing meaningfully the eviction of low-income tenants by implementing a Right to Counsel Project in the Landlord and Tenant Branch.

The Project, in operation since 2015 with generous financial support from the D.C. Bar Foundation, focuses on representing tenants facing eviction from subsidized housing, where tenants pay rent based on income and the government subsidizes the balance, as well as tenants at risk of eviction due to loss of a vital housing subsidy. The Project aims to reduce evictions by increasing access to counsel with an innovative practice model, combining intensive pre-court outreach, a continuum of limited to full-service representation, and collaboration between legal services providers and pro bono attorneys to provide income-eligible tenants with guaranteed access to counsel. With affordable housing in D.C. disappearing at an alarming rate, access to counsel is particularly crucial in these cases, which often entail complex legal issues and place the housing subsidy itself at risk. The Project's long-term aspiration is to make the case for a broad and dramatic expansion of public funding to provide counsel for low-income tenants in all eviction cases, fundamentally altering the way these litigants experience the legal system and the way their landlords and the Court treat eviction cases.

The Partners have leveraged support from the D.C. Bar Foundation with other funding to support this Project. In addition, the Partners continue to focus significant resources to building partnerships with pro bono attorneys, who play a critical, continuing role in the Project as truly committed collaborators.

Fiscal Year 2016-2017

During fiscal year 2016-2017, Bread, Legal Aid, and Legal Counsel for the Elderly reported the following outcomes:

- With total funding of \$403,500, the Project is staffed by the equivalent of 4.25 full-time attorneys.
- With this funding, the Project used pre-court outreach to offer over 800 families living in subsidized housing and facing eviction a guarantee of representation and ultimately represented 310 families.

- More than half of clients served live in Wards 7 and 8, underserved areas with the highest concentrations of poverty in the District.
- Representations closed during this time period resulted in countable financial benefits totaling \$1,015,613 for our clients.
- Project attorneys also referred 126 cases for pro bono representation, conducted outreach events reaching 256 community members, and provided training to 213 professionals working with tenants.

Client Stories

The following stories come from clients represented by Legal Aid with cases closed during the 2016-2017 fiscal year. Names have been changed or shortened to preserve confidentiality.

Our client, Ms. Allen, a fifty-five year old resident of Ward 7, lost her job following a severe health crisis nearly one year before the law suit for non-payment of rent against her was filed. She had reported her job loss to her housing subsidy provider, but her tenant portion of the rent was never adjusted down to \$0, as it should have been since she had no income.

Ms. Allen's landlord sued her for eviction in landlord and tenant court, alleging that she was required to pay about \$300 per month (rather than zero, as it should have been). Fortunately, Ms. Allen received a letter from Legal Aid offering her a lawyer as part of the Housing Right to Counsel Project. Ms. Allen knew that her rent was wrong, but she had not been able to solve the problem on her own.

Once Legal Aid was retained as Ms. Allen's counsel, we set about proving her appropriate rent level. We contacted the subsidy provider directly, documented Ms. Allen's loss of income and efforts to report that loss of income to the subsidy provider, and got the subsidy provider to pay the landlord the back rent and adjust Ms. Allen's tenant portion of the rent moving forward. The case against her was then dismissed.

Ms. Allen was then able to rest assured that her housing was secure and continue to focus her attention on recovering from her health crisis and seeking social security income as a result of that medical condition. She was also able to remain in a home that she loved and restore her positive relationship with her landlord.

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In April 2015, Rebecca Rowan, a 44-year-old resident of Ward 8, was in the hospital undergoing cancer treatment when her landlord sued to evict her and her family of seven for unpaid rent and persistent late payment of rent.

Ms. Rowan has a voucher, which enables her to afford to rent a house for her family. However, the landlord was not entitled to the full amount of the rent because the house had

serious problems that the landlord had refused to repair, including a severe bedbug infestation, wastewater flooding into the basement, inadequate heat, and faulty electrical wiring.

The father of Ms. Rowan's children, who suffers from his own health issues and is legally blind, came to court for Ms. Rowan because she was unable to appear herself. The Rowans were able to connect with Legal Aid initially through our office at the courthouse.

After extensive litigation, Legal Aid helped Ms. Rowan negotiate a favorable settlement agreement which included a significant waiver in arrears and repair schedule.

Unfortunately, Ms. Rowan's troubles were not over. The D.C. Housing Authority (DCHA) sought to terminate Ms. Rowan's voucher with a notice issued in August 2016 alleging that she had not complied with her obligations under the voucher program. Through our Housing Right to Counsel Project, Legal Aid was able to represent Ms. Rowan in this voucher termination case.

DCHA alleged that Ms. Rowan had failed to repair tenant violations in the house. Ms. Rowan denied causing any damage to the house, and Legal Aid successfully persuaded DCHA not to proceed with the case.

Legal Aid was successful in saving Ms. Rowan's Voucher, and as a result, Ms. Rowan and her family have since used their voucher to move to another house close to the hospital where Ms. Rowan is able to continue receiving regular medical care.

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Through the Housing Right to Counsel Project, Legal Aid aims to dramatically expand access to counsel for tenants in subsidized housing who are facing eviction proceedings. Part of this expansion includes providing direct legal services to tenants, as well as recruiting and training law firm attorneys to handle these matters. The following story comes from pro bono attorneys at Latham & Watkins who Legal Aid matched with a tenant in need of legal representation.

In this case, Dorothy Lewis, a 57-year-old tenant with a Housing Choice Voucher from Ward 8 was sued by her landlord for eviction on the basis of alleged nonpayment of rent (and fees) for about \$300. After receiving a Housing Right to Counsel Project outreach letter, she called Legal Aid to get help. Pro bono attorneys from Latham & Watkins – a firm participating in the Housing Right to Counsel Project – agreed to represent her in the case.

Ms. Lewis has multiple sclerosis and lives in an apartment with her three grandchildren. She is not able to work because of her condition and relies on Social Security Disability Insurance. Last year, her granddaughter was molested by a neighbor, so her family temporarily moved into a hotel to keep her granddaughter out of harm's way. During that time, the tenant missed a rental payment. Although Ms. Lewis paid this rental amount the following month, she was not notified about the related late fees until a year later.

In addition, there was a bedbug infestation in the apartment for some time, but the landlord failed to take proper measures to remedy the issue. Despite the fact that Ms. Lewis was forced to address the bedbug problem on her own, the landlord charged Ms. Lewis for the bedbug treatment. Ms. Lewis knew that she was unfairly being charged back rent and fees by the landlord, but, without a lawyer, she was uncertain about what she actually owed and how to adequately defend herself.

After the Latham attorneys got involved, the case took a turn in Ms. Lewis's favor. The landlord corrected its books and agreed that Ms. Lewis did not owe any back rent, late fees, or other fees. The Latham attorneys were able to demonstrate that Ms. Lewis had in fact overpaid her rent. The landlord agreed to settle the case with a modest credit to Ms. Lewis and a promise to make repairs in the unit. This outcome might not have been possible but for the outreach conducted through this project. Having attorneys by her side made all the difference. Ms. Lewis was happy and relieved that she and her family could stay in their home and that, rather than having to pay the landlord more money, she was actually due a credit.