EXHIBIT “A”: A SUMMARY OF THE CURRENT CRISIS IN LEGAL AID REPRESENTATION FOR LOW-INCOME TENANTS IN PHILADELPHIA

The Scope of the Housing Crisis for Low-Income Philadelphians

• Every night in Philadelphia, it is estimated that there are 3,200 homeless men and women living in shelters, including over 1,500 children, with another 900 homeless individuals living in the streets.¹ Over a course of a year, it is also estimated that 15,000 people experience homelessness.

• Homelessness and substandard housing poses substantial health and safety risks to these families and children. Families surrender the daily routines of home life, from attending school and work to accessing health care to maintaining a safe environment. Children are at risk of asthma, infectious disease, developmental delays, and behavioral problems.² Homelessness further costs the City over $80 million every year, including costs of shelter, medical transportation, and physical health care.³

• The aftermath of the worst recession since the Great Depression dramatically increased the number of low-income families and individuals who are unable to obtain legal aid to protect their basic human need for shelter, which is at stake in eviction proceedings.⁴ Philadelphia has the highest poverty rate of the ten largest U.S. cities. Twenty-six percent (26%) of Philadelphians — over 400,000 people — live below the federal poverty level, including 38% children, 26% of working-

age adults and 18% of seniors. Philadelphia also has an alarmingly high rate of “deep” poverty — people with incomes below half of the poverty line. Philadelphia’s deep poverty rate is 12.3% or nearly 186,000 people, including 60,000 children, the highest of the nation’s 10 most populous cities. By definition, a family of four living in deep poverty would have an income of no more than approximately $12,000 annually, half the poverty rate of $24,000 for a family that size.

- Philadelphia is home to the highest percentage of seniors among the nation’s 10 largest cities. Approximately 1 in 5 seniors live at or well below the federal poverty level in Philadelphia; almost half live below 200% of the poverty level. Research shows that at this income level, because of the additional hardships and expense of aging, seniors have difficulty paying for one or more of the basics: food, shelter and medication. There are twice as many seniors in Philadelphia who live below the poverty level than in Pennsylvania as a whole. Senior tenants also face a myriad of additional challenges and vulnerabilities, including mobility, transportation, health, isolation, and struggles for independence. The National Women’s Law Center reports that ¾ million older women live in deep poverty, with enormous increases in recent years this decade. In Philadelphia, almost 10% of older women live in deep poverty.

- There is also a strong correlation between poverty and disability, amplifying a person’s vulnerability to the social determinants of poverty. Nationally, 28% of people with disabilities ages 18-64 are in poverty, compared to 12.5% of the general population (U.S. Census Bureau, 2010). In the Philadelphia Region, 1 in 4 people with a disability live in poverty and struggle on a daily basis to find food, shelter and health care. Safe, affordable, accessible housing for people with disabilities is scarce and shelters often cannot meet the varied needs of those with disabilities. Many shelters are not accessible. Those shelters that attempt to provide accommodations often cannot meet the varied and complex needs of those with disabilities who may rely on attendant care or experience mobility issues or medication/technology dependence requiring more time in a shelter than is allowed.

- The economic crisis and its impact on low-income tenants and their children have been especially harsh in Philadelphia. The staggering rates of evictions and inhabitability issues have particularly expanded Philadelphia’s homeless population: in 2015, approximately 12,476 Philadelphians (including families with children) accessed City-funded shelter beds in Philadelphia; hundreds more were turned away from shelters due to lack of capacity.

---


7 HUD 2015 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report.
Housing instability and homelessness has a marked effect on health outcomes. Families that experience homelessness or housing instability have difficulty staying connected to public health benefits programs like Medicaid and keeping up with preventive care; interruptions in coverage and care push families into emergency rooms in times of crisis, driving up health care costs for the community as a whole. Substandard housing exacerbates health problems like asthma, making adults and children sicker. Homelessness or precarious housing arrangements put family members at risk of trauma or abuse, leading to depression and behavioral health problems that cut across generations. The direct link between housing instability and homelessness to lack of employment (and the healthcare access that goes with it) is well established. A head of household who is homeless has to remain focused on the day-to-day survival of the family, and has a tremendously difficult time being able to move to the stability of having employment and the medical and other associated benefits.  

---

Unmet Need for Legal Aid by Low-Income Tenants in Eviction Cases

- According to the Philadelphia Municipal Court, there were 24,466 landlord-tenant cases filed in Municipal Court during 2016. Of these cases, a total of 43% ended in a default judgment for the plaintiff or defendant.

- During 2016, it is estimated that 8.2% of tenants involved in eviction cases filed in the Philadelphia Municipal Court were represented by counsel, but only 1.45% of those tenants were represented in court by a Philadelphia legal aid provider. This figure is far lower than the already-stark national estimate that 20% of low-income clients’ legal needs are met by legal services organizations. In glaring contrast, landlords were represented by counsel in 81% of these cases, creating a systemic power imbalance that often results in tenants being evicted.

- During 2016, there were only the equivalent of 6.63 full-time legal aid attorneys employed at six Philadelphia nonprofit legal aid programs that provided full legal

---


9 This data was obtained from a review of the 2016 Municipal Court Landlord Tenant Docket by Jonathan Pyle, Esq., Contract Performance Officer at Philadelphia Legal Assistance.


11 *Supra*, note 9.
representation to approximately 2,338 low-income and other disadvantaged tenants in eviction cases filed in Philadelphia Municipal Court.\footnote{This data was obtained from an informal survey of Philadelphia legal aid providers in January 2017.}

- In comparison, seven different legal service providers in the District of Columbia employ 25 full-time attorneys focused on eviction defense. These organizations have another 10 attorneys focused primarily on other rental issues (such as housing conditions and subsidy terminations). D.C. also has a robust law student clinical program and additional staff that handle the city-wide pro bono center, which places cases with volunteer private attorneys and runs a court-based clinic and several other housing-focused clinics. Over 33,000 eviction cases were filed in D.C. last year, but between 40-50\% of cases are dismissed on or before the first court date. Approximately 95\% of landlords are represented by counsel in eviction cases filed, while 5-10\% of tenants receive representation in non-dismissed eviction cases.

- The limited pool of Philadelphia legal aid eviction defense attorneys is a direct result of the underfunding of legal aid and a lack of resources needed to meet the high demand. In order to bridge the gap in services, legal aid providers formed a collaborative to develop and operate the Landlord Tenant Help Center in Municipal Court, which is primarily funded by modest grants from private foundations. The Help Center employs a part-time attorney (0.8 of a full time position) who provides limited representation, brief advice, referral and information to tenants for only 10 hours each week. During 2016, the Help Center provided services to 278 tenants.

- During 2016, legal aid providers also developed a Tenant Advocates group led by Community Legal Services (CLS) and the Legal Clinic for the Disabled. This group created an internal referral guide and new interagency referral protocols to streamline intake for clients, established a centralized intake phone number for tenants, and developed uniform self-help brochures and other educational materials that are now available for the public on a single web site cross-linked to each agency’s site at www.Phillytenant.org. The Tenant Advocates group also created a guide to non-legal resources for tenants, which is currently accessible from the CLS website.
In 2008, CLS, a private law firm, and law students established the Philadelphia Pro Bono Landlord Tenant Program. Under that program, VIP coordinates the placement of tenant eviction matters after intake by CLS for referral to pro bono lawyers working with law students. VIP contributes part-time staff (0.50 of a full time attorney and 0.25 of a paralegal) to help coordinate this program. During 2016, this program also recruited and trained 60 private attorneys to provide pro bono legal representation to 135 tenants. While pro bono legal efforts have provided some assistance to address this problem in Philadelphia, pro bono assistance in landlord/tenant matters has proven limited and hardly begins to address the justice gap crisis in terms of unmet tenant needs.

The housing crisis in Philadelphia does not just encompass the crisis in Landlord/Tenant Court. Thousands of tenants are paying rent to live in unsafe substandard housing that threatens their health and well-being and that of their children. They live with mold, sewage, rodents and vermin, and their requests to their landlords to remediate are ignored.

According to data provided by the Philadelphia Department of Licenses and Inspections to the Legal Clinic for the Disabled, from January 2014 through October 2016 there were:

- 19,954 interior violation complaints (no structural problems but interior problems)
- 1018 Unfit violations (housing unsafe to live in)
- 13,374 Rental License violations

As stunning as these numbers may be, thousands of tenants rarely file a legal claim when they are illegally locked out of their homes or faced with life-threatening habitability conditions that violate state and local law, because they either perceive the legal system will not serve them and they will become homeless and lose their children or they simply fail to recognize they have a right to legal action.

**Legal Aid Prevents Homelessness and Helps Tenants Secure Repairs and Retain Affordable and Safe Housing**

The provision of accessible legal aid to families and individuals facing eviction, lock-out, or substandard housing conditions can significantly prevent homelessness and sudden evictions by a) allowing tenants to negotiate exits and smooth transitions to safe, affordable housing; or b) help them stay in their homes and secure repairs in order to retain affordable and safe housing.

The majority of observational and randomized studies and pilot projects conducted throughout the nation support the conclusion that tenants who secure
effective legal representation are significantly more likely to achieve a favorable outcome in a landlord/tenant legal matter than those without access to counsel.\textsuperscript{13}

- A randomized study of New York City Housing Court found that tenants who were provided legal representation were less likely to default and more likely to have a stipulation requiring rent abatement or repairs entered in their cases, and reported that only 22\% of represented tenants had final judgments entered against them, as opposed to 52\% of unrepresented tenants.\textsuperscript{14}

- A pilot program launched in 2009 by the Boston Bar Association showed that poor people fighting eviction in housing court in Quincy, Massachusetts fared much better when they were represented by attorneys. Two-thirds of those tenants with full representation kept their housing; only one-third of those who went through housing court without an attorney were able to do the same.\textsuperscript{15}

- Similar results have been found in San Francisco,\textsuperscript{16} and San Mateo County, California.\textsuperscript{17}

- Tenants without access to legal counsel often lose their homes simply because they do not understand legal procedures, such as how to file or properly draft an appeal to stay an eviction.\textsuperscript{18} Unlike their landlords, who come to court as repeat


\textsuperscript{17} Supra., note 17.

players and typically with attorneys at their disposal, most tenants are unrepresented and possess very little knowledge of how to prepare and present their housing situation in court. Beyond tenants’ lack of information and anxieties about an unfamiliar process, many face additional courtroom barriers on account of their language, disabilities, or lack of education. Most tenants are so intimidated and unfamiliar with the process that they succumb to pressure from landlords’ counsel to reach monetary agreements involving back rent that they cannot pay in order to stay a little longer in their home, often leaving court with judgments entered against them, requiring them to pay thousands of dollars they do not owe (thereby ruining their credit) and waiving the right to remain in their homes. Tenants are at a clear disadvantage in these “negotiations” and the imbalance of power most often results in the tenants’ eviction.

**Legal Aid Provides Substantial Economic and Social Benefits**

- Beyond the substantial benefits for individual tenants to have access to legal aid and pro bono attorneys, providing such critical legal representation also benefits our neighborhoods, improves the efficiency of our court system, and saves taxpayer money. Representing tenants prevents neighborhood disrepair by holding landlords in check under laws that require them to maintain their properties. Effective tenant representation improves courtroom efficiency by holding landlords accountable for filing frivolous eviction actions or unconscionable agreements and cutting down on procedural delays caused by pro se tenants filing inappropriate or inadequate petitions.

---


21 See Laura K. Abel, et al., *Economic and Other Benefits Associated with the Provision of Civil Legal Aid*, Seattle Journal for Social Justice 138 (2010), available at http://law.seattleu.edu/Documents/sjsj/2010fall/Abel.pdf; Carroll Seron, et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 Law & Soc'y Rev. 419, 427 (2001) (“[T]he findings [] suggest that lawyers may create some efficiencies for the Court. Treatment cases are significantly less likely to have post-judgment motions filed (approximately 13%) than control cases (29%) … Post-judgment motions are especially burdensome for the Court because they require a case to be re-viewed and reopened after what was supposed to have been a final resolution of the dispute. These results suggest that counsel are effective in obtaining stipulations and compliance, and this in turn may produce significantly fewer of these motions when clients are represented”); D. James Greiner, Cassandra Wolos Pattanayak, & Jonathan Hennessy, *The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future*, 126 Harv. L. Rev. 901, 933 (Feb. 2013), available at http://cdn.harvardlawreview.org/wp-content/uploads/pdfs/vol126_93greiner_wolos_pattanayak_hennessy.pdf (showing that number of times judge had to interact with case was less when tenant represented by counsel).
Numerous independent studies and access to justice reports from across the country have shown that funding legal aid is cost effective.\textsuperscript{22}

An independent Economic Impact Study, commissioned by the Pennsylvania Interest on Lawyers Trust Account (IOLTA) Board, found that for each dollar spent on legal aid, there is an $11 return to Pennsylvania and its residents, saving costs associated with domestic violence, foster care, child custody, housing, health care, crime and imprisonment. This study also estimated that legal aid saved taxpayers $111 million in emergency shelter costs by helping 7,534 families avoid homelessness between 2007 and 2011.\textsuperscript{23}

A report prepared for the New York City Bar Association to support New York City legislation known as Intro 214-A, which calls for right to counsel for low-income tenants in New York City eviction cases, found that while providing counsel to eligible New Yorkers would cost $191 million annually, it would result in a net savings to the City of approximately $320 million from reducing shelter costs, preserving regulated, affordable apartments, and eliminating city services that are often provided because of evictions, such as emergency room care and law enforcement.\textsuperscript{24} The Mayor of New York City announced on February 12, 2017, that the City would provide “universal representation” to low-income tenants via an increase of $93 million in legal aid funding, in effect enacting Intro 214-a.\textsuperscript{25}

The Annual Impact Report from New York City Office of Civil Justice (OCJ) found that as a result of the City’s increased investment in legal aid, 27 percent of tenants facing an eviction case in court were represented by a lawyer in the past year, compared to only 1 percent in 2013.\textsuperscript{26} The Annual Report also found that the lawyers’ work is having a positive impact, as residential evictions by city marshals declined 24 percent in 2015 compared to 2013, even though the number of eviction cases filed remained relatively stable.

\textsuperscript{22} Id.
A report on the San Francisco Right to Civil Counsel Pilot Program estimated that full- and limited-scope representation for 609 tenants who avoided judicial eviction potentially saved over $1 million in shelter costs.\textsuperscript{27}