



## **Access to Justice Work Group Final Recommendations COVID-19 Harris County Housing Stability Task Force**

February 5, 2021

**Overview:** Housing instability and eviction is a longstanding problem for families in Harris County. In 2019, there were 64,255 eviction cases filed in Harris County courts. Of these over 35,000 ended up with a final judgement or default in favor of the plaintiff. (January Advisors). Prior to COVID, nearly half of 717,841 renter households in Harris County were cost-burdened, spending more than 30% of their household income on housing. Black and Hispanic renter households have significantly higher rates of burden than white or Asian renter households. (Rice University, Kinder Institute for Urban Research).

The economic impact of COVID-19 has only exacerbated these problems and is an accelerated reflection of a systemic problem. The Access to Justice Work Group (A2J) offers the following as ways to address an immediate housing crisis and begin to create the community conditions that can improve the housing situation for low and very low-income families in Harris County. In many ways this document is attempting to build momentum for reform of the eviction process. The eviction crisis caused by the pandemic has increased the focus on the need for systemic reforms.

Many of these issues will need to be addressed at the State level but Harris County and the City of Houston, legal and social service providers, local philanthropy and landlords have the opportunity to work together to improve access to information and legal services.

The A2J Work Group sees these recommendations as an important first step in bringing diverse voices together to address the immediate and on-going eviction crisis in Harris County. Each one of these recommendations is a starting point for improving the housing situation for cost-burdened renters. As our community continues to consider how we can make the court system more responsive to the needs of cost-burdened renters, it will be critically important to continue convening and engaging multiple voices and perspectives, especially those who have lived experience with the impact of the eviction process on area households

These local programmatic responses should be carefully monitored and evaluated and be used to develop and advocate for local and state legislation that supports long-term systemic change towards housing stability. We can use local experience to strengthen policy to protect tenants at risk, including protections to immigrant status families. Any policy changes should address the public health consequences and other negative consequences for employment and education of housing instability and evictions at multiple stages of the Housing Instability Cycle.

## Considerations

- Research provided by January Advisors indicates that in Harris County, fewer than 5 percent of tenants were represented by counsel in eviction court in 2020. Research and evaluation have proved that the provision of Legal Representation and Assistance increases the chances of a tenant to remain housed. The ability to access legal advice and direct representation should be widely available for those eligible tenants who seek it.
- In addition, Financial Assistance plays a critical role in helping families remain housed. The more financial resources available and allocated in a timely and simple manner, the more people accessing these resources can remain housed. Opportunities to coordinate legal and financial assistance should be explored.
- Services that prevent families from entering the formal eviction process should be strengthened and prioritized.
- We should pay special attention to those who are least likely to access legal and social services. We need to understand their perceptions of barriers when designing systems to improve access to those services.
- Immigration status should not be a barrier to receiving any legal or associated social service, as all tenants are subject to the same rights regardless of status.

## Existing Barriers

- Limited Capacity of Legal Services Providers: Federal Law, state, and local ordinances do not currently guarantee a right to counsel in civil cases. Eviction rates in Harris County have been rising for the past decade and local legal aid organizations have limited capacity and funding to address this increased need. During the COVID-19 pandemic, several pro bono legal providers have joined together to offer eviction defense through an Eviction Right to Counsel Project. The Eviction Defense Coalition, comprised of Lone Star Legal Aid, Houston Volunteer Lawyers, South Texas College of Law Houston, Thurgood Marshall School of Law's Earl Carl Institute, and the University of Houston Law Center is only able to assist a small percentage of those facing an eminent eviction hearing.
- Lack of Trust: Either because of their experience in the recovery process after a series of natural disasters, or due to their experience searching for help during long standing economic struggles, many tenants have shared their lack of trust and confidence in the current systems and supports available to assist in housing instability issues. During a series of focus groups, tenants shared traumatic experiences during these processes, and do not believe there can be advantageous outcomes from engaging legal assistance or case management. This lack of trust leads to the underutilization of some of the legal and financial services being offered. For many marginalized communities, distrust stems for the failure of almost all systems, education, health, criminal justice, and housing. This cannot be overstated.

- **Difficulty Accessing Services and Resources:** Many factors are currently contributing to this difficulty, including but not limited to: Lack of awareness about the available services, required paperwork, eligibility requirements, restrictive funding sources and complex intake systems that are not designed with the user in mind. There is a dire need to scale intake systems and improve outreach strategies. Exploring innovative collaborations with trusted community organizations can increase tenant access to services.

### **Recommendations for Immediate Crisis and Addressing Systemic Issues of Housing Instability**

The Housing Stability Task Force call on Harris County and the City of Houston to:

1. **Set aside funding for the provision of legal services in the annual budget allocations.** Local Government should make substantial and sustained funding of eviction legal defense services a priority. Local Government should gather data and bring stakeholders together to support the delivery of free legal defense services to low-income individuals.
2. **Fund outreach and community engagement activities:** To counter the lack of trust that exists in the courts system, Harris County and the City of Houston should fund existing and emergent community engagement efforts that build trust in the legal services system. This should happen in collaboration with trusted community based organizations that already have relationships with residents experiencing housing instability and other hardships. All efforts should be driven by community leaders in partnership with legal and other service organizations. Three suggestions include:
  - Recruit community members that have experience working with local communities. Engage people from the community who are leaders and/or have had experience in the courts system. Employ them as Navigators to help others going through the legal system or mediation processes. These navigators should not replace the role of an attorney as attorneys are needed to offer legal advice and to represent tenants in mediation or in the court systems. Community navigators can offer a mix of outreach, education, direct individual accompaniment and support.
    - i. Navigators can be critical in outreach, connecting tenants to existing legal and non-legal services and providing the non-legal support to help tenants be prepared to go to court. Navigators could also provide additional support and connection to other community resources depending on the outcome of the eviction hearing.

- ii. Navigators should have the language capacities and cultural appropriate methods to assist with outreach, education, individual accompaniment and support. Build upon existing models for this type of work including public health efforts and City of Houston Housing and Community Development's Fair Housing Ambassador program.
  - iii. Navigators will need very clear training and direction from attorneys on how to provide critical information to tenants about their rights and options while avoiding providing any legal advice.
  - iv. Navigators should be paid positions with support and training in how to help others advocate for themselves and are not meant to replace but to leverage legal representation efforts.
- Ensure effective coordination between Legal, Financial and Social Services. Build relationships between legal providers and trusted community organizations: Harris County and local philanthropy should fund innovative partnerships that take advantage of the expertise of legal, financial and social service providers. Coupling the two can result in efficiencies and a more coordinated approach to assistance for households in need.
  - Use human centered design to evaluate the effectiveness of current legal and financial programs so that they are designed and implemented in a more user friendly way that reaches the most vulnerable. This will support the understanding of end user preferences and pain points, as well as behaviors that ultimately will address real needs and consider needed efficiencies.

**3. Launch a community outreach and engagement effort on the benefits and availability of legal assistance services in collaboration with local partners.**

Strong community outreach efforts should begin with a deep understanding of the perceptions and the needs of the potential users. Grassroots and innovative means should be used to ensure that the messages are reaching the intended users.

**In addition, the Housing Stability Task Force recommends the following to improve conditions for those facing eviction in Harris County and the City of Houston.**

**4. Work to ensure that systems/processes are more accessible and just at local Justice of the Peace Courts.**

- Increase access to information, legal services and technology to low and very low income renters. This Work Group supports Commissioner Rodney Ellis

proposal to house Legal Resource Kiosks at the County Clerk or Tax Assessor annexes with the Justice Courts where renters can use computers to research, contact legal services providers for advice, and attend virtual hearings.

- Establish enforceable processes to encourage that all parties shall receive in their legal Citation easy to understand bilingual or multilingual instructions on how to obtain free legal assistance for an eviction hearing through the Harris County Eviction Defense Coalition.
- Establish processes to encourage local JPs to utilize attorney of the day programs available through the Harris County Eviction Defense Coalition.
- Establish free, easy to use kiosks and technology in various locations throughout the County to permit parties to access courts virtually or when appropriate in person. Tenants with lived experiences must inform the locations and technological plan.

**5. Focus on Early Dispute Resolution, and allocate funding towards emergency financial assistance and legal assistance to support early Dispute Resolution efforts.**

- The use of facilitated conversations between landlord and tenants prior to the filing of an eviction shows promise as a way of keeping cases out of the legal system. Non-profit professionals can work with tenants to advocate on their own behalf and can assist with facilitating dialogue as needed. Advocates can connect tenants to legal services when needed.
- Continue to explore, pilot and learn from rental assistance efforts that attempt to assist landlords and tenants to resolve disputes as an alternative to beginning a formal eviction process. These types of tenant-landlord interventions may need additional support to achieve successful negotiations between both parties. Adoption of these efforts, like others, may be hampered by the lack of trust in the ‘system’ and should be designed to help overcome those concerns.
- The Work Group also recommends that the Justice of the Peace Courts encourage parties to attempt mediation at the time of eviction filing, subject to tenant representation, see 6 below. We encourage all efforts by both landlords and tenants to communicate prior to any formal legal action. We encourage the use of existing community resources such as the Dispute Resolution Center and existing rental assistance agencies as a way to avoid the harmful effects of eviction for both parties.

**6. Tenant-Landlord Mediation:** Mediation has proved to be an underused tool that allows to prevent evictions and its consequences. Mediation can be an effective tool to intervene on the most common reason behind eviction filings, the non-payment of rent. These conversations can support both parties in finding mutually acceptable

options that allow tenants to stay housed and landlords to receive their payments. The Work Group recommends exploring Voluntary Tenant Landlord Mediation Services at the JP Courts if there **is appropriate legal counsel for tenants**. Mediation without appropriate legal counsel underscores and exacerbates the existing power imbalance between landlords and tenants.

Court-based mediations will need additional support to achieve successful negotiations between both parties. The County should consider providing the space for tenant-landlord mediation conferences in the court systems has proved effective in preventing evictions. The Work Group recommends Harris County allocates funding towards emergency financial assistance and legal assistance to support mediation efforts or to appeal court determinations. We also recommend the County to establish official partnerships with social services and housing counseling agencies.

The Work Group recommends an intentional effort to increase awareness of the benefits of tenant-landlord mediation through public education. Create a clear, concise, and easily accessible information about the benefits and process of mediation that can be made available to both parties as part of the eviction filing process. The Work Group understands that mediations would require additional resources such as space, mediators, and information on the Courts. This approach would need careful consideration as not to create bottlenecks or undue stress upon the day-to-day functioning of the Court.

**7. Be intentional in the development and implementation of Outreach Efforts and the distribution of essential information about policy changes or current protections in place.**

- Months after the initial distribution and later extension of CDC order to halt evictions, some tenants and landlords were still not aware of the order. The multiple adjustments to federal, state and local policies created confusion for the community at large.

The Work Group recommends convening a rapid-response multi-sector group with the sole purpose of producing timely, accurate and easily accessible information for the general public. This should be done as soon as new essential information becomes available. Partnering with trusted community-based organizations with deep roots with the community will be critically important to see that information get to those who need it the most.

- Prioritize the development of a web-based resource for all renter assistance information. This is a resource that is intended for the full spectrum of housing instability. This web-resource should be at minimum: coordinated

and centralized, accessible across multiple languages representative of local demographics, mobile friendly, and effective in meeting user needs.

- i. This will need a clear commitment from a trusted organization that will be home and host
- ii. This host and home must be willing to make a long term commitment and use resources to continually update and keep information current
- iii. Every effort should be made not to duplicate existing resources but should feed into existing resources
- iv. Start the development of the Web-Resource through a proof of concept/pilot project. Using a User Centered Design approach. Identify a target “persona” for which this web-resource will assist from beginning to end. This persona should have very specific parameters. For example: Tenants at risk of eviction that have received a notice to vacate and reside in Harris County service areas.

Respectfully submitted,



Judge Jeremy Brown, Co-chair



Ric Campo, Co-chair

### **Work Group Members List**

1. Anne Chandler
2. Curtis Davis
3. Dana Karni
4. Guadalupe Fernandez
5. Howard Bookstaff
6. Jay Malone
7. Jeremy Brown
8. Marcia Johnson
9. Nicholas Hall
10. Zoe Middleton
11. Margaret Oser

Facilitator: Jeff Stys

Support: Houston LISC team

## **COVID-19 Harris County Housing Stability Task Force Members List**

The above recommendations passed with the support of 87% of Task Force Members.

Claudia Aguirre, BakerRipley

Howard Bookstaff, Hoover Slovack LLP

John Boriack, Veritas Equity Management

Cynthia Colbert, Catholic Charities

Curtis Davis, Houston Housing Collaborative

Guadalupe Fernandez, Tahirih Justice Center

Marcia Johnson, Thurgood Marshall School of Law

Courtney Johnson, George E Johnson Properties

Dana Karni, Lone Star Legal Aid

Mary Lawler, AVENUE

Jay Malone, Texas Gulf Coast Area Labor Federation

Zoe Middleton, Texas Housers

Margaret Oser, United Way of Greater Houston

Chrishelle Palay, HOME Coalition

Celeste Peterson, Texas Organizing Project

Ana Raush, Coalition for the Homeless

Jeff Reichman, January Advisors

Mark Thiele, Houston Housing Authority

Maria Verdeja, Harris County CSD

Alan Watkins, Wells Fargo

Diana Zarzuelo, Greater Houston Community Foundation

*Houston LISC, Backbone Agency*