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legislation can do only so much when the people they're meant to protect lack access to legal counsel and affordable housing options that won't end with another notice on the door.

Eviction is a race problem

Anyone can get evicted, but data suggests that black and brown communities get hit much harder than white ones.

In the 10 major cities with the highest eviction rates, according to Eviction Lab data, five had larger populations of black residents than white ones. In one of those cities – Warren, Mississippi – the percentage of black residents (48.3 percent) was just 0.8 percent lower than white residents (49.1 percent). This in a country in which black people make up 12.6 percent of the entire population.

In only one of these cities – Chesapeake, Virginia – did black residents make up less than 40 percent of the population.

In a study published in 2016 in the Harvard Civil Rights Civil Liberties Law Review examining the connection between racial discrimination and evictions, Desmond and fellow researchers Deena Greenberg and Carl Gershenson reported that previous studies of U.S. cities found that 80 percent of people facing eviction were people of color. In a Philadelphia study, 70 percent of people facing eviction were found to be women of color.

In a previous paper, Desmond wrote, "If incarceration has become typical in the lives of men from impoverished black neighborhoods, eviction has become typical in the lives of women from these neighborhoods."

The 2016 paper didn't find a robust connection between racial discrimination and eviction of black households in Milwaukee, the city at the heart of the research. This is likely because people just didn't rent to black households in the first place.

This vicious reality rang true to Michael Lucas, deputy director of the Atlanta Volunteer Lawyers Foundation, the largest provider of free legal services in the greater Atlanta area.

"Our client base is overwhelmingly black and it is overwhelmingly black female heads of households who are dealing with these issues," Lucas said. "Eighty percent of our client base are black families facing eviction."

Atlanta has an eviction rate of 5.12 percent – or 16.94 evictions per day. In Fulton County, where Atlanta sits, the rate is double, with 39,032 evictions filed in 2016.

Representation matters

It's true that Georgia and other states in the South lack significant renter protections, Lucas said. Being a day late or a dollar short on rent could land you an eviction filing, which, by itself, is damaging to an individual or family's rental history.

But while he would like to see more renter-friendly laws, that's not the first problem that Lucas would solve.

"I would put in place greater access to legal representation," Lucas said. "With legal representation, even in a landlord-friendly state like Georgia, a good attorney

can turn the tide for a tenant."

And that's a rare thing for a low-income tenant to get.

Of the 39,032 filings in Fulton County, the Atlanta Volunteer Lawyers Foundation took on maybe 100, Lucas said.

In South Carolina, where Protheroe operates, South Carolina Legal Services closed 458 eviction cases in 2016 out of the 86,682 filed in 2016. That number includes cases that attorneys shepherded through court, but also situations in which they gave a client some advice.

In Seattle, people facing eviction can get advice from the Housing Justice Project, an effort by the King County Bar Association, but only the Legal Action Center follows a case from start to finish in court, says Mark Chattin, the center's directing attorney.

Renters in Portland Seattle have stronger protections against evictions than the people that Lucas and Protheroe represent, but that doesn't guarantee them safety. Without access to an attorney, those laws don't mean much.

The Seattle Department of Construction and Inspections enforces the Just Cause Ordinance, which restricts the reasons for which a landlord can evict a tenant. They received 1,684 calls, emails, contacts and referrals in 2017 related to the Just Cause Ordinance. Many of those referrals were from the Legal Action Center and Housing Justice Project – organizations with limited resources.

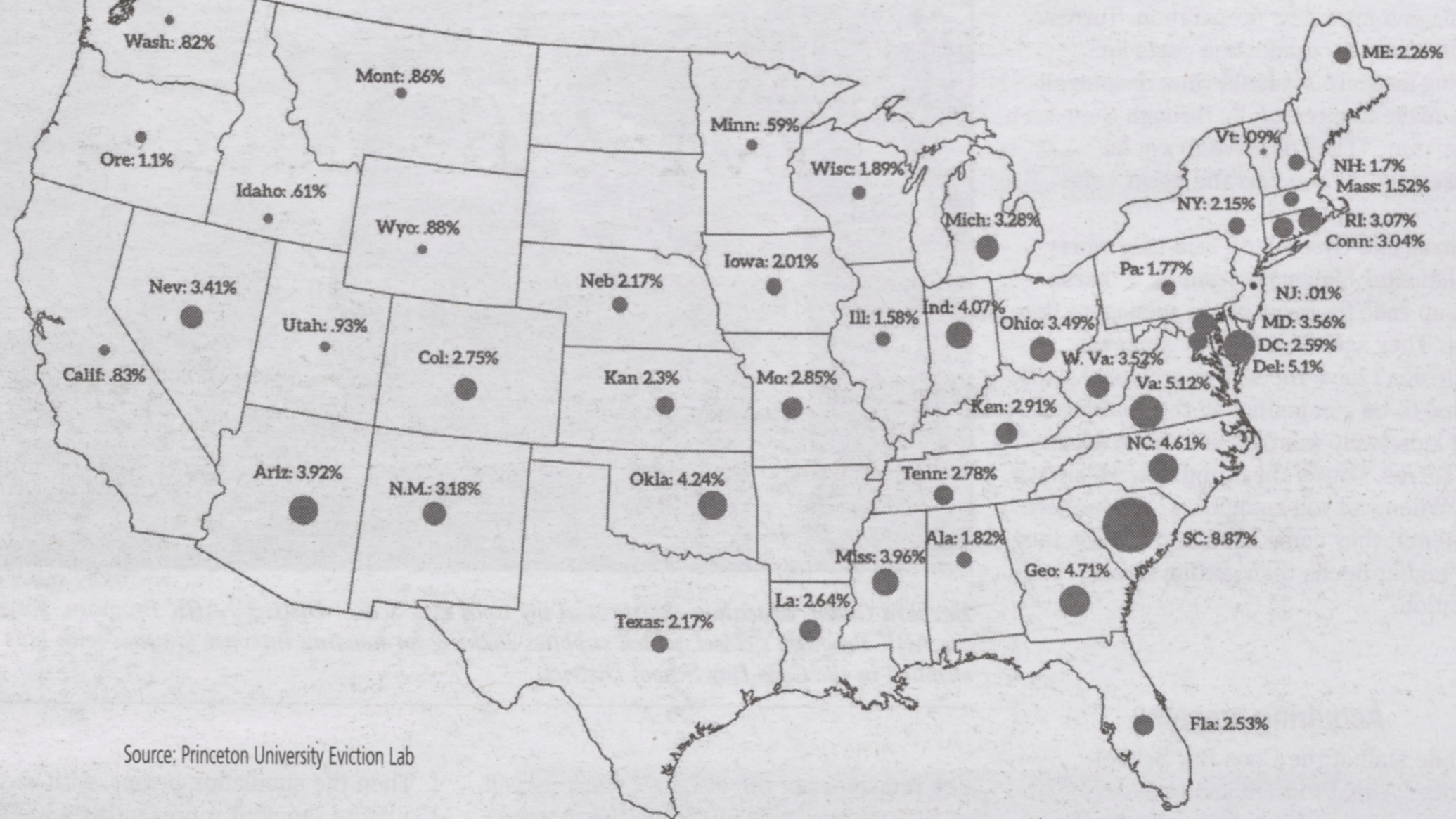
If you or your family is really hard-up, however, the chances of getting an attorney go down fast.

The Legal Action Center accepts money from the city, which completed a competitive bidding process in November 2017 for services offered in 2018. That bidding process resulted in a contract that stipulated that the center should have a 95 percent success rate, defined as clients being in housing six months after receiving services, Chattin said.

"We are based on results, so we have to screen very, very carefully to make sure the

Evictions nationwide

Percentage of eviction rate in states where data is available, 2016



Source: Princeton University Eviction Lab

clients we're taking we can help," Chattin said. "On the other side, we're the only ones that do this."

The Housing Justice Project doesn't have this restriction, which means their attorneys see the bulk of the evictions that take place in King County, says Edmund Witter, the Housing Justice Project manager. His organization handles 90 percent of the county's evictions, he said.

Witter and his team intervene in evictions that aren't slam-dunk cases. That gives them a deep insight into the flaws in the system that allow a woman to be evicted over a \$4 shortfall in rent, or a cancer patient find themselves unable to find a new place to stay after an eviction ruined her rental history.

"A lot of judges see it as a contract law question," Witter says. "Historically speaking, it's an equity question – yes, this person didn't pay \$4, but should they lose their home?"

Even if a household facing eviction could find a way to raise the money in the hopes of hiring a private attorney, the chances of them finding one is still very low.

People facing eviction are mainly low-income, and attorney fees, a potential incentive, aren't available in a landlord-tenant case, said John Pollock, coordinator for the National Coalition for a Civil Right to Counsel.

But Pollock and his organization firmly believe that anyone who walks into a courtroom deserves a right to counsel. The scales of justice tip inexorably toward a landlord who shows up with counsel to fight with a tenant who doesn't.

"That's not their fault," Pollock said. "Legal proceedings are complex, and evictions are no exception to that rule. There are many defenses they could have to eviction that they do not realize."

Unlike criminal court, where a defendant must be provided with access to an attorney, there is no such uniform expectation in civil court. Some governments provide limited access; for example, Seattle recently moved

to guarantee that undocumented people facing legal proceedings would have access to representation.

The biggest player to ensure right to counsel in eviction proceedings is indisputably New York City. The City Council passed an act in 2017 guaranteeing that everyone making under 200 percent of the federal poverty level will receive counsel in eviction proceedings. It will take five years to fully implement the program, and the city has committed \$155 million to do it. Additional cities including San Francisco, Boston and Washington, D.C., are looking at potential new laws to expand access in eviction suits as well.

It just makes sense, Pollock said.

"When it comes to counsel, it's all about prevention," Pollock said. "You keep much more serious problems from happening."

This "stitch in time" philosophy means stepping in before a family becomes homeless, before parents lose their children, before a worker loses their job, before a child loses months of educational attainment. Getting in before these dire consequences surface prevents human suffering, but it's also coldly pragmatic.

If people do not become homeless, there's less money spent on homeless services. If parents keep their children, that's less money spent on the foster care system. If children avoid early traumas and stay in school, they're more likely to have better outcomes later in life, sparing costs on the criminal justice and mental health systems.

"Counsel is not free, but if you can divert people away from homeless shelters, if you can keep them housed, it's a huge cost savings," Pollock said. "A lawyer doesn't cost anywhere near that."

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