



Equal Opportunity for Residential Representation Act of 2017 (H.R. 1146)

By Cara Baldari and Kristen Torres
March 2017

Each year millions of families in the U.S. are evicted from their homes. ⁱ Families with children are more likely to be evicted than tenants without children. ⁱⁱ Children who experience eviction often face high rates of mobility and unstable living environments that result in negative consequences for their education, physical health, mental health, and interpersonal relationships.

The lack of affordable housing and high housing cost burdens for families is a major reason for the high rate of evictions in the U.S. However, the problem is more complex. As portrayed by Harvard sociologist Matthew Desmond in *Evicted: Poverty and Profit in the American City*, families with children are evicted at higher rates and low-income families who face eviction also face obstacles that prevent them from fighting for their rights as tenants. This often results in court orders and judgments that affect a household's credit and ability to find new rental housing and maintain stable employment.

Civil legal services and eviction prevention programs help to keep children and families in their home and protect them from the negative effects that occur once a family is evicted. Yet most low-income families lack access to these services.

Limited resources are due in part to limited federal funding for the overwhelming need for civil legal services, gaps between legal systems and social service agencies, and lack of awareness for the need for legal services. ⁱⁱⁱ This is particularly true in rural and small town areas. Rural areas account for up to 20% of the population of the country, but only 2% of law practices.^{iv}

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The Equal Opportunity for Residential Representation Act of 2017 (H.R. 1146), introduced by Congressman Keith Ellison (D-MN-5), would start to address the need for civil legal services by creating a pilot program to provide grants to organizations that provide civil legal services to families facing eviction, landlord/tenant disputes, fair housing discrimination, or other housing-related issues. These grants would be equitably distributed between urban and rural areas, with at least 20 percent guaranteed for rural areas.

Increased access to legal services for low-income families facing eviction or other housing disputes would reduce rates of family homelessness and negative outcomes associated with involvement in the civil justice system, as well as help to connect families to services that increase economic stability.

Helping families stay in their home also makes smart economic sense. A study^v out of New York City found that the city would save over \$300 million annually by providing right to counsel to all low-income tenants facing eviction.

Children need stable housing to grow and thrive. Increasing access to legal civil services is one common sense way that we can support their healthy development.

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ⁱ Hartman, Chester, and David Robinson (2003) "Evictions: The Hidden Housing Problem." *Housing Policy Debate*, (14), 461-501. <https://www.innovations.harvard.edu/sites/default/files/10950.pdf>.

ⁱⁱ Desmond, M., W. An, R. Winkler, and T. Ferriss. (2013) "Evicting Children." *Social Forces*, 92 (1), 303-27. http://scholar.harvard.edu/files/mdesmond/files/social_forces-2013-desmond-303-27.pdf.

ⁱⁱⁱ Kaman, C., Radday, A., & Stanzler, C. (2012). *Civil Legal Assistance (Rep.)*. Boston, MA: Social Issue Report. <http://www.rootcause.org/docs/Resources/Research/Civil-Legal-Assistance/Civil%20Legal%20Assistance-%20Social%20Issue%20Report.pdf>.

^{iv} Ethan Bronner, (2013, April 9) No Lawyers for 100 Country Miles, So One Rural State Offers Pay. *The New York Times*. <http://www.nytimes.com/2013/04/09/us/subsidy-seen-as-a-way-to-fill-a-need-for-rural-lawyers.html>.

^v Stout Risius Ross, Inc., (2016, March 16) "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A," [PDF document.] Presented for Pro Bono and Legal Services Committee of the New York Bar Association. http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf.