

# Civil Legal Aid & Housing

*Foreclosure is a frightening process. When "Bill's" family faced the loss of their small home, they reached out for help anywhere they thought it might exist. Like so many families, they were quickly taken advantage of by a credit repair scam operation, leaving them with even fewer resources and farther behind on their house payments. There was no money for an attorney. Without civil legal aid help, they would not have known their rights, been able to engage in mediation, or save their small home.*

Civil legal services help low and moderate-income people with housing problems. Many times people don't see their housing problems as legal problems. **A low-income family concerned with eviction or unsafe conditions in its home is more likely to see these conditions as personal, financial, social or bad luck problems rather than legal ones.** Helping connect civil legal assistance with people in need helps solve housing problems and builds stronger communities.

**People who get legal help receive better housing outcomes than people who do not.** For example, one study cited on the Dept. of Justice website found that 51% of tenants in eviction proceedings without lawyers lost their homes, while only 21% of tenants with lawyers lost possession.

## What is civil legal aid?

“Civil legal aid is free legal assistance to low- and middle-income people who have [non-criminal] legal problems. These problems are non-criminal; rather, civil legal aid helps people access basic necessities such as healthcare, housing, government benefits, employment and educational services. Civil legal aid is provided free of charge by nonprofit legal aid organizations, 'pro bono' volunteers (attorneys, law students and paralegals), law schools, court-based services such as self-help centers, and online technologies such as document assembly and legal information websites.” -*U.S. Dept of Justice Access to Justice Initiative*

## HOUSING ISSUES IN BRIEF JUNE 2015

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**80%**  
of civil legal  
needs are  
unmet for  
low-income  
Americans

**1 in 6**

Hoosier  
families lived in  
poverty in 2012

**1 in 5**

Americans  
qualified to  
receive civil  
legal aid in 2011



Sources: Legal  
Services Corporation;  
Massachusetts Legal  
Assistance Corporation;  
US Census Bureau  
([www.factfinder.census.gov](http://www.factfinder.census.gov))

# UNDERSTANDING CIVIL LEGAL AID & HOUSING

## Civil legal aid helps people with housing problems:

- Prevent homelessness
- Get loans to repair homes
- Avoid foreclosure and eviction
- Address unsafe housing concerns
- Maintain subsidized housing benefits



The Eviction Assistance Center, established at the Stanley Mosk Courthouse in California in 2011, offers tenants legal assistance. Since that time, the “default rate,” or share of cases that summarily result in evictions, has declined to 35 percent from 50 percent at the Courthouse.

“ A lawyer can make a vital difference, even for the larger numbers who are unable to pay their rent, by negotiating a “soft landing” — extra weeks to move out, forgiveness of unpaid rent and agreement to seal the record and avoid a report to credit agencies. ”

-Cassandra Goodman, Eviction Assistance Center Director, *New York Times*, November 21, 2014.

## Civil Legal Aid Lawyers Can:

- Empower veterans by helping them obtain and retain permanent housing through programs such as HUD-VASH (Veterans Affairs Supportive Housing) and SSVF (Supportive Services for Veteran Families Program).
- Protect homeowners from fraudulent “rescue scams,” in which companies falsely promise to reverse mortgages, provide legal assistance or repair credit, by helping to educate the community about these scams or representing homeowners in actions filed in local courts.
- Pursue negligent lenders who mishandle documentation and fail to provide sufficient notice to tenants and homeowners without ever facing legal consequences.
- Expedite school enrollment for children and youth experiencing homelessness.
- Assist families in finding stable, safe living environments by connecting them with appropriate services and housing assistance.
- Address housing barriers created by credit bureaus or past minor offenses.
- Prevent unlawful evictions of tenants in government-subsidized housing, private housing, or foreclosure properties.
- Assist homeowners at risk of foreclosure by negotiating with lenders to modify mortgages, or giving a family time to find alternative housing.
- Educate, advise, and represent families in foreclosure proceedings to help secure fair and just outcomes.

<http://www.justice.gov/atj/legalaid>, U.S. Department of Justice Access to Justice Initiative, April 2014

# WHY FUND CIVIL LEGAL AID?

## Reduce Homelessness Costs

“By preventing eviction and foreclosure, legal aid offices saved an estimated **\$116 million** in shelter costs in 2009-2010 in New York alone.”

*The Task Force to Expand Civil Legal Services in New York – A Report to the Chief Judge of the State of New York, 2014*

## Save Tax Dollars

“Home prices are stabilized and local governments save the tax dollars typically lost to home foreclosure each time a legal aid attorney helps a homeowner prevent foreclosure.”

*Angela Lloyd, Executive Director, Ohio Legal Assistance Foundation*

## Effective Return on Investment

For **every dollar spent** representing families and individuals in housing court, the Commonwealth of Massachusetts **would save \$2.69** in other services such as emergency shelter, health care, foster care and law enforcement.

*“Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts,” Boston Bar Association, October 2014*

## Justice for Those in Need

Tenants represented by lawyers in housing cases received almost **5 times the financial benefit**, such as damages or cancellation of past due rent, as those without full representation.

*Boston Bar Association Task Force on the Civil Right to Counsel, The Importance of Representation in Eviction Cases and Homelessness Prevention 2 (2012)*

Grantmakers interested in learning more about the value of civil legal aid to support systemic change in social services: please contact the Indiana Bar Foundation ([msmith@inbf.org](mailto:msmith@inbf.org)) or 317-269-2415). The Foundation and its staff can provide guidance, introductions to local and statewide providers, and general technical assistance.

## WHAT FOUNDATIONS CAN DO:

**Identify** grant programs that could have improved outcomes by adding civil legal aid partners. As you review applications, look for issues that have legal ramifications (family issues, housing, homelessness, domestic violence).

**Provide** general support for legal aid groups that support your community.

**Partner** with other funders, such as banks, looking for ways to capitalize on existing funding structures to address housing issues creatively.

**Encourage** your grantees to partner with legal aid providers to develop targeted programs (examples could include "Ask-a-Lawyer" phone lines or public education programs on housing issues such as foreclosure and tenant rights).



# LEARNING MORE

## ADDITIONAL RESOURCES

### INDIANA RESOURCES

**Indiana Legal Services Justice Center** (<http://www.indianalegalservices.org>)

**Indiana Pro Bono Commission website** (<http://www.in.gov/judiciary/probono>)

**“Unequal Access to Justice: A Comprehensive Study of the Civil Legal Needs of the Poor in Indiana,”** Indiana Legal Services, Inc., the Indiana Bar Foundation, and the Pro Bono Committee of the Indiana State Bar Association, 2008 (<http://www.indianalegalservices.org/node/679/report-unequal-access-justice#sthash.6r3GJHfR.dpuf>)

**“Investing in Justice: A Roadmap to Cost-Effective Funding of Civil Legal Aid in Massachusetts,”** Boston Bar Association Task Force to Expand Civil Legal Aid in Massachusetts, October 2014. (<http://www.bostonbar.org/docs/default-document-library/statewide-task-force-to-expand-civil-legal-aid-in-ma---investing-in-justice.pdf>)

**“Natural Allies: Philanthropy and Civic Legal Aid,”** Public Welfare Foundation and The Kresge Foundation, 2013 (<http://kresge.org/sites/default/files/Philanthropy-and-civil-legal-aid.pdf>)

**“A Push for Legal Aid in Civil Cases Finds Its Advocates,”** Erik Eckholm and Ian Lovett, New York Times, November 21, 2014 ([http://www.nytimes.com/2014/11/22/us/a-push-for-legal-aid-in-civil-cases-finds-its-advocates.html?\\_r=0](http://www.nytimes.com/2014/11/22/us/a-push-for-legal-aid-in-civil-cases-finds-its-advocates.html?_r=0))

**“Civil Legal Aid Supports Federal Efforts to Help People Exit Homelessness and Stay Housed,”** U.S. Department of Justice Access to Justice Initiative, April 2014 (<http://www.justice.gov/atj/legalaid>)

**“Current and Potential Economic Benefits of Legal Aid Services in Texas: 2013 Update,”** The Perryman Group (an economic and financial analysis firm), sponsored by the Texas Access to Justice Foundation and updating a 2009 study conducted by The Perryman Group (<http://www.teajf.org/news/docs/Impact-of-Legal-Aid-2013-FINAL.pdf>)

**“Report on The Economic Benefits of Civil Legal Assistance,”** Massachusetts Legal Assistance Corporation, January 2014 (<http://www.mlac.org/research.html>)

**“The Task Force to Expand Civil Legal Services in New York – A Report to the Chief Judge of the State of New York,”** 2014 (<http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS%20TaskForce%20Report%202014.pdf>)