

JUSTICE FOR ALL HOUSING PILOT SUMMARY REPORT

INTRODUCTION

The Massachusetts Access to Justice Commission (Commission) was awarded an implementation grant in 2018 to launch a Justice for All Housing Pilot (Pilot) with a goal to preserve tenancies by focusing on pre-litigation services. The Pilot was generously funded by the Public Welfare Foundation, the Kresge Foundation, and the Open Society Foundations through the Justice for All initiative of the National Center for State Courts. The Pilot provided an opportunity to put into action ideas from the Massachusetts Strategic Action Plan, an initiative that was geared toward improving access to justice throughout the Commonwealth and also funded through the Justice for All initiative.

As envisioned, this Pilot would make resources available to landlords and tenants prior to court proceedings (“upstream”) through the development of a Housing Stabilization Center (Center) to be hosted by a community agency and supported by a legal services provider. Northeast Legal Aid (NLA) was selected to implement the Pilot, and after a selection process, chose as its partner community development corporation Lawrence Community Works (LCW), located in Lawrence, Massachusetts. LCW hired a Housing Stabilization Coordinator and hosted the Center. Together, NLA and LCW collaborated with a range of stakeholders, including the Housing Court, a community health center, social service agencies, the City of Lawrence, other community organizations, and landlords and their attorneys to implement this Pilot. The Pilot coincided with an independent state-wide effort, joined by Pilot participants, to expand access to emergency rental assistance funds through the state-funded Rental Assistance for Families in Transition (RAFT) program. The June 2019 eligibility rules that allowed tenants access to funding before a housing crisis became a court case was central to the continued success of the Pilot when other limited funds had been exhausted.

The Pilot demonstrated that a significant subset of insecure housing cases can be stabilized with upstream intervention. However, successful intervention requires an active network of community

resources able to identify potential cases and make appropriate and timely referrals; an entity with the ability to screen cases, provide in-depth financial assessment and counseling, and communicate with both landlords and tenants; and the availability of emergency funding without the requirement of an active eviction case as a prerequisite to eligibility.

KEY SUCCESSFUL OUTCOMES

The Pilot's positive outcomes demonstrate the value of upstream interventions and collaborations. Key successful results of the Pilot include:

- All thirty-six Pilot participants remained in their homes at the conclusion of the Pilot, with only four eviction proceedings having been filed (and even in those cases, the homes were preserved).
- The Pilot resolved a significant number of monetary claims by landlords in a manner that not only provided needed money to landlords, but also preserved the tenants' housing stability.
- Through the financial counseling, job training and referrals provided by the Center's Housing Stabilization Coordinator, seventeen out of thirty-six participants had enhanced their monthly income by the end of the Pilot: an across-the-board total of \$26,310, or an average of \$1,548 per month for those seventeen families (or, among all thirty-six participants, an average increase of \$731 per month). Financial services through the Pilot were provided in both English and Spanish and included one or more in-person meetings; detailed review of the participant's circumstances, including current sources of income, recent changes in income, and possible new sources of income; development of a household budget; and assistance pursuing new sources of income and/or one-time emergency funding. Through the Pilot the individuals and families served were able to repay \$54,192 in rental and mortgage arrearages, an average of \$2,084 per participant. Repayment funds came from government programs, St. Vincent de Paul Society

(the charitable arm of local Catholic churches), private philanthropy, and new or resumed earned income.

THE COMMUNITY SERVED AND ISSUES ADDRESSED

The Pilot focused its efforts on persons residing in Lawrence, Massachusetts, a community with extensive need (percent of persons in poverty is 23.7%¹). The Pilot participants were predominantly Hispanic women with children,² and the majority of participating households included multiple family members and some with extended family living together.³ Further, fifty-eight percent of the participant households (21 of 36) had a family member with a disability. In addition, in contrast to typical legal aid housing cases, the majority of participants had private landlords with only four clients living in public housing or having some form of housing voucher.

The legal posture of participants' cases varied and involved a range of issues. In fifty-six percent of the cases (20 of 36) the family had already been served with a notice to quit, while another 6 families (17%) received a notice to quit while the case was pending with the Pilot. In only 4 of the 36 cases (11%) was a summary process action actually filed, one of which was filed due to a miscommunication with landlord counsel and the property manager and dismissed before the first court date and, as of the close of the Pilot period, none of the remaining three had resulted in actual eviction. In terms of legal issues, most cases (25 of 36, or 69%) involved nonpayment of rent. Other cases involved fault issues, no-fault issues, including rent increases, or cases that did not fit any of the three categories. A few cases presented multiple issues.

¹ <https://www.census.gov/quickfacts/lawrencecitymassachusetts>

² 24 of the 36 clients (64%) were women, 30 of the 36 (83%) were Hispanic, and 24 of the 36 households (67%) included minor children.

³ Only 7 of the 36 cases (19%) involved participants living alone.

DESIGN AND DEVELOPMENT OF THE PILOT

The Pilot activities progressed in several stages. The first stage of the project involved its design and development, which included not only designing and implementing a bilingual intake system but also building a strong base of support and collaboration among community agencies and the courts through both individual outreach and community gatherings. It also involved identifying the right community partner, in this case LCW. This time-consuming process of convening and attending community meetings proved essential to the success of the Pilot, not just in producing LCW as the funded partner, but also in opening channels of communication with other organizations that would become key sources of referrals to the Pilot. The entities involved also report longer-lasting value in the establishment of these working relationships. This phase also included developing Pilot criteria and processes and identifying and training staff from both NLA and LCW to implement the Pilot. LCW staff were experienced in financial counseling, but not experienced in landlord-tenant dispute resolution, and NLA staff were experienced in landlord-tenant litigation, but not experienced in playing the role of conciliator.

THE HOUSING STABILIZATION CENTER OPENS ITS DOORS

The Center opened its doors in early December 2018. While referrals immediately began to flow, the majority of early applicants did not meet Pilot eligibility criteria: location in Lawrence, stage of housing crisis (i.e. pre-court), and most critically, a sustainable affordable tenancy. Further, sustainability was often difficult to quickly assess. It also became clear that the traditional, if fading, standard of affordability, 30% of a family's gross income, was not applicable in Lawrence; most applicants reported spending 50-60% of their gross income on rent. In such situations, the Center staff would undertake an in-depth analysis of a family's budget to determine if the family's current living situation was truly sustainable. The staff would then work with tenants in marginal cases to enhance income and opportunities so as to meet sustainability criteria.

Another focus of the Pilot involved identifying potential sources of emergency resources, including money, to resolve the underlying problem and allow tenants to remain in their homes. This was challenging in that RAFT assistance – the most impactful available rental assistance program for tenants as it provides up to \$4,000 per year per family – was only extended to pre-eviction cases during the last few months of the Pilot. In addition to RAFT funding, the Pilot staff successfully identified other sources of emergency funds including monies dedicated to the Lawrence area as a result of earlier gas explosions and through St. Vincent de Paul, a charitable church-based organization in Lawrence.

By spring 2019, the trickle of cases that fit the project criteria turned into a steady flow. Pilot staff had engaged in sustained and individualized outreach and the relationships that LCW and NLA had built with the community began to yield Pilot-appropriate cases. Among their many outreach activities, Pilot staff contacted landlords who referred tenants at-risk of losing their housing and they attended weekly RAFT informational sessions where they obtained referrals. Near the end of the period, the Pilot had handled over one hundred referrals, thirty-six of which were ultimately found to fit the Pilot criteria and accepted into the Pilot. As a result, all of the participants remained in their homes at the conclusion of the Pilot. Importantly, LCW and NLA have committed to a future and ongoing partnership, further affirming the undisputed value of and need for upstream tenancy preservation support. The demonstrated benefits of “upstream” support to families in an area as crucial as housing is likely to have strong appeal for future funders.

CONCLUSION

This project hinged on the successful collaboration of several entities. This collaboration takes time to get off the ground, and takes time to sustain. The most important factors for developing and implementing a successful upstream Pilot were identifying the appropriate partners for collaboration and establishing strong community relationships; identifying cases where upstream resources could make a difference; providing financial counseling and coaching to tenants; and the availability of

upstream funds to assist in rent arrears. The lessons learned on each of these aspects of the Pilot will assist those seeking to replicate any of these features in upstream housing work going forward - in Massachusetts, or elsewhere. It was striking to us not only how, in each case, housing was preserved, but how critical a role financial counseling was to the success of the case. Given the impressive increases in monthly income for each Pilot participant, the RAFT program and legal services should consider whether or not (re)allocation of available resources to include financial counseling would improve outcomes. Last, the Pilot also crystallized how critical upstream funding for rental arrears, whether by RAFT or other funders is to the success of any such project.