

INTRODUCED: July 22, 2024

A RESOLUTION No. 2024-R027

To declare evictions without legal representation as a public crisis and to support right-to-counsel programs and programs increasing access to counsel for residents of the city of Richmond facing eviction as a critical necessity.

\_\_\_\_\_  
Patrons – All Members of Council

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: SEP 23 2024 AT 6 P.M.

WHEREAS, according to the Central Virginia Legal Aid Society, Inc. (the “Society”), the city of Richmond is facing an eviction crisis; and

WHEREAS, according to the Society, tenants who have been evicted do not just lose their immediate housing, they also suffer from a loss of mental and physical health, child custody, education, employment, public benefits, and personal property; and

WHEREAS, the Society has found that, according to a report dated November 2021, from the RVA Eviction Lab at Virginia Commonwealth University, tenants in the city of Richmond and the Counties of Henrico and Chesterfield who have representation receive a more

AYES:            9            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:      SEP 23 2024      REJECTED: \_\_\_\_\_      STRICKEN: \_\_\_\_\_

favorable outcome in 18.4 percent of cases versus 2.4 percent of the time for those in which tenants are not represented; and

WHEREAS, the Society has also found that, according to a 2023 analysis performed by the RVA Eviction Lab at Virginia Commonwealth University, there were 13,767 eviction filings in the General District Court of the City of Richmond in 2023 and, of this number, 24 percent resulted in default judgments against tenants who did not appear in court and 76 percent involved tenants who could potentially benefit from being represented by an attorney through a right-to-counsel program; and

WHEREAS, the Council believes that it is in the best interests of the residents of the city of Richmond that the Council declare that evictions without legal representation is a public crisis and support right-to-counsel programs and programs increasing access to counsel for residents of the city of Richmond facing eviction as a critical necessity;

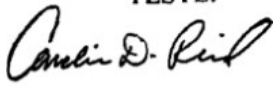
NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council hereby declares that evictions without legal representation is a public crisis and supports right-to-counsel programs and programs increasing access to counsel for residents of the city of Richmond facing eviction as a critical necessity.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

A TRUE COPY:  
TESTE:  
  
City Clerk



# Richmond City Council

The Voice of the People

Richmond, Virginia

## Office of the Council Chief of Staff

### Council Ordinance/Resolution Request

**TO** Laura Drewry, Richmond City Attorney

**THROUGH** LaTasha S. Holmes, Council Chief of Staff

**FROM** Tamiya Lunsford, Council Budget Analyst  
Office of the Council Chief of Staff

**COPY** Andreas Addison, 1<sup>st</sup> District Councilmember  
Tabrica Rentz, Deputy City Attorney  
Adam Poser, Deputy Council Chief of Staff  
Whitney Brown, 1<sup>st</sup> District Liaison

**DATE** July 8, 2024

**PAGE/s** 1 of 2

**TITLE:** Resolution Request to Declare a Public Necessity to Address Legal Representation of Richmond Residents During the Eviction Process

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

**SUGGESTED STANDING COMMITTEE**

Council Member Andreas Addison

Land Use, Housing, and Transportation

**ORDINANCE/RESOLUTION SUMMARY**

This O&R is to declare a public necessity for addressing evictions by supporting right-to-counsel (RTC) programs and programs increasing access to counsel for Richmond residents without legal representation facing the eviction process.

**BACKGROUND**

This O&R is to support RTC programs and programs increasing access to counsel for Richmond residents facing the eviction process.

Tenants who have been evicted do not just lose their immediate housing, they also face losses of mental and physical health, child custody,

education, employment, public benefits, and personal property. These consequences are not experienced equally.

In November 2021, the RVA Eviction Lab at Virginia Commonwealth University L. Douglas Wilder School of Government and Public Affairs released a report titled “Eviction, Legal Counsel, and the Courthouse”. Examining data from Richmond, Henrico, and Chesterfield, the study found that tenants who have representation receive a more favorable outcome in 18.4% of cases versus 2.4% of the time for those where tenants are not represented.

Because the City of Richmond has no control over the functioning of the Richmond General District Court (GDC), appointing an attorney at the first court hearing is not a model which can be adopted. Instead, the tenant defendant will have to contact a “Richmond Eviction Defenders Office” for an attorney before the first court hearing. This office could be affiliated with or part of an existing legal aid program such as Central Virginia Legal Aid Society.

According to an analysis by RVA Eviction Lab based on data from the Virginia Judicial System website supplied by the Legal Services Corporation (LSC), there were 13,767 eviction filings in Richmond GDC in calendar year 2023. Of these, 24% resulted in default judgments against defendant-tenants who did not appear in court. The remaining 76% of defendant-tenants – a total of 10,463 – would potentially receive an attorney under a RTC program.

## FISCAL IMPACT STATEMENT

Fiscal Impact Yes  No

Budget Amendment Required Yes  No

**Note:** Funding has been set aside in the FY25 Proposed City Budget by Administration in the amount of \$500K for the Eviction Diversion Program.

**Estimated Cost or Revenue Impact:** The implementation of a RTC program is proposed to be a multi-year phased approach as the Director of the City of Richmond's Department of Housing & Community Development (HCD) and the lead partner organization may determine. HCD is prepared to spend appropriations to fund such legal representation. Information on the cost related to a RTC program is included in the attachments below from the Central Virginia Legal Aid Society and the VCU L. Douglas Wilder School of Government and Public Affairs.

Attachment/s Yes  No

- Central Virginia Legal Aid Society [Right to Counsel \(RTC\) for Tenants Facing Eviction in Richmond, VA – Version 5.0](#)
- VCU L. Douglas Wilder School of Government and Public Affairs RVA Eviction Lab – [An Analysis of the Benefits of a Right to Counsel in Richmond, VA](#)



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Charlottesville, Virginia 22902  
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## **Right to Counsel (RTC) for Tenants Facing Eviction in Richmond, VA – Version 5.0**

### **I. Why is a right to counsel for tenants facing eviction needed?**

Richmond has an eviction crisis. The impact of this crisis is severe. Tenants who have been evicted do not just lose their immediate housing. They also face losses of mental and physical health, child custody, education, employment, public benefits, and personal property.

These consequences are not experienced equally. Black female renters face eviction twice as often as white tenants. Yet when facing an eviction, on average only 3% of tenants are represented, compared to 81% of landlords. Tenant representation decreases the likelihood and overall impact of these consequences. A few examples show the effectiveness of RTC.

- New York City: 84% of represented tenants have remained in their homes. The filing rate and default rate have decreased by 30%.
- San Francisco: 59% of represented tenants have remained in their homes. Of the 30% who did not remain in their unit, 70% received a favorable settlement.
- Cleveland: 93% of clients avoided an eviction judgment or an involuntary move. 83% of clients who desired rental assistance were able to obtain it.
- Boulder: 63% of represented cases avoided eviction. This was a 26% increase.
- Kansas City: The pre-RTC eviction rate was 99% and in the first 3 months of RTC it was less than 20%. Most recently, of all the resolved cases, 91.5% of tenants have avoided eviction. This compares to the 99% of tenants who were evicted before RTC.
- Toledo: Nearly 88% of tenants in closed cases avoided eviction.
- Connecticut: Of the 82% of clients that wanted to prevent an involuntary move, 71% achieved that goal.
- Washington State: Tenants remained in their homes in more than 50% of closed cases where the result is known.

[http://civilrighttocounsel.org/uploaded\\_files/283/RTC\\_Enacted\\_Legislation\\_in\\_Eviction\\_Proceedings\\_FINAL.pdf](http://civilrighttocounsel.org/uploaded_files/283/RTC_Enacted_Legislation_in_Eviction_Proceedings_FINAL.pdf).

Similar results have been reported in Virginia. In December 2017, the National Center for State Courts released the [Virginia Self-Represented Litigant Study](https://brls.org/wp-content/uploads/2018/03/Outcome-Report.pdf). The study found that defendant tenants win 10-14% of the time when represented, and less than 1% of the time when unrepresented. <https://brls.org/wp-content/uploads/2018/03/Outcome-Report.pdf>.

In November 2021, the RVA Eviction Lab at Virginia Commonwealth University released a report titled [Eviction, Legal Counsel, and the Courthouse](https://rampages.us/rvaevictionlab/wp-content/uploads/sites/33937/2021/11/Eviction-Legal-Counsel-and-the-Courthouse-1.pdf). Examining data from Richmond, Henrico, and Chesterfield, the study found that tenants who have representation receive a more favorable outcome in 18.4% of cases versus 2.4% of the time for those where tenants are not represented. <https://rampages.us/rvaevictionlab/wp-content/uploads/sites/33937/2021/11/Eviction-Legal-Counsel-and-the-Courthouse-1.pdf>.

The data is clear and undisputable. The most effective way to reduce evictions is to provide the tenant with an attorney.

## II. How would a right to counsel for tenants facing eviction work in Richmond?

Because the City of Richmond has no control over the functioning of the Richmond General District Court (GDC), appointing an attorney at the first court hearing is not a model which can be adopted. Instead, the tenant defendant will have to contact a “Richmond Eviction Defenders Office” for an attorney before the first court hearing. This office could be affiliated with or part of an existing legal aid program such as Central Virginia Legal Aid Society.

In a Summons for Unlawful Detainer (an eviction lawsuit), the tenant defendant is not required to appear at the first hearing, known as the return date. According to an analysis by RVA Eviction Lab based on data from the Virginia Judicial System website supplied by the Legal Services Corporation (LSC), there were 13,767 eviction filings in Richmond GDC in calendar year 2023.

Of these, 24% resulted in default judgments against defendant-tenants who did not appear in court. The remaining 76% of defendant-tenants – a total of 10,463 – would potentially receive an attorney under RTC.

The RVA Eviction Lab analysis shows that the 13,767 eviction filings are heavily concentrated in three City zip codes:

	<u>Filings</u>	<u>Receive RTC (76%)</u>	<u>Share of Filings</u>
● 23223 (East End)	1,942	1,476	14%
● 23223, 22224 & 23225 (Southside)	9,251	7,031	67%
● All others	<u>2,574</u>	<u>1,956</u>	
19% TOTAL		13,767	10,463

### **III. How much would a right to counsel for tenants facing eviction in Richmond cost?**

A full-time legal aid attorney (40 hrs/wk x 52 wks = 2,080 hrs/yr) can be expected to handle 150 eviction defense cases a year. If each case took an average of 12 hours of attorney time, that equals 1,800 hours a year. That leaves 280 hours a year for holidays, vacation, illness, training, and other activities not directly related to case representation.

For RTC to be enacted in stages, rolling out zip code by zip code until the entire City is covered is the most scalable and easiest to administer.

What follows is Plan A for the entire City of Richmond; Plan B for zip codes 23223, 23224, and 23225 covering 67% of the filings; and Plan C for only zip code 23223 covering 14% of the filings but also covering four of the six public housing communities in Richmond. These budgets exclude the following personnel costs as not essential & not usually found in legal aid programs: paralegals, paralegal supervisors, case managers, and case manager supervisors.

All plans are based on the following ratios:

- One Supervising Attorney for every eight Staff Attorneys.
- One Intake Specialist for every seventeen attorneys.
- One Program Administrative Staff for every 10 attorneys.
- One Outreach/Education Staff for every 10 attorneys.

Plan A with 10,463 appointments requires 70 attorneys (8 Supervising and 62 Staff), 4 Intake Specialists, 7 Program Administrative Staff, and 7 Outreach/Education Staff.

Plan B with 7,031 appointments requires 47 attorneys (5 Supervising and 42 Staff), 3 Intake Specialists, 5 Program Administrative Staff, and 5 Outreach/Education Staff.

Plan C with 1,476 appointments requires 10 attorneys (1 Supervising and 9 Staff), 1 Intake Specialist, 1 Program Administrative Staff, and 1 Outreach/Education Staff.

**Plan A: Proposed Budget for the Entire City of Richmond**

10,463 appointments – 70 attorneys (8 Supervising and 62 Staff), 4 Intake Specialists, 7 Program Administrative Staff, and 7 Outreach/Education Staff

**Personnel Costs**

Staff Attorney salary	\$70,000 x 62	\$4,340,000
Staff Attorney benefits (35% of salary)	\$24,500 x 62	\$1,519,000
Supervising Attorney salary	\$90,000 x 8	\$ 720,000
Supervising Attorney benefits (35% of salary)	\$31,500 x 8	\$ 252,000
Intake Specialist salary	\$45,000 x 4	\$ 180,000
Intake Specialist benefits (35% of salary)	\$15,750 x 4	\$ 63,000
Program Administrative Staff salary	\$45,000 x 7	\$ 315,000
Program Administrative Staff benefits (35% of salary)	\$15,750 x 7	\$ 110,250
Outreach/Education Staff salary	\$45,000 x 7	\$ 315,000
Outreach/Education Staff benefits (35% of salary)	\$15,750 x 7	<u>\$ 110,250</u>
<b>Total Personnel Costs</b>		<b>\$7,924,500</b>

**Other-Than-Personnel Costs** (for an 88-person office)

Space and Occupancy (150 sq. ft/person x \$12/sq. ft)		\$ 158,400
Utilities (150 sq. ft/person x \$1/sq. ft)		\$ 13,200
Furniture and Equipment (\$2,000/person)		\$ 176,000
IT Equipment (\$2,500/person)		\$ 220,000
Training (\$1,000/person)		\$ 88,000
Retention / Employee Goodwill (\$500/person)		\$ 44,000
Postage and Printing (\$300/person)		\$ 26,400
Tenant Outreach		\$ 100,000
Graphic Design		\$ 50,000
Litigation Expenses (\$100/person)		\$ 8,800
Translation Services (\$100/person)		\$ 8,800
Meetings and Transportation (\$100/person)		\$ 8,800
Library and Online Research (\$1,000/person)		\$ 88,000
Office Operations (\$1,000/person)		\$ 88,000
External Consultants (\$100/person)		\$ 8,800
Telecommunications (\$2,000/person)		\$ 176,000
Dues, Registrations, and Licenses (\$500/person)		\$ 44,000
Professional Services (\$500/person)		\$ 44,000
Insurance (\$500/person)		<u>\$ 44,000</u>
<b>Total Additional Other-Than-Personnel Costs</b>		<b>\$1,395,200</b>

**Total Personnel Costs** \$7,924,500

*Personnel Costs as a % of total expenses – 85%*

**Total Additional Other-Than-Personnel Costs** \$1,395,200

*Other Costs as a % of total expenses – 15%*

**TOTAL EXPENSES** **\$9,319,700**



**Plan B:** Proposed Budget for zip codes 23223, 23224, and 23225 covering 67% of the filings  
 7,031 appointments – 47 attorneys (5 Supervising and 42 Staff), 3 Intake Specialists, 5  
 Program Administrative Staff, and 5 Outreach/Education Staff

**Personnel Costs**

Staff Attorney salary	\$70,000 x 42	\$2,940,000
Staff Attorney benefits (35% of salary)	\$24,500 x 42	\$1,029,000
Supervising Attorney salary	\$90,000 x 5	\$ 450,000
Supervising Attorney benefits (35% of salary)	\$31,500 x 5	\$ 157,500
Intake Specialist salary	\$45,000 x 3	\$ 135,000
Intake Specialist benefits (35% of salary)	\$15,750 x 3	\$ 47,250
Program Administrative Staff salary	\$45,000 x 5	\$ 225,000
Program Administrative Staff benefits (35% of salary)	\$15,750 x 5	\$ 78,750
Outreach/Education Staff salary	\$45,000 x 5	\$ 225,000
Outreach/Education Staff benefits (35% of salary)	\$15,750 x 5	\$ 78,750
<b>Total Personnel Costs</b>		<b>\$5,366,250</b>

**Other-Than-Personnel Costs** (for a 60-person office)

Space and Occupancy (150 sq. ft/person x \$12/sq. ft)		\$ 108,000
Utilities (150 sq. ft/person x \$1/sq. ft)		\$ 9,000
Furniture and Equipment (\$2,000/person)		\$ 120,000
IT Equipment (\$2,500/person)		\$ 150,000
Training (\$1,000/person)		\$ 60,000
Retention / Employee Goodwill (\$500/person)		\$ 30,000
Postage and Printing (\$300/person)		\$ 18,000
Tenant Outreach		\$ 67,000
Graphic Design		\$ 33,000
Litigation Expenses (\$100/person)		\$ 6,000
Translation Services (\$100/person)		\$ 6,000
Meetings and Transportation (\$100/person)		\$ 6,000
Library and Online Research (\$1,000/person)		\$ 60,000
Office Operations (\$1,000/person)		\$ 60,000
External Consultants (\$100/person)		\$ 6,000
Telecommunications (\$2,000/person)		\$ 120,000
Dues, Registrations, and Licenses (\$500/person)		\$ 30,000
Professional Services (\$500/person)		\$ 30,000
Insurance (\$500/person)		\$ 30,000
<b>Total Additional Other-Than-Personnel Costs</b>		<b>\$ 949,000</b>

**Total Personnel Costs** \$5,366,250

*Personnel Costs as a % of total expenses – 85%*

**Total Additional Other-Than-Personnel Costs** \$ 949,000

*Other Costs as a % of total expenses – 15%*

**TOTAL EXPENSES** **\$6,315,250**

**Plan C:** Proposed Budget for only zip code 23223 covering 14% of the filings  
 1,476 appointments – 10 attorneys (1 Supervising and 9 Staff), 1 Intake Specialist, 1  
 Program Administrative Staff, and 1 Outreach/Education Staff

**Personnel Costs**

Staff Attorney salary	\$70,000 x 9	\$ 630,000
Staff Attorney benefits (35% of salary)	\$24,500 x 9	\$ 220,500
Supervising Attorney salary	\$90,000 x 1	\$ 90,000
Supervising Attorney benefits (35% of salary)	\$31,500 x 1	\$ 31,500
Intake Specialist salary	\$45,000 x 1	\$ 45,000
Intake Specialist benefits (35% of salary)	\$15,750 x 1	\$ 15,750
Program Administrative Staff salary	\$45,000 x 1	\$ 45,000
Program Administrative Staff benefits (35% of salary)	\$15,750 x 1	\$ 15,750
Outreach/Education Staff salary	\$45,000 x 1	\$ 45,000
Outreach/Education Staff benefits (35% of salary)	\$15,750 x 1	\$ 15,750
<b>Total Personnel Costs</b>		<b>\$1,154,250</b>

**Other-Than-Personnel Costs** (for a 13-person office)

Space and Occupancy (150 sq. ft/person x \$12/sq. ft)		\$ 23,400
Utilities (150 sq. ft/person x \$1/sq. ft)		\$ 1,950
Furniture and Equipment (\$2,000/person)		\$ 26,000
IT Equipment (\$2,500/person)		\$ 32,500
Training (\$1,000/person)		\$ 13,000
Retention / Employee Goodwill (\$500/person)		\$ 6,500
Postage and Printing (\$300/person)		\$ 3,900
Tenant Outreach		\$ 14,000
Graphic Design		\$ 7,000
Litigation Expenses (\$100/person)		\$ 1,300
Translation Services (\$100/person)		\$ 1,300
Meetings and Transportation (\$100/person)		\$ 1,300
Library and Online Research (\$1,000/person)		\$ 13,000
Office Operations (\$1,000/person)		\$ 13,000
External Consultants (\$100/person)		\$ 1,300
Telecommunications (\$2,000/person)		\$ 26,000
Dues, Registrations, and Licenses (\$500/person)		\$ 6,500
Professional Services (\$500/person)		\$ 6,500
Insurance (\$500/person)		\$ 6,500
<b>Total Additional Other-Than-Personnel Costs</b>		<b>\$ 204,950</b>

**Total Personnel Costs** \$1,154,250

*Personnel Costs as a % of total expenses – 85%*

**Total Additional Other-Than-Personnel Costs** \$ 204,950

*Other Costs as a % of total expenses – 15%*

**TOTAL EXPENSES** **\$1,359,200**

*Martin Wegbreit, Director of Litigation, Central Virginia Legal Aid Society - March 19, 2024*

# **An Analysis of the Benefits of a Right to Counsel in Richmond, VA**

Callie Houghland  
RVA Eviction Lab Wilder Fellow

Benjamin F. Teresa, PhD  
Director, RVA Eviction Lab



**VCU** L. Douglas Wilder School of  
Government and Public Affairs

## Table of Contents

<a href="#">About RVA Eviction Lab</a>	2
<a href="#">Acknowledgements</a>	2
<a href="#">Executive Summary</a>	3
<a href="#">Introduction</a>	4
<a href="#">The Costs of Eviction and Housing Instability</a>	5
<a href="#">History of Right to Counsel</a>	8
<a href="#">Eviction in Richmond, VA</a>	9
<a href="#">Methodology</a>	9
<a href="#">Cost of Eviction</a>	9
<a href="#">Right to Counsel</a>	10
<a href="#">Discussion: Costs, Benefits, and other implications of RTC</a>	14

## About RVA Eviction Lab

Created in August 2018, the RVA Eviction Lab has a primary mission of collecting, analyzing and disseminating data and research that will:

- Inform policy-making that will support stable housing for low- and moderate-income households;
- Facilitate shared knowledge production about community needs and opportunities; and
- Support efforts of communities most impacted by housing instability to research and advocate for themselves.

We use two primary approaches to advance these goals. First, we provide data analysis and written reports to decision-makers, policy advocates and government agency staff about eviction-related trends, policies and structural bases. Second, we engage with community-based organizations to provide community-relevant research and data that can be used for knowledge-building and action.

## Acknowledgements

We are grateful to John Pollock, Coordinator for the National Coalition for a Civil Right to Counsel, and to Neil Steinkamp, Managing Director of Stout, for their invaluable assistance in preparing this report. We also thank Christie Mara (Virginia Poverty Law Center), Laura Dobbs (Housing Opportunities Made Equal), and Marty Weigbreit (Central Virginia Legal Aid Society) for their assistance in generating estimates of attorney costs. All errors, however, are our own.

## Executive Summary

This report examines the costs associated with eviction in the City of Richmond and the benefits from providing a Right to Counsel (RTC) for tenants. While a right to counsel is constitutionally recognized in criminal proceedings, there is no equivalent federal constitutional right for civil cases, including eviction. In Richmond, nearly all landlords are represented by attorneys while almost no tenants have counsel. In other cities where a right to counsel has been implemented, represented tenants were frequently able to remain housed or secure another favorable outcome that provides them with the time and resources to find other stable housing. Furthermore, RTC reduces the public costs of eviction, which are significant.

While tenant-landlord disputes are commonly understood as a private matter, when such disputes result in the threat of eviction and involuntary displacement, a private debt is transformed into a cascade of public expenses. While ultimately the full public costs of eviction are incalculable, in this report we estimate selected costs incurred through eviction related to health, public safety, and welfare. The report also estimates the costs of implementing a RTC program in the City of Richmond and the costs avoided from implementation.

In summary, we find that for the City of Richmond, each year:

- ***The public costs of eviction and involuntary displacement is \$35 million***, accounting for only emergency shelter, inpatient care, emergency room care, foster care, and juvenile detention costs, which is more than \$2,500 for each eviction filed.
- ***The cost of providing a right to counsel is between \$1.5 and \$11 million***, depending on the expansiveness of the right to counsel offered. We present three scenarios for RTC implementation that vary in scope.
- ***Right to Counsel would keep about 1,200 to 8,400 households housed*** or otherwise achieve a positive outcome that avoids involuntary displacement, depending on the program scope, that would not have been possible without RTC.
- ***For every \$1 spent on RTC, at least \$2.00 would be avoided in public costs***, based on an estimated RTC cost of \$1,000 for each eviction case and an 80% success rate in avoiding involuntary displacement.

While this report provides conservative quantitative estimates of the costs and benefits of RTC, there are other benefits that are just as important but not easily measured. By having lawyers asserting tenants' rights in court, those rights will be increasingly recognized by courts, and eviction court as a defective legal venue may bend toward a fuller implementation of due process and justice.<sup>1</sup> Therefore, RTC has the ability to potentially transform the long term trajectory of the adjudication of tenant landlord disputes, not only by a fairer application of the law, but also by keeping households housed and therefore reducing the ultimately incalculable personal and social harm caused by housing instability.

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<sup>1</sup> Sabbeth, K. A. (2022). Eviction courts. *University of St. Thomas Law Journal*, 18(2), 359-404.

## Introduction

Eviction immediately impacts the families who are evicted, while also inflicting harm on the wider community. The impacts of housing instability on families can range from deterioration of mental and physical health to education and employment interruptions.<sup>2</sup> Additionally, there are significant public costs to eviction that stem from the family impacts of housing instability, including healthcare, emergency shelter, foster care, and, because local governments frequently manage homelessness as a criminal-legal problem, law enforcement interventions.<sup>3,4</sup>

A significant fraction of households who are forced to move will go through eviction courts, and so policy can focus on the legal process as a site for intervention. One of the most significant characteristics of eviction court for tenant outcomes is that as a summary civil proceeding, and unlike a criminal court, there is no constitutionally recognized right to counsel. In almost all jurisdictions in Virginia, nearly every landlord has legal representation while nearly every tenant lacks counsel.<sup>5</sup> In recent years, localities such as Baltimore, MD, Cleveland, OH, Philadelphia, PA, New York City, and San Francisco, CA have passed right to counsel laws which fund attorneys to represent tenants in eviction cases. Legal advice and guidance during the eviction process can make a difference in the case outcome. Research from those cities that have funded a right to counsel show that tenants with legal representation in court are more likely to have a case dismissed or decided in their favor and more likely to remain housed.<sup>6</sup>

Given the broad costs of eviction to the individual household and wider public, this report estimates the costs and benefits associated with a right to counsel ordinance for the City of Richmond. The report first estimates a selection of public costs associated with homelessness and displacement caused by eviction in the City of Richmond. We then estimate the costs of implementing a Right to Counsel ordinance under three scenarios that vary in scope. Finally, we estimate what share of the public costs would be avoided through RTC and compare these cost savings to the RTC expense. This report provides one approach for understanding the costs and benefits of providing a right to counsel in Richmond. Even though we can estimate a selection of specific public costs incurred by eviction, ultimately the total “cost” of eviction is incalculable because the effects of unstable housing are acutely felt by households while also permeating the wider neighborhood, community, and society.

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<sup>2</sup> Desmond, M., Gershenson, C., & Kiviat, B. (2015). Forced relocation and residential instability among urban renters. *Social Service Review*, 89(2), 227-262.

<sup>3</sup> Schwartz, G. L., Leifheit, K. M., Arcaya, M. C., & Keene, D. (2023). Eviction as a community health exposure. *Social Science & Medicine*, 340, 116496.

<sup>4</sup> *Housing not Handcuffs: State Law Supplement*. (2021). National Homelessness Law Center. <https://homelesslaw.org/wp-content/uploads/2022/02/2021-HNH-State-Crim-Supplement.pdf>

<sup>5</sup> Cassidy, M., & Currie, J. (2023). The effects of legal representation on tenant outcomes in housing court: Evidence from New York City’s universal access program. *Journal of Public Economics*, 222, 104844.

<sup>6</sup> Ellen, I. G., O’Regan, K., House, S., & Brenner, R. (2021). Do lawyers matter? Early evidence on eviction patterns after the rollout of universal access to counsel in New York City. *Housing policy debate*, 31(3-5), 540-561. See also [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel#rtcdata](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel#rtcdata)

## The Costs of Eviction and Housing Instability

A significant share of forced moves of renters is handled through the adversarial legal process in courts, which frames eviction as a private dispute between the tenant and landlord over a private debt. However, the eviction process transforms what appears to be a private debt dispute into a cascade of social and public costs, borne at multiple scales. All forms of housing instability, including formal eviction through courts and “informal” eviction through non-renewal of leases or large rent increases, have serious impacts for employment, education, and health, with children especially vulnerable.<sup>7</sup> Homelessness, mental and physical health declines, and interruptions to school and work<sup>8</sup> all result from eviction and can affect a household for long after the eviction.<sup>9</sup>

Households threatened with eviction must make housing decisions quickly and under stress, which exacerbates the impact of housing discrimination, ongoing housing scarcity, a tenant’s eviction court record and shunts these households into increasingly poor quality housing and neighborhoods<sup>10</sup>. A past court-ordered eviction can prevent access to housing for years into the future. This can be worse for families with poor credit<sup>11</sup> or a felony conviction<sup>12</sup>. In instances without formal eviction, a lack of good reference from previous landlords can impact the ability to secure housing<sup>13</sup>.

### *Emergency Shelter Costs*

Eviction is one of the leading causes of homelessness, with estimates placing 25% of evictions resulting in homelessness<sup>14</sup>. Even when an eviction case does not end in a judgment for possession and the eviction of the tenant, the eviction filing can still be detrimental. A tenant with an eviction filing will likely have their future housing searches significantly constrained

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<sup>7</sup> Matthew Desmond and Carl Gershenson, “Who Gets Evicted? Assessing Individual, Neighborhood, and Network Factors,” *Social Science Research* 62 (February 2017): 362–77, <https://doi.org/10.1016/j.ssresearch.2016.08.017>.

<sup>8</sup> Maureen Crane and Anthony M Warnes, “Evictions and Prolonged Homelessness,” *Housing Studies*, 15, no. 5 (September 2000): 757–73; Matthew Desmond and Rachel Tolbert Kimbro, “Eviction’s Fallout: Housing, Hardship, and Health,” *Social Forces*, 94, no. 1 (September 2015): 295–324; Megan E. Hatch and Jinhee Yun, “Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults,” *Housing Policy Debate* 31, no. 3–5 (September 3, 2021): 469–89, <https://doi.org/10.1080/10511482.2020.1812690>.

<sup>9</sup> Mindy Fullilove, “Root Shock: The Consequences of African American Dispossession,” *Journal of Urban Health : Bulletin of the New York Academy of Medicine* 78 (April 1, 2001): 72–80, <https://doi.org/10.1093/jurban/78.1.72>.

<sup>10</sup> Stefanie DeLuca, Philip M.E. Garboden, and Peter Rosenblatt, “Segregating Shelter: How Housing Policies Shape the Residential Locations of Low-Income Minority Families,” *Annals of the American Academy of Political and Social Science* 647, no. 1 (2013): 268–99; Matthew Desmond, Carl Gershenson, and Barbara Kiviat, “Forced Relocation and Residential Instability among Urban Renters,” *Social Service Review*, 89, no. 2 (June 2015): 227–62, <https://doi.org/10.1086/681091>.

<sup>11</sup> Ivis García and Keuntae Kim, “‘Many of Us Have Been Previously Evicted’: Exploring the Relationship Between Homelessness and Evictions Among Families Participating in the Rapid Rehousing Program in Salt Lake County, Utah,” *Housing Policy Debate*, 31, no. 3–5 (September 3, 2021): 582–600, <https://doi.org/10.1080/10511482.2020.1828988>.

<sup>12</sup> Brielle Bryan, “Housing Instability Following Felony Conviction and Incarceration: Disentangling Being Marked from Being Locked Up,” *Journal of Quantitative Criminology*, June 25, 2022, <https://doi.org/10.1007/s10940-022-09550-z>.

<sup>13</sup> Matthew Desmond, *Evicted: Poverty and Profit in the American City*, 1st ed. (New York: Crown, 2016); Desmond; T Fleming et al., “Housing in Crisis: A Qualitative Study of the Sociolegal Contexts of Residential Evictions in Vancouver’s Downtown Eastside,” *International Journal of Drug Policy*, 71, September (2019): 169–77.

<sup>14</sup> Stout Risius Ross, *Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants* 45–48 (2018).



since landlords frequently use blanket screening of any court records to reject applications for housing.<sup>15</sup> Additionally, a filing is an indicator of household financial stress and instability, and leads to higher rates of mortality compared to those households who are not filed on.<sup>16</sup> And finally, jurisdictions with higher rates of eviction filings are associated with higher rates of homelessness.<sup>17</sup> A sudden loss of housing triggers the need for emergency shelter, as well as a number of other services. After eviction some households seek shelter with family and friends, while others seek emergency shelter that a locality may provide. Therefore, the cost of eviction includes the cost of experiencing homelessness, such as emergency shelter, in-patient care, and emergency room care. Culhane et al. (2020) estimates that, nationally, emergency shelter beds cost, on average, \$68.50 per night<sup>18</sup>. In addition, according to HUD's 2016 Family Options Study, the average length of time families stay in emergency shelter is three months<sup>19</sup>.

### *Healthcare Costs*

Families threatened with eviction tend to require additional medical care than if they were stably housed, and they are also unlikely to be able to pay for such care. Research estimates that 23% of homeless individuals use inpatient hospital services<sup>20</sup> and that 80% of the people experiencing homelessness would not be using these inpatient services if they had stable housing. The average cost of inpatient visit nationally in 2018 was about \$2,500<sup>21</sup> and on average a homeless person uses inpatient services seven times a year<sup>22</sup>. For emergency room services, it is estimated that 32% homeless people use these services<sup>23</sup>. Of those people, it is estimated that 75% of them would not be using emergency services if not for experiencing homelessness. The average cost of an ER visit in Virginia in 2022 was about \$1,900<sup>24</sup> and on average homeless people utilize ER services approximately four times a year for an average cost in Virginia of more than \$7,700 annually<sup>25</sup>.

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<sup>15</sup> So, W. (2023). Which information matters? Measuring landlord assessment of tenant screening reports. *Housing Policy Debate*, 33(6), 1484-1510.

<sup>16</sup> Graetz, N., Gershenson, C., Porter, S. R., Sandler, D. H., Lemmerman, E., & Desmond, M. (2024). The impacts of rent burden and eviction on mortality in the United States, 2000–2019. *Social Science & Medicine*, 340, 116398.

<sup>17</sup> Treglia, D., Byrne, T., & Tamla Rai, V. (2023). Quantifying the impact of evictions and eviction filings on homelessness rates in the United States. *Housing Policy Debate*, 1-12.

<sup>18</sup> Culhane, D., et al. (2020). Estimated Emergency and Observational/Quarantine Bed Need for the US Homeless Population Related to COVID-19 Exposure by County; Projected Hospitalizations, Intensive Care Units and Mortality. Working paper.

<sup>19</sup> Gubits, D., et al. (2016). Family Options Study: 3-Year Impacts of Housing and Services Interventions for Homeless Families. Washington, DC: U.S. Department of Housing and Urban Development.

<sup>20</sup> Stout Risius Ross, Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants 46 107, Ex. E (2018) (citing Kushel, Margot, et. al. Factors Associated With the Health Care Utilization of Homeless Persons, 285 JAMA 200, 200 (Jan. 10, 2001).

<sup>21</sup> <https://www.kff.org/health-costs/state-indicator/expenses-per-inpatient-day/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D>

<sup>22</sup> Stout Risius Ross, Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants 46–47 108, Ex. E (2018) (citing Bharel, Monica, et. al., Health Care Utilization Patterns of Homeless Individuals in Boston: Preparing for Medicaid Expansion Under the Affordable Care Act, 103 Am. J. Pub. Health. 311(Dec. 2013).

<sup>23</sup> Stout 2001

<sup>24</sup> <https://www.talktomira.com/post/how-much-does-an-er-visit-cost>

<sup>25</sup> Bharel, Monica, et. al., Health Care Utilization Patterns of Homeless Individuals in Boston: Preparing for Medicaid Expansion Under the Affordable Care Act, Am. J. Pub. Health (Dec. 2013)

### *Costs Associated with the Criminalization of Housing Instability*

The loss of housing for families with children can be a basis for involvement from child welfare and foster care systems. In Virginia as of October 2023, nearly 14% of children in foster care, or nearly 700 children, were placed there due to inadequate housing<sup>26</sup>. The average cost of foster care per month is \$2,150 or \$25,782 per year<sup>27</sup>. According to Child Trends' analysis of data provided by the National Data Archive on Child Abuse and Neglect, the average length of foster care in Virginia is 19 months<sup>28</sup>. The negative mental health consequences and stress associated with housing instability can also increase the risk a family will require child welfare services for domestic abuse, child abuse, and neglect. Research shows that child maltreatment correlates with subsequent juvenile delinquency<sup>29</sup>. It has been estimated that 25% of children ages 12 to 17 are first arrested after becoming homeless<sup>30</sup>. In 2020, the daily cost of juvenile detention per child is averaged at \$588 per person per day<sup>31</sup>. The average child remains in juvenile detention for 71 days<sup>32</sup>.

Local governments may also incur additional costs when treating homelessness as a criminal problem. When interacting with law enforcement, homeless people are more likely to be arrested and incarcerated.<sup>33</sup> Additionally, there are significant costs associated with removing encampments of homeless populations.<sup>34</sup> In 2019, the US Department of Health and Human Services commissioned a study of the cost to reduce encampments in four cities (Tacoma, San Jose, Houston, and Chicago).<sup>35</sup> The cost to reduce encampments and provide services ranged from \$1,672 to \$6,208 per unsheltered person per year<sup>36</sup>. The total costs per city ranged from approximately \$3.4 million in Houston to approximately \$8.6 million in San Jose<sup>37</sup>. There are likely additional significant costs incurred by local fire, police, and emergency services departments in managing the problems created by eviction and attendant homelessness. These law enforcement costs, as well as the wider social costs that contact with law enforcement

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<sup>26</sup>Virginia Department of Social Services, Foster Care Related Reports, "Monthly Snapshot", <https://www.dss.virginia.gov/geninfo/reports/children/fc.cgi>.

<sup>27</sup>Zill, N. (2011). [Better Prospects, Lower Cost: The Case for Increasing Foster Care Adoption](#). Adoption Advocate 35. Alexandria, VA: National Council for Adoption.

<sup>28</sup>"State-Level Data for Understanding Child Welfare in the United States - Child Trends."

<sup>29</sup>Coalition for Juvenile Justice. (2016). [Youth Homelessness and Juvenile Justice: Opportunities for Collaboration and Impact](#). Washington, DC: Coalition for Juvenile Justice.

<sup>30</sup>Chapple, C. L., Johnson, K. D., & Whitbeck, L. B. (2004). Gender and Arrest Among Homeless and Runaway Youth: An Analysis of Background, Family, and Situational Factors. *Youth Violence and Juvenile Justice* 2 (2): 129-47.

<sup>31</sup>Justice Policy Institute. (2020). *Sticker Shock 2020: The Cost of Youth Incarceration*. Washington, DC: Justice Policy Institute.

<sup>32</sup>Hockenberry, S. (2020). [Juvenile Justice Statistics: National Report Series Bulletin](#). Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

<sup>33</sup>Robinson, T. (2019). No right to rest: Police enforcement patterns and quality of life consequences of the criminalization of homelessness. *Urban affairs review*, 55(1), 41-73. *Five Charts That Explain the Homelessness-Jail Cycle—And How to Break It* | Urban Institute. (2020, September 16). <https://www.urban.org/features/five-charts-explain-homelessness-jail-cycle-and-how-break-it>

<sup>34</sup>Stout, "The Estimated Cost of an Eviction Right to Counsel Outside of New York City."

<sup>35</sup>Dunton, Lauren et al. February 2020 "Exploring Homelessness Among People Living in Encampments and Associated Cost: City Approaches to Encampments and What They Cost." U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

<sup>36</sup>Dunton.

<sup>37</sup>Dunton.

generates for vulnerable populations, will be more significant for states and localities that make policy choices that criminalize homelessness.

Housing instability includes forced moves, like formal eviction through courts, as well as other factors that negatively impact housing stability. Even if the household does not become homeless, impacts such as doubling-up with family/friends, challenges securing future housing due to eviction court record, longer commuting distances, disruptions to a child's schooling, difficulty securing new child care providers, mental health trauma, and making difficult decisions about basic needs all persist.<sup>38</sup> While these social costs and trauma are common with eviction, the costs of each are not easily measured.

## History of Right to Counsel

In 1963, the Supreme Court held in *Gideon v. Wainwright* that the Constitution guarantees every person charged with a criminal charge the right to an attorney even if they cannot afford one. Since this recognition, advocates have argued for a civil right to counsel as many civil cases have the potential to affect the defendant as or more negatively as criminal cases, such as eviction cases. A basic assumption is that without a guarantee of legal representation, those who cannot afford an attorney will not have full access to the legal protections and rights they are entitled to, and therefore the courts will be unlikely to deliver them justice.

The Right to Counsel movement for eviction cases evolved from this push for civil counsel. Importantly, a robust Right to Counsel law does not only provide the funding to provide attorneys to all tenants sued in eviction court, but also requires that the court ensure adequate counsel is present before the case is heard. Due to the nature of the civil court system in Virginia, such changes to courtroom procedure cannot be made by local government and so this report focuses only on the costs of providing tenants with attorneys. One of the first cities to pass a Right to Counsel ordinance was New York City in 2017. NYC went from one percent representation in eviction proceedings to more than 71% representation with 78% of represented tenants remaining housed<sup>39</sup>. According to the National Coalition for a Civil Right to Counsel, following New York City's extension of a right to counsel, 16 cities, four states, and one county have also passed some type of RTC legislation.<sup>40</sup> In San Francisco 80% of fully represented tenants have been able to avoid an involuntary displacement, either by remaining in their homes (59%) or by securing a settlement that gave them sufficient time and money to find stable housing (21%).<sup>41</sup> In Cleveland 93% of fully represented tenants remained housed.<sup>42</sup> Each right to

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<sup>38</sup> Stout, "The Estimated Cost of an Eviction Right to Counsel Outside of New York City."

<sup>39</sup> *Universal Access to Legal Services*. (2022). Office of Civil Justice, New York City Department of Social Services. [https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2022.pdf](https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2022.pdf)

<sup>40</sup> [http://civilrighttocounsel.org/highlighted\\_work/organizing\\_around\\_right\\_to\\_counsel](http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel)

<sup>41</sup> *Tenant Right to Counsel: Six-Month Implementation Update to Land Use Committee*. (2020). Mayor's Office of Housing and Community Development.

[http://civilrighttocounsel.org/uploaded\\_files/282/San\\_Francisco\\_RTC\\_6\\_month\\_data.pdf](http://civilrighttocounsel.org/uploaded_files/282/San_Francisco_RTC_6_month_data.pdf). See also [http://civilrighttocounsel.org/uploaded\\_files/290/RTC\\_outcomes\\_March\\_2020\\_-\\_Dec\\_2021.pdf](http://civilrighttocounsel.org/uploaded_files/290/RTC_outcomes_March_2020_-_Dec_2021.pdf).

<sup>42</sup> *Cleveland Eviction Right to Counsel Annual Independent Evaluation*. (2022). Stout. <https://www.stout.com/-/media/pdf/evictions/2021-cleveland-eviction-rtc-annual-independent-evaluation.pdf>

counsel legislation in these areas has been customized to meet local needs and target specific populations.

## Eviction in Richmond, VA

In a typical year prior to the COVID-19 pandemic in 2020, there were between 15,000 and 17,000 eviction filings in Richmond where more than 51,000 households rent, meaning that on average in a year about 29% of renter households receive an eviction filing. Between 2015 and 2019, there were more than 170,000 evictions filed cumulatively between the City of Richmond, Henrico County, and Chesterfield County. Of these 170,000 cases, 386 tenants in total had legal representation while nearly all landlords were represented in court.<sup>43</sup>

In a report titled “Eviction, legal counsel and the courthouse,” the RVA Eviction Lab examined data in the city of Richmond, Henrico County and Chesterfield County from 2015 to 2019 to understand the role of attorneys in case outcomes. In general when eviction cases are heard the proceedings move quickly, and it is unusual for unrepresented tenants to have the opportunity to make an argument or mount a defense. In the city of Richmond, 45% of eviction cases took between one and five minutes. In Richmond, almost 40% of judges checked the eviction notices, 14% asked to see proof of nonpayment, and, in almost half of all cases, the judge discussed or checked the process of tenant notification of the unlawful detainer. Notably, starting in 2019, the Virginia law requires judges to check the eviction notice and admit it into evidence, 100% of the time.<sup>44</sup> Overall tenants in Richmond, Henrico and Chesterfield courts who had legal counsel had better outcomes, and their cases were less likely to be found for the plaintiff when they had counsel than when they did not.<sup>45</sup> While fewer than 1% of all cases in 2020 and 2% over the period from 2015 to 2019 were found in favor of the tenant, an attorney present reduced the risk of eviction. In a typical year, tenants who have representation receive a more favorable outcome in 18% of cases versus 2% of the time for those where tenants are not represented<sup>46</sup>.

## Methodology

### Cost of Eviction

The [Cost of Eviction Calculator](#), developed by the [Innovation for Justice \(i4J\)](#) program at the University of Arizona’s James E. Rogers College of Law, estimates the public cost of providing five services to households that face homelessness due to an eviction and households threatened with eviction, including emergency shelter, inpatient care, emergency room care, foster care, and juvenile detention. In the City of Richmond in 2023 there were about 5,186 eviction judgments and about 13,767 filings. In these calculations, we assume that 10% of eviction filings will result in direct costs associated with homelessness and involuntary displacement. This is an

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<sup>43</sup> [Eviction, legal counsel and the courthouse](#)

<sup>44</sup> Code of Virginia §8.01-126(D)(2)(a): “Notwithstanding any rule of court or provision of law to the contrary, no order of possession shall be entered unless the plaintiff or plaintiff’s attorney or agent has presented a copy of a proper termination notice that the court admits into evidence.”

<sup>45</sup> [Eviction, legal counsel and the courthouse](#)

<sup>46</sup> [Eviction, legal counsel and the courthouse](#)

extremely conservative estimate of the total number of households that are forced to move each year, given that of the nearly 50% of all renter households that move each year, approximately 6% of those report a forced move, and that share increases to 11% when forced moves due to a rent increase are included.<sup>47</sup> Furthermore, these estimates do not account for the additional public costs incurred from the much wider set of households threatened with eviction but who do not move, such as the nearly 30% of renter households who received an eviction filing each year in Richmond. Research shows that the total number of involuntary, force moves of renters is two to five times the number of households formally removed through execution of a judgment for possession.<sup>48</sup> Finally, judgments and filings, whether or not they ultimately result in displacement, are still detrimental for tenants and their future housing searches.

Importantly, these estimates are limited to some of the costs that are likely incurred by local and state governments responding to homelessness due to eviction. They do not capture all of the public costs of eviction and therefore underestimate the total social costs of eviction, which are ultimately incalculable. Additionally, the estimated costs are most likely borne across several scales of government, including local jurisdictions, states, and ultimately implicate various federal appropriations as well.<sup>49</sup>

## Right to Counsel

We create three scenarios for funding a Right to Counsel in the City of Richmond, which vary in the geographic scope and therefore in the cost of the program. At the low end, we estimate a scenario in which RTC is provided only in the ZIP code 23223 in which many of the city's most vulnerable tenants live, including the major public housing developments. The second middle range scenario extends RTC to the three ZIP codes that have the highest number of annual filings based on case data 2023. These ZIP codes comprise about 67% of all filings in the city. A final and high end scenario represents a RTC extended to all tenants who have an eviction filed in the City of Richmond. As Table 1 shows in these scenarios, eviction cases range from about 1,900 to 13,800 annually. VPLC provided their own estimates based on their experience and knowledge of case loads, projecting that about 12,000 tenants would need RTC services, which is within our projected range.

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<sup>47</sup> Bucholtz, S. (2021). Can the American Housing Survey Provide Reliable Estimates of the Prevalence of Eviction?. *Cityscape*, 23(2), 259-268.

<sup>48</sup> Gromis, A., & Desmond, M. (2021). Estimating the prevalence of eviction in the United States. *Cityscape*, 23(2), 279-290.

<sup>49</sup> For specific information on what is included in the Cost of Eviction, please refer to our previous report, [The Public Cost of Eviction in Richmond and Virginia](#) and [analysis by the National Low Income Housing Coalition and Stout](#).

**Table 1:** Estimates of households considered eligible for RTC.

Scope of RTC	Number of Evictions Filed Annually (2023)
Most Vulnerable ZIP (23223)	1,942
3 Highest Filing ZIPs (23223, 23224, 23225; 67% of all filings)	9,251
All Richmond	13,767

Virginia Poverty Law Center (VPLC) provided figures for average cost of attorneys including overhead for legal aid attorneys in the Richmond area. Services these attorneys would provide could range from advice and counsel, negotiating a settlement, or a trial. According to the experience of Central Virginia Legal Aid Society (CVLAS) housing attorneys, the tenants that used RTC would require the following: 45% would be advice and counsel, 32.5% would be settlement, and 22.5% would be a trial. Using the ratio of 45% / 32.5% / 22.5%, a legal aid attorney would handle about 150 cases a year. VPLC estimated an average of 12,000 cases per year, which would translate to approximately 60 additional legal aid attorneys. The cost of each additional attorney for base salary, benefits, office space and equipment, and administrative support staff is a minimum of \$150,000 per year per attorney. We use the estimate provided by VPLC for calculating the cost of RTC of \$1,000 per case.

To estimate the actual caseload that attorneys would handle through RTC, we first assume that 76% of all households who are filed on will appear in court, which is the average share of tenants who appeared in court and avoided a default judgment in 2023. We apply the per case cost (\$1,000) to each RTC caseload scenario and estimate the cost of providing Right to Counsel in Richmond to be between \$1.5 and \$10.5 million annually, depending on the scope of implementation (Table 2).

Finally, even though tenants represented in court are much more likely to remain housed or reach some other favorable outcome than those who are not represented, not every represented case will result in a favorable outcome and avoid public costs associated with eviction. Based on evaluations of other RTC programs, the share of cases where the tenant remains housed or has another favorable outcome that avoids an involuntary displacement range from about 80% to as high as 93%. We observe that large expensive cities such as New York and San Francisco are on the lower end of the range while less expensive cities like Cleveland are on the higher end. Even

though this would suggest a success rate on the higher end of the spectrum for Richmond, once again, we select the most conservative estimate of 80%.

**Table 2.** Estimated costs of different RTC coverage scenarios. All costs are rounded for simplicity.

<b>Scope of RTC</b>	<b>Filings (2023)</b>	<b>Households Appearing in Court (76% of all filings)</b>	<b>RTC Costs (millions)</b>	<b>Households avoiding involuntary displacement (80% of caseload)</b>
Most Vulnerable ZIP (23223)	1,942	1,476	\$1,475,920	1,181
3 Highest Filing ZIPs (23223, 23224, 23225)	9,251	7,031	\$7,030,760	5,624
All Richmond	13,767	10,463	\$10,462,920	8,370

### *Selected Public Costs of Eviction*

We estimate a selection of public costs associated with eviction using the Cost of Eviction Calculator. We estimate that selected public costs of eviction in the City of Richmond was approximately \$35 million per year.<sup>50</sup> This translates to about \$2,542 per filing. Table 3 illustrates the total break-down of costs, with the most significant share of costs for emergency shelter. These estimates account for the public costs incurred when households are involuntarily displaced. For example, as recently as the 2017-2018 school year, more than 1,400 students were without permanent housing in Richmond Public Schools, and their families sought housing in emergency shelters, short term motels and hotels, with family and friends, or in their cars.<sup>51</sup> Importantly, these estimates are limited to selected costs that are likely incurred by governments at multiple scales in responding to homelessness due to eviction. They do not capture all of the public costs of eviction and therefore underestimate the total social costs of eviction, which are ultimately incalculable. Finally, the calculator estimates costs that are most likely borne across several scales of government, including local jurisdictions, states, and ultimately implicate various federal appropriations.

<sup>50</sup> Please see the appendix for a full breakdown of the estimated public costs from involuntary displacement.

<sup>51</sup> McKinney-Vento Act (2017-2018), Homeless Students Enrolled, <https://eddataexpress.ed.gov/dashboard/homeless>.

**Table 3:** Selected costs of eviction in Richmond, Virginia, in millions of dollars. Costs are likely borne by local, state, and federal government. All costs are rounded for simplicity.

<b>Total Cost of Eviction</b>	<b>Emergency Shelter</b>	<b>Inpatient Care</b>	<b>Emergency Room Care</b>	<b>Foster Care</b>	<b>Juvenile Detention</b>
\$35	\$16	\$8.5	\$5.1	\$3.4	\$1.8

Comparatively, we estimate the cost of providing Right to Counsel in Richmond to be between \$1.5 and \$10.5 million annually, depending on the scope of implementation. This results in selected public costs due to eviction of about \$2,542 per household threatened with eviction, based on 13,767 filings in 2023. As discussed, the estimated cost of providing counsel for each case is about \$1,000 (Table 4). This means that the cost of an eviction is about 2.5 times higher than the cost of providing counsel for that case, before accounting for the success rate of RTC in keeping households housed or securing another favorable outcome.

**Table 4:** Costs of Eviction and Cost of Right to Counsel in Richmond, Virginia. There were approximately 13,767 eviction filings and 5,186 eviction judgments in 2023.

<b>Cost of Eviction</b>	<b>Cost of RTC</b>	<b>Eviction cost per household threatened (per filing)</b>	<b>Cost of RTC per household (per case)</b>
\$35 million	\$1.5 to \$10.5 million	\$2,542	\$1,000

Finally, we estimate the public costs of eviction avoided by RTC, or alternatively, the “return on investment” from RTC (Table 5). We calculate the public costs avoided by taking 80% of the estimated caseload that would result in a household remaining housed or other favorable outcome that avoids the incurred public costs from displacement and multiplying it by the per household public costs of eviction of \$2,542. Table 5 shows that for every dollar spent on right to counsel, on average across all RTC scenarios, at least \$2.00 would be saved in public costs due to eviction.



**Table 5.** Costs avoided by RTC and “return on investment” from RTC.

Scope of RTC	RTC Costs (millions)	Public Costs Avoided (millions)	Average dollars saved per RTC dollar invested
Most Vulnerable ZIP (23223)	\$1.5	\$3.0	\$2.00
3 Highest Filing ZIPs (23223, 23224, 23225)	\$7.0	\$14	
All Richmond	\$10.5	\$21	

Throughout the analysis where decisions were needed about how to estimate caseloads, costs, and favorable case outcome rates, we selected more conservative estimates, meaning we underestimated the public costs of eviction and underestimated the benefits of RTC. This cautious approach is confirmed when we compare our final analysis that \$2.00 is saved for every RTC dollar spent to other evaluations of existing RTC programs. For example, Stout evaluated the actual costs saved from RTC in Baltimore, MD and estimated a much higher return of \$6.24.<sup>52</sup> In short, these estimates should be considered the *minimum* cost savings and return on dollars invested in a right to counsel.

### Discussion: Costs, Benefits, and other implications of RTC

Our estimates place the cost of eviction *at least* two times the cost of providing counsel to tenants in eviction court, whether RTC is implemented on a limited scale or made available to all tenants who are filed on in Richmond. There are several important limitations to our estimates of both costs. First, as we have discussed, we estimate only a selection of costs associated with homelessness produced by eviction and there are many additional costs not considered here. It is ambiguous who picks up the tab for these costs, as health, public safety, and other social services costs are borne not only by the City of Richmond, but also by the Commonwealth of Virginia and the federal government. Given the costs of eviction fall across governments, the City of Richmond should consider tapping state and federal sources for funding a RTC. These estimates of displacement are very conservative, and most likely many more renter households are displaced each year and even more will be threatened with displacement, whether or not they become homeless.

Second, implementing a right to counsel will likely alter eviction filing patterns and may also change tenant behavior. In other places where a right to counsel has been implemented, eviction

<sup>52</sup> *The Economic Impact of an Eviction Right to Counsel in Baltimore City.* (2020). Stout. [https://static1.squarespace.com/static/637d504022ce7936dc4225b0/t/63e193aab3cbf353944e8850/1675727791212/Stout\\_Right\\_To\\_Counsel\\_Report\\_2020.pdf](https://static1.squarespace.com/static/637d504022ce7936dc4225b0/t/63e193aab3cbf353944e8850/1675727791212/Stout_Right_To_Counsel_Report_2020.pdf)

filings declined, sometimes significantly, which would decrease the costs of the program. On the other hand, the availability of counsel may increase the number of tenants who seek such assistance, and therefore the default judgment rate may decrease, increasing overall caseloads. More households seeking counsel and avoiding a judgment by default would be a beneficial outcome of implementing RTC, but this would increase caseloads and thus change our estimates of costs.

There are other benefits to RTC that are not quantifiable but just as important. When more tenants are represented in court, this will almost certainly change the way eviction court operates as well as landlord behavior. Legal and factual errors, which are very common in landlord suits, will likely be reduced as tenant counsel raises those errors as defenses. Importantly, eviction courts are increasingly used not to remove a tenant but as a debt collection mechanism and as a tool for disciplining tenants who landlords perceive as troublesome but who are lease-compliant.<sup>53,54</sup> RTC almost certainly thwarts the strategy of using the courts as a debt collection and a retaliatory tool. By having lawyers asserting tenants' rights in court, those rights will be increasingly recognized by courts, and eviction court as a defective legal venue may bend toward a fuller implementation of due process and justice.<sup>55</sup> Therefore, RTC has the ability to potentially transform the long term trajectory of the adjudication of tenant landlord disputes, not only by a fairer application of the law, but also by keeping households housed and therefore reducing the ultimately incalculable personal and social harm caused by housing instability.

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<sup>53</sup> Immergluck, D., Ernsthausen, J., Earl, S., & Powell, A. (2020). Evictions, large owners, and serial filings: Findings from Atlanta. *Housing Studies*, 35(5), 903-924.

<sup>54</sup> Garboden, P. M., & Rosen, E. (2019). Serial filing: How landlords use the threat of eviction. *City & Community*, 18(2), 638-661.

<sup>55</sup> Sabbeth, K. A. (2022). Eviction courts. *University of St. Thomas Law Journal*, 18(2), 359-404.

## Appendix



# Cost of Eviction Summary Report for

# City of Richmond

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Generated by the Cost of Eviction Calculator on March 23, 2024

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The Cost of Eviction Calculator was created by **Innovation for Justice**, a social-justice -focused legal innovation lab housed at both Arizona Law and University of Utah School of Business.

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Thank you for using [the Cost of Eviction Calculator](#). This report estimates what **City of Richmond** will spend on just a few of the downstream effects of eviction.

On this page, you will find a summary of the total cost of eviction. Page three breaks down the calculations for each major cost category. On page five and six, you will find a list of suggested next steps and eviction prevention strategies, as well as an illustration of the cost savings that would come from one of these strategies.

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The total cost of eviction for **City of Richmond** is **\$35,057,076**.

This includes the following costs:

- Cost of providing emergency shelter = **\$16,305,153**
- Cost of providing inpatient medical care = **\$8,479,925**
- Cost of providing emergency room care = **\$5,102,557**
- Cost of providing foster care = **\$3,385,089**
- Cost of juvenile delinquency = **\$1,784,352**

We calculated this based on the following data you entered:

Number of Evicted Households 13,767				
Household size	persons per household (HH) 1.9	% families w/children 19.0%	# of children per family 1.9	
Shelter costs	% needing shelter 10%	Cost of one stay \$68.5	# of days stayed per year 91	
Inpatient Medical Costs	Usage rate 23%	Use due to homelessness 80%	Cost of one visit \$2,517	# of visits per year 7
Emergency Room Costs	Usage rate 32%	Use due to homelessness 75%	Cost of one visit \$2,032	# of visits per year 4
Child Welfare Costs	% entering foster care 16%	Monthly cost of foster care \$2,150	# of months per year 19.8	
Child Delinquency Costs	% of children 12-17 34.4%	% arrested after homelessness 25%	Cost of detention per day \$588	# of days in detention 71

## Calculation Breakdown:

**City of Richmond** is currently spending at least **\$35,057,076** to combat just a few of downstream effects of evictions that result in homelessness. We calculated the total costs by adding up the costs of each of the following: (1) the costs of providing emergency shelter; (2) the costs of providing inpatient hospital services; (3) the costs of providing emergency room services; (4) the costs of providing child welfare services in the form of out of home placements; and (5) the juvenile detention costs associated with juvenile delinquency. Each of these costs is broken down below.

### Step 1: Shelter Costs

**We calculated your total shelter costs to be \$16,305,153**

We estimated eviction-related shelter costs by multiplying the following five variables: (1) the total number of renter households at risk of eviction; (2) the average number of persons per household; (3) the percentage of evictions that result in shelter needs; (4) the cost of a one-day stay in emergency shelter; and (5) the average number of days per year that a person experiencing homelessness stays in emergency shelter.

Total Shelter Cost	# HH evicted	# of people/ HH	% needing shelter	costs of a one-day stay	# of days stayed per year
\$16,305,153	13,767	1.9	10%	\$68.5	91

### Step 2: Inpatient Medical Care Costs

**We calculated your inpatient medical care costs to be \$8,479,925.**

The estimate for inpatient medical care costs is the product of the following seven variables: (1) the total number of renter households at risk of eviction; (2) the average number of persons per household; (3) the percentage of evictions resulting in homelessness; (4) the percentage of individuals experiencing homelessness that use inpatient medical care services; (5) the estimated share of these individuals who would not be utilizing these services if they were not experiencing homelessness; (6) the average costs of one inpatient hospital visit; and (7) the average length of a hospitalization for someone experiencing homelessness.

Total Inpatient Cost	# HH evicted	# of people/ HH	% needing shelter	usage rate	Use due to homelessness	cost of one visit	Length
\$8,479,925	13,767	1.9	10%	23%	80%	\$2,517	7

### Step 3: Emergency Room Care Costs

**We calculated your emergency medical care costs to be \$5,102,557.**

We estimated eviction-related emergency department (ED) costs by multiplying the following seven variables: (1) the total number of renter households at risk of eviction; (2) the average number of persons per household; (3) the percentage of evictions resulting in homelessness; (4) the percentage of individuals experiencing homelessness that use emergency department services; (5) the estimated share of these individuals who would not be utilizing these services if they were not experiencing homelessness; (6) the average costs of one emergency department visit; and (7) the average number of times per year that a homeless person uses emergency department services.

<b>Total ER Costs</b>	<b># HH evicted</b>	<b># of people/ HH</b>	<b>% needing shelter</b>	<b>usage rate</b>	<b>Use due to homelessness</b>	<b>cost of one visit</b>	<b># of visits per year</b>
\$5,102,557	13,767	1.9	10%	32%	75%	\$2,032	4

## Step 4: Foster Care Costs

**We calculated your foster care costs to be \$3,385,089.**

We estimated the costs of foster care due to eviction-related homelessness by multiplying the following eight variables: (1) the total number of renter households at risk of eviction; (2) the percentage of evictions resulting homelessness; (3) the share of all households that are families with children; (4) the average number of children in families with children; (5) the percentage of homeless families who receive child welfare services in the form of out-of-home placements; (6) the average cost of foster care placements per month; and (7) the average number of months a child remains in foster care.

Total Foster Care Cost	# of HH evicted	% needing shelter	% families w/children	# of children per family	% entering FC	Monthly cost of FC	# of months in FC
\$3,385,089	13,767	10%	19.0%	1.9	16%	\$2,150	19.8

## Step 5: Juvenile Delinquency Costs

**We calculated your child delinquency costs to be \$1,784,352.**

We estimated juvenile delinquency costs due to COVID-19 eviction-related homelessness by multiplying the following eight variables: (1) the total number of renter households at risk of eviction; (2) the percentage of evictions resulting in homelessness; (3) the share of all households that are families with children; (4) the average number of children in families with children; (5) the share of all children who are ages 12-17; (6) the percentage of homeless youth who are first arrested after becoming homeless; (7) the average cost of juvenile detention per day; and (8) the average number of days a child remains in detention.

Total Delinquency Cost	# of HH evicted	% HH w/children	# of children per HH	% ages 12-17	% needing shelter	% arrested	Daily rate of detention	# of days in detention
\$1,784,352	13,767	19.0%	1.9	34.4%	10%	25%	\$588	71



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## Next Steps

### How can I use this report?

- Housing and civil legal advocates: Advocates can use this report to encourage local decision-makers to take action and reduce evictions. By demonstrating the scope of the downstream costs of evictions, advocates can persuade local leaders to consider shifting funds to earlier intervention points.
- Local governments and decision-makers: Legislators and officials can utilize this report to determine how much spending on eviction-related costs could be shifted to eviction prevention programs.
- Educators: Teachers and professors can use this report as an awareness-raising tool in their classrooms and communities.
- Social Service Providers: Social service providers can use this report to support grant applications for eviction-prevention and eviction-reduction services.

### What can I do next?

- Research eviction prevention policies: We've provided a few ideas and sources to help get you started on the following page.
- Set up a meeting with local decision-makers: Meet with legislative representatives or city officials to bring these costs to their attention. Tell them what eviction prevention policies are on the table and how these policies could actually save community resources.
- Convene stakeholders: The Cost of Eviction Calculator aggregates the downstream costs of eviction across the silos of homelessness services, medical care, emergency medical care, child welfare and juvenile delinquency services. Now that you have information about the costs those systems are incurring as a result of your community's eviction rate, bring together stakeholders from these spaces to discuss how they can work together to prevent eviction and reduce those downstream costs.
- Get involved: Create or join a local housing coalition to advocate for eviction prevention. Volunteer with local legal aid or housing advocacy organizations.

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## Eviction-Prevention Strategies

Now that you know how much **City of Richmond** is spending on just some of the aftereffects of eviction, you can use this information to identify ways **City of Richmond** could allocate resources to prevent evictions before they happen. We've compiled a short list of eviction strategies for you to consider. Note, there is no one-size fits all policy for maintaining housing stability. Visit <http://evictioninnovation.org/> for a growing inventory of other eviction reduction and mitigation strategies.

### Eviction-Prevention Policy Strategies

- Affordable housing initiatives: The cost of rent steadily continues to rise, leaving people with few affordable housing options. For the lowest-income renters, affordable housing is particularly absent. This could be addressed by advocating for more inclusionary zoning policies, which increase capacity for more affordable housing construction. Communities can also help local housing non-profit organizations fund their own affordable housing programs. Local and state leaders can be encouraged to support the addition of affordable housing and fund non-profit organizations affordable housing initiatives.
- Tenant education and self-help: Some communities have launched tenant's education programs that help tenants know their rights and responsibilities before a rental issue leads to an eviction. See the Tucson RENT project for an example: [tucsonrentproject.org](http://tucsonrentproject.org). Self-help tools can also empower tenants to informally resolve disputes with landlords before resorting to court proceedings. To see an example, check out this letter-writing tool for tenants to communicate with their landlords: <https://hellolandlord.org/about/>.
- Landlord-tenant mediation: Communication and relationship-building can prevent an eviction notice from ever being stuck to a tenant's door. Creating opportunities for landlords and tenants to work together on payment plans and conflict resolution without resorting to the legal system can reduce evictions and deliver community cost-savings. Check out the legislative proposal, The Eviction Prevention Act, for an example of this strategy: <https://www.congress.gov/bill/116th-congress/senate-bill/2486/text>.
- Emergency rent assistance programs: Some communities provide emergency financial assistance to tenants facing the possibility of an eviction. Many tenants only owe \$600 dollars when eviction proceedings begin. Perhaps evictions can be reduced in your community if decisionmakers create robust emergency rent assistance programs to help tenants experiencing housing instability.
- "Just cause" standards: Advocates suggest implementing "just cause" standards that require landlords to show just cause--such as non-payment of rent or violation of lease terms --before being able to file an eviction. These initiatives aim to reduce the number of eviction actions brought in a bad faith or arbitrary manner.
- Provide legal advice and assistance in eviction court: New York and San Francisco have implemented tenant's right to counsel programs. Tenants represented by counsel in eviction proceedings tend to have better outcomes and are more likely to avoid evictions. Similarly, some jurisdictions have created non-lawyer assistance programs where "Navigators" help unrepresented litigants navigate eviction court.

**Here, we provide one example of how City of Richmond can maintain housing stability and reduce the cost of eviction that all community members bear.**

This pandemic is hitting our low- and middle-income communities the hardest. Not only are families unable to pay rent, [“the COVID-19 pandemic is making it harder for an ever-growing share of families to afford basic needs.”](#) And even with current assistance from the Federal stimulus and the possibility of income-tax returns, our most vulnerable citizens are still facing unemployment and an accumulation of unpaid bills, debt, and rent payments. And with [current rental assistance is not reaching renters](#), even the most aggressive federal aid is not going to be enough. We need to make a broad base appeal for more federal, state, and local funds, those funds need to be expedited, and Moratoriums need to be extended to buy time for these funds to reach renters.

**By giving every household \$3,000, City of Richmond would invest \$41,301,000 in emergency rental assistance and save \$-6,243,924.**

Total evicted:	x \$3,000	= The cost of providing \$3,000 to each household threatened with eviction
<b>13,767</b>	<b>x \$3,000</b>	<b>= \$41,301,000 investment</b>
The total amount City of Richmond is spending of the after effects of eviction:	- The cost of providing \$3,000 to each household threatened with eviction	= The total amount City of Richmond could save by providing \$3,000 to each family threatened with eviction
<b>\$35,057,076</b>	<b>- \$41,301,000</b>	<b>= \$-6,243,924 in costs avoided</b>