



Cleveland Eviction Right to Counsel Annual Independent Evaluation January 1 to December 31, 2021

EXECUTIVE SUMMARY

January 31, 2022

Executive Summary – Key Findings

1. **Prevented Eviction Judgments and Achieved Client Housing Goals.** During the client interview process, Cleveland Legal Aid attorneys ask clients what their goals are for the case. It is possible that a client has more than one goal for their case (e.g., preventing an eviction judgment or involuntary move and mitigating damages). For cases closed between January 1, 2021 and December 31, 2021, Cleveland Legal Aid attorneys were able to achieve the following outcomes for clients with these respective goals (see Appendix C for a complete listing of outcomes):

Outcome Achieved	Frequency Outcome Achieved	# of RTC-C Clients with Goal ¹	% of RTC-C Clients with Goal ²
Prevented eviction judgment or involuntary move ³	93%	650	94%
Secured rental assistance	83%	342	50%
Secured time to move (30 days or more)	92%	299	43%
Mitigated damages	94%	288	42%
Secured monetary relief	97%	94	14%

2. When RTC-C clients are discussing their goals with Cleveland Legal Aid during the interview process, RTC-C clients are also asked whether they want to stay in their home. Approximately 46% of RTC-C clients indicated they did not want to stay in their home. In these instances, clients often have a goal of securing time to move (in addition to other goals) that Cleveland Legal Aid assists with to minimize the impact to the client of abrupt displacement.
3. **Identifying and Responding to Housing Conditions.** In 2021, approximately 79% of RTC-C client interview respondents indicated there were defective housing conditions in their home. These issues included but were not limited to: inadequate or inoperable toilets, sinks, and showers; inadequate or inoperable heat during winter months; mold and mildew; holes in walls, roofs, and floors; rodent infestations; leaks and flooding during rain; broken or missing doors and windows; exposed electrical wiring; and lead.
4. **RTC-C Responds to an Eviction Crisis that Disproportionately Impacts Black and Female Households.** RTC-C clients who had their cases closed in calendar year 2021 were

¹ Clients can have more than 1 goal for their case.

² Total will be greater than 100% because clients can have more than 1 goal for their case.

³ “Avoid eviction” in this context means that an eviction judgment was avoided. This does not necessarily mean residents remained in their home. A portion of the 93% of RTC-C clients who were seeking to avoid eviction or an involuntary move and were able to do so, did move out of their home. However, these moves were voluntary, and disruption was minimized because of representation.

disproportionately female and Black compared to Cleveland’s overall demographics. Approximately 77% of RTC-C clients who had their cases closed in calendar year 2021 were female, and approximately 72% were Black. This compares to Cleveland’s population being 52% female and 49% Black. Furthermore, Cleveland eviction filings overall in 2021 were concentrated in census tracts with non-white majority populations. Approximately 42% of all eviction filings in Cleveland in 2021 were in majority Black or African American census tracts compared to approximately 19% in majority white census tracts.

5. **Leveraging Rental Assistance.** More than \$28 million in emergency rental assistance was available for tenants in Cleveland, and approximately \$17 million was distributed in 2021, leaving approximately \$11 million for distribution at the end of 2021. More than 340 RTC-C clients in 2021 (approximately 50% of closed RTC cases) had a goal of securing rental assistance, and Cleveland Legal Aid achieved this goal for 83% of these RTC-C clients. Additionally, Cleveland Legal Aid referred more than 800 Cleveland residents to CHN Housing Partners (CHN) for emergency rental assistance. From January 1 to December 31, 2021, CHN processed more than 20,000 applications for emergency rental assistance. Emergency rental assistance was provided to approximately 5,400 (27%) Cleveland residents who applied. Like RTC-C clients, applicants for emergency rental assistance were disproportionately Black, female, and had household incomes of 100% of the Federal Poverty Level (FPL) or less. Furthermore, approximately 73% of rental assistance applicants that had household incomes of 100% or less of the FPL had at least one child in the household (i.e., households that would otherwise be RTC-C eligible). Approximately 79% of Cleveland Legal Aid clients indicated during their intake interview that they were aware that rental assistance is available. Of the 21% of RTC-C clients who were not aware of rental assistance, approximately 98% had the goal of securing rental assistance (in addition to other goals), and Cleveland Legal Aid achieved this goal for 81% of them. Of the 52% of RTC-C client who had not already applied for rental assistance, approximately 97% had the goal of securing rental assistance (in addition to other goals), and Cleveland Legal Aid achieved this goal for 77% of them.
6. The number of rental assistance applicants that would likely also qualify for RTC-C (approximately 6,400 – of which 67% had an application status of “Assistance Complete” as of December 31, 2021) compared to the actual number of RTC-C clients (approximately 800) suggests that rental assistance has likely assisted in avoiding a significant number of eviction filings.
7. **Preliminary Assessment of Fiscal Impacts.** Stout used data collected by Cleveland Legal Aid and publicly available information to prepare a preliminary estimate of the potential fiscal impacts of RTC-C in 2021. Based on the information currently available, Stout quantified the following fiscal impacts to Cleveland / Cuyahoga County:

- Cost savings related to housing social safety net responses - \$1.1 million to \$1.2 million
 - Sustained education funding for children in CMSD - \$1.1 million to \$1.2 million
 - Economic value preserved by retaining residency in Cleveland - \$1.4 million to \$1.6 million
 - Cost savings related to Medicaid spending on health care - \$108,000 to \$116,000
 - Out-of-home foster care placements - \$580,000 to \$620,000
8. Stout estimates that Cleveland / Cuyahoga County likely avoided social safety net costs of at least \$1.8 million to \$1.9 million (housing social safety net responses, Medicaid spending on in-patient and emergency room health care, and out-of-home foster care) and retained approximately \$2.5 million to \$2.8 million in federal funding and economic value (federal and state funding for Cleveland Metropolitan School District and economic value of avoiding out-migration / population loss) through RTC-C. The total preliminary fiscal impact of RTC-C in Cleveland / Cuyahoga County for 2021 was approximately \$4.3 million to \$4.7 million. Stout's preliminary estimate of fiscal impact is likely significantly understated. Included in the calculation are benefits of RTC-C that can be quantified based on currently available data. However, Cleveland / Cuyahoga County would likely realize additional benefits that are not currently quantifiable based on available data. These benefits that are not currently quantifiable include but are not limited to:
- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
 - The effects of stabilized employment and income and the economic and tax benefits to the state associated with consumer spending
 - The negative impact of eviction on tenants' credit score, ability to re-rent, and the potential loss of a subsidized housing voucher
 - The cost of providing public benefits when jobs are lost due to eviction or the eviction process
 - The cost of mental health care
 - Certain additional costs associated with homelessness, such as additional law enforcement and incarceration costs
 - The cost of family, community, and neighborhood instability
 - Preservation of financial and personal assets
 - A reduction, over time, of the number of eviction cases filed resulting in improved use of Cleveland Municipal Court resources.

9. Stout will work with UWGC, Cleveland Legal Aid, and other Cleveland stakeholders to refine and add to the fiscal impact calculations during 2022.
10. **Significant Increase in Eligible Tenants Who Were Able to Access a Lawyer.** The estimated representation rate for households expected to be *eligible* for RTC-C was approximately 60% from January 1, 2021 to December 31, 2021. That is, an estimated 1,440 households were eligible for RTC-C in 2021, and Cleveland Legal Aid represented approximately 860.⁴ In 2021, on average, approximately 18% of *all tenants* facing eviction in Cleveland were represented in housing court compared to between 1% and 2% before RTC-C was enacted. Cleveland Legal Aid represented approximately 90% of all tenants who were represented in 2021 filings. Not all of these tenants were eligible for RTC-C, however, 9 out of 10 represented tenants had a Cleveland Legal Aid attorney assisting them with their eviction case.
11. **Serving Children Through RTC-C.** To be eligible for RTC-C, the household must have at least 1 child. In 2021, nearly 1,300 children were served through RTC-C.⁵ The number of children per RTC-C client household ranged from 1 to 7, and the average number of children per RTC-C client household was approximately 2. More than 80% of RTC-C client households had between 1 and 3 children, and approximately 64% of RTC-C client households had more than 1 child.
12. **Developing a Deeper Understanding of RTC-C Clients and the Characteristics of their Cases.** Cleveland Legal Aid's extensive client interview process enabled a deeper understanding of RTC-C clients, their households, and the circumstances surrounding their eviction. Based on the interview questions, the RTC-C client is a Black female with 2 children living in private housing (i.e., not public or subsidized housing). She has household income of approximately 50% of the federal poverty level, which is approximately \$22,000 for her household size (3 people – herself and her 2 children). They have been living in their home for between 1 and 3 years and have a 1-year written lease. The children in the RTC-C client households are more likely to have disabilities (physical, intellectual, or developmental) than the general population of children in Cleveland. The majority of RTC-C clients were not working at the time of their interview because their employment was impacted by COVID-19, but they were actively seeking employment. She indicates that the home they are living in has defective conditions, which the client notified the landlord about, but the landlord has not fixed. She is seeking Cleveland Legal Aid's assistance to avoid an eviction judgment or involuntary move, secure rental

⁴ Data available from Cleveland Municipal Court related to eviction filings does not include data regarding household income or the presence of children in the home. Therefore, the number and percentage of households that may be eligible for representation through RTC-C must be estimated.

⁵ This is the number of children in RTC-C client households who had their cases closed in 2021. It does not include children in RTC-C client households with open cases.

assistance, and/or secure time to move. She may or may not want to stay in her home, but if her and her children were evicted, they would likely experience homelessness – either entering emergency shelter, living unsheltered, or needing to move in with family or friends.

13. RTC-C clients also overwhelmingly experienced circumstances that made their cases complex. Approximately 86% of RTC-C clients had circumstances (either personal circumstances or case characteristics) that would make their cases complex. These circumstances included: defective conditions, oral leases, living in public or subsidized housing, had previous issues with management, or had a person in the household with mental health challenges. Approximately 44% of RTC-C cases had more than 1 of these circumstances.
14. RTC-C clients, however, are not representative of all people facing eviction in Cleveland. There appears to be a natural selection bias for RTC-C clients. That is, RTC-C clients are Cleveland tenants who are often likely seeking representation because there are substantive issues and disputes of fact surrounding their eviction cases, which may be contributing to them seeking legal assistance. It is these substantive issues, complications and disputes of fact that make legal representation essential in these cases.
15. Throughout this report, Stout will review the analyses of data related to RTC-C clients. It is critically important for the reader to appreciate that the analysis is limited to RTC-C clients and may not necessarily apply to all eviction filings in Cleveland for the reasons described above. While an overwhelming majority of eviction cases in Cleveland are filed as non-payment of rent (and most do involve issues related to the non-payment of rent), RTC-C clients are overwhelmingly experiencing various substantive issues, complications and disagreements in their eviction cases, and are seeking legal representation to assist with those. Stout estimates that 40% of RTC-C eligible Cleveland households facing eviction did not seek legal representation in 2021. There is still much to learn about the households who did not seek legal representation – and there are currently significant limitations to Stout’s ability to do this, as there is virtually no data collected for households that do not respond to the eviction notice.
16. **Qualitative Evaluation Findings.** During the fourth quarter of 2021, Stout sought feedback from the landlord lawyer community about RTC-C. Stout spoke with attorneys who, in aggregate, represent approximately 50% of eviction cases with represented landlords in Cleveland in 2021. The landlord attorneys were overwhelmingly supportive of tenants having representation in eviction proceedings. They offered recommendations to enhance RTC-C – having a robust mediation process for cases where the only issue is non-payment of rent, for example. Additionally, they shared perspectives about the importance of rental assistance, eviction diversion, and social workers to maximize the impact of RTC-C.

Further information regarding Stout’s landlord community engagement can be found in paragraphs 142-148 of the full evaluation report.

17. Cleveland Legal Aid and UWGC collected client stories throughout 2021 that demonstrated the impact that RTC-C has had on clients. Examples of these stories include:
 - Assisting a single mother of 4 children who was diagnosed with breast cancer during the pandemic and could no longer work as a home health aide given her diagnosis
 - Representing a father who had previously experienced homelessness and who has a son who experiences behavioral challenges due to past trauma
 - Assisting a single mother of 2 children, one of whom is mostly deaf, who lost her job during the pandemic and was struggling to secure steady employment.
18. Details of these client stories, including the outcome of the cases can be found in paragraphs 149-151 of the full evaluation report.
19. **Cleveland Legal Aid’s Investment in Data.** The robust quantitative evaluation of RTC-C detailed throughout this report is a product of Cleveland Legal Aid’s significant investment in data collection since the launch of RTC-C in July 2020. Stout and Cleveland Legal Aid have collaborated and continue to collaborate on topics related to data collection, data interpretation, and data visualization. Cleveland Legal Aid collects up to 170 different data points for each RTC-C client throughout the relationship (e.g., intake, interview, as the case progresses, during case closure) and provides this data to Stout monthly. Stout uses the data to build and refresh more than 100 analyses (with thousands of variations through filters and selections) within its data visualization platform. Cleveland Legal Aid and UWGC regularly use the data visualization platform to monitor progress, identify opportunities for improvement, assess impact, and create further operational efficiencies within Cleveland Legal Aid. Cleveland Legal Aid is a leader and example for other jurisdictions undertaking evaluations of their eviction right to counsel programs. Most notably, the Legal Aid Society of Milwaukee and providers of eviction defense throughout Connecticut have implemented similar versions of Cleveland Legal Aid’s extensive intake interview (customized for local differences where applicable). As other jurisdictions pass and implement an eviction right to counsel and seek evaluations, Stout is hopeful that Cleveland will continue to be a model for data collection and iterative dialogue that will continually improve the impact of eviction right to counsel programs.
20. **Recommendations for 2022.** During Year 3 of RTC-C, Stout will continue to collaborate with UWGC, Cleveland Legal Aid, and community stakeholders, and seek feedback from tenants and landlords, to demonstrate the impact of RTC-C. To deepen and refine the

current understanding of the eviction landscape in Cleveland, Stout recommends the following for 2022:

1. Continue working with Cleveland Legal Aid to iteratively refine data collection, which may include additional data fields (particularly regarding case closing elements), reviewing and rephrasing interview questions, and developing mechanisms to ensure completion of client interviews and prompt case closures
2. Launch client follow-up surveys via text message to develop deeper insights into medium- and long-term impacts of RTC-C
3. Develop a complementary communication and outreach strategy centered on local trusted community messengers and a methodology for evaluating the impact of the strategy
4. Collaborate with UWGC, Cleveland Legal Aid, and other community organizers / stakeholders to collect information during door-to-door canvassing for Cleveland tenants facing eviction, particularly for those who do not plan to seek legal representation
5. Support the development of a Tenant Advisory Council and a Landlord Advisory Council to gather regular feedback about and refine RTC-C
6. Understand efforts landlords are undertaking to work with tenants prior to filing an eviction (e.g., secure rental assistance, participate in pre-filing eviction diversion, etc.) and how these efforts may differ based on landlord typology (e.g., large corporate landlords v. owners of 1-3 units)
7. Understand the intersection of pre- or post-eviction filing eviction diversion programs and RTC-C and work to implement effective eviction diversion programs in Cleveland
8. Refine data collection and qualitative feedback to assess the impact of RTC-C, including the intersection of RTC-C and the objectives of the Lead Hazard Control Program and Say Yes Cleveland, identify opportunities to use parcel identification numbers to connect data sets and unlock additional insights, further explore the nexus between rental assistance, the prevention of eviction cases, and the effective resolution of eviction cases, as well as further explore and analyze the differences in case outcomes for RTC-C clients compared to unrepresented Cleveland tenants.