

The Estimated Economic Impact of Access to Counsel in Evictions in Chattanooga and Hamilton County

Prepared for: Community Foundation of Greater Chattanooga

March 19, 2024

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Section I-Stout Profile and Qualifications

Stout Risius Ross, LLC (Stout) is a global investment bank and advisory firm specializing in corporate finance, valuation, financial disputes, and investigations. In addition to these services, Stout's professionals have expertise in strategy consulting involving a variety of socioeconomic issues, including issues of or related to access to justice and the needs of low-income individuals and communities.

Under the direction of Neil Steinkamp, who leads Stout's Transformative Change Consulting practice, Stout is a recognized leader in the civil legal services community and offers the following services:

- Economic impact assessments and policy research for civil legal services initiatives
- Strategy consulting and action plan development for issues relating to access to justice
- Non-profit budget development, review, and recommendations
- Cost-benefit and impact analyses for non-profit initiatives and activities
- Data-driven program evaluation and implementation
- Dispute consulting and damages analyses for low-income individuals.

Samantha DiDomenico is a Senior Manager at Stout. Samantha has 10 years of experience providing consulting services to for-profit and non-profit clients in a variety of industries. She has provided eviction right to counsel, access to counsel, and eviction diversion / prevention consulting services in nearly 30 jurisdictions across the country. Samantha's has extensive experiencing conducting economic impact assessments, cost-benefit analyses, program evaluations, reasonable caseload analyses, and process efficiency analyses. She also has experience leading collaborative settings such as focus groups and multi-stakeholder meetings, particularly those involving civil legal services organizations, tenants with lived experiences, government officials, and representatives from the rental property owner community. Samantha has co-authored articles related to pursuing civil access to justice through data analysis, financial analysis, program evaluation, and stakeholder engagement as well as how to sustain progress that has been made in the access to justice space, particularly related to housing.

Neil Steinkamp is a Managing Director at Stout and a well-recognized expert and consultant on a range of strategic, corporate, and financial issues for businesses, non-profit organizations, and community leaders and their advisors. Neil has extensive experience in the development of strategic plans, impact analyses, data evaluation, and organizational change. His work often includes assessments of data reporting, data collection processes, the interpretation or understanding of structured and unstructured data, the review of documents and databases, the development of iterative process improvement strategies, the creation of data monitoring platforms to facilitate sustained incremental change toward a particular outcome and creating collaborative environments. Mr. Steinkamp also has experience with housing related issues, including eviction. He has authored numerous economic impact studies on providing low-

income tenants with attorneys in eviction proceedings, one of which assisted in the passing of New York City’s historic right to counsel law. Mr. Steinkamp also currently serves as the court-appointed Independent Data Analyst in *Baez v. New York City Housing Authority*, overseeing NYCHA’s compliance with the timely remediation of mold and leak work orders.

In mid-2020, Stout developed innovative analyses of tenant household instability caused by the COVID-19 pandemic, the estimated rental debt owed, and estimated how that instability could result in an unprecedented number of eviction filings in states throughout the country. Stout’s research and analyses have been cited in local and national publications, including, but not limited to, *The New York Times*, *The Washington Post*, *CNBC*, *Reuters*, *Forbes*, *Politico*, and *Bloomberg*, and was referenced in the Centers for Disease Control and Prevention (CDC) September 4, 2020 Order enacting a nationwide eviction moratorium. Stout also maintains an [Eviction Right to Counsel Resource Center](#) which includes Stout’s eviction cost-benefit analyses as well as a compilation of resources related to the eviction process, housing instability, racial bias, the impacts and economic costs of eviction, and draft and enacted legislation.

Stout was engaged by a recipient of the National Low Income Housing Coalition’s “ERASE” (End Rental Arrears to Stop Evictions) grant to assist it in estimating what financial commitment would be required to sustain emergency rental assistance. Stout completed a similar analysis in Maryland in December 2023. In Stout’s pre- and post-legislation evaluations (Maryland, Cleveland, Milwaukee, Connecticut, Nashville, Oklahoma, Chicago), Stout is or will be collecting data to determine how frequently tenants seeking legal representation have already applied for emergency rental assistance, what the amount of back-rent owed was, whether they were approved, what amount of assistance they received, and whether the rental property owners accepted the funds.

Stout has been engaged by more than 50 non-profit organizations serving low-income communities across the United States. These engagements often included program or public policy evaluations, return on investment analyses, and strategic action planning. Neil is currently serving as the evaluator of eviction right to counsels in Cleveland, Milwaukee, Connecticut, and Maryland. Stout has conducted eviction right to counsel fiscal return on investment analyses and independent expert reports for advocates, coalitions, bar associations government agencies in Baltimore, Delaware, Detroit, Newark, Pennsylvania, New York City, Philadelphia, Los Angeles, South Carolina, and New York (outside of New York City) and is currently conducting eviction-related analyses in Chicago, Atlanta, Nashville, and Oklahoma and Tulsa counties. Following the release of Stout’s reports in Baltimore, New York City, Philadelphia, and Detroit eviction right to counsel legislation was enacted. In these engagements, Stout worked closely with funders/potential funders, legal services organizations, rental property owners, academics studying housing and eviction, government agencies and the continuum of care, non-profits serving low-income residents, community organizers, and impacted residents.

Section II-Executive Summary

For every dollar invested in an eviction access to counsel in Chattanooga and Hamilton County, Stout conservatively estimates an economic benefit to Chattanooga and Hamilton County of at least \$4.84. Additional economic benefits are likely to be recognized by Hamilton County without any incremental investment from Hamilton County.

Stout was engaged by the Community Foundation of Greater Chattanooga (CFGC) to analyze the cost and benefits associated with an access to counsel program for income-eligible tenants in landlord-tenant proceedings in Chattanooga (the City) and Hamilton County (the County). The eviction access to counsel program being contemplated in the City and County would not necessarily provide an attorney for every tenant but would ensure *access* to an attorney when tenants are experiencing circumstances that would require an attorney.

Key Findings

With an annual investment of approximately \$640,000 in an eviction access to counsel program, Chattanooga and Hamilton County may recognize economic benefits of at least an estimated \$3.1 million. For every dollar the City or County invests in providing free representation to eligible tenants through an eviction access to counsel program, the City or County may reduce social safety net responses to disruptive displacement or realize economic benefits of at least \$4.84.

Stout uses the phrase “disruptive displacement” to capture outcomes of cases beyond “winning” and “losing” and “evicted” or “not evicted.” For example, there may be circumstances where tenants did not have a formal eviction warrant executed against them and therefore were not displaced but still have experienced disruption in their lives because of the eviction filing. There may also be circumstances where a tenant needs to move but having access to counsel and being represented during the eviction proceeding minimizes the disruption that the move may have had on the tenant’s household. Stout has found the phrase “disruptive displacement” to be helpful in demonstrating the variety of circumstances tenants experience and the impact of counsel in assisting with navigating a complex, high-stakes legal proceeding. Local advocates may use alternative terminology to describe the outcomes of cases and the impacts to tenants.

Additional social safety net responses to disruptive displacement may be funded by Hamilton County but are used by City residents. For example, children living in Chattanooga attend Hamilton County schools, and Chattanooga residents who are incarcerated are incarcerated in Hamilton County jail. Stout believes that if an eviction access to counsel program were

implemented in Chattanooga there would certainly be social safety net fiscal impacts that are realized by the County. The County's social safety net economic benefits would be realized without additional investment and would be in addition to the amounts calculated herein.

In circumstances where tenants are facing eviction, it is critically important for them to remain in their homes or be connected to services that can assist with finding alternative safe, stable housing – both of which can be achieved by representation through an eviction access to counsel program. In the face of financial challenges for municipalities, an investment in an eviction access to counsel program can result in significant fiscal impacts or cost savings relative to the extraordinary costs that would be incurred to support Chattanooga and Hamilton County residents left to endure the trauma of the eviction process without the assistance of an attorney. Furthermore, attorneys will be able to provide tenants with assistance in navigating complex rental assistance applications and systems, and with the help of an eviction access to counsel will likely improve the success of complementary programs in Chattanooga and Hamilton County, such as the Eviction Prevention Initiative (including the “flex fund¹”), the Eviction Diversion Initiative, mediation, and emergency rental assistance.

The Estimated Cost of an Eviction Access to Counsel Program

Stout estimates the cost of a fully implemented eviction access to counsel program in Chattanooga and Hamilton County to be approximately \$640,000 annually. This includes personnel costs for the hiring of staff attorneys, a supervising attorney, and paralegals / intake specialists. This estimate also includes costs for facilities, technology, equipment, training, outreach, and other costs necessary to provide representation under an eviction access to counsel program. Stout's analysis estimates that, at full implementation, approximately 797 income eligible tenant households would accept and have legal representation annually through an eviction access to counsel program, resulting in a cost per case of approximately \$803 for those cases for which representation is provided. Stout's cost calculation for an eviction access to counsel program includes only non-pay-and-stay², non-default³ cases where the tenant is income eligible and seeks and accepts the offer of representation.

¹ The “flex fund” is a pool of flexible funding (from private donors) which Eviction Prevention Initiative attorneys and social workers can leverage to pay court costs and fees and negotiate settlements on behalf of tenants whose households have incomes at or below 200% of the Federal Poverty Level and who demonstrate the opportunity for housing stabilization.

² Cases where the tenant does not pay the back rent owed and retains possession of their home before the hearing.

³ Cases where the tenant appears for their hearing and does not lose the case by default.

The Estimated Fiscal Benefits of an Eviction Access to Counsel Program

With an annual investment of approximately \$640,000 by Chattanooga, the City and County could expect to realize economic benefits of at least \$3.1 million annually. The economic benefits are associated with housing social safety net programs and responses to unsheltered homelessness, health care, employment stability, educational attainment for children, retained funding for Hamilton County public schools, and incarceration.⁴

Stout's estimate of the annual economic benefits is likely significantly understated. Included in the calculation are benefits of an eviction access to counsel program that are reasonably quantifiable with currently available data. However, if tenants experienced more stable housing, the City and County would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout's calculations. The additional economic benefits that Chattanooga and Hamilton County would likely realize include, but are not limited to:

- The education costs, juvenile justice costs, and child welfare costs associated with children experiencing homelessness
- The negative impact of an eviction on a tenants' credit score, the tenants' ability to re-rent, and the potential loss of a subsidized housing voucher
- 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 Hamilton County court resources.

Themes from Qualitative Research

Throughout 2023, Stout engaged with a variety of Chattanooga and Hamilton County stakeholders with experience and expertise interacting with local rental housing and eviction ecosystem or serving clients or residents who may have interacted with the eviction ecosystem. The purpose of these meetings was to learn from local stakeholders who have different perspectives and experiences with the eviction process or who have observed the impact of evictions on City and County residents and rental property owners. Stout met with stakeholders from:

- Chatt Foundation
- Chattanooga Housing Authority
- Chattanooga Regional Homeless Coalition

⁴ As previously stated, City residents use certain services / systems that are funded by the County.

- Doorby
- Erlanger Medical Center
- Habitat for Humanity of Greater Chattanooga Area
- Hamilton County Municipal Court
- Hamilton County Schools
- Legal Aid of East Tennessee
- MetMin
- Smartt Strategies
- Unity Group of Chattanooga

The stakeholders shared their unique perspectives, and many discussed the importance of early interventions and assistance for tenants both during and before the eviction process. Social services providers and non-profit organizations shared examples of responses and consequences that can be required and experienced after a household is displaced, which included emergency shelter, stays in hotels or motels or living unsheltered (both in response to Chattanooga’s lack of low-barrier emergency shelter), physical and mental health care (which is frequently uncompensated), and food insecurity. A property manager shared their experience with many local rental property owners, which was that they operate on minimal financial margins and very few rental property owners do not have mortgages (i.e., they own the property free and clear). The property manager also appreciated there was a role for tenant attorneys in certain circumstances. A judge in Hamilton County Municipal Court presiding over landlord-tenant proceedings shared that the increase in tenant representation through EPI has increased the number of cases that are settled or negotiated rather than going to trial. They indicated that when a case does proceed to trial, there are substantive legal issues that require interpretation and application of the Uniform Residential Landlord Tenant Act and judicial adjudication. The judge also shared that the increased presence of tenant attorneys has “brought the temperature down” in the courtroom, resulting in fewer contentious interactions between tenants and rental property owners’ counsel.

Deeper qualitative research regarding the experiences of tenants and rental property owners was conducted by Dr. Kristie Wilder, LMSW, JD professor in the School of Social Work at Southern Adventist University.

Efforts to Pass Eviction Right to Counsel / Access to Counsel Legislation

For tenants facing eviction in cities across the country, having legal representation is often the difference between retaining housing and becoming homeless.⁵ There are civil legal services providers and pro bono attorneys who often assist in landlord-tenant proceedings, but they are limited and constrained by a lack of resources and funding which results in only a small fraction of tenants obtaining representation; this constraint often does not exist for rental property owners.

With needs as important as housing, employment, family stability, education, and healthcare, many legal and community-based advocates seek a civil right to legal counsel, including in evictions.⁶ They advocate that an eviction right to counsel, like the right that exists in criminal proceedings in the United States, would ensure due process of law and fairness in an area of vital interest to tenants, their families, and society.⁷ Both international and national organizations as well as state and local governments have made commitments to ensuring equal access to the law and legal services when necessary. Twenty-two jurisdictions across the country – 4 states and 18 cities/counties have enacted legislation providing rights to counsel or access to counsel for tenants. Additional information about the advocacy and timelines associated with the legislation in these jurisdictions can be found in **Appendix B**.

⁵ Brey, Jared. “How Cities Are Trying to Level the Playing Field for Tenants Facing Eviction.” Spotlight on Poverty and Opportunity. October 18, 2017.

⁶ Frankel, Martin, et al. “The impact of legal counsel on outcomes for poor tenants in New York City’s housing court: results of a randomized experiment.” Law and Society Review. 2001.

⁷ Ibid.

Section III-Estimated Cost of an Eviction Access to Counsel Program in Chattanooga and Hamilton County

Using data provided by Legal Services Corporation⁸, the experience and expertise of Chattanooga civil legal services attorneys, and publicly available research and data, Stout estimated the cost of fully implementing an eviction access to counsel program in Chattanooga and Hamilton County.

To estimate the cost of providing an eviction access to counsel to eligible tenants in Chattanooga and Hamilton County, a variety of factors must be considered, including but not limited to – the expected annual number of landlord-tenant filings, the percentage of tenants who lose their case by default by not appearing for their hearing, the estimated percentage of cases that would resolve without the assistance of an attorney (e.g., situations where the tenant pays and stays), the rate at which tenants seek and accept the offer of free legal representation, the average number of hours required to effectively represent a tenant, and the cost of attorneys (e.g., salary, benefits, office supplies, technology, and other overhead) and supporting staff. Stout worked closely with civil legal services attorneys in Chattanooga to develop a deeper understanding of the possible costs of an eviction access to counsel program and to incorporate their expertise and experience in the calculations.

Landlord-Tenant Filings in Hamilton County

Based on data received from Legal Services Corporation, there were approximately 3,000 landlord-tenant filings in Hamilton County in 2022. For purposes of this analysis, Stout used the number of landlord-tenant filings in 2022 as a reasonable baseline from which to estimate the potential costs of an eviction access to counsel program in Chattanooga and Hamilton County. Local stakeholders expect that landlord-tenant filing volumes in future years will likely be consistent with 2022 filing volumes. Through mid-November 2023, there were approximately 2,800 landlord-tenant filings in Hamilton County, which, if annualized, results in approximately 3,200 landlord-tenant filings in 2023. Based on the local feedback and the annualized 2023 landlord-tenant filings in Hamilton County, Stout believes that using the 2022 landlord-tenant filings as a baseline for its estimation is reasonable and appropriate.

If an eviction access to counsel program were fully implemented in Chattanooga and Hamilton County, the annual number of filings would reasonably be expected to decrease, as has been observed in New York City and San Francisco – two jurisdictions that have implemented a right to counsel for tenants facing eviction.⁹ As previously discussed, New York City and San Francisco are the only jurisdictions that passed and implemented an eviction right to counsel

⁸ Legal Services Corporation (LSC) is the single largest funder of civil legal aid for low-income Americans in the nation. Established in 1974, LSC operates as an independent 501(c)(3) nonprofit corporation that promotes equal access to justice and provides grants for high-quality civil legal assistance to low-income Americans. LSC distributes more than 90 percent of its total funding to 131 independent nonprofit legal aid programs with more than 800 offices. <https://www.lsc.gov/>

⁹ “Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law.” February 24, 2020. & “New York City Residential Eviction Filings Decline.” NYU Furman Center. November 18, 2019.

before the pandemic and that have had eviction right to counsel implemented for a period long enough to see its potential impact on eviction filings and the default rate. Since New York City's increased investment in legal services for tenants in 2013, the New York City Office of Civil Justice has reported a 40% decrease in residential evictions. Evictions have declined by more than 30% in zip codes with a right to counsel since implementation of the right to counsel in New York City.¹⁰ In San Francisco, there was a 10% decrease in total eviction filings from 2018 to 2019.¹¹ While New York City and San Francisco began implementing eviction right to counsel prior to the pandemic, landlord-tenant filing volumes during the pandemic decreased significantly, which makes it challenging to compare changes in filing volumes before and after implementation of eviction right to counsel.

Eligibility

As with other civil legal services in Chattanooga and Hamilton County, it is Stout's understanding that eligibility for free legal representation under an eviction access to counsel program would be determined by a tenant's income. Stout estimated the cost of an eviction access to counsel program in Chattanooga and Hamilton County for tenants facing eviction with household incomes at or below 200% of the Federal Poverty Guidelines (FPL)¹² adjusted for household size. At this income eligibility level, Stout estimated that approximately 69% of tenants with a landlord-tenant filing in Chattanooga and Hamilton County would be income eligible.¹³ Applying the 69% estimate to the estimated 3,000 landlord-tenant filings expected at full implementation of an eviction access to counsel program results in 2,061 tenants who would be income eligible for an eviction access to counsel program in Chattanooga and Hamilton County.

A study by the New York City City-wide Task Force on Housing Court found that 50%-60% of tenants who are in housing court have household incomes that would qualify them for free civil

¹⁰ Universal Access to Legal Services: A Report on Year Two of Implementation in New York City." Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

¹¹ "Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law." February 24, 2020.

¹² 200% of the 2023 Federal Poverty Guidelines is \$39,440 for a household of 2 and \$60,000 for a household of 4. See <https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>

¹³ Stout developed this independent estimate using publicly available research and reports relating to the incomes of tenants experiencing eviction and tenants appearing in housing courts across the country. See: "Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel." Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993. Krenichyn, Kira and Shaefer-McDaniel, Nicole. "Results From Three Surveys in New York City Housing Courts." Center for Human Environments, Graduate Center of the City University of New York. 2007. Desmond, Matthew. "Who gets evicted? Assessing individual, neighborhood, and network factors." Social Science Research. 2016. "ALICE Research Methodology." United for ALICE. 2020.

legal services.¹⁴ However, an estimated 69% of tenants who are in housing court are unlikely able to afford representation and would benefit from free legal representation.¹⁵ A 2007 study by researchers at the Graduate Center of the City University of New York found that 44% of tenants in housing court had annual household incomes of less than \$15,000, and 24% had annual household incomes between \$15,000 and \$24,000, indicating that approximately 68% of tenants would likely be eligible for free legal representation.¹⁶ The Milwaukee Area Renters Study (MARS) was a survey administered from 2009 to 2011 via in-person interviews to approximately 1,100 renter households about their experiences as renters related to eviction, housing instability, and poverty. MARS respondents had an average household income of approximately \$30,000, which was equivalent to approximately 175% of the FPL at the time of the study.¹⁷ Data collected by civil legal services providers in Connecticut, Milwaukee, Nashville, and Oklahoma indicates that 75% to 85% of eviction right to counsel or access to counsel clients have household incomes at or below 150% of the FPL.¹⁸

Default Rate, Independent Resolutions, and Expected Number of Non-Default Cases Eligible for and Accepting Representation

Based on its analysis of Hamilton County landlord-tenant filing data, data collected based on local court observation efforts, and the experience and expertise of local stakeholders, Stout estimated that approximately 56% of tenants in Hamilton County in landlord-tenant proceedings do not appear for their court hearing and lose their cases for not appearing (i.e., default).¹⁹

With effective community outreach, default or non-appearance rates can be reduced. Stout included in its cost estimate a line-item expense for community outreach. Stout incorporated an expected 2 percentage point decline in the tenant default rate as a result of this investment in outreach. As discussed previously, New York City has experienced a 34% cumulative decline (from 2016-2019) in its default rate since increased funding for tenant representation.²⁰

¹⁴ “Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel.” Community Training and Resource Center and City-wide Task Force on Housing Court, Inc. 1993.

¹⁵ Ibid.

¹⁶ Krenichyn, Kira and Shaefer-McDaniel, Nicole. “Results From Three Surveys in New York City Housing Courts.” Center for Human Environments, Graduate Center of the City University of New York. 2007.

¹⁷ Desmond, Matthew. “Who gets evicted? Assessing individual, neighborhood, and network factors.” Social Science Research. 2016.

¹⁸ Stout began analyzing the household income and / or FPL data in these jurisdictions as follows: Connecticut – 2022; Milwaukee – 2021; Nashville – 2023; and Oklahoma – 2023. Stout continues to receive and analyze household income / FPL data in these jurisdictions.

¹⁹ This estimate is for the percentage of default judgments and does not include cases that settle outside of court.

²⁰ “Office of Civil Justice Annual Report.” NYC Human Resources Administration. 2019.

Stout estimated that approximately 20% of tenants in the County will resolve their case with their rental property owner independently and without legal representation. These cases may involve relatively simple non-payment of rent issues (without other substantive legal issues or defenses) that are cured by the tenant or for which payment and relocation plans are independently negotiated out of court between the rental property owner and tenant. As such resolutions are reached out-of-court and may be difficult to identify in court docket records, Stout developed an estimate to account for these resolutions using its experience evaluating eviction right to counsel and access to counsel programs and working with civil legal services organizations throughout the country.

Of the estimated 857 tenants who did not pay-and-stay or default and are income eligible, Stout estimates that 93% would seek and accept the offer of free legal representation at full implementation of an eviction access to counsel program.²¹ Tenants may have reasons for declining the offer of representation. They may not think there is a benefit to having representation, they may not trust the legal profession, or they may simply feel they can represent themselves. Therefore, Stout's cost calculation for an eviction access to counsel program includes only non-pay-and-stay, non-default cases where the tenant is income eligible and accepts the offer of representation – approximately 797 cases.²²

Total Cases and Cost of an Eviction Access to Counsel Program in Chattanooga and Hamilton County

If an eviction access to counsel program were fully implemented in Chattanooga and Hamilton County, Stout estimates there would be approximately 797 tenant households receiving free legal representation annually. Stout estimates that providing free legal representation to these 797 tenant households would cost approximately \$640,000 annually.

Of the estimated \$640,000 annual cost of a fully implemented eviction access to counsel program in Chattanooga and Hamilton County, approximately \$530,000 would be for direct personnel costs to hire approximately 3 staff attorneys, 1 supervising attorney, and 2 paralegal / intake specialists. The remaining estimated annual costs would be for non-personnel costs necessary for service delivery including, but not limited to, facilities costs, utilities, technology and equipment, training, and community outreach.

Chattanooga civil legal aid providers reviewed and confirmed Stout's estimates for each of these costs based on their experience and expertise delivering eviction defense and prevention

²¹ The expected representation acceptance rate was developed based on the experience and expertise of Chattanooga civil legal aid providers and housing advocates as well as discussions Stout has had with housing advocates in other jurisdictions.

²² These 797 cases represent 39% of eligible tenants facing eviction. Given the availability of rental assistance, eviction prevention programs, and increased outreach through the pandemic, it is possible that more tenants seek representation in the future. The combination of resources available and awareness of them over the past 3 years may create an increased awareness of future services, and therefore, it is possible that more eligible tenants seek representation that would have previously.

services. For direct personnel costs, Stout and Chattanooga civil legal aid providers estimated the average salary of a civil legal aid housing staff attorney, supervising attorney, paralegal, case manager, intake specialist, program administrator, and outreach staff as well as fringe benefits as a percentage of their salaries. For non-personnel costs, Stout and Chattanooga eviction defense providers used the costs of their current operations as benchmarks. At a total cost of approximately \$640,000, providing an eviction access to counsel to approximately 797 eligible tenant households in Chattanooga and Hamilton County equates to approximately \$803 per case for which representation is provided.

Section IV-Fiscal Benefits of an Eviction Access to Counsel Program in Chattanooga and Hamilton County

Estimated Incremental Number of Tenants Avoiding Disruptive Displacement

Stout analyzed landlord-tenant filings in Hamilton County filed in 2022 to estimate how many income-eligible tenants would have a high likelihood of avoiding disruptive displacement if an eviction access to counsel program were implemented. If an eviction access to counsel program were fully implemented in Chattanooga and Hamilton County, an estimated 93% tenant households would be eligible for representation and would likely accept the offer of representation each year.

Based on Stout’s analysis of court-assigned case dispositions and the feedback and experience of civil legal services attorneys representing tenants in Chattanooga and Hamilton County, represented tenant households avoid the high likelihood of disruptive displacement in an estimated 96% cases²³ (approximately 765 of the approximately 797 tenant households that would be represented in an eviction access to counsel program), and unrepresented tenant households avoid disruptive displacement in an estimated 25% percent of cases (approximately 189 unrepresented tenant households). Figure 1 shows the difference in likelihood of disruptive displacement based on whether a tenant household is represented or unrepresented.

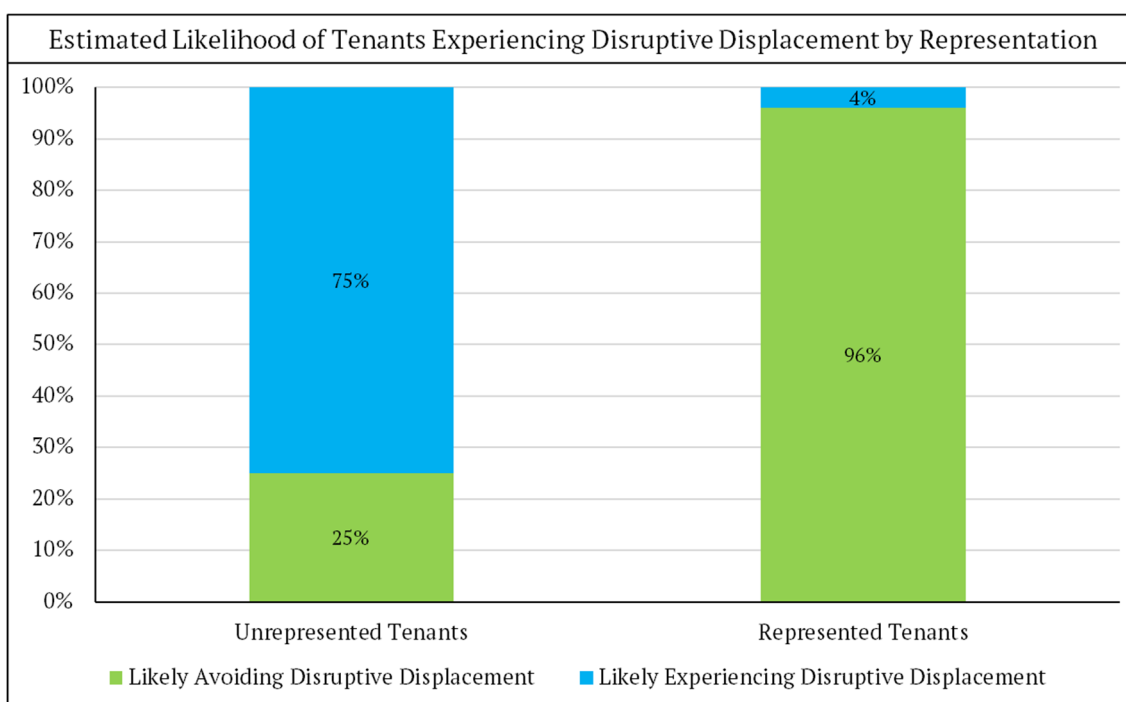


Figure 1

²³ This metric is based on Stout’s analysis of outcome data provided by attorneys representing tenants in landlord-tenant proceedings through Chattanooga’s Eviction Prevention Initiative.

Comparing the approximately 765 represented tenants avoiding the high likelihood of disruptive displacement to the approximately 189 unrepresented tenants avoiding the high likelihood of disruptive displacement results in an estimated 576 additional tenants that would avoid the high likelihood of disruptive displacement and the potential for the negative impacts of disruptive displacement if an eviction access to counsel program were implemented in Chattanooga and Hamilton County. Based on the average household size of 3 people in the City and County, Stout estimates that approximately 1,728 people in Chattanooga and Hamilton County are likely to avoid the high likelihood of disruptive displacement each year through an eviction access to counsel program.²⁴

The impact of an eviction access to counsel program and the number of income eligible households and people avoiding the likelihood of disruptive displacement could be higher or lower based on the facts of any individual case. How an eviction access to counsel program is implemented and communicated to tenants as well as how supportive policymakers and the judiciary are of an eviction access to counsel program can also affect the impact. In some cases, tenants may experience disruptive displacement with or without an eviction access to counsel program. However, an eviction access to counsel program can ensure tenants' rights are exercised, favorable judgment terms are negotiated, and enough time is given to tenants if they need to find new living arrangements. The benefit of an eviction access to counsel program in these circumstances is less disruption to tenants' lives and therefore fewer social safety net costs to Chattanooga and Hamilton County.

Estimated Annual Fiscal Impacts of an Eviction Access to Counsel Program in Chattanooga and Hamilton County

Stout's analysis exhibits are in **Appendix A**. See **Exhibit A** for a summary of the estimated annual fiscal impacts to Chattanooga and Hamilton County and the return per dollar invested in an eviction access to counsel program.

Estimated Annual Housing Social Safety Net Fiscal Impacts

While homelessness may not always be experienced immediately following an eviction, eviction remains a leading cause of homelessness. According to the 2023 Hamilton County point-in-time count, there were 785 Hamilton County residents experiencing homelessness.²⁵ Of the 785 people experiencing homelessness, approximately 77% were living unsheltered.²⁶ The number of Hamilton County residents experiencing unsheltered homelessness decreased approximately 40% between 2022 and 2023.²⁷

²⁴ U.S. Census Bureau. American Community Survey 5-Year Estimates. 2018.

²⁵ "Hamilton County, TN Point in Time County 2023." Published by Chattanooga Regional Homeless Coalition.

²⁶ Ibid.

²⁷ Goins, Courtney. "Hamilton County hits milestone in reducing homelessness." WDEF. April 2023.

Because eviction has been linked to homelessness, avoiding disruptive displacement through an eviction access to counsel program will likely reduce costs associated with housing social safety net responses such as emergency shelter, repaid rehousing, and hotel stays. When people experience homelessness, research has shown that a portion of them will experience homelessness again even after exiting a housing program. Stout estimated the average annual housing social safety net fiscal impacts to Chattanooga and Hamilton County for an initial interaction with the housing social safety net system and the first subsequent re-entry to these systems.

Stout estimates that 559 households in Chattanooga and Hamilton County have a high likelihood of avoiding disruptive displacement and will remain residents of Chattanooga and Hamilton County if an eviction access to counsel program were implemented.²⁸ Without an eviction access to counsel program, approximately 14.5% of these households will likely enter emergency shelter.²⁹ The eviction process (for some people but not all) creates a degree of housing instability that requires costly intervention to return people to stable housing. Cities and states have demonstrated their dedication to returning people to stable housing through a variety of housing programs/interventions funded with public dollars. Stout's estimate of shelter entry as a result of disruptive displacement is a directional estimate based on the quantitative data available and qualitative feedback from legal aid providers and other stakeholders. Applying the findings of the Abt study and considering the experience and feedback of legal aid providers and housing case managers, Stout conservatively estimates that while 18.2% of households experiencing the eviction process may apply for shelter, 14.5% of households experiencing the eviction process are likely to enter emergency shelter. Using this metric, Stout estimated that 81 households represented through an eviction access to counsel program in Chattanooga and Hamilton County will likely experience homelessness and need to access a housing social safety net program but for an eviction access to counsel program.

Using publicly available data from the United States Department of Housing and Urban Development, Stout estimated that the annual cost of emergency shelter per household is approximately \$15,300 in Chattanooga and Hamilton County. Because there are many ways that individuals experience homelessness, particularly after an eviction when re-renting can be challenging, there are a variety of possible outcomes. For a portion of individuals and households, there may be short shelter stays, attempts to move in with family or friends, and re-entry into shelter. Others may experience longer shelter stays or rapid re-housing. Each of these scenarios has different (but significant) cost implications. Stout used the estimated annual cost of emergency shelter per household as a proxy for the cost of a housing social safety

²⁸ See page 22 for details on estimated households that would have migrated out of Chattanooga and Hamilton County but for an access to counsel program.

²⁹ Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.

net response because the response is likely necessary for people experiencing homelessness and likely incurred by Chattanooga and Hamilton County over time.

Applying the average annual cost of housing social safety net programs in Chattanooga and Hamilton County of approximately \$15,300 per household to the 81 households in Chattanooga and Hamilton County that will likely experience homelessness and need to access a housing social safety net program but-for an eviction access to counsel program results in a fiscal impact of approximately \$1.2 million to Chattanooga and Hamilton County.

A portion of the 81 households that may require a housing social safety net response will likely need a second housing social safety net response. According to data from the Chattanooga Regional Homeless Coalition, an estimated 18% of households that exit homelessness will return to homelessness. Applying the 18% metric to the 81 households that experienced homelessness results in 15 households experiencing homelessness a second time and requiring a subsequent housing social safety net program. At an average cost of \$15,300 per household per year for housing social safety net programs, the cost of 15 households requiring a second housing social safety net program will be approximately \$200,000.

The total estimated annual fiscal impact to Chattanooga and Hamilton County related to people experiencing homelessness because of disruptive displacement who will require a housing social safety net program is \$1.4 million. Of the total \$1.4 million, approximately \$1.2 million is related to the first housing social safety net response, and approximately \$200,000 is related to the second housing social safety net response that a portion of households will require.

Emergency shelter costs are one form of a social safety net response to the desperate need for shelter, even in jurisdictions without a legislated right to shelter and jurisdictions with people experiencing homelessness who are living unsheltered. Emergency shelter costs provide a proxy for costs jurisdictions bear (or are willing to bear) in response to severe housing instability. Furthermore, the incremental nature of shelter beds (i.e., the number of shelter beds increasing as the number of people experiencing homelessness increases) does not restrict the application of these costs to the households that are experiencing disruptive displacement because the costs may manifest in other ways, particularly if households are unable to enter emergency shelter and must use other Chattanooga or Hamilton County services to achieve housing stability. Regardless of actual emergency shelter entry by households experiencing disruptive displacement, housing social safety net program costs can be a proxy for the other costs necessary to achieve housing stability for these households. Thus, the \$1.4 million cost of providing housing social safety net programs to people experiencing disruptive displacement is not a direct cost saving to Chattanooga or Hamilton County. Rather, the \$1.4 million represents a cost avoidance related to homelessness because of disruptive displacement, which will include some cost savings to Chattanooga and / or Hamilton County from decreased use of housing social safety net programs.

See **Exhibit B** for Stout’s detailed calculation of estimated annual fiscal impacts related to housing social safety net responses in Chattanooga and Hamilton County.

Estimated Annual Educational Attainment Fiscal Impacts

School-aged children who experience homelessness face significant mental and physical health challenges that prevent students from focusing on their education.³⁰ These challenges can result in students who are experiencing homelessness becoming chronically absent from school.³¹ Even after just one year of chronic absenteeism, students are significantly less likely to complete high school.³²

Stout estimates that 576 households in Chattanooga and Hamilton County will avoid the high likelihood of disruptive displacement if an eviction access to counsel program were implemented in Chattanooga and Hamilton County. Without an eviction access to counsel program, Stout estimates 3% of these households will likely migrate out of Chattanooga and Hamilton County as a result of disruptive displacement.³³ Applying the 3% metric to the 576 households results in an estimated 559 Chattanooga and Hamilton County households that would likely remain in the City and County if they did not face disruptive displacement. Research indicates approximately 62% of households receiving an eviction filing have children, and there are approximately 2 children per household,³⁴ resulting in an estimated 693 children who would have likely remained in Chattanooga and Hamilton County if they were not evicted.

Stout estimates that approximately 25% of individuals (including children) will likely experience homelessness as a result of disruptive displacement.³⁵ Students experiencing homelessness are at an increased risk of becoming chronically absent.³⁶ In the 2018-2019 school year, approximately 50% of children experiencing homelessness in Tennessee were chronically absent, missing more than 10% of school days.³⁷ Of students who are chronically absent, approximately 35% are likely not to complete high school, compared to approximately 10% of

³⁰ Bishop, Joseph. “Our Children Can’t Wait: The Urgency of Reinventing Education Policy in America”

³¹ “Chronic Absenteeism Among Students Experiencing Homelessness in America.” National Center for Homeless Education. 2022.

³² “Research Brief: Chronic Absenteeism.” University of Utah, Utah Education Policy Center. 2012.

³³ Based on Stout’s findings in its independent evaluations of Cleveland’s and Connecticut’s eviction right to counsel programs.

³⁴ Desmond, Matthew et al. “Evicting Children.” Social Forces. 2013. And “Families with Children Under 18.” U.S. Census Bureau, Bureau of Labor Statistics. November 2021. This is also supported by data collected by Stout for right to counsel programs across the county.

³⁵ Based on metrics developed by Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City.

³⁶ “Absenteeism Among Homeless Students: Where Housing and School Instability Meet.” Institute for Children, Poverty & Homelessness. 2019.

³⁷ “Chronic Absenteeism Among Students Experiencing Homelessness in America.” National Center for Homeless Education. 2022.

non-chronically absent students.³⁸ Applying these statistics to the 693 children who would experience disruptive displacement and stay in Chattanooga and Hamilton County, an estimated 3 students in Chattanooga and Hamilton County would have completed a higher level of educational attainment as a result of implementing an eviction access to counsel program.

Research has demonstrated that failing to graduate high school has a significant impact on an individual's future income.³⁹ Less disposable income has impacts that extend beyond the individual to the economy and results in less economic activity for jurisdictions. Stout used an economic multiplier⁴⁰ and the net present value of the cumulative increase in lifetime earnings to estimate an annual increase in economic activity in Chattanooga and Hamilton County of approximately \$700,000 resulting from increased educational attainment achieved through the implementation of an eviction access to counsel program. See **Exhibit C**.

Estimated Annual Decrease in Economic Activity Due to Job Loss

Stout estimated the decrease in economic activity due to job loss that would be avoided if Chattanooga and Hamilton County were to implement an eviction access to counsel program. As described previously, Stout estimates that 559 households in Chattanooga and Hamilton County have a high likelihood of avoiding disruptive displacement and will remain residents of the City and County if an eviction access to counsel program were implemented.

Research has demonstrated the impact of eviction on employment stability, particularly the increased likelihood of a person experiencing job loss after being evicted.⁴¹ Of the 559 estimated households that will avoid the high likelihood of disruptive displacement and remain in Chattanooga and Hamilton County, Stout estimates approximately 15% would have likely had an individual experiencing job loss because of disruptive displacement caused by eviction but for an eviction access to counsel. This would have likely resulted in an estimated 85 individuals experiencing job loss because of disruptive displacement caused by eviction.

To calculate the decreased economic activity in Chattanooga and Hamilton County due to job loss resulting from disruptive displacement, Stout estimated the income lost by the individuals who lost their jobs due to disruptive displacement. To develop a conservative estimate, Stout used Tennessee's hourly minimum wage (which is the same as the federal minimum wage), an estimated 35-hour work week⁴², and the average duration of unemployment to estimate the

³⁸ "Research Brief: Chronic Absenteeism." University of Utah, Utah Education Policy Center. 2012.

³⁹ "Tamborini, et al. "Education and Lifetime Earnings in the United States." Demography. 2016.

⁴⁰ Stout used the RIMS II Multipliers (2012/2021) Table 3.5 Total Multipliers for Output, Earnings, Employment, and Value Added by State 64 - Private households (Type II). Multipliers are economic factors that, when applied, amplify the effect of an outcome. See <https://www.investopedia.com/terms/m/multiplier.asp>.

⁴¹ Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

⁴² Stout used publicly available data from the United States Bureau of Labor Statistics to develop an estimate for the number of hours worked weekly for Tennessee residents. See <https://www.bls.gov/sae/tables/annual->

total income lost by individuals who would have experienced job loss as a result of disruptive displacement, which is approximately \$480,000 annually.

Additionally, individuals who experience job loss may apply for unemployment benefits. Of the individuals experiencing job loss in Tennessee, an estimated 13% apply for and receive unemployment benefits.⁴³ The average weekly unemployment benefits payment in Tennessee is approximately \$249 with an average duration of 11 weeks.⁴⁴ Applying these metrics to the estimated 85 individuals who experience job loss due to disruptive displacement results in an estimated \$30,000 in unemployment benefits saved.

The difference in the total income lost by individuals who experienced job loss as a result of disruptive displacement and the potential unemployment benefits paid to them is the net income lost by individuals who experienced job loss as a result of disruptive displacement. The economic impact associated with disposable income spending can be estimated using an income multiplier. Similar to the fiscal impact of educational attainment calculation, Stout applied an income multiplier to estimate the cumulative increase in annual income for Chattanooga and Hamilton County residents resulting from more stable employment as a result of an eviction access to counsel program in Chattanooga and Hamilton County. The net present value of the increase in Chattanooga and Hamilton County economic activity as a result of more stable employment is \$600,000. See **Exhibit D**.

Estimated Annual Additional Medicaid Spending

Stout quantified Medicaid spending on health care by Chattanooga and Hamilton County that may be avoided if an access to counsel program were implemented in the City and County. The two categories of care that could reasonably be quantified are in-patient care and emergency room care.

Stout estimates that 1,676 individuals in Chattanooga and Hamilton County will avoid the high likelihood of disruptive displacement and will remain residents of the City and County if an eviction access to counsel program were implemented. Of the 1,676 individuals that will avoid the high likelihood of disruptive displacement and remain in Chattanooga and Hamilton County, approximately 25% would likely experience homelessness as a result of disruptive displacement but for an eviction access to counsel.⁴⁵ Stout uses the 25% metric instead of the 14.5% metric from the Abt Study as a reasonable proxy for experiencing homelessness. The Abt Study metric reflects entering shelter, which a subset of people experiencing homelessness will

average/table-4-average-hours-and-earnings-of-all-employees-on-private-nonfarm-payrolls-by-state.htm. Stout also considered data from its independent evaluation of Oakland County, Michigan's expanded tenant representation which indicated that clients worked approximately 36 hours per week.

⁴³ Unemployment Insurance Data published by the United States Bureau of Labor Statistics. Q1 2023.

⁴⁴ Ibid.

⁴⁵ Based on metrics developed Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City.

do. Stout uses the 25% metric for people experiencing homelessness to capture instances of homelessness where people do not enter shelter but are nonetheless experiencing homelessness.⁴⁶ Applying the 25% metric to the population of 1,676 individuals results in approximately 419 individuals that will experience homelessness as a result of disruptive displacement. Of these 419 individuals that will likely experience homelessness, Stout estimates that approximately 23% will likely utilize in-patient care, and approximately 32% will utilize emergency room care, resulting in an estimated 96 and 134 individuals experiencing homelessness utilizing in-patient care and emergency room care, respectively.⁴⁷

Research indicates that individuals experiencing homelessness utilize in-patient care and emergency room care more frequently than people who are not experiencing homelessness.⁴⁸ Approximately 80% of people experiencing homelessness and accessing in-patient care are utilizing this type of care solely because of their experiencing homelessness.⁴⁹ For emergency room care, this metric is 75%. Furthermore, approximately 84% of people experiencing homelessness and utilizing either type of care will be enrolled in Medicaid.⁵⁰

Research indicates that the average cost to treat people experiencing homelessness in in-patient care and the emergency room is approximately \$5,600 per person and \$18,500 per person, respectively.⁵¹ Applying individual costs to the portion of individuals who will experience homelessness as a result of disruptive displacement, will utilize each type of care, and will be enrolled in Medicaid and then adjusting for the portion of Medicaid expenditures paid by local jurisdictions results in an estimated cost savings to Chattanooga and Hamilton County of approximately \$30,000 for in-patient care and approximately \$110,000 in emergency room care.⁵² The total estimated Medicaid cost savings to Chattanooga will be approximately \$140,000. See **Exhibit E**.

⁴⁶ Data collected by legal services providers in jurisdictions where Stout is conducting eviction right to counsel or access to counsel evaluations indicates that approximately 10% to 15% of clients affirmatively indicate that they would enter shelter if they had to move. An additional 25% to 45% of clients indicate that they do not have anywhere to go if they had to move.

⁴⁷ Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001.

⁴⁸ Kushel, Margot, et. al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001. & Kushel, Margot, et. al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." The American Journal of Public Health. May 2002.

⁴⁹ Ibid.

⁵⁰ DiPietro, Barbara et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." The Kaiser Commission on Medicaid and the Underinsured. November 2014.

⁵¹ Salit, Sharon, et al. "Hospitalization costs associated with homelessness in New York City." National Library of Medicine. 1998. And "The Cost of Homelessness Facts." Green Doors. N.d.

⁵² Stout's calculation incorporates a utilization rate for in-patient and emergency room care based on the utilization rate of these services by people experiencing homelessness. While the starting populations for these calculations are the same, the utilization rates for people experiencing homelessness vary based on the type of

Estimated Annual Federal Funding Lost for Hamilton County Public Schools

Stout quantified the potential federal funding lost for Hamilton County public schools due to student migration out of Chattanooga and Hamilton County because of disruptive displacement. During the 2021-2022 school year, there were approximately 1,325 students experiencing homelessness in Hamilton County public schools.⁵³ In addition to experiencing homelessness, a portion of students in Hamilton County public schools are also chronically absent from school, missing 10% or more of school days. Research shows that students experiencing homelessness are chronically absent at least twice as frequently as stably housed students.⁵⁴ Figure 2 shows the percent of Hamilton County public school students who are chronically absent by school year.

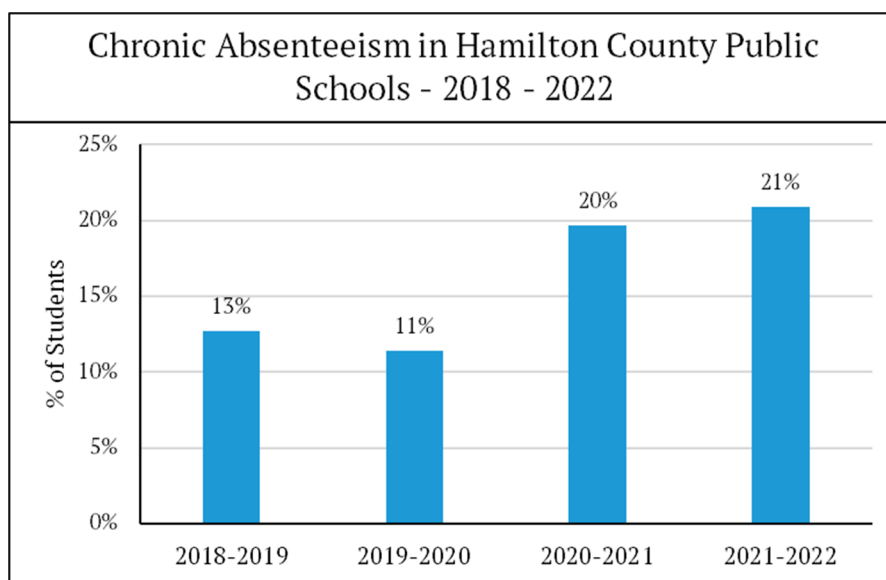


Figure 2

Stout estimates that 576 households in Chattanooga and Hamilton County will avoid the high likelihood of disruptive displacement if an eviction access to counsel program were implemented in Chattanooga and Hamilton County. Without an eviction access to counsel program, Stout estimates 3% of these households will likely migrate out of Chattanooga and Hamilton County as a result of disruptive displacement.⁵⁵ Research indicates approximately

care. The non-state and non-federal portion of Medicaid expenditures is 7% based on "Understanding Medicaid and TennCare." The Sycamore Institute. As of 2017, 61% and 32% of Tennessee's Medicaid program is funded by the federal and state government, respectively, leaving 7% to be funded by local sources.

⁵³Tennessee Department of Education, Metro Chattanooga Public Schools.

⁵⁴ National Center for Homeless Education, "In School Every Day: Addressing Chronic Absenteeism Among Students Experiencing Homelessness."

⁵⁵ Based on Stout's findings in its independent evaluations of Cleveland's and Connecticut's eviction right to counsel programs.

62% of households receiving an eviction filing have children, and there are approximately 2 children per household,⁵⁶ resulting in an estimated 21 children who would have likely migrated out of Chattanooga and Hamilton County if they were evicted.

Hamilton County receives approximately \$1,050 in federal funding per student enrolled and approximately \$3,600 in state funding per student enrolled for a total of approximately \$4,650 in federal and state funding per student enrolled.⁵⁷ The estimated 21 children who would have likely migrated outside of Chattanooga and Hamilton County because of disruptive displacement would have resulted in \$100,000 of lost federal and state funding for Hamilton County public schools. See **Exhibit F**.

Chattanooga and Hamilton County may also recognize cost savings related to complying with the McKinney-Vento Act. To minimize the educational disruption of a student experiencing homelessness or housing instability, the federal government enacted the McKinney-Vento Act in 1987. The federal legislation gives students experiencing homelessness the right to continue attending their school of origin (i.e., the school that the student attended when stably housed) regardless of where they are living while experiencing homelessness or housing instability.⁵⁸ Transportation to and from student's school of origin is both logistically and financially the responsibility of the local educational agency.⁵⁹ Using state and local government general funds is often necessary for school districts to comply with the McKinney-Vento Act transportation mandate.⁶⁰ Stout could not quantify potential cost savings related to McKinney-Vento Act compliance due to lack of data. However, if fewer students experienced homelessness due to disruptive displacement, it would be reasonable to expect that Chattanooga and / or Hamilton County would realize cost savings by no longer needing to transport a portion of students experiencing homelessness to and from their schools of origin. Because Stout could not quantify this cost savings or other cost savings related to reducing the number of students experiencing homelessness, the cost savings and economic benefits related to Hamilton County publicly funded schools are understated.

Estimated Annual Fiscal Impacts Related to Responding Unsheltered Homelessness

In 2022 and 2023, of the Hamilton County residents experiencing homelessness, approximately 88% and 77% were living unsheltered, respectively.⁶¹ The table below shows the number of

⁵⁶ Desmond, Matthew et al. "Evicting Children." Social Forces. 2013. And "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

⁵⁷ Calculated using U.S. Census Fiscal Year 2018 Annual Survey of School System Finances.

⁵⁸ "McKinney-Vento Law Into Practice Brief Series, Transporting Children and Youth Experiencing Homelessness." National Center for Homeless Education. August 2017.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Point-in-time count data published by Chattanooga Regional Homelessness Coalition.

Hamilton County residents experiencing unsheltered homelessness by year based on data from the 2019 to 2023 point-in-time counts.⁶²

Year	People Experiencing Unsheltered Homelessness	Year-over-Year Change
2019	376	N/A
2020	324	-14%
2021	1,227	226%
2022	1,008	-18%
2023	607	-40%

Over the past several years, Chattanooga has invested public dollars in developing emergency shelter capacity and temporary housing for families in hotels and motels.⁶³ To estimate the amount per household Chattanooga would be willing to spend to provide shelter to Chattanooga residents experiencing unsheltered homelessness, Stout used publicly available data indicating that Chattanooga spent \$60,000 to house 100 families experiencing unsheltered homelessness (\$600 per household)⁶⁴ and \$100,000 to house 122 families experiencing unsheltered homelessness (approximately \$800 per household).⁶⁵ Stout averaged the \$600 and \$800 estimated per household costs as a reasonably proxy for how much Chattanooga would be willing to spend per household to house families experiencing unsheltered homelessness. Multiplying the \$700 average per household cost to the estimated 108 households who would likely experience unsheltered homelessness but for an eviction access to counsel program results in \$80,000 in estimated fiscal impact to Chattanooga and Hamilton County.⁶⁶ See **Exhibit G**.

Estimated Annual Fiscal Impact of Incarcerating People Experiencing Homelessness

Stout estimated the annual fiscal impacts of incarcerating individuals experiencing homelessness who would have avoided homelessness as a result of an eviction access to counsel program in Chattanooga and Hamilton County. As previously described, Stout estimates that 559 households in Chattanooga and Hamilton County have a high likelihood of avoiding disruptive displacement and will remain residents of the City and County if an eviction access

⁶² Ibid.

⁶³ “One Chattanooga Relief and Recovery Plan.” City of Chattanooga.

⁶⁴ “City To Rapidly Rehouse Up To 100 Homeless Residents In Partnership With Local Housing Authority.” Chattanooga Pulse. August 31, 2022.

⁶⁵ “Chattanooga Regional Homeless Coalition using city, county funding to house Budgetel residents through the holiday.” Local 3 News. December 3, 2022.

⁶⁶ In 2022, Hamilton County commissioners approved a \$50,000 budget allocation to support temporary housing for Chattanooga / Hamilton County residents displaced from the Budgetel Inn. See <https://www.timesfreepress.com/news/2022/dec/14/hamilton-county-joins-budgetel-response-tfp/>.

to counsel program were implemented. Of the 559 individuals that would avoid the high likelihood of disruptive displacement and remain in Chattanooga and Hamilton County, approximately 25% would have experienced homelessness as a result of disruptive displacement but for an eviction access to counsel program.⁶⁷ This results in an estimated 140 individuals in the City and County who would avoid experiencing homelessness due to implementing an eviction access to counsel program.

Individuals experiencing homelessness are more likely to interact with police, be fined for quality-of-life crimes, and be arrested relative to housed individuals.^{68,69,70,71} A study of homelessness in Minnesota found that 12% of adults experiencing homelessness had been incarcerated within the past year.⁷² A similar study conducted in New York City found that 23% of emergency shelter residents had been incarcerated within the past 2 years.⁷³

Research and analyses conducted by the Hamilton County Community Bail Fund indicates that, on average, a person detained for a misdemeanor in Hamilton County spends 21 days incarcerated at an estimated cost of \$76 per day.⁷⁴ Applying these metrics to the 17 estimated individuals who would have experienced unsheltered homelessness and who would have also experienced incarceration but for an eviction access to counsel program in Chattanooga and Hamilton County results in estimated annual fiscal impacts of approximately \$30,000 to Chattanooga and Hamilton County. See **Exhibit H**.

⁶⁷ Based on metrics developed Robin Hood, a New York City based non-profit organization that provides funding to more than 200 programs across New York City.

⁶⁸ Speiglmán, Richard, Green, Rex S. "Homeless and Non-Homeless Arrestees: Distinctions in Prevalence and in Sociodemographic, Drug Use, and Arrest Characteristics Across DUF Sites." National Institute of Justice. 1999.

⁶⁹ Herring, Chris. "Complaint-Oriented Policing: Regulating Homelessness in Public Space." American Sociological Association. 2019.

⁷⁰ Bailey, Madeline, Crew, Erica, Reeve, Madz. "No Access to Justice: Breaking the Cycle of Homelessness and Jail." Vera Institute of Justice. 2020.

⁷¹ Zakrisson, Tanya, Hamel, Paul, Hwang, Stephen. "Homeless People's Trust and Interactions with Police and Paramedics." Journal of Urban Health. 2004.

⁷² "Overview of Homelessness in Minnesota 2006." Wilder Research. 2007.

⁷³ Metraux, Stephen, Caterina, Roman, Cho, Richard. "Incarceration and Homelessness." US Department of Veterans Affairs. 2008.

⁷⁴ Fairburn, Avery. "Examining Jail Data in Hamilton County." Hamilton County Community Bail Fund. 2023.

Section V-Conclusion

Stout quantified the estimated potential annual cost of fully implement an eviction access to counsel program in Chattanooga and Hamilton County, the fiscal impacts to the City and County of an eviction access to counsel program, and the estimated return per dollar invested in an eviction access to counsel program. Fully implementing an eviction right to counsel program in Chattanooga and Hamilton County would cost approximately \$640,000 annually. The estimated potential annual fiscal impact to Chattanooga and Hamilton County from an eviction access to counsel program is approximately \$3.1 million. The quantifiable estimated annual fiscal impacts to the City and County include:

- \$1.4 million in housing social safety net responses
- \$700,000 in increased economic activity due to higher educational attainment
- \$600,000 in fiscal impacts related to economic activity lost due to job loss
- \$140,000 in Medicaid cost savings related to physical and mental health care
- \$100,000 in federal funding retained for Hamilton County public schools
- \$80,000 in fiscal impacts related to responding to unsheltered homelessness
- \$30,000 in fiscal impacts related to incarcerating people experiencing homelessness

For every dollar invested in an eviction access to counsel program, Stout conservatively estimates a fiscal benefit to Chattanooga of at least \$4.84.

Stout's estimate of potential annual fiscal impacts to Chattanooga and Hamilton County is likely significantly understated. Included in Stout's calculations are fiscal impacts of an eviction access to counsel program that are quantifiable and reasonably reliable with available data. However, if tenants experienced more stable housing, Chattanooga and Hamilton County would enjoy many benefits that are not at this time reliably quantifiable and therefore are not included in Stout's calculations. These fiscal impacts and benefits 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 and ability to re-rent
- 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 assets and personal belongings
- A reduction, over time, of the number of eviction cases filed resulting in improved use of the Hamilton County General Sessions court resources.

Stout's conclusions are based on information received to date. Stout reserves the right to change those conclusions should additional information be provided.

Stout's review, research, and analysis was conducted on an independent basis. No Stout employee who worked on this engagement has any known material interest in the outcome of the analysis.

Appendix A-Analysis Exhibits

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit A - Summary of the Estimated Annual Fiscal Impacts to Chattanooga / Hamilton County

	<u>Costs (Rounded)</u>	<u>Exhibit</u>
1 Estimated annual cost savings related to housing social safety net responses to homelessness	\$1,400,000	B
2 Estimated economic benefit from increased educational attainment	\$700,000	C
3 Estimated economic benefit from decreased job loss	\$600,000	D
4 Estimated annual Medicaid health care cost savings	\$140,000	E
5 Estimated annual federal funding retained for Hamilton County public schools	\$100,000	F
6 Estimated annual cost savings related to housing households experiencing unsheltered homelessness	\$80,000	G
7 Estimated annual incarceration cost savings	\$30,000	H
8 Total estimated annual fiscal impacts realized by Chattanooga and / or Hamilton County if an eviction access to counsel were implemented	\$3,100,000	
9 Total estimated cost to Chattanooga and / or Hamilton County to provide an eviction access to counsel to eligible tenants	\$640,000	
10 Total estimated economic benefit to Chattanooga and / or Hamilton County per dollar invested in an eviction access to counsel	\$4.84	

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit B - Estimated Annual Fiscal Impacts Related to First and Second Housing Social Safety Net Responses Due to Disruptive Displacement

Estimated Annual Housing Social Safety Net Cost - First Use of Housing Social Safety Net		
1	Estimated number of households with a high likelihood of avoiding disruptive displacement because of access to counsel [a]	559
2	Estimated portion of households that would have likely required a housing social safety net response but for access to counsel [b]	14.5%
3	Estimated number of households that would have likely required a housing social safety net response but for access to counsel	81
4	Estimated average annual per household cost of a housing social safety net response [c,d]	\$15,300
5	Estimated annual cost to provide housing to households that would have likely avoided disruptive displacement because of access to counsel	\$1,200,000
Estimated Annual Housing Social Safety Net Cost - Second Use of Housing Social Safety Net		
6	Estimated number of households that would have likely required a housing social safety net response but for access to counsel	81
7	Estimated portion of households that would have required a second housing social safety net response within one year but for access to counsel [e]	18%
8	Estimated number of households that would have required a second housing social safety net response but for access to counsel	15
9	Estimated average annual per household cost of a housing social safety net response [c,d]	\$15,300
10	Estimated annual cost to provide subsequent housing to households that would have likely avoided disruptive displacement because of access to counsel	\$200,000
11	Total estimated cost of first and second housing social safety net responses to households that would have likely avoided disruptive displacement because of access to counsel	\$1,400,000
<p>[a] Stout's calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of access to counsel and that would have not migrated out of Chattanooga / Hamilton County.</p> <p>[b] Rolston, Howard et al. "Evaluation of the Homebase Community Prevention Program." Abt Associates. June 2013.</p> <p>[c] "FY 2022 Continuum of Care Competition Awards Projects Report." U.S. Department of Housing and Urban Development.</p> <p>[d] "2023 Point-in-Time Count TN-500 Chattanooga/Southeast Tennessee Coc." Chattanooga Regional Homeless Coalition.</p> <p>[e] "How many people become homeless again after we rehouse them?" Chattanooga Regional Homeless Coalition. https://www.homelesscoalition.org/metrics/.</p>		

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit C - Estimated Increase in Economic Activity Due to Increased Educational Attainment

1	Estimated number of households likely to avoid the high likelihood of experiencing disruptive displacement and stay in Chattanooga [a,b]	559
2	Estimated portion of households experiencing an eviction filing with children [c]	62%
3	Estimated number of households experiencing an eviction filing with children	346
4	Average number of children per household in Tennessee [d]	2
5	Estimated number of children who would avoid disruptive displacement due to implementation of access to counsel, excluding the children who would have migrated out of Chattanooga and Hamilton County	693
6	Estimated portion of individuals who experience homelessness as a result of disruptive displacement [e]	25%
7	Estimated number of children in Chattanooga and Hamilton County who would avoid homelessness as a result of access to counsel	173
8	Percentage of students who are enrolled in high school [f]	31%
9	Percentage of students experiencing homelessness who become chronically absent from school [f]	50%
10	Estimated number of high school students who would become chronically absent due to homelessness	27
11	Percentage of students who do not complete high school after one year of chronic absenteeism [g]	35%
12	Percentage of children who are not chronically absent and do not complete high school [g]	10%
13	Estimated number of children who would have completed high school as a result of access to counsel	7
14	Percent of people who remain in the jurisdiction where they are born [h]	57%
15	Estimated number of children who would complete high school and stay in Chattanooga and Hamilton County as a result of access to counsel	3
16	Net present value of the decrease in lifetime earnings for each child that does not complete high school [i]	\$ 160,000
17	Cumulative increase in annual income for Chattanooga and Hamilton County residents as a result of increased educational attainment	\$480,000
18	Economic multiplier [j]	1.40
19	Estimated increase in Chattanooga and Hamilton County economic activity that results from the educational attainment effects of implementing access to counsel	\$700,000

[a] Stout's calculation of the estimated number of households with a high likelihood of avoiding disruptive displacement if an eviction access to counsel were implemented in Chattanooga / Hamilton County.

[b] Based on Stout's findings in its independent evaluations of Cleveland's and Connecticut's eviction access to counsel programs.

[c] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[d] "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

[e] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf.

[f] National Center for Education Statistics. <https://nces.ed.gov/fastfacts/display.asp?id=372>.

[g] "Chronic Absenteeism Among Students Experiencing Homelessness in America." National Center for Homeless Education. 2022.

[h] "Research Brief: Chronic Absenteeism." University of Utah, Utah Education Policy Center. 2012.

[i] Cohn, D'vera and Morin, Rich. "Who Moves? Who Stays Put?" Pew Research Center. 2008.

[j] Tamborini, et al. "Education and Lifetime Earnings in the United States." Demography. 2016. See figure 2, Male: Net Present Value and Female: Net Present Value.

[k] RIMS II Multipliers (2012/2021) Table 3.5 Total Multipliers for Output, Earnings, Employment, and Value Added by State 64 - Private households (Type II).

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit D - Estimated Annual Unemployment Benefits Cost Savings

1	Estimated number of households likely to avoid experiencing disruptive displacement [a]	559
2	Estimated average percentage of households that experience job loss because of disruptive displacement [b]	15%
3	Estimated number of households that would have likely experienced job loss because of disruptive displacement	85
4	Tennessee hourly minimum wage [c]	\$7.25
5	Estimated hours worked per week [d]	35
6	Average duration of unemployment (in weeks) [e]	22.3
7	Estimated income per individual who had not experienced job loss over unemployment period due to implementing access to counsel	\$5,659
8	Total increase in income to individuals who had not experienced job loss due to implementing access to counsel	\$480,000
9	Estimated percentage of Tennessee residents who apply for and receive unemployment benefits [f]	13%
10	Average weekly unemployment benefits payment in Tennessee [e]	\$249
11	Average number of weeks unemployment insurance benefits are received [e]	11
12	Estimated unemployment benefits not paid to individuals due to implementing access to counsel	\$30,000
13	Net increase in income to individuals who had not experienced job loss due to implementing access to counsel	\$450,000
14	Economic multiplier [g]	1.4
15	Estimated increase in Chattanooga / Hamilton County economic activity that results from employment stability due to implementing access to counsel	\$600,000

[a] Stout's calculation of the estimated number of households with a high likelihood of avoiding disruptive displacement if an eviction access to counsel were implemented in Chattanooga / Hamilton County.

[b] Estimated based on findings from Desmond, Matthew and Gerhenson, Carl. "Housing and Employment Insecurity among the Working Poor." Harvard University. January 11, 2016.

[c] "State Minimum Wage Laws." United States Department of Labor: Wage and Hour Division.

[d] Estimated using <https://www.bls.gov/sae/tables/annual-average/table-4-average-hours-and-earnings-of-all-employees-on-private-nonfarm-payrolls-by-state.htm>

[e] Bureau of Labor Statistics Table A-12: Unemployed persons by duration of unemployment.

[f] Unemployment Insurance Data published by the United States Bureau of Labor Statistics (Q1 2023).

[g] RIMS II Multipliers (2012/2021) Table 3.5 Total Multipliers for Output, Earnings, Employment, and Value Added by State 64 - Private households (Type II).

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
 Exhibit E - Estimated Annual Additional Medicaid Spending by Chattanooga / Hamilton County Related to Individuals Experiencing Homelessness Due to Disruptive Displacement

Cost Type	Individuals Avoiding the High Likelihood of Disruptive Displacement [a]	Portion of Individuals Experiencing Homelessness Due to Disruptive Displacement [b]	Individuals Experiencing Homelessness as a Result of Disruptive Displacement	Utilization Rate by People Experiencing Homelessness [c]	Individuals Experiencing Homelessness as a Result of Disruptive Displacement Utilizing Healthcare Services	Portion of Individuals Experiencing Homelessness as a Result of Disruptive Displacement Utilizing Healthcare Services But For Experiencing Homelessness [c,d]	Portion of Individuals Experiencing Homelessness as a Result of Disruptive Displacement Enrolled in Medicaid [e]	Average Cost per Individual Experiencing Homelessness [f,g]	Estimated Annual Additional Health Care Cost Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement	Portion of TennCare Expenditures funded by Local Jurisdictions [h]	Estimated Annual Additional Medicaid Spending Related to Individuals Experiencing Homelessness as a Result of Disruptive Displacement (rounded)
1 In-patient Care	1,676	25%	419	23%	96	80%	84%	\$5,600	\$562,694	7%	\$30,000
2 Emergency Room Care	1,676	25%	419	32%	134	75%	84%	\$18,500	\$1,562,852	7%	\$110,000
3 Total (rounded)											\$140,000

[a] Stout's calculation of the estimated number of income individuals with a high likelihood of avoiding disruptive displacement as a result of access to counsel in Chattanooga / Hamilton County.

[b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf.

[c] Kushel, Margot, et al. "Factors Associated With the Health Care Utilization of Homeless Persons." The Journal of the American Medical Association. January 10, 2001.

[d] Kushel, Margot, et al. "Emergency Department Use Among the Homeless and Marginally Housed: Results From a Community-Based Study." The American Journal of Public Health. May 2002.

[e] DiPietro, Barbara, et al. "Early Impacts of the Medicaid Expansion for the Homeless Population." The Kaiser Commission on Medicaid and the Underinsured. November 2014.

[f] Salit, Sharon, et al. "Hospitalization costs associated with homelessness in New York City." National Library of Medicine. 1998. Average cost of \$3,000 adjusted for inflation.

[g] "The Cost of Homelessness Facts." Green Doors. N.d.

[h] "Understanding Medicaid and TennCare." The Sycamore Institute. 2017.

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County

Exhibit F - Estimated Annual Federal Funding Lost for Hamilton County Public Schools Due to Migration out of Chattanooga

1	Estimated number of households likely to avoid the high likelihood of experiencing disruptive displacement [a]	576
2	Estimated portion of households experiencing an eviction filing who indicate they would need to move outside of the jurisdiction if they were disruptively displaced [b]	3%
3	Estimated number of households experiencing an eviction filing who would likely move outside of the jurisdiction if they were disruptively displaced	17
4	Estimated portion of households experiencing an eviction filing with children [c]	62%
5	Estimated number of households experiencing an eviction filing with children who would likely move outside of the jurisdiction if they were disruptively displaced	11
6	Average number of children per household in Tennessee [d]	2
7	Estimated number of children who would likely move outside of the jurisdiction if their household were disruptively displaced	21
8	Per pupil state funding received by Hamilton County for Hamilton County Public Schools [e]	\$3,600
9	Per pupil federal funding received by Hamilton County for Hamilton County Public Schools [e]	\$1,050
10	Estimated federal funding lost for Hamilton County public schools due to student migration out of Chattanooga because of disruptive displacement	\$100,000

[a] Stout's calculation of the estimated number of households with a high likelihood of avoiding disruptive displacement if an eviction access to counsel were implemented in Chattanooga / Hamilton County.

[b] Based on Stout's findings in its independent evaluations of Cleveland's and Connecticut's eviction access to counsel programs.

[c] Desmond, Matthew et al. "Evicting Children." Social Forces. 2013.

[d] "Families with Children Under 18." U.S. Census Bureau, Bureau of Labor Statistics. November 2021.

[e] Calculated using U.S. Census Fiscal Year 2019 Annual Survey of School System Finances.

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit G - Estimated Annual Fiscal Benefits Related to Responding to Unsheltered Homelessness

1	Estimated number of households with a high likelihood of avoiding disruptive displacement because of a access to counsel [a]	559
2	Estimated percentage of people who experience homelessness due to disruptive displacement [b]	25%
3	Number of households in Chattanooga / Hamilton County that would avoid homelessness due to implementation of access to counsel	140
4	Estimated percentage of population experiencing homeless that is living unsheltered [c]	77%
5	Estimated number of unsheltered households that would have likely required a housing social safety net response but for access to counsel	108
6	Estimated per household cost to shelter a household experiencing unsheltered homelessness in Chattanooga / Hamilton County [d]	\$ 700
7	Estimated annual fiscal benefits related to responding to unsheltered homelessness	\$ 80,000

[a] Stout's calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of access to counsel and that would have not migrated out of Chattanooga / Hamilton County.

[b] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf.

[c] "Hamilton County, Tn Point-in-Time Count 2023: A Snapshot of Homelessness." Chattanooga Regional Homeless Coalition.

[d] Chattanooga City Council approved giving \$60,000 to the Chattanooga Housing Authority to provide emergency housing to up to 100 unsheltered residents, or about \$600 a resident. In addition to this funds were approved to provide motel stays to unsheltered families. In December 2022, the City of Chattanooga and Hamilton County provided \$100,000 for 122 families to stay in a converted motel, or about \$800 per household. To estimate the cost of providing emergency housing to unsheltered residents Stout averaged these two amounts.

The Estimated Economic Impact of an Eviction Access to Counsel in Chattanooga and Hamilton County
Exhibit H - Estimated Cost Savings from Adults Avoiding Incarceration Due to Disruptive Displacement

1	Estimated number of households with a high likelihood of avoiding disruptive displacement because of access to counsel [a]		559
2	Average number of adults per household [b]		1
3	Number of adults who would avoid disruptive displacement due to implementation of access to counsel, excluding the adults who would have migrated out of Chattanooga / Hamilton County		559
4	Estimated percentage of people who experience homelessness due to disruptive displacement [c]		25%
5	Number of adults in the Chattanooga / Hamilton County who would avoid homelessness because of access to counsel		140
6	Percent adults experiencing homelessness who spend one night per year incarcerated [d]		12%
7	Number of individuals who would avoid incarceration because of access to counsel		17
8	Per night booking cost in Hamilton County [e]	\$	76
9	Average number of nights an individual is incarcerated in Hamilton County [e]		21
10	Total per person cost of incarceration in Hamilton County	\$	1,595
11	Estimated annual incarceration cost savings	\$	30,000

[a] Stout's calculation of the estimated number of income eligible households with a high likelihood of avoiding disruptive displacement as a result of access to counsel and that would have not migrated out of Chattanooga / Hamilton County.

[b] Estimated as total population minus population under 18 divided by number of households. United States Census Bureau Quickfacts: Tennessee. <https://www.census.gov/quickfacts/TN>.

[c] Estimated by Robin Hood. https://robinhoodorg-production.s3.amazonaws.com/uploads/2017/04/Metrics-Equations-for-Website_Sept-2014.pdf.

[d] "Overview of Homelessness in Minnesota 2006." Wilder Research. 2007. and Metraux, Stephen, Caterina, Roman, Cho, Richard. "Incarceration and Homelessness." US Department of Veterans Affairs. 2008.

[e] Research from Avery Fairburn and the Hamilton County Community Bail Fund found the average duration of incarceration was 21 days, and the average cost per incarcerated person per day was \$75.93. https://www.calebcha.org/uploads/1/2/3/3/123380386/examining_jail_data_in_hamilton_county_tn_-_report.pdf

Appendix B-Efforts to Pass Eviction Right to Counsel / Access to Counsel Legislation

California. June 2018: **San Francisco** became the second city to guarantee a right to counsel for tenants in evictions cases through a ballot referendum. San Francisco Mayor London Breed subsequently earmarked \$1.9 million for fiscal year 2018-2019 and \$3.9 million for fiscal year 2019-2020 to implement the new law.⁷⁵ In 2021, the City of San Francisco increased its investment in eviction right to counsel to \$17 million.⁷⁶ July 2018: Advocates in **Concord** released a report discussing housing affordability challenges, hazardous conditions, and tenants' persistent fear of eviction. The report recommended a citywide right to counsel law.⁷⁷ Another tenant advocacy group in the area released a report calling for a statewide right to counsel bill, noting the increasing number of tenants facing eviction and the rapid pace of eviction proceedings.⁷⁸ June 2019: Pro bono law firm, Public Counsel, and the University of California Los Angeles release a report advocating for reforms to landlord-tenant law, including establishing a right to counsel as a tenant protection.⁷⁹ September 2019: **Los Angeles County** Board of Supervisors passed motions to advance several tenant protection measures, including an eviction defense program for low-income households facing eviction.⁸⁰ Initial proposed funding included \$2 million for startup costs and \$12.5 million for implementation annually.⁸¹ December 2019: **Santa Monica** took steps toward becoming the sixth city to establish a right to counsel for tenants facing eviction.⁸² **Los Angeles City Council** voted to add \$9 million to its eviction defense fund, increasing the fund to \$23.5 million for eviction defense.⁸³ February 2020: Data was released showing that eviction filings in San Francisco declined by 10%, and that 67% of those receiving full-scope representation have been able to stay in their homes.⁸⁴ April 2021: Assembly Bill 1487 passed California's Assembly Judiciary Committee. The bill would establish a statewide eviction defense program for low-income renters.⁸⁵ The author of the bill, Assemblyman Jesse Gabriel, estimated that the bill would have a return on investment of \$4 for every dollar invested (400%), which includes costs savings related to shelters and

⁷⁵ Waxmann, Laura. "Tenant advocacy groups set to receive funding under 'Right to Counsel' program." San Francisco Examiner. November 28, 2018.

⁷⁶ Mojada, Ida. "Tenants facing eviction cliff want lawyers: Here's what San Francisco is doing about it." San Francisco Examiner. July 2021.

⁷⁷ "The Housing Crisis Hits Home in Concord." 2018.

⁷⁸ Inglis, Aimee and Preston, Dean. "California Evictions are Fast and Frequent." Tenants Together. May 2018.

⁷⁹ Bonett, Gregory et al. "How Permanent Tenant Protections Can Help Communities Prevent Homelessness and Resist Displacement in Los Angeles County." Public Counsel and UCLA School of Law. June 2019.

⁸⁰ Wenzke, Marissa and Burch, Wendy. "L.A. County Supervisors Vote 5-0 for Permanent Rent Control Measure Affecting 100,000 Tenants in Unincorporated Areas." KTLA5. September 2019.

⁸¹ Motion by Supervisors Sheila Kuehl and Mark Ridley-Thomas. "Implementing Eviction Defense and Prevention Services in Los Angeles County." September 10, 2019.

⁸² Pauker, Madeleine. "Universal legal representation for renters would cost up to \$1 million." Santa Monica Daily Press. December 17, 2019.

⁸³ National Coalition for a Civil Right to Counsel. http://civilrighttocounsel.org/major_developments/1273

⁸⁴ Press Release: Supervisor Dean Preston Holds Hearing on Implementation for Right to Counsel Law. February 24, 2020.

⁸⁵ Symon, Evan. "California Eviction Defense Program for Vulnerable Renters Bill Passes in Committee." California Globe. April 2021.

health care.⁸⁶ July 2023: Los Angeles County Board of Supervisors voted to explore a phased implementation for an eviction right to counsel.⁸⁷ December 2023: Los Angeles City Council approved recommendations to establish an eviction right to counsel for tenants with household incomes at or below 80% of the area median income.⁸⁸

Colorado. November 2020: Voters in **Boulder** approved a ballot initiative establishing a right to counsel for tenants facing eviction regardless of income.⁸⁹ April 2021: A group of tenant advocates filed a ballot initiative to fund a right to counsel for Denver renters facing eviction, and two city councilmembers plan to introduce a similar proposal via the local legislative process.⁹⁰

Connecticut. In May 2021, **Connecticut** became the third state to enact a right to counsel for low-income tenants facing eviction. The legislation provides representation to tenants who have household incomes at or below 80% of the state median income adjusted for family size or who receive public assistance.⁹¹ January 2022: Connecticut launched the first phase of its statewide eviction right to counsel program in 14 zip codes that represent 25% of eviction filings across the state.⁹²

Delaware. In July 2023, Senate Bill 1 was enacted to provide a limited right counsel for Delaware tenants in eviction proceedings, which include subsidy terminations and actions related to habitability, illegal eviction, retaliatory actions, or violations of quiet use and enjoyment. The bill includes language describing instances in which tenants would not have a right to counsel.⁹³

Florida. In April 2022, **St. Petersburg** City Council’s Youth and Family Services Subcommittee began exploring increasing representation rates among tenants facing eviction with an eye toward enacting an eviction right to counsel.⁹⁴ In October 2023, St. Petersburg City Council approved \$100,000 in funding for an eviction right to counsel pilot program.⁹⁵

⁸⁶ Ibid.

⁸⁷ “LACo Moves to Ensure Legal Services for Tenants Facing Eviction.” My News LA. July 2023

⁸⁸ Grazier, Rebecca. “L.A. City Council Approves Right-to-Counsel Program for Renters Facing Eviction.” Westside Voice. December 2023.

⁸⁹ Ordinance 8412.

⁹⁰ Karlik, Michael. “Group files ballot initiative for eviction defense, while council works on own proposal.” Colorado Politics. March 28, 2021.

⁹¹ House Bill No. 6531.

⁹² Banks, Julie Martin. “Right to Counsel Launch to Help Fight Evictions.” CT News Junkie. January 2022.

⁹³ “Delaware Takes major Step Towards Tenant Right to Counsel.” National Coalition for a Civil Right to Counsel. June 2023.

⁹⁴ “St. Pete Weights Right to Counsel for Tenants Facing Eviction.” National Coalition for a Civil Right to Counsel. April 2022.

⁹⁵ Stevenson, Arielle. “St. Petersburg City Council approves \$100k for pilot eviction diversion program.” Tampa Bay Creative Loafing. October 2023.

Illinois. In 2022, Chicago launched a 3-year eviction right to counsel pilot program funded with \$8 million in federal pandemic relief dollars.⁹⁶

Indiana. In January 2021, SB 350 was introduced and would establish a right to counsel for indigent tenants during possessory actions.⁹⁷

Kentucky. In March 2021, A group of **Louisville** City Council members filed a right to counsel ordinance for low-income families facing eviction.⁹⁸ April 2021: Louisville City Council voted to enact a right to counsel for low-income families with children who are facing eviction.⁹⁹

Louisiana. In May 2022, **New Orleans** City Council unanimously approved an ordinance providing a right to counsel to all tenants, regardless of income, facing eviction, termination of a housing subsidy, or seeking injunctive relief related to an illegal eviction.¹⁰⁰

Maryland. December 2020: The City of **Baltimore** enacts an eviction right to counsel for low-income tenants. January 2021: A group of **Maryland** legislators introduced a legislative package that includes a right to counsel for tenants facing eviction and underscores the need for tenant outreach and tenants' rights education.¹⁰¹ May 2021: Statewide right to counsel legislation was passed in Maryland's House and Senate and became law on May 30, 2021.¹⁰² January 2022: The Maryland Access to Counsel in Evictions Task Force released a report of recommendations and findings related to Maryland's statewide eviction right to counsel legislation.¹⁰³

Massachusetts. In January 2017, the mayor of **Boston** announces a five-bill package that will be submitted to the state legislature to assist with tenant displacement.¹⁰⁴ One of the bills would require a court-appointed attorney to represent low-income tenants in eviction proceedings.¹⁰⁵ January 2019: Throughout 2019, various bills were introduced to the Massachusetts State Legislature proposing a statewide right to counsel in eviction proceedings, creating a public

⁹⁶ Asiegbu, Grace. "Mayor Johnson sets sights on enshrining right to counsel for Chicago tenants in eviction court." Injustice Watch. October 2023.

⁹⁷ Indiana Senate Bill 350

⁹⁸ Yarmuth, Aaron. "Right to Counsel Is The Right Move for Louisville." LEO Weekly. March 31, 2021.

⁹⁹ Loosemore, Bailey. "Louisville approves free legal services for low-income families facing eviction." Louisville Courier Journal. April 22, 2021.

¹⁰⁰ https://cityofno.granicus.com/MetaViewer.php?view_id=&event_id=23299&meta_id=581807

¹⁰¹ Maryland House Bill 18 and Maryland Senate Bill 154.

¹⁰² Weill-Greenberg, Elizabeth. "Maryland Could Be the First State to Provide Lawyers for Tenants Facing Eviction." The Appeal. April 16, 2021.

¹⁰³ "Report of the Access to Counsel in Evictions Task Force." Maryland Access to Justice Commission in partnership with the Maryland Attorney General. January 2022.

¹⁰⁴ Chakrabarti, Meghna and Bruzek, Alison. "Mayor Walsh Unveils Package of Anti-Displacement Bills." WBUR. January 13, 2017.

¹⁰⁵ Ibid.

task force, and promoting homelessness prevention.¹⁰⁶ July 2019: The Massachusetts Joint Judiciary Committee held a public hearing on the eviction right to counsel bills.¹⁰⁷ November 2019: The Massachusetts Right to Counsel Coalition drafted and refiled three right to counsel bills for consideration by the Judiciary Committee in the 2019-2020 session. February 2023: Massachusetts House and Senate bills to provide an eviction right to counsel to tenants and owner-occupants of a 1-3 unit building were refiled. The Access to Counsel Coalition authored a letter to the Governor asking for a \$7 million budget allocation for phase 1 of a statewide eviction right to counsel.¹⁰⁸

Michigan. In May 2022, **Detroit** City Council enacted an ordinance guaranteeing counsel for tenants with incomes at or below 200% of the federal poverty level who are facing eviction or mortgage and property tax foreclosures.¹⁰⁹

Minnesota. In March 2019, legislation establishing a right to counsel for public housing tenants facing eviction due to a breach of lease was introduced in the Minnesota Legislature.¹¹⁰ In May 2023, Minnesota created a right to appointed counsel for public housing tenants who cannot afford counsel and who are facing eviction for an alleged breach of lease.¹¹¹

Missouri. In December 2021, city council for **Kansas City**, Missouri passed an ordinance establishing a right to counsel for tenants facing eviction regardless of income.¹¹²

Nebraska. In January 2021, LB 419 was introduced and would require the appointment of counsel in eviction proceedings.¹¹³ In December 2022, the **Omaha** City Council approved an affordable housing plan that included language referencing an eviction right to counsel.¹¹⁴

New Jersey. In December 2018, **Newark** City Council passed a bill guaranteeing a right to counsel in eviction cases.¹¹⁵ In its first four months of existence, the newly-created Office of Tenant Legal Services “took on 140 cases, yielding results that have helped more than 350

¹⁰⁶ McKim, Jenifer and Serrano, Alejandro. “As rents soar in Boston, low-income tenants try to stave off eviction.” Boston Globe. February 19, 2019.

¹⁰⁷ Schoenberg, Shira. “Tenants in eviction cases get powerful Beacon Hill ally in Boston Mayor Marty Walsh.” MassLive. July 17, 2019.

¹⁰⁸ “Massachusetts Considers Tenant Right to Counsel.” National Coalition for a Civil Right to Counsel. February 2023.

¹⁰⁹ Rahal, Sarah. “Detroit City Council approves ‘Right to Counsel’ for renters facing eviction.” The Detroit News. May 2022.

¹¹⁰ 2019 Bill Text MN H.B. 2593.

¹¹¹ “Minnesota Creates Limited Statewide Tenant Right to Counsel.” National Coalition for a Civil Right to Counsel. February 2023.

¹¹² Rivas, Rebecca. “Kansas City residents will soon have the right to an attorney in eviction proceedings.” Kansas Reflector. December 2021.

¹¹³ Nebraska Legislative Bill 419.

¹¹⁴ Omaha Housing Affordability Action Plan. October 2022.

¹¹⁵ Brey, Jared. “Tenants’ Right to Counsel on the Move, Next Stop Newark.” Next City. January 10, 2019.

residents avoid homelessness.”¹¹⁶ In June 2023, the Jersey City Council approved an ordinance establishing an eviction right to counsel for tenants. The ordinance covers evictions, subsidy terminations, violations of the maintenance code, and violations related to rent control laws.¹¹⁷

New York. July 2017: **New York City** became the first U.S. city to pass legislation guaranteeing a right to counsel for tenants in eviction proceedings.¹¹⁸ The legislation was spurred by strong grassroots movements by tenant organizers and advocates. Stout’s cost-benefit analysis, completed prior to passage of the legislation, concluded that the legislation could save New York City \$320 million annually.¹¹⁹ April 2019: City council members introduced bills to expand the income eligibility for the right to counsel and fund tenant organizing.¹²⁰ November 2019: The New York City Office of Civil Justice, the office responsible for overseeing the implementation of right to counsel, reported that since the right was enacted, 84% of represented tenants have remained in their homes.¹²¹ Additionally, evictions have declined by more than 30% in the zip codes with a right to counsel since implementation of the right to counsel.¹²² February 2020: Two committees of the New York City Council heard eight hours of testimony from tenants, organizers, community organizations, legal services providers, government agencies, and housing court judges regarding the impact that right to counsel has had in New York City. Testimony also included support for the two pending bills – one for increasing the income eligibility and one for funding tenant organizing.¹²³ April 2021: City Council passed a bill that accelerates implementation of right to counsel and requires the Office of Civil Justice to “work with community organizations to engage and educate tenants of their rights in housing court, including but not limited to hosting “know your rights” trainings and other workshops for tenants, distributing written information to tenants, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and any other activity to engage, educate or inform tenants about their rights in housing court.”¹²⁴ September 2021: Statewide eviction right to counsel legislation was introduced in the Albany

¹¹⁶ “7 strategies for reducing the number of evictions in your community.” Bloomberg Cities. February 26, 2020.

¹¹⁷ “Jersey City Becomes 21st Jurisdiction with Tenant Right to Counsel.” National Coalition for a Civil Right to Counsel. June 2023.

¹¹⁸ Capps, Kriston. “New York City Guarantees a Lawyer to Every Resident Facing Eviction.” City Lab. August 14, 2017.

¹¹⁹ “The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A.” Stout Risius Ross. March 16, 2016.

¹²⁰ Mironova, Oksana. “NYC Right to Counsel: First year results and potential for expansion.” Community Service Society. March 25, 2019.

¹²¹ Universal Access to Legal Services: A Report on Year Two of Implementation in New York City.” Office of Civil Justice, New York City Human Resources Administration. Fall 2019.

¹²² Ibid.

¹²³ Gonen, Yoav. “Eviction Drop Fuels Push to Expand Free Housing Help for Low-Income NYC Tenants.” The City. February 24, 2020.

¹²⁴ Intro 1529.

County Legislature.¹²⁵ November 2021: The City of **Ithaca** enacted a resolution committing to create a program that provides representation to tenants in eviction proceedings and has allocated \$125,000 per year toward the program.¹²⁶ May 2023: **Westchester County** became the 19th jurisdiction to provide an eviction right to counsel to tenants. The legislation created an Office of Housing and Counsel and requires that all tenants with incomes at or below 300% of the federal poverty level receive full representation.¹²⁷

Ohio. In September 2019, **Cleveland's** city council passed legislation to provide a right to counsel for tenants who have incomes at or below 100% of the federal poverty guidelines and who have at least one child.¹²⁸ During the first six months following enactment: approximately 93% of represented tenants seeking to avoid an eviction or involuntary move were able to do so; approximately 83% of represented tenants seeking more time to move (30 days or more) were able to achieve this outcome; and approximately 89% of represented tenants seeking to mitigate their damages were able to do so.¹²⁹ In September 2021, **Toledo** City Council enacted an eviction right to counsel ordinance for tenants facing eviction with incomes at or below 200% of the federal poverty guidelines.¹³⁰ April 2022: **Lakewood** City Council considered an ordinance providing an eviction right to counsel to tenants with household incomes at or below 200% of the federal poverty level and tenants who are seniors or have disabilities.¹³¹

Oklahoma. In May 2023, **Tulsa** and **Oklahoma City** began piloting an eviction right to counsel in select zip codes.¹³²

Pennsylvania. June 2017: **Philadelphia** City Council allocated \$500,000 to expand legal representation for tenants facing eviction.¹³³ November 2018: Stout released a cost-benefit analysis of right to counsel legislation in Philadelphia, finding that such a law would save the City of Philadelphia \$45.2 million annually.¹³⁴ May 2019: Philadelphia City Council members

¹²⁵ Lucas, Dave. "Right to Counsel Legislation Introduced in Albany County." WAMC Northeast Public Radio. September 20, 2021.

¹²⁶ "Ithaca Joins Cities with Universal Tenant Representation." National Coalition for a Civil Right to Counsel. November 2021.

¹²⁷ "Westchester County NY is First County with Tenant Right to Counsel." National Coalition for a Civil Right to Counsel. May 2023.

¹²⁸ Hlavaty, Kaylyn. "Legislation passes to protect children in homes facing eviction by providing free legal help for low-income tenants." News 5 Cleveland. October 1, 2019.

¹²⁹ Annual Report to Cleveland City Council. Right to Counsel Free Eviction Help. January 2021.

¹³⁰ "Toledo City Council approves tenants' right-to-counsel bill." The Blade. September 2021.

¹³¹ "Lakewood Ohio Considered Tenant Right to Counsel." National Coalition for a Civil Right to Counsel. April 2022.

¹³² "All About Right to Counsel Efforts in Tulsa and OKC." National Coalition for a Civil Right to Counsel. January 2024.

¹³³ Blumgart, Jake. "Philadelphia sets aside \$500,000 to help renters fight eviction." WHYY. June 29, 2017.

¹³⁴ "Economic Return on Investment of Providing Counsel in Philadelphia Eviction Cases for Low-Income Tenants." Stout Risius Ross. November 13, 2018.

introduced a bill to establish an ordinance for a right to counsel in eviction proceedings.¹³⁵ **November 2019:** Philadelphia City Council passed right to counsel legislation for tenants facing eviction, becoming the fifth U.S. city to do so.¹³⁶ **April 2021:** The Municipal Court of Philadelphia (where landlord-tenant and eviction cases are heard) ordered that for 45 days, rental property owners are required to apply to the city’s rental assistance program and must enroll in the Eviction Diversion Program (i.e., pre-filing mediation) before filing an eviction with the court for non-payment of rent.¹³⁷ **January 2022:** Philadelphia launched its eviction right to counsel program in two zip codes in Philadelphia with plans to expand to four more zip codes by July 2022.¹³⁸

South Carolina. In April 2023, House Bill 3844 was introduced in South Carolina. This bill would guarantee counsel for low-income tenants facing eviction statewide.¹³⁹

Tennessee. In July 2022, **Davidson County (Nashville)** launched a 2-year pilot eviction right to counsel program for tenants with household incomes at or below 400% of the federal poverty level. The pilot program is funded by Metro Nashville City Council.¹⁴⁰

Virginia. In June 2021, **Charlottesville** City Council committed to providing \$300,000 in funding which would enable most low-income tenants to be provided with counsel in eviction proceedings.¹⁴¹

Washington. **January 2021:** SB 5160 was introduced and would guarantee counsel for indigent tenants facing eviction statewide, if passed. The bill has a flexible definition of “indigent,” and the Office of Civil Legal services would receive the funds necessary to provide counsel.¹⁴² **March 2021: Seattle** enacts a right to counsel for low-income tenants facing eviction.¹⁴³ **April 2021: Washington** became the first state to enact a right to counsel statewide. The legislation provides representation to tenants who receive public assistance or who have incomes of 200% or less of the federal poverty level.¹⁴⁴ **July 2021:** Washington State Office of Civil Legal services

¹³⁵ Blumgart, Jake. “Philly renters guaranteed lawyers in eviction court under new City Council bill.” WHYY. May 9, 2019.

¹³⁶ D’Onofrio, Michael. “Philly City Council passes right to counsel bill for low-income tenants.” Pennsylvania Capital-Star. November 18, 2019.

¹³⁷ “Philly may have just revolutionized evictions.” The Philadelphia Inquirer. April 2021.

¹³⁸ Rushing, Ellie. “Low-income tenants facing eviction can now get free legal representation in 2 Philly zip codes.” The Philadelphia Inquirer. January 2022.

¹³⁹ “South Carolina Bill Would Provide Right to Counsel for Tenants.” National Coalition for a Civil Right to Counsel. April 2023.

¹⁴⁰ Eviction Right to Counsel. Legal Aid Society of Middle Tennessee and the Cumberland.

¹⁴¹ “Charlottesville to Provide Counsel for Most Low-Income Tenants.” June 2021.

¹⁴² Washington Senate Bill 5160.

¹⁴³ CB 120007.

¹⁴⁴ SB 5160.

published its right to counsel implementation plan.¹⁴⁵ Washington’s right to counsel must be fully implemented no later than April 22, 2022.

Wisconsin. In June 2021, the **Milwaukee** County Board of Supervisors passed a resolution establishing a right to counsel for tenants facing eviction regardless of income.¹⁴⁶

¹⁴⁵ “Right to Counsel for Indigent Tenants: Implementation Plan.” Washington State Office of Civil Legal Aid. July 2021.

¹⁴⁶ Cahill, Margaret. “Milwaukee County Board passes right to counsel in eviction cases, renaming of Lindbergh Park.” Milwaukee Journal Sentinel. June 24, 2021.