

CIVIL LEGAL COUNSEL PROJECTS PROGRAM (CLCPP) EVALUATION

Annual Evaluation Report, FY2021 *(Revised)*

October 2021



Submitted to:

District of Columbia Bar Foundation (DCBF)

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INTRODUCTION

The DC Bar Foundation (DCBF) exists to support and strengthen civil legal services in the District of Columbia (DC) to ensure that these critical services remain accessible and effective for those who need them. In addition to being the largest funder of civil legal service organizations in DC, DCBF also endeavors to strengthen and evolve the broader field of civil legal aid by fostering, and in some cases leading, system-level initiatives. Under DCBF’s watch, the Civil Legal Counsel Projects Program, initially a conventional grant program, has become an impact network initiative with broader system impact for low-income DC residents at risk of eviction.

CLCPP STATUTE

The Civil Legal Counsel Projects Program (CLCPP) is a grant program established by the Expanding Access to Justice Amendment Act (DC Act 22-130) enacted by the Council of the District of Columbia (DC Council) in July 2017. Grants are administered by DCBF and awarded to legal services organizations in the District of Columbia to provide legal assistance to low-income DC residents who are facing eviction proceedings or the loss of a housing subsidy.¹ Under the statute, covered proceedings include any “actual or reasonably anticipated administrative or judicial proceeding in the District of Columbia to evict an eligible individual or group.” Through September 2021, individuals were considered eligible if their household income was not more than 200% of the federal poverty guidelines (FPG).²

CLCPP NETWORK

Most fields—civil legal services included—are fragmented, with organizations working in siloes or competing for limited resources. Information sharing and cross-silo communication is rare, which restricts the intelligence, efficiency, and adaptability of the overall system. In these conditions, it is common for organizations in the same sector to try to do everything independently and therefore end up performing redundant activities—for example, multiple organizations conducting outreach to the same communities, offering the full range of services, and lobbying for policy changes—which works against the maximization of (typically limited public) resources.

A network is a group of professionals from different organizations or sectors who come together behind a common purpose. They build trusting relationships with each other and begin to share

¹ Most often, the subsidy at issue is a Housing Choice Voucher, which is a tenant-based Section 8 program that allows tenants to transfer their subsidy to a different rental property if they move. This voucher-based subsidy contrasts with building-based subsidies that are not transferrable if the tenant is evicted.

² Income is defined by the Federal Poverty Guidelines (FPG) published by the U.S. Department of Health and Human Services, available at: <https://aspe.hhs.gov/poverty-guidelines>. As of October 1, 2021, (after the time period for this report), CLCPP eligibility criteria were expanded to households with incomes up to 250% of the FPG.

information, coordinate the activities of their respective organizations, and identify ways to collaborate to improve the system. Members benefit from one another's knowledge and experience, and ideas emerge for innovative practices and collaborative projects. Over time, the network becomes a unique entity, and members recognize that they can achieve more as a collective than any of their individual organizations can alone. This type of collaboration makes true system change possible.

Since the program's inception, DCBF has administered CLCPP grants to 6 legal services organizations:

- Bread for the City
- DC Bar Pro Bono Center's Landlord Tenant Resource Center
- Legal Aid Society of the District of Columbia
- Legal Counsel for the Elderly
- Neighborhood Legal Services Program
- Rising for Justice

During this time, these organizations have evolved from being 6 independent grantees working in the same field with some limited collaboration to being a well-integrated eviction defense network. United behind the goal of improving legal services for low-income tenants, especially during the COVID-19 public health crisis, these partners communicate and share information regularly, coordinate their organizations' activities, and collaborate on efforts to effect broader changes to the system.

CURRENT PROGRAM CONTEXT

Ongoing Impact of COVID-19 Pandemic

Throughout this grant year, the pandemic related to the novel coronavirus (COVID-19) continued to impact the functioning of various service systems. In DC, the mayor declared a public health emergency related to COVID-19 in March 2020 that remained in effect through September 2021. Also in March 2020, the DC Council enacted emergency legislation that, among various social distancing requirements and tenant protections, prohibited evictions for the duration of the public health emergency period and prohibited new eviction filings for any reason until 60 days after the emergency period ends. Evictions that were filed before March 2020, but halted due to the pandemic, resumed on September 13, 2021. New eviction filings, alleging nonpayment of rent, were allowed as of October 12, 2021 (after the time period covered by the data in this report), and new eviction filings for other reasons were set to resume in January 2022. The earlier resumption of the nonpayment filings pertained to the availability of emergency rental assistance, enabling tenants to secure funds to pay landlords any back-owed rent accumulated during the pandemic.

Because the Landlord and Tenant (L&T) Branch of the DC Superior Court is a high-volume court, with a docket of roughly 200 cases per day before the pandemic, it was not possible for the court to operate and maintain appropriate social distancing space. Along with the eviction ban, this difficulty led the

Superior Court to close its L&T Branch courtrooms on March 16, 2020. Court staff spent several months developing the technology and protocols necessary to host virtual courtrooms so that eligible cases could proceed during the shutdown. Remote hearings began in July 2020 and continued throughout this grant year, as the physical L&T Branch courtrooms remained shuttered. CLCPP attorneys are present in the virtual courtroom to facilitate connection with self-represented tenants who are eligible for services.

In June 2020, the CLCPP providers launched the **Landlord Tenant Legal Assistance Network (LTLAN)**, a telephone-based coordinated intake and referral process (described in detail in the FY2020 evaluation report). The LTLAN continued to operate throughout the current grant year, offering a single phone line for low-income litigants to call and be connected with an attorney from a CLCPP partner, and expanding to offer tenants the option of completing intake forms online. The LTLAN hotline number is publicized by the court in mailed documents about upcoming hearings and during remote hearings. The LTLAN continues to be an accessible point of entry for DC residents, and CLCPP partners continue to connect with hundreds of tenants via these hotline calls and completed online forms.

Snapshot of Rental Costs in the District of Columbia

In the past several years, DC has seen a surge in development and, with it, rising housing costs and wide-spread gentrification that is displacing many low-income residents. In its 2021 publication of the annual *Out of Reach* report,³ the National Low Income Housing Coalition (NLIHC) ranked the District of Columbia as the fifth most expensive jurisdiction (compared to states) in the nation with regard to rental housing wages. In 2021, the Fair Market Rent for a 2-bedroom apartment in DC was \$1,765 per month. For a household to afford a 2-bedroom apartment at Fair Market Rent and not spend more than 30% of their monthly income on housing,⁴ the household must earn \$70,600 annually (or \$5,883 monthly). To achieve that salary, working a 40-hour work week for 52 weeks per year, a person would have to earn \$33.94 per hour. DC's current minimum wage is \$15.20 per hour.

The high rental rates disproportionately impact DC residents of color, because DC's Black residents are more likely to be renters and less likely to own their homes, compared to their White neighbors. The 2019 American Community Survey⁵ found that, among the 120,988 owner-occupied housing units in DC, 56% were owned by White people, while just 35% were owned by Black people (4% were owned by Asian people and 2% by people of another race). In contrast, among the 170,988 renter-occupied housing units, 48% were rented by Black residents and 42% were rented by White people (4% were rented by Asian tenants and 3% by people of another race).

³ https://nlihc.org/sites/default/files/oor/2021/Out-of-Reach_2021.pdf

⁴ The U.S. Department of Housing and Urban Development (HUD) states that households experience "rental cost burden" if monthly housing costs exceed 30% of monthly income, and "severe rental cost burden" if housing costs exceed 50% of income.

⁵ <https://data.census.gov/cedsci/table?q=United%20States&text=housing%20by%20race&g=0500000US11001&tid=ACSST1Y2019.S2502>

CLCPP EVALUATION

The CLCPP statute mandates an evaluation of the program, which DCBF hired NPC Research to design and conduct. The main goals of the evaluation include the collection and analysis of data to meet the requirements of the legislation, address key questions among program stakeholders, and, most importantly, inform program improvements over time to strengthen services for DC tenants.

Main Evaluation Questions

The primary study questions include:

- **Who is served by the CLCPP?** This question involves an examination of tenants' demographic characteristics (e.g., gender, age, race, ethnicity), factors indicating certain vulnerabilities if evicted (e.g., minors in the home, self-identification of a disability or chronic health condition), DC Ward of residence, and income level. Whether tenants have a housing subsidy, whether they have an eviction complaint filed against them in court, and whether they faced a landlord with an attorney are also examined.
- **What type of services are provided to tenants?** This question involves standardizing a set of service types across the service providers (e.g., legal information, legal advice, brief services, limited scope representation, full representation) and examining which services are provided to which tenants in which circumstances. The analysis also includes an investigation of how tenants are referred to the CLCPP service providers. In the future, when eviction filings resume, this study component will also include an examination of how often tenants are provided services by more than one CLCPP partner.
- **What happens for tenants as a result of CLCPP services? What case outcomes are achieved?** To address this question, the evaluation assesses how CLCPP cases are resolved (e.g., dismissal, settlement, trial), as well as key case outcomes such as which party is entitled to possession of the property, whether any party is ordered to pay money and how much they must pay, whether the tenant retains their housing subsidy, and other settlement terms.

Because data on CLCPP clients and services have been collected consistently since August 2019, and because the COVID-19 pandemic has so directly affected eviction and eviction risk, the CLCPP evaluation has additionally focused on examining how the pandemic has impacted the CLCPP partners, clients, services, and case outcomes over time.

Evaluation Methods

Since it began, the CLCPP evaluation has incorporated mixed research methods and gathered different types of data from multiple sources. In the past grant year, during which the court and partner offices remained closed and travel was not possible, the primary study activities have centered around the

re-expansion of the CLCPP Service Data collection and recording CLCPP partners' activities beyond direct legal services. These methods are described in more detail below.

CLCPP Service Data (Direct Legal Services for Tenants Provided by CLCPP Partners)

When the evaluation began in 2019, in consultation with DCBF and CLCPP partners, NPC developed a customized survey instrument to collect data about CLCPP clients and service. This “*CLCPP Service Data*” instrument standardized the data elements collected by grantees to ensure that data could be aggregated across organizations.⁶

In August 2019, a short version of the CLCPP Service Data instrument was deployed via a secure online survey platform (developed and managed by NPC) and CLCPP grantees began entering de-identified client and case data directly into the system. This initial version of the instrument collected the statutorily required data elements and some basic data on case outcomes. Grantees used this version to develop their internal data collection protocols and integrate them into their routine program operations. Since this time, NPC has created monthly “Data Monitoring Reports” for each partner that display the data for their specific organization, allowing supervising attorneys to review data trends and identify issues that seem incorrect or inconsistent with their on-the-ground perspectives. These reports include lists of cases with missing data or potentially inaccurate values so that legal services staff can correct any issues before they compound. This monthly protocol helps to ensure that the data are correct and complete, minimizes the amount of missing information, and reduces duplicated counts of clients across organizations.

In January 2020, once the grantees had developed internal workflows for data collection, the CLCPP Service Data instrument was expanded to collect more comprehensive data about clients, services, and case outcomes to support the full evaluation. This longer version of the survey was intended to be sustained. However, the instrument was again reduced to its shorter form when the COVID-19 pandemic took hold, courts and offices closed, and legal services providers were consumed with the transition to all virtual services and figuring out how to best serve clients in a rapidly changing context. At the start of the public health emergency period in March 2020, the CLCPP Service Data instrument was reduced to collect only the statutorily required data elements—that is, basic client demographics, CLCPP services provided, and a few selected case outcomes (e.g., possession of the property), and it remained this way through December 2020.

In January 2021, as service environments settled into virtual spaces, the CLCPP Service Data instrument was again expanded to include the fuller list of data elements. For example, the full tool includes

⁶ Data aggregation required the ability to identify when the same client received services multiple times or from more than one provider. Prior to the CLCPP evaluation, each partner organization collected and reported their own data independently, and there was no way to identify tenants who were served by more than one partner. As part of the CLCPP Service Data, partners collaborated on a system to assign ID numbers to clients and cases that would be replicated across organizations, thereby making it possible for a unique client to be assigned the same ID number by different organizations without sharing the person's name or any other identifying information. This unique ID generation and the standardized data collection through the CLCPP Service Data instrument created a system that enables an unduplicated count of the total number of individuals served by the CLCPP network.

information about referral sources, case status at intake, opposing party representation, amount of rent owed, and a broader range of case outcomes, court orders, and settlement terms. This full version of the CLCPP Service Data instrument was administered from January 2021 through September 2021, the end of the FY2021 grant year.

Record of Non-Direct Services Work Done by CLCPP Partners

Though the CLCPP network is focused on providing direct legal service to low-income DC tenants, the partners also collaborate on other important work to impact the broader civil justice system. Throughout the grant year, the evaluation team had monthly conference calls with CLCPP partner organizations to discuss the CLCPP Service Data, which reflect the direct legal services, and any other activities undertaken by the CLCPP network partners. Twice during the year, partners compiled a list of non-direct service activities and submitted it to NPC for summarizing and inclusion in reports.

THIS REPORT

This report presents the results of the evaluation activities conducted over the course of the past grant year (October 2020 through September 2021). In the first section, selected program accomplishments are described. The next section shows the aggregated results of the CLCPP Service Data collection, which reflects the clients served, services provided, and outcomes achieved by the full CLCPP network. The numbers and characteristics of CLCPP clients and cases are shown over the 2 years of the evaluation, from August 2019 through August 2021.⁷ Data are shown by quarter, enabling the reader to discern changes in these trajectories due to the pandemic. A more detailed examination of case outcomes is shown in the last section, which utilizes data for cases closed during 2021 and for which more comprehensive service data are available. Lastly, the report summarizes study results to date, lists the next steps for the evaluation, and offers a few data-based recommendations for program improvement.

⁷ Analysis includes data through August 2021 because service data for September 2021 were still being entered at the time of this report.

PROGRAM ACCOMPLISHMENTS BEYOND DIRECT LEGAL SERVICES

In addition to providing direct legal services to tenants, the CLCPP network partners undertook several important activities to strengthen the program and adapt to the changing circumstances for tenants. A few selected examples of program activities, done during this grant year, are described below.

CLCPP partners expanded and refined the Landlord Tenant Legal Assistance Network (LTLAN). The LTLAN operates a single phone line for low-income litigants to call, Monday–Friday from 9 a.m.–5 p.m., that is staffed by an intake specialist from the DC Bar Pro Bono Center. Intake specialists collect basic eligibility information, and, if a client is eligible for CLCPP services,⁸ the information is entered into the shared database for triage and referral among the partners. Staff from one of the CLCPP partners then contacts the caller to conduct a more thorough case assessment and provide legal assistance.

Since its launch in June 2020, the LTLAN has received nearly 3,000 calls.⁹ In the past year, the CLCPP partners worked to refine the LTLAN intake process to prepare for an expected increase in call volume when the District’s eviction filing moratorium ended in the fall. As part of this effort, the partners worked with NPC Research to design and implement a survey of LTLAN callers to gather feedback about their experience to further refine and improve the intake process. (This study is currently ongoing.) Additionally, the LTLAN introduced an online intake process, where tenants could complete a form online and then be contacted by the LTLAN staff to be screened and referred.

Although tenants contacting the LTLAN before their landlord files a complaint is not new, the CLCPP partners expanded outreach to pre-complaint tenants by advocating for the DC Superior Court to include the LTLAN phone number on eviction notices and court summonses sent to tenants. As part of this effort, tenants saw the LTLAN contact information on pre-court eviction notices that landlords send to tenants. Further, the Court agreed to give an announcement about the LTLAN at the start of all hearings. Taken together, these efforts to increase awareness about the LTLAN aim to give tenants seeking legal advice and representation greater access to the CLCPP services.

CLCPP partners developed new, and continued previous, modes of community outreach. CLCPP partners knew that tenants were likely unaware of, or misunderstood the details of, the emergency legislation, including the rules about the eviction moratorium and other renter protections that might apply to them. With the courthouse closed, the primary point of service access was removed, and

⁸ If a caller does not meet the eligibility criteria for CLCPP, they may be referred for other services. For example, through alternate resources, the DC Bar Pro Bono Center can assist low-income landlords and some tenants who do not income qualify for CLCPP services.

⁹ LTLAN data reflect the number of calls, and tenants may call the hotline more than once. Importantly, the LTLAN hotline is accessible to all tenants, not just those who meet the eligibility criteria for CLCPP services. Therefore, the number of tenants who accessed the LTLAN is greater than the number of tenants served by CLCPP attorneys presented in other sections of this report.

many tenants may not have known where to look for help. As a result, CLCPP partners placed additional emphasis on tenant outreach and community education. For example, this outreach included sending postcards with tenants' rights information to buildings where tenants may be facing eviction; holding outreach sessions with tenant associations, tenant organizers, and other community service organizations via conference call; and utilizing social media, mail, and community partners to educate the public.

In addition to the trainings and outreach generated by the CLCPP network, the partners also participated in training and outreach events held by other community organizations, including Housing Counseling Services (HCS), the District's leading rental assistance provider, and the Latino Economic Development Center (LEDC). As part of these efforts, CLCPP partners have given several presentations, both online and in-person (outdoors to accommodate COVID-19 safety protocols), for individual apartment buildings, the DC Public Library, DC Public Schools' (DCPS) Early Childhood program, local hospitals, and various school groups.

CLCPP partners conducted important outreach and education to connect tenants with emergency rental assistance funds. Following the launch of the new STAY DC rental assistance program in May 2021, CLCPP partners collaborated with a DC law firm to send outreach letters to tenants with pending eviction cases. These letters were intended to connect with tenants who needed rental assistance to avoid eviction and provide them with information about the new resource. Over 900 letters were sent to tenants, with more than 600 of those letters mailed to tenants with ongoing litigation and over 300 sent to tenants who had an eviction judgment against them but may still have been able to avoid eviction by catching up on back rent. The Court helped to identify eligible tenants in this effort, and the activity involved CLCPP partners' attorneys, paralegals, and support staff helping dozens of tenants apply for STAY DC to help them avoid eviction.

In addition to this direct outreach, CLCPP partners continued to engage in various forms of community education, including partnering with tenant organizers, mutual aid organizations, and other community-based groups to provide general information on eviction protections, what to expect when those protections expire, and available resources (e.g., LTLAN, STAY DC). The CLCPP partners educated tenant organizers about the LTLAN so that the organizers could bring this information to tenants as they canvassed neighborhoods; in some instances, canvassers helped the tenants fill out the online LTLAN intake form.

CLCPP organizations collaborated to train pro bono attorneys. CLCPP organizations make regular use of pro bono attorneys, referring cases for pro bono representation whenever possible. Anticipating an increase of eviction filings after the moratorium expired, the partners recognized how pro bono attorneys may be a critical resource to help meet this need. To prepare the pro bono attorneys for an anticipated increase in eviction cases, the DC Bar Pro Bono Center hosted a five-part eviction law and defense training series in May and June 2021. Other CLCPP partners supported this training by leading sessions during the series. **Overall, 145 pro bono attorneys received this training.** The CLCPP partners have also begun working on a plan to reconnect with previously trained pro bono attorneys and their

law firms. As part of this planning effort, the CLCPP has engaged with 20 private firms and the federal government agencies that participate in the Housing Right to Counsel Project.

CLCPP staff attorneys continued to attend court hearings. The L&T Branch was closed for hearings from March 16 through July 3, 2020.¹⁰ On July 7, 2020, this Branch resumed hearings through a virtual courtroom. CLCPP partners continued to work together to ensure that they had a presence in the virtual courtroom, both to observe how the remote process works for low-income tenants and, more importantly, to connect with unrepresented tenants to offer services. The partners established a schedule that ensures that an attorney from one of the CLCPP organizations is present at all initial court hearings in eviction cases to offer services and make direct connections with tenants. This effort had expanded with a partnership with HCS, which sends staff to initial court hearings to help eligible tenants apply for emergency rental assistance.

CLCPP grantees engaged in both legislative advocacy and agency advocacy in support of low-income tenants. The CLCPP partners continued to play a critical role in advocating for legislative protections for tenants during the pandemic. In February 2021, the CLCPP partner organizations provided written and oral testimony at the DC Council's Special Committee on COVID-19 Pandemic Recovery hearing convened to examine the efficacy of DC's moratorium on new eviction filings during the pandemic. As part of this effort, the CLCPP worked closely with the Council staff to bring in expert witnesses in the fields of public health and economics who studied the impact of eviction moratoria across the country.

In May 2021, the CLCPP partner organizations provided written and oral testimony at the Council's Special Committee on COVID-19 Pandemic Recovery hearing convened to discuss how to ensure an equitable end to the pandemic protections, including the eviction moratorium. Following the May hearing, the CLCPP partner organizations were invited to participate in a working group convened by the Chairman of the DC Council to discuss federal rental assistance resources, the challenges with the distribution of these resources through the STAY DC program, and how to wind down the eviction moratorium. As part of this effort, the CLCPP organizations helped draft and refine the provisions to protect tenants' rights during the process of ending pandemic-related protections. Many of these recommendations were enacted in the legislation that came from the working group session.

In addition, several CLCPP organizations participated in the February, March, and June DC Council hearings for agency oversight and budgets. During these hearings, the CLCPP partners provided the Council with information to assist with the budget process. The partners' advocacy during these hearings was based on their direct experiences working with tenants and focused on topics such as agency performance and funding needs for rental assistance, public housing repairs, and affordable housing production and preservation.

¹⁰ The only eviction cases with hearings during this time were cases in which the tenant had requested a jury trial and the case had been assigned to a civil judge's calendar and was moving through discovery and other stages prior to the pandemic. Many of those tenants already had full representation (typically through CLCPP organizations or pro bono counsel).

CLCPP partners continued to participate in the Landlord Tenant Working Group. The Landlord Tenant Working Group provides a space for discussions between the L&T Branch of the DC Superior Court and its stakeholders. The Working Group meets regularly to discuss updates and provide recommendations to the Court on process improvements and other topics. During the April 2021 meeting, CLCPP organizations provided joint comments to the Court in response to a formal request for feedback about the potential impacts of raising the filing fee in eviction cases. As part of this group, four CLCPP partners represent the voices of low-income tenants and advocate with the Court for improved procedures and tenant protections. They collaborate on proposed agenda items for the Court, provide joint recommendations on issues, and share updates across the CLCPP network.

All 6 CLCPP organizations worked on an Order to Show Cause Amicus. In an earlier reporting period, the CLCPP organizations were granted status to participate as amicus curiae, “friend of the court,” in pending cases in which the DC Superior Court was ruling on the constitutionality of the District’s emergency law prohibiting the filing of new eviction cases. A brief was filed on November 6, 2020, and the Court held a hearing to ask questions of parties on November 30. All 6 partners collaborated closely on this massive undertaking, researching constitutional issues, drafting sections of the filing, and helping with preparation for the argument. On December 16, the Court issued a ruling finding the eviction filing moratorium unconstitutional.

In January 2021, the DC Office of Attorney General, which intervened in the case to defend the statute, filed an appeal with the DC Court of Appeals. At the same time, the District filed motions seeking a stay of the Superior Court’s ruling. The CLCPP partners continued their work by filing another brief in the Appellate Court arguing that allowing the judge’s ruling to go into effect and lifting the moratorium on filing new eviction cases would cause irreparable harm to tenants. The CLCPP brief shared experiences from clients and provided supporting reports demonstrating the harm that would happen if new eviction cases were filed. This effort contributed to the DC Court of Appeals’ May 13, 2021, ruling to grant a stay on the Trial Court’s ruling, allowing the moratorium to remain in effect during a critical period of the pandemic.¹¹

¹¹ The Appellate Court issued its decision on October 4, 2021, outside the time period reflected by this report. The Appellate Court upheld the law, ruling that DC’s eviction moratorium was constitutional.

DIRECT LEGAL SERVICES OVER TIME

NUMBER OF CASES CLOSED

From August 2019, when data collection began, through August 2021, the CLCPP partner organizations collectively assisted 3,731 clients across 4,232 cases¹² (see Exhibit 1). Nearly all (97%) were eviction cases in the L&T Branch, and a small number (3%) were administrative cases related to the potential termination of a Housing Choice Voucher (subsidy).

Exhibit 1. Total Number of Tenants Served and Cases Closed, August 2019 to August 2021

Across all 6 CLCPP partners, total number of...	Total
Tenants served	3,731
Total cases closed	4,232
Eviction cases	4,103 (97%)
Voucher cases	129 (3%)

Note. CLCPP partners can assist tenants with more than 1 case.

The number of CLCPP cases per month varied over time. Exhibit 2 (next page) shows the number of cases closed by CLCPP partners each quarter for the 2 years with available data.¹³ There is a notable decline in the number of cases beginning in March 2020, when the pandemic began, the L&T Branch closed, and the local eviction moratorium went into effect. There is a modest uptick in cases in July 2020, when the L&T Branch began to hold remote hearings, which allowed some pending cases to proceed. It is notable that, even with the eviction filing moratorium in place, more than 100 tenants per month sought legal help with a potential loss of their housing.

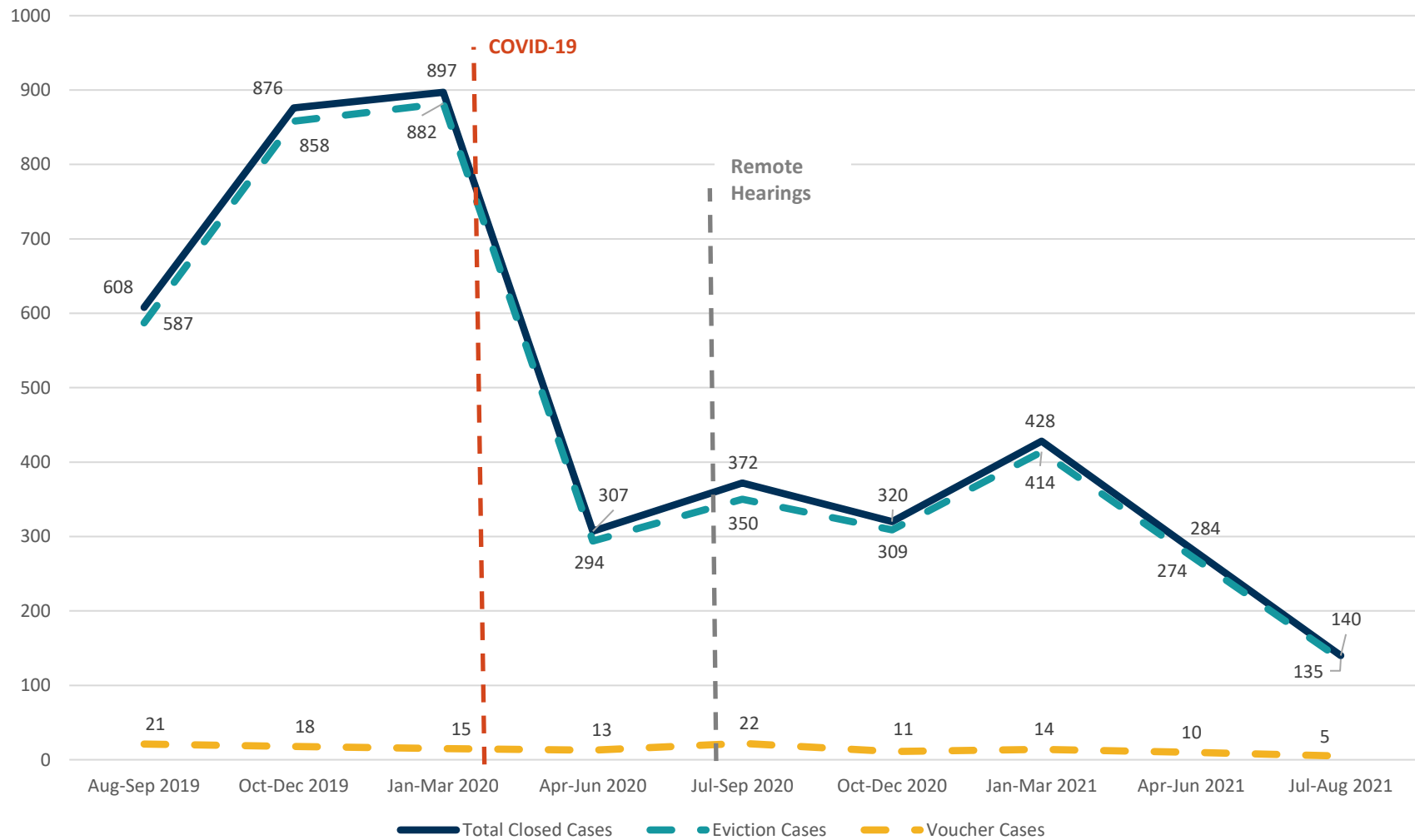
- From August 2019 to the middle of March 2020 – the 7.5 months before the pandemic began – a total of 2,314 cases were closed, an average of 309 cases per month.
- From the middle of March 2020 to June 2021 – 15.5 months during the pandemic – a total of 1,787 cases were closed, an average of 115 cases per month.

The number of cases declined further in Summer 2021, most notably July and August, which could be due to the natural lag in data entry or to a brief lull in landlord-tenant activity in the period just before the eviction moratorium was lifted in September and filings were set to resume in October.

¹² Legal services staff enter data when they have completed providing services for a case. In some instances, services end when the case is closed. In other instances, services are provided for a limited period of time and services may end before the case has resolved.

¹³ Data were available from August 2019 through August 2021. Note that the first and last “quarters” contain only 2 months.

Exhibit 2. Number of Cases Closed by Quarter, August 2019 through August 2021



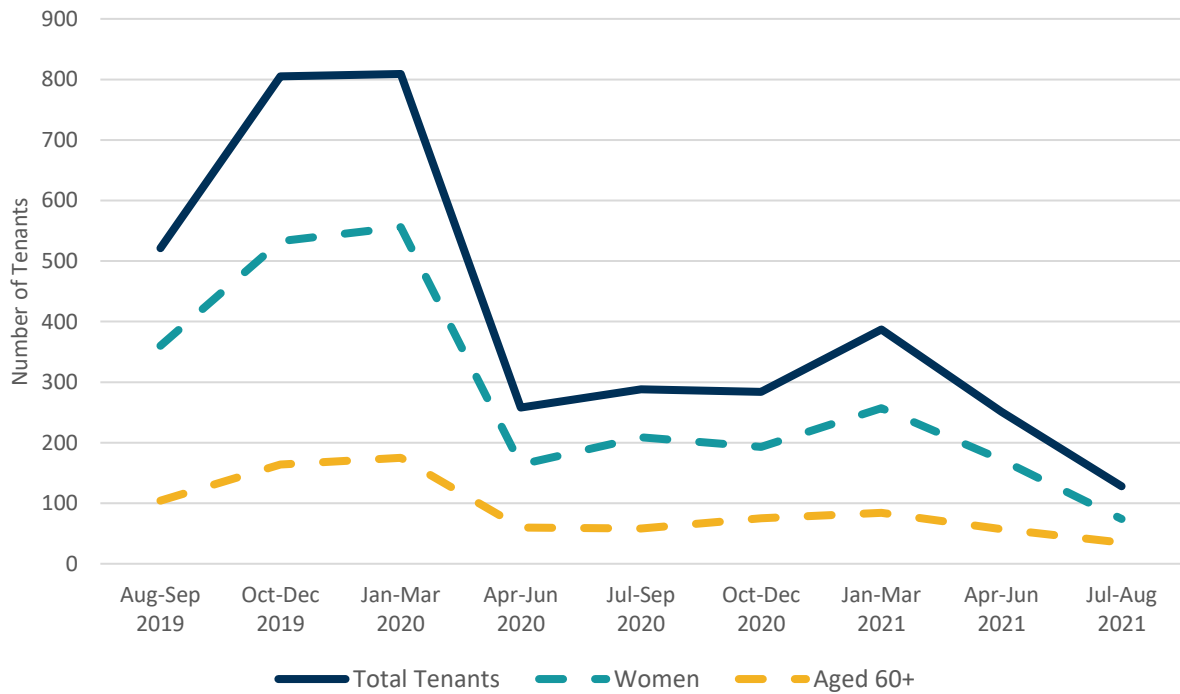
Note. Due to data availability, the first and last time periods in this chart reflect 2 months, not 3.

TENANTS WHO RECEIVED CLCPP SERVICES

Tenant gender and age. Despite the changing numbers of cases closed over time, the demographic characteristics of tenants seeking legal assistance remained largely consistent. In Exhibit 3, the total number of tenants served by the CLCPP is shown by the dark blue line. As described earlier, it rises and falls with the changes in the pandemic and court conditions. The light blue dashed line shows the number of CLCPP clients who identified as women. This line follows the same trajectory as the dark blue line—that is, regardless of the changing caseload, roughly two-thirds of CLCPP clients were women. Importantly, 58% of clients were Black women. The yellow dashed line in the exhibit shows the number of CLCPP clients who were at least 60 years old. This line also tends to follow the contour of the dark blue line, showing that about 1 of 5 CLCPP clients were consistently older adults.

The demographic characteristics of all CLCPP clients are shown in Exhibit 5 on page 15. Indeed, of the 3,731 tenants served by the CLCPP since August 2019, 67% were women and 22% were 60 years old or older. For context, 2019 American Community Survey data indicate that 53% of DC’s population is female and 17% are over the age of 60.

Exhibit 3. Number of Total Tenants Served, Women Tenants, and Tenants Aged 60+ Years



Tenant race and ethnicity. In Exhibit 4, the dark blue line illustrates the total number of tenants served by the CLCPP. The light blue dashed line in this exhibit shows the number of CLCPP clients who identified as Black or African American. This line matches the trajectory of the dark blue line—that is, regardless of the changing caseload, roughly 80% of CLCPP clients were Black. The yellow dashed line in the exhibit shows the number of CLCPP clients who identified as Hispanic or Latinx, and this line shows less variability over time.

Previous evaluation findings (not shown here) documented a change in the racial distribution of CLCPP clients coinciding with the pandemic. Specifically, in the 8 months before the pandemic, 85% of clients identified as Black and 3% as White; contrasted with 8 months during the pandemic, when 77% of clients identified as Black and 9% as White. The general conclusion was that the pandemic-related economic downturn had put a more diverse cross-section of renters at risk of eviction. While this is true and this change was statistically significant, it was not substantial enough to alter the long-standing racial bias seen among tenants seeking legal help with an eviction. In short, even though more White renters were at risk of eviction than before COVID-19, eviction risk was still overwhelmingly, and disproportionately, carried by Black District residents. This result is further demonstrated in Exhibit 5 (next page), which shows that, of the 3,731 tenants served by CLCPP, 82% identified as Black or African American, while the 2019 American Community Survey indicates that 47% of DC’s population is Black.

Exhibit 4. Number of Total Tenants, Tenants who Identify as Black, and Tenants who Identify as Hispanic or Latinx

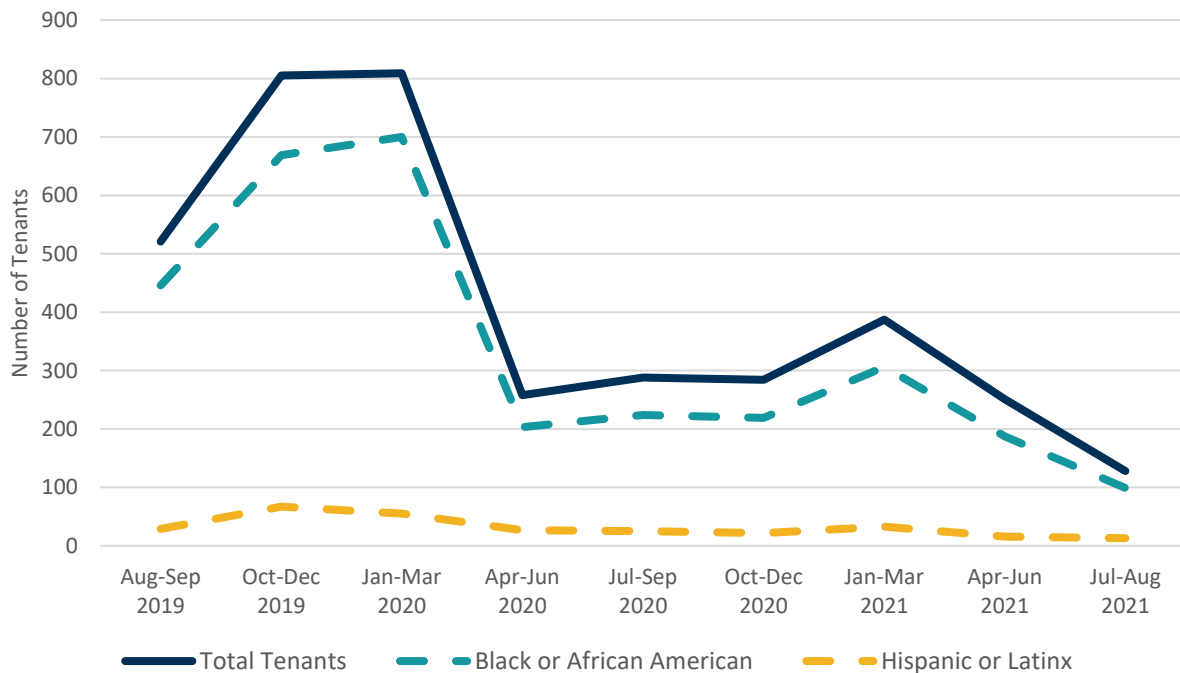


Exhibit 5. Demographic Characteristics of Total Tenants Served, August 2019 to August 2021

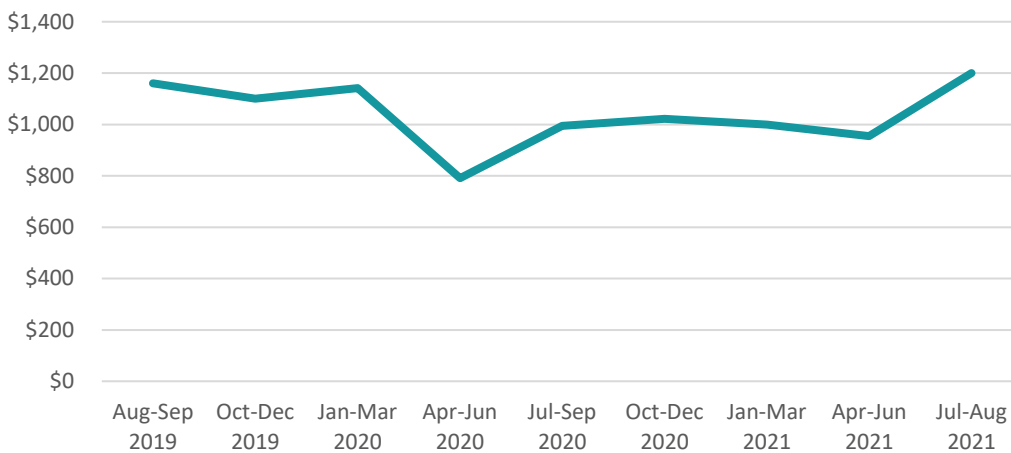
Across all 6 CLCPP partners, total number of...	Total # (%)
Tenants served	3,731 (100%)
Gender	
Women	2,518 (67%)
Men	1,147 (31%)
Transgender or gender non-binary	24 (<1%)
Prefer not to say/unknown	42 (1%)
Age	
Younger than 18 years old	1 (<1%)
18 to 35 years old	1,075 (29%)
36 to 59 years old	1,798 (48%)
60 years old and older	812 (22%)
Unknown	45 (2%)
Race	
Black or African American	3,053 (82%)
White	211 (6%)
Asian American	27 (1%)
Native American or Alaska Native	13 (<1%)
Native Hawaiian or Pacific Islander	1 (<1%)
Another race or Multiracial	169 (4%)
Prefer not to say/unknown	257 (6%)
Ethnicity	
Hispanic or Latinx	287 (8%)
Not Hispanic or Latinx	3,058 (82%)
Prefer not to say/unknown	386 (10%)

Note. Total columns reflect the total number of tenants with that characteristic served by CLCPP between August 2019 and August 2021.

Household income. To be eligible for CLCPP services, the statute required that tenants have household incomes of not more than 200% of the FPG.¹⁴ Since program start, roughly three quarters of clients have had household incomes that were below 100% of FPG—an indication of very low incomes.

As described earlier, according to the NLIHC, the Fair Market Rent for a 2-bedroom apartment in DC in 2021 was \$1,765, and the monthly income necessary to afford this rental rate without experiencing rental cost burden was \$5,883. In contrast, the median household income among all CLCPP clients was \$1,040 per month, which is equivalent to an annual income of \$12,480. Exhibit 6 shows the median household income for tenants served over time. In most quarters, the median amount falls between \$1,000 and \$1,200 per month. The notable decrease at the start of the pandemic corresponds to an increase in the proportion of clients who reported having zero income. Before the pandemic, around 13% of clients reported no income. However, from April to June 2020, this figure jumped to 29%, which aligns with the news reports of mass layoffs and job loss during this time.

Exhibit 6. Median Monthly Household Income of Tenants Served



Risk factors. Eviction often puts renters at risk of unstable housing or homelessness, which can be particularly dangerous for children and vulnerable adults. Across all tenants served, 43% had at least one minor child living in the household. One third (35%) of tenants identified as having a disability or chronic health condition severe enough that it prevented them from working or performing day-to-day tasks, and 7% reported that another household member had such a condition. In addition, 51% of CLCPP clients resided in subsidized housing. Being evicted from subsidized housing presents substantial risks for tenants who, if evicted, will lose their home and their subsidy. Waiting lists for most subsidy programs are many years long, so losing a subsidy often means that the tenant will not regain one.

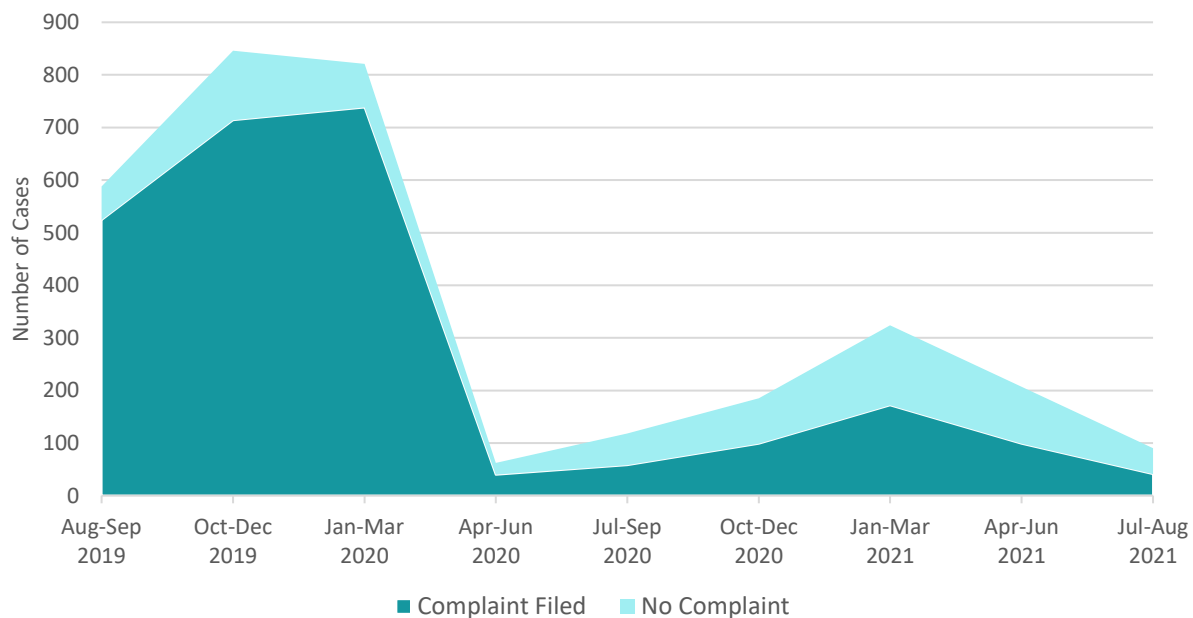
¹⁴ Whether a family falls above or below the FPG is determined by income and household size. In 2021, a family of 4 is considered at 100% of the FPG with an annual household income of not more than \$26,500, at 150% of the FPG with an income of not more than \$39,750, and at 200% of the FPG with an income of not more than \$53,000.

STATUS OF EVICTION CASES AT CLCPP INTAKE

Complaint filed. When a tenant presents for CLCPP services, the status of their case can impact the service they receive. For instance, when a tenant presents for service after their landlord has filed an eviction *complaint* with the court, there is an active lawsuit for the attorney to assist with. In contrast, when a tenant presents for service before their landlord files a complaint, there is no active lawsuit, presenting a different situation for the CLCPP attorney. Across the total 4,103 eviction cases served by the CLCPP providers, 77% had a complaint filed and 24% did not. However, this percentage varied considerably before and after the onset of the pandemic and related filing moratorium.

During the pandemic, there was a dramatic increase in the percentage of tenants contacting the CLCPP for assistance when there was no complaint filed in their case. Exhibit 7 shows the overall number of cases closed by the CLCPP and the proportion of case that had a complaint filed (dark shaded area) and that did not (light shaded area) over time. Before the pandemic, 12% of cases did not have a complaint filed, and 88% did. In contrast, during the pandemic, half of the cases did not have a complaint and half did. While there are a variety of reasons that tenants might contact the CLCPP before a complaint is filed, many of these instances are likely tenants who were unable to pay rent due to financial difficulty during the pandemic and were looking for legal advice or information about their options under the moratorium. Some of these tenants may also have experienced informal threats of eviction or illegal notices to vacate.

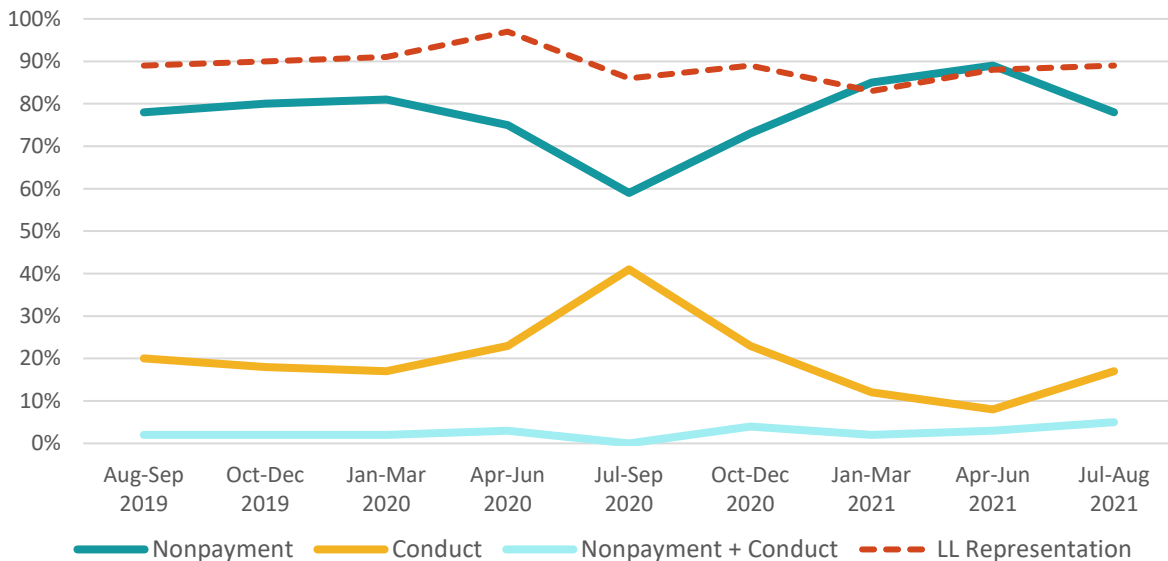
Exhibit 7. Number of Eviction Cases With and Without a Complaint Filed



Landlord demands and legal representation. When landlords file an eviction complaint, they state their demands of the tenant, which fall into two categories: (1) to pay owed rent or (2) to correct lease violations, often by performing certain conduct (e.g., refraining from nuisance behavior, removing unauthorized pets from the unit). Exhibit 8 shows, out of the total CLCPP cases with complaints filed, the percentages with complaints filed for nonpayment of rent (teal line), conduct/lease violation (yellow line), or both (light blue line). The large majority of complaints were filed for nonpayment of rent (82% of the total), with or without accompanying lease violations. However, there is a notable dip in nonpayment complaints, and corresponding jump in conduct complaints, a couple of months into the pandemic. This may be due to the timing of legislation. On March 27, the Federal CARES Act was passed, which disallowed eviction filings for nonpayment but allowed evictions of tenants on federally-connected properties (e.g., those with federal subsidies, loans, Low-Income Tax Credit) for other reasons (usually criminal activity). The District’s local filing moratorium was enacted in May 2020 and was retroactive to cover all evictions filed on or after March 13. It is possible that, in the time between the laws when landlords could not evict tenants for nonpayment, they attempted other allegations to force a nonpaying tenant to move. These cases show up in the CLCPP Service Data in the following quarter because attorneys enter this information when the case closes.

Also shown in Exhibit 8 is the percentage of CLCPP clients, with complaints filed against them, who faced a landlord with an attorney (dashed orange line). Since August 2019, this has been true for 89% of tenants with a complaint filed in their case. This imbalance in representation, which is not unique to DC, has long been blamed for inequitable access to justice and underscores the need for CLCPP service.

Exhibit 8. Percent of Eviction Cases with Complaints Filed for Nonpayment, Conduct, or Both



Note. Exhibit includes only those cases with a complaint filed (pre-complaint cases are not shown). Figure shows percentages of cases, not the number of cases, each quarter. “LL Representation” indicates the percentage of cases in which the landlord had an attorney.

LEGAL SERVICES PROVIDED

With grant funds, CLCPP partners provide multiple levels of legal services, from legal information to full representation. Each service type is defined below.

Landlord Tenant Legal Assistance Network (LTLAN) intake screening – brief intake with individuals calling the LTLAN hotline to assess their eligibility and refer them to a CLCPP partner for further assessment and legal assistance

Brief assistance by volunteer attorney at the Landlord Tenant Resource Center (LTRC) – general guidance regarding legal rights and responsibilities or explanation of options; can include informational letter writing or resource referrals [NOTE: This service was not possible during the pandemic because the LTRC closed with the courthouse.]

Legal information – general guidance regarding legal rights and responsibilities or explanation of options

Advice and counsel – legal information and a recommendation for a course of action for the specific case, but no action on behalf of the tenant

Brief services – brief action on behalf of the tenant, such as drafting a letter or making a phone call; typically not more than 2 hours of time; no court appearance

Limited scope representation – more involved action on behalf of the tenant, but less than full representation; typically more than 2 hours of time; may include court appearance

Full representation – committing to represent the tenant for the duration of the case; may involve negotiation, litigation, administrative representation, or other advocacy; becoming attorney of record

Eviction cases. Together, the CLCPP network provides the full spectrum of legal services to tenants, ranging from legal information to full representation. Whereas a couple of partners aim to provide full representation to all of their clients, most partners engage their own internal protocol for case assessment and triage for the appropriate level of service based on the facts of the case, merit, and tenant vulnerability. This process results in a diversity of services being provided to tenants who present for assistance with a potential eviction.

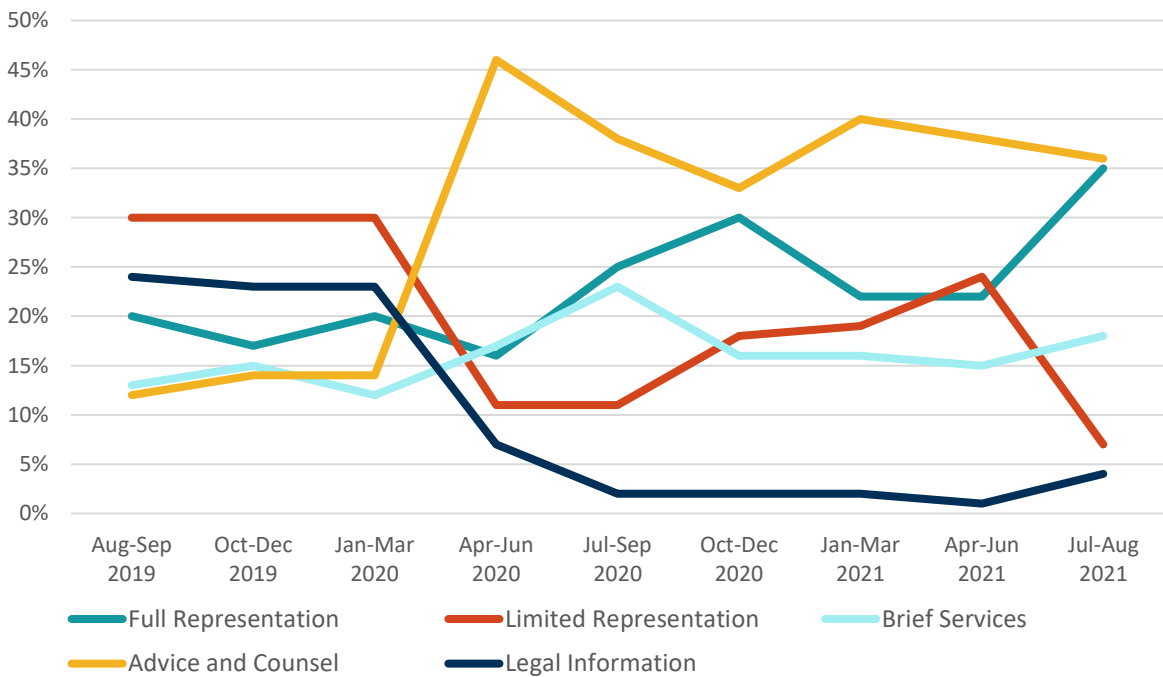
Exhibit 9 shows the percentage of eviction cases served by the CLCPP that received each level of service¹⁵ and illustrates the changes in services that occurred as a result of the pandemic, eviction moratorium, and court closure. Before the pandemic, tenants were most likely to access CLCPP services at the courthouse on the day of their hearing. In this service context, CLCPP partners provided representation to roughly half of clients, most often limited scope representation on the day of the hearing (30%; orange line) and slightly less often full representation (about 19%; teal line). A smaller percentage of cases received legal advice (about 14%; yellow line) or brief services (about 13%; light

¹⁵ Each case is counted once, under the highest level of service received. If a tenant received multiple services for the same case—such as legal advice from one partner and then limited representation from another—that case is counted only once, as the most intensive level of service received (in the example, the case would be counted as “limited representation”).

blue line). Roughly one quarter of tenants received legal information, generally from volunteer attorneys working at the Landlord Tenant Resource Center at the courthouse.

When the pandemic began, the courthouse closed, which temporarily halted hearings, and the eviction moratorium started, which stopped new complaint filings. These changes removed the CLCPP’s initial service access point and significantly reduced the number of active eviction cases. However, the pandemic also created financial distress for many families. Widespread concern about missed rent payments, and general confusion about renters’ rights under the emergency legislation, created a strong need for legal information and advice. The CLCPP providers adapted their approach to meet the evolving needs of the communities they serve. This change is illustrated in Exhibit 9, where the percentage of cases that received legal advice increased dramatically and the percentage of cases that received limited representation declined notably from March to July 2020. The percentage of cases that received full representation increased during the pandemic largely because CLCPP attorneys were able to work on existing cases and negotiate settlements even while the court was not accepting new filings and because the filing moratorium decreased caseloads such that attorneys had more time to fully represent clients who were eligible. In July, the percentage of cases that received limited scope representation began to rise, corresponding to when the court began remote hearings, which allowed eviction cases that were filed before the pandemic to proceed.

Exhibit 9. Percent of Eviction Cases Receiving Each Level of Legal Service



Note. Exhibit shows percentages of cases, not the number of cases. The number of cases varies in each quarter. Percentages are based on closed cases and do not reflect cases that had been referred by the LTLAN to a partner but had not closed yet.

CASES CLOSED JANUARY-AUGUST 2021

As described earlier in this report, the scope of the CLCPP Service Data collection was narrowed during the pandemic period and then expanded to include more comprehensive data in January 2021. This section presents data on services and outcomes for cases closed between January and August 2021. These data reflect the service context during the pandemic period. Namely, the ongoing public health emergency made in-person services largely unavailable and the eviction moratorium was still in place, which reduced the number of eviction cases and increased the percentage of tenants who contacted the CLCPP without having an eviction complaint filed against them.

CLCPP partners closed a total of 852 cases between January and August of 2021. Of these cases, 29 (3%) were voucher termination cases and 173 (20%) were LTLAN referrals that were still in progress at the time of this report,¹⁶ leaving 650 eviction cases with data on CLCPP services and outcomes. Of these 650 eviction cases, 309 (48%) were from tenants who contacted the CLCPP before a complaint was filed. The remaining 341 (52%) were from tenants who had a complaint filed against them, and data were available in 311 of these cases.¹⁷ Because the moratorium on eviction filings prevented new complaints until October 2021, these 341 cases had likely been filed pre-pandemic.

CLCPP SERVICES PROVIDED

Services were adapted to align with tenants' needs and circumstances. As seen in the top bar of Exhibit 10 (next page), and as alluded to in the discussion of Exhibit 9, these two types of tenants required different levels of service. Most tenants who contacted the CLCPP partners without an eviction complaint received advice and counsel (56%) or brief services (25%), and only 17% of these tenants received some form of representation. These data suggest that, in 2021, CLCPP attorneys were responding to many calls from tenants without an active eviction case by providing legal advice, helping tenants fill out forms, clarifying tenants' rights and responsibilities under the moratorium, or assisting with other issues that did not require extensive services.

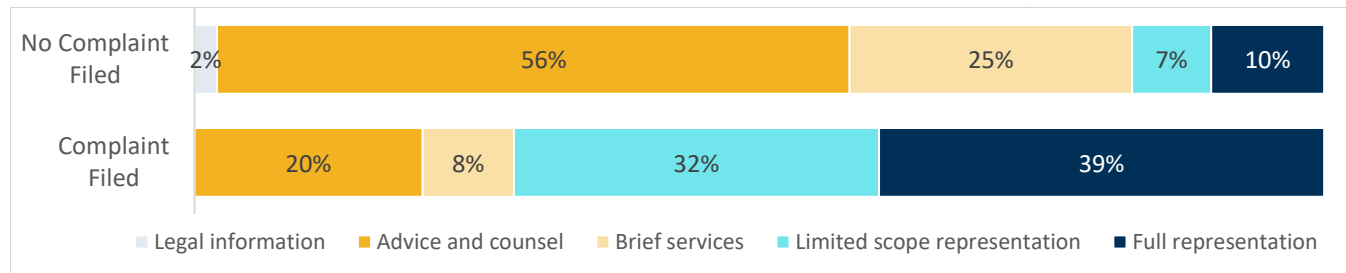
As shown in the bottom bar of Exhibit 10, cases with an active complaint required a different approach. Of the 311 cases with a complaint and available data, comparably fewer received advice and counsel (20%) or brief services (8%). Instead, attorneys more often provided some level representation, either limited scope (32%) or full scope (39%), to tenants facing an active case. This difference in service provision offers important insight about how policy such as the eviction moratorium can create a shift in tenant demand and subsequently require legal services providers to adapt. Low-income tenant financial stability is acutely sensitive to shifts in the sociolegal landscape, and their corresponding legal needs will change as policy does.

¹⁶ LTLAN staff had conducted an intake and had referred the case to a CLCPP partner, but the partner had not yet closed the case.

¹⁷ Data for 30 of the 341 cases with a complaint was missing filing information, so those cases were dropped from this analysis.

Exhibit 10. CLCPP Services Provided for Eviction Cases (January – August 2021)

(Total cases: 309 cases without a complaint filed and 311 cases with a complaint filed)



TENANTS' RESPONSES TO EVICTION COMPLAINTS

Tenants were supported to file responses when appropriate. Tenants in cases with a complaint had an opportunity to file a formal response to the complaint (e.g., answer, motion to dismiss, motion for summary judgment) and to raise defenses against the landlord's claims (e.g., landlord gave defective notice, landlord breached the warranty of habitability due to poor housing conditions). Exhibit 11 on the following page shows the types of responses filed by tenants in the 311 cases with data about the complaint. As shown in Exhibit 11, tenants in 154 cases (50%) either did not file a response or did not file a response immediately but reserved the right to do so later. Among the 157 cases in which tenants filed a response, the most common responses were an answer (33%), jury demand (30%), or recoupment of unpaid rent (16%). Tenants filed an average of 2 responses per case.

Tenants raised defenses to support their cases. Tenants raised a defense in 162 of the cases that had a complaint.¹⁸ The most common substantive defenses raised by tenants were that the landlord breached the lease agreement by failing to keep the rental unit in good condition (28%), that the eviction was a retaliatory action (14%), that the tenant denied the conduct alleged by the landlord (6%), and that the rental amount claimed by the landlord was inaccurate (6%).

Tenants also offered procedural defenses including allegations that the complaint was not properly served (13%), and that the notice to vacate was not served (8%) or was defective (6%). Across the 162 cases with a defense, tenants raised a total of 23 unique defenses with an average of a little over 3 defenses per case. Taken together, these data suggest that when tenants responded to the landlord's complaint and offered a defense, they presented multiple arguments countering the substance of the landlord's claims and challenging the legality of the eviction filing process.

¹⁸ Most often, tenants will raise defenses as part of the responses they file to the complaint. However, tenants are able to raise defenses later in the case, too. Therefore, it is possible to have 162 clients raise a defense when only 157 filed a response.

Exhibit 11 Tenant Response to Eviction Complaint (January to August 2021)

Type of Response Filed	Total # (%)
Nothing ever filed	105 (34%)
Nothing filed, but right to file answer/response reserved	49 (16%)
Answer	103 (33%)
Jury demand	93 (30%)
Recoupment of overpaid rent	50 (16%)
Counterclaim: require landlord to make repairs	38 (12%)
Set off for expenses paid	29 (9%)
Dispositive motion (motion to dismiss, motion for judgment on the pleading, motion for summary judgment, etc.)	23 (7%)
Counterclaim: recovery of overpaid rent	17 (5%)
Other	15 (5%)
Unknown or missing data	32 (10%)

Note. Table shows data from the 311 cases with information about the complaint. Percentages do not sum to 100% because tenants can file more than one response.

Landlords sought 2 to 4 months of back-owed rent. Across eviction complaints that alleged nonpayment of rent, the amount of back-owed rent demanded by landlords varied from \$226 to \$32,910. The median amount demanded was \$2,320, while the average (mean) was \$4,294.¹⁹

These debt amounts are best understood in the context of the monthly rent amounts paid by tenants. Among the 311 cases with a complaint filed, 253 had information about monthly rental amount, and the amount of monthly rent for which tenants were responsible varied based on available subsidies. Tenants in 52 of these cases had some type of housing subsidy and, as a result, the median rent amount for which they were responsible was \$353 per month. In contrast, among tenants in the 201 cases without a subsidy, the median rental amount was \$1,181 per month. Across all 253 cases, the median monthly rent was \$1,025. Therefore, across cases, the median amount demanded on the eviction complaint was roughly equivalent to 2 months' rent.

¹⁹ Median refers to the middle value (the 50th percentile marker) when the records are ordered from least to greatest in value. Mean refers to the average value, calculated by adding all values and dividing by the total number of records. Means are prone to over- and under-estimation when there are very high or very low values in the dataset. Medians tend to be more stable.

CASE RESOLUTION

Attorneys are asked to include information about case outcomes when entering CLCPP Service Data; however, there are two inherent limitations to consider when interpreting these data. First, only cases with a complaint filed have known outcomes, which narrows this analysis to 341 cases. Second, the data skews towards cases that received some form of representation because attorneys only know the outcomes of the cases that they help to resolve. Therefore, while these outcome data are important to assess, they should be interpreted with caution, because they are biased toward certain types of service (e.g., cases that receive full representation) or certain types of cases (e.g., those that are able to resolve quickly), and may not adequately represent the full population of eviction cases.

Between January and August 2021, attorneys entered outcome data for a total of 212 eviction cases (62% of the total cases that had a complaint filed). Most of these cases received some form of representation from a CLCPP attorney: 57% received full representation, 31% received limited representation, and the remaining 12% received advice or brief services.

Most Eviction Cases Were Dismissed or Settled

Exhibit 12 on the following page shows how cases were resolved, or how case outcomes were reached, for the 212 cases closed in 2021 with outcome data. Among these cases, roughly half (49%) were dismissed (43% by the landlord, 6% by the court). Another 33% of cases ended with a settlement agreement between the two parties. Settlements are often beneficial because both parties can contribute to the terms of the agreement, and they do not result in a judgment entered against the tenant (contrary to, for example, consent judgment praecipe). An additional 9% of cases ended with a ruling on the landlord's motion to terminate the stay of eviction (an indication that an earlier settlement agreement had been breached and the landlord was looking to evict the tenant as a result). The motion to terminate the stay was granted in 4% of cases and withdrawn in the other 5%.

Of the 91 cases that ended via landlord dismissal shown in Exhibit 12, 76 (84%) ended with possession awarded to the tenant. Among these 76 cases, 49 (64%) were dismissed because the tenant paid the rent or corrected the violation, 10 (13%) involved a deficient notice, and 14 others (18%) cited reasons that were unique to the case, such as miscommunication regarding the amount of rent that was owed or the landlord changing due to a sale of the property. Of the 91 total cases dismissed by the landlord, 14 (15%) were dismissed because the tenant left the unit before the case matured to a hearing or formal settlement negotiations took place.

This imbalance between landlord dismissals, which benefit the tenant, and negotiated settlements, which can favor the landlord, may be due to increased tenant protections created by the eviction moratorium and increased access to emergency rental assistance, which gave tenants more leverage to have cases dismissed outright versus agreeing to the conditions of a settlement.

Exhibit 12. Resolution of Eviction Cases (January – August 2021)

How each eviction case was resolved	Total # (%)
Total number of cases with a complaint filed	311 (100%)
Number of cases with a complaint and with data about outcomes	212 (63%)
Of cases with outcome data, number that were resolved via...	
Landlord dismissal without terms	91 (43%)
Settlement agreement	71 (33%)
Court dismissal	13 (6%)
Landlord’s motion for judgment to terminate stay withdrawn	10 (5%)
Landlord’s motion for judgment to terminate stay granted	8 (4%)
Default judgment	4 (2%)
Court ruling (not through dismissal or trial)	3 (1%)
Consent judgment	2 (1%)
Judgment at trial	2 (1%)
Landlord’s motion for judgment to terminate stay denied	1 (<1%)
Other	7 (3%)

Note. Landlords file a motion to terminate the stay of eviction when there is an existing eviction judgment that is put on hold with a judicial stay order until the judge can decide if the eviction should proceed. In these cases, the landlord alleges the stay should be lifted to allow the eviction. If the motion is granted, the tenant is subject to eviction; if the motion is denied, the tenant can stay.

CLCPP Attorneys Earned Favorable Possession Outcomes for Tenants

Across the 212 eviction cases with outcome data, 74% of tenants retained possession of the unit and possession reverted to the landlord in 26% of cases. While it is notable that 3 out of 4 tenants remained housed, viewing possession through this binary lens would suggest that 1 out of 4 tenants did not have a successful outcome. However, it would not be accurate to assume that the 26% of cases in which the property reverted to the landlord are losses for the tenant in the eviction proceeding.

While keeping tenants housed is a good outcome, it is not always a possible or desired one. In many of the cases where possession reverted to the landlord, the tenant agreed to leave the property or negotiated a departure settlement that mitigated the legal and financial consequences of an eviction and gave tenants more agency over the circumstances of their move. Further, it is important to note that not all tenants were fighting to stay in their homes. Some tenants wished to leave the unit, but

still needed legal assistance to resolve their case under favorable terms by reducing the financial burden of rent obligations or avoiding the ongoing challenges that an eviction judgment presents.

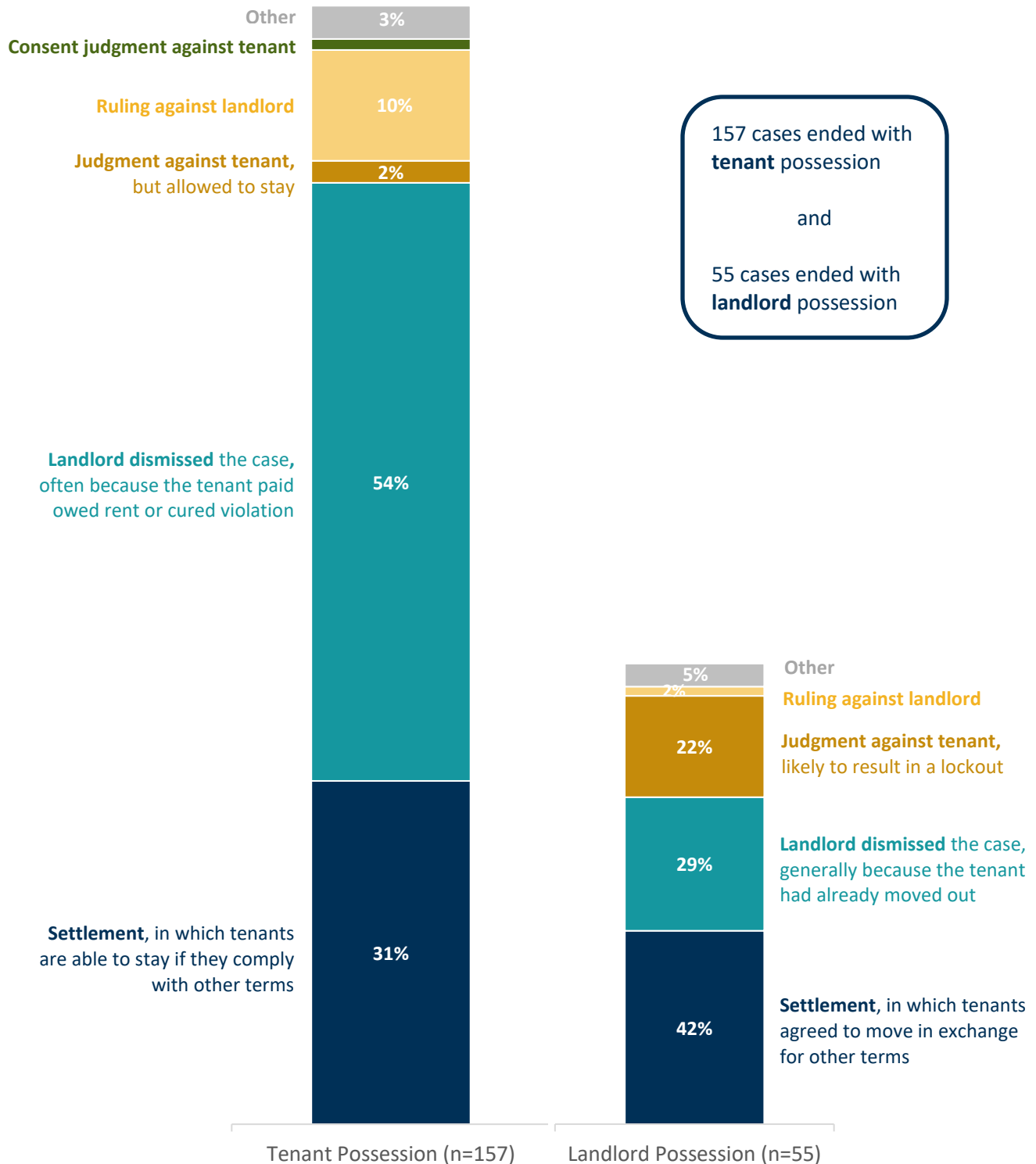
Understanding whether the tenant was successful in response to the landlord's eviction complaint requires taking a more nuanced perspective on how possession was determined. To this end, the following analyses explore how the possession outcome affected the tenant by incorporating the method of case resolution, the tenants' desire to stay in the rental unit, and the terms of party settlements.

Case resolution favored tenants. Exhibit 13, on the following page, shows the method of case resolution among the 157 cases in which the tenant retained possession and, separately, among the 55 cases in which the landlord regained possession. As shown on the right side of Exhibit 13, landlords often possessed the unit because of a settlement agreement (42% of landlord possessions) in which tenants may have agreed to move in exchange for other benefits such as reduced rental debt, or because the landlord dismissed the case after the tenant left or agreed to leave (29%). Only 22% of cases ending in landlord possession—7% of overall cases with complaints and outcome data (not displayed)—were the result of an unfavorable ruling against the tenant, such as a default judgment or judgment after trial, that put them at risk for a lockout.

When tenants retained possession (shown on the left side of Exhibit 13), they generally did so outright due to landlord dismissal (54% of tenant possessions), which often happened because tenants repaid rent or cured violations, or under the terms of a negotiated settlement (31%), which allowed tenants to stay if they complied with certain terms. Ten percent of tenant possessions ended with a ruling against the landlord. Taken together, these results indicate that only a small percentage of cases end with an unfavorable ruling against the tenant. Even when possession of the property reverts to a landlord, there are frequently additional circumstances which, if not aligned with the tenant's desire to remain in the unit, soften the impact of being unhoused.

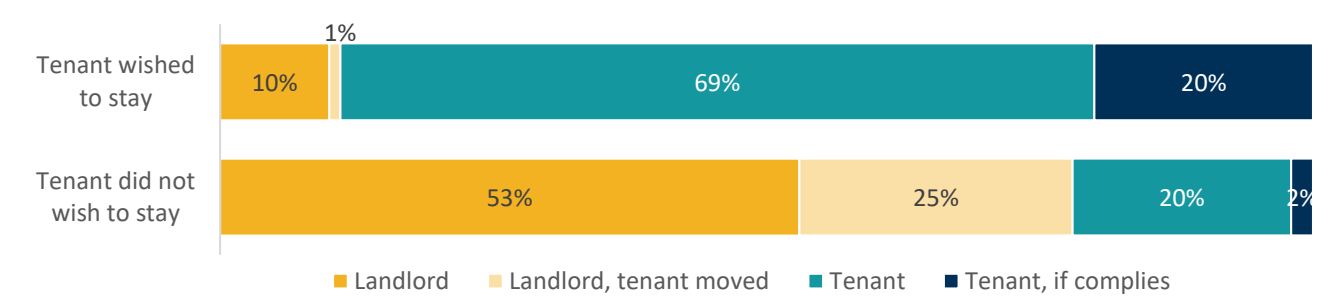
Emergency rental assistance appeared to play a role in tenants' ability to retain possession, especially among those whose continued tenancy was contingent on compliance with terms. In 2021, emergency rental assistance was received by 35% of tenants who retained possession outright and 60% of tenants who agreed to terms in order to stay. In addition, 15% of tenants who relinquished possession to the landlord received rental assistance to pay rental debt before moving out.

Exhibit 13. Method of Resolution by Party Entitled to Possession of Property



Possession of the property aligned with tenant wishes. Data on tenant possession goals at the time of CLCPP service intake were available for 205 cases, of which 165 (80%) tenants wished to stay in the unit and 40 (20%) expressed a desire to leave. As shown in Exhibit 14, tenant wishes often aligned with possession outcomes, with this trend particularly pronounced in cases where the tenant retained possession. Close to 90% of cases where tenants wished to stay ended with the tenant retaining possession, either with or without terms of compliance. While this alignment was not as high in cases where tenants did not wish to stay, it is worth noting that of the 78% of these cases in which possession reverted to the landlord, tenants in 25% moved to close the case. This suggests that some tenants contacted the CLCPP to assist with another aspect of the eviction complaint, such as reducing rent owed or avoiding an eviction judgment. Of the cases closed between January and August 2021 in which landlords regained possession, 62% of tenants wanted to move (not depicted).

Exhibit 14. Possession of Property by Tenant Wish to Stay (January – August 2021)



Tenants benefitted from favorable settlements. Cases resolved via settlement negotiations were likely to end with tenant possession, although naturally these frequently required the tenant to comply with terms of an agreement. Of the 71 cases settled (Exhibit 12), landlords reclaimed possession in 23 (32%) cases, tenants retained outright possession in 22 (31%) cases, and the remaining 26 (37%) ended with an agreement that allowed the tenant to stay in the rental unit if they complied with terms. Exhibit 15 on the following page shows the frequency of various settlement terms among cases with different possession outcomes and highlights some key features of each type of outcome.

When tenants retained possession outright, landlords were the party more likely to be bound by the terms of the agreement, frequently agreeing make repairs to the unit (59%) or reduce/waive back rent that was due (27%). Tenants who stayed in the unit under the terms of the settlement were generally the party responsible for upholding conditions such as making rent payments according to an agreed upon plan (46%), performing some other obligation unique to the features of the case (23%), or refraining from prohibited conduct (19%). Some of these settlements also involved consideration from the landlord either in the form of repairs (12%), reduced back rent due (15%), or the performance of some other obligation (15%).

Finally, even the 23 cases that resulted in possession to the landlord often involved terms that mitigated the negative impact of an eviction case on tenants. Landlords agreed to allow the tenant additional time to move in 48% of these settlements, reduce or waive back rent due in 43%, reduce or waive fees in 26%, pay tenants some amount of money in 13%, and provide a neutral rent reference in 39%. These stipulations suggest that many of the tenants who ended up leaving the rental unit did so under conditions of a settlement that reduced the legal and financial burden of an eviction filing.

Exhibit 15. Settlement Terms by Party Awarded Possession (January – August 2021)

Settlement Terms	Party Entitled to Possession		
	Landlord (n = 23)	Tenant (n = 22)	Tenant, if complies with terms (n = 26)
No additional terms	2 (9%)	1 (5%)	2 (8%)
Additional time for tenant to move	11 (48%)	1 (5%)	1 (4%)
Payment plan or additional time for tenant to pay	2 (9%)	0 (0%)	12 (46%)
Financial-related terms			
Reduced or waive back rent due	10 (43%)	6 (27%)	4 (15%)
Reduced or waived other fees/charges	6 (26%)	2 (9%)	1 (4%)
Reduced rent going forward	1 (4%)	2 (9%)	2 (8%)
Landlord to refund overpaid rent	2 (9%)	2 (9%)	1 (4%)
Landlord to pay other amount to tenant	3 (13%)	1 (5%)	0 (0%)
Credit-related terms			
Landlord to provide neutral rent reference	9 (39%)	0 (0%)	1 (4%)
Eviction not reported to credit agencies	1 (4%)	0 (0%)	1 (4%)
Other terms			
Landlord to make repairs	2 (9%)	13 (59%)	3 (12%)
Landlord to perform other obligations	2 (9%)	3 (14%)	4 (15%)
Landlord to refrain from certain conduct	2 (9%)	1 (5%)	1 (4%)
Tenant to perform other obligations	5 (22%)	2 (9%)	6 (23%)
Tenant to refrain from certain conduct	1 (4%)	1 (5%)	5 (19%)
Other	1 (4%)	1 (5%)	2 (8%)

When considering how eviction cases were resolved, tenant wishes to stay in the property, and settlement terms, a more nuanced story about tenant possession outcomes takes shape. Headlining this story is the fact that 3 out of every 4 tenants were able to remain housed, but even when possession of the rental unit reverted to the landlord, tenants frequently benefitted from landlord dismissals and negotiated exit strategies which reduced the impact of being unhoused, and often aligned with the tenant's possession wishes.

Housing Choice Voucher Termination Cases

There were 20 voucher termination cases (“administrative” cases) closed in 2021, 10 of which had outcome data entered. Of those 10 cases with outcome data, 5 were settled through negotiation without litigation, and 5 were resolved through another method that did not require litigation. The status of the housing voucher at case resolution was favorable for tenants in each of these 10 cases. Nine tenants had the voucher termination rescinded and one had the voucher termination delayed, provided that the tenant complied with terms of an agreement with the landlord.

The tenants in these cases were at risk of losing their housing voucher, but the case did not proceed to litigation because the landlords had not yet filed the termination request with the DC Housing Authority (DCHA). In these cases, the CLCPP attorney was able to intervene early and reach an agreement with the landlord, which allowed for a favorable resolution for the tenants, who were able to keep their housing voucher.

SUMMARY AND RECOMMENDATIONS

Since the start of CLCPP funding, grantees have evolved from being 6 independent organizations working in the same field with some limited collaboration to being a well-integrated eviction defense **network** united behind the goal of improving legal services for low-income tenants. Their foothold as a network enabled them to quickly pivot to reach and provide legal services to low-income tenants in the period of rapid change during the COVID-19 pandemic and related court closure. Over the last year, through the network, the 6 partners have collaborated to refine the implementation of a coordinated intake system (LTLAN), expand their community outreach efforts to reach at-risk tenants, train pro bono attorneys to ramp up capacity for the end of the eviction moratorium, maintain a presence during eviction hearings, and provide direct legal services to hundreds of DC residents.

SUMMARY OF CURRENT DATA

From August 2019 through August 2021, the CLCPP network partners have collectively closed 4,232 eviction and voucher termination cases, providing legal assistance to 3,731 low-income DC residents. During much of this time, the pandemic continued to strain systems and create hardship for low-income communities, and the CLCPP partners continued to adapt their services and outreach to meet clients' evolving needs. Despite the pandemic-related eviction moratorium, hundreds of tenants sought legal help with a potential eviction and the need for eviction defense services remained high throughout the District. Though tenants living in every DC Ward have accessed the CLCPP services, eviction risk continues to be disproportionately experienced by DC's Black residents, who account for 8 out of 10 CLCPP clients, and notably, by Black women, who account for more than half of the people served by the CLCPP network.

The pandemic has also changed the circumstances of tenants seeking legal help with a potential eviction as well as the type of services provided to clients. The eviction moratorium and the ban on new filings has meant that the CLCPP providers have received more calls from tenants who were unable to pay their rent but whose landlords had not filed a complaint against them in court. These tenants may be at risk of losing their home in the future and need information about the process and their rights, but they do not have an active court case that would necessitate representation by an attorney. Tenants contacting the CLCPP under these circumstances accounted for 12% of CLCPP cases before the pandemic and half of CLCPP cases during the pandemic. This change in the type of tenants seeking assistance, along with the closure of the court, forced the CLCPP partners to adjust their service provision to accommodate a growing demand for legal information and advice rather than more extensive representation. The partners anticipate this need will change again, now that the moratorium has ended and eviction filings have resumed, increasing tenants' need for representation. This need for representation was underscored by the imbalance evident in the service data—namely that among cases with a complaint filed, 9 of 10 tenants faced a landlord with an attorney.

Among cases closed in 2021, more than two thirds of clients who had a complaint filed against them received either limited scope or full representation by a CLCPP attorney. Among tenants who received more extensive representation, three quarters retained possession of their units. Of those who moved, most did so of their own accord or as part of an agreement – *notably, among those with outcome data, only 7% of CLCPP clients with an active case had a judgment entered against them that put them at risk for an actual lockout.* Whether tenants retained possession was further influenced by their wishes to continue living in the residence. Among tenants who wished to stay, nearly 90% retained possession. Emergency rental assistance appeared to play a role in tenants’ ability to retain possession. Given that roughly 9 out of 10 clients were being evicted for alleged nonpayment, this financial assistance provided tenants with the necessary resources to negotiate a way for them to stay in their homes.

It was expected that tenants facing eviction would most often wish to stay in their homes, particularly during a pandemic that added levels of complication and trauma to the prospect of being unhoused, and it is encouraging that most of the tenants who wanted to stay were able to. However, some tenants wanted to move—possession reverted to the landlord in 78% of these cases—and sought legal assistance with some other aspect of the eviction, such as reducing rental debt, avoiding a judgment against them, or negotiating more time to move. When the tenant wished to stay but was forced to move, having an attorney help negotiate the terms of their departure often paved the way for a smoother transition. Data on the variety of settlement terms add nuance to eviction outcomes and underscore the value of attorneys in cases where tenants do not stay in the unit. It is clear that some tenants who contacted the CLCPP network needed an attorney to help extricate them from the terms of a lease or weather the impact of an eviction filing with minimal legal and financial consequences.

In addition to direct legal services, CLCPP partners have collaborated to support access to justice for low-income DC residents in a multitude of ways. Some of these strategies have sustained important system enhancements such as expanding the LTLAN and increasing system capacity by jointly training new staff and pro bono attorneys. Other strategies have involved conducting focused outreach to provide tenants with pending eviction cases access to CLCPP services, collaborating with the local emergency rental assistance provider so that tenants could access these funds and stay housed, and continuing notable advocacy efforts to ensure that the needs of low-income tenants are represented in policy decisions, agency protocols, new program development, and critical legal decisions (such as the constitutionality of the eviction moratorium during the pandemic). While not reflected in the counts of clients served, these activities will have profound impacts on DC’s civil justice system.

The 6 CLCPP partners have become a robust and effective action network, which has allowed them to accelerate the flow of information, leverage resources, and streamline service access for tenants. Their collaborative efforts have yielded a more cohesive and adaptive system and, arguably, one that is able to respond to the changing needs of low-income DC residents more quickly and effectively than any of the organizations could reasonably manage alone. They have sustained, and grown, this coordination throughout the pandemic period, which has involved a rapidly changing landscape of housing law. The CLCPP network has erected a sturdy foundation for eviction defense work in DC, which will support tenants’ access to service, and to justice, when the anticipated tide of eviction filings begins to rise.

RECOMMENDATIONS

Based on the findings in this report, a few programmatic recommendations can be offered.

- **Continue to offer the spectrum of legal services.**

Results indicate that, with attorney representation, tenants' chances of remaining housed are high. CLCPP partners should provide representation to as many tenants as possible. However, some tenants do not need extensive services and instead benefit from easily accessible and trustworthy legal information and brief advice. Meeting the needs of the community will require the CLCPP network to continue to provide a range of services with streamlined access.

- **Sustain and refine the LTLAN thoughtfully.**

Data suggest that the LTLAN is on track to become tenants' main point of entry for eviction defense services, which is laudable progress toward the original goal. As the LTLAN becomes more established, CLCPP partners should remain sensitive to litigants' experience of contacting the LTLAN and ensure that the process is client centered. (Partners are currently participating in a study with NPC to gather litigant feedback on the LTLAN, which will support this effort.) Furthermore, CLCPP partners must consider how the shared intake and referral process will work once the court re-opens.

- **Maintain tenant outreach, community partnerships, and advocacy efforts.**

The value of the CLCPP network to DC residents extends well beyond the direct legal services provided by lawyers. Community outreach and tenant education—especially during the pandemic, when the eviction laws changed frequently—remain critical to ensuring that tenants know their rights. Partnering with trusted community-based organizations provides CLCPP organizations an effective bridge to reach tenants who would not otherwise seek legal help directly or who would not know that such help is available to them.

- **Anticipate needed service level changes based on local laws and train accordingly.**

The eviction moratorium dramatically changed the circumstances of tenants and what services they needed most, highlighting the effect of socio-legal structures on tenant needs and behavior. CLCPP partners have begun to forecast and prepare for what will happen now that the public health emergency period has ended. These efforts will be critical in negotiating the likely tumultuous days ahead. What other changes can CLCPP partners foresee in the new landscape, and can they tailor their training, outreach, and partnership development to match?

- **Continue to incorporate tenant wishes into legal service goals.**

In the current data, the alignment between the outcomes desired by tenants and the resultant possession of the property is encouraging and indicative of client-centered services. This approach should be emphasized during new and pro bono attorney training.

NEXT STEPS FOR THE EVALUATION

Below is a list of next steps for the evaluation, to be conducted as the context and resources allow:

- In Summer 2021, in collaboration with the CLCPP partners, NPC Research began the “LTLAN Customer Study,” which seeks to gather feedback (via online survey or phone interview) from tenants who have contacted the LTLAN. Data collection for this study is ongoing and results will be reported in early 2022. Findings from this study will help the CLCPP partners refine the LTLAN process to ensure it meets the needs of clients.
- Continue to collect the expanded CLCPP Service Data to have timely access to comprehensive data on CLCPP clients, cases, and services.
- Track CLCPP Service Data over time as the eviction moratorium ends, to illustrate the impact of the pandemic and related system responses on low-income tenants, legal services providers, and the L&T Branch.
- Gather qualitative data from CLCPP partner staff regarding network health and evolution. This information, whether collected via site visits or phone interviews, will provide follow-up data to the qualitative assessment done in 2020.
- When possible, gather and analyze court administrative data to compare outcomes of cases that received different levels of CLCPP services, particularly full and limited scope representation.
- When possible, conduct virtual site visits to observe the LTLAN coordinated intake process and remote hearing process.
- When possible, once the eviction court process has regained a predictable pattern and CLCPP services have stabilized, consider interviewing tenants about their experiences with the CLCPP network, providers, and landlord and tenant court.